



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Tuesday, March 24, 2009

The Senate met at 10 a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.  
Eternal God, the source of our strength, and the King above all gods, thank You for Your presence that sustains us throughout our days. Lord, let that presence guide our Senators in every situation and place. Make them instruments of Your peace and love, as they serve You by serving our Nation. Look with favor upon their efforts to meet the daunting needs of our times and to leave a legacy of excellence and integrity. Bless also the members of their staffs. Lord, each one has distinctive needs that only You can meet. In those matters that unsettle them, give them wisdom, grace, and power. We pray in Your loving name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 24, 2009.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, we will proceed to a period of morning business for up to 1 hour. The Republicans will control the first half; the majority will control the second. Senators will be permitted during that time to speak for up to 10 minutes each.

Following morning business, the Senate will resume the postcloture debate on the motion to proceed to H.R. 1388, the national service reform legislation.

The Senate will recess from 12:30 to 2:15 for the weekly caucus luncheons.

As I announced yesterday, we have to finish the national service legislation this week, because we have to be on the budget next week. For those of us who have been in the Senate for a while, frankly, the budget is kind of an ugly thing. We have no rules, other than that the time for debate is limited. But at the end, it is a free-for-all where we can offer amendments, and there is no limitation to them. We have to finish that legislation before we take the Easter recess.

As I told everyone yesterday, we have to finish this bill today. I hope we can start legislating early today. I spoke to the managers of the bill yesterday, Senator MIKULSKI and Senator ENZI, who was held up in a snowstorm. I talked to Senator MIKULSKI and she thought the bill could be finished in 1 day. I hope those who are wanting to use this time would allow us to start this legislation so that we can offer some amendments today and finish it in a reasonable time. I hope we don't have to work into the weekend. There are important things people have scheduled.

This is our last weekend prior to the Easter recess. I hope we can have thoughtful cooperation. If there are amendments, offer them, but let's complete this as quickly as possible.

### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### THE BUDGET

Mr. MCCONNELL. Mr. President, a lot of people are still justifiably upset that executives at bailed-out businesses received multimillion-dollar bonuses compliments of the American taxpayer. The Senate will continue to press the question of how to make sure this doesn't ever happen again. But already there are some clear lessons we can draw from this experience. Perhaps the most important one is this: If we can't keep track of \$165 million, then it is going to be even harder to keep track of a trillion dollar stimulus bill, and it is going to be even harder still to keep track of the \$3.6 trillion that the administration is proposing in this budget we will be voting on next week.

Americans have already heard enough about this budget to know that it taxes too much. That verdict was validated by an unexpected source last week, when the President's own Transportation Secretary, Secretary LaHood, said he doesn't think it is a good idea to raise taxes in a recession.

Americans know this budget spends too much, that the spending figures are simply staggering, and that much of the spending is borrowed money. They know what this, in the end, means. It means that in the middle of a recession, when most Americans are rushing to pay down their credit cards, this budget does the exact opposite; it runs up the national credit card to an extent that we have never seen in our Nation's history. That is the point about this budget that I want to talk on this morning—that it simply borrows far too much.

In all the uproar about bonuses, some people may have forgotten about the budget. But with a vote on this funding blueprint fast approaching, it is time to refocus and review where we are.

A few weeks ago, with the Nation still reeling from the size of a trillion

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

dollar stimulus bill, the administration unveiled a budget that made the stimulus bill look like pocket change. In the midst of a recession, the administration proposed a budget that involved major changes to education, health care, and energy. To pay for it all, they proposed the largest tax hike in history and a new national energy tax that hits everybody who turns on a light bulb.

Yet, even with these tax hikes, we still wouldn't be able to pay for all these changes—not even close. A few days ago, we learned that the amount of money we would have to borrow to enact these policies in the midst of a severe economic downturn is even greater than we thought.

According to an analysis by the Congressional Budget Office, the administration's projections were extremely optimistic. The CBO said that based on its projections, the budget would increase the deficit by \$2.3 trillion more over 10 years than the administration initially claimed. Now, keep in mind that the total deficit from last year was \$459 billion, a record-high figure at the time that only a few months ago everybody agreed was entirely too high for comfort. What we heard from the CBO is that the discrepancy between the administration's budget estimates and the CBO estimates of a deficit over 10 years was more than 4 times the previous record annual budget deficit.

So the administration is asking us to borrow an astonishing amount of money—so much so, in fact, that if we were to pass this budget as it is, the Federal Government, in only 4 years, will have to spend \$1 out of every \$8 it receives in tax dollars to make interest payments on the debt. It would be as if every worker in America spent the first hour of the workday, every day of the week, working to pay off the finance charge on his or her credit card. Of course, as debt piles up, it only becomes harder to pay down. Under this budget, the debt piles up even more quickly than it has piled up in recent months as a result of all of the spending and all of the bailouts.

As the recession took hold, it took 13 months for the Nation's gross debt to rise from \$9 trillion to \$10 trillion. It took less than half that time under this administration for the debt to reach the \$11 trillion mark. The Nation's debt is at its highest level ever, and it is growing larger and larger. Under the administration's budget, the amount of public debt will double in 5 years and triple in 10 years.

It used to be that our friends on the other side cared quite a bit about the consequences of debt. All this debt is real, and it will have very real and disturbing consequences for our children and our grandchildren. Americans are worried about it, and the CBO report makes them even more worried.

Yet even more worrisome is the fact that so many of our friends on the

other side seem completely unfazed by the CBO report that projects oceans of debt as far as the eye can see. I noticed that the Speaker of the House was quoted yesterday, saying that the CBO report wasn't reason to rethink any of the administration's budget priorities. Regardless of the CBO report, she said, "our priorities are the same."

The CBO report should have been a wake-up call to Congress. Instead, it is being viewed by some as a mere inconvenience—a distraction from the political goals of those in power. Well, I suggest that if we have learned one thing over the past several months, it is that economic dangers need to be addressed early. In the midst of an economic crisis that could have been averted, Americans expect more from their elected leaders.

This budget borrows too much. Americans are saying so. Congress should listen to those warnings now before it is too late.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, would the Chair inform me when I have 1 minute?

The ACTING PRESIDENT pro tempore. Yes.

#### THE BUDGET

Mr. ALEXANDER. Mr. President, I will comment on the Republican leader's remarks. I agree with him that this budget borrows too much. We say that publicly on the floor and we say that privately in our discussions. Many of us are afraid that this 10-year budget is a blueprint for our country that our children and grandchildren simply cannot afford.

First, I will say a word about the President's press conference this evening. I hope that during his press conference, the President will reject the bill passed by the House of Representatives last week about the AIG bonuses as not the kind of thoughtful and mature response that the Amer-

ican people deserve from Congress in a time of crisis. It is certainly not worthy of approval from the President of the United States.

I hope the President will focus attention on something that is a mature and thoughtful response and is worthy of the attention of the President of the United States, and that is Secretary Geithner's proposal yesterday to use a partnership of public and private resources to begin to get the toxic assets out of banks, fix the banks, and get credit flowing again.

I voted last October and then again on January 15 to give, first, President Bush and, next, President Obama the money he needed to fix the banks. I could say, at this point, the proposal of the Secretary yesterday at first blush seems to me to be underfunded, undercapitalized by tax dollars and too late. But it is more important to say I believe it appears to be on exactly the right track, that it appears to be well thought out, and that at first blush it seems to be attracting support from the private sector, which it needs to do to be successful.

History shows us some lessons about when we have bank problems—and we have had plenty of them. When I was Governor of Tennessee in the 1980s, dozens of banks failed because of a problem with the Butcher brothers, who were basically kiting banks. But the Federal Deposit Insurance Corporation came in and over the weekend usually recapitalized the banks, got rid of the bad assets, put them back out there, and our economy grew again. That is harder to do today because the businesses are bigger and the crisis is much larger. But the fundamental solution to our economic troubles is the same.

We need to fix the banks and get credit flowing again, and the way to fix the banks is to get enough of the toxic assets out so they can have confidence to lend money, and business can start growing, and people can get jobs again. That is the history lesson.

There is another history lesson, and that is that we need the President of the United States to focus his full attention on fixing the banks and getting credit flowing again. I have used the example of President Eisenhower going to Korea. Someone said to me: Senator ALEXANDER, no one pays attention to history. Well, they ought to.

President Eisenhower said in October of 1952: I shall go to Korea to fix the Korean war. That was in October. He was elected President, and within weeks he went to Korea. He said: I will concentrate my full attention on this problem until it is honorably ended.

President Eisenhower was a very capable man. He was capable of doing more than one thing at a time. But he knew the country needed him to do one thing and the country needed to have confidence he would do it.

President Obama is extraordinarily capable as well. When I, or others, have suggested he is doing more than one thing at a time, he often says: I can walk and chew gum at the same time. I don't doubt that. I think we may not have had a more impressive President in terms of intellectual ability, and he has impressive people around him.

What we need for the President to do—and tonight would be a good time to start—is to assure us, as President Eisenhower did when he said “I shall go to Korea,” and say: I shall fix the banks and get credit flowing again. We know that a President this impressive and this talented, if he decides to throw himself into this problem with everybody he's got for as long as it takes, he will wear everybody else out and he'll get the job done. From the day he makes that clear, confidence in this country will begin to recover at a fairly rapid rate. I say that with great respect to the President and to the proposal Secretary Geithner made yesterday, which I think is mature and thoughtful and the kind of proposal we ought to be focusing on in a bipartisan way.

As to the budget, the budget also makes a difference to whether the economy recovers. It is hard for the economy to recover if the Congress spends too much, if the Congress taxes too much, and especially if the Congress borrows too much. The Republican leader pointed that out in his remarks.

This 10-year budget is a blueprint for a country our children and grandchildren cannot afford. It doubles the public debt in 5 years, and nearly triples it in 10. It grows the public debt to 82 percent of the gross domestic product by 2019. The gross domestic product is the sum total of all our efforts in a year, all the money we produce, and we produce 25 percent of all the money in the world each year, more or less.

This 10-year budget creates more new debt than all the Presidents of the United States from George Washington to George W. Bush combined. Let me say that again. All the Presidents of the United States, from George Washington to George Bush, did not run up as much debt as this President proposes to do in the next 10 years.

By the year 2019, we will be spending more than \$800 billion just on interest payments on our debt every year. We only spend \$720 billion on Defense in that year. We will be spending more on interest than we do on defense, and we will have enough left over to fund all the Federal spending on education. That is too much borrowing.

What do we do about that? There are a number of things we can do. I suggest we put a limit on runaway debt so that it cannot be more in any year than 90 percent of our gross domestic product. Another idea would be to enact a bipartisan Conrad-Gregg proposal which

would say to Congress and the President: We need to set up a special mechanism to deal with entitlement spending—the runaway spending for Medicare, Medicaid, and Social Security, which is the biggest part of our debt problem. The proposal would set up a special commission that would figure out how to bring entitlement spending under control, make recommendations to the Congress, and we would vote it up or down, and act in the same way we close defense bases, which is also very hard to do. The Conrad-Gregg proposal has broad support in the Senate. It has broad support in the House. The President of the United States says he wants to control entitlement spending.

The Republican leader of the Senate, Senator MCCONNELL, in his first address this year, went to the National Press Club and said: Mr. President, I am ready to work with you on entitlement spending. In other words, he wants to bring the debt down in the outyears. But so far we have not seen that priority.

I think the priority today ought to be to fix the banks and get credit flowing again. I support the President's objective to reform health care this year. I think health care has to be reformed in order to bring entitlement spending under control. But why can't we go ahead and work on Social Security? Why can't we pass the Gregg-Conrad bill? Why can't we send sub-signals that we are serious about reducing entitlement spending? Instead, this budget would move \$117 billion of funding for Pell grants from discretionary spending to entitlement spending; in other words, move it from the area where we would spend it only if we can afford it to the area where we automatically spend it without having to vote on it. We shouldn't be adding anything to entitlement spending this year.

Finally, new taxation is not good, for this year especially. I care about climate change, but now is not the time to impose a \$600 billion tax on electric bills and gasoline prices in the middle of a recession.

Republicans will offer a clean energy agenda based on conservation, nuclear power, electric cars, finding more natural gas, aggressively funding research in solar energy, and finding ways to capture carbon. We can do all that without imposing a new tax on the American people in the middle of a recession.

I look forward to the President's remarks tonight. I hope, as I believe most Americans do, that he rejects the House bill of last week and expands on Secretary Geithner's proposal. I applaud him and I applaud the Secretary for a mature, thoughtful proposal, and I hope the President will, as Presidents must, select the most urgent issue before us and focus on it with all he has until he fixes the problem. He can do

that. Only a President can do it, and this President is especially talented. I believe if he makes clear he intends to do it, the country will have confidence that he will get the job done.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I wish to speak and continue the discussion which was raised by the Senator from Tennessee and the Republican leader earlier on the issue of where the budget that has been proposed by the President is going to take us. There are a lot of concerns raised by this budget.

Most of us have been willing to say we understand the President has inherited a very difficult financial situation; that, therefore, we accept the fact, in the short run this year and for much of next year, potentially a lot of money is going to have to be spent very quickly in order to try to refloat the economy. The Federal Government is the only place where there is liquidity right now, and that liquidity is being used aggressively to try to get the economy going again.

The problem the President's budget has is, as we get past this next year, year and a half of recession and we get further down the road in his budget, the budget he has sent up to us continues to dramatically increase spending, dramatically increase borrowing, and dramatically increase taxes.

As we get into the third and fourth year of this budget, instead of seeing the numbers come back down to something that is manageable, we see a deficit running in the 4- to 5-percent range of GDP. We see a public debt-to-GDP ratio in the 60- to 80-percent range. These are numbers that cannot be sustained. They add up to massive debt.

This chart shows the situation in fairly stark terms. Historically, the national debt has been around 35 percent of GDP. That is a sustainable level. I think if you talk to most people in the economic area, they will say a government can do quite well if its national debt can be contained at that level.

Unfortunately, under President Obama's proposal, that debt goes straight up, and by the end of the 10-year window which his budget covers, it is at 80 percent of gross national product. That is not sustainable. That essentially means we are putting on the books a debt which we have to pay as citizens of this country, which is unaffordable for the citizens in this country. It has a lot of practical implications which are all very serious and about which we should be concerned.

The most obvious is that when we run up this much debt, somebody has to pay it and that means our kids and our grandkids. They are going to have to pay this debt off. Instead of maybe being able to buy a house, send their kids to college or live the lifestyle our

generation has lived, they are not going to be able to do that because the debt burden on them is going to be so high that burden will overwhelm their ability to live the same quality of life that we have.

Equally important is the effect it probably will have on the value of the money of the United States, the dollar. There are only two ways you can handle it when you run debt up such as this. Either you dramatically raise taxes—and you basically make it virtually impossible for Americans to be productive if you raise taxes as much as this debt would cost to pay off—or you do something called monetizing the debt, which is a technical term for creating inflation. Inflation is a pretty big evil. If you get on a course of inflation, you quickly go into a spiral that is downward as a nation and as an economy. This debt on this present path, as proposed by the President, will lead us to that spot.

There is another problem this creates, equally significant and about which we are already hearing, and that is, for people who are observant and people who look at our Nation, especially if they are lending us money—and the whole world is lending us money, especially the Chinese—they look at our debt and they say: Is it manageable? Can the United States maintain this level of debt and still be a productive country, still be able to be prosperous?

There are beginning to be signs of people saying: No, we are not so sure that is true. We are not sure that is going to be the best thing to happen. So the value of the dollar starts to change and gets decreased. Equally important, people become restive about buying our debt, about financing this great spending spree which this administration has proposed by lending us money. In fact, we have now heard two major statements from the Chinese leadership. The Premier of China has specifically said that he is concerned about the value of his investments in the United States. Remember, China holds the majority of our debt. Now we see, from Mr. Zhou—I believe that is how he pronounces his name—the head of their Federal Reserve, essentially that they are so concerned about our debt situation and our lack of management of our fiscal house that they want to change what is basically known as the world currency reserve from dollars into some other currency. They are suggesting it be something controlled by the IMF, a currency produced by the IMF. That is not a vote of confidence in where we are going as a country by our biggest creditor.

It is unfortunate, very unfortunate, that we have to listen to the views of China and take them seriously on this issue. It did not used to be that way. But, regrettably, whether we like it or not, as we run up all this debt we have

to find somebody to buy it because this debt is operating our Government and we as a nation do not have the wherewithal to buy it, we have to sell it to other nations, and the primary nations with currency reserves today are China and Russia and some of your oil-producing states in the Middle East. These are not necessarily nations which are all that sympathetic to our problems, especially when our problems are fairly self-inflicted—and by self-inflicted, I mean this administration has sent up a budget which dramatically increases spending and dramatically increases taxes at the same time it borrows a huge amount of money.

Trying to put this in real-world specifics, if you take all the debt that has been run up in the United States since our Government started, since George Washington—he is over here—through all the Presidents, including George W. Bush, the amount of debt they have put on the books of the American Government, the amount of debt they put on our backs as American taxpayers is \$5.8 trillion. In the 10-year budget President Obama is suggesting, he is going to double that number. Essentially, President Obama's proposal puts more debt on the books—actually, in the first 5 years of his administration—than has been put on the books since the beginning of our Government through George W. Bush. That is how quickly and massively the debt of the United States expands under this budget.

At the same time, the tax burden increases significantly under this budget. There is \$1.8 trillion of new taxes proposed in this budget. I understand it is the philosophy of the Government that now is the majority in this Congress and in the White House that Americans should pay more taxes. I understand that. I do not happen to agree with it. I think the American people are not undertaxed. I think basically we are a country that has some problems, but they primarily go to overspending. But even if you accept the fact that we have to raise taxes on the American people, which is what is proposed in this budget—there are two major tax initiatives. One would hit small business and one would hit every American. We call it the light switch tax or the national sales tax on energy. You would presume that they would take those revenues and, as good stewards, use them to try to reduce this deficit we are facing which is driving this debt up. But, no, that is not what happens here. They take all these revenues and they use them to expand the size of Government, so Government grows dramatically.

Of course, they have now used up the resources which you might be able to use to try to bring this debt down for the purposes of increasing the size of the Government. They are increasing the size of Government so fast that

even though they have the largest tax increase in history built into this budget, their spending increases so much quicker than that, the debt skyrockets.

President Clinton when he came into office raised taxes significantly, too, because that was also his philosophy, but he took those tax dollars and used them—in conjunction, at that time, with a Republican Congress—to reduce the deficit and reduce the debt of the United States. That was proper. If you are going to raise taxes, that is what they should be used for. You should not use them to explode the size of the Government.

Where is this Government explosion occurring? Primarily, the President has proposed to take the spending of the Federal Government, which has historically been about 20 percent of the gross national product, up to 23 percent of the gross national product. That spending increase is not for the short run. In the short run, he takes it up to 28 percent. That spending increase begins in the second and third year of his budget and it goes on forever—23 percent, actually creeping up every year, spending by the Federal Government. Over the last 40 years, the Federal Government has only spent about 20 percent of gross national product. That difference between 20 percent and 23 percent on our economy is a massive increase in spending. The amount of deficits run up because of that spending over the next 10 years will be over \$9 trillion.

Just the interest on the Federal debt in the year 2018, as a result of this huge explosion of spending which is proposed in this budget, will be \$816 billion. That is just the interest on the Federal debt. Put that in perspective. In that same year, we will be spending less—around \$700 billion—on national defense. So we will actually be spending more on financing the deficit and financing the debt than we will on national defense. In the same period, we will be spending probably somewhere around \$100 billion on education, if you include Pell grants and student loans. So we will be spending maybe eight times what we spend on education on financing this debt. That is money that is being sent out of the United States. Hopefully, people will still be buying our debt. But it is money being sent out of the United States to people who own our debt. This is just out of control.

Some people have been saying the Republicans are being terrible naysayers about this budget. Yes. Yes, we are, because one generation does not do this to another generation. It is not the tradition of our Nation that one generation goes out and borrows massive amounts of money which have to be repaid by the next generation at a rate which can't be afforded by the next generation and then turns the country over to that next generation and says: Here, we are going to give



you a country which has less opportunity for you than we received from our parents because this country is going to have such a huge debt burden on it as a result of all this spending and all this borrowing, and the taxing, which doesn't go to basically reduce the deficit at all; it goes to expand the size of the Government.

It is not fair, really, for us, our generation, to do that to the next generation. That is why we suggested—OK, we will accept the fact that in the short run, over the next 2 years, there is going to have to be a spike in Federal spending and in the debt. But after that occurs, let's get back to what is an orderly process. Let's get back to numbers which are acceptable and responsible. Let's bring the public debt down from 80 percent of GDP, which is where it is when we get out here in 2016, 2011, and that period—not too far away—down to 40 percent of GDP, where it has historically been, down here. Let's take the deficit down from 4 and 5 percent down to 2 percent, which is where it historically has been. Let's put in place responsible policies, not take the spending up to such levels that they simply cannot be afforded because of the amount of debt that goes on the backs of the American people that becomes grossly excessive and unaffordable. This is not an unreasonable request. We are not suggesting that the administration trim its sails this year. We are suggesting that in the outyears there be a responsible budgeting process around here that leads to a fiscally sound policy.

Why do the Chinese not have confidence in our currency? Why are they talking about changing from our currency? Why are they asking whether they should continue to invest in our debt? Because they don't see any policies coming down the pike from this administration which discipline in any way or limit in any way the spending of the Federal Government. Just the opposite—it is an explosion of spending on the entitlement side by over \$1.2 trillion and an explosion of spending on the discretionary side by almost \$1 trillion.

If we did something constructive around here such as set up the process—which I proposed along with Senator CONRAD, and many people in this Chamber support—which would put in place a disciplining event on our entitlement spending, then these different nations would look at us—and our people could say: Listen, Congress is serious about getting this under control in the outyears. They are not going to pass this massive debt on to our kids. They are actually going to try to put in place some systems to try to address this.

But nothing like this is happening. This budget has none of that in it. Instead, this budget simply expands the costs of the Government and the bor-

rowing of the Government, and then it raises taxes and spends it instead of using it to reduce the size of the debt. It is a policy which is not sustainable.

The term "not sustainable" is used around here occasionally. What does it mean? Basically it means that when this policy comes to its fruition, after this budget is passed—and it will pass. The simple fact is, it needs 51 votes and there are 58 Members on the other side. It is going to pass. After it passes and the policies underneath it come in place, the term "not sustainable" means we are going to pass on to our kids a government they cannot afford and which will reduce the quality of their life and which may put at risk the value of our dollar and the ability to sell debt, according to the people who are buying it right now, the Government of China.

This is serious. This is very serious. We need to take another look. We need to reorient. We need to sit down and say: How can we do this better? How can we make this work better? How in the outyears—and it is not that hard in the outyears—so we start to close these numbers on the deficit and bring down this rate of growth in debt so that it flattens out? How can we do that?

We are ready to do that on our side of the aisle in a bipartisan way, whether it is something like the Conrad-Gregg bill or something in the area of entitlement reform or whether it is a freeze on discretionary spending as we move into the outyears; whether it is, if you are going to raise taxes, using those taxes to reduce the debt rather than expand programs; living within our means in the area of health care. We are willing to look at all those ideas because if we do not, basically we are going to pass on to our kids a government that will fail them and a government that will obviously not give them the lifestyle that they deserve and that one generation should pass on to the next generation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

#### FISCAL RESPONSIBILITY

Mr. WARNER. Mr. President, I rise today to state a principle that is known well by those of us who have served in the private sector, and that principle is simply this: What gets measured gets done.

This week, as my colleague from New Hampshire has already stated, we begin work on the Federal budget even as we are implementing the American Reinvestment and Recovery Act.

Both of these actions can either confirm the claims of critics, the skeptics who always say that Washington simply is not capable of managing the taxpayer's money responsibly or it could

present us with a tailor-made opportunity to demonstrate that we can combine bold action with innovation and transparency as we work to get our economy and our country back on the right track.

In the near term, the targeted investments included in the Recovery Act are designed to create millions of new jobs.

The President's budget proposals, if they are enacted, will allow us to make longer term investments through the expanded use of electronic health records, the build-out of the smart grid, and through energy-saving improvements to millions of homes and businesses.

Now, I do not think the American people expect miracles—but they can, and they should, expect competence.

So we must put in place the people with the right skills, insist on appropriate measurements, and then demand transparency and accountability.

When I became Virginia's Governor at the peak of an earlier recession, back in 2002, I inherited a \$6 billion revenue shortfall in Virginia's \$34 billion annual budget.

Our administration made the painful spending cuts, but then we did something else: we used that opportunity to enact long-term budget reforms that continue to save taxpayer money today.

For instance, we renegotiated a number of our State contracts and leveraged our purchasing power. We reduced the cost of light bulbs from 32 cents to 23 cents. Now, saving nine-cents per bulb will not close a \$6 billion shortfall, but the State buys an awful lot of light bulbs.

We found similar savings in procurement across much of State government, bundling our purchasing power the same way many major businesses do.

We examined and then eliminated outdated boards and commissions. We consolidated our State information technology activities. We took a whole new portfolio approach to managing our real estate holdings and our vehicle fleet, just as any business would.

These business-like reforms produced almost immediate taxpayer savings. And it accomplished something else as well: it created an expectation of transparency and accountability that resulted in Virginia being independently designated as the Nation's best managed State, and the best State for business investment.

I do not rise today to brag on the Commonwealth of Virginia well, perhaps a little bit. Instead, I rise today to suggest that this same approach—straight talk, tough choices, and an insistence on commonsense reform and accountability—is critically important here and now in Washington, DC.

President Obama has made it clear to Governors and mayors across the country that we need their help for this Recovery and Reinvestment Act to succeed. I commend the administration

for insisting that accountability does not simply stop at the State capital, once a Governor releases funds to localities. We must have the same high standards of accountability at the local level as well.

I also am pleased that the administration's recovery.gov Web site conveys a lot of useful information to the taxpayers in a clear and user-friendly way. And by midweek, all but a handful of States are expected to launch similar Web sites of their own.

But as they launch these Web sites, we must make sure that they have standard metrics so we can actually compare progress from one State to another.

It is also imperative that we keep the pressure on officials at every level of Government to continue to aggressively look for even more creative ways to make these sites more useful.

In recent weeks, I have spoken to key administration officials about what other steps we might take to promote transparency and accountability in implementing the Recovery Act.

If we do this right, it could build a solid foundation to promote longer term fiscal responsibility as we move forward in the Federal budget process.

For instance, I believe we should drill-down and reach consensus on commonsense definitions and metrics. Let me give you an example.

When I chaired the National Governors Association in 2005, we launched a major effort to reform our high schools. I was astonished to learn there was no common definition across the States of 'high school graduate.'

So we spent months working with educators, academics and policymakers to reach a common definition so we could determine whether a high school graduate in Alaska or in New Mexico was meeting the same kind of qualifications as a high school graduate in Virginia.

That now allows us to look at those programs that work—and those that don't—across all of the States.

I believe that experience provides a useful model as we work to develop a common set of metrics that allows us to honestly and effectively track Federal spending, especially with the stimulus dollars where we are ramping up so many new initiatives in such a short time-frame.

To do this, we will need to work through existing organizations, such as the National Governors Association, the Conference of Mayors, the National Association of Counties, and others, as we work to design effective measurement tools.

For example, most of us agree that expanding high speed Internet broadband to rural communities will create jobs. It will allow folks in every region of our Nation to have an opportunity to compete and win in the global economy.

Obviously, as we roll out broadband, we will track our progress by noting how many communities are served and the number of Internet connections that are added.

But what if we also came up with a way to capture information about how many rural businesses were able to launch or grow because of this expanded access to broadband? That information would allow us to measure the true value of broadband to the longer term economic viability of our rural communities.

Or consider our commitment to dramatically expand weatherization improvements to the homes of lower-income Americans. Now, certainly we will tally the number of structures that undergo these energy-saving upgrades, and it should be relatively easy to document the number of workers in the weatherization program.

But couldn't we also come up with some way to measure what one would reasonably expect to be a reduction in the annual demand for Government-funded heating and cooling assistance? And wouldn't that information be helpful as we consider funding levels for LIHEAP and similar assistance in the years to come?

In short, I believe every level of Government should go the extra mile in laying out exactly how the Federal dollars are being spent, and we should honestly measure and disclose program outcomes.

I also think, as we roll out these major expenditures, it is a good idea to link disbursements with predetermined timelines and checkpoints to better track our progress. Let's not wait until all of the money is spent before we determine whether the program works or not.

Consequently, if we do not see appropriate progress, we could delay or defer future payments.

In addition, Federal and State governments also should be encouraged to reach outside their comfort zones and challenge individuals in the private sector to step-up and provide specialized expertise.

Again, within the Recovery and Reinvestment Act, we are going to be ramping up a series of important new initiatives on a very short timeline.

How do we get the expertise from the private sector to engage in this effort? For example, this could be part of the Serve America Act, which we will consider and vote on this week, which will promote and expand public service opportunities for our citizens.

We must try to draw upon the best and brightest to bring them into Government service, even if it is on a part-time basis, as we ramp up these new initiatives.

I am talking about men and women with proven management capabilities, individuals who can move with the speed of venture capitalists to embrace

new ideas, or recently retired military leaders who have successfully overseen relief efforts.

This is the type of expertise we need to draw upon if we are going to ramp-up these programs successfully. And as we do this, we must also have the courage to cut back or eliminate programs that cannot prove their worth.

As a former Governor who enjoyed line-item veto authority, I wholeheartedly support President Obama's pledge to conduct a line-by-line review of the federal budget to identify waste and fraud.

I also encourage the administration to conduct a broad-based review of Governmental programs—a review that is horizontal, not just vertical.

Based upon my experience as Governor, and the experiences of countless Fortune 500 companies, I know that an enterprise-wide review could reveal additional opportunities to wring-out significant budget savings.

Typically, one can find sustainable savings in three areas: procurement, technology, and human resources.

That is why it is vitally important that the administration move quickly to appoint its chief performance officer, and that CPO must have the authority to act quickly, along with the chief information officer and chief technology officer. These individuals must have a mandate to work across multiple Federal agencies, and I hope they ruffle a few feathers.

Mr. President, I will say it again: what gets measured gets done.

In the short term, creating an expectation of transparency and accountability will maximize our 'bang for the buck' as we continue to implement the Recovery Act.

And over the longer-term, this focus and genuine commitment to fiscal responsibility will demonstrate that Washington can, in fact, act with both confidence and restraint when it comes to spending the taxpayer's money.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Ms. MIKULSKI. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO CHRISTINE SARBANES

Ms. MIKULSKI. Madam President, I rise to pay tribute to the spouse of one of our colleagues. The entire Senate

has now been notified that Mrs. Christine Sarbanes, the beloved wife of Senator Sarbanes, has passed away. I come to the floor with a heavy heart and with fond memories of, indeed, a remarkable person.

Christine Sarbanes was quite a woman in her own right. She was a woman of keen intellect, warm heart, and a compassion for the underdog. She was a woman who was a force in her own very quiet, understated way. If you really liked and admired Paul Sarbanes, which all of Maryland did, you also really loved Christine Sarbanes. Senator Sarbanes often joked that whenever he would come to an event, they would say: Where is Chris? Or they would say: Where is Christine? She often represented him in and around our State.

She had a unique way of talking that brought immeasurable commonsense and practicality but yet a connection to people and their day-to-day needs.

Theirs was a remarkable relationship that I had the good fortune of observing. I have known the Sarbanes family for more than 30 years. I met the young Paul Sarbanes, a spirited reformer, in Baltimore during the 1960s. Baltimore was dominated by political bosses. There were those of us who were bringing a new day, change that one could believe in. We reformers were running for local offices and challenging the machine. The local press nicknamed us the "shiny brights" because we saw ourselves as a new force.

Paul Sarbanes was the first to beat the machine, running for the House of Delegates and then for Congress. When he ran for the Senate, I filled the House seat held by Senator Sarbanes. It was the remarkable third congressional seat. That seat was held by Paul Sarbanes, then by me, then by BEN CARDIN, and now by JOHN SARBANES.

One of the joys of Christine's life was to see JOHN take the oath of office and to take the seat in the House of Representatives that his father held.

This was a remarkable couple, as you saw them doing good and having a strong presence in our community. They were really made for each other. These were people who really believed in the life of the intellect, but the life of the intellect lived in the community. They met at Oxford. Christine, like Paul, shared a very modest background. Her dad was an electrician; her mother was a waitress. She was a scholarship girl, as they said in those days, to some of the private schools in England that then took her to a scholarship at Oxford where she won both a bachelor's degree and a master's degree.

The Baltimore Sun has a wonderful article about Mrs. Sarbanes, which I ask unanimous consent to print in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Mar. 24, 2009]

CHRISTINE SARBANES

(By Frederick N. Rasmussen)

Christine D. Sarbanes, a retired educator, active board member and wife of former Sen. Paul S. Sarbanes, died Sunday of cancer at her Guilford home. She was 73.

"Her life and legacy as a teacher and community servant touched thousands of Marylanders and reminds us all that a life lived for others is the greatest of gifts," Gov. Martin O'Malley said in a statement Monday. "She believed in the dignity of every individual, and that every person has potential that we, as a community, can unlock through literacy and access to higher learning."

Sen. Benjamin L. Cardin said in a statement that Mrs. Sarbanes' death is a "tremendous loss to all those who knew her" and that she had "enormous grace and presence."

He added: "She was extremely likable" and "had an ability to relate to people and make them feel good."

Christine Dunbar was born in London and raised in Brighton, England, the daughter of an electrician and a waitress. After winning a scholarship, she attended Brighton and Hove High School for Girls.

She later earned a bachelor's degree in Literae Humaniores from St. Hugh's College, Oxford University, in 1958, and a master's degree, also from Oxford, in 1974.

It was political activism that brought her and her future husband together, when both were attending Oxford in the late 1950s. He was a Rhodes scholar.

"She came to a meeting of the American Association I headed. I forget what was on the agenda. All I remember of that meeting was that was where I met Christine," Mr. Sarbanes told The Sun in a 1987 interview. "She was involved in trying to get women into the [all-male] Oxford Union, a debating society. I became very interested in that and invited her to tea to talk about it."

Mrs. Sarbanes said in the interview "People thought it was strange that an American would be so interested in this."

After graduation, she began teaching Latin at Dana Hall School for Girls in Wellesley, Mass.

After marrying in 1960, Mrs. Sarbanes became a lecturer in classics at Goucher College.

In 1974, she left Goucher. After a four year break, she returned to teaching in 1978, joining the Gilman School faculty, where she continued teaching Latin, Greek and French until retiring in 2000.

Lillian Burgunder, who taught Spanish and art history at Gilman, was a longtime colleague and friend.

"She was a wonderful teacher, and her knowledge of Latin, Greek and ancient civilization was remarkable. She was very intelligent and enthusiastic, and she brought that into the classroom," Mrs. Burgunder said.

"She was dedicated to making her kids understand, and it was common to see a child in her office she was helping because she wanted to make sure they understood the material," she said.

Nick Schloeder, a former Gilman teacher and coach, who had been an adviser to Mr. Sarbanes for 40 years, was also a colleague of Mrs. Sarbanes.

"I have a rather loud voice, and Christine had the classroom next to mine. I would hear a tap on the door, and Christine would say, 'Mr. Schloeder, I'm teaching a Latin class, and you're going to have to lower your voice or get some new stories,'" he said, laughing.

"There was a great intellectual compatibility between Christine and Paul. Both

were very smart, well-educated, and both loved politics," he said.

"She was not just a candidate's wife but a member of the inner circle. She was very much a part of Paul's inner circle," Mr. Schloeder said. "She was good politically and not afraid to express herself. She had a great political mind and really understood politics."

Mr. Schloeder recalled that the two were inseparable and determined campaigners.

"When Paul ran for the House of Delegates in 1966, and Congress four years later, the two worked the bus stops and would knock on 500 doors in an afternoon," he said. "And they would do that day after day. I can't imagine them any other way than as a couple."

In addition to having a full-time job as a teacher, raising her three children, and assisting her husband in his political life, Mrs. Sarbanes found time to be an active board member.

As child growing up in England during World War II, Mrs. Sarbanes developed a lifelong love of books, libraries and librarians.

"There weren't a lot of books in her home, and I think she read every book in the library in Brighton," said her son Michael A. Sarbanes of Baltimore.

For the past decade, Mrs. Sarbanes had been a member of the board of the Enoch Pratt Free Library.

"I do not know of anyone who worked as hard for the libraries of our city. Her commitment and dedication was important to the recent opening of the first two new libraries in Baltimore in over 30 years," Mayor Sheila Dixon said in a statement Monday.

"To Christine, libraries were a sanctuary and a place of enlightenment and a place that could change people's lives" said Dr. Carla D. Hayden, executive director of the Pratt.

"She wasn't just a board member but an active board member who headed many committees, including community services. So much of the community outreach programs are because of her," she said.

She said the news of Mrs. Sarbanes' death hit her staff "particularly hard."

"She was a very warm person, and she mixed that warmth with a practical mind. She was a steady force for us, and everyone knew they could count on Christine," Dr. Hayden said.

She served on the Walters Art Museum board in the 1980s and continued to lend her expertise and time to several committees.

Dr. Gary Vikan, Walters director, recalled a conversation with Mrs. Sarbanes after her return from Dublin, Ireland, when she casually mentioned that museums there didn't charge for admission.

"That conversation took place in October 2005, and the next October, we dropped our entrance fee," Dr. Vikan said with a laugh.

For more than 20 years, as a member of the Baltimore Volunteer Group to the U.S. Fund for UNICEF, Mrs. Sarbanes delivered hundreds of presentations and organized fundraisers for the organization statewide.

She was an "eloquent representative of the highest caliber of the U.S. Fund for UNICEF," wrote William Van Pelt, who manages the organization's Office of Public Policy and Advocacy in Washington, in a recommendation for an award several years ago.

"Her interest was educating area children to the wider world and culture of the world's neediest children," said Mary Jo Marvin, a member of the Baltimore group. "We called

Christine 'the Whirlwind' because of her boundless energy and torrent of ideas. She was an inspiration to all of us."

Mrs. Sarbanes was a longtime communicant of the Episcopal Cathedral of the Incarnation. A memorial service will be held at 5 p.m. April 3 at the Enoch Pratt Free Library, 400 Cathedral St.

Also surviving are another son, Rep. JOHN P. SARBANES of Riderwood; a daughter, Janet M. Sarbanes of Los Angeles; and six grandchildren.

Ms. MIKULSKI. It tells the story. Senator Sarbanes has told this story as well. He went to a meeting of the American Association, where he met a young British woman who was interested in getting women in the Oxford debating union. Women were excluded from the Oxford debating union. He saw Christine. He saw her charm, her charisma, her passion, her advocacy for women when it was just coming to the fore. Suddenly, Paul Sarbanes became an impassioned supporter of getting women in the Oxford Union. He was an equally unabashed supporter of getting women in the Senate, which helped me become the first Democratic woman here.

That was the Sarbaneses. They met there. They met on a cause. The cause began their love for each other and their love of this country and the love of making this country a better place.

We all know Senator Sarbanes's remarkable career in the Senate, a man we all admired for his honesty, his integrity, his honor, and his ability to get the job done. Maryland loved him by reelecting him on several occasions, often being the highest vote getter. Christine came back and helped Paul with his career. She also continued her work in our community.

Mrs. Sarbanes was a gifted teacher, a spirited volunteer, and a civic leader, while she was raising a family of four remarkable children: three young men and a wonderful young woman who has a doctorate in literature and is in California. She also was an avid civic volunteer. Her great passion was books. She believed books would change lives. Books changed her life. They helped her win a scholarship, they got her to Oxford, and this would continue.

For her, the world of books was so important, one of her advocacy areas was libraries. If you ever wanted to meet someone who believed in the power and the empowerment of libraries, it was Christine Sarbanes because she believed ideas belong to everybody. Books should be available to everybody. There should be a public institution that no matter who you are, no matter what your economic background, no matter what Zip Code you were born in, you could have access to the great books of our world. That is why she devoted herself to that and was on the board of the Enoch Pratt Library.

She did a fantastic job there. In fact, her memorial service will be held at the Enoch Pratt Library in a few days.

In her work, she also was a teacher. She taught at Goucher College. She taught at one of the more prominent prep schools, and she taught the classics. But in teaching the classics, we should all note that Mrs. Sarbanes was, indeed, a very classy lady.

When we think about her, we will always remember her, again, for being able to light up a room while she worked so hard to light up the lives of others. She will be greatly missed by all of us.

As all of you know, Senator Sarbanes and I shared a very special relationship in the Senate, but that relationship was also shared in the Maryland community with Mrs. Sarbanes. Mrs. Sarbanes was there for everybody, and everybody in Maryland mourns for her.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, when I came to the Senate in 1977, Paul Sarbanes was a colleague who came with me. There is no doubt that this was one of the true sages of the Senate. He was a great man, a brave man, with a tremendous ability, who served with distinction in this body. One of the reasons Paul was so successful in life, not that he couldn't have done it alone, but I think he couldn't have done it as well had it not been for the beautiful and wonderful wife he had. She was a tremendous human being.

I am very moved by her death. All of us feel grief and concern for Senator Sarbanes. Theirs was a close relationship, one that was exemplary to all of us. She was a great supporter of his as he served in the Senate.

I used to kid Paul all the time: Paul, when are you going to smile? When are you going to laugh? He was always so serious. I used to dig him all the time about that. He would get a wry grin on his face. He knew what I was talking about. But he was serious, and so was his wife. She was a great human being.

I personally express my condolences to Paul and his family because I know how close they were. I know how much she meant to him and vice versa.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Madam President, one of the real honors of serving in the Senate is meeting some extraordinary people. I was asked several years ago: Of all the Senators with whom you serve, can you name one you look up to time and again? At the time, I said it was Paul Sarbanes of Maryland. I liked Paul so much and respected him so much. He made such a contribution, not just for his State of Maryland but for the Nation during his time of public service.

My good fortune was not only to get to know Paul but also to meet and get to know his wife Christine. What an extraordinary woman. She was a gifted, thoughtful, articulate person whose background and interest was in the

classics. She would lose me in a hurry when we got into a conversation, as we did once or twice, about her area of interest.

I can recall traveling once from London Heathrow back to the United States, picking up a book along the way that was titled 'Rubicon,' a story on the Roman Empire. I sent it to her, as if she needed my advice or background in that subject. She wrote me the nicest note afterwards thanking me for it.

She was a real lady and a great complement to Paul. The two of them worked so well together representing the State of Maryland and showing what a couple could do together working in public service.

I was so saddened to learn yesterday that Christine passed away. She was such a fine person. I wanted to add my voice on the Senate floor in sympathy for the Sarbanes family and so many people across the State of Maryland who came to know and respect her over the years.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL SERVICE REAUTHORIZATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 1388, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of the bill (H.R. 1388) to reauthorize and reform the national service laws.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I am pleased to rise once again to speak today on the Senate substitute amendment to H.R. 1388, the Serve America Act. As we heard in the statements last night, this legislation has been in the works for a long time, and I was glad last night to see it clear the first hurdle by a wide margin.

This is truly a bipartisan piece of legislation. In my opinion, it is probably the most bipartisan bill we will see on the Senate floor this year. At every stage, Republicans and Democrats have been working together to craft this legislation in order to bring it where we have it today. It is my hope that when all is said and done we will see a broad coalition of Senators voting in favor of the bill.

However, I do know, as of right now, not everyone in this Chamber is convinced this legislation is the right thing to do. So I want to take a few moments this morning to address some

of the major arguments I have heard by those who appear to oppose the bill. Although many of these concerns appear to be coming from the Republican side of the aisle, I believe my arguments will be relevant to both sides.

One argument I have heard is that the bill will impose mandatory service requirements on our citizens. I mention this claim first because, quite frankly, it is the easiest to refute. Despite the rumblings of the black helicopters some imagine to be circling overhead, every program in this bill is 100 percent voluntary. In our country, no one is compelled to give service, and this bill will not change that. Instead, it will give new and expanded opportunities for people who voluntarily decide to participate.

Another more substantive argument I have heard is that given our current economic climate and budget deficit, it is simply the wrong time to invest in national service. The Government, these folks argue, does not have a role in these areas. I respectfully disagree with that.

I share the desire of many of my colleagues and, of course, of my constituents to see more fiscal discipline in Washington. But, in my view, an important aspect of fiscal discipline is investing in ideas that work. I support this legislation because I believe volunteer service is such an idea.

As has been stated, 75,000 national service participants leverage an additional 2.2 million volunteers every year—volunteers who are not subsidized by the Government in any way. That is a significant human capital return on what is, relatively speaking, a modest Government investment.

In addition, there have been a number of studies that have shown that for every \$1 invested in national service, there is anywhere from a \$1.60 to \$2.60 return on investment. That is in social benefits paid back to our society, whether it is kids being tutored, vacant lots turned into playgrounds and parks, homes being built, or in the form of disaster relief. It is an investment that pays for itself.

I have also heard people refer to national service as “paid voluntarism.” I think this is mostly a question of semantics. We do need to be careful to differentiate between Americans who volunteer for full-time national service and community volunteers who give a few hours episodically throughout the year.

Most current national service participants are spending a year of their lives serving their country full time, and their benefits include a subsistence allowance and an education award. The subsistence allowance is barely a survival stipend, a below-poverty payment that is enough to cover only the basic needs. The education award is a very modest benefit to encourage people to seek higher education opportunities

once they have completed their terms of service. But in exchange for this small amount of support, these members dedicate themselves full time to solving problems that span the range of human life: from dropouts to elder care, from homelessness to prison recidivism.

National service is not a job or a career move for these individuals. Indeed, no one is getting rich by participating in these programs. Those who join these programs are motivated to give back to their great country, to engage in their local communities, and improve the lives of those who are in need.

Once again, we cannot discount the fact that the work of those in national service programs has a multiplying effect. If the measure of this legislation was solely to provide national service slots for 250,000 individuals, I do not think we would have much to be proud of. But these national service participants will leverage millions of traditional volunteers and hundreds of millions of dollars of private investment in the nonprofit sector. The success of the program shall not be measured by the number of people who participate but by the work they accomplish.

Other potential opponents of the bill have tried to label this bill as another ACORN bill. Of course, they do so without ever even inquiring whether ACORN currently receives money under national service programs. Although I am not usually one to spoil a good mystery, it has to be stated they do not. In fact, in the first year of the AmeriCorps program, ACORN was forced to return the grant it received under the program because it could not keep its political activities separate from its other work—this was in 1997—and they have not received any funding since.

Make no mistake, I share the concerns of a number of my colleagues who do not want taxpayer funds to directly or indirectly benefit partisan political organizations, abortion providers, or illegal enterprises. While I believe current law prohibits national service funds from being used for such activities, we wanted to make it crystal clear that this would continue to be the case. I believe this was necessary in order to ensure the bill continues to enjoy bipartisan support.

So as part of the managers’ amendment, we have included a provision listing in detail the prohibited activities for national service participants. Specifically, under the bill no one will be able to use a national service position to influence legislation, or for union organizing efforts, or to participate in protests or boycotts, conduct a voter registration drive, engage in partisan political activity of any kind, or provide abortion services or referrals. In addition, any organization that has violated a Federal criminal statute is

categorically ineligible to benefit under this legislation.

Like I said, I understand the trepidation that some might have regarding these issues. Indeed, a number of so-called nonprofit or service organizations engage in what many believe to be objectionable activities. But I believe this language makes it clear that such activities will not be performed by national service participants. That being the case, I believe every Senator can support this bill without such reservations. I hope this puts the issue to rest.

I am sure we will hear some other arguments raised by skeptics of the bill, and I will do my best to address them as they come up. I am sure the distinguished Senator from Maryland, Ms. MIKULSKI, will as well. I just wanted to take a few moments to make sure people know these concerns have not gone unaddressed by the authors of this bill.

As every Member of the Senate knows, the process of drafting, debating, and passing legislation is not a scientific one. There is no way of calculating all of the variables and finding all the angles in order to produce a perfect result. When any group of Senators works together on a bill—regardless of whether they are from the same or opposing parties—the best anyone can hope for is a final product all the parties will proudly stand behind, even if they do not agree on every single section or provision of the bill.

The Senate substitute amendment represents the efforts of not only Senator KENNEDY and myself but of Senator ENZI and Senator MIKULSKI as well, and others. As I said yesterday, I doubt any bill we consider this Congress will be spearheaded by such a diversity of beliefs and ideologies. As one coauthor of the bill, I do not claim the bill is perfect just the way it is, but I am proud to join my colleagues as we stand behind and work to preserve this product.

I certainly respect and will work to preserve the rights of any Senator to oppose this legislation or propose changes in good faith. The ability of every Member to offer amendments is one of the richest and most important traditions of the Senate. That said, it is my hope we can keep the changes and additions to this bill at a minimum. If we add too much or take too much away from the bill, I think we may jeopardize the coalition we have worked to preserve thus far.

Like I said, I do not claim the bill is perfect. But I do believe, as it is currently written, it has just the right balance to ensure that Members from both sides of the aisle should be able to get on board.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, first of all, I rise to thank my colleague from Utah for his excellent

statement. I think he outlines exactly where we are in terms of both the content of the bill and the way we have approached this bill.

It is my belief, as is the belief of Senator KENNEDY, that we govern best when we govern together. That is exactly what the Serve America Act exemplifies. The architects of this legislation are Senator KENNEDY and Senator HATCH, bringing to bear their own passion on Americans being able to give back to our society. Yet, with 16 years of lessons learned on the running of the Corporation for National Service, we have learned a lot.

So this bill, as originally introduced, had not only good ideas and good intentions, but came from lessons learned on how to better focus our efforts, get more of a dollar's worth out of our efforts, and, at the same time, be able to harvest this growing desire of people to serve. This year, there are far more people who are applying for national service opportunities than at any other time in our history.

Senator HATCH has also outlined the very important parameters we have set in the bill: no money will be going to participants to engage in partisan activities, no money going to participants that cannot demonstrate they are providing viable services and meeting the very clear requirements of AmeriCorps.

There are other issues both Senators HATCH and ENZI have worked so constructively on to bring to our attention—great yellow flashing lights around these issues—and we heard them. We not only heard their concerns, I want to thank them because they brought not only concerns to the table but very sound solutions. So I want to thank them for that.

I think on our side of the aisle, we have looked at AmeriCorps, we have looked at what President Obama is calling for, along with Senator KENNEDY, and the wonderful contributions of Senator DODD, and want to expand this program. But we realize there is a limit. There is a limit to the money we can spend, and there is a limit to our organizational capacity on what we can undertake.

So on our side there was an attempt to find that sensible center to be able to focus exactly on what we want to do in certain basic corps, and, at the same time, to merely make sure, increase the number of people volunteering.

We have taken a look at the education voucher award. It has been frozen for 16 years. We made a modest increase, and our index will be to peg it to the Pell grants. This seems to be a sensible solution. There were those on my side of the aisle who wanted to double or even triple the education award. If we looked at inflation over 16 years, I would have been in that category. Well, in the spirit of compromise and consensus, we all sometimes have to

not make the perfect the enemy of the really excellent. Therefore, in 2010, we will raise the education award to \$5,350—a \$500 increase. That would be less than \$50 a year over the last 16 years.

So we trimmed what the education award would be. We looked at how we wanted to triple the number of volunteers. We knew it couldn't be done in a day or a year, so instead, we phase it in over a 7-year period. Again, it was taking what we wanted to do, but organizing it at a pace we knew the taxpayers could afford, and so the corporation could develop the capacity to be able to expand the programs in a sound way.

Then there comes the stewardship idea, which is, how do we make sure we build in certain reporting that really would ensure we were getting a dollar's worth of service for a dollar's worth of taxes? Senator ENZI of Wyoming, the ranking member of the committee, once again brought his very sound accounting skills to the table, and we came up with a way to, again, ensure value for the taxpayer, value for the community, and do it in a way that does not create a lot of micro-processes. We have put a lot of work into this bill.

We don't want to lose sight of the fact that this legislation is to intended to really tap into the idealism of our young people. Idealism doesn't know gender, it doesn't know religion, it doesn't come from a ZIP Code. I believe it is really in the hearts of people everywhere in the world. It is a unique American characteristic to want to help your neighbor. Some people call it the Golden Rule—"Do unto others as you would have them do unto you"—but this is more. This is really saying: I want to take my life my talent, and put it to work in the community and make the community a better place. That is the original purpose of this bill.

Yesterday, I don't know how my colleagues felt, but, gosh, I was buoyed when Senator KENNEDY came on the floor, when he walked in that door with his jaunty cane and his good humor. The cheer that he brought to this body—it was very edifying, very inspirational, very energizing. Senator KENNEDY brings his own unique energy to this.

I have been talking to him about this bill. He is so pleased that the Senate is taking it up. He has been working with us as we have talked back and forth about improvements and so on. I know how strongly he feels about it. If he were on the floor himself today, he would be encouraging us. He would be motivating us. He would be inspiring us to pass this legislation so that we can engage a new generation of young Americans in national service, while at the same time, welcoming the large-scale participation of all generations to address national needs because,

again, the desire to serve isn't based on age. It is not only young people who feel it. We all do.

Communities across our country face challenges too numerous to count. If Senator KENNEDY were on the floor, he would be reminding us about rising unemployment, particularly among young people, rising poverty, and falling home prices. At the same time, all of us are aware of the fiscal challenges many States and schools and communities are facing, which means they have to cut back on services just when families and children need them the most.

Some of my colleagues believe we can't afford this legislation at a time when our debt is growing and our economy is struggling, but I say we can't afford not to pass this legislation. This bill offers innovative solutions to those challenges by asking more Americans to give their time to serve their country and their community. It answers the economic challenges of communities and families and what they are facing today. It is a carefully developed and focused solution.

We have learned a lot in the past 16 years since we passed the original legislation about what works and what doesn't work. Senator HATCH spoke eloquently about it a few minutes ago. This bill draws on those lessons and actually puts them to work. We have learned that service can make a big difference in addressing specific challenges and that service opportunities early in life can put young people on the path of lifetime service. We have seen that older Americans want to serve their communities with skills and experience and that social entrepreneurs in the private sector are coming up with very innovative ways to tackle the challenges we face in a way that is affordable.

This bill focuses national service programs where service can do the most good. I will repeat that. AmeriCorps, and these new programs with focused approaches, will focus service programs on where service can do the most good. In other words, following a Marine Corps adage, we are saying to the AmeriCorps volunteers: Be best at what you are best at, and be best at what you are most needed for. Be best at what you are best at, and be best at what you are most needed for. That is why we are talking about an education corps. That is why we are talking about a health futures corps, a clean energy corps, a veterans corps, an opportunity corps focusing on poverty. This is why we are focusing our service efforts.

Social entrepreneurs such as those who started City Year and Experience Corps are the ones who are teaching us many of these lessons. When City Year began, it was about giving a year of service by a young person to do good in the community. That was the aegis of

AmeriCorps. Back then, City Year took on all kinds of programs, but as City Year has matured, they found it is better to focus.

City Year focuses primarily on tackling one of our greatest national challenges—the dropout crisis in high schools. In Baltimore City, my hometown, only one in three students who starts high school actually graduates. This is a travesty mirrored in inner cities and rural areas throughout our country. City Year focuses on how to deal with that dropout rate.

Let's talk about Experience Corps. Experience Corps takes older adults and uses them as AmeriCorps volunteers. What they found is Experience Corps works best by working in schools. They are taking adults with years of experience and putting their skills to work, and it is making a difference. I have seen Experience Corps work in my own hometown of Baltimore in a school called Barclay Elementary School that has had its ups and its downs and its sideways. It has had talented teachers, often a good principal, and yet they needed help. In that surrounding community, within the shadow of Johns Hopkins University, Experience Corps works, and in many ways it has helped and assisted with volunteers and others coming from Hopkins. With that blend of volunteers, Barclay Elementary School has improved.

When I asked the CEO of Experience Corps—because the people in this age group can do a variety of things—why education, he told me that's what Experience Corps could do best, where it was most needed. We have learned from programs like this, which is why AmeriCorps will now focus on these very specific core programs.

We also found that this bill will, of course, encourages service learning opportunities for students, because students want to give as well. Working with Senator DODD, who has been such a leader on these issues, we now have Summer of Service opportunities for middle and high school students. These young people want to do it.

College is where so much of our young people's character and experiences are shaped. This bill recognizes that, going the extra mile by allowing the designation of 25 campuses of service which will undertake activities to help students engage in service that will actually encourage people to go on to public service careers.

This legislation also creates Encore Fellows to help adults transition to longer term public service with a nonprofit organization. These adults are volunteering by choice. They have knowledge and experience, and we just need to get them in the door. This is a way to bring in people who have retired and who have incredible skills, such as that retired accountant who can help a nonprofit get its books together and maybe find new grant opportunities.

Finally, it is to help older Americans get more involved through Senior Corps, RSVP, Senior Companions, and Foster Grandparents. These are excellent programs.

In this bill, we have taken innovation, creativity and lessons learned and come up with a new framework of service.

Right now, our country faces an incredible economic challenge. We see it in homes, families, factories, farms, and communities all over America. But as you look out, you don't see faces of despair. People believe in this country, and children and grandparents know and even believe, also, in great possibilities. So while we are facing these great challenges, we have a great opportunity. This is not the "me generation" of a decade ago; it is the "we generation." I think this bill will help us be "we, the people" who serve each other.

Madam President, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Maryland is recognized.

Mr. CARDIN. Madam President, first, let me congratulate my colleague from Maryland and my colleague from Utah for their leadership on this legislation. This is extremely important legislation expanding the opportunities for people to serve our country in national service. Both have been leaders on this issue for many years. I am pleased that we are on the verge of really expanding opportunity, particularly for young people, to have a meaningful impact in helping their communities.

I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CARDIN pertaining to the introduction of S. 673 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CARDIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, as we talk with colleagues and work to gather the votes, some of the naysayers, or those who have questions about the efficacy of this bill, say: So what, people go off and do a little bit of service, they feel good, and then they go off—OK, that is nice, but they could do that anyway.

Well, they could do that, but what is often overlooked is the impact that service has on changing the lives of people who do service. We could talk

about examples on my side of the aisle. We have Senator DODD, who joined the Peace Corps. He has given long-term service to the Nation, including his work in Latin America, where he served as a Peace Corps volunteer. He continues that work on the Foreign Relations Committee. Senator ROCKEFELLER went to West Virginia as a VISTA volunteer and was so taken with the poverty and hard times—and inspired by the determination of the people of West Virginia—that he made a go of trying to help them with their economic development and the economic empowerment of the people of West Virginia. He went on to run for public office and became a Governor and now is a Senator. We know of his and Senator BYRD's devotion to West Virginia and, again, their advocacy for those who were left out—the steelworkers, coal miners, and so on. Our democratic members bring those experiences with them.

My own experience is very interesting as well. Yes, I do have a master's in social work and, yes, I did work in social programs. When I got my master's, I didn't only work in those programs that paid; I was also involved in those programs where I saw a need. While I was working in the streets and neighborhoods of Baltimore as a grassroots community organizer, it was very clear to me that people who had addiction problems had very few services to choose from. This was long before we had a drug czar and many of the programs we have today with addiction. I teamed up with a priest in the inner-city neighborhoods of Baltimore, Father Maloney, a Josephite, and we started something called Narcotics Anonymous, to open the doors. Many women came. We found the men and women together didn't get along. They each had their own story and they told them differently. I ran the women's groups and helped to start them.

Those women had a different set of problems. I would go into the Baltimore city jail every Monday night to meet with a group of women to help plan for when they got out of jail. There was no discharge planning. Nobody was saying: How are you going to get a job? How are we going to keep you off drugs? How are we going to get your kids back from foster care? How do we make sure there is no abuse or addiction in the home?

I would meet with them in the jail and work with Father Maloney when they came out. That was indeed quite an experience for a young social worker. I grew up with stories of women who were so poor that many had only gone to the sixth or seventh grade, or they had no education. They had no hope, they had only despair. I worked as a volunteer and helped to get them the service they needed. It had a profound impact on me. When I went to the Baltimore City Council, one of the



first things I did was jail reform to try to bring services into the city jail so there would be an organized, systematic way of doing things. So I did jail reform in the city council, now, chairing the Commerce, Justice, and Science Committee, we do prison reform in the Congress and for our Federal programs—to make sure our Federal prisons have the staffing they need; to make sure the people who were there have the opportunity to turn their lives around.

Then, we worked with incredible organizations—often faith-based—for post-prison discharge, so people wouldn't go back into prison. I know what those faith-based programs are. I worked for one of them as a volunteer. My lifelong commitment, starting in the streets and neighborhoods and working with Father Maloney, took me behind the bars to see what those lives were like. At the same time, now, in the Congress, we work for the important addiction services, work to make sure we have mental health parity, because so many people had these problems. Those are the kinds of things I did on my own as a volunteer. At the same time, we wondered what happened to the men. I asked, what happens to the men when they come out of jail? There were very few group homes, and working again with the Episcopal Church, a faith-based initiative, I went on the board of the Valley House. Do you know why it was called that? The 23rd Psalm says: I shall walk through the valley of darkness and I shall fear no evil. That is what it was. Those men were walking through and working through their "valley of darkness" as they followed their 12-step program. I saw a building that was tattered, worn, rundown.

The very first thing I did was get some other women on the board, get my own volunteers, and we did our own habitat for healing. We worked with the recovering alcoholics and painted, cleaned, scrubbed, and whatever, got a good cook in there, so that when the men went out to look for a job, they came back to at least a hot meal and fellowship. We cleaned up the family at Valley House and shepherded them out of the valley of darkness and we led them to sitting at the table where their cups began to overflow.

I learned a lot listening to those stories, putting in my own sweat equity. It was not about me; it was about the "we" whom we inspired. That is what community volunteer work does. While you are involved, it changes you. You listen to the stories and you know what that is. You want to make a lifelong commitment that the people you meet today you will never, ever forget tomorrow. Those women I met at the city jail are now grandmothers. I hope those children are finishing school, and I hope their lives were turned around. I hope the men who were at Valley

House went through that valley of darkness and went into the valley of life.

As for me, as I tried to help them turn their lives around, they helped give my life direction. That is what we are talking about when we talk about giving back, getting involved, neighbor helping neighbor. For those of us who volunteer, the changes are significant. What I say is, each and every one of us can make a difference. But when we work together we can make change. This is one of the bills that will help do it.

Madam President, I yield the floor.

#### THE BUDGET

Mr. DURBIN. Madam President, next week, the Senate is going to consider the budget resolution for fiscal year 2010. This may be one of the most important debates of our time. For 50 hours on the Senate floor, we are going to debate making a fundamental change in our economy.

We need to face the facts. This President and this country have inherited the worst economic crisis in 75 years, and I do not exaggerate. No President has faced this kind of a challenge. We see it every day in the jobs that are being lost, the businesses that are closing, the homes going into foreclosure. We watched as our savings accounts dwindled during the decline of the stock market. Retirement plans are being changed. Children are coming back from college because families are worried about making the payment for their expenses. Fundamental decisions about homes, cars, and future expenditures are being withheld because of the uncertainty of our economy.

Passing the economic recovery package that President Obama sent our way was the first step to getting this economy back on track, but it is not the last thing, it is not the only thing. The next step is to pass a smart, fair, responsible budget that makes the economy work again. This is not a separate item. This is a continuing effort that Congress needs to make, joining with President Obama, to show we are serious about putting this economy back on its feet.

The President has proposed a budget that accomplishes that. It restores fairness for middle-class families, it reestablishes responsibility in the budgeting process, and it makes some smart investments in America's future.

This budget begins to repair years of neglect in fundamental national priorities. It makes critical investments that we need for the economy to recover, particularly in the areas of energy, education, and health care.

The President has proposed a return to the balance our country once enjoyed—careful investments in the future while protecting working families who have lost ground over the last decade. If we fail to make a number of critical investments now, it is going to

be tougher for America's economy to get back on track.

Many experts tell us that in order for our country to fully recover, we have to take a leading role not only in the Nation but in the world. We need to lessen our dependence on foreign oil and develop renewable energy sources that reduce costs and create jobs.

America still remembers well \$4.50-a-gallon gasoline when those overseas who send us the oil decided they would squeeze us, and they did, and we couldn't say anything about it because we have become so dependent on foreign sources.

We also know that the way we consume energy is affecting the world in which we live. We know that global warming is a reality, climate change is a reality, and if we do not use different practices and different approaches with energy, we may leave our kids more than a national debt; we may leave them a planet which is uninhabitable in some places.

We also know we need to make it more affordable for Americans to extend and improve their education so they can reach their maximum potential and compete for good jobs in an increasingly competitive global economy. And we need to address health care costs. Whether it is an individual or a family or a business or a State or the Federal Government, the escalating cost of health care will break the bank no matter what the President's policies might be. We need to address it. President Obama has had the courage and I think the vision to say that has to be part of our agenda.

This budget allows for critical investments in health care. The President's budget will begin the transformation of our health care system by allocating more than \$630 billion over 10 years for fundamental health care reforms. How many times have we started this discussion and stopped it? Realizing the health care system in America needs dramatic reform, we find ourselves embroiled in debate and at the end of the day have nothing to show for it. President Obama stepped up in his budget and said: We are going to put the investment on the table to extend health care protection to those who do not have it and make it more affordable for those who do. He made that investment in his budget.

The budget would also support the adoption of health information technology and the widespread use of electronic health records. The Veterans Administration does this. Because they have electronic records, they can make a better diagnosis for a patient, they can avoid errors that might occur while someone is hospitalized, and they can reduce costs. We should do that for our health care system across the board.

The budget also expands research that compares the effectiveness of

medical treatment so that patients and physicians have better information on what works and what doesn't.

It would invest \$330 million training doctors, nurses, and dentists we need to fill shortages of health professionals, especially in rural communities.

It would invest over \$1 billion to step up food safety efforts at the Food and Drug Administration to prevent the kinds of outbreaks of contaminated food we have seen recently, the most recent being peanut butter, but before that a long list of outbreaks in food safety that concern Americans and their families.

This has been an issue I have pushed for a long time in the House and in the Senate, to try to coordinate our food safety effort in Washington so we can get more for our dollar and protect more families.

These investments will come when we need them. Over 47 million Americans do not have health insurance today—47 million people who woke up this morning realizing they were one accident or one diagnosis away from wiping out their savings. One million families in my home State of Illinois, a State of 12.5 million people, have at least one uninsured family member, including 360,000 of those families who earn more than \$50,000 a year. They earn 1,000 bucks a week and do not have health insurance.

If you look at the cost of health insurance, you can understand. For some families, even \$50,000 a year makes it difficult to protect everybody. Being uninsured is no longer only the concern of the poor. In fact, the poor are taken care of in our Medicaid Program. It is a risk for many of us, many middle-income families. Members of Congress are pretty lucky. We get the same health care protection that Federal employees receive. It is the best plan in the Nation. But my people in my home State are not that fortunate.

Let me tell you about a fellow in Springfield, my hometown. Doug Mayol, since 1988, has owned a small business in downtown Springfield. He sells cards, gifts, and souvenirs. He is fortunate that his only employee is over 65 years of age and qualifies for Medicare and also receives spousal benefits from her late husband. If this were not the case, Doug does not think he could possibly provide health insurance for his only employee.

As for himself, Doug knows, because he has a preexisting condition, that he faces the real possibility of becoming uninsured. Almost 30 years ago, Doug was diagnosed with a congenital heart valve defect. He has no symptoms. But without regular health care, he is at great risk of developing serious problems.

Like most Americans, his health care premiums have risen dramatically in recent years. In 2001, he paid \$200 a

month for health insurance in Springfield, IL. In 2005, he paid \$400. And after he turned 50 years of age last year, his rate shot up to \$750 a month. He has a little business. It is hard for him to pay that.

To keep his insurance affordable, he chose a smaller network of providers and higher deductible, which brought the cost down to \$650 a month. Then last year, the payment jumped again to over \$1,000 a month. Only by taking the highest deductible has he been able to bring that cost down to \$888 a month.

Think about that for a minute. That is \$10,000 a year that this small business operator faces for basic health insurance with a high deductible, and he isn't even a costly patient. With his high deductible, the insurance company has never paid a claim for illness or injury beyond routine care. Yet his costs have exploded.

He cannot afford not to have health insurance. Because of his faulty heart valve, he needs antibiotics before undergoing even a simple procedure, such as dental work.

Although Doug should see a cardiologist periodically, he avoids it. He fears it would add another red flag to his medical record. Think about that for a second—avoiding basic medical care for fear it will raise the cost of health insurance. That is a reality for a lot of people in America.

Why, in this wealthiest Nation on Earth, do we accept a system such as this, where a small businessman with insurance has to delay preventive care simply to avoid short-term costs, even though the long-term costs, if something awful happens, will be far greater?

All Americans want the best health care system in the world. Yet we all know that reform is not easy. The process will be complicated. We will have to compromise. And we will have to work together. But we have to start by laying the foundation. President Obama's budget does that.

The President's budget also has a promising vision for education. The budget provides funding for innovations in the classroom, improved student assessment, improved teacher training, principal preparation, programs that reward teacher performance, and a significant expansion of early childhood education. Is there one of these we would question if it were our child or grandchild heading off to a school? We would want all of this as part of the curriculum, as part of the schoolday for that child to excel.

These initiatives will help build America's education system so we can compete globally, and the budget will also change the way we finance higher education. It would finally end the Federal Family Education Loan, FFELs. This is a program that has proven to be outmoded, expensive, inefficient, subject to corruption, and a

bad choice for students. A lot of us have known this for a long time.

The first person to warn me about this program was the late Senator Paul Simon of Illinois who retired 13 years ago. It certainly has been an unfortunate situation.

The current student loan FFEL program was an unfortunate choice for Holly Clark from Chicago. Holly wanted to be a teacher. To pay for college and graduate school, she borrowed over \$60,000 in student loans. Think about that. She chose this FFEL program because she thought it would lock in low interest rates until she could pay off the loans.

Because of fluctuating interest rates and changes in the program, she now pays 7½ percent interest each year. That is higher than she pays for her home mortgage.

Holly heard about a Federal program that encourages teachers to work in a low-income school for 5 years by forgiving a portion of the debt. She taught for 4 years in an inner-city school, but then the school administrators left and the school became extremely unsafe. She left that job. She still has her loans, and she is not sure what she is going to do to repay them without giving up her teaching career.

That is not what we need. We need young people who will submit themselves to teaching, not walk away from it. We can do better for Holly Clark. The FFEL program has proven to be costly for taxpayers and sometimes unfair to borrowers. The President's budget shifts the origination of student loans to the Federal Direct Loan Program starting in July of next year. We take the middleman out. We take the banker out of the picture because they are taking a profit. That change saves taxpayers \$94 billion over the next decade. The banks are going to squawk. The people who have these programs are going to be upset. They are going to hire the best lobbyists they can get their hands on and come and stand out in the hall and beat on us when we come in to vote. But I hope we remember Holly Clark when we are making these decisions and not the folks with the Gucci loafers out in the hallway.

This budget will also make spending on Pell grants mandatory, freeing this essential student aid program from the political process indexing the grants to inflation.

We cannot transform our education system overnight into a world-class system unless we prepare our young people with the best education.

On the issue of energy, the President's budget also provides a downpayment on weaning America from our dependence on foreign energy. The President lays out an aggressive path to reduce the consumption of fuels that contribute to climate change. Left unchecked, scientists predict global warming will lead to more heat waves

and droughts over the next century, will result in lower agricultural productivity, threaten coastal areas with rising waters, increase severe storms and flooding and reduce biodiversity. These are real changes, some of which will be irreversible. We have to find a way to address this responsibly.

President Obama's budget proposes a cap-and-trade system to reduce greenhouse gas emissions. We can reduce emissions by 14 percent below 2005 levels by the year 2020, and by 2050 we can cut emissions by 83 percent below 2005 levels.

Some say that is not realistic. They also said President Kennedy putting a man on the Moon was not realistic. We can do it if we have the political will and the guidance of a good President and the cooperation, bipartisan cooperation of Congress.

The revenue generated from auctioning greenhouse gas emission allowances would be used to fund tax credits for working families and programs to green the economy and \$150 billion over 10 years to develop clean energy technology that would create jobs. If this budget had already passed and funding were already available, Lee Celske of Aledo, IL, might have been able to put a small portion of that funding to good use. He has figured out how to create green temporary houses out of recycled glass—pretty cheap, as low as \$30,000 in some cases—quick to assemble, and he thinks they are a good option for communities recovering from natural disasters. These are energy-efficient temporary homes that can withstand a category 5 hurricane.

The factory that makes the houses would employ 30 high-tech, high-paid, green-collar workers. Over the last 14 months, Lee has presold nearly \$2 million worth of houses, relying on loan guarantees from his bank that would underwrite the factory once sufficient sales were in place.

But then, suddenly, the bank pulled out. Lee has done nothing wrong. The idea is sound. The small company is ahead of its schedule on growth targets and it would create precisely the kind of green jobs America needs. Yet his progress has been stopped by a freeze in the credit markets. The President's budget would help finance these entrepreneurs in the green economy.

This budget could create good jobs. It is a smart investment for our future. That is what the President brought to us in the stimulus package. This budget can create good jobs. It is a small investment for the future. That is what the budget continues to bring to us.

There is another element that is important. For too long the Tax Code has favored the wealthiest people in America. At a time when working families, middle-income families are struggling to get by, they were not getting the tax breaks. That was the old way of thinking. That was old politics, old policies.

The President's way of thinking is to reach out to provide a tax cut for every American family earning less than \$250,000 a year. Ninety-five percent of Americans will not see their taxes increase a single penny under the President's budget. After 8 years of stagnant wage growth for the middle class, with costs for health care, education, and utilities going up, with the unemployment rate above 8 percent and growing, and with as many as 13 million families at risk for losing their homes, American families need a break. This budget would do that.

I have listened to a number of my friends on the Republican side of the aisle criticize this budget. They say it spends too much, taxes too much, we have to borrow too much. They are ignoring the obvious. This President is committed to cutting the deficit in half in his first 4-year term. When President Bush was elected, he inherited a surplus from President Clinton, a surplus in the budget. It had been a 2-year surplus and it was reducing the debt of programs such as Social Security. We were moving in the right direction. Our national debt that we accumulated over the history of the United States to that moment when President George W. Bush took office was about \$5 trillion. So the President, George W. Bush, came in with a \$5 trillion national debt that he had inherited from George Washington until his moment in history and he inherited a budget surplus.

What happened over the next 8 years? Sadly, under President Bush, we saw the national debt of America more than double in 8 years. The accumulated history of the United States had produced \$5 trillion in debt. The 8 years of the Bush administration more than doubled that debt. President Bush took the surplus of the Clinton years and brought us to the biggest annual deficits in American history.

Many of those who supported the President's approach, many of those on the other side of the aisle who voted for his budgets—many who stood in defense of President Bush when he said I don't want to count the cost of the war; we will set that aside; we will call it an emergency; we will not put it in the budget—are the same people who made that excuse for 7 years during the wars in Iraq and Afghanistan under President Bush. They saw the accumulated cost of those wars exceed \$700 billion and none of it was in the budget. None of it was accounted for. Many on the other side said that was acceptable.

They also supported the President's idea of tax cuts, tax cuts for some of the wealthiest people in America. Taking these things off budget, tax cuts for the wealthy—what happened? We ended up with the worst deficits we had seen in our history. That is what this President inherited. Now that he has promised to reduce the size of our deficit by

half in his first 4 years, many on the other side are standing and saying we are destined now for bankruptcy. Where have they been for the last 8 years? Some of the harshest critics of the President's budget were giving a stamp of approval, year after year, to President Bush's budget.

What President Obama is doing is an honest budget, a responsible budget that moves us toward reducing the deficit in a time when the economy is in a sorry situation.

I think that is important. I think it is important we come together on a bipartisan basis to pass that. As to those who think this budget borrows too much, this President is on the right track of reducing the deficit. They have been on the wrong track for a long time. These are policies that they have offered before that did not work. They are yesterday's policies, yesterday's politics. It is time for something new. It is time for real change. Preparing the budget is about making choices and President Obama's budget is a document that makes the right choices. It is a document that is fair, giving tax breaks to working families, putting money into investments so their children can see a brighter future. It is a budget that is responsible. It puts the cost of the war online in the budget so we can track it as part of our real debt. It is a budget that also makes smart investments in America's future.

It is not just a matter of creating a job, a make-work job. This President's vision is to create the kind of jobs in energy and new energy for the 21st century; in education, so our kids can compete in this century, and to make sure our health care system is one that gives us quality care at the lowest cost. That embodies three sensible goals that we in America share.

This budget would bring true long-lasting change to America, and I certainly encourage my colleagues on both sides of the aisle to look long and hard at this budget, realize the good-faith effort President Obama is making with this budget, and join him in charting a course of spending for the next 4 years that will move us out of this recession, create jobs and businesses and give America a smart investment for our future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

# RECESS

Mr. DURBIN. Madam President, I ask the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:24 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### NATIONAL SERVICE REAUTHORIZATION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I rise in support of the bipartisan legislation before us today, the Serve America Act. I would like to thank Senators KENNEDY from Massachusetts and HATCH of Utah, as well as Wyoming's Senator ENZI and Senator MIKULSKI of Maryland for their hard work on this legislation.

Last week I held a conference call in my office with two very impressive young men who are a testament to what the Serve America Act is all about. Their names are Mark Rembert and Taylor Stuckert. I met them last year in Wilmington, an Ohio city in southwest Ohio that has been devastated by the closure of the Wilmington Airport where DHL employed about 8,000 people—DHL, Astar, and ABX, three national companies.

Mark and Taylor decided they simply could not sit on the sideline while their community struggled to absorb this tremendous economic blow. Instead they founded Energize Clinton County, a nonprofit focused on economic development and environmental awareness.

In the midst of an economic disaster in their community, these two young men, Mark and Taylor, decided to serve. They are examples of what inspired this bill and what service to our country is all about.

I know something personally about City Year, one of the programs within the Serve America Act. City Year is part of AmeriCorps. My daughter Elizabeth served in City Year Philadelphia about 4 or 5 years ago. She was paid \$700 a month, as were the six or seven roommates she had in an old house on Baltimore Pike near the VA in Philadelphia. They met every Sunday night to talk about how they were going to, after paying their rent—about \$300 a month each—how they were going to figure out how to eat. They pooled their resources and figured out how to do that.

During the day—each day of the week, often 6-day weeks, often more—Elizabeth and other of her colleagues would go into a middle school in Philadelphia and work with local students in some of the poor areas of Philadelphia.

This program mattered to those students she helped. It mattered to my daughter who I said was paid \$700 a month for this service in City Year. It made her more reliable, and it made

her more strong. It made her more understanding of the community around her, and it taught what so many of these programs over the years, so many of these volunteer service organizations have taught us. Whether it is the Peace Corps or Vista or City Year or Teach America, not just the people who are served by these young people but the people who do the serving, it stays with them the rest of their lives. It matters so much to them as they understand our society even better.

The passage of this legislation will mean even more Americans will be able to answer President Obama's call to service. The Serve America Act will provide opportunities for Americans of all ages and from all backgrounds to serve. It invests in action and it promotes existing voluntarism by supporting and expanding existing community service and development programs to tackle the problems at the root of the economic crisis. It strengthens programs such as AmeriCorps which, contrary to the wholly unwarranted and counterproductive partisan attacks some of my colleagues have launched against them, have paid for themselves many times over.

Whether your measure is the impact of these programs on their participants, enabling individuals to find a productive path and avoid a less productive path or whether your measure is the tangible work accomplished in communities throughout this Nation; whether your measure is the culture of voluntarism cultivated, choose your measure. AmeriCorps and like programs are a cost-effective means of strengthening our Nation and promoting the old-fashioned values of hard work, empathy, and civic responsibility.

Across the country, the bill would create 175,000 new service opportunities. I am sure successful Ohio programs such as City Year Columbus, Ohio College Advising Corps in Cleveland, the Wood County Corps in Bowling Green would value additional volunteers, and there is no doubt that Ohio would benefit from their work.

Service opportunities will be expanded to incorporate and encourage Americans of every age group: programs such as the Summer of Service Program for middle and high school students, the Youth Engagement Zone Program for young people from low-income areas, and Encore Fellowships for retired Americans. This is not only for young people to volunteer and to serve.

The Serve America Act also invests in nonprofit service organizations that work. These organizations are on the front lines of this Nation's economic crisis. They will play an integral role in our recovery. These organizations empower Americans and spur economic growth at the community level.

Those very organizations embody the values that enable our Nation to re-

main unified when widespread hardship hits and become stronger in the process of turning that hardship around.

The Serve America Act is part of the change this country called for. It not only creates a catalyst for recovery through a renewed service movement, it recognizes the resources and the programs it will take to get us there.

I was proud to cosponsor the Serve America Act. I urge my colleagues to support it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EMPLOYEE FREE CHOICE ACT

Mr. SPECTER. Mr. President, I have sought recognition to state my position on the bill known as the Employee Free Choice Act, also known as card check. My vote on this bill is very difficult for many reasons.

First, on the merits, it is a close call and has been the most heavily lobbied issue I can recall. Second, it is a very emotional issue with labor looking to this legislation to reverse the steep decline in union membership and business expressing great concern about added costs which would drive more companies out of business or overseas.

Perhaps, most of all, it is very hard to disappoint many friends who have supported me over the years, on either side, who are urging me to vote their way. In voting for cloture—that is to cut off debate—in June of 2007, I emphasized in my floor statement and in a Law Review article that I was not supporting the bill on the merits but only to take up the issue of labor law reform.

Hearings had shown that the NLRB was dysfunctional and badly politicized. When Republicans controlled the board, the decisions were for business. With Democrats in control, the decisions were for labor. Some cases took as long as 11 years to decide. The remedies were ineffective.

Regrettably, there has been widespread intimidation on both sides. Testimony shows union officials visit workers' homes with strong-arm tactics and refuse to leave until cards are signed. Similarly, employees have complained about being captives in employers' meetings with threats of being fired and other strong-arm tactics.

On the merits, the issue which has emerged at the top of the list for me is the elimination of the secret ballot, which is the cornerstone of how contests are decided in a democratic society. The bill's requirement for compulsory arbitration if an agreement is not reached within 120 days may subject

the employer to a deal he or she cannot live with. Such arbitration runs contrary to the basic tenet of the Wagner Act for collective bargaining, which makes the employer liable only for a deal to which he or she agrees. The arbitration provision could be substantially improved by the last best offer procedure, which would limit the arbitrator's discretion and prompt the parties to move to more reasonable positions.

In seeking more union membership and negotiating leverage, labor has a valid point that they have suffered greatly from outsourcing of jobs to foreign countries and losses in pension and health benefits. President Obama has pressed labor's argument that the middle class needs to be strengthened through more power to unions in their negotiations with business.

The better way to expand labor's clout in collective bargaining is through amendments to the NLRA rather than eliminating the secret ballot and mandatory arbitration. Some of the possible provisions for such remedial legislation are set forth in the appendix to this statement.

In June 2007, the Employee Free Choice Act was virtually monolithic: 50 Senators, Democrats, voted for cloture; and 48 Republicans against. I was the only Republican to vote for cloture. The prospects for the next cloture vote are virtually the same.

No Democratic Senator has spoken out against cloture. Republican Senators are outspoken in favor of a filibuster. With the prospects of a Democratic win in Minnesota yet uncertain, it appears the 59 Democrats will vote to proceed, with 40 Republicans in opposition. If so, the decisive vote would be mine.

In a highly polarized Senate, many decisive votes are left to a small group who are willing to listen, reject ideological dogmatism, disagree with the party line, and make an independent judgment. It is an anguishing position, but we play the cards we are dealt.

The emphasis on bipartisanship is misplaced. There is no special virtue in having some Republicans and some Democrats take similar positions. The desired value, really, is independent thought and an objective judgment. It obviously cannot be that all Democrats come to one conclusion and all Republicans come to the opposite conclusion by expressing their individual objective judgments.

Senators' sentiments expressed in the cloakroom frequently differ dramatically from their votes in the well of the Senate. The Nation would be better served, in my opinion, with public policy determined by independent, objective legislative judgments.

The problems of the recession would make this a particularly bad time to enact the Employee Free Choice Act. Employers understandably complain

that adding such a burden would result in further job losses. If efforts to give labor sufficient bargaining power through amendments to the NLRA are unsuccessful, then I would be willing to reconsider the Employee Choice legislation when the economy returns to normalcy.

I am announcing my decision now because I have consulted with a very large number of interested parties on both sides and I have made up my mind. Knowing that I will not support cloture on this bill, Senators may choose to move on and amend the NLRA as I have suggested or otherwise. This announcement should end the rumor mill that I have made some deal for my political advantage. I have not traded my vote in the past and would not do so now.

I ask unanimous consent that the text be printed in the RECORD, as well as an appendix with suggested revisions to the National Labor Relations Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY ARLEN SPECTER

My vote on the Employees Choice Bill, also known as Card Check, is very difficult for many reasons. First, on the merits, it is a close call and has been the most heavily lobbied issue I can recall. Second, it is a very emotional issue with Labor looking to this legislation to reverse the steep decline in union membership and business expressing great concern about added costs which would drive more companies out of business or overseas. Perhaps, most of all, it is very hard to disappoint many friends who have supported me over the years, on either side, who are urging me to vote their way.

In voting for cloture (to cut off debate) in June 2007, I emphasized in my floor statement and in a law review article that I was not supporting the bill on the merits, but only to take up the issue of labor law reform. Hearings had shown that the NLRB was dysfunctional and badly politicized. When Republicans controlled the Board, the decisions were for business. With Democrats in control, the decisions were for labor. Some cases took as long as eleven years to decide. The remedies were ineffective.

Regrettably, there has been widespread intimidation on both sides. Testimony shows union officials visit workers' homes, use strong-arm tactics, and refuse to leave until cards are signed. Similarly, employees have complained about being captives in employers' meetings with threats of being fired and other strong-arm tactics.

On the merits, the issue which has emerged at the top of the list is the elimination of the secret ballot which is the cornerstone of how contests are decided in a democratic society. The bill's requirement for compulsory arbitration if an agreement is not reached within 120 days may subject the employer to a deal he/she cannot live with. Such arbitration runs contrary to the basic tenet of the Wagner Act for collective bargaining which makes the employer liable only for a deal he/she agrees to. The arbitration provision could be substantially improved by the last best offer procedure which would limit the arbitrator's discretion and prompt the parties to more reasonable positions.

In seeking more union membership and negotiating leverage, Labor has a valid point that they have suffered greatly from outsourcing of jobs to foreign countries and losses in pension and health benefits. President Obama has pressed Labor's argument that the middle class needs to be strengthened through more power to unions in their negotiations with business. The better way to expand labor's clout in collective bargaining is through amendments to the NLRA rather than eliminating the secret ballot and mandatory arbitration. Some of the possible provisions for such remedial legislation are set forth in an appendix.

The June 2007 vote on Employees' Choice was virtually monolithic: 50 Democrats for cloture to 48 Republicans against. I was the only Republican to vote for cloture. The prospects for the next cloture vote are virtually the same. No Democratic Senator has spoken out against cloture. Republican Senators are outspoken in favor of a filibuster. With the prospects of a Democratic win in Minnesota, yet uncertain, it appears that 59 Democrats will vote to proceed with 40 Republicans in opposition. If so, the decisive vote would be mine. In a highly polarized Senate, many decisive votes are left to a small group who are willing to listen, reject ideological dogmatism, disagree with the party line and make an independent judgment. It is an anguishing position, but we play the cards we are dealt.

The emphasis on bipartisanship is misplaced. There is no special virtue in having some Republicans and some Democrats take similar positions. The desired value is independent thought and an objective judgment. It obviously can't be that all Democrats come to one conclusion and all Republicans come to the opposite conclusion by expressing their individual objective judgments. Senators' sentiments expressed in the cloakroom frequently differ dramatically from their votes in the well of the Senate. The nation would be better served with public policy determined by independent, objective legislators' judgments.

The problems of the recession make this a particularly bad time to enact Employees Choice legislation. Employers understandably complain that adding such a burden would result in further job losses. If efforts are unsuccessful to give Labor sufficient bargaining power through amendments to the NLRA, then I would be willing to reconsider Employees' Choice legislation when the economy returns to normalcy.

I am announcing my decision now because I have consulted with a very large number of interested parties on both sides and I have made up my mind. Knowing that I will not support cloture on this bill, Senators may choose to move on and amend the NLRA as I have suggested or otherwise. This announcement should end the rumor mill that I have made some deal for my political advantage. I have not traded my vote in the past and would not do so now.

#### APPENDIX

##### SOME SUGGESTED REVISIONS TO THE NATIONAL LABOR RELATIONS ACT

- (1) Establishing a timetable:
  - (a) Require that an election must be held within 10 days of a filing of a joint petition from the employer and the union.
  - (b) In the absence of a joint petition, require the NLRB to resolve issues on the bargaining unit and eligibility to vote within 14 days from the filing of the petition and the election 7 days thereafter. The Board may extend the time for the election to 14 additional days if the Board sets forth specifics

on factual or legal issues of exceptional complexity justifying the extension.

(c) Challenges to the voting would have to be filed within 5 days with the Board having 15 days to resolve any disputes with an additional 10 days if they find issues of exceptional complexity.

(2) Adding unfair labor practices:

(a) an employer or union official visits to an employee at his/her home without prior consent for any purpose related to a representation campaign.

(b) an employer holds employees in a "captivity audience" speech unless the union has equal time under identical circumstances.

(c) an employer or union engages in campaign related activities aimed at employees within 24 hours prior to an election.

(3) Authorizing the NLRB to impose treble back pay without reduction for mitigation when an employee is unlawfully fired.

(4) Authorizing civil penalties up to \$20,000 per violation on an NLRB finding of willful and repeated violations of employees' statutory rights by an employer or union during an election campaign.

(5) Require the parties to begin negotiations within 21 days after a union is certified. If there is no agreement after 120 days from the first meeting, either party may call for mediation by the Federal Mediation and Conciliation Service.

(6) On a finding that a party is not negotiating in good faith, an order may be issued establishing a schedule for negotiation and imposing costs and attorney fees.

(7) Broaden the provisions for injunctive relief with reasonable attorneys' fees on a finding that either party is not acting in good faith.

(8) Require a dissent by a member of the Board to be completed 45 days after the majority opinion is filed.

(9) Establish a certiorari-type process where the Board would exercise discretion on reviewing challenges from decisions by an administrative law judge or regional director.

(10) If the Board does not grant review or fails to issue a decision within 180 days after receiving the record, the decision of the administrative judge or regional director would be final.

(11) Authorizing the award of reasonable attorneys' fees on a finding of harassment, causing unnecessary delay or bad faith.

(12) Modify the NLRA to give the court broader discretion to impose a Gissel order on a finding that the environment has deteriorated to the extent that a fair election is not possible.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL SERVICE REAUTHORIZATION ACT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that all postcloture

time be yielded back, the motion to proceed be agreed to, and that after the bill is reported, I, Senator MIKULSKI, be recognized to call up the substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1388) to reauthorize and reform the national service laws.

#### AMENDMENT NO. 687

(In the nature of a substitute)

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 687.

Ms. MIKULSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Ms. MIKULSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 688 TO AMENDMENT NO. 687

Mr. CRAPO. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO], for himself and Mr. CORKER, proposes an amendment numbered 688 to amendment No. 687.

The amendment is as follows:

(Purpose: To increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes)

At the appropriate place, add the following:

#### SEC. \_\_\_\_ . INCREASED BORROWING AUTHORITY OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(1) by striking "\$30,000,000,000" and inserting "\$100,000,000,000";

(2) by striking "The Corporation is authorized" and inserting the following:

"(1) IN GENERAL.—The Corporation is authorized";

(3) by striking "There are hereby" and inserting the following:

"(2) FUNDING.—There are hereby"; and

(4) by adding at the end the following:

"(3) TEMPORARY INCREASES AUTHORIZED.—

"(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors

(upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the \$100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed \$500,000,000,000.

"(B) REPORT REQUIRED.—If the borrowing authority of the Corporation is increased above \$100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses."

Mr. CRAPO. Mr. President, today we face very difficult economic threats in our financial industries. It is important that we consider the possibility that our regulatory authorities do not have sufficient authority necessary to deal with potential financial institution failures. As a result, this is not an acknowledgment that anything like that will happen, but there is certainly the threat and concern in our financial markets as to whether we need to have additional protective authorities.

The Federal Deposit Insurance Corporation protects against the loss of insured deposits if a federally insured bank or savings institution fails. It is important to note, though, that depositors who have deposits at these institutions are protected by Federal guarantees, and these guarantees are, in the event of a bank failure, immediately protected by the FDIC. It is not the taxpayers but fees and assessments paid by the depository institutions themselves that cover the cost of this protection. However, the level of borrowing authority the FDIC has to provide this protection has not increased since 1991. At that time, the amount was set at \$30 billion. The assets in the banking industry under protection have tripled since that time from \$4.5 trillion to \$13.6 trillion. Yet the borrowing authority of the FDIC has not been increased.

This legislation does two significant things. It increases the borrowing authority of the FDIC from \$30 billion to \$100 billion, approximating the percentage increase of the assets under protection and the growth in the assets under protection since the original level was set in 1991. The bill also authorizes a temporary increase in borrowing authority from that \$100 billion increased level up to but not to exceed \$500 billion based on a process that would require the concurrence of the FDIC, the Federal Reserve Board, and the Treasury Department, in consultation with the President. The reason for this additional authority is because of the extreme difficulties we are facing in our economy now, and we need to ensure



that the FDIC has the necessary capacity to deal with any such threats.

This legislation is very important and urgent. The reason I bring it forth on this national service legislation is because we don't have time to wait to consider this legislation. It exists in a freestanding bill form on a bipartisan basis, with Republicans and Democrats in strong support of the legislation. I believe there is strong agreement throughout the financial industries that this kind of increased borrowing authority for the FDIC is helpful and an important piece of the solution to the problems we face today.

As a matter of fact, one of the reasons it is urgent is not only because we need to be sure the FDIC is properly protected or in a position to properly protect depositors and financial institutions but also because in order to deal with this needed fund, the FDIC is currently considering significant increases in assessments to our Nation's banks. These increased assessments in many cases, in some of our smaller and midsize communities, are creating a terrific financial threat to the banks, which, in turn, then reduces the potential of these banks to engage in lending authority, the type of credit activity we want to see happening. So while Congress waits, we see credit being further restricted by the failure of Congress to take this action and free up the FDIC authority.

Again, another one of the reasons I bring the amendment today is because this legislation, even though it is supported on a broad, bipartisan basis, is being caught up with other issues in the Senate that could delay its consideration and result in the imposition of significantly increased assessments on our Nation's banks. That is the cram-down legislation in terms of bankruptcy proposals that have been put forward.

Everyone in this body and throughout Congress and the country recognizes that we are having a difficult time dealing with very controversial proposals about our bankruptcy laws which have become known as the cram-down provisions that may or may not gain support in this Senate for passage. I personally think it is unlikely that the cram-down legislation will ultimately gain sufficient support in the Senate to be passed, but regardless of whether that happens, it is a difficult, controversial issue. This legislation, which is not difficult and not controversial, is being slowed down by being tied with the bankruptcy cram-down provisions. Because of that, it is imperative that we move forward as expeditiously as possible, consider the amendment, and move forward with this piece of the important reforms necessary for us to properly address the credit crisis and the financial threats our Nation faces today.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Ms. MIKULSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. CARPER. I say to the Presiding Officer, it is kind of ironic that both of us, who are from Delaware, are in the Chamber right now, and I want to start off by telling a short story about the University of Delaware and a visit I had there not long ago. I was invited, as my colleague has been invited, to speak to students and to host and be a part of a townhall meeting a month or two ago.

I opened up by talking to the students for a bit of the time, and then I took questions or comments from the students. I felt one of the most poignant questions was asked at the end of the session. Most of the students there were freshmen, sophomores, and juniors.

One young lady, who asked a question at the end of the session, was a senior. She is going to be graduating in a couple months. The question on her mind is, frankly, on the minds of a lot of graduating seniors at colleges and universities inside of Delaware and throughout our country. I might also add, it is on the minds of a lot of folks who are about to finish high school or who have finished and are still looking for work.

The young lady who spoke recently at our forum at the University of Delaware said: I am going to graduate in May. I am not sure what I am going to do. She said: There used to be a lot of employers who came to this campus and other campuses looking for people to hire, to come and join them at their companies or at their workplaces. She said: Not so much of that is going on this year, for reasons I think we all understand.

While I am hopeful and encouraged this is not a permanent phenomenon but one that will be short lived, relatively speaking, her concerns are justified. I shared with her that when I graduated from Ohio State many a moon ago I entered a life of service for about 4½ or 5 years with the U.S. Navy. It was a deal I gladly entered into, Navy ROTC. The Navy helped put me through school at Ohio State, and when it was over, I owed the Navy some years of my life. I was very pleased to give that time, even in the middle of a hot war in Southeast Asia.

What I suggested to the young woman that day at the University of Delaware is that if she decided she did

not find the job she wants with a company she wants or some other employer she is excited about working for, she should consider spending maybe not just a couple of months but maybe a year or even two in serving.

There are any number of opportunities to serve in Delaware and throughout the country. In fact, in some ways the need for people to serve is greater than it has been in a long time because nonprofits and others are cutting back and there is a need for those who will volunteer and step forward and say: Here am I. Send me. Or what can I do to help out?

I am not sure to what extent she internalized that message and is going to go out and look for opportunities to serve, but I know there is a great need for people who will serve.

For us, part of the challenge is trying to make sure those who want to serve can identify the opportunities to serve, those who want to make a difference in their lives are given some help and guidance in getting to places where they can make a difference with their lives.

The thing I like most of all about this legislation—we talk a lot here about that we ought to be more bipartisan. And God knows I believe that. I know the Presiding Officer feels that way. But one of the great things about this legislation is that it is about as bipartisan as it gets.

I want to take a moment to commend a couple of folks who are on the floor. I see Senator HATCH talking with Senator DODD. Both of them have been very instrumental in this legislation. I commend Senator MIKULSKI, Senator HATCH, Senator ENZI, Senator MCCAIN—I do not know if he is a cosponsor of this bill. He has been a big champion of service over the years. I commend Senator KENNEDY, who I believe was here yesterday. He is a huge champion of this legislation. This legislation enjoys broad bipartisan support.

I say to my friend from Connecticut: Good going. Thank you for being the wind under our wings on this issue for a long time and for continuing to inspire us and encouraging us to go forward.

A couple years from now—maybe not even that long—I hope I run into that young woman again who asked that question at the University of Delaware a month or so ago. I hope she says to me: I took your advice. I looked around and I found a couple of opportunities where I could serve, and I decided to do that for a year or so. At the end of my year or so, the job market improved, the economy improved, and I went to work for some other employer and went on with the rest of my life.

One of the things I look for as an employer, one of the things I look for when there is a downtime, like right now, a downtime in our economy—



when a lot of people are looking for employment opportunities and maybe not finding them, and they have some space to fill in their lives—how do they fill up that space? How do they fill up that dead time?

I am always encouraged when I find someone who says: I decided to go out and work with young people to help make sure they were going to be successful in life. I worked with veterans. I worked with Boy Scouts or Girl Scouts. I worked in Boys & Girls Clubs. I mentored. I did all kinds of things.

The idea behind this legislation is to better ensure that those who want to serve—maybe who do not have a lot to do in their lives right now; they have some free time they have not had for a long time because their studies are over—we want to make sure they will have some opportunities, good opportunities, to serve.

I will close with this: These are the words I actually shared with the University of Delaware students the other day. I talked about the sources of joy. We always look for joy. Everybody wants to be happy. Almost everybody I know wants to be happy. There are any number of sources of joy people turn to from time to time.

In my own life, I have always found the best source of joy—the one that never goes away, the one that never disappears, which always can be counted on—the best source of joy in our lives is helping other people, finding ways to give of ourselves to help other people.

For those young people in this country who decide to seize on the opportunities that will be provided through this legislation's enactment, they will have the opportunity to get something. Maybe it will provide good letters of recommendation going forward. Maybe it will provide for a stronger resume going forward. I think even more importantly than that, they are going to do a lot of good for folks with their own lives. They are going to do a lot of good for folks. They are going to help those people who need to be helped, and maybe, as important as anything, the one who serves will enjoy a sense of satisfaction that, frankly, is sometimes hard to come by.

So I again applaud those who provided leadership on this bill, and I look forward to supporting it as we go forward this week. Thank you very much.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me begin by thanking my colleague from Delaware for his generous comments. He has been an advocate and strong supporter of the notion of service, and for that I thank him. I also commend my colleague from Maryland, Senator MIKULSKI, as well as Senator HATCH, Senator TED KENNEDY, and Senator ENZI, who have all been strong supporters, over the years, of the idea of

providing venues and opportunities for people to serve our country in one capacity or another.

I rise this afternoon to offer my support for the Kennedy-Hatch Serve America Act. Four and a half decades ago, I was with my parents on a very cold January 20, not very far from where I am standing today, watching a young man by the name of John F. Kennedy, at the age of 43, become the President of the United States on the east front of the Capitol. It was a bitter cold day—we had a terrible snowstorm on the day before that January 20, 1961. As a very young boy of 12 or 13 years of age, I listened to the President excite a generation to get involved in things larger than ourselves. I was so motivated by his remarks, as were millions of others, that a few years later when I finished college, I joined the Peace Corps. I traveled to the Dominican Republic, not far from the Haitian border, where I spent 2 years in the mountains of that country working with the people in the small village of Benito Moncion in the province of Santiago Rodriguez. It was a life-changing experience. I came back from that experience a very different person than when I had left.

I was joined by millions of others, who went off and joined VISTA, the military, and community action organizations all across the country. I have been asked so many times over the years why I joined the Peace Corps. Why did other people go into the Marine Corps, the Justice Department, and serve their country? The reason I have given over these last four and a half decades is, because an American President asked me to. It's not any more complicated than that. Someone asked me to serve, and the thought that someone believed I could do something to make a difference was a form of flattery, I suppose, but it also provided the opportunity for me to meet that challenge. It did so by creating the structures that allowed us to step into a program that gave us the opportunity to serve.

That is what we are doing again here today: providing the structure that will allow for people today—who are no different from any other generation of Americans over our two centuries as a Republic—to be asked to serve. People today want to serve, and they have the same desires and ambitions to make a difference for our country in their local communities, in our States, and in our Nation.

What Senator MIKULSKI, Senator KENNEDY, Senator HATCH, and Senator ENZI have done with this bill is to create the architecture by which when we ask people to serve, they have a place to come. We have a spot for you. We have a place where you can make a difference in our country. That is the brilliance of this idea. This bill expands opportunities not only to college grad-

uates or to those out of graduate school; we actually begin in this bill by offering you the opportunity to serve as a middle school student, a high school student, or someone who does want to go on to higher education. Maybe most exciting of all, we offer these opportunities to people who perhaps have the most to give—the retirees in our country. The individuals who have been at work providing for their families, engaged in business practices by which they developed their wisdom and expertise over the years, and who have now reached a point in their lives where they would like to share that. What a wonderful opportunity for our country to reach out to that generation of retirees and say: Here is an opportunity for you to continue to make a difference.

After I finished the Peace Corps, I came back and served for 6 years in the Army Reserves, the National Guard. That was a good experience. It was very different, obviously, to go off to basic training at Fort Dix, NJ, but nonetheless a very worthwhile experience. So service covers a wide range of activities. In my case, it was the Peace Corps, then it was the Army Reserves, and then it was Big Brothers Big Sisters. I was a Big Brother in my State of Connecticut. So service has been a major part of my life.

I would like to think today that to the extent I have made a difference in this job, it was affected certainly by my family, first and foremost, but also by the people, whose names will never be known by others, who had a huge influence on me. People in that small village in the Dominican Republic, people in my community in Connecticut, people I met in the military service—all have shaped me and taught me the lessons of how serving each other, making a difference in each other's lives, can make a significant difference for many more.

In Connecticut, community members, both young and old, are giving their time.

In Hamden, CT, older Americans such as Mozelle Vann, a retired social worker, are working to make sure elementary school students don't fall through the cracks—one example, one woman, making a difference, affecting the lives of students who are going to be enriched and lead better lives because Mozelle Vann is giving something back.

High school students in Waterbury, CT, are giving back to their communities by taking part in the Youth Health Service Corps created by the Connecticut Area Health Education Center. This organization works with disadvantaged high school students interested in pursuing health careers. Lord knows we need people to move into professions relating to health care. These students complete rigorous training and dedicate their time to

working with nursing home residents. So these high school students, in the midst of determining what their futures will hold, are being offered the opportunity to learn about health care services, making a difference in a nursing home that is most likely short-handed, and serving people in that community.

This past year, residents worked with students to create a Martin Luther King, Jr., commemorative quilt and together discussed Dr. King's impact on our Nation.

There are as many examples as there are communities and individuals whom we represent of people who want to serve and want to give something back.

Senators THAD COCHRAN of Mississippi, my good friend, and I have offered four ideas to this bill, and I am very grateful to Senator MIKULSKI, Senator HATCH, Senator KENNEDY, and Senator ENZI as well, for their willingness to accept these ideas. Representative ROSA DELAURO, the Congresswoman from New Haven, CT, is the author of these ideas in the House of Representatives.

The first of these we call the semester of service, giving students a chance to give something back, learning early the benefit and the value of volunteering, of stepping up and serving your community. The Semester of Service Act is one that will allow the opportunity for children within the educational system to serve our communities. This service-learning will take place right alongside math problems and book reports. With a semester of service, we ask our students to not only consider themselves residents in their communities but resources to them. Just as mine did, I have no doubt that the younger generation will respond to that call.

The Summer of Service Act is also a large part of the bill. The bill provides our middle and high school students unique opportunities to serve during the summer months. Already in Connecticut, more than 5,500 students take part in community service activities linked to academic achievement. With this legislation, that is something we will be able to do across the country.

The bill also includes many parts of the Encore Service Act, a bill Senator COCHRAN and I authored to help harness the enormous experience and wisdom older Americans have to offer in their communities, as I mentioned a moment ago. We have all heard about the challenges posed by the 78 million baby boomers nearing retirement age. Yet Americans are living longer and healthier lives than at any time in our history, and it is time to look at that growing population of experienced, capable Americans of different professions and backgrounds as the asset it is, and to realize what a difference it can make in our country.

Together, the programs included in this bill will encourage older Ameri-

cans to serve communities with the greatest need, whether through AmeriCorps or through the Silver Scholars Program. The legislation also offers Encore Fellowships for older Americans who have already had full, successful careers to lend their professional expertise and experience to the cause of community and public service. It expands the capacity and builds on the success of current senior programs. So I again commend my colleagues for including that language.

And finally, we can't talk about expanding service opportunities without talking about the AmeriCorps program, which is the heart of national service in our country. The Serve America Act will expand AmeriCorps to include 250,000 members, allowing many more Americans to serve each other. Last year alone, 75,000 AmeriCorps members gave back to their communities, and they brought reinforcements. Those 75,000 members—and this statistic can't be repeated often enough—those 75,000 AmeriCorps members recruited 2.2 million community volunteers. You talk about a ripple effect—having 75,000 people across our country in AmeriCorps who then went out and recruited 2.2 million people in their communities to get deeply involved and serve those communities. That is the benefit. Some discuss the cost of the 75,000 AmeriCorps members, but the fact that they were able to attract 2.2 million people to also serve is tremendously worthwhile. Which is why I am pleased that in this bill, we increase the AmeriCorps education award and peg its increases to the Pell Grant.

I again thank the authors of this bill, of which I am proud to be a leading cosponsor, for the accomplishments they have achieved. As I said a moment ago, this bill is creating the opportunity for Americans to serve. Just as when I was standing on the steps of the east front of the Capitol, 45 or 46 years ago, and heard an American President not only ask us to serve, but provided with opportunities to do so, today we need to provide that same structure, that same ability for people to serve. They want to. People are anxious to. It is something all Americans take pride in, and it transcends party, partisanship, politics and ideology. People want to serve our country. We are benefitting from it in ways we can't even imagine. We need to see to it that this generation is going to achieve or have the same opportunities to fulfill that desire as well.

For all of the reasons I have mentioned, this bill is very worthy of our unanimous support, and I hope it will enjoy that. This is one of those moments when I think all of us, despite our political differences from time to time, recognize the value of this. Whether it is in faith-based organizations, whether it is in community organiza-

tions, we are a richer, stronger, more vibrant nation because people have the opportunity to serve each other. There is nothing more gratifying, nothing you will ever do that will give you a greater sense of gratification than knowing you have helped another human being. Particularly in times such as these when people are struggling—losing jobs, homes, savings—they want to know if anybody can help. Every single one of us can make a difference in the life of somebody else. Providing that opportunity today, with the structure that Senator MIKULSKI, Senator KENNEDY, Senator HATCH, and Senator ENZI have created, is just what we need. So I commend them for it.

Let me mention as well that I know MIKE CRAPO, the Senator from Idaho, my good friend and a very valuable member of the Banking Committee, came to the floor and has offered an amendment, a proposal to deal with the Federal Deposit Insurance Corporation. Let me say that I support what Senator CRAPO wants to do. This is an idea that I believe is necessary. The problem here is twofold.

One is, obviously, for this bill, we are hoping to move through without amendments. Members have worked very closely together to construct this bipartisan bill. That in no way diminishes the point Senator CRAPO is making. In fact, we are working on another bill that includes more than just the Crapo amendment, which will be an important addition over the next number of days. We are trying to work it out. I hear there are some differences. I would say respectfully to my colleague from Idaho that I would hope he might reconsider offering the amendment on this bill for the reasons I have mentioned, not because his idea lacks merit—I support the idea—but if we add amendments to this bill, then it is going to make it that much more difficult to get it done.

Secondly, there is more to do than just what the Crapo amendment would suggest, and that is going to require a little more time to put that together. There is no immediate emergency here. I have been guaranteed by the FDIC, that although they would like it to get done, it is not something—I have been told—that in the next number of days or so that unless we act, there is a catastrophic event that could occur. But clearly we need to move on this. He and others have my commitment that we are going to achieve that, but at this hour, at this moment on this bill, I would respectfully urge my colleagues, if required, to table this amendment and preferably to have the amendment withdrawn so we wouldn't have to be in that situation.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, before the Senator from Connecticut leaves, I

wish to thank him for his contribution and remarks in two areas, both on the Serve America Act and his comments on the Crapo amendment.

First, on the Serve America Act, I wish to say on the Senate floor that we really appreciate the contribution he has made to this bill. When Senator KENNEDY and Senator HATCH were working on it, I know they had three goals: how we could reinvigorate national service, how we could refocus it in a contemporary way, as well as how we could reenergize it.

I think the Senator's ideas were some of the best, involving middle school children and so on. They have been outstanding. That is no surprise because the Senator has been involved with this not only in his own personal life—walking his own talk as a Peace Corps volunteer. I remember when we were putting the original national service bill together, Senator DODD was the Senator who reminded the committee that the poor needed to serve as well. They are not just passive beneficiaries. We always think maybe it is only the affluent and the young who can serve. The Senator from Connecticut was the one who said: Wait a minute. Everybody can serve. It doesn't matter what your age or your income is.

I think the original bill was better because of the philosophy of the Senator. Now we can see that here. It is a philosophy about the empowerment of people. We thank the Senator for that.

On the banking bill, I, too, agree with the Senator. He can offer the amendment, but this could sink the bill in the process. I hope he will withdraw this amendment and offer it on a more appropriate vehicle.

Again, I thank the Senator for his work today and for his work as a Senator.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I am glad the Senator from Connecticut and the Senator from Utah are on the Senate floor. I rise to speak in favor of the National Service Act and to commend the Health, Education, Labor and Pensions Committee for the diligent work they did on this reauthorization.

There are a lot of people who will poke fun at voluntarism or at programs or say we are always creating new things and spending more. This bill, with a bipartisan effort by Senators ENZI, DODD, MIKULSKI, and others, is to ensure that the 40 programs we had under the National Service Act are brought down to 24 programs and to see that meaningful, good programs are empowered.

This bill doesn't pay people to volunteer. It provides capital for the infrastructure for communities to develop the programs for volunteers; for example, Hands on Georgia and Hands on At-

lanta. Hands on Atlanta is a program of volunteers that addresses the 52 percent of the young children in Atlanta elementary schools who are not reading at grade level. Volunteers have been mobilized over the last 4, 5 years to give the greatest gift of all—the gift of literacy—and improve the standing of our children.

It is no small secret that one of the reasons our school superintendent in Atlanta was selected the superintendent of the year recently by the national association was because of the dramatic program of bringing people into the school system to help uplift our students. So voluntarism is important to us in the United States, and it is important to our reputation around the world.

Secondly, I support this legislation because I have an affinity for a young lady named Michelle Nunn. A former U.S. Senator from Georgia, Sam Nunn, was a distinguished leader here for 24 years and served our State well. He is personally a good friend of mine. His daughter Michelle has dedicated her life to the organization of volunteer efforts in this country to improve the plight of other people. She now heads the Points of Light Foundation, started by George Herbert Walker Bush, which helps people around the country. For Michelle's everlasting support and contribution to voluntarism, I give her credit.

I also want to take a minute—Senator DODD served in the Peace Corps, and I wanted him to hear this because I want to acknowledge his support on this effort, along with Senators HATCH and KENNEDY. This past Saturday, I attended one of the most moving ceremonies of my life—moving in a sad way but also in an uplifting way.

Unfortunately, a wonderful young lady, 24 years old, from Cumming, GA, Kate Puzey, was killed in Benin, Africa, on March 11. She was a Peace Corps worker who graduated first in her class in high school, was an honors graduate from William and Mary, and she studied French in Paris to learn the language that led her to be able to go to this part of the world and teach this poor African nation about agriculture and other skills. She served since July of 2007 and was in the last 2 months of her service in Benin.

I went to this service because I felt moved. I am ranking member of the African Subcommittee on Foreign Relations. Paul Coverdell, who served in the seat I now hold, was a director of the Peace Corps. I felt moved that morning when I got to go to the service and sit in the back of the room and pay my respects to a great American. I left having listened to 12 eulogies by young people whose lives were changed by Kate. The acting director of the Peace Corps, Ms. Jody Olsen, delivered a beautiful eulogy.

I realized how much voluntarism means to the United States, not just on

our shores but in Africa and on continents around the world. I commend people such as Senator DODD who have given time in the Peace Corps. I ask the Senate to give its unanimous support to this legislation. I dedicate this speech in honor of Kate Puzey, to her life, and what she did as a Georgian and as a volunteer. She joined the Peace Corps and changed the plight, the lives, the hopes, and in fact the future of children in that small country on the west coast of Africa.

God bless the Peace Corps and the life of Kate Puzey. And thanks to those who have volunteered and to the committee that has brought this National Service Act reauthorization to the floor of the Senate.

Mr. DODD. If my colleague will yield.

Mr. ISAKSON. Yes.

Mr. DODD. I thank him for his gracious comments about this young woman. My nephew graduated from college a few years ago and was in Africa for approximately a year and a half. He spent 6 months in Guyana working with the people there, increasing awareness on issues such as HIV/AIDS. These are wonderful examples, like the young woman the Senator described, of people who make a difference.

The great thing about the Peace Corps is not just helping people in a struggling country get back on their feet but it is the experience of returning home from service. It is the lessons learned that we bring back to our communities. There are 180,000 of us who are returned volunteers since the first group left from the south lawn of the White House to go to Ethiopia, and how blessed we are with the richness of opportunities here and the lessons learned.

I commend my colleague for being at that ceremony and reflecting on the impact this one individual made, this young woman, in service of our country. I can't think of a more compelling argument on why this bill being offered by our colleagues deserves our unanimous support. Again, I thank the Senator for his comments.

Mr. ISAKSON. Mr. President, the Senator and I are precisely the same age, and he and I were both inspired by President Kennedy's inaugural address and the establishment of the Peace Corps. It is ironic that the next President who embraced voluntarism in his office happened to be George Herbert Walker Bush. So we had a great Democrat and a great Republican who encouraged us to volunteer to help the plight of others. It is a great tribute to this bill and to America.

Mr. DODD. It is also not widely known—Senator ISAKSON mentioned President Bush and the Thousand Points of Light Program, which he sponsored—that President Ronald Reagan was a strong supporter of the Peace Corps, increasing the budget significantly. Loret Ruppe was the director. I served with her husband, who was

a Congressman from Michigan. She was a magnificent director of the Peace Corps. Every year of Ronald Reagan's Presidency, he supported the Peace Corps program. So it is a joy to see the bipartisan support that my colleague has mentioned.

Mr. ISAKSON. I thank the Chair and yield back my time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Georgia. He has been a prime sponsor of this legislation. There are very few people around here I admire any more than I admire him. He is a terrific addition to the Senate. I am honored that he would be on this bill and be willing to speak for it. That means a lot to me, and it is going to mean a lot to the folks in his home State and all over this country. It is the right thing to do. I thank him personally for being such a great Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I wish to take a moment to discuss the role of the State service commissions under this bill and the existing national service system. One of the things that was very important to me when we drafted this legislation was to make sure the States were given a primary role in the program so we would have 50 State laboratories using this program. We didn't just want to add a level of Federal bureaucracy. Time and time again, it has been shown that State governments are more responsive and in tune with the needs of their communities and, with this bill, we will put that resource to good use.

For those who do not know, State service commissions are Governor-appointed public agencies or nonprofit organizations made up of more than 1,110 commissioners—private citizens helping lead the Nation's philanthropic movement. The Nation's 52 State service commissions currently grant more than \$220 million in AmeriCorps funds and \$28 million in State-based initiatives with State or private funds to support citizen service and voluntarism in America.

In Utah, this role is filled by the Utah Commission on Volunteers, which is overseen by our Lieutenant Governor, a great Lieutenant Governor named Gary Herbert. They oversee the work of more than 8,000 Utahans who participate in national service programs, including the AmeriCorps, Learn and Serve, and, of course, Senior Corps programs, to mention a few.

The Serve America Act will triple the oversight and programming for commissions over the course of the next 5 years, increasing participants from 75,000 to 250,000. Effective grants oversight and planning by commissions is essential to the integrity of these new programs. The State commissions will administer five new corps, five grant competitions, and the Serve America fellows program, which is an individual placement program that will be administratively intensive but vital to get members to rural communities and small organizations.

Increasingly, State commissions take the lead role of managing volunteers and donations in response to natural disasters, which has been particularly important in the gulf coast hurricane recovery and Midwest flood relief.

For example, the Iowa Commission on Volunteer Service last year set up eight volunteer reception centers, staffed with AmeriCorps members, that helped increase and better utilize traditional volunteers in Iowa's historic flooding and tornadoes of last summer. Those centers connected over 800,000 volunteer hours to families who called in for help. These centers became the central points for deployment for faith-based groups, schools, and businesses that sent volunteers to help.

AmeriCorps members often led teams of unaffiliated volunteers after training them to gut and muck out houses, as well as clear the miles of debris that littered the Iowa landscape. This effort was valued at over \$13 million by FEMA in savings to the taxpayers, and it is still going on today. In fact, two of the centers are being run for the rebuilding phase and over 1,000 AmeriCorps members will help support the massive rebuilding efforts of this past summer.

I think it is clear the State service commissions are up to the task of overseeing much of the work that will be done under the Serve America Act. I certainly will be glad to see them take on this much larger role that this bill gives them the opportunity to do.

I am a firm believer of one reason why our economy has run so well in the past and one reason why we have a Federal Republic that has lasted all these years is because we recognize that with these 50 States, we have 50 State laboratories to test out these programs. Then we can pick and choose which ones are the most successful and why. It is great to have them competing against each other, having them setting examples for each other, having them open doors for each other. There is a lot to that. This bill basically turns over the effective running of all these funds to State representatives and to State volunteer movements and commissions, State service commissions, if you will.

We will learn a lot from this. We have already learned a lot, but we will

learn even more, and as we move toward 250,000 volunteers under this program, that will be extended to probably at least 7 million or 8 million more volunteers, none of whom will be paid for giving this type of service—at least these 7 million or 8 million. We do pay people a small stipend that is less than the minimum wage, less than the poverty level, but that extrapolates into as many as 7 million people, maybe even more—we hope more—who will actually volunteer at no cost to the Government and save trillions of dollars over the years.

This is a conservative program in many respects and it is a liberal program in the sense that it helps so many people. Conservatives want to help all these people too. I guess the best thing to say is it is neither conservative nor liberal, although it has the best instincts of both sides who come together in the best interest of helping their fellow men, women, and children in this great country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am sure there are others who wish to speak on the Crapo amendment. However, either speaking on the Crapo amendment or the bill, we ask people to come over and talk on it. In the meantime, we would be willing to set this amendment aside. If there are other amendments the minority wishes to offer, we are certainly not going to stop them from doing that. I think we should get all the amendments we can on this legislation.

So if there are other amendments people have, there is no stopping them from offering them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I would like to begin by thanking my distinguished colleague, Senator MIKULSKI, for her effective leadership steering this bill through the HELP Committee while gaining bipartisan support.

The strong support this bill enjoys is not surprising given her stewardship and, of course, the hard work of Senator KENNEDY who brought us to this point.

I would also like to thank Senators HATCH and ENZI for their work on this bill.

When we work together across the aisle, the end result is a better bill and good governance.

I can think of no bill that better represents the values of America than the Serve America Act.

It will expand the opportunities for Americans to serve their communities and their Nation.

It makes me—and I think all of us here proud that each year over 60 million Americans volunteer, donating over 8 billion hours of their own time, their own lives—to make our country—and the world—a better place.

We are in a time of crisis. Right now, our country needs those volunteers at our schools, hospitals, and shelters more than ever. Nonprofits are doing all that they can to help those who have lost their jobs, their houses, their savings, their retirement.

This bill recognizes the need to reinforce and strengthen this system in a number of ways.

I recently spoke here in the Senate about the need for our country to reset its focus on how best to change the culture of our economy away from a Wall Street profit-first mentality to one that prioritizes jobs and careers that will help our Nation tackle the challenges it currently faces.

I believe that the vitality of our economy rests with our ability to be the world's leader in innovation, and I believe this means that we must do more to attract the best and the brightest to careers in science and engineering.

Those who have dedicated themselves to these fields have much to contribute beyond making our economy competitive; they also contribute to our communities' well-being.

This bill, I am proud to say, recognizes the important role that engineers can play in bettering our communities.

I would like to commend the HELP Committee for expanding the purpose of the bill to include providing service opportunities for our Nation's retiring professionals, including those retiring from the science, technical, engineering, and mathematics professions—also known as “STEM” jobs.

Not only will this allow us to tap the unique skills and knowledge of our retired STEM workforce, but it will allow us to strengthen the STEM education pipeline.

This bill will send retired engineers into communities, classrooms, and after school programs, allowing them to share their wisdom and experience with students.

Ultimately, they will help these young people understand not only the important role that science and math can play in their careers, but how they can use their expertise in those fields to solve our country's—and the world's—greatest challenges.

This bill also acknowledges that innovative, community-based service-

learning programs that integrate STEM are a successful strategy to engage middle- and high-school students in meaningful hands-on learning opportunities that also help them meet their community's needs.

It specifically allows funds to be used to integrate service-learning programs into STEM curricula at the elementary, secondary, and postsecondary schools levels and then draw on practicing or retired STEM professionals to work in these programs.

In this case, electrical engineers might participate in a program that helps students apply lessons from their math and science classes to expand and improve broadband access in rural communities.

Linking the classroom to real-world applications will help students better understand the role and responsibilities of engineers and scientists in the workplace.

The third way that this bill draws on the expertise and knowledge of engineers is that it allows “Professional Corps” programs to be created. These “Professional Corps” programs will recruit and place qualified professionals, like engineers, in communities that don't have an adequate supply of these professionals.

For example, an employer would sponsor an individual and pay their salary to be placed in an organization that works with the community to conduct green energy audits of local public buildings or homes in disadvantaged communities.

This would not only reduce a community's carbon footprint; it would also help improve public awareness of engineering's critical role in solving our Nation's greatest challenges—like energy efficiency and energy dependence.

We must—once again—capture the attention of our students and let them see the numerous ways that STEM contribute to our economy and can improve the lives of their fellow citizens—in America and abroad.

Just as I decided to study engineering because I was inspired by “Sputnik” and the race to put a man on the Moon, we must inspire our students to work on issues of critical need as well.

The underrepresentation of so many groups in STEM fields is troubling, since diversity is widely acknowledged to spur innovation and creativity.

Innovation and creativity in turn spur the development of new products and new markets, which are essential to maintaining a competitive economy.

Engineers and scientists can have a tremendous impact on the lives of these traditionally underrepresented groups by serving as mentors in their communities.

This bill will encourage our Nation's scientists and engineers to work in and with economically disadvantaged communities to ensure that these fields in-

clude rather than exclude, and encourage rather than discourage, traditionally underrepresented groups from pursuing a STEM education.

The Serve America Act will help our young people identify those challenges and provide them with real opportunities to make a difference—opportunities like improving energy efficiency, working toward energy independence for America, bolstering disaster preparedness and response, promoting environmental sustainability, strengthening our education and health care infrastructure, and improving opportunities for economically disadvantaged individuals.

These challenges are daunting, yet I know that if asked, a new generation of engineers and scientists will rise to the occasion.

I stand in proud support of the Serve America Act, as it will inspire multiple generations to volunteer and to engage in national service.

Their generosity will not only strengthen America—but the world. I appreciate my colleagues' allowing me the opportunity to explain how the service opportunities this bill creates are also opportunities for our practicing and retired engineers to serve their fellow citizens—ensuring that that our country's future STEM workforce is strong enough, diverse enough, and motivated enough to tackle the greatest challenges facing America.

I will close by once again thanking Senators MIKULSKI, KENNEDY, HATCH, and ENZI for their leadership.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I wish to speak for few minutes on the Serve America Act. I think this is a great opportunity to talk about what is good about a lot of the Members of the Senate. I certainly appreciate and applaud the sponsors of this bill for their good intentions and know their hearts are in the right place. Some of my best friends are supporting this bill. But I think, as we look at what is good about the hearts of many Members of the Senate, we need to recognize this bill does represent a lot of what is wrong with our Federal Government today—a lot of our philosophies, and a lot of our departures from a constitutional form of government.

What works in America today is our civil society—a lot of the volunteer groups that many of us have been a part of. I know for years I spent more time in United Way and a lot of the

charity groups, being on their boards back in my community, and I saw what the volunteer arts groups and PTAs and health groups did to build a strong community. Civil society works in America. They are small groups. They are the true engines of character in our country. They promote service and patriotism. In this time where we have seen some of our economic institutions let us down, we have certainly seen our Government and our policies let us down, civil society does not let us down. It works in America today.

It is understandable why Congress would want to get involved. We see that passion to serve, that desire to do something that is greater than yourselves. We look at that working in our civil society and we want to get involved and expand it.

Unfortunately, our history shows us when Government gets involved, it tends to take something that is working and make it not work nearly as well. Civil society works because it is everything Government is not. It is small, it is personal, it is responsive, it is accountable. Civil society must be protected from any effort to make it more like Government.

That is what we are doing with this bill today. This bill centralizes control of important functions of our civil society. There is a downside to good intentions here in Government. The Founders created a limited government and our oath to support and defend the Constitution means that is our focus here. Our oath is to a limited government. The Founders wanted the people to be free from our good intentions. Government charity is anathema to what our Founders intended and what our Constitution stands for. Despite our good intentions, where we try to implement those good intentions and our compassion through the force of Government, we are effectively violating our oath of office here.

Well-intended legislation has left more than half of all Americans dependent on the Government. Today in America over half of Americans get their income from the government or a government source. About 20 percent of the country works for the government or an entity that gets its primary source of revenue from government. Another 20 percent gets their income and health care from Medicare or Social Security. Once you add in welfare and other subsidies, you make it so over half of all Americans are already dependent on the Government. This bill proposes to spend nearly \$6 billion over 5 years, which means it will be probably \$10 billion, probably more, over a 10-year period. It will have nearly a quarter of Americans working for it, which means it will be the 14th largest company, as far as employees, in the entire world.

What have we done here that suggests we can manage anything like

that? Do you see anything in our history as a Federal Government that shows we have the ability to effectively manage something like that without extreme levels of waste and fraud and abuse? Look what we have done recently with the stimulus plan and the bailout plans. As soon as it comes to light what is actually happening with that money, people are outraged at what is going on. Despite the good intentions of this bill, we are creating a huge new government entity that will be unmanageable and violates some of the core principles of our civil society. Every time the Government steps in to solve a problem, it creates three new problems in its place.

This bill is everything wrong with how Congress sees the world. Government will make service organizations less effective, less responsive, and less personal. When the French historian de Tocqueville came to the United States not long after we were founded, one of the things that amazed him about our country that was so different from France was that in his home country when there was a problem, people would say: Someone ought to do it and government should do it; but in America we were different. When someone saw a problem, they went and got a friend and formed a small group and solved the problem themselves. Much of that was motivated by religious convictions that our place in this world is not only to help ourselves but to love and help those around us. That was key.

Jefferson called it little democracies, when he saw these little groups all around America voluntarily doing things to solve problems and make communities better. Burke called them little platoons. Most people who understand America know that those voluntary groups are what made our country great and what sustain us even today. Civil society binds communities, not by its fruits, but by its motives—charity, donations, giving without thought of getting anything in return. This is the selfless sacrifice that happens throughout America today. This is what works.

What does not work is what we are doing right here. The big difference is private service organizations exist for the people who receive the aid. Government service organizations exist for the people who give it—in this case, for the people who are paid to do it. You cannot pay people to volunteer and expect the organization to remain focused on its mission. Charity is a private, moral impulse, not a government program.

Government will not and, by definition, cannot strengthen and replace the civil society. Volunteerism is something that works in America. When we think of America, we do not think of Congress and Presidents, we think of Little League games and PTA meetings and bake sales.

Civil society is America. It responds to needs, meets challenges, and solves problems because it is free from Government. Because volunteers donate their time and money, accountability is acute. I have seen it. I have sat on a United Way board. Every year we evaluate every program and every dollar we have given to someone, and we determine is it working or can we make it more efficient.

If the program is not working, the money goes away immediately. That does not happen here. If the program does not work here, we add more money to it. That is going to happen with every program we start, including the one we are talking about today.

Projects that do not work in a civil society get cut. Organizers who lose or abuse funds are dismissed. It is voluntary. So everyone is invested in its success. We know the large groups throughout America, the Boy Scouts, the Girl Scouts, the United Way, the Salvation Army, the YMCA, Catholic Charities, fraternal orders, groups such as Kiwanis, Rotary, Knights of Columbus. These are large organizations, but they work because they are locally controlled.

Smaller groups, local arts councils and community theatres, PTAs, youth sports leagues, the animal rescues, the book clubs, crisis pregnancy centers, soup kitchens, food and other clothes drives that go on, church service groups, they are everywhere.

Those are the little platoons, the little democracies that make this country work. For us to presume, in the Congress, that somehow we are going to reach out into all these groups and make it work better is pretty presumptuous based on our history.

Why now? Why at a time in economic crisis with unimaginable debt and spending do we come in and say: We need to spend another \$10 billion over the next 10 years to create another Government program to do something that is already working.

At the same time, we are talking about creating this new bureaucracy to replace private voluntarism with Government programming. We are actually cutting some of the incentives for people to give to charity and for the private sector to work. The President's budget actually cuts the charitable donations of the people who give the most to charity in this country. So look at what we are doing. We are making it harder for the private sector to work.

You also look at what we have done over the years, forgetting that a lot of private charity and the motivation to serve God and community is a religious-based motivation. What have we done in this country?

We have essentially tried to purge that motivation from our country. Most public schools, or at least a lot of them, used to sponsor Boy Scout

groups. But after being sued for years because the Boy Scouts have God in their pledge and they set standards for their leaders that some do not agree with, the threat of lawsuits essentially means our Government schools have thrown out the Boy Scouts.

More than half our astronauts, half our FBI agents, a lot of the most successful people in this country were trained in the Boy Scouts to serve their community, where their character was developed. But this Federal Government has forced them out of public places. For years we purged religion from our society. Religion was the primary motivation for a lot of civic groups, a lot of services, a lot of charities, a lot of hospitals that were formed, a lot of schools.

But we have said that has no place. Because we have unleashed the ACLU and other groups to constantly sue and intimidate groups, that religious motivation has been moved, has been purged in many cases.

Now we are going to come in and help solve the problem we have created. We want to promote voluntarism, we want to promote community service, when what we have done over the last several decades is essentially tried to destroy the motivation for people to serve a cause that is greater than themselves.

We cannot replace private charity with Government programs. If we try, a lot of people are going to miss meals, suffer cold winters, and leaky roofs. I wish to go back to where I started. I appreciate the motivation, the heartfelt sense of compassion and the patriotism that I know my colleagues feel in sponsoring this legislation.

But I think we need to come to a point as a government that we recognize we cannot do everything. That is why we take the oath to the Constitution to defend and protect the very limited form of Government. This Congress, this Government, does not need to start or expand an organization to a quarter million people, when we are paying people to do work that we decided needs to be done and take those decisions out of the hands of millions of Americans who look around every day and see what they can do to make their families, their communities, and their country a better place to live.

These are not Government decisions. We need to focus on what we were set up to do and do it much better than we are doing, instead of every week coming in here, bringing our good intentions and our compassion and every problem we see across the country we say something needs to be done. Then we say: The Government needs to do it.

That is the fatal flaw of the Congress today, is we forget that sacred oath of office that says: We will protect and defend the Constitution which says this Federal Government has a very limited function. And those functions

that are not prescribed in the Constitution are left to individuals and to the States.

This is a huge well-intended mistake we are making. It serves a point that we need to realize this Government needs to stop spending and stop borrowing, stop taxing, and let America work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, almost every group that the distinguished Senator from South Carolina has mentioned is helped by this bill, and every one of them wants this bill. This bill is basically run by the States. I agree with the Senator, they do it better than anybody else.

As we close today's debate, I want to take this opportunity to focus on the economic case for national and community service, to articulate why the Serve America Act makes sense from an economic standpoint, and to highlight why the bill will generate a good return on investment right when the country and so many individuals need it most.

In today's environment, every bill we consider must be viewed through an economic lens. What role does the legislation play in fueling our economic recovery? How can we cost-efficiently make Government a partner with the private and nonprofit sectors? How can we ensure we support efforts that are effective and shut down those that are not? What are the short- and long-term effects of what we do?

Unfortunately, the economic recession has had a dramatic effect on our nonprofit sector and civil society. In the wake of the downturn, senior centers, soup kitchens, nursing homes, nursery schools, and other nonprofit organizations serving the vulnerable have seen a threefold crisis. As the markets have fallen, wealth has evaporated and decimated charitable donations. By the way, I do not agree with the President's recommendation to cut back on tax benefits to those who give to charity. The State and local budget crunch has hit the nonprofit sector especially hard. And the human need for help from community-serving institutions is skyrocketing right at a time when their resources are shrinking. One report called it America's "Quiet Crisis." I believe that we here in the Senate should give this crisis more public attention and ensure that our civil society and our Nation's volunteers, which are the bedrock of efforts to meet needs in our country, remain strong. We need to help give more Americans opportunities to do good works in hard times.

Research has uncovered disturbing evidence of civil society's growing troubles. Churches, which are typically our Nation's great engines of compassion, deliver social services to the poor

and needy. Our country depends on faith-based institutions to meet needs that they are uniquely equipped to meet, far better than distant Government bureaucracies. Unfortunately, churches raised \$3 to \$5 billion less than anticipated in the last quarter of 2008, crippling efforts to keep pace with growing humanitarian needs. Other nonprofit budgets are shrinking. Chicago's Meals on Wheels, which delivers hot meals to homebound seniors, trimmed its budget by 35 percent; and half of all Michigan nonprofits say their financial support has dropped.

Meals on Wheels is a Federal program. It would not exist without support from the Federal Government. It is handled very well at the local level.

These trends are occurring just as need for help is rising. United Way call centers saw a 68-percent increase over the past year in the number of calls for basic needs, such as securing food, shelter, and warm clothing, and is receiving 10,000–15,000 more calls every month than in 2007.

Lorna L. Koci, services director for the Utah Food Bank, recently visited my office to talk about increasing needs in my home State. The top three reasons people dial 2-1-1 in Utah to reach the United Way call center is for emergency food assistance followed by health care and housing needs. In the past 6 months, calls requesting food assistance have doubled and food pantry visits by Utah families are up at least 30 percent. Now you can imagine what that is in other States. Utah takes care of our people. My own church has a church welfare plan. No one in my faith should go without food, shelter or clothing. Most of the people served are the working poor, but many families are seeking assistance for the first time. These people were contributors and are now recipients. At alarming rates, needs are growing in Utah and across the Nation.

Addressing this quiet crisis in our civil society is a matter of jobs, not just charity. The nonprofit sector accounts for 5 percent of GDP and 11 percent of the American workforce, with 9.4 million employees and 4.7 million volunteers nationwide. For perspective, the nonprofit sector is greater than the auto and financial industries combined. It contributes more than \$322 billion in wages and its workforce outnumbers the combined workforces of the utility, wholesale trade, and construction industries. What happens to our nonprofit sector will have a big effect on our country, both from the standpoint of employment and meeting needs of the most vulnerable in our society.

We have spent a lot of time on the floor of this Senate discussing ways to "bailout" industries and to get our economy moving again. I certainly have not agreed with the levels of spending, and I worry about the long-term effects of our actions on the Federal deficit and the national debt. I



don't think many of our actions have been wise, in the short term and certainly not for the long term. Thomas Jefferson warned of the moral problem of leaving a crippling debt to future generations. With the changing demographics in this country and the growth of entitlements, we are setting ourselves up for a fiscal crisis of tremendous significance.

Yet the economic debate has almost completely ignored the platoons of civil society, those individuals, volunteers and nonprofit institutions in local neighborhoods and communities that do most of the social service work in our country to meet vital needs and do it at low cost to governments and society.

There also has been so much talk of "bailouts" in our debates, let's just bail out this industry or that industry. We need to move from talk of bailouts to a spirit of challenge in our country. Where is the personal responsibility? Where is the support for efforts that truly enlist Americans in local communities to step forward to lend a hand? Our answers are not going to be found in the Federal Government. Our Government can offer resources, but it cannot love a needy child, offer the hand of compassion to help the elderly live independently in their homes with dignity, or help provide the deft human touch that gives hope in times of despair.

So our debates on this floor should no longer exclude our nonprofit sector and civil society and the citizens who stand ready to help in times of trouble. No sector, quite frankly, offers more bang for the buck and generates a better return on investment than investments in our Nation's most precious asset—the talents and skills and enterprise of our people.

Let's first talk about the important task of getting Americans into productive work. Community and national service efforts target two populations that have been hit particularly hard by the economic downturn—our Nation's young people, including college graduates, and older Americans. While unemployment rose for all age groups during 2008, the increase was dramatic for America's young people. And we know from research that youth unemployment rates are a good barometer of the overall health of the economy, since young people typically face the greatest difficulties in finding steady employment, due to their lack of experience. By February 2008, the overall unemployment rate had reached 8.1 percent. The youth unemployment rate for individuals 16 to 19 years old was nearly triple that at 21.6 percent. In particular, African-American youth were the most likely to be unemployed at a rate of more than 36 percent. Remember, during the Great Depression, we saw rates of unemployment for the adult population hovering around 25 percent.

High rates of youth unemployment are detrimental not only to jobless youth but to our economy as a whole. An individual who experiences early unemployment is more likely to have lower future earnings as well as repeated spells of joblessness. This is not the future we want for our young people. The demoralizing effects of long-term unemployment may lead to risky behaviors, such as crime and drug use.

Unemployment rates for college graduates are increasing. In fact, the college graduate unemployment rate has broken the record for college graduates, and some researchers predict the rate, which is at 4.1 percent, will exceed 5 percent in 2009.

Our economic troubles are not just affecting the young. Many older Americans are quickly finding themselves out of work. In January 2009, 5.2 percent of workers 55 and older were unemployed, an increase of 63 percent from last year, with 1.5 million older workers now facing joblessness. In October 2008, one out of every three jobless Americans age 55 and older had been out of work for at least 27 weeks. A decline in the value of retirement funds—nearly \$3 trillion from America's retirement accounts over the past 14 months, with the average American losing 34 percent on retirement holdings—has forced many older Americans to return to the job market.

Investing in community and national service to put America—particularly younger and older Americans—into productive work is a low-cost solution to fight unemployment and a vital bridge to permanent, higher paying employment in the private sector. Since the beginning of full-time and part-time national and community service in 1993, an initiative that began with the Commission on National and Community Service under President George H.W. Bush, more than 540,000 Americans have tackled the Nation's most challenging problems, not through Government, but through an extensive network of nonprofit organizations working at the local level. Well known nonprofits such as Habitat for Humanity that builds homes for low-income Americans, Teach for America, which sends bright teachers to the highest need communities, and City Year, which puts young Americans into productive work meeting needs in our Nation's cities.

Every year since 2004, thanks to President George W. Bush's commitment to ramp up national and community service through his USA Freedom Corps after 9/11, our Government has offered 75,000 opportunities to adults of all ages to serve not through some government bureaucracy, but through nonprofit organizations created by the innovation of our people. These public-spirited Americans who give a year of their lives in service to community and country are given a below-poverty

monthly living stipend and receive a small award to help defray the costs of college at the end of their year of service.

In addition to creating jobs at lower cost to Government or the private sector, national and community service programs and members leverage impressive resources within their communities. These 75,000 national service participants leveraged 2.2 million traditional volunteers who receive nothing from government to work on behalf of meeting the needs of a nation. As I stated earlier, that is nearly a 1 to 30 ratio of national servicemembers to traditional volunteers. In fact, this is the power of so many nonprofit partnerships today.

It bothers me when I hear comments such as those recently made on the floor: We are forcing Government into everybody's lives. My gosh, we are providing a means of support for people—without making it the minimum wage or without giving them welfare—by helping them become servants and servers to the community at a lower cost. Millions are served without any pay at all because of these programs. How can anybody find fault with these programs?

Imagine placing one national service member in a Habitat for Humanity build. That individual, who organizes the building project, recruits, trains and puts to work volunteers, dozens of them at no cost to Government, to ensure home after home rises to meet the needs of low-income Americans. It is a great model. And it is not only about increasing the number of volunteers. In 2007, our national service programs leveraged an impressive \$231 million in financial resources to meet local needs. It is a successful model of a public-private partnership, where the private participation in the form of resources and volunteers together outpaces the public.

National service programs also have been shown to meet critical needs in communities. Independent evaluations have shown that teachers in Teach for America have made greater gains in math among their students compared to other teachers; participants in Citizen Schools show higher school attendance, a significant predictor of whether a student will stay on track to graduate from high school, and higher math and English grades; and third graders working with Experience Corps members scored higher in reading tests and exhibited better behavior in schools than children in control schools. African-American men in Youth Corps programs were more likely to have experienced more employment and higher earnings, to have voted in the last election, and scored higher on measures of personal and social responsibility than members in a control group. And 75 percent of former participants in the YouthBuild program, most of whom are high school

dropouts, had found gainful employment, were going to school, or were training for jobs. Research has also shown that participants in Youth Corps programs were more likely to secure better employment after completing their service and that former members, particularly African-American and Hispanic males, had higher wages than their peers not in the program.

These are the programs we are helping; programs that are doing all this work for free and making a difference in the lives of children and families. These are the programs that enlist seniors who would like to give back to the community. How can the argument be made that these programs should not be in effect?

The economic benefits of traditional volunteering are also significant. In 2007, more than 60 million Americans—or more than 26 percent of the adult population over 16—gave 8.1 billion hours of volunteer service. The cost of that service, had it been done by paid workers, would have amounted to approximately \$158 billion. Volunteering in America rose significantly after 9/11, I believe thanks in no small measure to the leadership of President George W. Bush, who asked every American to give 2 years of service to the country over their lifetimes. Volunteering rose from 59.8 million Americans the year after 9/11, which was a very high baseline, given that we knew volunteering would rise in this year, to 65.4 million Americans from 2004 to 2005. The story here is that America did respond to 9/11 and sustained the wave of service and patriotism for which the President and we in the Congress had hoped. The Mormon mission—which is often for a period of 2 years in service abroad or domestically—was one of the inspirations for the President's 2-year call to service. Almost every young Mormon male serves, as do many adults and females. They learn to care for people and give to communities. The spirit of service remains strong today at around 61 million volunteers within the last year.

We clearly have room to grow the pool of volunteers and the ServiceNation coalition, consisting of more than 125 organizations from the AARP to Colin Powell's America's Promise Alliance for Youth, has endorsed this effort to increase our volunteer base from 61 million to 100 million every year. According to a recent report by AARP, entitled "More to Give: Tapping the Talents of the Baby Boomer, Silent and Greatest Generations," a majority of older Americans are healthy and free of caregiving obligations, and tens of millions of them are prepared to increase their volunteer service in a world they believe they are leaving in worse condition than they inherited. This may be the first generation to believe this and they want to make it right. They have

the capacity to do so. The 77 million baby boomers are the longest-living, best educated, healthiest, and most highly skilled generation in our history and represent enormous potential to meet significant needs throughout our country. We should be more creative in enabling more of them to serve.

As the Nation's economy continues to sputter and organizations continue to operate on shrinking budgets, volunteers will become even more essential to the Nation's work. We need to do all we can to harness this productive capacity in these difficult times, and Americans seem very willing to shoulder more responsibilities to get the country moving again.

The Serve America Act gives our country a hat trick—it puts Americans into productive work at low cost to Government, meeting the needs of the Nation, and with no new bureaucracy, since volunteers work through an established network of well-known and trusted nonprofit organizations created by the social enterprise of innovative people. The legislation also targets the two populations most in trouble from the economic downturn—our young people and older Americans. A new volunteer generation fund will tap, train and help deploy more traditional volunteers to meet needs identified by local communities. We saw the wellspring of American compassion in the aftermath of Hurricane Katrina. We need more of those efforts every day, not just in times of disaster.

The bill also creates 175,000 more opportunities for full-time and part-time national and community service, mobilizing our people to tackle problems like the high school dropout epidemic and growing poverty. These 175,000 members, if current leverage ratios continue, would mobilize approximately 5.25 million traditional volunteers to help in these and other vital efforts. Together with the 75,000 who already leverage 2.2 million Americans, we could have around 8 million Americans participating every year in efforts to address specific challenges in education, healthcare, poverty, energy, and the environment. In hard times, we could use their good works.

The Serve America Act also fosters a culture of service among younger and older Americans. Service-learning opportunities in our Nation's schools have been shown to boost student attendance and engagement, which in turn have a positive effect on keeping students on track to graduate from high school. On the other end of the spectrum, the bill also provides Encore Fellowships to older Americans who want to use their lifetime of skills and talents to help meet the country's needs. And national and community service programs will engage not just the young, but older Americans in their full-time and part-time efforts.

Times of trial have always summoned the greatness of the American people. These are such times. Putting millions of Americans into productive work, not through the instrument of the government, but through the innovation of nonprofit and other community serving organizations, is a smart way to foster a spirit of challenge in the country and tap the innovation and expertise of our people. Government cannot stand on the sideline; it has an important role to play in partnering with the private and nonprofit sectors to further enable this innovation and release the energy of more Americans to give back in times of trouble. By putting hundreds of thousands of Americans to work in full-time and part-time national and community service; leveraging millions of additional volunteers to help meet urgent community needs; fostering innovation among the next generation of social entrepreneurs; and engaging nonprofit institutions in helping to meet challenges in key areas, we can help strengthen our economy and do something this country has always done well since its founding—release the energy of millions of Americans to do more good works in hard times.

Mr. President, the distinguished Senator from Colorado is in the Chamber. I know he wishes to speak, so I will turn the time over to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. UDALL of Colorado. Mr. President, I am happy to yield to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have a unanimous consent request.

I ask unanimous consent that at the conclusion of the remarks of the Senator from Colorado the Senator from Nebraska, Mr. JOHANNES, be recognized, then I be recognized, and then the Senator from Hawaii, Mr. AKAKA, be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I presided over the last hour and listened to the speeches about this important Serve America Act, and I felt compelled to rise and express my strong support for the legislation as well.

I am a proud cosponsor of this legislation, and I want to particularly thank my colleagues—Senators KENNEDY, HATCH, MIKULSKI, and ENZI—for working in a bipartisan manner to bring this important legislation to the Senate floor.

During these challenging times, we forget that every day millions of volunteers give their time and energy to help others and to make their communities more livable. Thousands of recent college graduates help educate

young people in poor and rural schools through the Teach for America program. Millions of men and women join together to build affordable homes or improve health services for those in need throughout America through the AmeriCorps program. Tens of thousands of seniors are foster grandparents to our young people or companions to those who need help with everyday tasks through the Senior Corps program.

These volunteers, as we have been hearing most of this afternoon, are the best of what our country has to offer and the very essence of the American spirit. By working together to pass this bill, we are doing honor to their commitment to civic engagement and public service.

Service to community and country is something that has been an important part of my life. Prior to my career in politics, I served as the executive director of the Colorado Outward Bound School. Outward Bound provides participants with opportunities to test themselves—both physically and mentally—by confronting obstacles and surviving the elements. At the same time, the school teaches participants to rely on each other for support, assistance, and to work better as a team to meet all the challenges that Mother Nature can throw at you.

As part of the Outward Bound program, we considered it important to promote volunteering because we believed it helped strengthen our communities.

Voluntarism also enables young people to develop personal confidence and self-respect, to avoid the temptation to utilize violence to settle differences by instead learning skills and helping others.

I also had the opportunity to work in the House of Representatives with my fellow House Member TOM UDALL, where we introduced legislation to promote volunteer efforts on our public lands. The goal of our piece of legislation called the SERVE Act was to enhance the stewardship of the natural and cultural resources for the millions of people who visit them for recreation and education every year.

We also worked together to give the Peace Corps the resources to expand their ranks. After more than 40 years, the Peace Corps remains one of the most admired and successful initiatives ever put in place. The Peace Corps offers an avenue to better understand other cultures and to do a better job of promoting an understanding of American values by citizens abroad.

Many Coloradans have dedicated themselves to community and national service. For example, Colorado has one of the highest levels of recruitment of Peace Corps volunteers nationwide, including my mother, who served in the Peace Corps in Nepal from the age of 56 to 61.

So we have a great volunteer spirit in this country, and we can do more to expand the opportunities for people who would like to give their time to help others in our communities. The bill before us today, the Serve America Act, does that by building on the very strong foundation built by AmeriCorps and other service programs.

Let me discuss a couple of the important elements of this important piece of legislation.

First, it establishes the Youth Engagement Zone to Strengthen Communities program and the Campus of Service program. By engaging high school students and out-of-school youth in community opportunities, we can instill a spirit of service in our young people that will stay with them for a lifetime.

Secondly, the Campus of Service program recognizes colleges and universities with outstanding service-learning programs, and provides resources to support students who want to pursue careers in public service. So many adults who work in Government, nonprofits, and other public service careers got started because of opportunities they had when they were in school. This program will expand the options available to students, so more young people can find rewarding volunteer experiences, and so we can increase the number of young people who want to pursue careers in public service.

Third, the bill creates a set of focused corps: the Education Corps, the Healthy Futures Corps, the Clean Energy Futures Corps, the Veterans Corps, and the Opportunity Corps.

I wish to take a minute to address one, the Clean Energy Futures Corps. In this program, the participants would do a variety of jobs to help make our communities more energy efficient and to preserve our country's natural beauty. These volunteers might help weatherize low-income households to help residents save money or to help clean and improve parks, trails, and rivers.

I was fortunate I was born into a family with a long tradition of working to protect our country's majestic public lands so future generations could enjoy the spectacular scenery and outdoor recreation activities we appreciate today. So I am pleased that Senators KENNEDY, HATCH, MIKULSKI, and ENZI included preserving our national treasures as a core principle of the Clean Energy Futures Corps.

I am also very pleased the corps will encourage energy efficiency and weatherization efforts. Energy efficiency must play a key role in helping us use energy in a more responsible and sustainable way. If you think about it, the most affordable kilowatt of energy is the one that is not used. This is important, especially for families struggling to get by each week. Energy efficiency and weatherization efforts will help ensure these families do not have to

choose between paying their heating bill and putting food on their table.

Community service enriches everyone who participates—those who are being helped and those who are offering their service. Volunteers can change a neighbor's life or transform our entire country.

I support the mission of this bill. I commend President Obama as the driving force in promoting service opportunities for Americans of all ages.

Mr. President, as I conclude, I want to offer some additional remarks that amplify what my good friend from Utah, Senator HATCH, said in response to our good friend from South Carolina.

The Senator from South Carolina came to the floor and expressed his concerns about this important legislation. He suggested that civil society is everything government is not. Well, with all due respect to my friend from South Carolina, I could not disagree more. I think civil society and government are not mutually exclusive. In fact, the Founders designed our formal democratic government systems based on what they learned in the civil society of the early days of our country.

Lincoln—probably our greatest President, the founder of the Republican Party—if I can paraphrase him—said: What we cannot do alone, we do together in self-government to accomplish.

There is an increasing demand clearly in our society that Senator MIKULSKI, Senator KENNEDY, Senator ENZI, and Senator HATCH have heard and want to tap into. Senator ISAKSON was on the floor earlier talking about creating an infrastructure of volunteers that this bill would so importantly promote. He talked about that the corps' participants are only paid stipends and small, cover-your-expenses salaries. So this is not an expensive program for the benefits that are generated.

The Senator from Utah talked about how this is the best of the liberal and conservative philosophies combined. The Senator from South Carolina talked about the great French historian de Tocqueville who identified this wonderful spirit in America of voluntarism way back in the 1820s and suggested somehow that could only be pursued through what he called the civil society. Well, that spirit is unique to America, I believe, and it is alive and well, and it can be promoted by civil society, by private society, as well as by this private-public partnership that is envisioned in this important legislation.

In closing, I cannot help but think of my friend, a mentor, a leader, the Senator from Arizona, Mr. MCCAIN, who, in expressing the lessons he had learned in his life, talked about why he joined the military. And he put it simply. He said in order to build his self-respect, he wanted to dedicate himself to a

cause greater than his own self-interest. That is what this important legislation will do, and it will allow millions of Americans to have that opportunity, to dedicate themselves to causes greater than their own self-interests.

I urge swift passage so we can go to work.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 693 TO AMENDMENT NO. 687

Mr. JOHANNIS. Mr. President, I ask unanimous consent to send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNIS] proposes an amendment numbered 693 to amendment No. 687.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to ensure that organizations promoting competitive and non-competitive sporting events involving individuals with disabilities may receive direct and indirect assistance to carry out national service programs)

On page 115, line 15, strike "1 percent" and insert "2 percent".

On page 115, line 20, strike "\$10,000,000" and insert "\$20,000,000".

On page 213, after line 21, insert the following:

**SEC. 1613. AVAILABILITY OF ASSISTANCE.**

(a) FINDINGS.—Congress finds the following:

(1) Special Olympics is a nonprofit movement with the mission to provide year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy, and participate in a sharing of gifts, skills, and friendship with their families, other Special Olympics athletes and the community.

(2) With sports at the core, Special Olympics is a leader in the field of intellectual disability, and is making impressive strides in the areas of health, education, family support, research, and policy change for people with intellectual disabilities.

(b) AMENDMENT.—Subtitle F of title I is further amended by inserting after section 184 the following:

**"SEC. 184A. AVAILABILITY OF ASSISTANCE.**

"Notwithstanding any other provision of this Act relating to eligibility, a reference in subtitle C, D, E, or H of title I regarding an entity eligible to receive direct or indirect assistance to carry out a national service program shall include an organization promoting competitive and non-competitive sporting events involving individuals with disabilities (including the Special Olympics), which promote the quality of life for individuals with disabilities."

Mr. JOHANNIS. Mr. President, I rise today to speak about the need to sup-

port programs which help individuals with developmental disabilities such as Special Olympics. The care and treatment of people with developmental disabilities has always been a priority of mine. In fact, it is probably the major reason I am in public service today.

When I was Governor of Nebraska, I made it a priority to reform a piece of the system delivery in our State. Many of these citizens had mental illness and developmental disabilities. One of my major achievements was signing a bill into law which increased the use of community-based services for these citizens.

In Nebraska today, these citizens are much more likely to receive care at a specialized day treatment program or other local residential facility. This legislation was a victory for those Nebraskans and their loved ones who suffer from mental illness, giving them a chance to more fully participate in everyday life and to make a contribution to their communities.

Our efforts to aid the most vulnerable among us, though, must be a national as well as a local goal. And Government is only a part of the solution. There are many impressive private organizations which assist people with disabilities, but perhaps none as impressive as the Special Olympics.

Special Olympics is a nonprofit organization dedicated to helping this population become physically fit and productive by participating in sports training and competition. For over 40 years, Special Olympics has used sports to help bring people together and provide a venue for athletes with disabilities to compete with each other as equals.

But as anyone who has been involved with Special Olympics can tell you, it is much more than just the competition. The camaraderie and the sense of accomplishment felt by these very special citizens and athletes gives them self-confidence in every aspect of their lives. This is critically important work.

Special Olympics and similar organizations are vital to our fundamental national principles of human equality and our basic common dignity. It takes many volunteers to drive the success of an organization such as Special Olympics. In fact, when the National Games come to Nebraska next year, they are going to need 8,000 volunteers to serve 3,000 athletes, 15,000 family and friends, and 30,000 fans who will attend.

I am very proud our home State is taking on the challenges associated with this sporting event. Special Olympics has raised \$1.5 million in private local funding for the 2010 National Games, which should indicate the State's level of enthusiasm for the event. To encourage the American volunteer spirit and help Special Olympics reach its goal of 8,000 volunteers for the 2010 games, I am very pleased to in-

troduce an amendment which would increase the funding authorization for service programs assisting people with disabilities. I can think of no more worthwhile endeavor.

My amendment would double the amount of funding authorized under the National and Community Service Act that is set aside for such purposes and double the limit of such funding to \$20 million. It must be the task of all of us to care for those most at risk. Helping people with developmental disabilities lead productive and fulfilling lives benefits our entire Nation and should thus be a national priority. I hope the Senate will agree with me on this and vote to pass my amendment.

Thank you, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, I say to the Senator from Nebraska, I wish to thank him for his compassion. This side of the aisle, and I know the other cosponsors of the Serve America Act, are very much interested in working with him to accomplish the goal he so eloquently stated in his very compassionate statement. I would ask respectfully if we could—before I make a request—lay the amendment aside, and the staff on both sides of the aisle would like to work with the Senator to achieve these objectives. We want to be sure we don't inadvertently negatively impact either senior programs or some other programs for the disabled. Would the Senator be agreeable to that?

Mr. JOHANNIS. Mr. President, may I inquire as to whether the esteemed Senator from Maryland would be willing to guarantee a determination on the amendment so we get a resolution of the issue?

Ms. MIKULSKI. Absolutely. The Senator will get a determination on his amendment. I give him my word. Is that agreeable?

Mr. JOHANNIS. Mr. President, that is agreeable. We will work together and make sure we are not displacing another program and work toward a determination.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Johannis amendment on the Special Olympics be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 680 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, it is my great honor and privilege to speak in support of the Serve America Act. I

want to thank my dear friend and colleague Senator KENNEDY, as well as Senators HATCH, MIKULSKI, and ENZI, for their commitment and dedication to this legislation, which celebrates our national legacy of service and volunteerism—a legacy which has made this country great.

In my home State of Hawaii, children are taught from an early age the importance of nurturing and strengthening bonds between people. Each member of an 'Ohana—or extended family—is expected to make a contribution—no matter how great or small—and to use their unique talents to benefit the community. Through this legislation we can increase this same sense of community responsibility throughout the Nation.

In my role as chairman of the Homeland Security Subcommittee on the Oversight of Government Management, the Federal Workforce, and the District of Columbia, I have advocated for programs and policies that encourage talented young people to join the Federal workforce. As we work to increase opportunities for national and community service, it is worth emphasizing that Federal Government service is a valuable way to contribute.

I am pleased that this bill includes language that encourages post-secondary students to pursue careers in public service through the Campuses of Service program. By supporting efforts to develop and implement models of service-learning, the Campuses of Service programs will help us build a new generation of public servants in the Federal workforce. This will help us prevent a future leadership gap as more of our Nation's long-serving, dedicated Federal employees become retirement eligible.

As chairman of the Veterans Affairs Committee, I am supportive of the provision in this Serve America Act that creates a Veterans Corps. This program will help our nation's veterans—members of our Armed Services—and their families through the creation of community-based programs designed to address their unique needs. This is a great way to give back to the community: to assist the men and women who have bravely risked their lives in defense of our Nation, by providing comfort to their families while their loved ones are deployed, or by helping disabled veterans back home. I am also pleased that the Veterans Corps will encourage our veterans to become volunteers themselves. As former members of our military, these dedicated men and women have gained experience and skills that can be used to benefit our Nation through community service.

In Hawaii, we have a saying, 'a'ohē hana nui ke alu 'ia, which means that no task is too big when done together by all. This bill helps create opportunities for all of us to work together now

and to teach the value of collaboration to younger generations. Please join me in voting in favor of passage of the Serve America Act. mahalo—Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, in a few moments, I will ask that an amendment be pending. First, I will speak on the amendment.

Mr. President, I rise today to offer an amendment that will strengthen small charities around our country, especially in places where resources are scarce.

My amendment will create a "Non-profit Capacity Building Program." I am pleased to have worked with my colleague Senator GRASSLEY to develop this program. I have worked with Senator GRASSLEY for several years on oversight of tax-exempt organizations and efforts to strengthen the nonprofit sector.

Our amendment will connect Government funds with private-sector funds to provide education and training to small and midsize charities.

Small charities around our country serve people in need of food or clothing, run afterschool programs, provide housing counseling, and other services that are vital to our communities. But in many cases, these small charities lack access to education opportunities where they might learn how to manage the charity's finances, fundraise effectively, accurately file tax forms, adopt new computer programs or plan a long-term budget.

In nonprofit circles, folks would say these small nonprofits lack "capacity," and training in these areas is called "capacity-building."

Our amendment will add \$5 million per year over 5 years to the budget of the Corporation for National and Community Service to make matching grants to larger organizations so they will, in turn, provide training to small and midsize charities throughout their State or region.

These kinds of training opportunities are especially rare for charities located in rural areas. Folks running a charity in a rural area may never have the chance to attend a grant-writing training or a class on nonprofit budget management.

That is why our amendment states that nonprofit training opportunities should be targeted at charities in areas with these resource challenges.

The amendment also requires the grants to be dollar-for-dollar matching grants. The match must come from non-Federal sources, such as private foundations or corporate giving programs. It is important that both the Federal Government and the private sector pitch in to provide this support.

Government and private giving must coordinate better in support of people

and communities. The underlying bill, the Serve America Act, supports the development of public-private solutions to problems facing our country. Some of my colleagues believe that the private sector must solve every problem facing our communities. Many others believe that Government is essential to solve the same problems. I believe that we need a combination of the best ideas from both. That is the spirit behind this amendment.

I hear from folks in my home State of Montana on a weekly basis in support of this idea.

The National Council of Nonprofits, Independent Sector, and the Alliance for Children and Families have voiced their strong support for this amendment.

I urge my colleagues to vote in favor of the Baucus-Grassley nonprofit capacity building amendment.

AMENDMENT NO. 692 TO AMENDMENT NO. 687

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so I may call up my amendment No. 692.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself and Mr. GRASSLEY, proposes an amendment numbered 692 to amendment No. 687.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a Nonprofit Capacity Building Program)

On page 297, between lines 16 and 17, insert the following:

**SEC. \_\_\_\_ NONPROFIT CAPACITY BUILDING PROGRAM.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by adding at the end the following:

#### **"PART V—NONPROFIT CAPACITY BUILDING PROGRAM**

**"SEC. 198S. NONPROFIT CAPACITY BUILDING.**

**"(a) DEFINITIONS.—**In this section:

**"(1) INTERMEDIARY NONPROFIT GRANTEE.—**The term 'intermediary nonprofit grantee' means an intermediary nonprofit organization that receives a grant under subsection (b).

**"(2) INTERMEDIARY NONPROFIT ORGANIZATION.—**The term 'intermediary nonprofit organization' means an experienced and capable nonprofit entity with meaningful prior experience in providing organizational development assistance, or capacity building assistance, focused on small and midsize nonprofit organizations.

**"(3) NONPROFIT.—**The term 'nonprofit', used with respect to an entity or organization, means—

**"(A)** an entity or organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

**"(B)** an entity or organization described in paragraph (1) or (2) of section 170(c) of such Code.

“(4) STATE.—The term ‘State’ means each of the several States, and the District of Columbia.

“(b) GRANTS.—The Corporation shall establish a Nonprofit Capacity Building Program to make grants to intermediary nonprofit organizations to serve as intermediary nonprofit grantees. The Corporation shall make the grants to enable the intermediary nonprofit grantees to pay for the Federal share of the cost of delivering organizational development assistance, including training on best practices, financial planning, grantwriting, and compliance with the applicable tax laws, for small and midsize nonprofit organizations, especially those nonprofit organizations facing resource hardship challenges. Each of the grantees shall match the grant funds by providing a non-Federal share as described in subsection (f).

“(c) AMOUNT.—To the extent practicable, the Corporation shall make such a grant to an intermediary nonprofit organization in each State, and shall make such grant in an amount of not less than \$200,000.

“(d) APPLICATION.—To be eligible to receive a grant under this section, an intermediary nonprofit organization shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require. The intermediary nonprofit organization shall submit in the application information demonstrating that the organization has secured sufficient resources to meet the requirements of subsection (f).

“(e) PREFERENCE AND CONSIDERATIONS.—

“(1) PREFERENCE.—In making such grants, the Corporation shall give preference to intermediary nonprofit organizations seeking to become intermediary nonprofit grantees in areas where nonprofit organizations face significant resource hardship challenges.

“(2) CONSIDERATIONS.—In determining whether to make a grant the Corporation shall consider—

“(A) the number of small and midsize nonprofit organizations that will be served by the grant;

“(B) the degree to which the activities proposed to be provided through the grant will assist a wide number of nonprofit organizations within a State, relative to the proposed amount of the grant; and

“(C) the quality of the organizational development assistance to be delivered by the intermediary nonprofit grantee, including the qualifications of its administrators and representatives, and its record in providing services to small and midsize nonprofit organizations.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost as referenced in subsection (b) shall be 50 percent.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share of the cost as referenced in subsection (b) shall be 50 percent and shall be provided in cash.

“(B) THIRD PARTY CONTRIBUTIONS.—

“(1) IN GENERAL.—Except as provided in clause (ii), an intermediary nonprofit grantee shall provide the non-Federal share of the cost through contributions from third parties. The third parties may include charitable grantmaking entities and grantmaking vehicles within existing organizations, entities of corporate philanthropy, corporations, individual donors, and regional, State, or local government agencies, or other non-Federal sources.

“(ii) EXCEPTION.—If the intermediary nonprofit grantee is a private foundation (as de-

fined in section 509(a) of the Internal Revenue Code of 1986), a donor advised fund (as defined in section 4966(d)(2) of such Code), an organization which is described in section 4966(d)(4)(A)(i) of such Code, or an organization which is described in section 4966(d)(4)(B) of such Code, the grantee shall provide the non-Federal share from within that grantee's own funds.

“(iii) MAINTENANCE OF EFFORT, PRIOR YEAR THIRD-PARTY FUNDING LEVELS.—For purposes of maintaining private sector support levels for the activities specified by this program, a non-Federal share that includes donations by third parties shall be composed in a way that does not decrease prior levels of funding from the same third parties granted to the nonprofit intermediary grantee in the preceding year.

“(g) RESERVATION.—Of the amount authorized to provide financial assistance under this subtitle, there shall be made available to carry out this section \$5,000,000 for each of fiscal years 2010 through 2014.”

Mr. BAUCUS. Mr. President, I hope Senators will support this at the appropriate time. Pending that moment, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I compliment the Senator from Montana on his amendment. I understand his amendment is also a bipartisan amendment; is that correct?

Mr. BAUCUS. Yes, that is correct.

Ms. MIKULSKI. Both he and the Senator from Iowa, Mr. GRASSLEY, are cosponsors. I believe the Senator's amendment has identified a very specific need, particularly for the small, primarily rural organizations that sometimes are not looked at when we do a big national framework. I want to be as supportive as I can of the Senator's amendment. I want to examine it more closely. In order to follow the framework, I need to discuss it with my colleague, Senator HATCH, and also Senator ENZI of Wyoming. As many know, Senator ENZI has been trapped in a snowstorm. He will be here tomorrow. We will have a chance to review this and determine our ability to work with the Senator from Montana and the Senator from Iowa to see whether we can find some comity to adopt the amendment. I thank them for their spirit of bipartisanship. We will continue to follow that same framework.

Mr. BAUCUS. I deeply thank the Senator from Maryland, who is a strong advocate for Serve America, a wonderful program. I think this will make it a little better. It is bipartisan, as she said. This helps more people. I thank the Senator.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

## MORNING BUSINESS

Ms. MIKULSKI. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LAUTENBERG pertaining to the introduction of S. 685 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LAUTENBERG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

## NATIONAL SERVICE

Mr. NELSON of Florida. Mr. President, we can all be proud that we live in a country where citizens volunteer to serve their Nation. We can see this especially after any tragedy, be it national, be it local, how our citizenry responds.

I am heartened to see the number of young people responding to serve. There is quite a contrast I have seen in the young people today and what we have seen over the last several decades. If we go back as far as my generation, four decades ago, we were very interested in public service. We wanted to be public servants. We wanted to contribute something to our country. It was very attractive, as a young person growing up, to want to go into government and serve the public that way. We were inspired by a young President, President Kennedy.

Then along came those events that so soured so many of our young people—first of all, the split in the Nation over an unpopular war, Vietnam. We had three major assassinations over a short period, including two brothers of one family. Then this Nation went through the process of the resignation of a President. That was about the time of a lot of the protests and the drug culture. It was a tough time. There was a lot of cynicism bred out of that time. A



lot of young people got turned off to public service.

I am beginning to see it again, young people really getting interested in public service. If you have that heart for service, it is the exact opposite of what *Time* magazine chronicled on the cover of its magazine back in the late 1960s, the "me generation." It was concerned about me, me. Now we see so much interest in helping our communities as being more the "we generation." Now we see a lot more young Americans applying to the Peace Corps and its domestic counterpart, AmeriCorps, and so many other national service programs.

Our new President has issued a call for all Americans to devote at least 1 year of their lives to national service. If I had my druthers, I would want every young person to have an obligation to serve at least 1 year in some capacity to their country. This would have tremendous benefits down the road. They could choose the military, the Peace Corps, AmeriCorps, a teacher's aide—a host of these things in helping out our communities. Of course, we are not at a point, especially with the economic condition we are in, that we can afford that as a mandatory obligation. So what the new President has called for is for all Americans to devote at least 1 year of their lives to national service.

We come today to discuss legislation that is an acknowledgment across the political divide of our President's call to engage people in national service. This is going to be the first substantial investment in our Nation's service programs in nearly two decades. What this bill is going to do is triple the number of participants in our national service programs from 75,000 to 250,000. These volunteers are going to serve as tutors and mentors. They are going to do that for children. They will help build affordable housing. They will teach marketable computer skills. They will repair our parks and waterways. They will run afterschool programs and help respond to disasters in communities.

The legislation would create several new volunteer corps with specific missions in areas of national need such as education, health care, clean energy, and caring for veterans. We have commended over and over our colleagues, Senators KENNEDY and HATCH, in crafting legislation that will inspire and encourage citizens of all ages, not just the young, and all occupations and backgrounds to engage in national service.

Let me say where I see this example of public spiritedness. I see it in senior citizens, who have already had their professional lives, who are now enjoying the fruits of their labors, and they in turn want to respond and are very much as valuable in this national service as the young people.

This bill should be seen as an important national achievement and a good

example of how we can come together and overcome the challenges that lie ahead.

Marian Wright Edelman, the first African-American woman admitted to the State bar of Mississippi, said it is a time for greatness, not for greed. She said:

It's a time for idealism—not ideology. It is a time not just for compassionate words, but for compassionate action.

Heeding those words, Mr. President, it is time for us to take action and to pass this bill.

I yield the floor.

#### EMPLOYEE FREE CHOICE ACT

Mr. KENNEDY. Mr. President, the Employee Free Choice Act is vital legislation for achieving fairness in the workplace for hardworking men and women across America, and for strengthening the Nation's middle class. I have the deepest respect for my colleague from Pennsylvania, Senator SPECTER, and I welcome his recognition of the need for labor law reform. But I am also disappointed that my friend feels he cannot support the bill in its current form.

I remain deeply committed to moving this important bill forward. Millions of Americans are looking to us to make their workplaces fairer and safer, and their jobs more secure. They deserve better than they have today, and we can't leave them behind.

The Senator from Pennsylvania says that we should not take up the Employee Free Choice Act now because of the challenges facing our economy. I disagree. It is precisely because of the economic crisis that we must take new action to strengthen workers' rights.

Working Americans are suffering in ways we have not seen since the Great Depression. Wages are falling and benefits are disappearing. Workers are losing their jobs, their homes, and their hopes. Now more than ever, workers deserve a voice in the hugely important decisions that will affect their jobs and their families in the years ahead.

Unions were fundamental in building America's middle class, and have a vital role today in preserving the American dream. History shows us that strong unions mean strong economic growth that both businesses and employees can share. Protecting the right to form a union today will help countless working families achieve greater economic security and build a better and brighter future. I hope very much that all of us on both sides of the aisle can work together to pass the best possible bill to put working families back on track.

#### VOTE EXPLANATION

Mr. ISAKSON. Mr. President, on March 12, 2009, I was attending the fu-

neral of a very close friend and was unable to cast votes on rollcall vote No. 97 and rollcall No. 98. I ask that the RECORD reflect that had I been present I would have cast my vote as follows: rollcall vote No. 97, confirmation David W. Ogden, of Virginia, to be Deputy Attorney General: NO; rollcall vote No. 98, confirmation Thomas John Perrelli, of Virginia, to be Associate Attorney General: NO.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Several years ago, the President, in his State of the Union message, noted that our nation was "addicted to oil". Well, that is the first step of recovery, to admit you have a problem, but it is not recovery. My wife and I decided to do something about it. We built a smaller home (downsized from 3,300 to 1,600 sq feet) right on the Greenbelt in the Waterfront District of Garden City. That cut our commute down from about 7 miles, one way, to 3-4 and eliminated a 300 foot climb/descent. Before the move, we already owned small, fuel efficient vehicles and bike commuted about 50 percent of the time. Now we rarely drive and find we get places faster than by car and do not have to worry about parking. Both of our cars sit in the garage and we plan to sell one shortly.

Our monthly auto fuel bill has gone from about \$60 to almost nothing. Our home gas bill went from near \$100/mo to under \$30. Electric is down to \$30 from \$90. Water is down to \$30 from over \$200 in summer and it takes me about 10 minutes to mow my small lawn with a push mower.

The Greenbelt is my highway now, and I get in about 100 miles per week just peddling around town. I look forward to my commutes along the river where I dodge geese and squirrels instead of road warriors on the Connector. The exercise improves both my mental and physical health.

I still interact with cars when I head cross town and am amazed at the madness in the



streets. It feels like drivers are in such a hurry, and it appears that Idaho's current public transportation policy seems to be "one multi-tasking in a hurry somewhat angry person per SUV".

Remaining addicted to oil can create a host of problems including:

Driving up the price of fuel for everyone (simple supply/demand equation)

Adding to our rapidly deteriorating air quality in the Treasure Valley

Creating the need for additional roads and parking (and more taxes)

Creating windfall profits for oil producing (and not always friendly) nations including Saudi, Russia and Venezuela

Adding to global warming

Creating a need to "defend" oil resources around the world

Now that gas prices are going up, I hear that Americans are beginning to make changes. They are driving less and taking advantage of alternative transportation. Let us build on that momentum and not feed our addiction to oil by rushing to lower prices. I just read about America's most bike friendly cities including Portland, Seattle and even Chicago. Instead of spending Billions to build more roads and parking lots, let us bust our addiction to oil by making Idaho America's most bike friendly state. And while we are at it, let us create the best public transit system in the world. Let us seize the future instead of clinging to the past.

WILLIAM.

The cost of fuel this year has impacted my family heavily; I have actually had to change over to working from home at a reduced income as fuel expenses reached a point that I was spending more on fuel to get to work than I was earning.

I have not filled up my truck with diesel since it was at \$3.65 a gallon, and currently it is an average of \$4.77 to \$4.85 a gallon. To think that this time last year I was paying \$2.39 a gallon for the same thing; that is an astonishing increase of \$2.46 a gallon in 1 year. (When I had first purchased my truck in early 2007 it cost me around \$65 to fill it up, and now it costs closer to \$140.)

The fuel prices have also had a severe impact on my finding better paying employment as I cannot afford to get out and look for work that is not within walking distance and have been told by several prospective employers that they cannot hire me due to fuel costs cutting their budget by up to half.

I have much more I would like to say, but would prefer to keep this short as I know you are a busy man, I will however point out a book to you for your consideration that deals with this very issue, unfortunately it is out of print due to threats to the author's family but I have found a website with it available to read. I hope that you will read it and glean the same insight out of it that I have, and be able to take action that I am unable to regarding it: <http://www.reformation.org/energy-non-crisis.html>.

America desperately needs to break itself of foreign oil dependency and lift the blocks on domestic drilling and refining.

DANIEL.

Thank you for this opportunity to send you my thoughts and opinions on a very important subject—Energy in Idaho!

I am in a position to offer you some unique feedback based on my current employment and the issues I am addressing. I realize that skyrocketing gas and diesel prices are on everyone's mind, but there are other areas in the energy picture that are also very chal-

lenging. I wish to address the quickly rising costs of utilities in our state. Everything from how buildings and homes are heated and cooled to drawing the electricity we need to live our daily lives.

I speak with people every day from all walks of life in Idaho who are concerned about future costs of heating and cooling their home as well as turning on the lights or running the A/C in the summertime. They are serious about wanting to make a change to a more sustainable lifestyle. They just need a small financial push to get them to the other side.

My company designs, installs and services renewable energy systems for homes, commercial and industrial buildings as well as farms and other agriculture uses. I field phone calls and e-mails from almost every walk of life (doctors, lawyers, school teachers, government workers, businessmen, housewives, farmers, religious etc.). There is no stereotype or classification one can use to identify people interested in renewable energy—it is everyone!

Our company has been in business almost five years, and we install wind, solar and geoechange (aka geothermal) systems in Idaho. We have worked from Twin Falls to Coeur d'Alene, and have spoken with many in between about their sincere desire to obtain renewable energy solutions in their lives. People want to look up at their solar array on their roof or the wind turbine out on their property and feel a sense of comfort that they are in control over a portion of their energy usage per year. Others are paying \$700 to \$900 a month to heat their modest-sized homes on propane or fuel oil. They come begging for help through our geoechange systems. Over and over, the main hurdle is upfront costs. As you may know, renewable energy generally requires a person to invest upfront in a system such as a wind turbine, solar array or geoechange.

Many of the states around us (Oregon, Washington and Utah that we have researched), offer substantial financial assistance to citizens wishing to make the transition to renewable energy. Idaho currently sticks out as a sore thumb when it comes to helping its people invest and obtain renewable energy systems. Both the state and the state's utilities could do more to help people make this critical transition to a more sustainable life style. I would ask you to please support any well written pieces of legislation that allow Idahoans to obtain something they really want—renewable energy!!!

Thank you for your time and I would be more than happy to expand further on our experiences and knowledge as it relates to this very important topic.

JEFF, Boise.

My family has set travel needs for work and some other obligations that cannot be changed for obvious reasons; just going for a recreational ride has long ago been cut out of our budget. Now with the horrendous increases in gasoline and food we are scrambling to keep our heads above water. We can cope with this condition very long without serious consequences.

If there were no options available that would be one thing, but to think that our government is not allowing the oil companies to go after the resources that are available in our own country and place this burden on our citizens for the foolishness of the global warming fraud or the slogan of being green, is unconceivable in my opinion. The Congress needs to stop trying to socialize the oil companies and all of us for that matter,

we are not stupid, and we can see what they are trying to do.

Our government is not listening to its constituents and it time for the people to find a way to remind the governing body that they work for the people and not the other way around. This not the way the framers of the Constitution intended it to work.

CRAIG.

Thanks for the email concerning the price of high gas. I feel that a lot of times our Representatives could care less about the lower income people in the United States and more about keeping the foreign policies in place. It is really appreciate that you still care.

I live on a small farm in Newdale. It is about fifteen miles east of Rexburg and near the Teton Dam. I have to travel to work every day 30 miles round trip. Because of the nature of my job, there is no other job closer. I try to carpool with other employees when possible and drive a car that gets very good gas mileage. However, it is still hurting our way of live because of the price of gas. We have changed our buying habits and are very careful about the amount of trips we make to town and try to do as much in each trip as we can to avoid making more trips.

The problem we are facing is in our livestock business. We raise sheep and it is a very good responsibility for my children to have these chores to do daily. With the price of gas and the high cost of feed, we are looking at having to sell out simply because the profits are gone and we cannot keep them losing money. We, as adults, can adapt to some of these changes, but I am afraid with the loss of the livestock, my children are going to suffer with these responsibilities. What is going to happen to our children if these prices keep going up and someone does not make some changes? I hope the people we elect and put on Capitol Hill will keep future generations of Americans in mind when they make decisions. Thanks again for your concern on this issue and keep up the good work.

JOHN, Newdale.

Although I can empathize with many Americans at the lowest income levels about the rising cost of energy, we need to keep in mind we still pay less than many countries around the world; e.g. \$10 a gallon in Europe is not uncommon. We have also exacerbated the problem by our choices; (extraordinarily large houses, SUVs, frequent flying, etc.) In fact, Congress actually approved a tax benefit in the not-too-distant past that encouraged businesses to purchase higher weight vehicles; i.e. SUVs. And as long as I see teenagers racing past me in their cars, I have to question if the price has become high enough.

Drilling more oil just "enables" our wasteful habits. And it will not put much of a dent in our total fuel consumption, especially in the short term. It is time we get a grip on how much energy all of us consume. And Congress needs to be allocating funds towards energy research with a future (i.e. Hydrogen, tidal, solar, etc.) versus energy with no future that does not serve the American people; (i.e. ethanol.) I have to amusingly ask myself how it was possible to get to the moon in less than 10 years, yet we have not been able to find a cheap, reliable energy alternative since the last crisis that occurred in the 1970s? How quickly we forget once we get on the other side of a crisis. The best short-term solution is probably to encourage conservation until we get through this "bubble." We will produce more of a surplus

quicker than trying to drill our way out of this. But in the long run, we need to have a serious commitment to alternative energy and, frankly, alternative habits. Ironically, increased gas taxes earmarked for alternative energy research may be necessary at some point.

With that said, my family has made these choices:

We use scooters as our primary commute vehicle—75–100 mpg.

We live in a smaller house (despite the urgings of our real estate agent that we can afford so much more).

We plan our errands to reduce fuel consumption.

We limit use of air conditioning in the summer and keep our house between 65 and 70 in the winter.

We do not exceed speed limits on the freeway and, in fact, often go somewhat slower.

We live close to our needs; work, shopping, entertainment, etc.

We limit the use of plastics and recycle as much as possible.

We keep our waste to a minimum; (garbage truck idle time while emptying barrels consumes fuel too!).

We are polite to other motorists to reduce their wait/idle time.

We turn off lights/appliances/etc. when not in use.

Reduced other expenditures to allocate more to energy where necessary.

I do not have time to continue; you get the idea. We did not get into this mess in the short term; we will not get out of it in the short term. Quit trying to politicize this; come up with an achievable long-term plan and be honest about the realities we face to the American people. But get a plan and do it soon.

JOHN, *Boise.*

My wife and I both have most of our extended family living in Utah. Usually we visit two times per year. This year we will not be going at all. Not only are plane flights becoming unaffordable, but the cost it would normally take to go down and back 10–12 hours is becoming unaffordable. We had planned on going to Seattle this summer to see the sights because we have never been there, but that too has been cancelled. Because gas prices are up, so are hotels, eating out and everything we purchase at the store.

What we used to get grocery shopping for \$200 now takes at least \$240–260. That adds up. We used to go out to eat more frequently, but are doing so less and less because we have to spend and have more to spend on gas to fill up. I used to let my vehicles occasionally get below a half tank, but now, I cannot afford to ever let them get below a half a tank before filling up.

My brother recently filled up his diesel truck which is only 3 years old. It cost him \$170 to fill it up. How ridiculous is that? In a nutshell, because it costs more at the pump, I travel less, eat out less, spend less on groceries, which if you times that with all the other just 50,000 other people living in my community greatly affects our economy. The owner of our Ford dealership in town recently confided that he has not sold a truck in almost a month. He is just one dealer, but imagine all the other dealers nationwide who are feeling the impact of high gas prices. It is hurting every aspect of our economy.

What we as commonplace Americans get tired of is our government leaders fighting amongst themselves so much and so often that they cannot agree on a policy to help us with this crisis. [Too many wealthy people

don't have any idea of what middle class Americans face,] so the price of a gallon of gas does not really get taken into consideration because he or she does not usually fill up their own cars; they are chauffeured everywhere. Some of them have always been chauffeured everywhere and are still ignorant of what we as middleclass Americans are suffering. They live in houses and drive cars 99% of us will never be able to afford. But, the 99% of us who struggle are getting tired of politicians not legislating policy to build new refineries or freeing up some of our reserves so gas prices can come down. We know inflation exists, but this is insane!

Nine out of the ten solutions that I hear being discussed recently on the news will have no impact on the price at the pump I am paying for at least five to ten years. Not to burst your bubble, but we commonplace Americans [want leaders who will do something now, not five or ten years from now]. If a gallon of oil costs 5 cents when it pumped out of the ground and between the time it leaves Saudi Arabia and gets to the US, it escalates to over \$3 a gallon, who is ripping us off? The distributors are ripping us off, and they are the ones who need to be penalized immediately.

If you as our leaders [want] this great nation to come to a grinding halt in travel, [if] you want most of the restaurants, and movie theaters, and amusement parks, and small businesses to keep declining in their profits, go ahead and keep doing what you have been doing about escalating gas prices, nothing. But if you still have a heart left in you, you will come up with solutions that will impact what we pay at the pump—now!, not five, ten or twenty years from now when gas will be so unaffordable that only the super rich will be able to do anything!!

Please do something now!

CHRIS, *Lewiston.*

Yes, Senator, the increase in fuel prices affects us. We have not been able to take our family on a real vacation in years, and we certainly will not this year with the outrageous cost of gas.

Having said that, it is just as important to me to see the Idaho Delegation do something to save our wild salmon runs. I get very frustrated that these “hot” issues receive so much attention while we throw away billions on a barge and dam system that does not work. If you and the rest of the Idaho delegation continue to do nothing on this issue, your legacy will be the extinction of Columbia/Snake salmon, the runs that once were the most abundant in the world. And Idaho river towns and fishing outfitters will continue to languish economically because the runs are not healthy.

TED.

I am taking a few minutes to respond to a request from fellow Idahoans as to fuel costs. As you already know, Idaho is not a greatly populated state (and that is not a bad thing!). But, in my particular job requirements, I need to travel throughout all of southeastern Idaho to attend to cities that are in our service area. I do not have an option of commuting or staying in the office and still be able to provide the customer service to our members, as is necessary. It had cost me about \$40 to fill my car's tank with gas—now it is costing about \$52 for that same tank, (so the \$120 I was spending on fuel is now costing me about \$208 per month). That is almost a 100% increase.

DONNA, *Idaho Falls.*

## ADDITIONAL STATEMENTS

### CONGRATULATING KENTUCKY HISTORY AWARD WINNERS

• Mr. BUNNING. Mr. President, today I congratulate the winners of the 2009 Kentucky History Awards, which was held at the Thomas D. Clark Center for Kentucky History. These awards are sponsored by the Kentucky Historical Society and recognize exceptional achievements by individuals, business and civic leaders, communities, museums, and history organizations throughout the commonwealth in the field of history. Several projects and individuals that have demonstrated tremendous efforts to promote the preservation, awareness, and appreciation of state and local history were honored at this ceremony.

These awards serve as an opportunity to recognize the dedication and hard work of those who cherish Kentucky history. This year the Madison County Fiscal Court received the Government Award for their Civil War Battlefield Preservation and Interpretation. The Larue County Herald News received the Media Award for the Lincoln Bicentennial. These two organizations have done the Commonwealth a great service by being advocates for our history.

Dr. Kenneth Carstens of Calloway County was also a recipient of one of these prestigious awards. Dr. Carstens received the Lifetime Dedication To History Award for his service. During the time leading up to this award, Dr. Carstens received numerous teaching recognition awards, chaired many significant committees on Murray State University's campus, and conducted research for the college's contract archaeology program. He has published nine books and is currently working on six more.

Mr. President, I would like to thank these people for their contributions to the State of Kentucky, and I wish them well as they continue to enhance the history of our great State.●

### REMEMBERING JOSEPH SONNEMAN

• Ms. MURKOWSKI. Mr. President, I wish to remember an Alaskan who has recently passed away, Joseph Sonneman.

Joe was born in and attended school in Chicago, IL, but he spent much of his life as an Alaska resident living in our great State. Educated in government finance and an attorney, Joe worked as a budget analyst, photographer, taxi driver, heavy equipment oiler on the Alaska pipeline, postal worker, and university instructor.

Joe had a passion for public service and was active in politics his entire life. He was active in the Alaska Democratic Party, served as their treasurer, and ran for the Mayor of Juneau and

participated in several U.S. House and U.S. Senate primaries. Having been born in Chicago, Joe had the pleasure of living to see Barack Obama, a Chicagoan, sworn in as President of the United States earlier this year. His political activism extended to my office as well, since Joe would periodically write to me to convey his views on the issues of the day, particularly on veterans' health care and the military.

A veteran of the Korean war, Joe served as a radar repairman in Korea between 1963 and 1966. He lived for several years at the Washington State Veterans Home near Seattle, WA, where he courageously battled ALS, or Lou Gherig's disease.

I would like to convey my condolences and God's blessings to his family, including his mother Edith and his sisters Eve, Toby and Milly.

Joe, you and your family will be in my thoughts and prayers.●

#### NORTHEAST KINGDOM ANNIVERSARY

● Mr. SANDERS. Mr. President, sixty years ago today, Senator George Aiken, one of the great statesmen in the history of Vermont and indeed our entire Nation, spoke to a group of rural Vermonters in the remote and sparsely populated northeastern corner of our State. As he spoke about the rugged region of the Green Mountain State he called it "the Northeast Kingdom," a name which has lasted to this day as the way in which we in our State refer to this region. Today I celebrate the anniversary of this pristine area's unique and poetic name and to make a few observations about its land and its inhabitants.

The Northeast Kingdom is Vermont at its most strikingly beautiful. Beckoning tourists are the glacial formations of Willoughby and Crystal Lakes, the farmland and forests along the Upper Connecticut River, and the northernmost reaches of the Green Mountains along the Canadian border. Vermont is one of the most rural States in the Nation, and the Northeast Kingdom is our most rural region. While it makes up more than one-fifth of the State's total geography, it has barely 10 percent of Vermont's total population. In fact, my first home in Vermont was in the Northeast Kingdom, in the town of Stannard, a town with a population of 200.

As we look for new dawn in this time of economic difficulty, I am reminded of this fiercely independent region of which Senator Aiken spoke so eloquently 60 years ago. The Northeast Kingdom is inhabited by working Americans, solid and proud Vermonters: it is from their hardy spirit, and the spirit of people like them, that our country's strength has always come. It is my hope that not only will the rugged beauty of the forests and

lakes of the Northeast Kingdom survive, but so will that strong and independent spirit that we can turn to as a catalyst for rebuilding our Nation.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the Committee on Homeland Security and Governmental Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1010. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-1011. A communication from the Attorney Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Environmental Impact and Related Procedures" (RIN2132-AA87) received in the Office of the President of the Senate on March 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1012. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A321-131 Airplanes" (RIN2120-AA64) (Docket No. FAA-2009-0215) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1013. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes" (RIN2120-AA64) (Docket No. FAA-2009-0214) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1014. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Model DHC-7 Airplanes" (RIN2120-AA64) (Docket No. FAA-2008-1330) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1015. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. AB139 and AW139 Helicopters" (RIN2120-AA64) (Docket No. FAA-2009-0170) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1016. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Inc. Model 412, 412CF, and 412EP Helicopters" (RIN2120-AA64) (Docket No. FAA-2009-0169) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1017. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC 155B and EC155B1 Helicopters" (RIN2120-AA64) (Docket No. FAA-2009-0195) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1018. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Trimble or FreeFlight Systems 2101 I/O Approach Plus Global Positioning System (GPS) Navigation Systems" (RIN2120-AA64) (Docket No. FAA-2007-28689) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1019. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes, and Model A340-200 and A340-300 Series Airplanes" (RIN2120-AA64) (Docket No. FAA-2008-0980) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes" (RIN2120-AA64) (Docket No. FAA-2008-1319) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1021. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" (RIN2120-AA64) (Docket No. FAA-2008-1318) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1022. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes" (RIN2120-AA64) (Docket No. FAA-

2008-0671)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1023. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change of Using Agency for Restricted Area 6320; Matagorda, TX" ((RIN2120-AA66)(Docket No. FAA-2009-0108)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1024. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes Equipped with Rolls-Royce Model RB211-TRENT 800 Series Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0199)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1025. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30654) (Amendment No. 3310)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1026. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30655) (Amendment No. 3311)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1027. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30657) (Amendment No. 3313)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1028. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30656) (Amendment No. 3312)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1029. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; MacDill AFB, FL; Confirmation of Effective Date" ((Docket No. FAA-2008-0983) (Airspace Docket No. 08-ASO-14)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1030. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and E Airspace, Removal of Class E Airspace; Aguadilla, PR" ((Docket No. FAA-2009-0053) (Airspace Docket No. 09-ASO-11)) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1031. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tower, MN" ((RIN2120-AA66)(Docket No. FAA-2008-1186)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1032. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Columbus, OH" ((RIN2120-AA66)(Docket No. FAA-2008-1185)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1033. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Medford, WI" ((RIN2120-AA66)(Docket No. FAA-2008-1211)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1034. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Milwaukee, WI" ((RIN2120-AA66)(Docket No. FAA-2008-1291)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1035. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Sioux City, IA" ((RIN2120-AA66)(Docket No. FAA-2008-1104)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1036. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0735)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1037. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; and Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0736)) received in the Office of the Presi-

dent of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1038. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BURKHART GROB LUFT - UND RAUMFAHRT GmbH & CO KG G103 Series Gliders" ((RIN2120-AA64)(Docket No. FAA-2008-1078)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1039. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1199)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1040. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80C2 and CF6-80E1 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-28413)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1041. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0155)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1042. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D and E Airspace; King Salmon, AK" ((RIN2120-AA66)(Docket No. FAA-2008-1162)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1043. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Umiat, AK" ((RIN2120-AA66)(Docket No. FAA-2008-0455)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1044. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" ((Docket No. 30653) (Amendment No. 479)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1045. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums

and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30650)(Amendment No. 3307)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1046. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30649)(Amendment No. 3306)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1047. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0130)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1048. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0644)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1049. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0657)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1050. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Models 182Q and 182R Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1205)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1051. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0150)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1052. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-215-6B11 (CL-215T Variant) and CL-215-6B11 (CL-415 Variant) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0159)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1053. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1065)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1054. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avidyne Corporation Primary Flight Displays (Part Numbers 700-00006-000, -001, -002, -003, and -100)" ((RIN2120-AA64)(Docket No. FAA-2008-1210)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1055. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328-300 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0857)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1056. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0271)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1057. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Models Arriel 1E2, 1S, and 1S1 Turboshaft Engines" ((RIN2120-AA64)(Docket No. FAA-2008-0681)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1058. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney Canada PW206A, PW206B, PW206B2, PW206C, PW206E, PW207C, PW207D, and PW207E Turboshaft Engines" ((RIN2120-AA64)(Docket No. FAA-2007-0219)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1059. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80A, CF6-80C2, and CF6-80E1 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-0952)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1060. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Ap-

proach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30647)(Amendment No. 3304)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1061. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30648)(Amendment No. 3305)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1062. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30651)(Amendment No. 3308)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1063. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30652)(Amendment No. 3309)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1064. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Roanoke Rapids, NC" ((Docket No. FAA-2008-1334)(Airspace Docket No. 08-ASO-21)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1065. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Anderson AFB, GU; Guam International Airport, GU; and Saipan International Airports, CQ" ((Docket No. FAA-2008-0861)(Airspace Docket No. 08-AWP-8)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1066. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Guam Island, GU, and Saipan Island, CQ" ((Docket No. FAA-2008-0897)(Airspace Docket No. 08-AWP-9)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1067. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes" ((RIN2120-

AA64) (Docket No. FAA-2009-0034) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1068. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0731)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1069. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1141)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1070. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker F.28 Mark 0070 and 0100 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1119)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1071. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) Airplanes and Model CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1115)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1072. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG, BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2007-0169)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1073. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Viking Air Limited Model DHC-6-1, DHC-6-100, DHC-6-200, and DHC-6-300 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1267)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1074. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC-12/47E Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0146)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1075. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300-600 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0613)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1076. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-DF Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1360)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1077. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-29255)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1078. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2006-24145)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1079. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0908)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1080. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1006)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1081. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-200, -300, and -400ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0150)) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1082. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2007-0254)) received in the Office of the President of the Senate on

March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1083. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2009" (Rev. Rul. 2009-10) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Finance.

EC-1084. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Method for Determining Theft Loss Deductions from Criminally Fraudulent Investment Arrangements" (Rev. Proc. 2009-20) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Finance.

EC-1085. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Japan; to the Committee on Foreign Relations.

EC-1086. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of major defense equipment with an original acquisition value of more than \$100,000,000 to Portugal; to the Committee on Foreign Relations.

EC-1087. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of defense articles or defense services in the amount of \$100,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-1088. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more to Malaysia; to the Committee on Foreign Relations.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL:

S. 672. A bill to amend the Natural Gas Act, the Natural Gas Policy Act of 1978, and the Federal Power Act to modify provisions relating to enforcement and judicial review and to modify the procedures for proposing changes in natural gas rates; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Ms.

MIKULSKI):

S. 673. A bill to allow certain newspapers to be treated as described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; to the Committee on Finance.

By Mr. AKAKA:

S. 674. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for



certain training programs for supervisors of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, Mr. CARDIN, and Mr. FEINGOLD):

S. 675. A bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Ms. STABENOW, and Mr. LEVIN):

S. 676. A bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. GRAHAM, and Mr. COBURN):

S. 677. A bill to amend title XVIII of the Social Security Act to require wealthy beneficiaries to pay a greater share of their premiums under the Medicare prescription drug program; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. KOHL, and Mr. DURBIN):

S. 678. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mrs. FEINSTEIN, and Mr. KOHL):

S. 679. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE:

S. 680. A bill to limit Federal emergency economic assistance payments to certain recipients; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 681. A bill to provide for special rules relating to assistance concerning the Greensburg, Kansas tornado; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. LEVIN, Mr. SCHUMER, and Ms. STABENOW):

S. 682. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. DURBIN, Mr. KERRY, Mr. SCHUMER, Ms. STABENOW, Mr. DODD, Mr. BROWN, Mr. SANDERS, Mr. CASEY, Mr. TESTER, Mrs. GILLIBRAND, and Mr. BENNET):

S. 683. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. KERRY):

S. 684. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. BOXER, and Mr. BEGICH):

S. 685. A bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI:

S. 686. A bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself, Ms. STABENOW, and Mrs. MURRAY):

S. 687. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. HARKIN, Ms. KLOBUCHAR, Mr. COCHRAN, Mrs. BOXER, Mr. SCHUMER, Mr. MENENDEZ, Mr. DURBIN, and Mrs. MURRAY):

S. 688. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 83. A resolution designating March 25, 2009, as "National Cerebral Palsy Awareness Day"; considered and agreed to.

By Mr. LEVIN (for himself and Ms. COLLINS):

S. Res. 84. A resolution urging the Government of Canada to end the commercial seal hunt; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 26

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to reset the income threshold used to calculate the refundable portion of the child tax credit and to repeal the sunset for certain prior modifications made to the credit.

S. 144

At the request of Mr. KERRY, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.

211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 263

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 263, a bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes.

S. 277

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 456

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. BAYH) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 473

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.



S. 482

At the request of Mr. FEINGOLD, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 483

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 483, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 495

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 495, a bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process.

S. 540

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 540, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 541

At the request of Mr. DODD, the name of the Senator from Nebraska (Mr. JOHANN) was added as a cosponsor of S. 541, a bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes.

S. 582

At the request of Mr. SANDERS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 582, a bill to amend the Truth in Lending Act to protect consumers from usury, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 662

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. CON. RES. 12

At the request of Mr. BROWN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Con. Res. 12, a concurrent resolution recognizing and honoring the signing by President Abraham Lincoln of the

legislation authorizing the establishment of collegiate programs at Galaudet University.

S. RES. 37

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 37, a resolution calling on Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman.

S. RES. 82

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 82, a resolution recognizing the 188th anniversary of the independence of Greece and celebrating Greek and American democracy.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 673. A bill to allow certain newspapers to be treated as described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; to the Committee on Finance.

Mr. CARDIN. Mr. President, Thomas Jefferson, a man who was vilified by newspapers daily, once said "If I had to choose between government without newspapers, and newspapers without government, I wouldn't hesitate to choose the latter." Like Jefferson, I believe that a well-informed public is a core foundation of our democracy. Watergate. AIDS. Tobacco. ENRON. AIG. News stories, uncovered by journalists, bring the most important stories of our nation's history to the front page, and thus into public debate.

I rise today to introduce the Newspaper Revitalization Act, to help our disappearing community and metropolitan papers by allowing them to become non-profit organizations. Newspapers across the country are closing their doors, slashing their staff, and shuttering bureaus in the United States and around the world. The Philadelphia Inquirer, The Seattle Post-Intelligencer, The Rocky Mountain News, the Philadelphia Daily News, the San Francisco Chronicle, and my own Baltimore Sun are either in bankruptcy, or facing bankruptcy and closure. The Los Angeles Times has reduced its newsroom by one-half, the Miami Herald and twenty-eight other dailies have laid off at least one-quarter of their workforces in the past year. At the largest daily newspaper in New Jersey, The Star-Ledger, 45 percent of the editorial staff took buyouts when the owner threatened to sell the newspaper. Increasing numbers of metropolitan regions may soon have no local daily newspapers.

The economy has caused an immediate problem, but the business model for newspapers, based on circulation and advertising revenue, has been weakening for years. At the end of 2008, advertising revenue was down by about 25 percent and according to a December forecast by Barclays Capital, advertising revenue will drop another 17 percent in 2009. Circulation is also down because of the many other sources for news. Today we have the internet, television, radio and blogs around the clock. Now, some might say these are all reasons why we may not need daily print newspapers anymore. But they are wrong.

While Americans have quick access to the news, there remains one clear fact, when it comes to original in-depth reporting that records and exposes actions, issues, and opportunities in our communities, nothing has replaced a newspaper. Most, if not all sources of journalistic information, from Google to broadcast news or punditry, gain their original news from the laborious and expensive work of experienced newspaper reporters diligently working their beats over the course of years, not hours. According to the Pew Research Center's Project for Excellence in Journalism, a typical metropolitan paper ran 70 stories a day, counting the national, local and business sections, whereas a half-hour of television news included only ten to twelve. Research further shows that broadcast news follows the agenda set by newspapers, often repeating the same items with less detail. Newspaper reporters forge relationships with people; they build a network, which creates avenues to information.

These relationships and the information that follows are essential in a free, democratic society. Without it, accountability is lost. In a 2003 study published in the Journal of Law, Economics, and Organization, the relationship between corruption and "free circulation of daily newspapers per person" was examined. The study found that the lower the circulation of newspapers in a country, the higher it stands on the corruption index. In another study, published in 2006, it is suggested that the growth of a more information-oriented press may have been a factor in reducing government corruption in the United States between the Gilded Age and the Progressive Era. Newspapers provide a form of accountability. They provide a "check" on local governments, State governments, the Federal Government, elected officials, corporations, school districts, businesses, individuals and more. We need to save community newspapers.

The Newspaper Revitalization Act provides help. It will allow newspapers to operate as non-profit organizations, if they choose, under 501(c)(3) status for educational purposes, much like public broadcasting. These newspapers would

not be allowed to make political endorsements, but would be allowed to freely report on all issues, including political races. Advertising and subscription revenue would be tax exempt and contributions to support coverage or operations could be tax deductible.

While this may not be an optimal choice for some major newspapers or corporate media chains interested in profit, it should be an option for many local newspapers fast disappearing in our States, cities and towns. This option should cause minimal revenue loss to the Federal Government as most newspaper profits have been falling for years. In this economic climate, and with the real possibility of losing community newspapers, this would be a voluntary option for owners to save their paper. It is also a model that could enable local citizens or foundations to step in and preserve their local papers. I want to urge my colleagues to support this legislation and take action to save newspapers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 673

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TREATMENT OF CERTAIN NEWSPAPERS AS EXEMPT FROM TAX UNDER SECTION 501.**

(a) IN GENERAL.—Paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 is amended by inserting “(including a qualified newspaper corporation)” after “educational purposes”.

(b) QUALIFIED NEWSPAPER CORPORATION.—Section 501 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (r) as subsection (s), and

(2) by inserting after subsection (q) the following new subsection:

“(r) QUALIFIED NEWSPAPER CORPORATION.—For purposes of this title, a corporation or organization shall be treated as a qualified newspaper corporation if—

“(1) the trade or business of such corporation or organization consists of publishing on a regular basis a newspaper for general circulation,

“(2) the newspaper published by such corporation or organization contains local, national, and international news stories of interest to the general public and the distribution of such newspaper is necessary or valuable in achieving an educational purpose, and

“(3) the preparation of the material contained in such newspaper follows methods generally accepted as educational in character.”.

(c) UNRELATED BUSINESS INCOME OF A QUALIFIED NEWSPAPER CORPORATION.—Section 513 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(k) ADVERTISING INCOME OF QUALIFIED NEWSPAPER CORPORATIONS.—The term ‘unrelated trade or business’ does not include the sale by a qualified newspaper corporation (as defined in section 501(r)) of any space for

commercial advertisement to be published in a newspaper, to the extent that the space allotted to all such advertisements in such newspaper does not exceed the space allotted to fulfilling the educational purpose of such qualified newspaper corporation.”.

(d) DEDUCTION FOR CHARITABLE CONTRIBUTIONS.—Subparagraph (B) of section 170(c) of the Internal Revenue Code of 1986 is amended by inserting “(including a qualified newspaper corporation as defined in section 501(r))” after “educational purposes”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. AKAKA:

S. 674. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to reintroduce the Federal Supervisor Training Act to enhance Federal employee and manager performance.

Performance is essential to the success of our Federal Government. However, we cannot expect employees and managers to perform well if we do not invest in them through training and professional development. In particular, Federal employees deserve the support and guidance of well-trained managers who empower them to perform effectively, and managers deserve tools to successfully motivate and supervise employees.

For managers and supervisors in the Federal Government, few things are more important than training. Supervisor training programs improve communication, promote stronger manager-employee relationships, reduce conflict, and cultivate efficiency in the federal workforce. While the federal government encourages management and supervisory training, the development and implementation of training programs is left to the discretion of individual agencies. This leads to inconsistent guidance on training and sometimes inadequate training due to an agency's other priorities and limited resources.

According to the 2002 report Making Public Service Work: Recommendations for Change, the Merit Systems Protection Board reported that poor supervisors or managers are the most common reason employees leave a position. The U.S. Office of Personnel Management 2008 Federal Human Capital Survey also shows the need for improvement: only 40 percent of Federal employees believed that their organization's leaders generate high levels of motivation and commitment to the workforce; only 42 percent said they are satisfied with their leaders' policies and practices; and only 48 percent of Federal employees said they were sat-

isfied with the information they get from management.

Given the growing number of Federal managers who are eligible to retire, it is increasingly important to train new supervisors to manage effectively. Good leadership begins with strong management training. It is time to ensure that Federal managers receive appropriate training to supervise Federal employees.

The Federal Supervisor Training Act has three major training components. First, the bill will require that new supervisors receive training in the initial 12 months on the job, with mandatory retraining every three years on how to work with employees to develop performance expectations and evaluate employees. Current managers will have three years to obtain their initial training. Second, the bill requires mentoring for new supervisors and training on how to mentor employees. Third, the measure requires training on the laws governing and the procedures for enforcing whistleblower and anti-discrimination rights.

In addition, my bill will: set standards that supervisors should meet in order to manage employees effectively; assess a manager's ability to meet these standards; and provide training to improve areas identified in personnel assessments.

I am delighted that my bill has received support from the Government Managers Coalition, which represents members of the Senior Executives Association, the Federal Managers Association, the Professional Managers Association, the Federal Aviation Administration Managers Association, and the National Council of Social Security Management Associations; the American Federation of Government Employees; the National Treasury Employees Union; the International Federation of Professional and Technical Engineers; the AFL-CIO, Metal Trades Department; as well as the Partnership for Public Service. I believe this broad support, from employee unions to management associations to outside good government groups, demonstrates the need for this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 674

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Supervisor Training Act of 2009”.

**SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPERVISORS.**

(a) IN GENERAL.—Section 4121 of title 5, United States Code, is amended—

(1) by inserting before “In consultation with” the following:

“(a) In this section, the term ‘supervisor’ means—

“(1) a supervisor as defined under section 7103(a)(10);

“(2) a management official as defined under section 7103(a)(11); and

“(3) any other employee as the Director of the Office of Personnel Management may by regulation prescribe.”;

(2) by striking “In consultation with” and inserting “(b) Under operating competencies promulgated by, and in consultation with,”; and

(3) by striking paragraph (2) (of the matter redesignated as subsection (b) as a result of the amendment under paragraph (2) of this subsection) and inserting the following:

“(2)(A) a program to provide training to supervisors on actions, options, and strategies a supervisor may use in—

“(i) developing and discussing relevant goals and objectives together with the employee, communicating and discussing progress relative to performance goals and objectives and conducting performance appraisals;

“(ii) mentoring and motivating employees and improving employee performance and productivity;

“(iii) fostering a work environment characterized by fairness, respect, equal opportunity, and attention paid to the merit of the work of employees;

“(iv) effectively managing employees with unacceptable performance;

“(v) addressing reports of a hostile work environment, reprisal, or harassment of, or by, another supervisor or employee; and

“(vi) otherwise carrying out the duties or responsibilities of a supervisor;

“(B) a program to provide training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsection (b) (1) and (8) of that section), employee collective bargaining and union participation rights, and the procedures and processes used to enforce employee rights; and

“(C) a program under which experienced supervisors mentor new supervisors by—

“(i) transferring knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, teamwork, leadership, and professional development; and

“(ii) pointing out strengths and areas for development.

“(c) Training in programs established under subsection (b)(2)(A) and (B) shall be interactive instructor-based for managers in their first year as a supervisor.

“(d)(1) Not later than 1 year after the date on which an individual is appointed to the position of supervisor, that individual shall be required to have completed each program established under subsection (b)(2).

“(2) After completion of a program under subsection (b)(2) (A) and (B), each supervisor shall be required to complete a program under subsection (b)(2) (A) and (B) at least once every 3 years.

“(3) Each program established under subsection (b)(2) shall include provisions under which credit shall be given for periods of similar training previously completed.

“(e) Notwithstanding section 4118(c), the Director of the Office of Personnel Management shall prescribe regulations to carry out this section, including the monitoring of agency compliance with this section. Regulations prescribed under this section shall include measures by which to assess the effectiveness of agency supervisor training programs.”.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the

Director of the Office of Personnel Management shall prescribe regulations in accordance with subsection (e) of section 4121 of title 5, United States Code, as added by subsection (a) of this section.

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act and apply to—

(A) each individual appointed to the position of a supervisor, as defined under section 4121(a) of title 5, United States Code, (as added by subsection (a) of this section) on or after that effective date; and

(B) each individual who is employed in the position of a supervisor on that effective date as provided under paragraph (2).

(2) SUPERVISORS ON EFFECTIVE DATE.—Each individual who is employed in the position of a supervisor on the effective date of this section shall be required to—

(A) complete each program established under section 4121(b)(2) of title 5, United States Code (as added by subsection (a) of this section), not later than 3 years after the effective date of this section; and

(B) complete programs every 3 years thereafter in accordance with section 4121(d) (2) and (3) of such title.

### SEC. 3. MANAGEMENT COMPETENCIES.

(a) IN GENERAL.—Chapter 43 of title 5, United States Code, is amended—

(1) by redesignating section 4305 as section 4306; and

(2) inserting after section 4304 the following:

#### “§ 4305. Management competencies

“(a) In this section, the term ‘supervisor’ means—

“(1) a supervisor as defined under section 7103(a)(10);

“(2) a management official as defined under section 7103(a)(11); and

“(3) any other employee as the Director of the Office of Personnel Management may by regulation prescribe.

“(b) The Director of the Office of Personnel Management shall issue guidance to agencies on competencies supervisors are expected to meet in order to effectively manage, and be accountable for managing, the performance of employees.

“(c) Each agency shall—

“(1) develop competencies to assess the performance of each supervisor and in developing such competencies shall consider the guidance developed by the Director of the Office of Personnel Management under subsection (b) and any other qualifications or factors determined by the agency;

“(2) assess the overall capacity of the supervisors in the agency to meet the guidance developed by the Director of the Office of Personnel Management issued under subsection (b);

“(3) develop and implement a supervisor training program to strengthen issues identified during such assessment; and

“(4) measure the effectiveness of the supervisor training program established under paragraph (3) in improving supervisor competence.

“(d) Every year, or on any basis requested by the Director of the Office of Personnel Management, each agency shall submit a report to the Office on the progress of the agency in implementing this section, including measures used to assess program effectiveness.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 43 of title 5, United States

Code, is amended by striking the item relating to section 4305 and inserting the following:

“4305. Management competencies.

“4306. Regulations.”.

(2) REFERENCE.—Section 4304(b)(3) of title 5, United States Code, is amended by striking “section 4305” and inserting “section 4306”.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. KOHL, and Mr. DURBIN):

S. 678. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am introducing today important legislation designed to protect our communities and particularly our most precious asset, our children. I am pleased to be joined by Senator SPECTER and Senator KOHL, who have been leaders in this area of the law for decades, and Senator DURBIN, who is the new Chairman of the Crime and Drugs Subcommittee. Our legislation is intended to keep children safe and out of trouble and also to help ensure they have the opportunity to become productive adult members of society.

The Senate Judiciary Committee reported this important bill last July. I was disappointed that Republican objections prevented this vital bipartisan legislation from passing the Senate in the last Congress, but we will redouble our efforts to pass this bill this year.

The Juvenile Justice and Delinquency Prevention Act sets out Federal policy and standards for the administration of juvenile justice. It authorizes key Federal resources for states to improve their juvenile justice systems and for communities to develop programs to prevent young people from getting into trouble. We are recommitting ourselves to these important goals with this proposed reauthorization. We also push the law forward in key ways to better serve our communities and our children.

The basic goals of the Juvenile Justice and Delinquency Prevention Act remain the same: keeping our communities safe by reducing juvenile crime, advancing programs and policies that keep children out of the criminal justice system, and encouraging states to implement policies designed to steer those children who do enter the juvenile justice system back onto a track to become contributing members of society.

The reauthorization that we introduce today augments these goals in several ways. First, this bill encourages states to move away from keeping young people in adult jails. The Centers for Disease Control and Prevention has concluded that children who are held in adult prisons commit more crimes, and more serious crimes, when they are released, than children with

similar histories who are kept in juvenile facilities. After years of pressure to send more and more young people to adult prisons, it is time to seriously consider the strong evidence that this policy is not working.

We must do this with ample consideration for the fiscal constraints on states, particularly in these lean budget times, and with deference to the traditional role of states in setting their own criminal justice policy. We have done so here. But we also must work to ensure that unless strong and considered reasons dictate otherwise, the presumption must be that children will be kept with other children, particularly before they have been convicted of any wrongdoing.

As a former prosecutor, I know well the importance of holding criminals accountable for their crimes with strong sentences. But when we are talking about children, we must also think about how best to help them become responsible, contributing members of society as adults. That keeps us all safer.

I am disturbed that children from minority communities continue to be overrepresented in the juvenile justice system. This bill encourages states to take new steps to identify the reasons for this serious and continuing problem and to work together with the Federal Government and with local communities to find ways to start solving it.

I am also concerned that too many runaway and homeless young people are locked up for status offenses, like truancy, without having committed any crime. In a Judiciary Committee hearing last year on the reauthorization of the Runaway and Homeless Youth Act, we were reminded of the plight of this vulnerable population, even in the wealthiest country in the world, and inspired by the ability of so many children in this desperate situation to rise above that adversity.

This reauthorization of the Juvenile Justice Act takes strong and significant steps to move away from detaining children from at-risk populations for status offenses, and requires states to phase out the practice entirely in three years, but with a safety valve for those states that are unable to move quite so quickly due to limited resources.

As I have worked with experts on this legislation, it has become abundantly clear that mental health and drug treatment are fundamental to making real progress toward keeping juvenile offenders from reoffending. Mental disorders are two to three times more common among children in the juvenile justice system than in the general population, and 80 percent of young people in the juvenile justice system have been found by some studies to have a connection to substance abuse. This bill takes new and important steps to prioritize and fund mental health and drug treatment.

The bill tackles several other key facets of juvenile justice reform. It emphasizes effective training of personnel who work with young people in the juvenile justice system, both to encourage the use of approaches that have been proven effective and to eliminate cruel and unnecessary treatment of juveniles. The bill also creates incentives for the use of programs that research and testing have shown work best.

Finally, the bill refocuses attention on prevention programs intended to keep children from ever entering the criminal justice system. I was struck when Chief Richard Miranda of Tucson, AZ, said during our December 2007 hearing on this bill that we cannot arrest our way out of the problem. I heard the same sentiment from Chief Anthony Bossi and others at the Judiciary Committee's field hearing last year on young people and violent crime in Rutland, Vermont. When seasoned police officers from Rutland, Vermont, to Tucson, Arizona, tell us that prevention programs are pivotal, I pay attention.

Just as the last administration gutted programs that support state and local law enforcement, so they consistently cut and narrowed effective prevention programs. It would have been even worse had it not been for Senator KOHL's efforts. We must work with the Obama administration to reverse this trend and help our communities implement programs proven to help kids turn their lives around.

I thank the many prominent Vermont representatives of law enforcement, the juvenile justice system, and prevention-oriented non-profits who have spoken to me in support of reauthorizing this important Act, and who have helped inform my understanding of these issues. They include Ken Schatz of the Burlington City Attorney's Office, Vermont Juvenile Justice Specialist Theresa Lay-Sleeper, and Chief Steve McQueen of the Winooski Police Department. I know that many Judiciary Committee members have heard from passionate leaders on this issue in their own states.

I have long supported a strong Federal commitment to preventing youth violence, with full respect for the discretion due to law enforcement and judges, with deference to states, and with a regard for difficult fiscal realities. I have worked hard on past reauthorizations of this legislation, as have Senators SPECTER and KOHL and others on the Judiciary Committee. We have learned the importance of balancing strong law enforcement with effective prevention programs. This reauthorization pushes forward new ways to help children move out of the criminal justice system, return to school, and become responsible, hard-working members of our communities. I hope all Senators will join us in supporting this important legislation.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 678

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—FINDINGS AND DECLARATION OF PURPOSE

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

#### TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 201. Concentration of Federal efforts.

Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 203. Annual report.

Sec. 204. Allocation of funds.

Sec. 205. State plans.

Sec. 206. Authority to make grants.

Sec. 207. Grants to Indian tribes.

Sec. 208. Research and evaluation; statistical analyses; information dissemination.

Sec. 209. Training and technical assistance.

Sec. 210. Incentive grants for State and local programs.

Sec. 211. Authorization of appropriations.

Sec. 212. Administrative authority.

Sec. 213. Technical and conforming amendments.

#### TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Definitions.

Sec. 302. Grants for delinquency prevention programs.

Sec. 303. Authorization of appropriations.

Sec. 304. Technical and conforming amendment.

#### TITLE I—FINDINGS AND DECLARATION OF PURPOSE

##### SEC. 101. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

##### "SEC. 101. FINDINGS.

"Congress finds the following:

"(1) A growing body of adolescent development research supports the use of developmentally appropriate services and sanctions for youth in the juvenile justice system and those at risk for delinquent behavior to help prevent youth crime and to successfully intervene with youth who have already entered the system.

"(2) Research has shown that targeted investments to redirect offending juveniles onto a different path are cost effective and can help reduce juvenile recidivism and adult crime.

"(3) Minorities are disproportionately represented in the juvenile justice system.

"(4) Between 1990 and 2004, the number of youth in adult jails increased by 208 percent.

"(5) Every day in the United States, an average of 7,500 youth are incarcerated in adult jails.

“(6) Youth who have been previously tried as adults are, on average, 34 percent more likely to commit crimes than youth retained in the juvenile justice system.

“(7) Research has shown that every dollar spent on evidence based programs can yield up to \$13 in cost savings.

“(8) Each child prevented from engaging in repeat criminal offenses can save the community \$1,700,000 to \$3,400,000.

“(9) Youth are 19 times more likely to commit suicide in jail than youth in the general population and 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.

“(10) Seventy percent of youth in detention are held for nonviolent charges, and more than 2% are charged with property offenses, public order offenses, technical probation violations, or status offenses, such as truancy, running away, or breaking curfew.

“(11) The prevalence of mental disorders among youth in juvenile justice systems is 2 to 3 times higher than among youth in the general population.

“(12) Eighty percent of juveniles in juvenile justice systems have a nexus to substance abuse.

“(13) The proportion of girls entering the justice system has increased steadily over the past several decades, rising from 20 percent in 1980 to 29 percent in 2003.”.

#### SEC. 102. PURPOSES.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:  
“(4) to support a continuum of programs (including delinquency prevention, intervention, mental health and substance abuse treatment, and aftercare) to address the needs of at-risk youth and youth who come into contact with the justice system.”.

#### SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (8), by amending subparagraph (C) to read as follows:

“(C) an Indian tribe; or”;

(2) by amending paragraph (18) to read as follows:

“(18) the term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);”;

(3) in paragraph (22), by striking “or confine adults” and all that follows and inserting “or confine adult inmates;”;

(4) in paragraph (25), by striking “contact” and inserting “sight and sound contact”;

(5) by amending paragraph (26) to read as follows:

“(26) the term ‘adult inmate’—

“(A) means an individual who—

“(i) has reached the age of full criminal responsibility under applicable State law; and

“(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense; and

“(B) does not include an individual who—

“(i) at the time of the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and

“(ii) was committed to the care and custody of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;”;

(6) in paragraph (28), by striking “and” at the end;

(7) in paragraph (29), by striking the period at the end and inserting a semicolon; and

(8) by adding at the end the following:

“(30) the term ‘core requirements’ means the requirements described in paragraphs (11), (12), (13), and (15) of section 223(a);

“(31) the term ‘chemical agent’ means a spray used to temporarily incapacitate a person, including oleoresin capicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;

“(32) the term ‘isolation’—

“(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

“(B) does not include confinement during regularly scheduled sleeping hours, or for not more than 1 hour during any 24-hour period in the room or cell in which the youth usually sleeps, protective confinement (for injured youths or youths whose safety is threatened), separation based on an approved treatment program, confinement that is requested by the youth, or the separation of the youth from a group in a non-locked setting for the purpose of calming;

“(33) the term ‘restraint’ has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);

“(34) the term ‘evidence based’ means a program or practice that is demonstrated to be effective and that—

“(A) is based on a clearly articulated and empirically supported theory;

“(B) has measurable outcomes, including a detailed description of what outcomes were produced in a particular population; and

“(C) has been scientifically tested, optimally through randomized control studies or comparison group studies;

“(35) the term ‘promising’ means a program or practice that is demonstrated to be effective based on positive outcomes from 1 or more objective evaluations, as documented in writing to the Administrator;

“(36) the term ‘dangerous practice’ means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;

“(37) the term ‘screening’ means a brief process—

“(A) designed to identify youth who may have mental health or substance abuse needs requiring immediate attention, intervention, and further evaluation; and

“(B) the purpose of which is to quickly identify a youth with a possible mental health or substance abuse need in need of further assessment;

“(38) the term ‘assessment’ includes, at a minimum, an interview and review of available records and other pertinent information—

“(A) by a mental health or substance abuse professional who meets the criteria of the applicable State for licensing and education in the mental health or substance abuse field; and

“(B) which is designed to identify significant mental health or substance abuse treatment needs to be addressed during a youth’s confinement; and

“(39) the term ‘contact’ means the point at which a youth interacts with the juvenile justice system or criminal justice system, including interaction with a juvenile justice, juvenile court, or law enforcement official, and including brief, sustained, or repeated interaction.”.

## TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

### SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.

Section 204(a)(2)(B)(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(a)(2)(B)(i)) is amended by striking “240 days after the date of enactment of this paragraph” and inserting “July 2, 2009”.

### SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “the Administrator of the Substance Abuse and Mental Health Services Administration, the Secretary of Defense, the Secretary of Agriculture,” after “the Secretary of Health and Human Services.”; and

(ii) by striking “Commissioner of Immigration and Naturalization” and inserting “Assistant Secretary for Immigration and Customs Enforcement”; and

(B) in paragraph (2)(A), by inserting “(including at least 1 representative from the mental health fields)” after “field of juvenile justice”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “paragraphs (12)(A), (13), and (14) of section 223(a) of this title” and inserting “the core requirements”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “, on an annual basis” after “collectively”; and

(ii) in subparagraph (A), by striking “and” at the end;

(iii) in subparagraph (B),

(I) by striking “180 days after the date of the enactment of this paragraph” and inserting “May 3, 2009”; and

(II) by striking “Committee on Education and the Workforce” and inserting “Committee on Education and Labor”; and

(III) by striking the period and inserting “; and”; and

(iv) by adding at the end the following:

“(C) not later than 120 days after the completion of the last meeting in any fiscal year, submit to Congress a report regarding the recommendations described in subparagraph (A), which shall—

“(i) include a detailed account of the activities conducted by the Council during the fiscal year, including a complete detailed accounting of expenses incurred by the Coordinating Council to conduct operations in accordance with this section;

“(ii) be published on the websites of the Department of Justice and the Coordinating Council; and

“(iii) be in addition to the annual report required by section 207.”.

### SEC. 203. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in the matter preceding paragraph (1), by striking “a fiscal year” and inserting “each fiscal year”; and

(2) in paragraph (1)—

(A) in subparagraph (B), by inserting “, ethnicity,” after “race”; and

(B) in subparagraph (E), by striking “and” at the end;

(C) in subparagraph (F)—

(i) by inserting “and other” before “disabilities,”; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;

“(H) the number of juveniles released from custody and the type of living arrangement to which each such juvenile was released;

“(I) the number of status offense cases petitioned to court (including a breakdown by type of offense and disposition), number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention; and

“(J) the number of pregnant juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government.”; and

(3) by adding at the end the following:

“(5) A description of the criteria used to determine what programs qualify as evidence based and promising programs under this title and title V and a comprehensive list of those programs the Administrator has determined meet such criteria.

“(6) A description of funding provided to Indian tribes under this Act, including direct Federal grants and funding provided to Indian tribes through a State or unit of local government.

“(7) An analysis and evaluation of the internal controls at Office of Juvenile Justice and Delinquency Prevention to determine if grantees are following the requirements of Office of Juvenile Justice and Delinquency Prevention grant programs and what remedial action Office of Juvenile Justice and Delinquency Prevention has taken to recover any grant funds that are expended in violation of the grant programs, including instances where supporting documentation was not provided for cost reports, where unauthorized expenditures occurred, and where subrecipients of grant funds were not compliant with program requirements.

“(8) An analysis and evaluation of the total amount of payments made to grantees that were recouped by the Office of Juvenile Justice and Delinquency Prevention from grantees that were found to be in violation of policies and procedures of the Office of Juvenile Justice and Delinquency Prevention grant programs. This analysis shall include the full name and location of the grantee, the violation of the program found, the amount of funds sought to be recouped by the Office of Juvenile Justice and Delinquency Prevention, and the actual amount recouped by the Office of Juvenile Justice and Delinquency Prevention.”.

#### SEC. 204. ALLOCATION OF FUNDS.

(a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631(b)(1)) is amended by striking “2 percent” and inserting “5 percent”.

(b) OTHER ALLOCATIONS.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)(1), by striking “age eighteen.” and inserting “18 years of age, based on the most recent census data to monitor any significant changes in the relative population of people under 18 years of age occurring in the States.”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

“(c)(1) If any amount allocated under subsection (a) is withheld from a State due to noncompliance with the core requirements, the funds shall be reallocated for an improvement grant designed to assist the State in achieving compliance with the core requirements.

“(2) The Administrator shall condition a grant described in paragraph (1) on—

“(A) the State, with the approval of the Administrator, developing specific action steps designed to restore compliance with the core requirements; and

“(B) submitting to the Administrator semiannually a report on progress toward implementing the specific action steps developed under subparagraph (A).

“(3) The Administrator shall provide appropriate and effective technical assistance directly or through an agreement with a contractor to assist a State receiving a grant described in paragraph (1) in achieving compliance with the core requirements.”;

(4) in subsection (d), as so redesignated, by striking “efficient administration, including monitoring, evaluation, and one full-time staff position” and inserting “effective and efficient administration, including the designation of at least 1 person to coordinate efforts to achieve and sustain compliance with the core requirements”; and

(5) in subsection (e), as so redesignated, by striking “5 per centum of the minimum” and inserting “not more than 5 percent of the”.

#### SEC. 205. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “Not later than 30 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on a publicly available website.” after “compliance with State plan requirements.”;

(B) in paragraph (3)—

(i) in subparagraph (A)(ii)—

(I) in subclause (II), by striking “counsel for children and youth” and inserting “publicly supported court-appointed legal counsel for children and youth charged in delinquency matters”;

(II) in subclause (III), by striking “mental health, education, special education” and inserting “children’s mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities”;

(III) in subclause (V), by striking “delinquents or potential delinquents” and inserting “delinquent youth or youth at risk of delinquency, including volunteers who work with youth of color”;

(IV) in subclause (VII), by striking “and” at the end;

(V) by redesignating subclause (VIII) as subclause (XI);

(VI) by inserting after subclause (VII) the following:

“(VIII) the executive director or the designee of the executive director of a public or nonprofit entity that is located in the State and receiving a grant under part A of title III;

“(IX) persons with expertise and competence in preventing and addressing mental health or substance abuse needs in juvenile delinquents and those at-risk of delinquency;

“(X) representatives of victim or witness advocacy groups; and”;

(VII) in subclause (XI), as so redesignated, by striking “disabilities” and inserting “and

other disabilities, truancy reduction or school failure”;

(ii) in subparagraph (D)(ii), by striking “requirements of paragraphs (11), (12), and (13)” and inserting “core requirements”; and

(iii) in subparagraph (E)(i), by adding “and” at the end;

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “section 222(d)” and inserting “section 222(e)”;

(ii) in subparagraph (C), by striking “Indian tribes” and all that follows through “applicable to the detention and confinement of juveniles” and inserting “Indian tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles”;

(D) in paragraph (7)(B)—

(i) by striking clause (i) and inserting the following:

“(i) a plan for ensuring that the chief executive officer of the State, State legislature, and all appropriate public agencies in the State with responsibility for provision of services to children, youth and families are informed of the requirements of the State plan and compliance with the core requirements”;

(ii) in clause (iii), by striking “and” at the end; and

(iii) by striking clause (iv) and inserting the following:

“(iv) a plan to provide alternatives to detention, including diversion to home-based or community-based services that are culturally and linguistically competent or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

“(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

“(vi) a plan to engage family members in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement; and

“(vii) a plan to use community-based services to address the needs of at-risk youth or youth who have come into contact with the juvenile justice system”;

(E) in paragraph (8), by striking “existing” and inserting “evidence based and promising”;

(F) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by striking “section 222(d)” and inserting “section 222(e)”;

(ii) in subparagraph (A)(i), by inserting “status offenders and other” before “youth who need”;

(iii) in subparagraph (B)(i)—

(I) by striking “parents and other family members” and inserting “status offenders, other youth, and the parents and other family members of such offenders and youth”; and

(II) by striking “be retained” and inserting “remain”;

(iv) by redesignating subparagraphs (G) through (S) as subparagraphs (J) through (V), respectively;

(v) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(vi) by inserting after subparagraph (D) the following:

“(E) providing training and technical assistance to, and consultation with, juvenile justice and child welfare agencies of States and units of local government to develop coordinated plans for early intervention and

treatment of youth who have a history of abuse and juveniles who have prior involvement with the juvenile justice system;";

(vii) in subparagraph (G), as so redesignated, by striking "expanding" and inserting "programs to expand";

(viii) by inserting after subparagraph (G), as so redesignated, the following:

"(H) programs to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency;

"(I) expanding access to publicly supported, court-appointed legal counsel and enhancing capacity for the competent representation of every child;";

(ix) in subparagraph (O), as so redesignated—

(I) in clause (i), by striking "restraints" and inserting "alternatives"; and

(II) in clause (ii), by striking "by the provision"; and

(x) in subparagraph (V), as so redesignated, by striking the period at the end and inserting a semicolon;

(G) in paragraph (11)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by adding "and" at the end; and

(iii) by adding at the end the following:

"(C) encourage the use of community-based alternatives to secure detention, including programs of public and nonprofit entities receiving a grant under part A of title III;";

(H) in paragraph (12)(A), by striking "contact" and inserting "sight and sound contact";

(I) in paragraph (13), by striking "contact" each place it appears and inserting "sight and sound contact";

(J) by striking paragraph (22);

(K) by redesignating paragraphs (23) through (28) as paragraphs (24) through (29), respectively;

(L) by redesignating paragraphs (14) through (21) as paragraphs (16) through (23), respectively;

(M) by inserting after paragraph (13) the following:

"(14) require that—

"(A) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

"(i) shall not have sight and sound contact with adult inmates; and

"(ii) except as provided in paragraph (13), may not be held in any jail or lockup for adults;

"(B) in determining under subparagraph (A) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight and sound contact with adult inmates, a court shall consider—

"(i) the age of the juvenile;

"(ii) the physical and mental maturity of the juvenile;

"(iii) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

"(iv) the nature and circumstances of the alleged offense;

"(v) the juvenile's history of prior delinquent acts;

"(vi) the relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile and to protect the public;

"(vii) whether placement in a juvenile facility will better serve the long-term interests of the juvenile and be more likely to prevent recidivism;

"(viii) the availability of programs designed to treat the juvenile's behavioral problems; and

"(ix) any other relevant factor; and

"(C) if a court determines under subparagraph (A) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight and sound contact with adult inmates—

"(i) the court shall hold a hearing not less frequently than once every 30 days to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight and sound contact; and

"(ii) the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight and sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;

"(15) implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

"(A) establishing coordinating bodies, composed of juvenile justice stakeholders at the State, local, or tribal levels, to oversee and monitor efforts by States, units of local government, and Indian tribes to reduce racial and ethnic disparities;

"(B) identifying and analyzing key decision points in State, local, or tribal juvenile justice systems to determine which points create racial and ethnic disparities among youth who come into contact with the juvenile justice system;

"(C) developing and implementing data collection and analysis systems to identify where racial and ethnic disparities exist in the juvenile justice system and to track and analyze such disparities;

"(D) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraphs (B) and (C); and

"(E) publicly reporting, on an annual basis, the efforts made in accordance with subparagraphs (B), (C), and (D);"

(N) in paragraph (16), as so redesignated—

(i) by striking "adequate system" and inserting "effective system";

(ii) by striking "requirements of paragraph (11)," and all that follows through "monitoring to the Administrator" and inserting "the core requirements are met, and for annual reporting to the Administrator of such plan, including the results of such monitoring and all related enforcement and educational activities"; and

(iii) by striking "in the opinion of the Administrator;";

(O) in paragraph (17), as so redesignated, by inserting "ethnicity," after "race;";

(P) in paragraph (24), as so redesignated—

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C)—

(I) in clause (i), by striking "and" at the end;

(II) in clause (ii), by adding "and" at the end; and

(III) by adding at the end the following:

"(iii) if such court determines the juvenile should be placed in a secure detention facility or correctional facility for violating such order—

"(I) the court shall issue a written order that—

"(aa) identifies the valid court order that has been violated;

"(bb) specifies the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order;

"(cc) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile;

"(dd) specifies the length of time, not to exceed 7 days, that the juvenile may remain in a secure detention facility or correctional facility, and includes a plan for the juvenile's release from such facility; and

"(ee) may not be renewed or extended; and

"(II) the court may not issue a second or subsequent order described in subclause (I) relating to a juvenile, unless the juvenile violates a valid court order after the date on which the court issues an order described in subclause (I);"; and

(iii) by adding at the end the following:

"(D) there are procedures in place to ensure that any juvenile held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, which ever is shorter; and

"(E) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009 with a 1 year extension for each additional year that the State can demonstrate hardship as determined by the Administrator, the State will eliminate the use of valid court orders to provide secure lockup of status offenders;";

(Q) in paragraph (26), as so redesignated, by striking "section 222(d)" and inserting "section 222(e)";

(R) in paragraph (27), as so redesignated—

(i) by inserting "and in accordance with confidentiality concerns," after "maximum extent practicable;"; and

(ii) by striking the semicolon at the end and inserting the following: "so as to provide for—

"(A) a compilation of data reflecting information on juveniles entering the juvenile justice system with a prior reported history as victims of child abuse or neglect through arrest, court intake, probation and parole, juvenile detention, and corrections; and

"(B) a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of victims of child abuse and neglect who have entered, or are at risk of entering, the juvenile justice system;";

(S) in paragraph (28), as so redesignated—

(i) by striking "establish policies" and inserting "establish protocols, policies, procedures;"; and

(ii) by striking "and" at the end;

(T) in paragraph (29), as so redesignated, by striking the period at the end and inserting a semicolon; and

(U) by adding at the end the following:

"(30) provide for the coordinated use of funds provided under this Act with other



Federal and State funds directed at juvenile delinquency prevention and intervention programs;

“(31) develop policies and procedures, and provide training for facility staff to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;

“(32) describe—

“(A) how the State will ensure that mental health and substance abuse screening, assessment, referral, and treatment for juveniles in the juvenile justice system includes efforts to implement an evidence-based mental health and substance abuse disorder screening and assessment program for all juveniles held in a secure facility for a period of more than 24 hours that provides for 1 or more initial screenings and, if an initial screening of a juvenile demonstrates a need, further assessment;

“(B) the method to be used by the State to provide screening and, where needed, assessment, referral, and treatment for youth who request or show signs of needing mental health or substance abuse screening, assessment, referral, or treatment during the period after the initial screening that the youth is incarcerated;

“(C) the method to be used by the State to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment; and

“(D) the policies of the State designed to develop and implement comprehensive collaborative State or local plans to meet the service needs of juveniles with mental health or substance abuse needs who come into contact with the justice system and the families of the juveniles;

“(33) provide procedural safeguards to adjudicated juveniles, including—

“(A) a written case plan for each juvenile, based on an assessment of the needs of the juvenile and developed and updated in consultation with the juvenile, the family of the juvenile, and, if appropriate, counsel for the juvenile, that—

“(i) describes the pre-release and post-release programs and reentry services that will be provided to the juvenile;

“(ii) describes the living arrangement to which the juvenile is to be discharged; and

“(iii) establishes a plan for the enrollment of the juvenile in post-release health care, behavioral health care, educational, vocational, training, family support, public assistance, and legal services programs, as appropriate;

“(B) as appropriate, a hearing that—

“(i) shall take place in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not earlier than 30 days before the date on which the juvenile is scheduled to be released, and at which the juvenile would be represented by counsel; and

“(ii) shall determine the discharge plan for the juvenile, including a determination of whether a safe, appropriate, and permanent living arrangement has been secured for the juvenile and whether enrollment in health care, behavioral health care, educational, vocational, training, family support, public assistance and legal services, as appropriate, has been arranged for the juvenile; and

“(C) policies to ensure that discharge planning and procedures—

“(i) are accomplished in a timely fashion prior to the release from custody of each adjudicated juvenile; and

“(ii) do not delay the release from custody of the juvenile; and

“(34) provide a description of the use by the State of funds for reentry and aftercare services for juveniles released from the juvenile justice system.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “core requirements”; and

(ii) by striking “2001, then” and inserting “2009”;

(B) in paragraph (1)—

(i) by striking “the subsequent fiscal year” and inserting “that fiscal year”; and

(ii) by striking “, and” at the end and inserting a semicolon;

(C) in paragraph (2)(B)(ii)—

(i) by inserting “, administrative,” after “appropriate executive”; and

(ii) by striking the period at the end and inserting “, as specified in section 222(c); and”;

(D) by adding at the end the following:

“(3) the State shall submit to the Administrator a report detailing the reasons for non-compliance with the core requirements, including the plan of the State to regain full compliance, and the State shall make publicly available such report, not later than 30 days after the date on which the Administrator approves the report, by posting the report on a publicly available website.”;

(3) in subsection (d)—

(A) by striking “section 222(d)” and inserting “section 222(e)”;

(B) by striking “described in paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “described in the core requirements”; and

(C) by striking “the requirements under paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “the core requirements”; and

(4) by striking subsection (f) and inserting the following:

“(f) COMPLIANCE DETERMINATION.—

“(1) IN GENERAL.—Not later than 60 days after the date of receipt of information indicating that a State may be out of compliance with any of the core requirements, the Administrator shall determine whether the State is in compliance with the core requirements.

“(2) REPORTING.—The Administrator shall—

“(A) issue an annual public report—

“(i) describing any determination described in paragraph (1) made during the previous year, including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and

“(ii) for any such determination that a State is out of compliance with any of the core requirements, describing the basis for the determination; and

“(B) make the report described in subparagraph (A) available on a publicly available website.

“(g) TECHNICAL ASSISTANCE.—

“(1) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—The Administrator shall provide technical and financial assistance to an agency, institution, or organization to assist in carrying out the activities described in paragraph (3). The functions and activities of an agency, institution, or organization under this subsection shall not be subject to the Federal Advisory Committee Act.

“(2) COMPOSITION.—To be eligible to receive assistance under this subsection, an agency, institution, or organization shall—

“(A) be governed by individuals who—

“(i) have been appointed by a chief executive of a State to serve as a member of a State advisory group established under subsection (a)(3); and

“(ii) are elected to serve as a governing officer of such an agency, institution, or organization by a majority of the member Chairs (or the designees of the member Chairs) of all State advisory groups established under subsection (a)(3);

“(B) include member representatives—

“(i) from a majority of the State advisory groups established under subsection (a)(3); and

“(ii) who are representative of regionally and demographically diverse State jurisdictions; and

“(C) annually seek advice from the Chairs (or the designees of the member Chairs) of each State advisory group established under subsection (a)(3) to implement the advisory functions specified in subparagraphs (D) and (E) of paragraph (3) of this subsection.

“(3) ACTIVITIES.—To be eligible to receive assistance under this subsection, an agency, institution, or organization shall agree to—

“(A) conduct an annual conference of the member representatives of the State advisory groups established under subsection (a)(3) for purposes relating to the activities of such State advisory groups;

“(B) disseminate information, data, standards, advanced techniques, and program models;

“(C) review Federal policies regarding juvenile justice and delinquency prevention;

“(D) advise the Administrator regarding particular functions or aspects of the work of the Office; and

“(E) advise the President and Congress regarding State perspectives on the operation of the Office and Federal legislation relating to juvenile justice and delinquency prevention.”.

#### SEC. 206. AUTHORITY TO MAKE GRANTS.

Section 241(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(a)) is amended—

(1) in paragraph (1), by inserting “status offenders,” before “juvenile offenders, and juveniles”;

(2) in paragraph (5), by striking “juvenile offenders and juveniles” and inserting “status offenders, juvenile offenders, and juveniles”;

(3) in paragraph (10), by inserting “, including juveniles with disabilities” before the semicolon;

(4) in paragraph (17), by inserting “truancy prevention and reduction,” after “mentoring.”;

(5) in paragraph (24), by striking “and” at the end;

(6) by redesignating paragraph (25) as paragraph (26); and

(7) by inserting after paragraph (24) the following:

“(25) projects that support the establishment of partnerships between a State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency; and”.

**SEC. 207. GRANTS TO INDIAN TRIBES.**

(a) IN GENERAL.—Section 246(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656(a)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(3) in subparagraph (B)(ii), as so redesignated, by striking “subparagraph (B)” and inserting “subparagraph (A)”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 223(a)(7)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(7)(A)) is amended by striking “(including any geographical area in which an Indian tribe performs law enforcement functions)” and inserting “(including any geographical area of which an Indian tribe has jurisdiction)”.

**SEC. 208. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.**

(a) IN GENERAL.—Section 251 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking “may” and inserting “shall”;

(ii) in subparagraph (A), by striking “plan and identify” and inserting “annually provide a written and publicly available plan to identify”; and

(iii) in subparagraph (B)—

(I) by amending clause (iii) to read as follows:

“(iii) successful efforts to prevent status offenders and first-time minor offenders from subsequent involvement with the criminal justice system;”;

(II) by amending clause (vii) to read as follows:

“(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of confinement;”;

(III) by redesignating clauses (ix), (x), and (xi) as clauses (xi), (xii), and (xiii), respectively; and

(IV) by inserting after clause (viii) the following:

“(ix) training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices;

“(x) methods to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency;”;

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting “and not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009” after “date of enactment of this paragraph”;

(ii) in subparagraph (F), by striking “and” at the end;

(iii) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(H) a description of the best practices in discharge planning; and

“(I) an assessment of living arrangements for juveniles who cannot return to the homes of the juveniles.”;

(2) in subsection (b), in the matter preceding paragraph (a), by striking “may” and inserting “shall”; and

(3) by adding at the end the following:

“(f) NATIONAL RECIDIVISM MEASURE.—The Administrator, in consultation with experts in the field of juvenile justice research, recidivism, and date collection, shall—

“(1) establish a uniform method of data collection and technology that States shall use to evaluate data on juvenile recidivism on an annual basis;

“(2) establish a common national juvenile recidivism measurement system; and

“(3) make cumulative juvenile recidivism data that is collected from States available to the public.”.

(b) STUDIES.—

(1) ASSESSMENT OF TREATING JUVENILES AS ADULTS.—The Administrator shall—

(A) not later than 3 years after the date of enactment of this Act, assess the effectiveness of the practice of treating youth under 18 years of age as adults for purposes of prosecution in criminal court; and

(B) not later than 42 months after the date of enactment of this Act, submit to Congress and the President, and make publicly available, a report on the findings and conclusions of the assessment under subparagraph (A) and any recommended changes in law identified as a result of the assessment under subparagraph (A).

(2) OUTCOME STUDY OF FORMER JUVENILE OFFENDERS.—The Administrator shall conduct a study of adjudicated juveniles and publish a report on the outcomes for juveniles who have reintegrated into the community, which shall include information on the outcomes relating to family reunification, housing, education, employment, health care, behavioral health care, and repeat offending.

(3) DISABILITIES.—Not later than 2 years after the date of enactment of this Act, the Administrator shall conduct a study that addresses the prevalence of disability and various types of disabilities in the juvenile justice population.

(4) DEFINITION OF ADMINISTRATOR.—In this subsection, the term “Administrator” means the head of the Office of Juvenile Justice and Delinquency Prevention.

**SEC. 209. TRAINING AND TECHNICAL ASSISTANCE.**

Section 252 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “may”;

(B) in paragraph (1), by inserting “shall” before “develop and carry out projects”; and

(C) in paragraph (2), by inserting “may” before “make grants to and contracts with”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “may”;

(B) in paragraph (1)—

(i) by inserting “shall” before “develop and implement projects”; and

(ii) by striking “and” at the end;

(C) in paragraph (2)—

(i) by inserting “may” before “make grants to and contracts with”; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments made by the Juvenile Justice and Delin-

quency Prevention Reauthorization Act of 2009; and

“(4) shall provide technical assistance to States in support of efforts to establish partnerships between the State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency.”;

(3) by adding at the end the following:

“(d) TECHNICAL ASSISTANCE TO STATES REGARDING LEGAL REPRESENTATION OF CHILDREN.—The Administrator shall develop and issue standards of practice for attorneys representing children, and ensure that the standards are adapted for use in States.

“(e) TRAINING AND TECHNICAL ASSISTANCE FOR LOCAL AND STATE JUVENILE DETENTION AND CORRECTIONS PERSONNEL.—The Administrator shall coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government to—

“(1) promote methods for improving conditions of juvenile confinement, including those that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation; and

“(2) encourage alternative behavior management techniques.

“(f) TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT INCLUDING HOME-BASED OR COMMUNITY-BASED CARE.—The Administrator shall provide training and technical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition of cases for youth who enter the juvenile justice system about the appropriate services and placement for youth with mental health or substance abuse needs, including—

“(1) juvenile justice intake personnel;

“(2) probation officers;

“(3) juvenile court judges and court services personnel;

“(4) prosecutors and court-appointed counsel; and

“(5) family members of juveniles and family advocates.”.

**SEC. 210. INCENTIVE GRANTS FOR STATE AND LOCAL PROGRAMS.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

**“PART F—INCENTIVE GRANTS FOR STATE AND LOCAL PROGRAMS****“SEC. 271. INCENTIVE GRANTS.**

“(a) INCENTIVE GRANT FUNDS.—The Administrator may make incentive grants to a State, unit of local government, or combination of States and local governments to assist a State, unit of local government, or combination thereof in carrying out an activity identified in subsection (b)(1).

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—An incentive grant made by the Administrator under this section may be used to—

“(A) increase the use of evidence based or promising prevention and intervention programs;

“(B) improve the recruitment, selection, training, and retention of professional personnel (including in the fields of medicine, law enforcement, judiciary, juvenile justice,

social work, and child prevention) who are engaged in, or intend to work in, the field of prevention, intervention, and treatment of juveniles to reduce delinquency;

“(C) establish or support a partnership between juvenile justice agencies of a State or unit of local government and mental health authorities of State or unit of local government to establish and implement programs to ensure there are adequate mental health and substance abuse screening, assessment, referral, treatment, and after-care services for juveniles who come into contact with the justice system by—

“(i) carrying out programs that divert from incarceration juveniles who come into contact with the justice system (including facilities contracted for operation by State or local juvenile authorities) and have mental health or substance abuse needs—

“(I) when such juveniles are at imminent risk of being taken into custody;

“(II) at the time such juveniles are initially taken into custody;

“(III) after such juveniles are charged with an offense or act of juvenile delinquency;

“(IV) after such juveniles are adjudicated delinquent and before case disposition; and

“(V) after such juveniles are committed to secure placement; or

“(ii) improving treatment of juveniles with mental health needs by working to ensure—

“(I) that—

“(aa) initial mental health screening is—

“(AA) completed for a juvenile immediately upon entering the juvenile justice system or a juvenile facility; and

“(BB) conducted by qualified health and mental health professionals or by staff who have been trained by qualified health, mental health, and substance abuse professionals; and

“(bb) in the case of screening, results that indicate possible need for mental health or substance abuse services are reviewed by qualified mental health or substance abuse treatment professionals not later than 24 hours after the screening;

“(II) that a juvenile who suffers from an acute mental disorder, is suicidal, or is in need of medical attention due to intoxication is—

“(aa) placed in or immediately transferred to an appropriate medical or mental health facility; and

“(bb) only admitted to a secure correctional facility with written medical clearance;

“(III) that—

“(aa) for a juvenile identified by a screening as needing a mental health assessment, the mental health assessment and any indicated comprehensive evaluation or individualized treatment plan are written and implemented—

“(AA) not later than 2 weeks after the date on which the juvenile enters the juvenile justice system; or

“(BB) if a juvenile is entering a secure facility, not later than 1 week after the date on which the juvenile enters the juvenile justice system; and

“(bb) the assessments described in item (aa) are completed by qualified health, mental health, and substance abuse professionals;

“(IV) that—

“(aa) if the need for treatment is indicated by the assessment of a juvenile, the juvenile is referred to or treated by a qualified professional;

“(bb) a juvenile who is receiving treatment for a mental health or substance abuse need on the date of the assessment continues to receive treatment;

“(cc) treatment of a juvenile continues until a qualified mental health professional determines that the juvenile is no longer in need of treatment; and

“(dd) treatment plans for juveniles are re-evaluated at least every 30 days;

“(V) that—

“(aa) discharge plans are prepared for an incarcerated juvenile when the juvenile enters the correctional facility in order to integrate the juvenile back into the family and the community;

“(bb) discharge plans for an incarcerated juvenile are updated, in consultation with the family or guardian of a juvenile, before the juvenile leaves the facility; and

“(cc) discharge plans address the provision of aftercare services;

“(VI) that any juvenile in the juvenile justice system receiving psychotropic medications is—

“(aa) under the care of a licensed psychiatrist; and

“(bb) monitored regularly by trained staff to evaluate the efficacy and side effects of the psychotropic medications; and

“(VII) that specialized treatment and services are continually available to a juvenile in the juvenile justice system who has—

“(aa) a history of mental health needs or treatment;

“(bb) a documented history of sexual offenses or sexual abuse, as a victim or perpetrator;

“(cc) substance abuse needs or a health problem, learning disability, or history of family abuse or violence; or

“(dd) developmental disabilities;

“(D) provide training, in conjunction with the public or private agency that provides mental health services, to individuals involved in making decisions involving youth who enter the juvenile justice system (including intake personnel, law enforcement, prosecutors, juvenile court judges, public defenders, mental health and substance abuse service providers and administrators, probation officers, and parents) that focuses on—

“(i) the availability of screening and assessment tools and the effective use of such tools;

“(ii) the purpose, benefits, and need to increase availability of mental health or substance abuse treatment programs (including home-based and community-based programs) available to juveniles within the jurisdiction of the recipient;

“(iii) the availability of public and private services available to juveniles to pay for mental health or substance abuse treatment programs; or

“(iv) the appropriate use of effective home-based and community-based alternatives to juvenile justice or mental health system institutional placement; and

“(E) develop comprehensive collaborative plans to address the service needs of juveniles with mental health or substance abuse disorders who are at risk of coming into contact with the juvenile justice system that—

“(i) revise and improve the delivery of intensive home-based and community-based services to juveniles who have been in contact with or who are at risk of coming into contact with the justice system;

“(ii) determine how the service needs of juveniles with mental health or substance abuse disorders who come into contact with the juvenile justice system will be furnished from the initial detention stage until after discharge in order for these juveniles to avoid further contact with the justice system;

“(iii) demonstrate that the State or unit of local government has entered into appro-

priate agreements with all entities responsible for providing services under the plan, such as the agency of the State or unit of local government charged with administering juvenile justice programs, the agency of the State or unit of local government charged with providing mental health services, the agency of the State or unit of local government charged with providing substance abuse treatment services, the educational agency of the State or unit of local government, the child welfare system of the State or local government, and private non-profit community-based organizations;

“(iv) ensure that the State or unit of local government has in effect any laws necessary for services to be delivered in accordance with the plan;

“(v) establish a network of individuals (or incorporates an existing network) to provide coordination between mental health service providers, substance abuse service providers, probation and parole officers, judges, corrections personnel, law enforcement personnel, State and local educational agency personnel, parents and families, and other appropriate parties regarding effective treatment of juveniles with mental health or substance abuse disorders;

“(vi) provide for cross-system training among law enforcement personnel, corrections personnel, State and local educational agency personnel, mental health service providers, and substance abuse service providers to enhance collaboration among systems;

“(vii) provide for coordinated and effective aftercare programs for juveniles who have been diagnosed with a mental health or substance abuse disorder and who are discharged from home-based care, community-based care, any other treatment program, secure detention facilities, secure correctional facilities, or jail;

“(viii) provide for the purchase of technical assistance to support the implementation of the plan;

“(ix) estimate the costs of implementing the plan and proposes funding sources sufficient to meet the non-Federal funding requirements for implementation of the plan under subsection (c)(2)(E);

“(x) describe the methodology to be used to identify juveniles at risk of coming into contact with the juvenile justice system;

“(xi) provide a written plan to ensure that all training and services provided under the plan will be culturally and linguistically competent; and

“(xii) describe the outcome measures and benchmarks that will be used to evaluate the progress and effectiveness of the plan.

“(2) COORDINATION AND ADMINISTRATION.—A State or unit of local government receiving a grant under this section shall ensure that—

“(A) the use of the grant under this section is developed as part of the State plan required under section 223(a); and

“(B) not more than 5 percent of the amount received under this section is used for administration of the grant under this section.

“(c) APPLICATION.—

“(1) IN GENERAL.—A State or unit of local government desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

“(2) CONTENTS.—In accordance with guidelines that shall be established by the Administrator, each application for incentive grant funding under this section shall—

“(A) describe any activity or program the funding would be used for and how the activity or program is designed to carry out 1 or

more of the activities described in subsection (b);

“(B) if any of the funds provided under the grant would be used for evidence based or promising prevention or intervention programs, include a detailed description of the studies, findings, or practice knowledge that support the assertion that such programs qualify as evidence based or promising;

“(C) for any program for which funds provided under the grant would be used that is not evidence based or promising, include a detailed description of any studies, findings, or practice knowledge which support the effectiveness of the program;

“(D) if the funds provided under the grant will be used for an activity described in subsection (b)(1)(D), include a certification that the State or unit of local government—

“(i) will work with public or private entities in the area to administer the training funded under subsection (b)(1)(D), to ensure that such training is comprehensive, constructive, linguistically and culturally competent, and of a high quality;

“(ii) is committed to a goal of increasing the diversion of juveniles coming under its jurisdiction into appropriate home-based or community-based care when the interest of the juvenile and public safety allow;

“(iii) intends to use amounts provided under a grant under this section for an activity described in subsection (b)(1)(D) to further such goal; and

“(iv) has a plan to demonstrate, using appropriate benchmarks, the progress of the agency in meeting such goal; and

“(E) if the funds provided under the grant will be used for an activity described in subsection (b)(1)(D), include a certification that not less than 25 percent of the total cost of the training described in subsection (b)(1)(D) that is conducted with the grant under this section will be contributed by non-Federal sources.

“(d) REQUIREMENTS FOR GRANTS TO ESTABLISH PARTNERSHIPS.—

“(1) MANDATORY REPORTING.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall keep records of the incidence and types of mental health and substance abuse disorders in their juvenile justice populations, the range and scope of services provided, and barriers to service. The State or unit of local government shall submit an analysis of this information yearly to the Administrator.

“(2) STAFF RATIOS FOR CORRECTIONAL FACILITIES.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that a secure correctional facility operated by or on behalf of that State or unit of local government—

“(A) has a minimum ratio of not fewer than 1 mental health and substance abuse counselor for every 50 juveniles, who shall be professionally trained and certified or licensed;

“(B) has a minimum ratio of not fewer than 1 clinical psychologist for every 100 juveniles; and

“(C) has a minimum ratio of not fewer than 1 licensed psychiatrist for every 100 juveniles receiving psychiatric care.

“(3) LIMITATION ON ISOLATION.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that—

“(A) isolation is used only for immediate and short-term security or safety reasons;

“(B) no juvenile is placed in isolation without approval of the facility superintendent

or chief medical officer or their official staff designee;

“(C) all instances in which a juvenile is placed in isolation are documented in the file of a juvenile along with the justification;

“(D) a juvenile is in isolation only the amount of time necessary to achieve security and safety of the juvenile and staff;

“(E) staff monitor each juvenile in isolation once every 15 minutes and conduct a professional review of the need for isolation at least every 4 hours; and

“(F) any juvenile held in isolation for 24 hours is examined by a physician or licensed psychologist.

“(4) MEDICAL AND MENTAL HEALTH EMERGENCIES.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that a correctional facility operated by or on behalf of that State or unit of local government has written policies and procedures on suicide prevention. All staff working in a correctional facility operated by or on behalf of a State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall be trained and certified annually in suicide prevention. A correctional facility operated by or on behalf of a State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall have a written arrangement with a hospital or other facility for providing emergency medical and mental health care. Physical and mental health services shall be available to an incarcerated juvenile 24 hours per day, 7 days per week.

“(5) IDEA AND REHABILITATION ACT.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that all juvenile facilities operated by or on behalf of the State or unit of local government abide by all mandatory requirements and timelines set forth under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

“(6) FISCAL RESPONSIBILITY.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section that are used for an activity described in subsection (b)(1)(C).”

#### SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking “PARTS C AND E” and inserting “PARTS C, E, AND F”;

(B) in paragraph (1), by striking “this title” and all that follows and inserting the following: “this title—

“(A) \$245,900,000 for fiscal year 2010;

“(B) \$295,100,000 for fiscal year 2011;

“(C) \$344,300,000 for fiscal year 2012;

“(D) \$393,500,000 for fiscal year 2013; and

“(E) \$442,700,000 for fiscal year 2014.”; and

(C) in paragraph (2), in the matter preceding subparagraph (A), by striking “parts C and E” and inserting “parts C, E, and F”;

(2) in subsection (b), by striking “fiscal years 2003, 2004, 2005, 2006, and 2007” and inserting “fiscal years 2010, 2011, 2012, 2013, and 2014”;

(3) in subsection (c), by striking “fiscal years 2003, 2004, 2005, 2006, and 2007” and inserting “fiscal years 2010, 2011, 2012, 2013, and 2014”;

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

“(d) AUTHORIZATION OF APPROPRIATIONS FOR PART F.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out part F, and authorized to remain available until expended, \$80,000,000 for each of fiscal years 2010, 2011, 2012, 2013, and 2014.

“(2) ALLOCATION.—Of the sums that are appropriated for a fiscal year to carry out part F—

“(A) not less than 40 percent shall be used to fund programs that are carrying out an activity described in subparagraph (C), (D), or (E) of section 271(b)(1); and

“(B) not less than 50 percent shall be used to fund programs that are carrying out an activity described in subparagraph (A) of that section.”

#### SEC. 212. ADMINISTRATIVE AUTHORITY.

Section 299A(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672(e)) is amended by striking “requirements described in paragraphs (11), (12), and (13) of section 223(a)” and inserting “core requirements”.

#### SEC. 213. TECHNICAL AND CONFORMING AMENDMENTS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 204(b)(6), by striking “section 223(a)(15)” and inserting “section 223(a)(16)”;

(2) in section 246(a)(2)(D), by striking “section 222(c)” and inserting “section 222(d)”;

and

(3) in section 299D(b), of by striking “section 222(c)” and inserting “section 222(d)”.

#### TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

##### SEC. 301. DEFINITIONS.

Section 502 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5781) is amended—

(1) in the section heading, by striking “DEFINITION” and inserting “definitions”;

and

(2) by striking “this title, the term” and inserting the following: “this title—

“(1) the term ‘mentoring’ means matching 1 adult with 1 or more youths (not to exceed 4 youths) for the purpose of providing guidance, support, and encouragement aimed at developing the character of the youths, where the adult and youths meet regularly for not less than 4 hours each month for not less than a 9-month period; and

“(2) the term”.

##### SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PROGRAMS.

Section 504(a) of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5783(a)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(9) mentoring programs.”

##### SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 505 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5784) is amended to read as follows:

“SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title—

“(1) \$322,800,000 for fiscal year 2010;

“(2) \$373,400,000 for fiscal year 2011;

- “(3) \$424,000,000 for fiscal year 2012;
- “(4) \$474,600,000 for fiscal year 2013; and
- “(5) \$525,200,000 for fiscal year 2014.”.

**SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.**

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking title V, as added by the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415; 88 Stat. 1133) (relating to miscellaneous and conforming amendments).

Mr. KOHL. Mr. President, I rise today with Senator LEAHY and Senator SPECTER to introduce the Juvenile Justice and Delinquency Prevention Reauthorization Act. The Juvenile Justice and Delinquency Prevention Act, JJDPa, has played a key role in successful state and local efforts to reduce juvenile crime and get kids back on track after they have had run-ins with the law. This legislation will reauthorize and make significant improvements to these important programs.

A successful strategy to combat juvenile crime consists of a large dose of prevention and intervention programs. Juvenile justice programs have proven time and time again that they help prevent crime, strengthen communities, and rehabilitate juvenile offenders. The JJDPa has always had a dual focus: prevention and rehabilitation.

The JJDPa has successfully focused on intervening in a positive manner to work with those teens that have fallen through the cracks and have had a few scrapes with the law. Many of the juveniles who come into contact with the justice system are not violent offenders or gang members. Rather, they are young people who have made mistakes and deserve a second chance to succeed and lead healthy lives. In fact, seventy percent of youth in detention are held for nonviolent charges. Research has shown that youth who come into contact with the justice system can be rehabilitated, and we have an obligation to support successful programs that do just that.

While putting young people on the right path after they have had run-ins with the law is tremendously important, we would all prefer to keep them from getting into trouble in the first place. Title V, of course, is the only federal program that is dedicated exclusively to juvenile crime prevention. Evidence-based prevention programs are proven to reduce crime. Because each child prevented from engaging in repeat criminal offenses can save the community \$1.7 to \$3.4 million, reducing crime actually saves money. Research has shown that every dollar spent on effective, evidence based programs can yield up to \$13 in cost savings.

Since the last reauthorization in 2002, research and experience have revealed that there is still room for improvement. That is why we are proposing a number of changes to the Act.

Under Title II, the existing JJDPa requires states to comply with certain

core requirements that are designed to protect and assist in the rehabilitation of juvenile offenders. This legislation makes improvements to four of the core requirements—removal of juveniles from adult jails, preventing contact between juvenile offenders and adult inmates, the deinstitutionalization of status offenders, and disproportionate minority contact, DMC.

The legislation would amend the jail removal and sight and sound requirements to ensure that juveniles charged as adults are not placed in an adult facility or allowed to have contact with adult inmates unless a court finds that it is in the interest of justice to do so. Research has shown that juveniles who spend time in adult jails are more likely to reoffend. Therefore, it is critical that we get judges more involved in this process to ensure that it is in everyone's best interest, but particularly the juvenile's best interest, to place that young person in an adult facility.

This measure would also place important limitations on the valid court order exception to the deinstitutionalization of status offenders. Under the current JJDPa, courts can order status offenders to be placed in secure detention with minimal process and no limit on duration. We seek to change both of these. This bill would place a 7 day limit on the amount of time a status offender can spend in a secure facility, and ensure that juvenile status offenders have significant procedural protections.

In addition, the legislation will push states to take concrete steps to identify the causes of disproportionate minority contact and take meaningful steps to achieve concrete reductions.

The bill also focuses a great deal of attention on improving cooperation between the states and the Federal Government in the area of juvenile justice. It directs the Administrator of the Office of Juvenile Justice to conduct additional research. It seeks to strengthen the amount of training and technical assistance provided by the Federal Government, particularly workforce training for those people who work directly with juveniles at every stage of the juvenile justice system.

The Juvenile Justice and Delinquency Prevention Reauthorization Act would improve treatment of juveniles in two important respects. It seeks to end the use of improper isolation and dangerous practices, and it encourages the use of best practices and alternatives to detention.

This measure also places a greater focus on mental health and substance abuse treatment for juveniles who come into contact, or are at risk of coming into contact, with the juvenile justice system. Research has shown that the prevalence of mental disorders among youth in juvenile justice systems is two to three times higher than among youth who have not had run-ins

with the law. Taking meaningful steps to provide adequate mental health screening and treatment for these juveniles is a critical part of getting them on the right track, and needs to be a part of federal, state and local efforts to rehabilitate juvenile offenders.

Finally, and possibly most importantly, the key to success is adequate support. Funding for juvenile justice programs has been on a downward spiral for the last 8 years. Just 6 years ago, these programs received approximately \$556 million, with more than \$94 million for the Title V Local Delinquency Prevention Program and nearly \$250 million for the Juvenile Accountability Block Grant program. Last year, the Bush administration requested just \$250 million for all juvenile justice programs, which represents more than a 50 percent cut from fiscal year 2002. Local communities do a great job of leveraging this funding to accomplish great things, but we cannot say with a straight face that this level is sufficient. We look forward to working with President Obama to ensure that these vital programs once again receive the adequate funding they deserve.

Therefore, we are seeking to authorize increased funding for the Juvenile Justice and Delinquency Prevention Act. The bill will authorize more than \$272 million for Title V and nearly \$200 million for Title II in fiscal year 2009. Then, funding for each title will increase by \$50 million each subsequent fiscal year. These programs are in desperate need of adequate funding. It is money well spent, and this increase in authorized funding will demonstrate Congressional support for these critical programs.

In addition to increased funding for traditional JJDPa programs, we have created a new incentive grant program under the Act. This program authorizes another \$60 million per year to help local communities to supplement efforts under the Act, and in some cases go above and beyond what is required of them. Specifically, this funding will support evidence based and promising prevention and intervention programs. It will enhance workforce training, which will improve the treatment and rehabilitation of juveniles who come into contact with the system. Lastly, a significant portion of this funding will be dedicated to mental health screening and treatment of juveniles who have come into contact, or are at risk of coming into contact, with the justice system.

The Juvenile Justice and Delinquency Prevention Act is an incredibly successful program. The fact that it is cost efficient is important. But the most important thing is that it is effective. It is effective in reaching the kids it is designed to help. The evidence based prevention programs it funds are able to touch the lives of at-

risk youth and steer them away from a life of crime. For those who have unfortunately already had run-ins with law enforcement, its intervention and treatment programs have successfully helped countless kids get their lives back on the right track and become productive members of society.

It is beyond dispute that these proven programs improve and strengthen young people, as well as their families and their communities. For that reason, we urge our colleagues to support this important measure to reauthorize and improve these programs.

By Ms. COLLINS (for herself, Mrs. FEINSTEIN, and Mr. KOHL):

S. 679. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, today I am introducing the Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act, along with my colleagues from California and Wisconsin, Senator FEINSTEIN and Senator KOHL. This bill will accelerate research of plug-in hybrid technologies for heavy duty trucks.

The Federal Government, through the 21st Century Truck Partnership, has for some years provided funding to conduct research and development for the modernization of this industry, in association with a collection of private industry partners. Despite the significant potential benefits of hybrid trucks, however, research in this area was eliminated recently to emphasize a focus on passenger vehicles. This decision was shortsighted.

In 2008, truck operators in Maine and around the country were hard hit by increases in the price of diesel fuel. While fortunately there has been some relief in 2009, it is likely that as our Nation recovers from the current economic downturn, the demand for and prices of diesel fuel will increase again in the future. Given that our Nation relies upon the trucking industry to keep our economy running by providing timely delivery of food, industrial products, and raw materials, we must develop alternatives that make the industry less susceptible to dramatic changes in oil prices. Hybrid power technologies offer tremendous promise of reducing this critical industry's dependence on oil.

Trucks consume large amounts of our imported fuels. Successfully transitioning trucks to hybrid power technology will reduce our Nation's oil consumption and improve our energy security. The Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act directs the Department of Energy to expand its research in ad-

vanced energy storage technologies to include hybrid trucks as well as passenger vehicles. Current hybrid technology works well for cars that can be made with lightweight materials and travel short distances. Trucks need to be constructed with heavy materials commensurate with the heavy loads they carry and, if they are going to be plug-in hybrids, travel relatively long distances between charges. Thus advances in battery and other technologies are needed to make plug-in trucks commercially viable and may require more advanced technology than is required for passenger cars.

Grant recipients will be required to complete two phases. In phase one, recipients must build one plug-in hybrid truck, collect data, and make performance comparisons with traditional trucks. Recipients who show promise in phase one will be invited to enter into phase two where they must produce 50 plug-in hybrid trucks and report on the technological and market obstacles to widespread production. The bill will also sponsor two smaller programs to deal with drive-train issues and the impact of the wide use of plug-in hybrid technology on the electrical grid. In total, the bill authorizes the expenditure of \$16,000,000 for each of fiscal years 2010, 2011, and 2012.

We need a comprehensive approach to modernize commercial transportation in the 21st century. The Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act is one vital piece of that approach. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 679

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Heavy Duty Hybrid Vehicle Research, Development, and Demonstration Act of 2009".

#### SEC. 2. ADVANCED HEAVY DUTY HYBRID VEHICLE TECHNOLOGY RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED HEAVY DUTY HYBRID VEHICLE.—The term "advanced heavy duty hybrid vehicle" means a vehicle with a gross weight between 14,000 pounds and 33,000 pounds that is fueled, in part, by a rechargeable energy storage system.

(2) GREENHOUSE GAS.—The term "greenhouse gas" means—

- (A) carbon dioxide;
- (B) methane;
- (C) nitrous oxide;
- (D) hydrofluorocarbons;
- (E) perfluorocarbons; or
- (F) sulfur hexafluoride.

(3) PLUG-IN HYBRID VEHICLE.—The term "plug-in hybrid" means a vehicle fueled, in

part, by electrical power that can be recharged by connecting the vehicle to an electric power source.

(4) PROGRAM.—The term "program" means the competitive research, development, demonstration, and commercial application program established under this section.

(5) RETROFIT.—The term "retrofit" means the process of creating an advanced heavy duty hybrid vehicle by converting an existing, fuel-powered vehicle.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) ESTABLISHMENT.—The Secretary shall establish a competitive research, development, demonstration, and commercial application program under which the Secretary shall provide grants to applicants to carry out projects to advance research and development, and to demonstrate technologies, for advanced heavy duty hybrid vehicles.

#### (c) APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall issue requirements for applying for grants under the program.

#### (2) SELECTION CRITERIA.—

(A) IN GENERAL.—The Secretary shall establish selection criteria for awarding grants under the program.

(B) FACTORS.—In evaluating applications, the Secretary shall—

(i) consider the ability of applicants to successfully complete both phases described in subsection (d); and

(ii) give priority to applicants who are best able to—

(I) fill existing research gaps and achieve the greatest advances beyond the state of current technology; and

(II) achieve the greatest reduction in fuel consumption and emissions.

(3) PARTNERS.—An applicant for a grant under this section may carry out a project in partnership with other entities.

#### (4) SCHEDULE.—

##### (A) APPLICATION REQUEST.—

(i) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to undertake projects under the program.

(ii) APPLICATION DEADLINE.—The applications shall be due not later than 90 days after the date of the publication.

(B) APPLICATION SELECTION.—Not later than 90 days after the date on which applications for grants under the program are due, the Secretary shall select, through a competitive process, all applicants to be awarded a grant under the program.

##### (5) NUMBER OF GRANTS.—

(A) IN GENERAL.—The Secretary shall determine the number of grants to be awarded under the program based on the technical merits of the applications received.

(B) MINIMUM AND MAXIMUM NUMBER.—The number of grants awarded under the program shall be not less than 3 and not more than 7 grants.

(C) PLUG-IN HYBRID VEHICLE TECHNOLOGY.—At least half of the grants awarded under this section shall be for plug-in hybrid technology.

(6) AWARD AMOUNTS.—The Secretary shall award not more than \$3,000,000 to a recipient per year for each of the 3 years of the project.

##### (d) PROGRAM REQUIREMENTS; 2 PHASES.—

(1) IN GENERAL.—As a condition of the receipt of a grant under this section, each grant recipient shall be required to complete 2 phases in accordance with this subsection.

##### (2) PHASE 1.—



(A) IN GENERAL.—In phase 1, the recipient shall conduct research and demonstrate advanced hybrid technology by producing or retrofitting 1 or more advanced heavy duty hybrid vehicles.

(B) REPORT.—Not later than 60 days after the completion of phase 1, the recipient shall submit to the Secretary a report containing data and analysis of—

(i) the performance of each vehicle in carrying out the testing procedures developed by the Secretary under subparagraph (E);

(ii) the performance during the testing of the components of each vehicle, including the battery, energy management system, charging system, and power controls;

(iii) the projected cost of each vehicle, including acquisition, operating, and maintenance costs; and

(iv) the emission levels of each vehicle, including greenhouse gas levels.

(C) TERMINATION.—The Secretary may terminate the grant program with respect to the project of a recipient at the conclusion of phase 1 if the Secretary determines that the recipient cannot successfully complete the requirements of phase 2.

(D) TIMING.—Phase 1 shall—

(i) begin on the date of receipt of a grant under the program; and

(ii) have a duration of 1 year.

(E) TESTING PROCEDURES.—

(i) IN GENERAL.—The Secretary shall develop standard testing procedures to be used by recipients in testing each vehicle.

(ii) VEHICLE PERFORMANCE.—The procedures shall include testing the performance of a vehicle under typical operating conditions.

(3) PHASE 2.—

(A) IN GENERAL.—In phase 2, the recipient shall demonstrate advanced manufacturing processes and technologies by producing or retrofitting 50 advanced heavy duty hybrid vehicles.

(B) REPORT.—Not later than 60 days after the completion of phase 2, the recipient shall submit to the Secretary a report containing—

(i) an analysis of the technological challenges encountered by the recipient in the development of the vehicles;

(ii) an analysis of the technological challenges involved in mass producing the vehicles; and

(iii) the manufacturing cost of each vehicle, the estimated sale price of each vehicle, and the cost of a comparable non-hybrid vehicle.

(C) TIMING.—Phase 2 shall—

(i) begin on the conclusion of phase 1; and

(ii) have a duration of 2 years.

(e) RESEARCH ON VEHICLE USAGE AND ALTERNATIVE DRIVE TRAINS.—

(1) IN GENERAL.—The Secretary shall conduct research into alternative power train designs for use in advanced heavy duty hybrid vehicles.

(2) COMPARISON.—The research shall compare the estimated cost (including operating and maintenance costs, the cost of emission reductions, and fuel savings) of each design with similar nonhybrid power train designs under the conditions in which those vehicles are typically used, including (for each vehicle type)—

(A) the number of miles driven;

(B) time spent with the engine at idle;

(C) horsepower requirements;

(D) the length of time the maximum or near maximum power output of the vehicle is needed; and

(E) any other factors that the Secretary considers appropriate.

(f) REPORT TO CONGRESS.—Not later than 60 days after the date the Secretary receives the reports from grant recipients under subsection (d)(3)(B), the Secretary shall submit to Congress a report containing—

(1) an identification of the grant recipients and the projects funded;

(2) an identification of all applicants who submitted applications for the program;

(3) all data contained in reports submitted by grant recipients under subsection (d);

(4) a description of the vehicles produced or retrofitted by recipients in phases 1 and 2 of the program, including an analysis of the fuel efficiency of the vehicles; and

(5) the results of the research carried out under subsections (e) and (1).

(g) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall coordinate, and not duplicate, activities under this section with other programs and laboratories of the Department of Energy and other Federal research programs.

(h) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to the program.

(i) ELECTRICAL GRID RESEARCH PILOT PROGRAM.—The Secretary, acting through the National Laboratories and Technology Centers of the Department of Energy, shall establish a pilot program to research and test the effects on the domestic electric power grid of the widespread use of plug-in hybrid vehicles, including plug-in hybrid vehicles that are advanced heavy duty hybrid vehicles.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section \$16,000,000 for each of fiscal years 2010 through 2012.

(2) LIMITATIONS.—Of the funds authorized under paragraph (1), not more than \$1,000,000 of the amount made available for a fiscal year may be used—

(A) to carry out the research required under subsection (e);

(B) to carry out the pilot program required under subsection (i); and

(C) to administer the program.

### SEC. 3. EXPANDING RESEARCH IN HYBRID TECHNOLOGY FOR LARGE VEHICLES.

Subsection (g)(1) of the United States Energy Storage Competitiveness Act of 2007 (42 U.S.C. 17231(g)(1)) is amended by inserting “vehicles with a gross weight over 16,000 pounds,” before “stationary applications.”.

By Mr. INHOFE:

S. 680. A bill to limit Federal emergency economic assistance payments to certain recipients; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Mr. President, last week Congress was consumed in expressing its justified outrage over the bonuses for AIG executives. The House passed a bill that would tax those bonuses at 90 percent to get the money back. The Senate may consider something similar this week, and I think it is the Senate's job to proceed carefully as we do so. Though I think all of us would support taking back the payments, we need to give due consideration to the means by which we do this. The constitutionality of the House version is certainly questionable at best.

Now, the reason many are seeking expedited consideration of the AIG

bonus bill is clear enough—to cover up the past mistakes of the majority party and the Treasury Secretary. We should recall the process that created the stimulus bill: No time to review the final bill before passage, a photo op masquerading as a conference committee, hasty consideration, no bipartisan input, and huge decisions about billions and billions of dollars being made behind closed doors by the majority. It was this process that allowed the provision to give out the AIG bonuses to find its way into law. There was a provision very deep in the Democratic stimulus bill that allowed these bonuses to be paid, and it was inserted at the behest of Treasury Secretary Tim Geithner.

This gets us to the root of the problem: The bailout approach that Secretary Geithner epitomizes. The American people object to the midnight rescue packages, the ad hoc approach, the “say one thing, do another” programs. There is a complete lack of any policy framework, explanation of principles or coherent approach in dealing with our financial situation. I believe there is a lack of any transparency whatsoever and a seeming indifference to the taxpayers' interests.

Now, the \$700 billion bailout bill last October was congressional ratification of Tim Geithner's approach to big banks: to bail them out. I objected to that at that time and I was in shock that 75 Members of the Senate voted to give an unelected bureaucrat, without any constraints, \$700 billion to do with as he wished. Now, that was bad enough. It all started with Bear Stearns a year ago. The initiator of the Bear Stearns deal was not Secretary Paulson, it was the—they signed off on it, but it was Timothy Geithner. After the deal was announced, Robert Novak reported in his column that an unnamed Federal official confided in him at the time: “We may have crossed a line” in bailing out Bear Stearns. Mr. Novak wrote that was an understatement and that we wouldn't know the ramifications of this decision for a long time.

Well, I think we better understand those ramifications today. We are now trillions of dollars past that line and we are beginning to comprehend the course on which that decision has set us. I, personally, believe that trillions of dollars past that line, we are no better off. That is enough. Tim Geithner's bailout approach has taken us too far. Instead of Congress using the AIG bonus issue to cover up Tim Geithner's mistakes in allowing those bonuses, we should take it as an opportunity to fundamentally reevaluate the bailouts thus far and put an end to any more bailouts. Now, with the revelations of how AIG is being used to funnel money to foreign banks to make them whole on bad investments at the expense of



the U.S. taxpayers, we need to put an end to the Geithner approach on bailouts. The taxpayers deserve no less.

The debate over the AIG bonuses, though extremely important, only scratches the surface of some much deeper issues. First, the furor over AIG bonuses obscured some other, perhaps more important, news about the AIG bailout regarding counterparties—or creditors—counterparties, to some of AIG's more exotic transactions. Second, the AIG bonus issue reveals a significant problem with Treasury Secretary Tim Geithner's bailout approach to failing financial institutions.

Under Tim Geithner, the \$150 billion in taxpayer money AIG has received is being used to funnel money to AIG's counterparties, mostly big investment banks and foreign banks. Taxpayers are right to be angry about the bonuses, but they should be even angrier about how their taxpayer dollars used to bail out AIG are being distributed by them. Under the contracts AIG entered into with other big banks and foreign banks, AIG needs to come up with billions and billions of dollars when their investments are downgraded. Now, that is where all the AIG bailout money is going. AIG is basically being used as a front to funnel taxpayer moneys into large foreign banks that are taking no loss—no loss—on their investments. It is the taxpayer who is bearing the loss that these banks should have been able to take. Treasury Secretary Geithner needs to explain to the American people why foreign banks are getting 100 percent on their investment while the American people are taking the loss. Why can't any of these banks take a haircut on their AIG investments?

Now, I guess it is hard to explain to people because it doesn't sound believable, but what is happening is we have foreign banks—and I will name a few of them in a second—that have put their money into an investment into AIG. They planned to make a profit. If they had made a profit, I dare say they wouldn't have come back to say to our United States of America: We will write you a check for the profit we made. Instead of that, they wait until they take a loss, and then the American taxpayers have to come in.

I think the American people are getting completely fleeced on their \$150 billion AIG investment. Secretary Geithner needs to explain to us why relatively healthy firms such as Goldman Sachs aren't taking any loss on a clearly bad investment in AIG. Why are all these foreign banks getting 100 percent of their investment at the expense of the U.S. taxpayer?

Here is a sample of the banks that are getting made whole by U.S. taxpayers—that is our taxpayers—people who elect us to office: The Bank of Montreal, Canada, \$1.1 billion; the Societe Generale, France, \$11.9 billion; in-

vestments made by a French bank. This is a French bank that bought an interest in AIG, they lost their money, they come back to us, and we pay them back for their loss. The BNP Paribas, \$4.9 billion; the Deutsche Bank in Germany, \$11.8 billion; the ING, Netherlands, \$1.5 billion; Barclays, of the UK, \$8.5 billion. This is just a sampling of the over \$50 billion that foreign banks have gotten from AIG. In other words, \$50 billion in taxpayers' money has gone to foreign banks. I don't think many people have caught on to that yet. The taxpayers are picking up the tab. Meanwhile, some U.S. banks are getting the same treatment. Goldman Sachs has received \$12.9 billion. These are all investments in AIG. Merrill Lynch, \$6.8 billion; Bank of America, \$5.2 billion; Citigroup, \$2.3 billion. All told, the U.S. banks have gotten around \$45 billion through AIG from the U.S. taxpayer. What is interesting, as bad as it is that U.S. banks are getting back \$45 billion for bad investments, the foreign banks are actually getting back more than the U.S. banks are. Not one of these banks I have mentioned has taken a dime of loss in their AIG investments—not one. AIG's counterparties have been made whole across the board by the U.S. taxpayer. Why is that? Why can't any of these banks take any of the loss on their AIG investment? Why is the taxpayer being asked to bear the full cost of all these bad investments? The American taxpayers have a right to know and Secretary Geithner needs to explain this.

I say this because I know people are outraged in my State of Oklahoma about the fact that there have been bonuses that have been made, but this is even far worse than that was. The American people are getting completely fleeced on their \$150 billion AIG investment, \$700 billion bailout of Wall Street, and billions in ad hoc bailouts, of which we have still not seen the end. Only this week, Secretary Geithner has announced that the Government will work with private investors to purchase between \$500 billion and \$1 trillion of toxic assets.

Now, at this point I would say, remember back when we were being sold a bill of goods, I voted against it, but 75 percent of the Senate voted for it—\$700 billion to be given to an unelected bureaucrat to do with as they wished. We all remember that. What was that supposed to be used for? The bad part of the bill was not just the amount of money; there were no guidelines, no accountability. That was supposed to be used to buy toxic assets. I could quote right now things they said at that time: This money has to be spent for toxic assets, and if you don't do that, the whole country is going to go down and we are going to have another depression again. So the President's budget includes a placeholder for billions in additional banking bailouts.

The American people have said enough a long time ago. We have to put an end to the Geithner approach on bailouts.

Looking back since last fall, more and more I feel I may have been overly critical of Secretary Paulson, at least when compared to Secretary Geithner. Geithner's handling of the \$700 billion Wall Street bailout has been worse than Paulson's. Whether it is Paulson or Geithner, handing \$700 billion over to an unelected bureaucrat to do with what he pleases is bad enough when three-fourths of the Senate voted to do it last October, and it is an even worse idea with Tim Geithner at the helm. What has happened with the taxpayers' investment in AIG is clear evidence of that. No matter how you look at it, it has been a bad deal for the U.S. taxpayers.

Now, in light of all of this, I have introduced legislation to do more than deal with the bonuses. This is S. 680, just introduced. S. 680 gets to the root of this problem. Of the \$150 billion we have already given to AIG, it is my understanding that there is \$30 billion more for AIG from TARP that has been agreed to by the Treasury Secretary but has not yet been drawn down. My legislation would prevent that from going forward. The taxpayers have given AIG about \$150 billion so far. I think it is completely reasonable to say that once a single company gets \$150 billion from the taxpayers, it should be cut off from getting more. There has to be a point beyond which Government cannot go, and there has to be an end to the road that is fleecing American taxpayers. This provides that end.

There is no other vehicle out there to do it. I can tell my colleagues right now, if this isn't brought up and voted on, the taxpayers of America are going to put another \$30 billion into AIG to be used to pay off foreign banks. This is the only way we can stop it is with this legislation, so I encourage the leadership to help us bring this up for a vote. I can assure my colleagues it would pass with an overwhelming majority. That is S. 680, the only vehicle out there that would keep AIG from using taxpayer money to pay off other foreign banks.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. LEVIN, Mr. SCHUMER, and Ms. STABENOW):

S. 682. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, colleges and universities take many steps to support their students and ensure that they succeed. Financial aid offices find ways for students to afford tuition and textbooks, housing offices provide safe

places for students to live, and tutoring centers provide academic supports for students who are struggling to keep up in class. But there is another critical service that many students require to succeed, and it is much less frequently discussed. I am talking about mental health services and outreach provided by college counseling centers.

For a long time, we have overlooked the mental health needs of students on college campuses. We know now that many mental illnesses start to manifest in this period when young people leave the security of home and regular medical care. The responsibility for the students' well-being often shifts from parents to students, and the students aren't always completely prepared. It is easier for a young person's problems to go unnoticed when he or she is away at college than when they are at home, in the company of parents, old friends, and high school teachers. College also provides a new opportunity for young people to experiment with drugs or alcohol.

The consequences of not detecting or addressing mental health needs among students are real. Forty-five percent of college students report having felt so depressed that it was difficult to function. Ten percent have contemplated suicide. We have even seen tragedies on the scale of shootings at Northern Illinois University in February 2008 and at Virginia Tech in April 2007. These heartbreaking and traumatic incidents demonstrated the tragic consequences of mental instability and helped us recognize we need to do more to support students during what can be very tough years.

Fortunately, many students can succeed in college if they have appropriate counseling services and access to needed medications. These services make a real impact. Students who seek help are 6 times less likely to kill themselves. Colleges are welcoming students today who 10 or 20 years ago would not have been able to attend school due to mental illness, but who can today because of advances in treatment.

But while the needs for mental health services on campus are rising, colleges are facing financial pressures and having trouble meeting this demand. As I have travelled around my State, I have learned just how thin colleges and universities are stretched when it comes to providing counseling and other support services to students.

Take Southern Illinois University in Carbondale. SIUC has 8 full-time counselors for 21,000 students. That is one counselor for every 2,500 students. The recommended ratio is one counselor for every 1,500 students. And there is another problem. Like many rural communities, Carbondale only has one community mental health agency. That agency is overwhelmed by the mental health needs of the community

and refuses to serve students from SIUC. The campus counseling center is the only mental health option for students. The eight hard-working counselors at SIUC do their best under impossible conditions. They triage students who come in seeking help so that the ones who might be a threat to themselves or others are seen first. The waitlist of students seeking services has reached 45 students.

The story is the same across the country. Colleges are trying to fill in the gaps, but because of the shortage of counselors, students' needs are overlooked. A recent survey of college counseling centers indicates that the average ratio of professional-staff-to-students is 1 to 1,952, and at 4-year public universities it is 1 to 2,607 students. Although interest in mental-health services is high, the recession has put pressure on administrators to cut budgets wherever they can. At times, counseling centers are in the cross hairs. Ten percent of survey respondents said their budgets were cut during the 2007-8 academic year, half said their budgets stayed the same, and nearly a quarter reported that their funds increased by 3 percent or less.

With so many students looking for help and so few counselors to see them, counseling centers have to cut back on outreach. Without outreach, the chances of finding students who need help but do not ask for it go down. This is a serious problem. We know that some students exhibit warning signs of a tortured mental state. But faculty and students do not always know how or where to express their concerns. Outreach efforts by campus counseling centers can help educate the community about warning signs to look for as well as how to intervene. Of the students who committed suicide across the country in 2007, only 22 percent had received counseling on campus. That means that of the 1,000 college students who took their own lives, 800 may never have looked for help. How many of those young lives could have been saved if our college counseling centers had the resources they needed to identify those students and help them? Our students deserve better.

We need to help schools meet the needs of their students, and that's why I'm introducing the Mental Health on Campus Improvement Act today. This bill would create a grant program to provide funding for colleges and universities to improve their mental health services. Colleges could use the funding to hire personnel, increase outreach, and educate the campus community about mental health. The bill also would direct the Department of Health and Human Services to develop a public, nation-wide campaign to educate campus communities about mental health.

Reflecting on the loss of his own son, the well-known minister Rev. William

Sloan Coffin once said, "When parents die, they take with them a portion of the past. But when children die, they take away the future as well." I hope the bill I am introducing today will help prevent the unnecessary loss of more young lives and bright futures.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 682

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health on Campus Improvement Act".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The 2007 National Survey of Counseling Center Directors found that the average ratio of counselors to students on campus is nearly 1 to 2,000 and is often far higher on large campuses. The International Association of Counseling Services accreditation standards recommend 1 counselor per 1,000 to 1,500 students.

(2) College counselors report that 8.5 percent of enrolled students sought counseling in the past year, totaling an estimated 1,600,000 students.

(3) Over 90 percent of counseling directors believe there is an increase in the number of students coming to campus with severe psychological problems. The majority of counseling directors report concerns that the demand for services is growing without an increase in resources.

(4) A 2008 American College Health Association survey revealed that 43 percent of students at colleges and universities report having felt so depressed it was difficult to function, and one out of every 11 students seriously considered suicide within the past year.

(5) Research conducted between 1989 and 2002 found that students seen for anxiety disorders doubled, for depression tripled, and for serious suicidal intention tripled.

(6) Many students who need help never receive it. Counseling directors report that, of the students who committed suicide on their campuses, only 22 percent were current or former counseling center clients. Directors did not know the previous psychiatric history of 60 percent of those students.

(7) A survey conducted by the University of Idaho Student Counseling Center in 2000 found that 77 percent of students who responded reported that they were more likely to stay in school because of counseling and that their school performance would have declined without counseling.

(8) A 6-year longitudinal study of college students found that personal and emotional adjustment was an important factor in retention and predicted attrition as well as, or better than, academic adjustment (Gerdes & Mallinckrodt, 1994).

#### SEC. 3. IMPROVING MENTAL AND BEHAVIORAL HEALTH ON COLLEGE CAMPUSES.

Title V of the Public Health Service Act is amended by inserting after section 520E-2 (42 U.S.C. 290bb-36b) the following:

##### "SEC. 520E-3. GRANTS TO IMPROVE MENTAL AND BEHAVIORAL HEALTH ON COLLEGE CAMPUSES.

"(a) PURPOSE.—It is the purpose of this section, with respect to college and university settings, to—

“(1) increase access to mental and behavioral health services;

“(2) foster and improve the prevention of mental and behavioral health disorders, and the promotion of mental health;

“(3) improve the identification and treatment for students at risk;

“(4) improve collaboration and the development of appropriate levels of mental and behavioral health care;

“(5) reduce the stigma for students with mental health disorders and enhance their access to mental health services; and

“(6) improve the efficacy of outreach efforts.

“(b) GRANTS.—The Secretary, acting through the Administrator and in consultation with the Secretary of Education, shall award competitive grants to eligible entities to improve mental and behavioral health services and outreach on college and university campuses.

“(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an entity shall—

“(1) be an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

“(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the information required under subsection (d).

“(d) APPLICATION.—An application for a grant under this section shall include—

“(1) a description of the population to be targeted by the program carried out under the grant, the particular mental and behavioral health needs of the students involved, and the Federal, State, local, private, and institutional resources available for meeting the needs of such students at the time the application is submitted;

“(2) an outline of the objectives of the program carried out under the grant;

“(3) a description of activities, services, and training to be provided under the program, including planned outreach strategies to reach students not currently seeking services;

“(4) a plan to seek input from community mental health providers, when available, community groups, and other public and private entities in carrying out the program;

“(5) a plan, when applicable, to meet the specific mental and behavioral health needs of veterans attending institutions of higher education;

“(6) a description of the methods to be used to evaluate the outcomes and effectiveness of the program; and

“(7) an assurance that grant funds will be used to supplement, and not supplant, any other Federal, State, or local funds available to carry out activities of the type carried out under the grant.

“(e) SPECIAL CONSIDERATIONS.—In awarding grants under this section, the Secretary shall give special consideration to applications that describe programs to be carried out under the grant that—

“(1) demonstrate the greatest need for new or additional mental and behavioral health services, in part by providing information on current ratios of students to mental and behavioral health professionals;

“(2) propose effective approaches for initiating or expanding campus services and supports using evidence-based practices;

“(3) target traditionally underserved populations and populations most at risk;

“(4) where possible, demonstrate an awareness of, and a willingness to, coordinate with a community mental health center or other

mental health resource in the community, to support screening and referral of students requiring intensive services;

“(5) identify how the college or university will address psychiatric emergencies, including how information will be communicated with families or other appropriate parties; and

“(6) demonstrate the greatest potential for replication and dissemination.

“(f) USE OF FUNDS.—Amounts received under a grant under this section may be used to—

“(1) provide mental and behavioral health services to students, including prevention, promotion of mental health, screening, early intervention, assessment, treatment, management, and education services relating to the mental and behavioral health of students;

“(2) provide outreach services to notify students about the existence of mental and behavioral health services;

“(3) educate families, peers, faculty, staff, and communities to increase awareness of mental health issues;

“(4) support student groups on campus that engage in activities to educate students, reduce stigma surrounding mental and behavioral disorders, and promote mental health wellness;

“(5) employ appropriately trained staff;

“(6) expand mental health training through internship, post-doctorate, and residency programs;

“(7) develop and support evidence-based and emerging best practices, including a focus on culturally- and linguistically-appropriate best practices; and

“(8) evaluate and disseminate best practices to other colleges and universities.

“(g) DURATION OF GRANTS.—A grant under this section shall be awarded for a period not to exceed 3 years.

“(h) EVALUATION AND REPORTING.—

“(1) EVALUATION.—Not later than 18 months after the date on which a grant is received under this section, the eligible entity involved shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant and plans for the sustainability of such efforts.

“(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of—

“(A) the evaluations conducted under paragraph (1); and

“(B) an evaluation conducted by the Secretary to analyze the effectiveness and efficacy of the activities conducted with grants under this section.

“(i) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to grantees in carrying out this section.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

#### “SEC. 520E-4. MENTAL AND BEHAVIORAL HEALTH OUTREACH AND EDUCATION ON COLLEGE CAMPUSES.

“(a) PURPOSE.—It is the purpose of this section to increase access to, and reduce the stigma associated with, mental health services so as to ensure that college students have the support necessary to successfully complete their studies.

“(b) NATIONAL PUBLIC EDUCATION CAMPAIGN.—The Secretary, acting through the Administrator and in collaboration with the

Director of the Centers for Disease Control and Prevention, shall convene an inter-agency, public-private sector working group to plan, establish, and begin coordinating and evaluating a targeted public education campaign that is designed to focus on mental and behavioral health on college campuses. Such campaign shall be designed to—

“(1) improve the general understanding of mental health and mental health disorders;

“(2) encourage help-seeking behaviors relating to the promotion of mental health, prevention of mental health disorders, and treatment of such disorders;

“(3) make the connection between mental and behavioral health and academic success; and

“(4) assist the general public in identifying the early warning signs and reducing the stigma of mental illness.

“(c) COMPOSITION.—The working group under subsection (b) shall include—

“(1) mental health consumers, including students and family members;

“(2) representatives of colleges and universities;

“(3) representatives of national mental and behavioral health and college associations;

“(4) representatives of college health promotion and prevention organizations;

“(5) representatives of mental health providers, including community mental health centers; and

“(6) representatives of private- and public-sector groups with experience in the development of effective public health education campaigns.

“(d) PLAN.—The working group under subsection (b) shall develop a plan that shall—

“(1) target promotional and educational efforts to the college age population and individuals who are employed in college and university settings, including the use of roundtables;

“(2) develop and propose the implementation of research-based public health messages and activities;

“(3) provide support for local efforts to reduce stigma by using the National Mental Health Information Center as a primary point of contact for information, publications, and service program referrals; and

“(4) develop and propose the implementation of a social marketing campaign that is targeted at the college population and individuals who are employed in college and university settings.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.”

#### SEC. 4. INTERAGENCY WORKING GROUP ON COLLEGE MENTAL HEALTH.

(a) PURPOSE.—It is the purpose of this section, pursuant to Executive Order 13263 (and the recommendations issued under section 6(b) of such Order), to provide for the establishment of a College Campus Task Force under the Federal Executive Steering Committee on Mental Health, to discuss mental and behavioral health concerns on college and university campuses.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall establish a College Campus Task Force (referred to in this section as the “Task Force”), under the Federal Executive Steering Committee on Mental Health, to discuss mental and behavioral health concerns on college and university campuses.

(c) MEMBERSHIP.—The Task Force shall be composed of a representative from each Federal agency (as appointed by the head of the

agency) that has jurisdiction over, or is affected by, mental health and education policies and projects, including—

- (1) the Department of Education;
- (2) the Department of Health and Human Services;
- (3) the Department of Veterans Affairs; and
- (4) such other Federal agencies as the Administrator of the Substance Abuse and Mental Health Services Administration and the Secretary jointly determine to be appropriate.

(d) DUTIES.—The Task Force shall—

(1) serve as a centralized mechanism to coordinate a national effort—

(A) to discuss and evaluate evidence and knowledge on mental and behavioral health services available to, and the prevalence of mental health illness among, the college age population of the United States;

(B) to determine the range of effective, feasible, and comprehensive actions to improve mental and behavioral health on college and university campuses;

(C) to examine and better address the needs of the college age population dealing with mental illness;

(D) to survey Federal agencies to determine which policies are effective in encouraging, and how best to facilitate outreach without duplicating, efforts relating to mental and behavioral health promotion;

(E) to establish specific goals within and across Federal agencies for mental health promotion, including determinations of accountability for reaching those goals;

(F) to develop a strategy for allocating responsibilities and ensuring participation in mental and behavioral health promotions, particularly in the case of competing agency priorities;

(G) to coordinate plans to communicate research results relating to mental and behavioral health amongst the college age population to enable reporting and outreach activities to produce more useful and timely information;

(H) to provide a description of evidence-based best practices, model programs, effective guidelines, and other strategies for promoting mental and behavioral health on college and university campuses;

(I) to make recommendations to improve Federal efforts relating to mental and behavioral health promotion on college campuses and to ensure Federal efforts are consistent with available standards and evidence and other programs in existence as of the date of enactment of this Act; and

(J) to monitor Federal progress in meeting specific mental and behavioral health promotion goals as they relate to college and university settings;

(2) consult with national organizations with expertise in mental and behavioral health, especially those organizations working with the college age population; and

(3) consult with and seek input from mental health professionals working on college and university campuses as appropriate.

(e) MEETINGS.—

(1) IN GENERAL.—The Task Force shall meet at least 3 times each year.

(2) ANNUAL CONFERENCE.—The Secretary shall sponsor an annual conference on mental and behavioral health in college and university settings to enhance coordination, build partnerships, and share best practices in mental and behavioral health promotion, data collection, analysis, and services.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. DURBIN, Mr. KERRY, Mr. SCHUMER, Ms. STABENOW, Mr. DODD, Mr. BROWN, Mr. SANDERS, Mr. CASEY, Mr. TESTER, Mrs. GILLIBRAND, and Mr. BENNET):

S. 683. A bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, I am joining with Senator SPECTER and others to introduce the Community Choice Act. This legislation is needed to truly bring people with disabilities into the mainstream of society and provide equal opportunity for employment and full involvement in community activities.

The individuals affected by the Community Choice Act are those persons who require an institutional level of care to manage their disabilities. The question is whether they will receive these services only in an institutional setting—typically, a nursing home—or whether they will also have the choice to receive these services in their communities, where they can be part of community life and close to family and friends.

Under the U.S. Supreme Court's decision in *Olmstead v. L.C.*, 1999, individuals with disabilities have the right to choose to receive their long-term services and supports in the community, rather than in an institutional setting. This year marks the 10-year anniversary of the *Olmstead* decision.

Unfortunately, under current Medicaid policy, and despite much effort to "rebalance" the system, the deck is still stacked in favor of living in an institutional setting. The reason for this is simple. Despite the *Olmstead* decision, Federal law only requires that States cover nursing home care in their Medicaid programs. There is no similar requirement for providing individuals the choice of receiving their services and supports in a community-based setting.

Overall about 60 percent of Medicaid long-term care dollars are still spent on institutional services, with about 40 percent going to home and community-based services. In 2007, only 11 States spent 50 percent or more of their Medicaid long-term care funds on home and community-based care.

The statistics are even more disproportionate for adults with physical disabilities. In 2007, 69 percent of Medicaid long-term care spending for older people and adults with physical disabilities paid for institutional services. Only 6 States spent 50 percent or more of their Medicaid long-term care dollars on home and community-based services for older people and adults with physical disabilities, while half of

the States spent less than 25 percent. This disparity continues even though, on average, it is estimated that Medicaid dollars can support nearly three older people and adults with physical disabilities in home and community-based services for every person in a nursing home.

Although 30 States have already recognized the benefits of community-based services, and are providing the personal care optional benefit through their Medicaid program, these programs are unevenly distributed and only reach a small percentage of eligible individuals. Many of these programs serve only persons with certain disabilities. They have long waiting lists. They have financial caps. None of them allow the recipients to retain their benefits if they move to other States. Individuals with the most significant disabilities are usually afforded the least amount of choice, despite advances in medical and assistive technologies and related areas.

This current imbalance means that individuals with disabilities do not have equal access to community-based care throughout this country. An individual with a disability should not have to move to another State in order to avoid needless segregation. Nor should that individual have to move away from family and friends because the only choice is an institution.

The right to live in the community is too important a right to be left to State discretion. Instead, it should be left to the individual to decide, as the Supreme Court has recognized.

The majority of individuals who use Medicaid long-term services and supports prefer to live in the community, rather than in institutional settings.

I think of my nephew Kelly, who became a paraplegic after an accident while serving in the U.S. Navy. The Veterans Administration pays for his attendant services. This allows Kelly to get up in the morning, go to work, operate his own small business, pay taxes, and be a fully contributing member of our economy and society. This country is rich enough to provide these same opportunities to every American who needs attendant services.

We in Congress have a responsibility to help States meet their obligations under *Olmstead*, to level the playing field, and to give eligible individuals equal access to the community-based services and supports they need.

The Community Choice Act is designed to do just that, and to make the promise of the Americans with Disabilities Act a reality. It will help rebalance the current Medicaid long-term care system, which spends a disproportionate amount on institutional services.

Federal Medicaid policy should reflect the goals of the Americans with Disabilities Act that Americans with

disabilities should have equal opportunity, and the right to fully participate in their communities. No one should have to sacrifice their ability to participate because they need help getting out of the house in the morning or assistance with personal care or some other basic service.

The Community Choice Act can substantially reform long-term services in this country, consistent with the Olmstead decision, by allowing people with disabilities who need an institutional level of care the choice of receiving their services and supports in their own communities, rather than in an institution. With appropriate community-based services and supports, we can transform the lives of people with disabilities. They can live with family and friends, not strangers. They can be the neighbor down the street, not the person warehoused down the hall. This is not asking too much. This is the bare minimum that we should demand for every human being.

Community-based services and supports allow people with disabilities to lead independent lives, have jobs, and participate in their communities. Some will become taxpayers, some will get an education, and some will participate in recreational and civic activities. But all will be given a chance to make their own choices and to govern their own lives.

The Community Choice Act will open the door to full participation by people with disabilities in our workplaces and economy. It will give them better access to the American Dream.

As has been true with all major disability-rights legislation going back to the ADA, this is a strictly bipartisan bill. I urge all my colleagues to come together on this important measure. I especially want to thank Senator SPECTER for his leadership on this issue and his commitment to improving access to home and community-based services for people with disabilities. I also thank Senators KENNEDY, DURBIN, KERRY, SCHUMER, STABENOW, DODD, BROWN, SANDERS, CASEY, TESTER, BENNET, and GILLIBRAND for joining me in this important initiative.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 683

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Community Choice Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

#### TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

Sec. 101. Coverage of community-based attendant services and supports under the Medicaid program.

Sec. 102. Enhanced FMAP for ongoing activities of early coverage States that enhance and promote the use of community-based attendant services and supports.

Sec. 103. Increased Federal financial participation for certain expenditures.

#### TITLE II—PROMOTION OF SYSTEMS CHANGE AND CAPACITY BUILDING

Sec. 201. Grants to promote systems change and capacity building.

Sec. 202. Demonstration project to enhance coordination of care under the Medicare and Medicaid programs for dual eligible individuals.

#### SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Long-term services and supports provided under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) must meet the abilities and life choices of individuals with disabilities and older Americans, including the choice to live in one's own home or with one's own family and to become a productive member of the community.

(2) Similarly, under the United States Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), individuals with disabilities have the right to choose to receive their long term services and supports in the community, rather than in an institutional setting.

(3) Nevertheless, research on the provision of long-term services and supports under the Medicaid program (conducted by and on behalf of the Department of Health and Human Services) continues to show a significant funding and programmatic bias toward institutional care. In 2007, only 42 percent of long-term care funds expended under the Medicaid program, and only about 13.6 percent of all funds expended under that program, pay for services and supports in home and community-based settings.

(4) While much effort has been dedicated to “rebalancing” the current system, overall about 60 percent of Medicaid long-term care dollars are still spent on institutional services, with about 40 percent going to home and community based services. In 2007, only 11 States spent 50 percent or more of their Medicaid long-term care funds on home and community-based care.

(5) The statistics are even more disproportionate for adults with physical disabilities. In 2007, 69 percent of Medicaid long term care spending for older people and adults with physical disabilities paid for institutional services. Only 6 states spent 50 percent or more of their Medicaid long term care dollars on home and community based services for older people and adults with physical disabilities while ½ of the States spent less than 25 percent. This disparity continues even though, on average, it is estimated that Medicaid dollars can support nearly 3 older people and adults with physical disabilities in home and community-based services for every person in a nursing home.

(6) For Medicaid beneficiaries who need long term care, services provided in an institutional setting represent the only guaranteed benefit. Only 30 States have adopted the benefit option of providing personal care, or attendant, services under their Medicaid programs.

(7) Although every State has chosen to provide certain services under home and community-based waivers, these services are unevenly available within and across States, and reach a small percentage of eligible individuals. Individuals with the most significant disabilities are usually afforded the least amount of choice, despite advances in medical and assistive technologies and related areas.

(8) Despite the more limited funding for home and community-based services, the majority of individuals who use Medicaid long-term services and supports prefer to live in the community, rather than in institutional settings.

(9) The goals of the Nation properly include providing families of children with disabilities, working-age adults with disabilities, and older Americans with—

(A) a meaningful choice of receiving long-term services and supports in the most integrated setting appropriate to the individual's needs;

(B) the greatest possible control over the services received and, therefore, their own lives and futures; and

(C) quality services that maximize independence in the home and community.

(b) **PURPOSES.**—The purposes of this Act are the following:

(1) To reform the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to provide services in the most integrated setting appropriate to the individual's needs, and to provide equal access to community-based attendant services and supports in order to assist individuals in achieving equal opportunity, full participation, independent living, and economic self-sufficiency.

(2) To provide financial assistance to States as they reform their long-term care systems to provide comprehensive statewide long-term services and supports, including community-based attendant services and supports that provide consumer choice and direction, in the most integrated setting appropriate.

(3) To assist States in meeting the growing demand for community-based attendant services and supports, as the Nation's population ages and individuals with disabilities live longer.

(4) To assist States in complying with the U.S. Supreme Court decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999), and implementing the integration mandate of the Americans with Disabilities Act.

#### TITLE I—ESTABLISHMENT OF MEDICAID PLAN BENEFIT

##### SEC. 101. COVERAGE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS UNDER THE MEDICAID PROGRAM.

(a) **MANDATORY COVERAGE.**—Section 1902(a)(10)(D) of the Social Security Act (42 U.S.C. 1396a(a)(10)(D)) is amended—

(1) by inserting “(i)” after “(D)”;

(2) by adding “and” after the semicolon; and

(3) by adding at the end the following new clause:

“(ii) subject to section 1943, for the inclusion of community-based attendant services and supports for any individual who—

“(I) is eligible for medical assistance under the State plan;

“(II) with respect to whom there has been a determination that the individual requires the level of care provided in a nursing facility, institution for mental diseases, or an intermediate care facility for the mentally retarded (whether or not coverage of such institution or intermediate care facility is provided under the State plan); and

“(III) chooses to receive such services and supports;”.

**(b) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—**

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

**“COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS**

**“SEC. 1943. (a) REQUIRED COVERAGE.—**

“(1) IN GENERAL.—Not later than October 1, 2014, a State shall provide through a plan amendment for the inclusion of community-based attendant services and supports (as defined in subsection (g)(1)) for individuals described in section 1902(a)(10)(D)(ii) in accordance with this section.

“(2) ENHANCED FMAP AND ADDITIONAL FEDERAL FINANCIAL SUPPORT FOR EARLIER COVERAGE.—Notwithstanding section 1905(b), during the period that begins on October 1, 2009, and ends on September 30, 2014, in the case of a State with an approved plan amendment under this section during that period that also satisfies the requirements of subsection (c) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance in the form of community-based attendant services and supports provided to individuals described in section 1902(a)(10)(D)(ii) in accordance with this section on or after the date of the approval of such plan amendment.

“(b) DEVELOPMENT AND IMPLEMENTATION OF BENEFIT.—In order for a State plan amendment to be approved under this section, a State shall provide the Secretary with the following assurances:

“(1) ASSURANCE OF DEVELOPMENT AND IMPLEMENTATION COLLABORATION.—

“(A) IN GENERAL.—That State plan amendment—

“(i) has been developed in collaboration with, and with the approval of, a Development and Implementation Council established by the State that satisfies the requirements of subparagraph (B); and

“(ii) will be implemented in collaboration with such Council and on the basis of public input solicited by the State and the Council.

“(B) DEVELOPMENT AND IMPLEMENTATION COUNCIL REQUIREMENTS.—For purposes of subparagraph (A), the requirements of this subparagraph are that—

“(i) the majority of the members of the Development and Implementation Council are individuals with disabilities, elderly individuals, and their representatives; and

“(ii) in carrying out its responsibilities, the Council actively collaborates with—

“(I) individuals with disabilities;

“(II) elderly individuals;

“(III) representatives of such individuals; and

“(IV) providers of, and advocates for, services and supports for such individuals.

“(2) ASSURANCE OF PROVISION ON A STATE-WIDE BASIS AND IN MOST INTEGRATED SETTING.—That consumer controlled community-based attendant services and supports will be provided under the State plan to individuals described in section 1902(a)(10)(D)(ii) on a statewide basis and in a manner that provides such services and supports in the most integrated setting appropriate to the individual's needs.

“(3) ASSURANCE OF NONDISCRIMINATION.—That the State will provide community-based attendant services and supports to an individual described in section 1902(a)(10)(D)(ii) without regard to the individual's age, type or nature of disability, se-

verity of disability, or the form of community-based attendant services and supports that the individual requires in order to lead an independent life.

“(4) ASSURANCE OF MAINTENANCE OF EFFORT.—That the level of State expenditures for medical assistance that is provided under section 1905(a), section 1915, section 1115, or otherwise to individuals with disabilities or elderly individuals for a fiscal year shall not be less than the level of such expenditures for the fiscal year preceding the first full fiscal year in which the State plan amendment to provide community-based attendant services and supports in accordance with this section is implemented.

“(c) REQUIREMENTS FOR ENHANCED FMAP FOR EARLY COVERAGE.—In addition to satisfying the other requirements for an approved plan amendment under this section, in order for a State to be eligible under subsection (a)(2) during the period described in that subsection for the enhanced FMAP for early coverage under subsection (a)(2), the State shall satisfy the following requirements:

“(1) SPECIFICATIONS.—With respect to a fiscal year, the State shall provide the Secretary with the following specifications regarding the provision of community-based attendant services and supports under the plan for that fiscal year:

“(A)(i) The number of individuals who are estimated to receive community-based attendant services and supports under the plan during the fiscal year.

“(ii) The number of individuals that received such services and supports during the preceding fiscal year.

“(B) The maximum number of individuals who will receive such services and supports under the plan during that fiscal year.

“(C) The procedures the State will implement to ensure that the models for delivery of such services and supports are consumer controlled (as defined in subsection (g)(2)(B)).

“(D) The procedures the State will implement to inform all potentially eligible individuals and relevant other individuals of the availability of such services and supports under this title, and of other items and services that may be provided to the individual under this title or title XVIII and other Federal or State long-term service and support programs.

“(E) The procedures the State will implement to ensure that such services and supports are provided in accordance with the requirements of subsection (b)(1).

“(F) The procedures the State will implement to actively involve in a systematic, comprehensive, and ongoing basis, the Development and Implementation Council established in accordance with subsection (b)(1)(A)(ii), individuals with disabilities, elderly individuals, and representatives of such individuals in the design, delivery, administration, implementation, and evaluation of the provision of such services and supports under this title.

“(2) PARTICIPATION IN EVALUATIONS.—The State shall provide the Secretary with such substantive input into, and participation in, the design and conduct of data collection, analyses, and other qualitative or quantitative evaluations of the provision of community-based attendant services and supports under this section as the Secretary deems necessary in order to determine the effectiveness of the provision of such services and supports in allowing the individuals receiving such services and supports to lead an independent life to the maximum extent possible.

“(d) QUALITY ASSURANCE.—

“(1) STATE RESPONSIBILITIES.—In order for a State plan amendment to be approved under this section, a State shall establish and maintain a comprehensive, continuous quality assurance system with respect to community-based attendant services and supports that provides for the following:

“(A) The State shall establish requirements, as appropriate, for agency-based and other delivery models that include—

“(i) minimum qualifications and training requirements for agency-based and other models;

“(ii) financial operating standards; and

“(iii) an appeals procedure for eligibility denials and a procedure for resolving disagreements over the terms of an individualized plan.

“(B) The State shall modify the quality assurance system, as appropriate, to maximize consumer independence and consumer control in both agency-provided and other delivery models.

“(C) The State shall provide a system that allows for the external monitoring of the quality of services and supports by entities consisting of consumers and their representatives, disability organizations, providers, families of disabled or elderly individuals, members of the community, and others.

“(D) The State shall provide for ongoing monitoring of the health and well-being of each individual who receives community-based attendant services and supports.

“(E) The State shall require that quality assurance mechanisms pertaining to the individual be included in the individual's written plan.

“(F) The State shall establish a process for the mandatory reporting, investigation, and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports.

“(G) The State shall obtain meaningful consumer input, including consumer surveys, that measure the extent to which an individual receives the services and supports described in the individual's plan and the individual's satisfaction with such services and supports.

“(H) The State shall make available to the public the findings of the quality assurance system.

“(I) The State shall establish an ongoing public process for the development, implementation, and review of the State's quality assurance system.

“(J) The State shall develop and implement a program of sanctions for providers of community-based services and supports that violate the terms or conditions for the provision of such services and supports.

“(2) FEDERAL RESPONSIBILITIES.—

“(A) PERIODIC EVALUATIONS.—The Secretary shall conduct a periodic sample review of outcomes for individuals who receive community-based attendant services and supports under this title.

“(B) INVESTIGATIONS.—The Secretary may conduct targeted reviews and investigations upon receipt of an allegation of neglect, abuse, or exploitation of an individual receiving community-based attendant services and supports under this section.

“(C) DEVELOPMENT OF PROVIDER SANCTION GUIDELINES.—The Secretary shall develop guidelines for States to use in developing the sanctions required under paragraph (1)(J).

“(e) REPORTS.—The Secretary shall submit to Congress periodic reports on the provision of community-based attendant services and supports under this section, particularly with respect to the impact of the provision of such services and supports on—



“(1) individuals eligible for medical assistance under this title;

“(2) States; and

“(3) the Federal Government.

“(f) NO EFFECT ON ABILITY TO PROVIDE COVERAGE.—

“(1) IN GENERAL.—Nothing in this section shall be construed as affecting the ability of a State to provide coverage under the State plan for community-based attendant services and supports (or similar coverage) under section 1905(a), section 1915, section 1115, or otherwise.

“(2) ELIGIBILITY FOR ENHANCED MATCH.—In the case of a State that provides coverage for such services and supports under a waiver, the State shall not be eligible under subsection (a)(2) for the enhanced FMAP for the early provision of such coverage unless the State submits a plan amendment to the Secretary that meets the requirements of this section and demonstrates that the State is able to fully comply with and implement the requirements of this section.

“(g) DEFINITIONS.—In this title:

“(1) COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

“(A) IN GENERAL.—The term ‘community-based attendant services and supports’ means attendant services and supports furnished to an individual, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks through hands-on assistance, supervision, or cueing—

“(i) under a plan of services and supports that is based on an assessment of functional need and that is agreed to in writing by the individual or, as appropriate, the individual’s representative;

“(ii) in a home or community setting, which shall include but not be limited to a school, workplace, or recreation or religious facility, but does not include a nursing facility, institution for mental diseases, or an intermediate care facility for the mentally retarded;

“(iii) under an agency-provider model or other model (as defined in paragraph (2)(C));

“(iv) the furnishing of which—

“(I) is selected, managed, and dismissed by the individual, or, as appropriate, with assistance from the individual’s representative; and

“(II) provided by an individual who is qualified to provide such services, including family members (as defined by the Secretary).

“(B) INCLUDED SERVICES AND SUPPORTS.—Such term includes—

“(i) tasks necessary to assist an individual in accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks;

“(ii) the acquisition, maintenance, and enhancement of skills necessary for the individual to accomplish activities of daily living, instrumental activities of daily living, and health-related tasks;

“(iii) backup systems or mechanisms (such as the use of beepers) to ensure continuity of services and supports; and

“(iv) voluntary training on how to select, manage, and dismiss attendants.

“(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), such term does not include—

“(i) the provision of room and board for the individual;

“(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

“(iii) assistive technology devices and assistive technology services;

“(iv) durable medical equipment; or

“(v) home modifications.

“(D) FLEXIBILITY IN TRANSITION TO COMMUNITY-BASED HOME SETTING.—Such term may include expenditures for transitional costs, such as rent and utility deposits, first month’s rent and utilities, bedding, basic kitchen supplies, and other necessities required for an individual to make the transition from a nursing facility, institution for mental diseases, or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides.

“(2) ADDITIONAL DEFINITIONS.—

“(A) ACTIVITIES OF DAILY LIVING.—The term ‘activities of daily living’ includes eating, toileting, grooming, dressing, bathing, and transferring.

“(B) CONSUMER CONTROLLED.—The term ‘consumer controlled’ means a method of selecting and providing services and supports that allow the individual, or where appropriate, the individual’s representative, maximum control of the community-based attendant services and supports, regardless of who acts as the employer of record.

“(C) DELIVERY MODELS.—

“(i) AGENCY-PROVIDER MODEL.—The term ‘agency-provider model’ means, with respect to the provision of community-based attendant services and supports for an individual, subject to clause (iii), a method of providing consumer controlled services and supports under which entities contract for the provision of such services and supports.

“(ii) OTHER MODELS.—The term ‘other models’ means, subject to clause (iii), methods, other than an agency-provider model, for the provision of consumer controlled services and supports. Such models may include the provision of vouchers, direct cash payments, or use of a fiscal agent to assist in obtaining services.

“(iii) COMPLIANCE WITH CERTAIN LAWS.—A State shall ensure that, regardless of whether the State uses an agency-provider model or other models to provide services and supports under a State plan amendment under this section, such services and supports are provided in accordance with the requirements of the Fair Labor Standards Act of 1938 and applicable Federal and State laws regarding—

“(I) withholding and payment of Federal and State income and payroll taxes;

“(II) the provision of unemployment and workers compensation insurance;

“(III) maintenance of general liability insurance; and

“(IV) occupational health and safety.

“(D) HEALTH-RELATED TASKS.—The term ‘health-related tasks’ means specific tasks that can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

“(E) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term ‘instrumental activities of daily living’ includes, but is not limited to, meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone and other media, and traveling around and participating in the community.

“(F) INDIVIDUALS REPRESENTATIVE.—The term ‘individual’s representative’ means a parent, a family member, a guardian, an advocate, or other authorized representative of an individual.”

(c) CONFORMING AMENDMENTS.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42

U.S.C. 1396a(a)(10)(A)) is amended, in the matter preceding clause (1), by striking “(17) and (21)” and inserting “(17), (21), and (28)”.

(2) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) by striking “and” at the end of paragraph (27);

(B) by redesignating paragraph (28) as paragraph (29); and

(C) by inserting after paragraph (27) the following:

“(28) community-based attendant services and supports (to the extent allowed and as defined in section 1943); and”.

(3) IMD/ICFMR REQUIREMENTS.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting “and (28)” after “(24)”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section (other than the amendment made by subsection (c)(1)) take effect on October 1, 2009, and apply to medical assistance provided for community-based attendant services and supports described in section 1943 of the Social Security Act furnished on or after that date.

(2) MANDATORY BENEFIT.—The amendment made by subsection (c)(1) takes effect on October 1, 2014.

#### SEC. 102. ENHANCED FMAP FOR ONGOING ACTIVITIES OF EARLY COVERAGE STATES THAT ENHANCE AND PROMOTE THE USE OF COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.

(a) IN GENERAL.—Section 1943 of the Social Security Act, as added by section 101(b), is amended—

(1) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(2) in subsection (a)(1), by striking “subsection (g)(1)” and inserting “subsection (i)(1)”;

(3) in subsection (a)(2), by inserting “, and with respect to expenditures described in subsection (d), the Secretary shall pay the State the amount described in subsection (d)(1)” before the period;

(4) in subsection (c)(1)(C), by striking “subsection (g)(2)(B)” and inserting “subsection (i)(2)(B)”; and

(5) by inserting after subsection (c), the following:

“(d) INCREASED FEDERAL FINANCIAL PARTICIPATION FOR EARLY COVERAGE STATES THAT MEET CERTAIN BENCHMARKS.—

“(1) IN GENERAL.—Subject to paragraph (2), for purposes of subsection (a)(2), the amount and expenditures described in this subsection are an amount equal to the Federal medical assistance percentage, increased by 10 percentage points, of the expenditures incurred by the State for the provision or conduct of the services or activities described in paragraph (3).

“(2) EXPENDITURE CRITERIA.—A State shall—

“(A) develop criteria for determining the expenditures described in paragraph (1) in collaboration with the individuals and representatives described in subsection (b)(1); and

“(B) submit such criteria for approval by the Secretary.

“(3) SERVICES, SUPPORTS AND ACTIVITIES DESCRIBED.—For purposes of paragraph (1), the services, supports and activities described in this subparagraph are the following:

“(A) 1-stop intake, referral, and institutional diversion services.



“(B) Identifying and remedying gaps and inequities in the State’s current provision of long-term services and supports, particularly those services and supports that are provided based on such factors as age, severity of disability, type of disability, ethnicity, income, institutional bias, or other similar factors.

“(C) Establishment of consumer participation and consumer governance mechanisms, such as cooperatives and regional service authorities, that are managed and controlled by individuals with significant disabilities who use community-based services and supports or their representatives.

“(D) Activities designed to enhance the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports.

“(E) Continuous, comprehensive quality improvement activities that are designed to ensure and enhance the health and well-being of individuals who rely on community-based attendant services and supports, particularly activities involving or initiated by consumers of such services and supports or their representatives.

“(F) Family support services to augment the efforts of families and friends to enable individuals with disabilities of all ages to live in their own homes and communities.

“(G) Health promotion and wellness services and activities.

“(H) Provider recruitment and enhancement activities, particularly such activities that encourage the development and maintenance of consumer controlled cooperatives or other small businesses or micro-enterprises that provide community-based attendant services and supports or related services.

“(I) Activities designed to ensure service and systems coordination.

“(J) Any other services or activities that the Secretary deems appropriate.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) take effect on October 1, 2009.

#### **SEC. 103. INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.**

(a) **IN GENERAL.**—Section 1943 of the Social Security Act, as added by section 101(b) and amended by section 102, is amended by inserting after subsection (d) the following:

“(e) **INCREASED FEDERAL FINANCIAL PARTICIPATION FOR CERTAIN EXPENDITURES.**—

“(1) **ELIGIBILITY FOR PAYMENT.**—

“(A) **IN GENERAL.**—In the case of a State that the Secretary determines satisfies the requirements of subparagraph (B), the Secretary shall pay the State the amounts described in paragraph (2) in addition to any other payments provided for under section 1903 or this section for the provision of community-based attendant services and supports.

“(B) **REQUIREMENTS.**—The requirements of this subparagraph are the following:

“(i) The State has an approved plan amendment under this section.

“(ii) The State has incurred expenditures described in paragraph (2).

“(iii) The State develops and submits to the Secretary criteria to identify and select such expenditures in accordance with the requirements of paragraph (3).

“(iv) The Secretary determines that payment of the applicable percentage of such expenditures (as determined under paragraph (2)(B)) would enable the State to provide a meaningful choice of receiving community-based services and supports to individuals with disabilities and elderly individuals who would otherwise only have the option of receiving institutional care.

“(2) **AMOUNTS AND EXPENDITURES DESCRIBED.**—

“(A) **EXPENDITURES IN EXCESS OF 150 PERCENT OF BASELINE AMOUNT.**—The amounts and expenditures described in this paragraph are an amount equal to the applicable percentage, as determined by the Secretary in accordance with subparagraph (B), of the expenditures incurred by the State for the provision of community-based attendant services and supports to an individual that exceed 150 percent of the average cost of providing nursing facility services to an individual who resides in the State and is eligible for such services under this title, as determined in accordance with criteria established by the Secretary.

“(B) **APPLICABLE PERCENTAGE.**—The Secretary shall establish a payment scale for the expenditures described in subparagraph (A) so that the Federal financial participation for such expenditures gradually increases from 70 percent to 90 percent as such expenditures increase.

“(3) **SPECIFICATION OF ORDER OF SELECTION FOR EXPENDITURES.**—In order to receive the amounts described in paragraph (2), a State shall—

“(A) develop, in collaboration with the individuals and representatives described in subsection (b)(1) and pursuant to guidelines established by the Secretary, criteria to identify and select the expenditures submitted under that paragraph; and

“(B) submit such criteria to the Secretary.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) takes effect on October 1, 2009.

#### **TITLE II—PROMOTION OF SYSTEMS CHANGE AND CAPACITY BUILDING**

##### **SEC. 201. GRANTS TO PROMOTE SYSTEMS CHANGE AND CAPACITY BUILDING.**

(a) **AUTHORITY TO AWARD GRANTS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall award grants to eligible States to carry out the activities described in subsection (b).

(2) **APPLICATION.**—In order to be eligible for a grant under this section, a State shall submit to the Secretary an application in such form and manner, and that contains such information, as the Secretary may require.

(b) **PERMISSIBLE ACTIVITIES.**—A State that receives a grant under this section may use funds provided under the grant for any of the following activities, focusing on areas of need identified by the State and the Consumer Task Force established under subsection (c):

(1) The development and implementation of the provision of community-based attendant services and supports under section 1943 of the Social Security Act (as added by section 101(b) and amended by sections 102 and 103) through active collaboration with—

(A) individuals with disabilities;

(B) elderly individuals;

(C) representatives of such individuals; and

(D) providers of, and advocates for, services and supports for such individuals.

(2) Substantially involving individuals with significant disabilities and representatives of such individuals in jointly developing, implementing, and continually improving a mutually acceptable comprehensive, effectively working statewide plan for preventing and alleviating unnecessary institutionalization of such individuals.

(3) Engaging in system change and other activities deemed necessary to achieve any or all of the goals of such statewide plan.

(4) Identifying and remedying disparities and gaps in services to classes of individuals

with disabilities and elderly individuals who are currently experiencing or who face substantial risk of unnecessary institutionalization.

(5) Building and expanding system capacity to offer quality consumer controlled community-based services and supports to individuals with disabilities and elderly individuals, including by—

(A) seeding the development and effective use of community-based attendant services and supports cooperatives, Independent Living Centers, small businesses, micro-enterprises, micro-boards, and similar joint ventures owned and controlled by individuals with disabilities or representatives of such individuals and community-based attendant services and supports workers;

(B) enhancing the choice and control individuals with disabilities and elderly individuals exercise, including through their representatives, with respect to the personal assistance and supports they rely upon to lead independent, self-directed lives;

(C) enhancing the skills, earnings, benefits, supply, career, and future prospects of workers who provide community-based attendant services and supports;

(D) engaging in a variety of needs assessment and data gathering;

(E) developing strategies for modifying policies, practices, and procedures that result in unnecessary institutional bias or the over-medicalization of long-term services and supports;

(F) engaging in interagency coordination and single point of entry activities;

(G) providing training and technical assistance with respect to the provision of community-based attendant services and supports;

(H) engaging in—

(i) public awareness campaigns;

(ii) facility-to-community transitional activities; and

(iii) demonstrations of new approaches; and

(I) engaging in other systems change activities necessary for developing, implementing, or evaluating a comprehensive statewide system of community-based attendant services and supports.

(6) Ensuring that the activities funded by the grant are coordinated with other efforts to increase personal attendant services and supports, including—

(A) programs funded under or amended by the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170; 113 Stat. 1860);

(B) grants funded under the Families of Children With Disabilities Support Act of 2000 (42 U.S.C. 15091 et seq.); and

(C) other initiatives designed to enhance the delivery of community-based services and supports to individuals with disabilities and elderly individuals.

(7) Engaging in transition partnership activities with nursing facilities and intermediate care facilities for the mentally retarded that utilize and build upon items and services provided to individuals with disabilities or elderly individuals under the Medicaid program under title XIX of the Social Security Act, or by Federal, State, or local housing agencies, Independent Living Centers, and other organizations controlled by consumers or their representatives.

(c) **CONSUMER TASK FORCE.**—

(1) **ESTABLISHMENT AND DUTIES.**—To be eligible to receive a grant under this section, each State shall establish a Consumer Task Force (referred to in this subsection as the “Task Force”) to assist the State in the development, implementation, and evaluation of real choice systems change initiatives.

(2) APPOINTMENT.—Members of the Task Force shall be appointed by the Chief Executive Officer of the State in accordance with the requirements of paragraph (3), after the solicitation of recommendations from representatives of organizations representing a broad range of individuals with disabilities, elderly individuals, representatives of such individuals, and organizations interested in individuals with disabilities and elderly individuals.

(3) COMPOSITION.—

(A) IN GENERAL.—The Task Force shall represent a broad range of individuals with disabilities from diverse backgrounds and shall include representatives from Developmental Disabilities Councils, Mental Health Councils, State Independent Living Centers and Councils, Commissions on Aging, organizations that provide services to individuals with disabilities and consumers of long-term services and supports.

(B) INDIVIDUALS WITH DISABILITIES.—A majority of the members of the Task Force shall be individuals with disabilities or representatives of such individuals.

(C) LIMITATION.—The Task Force shall not include employees of any State agency providing services to individuals with disabilities other than employees of entities described in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.).

(d) ANNUAL REPORT.—

(1) STATES.—A State that receives a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant in such form and manner as the Secretary may require.

(2) SECRETARY.—The Secretary shall submit to Congress an annual report on the grants made under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, \$50,000,000 for each of fiscal years 2010 through 2012.

(2) AVAILABILITY.—Amounts appropriated to carry out this section shall remain available without fiscal year limitation.

**SEC. 202. DEMONSTRATION PROJECT TO ENHANCE COORDINATION OF CARE UNDER THE MEDICARE AND MEDICAID PROGRAMS FOR DUAL ELIGIBLE INDIVIDUALS.**

(a) DEFINITIONS.—In this section:

(1) DUALY ELIGIBLE INDIVIDUAL.—The term “dually eligible individual” means an individual who is enrolled in the Medicare and Medicaid programs established under Titles XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).

(2) PROJECT.—The term “project” means the demonstration project authorized to be conducted under this section.

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(b) AUTHORITY TO CONDUCT PROJECT.—The Secretary shall conduct a project under this section for the purpose of evaluating service coordination and cost-sharing approaches with respect to the provision of community-based services and supports to dually eligible individuals.

(c) REQUIREMENTS.—

(1) NUMBER OF PARTICIPANTS.—Not more than 5 States may participate in the project.

(2) APPLICATION.—A State that desires to participate in the project shall submit an application to the Secretary, at such time and in such form and manner as the Secretary shall specify.

(3) DURATION.—The project shall be conducted for at least 5, but not more than 10 years.

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—Not later than 1 year prior to the termination date of the project, the Secretary, in consultation with States participating in the project, representatives of dually eligible individuals, and others, shall evaluate the impact and effectiveness of the project.

(2) REPORT.—The Secretary shall submit a report to Congress that contains the findings of the evaluation conducted under paragraph (1) along with recommendations regarding whether the project should be extended or expanded, and any other legislative or administrative actions that the Secretary considers appropriate as a result of the project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Ms. CANTWELL (for herself and Mr. KERRY):

S. 684. A bill to provide the Coast Guard and NOAA with additional authorities under the Oil Pollution Act of 1990, to strengthen the Oil Pollution Act of 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, 20 years ago today, the tanker *Exxon Valdez*, en route from Valdez, Alaska to Los Angeles, failed to turn back into the shipping lane after detouring to avoid ice. At 12:04 am, it ran aground on Bligh Reef in Prince William Sound. Within 6 hours, the *Exxon Valdez* spilled 11 million gallons of crude oil into the Sound's pristine waters and wrote itself into the history books as the worst oil spill ever in U.S. waters. Eventually, oil covered 11,000 square miles of ocean.

The environmental and economic damage is impossible to both fathom and assess; countless seabirds, marine mammals, and fish were killed. As a result, companies like the Chugach Alaska Corporation went bankrupt. There were huge losses to recreational sports, fisheries, and tourism. Today, 20 years later, there is still oil in the area.

But most of all, *Exxon Valdez* showed us just how unprepared we were. Today, this disaster serves as a constant reminder that we cannot allow complacency to drive the ship when it comes to protecting our oceans from oil spills.

This is why I rise today—on the anniversary of this catastrophe—to introduce the Oil Pollution Prevention and Response Act of 2009.

This legislation is designed to address some of the events that perfectly aligned to make the *Exxon Valdez* disaster possible. It will put mechanisms in place that will work to protect our Nation's environment and economy from this kind of devastation, and add another layer to our oil spill safety net.

Because while our oil spill safety net has come a long way since 1989, it could still be stronger.

In response to the *Exxon Valdez* oil spill, Congress passed the Oil Pollution Act of 1990 to say once and for all that complacency has no place in this country's oil shipping industry. It revolutionized oil spill risk management, and demonstrated that prevention, preparedness, and response were the key to filling some of the gaps.

The probability of a major spill has been greatly reduced.

In my home State of Washington, the Coast Guard's District 13 leads the Nation in oil spill prevention and works closely with the State of Washington, tribal governments, and industry.

But while the probability of a spill has decreased, the potential impacts are greater than ever, and just one spill could catastrophically damage our pristine waterways, ecosystems, and economy.

This is especially true in places like Washington State's Puget Sound, where every year, 600 oil tankers and 3,000 oil barges travel through the Sound, carrying about 15 billion gallons of oil. Or in a place like the Port of Seattle, where port facilities and activities support more than 190,000 jobs in the region and generate more than \$17 billion in revenue for businesses.

Alarming, in 2005, the Seattle Post-Intelligencer identified 650 near-miss incidents, including traffic violations, collisions, and groundings that occurred in the Sound between 1985 and 2004.

Unfortunately, these close calls are not all we have to worry about.

According to Coast Guard data, although the number of oil spills from vessels has decreased enormously since passage of OPA 90, the volume of oil spilled nationwide is still significant.

In 1992, vessels spilled more than 665,000 gallons of oil.

In 2004, the total was higher, at almost 723,000 gallons.

In 2004, there were 36 spills from tank ships, 141 spills from barges, and 1,562 spills from other vessels, including cargo ships.

I know that many of my colleagues have examples of their own, as there have been recent spills involving significant amounts of oil off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, Hawaii, and Washington.

In the last 2 years, we have seen oil on the beaches of San Francisco and the shores of the Mississippi River in Louisiana.

We must learn from these incidents, from *Exxon Valdez*, from every close call. We must pass iron-clad policies that show there is no room for complacency.

The Oil Pollution and Prevention and Response Act of 2009 is designed to do just that.

It builds on previous efforts, like the Commerce Committee Subcommittee on Fisheries and Coast Guard field hearing I chaired in Seattle in 2005.

This hearing focused on improving our oil pollution prevention and response capabilities, and as a result of the testimony from many people during that hearing and conversations with the Coast Guard and other stakeholders, I introduced the Oil Pollution Prevention and Response Act in March of 2006.

This bill updates that effort and includes additional provisions to reinvigorate our commitment to oil spill prevention and strengthen our oil spill safety net.

This bill will strengthen navigational measures in sensitive areas by requiring the identification of natural resources of particular ecological or economic importance—such as fisheries, marine sanctuaries, and important estuaries. Because if we know where the critically important resources are, we can re-route ships away from them.

It will improve the Coast Guard's coordination with State Oil Spill Prevention and Response.

The bill will mandate the Coast Guard to further reduce the risks of oil spills from activities that have been put on a back burner in the past; such as the potential for a spill when oil is transferred between vessels.

The bill will augment the Coast Guard's vessel inspection manpower.

It will require the Coast Guard to track and report on instances of human error, the most frequent cause of accidental spills.

This is an important step in the right direction for our Nation's oil spill safety net.

It is a proclamation that we are not going to allow complacency back at the wheel, nor are we going to allow politics to get in the way of doing what's right.

Twenty years ago we saw exactly what can happen. Today it is up to us to ensure that this country's environment, economy, and people never have to witness the aftermath of another *Exxon Valdez*.

The truth is, until we move this country away from its dangerous dependence on oil and toward a cleaner, more affordable, sustainable energy future, oil spills will be inevitable. So while we must continue to fight for a new energy future, we must also take responsibility and precautions for the symptoms of our actions today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 684

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Pollution Prevention and Response Act of 2009".

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Findings.

Sec. 4. Definitions.

#### TITLE I—PREVENTION OF OIL SPILLS

##### SUBTITLE A—COAST GUARD PROVISIONS

Sec. 101. Rulemakings.

Sec. 102. Oil spill response capability.

Sec. 103. Inspections by Coast Guard.

Sec. 104. Oil transfers from vessels.

Sec. 105. Improvements to reduce human error and near-miss incidents.

Sec. 106. Navigational measures for protection of natural resources.

Sec. 107. Olympic Coast National Marine Sanctuary.

Sec. 108. Higher volume port area regulatory definition change.

Sec. 109. Prevention of small oil spills.

Sec. 110. Improved coordination with tribal governments.

Sec. 111. Notification requirements.

Sec. 112. Cooperative State inspection authority.

Sec. 113. Tug escorts for laden oil tankers.

Sec. 114. Tank and non-tank vessel response plans.

Sec. 115. Report on the availability of technology to detect the loss of oil.

##### SUBTITLE B—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROVISIONS

Sec. 151. Hydrographic surveys.

Sec. 152. Electronic navigational charts.

#### TITLE II—RESPONSE

Sec. 201. Rapid response system.

Sec. 202. Coast Guard oil spill database.

Sec. 203. Use of oil spill liability trust fund.

Sec. 204. Extension of financial responsibility.

Sec. 205. Liability for use of unsafe single-hull vessels.

Sec. 206. International efforts on enforcement.

Sec. 207. Investment of amounts in damage assessment and restoration revolving fund.

#### TITLE III—RESEARCH AND MISCELLANEOUS REPORTS

Sec. 301. Federal Oil Spill Research Committee.

Sec. 302. Grant project for development of cost-effective detection technologies.

Sec. 303. Status of implementation of recommendations by the National Research Council.

Sec. 304. GAO report.

Sec. 305. Oil transportation infrastructure analysis.

Sec. 306. Oil spills in icy and Arctic conditions.

#### SEC. 3. FINDINGS.

The Congress finds the following:

(1) Oil released into the Nation's marine waters can cause substantial, and in some cases irreparable, harm to the marine environment.

(2) The economic impact of oil spills is substantial. Billions of dollars have been spent in the United States for cleanup of, and damages due to, oil spills; while many social, cultural, economic, and environmental damages remain uncompensated.

(3) The Oil Pollution Act of 1990, enacted in response to the worst vessel oil spill in United States history, substantially reduced the amount of oil spills from vessels. However, significant volumes of oil continue to be released, and the potential for a major spill remains unacceptably high.

(4) Although the total number of oil spills from vessels has decreased since passage of

the Oil Pollution Act of 1990, more oil was spilled in 2004 from vessels nationwide than was spilled from vessels in 1992.

(5) Waterborne transportation of oil in the United States continues to increase.

(6) Although the number of oil spills from tankers declined from 193 in 1992 to 36 in 2004, spills from oil tankers tend to be large with devastating impacts.

(7) While the number of oil spills from tank barges has declined since 1992 (322 spills to 141 spills in 2004), the volume of oil spilled from tank barges has remained constant at approximately 200,000 gallons spilled each year.

(8) Oil spills from non-tank vessels averaged between 125,000 gallons and 400,000 gallons per year from 1992 through 2004 and accounted for over half of the total number of spills from all sources, including vessels and non-vessel sources.

(9) Recent spills involving significant quantities of oil have occurred off the coasts of Alaska, Maine, Massachusetts, Oregon, Virginia, and Washington, and involved barges, tank vessels, and non-tank vessels. The value of waterfront property, sport, commercial and tribal treaty fisheries, recreation, tourism, and threatened and endangered species continue to increase.

(10) It is more cost-effective to prevent oil spills than it is to clean-up oil once it is released into the environment.

(11) Of the 20 major vessel oil spill incidents since 1990 where liability limits have been exceeded, 10 involved tank barges, 8 involved non-tank vessels, 2 involved tankers, and only 1 involved a vessel that was double-hulled.

(12) Although recent technological improvements in oil tanker design, such as double hulls and redundant steering, increase tanker safety, these technologies are not a panacea and cannot ensure against oil spills, the leading cause of which is human error.

(13) The Federal government has a responsibility to protect the Nation's natural resources, public health, and environment by improving Federal measures to prevent and respond to oil spills.

(14) Environmentally fragile coastal areas are vitally important to local economies and the way of life in coastal States and federally recognized tribal governments. These areas are particularly vulnerable to the threat of oil spills. Coastal waters contribute approximately 75 percent of all commercial shellfish and finfish catches, and over 81 percent of all recreational fishing catches in the United States, outside of Alaska and Hawaii.

(15) The northern coast of Washington State and entrance to Puget Sound is the principal corridor conveying Pacific Rim commerce into the State, to Canada's largest port, and to the United States' third largest naval complex. The area contains a National Marine Sanctuary, a National Park, and many National Wildlife Refuges contiguous with marine waters.

(16) State, local, and tribal governments have important human resources and spill response capabilities which can contribute to response efforts in the event of a significant oil spill. State, local, and tribal governments may have unique local knowledge of natural resources which can improve the quality of spill response. For these reasons, State, local and tribal governments need appropriate information to have knowledge of spills, as well as incidents and activities that may result in a spill, which can impact State waters.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) **AREA TO BE AVOIDED.**—The term “area to be avoided” means a routing measure established by the International Maritime Organization as an area to be avoided.

(2) **COASTAL STATE.**—The term “coastal State” has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) **COMMANDANT.**—The term “Commandant” means the Commandant of the Coast Guard.

(4) **NON-TANK VESSEL.**—The term “non-tank vessel” means a self-propelled vessel other than a tank vessel.

(5) **OIL.**—The term “oil” has the meaning given that term by section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating except where otherwise explicitly stated.

(7) **TANK VESSEL.**—The term “tank vessel” has the meaning given that term by section 1001(34) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(34)).

(8) **WATERS SUBJECT TO THE JURISDICTION OF THE UNITED STATES.**—The term “waters subject to the jurisdiction of the United States” means navigable waters (as defined in section 1001(21) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(21))) as well as—

(A) the territorial sea of the United States as defined in Presidential Proclamation Number 5928 of December 27, 1988; and

(B) the Exclusive Economic Zone of the United States established by Presidential Proclamation Number 5030 of March 10, 1983.

(9) **OTHER TERMS.**—The terms “facility”, “gross ton”, “exclusive economic zone”, “incident”, “oil”, “tank vessel”, “territorial seas”, and “vessel” have the meaning given those terms in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).

## TITLE I—PREVENTION OF OIL SPILLS

### Subtitle A—Coast Guard Provisions

#### SEC. 101. RULEMAKINGS.

##### (a) STATUS REPORT.—

(1) **IN GENERAL.**—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of all Coast Guard rulemakings required (but for which no final rule has been issued as of the date of enactment of this Act)—

(A) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

(B) under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) as amended by section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293); and

(C) for—

(i) automatic identification systems required under section 70114 of title 46, United States Code; and

(ii) inspection requirements for towing vessels required under section 3306(j) of that title.

(2) **INFORMATION REQUIRED.**—The Secretary shall include in the report required by paragraph (1)—

(A) a detailed explanation with respect to each such rulemaking as to—

(i) what steps have been completed;

(ii) what areas remain to be addressed; and

(iii) the cause of any delays; and

(B) the date by which a final rule may reasonably be expected to be issued.

(b) **FINAL RULES.**—The Secretary shall issue a final rule in each pending rulemaking under the Oil Pollution Act of 1990 (33 U.S.C.

2701 et seq.), and under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) as amended by section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293) as soon as practicable, but in no event later than 18 months after the date of enactment of this Act.

#### SEC. 102. OIL SPILL RESPONSE CAPABILITY.

(a) **SAFETY STANDARDS FOR TOWING VESSELS.**—In promulgating regulations for towing vessels under chapter 33 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall—

(1) give priority to completing such regulations for towing operations involving tank vessels; and

(2) consider the possible application of standards that, as of the date of enactment of this Act, apply to self-propelled tank vessels, and any modifications that may be necessary for application to towing vessels due to ship design, safety, and other relevant factors.

(b) **REDUCTION OF OIL SPILL RISK IN BUZZARDS BAY.**—Section 8502(g) of title 46, United States Code, is amended by adding at the end thereof the following:

“(3) In any area of Buzzards Bay, Massachusetts, where a single-hull tank vessel carrying 5,000 or more barrels of oil or other hazardous material is required to be under the direction and control of a pilot licensed under section 7101 of this title, the pilot may not be a member of the crew of that vessel and shall be a pilot licensed by the Commonwealth of Massachusetts who is operating under a Federal license.”.

(c) **REPORTING.**—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the extent to which tank vessels in Buzzards Bay, Massachusetts, are using routes recommended by the Coast Guard.

#### SEC. 103. INSPECTIONS BY COAST GUARD.

(a) **IN GENERAL.**—The Secretary shall ensure that the inspection schedule for all United States and foreign-flag tank vessels that enter a United States port or place increases the frequency and comprehensiveness of Coast Guard safety inspections based on such factors as vessel age, hull configuration, past violations of any applicable discharge and safety regulations under United States and international law, indications that the class societies inspecting such vessels may be substandard, and other factors relevant to the potential risk of an oil spill.

(b) **ENHANCED VERIFICATION OF STRUCTURAL CONDITION.**—The Coast Guard shall adopt, as part of its inspection requirements for tank vessels, additional procedures for enhancing the verification of the reported structural condition of such vessels, taking into account the Condition Assessment Scheme adopted by the International Maritime Organization by Resolution 94(46) on April 27, 2001.

#### SEC. 104. OIL TRANSFERS FROM VESSELS.

(a) **REGULATIONS.**—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risks of oil spills in operations involving the transfer of oil from or to a tank vessel. The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather;

(2) shall consider—

(A) requirements for use of equipment, such as putting booms in place for transfers, safety, and environmental impacts;

(B) operational procedures such as manning standards, communications protocols, and restrictions on operations in high-risk areas; or

(C) both such requirements and operational procedures; and

(3) shall take into account the safety of personnel and effectiveness of available procedures and equipment for preventing or mitigating transfer spills.

(b) **APPLICATION WITH STATE LAWS.**—The regulations promulgated under subsection (a) do not preclude the enforcement of any State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—

(1) applies in State waters;

(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations; and

(3) has been enacted or promulgated before the date of enactment of this Act.

#### SEC. 105. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) **REPORT.**—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oil spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents and to address any such gaps in the data.

(b) **MEASURES.**—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action, both domestically and at the International Maritime Organization, to reduce the risk of oil spills from human errors.

#### SEC. 106. NAVIGATIONAL MEASURES FOR PROTECTION OF NATURAL RESOURCES.

(a) **DESIGNATION OF AT-RISK AREAS.**—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall jointly identify areas where routing or other navigational measures are warranted in waters subject to the jurisdiction of the United States to reduce the risk of oil spills and potential damage to natural resources. In identifying those areas, the Secretary and the Under Secretary shall give priority consideration to natural resources of particular ecological importance or economic importance, including commercial fisheries, aquaculture facilities, marine sanctuaries designated by the Secretary of Commerce pursuant to the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330), critical habitats (as defined in section 3(5) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5))), estuarine research reserves within the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management

Act of 1972, and national parks and national seashores administered by the National Park Service under the National Park Service Organic Act (16 U.S.C. 1 et seq.).

(b) **FACTORS CONSIDERED.**—In determining whether navigational measures are warranted, the Secretary and the Under Secretary shall consider, at a minimum—

(1) the frequency of transits of vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j));

(2) the type and quantity of oil transported as cargo or fuel;

(3) the expected benefits of routing measures in reducing risks of spills;

(4) the costs of such measures;

(5) the safety implications of such measures; and

(6) the nature and value of the resources to be protected by such measures.

(c) **ESTABLISHMENT OF ROUTING AND OTHER NAVIGATIONAL MEASURES.**—The Secretary shall establish such routing or other navigational measures for areas identified under subsection (a).

(d) **ESTABLISHMENT OF AVOIDANCE AREAS.**—To the extent that the Secretary and the Under Secretary conclude that the establishment of areas to be avoided is warranted under this section, they shall seek to establish such areas through the International Maritime Organization or establish comparable areas pursuant to regulations and in a manner that is consistent with international law.

(e) **OIL SHIPMENT DATA AND REPORT.**—

(1) **DATA COLLECTION.**—The Secretary, through the Commandant and in consultation with the Army Corps of Engineers, shall analyze data on oil transported as cargo on vessels in the navigable waters of the United States, including information on—

(A) the quantity and type of oil being transported;

(B) the vessels used for such transportation;

(C) the frequency with which each type of oil is being transported; and

(D) the point of origin, transit route, and destination of each such shipment of oil.

(2) **REPORT.**—The Secretary shall transmit a report, not less frequently than quarterly, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, on the data collected and analyzed under paragraph (1) in a format that does not disclose information exempted from disclosure under section 552(b) of title 5, United States Code.

#### **SEC. 107. OLYMPIC COAST NATIONAL MARINE SANCTUARY.**

(a) **OLYMPIC COAST NATIONAL MARINE SANCTUARY AREA TO BE AVOIDED.**—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall revise the area to be avoided off the coast of the State of Washington so that restrictions apply to all vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) (other than fishing or research vessels while engaged in fishing or research within the area to be avoided).

(b) **EMERGENCY OIL SPILL DRILL.**—

(1) **IN GENERAL.**—In cooperation with the Secretary, the Under Secretary of Commerce for Oceans and Atmosphere shall conduct a Safe Seas oil spill drill in the Olympic Coast National Marine Sanctuary in fiscal year 2010. The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere jointly shall coordinate with other Federal

agencies, State, local, and tribal governmental entities, and other appropriate entities, in conducting this drill.

(2) **OTHER REQUIRED DRILLS.**—Nothing in this subsection supersedes any Coast Guard requirement for conducting emergency oil spill drills in the Olympic Coast National Marine Sanctuary. The Secretary shall consider conducting regular field exercises, such as National Preparedness for Response Exercise Program (PREP) in other national marine sanctuaries as well as areas identified in section 106(a) of this bill.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere for fiscal year 2010 \$700,000 to carry out this subsection.

#### **SEC. 108. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.**

(a) **IN GENERAL.**—Within 30 days after the date of enactment of this Act, notwithstanding subchapter 5 of title 5, United States Code, the Commandant shall modify the definition of the term “higher volume port area” in section 155.1020 of the Coast Guard regulations (33 C.F.R. 155.1020) by striking “Port Angeles, WA” in paragraph (13) of that section and inserting “Cape Flattery, WA” without initiating a rulemaking proceeding.

(b) **EMERGENCY RESPONSE PLAN REVIEWS.**—Within 5 years after the date of enactment of this Act, the Coast Guard shall complete its review of any changes to emergency response plans pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) resulting from the modification of the higher volume port area definition required by subsection (a).

#### **SEC. 109. PREVENTION OF SMALL OIL SPILLS.**

(a) **IN GENERAL.**—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with other appropriate agencies, shall establish an oil spill prevention and education program for small vessels. The program shall provide for assessment, outreach, and training and voluntary compliance activities to prevent and improve the effective response to oil spills from vessels and facilities not required to prepare a vessel response plan under the Federal Water Pollution Control Act, including recreational vessels, commercial fishing vessels, marinas, and aquaculture facilities. The Under Secretary may provide grants to sea grant colleges and institutes designated under section 207 of the National Sea Grant College Program Act (33 U.S.C. 1126) and to State agencies, tribal governments, and other appropriate entities to carry out—

(1) regional assessments to quantify the source, incidence and volume of small oil spills, focusing initially on regions in the country where, in the past 10 years, the incidence of such spills is estimated to be the highest;

(2) voluntary, incentive-based clean marina programs that encourage marina operators, recreational boaters and small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent or reduce pollution from oil spills and other sources;

(3) cooperative oil spill prevention education programs that promote public understanding of the impacts of spilled oil and provide useful information and techniques to minimize pollution including methods to remove oil and reduce oil contamination of bilge water, prevent accidental spills during maintenance and refueling and properly cleanup and dispose of oil and hazardous substances; and

(4) support for programs, including outreach and education to address derelict vessels and the threat of such vessels sinking and discharging oil and other hazardous substances, including outreach and education to involve efforts to the owners of such vessels.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere to carry out this section, \$10,000,000 annually for each of fiscal years 2010 through 2014.

#### **SEC. 110. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.**

(a) **IN GENERAL.**—Within 6 months after the date of enactment of this Act, the Secretary shall complete the development of a tribal consultation policy, which recognizes and protects to the maximum extent practicable tribal treaty rights and trust assets in order to improve the Coast Guard's consultation and coordination with the tribal governments of federally recognized Indian tribes with respect to oil spill prevention, preparedness, response and natural resource damage assessment.

(b) **INCLUSION OF TRIBAL GOVERNMENT.**—The Secretary shall ensure that, as soon as practicable after identifying an oil spill that is likely to have a significant impact on natural or cultural resources owned or directly utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the affected tribes are included as part of the incident command system established by the Coast Guard to respond to the spill;

(2) share information about the oil spill with the tribal government of the affected tribe; and

(3) to the extent practicable, involve tribal governments in deciding how to respond to such spill.

(c) **COOPERATIVE ARRANGEMENTS.**—The Coast Guard may enter into memoranda of agreement and associated protocols with Indian tribal governments in order to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may be entered into prior to the development of the tribal consultation and coordination policy to provide Indian tribes grant and contract assistance. Such memoranda of agreement and associated protocols with Indian tribal governments may include—

(1) arrangements for the assistance of the tribal government to participate in the development of the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;

(2) arrangements for the assistance of the tribal government to develop the capacity to implement the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;

(3) provisions on coordination in the event of a spill, including agreements that representatives of the tribal government will be included as part of the regional response team co-chaired by the Coast Guard and the Environmental Protection Agency to establish policies for responding to oil spills;

(4) arrangements for the Coast Guard to provide training of tribal incident commanders and spill responders for oil spill preparedness and response;

(5) demonstration projects to assist tribal governments in building the capacity to protect tribal treaty rights and trust assets from oil spills; and

(6) such additional measures the Coast Guard determines to be necessary for oil pollution prevention, preparedness, and response.

(d) **FUNDING FOR TRIBAL PARTICIPATION.**—Subject to the availability of appropriations, the Commandant of the Coast Guard shall provide assistance to participating tribal governments in order to facilitate the implementation of cooperative arrangements under subsection (c) and ensure the participation of tribal governments in such arrangements. There are authorized to be appropriated to the Commandant \$500,000 for each of fiscal years 2010 through 2014 to be used to carry out this section.

#### SEC. 111. NOTIFICATION REQUIREMENTS.

(a) **MARINE CASUALTIES.**—Section 6101 of title 46, United States Code, is amended by adding at the end the following:

“(j) **NOTICE TO STATES AND TRIBAL GOVERNMENTS.**—Within 1 hour after receiving a report under this section, the Secretary shall forward the report to each State and federally recognized Indian tribal government that has jurisdiction concurrent with the United States or adjacent to waters in which the casualty occurred. Each State shall identify for the Secretary the agency to which such reports shall be forwarded and shall be responsible for forwarding appropriate information to local and tribal governments within its jurisdiction.”.

(b) **STATE-REQUIRED NOTICE OF BULK OIL TRANSFERS.**—Notwithstanding any other provision of law, a coastal State may, by law, require a person to provide notice of 24 hours or more to the State and to the United States Coast Guard before transferring oil in bulk in an amount equivalent to 250 barrels or more to, from, or within a vessel in State waters. The Commandant may assist coastal States in developing appropriate methodologies for joint Federal and State notification of any such transfers to minimize any potential burden to vessels.

#### SEC. 112. COOPERATIVE STATE INSPECTION AUTHORITY.

(a) **IN GENERAL.**—The Secretary is authorized to execute a joint enforcement agreement with the Governor of a coastal state that meets the requirements of subsection (b) under which—

(1) State law enforcement officers with marine law enforcement responsibilities may be authorized to perform duties of the Secretary relating to law enforcement provisions under this title or any other marine resource law enforced by the Secretary; and

(2) State inspectors are authorized to conduct inspections of United States and foreign-flag vessels in United States ports under the supervision of the Coast Guard and report and refer any documented deficiencies or violations to the Coast Guard for action.

(b) **STATE QUALIFICATIONS.**—To be eligible to participate in a joint enforcement agreement under subsection (a), a coastal state shall—

(1) submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require; and

(2) demonstrate to the satisfaction of the Secretary that—

(A) its State inspectors possess, or qualify for, a merchant mariner officer or engineer license for at least a 1600 gross-ton vessel under subchapter B of title 46, Code of Federal Regulations;

(B) it has established support for its inspection program to track, schedule, and monitor shipping traffic within its waters; and

(C) it has a funding mechanism to maintain an inspection program for at least 5 years.

(c) **TECHNICAL SUPPORT AND TRAINING.**—The Secretary may provide technical support and training for State inspectors who participate in a joint enforcement agreement under this section.

#### SEC. 113. TUG ESCORTS FOR LADEN OIL TANKERS.

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant, shall enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Commandant shall consult with the State of Washington and affected tribal governments during negotiations with the Government of Canada.

#### SEC. 114. TANK AND NON-TANK VESSEL RESPONSE PLANS.

Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations authorizing owners and operators of tank and non-tank vessel to form non-profit cooperatives for the purpose of complying with section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

#### SEC. 115. REPORT ON THE AVAILABILITY OF TECHNOLOGY TO DETECT THE LOSS OF OIL.

Within 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the availability, feasibility, and potential cost of technology to detect the loss of oil carried as cargo or as fuel on tank and non-tank vessels greater than 400 gross tons.

#### Subtitle B—National Oceanic and Atmospheric Administration Provisions

##### SEC. 151. HYDROGRAPHIC SURVEYS.

(a) **REDUCTION OF BACKLOG.**—The Under Secretary of Commerce for Oceans and Atmosphere shall continue survey operations to reduce the survey backlog in navigationally significant waters outlined in its National Survey Plan, concentrating on areas where oil and other hazardous materials are transported.

(b) **NEW SURVEYS.**—By no later than January 1, 2012, the Under Secretary shall complete new surveys, together with necessary data processing, analysis, and dissemination, for all areas in United States coastal areas determined by the Under Secretary to be critical areas.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Under Secretary for the purpose of carrying out the new surveys required by subsection (b) such sums as may be necessary for each of fiscal years 2010 through 2012.

##### SEC. 152. ELECTRONIC NAVIGATIONAL CHARTS.

(a) **IN GENERAL.**—By no later than September 1, 2010, the Under Secretary of Commerce for Oceans and Atmosphere shall complete the electronic navigation chart suite for all coastal waters of the United States.

(b) **PRIORITIES.**—In completing the suite, the Under Secretary shall give priority to producing and maintaining the electronic navigation charts of the entrances to major ports and the coastal transportation routes for oil and hazardous materials, and for estuaries of national significance designated under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1330).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Under Secretary for the purpose of completing the electronic navigation chart suite \$6,200,000 for fiscal year 2010.

#### TITLE II—RESPONSE

##### SEC. 201. RAPID RESPONSE SYSTEM.

The Under Secretary of Commerce for Oceans and Atmosphere shall develop and implement a rapid response system to collect and predict in situ information about oil spill behavior, trajectory and impacts, and a mechanism to provide such information rapidly to Federal, State, tribal, and other entities involved in a response to an oil spill.

##### SEC. 202. COAST GUARD OIL SPILL DATABASE.

The Secretary shall modify the Coast Guard's oil spill database as necessary to ensure that it—

(1) includes information on the cause of oil spills maintained in the database;

(2) is capable of facilitating the analysis of trends and the comparison of accidents involving oil spills; and

(3) makes the data available to the public.

##### SEC. 203. USE OF OIL SPILL LIABILITY TRUST FUND.

(a) **IN GENERAL.**—Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

“(B) not more than \$15,000,000 in each fiscal year shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration;”.

(b) **USE OF FUND IN NATIONAL EMERGENCIES.**—Notwithstanding any provision of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) to the contrary, no amount may be made available from the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 for claims described in section 1012(a)(4) of that Act (33 U.S.C. 2712(a)(4)) attributable to any national emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

##### SEC. 204. EXTENSION OF FINANCIAL RESPONSIBILITY.

Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended—

(1) by striking “or” after the semicolon in paragraph (1);

(2) by inserting “or” after the semicolon in paragraph (2); and

(3) by inserting after paragraph (2) the following:

“(3) any tank vessel over 100 gross tons (except a non-self-propelled vessel that does not carry oil as cargo) using any place subject to the jurisdiction of the United States;”.

##### SEC. 205. LIABILITY FOR USE OF UNSAFE SINGLE-HULL VESSELS.

Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(d)) is amended by striking subparagraph (A) and inserting the following:

“(A) **VESSELS.**—In the case of a vessel—

“(i) any person owning, operating, or demise chartering the vessel; and

“(ii) the owner of oil being transported in a tank vessel with a single hull after December 31, 2010, if the owner of the oil knew, or should have known, from publicly available information that the vessel had a poor safety or operational record.”.



**SEC. 206. INTERNATIONAL EFFORTS ON ENFORCEMENT.**

The Secretary, in consultation with the heads of other appropriate Federal agencies, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations, training, and stronger compliance mechanisms.

**SEC. 207. INVESTMENT OF AMOUNTS IN DAMAGE ASSESSMENT AND RESTORATION REVOLVING FUND.**

The Secretary of the Treasury shall invest such portion of the damage assessment and restoration revolving fund described in title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1991 (33 U.S.C. 2706 note) as is not, in the Secretary's judgment, required to meet current withdrawals in interest-bearing obligations of the United States in accordance with section 9602 of the Internal Revenue Code of 1986.

**TITLE III—RESEARCH AND MISCELLANEOUS REPORTS****SEC. 301. FEDERAL OIL SPILL RESEARCH COMMITTEE.**

(a) **ESTABLISHMENT.**—There is established a committee to be known as the Federal Oil Spill Research Committee.

(b) **MEMBERSHIP.**—The members of the Committee shall be designated by the Under Secretary of Commerce for Oceans and Atmosphere and shall include representatives from the National Oceanic and Atmospheric Administration, the United States Coast Guard, the Environmental Protection Agency, and such other Federal agencies as the President may designate. A representative of the National Oceanic and Atmospheric Administration, designated by the Under Secretary, shall serve as Chairman.

(c) **DUTIES.**—The Committee shall coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, tribal governments, and other nations, as appropriate, and shall foster cost-effective research mechanisms, including the joint funding of research.

(d) **REPORTS TO CONGRESS.**—

(1) Not later than 180 days after the date of enactment of this Act, the Committee shall submit to Congress a report on the current state of oil spill prevention and response capabilities that—

(A) identifies current research programs conducted by governments, universities, and corporate entities;

(B) assesses the current status of knowledge on oil pollution prevention, response, and mitigation technologies;

(C) establishes national research priorities and goals for oil pollution technology development related to prevention, response, mitigation, and environmental effects;

(D) identifies regional oil pollution research needs and priorities for a coordinated program of research at the regional level developed in consultation with the State and local governments, tribes;

(E) assesses the current state of spill response equipment, and determines areas in need of improvement including amount, age, quality, effectiveness, or necessary technological improvements;

(F) assesses the current state of real time data available to mariners, including water level, currents and weather information and predictions, and assesses whether lack of timely information increases the risk of oil spills; and

(G) includes such recommendations as the Committee deems appropriate.

(2) **QUINQUENNIAL UPDATES.**—The Committee shall submit a report every fifth year after its first report under paragraph (1) updating the information contained in its previous report under this subsection.

(e) **ADVICE AND GUIDANCE.**—The Committee shall accept comments and input from State and local governments, Indian tribes, industry representatives, and other stakeholders.

(f) **NATIONAL ACADEMY OF SCIENCE PARTICIPATION.**—The Chairman, through the National Oceanic and Atmospheric Administration, shall contract with the National Academy of Sciences to—

(1) provide advice and guidance in the preparation and development of the research plan; and

(2) assess the adequacy of the plan as submitted, and submit a report to Congress on the conclusions of such assessment.

(g) **RESEARCH AND DEVELOPMENT PROGRAM.**—

(1) **IN GENERAL.**—The Committee shall establish a program for conducting oil pollution research and development. Within 180 days after submitting its report to the Congress under subsection (d), the Committee shall submit to Congress a plan for the implementation of the program.

(2) **PROGRAM ELEMENTS.**—The program established under paragraph (1) shall provide for research, development, and demonstration of new or improved technologies which are effective in preventing, detecting, or mitigating oil discharges and which protect the environment, and include—

(A) high priority research areas described in the report;

(B) environmental effects of acute and chronic oil spills;

(C) long-term effects of major spills and the long-term cumulative effects of smaller endemic spills;

(D) new technologies to detect accidental or intentional overboard discharges;

(E) response capabilities, such as improved booms, oil skimmers, and storage capacity;

(F) methods to restore and rehabilitate natural resources damaged by oil discharges; and

(G) research and training, in consultation with the National Response Team, to improve industry's and Government's ability to remove an oil discharge quickly and effectively.

(h) **GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Under Secretary of Commerce for Oceans and Atmosphere shall manage a program of competitive grants to universities or other research institutions, or groups of universities or research institutions, for the purposes of conducting the program established under subsection (g).

(2) **APPLICATIONS AND CONDITIONS.**—In conducting the program, the Under Secretary—

(A) shall establish a notification and application procedure;

(B) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program; and

(C) may make grants under the program on a matching or nonmatching basis.

(i) **FACILITATION.**—The Committee may develop memoranda of agreement or memoranda of understanding with universities, States, or other entities to facilitate the research program.

(j) **ANNUAL REPORTS.**—The chairman of the Committee shall submit an annual report to Congress on the activities carried out under this section in the preceding fiscal year, and

on activities proposed to be carried out under this section in the current fiscal year.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Commerce to carry out this section—

(1) \$200,000 for fiscal year 2010, to remain available until expended, for contracting with the National Academy of Sciences and other expenses associated with developing the report and research program; and

(2) \$2,000,000 for each of fiscal years 2010, 2011, and 2012, to remain available until expended, to fund grants under subsection (h).

(l) **COMMITTEE REPLACES EXISTING AUTHORITY.**—The authority provided by this section supersedes the authority provided by section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) for the establishment of the Interagency Committee on Oil Pollution Research under subsection (a) of that section, and that Committee shall cease operations and terminate on the date of enactment of this Act.

**SEC. 302. GRANT PROJECT FOR DEVELOPMENT OF COST-EFFECTIVE DETECTION TECHNOLOGIES.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Commandant shall establish a competitively awarded grant program for the development of cost-effective technologies, such as infrared, pressure sensors, and remote sensing, for detecting discharges of oil from vessels as well as methods and technologies for improving detection and recovery of submerged and sinking oils.

(b) **MATCHING REQUIREMENT.**—The Federal share of any project funded under subsection (a) may not exceed 50 percent of the total cost of the project.

(c) **REPORT TO CONGRESS.**—Not later than 3 years after the date of enactment of this Act the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure on the results of the program.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commandant to carry out this section \$2,000,000 for each of fiscal years 2010, 2011, and 2012, to remain available until expended.

(e) **TRANSFER PROHIBITED.**—Administration of the program established under subsection (a) may not be transferred within the Department of Homeland Security or to another department or Federal agency.

**SEC. 303. STATUS OF IMPLEMENTATION OF RECOMMENDATIONS BY THE NATIONAL RESEARCH COUNCIL.**

(a) **IN GENERAL.**—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on whether the Coast Guard has implemented each of the recommendations directed at the Coast Guard, or at the Coast Guard and other entities, in the following National Research Council reports:

(1) "Double-Hull Tanker Legislation, An Assessment of the Oil Pollution Act of 1990", dated 1998.

(2) "Oil in the Sea III, Inputs, Fates and Effects", dated 2003.

(b) **CONTENT.**—The report shall contain a detailed explanation of the actions taken by the Coast Guard pursuant to the National Research Council reports. If the Secretary determines that the Coast Guard has not fully implemented the recommendations, the

Secretary shall include a detailed explanation of the reasons any such recommendation has not been fully implemented, together with any recommendations the Secretary deems appropriate for implementing any such non-implemented recommendation.

#### SEC. 304. GAO REPORT.

Within 1 year after the date of enactment of this Act, the Comptroller General shall provide a written report with recommendations for reducing the risks and frequency of releases of oil from vessels (both intentional and accidental) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that includes the following:

(1) **CONTINUING OIL RELEASES.**—A summary of continuing sources of oil pollution from vessels, the major causes of such pollution, the extent to which the Coast Guard or other Federal or State entities regulate such sources and enforce such regulations, possible measures that could reduce such releases of oil.

(2) **DOUBLE HULLS.**—

(A) A description of the various types of double hulls, including designs, construction, and materials, authorized by the Coast Guard for United States flag vessels, and by foreign flag vessels pursuant to international law, and any changes with respect to what is now authorized compared to the what was authorized in the past.

(B) A comparison of the potential structural and design safety risks of the various types of double hulls described in subparagraph (A) that have been observed or identified by the Coast Guard, or in public documents readily available to the Coast Guard, including susceptibility to corrosion and other structural concerns, unsafe temperatures within the hulls, the build-up of gases within the hulls, ease of inspection, and any other factors affecting reliability and safety.

(3) **ALTERNATIVE DESIGNS FOR NON-TANK VESSELS.**—A description of the various types of alternative designs for non-tank vessels to reduce risk of an oil spill, known effectiveness in reducing oil spills, and a summary of how extensively such designs are being used in the United States and elsewhere.

(4) **RESPONSE EQUIPMENT.**—An assessment of the sufficiency of oil pollution response and salvage equipment, the quality of existing equipment, new developments in the United States and elsewhere, and whether new technologies are being used in the United States.

#### SEC. 305. OIL TRANSPORTATION INFRASTRUCTURE ANALYSIS.

The Secretary of the Department of Homeland Security shall, in conjunction with the Secretary of Commerce, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies, contract with the National Research Council to conduct an analysis of the condition and safety of all aspects of oil transportation infrastructure in the United States, and provide recommendations to improve such safety, including an assessment of the adequacy of contingency and emergency plans in the event of a natural disaster or emergency.

#### SEC. 306. OIL SPILLS IN ICY AND ARCTIC CONDITIONS.

(a) **IN GENERAL.**—The Under Secretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant, shall contract with the National Research Council to conduct an analysis of oil spill risks and response capabilities in the Arctic and other icy conditions, including spills under pack ice or in waters with broken ice.

(b) **CONTENT.**—At a minimum, the analysis shall include a description of oil spill scenarios that could occur in icy environments, an assessment of the challenges unique to oil spill response operations in icy conditions, an examination of the effectiveness of traditional oil spill response methods in icy conditions, an assessment of techniques for detecting, mapping, and tracking spills in icy environments, and the identification of promising new technologies, concepts, and research needs.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Ms. CANTWELL, Mrs. BOXER, and Mr. BEGICH):

S. 685. A bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, this is a very significant day in environmental history in our world, particularly in our country. While the debate goes on about what corporate America has done and what they have not done and how we should treat them in trying to get our economy back on track, we have heard questions raised about corporate behavior.

I came out of the corporate world when I came to the Senate. It seems to me that things were different years ago.

Over the last few days, we have heard many in these Chambers, here and in the House of Representatives, call on companies to be better corporate citizens.

Today I rise to point out what may be the greatest abandonment of corporate citizenship in our Nation's history, and that was displayed by the Exxon Corporation, one of the most profitable companies in American history. Twenty years ago this day, one of their ships ran aground in Alaska. Still Exxon refuses to live up to the obligations it obtained when that ship ran aground, and it damaged the environment substantially.

It was 20 years ago today the Exxon Valdez crashed into the Bligh Reef in Alaska's Prince William Sound. That ship spilled 11 million gallons of crude oil, damaging 1,300 miles of shoreline, and ruining the lives of thousands of Americans.

Now, as chairman of a subcommittee with appropriations jurisdiction over the Coast Guard, I was taken to Alaska by the Coast Guard and arrived there 3 days after the Exxon Valdez ran aground. To see the damage was horrific. But also during those days there, during that first day, I saw so many of the people who worked for the Government.

This is a discussion we often have about Government servants and their obligations—and I would say, having come from the corporate world, there are few who are more mindful of their obligations than those who work for Government. That day I saw from the

helicopter in which I was flying so many of our people committed to their responsibilities, dealing with the problem, brave people traveling to tiny islands by helicopter and small boats. Their mission was to save the wildlife.

I saw many of them fairly close up taking birds, and mammals—the young mammals, particularly—and fish into their hands and wiping the oil off to try to save the lives of these victims. One by one, wherever they could, they were saving animal lives. It was devastating to see.

It was obvious, as one looked at the waters of Prince William Sound, a beautiful place, surrounded by glaciers, that this lure, this almost seductive lure of color and cover that came from the oil was at the same time doling out poisons.

There are many portions of Prince William Sound today that remain contaminated. The cannery workers, fishermen, and people whose lives depended on Prince William Sound are still paying a price. The local economy is still reeling. Think about it. So much time has passed since this spill that as many as 6,000 people injured by that disaster have already passed away. These people were never ever fully compensated for their loss.

Exxon was responsible for this mess. But the company fought at every step to shirk its responsibilities. And ever since the disaster, Exxon has defaulted on its obligations as a corporate citizen and refused to repair whole communities and innocent lives that have been damaged.

Instead, during all of this period, Exxon has fought tooth and nail to deprive the victims of proper compensation, spending as much as \$400 million to retain lawyers and keep things bottled up in court.

Exxon took its fight all the way to the Supreme Court, and last year, 19 years after the tragedy, the Justices confirmed that Exxon owes punitive damages to the victims, although they and their skillful hordes of lawyers succeeded in a constant effort to reduce the amount of compensation.

Still, even today, 20 years later, the company continues to stonewall the victims by trying to avoid paying the interest that fell on these charges. Exxon's actions are the height of corporate irresponsibility. As a former CEO of a major corporation, I understand the drive to succeed. But there is nothing more reprehensible than a company evading its obligations to our country's people just to make a quick buck and to avoid the legitimate responsibility that is a giant factor in our economy and social well being. They have that responsibility.

Exxon had record profits last year of \$45 billion. Even last quarter, when companies across the country were suffering, this company, Exxon, posted a profit of nearly \$8 billion in a single quarter—\$8 billion.

Now, it would have been a drop in the bucket for this corporation to have fully compensated the victims who were so severely hurt. All the money, energy, and time that Exxon has wasted should have been spent making local communities whole again and helping to fix the environmental and economic damage done to Alaska's Prince William Sound.

The truth is, Exxon needs to change its ways, and today, the 20th anniversary of the Exxon Valdez disaster, is a perfect opportunity.

On this anniversary, we are also reminded how dangerous transporting oil can be. That is why I have introduced a bill this day that will accelerate the use of double-hulled vessels by shippers.

Oil spills are absolutely catastrophic to the environment and seaside communities and influence wide geographic areas beyond those communities. After examining the costs of past spills, we have written a bill to substantially reduce the possibilities of future spills. So I look forward to seeing this bill passed by this Chamber and to working with colleagues to make sure that disasters like the one we saw 20 years ago this day will never happen again.

By Ms. MIKULSKI:

S. 686. A bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. President, I rise today to introduce two important social work bills; the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act and the Clinical Social Work Medicare Equity Act of 2009. I am proud to sponsor these pieces of legislation that will improve the shortage of social workers and properly reimburse social workers for the services they provide.

Social workers play a critical role combating the social problems facing our nation and are an integral part of our healthcare system. As we move into an era of unprecedented healthcare and social service needs, we must have the workforce in place to make sure that our returning soldiers have access to mental health services, our elderly maintain their independence in the communities they live in, and abused children are placed in safe homes. Social workers support physical, psychological and social needs. They provide mental health therapy, caregiver and family counseling, health education, program coordination, and case management. In these

tough economic times social workers play a more important role than ever to keep communities together and help individuals and families cope with the new stresses they are facing.

The Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act reinvests in social workers by providing grants to social workers, reviewing the current social workforce challenges, and determining how this shortage will affect the communities social workers serve. I am honored to introduce this bill named after two social visionaries, Dorothy I. Height and Whitney M. Young. Dorothy Height, a pioneer of the civil rights movement, like me began her career as a case worker and continued to fight for social justice. I am particularly honored to introduce this bill today, on Dorothy Height's birthday. Whitney Young, another trailblazer of the civil rights movement, also began his career transforming our social landscape as a social worker. He helped create President Johnson's War on Poverty and has served as President of the National Association of Social Workers.

This bill is about reinvesting in social work. It provides grants that invest in social work education, research, and training. These grants will fund community based programs of excellence and provide scholarships to train the next generation of social workers. The bill also addresses how to recruit and retain new social workers, research the impact of social services, and foster ways to improve social workplace safety. This bill establishes a national coordination center that will allow social work education, advocacy and research institutions to collaborate and work together. It will facilitate gathering and distributing social work research to make the most effective use of the information we have on how social work service can improve our social fabric. This bill also gives social work the attention it deserves. It creates a media campaign that will promote social work, and recognizes March as Social Work Awareness Month.

Today 30,000 social workers specialize in gerontology, but we will need 70,000 of these social workers by 2010. I want to make sure that when the aging tsunami hits us, we have the workforce in place to care for our aging family members, the Alzheimer patients, and the disabled.

The Clinical Social Work Medicare Equity Act of 2009 ensures that clinical social workers receive Medicare reimbursements for the mental health services they provide in skilled nursing facilities. Under the current system, social workers are not paid for the services they provide. Psychologists and psychiatrists, who provide similar counseling, are able to separately bill Medicare for their services.

Since my first days in Congress, I have been fighting to protect and

strengthen the safety of our nation's seniors. Making sure that seniors have access to quality, affordable mental health care is an important part of this fight. I know that millions of seniors do not have access to, or are not receiving, the mental health services they urgently need. Nearly 6 million seniors are affected by depression, but only one-tenth ever receive treatment. According to the American Psychiatric Association, up to 25 percent of the elderly population in the United States suffers from significant symptoms of mental illness and among nursing home residents the prevalence is as high as 80 percent. These mental disorders, which include severe depression and debilitating anxiety, interfere with the person's ability to carry out activities of daily living and adversely affect their quality of life. Furthermore, older people have a 20 percent suicide rate, the highest of any age group. Every year nearly 6,000 older Americans kill themselves. This is unacceptable and must be addressed.

This bill protects patients across the country and ensures that seniors living in underserved urban and rural areas, where clinical social workers are often the only available option for mental health care, continue to receive the treatment they need. Clinical social workers, much like psychologists and psychiatrists, treat and diagnose mental illnesses. In fact, clinical social workers are the primary mental health providers for nursing home residents and seniors residing in rural environments. Unlike other mental health providers, clinical social workers cannot bill Medicare directly for the important services they provide to their patients. Protecting seniors' access to clinical social workers ensures that our most vulnerable citizens get the quality, affordable mental health care they need. This bill will correct this inequity and make sure clinical social workers get the payments and respect they deserve.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services they provided in nursing facilities for each patient they served. Under the Prospective Payment System, services provided by clinical social workers are lumped, or "bundled," along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, who provide similar counseling, were exempted from this system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their mental health colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities.

This bill is about more than paperwork and payment procedures. This

bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. It is about making sure our nation's most vulnerable citizens have access to quality, affordable mental health care. The overarching goal we should be striving to achieve for our seniors is an overall improved quality of life. Without clinical social workers, many nursing home residents may never get the counseling they need when faced with a life-threatening illness or the loss of a loved one. I think we can do better by our nation's seniors. I am fighting to make sure we do.

As a social worker, I have been on the frontlines of helping people cope with issues in their everyday lives. I started off fighting for abused children, making sure they were placed in safe homes. Today I am a social worker with power. I am proud to continue to fight every day for the long range needs of the nation on the floor of the U.S. Senate and as Chairwoman of the Aging Subcommittee of the Health, Education, Labor and Pensions Committee.

The Clinical Social Work Medicare Equity Act of 2009 and the Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act is strongly supported by the National Association of Social Workers. I also want to thank Senator STABENOW and Senator MURRAY for their cosponsorship of the Clinical Social Work Medicare Equity Act of 2009. I look forward to working with my colleagues to enact these two important pieces of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 686

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Dorothy I. Height and Whitney M. Young, Jr. Social Work Reinvestment Act”.

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

#### TITLE I—SOCIAL WORK REINVESTMENT COMMISSION

Sec. 101. Establishment of Commission.

Sec. 102. Appointment of Commission members.

Sec. 103. Purposes and duties of Commission.

Sec. 104. Powers of the Commission.

Sec. 105. Compensation for Commission members.

Sec. 106. Termination of the Commission.

Sec. 107. Authorization of appropriations.

#### TITLE II—REINVESTMENT GRANT PROGRAMS TO SUPPORT SOCIAL WORK PROFESSION

Sec. 201. Workplace improvement grants.

Sec. 202. Research grants.

Sec. 203. Education and training grants.

Sec. 204. Community-based programs of excellence grants.

Sec. 205. National coordinating center.

Sec. 206. Multimedia outreach campaign.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The Bureau of Labor Statistics states that employment of social workers is expected to increase. The increase is expected to be greater than the average increase in employment (estimated to be 22 percent) during the period of 2006 through 2016, demonstrating a substantial need for social workers. The need is even greater for social workers in the area of aging. The National Association of Social Workers Center for Workforce Studies estimates that 9 percent of, or 30,000, licensed social workers specialize in gerontology. By 2010, as more people reach the age of 65, the National Institute on Aging projects that 60,000 to 70,000 social workers will be needed.

(2) Social work salaries are among the lowest for professionals in general and for those with master's level educations in particular. A survey conducted by the John A. Hartford Foundation found that between 1992 and 1999 the annual rate of wage growth for degree-holding social workers was 0.8 percent. According to the National Association of Social Workers Center for Workforce Studies, 60 percent of full-time social workers earn between \$35,000 and \$59,999 per year, with 25 percent earning between \$40,000 and \$49,999 per year. Social workers who earn lower salaries are more likely to work in challenging agency environments and to serve more vulnerable clients. They are also more likely to leave the profession.

(3) According to one study by the Council on Social Work Education, 68 percent of individuals surveyed who held a master's degree in social work graduated with an average debt of \$26,777. Additionally, the United States Public Interest Research Group states that 37 percent of public 4-year graduates have too much debt to manage as a starting social worker. While social workers may be in positions that are personally fulfilling, due to their high loan debt and low income, many struggle financially.

(4) Social work can be a dangerous profession. According to the American Federation of State, County, and Municipal Employees, 70 percent of caseworkers report that front line staff in their agency have been victims of violence or have received threats of violence. Social workers are considerably safer when measures such as use of global positioning systems, self-defense training, and conflict prevention are implemented.

(5) According to a study by the University of Michigan, approximately 1 in 7 adults over the age of 70 have some form of dementia, and 9.7 percent (or 2,400,000) of those found with dementia were also found to have Alzheimer's disease. Social workers in gerontology settings work with older adults, including those with dementia, to support their physiological, psychological, and social needs through mental health therapy, caregiver and family counseling, health education, program coordination, and case management. Those professionals also assist the hundreds of thousands of older persons who are abused, neglected, frail, or vulnerable. Between 2000 and 2004, there was a 19.7 percent increase in the total number of reports of elder and vulnerable adult abuse and neglect.

(6) The Children's Defense Fund states that every 36 seconds a child is confirmed as abused or neglected. The Administration for Children and Families states that 510,000 children were in the United States foster care system in 2006. Most of the children in

foster care are placed in foster care due to parental abuse or neglect. Research shows that social workers in child welfare agencies are more likely to find permanent homes for children who were in foster care for 2 or more years. Unfortunately, fewer than 40 percent of child welfare workers are social workers.

(7) The Department of Health and Human Services estimates that 26.2 percent of (or 1 in 4) individuals in the United States age 18 or older experiences a diagnosable mental health disorder. Additionally, 1 in 5 children and adolescents experiences a mental health disorder. At least 1 in 10, or about 6,000,000, young people have a serious emotional disturbance. Social workers provide the majority of mental health counseling services in the United States, and are often the only providers of such services in rural areas.

(8) The Department of Veterans Affairs estimates that there are 23,977,000 veterans in the United States. More than 1,100,000 members of the Armed Forces have been deployed to Iraq or Afghanistan since 2001. A once declining veteran population is now surging and is in dire need of mental health treatment to address issues such as post traumatic stress disorder, depression, drug and alcohol addiction, and suicidal tendencies. Veterans make up 25 percent of homeless people in the United States, even though veterans comprise only 11 percent of the general population. Social workers working with veterans and their families provide case management, crisis intervention, mental health interventions, housing and financial counseling, high risk screening, and advocacy among other services. The Department employs over 5,000 social workers and is the single largest employer of social workers in the Nation. Social workers in the Department also coordinate the Community Residential Care Program, the oldest and most cost effective of the Department's extended care programs.

(9) The American Cancer Society estimates that there were 1,437,180 new cases of cancer and 565,650 cancer deaths in 2008 alone. The incidence of cancer will increase dramatically as the population grows older. The Centers for Disease Control and Prevention report that at the end of 2003 there were 1,039,000 to 1,285,000 people living with HIV or AIDS in the United States. In 2006, 1,300,000 people received care from hospice providers in the United States. Health care and medical social workers practice in areas related to all of those circumstances and provide outreach for prevention of health issues, help individuals and their families adapt to their circumstances, provide grief counseling, and act as a liaison between individuals and their medical team, helping patients make informed decisions about their care.

(10) The National Center for Education Statistics states that in 2005 the national dropout rate for high school students was 9.3 percent. White students dropped out at a rate of 5.8 percent. African-American students dropped out at a rate of 10.7 percent. Hispanic students dropped out at a rate of 22.1 percent. Some vulnerable communities have dropout rates of 50 percent or higher. Social workers in school settings help students avoid dropping out through early identification, prevention, intervention, counseling, and support services.

(11) According to the Department of Justice, every year more than 650,000 ex-offenders are released from Federal and State prisons. Social workers employed in the corrections system address disproportionate minority incarceration rates, provide treatment for mental health problems and drug

and alcohol addiction, and work within as well as outside of the prison to reduce recidivism and increase positive community reentry.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **CLINICAL SOCIAL WORKER.**—The term “clinical social worker” has the meaning given the term in section 1861(hh)(1) of the Social Security Act (42 U.S.C. 1395x(hh)(1)).

(2) **COMMISSION.**—The term “Commission” means the Social Work Reinvestment Commission.

(3) **COMMUNITY-BASED PROGRAM.**—The term “community-based program” means an agency, organization, or other entity, carrying out a program that provides direct social work services, or community development services, at a neighborhood, locality, or regional level, to address human service, health care, or psychosocial needs.

(4) **HIGH NEED AND HIGH DEMAND POPULATION.**—The term “high need and high demand population” means a group that lacks sufficient resources and, as a result, has a greater probability of being harmed by specific social, environmental, or health problems than the population as a whole. The group at issue may be a group residing in an area defined by the Health Resources and Services Administration as a “health professional shortage area”, which has a shortage of primary medical care, dental, or mental health providers.

(5) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY.**—The term “historically black college or university” means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(6) **MINORITY-SERVING INSTITUTION.**—The term “minority-serving institution” means an educational institution that serves a large percentage of minority students (as determined by the Secretary of Education), including Alaska Native-serving institutions, Native Hawaiian-serving institutions, Asian American and Native American Pacific Islander-serving institutions, Predominantly Black Institutions, historically black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, and Native American-serving, nontribal institutions (which shall have the meanings given the terms in section 241(1) of the Higher Education Act of 1965 (20 U.S.C. 1033(1))).

(7) **RELATED PROFESSIONAL RESEARCHER.**—The term “related professional researcher” means a person who is professionally engaged in research in a social, political, economic, health, or mental health field. The research referred to in this paragraph is primarily conducted by doctoral level researchers under university, government, research institute, or community agency auspices.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(9) **SOCIAL WORK.**—The term “social work” means—

(A) the professional activity of helping individuals, groups, or communities enhance or restore capacity for social and psychosocial functioning and creating societal conditions favorable to that enhancement or restoration;

(B) an activity, the practice of which consists of the professional application of values, principles, and techniques related to the professional activity described in subparagraph (A), including—

(i) diagnosis and treatment of mental and emotional disorders with individuals, families, and groups;

(ii) helping communities or groups provide or improve social and health services and participating in relevant legislative processes; and

(iii) helping people obtain tangible services; and

(C) an activity, the practice of which requires knowledge of—

(i) human development;

(ii) behavior of social, economic, and cultural institutions; and

(iii) the interaction of the factors described in clauses (i) and (ii).

(10) **SOCIAL WORK RESEARCHER.**—The term “social work researcher” means a person who studies social work at the individual, family, group, community, policy, or organizational level, focusing across the human life span on prevention of, intervention in, treatment of, aftercare of, and rehabilitation from acute and chronic social and psychosocial conditions, and includes a person examining the effect of policies on social work practice. The study referred to in this paragraph is primarily conducted by researchers with doctoral degrees who are social workers or faculty under university, government, research institute, or community agency auspices.

(11) **SOCIAL WORKER.**—The term “social worker” means a graduate of a school of social work with a baccalaureate, master’s, or doctoral degree, who uses knowledge and skills to provide social work services for clients who may be individuals, families, groups, communities, organizations, or society in general.

## TITLE I—SOCIAL WORK REINVESTMENT COMMISSION

### SEC. 101. ESTABLISHMENT OF COMMISSION.

Not later than 3 months after the date of enactment of this Act, the Secretary shall establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary on policy issues associated with recruitment for, and retention, research, and reinvestment in, the profession of social work.

### SEC. 102. APPOINTMENT OF COMMISSION MEMBERS.

(a) **APPOINTMENT BY THE SECRETARY.**—The Secretary shall appoint members to the Commission. The members shall include representatives of social workers and other members, including the following:

(1) 2 deans of schools of social work.

(2) 1 social work researcher.

(3) 1 related professional researcher.

(4) 1 Governor.

(5) 2 leaders of national social work organizations.

(6) 1 senior social work State official.

(7) 1 senior related State official.

(8) 2 directors of community-based organizations or nonprofit organizations.

(9) 1 labor economist.

(10) 1 social work consumer.

(11) 1 licensed clinical social worker.

(b) **APPOINTMENT BY OTHER OFFICERS.**—Four additional members shall be appointed to the Commission, with 1 member appointed by each of the following officers:

(1) The Speaker of the House of Representatives.

(2) The minority leader of the House of Representatives.

(3) The majority leader of the Senate.

(4) The minority leader of the Senate.

(c) **ORGANIZATIONAL REPRESENTATION.**—Members of the Commission shall, to the extent practicable, be appointed—

(1) in a manner that assures participation of individuals and representatives of groups from different racial, ethnic, cultural, geo-

graphic, religious, linguistic, and class backgrounds and different genders and sexual orientations; and

(2) from among persons who demonstrate knowledge and understanding of the concerns of the individuals and groups described in paragraph (1).

(d) **SELECTION OF CHAIRPERSON AND VICE CHAIRPERSON.**—The Secretary shall select a chairperson and vice chairperson for the Commission from among the members of the Commission.

(e) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission, and any vacancy in the Commission shall not affect the powers of the Commission. Any such vacancy shall be filled in the same manner as the original appointment.

(f) **SCHEDULE OF MEETINGS.**—The Commission shall hold its first meeting not later than 6 weeks after the date on which the final member of the Commission is appointed, and subsequent meetings at the call of the chair.

### SEC. 103. PURPOSES AND DUTIES OF COMMISSION.

(a) **STUDY.**—The Commission shall conduct a comprehensive study to examine and assess—

(1) the professional capacity of the social work workforce to successfully serve and respond to the increasing biopsychosocial needs of individuals, groups, and communities, in—

(A) areas related to—

(i) aging;

(ii) child welfare;

(iii) military and veterans affairs;

(iv) mental and behavioral health and disability;

(v) criminal justice and correctional systems; and

(vi) health and issues affecting women and families; and

(B) other areas identified by the Commission;

(2)(A) the workforce challenges facing the profession of social work, such as high social work educational debt, lack of fair market compensation, the need to address social work workforce trends, translate social work research to practice, promote social work safety, or develop State-level social work licensure policies and reciprocity agreements for providing services across State lines, or the lack of diversity in the social work profession, or the need to address any other area determined by the Secretary to be appropriate; and

(B) the effect that such challenges have on the recruitment and retention of social workers;

(3) current workforce challenges and shortages relevant to the needs of clients served by social workers;

(4) the social work workforce challenges described in paragraph (2) and the effects that the challenges will have on the provision of social work related to the areas described in paragraph (1); and

(5) the advisability of establishing a social work enhancement account, to provide direct grant assistance to local governments to encourage the engagement of social workers in social service programs.

(b) **REPORT.**—Not later than 18 months after the date of its first meeting, the Commission shall submit a report to the Secretary and Congress containing specific findings and conclusions regarding the need for recruitment for, and retention, research, and reinvestment in, the profession of social work. The report shall include recommendations and strategies for corrective actions to

ensure a robust social work workforce capable of keeping up with the demand for needed services. The Commission may provide to Congress any additional findings or recommendations considered by the Commission to be important.

#### SEC. 104. POWERS OF THE COMMISSION.

(a) **POWERS.**—The Commission shall have the power to—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers advisable to carry out the objectives of this title;

(2) delegate the Commission powers described in paragraph (1) to any Commission subcommittee or member of the Commission for the purpose of carrying out this Act;

(3) enter into contracts to enable the Commission to perform the Commission's work under this Act; and

(4) consult, to the extent that the Commission determines that such consultation is necessary or useful, with other agencies and organizations, including—

(A) agencies within the Department of Health and Human Services, including the Administration for Children and Families, the Administration on Aging, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, the Centers for Medicare & Medicaid Services, the Health Resources and Service Administration, the Indian Health Service, the National Institutes of Health, and the Substance Abuse and Mental Health Services Administration;

(B) the Social Security Administration;

(C) the Departments of Agriculture, Defense, Education, Homeland Security, Labor, Justice, State, and Veterans Affairs; and

(D) any other agency of the Federal Government, as determined by the Commission.

(b) **COOPERATION WITH THE COMMISSION.**—The agencies described in subsection (a)(4) shall cooperate with and provide counsel to the Commission to the greatest extent practicable.

#### SEC. 105. COMPENSATION FOR COMMISSION MEMBERS.

(a) **TRAVEL EXPENSES.**—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Commission.

(b) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

#### SEC. 106. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 103.

#### SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary such sums as may be necessary for use by the activities of the Commission.

### TITLE II—REINVESTMENT GRANT PROGRAMS TO SUPPORT SOCIAL WORK PROFESSION

#### SEC. 201. WORKPLACE IMPROVEMENT GRANTS.

(a) **GRANTS AUTHORIZED.**—The Secretary may award grants to 4 eligible entities de-

scribed in subsection (d) to address workplace concerns for the social work profession, including caseloads, compensation, social work safety, supervision, and working conditions.

(b) **EQUAL AMOUNTS.**—The Secretary shall award grants under this section in equal amounts to the 4 eligible entities. The Secretary shall award the grants annually over a 4-year period.

(c) **LOCAL OR STATE GOVERNMENT ENTITIES REQUIREMENT.**—At least 2 of the grant recipients shall be State or local government agencies.

(d) **ELIGIBILITY REQUIREMENTS.**—To be eligible for a grant under this section, an entity shall—

(1) work in a social work capacity that demonstrates a need regarding a workplace concern area described in subsection (a);

(2) demonstrate—

(A) participation in the entities' programs of individuals and groups from different racial, ethnic, cultural, geographic, religious, linguistic, and class backgrounds, and different genders and sexual orientations; and

(B) knowledge and understanding of the concerns of the individuals and groups described in subparagraph (A);

(3) demonstrate a record of active participation of social workers in the entities' programs; and

(4) provide services and represent the individuals employed by the entities as competent only within the boundaries of their education, training, licenses, certification, consultation received, supervised experience, or other relevant professional experience.

(e) **PRIORITY.**—In selecting the grant recipients under this section, the Secretary shall give priority to eligible entities that—

(1) are equipped with the capacity to oversee and monitor a workplace improvement program carried out under this section, including proven fiscal responsibility and administrative capability; and

(2) are knowledgeable about relevant workforce trends and have at least 2 years of experience relevant to the workplace improvement program.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$16,000,000 to the Secretary to award grants under this section.

#### SEC. 202. RESEARCH GRANTS.

(a) **GRANTS AUTHORIZED.**—The Secretary may award grants to not less than 25 social workers who hold a doctoral degree in social work, for post-doctoral research in social work—

(1) to further the knowledge base about effective social work interventions; and

(2) to promote usable strategies to translate research into practice across diverse community settings and service systems.

(b) **AMOUNTS.**—The Secretary shall award the grants annually over a 4-year period.

(c) **ELIGIBILITY REQUIREMENTS.**—To be eligible for a grant under this section, a social worker shall—

(1) demonstrate knowledge and understanding of the concerns of individuals and groups from different racial, ethnic, cultural, geographic, religious, linguistic, and class backgrounds, and different genders and sexual orientations; and

(2) provide services and represent themselves as competent only within the boundaries of their education, training, licenses, certification, consultation received, supervised experience, or other relevant professional experience.

(d) **MINORITY REPRESENTATION.**—At least 10 of the social workers awarded grants under

subsection (a) shall be employed by a historically black college or university or minority-serving institution.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 to the Secretary to award grants under this section.

#### SEC. 203. EDUCATION AND TRAINING GRANTS.

(a) **GRANTS AUTHORIZED.**—The Secretary may award 20 grants to eligible institutions of higher education to support the recruitment of social work students for, and education of the students in, baccalaureate, master's, and doctoral degree programs, as well as the development of faculty in social work.

(b) **EQUAL AMOUNTS.**—The Secretary shall award grants under this section in equal amounts of not more than \$100,000 to the 20 eligible institutions. The Secretary shall award the grants annually over a 4-year period.

(c) **ELIGIBILITY REQUIREMENTS.**—To be eligible for a grant under this section, an institution shall demonstrate—

(1) participation in the institutions' programs of individuals and groups from different racial, ethnic, cultural, geographic, religious, linguistic, and class backgrounds, and different genders and sexual orientations; and

(2) knowledge and understanding of the concerns of the individuals and groups described in paragraph (1).

(d) **INSTITUTIONAL REQUIREMENT.**—At least 4 of the grant recipients shall be historically black colleges or universities or other minority-serving institutions.

(e) **PRIORITY.**—In selecting the grant recipients under this section, the Secretary shall give priority to institutions of higher education that—

(1) are accredited by the Council on Social Work Education;

(2) have a graduation rate of not less than 80 percent for social work students; and

(3) exhibit an ability to recruit social workers from and place social workers in areas with a high need and high demand population.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$8,000,000 to the Secretary to award grants under this section.

#### SEC. 204. COMMUNITY-BASED PROGRAMS OF EXCELLENCE GRANTS.

(a) **GRANTS AUTHORIZED.**—The Secretary may award grants to 6 eligible covered entities, to further test and replicate effective social work interventions.

(b) **COVERED ENTITY.**—For purposes of this section, the term "covered entity" means—

(1) a public entity that is carrying out a community-based program of excellence; and

(2) a nonprofit organization that is carrying out a program of excellence.

(c) **EQUAL AMOUNTS.**—The Secretary shall award grants under this section in equal amounts of not more than \$500,000 to eligible covered entities. The Secretary shall award the grants annually over a 3-year period.

(d) **ELIGIBILITY REQUIREMENTS.**—To be eligible for a grant under this section, a covered entity shall—

(1) carry out programs in the areas of aging, child welfare, military and veteran's issues, mental and behavioral health and disability, criminal justice and correction systems, and health and issues affecting women and families;

(2) demonstrate—

(A) participation in the covered entities' programs of individuals and groups from different racial, ethnic, cultural, geographic,



religious, linguistic, and class backgrounds, and different genders and sexual orientations; and

(B) knowledge and understanding of the concerns of the individuals and groups described in subparagraph (A);

(3) demonstrate a record of active participation of social workers in the covered entities' programs; and

(4) provide services and represent the individuals employed by the covered entities as competent only within the boundaries of their education, training, licenses, certification, consultation received, supervised experience, or other relevant professional experience.

(e) PRIORITY.—In selecting the grant recipients under this section, the Secretary shall give priority to eligible covered entities that—

(1) have demonstrated successful and measurable outcomes that are worthy of replication;

(2) have been in operation for at least 2 years; and

(3) work with high need and high demand populations.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$9,000,000 to the Secretary to award grants under this section.

#### SEC. 205. NATIONAL COORDINATING CENTER.

(a) ESTABLISHMENT.—The Secretary shall enter into a contract with a national social work research entity that—

(1) has experience in coordinating the transfer of information and ideas among entities engaged in social work research, practice, education, and policymaking; and

(2) maintains relationships with Federal entities, social work degree-granting institutions of higher education and departments of social work within such institutions, and organizations and agencies that employ social workers.

(b) GENERAL DUTIES.—The contract recipient (referred to in this section as the "coordinating center") shall serve as a coordinating center and shall organize information and other data, collect and report data, serve as a clearinghouse, and coordinate activities with the entities, institutions, departments, organizations, and agencies described in subsection (a)(2).

(c) COLLABORATION.—The coordinating center shall work with institutions of higher education, research entities, and entities with social work practice settings to identify key research areas to be pursued, identify qualified research fellows, and organize appropriate mentorship and professional development efforts.

(d) SPECIFIC ACTIVITIES OF THE COORDINATING CENTER.—The coordinating center shall—

(1) collect, coordinate, monitor, and distribute data, information on best practices and findings regarding the activities funded under grants made to eligible entities and individuals under the grant programs described in sections 201 through 204;

(2) prepare and submit to the Secretary a report that includes recommendations regarding the need to recruit new social workers, retain current social workers, conduct social work research, and reinvestment into the profession of social work; and

(3) demonstrate cultural competency and promote the participation of diverse groups in the activities of the culture.

(e) SELECTION.—The Secretary, in collaboration with the coordinating center, shall—

(1) select topics to be researched under this section;

(2) select candidates and finalists for research fellow positions; and

(3) determine other activities to be carried out under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$1,000,000 to carry out this section for each of fiscal years 2010 to 2014.

#### SEC. 206. MULTIMEDIA OUTREACH CAMPAIGN.

(a) DEVELOPMENT AND ISSUANCE OF PUBLIC SERVICE ANNOUNCEMENTS.—The Secretary shall develop and issue public service announcements that advertise and promote the social work profession, highlight the advantages and rewards of social work, and encourage individuals to enter the social work profession.

(b) METHOD.—The public service announcements described in subsection (a) shall be broadcast through appropriate media outlets, including television or radio, in a manner intended to reach as wide and diverse an audience as possible.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2010 through 2013.

By Ms. MIKULSKI (for herself,  
Ms. STABENOW, and Mrs. MURRAY):

S. 687. A bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 687

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Clinical Social Work Medicare Equity Act of 2009".

#### SEC. 2. PERMITTING DIRECT PAYMENT UNDER THE MEDICARE PROGRAM FOR CLINICAL SOCIAL WORKER SERVICES PROVIDED TO RESIDENTS OF SKILLED NURSING FACILITIES.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "clinical social worker services," after "qualified psychologist services,".

(b) CONFORMING AMENDMENT.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking "and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the date that regulations relating to payment for physicians' services for calendar year 2010 take effect, but in no case later than the first day of the third month beginning after the date of the enactment of this Act.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 83—DESIGNATING MARCH 25, 2009, AS "NATIONAL CEREBRAL PALSY AWARENESS DAY"

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 83

Whereas the term "cerebral palsy" refers to any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, which usually occurs during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children who have cerebral palsy are born with the disorder, although cerebral palsy may remain undetected for months or years;

Whereas 75 percent of people with cerebral palsy also have 1 or more developmental disabilities, including epilepsy, intellectual disability, autism, visual impairments, and blindness;

Whereas the Centers for Disease Control and Prevention recently released information indicating that cerebral palsy is increasingly prevalent and that about 1 in 278 children have cerebral palsy;

Whereas approximately 800,000 people in the United States are affected by cerebral palsy;

Whereas, although there is no cure for cerebral palsy, treatment often improves the capabilities of a child with cerebral palsy;

Whereas scientists and researchers are hopeful that breakthroughs in cerebral palsy research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 25, 2009, as "National Cerebral Palsy Awareness Day";

(2) encourages all people in the United States to become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

#### SENATE RESOLUTION 84—URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

Mr. LEVIN (for himself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 84

Whereas the Government of Canada permits an annual commercial hunt for seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union

of whitecoat and blueback seal skins and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas, in recent years, the Minister of Fisheries and Oceans of Canada has authorized historically high quotas for harp seals;

Whereas more than 1,000,000 seals have been killed during the past 4 years;

Whereas harp seal pups can legally be hunted in Canada as soon as they have begun to molt their white coats, at approximately 12 days of age;

Whereas 97 percent of the seals killed are pups between just 12 days and 12 weeks of age;

Whereas, in 2007, an international panel of experts in veterinary medicine and zoology was invited by the Humane Society of the United States to observe the commercial seal slaughter in Canada;

Whereas the report by the panel noted that sealers failed to comply with sealing regulations in Canada and that officials of the Government of Canada failed to enforce such regulations;

Whereas the report also concluded that the killing methods permitted during the commercial seal hunt in Canada are inherently inhumane and should be prohibited;

Whereas many seals are shot in the course of the hunt and escape beneath the ice where they die slowly and are never recovered;

Whereas such seals are not properly counted in official kill statistics, increasing the likelihood that the actual kill level is far higher than the level that is reported;

Whereas the few thousand fishermen who participate in the commercial seal hunt in Canada earn, on average, only a tiny fraction of their annual income from killing seals;

Whereas members of the fishing and sealing industries in Canada continue to justify the seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas the consensus in the international scientific community is that culling seals will not assist in the recovery of fish stocks and that seals are a vital part of the fragile marine ecosystem of the Northwest Atlantic;

Whereas polling consistently shows that the overwhelming majority of people in Canada oppose the commercial seal hunt;

Whereas the vast majority of seal products are exported from Canada, and the sealing industry relies on international markets for its products;

Whereas 10 countries have prohibited trade in seal products in recent years, and the European Union is now considering a prohibition on trade in seal products; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the Government of Canada to prohibit the commercial hunting of seals; and

(2) strongly supports an unconditional prohibition by the European Union on trade in seal products.

Mr. LEVIN. Mr. President, on March 18th, 2009, just weeks before its hunting season was scheduled to begin, Russia announced that it would ban the hunting and killing of baby seals. Youri Trutnev, Russia's Minister of Natural

Resources, who was quoted in the New York Times last week, graphically depicted the shameful practice, saying: "The bloody sight of the hunting of seals, the slaughter of these defenseless animals, which you cannot even call a real hunt, is banned in our country, just as well as in most developed countries."

In addition, the Internal Markets and Consumer Protection Committee (IMCO) of the European Parliament approved a prohibition on trade in seal products in the European Union. This measure may now be considered by the full European Parliament in the coming months.

Yet, in Canada, the largest commercial slaughter of marine mammals in the world continues. According to the Humane Society of the United States (HSUS), over one million seals have been killed over the past four years. In Canada, seal pups as young as 12 days old can legally be killed. The vast majority of seals killed in these hunts are between 12 days and 12 weeks of age.

Canada has officially opened another seal hunting season, paving the way for hundreds of thousands of baby seals to be killed for their fur in the coming weeks, when the harp seal hunt begins in earnest. So today I am pleased to be joined by Senator COLLINS in submitting a resolution that urges the Government of Canada to end this senseless and inhumane slaughter.

The U.S. Government has opposed this senseless slaughter, as noted in the January 19, 2005, letter from the U.S. Department of State, in response to a letter Senator COLLINS and I wrote to President Bush, urging him to raise this issue during his November 30, 2004, visit with Canadian Prime Minister Paul Martin.

Mr. President, I ask unanimous consent that support material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,  
Washington, DC, January 19, 2005.

DEAR SENATOR LEVIN: This is in response to your letter to the President of November 24, 2004, regarding Canadian commercial seal hunting. The White House has requested that the Department of State respond. We regret the delay in responding. Unfortunately, this letter was not received in the Department of State until mid-December, well after the referenced meeting between President Bush and Prime Minister Paul Martin of Canada.

We are aware of Canada's seal hunting activities and of the opposition to it expressed by many Americans. Furthermore, we can assure you that the United States has a long-standing policy opposing the hunting of seals and other marine mammals absent sufficient safeguards and information to ensure that the hunting will not adversely impact the affected marine mammal population or the ecosystem of which it is a part. The United States policy is reflected in the Marine Mammal Protection Act of 1972 (MMPA) which generally prohibits, with narrow and specific exceptions, the taking of marine

mammals in waters or lands subject to the jurisdiction of the United States and the importation of marine mammals and marine mammal products into the United States.

The United States has made known to the Government of Canada its objections and the objections of concerned American legislators and citizens to the Canadian commercial seal hunt on numerous occasions over recent years. The United States has also opposed Canada's efforts within the Arctic Council to promote trade in sealskins and other marine mammal products.

We hope this information is helpful to you. Please do not hesitate to contact us if we can be of assistance in this or any other matter.

Sincerely,

NANCY POWELL,  
(For Paul V. Kelly,  
Asst. Secretary, Legislative Affairs).

[From the New York Times, Mar. 19, 2009]

RUSSIA TO BAN HUNTING OF BABY SEALS  
(By A.G. Sulzberger)

Russia announced on Wednesday that it would ban the hunting of baby seals, effectively shutting one of the world's largest hunting grounds in the controversial trade in seal fur.

The decision is yet another blow to an age-old industry that has been losing a public relations battle in recent years to animal-rights groups, who have gained public support by using stark photographs of harp seal pups less than a month old being clubbed to death on blood-stained ice flows.

In addition, the European Union is considering a ban of all seal products—similar to one that the United States adopted decades ago—which would eliminate a key trade route and end market for the furs. And even in Canada, where the world's largest seal hunt is scheduled to begin later this month and top leaders vigorously defend the industry, a legislator for the first time introduced a proposal to curtail sealing.

"It's highly significant," Rebecca Aldworth, director of Humane Society International in Canada, said of the political developments. "It shows that world opinion is moving away from commercial seal hunting. There's hope on the horizon that this may be the last year that we ever have to witness this cruelty."

In Russia, where the number of new pups has dropped sharply in recent years because of the hunts as well as shrinking ice in the White Sea, the government initially announced a ban on the killing of the very youngest and most highly prized seals, known as "whitecoats." The seals shed the white fur in about two weeks, with the resulting silver coat also coveted.

But the government announced in unsparing language that it intended to extend the ban to include all seals less than a year old. (While adult seals are also hunted in smaller quantities, their coarse, scarred fur is generally not used in clothing.) The move, publicly backed by Prime Minister Vladimir V. Putin and coming just weeks before the hunting season was to begin, could save as many as 35,000 seals, according to a spokesman for the International Fund for Animal Welfare.

The Associated Press quoted the natural resources minister, Yuri Trutnev, as saying in a statement: "The bloody sight of the hunting of seals, the slaughter of these defenseless animals, which you cannot even call a real hunt, is banned in our country, just as well as in most developed countries,

and this is a serious step to protect the biodiversity of the Russian Federation.”

Masha Vorontsova, the head of the International Fund for Animal Welfare in Russia and a biologist who has been pushing for a ban since the fall of the Soviet Union, credited an outpouring of public support for ending the hunt. “It’s a fantastic achievement,” she said.

In contrast, Gail Shea, Canada’s Minister of Fisheries and Oceans, did little to disguise her frustration at moves taking aim at the industry both abroad and at home, which she attributed to “mistruths and propaganda” spread by special interest groups.

“For some reason the European Union will not recognize what the actual facts are because it’s an emotional issue and a political issue,” she said in an interview.

Ms. Shea, who earlier flew to Europe to lobby against a European Union ban, warned that such a move could violate international trade law. An industry spokesman said that nearly all Canadian seal products passed through Europe on their way to major consumers like Norway, Russia and China. It is unclear whether Russia will also ban the import and sale of seal products.

Commercial sealing also takes place in a handful of other counties, including Norway, Greenland and Namibia.

In Canada, last year’s catch of 207,000 seals—roughly one in every five pups born that year—earned the roughly 6,000 licensed sealers a total of \$7 million, down from \$33 million in 2006, according to Phil Jenkins, a spokesman for the Canadian fisheries department. The hunting decreased, he said, largely because of a sharp drop in prices for the pelts, from \$97 to \$33, for a perfect specimen. Seals are killed by rifle or by club.

The harp seal population level has held steady at about 5.6 million for the last decade, he said, but anti-sealing groups contest that figure.

However, the Canadian industry came under rare official scrutiny last week, when Mac Harb, a senator from Ontario, introduced the legislation to cancel the coming hunt. He argued that the industry was dying, propped up by public tax dollars and costing Canada international good will. But his proposal died when Mr. Harb could not get another member to second his motion.

“There was silence. Total silence!” he said in a telephone interview on Wednesday. “I was amazed that not one of my colleagues, from any one of the political parties, would even want to debate the issue.”

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 687. Ms. MIKULSKI (for herself and Mr. ISAKSON) proposed an amendment to the bill H.R. 1388, to reauthorize and reform the national service laws.

SA 688. Mr. CRAPO (for himself, Mr. CORKER, Mr. GREGG, and Mr. BOND) proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 689. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 690. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 691. Mr. DORGAN (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, and Mr. BAR-RASSO) submitted an amendment intended to

be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 692. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 693. Mr. JOHANNES proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 694. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 695. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 696. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 697. Mrs. MURRAY (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 37, calling on Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman.

SA 698. Mrs. MURRAY (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 37, supra.

SA 699. Mrs. MURRAY (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 37, supra.

SA 700. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 687.** Ms. MIKULSKI (for herself and Mr. ISAKSON) proposed an amendment to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Serve America Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

##### TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

Sec. 1001. References.

##### Subtitle A—Amendments to Subtitle A (General Provisions)

Sec. 1101. Purposes.

Sec. 1102. Definitions.

##### Subtitle B—Amendments to Subtitle B (Learn and Serve America)

Sec. 1201. School-based allotments.

Sec. 1202. Higher education provisions.

Sec. 1203. Campuses of Service.

Sec. 1204. Innovative programs and research.

Sec. 1205. Service-learning impact study.

##### Subtitle C—Amendments to Subtitle C (National Service Trust Program)

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.

Sec. 1302. Eligible national service programs.

Sec. 1303. Types of positions.

Sec. 1304. Conforming repeal relating to training and technical assistance.

Sec. 1305. Assistance to State Commissions; challenge grants.

Sec. 1306. Allocation of assistance to States and other eligible entities.

Sec. 1307. Additional authority.

Sec. 1308. State selection of programs.

Sec. 1309. National service program assistance requirements.

Sec. 1310. Prohibited activities and ineligible organizations.

Sec. 1311. Consideration of applications.

Sec. 1312. Description of participants.

Sec. 1313. Selection of national service participants.

Sec. 1314. Terms of service.

Sec. 1315. Adjustments to living allowance.

##### Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

Sec. 1401. Availability of funds in the National Service Trust.

Sec. 1402. Individuals eligible to receive an educational award from the Trust.

Sec. 1403. Certifications.

Sec. 1404. Determination of the amount of the educational award.

Sec. 1405. Disbursement of educational awards.

Sec. 1406. Approval process for approved positions.

##### Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

Sec. 1501. Purpose.

Sec. 1502. Program components.

Sec. 1503. Eligible participants.

Sec. 1504. Summer national service program.

Sec. 1505. National Civilian Community Corps.

Sec. 1506. Training.

Sec. 1507. Consultation with State Commissions.

Sec. 1508. Authorized benefits for Corps members.

Sec. 1509. Permanent cadre.

Sec. 1510. Status of Corps members and Corps personnel under Federal law.

Sec. 1511. Contract and grant authority.

Sec. 1512. Other departments.

Sec. 1513. Advisory Board.

Sec. 1514. Evaluations.

Sec. 1515. Repeal of funding limitation.

Sec. 1516. Definitions.

Sec. 1517. Terminology.

##### Subtitle F—Amendments to Subtitle F (Administrative Provisions)

Sec. 1601. Family and medical leave.

Sec. 1602. Reports.

Sec. 1603. Use of funds.

Sec. 1604. Notice, hearing, and grievance procedures.

Sec. 1605. Resolution of displacement complaints.

Sec. 1606. State Commissions on National and Community Service.

Sec. 1607. Evaluation and accountability.

Sec. 1608. Civic Health Assessment.

Sec. 1609. Contingent extension.

Sec. 1610. Partnerships with schools.

Sec. 1611. Rights of access, examination, and copying.

Sec. 1612. Additional administrative provisions.

##### Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

Sec. 1701. Terms of office.

Sec. 1702. Board of Directors authorities and duties.

Sec. 1703. Chief Executive Officer compensation.

Sec. 1704. Authorities and duties of the Chief Executive Officer.

Sec. 1705. Chief Financial Officer status.

Sec. 1706. Nonvoting members; personal services contracts.

Sec. 1707. Donated services.

Sec. 1708. Assignment to State Commissions.

Sec. 1709. Study of involvement of veterans.

Sec. 1710. Study to examine and increase service programs for displaced workers in services corps and community service and to develop pilot program planning study.

Sec. 1711. Study to evaluate the effectiveness of agency coordination.

Sec. 1712. Study of program effectiveness.

    Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)

Sec. 1801. Technical amendment to subtitle H.

Sec. 1802. Additional Corporation activities to support national service.

Sec. 1803. Repeals.

Sec. 1804. Presidential awards.

Sec. 1805. New fellowships.

Sec. 1806. National Service Reserve Corps.

Sec. 1807. Social Innovation Funds pilot program.

Sec. 1808. Clearinghouses.

    Subtitle I—Training and Technical Assistance

Sec. 1821. Training and technical assistance.

    Subtitle J—Repeal of Title III (Points of Light Foundation)

Sec. 1831. Repeal.

    Subtitle K—Amendments to Title V (Authorization of Appropriations)

Sec. 1841. Authorization of appropriations.

    TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Sec. 2001. References.

Sec. 2002. Volunteerism policy.

    Subtitle A—National Volunteer Antipoverty Programs

    CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA

Sec. 2101. Statement of purpose.

Sec. 2102. Selection and assignment of volunteers.

Sec. 2103. Support service.

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    CHAPTER 2—UNIVERSITY YEAR FOR VISTA

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Sec. 2131. Statement of purpose.

Sec. 2132. Literacy challenge grants.

    Subtitle B—National Senior Service Corps

Sec. 2141. Title.

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Sec. 2151. Special limitations.

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Sec. 2154. Definitions.

Sec. 2155. Protection against improper use.

Sec. 2156. Provisions under the National and Community Service Act of 1990.

    Subtitle D—Authorization of Appropriations

Sec. 2161. Authorizations of appropriations.

    TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

Sec. 3101. Table of contents of the National and Community Service Act of 1990.

Sec. 3102. Table of contents of the Domestic Volunteer Service Act of 1973.

#### TITLE IV—AMENDMENTS TO OTHER LAWS

Sec. 4101. Inspector General Act of 1978.

#### TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM

Sec. 5101. Findings.

Sec. 5102. Definitions.

Sec. 5103. Office of Volunteers for Prosperity.

Sec. 5104. Authorization of appropriations.

#### TITLE VI—EFFECTIVE DATE

Sec. 6101. Effective date.

#### TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

##### SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the amendment or repeal shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

##### Subtitle A—Amendments to Subtitle A (General Provisions)

##### SEC. 1101. PURPOSES.

Section 2(b) (42 U.S.C. 12501(b)) is amended—

(1) in paragraph (2), by striking “community throughout” and inserting “community and service throughout the varied and diverse communities of”;

(2) in paragraph (4), by inserting after “income,” the following: “geographic location,”;

(3) in paragraph (6), by inserting after “existing” the following: “national”;

(4) in paragraph (7)—

(A) by striking “programs and agencies” and inserting “programs, agencies, and communities”;

(B) by striking “and” at the end;

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

“(9) expand and strengthen service-learning programs through year-round opportunities, including opportunities during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community for children and youth throughout the United States;

“(10) assist in coordinating and strengthening Federal and other service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

“(11) increase service opportunities for the Nation’s retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions, to improve the education of the Nation’s youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older individuals;

“(12) encourage the continued service of the alumni of the national service programs, including service in times of national need;

“(13) encourage individuals age 55 or older to partake of service opportunities;

“(14) focus national service on the areas of national need such service has the capacity to address, such as improving education, increasing energy conservation, improving the health status of economically disadvantaged individuals, and improving economic opportunity for economically disadvantaged individuals;

“(15) recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in addressing national and local challenges;

“(16) increase public and private investment in nonprofit community organizations that are effectively addressing national and local challenges and encourage such organizations to replicate and expand successful initiatives;

“(17) leverage Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

“(18) support institutions of higher education that engage students in community service activities and provide high-quality service-learning opportunities; and

“(19) recognize the expertise veterans can offer to national service programs, expand the participation of the veterans in the national service programs, and assist the families of veterans and members of the Armed Forces on active duty.”.

##### SEC. 1102. DEFINITIONS.

(a) IN GENERAL.—Section 101 (42 U.S.C. 12511) is amended—

(1) in paragraph (3), by striking “described in section 122”;

(2) in paragraph (13), by striking “section 101(a) of the Higher Education Act of 1965” and inserting “sections 101(a) and 102(a)(1) of the Higher Education Act of 1965”;

(3) in paragraph (17)(B), by striking “program in which the participant is enrolled” and inserting “organization receiving assistance under the national service laws through which the participant is engaging in service”;

(4) in paragraph (19)—

(A) by striking “section 111(a)” and inserting “section 112(a)”;

(B) by striking “117A(a).”;

(C) by striking “119(b)(1), or 122(a),” and inserting “118A, or 118(b)(1), or subsection (a), (b), or (c) of section 122.”;

(D) by inserting “section 198B, 198C, 198G, 198H, or 198K,” after “section 152(b).”;

(E) by striking “198, 198C, or 198D” and inserting “179A, 198, 198O, 198P, or 199N”;

(5) in paragraph (21)(B)—

(A) by striking “602” and inserting “602(3)”;

(B) by striking “1401” and inserting “1401(3)”;

(6) in paragraph (24), by striking “section 111” and inserting “section 112”;

(7) in paragraph (26), by striking the second sentence; and

(8) by adding at the end the following:

“(30) ALASKA NATIVE-SERVING INSTITUTION.—The term ‘Alaska Native-serving institution’ has the meaning given the term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

“(31) APPROVED SILVER SCHOLAR POSITION.—The term ‘approved silver scholar position’ means a position, in a program described in section 198C(a), for which the Corporation has approved the provision of a silver scholarship educational award as one of the benefits to be provided for successful service in the position.

“(32) APPROVED SUMMER OF SERVICE POSITION.—The term ‘approved summer of service position’ means a position, in a program described in section 119(c)(8), for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

“(33) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term ‘Asian American and Native American Pacific Islander-serving institution’ has the meaning given the term in section 320(b) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)).

“(34) AUTHORIZING COMMITTEES.—The term ‘authorizing committees’ means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(35) COMMUNITY-BASED ENTITY.—The term ‘community-based entity’ means a public or private nonprofit organization that—

“(A) has experience with meeting unmet human, educational, environmental, or public safety needs; and

“(B) meets other such criteria as the Chief Executive Officer may establish.

“(36) DISADVANTAGED YOUTH.—The term ‘disadvantaged youth’ includes those youth who are economically disadvantaged and 1 or more of the following:

“(A) Who are out-of-school youth, including out-of-school youth who are unemployed.

“(B) Who are in or aging out of foster care.

“(C) Who have limited English proficiency.

“(D) Who are homeless or who have run away from home.

“(E) Who are at-risk to leave secondary school without a diploma.

“(F) Who are former juvenile offenders or at risk of delinquency.

“(G) Who are individuals with disabilities.

“(37) ENCORE SERVICE PROGRAM.—The term ‘encore service program’ means a program, carried out by an eligible entity as described in subsection (a), (b), or (c) of section 122, that—

“(A) involves a significant number of participants age 55 or older in the program; and

“(B) takes advantage of the skills and experience that such participants offer in the design and implementation of the program.

“(38) HISPANIC-SERVING INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given such term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

“(39) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘historically black college or university’ means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

“(40) MEDICALLY UNDERSERVED POPULATION.—The term ‘medically underserved population’ has the meaning given that term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)).

“(41) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term ‘Native American-serving, nontribal institution’ has the meaning given the term in section 319(b) of the Higher Education Act of 1965 (20 U.S.C. 1059f(b)).

“(42) NATIVE HAWAIIAN-SERVING INSTITUTION.—The term ‘Native Hawaiian-serving institution’ has the meaning given the term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

“(43) PREDOMINANTLY BLACK INSTITUTION.—The term ‘Predominantly Black Institution’ has the meaning given the term in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e).

“(44) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term ‘principles of scientific research’ means principles of research that—

“(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to the subject matter involved;

“(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

“(C) include, appropriate to the research being conducted—

“(i) use of systematic, empirical methods that draw on observation or experiment;

“(ii) use of data analyses that are adequate to support the general findings;

“(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

“(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

“(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

“(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

“(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

“(45) QUALIFIED ORGANIZATION.—The term ‘qualified organization’ means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.

“(46) SCIENTIFICALLY VALID RESEARCH.—The term ‘scientifically valid research’ includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

“(47) TERRITORY.—The term ‘territory’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(48) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term ‘tribally controlled college or university’ has the meaning given such term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

“(49) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”.

(b) REDESIGNATION.—Section 101 (42 U.S.C. 12511) is amended—

(1) by redesignating paragraphs (1) through (49) as paragraphs (1), (3), (8), (9), (10), (12), (14), (15), (19), (20), (21), (22), (23), (24), (26), (29), (30), (31), (34), (35), (37), (39), (40), (41), (42), (43), (44), (45), (46), (2), (4), (5), (6), (7), (11), (13), (16), (17), (18), (25), (27), (28), (32), (33), (36), (38), (47), (48), and (49); and

(2) so that paragraphs (1) through (49), as so redesignated in paragraph (1), appear in numerical order.

#### Subtitle B—Amendments to Subtitle B (Learn and Serve America)

##### SEC. 1201. SCHOOL-BASED ALLOTMENTS.

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

#### “PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS

##### “SEC. 111. PURPOSE.

“The purpose of this part is to promote service-learning as a strategy to—

“(1) support high-quality service-learning projects that engage students in meeting community needs with demonstrable results, while enhancing students’ academic and civic learning; and

“(2) support efforts to build institutional capacity, including the training of educators, and to strengthen the service infrastructure to expand service opportunities.

##### “SEC. 111A. DEFINITIONS.

“In this part:

“(1) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(2) STATE EDUCATIONAL AGENCY.—The term ‘State educational agency’ means—

“(A) a State educational agency (as defined in section 101) of a State; or

“(B) for a State in which a State educational agency described in subparagraph (A) has designated a statewide entity under section 112(e), that designated statewide entity.

##### “SEC. 112. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.

“(a) ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.—The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, territories, and Indian tribes to pay for the Federal share of—

“(1) planning and building the capacity within the State, territory, or Indian tribe involved to implement service-learning programs that are based principally in elementary schools and secondary schools, including—

“(A) providing training and professional development for teachers, supervisors, personnel from community-based entities (particularly with regard to the recruitment, utilization, and management of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

“(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including curricula for an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

“(C) forming local partnerships described in paragraph (2) or (4)(D) to develop school-based service-learning programs in accordance with this part;

“(D) devising appropriate methods for research on and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

“(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based entities with demonstrated effectiveness in working with school-age youth in their communities; and

“(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, throughout the territory, or serving the Indian tribe involved with particular attention to schools identified for school improvement under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

“(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to projects operated by local partnerships among—

“(A) local educational agencies; and

“(B) 1 or more community partners that—

“(i) shall include a public or private nonprofit organization that—

“(I) has a demonstrated expertise in the provision of services to meet unmet human, education, environmental, or public safety needs;

“(II) will make projects available for participants, who shall be students; and

“(III) was in existence at least 1 year before the date on which the organization submitted an application under section 113; and

“(ii) may include a private for-profit business, private elementary school or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

“(3) planning of school-based service-learning programs, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

“(A) the salaries and benefits of service-learning coordinators; or

“(B) the recruitment, training and professional development, supervision, and placement of service-learning coordinators who may be participants in a program under subtitle C or receive a national service educational award under subtitle D, who may be participants in a project under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001), or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2);

“(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to—

“(A) local educational agencies;

“(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

“(C) public or private nonprofit organizations; or

“(D) partnerships or combinations of local educational agencies, and entities described in subparagraph (B) or (C); and

“(5) developing, as service-learning programs, civic engagement programs that promote a better understanding of—

“(A) the principles of the Constitution, the heroes of United States history (including military heroes), and the meaning of the Pledge of Allegiance;

“(B) how the Nation's government functions; and

“(C) the importance of service in the Nation's character.

“(b) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local partnership described in subsection (a)(2) or entity described in subsection (a)(3), respectively, that may include—

“(1) providing technical assistance and information to, and facilitating the training of, teachers and assisting in the planning,

development, execution, and evaluation of service-learning in their classrooms;

“(2) assisting local partnerships described in subsection (a)(2) in the planning, development, and execution of service-learning projects, including summer of service programs;

“(3) assisting schools and local educational agencies in developing school policies and practices that support the integration of service-learning into the curriculum; and

“(4) carrying out such other duties as the local partnership or entity, respectively, may determine to be appropriate.

“(c) RELATED EXPENSES.—An entity that receives financial assistance under this part from a State, territory, or Indian tribe may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

“(d) SPECIAL RULE.—A State educational agency described in section 111A(2)(A) may designate a statewide entity (which may be a community-based entity) with demonstrated experience in supporting or implementing service-learning programs, to receive the State educational agency's allotment under this part, and carry out the functions of the agency under this part.

“(e) CONSULTATION WITH SECRETARY OF EDUCATION.—The Corporation is authorized to enter into agreements with the Secretary of Education for initiatives (and may use funds authorized under section 501(a)(6) to enter into the agreements if the additional costs of the initiatives are warranted) that may include—

“(1) identification and dissemination of research findings on service-learning and scientifically valid research based practices for service-learning; and

“(2) provision of professional development opportunities that—

“(A) improve the quality of service-learning instruction and delivery for teachers both preservice and in-service, personnel from community-based entities and youth workers; and

“(B) create and sustain effective partnerships for service-learning programs between local educational agencies, community-based entities, businesses, and other stakeholders.

#### “SEC. 112A. ALLOTMENTS.

“(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

“(b) ALLOTMENTS THROUGH STATES.—

“(1) IN GENERAL.—After reserving an amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for the fiscal year as follows:

“(A) ALLOTMENTS BASED ON SCHOOL-AGE YOUTH.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth in all States.

“(B) ALLOTMENTS BASED ON ALLOCATIONS UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—From 50 percent of such

remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) bears to the total of such allocations to all States.

“(2) MINIMUM AMOUNT.—For any fiscal year for which amounts appropriated for this part exceed \$50,000,000, the minimum allotment to each State under paragraph (1) shall be \$75,000.

“(c) REALLOTMENT.—If the Corporation determines that the allotment of a State, territory, or Indian tribe under this section will not be required for a fiscal year because the State, territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 113, the Corporation shall make the allotment for such State, territory, or Indian tribe available for grants to community-based entities to carry out service-learning programs as described in section 112(b) in such State, in such territory, or for such Indian tribe. After community-based entities apply for grants from the allotment, by submitting an application at such time and in such manner as the Corporation requires, and receive approval, the remainder of such allotment shall be available for reallocation to such other States, territories, or Indian tribes with approved applications submitted under section 113 as the Corporation may determine to be appropriate.

#### “SEC. 113. APPLICATIONS.

“(a) APPLICATIONS TO CORPORATION FOR ALLOTMENTS.—

“(1) IN GENERAL.—To be eligible to receive an allotment under section 112A, a State, acting through the State educational agency, territory, or Indian tribe shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

“(2) CONTENTS.—An application for an allotment under section 112 shall include—

“(A) a proposal for a 3-year plan promoting service-learning, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

“(B) information about the criteria the State educational agency, territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (b), including an assurance that the State educational agency, territory, or Indian tribe will comply with the requirement in section 114(a);

“(C) assurances about the applicant's efforts to—

“(i) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

“(ii) include any opportunities for students, enrolled in schools or programs of education providing elementary or secondary education, to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

“(iii) involve participants in the design and operation of the programs;

“(iv) promote service-learning in areas of greatest need, including low-income or rural areas; and

“(v) otherwise integrate service opportunities into the academic program of the participants; and



“(D) assurances that the applicant will comply with the nonduplication and non-displacement requirements of section 177 and the notice, hearing, and grievance procedures required by section 176.

“(b) APPLICATION TO STATE, TERRITORY, OR INDIAN TRIBE FOR ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

“(1) IN GENERAL.—Any—

“(A) qualified organization, Indian tribe, territory, local educational agency, for-profit business, private elementary school or secondary school, or institution of higher education that desires to receive financial assistance under this subpart from a State, territory, or Indian tribe for an activity described in section 112(a)(1);

“(B) partnership described in section 112(a)(2) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 112(a)(2);

“(C) entity described in section 112(a)(3) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section;

“(D) entity or partnership described in section 112(a)(4) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section; and

“(E) entity that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 111(a)(5),

shall prepare, submit to the State educational agency for the State, territory, or Indian tribe, and obtain approval of, an application for the program.

“(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, territory, or Indian tribe may reasonably require.

#### “SEC. 114. CONSIDERATION OF APPLICATIONS.

“(a) CRITERIA FOR LOCAL APPLICATIONS.—In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 112A(c) applies) shall consider criteria with respect to sustainability, replicability, innovation, and quality of programs.

“(b) PRIORITY FOR LOCAL APPLICATIONS.—In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 112A(c) applies) shall give priority to entities that submit applications under section 113 with respect to service-learning programs described in section 111 that are in the greatest need of assistance, such as programs targeting low-income areas or serving economically disadvantaged youth.

“(c) REJECTION OF APPLICATIONS TO CORPORATION.—If the Corporation rejects an application submitted by a State, territory, or Indian tribe under section 113 for an allotment, the Corporation shall promptly notify the State, territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

#### “SEC. 115. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

“(a) IN GENERAL.—To the extent consistent with the number of students in the State, in the territory, or served by the Indian tribe or

in the school district of the local educational agency involved who are enrolled in private nonprofit elementary schools and secondary schools, such State, territory, or Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

“(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

“(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

“(b) WAIVER.—If a State, territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers.

#### “SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

“(a) CORPORATION SHARE.—

“(1) IN GENERAL.—The Corporation share of the cost of carrying out a program for which a grant is made from an allotment under this part—

“(A) for new grants may not exceed 80 percent of the total cost of the program for the first year of the grant period, 65 percent for the second year, and 50 percent for each remaining year; and

“(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

“(2) NONCORPORATION CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of such a grant under this part—

“(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services;

“(B) except as provided in subparagraph (C), may provide for such share through Federal, State, or local sources, including private funds or donated services; and

“(C) may not provide for such share through Federal funds made available under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

“(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year, on a determination that such a waiver would be equitable due to a lack of resources at the local level.

#### “SEC. 117. LIMITATIONS ON USES OF FUNDS.

“Not more than 6 percent of the amount of assistance received by a State, territory, or Indian tribe that is the original recipient of an allotment under this part for a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by that recipient.”

#### SEC. 1202. HIGHER EDUCATION PROVISIONS.

(a) REDESIGNATION.—Section 119 (42 U.S.C. 12561) is redesignated as section 118.

(b) HIGHER EDUCATION INNOVATIVE PROGRAMS.—Section 118 (as so redesignated) is amended—

(1) in subsection (a), by inserting after “community service programs” the following: “through service-learning”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “combination” and inserting “consortium”;

(B) in paragraph (1)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by adding “and” at the end; and

(iii) by adding at the end the following:

“(C) the institution or partnership may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at 1 or more members of the partnership;” and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “teachers at the elementary, secondary, and postsecondary levels” and inserting “institutions of higher education and their faculty”;

(ii) in subparagraph (A), by striking “education of the institution; and” and inserting “curricula of the institution to strengthen the instructional capacity of teachers to provide service-learning at the elementary and secondary levels;”;

(iii) by redesignating subparagraph (B) as subparagraph (C); and

(iv) by inserting after subparagraph (A) the following:

“(B) including service-learning as a component of other curricula or academic programs (other than education curricula or programs), such as curricula or programs relating to nursing, medicine, criminal justice, or public policy; and”;

(3) by striking subsections (c), (d), (e), and (g);

(4) by redesignating subsection (f) as subsection (i); and

(5) by inserting after subsection (b) the following:

“(c) FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.—

“(1) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

“(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant or contract under this part—

“(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

“(ii) may provide for such share through State sources or local sources, including private funds or donated services.

“(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

“(d) APPLICATION FOR GRANT.—

“(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership shall prepare and submit to the Corporation, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require, and obtain approval of the application. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

“(2) CONTENTS.—An application submitted under paragraph (1) shall contain, at a minimum—

“(A) assurances that—

“(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

“(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the notice, hearing, and grievance procedures required by section 176; and

“(B) such other assurances as the Chief Executive Officer may reasonably require.

“(e) SPECIAL CONSIDERATION.—To the extent practicable, in making grants and entering into contracts under subsection (b), the Corporation shall give special consideration to applications submitted by, or applications from partnerships including, institutions serving primarily low-income populations, including—

“(1) Alaska Native-serving institutions;

“(2) Asian American and Native American Pacific Islander-serving institutions;

“(3) Hispanic-serving institutions;

“(4) historically black colleges and universities;

“(5) Native American-serving, nontribal institutions;

“(6) Native Hawaiian-serving institutions;

“(7) Predominantly Black Institutions;

“(8) tribally controlled colleges and universities; and

“(9) community colleges serving predominantly minority populations.

“(f) CONSIDERATIONS.—In making grants and entering into contracts under subsection (b), the Corporation shall take into consideration whether the applicants submit applications containing proposals that—

“(1) demonstrate the commitment of the institution of higher education involved, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

“(2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

“(3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;

“(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

“(A) the institution;

“(B)(i) a community-based agency;

“(ii) a local government agency; or

“(iii) a nonprofit entity that serves or involves school-age youth, older adults, or low-income communities; and

“(C)(i) a student organization;

“(ii) a department of the institution; or

“(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;

“(5) demonstrate community involvement in the development of the proposal and the extent to which the proposal will contribute to the goals of the involved community members;

“(6) demonstrate a commitment to perform community service projects in underserved urban and rural communities;

“(7) describe research on effective strategies and methods to improve service utilized in the design of the projects;

“(8) specify that the institution or partnership will use the assistance provided through the grant or contract to strengthen the service infrastructure in institutions of higher education;

“(9) with respect to projects involving delivery of services, specify projects that involve leadership development of school-age youth; or

“(10) describe the needs that the proposed projects are designed to address, such as housing, economic development, infrastructure, health care, job training, education, crime prevention, urban planning, transportation, information technology, or child welfare.

“(g) FEDERAL WORK-STUDY.—To be eligible for assistance under this part, an institution of higher education shall demonstrate that it meets the minimum requirements under section 443(b)(2)(A) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(A)) relating to the participation of students employed under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) (relating to Federal Work-Study programs) in community service activities, or has received a waiver of those requirements from the Secretary of Education.

“(h) DEFINITION.—Notwithstanding section 101, as used in this part, the term ‘student’ means an individual who is enrolled in an institution of higher education on a full- or part-time basis.”

#### SEC. 1203. CAMPUSES OF SERVICE.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is amended by inserting after section 118 (as redesignated by section 1202) the following:

#### “SEC. 118A. CAMPUSES OF SERVICE.

“(a) IN GENERAL.—The Corporation, after consultation with the Secretary of Education, may annually designate not more than 25 institutions of higher education as Campuses of Service, from among institutions nominated by State Commissions.

“(b) APPLICATIONS FOR NOMINATION.—

“(1) IN GENERAL.—To be eligible for a nomination to receive designation under subsection (a), and have an opportunity to apply for funds under subsection (d) for a fiscal year, an institution of higher education in a State shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require.

“(2) CONTENTS.—At a minimum, the application shall include information specifying—

“(A)(i) the number of undergraduate and, if applicable, graduate service-learning courses offered at such institution for the most recent full academic year preceding the fiscal year for which designation is sought; and

“(ii) the number and percentage of undergraduate students and, if applicable, the number and percentage of graduate students at such institution who were enrolled in the corresponding courses described in clause (i), for such preceding academic year;

“(B) the percentage of undergraduate students engaging in and, if applicable, the percentage of graduate students engaging in activities providing community services, as defined in section 441(c) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)), during such preceding academic year, the quality of such activities, and the average amount of time spent, per student, engaged in such activities;

“(C) for such preceding academic year, the percentage of Federal work-study funds made available to the institution under part

C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) that is used to compensate students employed in providing community services, as so defined, and a description of the efforts the institution undertakes to make available to students opportunities to provide such community services and be compensated through such work-study funds;

“(D) at the discretion of the institution, information demonstrating the degree to which recent graduates of the institution, and all graduates of the institution, have obtained full-time public service employment in the nonprofit sector or government, with a private nonprofit organization or a Federal, State, or local public agency; and

“(E) any programs the institution has in place to encourage or assist graduates of the institution to pursue careers in public service in the nonprofit sector or government.

“(c) NOMINATIONS AND DESIGNATION.—

“(1) NOMINATION.—

“(A) IN GENERAL.—A State Commission that receives applications from institutions of higher education under subsection (b) may nominate, for designation under subsection (a), not more than 3 such institutions of higher education, consisting of—

“(i) not more than one 4-year public institution of higher education;

“(ii) not more than one 4-year private institution of higher education; and

“(iii) not more than one 2-year institution of higher education.

“(B) SUBMISSION.—The State Commission shall submit to the Corporation the name and application of each institution nominated by the State Commission under subparagraph (A).

“(2) DESIGNATION.—The Corporation shall designate, under subsection (a), not more than 25 institutions of higher education from among the institutions nominated under paragraph (1). In making the designations, the Corporation shall, if feasible, designate various types of institutions, including institutions from each of the categories of institutions described in clauses (i), (ii), and (iii) of paragraph (1)(A).

“(d) AWARDS.—

“(1) IN GENERAL.—Using sums reserved under section 501(a)(1)(C) for Campuses of Service, the Corporation shall provide an award of funds to institutions designated under subsection (c), to be used by the institutions to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

“(2) PLAN.—To be eligible to receive funds under this subsection, an institution designated under subsection (c) shall submit a plan to the Corporation describing how the institution intends to use the funds to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

“(3) ALLOCATION.—The Corporation shall determine how the funds reserved under section 501(a)(1)(C) for Campuses of Service for a fiscal year will be allocated among the institutions submitting acceptable plans under paragraph (2). In determining the amount of funds to be allocated to such an institution, the Corporation shall consider the number of students at the institution, the quality and scope of the plan submitted by the institution under paragraph (2), and the institution's current (as of the date of submission of the plan) strategies to encourage or assist students to pursue public service careers in the nonprofit sector or government.”

**SEC. 1204. INNOVATIVE PROGRAMS AND RESEARCH.**

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1203, is further amended by adding at the end the following:

**“PART III—INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH****“SEC. 119. INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH.**

“(a) DEFINITIONS.—In this part:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a State educational agency, a State Commission, a territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including community-based entities), a public or private elementary school or secondary school, a local educational agency, a consortium of such entities, or a consortium of 2 or more such entities and a for-profit organization.

“(2) **ELIGIBLE PARTNERSHIP.**—The term ‘eligible partnership’ means a partnership that—

“(A) shall include—

“(i) 1 or more community-based entities that have demonstrated records of success in carrying out service-learning programs with economically disadvantaged students, and that meet such criteria as the Chief Executive Officer may establish; and

“(ii) a local educational agency for which—

“(I) a high number or percentage, as determined by the Corporation, of the students served by the agency are economically disadvantaged students; and

“(II) the graduation rate for the secondary school students served by the agency is less than 70 percent; and

“(B) may also include—

“(i) a local government agency that is not described in subparagraph (A);

“(ii) the office of the chief executive officer of a unit of general local government;

“(iii) an institution of higher education;

“(iv) a State Commission or State educational agency; or

“(v) more than 1 local educational agency described in subclause (I).

“(3) **YOUTH ENGAGEMENT ZONE.**—The term ‘youth engagement zone’ means the area in which a youth engagement zone program is carried out.

“(4) **YOUTH ENGAGEMENT ZONE PROGRAM.**—The term ‘youth engagement zone program’ means a service-learning program in which members of an eligible partnership collaborate to provide coordinated school-based or community-based service-learning opportunities—

“(A) in order to address a specific community challenge;

“(B) for an increasing percentage of out-of-school youth and secondary school students served by a local educational agency; and

“(C) in circumstances under which—

“(i) not less than 90 percent of such students participate in service-learning activities as part of the program; or

“(ii) service-learning is a part of the curriculum in all of the secondary schools served by the local educational agency.

“(b) **GENERAL AUTHORITY.**—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants (which may include approved summer of service positions in the case of a grant for a program described in subsection (c)(8)) and fixed-amount grants (in accordance with section 129(1)) to eligible entities or eligible partnerships, as appropriate, for programs and activities described in subsection (c).

“(c) **AUTHORIZED ACTIVITIES.**—Funds under this part may be used to—

“(1) integrate service-learning programs into the science, technology, engineering, and mathematics (referred to in this part as ‘STEM’) curricula at the elementary, secondary, postsecondary, or postbaccalaureate levels in coordination with practicing or retired STEM professionals;

“(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low-income housing and in public spaces;

“(3) involve students in service-learning programs in emergency and disaster preparedness;

“(4) involve students in service-learning programs aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including improving such access for individuals with disabilities, in low-income or rural communities, in senior centers and communities, in schools, in libraries, and in other public spaces;

“(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency and disaster preparedness needs in their community;

“(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

“(7) conduct innovative and creative activities as described in section 112(a);

“(8) establish or implement summer of service programs (giving priority to programs that enroll youth who will be enrolled in any of grades 6 through 9 at the end of the summer concerned) during the summer months (including recruiting, training, and placing service-learning coordinators)—

“(A) for youth who will be enrolled in any of grades 6 through 12 at the end of the summer concerned; and

“(B) for community-based service-learning projects—

“(i) that shall—

“(I) meet unmet human, educational, environmental (including energy conservation and stewardship), and emergency and disaster preparedness and other public safety needs; and

“(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community;

“(ii) that may include the extension of academic year service-learning programs into the summer months; and

“(iii) under which a student who completes 100 hours of service as described in section 146(b)(2), shall be eligible for a summer of service educational award of \$500 or \$750 as described in sections 146(a)(2)(C) and 147(d);

“(9) establish or implement youth engagement zone programs in youth engagement zones, for students in secondary schools served by local educational agencies for which a majority of such students do not participate in service-learning activities that are—

“(A) carried out by eligible partnerships; and

“(B) designed to—

“(i) involve all students in secondary schools served by the local educational agency in service-learning to address a specific community challenge;

“(ii) improve student engagement, including student attendance and student behavior,

and student achievement, graduation rates, and college-going rates at secondary schools; and

“(iii) involve an increasing percentage of students in secondary school and out-of-school youth in the community in school-based or community-based service-learning activities each year, with the goal of involving all students in secondary schools served by the local educational agency and involving an increasing percentage of the out-of-school youth in service-learning activities; and

“(10) conduct semester of service programs that—

“(A) provide opportunities for secondary school students to participate in a semester of coordinated school-based or community-based service-learning opportunities for a minimum of 70 hours (of which at least a third will be spent participating in field-based activities) over a semester, to address specific community challenges;

“(B) engage as participants high percentages or numbers of economically disadvantaged students;

“(C) allow participants to receive academic credit, for the time spent in the classroom and in the field for the program, that is equivalent to the academic credit for any class of equivalent length and with an equivalent time commitment; and

“(D) ensure that the classroom-based instruction component of the program is integrated into the academic program of the local educational agency involved; and

“(11) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

“(d) **APPLICATIONS.**—To be eligible to receive a grant to carry out a program or activity under this part, an entity or partnership, as appropriate, shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

“(e) **PRIORITY.**—In making grants under this part, the Corporation shall give priority to applicants proposing to—

“(1) involve students and community stakeholders in the design and implementation of service-learning programs carried out using funds received under this part;

“(2) implement service-learning programs in low-income or rural communities; and

“(3) utilize adult volunteers, including tapping the resources of retired and retiring adults, in the planning and implementation of service-learning programs.

“(f) **REQUIREMENTS.**—

“(1) **TERM.**—Each program or activity funded under this part shall be carried out over a period of 3 years, which may include 1 planning year. In the case of a program funded under this part, the 3-year period may be extended by 1 year, if the program meets performance levels established in accordance with section 179(k) and any other criteria determined by the Corporation.

“(2) **COLLABORATION ENCOURAGED.**—Each entity carrying out a program or activity funded under this part shall, to the extent practicable, collaborate with entities carrying out programs under this subtitle, subtitle C, and titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001 et seq.).

“(3) **EVALUATION.**—Not later than 4 years after the effective date of the Serve America Act, the Corporation shall conduct an independent evaluation of the programs and activities carried out using funds made available under this part, and determine best

practices relating to service-learning and recommendations for improvement of those programs and activities. The Corporation shall widely disseminate the results of the evaluations, and information on the best practices and recommendations to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies."

#### SEC. 1205. SERVICE-LEARNING IMPACT STUDY.

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1204, is further amended by adding at the end the following:

#### "PART IV—SERVICE-LEARNING IMPACT STUDY

#### "SEC. 120. STUDY AND REPORT.

"(a) STUDY.—

"(1) IN GENERAL.—From the sums reserved under section 501(a)(1)(B) for this section, the Corporation shall enter into a contract with an entity that is not otherwise a recipient of financial assistance under this subtitle, to conduct a 10-year longitudinal study on the impact of the activities carried out under this subtitle.

"(2) CONTENTS.—In conducting the study, the entity shall consider the impact of service-learning activities carried out under this subtitle on students participating in such activities, including in particular examining the degree to which the activities—

"(A) improved student academic achievement;

"(B) improved student engagement;

"(C) improved graduation rates, as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)); and

"(D) improved the degree to which the participants in the activities engaged in subsequent national service, volunteering, or other service activities, or pursued careers in public service, in the nonprofit sector or government.

"(3) ANALYSIS.—In carrying out such study, the entity shall examine the impact of the service-learning activities on the 4 factors described in subparagraphs (A) through (D) of paragraph (2), analyzed in terms of how much time participants were engaged in service-learning activities.

"(4) BEST PRACTICES.—The entity shall collect information on best practices concerning using service-learning activities to improve the 4 factors.

"(b) INTERIM REPORTS.—The entity shall periodically submit reports to the Corporation containing the interim results of the study and the information on best practices. The Corporation shall submit such reports to the authorizing committees.

"(c) FINAL REPORT.—The entity shall submit a report to the Corporation containing the results of the study and the information on best practices. The Corporation shall submit such report to the authorizing committees, and shall make such report available to the public on the Corporation's website.

"(d) CONSULTATION AND DISSEMINATION.—On receiving the report, the Corporation shall consult with the Secretary of Education to review the results of the study, and to identify best practices concerning using service-learning activities to improve the 4 factors described in subparagraphs (A) through (D) of subsection (a)(2). The Corporation shall disseminate information on the identified best practices."

#### Subtitle C—Amendments to Subtitle C (National Service Trust Program)

#### SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after "subdivisions of States," the following: "territories,"; and

(B) in paragraphs (1) and (2), by striking "section 122(a)" and inserting "subsection (a), (b), or (c) of section 122";

(2) in subsection (b)—

(A) in the heading, by striking "AGREEMENTS WITH FEDERAL AGENCIES" and inserting "RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES";

(B) by striking paragraph (1) and inserting the following:

"(1) AGREEMENTS AUTHORIZED.—The Corporation may enter into an interagency agreement (other than a grant agreement) with another Federal agency to support a national service program carried out or otherwise supported by the agency. The Corporation, in entering into the interagency agreement may approve positions as approved national service positions for a program carried out or otherwise supported by the agency."

(C) by striking paragraph (2) and inserting the following:

"(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency."

(D) in paragraph (3)—

(i) by striking "receiving assistance under this subsection" and inserting "carrying out or supporting a national service program"; and

(ii) by striking "using such assistance" and inserting "through that program";

(E) in paragraph (4), by striking "a contract or cooperative agreement" the first place it appears and inserting "an interagency agreement"; and

(F) by adding at the end the following:

"(5) APPLICATION OF REQUIREMENTS.—A requirement under this Act that applies to an entity receiving assistance under section 121 (other than a requirement limited to an entity receiving assistance under section 121(a)) shall be considered to apply to a Federal agency that enters into an interagency agreement under this subsection, even though no Federal agency may receive financial assistance under such an agreement."

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "subsections (a) and (b)," and inserting "subsection (a), and in providing approved national service positions under subsection (b),"; and

(B) in paragraph (2)(B), by striking "to be provided" and inserting "to be provided or otherwise approved";

(4) in paragraphs (1) and (2) of subsection (d), by striking "or (b)";

(5) in subsection (e)—

(A) in paragraph (1), by striking "Federal share of the cost" and inserting "Corporation share of the cost (including the costs of member living allowances, employment-related taxes, health care coverage, and workers' compensation and other necessary operation costs)"; and

(B) by adding at the end the following:

"(5) OTHER FEDERAL FUNDS.—

"(A) RECIPIENT REPORT.—A recipient of assistance under this section (other than a recipient of assistance through a fixed-amount grant in accordance with section 129(l)) shall report to the Corporation the amount and source of any Federal funds used to carry out the program for which the assistance is made available other than those provided by the Corporation.

"(B) CORPORATION REPORT.—The Corporation shall report to the authorizing commit-

tees on an annual basis information regarding each recipient of such assistance that uses Federal funds other than those provided by the Corporation to carry out such a program, including the amounts and sources of the other Federal funds."; and

(6) by adding at the end the following:

"(f) PLAN FOR APPROVED NATIONAL SERVICE POSITIONS.—The Corporation shall—

"(1) develop a plan to—

"(A) establish the number of the approved national service positions as 88,000 for fiscal year 2010;

"(B) increase the number of the approved positions to—

"(i) 115,000 for fiscal year 2011;

"(ii) 140,000 for fiscal year 2012;

"(iii) 170,000 for fiscal year 2013;

"(iv) 200,000 for fiscal year 2014;

"(v) 210,000 for fiscal year 2015;

"(vi) 235,000 for fiscal year 2016; and

"(vii) 250,000 for fiscal year 2017;

"(C) ensure that the increases described in subparagraph (B) are achieved through an appropriate balance of full- and part-time service positions;

"(2) not later than 1 year after the date of enactment of the Serve America Act, submit a report to the authorizing committees on the status of the plan described in paragraph (1); and

"(3) subject to the availability of appropriations and quality service opportunities, implement the plan described in paragraph (1)."

#### SEC. 1302. ELIGIBLE NATIONAL SERVICE PROGRAMS.

Section 122 is amended to read as follows:

#### "SEC. 122. NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) NATIONAL SERVICE CORPS.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) shall use a portion of the financial assistance or positions involved, directly or through subgrants to other entities, to support or carry out the following national service corps or programs, as full- or part-time corps or programs, to address unmet needs:

"(1) EDUCATION CORPS.—

"(A) IN GENERAL.—The recipient may carry out national service programs through an Education Corps that identifies and meets unmet educational needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

"(B) ACTIVITIES.—An Education Corps described in this paragraph may carry out activities such as—

"(i) tutoring, or providing other academic support to elementary school and secondary school students;

"(ii) improving school climate;

"(iii) mentoring students, including adult or peer mentoring;

"(iv) linking needed integrated services and comprehensive supports with students, their families, and their public schools;

"(v) providing assistance to a school in expanding the school day by strengthening the quality of staff and expanding the academic programming offered in an expanded learning time initiative, a program of a 21st century community learning center (as defined in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171)), or a high-quality after-school program;

"(vi) assisting schools and local educational agencies in improving and expanding high-quality service-learning programs

that keep students engaged in schools by carrying out programs that provide specialized training to individuals in service-learning, and places the individuals (after such training) in positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I of subtitle B;

“(vii) assisting students in being prepared for college-level work;

“(viii) involving family members of students in supporting teachers and students;

“(ix) conducting a preprofessional training program in which students enrolled in an institution of higher education—

“(I) receive training (which may include classes containing service-learning) in specified fields including early childhood education and care, elementary and secondary education, and other fields such as those relating to health services, criminal justice, environmental stewardship and conservation, or public safety;

“(II) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

“(III) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training;

“(x) assisting economically disadvantaged students in navigating the college admissions process; or

“(xi) providing other activities, addressing unmet educational needs, that the Corporation may designate.

“(C) EDUCATION CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) student engagement, including student attendance and student behavior;

“(ii) student academic achievement;

“(iii) secondary school graduation rates as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi));

“(iv) rate of college enrollment and continued college enrollment for recipients of a high school diploma;

“(v) any additional indicator relating to improving education for students that the Corporation, in consultation (as appropriate) with the Secretary of Education, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving education for students, that is approved by the Corporation or a State Commission.

“(2) HEALTHY FUTURES CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through a Healthy Futures Corps that identifies and meets unmet health needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Healthy Futures Corps described in this paragraph may carry out activities such as—

“(i) assisting economically disadvantaged individuals in navigating the health services system;

“(ii) assisting individuals in obtaining access to health services, including oral health services, for themselves or their children;

“(iii) educating economically disadvantaged individuals and individuals who are members of medically underserved populations about, and engaging individuals described in this clause in, initiatives regard-

ing navigating the health services system and regarding disease prevention and health promotion, with a particular focus on common health conditions, chronic diseases, and conditions, for which disease prevention and health promotion measures exist and for which socioeconomic, geographic, and racial and ethnic health disparities exist;

“(iv) improving the literacy of patients regarding health, including oral health;

“(v) providing translation services at clinics and in emergency rooms to improve health services;

“(vi) providing services designed to meet the health needs of rural communities, including the recruitment of youth to work in health professions in such communities;

“(vii) assisting in health promotion interventions that improve health status, and helping people adopt and maintain healthy lifestyles and habits to improve health status;

“(viii) addressing childhood obesity through in-school and after-school physical activities, and providing nutrition education to students, in elementary schools and secondary schools; or

“(ix) providing activities, addressing unmet health needs, that the Corporation may designate.

“(C) HEALTHY FUTURES CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) access to health services among economically disadvantaged individuals and individuals who are members of medically underserved populations;

“(ii) access to health services for uninsured individuals, including such individuals who are economically disadvantaged children;

“(iii) participation, among economically disadvantaged individuals and individuals who are members of medically underserved populations, in disease prevention and health promotion initiatives, particularly those with a focus on addressing common health conditions, addressing chronic diseases, and decreasing health disparities;

“(iv) literacy of patients regarding health;

“(v) any additional indicator, relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that is approved by the Corporation or a State Commission.

“(3) CLEAN ENERGY SERVICE CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service projects through a Clean Energy Service Corps that identifies and meets unmet environmental needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Clean Energy Service Corps described in this paragraph may carry out activities such as—

“(i) weatherizing and retrofitting housing units for low-income households to significantly improve the energy efficiency and reduce carbon emissions of such housing units;

“(ii) building energy-efficient housing units in low-income communities;

“(iii) conducting energy audits for low-income households and recommending ways for the households to improve energy efficiency;

“(iv) providing clean energy-related services designed to meet the needs of rural communities;

“(v) working with schools and youth programs to educate students and youth about ways to reduce home energy use and improve the environment, including conducting service-learning projects to provide such education;

“(vi) assisting in the development of local recycling programs;

“(vii) renewing and rehabilitating national and State parks and forests, city parks, county parks and other public lands, and trails owned or maintained by the Federal Government or a State, including planting trees, carrying out reforestation, carrying out forest health restoration measures, carrying out erosion control measures, fire hazard reduction measures, and rehabilitation and maintenance of historic sites and structures throughout the national park system, and providing trail enhancements, rehabilitation, and repairs;

“(viii) cleaning and improving rivers maintained by the Federal Government or a State;

“(ix) carrying out projects in partnership with the National Park Service, designed to renew and rehabilitate national park resources and enhance services and learning opportunities for national park visitors, and nearby communities and schools;

“(x) providing service through a full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps program that—

“(I) undertakes meaningful service projects with visible public benefits, including projects involving urban renewal, sustaining natural resources, or improving human services;

“(II) includes as participants youths and young adults who are age 16 through 25, including out-of-school youth and other disadvantaged youth (such as youth who are aging out of foster care, youth who have limited English proficiency, homeless youth, and youth who are individuals with disabilities), who are age 16 through 25; and

“(III) provides those participants who are youth and young adults with—

“(aa) team-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services including mentoring; and

“(bb) the opportunity to develop citizenship values and skills through service to their community and the United States;

“(xi) carrying out other activities, addressing unmet environmental and workforce needs, that the Corporation may designate.

“(C) CLEAN ENERGY SERVICE CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the number of housing units of low-income households weatherized or retrofitted to significantly improve energy efficiency and reduce carbon emissions;

“(ii) annual energy costs (to determine savings in those costs) at facilities where participants have provided service;

“(iii) the number of students and youth receiving education or training in energy-efficient and environmentally conscious practices;

“(iv)(I) the number of acres of national parks, State parks, city parks, county parks, or other public lands, that are cleaned or improved; and

“(II) the number of acres of forest preserves, or miles of trails or rivers, owned or maintained by the Federal Government or a State, that are cleaned or improved;

“(v) any additional indicator relating to clean energy, the reduction of greenhouse gas emissions, or education and skill attainment for clean energy jobs, that the Corporation, in consultation (as appropriate) with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, or the Secretary of Labor, as appropriate, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to clean energy, the reduction of greenhouse gas emissions, or education or skill attainment for clean energy jobs, that is approved by the Corporation or a State Commission.

“(4) VETERANS CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through a Veterans Corps that identifies and meets unmet needs of veterans and members of the Armed Forces who are on active duty through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Veterans Corps described in this paragraph may carry out activities such as—

“(i) promoting community-based efforts to meet the unique needs of military families while a family member is deployed and upon that family member's return home;

“(ii) recruiting veterans, particularly returning veterans, into service opportunities, including opportunities that utilize their military experience;

“(iii) assisting veterans in developing their educational opportunities (including opportunities for professional certification, licensure, or credentials), coordinating activities with and assisting State and local agencies administering veterans education benefits, and coordinating activities with and assisting entities administering veterans programs with internships and fellowships that could lead to employment in the private and public sectors;

“(iv) promoting efforts within a community to serve the needs of veterans and members of the Armed Forces who are on active duty, including helping veterans file benefits claims and assisting Federal agencies in providing services to veterans;

“(v) assisting veterans in developing mentoring relationships with economically disadvantaged students;

“(vi) developing projects to assist veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities, including assisting veterans described in this clause with transportation; or

“(vii) other activities, addressing unmet needs of veterans, that the Corporation may designate.

“(C) VETERANS' CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the number of housing units created for veterans;

“(ii) the number of veterans who pursue educational opportunities;

“(iii) the number of veterans receiving professional certification, licensure, or credentials;

“(iv) the number of veterans engaged in service opportunities;

“(v) the number of military families assisted by organizations while a family member is deployed and upon that family member's return home;

“(vi) the number of economically disadvantaged students engaged in mentoring relationships with veterans;

“(vii) the number of projects designed to meet identifiable public needs of veterans, especially veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities;

“(viii) any additional indicator that relates to education or skill attainment that assists in providing veterans with the skills to address identifiable public needs, or that relates to improving the lives of veterans, of members of the Armed Forces on active duty, and of families of the veterans and the members on active duty, and that the Corporation, in consultation (as appropriate) with the Secretary of Veterans Affairs, establishes; or

“(ix) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to the education or skill attainment, or the improvement, described in clause (viii), that is approved by the Corporation or a State Commission.

“(5) OPPORTUNITY CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through an Opportunity Corps that identifies and meets unmet needs relating to economic opportunity for economically disadvantaged individuals within communities, through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—An Opportunity Corps described in this paragraph may carry out activities such as—

“(i) providing financial literacy education to economically disadvantaged individuals, including financial literacy education with regard to credit management, financial institutions including banks and credit unions, and utilization of savings plans;

“(ii) assisting in the construction, rehabilitation, or preservation of housing units, including energy efficient homes, for economically disadvantaged individuals;

“(iii) assisting economically disadvantaged individuals, including homeless individuals, in finding placement in and maintaining housing;

“(iv) assisting economically disadvantaged individuals in obtaining access to health services for themselves or their children;

“(v) assisting individuals in obtaining information about Federal, State, local, or private programs or benefits focused on assisting economically disadvantaged individuals, economically disadvantaged children, or low-income families;

“(vi) facilitating enrollment in and completion of job training for economically disadvantaged individuals;

“(vii) assisting economically disadvantaged individuals in obtaining access to job placement assistance;

“(viii) carrying out a program that seeks to eliminate hunger in low-income communities and rural areas through service in projects—

“(I) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

“(II) seeking to address the long-term causes of hunger through education and the delivery of appropriate services;

“(III) providing training in basic health, nutrition, and life skills necessary to allevi-

ate hunger in communities and rural areas; or

“(IV) assisting individuals in obtaining information about federally supported nutrition programs;

“(ix) addressing issues faced by homebound citizens, such as needs for food deliveries, legal and medical services, nutrition information, and transportation;

“(x) implementing an E-Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs that seek to increase access to technology and the benefits of technology in such community; and

“(xi) carrying out other activities, addressing unmet needs relating to economic opportunity for economically disadvantaged individuals, that the Corporation may designate.

“(C) OPPORTUNITY CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the degree of financial literacy among economically disadvantaged individuals;

“(ii) the number of housing units built or improved for economically disadvantaged individuals or low-income families;

“(iii) the number of economically disadvantaged individuals with access to job training and other skill enhancement;

“(iv) the number of economically disadvantaged individuals with access to information about job placement services;

“(v) any additional indicator relating to improving economic opportunity for economically disadvantaged individuals that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) that is approved by the Corporation or a State Commission.

“(b) NATIONAL SERVICE PROGRAMS.—

“(1) IN GENERAL.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may use the financial assistance or positions involved, directly or through subgrants to other entities, to carry out national service programs and model programs under this subsection that are focused on meeting community needs and improve performance on the indicators described in paragraph (3).

“(2) PROGRAMS.—The programs may include the following types of national service programs:

“(A) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities, including addressing rural poverty, or the need for health services, education, or job training.

“(B) A program—

“(i) that engages participants in public health, emergency and disaster preparedness, and other public safety activities;

“(ii) that may include the recruitment of qualified participants for, and placement of the participants in, positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers; and

“(iii) that may engage Federal, State, and local stakeholders, in collaboration, to organize more effective responses to issues of public health, emergencies and disasters, and other public safety issues.



“(C) A program that seeks to expand the number of mentors for disadvantaged youths and other youths (including by recruiting high school-, and college-age individuals to enter into mentoring relationships), either through—

“(i) provision of direct mentoring services; “(ii) provision of supportive services to direct mentoring service organizations (in the case of a partnership);

“(iii) the creative utilization of current and emerging technologies to connect youth with mentors; or

“(iv) supporting mentoring partnerships (including statewide and local mentoring partnerships that strengthen direct service mentoring programs) by—

“(I) increasing State resources dedicated to mentoring;

“(II) supporting the creation of statewide and local mentoring partnerships and programs of national scope through collaborative efforts between entities such as local or direct service mentoring partnerships, or units of State or local government; and

“(III) assisting direct service mentoring programs.

“(D) A program—

“(i) in which not less than 75 percent of the participants are disadvantaged youth;

“(ii) that may provide life skills training, employment training, educational counseling, assistance to complete a secondary school diploma or its recognized equivalent, counseling, or a mentoring relationship with an adult volunteer; and

“(iii) for which, in awarding financial assistance and approved national service positions, the Corporation shall give priority to programs that engage retirees to serve as mentors.

“(E) A program—

“(i) that reengages court-involved youth and adults with the goal of reducing recidivism;

“(ii) that may create support systems beginning in correctional facilities; and

“(iii) that may have life skills training, employment training, an education program (including a program to complete a secondary school diploma or its recognized equivalent), educational and career counseling, and postprogram placement services.

“(F) A demonstration program—

“(i) that has as 1 of its primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members; and

“(ii) that may serve any purpose otherwise permitted under this Act.

“(G) A program that provides education or job training services that are designed to meet the needs of rural communities.

“(H) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

“(3) INDICATORS.—The indicators for a program described in this subsection are the indicators described in subparagraph (C) of paragraphs (1), (2), (3), (4), or (5) of subsection (a) or any additional local indicator (applicable to a participant or recipient and on which an improvement in performance is needed) relating to meeting unmet community needs, that is approved by the Corporation or a State Commission.

“(c) PROGRAM MODELS FOR SERVICE CORPS.—

“(1) IN GENERAL.—In addition to any activities described in subparagraph (B) of paragraphs (1) through (5) of subsection (a), and subsection (b)(2), a recipient of a grant under section 121(a) and a Federal agency operating

or supporting a national service program under section 121(b) may directly or through grants or subgrants to other entities carry out a national service corps program through the following program models:

“(A) A community corps program that meets unmet health, veteran, and other human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

“(B) A service program that—

“(i) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

“(ii) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

“(C) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

“(i) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

“(ii) teams composed of students described in clause (i); or

“(iii) teams composed of a combination of such students and community residents.

“(D) A professional corps program that recruits and places qualified participants in positions—

“(i) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet human, educational, environmental, or public safety needs in communities with an inadequate number of such professionals;

“(ii) for which the salary may exceed the maximum living allowance authorized in subsection (a)(2) of section 140, as provided in subsection (c) of such section; and

“(iii) that are sponsored by public or private employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

“(E) A program that provides opportunities for veterans to participate in service projects.

“(F) A program carried out by an intermediary that builds the capacity of local nonprofit and faith-based organizations to expand and enhance services to meet local or national needs.

“(G) Such other program models as may be approved by the Corporation or a State Commission, as appropriate.

“(2) PROGRAM MODELS WITHIN CORPS.—A recipient of financial assistance or approved national service positions for a corps program described in subsection (a) may use the assistance or positions to carry out the corps program, in whole or in part, using a program model described in this subsection. The corps program shall meet the applicable requirements of subsection (a) and this subsection.

“(d) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

“(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification cri-

teria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

“(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of veteran services, and other human, educational, environmental, or public safety services, to communities or persons.

“(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

“(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, disadvantaged youth, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.

“(e) PRIORITIES FOR CERTAIN CORPS.—In awarding financial assistance and approved national service positions to eligible entities proposed to carry out the corps described in subsection (a)—

“(1) in the case of a corps described in subsection (a)(2)—

“(A) the Corporation may give priority to eligible entities that propose to provide support for participants who, after completing service under this section, will undertake careers to improve performance on health indicators described in subsection (a)(2)(C); and

“(B) the Corporation shall give priority to eligible entities that propose to carry out national service programs in medically underserved areas (as designated individually, by the Secretary of Health and Human Services as an area with a shortage of personal health services); and

“(2) in the case of a corps described in subsection (a)(3), the Corporation shall give priority to eligible entities that propose to recruit individuals for the Clean Energy Service Corps so that significant percentages of participants in the Corps are economically disadvantaged individuals, and provide to such individuals support services and education and training to develop skills needed for clean energy jobs for which there is current demand or projected future demand.

“(f) NATIONAL SERVICE PRIORITIES.—

“(1) ESTABLISHMENT.—

“(A) BY CORPORATION.—In order to concentrate national efforts on meeting human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation, after reviewing the strategic plan approved under section 192A(g)(1), shall establish, and may periodically alter, priorities regarding the types of national service programs and corps to be assisted under section 129 and the purposes for which such assistance may be used.

“(B) BY STATES.—Consistent with paragraph (4), States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national

service programs to be assisted under section 129(e). The State priorities shall be subject to Corporation review as part of the application process under section 130.

“(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

“(A) a description of any alteration made in the priorities since the previous notice; and

“(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

“(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

“(A) receive funding under this subtitle for multiple years; and

“(B) would be adversely affected by annual revisions in such national service priorities.

“(4) APPLICATION TO SUBGRANTS.—Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

“(g) CONSULTATION ON INDICATORS.—The Corporation shall consult with the Secretary of Education, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Secretary of Energy, the Secretary of Veterans Affairs, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, as appropriate, in developing additional indicators for the corps and programs described in subsections (a) and (b).

“(h) REQUIREMENTS FOR TUTORS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary school or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

“(A) obtained their high school diplomas; and

“(B) successfully completed pre- and in-service training for tutors.

“(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary school or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

“(i) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

“(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

“(2) offer high quality, research-based pre- and in-service training for tutors.

“(j) CITIZENSHIP TRAINING.—The Corporation shall establish guidelines for recipients of assistance under the national service laws,

that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, relating to the promotion of citizenship and civic engagement among participants in approved national service positions and approved summer of service positions, and appropriate to the age, education, and experience of the participants.

“(k) REPORT.—Not later than 60 days after the end of each fiscal year for which the Corporation makes grants under section 121(a), the Corporation shall prepare and submit to the authorizing committees a report containing—

“(1) information describing how the Corporation allocated financial assistance and approved national service positions among eligible entities proposed to carry out corps and national service programs described in this section for that fiscal year;

“(2) information describing the amount of financial assistance and the number of approved national service positions the Corporation provided to each corps and national service program described in this section for that fiscal year;

“(3) a measure of the extent to which the corps and national service programs improved performance on the corresponding indicators; and

“(4) information describing how the Corporation is coordinating—

“(A) the national service programs funded under this section; with

“(B) applicable programs, as determined by the Corporation, carried out under subtitles B and C of this title, and part A of title I and parts A and B of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001, 5011) that improve performance on those indicators or otherwise address identified community needs.”

#### SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (1)—

(A) by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”; and

(B) by striking “or (b)”;;

(2) in paragraph (2)(A)—

(A) by inserting after “subdivision of a State,” the following: “a territory,”; and

(B) by striking “Federal agency” and inserting “Federal agency (under an interagency agreement described in section 121(b))”;;

(3) in paragraph (4), by striking “section 122(a)(3)” and inserting “section 122(a)(1)(B)(vi)”;;

(4) in paragraph (5), by inserting “National” before “Civilian Community Corps”;;

(5) by redesignating paragraph (7) as paragraph (8); and

(6) by inserting after paragraph (6) the following:

“(7) A position involving service in the ServeAmerica Fellowship program carried out under section 198B.”

#### SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 12575) is repealed.

#### SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “\$125,000 and \$750,000” and inserting “\$250,000 and \$1,000,000”; and

(ii) by striking “501(a)(4)” and inserting “501(a)(5)”; and

(B) by striking paragraph (2) and inserting the following:

“(2) MATCHING REQUIREMENT.—In making a grant to a State under this subsection, the Corporation shall require the State to agree to provide matching funds from non-Federal sources of not less than \$1 for every \$1 provided by the Corporation through the grant.

“(3) ALTERNATIVE.—Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to meet alternative matching requirements for such a grant as follows:

“(A) FIRST \$100,000.—For the first \$100,000 of grant funds provided by the Corporation, the State involved shall not be required to provide matching funds.

“(B) AMOUNTS GREATER THAN \$100,000.—For grant amounts of more than \$100,000 and not more than \$250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than \$1 for every \$2 provided by the Corporation, in excess of \$100,000.

“(C) AMOUNTS GREATER THAN \$250,000.—For grant amounts of more than \$250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than \$1 for every \$1 provided by the Corporation, in excess of \$250,000.”;

(2) by striking subsection (b) and inserting the following:

“(b) DISASTER SERVICE.—The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), to involve programs that receive assistance under the national service laws in disaster relief efforts, and to support, including through mission assignments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), nonprofit organizations and public agencies responding to the needs of communities experiencing disasters.”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “to national service programs that receive assistance under section 121” and inserting “to programs supported under the national service laws”; and

(B) by striking paragraph (3) and inserting the following:

“(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than \$1 of assistance under this subsection for each \$1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, a grant under this subsection may provide not more than \$1 of assistance under this subsection for each \$2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds under this paragraph in lieu of cash raised from private sources if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.”

#### SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

**“SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.**

“(a) ONE PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The Corporation shall allot for a grant to each such territory under this subsection for a fiscal year an amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the territory bears to the total population of all such territories.

“(b) ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes to be allotted by the Corporation on a competitive basis.

“(c) RESERVATION OF APPROVED POSITIONS.—The Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the National Civilian Community Corps Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (d) and (e) for that fiscal year.

“(d) ALLOTMENT FOR COMPETITIVE GRANTS.—

“(1) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve not more than 62.7 percent for grants awarded on a competitive basis to States specified in subsection (e)(1) for national service programs and to nonprofit organizations seeking to operate a national service program in 2 or more of those States.

“(2) EQUITABLE TREATMENT.—In the consideration of applications for such grants, the Corporation shall ensure the equitable treatment of applicants from urban areas, applicants from rural areas, applicants of diverse sizes (as measured by the number of participants served), applicants from States, and applicants from national nonprofit organizations.

“(3) ENCORE SERVICE PROGRAMS.—In making grants under this subsection for a fiscal year, the Corporation shall make an effort to allocate not less than 10 percent of the financial assistance and approved national service positions provided through the grants for that fiscal year to eligible entities proposing to carry out encore service programs, unless the Corporation does not receive a sufficient number of applications of adequate quality to justify making that percentage available to those eligible entities.

“(4) CORPS PROGRAMS.—In making grants under this subsection for a fiscal year, the Corporation—

“(A) shall select 2 or more of the national service corps described in section 122(a) to receive grants under this subsection; and

“(B) may select national service programs described in section 122(b) to receive such grants.

“(e) ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.—

“(1) GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

“(2) ALLOTMENTS.—The Corporation shall allot for a grant to each such State under this subsection for a fiscal year an amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

“(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year shall be at least \$600,000, or 0.5 percent of the amount allocated for the State formula under this subsection for the fiscal year, whichever is greater.

“(f) EFFECT OF FAILURE TO APPLY.—If a State or territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or territory to—

“(1) make grants (and provide approved national service positions in connection with such grants) to other community-based entities under section 121 that propose to carry out national service programs in such State or territory; and

“(2) make reallocations to other States or territories with approved applications submitted under section 130, from the allotment funds not used to make grants as described in paragraph (1).

“(g) APPLICATION REQUIRED.—The Corporation shall make an allotment of assistance (including the provision of approved national service positions) to a recipient under this section only pursuant to an application submitted by a State or other applicant under section 130.

“(h) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

“(i) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

“(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of those approved national service positions shall be made pursuant to the agreement, and the creation of those positions shall not

be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

“(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

“(j) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—

“(1) RESERVATION.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and allocated to carry out subtitle C and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under subsections (b) and (c) of section 126.

“(2) LIMITATION.—The amount reserved under paragraph (1) for a fiscal year may not exceed \$10,000,000.

“(3) TIMING.—The Corporation shall reserve such amount, and any amount reserved under subsection (k) from funds appropriated and allocated to carry out subtitle C, before allocating funds for the provision of assistance under any other provision of this subtitle.

“(k) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—

“(1) RESERVATION.—To make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, and subject to the limitation in paragraph (2), the Chief Executive Officer shall reserve not less than 1 percent from the amounts, appropriated to carry out subtitles C, D, E, and H for each fiscal year.

“(2) LIMITATION.—The amount reserved under paragraph (1) for a fiscal year may not exceed \$10,000,000.

“(3) REMAINDER.—The Chief Executive Officer may use the funds reserved under paragraph (1), and not distributed to make grants under this subsection for other activities described in section 501(a)(2).

“(l) AUTHORITY FOR FIXED-AMOUNT GRANTS.—

“(1) IN GENERAL.—

“(A) AUTHORITY.—From amounts appropriated for a fiscal year to provide financial assistance under the national service laws, the Corporation may provide assistance in the form of fixed-amount grants in an amount determined by the Corporation under paragraph (2) rather than on the basis of actual costs incurred by a program.

“(B) LIMITATION.—Other than fixed-amount grants to support programs described in section 129A, for the 1-year period beginning on the effective date of the Serve America Act, the Corporation may provide assistance in the form of fixed-amount grants to programs that only offer full-time positions.

“(2) DETERMINATION OF AMOUNT OF FIXED-AMOUNT GRANTS.—A fixed-amount grant authorized by this subsection shall be in an amount determined by the Corporation that is—

“(A) significantly less than the reasonable and necessary costs of administering the program supported by the grant; and

“(B) based on an amount per individual enrolled in the program receiving the grant, taking into account—

“(i) the capacity of the entity carrying out the program to manage funds and achieve programmatic results;

“(ii) the number of approved national service positions, approved silver scholar positions, or approved summer of service positions for the program, if applicable;

“(iii) the proposed design of the program;

“(iv) whether the program provides service to, or involves the participation of, disadvantaged youth or otherwise would reasonably incur a relatively higher level of costs; and

“(v) such other factors as the Corporation may consider under section 133 in considering applications for assistance.

“(3) REQUIREMENTS FOR GRANT RECIPIENTS.—In awarding a fixed-amount grant under this subsection, the Corporation—

“(A) shall require the grant recipient—

“(i) to return a pro rata amount of the grant funds based upon the difference between the number of hours served by a participant and the minimum number of hours for completion of a term of service (as established by the Corporation);

“(ii) to report on the program’s performance on standardized measures and performance levels established by the Corporation;

“(iii) to cooperate with any evaluation activities undertaken by the Corporation; and

“(iv) to provide assurances that additional funds will be raised in support of the program, in addition to those received under the national service laws; and

“(B) may adopt other terms and conditions that the Corporation considers necessary or appropriate based on the relative risks (as determined by the Corporation) associated with any application for a fixed-amount grant.

“(4) OTHER REQUIREMENTS NOT APPLICABLE.—Limitations on administrative costs and matching fund documentation requirements shall not apply to fixed-amount grants provided in accordance with this subsection.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall relieve a grant recipient of the responsibility to comply with the requirements of chapter 75 of title 31, United States Code, or other requirements of Office of Management and Budget Circular A-133.”.

#### SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

#### “SEC. 129A. EDUCATIONAL AWARDS ONLY PROGRAM.

“(a) IN GENERAL.—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with the restriction in subsection (b), the Corporation may, through fixed-amount grants (in accordance with section 129(l)), provide operational support to programs that receive approved national service positions but do not receive funds under section 121(a).

“(b) LIMIT ON CORPORATION GRANT FUNDS.—The Corporation may provide the operational support under this section for a program in an amount that is not more than \$800 per individual enrolled in an approved national service position, or not more than \$1,000 per such individual if at least 50 percent of the persons enrolled in the program are disadvantaged youth.

“(c) INAPPLICABLE PROVISIONS.—The following provisions shall not apply to programs funded under this section:

“(1) The limitation on administrative costs under section 121(d).

“(2) The matching funds requirements under section 121(e).

“(3) The living allowance and other benefits under sections 131(e) and 140 (other than individualized support services for partici-

pants with disabilities under section 140(f)).”.

#### SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by striking “section 121” and inserting “section 121(a)”;

(B) by inserting after “assistance, a State,” the following: “territory,”; and

(C) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(2) in subsection (b)—

(A) in paragraph (9), by striking “section 122(c)” and inserting “section 122(f)”;

(B) in paragraph (12), by inserting “municipalities and governments of counties in which such a community is located,” after “providing services,”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “jobs or positions” and inserting “proposed positions”;

(ii) by striking “, including” and all that follows through the period at the end and inserting a period;

(B) in paragraph (2), by inserting “proposed” before “minimum”;

(C) by adding at the end the following:

“(3) In the case of a nonprofit organization intending to operate programs in 2 or more States, a description of the manner in which and extent to which the organization consulted with the State Commissions of each State in which the organization intends to operate and the nature of the consultation.”;

(4) in subsection (d)(1)—

(A) in subparagraphs (A) and (B), by striking “subsection (a) or (b) of section 121” and inserting “section 121(a)”;

(B) in subparagraph (B), by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”;

(5) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively and inserting after subsection (c) the following:

“(d) ADDITIONAL REQUIRED APPLICATION INFORMATION.—An application submitted under subsection (a) for programs described in 122(a) shall also contain—

“(1) measurable goals, to be used for annual measurements of the program’s performance on 1 or more of the corresponding indicators described in section 122;

“(2) information describing how the applicant proposes to utilize funds to improve performance on the corresponding indicators utilizing participants, including describing the activities in which such participants will engage to improve performance on those indicators;

“(3) information identifying the geographical area in which the eligible entity proposing to carry out the program proposes to use funds to improve performance on the corresponding indicators, and demographic information on the students or individuals, as appropriate, in such area, and statistics demonstrating the need to improve such indicators in such area; and

“(4) if applicable, information on how the eligible entity will work with other community-based entities to carry out activities to improve performance on the corresponding indicators using such funds.”;

(6) in paragraph (2)(A) of subsection (f) (as so redesignated), by striking “were selected” and inserting “were or will be selected”;

(7) in subsection (g) (as so redesignated)—

(A) in paragraph (1), by striking “a program applicant” and inserting “an applicant”;

(B) in paragraph (2)—

(i) in the heading, by striking “PROGRAM APPLICANT” and inserting “APPLICANT”;

(ii) in the matter preceding subparagraph (A), by striking “program applicant” and inserting “applicant”;

(iii) in subparagraph (A)—

(I) by inserting after “subdivision of a State,” the following: “territory,”; and

(II) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(iv) in subparagraph (B)—

(I) by inserting after “subdivision of a State,” the following: “territory,”; and

(II) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(8) by amending subsection (h) (as so redesignated) to read as follows:

“(h) LIMITATION ON SAME PROJECT RECEIVING MULTIPLE GRANTS.—Unless specifically authorized by law, the Corporation may not provide more than 1 grant under the national service laws for a fiscal year to support the same project under the national service laws.”.

#### SEC. 1309. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c) (42 U.S.C. 12583(c)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

“(A) the community served, the municipality and government of the county (if appropriate) in which the community is located, and potential participants in the program; and”;

(2) by striking paragraph (3) and inserting the following:

“(3) in the case of a program that is not funded through a State (including a national service program that a nonprofit organization seeks to operate in 2 or more States), consult with and coordinate activities with the State Commission for each State in which the program will operate, and the Corporation shall obtain confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State Commission when seeking to operate the program in that State.”.

#### SEC. 1310. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

Subtitle C of title I (42 U.S.C. 12571 et seq.) is amended by inserting after section 132 the following:

#### “SEC. 132A. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

“(a) PROHIBITED ACTIVITIES.—An approved national service position under this subtitle may not be used for the following activities:

“(1) Attempting to influence legislation.

“(2) Organizing or engaging in protests, petitions, boycotts, or strikes.

“(3) Assisting, promoting, or deterring union organizing.

“(4) Impairing existing contracts for services or collective bargaining agreements.

“(5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

“(6) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.

“(7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to

religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of proselytization, consistent with section 132.

“(8) Consistent with section 132, providing a direct benefit to any—

“(A) business organized for profit;

“(B) labor union;

“(C) partisan political organization;

“(D) nonprofit organization that fails to comply with the restrictions contained in section 501(c) of the Internal Revenue Code of 1986, except that nothing in this paragraph shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

“(E) organization engaged in the religious activities described in paragraph (7), unless the position is not used to support those religious activities.

“(9) Providing abortion services or referrals for receipt of such services.

“(10) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive.

“(11) Carrying out such other activities as the Corporation may prohibit.

“(b) INELIGIBILITY.—No assistance provided under this subtitle may be provided to any organization that has violated a Federal criminal statute.

“(c) NONDISPLACEMENT OF EMPLOYED WORKERS OR OTHER VOLUNTEERS.—A participant in an approved national service position under this subtitle may not be directed to perform any services or duties, or to engage in any activities, prohibited under the nonduplication, nondisplacement, or nonsupplantation requirements relating to employees and volunteers in section 177.”

#### SEC. 1311. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (b)(2)(B), by striking “jobs or”;

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”; and

(II) by striking “section 129(d)(2)” and inserting “section 129(d)”;

(ii) by striking subparagraphs (A) through (G) and inserting the following:

“(A) national service programs that—

“(i) conform to the national service priorities in effect under section 122(f);

“(ii) are innovative; and

“(iii) are well established in 1 or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

“(B) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

“(C) professional corps programs described in section 122(c)(1)(D).”; and

(B) in paragraph (3), by striking “section 129(d)(2)” and inserting “section 129(d)”;

(3) in subsection (e), by striking “subsections (a) and (d)(1) of section 129” and inserting “subsections (d) and (e) of section 129”;

(4) in subsection (f)—

(A) in paragraph (1), by striking “section 129(a)(1)” and inserting “section 129(e)”;

(B) in paragraph (3)—

(i) by striking “section 129(a)” and inserting “section 129(e)”;

(ii) by striking “paragraph (3) of such subsection” and inserting “section 129(f)”;

(5) by redesignating subsection (f) as subsection (g); and

(6) by inserting after subsection (e) the following:

“(f) VIEWS OF STATE COMMISSION.—In making competitive awards under section 129(d), the Corporation shall solicit and consider the views of a State Commission regarding any application for assistance to carry out a national service program within the State.”.

#### SEC. 1312. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “section 122(a)(2) or a program described in section 122(a)(9)” and inserting “section 122(a)(3)(B)(x)”;

(B) in paragraph (1), by striking “paragraph (4)” and inserting “paragraph (3)”;

(3) in subsection (c), by striking “(a)(5)” and inserting “(a)(4)”.

#### SEC. 1313. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

Section 138 (42 U.S.C. 12592) is amended—

(1) in subsection (a), by striking “conducted by the State” and all that follows through “or other entity” and inserting “conducted by the entity”; and

(2) in subsection (e)(2)(C), by inserting before the semicolon at the end the following: “, particularly those who were considered, at the time of their service, disadvantaged youth”.

#### SEC. 1314. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “not less than 9 months and”;

(B) in paragraph (2), by striking “during a period of—” and all that follows through the period at the end and inserting “during a period of not more than 2 years.”;

(C) by adding at the end the following:

“(4) EXTENSION OF TERM FOR DISASTER PURPOSES.—

“(A) EXTENSION.—An individual in an approved national service position performing service directly related to disaster relief efforts may continue in a term of service for a period of 90 days beyond the period otherwise specified in, as appropriate, this subsection or section 153(d) or in section 104 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954).

“(B) SINGLE TERM OF SERVICE.—A period of service performed by an individual in an originally-agreed to term of service and service performed under this paragraph shall constitute a single term of service for purposes of subsections (b)(1) and (c) of section 146.

“(C) BENEFITS.—An individual performing service under this paragraph may continue to receive a living allowance and other benefits under section 140 but may not receive an additional national service educational award under section 141.”;

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking “as demonstrated by the participant” and inserting “as determined by the organization responsible for granting the release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the term of service”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “provide to the participant that portion of the

national service educational award” and inserting “certify the participant’s eligibility for that portion of the national service educational award”;

(ii) in subparagraph (B), by striking “to allow return to the program with which the individual was serving in order”.

#### SEC. 1315. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “paragraph (3)” and inserting “paragraphs (2) and (3)”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2);

(D) by inserting after paragraph (2) (as so redesignated) the following:

“(3) FEDERAL WORK-STUDY STUDENTS.—The living allowance that may be provided under paragraph (1) to an individual whose term of service includes hours for which the individual receives a Federal work-study award under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) shall be reduced by the amount of the individual’s Federal work study award.”;

(E) in paragraph (4), by striking “a reduced term of service under section 139(b)(3)” and inserting “a term of service that is less than 12 months”;

(2) in subsection (b), by striking “shall include an amount sufficient to cover 85 percent of such taxes” and all that follows through the period at the end and inserting “may be used to pay the taxes described in this subsection.”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “section 122(a)(8)” and inserting “section 122(c)(1)(D)”;

(ii) by striking “subsection (a)(3)” and inserting “subsection (a)(2)”;

(B) in paragraph (1), by adding “and” at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2);

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “shall provide” and inserting “shall provide or make available”; and

(ii) by striking the second sentence; and

(B) in paragraph (2), by striking “provide from its own funds” and inserting “provide from its own funds or make available”; and

(5) by striking subsections (g) and (h).

#### Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

#### SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

(a) SUBTITLE HEADING.—The subtitle heading for subtitle D of title I is amended to read as follows:

#### “Subtitle D—National Service Trust and Provision of Educational Awards”.

(b) ESTABLISHMENT OF TRUST.—Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “pursuant to section 501(a)(2)”;

(ii) in subparagraph (A), by inserting after “national service educational awards” the following: “, summer of service educational awards, and silver scholar educational awards”;

(B) in paragraph (2)—

(i) by striking “pursuant to section 196(a)(2)” and inserting “pursuant to section

196(a)(2), if the terms of such donations direct that the donated amounts be deposited in the National Service Trust"; and

(ii) by striking "and" at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

"(3) any amounts recovered by the Corporation pursuant to section 146A; and";

(2) in subsection (c), by striking "for payments of national service educational awards in accordance with section 148." and inserting "for—

"(1) payments of national service educational awards, summer of service educational awards, and silver scholar educational awards in accordance with section 148; and

"(2) payments of interest in accordance with section 148(e)."; and

(3) in subsection (d)—

(A) in the subsection heading, by striking "CONGRESS" and inserting "THE AUTHORIZING COMMITTEES";

(B) in the matter preceding paragraph (1), by striking "the Congress" and inserting "the authorizing committees";

(C) in paragraphs (2), (3), and (4), by inserting ", summer of service educational awards, or silver scholar awards" after "national service educational awards" each place the term appears; and

(D) in paragraph (4)—

(i) by inserting ", additional approved summer of service positions, and additional approved silver scholar positions" after "additional approved national service positions"; and

(ii) by striking "under subtitle C".

**SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE AN EDUCATIONAL AWARD FROM THE TRUST.**

Section 146 (42 U.S.C. 12602) is amended—

(1) by striking the section heading and inserting the following:

**"SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE AN EDUCATIONAL AWARD FROM THE TRUST.," and**

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ", summer of service educational award, or silver scholar educational award" after "national service educational award"; and

(ii) by striking "if the individual" and inserting "if the organization responsible for the individual's supervision in a national service program certifies that the individual";

(B) by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) met the applicable eligibility requirements for the approved national service position, approved silver scholar position, or approved summer of service position, as appropriate, in which the individual served;

"(2)(A) for a full-time or part-time national service educational award, successfully completed the required term of service described in subsection (b)(1) in the approved national service position;

"(B) for a partial educational award in accordance with section 139(c)—

"(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under such section; and

"(ii) completed at least 15 percent of the required term of service described in subsection (b) for the approved national service position;

"(C) for a summer of service educational award, successfully completed the required term of service described in subsection (b)(2)

in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f); or

"(D) for a silver scholar educational award, successfully completed the required term of service described in subsection (b)(3) in an approved silver scholar position, as certified through a process determined by the Corporation through regulations consistent with section 138(f); and".

(C) by redesignating paragraph (4) as paragraph (3);

(3) in subsection (b)—

(A) by striking "The term" and inserting the following:

"(1) APPROVED NATIONAL SERVICE POSITION.—The term"; and

(B) by adding at the end the following:

"(2) APPROVED SUMMER OF SERVICE POSITION.—The term of service for an approved summer of service position shall not be less than 100 hours of service during the summer months.

"(3) APPROVED SILVER SCHOLAR POSITION.—The term of service for an approved silver scholar position shall be not less than 350 hours during a 1-year period.";

(4) by striking subsection (c) and inserting the following:

"(c) LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.—An individual may not receive, through national service educational awards and silver scholar educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of the national service educational awards the individual may receive.";

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "SEVEN-YEAR REQUIREMENT" and inserting "IN GENERAL";

(ii) by striking "An" and inserting "Subject to paragraph (2), an";

(iii) by inserting "or a silver scholar educational award" after "national service educational award";

(iv) by inserting "or an approved silver scholar position, as applicable," after "approved national service position"; and

(v) by adding at the end the following:

"Subject to paragraph (2), an individual eligible to receive a summer of service educational award under this section may not use such award after the end of the 10-year period beginning on the date the individual completes the term of service in an approved summer of service position that is the basis of the award.";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) and in subparagraph (A), by inserting ", summer of service educational award, or silver scholar educational award" after "national service educational award";

(ii) in subparagraph (A), by inserting ", or 10-year period, as appropriate" after "7-year period"; and

(iii) in subparagraph (B), by inserting ", approved summer of service position, or approved silver scholar position" after "approved national service position"; and

(C) by adding at the end the following:

"(3) TERM FOR TRANSFERRED EDUCATIONAL AWARDS.—For purposes of applying paragraphs (1) and (2)(A) to an individual who is eligible to receive an educational award as a designated individual (as defined in section 148(f)(8)), references to a seven-year period shall be considered to be references to a 10-

year period that begins on the date the individual who transferred the educational award to the designated individual completed the term of service in the approved national service position or approved silver scholar position that is the basis of the award."; and

(6) in subsection (e)(1)—

(A) by inserting after "qualifying under this section" the following: "or under section 119(c)(8)"; and

(B) by inserting after "to receive a national service educational award" the following: ", a summer of service educational award, or a silver scholar educational award".

**SEC. 1403. CERTIFICATIONS.**

The Act is amended by adding after section 146 (42 U.S.C. 12602) the following:

**"SEC. 146A. CERTIFICATIONS OF SUCCESSFUL COMPLETION OF TERMS OF SERVICE.**

"(a) CERTIFICATIONS.—In making any authorized disbursement from the National Service Trust in regard to an eligible individual (including disbursement for a designated individual, as defined in section 148(f)(8), due to the service of an eligible individual) under section 146 who served in an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation shall rely on a certification. The certification shall be made by the entity that selected the individual for and supervised the individual in the approved national service position in which such individual successfully completed a required term of service, in a national service program.

"(b) EFFECT OF ERRONEOUS CERTIFICATIONS.—If the Corporation determines that the certification under subsection (a) is erroneous or incorrect, the Corporation may assess against the national service program a charge for the amount of any associated payment or potential payment from the National Service Trust. In assessing the charge, the Corporation shall consider the full facts and circumstances surrounding the erroneous or incorrect certification, and may determine the charge based on principles of equity and good conscience.".

**SEC. 1404. DETERMINATION OF THE AMOUNT OF THE EDUCATIONAL AWARD.**

Section 147 (42 U.S.C. 12603) is amended—

(1) by striking the section heading and inserting the following:

**"SEC. 147. DETERMINATION OF THE AMOUNT OF THE EDUCATIONAL AWARD.," and**

(2) by amending subsection (a) to read as follows:

"(a) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—Except as provided in subsection (c), an individual described in section 146(a) who successfully completes a required term of full-time national service in an approved national service position shall receive a national service educational award having a value equal to the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) that a student eligible for such Grant may receive in the aggregate (without regard to whether the funds are provided through discretionary or mandatory appropriations), for the award year for which the national service position is approved by the Corporation.";

(3) in subsection (b), by striking ", for each of not more than 2 of such terms of service,"; and

(4) by adding at the end the following:

"(d) AMOUNT FOR SUMMER OF SERVICE.—An individual described in section 146(a) who



successfully completes a required summer of service term shall receive a summer of service educational award having a value, for each of not more than 2 of such terms of service, equal to \$500 (or, at the discretion of the Chief Executive Officer, equal to \$750 in the case of a participant who is economically disadvantaged).

“(e) AMOUNT FOR SILVER SCHOLARS.—An individual described in section 146(a) who successfully completes a required silver scholar term shall receive a silver scholar educational award having a value of \$1,000.”

**SEC. 1405. DISBURSEMENT OF EDUCATIONAL AWARDS.**

Section 148 (42 U.S.C. 12604) is amended—

(1) by striking the section heading and inserting the following:

**“SEC. 148. DISBURSEMENT OF EDUCATIONAL AWARDS.”;**

(2) in subsection (a)—

(A) in paragraph (2), by striking “cost of attendance” and inserting “cost of attendance or other educational expenses”;

(B) in paragraph (3), by striking “and”;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

“(4) to pay expenses incurred in enrolling in an educational institution or training establishment that is approved under chapter 36 of title 38, United States Code, or other applicable provisions of law, for offering programs of education, apprenticeship, or on-job training for which educational assistance may be provided by the Secretary of Veterans Affairs; and”;

(3) in subsection (b)—

(A) in paragraph (1), by inserting after “the national service educational award of the individual” the following: “, an eligible individual under section 146(a) who served in a summer of service program and desires to apply that individual’s summer of service educational award, or an eligible individual under section 146(a) who served in a silver scholar program and desires to apply that individual’s silver scholar educational award,”;

(B) in paragraph (2), by inserting after “the national service educational award” the following: “, the summer of service educational award, or the silver scholar educational award, as applicable,”;

(C) in paragraph (5), by inserting after “the national service educational award” the following: “, the summer of service educational award, or the silver scholar educational award, as applicable,”; and

(D) in paragraph (7)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student’s educational expenses and made, insured, or guaranteed by—

“(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

“(ii) the direct student loan program under part D of title IV of such Act (20 U.S.C. 1087a et seq.);

“(iii) a State agency; or

“(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.”;

(4) in subsection (c)—

(A) in paragraph (1), by inserting after “national service educational award” the fol-

lowing: “, an eligible individual under section 146(a) who desires to apply the individual’s summer of service educational award, or an eligible individual under section 146(a) who served in a silver scholar program and desires to apply that individual’s silver scholar educational award,”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting after “national service educational award” the following: “, summer of service educational award, or silver scholar educational award, as applicable,”; and

(ii) in subparagraph (C)(iii), by inserting after “national service educational awards” the following: “, summer of service educational awards, or silver scholar educational awards, as applicable,”;

(C) in paragraph (3), by inserting after “national service educational awards” the following: “summer of service educational awards, or silver scholar educational awards”;

(D) in paragraph (5)—

(i) in the first sentence, by inserting after “national service educational award” the following: “, summer of service educational award, or silver scholar educational award, as applicable,”; and

(ii) in the third sentence, by inserting before the period the following: “, additional approved summer of service positions, and additional approved silver scholar positions”;

(E) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by inserting after “national service educational award” the following: “, summer of service educational award, or silver scholar educational award”;

(ii) in subparagraph (A), by inserting “and other educational expenses” after “cost of attendance”; and

(iii) by striking subparagraph (B) and inserting the following:

“(B) the student’s estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.).”;

(5) in subsection (d), by inserting after “national service educational awards” the following: “, summer of service educational awards, and silver scholar educational awards”;

(6) in subsection (e), by striking “subsection (b)(6)” and inserting “subsection (b)(7)”;

(7) in subsection (f)—

(A) by striking “Director” and inserting “Chief Executive Officer”; and

(B) by inserting “, summer of service educational award, or silver scholar educational award, as appropriate,” after “national service educational award”;

(8) by redesignating subsections (f) and (g) as subsections (g) and (h) respectively; and

(9) by inserting after subsection (e) the following:

“(f) TRANSFER OF EDUCATIONAL AWARDS.—

“(1) IN GENERAL.—An individual who is eligible to receive a national service educational award or silver scholar educational award due to service in a program described in paragraph (2) may elect to receive the award (in the amount described in the corresponding provision of section 147) and transfer the award to a designated individual. Subsections (b), (c), and (d) shall apply to the designated individual in lieu of the individual who is eligible to receive the national service educational award or silver scholar educational award, except that amounts refunded to the account under subsection (c)(5) on behalf of a designated individual may be used by the Corporation to

fund additional placements in the national service program in which the eligible individual who transferred the national service educational award or silver scholar educational award participated for such award.

“(2) CONDITIONS FOR TRANSFER.—An educational award may be transferred under this subsection if—

“(A)(i) the award is a national service educational award for service in a national service program that receives a grant under subtitle C; and

“(ii) before beginning the term of service involved, the eligible individual is age 55 or older; or

“(B) the award is a silver scholarship educational award under section 198C(a).

“(3) MODIFICATION OR REVOCATION.—

“(A) IN GENERAL.—An individual transferring an educational award under this subsection may, on any date on which a portion of the educational award remains unused, modify or revoke the transfer of the educational award with respect to that portion.

“(B) NOTICE.—A modification or revocation of the transfer of an educational award under this paragraph shall be made by the submission of written notice to the Corporation.

“(4) PROHIBITION ON TREATMENT OF TRANSFERRED AWARD AS MARITAL PROPERTY.—An educational award transferred under this subsection may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

“(5) DEATH OF TRANSFEROR.—The death of an individual transferring an educational award under this subsection shall not affect the use of the educational award by the child, foster child, or grandchild to whom the educational award is transferred if such educational award is transferred prior to the death of the individual.

“(6) PROCEDURES TO PREVENT WASTE, FRAUD, OR ABUSE.—The Corporation shall establish requirements to prevent waste, fraud, or abuse in connection with the transfer of an educational award and to protect the integrity of the educational award under this subsection.

“(7) TECHNICAL ASSISTANCE.—The Corporation may, as appropriate, provide technical assistance, to individuals and eligible entities carrying out national service programs, concerning carrying out this subsection.

“(8) DEFINITION OF A DESIGNATED INDIVIDUAL.—In this subsection, the term ‘designated individual’ is an individual—

“(A) whom an individual who is eligible to receive a national service educational award or silver scholar educational award due to service in a program described in paragraph (2) designates to receive the educational award;

“(B) who meets the eligibility requirements of paragraphs (3) and (4) of section 146(a); and

“(C) who is a child, foster child, or grandchild of the individual described in subparagraph (A).”.

**SEC. 1406. APPROVAL PROCESS FOR APPROVED POSITIONS.**

(a) IN GENERAL.—Subtitle D of title I (42 U.S.C. 12601 et seq.) is amended by adding at the end the following new section:

**“SEC. 149. APPROVAL PROCESS FOR APPROVED POSITIONS.**

“(a) TIMING AND RECORDING REQUIREMENTS.—

“(1) IN GENERAL.—Notwithstanding subtitles C, D, and H, and any other provision of law, in approving a position as an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation—

“(A) shall approve the position at the time the Corporation—

“(i) enters into an enforceable agreement with an individual participant to serve in a program carried out under subtitle E of title I of this Act, section 198B or 198C(a), or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), a summer of service program described in section 119(c)(8), or a silver scholarship program described in section 198C(a); or

“(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

“(B) shall record as an obligation an estimate of the net present value of the national service educational award, summer of service educational award, or silver scholar educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards, summer of service educational awards, or silver scholar educational awards, as appropriate, for such a program and remain available.

“(2) FORMULA.—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

“(3) CERTIFICATION REPORT.—The Chief Executive Officer of the Corporation shall annually prepare and submit to the authorizing committees a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

“(4) APPROVAL.—The requirements of this subsection shall apply to each approved national service position, approved summer of service position, or approved silver scholarship position that the Corporation approves—

“(A) during fiscal year 2010; and

“(B) during any subsequent fiscal year.

“(b) RESERVE ACCOUNT.—

“(1) ESTABLISHMENT AND CONTENTS.—

“(A) ESTABLISHMENT.—Notwithstanding subtitles C, D, and H, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

“(B) CONTENTS.—To ensure the availability of adequate funds to support the awards of approved national service positions, approved summer of service positions, and approved silver scholar positions, for each fiscal year, the Corporation shall place in the account—

“(i) during fiscal year 2010, a portion of the funds that were appropriated for fiscal year 2010 or a previous fiscal year under section 501 of this Act or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out subtitle C, D, or E of this title, section 198B or 198C(a), subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 119(c)(8), and remain available; and

“(ii) during fiscal year 2011 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501 of this Act or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out subtitle C, D, or E of this title, section 198B or 198C(a), subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 119(c)(8), and remain available.

“(2) OBLIGATION.—The Corporation shall not obligate the funds in the reserve account until the Corporation—

“(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions, summer of service educational awards associated with previously approved summer of service positions, and silver scholar educational awards associated with previously approved silver scholar positions; or

“(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions, summer of service educational awards for such previously approved summer of service positions, or silver scholar educational awards for such previously approved silver scholar positions, as applicable.

“(c) AUDITS.—The accounts of the Corporation relating to the appropriated funds for approved national service positions, approved summer of service positions, and approved silver scholar positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

“(d) AVAILABILITY OF AMOUNTS.—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards, summer of service educational awards, or silver scholar educational awards under section 148.”

(b) CONFORMING REPEAL.—The Strengthen AmeriCorps Program Act (42 U.S.C. 12605) is repealed.

#### Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

##### SEC. 1501. PURPOSE.

Section 151 (42 U.S.C. 12611) is amended to read as follows:

##### “SEC. 151. PURPOSE.

“It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. The needs to be met under such programs include those needs related to—

“(1) natural and other disasters;

“(2) infrastructure improvement;

“(3) environmental stewardship and conservation;

“(4) energy conservation; and

“(5) urban and rural development.”

##### SEC. 1502. PROGRAM COMPONENTS.

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

##### “SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.”;

(2) in subsection (a), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(3) in the matter preceding paragraph (1) of subsection (b)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) by striking “a Civilian Community Corps” and inserting “a National Civilian Community Corps”; and

(4) by striking subsection (c) and inserting the following:

“(c) RESIDENTIAL COMPONENTS.—Both programs referred to in subsection (b) may include a residential component.”

##### SEC. 1503. ELIGIBLE PARTICIPANTS.

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) by striking “on Civilian Community Corps” and inserting “on National Civilian Community Corps”;

(2) in subsection (b), by striking paragraph (1) and inserting the following:

“(1) is, or will be, at least 18 years of age on or before December 31 of the calendar year in which the individual enrolls in the program, but is not more than 24 years of age as of the date the individual begins participating in the program; and”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “BACKGROUNDS” and inserting “BACKGROUNDS”; and

(B) by adding at the end the following: “The Director shall take appropriate steps, including through outreach and recruitment activities, to increase the percentage of participants in the program who are disadvantaged youth to 50 percent of all participants by year 2012. The Director shall report to the authorizing committees biennially on such steps, any challenges faced, and the annual participation rates of disadvantaged youth in the program.”;

(4) by striking subsection (d); and

(5) by redesignating subsection (e) as subsection (d).

##### SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) by striking “on Civilian Community Corps” and inserting “on National Civilian Community Corps”;

(2) in subsection (b), by striking “shall be” and all that follows through the period at the end and inserting “shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.”

##### SEC. 1505. NATIONAL CIVILIAN COMMUNITY CORPS.

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

##### “SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.”;

(2) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) by striking “the Civilian Community Corps shall” and inserting “the National Civilian Community Corps shall”;

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

##### “(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—”;

(B) in paragraph (1), by inserting “National” before “Civilian Community Corps”;

(C) in paragraph (3)—

(i) by striking “superintendent” and inserting “campus director”; and

(ii) by striking “camp” and inserting “campus”; and

(D) by adding at the end the following:

“(4) TEAM LEADERS.—

“(A) IN GENERAL.—The Director may select individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps, to perform service that includes leading and supervising teams of Corps members. Each team leader shall be selected without regard to the age limitation under section 153(b).

“(B) RIGHTS AND BENEFITS.—A team leader shall be provided the same rights and benefits applicable to other Corps members, except that the Director may increase the limitation on the amount of the living allowance under section 158(b) by not more than 10 percent for a team leader.”;

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

“(d) CAMPUSES.—”;

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

“(1) UNITS TO BE ASSIGNED TO CAMPUSES.—”;

(ii) by striking “in camps” and inserting “in campuses”;

(iii) by striking “Corps camp” and inserting “Corps campus”; and

(iv) by striking “in the camps” and inserting “in the campuses”;

(C) by amending paragraphs (2) and (3) to read as follows:

“(2) CAMPUS DIRECTOR.—There shall be a campus director for each campus. The campus director is the head of the campus.

“(3) ELIGIBLE SITE FOR CAMPUS.—A campus shall be cost effective and may, upon the completion of a feasibility study, be located in a facility referred to in section 162(c).”;

(5) in subsection (e)—

(A) by amending the subsection heading to read as follows:

“(e) DISTRIBUTION OF UNITS AND CAMPUSES.—”;

(B) by striking “camps are distributed” and inserting “campuses are cost effective and are distributed”; and

(C) by striking “rural areas” and all that follows through the period at the end and inserting “rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.”; and

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking “superintendent” and inserting “campus director”; and

(ii) by striking “camp” both places such term appears and inserting “campus”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “superintendent of a camp” and inserting “campus director of a campus”;

(ii) in subparagraph (A)—

(I) by striking “superintendent” and inserting “campus director”;

(II) by striking “superintendent’s” and inserting “campus director’s”; and

(III) by striking “camp” each place such term appears and inserting “campus”; and

(iii) in subparagraph (B), by striking “superintendent” and inserting “campus director”; and

(C) in paragraph (3), by striking “camp superintendent” and inserting “campus director”.

#### SEC. 1506. TRAINING.

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting “National” before “Civilian Community Corps”; and

(B) by adding at the end the following: “The Director shall ensure that, to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.”;

(2) in subsection (b)(1), by inserting before the period at the end the following: “, including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs, as appropriate”;

(3) by amending subsection (c)(2) to read as follows:

“(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skills described in such subsection.”; and

(4) in subsection (d), by striking “section 162(a)(3)” and inserting “section 162(c)”.

#### SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “National” before “Civilian Community Corps”; and

(B) in paragraph (1), by inserting before the semicolon the following: “, with specific emphasis on projects in support of infrastructure improvement, energy conservation, and urban and rural development.”; and

(C) in paragraph (2), by striking “service learning” and inserting “service-learning”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “and the Secretary of Housing and Urban Development” and inserting “the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the Forest Service”; and

(ii) in subparagraph (B)—

(I) by inserting “community-based entities and” before “representatives of local communities”; and

(II) by striking “camp” both places such term appears and inserting “campus”; and

(B) in paragraph (2), by inserting “State Commissions,” before “and persons involved in other youth service programs.”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “superintendent” both places such term appears and inserting “campus director”; and

(ii) by striking “camp” both places such term appears and inserting “campus”; and

(B) in paragraph (2), by striking “camp superintendents” and inserting “campus directors”.

#### SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a), by inserting “National” before “Civilian Community Corps”; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “National” before “Civilian Community Corps”; and

(ii) by inserting before the colon the following: “, as the Director determines appropriate”;

(B) in paragraph (6), by striking “Clothing” and inserting “Uniforms”; and

(C) in paragraph (7), by striking “Recreational services and supplies” and inserting “Supplies”.

#### SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) in paragraph (1)—

(i) by inserting “including those” before “recommended”; and

(ii) by inserting “National” before “Civilian Community Corps”;

(2) in subsection (b)(1), by inserting “National” before “Civilian Community Corps”;

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting “National” before “Civilian Community Corps”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “The Director shall establish a permanent cadre of” and inserting “The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed”; and

(II) by inserting “National” before “Civilian Community Corps”;

(ii) in subparagraph (B), by striking “The Director shall appoint the members” and inserting “The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members”;

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking “the Director” and inserting “the Chief Executive Officer”;

(II) in clause (i), by striking “section 162(a)(2)” and inserting “section 162(b)”;

(III) in clause (iii), by striking “and” at the end;

(IV) by redesignating clause (iv) as clause (v); and

(V) by inserting after clause (iii) the following:

“(iv) give consideration to retired and other former law enforcement, fire, rescue, and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and”;

(iv) in subparagraph (E)—

(I) by striking “to members” and inserting “to other members”;

(II) by inserting after “techniques” the following: “, including techniques for working with and enhancing the development of disadvantaged youth.”; and

(III) by striking “service learning” and inserting “service-learning”; and

(C) in paragraph (3)—

(i) in the first sentence, by striking “the members” and inserting “other members”; and

(ii) in the third sentence, by striking “section 162(a)(2)(A)” and inserting “162(b)(1)”.

#### SEC. 1510. STATUS OF CORPS MEMBERS AND CORPS PERSONNEL UNDER FEDERAL LAW.

Section 160(a) (42 U.S.C. 12620(a)) is amended by inserting “National” before “Civilian Community Corps”.

#### SEC. 1511. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking “perform any program function under this subtitle” and inserting “carry out the National Civilian Community Corps program”; and

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking “section 162(a)(3)” and inserting “section 162(c)”;

(B) in paragraph (2), by inserting “National” before “Civilian Community Corps”.

#### SEC. 1512. OTHER DEPARTMENTS.

(a) IN GENERAL.—Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “National” before “Civilian Community Corps”;

(ii) in subparagraph (B)(i), by striking “the registry established by” and all that follows through the semicolon and inserting “the registry established by section 1143a of title 10, United States Code;”;

(B) in paragraph (2)(A), by striking “to be recommended for appointment” and inserting “from which individuals may be selected for appointment by the Director”; and

(C) in paragraph (3), by inserting “National” before “Civilian Community Corps”;

(2) by striking subsection (b).

(b) TECHNICAL AMENDMENTS.—Section 162 (42 U.S.C. 12622), as amended by subsection (a), is further amended—

(1) in the section heading, by striking “OTHER DEPARTMENTS” and inserting “DEPARTMENT OF DEFENSE”;

(2) by redesignating paragraphs (2), (3), and (4) of subsection (a) as subsections (b), (c), and (d), respectively, and aligning the margins of such subsections with the margins of section 161(a) of the Act;

(3) by striking “(a) SECRETARY” and all that follows through “OFFICE.—” and inserting the following:

“(a) LIAISON OFFICE.—”;

(4) in subsection (a) (as amended by paragraph (3))—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and aligning the margins of such paragraphs with the margins of section 161(b)(1) of the Act; and

(B) by redesignating clauses (i) and (ii) of paragraph (2) (as redesignated by subparagraph (A)) as subparagraphs (A) and (B), respectively, and aligning the margins of such subparagraphs with the margins of section 161(b)(1)(A) of the Act;

(5) in subsection (b) (as redesignated by paragraph (2))—

(A) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and aligning the margins of such paragraphs with the margins of section 161(b)(1) of the Act;

(B) in paragraph (1) (as redesignated by subparagraph (A)), by striking “paragraph (1)” and inserting “subsection (a)”;

(C) in paragraph (2) (as redesignated by subparagraph (A)), by striking “paragraph” and inserting “subsection”; and

(6) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking “this paragraph” and inserting “this subsection”; and

(B) by striking “paragraph (1)” and inserting “subsection (a)”.

#### SEC. 1513. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking “Upon the establishment of the Program, there shall also be” and inserting “There shall be”;

(B) by inserting “National” before “Civilian Community Corps Advisory Board”; and

(C) by striking “to assist” and all that follows through the period at the end and inserting “to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. The Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.”;

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

“(8) The Administrator of the Federal Emergency Management Agency.

“(9) The Secretary of Transportation.

“(10) The Chief of the Forest Service.

“(11) The Administrator of the Environmental Protection Agency.

“(12) The Secretary of Energy.”; and

(C) in paragraph (13), as so redesignated, by striking “industry,” and inserting “public and private organizations.”.

#### SEC. 1514. EVALUATIONS.

Section 164 (42 U.S.C. 12624) is amended—

(1) in the section heading, by striking “ANNUAL EVALUATION” and inserting “EVALUATIONS”;

(2) by striking “an annual evaluation” and inserting “periodic evaluations”;

(3) by striking “Civilian Community Corps programs” and inserting “National Civilian Community Corps Program”; and

(4) by adding at the end the following: “Upon completing each such evaluation, the Corporation shall transmit to the authorizing committees a report on the evaluation.”.

#### SEC. 1515. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

#### SEC. 1516. DEFINITIONS.

Subtitle E of title I (42 U.S.C. 12611 et seq.), as amended by this subtitle, is further amended—

(1) by redesignating section 166 as 165; and

(2) in section 165 (as redesignated by paragraph (1))—

(A) by striking paragraphs (2), (3), and (9);

(B) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(C) by inserting after paragraph (1) the following:

“(2) CAMPUS DIRECTOR.—The term ‘campus director’, with respect to a Corps campus, means the head of the campus under section 155(d).

“(3) CORPS.—The term ‘Corps’ means the National Civilian Community Corps required under section 155 as part of the National Civilian Community Corps Program.

“(4) CORPS CAMPUS.—The term ‘Corps campus’ means the facility or central location established as the operational headquarters and boarding place for particular Corps units.”;

(D) in paragraph (5) (as so redesignated), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(E) in paragraph (6) (as so redesignated), by inserting “National” before “Civilian Community Corps”;

(F) in paragraph (8) (as so redesignated), by striking “The terms” and all that follows through “Demonstration Program” and inserting “The term ‘Program’ means the National Civilian Community Corps Program”;

(G) in paragraph (9) (as so redesignated)—

(i) in the paragraph heading, by striking “SERVICE LEARNING” and inserting “SERVICE-LEARNING”; and

(ii) in the matter preceding subparagraph (A), by striking “service learning” and inserting “service-learning”.

#### SEC. 1517. TERMINOLOGY.

Subtitle E of title I (as so amended) (42 U.S.C. 12611 et seq.) is further amended by striking the subtitle heading and inserting the following:

“**Subtitle E—National Civilian Community Corps**”.

**Subtitle F—Amendments to Subtitle F (Administrative Provisions)**

#### SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking “with respect to a project” and inserting “with respect to a project authorized under the national service laws”.

#### SEC. 1602. REPORTS.

Section 172 (42 U.S.C. 12632) is amended—

(1) in subsection (b)(1), by striking “appropriate authorizing and appropriations Committees of Congress” and inserting “authorizing committees, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate”; and

(2) in subsection (c)(2), by striking “the appropriate committees of Congress” and inserting “the authorizing committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate”.

#### SEC. 1603. USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

“(d) REFERRALS FOR FEDERAL ASSISTANCE.—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal Government.”.

#### SEC. 1604. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) in subsection (a)(2)(A), by striking “30 days” and inserting “1 or more periods of 30 days not to exceed a total of 90 days”; and

(2) in subsection (f)—

(A) in paragraph (1), by striking “A State or local applicant” and inserting “An entity”; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking “and”;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

“(D) in a case in which the grievance is filed by an individual applicant or participant—

“(i) the applicant’s selection or the participant’s reinstatement, as the case may be; and

“(ii) other changes in the terms and conditions of service applicable to the individual; and”.

#### SEC. 1605. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking “under this title” each place it appears and inserting “under the national service laws”;

(2) in subsection (b)(1), by striking “employee or position” and inserting “employee, position, or volunteer (other than a participant under the national service laws)”;

(3) by adding at the end the following:

“(f) PARENTAL INVOLVEMENT.—

“(1) IN GENERAL.—Programs that receive assistance under the national service laws shall consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

“(2) PARENTAL PERMISSION.—Programs that receive assistance under the national service laws shall, before transporting minor children, provide the children’s parents with the reason for the transportation and obtain the parents’ written permission for such transportation, consistent with State law.”.

#### SEC. 1606. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (a)(2), by striking “sections 117B and 130” and inserting “section 130”;

(2) in subsection (c)(1)—

(A) in subparagraph (I), by striking “section 122(a)” and all that follows through the period at the end and inserting “subsection (a), (b), or (c) of section 122.”; and

(B) by adding at the end the following:

“(J) A representative of the volunteer sector.”;

(3) in subsection (c)(3), by striking “, unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity”;

(4) in subsection (d)(6)(B), by striking “section 193A(b)(11)” and inserting “section 193A(b)(12)”;

(5) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

“(1) Preparation of a national service plan for the State that—

“(A) is developed, through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from the private sector, organizations, and public agencies, using service and volunteerism as strategies to meet critical community needs, including service through programs funded under the national service laws;

“(B) covers a 3-year period, the beginning of which may be set by the State;

“(C) is subject to approval by the chief executive officer of the State;

“(D) includes measurable goals and outcomes for the State national service programs in the State consistent with the performance levels for national service programs as described in section 179(k);

“(E) ensures outreach to diverse community-based agencies that serve underrepresented populations, through established networks and registries at the State level, or through the development of such networks and registries;

“(F) provides for effective coordination of funding applications submitted by the State and other organizations within the State under the national service laws;

“(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State;

“(H) ensures outreach to, and coordination with, municipalities (including large cities) and county governments regarding the national service laws; and

“(I) contains such information as the State Commission considers to be appropriate or as the Corporation may require.”; and

(B) in paragraph (2), by striking “sections 117B and 130” and inserting “section 130”;

(6) by redesignating subsections (f) through (j) as subsections (h) through (l), respectively; and

(7) by inserting after subsection (e) the following:

“(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive for the State, or specify alternatives for the State to, administrative requirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by the State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State.

“(g) STATE SERVICE PLAN FOR ADULTS AGE 55 OR OLDER.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall work with appropriate State agencies and private entities to develop a comprehensive State service plan for service by adults age 55 or older.

“(2) MATTERS INCLUDED.—The State service plan shall include—

“(A) recommendations for policies to increase service for adults age 55 or older, including how to best use such adults as sources of social capital, and how to utilize their skills and experience to address community needs;

“(B) recommendations to the State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) on—

“(i) a marketing outreach plan to businesses; and

“(ii) outreach to—

“(I) nonprofit organizations;

“(II) the State educational agency;

“(III) institutions of higher education; and

“(IV) other State agencies;

“(C) recommendations for civic engagement and multigenerational activities, such as—

“(i) early childhood education and care, family literacy, and after school programs;

“(ii) respite services for adults age 55 or older and caregivers; and

“(iii) transitions for older adults age 55 or older to purposeful work in their post-career lives; and

“(D) recommendations for encouraging the development of Encore service programs in the State.

“(3) KNOWLEDGE BASE.—The State service plan shall incorporate the current knowledge base (as of the time of the plan) regarding—

“(A) the economic impact of the roles of workers age 55 or older in the economy;

“(B) the social impact of the roles of such workers in the community; and

“(C) the health and social benefits of active engagement for adults age 55 or older.

“(4) PUBLICATION.—The State service plan shall be made available to the public and be transmitted to the Chief Executive Officer.”.

#### SEC. 1607. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

“(1) the effectiveness of programs receiving assistance under the national service laws in

achieving stated goals and the costs associated with such programs, including an evaluation of each such program’s performance based on the performance levels established under subsection (k); and

“(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants’ time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost effectiveness and the impact of such programs.”;

(2) in subsection (g)—

(A) in paragraph (3), by striking “National Senior Volunteer Corps” and inserting “National Senior Service Corps”; and

(B) in paragraph (9), by striking “to public service” and all that follows through the period at the end and inserting “to engage in service that benefits the community.”;

(3) in the matter preceding subparagraph (A) of subsection (i)(2), by striking “Congress” and inserting “the authorizing committees”; and

(4) by adding at the end the following:

“(j) RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.—Notwithstanding any other provision of law, in addition to amounts appropriated to carry out this section, the Corporation may reserve not more than 1 percent of the total funds appropriated for a fiscal year under section 501 of this Act and sections 501 and 502 of the Domestic Volunteer Service Act of 1973 to support program accountability activities under this section.

“(k) PERFORMANCE LEVELS.—The Corporation shall, in consultation with each recipient of assistance under the national service laws, establish performance levels for such recipient to meet during the term of the assistance. The performance levels may include, for each national service program carried out by the recipient, performance levels based on the following performance measures:

“(1) Number of participants enrolled in the program and completing terms of service, as compared to the stated participation and retention goals of the program.

“(2) Number of volunteers recruited from the community in which the program was implemented.

“(3) If applicable based on the program design, the number of individuals receiving or benefitting from the service conducted.

“(4) Number of disadvantaged and underrepresented youth participants.

“(5) Measures of the sustainability of the program and the projects supported by the program, including measures to ascertain the level of community support for the program or projects.

“(6) Measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service.

“(7) Other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance and the Corporation.

“(l) CORRECTIVE ACTION PLANS.—

“(1) IN GENERAL.—A recipient of assistance under the national service laws that fails, as determined by the Corporation, to meet or exceed the performance levels agreed upon under subsection (k) for a national service program, shall reach an agreement with the Corporation on a corrective action plan to meet such performance levels.

“(2) ASSISTANCE.—

“(A) NEW PROGRAM.—For a program that has received assistance under the national service laws for less than 3 years and for

which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall—

“(i) provide technical assistance to the recipient to address targeted performance problems relating to the performance levels for the program; and

“(ii) require the recipient to submit quarterly reports on the program’s progress toward meeting the performance levels for the program to the—

“(I) appropriate State, territory, or Indian tribe; and

“(II) the Corporation.

“(B) ESTABLISHED PROGRAMS.—For a program that has received assistance under the national service laws for 3 years or more and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall require the recipient to submit quarterly reports on the program’s progress toward the performance levels for the program to—

“(i) the appropriate State, territory, or Indian tribe; and

“(ii) the Corporation.

“(m) FAILURE TO MEET PERFORMANCE LEVELS.—If, after a period for correction as approved by the Corporation in accordance with subsection (l), a recipient of assistance under the national service laws fails to meet or exceed the performance levels for a national service program, the Corporation shall—

“(1) reduce the annual amount of the assistance received by the underperforming recipient by at least 25 percent, for each remaining year of the grant period for that program; or

“(2) terminate assistance to the underperforming recipient for that program, in accordance with section 176(a).

“(n) REPORTS.—The Corporation shall submit to the authorizing committees not later than 2 years after the date of enactment of the Serve America Act, and annually thereafter, a report containing information on the number of—

“(1) recipients of assistance under the national service laws implementing corrective action plans under subsection (l)(1);

“(2) recipients for which the Corporation provides technical assistance for a program under subsection (l)(2)(A)(i);

“(3) recipients for which the Corporation terminates assistance for a program under subsection (m);

“(4) entities whose application for assistance under a national service law was rejected; and

“(5) recipients meeting or exceeding their performance levels under subsection (k).”.

#### SEC. 1608. CIVIC HEALTH ASSESSMENT.

(a) IN GENERAL.—Subtitle F of title I (42 U.S.C. 12631 et seq.), as amended by this subtitle, is further amended by inserting after section 179 the following:

#### “SEC. 179A. CIVIC HEALTH ASSESSMENT AND VOLUNTEERING RESEARCH AND EVALUATION.

“(a) DEFINITION OF PARTNERSHIP.—In this section, the term ‘partnership’ means the Corporation, acting in conjunction with (consistent with the terms of an agreement entered into between the Corporation and the National Conference) the National Conference on Citizenship referred to in section 150701 of title 36, United States Code, to carry out this section.

“(b) IN GENERAL.—The partnership shall facilitate the establishment of a Civic Health Assessment by—

“(1) after identifying public and private sources of civic health data, selecting a set

of civic health indicators, in accordance with subsection (c), that shall comprise the Civic Health Assessment;

“(2) obtaining civic health data relating to the Civic Health Assessment, in accordance with subsection (d); and

“(3) conducting related analyses, and reporting the data and analyses, as described in paragraphs (4) and (5) of subsection (d) and subsections (e) and (f).

“(c) SELECTION OF INDICATORS FOR CIVIC HEALTH ASSESSMENT.—

“(1) IDENTIFYING SOURCES.—The partnership shall select a set of civic health indicators that shall comprise the Civic Health Assessment. In making such selection, the partnership—

“(A) shall identify public and private sources of civic health data;

“(B) shall explore collaborating with other similar efforts to develop national indicators in the civic health domain; and

“(C) may sponsor a panel of experts, such as one convened by the National Academy of Sciences, to recommend civic health indicators and data sources for the Civic Health Assessment.

“(2) TECHNICAL ADVICE.—At the request of the partnership, the Director of the Bureau of the Census and the Commissioner of Labor Statistics shall provide technical advice to the partnership on the selection of the indicators for the Civic Health Assessment.

“(3) UPDATES.—The partnership shall periodically evaluate and update the Civic Health Assessment, and may expand or modify the indicators described in subsection (d)(1) as necessary to carry out the purposes of this section.

“(d) DATA ON THE INDICATORS.—

“(1) SPONSORED DATA COLLECTION.—In identifying the civic health indicators for the Civic Health Assessment, and obtaining data for the Assessment, the partnership may sponsor the collection of data for the Assessment or for the various civic health indicators being considered for inclusion in the Assessment, including indicators related to—

“(A) volunteering and community service;

“(B) voting and other forms of political and civic engagement;

“(C) charitable giving;

“(D) connecting to civic groups and faith-based organizations;

“(E) interest in employment, and careers, in public service in the nonprofit sector or government;

“(F) understanding and obtaining knowledge of United States history and government; and

“(G) social enterprise and innovation.

“(2) DATA FROM STATISTICAL AGENCIES.—The Director of the Bureau of the Census and the Commissioner of Labor Statistics shall collect annually, to the extent practicable, data to inform the Civic Health Assessment, and shall report data from such collection to the partnership. In determining the data to be collected, the Director and the Commissioner shall examine privacy issues, response rates, and other relevant issues.

“(3) SOURCES OF DATA.—To obtain data for the Civic Health Assessment, the partnership shall consider—

“(A) data collected through public and private sources; and

“(B) data collected by the Bureau of the Census, through the Current Population Survey, or by the Bureau of Labor Statistics, in accordance with paragraph (2).

“(4) DEMOGRAPHIC CHARACTERISTICS.—The partnership shall seek to obtain data for the Civic Health Assessment that will permit the partnership to analyze the data by age

group, race and ethnicity, education level, and other demographic characteristics of the individuals involved.

“(5) OTHER ISSUES.—In obtaining data for the Civic Health Assessment, the partnership may also obtain such information as may be necessary to analyze—

“(A) the role of Internet technology in strengthening and inhibiting civic activities;

“(B) the role of specific programs in strengthening civic activities;

“(C) the civic attitudes and activities of new citizens and immigrants; and

“(D) other areas related to civic activities.

“(e) REPORTING OF DATA.—

“(1) IN GENERAL.—The partnership shall, not less often than once each year, prepare a report containing—

“(A) detailed data obtained under subsection (d), including data on the indicators comprising the Civic Health Assessment; and

“(B) the analyses described in paragraphs (4) and (5) of subsection (d), to the extent practicable based on the data the partnership is able to obtain.

“(2) AGGREGATION AND PRESENTATION.—The partnership shall, to the extent practicable, aggregate the data on the civic health indicators comprising the Civic Health Assessment by community, by State, and nationally. The report described in paragraph (1) shall present the aggregated data in a form that enables communities and States to assess their civic health, as measured on each of the indicators comprising the Civic Health Assessment, and compare those measures with comparable measures of other communities and States.

“(3) SUBMISSION.—The partnership shall submit the report to the authorizing committees, and make the report available to the general public on the Corporation’s website.

“(f) PUBLIC INPUT.—The partnership shall—

“(1) identify opportunities for public dialogue and input on the Civic Health Assessment; and

“(2) hold conferences and forums to discuss the implications of the data and analyses reported under subsection (e).

“(g) VOLUNTEERING RESEARCH AND EVALUATION.—

“(1) RESEARCH.—The partnership shall provide for baseline research and tracking of domestic and international volunteering, and baseline research and tracking related to relevant data on the indicators described in subsection (d). In providing for the research and tracking under this subsection, the partnership shall consider data from the Supplements to the Current Populations Surveys conducted by the Bureau of the Census for the Bureau of Labor Statistics, and data from other public and private sources, including other data collected by the Bureau of the Census and the Bureau of Labor Statistics.

“(2) IMPACT RESEARCH AND EVALUATION.—The partnership shall sponsor an independent evaluation of the impact of domestic and international volunteering, including an assessment of best practices for such volunteering, and methods of improving such volunteering through enhanced collaboration among—

“(A) entities that recruit, manage, support, and utilize volunteers;

“(B) institutions of higher education; and

“(C) research institutions.

“(h) DATABASE PROHIBITION.—Nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally



identifiable information on individuals participating in data collection for sources of information under this section.”.

**SEC. 1609. CONTINGENT EXTENSION.**

Section 181 (42 U.S.C. 12641) is amended by striking “Section 414” and inserting “Section 422”.

**SEC. 1610. PARTNERSHIPS WITH SCHOOLS.**

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

“(b) REPORT.—

“(1) FEDERAL AGENCY SUBMISSION.—The head of each Federal agency and department shall prepare and submit to the Corporation a report concerning the implementation of this section, including an evaluation of the agency or department’s performance on performance goals and benchmarks for each partnership program of the agency or department.

“(2) REPORT TO CONGRESS.—The Corporation shall prepare and submit to the authorizing committees a compilation of the information received under paragraph (1).”.

**SEC. 1611. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.**

Section 183 (42 U.S.C. 12643) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “The” and inserting “Consistent with otherwise applicable law, the”; and

(B) in paragraph (1), by inserting “territory,” after “local government,”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “The” and inserting “Consistent with otherwise applicable law, the”; and

(B) in paragraph (1), by inserting “territory” after “local government,”; and

(3) by adding at the end the following:

“(c) INSPECTOR GENERAL.—Consistent with otherwise applicable law, the Inspector General of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

“(1) within the possession or control of the Corporation or any State or local government, territory, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under the national service laws; and

“(2) that relates to—

“(A) such assistance; and

“(B) the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).”.

**SEC. 1612. ADDITIONAL ADMINISTRATIVE PROVISIONS.**

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

**“SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.**

“(a) IN GENERAL.—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs, projects, and activities funded under the national service laws.

“(b) REPORT TO CONGRESS.—Not later than 18 months after the effective date of the Serve America Act, the Corporation shall submit to the authorizing committees a report containing information on the actions taken to consolidate or modify the application procedures and reporting requirements for programs, projects, and activities funded under the national service laws, including a description of the procedures for consultation with recipients of the funding.

**“SEC. 186. SUSTAINABILITY.**

“The Corporation, after consultation with State Commissions and recipients of assist-

ance, may set sustainability goals for projects or programs under the national service laws, so that recipients of assistance under the national service laws are carrying out sustainable projects or programs. Such sustainability goals shall be in writing and shall be used—

“(1) to build the capacity of the projects or programs that receive assistance under the national service laws to meet community needs;

“(2) in providing technical assistance to recipients of assistance under the national service laws regarding acquiring and leveraging non-Federal funds for support of the projects or programs that receive such assistance; and

“(3) to determine whether the projects or programs, receiving such assistance, are generating sufficient community support.

**“SEC. 187. GRANT PERIODS.**

“Unless otherwise specifically provided, the Corporation has authority to award a grant or contract, or enter into a cooperative agreement, under the national service laws for a period of 3 years.

**“SEC. 188. GENERATION OF VOLUNTEERS.**

“In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant’s proposal will increase the involvement of volunteers in meeting community needs. In reviewing the application for this purpose, the Corporation may take into account the mission of the applicant.

**“SEC. 189. LIMITATION ON PROGRAM GRANT COSTS.**

“(a) LIMITATION ON GRANT AMOUNTS.—Except as otherwise provided by this section, the amount of funds approved by the Corporation for a grant to operate a program authorized under the national service laws, for supporting individuals serving in approved national service positions, may not exceed \$18,000 per full-time equivalent position.

“(b) COSTS SUBJECT TO LIMITATION.—The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall apply to the Corporation’s share of the member support costs, staff costs, and other costs to operate a program authorized under the national service laws incurred, by the recipient of the grant.

“(c) COSTS NOT SUBJECT TO LIMITATION.—The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall not apply to expenses under a grant authorized under the national service laws to operate a program that are not included in the grant award for operating the program.

“(d) ADJUSTMENTS FOR INFLATION.—The amounts specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

“(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.—

“(1) WAIVER.—The Chief Executive Officer may increase the limitation under subsection (a) to not more than \$19,500 per full-time equivalent position if necessary to meet the compelling needs of a particular program, such as—

“(A) exceptional training needs for a program serving disadvantaged youth;

“(B) the need to pay for increased costs relating to the participation of individuals with disabilities;

“(C) the needs of tribal programs or programs located in the territories; and

“(D) the need to pay for start-up costs associated with a first-time recipient of assistance under a program of the national service laws.

“(2) REPORTS.—The Chief Executive Officer shall report to the authorizing committees annually on all limitations increased under this subsection, with an explanation of the compelling needs justifying such increases.

**“SEC. 189A. MATCHING FUNDS FOR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, a severely economically distressed community that receives assistance from the Corporation for any program under the national service laws shall not be subject to any requirements to provide matching funds for any such program, and the Federal share of such assistance for such a community may be 100 percent.

“(b) SEVERELY ECONOMICALLY DISTRESSED COMMUNITY.—For the purposes of this section, the term ‘severely economically distressed community’ means—

“(1) an area that has a mortgage foreclosure rate, home price decline, and unemployment rate all of which are above the national average for such rates or level, for the most recent 12 months for which satisfactory data are available; or

“(2) a residential area that lacks basic living necessities, such as water and sewer systems, electricity, paved roads, and safe, sanitary housing.

**“SEC. 189B. AUDITS AND REPORTS.**

“The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note; Public Law 101-576) and chapter 91 of title 31, United States Code (commonly known as the ‘Government Corporation Control Act’). The Corporation shall report to the authorizing committees any failure to comply with such requirements.

**“SEC. 189C. RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.**

“(a) GENERAL PROHIBITION.—Nothing in the national service laws shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school’s curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

“(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Corporation under this Act may be used by the Corporation to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

“(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION STANDARDS.—Notwithstanding any other provision of Federal law, not State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

**“SEC. 189D. CRIMINAL HISTORY CHECKS.**

“(a) IN GENERAL.—Each entity selecting individuals to serve in a position in which the individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

“(b) REQUIREMENTS.—A criminal history check under subsection (a) shall, except in cases approved for good cause by the Corporation, include—

“(1) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

“(2)(A) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

“(B) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

“(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

“(1) refuses to consent to the criminal history check described in subsection (b);

“(2) makes a false statement in connection with such criminal history check;

“(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.”.

#### **Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)**

##### **SEC. 1701. TERMS OF OFFICE.**

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) TERMS.—Subject to subsection (e), each appointed member shall serve for a term of 5 years.”; and

(2) by adding at the end the following:

“(e) SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—A voting member of the Board whose term has expired may continue to serve on the Board until the date on which the member's successor takes office, which period shall not exceed 1 year.”.

##### **SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.**

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1), by striking “shall—” and inserting “shall have responsibility for setting overall policy for the Corporation and shall—”;

(2) in paragraph (1), by inserting before the semicolon at the end the following: “, and review the budget proposal in advance of submission to the Office of Management and Budget”;

(3) in paragraph (5)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President.”;

(4) in paragraph (8), by striking “the Congress” each place it appears and inserting “the authorizing committees”;

(5) by striking paragraph (10) and inserting the following:

“(10) notwithstanding any other provision of law—

“(A) make grants to or contracts with Federal and other public departments or agencies, and private nonprofit organizations, for the assignment or referral of volunteers under the provisions of title I of the Domest-

tic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (except as provided in section 108 of such Act), which may provide that the agency or organization shall pay all or a part of the costs of the program; and

“(B) enter into agreements with other Federal agencies or private nonprofit organizations for the support of programs under the national service laws, which—

“(i) may provide that the agency or organization shall pay all or a part of the costs of the program, except as is provided in section 121(b); and

“(ii) shall provide that the program (including any program operated by another Federal agency) will comply with all requirements related to evaluation, performance, and other goals applicable to similar programs under the national service laws, as determined by the Corporation.”; and

(6) in paragraph (11)—

(A) by striking “Congress” each place it appears and inserting “authorizing committees”;

(B) by striking “section 193A(b)(10)” and inserting “section 193A(b)(11)”;

(C) by striking “September 30, 1995” and inserting “January 1, 2012”.

##### **SEC. 1703. CHIEF EXECUTIVE OFFICER COMPENSATION.**

Section 193(b) (42 U.S.C. 12651c(b)) is amended by striking the period and inserting “, plus 3 percent.”.

##### **SEC. 1704. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.**

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “shall—” and inserting “, in collaboration with the State Commissions, shall—”;

(B) in paragraph (1), by inserting after “a strategic plan” the following: “, including a plan for having 50 percent of all approved national service positions be full-time positions by 2012.”;

(C) in paragraph (2)(B), by inserting “, approved summer of service positions, and approved silver scholar positions” after “approved national service positions”;

(D) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively;

(E) by inserting after paragraph (6) the following:

“(7) prepare and submit to the authorizing committees and the Board an annual report on actions taken to achieve the goal of having 50 percent of all approved national service positions be full-time positions by 2012 as described in paragraph (1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal.”;

(F) in the matter preceding subparagraph (A) of paragraph (10) (as so redesignated), by striking “appropriate committees of Congress” and inserting “authorizing committees”;

(G) in paragraph (11) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking “by June 30, 1995,” and inserting “periodically.”;

(ii) in subparagraph (A)(i)—

(I) by striking “described in section 122(c)(1)”;

(II) by striking “national priorities designed to meet the” and inserting “national priorities, as described in section 122(f)(1), designed to meet”;

(iii) in subparagraph (B), by striking “and” after a semicolon;

(H) in paragraph (12) (as so redesignated), by striking the period at the end and inserting a semicolon; and

(I) by adding at the end the following:

“(13) bolster the public awareness of and recruitment efforts for the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

“(A) print media;

“(B) the Internet and related emerging technologies;

“(C) television;

“(D) radio;

“(E) presentations at public or private forums;

“(F) other innovative methods of communication; and

“(G) outreach to offices of economic development, State employment security agencies, labor organizations and trade associations, local educational agencies, institutions of higher education, agencies and organizations serving veterans and individuals with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

“(14) identify and implement methods of recruitment to—

“(A) increase the diversity of participants in the programs receiving assistance under the national service laws; and

“(B) increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

“(15) coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

“(16) collaborate with organizations with demonstrated expertise in supporting and accommodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants who are individuals with disabilities in the programs receiving assistance under the national service laws;

“(17) identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

“(18) collaborate with organizations that have established volunteer recruitment programs to increase the recruitment capacity of the Corporation;

“(19) where practicable, provide application materials in languages other than English for individuals with limited English proficiency who wish to participate in a national service program;

“(20) collaborate with the training and technical assistance programs described in subtitle J with respect to the activities described in section 199N(b);

“(21) coordinate the clearinghouses described in section 1980;

“(22) coordinate with entities receiving funds under subtitle C in establishing the National Service Reserve Corps under section 198H, through which alumni of the national service programs and veterans can serve in disasters and emergencies (as such terms are defined in section 198H(a));

“(23) identify and implement strategies to increase awareness among Indian tribes of the types and availability of assistance under the national service laws, increase Native American participation in programs

under the national service laws, and collect information on challenges facing Native American communities;

“(24) conduct outreach to ensure the inclusion of economically disadvantaged individuals in national service programs and activities authorized under the national service laws; and

“(25) ensure that outreach, awareness, and recruitment efforts are consistent with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).”;

(2) in subsection (c)—

(A) in paragraph (9)—

(i) by striking “Congress” each place the term occurs and inserting “the authorizing committees”; and

(ii) by striking “and” at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

“(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and”;

(3) in subsection (f)(2)(B), by striking “date specified in subsection (b)(10)” and inserting “the first date that a report is submitted under subsection (b)(11) after the effective date of the Serve America Act”; and

(4) by adding at the end the following:

“(h) **AUTHORITY TO CONTRACT WITH BUSINESSES.**—The Chief Executive Officer may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(13), with priority given to those entities that have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and older adults.

“(i) **CAMPAIGN TO SOLICIT FUNDS.**—The Chief Executive Officer may conduct a campaign to solicit funds to conduct outreach and recruitment campaigns to recruit a diverse population of service sponsors of, and participants in, programs and projects receiving assistance under the national service laws.”.

#### **SEC. 1705. CHIEF FINANCIAL OFFICER STATUS.**

Section 194(c) (42 U.S.C. 12651e(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) **IN GENERAL.**—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the Chief Executive Officer pursuant to subsections (a) and (b) of section 195.”; and

(2) by redesignating paragraph (3) as paragraph (2).

#### **SEC. 1706. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.**

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after “subdivision of a State,” the following: “territory.”; and

(B) in paragraph (3)—

(i) in the heading, by striking “MEMBER” and inserting “NONVOTING MEMBER”; and

(ii) by inserting “nonvoting” before “member.”; and

(2) by adding at the end the following new subsection:

“(g) **PERSONAL SERVICES CONTRACTS.**—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.”.

#### **SEC. 1707. DONATED SERVICES.**

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) **ORGANIZATIONS AND INDIVIDUALS.**—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).”;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “Such a volunteer” and inserting “A person who provides assistance, either individually or as a member of an organization, in accordance with subparagraph (A)”;

(ii) in clause (i), by striking “a volunteer under this subtitle” and inserting “such a person”;

(iii) in clause (ii), by striking “volunteers under this subtitle” and inserting “such persons”; and

(iv) in clause (iii), by striking “such a volunteer” and inserting “such a person”; and

(C) in subparagraph (C)(i), by striking “Such a volunteer” and inserting “Such a person”; and

(2) by striking paragraph (3).

#### **SEC. 1708. ASSIGNMENT TO STATE COMMISSIONS.**

Subtitle G of title I (42 U.S.C. 12651 et seq.) is further amended by adding at the end the following:

##### **“SEC. 196B. ASSIGNMENT TO STATE COMMISSIONS.**

“(a) **ASSIGNMENT.**—In accordance with section 193A(c)(1), the Chief Executive Officer may assign to State Commissions specific programmatic functions upon a determination that such an assignment will increase efficiency in the operation or oversight of a program under the national service laws. In carrying out this section, and before executing any assignment of authority, the Corporation shall seek input from and consult Corporation employees, State Commissions, State educational agencies, and other interested stakeholders.

“(b) **REPORT.**—Not later than 2 years after the effective date of the Serve America Act, the Corporation shall submit a report to the authorizing committees describing the consultation process described in subsection (a), including the stakeholders consulted, the recommendation of stakeholders, and any actions taken by the Corporation under this section.”.

#### **SEC. 1709. STUDY OF INVOLVEMENT OF VETERANS.**

Subtitle G of title I (42 U.S.C. 12651 et seq.) is further amended by adding at the end the following:

##### **“SEC. 196C. STUDY OF INVOLVEMENT OF VETERANS.**

“(a) **STUDY AND REPORT.**—The Corporation shall conduct a study and submit a report to the authorizing committees, not later than 3 years after the effective date of the Serve America Act, on—

“(1) the number of veterans serving in national service programs historically by year;

“(2) strategies being undertaken to identify the specific areas of need of veterans, including any goals set by the Corporation for veterans participating in the service programs;

“(3) the impact of the strategies described in paragraph (2) and the Veterans Corps on enabling greater participation by veterans in the national service programs carried out under the national service laws;

“(4) how existing programs and activities carried out under the national service laws

could be improved to serve veterans, veterans service organizations, families of active-duty military, including gaps in services to veterans;

“(5) the extent to which existing programs and activities carried out under the national service laws are coordinated and recommendations to improve such coordination including the methods for ensuring the efficient financial organization of services directed towards veterans; and

“(6) how to improve utilization of veterans as resources and volunteers.

“(b) **CONSULTATION.**—In conducting the studies and preparing the reports required under this subsection, the Corporation shall consult with veterans’ service organizations, the Secretary of Veterans Affairs, State veterans agencies, the Secretary of Defense, as appropriate, and other individuals and entities the Corporation considers appropriate.”.

#### **SEC. 1710. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS IN SERVICES CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM PLANNING STUDY.**

(a) **PLANNING STUDY.**—The Corporation shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities (as of the time of the study) carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of displaced workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) **CONSULTATION.**—The study shall be carried out in consultation with the Secretary of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) **REPORT.**—Not later than 1 year after the effective date of this Act, the Corporation shall submit to the authorizing committees a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) **PILOT PROGRAM.**—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings and plan in the report submitted under subsection (c).

(e) **DEFINITIONS.**—In this section, the terms “Corporation”, “authorizing committees”, and “national service laws” have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.

#### **SEC. 1711. STUDY TO EVALUATE THE EFFECTIVENESS OF AGENCY COORDINATION.**

(a) **STUDY.**—In order to reduce administrative burdens and lower costs for national service programs carried out under the national service laws, the Corporation shall conduct a study to determine the feasibility and effectiveness of implementing a data matching system under which the statements of an individual declaring that such individual is in compliance with the requirements of section 146(a)(3) of the National and

Community Service Act of 1990 (42 U.S.C. 12602(a)(3)) shall be verified by the Corporation by comparing information provided by the individual with information relevant to such a declaration in the possession of other Federal agencies. Such study shall—

(1) review the feasibility of—

(A) expanding, and participating in, the data matching conducted by the Department of Education with the Social Security Administration and the Department of Homeland Security, pursuant to section 484(g) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)); or

(B) establishing a comparable system of data matching with the Social Security Administration and the Department of Homeland Security; and

(2) identify—

(A) the costs, for both the Corporation and the other Federal agencies identified in paragraph (1), associated with expanding or establishing such a system of data matching;

(B) the benefits or detriments of such an expanded or comparable system both for the Corporation and for the other Federal agencies so identified;

(C) strategies for ensuring the privacy and security of participant information that is shared between Federal agencies and organizations receiving assistance under the national service laws;

(D) the information that needs to be shared in order to fulfill the eligibility requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3));

(E) an alternative system through which an individual's compliance with section 146(a)(3) of such Act may be verified, should such an expanded or comparable system fail to verify the individual's declaration of compliance; and

(F) recommendations for implementation of such an expanded or comparable system.

(b) CONSULTATION.—The Corporation shall carry out the study in consultation with the Secretary of Education, the Commissioner of the Social Security Administration, the Secretary of Homeland Security, and other Federal agencies, entities, and individuals that the Corporation considers appropriate.

(c) REPORT.—Not later than 9 months after the effective date of this Act, the Corporation shall submit to the authorizing committees a report on the results of the study required by subsection (a) and a plan for implementation of a pilot data matching program using promising strategies and approaches identified in such study, if the Corporation determines such program to be feasible.

(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation may develop and carry out a pilot data matching program based on the report submitted under subsection (c).

(e) DEFINITIONS.—In this section, the terms “Corporation”, “authorizing committees”, and “national service laws” have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

#### SEC. 1712. STUDY OF PROGRAM EFFECTIVENESS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall develop performance measures for each program receiving Federal assistance under the national service laws.

(b) CONTENTS.—The performance measures developed under subsection (a) shall—

(1) to the maximum extent practicable draw on research-based, quantitative data;

(2) take into account program purpose and program design;

(3) include criteria to evaluate the cost effectiveness of programs receiving assistance under the national service laws;

(4) include criteria to evaluate the administration and management of programs receiving Federal assistance under the national service laws; and

(5) include criteria to evaluate oversight and accountability of recipients of assistance through such programs under the national service laws.

(c) REPORT.—Not later than 2 years after the development of the performance measures under subsection (a), and every 5 years thereafter, the Comptroller General of the United States shall prepare and submit to the authorizing committees and the Corporation's Board of Directors a report containing an assessment of each such program with respect to the performance measures developed under subsection (a).

(d) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms “authorizing committees”, “Corporation”, and “national service laws” have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(2) PROGRAM.—The term “program” means an entire program carried out by the Corporation under the national service laws, such as the entire AmeriCorps program carried out under subtitle C.

#### Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)

#### SEC. 1801. TECHNICAL AMENDMENT TO SUBTITLE H.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by inserting after the subtitle heading and before section 198 the following:

#### “PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE”.

#### SEC. 1802. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.

(a) TECHNICAL AMENDMENTS.—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking “subsection (r)” and inserting “subsection (g)”;

(2) in the matter preceding paragraph (1) of subsection (b), by striking “to improve the quality” and all that follows through “including—” and inserting “to address emergent needs through summer programs and other activities, and to support service-learning programs and national service programs, including—”;

(3) by striking subsections (c), (d), (e), (f), (h), (i), (j), (l), (m), and (p) and redesignating subsections (g), (k), (n), (o), (q), (r), and (s) as subsections (c), (d), (e), (f), (g), (h), and (i), respectively.

(b) GLOBAL YOUTH SERVICE DAYS.—Section 198 (42 U.S.C. 12653), as amended in subsection (a), is further amended—

(1) in subsection (g) (as redesignated by subsection (a)(3))—

(A) in the subsection heading, by striking “NATIONAL” and inserting “GLOBAL”;

(B) by striking “National Youth” each place it appears and inserting “Global Youth”;

(C) in paragraph (1)—

(i) by striking the first sentence and inserting “April 24, 2009, and April 23, 2010, are each designated as ‘Global Youth Service Days’.”; and

(ii) in the second sentence, by striking “appropriate ceremonies and activities” and inserting “appropriate youth-led community improvement and service-learning activities”;

(D) in paragraph (2)—

(i) by inserting “and other Federal departments and agencies” after “Corporation”; and

(ii) by striking “ceremonies and activities” and inserting “youth-led community improvement and service-learning activities”; and

(E) in paragraph (3), by inserting “and other Federal departments and agencies” after “Corporation”.

(c) CALL TO SERVICE CAMPAIGN AND SEPTEMBER 11TH DAY OF SERVICE.—Section 198 (42 U.S.C. 12653), as amended by subsection (a), is further amended by adding at the end the following:

“(j) CALL TO SERVICE CAMPAIGN.—Not later than 180 days after the date of enactment of the Serve America Act, the Corporation shall conduct a nationwide ‘Call To Service’ campaign, to encourage all people of the United States, regardless of age, race, ethnicity, religion, or economic status, to engage in full- or part-time national service, long- or short-term public service in the nonprofit sector or government, or volunteering. In conducting the campaign, the Corporation may collaborate with other Federal agencies and entities, State Commissions, Governors, nonprofit and faith-based organizations, businesses, institutions of higher education, elementary schools, and secondary schools.

“(k) SEPTEMBER 11TH DAY OF SERVICE.—

“(1) FEDERAL ACTIVITIES.—The Corporation may organize and carry out appropriate ceremonies and activities, which may include activities that are part of the broader Call to Service Campaign under subsection (j), in order to observe the September 11th National Day of Service and Remembrance at the Federal level.

“(2) ACTIVITIES.—The Corporation may make grants and provide other support to community-based organizations to assist in planning and carrying out appropriate service, charity, and remembrance opportunities in conjunction with the September 11th National Day of Service and Remembrance.

“(3) CONSULTATION.—The Corporation may consult with and make grants or provide other forms of support to nonprofit organizations with expertise in representing families of victims of the September 11, 2001 terrorist attacks and other impacted constituencies, and in promoting the establishment of September 11 as an annually recognized National Day of Service and Remembrance.”.

#### SEC. 1803. REPEALS.

(a) REPEALS.—The following provisions are repealed:

(1) CLEARINGHOUSES.—Section 198A (42 U.S.C. 12653a).

(2) MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.—Section 198C (42 U.S.C. 12653c).

(3) SPECIAL DEMONSTRATION PROJECT.—Section 198D (42 U.S.C. 12653d).

(b) REDESIGNATION.—Section 198B (42 U.S.C. 12653b) is redesignated as section 198A.

#### SEC. 1804. PRESIDENTIAL AWARDS.

Section 198A(a)(2) (as redesignated by section 1803(b)) (42 U.S.C. 12653b(a)(2)) is further amended by striking “section 101(19)” and inserting “section 101”.

#### SEC. 1805. NEW FELLOWSHIPS.

Part I of subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following new sections:

#### “SEC. 198B. SERVEAMERICA FELLOWSHIPS.

“(a) DEFINITIONS.—In this section:

“(1) AREA OF NATIONAL NEED.—The term ‘area of national need’ means an area involved in efforts to—

“(A) improve education in schools for economically disadvantaged students;

“(B) expand and improve access to health care;

“(C) improve energy efficiency and conserve natural resources;

“(D) improve economic opportunities for economically disadvantaged individuals; or

“(E) improve disaster preparedness and response.

“(2) ELIGIBLE FELLOWSHIP RECIPIENT.—The term ‘eligible fellowship recipient’ means an individual who is selected by a State Commission under subsection (c) and, as a result of such selection, is eligible for a ServeAmerica Fellowship.

“(3) FELLOW.—The term ‘fellow’ means an eligible fellowship recipient who is awarded a ServeAmerica Fellowship and is designated a fellow under subsection (e)(2).

“(4) SMALL SERVICE SPONSOR ORGANIZATION.—The term ‘small service sponsor organization’ means a service sponsor organization described in subsection (d)(1) that has not more than 10 full-time employees and 10 part-time employees.

“(b) GRANTS.—

“(1) IN GENERAL.—From the amounts appropriated under section 501(a)(4)(B) and allotted under paragraph (2)(A), the Corporation shall make grants (including financial assistance and a corresponding allotment of approved national service positions), to the State Commission of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico with an application approved under this section, to enable such State Commissions to award ServeAmerica Fellowships under subsection (e).

“(2) ALLOTMENT; ADMINISTRATIVE COSTS.—

“(A) ALLOTMENT.—The amount allotted to a State Commission for a fiscal year shall be equal to an amount that bears the same ratio to the amount appropriated under section 501(a)(4)(B), as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(B) REALLOTMENT.—If a State Commission does not apply for an allotment under this subsection for any fiscal year, or if the State Commission’s application is not approved, the Corporation shall reallocate the amount of the State Commission’s allotment to the remaining State Commissions in accordance with subparagraph (A).

“(C) ADMINISTRATIVE COSTS.—Of the amount allotted to a State Commission under subparagraph (A), not more than 1.5 percent of such amount may be used for administrative costs.

“(3) NUMBER OF POSITIONS.—The Corporation shall—

“(A) establish or increase the number of approved national service positions under this subsection during each of fiscal years 2010 through 2014;

“(B) establish the number of approved positions at 500 for fiscal year 2010; and

“(C) increase the number of the approved positions to—

“(i) 750 for fiscal year 2011;

“(ii) 1,000 for fiscal year 2012;

“(iii) 1,250 for fiscal year 2013; and

“(iv) 1,500 for fiscal year 2014.

“(4) USES OF GRANT FUNDS.—

“(A) REQUIRED USES.—A grant awarded under this subsection shall be used to enable fellows to carry out service projects in areas of national need.

“(B) PERMITTED USES.—A grant awarded under this subsection may be used for—

“(i) oversight activities and mechanisms for the service sites of the fellows, as determined necessary by the State Commission or

the Corporation, which may include site visits;

“(ii) activities to augment the experience of fellows, including activities to engage the fellows in networking opportunities with other national service participants; and

“(iii) recruitment or training activities for fellows.

“(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State Commission shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including information on the criteria and procedures that the State Commission will use for overseeing ServeAmerica Fellowship placements for service projects, under subsection (e).

“(c) ELIGIBLE FELLOWSHIP RECIPIENTS.—

“(1) APPLICATION.—

“(A) IN GENERAL.—An applicant desiring to become an eligible fellowship recipient shall submit an application to a State Commission that has elected to participate in the program authorized under this section, at such time and in such manner as the Commission may require, and containing the information described in subparagraph (B) and such additional information as the Commission may require. An applicant may submit such application to only 1 State Commission for a fiscal year.

“(B) CONTENTS.—The Corporation shall specify information to be provided in an application submitted under this subsection, which—

“(i) shall include—

“(I) a description of the area of national need that the applicant intends to address in the service project;

“(II) a description of the skills and experience the applicant has to address the area of national need;

“(III) a description of the type of service the applicant plans to provide as a fellow; and

“(IV) information identifying the local area within the State served by the Commission in which the applicant plans to serve for the service project; and

“(ii) may include, if the applicant chooses, the size of the registered service sponsor organization with which the applicant hopes to serve.

“(2) SELECTION.—Each State Commission shall—

“(A) select, from the applications received by the State Commission for a fiscal year, the number of eligible fellowship recipients that may be supported for that fiscal year based on the amount of the grant received by the State Commission under subsection (b); and

“(B) make an effort to award one-third of the fellowships available to the State Commission for a fiscal year, based on the amount of the grant received under subsection (b), to applicants who propose to serve the fellowship with small service sponsor organizations registered under subsection (d).

“(d) SERVICE SPONSOR ORGANIZATIONS.—

“(1) IN GENERAL.—Each service sponsor organization shall—

“(A) be a nonprofit organization;

“(B) satisfy qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight;

“(C) not be a recipient of other assistance, approved national service positions, or approved summer of service positions under the national service laws; and

“(D) at the time of registration with a State Commission, enter into an agreement providing that the service sponsor organization shall—

“(i) abide by all program requirements;

“(ii) provide an amount described in subsection (e)(3)(b) for each fellow serving with the organization through the ServeAmerica Fellowship;

“(iii) be responsible for certifying whether each fellow serving with the organization successfully completed the ServeAmerica Fellowship, and record and certify in a manner specified by the Corporation the number of hours served by a fellow for purposes of determining the fellow’s eligibility for benefits; and

“(iv) provide timely access to records relating to the ServeAmerica Fellowship to the State Commission, the Corporation, and the Inspector General of the Corporation.

“(2) REGISTRATION.—

“(A) REQUIREMENT.—No service sponsor organization may receive a fellow under this section until the organization registers with the State Commission.

“(B) CLEARINGHOUSE.—The State Commission shall maintain a list of registered service sponsor organizations on a public website.

“(C) REVOCATION.—If a State Commission determines that a service sponsor organization is in violation of any of the applicable provisions of this section—

“(i) the State Commission shall revoke the registration of the organization;

“(ii) the organization shall not be eligible to receive assistance, approved national service positions, or approved summer of service positions under this title for not less than 5 years; and

“(iii) the State Commission shall have the right to remove a fellow from the organization and relocate the fellow to another site.

“(e) FELLOWS.—

“(1) IN GENERAL.—To be eligible to participate in a service project as a fellow and receive a ServeAmerica Fellowship, an eligible fellowship recipient shall—

“(A) within 3 months after being selected as an eligible fellowship recipient by a State Commission, select a registered service sponsor organization described in subsection (d)—

“(i) with which the recipient is interested in serving under this section; and

“(ii) that is located in the State served by the State Commission;

“(B) enter into an agreement with the organization—

“(i) that specifies the service the recipient will provide if the placement is approved; and

“(ii) in which the recipient agrees to serve for 1 year on a full-time or part-time basis (as determined by the Corporation); and

“(C) submit such agreement to the State Commission.

“(2) AWARD.—Upon receiving the eligible fellowship recipient’s agreement under paragraph (1), the State Commission shall award a ServeAmerica Fellowship to the recipient and designate the recipient as a fellow.

“(3) FELLOWSHIP AMOUNT.—

“(A) IN GENERAL.—From amounts received under subsection (b), each State Commission shall award each of the State’s fellows a ServeAmerica Fellowship amount that is equal to 50 percent of the amount of the average annual VISTA subsistence allowance.

“(B) AMOUNT FROM SERVICE SPONSOR ORGANIZATION.—

“(i) IN GENERAL.—Except as provided in clause (ii) and subparagraph (E), the service sponsor organization shall award to the fellow serving such organization an amount

that will ensure that the total award received by the fellow for service in the service project (consisting of such amount and the ServeAmerica Fellowship amount the fellow receives under subparagraph (A)) is equal to or greater than 70 percent of the average annual VISTA subsistence allowance.

“(ii) **SMALL SERVICE SPONSOR ORGANIZATIONS.**—In the case of a small service sponsor organization, the small service sponsor organization may decrease the amount of the service sponsor organization award required under clause (i) to not less than an amount that will ensure that the total award received by the fellow for service in the service project (as calculated in clause (i)) is equal to or greater than 60 percent of the average annual VISTA subsistence allowance.

“(C) **MAXIMUM LIVING ALLOWANCE.**—The total amount that may be provided to a fellow under this subparagraph shall not exceed 100 percent of the average annual VISTA subsistence allowance.

“(D) **PRORATION OF AMOUNT.**—In the case of a fellow who is authorized to serve a part-time term of service under the agreement described in paragraph (1)(B)(ii), the amount provided to a fellow under this paragraph shall be prorated accordingly.

“(E) **WAIVER.**—The Corporation may allow a State Commission to waive the amount required under subparagraph (B) from the service sponsor organization for a fellow serving the organization if—

“(i) such requirement is inconsistent with the objectives of the ServeAmerica Fellowship program; and

“(ii) the amount provided to the fellow under subparagraph (A) is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the ServeAmerica Fellowship program is located.

“(F) **DEFINITION.**—In this paragraph, the term ‘average annual VISTA subsistence allowance’ means the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

“(f) **COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.**—Service under a ServeAmerica Fellowship shall comply with section 132(a). For purposes of applying that section to this subsection, a reference to assistance shall be considered to be a reference to assistance provided under this section.

“(g) **REPORTS.**—Each service sponsor organization that receives a fellow under this section shall, on a biweekly basis, report to the Corporation on the number of hours served and the services provided by that fellow. The Corporation shall establish a web portal for the organizations to use in reporting the information.

“(h) **EDUCATIONAL AWARDS.**—A fellow who serves in a service project under this section shall be considered to have served in an approved national service position and, upon meeting the requirements of section 147 for full-time or part-time national service, shall be eligible for a national service educational award described in such section. The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational award for such fellow.

#### “SEC. 198C. SILVER SCHOLARSHIPS AND ENCORE FELLOWSHIPS.

“(a) **SILVER SCHOLARSHIP GRANT PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Corporation may award fixed-amount grants (in accordance with section 129(l)) to community-based entities to carry out a Silver Scholarship

Grant Program for individuals age 55 or older, in which such individuals complete not less than 350 hours of service in a year carrying out projects of national need and receive a Silver Scholarship in the form of a \$1,000 national service educational award. Under such a program, the Corporation shall establish criteria for the types of the service required to be performed to receive such award.

“(2) **TERM.**—Each program funded under this subsection shall be carried out over a period of 3 years (which may include 1 planning year), with a 1-year extension possible, if the program meets performance levels developed in accordance with section 179(k) and any other criteria determined by the Corporation.

“(3) **APPLICATIONS.**—To be eligible for a grant under this subsection, a community-based entity shall—

“(A) submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require; and

“(B) be a listed organization as described in subsection (b)(4).

“(4) **COLLABORATION ENCOURAGED.**—A community-based entity awarded a grant under this subsection is encouraged to collaborate with programs funded under title II of the Domestic Volunteer Service Act of 1973 in carrying out this program.

“(5) **ELIGIBILITY FOR FELLOWSHIP.**—An individual is eligible to receive a Silver Scholarship if the community-based entity certifies to the Corporation that the individual has completed not less than 350 hours of service under this section in a 1-year period.

“(6) **TRANSFER TO TRUST.**—The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational award for each silver scholar under this subsection.

“(7) **SUPPORT SERVICES.**—A community-based entity receiving a fixed-amount grant under this subsection may use a portion of the grant to provide transportation services to an eligible individual to allow such individual to participate in a service project.

“(b) **ENCORE FELLOWSHIPS.**—

“(1) **ESTABLISHMENT.**—The Corporation may award 1-year Encore Fellowships to enable individuals age 55 or older to—

“(A) carry out service projects in areas of national need; and

“(B) receive training and development in order to transition to full- or part-time public service in the nonprofit sector or government.

“(2) **PROGRAM.**—In carrying out the program, the Corporation shall—

“(A) maintain a list of eligible organizations for which Encore Fellows may be placed to carry out service projects through the program and shall provide the list to all Fellowship recipients; and

“(B) at the request of a Fellowship recipient—

“(i) determine whether the requesting recipient is able to meet the service needs of a listed organization, or another organization that the recipient requests in accordance with paragraph (5)(B), for a service project; and

“(ii) upon making a favorable determination under clause (i), award the recipient with an Encore Fellowship, and place the recipient with the organization as an Encore Fellow under paragraph (5)(C).

“(3) **ELIGIBLE RECIPIENTS.**—

“(A) **IN GENERAL.**—An individual desiring to be selected as a Fellowship recipient shall—

“(i) be an individual who—

“(I) is age 55 or older as of the time the individual applies for the program; and

“(II) is not engaged in, but who wishes to engage in, full- or part-time public service in the nonprofit sector or government; and

“(ii) submit an application to the Corporation, at such time, in such manner, and containing such information as the Corporation may require, including—

“(I) a description of the area of national need that the applicant hopes to address through the service project;

“(II) a description of the skills and experience the applicant has to address an area of national need; and

“(III) information identifying the region of the United States in which the applicant wishes to serve.

“(B) **SELECTION BASIS.**—In determining which individuals to select as Fellowship recipients, the Corporation shall—

“(i) select not more than 10 individuals from each State; and

“(ii) give priority to individuals with skills and experience for which there is an ongoing high demand in the nonprofit sector and government.

“(4) **LISTED ORGANIZATIONS.**—To be listed under paragraph (2)(A), an organization shall—

“(A) be a nonprofit organization; and

“(B) submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including—

“(i) a description of—

“(I) the services and activities the organization carries out generally;

“(II) the area of national need that the organization seeks to address through a service project; and

“(III) the services and activities the organization seeks to carry out through the proposed service project;

“(ii) a description of the skills and experience that an eligible Encore Fellowship recipient needs to be placed with the organization as an Encore Fellow for the service project;

“(iii) a description of the training and leadership development the organization shall provide an Encore Fellow placed with the organization to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

“(iv) evidence of the organization's financial stability.

“(5) **PLACEMENT.**—

“(A) **REQUEST FOR PLACEMENT WITH LISTED ORGANIZATIONS.**—To be placed with a listed organization in accordance with paragraph (2)(B) for a service project, an eligible Encore Fellowship recipient shall submit an application for such placement to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

“(B) **REQUEST FOR PLACEMENT WITH OTHER ORGANIZATION.**—An eligible Encore Fellowship recipient may apply to the Corporation to serve the recipient's Encore Fellowship year with a nonprofit organization that is not a listed organization. Such application shall be submitted to the Corporation at such time, in such manner, and containing such information as the Corporation shall require, and shall include—

“(i) an identification and description of—

“(I) the organization;

“(II) the area of national need the organization seeks to address; and



“(III) the services or activities the organization carries out to address such area of national need;

“(ii) a description of the services the eligible Encore Fellowship recipient shall provide for the organization as an Encore Fellow; and

“(iii) a letter of support from the leader of the organization, including—

“(I) a description of the organization’s need for the eligible Encore Fellowship recipient’s services;

“(II) evidence that the organization is financially sound;

“(III) an assurance that the organization will provide training and leadership development to the eligible Encore Fellowship recipient if placed with the organization as an Encore Fellow, to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

“(IV) a description of the training and leadership development to be provided to the Encore Fellowship recipient if so placed.

“(C) PLACEMENT AND AWARD OF FELLOWSHIP.—If the Corporation determines that the eligible Encore Fellowship recipient is able to meet the service needs (including skills and experience to address an area of national need) of the organization that the eligible fellowship recipient requests under subparagraph (A) or (B), the Corporation shall—

“(i) approve the placement of the eligible Encore Fellowship recipient with the organization;

“(ii) award the eligible Encore Fellowship recipient an Encore Fellowship for a period of 1 year and designate the eligible Encore Fellowship recipient as an Encore Fellow; and

“(iii) in awarding the Encore Fellowship, make a payment, in the amount of \$11,000, to the organization to enable the organization to provide living expenses to the Encore Fellow for the year in which the Encore Fellow agrees to serve.

“(6) MATCHING FUNDS.—An organization that receives an Encore Fellow under this subsection shall agree to provide, for the living expenses of the Encore Fellow during the year of service, non-Federal contributions in an amount equal to not less than \$1 for every \$1 of Federal funds provided to the organization for the Encore Fellow through the Encore Fellowship.

“(7) TRAINING AND ASSISTANCE.—Each organization that receives an Encore Fellow under this subsection shall provide training, leadership development, and assistance to the Encore Fellow, and conduct oversight of the service provided by the Encore Fellow.

“(8) LEADERSHIP DEVELOPMENT.—Each year, the Corporation shall convene current and former Encore Fellows to discuss the Encore Fellows’ experiences related to service under this subsection and discuss strategies for increasing leadership and careers in public service in the nonprofit sector or government.

“(c) EVALUATIONS.—The Corporation shall conduct an independent evaluation of the programs authorized under subsections (a) and (b) and widely disseminate the results, including recommendations for improvement, to the service community through multiple channels, including the Corporation’s Resource Center or a clearinghouse of effective strategies.”.

#### SEC. 1806. NATIONAL SERVICE RESERVE CORPS.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

### “PART II—NATIONAL SERVICE RESERVE CORPS

#### “SEC. 198H. NATIONAL SERVICE RESERVE CORPS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘National Service Reserve Corps member’ means an individual who—

“(A) has completed a term of national service or is a veteran;

“(B) has successfully completed training described in subsection (c) within the previous 2 years;

“(C) completes not less than 10 hours of volunteering each year (which may include the training session described in subparagraph (B)); and

“(D) has indicated interest to the Corporation in responding to disasters and emergencies in a timely manner through the National Service Reserve Corps; and

“(2) the term ‘term of national service’ means a term or period of service under section 123.

“(b) ESTABLISHMENT OF NATIONAL SERVICE RESERVE CORPS.—

“(1) IN GENERAL.—In consultation with the Federal Emergency Management Agency, the Corporation shall establish a National Service Reserve Corps to prepare and deploy National Service Reserve Corps members to respond to disasters and emergencies in support of national service programs and other requesting programs and agencies.

“(2) GRANTS OR CONTRACTS.—In carrying out this section, the Corporation may enter into a grant or contract with an organization experienced in responding to disasters or in coordinating individuals who have completed a term of national service or are veterans, or may directly deploy National Service Reserve Corps members, as the Corporation determines necessary.

“(c) ANNUAL TRAINING.—The Corporation shall conduct or coordinate annual training sessions, consistent with the training requirements of the Federal Emergency Management Agency, for individuals who have completed a term of national service or are veterans, and who wish to join the National Service Reserve Corps.

“(d) DESIGNATION OF ORGANIZATIONS.—

“(1) IN GENERAL.—The Corporation shall designate organizations with demonstrated experience in responding to disasters or emergencies, including through using volunteers, for participation in the program under this section.

“(2) REQUIREMENTS.—The Corporation shall ensure that every designated organization is—

“(A) prepared to respond to disasters or emergencies;

“(B) prepared and able to utilize National Service Reserve Corps members in responding to disasters or emergencies; and

“(C) willing to respond in a timely manner when notified by the Corporation of a disaster or emergency.

“(e) DATABASES.—The Corporation shall develop or contract with an outside organization to develop—

“(1) a database of all National Service Reserve Corps members; and

“(2) a database of all nonprofit organizations that have been designated by the Corporation under subsection (d).

“(f) DEPLOYMENT OF NATIONAL SERVICE RESERVE CORPS.—

“(1) MAJOR DISASTERS OR EMERGENCIES.—If a major disaster or emergency is declared by the President pursuant to section 102 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122), the Administrator of the Federal Emergency Management Agency, in consultation with the Cor-

poration, may task the National Service Reserve Corps to assist in response.

“(2) OTHER DISASTERS OR EMERGENCIES.—For a disaster or emergency that is not declared a major disaster or emergency under section 102 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122), the Corporation may directly, or through a grant or contract, deploy the National Service Reserve Corps.

“(3) DEPLOYMENT.—Under paragraph (1) or (2), the Corporation may—

“(A) deploy interested National Service Reserve Corps members on assignments of not more than 30 days to assist with local needs related to preparing or recovering from the incident in the affected area, either directly or through organizations designated under subsection (d);

“(B) make travel arrangements for the deployed National Service Reserve Corps members to the site of the incident; and

“(C) provide funds to those organizations that are responding to the incident with deployed National Service Reserve Corps members, to enable the organizations to coordinate and provide housing, living stipends, and insurance for those deployed members.

“(4) ALLOWANCE.—Any amounts that are utilized by the Corporation from funds appropriated under section 501(a)(4)(D) to carry out paragraph (1) for a fiscal year shall be kept in a separate fund. Any amounts in such fund that are not used during a fiscal year shall remain available to use to pay National Service Reserve Corps members an allowance, determined by the Corporation, for out-of-pocket expenses.

“(5) INFORMATION.—

“(A) NATIONAL SERVICE PARTICIPANTS.—The Corporation, the State Commissions, and entities receiving financial assistance for programs under subtitle C of this Act, or under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), shall inform participants about the National Service Reserve Corps upon the participants’ completion of their term of national service.

“(B) VETERANS.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall inform veterans who are recently discharged, released, or separated from the Armed Forces about the National Service Reserve Corps.

“(6) COORDINATION.—In deploying National Service Reserve Corps members under this subsection, the Corporation shall—

“(A) avoid duplication of activities directed by the Federal Emergency Management Agency; and

“(B) consult and, as appropriate, partner with Citizen Corps programs and other local disaster agencies, including State and local emergency management agencies, voluntary organizations active in disaster, State Commissions, and similar organizations, in the affected area.”.

#### SEC. 1807. SOCIAL INNOVATION FUNDS PILOT PROGRAM.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

### “PART III—SOCIAL INNOVATION FUNDS PILOT PROGRAM

#### “SEC. 198K. FUNDS.

“(a) FINDINGS.—Congress finds the following:

“(1) Social entrepreneurs and other nonprofit community organizations are developing innovative and effective solutions to national and local challenges.

“(2) Increased public and private investment in replicating and expanding proven effective solutions, and supporting new solutions, developed by social entrepreneurs and other nonprofit community organizations could allow those entrepreneurs and organizations to replicate and expand proven initiatives, and support new initiatives, in communities.

“(3) A network of Social Innovation Funds could leverage Federal investments to increase State, local, business, and philanthropic resources to replicate and expand proven solutions and invest in supporting new innovations to tackle specific identified community challenges.

“(b) PURPOSES.—The purposes of this section are—

“(1) to recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in tackling national and local challenges;

“(2) to stimulate the development of a network of Social Innovation Funds that will increase private and public investment in nonprofit community organizations that are effectively addressing national and local challenges to allow such organizations to replicate and expand proven initiatives or support new initiatives;

“(3) to assess the effectiveness of such Funds in—

“(A) leveraging Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

“(B) providing resources to replicate and expand effective initiatives; and

“(C) seeding experimental initiatives focused on improving outcomes in the areas described in subsection (f)(3); and

“(4) to strengthen the infrastructure to identify, invest in, replicate, and expand initiatives with effective solutions to national and local challenges.

“(c) DEFINITIONS.—In this section:

“(1) COMMUNITY ORGANIZATION.—The term ‘community organization’ means a nonprofit organization that carries out innovative, effective initiatives to address community challenges.

“(2) COVERED ENTITY.—The term ‘covered entity’ means—

“(A) an existing grantmaking institution (existing as of the date on which the institution applies for a grant under this section); or

“(B) a partnership between—

“(i) such an existing grantmaking institution; and

“(ii) an additional grantmaking institution, a State Commission, or a chief executive officer of a unit of general local government.

“(3) ISSUE AREA.—The term ‘issue area’ means an area described in subsection (f)(3).

“(d) PROGRAM.—From the amounts appropriated to carry out this section that are not reserved under subsections (l) and (m), the Corporation shall establish a Social Innovation Funds grant program to make grants on a competitive basis to eligible entities for Social Innovation Funds.

“(e) PERIODS; AMOUNTS.—The Corporation shall make such grants for periods of 5 years, and may renew the grants for additional periods of 5 years, in amounts of not less than \$1,000,000 and not more than \$10,000,000 per year.

“(f) ELIGIBILITY.—To be eligible to receive a grant under subsection (d), an entity shall—

“(1) be a covered entity;

“(2) be focused on—

“(A) serving a specific local geographical area; or

“(B) addressing a specific issue area;

“(3) be focused on improving measurable outcomes relating to—

“(A) education for economically disadvantaged elementary or secondary school students;

“(B) child and youth development;

“(C) reductions in poverty or increases in economic opportunity for economically disadvantaged individuals;

“(D) health, including access to health services and health education;

“(E) resource conservation and local environmental quality;

“(F) individual or community energy efficiency;

“(G) civic engagement; or

“(H) reductions in crime;

“(4) have an evidence-based decision-making strategy, including—

“(A) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; and

“(B) a well-articulated plan to—

“(i) replicate and expand research-proven initiatives that have been shown to produce sizeable, sustained benefits to participants or society; or

“(ii) support new initiatives with a substantial likelihood of significant impact; or

“(5) have appropriate policies, as determined by the Corporation, that protect against conflict of interest, self-dealing, and other improper practices.

“(g) APPLICATION.—To be eligible to receive a grant under subsection (d) for national leveraging capital, an eligible entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may specify, including, at a minimum—

“(1) an assurance that the eligible entity will—

“(A) use the funds received through that capital in order to make subgrants to community organizations that will use the funds to replicate or expand proven initiatives, or support new initiatives, in low-income communities;

“(B) in making decisions about subgrants for communities, consult with a diverse cross section of community representatives in the decisions, including individuals from the public, nonprofit private, and for-profit private sectors; and

“(C) make subgrants of a sufficient size and scope to enable the community organizations to build their capacity to manage initiatives, and sustain replication or expansion of the initiatives;

“(2) an assurance that the eligible entity will not make any subgrants to the parent organizations of the eligible entity, a subsidiary organization of the parent organization, or, if the eligible entity applied for funds under this section as a partnership, any member of the partnership;

“(3) an identification of, as appropriate—

“(A) the specific local geographical area referred to in subsection (f)(2)(A) that the eligible entity is proposing to serve; or

“(B) the issue area referred to in subsection (f)(2)(B) that the eligible entity will address, and the geographical areas that the eligible entity is likely to serve in addressing such issue area;

“(4)(A) information identifying the issue areas in which the eligible entity will work to improve measurable outcomes;

“(B) statistics on the needs related to those issue areas in, as appropriate—

“(i) the specific local geographical area described in paragraph (3)(A); or

“(ii) the geographical areas described in paragraph (3)(B), including statistics demonstrating that those geographical areas have the highest need in the specific issue area that the eligible entity is proposing to address; and

“(C) information on the specific measurable outcomes related to the issue areas involved that the eligible entity will seek to improve;

“(5) information describing the process by which the eligible entity selected, or will select, community organizations to receive the subgrants, to ensure that the community organizations—

“(A) are institutions—

“(i) with proven initiatives and a demonstrated track record of achieving specific outcomes related to the measurable outcomes for the eligible entity; or

“(ii) that articulate a new solution with a significant likelihood for substantial impact;

“(B) articulate measurable outcomes for the use of the subgrant funds that are connected to the measurable outcomes for the eligible entity;

“(C) will use the funds to replicate, expand, or support their initiatives;

“(D) provide a well-defined plan for replicating, expanding, or supporting the initiatives funded;

“(E) can sustain the initiatives after the subgrant period concludes through reliable public revenues, earned income, or private sector funding;

“(F) have strong leadership and financial and management systems;

“(G) are committed to the use of data collection and evaluation for improvement of the initiatives;

“(H) will implement and evaluate innovative initiatives, to be important contributors to knowledge in their fields; and

“(I) will meet the requirements for providing matching funds specified in subsection (k);

“(6) information about the eligible entity, including its experience managing collaborative initiatives, or assessing applicants for grants and evaluating the performance of grant recipients for outcome-focused initiatives, and any other relevant information;

“(7) a commitment to meet the requirements of subsection (i) and a plan for meeting the requirements, including information on any funding that the eligible entity has secured to provide the matching funds required under that subsection;

“(8) a description of the eligible entity's plan for providing technical assistance and support, other than financial support, to the community organizations that will increase the ability of the community organizations to achieve their measurable outcomes;

“(9) information on the commitment, institutional capacity, and expertise of the eligible entity concerning—

“(A) collecting and analyzing data required for evaluations, compliance efforts, and other purposes;

“(B) supporting relevant research; and

“(C) submitting regular reports to the Corporation, including information on the initiatives of the community organizations, and the replication or expansion of such initiatives;

“(10) a commitment to use data and evaluations to improve the eligible entity's own model and to improve the initiatives funded by the eligible entity; and

“(11) a commitment to cooperate with any evaluation activities undertaken by the Corporation.

“(h) SELECTION CRITERIA.—In selecting eligible entities to receive grants under subsection (d), the Corporation shall—

“(1) select eligible entities on a competitive basis;

“(2) select eligible entities on the basis of the quality of their selection process, as described in subsection (g)(5), the capacity of the eligible entities to manage Social Innovation Funds, and the potential of the eligible entities to sustain the Funds after the conclusion of the grant period;

“(3) include among the grant recipients eligible entities that propose to provide subgrants to serve communities (such as rural low-income communities) that the eligible entity can demonstrate are significantly philanthropically underserved;

“(4) select a geographically diverse set of eligible entities; and

“(5) take into account broad community perspectives and support.

“(i) MATCHING FUNDS FOR GRANTS.—

“(1) IN GENERAL.—The Corporation may not make a grant to an eligible entity under subsection (d) for a Social Innovation Fund unless the entity agrees that, with respect to the cost described in subsection (d) for that Fund, the entity will make available matching funds in an amount equal to not less than \$1 for every \$1 of funds provided under the grant.

“(2) ADDITIONAL REQUIREMENTS.—

“(A) TYPE AND SOURCES.—The eligible entity shall provide the matching funds in cash. The eligible entity shall provide the matching funds from State, local, or private sources, which may include State or local agencies, businesses, private philanthropic organizations, or individuals.

“(B) ELIGIBLE ENTITIES INCLUDING STATE COMMISSIONS OR LOCAL GOVERNMENT OFFICES.—

“(i) IN GENERAL.—In a case in which a State Commission, a local government office, or both entities are a part of the eligible entity, the State involved, the local government involved, or both entities, respectively, shall contribute not less than 30 percent and not more than 50 percent of the matching funds.

“(ii) LOCAL GOVERNMENT OFFICE.—In this subparagraph, the term ‘local government office’ means the office of the chief executive officer of a unit of general local government.

“(3) REDUCTION.—The Corporation may reduce by 50 percent the matching funds required by paragraph (1) for an eligible entity serving a community (such as a rural low-income community) that the eligible entity can demonstrate is significantly philanthropically underserved.

“(j) SUBGRANTS.—

“(1) SUBGRANTS AUTHORIZED.—An eligible entity receiving a grant under subsection (d) is authorized to use the funds made available through the grant to award, on a competitive basis, subgrants to expand or replicate proven initiatives, or support new initiatives with a substantial likelihood of success, to—

“(A) community organizations serving low-income communities within the specific local geographical area described in the eligible entity’s application in accordance with subsection (g)(3)(A); or

“(B) community organizations addressing a specific issue area described in the eligible entity’s application in accordance with subsection (g)(3)(B), in low-income communities in the geographical areas described in the application.

“(2) PERIODS; AMOUNTS.—The eligible entity shall make such subgrants for periods of not less than 3 and not more than 5 years, and may renew the subgrants for such periods, in amounts of not less than \$100,000 per year.

“(3) APPLICATIONS.—To be eligible to receive a subgrant from an eligible entity under this section, including receiving a payment for that subgrant each year, a community organization shall submit an application to an eligible entity that serves the specific local geographical area, or geographical areas, that the community organization proposes to serve, at such time, in such manner, and containing such information as the eligible entity may require, including—

“(A) a description of the initiative the community organization carries out and plans to replicate or expand, or of the new initiative the community organization intends to support, using funds received from the eligible entity, and how the initiative relates to the issue areas in which the eligible entity has committed to work in the eligible entity’s application, in accordance with subsection (g)(4)(A);

“(B) data on the measurable outcomes the community organization has improved, and information on the measurable outcomes the community organization seeks to improve by replicating or expanding a proven initiative or supporting a new initiative, which shall be among the measurable outcomes that the eligible entity identified in the eligible entity’s application, in accordance with subsection (g)(4)(C);

“(C) an identification of the community in which the community organization proposes to carry out an initiative, which shall be within a local geographical area described in the eligible entity’s application in accordance with subparagraph (A) or (B) of subsection (g)(3), as applicable;

“(D) a description of the evidence-based decisionmaking strategies the community organization uses to improve the measurable outcomes, including—

“(i) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; or

“(ii) a well-articulated plan to conduct, or partner with a research organization to conduct, rigorous evaluations to assess the effectiveness of initiatives addressing national or local challenges;

“(E) a description of how the community organization uses data to analyze and improve its initiatives;

“(F) specific evidence of how the community organization will meet the requirements for providing matching funds specified in subsection (k);

“(G) a description of how the community organization will sustain the replicated or expanded initiative after the conclusion of the subgrant period; and

“(H) any other information the eligible entity may require, including information necessary for the eligible entity to fulfill the requirements of subsection (g)(5).

“(k) MATCHING FUNDS FOR SUBGRANTS.—

“(1) IN GENERAL.—An eligible entity may not make a subgrant to a community organization under this section for an initiative described in subsection (j)(3)(A) unless the organization agrees that, with respect to the cost of carrying out that initiative, the organization will make available, on an annual basis, matching funds in an amount equal to not less than \$1 for every \$1 of funds provided under the subgrant. If the community organization fails to make such matching funds

available for a fiscal year, the eligible entity shall not make payments for the remaining fiscal years of the subgrant period, notwithstanding any other provision of this part.

“(2) TYPES AND SOURCES.—The community organization shall provide the matching funds in cash. The community organization shall provide the matching funds from State, local, or private sources, which may include funds from State or local agencies or private sector funding.

“(1) DIRECT SUPPORT.—

“(1) PROGRAM AUTHORIZED.—The Corporation may use not more than 10 percent of the funds appropriated for this section to award grants to community organizations serving low-income communities or addressing a specific issue area in geographical areas that have the highest need in that issue area, to enable such community organizations to replicate or expand proven initiatives or support new initiatives.

“(2) TERMS AND CONDITIONS.—A grant awarded under this subsection shall be subject to the same terms and conditions as a subgrant awarded under subsection (j).

“(3) APPLICATION; MATCHING FUNDS.—Paragraphs (2) and (3) of subsection (j) and subsection (k) shall apply to a community organization receiving or applying for a grant under this subsection in the same manner as such subsections apply to a community organization receiving or applying for a subgrant under subsection (j), except that references to a subgrant shall mean a grant and references to an eligible entity shall mean the Corporation.

“(m) RESEARCH AND EVALUATION.—

“(1) IN GENERAL.—The Corporation may reserve not more than 5 percent of the funds appropriated for this section for a fiscal year to support, directly or through contract with an independent entity, research and evaluation activities to evaluate the eligible entities and community organizations receiving grants under subsections (d) and (1) and the initiatives supported by the grants.

“(2) RESEARCH AND EVALUATION ACTIVITIES.—

“(A) RESEARCH AND REPORTS.—

“(i) IN GENERAL.—The entity carrying out this subsection shall collect data and conduct or support research with respect to the eligible entities and community organizations receiving grants under subsections (d) and (1), and the initiatives supported by such eligible entities and community organizations, to determine the success of the program carried out under this section in replicating, expanding, and supporting initiatives, including—

“(I) the success of the initiatives in improving measurable outcomes; and

“(II) the success of the program in increasing philanthropic investments in philanthropically underserved communities.

“(ii) REPORTS.—The Corporation shall submit periodic reports to the authorizing committees including—

“(I) the data collected and the results of the research under this subsection;

“(II) information on lessons learned about best practices from the activities carried out under this section, to improve those activities; and

“(III) a list of all eligible entities and community organizations receiving funds under this section.

“(iii) PUBLIC INFORMATION.—The Corporation shall annually post the list described in clause (ii)(III) on the Corporation’s website.

“(B) TECHNICAL ASSISTANCE.—The Corporation shall, directly or through contract, provide technical assistance to the eligible entities and community organizations that receive grants under subsections (d) and (l).”

“(C) KNOWLEDGE MANAGEMENT.—The Corporation shall, directly or through contract, maintain a clearinghouse for information on best practices resulting from initiatives supported by the eligible entities and community organizations.”

“(D) RESERVATION.—Of the funds appropriated under section 501(a)(4)(E) for a fiscal year, not more than 5 percent may be used to carry out this subsection.”.

#### SEC. 1808. CLEARINGHOUSES.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

#### “PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSES; VOLUNTEER GENERATION FUND

##### “SEC. 1980. NATIONAL SERVICE PROGRAMS CLEARINGHOUSES.

“(a) IN GENERAL.—The Corporation shall provide assistance, by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish 1 or more clearinghouses for information regarding the national service laws, which shall include information on service-learning and on service through other programs receiving assistance under the national service laws.”

“(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

“(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

“(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws, except that such clearinghouse may not conduct such research and evaluations if the recipient of the grant, contract, or cooperative agreement establishing the clearinghouse under this section is receiving funds for such purpose under part III of subtitle B or under this subtitle (not including this section);

“(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

“(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

“(4) facilitate communication among—

“(A) entities carrying out service-learning programs and programs offered under the national service laws; and

“(B) participants in such programs;

“(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

“(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

“(7) disseminate applications in languages other than English;

“(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to serv-

ice-learning, and service-learning projects; and

“(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

“(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

“(10) assist organizations in recruiting, screening, and placing a diverse population of service-learning coordinators and program sponsors;

“(11) disseminate effective strategies for working with disadvantaged youth in national service programs, as determined by organizations with an established expertise in working with such youth; and

“(12) carry out such other activities as the Chief Executive Officer determines to be appropriate.”

##### “SEC. 198P. VOLUNTEER GENERATION FUND.

“(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations for this section, the Corporation may make grants to State Commissions and nonprofit organizations for the purpose of assisting the State Commissions and nonprofit organizations to—

“(1) develop and carry out volunteer programs described in subsection (c); and

“(2) make subgrants to support and create new local community-based entities that recruit, manage, or support volunteers as described in such subsection.”

“(b) APPLICATION.—

“(1) IN GENERAL.—Each State Commission or nonprofit organization desiring a grant under this section shall submit an application to the Corporation at such time, in such manner, and accompanied by such information as the Corporation may reasonably require.”

“(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall contain—

“(A)(i) a description of the program that the applicant will provide;

“(B) an assurance that the applicant will annually collect information on—

“(i) the number of volunteers recruited for activities carried out under this section, using funds received under this section, and the type and amount of activities carried out by such volunteers; and

“(ii) the number of volunteers managed or supported using funds received under this section, and the type and amount of activities carried out by such volunteers;

“(C) a description of the outcomes the applicant will use to annually measure and track performance with regard to—

“(i) activities carried out by volunteers; and

“(ii) volunteers recruited, managed, or supported; and

“(D) such additional assurances as the Corporation determines to be essential to ensure compliance with the requirements of this section.”

“(c) ELIGIBLE VOLUNTEER PROGRAMS.—A State Commission or nonprofit organization receiving a grant under this section shall use the assistance—

“(1) directly to carry out volunteer programs or to develop and support community-based entities that recruit, manage, or support volunteers, by carrying out activities consistent with the goals of the subgrants described in paragraph (2); or

“(2) through subgrants to community-based entities to carry out volunteer programs or develop and support such entities

that recruit, manage, or support volunteers, through 1 or more of the following types of subgrants:

“(A) A subgrant to a community-based entity for activities that are consistent with the priorities set by the State's national service plan as described in section 178(e), or by the Corporation.

“(B) A subgrant to recruit, manage, or support volunteers to a community-based entity such as a volunteer coordinating agency, a nonprofit resource center, a volunteer training clearinghouse, an institution of higher education, or a collaborative partnership of faith-based and community-based organizations.”

“(C) A subgrant to a community-based entity that provides technical assistance and support to—

“(i) strengthen the capacity of local volunteer infrastructure organizations;

“(ii) address areas of national need (as defined in section 198B(a)); and

“(iii) expand the number of volunteers nationally.”

“(d) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under this section for a fiscal year—

“(A) the Corporation shall use 50 percent of such funds to award grants, on a competitive basis, to State Commissions and nonprofit organizations for such fiscal year; and

“(B) the Corporation shall use 50 percent of such funds make an allotment to the State Commissions of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico based on the formula described in subsections (e) and (f) of section 129, subject to paragraph (2).”

“(2) MINIMUM GRANT AMOUNT.—In order to ensure that each State Commission is able to improve efforts to recruit, manage, or support volunteers, the Corporation may determine a minimum grant amount for allotments under paragraph (1)(B).”

“(e) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount of any grant provided under this section for a fiscal year may be used to pay for administrative costs incurred by either the recipient of the grant or any community-based entity receiving assistance or a subgrant under such grant.”

“(f) MATCHING FUND REQUIREMENTS.—The Corporation share of the cost of carrying out a program that receives assistance under this section, whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed—

“(1) 80 percent of such cost for the first year in which the recipient receives such assistance;

“(2) 70 percent of such cost for the second year in which the recipient receives such assistance;

“(3) 60 percent of such cost for the third year in which the recipient receives such assistance; and

“(4) 50 percent of such cost for the fourth year in which the recipient receives such assistance and each year thereafter.”.

#### Subtitle I—Training and Technical Assistance

##### SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.

Title I is further amended by adding at the end the following new subtitle:

**“Subtitle J—Training and Technical Assistance**

**“SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.**

“(a) IN GENERAL.—The Corporation shall, directly or through grants, contracts, or cooperative agreements (including through State Commissions), conduct appropriate training for and provide technical assistance to—

“(1) programs receiving assistance under the national service laws; and

“(2) entities (particularly entities in rural areas and underserved communities) that desire to—

“(A) carry out or establish national service programs; or

“(B) apply for assistance (including subgrants) under the national service laws.

“(b) ACTIVITIES INCLUDED.—Such training and technical assistance activities may include—

“(1) providing technical assistance to entities applying to carry out national service programs or entities carrying out national service programs;

“(2) promoting leadership development in national service programs;

“(3) improving the instructional and programmatic quality of national service programs;

“(4) developing the management and budgetary skills of individuals operating or overseeing national service programs, including developing skills to increase the cost effectiveness of the programs under the national service laws;

“(5) providing for or improving the training provided to the participants in programs under the national service laws;

“(6) facilitating the education of individuals participating in national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

“(7) training individuals operating or overseeing national service programs—

“(A) in volunteer recruitment, management, and retention to improve the abilities of such individuals to use participants and other volunteers in an effective manner, which training results in high-quality service and the desire of participants and volunteers to continue to serve in other capacities after the program is completed;

“(B) in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the national service programs; or

“(C) to effectively accommodate individuals with disabilities to increase the participation of individuals with disabilities in national service programs, which training may utilize funding from the reservation of funds under section 129(k) to increase the participation of individuals with disabilities;

“(8) establishing networks and collaboration among employers, educators, and other key stakeholders in the community to further leverage resources to increase local participation in national service programs, and to coordinate community-wide planning and service with respect to national service programs;

“(9) providing training and technical assistance for the National Senior Service Corps, including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001); and

“(10) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

“(c) PRIORITY.—In carrying out this section, the Corporation shall give priority to programs under the national service laws and entities eligible to establish such programs that seek training or technical assistance and that—

“(1) seek to carry out high-quality programs where the services are needed most;

“(2) seek to carry out high-quality programs where national service programs do not exist or where the programs are too limited to meet community needs;

“(3) seek to carry out high-quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

“(4) seek to assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.”.

**Subtitle J—Repeal of Title III (Points of Light Foundation)**

**SEC. 1831. REPEAL.**

(a) IN GENERAL.—Title III (42 U.S.C. 12661 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Section 401 (42 U.S.C. 12671) is amended—

(1) in subsection (a), by striking “term” and all that follows through the period and inserting the following: “term ‘administrative organization’ means a nonprofit private organization that enters into an agreement with the Corporation to carry out this section.”; and

(2) by striking “Foundation” each place it appears and inserting “administrative organization”.

**Subtitle K—Amendments to Title V (Authorization of Appropriations)**

**SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.**

Section 501 (42 U.S.C. 12681) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) TITLE I.—

“(1) SUBTITLE B.—

“(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

“(i) \$97,000,000 for fiscal year 2010; and

“(ii) such sums as may be necessary for each of fiscal years 2011 through 2014.

“(B) PART IV RESERVATION.—Of the amount appropriated under subparagraph (A) for a fiscal year, the Corporation may reserve such sums as may be necessary to carry out part IV of subtitle B of title I.

“(C) SECTION 118A.—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than \$7,000,000 shall be made available for awards to Campuses of Service under section 118A.

“(D) SECTION 119(C)(8).—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than \$10,000,000 shall be made available for summer of service program grants under section 119(c)(8), and not more than \$10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 119(c)(8).

“(E) SECTION 119(C)(9).—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than \$20,000,000 shall be made available for youth engagement zone programs under section 119(c)(9).

“(F) GENERAL PROGRAMS.—Of the amount remaining after the application of subparagraphs (A) through (E) for a fiscal year—

“(i) not more than 60 percent shall be available to provide financial assistance under part I of subtitle B of title I;

“(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

“(iii) not less than 15 percent shall be available to provide financial assistance under part III of such subtitle.

“(2) SUBTITLES C AND D.—There are authorized to be appropriated, for each of fiscal years 2010 through 2014, such sums as may be necessary to provide financial assistance under subtitle C of title I and to provide national service educational awards under subtitle D of title I for the number of participants described in section 121(f)(1) for each such fiscal year.

“(3) SUBTITLE E.—

“(A) IN GENERAL.—There are authorized to be appropriated to operate the National Civilian Community Corps and provide financial assistance under subtitle E of title I, such sums as may be necessary for each of fiscal years 2010 through 2014.

“(B) PRIORITY.—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in this paragraph, priority shall be given to programs carrying out activities in areas for which the President has declared the existence of a major disaster, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), including a major disaster as a consequence of Hurricane Katrina or Rita.

“(4) SUBTITLE H.—

“(A) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014 to provide financial assistance under subtitle H of title I.

“(B) SECTION 198B.—Of the amount authorized under subparagraph (A) for a fiscal year, such sums as may be necessary shall be made available to provide financial assistance under section 198B and to provide national service educational awards under subtitle D of title I to the number of participants in national service positions established or increased as provided in section 198B(b)(3) for such year.

“(C) SECTION 198C.—Of the amount authorized under subparagraph (A) for a fiscal year, \$12,000,000 shall be made available to provide financial assistance under section 198C.

“(D) SECTION 198H.—Of the amount authorized under subparagraph (A) for a fiscal year, such sums as may be necessary shall be made available to provide financial assistance under section 198H.

“(E) SECTION 198K.—Of the amount authorized under subparagraph (A), there shall be made available to carry out section 198K—

“(i) \$50,000,000 for fiscal year 2010;

“(ii) \$60,000,000 for fiscal year 2011;

“(iii) \$70,000,000 for fiscal year 2012;

“(iv) \$80,000,000 for fiscal year 2013; and

“(v) \$100,000,000 for fiscal year 2014.

“(F) SECTION 198P.—Of the amount authorized under subparagraph (A), there shall be made available to carry out section 198P—

“(i) \$50,000,000 for fiscal year 2010;

“(ii) \$60,000,000 for fiscal year 2011;

“(iii) \$70,000,000 for fiscal year 2012;

“(iv) \$80,000,000 for fiscal year 2013; and

“(v) \$100,000,000 for fiscal year 2014.

“(5) ADMINISTRATION.—

“(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including financial assistance under section 126(a), such sums as may be necessary for each of fiscal years 2010 through 2014.

“(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, a portion shall be made available to provide financial assistance under section 126(a).”

“(6) EVALUATION, TRAINING, AND TECHNICAL ASSISTANCE.—Notwithstanding paragraphs (1), (2), and (4) and any other provision of law, of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve not more than 2.5 percent to carry out sections 112(e) and 179A and subtitle J, of which \$1,000,000 shall be used by the Corporation to carry out section 179A. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which the amounts are reserved.”;

(2) by striking subsections (b) and (d); and  
(3) by redesignating subsection (c) as subsection (b).

## TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973

### SEC. 2001. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

### SEC. 2002. VOLUNTEERISM POLICY.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking “both young” and all that follows through the period and inserting “individuals of all ages and backgrounds.”; and

(2) in subsection (b), by inserting after “State, and local agencies” the following: “, expand relationships with, and support for, the efforts of civic, community, and educational organizations.”.

### Subtitle A—National Volunteer Antipoverty Programs

## CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA

### SEC. 2101. STATEMENT OF PURPOSE.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking “exploit” and all that follows through the period and inserting “increase opportunities for self-advancement by persons affected by such problems.”; and

(2) in the third sentence, by striking “at the local level” and all that follows through the period and inserting “at the local level, to support efforts by local agencies and community organizations to achieve long-term sustainability of projects, and to strengthen local agencies and community organizations to carry out the objectives of this part.”.

### SEC. 2102. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “the Commonwealth of the Northern Mariana Islands,” after “American Samoa.”;

(B) in paragraph (2), by striking “handicapped individuals” and all that follows through the semicolon and inserting “individuals with disabilities, especially individuals with severe disabilities.”;

(C) in paragraph (3), by striking “the jobless, the hungry,” and inserting “unemployed individuals.”;

(D) in paragraph (4), by striking “prevention, education,” and inserting “through prevention, education, rehabilitation, treatment.”;

(E) in paragraph (5), by striking “chronic and life-threatening illnesses” and inserting “mental illness, chronic and life-threatening illnesses.”;

(F) in paragraph (6)—

(i) by striking “Headstart act” and inserting “Head Start Act.”; and

(ii) by striking “and” after the semicolon at the end;

(G) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(H) by adding at the end the following:

“(8) in assisting with the reentry and reintegration of formerly incarcerated youth and adults into society, including providing training and counseling in education, employment, and life skills;

“(9) in developing and carrying out financial literacy, financial planning, budgeting, saving, and reputable credit accessibility programs in low-income communities, including those programs that educate individuals about financing home ownership and higher education;

“(10) in initiating and supporting before-school and after-school programs, serving children in low-income communities, that may engage participants in mentoring, tutoring, life skills and study skills programs, service-learning, physical, nutrition, and health education programs, and other activities addressing the needs of the children;

“(11) in establishing and supporting community economic development initiatives, with a priority on work on such initiatives in rural areas and the other areas where such initiatives are needed most;

“(12) in assisting veterans and their family members through establishing or augmenting programs that assist such persons with access to legal assistance, health care (including mental health care), employment counseling or training, education counseling or training, affordable housing, and other support services; and

“(13) in addressing the health and wellness of individuals in low-income communities and individuals in underserved communities, including programs to increase access to preventive services, insurance, and health services.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “recruitment and placement procedures” and inserting “placement procedures that involve sponsoring organizations and”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “Community Service Trust Act of 1993” and all that follows through the period at the end of the fourth sentence and inserting “Community Service Act of 1990.”;

(ii) in subparagraph (B), by striking “central information system that shall, on request, promptly provide” and inserting “database that provides”; and

(iii) in subparagraph (C), in the second sentence, by inserting “and management” after “the recruitment”; and

(C) in paragraph (5)(B), by striking “information system” and inserting “database”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “the Internet and related technologies,” before “radio.”;

(ii) in subparagraph (B), by inserting “Internet and related technologies,” before “print media.”;

(iii) in subparagraph (C), by inserting “State or local offices of economic development, State employment security agencies, employment offices,” before “and other institutions.”; and

(iv) in subparagraph (F), by striking “Community Service Trust Act of 1993” and inserting “Community Service Act of 1990”; and

(B) by striking paragraph (4);

(4) in subsection (d), in the second sentence, by striking “private industry council established under the Job Training Partnership Act or”;

(5) in subsection (g), in the first sentence, by striking “, and such” and all that follows through the period and inserting a period; and

(6) by adding at the end the following:

“(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this part.”.

### SEC. 2103. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended—

(1) by striking the first sentence and inserting the following: “Such stipend shall be set at a rate that is not less than a minimum of \$125 per month and not more than a maximum of \$150 per month, subject to the availability of funds to provide such a maximum rate.”; and

(2) in the second sentence, by striking “stipend of a maximum of \$200 per month” and inserting “stipend set at a rate that is not more than a maximum of \$250 per month”.

### SEC. 2104. REPEAL.

Section 109 (42 U.S.C. 4959) is repealed.

### SEC. 2105. REDESIGNATION.

Section 110 (42 U.S.C. 4960) is redesignated as section 109.

## CHAPTER 2—UNIVERSITY YEAR FOR VISTA

### SEC. 2121. UNIVERSITY YEAR FOR VISTA.

Part B of title I (42 U.S.C. 4971 et seq.) is repealed.

## CHAPTER 3—SPECIAL VOLUNTEER PROGRAMS

### SEC. 2131. STATEMENT OF PURPOSE.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking “situations” and inserting “organizations”.

### SEC. 2132. LITERACY CHALLENGE GRANTS.

Section 124 (42 U.S.C. 4995) is repealed.

### Subtitle B—National Senior Service Corps

### SEC. 2141. TITLE.

Title II (42 U.S.C. 5000 et seq.) is amended by striking the title heading and inserting the following:

“TITLE II—NATIONAL SENIOR SERVICE CORPS”.

### SEC. 2142. STATEMENT OF PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

#### “SEC. 200. STATEMENT OF PURPOSE.

“It is the purpose of this title to provide—

“(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency and disaster preparedness, relief, and recovery, health and human needs, and the environment;

“(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs, to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

“(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge,



experiences, abilities, and skills for the betterment of their communities and themselves;

“(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need; and

“(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide support services and companionship to other older individuals through volunteer service.”.

**SEC. 2143. RETIRED AND SENIOR VOLUNTEER PROGRAM.**

Section 201 (42 U.S.C. 5001(a)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “avail” and all that follows through “community,” and inserting “share their experiences, abilities, and skills to improve their communities and themselves through service in their communities.”;

(B) in paragraph (2), by striking “, and individuals 60 years of age or older will be given priority for enrollment,”; and

(C) in paragraph (4)—

(i) by striking “established and will be carried out” and inserting “designed and implemented”; and

(ii) by striking “field of service” and all that follows through the period at the end and inserting “field of service to be provided, as well as persons who have expertise in the management of volunteers and the needs of older individuals.”; and

(2) by adding at the end the following:

“(e)(1) Beginning with fiscal year 2013 and for each fiscal year thereafter, each grant or contract awarded under this section, for such a year, shall be—

“(A) awarded for a period of 3 years, with an option for a grant renewal of 3 years if the grantee meets the performance measures established under subsection (g); and

“(B) awarded through a competitive process described in paragraph (2).

“(2)(A) The Corporation shall promulgate regulations establishing the competitive process required under paragraph (1)(B), and make such regulations available to the public, not later than 18 months after the date of the enactment of the Serve America Act. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the competitive process.

“(B) The competitive process required by subparagraph (A) shall—

“(i) include the use of a peer review panel, including members with expertise in senior service and aging, to review applications;

“(ii) include site inspections of programs assisted under this section, as appropriate;

“(iii) in the case of an applicant who has previously received a grant or contract for a program under this section, include an evaluation of the program conducted by a review team, as described in subsection (f);

“(iv) ensure that—

“(I) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle support an aggregate number of volunteer service years for a given geographic service area that is not less than the aggregate number of volunteer service years supported under this section for such service area for the previous grant or contract cycle;

“(II) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle maintain a similar program distribution, as compared to the program distribution for the previous grant or contract cycle; and

“(III) every effort is made to minimize the disruption to volunteers; and

“(v) include the use of performance measures, outcomes, and other criteria established under subsection (g).

“(f)(1) Notwithstanding section 412, and effective beginning 180 days after the date of enactment of the Serve America Act, each grant or contract under this section that expires in fiscal year 2011, 2012, or 2013 shall be subject to an evaluation process conducted by a review team described in paragraph (4). The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2010, 2011, and 2012, respectively.

“(2) The Corporation shall promulgate regulations establishing the evaluation process required under paragraph (1), and make such regulations available to the public, not later than 18 months after the date of enactment of the Serve America Act. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the evaluation process.

“(3) The evaluation process required under paragraph (1) shall—

“(A) include performance measures, outcomes, and other criteria established under subsection (g); and

“(B) evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria through a review of the recipient.

“(4) To the maximum extent practicable, the Corporation shall provide that each evaluation required by this subsection is conducted by a review team that—

“(A) includes individuals who are knowledgeable about programs assisted under this section;

“(B) includes current or former employees of the Corporation who are knowledgeable about programs assisted under this section;

“(C) includes representatives of communities served by volunteers of programs assisted under this section; and

“(D) shall receive periodic training to ensure quality and consistency across evaluations.

“(5) The findings of an evaluation described in this subsection of a program described in paragraph (1) shall—

“(A) be presented to the recipient of the grant or contract for such program in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and

“(B) be used as the basis for program improvement, and for the provision of training and technical assistance.

“(g)(1) The Corporation shall, with particular attention to the different needs of rural and urban programs assisted under this section, develop performance measures, outcomes, and other criteria for programs assisted under this section that—

“(A) include an assessment of the strengths and areas in need of improvement of a program assisted under this section;

“(B) include an assessment of whether such program has adequately addressed population and community-wide needs;

“(C) include an assessment of the efforts of such program to collaborate with other community-based organizations, units of government, and entities providing services to seniors, taking into account barriers to such collaboration that such program may encounter;

“(D) include a protocol for fiscal management that shall be used to assess such pro-

gram's compliance with the program requirements for the appropriate use of Federal funds;

“(E) include an assessment of whether the program is in conformity with the eligibility, outreach, enrollment, and other requirements for programs assisted under this section; and

“(F) contain other measures of performance developed by the Corporation, in consultation with the review teams described in subsection (f)(4).

“(2)(A) The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with directors of programs under this section, but not earlier than fiscal year 2014.

“(B) For each fiscal year preceding fiscal year 2014, the Corporation may, after consulting with directors of the programs under this section, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with such directors and after notifying the authorizing committees—

“(i) eliminate the use of that performance measure, outcome or criterion; or

“(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

“(3) In the event that a program does not meet one or more of the performance measures, outcome, or criteria established under this subsection, the Corporation shall initiate procedures to terminate the program in accordance with section 412.

“(h) The Chief Executive Officer shall develop procedures by which programs assisted under this section may receive training and technical assistance, which may include regular monitoring visits to assist programs in meeting the performance measures, outcomes, and criteria.

“(i)(1) Notwithstanding subsection (g)(3) or section 412, the Corporation shall continue to fund a program assisted under this section that has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for not more than 12 months if the competitive process established under subsection (e) does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and the disruption of services.

“(2) In the case where a program is continued under paragraph (1), the Corporation shall conduct outreach regarding the availability of a grant under this section for the area served by such program and establish a new competition for awarding the successor program to the continued program. The recipient operating the continued program shall remain eligible for the new competition.

“(3) The Corporation may monitor the recipient of a grant or contract supporting a program continued under paragraph (1) during this period and may provide training and technical assistance to assist such recipient in meeting the performance measures for such program.

“(j) The Corporation shall develop and disseminate an online resource guide for programs under this section not later than 180 days after the date of enactment of the Serve America Act, which shall include—

“(1) examples of high-performing programs assisted under this section;

“(2) corrective actions for underperforming programs; and

“(3) examples of meaningful outcome-based performance measures, outcomes, and criteria that capture a program’s mission and priorities.”.

#### SEC. 2144. FOSTER GRANDPARENT PROGRAM.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a)—  
(A) in the first sentence—  
(i) by striking “aged sixty” and inserting “age 55”; and  
(ii) by striking “children having exceptional needs” and inserting “children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development”; and  
(B) in the second sentence—  
(i) by striking “any of a variety of”; and  
(ii) by striking “children with special or exceptional needs” and inserting “children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development”;

(2) in subsection (b)—  
(A) in paragraph (1)—  
(i) in the matter preceding subparagraph (A), by striking “shall have” and all that follows through “(2) of the subsection” and inserting “may determine”;  
(ii) in subparagraph (A), by striking “and” after the semicolon at the end;  
(iii) in subparagraph (B), by striking the period at the end and inserting “; and”; and  
(iv) by adding at the end the following:  
“(C) whether it is in the best interest of the child receiving, and the particular foster grandparent providing, services in such a project, to continue the relationship between the child and the grandparent under this part after the child reaches the age of 21, if such child is an individual with a disability who was receiving such services prior to attaining the age of 21.”; and  
(B) by striking paragraph (2) and inserting the following:

“(2) If an assignment of a foster grandparent under this part is suspended or discontinued, the replacement of that foster grandparent shall be determined in a manner consistent with paragraph (3).”;

(3) in subsection (d), by striking “\$2.45 per hour” and all that follows through “five cents, except” and inserting “\$3.00 per hour, except”;

(4) in subsection (e)—  
(A) in paragraph (1), by striking “125 percent” and inserting “200 percent”; and  
(B) in paragraph (2), by striking “per centum” and inserting “percent”; and  
(5) in subsection (f)(1)—  
(A) in subparagraph (A), by striking “subparagraphs (B) and (C)” and inserting “subparagraph (B)”; and  
(B) by striking subparagraph (C).

SEC. 2145. SENIOR COMPANION PROGRAM.  
Section 213(a) (42 U.S.C. 5013(a)) is amended by striking “aged 60 or over” and inserting “age 55 or older”.

SEC. 2146. GENERAL PROVISIONS.  
(a) PROMOTION OF NATIONAL SENIOR SERVICE CORPS.—Section 221 (42 U.S.C. 5021) is amended—

(1) in the section heading, by striking “VOLUNTEER” and inserting “SERVICE”; and  
(2) in subsection (b)(2), by striking “participation of volunteers” and inserting “participation of volunteers of all ages and backgrounds, living in urban or rural communities”.

(b) MINORITY POPULATION PARTICIPATION.—Section 223 (42 U.S.C. 5023) is amended—

(1) in the section heading, by striking “GROUP” and inserting “POPULATION”; and

(2) by striking “sixty years and older from minority groups” and inserting “age 55 years or older from minority populations”.

(c) USE OF LOCALLY GENERATED CONTRIBUTIONS IN NATIONAL SENIOR SERVICE CORPS.—Section 224 (42 U.S.C. 5024) is amended—

(1) in the section heading, by striking “VOLUNTEER” and inserting “SERVICE”; and  
(2) by striking “Volunteer Corps” and inserting “Service Corps”.

(d) NATIONAL PROBLEMS OF LOCAL CONCENTRATION.—Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—  
(A) in paragraph (1)—  
(i) in subparagraph (B), by striking “(10), (12), (15), and (16)” and inserting “(9), (11), and (14)”; and  
(ii) in subparagraph (C), by striking “(10)” and inserting “(9)”;  
(B) by amending paragraph (2) to read as follows:

“(2) An applicant for a grant under paragraph (1) shall determine whether the program to be supported by the grant is a program under part A, B, or C, and shall submit an application as required for such program.”; and  
(C) by adding at the end the following:

“(4) To the maximum extent practicable, the Director shall ensure that not less than 25 percent of the funds appropriated under this section are used to award grants—  
“(A) to applicants for grants under this section that are not receiving assistance from the Corporation at the time of such grant award; or  
“(B) to applicants from locations where no programs supported under part A, B, or C are in effect at the time of such grant award.”

(5) Notwithstanding paragraph (4), if, for a fiscal year, less than 25 percent of the applicants for grants under this section are applicants described in paragraph (4), the Director may use an amount that is greater than 75 percent of the funds appropriated under this subsection to award grants to applicants that are already receiving assistance from the Corporation at the time of such grant award.”;

(2) in subsection (b)—  
(A) in paragraph (2), by inserting “through education, prevention, treatment, and rehabilitation” before the period at the end;  
(B) by striking paragraph (4) and inserting the following:  
“(4) Programs that establish and support mentoring programs for low-income youth, including mentoring programs that match such youth with mentors and match such youth with employment and training programs, including apprenticeship programs.”;

(C) in paragraph (5), by inserting “, including literacy programs that serve youth, and adults, with limited English proficiency” before the period at the end;  
(D) by striking paragraphs (6) and (7) and inserting the following:  
“(6) Programs that provide respite care, including care for elderly individuals and for children and individuals with disabilities or chronic illnesses who are living at home.  
“(7) Programs that provide before-school and after-school activities, serving children in low-income communities, that may engage participants in mentoring relationships, tutoring, life skills, and study skills programs, service-learning, physical, nutrition, and health education programs, and other activities addressing the needs of the children in the communities, including children of working parents.”;

(E) by striking paragraph (8);

(F) by redesignating paragraphs (9) through (15) as paragraphs (8) through (14), respectively;

(G) in paragraph (10) (as redesignated by subparagraph (F))—

(i) by striking “educationally disadvantaged children” and inserting “students”; and  
(ii) by striking “the basic skills of such children” and inserting “the academic achievement of such students”;

(H) by striking paragraph (11) (as redesignated by subparagraph (F)) and inserting the following:

“(11) Programs that engage older individuals with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community, including service relating to conducting energy audits, insulating homes, or conducting other activities to promote energy efficiency.”;

(I) by striking paragraph (14) (as redesignated by subparagraph (F)) and inserting the following:

“(14) Programs in which the grant recipients involved collaborate with criminal justice professionals and organizations in order to provide prevention programs that serve low-income youth or youth reentering society after incarceration and their families, which prevention programs may include mentoring, counseling, or employment counseling.”;

(J) by striking paragraph (16); and  
(K) by redesignating paragraphs (17) and (18) as paragraphs (15) and (16), respectively;

(3) in subsection (c)(1), by inserting “and that such applicant has expertise applicable to implementing the proposed program for which the applicant is requesting the grant” before the period at the end; and  
(4) in subsection (e), by inserting “widely” after “shall”.

(e) ACCEPTANCE OF DONATIONS.—Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end the following:

“SEC. 228. ACCEPTANCE OF DONATIONS.  
“(a) IN GENERAL.—Except as provided in subsection (b), an entity receiving assistance under this title may accept donations, including donations in cash or in kind fairly evaluated, including plant, equipment, or services.  
“(b) EXCEPTION.—An entity receiving assistance under this title to carry out an activity shall not accept donations from the beneficiaries of the activity.”.

Subtitle C—Administration and Coordination  
SEC. 2151. SPECIAL LIMITATIONS.

Section 404(a) (42 U.S.C. 5044(a)) is amended by inserting “or other volunteers (not including participants under this Act and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.))” after “employed workers” both places such term appears.

SEC. 2152. APPLICATION OF FEDERAL LAW.  
Section 415 (42 U.S.C. 5055) is amended—

(1) in subsection (c), by inserting “(as such part was in effect on the day before the date of enactment of the Serve America Act)” after “part B”; and  
(2) in subsection (e), by inserting “(as such part was in effect on the day before the date of enactment of the Serve America Act)” after “A, B”.

SEC. 2153. EVALUATION.  
Section 416 (42 U.S.C. 5056) is amended—

(1) in subsection (a), in the first sentence, by striking “(including)” and all that follows through “(3 years)”; and  
(2) in subsection (f)(3), by striking “Committee on Education and Labor of the House

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(2) in subsection (f)(3), by striking “Committee on Education and Labor of the House

of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees".

#### SEC. 2154. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting ", the Commonwealth of the Northern Mariana Islands," after "American Samoa";

(2) by striking paragraph (7);

(3) in paragraph (13), by striking "Volunteer Corps" and inserting "Service Corps";

(4) in paragraph (14), by striking "Volunteer Corps" and inserting "Service Corps";

(5) by redesignating paragraphs (8) through (20) as paragraphs (7) through (19), respectively;

(6) in paragraph (18) (as redesignated by paragraph (5)), by striking "and" after the semicolon at the end;

(7) in paragraph (19) (as redesignated by paragraph (5)), by striking the period at the end and inserting "; and"; and

(8) by adding at the end the following:

"(20) the term 'authorizing committees' means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.".

#### SEC. 2155. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended, in the matter following paragraph (2), by striking "Volunteer Corps" and inserting "Service Corps".

#### SEC. 2156. PROVISIONS UNDER THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Title IV (42 U.S.C. 5043 et seq.) is amended by adding at the end the following:

#### "SEC. 426. PROVISIONS UNDER THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

"The Corporation shall carry out this Act in accordance with the provisions of this Act and the relevant provisions of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), particularly the provisions of section 122 and subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12572, 12631 et seq.) relating to the national service laws.".

#### Subtitle D—Authorization of Appropriations

#### SEC. 2161. AUTHORIZATIONS OF APPROPRIATIONS.

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I \$100,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2014.

"(2) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I such sums as may be necessary for each of fiscal years 2010 through 2014."; and

(B) by redesignating paragraph (5) as paragraph (3);

(2) in subsection (c), by striking "part B or C" and inserting "part C"; and

(3) by striking subsection (e).

(b) NATIONAL SENIOR SERVICE CORPS.—Section 502 (42 U.S.C. 5082) is amended to read as follows:

#### "SEC. 502. NATIONAL SENIOR SERVICE CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, \$70,000,000 for fiscal year 2010, and such sums

as may be necessary for each of the fiscal years 2011 through 2014.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, \$115,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, \$55,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 2010 through 2014.".

(c) ADMINISTRATION AND COORDINATION.—Section 504 (42 U.S.C. 5084) is amended—

(1) in subsection (a), by striking "fiscal years 1994 through 1996" and inserting "fiscal years 2010 through 2014"; and

(2) in subsection (b), by striking "fiscal years 1994 through 1996" and inserting "fiscal years 2010 through 2014".

#### TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

#### SEC. 3101. TABLE OF CONTENTS OF THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Section 1(b) of the National and Community Service Act of 1990 is amended to read as follows:

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title and table of contents.

"Sec. 2. Findings and purpose.

#### "TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

##### "Subtitle A—General Provisions

"Sec. 101. Definitions.

"Sec. 102. Authority to make State grants.

##### "Subtitle B—School-Based and Community-Based Service-Learning Programs

##### "PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS

"Sec. 111. Purpose.

"Sec. 111A. Definitions.

"Sec. 112. Assistance to States, territories, and Indian tribes.

"Sec. 112A. Allotments.

"Sec. 113. Applications.

"Sec. 114. Consideration of applications.

"Sec. 115. Participation of students and teachers from private schools.

"Sec. 116. Federal, State, and local contributions.

"Sec. 117. Limitations on uses of funds.

##### "PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 118. Higher education innovative programs for community service.

"Sec. 118A. Campuses of Service.

##### "PART III—INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH

"Sec. 119. Innovative and community-based service-learning programs and research.

##### "PART IV—SERVICE-LEARNING IMPACT STUDY

"Sec. 120. Study and report.

##### "Subtitle C—National Service Trust Program

##### "PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance and approved national service positions.

"Sec. 122. National service programs eligible for program assistance.

"Sec. 123. Types of national service positions eligible for approval for national service educational awards.

"Sec. 124. Types of program assistance.

"Sec. 126. Other special assistance.

##### "PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance and approved national service positions.

"Sec. 129A. Educational awards only program.

"Sec. 130. Application for assistance and approved national service positions.

"Sec. 131. National service program assistance requirements.

"Sec. 132. Ineligible service categories.

"Sec. 132A. Prohibited activities and ineligible organizations.

"Sec. 133. Consideration of applications.

##### "PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.

"Sec. 138. Selection of national service participants.

"Sec. 139. Terms of service.

"Sec. 140. Living allowances for national service participants.

"Sec. 141. National service educational awards.

##### "Subtitle D—National Service Trust and Provision of Educational Awards

"Sec. 145. Establishment of the National Service Trust.

"Sec. 146. Individuals eligible to receive an educational award from the Trust.

"Sec. 146A. Certifications of successful completion of terms of service.

"Sec. 147. Determination of the amount of the educational award.

"Sec. 148. Disbursement of educational awards.

"Sec. 149. Approval process for approved positions.

##### "Subtitle E—National Civilian Community Corps

"Sec. 151. Purpose.

"Sec. 152. Establishment of National Civilian Community Corps Program.

"Sec. 153. National service program.

"Sec. 154. Summer national service program.

"Sec. 155. National Civilian Community Corps.

"Sec. 156. Training.

"Sec. 157. Service projects.

"Sec. 158. Authorized benefits for Corps members.

"Sec. 159. Administrative provisions.

"Sec. 160. Status of Corps members and Corps personnel under Federal law.

"Sec. 161. Contract and grant authority.

"Sec. 162. Responsibilities of Department of Defense.

"Sec. 163. Advisory board.

"Sec. 164. Evaluations.

"Sec. 165. Definitions.

##### "Subtitle F—Administrative Provisions

"Sec. 171. Family and medical leave.

"Sec. 172. Reports.

"Sec. 173. Supplementation.

"Sec. 174. Prohibition on use of funds.

"Sec. 175. Nondiscrimination.

"Sec. 176. Notice, hearing, and grievance procedures.

"Sec. 177. Nonduplication and nondisplacement.

"Sec. 178. State Commissions on National and Community Service.

"Sec. 179. Evaluation.  
 "Sec. 179A. Civic Health Assessment and volunteering research and evaluation.  
 "Sec. 180. Engagement of participants.  
 "Sec. 181. Contingent extension.  
 "Sec. 182. Partnerships with schools.  
 "Sec. 183. Rights of access, examination, and copying.  
 "Sec. 184. Drug-free workplace requirements.  
 "Sec. 185. Consolidated application and reporting requirements.  
 "Sec. 186. Sustainability.  
 "Sec. 187. Grant periods.  
 "Sec. 188. Generation of volunteers.  
 "Sec. 189. Limitation on program grant costs.  
 "Sec. 189A. Matching requirements for severely economically distressed communities.  
 "Sec. 189B. Audits and reports.  
 "Sec. 189C. Restrictions on Federal Government and uses of Federal funds.  
 "Sec. 189D. Criminal history checks.  
 "Subtitle G—Corporation for National and Community Service  
 "Sec. 191. Corporation for National and Community Service.  
 "Sec. 192. Board of Directors.  
 "Sec. 192A. Authorities and duties of the Board of Directors.  
 "Sec. 193. Chief Executive Officer.  
 "Sec. 193A. Authorities and duties of the Chief Executive Officer.  
 "Sec. 194. Officers.  
 "Sec. 195. Employees, consultants, and other personnel.  
 "Sec. 196. Administration.  
 "Sec. 196A. Corporation State offices.  
 "Sec. 196B. Assignment to State Commissions.  
 "Sec. 196C. Study of involvement of veterans.  
 "Subtitle H—Investment for Quality and Innovation  
 "PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE  
 "Sec. 198. Additional corporation activities to support national service.  
 "Sec. 198A. Presidential awards for service.  
 "Sec. 198B. ServeAmerica Fellowships.  
 "Sec. 198C. Silver Scholarships and Encore Fellowships.  
 "PART II—NATIONAL SERVICE RESERVE CORPS  
 "Sec. 198H. National Service Reserve Corps.  
 "PART III—SOCIAL INNOVATION FUNDS PILOT PROGRAM  
 "Sec. 198K. Funds.  
 "PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSES; VOLUNTEER GENERATION FUND  
 "Sec. 198O. National service programs clearinghouses.  
 "Sec. 198P. Volunteer generation fund.  
 "Subtitle I—American Conservation and Youth Corps  
 "Sec. 199. Short title.  
 "Sec. 199A. General authority.  
 "Sec. 199B. Limitation on purchase of capital equipment.  
 "Sec. 199C. State application.  
 "Sec. 199D. Focus of programs.  
 "Sec. 199E. Related programs.  
 "Sec. 199F. Public lands or Indian lands.  
 "Sec. 199G. Training and education services.  
 "Sec. 199H. Preference for certain projects.  
 "Sec. 199I. Age and citizenship criteria for enrollment.  
 "Sec. 199J. Use of volunteers.  
 "Sec. 199K. Living allowance.

"Sec. 199L. Joint programs.  
 "Sec. 199M. Federal and State employee status.  
 "Subtitle J—Training and Technical Assistance  
 "Sec. 199N. Training and technical assistance.  
 "TITLE II—MODIFICATIONS OF EXISTING PROGRAMS  
 "Subtitle A—Publication  
 "Sec. 201. Information for students.  
 "Sec. 202. Exit counseling for borrowers.  
 "Sec. 203. Department information on deferments and cancellations.  
 "Sec. 204. Data on deferments and cancellations.  
 "Subtitle B—Youthbuild Projects  
 "Sec. 211. Youthbuild projects.  
 "Subtitle C—Amendments to Student Literacy Corps  
 "Sec. 221. Amendments to Student Literacy Corps.  
 "TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS  
 "Sec. 401. Projects.  
 "TITLE V—AUTHORIZATION OF APPROPRIATIONS  
 "Sec. 501. Authorization of appropriations.  
 "TITLE VI—MISCELLANEOUS PROVISIONS  
 "Sec. 601. Amtrak waste disposal.  
 "Sec. 602. Exchange program with countries in transition from totalitarianism to democracy."  
**SEC. 3102. TABLE OF CONTENTS OF THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.**  
 Section 1(b) of the Domestic Volunteer Service Act of 1973 is amended to read as follows:  
 "(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:  
 "Sec. 1. Short title; table of contents.  
 "Sec. 2. Volunteerism policy.  
 "TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS  
 "PART A—VOLUNTEERS IN SERVICE TO AMERICA  
 "Sec. 101. Statement of purpose.  
 "Sec. 102. Authority to operate VISTA program.  
 "Sec. 103. Selection and assignment of volunteers.  
 "Sec. 104. Terms and periods of service.  
 "Sec. 105. Support service.  
 "Sec. 106. Participation of beneficiaries.  
 "Sec. 107. Participation of younger and older persons.  
 "Sec. 108. Limitation.  
 "Sec. 109. Applications for assistance.  
 "PART C—SPECIAL VOLUNTEER PROGRAMS  
 "Sec. 121. Statement of purpose.  
 "Sec. 122. Authority to establish and operate special volunteer and demonstration programs.  
 "Sec. 123. Technical and financial assistance.  
 "TITLE II—NATIONAL SENIOR SERVICE CORPS  
 "Sec. 200. Statement of purpose.  
 "PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM  
 "Sec. 201. Grants and contracts for volunteer service projects.  
 "PART B—FOSTER GRANDPARENT PROGRAM  
 "Sec. 211. Grants and contracts for volunteer service projects.  
 "PART C—SENIOR COMPANION PROGRAM  
 "Sec. 213. Grants and contracts for volunteer service projects.

"PART D—GENERAL PROVISIONS  
 "Sec. 221. Promotion of National Senior Service Corps.  
 "Sec. 222. Payments.  
 "Sec. 223. Minority population participation.  
 "Sec. 224. Use of locally generated contributions in National Senior Service Corps.  
 "Sec. 225. Programs of national significance.  
 "Sec. 226. Adjustments to Federal financial assistance.  
 "Sec. 227. Multiyear grants or contracts.  
 "Sec. 228. Acceptance of donations.  
 "PART E—DEMONSTRATION PROGRAMS  
 "Sec. 231. Authority of Director.  
 "TITLE IV—ADMINISTRATION AND COORDINATION  
 "Sec. 403. Political activities.  
 "Sec. 404. Special limitations.  
 "Sec. 406. Labor standards.  
 "Sec. 408. Joint funding.  
 "Sec. 409. Prohibition of Federal control.  
 "Sec. 410. Coordination with other programs.  
 "Sec. 411. Prohibition.  
 "Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.  
 "Sec. 414. Distribution of benefits between rural and urban areas.  
 "Sec. 415. Application of Federal law.  
 "Sec. 416. Evaluation.  
 "Sec. 417. Nondiscrimination provisions.  
 "Sec. 418. Eligibility for other benefits.  
 "Sec. 419. Legal expenses.  
 "Sec. 421. Definitions.  
 "Sec. 422. Audit.  
 "Sec. 423. Reduction of paperwork.  
 "Sec. 424. Review of project renewals.  
 "Sec. 425. Protection against improper use.  
 "Sec. 426. Provisions under the National and Community Service Act of 1990.  
 "TITLE V—AUTHORIZATION OF APPROPRIATIONS  
 "Sec. 501. National volunteer antipoverty programs.  
 "Sec. 502. National Senior Service Corps.  
 "Sec. 504. Administration and coordination.  
 "Sec. 505. Availability of appropriations.  
 "TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS  
 "Sec. 601. Supersession of Reorganization Plan No. 1 of July 1, 1971.  
 "Sec. 602. Creditable service for civil service retirement.  
 "Sec. 603. Repeal of title VIII of the Economic Opportunity Act.  
 "Sec. 604. Repeal of title VI of the Older Americans Act."  
**TITLE IV—AMENDMENTS TO OTHER LAWS**  
**SEC. 4101. INSPECTOR GENERAL ACT OF 1978.**  
 Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National and Community Service Trust Act of 1993" and inserting "National and Community Service Act of 1990".  
**TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM**  
**SEC. 5101. FINDINGS.**  
 Congress makes the following findings:  
 (1) Americans engaged in international volunteer service, and the organizations deploying them—  
 (A) play critical roles in responding to the needs of people living throughout the developing world; and  
 (B) advance the international public diplomacy of the United States.  
 (2) The Volunteers for Prosperity Program has successfully promoted international volunteer service by skilled American professionals.

(3) In its first 4 years, the VfP Program helped to mobilize 74,000 skilled Americans, including doctors, nurses, engineers, businesspeople, and teachers, through a network of 250 nonprofit organizations and companies in the United States, to carry out development and humanitarian efforts for those affected by great global challenges in health, the environment, poverty, illiteracy, financial literacy, disaster relief, and other challenges.

(4) The VfP Program has undertaken activities, including—

(A) direct outreach to leading nonprofit organizations and companies in the United States;

(B) promotion of the work of skilled Americans and nonprofit organizations and companies in the United States as it relates to international volunteer service;

(C) public recognition of skilled American volunteers;

(D) support for organizations that utilize skilled Americans as volunteers;

(E) participation in the development of special initiatives to further opportunities for skilled Americans; and

(F) leadership of an innovative public-private partnership to provide eligible skilled with financial assistance for volunteer assignments.

#### SEC. 5102. DEFINITIONS.

In this title:

(1) **VFP OFFICE.**—The term “VfP Office” means the Office of Volunteers for Prosperity of the United States Agency for International Development.

(2) **VFP PROGRAM.**—The term “VfP Program” means the Volunteers for Prosperity Program established through Executive Order 13317.

(3) **VFP SERVE.**—The term “VfPServe” means a program established by the VfP Office, in cooperation with the USA Freedom Corps, to provide eligible skilled professionals with fixed amount stipends to offset the travel and living costs of volunteering abroad.

#### SEC. 5103. OFFICE OF VOLUNTEERS FOR PROSPERITY.

(a) **FUNCTIONS.**—The VfP Office shall pursue the objectives of the VfP Program described in subsection (b) by—

(1) implementing the VfPServe Program to provide eligible skilled professionals with matching grants to offset the travel and living expenses of volunteering abroad with nonprofit organizations;

(2) otherwise promoting short- and long-term international volunteer service by skilled American professionals, including connecting such professionals with nonprofit organizations, to achieve such objectives;

(3) helping nonprofit organizations in the United States recruit and effectively manage additional skilled American professionals for volunteer assignments throughout the developing world;

(4) providing recognition for skilled American volunteers and the organizations deploying them;

(5) helping nonprofit organizations and corporations in the United States to identify resources and opportunities in international volunteer service utilizing skilled Americans;

(6) encouraging the establishment of international volunteer programs for employees of United States corporations; and

(7) encouraging international voluntary service by highly skilled Americans to promote health and prosperity throughout the world.

(b) **VFP PROGRAM OBJECTIVES.**—The objectives of the VfP Program should include—

(1) eliminating extreme poverty;

(2) reducing world hunger and malnutrition;

(3) increasing access to safe potable water;

(4) enacting universal education;

(5) reducing child mortality and childhood diseases;

(6) combating the spread of preventable diseases, including HIV, malaria, and tuberculosis;

(7) providing educational and work skill support for girls and empowering women to achieve independence;

(8) creating sustainable business and entrepreneurial opportunities; and

(9) increasing access to information technology.

(c) **VOLUNTEERS FOR PROSPERITY SERVICE INCENTIVE PROGRAM.**—

(1) **IN GENERAL.**—The VfP Office may provide matching grants to offset the travel and living costs of volunteering abroad to any eligible organization that—

(A) has members who possess skills relevant to addressing any objective described in subsection (b); and

(B) provides a dollar-for-dollar match for such grant—

(i) through the organization with which the individual is serving; or

(ii) by raising private funds.

(2) **NONDISCRIMINATION REQUIREMENT.**—The VfP Office may not provide a stipend to an individual under paragraph (1) unless the nonprofit organization to which the individual is assigned has certified to the VfP Office that it does not discriminate with respect to any project or activity receiving Federal financial assistance, including a stipend under this title, because of race, religion, color, national origin, sex, political affiliation, or beliefs.

(3) **COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.**—Service carried out by a volunteer receiving funds under this section may not provide a direct benefit to any—

(A) business organized for profit;

(B) labor union;

(C) partisan political organization; or

(D) religious or faith-based organization for the purpose of proselytization, worship or any other explicitly religious activity.

(d) **FUNDING.**—

(1) **IN GENERAL.**—The Administrator of the United States Agency for International Development shall make available the amounts appropriated pursuant to section 5104 to the VfP Office to pursue the objectives described in subsection (b) by carrying out the functions described in subsection (a).

(2) **USE OF FUNDS.**—Amounts made available under paragraph (1) may be used by the VfP Office to provide personnel and other resources to develop, manage, and expand the VfP Program, under the supervision of the United States Agency for International Development.

(e) **COORDINATION.**—The VfP Office shall coordinate its efforts with other public and private efforts that aim to send skilled professionals to serve in developing nations.

(f) **REPORT.**—The VfP Office shall submit an annual report to Congress on the activities of the VfP Office.

#### SEC. 5104. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

(b) **ALLOCATION OF FUNDS.**—Not more than 10 percent of the amounts appropriated pursuant to subsection (a) may be expended for the administrative costs of the United States

Agency for International Development to manage the VfP Program.

#### TITLE VI—EFFECTIVE DATE

##### SEC. 6101. EFFECTIVE DATE.

(a) **IN GENERAL.**—This Act, and the amendments made by this Act, take effect on October 1, 2009.

(b) **REGULATIONS.**—Effective on the date of enactment of this Act, the Chief Executive Officer of the Corporation for National and Community Service may issue such regulations as may be necessary to carry out this Act and the amendments made by this Act.

**SA 688.** Mr. CRAPO (for himself, Mr. CORKER, Mr. GREGG, and Mr. BOND) proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

At the appropriate place, add the following:

##### SEC. \_\_\_\_ . INCREASED BORROWING AUTHORITY OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(1) by striking “\$30,000,000,000” and inserting “\$100,000,000,000”;

(2) by striking “The Corporation is authorized” and inserting the following:

“(1) **IN GENERAL.**—The Corporation is authorized”;

(3) by striking “There are hereby” and inserting the following:

“(2) **FUNDING.**—There are hereby”;

(4) by adding at the end the following:

“(3) **TEMPORARY INCREASES AUTHORIZED.**—

“(A) **RECOMMENDATIONS FOR INCREASE.**—

During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the \$100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed \$500,000,000,000.

“(B) **REPORT REQUIRED.**—If the borrowing authority of the Corporation is increased above \$100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.”.

**SA 689.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

##### SEC. \_\_\_\_ . INCREASED BORROWING AUTHORITY OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(1) by striking “\$30,000,000,000” and inserting “\$100,000,000,000”;

(2) by striking “The Corporation is authorized” and inserting the following:

“(1) IN GENERAL.—The Corporation is authorized”;

(3) by striking “There are hereby” and inserting the following:

“(2) FUNDING.—There are hereby”; and

(4) by adding at the end the following:

“(3) TEMPORARY INCREASES AUTHORIZED.—

“(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the \$100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed \$500,000,000,000.

“(B) REPORT REQUIRED.—If the borrowing authority of the Corporation is increased above \$100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.”.

**SA 690.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 145, strike lines 4 through 10 and insert the following:

shall assess against the national service program a charge for the amount of any associated payment or potential payment from the National Service Trust.”.

**SA 691.** Mr. DORGAN (for himself, Mr. BINGAMAN, Ms. MURKOWSKI, and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Section 129(d) of the National and Community Service Act of 1990 (as amended by section 1306) is amended by striking “and to nonprofit organizations seeking to operate a national service program in 2 or more of those States” and inserting “, to nonprofit organizations seeking to operate a national service program in 2 or more of those States, and to Indian tribes”.

Section 193A(b)(23) of the National and Community Service Act of 1990 (as amended by section 1704(1)) is amended by striking “and collect information on challenges facing Native American communities” and inserting “collect information on challenges facing Native American communities, and designate a Strategic Advisor for Native American Affairs to be responsible for the execution of those activities under the national service laws”.

**SA 692.** Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

On page 297, between lines 16 and 17, insert the following:

**SEC. —. NONPROFIT CAPACITY BUILDING PROGRAM.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by adding at the end the following:

**“PART V—NONPROFIT CAPACITY BUILDING PROGRAM**

**“SEC. 198S. NONPROFIT CAPACITY BUILDING.**

“(a) DEFINITIONS.—In this section:

“(1) INTERMEDIARY NONPROFIT GRANTEE.—The term ‘intermediary nonprofit grantee’ means an intermediary nonprofit organization that receives a grant under subsection (b).

“(2) INTERMEDIARY NONPROFIT ORGANIZATION.—The term ‘intermediary nonprofit organization’ means an experienced and capable nonprofit entity with meaningful prior experience in providing organizational development assistance, or capacity building assistance, focused on small and midsize nonprofit organizations.

“(3) NONPROFIT.—The term ‘nonprofit’, used with respect to an entity or organization, means—

“(A) an entity or organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

“(B) an entity or organization described in paragraph (1) or (2) of section 170(c) of such Code.

“(4) STATE.—The term ‘State’ means each of the several States, and the District of Columbia.

“(b) GRANTS.—The Corporation shall establish a Nonprofit Capacity Building Program to make grants to intermediary nonprofit organizations to serve as intermediary nonprofit grantees. The Corporation shall make the grants to enable the intermediary nonprofit grantees to pay for the Federal share of the cost of delivering organizational development assistance, including training on best practices, financial planning, grantwriting, and compliance with the applicable tax laws, for small and midsize nonprofit organizations, especially those nonprofit organizations facing resource hardship challenges. Each of the grantees shall match the grant funds by providing a non-Federal share as described in subsection (f).

“(c) AMOUNT.—To the extent practicable, the Corporation shall make such a grant to an intermediary nonprofit organization in each State, and shall make such grant in an amount of not less than \$200,000.

“(d) APPLICATION.—To be eligible to receive a grant under this section, an intermediary nonprofit organization shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require. The intermediary nonprofit organization shall submit in the application information demonstrating that the organization has secured sufficient resources to meet the requirements of subsection (f).

“(e) PREFERENCE AND CONSIDERATIONS.—

“(1) PREFERENCE.—In making such grants, the Corporation shall give preference to intermediary nonprofit organizations seek-

ing to become intermediary nonprofit grantees in areas where nonprofit organizations face significant resource hardship challenges.

“(2) CONSIDERATIONS.—In determining whether to make a grant the Corporation shall consider—

“(A) the number of small and midsize nonprofit organizations that will be served by the grant;

“(B) the degree to which the activities proposed to be provided through the grant will assist a wide number of nonprofit organizations within a State, relative to the proposed amount of the grant; and

“(C) the quality of the organizational development assistance to be delivered by the intermediary nonprofit grantee, including the qualifications of its administrators and representatives, and its record in providing services to small and midsize nonprofit organizations.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost as referenced in subsection (b) shall be 50 percent.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share of the cost as referenced in subsection (b) shall be 50 percent and shall be provided in cash.

“(B) THIRD PARTY CONTRIBUTIONS.—

“(i) IN GENERAL.—Except as provided in clause (ii), an intermediary nonprofit grantee shall provide the non-Federal share of the cost through contributions from third parties. The third parties may include charitable grantmaking entities and grantmaking vehicles within existing organizations, entities of corporate philanthropy, corporations, individual donors, and regional, State, or local government agencies, or other non-Federal sources.

“(ii) EXCEPTION.—If the intermediary nonprofit grantee is a private foundation (as defined in section 509(a) of the Internal Revenue Code of 1986), a donor advised fund (as defined in section 4966(d)(2) of such Code), an organization which is described in section 4966(d)(4)(A)(i) of such Code, or an organization which is described in section 4966(d)(4)(B) of such Code, the grantee shall provide the non-Federal share from within that grantee’s own funds.

“(iii) MAINTENANCE OF EFFORT, PRIOR YEAR THIRD-PARTY FUNDING LEVELS.—For purposes of maintaining private sector support levels for the activities specified by this program, a non-Federal share that includes donations by third parties shall be composed in a way that does not decrease prior levels of funding from the same third parties granted to the nonprofit intermediary grantee in the preceding year.

“(g) RESERVATION.—Of the amount authorized to provide financial assistance under this subtitle, there shall be made available to carry out this section \$5,000,000 for each of fiscal years 2010 through 2014.”.

**SA 693.** Mr. JOHANNIS proposed an amendment to amendment SA 687 by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

On page 115, line 15, strike “1 percent” and insert “2 percent”.

On page 115, line 20, strike “\$10,000,000” and insert “\$20,000,000”.

On page 213, after line 21, insert the following:



**SEC. 1613. AVAILABILITY OF ASSISTANCE.**

(a) FINDINGS.—Congress finds the following:

(1) Special Olympics is a nonprofit movement with the mission to provide year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy, and participate in a sharing of gifts, skills, and friendship with their families, other Special Olympics athletes and the community.

(2) With sports at the core, Special Olympics is a leader in the field of intellectual disability, and is making impressive strides in the areas of health, education, family support, research, and policy change for people with intellectual disabilities.

(b) AMENDMENT.—Subtitle F of title I is further amended by inserting after section 184 the following:

**“SEC. 184A. AVAILABILITY OF ASSISTANCE.**

“Notwithstanding any other provision of this Act relating to eligibility, a reference in subtitle C, D, E, or H of title I regarding an entity eligible to receive direct or indirect assistance to carry out a national service program shall include an organization promoting competitive and non-competitive sporting events involving individuals with disabilities (including the Special Olympics), which promote the quality of life for individuals with disabilities.”.

**SA 694.** Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 213, line 4, strike “or” and insert “and”.

**SA 695.** Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 19, line 25, insert “and to secondary schools with graduation rates (as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations) of less than 70 percent” before the semicolon.

**SA 696.** Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 49, line 15, insert “(as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations)” after “graduation rate”.

On page 59, line 9, insert “and as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations” before “; and”.

On page 69, line 14, insert “and as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations” before the semicolon.

**SA 697.** Mrs. MURRAY (for Mr. LAUTENBERG) proposed an amendment to

the resolution S. Res. 37, calling on Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman; as follows:

Strike all after the resolving clause and insert the following:

That the Senate calls on Brazil—

(1) to fulfill its obligations under the Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980 (TIAS 11670); and

(2) to assist in the safe return of Sean Goldman to his father, David Goldman, in the United States.

**SA 698.** Mrs. MURRAY (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 37, calling on Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman; as follows:

Strike the 12th whereas clause of the preamble.

Strike the 13th whereas clause of the preamble.

Strike the 15th whereas clause of the preamble.

Strike the 16th whereas clause of the preamble and insert the following:

Whereas the Goldman case has been pending in the courts of Brazil since 2004;

**SA 699.** Mrs. MURRAY (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 37, calling on Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman; as follows:

Amend the title so as to read: “Calling on Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman.”.

**SA 700.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Add at the end the following:

**TITLE VII—ROOSEVELT SCHOLARS****SEC. 7101. SHORT TITLE.**

This title may be cited as the “Roosevelt Scholars Act of 2009”.

**SEC. 7102. DEFINITIONS.**

For purposes of this title—

(1) the term “Foundation” means the Theodore Roosevelt Scholarship Foundation, as described in section 7103(a);

(2) the term “Board” means the Board of Trustees of the Theodore Roosevelt Scholarship Foundation, as described in section 7103(b);

(3) the term “Fund” means the Theodore Roosevelt Memorial Scholarship Trust Fund, as described in section 7107;

(4) the term “Federal agency” means an Executive agency, as defined by section 105 of title 5, United States Code;

(5) the term “State” includes the District of Columbia;

(6) the term “graduate student” means a student in a master’s, law, or doctoral degree program at a university accredited by a nationally recognized accrediting agency or association;

(7) the term “undergraduate student” means a student enrolled or accepted for enrollment at a university accredited by a nationally recognized accrediting agency or association; and

(8) the term “mission-critical occupational area” refers to those positions that a Federal agency identifies as essential to achieving its strategic goals, as determined through the workforce analysis process of the Federal agency’s workforce planning system.

**SEC. 7103. THEODORE ROOSEVELT SCHOLARSHIP FOUNDATION.**

(a) ESTABLISHMENT.—There is established, as an independent establishment in the executive branch of the Government, a foundation to be known as the “Theodore Roosevelt Scholarship Foundation”.

(b) BOARD OF TRUSTEES.—The Foundation shall be subject to the supervision and direction of a Board of Trustees. The Board shall be composed of 9 members, plus 1 non-voting ex officio member, as follows:

(1) 2 members shall be appointed by the President, with the advice and consent of the Senate, after considering the recommendations made by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(2) 2 members shall be appointed by the President, with the advice and consent of the Senate, after considering the recommendations made by the President pro tempore of the Senate in consultation with the minority leader of the Senate.

(3) 5 members, not more than 3 of whom shall be of the same political party, shall be appointed by the President, with the advice and consent of the Senate, from among individuals who—

(A) have demonstrated leadership or expertise in public service or higher education; or

(B) represent a Federal agency or a professional association related to mission-critical occupational areas.

(4) The Director of the Office of Personnel Management (or a designee) shall serve as a non-voting, ex officio member of the Board.

(c) TERM OF OFFICE.—

(1) IN GENERAL.—Except as provided in paragraph (2) or (3), the term of each member (other than the ex officio member) shall be 6 years.

(2) INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(A) 1 member appointed under subsection (b)(2) and 2 members appointed under subsection (b)(3) shall be appointed for a term of 2 years;

(B) 1 member appointed under subsection (b)(1) and 2 members appointed under subsection (b)(3) shall be appointed for a term of 4 years; and

(C) 1 member appointed under subsection (b)(1), 1 member appointed under subsection (b)(2), and 1 member appointed under subsection (b)(3) shall be appointed for a term of 6 years.

(3) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A vacancy on the Board shall be filled in the manner in which the original appointment was made.

(d) COMPENSATION.—Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

#### SEC. 7104. ROOSEVELT SCHOLARS.

(a) IN GENERAL.—The Foundation shall award scholarships to undergraduate students and graduate students who demonstrate outstanding potential for a career in a mission-critical occupational area within the Federal Government. The recipient of a scholarship under this title shall be known as a "Roosevelt Scholar".

##### (b) SELECTION PROCESS.—

(1) NATIONWIDE COMPETITION.—The Foundation shall—

(A) provide for the conduct of an annual Nationwide competition, including an application and interview process, for the purpose of selecting Roosevelt Scholars; and

(B) market the scholarship program to diverse populations.

(2) CRITERIA AND PROCEDURES.—The Foundation shall adopt selection criteria and procedures to ensure a diverse cohort of scholarship recipients each year who—

(A) at the time of applying for a scholarship under this title, are enrolled in or seeking admission to an accredited full-time undergraduate or graduate degree program in a discipline that is determined by the Foundation to be directly related to 1 or more mission-critical occupational areas within the Federal Government;

(B) have been nominated by an appropriate faculty member or other representative of the institution in which they are enrolled, of which they are a graduate, or to which they are seeking admission, or by another individual, who has direct knowledge of the candidate's academic or work experience; and

(C) are citizens or legal permanent residents of the United States.

(c) SCHOLARSHIP AMOUNTS.—Each student awarded a scholarship under this title shall receive, for each academic year in which such student is enrolled full time in the undergraduate or graduate degree program described in subsection (b)(2)(A), the cost of tuition plus a stipend, except that—

(1) the stipend awarded under this title to a student for an academic year may not exceed the lesser of—

(A) a monthly living stipend of not more than \$300 per month and an amount equal to the cost to the student, for such academic year, of—

- (i) room and board;
- (ii) books; and
- (iii) materials and fees associated with coursework; or

(B) \$12,000 (adjusted annually to reflect any increase in the consumer price index for all urban consumers, as published by the Bureau of Labor Statistics);

(2) the total scholarship awarded under this title to a student for an academic year, for tuition and stipend combined, may not exceed—

(A) \$60,000 (adjusted at the same time and in the same manner as the dollar amount under paragraph (1)(B)), minus

(B) the sum of all scholarships, grants, or other similar cash awards received by the student for such academic year from any source apart from this title; and

(3) scholarships under this title may be awarded to a student for such periods as the Foundation may prescribe, but not to exceed 5 academic years.

##### (d) SCHOLARSHIP CONDITIONS.—

(1) SATISFACTORY PROFICIENCY.—A student awarded a scholarship under this title shall

continue to receive the payments provided for under this title only during such periods as the Foundation finds that such student is maintaining satisfactory proficiency and devoting full time to study or research designed to prepare such student for a career in the Federal Government, unless otherwise approved by the Foundation.

(2) REPORTS.—The Foundation may require reports containing such information, in such form, and to be filed at such times as the Foundation determines to be necessary from any student awarded a scholarship under this title. Such reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, approved by the Foundation, stating that such individual is making satisfactory progress in, and is devoting essentially full time to study or research, except as otherwise provided in this subsection.

#### SEC. 7105. REQUIREMENTS FOR ROOSEVELT SCHOLARS.

##### (a) SERVICE REQUIREMENT.—

(1) IN GENERAL.—Each student awarded a scholarship under this title shall be required to enter into a service agreement with the Foundation which provides for such student to complete, in return for the scholarship, a specified period of service with the Federal Government. Under the agreement, the period of service shall be for the number of years equal to the total number of academic years for which the student received a scholarship under this title, except that the total period of service shall not be less than 3 years nor more than 5 years.

##### (2) FAILURE TO FULFILL.—

(A) IN GENERAL.—An agreement under this section shall provide that an individual shall, in the event that such individual fails to meet the service requirement under paragraph (1), be required to repay to the Foundation the amount equal to—

(i) the total amount of scholarship monies (tuition and stipends combined) received by the individual under such agreement, multiplied by

(ii) a fraction, the numerator of which is the amount of service not completed and the denominator of which is the total period of service agreed to.

(B) AMOUNT TREATED AS A LOAN.—An amount under this paragraph shall be treated as a Federal Direct Unsubsidized Stafford Loan under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a and following), and shall be subject to repayment, together with interest thereon accruing from the date of the scholarship award, in accordance with terms and conditions specified by the Secretary of Education.

(3) REGULATIONS.—The Foundation, in consultation with the Director of the Office of Personnel Management, shall prescribe any regulations necessary to carry out this subsection, including provisions under which the service requirement specified by paragraph (1) or a repayment otherwise required under paragraph (2) may be waived, in whole or in part, in appropriate circumstances.

##### (b) INTERNSHIP REQUIREMENT.—

(1) IN GENERAL.—Roosevelt Scholars shall be required to complete at least 1 internship related to their field of study in a Federal agency while earning their undergraduate, graduate, or other advanced degree.

(2) REGULATIONS.—The Foundation, in consultation with the Director of the Office of Personnel Management, shall prescribe any regulations necessary to carry out this subsection, including provisions under which the internship requirement specified by subsection (b) may be waived in appropriate circumstances.

(c) PARTICIPATION IN EXTRACURRICULAR ACTIVITIES.—While earning their undergraduate, graduate, or other advanced degree and during their period of obligated service (as described in subsection (a)), Roosevelt Scholars shall be required, in accordance with such terms as the Foundation shall establish, to participate in extracurricular activities as described in section 7111(a)(5).

##### (d) AVAILABILITY AS A SOURCE OF INFORMATION.—

(1) IN GENERAL.—While earning their undergraduate, graduate, or other advanced degree and during their period of obligated service (as described in subsection (a)), Roosevelt Scholars shall be required, in accordance with such terms as the Foundation shall establish, to serve as a resource for—

(A) individuals interested in becoming a Roosevelt Scholar or seeking employment with the Federal Government;

(B) faculty, career services professionals, and other personnel at universities who advise students on career opportunities with the Federal Government; and

(C) Federal agencies which might be interested in promoting, at the institution of higher education at which the student is enrolled, career opportunities with the Federal Government.

(2) MEMORANDA OF UNDERSTANDING.—The Foundation may enter into memoranda of understanding with any institution of higher education regarding any facilities or resources that will be made available to Roosevelt Scholars for purposes of this subsection.

(3) TRAINING.—The Foundation, in cooperation with the Director of the Office of Personnel Management, may provide for Roosevelt Scholars to receive any training which they might need in order to carry out their responsibilities under this subsection.

#### SEC. 7106. SPECIAL HIRING AUTHORITY.

Under such regulations as the Director of the Office of Personnel Management shall prescribe, a Federal agency may make a non-competitive appointment (in the excepted service, as defined by section 2103 of title 5, United States Code, leading to conversion to career or career-conditional employment) of any Roosevelt Scholar who has successfully completed the program of study for which the scholarship was granted. A noncompetitive appointment under this section shall be for a period not to exceed 2 years, and shall be to a mission-critical occupational area, with the possibility of an extension for one additional year by the employing agency. At the end of the period of the noncompetitive appointment, conversion to career or career-conditional employment in a mission-critical position shall be granted to those Roosevelt Scholars who meet all qualification, suitability, and performance requirements.

#### SEC. 7107. THEODORE ROOSEVELT MEMORIAL SCHOLARSHIP TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the "Theodore Roosevelt Memorial Scholarship Trust Fund" to be administered by the Foundation. The Fund shall consist of amounts appropriated to it pursuant to section 7113 and amounts paid into the Fund pursuant to section 7110(a)(4).

##### (b) INVESTMENT IN INTEREST-BEARING OBLIGATIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such currently available portions of the Fund as are not, in the judgment of the Secretary, immediately required for payments from the Fund. Such investments may be made only in interest-

bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) **ACQUISITION OF OBLIGATIONS.**—For such purpose, such obligations may be acquired—

(A) at original issue at the issue price; or  
(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue at the market price, is not in the public interest.

(3) **SALE AND REDEMPTION OF OBLIGATIONS.**—Any obligations acquired by the Fund, except for those special obligations issued exclusively to the Fund, may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(4) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of any obligations held in the Fund shall be credited to, and form a part of, the Fund.

#### **SEC. 7108. EXPENDITURES AND AUDIT OF TRUST FUND.**

(a) **AUTHORIZATION OF FUNDING.**—The Secretary of the Treasury may pay to the Foundation from the interest and earnings of the Fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the purposes of this title.

(b) **AUDITS BY GOVERNMENT ACCOUNTABILITY OFFICE.**—The activities of the Foundation under this title may be audited by the Government Accountability Office under such rules and regulations as may be prescribed by the Comptroller General. Representatives of the Government Accountability Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Foundation, pertaining to such activities and necessary to facilitate the audit.

#### **SEC. 7109. EXECUTIVE SECRETARY OF THE FOUNDATION.**

(a) **IN GENERAL.**—There shall be an Executive Secretary of the Foundation, who shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation, subject to the supervision and direction of the Board. The Executive Secretary shall carry out such other functions consistent with the provisions of this title as the Board may delegate.

(b) **APPOINTMENT.**—The Executive Secretary shall be appointed by the Board and shall be a member of the Senior Executive Service. The Executive Secretary shall have demonstrated significant management experience and shall possess a high level of expertise in the recruitment and retention of personnel.

(c) **TERM OF OFFICE.**—The Executive Secretary shall serve for a term of 5 years, and may be reappointed. The Executive Secretary may be removed by a vote of  $\frac{2}{3}$  of the Board membership.

(d) **COMPENSATION.**—The Board shall appoint and fix the compensation of the Executive Secretary at a rate not to exceed the maximum rate for a member of the Senior Executive Service.

#### **SEC. 7110. ADMINISTRATIVE PROVISIONS.**

(a) **POWERS OF THE FOUNDATION.**—In order to carry out this title, the Foundation may—  
(1) appoint and fix the compensation of such personnel as may be necessary, at rates not to exceed level IV of the Executive Schedule under section 5315 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate for level IV of the Executive Schedule under section 5315 of title 5, United States Code;

(3) prescribe such regulations as it considers necessary to carry out its functions under this title;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Foundation, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and non-compensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out such provisions of this title, and such contracts or modifications may, with the concurrence of  $\frac{2}{3}$  of the members of the Board, be entered into without performance or other bonds, and without regard to section 5 of title 41, United States Code;

(7) rent office space in the District of Columbia; and

(8) make other necessary expenditures.

(b) **ANNUAL REPORTS.**—The Foundation shall submit to the President and to the Congress an annual report on its operations under this title.

(c) **CONTRACT AUTHORITY.**—The Foundation may enter into contracts under this title only to such extent or in such amounts as may be provided for in advance in appropriations Acts.

#### **SEC. 7111. ADDITIONAL FUNCTIONS OF THE FOUNDATION.**

(a) **IN GENERAL.**—In addition to its other functions, the Foundation shall—

(1) create, maintain, and promote an online directory of all Federal scholarship opportunities available to individuals pursuing temporary or permanent employment with the Federal Government;

(2) in consultation with the Director of the Office of Personnel Management and the Chief Human Capital Officers Council, create and maintain an online directory of current mission-critical occupational areas;

(3) partner with Federal agencies to place Roosevelt Scholars in positions in the Federal Government;

(4) to the extent practical, assist Federal agencies and other Federal scholarship foundations in placing Federal scholarship recipients in positions in the Federal Government;

(5) design and implement mandatory extracurricular programs and activities that—

(A) promote team-building and create a network and community for past, present, and future Roosevelt Scholars;

(B) motivate Roosevelt Scholars to become career Federal employees;

(C) are offered regularly during each year in which an individual is receiving a Roosevelt Scholarship, including during intervals between periods of enrollment;

(D) expose Roosevelt Scholars to the business, political, demographic, cultural, and economic climate of the Federal Government; and

(E) help Roosevelt Scholars to develop leadership qualities; and

(6) within 2 years after the date of the enactment of this title, submit to Congress (and make available to the public) a report regarding—

(A) any barriers to appointing Roosevelt Scholars and other Federal scholarship recipients to positions in the Federal Government; and

(B) recommendations to—

(i) remove barriers to appointing Roosevelt Scholars and other Federal scholarship recipients to positions in the Federal Government; and

(ii) educate Federal agencies on the best use of personnel flexibilities in the appointment of Federal scholarship recipients, including Roosevelt Scholars.

(b) **SECURITY CLEARANCES.**—The Foundation may, consistent with regulations of the Director of the Office of Personnel Management, request and fund security clearances for Roosevelt Scholars, as necessary.

#### **SEC. 7112. EXCLUSION OF ROOSEVELT SCHOLARSHIP AWARDS FROM GROSS INCOME.**

(a) **IN GENERAL.**—Section 117 of the Internal Revenue Code of 1986 (relating to qualified scholarships) is amended by adding at the end the following:

“(e) **ROOSEVELT SCHOLARSHIPS.**—Gross income shall not include any amount awarded under section 7104 of the Roosevelt Scholars Act of 2009.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this title.

#### **SEC. 7113. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title \$10,000,000 for fiscal year 2010 and such sums as may be necessary for succeeding fiscal years.

### **AUTHORITY FOR COMMITTEES TO MEET**

#### **COMMITTEE ON ARMED SERVICES**

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 24, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 24, 2009 at 10 a.m. to conduct a hearing entitled “Modernizing Bank Supervision and Regulation, Part II.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, March 24, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 24, 2009, at 9:30 a.m., to hold a hearing entitled "Alleviating Global Hunger: Challenges and Opportunities for U.S. Leadership."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 24, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND  
PENSIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Addressing Insurance Market Reform in Health Care Reform" on Tuesday, March 24, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 24, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT  
AND THE COURTS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Abusive Credit Card Practices and Bankruptcy?" on Tuesday, March 24, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR  
SAFETY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Sub-

committee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, March 24, 2009 at 10:30 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Three Mile Island—Looking Back on Thirty Years of Lessons Learned."

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREE-  
MENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that on Wednesday, March 25, at 12 noon, the Senate proceed to executive session to consider Calendar No. 27, the nomination of David S. Kris to be an Assistant Attorney General, and that the Senate then immediately vote on the confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 33, the nomination of Gary Locke to be Secretary of Commerce; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; that any statements relating to this nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The nomination considered and confirmed is as follows:

## DEPARTMENT OF COMMERCE

Gary Locke, of Washington, to be Secretary of Commerce.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOMINATION OF GARY LOCKE

Ms. CANTWELL. Mr. President, I rise to thank my colleagues for the expeditious approval of former Washington Gov. Gary Locke as the 36th Secretary of Commerce.

I have known Gary Locke for more than 20 years and I can say to my colleagues you did the right thing tonight by approving him for this job.

He has helped our State with broadband service delivery to rural communities. Under his leadership, Washington State used E-rate funds to help develop a K-20 network, a high-speed, high-capacity network linking K-12 schools and universities across the State of Washington.

He has been involved with both public and private sector trade missions in helping to promote U.S. products abroad. At the International Trade Administration within Commerce, he will put that experience to good use. Part of that agency's mission is to provide for advocacy for American companies abroad, and it can mean the difference between whether major foreign sales opportunities go to U.S. companies or to foreign competitors.

At NOAA, which is over half the Department of Commerce's budget, Governor Locke's prior experience with the complexities of Puget Sound, endangered salmon species, and the hazards of oil spills, will all be invaluable. As Governor, Gary Locke dealt with many of our most trying fishing issues and was in charge of appointing members to the North Pacific Fisheries Management Council.

Fisheries in the North Pacific have been recognized by many organizations, including the U.S. Oceans Commission and the Pew Oceans Commission, as some of the best managed fisheries in the world.

In addition to that effort, Governor Locke has dealt with the complexities of endangered salmon species and getting the first locally developed regional salmon recovery plan for Washington State. I know that this expertise will be put to good use at NOAA.

Many of my colleagues understand that there are challenges at the Department of Commerce, including management challenges—from the set-top box program for the digital television transition, to getting the NOAA satellite program back on track, to wisely investing the \$4.7 billion of broadband grants as part of the American Recovery and Reinvestment Act.

I know Governor Locke, who has never shied away from management challenges, will put his expertise to good work in making sure these programs are implemented effectively.

He worked with Democrats and Republicans in our State after the tech bubble crisis to come up with a budget and spending reduction proposals that were certainly unpopular at the time, but what the State budget needed. I know he will continue in the same bipartisan fashion as Secretary of Commerce.

I believe Governor Locke will help round out the President's economic team. He is someone who understands the challenges many Americans face as we try to stabilize our economy. Governor Locke was born and raised in public housing. He combined an intense work ethic with part-time jobs and financial aid, and graduated from Yale University and received a subsequent law degree from Boston University.

He became the first Chinese American elected Governor in the United States when he was elected to be Governor of the State of Washington.

He is a testament to the American dream.

So I hope that as we have approved this nomination, he will get started immediately on helping our economy return to robust growth and use the great resourcefulness he has demonstrated as Governor of Washington State. He will make sure the Commerce Department plays a key role in getting our economy moving.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I join my colleague from Washington State, Senator CANTWELL, this evening to congratulate Gary Locke on his confirmation now as our next Secretary of Commerce. This confirmation comes at an important time in our Nation's history as we all work very hard to recover from the worst economic downturn since the Great Depression. We need a Commerce Secretary with the dedication and expertise to carry out policies that are going to strengthen our economy far into the future. Gary Locke is uniquely qualified for that task because he does have a lifetime of experience built on hard work, a wealth of knowledge, and a unique appreciation of the American dream.

Governor Locke understands the importance of the American dream because he lived it. His grandfather emigrated from China, and he worked as a servant about a mile from the Governor's mansion in Olympia that one day his grandson would call home. There are a lot of reasons why Governor Locke is an ideal Commerce Secretary, but I wish to tell a personal story this evening that I think illustrates his commitment to public service and to making sure we make the best decision for our taxpayers.

I first met Governor Locke when he was in the Washington State legislature and he was chair of the House Ap-

propriations Committee and I was a new State Senator trying to get a piece of legislation passed that was critical to my constituents. As part of getting that bill passed, I had to go before then-Gov. Gary Locke as chair of that Appropriations Committee, and it was one of the toughest political experiences of my lifetime. He knew the budget inside and out. He ran me through the paces. He grilled me about what my bill would do and how much it would cost and what kind of impact it would have on the taxpayers. He was very tough. But ultimately, because he asked those hard questions and made me defend my legislation, we improved the focus of that legislation and we got it passed. Governor Locke has brought that level of expertise and dedication to the taxpayers in every single position he has held, and it makes him an ideal person now to lead the Commerce Department.

So let me say a few words about the experience Governor Locke brings to this position. One of the most critical jobs the Commerce Secretary performs is finding markets for American products and technologies. He understands how important this is, and he knows how to do it successfully. As the two-term Governor of the Nation's most trade-dependent State, he spent 8 years breaking down trade barriers and promoting our American products, from airplanes to apples to operating systems. He has led numerous successful delegations to our Asian trading partners to help build those relationships. He also understands that the health of the environment has a direct impact on our quality of life and on our economy.

All of Governor Locke's experience means he is going to hit the ground running as our Commerce Secretary as we confront global climate change and other environmental concerns, including the management of our fisheries. So I was very pleased to help support the confirmation of Gary Locke. He won unanimous approval from our Commerce Committee, and today he won unanimous approval from the Senate. He has served the people of Washington State well, and he will bring that same level of commitment and intelligence to this administration.

Thank you, Mr. President. I yield the floor.

#### HONORING GALLAUDET UNIVERSITY ESTABLISHMENT AUTHORIZATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 12, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 12) recognizing and honoring the signing by President Abraham Lincoln of the legislation authorizing the establishment of collegiate programs at Gallaudet University.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 12) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

#### S. CON. RES. 12

Whereas in 2009, the United States honored the 200th anniversary of the birth of President Abraham Lincoln;

Whereas on July 4, 1861, President Lincoln stated in a message to Congress that a principal aim of the United States Government should be "to elevate the condition of men—to lift artificial weights from all shoulders—to clear the paths of laudable pursuit for all—to afford all, an unfettered start, and a fair chance, in the race of life";

Whereas on April 8, 1864, President Lincoln signed into law the legislation (Act of April 8, 1864, ch. 52, 13 Stat. 45) authorizing the conferring of collegiate degrees by the Columbia Institution for Instruction of the Deaf and Dumb and the Blind, which is now called Gallaudet University;

Whereas that law led for the first time in history to higher education for deaf students in an environment designed to meet their communication needs;

Whereas Gallaudet University was the first, and is still the only, institution in the world that focuses on educational programs for deaf and hard-of-hearing students from the pre-school through the doctoral level;

Whereas Gallaudet University has been a world leader in the fields of education and research for more than a century; and

Whereas since 1869, graduates of Gallaudet University have pursued distinguished careers of leadership in the United States and throughout the world: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) congratulates and honors Gallaudet University on the 145th anniversary of President Abraham Lincoln's signing of the legislation authorizing the establishment of collegiate programs at Gallaudet University; and

(2) congratulates Gallaudet University for 145 years of unique and exceptional service to the deaf people of the United States and the world deaf community.

#### NATIONAL CEREBRAL PALSY AWARENESS DAY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 83, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 83) designating March 25, 2009, as National Cerebral Palsy Awareness Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SPECTER. Mr. President, I have sought recognition today to submit a resolution to designate March 25, 2009, as National Cerebral Palsy Awareness Day.

Cerebral palsy is a group of chronic, neurological disorders that appear in infancy or early childhood and permanently affect body movement and muscle coordination necessary to maintain balance and posture. Cerebral palsy is caused by damage to one or more specific areas of the brain, usually occurring during fetal development; before, during or shortly after birth; or during infancy. The top two risk factors for the disorders are premature births and multiple births, and despite the introductions of modern prenatal testing, improved obstetric care, and newborn intensive care technologies, the Centers for Disease Control and Prevention, CDC, estimates that every year 10,000 babies born in the United States will develop cerebral palsy. These disorders are not caused by problems in the muscles or nerves but, instead, damage to motor areas in the brain.

Cerebral palsy currently affects children at a rate of 1 in 278 and an estimated 800,000 Americans. The majority of children who have cerebral palsy are born with it, rather than developing the disorder over time; however, it may not be detected for months or years. Over 75 percent of individuals with cerebral palsy also have one or more additional developmental disability including epilepsy, intellectual disability, autism and visual impairments or blindness. The disorders are not progressive and are noncommunicable.

Currently, there is no cure for cerebral palsy. There are treatments, however, which can serve to alleviate some of the symptoms. Treatments now include physical and occupational therapy; speech therapy; drugs to control seizures, relax muscle spasms, and alleviate pain; surgery to correct anatomical abnormalities or release tight muscles; braces and other orthotic devices; wheelchairs and rolling walkers; and communication aids such as computers with attached voice synthesizers.

It is essential that more research be conducted on ways in which to prevent and treat cerebral palsy. As chairman and ranking member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I led the effort to successfully double funding for the National Institutes of Health, NIH. Funding for the NIH has increased from \$11.3 billion in fiscal year 1995 to \$30 billion in fiscal year 2009. In addition, I cosponsored an

amendment to H.R. 1, the American Recovery and Reinvestment Act to provide an additional \$10 billion to the NIH. In 2008, the NIH provided \$28 million for cerebral palsy research, which is a \$16.5 million increase over 2000, when the NIH provided \$11.5 million. The Department of Health and Human Services' "Healthy People 2010" report identified cerebral palsy as one of the important public health conditions to be monitored, and the CDC regularly conducts studies on the prevalence of cerebral palsy across the nation. This report will help the CDC to provide a more comprehensive picture of cerebral palsy and advance efforts to provide better services for these children.

Raising awareness of cerebral palsy is integral in the fight against this debilitating condition. I encourage my colleagues to work with Senator CASEY and me to designate March 25, 2009, as "National Cerebral Palsy Awareness Day."

Mrs. MURRAY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 83) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 83

Whereas the term "cerebral palsy" refers to any number of neurological disorders that appear in infancy or early childhood and permanently affect body movement and the muscle coordination necessary to maintain balance and posture;

Whereas cerebral palsy is caused by damage to 1 or more specific areas of the brain, which usually occurs during fetal development, before, during, or shortly after birth, or during infancy;

Whereas the majority of children who have cerebral palsy are born with the disorder, although cerebral palsy may remain undetected for months or years;

Whereas 75 percent of people with cerebral palsy also have 1 or more developmental disabilities, including epilepsy, intellectual disability, autism, visual impairments, and blindness;

Whereas the Centers for Disease Control and Prevention recently released information indicating that cerebral palsy is increasingly prevalent and that about 1 in 278 children have cerebral palsy;

Whereas approximately 800,000 people in the United States are affected by cerebral palsy;

Whereas, although there is no cure for cerebral palsy, treatment often improves the capabilities of a child with cerebral palsy;

Whereas scientists and researchers are hopeful that breakthroughs in cerebral palsy research will be forthcoming;

Whereas researchers across the United States are conducting important research projects involving cerebral palsy; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of cerebral palsy: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2009, as "National Cerebral Palsy Awareness Day";

(2) encourages all people in the United States to become more informed and aware of cerebral palsy; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to Reaching for the Stars: A Foundation of Hope for Children with Cerebral Palsy.

#### CALLING ON BRAZIL TO COMPLY WITH THE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 37, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 37) calling on officials of the Government of Brazil and the federal courts of Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. I ask unanimous consent that the amendment to the resolution at the desk be agreed to; that the resolution, as amended, be agreed to; that an amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; further, that an amendment to the title be agreed to; and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 697) was agreed to, as follows:

(Purpose: To amend the resolving clause)

Strike all after the resolving clause and insert the following:

That the Senate calls on Brazil—

(1) to fulfill its obligations under the Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980 (TIAS 11670); and

(2) to assist in the safe return of Sean Goldman to his father, David Goldman, in the United States.

The amendment (No. 698) was agreed to, as follows:

(Purpose: To amend the preamble)

Strike the 12th whereas clause of the preamble.

Strike the 13th whereas clause of the preamble.

Strike the 15th whereas clause of the preamble.

Strike the 16th whereas clause of the preamble and insert the following:

Whereas the Goldman case has been pending in the courts of Brazil since 2004;

The resolution (S. Res. 37), as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows: (The resolution will be printed in a future edition of the RECORD.)

The amendment (No. 699) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "Calling on Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman."

#### ORDERS FOR WEDNESDAY, MARCH 25, 2009

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, March 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate

resume consideration of H.R. 1388, the national service legislation; finally, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2 p.m. to allow for the Democratic caucus luncheon.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mrs. MURRAY. Mr. President, under a previous order, the Senate will vote at 12 noon on confirmation of the nomination of David Kris to be an Assistant Attorney General. That will be the first vote of the day. Additional votes in relation to amendments are expected to occur throughout the afternoon.

For the information of all Senators, there will be no rollcall votes on Monday, March 30.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. MURRAY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Wednesday, March 25, 2009, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

MARISA J. DEMEO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RUFUS GUNN KING, III, RETIRED.

FLORENCE Y. PAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE LINDA TURNER HAMILTON.

#### CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, March 24, 2009:

##### DEPARTMENT OF COMMERCE

GARY LOCKE, OF WASHINGTON, TO BE SECRETARY OF COMMERCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

#### WITHDRAWAL

Executive Message transmitted by the President to the Senate on March 24, 2009 withdrawing from further Senate consideration the following nomination:

STUART GORDON NASH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RUFUS GUNN KING, III, RETIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 8, 2009.



## HOUSE OF REPRESENTATIVES—Tuesday, March 24, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. DOYLE).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
March 24, 2009.

I hereby appoint the Honorable MICHAEL F. DOYLE to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### GUN AMENDMENT TO OMNIBUS PUBLIC LANDS MANAGEMENT ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. SMITH) for 1 minute.

Mr. SMITH of Nebraska. I rise today out of concern for the public lands bill that we are taking up. We will be taking up the Senate amendments to H.R. 146. I support the underlying goals of our Nation's conservation systems, but I am concerned about overreaching actions by the Federal Government negatively affecting the American public.

The original bill, S. 22, combined 170 separate measures—most of which have never received a committee hearing. Last week, the Senate called up H.R. 146, an unrelated battlefield preservation bill, and substituted the text of S. 22. Because we have already passed an earlier version of H.R. 146, the measure can be shielded from further amendments. This is unfortunate. There will be no opportunity to amend this bill. By sidestepping a legislative process, we are not making this bill better.

Last week, there was an amendment that protects hunting and fishing, but it certainly was silent because it didn't need to be vocal at the time on the right-to-carry provision. But, on March

19, U.S. District Judge Colleen Kollar-Kotelly single-handedly decided to block the government's common sense policy.

We can do better, Mr. Speaker, and we should do better.

### AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. I rise today to highlight the critical investments in America made by this Congress and by the Obama administration through the American Recovery and Reinvestment Act of 2009 to turn our economy around.

We are embroiled in the worst economic crisis since the Great Depression. Our economy remains in a recession that dates back to December, 2007. Our gross domestic product decreased 6.2 percent in the fourth quarter of last year. Housing prices have declined for 24 consecutive months. Unemployment is at a 25-year high—and rising.

More than 4.4 million Americans lost their jobs, including a staggering 651,000 jobs lost last month. In my district, one of the wealthiest in the Nation, applications for food stamps increased 79 percent over the previous year.

In the past 12 months, Americans have lost 4 years of wealth, upending the carefully planned retirement strategies for millions of our fellow Americans. Over the next 2 years, if we do nothing, as some propose, our economy and the American people will suffer an estimated \$2 trillion in lost potential, lost productivity, and lost earnings.

We know the price of inaction. The last 8 years left us a dire legacy we won't soon forget: Trillions of dollars of budget surpluses squandered; critical infrastructure repairs and improvements ignored; alternative energy research and development placed on the back burner; regulations neutered and the financial sector allowed to run amok; poverty ignored and allowed to grow; middle-class Americans saw their purchasing power decline dramatically while a privileged few saw theirs grow and soar; and millions of jobs and trillions of dollars of economic progress lost.

Mr. Speaker, we can no longer afford the inaction of the last 8 years. That's why this Congress acted, in concert with President Obama, to pass the American Recovery and Reinvestment

Act. It was a bold stroke to put people back to work and make critical investments in our Nation's infrastructure that have been so neglected in the last 8 years.

We acted to ensure the future prosperity of our country. The Recovery Act will save or create 3.5 million jobs, including 9,300 in my own district, and provide needed investment in education, energy independence, health care reform, transportation, infrastructure, and tax relief for the middle class.

While no one action we can take will instantly fix all of our economic troubles, our investments are showing progress. Thanks to the Recovery Act, shovel-ready projects throughout the Nation are breaking ground, putting people to work planning, constructing, and managing these projects. Highway construction projects nationwide receive \$30 billion, with an additional investment of \$10 billion in transit and rail projects.

Thanks to the Recovery Act, those firms that were in fact put out of business or had to delay work are now being put back to work and putting people back to work repairing and improving roads and bridges, building schools, modernizing street light systems and water treatment plants, and building many other needed but neglected capital projects in my district and across the Nation. These are real jobs building real projects that are helping real Americans.

In the 4 weeks since the legislation was signed into law, Mr. Speaker, \$175 billion has already been allocated, including \$77 billion for education throughout the country, \$27 billion for highways, and \$15 billion in new Medicaid funding badly needed by our States.

The economic crisis has caused shortfalls for virtually every State and local government in the Nation. Our State and municipal governments are among the country's largest economic engines, performing everyday functions that Americans rely on daily, from public safety, to public health, to local education, to public libraries.

The Recovery Act provided \$53 billion in State stabilization funding badly needed by our States that are hemorrhaging red ink right now. Specifically, the investment in education, for example, will pay immediate long-term dividends for our economy. Enhanced educational support includes \$40 billion for local school districts and \$21 billion for higher education, and will create

increasing opportunities to prepare our children to enter the workforce.

In addition, our investments in education are paying off immediately by stemming the loss of tens of thousands of jobs for teachers and custodians and bus drivers and nurse's aides and teacher's aides all across school districts in the United States.

One of the primary drivers for economic recovery will be our investment in the technology field as well, Mr. Speaker. The world is changing and it's critical America stay at the forefront. In order to reduce our reliance on foreign oil, we will move towards a cleaner, greener economy. The stimulus addresses both of these areas.

The Recovery Act provided \$30 billion to transform our existing energy systems and \$8 billion in weatherization and energy efficiency funds that will create 87,000 new jobs weatherizing 2 million households across the United States.

The cost of health care continues to rise dramatically, Mr. Speaker, and it's incumbent upon us to reduce costs without harming existing coverage. The Recovery Act included almost \$20 billion to accelerate the switch to health information technology systems by doctors and hospitals to modernize health care systems. It's estimated that this reform ultimately will yield an annual saving of \$77 billion in health care costs to average Americans all across the country.

This act is only one piece of the economic mosaic, and I know it's going to succeed.

#### TIME BOMBS TICKING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. We have a lot of controversies here in Washington, D.C. There's even controversy over whether some of us should be legislators or communicators. But there's one area that we all can be policymakers, come together, make the economy stronger, and improve the quality of life for all Americans.

In every congressional office there's a copy of the Congressional Quarterly Weekly. The current issue on page 656 has an article about the EPA dealing with the Pentagon pollution. I invite every Member, every legislative director, every staff member who's responsible for dealing with defense or dealing with the environment to pick up this article and read the two pages.

It illustrates a bigger issue here—not just a dustup in the last administration between EPA and the Department of Defense—but the role that we will all play with thousands of time bombs literally ticking in every State and most of our congressional districts.

It's embarrassing that we still have almost 10,000 toxic sites with

unexploded ordnance and military toxin scattered in every State of the Union, and 3,449 of these sites are Superfund sites. Amazingly, 2,600 of them are formerly used defense sites that, at the current rate—these are bases that have been closed—at the current rate, it will take more than half a century to get rid of these dangerous elements and return the land to productive use.

This is not just a serious problem for every State and almost every community. First and foremost, it is a danger to our military, to their families, and to their neighbors, having these toxic and unexploded ordnance lying around. It also is a serious problem for military readiness.

One of the reasons that States and local governments are resisting the expanding training footprint that our military needs today is because we, the federal government hasn't been a very good neighbor. People don't know how long they are going to be left with a landscape that is littered with explosives and toxic substances.

Three times since I have been in Congress, we have had to pull forest firefighters out of raging flames in the forests because bombs were exploding because past military training had left shells behind. There's a subdivision in Pennsylvania on a former military site that does not have fire service because they're afraid that the heat from a fire will explode a bomb.

This is a problem of military readiness now. It's also an opportunity—if we solve this problem—with the techniques and technology that will help us determine whether it's a 105-millimeter shell or it's a hub cab, can also be used to make our soldiers safer overseas from improvised explosive devices. It will save money in the long run because as these shells and contaminants break down and leach into the groundwater, it will be more expensive to solve the dangerous pollution in the future.

It's not just a problem of the Department of Defense and the Pentagon and administrations past and present—it's a problem for Congress. We have been missing in action. It's time for us to put a reasonable amount of money in cleaning up these Superfund sites and getting rid of the unexploded ordnance.

I don't want to read another story of where there are children, like those in San Diego, who found a bomb playing in a field behind their subdivision. It exploded killing two of them. News accounts of a bomb washing up on a beach in Florida or explosives discovered near a school are stories that we don't want to hear again.

It's past time that we own up to our responsibilities, that we solve the problem that will help military readiness today, technology that will save the lives of our servicemembers overseas, make our servicemembers at home and

their families and the people who work with them safer, and meet our responsibilities to the environment. Oh, by the way. We will put tens of thousands of people to work cleaning up land and returning it to productive capacity all across America.

It's time that Congress is no longer missing in action in this serious problem of military contamination. Look at the Congressional Quarterly Weekly that is on your desk, page 656. Thank you.

#### DAY 63

The SPEAKER pro tempore. The Chair recognizes the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker and my colleagues, today is day 63 of the Obama administration and we are still waiting for something—anything—to create jobs and to help our economy.

The President says he wants input from the Republican side of the aisle—and we are proposing better solutions. Now it's time for Democrats to stop paying lip service to our ideas and actually work with us to start doing it.

#### □ 1045

During the stimulus debate, we offered a plan that would create twice as many jobs at half the cost, but the Democrats passed a bill that included hundreds of billions of wasteful Washington spending.

During the omnibus debate, we offered a plan that would freeze spending through September 30, but my Democrat colleagues passed a bloated bill with wasteful spending and some 9,000 earmarks.

Now Republicans are prepared to offer a better budget solution to create jobs, rebuild savings, and restore fiscal sanity here in Washington. The question is: Will Democrats work with us?

Unfortunately, the President's budget spends too much, taxes too much, and borrows too much from our kids and grandkids.

The Congressional Budget Office just last week reported that the President's budget is actually \$2.3 trillion more costly than the White House initially claimed. In fact, his budget adds more to the debt in the first 6 years than his 43 predecessors have accumulated over the last 220 years. And his national energy tax will cost families up to \$3,100 more each year.

All of this spending and taxing and borrowing begs the question: What in the world is the White House thinking?

President Obama should ask Speaker PELOSI and Senator REID to delay congressional action on this budget so that mounting concern on both sides of the aisle about his budget can be addressed. I think it is time to get back to reality. Our Nation is in serious crisis, and we need better solutions than

what Washington has given the American people so far this year, and I and my Republican colleagues will be offering them.

#### RESPONDING TO WALL STREET

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. Mr. Speaker, yesterday Wall Street won three great victories. First, a plan was announced under which Wall Street puts up 6 percent of the money, assumes 6 percent of the risk, and takes 50 percent of the profits.

Second, the Senate announced that it was going to back burner the proposal to use the Tax Code to recoup the unjust enrichment received by certain executives on Wall Street.

And finally, the media continued its condescending drumbeat in which speaker after speaker in the media says the only proper approach is that one must denounce Wall Street, and then capitulate to Wall Street. And any of us who want to actually do anything that Wall Street disagrees with are just a bunch of angry peasants with pitchforks.

Well, let me say, anger is no vice and gullibility is no virtue, and faith in Wall Street is not the one true faith.

We have got to be willing to take action that Wall Street disagrees with and to deal with an establishment press which will then say we are governing out of anger. I am very angry, but I am not blinded by my anger. I am also not blinded by a gullible faith that whatever Wall Street does will be in the national interest.

First, let's take a look at this program where we put up 94 percent of the cash, Wall Street puts up 6 percent of the cash, but Wall Street gets 50 percent of the profit. You know with a deal like that, you could probably get Wall Street to buy lottery tickets for \$3 a piece. They will put up not \$3 a piece, but 6 percent of the \$3, the Federal taxpayer puts up the rest, and then the winnings are split 50/50. Even if the average lottery ticket only pays out 20 cents for every ticket, that is a winning investment for Wall Street.

For us to give them half the profit while they take only 6 percent of the risk is a massive transfer of wealth from the American people to the hedge funds on Wall Street.

Second, let's look at this issue of bonuses and compensation. Now we passed a bill in this House last week that was imperfect. It was imperfect because it left alone million-dollar-a-month salaries, and it allowed any of the big Wall Street firms that were planning to pay multimillion-dollar bonuses to simply recast their compensation and call it million-dollar-a-month salaries, or raise them to \$2 million a

month, and the bill we passed would have no effect.

Third, the bill we passed last week, while it would deal with the AIG bonuses, did not deal with the Merrill Lynch bonuses. That is why today—and I hope to have some additional cosponsors before I introduce the bill—but later today, I will introduce legislation that will impose an excise tax that doesn't look at bonuses separate from the rest of the compensation package, but looks at the entire compensation package. It says if the package is over half a million dollars a year and you're working for a company that would be in bankruptcy right now if you weren't bailed out by the Federal Government, then in effect you are being paid that enormous salary with taxpayer dollars only because the taxpayers came through and bailed out the company that is paying you that money. And for that reason, we are going to insist that unless you want to face a major tax, you return to your employer all of your compensation in excess of half a million dollars. This is an approach that I think is fair. It is not punitive. It is not confiscatory. It simply takes from executives the huge amount of compensation that they received only because the rules of capitalism were suspended and their companies that should be in bankruptcy or receivership are instead operating independent of receivership and are paying salaries that exceed what should be paid to an entity that is dependent upon the Federal Government.

The bill will also provide that if the Treasury issues executive compensation regulations, people will be able to receive restricted stock without limitation.

So I look forward to getting additional cosponsors for my tax bill and responding to Wall Street logically and without gullibility.

#### SECOND AMENDMENT VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. HASTINGS) for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, for weeks and weeks now, Democrat leaders in both the House and Senate have engaged in parliamentary contortions to block every Representative in this body of both parties from being able to offer even one amendment to the 1,200-page \$10 billion omnibus lands package that contains over 170 individual bills. Since over 100 of these bills were never voted on in the House, this giant piece of legislation needs careful review in a fair and open process. Yet, fair and open consideration is precisely what Democrat leaders have denied in this House.

Today, the House Rules Committee will meet to decide how the most recent Senate-passed omnibus lands bill

will be debated and voted on in this House, presumably tomorrow. While there are many areas of this bill that need improvement, there are several that rise to a serious level of concern. Let me cite four of them:

First, addressing prohibitions against American-made energy on public lands, prohibitions that would deny job creation in the energy sector on public lands;

Second, ensuring our border security by making certain that provisions of this bill don't ban the use of vehicles and other technology to patrol our border;

Third, ensuring that public lands continue to be open to public enjoyment. That includes wheelchair access for the disabled who would be banned under this bill, as well as access by Americans using bicycles and motorized bikes for recreation.

Lastly, Mr. Speaker, an area of the bill that rises to a very high level of concern after a Federal judge's ruling last week, and that is the protection of Americans' second amendment gun rights on public lands.

Specific amendments have been filed with the Rules Committee to address each of these issues. Democrat leaders should now provide the House with a chance to vote on them. But more specifically, Mr. Speaker, the House must act on the omnibus lands bill to immediately protect the second amendment rights of Americans. Last week, Democrat leaders in the House and Senate added the Altmire language to the omnibus land bill to prevent the Federal Government from banning hunting and fishing on certain types of Federal land. At the time this amendment was added, the right of Americans to carry concealed firearms on park lands and wildlife refuges was in accordance with State laws, and that was already recognized in Federal regulations.

However, last Thursday a U.S. District Court judge based in Washington, D.C. single-handedly decided to block this second amendment policy. Now there is a giant hole in the current Altmire language, and Congress must fix it. Congress must not allow one Federal judge to single-handedly deny Americans their second amendment rights on Federal land.

I have introduced an amendment, along with the gentleman from Utah (Mr. BISHOP) to the omnibus lands bill that would write into law the very protections struck down by this lone Federal judge. The House must vote on this amendment to repair the big void in the current Altmire language contained in the omnibus lands bill. There should be no excuses, no more delays, no waiting for another day or another bill. The omnibus lands bill is the best place to fix what this Federal judge has done.

If we are going to pass a 1,200-page bill that dramatically expands Federal

lands in our country, Congress must protect American second amendment rights while on these lands. The Constitution and the second amendment should not be pushed aside by an activist judge and a complacent Congress. House leaders must allow a vote on the Hastings-Bishop amendment to the omnibus lands bill to protect the gun rights of Americans when we take up this bill presumably tomorrow.

#### 2010 BUDGET RESOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. SCOTT) for 5 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, this week the House Budget Committee will mark up the concurrent budget resolution for fiscal year 2010. Over a month ago, President Obama submitted a budget plan focusing on economic recovery, strategic investments, and most importantly, fiscal responsibility. At this critical juncture in our history, President Obama's budget addresses the mistakes of the past, makes much-needed investments in the future, and will create a better future for all Americans.

As we debate the merits of this budget resolution, we must not forget that President Obama inherited deep deficits and an economic crisis from the Bush administration. This chart shows the budget deficit over the years of the Clinton administration, and what the Bush administration did to the budget. The Bush administration left behind a \$1.25 trillion deficit, a high unemployment rate, and an economy on the verge of collapse. President Obama came into office merely 2 months ago, but he has already successfully proposed the American Recovery and Reinvestment Act which will create or save 3.5 million jobs.

The President's budget continues the path toward economic recovery and fiscal responsibility with many necessary investments in education. The President's budget expands access to college education by making the American Opportunity Tax Credit permanent and indexing Pell grants to keep pace with inflation and the skyrocketing cost of college education. The President also doubles funding for early Head Start and expands Head Start.

The President's budget calls for improving and expanding access to health insurance and lowering the cost of health care for every American. The President's budget includes several provisions to improve quality and efficiency in the health care system, saving the American people approximately \$300 billion over the next 10 years. The President believes that the only way to rein in the cost of government for the foreseeable future is to address the costs associated with health care, and this budget does that.

The President's budget also ensures that the Nation honors and cares for

our veterans when they return home by increasing funding for the Department of Veterans Affairs by \$25 billion over the next 5 years. This increased funding will help the VA reduce their claims backlog and modernize and improve VA hospitals and facilities. These investments in the VA will help address the large influx of new veterans into the VA system from the wars in Iraq and Afghanistan.

□ 1100

So, Mr. Speaker, perhaps the most telling feature of the President's budget is that it is an honest measure of where we are and of where we are going. The Bush administration used phantom budget tactics to keep the costs of many expensive measures out of the budget. Unlike budgets submitted in the past few years, the Obama budget honestly includes the cost of our military operations in Iraq and Afghanistan and other items that we know we must pay for and have paid for every year such as the Medicare Doctor's Payment Fix and the Alternative Minimum Tax. President Obama's budget takes the necessary steps to put the budget back on a fiscally sustainable path once the economy recovers. The budget proposes to cut the deficit in half by 2013. Additionally, the President's budget proposes to restore the fiscally responsible pay-as-you-go rules, which were critical in turning the budget around in the 1990s.

Many may claim that the President's budget will cause deficits, but those who advocate the problems with the President's budget fail to remind themselves that the policies that they, in fact, are advocating are the policies that got us in the ditch we are in today. What they forget is that this Nation had to endure 8 years of failed economic policies, which produced one of the worst recessions in 70 years, the worst job growth since the Great Depression, an increase in the number of Americans living in poverty, and an increase in the number of Americans living without health insurance.

Furthermore, the Bush administration degraded the Federal budget's condition from healthy to weak, converting a 10-year \$5.5 trillion surplus to more than a \$3 trillion deficit—a swing of more than \$9 trillion over 8 years and an average of over \$1 trillion a year.

Mr. Speaker, these policies have failed. It is time to turn to the policies that work. The President's budget does just that. As a member of the House Budget Committee, we look forward to Wednesday's markup to ensure that the congressional budget resolution reflects the priorities of the President's budget.

#### CONSISTENCY, NOT CHAOS IN OUR PUBLIC LAND POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Utah (Mr. BISHOP) for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I am sure we all know the old story of the newlywed couple whose wife on her first meal that she prepares of a cooked ham presents the ham, and the two ends have been cut off.

When her husband asks why, she says, "I don't know. That's the way my mother did it," and when the mother-in-law shows up, they ask why, and she says, "I don't know. That's the way my mother did it," and when the grandmother finally arrives and they ask why she cut the ends of the ham off, the grandmother simply says, "I have a small oven. A full ham won't fit."

There are many things we do in government that are traditions that are as totally illogical as cutting the ends of the ham off. Only in a Federal court in this United States can we find a special interest group that can track down a maverick judge that contends that 8 months of study by the Department of Interior is, in fact, a last-minute review and because, in January of this year, the Department of Interior and the National Park Service finally updated its rules to allow concealed carry on national parks lands and make it consistent with our policy of concealed carry on all public lands.

You see, the national forest does not prohibit someone with a valid concealed carry license from going on public lands. The Bureau of Land Management, which manages some of our national parks, does not prohibit a valid concealed carry permit for going on their lands. Even President Clinton gave an executive order saying that our policies should reflect the State prerogative and authority. Only the National Park Service has tried to prohibit that practice, and the National Park Service is not just things like Yellowstone. It is virtually impossible, or at least it will challenge you, to try to get from Virginia into Washington, D.C. without either driving or walking on National Park Service land. You go in and you go out. There are no signs to tell you what you were doing, and indeed, law-abiding citizens have been entrapped on park service land, carrying a concealed weapon permit, where if they had gone a couple of blocks further and had been back in Virginia, they would have, indeed, been legal. That is illogical and it is also unfair.

What we should do is what the National Park Service decided to do in January and simply say State laws will be the ruling procedure. If it is legal for a concealed carry in this State, it is legal on all lands that are owned and controlled by the Federal Government, not just some lands "yes" and some lands "no."

Mr. HASTINGS of Washington has an amendment that should be put on the bill that will be before us tomorrow to clarify once again that the policy of the United States should be consistent on all of their lands, not on some "yes" and some not on the others. It was an amendment that would bring respect back to the policy and the consideration and the study done by the Department of Interior, and it would reject an outstandingly flawed decision made by a judge that actually creates chaos rather than solving this particular problem.

It is important that the Rules Committee does open up this particular bill for allowing the Hastings amendment so that we could actually debate this issue on the floor, because this is the proper time; this is the proper vehicle, and it is the right time for us to have consistency on our public land policy, not chaos in our public land policy, created by a judicial decision.

#### CYBER ATTACKS TO AMERICA'S NATIONAL SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN) for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I rise today to discuss a critical national security challenge and what I believe is an imminent threat to the safety of our country. That is cyber attacks.

Computers control everything from our banking systems to our electric grid, our military networks to our businesses and government functions. Never in the history of the world have so many people had so much access to ideas, knowledge and skills. However, increased access also opens up additional vulnerabilities that allow our adversaries to potentially cause catastrophic economic and physical harm to our country. Nation-states, terrorists and other actors who seek to harm our Nation understand that the future of warfare is through cyber attack.

In recent years, American military leaders have noted an unfortunate increase in cyber attacks. The vice chairman of the Joint Chiefs of Staff, James Cartwright, told Congress in March 2007 that America is under widespread attack right now in cyberspace.

But securing our networks is not simply the responsibility of the U.S. military. Mitigating vulnerabilities in America's critical infrastructure networks involves the work of a wide variety of government agencies and private-sector entities. Everyone, both in the public and private sectors, plays a role in securing cyberspace, and we must all work together to confront these threats.

Our Nation has some significant challenges ahead of us in the cyber security world. Right now, the United States is under attack, and quite

frankly, we are losing the battle. I believe that it is essential that we act swiftly and boldly to respond to this threat.

I recently cochaired the CSIS Commission on Cyber Security for the 44th Presidency. Our goal was to develop recommendations for a comprehensive strategy to improve cyber security in Federal systems and in critical infrastructure. This commission was made up of renowned cyber security experts from across the country, both in and out of government.

In December 2008, after hundreds of hours of briefings, of working group meetings and discussions, we released our final report proposing a number of recommendations for the incoming administration to consider. Among the most critical and timely of those recommendations is the creation of a comprehensive national security strategy for cyberspace. "Comprehensive" means using all of the tools of U.S. power in a coordinated fashion: international engagement and diplomacy, military strategy and action, economic policy tools, and the work of the intelligence and law enforcement communities.

This strategy should begin with a public statement by the President that the cyber infrastructure of the United States is a vital asset for national security and the economy and that we will protect it by using all instruments of our national power. The commission also recommends that the Nation's cyber leadership be housed in the White House, not in any single agency.

We used the response to nuclear proliferation as a model for how to approach cyber security. Just as no single agency is in charge of nonproliferation, we recognize that the same is true for cyber policy.

To coordinate these efforts, we proposed creating a new office for cyberspace in the executive office of the President. This office would combine existing entities and would also work with the National Security Council in managing the many aspects of securing our national networks while protecting privacy and civil liberties. It is my hope that the leadership of this new office will be an assistant reporting directly to the President.

I am very pleased with President Obama's appointment of Melissa Hathaway to conduct a 60-day inter-agency review of the Federal cyber security mission. I think she is very knowledgeable of the issues surrounding the CNCI, and I have spoken with her regularly, encouraging her to review our critical infrastructure's defensive posture.

We have so many agencies that share in overseeing critical infrastructure protection that many issues fall through the cracks. This is an area I believe that we must improve on, and I look forward to working on legislation

to implement the recommendations of the commission to ensure that our Nation is protected in cyberspace, and I certainly look forward to working with the administration on this important issue.

#### ECONOMIC CONSEQUENCES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. PITTS) for 5 minutes.

Mr. PITTS. Mr. Speaker, what we do here in Washington, the policies that we make, have direct economic consequences on the market, on job creation or loss, on retirement accounts, and on the financial security of the American people.

For example, yesterday, Secretary Geithner finally released the administration's plan for dealing with the troubled assets that are dragging down our banks and that are impeding our Nation's economic recovery. The market jumped up 500 points.

Now, we still need to do some work to evaluate exactly how this plan will work and whether it is the best plan for the country, but I think this is a perfect example of how our actions here in Washington affect Wall Street.

I have a chart here with some data that I have assembled for the last 30 years, from 1977 to 2009, of market activity, and I want to show a broad trend that we see over that time regarding the market's reaction to government policies:

Here on the top, this yellow line, is the Dow Jones Industrial Average. You will see the red and blue panels. The colors here indicate which party is in control of Congress. So, where you have red, that is the control of the Congress, both the House and Senate, by Republicans. Where you have blue, that is the control of the Congress by the Democrats, both House and Senate. Where you have these slash/slanted marks, you have a divided Congress.

From 1977 to 1995, you see the Dow Jones growing gradually, minimal growth. You see when it hits the red panel that it moves sharply up. When you have, actually, the dot-com collapse and 9/11 and the divided Congress, you see it goes down. When it hits the red, it goes sharply up again.

The next chart down below shows budget deficits from 1977 to 2009. The bars above represent deficits. The bars below represent surpluses. Notice under President Obama that this last bar, the yellow line, is \$1.752 trillion for fiscal year 2009. Let me just put that into perspective. That single deficit is more than the previous eight deficits under President Bush combined. If I could show you the projected deficits, they are all trillion-dollar deficits out for 10 years as far as we can look.

So I think we need to really question some of the rhetoric we are hearing

about fiscal responsibility about this present administration. These deficits have both immediate and long-term consequences. The long-term consequences are the debt that we are leaving to our children. In the more immediate term, they represent the eroding of our standing in the world. They are going to feed inflation and undermine the value of the dollar.

Last month, I met with a delegation of Chinese officials. The first question they asked me was, "Congressman, is America abandoning the free market system?"

I mean the world is watching us, and they have expressed some hesitancy about buying more of our debt. I think, when we go in the market this year with \$2 trillion or \$3 trillion in treasuries to fund our budget, it is going to be harder and harder to find willing buyers.

When the rest of the world watches as the U.S. Government takes over private businesses, as government spending grows and as the government crowds out the private sector and stifles innovation and the entrepreneurial spirit on which this Nation was founded, we have serious problems. When we take these kinds of actions and make these kinds of policies, we are jeopardizing our standing in the world and our future.

How can we be the leader of the free world with this kind of government intervention and undermining of the free market?

I also want to point out here that there is a good lesson here on this bottom chart. You see these 4 years right here in a row. That is when the Republicans were in control of Congress and when President Clinton was in office. For the first time in years, we balanced the budget 4 consecutive years in a row, and we paid down on the public debt 4 years in a row. Now, Clinton deserves some credit, and the Congress deserves some credit, but we balanced the budget 4 years in a row.

The lesson here is that real bipartisanship works. The phony bipartisanship of wanting us to come in at the last minute and vote for something that we did not have any opportunity to create or to craft in the first place will not work. Real bipartisanship works and policies matter, and some policies help create an environment in which our economy can thrive.

The government cannot create wealth. The American people, entrepreneurs and businesses must do that. Yet the government can and at times has implemented flawed policies like spending too much, taxing too much and borrowing too much like we are seeing right now. Those policies have economic consequences.

□ 1115

#### OMNIBUS LANDS BILL THREATENS SECOND AMENDMENT RIGHTS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Wyoming (Mrs. LUMMIS) for 3 minutes.

Mrs. LUMMIS. Thank you, Mr. Speaker.

I rise to support the Hastings amendment to the omnibus lands bill. I want to give you two examples why and they couldn't be farther apart and still be in America.

One is here in Washington, D.C. I had a friend who worked for the Federal Government who was getting threatening phone calls from a disgruntled former employee. She was an older woman who lived alone and worked for an agency here in the Federal Government. And so she got a concealed weapons permit to protect herself and was commuting in and out of D.C. to an adjacent State. Having that concealed weapon would have been illegal under the new judge's ruling, which is why the Hastings amendment to the omnibus lands bill needs to be adopted.

Now here is my example from the West. It is springtime. We're just starting to fix fence after a long winter that broke down some of the fences. When you're sitting on the ground fixing a fence and you're sitting right next to a rattlesnake, it can be very disconcerting. So a number of us carry weapons while we're fixing fence. If you let a weapon be hidden under your coat, even accidentally, you need a concealed weapons permit. So some people get concealed weapons permits and carry a weapon while they're fixing fence. Well, if you happen to be one of those people who is also driving between Cody, Wyoming and Jackson, Wyoming, you're going to go through Yellowstone National Park. That is your commute. And it would be illegal to have that weapon under this recent judge's ruling.

Mr. Speaker, both the Bush and the Obama administration have pushed forward with a rule to allow the carrying of concealed weapons on these lands subject to local State laws. By doing so, they bring these public lands in line with millions of acres of BLM and Forest Service lands where the application of local gun laws have guided our public land managers well. It took just one U.S. District Judge to throw that consistency out the window, but this Congress has the opportunity to renew it should the Democrat leadership in the House allow just one simple amendment to address the protection of our second amendment rights. Sadly, they are refusing to do so, placing the importance of a political win on the public lands omnibus bill above the constitutional rights of our citizenry to keep and bear arms.

I urge the Rules Committee and the House Democrat leadership to recon-

sider their priorities and to allow us to protect second amendment rights when we consider the public lands bill tomorrow.

#### RECORD DEBT, HIGHEST DEFICIT SINCE WORLD WAR II: BIPARTISAN SAFE COMMISSION IS THE WAY FORWARD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Thank you, Mr. Speaker.

Last week, the national debt topped \$11 trillion for the first time in history. On Friday, the Congressional Budget Office reported that the Federal deficit will soar past \$1.8 trillion this year, which would be the highest recorded since World War II, deficits for as far as the eye can see.

By 2019 the government will be paying over \$800 billion annually just in interest on the debt, borrowing money from China and other countries.

Congressman COOPER of Tennessee and I have introduced the bipartisan SAFE Commission Act to create a national commission aimed at addressing entitlement spending and our national tax policy with everything on the table. It's bipartisan, with exactly 26 Republicans and 26 Democrats joining as original cosponsors. A similar proposal in the Senate has the support of Senator KENT CONRAD, chairman of the Senate Budget Committee, and ranking member Senator JUDD GREGG.

The commission would force Congress to act on the mountains of debt under which we are burying our children and our grandchildren. Without it, we will have the same old tired process, drawing lines in the sand while the tsunami of debt comes crashing over our shores.

According to a recent Peter Hart/Public Opinion Strategies survey, 56 percent of registered voters prefer a bipartisan commission to the regular congressional process as the best means of tackling our growing budget deficit and national debt. The current process isn't working. In other words, the American people understand we are in trouble, yet Congress continues to fiddle while Rome burns. Congress is made up of parents and grandparents, yet we seem to be prepared to push all of the debt we are creating off to our children and grandchildren.

The American people are experiencing a crisis in confidence and they are worried about our country. When we gain control of reckless spending, we will be able to rebuild the economy and see a brighter and stronger America, stronger for us and stronger for our children and our grandchildren, to bring about a renaissance.

How will history judge the 111th Congress if it doesn't deal with this issue? Cosponsoring the Cooper-Wolf SAFE Commission is supporting the bipartisan way forward. If any Member has a

better idea that can honestly pass this place, then they ought to put it forward. If they can't, we should pass the Cooper-Wolf bill.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 21 minutes a.m.), the House stood in recess until noon.

□ 1200

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In the great scheme of things, it is You, Lord God, that can make the difference. Day by day, we make judgments and casual decisions. They all add up to a sense of direction. We move along a path in our personal lives. We set a path for this Nation. Guide us every step of the way, Lord.

Representatives in the United States Congress hold the hopes and perspectives of constituents and bring them to light on the floor of the House. To make daily decisions, they take all this into account, and yet they are appointed to be the ones to decide what is of most need for the Nation. Grant them prudence, patience, and perseverance. We ask this calling upon Your Holy Name, now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. GARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. GARRETT of New Jersey led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ELECTING A MINORITY MEMBER TO A CERTAIN STANDING COMMITTEE

Mrs. McMORRIS RODGERS. Mr. Speaker, by direction of the Repub-

lican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 277

*Resolved*, That the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON THE BUDGET—Mr. Latta.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### KEEP TO THE FACTS IN DEBATING THE PRESIDENT'S BUDGET

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, the President has sent his budget proposal to the Congress, and for the next few weeks we will debate it, but let's keep to the facts in debating it.

There have been partisan attacks that claim that President Obama's budget will raise taxes on small businesses. In fact, the President's budget eliminates the capital gains tax for individuals on the sale of certain small business stocks and makes the research and experimentation tax credit permanent.

These proposals will spur investment and innovation to help small businesses. These are the job-creating engines of our economy, and nowhere else but in California can you see them so prominently working in this economy to build those jobs we so desperately need. Ninety-seven percent of all small businesses will not see their taxes increase in 2010.

What else is in the budget for small businesses? Twenty-eight billion dollars in loan guarantees to expand credit availability for small businesses at a time when it is really needed and support for the \$1.1 billion in direct disaster loans for businesses, homes, and homeowners.

### THE CONFIDENTIAL SOURCE AND THE REPORTER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, over the last few years, numerous reporters in the United States have been subpoenaed about their confidential sources.

Law enforcement, namely prosecutors, hear about a story that a news reporter covers regarding scandals, corruption, crime, or coverups, and then has the reporter subpoenaed to testify before a grand jury. The purpose of the grand jury investigation is to find out who gave such information to the reporter, with the goal to bring the confidential source before the grand jury to testify.

Most States protect journalists from having to reveal that source. However, there is no Federal law to shield the identity of confidential sources. The protection of the source's identity is important because, without such a guarantee, sources would be fearful of possible reprisals if they revealed the information. Thus, the public would never know about the information.

With a few exceptions, prosecutors should not depend on reporters and their sources to root out crime. If whistle-blowers and reporters are protected by a shield law, the public's right to know will be enhanced with the free flow of information.

And that's just the way it is.

### COMPREHENSIVE HEALTH CARE REFORM

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I'm proud of the work Congress and the President have accomplished in just over 2 months: Expanded health care for 11 million children; assistance to families to maintain their health coverage through COBRA; funds to help States prevent cuts to Medicaid; and investments in safe and cost-saving electronic health record technology.

Some naysayers claim that the President and Congress are doing too much too soon. But we cannot fix our economy without fixing our broken health care system. And that's why I'm here today, to mark Cover the Uninsured Week with a call to action, action to achieve comprehensive health care reform, not next year, not in 4 years, but this year.

We have over 45 million individuals who lack health coverage in this country. Fifty-six billion dollars in unpaid bills are driving up the cost of insurance for everyone.

Reforming health care will strengthen our middle class, help businesses create jobs and be competitive, rebuild the economy and put our Nation on a sound financial footing far into the future.

Now is the time for comprehensive health care reform.

### THE DEMOCRAT BUDGET BORROWS TOO MUCH

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. During the last campaign, Hillary Clinton said that she had a million good ideas. She probably never thought that she would be outbid by this new administration that has a million bad ideas that are going to cost American taxpayers literally trillions of dollars.

This current budget spends too much, taxes too much, and borrows too much.



It spends too much, and it's coming up to \$2.3 trillion more than the White House even estimated a short time ago.

It taxes too much because every hardworking American household across this country is going to see their taxes go up by over \$3,000. While they're struggling with paying their bills, their taxes will be rising.

It borrows too much because it's going to increase the debt on taxpayers across this country. Right now it stands at about \$35,000 per capita. It's going to double in 8 years to around \$70,000.

You know, Americans were voting for a change. I think at the end they were really hoping for something better than this.

#### THE RECESSION IS REAL

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, the recession is real.

In my home State of North Carolina, we have 100 counties. All of them experienced an increase in unemployment during the month of January. Seventy-two of the 100 counties had a 10 percent or higher rate of unemployment. Across my district, 23 counties, we now have an average unemployment rate of 11.2 percent. The highest county is 15.6 percent. That is unacceptable.

These numbers are staggering, and people are hurting. We must remember, Mr. Speaker, that we have met these challenges before, and we will meet this challenge now. North Carolina will benefit from about \$6 billion as part of the stimulus package, which will create or save 105,000 much-needed jobs.

I am further encouraged by the efforts to ease the credit squeeze afflicting small businesses by buying up to \$15 billion of securities that are linked to small business. This is an important step, Mr. Speaker, in encouraging lenders to make more money available to entrepreneurs and small businesses.

I encourage the President to continue with his economic recovery.

#### GYRATION IN THE STOCK MARKET

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as you can see here in this graph, what the President called gyrations of the stock market, in February of 2008, a year ago, the Dow Jones Industrial Average sat at just 13,000 points.

Just before Congress passed the so-called rebate check package worth \$168 billion of borrowed money, Speaker PELOSI said, "This package gets money into the hands of Americans struggling to make ends meet . . . and stimulates our slowing economy."

Yet since then, the market has lost nearly half its value. That's trillions of dollars in wealth wiped out in 1 year from retirement accounts and the savings of hardworking families across America.

The rebate package a year ago was just the first in many attempts to borrow and spend our way out of this situation. Here we have the \$300 billion housing bailout, \$200 billion for Fannie Mae and Freddie Mac, \$700 billion in TARP funds. Look at the drop after that: \$14 billion, auto bailout; \$787 billion, stimulus, before the market dropped.

Our actions have economic consequences.

#### WE'VE GOT TO CHANGE THE COURSE OF THIS NATION

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I listened to my friends on the other side of the aisle. The problem is they forget, and they're kind of revising history. It's the Republican President and a Republican Congress that drove this country into the ditch financially and economically, and what we've got to do is change the course of this Nation.

That's what the President is undertaking to do, by providing small business with tax credits, with assistance as to funding of their particular projects, because that's where the real engine of our economy is—in small businesses.

So, last week, the President announced various initiatives to assist small business to make credit available to them for their various projects, to purchase their loans so that they could go forward, so small banks could make loans to small businesses.

This President is making available to 95 percent of us tax credits. So for 95 percent of the American public, they will see their taxes go down.

So my friends on the other side of the aisle forget the history that brought us here. The Republican administration, by giving tax cuts to the wealthiest while prosecuting a war, put us in a very difficult position, but we will get it out by changing the direction of this Nation.

#### THRUST FOR POWER

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, political liberty is founded on economic liberty, and history teaches that liberties are attacked during a crisis. The White House Chief of Staff has said never pass up an opportunity inside a crisis.

Secretary Geithner wants Congress to give the executive branch authority

to seize any financial institution in America. It is an awesome power that will be quickly abused after just one Federal Reserve Board vote among all Presidential appointees. No judge would rule. No vote of the Congress would happen. This is a historic lunge for power.

Americans, remember, it was government agencies, Fannie Mae and Freddie Mac, that caused this crisis. I am from Chicago, and I know about government abuse and corruption.

We should reject Geithner's opportunistic thrust for control or rue this Congress when it gave only one branch of this government such a corruptible economic authority.

#### WE NEED ALL HANDS ON DECK IN THESE SERIOUS ECONOMIC TIMES

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, we are in very serious economic times. Unprecedented challenges confront this country. It is a time when we need all hands on deck.

Unfortunately, all we've heard from the other side of the aisle is hyperbole: we're spending too much, we're not doing this, we're not doing that. We need ideas.

The best in America has always come because of a conflict of ideas, because of ideas converging and taking the best and assimilating them into policies that benefit all Americans. We're not getting the help we need from our Republican colleagues. Again, we need all hands on deck.

Just this Sunday, one of the Republican Members was on a national talk show and said our faith in God is going to get us through this. Well, maybe it will, but faith in God, as important as it is, is not an economic policy.

We need the best that America has to offer from all sides of America. I invite my Republican colleagues to participate in this debate and help get us out of this economic challenge.

#### INTRODUCTION OF H.R. 1111

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, each year there are two things that can get in the way of thousands of visitors seeking the picturesque vistas of Montana and all that it has to offer: high energy prices that make the trip too expensive and a blanket of smoke from out-of-control wildfires.

I've introduced legislation that brings some Montana common sense to those problems by literally harnessing the energy of a forest fire to generate electricity.

You see, nature wants to let the fires burn in order to preserve healthy forests, while man continues to try and

put them out. When we interfere with nature, we wind up with overgrown forests that burn hotter and longer, wasting a potential renewable energy source. My bill restores these forests to a more natural and healthy density, while using the excess wood to create biomass energy.

Join me in cosponsoring H.R. 1111 to reduce the cost of wildfires and the cost of energy.

□ 1215

#### HEALTH CARE MYTH: HEALTH REFORM WILL LIMIT PATIENT CHOICE

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Another health care myth—if we reform our health care system, patients will lose choice. Again, this is simply not true. First, it begs the question: What choice do patients have today?

In America, we have choice, but too often it lies not with the doctor or patient, but with the insurance company. Patients are denied physician-prescribed treatment, doctors are denied reimbursement for necessary care, and increasingly restrictive networks of coverage mean restrictive choice for patients.

A survey of the leading proposals for reform shows that no one is talking about limiting patient choice. In fact, a publicly sponsored plan, with a potential network of millions of Americans, would likely have one of the most robust networks of providers in the system, since doctors and hospitals would want and need to have access to this large pool of patients.

A public plan itself increases patient choice by allowing families to decide whether they want to continue with their private insurance plan or move to a publicly sponsored plan that might provide better coverage due to lower administrative and profit costs.

Health care reform limiting patient choice? It's just another myth about our health care system.

#### STOP JOB-KILLING TAX INCREASES

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, we will not recover from this recession unless small business leads the way by growing jobs. A small business owner from my district, Paul Robinson of Sterling Critical Products in Bloomington, was just in Washington last week. The message he has for Congress is that we need to provide incentives and access to capital for small business—and we need to make sure that no job-killing tax increases are added to their burden.

The \$1.4 trillion tax increase that is on the table in the current budget proposal would drive a stake into the heart of our Nation's job creators. The proposal to raise taxes on asset creation by 33 percent would dry up badly needed capital and keep them from creating jobs.

My constituents are living within their means and they're cutting expenses. They expect Washington to do the same. But this budget spends too much, it taxes too much, and it borrows too much.

In these difficult times, we demand solutions that put people back to work. Let's reject these job-killing tax increases and start growing jobs now by supporting small business owners like Paul.

#### UNINSURED WEEK

(Mr. COSTA asked and was given permission to address the House for 1 minute.)

Mr. COSTA. Mr. Speaker, I rise today to call upon the Congress to reform our health care system. It's important. Forty-six million Americans currently have no health care insurance, yet health care costs have risen dramatically in years.

Insurance premiums in California have risen at a rate more than twice the rate of inflation, eating up a larger and larger percentage of household incomes. With the recent economic downturn, far too many families are losing their employer-based coverage and unable to afford the cost of health care on their own.

Like it or not, we taxpayers are paying for the health care in some of the most expensive ways possible, through the emergency room, for those who are uninsured. Last year, hospitals in my district provided nearly \$200 million in uncompensated care. Clinics in our Central Valley alone have provided care for over 600,000 who have little insurance or none at all.

This system cannot and should not continue. The bottom line is we are paying for the uninsured today—the 46 million Americans who do not have insurance. We ought to do it in a better way.

Our citizens' health and our Nation's fiscal health depend on meaningful reform. Let's begin that effort.

#### DIALOGUE WITH THE PRESIDENT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Yesterday, Father Jenkins, the President of my alma mater, Notre Dame, explained his decision to give President Obama an honorary degree, in spite of his opposition to the culture of life expressed by that university and

the Catholic Church. He explained it as an invitation to dialogue with the President. Let us hope so.

Let us hope there is a dialogue on the President's support for partial-birth abortion; on his opposition to the born-alive baby legislation; on his reversal of the Mexico City policy; on his support of Federal funding for embryonic stem cells where, denouncing it, he gave the back of the hand to Catholic moral teaching; and, in vitiating the Federal regulations guaranteeing the conscience clause, which is aimed at Catholic hospitals, doctors, and nurses.

Will this be an invitation to dialogue? Will the commencement address be an opportunity for the President to question his prior decisions? God only knows.

#### COVER THE UNINSURED WEEK WITH A CALL FOR COMPREHENSIVE HEALTH CARE REFORM

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, this is Cover the Uninsured Week, March 22–29, and I call for enactment of comprehensive health care reform this year.

Reforming the Nation's health care to lower costs, improve quality, increase coverage, and preserve choice is a top priority for Congress and the President. Our Nation's health care system, which costs more every year and leaves more than 45 million citizens uninsured, and millions more underinsured, is in bad need of reform. We simply can't afford to wait any longer to make the changes necessary to ensure greater access to quality health care.

The problem of the uninsured and its impact on the entire health care system continues to grow. The Federal Government estimates that over 45 million individuals lacked health insurance coverage of any kind during the last year, 2008. Approximately \$56 billion is in uncompensated care.

We need to change that.

#### PROTECT PROSPERITY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. My constituents are tired of Congress spending money they haven't made yet for programs they don't want. According to the CBO, total spending in 2009 is going to be over \$4 trillion. The price tag on the President's budget is over \$3.6 trillion.

Our country can't afford this budget because it spends too much, it taxes too much, and it borrows too much money on our future.

The CBO predicts that this budget will push our deficit to 9.6 percent of

GDP in 2010. That's historical. CBO predicts that this country will run historically high deficits for the next decade. The global demand for American debt will only continue if our economic policies are sound.

Although we don't know the limits of the debt market, this budget is going to push us into uncharted territory. As lawmakers, it is our duty to preserve and protect prosperity. If we pass this budget, we will be abusing the economic opportunity for our children and our grandchildren. What kind of protection is that?

#### BREAST CANCER PATIENT PROTECT ACT OF 2009

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. An estimated 184,000 cases of invasive breast cancer were diagnosed last year. I rise today in support of every breast cancer patient who has ever undergone a mastectomy and then been told by her insurance company that she has to leave the hospital in 24 hours or less before she has had time to recover.

I'm reintroducing the Breast Cancer Patient Protection Act today. It's a bipartisan bill that overwhelmingly passed this House last year by a vote of 421-2. Simply, it ensures that after breast cancer surgery, a woman will have 48 hours to recuperate in the hospital, no matter which State she lives in or what insurance coverage she has. It does not mandate that the patient has to stay in the hospital for 48 hours, but the decision should be made by patient and doctor and not by an insurance company.

A Lifetime TV petition has been signed more than 23 million times, with people directing their stories to their Web site. We have information from 50 States.

The last thing any woman should do at this time is to fight with her insurance company. This should not be negotiable. Ultimately, that decision should be up to the patient and her doctor.

Before this session of Congress is over, we must take Federal action and pass the Breast Cancer Patient Protection Act into law, and take away this barrier to quality breast cancer care.

#### REWRITING HISTORY

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. I am absolutely amazed at the ability of my colleagues to bring to life the novel 1984 by Orwell. They stand up every day and rewrite history right here on the floor of the House.

We had 55 straight months of job growth, which ended in January 2007.

Why? The Democrats took over the Congress that month. The Democrats then began spending too much, taxing too much, and borrowing too much—and they continue to do that. Their plans are going to finish off this country as we know it. Their budget will grow the Nation's debt to 82 percent of the overall economy by 2019—from 41 percent in 2008.

The Democrat budget doubles the share of the debt on every family in America. The current debt per capita is roughly \$35,000. Under the Democrat budget, this will rise to \$70,000 in only 8 years.

Despite the Democrats' claim, their budget plans for deficits through 2019 are actually higher than any year before President Obama took office.

#### ONE ROAD TO ECONOMIC PROSPERITY

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. The American public wants to see bipartisanship and they want to see Democrats and Republicans work together. This is my second Congress I have served in, and it's disappointing to me to see a new President—who was elected with overwhelming numbers and overwhelming support—not get bipartisan support and help on his efforts.

I don't agree with President Obama on everything that he is trying to do to get us out of the economic morass that the Republican Congress and the previous President and Vice President left us in. But I support our President because I know we have one executive authority and one Treasury Department that needs to have a direction to get us on the road to prosperity.

It is disappointing that people just criticize, criticize, criticize. The fact is we need to spend to stimulate this economy and we need a recovery package as well as a reinvestment package to get this economy moving, and that's what is being offered. It's being geared toward the middle class that's being forgotten.

On the other side, they talk about preserving prosperity for our children and our grandchildren. Most people in this country—95 percent—don't have prosperity, and they need help. The Democratic budget will help them with health care, jobs, and education.

#### HONORING PRIVATE JASON WATSON

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. I would like to take this privileged opportunity to honor and celebrate the life of Private Jason Watson. Private Watson is from Many, Louisiana, and recently died in Afghanistan.

Private Watson gave that last full measure of devotion to defend our freedom, and his death is a reminder of the cost of our liberty. Remember that it's not the Congressman and it's not the reporter who guarantee freedom of speech, it's the uniformed servicemembers working every day.

He proudly defended America so that we may never experience the horror of another terrorist attack on our home soil. While little will comfort the pain his family feels at this time, I want to thank them on behalf of our country, a grateful country, and let them know that their family will be in our prayers.

Private Jason Watson died a hero. I challenge my colleagues to remember our role here in Congress to make responsible decisions to protect the lives of Americans and to uphold the values and the pillars of freedom this brave young man died for.

#### HONORING THE LONG BEACH MUNICIPAL BAND

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute.)

Ms. RICHARDSON. Mr. Speaker, I rise today as the daughter of a musician to honor the Long Beach Municipal Band on their 100-year anniversary. On March 14, 1909, under the direction of E. Harry Willey, the Long Beach Municipal Band gave its first performance at the Bath House Band Shell on the Pine Avenue Pier.

In particular, what I want to say about the band is, following a 6.25 magnitude earthquake in March of 1933 that almost destroyed an entire city, it was the band that remained and played to encourage the families who were left in shelters and in nearby parks.

Since that time, the Long Beach Municipal Band has gone on to perform 57,000 concerts, over 1 million pieces of music. Also, it's known as the longest running, municipally supported band in our country.

Please applaud our great city that has made an investment—the second-largest city in the largest county in this Nation—to remember that art is a part of music, and it's a part of this country.

□ 1230

#### NOT LOOKING FOR A BAILOUT, JUST A FAIR SHAKE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. It has been 68 days, Mr. Speaker, since the United States Forest Service approved a notice to proceed with oil and gas production on the Allegheny National Forest.

Why is this cause for concern? Well, we are talking about a relationship between the Forest Service and private landowners that has existed for 86 years without a disruption of this magnitude. We are talking about jobs. Without permits to proceed, companies continue to lay off employees, and the local economy suffers.

Take Michael Hale's company, for example, a constituent of mine from Bradford, Pennsylvania, who recently wrote:

"As an owner of an excavating company during tough difficult times, I am discouraged by the recent actions by the Forest Service in delaying processing of notices to proceed for oil and gas extraction in the Allegheny National Forest.

"For the first time in our 26-year history, we have had to make adjustments to our workforce due to an inability to work. Currently, 35 percent of our field workers have been laid off and the remaining workers have had their hours reduced by 25 percent.

"We are not asking for a handout or a bailout of any kind, we just want to be able to work."

It's companies like Michael Hale's that are the fabric which holds this economy and many of our rural communities together. They're not looking for a bailout, just a fair shake.

#### THE DEMOCRAT BUDGET SPENDS TOO MUCH, BORROWS TOO MUCH, AND TAXES TOO MUCH

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the Democrat budget spends too much, borrows too much, and taxes too much. But spending and taxes has never been a problem for Speaker PELOSI and this Congress.

Take the latest boondoggle in the stimulus bill—\$3 million for the city of Georgetown and Adams Morgan, upper income neighborhoods of Washington, DC, so that they can do, what? Install bike racks and buy 400 new bicycles for these poor yuppie elitist residents there, many of them who make six-digit incomes.

Now, to my knowledge, the Speaker pro tempore and I are the only Members of Congress who regularly ride bikes to work. I am glad. He's got a great bike. Mine isn't quite as nice, but I think it is a good bike. But we paid for them with our own money.

Why should the Federal Government have a bicycle program? Why are we going out to two of the wealthiest neighborhoods in Washington, DC and saying, hey, we are going to buy bicycles for you people? That is ridiculous, and that is part of the reason that we need to reject the Democrat budget. It spends too much, taxes too much, and borrows too much.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY OFFICER ACT OF 2009

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1617) to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1617

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Homeland Security Component Privacy Officer Act of 2009".

#### SEC. 2. ESTABLISHMENT OF PRIVACY OFFICIAL WITHIN EACH COMPONENT OF DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended by inserting after section 222 the following new section:

##### "SEC. 222A. PRIVACY OFFICIALS.

"(a) DESIGNATION.—

"(1) IN GENERAL.—For each component of the Department under paragraph (2), the Secretary shall, in consultation with the head of the component, designate a full-time privacy official, who shall report directly to the senior official appointed under section 222. Each such component privacy official shall have primary responsibility for its component in implementing the privacy policy for the Department established by the senior official appointed under section 222.

"(2) COMPONENTS.—The components of the Department referred to in this subparagraph are as follows:

"(A) The Transportation Security Administration.

"(B) The Bureau of Citizenship and Immigration Services.

"(C) Customs and Border Protection.

"(D) Immigration and Customs Enforcement.

"(E) The Federal Emergency Management Agency.

"(F) The Coast Guard.

"(G) The Directorate of Science and Technology.

"(H) The Office of Intelligence and Analysis.

"(I) The Directorate for National Protection and Programs.

"(b) RESPONSIBILITIES.—Each privacy official designated under subsection (a) shall report directly to both the head of the official's component and the senior official appointed under section 222, and shall have the following responsibilities with respect to the component:

"(1) Serve as such senior official's main point of contact at the component to implement the policies and directives of such senior official in carrying out section 222.

"(2) Advise the head of that component on privacy considerations when any law, regulation, program, policy, procedure, or guideline is proposed, developed, or implemented.

"(3) Assure that the use of technologies by the component sustain or enhance privacy protections relating to the use, collection, and disclosure of personal information within the component.

"(4) Identify privacy issues related to component programs and apply appropriate privacy policies in accordance with Federal privacy law and Departmental policies developed to ensure that the component protects the privacy of individuals affected by its activities.

"(5) Monitor the component's compliance with all applicable Federal privacy laws and regulations, implement corrective, remedial, and preventive actions and notify the senior official appointed under section 222 of privacy issues or non-compliance, whenever necessary.

"(6) Ensure that personal information contained in Privacy Act systems of records is handled in full compliance with section 552a of title 5, United States Code.

"(7) Assist in drafting and reviewing privacy impact assessments, privacy threshold assessments, and system of records notices, in conjunction with and under the direction of the senior official appointed under section 222, for any new or substantially changed program or technology that collects, maintains, or disseminates personally identifiable information within the official's component.

"(8) Assist in drafting and reviewing privacy impact assessments, privacy threshold assessments, and system of records notices in conjunction with and under the direction of the senior official appointed under section 222, for proposed rulemakings and regulations within the component.

"(9) Conduct supervision of programs, regulations, policies, procedures, or guidelines to ensure the component's protection of privacy and, as necessary, promulgate guidelines and conduct oversight to ensure the protection of privacy.

"(10) Implement and monitor privacy training for component employees and contractors in coordination with the senior official appointed under section 222.

"(11) Provide the senior official appointed under section 222 with written materials and information regarding the relevant activities of the component, including privacy violations and abuse, that are needed by the senior official to successfully prepare the reports the senior official submits to Congress and prepares on behalf of the Department.

"(12) Any other responsibilities assigned by the Secretary or the senior official appointed under section 222.

"(c) ROLE OF COMPONENT HEADS.—The head of a component identified in subsection (a)(2) shall ensure that the privacy official designated under subsection (a) for that component—

"(1) has the information, material, and resources necessary to fulfill the responsibilities of such official under this section;

"(2) is advised of proposed policy changes and the development of new programs, rules, regulations, procedures, or guidelines during the planning stage and is included in the decisionmaking process; and

"(3) is given access to material and personnel the privacy official deems necessary to carry out the official's responsibilities.

“(d) LIMITATION.—Nothing in this section shall be considered to abrogate the role and responsibilities of the senior official appointed under section 222.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item related to section 222 the following new item: “Sec. 222A. Privacy officials.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CARNEY. Mr. Speaker, I yield myself such time as I might consume.

I rise in support of H.R. 1617, the Department of Homeland Security Component Privacy Officer Act of 2009. This legislation will give the Department of Homeland Security the resources it needs to accurately assess how its programs will impact the privacy of Americans.

The Department's Chief Privacy Officer was the first ever statutorily created Federal privacy officer. The goal when establishing this office was for it to serve as the gold standard for other Federal agencies as they sought to fulfill their missions, while ensuring that privacy was protected.

Building on the original intent of the privacy officer, this bill would make the Department the first Federal agency with statutorily created privacy officers in its component agencies. This will put the Department at the forefront of individual privacy protection and will expedite privacy impact assessments awaiting completion and approval at the Department of Homeland Security.

The bill arose from a Government Accountability Office study, internal discussions with the Department's Office of Privacy, and publications released by the DHS Chief Privacy Officer.

The act requires the Component Privacy Officers to, among other things: Serve as the main point of contact between their component head and the DHS Chief Privacy Officer; draft and review Privacy Impact Assessments and Federal Register notices published by their component; monitor the component's compliance with all applicable Federal privacy laws and regulations; and conduct supervision of programs, regulations, policies, procedures, or guidelines to ensure the component's protection of privacy.

The presence of a full-time Component Privacy Officer would ensure that privacy considerations are integrated into the decision-making process at each of the DHS's components.

This body approved this common-sense measure during the previous Congress, and I urge my colleagues to continue to support this much-needed legislation so that DHS can effectively protect everyone's right to privacy.

I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1617, the Department of Homeland Security Component Privacy Officer Act of 2009. Introduced by my committee colleague, CHRIS CARNEY, this bill is identical to H.R. 5170, which passed the House by voice vote last summer.

H.R. 1617 directs the Secretary of Homeland Security to designate a privacy officer in each of the Department's components, including the Transportation Security Administration, the Citizenship and Immigration Services, the Immigration and Customs Enforcement, FEMA, Customs and Border Protection, the Coast Guard, the Office of Intelligence and Analysis, the Science and Technology Directorate, and the National Protection and Programs Directorate.

Each of these privacy officers would be responsible for implementing the Department's privacy policy at the component level and would report directly to both the component head and the Department's Chief Privacy Officer.

We can all agree on the importance of ensuring privacy issues are considered and addressed when the Department's programs are developed and implemented. That is why I am pleased that the Department, under former Secretary Chertoff's leadership, has already taken the steps to establish privacy officers at the component level. The bill we are considering today will further strengthen these positions by statutorily mandating them and their roles and responsibilities.

I hope the committee will work to craft an authorization bill for the Department this year to address issues such as this one and to ensure the Department has all the necessary tools to achieve its vital mission. I urge my colleagues to support H.R. 1617.

I reserve the balance of my time.

Mr. CARNEY. Mr. Speaker, I am prepared to close after the gentleman closes.

Mr. BILIRAKIS. I yield to the gentleman from Georgia (Mr. BROWN) 3 minutes.

Mr. BROWN of Georgia. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. CARNEY) for offering this very important suspension.

As the gentleman knows, I am also on the Homeland Security Committee, and feel as though there is no greater

responsibility of this body than to protect the homeland. But, Mr. Speaker, protecting the homeland doesn't begin and end with creating privacy officers in the Department of Homeland Security. It is also our responsibility as Members of Congress to protect the economic security of the homeland. Governing in a fiscally responsible manner is one way to ensure that the citizens of this country are economically secure.

I would note, Mr. Speaker, that the gentleman from Pennsylvania (Mr. CARNEY) who brought forth this suspension has voted for both the \$1 trillion stimulus which included a secret provision to allow the AIG bonuses to go forward, and a \$410 billion omnibus spending bill which contained nearly 9,000 earmarks. That is nearly \$2 trillion of added debt that the gentleman from Pennsylvania (Mr. CARNEY) and his Democratic colleagues voted to place on our children and our grandchildren.

Mr. Speaker, next week we will have another opportunity to vote up or down on massive deficit spending. The Democratic budget will add trillions more of spending to the national debt and to the families of this country.

Mr. Speaker, I would ask the gentleman, Mr. CARNEY, if he intends to vote for next week's budget which runs contrary to the security of this country?

I yield to the gentleman, if he would care to respond.

Mr. CARNEY. Mr. Speaker, on the matter under consideration, I believe in the privacy that we are after.

Mr. BROWN of Georgia. Mr. Speaker, it is unfortunate that the gentleman from Pennsylvania will not share his intentions with the American people. I think we should all be transparent about our votes here in Congress.

In 8 years, American families will either be on the hook for \$70,000 apiece, or they won't. If you vote “yes” on this budget, you intend to put \$70,000 of debt on each family in this country. If you vote “no” on the budget, you don't intend to put that burden on families. I hope we all keep that in mind as we prepare to vote on the Democratic budget next week. I believe that this budget is fiscally irresponsible.

Mr. CARNEY. I reserve the balance of my time.

Mr. BILIRAKIS. I urge my colleagues to pass H.R. 1617, and I yield back the balance of my time.

Mr. CARNEY. I yield myself such time as I may consume.

Mr. Speaker, public trust in the Department's ability to protect personal privacy rights is abysmally low. The last administration's habit of bringing in the privacy office at the 11th hour is not the proper way to blend in the privacy protections and appropriate safeguards before policies and programs are under way.

Although we trust the new administration to do better, we must also acknowledge that privacy protections have to begin at the component level.

This bill will provide each Department of Homeland Security component that handles personally identifiable information with its own privacy officer that will report up to both its component head and to DHS headquarters. Further, the bill will balance the need for greater accountability of privacy rights associated with personally identifiable information while enhancing the safety of our Nation. I therefore urge my colleagues to support this measure.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 1617, the Department of Homeland Security Component Privacy Officer Act of 2009.

The Department's Chief Privacy Officer has the distinction of being the first-ever statutorily-created Federal Privacy Officer.

Along those same lines, this bill, introduced by Representative CARNEY, the Chairman of our Management Subcommittee, would make DHS the first Federal agency to have statutorily-required privacy officers in all its major component agencies.

To be effective, privacy officers need to be where the action is happening, not waiting for notice after key decisions have already been made.

However, currently, if the Department's Chief Privacy Officer needs information concerning programs and policies that impact privacy rights, he has to go through the head of the relevant component.

Sometimes this information is shared, sometimes it is not.

When it is not, we have seen major privacy missteps, wasted Federal tax dollars, and even cancelled programs.

Under this bill, the Transportation Security Administration, Customs and Border Protection, Immigration and Customs Enforcement, FEMA, and Coast Guard are among the key components that would receive a privacy officer.

Placing Privacy Officers in these key component agencies is the first step in ensuring that privacy protections are in place at the beginning of the policymaking process.

This bill was informed by an investigation by the Government Accountability Office, internal discussions with the Department's Office of Privacy, and publications released by the DHS Chief Privacy Officer.

Moreover, this legislation was approved overwhelmingly by voice vote when considered by the House in the 110th Congress.

I urge my colleagues to join me in supporting this legislation that will help ensure the effective operations of the Department of Homeland Security.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in full support of H.R. 1617, legislation that will greatly enhance the security of the Department of Homeland Security, thereby making our nation safer. I wish to recognize my colleague, the gentleman from Pennsylvania, CHRISTOPHER CARNEY, for his work on this bill. In addition, I would like to thank the Chairman of the Committee on Homeland Se-

curity, BENNIE THOMPSON for his continued leadership in making our nation as safe as possible.

This bill amends Subtitle C of the Homeland Security Act of 2002, mandating a full-time privacy official within each part of the Department of Homeland Security. The privacy official will act under the direction of the senior appointed official of the Department of Homeland Security. The privacy official will work within the following components:

The Transportation Security Administration.  
The Bureau of Citizenship and Immigration Services.  
Customs and Border Protection.  
Immigration and Customs Enforcement.  
The Federal Emergency Management Agency.

The Coast Guard.  
The Directorate of Science and Technology.  
The Office of Intelligence and Analysis.  
The Directorate for National Protection and Programs.

The privacy official will be the senior official's eyes and ears regarding matters of privacy and matters that are within the Department of Homeland Security's jurisdiction.

The bill requires the new component privacy officials to monitor the Department of Homeland Security's component's compliance with all applicable federal privacy laws and regulations, implement corrective or preventative actions, and notify the senior privacy official for the department.

The privacy component officials would assist in drafting and reviewing privacy impact assessments, privacy threshold assessments, and the system of records notices, for any new or changed program or technology that collects, maintains, or disseminates personally identifiable information within their components, or for proposed rulemakings and regulations within their components. The level of hands-on involvement gives me confidence that the privacy officers in the various divisions will be able to perform their jobs effectively.

The privacy component officials would be required to conduct supervision of programs or procedures, to ensure protection of privacy, as well as implement and monitor privacy training for employees and contractors. The privacy officials would provide the senior privacy official with written materials and information regarding the relevant activities of the component, including privacy violations or abuse, that the senior official needs to prepare reports for Congress. These are protective measures which could be deemed intrusive, but that is exactly what we want from our privacy officials. A hallmark of the new administration is transparency in government. I believe that as the American people see more of what we do in Congress their confidence in government.

Any other responsibilities could be assigned by the Secretary of the Department of Homeland Security or the senior privacy official for the Department. Nothing in the bill should be considered to abolish the role and responsibilities of the senior privacy official, or diminish their capacity within the Department of Homeland Security framework.

This is an important job and my wish is that the new appointees are put in place in regular order and fashion so that they can get on with the job of protecting our homeland.

Mr. CARNEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the bill, H.R. 1617.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MARITIME BIOMETRIC IDENTIFICATION PROGRAM

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1148) to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1148

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure the program described in subsection (a) is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) COST ANALYSIS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives and the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate an analysis of the cost of expanding the Department's biometric identification capabilities for use by departmental maritime assets considered appropriate by the Secretary. The analysis may include a tiered plan for the deployment of the program described in subsection (a) that gives priority to vessels and units more likely to encounter individuals suspected of making unlawful border crossings through the maritime environment.

(d) DEFINITION.—For the purposes of this section, the term "biometric identification" means the use of fingerprint and digital photography images.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CARNEY. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1148, a bill that will enhance the Department of Homeland Security's ability to execute its border security mission in the maritime environment.

The U.S. coastline extends over 95,000 miles, and every day illegal immigrants and potential terrorists attempt to bypass the Department of Homeland Security watchdogs—the Coast Guard and Customs and Border Protection—in their efforts to sneak into the United States. Many of these individuals have already been convicted of felonies in the United States, and many more are wanted by U.S. law enforcement on outstanding warrants for felonies and other dangerous crimes.

As the lead Federal agency charged with border security, it is DHS's mission to keep dangerous people out of our country. H.R. 1148 authorizes DHS to use technology that has been successfully piloted by the Coast Guard and the US-VISIT program since November of 2006 to identify dangerous people before they cross our borders and to better coordinate prosecution with Federal law enforcement agencies.

□ 1245

For example, as of March 3, 2009, the department has collected biometric information from 2,455 individuals interdicted in the Mona Pass, a 90-mile stretch of water in the Caribbean between Puerto Rico and the Dominican Republic.

DHS uses satellite technology to immediately compare the individual's fingerprints against the US-VISIT databases, which includes information about wanted criminals, immigration violators, and those who have previously encountered government authorities. Of these nearly 2,500 individuals who have been checked, almost 600 people have been found to have outstanding warrants and warrants in the United States.

To date, Federal prosecutors have successfully prosecuted 271, or 45 percent, of the matched individuals. As a result, migrant flow in the Mona Pass has been reduced by 75 percent since November 17, 2006.

I would like to note that my colleague on the Management, Investiga-

tions and Oversight Subcommittee, Representative BILIRAKIS, had already an identical bill in the 110th Congress. And I was pleased to support his homeland security measure that passed the House by a vote of 394-3, with one Member voting present.

I urge my fellow Members to vote for this bill, one which gives the Secretary of Homeland Security the tools she needs to secure our Nation's maritime border.

I reserve the balance of my time.

Mr. BILIRAKIS. I yield myself, Mr. Speaker, as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1148 which I introduced earlier this year. This bill directs the Secretary of Homeland Security to conduct a cost analysis and determine the most appropriate places to expand upon a successful pilot program conducted by the Coast Guard that collects biometric information on illegal aliens interdicted at sea. This tool, as used by the Coast Guard, has made a measurable impact on our border security and could be used by other DHS components with assets in the maritime environment, such as Customs and Border Protection. The expansion of this program will further enhance the Department's efforts to secure our borders.

The February 3 episode of Homeland Security U.S.A. showed the Coast Guard using this technology at sea when it rescued a boat full of illegal aliens attempting to make it from the Dominican Republic to Puerto Rico. As a result of the use of these biometrics, the Coast Guard was able to identify and detain 10 individuals with criminal records in the United States, including a repeat human smuggler who was wanted by Customs and Border Protection. This episode illustrated the use of biometrics at sea and on land. It works. In fact, the Coast Guard has reported that illegal migration in the Mona Pass, the narrow body of water between the Dominican Republic and Puerto Rico, has been reduced by 75 percent as a result of the biometrics program.

Since the beginning of the Coast Guard's biometrics pilot in the Caribbean in November, 2006, the Coast Guard has collected biometric data from 2,455 migrants using handheld scanners. This has resulted in the identification of 598 individuals with criminal records, and the U.S. Attorney's Office in San Juan, Puerto Rico, has prosecuted 271 individuals for violations of U.S. law, with a 100 percent conviction rate.

We have seen the success of this pilot program. It ensures that individuals attempting to enter the United States illegally by sea that have criminal records will not simply be returned to their homelands. They will be detained so they cannot attempt to enter the U.S. again.

It is now time for the Department to determine the best and most effective manner to expand this program to enhance border security. I hope the Department will deploy this program in the most risk-based, cost-efficient manner possible consistent with the current appropriations of the Coast Guard and other DHS components. I also look forward to expanding the appropriations for this program. And I urge my colleagues to join me in this effort.

This is the third time that the House is considering legislation to authorize this program. An amendment I offered to the Coast Guard Authorization Act that was similar to the bill was considered, it was passed actually, last year by a voice vote on April 24. In addition, the House passed a stand-alone version of that amendment last summer, as Mr. CARNEY said, with his support, at 394-3.

The biometrics program is another tool that is being used by the Department in its effort to secure our borders. I urge my colleagues to join me in supporting H.R. 1148.

I reserve the balance of my time.

Mr. CARNEY. Mr. Speaker, I have no more speakers. If the gentleman from Florida has no more speakers, then I'm prepared to close after the gentleman closes.

Mr. BILIRAKIS. I have no more speakers, Mr. Speaker. I urge my colleagues to pass H.R. 1148, and I thank the chairman.

I yield back the balance of my time.

Mr. CARNEY. Mr. Speaker, I yield myself as much time as I might consume.

I urge passage of H.R. 1148, a bill to harness technology used for the past 3 years by the Coast Guard and the US-VISIT program to enhance border security in the maritime environment. H.R. 1148 seeks to build upon the success of the DHS pilot by requiring the Secretary of Homeland Security to analyze the cost of deploying the biometric program in other waters.

If enacted, H.R. 1148 would enhance the ability of DHS to conduct mobile biometric identification of suspected individuals, including terrorists interdicted at sea.

For these reasons, I urge my colleagues to join me in supporting H.R. 1148.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 1148, a bill that will enhance the Department of Homeland Security's ability to execute its border security mission in the maritime environment.

Specifically, H.R. 1148 seeks to enhance DHS's ability to harness technology successfully piloted by the Coast Guard and US-VISIT program since November 2006 to identify dangerous people before they enter our shores.

Under this program, biometrics collected from individuals interdicted—at sea—are run, in real time, against our terrorist and criminal databases.



Today, state-of-the-art handheld scanners are used by DHS personnel to collect biometric information from individuals encountered at sea.

As of March 3, 2009, DHS has collected biometric information from 2,455 individuals interdicted in the Mona Pass—the 90-mile stretch between Puerto Rico and the Dominican Republic.

Through these checks, nearly 600 people have been found to have outstanding wants and warrants in the U.S.

Federal prosecutors have successfully prosecuted 271 or 45% of the matched individuals.

This program is appropriately targeted to help break the cycle of individuals who are known criminals or criminal suspects being repatriated through U.S. borders, without prosecution.

It is also worth noting that, as considered today, the Secretary of Homeland Security is given wide discretion to come up with the parameters of the maritime biometric program, including a determination as to which DHS components will participate.

Last Congress, nearly identical legislation was passed in the House by a vote of 394 to 3, with one Member voting present.

I am committed to working with Secretary Napolitano, Representative BILIRAKIS and other key stakeholders to ensure that the language of H.R. 1148 is clarified and strengthened as it moves through the legislative process.

I urge passage of this important homeland security legislation that will help enhance the security of our maritime borders.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1148, a measure that will help protect our nation from another attack. This bill may not make headlines but it is at the essence of what protecting the American people is all about. We cannot wrap our nation in bubble wrap but we can take thorough and effective steps to thwart potential attacks. As we have seen, the forces of evil will go to enormous lengths to accomplish their insidious goals. That is why I join in a bipartisan spirit my colleague from Florida, GUS BILIRAKIS in support of this measure.

This bill requires the Department of Homeland Security, no later than one year after the date of enactment, to conduct a maritime program for the mobile biometric identification of suspected individuals, including terrorists.

Biometric identification is defined to apply to the use of fingerprint and digital photography images. The Department of Homeland Security must ensure that the maritime program is coordinated with other biometric identification programs.

The Department of Homeland Security must submit a cost analysis no later than 90 days after the prospective enactment of this bill, expanding its biometric identification capabilities for maritime use to the House Appropriations and Homeland Security committees, and to the Senate Appropriations, and Homeland Security and Governmental Affairs committees. The analysis could include a tiered plan for the deployment of the program that gives priority to vessels and units more likely to encounter individuals suspected of making unlawful border crossings by sea. It is clear that we must try to secure our borders from all

sides and often the liquid borders are forgotten in the discussion.

Indeed, Mr. Speaker, this legislation passed the House of Representatives and I, like 394 of my colleagues, both Democratic and Republican voted for it. Fighting against terrorists and other criminals must remain a bipartisan effort.

It is also something that we must take up on all fronts: land, sea and air. Last weekend, in my role as Chairwoman of the Homeland Security Subcommittee on Transportation and Infrastructure, I had the opportunity to meet some of the fine professionals who work for the Department of Homeland Security's Transportation Security Administration division. They work tirelessly to defend our nation's airports. They make a stressful job seem effortless, and often are invisible, which is the hallmark of good security. And just as the transportation security professionals I met in New York City's LaGuardia Airport make our nation safer, so will the maritime security professionals from the United States Coast Guard.

The Coast Guard is made of truly dedicated and able professionals.

Again, Mr. Speaker, I rise in strong support and urge my colleagues to support this legislation that will further strengthen our nation's ability to protect ourselves from both criminal and terrorist attacks.

Mr. CARNEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the bill, H.R. 1148.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NUCLEAR FORENSICS AND ATTRIBUTION ACT

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 730) to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 730

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Forensics and Attribution Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The threat of a nuclear terrorist attack on American interests, both domestic and abroad, is one of the most serious threats to the national security of the United States. In the wake of an attack, attribution of responsibility would be of utmost importance. Because of the destructive power of a nuclear weapon, there could be little forensic evidence except the radioactive material in the weapon itself.

(2) Through advanced nuclear forensics, using both existing techniques and those under development, it may be possible to identify the source and pathway of a weapon or material after it is interdicted or detonated. Though identifying intercepted smuggled material is now possible in some cases, pre-detonation forensics is a relatively undeveloped field. The post-detonation nuclear forensics field is also immature, and the challenges are compounded by the pressures and time constraints of performing forensics after a nuclear or radiological attack.

(3) A robust and well-known capability to identify the source of nuclear or radiological material intended for or used in an act of terror could also deter prospective proliferators. Furthermore, the threat of effective attribution could compel improved security at material storage facilities, preventing the unwitting transfer of nuclear or radiological materials.

(4)(A) In order to identify special nuclear material and other radioactive materials confidently, it is necessary to have a robust capability to acquire samples in a timely manner, analyze and characterize samples, and compare samples against known signatures of nuclear and radiological material.

(B) Many of the radioisotopes produced in the detonation of a nuclear device have short half-lives, so the timely acquisition of samples is of the utmost importance. Over the past several decades, the ability of the United States to gather atmospheric samples—often the preferred method of sample acquisition—has diminished. This ability must be restored and modern techniques that could complement or replace existing techniques should be pursued.

(C) The discipline of pre-detonation forensics is a relatively undeveloped field. The radiation associated with a nuclear or radiological device may affect traditional forensics techniques in unknown ways. In a post-detonation scenario, radiochemistry may provide the most useful tools for analysis and characterization of samples. The number of radiochemistry programs and radiochemists in United States National Laboratories and universities has dramatically declined over the past several decades. The narrowing pipeline of qualified people into this critical field is a serious impediment to maintaining a robust and credible nuclear forensics program.

(5) Once samples have been acquired and characterized, it is necessary to compare the results against samples of known material from reactors, weapons, and enrichment facilities, and from medical, academic, commercial, and other facilities containing such materials, throughout the world. Some of these samples are available to the International Atomic Energy Agency through safeguards agreements, and some countries maintain internal sample databases. Access to samples in many countries is limited by national security concerns.

(6) In order to create a sufficient deterrent, it is necessary to have the capability to positively identify the source of nuclear or radiological material, and potential traffickers in nuclear or radiological material must be aware of that capability. International cooperation may be essential to catalogue all existing sources of nuclear or radiological material.

#### SEC. 3. SENSE OF CONGRESS ON INTERNATIONAL AGREEMENTS FOR FORENSICS CO-OPERATION.

It is the sense of the Congress that the President should—

(1) pursue bilateral and multilateral international agreements to establish, or seek to

establish under the auspices of existing bilateral or multilateral agreements, an international framework for determining the source of any confiscated nuclear or radiological material or weapon, as well as the source of any detonated weapon and the nuclear or radiological material used in such a weapon;

(2) develop protocols for the data exchange and dissemination of sensitive information relating to nuclear or radiological materials and samples of controlled nuclear or radiological materials, to the extent required by the agreements entered into under paragraph (1); and

(3) develop expedited protocols for the data exchange and dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.

#### SEC. 4. RESPONSIBILITIES OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) ADDITIONAL RESPONSIBILITIES.—Section 1902 of the Homeland Security Act of 2002 (as redesignated by Public Law 110-53; 6 U.S.C. 592) is amended—

(1) in subsection (a)—

(A) in paragraph (9), by striking “and” after the semicolon;

(B) by redesignating paragraph (10) as paragraph (14); and

(C) by inserting after paragraph (9) the following:

“(10) develop and implement, with the approval of the Secretary and in coordination with the heads of appropriate departments and agencies, methods and capabilities to support the attribution of nuclear or radiological material to its source when such material is intercepted by the United States, foreign governments, or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion;

“(11) establish, within the Domestic Nuclear Detection Office, the National Technical Nuclear Forensics Center to provide centralized stewardship, planning, assessment, gap analysis, exercises, improvement, and integration for all Federal nuclear forensics activities in order to ensure an enduring national technical nuclear forensics capability and strengthen the collective response of the United States to nuclear terrorism or other nuclear attacks;

“(12) establish a National Nuclear Forensics Expertise Development Program which—

“(A) is devoted to developing and maintaining a vibrant and enduring academic pathway from undergraduate to post-doctorate study in nuclear and geochemical science specialties directly relevant to technical nuclear forensics, including radiochemistry, geochemistry, nuclear physics, nuclear engineering, materials science, and analytical chemistry; and

“(B) shall—

“(i) make available for undergraduate study student scholarships, with a duration of up to four years per student, which shall include, whenever possible, at least one summer internship at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student’s undergraduate career;

“(ii) make available for graduate study student fellowships, with a duration of up to five years per student, which—

“(I) shall include, whenever possible, at least two summer internships at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student’s graduate career; and

“(II) shall require each recipient to commit to serve for two years in a post-doctoral position in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after graduation;

“(iii) make available to faculty awards, with a duration of three to five years each, to ensure faculty and their graduate students a sustained funding stream; and

“(iv) place a particular emphasis on reinvigorating technical nuclear forensics programs, while encouraging the participation of undergraduate students, graduate students, and university faculty from historically Black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities;

“(13) provide an annual report to Congress on the activities carried out under paragraphs (10), (11), and (12); and”;

(2) by adding at the end the following new subsection:

“(b) DEFINITIONS.—In this section:

“(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘historically Black college or university’ has the meaning given the term ‘part B institution’ in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

“(2) HISPANIC-SERVING INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

“(3) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘Tribal College or University’ has the meaning given that term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of \$30,000,000 for each of the fiscal years 2009, 2010, and 2011 to carry out paragraphs (10) through (13) of section 1902(a) of the Homeland Security Act of 2002, as added by subsection (a) of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CARNEY. Mr. Speaker, I submit for the RECORD an exchange of letters between the chairman of the Committee on Homeland Security and the distinguished chairs of the Committees on Foreign Affairs and Science and Technology.

COMMITTEE ON FOREIGN AFFAIRS,

HOUSE OF REPRESENTATIVES,

Washington, DC, March 20, 2009.

Hon. BENNIE G. THOMPSON,

Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 730, the Nuclear Forensics

and Attribution Act, introduced on January 27, 2009, by Congressman Adam B. Schiff. This legislation was initially referred to the Committee on Homeland Security and, in addition, to the Committee on Foreign Affairs.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation, I am willing to waive further consideration of H.R. 730. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its rule X jurisdiction.

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the committee report for H.R. 730 and in the Congressional Record during consideration of this bill.

I look forward to working with you as we move this important measure through the legislative process.

Sincerely,

HOWARD L. BERMAN,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,

Washington, DC, March 19, 2009.

Hon. BENNIE G. THOMPSON,

Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN, I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 730, the Nuclear Forensics and Attribution Act. H.R. 730 was introduced by Congressman Adam Schiff on February 5, 2009.

H.R. 730 implicates the Committee on Science and Technology’s jurisdiction over Homeland Security research and development under Rule X(1)(o)(14) of the House Rules. The Committee on Science and Technology acknowledges the importance of H.R. 730 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces, or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House Floor.

The Committee on Science and Technology also expects that you will support our request to be conferees during any House-Senate conference on H.R. 730 or similar legislation.

Thank you for your attention to this matter.

Sincerely,

BART GORDON,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY, Washington, DC, March 20, 2009.

Hon. HOWARD L. BERMAN,

Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BERMAN: Thank you for your letter regarding H.R. 730, the “Nuclear Forensics and Attribution Act,” introduced

by Congressman Adam B. Schiff on January 27, 2009.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that H.R. 730 contains provisions that fall under the jurisdictional of the Committee on Foreign Affairs. I appreciate your agreement to forgo any further consideration or action on this legislation, and acknowledge that your decision to do so does not affect the jurisdiction of the Committee on Foreign Affairs.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within the jurisdiction of the Committee on Foreign Affairs, and I agree to support such a request.

I will ensure that this exchange of letters is included in the Congressional Record during floor consideration of H.R. 730. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, March 20, 2009.

Hon. BART GORDON,  
*Chairman, Committee on Science and Technology, Rayburn House Office Bldg., House of Representatives, Washington, DC.*

DEAR CHAIRMAN GORDON: Thank you for your letter regarding H.R. 730, the "Nuclear Forensics and Attribution Act," introduced by Congressman Adam B. Schiff on January 27, 2009.

I appreciate your willingness to work cooperatively on this legislation. I acknowledge that H.R. 730 contains provisions that fall under the jurisdictional interest of the Committee on Science and Technology. I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Science and Technology.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill over which your Committee has a jurisdictional interest and I agree to support such a request.

I will ensure that this exchange of letters is included in the Congressional Record during floor consideration of H.R. 730. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,  
*Chairman.*

Mr. Speaker, I rise in strong support of H.R. 730, a bill introduced by my thoughtful colleague from California, Representative ADAM SCHIFF, to address an emerging homeland security threat. The Nuclear Forensics and Attribution Act is properly targeted to ensure that our government has the capacity to quickly determine the source of nuclear material should terrorists detonate a nuclear weapon or a dirty bomb in our country.

A reliable nuclear forensics capability is essential for key decision-makers to respond in a timely and effective manner. If terrorists knew that

we could trace a nuclear or dirty bomb back to them, they may well think twice about attacking us. The potential deterrent value of achieving a robust national nuclear forensics capability is immeasurable.

H.R. 730 has a multifaceted approach to obtaining this critical capability. First, it expresses the sense of Congress that the President should pursue international agreements and develop protocols to help identify the source of detonated nuclear materials.

Second, it tasks the Department of Homeland Security with the mission of developing methods to attribute nuclear or radiological material, both within the Domestic Nuclear Detection Office, DNDO, and in partnership with other Federal agencies.

Third, H.R. 730 recognizes that the development of an expertly trained workforce and education programs in nuclear forensics are critical to attaining a robust domestic attribution capability.

Fourth, the measure authorizes the National Technical Nuclear Forensics Center to undertake centralized planning, assessment and integration of all federal nuclear forensic activities.

The bill authorizes appropriations of \$30 million per year for the next 3 fiscal years for this effort.

Identical legislation passed the House on June 18, 2008. Unfortunately, the Senate did not take up the measure in a timely fashion. In this Congress, I am pleased that we are offering this legislation early in the first session. With a strong bipartisan vote today, we can send this measure on a swift path to the President's desk.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking member of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I am pleased to see this important bipartisan legislation once again come up for a vote.

In the last Congress, we spent a great deal of time discussing the efforts of the Department of Homeland Security's Domestic Nuclear Detection Office, or DNDO, to deploy radiation portal monitors at our Nation's ports of entry. These monitors, staffed by Customs and Border Protection officers, are the Nation's primary defense against illicit trafficking of nuclear and radiological material. DNDO continues to improve these technologies, and I hope that we will be supportive of their efforts.

Yet terrorists could overcome even the best detection systems. As we know, no technology is 100 percent sensitive. Border areas between official ports of entry also remain vulnerable.

For this reason, defense against terrorism requires a multilayered approach, as it does in so many other areas. This bill is a strategy to add another layer. It will fortify our national capabilities in technical nuclear forensics, a science that plays a key role in the attribution of nuclear material to its source. It enumerates a variety of responsibilities for the department to advance and sustain a technical nuclear forensics capability, and it authorizes the National Technical Nuclear Forensic Center to undertake this mission.

A key component is language designed to strengthen the pipeline of talented new scientists into this field. In recent years, as we know, the number of young people entering science has declined throughout this Nation. Nuclear fields in particular are suffering, especially harmful to nuclear forensics. This bill therefore instructs the Department to establish a National Nuclear Forensics Expertise Development Program devoted to developing and maintaining a vibrant and enduring pipeline of scientific professionals. The program will grant scholarships and fellowships from the undergraduate through postgraduate and doctorate level in nuclear and geochemical science specialties directly relevant to technical nuclear forensics.

Yet, Mr. Speaker, we must remember that forensics is only one component of attribution. Success also requires credible intelligence and law enforcement-style investigation. All of these components together comprise a credible attribution program that will serve as a deterrent against nuclear terrorism.

The detonation of a nuclear device in a populated region of this country would be catastrophic in the truest sense of the word. It is indeed my greatest fear. We must have a layered system of defenses to deter, detect, disrupt and recover from terrorist attacks. This legislation will reinvigorate the scientific workforce and improve our defenses against nuclear and radiological terrorism.

I urge my colleagues to support this bill and improve our much-needed U.S. nuclear forensic capability.

I reserve the balance of my time.

Mr. CARNEY. Mr. Speaker, I yield 3 minutes to the gentleman from California, the author of the bill, Mr. SCHIFF.

Mr. SCHIFF. Mr. Speaker, I would like to thank and congratulate my colleagues on the Homeland Security Committee and Chairman THOMPSON, and my colleague from California, Mr. LUNGREN. I appreciate all their support. The committee has taken an important step forward in preventing nuclear terrorism by persevering with this legislation. I appreciate all the hard work that has gone into it.

Countries around the world now have access to technology that was once the

realm of the few, and dangerous nuclear materials are sprinkled around the world. It seems that each week brings evidence of the connection between North Korea and a serious nascent nuclear program, and we are still unraveling the details of the nuclear smuggling ring headed by A.Q. Khan 5 years after it was uncovered.

This is not a new problem. Illicit nuclear material has been intercepted in transit out of the former Soviet Union many times since the end of the Cold War, and the material we catch is surely just a small fraction of the total amount trafficked.

□ 1300

Last week, Graham Allison wrote in *Newsweek* that “the only thing that can keep nuclear bombs out of the hands of terrorists is a brand new science of nuclear forensics.” During the Cold War, we forestalled a Soviet nuclear attack with the threat of retaliation. But the decentralized flexible terror networks that we face today are not as easily deterred. A terrorist attack will also not leave a missile contrail pointed back toward those responsible.

As Allison writes: “The key to a new deterrent is coming up with some way of tracing the nuclear material backward from an explosion in New York City, for example, to the reactor that forged the fissile material, even to the mines that yielded the original uranium ore.” The Nuclear Forensics and Attribution Act is designed to do just that. The act is aimed at decision-makers in North Korea, Pakistan, Iran and elsewhere who could sell nuclear material, as well as the smugglers and corrupt officials around the world who could steal it. Those parts of the nuclear network can be deterred by the knowledge that if their material is found, the U.S. will find out and hold them responsible.

The first part of this bill expands our ability to determine the source of nuclear material by authorizing the National Technical Nuclear Forensic Center in the Department of Homeland Security. This center will coordinate the various agencies and ensure an efficient, combined response when nuclear material is intercepted or, God forbid, used in a weapon. It will also advance the science of nuclear forensics, bringing in new radiochemists and physicists to rejuvenate a rapidly aging workforce, and funding research on new methods to identify materials.

But this bill also has another purpose. As with fingerprints or DNA, the strength of nuclear forensics depends on the strength of our database. Nuclear material can come from many nations, some friendly, some unfriendly, and the individual recipes are closely guarded secrets. However, little of the information needed for forensics is of direct use to adversaries, so in many

cases the risk of not sharing the data is much greater than the risk of sharing it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CARNEY. I yield the gentleman an additional 90 seconds.

Mr. SCHIFF. To build a nuclear forensics database, the bill asks the President to negotiate agreements with other nations to share forensic data on their nuclear materials, both civilian and military. This effort is vital, and the National Technical Forensic Center must play a key role in the negotiations to ensure that the data we obtain is the data necessary for quick attribution and response.

Nuclear terrorism is a vague threat of devastating consequence and, therefore, difficult to guard against. But as communications and transportation revolutions bring us ever closer to our allies, they bring us closer to our enemies as well. I believe this bill will help make sure that our ability to prevent a nuclear attack keeps up with our enemies' ability to prosecute one.

Again, I want to thank Chairman THOMPSON for his leadership and urge all Members to support the bill.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I would be happy to grant 2 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL. Mr. Speaker, I rise today in support of H.R. 730, the Nuclear Forensic and Attribution Act. This act deals with the process of determining the source of confiscated nuclear material. It is a necessary component of our defense as it could deter states from aiding terrorists' efforts to carry out nuclear terrorism.

One need only look to the A.Q. Khan network and its proliferation to Pakistan, Iran, North Korea, to know how important this bill and this provision is.

In the last Congress we held hearings on this bill in the Emerging Threats, Cybersecurity and Science and Technology Subcommittee, which I was the ranking member. I would like to thank my good friend, Mr. SCHIFF, for working in a bipartisan manner to incorporate some of our suggestions, including a provision that I requested to provide scholarships and fellowships for those pursuing careers in technical nuclear forensics. As we all know, America needs to incentivize more young people to go into highly technical professions such as these. The workforce involved in nuclear forensics, in particular, has been evaporating for the past 30 years. Without a qualified workforce, we cannot attain the level of preparedness we need.

This bill will reinvigorate the workforce pipeline to guarantee the Nation a resource of technical experts in this critical field, and strengthen America's attribution capabilities. To ensure a

worthwhile return on public investment, the bill mandates a 2-year commitment of service within the Federal technical nuclear forensics workforce after graduation for fellows of the scholarship program.

Again, I would like to thank my colleague, Mr. SCHIFF, for introducing this important legislation and I urge my colleagues to support this bill.

Mr. CARNEY. Mr. Speaker, I continue to reserve.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, if I might inquire, does the gentleman have any other speakers?

Mr. CARNEY. I do not believe we have any more speakers.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an important piece of legislation. This deals with one aspect of what I consider to be perhaps the greater threat we have to our homeland and that is nuclear weapons, nuclear material that could be made into weapons to be utilized against the United States and its citizens.

We need to do more in the area of nuclear nonproliferation. We need to do more in the area of negotiations with Russia, it seems to me, and bringing down our overall stockpiles. We need to do more in terms of invigorating or reinvigorating Nunn-Lugar. All of those are elements of an approach that is necessary to us.

This bill takes on a slightly different aspect of that same threat that is out there. It is necessary, it is important, and I hope we will have the unanimous support of the membership for this.

I yield back the balance of my time.

Mr. CARNEY. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding. I just wanted to thank my colleague, Mr. MCCAUL, for his help when he was chairing the subcommittee and the improvements that he made to the bill. I wanted to acknowledge and appreciate all your efforts.

Mr. CARNEY. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, I urge passage of H.R. 730, the Nuclear Forensics and Attribution Act. I would like to congratulate Congressman SCHIFF, Emerging Threats Subcommittee Chairwoman YVETTE CLARKE, and her predecessor, JIM LANGEVIN, for the thoughtful approach they have taken on this critical homeland security concern.

I would like to thank our members on the other side as well. This is a bipartisan issue that certainly does not cross party lines. It affects everyone. Given the catastrophic consequences of a nuclear weapon, it is imperative that the U.S. have a state-of-the-art nuclear forensics capability.

While a nuclear bomb is commonly referred to as a weapon of mass destruction, a radiological dirty bomb is better described as a weapon of mass disruption. A dirty bomb, if detonated, will likely kill few people. The main damage it would cause would be economic because it could render important commercial areas unusable due to radioactive contamination. In either case, we must build and sustain a nuclear forensics capability and workforce to address the nuclear and radiological threats that we face today. That is why I urge a "yes" vote on H.R. 730.

Mr. THOMPSON of Mississippi. Mr. Speaker, H.R. 730, the "Nuclear Forensics and Attribution Act," was first introduced in the 110th Congress by the gentleman from California, Mr. SCHIFF.

That measure, H.R. 2631, was marked up and adopted unanimously by the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology in October 2007.

It was unanimously approved by the Full Committee on Homeland Security on May 20 of 2008 and the House of Representatives on June 18, 2008.

Though the measure was taken up, amended, and passed by the Senate in late September, the stars didn't align and it didn't clear the last hurdle to arrive on the President's desk.

This Congress, we are getting out of the gate early, in hopes of ensuring that this critical homeland security legislation becomes law.

I would like to congratulate Congressman SCHIFF, my colleagues on the Committee for recognizing the need to move quickly.

We know that our enemies, both terrorists and rogue nations, are interested in developing and using nuclear or radiological weapons.

In the case of an attempted or, heaven forbid, a successful nuclear or radiological attack, rapid attribution is critical.

Our government must have the capacity to quickly determine the source of the nuclear material so that the key decision-makers have the information needed to respond.

The deterrent effect of a robust nuclear forensics capability should not be underestimated.

Certainly, if terrorists know that we have a nuclear forensics capability that can pinpoint their role in creating a bomb, they are bound to have second thoughts.

Unfortunately, today, the U.S. must rely on forensic expertise and technology developed during the Cold War to address both nuclear weapons and the emerging threat of a radiological "dirty" bomb.

The nuclear weapons workforce is aging just as its mission has shifted from traditional deterrence policy to the more complicated challenge of containing the terrorist threat.

Our Nation's capabilities in the scientific fields of radio-chemistry and geo-chemistry must be fostered to meet this new threat.

That is the purpose of this bill.

H.R. 730 expresses the sense of Congress that the President should pursue international

agreements and develop protocols to share sensitive information needed to identify the source of a nuclear detonation.

I am heartened that the Obama Administration has indicated its willingness to engage in and re-energize such activities.

It also tasks the Secretary of Homeland Security with the mission of developing methods to attribute nuclear or radiological material—both within the Department's Domestic Nuclear Detection Office, DNDO, and in partnership with other Federal agencies.

The legislation emphasizes that the development of a robust nuclear forensics capability depends chiefly on an expertly trained workforce in this area and provides support for education programs relevant to nuclear forensics.

H.R. 730 also authorizes the National Technical Nuclear Forensics Center, NTNFC, to enhance centralized planning and integration of Federal nuclear forensics activities; requires the Secretary to report annually to Congress on the Federal Government's efforts to enhance its nuclear forensics capabilities, including the status of workforce development programs; and authorizes \$30 million per year for the next three fiscal years for this effort.

H.R. 730 continues the Homeland Security Committee's practice of authorizing programs and offices within DHS that are of value to the agency's mission in order to assure that the work can continue and progress can be achieved in the years to come.

I urge my colleagues to support the bill.

Mr. HOLT. Mr. Speaker, I am pleased that the House has passed the Nuclear Forensics bill.

This bill seeks to deter terrorists' use of nuclear weapons or radiological material by creating international mechanisms for identifying and tracking such materials back to their source, ideally before they are used.

We have talked for decades now about the need to secure "loose nukes" and radiological material, and we have taken some concrete if underfunded steps to do so, such as the Cooperative Threat Reduction Program. We have not expended a similar effort to widely deploy technologies and implement international agreements to make the tracking of such material so easy and reliable as to make such measures a deterrent themselves.

As the American Physical Society and the American Association for the Advancement of Science noted in a 2008 report on this topic:

A believable attribution capability may help to discourage behavior that could lead to a nuclear event. The chain of participants in a nuclear terrorist event most likely includes a national government or its agents, since nearly all nuclear weapons usable material is at least notionally the responsibility of governments. A forensics capability that can trace material to the originating reactor or enrichment facility could discourage state cooperation with terrorist elements and encourage better security for nuclear weapon usable materials. In addition, most terrorist organizations will not have members skilled in all aspects of handling nuclear weapons or building an improvised nuclear device. That expertise is found in a small pool of people and a credible attribution capability may deter some who are principally motivated by financial, rather than ideological, concerns.

This bill would, among other things, establish within the Department of Homeland Security a National Technical Nuclear Forensics Center to provide centralized stewardship, planning, assessment, gap analysis, exercises, improvement, and integration for all federal nuclear forensics activities. There is a clear need to centralize this activity within the federal government, and this provision is a first step in that direction.

At the international level, the bill encourages the President to pursue bilateral and multilateral international agreements to establish an international framework for determining the source of any confiscated nuclear or radiological material or weapon, as well as the source of any detonated weapon and the nuclear or radiological material used in such a weapon. U.S. leadership will be essential to the success of this program, and I will certainly be looking at the President's detailed Fiscal Year 2010 budget submission to see whether this effort will receive the kind of funding it needs to be successful.

Mr. Speaker, I support this bill and I encourage my colleagues to do likewise.

Mr. CARNEY. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the bill, H.R. 730.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SCHOOL SOCIAL WORK WEEK

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 182) expressing support for designation of the week of March 1 through March 8, 2009, as "School Social Work Week".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 182

Whereas the importance of school social work through the inclusion of school social work programs has been recognized in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school's educational team, playing a central role in creating partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address students' emotional, physical, and environmental needs so that students may achieve behavioral and academic success;

Whereas to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107–110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration and of "School Social Work Week" during the week of March 1 through March 8, 2009, highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of "School Social Work Week";

(2) honors and recognizes the contributions of school social workers to the successes of students in schools across the Nation; and

(3) encourages the people of the United States to observe "School Social Work Week" with appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 182 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 182, a resolution to recognize the week of March 1 through March 8, 2009, as National School Social Work Week.

School social workers, Mr. Speaker, have long played a critical role in

schools and the community as a whole. They are professionals who work with children to address their emotional, mental, social and developmental needs.

School social workers help students build their confidence as learners, which is particularly important for elementary students who are just starting out on their academic careers.

During middle school, students face what is often a difficult transition from childhood to adolescence. For these students, school social workers help engage teachers, administrators, parents and students in the delivery of programs and services to help those students navigate these challenges and achieve success.

In high school, students begin exploring and defining their independence. These students face additional challenges along the way, including pressure to participate in risky behavior. School social workers help them with navigating these difficult decisions.

On top of this, school social workers must be responsive to the range of challenges that young people face every day, such as poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one and other barriers to learning. School social workers are also on the front lines when disaster strikes, such as the Southern California wildfires, such as Hurricane Katrina or 9/11.

There is a growing need for school districts to expand their support services in schools. Less than one in five of the 17.5 million children in need of mental health services actually receive them. Many students go underserved, primarily because the national average ratio of students to school social workers is far beneath the 400 to 1 ratio recommended by the School Social Work Association of America.

Mr. Speaker, this resolution serves to recognize the importance of the school social worker and acknowledge the priceless role that they play in guiding our students' success in the ever changing world of the 21st century.

I urge my colleagues to pass this resolution.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise to support this bill and yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 182, expressing support for the designation of the week of March 1 as School Social Work Week to promote awareness of the vital role that school social workers play in schools and in the community as a whole and in helping students to prepare for their future as productive citizens.

From time to time, students face certain challenges in achieving academic success. Emotional, social and behavioral problems can be serious impediments to learning and can have a

harmful effect not just on the individual student but others in the school setting. Schools, families and communities must work collaboratively to assist students with achieving positive academic and behavioral outcomes. School social work services provide a comprehensive approach to meeting the needs of students through early identification, through prevention, intervention, counseling, as well as support.

School social workers are trained, qualified professionals who meet State requirements to practice social work specifically in a school setting. They provide direct services to students who experience academic and social difficulties while developing relationships that will help to bolster self-esteem and reward positive behavior. School social workers support teachers by offering options for addressing students' needs and by participating on the student support team. They also work with students and their families and communities to coordinate services.

According to statistics by the National Mental Health Association, 17.5 million children are in need of some kind of mental health services, and these workers address those needs. School social workers help students who otherwise might not receive services due to inaccessibility or lack of availability of services. I commend these dedicated professionals for the service they provide in our school setting, and I ask my colleagues to support this resolution.

I reserve the balance of my time.

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Ms. WOOLSEY. Mr. Speaker, I am pleased to recognize for 5 minutes the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Speaker, I would like to commend the gentlewoman from California (Ms. WOOLSEY), and I rise today in support of House Resolution 182, supporting the School Social Work Week.

I introduced this resolution in order to recognize and support the critical, unsung work performed by school social workers in and across this country. School social workers bring unique knowledge and skills to schools and to the student services team all across this country. They work together to achieve the goals as a Nation that every child needs in order to succeed in school.

Each day across this country, school social workers can be found assisting educators to understand family, cultural and community factors affecting students as well as meet the demands of providing quality education for students of diverse backgrounds.

Each day, they can be found working with administrators to design and implement effective prevention programs and policies that address school attendance, teen pregnancy, school violence,



and school safety issues, as well as child abuse and neglect, special education and more.

Each day, school social workers can be found working with parents so that they may effectively participate in their child's education as well as improve parenting skills, understand special education services as well as access school and community services related to their child's needs.

In health care, we must treat the whole person, and in education, we must do the same, so that is where school social workers recognize the need to connect the school and home in order to relate to the needs of the children. It is a shame that fewer than 1 in 5 of the 17 million children in need of mental health services actually receives them. Improved and expanded school mental health programs would help provide these services, the kinds of services that so many students desperately need and that are precisely the kind of services that school social workers can provide.

As our economy continues to struggle and families all over the country are losing their homes and jobs, the need for school social workers only becomes magnified. When you think about the fact that we are fighting a war overseas and an economic war here at home, you think about the fact that our schools are our bases. We would not think twice about making sure that our military is provided with the latest of armaments and with the best of training. Then why would we not think of providing the same for our teachers and our school social workers? They are the ones who are making sure that our students are not left behind in the field of battle.

Unfortunately, Mr. Speaker, too many of our children are left behind in the field of battle—in the field of battle of illiteracy, in the field of battle of mental health, in the field of battle of addiction, and in the field of battle of violence. These are the kids in our inner cities who are being held hostage to a different enemy, not the global war on terror, but to the enemy that is causing 35–40 percent of the students in our inner cities to not graduate from high school. That is an abomination, Mr. Speaker.

If we do not have more school social workers to make sure that they graduate, then our schools in this country are not going to be worth the teachers that we have in them, because they are not going to have the school social workers to do the job to help those teachers make sure that their students graduate. That is why we need school social workers: to make sure that those students graduate. It is an important complement to our education system. We need emotional and social development just as much as we need literacy and numeracy development. That is why we need social workers in our schools.

Now more than ever, while the economic pressure is on those families and social pressures are on those families and the burden is on those families, we need to reach out where we can, and that is through the schools. The school is where we reach those children and reach those families in dire need. That is where we need our social workers, and that is why we need to pass House Resolution 182. I ask for its consideration.

Mr. BISHOP of Utah. For some inexplicable reason, I have no one else here who is requesting time.

May I inquire of the gentlewoman if she is ready to close.

Ms. WOOLSEY. I am ready to close, Mr. Speaker.

Mr. BISHOP of Utah. In that case, I urge support of this resolution, and I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I urge my colleagues to support Congressman KENNEDY's absolutely important legislation, H. Res. 182, that recognizes the week of March 1 through 8 as National School Social Work Week.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 182.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING ESTABLISHMENT OF COLLEGIATE PROGRAMS AT GALLAUDET UNIVERSITY

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 77) recognizing and honoring the signing by President Abraham Lincoln of the legislation authorizing the establishment of collegiate programs at Gallaudet University.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 77

Whereas, during 2009, the United States honored the 200th anniversary of the birth of President Abraham Lincoln;

Whereas, on July 4, 1861, President Lincoln stated in a message to Congress that a principal aim of the United States Government should be "to elevate the condition of men—to lift artificial weights from all shoulders—to clear the paths of laudable pursuit for all—to afford all, an unfettered start, and a fair chance, in the race of life";

Whereas, on April 8, 1864, President Lincoln signed into law the legislation (Act of April 8, 1864, ch. 52, 13 Stat. 45) authorizing the conferring of collegiate degrees by the Columbia Institution for Instruction of the Deaf and Dumb, which is now called Gallaudet University;

Whereas this law led for the first time in history to higher education for deaf students in an environment designed to meet their communication needs;

Whereas Gallaudet University was the first, and is still the only, institution in the world that focuses on educational programs for deaf and hard-of-hearing students from the pre-school through the doctoral level;

Whereas Gallaudet University has been a world leader in the fields of education and research for more than a century; and

Whereas, since 1869, graduates of Gallaudet University have pursued distinguished careers of leadership in the United States and throughout the world: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) congratulates and honors Gallaudet University on the 145th anniversary of President Abraham Lincoln's signing of the law the legislation authorizing the establishment of collegiate programs at Gallaudet University; and

(2) congratulates Gallaudet University for 145 years of unique and exceptional service to the deaf citizens of the United States and the world deaf community.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

##### GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Con. Res. 77 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 77, which congratulates Gallaudet University for 145 years of exceptional service to the hearing-impaired student community.

In 1856, Mr. Speaker, Amos Kendall, a local businessman in Washington, D.C., adopted five deaf children. He soon learned that there were few opportunities for education for blind and deaf kids in Washington, D.C., so he took it upon himself to do something about the state of education, and he donated two acres of his estate to create a school that would ensure these students a place to learn.

In 1864, President Abraham Lincoln signed a charter to allow the school to confer college degrees. Beginning with just 18 students, Gallaudet University is now the world leader in liberal education and career development for over 1,600 deaf and hard-of-hearing college students yearly. With nearly 40 undergraduate and 12 graduate programs,



Gallaudet boasts a strong and diverse academic program. Approximately 90 percent of its courses include an online component, making Gallaudet a leader in technology in the classrooms. Gallaudet is the only institution that focuses on educational programs for hearing-impaired students from preschool through the doctoral level.

Gallaudet is also a world leader in the fields of education and research. It is home to the Gallaudet Research Institute, which is the preeminent source of demographics of deaf youth in the United States. It is also home to the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf, both of which disseminate innovative curriculum, materials and teaching strategies to schools throughout the country on ways to serve children with hearing impairments.

Gallaudet considers public service an integral part of its student life. Just last year, Gallaudet students and faculty served 56,000 people by teaching sign language classes and by providing sign language interpretation at conferences throughout the world.

Gallaudet graduates move on to distinguished careers, including as lawyers, investment bankers, scholars, and entrepreneurs. It is clear that Gallaudet University is providing hearing-impaired students with an unrivaled education, and I congratulate the university on its 145th anniversary.

As a congressional member of its board of trustees, I am pleased to have worked with Senator SHERROD BROWN, who also serves on the board, to introduce this concurrent resolution. I urge my colleagues to support H. Con. Res. 77.

I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 77, a resolution recognizing and honoring the 145th anniversary of the signing of the law that established collegiate programs at the excellent institution of higher learning, Gallaudet University.

It was on April 8, 1864 that President Abraham Lincoln signed a Federal law authorizing Gallaudet University to confer collegiate degrees. The signing of this law finally gave deaf students an opportunity to pursue a higher education in an environment specifically designed to meet their communication needs. Gallaudet is still the only institution in the world that focuses on education programs for deaf and hard-of-hearing students from preschool through the doctoral level.

As of the 2007-2008 academic year, Gallaudet enrolled over 1,600 students. These students have the opportunity to choose from more than 40 undergraduate majors and have the opportunity to take advantage of a state-of-the-art facility. Additionally, each of

these students who graduates from Gallaudet will receive a diploma that has been signed by the sitting President of the United States.

I extend my congratulations to Gallaudet University on the 145th anniversary of its creation, and wish all of Gallaudet's faculty, staff, students, and alumni continued success in their endeavors. I ask my colleagues to support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I reserve the balance of my time. I do not know if we have any other speakers on the other side of the aisle, Mr. BISHOP.

Mr. BISHOP of Utah. We do not.

Ms. WOOLSEY. Then are you prepared to close?

Mr. BISHOP of Utah. Mr. Speaker, with my profound respect for this particular institution and for the job that they do in creating a service for a specific need that is out there, I urge the support of this resolution.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I would like to thank Chairman MILLER and the Committee on Education and Labor for their help in bringing Congressman KENNEDY's resolution to the floor.

I urge my colleagues to support H. Con. Res. 77, which congratulates Gallaudet University for the 145th anniversary of the signing of its charter by President Abraham Lincoln.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 77.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1617, by the yeas and nays;

H.R. 730, by the yeas and nays;

H. Res. 182, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY OFFICER ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1617, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the bill, H.R. 1617.

The vote was taken by electronic device, and there were—yeas 412, nays 3, not voting 16, as follows:

[Roll No. 147]

YEAS—412

Abercrombie	Conaway	Heller
Ackerman	Connolly (VA)	Hensarling
Aderholt	Conyers	Herger
Adler (NJ)	Cooper	Hereth Sandlin
Akin	Costa	Higgins
Alexander	Courtney	Himes
Altmire	Crenshaw	Hinchee
Andrews	Crowley	Hinojosa
Arcuri	Cuellar	Hirono
Austria	Culberson	Hodes
Baca	Cummings	Hoekstra
Bachmann	Dahlkemper	Holden
Bachus	Davis (AL)	Holt
Baird	Davis (CA)	Honda
Baldwin	Davis (IL)	Hoyer
Barrett (SC)	Davis (KY)	Hunter
Barrow	Davis (TN)	Inglis
Bartlett	Deal (GA)	Inlee
Barton (TX)	DeFazio	Israel
Bean	DeGette	Issa
Becerra	Delahunt	Jackson (IL)
Berkley	DeLauro	Jackson-Lee
Berman	Dent	(TX)
Berry	Diaz-Balart, L.	Jenkins
Biggart	Diaz-Balart, M.	Johnson (GA)
Bilbray	Dicks	Johnson (IL)
Bilirakis	Dingell	Johnson, E. B.
Bishop (GA)	Doggett	Jones
Bishop (NY)	Donnelly (IN)	Jordan (OH)
Bishop (UT)	Doyle	Kagen
Blackburn	Dreier	Kanjorski
Blumenauer	Driebeaus	Kaptur
Boccieri	Duncan	Kennedy
Boehner	Edwards (MD)	Kildee
Bonner	Edwards (TX)	Kilpatrick (MI)
Bono Mack	Ehlers	Kilroy
Boozman	Ellison	Kind
Boren	Ellsworth	King (IA)
Boswell	Emerson	King (NY)
Boucher	Eshoo	Kingston
Boustany	Etheridge	Kirk
Boyd	Fallin	Kirkpatrick (AZ)
Brady (PA)	Farr	Kissell
Brady (TX)	Fattah	Klein (FL)
Bright	Filner	Kline (MN)
Brown (GA)	Flake	Kosmas
Brown (SC)	Fleming	Kratovil
Brown, Corrine	Forbes	Kucinich
Brown-Waite,	Fortenberry	Lamborn
Ginny	Foster	Lance
Buchanan	Fox	Langevin
Burgess	Frank (MA)	Larsen (WA)
Burton (IN)	Franks (AZ)	Larson (CT)
Butterfield	Frelinghuysen	Latham
Buyer	Fudge	LaTourrette
Calvert	Galleghy	Latta
Camp	Garrett (NJ)	Lee (CA)
Campbell	Gerlach	Lee (NY)
Cantor	Giffords	Levin
Cao	Gingrey (GA)	Lewis (CA)
Capito	Gonzalez	Lewis (GA)
Capps	Goodlatte	Linder
Capuano	Gordon (TN)	Lipinski
Cardoza	Granger	LoBiondo
Carnahan	Graves	Loebbeck
Carney	Grayson	Lofgren, Zoe
Carson (IN)	Green, Al	Lowe
Carter	Green, Gene	Lucas
Cassidy	Griffith	Luetkemeyer
Castle	Grijalva	Lujan
Castor (FL)	Guthrie	Lunnen, Daniel
Chaffetz	Gutierrez	E.
Chandler	Hall (NY)	Lynch
Childers	Hall (TX)	Mack
Clarke	Halvorson	Maffei
Clay	Hare	Maloney
Clyburn	Harman	Manzullo
Coble	Harper	Marchant
Coffman (CO)	Hastings (FL)	Markey (CO)
Cohen	Hastings (WA)	Markey (MA)
Cole	Heinrich	Marshall

Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson

Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Welch  
Sensenbrenner  
Whitfield  
Serrano  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires

Skelton  
Slaughter  
Smith (NE)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Tauscher  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NAYS—3

Gohmert  
Lummis  
Paul

Blunt  
Braley (IA)  
Cleaver  
Costello  
Engel  
Hill

Johnson, Sam  
McCotter  
Miller, Gary  
Pascarell  
Pomeroy  
Radanovich

Sessions  
Smith (NJ)  
Taylor  
Westmoreland

## NOT VOTING—16

□ 1353

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NUCLEAR FORENSICS AND  
ATTRIBUTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 730, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the bill, H.R. 730.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 16, not voting 13, as follows:

[Roll No. 148]

## YEAS—402

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggett  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boccieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Clarke  
Clay  
Cleaver  
Clyburn  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper

Costa  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes

Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon

McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Posey  
Price (GA)  
Price (NC)

Putnam  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (TX)

Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Tauscher  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NAYS—16

Akin  
Broun (GA)  
Burgess  
Coble  
Deal (GA)  
Duncan

Flake  
Gingrey (GA)  
Gohmert  
Kingston  
Linder  
Lummis

Manzullo  
Paul  
Poe (TX)  
Sensenbrenner

## NOT VOTING—13

Braley (IA)  
Costello  
Engel  
Hill  
McCotter

Miller, Gary  
Pascarell  
Pomeroy  
Radanovich  
Sessions

Smith (NJ)  
Taylor  
Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1402

Mr. GINGREY of Georgia changed his vote from “yea” to “nay.”

Mr. ROYCE changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SCHOOL SOCIAL WORK WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 182, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 182.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 16, as follows:

[Roll No. 149]

YEAS—415

Abercrombie	Carter	Fudge
Ackerman	Cassidy	Galleghy
Aderholt	Castle	Garrett (NJ)
Adler (NJ)	Castor (FL)	Gerlach
Akin	Chaffetz	Giffords
Alexander	Chandler	Gingrey (GA)
Altmire	Childers	Gohmert
Andrews	Clarke	Gonzalez
Arcuri	Clay	Goodlatte
Austria	Cleaver	Gordon (TN)
Baca	Clyburn	Granger
Bachmann	Coble	Graves
Bachus	Coffman (CO)	Grayson
Baird	Cohen	Green, Al
Baldwin	Cole	Green, Gene
Barrett (SC)	Conaway	Griffith
Barrow	Connolly (VA)	Grijalva
Bartlett	Conyers	Guthrie
Barton (TX)	Cooper	Gutierrez
Bean	Costa	Hall (NY)
Becerra	Courtney	Hall (TX)
Berkley	Crenshaw	Halvorson
Berman	Crowley	Hare
Berry	Cuellar	Harman
Biggert	Culberson	Harper
Bilbray	Cummings	Hastings (FL)
Bilirakis	Dahlkemper	Hastings (WA)
Bishop (GA)	Davis (AL)	Heinrich
Bishop (NY)	Davis (CA)	Heller
Bishop (UT)	Davis (IL)	Hensarling
Blackburn	Davis (KY)	Herger
Blumenauer	Davis (TN)	Higgins
Blunt	Deal (GA)	Himes
Bocieri	DeFazio	Hinchee
Boehner	DeGette	Hinojosa
Bonner	Delahunt	Hirono
Bono Mack	DeLauro	Hodes
Boozman	Dent	Hoekstra
Boren	Diaz-Balart, L.	Holden
Boswell	Diaz-Balart, M.	Holt
Boucher	Dicks	Honda
Boustany	Dingell	Hoyer
Boyd	Doggett	Hunter
Brady (PA)	Donnelly (IN)	Inglis
Brady (TX)	Doyle	Inslee
Braley (IA)	Dreier	Israel
Bright	Driehaus	Issa
Broun (GA)	Duncan	Jackson (IL)
Brown (SC)	Edwards (MD)	Jackson-Lee
Brown, Corrine	Edwards (TX)	(TX)
Brown-Waite,	Ehlers	Jenkins
Ginny	Ellison	Johnson (GA)
Buchanan	Ellsworth	Johnson (IL)
Burgess	Emerson	Johnson, E. B.
Burton (IN)	Eshoo	Johnson, Sam
Butterfield	Etheridge	Jones
Buyer	Fallin	Jordan (OH)
Calvert	Farr	Kagen
Camp	Fattah	Kanjorski
Campbell	Filner	Kaptur
Cantor	Flake	Kennedy
Cao	Fleming	Kildee
Capito	Forbes	Kilpatrick (MI)
Capps	Fortenberry	Kilroy
Capuano	Foster	Kind
Cardoza	Foxx	King (IA)
Carnahan	Frank (MA)	King (NY)
Carney	Franks (AZ)	Kingston
Carson (IN)	Frelinghuysen	Kirk

Kirkpatrick (AZ)	Moore (WI)	Schock
Kissell	Moran (KS)	Schrader
Klein (FL)	Moran (VA)	Schwartz
Kline (MN)	Murphy (CT)	Scott (GA)
Kosmas	Murphy, Patrick	Scott (VA)
Kratovil	Murphy, Tim	Sensenbrenner
Kucinich	Murtha	Serrano
Lamborn	Myrick	Sestak
Lance	Nadler (NY)	Shadeegg
Langevin	Napolitano	Shea-Porter
Larsen (WA)	Neal (MA)	Sherman
Larson (CT)	Neugebauer	Shimkus
Latham	Nunes	Shuler
LaTourette	Nye	Shuster
Latta	Oberstar	Simpson
Lee (CA)	Obey	Sires
Lee (NY)	Olson	Skelton
Levin	Olver	Slaughter
Lewis (CA)	Ortiz	Smith (NE)
Lewis (GA)	Pallone	Smith (TX)
Linder	Pastor (AZ)	Smith (WA)
Lipinski	Paul	Snyder
LoBiondo	Paulsen	Souder
Loebuck	Payne	Space
Lofgren, Zoe	Pence	Speier
Lowey	Perlmutter	Spratt
Lucas	Perriello	Stark
Luetkemeyer	Peters	Stearns
Lujan	Peterson	Stupak
Lummis	Petri	Sullivan
Lungren, Daniel	Pingree (ME)	Sutton
E.	Pitts	Tanner
Lynch	Platts	Tauscher
Mack	Poe (TX)	Teague
Maffei	Polis (CO)	Terry
Maloney	Posey	Thompson (MS)
Manzullo	Price (GA)	Thompson (PA)
Marchant	Price (NC)	Thornberry
Markey (CO)	Putnam	Tiahrt
Markey (MA)	Rahall	Tiberi
Marshall	Rangel	Tierney
Massa	Rehberg	Titus
Matheson	Reichert	Tonko
Matsui	Reyes	Towns
McCarthy (CA)	Richardson	Tsongas
McCarthy (NY)	Rodriguez	Upton
McCaul	Roe (TN)	Van Hollen
McClintock	Rogers (AL)	Velázquez
McCollum	Rogers (KY)	Visclosky
McDermott	Rogers (MI)	Walden
McGovern	Rohrabacher	Walz
McHenry	Rooney	Wamp
McHugh	Ros-Lehtinen	Wasserman
McIntyre	Roskam	Schultz
McKeon	Ross	Waters
McMahon	Rothman (NJ)	Watson
McMorris	Roybal-Allard	Watt
McRory	Royce	Waxman
McNerney	Ruppersberger	Weiner
Meek (FL)	Rush	Welch
Meeks (NY)	Ryan (OH)	Wexler
Melancon	Ryan (WI)	Whitfield
Mica	Salazar	Wilson (OH)
Michaud	Sanchez, Linda	Wilson (SC)
Miller (FL)	T.	Wittman
Miller (MI)	Sanchez, Loretta	Wolf
Miller (NC)	Sarbanes	Woolsey
Miller, George	Scalise	Yarmuth
Minnick	Schakowsky	Young (AK)
Mitchell	Schauer	Young (FL)
Mollohan	Schiff	
Moore (KS)	Schmidt	

## NOT VOTING—16

Costello	Pascarell	Thompson (CA)
Engel	Pomeroy	Turner
Hereth Sandlin	Radanovich	Westmoreland
Hill	Sessions	Wu
McCotter	Smith (NJ)	
Miller, Gary	Taylor	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1409

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## WELCOME HOME VIETNAM VETERANS DAY

Mrs. HALVORSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 234) expressing support for designation of a "Welcome Home Vietnam Veterans Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 234

Whereas the Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with United States Armed Forces and South Vietnam;

Whereas the United States became involved in Vietnam because policy-makers in the United States believed that if South Vietnam fell to a Communist government then Communism would spread throughout the rest of Southeast Asia;

Whereas members of the United States Armed Forces began serving in an advisory role to the South Vietnamese in 1961;

Whereas as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which effectively handed over war-making powers to President Johnson until such time as "peace and security" had returned to Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969 a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were caught upon their return home in the crossfire of public debate about the involvement of the United States in the Vietnam War;

Whereas the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in Vietnam during the Vietnam War; and

Whereas March 30, 2009, would be an appropriate day to establish as "Welcome Home Vietnam Veterans Day": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors and recognizes the contributions of veterans of the Armed Forces who served in Vietnam; and

(2) encourages the people of the United States to observe “Welcome Home Vietnam Veterans Day” with appropriate ceremonies and activities that promote awareness of the contributions of veterans who served in Vietnam and the importance of helping Vietnam era veterans re-adjust to civilian life.

The SPEAKER pro tempore (Mr. CUMMINGS). Pursuant to the rule, the gentlewoman from Illinois (Mrs. HALVORSON) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. HALVORSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 234. This resolution before us today establishes March 30, 2009, as a day to honor and recognize the contributions of veterans of the Vietnam War.

As a member of the House Committee on Veterans Affairs, I have had the opportunity to hear the accounts of many Vietnam veterans. I hear the pride that came with the duty of defending their country, and I hear the anguish that they felt coming home to a country that confused the war and the warrior.

I encourage all Americans to reach out to veterans, especially our Vietnam veterans. Thank them and their families for their amazing sacrifice, understand more about their great contributions to our country, and gain the wisdom of their personal stories of our Nation's history.

There are more than 24 million veterans living in this country today, including 8.2 million veterans that served during the Vietnam War. Of these veterans, 2.6 million served in country.

More than 58,000 members in our military lost their lives in Vietnam. Tragically, American casualties continued to climb after the war, as a result of suicides, substance abuse, and homelessness among these veterans and their families.

More than 300,000 members of the Armed Forces were reported wounded as a result of the Vietnam War. Today, this number also continues to grow, as more and more of our Vietnam veterans are feeling the effects of Agent Orange.

Approximately 20 million gallons of herbicides were used in Vietnam between 1962 and 1971 to remove unwanted vegetation that provided cover for enemy forces during the war. Shortly following their military services in Vietnam, some veterans reported a variety of health problems and concerns due to exposure to Agent Orange. Modern science clearly establishes that the symptoms of many degenerative diseases can take decades to onset.

Too many Vietnam veterans are suffering from conditions that resulted from their service to our country, yet are not considered service-connected by our government. Time is running out for many of our Vietnam veterans. Many have already lost the battle. And those who remain, along with their families, are fighting for their lives every day.

□ 1415

The Vietnam War was a very divisive time, and too many Americans, myself included, confused the war and the warrior. We did not provide the support, the care, the compassion, and the love that our dedicated servicemembers earned and deserved.

Many of our finest leaders, both military and political, have been quoted as saying that they did not believe that the men who served in uniform in Vietnam were given the credit they deserve.

In that spirit, the House of Representatives takes this step to recognize the contributions of brave veterans who served in Vietnam and the continued importance of helping Vietnam-era veterans readjust to civilian life.

So I ask my colleagues to join me in showing our gratitude to those brave men and women who served during the Vietnam War. Mr. Speaker, I urge strong support for House Resolution 234.

I reserve the balance of my time.

Mr. BILIRAKIS. I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman for his quick consideration of the bill, House Resolution 234, a resolution expressing support for the designation of a “Welcome Home Vietnam Veterans Day.” I commend my colleague, Congresswoman LINDA SÁNCHEZ of California, for introducing this resolution.

The desire to welcome home our Nation's Vietnam veterans is strong across the country. It has now been 36 years since the American troops left Vietnam. It was March 30, 1973, when the United States Army completed the withdrawal of combat troops from Vietnam.

Last Congress, we passed House Resolution 1231, a bill that recognizes the importance of Vietnam Veterans Day. In that legislation, we urged Americans to recognize the date and participate in local events. Across the Nation, several States have already organized Welcome Home events for Vietnam veterans on March 28 and March 29 of this year. This legislation before us would continue our support for this effort; provide honor and recognition of the contributions of veterans of the Armed Forces who served in Vietnam, and encourages the people of the United States to observe Welcome Home Vietnam Veterans Day with appropriate ceremonies and activities.

Mr. Speaker, I urge my colleagues to support House Resolution 234.

I reserve the balance of my time.

Mrs. HALVORSON. Mr. Speaker, I yield 2 minutes to the gentlelady from California, the sponsor of this resolution, Ms. SÁNCHEZ.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today in strong support of House Resolution 234, expressing support for Welcome Home Vietnam Veterans Day.

I want to thank Chairman BOB FILLER and Ranking Member STEVE BUYER for their strong commitment to all of America's veterans. Their leadership has been instrumental in bringing this important resolution to the floor today.

As a Nation, we honor those who defend us with statues, memorials, holidays, and praise. But as a people, we have not always fulfilled our duty to properly recognize those fellow citizens who put themselves in harm's way to keep us safe and protect our freedom, and no fellow citizens did we let down more than those who served bravely in Vietnam. They came home to a time of civil unrest and social turmoil, a time when opposition to the war too easily turned into opposition to those young men and women who served in it.

Unlike the GIs who served in previous conflicts, many Vietnam servicemembers came home not to a welcome back parade, but to hostility, ridicule, and bitter criticism. This cold reception, in addition to the brutal realities of serving in Vietnam, interfered with some veterans' efforts to transition back into their communities and establish a sense of normalcy. Just when they needed someone to lend an ear or a helping hand, too many found a cold shoulder.

By encouraging Americans to observe Welcome Home Vietnam Veterans Day, my resolution seeks to provide these heroes the welcome home that they always deserved but that too many never received.

Welcome Home Vietnam Veterans Day is the culmination of years of effort on the part of my constituent, Jose Ramos, himself a Vietnam veteran. As an Army combat medic in Vietnam, Jose Ramos was victim to the indifferent and often hostile public reaction upon returning home. It was his personal experiences and those of his fellow GIs that motivated him to work toward establishing a national day of recognition. His work inspired many, including me, to help give Vietnam veterans their long overdue welcome home.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. HALVORSON. The gentlelady is granted an additional 30 seconds.

Ms. LINDA T. SÁNCHEZ of California. While today's resolution may seem like a small gesture when compared to what our soldiers and their

families sacrificed, it certainly is, it will serve to remind us of their service to our country.

I urge my colleagues on both sides of the aisle to join in honoring Vietnam veterans by participating in Welcome Home Vietnam Veterans Day events in their communities next year. Today, I ask for their vote.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. CAO).

Mr. CAO. Mr. Speaker, I rise today in support of House Resolution 234, to establish a Welcome Home Vietnam Veterans Day. My family and I are direct beneficiaries of the sacrifice and service of the men and women who served this great Nation during the years of conflict in Vietnam.

I was born in Vietnam in 1967, during the most turbulent year of the war and while American troops were engaged in combat there. In 1975, my father, an army officer, was captured by the communist forces and sent to a re-education camp for nearly 7 years. I was 8 years old when I left my home country and came to America to make a new life with the tools of freedom and democracy that this great Nation stands for.

To the hundreds of thousands of veterans who returned from the Vietnam War, I say to you that your dedicated service to your country and mine is remembered by millions every day. I thank you for having fought for democracy and freedom even in the farthest reaches of the globe.

To each of the 58,256 servicemembers whose names appear on the solemn granite wall along the National Mall, I say to you that your ultimate sacrifice will never be forgotten. Your memories live on today through the millions of people throughout the world enjoying the opportunities, liberties, and freedom that you have fought so long and hard for.

Mr. Speaker, as we reflect today on the sacrifice and service of Vietnam veterans, I ask all Americans to consider our servicemembers engaged today around the globe. Currently, in Iraq and Afghanistan, we have nearly 200,000 service men and women serving this Nation honorably. During the course of these conflicts, 4,716 servicemembers have lost their lives and another 33,852 have been wounded fighting nobly to defeat terrorism and to bring freedom and democracy to oppressed people. We thank them and their families for their service, and they will never be forgotten.

As we chart the way forward in these conflicts, it is our obligation to ensure that the gains we and our coalition partners have made are not for naught, and that we continue on the fight to bring peace, democracy, and freedom to these nations that have been damaged and broken by brutal regimes.

Mr. Speaker, while I am struck by the fact that it is only today, some 34

years later, that we are establishing a day to welcome home from the Vietnam War some of America's bravest, I am pleased that I, a direct beneficiary of their service, can take part in this historic event.

Mrs. HALVORSON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. NYE).

Mr. NYE. Mr. Speaker, today I rise to honor the 543,000 troops who fought valiantly against communist forces in Vietnam. During that conflict, more than 58,000 brave Americans lost their lives, and over 300,000 were physically wounded. Yet, when our veterans returned home, our Nation too often failed to appreciate the sacrifices they had made on behalf of our freedom.

Thirty years earlier, we opened our arms to the soldiers returning from World War II, but for those coming home from Vietnam we failed to do the same. Instead of respecting their service, our Nation largely shunned these young servicemembers for doing the job that they had, in most cases, been drafted to perform. We did not comprehend nor did we respect the difficulties that many of them faced in transitioning back to civilian life after the horrors they had witnessed in combat.

The legacy of our failure to welcome our veterans home is still with us today. Every night, roughly 154,000 veterans are homeless, and 45 percent of these are from the Vietnam era. To allow those that fought for our safety to live on the streets is a black mark on the history of our Nation, and it is a warning to present and future generations of what must never happen again.

I believe the designation of March 30 as the Welcome Home Vietnam Veterans Day is the least we can do to begin righting these wrongs. And as we do, let us also pledge to honor our commitment to the men and women who served in Vietnam, to give them the full care and benefits that they have earned, and to make sure that no veteran, past, present, or future, is ever forgotten again.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I certainly thank the gentleman for yielding.

Mr. Speaker, how amazing, quite amazing that we just heard this testimony and these remarks from our colleague from Louisiana, Representative CAO. But if there is any reason for our colleagues to support this resolution, it is by the words that he just spoke. What an unbelievable story he told. He is a Vietnamese-American, his father for 7 years in a re-education camp in Vietnam, and here he is as a result of our men and women fighting for freedom and democracy and liberty. That is certainly a vivid demonstration of

why we need to pass this resolution today. I certainly support Resolution 234, which will designate a Welcome Home Vietnam Veterans Day.

My district in McComb County, Michigan, is actually home to I think one of if not the largest chapter of Vietnam veterans, Chapter 154, in the entire Nation.

My husband, a very proud Vietnam veteran, actually flew F-102s with the 509th Fighter-Interceptor group from air bases in both Danang and Saigon. These veterans served our Nation faithfully and with distinction and honor. But, to our everlasting shame, they received a horrible homecoming.

One of the saddest times, Mr. Speaker, in American history was the way that we treated our Vietnam veterans when they returned from combat. Caught in the crossfire of the debate on the war in our Nation, they came home to taunts, insults, and worse. These brave men and women, these great war fighters, these great patriots, these great Americans, they answered our Nation's call to fight, and they fought, they bled, and they died in the service of our country.

Not only did they have to bear their physical and psychological wounds of warfare, Mr. Speaker, but our Nation did not recognize them as the heroes that they were and that they are. There were no parades and no yellow ribbons and no thanks for serving when our Nation asked them to do so, and they stepped forward to defend freedom and liberty and democracy.

These men and women deserved better, Mr. Speaker. And although it has taken many years to rectify the injustice some of our fellow citizens visited upon our Vietnam veterans, today we can honor them, and we should, with a day to welcome them home properly. The Vietnam Veterans Memorial here in Washington is one of the most visited memorials. This wall stands as a reminder that 58,000 of our fellow countrymen paid the ultimate price, and we must never forget them.

We owe our Nation's veterans a debt that can never be fully repaid, but we want to thank them for their service and their sacrifice on behalf of our great Nation, and all of us will continue to work the halls of Congress to ensure that our veterans get the care, the help, the recognition, and the benefits that they so richly deserve. I know that I have a MIA/POW flag hanging right outside the door of my Congressional office, and if you walk up and down the halls of Congress, you will see many, many others displayed here as well.

□ 1430

We can never forget.

And I would encourage every community in America to observe the "Welcome Home Vietnam Veterans Day" so that we never forget our veterans'

bravery, courage and sacrifice. And today let me say "welcome home."

I ask all of my colleagues to support this resolution.

Mrs. HALVORSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the gentlewoman for her leadership. And I appreciate my good friend and colleague, Congresswoman SANCHEZ, and the manager of this bill for your great leadership, as well, in handling this legislation that simply says a huge and overdue "thank you." And so I am pleased to stand on the floor of the House to support H. Res. 234 because I believe I was touched by this experience in this war, recognizing that as I would listen to Vietnam vets, those returning soldiers, speak in a language that we did not understand, talking about the places where they fought, speaking as if they were distant. Now I understand and hope we all understand as Americans that the war of a soldier is America's war. It is not a public-policy war. So we should stand with our soldiers who fight for our freedom no matter where they are.

I am honored today to be able to support this legislation because as a member of the Houston City Council, I joined with former council member Ben Reyes to raise the first POW/MIA flags in tribute to our fallen and missing soldiers in Vietnam. Those flags now stand today in front of the Houston City Hall. And I'm honored to have had the opportunity to be part of it.

Our soldiers deserve this welcome home. And more importantly, they deserve our understanding. So many of the Vietnam vets are homeless. And we should stand alongside of them. For many years, I participated in what we call "Stand Down" to bring our soldiers together.

I want to thank the Medal of Honor winners who always come to our Memorial Day service and sing their heart out and lead us in the Pledge of Allegiance.

I want to thank Vietnam vets like Antonio "Tony" Roman and John Footman, who today serve their country by being part of the Military Order of the Purple Heart working with our young soldiers.

Mr. Speaker, there is no honor—there is no honor that is too high for the soldiers who shed their blood, suffer and, of course, sacrifice on our behalf, those soldiers whose lives are lost, those soldiers who have come back to us, Vietnam vets deserve our honor. Today now we stand to welcome them home. Never will we turn our back. Always the light will be on. We welcome them home.

Mr. Speaker, I rise in support of H. Res. 234, "Expressing support for designation of a 'Welcome Home Vietnam Veterans Day.'" I want to thank my colleague Congresswoman LINDA SANCHEZ of California for introducing this resolution.

Few groups of Americans have sacrificed for our nation than those who have served in the Armed Forces. The war in Vietnam no longer makes headlines, but for many families it remains a daily reality, and I urge my colleagues to recognize the challenges that the families of these brave soldiers face and support this resolution in their honor.

Mr. Speaker, 2,637,100 people fought through the triumph and tragedy of the Vietnam War. Unfortunately, 58,000 never returned home again! If these now silent patriots have taught us anything, it is that because of these men and women who were willing to sacrifice their last blood and breath, the United States remains a symbol of freedom and a country whose ideas are still worth defending. As a result, these brave men and women memories should be preserved and honored for future generations in this great nation.

It was Edmund Burke who once aptly stated: "The only thing necessary for the triumph of evil is for good men to do nothing." The birth of our nation itself was due to good men who refused to submit to an unjust rule. Time after time, in battle after battle American men and women have not fled from mortal danger, no instead they have rushed towards it. Our brave soldiers built this nation, first with independence, then with the righteousness of eliminating slavery, and finally in the last century they built this nation in the eyes of the world, not only as a superpower, but as a nation that values humanity and kindness over the tyranny of others.

I see this same courage and strength in the eyes of our current generation of soldiers. They bear the burden of a new world, in which the greatest threats against our life and freedom are often unseen. They also bear the hope of a nation and a world that clings to the hope of peace and stability. It was the great statesman Adlai Stevenson who said: "Patriotism is not a short and frenzied outburst of emotion but the tranquil and steady dedication of a lifetime." It is clear that the torch has been passed to a new generation of men and women willing to dedicate their lives to protecting ours. Our nation is truly blessed in so many ways, but our soldiers continue to be the greatest protectors of our blessings.

Because I feel so strong about our men and women fighting abroad and our veterans who served our nation, I will continue to advocate for their rights in Congress, and I urge my colleagues to fight as well.

Mr. Speaker, now is the time for the U.S. government to again fulfill our moral obligation to those who have fought for freedom and democracy. In the State of Texas we have 1,701,118 veterans, in fact in the 18th Congressional district of Texas alone there are more than 38,000 veterans and they make up almost ten percent of this district's civilian population over the age of 18. Yet we often forget about our men and women fighting abroad once the war is over. We must never forget veterans and we must never stop fighting for their rights as they fought for ours.

Vietnam Veterans like Antonio "Tony" Roman and John Footman, who continue to give back to their country and their fellow young military forces by working with the Military Order of the Purple Heart and by standing in the rain or the heat to be there when our

Soldiers and Marines return from deployment. I meet with great men from Texas who are Vietnam Veterans, and our newer Gulf War, Operation Iraqi Freedom, and Operation Enduring Freedom—and I see their continuing need for our support.

Mr. Speaker, I urge my colleagues to support H. Res. 234, "Expressing support for designation of a 'Welcome Home Vietnam Veterans Day'."

Mr. BILIRAKIS. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. HALVORSON. I would like to know if there are any further speakers.

Mr. BILIRAKIS. I have no other speakers at this time.

Mrs. HALVORSON. Then we reserve the balance of our time.

Mr. BILIRAKIS. Mr. Speaker, I urge passage of this resolution. It is long overdue. And I encourage Members to sponsor a "Welcome Home Vietnam Veterans Day" in their districts.

I yield back the balance of my time.

#### GENERAL LEAVE

Mrs. HALVORSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 234.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. WALZ. Mr. Speaker, I rise today in support of H. Res. 234, expressing support for designation of a "Welcome Home Vietnam Veterans Day."

The very fact that we are deliberating about a "welcome home" for Vietnam veterans in 2009, decades after our participation in that conflict came to an end, says it all. Don't get me wrong. Those veterans eminently deserve that welcome, and the thanks for serving our Nation that comes with it. But it remains far too long overdue. Those veterans should have been welcomed home from day one. And yet, as the resolution says, "the Vietnam War was an extremely divisive issue among the people of the United States" and so "members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were caught upon their return home in the crossfire of public debate about the involvement of the United States in the Vietnam War."

I want to thank those veterans not just for their service to our Nation in Vietnam, but for their service to our Nation upon their return, service that forms the backbone of support for veterans today. As we have confronted yet another divisive war these last few years, we have welcomed our returning servicemen and—women differently, honoring them appropriately and immediately. And that is largely because of those veterans of Vietnam.

As a 24-year veteran myself and as a member of the House Veterans Affairs Committee, I have seen a remarkable thing happen. Time and time again, I have heard Vietnam veterans—from witnesses at committee hearings and elsewhere—make clear that we cannot let one generation of veterans abandon another.

We have to make sure this new generation of Iraq and Afghanistan veterans do not have to go through all the hardships we know all too well are awaiting them if we do not act to prevent them.

Whether it be access to VA health care, the specific mental health issues that some veterans face after the war, the problem of homelessness among veterans, preventing our veterans from ending up incarcerated, or even the public perception of veterans and the way veterans think about and understand themselves as veterans—we know the dangers that are out there, thanks in no small part to Vietnam veterans working together, and we know we have to act aggressively to make sure we fulfill our commitment to our newest veterans.

For my part, I see no more important task as a member of Congress and of the House Veterans' Affairs Committee.

But I also have to say, I think something else has started to happen as we as a country have worked to honor and do justice to the veterans of our current conflicts—regardless of how we feel individually about the war itself. I think just as Vietnam veterans have done for Iraq and Afghanistan veterans what World War I veterans did for World War II veterans, supporting the next generation of veterans, I think our society's treatment of our newest veterans has begun a really renewed appreciation for and a different, more positive public perception of Vietnam veterans themselves.

What you all went through when you came home is something that never should be repeated. And it should not have happened in the first place. But it says something about you as a group and America as a society that we have finally, I think, started to move away from the ugliness of that time, and from the stereotypes and clichés about Vietnam veterans.

The new congressional majority that I was a part of forming in 2006 committed to making our military and our veterans an absolutely top priority. And we did that last Congress, and we continue to do that in this new Congress. Last Congress, we passed the largest veterans funding increase in history, increasing pay for our military and providing them with more of the protection they need when they go into battle, passing into law a historic new GI Bill that should do for our 21st century veterans what the original GI Bill did after World War II.

And we will continue that work in this Congress, putting America's veterans first and working to provide them with the care and benefits they deserve.

The debt we owe those who serve our country honorably in the military is never fully paid. But we owe that obligation to our veterans, and it begins with a full welcome home. The Nation can never fully repair the damage done with the failure to immediately and fully welcome home our veterans from Vietnam. But it is never too late to continue recognizing the obligation we owe you, and thanking you for what you have done and what you continue to do.

Mr. McMAHON. Mr. Speaker I rise in support of House Resolution 234.

Designating March 30th as "Welcome Home Vietnam Veterans Day" is long overdue.

This day is not only in remembrance of the over 58,000 members of the Armed Services

that lost their lives in Vietnam, but serves as a lesson in conduct and appropriate public debate in regards to our veterans.

March 30th, 1973, has taught us lessons that unfortunately will soon be very relevant to the present day.

No matter the various views of the war in Iraq, I am confident that our servicemen and women will return home to an atmosphere of appreciation and reception.

Unfortunately, the 543,000 troops that returned from Vietnam did not all receive the same respect, but their legacy has ensured a brighter future and degree of tolerance exercised towards the next generation of armed servicemembers.

Mrs. HALVORSON. Mr. Speaker, I urge my colleagues to unanimously support House Resolution 234.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. HALVORSON) that the House suspend the rules and agree to the resolution, H. Res. 234.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING 30TH ANNIVERSARY OF TAIWAN RELATIONS ACT

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 55) recognizing the 30th anniversary of the Taiwan Relations Act, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 55

Whereas April 10, 2009, will mark the 30th anniversary of the enactment of the Taiwan Relations Act (Public Law 96-8), codifying in law the basis for continued commercial, cultural, and other relations between the United States and the Republic of China (Taiwan);

Whereas the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979;

Whereas when the Taiwan Relations Act was enacted, it affirmed that the United States' decision to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the Taiwan Relations Act declares that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;

Whereas the Taiwan Relations Act states that it is the policy of the United States to provide Taiwan with arms of a defensive character to maintain the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan;

Whereas the Taiwan Relations Act also states that "it is the policy of the United States to preserve and promote extensive, close, and friendly commercial, cultural and other relations between the people on Taiwan, as well as the people on the China mainland";

Whereas the relationship between the United States and Taiwan has strengthened with—

(1) Taiwan's evolution into a free society and a full-fledged, multi-party democracy;

(2) the development of Taiwan's robust free-market economy;

(3) Taiwan's determined effort and collaboration with the United States to combat global terrorism, as demonstrated in part by its participation in the Container Security Initiative and its generous contribution to the Pentagon Memorial Fund; and

(4) the leadership role Taiwan has demonstrated in addressing transnational and global challenges, including its active engagement in humanitarian relief measures, public health endeavors, environmental protection initiatives, and financial market stabilization efforts; and

Whereas Taiwan's democracy has deepened with the second peaceful transfer of power from one political party to another after the presidential election in March 2008: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) reaffirms its unwavering commitment to the Taiwan Relations Act as the cornerstone of relations between the United States and Taiwan;

(2) reaffirms its support for Taiwan's democratic institutions; and

(3) supports the strong and deepening relationship between the United States and Taiwan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

##### GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of the resolution and yield myself as much time as I may consume.

Mr. Speaker, this resolution recognizes the enactment of the Taiwan Relations Act 30 years ago and reaffirms congressional support for that law. I would like to thank my good friend, Representative SHELLEY BERKLEY of Nevada, for her leadership both as co-chair of the Taiwan Caucus and as the chief sponsor of this resolution.

The Taiwan Relations Act of 1979 forms the official basis for friendship and cooperation between the United States and Taiwan. It has been instrumental in maintaining peace and security across the Taiwan Straits and in



East Asia. Since the lifting of martial law in 1987, Taiwan has evolved into a robust and lively democracy. The U.S.-Taiwan relationship, once based solely on shared interests, is now based on shared values.

This remarkable political evolution proves beyond any doubt that the notion of "Asian values," often used to justify one-man or one-party rule, is a fallacy. Taiwan's democratic ideals have become even more engrained in its national identity following its second peaceful transfer of power in last year's presidential election.

Taiwan has also developed into a vibrant free-market economy and a major trading partner of the United States. Taiwan's impressive political and economic achievements give it the potential to play a very constructive role in international affairs. I would urge that special consideration be given to Taiwan's desire to gain observer status at the World Health Assembly later this spring.

Taiwan has extremely important social and economic ties with China, and it would benefit both governments to take additional steps towards reducing cross-strait tensions. The act was enacted 30 years ago with the expectation that the future of Taiwan would be determined only by peaceful means. It is encouraging that China's top leadership recently stated that it was ready to hold talks with Taiwan to create conditions for ending hostilities and concluding a peace agreement between the two sides.

I applaud this development and urge China to do more to reach out to both the government and the people of Taiwan. I'm confident that the Taiwan Relations Act will remain the cornerstone of our very close friendship with Taiwan. I strongly support this resolution. I encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, to start the discussion on our side of the aisle, I'm honored to yield 3 minutes to the gentleman from Florida, my colleague, Mr. LINCOLN DIAZ-BALART, who is the co-chair of the House Taiwan Caucus as well as a prime sponsor of this important resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my distinguished colleague for the time.

I am honored to speak on this resolution commemorating the 30th anniversary of the Taiwan Relations Act. This resolution reaffirms the United States' commitment to the Republic of China on Taiwan and describes the Taiwan Relations Act as the "cornerstone" of U.S.-Taiwan relations.

The Taiwan Relations Act stresses the concept of peace through strength. It has served as a key impediment to Communist Chinese military aggression and its attempts at forced reunifi-

cation under communism with the people on Taiwan.

As Members of the United States Congress, we will do all that is necessary so that the Republic of China on Taiwan continues to have the tools it needs to defend itself. This resolution is especially important because over the past 30 years, through six administrations, Congress has remained a steady and loyal friend and ally of the Republic of China on Taiwan. The strong support of Congress was evident once again by the fact that over 120 Members of Congress rushed to lend their name to this resolution in less than 1 month. As the 30th anniversary of the Taiwan Relations Act is just a few weeks away, the action by the United States Congress today reaffirms, once again, the close relationship between Taiwan and the United States.

Although the Republic of China on Taiwan has achieved the tremendous economic successes of a flourishing market-based economy and one of the highest standards of living in the world, the U.S.-Taiwan friendship rests on much more than shared economic interests and trade. Our friendship stems from a shared commitment to the fundamental ideals of the rule of law, freedom and opposition to totalitarianism.

The United States of America must never waiver in our support of the Republic of China on Taiwan. We must, and we will, continue to remind the world that Taiwan's security is of the utmost importance to the United States Congress, to the American Government, and to the American people.

I have always had tremendous admiration for the Republic of China, for its history in China and its renaissance on Taiwan. And I look forward to continuing to work to deepen cooperation between the United States and the Republic of China on Taiwan.

Mr. BERMAN. Mr. Speaker, I'm very pleased to yield 2 minutes to the sponsor of the resolution, the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding and for his extraordinary leadership on this resolution. I would also like to thank the delegate from American Samoa and the ranking member of the Foreign Affairs Committee for their support on this important resolution.

Mr. Speaker, I rise today as the co-chairman of the Taiwan Caucus and as a prime sponsor in support of this resolution and in support of our growing and continuing relationship with Taiwan. Three decades ago, Congress declared that the U.S. would stand with Taiwan against any use of force that would jeopardize its security. We have kept our commitment, and we can now proudly commemorate this historic anniversary marking 30 years of an ever-strengthening U.S.-Taiwan relationship.

For 30 years, the Taiwan Relations Act has been instrumental in maintaining peace, security and stability in the Taiwan Strait. Over that period, Taiwan has transformed itself into a vibrant democracy, holding several free and fair elections along with two peaceful transitions of power. Taiwan is an inspiring story of expanding freedom, a robust capitalist economy and a strong trading partner of the United States. We must do everything in our power to continue protecting it and ensuring its survival.

As Taiwan enters a new era in cross-strait relations and faces new economic and security challenges, Congress today reaffirms, through this resolution, its commitment to the Taiwan Relations Act, to Taiwan's democracy and to our deep, long-standing friendship.

I thank the gentleman once again.

I urge support for the resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I would now like to yield 2 minutes to the gentleman from Indiana (Mr. BURTON), who is the ranking member of our Subcommittee on the Middle East and South Asia.

Mr. BURTON of Indiana. Mr. Speaker, I won't take the whole 2 minutes.

I think everything that is going to be said about the Republic of China on Taiwan can be boiled down to just a few words. They are our true friend. They have been with us through thick and thin. There have been times when we haven't been as good a friend to them as I think we should have been. But they have always been there for us. Ever since they left the mainland and went to Taiwan, they have been a strong free country that has grown into one of the biggest economic countries in the entire world, certainly one of our greatest trading partners.

So I would just like to say that I am very happy to be here to celebrate the 30th anniversary of the Taiwan Relations Act and to say to all of my friends, all of our friends in Taiwan, thank you, thank you, thank you for being such great friends.

Mr. BERMAN. Mr. Speaker, I have no further speakers on the floor now, so I will reserve the balance of my time.

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Ms. ROS-LEHTINEN. Mr. Speaker, I would now like to yield 2 minutes to the gentleman from Florida, my colleague, Mr. MARIO DIAZ-BALART, who is also a sponsor of this resolution.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the gentlelady from Florida, and also all the sponsors of this legislation.

I rise today in recognition of the 30th anniversary of this landmark legislation, the Taiwan Relations Act. It codifies into law the basis for the continued special relationship between the United States and the Republic of China on Taiwan. Our two nations

share so many common beliefs and values. We both cherish freedom, human rights and democracy.

And last year, during the most recent Presidential election, they once again showed that, yes, of course they are a true, vibrant democracy. The Republic of China on Taiwan continues to be our strong ally on the war on terrorism. And they continuously prove that they are a true partner of the people of the United States of America.

Now contrast that, Mr. Speaker, with what just took place a month ago when the Communist Chinese dictatorship sent a number of ships to harass an unarmed U.S. Naval surveillance ship. This provocative action, and many others like it, should serve as a cause for concern when dealing with that nation that regularly violates human rights. Again, that highlights the importance that the people of Taiwan know and that the world knows the United States Congress stands with this strong and proud democracy.

Again, Mr. Speaker, I am grateful for this resolution, for having the opportunity to support this resolution, and make sure that our friends in Taiwan understand that Congress stands with them, really stands with them.

Mr. BERMAN. Mr. Speaker, I continue to reserve.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 1 minute to the gentleman from California (Mr. ROYCE), the ranking member of our Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. Mr. Speaker, I rise in support of this resolution, which recognizes the 30th anniversary of the Taiwan Relations Act. This is a historic occasion. Taiwan, of course, is a beacon of democracy in Asia. We have a strong partnership that stretches back over half a century with this country. Today our relations remain strong, as Taiwan is a cornerstone of U.S. foreign policy in Asia.

This was signed 30 years ago, and the Taiwan Relations Act laid into the law the basis for the continued commercial, cultural and defense relationship between the U.S. and Taiwan. As this resolution states, it has been instrumental in maintaining the peace, the security and the stability in the Taiwan Straits.

While this resolution highlights many of the positive attributes of the U.S.-Taiwan relationship, language detailing our important economic relationship was regrettably struck. As the original version states, Taiwan is the ninth largest trading partner of the U.S., with United States exports totaling over \$26 billion. Imports from Taiwan are important too.

The truth is that trade is very important to Taiwanese security. Security isn't based on weapons alone.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. I yield an additional 1 minute to the gentleman from California.

Mr. ROYCE. I suspect it is wishful thinking with this administration, but I would like to see movement on a trade agreement with Taiwan. Certainly, if we throw up trade barriers, it would do much to destabilize Taiwan's economy. We shouldn't give trade short shrift.

Mr. BERMAN. Mr. Speaker, we have no further requests for time, so I will reserve to the ranking member.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

Mr. Speaker, I rise in strong support as an original cosponsor of House Concurrent Resolution 55. This resolution recognizes the Taiwan Relations Act as the cornerstone of the unbreakable relations which exist today between the people of the United States and the people of Taiwan.

The Taiwan Relations Act stands out as one of the key pieces of foreign policy legislation passed by Congress in the 20th century.

Congress was prompted to act by the decision of President Jimmy Carter to suddenly cut off, as of January 1, 1979, our historic relations with a traditional ally, and to provide nothing further for its continued security nor defensive needs.

Taiwan has stood with the United States, both during the Second World War and in the Cold War, yet little thought was given to the fate of the then approximately 18 million people living on the island. Is this the way to treat an old friend? The response from the House of Representatives 30 years ago was a resounding "no."

On March 28, 1979, the House passed the Taiwan Relations Act by an overwhelming bipartisan majority of 339-50. It is this anniversary that we commemorate this coming Saturday and, in so doing, Mr. Speaker, reaffirm our commitment to strengthen the U.S.-Taiwan relationship and our support for the defensive needs of the Taiwanese people.

Thirty years ago Taiwan was put forward as the sacrificial lamb for our own apprehensions, ready to be surrendered to Beijing's unyielding demands. The Taiwan Relations Act put an end to that defeatist way of thinking.

In the three decades since the Taiwan Relations Act, Mr. Speaker, the economic and democratic evolution of Taiwan has been beyond even the most optimistic projections at that time. Taiwan's robust, free-market economy made the island the ninth largest trading partner of the United States in 2007.

Taiwan, as a young democracy with a record of two peaceful transitions of power, is blossoming amidst a sea of Chinese communism. It has become a beacon of hope to all who aspire to democracy in the Chinese cultural world.

Now, more than ever, we must ensure that our robust ties with the people of Taiwan are maintained and even strengthened. Now, more than ever, we must ensure that the people of Taiwan are provided with defensive weapons needed to ensure that no sudden change in the status quo by the use of force undermines their political aspirations. Now, more than ever, we must ensure that Congress is fully consulted on a regular basis on both our overall relations with Taiwan, and our planned future arms sales.

The best means to achieve these goals, Mr. Speaker, is through overwhelming Congressional support for this resolution as a sign of our unwavering recommitment to the Taiwan Relations Act on its 30th anniversary.

Let us send a strong, unequivocal message to Beijing that we are unwavering in our commitment to democracy, to free markets, and to the people of Taiwan. Now more than ever, we must all stand by Taiwan on this important anniversary.

Mr. ACKERMAN. Mr. Speaker, I rise as a proud co-sponsor of H. Con. Res. 55 and I want to commend Chairman FALEOMAVAEGA and Ranking Member MANZULLO for moving this timely resolution forward.

Mr. Speaker, I am pleased to join in recognizing the 30th anniversary of the Taiwan Relations Act. Since 1979, the TRA's clarity of purpose as the framer of U.S.-Taiwan relations and its singular role in shaping our relationship with the Peoples Republic of China has few equals in terms of foreign policy legislation produced by the Congress.

Under the TRA, Taiwan, and I dare say the mainland, have both prospered and are vastly different places from what they were before the TRA was enacted. The TRA has facilitated Taiwan's evolution into a full-fledged, multiparty democracy with a robust free market economy. And as Taiwan has evolved domestically, its role internationally has changed as well. Taiwan is an active participant in addressing transnational threats and has been deeply engaged in humanitarian relief efforts, addressing public health and environmental protection initiative as well as financial stabilization efforts.

The resolution before the subcommittee today reaffirms the unwavering support of the United States Congress for Taiwan, its democratic institutions, and urges a deeper and stronger relationship between the United States and Taiwan. These are sentiments with which we can all agree, so I urge my colleagues to support the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution recognizing one of our strongest partners in business and in democracy, Taiwan. I would like to thank my colleague SHELLEY BERKLEY of Nevada for her continued strong leadership on issues affecting Taiwan, and Asia in general.

Whether you refer to it as the Republic of China, Formosa or Taiwan, this is a free society that has been a beacon of light and freedom in the Taiwan Strait.

April 10, 2009 will mark the 30th anniversary of the enactment of the Taiwan Relations

Act, codifying in law the basis for continued commercial, cultural, and other relations between the United States and the Republic of China, or Taiwan. The Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979.

When the Taiwan Relations Act was enacted, it affirmed that the United States decision to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means. I truly believe that all of Asia wants the future of Taiwan to be peaceful and that this glorious society continues to be a beacon of light, freedom and commercial opportunity.

My district in Texas is home to a very strong Taiwanese American community, and while I understand that Texas is not known for its Asian population, it is very vital and an important part of the tapestry of diversity that the state of Texas must get recognition for.

The Taiwan Relations Act makes it a policy of the United States to provide defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability. Our continued desire is that these articles remain unused.

The Taiwan Relations Act also makes it a policy of the United States to maintain the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people of Taiwan. That is why we must remain vigilant on what happens in the Taiwan Strait. This is still one of the most peaceful and prosperous areas of the world. It also has one of the most steadily growing populations.

Taiwan's democracy has deepened with the second peaceful transfer of power from one political party to another after the presidential election in March 2008. The new President has made it a point of fostering an atmosphere of peace and harmony, while seeking to secure Taiwan's place as an economic growth engine. This is particularly important when the global economy is faltering.

The relationship between the United States and Taiwan has strengthened with Taiwan's evolution into a free society and a full-fledged, multi-party democracy and the development of Taiwan's robust free-market economy, with Taiwan becoming the 9th largest trading partner of the United States in 2007 and imports from the United States in that year totaling over \$26 billion. Our economic and trading relationship is one of our most important to both Taiwan and to the United States.

Also Taiwan's determined effort and collaboration with the United States to combat global terrorism, as demonstrated in part by its participation in the Container Security Initiative and its generous contribution to the Pentagon Memorial Fund are further evidence of our strong partnership.

I would also cite the leadership role Taiwan has demonstrated in addressing transnational and global challenges, including its active engagement in humanitarian relief measures, public health endeavors, environmental protection initiatives, and financial market stabilization efforts.

These reasons are why it is important that we continue to pursue peace and harmony in

this region and why Secretary of State Hillary Clinton made Asia her first overseas trip in her new role. The symbolism is not lost on our Asian partners and why we must support this resolution.

I urge my colleagues to support this resolution.

Mr. WEXLER. Mr. Speaker, I want to join my colleagues in recognizing the 30th anniversary of the enactment of the Taiwan Relations Act and America's commitment to U.S.-Taiwan relations and supporting H. Con. Res. 55.

As many of my colleagues know, the Taiwan Relations Act has been instrumental in maintaining peace, security, and stability in the Taiwan Strait since its enactment in 1979. Over the past 30 years, Taiwan has evolved into a model democracy that respects human rights and the rule of law. It has also transformed into one the world's most dynamic economies and is counted among America's most important trading partners. To that end, it is critical that the United States Congress continue to highlight the importance of the TRA and take further steps to enhance our overall partnership with Taiwan which has been mutually beneficial for generations in both America and Taiwan.

As a member of Congress who believes the United States should foster this relationship and create new avenues of cooperation, it is important in the context of this anniversary to recognize the bold efforts of Taiwanese President Ying-jeou Ma to bring peace and stability to the Taiwan Strait. I welcome President Ma's efforts and the progress he has made to reduce tensions and to extend an olive branch to Beijing. While the issues that separate Taipei and Beijing are significant and the road ahead difficult, it is important for President Ma to fulfill his stated vision and continue to pursue a policy that lays down the "foundation for a century of peace and prosperity" in the region.

Mr. GINGREY of Georgia. Mr. Speaker, I was recently privileged to become one of the co-chairs of the House Taiwan Caucus, and I look forward to working to strengthen our country's relationship with Taiwan through the efforts of the Caucus.

Just this week, I was also pleased to have met Ambassador Yuan and Director General Tseng down at the Georgia Capitol where the Ambassador was being honored by the Georgia General Assembly.

I rise today in strong support of House Concurrent Resolution 55, which commemorates the 30th anniversary of the Taiwan Relations Act. As stated in this resolution, the Taiwan Relations Act has served as the cornerstone of America's relationship with Taiwan since its enactment in 1979.

This resolution recognizes "Taiwan's evolution into a free society and a full-fledged, multi-party democracy." As the 9th largest trading partner of the United States in 2007, Taiwan has demonstrated its commitment to work with the United States and to collaborate on a range of issues—especially in regards to combating global terrorism.

Mr. Speaker, Taiwan has also made clear its commitment to give back to the global community through humanitarian relief and other contributions to help stabilize global financial markets.

Mr. Speaker, in recognition of this milestone anniversary of the Taiwan Relations Act, I ask all of my colleagues to join me in reaffirming our support for Taiwan's democratic institutions and commitment to our strong friendship with Taiwan.

Ms. BORDALLO. Mr. Speaker, I rise today in support of passage of House Concurrent Resolution 55 a resolution recognizing the 30th anniversary of the Taiwan Relations Act. The Taiwan Relations Act's passage in 1979 marked an important law that allowed for continued cultural and economic relations with the people of Taiwan. The resolution we are considering, H. Con. Res. 55, reasserts Congressional intent on this very important relationship. The Taiwan Relations Act helped the United States continue to foster a greater partnership that has resulted in economic benefits and stability for both of our people and that has contributed to peace and prosperity in the Asia-Pacific region.

I appreciate the partnership that the people of Taiwan have with the people of Guam. The Director General of the Taipei Economic and Cultural Office on Guam, Mr. Vince Tsai, has been a valuable member of our island community and I appreciate his office's continued involvement with our local community in many social, business and civic activities. I also want to thank my good friend Congresswoman SHELLEY BERKLEY from Nevada for introducing this resolution and for her continued interest in Asian-Pacific affairs. I believe that this resolution will continue to encourage and foster the friendship and beneficial relationship between the people of the United States and the people of Taiwan, as the Taiwan Relations Act envisioned thirty years ago.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I urge strong support for the resolution, an "aye" vote, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 55, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING 188TH ANNIVERSARY OF GREEK INDEPENDENCE

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 273) recognizing the 188th anniversary of the independence of Greece and celebrating Greek and American democracy.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 273

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in its original text, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the Greek national anthem (Hymn to Liberty) includes the words, "Most heartily was gladdened George Washington's brave land";

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding onto our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over \$20,000,000,000 in the countries of the region, thereby creating over 200,000 new jobs, and having contributed over \$750,000,000 in development aid for the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas Greece is an active participant in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, the North Atlantic Treaty Organization (NATO), the European Union (EU), and the Organization for Security and Cooperation in Europe (OSCE);

Whereas in August 2004, the Olympic Games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes and over 2,000,000 spectators and journalists, which it did efficiently, securely, and with its famous Greek hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and has been consistently working for rapprochement with Turkey, as seen with the January 2008 visit to Turkey by Greece's Prime Minister Kostas Karamanlis, the first official visit by a Greek Prime Minister in 49 years;

Whereas Greece serves as a key transit country for the delivery of gas to Europe via the Turkey-Greece-Italy Interconnector;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States and their peoples;

Whereas March 25, 2009, Greek Independence Day, marks the 188th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire and celebrates the aspirations for democracy that the peoples of Greece and the United States share; and

Whereas it is proper and desirable for the United States to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 188th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 188 years ago.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes. The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this joint resolution marking the 188th anniversary of Greek independence. I would like to thank my good friend and our wonderful ranking member of the Foreign Affairs Committee, Representative ILEANA ROS-LEHTINEN, for her leadership in ensuring that the House marks this important date.

As the birthplace of democracy, Greece stands alone among nations in its influence over our modern American government. Our Founding Fathers fashioned our society based, in significant part, on the political experience and philosophy of the ancient Greeks.

We stand here in a room today surrounded by images of some of the greatest thinkers in world history, many of them Greek. We stand in a building held up by ancient Greek architectural designs and techniques. And we continue to legislate today under Greek ideals of democratic governance.

From the ancient world of Homer and Plato to the theories of Hippocrates and Pythagoras, we are indebted to the Greek nation for its scientific, philosophical and artistic contributions to the world.

Throughout the modern era, Greece has been one of the United States' strongest allies, supporting us in every major international conflict. Today, our two nations express their mutual commitment safeguarding democracy and freedom through partnership in NATO and through bilateral defense cooperation.

Situated at the crossroads of three continents, Greece holds a strategic position in the Mediterranean region. Over the past decade, Athens has pursued path-breaking diplomacy that has resulted in meaningful rapprochement with its neighbor, Turkey. Last year, Prime Minister Kostas Karamanlis made an official visit to Ankara, the first Greek Prime Minister to do so in nearly half a century.

As we commemorate today the 188th anniversary of Greek independence from Ottoman rule, we would be remiss if we failed to acknowledge the rich contributions of Greek immigrants and their descendants to the United States. We hope to continue the mutual benefit of cultural exchange by welcoming soon, Greece, into the Visa Waiver Program.

Mr. Speaker, I congratulate the beautiful and noble country of Greece on its anniversary, and I join with Americans and democracy-lovers throughout the world in celebrating Greek heritage and our thriving Greek-American friendship.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, to start our discussion, I would like to yield 4 minutes to the gentleman from California (Mr. ROYCE), the ranking member on our Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. Mr. Speaker, what we are recognizing here: come tomorrow we have the 188th year anniversary of the independence of Greece. And we are celebrating Greek and American democracy. And that date tomorrow represents the day at which, after 400 years of oppressive rule, Greeks finally became free. Greeks were able, and it is amazing to think about it, to maintain their language, maintain their religion, to hold on to their culture, despite 20 generations of persecution during that period of time.

And I think one of the reasons we are proud here in the United States about the role we played was because U.S. President James Monroe and our then-Secretary of State, Daniel Webster, pushed to send funds and supplies to aid Greece in that struggle. But more importantly, I think to all of us, free-born men, both white and black, born in the North, traveled to Greece during

that struggle. They played a role over 180 years ago in securing those freedoms. That was the power at the time of the concept of Greek liberty, that it drove Americans in this early republic to travel to Greece in order to take part in that very struggle. And that struggle, frankly, began an alliance between the U.S. and Greece that has joined our two countries in NATO, that has seen our soldiers fight tyranny in World War II.

□ 1500

We are indebted to the Greeks for their vast influence on our own society. Two thousand five hundred years ago, the Greeks ushered in Western civilization, and they brought about at that time the scientific method. They gave us the philosophy of Aristotle and Aristotelian logic, the birth of democratic government, the first age of reason. They brought forward the poetry of Euripides, the three-dimensional painting that was not rediscovered as a technique until the end of the Dark Ages, until into the Renaissance when again the enlightenment represented, really, the rediscovery of Greek philosophy, of these concepts of the autonomy of the individual, of logic and reason.

Our own founding fathers were deeply influenced by those Hellenic ideas. Thomas Jefferson, Adams and Madison, they not only wrote and read Greek; they could speak Greek—Tom Paine as well. They were well-versed in Greek philosophy.

In crafting the Declaration of Independence and the Constitution, Jefferson and Madison drew heavily on the Greek ideal that a government derives its power from the people. Thomas Jefferson's stirring words that all men are created equal and are endowed with unalienable rights hark back to natural law theories that originated in Greek philosophy. Indeed, the very architecture of our buildings, the very ideals that drove our founding fathers through all of this Greek culture permeates throughout Washington, DC and our Nation. It is this legacy that we justly recognize today.

Mr. BERMAN. Mr. Speaker, I yield the remaining time to the gentleman from Florida (Mr. WEXLER).

The SPEAKER pro tempore (Mr. ADLER of New Jersey). Without objection, the gentleman from Florida will control the time.

There was no objection.

Mr. WEXLER. Mr. Speaker, I yield 2 minutes to Ms. BERKLEY, the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Speaker, I rise today not only as a friend of Greece but also as a proud daughter. My mother's family comes from Salonika, Greece, and I count my Greek-Jewish heritage among my most enriching.

Greece has been a strong ally of the United States, standing by us in our

struggles against the Nazis and now in the struggle against Islamic extremism. The Greek people paid a very high price for their opposition to the Nazis, and we are forever grateful for their sacrifices, of which there were many. Greece continues to be a top contributor to NATO and is a leader in the Balkan region.

The resolution before the House today extends its best wishes, our best wishes and congratulations, to the people of Greece, whom we look to as our forebearers in democracy. I am a proud cosponsor of this resolution, but I hope this will not be our last word on our friendship with Greece.

I urge this House and our administration to strengthen our relationship with Greece by including it in the Visa Waiver Program. By approving admission into the program, we will send not only a message of friendship but a message of thanks to the Greek community, which is so deserving of our friendship and of our gratitude. Greece has met the criteria to become a visa waiver country, and only awaits approval of their application. On this anniversary, let us take concrete action to strengthen our bond with Greece and send a message of thanks to our friends and allies.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 4 minutes to my wonderful colleague from Florida, Mr. BILIRAKIS. It is no surprise he is the co-chair of the Congressional Hellenic Caucus, and a fine job he does.

Mr. BILIRAKIS. Mr. Speaker, I rise today with great pride and strong support for House Resolution 273, recognizing the 188th anniversary of Greek independence and celebrating Greek and American democracy. I thank my good friend and ranking member, ILEANA ROS-LEHTINEN, for introducing this resolution.

Like the American revolutionaries who fought for independence and established this great republic, Greek freedom fighters began an arduous struggle to win independence for Greece and its people 188 years ago. When the Greeks began this glorious revolution after four centuries of Ottoman oppression, they faced incredible odds. It was David versus Goliath.

On March 25, 1821, Archbishop Germanos raised the flag of freedom and declared Greece free. This day of rebellion was not chosen by chance. It was a holy day, dedicated to the mother of God. To the Greeks of 1821, Theotokos was their champion, their savior, their protector. The revolution of 1821 brought independence to Greece, and emboldens those who still seek freedom across the world. It proved to the world that a united people, through sheer will and perseverance, can prevail against tyranny.

By honoring the Greeks' struggle for independence, we reaffirm the values and ideas that make our great Nation.

We also remember why freedom is so important. In the history of the Greek war for independence, many Greeks died, but they were undeterred from their ultimate goal. "Eleftheria I Thanatos"—liberty or death—became their battle cry.

We know the price of liberty can be very high. Democracy can only be maintained at a great cost. Our Greek brothers earned their liberty with blood, as did our American forefathers. The freedom we enjoy today is due to the sacrifices made by men and women in the past. I take great pride in both my Greek and American heritage.

As Thomas Jefferson once said, "To the ancient Greeks . . . we are all indebted for the light which led ourselves . . . American colonists, out of gothic darkness."

We celebrate Greek independence to reaffirm the common democratic heritage we share. As Americans, we must continue to pursue this spirit of freedom and liberty that characterizes both of these great nations.

Mr. WEXLER. Mr. Speaker, I yield 4 minutes to Mr. SPACE, the gentleman from Ohio.

Mr. SPACE. Mr. Speaker, I rise today in support of House Resolution 273, recognizing the 188th anniversary of Greek independence and celebrating Greek and American democracy.

This bill is personally significant to me because, like Mr. BILIRAKIS, I, too, am of Greek descent, being the grandson of immigrants who came here from the very small but beautiful island of Ikaria, Greece.

It is significant that we understand in recognizing and in advocating for this resolution that our founding fathers chose the ancient Greek models in the formation of our own Constitution and in formulating and defining the values of freedom, justice and equality. What is equally interesting is that, when Greece attained its independence, it turned to the Jeffersonian democracy that we have in formulating its constitution.

This resolution reaffirms the excellent relationship between the United States and Greece. In its passage, I look forward to continued joint cooperation between these two nations in their mutual quest for peace, justice and democratic principles. Peace, justice and democratic principles are not just words. They mean something.

In this case, it means a renewed interest and quest for peace, justice and the principles of democracy in Cyprus. It means ending the occupation that has lasted for over 35 years. It means this country working with Greece to effectuate that. It means preserving the sanctity and the integrity of the ecumenical patriarch, the spiritual father of nearly 300 million who are Christian Orthodox worldwide.

Ascribing to those principles is what we believe in, and it is what Greece believes in. I look forward to working

with Greece in future years as we strive for that justice.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Texas, Judge POE.

Mr. POE of Texas. Mr. Speaker, 188 years ago, the Greeks brought forth another democracy, but their philosophy started hundreds of years ago. They did not just bring the world a relentless warrior who was willing to give everything to defend the sacred honor of the Greek Nation, but they brought the world a concept that was novel, because of no other country can it be said that they brought to the world a philosophy that it was the individual that is more important than government, itself, more important than the State, because always before in all cultures the State was the supreme power over the individual. Yet the Greeks had the novel concept that the human being, the individual, is worth more than the State. Because of that seed, democracy was planted, and democracy now flourishes throughout the world with the basic premise that it is the individual who is all important.

So we honor them tomorrow because of their great heritage, because of their great influence on our democracy, but we also honor them because they gave to the world a concept of freedom and worth of the individual that had never before been known to any civilization.

Mr. WEXLER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Speaker, I rise today as a proud member of the Congressional Hellenic Caucus to offer my strong support for H. Res. 273, celebrating the 188th anniversary of Greek Independence Day. I am proud to follow other members of this caucus, and agree with their wonderful comments about this special occasion.

My grandfather, Arthur Costandinos Cathones, for whom I am named, came to America from Greece in 1911. He instilled in me a love of Greece and Greek culture. The Hellenic values he taught me have served me well as guiding principles throughout my career in public service, and he would be so proud to see me today on the floor of the U.S. House.

I have been blessed with this wonderful heritage throughout my life. I have enjoyed visiting Greece a number of times to learn firsthand about the birthplace of democracy, and these trips have given me a deep understanding of the country's regions, its mythologies, its history, its food, its music, and especially its people.

The U.S. and Greece have always shared a special bond. When the new democracy was formed in Greece, they charged themselves with imitating and resembling American democracy, just like our forefathers shaped our democracy around the ideals of Aristotle and Socrates. Those are the very principles

of government I teach in my political science classes at UNLV.

So, Mr. Speaker, I look forward to celebrating this holiday tomorrow with the leaders of the Hellenic community and with the President of the United States. I look forward to working to further strengthen the relationship between the United States and the wonderful Hellenic Republic of Greece.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

I am proud to both sponsor and rise today in support of this resolution. This measure, as we have heard from each speaker, expresses our support for the nation of Greece as it celebrates the 188th anniversary of its independence, and it also notes the many very positive aspects of our relationship with that country.

There is truly a kinship between the people of Greece and the United States, one that was born from the shared ideals of democracy. Americans, indeed, owe a great deal to the political philosophy of democracy that was born in ancient Athens so long ago in 500 B.C. It was the Greek city-state of Athens that first created the word "democracy" by combining "demos," meaning people, with "kratos," meaning power, and so it became the first state in history to introduce and implement the concept of democracy in its form of government.

As they framed our Constitution in the late 18th century, our founding fathers drew upon the principles and the forms of government that had been created in ancient Greece thousands of years earlier. Soon after that, 45 years after America's Declaration of Independence, Greek freedom fighters looked to the young United States for inspiration as they began their work for independence from Ottoman Turkey in 1821. In fact, at that time, one of those Greek freedom fighters praised George Washington and the United States for being the land of liberty in his poem "Hymn to Liberty." That poem then became a rallying cry in the Greek war for independence, and was later adopted as the national anthem for Greece.

□ 1515

Today, Mr. Speaker, Greece is a strong ally of the United States. It was the only country that fought alongside the United States in every major conflict of the 20th century. The contributions and sacrifices made by Greeks in fighting the Nazis in World War II, in the Battle of Crete and elsewhere, are not forgotten by us today well over 60 years later.

In this new century, Greece has also sought to reinforce stability and peace in her area of the eastern Mediterranean. As evidenced by her position at the crossroads of energy supplies between Asia and Europe and by its ef-

forts to support stability in the region of the Balkans, Greece will play an increasingly important role in its immediate region in the European Union and the trans-Atlantic community of nations.

It is my privilege to have introduced this resolution, Mr. Speaker, recognizing the strong relationship between the United States and Greece and honoring the 188th anniversary of the revolution that led Greece to its freedom. I urge my colleagues to join us in supporting this resolution.

I yield back the balance of my time, Mr. Speaker.

Mr. WEXLER. I yield myself such time as I might consume.

Mr. Speaker, as a proud member of the Hellenic Caucus, I want to express strong support for this resolution recognizing the 188th anniversary of the independence of Greece and celebrating Greek and American democracy. I would also once again like to thank my very good friend from Florida (Ms. ROS-LEHTINEN) who has been a leading supporter of U.S.-Greek relations in Congress. Additionally, I want to express my gratitude to the co-chairs of the Hellenic Caucus, Congresswoman MALONEY and Congressman BILIRAKIS, for their efforts in moving this resolution forward.

Having had the honor of meeting with the Foreign Minister of Greece 1 month ago, it is an honor to highlight one of America's most important allies, Greece, and the common commitments to democracy, human rights and laws that bind our two nations. This resolution is an opportunity to praise Greece for its efforts to bring peace and stability to the Balkans, as well as the support Athens has given the United States following 9/11 and our collective efforts on the war on terrorism.

It is not lost on any of us in Congress that Greece was quick to respond to requests by the United States during the war in Iraq and immediately granted unlimited access to its airspace and the base in Souda Bay. Many American ships that delivered troops, cargo, and supplies to Iraq were refueled in Greece.

Close cooperation with our NATO ally Greece continues on a daily basis, and it is essential that Congress and the administration recognize this extraordinary support and express our deepest gratitude to the Greek people and Greek government.

This occasion is not only important in terms of U.S.-Greece bilateral relations, but it is an historic occasion for millions of Americans. As a Member of Congress with a large Greek American community, I am especially pleased that we are passing this resolution today, which also highlights this community's extraordinary commitments to the shared prosperity of our Nation.

It is undeniable that the Greek American community, which includes



some five million Americans with Greek ancestry, is the lynchpin in the unbreakable bond between the United States and Greece. As unofficial ambassadors between the U.S. and Greece, Greek Americans have for decades successfully shaped this long-standing friendship and built new bridges to forge closer relations between our nations.

While this resolution recognizes an important anniversary in the independence of Greece, it is also my hope that today's floor debate will be used as a catalyst to promote our ally, Greece's, participation in the Visa Waiver Program. Greece has fulfilled all of the criteria to be included in the Visa Waiver Program, and I urge the administration to act as quickly as possible, along with Athens, to finalize this process and open the door to further enhance the relationship between the people and governments of the United States and Greece.

Mr. Speaker, once again, I congratulate the Greek people on the 188th anniversary of their independence and strongly support this resolution.

Mr. CROWLEY. Mr. Speaker, I rise today to congratulate the Hellenic community as they celebrate the 188th anniversary of Greek Independence from the Ottoman Empire.

After close to 400 years of Ottoman rule, on March 25, 1821, the people of Greece rose up against the Turks and won their independence. March 25th is a date that will live forever in the hearts and minds of Greeks all around the world.

The Greeks have a history dating back almost 4000 years. Greece is the cradle of democracy and its great philosophers were an invaluable inspiration for our founding fathers as they created the democracy we have in America.

We are joined by culture and a deep commitment to shared values. Greek ideals of democracy and freedom continue to inspire us.

On Greek Independence Day, we celebrate the living history of Greek heritage. During the occupation by the Ottoman Turks, they risked harsh penalties, some extreme as death, to teach their children the culture, history, and language of their ancestors. It is this dedication to Greek culture and ideals that led them to revolt against the Ottomans in 1821.

Mr. Speaker, I have the great pleasure of representing a large number of Greek-Americans in the Seventh District of New York. Their influence and active participation in their communities has fostered economic, political, and social growth throughout New York City and I am honored to represent them in Congress.

Generations of Greek Americans have enriched every aspect of our national life, in the arts, sciences, business, politics, and sports. Through hard work, love of family and community, they have contributed greatly to the prosperity and peace that we all enjoy as Americans today.

Although the anniversary of Greece's independence is cause to celebrate, we must also use this occasion to remember the ongoing struggle for freedom and demand for human

rights on the island of Cyprus. The United States and the international community must remain steadfast in our resolve to unify the Greek and Turkish Cypriots who have been divided for far too long.

Mr. Speaker, let me reiterate my strong commitment to the Greek communities in my district, the country, and throughout the world. Their strength and dedication to democracy and peace in the world has made them an inspiration and model for modern civilization.

I urge my colleagues to join me as we celebrate Greek independence.

Mr. MCMAHON. Mr. Speaker, I rise to congratulate Greece on her 188th anniversary of Independence.

The U.S. tradition of democracy was built upon ancient Greek political and philosophical thought. And, the flame that ignited the first discussions of democracy in Ancient Greece, shined luminously throughout the Mediterranean on March 25, 1821.

Fortunately, this anniversary not only marks the creation of a promising, new democratic state, but of a steadfast and loyal friend to the United States.

I am proud to say that Greece has stood by the United States as a strong NATO ally.

A quick and reliable partner in World War II, the Balkans and most recently, Iraq.

And as a leader through its chairmanship of the Organization for Security and Cooperation in Europe.

I would also particularly like to congratulate the nearly 15,000 Greek-Americans of Staten Island and Southern Brooklyn whose strong family ties, established customs and tradition of hard work have added to the character and longevity of my district.

These Greek Americans and their relatives in Greece are a tight community. Their relatives in Greece deserve to have the same level of access for tourism and business travel to the United States that most other European countries have. This is why I support Greece's prompt membership into the visa waiver program and look forward to future global opportunities to partner with our friend and ally, Greece.

On this important occasion I would like say once more: Congratulations.

Mr. SARBANES. Mr. Speaker, I rise today to honor the 188th Anniversary of Greek Independence Day and the valiant Greek struggle to cast aside the shackles of imperial oppression. For those who believe in life, liberty, and the pursuit of happiness, March 25, 1821, resonates through the annals of history as a seminal moment in the epoch of democracy.

From ancient Greece the world came to speak of the founders of democratic thought—Cleisthenes, Themistocles, Pericles, Socrates, Plato, Aristotle and countless others. When our founding fathers contemplated the establishment of the United States of America they looked across time and geography to the shores of ancient Greece. Thomas Jefferson and others who studied the Democratic philosophies of the ancient Greeks knew that in their teachings lay the formula for a just and free society.

In 1776 the sacred flame of liberty illuminated the shores of America, and when in 1821 the mother of democracy awoke and sought to liberate herself from the dark con-

quest that had befallen her, America cheered her on. During the Greek struggle for independence, many Americans felt a kindred spirit with the Greeks, and gave the name of a Greek Independence War hero to the town of Ypsilanti, Michigan.

It is only natural that the fraternal bonds of liberty between America and Greece have been present from the first day of the establishment of each country. History shows that Greece is one of America's greatest allies, from the passing of the ancients' democratic philosophy to the modern Hellenic Republic's fighting alongside the USA in every major struggle since its inception.

Long before the United States took on the Nazis in WWII, the only countries standing in the way of the Nazi onslaught were Greece and the United Kingdom. Greece paid a dear price for its steadfastness, losing 10 percent of her entire population, and nearly all of the ancient Jewish Community of Thessaloniki. The heroic acts of the Greeks were evident everywhere, from the daring removal of the Nazi flag that floated above the Acropolis, to the unparalleled resistance movement that resulted in the first defeat of an Axis Army when the Greeks pushed Mussolini's troops across the Albanian frontier.

Greece has come a long way in 188 years. In 2004 Greece did an outstanding job hosting the Olympics. She has been an important ally in the war in Iraq and Afghanistan and is the beacon of democracy in the Balkans, serving as one of the largest investors, business and job creators throughout all of Southeastern Europe.

Greece is a proven democracy and proven ally of the United States. Greece is a country that can be counted on to support the high ideals of freedom and liberty, and is and always has been a staunch American ally.

Mr. PALLONE. Mr. Speaker, I am proud to join with several of my colleagues this evening in celebrating the 188th anniversary of Greek Independence from the Ottoman Empire. Tonight is also a celebration of a society that represents, in a historical sense, the origins of what we call Western culture, and, in a contemporary sense, one of the staunchest defenders of Western society and values.

In celebrating this anniversary, I am reminded of comments made nearly two centuries ago, by Massachusetts Congressman Daniel Webster. Congressman Webster spoke of the noble fight that would end 400 years of rule by the Ottoman Empire.

Webster stated, 'These [Greek] people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the atrocious and unparalleled Tartarian barbarism that ever oppressed the human race.'

The world has greatly benefited from Greek civilization and owes to them the values of democracy that we hold dear. In the years since Greek Independence, Americans and Greeks have grown ever closer, bound by ties of strategic and military alliance, common values of democracy, individual freedom, human rights and close personal friendship.

Mr. Speaker, while we celebrate Greek Independence this evening, it's also important we recognize that Greeks continue to battle oppression from present day Turkey in Cyprus



and that Greeks living in Turkey today continue to face discrimination.

Just as Greece gained its independence 188 years ago this month, it is now important that our nation work with the United Nations and with the government of Cyprus to once again unify the island and protect the rights of Greeks everywhere.

Over the past few years, I have become deeply concerned that our government's actions and policies towards Cyprus will make it more difficult to reunify a nation that has been broken apart for more than three decades. I was disappointed that the previous administration's U.S. Department of State opened its fly zone with the occupied part of Cyprus. I was also concerned that the State Department resumed trade with the occupied north through ports that were declared closed after the invasion in 1974. This action ignored Cyprus' domestic law, as well as international law that prohibits entering Cyprus through an illegal port in the north.

Mr. Speaker, we now have a new Administration and a new Secretary of State. I am encouraged that we can take tangible steps to solve the problems in Cyprus through reunifying the Country. I will continue to encourage Secretary Clinton to take a historic look at the Cyprus problem over the past 34 years. It's important to look at this problem through the perspective of three decades of illegal actions on the Turkish side.

As we celebrate Greek Independence and the cultural gifts that the Greek community has given to the world, I remain deeply dismayed by Turkey's continued discrimination against Greeks today in Turkey. I am glad that Secretary Clinton, on her recent visit to Turkey, discussed the issues of Ankara's refusal to recognize the Ecumenical status of the Greek Orthodox Patriarch. The United States cannot let Turkey continue these abuses of religious freedoms.

The Department of State's 2008 Human Rights Report on Turkey lists a litany of abuses including systematic dismantling of property rights, limited education opportunities, and vandalism of religious properties of Greeks living in Turkey. This report shows that minorities are treated like second-class citizens.

Mr. Speaker, I am hopeful that the United States can reverse its prior path. We must work with the international community to ensure that one day soon, like Greece, the island of Cyprus will be unified and free. We must work to make sure that Greeks do not face discrimination in Turkey.

Tonight, I applaud the determination Greek's showed 188 years ago to overcome the Ottoman Empire, and restore democracy in the place of its birth.

Mrs. MALONEY. Mr. Speaker, as an original cosponsor of H. Res. 273 and a co-chair and co-founder of the Congressional Caucus on Hellenic Issues, I rise today to celebrate the 188th anniversary of Greece's declaration of independence from the Ottoman Empire.

Against incredibly difficult odds, the Greeks defeated one of the most powerful empires in history to win their independence.

Following 400 years of Ottoman rule, in March 1821 Bishop Germanos of Patras raised the traditional Greek flag at the mon-

astery of Agia Lavras, inciting his countrymen to rise against the Ottoman army.

The Bishop timed this act of revolution to coincide with the Greek Orthodox holiday celebrating the archangel Gabriel's announcement that the Virgin Mary was pregnant with the divine child.

Bishop Germanos's message to his people was clear: a new spirit was about to be born in Greece.

The following year, the Treaty of Constantinople established full independence for Greece.

New York City is home to the largest Hellenic population outside Greece and Cyprus.

Western Queens, which I have the honor of representing, is often called Little Athens because of the large Hellenic population in that neighborhood.

New Yorkers celebrate Greek Independence Day with a parade on Fifth Avenue in Manhattan, along with many cultural events and private gatherings.

These events, hosted by the Federation of Hellenic Societies and other Hellenic and Philhellenic organizations and friends, remind us of the Hellenic-American community's many contributions to our nation's history and culture.

I am also pleased that President Obama is continuing the tradition of holding a White House celebration in honor of Greek Independence Day.

My fellow co-chair Representative BILIRAKIS and I sent a letter last month urging the President to recognize this truly important day.

Relations between the United States and Greece remain strong with a shared commitment to ensuring stability in southeastern Europe. I hope permanent solutions can be found for ending the division of Cyprus and finding a mutually agreeable name for the Former Yugoslav Republic of Macedonia.

Additionally, I strongly support the inclusion of Greece in the Visa Waiver Program. Greece is the only member of the original fifteen European Union nations not to belong to the Visa Waiver Program.

I, along with my colleagues, will continue to work to ensure that the process for Greece's entry into the Visa Waiver Program continues to move forward.

Additionally, I have recently reintroduced legislation which urges Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate.

It is time for this suppression of religious freedom to come to an end and for Turkey to move in the direction of freedom and democracy.

I ask the nation to join me in celebrating Greece's independence.

Additionally, it is my sincere pleasure to pay tribute to New York's Hellenic-American community for its many contributions to our city and nation.

"Zeto E Eleftheria!" (Long Live Freedom!)

Ms. TSONGAS. Mr. Speaker, I rise in strong support of H. Res. 273 and to honor the people of Greece on the 188th anniversary of their independence. This occasion is truly a celebration of the shared traditions and values of American and Greek democracy.

Over a million Americans, including the family of my husband Paul, claim Greek heritage.

This vibrant community contributes to the fabric of our nation and further reinforces the bond between the United States and Greece.

I had the opportunity to visit Greece just last year as part of a Congressional Delegation to the region and saw firsthand the progress Greece has made in bringing prosperity to its people.

Greece has also stepped forward on the international stage to assist others in the pursuit of freedom and democracy. Through their active engagement in international peace-keeping efforts, the Greek people have shown their leadership on the world stage as well as their commitment to the democratic ideals we share.

Our common values have built an unbreakable bond between our two nations. This bond stretches back to the founding of our country and the establishment of the modern Greek state.

It is only fitting that the House of Representatives celebrate the 188th anniversary of Greek independence; express support for the principles of democratic governance to which the people of Greece are committed; and honor the contributions of Greece to the global community throughout its 188 years as an independent nation.

As an original cosponsor of this important resolution, I urge my colleagues to support H. Res. 273 to honor the 188th anniversary of Greek independence and to recognize the essential role that Greek culture has played in the development of democracy around the world.

Mr. ISRAEL. Mr. Speaker, I rise today to honor the glorious contributions of Greek civilization to the world, and to congratulate the people of Greece on the 188th anniversary of their independence.

I can speak no more simply than Edith Hamilton who wrote in her classic 1930 study of Greek civilization that "the Greeks came into being and the world, as we know it, began."

I stand here as the Member of an institution whose very existence is owed to the Greek imagination and beneath a dome supported by columns of Greek inspiration. The principles of democratic governance, the ones which our Founders drew upon heavily to establish this republic, were first expounded upon in ancient Greece, and it is to that first age of reason that all democratic civilizations owe a debt of gratitude.

But it was not only the political philosophy of Greek civilization that left its mark on the world. One cannot walk the streets of this city without noticing its obvious tribute to the architecture of our democratic forebears. Stone columns line our most important buildings and stand guard our most cherished documents.

In addition to the philosophical and physical structures we honor in our own time from Greece, we also pay tribute on this day to its legacy in the arts and sports. The epic of Homer, the poetry of Pericles, Pindar and Aeschylus, the comedy of Aristophanes, the history of Herodotus, the Olympics and the marathon—any simple recitation will be incomplete and not wholly do justice to the accomplishments of centuries. But, let it be said that time has shown the greatness of their time to be the greatness of all time.

Our more recent histories our bound together as well. Just as our independence was a tribute to the ideas of ancient Greece, so too was Greek independence inspired by the American Revolution. Greek Commander in Chief Petros Mavromichalis, founder of the modern Greek state said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you."

Since that kind and graceful message so long ago, the relationship between the United States and Greece—allies in times of both peace and conflict—grows stronger. Generations of Greek-Americans have maintained their traditions here, just as other civilizations for centuries have passed on the guiding lights of Ancient Greece. I am proud to join the Greek-Americans of New York's Second District in celebrating the 188th anniversary of their independence day.

Mr. WEXLER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 273.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WEXLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### REDUCING THE DEFICIT

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, the President's budget as recently unveiled spends too much, taxes too much, and borrows too much. We need to stop talking about reducing our deficit and actually go to work and do it.

We cannot continue to put off the tough economic decisions that must be made. In the words of Missouri's Harry Truman, the buck stops here.

It is just plain wrong to pass off more and more debt to our children and grandchildren. Folks back home in Missouri have made it clear to me if they have to balance their checkbooks, then so does Washington.

Unfortunately, the President's budget doesn't do that. Instead, it continues to mortgage the future of our children and grandchildren. I support reducing our Nation's deficit, which is precisely

why one of the first bills I filed and sponsored was a constitutional amendment to balance the budget.

Now, let's be clear. Raising taxes is not the way to do that. Putting Washington's fiscal house in order is.

I am urging all of us to remember the buck stops here, not with future generations.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### AMERICAN SCHOOL KIDS AND THE LONE SURVIVOR OF WORLD WAR I

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, in 1918, the war to end all wars was over. It was called World War I. It started in 1914, ended in 1918. And during that time, it was a stalemate until 1917 when the United States entered the war. The United States went overseas to Europe. Those doughboys fought in a land they did not know and for a people they did not know. They broke the trench warfare stalemate, and on the 11th day of the 11th month at the 11th hour of 1918, that Great War was over.

Fifteen million people in the world died because of World War I. And the casualties for the United States? Well, 4,734,991 Doughboys and Marines went over there to fight in that Great War; 116,561 were killed representing and defending our country. They fought in the woods, in the forests of Belleau Wood, the Argonne, and the fields of Flanders. Many of them are still buried in those forests in graves known only to God. When they came home, thousands more had contracted the Spanish flu, and they died here in the United States.

When the war was over, America moved on, and now 101 years later, we honor troops from that last century. We have on the Mall here not far from this Capitol the Vietnam Memorial where we honor the 55,000-plus that were killed; we honor the Korean veterans with the Korean Memorial that has those American soldiers going through a minefield in the snow; and we honor the Greatest Generation with the World War II Memorial.

But in the tall weeds of the Mall, there's a little-known memorial for the D.C. veterans that fought in World War I. It is decrepit, it is falling apart, and like I said, it is in the high weeds. It was built largely because the kids here in Washington, D.C., saved their nickels so that memorial could be built.

But Mr. Speaker, we do not have a memorial on the Mall for all of the

Americans who fought in the great World War I. America just never got around to it. So I have introduced the Frank Buckles Lone Survivor Act to expand the D.C. memorial so that it honors all that fought in World War I.

Why Frank Buckles? Because you see, Mr. Speaker, Frank Buckles is the lone American survivor from World War I. He's 108 years old. In World War I, he lied to get into the Army: he was probably 16; he should have been 18. But he went off to war in Europe and drove an ambulance and rescued other doughboys that had been wounded in France. After the war was over, he came back to America. And during World War II, he was captured in the Philippines by the Japanese and held as a prisoner of war for 3 years. And now he lives in West Virginia.

Mr. Speaker, here is a photograph of Frank Buckles, 108 years old. It is taken in front of what is left of the D.C. memorial. And what I am asking Congress to do is authorize the expansion of the D.C. memorial to include all who fought in World War I.

You know, the men that fought there should be honored by America. Even though I have offered this bill into legislation, government bureaucrats are opposed to this memorial, saying we don't need any more memorials on the Mall. That dishonors America's war dead, Americans the bureaucrats never even knew.

But kids across the Nation are answering the call of Frank Buckles. And let me explain. What is occurring is, service-learning projects in schools throughout the country are teaching their kids hands-on about World War I and those that lived and fought and died in World War I. It started in Creekwood Middle School in my home district, and now it has spread to schools in Kentucky, Connecticut, Michigan and Ohio. And because of that, these kids are raising funds to build this World War I memorial for all that lived and died in this war.

Mr. Speaker, it is imperative that we as a Nation honor all that fought in the four great wars in the last century. And it is a shame we haven't built a memorial to them. But I can tell you something, Mr. Speaker. America's school kids will not be denied because they are the grassroots campaign to build that memorial, and they are raising funds to do it.

Mr. Speaker, there is nothing more powerful than American school kids that have made up their minds, and they have made up their minds that America shall honor the war dead of World War I, the Frank Buckles and all of those four million-plus that served with him. And we're going to build this memorial whether the Federal bureaucrats like it or not.

And that's just the way it is.

SCHOOLS INVOLVED IN THE EFFORT  
Terryville High School, Terryville, CT

Bristol Eastern High School, CT  
 Kingwood High School, Humble, TX  
 Creekwood Middle School, Humble, TX  
 Riverwood Middle School, Humble, TX  
 Zeeland public schools, Michigan  
 Buckeye public schools, Ohio  
 University of Arkansas at Montecello  
 Michigan State University ROTC Program  
 Hudsonville Public Schools, Michigan

□ 1530

# CELEBRATING THE 33-YEAR ANNIVERSARY OF THE COVENANT BETWEEN THE U.S. AND THE NORTHERN MARIANA ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Northern Mariana Islands (Mr. SABLON) is recognized for 5 minutes.

Mr. SABLON. Mr. Speaker, the covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States of America defines the unique relationship between the Northern Mariana Islands and the United States, recognizing United States sovereignty but limiting, in some respects, applicability of Federal law. The commonwealth accordingly enjoys a greater degree of autonomy than most United States territories.

The covenant was negotiated over the course of 27 months, from December 1972 to February 1975, by the Marianas Political Status Commission, made up of representatives of the Northern Mariana Islands and a delegation representing the United States.

The proposed covenant was signed by negotiators on February 15, 1975, and unanimously approved by the legislature of the Mariana Islands District of the United Nations Trust Territory of the Pacific Islands on February 17, 1975.

On June 17, 1975, the covenant was submitted to Northern Mariana Islands voters in a plebiscite. At the time, 95 percent of eligible residents had registered to vote, and of the 95 percent of all registered voters who cast ballots in the plebiscite, 78.8 percent voted to approve the covenant.

The covenant was subsequently approved by this House on July 21, 1975, and by the Senate on February 24, 1976.

On March 24, 1976, President Gerald Ford signed Public Law 94-241, enacting the covenant. Some provisions became effective on that date. Remaining provisions became effective on January 9, 1978, and November 4, 1986.

On January 9, 1978, the Northern Mariana Islands Government was established, and the first elected governor took office.

On November 4, 1976, qualified residents of the Northern Mariana Islands became United States citizens.

On May 8, 2008, President George W. Bush signed Public Law 110-229 and gave to the Northern Mariana Islands

the seat in Congress that I presently have the privilege to occupy.

Today, Mr. Speaker, the people of the Northern Mariana Islands mark the 33rd year of the date when the covenant took effect.

The 33 years of our political relationship, Mr. Speaker, has been beneficial to both the Northern Mariana Islands and to the United States, such that the political agreement continues to be celebrated by very proud citizens in that most western part of the United States. I join my people in their celebration and bring their joy to this Congress.

Thank you for the opportunity to share this joyful and historical day with Congress, the Nation and with the American people.

## THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I rise today to express grave concern regarding the budget that the Budget Committee is acting upon this week and which some have proposed be brought to the floor of this House next week.

I would suggest that it is very much in need of dramatic changes and would ask that the leadership of this Congress take that budget back and start over again because a debt of the magnitude that this country is already facing, added to the projected deficit for next year alone, now up to \$1.8 trillion, is a staggering sum of money, and it is not something that is sustainable.

We have known this for a long time. In fact, one of the namesakes of the annual dinners that our colleagues on the other side of the aisle hold, the Jefferson-Jackson dinners that are held all across the country, he has been known throughout American history for his strong stand against piling on greater and greater public debt. In fact, late in his life he said, "There does not exist an engine so corruptive of the government and so demoralizing of the Nation as a public debt. It will bring on us more ruin at home than all the enemies from abroad." And we are, in fact, seeing this statement made long ago coming to haunt us in very severe ways at this time in our history.

You know, we had up until last year a \$9 trillion national debt that had been accumulated over more than 200 years of our Nation's history. And yet the projection now is that in the next 10 years, according to this budget—and that is based upon optimistic projections I would say with regard to government spending—the liabilities the government already has for a number of different programs, but the projection already offered by the administration is that that debt will increase by one-and-a-half times in the next 10 years.

That is staggering to consider that we could outstrip all of the spending that has taken place over all of that period of time in such a short period of time, and I want to show you exactly how that works with this chart.

This chart shows the doubling of the debt held by the public in a very short period of time. Projections now are that it will be even greater than this. This one shows that it grows to \$16 trillion. We now have a new projection that says \$23 trillion will be the national debt in total.

The public portion of the national debt, that portion of the debt that we owe to American citizens and other people around the world, will grow to \$16 trillion from less than \$6 trillion just last year. That is a stunning figure, but this doesn't even tell the whole story because what this shows is just the public portion of the debt.

Every year, the Congress borrows from the Social Security trust fund, and other trust funds, additional funds, and the government simply puts an IOU in those trust funds, funds so important to our senior citizens and others who are counting on those funds to be there in the future, to make sure that Social Security and other programs are actuarially sound, and yet the money has been borrowed, such that the total amount of our national debt by 2019 will come to \$23 trillion.

We have in this budget that has been offered in this Congress too much spending, too much taxation and, what we're focusing on today, too much debt. Let me call the words of President Jefferson to mind again: To preserve the independence of the people, we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty or profusion and servitude—and that is truly the crossroads that we have reached today.

Thomas Jefferson recognized that 190-plus years ago and pointed out that with economy comes liberty and freedom. With as he called it profusion, or what we call today big government spending, comes servitude of the people to their government. That is not what our Founding Fathers intended when they created the United States Constitution which, in my opinion, is in need of one change that is vitally needed, and that is a balanced budget amendment to the United States Constitution.

I will have more to say about this in the future, but I urge my colleagues to oppose this budget and support real fiscal reform, which would be to adopt a balanced budget amendment to the Constitution.

# ADMINISTRATION DESERVES PRAISE FOR NEW IRAN AND STOP-LOSS POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to call the House's attention to two very positive developments in the administration's handling of foreign policy and military affairs.

First, the administration offered Iran a new beginning in relations between our two countries. He did that on Friday. It was part of his message to the Iranian people and to their leaders on the occasion of the Persian new year.

The President said, "My administration is now committed to diplomacy that addresses the full range of issues before us, and Iran, and to pursuing constructive ties among the United States, Iran, and the international community. This process will not be advanced by threats. We seek, instead, engagement that is honest and grounded in mutual respect."

Mr. Speaker, President Obama is determined to settle differences with Iran peacefully. Of course, I don't have any, nor should any of us have any, illusions that it will be easy to reduce tensions with Iran. That's because they continue to develop a nuclear program which could be used to build nuclear weapons.

But I do believe that diplomacy can produce good results over time. A diplomatic effort can begin within the next year, or in the next week actually, when Secretary of State Hillary Clinton attends a conference on Afghanistan in The Netherlands. Iran is expected to attend the conference, and Secretary Clinton could interact with Iranian officials.

The United States and Iran have cooperated in the past over Afghanistan, and this may be one area of common ground. But at the very least, the administration has created an environment where peaceful progress can be made, and I commend the administration for that.

The second development that is positive came last Wednesday when Secretary of Defense Gates announced that he is moving to end the Pentagon's terrible stop-loss policy. Under stop-loss, Mr. Speaker, thousands of soldiers have been forced to remain in the military even after their enlistments have expired.

Ending stop-loss is long overdue. It has been essentially a backdoor draft, and it's one of the policies that has stretched our military to the limit, putting a terrible strain on our soldiers and on their families.

The Army has acknowledged this problem. The Army Vice Chief of Staff told a Senate subcommittee last week that forcing soldiers to take longer deployments has helped produce a "stressed and tired force."

Prolonged deployments, Mr. Speaker, which have separated soldiers from their families for these very long periods of time, have contributed to a tragic rise in the number of suicides among military personnel. The Army has confirmed that there were 133 suicides last year alone, and that's just the Army.

Another serious problem is that many soldiers who have left the military have not had a happy homecoming. The unemployment rate for veterans of Iraq and Afghanistan is 11.2 percent, which is higher than the rate for nonveterans.

That is one of the reasons why I support the administration's economic recovery plan, which actually is the third policy development that we should be talking about today, because this plan will produce millions of new jobs. I would have liked to have seen an even bigger recovery plan to create even more jobs, but Mr. Speaker, I have to disagree with the administration on some policies occasionally, and that's stretching beyond where their good intentions are.

I also have to disagree with the administration on some foreign policy issues. But on this occasion, I don't want to go into that. I want to applaud the administration for taking three important steps that can make the world a more peaceful place and that will lift a very heavy burden off our brave troops and their families.

□ 1545

## CAP-AND-TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ROGERS) is recognized for 5 minutes.

Mr. ROGERS of Michigan. Mr. Speaker, I rise today for the urgency that faces the United States—and I hope every single American engages in this debate.

The economy has certainly taken a great toll on the great State of Michigan, where I'm from, and President Obama's recently offered budget, if enacted, is just one more slap at working people of the great State of Michigan and all around this country.

It creates a cap-and-tax program for the first time in this history. Something that used to be free, you're now taxed to use it.

The National Association of Manufacturers estimate this plan will cost Michigan alone 121,000 jobs by 2030. It also increases gas rates by 141 percent and electric rates by 177 percent. What does that mean to you? If you have a \$70 per month electric bill today, it's going up to \$193 per month just for the enactment of the cap-and-tax program.

If you're paying about \$1.91, as you are at the pump today, if enacted, the cap-and-tax program takes that to \$4.60 a gallon. Good luck in economic prosperity.

If you're a UAW worker in Michigan today and you happen to work in the great city of Lansing, Michigan, you are already paying a State gas tax, a Federal gas tax. You're paying a tax for your driver's license, a tax for your license tag, you're paying a sales tax on the car which you purchased. You pay a city income tax, a State income tax, and a Federal incomes. You pay your FICA tax.

If you go home and if you enjoy a beer after work, there's a special excise tax on the beer that you consume. You click on your cable TV, you pay a tax for that as well. You sit in your Barcalounger. Guess what? You paid a sales tax on that, too.

Mr. President, more taxes will not solve the problem. It will exacerbate the problem. Working families in this country deserve a break, not platitudes, not kind words, not silver-tongued speeches.

These people are right on the edge of losing their homes, and we're going to enact a tax that makes it that much harder for them to make the very payments to stay in their homes today.

Every time you tax a job like this—imagine this. We build cars. Imagine if the taxes go that much up on just your home ownership costs—your electric bill, your gas bill, when you fill up with gasoline—imagine what happens to the manufacturing base that uses energy. The cost for producing that car goes up.

So you're your paying more for gas a gallon, you're paying more for your electric bill. And, guess what? If you want to go out and buy a car, good luck. The cost of that electricity increase is built into the cost of that car.

We no longer will remain competitive. I tell you what—China loves this idea. India loves this idea. Absolutely. They want to make it prohibitive for us to build anything in the United States of America. And how do we do it in this budget? We increase the budget by \$49,040 per man, woman, and child in America.

Your Congress will have borrowed more money in the past year than the cost of all America's wars combined. One year. You know, the sad thing is we have to go to countries like China, Saudi Arabia, and others and, we have to ask them: Please, lend us money for these programs that we know may in fact hurt the American people here in the very near future.

The nonpartisan Congressional Budget Office estimates that President Obama's budget will force the United States to borrow \$9.3 trillion. That equates to more than \$120,000 per family of four for 14 years—think of this—14 years of groceries for the average family of four. Every man, woman, and child, 14 years of groceries by just the debt that we are placing on our children's heads in the very near future. This is an unprecedented expanse of

government at the expense of the future prosperity of the children of the United States.

About 64 percent of the businesses will claim, at this \$250,000 limit—64 percent of those are small businesses. So your diners, the folks that you go and get your auto fixed at—guess what? They're getting a tax increase as well. So not only are they paying all that other tax, they're getting another tax increase to make this whole budget try to work.

At the end of the day, you're still assuming \$120,000 in debt per family. What have we done? Where are we going?

We know how this works. And if we can just take a step back, take a deep breath and say, Mr. President, we're with you. But you cannot tax the prosperity of America and our children and their future. You cannot tax so much, you cannot spend so much, and you cannot borrow so much if we want prosperity in the future.

I would hope Americans are paying attention and asking some very hard questions about the future of this great Nation.

#### IMPORTANCE OF DIVERSITY IN FINANCIAL STABILITY AND RECOVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I rise this afternoon to briefly discuss a very important issue. Several Members of the House have been working with the Congressional Black Caucus, the Financial Services Committee and other committees to increase access for minority and women-owned business enterprises. Just this week, a new report was released by the Center for Community Economic Development on "The Imperative of Closing the Racial Wealth Gap."

I would like to include the summary of this report in the RECORD.

One of our primary focus areas over the last several months has been minority and women-owned business enterprises' access to the Troubled Asset Relief Program. That is the TARP.

Originally, TARP was designed for the purchase of toxic mortgage-related assets and presented several opportunities for women and minority-owned businesses to participate through asset management, legal, accounting, and other professional services.

Following the announcement of the TARP, Representative GREGORY MEEKS and I convened a meeting of over 60 minority asset managers and officials from the Treasury Department to ensure maximum participation by women and minority-owned businesses. We wanted to make sure that there were real opportunities for participation in the TARP.

As a result, legislative language was placed in the TARP bill describing specific steps Treasury was to take to ensure minority participation. In addition, members from the National Association of Securities Professionals met with Treasury several times and submitted written recommendations on how Treasury could work better with minority and women-owned businesses in the asset management space.

Unfortunately, shortly after enactment of the TARP, Secretary Paulson shifted the focus from toxic assets to direct infusions of cash to ailing financial institutions. This shift became known as the Capital Purchase Program. This shift both cut off major opportunities for minority and women-owned businesses via asset-related services, and opened an opportunity for participation in the way of debt underwriting and other banking professional services.

Unfortunately, these opportunities were never realized as banks that received TARP funds began a cycle of self-patronage, which led to little or no access to TARP contracting opportunities for women and minority-owned businesses. The most egregious of this type of patronage was highlighted through the banks paying themselves to underwrite their own debt.

Yesterday, the Secretary of the Treasury announced a new program aimed at purchasing toxic assets from financial institutions. With this announcement, we have come full circle and a significant opportunity for minority and women-owned businesses to participate has presented itself again. The Public-Private Investment Program could purchase up to \$1 trillion in assets.

Members of the CBC's Economic Security Taskforce plan to convene a TARP/TALF Access Summit. The summit will be designed to ensure meaningful participation in TARP through the Public-Private Investment Program. Specifically, we hope to provide opportunities for minority and women-owned businesses and administration stakeholders to learn more about the new program and the capabilities of minority and women-owned businesses, develop short-, mid- and long-term strategies to better facilitate access to TARP resources, and identify specific contacts within the relevant agencies.

Moving forward, I believe this is an important initiative to ensure that we bring diverse talent to tackle the daunting economic problems facing us now.

Mr. Speaker and Members, this is very important. We have billions of dollars that are being injected into our society by way of the TARP program, the TALF program, and even the stimulus program. We have to make sure that these opportunities are open and available to all members of our society who are equipped, prepared, and ready to participate.

If our communities are to pull themselves up by the bootstraps, if our communities are to open up opportunities and create jobs, we cannot be shut out of these opportunities simply because only the "big boys" are allowed to play. We must make sure that these opportunities are available to all of the women and minority-owned businesses in our society also.

LAYING THE FOUNDATION FOR NATIONAL PROSPERITY—THE IMPERATIVE OF CLOSING THE RACIAL WEALTH GAP—EXECUTIVE SUMMARY—MARCH 2009

#### ABOUT THE INSIGHT CENTER

The Insight Center for Community Economic Development, formerly the National Economic Development and Law Center (NEDLC), is a national research, consulting and legal organization dedicated to building economic health in vulnerable communities. The Insight Center's multidisciplinary approach utilizes a wide array of community economic development strategies including promoting industry-focused workforce development, building individual and community assets, establishing the link between early care and education and economic development, and advocating for the adoption of the Self-Sufficiency Standard as a measurement of wage adequacy and as an alternative to the Federal Poverty Line.

This work is part of a national effort to close the racial wealth gap in the United States for the next generation. For more information on this initiative, visit <http://www.insightcced.org/communities/ClosingRWG.html>. For more information on the Insight Center, visit <http://www.insightcced.org/>.

#### ACKNOWLEDGEMENTS

The primary author of this paper is Meizhu Lui, Director, Closing the Racial Wealth Gap Initiative. Other Insight Center staff who contributed include Roger Clay, Lori Warren, Ludovic Blain, Victor Corral, and Esther Polk. We also thank Betsy Leondar-Wright for her editing skills, and Rick Williams for his expert advice.

The work of the leaders of the Initiative's issue working groups is much appreciated. They include Thomas Mitchell, Rudy Arredondo, John Powell, Jose Garcia, Barbara Robles, Karen Edwards, Maya Rockey Moore, Tse Ming Tam, and Don Baylor. Additional experts can be found at [www.insightexpertsofcolor.org](http://www.insightexpertsofcolor.org).

The Insight Center gratefully acknowledges the generous support of the Ford Foundation, and the ongoing commitment of Program Officer Kilolo Kijakazi to building the field.

#### EXECUTIVE SUMMARY

For every dollar owned by the median white family in the United States, the typical Latino family has twelve cents, and the typical African American family has a dime.<sup>1</sup> Wealth is what you own minus what you owe: assets minus debts.

This racial wealth gap has roots in the past, and reaches forward as well: it drains a family's capacity to give the next generation a solid start. Without addressing the wealth gap, racial inequality will be with us for generations to come.

Anti-poverty programs have relied primarily on providing subsistence income for today's necessities, not building assets that lead to economic mobility and security, and in fact have sometimes penalized low-income people for owning assets. Wealth-building

policies can help even the lowest-income families gain stability and plan for the future.

Asset poverty is a new definition of poverty that reveals how many families lack even minimal amounts of wealth. It can be defined as not having enough savings to survive for three months without income. People of color are far more likely than whites to be asset-poor. The median family of color has enough assets to last only five weeks at the poverty level, compared with seven months for the median white family.<sup>2</sup>

#### THE ROOTS OF THE RACIAL WEALTH DIVIDE IN U.S. HISTORY<sup>3</sup>

Throughout U.S. history, federal and state governments have provided “wealth starter kits” for some to turn their work into worth. For example, governments have given gifts of land, education, government-backed mortgages and farm loans, a social safety net, and business subsidies to white families, sometimes exclusively and usually disproportionately.

The same governments that boosted white wealth took land from people of color, denied them education, and erected barriers to home and business ownership.

Native Americans lost assets not just during the first centuries of U.S. history, through displacement and treaty violations, but also more recently through tribal termination and Bureau of Indian Affairs mismanagement.

African Americans were not just denied property; they were property during slavery. Legal segregation and Jim Crow laws pushed Black citizens to the margins of the economy, where many remain stuck today. Wealth-building programs such as Social Security and the post-WWII GI Bill at first excluded African Americans, with multigenerational effects.

Latinos have been negatively affected by U.S. foreign policy and immigration policy. Mexicans and Puerto Ricans lost land to conquest. Temporary guest-worker programs and exploitation of undocumented immigrants have blocked many Latinos from getting a toehold in the U.S. economy.

Most Asian Americans were excluded from entry, and those who were here were largely denied citizenship until after World War II.<sup>4</sup> Japanese Americans lost their assets when they were interned during World War II. While some Asian groups are now prospering, Southeast Asians continue to have a very high poverty rate.<sup>5</sup>

Our country knows how to invest in wealth building for its people. We now need to do so for everyone. We cannot afford to squander America's greatest asset: its people.

#### COMPREHENSIVE ASSET BUILDING FOR ALL

A comprehensive approach to asset accumulation must recognize that wealth building should unfold over the course of a person's life: learning to save as a child; earning more than just a living wage; borrowing on fair terms to invest in the future: buying a home; starting a business; and retiring with security.

To make that possible for Americans of all races, these interconnected policy areas must be improved to support wealth building:

**Land:** Land loss led to the impoverishment of Native Americans, Mexican Americans, and African Americans, and land ownership will be essential to ending the racial wealth divide. Suits over land claims brought by blacks, Mexican-Americans, and American Indians must move quickly to settlements. Native peoples, including Native Hawaiians,

still do not control their own land, which is held in trust by the federal government and the state of Hawaii; they must regain full ownership rights. Land loss due to fractionation must be stopped. Fair access to subsidized loans must be enforced.

**Income and employment:** Good jobs with good benefits are important wealth-building tools. In 2007 the median household income for African Americans was \$34,001, and for Latinos \$40,766, compared with \$53,714 for whites; about one-quarter of Black and Latino families were below the poverty line.<sup>6</sup> Since then, as the recession set in, unemployment has been steadily rising. Immigrants and other people of color tend to fill jobs with inadequate pay and benefits. Anti-discrimination laws need to be enforced. Unionization should be promoted. Public investment, including jobs in new green industries, should be affirmatively targeted to communities of color.

**Savings and investments:** The racial disparity in financial assets (cash, investment accounts, stocks, bonds, etc.) is wide: the median family of color had only \$9,000 in financial wealth in 2007, compared with \$44,300 for whites.<sup>7</sup> Access to banks has been a problem on Native American reservations, in inner-city neighborhoods and in rural areas. Public programs that match savings or provide subsidies for college tuition will allow more low-income people to build assets. Matched savings programs should be tailored to fit the cultures of people of color, such as building on existing saving practices in immigrant and Native American communities.

**Debt and credit:** Poor credit scores and unscrupulous lenders keep many people of color stuck with only high-interest credit options, unable to access fair credit for college, homeownership or auto loans. African Americans paid an average of 7% for new car loans in 2004, compared with 5% for white borrowers.<sup>8</sup> African and Latino students are far more likely to have unmanageable student loans, defined as monthly payments over 8% of income.<sup>9</sup> A new federal Financial Product Safety Commission watching for discriminatory practices while protecting all consumers is sorely needed.

**Homeownership:** The sub-prime mortgage crisis is devastating communities of color. Discriminatory and unregulated practices have led to foreclosures and an estimated loss of at least \$165 billion in wealth in communities of color.<sup>10</sup> Black and Latino homeowners are now facing twice the rate of subprime-related foreclosures as white homeowners.<sup>11</sup> In the short run, a foreclosure moratorium and a federal program to renegotiate mortgages on fair terms are needed. In the long run, affordable housing must become a national priority.

**Business ownership:** Fourteen percent of white families but only 7% of families of color owned equity in a business in 2007.<sup>12</sup> The majority of minority-owned businesses have no paid employees.<sup>13</sup> Minority business start-ups use personal savings and credit cards more often, and receive prime bank loans less often, than white business owners. Ensuring greater access to public and private investment capital is essential to close the gap. Government procurement programs can be used to boost businesses owned by people of color.

**Social insurance:** Laid-off workers of color are less likely to get unemployment insurance than white workers; and workers of color tend to put more into Social Security than they take out in retirement benefits.<sup>14</sup> Fairer rules in both programs would broaden their reach. But the disability and survivor

programs are very important to African Americans; these programs must be protected against cutbacks.

**The Tax Code:** Currently tax policy prioritizes further asset-building for wealthy asset owners instead of helping wage earners acquire assets. The mortgage interest deduction reduces taxes mostly for owners of high-priced homes who are disproportionately white; low-income taxpayers who do not itemize get no benefit. Making the deduction refundable to low-income homeowners would help close the race gap. A parallel rent deduction would benefit many people of color. Taxes on the very wealthy, such as the estate tax, need to be protected and expanded in order to broaden asset ownership to more people.

#### SEVEN PRINCIPLES FOR CLOSING THE RACIAL WEALTH GAP

From the recommendations made above, a number of principles can be distilled. They represent a framework that our leaders must pursue to lay the foundation for the full participation of all members of our society in our economy.

1. Craft public policies to support wealth creation and provide opportunities to move up the economic ladder for all those stuck on the lower rungs.
2. Ensure full participation in programs intended to be universal through program design and implementation measures, targeting those often overlooked.
3. Draw upon the perspectives of experts of color to develop public policy.
4. Expand and enforce policies that eliminate discriminatory practices in the private and public sectors.
5. Promote the collection of racial and ethnic data essential to evaluating policy effectiveness.
6. Support community-wide prosperity through community-based economic development.
7. Recognize that a comprehensive human-capital agenda is needed.

In his inaugural address, President Obama said, “The state of the economy calls for action . . . not only to create new jobs but to lay a new foundation for growth.” By giving populations that have endured years of disinvestment a boost onto the economic ladder, we can lay a foundation for renewed national prosperity.

#### END NOTES

<sup>1</sup>Federal Reserve Board, 2007 Survey of Consumer Finances, “Full Public Data Set” (Washington: The Federal Reserve Board, 2009), <http://www.federalreserve.gov/pubs/oss/oss2/2007/scf2007data.html>.

<sup>2</sup>Authors' calculations of Federal Reserve data.

<sup>3</sup>This section is based on *The Color of Wealth*, by Meizhu Lui, Barbara Robles, Betsy Leonard-Wright, Rose Brewer and Rebecca Adamson, The New Press, 2006.

<sup>4</sup>*Ibid.*, pp. 198–100

<sup>5</sup>*Ibid.*, p. 213

<sup>6</sup>U.S. Census Bureau, *Income, Earnings, and Poverty Data from the 2007 American Community Survey*.

<sup>7</sup>Federal Reserve Board, *Changes in U.S. Family Finances from 2004 to 2007: Evidence from the Survey of Consumer Finances*, February 2009.

<sup>8</sup>Consumer Federation of America, *African Americans Pay Higher Auto Loan Rates but Can Take Steps to Reduce this Expense*, Washington, DC, 2007.

<sup>9</sup>King, Tracy and Ellynne Bannon, *The Burden of Borrowing: A Report on the Rising Rates of Student Loan Debt*, State PIRGs' Higher Education Project, March 2002.



<sup>10</sup>Schloemer, E., Li, W., Ernst, K., & Keest, K. (2006). "Losing Ground: Foreclosures in the Subprime Market and Their Cost to Homeowners," Durham, NC: Center for Responsible Lending; Center for Responsible Lending. (2007). "Subprime Lending is a Net Drain on Homeownership." (CRL Issue Paper No. 14), Washington: DC: Center for Responsible Lending.

<sup>11</sup>Oliver, Melvin L. and Thomas M. Shapiro, "Sub-prime as a Black Catastrophe," *The American Prospect*, October 2008, 11.

<sup>12</sup>Federal Reserve Board, *Changes in U.S. Family Finances from 2004 to 2007: Evidence from the Survey of Consumer Finances*, February 2009.

<sup>13</sup>Robles, Barbara, "Latino Entrepreneurship and Microbusinesses: A National and Border Economy Snapshot," AAPSS Blog, October 5, 2007 Survey of Business Owners, 2002 Economic Census, Department of Commerce, Bureau of the Census.

<sup>14</sup>Social Security Administration, *Hispanics, Social Security, and Supplemental Security Income*, Table 7, "Characteristics of Hispanic beneficiaries of Social Security and all beneficiaries," 2005.

#### ECONOMIC SCALE-BACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. ROE) is recognized for 5 minutes.

Mr. ROE of Tennessee. When I was home this weekend in Johnson City, Tennessee, I met a few small business owners who are really feeling the effects of this economy. These are real people I'm going to introduce you to, not just some abstraction.

One is a fourth-generation owner of Glenn Wynne Paint and Wallpaper Company. Like many responsible small businessmen and women, he is trying to figure out how to keep his company long enough to ride out this economic mess we are in.

He did have 25 full-time employees for whom he provided benefits, including health care. First, he had to cut back on health care, and then he had to eliminate it altogether. Then he cut 15 percent of the workforce, and he reduced it again to 15 employees.

Finally, he cut 10 percent of the pay for all his employees, including himself. He even went so far as to cut out the \$90 a month he was paying for trash removal, choosing to haul the trash himself. He also cut out the cable TV in his business.

As he sees it, he's making tough economic decisions on how to keep his company financially stable during this rough economic time. But he is astounded that people in Washington can't do the same thing, especially because help isn't being targeted for businesses like his that really need it. He sees this cap-and-trade tax as one that will just finally put him completely out of business.

Another individual I met has been in business for 35 years and has very, very little debt, which makes it easier for him to survive this crisis. He had to cut his staff from 50 down to 18 employees and cut unnecessary expenses.

What he's mad about is that while he hears talk about wanting to help small business, he still has hundreds, if not thousands, of dollars of fees to pay to OSHA and Tennessee's Department of Labor and Workforce Development.

As he sees it, large employers can afford these fees and weather the storm, but he doesn't see help for small business. He would like to see the government make it easier for small businesses to stay in business by easing up on the regulations when they can least afford it.

If course, what I had to tell these two gentlemen was that you make too much sense to get your ideas heard here in Washington. We haven't tightened our belts at all, and definitely haven't gotten our financial house in order. We certainly haven't curtailed the unnecessary regulations on small business or reduced their fees to help them weather this economic storm.

It's time we started acting more responsibly and passed legislation that will stimulate economic growth and prevent our children from bearing the burden of this crushing debt we're racking up to pay for irresponsible choices of the present.

On top of this economic stimulus bill comes the President's budget, which spends too much, taxes too much, and borrows too much. That, ladies and gentlemen, may be the understatement of the week.

With a worsening economic crisis in the forecast, you would think we'd be talking about how some of the President's ambitious proposals could be scaled back. In fact, new economic numbers show larger deficits than the President originally predicted—and these numbers are already very significant.

Instead, the administration and its Democratic colleagues are insisting they will press ahead with the agenda undeterred, as though we don't have an economic crisis.

The President is not at fault for the State of our economy, and I know he is sincere in his desire to get us back on track. But it's important he acknowledge the impact of our current economic crisis on his agenda. The recession does impact his ability to spend billions upon billions of dollars to meet his priorities.

I think many Americans would take it as a positive sign if the President told the people frankly that because we're in a recession, we have to scale back some on his agenda and focus all our efforts on restoring economic growth and creating jobs.

The American people will appreciate hearing this because it's what they're already doing. I think they would have much more confidence in our government if we acted just like them.

□ 1600

#### PERSONAL RESPONSIBILITY

The SPEAKER pro tempore (Mr. DRIEHAUS). Under a previous order of the House, the gentleman from Maryland (Mr. KRATOVIL) is recognized for 5 minutes.

Mr. KRATOVIL. Mr. Speaker, I rise today in support of personal responsibility.

Over the last week, we have all expressed outrage over the bonuses paid to AIG executives. The truth of the matter, however, is, this is just the latest example of a lack of personal responsibility that is rampant within our Nation. As we attempt to recoup taxpayer dollars wrongfully used to pay for those bonuses, we also need to recognize that what has happened at AIG is a symptom of a much broader issue affecting our Nation; and, until we as a Nation come to grips with the problem and begin addressing it, we will face the consequences of AIG-like problems again and again.

The lack of personal responsibility in our Nation is not simply apparent at AIG; it is evident everywhere. It is evident in the actions of unscrupulous lenders, making money off of unwitting borrowers, knowing full well these borrowers are being set up for failure. It is evident in the actions of reckless investors who took on enormous debt in the hopes of turning a quick profit, but instead passed their debt along to the American people. It is evident in the corporate executives, who, despite having ultimate responsibility for their failing companies, have absolutely no problem taking bonuses while their own employees, stockholders, and American taxpayers pay the price for their failings.

It is evident in the views of some of our citizens who have benefited from the opportunities that wealth and privilege afford, and yet feel absolutely zero responsibility to assist in providing for the common good.

It is evident in the talking heads on both sides of the political spectrum that intentionally, either for political gain or sheer entertainment, distort and oversimplify complex issues that erode confidence in our leaders and in our institutions.

And, yes, Mr. Speaker, this lack of personal responsibility is also evident in us, Members of the House of Representatives, Democrats and Republicans, who continue to play politics and blame one another for political expediency instead of coming together to move our Nation forward.

In short, the issue is simply not the executives at AIG. There is enough blame to go around, and we all have a part to play in changing the culture of our Nation.

Regardless of what happens in the short term, long-term economic and moral strength of our Nation depends



on renewing one of our greatest American virtues, personal responsibility.

#### A BUDGET THAT SPENDS TOO MUCH, TAXES TOO MUCH, AND BORROWS TOO MUCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, I rise today because the American people are witnessing one of the greatest magic tricks of all time. The 2010 budget proposed by this administration and currently under consideration by this legislative body is worthy of being mentioned with the greatest illusions created by Houdini himself.

This budget proposal is on one hand being held out as addressing the challenges of our Nation while taking steps to reduce the deficit. This one hand being shown to the American people reveals the ideas of reducing entitlement spending, partially fixing the AMT, and creating an emergency reserve fund. And while the magician waves his hand and distracts the American people, the other hand is out of public view, and this is where the trick is being played. This other hand contains the real instruments of this budget: More Federal spending on more Federal programs; more taxes on all American families and small businesses; and a Federal deficit higher than in the past 4 years combined.

Simply put, Mr. Speaker, the end result of this magic trick is a budget that spends too much, taxes too much, and borrows too much. This budget proposal increases spending to \$3.9 trillion, nearly one-third of the gross domestic product, a rate not seen in this country since World War II.

To put this into perspective, under this budget nearly \$1 out of \$3 in the entire American economy will be a result of Federal government spending. And what does this huge increase in government spending go towards?

Approximately \$1 trillion will be spent on an increase in entitlement spending over the next decade. More than \$600 billion will be spent on government-run health care, socialized medicine. And, more than \$1.1 trillion will be spent on more discretionary spending, that is, optional spending, with several government agencies receiving budget increases of more than 30 percent.

Now, where does this great magician get the money to pay for all this increased government spending and programs? By picking the pockets of the American public.

Here, again, the great illusionist holds out one hand and claims they will only increase taxes on the rich while giving tax cuts to the other 95 percent of all of us American taxpayers. However, once again, the other

hand is hidden away, and this is where the trick happens. The real result of the tax trick in this budget is more taxes on America's small businesses.

Mr. Speaker, I ask you, in these tough economic times, with rising unemployment, is a tax increase on small businesses, the engine that drives our economy, really the best course to take? How about resurrecting the death tax, which this budget does. Is that an appropriate course of action? I think not. I ask, what does an increase in capital gains taxes while cutting the tax deduction for the interest paid on mortgages do to stimulate our economy?

And I am sure that the 95 percent of Americans who are expecting a promised tax cut will find that money useful when it comes time to pay their share of the new \$646 billion cap-and-trade—so-called cap-and-trade. I call it cap-and-tax—energy tax that will result in higher costs on electricity, natural gas, home heating, gasoline, and all goods and services in America.

Just looking at my home State alone, with this new energy tax Georgians will see their disposable income reduced by \$941; and the State is projected to lose up to 62,000 jobs by 2020. Even Houdini can't hide these numbers.

Now, Mr. Speaker, just when the American people think they have seen the finale of this magic trick, they are then surprised with an ending twist. This is a magic twist that will be replayed for their children and grandchildren.

By their own estimates, the current deficit would decrease by half if this administration did nothing and we kept spending constant. We cannot continue this magic trick. We must stop this irresponsible budget that is being proposed by the administration.

#### OUR CURRENT ECONOMIC CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. I thank the Speaker very much for that, and wish to say that I recently entered into the CONGRESSIONAL RECORD an account of some of the key legislative history and executive actions that have led our Nation into our current economic crisis, a meltdown of people's accumulated savings, a loss of value in their homes and pensions, a 26-year high in unemployment, and major damage to our financial institutions and their ability to lend.

One of the individuals I talked about was the woman who headed the Commodity Futures Trading Commission back in 1998, in the late 1990s, and her name was Brooksley Born. She was an esteemed attorney, and she knew the field of regulation well. She said we

had to regulate derivatives and, if we didn't, we would get in trouble. She was prescient and she was right.

Three of the men that ultimately caused her resignation were pictured on the front of Time Magazine about a year later: Alan Greenspan who then headed the Federal Reserve, Robert Rubin who chaired Citigroup, and Larry Summers who was then Secretary of Treasury.

You know, it is good to remember history so you are not doomed to repeat it. The unemployment figures just announced nationally and for my home State of Ohio reveal the grim situation: The State unemployment rate is marching toward double digits, the city of Toledo is facing a massive deficit that grows with each passing day, and around our district families, businesses, and local governments are struggling to make ends meet.

Let me offer a seven-step restoration program to put our economy back on track.

First of all, we ought to bring the "too big to fail" institutions back under control for the sake of the American people. They should never have been allowed to get so big that the failure of a Citigroup that this man used to head or an AIG insurance company, which is much more than an insurance company, or Lehman Brothers could threaten the entire global financial system. These raging beasts have got to be brought back under control; and, last week Federal Reserve Chairman Bernanke said, "The 'too big to fail' issue has emerged as an enormous problem both for policymakers and financial institutions generally." He is right. Job number one should be bringing the big institutions back under control and, in my opinion, breaking them up.

Number two, we should restore the goal of financial security; that is, people should have more equity and less debt, and it needs to be restored at all levels, from our kitchen tables to the government of the United States. Read chapters 8 and 9 of Kevin Phillips' book, *American Theocracy*. Treat yourself to a real understanding of how we have gotten ourselves into the situation we face today. Form a book club. Think about it.

Number three, we need to restore our national ethic that values savings over debt both in our households and in our government. Our government should set a national standard for prudent and responsible financial behavior for our citizenry and institutions. The fact that JP Morgan could take a dollar of home equity and leverage it 100 times beyond the value of the underlying asset goes well beyond the realm of reason.

Number four, we need to restore the word "banking," "prudent banking" to our vocabulary, and excise the word "financial services." And we ought to

start right here in the House of Representatives by renaming the committee of jurisdiction what it used to be called, the Banking Committee. This means deposits and prudent lending must be unwound, separated, and regulated differently from the securitization process for a major portion of economic activity.

Number five, we ought to incentivize the accumulation of equity by ordinary citizens, and I was pleased to see that President Obama's budget includes savings proposals. And, we ought to restore an ethic of service to bank customers by those working in banks, not using them to empty out the limited savings of the American people.

Number seven, we ought to restore the balance of power between Wall Street and the megabanks on the one end of the scale with community-based banks and credit unions at the other end of the scale. We ought to ask Chairman Bernanke for more on that score.

And, finally, we ought to investigate, investigate, investigate. In an article last week titled, "Then It's Securities Fraud," journalist Froma Harrop wrote that law professor William Black of the University of Missouri Kansas City, who is also renowned for his work in ethics, has mounted a campaign for a new Pecora-type investigation here in the Congress. That was a series of hearings held by the Senate Banking Committee into financial wrongdoing at the end of the Great Depression.

Harrop writes, "As the bottom was falling out of derivatives trading, AIG was reporting healthy profits. That's not allowed under the law. Meanwhile, the company created a short-term bonus system for its top executives."

Professor Black's call for a Pecora Commission should not go unheeded by this Congress. The issue of securities fraud is not a small matter.

The first order of business is to get the financial system righted so the ship doesn't sink. We owe that to the American people who are trying to hold on to their own dreams.

□ 1615

Then the Congress must launch an investigation like no other into the causes of this crisis. And frankly, it is a conundrum to this Member why that set of investigations has not already begun. We need to learn every detail about what happened and why and bring the wrongdoers to justice so that this never, ever happens again.

Next week, I'm going to offer greater detail about what America needs to do from this point forward. But certainly one of the actions that should be taken today is that the Federal Deposit Insurance Corporation and the Securities and Exchange Commission should immediately employ reforms in mark-to-market accounting so that we can actually help our banks begin to lend

again, because we can never possibly replace the capital being destroyed every day by mark to market with the infusions from the taxpayers of the United States.

#### INVESTORS PARTNERING WITH TAXPAYERS TO BAIL OUT WALL STREET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. We have been told this would be the most transparent administration in history. And in many areas, they are infinitely better than the Bush administration. Their single greatest failing comes in the area that, unfortunately, is foremost with most Americans today, which is the economy and the bailouts on Wall Street.

Treasury Secretary Geithner has now proposed a new plan. It is a pretty good deal. Taxpayers will put up 95 cents of every \$1, investors will put up, well, between 5 and 7 cents. And it is called a nonrecourse loan; that is, these speculators will put down 5 cents on the dollar to bet on certain packages of so-called toxic assets from the banks, buying them from the banks, and they will share evenly in the profits with the American taxpayers, except the American taxpayers put up 95 cents, and the speculators put up a nickel.

It is certain to perpetuate what has been going on on Wall Street, which is making a few people very rich and impoverishing average Americans, and this time through the tax system and putting taxpayers on the hook.

The program is reported, according to the Washington Times, to have been designed by two prominent Wall Street firms, Blackstone, a secretive private equity group, and a company called Pimco, both of whom apparently have very large positions in these so-called "toxic assets." It is reported by the Washington Times that they suggested this to some of their insider buddies in the administration, and the insider buddies presented this to Secretary Geithner, who has been floundering around trying to put details to his program, and now he has found them. So Wall Street has written the details.

Also, according to the Times, Pimco and Blackstone are not only in line to be able to wash some of their toxic assets and to gamble mostly with taxpayers' money on other people's toxic assets, but they are going to be hired by the government to manage the program. What a beautiful sort of circular little system this is.

We need some accountability and transparency. We need a commission akin to the commission named after the collapse in the Great Depression to investigate every aspect of what has gotten us to this point, who has been involved, what laws have been broken,

with subpoena power so that some of these people can enjoy, instead of Federal handouts, they can enjoy Federal hospitality in a maximum security prison somewhere.

Plain and simply, I believe the American people are being taken to the cleaners yet again with this particular plan. What is wrong with actually taking AIG and winding it down? It is a so-called "zombie." We are told in vague terms "it is too big to fail." When I asked Secretary Geithner, just about 10 days ago, I read in the Wall Street Journal, Mr. Secretary, that, in fact, we are shoveling money in the front door of AIG because it is too big to fail, the taxpayers are on the hook for over \$150 billion to AIG, and now we are 80 percent owners, and they are still paying bonuses to the people who created the problem, and apparently they are shoveling money out the back door to some of the firms who are getting money in the front door, most notably Goldman Sachs. Goldman Sachs has been getting direct infusions of cash from the Federal Government, and now they are going to be made 100 percent whole on their bets with AIG. They were gambling with AIG, betting against other people's securities with these so-called "credit default swaps." So instead of saying, "tough, we will give you back your bet, but we are not going to give you 100 percent of the amount you were betting on," they are getting 100 percent of the amount they were betting on, and meanwhile we are subsidizing them on both ends here through this black box that is called "AIG" that is too big to fail, that, gee, it is just way too complicated to explain to you why it is too big to fail and why we couldn't unwind this zombie corporation in an orderly way. Had we done that last fall or earlier this year, then we wouldn't have had to pay the bonuses because it would have been clear the company was bankrupt, and it could have been taken care of and unwound in a much more orderly way. But we are not being given the information about why it is too big to fail and why this is the way to do it.

And when I asked Secretary Geithner, is it true we are giving money to AIG that then they are giving to Goldman Sachs for bad bets they made? I asked if there was something call a "naked credit default swap?" He said, "oh, don't believe everything you read in the Wall Street Journal. It is not true."

The Treasury has revealed that what I read in the Wall Street Journal was indeed true. These same huge firms that are benefiting from a direct bailout from the government are also getting a second-level indirect bailout on their bad bet. And some of these firms are foreign banks. We are not only bailing out the likes of Goldman Sachs. We are bailing out Deutsche Bank and other foreign interests.

This is outrageous. We need a full investigation, an explanation of what has gone on and what is going on. We need to take legal steps to prosecute any of those who broke the laws. And we also have to have stiff new regulatory reforms to make sure this doesn't happen again. And none of that is happening, sad to say.

#### UNPRECEDENTED TAXING AND SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BACHMANN. Mr. Speaker, I just wanted to comment also with the preceding gentleman, my colleague from Oregon. I would agree with him. I think he is 100 percent right. We do need to have an investigation. The American people were outraged last week when they heard about these bonuses. I would agree with the colleague from Oregon. We do need to have an investigation. Who knew what when? And the fingers need to be pointed right here at Members of Congress, Members of the House, Members of the Senate, and also the administration. Who was it that negotiated these payments? We still don't have an answer. The American people deserve to know. We have a timeline. We have some facts in evidence out there. We had Mr. Liddy, the CEO of AIG, in front of the House Financial Services Committee just last week. I sat in that committee. Mr. Liddy, under questioning, I asked Mr. Liddy myself, did the Federal Reserve chair know about these bonuses? Did he acquiesce to them? The answer was "yes." Also the Treasury Secretary. The Treasury Department was involved in negotiating the compensation contracts.

Today in Financial Services Committee, the Treasury Secretary again was sitting at the table before the committee. The Federal Reserve chair was there as well. The questioning came before them. The Treasury Department was involved. The Federal Reserve was involved. And we know that the bill that was brought to this body and voted here in this Chamber, the stimulus bill, the \$1.1 trillion bill with debt service, this tremendous historic-spending-levels bill that came before us, that was the smoking gun. Senator CHRIS DODD inserted that amendment into the bill. He claimed that the Obama administration insisted that that amendment be put into the bill, the language that would protect these AIG bonuses. And as a matter of fact, you could call President Obama's stimulus bill the "AIG Bonus Protection Plan" because bonuses were simply protected by this bill.

I would agree with my colleague from Oregon. We need an investigation. We

need a special independent prosecutor who can look into this and find out the true facts. What did the Obama administration know? When did they know it? What did Members of Congress know? When did they know it? Clearly, this was a government cartel that was protecting these AIG bonuses.

And why do we need to know this? Because the American people have figured out something that Congress is only just now beginning to figure out. Under President Obama's budget, we see that the administration is spending too much, they are taxing too much, they are certainly borrowing too much, so much so that the American people are saying "I have had it up to here, I can't take it any more." And the economy is following suit.

Well, our colleagues are here today to talk about this. They have a lot to say. Joining me right now is a colleague from the great State of Ohio. He represents the people in the 12th Congressional District of Ohio and the great city of Columbus, Mr. PAT TIBERI, the new father of triplets, and I defer now to my colleague from Ohio, Mr. PAT TIBERI.

Mr. TIBERI. I thank the gentlelady from Minnesota for yielding me some time to talk about a very important subject. As you mentioned, as the new father of triplets, looking at this budget is pretty frightening, not just for me, but obviously what I feel for them and my older daughter as we have in this budget an unprecedented level of spending and also some policy issues that are going to cost them and many in my State of Ohio a tremendous amount of money.

So this budget has real consequences on real people. In fact, the chart behind me demonstrates a little bit about that budget and what that budget does to our national debt. This debt, as you see in red, is representing the administration's budget, a staggering number that will go up considerably if this budget, which is being debated in the House Budget Committee this week, presumably on the House floor, next week, if it passes, as it is, this will be the result, a doubling of the debt held by the public. It is unbelievable.

Who is going to pay that debt? It is going to be our children and our grandchildren. They are going to be saddled with unprecedented debt, debt as far as the eye can see.

When I got elected to Congress in 2001, when I was sworn in, you can see where the national debt was. The Republicans and the administration during the last 8 years were criticized for not dealing with that debt in blue. And it went up. And it went up entirely too much. But not nearly as much as it is going to go up if this budget passes. The consequences are devastating to our economy.

In fact, within that budget is something called "cap-and-trade." It is an

energy issue to deal with the issue of global warming. But in Ohio, what it will do is devastate our already ailing economy. It will cause people to leave and businesses to leave. In fact, within my district, there is a municipal power company. It will create the loss of jobs as well. Within my district and many other districts in Ohio there are municipal power companies, not investor owned, but owned by municipalities. And one such one has said that it will quadruple, quadruple the rates that their ratepayers pay. Quadruple. Now my mom and dad, who are on a fixed income, will see their electric go up. They will see their gas bills to heat their home go up. They will see their gasoline that they pay for in their 14-year-old car go up in cost. This will be a huge, huge tax increase on them not to even mention the goods and services that will go up, just the energy tax alone.

We on this side of the aisle believe that an all-of-the-above energy approach to solving our domestic energy needs should be debated rather than a cap-and-tax program that will devastate economies like Ohio's economy. It will be absolutely a killer to jobs in our State.

Now the other issue that you may hear about in the next week is spending, that my colleagues and friends on the other side of the aisle are going to constrain spending. Well, here are the facts, the Congressional Budget Office facts. The blue has been the spending over the last 8 years. The red is the spending over the administration's budget. Clearly, we are going to see an incredible amount of new spending.

□ 1630

So the problem in Washington, D.C. is not a revenue problem. The problem in Washington D.C. is a spending problem. There is no such thing as a spending restraint.

Ladies and gentlemen of the House, this is an eye-popping proposal, one that is going to have huge consequences to our economy, to our children, to our grandchildren, to our way of life. We must, we must put a stop to this proposal, and the only way we can do that is with the help of the American people because, quite frankly, this side of the aisle just doesn't have the votes. The other side of the aisle does, and we need the American people engaged in a proposal that will have a killer effect on our economy and one that will have a devastating effect on the future of our children and our children's children.

I yield back to the gentlelady from Minnesota.

Mrs. BACHMANN. I thank the gentleman from Ohio's 12th district, PAT TIBERI. The remarks that he is making about the burdens that our children and grandchildren will bear are startling. I had a baby born to my husband

and I back in 1987, and I did a study on what the Social Security tax would be on that baby, who is now 22 years old, when he gets to be in his peak earning years. Now, I know that Mr. TIBERI has triplets that were born this year. We are looking at the debt burden on my son, now 22. In his peak earning years, 25 percent of his income will have to be devoted just for the Social Security portion of his tax bill. It is simply unsustainable.

And our concern is that, under President Obama's budget, which clearly spends too much, taxes too much, borrows too much, we are looking at a legacy cost that is simply unsustainable. The President is putting together an unbelievable \$3.9 trillion budget, trillion dollar, which, as Mr. TIBERI said, will double the debt limit for every man, woman and child in the United States. Double it. We are seeing these numbers go through the roof of the Capitol right now, like nothing we have ever seen. It is like a sugar high. It is as though the people who are putting together this budget in the Obama administration were all staying up late one night drinking 24-packs of 20-ounce Mountain Dew's. They are on a sugar high right now. They can't spend enough of your money.

And the message that everyone needs to send to Washington, D.C. is, I can't afford it. My family can't afford it. My small business can't afford the Obama administration's spending habit.

We have this movie that is out now called Shopaholic. This is a shopaholic bill that we have got in front of us, and it is time to let the people know that those who are paying the bill, the American people, have enough debt. We don't need to take this on too.

Joining us now, from the great State of Texas, is someone, Mr. Speaker, that all Americans are familiar with. His name is TED POE. Congressman TED POE is a former judge. He understands that that's the way it is in the United States.

I yield now to Representative TED POE of Texas.

Mr. POE of Texas. I thank the gentle lady for yielding, and her comments especially.

Mr. Speaker, we are discussing the proposed budget. And disregard whether it has some good projects in it or not. It breaks the back of the American citizen. And we hear a lot of numbers about how much it is costing and, of course, it does cost too much. But I will try to put it in perspective.

I have four kids, 7½ grandkids. Mr. TIBERI just had triplets. Mrs. BACHMANN's got a handful of kids. And when kids are born, every parent remembers that they are given an arm band, and the arm band usually says who that child is. My kids all had an arm band that said "Poe kid." They're going to have to change arm bands on my grandkids from Poe kids to just poor

kid because every child born after this budget passes will have to pay off the debt to the tune of \$70,000 a piece. So when kids are born in America, if this budget passed, give them an arm band that says, you owe Uncle Sam \$70,000.

Mr. Speaker, that is disgraceful that we are saddling debt on kids yet to be born in this country. So much for freedom. They are going to be enslaved to the Federal Government to the tune of at least \$70,000 a piece. And that doesn't count all these other spending programs that we are seeing going to come down the pike later this year.

Maybe we should remember some of the things that Thomas Jefferson said. Of course he helped write, or he did write the Declaration of Independence. He wrote a lot while he was President. Here's a quote from Thomas Jefferson, Mr. Speaker. He said it in 1821, shortly before he died. He said, "There does not exist an engine so corruptive of the government and so demoralizing of the Nation as a public debt. It will bring on us more ruin at home than all the enemies from abroad." Wise Thomas Jefferson. Maybe we would do well to read some of the things that Thomas Jefferson wrote about saddling American taxpayers with public debt. It is worse than our foreign enemies we have got all over the world.

We cannot afford to pay for this budget because we don't have any money. We have spent it all. We have given it to, you know, these banks that can't fail, and all these other special interest groups. So we are broke. So we are going to have to borrow the money. And we are going to have to borrow the money from foreign countries. Number 1 on the list, the Chinese. You know, our good friends, the Chinese. We are going to borrow their money.

It was embarrassing to me, as a citizen, to see our Secretary of State go to China and beg to allow us to borrow money from them in the future. Even they are a little worried about whether we can pay off this great debt that we are incurring and putting on kids yet to be born. It is disgraceful, Mr. Speaker.

And the second thing is, if we can't borrow enough money, the government's answer is, we will just tax them. Tax them to death. You know, the old statement goes, if something moves, regulate it. If it keeps moving, tax it. And if it stops moving, then subsidize it. We are doing all of the above right now. Things that aren't doing any good for the economy, oh, we are subsidizing those. But we are taxing the American taxpayer to death, those that work for a living. And we are also taxing those small businesses.

I want to make one thing clear about jobs. We hear so much about the budget is going to create jobs. Jobs, jobs. Well, we have to define what a job is. There are government programs, and those are not jobs. A government pro-

gram takes taxpayer money and gives it to different projects to build something. Now, that is not a job because that is subsidy by the American taxpayer to this entity.

Jobs are not created by government. Jobs are not created by government. Small businesses create most of the jobs in this country because, you see, when small business has money, we call that capital, thus the term capitalism. When they have money they hire people. The taxpayers don't have to subsidize that worker, whereas the taxpayers have to subsidize the government program worker.

So let's be clear about that. There are jobs, and then are real jobs. And so we should do everything in our power to help small businesses, because they create 70 percent of the jobs in this country.

But this new budget, loaded down with borrowing, is also loaded down with taxes. And it taxes the producers of this country. Like I said, if something keeps moving we just tax it. And that is the plan.

And it seems to me, this is just my opinion, this whole philosophy that we are moving to in this country is a government-controlled culture, government-controlled society; kind of makes us look like the French socialist society, in my opinion. And I don't think that is what liberty is all about. So maybe we should go back to some basics.

Like most American taxpayers, they don't spend money they don't have. Maybe the government shouldn't spend money it doesn't have. Maybe we shouldn't be borrowing money because we have to pay the debt on it. And we are not going to live to see it, so we are passing that debt on to our kids yet to be born, to the tune of \$70,000 a piece. And that ought not to be.

But that's just the way it is.

I yield back my time.

Mrs. BACHMANN. Thank you to the gentleman from Texas.

Mr. Speaker, it is clear President Obama's \$3.9 trillion plan for the budget, for the American people clearly spends too much, taxes too much, borrows too much for our kids and our grandkids.

There is a man that we respect and admire. He hails from West Chester, Ohio, the eighth district. He is the leader of the Republicans in the House, but more importantly, he is the leader on the issue of fiscal restraint for the American people.

He stood right down here in the well, Mr. Speaker, he held up so the American people could see what 1,100 pages of a bill looks like. He held those 1,100 pages and made the incredible statement that not one person in this chamber had a chance to read this bill before we were expected to vote on it. There was no true debate on this stimulus bill that was passed earlier this year,

\$1.1 trillion. And now the President has a budget for \$3.9 trillion that spends too much, taxes too much, borrows too much.

Leader JOHN BOEHNER stood on this House and demonstrated to the American people just how massive this is.

I yield now to our leader, a man that we respect and admire, from the eighth district of Ohio, leader JOHN BOEHNER.

Mr. BOEHNER. Let me thank my colleague for yielding, and thank the rest of my colleagues for participating in this discussion about the budget.

Before we get to the budget, you know, when I held those 1,100 pages up and indicated that no one had read the bill, it was pretty clear no one had because if someone had read the bill they would have realized there were 50 words in there that protected AIG executives, to make sure they were going to get their bonuses; more proof that we ought to actually read what we pass here on the House floor.

The discussion, though, is about the budget. And I have seen a lot of things over the years that I have been in politics, whether it be a Township Trustee in West Chester, or in the State House, or the 18 years I have spent in Washington. But I have never seen a legislative document more audacious, more far reaching, and, frankly, more bizarre than the budget that has been submitted by President Obama, because it does spend too much. It is pretty clear, when you look at the giant increases in spending. But it is not just that it spends too much. It taxes too much. There are nearly \$2 trillion worth of new taxes that are imposed on the American people in that budget. Whether it is the national energy tax, for those who would drive a car, or those who would produce something with electricity, or someone who would flip on a light switch, every American is going to pay a higher tax.

But even with all the spending and the much higher taxes, look at what happens. Look at what happens to our debt. Even after \$2 trillion of new taxes, the national debt will double over the next 6 years under this proposal, more than what has happened in the 43 presidents that preceded President Obama over the last 220 years.

Now, there was a lot of criticism of President Bush, criticism of the Republicans, that we didn't have a big enough handle on spending. Frankly, I agree. We should have had a bigger handle on spending.

But having said that, over the next 6 years, President Obama's budget is going to make President Bush look like a penny pincher. And look at the debt. And what is going to happen here, with all of this debt that is piled on the backs of our kids and grandkids, means that in about 10 years, 70 cents of every tax dollar that comes to Washington is going to be used just to pay the interest on the national debt, just the interest. 70 cents of every dollar.

So what happens to our national defense? What happens to our Homeland Security? What happens to Medicare or Medicaid, Social Security and all of the other government programs that we have? There is not going to be any money for it, because all of the debt that is going to get built up, interest has to be paid on that debt and the fact is, it won't happen.

This budget, we need to start over. And I had a press conference earlier today where I suggested to the President, why don't we just start over? Why don't we sit down, as Democrats and Republicans, and build a budget that restores fiscal sanity and shows the American people we can work together for the good of our country.

We can't buy our way to prosperity. And that is what this budget seems to believe. And I would hope my colleagues would help each other understand the enormous debt that will be piled up if we allow this budget to go into effect.

And I yield back.

□ 1645

Mrs. BACHMANN. Thank you to the gentleman from Ohio, Leader JOHN BOEHNER. We have tremendous respect for Leader BOEHNER and have great admiration for his courage in leading this effort in fiscal restraint. The American people are begging for fiscal restraint, and Leader BOEHNER has emphasized that to our caucus, and is leading that charge here in the United States House of Representatives.

Also joining us today, Mr. Speaker, is a brand new freshman also from the great State of Ohio, our third speaker from Ohio during this hour. Ohioans represent the heartland of our country. Hailing now from Ohio's Seventh District is Mr. STEVE AUSTRIA, who has a lot to say. He represents the Dayton-Columbus area, and he is going to be speaking to us now as a small businessman himself. I yield now to Mr. STEVE AUSTRIA from Columbus, Ohio.

Mr. AUSTRIA. I thank the gentleman from Minnesota.

We are well represented here today here in Ohio in this Chamber. There is a lot going on in Ohio, and this budget directly affects us, and I appreciate the opportunity to be able to speak today.

Let me just say, as a new Member of this Congress and having served less than 100 days, we have been faced with tremendous challenges and issues before us. I will start out with the second half of the bailout of the financial markets, the TARP bill, which was \$700 billion that I felt did not have enough accountability and not enough transparency. The Treasury did not have a specific plan in place when we voted on that bill, and I had deep concerns with that, and I voted against that bill.

The second bill I was asked to vote on was the \$791 billion over 10 years, \$1.1 trillion stimulus bill that had a

tremendous amount of government spending that I felt was not targeted toward where it should be, to small businesses, which are the economic engine of this country. Seventy percent of the businesses across this country are small businesses. We have 900,000 small businesses in the State of Ohio. Yet this plan did not focus on small businesses. It did little to nothing to help small businesses. It was focused on increasing government spending, which I felt was wrong.

We just heard the leader talk about what happens when you don't read a bill, when you don't have accountability, when you don't have transparency, when you don't have a plan. When you don't read a bill, all of a sudden, you run into what we ran into last week with AIG bonuses being paid out of hardworking taxpayers' dollars. Then there was a \$410 billion omnibus appropriations spending bill that had an 8 percent increase, or a \$32 billion increase, this year when we are asking Americans to tighten their belts and small businesses to make sacrifices. There are almost 9,000 earmarks in it.

Now we are being faced with a \$3.6 trillion budget. I think the gentlelady has pointed out very well and right on target that the problem with this budget right now is that it contains too much spending, too much borrowing, which we have already seen in these other bills, but in addition, we are now talking about \$1.4 trillion of new taxes that are going to be put on Americans across this country.

There is a cap-and-trade, or what is being referred to as a cap-and-tax, on anything that uses carbon or CO<sub>2</sub>. We are going back and are going to raise the estate tax. There is the raising of the capital gains tax, the removing of itemized deductions, the increasing of marginal rates. All of these tax increases concern me in this budget.

Let me tell you, as a former small business owner and as a father of three, I did not come to Congress to begin major spending, running up a deficit, running up debt like we are running up, passing on debt to my three children at home. That is not why I came to Congress. I came to Congress to turn this economy around and to really begin to save jobs, to create new jobs and to be able to sustain those jobs over the long term. I believe it is our small businesses that can do this. I can tell you, as a small business owner, when I look at this budget that we are faced with, I have deep concerns about what is facing me—new taxes, taxes and taxes.

I talked about the cap-and-trade—we have heard that, too—the increase of taxes on those who have incomes of over \$250,000 or more, on the so-called "wealthiest" Americans of the country. Many of those are small business owners. Over half of those are small business owners in this country. If I am

a small business owner and I know I have these taxes coming at me in 2011, I doubt if I am going to be looking at investing in my business and in expanding my business and in taking a risk. I am going to be preparing for that new tax increase that is coming right at me, and I don't believe that is good for our economy. I don't believe that helps our small businesses.

Again, in Ohio, we have over 9,000 small businesses. Seven out of ten of all new jobs are created by small businesses. America's small businesses are the world's second largest economy, trailing only to the United States as a whole according to NFIB. According to a Zogby poll released last week, nearly two-thirds of Americans, 63 percent of Americans, said that it is small businesses and entrepreneurs that are going to lead this country, lead the U.S., to a better future. Well, you know, while we look at what is going on within this budget, it does not make sense what we are doing.

I had an opportunity on Monday to meet with many of our business folks at a luncheon that was sponsored by the U.S. Chamber. We had the rotary there, and we had the local chambers there. I had a chance to talk with some of our small businesses about this budget and what we are facing, and they had deep concerns. I mean they are struggling right now. Americans are struggling right now. They are making sacrifices. Businesses are struggling to make it from paycheck to paycheck, payroll to payroll. They cannot get financing. They cannot get the credit necessary to keep their businesses moving forward. What are we going to do? We are going to go out and propose a budget that is going to increase spending, increase borrowing, run our debt up to \$3.9 trillion on the conservative side, and increase taxes by \$1.4 trillion on all Americans. I believe it is the wrong way to go. I think we can do better. I think the American people expect better and deserve better, and we can produce a better bill than what we have before us.

I thank the gentlelady. I yield back my time, and I thank her for the opportunity to speak today.

Mrs. BACHMANN. I think, Representative AUSTRIA, those are wise words, and thank you for sharing those with us this afternoon. I appreciate your work.

Mr. Speaker, we are joined now by a great gentleman and a longtime advocate for the people in his district, the Second District in Tennessee. He has been serving as a faithful Member of Congress for 21 years, Mr. JIMMY DUNCAN, who is a tremendous gentleman, serving the people of Knoxville and the surrounding community. I yield now to Mr. JIMMY DUNCAN of Tennessee.

Mr. DUNCAN. Well, Mr. Speaker, thank you very much.

I first want to thank the gentlelady from Minnesota for giving me this

time. She has been a real leader in this battle to try to restore some type of fiscal sanity to this government, and I can tell you this:

I represent a little over 700,000 people in East Tennessee. Fortune magazine said in 2000 that the Knoxville area had become the most popular place to move in the whole country based on the number moving in in relation to the fewest moving out. For many, many years now, we have had a tremendous movement in of people from all over the country and, in fact, of many from around the world. About half of the people I represent have moved from someplace else, so I have got a real cross-section of people from almost every State in this country. Over these last few weeks, I can tell you, from spending more time at home than I do up here, that people in East Tennessee think we have just gone almost crazy up here, throwing around trillions just almost in a meaningless, haphazard way.

The gentlelady from Minnesota showed this chart a while ago which says President Obama's budget spends too much, taxes too much, borrows too much. No truer words, Mr. Speaker, were ever said on this floor.

The Congressional Quarterly just yesterday came out with a chart, showing that we are going to add \$1.840 trillion to our national debt just this year, and then we are going to add another one \$1.370 trillion next year and another \$970 billion the year after that. In 3-years' time, we are going to add over \$4 trillion to our national debt under the most optimistic scenario by the estimate of the Congressional Budget Office.

That comes on the heels of several weeks ago when this Congress—most of us in the Chamber right at the moment voted against it—voted to raise the national debt limit to \$12.104 trillion. That is an incomprehensible figure. Nobody can humanly comprehend that much, but we are going to hand over \$4 trillion to that. What it means, Mr. Speaker, is this:

In just a few years, we are not going to be able to pay all of our Social Security and veterans' pensions and all of the things that we have promised our own people. I used to say—and I have heard many people say in the last few weeks even—what we are doing to our children and grandchildren is terrible—and it is—but actually, I think now we are doing it to ourselves because I think that, in 10 or 15 years, if that long, we are not going to be able to pay all of these things we have promised our own people. So I think it is really sad what we are doing to the American people because we are spending too much, taxing too much and borrowing too much.

Joe Scarborough said on his national television program just this morning: We are like a doctor who has diagnosed

diabetes in a patient but who has then prescribed a diet of cotton candy. He said: We are like somebody making \$100,000 a year who has suddenly gone out and bought ten \$1 million houses. He said repeatedly something that I have said many times over these last couple of months: We can't afford it. We are spending money that we do not have, and every place in this world and throughout history, when a government has gotten in the position that we are in, you either have staggering inflation or staggering deflation, and one is just about as bad as the other. I don't have a crystal ball to know which one we are headed into. My guess would probably be staggering inflation. What we are doing is reckless, and what we are doing is dangerous. We passed a stimulus bill, and it had some good things in it, but once again, we were spending money that we did not have.

The Washington Post, which favored the stimulus bill, had a front-page story in which they said it was going to mean a massive financial windfall—those are their words—for Federal agencies. Then they had another story a couple of days later in which they said tens of thousands of new jobs would be added on or new hires would be added on by Federal agencies. That is who is going to benefit from this stimulus package—first Federal agencies, then State agencies. So bureaucrats all over the country are going to come out just fine, and maybe a little bit is going to trickle down to everybody else, but this is not who is hurting. This area is one of the wealthiest areas in the country, this Washington, D.C., northern Virginia, southern Maryland area. Yet they are going to receive a massive financial windfall according to The Washington Post.

On Lou Dobbs last week, he said 4 million jobs had been lost in the private sector in the last year alone. Four million jobs lost. Yet government payrolls had expanded by 151,000. Now, because of what we passed up here, government payrolls are going to expand once again.

There have been so many exaggerations over what is going to be done with this money. A couple of weeks ago, a daily newspaper in Montana reported that the two Montana Senators had put out a press release saying that 40 jobs were going to be created because of a \$1.3 million portion of the stimulus package. The paper went to that agency, and that agency said: No, we have already got almost full employment. We are going to add two people because of this, and the rest of it is going to be spent on the employees they already have. So I think a lot of people are going to be disappointed over some of this money that we are spending, and we are spending, as I said, money that we do not have.

Now, two of the Members from Ohio—my colleague Mr. TIBERI and the



new Member, Mr. AUSTRIA—both mentioned coal and utility bills and things of that nature because it has such a great effect on their State. We have powerful people in this body who are attempting to cut way back and who are attempting, hopefully, to even eliminate coal in this country. Well, I can tell you this: Anybody who is supporting that is going to really hurt the poor and the lower income and the working people because coal provides over 50 percent of our energy in this country today. If we cut way back on coal, we are going to double or triple or quadruple our utility bills, and we are going to hurt a lot of poor and low-income people.

□ 1700

I have noticed throughout the years that most of the environmental radicals and environmental extremists in this country come from very wealthy or very upper income families, and perhaps they don't realize how much they hurt the poor and the lower income and the working people when they destroy jobs and drive up prices. But if they cut way back on coal, that's exactly what is going to happen.

Our leader, Mr. BOEHNER, mentioned another thing. He said that this bill—and we heard a presentation from the ranking member of the Budget Committee just this morning which said that the President's budget has \$1.9 trillion in tax increases in that budget. Jim Cramer, the famous stock man—he's on television every night, and he has been a six-figure contributor to the Democratic Party—he described the President's budget as the greatest wealth killer in history. And I will tell you, that is a pretty serious charge coming from that source: the greatest wealth killer in history.

And we just don't have enough people who understand—there is waste in the private sector but a business who continually wastes money cannot stay in business very long. But a government agency that wastes money, they use that as a justification for getting increased funding the next year.

So every dollar we can keep in the private sector is going to do more to create jobs and hold down prices because money in the private sector is spent so much more efficiently than this money that is turned over to government. Governor Edward Rendell, who is a former chairman of the Democratic Party, when he was mayor of Philadelphia, he testified before a Congressional committee and he said government does not work because it was not designed to. He said there is no incentive for people to work hard, so many do not. There is no incentive to save money, so much of it is squandered. That pretty much summed up the reason that money in the private sector is spent so much more efficiently than money turned over to the

government. So every dollar we can keep in the private sector will do more to create jobs and hold down prices.

So we certainly don't need a budget that increases taxes by \$1.9 trillion. It has been proven all over the world that when you let government get too big, what you do is you create this elite class at the top, you wipe out the middle class, and you create this huge starvation, or underclass, and certainly we have all traditionally in this country had the biggest middle class in the world because we kept our government—it has been very difficult, but throughout history we have kept our government one of the smallest in proportion to the GDP in this Nation.

I know there are some other people who want to speak. So once again, I want to thank the gentlelady from Minnesota for her hard work and her leadership in regard to the fiscal condition of this government. We need more people like her in the Congress, and it is an honor to serve with her, and I thank her for giving me her time today.

Mrs. BACHMANN. I want to thank Mr. DUNCAN for standing strong for restraint. When you have got donors to the other party who are standing up and saying this is a wealth killer, that is a wake-up call. As a matter of fact, we just had one of the former commerce secretary appointees, Senator JUDD GREGG, say of this budget that it clearly spends too much, taxes too much, borrows too much from our kids and grandkids. He said himself that this spending bill will bankrupt America. It will bankrupt our country.

And it caused me to think—I was writing some notes down. I was thinking about the very first Congress. We are the 111th Congress. And I was thinking back to the very first Congress and the founders of our Nation. And I was thinking that they are here in this Chamber, symbolically, and we, as Members of Congress—Mr. DUNCAN who served for 21 years; myself, this is my third year—I think of the first Members of Congress who are here as we symbolically stand on their shoulders and observe their example from the rear-view mirror of history.

And I think about these founders who wrote our Nation's Declaration of Independence to get away from a mother country who abused its taxing authority against the American colonists who then went on to write our great Constitution which was clear as to the limits on government authority. That was the greatest fear that the Founders had was a government that would be tyrannical and reach too far in the pockets and in the freedom of the American people.

The very same day that our founders, the first Congress, passed that Constitution, known across the world, they also passed the 10 amendments to that Constitution. And those amendments

were written for one reason. It wasn't to limit the freedom and the power of the American people as individuals, it was written to limit the power of the Federal Government over the individual. And the 10th Amendment, the last of those 10, reserved to the States all power not expressly given to the Federal Government in the Constitution.

This spending bill that President Obama is putting forward to the 111th Congress would shock the founders of our Nation. I believe it would shock them because they might say that they bled and died and sacrificed their fortune and their sacred honor so that what? So that we could selfishly consume material wealth sufficient to bankrupt our Nation? That hardly seems what America is about or what America was founded upon.

Well, Mr. Speaker, joining us now is Dr. PAUL BROWN. He is a great patriot hailing from the State of Georgia. I appreciate Dr. BROWN. He represents Athens, Augusta, and northeast Georgia hailing from the Tenth Congressional District.

I yield now to a great physician, a great friend, a great patriot, Dr. PAUL BROWN.

Mr. BROWN of Georgia. I thank the gentlelady for yielding.

Promises made, promises broken. This administration has made many, many promises to the American public and has broken promise after promise after promise.

We were promised that wasteful spending would decrease and be eliminated. But what do we see? We see a huge increase in the size of the Federal Government. We have been promised that those wasteful programs of the Federal Government would be cut and eliminated. What do we see? We see a bigger growth of the Federal Government, and we see more wasteful spending and a huge increase in the size of the Federal Government.

We were promised that any bill that has earmarks in it would be vetoed. Well, the omnibus bill—I call it the ominous omnibus bill—was nothing but earmarks. The whole bill was nothing but paybacks to the folks who elected the leadership here in Washington today, and that promise has been broken.

And now we have a budget. Leader BOEHNER was here just a few minutes ago and spoke about the increase of the Federal debt. And I want to make it clear something that he said that is very important to the American people, should be important to the American people. The deficit spending, the debt that has been created with this budget alone, is greater than all presidencies combined. Every one of them combined. This one budget is greater than all of those. We can't continue down this road.

This budget bill is a steamroll of socialism that has been shoved down the



throats of the American public. It is going to strangle the American economy. It is going to choke the American people economically.

We have been promised that 95 percent of Americans were going to get a tax cut. We saw that in this recent stimulus bill where the tax cut is \$1.10 per day. That's it, \$1.10 per day. I'm a physician, and I don't believe in smoking. I think everybody should quit. But you can't even buy a pack of cigarettes for that amount of money.

And not only that, but this cap-and-tax issue that's being proposed in this budget is going to tax every single American family by over \$3,100 per family. Let me repeat that. Every single family is going to pay an increase in their cost of living by \$3,100 per family. We can't afford that. It is going to hurt the poorest of people in this country. It is going to hurt our seniors who are living on a fixed income. It is going to hurt small business because of this class envy and class warfare that's being proposed by this administration.

We have seen promise after promise broken by this administration. And not only that, we are creating a debt for our future generations so that their standard of living is going to be much less, much lower than ours today.

As Mr. DUNCAN was talking about, we are either going to have hyperinflation or deflation. I think we're fixing to head for hyperinflation. We have seen in the past that gross deficit spending by governments has created hyperinflation to the point that people almost literally had to have a wheelbarrow to take the currency to the grocery store to buy one loaf of bread. That's where we're heading today. Warren Buffet just 2 weeks ago said that we're off the cliff.

I think we're headed towards a marked prolongation of this recession, a deepening of this recession, and very probably a severe depression.

Franklin Delano Roosevelt, when he was spending taxpayers' dollars like a drunken sailor, did nothing but prolong that Depression. That's exactly what this philosophy that's being promoted here in this House and in the Senate across the way and by this administration is going to do.

In fact, the only thing that got us out of the Great Depression was the creation of a manufacturing entity in America to supply the needs for World War II. Are we going to need a world war to get us out of this depression that we're headed towards? I hope not.

But this deficit spending is totally irresponsible. It is unconscionable that we would have this kind of philosophy promoted in this Congress. It is going to hurt the people who can stand to be hurt the least, and that's the poor people, the retirees, those on fixed incomes.

This cap-and-tax policy is going to raise the price of all goods and serv-

ices: medicines at the drug store, which is going to hurt our elderly; it is going to raise the price of groceries at the grocery store for everybody, and that's going to hurt all of us.

We cannot continue down this road. We have to put a stop to it. The steamroller of socialism that's being shoved down the throats of the American public that's being driven by NANCY PELOSI, HARRY REID and Barack Obama, it needs to hit a speed bump. It needs to hit a stop sign. And the only people in America that could put up that stop sign, that speed bump up is the American public to cry out, No, we're not going to put up with this. We want bipartisanship. We Republicans and Democrats to come together and solve the problem.

And small businesses are going to be hurt markedly by the tax increases, and that's going to cost jobs. We're not creating jobs.

We have been promised by this administration that we were going to invest in our infrastructure. Well, the stimulus bill had only a miniscule amount of the—this huge deficit spending geared towards infrastructure which would, at least, create some jobs in the private sector.

But where are the jobs being created by bigger government? Bigger socialism. Taking our freedom away, taking our money away, taking our future away and taking our children and our grandchildren's future away. Because this budget spends too much. It taxes too much. It borrows too much. And we've got to put an end to it. It is up to the American people to cry out to Members of Congress to say, No, absolutely no. We're going to stop this.

So I encourage people to contact their congressman, contact their senator and say "no" to this budget.

And I thank the gentlelady for yielding.

Mrs. BACHMANN. I thank the gentleman from Georgia, Dr. PAUL BROWN. I have such great respect for Dr. BROWN. I appreciate his words. He's made the hue and cry that the American people need to know that this budget is historic by any measure. We would agree. The Obama presidency is historic, Mr. President. It is historic in the amount of debt that will be accumulated.

Leader BOEHNER stood on this floor just a few moments ago and stated that the debt in this country will double in just 6 years. It spends more than all the previous Presidents put together. And Leader BOEHNER said this: He said that when a dollar flows in to the Federal Government, 70 cents of that dollar will be needed just to pay for interest.

This is absolutely unsustainable. Pretty soon we will have currency equal to Zimbabwe's if we continue down this road because of currency devaluation. This is what we're seeing.

We're looking at essentially a doubling of the debt under what the Obama administration wants to put together. But what we hear over and over again from the Obama administration, they say this is a debt that we inherited. Is it really? We need to look at the facts.

□ 1715

The facts tell us something different. January of 2007 is when Congress was run by the Democrat majority. Republicans ran it up until 2007 January. At that point, both the House and the Senate took over and were run by the Democrats. At that point, we saw the Federal deficit begin to rise and skyrocket. Discretionary spending was rising and then skyrocketing, and mandatory spending was rising and skyrocketing. We had the stimulus bill that was passed, an over \$152 billion.

Speaker of the House PELOSI, Majority Leader REID and Senator Obama all voted "yes" for every one of these spending measures that has gotten us into the place we're in. Did they inherit this mess or did they help create this mess? The American people need to decide.

We have been down this road before. As a matter of fact, President Roosevelt's Treasury Secretary said it best when he said, "We have tried spending money. We are spending more than we have ever spent before and it does not work. I say after 8 years of the administration we have just as much unemployment as when we started and an enormous debt to boot!"

Mr. Speaker, we've been down this road before. We've all heard the saying that, if you don't learn from history, you are doomed to repeat it. Unfortunately, the Obama administration appears to making that same mistake.

Now, to speak to the American people is great man, a wonderful physician, a man I'm just getting to know. His name is Dr. JOHN FLEMING. He's serving the people of Louisiana's Fourth District from the big city of Minden, Louisiana. He's a freshman, and Dr. JOHN FLEMING has been a physician for 32 years and also a small business owner.

And I yield, Mr. Speaker, to Dr. FLEMING.

Mr. FLEMING. Well, I want to thank the gentlelady from Minnesota. Thank you for your work and leadership, particularly in this area. And by the way, I love watching you speak because I think I can learn a lot of tips from you. So I do appreciate that.

I also want to reflect on my colleague from Georgia that just spoke, a physician, who made a lot of good comments about the tilt that we have right now going towards socialism, certainly liberal socialism at the very least.

You know, it's true, Mr. Speaker, that we've spent in this bill and prior bills over the last 2 months, it's evident that our government is spending

too much, taxing too much, and borrowing way too much. Remember, that the Congress just passed a \$787 billion stimulus package, \$410 billion omnibus appropriations bill loaded with over 9,000 earmarks, and remember, our President promised that he would not support earmarks. Now the administration has unveiled a \$3.6 trillion Federal spending plan, a spending plan that the nonpartisan CBO, Congressional Budget Office, has now determined will produce \$2.3 trillion of more red ink than the President initially predicted.

I want to turn the camera and the people across America to this picture here and explain really what it is. These are kids in Germany in 1923, and they're stacking what looks like bricks. What they are, in fact, stacking is their currency. That's Deutsche notes right there, and in 1923, the value of the currency in Germany as a result of cranking out money, cranking out money, printing paper to pay back war reparations they couldn't pay back, it made the currency so dilute that it took a wheelbarrow, literally a wheelbarrow of cash just to buy a loaf of bread. That's just how bad inflation can be, and we all know the end of that story. It ended up into Nazi Germany.

I also bring your attention to this. This is, believe it or not, a \$10 billion bill. It can be found in Zimbabwe, the same problem, trying to solve their fiscal problems by printing more money. And if you keep printing more, you get a situation like this where a \$10 billion bill is required to buy an egg. Yes, Mr. Speaker, that's what this bill will buy. However, that's only a few weeks ago. Today, they have something—in my hand, you can see a \$100 trillion bill, believe it or not. And what is it worth? The same value as confetti.

Now, we might think, well, these kind of tragedies cannot happen to us in America. Well, is that true? Just today, the Chinese announced that they do not like our dollar. They feel like that even though they're one of our largest debtors, they no longer trust us in our debt.

Mrs. BACHMANN. Reclaiming my time, I yield to the gentleman from New Jersey's Seventh, Mr. LEONARD LANCE.

Mr. LANCE. Thank you very much, and thank you for taking the lead on this extremely important issue.

Overspending and over-taxation are terrible factors in the American economy today, but from my perspective the worst factor is levels of debt, and I think that this is, in effect, generational theft.

The Congressional Budget Office, in calculating the proposals of the Obama administration, indicate that spending will hit about 28.5 percent of GDP during fiscal year 2009, and this is a record amount. CBO also estimates that next year spending will be 25.5 percent and at 23 and 24 percent over the course of the next decade.

As someone who tries to be a student of American history, over the last 40 years, the level of debt has been roughly 20 percent, and this is an historic average. And yet over the course of next several years we increase this dramatically. Let me repeat the figures: 28.5 percent in this fiscal year, and similar amounts in the next 2 fiscal years.

I believe that this spending is too great, and I hope that the administration will review its budget and working in a bipartisan capacity to bring this amount down.

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#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 146, OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Mr. POLIS (during the special order of Mrs. BACHMANN), from the Committee on Rules, submitted a privileged report (Rept. No. 111-51) on the resolution (H. Res. 280) providing for consideration of the Senate amendments to the bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1404, FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT

Mr. POLIS (during the special order of Mrs. BACHMANN), from the Committee on Rules, submitted a privileged report (Rept. No. 111-52) on the resolution (H. Res. 281) providing for consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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#### COLON CANCER AWARENESS MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Oklahoma (Mr. BOREN) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOREN. Mr. Speaker, I don't come to the House floor very often to speak. In fact, last year I addressed this body only a handful of times. I

think that I am much more effective in representing my constituents by developing relationships in a personal setting rather than arguing my viewpoint on the House floor. But today marks a special time of year.

Mr. Speaker, the month of March is colon cancer awareness month. I think that it's only fitting that the month of March, a month where Congress has the most legislative work days, is devoted to an illness that is often relegated to the back burner of cancer awareness. Obviously, colon cancer is not an issue that garners a lot of headlines, but colon cancer has had a dramatic effect on my life, as it has millions of Americans.

I bring a picture of my mom up. Eleven years ago, my mom died of colon cancer. She was a vibrant woman. She was filled with joy. She was filled with optimism. This horrendous disease took her from Earth far too early. Because of colon cancer, she never had the opportunity to hold her granddaughter. She never had the opportunity to attend my wedding and see me marry my beautiful wife, Andrea. It's a tragedy that has forever left a void in my life.

You know, she was like so many mothers. She was always so proud of her son. She was always pushing me. She always cared about my grades. She always cared about how I did in school. And I was probably not the best student but she kept after me. She kept telling me how smart I was, and she kept pushing me.

The last memory I have of my mother is in a hospital room dying from this disease. She didn't get to see me become a Congressman. And like all Americans who have felt the pain and fear that comes with losing a loved one to cancer, I wouldn't wish that grief on anyone.

The reality, Mr. Speaker, is that I am not alone. This disease kills tens of thousands of Americans every year. It is the third most diagnosed cancer and one of the leading causes of cancer death in the United States. The American Cancer Society estimates that 150,000 Americans will be diagnosed with colon cancer in 2009, and out of that 150,000 citizens, over 50,000 of them will die from it.

What is so shocking about these deaths is the vast majority of them could have easily been prevented with a simple routine screening called a colonoscopy. That is 50,000 moms and dads and sons and daughters that could still be enjoying the great gift of life if they would have just taken the time to get a routine colonoscopy by their 50th birthday.

Mr. Speaker, a colonoscopy takes under 1 hour to complete, and the results you receive will literally save your life. The American Cancer Society estimates that if detected early, 90 percent of all colon cancer deaths could be prevented.

Now, just, if you will, take a look at this board here. Look at the stages. Now, the stage where my mom was diagnosed is stage IV. There's about an 11 percent survivability rate and at stage I, 90 percent, and despite the effectiveness of this colonoscopy that can figure this out, only 50 percent of Americans use this procedure.

I think that's a very shocking statistic. Compare that prevention rate with breast cancer, where over 80 percent of women get a routine mammogram, and you can see why I work so hard to spread the word on preventing this disease.

But there is some outstanding news. The outstanding news is that there is hope ahead in fighting this killer. The Centers for Disease Control, along with groups like the American Cancer Society and the Colorectal Cancer Coalition, have taken it upon themselves to raise awareness about this disease.

Specifically, the American Cancer Society has launched a campaign to push the number of Americans who get screened for colon cancer from 50 percent to 75 percent by the year 2015. It's a lofty goal, but it's a goal that's worthwhile. In fact, a few of my colleagues have introduced important legislation aimed at reaching this mile marker.

One particular piece of legislation that I hope will receive strong consideration in the House Energy and Commerce Committee is my legislation, H.R. 1330, the Colon Cancer Screening and Detection Act of 2009. My legislation is pretty simple. Just like a mammogram, my bill would require every health insurance plan in America, both group and individual, to cover a preventive colonoscopy before the deductible. This legislation is very badly needed.

One of the top reasons many Americans do not get screened is the cost. The average cost of a typical colonoscopy is over \$1,000. That wouldn't be a concern to many citizens who are currently covered under a private health insurance plan, but most health insurance plans have deductibles exceeding \$1,000, or worse, they have a restrictive cap on preventive care, sometimes as low as \$250, and that's the issue.

We have thousands of Americans who are covered by insurance plans that pay little to none of the costs associated with a colonoscopy, so they never get one. It's a shame. We live in the greatest country on Earth, and many of our citizens choose not to get a highly successful, life-saving, preventive test because their health plan doesn't cover it.

I'm aware that the health insurance industry is totally opposed to my legislation. They will argue that my bill will dramatically increase the cost of insurance, but there is little evidence to support their claim. They said the

same thing when Members of Congress pushed hard to require insurance plans to cover mammograms in an effort to increase the rate of early diagnosis of breast cancer; yet almost every single State in America requires insurance companies to cover a mammogram, not subject to the deductible.

Furthermore, it has been well-documented that once colon cancer has progressed into the latter stage, the health care costs for treatment skyrocket and the survival rate plummets.

Now, let's look at the board again that I brought up earlier. Look at this stage I through IV, and I'll make my point here. With such a high success rate if detected early, it makes financial sense but it also makes moral sense to find and treat colon cancer as early and as soon as possible.

I believe that an industry, which is one of the most profitable in America, should lend its services toward preventing illness, not hampering our citizens' ability to discover it. Requiring health insurance plans to cover a colonoscopy is a commonsense approach to fighting colon cancer.

In fact, many in Congress have voted in the past to extend Medicare beneficiaries this very benefit. In July of 2008, Congress passed the Medicare Improvements for Patients and Providers Act. That, among other things, addressed the glaring deficiency in colon cancer prevention found in the Medicare program, and the language that was inserted into that bill to address colonoscopy access is very similar to the bill that I have introduced. That Medicare legislation, which passed the House of Representatives overwhelmingly, is a great piece of legislation that I think will save thousands of lives.

And in closing, before I turn it over to one of my colleagues, I want to encourage all Americans that are 50 and over who have not had a colonoscopy screening to get one, and if you have a family history like myself, I think you need to start earlier.

With increased awareness and some policy changes here in Congress, I believe that we can save tens of thousands of lives.

You know, colon cancer is a silent killer, and Mr. Speaker, with the help of colleagues like Congresswoman KAY GRANGER and Representative PATRICK KENNEDY I know who's an advocate on this issue, it is my hope that we can make a dramatic impact on this terrible and painful disease.

And I would like to call my colleague, Representative GRANGER, up and maybe she wants to share some of her thoughts about Colon Cancer Awareness Month, and I know representing Texas and Fort Worth of course, being an alum of TCU, I'm very proud of her leadership on these health issues. We've also worked together on tribal issues. I want to thank her and

would like to yield to Congresswoman KAY GRANGER.

Ms. GRANGER. Thank you to my colleague DAN BOREN. Thank you so much for your hard work on this.

Mr. Speaker, I rise today to speak on the important issue of colorectal cancer, as Congressman BOREN also did.

□ 1730

Colorectal cancer is the third most commonly diagnosed cancer and the second most common cause of cancer deaths in the United States. Every 3½ minutes, someone is diagnosed with colorectal cancer. Every 9 minutes, someone dies from colorectal cancer. This is a disease that affects both men and women.

This year, an estimated 149,000 new cases will be diagnosed, and an estimated 50,000 deaths will be caused by this cancer. The real tragedy is that many of these cancer cases and deaths occurred needlessly because the vast majority of colorectal cancer deaths can be prevented through proper screening and early detection.

That is why I introduced a resolution recognizing March as Colorectal Cancer Awareness Month and commemorating the 10th anniversary of the first designation of March as Colorectal Cancer Awareness Month.

The more we talk about this disease, the more we encourage our family, our friends, and our neighbors to get screened, and the more lives we save.

I hope my colleagues on the Energy and Commerce Committee will discharge House Concurrent Resolution 60 from committee soon so that leadership can schedule the resolution for floor consideration.

Less than half of those who should be screened for colon cancer are screened. Bringing House Concurrent Resolution 60 to the floor next week will encourage even more discussion about this disease that is preventable when detected early.

But talking about colorectal cancer and recognizing Colorectal Cancer Awareness Month aren't enough. We need to increase Federal funding for early detection and screening. Along with my colleague from Rhode Island, PATRICK KENNEDY, I've introduced a bill that would authorize funding for early detection, screenings, and make preventive care a priority.

Specifically, the Colorectal Cancer Prevention, Early Detection, and Treatment Act, H.R. 1189, would establish a national screening program for colorectal cancer for individuals over 50 years of age or those who are at high risk. It would authorize State funding for these screenings and create a public awareness and education campaign on colorectal cancer.

Despite scientific evidence supporting the benefits of screenings, screens for these diseases in this country remain low. Every 5 seconds, someone one who should be screened for

colorectal cancer is not. When it's diagnosed late, the survival rate for colorectal cancer is only 10 percent. When it's diagnosed early—before it spreads—the survival rate is 90 percent.

Early detection screening saves lives, and if everyone over 50 years of age were screened regularly for colorectal cancer, the death rate for this disease could plummet by 80 percent.

In addition to screening saving lives, early detection saves money. Treatment costs for colorectal cancer are extremely high and could be greatly reduced if mass screenings occur.

Colorectal cancer treatment costs totaled roughly \$8.4 billion for new cases in 2004. The cost of two-thirds of these colorectal cancer cases are borne by the Medicare program.

The Lewin Group recently conducted a comprehensive study of the potential cost savings to Medicare and found that every 10 years a colorectal cancer screening program will result in savings of about 1½ years worth of Medicare expenses. If screenings were increased among people 50 years and older in the United States, it would save billions of dollars in Medicare expenditures. It would also save thousands of lives.

The Colorectal Cancer Prevention, Early Detection, and Screening program ensures that people who are screened will get the full continuum of cancer care, including the appropriate followup for abnormal tests, diagnostic and therapeutic services, and treatment for detectable cancers.

If you have not already, I urge you to cosponsor the Colorectal Cancer Prevention, Early Detection, and Treatment Act, and join me in observing Colorectal Cancer Awareness Month. Observing Colorectal Awareness Month provides us with the opportunity to discuss the importance of early detection and screening. It also provides us with the opportunity to thank the thousands of volunteers and national and community organizations for their work in promoting awareness for colorectal cancer.

DAN BOREN. I thank you for your time and your work on this.

Mr. BOREN. Thank you. I think you're hearing the same thing over and over again—my colleague, KAY GRANGER, talking about early detection, talking about how important it is to go and get that test.

We lost my mother. But if you look back in our family history, my grandfather had colon cancer, my grandmother had colon cancer. They did catch it early. So if you're someone out there who's watching this afternoon and you haven't gotten it done and you're thinking maybe you should do it—even if you're not at that 50 marker, if you have someone in your family who has been diagnosed in the past—think about going and getting that test.

You know, Mr. Speaker, Katie Couric, the anchor of the CBS Evening News is a strong advocate for colon cancer awareness. She lost her husband to this disease and since then has led a personal campaign to bring awareness to this issue.

A few years back, she told a compelling story at her old job on the Today Show about a family that lost a loved one to this disease. I think it's a compelling story that I would like to share on the House floor today.

Mr. Speaker, Michael and Erin Stennis learned the hard facts about colon cancer in the worst possibly way. This is their story.

Michael Stennis, an ex-football player, was the picture of health—43, fit, a businessman who owned a chain of successful restaurants. He and his wife Erin had been married for 14 years and had two gorgeous children.

His wife discusses her husband's persona this way, "He had a lot of strength of character. He was amazing. He wasn't afraid of voicing his opinions. He loved his friends, and his children were his life. He was the consummate family man."

Mr. Speaker, you can tell that Michael was an all-American guy. Yet, it's hard to believe such a vibrant man would have such a difficult fight ahead of him.

Three years earlier, when he was just 40, Michael started experiencing irregular bowel habits and rectal bleeding. Like many Americans, he thought it was nothing serious. His wife began describing what happened, and said this, "He had blood in his stool. He went to the doctor. Unbeknownst to me, the doctor suggested that he have a colonoscopy.

"My husband, being the very macho man that he is, did not want anything invasive. He just could not imagine that type of procedure taking place. So, like thousands of other Americans, he came home and said, 'It's been taken care of.' And that was it."

A few years later, Erin realized that something was very wrong with her husband. She said, "It had gotten to the point where he was having such severe pain. Because he was an athlete, he sucked it up. He would say to himself, 'If I feel something, oh, you know, I can work it out.' But it got to the point where the pain became so severe that he had trouble moving.

"Finally, in November of that year," she said, "I walked into our bedroom and I saw him hunched over in the closet. Something was very wrong."

So she finally got Michael to go in for the colonoscopy. And then they got the results. It was the evening of their daughter's Thanksgiving pageant. They got a call from their family doctor and friend, Peter Waldstein.

She described the scene this way: "My husband was on one side of the room and I was on the other side. His

cell phone went off and I could see him on the phone and I could see the change in his face. It was our dear friend Peter calling to tell us both the news. We knew from that moment on that our lives had changed forever," she explains.

He was diagnosed with stage IV colon cancer. The cancer had spread from Michael's colon and had metastasized to his liver. It was a devastating prognosis.

After a long 20-plus month fight with this horrendous disease, Michael Stennis died. He was 45 years old.

Mr. Speaker, this is a story that is told countless times across America. It is a story of a young and vibrant individual who has seen his or her life end far too early because of this horrendous disease. It's a sad case—a case that is very similar to the one that took my mom's life. It's a story similar to the one that took former White House Press Secretary Tony Snow's life. I think it's Congress's duty to do something about this.

My colleagues and I have introduced multiple pieces of legislation aimed at addressing this terrible cancer. But we need Congress to begin the process of examining it.

Every year, this disease takes thousands of lives. It is my hope that, with the support of groups like the American Cancer Society, the Colorectal Cancer Coalition, and my colleagues, we can make an impact.

I can't tell you how much I have personally lost from this—how many times I want to pick up the phone and I want to call my mom.

This is a real human face. These are real people that are dying. They don't have to be dying. All it takes is a simple test. My mom waited too long. She got the test too late.

I don't want this to happen to some other family in America. So I need your help, all those in Congress, all of my colleagues, but I also need the American people to write your Member of Congress.

I introduced this legislation in the last Congress, the 110th Congress. I got four cosponsors. People were scared about the insurance companies. But, let me tell you what. When given the choice between my mom and the insurance companies, the choice is very easy. We need to help these families. This is why I came to Congress.

□ 1745

I didn't come to Congress just because it is fun. I came to Congress to do something. This is what it is all about. Someone once said public service is about helping people. Let's help these families.

## H.R. 1216, YOUTH PREVENTION AND TOBACCO HARM REDUCTION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Indiana (Mr. BUYER) is recognized for 60 minutes.

Mr. BUYER. Mr. Speaker, it is pronounced "Buyer." My family is Alsatian; so if you go back in my ancestry, I know the gentleman is new here to the Congress, it was de Buyer. So my sense is that the gentleman will remember it for a while.

I come to the floor here to talk about a very pivotal issue that will be facing the public health of our country, and this is the issue of tobacco. Members of the House will be presented with a choice here relatively soon about which Federal regulatory structure over tobacco products we should use.

Now, it is interesting, for a long time the issue was whether we should regulate tobacco or not regulate tobacco. There is now this growing consensus that the Federal Government in some way should regulate tobacco, and now we are trying to figure out with regard to who should do that regulation. Should it be the FDA under Health and Human Services; or, as Mr. MCINTYRE and I are proposing, that it be a separate agency under Health and Human Services, we call it a harm reduction agency, that will focus on reduction of the risk associated with many different types of tobacco products.

So I believe that the critical issue to be considered is, how do we measurably and effectively reduce the disease and death associated with tobacco use while products remain legal and over 45 million Americans have not, cannot, or will not quit?

Keeping the American tobacco consumer and the public uninformed about the differences in risk between smoking cigarettes and using nonburning forms of tobacco or other nicotine products will not help our Nation to overcome the death and disease attributed to tobacco use.

Telling current tobacco smokers to "Just Say No," to quit now, is not the most effective way to save lives. Creating a regulatory scheme that discourages and in fact chills the development of new, lower risk products is directly opposite of what many in the scientific and public health communities even advocate today. But those are the underlying tenets of what is referred to as the Waxman tobacco legislation called the Family Smoking Prevention and Tobacco Control Act.

What do experts say about Mr. WAXMAN's approach on tobacco?

Well, the prestigious health organization, the Royal College of Physicians, says, "The current situation is perverse, unjust, and acts against the rights and best interests of smokers and the public health. Harm reduction has the potential to play a major part

in preventing death and disability in millions of people who currently smoke and who either cannot or will not otherwise quit smoking. These smokers have a right to be able to obtain and choose from a range of safer nicotine products, and they have a right to accurate and unbiased information to guide that choice."

From the American Association of Public Health Physicians, "In the judgment of AAPHA, the current bill in its form will do more harm than good in terms of future tobacco-related illness and death. The current bill," referring to the Waxman bill, "with all its seemingly promising elements, has so many restrictions on Federal regulatory authority that it will be unable to effect favorable change. This bill is based on the false premise that cigarettes can be made safer and that all tobacco products are equally harmful. This bill places barriers to truthful communications about the relative risk of less hazardous smokeless tobacco products and near insurmountable barriers to the development of new lower risk products."

Now, these are two examples of organizations that have some growing concerns about the Waxman legislation. Now, in the face of that there is a growing consensus that significant harm reduction policies and programs, when combined with prevention and cessation, are, in my belief and that of MIKE MCINTYRE, the chief cosponsor of North Carolina, that it is the key to a significant reduction in disease and death from tobacco use.

So the Waxman legislation, despite the years of characterizations and representations by its proponents, does not incorporate in any meaningful way a comprehensive prevention, cessation, and harm reduction strategy. Actually, on the contrary; for a very long time, those of whom believe that a harm reduction strategy in fact threatens cessation and prevention programs. I look at this and say that they should all work together, that four fingers and a thumb makes a hand. And so, without the phalanges, do you really have a hand? So I believe that they all should have to work together, and that is what we are seeking to do here is having a harm reduction strategy that incorporates prevention, education, and cessation.

I am also greatly concerned that the Waxman legislation continues to ignore the evolution of opinion in the scientific and public health communities, and relies on tactics taught and thought that were effective in the early 1990s, such as it includes provisions that the Supreme Court had thrown out with regard to restrictions on First Amendment on advertising these issues. I was really concerned about it, and Mr. WAXMAN believes it is okay. I have great, great concern here.

Congressman MIKE MCINTYRE and I have introduced H.R. 1216, the Youth

Prevention and Tobacco Harm Reduction Act. This legislation imposes significant regulatory oversight within the Department of Health and Human Services over tobacco products, and incorporates many of the provisions included in HENRY WAXMAN's legislation.

It includes serious policy and programs of prevention, cessation, and harm reduction, which we believe will lead to saving thousands of lives over the next decades. It will squarely address the issue of tobacco use by minors through additional resources and enforcement at the State levels.

In fact, Mr. MCINTYRE's and my legislation is even stronger in the protections for minors on two points. Number one, we say unto the States that with regard to the Master Settlement Agreement and monies that were supposed to be spent by the States on tobacco cessation and education and prevention programs, at the end of the Master Settlement before it was signed there was this last-moment agreement. Rather than dictating unto States on what percentage of the monies are to be spent on tobacco prevention and cessation programs they said, well, we will just leave it to the discretion of the States. The CDC then every year publishes a report with regard to what the percentage that States should be spending. States are not spending on those programs. So Mr. MCINTYRE and I come in, and we are dictating unto the States that they are to spend their Master Settlement Tobacco Agreement on programs to help children.

The other point that Mr. MCINTYRE of North Carolina and I have is on protecting children. We are also saying to the States that we want you to treat tobacco like alcohol. So where it is illegal for a minor to possess alcohol, we also say: States, you should make it illegal for minors to possess tobacco.

With that, let me yield to a major cosponsor of this legislation. This is bipartisan legislation. It is an alternative to Mr. WAXMAN. And, actually, what Mr. MCINTYRE and I were really hopeful is that our bill here would have been adopted in the Energy and Commerce Committee as a substitute. If we could have combined our effort with that of Mr. WAXMAN's, we would have 435 votes here on the floor, and we could make this a reality and make our society a healthier and safer place.

I want to thank the gentleman for his efforts. He is a strong advocate of our agricultural policies and is very concerned with regard to ensuring that the Federal regulatory oversight from Health and Human Services does not interrupt with growing practices by our farmers.

Mr. MCINTYRE. I would like to thank Mr. BUYER, who is the principal sponsor of this responsible tobacco regulation legislation. I was pleased to be the original cosponsor with him.

In our legislation, we certainly want to make sure that this is an issue of

fundamental fairness. This is not an anti-public health alternative. In fact, as Mr. BUYER was just saying and as we were just discussing in our interchange a few moments ago, in fact we have even stronger regulation to prevent youth smoking.

I have a son. When he was in high school, and he was now in law school, but who actually served on the Campaign for Tobacco Free Kids. So we understand that, and this is a strong statement, even stronger than Mr. WAXMAN's proposal against youth smoking. But it also recognizes that the FDA is understaffed and underfunded and overworked right now, and we are not in a situation where we need the FDA to come out on the farm and start regulating farmers. And, from that perspective, I wanted to principally speak in the next few moments as chairman of the Subcommittee on Rural Development, Biotechnology, Specialty Crops and Foreign Agriculture. The specialty crops over which our subcommittee has jurisdiction include tobacco.

Now, we may soon see H.R. 1256, which is Representative WAXMAN's bill to implement FDA regulation of tobacco products and leaf scheduled for consideration under suspensions of the rules on the House floor. This process will allow for no amendments or alternatives to be presented on this incredibly important and complex issue of tobacco regulation.

I urge my fellow Members to vote against the Waxman bill when it comes up on suspension so that we may consider an alternative bill, so that we may be able to consider the bill that Mr. BUYER and I are discussing tonight that does even more than Mr. WAXMAN's bill while preserving a vital economic engine for many communities throughout the United States, including my district in Southeastern North Carolina.

H.R. 1261 is the Youth Prevention and Tobacco Harm Reduction Act that we have introduced together, and is actually a better approach to regulating tobacco and preventing minors from using tobacco products than the Waxman bill.

The Waxman bill will grant the FDA, the Food and Drug Administration, wide authority to dictate to manufacturers and growers dramatic changes in product design and leaf cultivation.

The tobacco industry contributes over \$36 billion each year to the U.S. economy, employing over 19,000 individuals nationwide. This is not exactly the time to cause even thousands more of our fellow citizens to lose their jobs or to yet cause another problem with our Nation's economy. In my home State of North Carolina, over 8,600 people are employed by the industry, with a Statewide economic impact of nearly \$24 billion. Mr. WAXMAN's manufacturing and FDA on the farm provisions

will put many companies and growers out of business, and we absolutely cannot afford to lose any more jobs.

Our bill, H.R. 1261, specifically protects growers by preventing any government agency from requiring changes to traditional farming practices, including standard cultivation practices, curing processes, seed composition, tobacco type, fertilization, soil, recordkeeping, and any other requirements that affect farming practices. The last thing that our farmers want to see is another government bureaucrat coming out on the farm walking around, snooping around about the soil and how he is growing his crops.

In addition, our bill does more to protect public health and prevent minors from smoking even than the Waxman bill does. H.R. 1261 considers cutting-edge scientific research by promoting a harm reduction strategy to move smokers to less harmful tobacco products.

According to applied economics, the use of these reduced harm tobacco products increases the average probability of smoke cessation by over 10 percent; and I am sure my colleague will be speaking more to that aspect of this bill.

□ 1800

H.R. 1261 specifically addresses youth tobacco by encouraging States to penalize minors for purchasing and possessing tobacco products. Under current law, retailers are prohibited from selling products to minors. But unlike with the purchase of alcohol, minors are not penalized for underage purchase and possession of tobacco products. And our bill clears that up and also allows for penalties in that regard.

The bill also calls upon States to increase their percentage of the Master Settlement Agreement dollars to fund tobacco cessation and public health programs. In the past 10 years, States have spent just 3.2 percent of their total tobacco-generated revenue on tobacco prevention and cessation programs. Our bill would allow that to be increased.

H.R. 1261 is a commonsense approach to tobacco regulation that will both protect the public health and protect the jobs in our vital sector of the tobacco economy. I urge my colleagues to vote "no" on Waxman and give yourself a chance to consider a more viable and reasonable economic alternative that does even more to protect our youth.

In closing to my colleague, I will say for our colleagues who may be in their offices or their staff that may still be in their offices this evening, we do have a chart that compares both bills. If we want to talk about, all right, what are the reasonable alternatives, one by one we go through the different segments of the bill to explain so that a real comparative analysis can be done. And

that is what this is about. It is fundamental fairness in how we pass legislation so it is not just rushed through under suspension but we get a chance to actually analyze and compare these two bills, and that we do it in a way that will best achieve the goal here of protecting the public health, particularly of our young people, and protect jobs and not cost our economy any more jobs than our country, unfortunately, has already lost.

And with that, I yield back to my colleague. And thank you for your great work on this bill.

Mr. BUYER. I thank the gentleman for his help and his support on the bill. This is an issue about the public health of our country and the fact that we have a bipartisan approach here, a bill that we seek to decrease the mortality and morbidity rates is extremely important. There are over 100 nations around the world that are struggling with this issue. Tobacco is a legal product. It is the smoking that really hurts and harms and kills people. It is not the nicotine. And so what we are trying to do is to migrate people from smoking products to smokeless products. The very large risk differential, it is the difference between combustion and noncombustion products.

The gentleman understands that. And he is embracing the harm reduction strategy from a public health perspective. And he also wants to make sure that we work in concert with our growers, that we have very sound export policies with regard to our trading partners around the world so we don't have any World Trade Organization violations, while at the same time we are cognizant of illicit trade issues. The gentleman is an expert in these areas. And I welcome his support. And I thank him for being here tonight.

What I would like to do is I'm going to share a chart that the world has never seen. And I am hopeful that here in the United States we can continue to lead the world and to make the world a healthier place. And so what I'm going to do here is I want to talk about our harm reduction strategy and to talk about the risk differential among a continuum of risks. So the best way for me to do this is to put a chart up so all the Members can have a look at this. And I will talk about it here for a second.

I have continuum of risk here at the top, along then with the relative risk of chronic disease here on the side. And what I have done is what is not on the chart, I don't put cigars or pipe tobacco in here. That is outside of the regulation of not only our bill but also of Mr. WAXMAN's bill. But pipe and cigar is the most toxic. If I were to go on this chart, what I put on this chart listing 100 percent as the most toxic, under that which of tobacco products are to be regulated by our bill would be your nonfiltered cigarettes, so that

would be your roll-your-own cigarettes or a Lucky Strike or other forms of generic cigarettes that are nonfiltered.

So I think common sense is going to tell you if there is not a filter on it, you're going to smoke it, you're going to inhale a lot of toxic substances and carcinogens deep into your lungs.

The next, as we look at continuum of risk, among available products that are on the marketplace here in the United States in North America, so you have your nonfiltered cigarettes. Next are your filtered cigarettes. That kind of makes sense. If I'm going to put a filter on it, I'm going to reduce the risk between those two types of instruments that deliver nicotine. So that is what the key here is. People want access to their nicotine. And it is the smoking that harms them. And so how do you reduce the harm? And so what drives some people a little crazy here is that can you really say that there is a safer type of cigarette? Well, if you want to take a science-based approach, you really have to be very honest about this and say, well, among the types of cigarettes, there are different types of cigarettes as a delivery device of nicotine that are safer than others. But they are all not entirely safe. But there is a risk differential. And it should be discussed. So we have from nonfiltered to filtered cigarettes.

What I don't have here, which sort of comes up next, is you actually have vented filtered cigarettes. But what we are finding out from the science-based approach is that if you put vents into the filters, even though you're trying to reduce the smoke and a lot of the bad, toxic substances, people will draw on that cigarette a little harder, and so they are sucking it deeper in their lungs. And that is not a good thing.

Next we have our tobacco-heated cigarettes and electronic cigarettes. The reason I put question marks with regard to both of these types of nicotine delivery devices is that with regard to tobacco-heated cigarettes there are a couple of products that are out on the market. Philip Morris has the Accord and Reynolds American has the Eclipse. So these are out on the marketplace. We do know that these types of nicotine delivery systems are a much less riskier product than say your strictly just filtered cigarette or your nonfiltered cigarette. But where do they fall on the chart? There isn't enough science to tell us exactly where. We know it is better. It is not completely safe, but it is better. And we don't know exactly where, but we know it is falling downward on the continuum of risk chart. So we really do need some science here to tell us where the electronic cigarette and tobacco-heated cigarettes fall on that.

So that is part of the reason we want to create, under Health and Human Services, a separate agency that will focus our Nation's expertise on to-

bacco. And I want to be able to do that without people believing that, well, if FDA is regulating tobacco, that somehow that it is an okay product. No. This is a high-risk product. And what is important is that somehow we get to the American people they get informed, they can make an informed choice among an array of products along the continuum of risk.

So after electronic cigarettes, if we can truly move an individual out of smoking, if they are looking on how I can gain my access to nicotine, I think people know that, hey, the surgeon general is right. There is some risk that will accord anything that has to do with smoke. If you can transition, or migrate, a population from smoking to a smokeless product, I assure you, we can take out up to around 80 percent, based on the science, almost 80 to 90 percent of the health risk can be taken away.

Now the American public needs to know that. So you say, okay, what's the difference between a U.S. smokeless product and Swedish Snus? Well, the difference is the U.S. smokeless product is fermented, and the Swedish Snus is pasteurized. So if you can actually move to the Swedish Snus, you can eliminate about 98 percent. Think about this. Ninety-eight percent of the health risks can be taken away, yet people can still gain access to nicotine.

Now, if you wanted to go on a little bit further, there are dissolvables of tobacco that have no nitrosamines. That is the really bad stuff, and you can remove that and you can still gain access to your nicotine. And these dissolvable products that are just being introduced and tested in the marketplace are these Orbs or a tobacco stick or a strip that you can lay on your tongue and you can gain access to the nicotine.

Now, I assure you, you don't gain as quickly the access to the nicotine and get the sensation upon the brain as you would smoking the cigarette. But you can gain access to the nicotine, and people then can make an informed choice, gosh, I can gain access to my nicotine, I don't get it as quickly, I can get it, but, gee, maybe it is worth it for me to live a few more years and enjoy my family. I can enjoy my nicotine and, gee, I'm not going to die from smoking. You see, that is extremely important. And as we move people and then migrate them down from this continuum, you can move then to therapeutic, there are therapeutic methods to gain access to nicotine, through the gum, the patch, the lozenges, and then for the individuals who seek to quit.

And that is part of the process of what we are doing here is we want to incorporate a harm-reduction strategy to inform a population that if you want to gain access to your nicotine, it is the smoke that is really going to kill you. So if you can get them off of smoking and move them to smokeless

products and then move them from there to therapeutic and then pharmaceutical to eventually cessation and quitting.

Now, that is part of the harm reduction strategy. And what I believe is extremely important is when we have this as a strategy, you have about 40 million smokers over here on this end of the chart, and you only have about 2 million down here that are actually trying to quit. In the meantime, of the filtered cigarettes, about 80 to 85 percent of the individuals who are smoking the cigarettes are smoking lights or ultralights. Now why are they buying lights or ultralights? Because somehow they believe that if they smoke a light or ultralight that it will be less harmful for them. You see, people are trying to make an informed decision, and they think it will be less harmful for them. The reality is these are products that are going to be harmful to you. I think people need to know and understand that.

So what we are hopeful here is that in our legislation, we create this Harm Reduction Center under Health and Human Services where we take our great minds and we do science. We do science on the entire array of products along a continuum of risk, and we inform the public so that the public, when they buy these products, that we can actually migrate our population from combustion to noncombustion products and hopefully quitting, while at the same time, we want to make our investments in education and prevention programs, not just for children and minors, but also for adults.

What is important here, what we are finding, is that when people migrate from smoking to smokeless, some fear that, wow, if somebody starts here, the smokeless product, will they actually migrate this direction on the chart, headed up the chart? The reality is it is not what is happening in the marketplace. So that is why we have created an alternative public health position for tobacco.

My good friend, Mr. WAXMAN, I applaud his perseverance over the years and his persistence. His legislation has sort of an abstinence-only approach on tobacco. I respect Mr. WAXMAN. We have had a good working relationship over the years. And I really was hopeful that he would incorporate this harm reduction in his bill. Now, he said, "STEVE, I have got harm reduction in my bill." I said, "well, HENRY, you may have it in the bill." But what he has are unrealistic standards that products that may gain access to the marketplace. He has a two-tiered, a two-pronged tiered test, one that will test at the individual and one at the public with regard to the impact of a particular product. It will almost be impossible for new products to gain access to the market.

If we truly wanted to make our society healthier, what we should be doing



is encouraging people to move from combustion to noncombustion products. And we can do that, if I can take out 80 percent of the health risk, we are making our country healthier and hopefully then move to cessation.

That is why I call this the continuum of risk chart. And it is open and free to the world to use this chart, to scrutinize the chart. And I'm hopeful that other legislative bodies around the world will incorporate harm reduction as a strategy for a nation for them to be healthier.

The harm reduction policies advocated in H.R. 1261 are an important method to figure out how we can satisfy the nicotine cravings among all of these legal type products.

What I would like to share are what some of the scientists actually say about tobacco harm reduction as a public health strategy. From the American Association of Public Health Physicians, dated 2008, "tobacco harm reduction is taken to mean encouraging and enabling smokers to reduce their risk of tobacco-related illness and death by switching to less hazardous smokeless tobacco products."

□ 1815

You see, the reason I don't have advertising restrictions in my bill is I think it is extremely important. Mr. McINTYRE and I created this bipartisan piece of legislation for a purpose. We want to make sure that people are informed with regard to their entire array of products, tobacco products. And you need to be able to inform them as to what products have the higher risk, which ones have less risk.

And what really concerns me is, if you make, let the FDA do this, of which the FDA it is counter to their culture, even, to somehow say that one cigarette, this is a safer cigarette among an array of cigarettes that are harmful. That is a very, very challenging endeavor for them. And so it is why some in the public health community are a little concerned.

The International Journal for Drug Policy, their quote, "Numerous alternative systems for nicotine delivery exist, many of them far safer than smoking. A pragmatic public health approach to tobacco control would recognize a continuum of risk and encourage nicotine users to move themselves down the risk spectrum by choosing safer alternatives to smoking without demanding abstinence." That is the International Journal of Drug Policy, and that is exactly what we are trying to do here.

There is another quote from the American Association of Public Health Physicians, "In practical terms, enhancement of current policies, based on the premise that all tobacco products are equally risky, will yield only small or barely measurable reductions in tobacco-related illnesses and death. Addi-

tion of a harm reduction component, however, could yield a 50 to 80 percent reduction in tobacco-related illness and death over the first 10 years, and likely a reduction of up to 90 percent within 20 years."

Now you see why Mr. McINTYRE and I are so excited about this alternative approach, because abstinence only does not achieve the goals to make a society healthier with regard to tobacco. And this is exactly what we are trying to achieve, that is also being endorsed here by the American Association of Public Health Physicians.

The Royal College of Physicians in 2007 stated, "Harm reduction is a fundamental component of many aspects of the medicine and, indeed, everyday, life, yet for some reason, effective harm reduction principles have not been applied to tobacco smoking. It is very clear that for most of the major health effects of tobacco, smoking is many times more dangerous than smokeless tobacco use."

The American Council on Science and Health stated, "The American Council on Science and Health believes that strong support of tobacco harm reduction is fully consistent with its mission to promote sound science in regulation and in public policy, and to assist consumers in distinguishing real health threats from spurious health claims. As this report documents, there is a strong scientific and medical foundation for tobacco harm reduction, which shows a great potential as a public health strategy to help millions of smokers."

With regard to—here is another one from SmokeFree Pennsylvania. "Although smokeless tobacco is just as addictive as cigarettes and should not be used by those who are not addicted to nicotine, cigarettes are about 100 times deadlier than smokeless tobacco products."

Here is a quote from Britton and Edwards, *The Lancet*, in 2007. "The risk of adverse effects associated with snus," now snus is pasteurized product, Swedish snus, "is lower than that associated with smoking, overall by an estimated 90 percent. Whatever the true overall hazard, use of low nitrosamine smokeless products is clearly substantially less harmful than tobacco smoking."

Why am I pulling out these quotes? I am pulling out these quotes because what has been talked about as those who support the Waxman legislation is that somehow all of these products are equally harmful. That is false. That is what I want to convey to everyone. They are not equally harmful. And it is extremely important that the public be informed about all that these types of products, along a continuum of risk, so people can make informed choices. We do that every day. We make decisions on what kind of automobile we want to drive. We do the continuum of risk.

How about what we eat, what we drink? We make choices and decisions every day. Should I put on my seatbelt, should I wear a helmet. All kind of things. We make judgments.

When I look at the farmers, my gosh, there are all types of risk out on the farm, and a lot of judgments are made along a continuum of risk along with the farm machinery.

We make these judgments. Why don't we do that as a public health strategy for tobacco? It only makes sense. And what I am really hopeful here—I had a really good discussion last week with Mr. WAXMAN about some tweaks on amendments, some of which he didn't agree to of which I was hopeful.

I really appeal to my good friend from California because we could combine, and I shared this with him. We could combine our efforts here. If he would endorse this harm reduction strategy with his bill, we could get this to the President's desk. I really believe that this could pass in a very large number.

I remember years ago when Joe Kennedy and I combined our efforts together, and when we would come to the floor it would pass 435 to nothing. And I was really hopeful, I had an earnest effort here, good discussions with Mr. WAXMAN, and I told him I would take a good hard look at his bill and I would recommend some changes, and I was really hopeful that he would combine a harm reduction strategy with his abstinence only approach, and we would truly have the four fingers, a thumb that will make a hand. But without this, he is only going to have, I don't know what you call it, a thumb and a palm. I guess he is only going to have a palm. And that is really not going to be good. So I want to build a hand and not just a palm to help our country.

The other point I have is, Madam Speaker, I would submit for the RECORD a letter from the American Council on Science and Health from Dr. Elizabeth Whelan dated March 12, 2009, and, dated October 18, 2008, the AAPHP Tobacco Harm Reduction Resolution, titled Resolution on Tobacco Harm Reduction.

AMERICAN COUNCIL  
ON SCIENCE AND HEALTH,  
New York, NY, March 12, 2009.

Hon. STEVE BUYER,  
Rayburn House Office Building,  
Washington, DC.

Hon. MIKE McINTYRE,  
Rayburn House Office Building,  
Washington, DC.

DEAR REPRESENTATIVE BUYER AND REPRESENTATIVE McINTYRE: On behalf of the more than 400 scientists who advise our organization, and the hundreds of thousands of consumers we represent, thank you for your work on H.R. 1261. Our scientists understand the urgent need to reduce the dreadful toll of cigarettes on the American people—with over 400,000 smoking-related deaths each and every year in our country. Your bill is a tougher, science-based alternative to Rep. Waxman's HR 1256.

H.R. 1256 will not only fail to reduce the ravages of cigarette-induced disease and death—it will likely worsen it. The new regulation of tobacco “additives” will not lower the toxic and carcinogenic mixture induced by the combustion and inhalation of cigarette smoke. The enhanced restrictions on lower-risk tobacco products, such as smokeless tobacco and “clean” nicotine—which have been shown to assist addicted smokers in quitting—will condemn the over 40 million addicted smokers to the same old “quit or die” pair of options.

Successful quit rates are under 20% utilizing the currently-approved remedies. The Waxman legislation would codify this failed policy into law.

Perhaps the worst aspect of this Waxman approach is that it gives FDA responsibility for overseeing tobacco issues. This will allow the cigarette makers to cloak themselves in the mantle of being “FDA Approved,” shielding them from liability for their irresponsible marketing schemes and manipulation of cigarettes’ addiction capabilities.

Your bill—H.R. 1261—will obviate most of the detrimental and counterproductive effects of the Waxman bill. Truthfully telling the American consumer about lower-risk tobacco products—harm reduction rather than “quit or die”—along with stringent marketing restrictions and attention-getting warning labels, and the establishment of a tobacco-regulation section in the Department of Health and Human Services—not the FDA—will all be of major benefit in reducing the toll of cigarettes in America.

Sincerely,

DR. ELIZABETH M. WHELAN,  
President.

#### RESOLUTION ON TOBACCO HARM REDUCTION

Whereas there is substantial scientific evidence that selected smokeless tobacco (ST) products can satisfy the nicotine addiction of inveterate smokers while eliminating most, if not all, risk of pulmonary and cardiovascular complications of smoking and while reducing the risk of cancer by more than 95% and

Whereas transitioning smokers to selected ST products will eliminate environmental tobacco smoke and fire-related hazards and

Whereas current “abstain, quit, or die” tobacco control policies in the United States may have reached their maximum possible public health benefit because of the large number of cigarette smokers either unwilling or unable to discontinue their addiction to nicotine, and

Whereas there is evidence that harm reduction works and can be accomplished in a way that will not increase initiation or impede smoking cessation and

Whereas health-related agencies and organizations, both within the United States and Abroad have already gone on record endorsing Harm Reduction as an approach to further reducing tobacco related illness and death, and

Whereas current federal policy requires tobacco product labeling that leaves the incorrect impression that all tobacco product present equal risk; and

Whereas certain tax policies put ST products at a competitive disadvantage, compared to cigarettes; and

Whereas harm reduction approaches to reducing tobacco related illness and death promise to be more politically and financially viable than alternative approaches because harm reduction approaches can secure the support of many tobacco-industry-related stakeholders.

Be it Therefore Resolved that the American Association of Public Health Physicians go on record as favoring Harm Reduction as a central component of public health efforts to reduce tobacco-related illness and death and

Be it further Resolved that such efforts shall encourage the following approaches:

1. Product labeling to inform consumers of the relative risk profiles of the various classes of tobacco products.

2. Governmental and health-organization sponsored health education to educate consumers to the risk profiles of the various classes of tobacco products

3. Revision of taxation schemes at federal, state, and local levels to reflect risk profiles and costs to society of the various classes of tobacco products

4. Regulation of the manufacturing and marketing of the various classes of tobacco products reflective of their respective risk profiles and costs to society

Be it further Resolved that funds be established through taxation of tobacco products to facilitate government-sponsored (as opposed to tobacco company sponsored) research and program evaluation to refine our understanding of the relative risk profiles of the various classes of tobacco products, market trends, and the impact of governmental policy and programming on tobacco product consumption.

The last point I would like to make is the appeal that my good friend, MIKE MCINTYRE, made to the Members. And the appeal is that we have a choice before us. The choice before us is to take an abstinence only approach to tobacco, or do we really combine forces and use a harm reduction strategy, coupled with cessation prevention education efforts. It should all be together.

And I asked the chairman of the Energy and Commerce Committee, if he would protect the right that this substitute be heard here on the floor, just as he permitted this substitute to be made in the Energy and Commerce Committee. He said that his intent was to bring his tobacco bill to the floor under suspension. I appealed to my good friend not to do that. Allow Congress to work its will, just as you did at the committee.

When this bill came before the committee, it was all Republicans voted for it and all Democrats voted against it. I was surprised by that. I was surprised by that because we, Mr. MCINTYRE and I, looked at this from a bipartisan perspective, and we were seeking to improve public health. And when you try to work to improve public health from this perspective this isn't one of these fights about socializing medicine or something that defines political parties. This one really surprised me that within the committee, that there was a partisan vote. That should have never, ever have happened at the committee.

And what I am hopeful here is that Mr. WAXMAN, when he makes his appeal to the Speaker for his legislation to come to the floor, that he actually goes through regular order, that he goes to the Rules Committee, and that Mr. MCINTYRE and I be permitted to have our bipartisan substitute be debated here on the House floor.

And please, do not bring—this is too important of a public health position to come up on suspension. This is a bipartisan bill. And to bring it up on suspension denies the rights of a lot of Members for this public, harm reduction strategy in which we seek to improve public health.

So, if, in fact, if Mr. WAXMAN brings his tobacco bill to the floor, my appeal would be to all Members to vote against the suspension. Now, the purpose of voting against the suspension isn't necessarily on the substance of the bill itself. It is about the process. We have got the process and procedure and you have substance. To bring a bill this important on public health under suspension and denying the right of a substitute, now we have a process issue. And Mr. MCINTYRE and I will be appealing to Members to vote “no” on suspension. We shouldn't be suspending the rules and denying amendments and the substitute here on this floor. The Congress should work the will of the American people, and that is, that all views and opinions and amendments and substitutes should be made in order here. And what this has really been done now it is narrowed down to two positions.

And since Mr. WAXMAN will not incorporate this, the least we can do is have this issue heard here on the floor. And that is my appeal.

So let me conclude with this. Mr. WAXMAN, I appeal to my good friend, allow this to come to the floor. Do not put your bill on suspension. If your bill comes to the floor on suspension, then Mr. MCINTYRE and I are asking for all Members to vote against the suspension and for the clear purpose that our right to be heard.

I will yield back.

#### THE IMPORTANCE OF TRAVEL IN OUR COUNTRY

The SPEAKER pro tempore (Ms. FUDGE). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 60 minutes.

#### GENERAL LEAVE

Ms. BERKLEY. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Special Order of business travel.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Ms. BERKLEY. A few weeks ago, Madam Speaker, I came to the floor of the House and gave a very spirited defense of my congressional district which encompasses my hometown of Las Vegas. I did that because my community was under horrific attack by Members of this body, and it did us tremendous financial damage.

I wanted to speak more than 5 minutes to talk about the importance of travel in this country, the importance to our economy, and why we should be encouraging people to travel, and why we should be encouraging businesses to continue to conduct their meetings in destination areas like Las Vegas, but there are so many others. And I would like to talk to you a little bit about my community. But before I do that, I think I would like to yield to my very good friend, RON KLEIN from the great State of Florida, who also depends on tourism as its lifeblood in its economy.

Mr. KLEIN of Florida. I would like to thank the gentlewoman from Nevada for calling us together tonight because I think, as we realize, all over the United States, tourism, the flow of people, the flow of goods that go with the people, the fact that people come from all over the world to our great, wonderful attractions, whether they be in Las Vegas, or whether they be in Florida, where I am from. I am from the southeast coast of Florida, Miami, Ft. Lauderdale, West Palm Beach, all over Florida and I know that all over the United States there are some just unbelievable places to go. And the good news is there are actually some good buys right now.

But besides that, the more important part though is that tourism is a very, very important part of our economy. It is important on so many levels. Economically, let's just start with the jobs. I know that you feel so strongly about, Congresswoman BERKLEY, the jobs that are created in the hospitality industry, the construction jobs that go along with it, all the ancillary services and support and the food and the, all the entertainment and equipment and things like that. They are very much a part of our economy all over the United States.

Certainly it is not just where the people actually travel to. It is the fact that the things that supply the equipment, the buildings, all the support services come from 50 States. Every State is impacted by a strong tourism trade. And it is just very exciting to be part and to live in a community where we have tourism as such an active part.

Being from South Florida, we not only draw people from all over the United States to Florida, but we get people from all over the world, as you do as well. And I know just from the Latin American community, the European community, Asian community, they come to our beaches, they come to our attractions, our wonderful hotels, the great quality of life, the diversity of our culture, the diversity of the people in Florida, incredible restaurants to choose from. But, you know, obviously, in struggling times we know it affects everybody. It affects the discretionary dollar.

But I think one thing we do want to encourage, and certainly with the eco-

nomics stimulus package that has now been presented, we are now beginning to work through some of these difficult issues with the banks and the credit which have a lot to do with supporting our economy throughout the United States. This is going to take a little bit of time.

□ 1830

But I think everyone should have that confidence level to know that, as Americans, we are going to get through this. The goal is to contract what is going on right now.

The reality is, at the same time, people still need to get out; they still need to do business, and certainly, as we know, even as unemployment has moved up a little bit, we still have over 90 percent of Americans who are gainfully employed. There are wonderful opportunities to travel to our great places all over the United States, to spend a few dollars, to stay in a wonderful place, to have family time, business time, to eat a good meal, and it is just all very exciting because we do have this great infrastructure and this great entertainment system in place, but it is the lifeblood, in many ways, of our country's economy.

I just want to thank you for not only being a leader in understanding tourism, but also, in the recovery and reinvestment bill that we did, there is so much in there which is going to help support getting our economy moving again and in building that confidence to know that people should travel and should enjoy the tourism industry—our hotels, our properties and just get a great benefit out of it. So I would like to thank you for calling us together. I am glad to support this great initiative that you have put out there.

Ms. BERKLEY. Well, I really appreciate your being here. I knew, as the Representative from south Florida, that your economy has probably been hit the same way that Las Vegas has. Could I ask you a question?

Mr. KLEIN of Florida. Absolutely.

Ms. BERKLEY. What we have found is that we know leisure travel is down because of the recession and that it's a little bit more challenging for families to go on vacation now, and I can understand that, but where Las Vegas has been particularly hit is in the business travel. Since the first of the year, we have lost 341 conventions. The impact on Las Vegas has been devastating. I'm wondering if you're seeing an impact on business travel as well.

Mr. KLEIN of Florida. If the gentle lady would yield, I would be more than happy to respond. Thank you for yielding to me.

The answer is, yes, there has been an impact. We have a lot of hotels that do a lot of business travel. We have convention centers in Miami, in Fort Lauderdale and in West Palm Beach, of course, and in the rest of Florida, also

in Orlando, which is a huge destination.

Ms. BERKLEY. Yes, they're the second best in the United States.

Mr. KLEIN of Florida. I don't know if it's the second best. It may be the best. Maybe we have the second largest number of hotel rooms, but again, great choices all the way around.

Yes, Florida has been hit hard. A lot of people travel to Florida and plan business conventions 1 year, 2 years or 3 years in advance. There have been some cancellations.

Ms. BERKLEY. What does that do to the job market in south Florida?

Mr. KLEIN of Florida. What it does, of course, anywhere is if, in fact, a hotel has a certain less number of room nights—of which we know “room nights” are the number of rooms times the number of nights for a particular convention—and if a convention has 100 rooms and there are 5 nights, which is 500 room nights, that's a big impact. It's not just the hotel. It's the food that goes with it. It's all of the hospitality.

Ms. BERKLEY. Taxicab drivers.

Mr. KLEIN of Florida. Absolutely.

Ms. BERKLEY. Dry cleaning.

Mr. KLEIN of Florida. That's right, and there is some great shopping in local communities, of course, that goes with it.

Ms. BERKLEY. I love shopping.

Mr. KLEIN of Florida. You know, it has had an impact. Again, I think that our businesses are doing what a lot of businesses are doing right now. They're clamping down. They're making sure that their systems are running as efficiently as possible, but they are great optimists, and the properties are just wonderful. We have a new one—I won't give a particular plug—but it's down in Miami. It's the Fontainebleau—

Ms. BERKLEY. Oh, yes.

Mr. KLEIN of Florida. Which is a world famous hotel.

Ms. BERKLEY. And they're also building in Las Vegas.

Mr. KLEIN of Florida. That's right. They are. They're the same owners. They just put \$1 billion into a property down there, but it's not just that hotel. There are so many wonderful hotels. We have large hotels, boutique hotels. Again, people love to come to the beaches and relax.

Ms. BERKLEY. And you can get a good deal right now.

Mr. KLEIN of Florida. And you can get a very good deal, so keep that in mind if you're looking to travel.

But it is true. This economic downturn has made a lot more rooms available, and that does have a broad impact, which is why I am so supportive of these initiatives that we are taking right now to rebuild confidence in the economy.

The President's Reinvestment and Recovery Act is very much a part of recognizing, yes, we have to fix the

banks and that, yes, we have to fix the mortgages. We are beginning to really move in some positive directions there. Yes, we had to do a stimulus plan, and the stimulus plan may not be perfect, but it is designed to be monitored very carefully so that, as we look every 30 days, we ask: Is it creating jobs? As for all of these outcome measurements that we're expecting, the key to all of this is that, if it's not working in creating jobs, it gets cancelled, and we move on to something else, but it's all about, in our local communities, doing things that will get the economy up and running, making people feel better about themselves so they can buy and sell businesses and houses.

Mr. FARR. If the gentleman will yield—

Ms. BERKLEY. We have been joined by Congressman SAM FARR from California, who happens to chair the tourism caucus in Congress. Welcome, and thanks for being part of this.

Mr. FARR. Thank you very much for inviting me. I enjoy being part of this tag team that is really trying to give a different message than has been given.

I think the press has really done a disservice in sort of criticizing business travel, because everybody knows we're in tough times, and so they feel like, well, people shouldn't be out recreating with a corporate budget. On the other hand, when you stop and cancel those conventions that have been in your city, in the backlash, we've lost 20 percent of the hotel market. Twenty percent of the hotel market has reported that, just in that 20 percent, cancellations have exceeded \$220 million for January and February. Now, when you have a domestic travel industry that employs 7.5 million people, when that industry falls off—

Ms. BERKLEY. Did you say 7.5 million people?

Mr. FARR. Just in the domestic travel. Just domestic travel.

Ms. BERKLEY. Interesting.

Mr. FARR. If you break it down to business travel that we're talking about tonight, it's 2.4 million American jobs. That's \$240 billion in spending and \$39 billion in tax revenue, which is the TOT—the Transit Occupancy Tax—and sales tax that those folks in their business travel spend at places like we all represent. I don't represent a big convention area. I represent the very small Monterey peninsula, but our little county does \$2 billion in travel and tourism, second only to agriculture. It is very important.

Ms. BERKLEY. My husband and I went to a Reno physicians' association meeting in Monterey, and it was an absolutely delightful place to have a convention.

Mr. FARR. Those associations, the small ones like your husband is involved in, have been canceling. So what has also affected the big conventions in your communities that can handle

some of the largest conventions in the world trickle down to the smaller communities that handle the smaller ones. This impact, this negative message that got out about domestic travel, is just contrary to what you have just talked about.

This stimulus package was about stimulating jobs, not about losing jobs. It was about keeping and creating more jobs. If there is any industry that can pick up a lot of labor quickly when things are going good, it's the travel and tourism. It's the restaurant workers. It's adding additional workers—dishwashers and people who wait on tables, to pick up the hotel services, to pick up the delivery services, the flowerers, all of this. Somehow this is kind of looked at as, well, if you can have that kind of luxury, then you must not be sympathetic to the losses that are going on. We see those losses because those people are unemployed.

Ms. BERKLEY. Exactly. Well, I think, if I'm hearing you correctly, you're saying that business travel is very much a part of the economy of the United States of America, and without it, we are going to have thousands, if not hundreds of thousands, of people unemployed. Those are our fellow citizens.

Mr. FARR. Travel and tourism is the largest business in the world, and it is expanding faster than any other business. Every country is trying to do more of it. You see the advertising on our television sets about islands in the Caribbean, about going to Spain or about going to Australia and New Zealand, all of those travel promotion ads. We don't do that. The United States, unfortunately, isn't running any ads in other countries, saying, "Visit the United States."

I and the other co-Chair, ROY BLUNT, of the Travel and Tourism Caucus have a bill. It is a bill to essentially provide grants to States and local communities to do that kind of destination marketing. We know that a lot of Canadians—

Ms. BERKLEY. Put me on.

Mr. FARR. What I just wanted to mention for both of you—because I am very, very sympathetic to the problems of Las Vegas. Las Vegas is the biggest convention city in the United States, and because of the bad press, all of these businesses have canceled. You've pointed out what is happening to the unemployment. It has also had huge foreclosures in Las Vegas. It is a town that is probably, as a city, more affected by this economic downturn than any other city.

Ms. BERKLEY. And I'm sure Florida is right behind us.

Mr. FARR. I was home last weekend. It was interesting that people were telling me, if you want to travel now and go by air anywhere in the United States—say I want to go from the West Coast to the East Coast—they said

book your travel through Las Vegas. The prices for air travel going through Las Vegas are the cheapest in the United States.

Ms. BERKLEY. Yes. Yes. We're practically giving away rooms in order to attract people to our community. I don't think the three of us, any of us, are suggesting that companies should be using taxpayers' dollars in order to fund business travel.

Mr. FARR. No, absolutely not.

Mr. KLEIN of Florida. No. I would just support what you're saying.

First of all, I think your idea of branding of the United States as a place for travel and tourism is a wonderful idea. You see the Philippines. You see, you know, countries do this. In Florida, we have something called Visit Florida, which is a public-private partnership, set up a number of years ago, which brands Florida and promotes it in different places.

I support the idea of branding the United States as a place and then, obviously, letting local communities cop together, putting leverage those dollars and doing it. I think you're all right.

One other point: We're talking about big. Let's also talk small. In your community, I'll bet there are lots of small businesses—bed and breakfasts and lots of other things—that are just wonderful places. These are people who are very dependent and who are also in cooperation with our large properties.

Mr. FARR. What is very interesting about this is that travel is really educational. I mean this city, I think, is a must for any child in school who is learning about American history. In making it interesting, it comes alive. I mean the city of Washington may be the best family tourism city in the world because most of the things here are free—going to the museums, visiting all the monuments—and you can't help but recognize the Capitol when you see it. You've seen it in books. You've seen the Washington Monument and the Lincoln monument. This city makes it exciting. So you think about how many different ways one gets educated by visiting someplace else, knowing more about themselves.

I was a Peace Corps volunteer, and I was living in another culture and was experiencing all that newness in food, in dance, in music, in language that made me realize the strengths of my culture in America but also some of the weaknesses—the family values issues where people really stick together in families. I find that travel and tourism is an eye opener, and I represent Carmel where I live, which is a small, little town of 4,000 people. Everybody has heard of Carmel. It's just a charming, little town.

The mayor of Carmel, not Clint Eastwood but one of the other mayors, was telling me that, and asked me the

question: What do you think is the number 1 question asked for things that people want from the city government? I always say: Well, where is Clint Eastwood's restaurant? He said: No, that wasn't the question. That wasn't it. The number 1 ask from the government of Carmel was for a copy of their zoning ordinance. That just shows that the tourists come and shop, not with just their pocketbooks, but they shop with their eyes and their minds. They looked at why they wanted a zoning ordinance, and so many Japanese asked for it that we had to have it translated into Japanese. The people said: If this city can look so cute, why can't our city incorporate some of these ideas?

So that's what, I think, of travel and tourism. Obviously, businesses use these opportunities to take their associations—the dental association or the plumbers' association—and go have a conference.

Ms. BERKLEY. Las Vegas can accommodate everyone from the Baptists—because there are Baptist conventions in Las Vegas. I know that sounds unusual, but there are—to medical conventions, to dental conventions, as you said. We also are the site of some of the biggest conventions in the world—CES, the homebuilders, the shopping center convention every May. I mean these are huge conventions. Why do they come to Las Vegas? Why do they come to south Florida? Because we can accommodate this. We have got the best hotels. We have got the best transportation. We have got the best restaurants, the best shopping and the best facilities for conventions, large and small.

For the American business community to be turning their backs on us, not only is it bad for our business; it is bad for theirs because, contrary to what a lot of people think, a lot of business gets done in those meetings.

I know that the Congressman has got beautiful beaches, but that is an amenity that people take advantage of after they've done their business. Las Vegas has world-class entertainment and some other amenities as well. People don't concentrate on that. They're there to do business, and we make it possible for them in these business meetings to conduct serious business, and I am sure it's the same with your district as well.

Mr. FARR. Well, I think that we're all in the media. We have to get elected in the media, and we have to go out and take risks. It seems to me that what we need to do is realize, as a country, that we should not be condemning businesses that are doing things to help people have jobs.

□ 1845

The service industry is not always the best paying industry, and these are great jobs for students, great jobs for

people coming up with limited skills at the entry level. The wonderful thing about it is that there is no sort of degree requirements so you don't have to have a college degree or Ph.D. to manage a big resort. If you have skills and you are able to deal with people and some business management skills, you can achieve that.

I think that what we're doing by watching people condemn business travel right now is we're just shooting ourselves in the foot.

Mr. KLEIN of Florida. If I can add to that, I think let's talk the positives. We've been talking about a little bit of the risk side. But I think what we're all saying is the same thing. And that is the business side that gets done at conventions or travel to any one of our communities or any one of the 50 States, the notion of either playing golf in Florida or going to any one of the entertainment venues that any of us have or the ecotourism or the beautiful sceneries that attracts us, this is where business gets done. This is where families spend vacations.

And this is a time and place where people need to recognize, even though times are a little tough, business is going on, the economy is still going on, people are living their lives. You make maybe a different choice than maybe you did before, but there are great opportunities. But like everything else, supply and demand. Right now, you might even get a better buy than if you had planned a year ahead of time. And that's okay. That's just part of the deal, but that still makes the flow. That still makes the hotel full, it still makes the restaurants full, the suppliers and all of those things go.

I think it is a very exciting opportunity. And again, I just see this as an opportunity as we talk about these things back home what we're doing here in Washington on fixing the credit on the reinvestment act and the recovery act, this is all about putting all of the pieces in place so that everything will turn. And it will turn. It's just a matter of whether it is this amount of time or this amount of time. But we're going to get through this. And if it's a matter of going forward and planning the next trip, the next business meeting or whatever, that needs to go forward because every business needs to be in the best possible place when things start clicking again on all eight cylinders.

Mr. FARR. In January and February, the travel and tourism, the business travel was so far down that we lost \$1 billion. Now, \$1 billion is a lot of jobs of people that were laid off. And I think, unfortunately, we didn't have anything in this stimulus package precisely for travel and tourism. But if you want to jump start a lot of jobs in America, this is the industry that has the most jobs when you think of all of the venues that you talk about.

Ms. BERKLEY. I would love to make two points, and it dovetails beautifully with what both of you are saying. I know you just mentioned that legislation that you're either introducing or thinking of introducing that would put some dollars into advertising the United States of America abroad so people will come and travel in the United States, which I think is a wonderful idea. And you're right, we're light years behind other countries in promoting our own.

But there are smaller ones that I was wondering what you thought of.

I tried to get in the stimulus package—and wasn't able to do so—but a \$500 tax credit for business travel. If you're a business traveler and you want to bring your spouse, I think we should be—I think there should be a tax credit that will encourage men or women to take their spouses. It doubles the number of people that are coming to any one of our communities, and it also will help stimulate the economy and also keep families together. So I think that's wonderful.

The other thing—and we call it the three Martini lunch—but the reality is it is so much more important and significant than that. I would love to see a 100 percent deductibility of meals tax. I am sure the same is happening in your towns as mine, the restaurant business is kaput. People aren't coming to the towns so obviously restaurant business is down. Wouldn't it be a good idea for a business to help stimulate business? Most small businesses don't have boardrooms. What they have is the back booth of the local deli. And if they could get a 100 percent deduction on their meals, I would think that would not only help them to do their business, but it would also help the restaurant business as well.

Mr. FARR. We have a bill that's annually introduced by NEIL ABERCROMBIE, the Representative from Hawaii, and it is obviously in Hawaii's best interest to have a lot of tourists. That's what supports their infrastructure. And he's introduced the business travel deduction for spousal travel and also increasing the meal deduction. We have just been unable to get it out of the Ways and Means Committee. Maybe now as part of the stimulus we could encourage things like that.

Ms. BERKLEY. Heaven knows I have tried. I am a member of the Ways and Means Committee, but I am going to keep pushing this because I can't think of anything more stimulative to the tourism business and the restaurant business. And I know NEIL has been remarkable and, of course, NEIL ABERCROMBIE represents Hawaii. It has also been very hard hit, and he's down here every day fighting for the interests of his community, and, of course, Hawaii depends on tourists and business travelers.

Mr. FARR. What I like what both of you really understand—and I think

this is the difficulty that the industry has—is that it is the biggest industry there is in the world, and yet it is not looked at as an industry because it is made up of parts. What are the parts? We can name them all night. But you just think about it. It is the rental car business, they have their own association; it is the hotel business, they have their own association; it is the airline business, they have their own association; it is the amusement parks, they have their own association; the restaurants, they have their own association; it is the Federal Government because we have national parks which are destination areas and tourism is essential for us to sustain those parks on the fees collected at the gates and the rates paid for the services.

So we're all in it, but what is more important it is really about America.

What I love about travel and tourism is that it is the spirit of our country. And as I say, I think that we travel within America to look and see what regions look like. We don't just go to see—we don't go to California to see what Californians look like or Florida to see what Floridians look like. It's really not just the people—people are the character. But it is also—and the arts, obviously, the creative arts. But it is these physical attractions: the beaches of Florida, the incredible expansion of ideas.

I think that one of the greatest shows that I've ever seen in my life—I have been raving about it. I saw it last summer. I was driving through Las Vegas on the way to our Denver convention. I stopped in Las Vegas and had never been there. And I went to Cirque du Soleil. That is a show that I think is—it is the epitome of creation, of musical talent and acrobatic talent; and it is something that every child would just love to see. I was just so disappointed—I went late at night—that I didn't have my grandchildren with me.

Ms. BERKLEY. Every time I go—I've seen all of the Cirque du Soleils a number of times. Whenever we get company in town, we take them to the Cirque du Soleil. Although we have got so many—we have Cher, we have Bette Midler. You name it, we have got it in Vegas. But every time I go, I see something new. There is so much on that stage going on. Going once simply isn't enough.

So I should invite you as my guest to come with your grandchildren. And I would be glad to host you.

Mr. FARR. If I had enough money, I would rent the whole theater and invite the whole world because I think it is something that everybody should see. It is a tribute to mankind's creativity.

See, I think that's what this is all about. You're not going to get a Cirque du Soleil in every city. You're going to have to travel somewhere. We always say in California that a tourist is any-

body who is more than 60 miles away from home. So it makes most commuters in California tourists for a moment, because they are actually spending their money in another city when they go out for lunch, and they might go shopping there on their way home.

Mr. KLEIN of Florida. Every time I see Congresswoman BERKLEY, there is not enough infectious energy there of her passion for what she does. You are probably the greatest representative that Las Vegas has ever had because of your beliefs in the industry.

Ms. BERKLEY. I am wearing roulette earrings right now. So I take this very seriously.

Mr. KLEIN of Florida. The issue with tourism, though, as you just said, it's ecotourism. It is environmental. It is the culture. It is the arts.

I see on the other side of the Chamber is the congressman from Ohio. I'm from Ohio originally. They have the Rock and Roll Hall of Fame in Cleveland, Ohio.

But everywhere you go in the United States, there is the opportunity for tourism. And the most important recognition of this is it is about who we are as Americans, it's about the rest of the world getting a piece of our culture. We export a lot of great things in our entertainment industry. But bringing people to the United States, getting a feeling for what we're all about, our democracy, our values that express themselves in the way we maintain our national parks, the way we—the Everglades, which is one of the great creations. The Grand Canyon. These are all things that when people leave the country—

Mr. FARR. The Big Sur coast.

Mr. KLEIN of Florida. I think we could all go on for a while.

Ms. BERKLEY. Congressmen, I would go so far as to say it is patriotic to be traveling.

Mr. KLEIN of Florida. I would agree. It is patriotic for Americans to see America. And it is also a wonderful way of showing what America is like to people around the world because when they go home and they can share their experiences of what they have seen and what they have felt and what Americans are like and what this particular destination, this ocean, this Grand Canyon, Lake Erie, any combination of things that are part of who we are as a country, I think it adds so much to us as America. It promotes our interests worldwide as well.

Ms. BERKLEY. I believe that the Congressman from Ohio, who is here for another Special Order, has moved to join us in conversation.

Mr. LATOURETTE. I absolutely am moved by the conversation. And one of the things that puzzles me as we go through this financial mess is that people have decided to target trips and conventions and destinations and tourism, and that's exactly the wrong message.

I don't know how it is in your part of the world. In Cleveland, where we have the Rock and Roll Hall of Fame and we have great hotels. There are people who have to work in the hotels, there are people who cook the food, people who serve the food. And when you choke down and just make fun of people that go and have conventions or go traveling, you really are cutting off your nose to spite your face because you are drying up those jobs and you really are having a huge impact on the local economy. And I don't know any local economy that doesn't have as a component a healthy dose of dollars from tourism.

And so as people sort of say this is bad, that's bad, don't do this, one thing that they shouldn't target is, in fact, people need to travel, people need to have meetings, and people need to rent rooms and eat meals.

I thank the gentle lady for yielding.

Ms. BERKLEY. We've been joined by one of our newest and finest Congressmen from the State of Florida (Mr. GRAYSON) who also represents a tourist-based economy in his district.

Mr. GRAYSON. I rise today to bring attention to the fact that there is increasing evidence to support the idea that taking vacations is necessary for your health.

Ms. BERKLEY. Your health?

Mr. GRAYSON. Your health. In times of economic uncertainty, it may seem hard to justify taking a vacation, but more than ever it is important to do so for your health.

The United States is a Nation of hard workers, but research shows that about a third of us in this country don't take all of the vacation days that we're entitled to. But according to Take Back Your Time, which is a nonprofit organization that studies issues related to overwork, there are 137 different countries that mandate paid vacation time, and the reason, typically, is health. The United States is not one of them.

With the number of Americans who said they would take a vacation is at a 30-year low, we need to take a look at the benefits of making that vacation that people have dreamed of a reality.

It is abundantly clear that individuals who take vacations are at a significantly lower risk for illness and disease. Likewise, those who do not take vacations are at a heightened risk of illness and disease. Even individuals without health problems can benefit from taking a vacation because it helps them to sleep better and it helps them to relax.

Ms. BERKLEY. When people come to Las Vegas, we don't want them sleeping.

Mr. GRAYSON. So it is sleeping afterward to make up for that.

A 2006 study was conducted to measure the benefits of taking vacations, and after a few days of vacation, the study found each participant was averaging more sleep and better quality



sleep every night. There was also an 80 percent improvement in reaction times. And these benefits continued after they returned home. There is evidence that individuals who take vacations perform better at their jobs and they have higher job satisfaction.

The research has made such an impression that there is legislation being proposed here that would require a paid vacation time in the United States. It is currently called the Minimum Leave Protection Family Bonding and Personal Well-Being Act, and it would mandate 3 weeks of vacation every year.

I think that Americans need to relax. They need to consider this evidence about what is good for their health and their well-being, and they need to take time off. And as the Congressman from Orlando, I recommend they take a few days off at Disney World.

Ms. BERKLEY. I have also been in your fair city, and when my kids were little, younger, we had wonderful family vacations in Orlando. It was quite a treat for us. So you do have a beautiful community and people should be flocking there.

□ 1900

So we're discovering today that not only is this good for the economy, not only is tourism and business travel almost patriotic, but now it's also good for your health.

So I thank you very much for adding that component to our discussion.

Mr. GRAYSON. Thank you, too. I was in Las Vegas last year. I had a great time.

Ms. BERKLEY. Good. I hope you left a little money on the table.

Mr. FARR. I think it's important to realize that when we wanted to in Congress—we're essentially the one spouse, the father or the mother is serving in Congress, and taking away from the normal—we're not living with our family during the week. We're here in Washington. We go home on weekends.

But in order to get us to bond together with your new freshman class and all the rest of us, we took a retreat. Essentially, that was business travel. We went to Williamsburg. We did that as Democrats, and the Republicans the following week did the same thing.

And so why did we do that? We didn't think of ourselves going on a vacation or going on a boondoggle. It was really about how to do our professional lives better and incorporate our families so that we can incorporate them in our business. And I think that that's real important.

And what's happened in this economic crisis is the press has made that kind of experience for businesses and even for government, that you shouldn't be doing that; you should feel very guilty.

Ms. BERKLEY. Congressman, I think we've had—

Mr. FARR. I feel guilty about the people that are getting unemployed because nobody's going out to a restaurant or to—

Ms. BERKLEY. I feel exactly the way you do, but I think it's more than just the media. I think that Members of Congress and the administration have also contributed to this feeling that maybe there's something wrong about traveling.

But I think we've turned the corner, and it's becoming very obvious to me, especially in President Obama's latest comments about the importance of traveling and how much he appreciates the travel industry and how important business travel is. Members of Congress also appreciated it as well, and I'm really glad that you brought that up.

Mr. FARR. I think this last statement about how it's good for our mental health is absolutely true.

Ms. BERKLEY. We could use some good mental health in Congress, that's for sure.

Mr. FARR. And for the Nation. I think we need to be proud of who we are, and you know, going to a ball game is a tourist experience.

Ms. BERKLEY. It's a wonderful experience.

Mr. FARR. And if you went to that ball game out of town, you really would be a tourist. If you go in your hometown, it's something you do because it's a local activity, but it really is an experience. You being in that ballpark, you spent money to get there. You're spending money on food. You're spending money on programs, on the paraphernalia. That's all part of the tourist experience.

Ms. BERKLEY. It's as American as apple pie. Ball games, sharing them with your kids, with your spouse, I mean, what could be better? And if you could bring your whole business team with you, too, that's a wonderful way to bond and be more effective as a team.

There was something you said earlier, but I wanted to share something very personal. You know, even though we're friends, and you know, we know each other here in Congress, sometimes we don't know about each other's personal background. But something that you said touched a chord with me because it seemed like you were talking about my own family.

My parents were driving across country. Everything we owned was in a U-Haul hooked up to the back bumper of our car. And my father was a waiter when I was growing up. We lived in upstate New York. We drove across country because my dad had a letter of introduction to get a job in a restaurant in southern California.

We stopped in Las Vegas for the night, and obviously we never left. And on a waiter's salary, my dad was a waiter at the old Sands Hotel which was very famous for the Rat Pack and

just a very exciting time in Las Vegas' history. But on a waiter's salary, he was able to put a roof over our head, food on the table, clothes on our back, and two daughters through college and law school. That's not so bad on a waiter's salary. As a matter of fact, he's 84 years old now, still working, and very proud of his accomplishments.

That's what the tourism industry and that's what business travel means to me. It uplifts families. It gives people jobs. They don't have to be lavish jobs. We're not talking about people that make millions of dollars. We're talking about people, middle-income families, that make enough money because they are part of the tourism industry, because they are part of the business travel industry, that they can support their families.

And then, I'm a first generation college-goer. No one in my family ever went to college until I did, and it changes lives. And making sure you've got that job, that good job security, you have a healthy economy, that's what we're talking about. And business travel is so much a part of this country and so much a part of our economy.

Mr. FARR. That's a very moving story, and just God bless your dad. What a wonderful person he must be.

My daughter said something to me that really touched me just a couple of weeks ago. She said, Dad, I'm so thankful that I have a job. And she used to be a waitress. And she said, I just know so many people that have been laid off, even some of her friends who have been waitresses, college graduates who are coming home but in between finding a job are doing—she said, you know what you and Mom could do, she said next time you go out, tip a little bit higher.

Ms. BERKLEY. You know, I worked my way—

Mr. FARR. This is my daughter saying this, give more to the people. I mean, when you think about that service and that tipping and that concept of giving, I think it's so fundamental to our American culture that, as we said, travel and tourism isn't a luxury. It's a part of the American culture, the dream, to enjoy oneself.

Ms. BERKLEY. We are joined by the other Congresswoman from Las Vegas.

Mr. FARR. We've got the dynamic duo here. This is incredible.

Ms. BERKLEY. Congresswoman DINA TITUS has joined us.

Mr. FARR. Well, welcome. You're a new freshman, fresh Congresswoman to this, and it's exciting to see you so interested in travel and tourism, obviously representing Las Vegas, and I'll let you talk.

But I also have to say that from what I've heard, the best deal in America is to take your family to Las Vegas right now. And as you said, they're almost giving away hotel rooms, and air travel, if you go by air, is just dirt cheap. And the experience that one can have,



it's probably in some cases cheaper than staying at home.

Ms. BERKLEY. It's the best bang for your buck, there's no doubt about it. And as we keep saying, not only can you have some fun, you can actually get some business done. So we want to encourage all of those conventions that had second thoughts, that decided to cancel their trips to Vegas, their conventions, their conferences, think again. Come back. You can have a wonderful conference and enjoy yourselves as well and save your company some money by doing it.

Mr. FARR. Smaller businesses, you can come to Monterey peninsula, Monterey—

Ms. BERKLEY. The aquarium—

Mr. FARR. We have got a lot of great places to visit.

Ms. BERKLEY. As you know, my in-laws live in your district. So we go up and we visit them often. It's a wonderful place to be.

Mr. FARR. Welcome to this discussion.

Ms. TITUS. Well, thank you so much for letting me join you and thank you, Congresswoman BERKLEY, for organizing this and giving me an opportunity. I know you've been talking about some of the issues already, and nobody is a stronger advocate for tourism and activities in Las Vegas than my colleague SHELLEY BERKLEY.

So I just want to add the fact that, yes, Las Vegas is a wonderful bargain and a wonderful place to come. You know, it just kind of added insult to injury when people canceled the convention, paid a cancellation fee, and then went to another city and paid a higher rate. That makes no sense whatsoever.

In Las Vegas, we have fabulous convention facilities. Nobody can feed a room of 5,000 eight courses and serve the line on time like you can in Las Vegas. So we do want you to come back.

And I was touched by the story of your daughter because that is so true. We shouldn't be thinking of this just in terms of statistics, and the statistics are staggering, but we need to think of it in terms of people.

Many of the people who live in District 3 work in the tourism industry. It's not just along the famous Las Vegas Strip, but we have the Red Rock Casino. We've got the Green Valley Ranch. We've got the new Inn that's opened, a lot of areas outside of the strip that are in District 3. So those are jobs.

Las Vegas, Nevada, has the highest unemployment rate it's had in 25 years. You know, we used to think we were recession-proof, and if you had two nickels to rub together you'd come out there to try to change your luck. That's not been the case recently. As people lose disposable income, they're not coming. Those tourism dollars aren't there, and people are losing jobs.

If you lose a job or you lose hours on your job, or those tips aren't there, if you have one member of the family who is a tip earner then that leads to another problem which is the housing foreclosure.

So when you're talking about where to have your convention and what the pluses are to having it in Las Vegas, remember, those are very real people who are making those beds, serving that food, dealing those cards, dancing in that chorus line. Those are real folks that live in the district, go to school there, obey the laws, and just try to do the right thing.

So I'm very glad to be here tonight to add my voice to the notion that we've got to do more business travel and to put Las Vegas back on the list of preferred destinations.

Ms. BERKLEY. Well, you know, you and I have lived in Las Vegas for an awfully long time and have been very active in the community. I know that Las Vegas has this reputation and the people think of it as a gaming community, and indeed, we do have the best gaming on the planet. The most fabulous hotels, restaurants, you name it, we've got it, great entertainment, but there's much more to our community than that.

And I was just heartsick when Las Vegas was attacked so savagely over the last few weeks here in Congress and frightening businesses. They didn't want to come to us for fear there would be some kind of taint.

Now, you and I know you raise families in Las Vegas. There's Saturday soccer. We have per capita the most churches and synagogues and mosques of any other city in the United States. It's a wonderful place to raise a family, but we can't raise our families unless people come and spend their tourist and their business dollars in our town.

Ms. TITUS. Well, you're so right, and if you look at our population, you know, we're very American. The rest of the country is becoming more like us. We have the fastest growing senior population, fastest growing Hispanic and Asian population, fastest growing school age population. We really are a southwestern city, and so to try to paint us with just those kinds of, oh, descriptions or adjectives or hyperbole is just not fair. We are a good community, a place to live, and we are a family and go to work, go to church, go to school. So I want people to see the other side of Las Vegas, the real people side of it.

You know, I hope to do something along those lines to change the conversation a little in my role on the Homeland Security Committee. You know, there's no place that has more high-tech security personnel and equipment than Las Vegas. Everybody's heard of the "eye in the sky" and everywhere could learn something from us in how those giant hotels deal with

emergency situations and what we would do in the case of an emergency on New Year's Eve when we have all those people on the Las Vegas Strip watching fireworks.

So I'm trying to get some more cooperation between government and the private sector to come and look back of the house to see what all those things are that we have to offer just to change the conversation, so you can see another side of Las Vegas.

Ms. BERKLEY. Well, I think that's a great idea, and you know, we are a southwest town with a bit of a kick, and we love our kick. I mean, it's just a wonderful community. You didn't grow up there. I grew up there. A great town, great facilities, great convention town, get a lot of business done, almost patriotic to do this.

When we heard from Congressman GRAYSON, he was talking about your health depends on coming to Las Vegas and Monterey and South Florida.

□ 1915

There are so many communities in this country that have really been hard hit because businesses aren't holding conferences. You can go to Miami, Atlanta, Atlantic City, New York, Hawaii, Las Vegas, Monterey. You name it.

We've got to get people traveling again and we've got to get our business community to come back and start conducting their business as they've become accustomed to. And, again, the caveat is we are not suggesting that these companies use taxpayer dollars in order to do their travel. But that is just a little itty bitty speck on business travel.

Mr. FARR. You can use your tax refund to do travel, if you get one.

Ms. BERKLEY. Absolutely. Ninety-five percent of the American people will be getting a tax cut.

Mr. FARR. I want to build on your comment about homeland security because as co-Chair of the Travel and Tourism Caucus, we've been looking at Las Vegas, too. One, you have the largest hotel capacity in the United States. I believe that the goal is to have 100,000 rooms.

Ms. BERKLEY. No, we're at 140,000 now.

Mr. FARR. Well, you think about that. That means, theoretically, 140,000 people could check in and check out in the same day. And so your airport is one of the most sophisticated airports in the United States. And you're starting to—which I think is a marvelous concept—look at wouldn't it be a lot faster to move people if, when they check in their baggage to go to Las Vegas, that that baggage then is in their room when they check in. When they leave their room, they leave the baggage there and it's at the like baggage pickup when they go home. The idea is that, one, for security purposes.

You do this perimeter screening and you don't have to do it in the airport.

Secondly, they find what slows people down is sort of schlepping the bags. You've got to go pick them up and then you've got to lift them and you've got to get into a vehicle. That just slows things down. If people didn't have to carry all that luggage, they could move a lot of people a lot faster.

So there's a lot of lessons to learn here on just how—and, frankly, we've also taken from the hotel industry the way TSA—the agents who are at the gates—could learn much more hospitality treatment of not being rude to passengers. Just have a little bit more of a professional flare while they also do their security business.

So there's a lot we're learning from your city that has applications throughout this United States. I hope that we can model it. I wish that the United States would talk more and the President would talk more—whomever the President is—but President Obama would really talk about the fulfillment of the American Dream and the realization of the greatness of our country by encouraging people to really see more of it and experience it. His city of Chicago is a big tourist draw and convention draw. He understands that.

Every community has a soul. Every community has something that can build upon that is really great. I think we are still in the developmental stages of trying to pull out the essence of that soul—what the natives in that community do, the historic aspects of the community. People settled there and built a town, and there's something in that that will attract people to come and see it.

There's so much opportunity to expand in travel and tourism—we just have to take it away from something of being a luxury item. It's not that anymore.

Ms. BERKLEY. Well, I think DINA knows that President Obama has announced that he's coming to Las Vegas in the spring. I believe that he's going to be using that opportunity to say exactly what you're saying, Congressman, that it's part of the American Dream, this travel, and encourage people not only to do leisure travel, which Las Vegas is famous for, but business travel as well. And we're famous for that as well.

Ms. TITUS. I think travel is so educational. I certainly agree with what you're saying about how it enriches a person's life.

When I was growing up, my father would put my sister and me in the car—the station wagon—and we would drive across country, hitting all the National Parks. So that is something that I don't guess we do too much anymore.

If you want to look for the heart and soul of a small community, take that trip. Because there are places around

the country that have the biggest rubber band ball or the biggest stack of pancakes or the biggest ear of corn, country fairs and home cooking and boiled peanuts. That's the way you really learn about this country and learn who your neighbors and fellow countrymen are.

Education is a great result of that kind of travel. That also builds tolerance and understanding when you can see and know people who aren't necessarily just like yourself. That comes from travel.

Mr. FARR. What I've also noticed is that people are very interested in what we call “watchable wildlife.” The history is you go to zoos to see animals. But they really want to see them in the out-of-doors in their natural state.

Ms. BERKLEY. We have some wildlife in Las Vegas, you know.

Mr. FARR. The national parks and the national forest. But I was in Big Sur last weekend and I was talking to one of the hotels there. They were telling me that people—and they charge a lot for their rooms. But people call up and say, If I book a room in this hotel in Big Sur, can I see a condor? Because there are very few condors and we're monitoring them and we have a radio device on them, we know where they are. So the answer is “yes” because we know where they are. We can guarantee that you will see a condor. Other people will want to know about seeing sea otters.

So, living on the coast, what you realize is that natural flora and fauna—redwood trees that are native—that people want to come and see the out-of-doors. What I find is that you can't make people an environmentalist, so to speak, in appreciation for a living environment until you have been there and then also had it explained to you. Once you do, you get it.

So this whole issue of why do we need to fight global warming and what is it doing to our natural systems, you can understand that once you get that experience in the national parks or get that experience being out-of-doors.

So it's really all our culture. It's sort of the creativity of what you have done in Las Vegas, plus areas that just have the natural environment preserved in its natural state. Both add to this mosaic of travel and tourism.

Ms. BERKLEY. I think that is so eloquently put. I also want to remind people, especially the business traveler, that it's a good break from your business meeting if you come to Las Vegas. We have Red Rock Canyon, which is spectacular; we have the Grand Canyon, that is even more spectacular; and, of course, the Hoover Dam.

So you can do your business, you can do your gambling, you can eat the finest food, and then you can go outside of the city and enjoy the natural wonders of this beautiful, beautiful country of ours.

Ms. TITUS. I would mention along these same lines that Las Vegas plays a big part in other things that you don't think about. Right now there's a big emphasis on renewable energy. Certainly, we are the sunniest State in the country in Nevada. Everybody goes to Las Vegas for the wonderful weather. They're calling me every day to tell me how warm it is there compared to how cool it is here.

But the architecture that relates to that renewable energy is very interesting. A very famous book was written about the architecture of Las Vegas a number of years ago. They can go back and write another one now because there was a time not too long ago that of the top 10 LEED-certified green buildings in the country. Seven of those projects were along the Las Vegas Strip.

So it's quite interesting to look at it just from an architectural environmental standpoint, as well as just from the beauty of the decor. So that is something also we have to offer.

Ms. BERKLEY. Well, I think we have spoken for about an hour. We have had a very spirited discussion and I think a very enlightening and educated one. I hope that the people that are watching come to appreciate the value of travel on vacation, family travel, just a getaway for the two of you, or, more significantly, for the discussion tonight, business travel, which is so important to the economies of every State in the Union.

I don't know whether you knew this—I'm sure you do as chairman of the Tourism Caucus—but in 30 States tourism is the first, second, or third most important industry. For a city like ours and a State like ours, obviously it's number one. But for 30 other States we're talking first, second, or third. That is huge.

We want to invite everybody back. Do those business meetings. Stop canceling. Stop being foolish. Enjoy and do your business in Las Vegas, in Monterey, in Florida, Atlantic City, New York, Miami. We need you.

Mr. FARR. Be healthy. Explore more.

Ms. BERKLEY. That's perfect. And thank you all for sharing this hour with me. I've learned things from everybody that has participated. I appreciate everything that you have said. Thank you so much.

Mr. LOBIONDO. Mr. Speaker, I rise today to join with my colleague from Nevada, Ms. BERKLEY, and to thank her for holding this special order tonight. I agree that corporations who accept taxpayer funded bailouts should curb lavish expenses that do little to improve their profitability. However, legitimate business functions held at casino-hotels in Atlantic City, Las Vegas, and elsewhere should not be the subject of criticism by the media and government officials.

In my district, Atlantic City casinos are our region's single largest employer. Unfortunately, like most businesses, they are suffering in the current economic climate. Gaming

revenue is down to its lowest point in more than a decade, thousands of employees have been laid off and construction projects have ground to a halt.

Corporate gatherings, conventions and other functions bring thousands of business travelers to Atlantic City, filling our retail outlets, restaurants and hotel rooms. The continuance of these legitimate business functions is critical if our region is going to pull out of this recession, put people back to work and expand our economy.

That is why I am outraged by the administration's latest salvo against our casino-hotels and the thousands of workers they employ. Forcing non profits and local governments who receive stimulus funds to abstain from holding legitimate events at casino-hotels is appalling. In my district, several nonprofits and government agencies hold important community outreach events at gaming properties in Atlantic City because these convenient venues are often the only ones able to accommodate large numbers of people. For instance, our local Workforce Investment Board regularly holds job fairs and workforce development seminars at casino-hotels in Atlantic City. Under the administration's new rules, these services would likely have to be curtailed at a time when they are critically needed and the economic recovery of our region's largest employer would be further delayed.

I call on the administration to back down from this flawed, unjust, and unwarranted policy and instead partner with us to get our travel based economy in Southern New Jersey, Las Vegas and other destinations back on track. I also urge the media to immediately cease their hyperbolic attacks on legitimate corporate travel in this country. I thank the gentle lady from Nevada who Co-Chairs the Congressional Gaming Caucus with me for her leadership and I look forward to working with her and all of our colleagues to get our economy moving again.

#### AIG BONUSES

The SPEAKER pro tempore (Mr. POLIS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes.

Mr. LATOURETTE. I thank you for the recognition, Mr. Speaker. I want to thank the minority leader for granting us this hour. I'm going to be joined by at least two other Members, Mr. TIBERI and Mr. AUSTRIA, also of Ohio.

We're going to talk a little bit about what occurred last week and the week before. I know the Speaker will remember that the Capitol was sort of roiled, and our constituents continue to be upset, as well they should, over the news that somehow, after getting billions of dollars of taxpayer funds, the insurance company, AIG, awarded \$170 million in bonuses.

A lot of people came to the floor last week and said they were shocked. As I said last week, I'm really shocked at the shock. Because I can't figure out how some people in this Chamber and at the other end of Pennsylvania Ave-

nue can be shocked when they approved the language that authorized the bonuses.

Just a little bit of history here, Mr. Speaker. When the economic recovery plan or the stimulus bill was making its way through the United States Congress, there was an amendment offered by two Senators, a Democratic Senator from Oregon, Senator WYDEN, and a Republican Senator from Maine, Senator SNOWE. That would have put a limitation on bonuses like in the AIG case and in other cases that basically said that if you're receiving billions of dollars in taxpayer funds to bail you out, perhaps you shouldn't be giving millions dollars away in bonuses at this moment in time. If you're not taking the taxpayer money, you run your business the way you see fit.

Well, that amendment by Senators SNOWE and WYDEN was adopted by a voice vote in the Senate and was included in the Senate version of the stimulus bill. So I read about it in the newspaper and I thought: Okay, the bill is in pretty good shape.

When the bill went into the conference committee—and, Mr. Speaker, I know you know this, but for those who may not be conversant with how things work here, we pass a bill over here, the Senate passes a bill over there, then each House appoints a few Members and they meet in a room and they sort out the differences between the two bills and then we eventually get a conference report.

Now, in years past—this is my 15th year in the Congress—that conference committee always included Republicans and Democrats. We, being Republicans, were in the majority party for 12 years. The Democrats would come into the room, the Republicans would come into the room, the Representatives would come into the room, the Senators would come into the room, and we'd hash out the differences and then at the end of the process everybody who's on the conference committee would sign the report, and that's what you have.

Sadly, even though people have discussed this being the most transparent administration, the most transparent Congress in the history of the country, no Republicans were invited into the conference room. Clearly, what we have seen—sadly, what we have seen—is that this Congress is about as transparent as this envelope. We are not being included. You know what? We don't have to be included. We are in the minority, and clearly the majority party can write legislation as they see fit. But what they can't do is what happened last week.

So in this conference room all of a sudden somehow the Snowe-Wyden language is removed that would have stopped these bonuses from happening. And the words behind me—they're only about 50 words on the chart behind me—were inserted.

This language specifically authorized the payment of millions of dollars of bonuses to people at AIG and anywhere else. So anybody who voted—when it came to us back in the House for a vote, this language was included in the bill.

So the reason I said I was shocked at people's shock is that anybody that voted for the stimulus bill voted to give and authorize and protect the bonuses at AIG and any other company that has taken billion of dollars through the bailout program.

We don't know—and I know the Speaker will remember last week we were on the floor for about an hour trying to figure out how it did it happen. We started with I talked about the fact that there's a face book. There are 435 Members of Congress, 100 Senators. We began crossing them out. We got down to about 520 during the course of that hour. I indicated we would come back and report to the Speaker the progress of this search. I'm pleased to report to you that we have made significant progress. My friends and I are going to talk about that this evening.

First of all, we can remove all 178 Republicans because there were no Republican Representatives in the room. We can also remove all 41 Republican Senators because they were not in the room. And I mentioned that we also have this Senate race that is unresolved in Minnesota so we can cross off Al Franken and Senator Coleman. They are not the culprits in this particular case.

So we got down to a smaller group that we are going to talk about. But then our group expanded because there are a couple of news reports out that there were people from the administration that were also participating in these negotiations. So we had to add a few suspects to figure it out.

What is disappointing is that in a transparent administration, in a transparent Congress, people make mistakes. Everybody makes a mistake. I probably made three before lunch today. But when you make a mistake, you should say: I made a mistake.

□ 1930

What is not acceptable is to compound the mistake by pretending you didn't know about it; and then when you are caught, you come up with some goofy piece of legislation like we had on the floor last week to tax people at 90 percent.

And I have got to tell you, that was political theater. It never is going to become law. These people that are so outraged about AIG executive bonuses, they are going to get their bonuses because that bill is not going anywhere. My friend STEVE AUSTRIA is going to talk about that in just a second, but that is never going to become law. That was to provide cover for people who voted for the Economic Recovery

Bill, because they found out, sadly, that they had authorized these 50 words that protected the AIG bonuses, and now they are shocked.

Now, on our side, I have to tell you that we were kind of saddened. Even though we don't need to be invited into the rooms, we don't have to be invited to negotiate, before the stimulus bill came to a vote in the House a motion was made, and the motion said that before any Member of Congress is asked to vote on the stimulus bill we are going to have 48 hours to read it. Every Member of this House, every Republican and every Democrat that was here voted to give the Members 48 hours to read the bill. And if you think about that, Mr. Speaker, that is probably a good idea, because the bill was over 1,000 pages long.

Well, sometime between Tuesday when every Member said we are going to get 48 hours, and Friday when we voted on the bill, people forgot that promise. And on our side, at least, we were given 90 minutes, 90 minutes to read 1,000 pages to determine whether or not we could be supportive of the President's most important domestic economic policy position.

I voted "no," and I don't have any problem with the fact that I voted "no." There were some good things in the stimulus bill, there were horrible things in the stimulus bill. But I couldn't go home to Cleveland and say to people, yeah, I voted for it, because I didn't read it. And I don't think any Member of this Chamber read the bill. If they did, more power to them, but I doubt everybody read the thousand pages.

But what that leads to is an embarrassment, and the embarrassment is everybody that voted for the stimulus bill voted to give the bonuses to AIG. And then to cover their tracks, they come up with this, oh, let's tax at 90 percent.

Which, if you think about it, that is pretty silly, too, because let's say the guy at AIG got \$5 million in the bonus. Under that bill, he still gets to keep one-half million dollars. So if you are so outraged, why don't you take all of the money away from them? Forget about the Constitutional arguments and the bills of attainder and all that other business. It was political theater, and it makes you sad when that happens.

So we are going to spend the remainder of our time this evening attempting to sort of ferret out who was in the room. And I have good news, because the Secretary of the Treasury was at the Financial Services Committee today, Mr. Geithner, and the Secretary was asked if he was in the room when this happened and he said he was not. So we can cross off the Secretary of the Treasury; he was not in the room when this was done.

Last week, during the course of the debate on Ms. KILROY's resolution say-

ing that the administration was doing everything that they could to stop these bonuses, we asked the chairman of the Financial Services Committee, Mr. FRANK of Massachusetts. He said he wasn't in the room, so he is off the list as well. And the Speaker actually indicated the other day, Speaker PELOSI, that nobody from the House did it, and so we have to look elsewhere, I guess. And we are going to talk a little bit about that.

But first, to sort of set the table on this bill, this 90 percent tax bill that was political theater, that was a farce, that was a fig tree to cover people who had made a mistake, I want to yield for a minute to my friend STEVE AUSTRIA from Ohio just to talk about what we think the prognosis is for this tax bill.

Mr. AUSTRIA. I thank the gentleman from Ohio for yielding, I think next to the leader, our senior Member from Ohio. I thank you for yielding. And it is an important issue.

Being a new Member of Congress, having served less than 100 days in Congress, to be faced with what we are facing right now, the amount of spending, the amount of borrowing, the amount of debt that is accumulating. I didn't come to Congress—I have three sons at home—to pass this type of debt on to our children.

But specifically talking about the bailout, talking about AIG and what has happened, one of the first bills that I was asked to vote on was the second half of the TARP, the financial market bailout, the \$700 billion bailout, something that I felt when I was running for office looking from the outside in was a bad idea, for government to get involved, to not have accountability, not have transparency, and not have a plan; have, as the gentleman from Ohio described, a plan that was brokered behind closed doors by a small group of individuals. As a Member of Congress, I have to tell you that my views haven't changed.

On that particular bill, when we voted on that bill I could not find answers on how the \$350 billion, the first half of the \$700 billion bailout, how that money was spent, could not find as far as any type of specific plan from the Department of the Treasury on how they were going to turn around the financial markets. There was no accountability, and I had a real problem with that with the TARP bill.

Now, as the gentleman from Ohio talked about with the stimulus bill, language that was inserted in a bill, and which Leader BOEHNER stood on this floor and held up 1,100 pages, approximately, that not one Member had the opportunity to read before we voted on, to me, that is a terrible reason to be passing a bill. We should have had an opportunity to read that bill and understand what was in it before we voted on it.

But when you have no accountability, when you have no trans-

parency, when you have no specific plan on how you are going to use that money to turn the financial markets around, when you have no opportunity to read the stimulus or spending bill, what that equals is disaster. And that is what we saw last week. We saw outrage. We saw the American people beginning to understand for the first time what was happening here in D.C. when 160-some million dollars of bonuses were paid out to executives and employees, of their hard-earned money, \$170 billion of their hard-earned taxpayer money that was used to bail out the same company.

I do believe we had some opportunities to do better. In an effort to try to resolve this situation, one of the things that I did was stand up with 14 members of our freshman class and introduce a bill to try to get that money back; doing in a different way, rather than raising taxes at 90 percent, getting 100 percent of that money back, asking the Department of the Treasury to use every resource they had available to get that money back within 2 weeks; to ensure that any future contracts, that the Department of the Treasury would sign off on those contracts and know what we are using that bailout money for. After all, the government now owns, I believe it is, 80 percent of AIG.

Unfortunately, we haven't had any hearings on that bill, and it doesn't appear as though it is going to move. The opposite side decided they were going to come up with a different solution with a 90 percent tax, to try to move that forward.

But what is happening here, and I know many people are getting their quarterly statements, their financial statements, they are beginning to see their accounts, their 401(k) and retirement accounts, their children's education funds, their savings accounts. They are down significantly. We have had calls into our office where people have lost 40 percent, 50 percent of their money, and they are very concerned as to what is happening with the financial market bailouts. And I think we have an opportunity and we have an obligation to turn things around, to ensure that the taxpayers' dollars, the \$700 billion that passed this body and is being used to bail out the financial markets, that there is accountability on the how that money is being spent, that there is transparency, so we know exactly what is happening, that there is a plan in place so that we can better understand.

What we are finding out is that some of the dollars that have been spent were bad investments. I am looking at testimony from Elizabeth Warren from the Congressional Oversight Panel to the Senate Banking Committee, that talks about how the Treasury invested about \$254 billion in assets that were worth only approximately \$176 billion,

a shortfall of \$78 billion. We can do better than that.

When you talk about the \$165 million bonuses that were paid out to these employees—and I am looking at a news article, this is from the New York Post last week, “Fully, 73 executives got \$1 million or more each, of whom 22 were paid at least \$2 million, while seven got \$4 million, and one lucky duck pocketed a cool \$6.4 million.”

We can do better than that. The American people expect us to do better than that and deserve better than that. But what all this is doing is creating uncertainty in the market when you don't have a plan and there is no accountability for these dollars.

In my prior life before being a State legislator for 10 years and coming to Congress, I was a small business owner, I was a financial advisor. And one thing I can tell you that is certain is that our financial markets, our businesses, they don't like uncertainty. And we are seeing big fluctuations in the market right now, we are seeing a lot of downturn in the market right now I think because of that uncertainty.

I think because of public pressure, the American people stepping forward and saying enough is enough and being outraged about this, that we are finally starting to see a plan brought forward that we hope will help resolve some of this problem that has transpired as a result of this legislation.

I will yield back my time to the gentleman from Ohio. I thank you for the opportunity to speak on this, and thank you for bringing this issue forward. It is very important.

Mr. LATOURETTE. I want to thank my friend from Ohio (Mr. AUSTRIA). Your comments really bring out why that tax piece of legislation that was political theater, that was a fraud was such a lousy piece of legislation.

If we take the fellow, or it might have been a woman, that you have just identified that got \$6.4 million worth of bonuses, the Democratic tax bill that used the Tax Code to punish people for the first time, at least in my memory, to that extent, that person still got to keep \$640,000. Why? Why? If they shouldn't have gotten any money, they shouldn't have gotten any money. So why do you give them just 10 percent?

I promised, Mr. Speaker, that we would attempt to move forward and try to solve this mystery. Now, it would be easier if somebody would just come forward and say “I did it.” You know, “I did it. I am Professor Plum; I am Colonel Mustard, and I did it.” But we don't have anybody that has been forthcoming on Capitol Hill or down at the White House or at the Department of the Treasury, except for Mr. Geithner and BARNEY FRANK and the people that I mentioned that were not in the room when this happened.

So with apologies to our friends from Hasbro, we have sort of put this in the

form of the game of Clue, which a lot of us, Mr. Speaker, played as we were growing up, we play with our kids. And if you are not familiar with the game of Clue, Mr. Speaker, basically a crime is committed and the junior detectives have to try and solve the crime. And the successful person, the winner, identifies where it happened, who did it, and with what weapon.

Now, we start with a pretty good advantage here this evening because we know what the weapon is. We know that somebody took out the language that would have prohibited these bonuses that were paid out and put in the language that is over Mr. TIBERI's shoulder. And so we know it was done in writing, and the weapon at the bottom of this chart was a pen. So we are one-third of the way there, and now we just need to figure out where it took place and by whom.

And just to sort of go around with the whoms, we don't have Colonel Mustard, we don't have Ms. Scarlet, but what we do have are people who were either conferees or made observations or news accounts that we will get into in a minute indicate were in the room.

Beginning at the bottom on my right is CHARLES RANGEL of New York, who is the chairman of the Ways and Means Committee; he was a conferee, he signed the conference report.

Next is Rahm Emanuel, who is the President's Chief of Staff, used to serve with us here in the Congress representing a part of Illinois in the United States Congress.

At the top, the former president of Harvard University, Larry Summers, who is now an economic advisor to President Obama.

At the top is Senator DODD. Now, I have to say Senator DODD in a lot of early news accounts was blamed for it. I am feeling kind of bad for Senator DODD, because the last thing I saw him say was that, “Somebody at Treasury said to put it in, and so my staff put it in.” But clearly Senator DODD is getting fingered for a lot of this. But if he did it, he should say so. If he didn't do so, he should say, “I didn't do it.”

Over in the upper left-hand corner is the Speaker of the House, Ms. PELOSI of California. Again, the news accounts kind of indicate that this took place in her office, but we are not going to get there yet.

HARRY REID, if you read, Mr. Speaker, yesterday's Roll Call, people have expressed concern as to the fact that he appointed himself as the majority leader in the Senate as a conferee, and that he may or may not have ties to AIG, and some questions are being raised.

And, at the bottom is DAVID OBEY, the very distinguished chairman of the Appropriations Committee who was also a conferee and in the room at least some of the time.

□ 1945

But let's talk for just a minute, Mr. TIBERI. Can you shed any light based on what you know or what you have heard that may help us sort of narrow this thing down?

Mr. TIBERI. Thank you for your leadership. I would certainly like to thank you for bringing this matter to light this evening and last week. I know both of you have shared the same experience that I have shared back in my district. People are dying to know what happened and when? Who was responsible for this? As you said, the Senator from Connecticut has said that somebody from the administration or somebody from Treasury instructed them to put this language in the bill.

I think it is interesting to note the language behind me that you talked about earlier wouldn't have gotten in the bill if, if we had transparency from the beginning, something that the new President has talked about, talked about during the campaign, talked about repeatedly during the campaign. In fact, as both of you know, our Speaker of the House talked about transparency before she became Speaker and how this was going to be the most transparent House ever, the people's House, and the fact is, not only on this legislation, but this certainly demonstrates it, but on countless pieces of legislation, there has been anything but transparency. And transparency has led to what this chart is really all about, and that is finding out who knew what when?

People in my district are outraged that this language ended up in this stimulus bill without anybody knowing about it, anybody but apparently the author of the amendment, but most everyone else, allegedly, didn't know about this important wording that allowed AIG officials to receive millions of dollars in bonuses.

In fact, I don't know if the gentleman has an answer for this, as I digress a bit, there was a news report today that over half of the bonuses that were paid to AIG went to non-Americans.

Mr. LATOURETTE. Taking 1 minute of my time. I have not seen that news report. The news report that I'm familiar with—and if that is true, that is kind of shocking—is that 11 people of the 73 didn't work for the company anymore. So you have 11 out of 73 who aren't even at AIG anymore, and so if they are retention bonuses, they didn't work so well, because they don't work for AIG anymore.

I yield to the gentleman.

Mr. TIBERI. We are getting more questions on the table than answers. And that is what happens when you don't have transparency. That is what happens when backroom deals are cut, backroom deals on this stimulus bill that was done back in February.

In fact, Mr. LATOURETTE, I will quote from a Los Angeles Times article back

in February that in the first major piece of legislation pushed by the President, transparency was missing. In fact, the President has no constitutional authority to set rules for Congress. But he suggested he would use his influence to see that Congress doesn't conduct its work "in the dead of night and behind closed doors," which is exactly what happened in this process.

The Times article goes on to say, Mr. Speaker, maybe we can add a picture here to your graph, important negotiating sessions devoted to the stimulus took place in a congressional office outside public view, Representative HENRY A. WAXMAN (D) Beverly Hills said he was in the meeting about the stimulus plan Tuesday night in the office of House Speaker NANCY PELOSI (D) San Francisco. Among the participants was White House Chief of Staff Rahm Emanuel.

So, one person who says he was in the meeting in negotiations was the chairman of the Energy and Commerce Committee. But still, my question back to you would be, do you have to be in the meeting to instruct conferees in the dead of night in one of these offices to put something in this bill? Because you could still have the Treasury Secretary instruct everybody else that this is an important measure by telephone, couldn't you?

Mr. LATOURETTE. Well, you could. And taking back my time, I will tell you that there are telephones, but the gentleman is making our task much more difficult if you continue to widen the net and now we have to deal with Mr. WAXMAN and others. But sure, conceivably.

I would just say that today—I don't think it was under oath, but you're not supposed to lie to Congress—the Treasury Secretary did indicate that he only found out about it on March 10, which is pretty amazing, and that he understands that staff did it, but he really doesn't know a lot about it, and he knows he didn't do it. So, yeah, it could have been somebody outside the room.

Mr. TIBERI. If the gentleman will yield, certainly I think as we continue forward having a special investigation, an Inspector General report trying to get to the bottom of this, if someone doesn't come forward and say, yes, this is the language that I wanted, and this is the reason why, and X number of people that were paid were paid retention bonuses, and by the way, we weren't able to retain them, and by the way, over half the bonuses were paid to non-Americans, which is outrageous in the first place.

Mr. LATOURETTE. Taking back my time, I thank the gentleman for that. And I hope we don't need to have an investigation. I would hope that whoever screwed up would come forward and say, do you know what? I did it. And

then tell us why he or she did it rather than hiding behind the skirts of staff and hiding behind this bogus tax bill that we did last week. I would really hope somebody would come forward and do it.

But the other thing I would tell my friend is we don't need to wait for an investigation. Tomorrow in the House Financial Services Committee chaired by the aforementioned Congressman FRANK of Massachusetts, a number of us have filed something known as a "resolution of inquiry." And the resolution of inquiry requests the Treasury Department to provide to the Congress, not to me, not to the Republicans, but to the Congress, all documents that they have in their possession that will help us identify—if the person won't come forward and say, "I did it," then this resolution of inquiry would direct them to give us the documents so we can figure it out and not add expense on top of the taxpayer in trying to ferret out who did this thing.

Again, I wish somebody, as I said last week, would just man up and say they did it.

Mr. TIBERI. Would the gentleman yield? And you're being far too modest because the resolution does much more than that. And in fact, in reading a poll today, over half of the American people believe that AIG should be broken up. And part of your resolution does just that, if you want to expand upon that.

Mr. LATOURETTE. Well, that's exactly right. The resolution not only asks for documents, but it indicates that the American public now own, as Mr. AUSTRIA has indicated, 80 percent of AIG. And quite frankly, I will say something bad about the Republican administration. I thought President Bush and his Secretary of the Treasury were wrong in asking for this \$700 billion. The mantra was that these institutions are too big to fail. Well, most Americans now recognize that they are too big period. And as a result, they should be broken into pieces, going back to Teddy Roosevelt and the trustbusters. Let's break these things apart.

So we do have legislation to divide this thing up. And I hope that it is favorably considered. And as you mentioned, about 60 percent of the American public think that is a good idea.

Mr. TIBERI. I know that you're pushing that legislation. You have many cosponsors. But some think we are too busy to deal with that important legislation. I think you have a chart that demonstrates maybe we are not.

Mr. LATOURETTE. We are not. And I do want to—well, let's do that now, and then we will come back to seeing if we can move along in the game of Clue. And maybe if the gentleman will help me.

Mr. TIBERI. The gentleman from Ohio has a chart that just shows an amazing—

Mr. LATOURETTE. And you could sort of be my Carol Merrill. I would appreciate that.

Last year we used the chart that Mr. TIBERI is going to give me a hand with. And people may remember back home that gasoline prices started high and they ended up even higher. And for the entire month of August, we spent time on the floor arguing that perhaps we should have an energy policy in this country that considered everything, renewable energy, solar, wind, geothermal, nuclear in the mix, together with additional exploration for fossil fuels which we are going to need in the near term at least. But we were told we were too busy. We were very, very busy here in the United States Congress. And so we didn't have a chance to get things going.

As, Mr. Speaker, you will remember, the Republicans did such a bang-up job in the majority that they threw us out in the 2006 elections and installed the Democratic majority. And we are honored to have Speaker PELOSI being the first woman to serve in that position since the beginning of the country. So when Ms. PELOSI and her colleagues became the majority party, gas was about \$2.22, and the most important piece of legislation that folks thought we could discuss here on the floor was congratulating the University of California-Santa Barbara soccer team for winning something. Now I like soccer. And I'm sure that everybody's parents of that team are proud. And gas was only \$2.22. So, okay, let's congratulate people.

Then gas went up to \$2.84, and the most important thing that we had to do on the floor that day was to declare it—that was about September 6—declare it National Passport Month. And I began getting calls, I'm sure you guys got calls from people saying, Hey, it's really costing a lot of money to fill up my tank. Well, gas went up to \$3.03, and on that day, the new majority determined that the most important thing we could do was commend the Houston Dynamo soccer team for I suppose winning something as well. And we are told that as elected officials you really have to get the soccer moms. And I guess this was an attempt to really make sure we had the soccer moms squared away, because we passed two pieces of legislation dealing with soccer.

Then gas went to \$3.77. And so clearly, we are going to talk about gas prices now, right? No. We declared it National Train Day was what we did then. And then gas goes up a little more to \$3.84. And what did we do that day? Oh, we passed the Great Cats and Rare Canids Act. And I didn't know—talk about reading things, I know what a cat is. I didn't know what a canid is. It is a dog. And so we celebrated Dog and Cat Day when gas is \$3.84.

It goes up to \$4.09, and the most important thing to do is to declare the

International Year of Sanitation. That's what we did around here. Then the price of gas goes up to \$4.14. My phones are ringing off the hook. So clearly, we are going to talk about gas prices then. No, we passed the Monkey Safety Act here in the United States Congress. So you would think that maybe people would be chastened by that when we are no longer talking about gas prices. And sadly I hope we don't go the way that we did in the 1970s. Now that gas is down to about \$1.89, I hope we don't forget about when it was \$4 a gallon and make those serious investments in renewables and get us off of carbon-based fuel and make us not dependent on countries around the world that don't like us.

Well, this year, as everybody knows that isn't living under a rock, we have a little bit of an economic crisis going on. And you would think that we would attempt to deal with that in a constructive way. On January 6 of this year, which was the first day of the 111th Congress, that is the opening day of this Congress, the stock market, the Dow Jones industrial, was at 9,015 points.

We get to January 20, and that is the day, of course, our new President, Barack Obama, became the 44th President of the United States. It was a very exciting day. All of us were pretty happy about it. But the stock market took a little dip. Now that is not President Obama's fault, because he was just getting sworn in that day. But the Congress, however, had a responsibility because we had already been in almost 1 month now by the time you get to February 2. The stock market goes down to 7,936, and the most important thing we can do on the House floor is to pass a resolution supporting the Goals and Ideals of National Teen Dating. That was a pretty important issue back in Ohio. I'm glad we took care of it.

The stock market dips a little bit further, and on that day, I guess because it didn't go down quite 100 points, and so we commended Sam Bradford for winning the Heisman trophy. Now, I'm sure that Mr. Bradford's family is proud of him. I'm proud of him. And anybody that wins the Heisman trophy is deserving of our congratulations. But when the stock market is in the tank and people are losing their 401(k)s, I don't know if that is the most important thing, but now it takes a precipitous dip down to 7,114, and, oh, son of a gun, 2 years in a row, we passed the Monkey Safety Act. And I don't want to make light of it this time because there was a horrible situation in Connecticut where a woman was attacked by a chimpanzee and suffered horrible injuries. And so clearly our thoughts and prayers with her, and that is a terrible event. However when the stock market is down to 7,114 and people have lost their life sav-

ings, clearly, the Monkey Safety Act was not the thing that was foremost on the mind of my constituents.

Actually, the interesting thing to show you how busy we were on that date of February 23, and it had only been 8 days before that the chimpanzee attacked the woman, and so we, as the greatest legislative body in the world, rushed in 8 days to pass the Monkey Safety Act. Then it went down a little bit further, and we, you know, like the soccer moms, we like animals, and so we passed the Shark Conservation Act on that particular day, not dealing with the economic crisis.

Then we sort of roll out to March 9. And this probably was my favorite resolution. We supported pi. And when I read the schedule that morning, I like pie, just look at me. And I thought what kind of "pie" is it going to be? Well, it is not p-i-e, it is p-i, which you know, Mr. Speaker, is 3.1416. And apparently we felt that when the stock market had lost 3,000 points in value in 2 months, rather than helping our constituents deal with that and using the full might of the United States Congress to get to the bottom of that, we recognized pi here in the United States Congress.

So I don't think—and this has been sort of tongue in cheek, but I don't think we are too busy.

Mr. AUSTRIA. And I appreciate you pointing this out, because while all this is happening, the three of us represent the State of Ohio, there are real families out there that are hurting right now that we are asking to make sacrifices.

□ 2000

There are over 900,000 businesses in the State of Ohio, and small businesses that make up 70 percent of our workforce out there across this country that are struggling to make payroll, they can't get financing. They can't get debt. And instead of dealing directly with their problem, I mean, you laid out what has been happening here in Congress. But in addition to that, we passed the \$700 billion TARP bailout with no accountability, in my opinion, not enough transparency. There was no specific plan by the Department of the Treasury. Then we passed the stimulus bill which contains the language that allows the bonuses to be paid out that you pointed out earlier; not an opportunity for any Member of this Congress to read that bill before we vote on it and pass it.

And then, you know, our constituents back home, hardworking Americans across this country are getting their quarterly statements and they are seeing their account values down. They are struggling to make it right now. And they turn on the television and they see that these executives from AIG are getting \$100 million of bonuses of the \$170 billion bailout that we

gave to them of hard working taxpayers' dollar. These are the same officials that, you know, and were probably involved in a lot of these risky investments that brought AIG down to begin with.

And so what does the House do? We then rush a bill through to try to regain some of that money for our mistakes by trying to pass a 90 percent tax on this money to try to get it back, 90 percent of it back.

And I am reading from The Hill today, seeing where the headline on the front page here is "House Bonus Bill Is Buried By the Senate." That despite the public outcry, despite the reaction that the House had in trying to get that money back, which I don't think we ever should have been in that position to begin with, that bill appears to be not moving in the Senate right now. I yield back.

Mr. LATOURETTE. I thank the gentleman for his observations. And if the gentleman would go to the jump on Page 8, you will find a quote from the President of the United States, President Obama that I think sort of echoes at least my sentiments. And he said we shouldn't use the tax code to punish people and that is why he is not in favor of this bill, which is why that bill was a piece of political theater to give cover to people who are embarrassed because, by voting "aye" on the economic recovery package, they specifically authorized, with the amendment that is on the chart that we were talking about before—thank you Mr. TIBERI—that specifically authorized this paragraph, these 50 words. And when you voted for the economic recovery bill, you voted to give the people at AIG and everywhere else the bonuses. And then, you know, because nobody read it, we are shocked. And so now we are going to use the Tax Code to punish people.

But you know, the President has said that is wrong, and apparently the Senate majority leader has said it is wrong.

Before we go back to our exercise in Clue, however, as we want to narrow this thing down if we can, because we are going to come back every week until somebody has the—I promised my wife I would be really tactful this evening and not use words that people find offensive. So somebody has the courage to stand up and say I did it and here is why I did it and sort of, you know, be a grown up about it.

But you were here, you have been here now to four or five terms, Mr. TIBERI, and I am going to yield to you. I mean, is it your experience as a Member that we are just so busy that we don't have time to deal with gas prices?

Mr. TIBERI. I think the gentleman is right on target here. And as stocks tank, let me tell you, it impacts everybody. It impacts those police officers



that protect our streets, firefighters, who are working in a courageous line of work, teachers in Ohio, as you know, who are part of a state teachers retirement system. As someone whose dad lost his pension and health care and job in high school, when someone sees their pension related to the stock market tank, sees their moms and dads seeing their children's college funds absolutely go into the ground, this is important. It impacts every single family out there as this market has tanked. And what are we doing? We are debating the Shark Conservation Act. In fact, the last several weeks, to your point, we have debated noncontroversial issues that have passed nearly unanimously, and not taken up the hard stuff like your resolution that could come to the floor.

In fact, let me just add one thing. Today the leader, JOHN BOEHNER, put together a working group with respect to savings, and I was part of that group. And we unveiled a blueprint that will help American families and American savers. And unfortunately, based upon past history, that piece of legislation will not see the light of day. And it is not like we are spending a lot of time around here passing substantive pieces of legislation. And when we do, we don't get to read it.

And what else was in that stimulus bill that was as controversial as this? We don't know. That may be another exercise for us to find out what other controversial measures, in addition to the game of Clue, I think we know it was the Speaker's Office, based on press reports, but maybe it was the Senate leader's office. Maybe it was on the other side of the Capitol.

Mr. LATOURETTE. Taking back my time. I want to get back to that, but before I do, the gentleman's point is right on the money. In the last 2½ years, the American public can rest assured that they will not go into a post office in this country that doesn't have a name on it because we spend a lot of our time naming Post Offices. But what they can't rest assured is who put those 50 words in the economic recovery bill that authorized the payments of bonuses to these AIG officials; and now they are horrified, shocked and everything else.

And just before we leave this, so that the three of us don't get a lot of e-mails and hate mail from animal lovers, all three of us want sharks to be conserved, and all three of us think that we should have safe monkeys in this country. But we don't, none of us think that it is the most important issue facing the country last year or this year.

Now, back to the Clue, and I think that Mr. TIBERI makes a pretty good point because we do have—when you play Clue you try to collect clues. And there have been some clues recently. And I want to refer to one. On Ander-

son Cooper, a show on CNN, Dana Bash, who some of us see as a reporter that covers politics here in Washington, I have a transcript of her reporting on the night that this happened, that the crime happened. And I will submit it for the RECORD, Madam Speaker.

And Dana Bash says, "well, Anderson, as we speak, the White House Chief of Staff, Mr. Emanuel, and the President's Budget Director are inside Nancy Pelosi's office."

Mr. TIBERI. Not to interrupt, but should we add the Budget Director to the chart?

Mr. LATOURETTE. Well next time we come back we are going to put the Budget Director because he is up there too. And then she goes on to report, and, in fact, they have been coming up on 8 hours straight. Eight hours straight shuttling between the House Speaker's Office, and that is why we can't get quite to the Speaker's office yet because of this reporting. But maybe we will get there a little bit later. Shuttling between the Speaker's office and the Senate majority leader, HARRY REID's office urgently trying, attempting to broker a compromise between House Democrats and Senate Democrats. And you know what is interesting about that sentence is I didn't hear the word Republican in there. So this was Democrats negotiating with Democrats negotiating with Democrats. And we now know that we had the President's Budget Director was here for 8 hours shuttling back and forth, a little shuttle diplomacy, together with the President's Chief of Staff, Mr. Emanuel, who was also there. So I think we are getting closer.

And if it is all right with you gentlemen, I would like to exclude Mr. OBEY because I don't think his fingerprints are on this. And Mr. RANGEL, I do have an observation from Mr. RANGEL, who indicated that, Mr. RANGEL, in this same report, and actually this was in the Congressional Quarterly, House and Senate Democratic negotiators met in the Speaker's Office—and we are really getting close to the Speaker's Office here, Madam Speaker—with the White House Chief of Staff, Emanuel and White House Budget Director Peter Orzag into the evening Tuesday, breaking at 9 p.m. and then Chairman RANGEL is quoted in this reporting, "it is so difficult to talk with a body that is controlled by three people. You have no idea."

So I think that the distinguished chairman of the Ways and Means Committee is expressing frustration that three people, basically, figured out how to spend \$792 billion in an economic recovery package and okayed these 50 words that authorized the payment of bonuses to AIG and other people similarly situated. So I think we are getting a little closer.

Mr. TIBERI. I think what he is saying is three Members of the Senate. We

have two Members of the Senate on the Clue board, so I keep, you know, I keep wanting to take names off, but maybe we should add another picture there. We have got to figure out who the other Senator was that he is speaking about.

I do think we can take off the chairman of the Ways and Means Committee, Mr. RANGEL. I feel pretty confident he wasn't the one.

I think we can take the chairman of the Appropriations Committee off. But I am thinking we need to add a couple too.

Mr. LATOURETTE. Well, I do too. And let me just get to that for a second. And there was another article that appeared on March 19, and the headline is that the "White House Staff Botched It". And this was, appeared in something called the Huffington Post, which is clearly not a conservative Republican organization. But I would submit this for the RECORD as well.

It quotes an AIG executive, well, the article says according to AIG, the payments were okayed by the White House last Thursday. Why? Because it appears that David Axelrod, now we have got to add somebody else, senior policy advisor to the Obama administration and Rahm Emanuel grossly underestimated how infuriating this would be.

The quote from the AIG executive is this: "We were not authorized until Thursday night," that, is to give out these millions of dollars in bonuses. "We were negotiating with the Treasury and the Federal Reserve. Treasury indicated that they needed it cleared by The White House as well. We hit the go for the payments on Friday," after they got the clearance from the White House.

Mr. TIBERI. I think again it is important to note, interrupting, and I apologize for interrupting, what Mr. AUSTRIA said earlier in which Americans are beginning to find out and are very troubled with, is that the American people own 80 percent of AIG. So somebody had to approve it with the Federal Government, and maybe that is the smoking gun.

Mr. LATOURETTE. Maybe. Well, the smoking pen. We have got the pen.

Mr. AUSTRIA. Point of clarification. I assume the pen has been eliminated, right?

Mr. LATOURETTE. We know it is the pen.

Mr. AUSTRIA. Well, somebody had to put that in there and write it in there. Somebody had to use the pen.

But no, I appreciate the point that the gentleman from Columbus made. Or is Columbus correct?

Mr. LATOURETTE. New Albany, I think.

Mr. AUSTRIA. I wanted to make sure I got that right for Central Ohio. But I think that is a very important point.

When the government owns 80 percent of a company and not knowing

what is going on and we can't get an answer as to who put this language in. I mean, I appreciate the gentleman from Ohio with this game of Clue because I think that it is as good as any other methodology that I know of trying to figure out who is responsible for putting that language in because we are not getting the clear answers. We are not getting a specific answer to that question.

Mr. LATOURETTE. I thank the gentleman. And I think we are making some progress because we have a weapon, it was the pen. We are getting down in the suspect list. And I am comfortable, if you gentlemen are comfortable saying that this crime was committed either in the Speaker's Office or in the Senate leaders office because all of the—

Mr. TIBERI. Or the conference room.

Mr. LATOURETTE. Well, the conference room was where the conferees met. Well, I'd say the conference room too. I think we know it didn't happen in the Appropriations Committee or the Ways and Means Committee. The Banking Committee is still out there. And the reason that the Senate Banking Committee is still out there is that the person that really came under the harshest scrutiny at the beginning was the Senator from Connecticut, Senator DODD. And I would just suggest, Madam Speaker, that he has a vested interest in finding this out just like we do, because when you don't know who did it, when you won't help us find out who did it and have people come clean, people begin to circulate ugly rumors. And I have heard, for instance, that the distinguished chairman of the Senate Banking Committee is one of the largest recipients of campaign contributions from AIG. Now people will say, oh, well, he must have done it because he got campaign cash. Well, I think that is unfair to the Senator, quite frankly, and I think that he should join with us and let's find out who did it.

Today, and Madam Speaker, I will submit an additional document from the Hartford Courant, if I may, into the RECORD. And today, this article starts with "No wonder Senator Dodd went wobbly last week when asked about his February amendment ratifying hundreds of millions of dollars in bonuses to executives at AIG. Dodd has been one of the company's favorite recipients," so an ugly rumor is out there. But it turns out that Senator DODD's wife also benefited, in that she was employed by an AIG subsidiary.

□ 2015

So, look. I don't know who did it, and I hope that the Senator from Connecticut didn't do it, but now people are throwing mud at him and are basically saying, you know, to the average Joe Sixpack at home, well, of course he did it. You know, he got a bunch of cash from him, and his wife used to

work for one of their companies, so of course he did it. So the Senator should come out and identify—somebody knows who did it. That's the problem. So just tell us. Move on. They screwed up. Move on.

Madam Speaker, I'll ask how much time we have left.

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. LATOURETTE. I thank the Speaker.

Mr. TIBERI. Will the gentleman yield?

Mr. LATOURETTE. I'm happy to yield.

Mr. TIBERI. Clearly, to your point in this exercise, most would point the finger at the Senator from Connecticut—

Mr. LATOURETTE. Right.

Mr. TIBERI.—which probably means he didn't do it, which probably means it's somebody else, because he is the most obvious choice having played the game.

Mr. LATOURETTE. Well, taking back my time, I am a big fan of Agatha Christie's, and as you read through those books, you're sure it's the butler or somebody else, and it's never the butler. So, you know, I don't think we can exclude the Senator, but I'm with you. I think, you know, when everybody is shooting at the Senator from Connecticut, it's probably somebody else.

Mr. TIBERI. Well, yielding back to me again—and I appreciate that—I think what we found in his comments last week in that impromptu press conference is that, one day, he said he didn't know anything about it, and the next day, he said, "Well, yes, I did do it, but it was at the direction of somebody in the administration." Obviously, he doesn't want to throw somebody under the bus, but he has already been thrown under the bus, so I would hope that we could end this rather quickly with: Who is it?

Mr. LATOURETTE. Right.

In just taking back my time, what troubles me about this is, the last time I checked, the Constitution does not let anybody in the administration write a law. So somebody could have suggested it at Treasury, said the President wants it, the Secretary wants it, whatever the facts are, but the fact of the matter is that nobody at Treasury can write legislation. That is the job of the United States Senate and of the United States Congress.

Mr. TIBERI. Will the gentleman yield?

Mr. LATOURETTE. Oh, I'm happy to.

Mr. TIBERI. To your point, I would like to submit this for the RECORD as well. It's a Los Angeles Times article from February.

[From the Los Angeles Times, Feb. 14, 2009]

PRIVATE TALKS FOR PUBLIC STIMULUS; OBAMA HAS SAID HE WANTS CONGRESS TO WORK IN THE OPEN. BUT HE ISN'T TROUBLED BY THE RECENT NEGOTIATIONS

(By Peter Nicholas)

WASHINGTON.—Upending Washington's entrenched ways of doing business is proving tougher than President Obama may have assumed.

The nearly \$800-billion stimulus bill served as a test case.

During the campaign, Obama released a position paper stating his commitment to open government. As president, he said, he would not only insist on transparency in his own administration, he would press Congress to revamp its practices as well.

Obama has no constitutional authority to set rules for Congress, but he suggested he would use his influence to see to it that Congress doesn't conduct its work "in the dead of night and behind closed doors."

In the first major piece of legislation pushed by Obama, transparency was missing.

Important negotiating sessions devoted to the stimulus took place in congressional offices, outside public view. Rep. Henry A. Waxman (D-Beverly Hills) said he was in a meeting about the stimulus plan Tuesday night in the office of House Speaker Nancy Pelosi (D-San Francisco). Among the participants was White House Chief of Staff Rahm Emanuel.

"We had to do some hard bargaining," Waxman said.

The abundance of private deliberations made for some comical moments.

Rep. Dave Camp (R-Mich.) was walking through the Capitol on Wednesday on his way to a public meeting in which Senators and House members were supposed to hash out differences over the stimulus. As he passed the Rotunda, Camp spotted Senate Majority Leader Harry Reid (D-Nev.) holding a news conference announcing that a deal had already been struck.

"This is the largest spending bill in the history of the United States, and I believe the public business should be done in public," said Camp, who had been appointed to the 10-member conference committee created to reconcile differences between the two chambers.

"President Obama made that commitment repeatedly in his campaign," he said.

Obama aides say that the president is still committed to transparency in government.

He reiterated the pledge during the transition, posting a promise on his website to "restore the American people's trust in their government by making government more open and transparent," and cited closed conference committee sessions as a practice ripe for overhaul.

But the White House isn't apologizing for how the stimulus bill was handled. Given the dismal economic climate, White House aides said, the country needed a stimulus bill—fast.

Press Secretary Robert Gibbs, asked about the private negotiations, said that Obama wasn't troubled.

"He's pleased with the process and the product that has come out," Gibbs said while briefing reporters Friday. "I think when the process is done, the American people will be proud of the product that we believe and we hope will begin to stimulate the economy."

Democratic leaders said the bill was handled according to procedures and customs that have been in place for years, including when Republicans controlled Congress.

Waxman said Congress' treatment of the bill was fairly standard. Could Congress have

demanding that all negotiations play out in public? Waxman said that would have been impractical.

"There are too many moving parts in this bill," Waxman said. "We would be sitting in an open conference committee meeting for weeks, if not a whole month, to process all the amendments that would have been offered."

Again to your point, this says the President has no constitutional authority to set rules for Congress, "but he suggested he would use his influence to see to it that Congress doesn't conduct its work 'in the dead of night and behind closed doors,'" when in fact, in this particular exercise, as we know and as your chart indicates and as the Senator from Connecticut has indicated, these words came from the administration and were put into the stimulus bill in the dead of night. We still don't know who in the administration. We don't know everybody who was in the room from the administration, so the administration can claim they have nothing to do with Congress.

Based upon the documents from the press that we have submitted tonight and that you have submitted tonight and based upon the shuttle diplomacy that occurred during the days before the stimulus vote, there were top administration officials involved, in the room, writing the bill in the dead of night, with no transparency, no Republicans, no press, no C-SPAN, with nobody witnessing what was being done. The product you have at the end of the process are these 50 words that nobody in America is taking credit for. Your resolution tomorrow will begin to get to the bottom of this, unfortunately, if someone does not come forward.

Mr. LATOURETTE. Well, taking back my time, I do hope that in the markup of the resolution of inquiry tomorrow that we do see transparency and bipartisanship. Both Republicans and Democrats on that committee want to answer the question as much as we do and as much as, I'm sure, Senator DODD would like to have this cloud lifted from his shoulders, and so I hope it moves in that direction.

I have to tell you I am not optimistic. I mean I will not be surprised when I get a telephone call tomorrow that the Financial Services Committee has somehow made it impossible for that to see the light of day, which it can by a majority vote—they have the votes—and we'll see what happens. But you know what? I'm a big fan of Chairman FRANK's, and he is a fair man, and I think he'll give it fair consideration tomorrow. I look forward to that telephone call.

Mr. AUSTRIA, is there anything you want to say before we leave here?

Mr. AUSTRIA. If you would yield for just a moment.

Mr. LATOURETTE. I would be happy to.

Mr. AUSTRIA. Let me just say, as a new Member up here from Ohio—I

mean I served 10 years in the State legislature. I've been here less than 100 days. I'm just starting my third month. I have never seen this kind of process where bills are rolled out, where language is stuck in that we don't have the opportunity to read before we vote on it, and where language is put in and no one will take responsibility for that language.

I think the American people out there are looking at this, scratching their heads, saying: How can this be? How can it be that language is put in a bill, and nobody has an opportunity to read that bill, and nobody wants to take responsibility now for that language?

I appreciate the exercise that the gentleman from Ohio has gone through tonight to make the point, and I appreciate your offering that resolution. It shouldn't take 14 Republican freshmen to stand up and say, "we want accountability for this dollar," and offer legislation that we would hope that the administration would stand behind, but it doesn't seem to be getting any traction. I hope your resolution moves tomorrow because, you know, the American people deserve answers. I think you've made some very good points tonight, and I appreciate the opportunity to participate with both gentlemen from Ohio.

Mr. LATOURETTE. Well, listen. I thank you.

Mr. TIBERI, would you like to close?

Mr. TIBERI. Let me just, again, thank you for your leadership on this. I would hope that we don't have to come back next week and add pictures and subtract rooms, but I am willing to do that if nothing occurs tomorrow. I certainly would not want to be in the majority—a Democrat in a competitive district—having to defend a "no" vote on your resolution tomorrow and a "yes" vote on a bill that allowed these 47 words to go forward and millions and millions of dollars to citizens and non-citizens of a failing company that should go into bankruptcy or should be split up into several different companies. This is an outrage. Americans are outraged. We will get to the bottom of this, and at the end of the day, I predict that we will find out who was responsible for that pen.

Mr. LATOURETTE. Well, I thank both gentlemen for participating.

Madam Speaker, I thank you for your courtesy.

To reinforce Mr. TIBERI's point, I think Senator DODD has a vested interest in helping us with this because, currently, it looks like "Senator DODD in the conference room with a pen." Now, I don't think that that is true, so I hope that whoever did this will tell us about it.

Dana, what is happening?

Dana Bash, CNN Senior Congressional Correspondent: Well, Anderson, as we speak, the White House chief of staff and the president's

budget director are inside House Speaker Nancy Pelosi's office.

And, in fact, they have been here coming up on eight hours straight—eight hours straight—shuttling between the House speaker's office and Senate Majority Leader Harry Reid's office, trying to urgently broker a compromise between House Democrats and Senate Democrats in order to get the president's stimulus package to—to his desk by this week.

And I just spoke to a Democratic source who says that, in these talks, they are narrowing their differences.

(BEGIN VIDEOTAPE)

Bash (voice-over): House Democrats are not happy that Senate Democrats cut some \$100 billion in spending from their stimulus package, tens of billions slashed from Democratic priorities, like education.

But House Speaker Nancy Pelosi is now signaling, they will likely have to live with it.

Rep. Nancy Pelosi (D-CA), Speaker of the House: As President Obama cautioned the nation, that we cannot allow the perfect to be the enemy of the effective and of the necessary. And we will not.

CQ—

Late into the Evening \* House and Senate Democratic negotiators met in the Speaker's office with White House Chief of Staff Rahm Emmanuel and White House budget chief Peter Orszag late into the evening Tuesday, breaking at 9 p.m., working intensely to firm up an overall cap for the package and sort through differences.

"It's so difficult to talk with a body that is . . . controlled by three people. You have no idea," Ways and Means Committee Charles B. Rangel, D-N.Y., said as he left the meeting, noting that the health and spending portions of the bill were proving most difficult to reconcile.

"There's no obstacle that's come up that we cannot resolve with a lot of pain," he said.

As Senate Finance Committee Chairman Max Baucus, D-Mont., left the meeting, he said that \$800 billion was the "ballpark" limit for the conference report, and that the final figure might come in a little lower than that. Baucus said that getting a deal by the weekend was the goal understood by everyone involved.

[From www.theleftcoaster.com, Mar. 19, 2009]

#### WHITE HOUSE STAFF BOTCHED IT

Folks, Geithner, Bernanke, and the Bush Treasury Department knew about the AIG bonuses for months. According to AIG, the payments were OK'd by the White House last Thursday. Why? Because it appears that David Axelrod and Rahm Emanuel grossly underestimated how infuriating this would be.

"We weren't authorized until Thursday night," the AIG executive said. "We were negotiating with the Treasury and the Federal Reserve. Treasury indicated that they needed it cleared by the White House, as well. We hit the go button for the payments on Friday."

For the new administration, the bonuses were a distraction from what senior aides called the main focus: getting the economy working and people back to work. "People are not sitting around their kitchen tables thinking about AIG," Axelrod said. "They are thinking about their own jobs."

Bad decision Dave.

Their message to the president when the group assembled for their first extended conversation about AIG in the Roosevelt Room

on Sunday was not optimistic: They told him they had "done and will do what we legally can," Axelrod said.

But Obama made clear at that meeting that he was unwilling to throw up his hands. He instructed Geithner and the others to seek legal ways that the government might recover the bonuses. And he made plans to tell the public what he thought the next day.

That decision ran counter to the belief among some in his inner circle that the bonus issue while an outrage was a small problem compared with the economic issues confronting his young presidency. "The first and most important job we have is to get this economy moving again," Axelrod said. "As galling as this is, it doesn't go to the main issue."

What you see is a fine example of poor decision making clouded by being inside the White House bubble. After spending two years out on the campaign trail ensuring that your message and actions mesh with what people are thinking, Axelrod is now inside the bubble and cannot see that the optics of this fiasco do matter to people, because he assumes naively that people will look beyond it due to an overriding fear of their own situations. He also assumes his boss can talk his way out of anything, when in fact Obama has surrounded himself with two tone deaf lops in Geithner and Summers.

DODD'S WIFE A FORMER DIRECTOR OF BERMUDA-BASED IPC HOLDINGS, AN AIG CONTROLLED COMPANY

(By Kevin Rennie)

No wonder Senator Christopher Dodd (D-Conn) went wobbly last week when asked about his February amendment ratifying hundreds of millions of dollars in bonuses to executives at insurance giant AIG. Dodd has been one of the company's favorite recipients of campaign contributions. But it turns out that Senator Dodd's wife has also benefited from past connections to AIG as well.

From 2001-2004, Jackie Clegg Dodd served as an "outside" director of IPC Holdings, Ltd., a Bermuda-based company controlled by AIG. IPC, which provides property casualty catastrophe insurance coverage, was formed in 1993 and currently has a market cap of \$1.4 billion and trades on the NASDAQ under the ticker symbol IPCR. In 2001, in addition to a public offering 15 million shares of stock that raised \$380 million, IPC raised more than \$109 million through a simultaneous private placement sale of 5.6 million shares of stock to AIG—giving AIG a 20 percent stake in IPC. (AIG sold its

Clegg was compensated for her duties to the company, which was managed by a subsidiary of AIG. In 2003, according to a proxy statement, Clegg received \$12,000 per year and an additional \$1,000 for each Directors' and committee meeting she attended. Clegg served on the Audit and Investment committees during her final year on the board.

IPC paid millions each year to other AIG-related companies for administrative and other services. Clegg was a diligent director. In 2003, the proxy statement report, she attended more than 75 percent of board and committee meetings. This while she served as the managing partner of Clegg International Consultants, LLC, which she created in 2001, the year she joined the board of IPC. (See Dodd's public financial disclosure reports with the Senate from 2001-2004 here.)

Dodd is likely more familiar with the complicated workings of AIG than he was letting on last week. This week may provide him with another opportunity to refresh his recollections.

## THE PRESIDENT'S CHALLENGE TO CONGRESS

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes.

Mr. BLUMENAUER. Thank you, Madam Speaker. I appreciate the opportunity to address the House this evening because tomorrow is going to be a very important day as we move forward with a markup in the Budget Committee to deal with priorities that are going to be facing this Congress.

Before I begin my presentation, I would like to recognize the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), if I could yield to her for a 3-minute presentation. I know she has some information that she would like to share with the House, and I would recognize her at this time.

DR. DOROTHY HEIGHT'S 97TH BIRTHDAY

Ms. JACKSON-LEE of Texas. Allow me to thank the distinguished gentleman from Oregon and to emphasize the point that he just made of the importance of the budget markup and also of the very important issues that he comes to the floor to discuss this evening.

There is another important event that occurred today, and that was the 97th birthday of Dr. Dorothy Height. I don't think I have to remind my colleagues of how important a person Dr. Height is today and how important she has been over the years. She is now the chairman and president of the National Council of Negro Women, but she was the only woman present at the 1963 March on Washington. She has previously been an icon, working with Presidents as far back as Franklin Delano Roosevelt. A civil rights leader she is, but an empowerment of women is her calling. She has led the National Council of Negro Women now for decades.

Today, at that very building—really, at the only building owned by African Americans on Pennsylvania Avenue, women gathered from around the Nation to celebrate Dr. Height's birthday.

Dr. Height was a pillar in the civil rights movement, standing alongside of A. Philip Randolph and Martin Luther King and numbers of others. She has also been someone to encourage women to participate in the governmental process, to be educated, to stand strong. She is a spokesperson for the unempowered, and of course, she is a mentor to so many of us. She is a friend of the Congressional Black Caucus, of the NAACP and of the National Urban League. When there is an issue of concern, you have the need to call Dr. Height. She is also a recipient of the Congressional Gold Medal along with many, many other awards.

I am privileged today to be able to stand on the floor of the House to recognize an American icon, a patriot, a woman of valor and courage.

Madam Speaker, it is again my great pleasure to salute Dr. Dorothy Height for a happy, happy birthday, now some 97 years old, and to thank my friend and colleague for allowing us to share this with all of our colleagues and to celebrate, again, a life that has been worth living and is still worth living—a champion of the people.

Dr. Dorothy Height, happy birthday. I yield back to the gentleman.

Mr. BLUMENAUER. Thank you. I appreciate the gentlelady making that presentation.

Madam Speaker, the President of the United States has issued a challenge to this Congress and to the American people that is embodied in the budget that he outlined before us when he addressed this Chamber in his first joint session of Congress and has followed up with in his budget submission. He has given a challenge to us to deal with the great interrelated problems of the day.

He has suggested that we move forward to deal with health care in terms of fundamental reform for all Americans, for dealing with energy instability and global warming, to deal with the incredible budget deficit that he has inherited to try and stabilize the fiscal situation of the United States, and to deal with investing in education in the future.

What I would like to do this evening is address the element of the budget that speaks to climate change, global warming, energy independence, and investing in our energy future.

It has been interesting listening to our Republican friends who have been told by Mr. BOEHNER, the Republican leader, that they are not to be legislators, that they are to be communicators, evidently deciding that dealing with the messy problems of government with energy, with the budget, with the nuts and bolts that the American people sent us here to address might be a little too risky. So, instead, they're talking about communicating some of their concerns.

We have heard the mantra about the President's budget—taxing too much, spending too much and borrowing too much. We have not heard constructive alternatives, and they certainly have not acknowledged that the policies of the Republican majority and the Republican President, when they were in charge for the last 8 years with the Bush administration and in charge for a dozen years in the House of Representatives, actually created these problems.

Spend too much? These are people who understand spending. They produced record budget increases, increasing spending faster than Bill Clinton, faster even than one of the favorite whipping boys they have—the Great Society of Lyndon Johnson.

Borrow too much? Well, these are people who, when President Bush took office, were faced with the daunting

prospect of a \$5 trillion budget surplus. That was the official estimate. Remember, there were smart people concerned with what would happen if we paid off the national debt. What would be the instruments for insurance and pensions and other commercial transactions? Well, they solved that problem by turning a \$5 trillion surplus, with a pattern of reckless spending and ill-considered tax cuts, to a record deficit. It was a \$5 trillion surplus, and they added \$5 trillion to the national debt. They have given President Obama a record \$1.8 trillion deficit that he is struggling with now.

They know about spending too much. They know about borrowing too much because much of this was money borrowed from the Chinese, the Japanese and the Europeans. Under their watch, the current accounts and the balance of all of the goods and services and trade in and out of the United States increased from 3.6 percent to over 5 percent, a 40 percent increase—rather sobering—and it is contributing to the instability that we face.

Well, these people are, hopefully, going to stop communicating long enough tomorrow to maybe roll up their sleeves and help us deal with very specific opportunities as part of the President's challenge dealing with climate change, carbon pollution and the opportunity for energy independence.

□ 2030

This is critical for the same reasons that the Republican talking points are circulated because the situation today—with our carbon pollution, energy instability, climate change—is a tax on the future.

Last year, we shipped some \$700 billion overseas to pay for imported oil, a sum that was taken away from our economy, much of it borrowed money. It is, in the future, it is a recipe for disaster as we move forward. They know that as we are in a situation today where we're talking about disasters that are consequences of this climate instability—we have seen a dramatic increase in weather-related events in terms of drought just in terms of natural disaster. We saw last year \$200 billion of costs associated with natural disasters, much of which is related to this climate instability, unpredictable weather events, and 220,000 lives were lost. And, going forward, we know we are facing greater and greater challenges.

The budget that has been advanced by the President that we will be discussing has the opportunity for us to carve out some room for some area that deals with—whether it's cap-and-trade, a carbon tax—some mechanism so that it is no longer free for people to pollute the atmosphere with carbon.

We know that it is not free in terms of environmental consequence. We know that it is not free in terms of

weather instability, in terms of drought, the permafrost in Alaska that is no longer perma, roads that are buckling, seaside villages that are washed away, and we watch as sea levels continue to increase in the United States placing millions of Americans at risk who live immediately adjacent to our coastlines and people around the world who are going to be susceptible to storm surges. We're looking at a situation now where these challenges are going to bear directly on the quality of life of Americans and our economic stability.

It is clear that over the last 20 years, these concentrations of gasses that trap heat in the atmosphere, raising the temperature of the planet, the case now is largely settled. The consensus of the environmental community is that we have—global warming is a reality and we have consequences that we must deal with.

It is important that we have an opportunity in this Congress to exercise our responsibility to do something about the costs and consequences of climate change. We are feeling them today, and they are going to be even more devastating on people in the future.

Lake Mead is less than half the level that it has been in recent years, putting tremendous stress on water supplies in the southwest. The City of Las Vegas, for instance, is looking at rather elaborate and expensive alternatives to try and maintain their lifestyle in the middle of the desert.

We're watching increased forest fires year after year. These costs are increasing exponentially placing large areas, not just in the southwest, but the flame zone is stretching across the country.

There is increased damage from forest pests that are moving into new habitat as a result of the climate change.

And then there are the costs that we bear to national security. As we look at conflicts that relate to water and drought in sub-Saharan Africa, in the Middle East, these bear a cost burden on the United States. We very likely have to deal with those conflicts in the future.

There is also a very critical cost that is occurring. As the ocean absorbs increasing amounts of carbon dioxide, the ocean acidifies. We're bleaching the coral reefs—the coral reefs that have been likened to the rain forests of the ocean; that reduces the ability of plankton to form calcium carbonate, reduces the ability of the ocean to absorb carbon and threatens the food chain on which not just aquatic life, but increasingly large numbers of people around the world rely.

There are significant health consequences as we look at the impact of severe heat waves. We watched thousands of people die in the Midwest, in

Europe, particularly in France, with heat waves of just a few years ago. We are quite certain, and the research is clear, the models predict, and are, in fact, proving to be the case that as these intensify in magnitude and duration, we're going to have further increases in mortality and morbidity especially amongst the young, the frail, the elderly and the poor.

We're watching impacts on air quality, a tax on Americans now, dealing with regional ozone pollution, respiratory infection, aggravation of asthma and premature death.

These extreme weather events are having, especially along the Gulf and Atlantic coasts, severe events that have intensity of precipitation that is increasing the risk of flooding, greater run-off and erosion, and the potential for adverse water quality.

The people who are—increasing numbers of whom are who are subjected to these problems of disease and injury to floods, storms, droughts, and fires, this is a real cost today and is one that is going to increase in the future.

Madam Speaker, there are opportunities for us to be able to make a difference, restructuring our economy, dealing with climate change, reducing carbon pollution, in ways that will make a fundamental difference in terms of how America works. At a time when our economy is in free fall, what better opportunity for us to be able to create economic opportunities at home, new green jobs that can't be exported, building a smart grid, weatherizing homes, new jobs from exporting green technology that we create, and reducing the costs for American families through energy efficiency. Remember, it is not the rate but the bill at the end of the day.

We have an opportunity to increase economic competitiveness with a more efficient economy, and energy independence means we can stop sending our money overseas to people who don't like us.

Now, I see that I have been joined by my colleague from New York. Mr. TONKO has been a leader, both in terms of the private sector position, and for years in the New York Assembly before he joined us in Congress. He chaired relevant legislative committees dealing with these issues.

And we're honored to have him join us this evening, and I would like to recognize him for his observations about the opportunity as we move forward with a new budget, dealing with opportunities to reduce carbon pollution and usher in a new economic era.

Mr. TONKO. Thank you, Congressman BLUMENAUER. And it is with great interest that I join you because I listened to your commentary about the important factors associated with this transformation in our economy.

I think it is so important for us to focus on the fact that as we grow

American power, as we grow energy sources that are American produced, we are creating American jobs for the benefit of American working families.

So this is a totally American agenda where we can grow that energy security and advance great opportunities in the workplace as we enhance our environment and provide for sounder energy policy.

You know, I am reminded that over the last 50 years, the major growth, over ½ of the growth of our Nation's GDP, is related to developing and emerging technologies that were then adopted into all sorts of institutional outcomes.

That investment, that growth in our GDP, explained by emerging technologies only required a 3 percent, on average, investment in R&D; 3 percent of our GDP was invested in R&D. So when we think of that research and development opportunity at that mere 3-percent level, and to recognize that that meant well over ½ of our growth in the Nation's GDP, that is a powerful statement. Imagine what happens when we are willing to invest a greater amount into R&D.

I am tremendously encouraged by the Obama administration because of its embracing the important role that science can play, treating science and technology as vibrant components in our comeback as an economy.

We also know that as we look at history, we can understand fully that it was technology and reform and transformation and innovation that produced the success stories here in this country. As we moved from an internal combustion engine to the development of electricity, we created an unprecedented amount of jobs. As we developed the automobile, it created millions of manufacturing jobs. And certainly millions more were employed by building those power plants and dams and our Nation's electric grid.

So just as we moved into that era of job creation and job enhancement and technology advancements, think of the green-power revolution that can really transform how we address our economy. There can be no strong comeback without our investment in energy. And I think that's what this is about: American jobs producing American power for America's families.

Mr. BLUMENAUER. Well, I appreciate your sketching that vision of the future with a look towards the past. And if there was ever a time that the American economy needs a little rebalancing, it is now. We're looking at a financial services sector that is going to be shrinking. I think we've seen the consequence where there is a certain amount of this economic growth, which was a result of developing exotic financial products, having desk jockeys figure out new ways to charge fees, and subprime loans, what happened with predatory loan lending, and in some cases, outrageous credit card practices.

Well, this is not arguably adding to the store of national wealth. And what you described was several instances in our history where we were developing and implementing new technology. We were adding value to the economy, real value to the American productivity. The family had more tangible activities. And people were involved with jobs that created value.

Well, we have seen study after study that indicates precisely what you have described is going to occur if we are able to make that transition.

The State of California is already one of the most energy efficient in the Nation. In fact, if the entire United States was as efficient on a per capita basis as California was just a few years ago, energy consumption in the United States would be reduced 32 percent.

Well, one wonders, well, then California may not have the economic upside of dealing with a cost-effective energy reduction. Well, that would be wrong. California has analyzed the economic impact of their plan to reduce greenhouse gas emissions to 1990 levels in the course of about the next decade.

□ 2045

That's a 30 percent reduction from business as usual emission levels projected for 2020, about 15 percent below today's level, and they found that the economic benefits would increase economic production overall for their State \$33 billion. It would increase their gross State product \$7 billion. It would increase personal income—and this is critical in terms of the savings to individuals and increased earnings from green jobs—\$16 billion. On a per capita basis, Californians would be ahead \$200 each per year, and there would be more than 100,000 new jobs. Oh, and by the way, they calculate billions of dollars—between \$4 and \$5 billion—a year savings in health costs.

So I think what you have described, we can see in a State like California where there's been extensive study, that there's an opportunity to really realize that vision.

Mr. TONKO. Well, having come from NYSERDA—you mentioned my role in the New York State Assembly as energy chair for 15 years, but then I moved over to NYSERDA, the New York State Energy Research and Development Authority, where I served as president and CEO. I saw firsthand that research and development equaled economic recovery. It provided many, many opportunities to advance science and technology and create jobs from the trades on over to the inventor and innovator, the engineering groups that would design specific new products and then deploy them where they were success stories into the commercial sector.

I think that when we talk about these opportunities we're reminded of a report that came out in 2005 from Na-

tional Academies and it was entitled, *Rising Above the Gathering Storm*. And let me just read the three basic categories that they thought were of the most meaningful path that America should follow: investment in basic research; innovation as the path to reducing our dependence on foreign oil; and improving science, technology, engineering, and math education.

Now, right there in a nutshell is a major impetus to a new era of job creation. We can bring about a much more vibrant outcome for the manufacturing sector simply by retrofitting new energy innovation to that workplace, providing for, if not cheaper, smarter outcomes, which then wins at the global marketplace.

I think that our manufacturing sector can grow great potential with an energy revolution, not only in the direct impact of jobs created in that arena, but the ripple effect that then circulates into and impacts into many of our sectors of the economy.

I looked at a project when I was still in the State Assembly to work with our dairy farms in upstate New York. They were impacted by prices that simply were very marginal. They did not give them much of a profit, if one at all, and we needed to, in New York State, look at ways to cut the costs of milk production for our dairy farmers.

I thought, well, they're dealing with a perishable product, they have energy costs that are sometimes difficult to manage because they can't deal with peak and off peak necessarily, with Mother Nature taking hold in their operations. And so we worked on energy retrofits with Cornell University, with NYSERDA, with the local utility, and with the farming community, with farm representatives, the farm bureau.

We came up with programs in a demonstration project that saved somewhere between 30 and 40, if not greater, percent in demand just in that setting of our dairy farm operation. We then moved to some 70 farms from the success of that demonstration, and all were very pleased with the outcome.

And without even adjusting the rate, as you had made mention just earlier, they paid much less for their bill because the demand was reduced significantly, and they're dealing again with a perishable product that has a heating and cooling process, that is a costly one in terms of energy consumption.

So here we created a much stronger outcome, and believe it or not, with that more comfortable setting, that because of some of the fan work that had been done to cool the barn and, again, regulate the energy consumption, you had a more comfortable setting for the herd, and production per cow was greater.

So all around it was a win-win-win situation, and we were utilizing a state-of-the-art, shelf-ready technology. Think of the many other applications that are out there looming that



we can then advance through resources that come when we put together a system that checks the pollution impact on our environment and produces through that, resources that grow jobs, grow opportunities, grow discovery, grow innovation, grow demand reduction, and then move forward to creating this all-American agenda that impacts, finally, the American family in very positive measure.

Mr. BLUMENAUER. That's a very impressive story, starting with reducing environmental pressures to right through the food chain, production chain, reducing costs, increasing productivity. And I would assume that it is also safe to say that there is a hidden advantage in the long term because application of strategies like this reduce long-term demand.

Nothing is more costly for individual consumers than having to go and make massive capital investment for future production capacity. The cheapest kilowatt is one that we don't have to generate, and this would be an example where you were saving future generations as well.

Mr. TONKO. And I hear you, Congressman BLUMENAUER. I think that in this country, beyond any other, with consumption per person, energy demand per person so high above the average, there is a greater bit of opportunity here than in any other world Nation that is a manufacturing leader in the world.

So we have with this gluttonous dependency on petroleum-based, fossil fuel-based economy of ours to move forward aggressively, and just a simple 1 or 2 or 5 percent reduction in demand is monumental coast to coast. And so this is about job creation in a way that grows significant jobs from all sectors. From the blue collar and white collar jobs of today, all can be transformed to some degree to a green collar work environment.

Just yesterday in Albany, New York, at the State Education Department, a subcommittee from the Science and Technology Committee of this House, headed by Chairman HINOJOSA, went to Albany to conduct a hearing on improvements in the Workforce Investment Act. The reauthorization is before us as we speak. We're looking at how we can better improve that act and also bring about today's thinking on green collar opportunities, green collar opportunities in the energy world.

And part of the witness table included a representative from GE's wind division. They talked about the Federal Department of Energy's forecast of some 500,000 jobs in that industry that will require those who are site managers, site operational people, to those who are wind technicians to be able to learn the trades, learn the maintenance and retrofitting and installation opportunities and skills to bring about

this revolution of sorts. There will be those, too, that are required to come up with the next generation of equipment that is, you know, today in the labs percolating in a way that is just, again, a revolution waiting to happen.

This is smart thinking. This is smart policy. These are progressive measures that then take this country into that world leading status.

You know, as a kid I remember the space race. I remember the Sputnik situation. We were competitive. We were going to beat Russia to the punch. We were going to make certain that we landed a person on the Moon. That came with a vision that was followed up with a sense of policy, that drove us with resource commitment. We have that same opportunity today, a golden opportunity made green in a way that will spark this innovation economy, that will transform a lot of the work opportunities out there and provide the bottom line benefits to American working families.

I think the middle class Americans who have just realized the largest investment in a tax cut in the Nation's history through the recent recovery act will now stand yet another chapter of gain here with this sort of thinking.

Mr. BLUMENAUER. I love the phraseology, "a golden opportunity turned green." I think that is well-said, and your analogy to the space race that we had with the former Soviet Union I think is a perfect analogy. It sparked a birth of technology. It encouraged us to invest in education in grade school, high school and college and post-secondary. It was a spurt of innovation that led to a whole host of new products and increased productivity.

And you rightly point out that we are currently the largest consumer of energy in the world on a per capita basis. Sadly, we waste more energy than any other country on the face of the planet. It doesn't have to be that way, and in your State and mine, there are people hard at work developing new technologies and techniques to be able to essentially mine these energy sinks that we have with old residential and industrial buildings, wasteful practices, to be able to harvest the energy, to be able to recycle it, to lower bills and be able to have longer term productivity. This new energy opportunity seems to me to be unparalleled.

I want to just make one additional observation about the fact that change is coming. Now, there are some that say, well, maybe we don't want it in this budget, maybe we are not ready for cap-and-trade or a carbon tax or facing up, as virtually every other developed country has done, and indeed over 900 cities across the country decided they weren't going to wait for the Bush administration. They were going to be Kyoto compliant. They were moving ahead with their own plans, including mine in Portland, Or-

egon, where we reduced greenhouse gas emissions for four consecutive years and actually are almost Kyoto compliant now.

Well, the Bush administration not only turned its back on its global responsibilities by not only not ratifying Kyoto and working with it, but not offering an alternative, just basically saying we'll go our own way, we'll ignore it. They ignored the problem in this country. The EPA administrator, Johnson, was in the most effective witness protection program in history. I think he appeared before one congressional committee. I only saw him once during his tenure, but they refused, EPA under President Bush and Administrator Johnson, refused to accept their responsibility under the Clean Air Act. You know, the Massachusetts Supreme Court case said don't delay further on dealing with tailpipe emissions, don't deny a decision to the State of California to try and do something about it.

Well, the Obama administration understands that nonaction is not an option and that they are following the law finally and dealing with the potential of regulating carbon emissions under the Clean Air Act.

Well, I think if we took a census of people in the business community, they would rather that Congress stepped up with a regulatory process, whether it's cap-and-trade or carbon tax or some variation, so that they had certainty and that we have a chance to move forward rather than just doing it in a regulatory process administratively.

But one way or another, the head-in-the-sand approach of the prior administration and former congressional leadership that was going to deny the reality of global warming and our responsibility is a thing of the past.

□ 2100

The question is: How are we going to do it and how soon will we move forward so that we can reap the benefits and avoid the consequences?

Mr. TONKO. Absolutely. I think the strategy is one that will be produced in very thoughtful exchange here in the House and in the Senate and working with the administration.

I think the resources you talk about, the garnering of resources, these can be applied in so many measures. I saw from my days in the assembly as Energy Chair, to my time as NYSERDA president, a huge sea change in thinking from even the business community, where they came to NYSERDA looking for opportunities for energy efficiency installments into their operation. They were hard hit by some of these economic pressures.

When we think of it, it was an energy crisis that kind of drove this economic crisis. When gas prices were rising severely, when petroleum prices were rising severely, when the cost of running



our factories and the cost of running our workplaces and the cost of maintaining our homes kept rising because of those fuel costs, then people came into an energy crunch. That drove this economic recession that has been so long and deep and now inherited by this administration as we now struggle with the Recovery Act to come forward with a solution.

Doing nothing would have meant what—500,000 to 600,000 job losses per month? So it took action—just like this will take action. As the President has said, energy reform is required for our economic recovery. Health care reform is required for our economic recovery.

So this opportunity for energy reform, where we retrofit our factories and provide for cheaper outcomes and more efficient government, in partnership with our private sector, making certain that we embrace our intellectual capacity, that is what this is all about.

I saw what we could do just in housing stock alone with efficiency measures that range from weatherization to home audits that produce all sorts of insulation requirements and those kinds of investments that, again, produce jobs in our neighborhoods.

I saw what NYSERDA was doing through Hudson Valley Community College, one of the large community colleges in the capital region of New York State. They partnered with NYSERDA. We set goals. We put programs together. We made certain resources were there and then went forward with training people that might be construction management majors at Hudson Valley Community College and learning state-of-the-art PV and solar application for rooftops.

Training the workforce of the future, taking people through various work incentive programs, through our PIC—our Private Industry Council, and making certain they were connected to the community college opportunity, training them at Hudson Valley as educators, then reaching out to other community colleges and creating that network of trainer doing the work with the future trainer. And all of them then working with unemployed, underemployed, people transition that needed new skills developed that were highly skilled in the workforce, addressing our curricula in pre-K-12, addressing the opportunities for matriculation at our colleges and certification programs. All of this is very important to building the human infrastructure that then goes out there and becomes that green energy team in all of our neighborhoods, all of our States across the Nation, making certain that we spark that kind of job creation and dedication to a cause that has us reducing our demand, that then has us producing something other than a fossil-based economy, and generating situa-

tions of power and energy needs that do not pollute and add to our global warming situation and to our carbon footprint. All of that is a spectacular outcome that is achievable with the proper focus, laser-sharp focus, commitment to resources, and advancement in progressive policy.

Mr. BLUMENAUER. Congressman TONKO, we are fortunate to have your 15 years of committee leadership and your work at NYSERDA to be able to bring to bear in a practical sense how we implement that vision. I could not agree with you more. Frankly, I am excited that the American public understands this.

Now there are those that try and distort what public opinion is, what the public will or will not do. You have given concrete examples in your State of New York of how these pieces fit together. We find that more than 75 percent of the Americans in Gallup's annual environmental poll for this year say they are in favor of increased government financial support and incentives to produce energy from alternative sources, while just 8 percent say that government should do less. Thirteen percent said the government has it right exactly.

The same survey showed that Americans largely endorse government efforts to increase alternative energy production through the use of financial support or incentives directly in line with the stated objectives of this administration.

Now these are majorities of Democrats, 86 percent; Independents, 79 percent; even Republicans, 63 percent, all support these renewable energy investments like you describe.

I was also struck by a second poll of over 2,000 Americans conducted by the Yale Project on Climate Change and the George Mason University Center for Climate Change Communication where they found that the American public strongly supported a wide variety of climate change and energy policies.

Ninety-two percent supported more funding for research on renewable energy sources such as solar and wind; 85 percent supported tax rebates for people buying energy-efficient vehicles or solar panels; 80 percent said the government should regulate carbon dioxide as a pollutant; and 69 percent said the United States should sign an international treaty that requires the United States to cut its emissions of carbon dioxide 90 percent by 2050, not the 80 percent that we deal with.

And we find in the same survey a large majority of Americans also supported policies that directly stated, told the Americans that there would be an economic cost. Seventy-nine percent supported a 45-mile-per-gallon efficiency standard for cars, trucks, and SUVs, even if it meant that a new vehicle would cost \$1,000 more to buy. Sev-

enty-two percent supported a requirement that electric utilities produce at least 20 percent of their energy from wind, solar, or renewable sources, even if it cost the household \$100 a year or more.

Seventy-two percent supported government subsidies to replace old water heaters, air conditioners, light bulbs, and insulation, even if it cost the average household \$5 a month in higher taxes. And 63 percent supported a special fund to make buildings more energy efficient and teach Americans how to reduce their energy use, even if that added an extra \$2.50 a month to their electric bills. Finally, 67 percent said the United States should reduce its emissions of greenhouse gasses, regardless of what other countries do.

It seems to me this is pretty compelling evidence that the American public is starting to get it.

Mr. TONKO. Not only that, Congressman BLUMENAUER, I think with that intensity that you just shared with us, it tells me that that should push elected representatives here in the House and Senate to respond to their constituents in a way that is thoughtful and progressive because that is the message I believe is imparted by such polling results.

People know that we have precious little time to correct some of this. But they also know that there's a great outcome. I believe the youngest generations in today's society are going to compel us to think outside the barrel. I think they are going to push us and say it's time to think outside the barrel and do things appropriately.

I will give you an example. Again, at NYSERDA we got involved in a school project across the State at several schools. We would install solar systems at the school to, A, ease the burden on the property taxpayer; B, invest in the children's education so they could see firsthand what was happening and to inspire them; C, to inform the educator to take the teaching staff and allow them to incorporate into their classroom activities the discussion of renewables, of solar, of the opportunities to become independent—energy independent.

What a remarkably successful program. We need just to grow that. But, again, it's resources. States sometimes are confined or restricted. If we have a strong partnership with Federal Government, then we can do that multilayering of government to respond in a way that advances this stretched thinking to allow us again to measure in green terms what the future can be and to see that so many of these opportunities are on that shelf, ready to be applied, tells us that there's a great bit of opportunity out there looming—looming large.

And so I think that polling statistics and the data that are exchanged here tell us that there's a new day coming.

As we invest in this coming budget, I believe you're going to see a commitment to a new world where we are that energy-secure Nation. And as we grow our energy security, I'm firmly convinced we grow our national security. Because our involvement, our dependency on the Middle East, for instance, for our supply of oil and petroleum finds us depending on some of the most troubled spots in the world that have unstable governments, that then control our destiny for what is a basic need out there—the energy to light and heat our homes, to power our manufacturing centers, and our workplaces.

When we are dependent in such huge measure on that sort of importation, it only causes great concern and challenges us to think in these bolder terms. And so I think we need to take that energy palette and paint it in bolder shades of green.

Mr. BLUMENAUER. I love your verbiage, including “thinking outside the barrel.” I think that is a very powerful concept. I think you sketch the larger challenge that we face. We are addressing with the President and with our leadership in Congress a threat to our planet, as you say—national security, shipping lots of money to people who don't like us very much, financing both sides of the war on terror; and, dealing with fundamental restructuring of our economy.

There aren't very many times when people in Congress—there have only been less than 12,000 men and women who have ever served in this body for the entire history of the United States. There are few times when there are fundamental existential challenges to our society, to our way of life. We are in one of those moments right now with the economy, with our national security, and with the threat to the planet.

As you have described, there is an opportunity now for the United States Congress to lead. In a sense, part of it, and I know from a little experience with some of the civic leadership in the State of New York—and it's certainly true in my home State of Oregon—that there is leadership in the private sector, in churches, in synagogues, college campuses, in businesses large and small. People who are young, who are of a real activist environmental bent, but also people of the greatest generation, people who grew up in the Depression and World War II, who understand about conservation, understand about recycling, understand about working together to meet challenges. We have a wide range of Americans that are already out there.

It will be interesting, in my judgment, to see if Congress is able to exercise the courage, the vision, and the leadership to catch up with our constituents.

Mr. TONKO. Let me tell you, part of my congressional district includes

Schenectady, New York, dubbed “the city that lights and hauls the world.” They did locomotive manufacturing. We are a center of innovation, with names like Edison and Steinmetz.

So that Greatest Generation was involved in the manufacturing end of that thought process, that seed that was planted, that invention that was sparked in Schenectady, and they were there manufacturing so that they could light and haul the world.

So along that path of my district where the Erie Canal gave birth to an industrial revolution, where we inspired the westward movement, where this necklace of communities called mill towns emerged because of all of the centers of invention and products that were manufactured, this great generation knows what happens when you are at the front of the line where you are the leader in the world. And this is our chance to assume the leadership mantle of a new century of thinking. Just as we did over a century ago to create some of these ways to address energy needs, we are now at a new juncture that can, again, produce that passage that allows us to impact the entire world with the developments that we can inspire simply by committing resources, whoever it is as a nation, whatever nation assumes that leadership status—and someone will—they're going to control, I think, that global setting. And it should be the U.S.

We as a country not only have the challenges placed before us in terms of a tough economy that now we are working to bring back, a tough job inherited by this President, but he is doing a very thoughtful, remarkable job with keen focus, and includes energy transformation as part of that comeback.

□ 2115

Not only are we challenged, but we have that capacity, the intellectual capacity and the history of having been pioneers, people who have taken that leap of faith and who have seen science and all sorts of experimental procedures as a good thing.

This administration, this House's leadership through Speaker PELOSI and the many chairs understand that we have that capacity, and they are leading us in the right direction. I am convinced.

Mr. BLUMENAUER. Congressman TONKO, well said. I deeply appreciate you joining me this evening.

We are going to have an opportunity to deal with these issues tomorrow with the budget markup and this next week. And as we have committees moving forward, as you say, moving in these various directions, I look forward to working with you and deeply appreciate your reasoned voice and your experience. It is going to make our legislation better.

Mr. TONKO. Well, I know you stand for progressive policies in Oregon, and you personify that very well. So it is a pleasure to work with you in this House, and we are going to go forward and have a very innovative budget.

Mr. BLUMENAUER. Madam Speaker, I yield back the balance of my time.

**PRESIDENT OBAMA'S BUDGET SPENDS TOO MUCH, IT TAXES TOO MUCH, AND BORROWS TOO MUCH; AND, THE GIFT OF LIFE**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate the privilege of being recognized to address you here on the floor of the United States House of Representatives, this Nation's great deliberative body that we are.

I listened with interest to the gentlemen who have made their presentation in the previous hour, and I think back as we start this discussion, this 60-minute Special Order about what has taken place in the country. And many of us watched the President do his press conference. I wouldn't be very surprised if President Obama has at this point reached the threshold for press conferences in his career that would match that of Ronald Reagan's. Ronald Reagan didn't believe in coming before the American people a lot of times in a row. That is clearly not the case with President Obama, Madam Speaker.

We are here dealing with a full-court press across this Nation that seeks to, as the President seeks to, sell his budget to the American people. We have watched the Congressional Budget Office come out with their estimates on what this budget is going to cost. I have watched the irresponsibility of the spending grow. And if you add up the cumulative total of the money that has been spent, taxpayers' money borrowed and spent, I don't really know anybody that has that full total. We need to put it down here on the floor and ring it up every day, just like you put the little thermometer up when you have got a fund-raising drive for a new library. The only thing will be that there won't be any new libraries for our children and grandchildren if we continue on this path.

I recall, Madam Speaker, the President making a statement that, in order to repair this economy, we need to construct this multi-legged stool, and the stimulus plan is only one leg of a multi-legged stool. That is by his words.

So I made the remark then that one leg of a multi-legged stool that wasn't a milking stool, that would be one leg. It wasn't a two-legged stool, I have never seen one of those. There would be

no practical reason to have a two-legged stool, it would fall over. And so a three-legged stool, he would have said so. But we know it is multi-legged. So that is at least four, maybe more, with the legs of this stool that he would like to construct to solved our economic crisis at a price tag per leg of \$1 trillion to \$2 trillion each. And when I said that a month or so ago, there was a significant amount of criticism, that I was exaggerating the President's budget.

Madam Speaker, I submit that, no, now the Congressional Budget Office has exceeded my exaggerated estimate in their objective conservative estimate of what this budget is going to cost this country in debt, and cost the American people.

As I listened to the press conference today, I have been familiar with the term that was trotted at nearly every press conference, of which there have been many, and there are two things we can't get a total on: How much money is being spent, and how many press conferences we have had that set policy for this economy. But I have gotten used to the term that the President had inherited a \$1 trillion debt from his predecessor.

Madam Speaker, I point out that no President inherits a debt from his predecessor President. A President can't spend any money. A President can't initiate any spending. In fact, a Senator can't initiate spending. It has got to be initiated, by Constitution, right here in the United States House of Representatives.

That budget, that spending, that deficit for the 110th Congress and the deficit coming into the 111th Congress, that is the Pelosi debt, the Pelosi deficit. That is the money that was appropriated by this Congress that established much of the debt that was inherited by the 111th Congress that would be administered by the Executive Branch, which would be the President of the United States. His job is to carry out the policies we set and take care to enforce the laws with due diligence. But his statement has been he inherited a \$1 trillion debt. Today we have another milestone I hadn't heard before, Madam Speaker; and that is, now he has inherited a \$1.3 trillion debt.

So the inheritance is growing for the President, but it is shrinking for our grandchildren, unless we consider that they are inheriting debt, as well, and the burden of supporting this government and taking it out of duly-earned profits in future, future years, without a prospect of being able to pay for this, without a plan to come out of it.

And the argument that if we just do something to establish socialized medicine, that will solve our economic problems? I cannot connect the dots on that kind of a statement, Madam Speaker, and it concerns me a great deal.

So the inherited debt, which is not inherited from his predecessor the President, President Bush, but it is debt that is inherited from the 110th Congress and previous Congresses, has grown to \$1.3 trillion. But the debt the American people inherit out of this is over \$8 trillion, perhaps over \$10 trillion. And we are still configuring and constructing more legs of this multi-legged stool that is supposed to bring us out of this economic crisis.

I listened as that language unfolded, and you have to listen very carefully to understand the meaning of the President's words. It is usually an artful job of crafting this ambiguity of language, this ambiguity of language that allows me to pull out of it the meaning that I want to know and hear, and allows someone, my ideological opposite, to draw an opposite meaning from the same words and the same phrase. There are a lot of different ways to describe it. I am going to be generous and call it a classical ambiguity style. And I find myself sometimes turning down the volume and waiting for the newspaper the next day, because you really have to parse all this language and analyze it, and it is hard for me to find time for that. But some of this language is more clear than others.

I intend to take up the issue in a moment of the President's appointment to the Office of Legal Counsel, but prior to doing so I think it would be appropriate to transition into the economic circumstances, and recognize the gentlelady from Minnesota for so much time as she may consume to talk about whatever it be on her mind.

Mrs. BACHMANN. I thank the gentleman from Iowa, also known as the Stunning STEVE KING of Iowa, as stated by national political commentators, who certainly know what they are talking about. STEVE KING is one of our stalwart patriots who is here on the floor fighting on behalf of the American people.

And while we are here tonight to talk about several subjects, we can't avoid the first subject that is on the table. It is the fact that under President Obama's budget that he has put forward, President Obama's budget simply spends too much, it taxes too much, and it certainly borrows too much.

We are very concerned about the excessive spending that is contained in this bill. It is \$3.9 trillion. That is almost \$4 trillion in spending under this budget deficit. This is an historical Presidency, historical for the amount of spending that is occurring under this President, \$3.9 trillion.

Not only is that a huge amount of money just for spending and just for taxing; we know that just the energy tax alone that the President is putting in his budget is \$2 trillion in spending. The President's aides just came out within this last week and said that it is not \$646 billion, as we thought, it is

nearly \$2 trillion. That means for people in Minnesota, for people that are watching this evening, Madam Speaker, we are looking at perhaps an additional \$4,000 per year out of the gate that every American household will see in increased taxes for energy. \$4,000 a year in increased taxes. Who can afford that right now, when 401(k)s are down, when the value of houses are down, when jobs are on the line? We can't afford that, Madam Speaker. The President surely must know that.

But, borrowing too much. Representative STEVE KING talked about the massive borrowing that is coming from under our President's budget. This is what is remarkable. President Obama is borrowing so much of your tax money, Madam Speaker, of the American people's money, that literally President Obama's debt will be more than all previous Presidents combined.

Madam Speaker, you heard me correctly. From George Washington through George W. Bush, the 43rd President, you can add up the debt level of every one of those Presidents. And day after day after day we hear President Obama blaming the previous administration for the current situation he is in; but President Obama will lay so much debt on the backs of the American people that it will trump all 43 Presidents combined. That is historic.

Take a look. These are the figures that are put out, this is the Office of Management and Budget, and these are the figures that the President himself points to. The figures here on the left are the figures for debt prior to President Obama coming into office. These figures on the right are the debt amount that President Obama by his own figures say will be accumulated, \$20 trillion in debt by President Obama's own figures.

As a matter of fact, the Congressional Budget Office came out and said so rosy were the President's figures that he undercounted his debt by \$2.3 trillion. He has rosy estimates of how great the economy is going to grow, and he has very conservative estimates on how high his debt will grow. We are concerned, we are very concerned about what the future debt load will be on the American people.

I am often reminded of the Founders; and Representative STEVE KING and I stand here tonight in this chamber, Madam Speaker. Together with yourself, we are literally standing on the shoulders of the Founders of this great country are. And it was the Founders of our country, as we look through the rearview mirror of history, who very clearly made it known that our government was to be a Constitutional government formed on limited government principles. And the day that the Founders signed the Constitution, they also signed the first ten amendments to that Constitution; and those ten

amendments were given as a gift, a protection to the individual American. Why? Because our Founders were so concerned about the abuse of taxing authority of their mother country, Great Britain. They were so concerned about that abuse of a taxing authority that they said to the American people in the first ten amendments: We want you to know that your Federal Government will be limited in its power. And in the tenth amendment, they specifically said: These limited powers that we are giving to the Federal Government are all the Federal Government will have. Every other power that there is will be given back to the States. We, the Federal Government, won't hold that power. We give it back to the States.

This is very important to realize, because our President doesn't seem to see it that way, Madam Speaker. Our President seems to think that the time and energy and productive years belongs to Uncle Sam and not to the individual. That is a completely different way of looking at the world than what our Founders viewed.

This evening, Madam Speaker, Representative KING wants to turn the subject now to talking about the gift of life, the gift of human life; the issue that our framers talked about in the Declaration of Independence when they called out for inalienable rights and said that we, Americans, were created by a God; that our creator God created us. He gave us inalienable rights, rights that only God can give, rights that no government confer nor can any government take away. That, among those rights are life, liberty, freedom, and the pursuit of happiness.

Tonight, I know that is what Representative STEVE KING wants to speak about, Madam Speaker. He wants to speak about that cherished gift enunciated in the Declaration of Independence, the right to life, and why we are so genuinely concerned about the nomination to the Office of Legal Counsel that President Obama is making and the individual that Representative KING will be speaking of.

□ 2130

Mr. KING of Iowa. Reclaiming my time, I thank the gentlelady from Minnesota for the eloquent presentation on the economic side of this thing and the very smooth transition into the life side. And this is an important issue that sits before this Congress.

Before I go to that issue, I would comment that in looking at the chart of the debt and the cumulative effect of the debt of President Obama's debt compared to the sum total of all the previous administrations, Congress has started, the President signed the appropriations bills, there is another statistic that I saw that was a calculation from the Congressional Budget Office that took this debt in the budget that

has been proposed by President Obama and lays it out into the future. The greatest share of our gross domestic product that we have had as debt in a budget was 1945, right at the end of World War II. And this Obama budget projects to be not 100 percent of gross domestic product, but twice as high, 200 percent of gross domestic product is the calculation that comes from numbers produced by the Congressional Budget Office.

Madam Speaker, I point out another component of this, that yesterday there was a plan that was rolled out that was played off of former Secretary of the Treasury Henry Paulson, who argued that he should have \$700 billion to pick up toxic assets from the lending institutions, and that proposal was rolled out yesterday. And here is how this calculates, and that is that the Federal Government—and I want to make this point, Madam Speaker, before we move on, because I think it is so essentially important that we all understand what is taking place in this country with the nationalization of Fannie Mae and Freddie Mac, reaching into the auto makers with the partial nationalization that is going on there, the nationalization of AIG. The taxpayers own 80 percent of the shares of AIG. They are not worth a lot, but taxpayers own 80 percent of them. We have a big investment in Citigroup. And as the Federal Government swallows up financial institution after financial institution, now this administration reaches in to the mortgages themselves, into institutional investors and individual investors, perhaps, to deal with these toxic mortgages.

Now I have argued, and Congresswoman MICHELE BACHMANN and I have signed on to a piece of legislation last fall and argued that we should use private capital to solve this problem with the toxic debt that exists, the toxic mortgages that are out there, those mortgages that aren't performing and that are going in the tank. It is always preferable in a free-enterprise kind of an economy to have private-sector capital come in and rescue.

The rescue fund, the rescue act was a piece of legislation that I introduced that we are original cosponsors of, and one of the things that it does to put private capital into this very thing, these kind of mortgages. It would suspend capital gains taxes on rescue capital that would come in to pick up the toxic debt. Each time that we have pushed out into the middle of the table the argument that we should be either suspending or eliminating capital gains taxes so that investors could come in and pick up these toxic mortgages, and then if they yield a profit, let them keep the profit tax-free, they will reinvest those dollars and pay taxes on their capital at a later date, Madam Speaker, but we can't get that simple idea of suspending taxes on capital

gains to stay on the negotiating table any longer than it takes Chairman FRANK's back of the hand to sweep it off.

Why? Why would the most logical proposal that can be devised, and the simplest one at that, that brings free-market solutions and private-sector investor capital that is looking for a place to go, why would it not be part of the plan to resolve this economic downward spiral that we are in? I will submit it is because the people that are in charge of devising the plan don't really believe in the free markets. If they did, they would want investors to come in.

So the White House has proposed a plan that would partner up the Federal Government, the White House and the taxpayers with private sector investment. Now I'm saying that we could get trillions of dollars of private investment to come in and pick up this toxic debt. You don't want to buy it at any more than the market price is. There is no reason to overpay for it. But you want to take it off the books of the banks and the lenders and let them move on and heal up. So here is the proposal, and it works out to be like this. If an investor wants to put \$1 down on the table to invest in these toxic debts that we are not supposed to call "toxic" anymore, these mortgage-backed securities, that investor can lay \$1 down, and the Federal Government will lay \$1 down, and then the Federal Government will guarantee another \$12 worth of debt. So, if I'm an individual investor, and I can come up with \$1, that means the Federal Government puts another \$1 in cash up to match it, and then they guarantee the loan on the balance of that, another \$12, so we have got a \$14 investment here. Thirteen of the \$14 are guaranteed by the Federal Government. The risk for the investor is \$1 out of \$14, 7 percent of the whole. The Federal Government's risk is 93 percent of the whole, and if this thing goes down, if it washes out, we are, as taxpayers, holding the bag for 93 percent of the loss. And the result—oh, wait a minute. What happens to the profit, Madam Speaker? Well, the profits are shared 50/50 between the Federal Government, the taxpayers and the investor.

So if I can come out and put \$1 down and somebody else will guarantee or put down \$13, and out of that whole \$14 worth of investment I'm going to get half of the return off of my 7 percent investment, and the Federal Government gets half of the return off of their 93 percent of their investment, I think you know what has happened here. They have rejected the idea that we should just not tax the profits, and instead, in the lust for sharing in the profits themselves and expanding the role of the Federal Government, they have rejected a free-market solution and come up with a Big Government

solution that buys the Federal Government in in a big way with no way back out again and not even a respectable platitude that would give us a way to define it out of the ambiguity of the language that that is what is going to happen.

Mrs. BACHMANN. If the gentleman would yield, what we have seen transpire is nothing short of historic. We have seen, since last year, the Federal Government become the bank of first resort and the bank of last resort. We have seen the Federal Government nationalize banks. We have seen the Federal Government step into insurance agencies, become the insurer of first resort and become the insurer of last resort and nationalize the largest insurance company in the United States, AIG.

And now what are we seeing in the Treasury Secretary's proposal that was just given out yesterday, or maybe it was the evening before that, is this: Now the Federal Government will become a hedge fund. That is essentially what we are looking at. The Federal Government will become a hedge fund. The only thing is that we will have toxic assets in the hedge fund.

How does this work? Again, the taxpayer, John Taxpayer becomes the chump that is holding the bag in all of this. Again, it is the taxpayer that is the forgotten man. Because once again, the Federal Government thinks that the taxpayer is good enough to have to pony up the money for all of these ideas that seem to come out that have a lot more to do with centralized government planning and very little to do resembling free-market capitalism.

We are lurching. We are lurching, Madam Speaker, away from free-market capitalism when you come to the point where the Federal Government now decides to throw the dice and become a hedge fund and the taxpayer is the one who is there for all of the loss but not for the gain. I yield back.

Mr. KING of Iowa. If the gentlelady will yield for a question.

It just occurs to me as you speak of this, let's presume that you had \$1 million to invest. And you had been looking at a bundle of these mortgage-backed securities with the idea that you could go in and buy up this bundle with \$1 million in investment and then manage them in such a way that you could get your money back out and make a profit. It would be a good thing for our economy. It would be a good thing for the investment in that capital.

Now, if you're ready to invest that \$1 million in buying up a bundle of mortgage-backed securities, how would you be able to compete with someone who also had \$1 million and who had \$12 million from the Federal Government, between them then \$13 million, to match up against your \$1 million? What happens to the free market in

this? And how does someone who doesn't want to participate and make an investment like that in direct competition with the Federal Government, how do they possibly find a profit? How can they compete?

Mrs. BACHMANN. Exactly. And we haven't got the question answered yet. It appears that only large institutional investors, a Goldman Sachs or someone like that, will be able to get in on these sweetheart deals. I don't know too many Joe Averages that will be able to buy into this great deal.

So think of it this way in your example: You have \$1 million worth of mortgage-backed securities. How much skin in the game would this private investor have? Again, public-private? Public is \$950,000 worth of Federal tax money to \$50,000 worth of investment from the private person. But yet what if the yield is positive? For a \$50,000 investment, you could have a \$500,000 gain. That is pretty amazing. Whereas the Federal Government would be losing 95 percent, and there is nothing to lose when it comes to the private investor.

Mr. KING of Iowa. And reclaiming my time, the gentlelady mentions the institutional investors. And we have also watched the institutions on Wall Street such as Goldman Sachs, AIG, Citigroup and let me see, Lehman Brothers, and Merrill Lynch. The list goes on and on. It occurs to me that some of the same names and faces are inside the room when these decisions are made over and over again.

I think back to AIG, and the situation that flowed across this floor that would go back and back tax those retention bonuses that were paid to the executives. Who makes that decision? Who had the opportunity to say "no"? Some of the same people that are configuring this program now. It looks like it is designed for the institutional investors.

Mrs. BACHMANN. And if the gentleman would yield on AIG, let's not forget what AIG was. Once the American Government came in and federalized AIG, AIG was essentially a pass-through entity, meaning Federal tax dollars passed through AIG, went directly to Europe and made whole foreign investors. So this is what the taxpayer was paying for. The taxpayer gave money to bail out foreign investors.

My question is, foreign investors were made whole 100 percent across the board. Goldman Sachs—and I'm not trying to pick on them—but they were made whole \$13 billion, 100 percent. My question, Madam Speaker, is will the American taxpayer be made whole 100 percent? And when will they be made whole, if ever?

Mr. KING of Iowa. We know that there won't be any opportunity for the American taxpayers to be made whole.

And I'm asking for the taxpayers to wake up. Take on this personal respon-

sibility. Get out the tea bags. The American people can come together and say, enough is more than enough. This is too much. And it is time to put the brakes on this.

Mrs. BACHMANN. If there is one final thing I can add to the gentleman's remarks. It was amazing this afternoon. President Obama had made a statement when he was with the prime minister of Australia. And he was asking Congress to give more power to the Treasury Secretary. As if they don't have enough already, he wants more power to the Treasury Secretary, which means more power for himself, because the Treasury Secretary represents the President.

He wants more power for what? So that if a private corporation becomes in trouble—we are not talking about a bank now. We are talking about a private corporation that becomes in trouble, he wants the Treasury Secretary to have unilateral authority, on his own decision, to walk into a private business and essentially nationalize it, take it over and reorganize.

I'll tell you what. If investors are worried now about the Federal Government coming in, opening up private compensation contracts and deciding to lower the amount of the wage value, you ain't seen nothing yet. Because the Federal Government is going to come in with its Marxist view of economics and make a decision about who is allowed to make what wage based upon what government thinks. This is one of the scariest ideas to come down the pike.

Mr. KING of Iowa. As I reflect on your discussion about this attitude about the Federal Government deciding what executives should be paid, what businesses are viable and which ones should be nationalized, I recall there is a fine and stellar company that is domiciled in Minnesota that had one of their pieces of their investment that was nationalized. It was a rice processing plant in Venezuela. A Hugo Chavez move, that took over a rice plant in Cargill in Venezuela. And this is a pattern. I think if you would read the story about that and then bring it back and just change the names, the places and the dates, put some American companies in there, I don't think you could discern the difference between the specter of what is hanging out for the American businesses that is coming out of the White House and what has actually happened to Cargill in Venezuela.

Mrs. BACHMANN. And we also have a great institution in Minnesota, a great bank, Twin City Federal. Twin City Federal took some of the TARP money, some of the Federal bailout money. They did so because they felt if they didn't they would appear weak because the money was supposed to be only given to strong banks. Twin City Federal made the remarkable move

about 1 month ago to return the TARP money. And people didn't know if a bank even had that ability to return the money. But they said they wanted to. They wanted nothing to do with TARP.

I think now they are very happy that they got out of that program now that they see the Federal Government has no hesitation to step into a company and now go in and renegotiate the wage contracts between upper management and high-end employees.

□ 2145

Mr. KING of Iowa. I thank the gentlelady. And it occurs to me that at some point, that the NBA, the professional baseball leagues, the NFL, hockey players all are going to eventually come under this scrutiny, and maybe even the Hollywood actors and actresses. If there is something that you can dictate what it is, the wages and benefits of executives in private business, then there is no line by which you wouldn't cross to tell anybody in America what they could or couldn't make.

Mrs. BACHMANN. And it makes me wonder if we will have politically correct wage decisions that will be made. For instance, if you are an executive at a wind-powered plant, is it okay for you to make \$800,000 a year; but if you are the president of an oil company, we don't like you so you are only going to make \$60,000 a year. You wonder what kind of decisions are coming down the road.

And again, this has nothing to do with free market capitalism or getting our country back in order. This has everything to do with the banana republic and bringing our country's finances down the road to bankruptcy.

I yield back.

Mr. KING of Iowa. And the point that is being made, the undercurrent of this point that is being made is what the gentlelady from Minnesota made at the beginning of this hour, and that is, getting to the foundational principles of life, liberty and the pursuit of happiness, these rights that come from God that are clearly articulated in the Declaration of Independence and flow through the Constitution that are part and parcel of our law and our culture and rooted in biblical values. These are the things that have made this a great Nation, along with property rights and free market capitalism, the rule of law, which is God's law transferred into this country. And so today it brings us to this point, this point of the subject of the law itself and how it is interpreted, how the Constitution is interpreted, the profound constitutional questions and how the laws that are written within the parameters of the Constitution are interpreted, and how the President himself is advised by the Office of Legal Counsel. And I will submit that the President's appointment to

the Office of Legal Counsel is one of the most important appointments that is ever made. And it is an appointment that, according to the Newsweek magazine, the Office of Legal Counsel is the most important government office you have never heard of. This is the job that advises the President and other branches of government on all constitutional questions, evaluates executive orders as to their constitutionality and anything that might come before the President for a signature, a piece of legislation that would come out of here, for example, Madam Speaker, that is also something that would come under the purview of the Office of Legal Counsel.

The President issued, he rescinded the Mexico City Policy on January 23rd of this year, and that Mexico City Policy is a policy that prohibited Federal dollars, our tax dollars, yours and mine and everybody across this country, from being used to fund abortions overseas. That is the Mexico City Policy. I think the President wanted to issue his Executive order on January 22, the anniversary of *Roe v. Wade*, but out of respect for the hundreds of thousands of Americans that poured into this city to make their case about the protection of innocent unborn human life, I think out of the fear of backlash, plus he was a little busy signing his Executive order that closes Gitmo a year to the day, it will be on the anniversary of *Roe v. Wade* on 2010. But on January 23, the next day, he issued the Executive order that rescinded the Mexico City Policy, opened up the door to compel American taxpayers to fund abortions in foreign countries, under the guise of what shall we call it, population control, reproductive rights.

And then, on top of that, we have the appointment of Dawn Johnsen to the Office of Legal Counsel to advise the President on executive orders, constitutional questions, and someone who comes to this job with a real track record, a track record of a built-in bias as an assistant to the Office of Legal Counsel, under President Clinton, and someone who has made a whole series of outrageous statements, mostly that have come in conjunction with her doing her job as a legal counsel herself. So these are not, this is not talk that is coming along in the coffee shop. This is language that flows out of legal briefs that she has written.

Mrs. BACHMANN. And if we could just speak a little bit more about the importance of this office, the Office of Legal Counsel. The gentleman had quoted from Newsweek magazine. Newsweek went on to say that this role as Office of Legal Counsel acts as a kind of mini Supreme Court. This office is the President's legal counsel, for all practical purposes. They issue opinions, much like judicial opinions, kind of a mini Supreme Court. Newsweek went on to say its carefully worded

opinions are regarded as binding precedent, as final say on what the President and all his agencies can and cannot legally do. I can't think of a more important office to whisper into the President's ear about where the President will come down and stand on issues.

The other thing to recognize, the Office of Legal Counsel is a training ground, so to speak, for future Supreme Court justices. This individual that the President has nominated for this position, previous occupants were Antonin Scalia, William Rehnquist. This is very important that we know who this person is that will be whispering in the President's ear.

Mr. KING of Iowa. Reclaiming my time. I thank the gentlelady for that further clarification of the Office of Legal Counsel, the most important government office that most have never heard of, Madam Speaker. And so, as we saw this appointment be made, and looked through some of the documentation of Dawn Johnsen, we put together a letter to the President. And this letter is dated March 24 of this year. And there are 62 cosigners on here, both of us, MICHELE BACHMANN and myself included. And it addresses a letter to the President and it says, essentially, Mr. President you stated when you rescinded the Mexico City policy, that no matter what our views, we are united in our determination—and this is a continuing quote—to prevent unintended pregnancies, reduce the need for abortion, and support women and families and the choices they make. I will just close that quote there.

If it is your intent, Mr. President, that we really reach for those kind of goals, and another component of that statement, we must work to find common ground. Close quote.

I hope the President picks up on this. There is no way to find common ground with an individual who holds such utterly biased views. And this is, in my judgment, one of them.

And this is a quote from Dawn Johnsen, and the notion of legal restrictions as some kind of a reasonable compromise, perhaps to help make abortions safe, legal and rare, which is a statement that has come out of a many leading Democrats, including Hillary Clinton. This proves to be nonsensical in her view. And I think it is the rare part that she objects so much too. And she goes on to quote in a different location, progressives must not portray all abortions as tragedies. Absent unforeseen technological and medical changes, abortion is unlikely to become truly rare, and certainly not nonexistent.

In other words, this is a rejection of the position, the most, I will say the most friendly position that I get from people that do not support the protection of innocent unborn human life. At



least they will concede that there is a moral abhorrence to it, and it should be minimized if they aren't willing to eliminate. And that was something that Hillary Clinton said. But this statement by Dawn Johnsen, I think, makes it clear, Madam Speaker, that she says that abortion will never be rare and safe, legal and rare, as a matter of fact. It will not be. And that just opens up the door to further dialog on this particular issue. There are many issues that I would object to. But I focus this on the abortion side.

And another one of these statements that we carry to the President is this: And this, Madam Speaker, is among the most offensive statements that the American people are asked to accept as part and parcel of the package that you get when the President appoints someone to be, to head of the Office of Legal Counsel who carries this kind of a bias against the people who stand up for innocent human life. And this is her statement on abortion regulation. The State has conscripted her body for its own ends because the State has an interest in babies being born. If a State is not interested in that, you will see a civilization ultimately die. So she goes, recognizing a compelling State interest in protecting the fetus would provide States with an open-ended invitation to force pregnant women to act in whatever ways the State determined were optimal for the fetus, thereby, and I pay attention to this, thereby reducing pregnant women to no more than fetal containers. That is a remark of contempt towards mothers, toward the cherished role that they have in bringing these young children to birth and nurturing them with all the love they possibly can. It is offensive to me to think that someone has called my mother a fetal container.

Mrs. BACHMANN. If I could add to the gentleman's remarks, I think that the other thing that is glaring in this statement by Ms. Johnsen is the fact that she said, recognizing a compelling State interest in protecting the fetus. I would just like to remind her that the State is not only interested in protecting the fetus, the State is also interested in protecting the woman. Many States all across the United States of America have laws known as women's right to know because there is an intention that women who are abortion-minded know what the consequence of that decision will mean. Many women become infertile for life. Once they have an abortion they can never bear another child after that. And many women don't know what the consequences of an early abortion will be. That is a violent act. An abortion is a violent act to a woman's body.

Also, women have tremendous emotional pain that they may deal with, not just for an afternoon, or not just for a weekend, they may, for the next 10 years, suffer with depression and all

manner of disorders that they may have to deal with emotionally for years and years because they didn't fully comprehend the consequences of their decision.

And while women should never be viewed as fetal containers—I have never heard any more crass language in my life than the imagery that Dawn Johnsen brought up—it is also true that babies are more than a product of tissue. Babies are a gift. Just as women are a gift, babies are a gift. Human life is to be cherished, not discarded.

Mr. KING of Iowa. And reclaiming my time from the gentlelady from Minnesota who has lived her life in demonstration to that commitment to life, your own children and the numbers of foster children that you have nurtured, you are the woman that lives in Minnesota and had so many children but always knew what to do. And I have not quite figured out how to put that into the proper alliteration, but that is the concept.

Mrs. BACHMANN. We had great kids, Representative KING. That's how we did it, and a great husband.

Mr. KING of Iowa. It definitely helps to have a good husband. I remind my wife of that, and I appreciate that comment.

Going back to this, as you mentioned, it was the Office of Legal Counsel is a perfect position to whisper things into the ears of the President, to get the President's attention, to be on his agenda, to make legal arguments, to make arguments that are going to help him rationalize and set the policy, a policy like the Mexico City.

Mrs. BACHMANN. And to help him make his statements for him because these are written statements that become binding precedent within the President's office. This is an amazing amount of power.

Mr. KING of Iowa. Written statements with binding precedent, and the ability to write that into statements or whisper into the President's ear fetal containers, Mr. President.

Mrs. BACHMANN. It also binds the administrative agencies. So this has power throughout the entire Presidential administration. Every agency, every department would be bound by these statements.

Mr. KING of Iowa. And it would limit the ability of each of the agencies to react to the very policy that this Congress has established, this Congress might establish. And this kind of pejorative language has no place in law. And it has no place in the dialog of America. It has no place in families and humanity, has no place in nurturing little children, and it has no place in taking care of the mothers, the brothers and the sisters with the idea that a fetal container, that reduces the unborn child, that innocent little baby, to being a term that hardly makes it as a medical term.

These aren't the only comments that have been made by Dawn Johnsen. I just picked them up as they come along. There is quite a stack here. And I don't know if I will get through them all, Madam Speaker, but here is one that is also indicative of a similar kind of language in the previous quote where Dawn Johnsen, again, the President's appointee to head up the Office of Legal Counsel, the argument says the argument that women who become pregnant have in some sense consented to the pregnancy belies reality. I would like to think that most women who are mothers have consented to the pregnancy. Not all, but most. The large number of women who never receive proper information about contraception and others who are the inevitable losers in the contraception lottery, no more consent to pregnancy than pedestrians consent to being struck by drunk drivers. Pregnant mothers equivalent to being struck by drunk drivers when they become pregnant? That reduces this thing down into an act of almost negligent violence, if not willful violence. I think it is an act of love.

□ 2200

Mrs. BACHMANN. It almost seems contrary to feminism because feminism empowers women and believes that women have the capability to give consent, informed consent. The way that this is written by Dawn Johnsen, it appears that she is saying that women are without capacity to give consent even in an area of becoming pregnant.

Mr. KING of Iowa. Reclaiming my time, even when they make that decision themselves.

I as a new grandfather myself 3 weeks ago today, I think of those children who are loved and wanted and planned and of those families who are not able to have children and who are lined up to adopt children who might become available. There are many more families in this country who are waiting for a child to come along who they can adopt and nurture into the bosom of their family and raise as one of their own than there are unwanted children in this country.

Mrs. BACHMANN. And if I could just correct the gentleman, my opinion is that every child is a wanted child. That is one of Planned Parenthood's trademarks that, I believe, is one of the biggest myths that has been perpetrated in the last 40 years—every child a wanted child—

Mr. KING of Iowa. By God.

Mrs. BACHMANN. As if there are unwanted children. Every child is a wanted child.

I can attest to the fact that there are open arms for every child who is born. If a child is considered less than perfect, has a physical or a mental disability, there are homes all across the

United States that are begging and pleading and waiting for a child. None of us can ever forget the words of Mother Teresa, who said, "If you don't want the children, I want the children. Give them to me. I will take them," this diminutive, little nun from Calcutta who was willing to take any child from across the planet. Here in the United States, we have willing, open hearts that would take every child who is born in this country.

Mr. KING of Iowa. Reclaiming my time, raising up on the point made by the gentlelady from Minnesota, it is true that every child is both wanted as is wanted, but also, every child is planned and wanted by God. It is his will, and we need to acknowledge that will and nurture and love these children with all of our ability and with all of our will.

It takes me to another quote by Dawn Johnsen. This one fits right in with the category. Perhaps it is more egregious. This is the infamous KKK quote where she says, "The terrorists' behavior of petitioners," meaning those people who are praying for life outside the abortion clinic, "is remarkably similar to the conspiracy of violence and intimidation carried out by the Ku Klux Klan against which Congress intended this statute to protect."

Madam Speaker, I am watching my constituents by the hundreds on these 40 days of Lent, praying outside Planned Parenthood in Sioux City, Iowa throughout these 40 days, and they have been labeled now to be similar to the KKK by the prospective head of the Office of Legal Counsel who would be whispering these terms into the President's ear and writing legal opinions and bringing influence on the enforcement effort of the Federal Government, bringing that up against people who are exercising their first amendment rights of freedom of assembly and religion to protect innocent life.

Mrs. BACHMANN. This is a remarkable statement because it seems to invoke the worst hate speech that you could possibly make. To call out those who are praying on behalf of life and to liken them to terrorists and to call them terrorists, that seems to me invoke a hate speech and also a form of bigotry, religious bigotry of the worst order.

This really calls into question for me the President's judgment in choosing someone like Dawn Johnsen, who used this type of language, and putting her in the position of being Office of Legal Counsel. I think it is shocking and a stunning choice, and it really calls into question President Obama's judgment in this selection.

Mr. KING of Iowa. Reclaiming my time, the gentlelady has articulated this, I think, very well.

We'll add these expressions up together: pregnant mothers are the

equivalent of being hit by drunk drivers; that abortion will never be rare; the equivalent of the KKK are people who are demonstrating and protesting that we should protect and support innocent human life.

I'll put another one up here and add another quote to that. This is another quote from Dawn Johnsen.

She says, "The experience of an abortion is no longer traumatic. The response of most women to the experience is relief."

I don't have any experience with that, but that is not the message that I get from the people I talk to who come to this city. The strongest leaders in the pro-life movement and always among them will be women who have had abortions and who have suffered the trauma, the psychological trauma of abortion. They don't feel relief. They feel compelled to pray and march and demonstrate until *Roe v. Wade* is overturned, and we can protect innocent life in this country as God intended.

Mrs. BACHMANN. I would add that, with all due respect, this is one of the most ignorant comments that I have ever heard—that the experience is no longer traumatic. Speak to anyone who deals in the aftermath of dealing with women who have had abortions.

My best friend runs a crisis pregnancy center. She has given her life and has poured her life out because she loves women and she loves abortion-minded women. She wants to meet them at the point of their deepest crises. She has told me that, for women who come in who are considering abortion and also for women who have had an abortion and who come to her, it is completely traumatic. They agonize as they walk into the clinic. They agonize, the women who have had previous abortions, after they have had the abortion. It is traumatic.

There are reams of scientific papers that have been done that speak loudly to the trauma that the woman has experienced, let alone the trauma that the baby has experienced. That baby's life was taken in cold blood. That baby was murdered in cold blood. Not traumatic? It was traumatic for that innocent child, but it was equally as traumatic for the mother. The mother realizes and understands what has occurred. This is traumatic. To make that statement, to me, is heartless at worst and ignorant at best.

Mr. KING of Iowa. Reclaiming my time, the trauma that has been visited upon many, many thousands of women in this country has brought about the beginnings of an entire organization, of a movement that has significant inertia and membership, and that is called Women Deserve Better. They come to this city continually and make the case that women deserve better. They deserve proper psychological and medical counsel. They deserve to be treated

with respect. They deserve to understand what is going on, and they do not deserve to be told that they are going to feel relief or that it used to be but is no longer a traumatic experience.

Mrs. BACHMANN. That is the cruelest thing that could be done to a woman who is in crisis—to tell her that this is an easy quick fix and that you will experience relief. Women are strong, capable, intelligent people. They can handle the truth, and they deserve to be given full scientific evidence of the procedure they are about to undergo if that is the case. We need to respect women, and these statements do not reflect a true respect for women.

Mr. KING of Iowa. But they may reflect the majority of the input that is going into the ears of the President as these decisions are being made, and they would reflect the position of the Office of Legal Counsel if Dawn Johnsen is confirmed by the United States Senate.

Now, we can expect that these ideas—this philosophy, this pejorative approach—is not balanced and that they do not bring a sense of legality or legal scholarship or constitutional analysis. They bring a bias into this discussion. These kinds of biased positions would be reflected throughout the President's positions because he is the one who has chosen her. It does reflect his positions to some degree.

Mrs. BACHMANN. I would say that this reflects his position completely because we know, from the President's previous votes when he was a State Senator in Illinois, he was the most pro-abortion State Senator in Illinois. His voting record here in the United States Senate was that of the most pro-abortion United States Senator.

He fully supported partial birth abortion, one of the most gruesome, cruel procedures of infanticide one could ever imagine. Also, he voted for the Born Alive Act, which meant that he stood on the floor, as a matter of fact, in the Illinois State Senate and argued that children who were born, born alive, did not necessarily have a right to live, that as to those children who were born alive after a "botched" abortion, the doctor would have the right to kill that baby after it was born, and now President Obama voted in favor of that unthinkable gruesome bill.

Mr. KING of Iowa. And he argued in favor of it.

The foundational principle that he argued for, Madam Speaker, was: A woman who sought to have an abortion had a right to a dead baby even if they botched the abortion and the baby survived.

That is not a moral principle. That is not a legal principle. It is a myopic principle that is pulled up within the political lobbying that comes out of Planned Parenthood. It cannot be based on anything moral; it cannot be

based in law. The philosophy of the President was also reflected during the campaign trail when he was speaking as if his daughters got pregnant—out of wedlock, I presume is what he was referring to.

He said, “I don’t want my daughters punished with a baby.” I listened to that tape tonight to be sure I heard it right. Those are the words of the President of the United States. He actually said, referring to his daughters, “I don’t want them punished with a baby.”

I don’t believe a baby is punishment. I believe a baby is a gift and that the people whom I know who love their children as we do ours and our grandchildren as we do ours see them all as gifts, all as gifts from God.

Mrs. BACHMANN. One of the most gruesome quotes—and I don’t know if the gentleman has this one—is when she is referring to her beliefs and to people who are like-minded.

She said, “Progressives,” which would be far-left liberals, “must not portray all abortions as tragedies. Absent unforeseen technological and medical changes, abortion is unlikely to become truly rare and certainly not nonexistent.”

In this statement, she is lamenting the fact that abortion could become rare. She wants abortion to occur. When do you ever hear anyone say that they don’t want abortion to be rare? But that is what Dawn Johnsen is saying.

When President Bill Clinton was running for President, he said he wanted abortions safe, legal and rare. Hillary Clinton said the same thing when she was running for President. Barack Obama—I’m not sure what his words were, but those were the words of the people running for President. Dawn Johnsen is refuting that. She doesn’t want abortion to be rare. She wants to see abortions occur. That is in the realm of the macabre. I am amazed at that statement.

Mr. KING of Iowa. I thank the gentlelady.

I have one more shocking statement made by Dawn Johnsen. Now, remember, this is the person who would be doing the constitutional analysis, making that decision and making the same thing as a legal opinion, a binding legal opinion to the entire executive branch to one degree or another. She would have the ear of the President. I think Dawn Johnsen has a major flaw in her jurisprudence even though she is probably very well trained. This is what she says about the difference between the Bush administration and the Clinton administration on balance.

She calls the Bush administration’s claims to executive power “extreme, extraordinary, implausible, illegitimate, appalling, and abusive.” By comparison, as to the Clinton administration, “I do not have any specific

criticisms of the Clinton administration in these regards.” Well, I think that tells us about the lack of partisanship that is there.

Let’s see. I was looking for a quote. I have it in front of me. I will take it back to the slavery issue where Dawn Johnsen said, “Statutes that can curtail a woman’s abortion choice are disturbingly suggestive of involuntary servitude, prohibited by the 13th amendment, in that forced pregnancy requires a woman to provide continuous physical service to the fetus in order to further the State’s asserted interest.”

Slavery? I could read through that Constitution dozens of times over. I could pour through this case law over and over again. I invite the law school creative people. I don’t know who would come up with the idea that the opportunity to be a mother was equivalent to slavery.

For a couple of minutes, I will yield to the gentlelady.

Mrs. BACHMANN. You know, I would say that this heavy tax burden that the Obama administration is laying upon the American people has more to do with involuntary servitude than the fact of a woman who has the opportunity to carry an unborn child to term and to give life to that baby. Most women consider that a privilege and a blessing, and they pray for that opportunity so that they can have the chance to share in the joy of motherhood together with their husband, to be able to bring life and to cooperate with God and bring life into the world.

Life is a beautiful thing. It is precious. It is something not to be wasted. It certainly cannot be equated with involuntary servitude, which is slavery. Slavery is what we are looking at right now with the debt burden that we are seeing from the Obama administration, where we are looking at having more debt under President Obama than under all previous 43 Presidents combined. That is involuntary servitude when a person has to work three-quarters of the year just to pay their tax bill, and that is what we are looking at down the road for our kids and grandkids, because this Obama administration is clearly spending too much, taxing too much and borrowing too much.

□ 2215

Mr. KING of Iowa. I thank the gentlelady.

And I would just remind the gentlelady, the Speaker, that we have, by letter, called upon the President to withdraw the name of Dawn Johnsen to head up his Office of Legal Counsel for these reasons that we have argued here tonight, for a multitude of reasons that we didn’t get to in the time that we had, for moral reasons, constitutional reasons, statutory reasons, reasons of logic, common sense, and under-

standing the nature of humanity; for reasons that we want to see this Nation continue to ascend in all of the levels of morality, and economics, and national defense, and culture, and vision so that this country can be moved to the next level of its destiny that’s positive, one that we can be proud of, one that will carry us forward and make our children proud, one day that our children can come to the floor of the House of Representatives, somebody’s children, the next generation, and say, We stand on the shoulders of our forefathers, our predecessors, the people who stood up for life, the people who stood up for what is right, the people who stood up for the Constitution and the principles of life, liberty, and the pursuit of happiness that are embodied in the Declaration of Independence; and the argument that these rights come from God, and they are not to be torn asunder by someone who is a liberal activist who would lay out this list of offenses against life and family itself, the very core and foundation of American life.

That is what we have going on here. No good can come of it. This is the reminder that we have. This is the letter with 62 signatures that we sent to the President to withdraw the name of Dawn Johnsen, appoint someone with a Constitutional understanding and a commitment to those principles and not an activist. We don’t need an activist to head up this Office of Legal Counsel. We need someone who will understand the Constitution and the law and respect life.

And with that, Madam Speaker, I would thank the gentlelady from Minnesota.

I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILL (at the request of Mr. HOYER) for today from 1:30 p.m. to 3:30 p.m. on account of official business.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SABLON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SABLON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. LUETKEMEYER) to revise

and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 31.

Mr. JONES, for 5 minutes, March 31.

Mr. GOODLATTE, for 5 minutes, today and March 25.

Mr. ROGERS of Michigan, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. ROE of Tennessee, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. KRATOVIL, for 5 minutes, today.

#### ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 25, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1025. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, "2008 Packers and Stockyards Program Annual Report," pursuant to the Packers and Stockyards Act of 1921, as amended; to the Committee on Agriculture.

1026. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, monoester with 1,2-propanediol, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypoly (oxy-1,2-ethanediyl) and 2,5-furandione; Tolerance Exemption [EPA-HQ-OPP-2008-0620; FRL-8396-9] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1027. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypoly (oxy-1,2-ethanediyl) and 1,2-propanediol mono-2-propenoate, potassium sodium salt; Tolerance Exemption [EPA-HQ-OPP-2008-0617 FRL-8397-2] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1028. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypoly (oxy-1,2-ethanediyl), sodium salt; Tolerance Exemption [EPA-HQ-OPP-2008-0621; FRL-8397-1] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1029. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, 2-hydroxyethyl ester, polymer with a-[4-(ethenyloxy)butyl]-w-hydroxypoly (oxy-1,2-

ethanediyl); Tolerance Exemption [EPA-HQ-OPP-2008-0618; FRL-8396-7] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1030. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, polymer with a-[4-(ethenyloxy) butyl]-w-hydroxypoly (oxy-1,2-ethanediyl) and 2,5-furandione, sodium salt; Tolerance Exemption [EPA-HQ-OPP-2008-0619; FRL-8396-8] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1031. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Bacillus Mycoides* Isolate J; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2005-0303; FRL-8400-2] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1032. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Benfluralin, Carbaryl, Diazinon, Dicrotophos, Fluometruon, Formetanate Hydrochloride, Glyphosate, Metolachlor, Napropamide, Norflurazon, Pyrazon, and Tau-Fluvalinate; Technical Amendment [EPA-HQ-OPP-2007-1170; FRL-8402-1] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1033. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorimuron-ethyl; Pesticide Tolerances [EPA-HQ-OPP-2007-0301; FRL-8402-6] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1034. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Recordkeeping and Reporting Requirements for the Import of Halon-1301 Aircraft Fire Extinguishing Vessels [EPA-HQ-OAR-2005-0131; FRL-8779-6] received March 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1035. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's "Major" final rule — Implementation of a Dose Standard After 10,000 Years [NRC-2005-0011] (RIN: 3150-AH68) received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1036. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-11, Annual Survey of U.S. Direct Investment Abroad [Docket No.: 080731960-81629-02] (RIN: 0691-AA66) received March 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1037. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report required by the Omnibus Appropriation, Public Law 105-277, Section 2215 on "Overseas Surplus Property"; to the Committee on Foreign Affairs.

1038. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1039. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1040. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1041. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1042. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1043. A letter from the Chief Operating Officer/Executive Secretary, U.S. Agency for International Development, Bureau for Latin America and the Caribbean, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1044. A letter from the Chief Operating Officer/Executive Secretary, U.S. Agency for International Development, Bureau for Latin America and the Caribbean, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1045. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx [FWS-R6-ES-2008-0026] [92210-1117-0000-B4] (RIN: 1018-AV78) received March 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1046. A letter from the Director, Administrative Office of the United States Courts, transmitting the fourth annual report on crime victims' rights, pursuant to 18 U.S.C. 3771, section 104(a); to the Committee on the Judiciary.

1047. A letter from the Acting Trade Representative, United States Trade Representative, transmitting the 2009 Trade Policy Agenda and the 2008 Annual Report on the Trade Agreements Program as prepared by the Administration, pursuant to 19 U.S.C. 2213, as amended; to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1259. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes (Rept. 111-49). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1575. A bill to authorize the Attorney General to limit or recover excessive compensation paid or payable by entities that have received Federal financial assistance on or after September 1, 2008 (Rept. 111-

50). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 280. A resolution providing for consideration of the Senate amendments to the bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes (Rept. 111-51). Referred to the House Calendar.

Mr. POLIS: Committee on Rules. House Resolution 281. A resolution providing for consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes (Rept. 111-52). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DAVIS of Alabama (for himself, Mr. ALEXANDER, Mr. MAFFEI, Mr. HIGGINS, Mr. CAO, Ms. CLARKE, Mr. MCGOVERN, Mr. SNYDER, Mr. LEWIS of Georgia, Mr. RODRIGUEZ, Mr. CARNAHAN, and Mr. FRANK of Massachusetts):

H.R. 1677. A bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes; to the Committee on Ways and Means.

By Mrs. BONO MACK:

H.R. 1678. A bill to amend the Internal Revenue Code of 1986 to allow a bad debt deduction to doctors to partially offset the cost of providing uncompensated care required to be provided under amendments made by the Emergency Medical Treatment and Labor Act; to the Committee on Ways and Means.

By Mr. BRADY of Pennsylvania (for himself, Mr. DANIEL E. LUNGREN of California, Mrs. DAVIS of California, Mr. HARPER, and Mr. MCCARTHY of California):

H.R. 1679. A bill to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the Armed Forces who are on active duty for a period of more than 30 days, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCURI:

H.R. 1680. A bill to authorize the Secretary of Health and Human Services to make grants to promote professional retrofit installation of fire alarm detection systems and other fire detection and prevention technologies in nursing homes, hospice facilities, and other appropriate facilities; to the Committee on Energy and Commerce.

By Mr. BOSWELL:

H.R. 1681. A bill to improve the coordination between the Department of Defense and the Department of Veterans Affairs to better

provide care to members and the Armed Forces and veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY (for himself and Ms. SUTTON):

H.R. 1682. A bill to amend title 23, United States Code, to require States to develop and implement highway bridge management systems; to the Committee on Transportation and Infrastructure.

By Mr. McDERMOTT (for himself, Mr. BLUMENAUER, Mr. LARSON of Connecticut, and Mr. STARK):

H.R. 1683. A bill to amend the Internal Revenue Code of 1986 to reduce greenhouse gas emissions by requiring a Federal emission permit for the sale or use of greenhouse gas emission substances, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. BROWN of Georgia, Mr. SHUSTER, Mr. MCCLINTOCK, Mr. FLEMING, Mr. YOUNG of Alaska, Mr. BROWN of South Carolina, Mr. SMITH of Nebraska, Mr. DUNCAN, Mr. COFFMAN of Colorado, Mrs. LUMMIS, Mr. LAM-BORN, Mr. GOHMERT, Mr. MANZULLO, and Mr. PUTNAM):

H.R. 1684. A bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas; to the Committee on Natural Resources.

By Mrs. MCCARTHY of New York:

H.R. 1685. A bill to provide for the acquisition, construction, and improvement of child care facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. LYNCH:

H.R. 1686. A bill to provide for the protection and integrity of the United States mail; to the Committee on Oversight and Government Reform.

By Mr. BOCCIERI (for himself, Mr. RYAN of Ohio, Ms. KAPTUR, Mrs. SCHMIDT, Mr. WILSON of Ohio, Mr. LATOURETTE, Mr. AUSTRIA, Mr. SPACE, Mr. LATTA, and Mr. JORDAN of Ohio):

H.R. 1687. A bill to designate the Federal building and United States courthouse located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Ms. BORDALLO (for herself and Mr. AUSTRIA):

H.R. 1688. A bill to amend title 10, United States Code, to ensure that commissioned officers who serve in a reserve component of the Armed Forces are able to retire in the highest grade in which they have successfully served; to the Committee on Armed Services.

By Mr. BOUCHER (for himself, Mr. UPTON, Mr. DINGELL, Mr. BARTON of Texas, Mr. RAHALL, Mr. WHITFIELD, Mr. MURTHA, Mr. COSTELLO, Mr. HOLDEN, Mr. POMEROY, Mr. DAVIS of Alabama, Mr. DOYLE, Mr. HILL, Mr. BUTTERFIELD, and Mr. WILSON of Ohio):

H.R. 1689. A bill to accelerate the development and early deployment of systems for the capture and storage of carbon dioxide emissions from fossil fuel electric generation facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. DELAHUNT, Ms. BORDALLO, Mr. FARR, Mr. SESTAK, and Mr. MCGOVERN):

H.R. 1690. A bill to amend the Coastal Zone Management Act of 1972 to authorize the Secretary of Commerce to make grants to coastal states to support voluntary State efforts to initiate and complete surveys of coastal waters to identify potential areas suitable for the exploration, development, and production of renewable energy, and for other purposes; to the Committee on Natural Resources.

By Ms. DELAURO (for herself, Mr. BARTON of Texas, Mr. ACKERMAN, Mr. ARCURI, Mr. BACA, Ms. BALDWIN, Mr. HILL, Ms. BEAN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOREN, Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BRALEY of Iowa, Mr. BURTON of Indiana, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNEY, Ms. SHEA-PORTER, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mrs. DAVIS of California, Mrs. HALVORSON, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Ms. EDWARDS of Maryland, Mr. DOYLE, Mr. EDWARDS of Texas, Mr. ELLISON, Mr. ENGEL, Mr. MASSA, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR, Mr. FATTAH, Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. GERLACH, Mr. NYE, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIF-FITH, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HIMES, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLDEN, Mr. HOIT, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. MATHESON, Mr. BARROW, Mr. SARBANES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. KANJORSKI, Ms. KAPTUR, Mrs. DAHLKEMPER, Mr. MEEK of Florida, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK of Michigan, Ms. KILROY, Mr. KIND, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mrs. LOWEY, Mr. LYNCH, Mr. MACK, Mr. MAFFEI, Mrs. MALONEY, Ms. FUDGE, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mr. MEEKS

of New York, Mr. MELANCON, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. MURTHA, Mrs. MYRICK, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. PASCRELL, Mr. TONKO, Mr. PAYNE, Mr. PETERSON, Ms. PINGREE of Maine, Mr. PLATTS, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Ms. ROSELEHTINEN, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESTAK, Mr. SHERMAN, Mr. SIRES, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPACE, Ms. SPEIER, Mr. SPRATT, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mrs. TAUSCHER, Mr. TAYLOR, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Ms. TSONGAS, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WELCH, Mr. WEXLER, Mr. WILSON of Ohio, Mr. WITTMAN, Mr. WOLF, Ms. WOOLSEY, Ms. TITUS, Mr. ALTMIRE, Mr. RUPERSBERGER, Mr. MCNERNEY, Mr. CLYBURN, Ms. MARKEY of Colorado, Mr. HALL of Texas, Ms. KOSMAS, Mr. ROGERS of Alabama, Mr. FILNER, Mr. SOUDER, and Mr. POLIS):

H.R. 1691. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 1692. A bill to amend the Consumer Product Safety Improvement Act to exempt ordinary books from the lead limit in such Act; to the Committee on Energy and Commerce.

By Mr. GORDON of Tennessee (for himself, Mrs. NAPOLITANO, and Mr. LEWIS of Georgia):

H.R. 1693. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. BLUMENAUER, Mr. LANGEVIN, Mr. ROTHMAN of New Jersey, Mr. DINGELL, Mr. HINCHAY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WELCH, Mr. MAFEI, Mr. ISRAEL, Mr. CUMMINGS, and Mr. PAYNE):

H.R. 1694. A bill to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program

for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Natural Resources.

By Mr. LOBIONDO (for himself and Ms. GIFFORDS):

H.R. 1695. A bill to amend title 10, United States Code, to reduce the minimum age for receipt of military retired pay for non-regular service from 60 to 55; to the Committee on Armed Services.

By Mr. PALLONE (for himself, Mr. SIRES, Mr. MORAN of Virginia, Mr. ROTHMAN of New Jersey, and Ms. CASTOR of Florida):

H.R. 1696. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Natural Resources.

By Mr. PALLONE (for himself, Mr. GRIJALVA, and Mr. HONDA):

H.R. 1697. A bill to ensure the coordination and integration of Indian tribes in the National Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. LOEBSACK, Ms. GIFFORDS, Mr. BLUMENAUER, and Ms. BORDALLO):

H.R. 1698. A bill to establish the Green Bank to assist in the financing of qualified clean energy projects and qualified energy efficiency projects; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. SESSIONS, Mr. PETRI, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. LINDER, Mr. WU, Mr. BISHOP of Georgia, Mr. GENE GREEN of Texas, Mr. HOLT, and Mr. KIND):

H. Con. Res. 78. Concurrent resolution expressing the support of the Congress regarding the need to facilitate State innovation in national health care reform; to the Committee on Energy and Commerce.

By Mr. CLAY:

H. Con. Res. 79. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor Wilton "Wilt" Chamberlain; to the Committee on Oversight and Government Reform.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Ms. BORDALLO, and Mr. SABLAN):

H. Con. Res. 80. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha; to the Committee on House Administration.

By Mr. PENCE:

H. Res. 277. A resolution electing a minority member to a certain standing committee; considered and agreed to.

By Mr. MCGOVERN (for himself and Mr. DANIEL E. LUNGREN of California):

H. Res. 278. A resolution recognizing the paramount need to address the threat of

international terrorism and protect the international security of the United States by reducing the number of and accessibility to nuclear weapons and preventing their proliferation, and directing a portion of the resulting savings towards child survival, hunger, and universal education, and calling on the President to take action to achieve these goals; to the Committee on Foreign Affairs.

By Mr. BRADY of Pennsylvania:

H. Res. 279. A resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. FORTENBERRY (for himself and Mr. ELLISON):

H. Res. 282. A resolution recognizing the 30th anniversary of the peace treaty between Egypt and Israel; to the Committee on Foreign Affairs.

By Mr. PETERS (for himself, Mr.

LEVIN, Mr. DINGELL, Mr. HOEKSTRA, Mr. UPTON, Mr. STUPAK, Mr. KILDEE, Mr. EHLERS, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. SCHAUER, Mr. CAMP, Mr. WAXMAN, Mr. WEXLER, Mr. KLEIN of Florida, Mr. KIRK, Ms. GIFFORDS, Mr. ADLER of New Jersey, Mr. BERMAN, Ms. BERKLEY, Mr. HODES, Mr. FILNER, Mr. CROWLEY, Ms. KILROY, Mr. SHERMAN, Mr. YARMUTH, Mr. COHEN, Ms. WASSERMAN SCHULTZ, Mr. SCHIFF, Mr. NADLER of New York, Mr. MOORE of Kansas, Ms. HARMAN, Mr. KAGEN, Ms. SCHAKOWSKY, Mr. POLIS, Mr. HASTINGS of Florida, Mr. GRAYSON, Mrs. LOWEY, Mr. AL GREEN of Texas, Mr. SESTAK, Mrs. DAHLKEMPER, Ms. ROSELEHTINEN, Mr. ELLISON, Mr. CONNOLLY of Virginia, Mr. ACKERMAN, and Mr. MILLER of North Carolina):

H. Res. 283. A resolution honoring the life, achievements, and contributions of Rabbi Charles H. Rosenzweig; to the Committee on Foreign Affairs.

By Mr. PETERS:

H. Res. 284. A resolution expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

By Mr. SHIMKUS (for himself and Mr. KUCINICH):

H. Res. 285. A resolution congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania; to the Committee on Foreign Affairs.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. LATTA.

H.R. 22: Mr. BLUNT, Mr. DONNELLY of Indiana, Mr. MELANCON, Mr. CUMMINGS, and Mr. YOUNG of Alaska.

H.R. 23: Mr. PAYNE, Mr. LYNCH, and Mr. THOMPSON of Mississippi.

H.R. 153: Mr. ROGERS of Kentucky.

H.R. 154: Mr. HARE.

H.R. 186: Mr. SESTAK.

H.R. 199: Mr. BURTON of Indiana and Mr. BARTLETT.

H.R. 211: Mr. KILDEE, Mrs. MILLER of Michigan, and Mr. INSLEE.

H.R. 235: Mr. BLUNT, Mr. NYE, Mr. HALL of New York, Mr. DINGELL, Mr. MICA, Ms. TSONGAS, and Mr. HIMES.



- H.R. 389: Mr. FILNER.  
H.R. 442: Mr. BARRETT of South Carolina.  
H.R. 503: Mr. LYNCH.  
H.R. 510: Mr. PUTNAM and Mr. MURTHA.  
H.R. 537: Mr. PLATTS.  
H.R. 556: Mr. GEORGE MILLER of California.  
H.R. 562: Mr. WILSON of South Carolina.  
H.R. 618: Mr. CONAWAY.  
H.R. 621: Mrs. SCHMIDT, Mr. JOHNSON of Georgia, Mr. GORDON of Tennessee, Mr. YARMUTH, and Mr. GUTHRIE.  
H.R. 627: Mr. BISHOP of Georgia.  
H.R. 648: Ms. SPEIER.  
H.R. 658: Mr. SALAZAR.  
H.R. 676: Mr. MEEK of Florida, Mr. LUJÁN, and Mr. LOEBSACK.  
H.R. 722: Mr. FARR.  
H.R. 731: Mr. MITCHELL and Mr. BOOZMAN.  
H.R. 734: Ms. WATERS, Mr. WILSON of Ohio, Ms. MCCOLLUM, Mr. PAYNE, Mr. BISHOP of Utah, Ms. TITUS, Mr. CUMMINGS, and Mr. POMEROY.  
H.R. 745: Mr. BARROW and Mr. MARSHALL.  
H.R. 775: Ms. GRANGER, Mr. ROSS, Mr. PETERSON, Mr. MILLER of North Carolina, Mr. GRIFFITH, Mr. TEAGUE, Mr. GRAYSON, Mr. HALL of New York, and Mr. MCCAUL.  
H.R. 776: Ms. HIRONO.  
H.R. 789: Mr. SESTAK, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. COHEN, and Mr. GRIJALVA.  
H.R. 795: Mr. MICHAUD and Ms. BALDWIN.  
H.R. 816: Mr. CARTER and Ms. PINGREE of Maine.  
H.R. 832: Mr. PASCRELL.  
H.R. 847: Ms. VELÁZQUEZ.  
H.R. 891: Mr. GRIJALVA, Ms. TSONGAS, and Mr. STARK.  
H.R. 899: Mr. JOHNSON of Georgia.  
H.R. 933: Mrs. BLACKBURN.  
H.R. 949: Mr. LOEBSACK.  
H.R. 952: Mr. MCGOVERN, Mr. SCHIFF, Mr. ALTMIRE, and Ms. SHEA-PORTER.  
H.R. 980: Mr. HASTINGS of Florida and Ms. ESHOO.  
H.R. 985: Mr. POE of Texas and Mr. BOOZMAN.  
H.R. 1016: Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. NYE, and Mr. RODRIGUEZ.  
H.R. 1018: Mr. WAXMAN.  
H.R. 1050: Mr. ISSA, Mr. SMITH of Texas, Mr. AKIN, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. BROUN of Georgia, Mr. SHIMKUS, Mr. FLEMING, and Mr. LUETKEMEYER.  
H.R. 1062: Mr. MANZULLO and Mr. LOBIONDO.  
H.R. 1080: Mr. PIERLUISI.  
H.R. 1126: Mr. LANGEVIN, Ms. TITUS, and Ms. WOOLSEY.  
H.R. 1167: Mr. HONDA and Mr. GUTIERREZ.  
H.R. 1185: Mrs. CHRISTENSEN, Ms. FUDGE, Mr. SESTAK, Mr. DEFAZIO, and Ms. JACKSON-LEE of Texas.  
H.R. 1188: Mr. PRICE of Georgia, Ms. SLAUGHTER, Mr. KIRK, Mr. BARRETT of South Carolina, Mrs. TAUSCHER, Mr. LARSEN of Washington, Mr. HELLER, Ms. SPEIER, Mrs. BONO MACK, Mr. JACKSON of Illinois, Mr. MURPHY of Connecticut, and Ms. GINNY BROWN-WAITE of Florida.  
H.R. 1189: Mr. SESSIONS, Ms. SHEA-PORTER, Mr. THORNBERRY, and Mr. BERMAN.  
H.R. 1195: Mr. CARNEY.  
H.R. 1197: Mr. SPACE.  
H.R. 1203: Mr. SIRES, Mr. ALTMIRE, Ms. GINNY BROWN-WAITE of Florida, Mr. BOOZMAN, Mr. KING of New York, Ms. FOXX, and Mr. WESTMORELAND.  
H.R. 1204: Mr. CONAWAY and Mr. SESTAK.  
H.R. 1205: Mr. HELLER, Mr. FILNER, Mr. GORDON of Tennessee, Mr. HOLDEN, Mr. MARSHALL, and Mr. PENCE.  
H.R. 1207: Mr. MILLER of Florida and Mr. BLUNT.  
H.R. 1209: Mr. HARE, Mr. MICA, Ms. GRANGER, Mr. HENSARLING, Mrs. BLACKBURN, Mr. CARTER, Mr. NEUGEBAUER, Mr. POE of Texas, Mr. MOLLOHAN, Mr. BOYD, Ms. SCHWARTZ, Mr. HILL, Mr. GORDON of Tennessee, Mr. STUPAK, Mr. CHANDLER, Ms. SUTTON, Mr. POSTER, Mr. BRADY of Pennsylvania, Mr. ETHERIDGE, Mr. ELLSWORTH, Mr. MILLER of North Carolina, Mr. BAIRD, Mr. HIGGINS, Mr. BRALEY of Iowa, Mrs. MCCARTHY of New York, Mr. FATTAH, Mr. MELANCON, Mr. RANGEL, Mr. WILSON of Ohio, Mr. MURPHY of Connecticut, Ms. CORRINE BROWN of Florida, Mr. KILDEE, Mr. DRIEHAUS, Mr. RODRIGUEZ, Mr. CARNAHAN, Mr. REYES, Ms. HARMAN, Mr. POMEROY, Ms. BEAN, Ms. WASSERMAN SCHULTZ, Ms. KILROY, Mr. DICKS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HODES, Mr. NEAL of Massachusetts, Mr. KLEIN of Florida, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. ISRAEL, Mr. ROTHMAN of New Jersey, Mrs. DAVIS of California, Mr. HOLDEN, Mr. MINNICK, Ms. CLARKE, Mr. KANJORSKI, Mr. THOMPSON of California, Mr. LIPINSKI, Mr. SIRES, Ms. GIFFORDS, Mr. KRATOVIL, Ms. EDWARDS of Maryland, Mr. LYNCH, Mr. BLUMENAUER, Mr. KAGEN, Mr. CROWLEY, Mr. DONNELLY of Indiana, Mr. SESTAK, Mr. BOCCIERI, Mr. CONYERS, Mr. DINGELL, Mr. LARSON of Connecticut, Mr. SARBANES, Mr. YARMUTH, Mrs. DAHLKEMPER, Mr. BOSWELL, Mr. DAVIS of Tennessee, Mr. DOGETT, Ms. FUDGE, Mr. BERRY, Mr. HEINRICH, Mr. ARCURI, Mr. CAPUANO, Mr. DOYLE, Mr. MCMAHON, Mr. ROSS, Mr. ABERCROMBIE, Mr. RAHALL, Mr. BOREN, Mr. LOEBSACK, Mr. SCOTT of Georgia, Mr. WU, Mr. CARDOZA, Mr. MOORE of Kansas, Ms. KOSMAS, Mr. PERLMUTTER, Mr. TOWNS, Mr. PALLONE, Mr. JOHNSON of Georgia, Mr. TEAGUE, Mr. SHULER, Mr. CUELLAR, Mr. SKELTON, Mr. POLIS, Mr. ALTMIRE, Mr. INSLEE, Mr. COSTELLO, Mr. COOPER, Mr. LANGEVIN, Mr. MATHESON, Mr. OBERSTAR, and Mr. COURTNEY.  
H.R. 1214: Mr. PETERSON.  
H.R. 1223: Mr. DAVIS of Illinois.  
H.R. 1232: Mr. GRIJALVA.  
H.R. 1240: Mr. MURPHY of Connecticut.  
H.R. 1242: Mrs. EMERSON.  
H.R. 1256: Mr. THOMPSON of California, Mr. FARR, and Ms. LINDA T. SÁNCHEZ of California.  
H.R. 1294: Mrs. MYRICK and Mr. OLSON.  
H.R. 1310: Ms. CLARKE, Mr. MCMAHON, Mr. BUTTERFIELD, Mr. TONKO, Mr. MINNICK, Mr. SPRATT, Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, Mr. JACKSON of Illinois, Ms. CASTOR of Florida, and Mr. JOHNSON of Georgia.  
H.R. 1317: Mr. ROGERS of Michigan.  
H.R. 1326: Mr. COHEN and Ms. SCHAKOWSKY.  
H.R. 1341: Mr. MAFFEI, Mr. LEWIS of Georgia, Mr. PASCRELL, and Mr. MEEK of Florida.  
H.R. 1349: Mr. KAGEN, Mr. BILBRAY, and Mrs. CAPITOL.  
H.R. 1361: Mr. PETERSON.  
H.R. 1392: Mr. GINGREY of Georgia.  
H.R. 1402: Ms. BERKLEY.  
H.R. 1403: Ms. FOXX and Mrs. MYRICK.  
H.R. 1404: Mr. HEINRICH, Mr. THOMPSON of California, Mr. DEFAZIO, Mr. INSLEE, Ms. HERSETH SANDLIN, and Mr. BAIRD.  
H.R. 1410: Mr. SESTAK.  
H.R. 1428: Mr. SESTAK.  
H.R. 1433: Mr. WITTMAN.  
H.R. 1434: Mr. WITTMAN.  
H.R. 1444: Mr. DOGETT and Mr. PRICE of North Carolina.  
H.R. 1452: Mr. BISHOP of Georgia.  
H.R. 1454: Mr. MICHAUD and Mr. WITTMAN.  
H.R. 1457: Mr. SESTAK.  
H.R. 1461: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 1470: Ms. BEAN, Mr. PAUL, and Mr. PETRI.  
H.R. 1479: Mr. GUTIERREZ.  
H.R. 1483: Mr. SESTAK.  
H.R. 1499: Mr. DOYLE and Mr. GALLEGLY.  
H.R. 1509: Mr. ARCURI.  
H.R. 1520: Mr. WITTMAN and Mr. WOLF.  
H.R. 1521: Mr. MACK, Mr. CHAFFETZ, and Mr. RODRIGUEZ.  
H.R. 1547: Mr. KLEIN of Florida and Mr. BOOZMAN.  
H.R. 1548: Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, and Mr. PETRI.  
H.R. 1549: Mr. HODES and Ms. SHEA-PORTER.  
H.R. 1550: Mr. KILDEE and Mr. DONNELLY of Indiana.  
H.R. 1570: Mr. PLATTS and Ms. JACKSON-LEE of Texas.  
H.R. 1575: Ms. HIRONO and Mr. SHERMAN.  
H.R. 1577: Mr. SIMPSON, Mr. ROGERS of Kentucky, and Mr. MITCHELL.  
H.R. 1582: Mr. PLATTS.  
H.R. 1584: Mr. ORTIZ and Mr. MICHAUD.  
H.R. 1600: Mr. BURTON of Indiana and Mrs. MALONEY.  
H.R. 1616: Mr. TOWNS, Ms. LEE of California, Mr. NADLER of New York, Ms. MCCOLLUM, Ms. DELAURO, Mr. BERMAN, and Mrs. LOWEY.  
H.R. 1619: Mr. KENNEDY, Mr. DAVIS of Alabama, Mr. CARNAHAN, and Ms. GINNY BROWN-WAITE of Florida.  
H.R. 1628: Ms. GINNY BROWN-WAITE of Florida.  
H.R. 1636: Mr. LATHAM and Mr. BRALEY of Iowa.  
H.R. 1646: Ms. LINDA T. SÁNCHEZ of California and Mr. BLUMENAUER.  
H.J. Res. 39: Mr. LAMBORN.  
H. Con. Res. 16: Mr. LAMBORN.  
H. Con. Res. 55: Mr. HERGER.  
H. Con. Res. 60: Mr. KING of New York, Mr. MICHAUD, Mr. STUPAK, Mr. CHAFFETZ, Mr. LATTA, Mr. TAYLOR, Mr. ALTMIRE, Mrs. BACHMANN, Mr. CALVERT, Mr. CUMMINGS, Mr. EHLERS, Mr. GRIFFITH, Mr. GRIJALVA, Mr. HODES, Mr. KILDEE, Ms. LEE of California, Mr. LOBIONDO, Mr. NUNES, Mr. PUTNAM, Mr. ROONEY, Ms. ROS-LEHTINEN, Mr. SESTAK, Mr. YOUNG of Alaska, Ms. HIRONO, Mr. THORNBERRY, Mr. BERRY, Mr. LYNCH, Mr. ROSS, and Mr. LEE of New York.  
H. Res. 20: Mr. LAMBORN.  
H. Res. 152: Mr. BOYD, Ms. WATSON, and Mr. SIRES.  
H. Res. 156: Mr. CAO.  
H. Res. 182: Ms. WATERS.  
H. Res. 230: Mr. GONZALEZ, Mr. HINOJOSA, and Mrs. NAPOLITANO.  
H. Res. 232: Mr. WESTMORELAND, Mr. KENNEDY, and Mr. COFFMAN of Colorado.  
H. Res. 234: Ms. KAPTUR, Mr. HEINRICH, and Ms. GIFFORDS.  
H. Res. 238: Mr. BOOZMAN.  
H. Res. 244: Mr. OLSON.  
H. Res. 247: Mrs. CAPPS, Mr. EDWARDS of Texas, Mr. THOMPSON of California, Mr. DEFAZIO, Mr. AKIN, Mr. BERMAN, Mr. ANDREWS, Mr. REYES, and Mrs. TAUSCHER.  
H. Res. 249: Mr. ROGERS of Michigan, Mr. TEAGUE, Mrs. BACHMANN, Mr. ALEXANDER, and Mr. GALLEGLY.  
H. Res. 251: Mr. POSEY and Mr. CASTLE.  
H. Res. 252: Mr. BECERRA, Mr. NADLER of New York, Mr. FILNER, Mr. MURPHY of Connecticut, Ms. LEE of California, Ms. SPEIER, Ms. MATSUI, Mr. COSTELLO, Mr. HOLT, Ms. WATERS, Mrs. BACHMANN, Mr. VISCLOSKEY, and Mr. MCNERNEY.  
H. Res. 267: Mr. MICA, Mr. MCNERNEY, and Mr. MCDERMOTT.  
H. Res. 271: Ms. DELAURO and Mr. MOORE of Kansas.  
H. Res. 273: Mr. SMITH of New Jersey and Ms. LEE of California.  
H. Res. 274: Mrs. DAHLKEMPER and Ms. BORDALLO.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. PETERSON

The provisions that warranted a referral to the Committee on Agriculture, in H.R. 1404, the Federal Land Assistance, Management and Enhancement Act, do not contain any

congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. RAHALL

The provisions that warranted a referral to the Committee on Natural Resources, in H.R. 1404, the Federal Land Assistance, Management and Enhancement Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

The amendment to be offered by Representative GEORGE RADANOVICH to the Sen-

ate amendment to H.R. 146, the Omnibus Public Lands Management Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

The amendment to be offered by Representative NICK RAHALL or a designee to H.R. 1404, the Federal Land Assistance, Management and Enhancement Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

## EXTENSIONS OF REMARKS

STIMULUS: BUSINESS GROWTH,  
NOT SPENDING

## HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Mr. KINGSTON. Madam Speaker, on January 9, 2009, then President-Elect Obama stated that "[t]here is no disagreement that we need action by our government, a recovery plan that will help jumpstart the economy."

I rise today to submit to the RECORD the following list of economists, compiled by the CATO Institute, that disagree with the President's remarks. Along with these economists, myself and my colleagues from both parties believe that increased government spending and higher taxes deter productivity instead of encouraging development. History has shown that an increase government spending does not solve problems. The way to solve our problems is to lower taxes across the board, encourage investment, and restore fiscal responsibility in the White House and Congress. Passing the burden of deficit spending to our children and grandchildren does not lead to a brighter future. We need a policy based on facilitating business growth, not government spending, to reinvigorate our economy.

BURTON ABRAMS, Univ. of Delaware; DOUGLAS ADIE, Ohio University; LEE ADKINS, Oklahoma State University; WILLIAM ALBRECHT, Univ. of Iowa; RYAN AMACHER, Univ. of Texas at Arlington; J.J. ARIAS, Georgia College & State University; HOWARD BAETJER, JR., Towson University; CHARLES BAIRD, California State University, East Bay; STACIE BECK, Univ. of Delaware; DON BELLANTE, Univ. of South Florida; JAMES BENNETT, George Mason University; BRUCE BENSON, Florida State University; SANJAI BHAGAT, Univ. of Colorado at Boulder; MARK BILS, Univ. of Rochester; ALBERTO BISIN, New York University.

WALTER BLOCK, Loyola University New Orleans; CECIL BOHANON, Ball State University; MICHELE BOLDRIN, Washington University in St. Louis; DONALD BOOTH, Chapman University; MICHAEL BORDO, Rutgers University; SAMUEL BOSTAPH, Univ. of Dallas; DONALD BOUDREAUX, George Mason University; SCOTT BRADFORD, Brigham Young University; GENEVIEVE BRIAND, Eastern Washington University; IVAN BRICK, Rutgers University; GEORGE BROWER, Moravian College; PHILIP BRYSON, Brigham Young University; JAMES BUCHANAN, Nobel laureate; RICHARD BURDEKIN, Claremont McKenna College.

RICHARD BURKHAUSER, Cornell University; EDWIN T. BURTON, Univ. of Virginia; JIM BUTKIEWICZ, Univ. of Delaware; HENRY BUTLER, Northwestern University; WILLIAM BUTOS, Trinity College; PETER CALCAGNO, College of Charleston; BRYAN CAPLAN, George Mason University; ART CARDEN, Rhodes College; JAMES CARDON,

Brigham Young University; DUSTIN CHAMBERS, Salisbury University; EMILY CHAMLEE-WRIGHT, Beloit College; V.V. CHARL, Univ. of Minnesota; BARRY CHISWICK, Univ. of Illinois at Chicago; LAWRENCE CIMA, John Carroll University; J.R. CLARK, Univ. of Tennessee at Chattanooga; GIAN LUCA CLEMENTI, New York University; R. MORRIS COATS, Nicholls State University; JOHN COCHRAN, Metropolitan State College at Denver; JOHN COCHRANE, Univ. of Chicago; JOHN COGAN, Hoover Institution, Stanford University.

LLOYD COHEN, George Mason University; JOHN COLEMAN, Duke University; BOYD COLLIER, Tarleton State University; ROBERT COLLINGE, Univ. of Texas at San Antonio; PETER COLWELL, Univ. of Illinois at Urbana-Champaign; MICHAEL CONNOLLY, Univ. of Miami; LEE COPPOCK, Univ. of Virginia; MARIO CRUCINI, Vanderbilt University; CHRISTOPHER CULP, Univ. of Chicago; KIRBY CUNDIFF, Northeastern State University; ANTONY DAVIES, Duquesne University; JOHN DAWSON, Appalachian State University; A. EDWARD DAY, Univ. of Texas at Dallas; CLARENCE DEITSCH, Ball State University; ALLAN DESERPA, Arizona State University.

WILLIAM DEWALD, Ohio State University; ARTHUR DIAMOND, JR., Univ. of Nebraska at Omaha; JOHN DOBRA, Univ. of Nevada, Reno; JAMES DORN, Towson University; CHRISTOPHER DOUGLAS, Univ. of Michigan, Flint; FLOYD DUNCAN, Virginia Military Institute; FRANCIS EGAN, Trinity College; JOHN EGGER, Towson University; KENNETH ELZINGA, Univ. of Virginia; PAUL EVANS, Ohio State University; FRANK FALERIO, California State University, Bakersfield; EUGENE FAMA, Univ. of Chicago; W. KEN FARR, Georgia College & State University; DANIEL FEENBERG, National Bureau of Economic Research; HARTMUT FISCHER, Univ. of San Francisco; ERIC FISHER, California State Polytechnic University; FRED FOLDVARY, Santa Clara University; MURRAY FRANK, Univ. of Minnesota; PETER FRANK, Wingate University; TIMOTHY FUERST, Bowling Green State University; B. DELWORTH GARDNER, Brigham Young University.

JOHN GAREN, Univ. of Kentucky; RICK GEDDES, Cornell University; AARON GELLMAN, Northwestern University; WILLIAM GERDES, Clarke College; JOSEPH GIACALONE, St. John's University; MICHAEL GIBBS, Univ. of Chicago; OTIS GILLEY, Louisiana Tech University; STEPHAN GOHMANN, Univ. of Louisville; RODOLFO GONZALEZ, San Jose State University; RICHARD GORDON, Penn State University; PETER GORDON, Univ. of Southern California; ERNIE GOSS, Creighton University; PAUL GREGORY, Univ. of Houston; EARL GRINOLS, Baylor University; DANIEL GROPPER, Auburn University; R.W. HAFER, Southern Illinois University, Edwardsville; ARTHUR HALL, Univ. of Kansas.

STEVE HANKE, Johns Hopkins University; STEPHEN HAPPEL, Arizona State University; RICHARD HART, Miami University;

THOMAS HAZLETT, George Mason University; FRANK HEFNER, College of Charleston; SCOTT HEIN, Texas Tech University; RONALD HEINER, George Mason University; DAVID HENDERSON, Hoover Institution, Stanford University; ROBERT HERREN, North Dakota State University; GAILLEN HITE, Columbia University; STEVEN HORWITZ, St. Lawrence University; DANIEL HOUSER, George Mason University; JOHN HOWE, Univ. of Missouri, Columbia; JEFFREY HUMMEL, San Jose State University; BRUCE HUTCHINSON, Univ. of Tennessee at Chattanooga; BRIAN JACOBSEN, Wisconsin Lutheran College; SHERRY JARRELL, Wake Forest University.

JASON JOHNSTON, Univ. of Pennsylvania; BOYAN JOVANOVIĆ, New York University; JONATHAN KARPOFF, Univ. of Washington; BARRY KEATING, Univ. of Notre Dame; NAVEEN KHANNA, Michigan State University; NICHOLAS KIEFER, Cornell University; DANIEL KLEIN, George Mason University; PAUL KOCH, Univ. of Kansas; NARAYANA KOCHERLAKOTA, Univ. of Minnesota; MAREK KOLAR, Delta College; ROGER KOPPL, Fairleigh Dickinson University; KISHORE KULKARNI, Metropolitan State College of Denver; DEEPAK LAL, UCLA; GEORGE LANGELETT, South Dakota State University; JAMES LARRIVIERE, Spring Hill College; ROBERT LAWSON, Auburn University; JOHN LEVENDIS, Loyola University New Orleans; DAVID LEVINE, Washington University in St. Louis; PETER LEWIN, Univ. of Texas at Dallas; W. CRIS LEWIS, Utah State University; DEAN LILLARD, Cornell University; ZHENG LIU, Emory University.

ALAN LOCKARD, Binghamton University; EDWARD LOPEZ, San Jose State University; JOHN R. LOTT, Jr., Univ. of Maryland; JOHN LUNN, Hope College; GLENN MACDONALD, Washington University in St. Louis; HENRY MANNE, George Mason University; MICHAEL MARLOW, California Polytechnic State University; DERYL MARTIN, Tennessee Tech University; DALE MATCHCHECK, Northwood University; JOHN MATSUSAKA, Univ. of Southern California; THOMAS MAYOR, Univ. of Houston; DEIRDRE MCCLOSKEY, University of Illinois at Chicago; JOHN MCDERMOTT, Univ. of South Carolina; JOSEPH MCGARRITY, Univ. of Central Arkansas; ROGER MEINERS, Univ. of Texas at Arlington; ALLAN MELTZER, Carnegie Mellon University; JOHN MERRIFIELD, Univ. of Texas at San Antonio; JAMES MILLER III, George Mason University; JEFFREY MIRON, Harvard University.

THOMAS MOELLER, Texas Christian University; JOHN MOORHOUSE, Wake Forest University; ANDREA MORO, Vanderbilt University; ANDREW MORRIS, Univ. of Illinois at Urbana-Champaign; MICHAEL MUNGER, Duke University; KEVIN MURPHY, Univ. of Southern California; DAVID MUSTARD, Univ. of Georgia; RICHARD MUTH, Emory University; CHARLES NELSON, Univ. of Washington; WILLIAM NISKANEN, Cato Institute; SETH NORTON, Wheaton College; LEE OHANIAN, UCLA; LYDIA ORTEGA, San Jose State University; EVAN OSBORNE, Wright State University;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RANDALL PARKER, East Carolina University; ALLEN PARKMAN, Univ. of New Mexico; DONALD PARSONS, George Washington University.

SAM PELTZMAN, Univ. of Chicago; TIMOTHY PERRI, Appalachian State University; MARK PERRY, Univ. of Michigan, Flint; CHRISTOPHER PHELAN, Univ. of Minnesota; GORDON PHILLIPS, Univ. of Maryland; MICHAEL PIPPENGER, Univ. of Alaska, Fairbanks; TOMASZ PISKORSKI, Columbia University; BRENNAN PLATT, Brigham Young University; JOSEPH POMYKALA, Towson University; WILLIAM POOLE, Univ. of Delaware; BARRY POULSON, Univ. of Colorado at Boulder; BENJAMIN POWELL, Suffolk University; EDWARD PRESCOTT, Nobel laureate; GARY QUINLIVAN, Saint Vincent College; REZA RAMAZANI, Saint Michael's College; ADRIANO RAMPINI, Duke University; ERIC RASMUSEN, Indiana University; MARIO RIZZO, New York University; NANCY ROBERTS, Arizona State University; RICHARD ROLL, UCLA.

ROBERT ROSSANA, Wayne State University; JAMES ROUMASSET, Univ. of Hawaii at Manoa; JOHN ROWE, Univ. of South Florida; CHARLES ROWLEY, George Mason University; JUAN RUBIO-RAMIREZ, Duke University; ROY RUFFIN, Univ. of Houston; KEVIN SALYER, Univ. of California, Davis; THOMAS SAVING, Texas A&M University; PAVEL SAVOR, Univ. of Pennsylvania; RONALD SCHMIDT, Univ. of Rochester; CARLOS SEIGLIE, Rutgers University; ALAN SHAPIRO, Univ. of Southern California; WILLIAM SHUGHART II, Univ. of Mississippi; CHARLES SKIPTON, Univ. of Tampa; JAMES SMITH, Western Carolina University; VERNON SMITH, Nobel laureate; LAWRENCE SOUTHWICK, JR., Univ. at Buffalo; DEAN STANSEL, Florida Gulf Coast University; HOUSTON STOKES, Univ. of Illinois at Chicago; BRIAN STROW, Western Kentucky University; SHIRLEY SVORNY, California State University, Northridge; JOHN TATOM, Indiana State University; WADE THOMAS, State University of New York at Oneonta.

HENRY THOMPSON, Auburn University; ALEX TOKAREV, The King's College; EDWARD TOWER, Duke University; LEO TROY, Rutgers University; WILLIAM TRUMBULL, West Virginia University; DAVID TUERCK, Suffolk University; CHARLOTTE TWIGHT, Boise State University; KAMAL UPADHYAYA, Univ. of New Haven; CHARLES UPTON, Kent State University; T. NORMAN VAN COTT, Ball State University; RICHARD VEDDER, Ohio University; RICHARD WAGNER, George Mason University; DOUGLAS M. WALKER, College of Charleston; DOUGLAS O. WALKER, Regent University; MARC WEIDENMIER, Claremont McKenna College; CHRISTOPHER WESTLEY, Jacksonville State University; ROBERT WHAPLES, Wake Forest University; LAWRENCE WHITE, Univ. of Missouri at St. Louis; WALTER WILLIAMS, George Mason University; DOUG WILLS, Univ. of Washington Tacoma; DENNIS WILSON, Western Kentucky University; GARY WOLFRAM, Hillsdale College; HUIZHONG ZHOU, Western Michigan University.

## EARMARK DECLARATION

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. YOUNG of Alaska. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Justice, OJP—Juvenile Justice

Legal Name of Requesting Entity: i-SAFE, Inc.

Address of Requesting Entity: 5900 Pasteur Court, Suite 100 Carlsbad, CA 92008

Description of Request: \$300,000 will allow i-SAFE to expand services to a projected 6.2 million students nationally by the end of the 2009 school year. It will also help to fund the i-SAFE initiatives that provide data to FBI, local law enforcement, schools and industry leaders such as USPTO, RIAA and ASCAP. This data is provided through the i-SAFE National Assessment Center—a compilation of student surveys that serve as the world's largest data base of student online behavior and attitudes. The State of Alaska provides contract funds for the Village Public Safety Officer program.

i-SAFE Inc. is the leading provider of e-Safety education and training in schools nationwide. i-SAFE also provides schools/districts behavioral statistical data regarding Internet behavior and usage by their students. i-SAFE programmatic assets address a broad range of e-Safety issues through a uniquely comprehensive and holistic framework that includes training of educators (i.e., Professional Development Program—i-SAFE has trained over 85,000 educators nationwide) both online and in-person, extensive community outreach programs towards parents, seniors, legal/law-enforcement officers and, most importantly, a world-class age-appropriate curriculum which features integrated teaching and learning activities for students in all grades from primary to secondary schools. i-SAFE has educated over 8.5 million students nationwide and has cooperative agreement with many of the State Dept of Education(s) and Districts in all 50 states including schools in Washington, DC to name a few: Sidwell Friends School; St. Patrick's Episcopal Day School; Woodridge Elementary; Woodridge High School & St. Peter's Interparish School.

i-SAFE fulfills a vital role in the digital age and global information society, throughout the United States by empowering Internet users with the knowledge and awareness needed to garner the most benefit from Information and Communications Technologies (ICTs) and the Internet via safe, responsible, ethical and legal use.

Beginning in 2009 Congress mandated that elementary and secondary schools receiving E-Rate discounts must submit a certification to the Federal Communications Commission that as part of their Internet safety policy they are educating minors about appropriate online be-

havior, including interacting with other individuals on social networking websites and in chat rooms and cyber bullying awareness and response. i-SAFE can provide to every school, throughout the United States the "E-Rate Certification Compliance Package." This package includes all classroom curriculum that is mandated to be taught through the Legislation mandate of the Broadband Act.

Funding will be used to expand the i-SAFE curriculum to more students and classrooms throughout the nation as well as implement the "E-Rate Compliance Package" into schools throughout the nation.

This request will also allow i-SAFE to provide, on a quarterly basis, student assessment data (i.e., metrics) to the district/schools upon request allowing them to have metrics on students behavioral attitudes towards online safety.

This Administration is focused on providing every student and school(s) the ability to communicate and learn through today's 21st century communication. Safety is a key component for schools that provide students with the means to access online information and services within their learning environment in the classroom. Education is the diadem to the success of students being empowered with the knowledge of learning safe and responsible tactics as a citizen in today's global economy. The only environment that is conducive for every student, regardless of age, race or socio-economic, to deploy such global education, is that of the classroom. To date, over 8.5 million students nationwide have acquired the critical thinking and decision-making skills to ensure safe online behavior. The efficacy of the i-SAFE program has proven invaluable to the tax payers nationwide.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Education—National Projects—Innovation and Improvement

Legal Name of Requesting Entity: Reading Is Fundamental

Address of Requesting Entity: 1825 Connecticut Avenue, NW Washington, DC 20009

Description of Request: Reading Is Fundamental (RIF) (authorized under Title V, Part D, Subpart 5) prepares children to read by delivering free books and literacy resources to those children who need them most. The \$24.8 million awarded to RIF will be used to advance their efforts with improving childhood literacy.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Education—National Projects—Safe Schools and Citizenship Education

Legal Name of Requesting Entity: Center for Civic Education

Address of Requesting Entity: 5145 Douglas Fir Road, Calabasas, California 91302 –

Description of Request: \$25,095,000 for the Center for Civic Education to be used to support programs that educate American students about our nation's fundamental ideals and democratic values.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Education—National Projects—Safe Schools and Citizenship Education

Legal Name of Requesting Entity: National Council of Economic Education

Address of Requesting Entity: 1140 Avenue of the Americas, Suite 202, New York, New York 10036

Description of Request: \$5,019,000 for the National Council of Economic Education to support programs that educate American students about our nation's fundamental ideals and democratic values.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Education—National Projects—Innovation and Improvement

Legal Name of Requesting Entity: Reach Out and Read National Center

Address of Requesting Entity: 56 Roland Street, Suite 100—D, Boston, MA 02129

Description of Request: Provide \$4,965,000 for reading based federally-funded national educational program that makes literacy promotion a standard part of pediatric primary care, so that children grow up with books, language skills, and the ability to read.

UP FRONT, "THE SKINNIE"

## HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Mr. KINGSTON. Madam Speaker, I rise today to submit for the RECORD this article from "The Skinnie" written by Scott Loretto.

The W-2 summary statement detailing my '08 taxable earnings arrived by mail last week. As usual, I opened it, skimmed the numbers, cursed the government, and reminded myself to be grateful.

I try to let daydreams of bureaucratic misuse of MY fiercely-fought-for funds die there. Send the thing off to my accountant and be done with it for another year. But, it's inevitable. At some point, I'll say it. Just like you probably have. To your spouse. Your mother. Your financial advisor. Your god. Or yourself. In both anger and disbelief. "Can you believe I paid (fill in the blank with the appropriate amount) in taxes?! And for what?!"

But, the point is, you pay them. Just like I do. You might not like it. But you recognize you're not above the law. You were fortunate enough to be born under the Red, White, and Blue, or you found your way here one way or another, and you accept that the privilege comes with costs. You might be summoned to jury duty. You're conduct is bound by a set of laws. You can choose to wear the uniform of a particular service branch. And, if you earn a certain amount of money, the government's going to compel you to surrender some of it.

So, despite your political inclinations, you should be apologetically outraged.

Timothy Geithner is a tax cheat.

Timothy Geithner is the 75th Secretary of the United States Treasury.

Among other things, the United States Treasury runs the Internal Revenue Service, the bureau responsible for collecting your taxes.

Don't be blinded by your ideology. And don't buy into the comically ridiculous no-

tion that this is the only guy who could handle the job. Want the truth? I'll summarize Geithner's resume for you. He has ZERO meaningful private-sector experience. He has spent most of his 23-year professional life at three public-sector-focused institutions—the Treasury Department, the International Monetary Fund and The Federal Reserve Bank of New York. Is he a smart guy? Sure. He graduated from Dartmouth and earned a master's degree from Johns Hopkins. Never mind that government and Asian studies were his academic areas of concentration.

So—ONLY guy for this crucial job during this time when we've embraced (inexplicably) the notion of equivalence between the federal government and our collective savior?! Out of more than 300 million American citizens?! Are we really that naive? Forget naive—stupid. I could reproduce the resumes of my 750 classmates from the Wharton School and you'd probably find 300 that make Geithner look like an under-achiever.

Moving on, we have former senator Tom Daschle. He cheated on his taxes, too. Okay, he's sorry. And, he says, it was "inadvertent." Apparent working definition of inadvertent: When you realize you're about to get caught and you've been named to the President's cabinet, call your accountant and let him know you stole from the American people. Then, start to cover your tracks. When that fails, promise to return the spoils of your theft. Finally, frown deeply and speak in somber tones as you feign contrition in front of the cameras you conveniently assembled.

Don't misinterpret my message. I can promise you the Democrats don't hold a monopoly on deceit and defamation of the public trust. In fact, Geithner could be a Republican for all I know. And, with certainty, the House of Representatives is home to tax cheats on both sides of the aisle as I type.

Here's the point. You're giving trillions of dollars to companies that have failed or underperformed. Would you do that with your own savings? Say you own a stock. The company is doing lousy. The management stinks. The industry is dying. Would you take more of your money and double down? Or would you sell so fast your broker's head would spin and redeploy the money elsewhere.

It's a no-brainer. You don't want to own a portfolio full of dogs. You try to reward winners with good ideas. It's your money. You make the smartest choices you can.

Well, the "bailout" is exactly the opposite. It's the forced allocation of capital to institutions that haven't earned it by merit. In a capitalist economy, capital (where do you think the name came from, anyway?) flows toward opportunities that provide promising returns and away from festering sinkholes of imprudence. Guess what—you don't live in such a place anymore.

So, throw up your hands or move to Antarctica? No. We love it here. But let's start small. One simple demand. Any public employee at some predetermined level of seniority must be subjected to an IRS audit. Period. Every representative. Every senator. Every secretary and undersecretary. Refuse, and forfeit your spot.

We have the resources. Instead of randomly auditing a few thousand private citizens, redirect the resources to this end. Remember, all of these people work for us.

Oh, you argue, "Qualified people won't seek these jobs."

I respond, "If they cheat on their taxes, they're not qualified."

One more thing—something Messrs. Geithner and Daschle probably wouldn't like. If you cheat, you're out. Go try and make a living in the real world like the rest of us.

## RECOGNIZING THE 150TH ANNIVERSARY OF THE VILLAGE OF MIDDLEPORT

### HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Mr. LEE of New York. Madam Speaker. It is with great pride that I rise today to commemorate the 150th Anniversary of the Village of Middleport, New York, a family-oriented community that nearly 2,000 Niagara County residents call home. Located just 45 minutes from Buffalo and Niagara Falls, the Village of Middleport, rich in history, has rightfully earned its "Friendly Community" moniker. The slogan came from President Franklin D. Roosevelt, who stopped in Middleport while traveling along the Erie Canal. FDR rightfully called Middleport "a friendly community."

Middleport's history is closely tied to the Erie Canal. Founded in 1859, the Village quickly became a popular stopping place for workers on the historic waterway. Many residents can remember a time when dozens of barges would line the canal and workers would stop by the local mills, factories and businesses on a daily basis.

The Village prides itself on being a family-centered hamlet. It is no surprise that in 2007 BusinessWeek Magazine named Middleport the best place to raise a child in New York State because it "provides a good measure of all the things a child needs to grow and prosper."

The celebration of all these historic accomplishments wouldn't be possible without the dedication of trusted Village Historian Anna Wallace. For three decades, Anna has done an extraordinary job documenting Middleport's narrative. Her years of work in archiving the background of the Erie Canal and its role in the development of Middleport will be used for generations to come.

Madam Speaker, in recognition of the 150th Anniversary of the Village of Middleport, I ask this Honorable Body to join me in honoring the Village of Middleport and their dedicated Village Historian Anna Wallace.

## COMMENDING INA GOLUB OF UNION COUNTY, NEW JERSEY

### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month and to congratulate Ina Golub of Mountainside, New Jersey who will be honored on Friday, March 27, 2009 at the 17th Annual Women of Excellence Dinner held in Union County, New Jersey.

This special annual event is hosted by the Union County Commission on the Status of

Women in the Seventh Congressional District and highlights the amazing work of individuals who are making our communities better places to live. The Commission on the Status of Women recognizes the contributions of women in the fields of education, health care, the arts, government, business, law, community service, technology, public service and women's advocacy and lifetime achievement.

This year's Fine Arts Award will be given to Ina Golub whose fiber and bead artwork is known nationally and internationally. She is currently the subject of a major exhibition at the Newark Museum. Working largely with Judaic themes, Ms. Golub has created artwork for synagogues, museums, and private collectors throughout the United States and Israel, including nine monumental ark curtains, more than 450 Torah mantles, wedding canopies, hand-woven tapestries, decorative wall hangings, and a major Holocaust memorial. She has also created many rabbinical garments and prayer shawls. Awarded the Philip and Sylvia Spertus Judaica Award in 1998, and 2005, Ina's works were included in a major exhibition at the Contemporary Jewish Museum in San Francisco.

Ms. Golub is particularly known for her beaded spice containers which have received national and international recognition. Her works have also been commissioned by synagogues and private collectors, creating custom designed fiber art of all descriptions and forms.

Ina Golub of Mountainside, New Jersey has made significant achievements for her artistic talents. I am pleased to congratulate Ina Golub for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

HONORING MAYOR CAROLYN  
RISHER OF INGLIS, FLORIDA

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor a true public servant who dedicated nearly two decades to serving her community. Mrs. Carolyn Risher, long time mayor of Inglis, Florida will retire this week after 18 years of public service.

Born and raised in Inglis, Mayor Risher's dedication to the town of Inglis is deep seeded. She followed her father's example, first serving as Road and Bridge Commissioner before being elected mayor in 1993.

Fondly known as a "Working Mayor," Mayor Risher led by example as hands-on manager, from helping neighbors in the aftermath of hurricanes to raising funds for the annual community Fourth of July celebration. Without Mayor Risher's efforts, the South Levy Recreation Park would not be what it is today.

Mayor Risher cherished her roles as wife, mother and mayor. Married for 50 years, Carolyn and James Risher are parents to five children and eight grandchildren, many who live in the area and will continue the family's involvement in their community.

Madam Speaker, it is public servants like Mayor Risher who keep our communities and towns running strong at home. Her dedication and willingness to serve are admired and stand as a model to others. We thank her for her service. She may no longer be Mayor, but Mrs. Risher will not be forgotten and will surely be missed.

#### PERSONAL EXPLANATION

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Ms. CLARKE. Madam Speaker, I would like to state for the record my position on the following votes I missed due to personal reasons.

On Monday, March 23, 2009 I missed Rollcall votes 145 and 146. Had I been present, I would have voted "aye" on the following votes:

Rollcall vote 145: Yes on the motion to suspend the rules and pass H.R. 918, to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building";

Rollcall vote 146: Yes on the motion to suspend the rules and pass H.R. 1218, to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building".

COMMENDING BALDEEP DUA OF  
UNION COUNTY, NEW JERSEY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month and to congratulate Baldeep Dua of Berkeley Heights, New Jersey who will be honored on Friday, March 27, 2009 at the 17th Annual Women of Excellence Dinner held in Union County, New Jersey.

This special annual event is hosted by the Union County Commission on the Status of Women in the Seventh Congressional District and highlights the amazing work of individuals who are making our communities better places to live. The Commission on the Status of Women recognizes the contributions of women in the fields of education, health care, the arts, government, business, law, community service, technology, public service and women's advocacy and lifetime achievement.

This year's Entrepreneurial Award will be given to Baldeep Dua because of her extensive leadership, management skills and efforts to benefit her community. Specifically, Baldeep utilizes her management skills in her position as the Chief Financial Officer of Kirusa Inc., an international communications Technology Company located in New Providence, New Jersey. Through her position as CFO, Baldeep has managed to steer her technologically ori-

ented start-up company that is a leading developer of value added mobile services, towards its goal of profitability.

Baldeep is active as an advisor to the New Jersey Technological Council, a group that connects companies, capital and government. Members are involved in research, development, manufacture, supply, and sales of high technology products, services, materials and components. Under her direction, the company is the proud recipient of the Business Employment Incentive Program, recognized as a high-growth company in the critical industry of technology.

Baldeep is also a member of the Board for The Indus Entrepreneur, a group that fosters entrepreneurship globally through mentoring, networking and education. Dedicated to giving back to the community, this group is focused on cultivating and nurturing the next generation of entrepreneurs. In 2008, Baldeep was recognized by the Executive Women of New Jersey for her professional distinction. Through this association she mentors other women, encouraging them to take charge and advance their own careers.

Baldeep Dua of Berkely Heights, New Jersey has made significant achievements both in business and in her community. And I am very pleased to congratulate Baldeep for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

STEPHEN MARCHAM OF VERNON,  
CONNECTICUT

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. COURTNEY. Madam Speaker, I rise today to celebrate the extraordinary life of Stephen Marcham of Vernon, Connecticut who passed away after a courageous battle with cancer on March 19, 2009.

Steve Marcham was a lifelong resident of Vernon, a town he loved dearly. Steve attended Rockville High School and later enrolled at the University of Connecticut where he earned his degree from the School of Pharmacy. After graduation, Steve returned to Vernon, Connecticut and became co-owner of Vincent's Pharmacy where he had worked since high school. During his more than 30 years at Vincent's, Steve was recognized for his outstanding community service when he received the A. H. Robbins Bowl of Hygeia Award, the Pharmacy Leadership Award from the National Association of Retail Druggists and the 2006 Daniel Leone Pharmacist of the Year award from the Connecticut Pharmacists Association. As his customers could tell you, Steve's care and compassion for his fellow man found their outlet within the walls of Vincent's.

In addition to his service as a community pharmacist, Steve had a deep passion for public service. It was here in the public arena that Steve created a lasting mark as a progressive who built consensus with one overriding goal: improving his community. In 1969 while still attending the University of Connecticut, Steve became the youngest official



elected to public office when he won a seat on the Board of Education. After serving on the Board of Education for a number of terms, Steve was elected to the Town Council before being appointed in 1986 to serve as the Mayor, a position which he held until 1989. A decade later, he was re-elected to that office. As Mayor, Steve was well known for his efforts to bridge the political divide. Above all of his political achievements, however, it was the kindness and grace of Steve that endeared him to both his colleagues and the people of Vernon.

Even more than his impressive success as a health care provider and public official, Steve was a wonderful parent and husband. He was part of a beautiful family including his wife Jan and daughter Ashley. They did everything together—trips to Cape Cod, campaigning together for office, attending Ashley's marching band events and family gatherings with the Marchams and the Bozcars.

Steve was a true example and inspiration to us all showing how to balance work, community and family flawlessly. He was in many ways a Jimmy Stewart-like figure from "It's a Wonderful Life." It was an honor to have known him and worked with him during my years in the state legislature and the Congress.

For those of us who knew him and had the honor and privilege to call him a friend, this is a difficult time. To Janice, his wife, Ashley, his daughter, and his beloved mother Frances, we offer our sympathy and thanks for allowing Steve to be a part of our lives. I ask my colleagues to join me in honoring the life and service of Steve Marcham.

#### GREEK INDEPENDENCE

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor the anniversary of Greek independence, which occurred on March 25, 1821. It's been one hundred and eighty-eight years since Greece obtained freedom from the oppressive Ottoman Empire.

Like our own American Founding Fathers, the people of Greece fought valiantly to achieve independence from a sprawling empire that treated its citizens like subjects. The Greek revolutionaries also drew much of their authority from European philosophers, much like our forefathers who were motivated by classical and English values. A culture steeped in such a rich tradition, such as Greece, can be celebrated by all Americans. As the birthplace of democracy, Greece has informed numerous self-government efforts across the world.

The celebration of Greek independence coincides with a Greek Orthodox holiday, the Annunciation of the Theotokos. Yet Greece's bloody struggle for independence from the Ottoman Empire bears little resemblance to the peaceful appearance of the Archangel Gabriel. The Greeks endured atrocities such as the Chios Massacre, the massacre of Heraklion, and the Destruction of Psara; most

of these conflicts were religiously motivated and they highlight the Greek dedication to freedom.

After eight years of brutal fighting, the Greek people were finally able to achieve independence. The Treaty of Constantinople was signed in July 1832, giving Greece its independence from the Ottoman Empire.

I am honored to cosponsor H.J. Res. 39, which recognizes the 188th anniversary of the independence of Greece. Furthermore, I am pleased that this bill is scheduled to be considered by the House of Representatives today.

I would again like to congratulate Greece for celebrating such a momentous occasion. This anniversary is a time to remember the sacrifices of the past, to take pride in your nation, and to look ahead to a future of promise.

#### COMMENDING MILDRED LEWIS OF UNION COUNTY, NEW JERSEY

### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month and to congratulate Mildred Lewis of Berkeley Heights, New Jersey who will be honored on Friday, March 27, 2009 at the 17th Annual Women of Excellence Dinner held in Union County, New Jersey.

This special annual event is hosted by the Union County Commission on the Status of Women in the Seventh Congressional District and highlights the amazing work of individuals who are making our communities better places to live. The Commission on the Status of Women recognizes the contributions of women in the fields of education, health care, the arts, government, business, law, community service, technology, public service and women's advocacy and lifetime achievement.

This year's Civic Leadership Award will be given to Mildred Lewis because of her extensive commitment to making our community a better place. For 15 years, Mildred has served as the president of the Cranford Chapter of the League of Women Voters, coordinating candidates' forums at both the municipal and county levels. Mildred has conducted voter registration drives and prepared and distributed educational materials about voters' rights and ballot initiatives regarding education, women's issues, and natural resources.

Mildred is also a member of the Roselle-Cranford Hadassah where she is active in many aspects, including the Bulletin, American Affairs, and fund-raising dinners. Ms. Lewis also worked as a full time volunteer at Alexian Brothers Hospital in Elizabeth, New Jersey where she manages volunteers. Mildred also volunteered at Temple Beth El Mekor Chayim as the kitchen coordinator, where she plans and creates meals for more than 100 people.

Mildred has also been active in the Cranford Historical Society and is a member of several other Jewish organizations, including National Council of Jewish Women and the Sisterhood of Temple Beth El Mekor Chayim.

Mrs. Lewis and her husband George have been married for more than 60 years. They have three children and four grandchildren.

Mildred Lewis of Cranford, New Jersey has made significant contributions to so many in her community. I am pleased to congratulate Mildred Lewis for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

#### HONORING WILLIAM "BILLY" THOMAS

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. ENGEL. Madam Speaker, I rise today to bring to the attention of my colleagues and the entire nation, the work of my constituent William "Billy" Thomas. Mr. Thomas is a great man who will be honored by the citizens of Mount Vernon, New York for his lifelong work. It is a body of work that has always personified actions that go way beyond the call of duty. The City of Mount Vernon, New York, will rename South Sixth Avenue William "Billy" Thomas Boulevard, after its beloved local and national pioneer in youth development.

William "Billy" Thomas began working at the Mount Vernon (NY) Boys' Club (MVBC) in 1955. Over the next 22 years he rose from athletic to program to camp and finally to Executive Director. During each and every year, young men were placed in his skillful hands and taught the values of life, service to community, sportsmanship, courage, integrity and respect for self and others. He became an icon, a living legend for his work in inspiring young people to pursue and live positive and progressive family and professional lives.

In 1968, duty to his nation called. Mr. Thomas took leave from his work and joined the United States Army to serve in Vietnam. He returned to the Boys' Club in 1971 to continue his work and improve the life skills and lives of young men in the community. He has served the Mount Vernon community in various capacities for over 45 years. Mr. Thomas's accomplishments are too many to site, but a few must be noted.

In 1993, Mr. Thomas was joined by Denzel Washington, as they received The Boys and Girls Club of America Connection Magazines Mentor Magic Award. In 1997 Mr. Thomas received the "Man of the Year Award" from the National Association of Negro Business & Professional Women's Club of New Rochelle, New York.

Mr. Thomas worked with countless young people in an effort to either turn their lives around, or continue their lives on a positive path. Over the years, Mr. Thomas mentored thousands of young people. Some are now doctors, lawyers, bus drivers, ministers, fathers and mothers as well as the current executive director of the Mount Vernon Club—Lowe's Moore. Mr. Thomas also influenced several former NBA players: brothers Gus and Ray Williams, as well as Calvin "Scooter" and Rodney McCray. Mr. Thomas always went about his work without praise or formal recognition. He has taught all the young people that entered the club that each has a responsibility to lend a hand to those less fortunate.

His actions speak volumes as he worked with special needs children in New Rochelle and White Plains, New York. He also volunteered his services in many areas that included teaching chess, reading, a Youth Commissioner for the City of New Rochelle and of course, a basketball coach.

Mr. Thomas sacrificed a great deal to give back to his community. It is only fitting that the community honor his deeds by renaming the street in front of the Boys Club William "Billy" Thomas Boulevard. This is testament that hard work and dedication are appreciated by the community and that the seeds sowed will blossom for many years to come. The renaming of South Sixth Avenue to "William Billy Thomas Boulevard" is an important testament to the hundreds of lives nurtured on this block at this Boys' and Girls' Club under his leadership and care.

We in Congress share the City of Mount Vernon's recognition of William "Billy" Thomas's outstanding life with the nation.

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PAULE MARSHALL—HONORING A  
NEW YORK CITY LITERARY GREAT

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. RANGEL. Madam Speaker, I stand before you today to acknowledge Paule Marshall, a renowned American author and poet who published her first novel, "Brown Girl, Brownstones", 50 years ago, and served as an influential trailblazer for emerging black female writers in the 60s and 70s.

I introduce into the RECORD an article from the New York Times of March 12, 2009 highlighting the career of Paule Marshall and her new publication titled "Triangular Road", a memoir that follows her early years as a writer.

Born in Brooklyn, NY to Caribbean parents and raised in a Bedford-Stuyvesant brownstone, Ms. Marshall brought a unique voice to the literary genre. She captured, in a fine balance, the stories of West Indian life emerged in American culture. It is no surprise that Langton Hughes selected her to accompany him on a tour of Europe in 1965.

Over the last 50 years, she has consistently remained relevant, publishing 2 collections of short stories and five novels, while simultaneously teaching at various universities, including Yale and New York University.

Ms. Marshall has received many awards and honors throughout her career, including an American Book Award and a John Dos Passos Award of Literature. She was a MacArthur Fellow and designated as a Literary Lion by the New York Public Library in 1994. In 2001, Marshall was inducted into the Celebrity Path at the Brooklyn Botanic Garden.

At this time, I would like to honor this distinguished New York City literary figure and offer recognition of the work she has contributed to American literature.

CELEBRATING COLONEL CHRISTOPHER O'CONNOR, COMMANDING OFFICER OF MIRAMAR MARINE CORPS AIR STATION

### HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. BILBRAY. Madam Speaker, I rise today to pay tribute to Colonel Christopher O'Connor, Commanding Officer of Marine Corps Air Station, Miramar (MCAS, Miramar) which I have the pleasure of representing. Colonel O'Connor has served his country with distinction for over twenty years and I wish him nothing but the best as a new chapter in his life begins.

Colonel O'Connor was born and raised in New York where he received his commission through the Naval Reserve Officer Training Corps (NROTC) at the University of Rochester in May of 1979. Since then, he has participated in humanitarian relief operations while deployed to the Republic of the Philippines, served as the Aviation Department's action officer for Base Realignment and Closure (BRAC) issues and aviation training range systems and reported to the Office of Asian and Pacific Affairs in the Office of the Secretary of Defense where he served as the Country Director for Australia and New Zealand.

In August 2006, Colonel O'Connor took over as Commanding Officer of MCAS, Miramar where he has excelled in working with local leaders while representing the Marine Corp with professionalism and distinction to communities surrounding the base and San Diego County as a whole. Colonel O'Connor's decorations include the Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal with gold star, Joint Service Commendation Medal, Navy Commendation Medal, and Navy Achievement Medal.

I applaud the good service that Colonel O'Connor has provided this country. He has been an absolute pleasure to work with throughout his tenure and I urge my colleagues to join me in celebrating this great American.

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HONORING THE HEROIC ACTIONS  
OF CHAD LINDSEY

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. CROWLEY. Madam Speaker, I rise today to recognize the bravery of Chad Lindsey, a constituent of mine who jumped onto the New York subway tracks to rescue a fellow passenger that had fallen.

On March 16, 2009, Mr. Lindsey was waiting for the subway at Penn Station in New York City when he saw a man fall onto the track and hit his head.

Knowing that a train was coming shortly, Mr. Lindsey courageously jumped onto the subway track. The man who fell was unconscious, and despite repeated attempts did not wake

up. Yet, with the lights of the train coming toward them, Mr. Lindsey knew he had to act and used all his strength to pull the man to the platform edge and, with the help of others, lifted him to safety.

Thanks to Mr. Lindsey's quick thinking and selfless actions, the injured man was taken to the hospital and later released. Mr. Lindsey, having done his part, got on the next train, ready to go back to his everyday life as a working New York City actor.

In the days since the incident, Mr. Lindsey has tried to resist the attempts of the media to label him a "hero". But this is exactly what he is.

He did not hesitate before rushing to help someone else in need, even though his actions put himself at risk. For Mr. Lindsey, this act of bravery came naturally.

His courageous act reminded us that there are people willing to put themselves in danger for the sake of others. He sets an example that we all should strive toward.

I applaud Chad Lindsey for his brave actions, and I am so proud to call him both a constituent and hero.

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COMMENDING PATRICIA MURPHY  
OF UNION COUNTY, NEW JERSEY

### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month and to congratulate Patricia Murphy of Springfield, New Jersey who will be honored on Friday, March 27, 2009 at the 17th Annual Women of Excellence Dinner held in Union County, New Jersey.

This special annual event is hosted by the Union County Commission on the Status of Women in the Seventh Congressional District and highlights the amazing work of individuals who are making our communities better places to live. The Commission on the Status of Women recognizes the contributions of women in the fields of education, health care, the arts, government, business, law, community service, technology, public service and women's advocacy and lifetime achievement.

This year's Lifetime Achievement Award will be given to Patricia Murphy because of her extensive lifetime achievements. Presently, Patricia is a professor at the Muhlenberg Snyder School of Nursing. She is also involved in various professional nursing organizations, social and civic groups, and church activities in Springfield. Patricia is certified as a teacher of practical nursing and a school nurse in the state of New Jersey.

During her extensive career, Patricia Murphy has been an adjunct professor at Kean University and Felician College, staff nurse at Overlook Hospital, Obstetrics and Community Health Instructor, Oncology Clinical Nurse Specialist, full time Medical/Surgical Nursing III Instructor and as such has been honored with a distinguished Nursing Alumni Award, American Cancer Society Certificate of Appreciation, outstanding alumna award of Seton Hall University School of Nursing, and New Jersey

State Nurses Association Medical-Surgical Nurse of the Year.

In addition to her nursing career, Patricia Murphy has written several articles for professional journals and presented a number of lectures and programs throughout Central New Jersey, focusing on the well-being of cancer patients, their families and the nursing care they receive. She has also developed, planned, and implemented the first on-line nursing course offered through Muhlenburg in conjunction with Union County College. Patricia is also the Parish Nurse Ministry coordinator at St. James Church in Springfield. She has also served as the past president of the Summit Area AARP.

Patricia Murphy of Springfield, New Jersey has made significant contributions to her community and led a long distinguished career. I am pleased to congratulate her and share her good work with my colleagues in the United States Congress and the American people.

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THE 60 TO 55 RESERVE  
COMPONENT RETIREMENT ACT

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**HON. FRANK A. LoBIONDO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. LoBIONDO. Madam Speaker, I rise today to introduce the 60 to 55 Reserve Component Retirement Act.

Given the increasing demands placed on the brave men and women who serve as citizen soldiers in the Reserve Component, it is time to recognize and reward them in a more timely fashion. The current age requirement for Reserve Component to begin receiving retirement pay is 60 years old, whereas the Active Duty may begin receiving retirement pay as soon as they serve their 20 years, which in some cases, may be as early as age 38. The age limitation placed on the Reserve Component was set in 1948, when the Reserve Component was a much different force. Since 9/11, the National Guard and Reserves have expanded beyond their traditional bounds into a fully functional, combat-ready, and deployable partner to the Active Duty Armed Forces. This shift in use to a full partner has placed tremendous strains on the men and women of the Guard and Reserves.

The legislation I am introducing with Congresswoman GABRIELLE GIFFORDS of Arizona will lower the age at which Reserve Component servicemembers can begin receiving their retirement pay from age 60 to age 55. This vital legislation will help close the gap between the Active Duty and Reserve Component retirement age, which will improve recruitment efforts and be more fair to the men and women serving in the National Guard and Reserve.

HONORING FORMER DELEGATE  
MICHAEL WEIR, SR.

**HON. C. A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Michael Weir, Sr., a longtime Maryland legislator and public servant who is celebrating his 85th birthday.

Mike Weir, Sr. was born in Baltimore, Maryland, on March 24, 1924. He attended Baltimore County Public Schools and continued his education at Essex Community College and the University of Maryland. After he finished school he worked as a Masonry contractor through his company Mike Weir and Sons.

Mike served with the U.S. Army in the South Pacific during World War II, entering World War II in March of 1943 as a member of the U.S. Army with the 124th Infantry 31st Division. He was attached to the Reconnaissance Platoon as a medic and served in the South Pacific in New Guinea, Netherlands East Indies and the Philippines. Mike Weir, Sr. was honorably discharged in December of 1945.

Mike Weir Sr. served for 28 years in the Maryland House of Delegates representing communities from Essex in Baltimore County to Fallston in Harford County. He served in the House of Delegates from January 8, 1975 to January 8, 2003, representing first District 7 and then District 6 (Baltimore County & Harford County). He served as the House Chair of the Joint Committee on Chesapeake Bay Critical Areas from 1984–2003, and as a member of the Tort and Insurance Reform Oversight Committee in 1993. He served on the House Environmental Matters Committee from 1975–2003 and as Vice-Chair of the committee from 1995–2003. During his tenure he served on the agriculture, environment & natural resources, and health subcommittees. Mike also served as a member of the Rules and Executive Nominations Committee from 1995–2003. Mike served as a member of the Chesapeake Bay Commission from 1984–2003, a member of the Migratory Waterfowl Advisory Committee since 1991, and the Maryland Recycling Advisory Group from 1995–1997. Mike is respected throughout the State of Maryland for his deep commitment to sportsman and environmental issues, especially those that relate to the Chesapeake Bay.

In honor of his years of service in the Maryland General Assembly, the Mike Weir, Sr. Scholarship Fund was established at the Community Colleges of Baltimore County to assist local college students.

Mike's enjoyment of the political world is evidenced by his memberships in the Fifth District, Fifteenth District, Riverside, Bird River, Norris, Deep Creek and East End Democratic Clubs. Mike is also a member of the American Legion, the Veterans of Foreign Wars, the Hawks and the Federation of Independent Business Men. Mike and his wife Clara have six children, many grandchildren, and one great-grandchild.

Mike Weir, Sr. has dedicated his life to the citizens and environment of the State of Maryland. Therefore, Madame Speaker, it is my pleasure to honor Mike as he celebrates his 85th birthday.

IN HONOR OF NATALIE WOLFE

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. CARSON of Indiana. Madam Speaker, today I rise to recognize Natalie Wolfe for her brilliant career as a child advocate. She has distinguished herself through her dedication to ensuring that all children are afforded the right to quality childcare services.

After losing her daughter due to the negligence of an unlicensed child-care provider, Natalie has committed herself as a driving force in the State of Indiana to increasing awareness about the need for child-care reform. As a result, she has helped establish the Indiana Association for Child Care Resource & Referral Better Baby Program. As a voice for thousands of parents who have suffered from similar circumstances, Natalie participated heavily in the passage of Reagan's Law.

Earlier this month, Natalie represented Hoosier families in Washington, D.C. at the National Association of Child Care Resource and Referral Agencies' (NACCRRA) National Policy Symposium. This conference allowed Natalie to meet with other child-care advocates and policy makers on the importance of passing sound legislation that protects and safeguards young children.

I urge my colleagues to join me in thanking Natalie Wolfe for her dedicated public service. Her efforts should inspire us all to recommit ourselves to ensuring that the growing child-care needs of our nation's children are effectively met.

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EARMARK DECLARATION

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**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding the House Appropriations Committee appropriated for the following national projects my colleagues and I requested as part of FY 2009 Omnibus Appropriations Act, H.R. 1105:

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Fund for the Improvement of Education, Innovation and Improvement

Legal Name of Requesting Entity: Reach Out and Read

Address of Requesting Entity: 56 Roland Street, Suite 100D, Boston, MA 02129–1243

Description of Request: \$4,965,000 for the Reach Out and Read Program, authorized under the Elementary and Secondary Education Act to make literacy programs a standard part of pediatric primary care, trains doctors and nurses to train parents, and helps families and communities encourage early literacy skills. Specifically, this funding will be used to ensure that all children and families receive the support and assistance they need

to develop these skills and children are prepared to start kindergarten ready to learn. I support the funding of this nation-wide program and note that Delaware does not benefit more from this funding more than any other state.

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Fund for the Improvement of Education, Innovation and Improvement

Legal Name of Requesting Entity: Teach for America

Address of Requesting Entity: 315 West 36th Street, 7th Floor, New York, NY 10018

Description of Request: \$14,895,000 for the Teach for America Program, authorized under the Elementary and Secondary Education Act to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities. I support the funding of this nation-wide program and note that Delaware does not benefit more from this funding more than any other state.

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Fund for the Improvement of Education, Safe Schools and Citizenship Education

Legal Name of Requesting Entity: Center for Civic Education

Address of Requesting Entity: 5145 Douglas Fir Road, Calabasas, CA 91302-1440

Description of Request: \$25,095,000 for Center for Civic Education's We the People Program and Cooperative Education Exchange Program, authorized under the Elementary and Secondary Education Act as part of the Civic Education Program to support programs which represent the federal government's most effective means of educating American students about the fundamental ideals of our nation and to assist emerging democracies in establishing a political culture supportive of democratic values, principles, and institutions. I support the funding of this nation-wide program and note that Delaware does not benefit more from this funding more than any other state.

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Fund for the Improvement of Education, Safe Schools and Citizenship Education

Legal Name of Requesting Entity: Center for Civic Education

Address of Requesting Entity: 5145 Douglas Fir Road, Calabasas, CA 91302-1440

Description of Request: \$5,019,000 for Center for Civic Education's National Council of Economic Education for cooperative Education Exchange Program, authorized under the Elementary and Secondary Education Act as part of the Civic Education Program to support programs which represent the federal government's most effective means of educating American students about the fundamental ideals of our nation and to assist emerging democracies in establishing a political culture supportive of democratic values, principles, and institutions. I support the funding of this nation-wide program and note that Delaware does not benefit more from this funding more than any other state.

CONGRATULATING MS. CAROL ROBINSON

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Mr. TURNER. Madam Speaker, I am proud to recognize the members of the General Daniel "Chappie" James American Legion Auxiliary Post 776, located in my congressional district in Riverside Ohio, for the service its members have given to our nation and our community.

Ms. Carol T. Robinson has completed a successful year as the 2007-2008 Department of Ohio President of the American Legion Auxiliary. She is the first African-American woman to hold the office. Ms. Robinson joined the American Legion Auxiliary Unit 776 through her late brother, William A. Hawkins, a U.S. Army veteran during the Korean War.

Ms. Robinson organized a project with Sew Much Comfort, a local nonprofit organization, to supply adaptive clothing for hospitalized amputee service members. For the 89th Department of Ohio American Legion Convention held last July in Dayton, she asked each attendee to bring a donation for our troops. Ultimately, Ms. Robinson sorted, packed and shipped 48 boxes (503.7 pounds) for our wounded warriors. This summer, at the National Convention of the American Legion Auxiliary held in Phoenix, Arizona, Ms. Robinson accepted four National Awards, several Central Division Awards and Certificates for Auxiliary programs conducted during her administration.

The American Legion Auxiliary is the world's largest, nonprofit, patriotic women's service organization whose members do volunteer work for a multitude of worthwhile causes which benefit American's veterans, children and communities. It is my privilege to recognize Ms. Carol Robinson and the members of the General Daniel "Chappie" James American Legion Auxiliary Post 776 for their leadership and service to our community.

PERSONAL EXPLANATION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Ms. RICHARDSON. Madam Speaker, on Monday, March 9, 2009 I did not vote due to my attendance of the funeral of Los Angeles Police Department's Deputy Chief Kenneth O. Garner. Deputy Chief Garner attended schools in the California 37th District, commanded over many stations in my district and was instrumental to the success of the Watts Gang Task Force evident by the busloads of residents who attended his service. Deputy Chief Garner will be remembered for his 30 years of service to the Los Angeles community and his achievement of greater respect and peace within the police department and the African American/Latino neighborhoods. Had I been present I would have voted "yea" on rollcall votes No. 110, No. 111 and No. 112.

A TRIBUTE MR. JODIE BAILEY

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Mr. CLAY. Madam Speaker, I rise today to honor Mr. Jodie Bailey a Missouri coaching and community legend. Mr. Bailey had a positive influence in the sport of basketball, in the lives of the young men he coached and his community.

My first encounter with Mr. Bailey was 45 years ago at the age of 7 years old. He was Head Camp Counselor for Camp Rivercliff of the YMCA, where I attend summer camp. He had a positive impact on my life at an impressionable age and helped make me the man I am today.

Mr. Bailey set unprecedented records and won championships over the span of 42 seasons at three different area St. Louis Public High schools. He had an outstanding record of 824 wins with only 198 losses. He coached many great sports stars, including the late Elston Howard of the New York Yankees and the Boston Celtics Jo Jo White. His accomplishments led him to be inducted into the Missouri Sports Hall of Fame in 1989.

He put an emphasis on teaching fundamentals in the game of basketball. He always worked to get young people to be the best they could be. In addition, Mr. Bailey was a teacher who took time to make personal investments in each of his student's lives, which they remember until this day.

Mr. Bailey always sought to impart knowledge into the people that came into his life. He was a tenacious but mild-mannered coach; always ready to give constructive and encouraging words of advice.

His success as a coach spanned four decades including the turbulent 1950's and 60's that included segregation and the Civil Rights movement. He continued coaching through the 1980's. Mr. Bailey was a role model on and off of the court teaching integrity and self-respect to his players. He was a respected community leader and viewed as a "Godly" man.

Madam Speaker, I am honored to pay tribute to Mr. Bailey, a man of humility and passion who's influence surpassed his coaching success. He made a difference in all the lives he touched. I urge my colleagues to join me in honoring Mr. Jodie Bailey, coaching and life legend.

IN HONOR OF BROTHER DIETRICH REINHART

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor the life of service of Brother Dietrich Reinhart, President Emeritus of Saint John's University in Collegeville, MN. Brother Reinhart faithfully served his community since 1967 in various roles as a student, professor, dean and finally, as President of the University.

His accomplishments at Saint John's are numerous and have impacted so many students' everyday life. As liturgy director in 1983, Brother Reinhart led the committee on the revision of the Liturgy of the Hours at Saint John's Abbey, a version that is still used in public prayer services. Brother Reinhart oversaw the completion of student housing units, academic buildings, sports facilities, a student center and the art center as well as implementing the educational Core Curriculum and developing new majors in Peace Studies and in Communications to accommodate both the increasing number of students and the rising student academic profile.

In November of 2008, after being diagnosed with malignant metastatic melanoma, Brother Reinhardt commented that "Saint John's is a community where people stand by each other—they care about each other—and that there is always room in this community". Brother Reinhardt passed away at the retirement center at St. John's Abbey on December 29, 2008. He will be deeply missed by his community and it is my honor to rise with the thousands of students whose lives he enriched to recognize his life and his accomplishments before you today.

COMMENDING JANET MALKO OF  
UNION COUNTY, NEW JERSEY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month and to congratulate Janet Malko of Garwood, New Jersey who will be honored on Friday, March 27, 2009 at the 17th Annual Women of Excellence Dinner held in Union County, New Jersey.

This special annual event is held by the Union County Commission on the Status of Women in the Seventh Congressional District to highlight the amazing work of individuals who are making our communities better places to live. The Commission on the Status of Women organization seeks to recognize the contributions of women in the fields of education, health care, the arts, government, business, law, community service, technology, public service, women's advocacy and lifetime achievement.

This year's Lifetime Achievement Award for Education will be given to Janet Malko. Janet Malko has been associated with St. Mary of the Assumption High School, located in Elizabeth, New Jersey for forty years. She first served as a teacher and is currently the school's principal. She has been involved in nearly every facet of the educational process. In addition to her duties as principal, she teaches two math classes, greets students each day and knows most of them by name. Ms. Malko is sensitive to the unique needs of each student, handling each with compassion, helps struggling students, and offers support and encouragement to students and their families. She sets a positive tone for the school, encouraging her faculty to provide the student body with a strong foundation of discipline, tol-

erance, respect, integrity, self-reliance and confidence, while stressing the importance of a solid education, civic responsibility, and community service.

Under her leadership, the students at St. Mary's have succeeded academically, with over 87 percent of the 2008 graduating class attending four year colleges and universities on full academic scholarships, totally over 5 million dollars.

Janet Malko has made a difference in the lives of her students and has been a positive role model instilling the qualities of resilience and perseverance. She made significant achievements in education.

I am pleased to congratulate Janet Malko for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

RECOGNIZING AND REMEMBERING  
PETER J. COURCY, AND HIS  
SERVICE TO THE UNITED  
STATES OF AMERICA

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. BURGESS. Madam Speaker, I proudly rise today in memory of one of our nation's bravest and finest men who gave his life protecting our nation and its citizens. Corporal Peter J. Courcy, who served in Afghanistan as a part of the 4th Platoon, Company D, 2nd Battalion, 506th Infantry Regiment of the 101st Airborne Division, who made the ultimate sacrifice for his country on February 10th of 2009.

Courcy, a graduate of Frisco High School, was known by others for his positive outlook on life. Serving his country in the military was a lifelong dream of his, which he fulfilled when he joined the Army in 2006. He had ambitions to become part of Army Special Forces. His commitment to his country was so strong that he was willing to endure the pain of being away from his family—including his wife and newborn son, who live in The Colony, Texas. Corporal Courcy was preparing to end his tour in Afghanistan and return home to see his family when he was killed.

Corporal Courcy will forever remain in the hearts of his family, friends, and fellow soldiers. It is my honor to have represented Corporal Peter J. Courcy in the 26th District of Texas, and I extend my sincerest condolences to his family and friends. He will be deeply missed and the nation will be forever grateful for his honorable service.

HONORING COMMISSIONER MIKE  
FRANCIS OF SUMTER COUNTY,  
FLORIDA

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor a man who dedicated many years and his final days

to serving his community. Sumter County Commissioner Mike Francis passed away after a months long struggle with an illness. At a young 70, Mr. Francis was taken too soon.

Originally from Chicago, Mr. Francis first served as a Lady Lake Commissioner before being elected Sumter County Commissioner in 2004. A principled and passionate leader, he served as Chairman of the County Board in 2006 and 2007.

Mr. Francis was one of the first from The Villages to serve on the board. He was a tireless and vocal advocate for issues related to the Villages. He fought to reduce taxes for the community and promoted increased fiscal accountability county wide.

A well-loved family man, Mr. Francis leaves behind his wife Pat. The Francis family have five grown children, including one foster child, and seven grandchildren.

Madam Speaker, it is public servants like Mr. Francis that keep our communities and counties running strong at home. His dedication and willingness to serve are admired and stand as a model to others. We thank him for his service. He will be missed.

EARMARK DECLARATION

**HON. DOC HASTINGS**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding projects that I support for inclusion in H.R. 1105, the Omnibus Appropriations Act of 2009.

Amount: \$34,451,000

Account: Corps of Engineers, Construction

Entity receiving funds: Army Corps of Engineers located at 441 G St NW, Washington, DC 20314.

Description: Funds will be used to deepen the navigation channel from the mouth of the Columbia River to the Portland/Vancouver area.

Amount: \$12,078,000

Account: US Bureau of Reclamation, Water and Related Resources

Entity receiving funds: US Bureau of Reclamation located at 115 N Curtis Road, Boise, ID 83706.

Description: Funds will be used to operate the Columbia Basin irrigation project.

Amount: \$916,000

Account: US Bureau of Reclamation, Water and Related Resources

Entity receiving funds: US Bureau of Reclamation located at 115 N Curtis Road, Boise, ID 83706.

Description: Funds will be used to complete a study to address a depleted aquifer that farmers are dependent upon for irrigation water.

Amount: \$145,000

Account: US Bureau of Reclamation, Water and Related Resources

Entity receiving funds: US Bureau of Reclamation located at 115 N Curtis Road, Boise, ID 83706.

Description: Funds will be used for critical Reclamation activities within Washington state.

Amount: \$8,172,000  
Account: US Bureau of Reclamation, Water and Related Resources

Account: Federal Highway Administration: Transportation, Community, and System Preservation

Entity receiving funds: Kittitas County Public Works located at 411 North Ruby Street, Suite 1, Ellensburg, WA 98926.

Description: This funding will be used to widen a portion of the Kittitas Highway.

Amount: \$1,757,500

Account: Federal Transit Administration: Buses and Bus Facilities

Entity receiving funds: Ben Franklin Transit located at 1000 Columbia Park Trail, Richland, WA 99352.

Description: This funding will enable Ben Franklin Transit to expand its current bus facility.

Amount: \$475,000

Account: Federal Transit Administration: Buses and Bus Facilities

Entity receiving funds: Grant Transit Authority located at 9 Basin Street Southwest, Suite 102, Ephrata, WA 98823.

Description: This funding will be used for a new operations and bus maintenance facility in Moses Lake, Washington.

Amount: \$798,000

Account: Housing and Urban Development: Economic Development Initiative

Entity receiving funds: City of Roslyn located at 1st and Pennsylvania, Roslyn, WA 98941.

Description: This funding will be used to provide structural upgrades and other improvements to Roslyn's City Hall building, so that this 106 year-old building can continue to serve as a civic, cultural and community center.

Amount: \$500,000

Account: U.S. Department of Justice

Entity receiving funds: City of Yakima located at 129 North 2nd Street, Yakima, WA 98901.

Description: These funds will be used to develop a system that allows all the public safety agencies in Yakima County to integrate their data communications and records systems. This system will provide comprehensive data to all local law enforcement officials, as well as federal and state agencies. It will give the various law enforcement agencies the tools they need to address the gang and drug problems in the region.

Amount: \$1,000,000

Account: U.S. Department of Justice

Entity receiving funds: US Bureau of Reclamation located at 115 N Curtis Road, Boise, ID 83706.

Description: Funds will be used for the US Bureau of Reclamation Yakima Project.

Amount: \$7,793,000

Account: US Bureau of Reclamation, Water and Related Resources

Entity receiving funds: US Bureau of Reclamation located at 115 N Curtis Road, Boise, ID 83706.

Description: Funds will be used to improve the water supply for irrigation and increase flows for fish.

Amount: \$500,000

Account: US Bureau of Reclamation, Water and Related Resources

Entity receiving funds: US Bureau of Reclamation located at 115 N Curtis Road, Boise, ID 83706.

Description: Funds will be used for Yakima River Basin water storage.

Amount: \$2,185,000

Account: Federal Highway Administration: Transportation, Community, and System Preservation

Entity receiving funds: City of Kennewick located at 210 West 6th Avenue, Kennewick, WA 99336.

Description: This funding will extend Steptoe Street, a major roadway through Kennewick and Richland. This project will assist in relieving traffic congestion on Columbia Center Boulevard.

Amount: \$570,000

Account: Federal Highway Administration: Transportation, Community, and System Preservation

Entity receiving funds: City of Union Gap located at 102 West Ahtanum Road, Union Gap, WA 98903.

Description: This funding will make improvements to Valley Mall Boulevard in the City of Union Gap. It will alleviate safety hazards and provide access to growing commercial areas.

Amount: \$736,250

Account: Federal Aviation Administration: Airport Improvements

Entity receiving funds: Pangborn Memorial Airport located at 1 Pangborn Drive, East Wenatchee, WA 98802.

Description: This funding will make modifications to the passenger terminal at the Pangborn Memorial Airport to accommodate larger commercial aircraft service.

Amount: \$332,500

Entity receiving funds: Washington State Meth Initiative located at 510 Tacoma Avenue South, Tacoma, WA 98402.

Description: These funds will be used to fight methamphetamine in Washington state.

Amount: \$2,192,000

Account: Agriculture Research Service—Buildings and Construction

Entity receiving funds: Washington State University's Office of Grant and Research Development located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will help construct an ARS research facility in Pullman to provide a research facility for more than 40 ARS scientists and programs.

Amount: \$254,000

Account: Agriculture Research Service

Entity receiving funds: Northwest Center for Small Fruits Research located at 4845 Southwest Dresden Avenue, Corvallis, OR 97333.

Description: This funding will provide enhanced research on small fruit pathology. In addition, the funds will be used for site feasibility and design for new facilities.

Amount: \$245,000

Account: Cooperative State Research, Education, and Extension Service, SRG

Entity receiving funds: Washington State University's Office of Grant and Research Development located at 423 Neill Hall, Pullman, WA 99164.

Description: This money will support research into the biomass potential of *aeilops cylindricum* and similar grassy weeds.

Amount: \$469,000

Account: Cooperative State Research, Education, and Extension Service, SRG

Entity receiving funds: Washington State University's Office of Grant and Research Development located at 423 Neill Hall, Pullman, WA 99164.

Description: This funding will support the International Marketing Program for Agricultural Commodities and Trade Center which applies science and technology to develop new export marketing opportunities.

Amount: \$235,000

Account: Cooperative State Research, Education, and Extension Service, SRG

Entity receiving funds: Washington State University's Office of Grant and Research Development located at 423 Neill Hall, Pullman, WA 99164.

Description: This funding will support a multi-state effort to improve efficiency of the U.S. dry pea, fresh pea, lentil, and chickpea industries.

Amount: \$248,000

Account: Cooperative State Research, Education, and Extension Service, SRG

Entity receiving funds: Washington State University's Office of Grant and Research Development located at 423 Neill Hall, Pullman, WA 99164.

Description: Funds will be used for research on organic cropping systems, nutrient and soil management and organic seed production.

Amount: \$1,037,000

Account: Cooperative State Research, Education, and Extension Service, SRG

Entity receiving funds: Washington State University's Office of Grant and Research Development located at 423 Neill Hall, Pullman, WA 99164.

Description: Funds will be used for research on potato production including varietal development testing.

Amount: \$471,000

Account: Cooperative State Research, Education, and Extension Service, SRG

Entity receiving funds: Washington State University's Office of Grant and Research Development located at 423 Neill Hall, Pullman, WA 99164.

Description: This will fund research to locate and characterize genes to use in applied barley breeding.

Amount: \$307,000

Account: Cooperative State Research, Education, and Extension Service, SRG

Entity receiving funds: Northwest Center for Small Fruit Research located at 4845 SW Dresden Ave., Corvallis, OR 97333

Description: Funds will be used for research on berry and grape crops, including plant breeding and pest management.

Amount: \$444,000

Account: Cooperative State Research, Education, and Extension Service, SRG

Entity receiving funds: Washington State University's Office of Grant and Research Development located at 423 Neill Hall, Pullman, WA 99164.

Description: Funds will be used to develop planting systems that reduce soil erosion.

Amount: \$223,000

Account: Cooperative State Research, Education, and Extension Service, SRG

Entity receiving funds: Washington State University's Office of Grant and Research Development located at 423 Neill Hall, Pullman, WA 99164.

Description: Funds will be used to develop virus-free plant material for wine grapes.

Amount: \$173,000

Account: Cooperative State Research, Education, and Extension Service, SRG

Entity receiving funds: Washington State University's Office of Grant and Research Development located at 423 Neill Hall, Pullman, WA 99164.

Description: Funds will be used to develop technologies that increase the competitiveness of the domestic asparagus industry.

Amount: \$761,000

Account: Health, Resources and Services Administration—Health Facilities and Services Entity receiving funds: Douglas, Grant, Lincoln and Okanogan Counties Public Hospital District #6, located at 411 Fortuyn Rd, Grand Coulee, WA 99133.

Description: Funds will be used for facilities and equipment for the hospital.

Amount: \$809,000

Account: Health, Resources and Services Administration Health Facilities and Services

Entity receiving funds: Kadlec Medical Center, located at 888 Swift Blvd., Richland, WA 99352

Description: Funds will be used to construct and equip a new Pediatric Unit.

# RECOGNIZING EISENHOWER HIGH SCHOOL IN RIALTO, CALIFORNIA, FOR WINNING THE DIVISION 2 STATE TITLE IN BOY'S BASKETBALL

## HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. BACA. Madam Speaker, I rise today to recognize the boy's basketball team at Eisenhower high school, in my hometown of Rialto, for winning the California Interscholastic Federation Division 2 state title on Friday, March 20.

The Eisenhower Eagles ended their 32–3 season with a 73–61 victory over the Rocklin Thunder. Friday's win was the 23rd consecutive victory for the Eagles, and occurred in front of a crowd of over 10,000 in Sacramento.

Eisenhower's remarkable run to the state title came after a 28–3 regular season, and playoff victories over state powerhouse Loyola, and a win against high rated Leuzinger.

Their historic victory marks the first ever California Interscholastic Federation state title for a school from San Bernardino County.

Everyone said they were too small, but led by head coach Steve Johnson, the undersized Eisenhower squad achieved victory against a taller Rocklin team by causing turnovers with quick-handed tactics and dominating the Thunder in transition points up and down the court.

Coach Johnson has led the Eagles program back to greatness only two years after taking a several year hiatus from coaching.

I specifically want to recognize all 9 Eisenhower players, and thank Andrew Bock, Bryan Bock, Alex Varner, Nicholas Carter, Keyon Sayles, Devin Garner, Nazareth Richardson, Bernard Ireland, and Kirby Gardner for their

hard work and commitment to excellence throughout the season.

I also want to recognize the parents, assistant coaches, and school administrators—who all played a critical role in Eisenhower's State Championship run.

Brendan Lane, star player for the opposing Rocklin Thunder, said about the Eagles, "They're relentless. They get every rebound and every loose ball. They come after you the whole time."

On behalf of myself, my wife Barbara, Councilman Joe Baca Jr., Jeremy, Jennifer, and Natalie Baca, I congratulate the Eisenhower Eagles for their relentless effort, not just in the title game but throughout the season. I thank Coach Johnson and all the Eagle players, for their grit and determination, and the hope their achievement has brought to the Inland community in these times of economic difficulty.

## PERSONAL EXPLANATION

### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. PASCRELL. Madam Speaker, I want to state for the record that today, March 24th, I was detained in my district and therefore missed the three rollcall votes of the day. Had I been present I would have voted "yea" on rollcall vote No. 147 on the Motion to Suspend the Rules and Pass H.R. 1617—Department of Homeland Security Component Privacy Act of 2009. Had I been present I would have also voted "yea" on rollcall vote No. 148 on the Motion to Suspend the Rules and Pass H.R. 730—Nuclear Forensics and Attribution Act. Lastly, had I been present I would have voted "yea" on rollcall vote No. 149 on the Motion to Suspend the Rules and Pass H. Res. 182—Expressing support for designation of the week of March 1 through March 8, 2009, as School Social Work Week.

## TRIBUTE TO DAVID H. DUBBS, JR.

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to the late Dr. David H. Dobbs, Jr., a beloved and dedicated public servant who tirelessly devoted his efforts to the well-being of our nation's most important asset, our children, as a valued educator of the Miami-Dade County community and beyond. Moreover, I would like to commend him for his years of service to the Miami-Dade County School System and his long standing involvement in the South Florida community.

Dr. Dobbs, a Miami native, was born to David H. Dobbs, Sr., and Gussie Dobbs on May 19, 1945. After graduating from Miami Northwestern Senior High School, he furthered his education at Central State University in Wilberforce, Ohio where he majored in political science. Dr. Dobbs then obtained his master's

degree in administration and his doctorate in administration and supervision, both from Nova Southeastern University. Throughout his life, Dr. Dobbs' warm spirited persona and exceptional educational background contributed to his unwavering commitment to help others.

He began his professional career as a teacher at Pine Villa Elementary and then moved to Mays Elementary. Dr. Dobbs also taught at Citrus Grove Middle School, Henry Fowler Elementary School and Miami Beach Senior High School. As his career flourished, he then became an assistant principal at Miami Killian Senior High School and principal of Zora Neale Hurston Elementary where he retired from in 2006. He also served as a district director with the Miami-Dade County Public School System. Through his experience, it is quite clear that he was successful at meeting the challenge of educating the needs of his community's young people.

Upon retirement, Dr. Dobbs continued to devote his life to the field of education and to his community while serving on a number of boards, including vice-chairman of the Florida Memorial University advisory board. Aside from the fact that Dr. Dobbs was an outstanding professional educator, he was well read in African-American history and politics and would engage in a very stimulating conversation on any topic.

Dr. Dobbs is survived by his loving wife of 38 years, Mrs. Priscilla Dobbs and daughter Priscilla Rashida Dobbs.

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Dr. David H. Dobbs, Jr. I am honored to pay tribute to Dr. Dobbs for his invaluable services and tireless dedication to the South Florida educational community. Dr. Dobbs' life was a triumph and he was blessed with a loving family who took pleasure in every aspect of his life and his interests. He will be missed by all who knew him, and I appreciate this opportunity to pay tribute to him before the United States House of Representatives.

## CONGRATULATING JEFF PARKS UPON HIS GRADUATION

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. BURGESS. Madam Speaker, I rise today to recognize Jeff Parks on the day of his graduation from the U.S. Marine Corps Officer Candidate School (OCS). Parks embodies the core values of Honor, Courage and Commitment that define a Marine.

Jeff Parks is an officer who truly exemplifies his school motto, "Ductus Exemplo" (Leadership by Example). Parks served for nine years as an enlisted officer in the Marines—two tours in Iraq and two in Africa on humanitarian missions—and I would like to congratulate him on earning the privilege to lead Marines.

I had the honor of having him work on my campaign, and I was impressed by his bold and noble goals and ambitions. He is a determined, hard-working individual, illustrated by



the fact that he finished 2nd in his OCS class. Parks will continue with his training at The Basic School (TBS) at Quantico.

Madam Speaker, I am proud to recognize Jeff Parks for his outstanding accomplishment. His determination is a source of motivation to others. It is my honor to represent him in the 26th district of Texas.

HONORING LT. COLONEL PAUL  
MOORE, JR.

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. DOYLE. Madam Speaker, I rise today to honor a Pittsburgh resident and a constituent of mine, Lieutenant Colonel Paul Moore, Jr. Lieutenant Colonel Moore is retiring from the United States Army after an illustrious 22-year career protecting the safety and freedom of our great nation.

His career began while attending college at the University of Indiana of Pennsylvania, where he was enlisted in the Army Reserves as a wheeled vehicle mechanic while getting his degree in criminology. Upon graduation, he received his first active duty assignment with the 3rd Armored Cavalry Regiment, stationed in Amberg, Germany. He was quickly assigned to a number of leadership positions while stationed there, including M1 Abrams tank platoon leader, scout platoon leader, support platoon leader, and executive officer.

The experiences he acquired in his first active duty assignment included the field that he would eventually devote the majority of his career to—military intelligence. Colonel Moore helped provide valuable intelligence to our service men and women across the globe to ensure they completed their missions efficiently and safely. He served the intelligence community as Detachment L commander for the Washington field office during Operation Desert Storm, Chief of the Military Intelligence and Electronic Warfare Team, Product Manager for Information Warfare within Program Executive Office Systems Intelligence, and as the Army's Senior Systems Coordinator for Information Operations.

Lieutenant Colonel Moore has received countless awards and decorations from his years of service. These include, but are by no means limited to, the Legion of Merit, Defense Meritorious Service Medal, The Joint Service Commendation Medal, the Army Commendation Medal with Oak Leaf Cluster, Global War on Terrorism Service Medal, and The Army Achievement Medal with Oak Leaf Cluster.

Albert Einstein put it perfectly when he said "only a life lived for others is a life worthwhile." Lieutenant Colonel Moore has exemplified a life lived in the service of others. I want to commend Lieutenant Colonel Moore and thank him for his long and honorable service to our country. I wish him a happy retirement and many years of joy with his family and friends.

COMMENDING DENISE MILES OF  
UNION COUNTY, NEW JERSEY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month and to congratulate Denise Miles of Summit, New Jersey who will be honored on Friday, March 27, 2009 at the 17th Annual Women of Excellence Dinner held in Union County, New Jersey.

This special annual event is held by the Union County Commission on the Status of Women in the Seventh Congressional District to highlight the amazing work of individuals who are making our communities better places to live. The Commission on the Status of Women organization seeks to recognize the contributions of women in the fields of education, health care, the arts, government, business, law, community service, technology, public service, women's advocacy and lifetime achievement.

This year's Volunteerism Award will be given to Denise because of her extensive volunteer efforts at numerous organizations throughout Union County.

Specifically, Denise is considered the backbone of the Wallace Chapel of the AME Zion Church, where every Monday she calls church members who were not in church on Sunday and checks in on those who are sick or homebound. Each Tuesday Denise delivers Meals on Wheels where she spends time with each family and brings them food and friendship. After working for 38 years at Overlook Hospital in Summit, New Jersey as a nurse, Denise now volunteers in the hospital's Chaplain Service. In this effort, she goes room to room visiting patients of all denominations. Denise also volunteers weekly at her local library and reads to preschoolers during story time.

Denise keeps this vigorous volunteer schedule despite the fact that she does not have a car. She literally volunteers every day of the week by walking from place to place or taking the bus.

Denise Miles of Summit, New Jersey is a true American hero. She has a demonstrated a deep commitment to helping others through her selfless sacrifice and hard work. So many people in Union County benefit directly from her efforts.

I am pleased to congratulate Denise Miles for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

OPPOSING THE BLAIR HOLT'S  
FIREARM LICENSING AND  
RECORD OF SALE ACT—

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. REHBERG. Madam Speaker, a few weeks ago, I stood on the floor of the House

of Representatives to express the outrage I'm hearing from Montanans regarding H.R. 45 and similar bills that erode our Second Amendment rights and make eventual confiscation of firearms easier. Even gun-control advocates understand that this bill goes too far. They promise that H.R. 45 will never pass.

Notice, they don't say it shouldn't pass—only that it won't.

Some of my colleagues here in Washington, D.C. wish it could pass. And that's why it remains so important to stand our ground against The Blair Holt's Firearm Licensing and Record of Sale Act and similar measures.

Thomas Jefferson wrote, "The price of freedom is eternal vigilance." While public outcry has made H.R. 45 a politically unattractive proposal for now, make no mistake about it: if we ease back, even for a moment, opponents of the Second Amendment will take advantage.

I recently created a user-group on the popular social networking website Facebook entitled "Fight to Protect the 2nd Amendment Against H.R. 45." It has been incredible to watch the response as friends have invited friends to join and people posted their opinions on "The Wall" for others to read. In a little over two weeks, the group has more than 1,500 members, with more joining every day.

Sadly a bill like H.R. 45 isn't politically unattractive because it's a bad idea. Congress passes bad ideas every day. It's politically unattractive because Americans like those in my Facebook group are taking Thomas Jefferson's advice and remaining vigilant. It's politically unattractive because of the grassroots advocacy that has arisen against it.

To make it clear that advocates of liberty will pay the price of vigilance for our freedom, here is a sampling of some of the comments that were written on the wall in that angry little corner of Facebook.

"The ability to bear arms has much more to do with being able to protect one's self than it does for those hunting. I used a 22 rifle once to keep an invader out of my apartment. I didn't have any ammo but all the guy needed to see was my gun pointing at him when he broke into my front door, he promptly left and I was one less victim of who knows what crime. Don't take that right to defend myself away from me. I don't want to be a statistic!"—Jaclyn Colebank

"As once was written, 'If guns kill people then pencils misspell words.' As an avid gun owner and 25 year old female I appreciate the constitution and the rights we have been given. The second amendment assists us in protecting the first. If someone decides to break into my home and deprive me of my life, liberty and/or happiness, I am going to protect those rights using a firearm if necessary."—Amanda Barta

"I use to never want to have a gun in my home. They always scared me. My husband is a trucker and over a year I am pretty much alone with just my son in the home. I am disabled so I can't really get away from someone if they were to break in. A couple of guys threatened my son and myself. Immediately I told my husband that soon as he came home we were going to get me a gun and he was going to teach me to shoot. I need to know how to protect my family and myself. I also realize that an unarmed society is nothing but slaves to the government. The Founding Fathers knew that the people needed a way to protect themselves from a

government gone wild which is why they made sure we have the 2nd amendment. I am now a member of the NRA and I will not be disarmed. Statistics prove that areas that have gun bans have a much higher crime rate. I am a rape survivor and had I carried a gun then maybe I would not have been a victim. Never again."—Anita Calbert

"If I'm a violent criminal all set to ply my trade, I'd rather operate in an unarmed help-less community than your basic Montana town. What is it about an armed populace that is so frightening?"—Randy Nankivel

"The second amendment states, 'A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.' While H.R. 45 does not outright ban guns, it would impair the purchase and ownership of arms to the point to where it would have the same effect as a ban, and as such H.R. 45 should be considered unconstitutional. Opponents will claim as long as there is the opportunity to buy a gun, however small, the second amendment would not be violated. This is an abuse of the definition and meaning of the second amendment, unfairly restricting the scope of amendment and marginalizing it until rendered ineffective."—Eric Fulton

"Being a gun owner is not only a privilege but my right. Anyone who wants to take our gun rights has forgotten how the birth of our great country came about. I enjoy target shooting as well as hunting. It is something my husband and I do to spend time together. If we let Congress pass any bill allowing them to take our guns, it would be detrimental to the well being of every American. The criminals will have them anyway and the hard working citizens will have no way to protect themselves, not to mention being able to hunt. Hunting is a way of life for a lot of families, especially families who cannot afford to buy beef etc. I see absolutely nothing positive being gained by taking our gun rights."—Tara Preshinger

"Guns have been a part of my life and my family's life since we have lived in the US. It has been a useful tool in feeding my family since we have been here. I am a soldier, hunter, brother, son and many other things and I refuse to let this right be taken from me when all that will happen is it will take firearms from people who use them as tools and a way of life and those who use them for bad will get them one way or another. If guns are outlawed only outlaws will have guns and we will have nothing to protect ourselves with. That's way I say this right is important to me. I am here to protect my family, friends, and the US from all enemies and I feel sorry for the poor sap that tries to take this right away from me."—Clint Dean

"As a U.S. Soldier and a Montanan guns have always been a part of my life. I will never give up the right to keep and bear arms. I say if anyone wants to take my guns. . . . You can try but you might want to wait till I'm reloading!!!!!"—Matt Calnan

"There are so many reasons to oppose gun control, it's hard to pick a favorite. I would say that the main reason is that it simply doesn't work. Look at places like Great Britain and Mexico—have they become violence-free Utopias, or do their defenseless citizens now suffer exploded rates of violent crimes committed with total impunity since having been disarmed? If civil disarmament worked well, then Great Britain wouldn't need 40 cameras on every street corner; and they wouldn't try to do it either for fear of armed revolt. What do our leaders hope to accomplish with gun control? Also, how many of

them are willing to give up their own guns, or the guns of their bodyguards? Finally, if they take our weapons, will they legislate to overturn *Castle Rock v. Gonzales*? If not, then WHO will protect us?"—Ian Sean Montgomery

"Whether you are for or against gun control you can still recognize that H.R. 45 is simply unconstitutional"—Joe Chollak

"A fear of weapons is a sign of retarded sexual and emotional maturity."—Sigmund Freud

"I live in Montana and I enjoy [spending] my time in the outdoors. I grew up learning the responsibilities of firearm ownership from my father and my grandfather. I use those same responsibilities in my everyday life. I spend my fall hunting and the meat that I harvest rarely remains in my freezer because I like to donate it to local charities like the rescue missions and the food banks in my hometown. If this regulation becomes readily available and can later be used as but step in the ladder to complete firearm [eradication]. If this bill is put into I know that many families who rely on groups like the food bank for meat will go without because this form of charity will become a distant memory."—Ryan Belke

"Once freedom is given up, or even compromised, it can never be taken back. Compromise, even in the deceitful form of regulations, is not an infringement on the ownership of guns, but an infringement on what it means to be an American and the rights granted, declared, and (supposedly) defended by the government whom the people support. These are our rights as Americans. Take them away, and you take America away. You take away life, liberty, and the pursuit of happiness . . . because that is what Americans are promised. Take away the promise, and you leave us with nothing."—Justin Countryman

"If the right to bear arms is taken away, what will be next? One by one other freedom will be stripped away. The right to bear arms gives citizens the right and ability to defend themselves against criminals, and even if necessary our own government. In these uncertain times this is definitely a right we don't want taken away. I've heard a quote and don't know the exact source that 'if guns are outlawed only outlaws will have guns.'"—Niki Griffis

"HR 45 makes the jobs of criminals easier and threatens the safety of all law abiding citizens, with it you can also say goodbye to your 2nd and 4th amendment rights! It also hurts a family tradition of target shooting and hunting that so many people share."—Brant Manley

"Honest citizens use the right to bear arms as a source of recreation through hunting, trap shooting, etc. as well as for an essential source of protection in dangerous situations. We follow the firearm regulations that are already in place. Criminals, however, do not. The only people who will be affected by further restrictions against our right to bear arms will be law-abiding citizens. HR 45 will have no effect on criminals. Instead, the only people left with firearms will be the ones who should not possess them in the first place."—Christine Hodges

"I have seen it argued that HR 45 is simply a bill proposing gun registration. That contention is absolutely false. HR 45 is nothing less than a backdoor attempt to circumvent the 2nd Amendment, by harassing law-abiding citizens into giving up their firearms. Criminals don't register guns anyway. It's quite obvious who this bill is directed toward . . . and it isn't criminals. HR 45 addresses

only law-abiding citizens; yet, treats them no better than convicted sex offenders or other felons just because they own a firearm. When the government starts using heavy-handed tactics to suppress the freedoms of law-abiding citizens, then those citizens need to stand firm in defense of their rights, and preserve the integrity of the US Constitution."—Debra Sullivan

## CHILD CARE FACILITIES FINANCING ACT OF 2009

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise in support of legislation I am introducing in the House of Representatives today entitled, the "Child Care Facilities Financing Act of 2009." I would like to thank the organizations that make up the National Children's Facilities Network (NCFN), as well as several of the Network's staffers, including Caitlin Kovalkoski, from the Local Initiatives Support Corporation (LISC) and Corey Carlisle, from the Low Income Investment Fund, for all their guidance in revising this legislation that, if adopted, will meet the financial and technical needs of early care development.

Early care and education has a profound impact on the development of our nation's youth. To date, the federal government, in conjunction with state and local efforts, has invested billions of dollars through the Child Care and Development Block Grant (CCDBG) and programs like Head Start and Early Head Start. While these efforts have done much to enhance early care in our nation, a lack of consistent funding and organized infrastructure has prevented the early childhood field from addressing its physical capital needs and creating the kind of environments that support quality programs.

President Obama has articulated on numerous occasions America's need to make headway in youth development programs. However, the supply of suitable spaces to house early childhood programs has not kept pace with the growth of the sector, and the shortage is especially severe in low-income communities—both urban and rural. Research conducted at a Connecticut preschool center documented how quality facilities result in more teacher-child interaction, more productive play with fewer conflicts among children, higher staff morale and lower staff turnover—all of which are established indicators of program quality. Yet it is rare to find high quality early learning centers designed to meet the unique needs of very young children, especially in low-income neighborhoods where programs typically occupy makeshift, surplus or donated space such as church basements or storefronts, and out of date school buildings designed for older children.

To address the shortfall in quality child care facilities, I am pleased to introduce the Child Care Facilities Financing Act of 2009, which will go a long way toward providing a dedicated source of capital for early care and education programs in our nation.

By allowing the Secretary of Health and Human Services to award competitive grants

to experienced non-profit community development organizations, my bill will help providers develop well-designed and appropriately-located facilities that will foster an environment of productive play and staff dedication. Non-profit facilities organizations can leverage a relatively small public investment with additional private capital, multiplying the total investment in child care facilities and serving even more children.

Over the past several years, two Community Development Financial Institutions (CDFI's), the Leviticus Alternative Fund and the CDC of Long Island, have made nine loans to child care providers serving children from low-income families in my Congressional District. The Leviticus Fund lends to licensed child care centers and has made loans to Harbor Day Care, AMC Child Care Center, D&D Day Care, and Pat-Kam Early Childhood Center. The CDC of Long Island lends to Family Day Care providers and has lent to Susie's Day Care, Inc., Rosa's School House, Elena's Child Care, Barbara Grullon, and Carolyn Reid, all in the Fourth District. Passage of this legislation will further increase the support we can give to child care providers.

I urge my colleagues to support this important legislation for our nation's youth.

COMMENDING KIMBERLY NESBITT-GOOD OF UNION COUNTY, NEW JERSEY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month and to congratulate Kimberly Nesbitt-Good of Elizabeth, New Jersey who will be honored on Friday, March 27, 2009 at the 17th Annual Women of Excellence Dinner held in Union County, New Jersey.

This special annual event is hosted by the Union County Commission on the Status of Women in the Seventh Congressional District and highlights the amazing work of individuals who are making our communities better places to live. The Commission on the Status of Women recognizes the contributions of women in the fields of education, health care, the arts, government, business, law, community service, technology, public service and women's advocacy and lifetime achievement.

This year's Business Award will be given to Kimberly Nesbitt-Good because of her business efforts in Union County. Kimberly is the proprietor of Nesbitt Funeral Home, along with her husband Ted, which was established in 1931 by her adoptive parents, Bravell and Carrie Allen Nesbitt.

Ms. Nesbitt-Good has received several awards and recognition for her work in the funeral profession. She is a member of the Garden State Funeral Directors Association, the New Jersey Funeral Directors Association, the National Funeral Directors Association, the National Funeral Directors and Morticians Association, and the Epsilon Nu Delta Fraternity.

Kimberly is the cofounder of "Friends," an organization of African American women that

uplifts and supports women in African American communities. Listed in Who's Who Among Americans and Who's Who Among African American Funeral Directors, Kimberly has been recognized by many local, state and federal organizations for her varied and wide ranging work in the funeral profession.

Kimberly Nesbitt-Good of Elizabeth, New Jersey has made significant achievements in her business efforts. I am pleased to congratulate Kimberly Nesbitt-Good for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

RECOGNIZING THE IMPORTANCE OF ATHLETIC TRAINERS

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the importance of athletic trainers and all that they do to improve the health and quality of our lives.

As overweight and obesity rates soar, athletic trainers serve as an outstanding opponent to the frightening statistics. Their job widely varies, and they do far more than simply "work out" with others. Athletic trainers guide their clients with life-long fitness and exercise skills and push their clients to aerobic excellence. Many also provide nutritional guidance that helps those derailed from healthy eating habits develop better eating tendencies. In doing so, they often provide their clients with a greater sense of self worth.

Their impact on society is incredibly beneficial. Athletic trainers do much to help decrease the increasing population of the obese and overweight. For this, I thank those athletic trainers in the First District of Florida, as well as the rest of the Nation, who constantly make a difference. We are truly grateful.

HONORING GARY MORGAN

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Ms. WOOLSEY. Madam Speaker, I rise today to honor Gary Lewis Morgan of Sonoma County, California, who passed away January 16, 2009, at the age of 55. Gary was a loving father to his son James and a loving friend to Emmie Morgan, his ex-wife, James' mother, and a member of my staff.

Born in the San Fernando Valley in 1953, Gary grew up there and attended Monroe High School where he excelled as a gymnast and as a barbershop quartet singer, a passion he later introduced to James.

In 1975, Gary graduated from California State University, Northridge with a degree in graphic design and a job designing ads for the Yellow Pages. He met Emmie at the home of a mutual friend and immediately offered to read her palm. As Emmie says, this "involved some holding of the hand. After that, he was

telling people about this wonderful woman he met named Emarah. That was our joke, and he still often called me that."

They married in 1983, and their son James was born in March, 1985. Emmie recalls how "the morning after he was born, Gary came to the hospital in striped suspenders and a button that said, 'Kids Are People, Too.' He loved being Jamie's Dad."

Looking for the best place to raise Jamie, they moved to Sonoma County in 1986. Gary became well known there as a singer, muralist, and multimedia artist whose work includes statues, flags, and stained glass panels. One of his statues was purchased by the Queen of England, and a flag he designed was flown at the Washington Monument for the 1976 Bicentennial.

Gary's murals appear in various sites around Sonoma County, including Harmony School, an elementary school in Occidental. I was fortunate to have the opportunity to see this mural with Gary and talk with him about the creation of it. He was selected through an interview process that included students, and he made sure to seek their input as he developed the design. Of course, he had to listen to the teachers, too, so when one of them said, "Hey, there has to be a book somewhere," he made sure he gave the dragon by the tree something to read.

Gary's musical abilities were evident in his beautiful voice, and he sang in three local choirs—the Occidental Community Choir, the Sufi Choir, and the Center for Spiritual Living's One Heart Choir.

His musical talents were clearly passed to Jarmie, but it was Gary's (and Emmie's) nurturing that also helped James grow into a fine young man. He is currently a student at Sacramento State University and will enter the Berklee College of Music in Boston in the fall, which would have made his father very proud.

One of Gary's other interests was metaphysics, the study of what lies beyond the physical world, and this interest was a comfort to him in his times of trouble.

In addition to Emmie and James, Gary is survived by his siblings Gale and Bryan, his mother Barbara, and his long-time friend, Zan Spencer.

Madam Speaker, Gary Morgan's life touched many people. As Emmie Morgan stated, "He was an amazingly kind, authentic, sincere, honest human being. Every person I've talked to tells me they were close to him, even people who met him only once." That is a testament to Gary Morgan's character that makes me proud to honor him today.

COMMENDING HEATHER SUAREZ OF UNION COUNTY, NEW JERSEY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month and to congratulate Heather Suarez of Springfield, New Jersey who will be honored on Friday, March 27, 2009 at the 17th Annual Women of Excellence Dinner held in Union County, New Jersey.

This special annual event is hosted by the Union County Commission on the Status of Women in the Seventh Congressional District and highlights the amazing work of individuals who are making our communities better places to live. The Commission on the Status of Women recognizes the contributions of women in the fields of education, health care, the arts, government, business, law, community service, technology, public service and women's advocacy and lifetime achievement.

This year's Law Award will be given to Heather Suarez who has been described as a pioneer in the legal industry. Heather was hired directly out of law school, by persuading the three male partners at her Newark law firm to hire her. She became the firm's first female attorney, staying with that firm ever since, now enjoying a tenure of 28 years.

After the firm relocated to Roseland, Ms. Suarez continued to be a leader in her field and at the firm. When she announced, in 1987, that she was pregnant, Heather was a change agent for the firm, resulting in its first maternity policy. Continuing to work at the firm while raising two young sons, Ms. Suarez not only became the first female partner, but also the first part time partner as the firm worked with her to accommodate and balance her busy home life with professional responsibilities.

Ms. Suarez has been recognized by many organizations in her field. Her commitment to women's advocacy is evident as she works tirelessly as a member of the New Jersey Supreme Court Committee on Women in the Courts.

Heather Suarez of Springfield, New Jersey has made significant achievements in the legal field. I am pleased to congratulate Heather Suarez for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

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TEXAS TEACHER OF THE YEAR  
FOR 2009

**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. REYES. Madam Speaker, El Paso, Texas has a history of producing strong, passionate, and caring educators who motivate and engage our children to become lifelong learners. As a parent and grandparent, I am grateful for the contributions of our teachers in the El Paso area, and today I want to take this opportunity to congratulate Mrs. Christine Gleason, a teacher at Fabens High School in the Fabens Independent School District, for being selected as the 2009 Texas Secondary Teacher of the Year. The Texas Teacher of the Year is the highest honor that the State of Texas can award to a teacher and Mrs. Gleason will be representing the State of Texas in the National Teacher of the Year program in Washington, D.C. Facilitated by the Texas Education Agency, the Texas Teacher of the Year Program annually recognizes and rewards teachers who have demonstrated outstanding leadership and excellence in teach-

ing. Mrs. Gleason represents the best of the best in the teaching profession, and we salute her energy, efforts, and dedication.

Mrs. Gleason earned a Bachelor's degree in English and creative writing as well as a Master's degree in English and American literature from the University of Texas at El Paso. At Fabens High School, she teaches English IV, AP English IV, and Dual Credit English. She currently serves the school district as Chair of the English Department, National Honor Society Sponsor, Dual Credit Facilitator, UIL Coordinator, and is a literary criticism coach. Mrs. Gleason originally intended to be a novelist, but found teaching to be "life-changing" and "unreservedly rewarding." Mrs. Gleason said that her goal is to be a "vibrant, tenacious, creative and absolutely unforgettable teacher because that is what [she] never had and that is what every kid in this country deserves in every classroom they attend." The El Paso community is very fortunate to have Mrs. Christine Gleason in the classroom and we are appreciative of her commitment to our children.

Mrs. Gleason is part of a larger history of educational excellence in El Paso. I am also proud to note that for the past three years, El Paso area educators have been chosen as Texas Teachers of the Year. In total, El Paso has had nine Texas Teachers of the Year. The National Teacher of the Year Program began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention on excellence in teaching.

In recognition of these distinguished educators, I am submitting the names of all former Texas Teachers of the Year from the El Paso area.

I am proud of the work of our teachers, and I am committed to ensuring that education remains a top priority in this Congress.

TEXAS TEACHERS OF THE YEAR FROM THE EL PASO, TEXAS AREA

1970—Clarence K. Stark; Irvin High School, El Paso, TX—Government.

1982—Rita Harlien; Eastwood High School, El Paso, TX—Speech.

1992—Rosa E. Lujan; Ysleta Elementary School, El Paso, TX—Bi-lingual Education.

1995—Miguel Ignacio Tinajero; Ramona Elementary School, El Paso, TX—Self-Contained 5th-6th Grade.

1997—Antonio A. Fierro; Sierra Vista Elementary, El Paso, TX—Bilingual Education K-1st Grade.

2004—Kyann McMillie; Canutillo Elementary, Canutillo, TX—Bilingual Education 1st-2nd Grade.

2007—Dana K. Boyd; Dolphin Terrace Elementary, El Paso, TX—2nd Grade.

2008—Paul F. Cain; Ysleta High School, El Paso, TX—Mathematics/Physics 9th-12th Grade.

2009—Christine Gleason; Fabens High School, Fabens, TX—English 12th Grade.

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COMMENDING KRISTINA  
SILVESTRY OF UNION COUNTY,  
NEW JERSEY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month and to

congratulate Kristina Silvestry of Cranford, New Jersey who will be honored on Friday, March 27, 2009 at the 17th Annual Women of Excellence Dinner held in Union County, New Jersey.

This special annual event is hosted by the Union County Commission on the Status of Women in the Seventh Congressional District and highlights the amazing work of individuals who are making our communities better places to live. The Commission on the Status of Women recognizes the contributions of women in the fields of education, health care, the arts, government, business, law, community service, technology, public service and women's advocacy and lifetime achievement.

This year's Women's Advocacy Award will be given to Kristina Silvestry. Currently, she is a primary counselor at "A Child's View," a Union County PALS Program. Kristina currently is employed as a counselor for the YWCA of Eastern Union County, serving the women, children, and families of Union County. Kristina's position allows her to work with battered families in the area, helping to establish housing, financial assistance, education, and emotional readiness, assisting these victims of violence regain their lives.

In addition to her busy workload, Kristina spends a great deal of time working with the courts. She advocates for the safety and well being of families, serves as an expert witness in the field of domestic violence, accompanies victims to their hearings, and she provides the encouragement and support to victims of violence. Ms. Silvestry speaks at various meetings and organization gatherings to discuss issues such as Teen Dating Violence and Domestic Violence.

Kristina Silvestry of Cranford, New Jersey has made significant achievements in women's advocacy. I am very pleased to congratulate Kristina for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

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IN MEMORY OF THE EXTRAORDINARY LIFE OF GEORGE KELLER

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 24, 2009*

Ms. SPEIER. Madam Speaker, I rise in both sadness and awe as I reflect on the passing of George M. Keller who, together with his late wife Adelaide, was a philanthropic titan on the San Francisco peninsula and across our country.

Born in Kansas City and raised in Chicago, Mr. Keller moved to San Francisco with his new bride when he took a job with Standard Oil after graduating from the Massachusetts Institute of Technology with a degree in chemical engineering—a degree delayed by George's service in the United States Army Air Force during World War II.

Settling in San Mateo, George worked for Standard Oil (later Chevron) for half a century, eventually becoming the company's chairman in 1981. As chairman, he led Standard's 1984

bid to acquire Gulf Oil Corporation, at the time, the largest corporate takeover in history. Two years after retiring from Chevron in 1988, George and his wife established the George M. and Adelaide M. Keller Foundation.

Madam Speaker, I am constantly reminded of the generosity of the Keller family. The 12th Congressional District's San Mateo County Health Center is a principle beneficiary of the foundation, having received millions of dollars in recent years. Much of that money went to helping some of the most vulnerable members

of our community through the Keller Center for Family Violence Intervention.

George Keller's work in our community touched virtually everyone. He served as Chairman of the Board of Belmont's Notre Dame de Namur University from 1982 to 1994 and as Chair of the Bay Area Council from 1985 to 1988. He and Adelaide's philanthropy has benefited many local institutions, including the Lighthouse for the Blind, the Exploratorium, the Coyote Point Museum and the Monterey Bay Aquarium. In addition, the

Keller Foundation has supported homeless shelters, firefighters and helped build a playground for special needs children in Burlingame.

Adelaide, the love of George's life, passed away last year. She and George are survived by three sons, Bill, Bob and Barry, and six grandchildren.

Madam Speaker, not all of us leave an indelible mark on our community when our time on earth is done, but George Keller certainly did, and we are all the better because of it.

**SENATE—Wednesday, March 25, 2009**

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Most holy and gracious God, who turns the shadow of night into morning, thank You for the gift of this new day. As we work for You and country, let the light of Your countenance shine upon our lawmakers, calming their troubled thoughts and guiding their feet in the way of peace. Lord, give them the ability to see the small things that need their attention and the courage to see the things that are not and ask "Why not"? Turn their minds and hands to the tasks that bring glory to Your Name, and may their words and thoughts be acceptable to You. May the knowledge of Your blessings to our Nation awaken in them a deeper commitment to You.

We pray in Your wonderful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leaders' remarks, we are going to have morning business for up to 1 hour. The first 30 minutes will be controlled by the Democrats and the Republicans will control the second 30 minutes. During that time, Senators will be allowed to speak therein for up to 10 minutes each.

Following morning business, we will proceed to, once again, take up the National Service Reauthorization Act, H.R. 1388. At noon, we are going to vote on the confirmation of David Kris to be Assistant Attorney General. We have a special Democratic caucus from 12:30 to 2 p.m. today. The President will be at that caucus. After the caucus, the Senate will resume consideration of the national service legislation. Rollcall votes are expected to occur throughout the afternoon. We are not going to be in recess from 12:30 to 2 p.m.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, we will be in recess from 12:30 until 2 p.m. I said that we would not be, but there is already an order to that effect. I wanted to explain that.

**RECOGNITION OF THE REPUBLICAN LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**AMBASSADOR RYAN CROCKER**

Mr. MCCONNELL. Mr. President, it is appropriate for us to honor, from time to time, outstanding public servants whose work on behalf of the American people might otherwise be overlooked.

Next week, Ambassador Ryan Crocker will return home to Washington State after a remarkable career promoting America's interests abroad. In a career spanning nearly 40 years, Ambassador Crocker has represented the United States in some of the most challenging environments. So it is fitting that we pause to honor him for a job well done.

A graduate of Whitman College in Washington, Ryan Crocker joined the

Foreign Service in 1971, beginning a career that would take him to diplomatic posts in Iran, Qatar, Egypt, Lebanon, and Iraq. Ambassador Crocker served as Ambassador to Syria, Kuwait, Lebanon, Pakistan, and, most recently, Iraq. Clearly, he has not shied away from a challenge. And he has excelled at every one.

Earlier in his career, Ambassador Crocker served in Lebanon during the Israeli invasion of 1982 and the bombing of the U.S. Marine barracks in 1983—experiences from which he would later draw important lessons while serving in Iraq, particularly in 2007, when Shia militias and Sunni insurgents fed sectarian tensions and tribal feuds.

Ambassador Crocker's career spanned the entire Middle East and recent U.S. history. But he will undoubtedly be remembered most for his service in Iraq. Success in Iraq was never ensured, but it was made far more likely by the presence of Ryan Crocker. As Ambassador from March 2007 to February 2009, he was instrumental in carrying out the diplomatic tasks required to implement the counterinsurgency strategy, and to successfully defend that strategy before a skeptical Congress. He also carried out the negotiation that produced the Status of Forces Agreement, and he helped Iraqis through provincial elections. In all this, Ambassador Crocker forged a strong partnership with GEN David Petraeus that protected our Nation's interests in Iraq at a moment of peril.

Ryan Crocker has served his Nation with honor, and our country owes him a debt. He is a diplomat's diplomat, the best of the best, and a tribute to the State Department that he has served. He is also a very fine man, and I wish him well in retirement and the best of luck in the future. Ambassador Crocker may be leaving the stage, but his service to our Nation will not be forgotten.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, what is the order?

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from California is recognized.

### THE BUDGET

Mrs. BOXER. I came to the floor to talk about the budget debate. I think it is very important that we let the American people know where we are on the budget and what this debate is really all about.

We have a new President and we have a new budget, thank goodness. We have a budget that reflects the hopes and dreams of the American people. We have a budget that is going to cut the deficit in half by the time this President's term is over. We have a budget that is absolutely open in terms of the way it spends our money and the way it saves our money.

It is important that we take a look at the type of economy this young President inherited: Record deficits. Record deficits that President George W. Bush's own party supported. It is very important that we remember that when George W. Bush got the key to the Oval Office, we had surpluses. Then we saw a 50-percent increase in spending. We saw a debt that was about to be put away go up in major proportions. We are seeing the playing out of the worst recession since the Great Depression, a financial market in crisis, and a housing market in crisis because of the deregulation that was the centerpiece of George W. Bush's and the Republicans' leadership.

We are paying the price of those years today. We have a young President who came into office and said: Be patient, we are going to change the way we do business in this country. And we are going to do that. We started with the stimulus bill that got not one Republican vote on the House side, although some of my Republican friends over there are running around my State taking credit for the bill they voted against. We had three Republicans over here, whom I praise mightily for having the courage to do the right thing and get this economy back on track.

We have seen the loss of 3.3 million jobs in the last 6 months. The President is dealing with two ongoing wars that, by the way, were never paid for in the budget. They were taken off the budget. He now puts them in the budget so that the American people can see the truth. President Bush put them in emergency spending even though we knew he needed to fund them.

What we have in the President's budget is a refreshing change of re-

ality, honesty, integrity, and investments that have to be made. What are we getting from our Republican friends? We are getting just what we got when the Clinton budget passed without one Republican vote. I want to take us back to that because I think it is very interesting, intriguing, and enlightening to see what our Republican friends said about the last Democratic President's budget. You would have thought the sky was falling. You would have thought the universe would never survive. I have some of the quotes they made about the Clinton budgets.

If people will remember, Al Gore, as Vice President, had to come over here and cast the tie-breaking vote on that budget. Here is what happened as a result of that budget; we will talk about that first. As a result of the Clinton budget, we saw 23 million new jobs created in this country—not millions of jobs lost but 23 million jobs created. What happened to the deficit under the Clinton budget? It went down, down, down, and we wound up with a surplus. We voted for the Clinton budget, the first Democratic budget in a while, and what happened? Twenty-three million new jobs were created and the budget was in balance.

As a matter of fact, George W. Bush, when he took the keys to the Oval Office, had a surplus. What happened with the Republican rule? Deficits as far as the eye can see. These are the facts. This isn't rhetoric—debt of \$10 trillion, \$11 trillion.

Let's look at what the Republicans said about the Clinton budget that we know, because time has passed, history has shown, created 23 million jobs, stopped the deficits, turned them into surpluses, and got the debt going on the way down. What did our Republican friends say then?

Wayne Allard said then as a Representative:

In summary, the plan has a fatal flaw—it does not reduce the deficit.

Wrong. Wrong. Wayne Allard continued:

So we are still going to pile up some more debt, but most of all, we are going to cost jobs in this country.

That is what Republican Wayne Allard said about the Clinton budget—“... we are still going to pile up some more debt, but most of all, we are going to cost jobs. . . .” Wrong—23 million jobs created.

Senator Pete Domenici said of the Clinton budget that created 23 million jobs and turned the deficit into a surplus:

It's just a mockery.

Our friend, Senator ORRIN HATCH, a leader of the Republicans, still here and going strong, I am happy to say, he is my friend—he said:

Make no mistake, these higher rates will cost jobs.

Talking about the Clinton budget and the taxes in it.

Make no mistake, these higher rates will cost jobs.

Wrong—23 million jobs created.

How about Senator Phil Gramm, one of the leaders of the Republicans in the Senate at the time of the Clinton budget that created 23 million jobs, took the deficit, turned it into surplus, what did he say?

I want to predict here tonight that if we adopt this bill, the American economy is going to get weaker and not stronger, the deficit 4 years from today will be higher than it is today and not lower. . . . When all is said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

Wrong. Phil Gramm was wrong. Oh, Phil Gramm, he is the one who said this recession was in our minds.

Here is another quote of Phil Gramm—remember, he was a leader of the Republicans then—talking about the Clinton budget that created 23 million jobs and cut our deficit and turned it into a surplus:

. . . [T]his program is going to make the economy weaker. . . . Hundreds of thousands of people are going to lose their jobs as a result of this program.

Guess what he also said:

I believe that hundreds of thousands of people are going to lose their jobs as a result of this program. I believe that Bill Clinton will be one of those people.

Bill Clinton got reelected and the economy created 23 million jobs, the deficits went down, we had a surplus, and the debt was almost eviscerated.

What did our good friend CHUCK GRASSLEY say? CHUCK GRASSLEY is our good friend. He has taken a lead against this budget document. He is one of the leaders against the Obama budget. Let's see what he said about the Clinton budget that created 23 million new jobs and cut the deficits, turned them into surpluses, and had the debt going down, one of the most prosperous times in our history as a result of the Clinton budget. What did CHUCK GRASSLEY say?

I really do not think it takes a rocket scientist to know this bill will cost jobs.

Wrong.

Connie Mack, another leader, a friend of mine, now retired, a Republican leader—this is what he said about the Clinton budget:

This bill will cost America jobs, no doubt about it.

Bill Roth said:

It will flatten the economy. . . . I am concerned what it will do to jobs. I am concerned what it will do to our families, our communities, to our children's future.

Senator Roth was wrong—23 million jobs created, one of the most prosperous times in our Nation's history, deficits went down, debt on the way out.

So our Republicans have a visceral reaction when there is a Democratic President. They come and they excoriate our Democratic President, and



they are wrong. They are wrong. Look at the record. This is the beauty of what I am saying. I do not have to defend it. I know what they said, and I know what happened to the economy.

Newt Gingrich—still a major leader in the Republican Party, some people say the leader—about the Democratic President's budget, Bill Clinton: "It will kill jobs." Wrong. It will "lead to a recession, and the recession will force people off of work and onto unemployment and will . . . increase the deficit." Wrong.

John Kasich—we have seen him on television a lot. He was a leader then in the Republican Party. This is what he said about Bill Clinton's budget, not dissimilar to the Barak Obama budget in the sense that it is a plan to cut the deficit and make investments—make good investments. This is what he said:

This plan will not work. If it was to work, I'd have to become a Democrat . . .

John, if you are watching me, it is your time because the plan worked—23 million jobs. You didn't become a Democrat. You said you would.

Peter King—what did Peter King say about the Clinton budget that created 23 million jobs and cured the deficit problem?

[I]t is because of budgets such as this that the economy is going to be damaged.

Wrong. Wrong.

Flash forward. We know what happened under Bill Clinton. We know about the 23 million jobs. We know what happened to the debt. It went down. We know what happened to the deficits. They turned into surpluses. George W. Bush takes the White House, the Republicans take over, and what happened? The worst recession since the Great Depression, terrible loss of jobs, deficits record high, which they never complained about, debt record high. We get a new President who comes in and says: I have a plan to turn it all around. What do they do? They come down to the floor with the same old politics.

If I gave you the quotes I am hearing of my colleagues—Senator SHELBY is all over, they are all over the place—disaster, Armageddon, the world is ending, we are going to lose jobs, we are going to have deficits as far as the eye can see; what a nightmare. It is the same old politics and, by the way, the same old policies, which is tax breaks for the wealthiest among us, shorting the investments that the people of this country need, not tackling health care, not tackling energy, not tackling education—all the things this President wants—not tackling the deficits, and we have to know they got us into this crisis.

I do not enjoy reiterating all of this because it brings back some fights I was in. But I am going to do it every day as long as I hear the same rhetoric, the same politics, the same policies that got us into this mess in the first place.

The American people had a choice in November. They had a choice in Senate races, they had a choice in House races, they had a choice in the Presidential race. Did they want the same old politics, did they want the same old policies that got us into the crisis? Guess what they said. They wanted change, and they are getting change. We have the same rhetoric flowing from my friends on the other side of the aisle. I thought they were going to change the image of their party. I thought they were going to change the message of their party. It is the same old stuff. You could substitute a name for a name. It is the same thing they are saying about the Barak Obama budget that they said about the Clinton budget, and it doesn't fly because our new President understands we have to make some changes. He understands we need to invest in America's future, in jobs, in health care, in energy independence, and in education.

We know the deficit predictions are different coming out of the Congressional Budget Office than they are coming out of the White House office. Everybody knows we are going to adjust this budget here and there to make sure the numbers reflect reality. This President understands that. I watched him at his press conference. He said: What I care about is jobs, health care, energy independence, education, and deficit reduction, he added. That is a major focus of his agenda. He says: As long as I get jobs, health care, energy independence, education, and deficit reduction, I am a happy person.

The President is coming today to the Hill to meet with us. I am very much anticipating his presentation.

We know what this President inherited. We know the fiscal mismanagement. We know the misplaced priorities. We know, we know, we know. The American people understand that is why this President, despite getting pounded day after day on this floor, on the airwaves, and on conservative talk shows, is still maintaining a strong majority of Americans who say: Give this man a chance.

Who else in history inherited two wars and the biggest economic nightmare since the Great Depression? Nobody. The wars were not of his making, and the economic mess is not of his making. He is addressing them. He addressed it in the stimulus package that is going to start to pay off for us.

It is tough times, but he is doing what has to be done. He went forward and he said: You know what, I have a plan to get these banks on their feet. He was honest. He said: I have bad choices and worst choices.

If there is a tragedy in our families and we find out one of our loved ones has cancer and the doctor comes to us and says: There are two treatments. There is a tough chemotherapy treatment and there is a tough radiation

treatment. You have to pick between those two treatments to cure this cancer. It is a hard choice. Our President faces very hard choices when it comes to straightening out this mess. But the American people want him to try and try he is.

If we can get these bad assets off the hands of these banks and get them lending again, we basically save the financial system. If we don't save the financial system, we are going to have to take it over. This President does not want to do that and I do not want to do that and I do not think most Americans want that. So he is doing what it takes.

The housing crisis—I am so happy to hear people are refinancing. It is very important. That is going to put more money in the pockets of people. It is going to make it more affordable for them to stay in their homes.

Our President has a budget blueprint to get us out of this mess. We all know he is not going to get every line in there he wants. He knows that. Senator CONRAD is working with him. We will have a reserve fund in there for the things we want to do for health care and energy, and I am going to work very hard so we can, in fact, have a cap-and-trade system that brings funding in and puts people to work, it gets us off dirty energy. We will have the ability to do that. The point is, this President deserves to have his priorities in place.

I wish to say in closing to my Republican friends: Go back a few years in time. See how wrong you were. Admit that you were wrong. Then go back and see what you said about the Bush budget. I didn't get a chance to go through those quotes. I will do that the next time I take the floor. When the Bush budget came down and we saw what happened with the Bush budgets, they were adopted by Republicans, and they received lots of votes from their side, unanimous. All we had out of that was unemployment and deficits. They said: Oh, this is going to be a great budget. They are wrong. They have been wrong—wrong on the Clinton budget, wrong on the Bush budget, and now they are wrong on the Obama budget.

As one Senator, I wish to say this: I never forget. I forgive all the time, but I never forget. I have these quotes. They are real. They are in the RECORD. I am going to bring them out constantly.

Remember, when you hear these Republicans come out and trash Barak Obama's budget, it is the same thing they did to the Clinton budget and they were wrong—wrong then and they are wrong now.

We have to give this President the support he needs. Not that we are going to give every line—I don't agree with every line in it—but basically the thrust of what he wants, the investments and the deficit reduction.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### APPROPRIATIONS PROCESS

Mr. CORKER. Mr. President, I rise today to talk about the appropriations process we conduct here in the Senate, and have come here, as you have, in the not too distant past and been absolutely amazed by the lack of fiscal discipline that exists here in Washington. I know the Presiding Officer probably shares some of my views about the way we go through the appropriations process and the fact that at the end of the year, on many occasions, we end up with a large omnibus bill that does not give the American public, certainly not Senators and House Members, the ability to actually go through this process in a thoughtful way that respects the fact that these are our citizens' resources which we tend to bulk together in a way that it is not transparent.

Our President, on March 11—and I agree with him very much on this—said that future spending bills should be debated and voted on in an orderly way and sent to his desk without delay or obstruction so we don't face another massive last-minute omnibus bill like this one—and he was talking about the bill that we passed. I could not agree more with the President in that regard. I think what we have seen is that we have not had the ability to examine the thousands of earmarks that are placed in these bills. We have not had a process that is transparent. In an effort to aid this process in such a manner that we do have some degree of fiscal discipline in this body, 41 Republican Senators have signed a letter which states that we believe that by the August recess at least eight appropriations bills should be voted on in singular fashion—eight single bills by the August recess.

This body has on many occasions taken up each appropriations bill by itself, fully debated it, discussed the earmarks, discussed the things that cause these bills not to be appropriate, had amendments, and passed these bills out of the Senate. So these 41 Republicans stand together urging the leader of the Senate, urging the Appropriations Committee to follow this best way of doing business, and that is to vote on these bills individually. Obviously, we hope this occurs. And certainly as part of the Senate process, in the event that we are not able to meet those objectives, we will avail our-

selves of all appropriate procedural methods to ensure that is the case.

Mr. President, I thank you for the time this morning, and I ask unanimous consent to have printed in the RECORD the letter signed by all 41 Republican Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 24, 2009.

Hon. HARRY REID,

Majority Leader, U.S. Senate,  
Washington, DC,

DEAR MAJORITY LEADER REID: As you develop the legislative calendar for the rest of this fiscal year we believe it is critical to allocate an appropriate amount of time for the Senate to consider, vote and initiate the conference process on each of the twelve appropriations bills independently through a deliberative and transparent process on the Senate floor.

For a variety of reasons, over the past several years, the Senate has failed to debate, amend and pass each of the bills separately prior to the end of the fiscal year. Far too often this has resulted in the creation of omnibus appropriations bills that have been brought to the floor so late in the fiscal year that Senators have been forced to either pass a continuing resolution, shut down government or consider an omnibus bill. These omnibus bills have not allowed for adequate public review and have clouded what should otherwise be a transparent process. As our President said on March 11, 2009, he expects future spending bills to be, "... debated and voted on in an orderly way and sent to (his) desk without delay or obstruction so that we don't face another massive, last minute omnibus bill like this one."

The Senate should begin floor consideration of the appropriations bills during the early summer months to ensure that an appropriate amount of time is available to examine, debate and vote on amendments to the bills. We believe the Senate should pass at least eight of the appropriations bills by the August recess. In order to press for a more transparent process, we will consider using all available procedural tools to guarantee regular order for appropriations bills.

Noting our intentions, we hope you will plan accordingly as you work with the leadership of the House to develop the legislative calendar for the rest of this fiscal year. Thank you for your time and consideration.

Sincerely,

Bob Corker; Thad Cochran; John McCain; Judd Gregg; Roger F. Wicker; Jeff Sessions; David Vitter; Jim DeMint; John Thune; Lindsey Graham; Lamar Alexander; John Ensign; Saxby Chambliss; James M. Inhofe; Tom Coburn; Robert F. Bennett; Jon Kyl; Richard Burr; Mel Martinez; James E. Risch; John Barrasso; Michael B. Enzi; Christopher S. Bond; Pat Roberts; George V. Voinovich; Chuck Grassley; Mike Johanns; Arien Specter; Richard C. Shelby; Mike Crapo; John Cornyn; Orrin G. Hatch; Olympia J. Snowe; Susan M. Collins; Richard G. Lugar; Johnny Isakson; Kay Bailey Hutchison; Lisa Murkowski; Jim Bunning; Sam Brownback; Mitch McConnell.

Mr. CORKER. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Would the Chair please advise me when I have used 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

#### THE BUDGET

Mr. ALEXANDER. Mr. President, one of the encouraging things that happened in Washington this year is that the President sent us a budget that was more transparent and more open than previous budgets. It was a 10-year budget instead of 5 years. It gave us a blueprint for the future in that way, the way we ought to be thinking about things. It included some things that had not been included before: the cost of the war; the so-called AMT fix—to address the millionaire's tax the Congress passed in the 1960s designed to catch 155 people who were not paying any taxes, but today will catch 28 million people, mostly middle-class Americans, unless we fix it; and what around here is irreverently called the "doc fix," to deal with the mandated 20-percent cut in what Medicare pays its physicians. That cut in physician payments is not going to happen, we know that, so the President included that in the budget. There was money for helping to fix the banks, to get the toxic assets out of the banks and get credit flowing again, get the economy moving again, and that was in the budget.

On big issues like health care, the President said: Let's work in a bipartisan way. I invite the Congress to come up with a bill. Many Members of Congress said the same thing. The President held a health care summit earlier this month. I agree with the President we should try to reform health care this year. Most Republicans agree with that, that we need to make it possible for every single family to afford health insurance. People who are losing their jobs today or were between jobs ever understand what difficulty this causes families. So that was encouraging.

Now, I hear some very different sounds coming from around the Congress. It makes me wonder who is in charge here. I hear that instead of a 10-year budget, we may have a 5-year budget. The problem with the 5-year budget is most of the problems in the 10-year budget are in the second 5 years. This budget spends too much, taxes too much, borrows too much. It doubles the debt in 5 years, the national debt, and it nearly triples the national debt in the 10-year period. So we need to know where we are headed

with this budget, and we will not know if we just talk about the next 5 years.

I hear that we are going to act like the so-called millionaire's tax, the AMT, is fixed. That is not fixed; we have to deal with it. The "doc fix" to avoid cuts in physician payments? We are just not going to include that in the budget, so I hear. We are going to have to deal with that. We all know we are going to have to deal with that. We ought to put that in the budget. The cost of the war should be there. We need to recognize the first order of business in this country is to fix the banks and get credit flowing again.

Secretary Geithner came forward with a plan on Monday that I hope works. At least for the first time we are beginning to address the central problem of what we do about the toxic assets in the banks that are causing the banks to freeze up and not loan, bringing everything to a halt. Get the toxic assets out and lending increases, houses begin to sell, jobs begin to be created again, people go back to work, the economy improves.

So it was a very prudent thing for the President to put in his budget a \$250 billion placeholder for the banks. He may need to ask us for that. In my view, I thought he should have asked us for it in January.

I thought, instead of passing a \$1 trillion stimulus bill, borrowing and spending money we don't have, that it would have been better for President Obama to do now as President Eisenhower did in 1952 when he said: I shall go to Korea. And he went to Korea. That was the issue then. It was not the only issue then, just like today there are lots of different things Presidents need to do. But Eisenhower said: I will go to Korea. He arrived there just a few days after Thanksgiving. He said: I will honorably focus my attention on the war until it is ended. The people elected him for that and he did that and he gained the confidence of the American people.

I and most Americans have great confidence in this President. If President Obama, in the same way that President Eisenhower said he would go to Korea, says he will fix the banks and he will get credit flowing and he will honorably concentrate his focus on that until the job is done—I think we believe he can do that. So he was right to put the money in the budget, which I understand now may be coming out.

So we have a budget that is not really a budget anymore. It is not a clear picture. While I have been very complimentary of the President for his straightforwardness in the budget, that does not mean I have to like what is in the budget because I do not. But before I get to that part of it, let me talk about the two things that concern me most about what may be coming down the road and which I hope do not come. One of them is the idea that we would

use the budget to pass a health care bill to transform the health care system and the American economy. The second is the idea that we would use the budget to impose a national sales tax on electric bills, gasoline prices, and all energy—in other words, to impose a cap-and-trade system on virtually the whole economy.

We need to reform health care. We need to debate climate change and cap and trade. But we need to do it in the way the Congress is supposed to do it, not by slipping it through with 51 votes when we are supposed to be making a budget, just because we can do that.

Think about that for a moment. The President has created this tremendously good environment for dealing with health care. He ran on a campaign: I am going to change the way things are done in Washington. People need to work across party lines to get things done on big issues that affect the country.

That is what the President said. He is right about that. There are a lot of new Senators who were elected saying the same thing. There are a lot of Senators who have been here before, like me, who said exactly this—I am here to try to work across party lines to get results on big issues. There is not a bigger issue than health care, after we get through fixing the banks.

The President had, as I mentioned, the health care summit at the White House—off to a much better start, this President, than President Clinton was when he tried to deal with the same issue early in his administration. The President also had a fiscal responsibility summit in February that I attended where health care was a major topic. We were all there, and various people got up and said: We need to work on this, do this together. The President wisely said: I am not going to send a proposal. I am going to let the Congress develop a proposal. We will work with you on these things.

Well, all of a sudden, we hear that the health care plan might be coming through on the budget. How can we possibly do that? If the President and Senate Democrats try to use this arcane budget procedure to reform health care, it will be the Parliamentarian and his wonderful staff who will end up writing the health care bill.

Health care is 17 percent of the American gross domestic product. These are big issues. Are we going to have a single-payer system? Is everybody going to have Medicare? Is anybody going to have a choice of a doctor? Is anyone going to have a choice of an insurance policy? What about the guaranteed costs? Will all Americans have the same kind of health coverage that Federal employees, including Senators, have? Is that a good idea? Will we give more permission to large employers to connect behavior to health care premiums so that we can have

more prevention of disease? How much do we spend on people who are older and where we are spending more time?

Mr. President, I do not believe there is another Republican speaker. I ask unanimous consent to speak another 5 minutes.

THE PRESIDING OFFICER (Mr. BENNET) Without objection, it is so ordered.

Mr. ALEXANDER. The health care bill ought to be written by, as Senators BAUCUS and GRASSLEY have said, the Health and Finance Committees, by the full Senate, with full participation. I mean, technically, you know, the Democratic majority can say: We won the election, we will write the bill. President Bush was Commander in Chief, and technically he could wage war in Iraq without the bipartisan support of Congress. But that helped him lose the support of the country. It damaged his Presidency. And it will do the same for President Obama if he is not allowed to continue on the path he began on, which is a bipartisan effort in the Congress to bring a health care bill this year.

I mean, the Republican leader of the Senate, in his first speech, went to the National Press Club here in Washington and he said: Mr. President, I am ready to work with you across party lines on entitlements. The most explosive, runaway cost in Government is Medicare and Medicaid. And it is better to reform health care before we put reduced costs on Medicaid. If we just put caps on the existing system, it would blow up.

So we are ready to do that. I don't know what more the Republicans could say to send this clear message: We are ready to work across party lines. And the President has said it himself. So why are we having this debate about whether to pass a health care bill as part of the budget. That is not right for the country, and it needs to stop today.

The idea of passing a so-called cap-and-trade energy tax in the middle of a recession as part of the budget—that is equally unwise. This is a major new idea and proposal, to impose this national tax on the country that produces 25 percent of all of the money in the world and 25 percent of all of the energy in the world. And we have no idea what it would do. We do know one thing it would do: it would raise prices a lot. It would raise the price of your electric bill by a lot, and it would raise the price of your gasoline at the pump by a lot. That may not be as much of a problem today as it was a year ago. When gas goes back up to \$3 or \$3.50, you can be sure there will be plenty of people worrying about it. And when they hear that a national energy tax applied to gasoline, to fuel, has the effect in the first several years of raising the price of gasoline but not reducing the carbon that causes climate change, they are going to be really mad about

that because they will say: Then why did you do that? I care about climate change, they may say, but why would you impose a remedy on me that raises my price but doesn't do anything about the carbon I am worried about?

Some might say: Well, what we should have done is have a low-carbon fuel standard that would gradually kick in, give the economy a chance to adjust, so that we can, for example, be driving electric cars which we can plug in at night using power generated by existing nuclear plants and coal plants. We don't have to build one new power plant, not one new coal plant, not one new windmill for the purpose of charging these new electric cars. So we could have a low carbon fuel standard, plug our plug-in cars in at night, and that would be a better result than putting a big, new national sales tax on the economy in the middle of a recession.

There are a lot of questions about this proposal even if we weren't in a recession. Creating a big slush fund here in Washington—nothing more dangerous than that. You saw that with the stimulus bill. Put a trillion dollars out here, and Congress goes crazy. Everybody has an idea about what to do. We can all spend money. And if we bring all of this money in here, Congress will find a way to spend it. And I guarantee, it is a lot of money. This tax would raise \$60, \$80, \$100 billion a year and bring it to Washington. The President says: Well, we ought to give most of it back to the people. Well, which people? In what way? Why not all of it? That should be a debate.

Should this tax be economy-wide, if we ever have it? Why not do as I have suggested and just put a cap and trade on power plants—that is 40 percent of carbon—and a low-carbon fuel standard on fuel—that is another 30 percent. So why do you need an economy-wide cap and trade to affect small business and farms and manufacturing?

And then who gets all of the money raised from this energy tax? A lot of the big companies came up to Capitol Hill when they first heard about this cap and trade proposal. They saw a lot of money coming into Washington and they thought they might get free allowances to produce carbon. But now the President wants to spend all of that money, and the companies are not so sure they like the idea anymore.

What about offsets? Offsets are a racket. You know, they have become a racket. Somebody saves a little carbon in Madagascar. Well, you get credit for it in the United States. There is not much of a way to police that, and it is not a very good idea.

This carbon tax, this national sales tax, goes all the way to 2050. So it takes \$60, \$80, \$120, \$150 billion a year out of the economy—maybe not doing everything it's expected to do—in the name of dealing with climate change.

Well, the first thing is, imposing this new tax in the middle of a recession is a supremely bad idea.

Second, that doesn't mean we have to stop our efforts to deal with climate change and clean air. In fact, we can accelerate our clean energy efforts. They begin with the 2005 Energy bill. I see the ranking member of the Energy Committee on the floor, Senator MURKOWSKI. She was a major part of that, and she will be a major part of this debate as we go along. But we can promote conservation and efficiency without having a national tax on every electric bill.

As Al Gore has said, buildings are 40 percent of carbon. So let's go to work on that. I know that in Tennessee we waste more energy than any other State. We have the highest use per capita of electricity. If we just changed 12 lightbulbs in each house, we could save the equivalent of a nuclear power plant. That would be a smart thing to do. Let's start with conservation and efficiency. Let's electrify half of our cars and trucks. We can do that because the automobile companies are building the cars and trucks. Let's plug them in at night when the electricity is cheap. We don't have to build one new power plant, the Brookings Institute says.

Three, let's make solar power cost competitive with power from fossil fuels. We have been really miserly about energy research and development, and we ought to be bending over backward to put money wisely to make solar costs competitive, as the National Academy of Engineering says, to find a way to capture carbon from existing coal plants, to find ways to reprocess nuclear waste.

While we are worrying about carbon, why don't we set as a goal to build 100 new nuclear power plants. Nuclear power is 20 percent of our electricity, but it is 70 percent of our carbon-free, nitrogen-free, sulfur-free, and mercury-free electricity. Why are we going slow on it?

So we would say no to higher taxes, higher prices, and more subsidies—certainly not in the middle of a recession—and yes to more conservation, more efficiency, more nuclear power, more electric cars, and more research and development on solar, advanced biofuels, nuclear, and carbon capture. That is a pretty good agenda for dealing with clear air and climate change, and it doesn't impose an unwise, multi-billion dollar national tax on electric bills in the middle of a recession, which would hurt the economy.

Mr. President, I ask unanimous consent to have printed in the RECORD a couple of letters. One is a letter from a number of Senators—looks like more than two dozen—opposing using the budget reconciliation process to expedite passage of climate legislation. A second letter comes from the Repub-

lican members of the Committee on Environment and Public Works. It objects to collecting \$646 billion in new climate revenues from the American people in the middle of a recession.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 12, 2009.

Hon. KENT CONRAD,  
Chairman, Committee on Budget, U.S. Senate,  
Washington, DC.

Hon. JUDD GREGG,  
Ranking Member, Committee on Budget, U.S.  
Senate, Washington, DC.

DEAR CHAIRMAN CONRAD AND RANKING MEMBER GREGG: We oppose using the budget reconciliation process to expedite passage of climate legislation.

Enactment of a cap-and-trade regime is likely to influence nearly every feature of the U.S. economy. Legislation so far-reaching should be fully vetted and given appropriate time for debate, something the budget reconciliation process does not allow. Using this procedure would circumvent normal Senate practice and would be inconsistent with the Administration's stated goals of bipartisanship, cooperation, and openness.

We commend you for holding the recent hearing, entitled "Procedures for Consideration of the Budget Resolution/Reconciliation," which discussed important recommendations for the upcoming budget debate. Maintaining integrity in the budget process is critical to safeguarding the fiscal health of the United States in these challenging times.

Sincerely,

Mike Johanns; Robert C. Byrd; David Vitter; Blanche L. Lincoln; George V. Voinovich; Carl Levin; Johnny Isakson; Evan Bayh; Christopher S. Bond; Mary Landrieu; James E. Risch; E. Benjamin Nelson; Lamar Alexander; Robert P. Casey, Jr.; Michael B. Enzi; John McCain; Tom Coburn; Jim Bunning; John Barrasso; John Ensign; Bob Corker; James M. Inhofe; Chuck Grassley; Roger F. Wicker; Mike Crapo; Susan M. Collins; Thad Cochran; Kay Bailey Hutchison; Mark L. Pryor; Lisa Murkowski; Pat Roberts; Saxby Chambliss; Sam Brownback.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,

Washington, DC, March 19, 2009.

DEAR COLLEAGUE: The President's 2010 Budget proposal contains a risky, ill defined new energy tax that has the potential to continue the economic recession for many years to come. We are writing this letter to alert you to this situation and ask that you join us in a budget resolution amendment to strike any such provision.

Specifically, the President's 2010 Budget proposal asks to collect \$646 billion dollars in new "Climate Revenues" from the American people. The government will collect these new revenues through a cap and trade scheme in which "allowances" are sold to the highest bidder. The government won't tax consumers directly, but it will impose new costs on energy producers and users who will in turn pass those higher costs on to consumers, which will result in higher electricity bills, gasoline prices, grocery bills, and anything else made from conventional energy sources. In short, consumers will feel as if they are paying a new tax on energy.

The stated price tag for this new energy tax is \$646 billion, yet recent news reports indicate that administration officials are privately admitting their program will actually generate between "two and three times" this amount of revenue, or between \$1.3 trillion and \$1.9 trillion. However, these numbers represent only the cost from 2012 through 2019. The budget summary describes the energy tax extending at least through 2050. At the 2012 through 2019 average annual rate, families and workers would face through 2050 between \$6.3 trillion and \$9.3 trillion in higher energy taxes.

On the Environment and Public Works (EPW) Committee, we have had experience with these types of proposals. We, and the full Senate, debated a proposal by Senators Boxer, Lieberman and Warner that the sponsors themselves indicated would generate \$6.7 trillion from consumers. As you may recall, the Senate defeated this proposal, in part because the U.S. Environmental Protection Agency (EPA) estimated that by 2050 it would annually cost the average family \$4,377 and raise gasoline prices \$1.40 per gallon. Experts estimated it would kill up to 4 million jobs by 2030. As you can see, a \$4,377 per family total cost or a lost job would greatly outweigh any \$800 per family payroll tax break offered by the administration.

The budget resolution is not the right place for the careful bipartisan dialogue we need to get these issues straight, or to fully account for the legitimate concerns of energy consumers, economists, and industry. While the budget resolution the Senate will debate is not yet available, we will offer an amendment to strip any climate revenue provision it contains. We urge you to be ready to join our efforts to resist the erosion of proper democratic principles.

Sincerely,

SENATOR JAMES M. INHOFE,  
Ranking Member.  
JOHN BARRASSO,  
U.S. Senator.  
DAVID VITTER,  
U.S. Senator.  
MIKE CRAPO,  
U.S. Senator.  
CHRISTOPHER S. BOND,  
U.S. Senator.  
GEORGE V. VOINOVICH,  
U.S. Senator.  
ARLEN SPECTER,  
U.S. Senator.  
LAMAR ALEXANDER,  
U.S. Senator.

Mr. ALEXANDER. Senator BYRD, our senior Member of this body, wrote the budget legislation that created the reconciliation process. He has told us that. He has reminded us of that. He talked about how he sat in his office for 10 days and did it to get it right. This is what he said:

I was one of the authors of the legislation that created the budget reconciliation process in 1974. I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

That is Senator ROBERT BYRD, the senior Democrat, the senior Senator who wrote budget reconciliation.

Senator CONRAD, Senator BAUCUS, Senator DORGAN, Senator CARPER, and many others have said basically the same thing: We agree. Don't use the

reconciliation to ram through health care reform.

So let's take the budget in the next 10 days, let's debate it, let's have our differences of opinion, but then let's follow the President's wise beginning on health care and reform it this year in the way he has suggested and the way he campaigned on. And let's take the energy issue and the climate change issue and let's look carefully at how we have the right clean energy strategy, which some of us believe is different from just taxes and high prices and more subsidies.

As far as the budget in general, we believe it spends too much, it taxes too much, and it borrows too much. If I could conclude with only one example of how that excessive borrowing will hurt the economy and hurt the country—an example that helps to illustrate why this 10-year budget the President set is a blueprint for a different kind of country, one with less freedom, one with more Government, and one which our children cannot afford—if there were any one example of why that is true, this would be it: It would be the amount of interest on the debt we will be paying in the 10th year of the budget sent by President Obama.

In that year, interest on the debt will be \$806 billion. The amount of spending on defense by the Federal Government in that year is projected to be \$720 billion. So we will be spending more on interest than we do on defense.

Federal spending on education in that year would be \$95 billion. So we would be spending eight times as much on interest as we would on education.

In the 10th year of the budget, \$100 billion is allocated for transportation spending by the Federal Government on things like roads and bridges that need to be fixed—we agree on that, and we would like to have the money to do it. But we will be spending on interest alone eight times what we will be spending on transportation.

When I was Governor of Tennessee, we were a low-tax, low-debt State. The reason we did not have much debt is because for every penny we did not have to pay in interest, we could pay it for a teacher's salary, we could improve a prenatal health care clinic, we could build a road, we could have a center of excellence at the university. So low debt means more money for the things we really want to have to invest in this country to make it a better place.

The President's budget is straightforward. Give the President credit. The attempts by Congress to make it gimmicky and less transparent are deplorable. The idea of trying to pass a health care reform proposal that affects 17 percent of the economy and to impose a national sales tax on the entire energy system during a recession is a bad idea.

What we should do is take this 10-year budget, whittle it back to size so

it doesn't spend so much, doesn't borrow so much and doesn't tax so much and move ahead with a blueprint that maintains our freedom, that limits our Government, that preserves choices and that our children and grandchildren can afford.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## NATIONAL SERVICE REAUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1388, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1388) to reauthorize and reform the national service laws.

Pending:

Mikulski amendment No. 687, in the nature of a substitute.

Crapo-Corker amendment No. 688 (to amendment No. 687), to increase the borrowing authority of the Federal Deposit Insurance Corporation.

Johanns amendment No. 693 (to amendment No. 687), to ensure that organizations promoting competitive and non-competitive sporting events involving individuals with disabilities may receive direct and indirect assistance to carry out national service programs.

Baucus-Grassley amendment No. 692 (to amendment No. 687), to establish a Nonprofit Capacity Building Program.

AMENDMENT NO. 691 TO AMENDMENT NO. 687

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I understand that an amendment is pending; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Ms. MURKOWSKI. I ask unanimous consent to set aside the pending amendment for purposes of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself, Mr. DORGAN, Mr. BINGAMAN, and Mr. BARRASSO, proposes an amendment numbered 691 to amendment No. 687.

Ms. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify certain provisions relating to Native Americans)

Section 129(d) of the National and Community Service Act of 1990 (as amended by section 1306) is amended by striking "and to nonprofit organizations seeking to operate a national service program in 2 or more of those States" and inserting "to nonprofit

organizations seeking to operate a national service program in 2 or more of those States, and to Indian tribes”.

Section 193A(b)(23) of the National and Community Service Act of 1990 (as amended by section 1704(1)) is amended by striking “and collect information on challenges facing Native American communities” and inserting “collect information on challenges facing Native American communities, and designate a Strategic Advisor for Native American Affairs to be responsible for the execution of those activities under the national service laws”.

Ms. MURKOWSKI. Mr. President, before I speak to the amendment I have sent to the desk on behalf of my colleague, Senator DORGAN, and others, I would like to speak generally to the measure before us, the Serve America Act. I am a strong supporter of volunteer service, including Global Youth Service Day. I am proud and pleased that this reauthorization has been developed and brought to the floor in a bipartisan manner. The work done on this legislation is the product of the best tradition of the Senate HELP Committee and of the Senate itself. I offer my congratulations to those who have worked very hard on this—Senators KENNEDY, MIKULSKI, HATCH, ENZI—and all their very hard-working staff who do a good job.

I also thank some very professional and dedicated people in the State of Alaska for their thorough review of and comments on the various drafts of the legislation. We would send it off to them and get good response back, good feedback. I appreciate that.

They include: Nita Madsen, executive director of Serve Alaska, and her staff; Rachel Morse and all the great people at RurAL CAP who implement AmeriCorps and VISTA programs; Denise Daniello at the Alaska Commission on Aging; Angela Salerno at the Alaska Department of Health and Social Services; and many others who were helpful in providing insights from the providers' perspective.

AmeriCorps and the VISTA programs are a vital part of Alaska's communities. I would like to take a few minutes this morning to give some of the examples of their valuable work in the State and to congratulate the volunteers for their service.

For more than 10 years, AmeriCorps volunteers with the Student Conservation Association have served Alaska and the Nation on our public lands in Denali National Park and Preserve, the Kenai Fjords, and Lake Clark National Park and Preserve. Every year over 1 million people visit Alaska to see these natural resources, to hike and camp and fish and explore. The conservation service provided by these students helps protect scenic beauty of our State, including the volcanoes, glaciers, wild rivers, and waterfalls.

My family and I hiked the Chilkoot Trail a couple years ago and ran into a group of AmeriCorps volunteers who

were out on the trail building and refurbishing some of the old historic cabins along the way and making the trail safe for its many visitors.

The students also research and monitor fish and wildlife populations as well as watersheds that are essential for the red salmon. This year 80 of SCA's AmeriCorps volunteers will work in Cook Inlet in the watershed there to monitor and support active fish management. In addition to providing natural resource stewardship, visitor services, and environmental education, their work supports Alaska's key economic engines which are our fisheries and tourism.

In 2008, SCA placed over 236 high school students and college interns in Alaska who provided over 76,000 service hours, valued at over \$1.5 million. In Alaska last year, there were also 64 VISTA volunteers who served with 18 project sponsors. I will give a little snapshot of one of those projects. It was at Juneau-Douglas High School, the CHOICE project. The CHOICE Program, which is Choosing Healthy Options in Cooperative Education, focuses on improving the academic achievement of 100 at-risk students at Juneau-Douglas High School. The VISTA volunteers help the students develop a sense of belonging and ownership within CHOICE, the high school, and the community at large. So VISTA not only involves the CHOICE students in the community; they also involve the community in the education and learning of the students. Our VISTA coordinator, Jennifer Knaggs, recruited 42 community members to provide internships in State and local offices in the agencies and in the local businesses. In conjunction with the National Council on Alcohol and Drug Dependency, she helped facilitate three Alaska teen institute retreats. She also organized and coordinated the Beyond School Program, in which six community volunteers teach small groups of high school freshmen a hands-on, real life skill, such as Tlingit carving, writing and producing radio public service announcements about healthy choices, creating short video biographies of tribal elders, and visual promotions of healthy choices within the school.

In a small community such as Juneau, retention of internships is no small feat. Students have reported very positive experiences with their internships and their hosts, and the performance we are seeing coming out of these kids is great. They are proud of their accomplishments. The students have become involved in the community, and it is a real win.

The great public servants who run Alaska's national service programs have noted the many positive aspects of this reauthorization for increasing the recruitment and retention of volunteers, focusing on directions Alaska has already begun to move toward, and

increasing the accountability for positive outcomes. In their view, there are a few items they look to in the Serve America Act that are especially helpful. The first is the increase in the living allowance and education awards. It has the potential to increase the recruitment and the retention of AmeriCorps members, especially from rural Alaskan communities. Also, it allows senior volunteers to transfer the education award to a child or a grandchild. Again, this will help with recruitment efforts. It increases focus on individuals with a disability, paralleling one of the focus areas of our Alaska State Commission. Increasing the connection with the Commission on Aging and Intergenerational Programs also meets another one of Alaska's performance measures. So having this provision in the act will assist with moving this partnership forward.

The accountability provisions will strengthen the State service plan. Having a minimum amount for the formula grants for both AmeriCorps and Learn and Serve is very good for the State of Alaska and other States that have equally small populations. The increase for the operation of the State Commission is a positive; even if obtaining the required 1-to-1 match will be challenging for a State such as ours, we believe it is a positive step.

From the perspective of one of Alaska's largest service grantees, they noted the following: The effort to expand and improve opportunities for national and community service should positively benefit Alaska's engagement in the service; the grouping of “corps” for the service programs into Education Corps, Healthy Future Corps, Clean Energy Service Corps, Opportunity Corps or Veterans Corps, coupled with defined performance indicators, will add value to the existing Corporation for Community and National Service framework; linking the value of the education award to the maximum value of the Pell grant will improve the strength and success of AmeriCorps programs in Alaska; increasing the AmeriCorps living allowance from \$16,000 to \$18,000 will especially benefit the programs serving rural Alaskan communities.

Let me speak to the amendment I have called up. This is amendment No. 691, offered on behalf of my colleague, Senator DORGAN. This amendment to the Serve America Act designates a tribal liaison for the Corporation for National and Community Service and keeps Indian tribes as eligible under existing law for nationally competitive grants. The corporation has recognized the need for a tribal liaison position and has designated an individual to reach out to Native American communities. This amendment will make that position permanent. The tribal liaison



will work across all programs and support units to increase Native participation in national service and help to develop and enhance programming to address the unique needs of Native American communities.

In addition, we propose to keep Indian tribes as eligible under existing law for nationally competitive grants. Current law allows tribes to compete for funds with States and national nonprofit organizations. This amendment would maintain the eligibility of tribes to compete with States and national nonprofit organizations for national competitive grants. Many of these activities and indicators under the proposed corps in this act are directly applicable to Indian Country, and access to these grants with the assistance of a tribal liaison is important. We recognize that the education of American Indians and Alaska Natives lags far behind that of the rest of the country, and the provisions of the Education Corps will help address these needs by providing mentors and tutors to Native students. Likewise, the Healthy Futures Corps would help address the lack of access to health care on many of our reservations.

Likewise, the Healthy Futures Corps will help address the lack of access to health care on many of our reservations. American Indians have higher disease rates and lower life expectancy than the general population. Volunteers serving in the Healthy Futures Corps could assist those who live on reservations or in Alaskan communities in obtaining health services.

I encourage my colleagues to look at the amendment and provide support for this important tribal liaison and in retaining tribal eligibility for competitive grants within the Corporation for National and Community Service.

I thank Senators KENNEDY, MIKULSKI, HATCH, and ENZI for their dedication to public service and congratulate them on what I believe is good legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I, personally, congratulate the distinguished Senator from Alaska for her comments. She has a very important amendment to this bill. I assure her we will work that out so we don't have to have a vote on it. If we do have to go to a vote, we will, but the fact is I think we can work that out. It is a very good amendment. Personally, we want to have those funds as part of this bill. We will work it out.

I want to take a few minutes and pay tribute to some of the wonderful national service efforts that have gone on in my home State of Utah. As I have said throughout this debate, Americans are the most generous and energetic people in the world. Indeed, a volunteer spirit is encoded into our country's cultural DNA. Nowhere is this concept

better exemplified than in my home State.

According to the Corporation for National and Community Service, between 2005 and 2007, an average 792,000 Utahns gave 146.9 million hours of service every year. Using Independent Sector's estimate of the dollar value of a volunteer, the estimated contribution of these efforts is \$2.9 billion annually. Nearly 44 percent of all Utahns do some sort of volunteer service every year, making Utah's volunteerism rate No. 1 in America, more than 4 percent higher than the State ranked second.

Salt Lake City, UT the second-highest volunteerism rate of any major metropolitan area in the country at 37.2 percent. Among midsize cities, Provo, UT has the Nation's highest volunteerism rate at 63.8 percent, with Ogden, UT coming in at No. 4 with a rate of 41 percent. Much of this volunteer work is done by members of the Mormon church in food canneries and storehouses as they stockpile food and supplies for those in need, whether they be members of the church or nonmembers. As with any community, volunteerism in Utah comes in a variety of forms.

In addition to the privately-led projects throughout the State, national service programs have had a profound impact on communities throughout the State of Utah. For example, there is the Utah AmeriCorps Literacy Initiative, which currently manages programs in 66 schools covering the entire State of Utah, including both urban and rural communities. There are 87 AmeriCorps members in the program who recruit and train community volunteers to tutor struggling readers.

Unfortunately, the current budget situation in Utah is similar to those faced by State governments around the country. As a result, Utah schools have been required to cut their budgets 4 percent this year and 5 percent for next year. However, national service participants have been able to step up and fill the void in schools left by the reduction in the State education workforce. Several teachers' aides whose positions have been downsized due to the budget cuts will be qualified to participate in the Literacy Initiative next year and, accordingly, will receive a small living allowance and an educational award which will allow them to get further training, broadening their skills to obtain gainful employment.

Over the past 5 years, this program has helped over 8,000 elementary schoolchildren serve as mentors, helping younger children improve their reading. The average growth in reading for both the mentor and the mentee they are helping has been one full grade level over the course of the 9-week program. In addition, through this initiative, over 2,000 children have received one-on-one tutoring from

community volunteers twice a week over the course of a 30-week program. These are children who did not pass the Utah State End of Level tests the previous year. After 1 year of tutoring through the Utah AmeriCorps Literacy Initiative, 62 percent of the students passed that test at a proficient level.

I think this program exemplifies what we are trying to accomplish with this legislation. All of this work, which has improved the education of literally thousands of students and leveraged the efforts of thousands of other students and community volunteers, has been anchored by a small group of only 87 AmeriCorps members. That is pretty phenomenal when you think about it. Why wouldn't we want to expand this approach? It seems to me it is something we ought to be doing everywhere.

I am convinced that, once this bill is passed, we will see more programs such as this spring up over time, not only in Utah but throughout the country. They will be buoyed by the increased direction, efficiency, and accountability that this legislation will add to the existing national service structure. In the end, more people will be helped, more traditional volunteers will be put to work in their communities, and more of our Nation's problems will be solved.

That is precisely the point of this legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, thus far, we have had what I believe to be a constructive discussion regarding the Serve America Act. We have seen some fine amendments, and Senator MIKULSKI and I are working together to try to accommodate as many Members as possible. I said at the outset that I hope we can avoid a situation where too many changes to this bill would eventually split the bipartisan support the bill has enjoyed. So far, this does not appear to be a problem.

As we continue to debate this important piece of legislation, it is my hope these constructive efforts will continue. This is a good opportunity for us to set aside partisan differences and do some good for the American people. I once again thank Senator MIKULSKI for her efforts here on the floor to see this effort through.

I thank Senator KENNEDY as well. Even though he has not been here, except for the last cloture vote, he certainly has been working it from home, and he has been on the phone regularly. We also have others who have



worked on our side very diligently to try to make sure this bill passes, and in the form it is in.

I mentioned yesterday that I believe the Serve America Act should be a bipartisan bill, not because I believe it is either liberal or conservative but because it is both. I think the bill plays to the greatest strengths of those on both sides of the aisle. It marries what is typically thought of as a “liberal” instinct for Government to make proactive efforts to help those in need with the typical “conservative” desire to place more power in the hands of individuals instead of the Government. It is not all that often we are able to work together to find ways to satisfy both of these ideals, but I believe we have done so with this legislation.

For me, the conservative case for this legislation has been obvious from the beginning. Indeed, many of the provisions in the bill have what I consider to be very conservative roots. In 1990, William F. Buckley, Jr., one of the fathers of modern conservatism, who had served in World War II, published a wonderful book called: “Gratitude: Reflections on What We Owe to Our Country.” He became a staunch advocate of national service, which he believed, “like gravity, is something we could accustom ourselves to, and grow to love.”

Buckley believed we owe a debt of gratitude to our country and offered creative ideas for a plan for universal voluntary national service for men and women 18 years and older. While the Serve America Act is not so ambitious as to contemplate that national and community service will become universal, it does provide more Americans opportunities to serve, in the belief that our democracy and the values of our free society take constant vigilance to preserve their vitality and health. It is citizens, acting at the local level, who should play the prominent role, not Government.

For the past several years, I have supported efforts to reposition our Government’s support of national and community service from the perception of paying Federal “volunteers” to a more effective model where Government provides a small amount of infrastructure and support to community-based groups that are recruiting, training, and deploying traditional volunteers. That model has worked. The number of traditional, nonsubsidized volunteers who are leveraged into service by existing national service programs dwarfs the number of participants receiving Government assistance—by a ratio of nearly 30 to 1. We have heard that statistic quoted many times during this debate, but I believe it bears repeating.

This model is based on our faith in civil society—not distant Government agencies—and a focus on the efforts of the traditional volunteer. We know so

many Americans show up to volunteer—to help with a cause or to serve in the aftermath of a disaster—and are turned away or are not well used. This is a waste of very precious resources. The Serve America Act will help fix that by establishing a volunteer generation fund that will help already successful service programs devote more resources for the recruitment of volunteers, allowing them to expand their efforts.

Help offered by a compassionate neighbor will always be superior to Government-driven approaches designed in Washington. In recognition of this fact, the Serve America Act ensures that the vast majority of service efforts will be generated by local and private organizations responding to community needs.

Young Americans, whose rates of unemployment have soared to more than 21 percent in a tough economy, with college graduates having the highest unemployment rates ever, will be given new opportunities to serve. The good news is that research tells us this is a sound and efficient investment. Not only does it put many unemployed Americans to work at a low cost to Government and meet urgent national needs, those young adults most at risk in our communities gain more by serving others than they do by being passive recipients of services. During their terms of service, they gain valuable skills that help them secure permanent employment at higher wages. They also outpace their nonnational service peers in remaining committed to volunteer service for the rest of their lives.

These platoons of civil society more often than not consist of faith-based institutions. More Americans perform volunteer service through church-sponsored and faith-based organizations than any other venue. The Serve America Act continues the tradition of enabling volunteers to serve through faith-based institutions in a variety of different ways, including its new Serve America Fellowships and the State competitive and formula grants that may be given to faith-based institutions providing social services. This legislation also introduces new indicators of accountability to ensure that investments generate significant returns. For the Education Corps, for example, we want to know how programs are improving student engagement, attendance, behavior, academic achievement, graduation rates, and college-going rates at high schools with high concentrations of low-income students. Eligible entities for funding through the Education Corps must have a proven record of improving or a promising strategy to improve performance based on these indicators.

The days of simply funding programs that might make us feel better but not generate results are over. Effective

programs over time should and will continue to get support, and ineffective programs will ultimately be closed down. These indicators will help us make those decisions.

America utilizes a number of indicators to regularly track the country’s economic progress, including unemployment, GDP, housing starts, and more. But our country does very little to measure indicators of our civic health. Even though an active, well-connected, trusting, and engaged citizenry is fundamental to our vibrant communities, a strong democracy is important, and our personal welfare is important as well. So the Serve America Act provides for the collection of data that can give us a snapshot every year of how communities throughout the country are stacking up with respect to rates of volunteering, charitable giving, connections to civic and religious groups, knowledge of American history and government, and more. Policymakers can use this data to strengthen efforts to increase these activities. Indeed, this civic health index will pay dividends through the policy spectrum.

Although some of my colleagues may argue otherwise, the Serve America Act reflects what I believe are conservative values, and because of this I believe many of my Republican colleagues will be on board with this legislation. The bill is founded on a fundamental belief in the power of people working at the local level to improve their communities and country, a belief in looking first to community and faith-based institutions to help solve our toughest challenges, a belief in public-private partnerships where the cost is low to the Federal Government and the return on investment very high, and a belief in tough accountability for results and making sure we support only programs that work and end the programs that don’t.

But the Serve America Act is also about something deeper that we all value whether we are liberal or conservative, Republican or Democrat. It is about fostering a spirit of patriotism, a love of country, at a time when that patriotism has been fractured somewhat by a tough economy, institutions that fail, individuals whose schemes hurt people, and distrust in government itself to have the answers.

Benjamin Rush, one of our Founding Fathers, wrote a brief text called “On Patriotism” in 1773 that captures my view of the subject and the role that service plays. Here is what Benjamin Rush, one of the Founders of this country, said:

Patriotism is as much a virtue as justice, and is as necessary for the support of societies as natural affection is for the support of families. The love of country is both a moral and a religious duty. It comprehends not only love of our neighbors, but of millions of our fellow citizens, not only of the present, but of future generations.

I often think of our Nation's veterans when I read those words. I think of the men and women serving during wars and campaigns from the American Revolution through Operation Iraqi Freedom who literally had us in mind when they sacrificed their own lives so those in future generations might be free. Those who serve today—whether it is in the military, in government, in national community service, or as traditional volunteers—truly connect themselves to millions of their fellow citizens, not only of today but of the future. Such service is not only the means to our own happiness, it strengthens and makes this country better. It makes better this country that we love so much.

These principles and ideals are the driving force behind this legislation. Every Member of this body, whether they support this bill or not, loves this country and has devoted his or her life to serving it. I believe it is this devotion that we all share—the common belief in something bigger than ourselves—that has led so many to support this legislation. While I am convinced the final result will be pretty lopsided in favor of passing this bill, I am going to keep trying to get it as close to unanimous as I can. Toward that end, I urge all 99 of our Senate colleagues to support the Serve America Act.

I notice the distinguished majority whip is here and would like to speak, so I will reserve my time and speak a little later on some of the other aspects of this bill.

So with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my friend and colleague from Utah, Senator ORRIN HATCH—and he is my friend. We have had many political battles in the past, but we have also joined forces in doing some things that I think are important for our Nation. I wish to thank him for his continued support of the DREAM Act. This is a bill which we kind of fought over on initial introduction; we both had the same idea. We are going to continue to work together on that in years to come and, I hope, see it to its successful conclusion. It is the kind of commitment Senator HATCH has made to the ideals of our Nation which he makes again in this Serve America Act.

This act is known on the Senate floor, depending on which side of the aisle you sit, as the Kennedy-Hatch Act or the Hatch-Kennedy Act. It is fitting that Senator HATCH would be teamed up with his old friend and political rival from time to time, Senator TED KENNEDY, as they both came together in a common effort to pass this important legislation.

I spoke earlier this week about the Serve America Act which is now pending before the Senate and what it would mean to our Nation. Let me tell

my colleagues a few stories that I think illustrate it.

In my home State of Illinois, each year, 2.7 million volunteers dedicate 302 million hours of service. The estimated economic worth of that contribution and voluntary service is almost \$6 billion a year. More than 66,000 of these volunteers participate in national service programs through 144 different projects and programs. Each of them has a story to tell about a life they have influenced or changed: a mother they have helped feed her family, a child they have helped to learn, or a community that is cleaner and safer because they are working and volunteering to make it that way.

All of these volunteers can also tell about how their time and service improved their lives. Let me mention a few stories.

In Chicago, the City Year Program places young volunteers to work full time in some of Chicago's neediest schools. They serve as tutors and mentors and role models to the kids. A volunteer I talked to recently tutored a young girl named Zariah. She was struggling with a lot of problems in school, with reading and behavior. I won't hold it against her—her behavior problem; I had the same problem, and I ended up in the Senate. Zariah was in jeopardy of failing the fourth grade, so this volunteer showed up and decided to take a personal interest in her.

A few weeks after tutoring Zariah, this volunteer heard a little voice cry out as he walked by the school. It was little Zariah, and she was yelling to this volunteer tutor: I passed fourth grade. I passed fourth grade.

What a reward for that volunteer and what a happy moment for that child.

In Waukegan, IL, four AmeriCorps volunteers helped Habitat for Humanity construct homes and train and recruit volunteers. One of the AmeriCorps members told a story that I think is so heart-warming about driving by a school every morning as an AmeriCorps volunteer, in their notable jackets, and seeing a woman wave and cheer as they came by. She wasn't a homeowner or volunteer herself. She was just a member of the community, and she recognized the AmeriCorps jacket. She knew what the volunteers were doing, and she wanted to say thank you with a wave and a cheer each morning.

Throughout Illinois, the Equal Justice Works Summer Corps Program provides crucial legal assistance to communities. Law students give their time and talents in exchange for a very modest AmeriCorps educational award of \$1,000 for a summer of work, many of them turning down far more lucrative opportunities in the private sector.

In 2008, the Summer Corps Program had 23 members serving in my State, and they served over 1,000 low-income people who couldn't afford a lawyer

any other way. One of those corps members was Nichole Churchill of Chicago. She spent a summer serving with the Children's Project of the Legal Assistance Foundation working with parents, foster parents, and adoptive parents. This is what she said about her time there:

It has opened my eyes to the myriad of problems that many of our low-income clients face on a daily basis. This experience has only strengthened my resolve to continue this kind of work and to effectuate meaningful change in their lives.

Those are only a few of many stories told from my State of Illinois.

This week we are considering a bill that will dramatically expand the opportunities for voluntarism and service across America. The Serve America Act will triple the number of national service participants to 250,000 participants within 8 years. Along with this dramatic expansion, it is going to create a new corps within AmeriCorps focused on areas of national need such as education, environment, health care, economic opportunity, and giving a helping hand to our veterans.

We are expanding opportunities to serve for Americans at every stage of life, too. Middle and high school students will be encouraged to participate in service projects during the summer or during the school year. By serving their communities early in life, these students will be put on a path to a lifetime of service.

For working Americans who can't commit to a full-time volunteer job, the bill provides opportunity for them to work part time in their community. Retirees can be given a new opportunity to serve with the existing Senior Corps and through new expansion.

The bill also increases the education award for the first time since the creation of the national service program. I think that is a perfect complement, that these good, well-meaning Americans would serve their Nation and in return we would help them, give them a helping hand with their education at a time when education is so expensive for so many students. The education award in this program will be raised to the Pell grant level which makes it easier for college students with significant student loan debt to consider national service. The award is transferable so that older volunteers can transfer the education award to their children or grandchildren—a perfect generational legacy.

Each American has the power to make a small difference in the success of a child, the health of the environment, or the lives of their hungry neighbors. All of those small differences repeated over and over again can add up to something truly powerful, truly inspiring. This bill will expand the opportunities for Americans to serve their communities. President Obama has urged us to pass this on a

timely basis, and I am going to encourage my colleagues to fight off the amendments which have nothing to do with this bill. Let's get this one done and done right. Let's not get bogged down in a lot of other issues that might be presented. They are all, I am sure, equally meritorious and worth our consideration, but we need to finish this one. Let's get this bill done so that we can expand service and make an even stronger Nation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I am pleased to support the Serve America Act, which expands opportunities for Americans to serve their country at a time of critical need. I thank Senator KENNEDY and Senator HATCH for their willingness to work with my staff to include language that ensures the volunteers funded by this bill can also work on service projects that expand access to affordable housing in our communities. Providing more affordable housing is one of Wisconsin's most pressing needs and language that Senator REED and I worked to insert will help ensure that volunteers can build, improve, and preserve affordable housing throughout the country.

Just as voluntarism plays a crucial role in strengthening our communities and building a stronger America, that same energy, compassion, and knowledge must also be harnessed to help rebuild our image abroad as it has been severely damaged over the past 8 years.

The amendment I am offering today with Senator VOINOVICH encourages those efforts by strengthening and expanding the Volunteers for Prosperity program authorized in title V of the bill. This program provides a valuable tool to assist international volunteer service, and with my improvements I believe we can make it even more effective.

A recent survey released by the Pew Global Attitudes Project indicates that between 2002 and 2008, opinions of the United States declined steeply in 14 out of the 19 countries polled. And a similar 2007 survey of over 45,000 people in 47 countries found that "[o]verall, the image of American people has declined since 2002," even among those who used to count us as friends and allies.

The Obama administration has already taken some important steps to rebuild our image abroad, such as the President's decision to close Guantanamo and redeploy troops from Iraq, and his recent address to the people of

Iran. But individual Americans can contribute, too, and we can support those efforts by increasing the opportunities for Americans from all backgrounds and experiences to volunteer abroad.

While the surveys I mentioned showed worsening attitudes toward Americans and the declining popularity of the United States, studies have shown that in places where U.S. citizens have volunteered their time, money, and services, opinions of the United States have improved.

To put it simply, some of our best diplomats are our private citizens who spend time overseas working closely with small communities and spending time with the citizens of other countries. Their volunteer work is enhanced by their ability to share stories and create individual connections. Collectively the two are a force for positive global change and greater cultural understanding.

One example is a story from a constituent, Kathy Anderson from Marathon, Wisconsin, who shared with me her thoughts on the exchange opportunities she and her husband Mike have experienced, including a recent trip to Ukraine to discuss farming methods with folks under the Community Connections program:

We have lots and lots of stories, but the headline may be that people interact with people at a very different level than countries interact with countries. I may not like what your country is doing, but if I get to know you as an individual, I can still build a connection. Programs like these put a face on the country, making it less abstract and impersonal. Once the guests get to know a farmer from Wisconsin, I'm sure they also have a better understanding that our country is more than the image they see presented by the politicians, or the sports figures, or the media folks. It's real folks with the same kind of dreams, hopes, and wishes for the future that they have. And perhaps we get a bit closer, one relationship at a time.

Our Federal Government should continue to recognize the important role that people-to-people engagement can play in countering negative views of America around the world and help facilitate such opportunities by promoting both short- and long-term international volunteer options for U.S. citizens. Existing programs such as the Peace Corps, Volunteers for Prosperity, and the exchange programs administered through the Department of State's Bureau of Education and Cultural Affairs already do tremendous work in this area. But even with these existing programs, we need greater, more varied and more flexible citizen diplomacy initiatives. Mr. President, we can and should be doing more.

In 2007, I introduced the Global Service Fellowship bill to offer U.S. citizens the flexibility and support they need to pursue international volunteering opportunities. This bill reduced barriers to volunteering by offering financial

assistance and flexibility in the time period Americans could spend abroad—opening the door for more Americans to participate. This bipartisan bill was approved by the Senate Foreign Relations Committee last Congress.

Now, in title V of the Serve America Act, we have the opportunity to see a very similar program become a reality. This section authorizes the Volunteers for Prosperity Office created by Executive Order 13317 under President Bush. This program promotes short- and long-term international volunteering opportunities with specific development objectives, and establishes the Volunteers for Prosperity Service Incentive Program or VfPServe program which provides eligible skilled professionals with grants to offset the cost of volunteering abroad. This is a modest program costing only \$10 million per year and yet it will significantly expand the numbers of Americans who can participate.

I support Volunteers for Prosperity and, in fact, my global service fellowship bill would have authorized that program. The amendment I am offering, which is based on my legislation, makes a few changes to the current language in title V. This is a modest amendment but reflects suggested improvements I have received from constituents, experts and organizations active in the field of international voluntarism. As we authorize the Volunteers for Prosperity office, we should make sure the office has the utmost ability to reach as many interested Americans as possible, particularly those who face financial barriers or time constraints.

In the current bill, VfPServe would help offset the cost of international volunteering expenses for prospective volunteers, provided that they match dollar-for-dollar any grant awarded through the program. VfPServe will enable many dedicated volunteers to raise the additional funds needed to pursue international projects—but by requiring the dollar-for-dollar match grants, participants in VfPServe would still be required to cover a substantial amount of their expenses.

Financial limitations are a common obstacle to international volunteering by Americans, and I have heard from many constituents who are interested in volunteering internationally but are unable to do so due to the cost. My amendment goes an extra step to ensure that even more Americans from a range of backgrounds can volunteer abroad—not just those with the resources or time to pay for half of their expenses.

My amendment complements VfPServe by establishing the VfP Leader Program to award fixed grants that would offset up to 80 percent of the costs of volunteering abroad, including any sponsoring organization fees. In return for this higher Federal contribution, VfP Leaders must commit to sharing their experiences with

their communities when they return. By continuing to serve as ambassadors once they return home, VFP leaders will be ensuring that more Americans learn about the benefits of international volunteering, and about people and places beyond our borders. In addition, my amendment would give VFPserve participants the option of raising or providing private funds to meet their matching requirements. I have heard from many organizations that the inability to raise adequate funds has stymied a number of individuals from fully participating in the program. This small tweak will open the door wider to those interested to participate in either VFP program, who may be willing and able to spend some of their own money to do so.

The VIP Leader Program would be administered by the VFP office, along with the VFPserve program in the bill. The USAID Administrator would be in charge of awarding VFP leader grants and would develop the guidelines for selecting recipients, based on the objectives laid out in the underlying bill, which include a commitment to helping reduce world hunger and combating the spread of communicable diseases. My amendment adds a few more objectives: providing disaster response, preparedness and reconstruction, providing general medical and dental care and promoting crosscultural exchange. These are all important priorities, and opportunities for Americans to bolster our global image while providing essential services.

Other than these additions, my amendment does not change the underlying authorization of VFP, nor does it change the total cost of title V. Authorization for title V will remain at \$10 million annually for the fiscal years 2010 through 2014, with half of the money appropriated for grants going to the VIP Leader Program.

I would like to thank Senator VOINOVICH, who cosponsored the Global Services Fellowship Acts of 2007, 2008, and 2009 and who is a cosponsor of this amendment. This amendment is supported by 82 international volunteer organizations such as American Jewish World Service, Cross-Cultural Solutions, and the National Peace Corps Association as well as 91 university international programs including the University of Maryland's Office of International Programs, its School of Public Policy and its Study Abroad office, and the Fletcher School at Tufts University in Massachusetts. I would like to submit the lists with all the supporting organizations and university international programs in their entirety for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COLLEGE & UNIVERSITY MEMBERS—MARCH 2009

American University; Boston College—The Center for Corporate Citizenship; Boston

University; Boston University—Center for International Health and Development; California Colleges for International Education; California State University, San Marcos—Office of Community Service Learning; Cardinal Stritch University; Catholic University; Central Michigan University Volunteer Center; City College of New York; Chilean Ministry of Education—National Volunteer Center; College of William and Mary—Office of Student Volunteer Services; Columbia University—School of International Public Affairs; Cornell University; Dowling College; Drexel University; Duke University—Center for Engagement & Duke Engage; Duke University—Global Health Institute; Emory University; and Everett Community College—World Languages.

George Mason University—Multicultural Research and Resource Center; George Washington University; Georgetown University—Center for Social Justice; Georgia Institute of Technology—Community Service; Global Citizen Year; Hartwick College; Hillsborough Community College Grants Development; Iowa State University; James Madison College; John Hopkins University; Kennesaw College; Kingsborough Community College/CUNY—Academic Affairs; Lone Star College—Tomball; Lone Star College—Tomball—Academic and Student Development; Lone Star College System—International Programs and Services; Miami Dade College; Missouri State University—International Programs and Affairs; Monroe Community College Foundation; Montgomery College Office of Equity & Diversity; and Moore School of Business.

Mount Wachusett Community College; Mount Wachusett Community College—Community Relations; NC Campus Compact; New York Medical College; New York University—Office of Global Education; North Arkansas College—Institutional Advancement; Norwalk Community College—Academic Affairs; Ohio University; Onondaga Community College—Career and Applied Learning Center; Oregon University System; Palm Beach Community College; Palm Beach Community College—President's Office; Polk Community College—Grants; Ramapo College of New Jersey; Rutgers University; Santa Monica College—Communication; Skagit Valley College—College Advancement; Southwestern Oregon Community College Service—Learning; Stanford University—Haas Center for Public Service; and State University of New York—New Paltz Center for International Programs.

Stony Brook University; Syracuse University Maxwell School of Citizenship and Public Affairs; Tufts, The Fletcher School; University of California, Berkeley—Blum Center for Developing Economies; University of California, San Diego—International Relations and Pacific Studies; Richard J. Daley College; University of Connecticut Center for Continuing Studies, Academic Partnerships and Special Programs; University of Connecticut Global Training & Development Institute; University of Denver—Graduate School of International Studies; University of the District of Columbia; University of Maryland—Office of International Programs; University of Maryland—School of Public Policy; University of Maryland—Study Abroad Office; University of Michigan—International Center; University of Michigan—Gerald Ford School of Public Policy; University of Minnesota—Learning Abroad Center; University of Missouri, St. Louis—Center for International Studies; University of North Carolina at Charlotte; University of San Francisco; and University of Texas at Tyler—Office of Community Relations.

University of Tulsa; University of Vermont; University of Virginia—Alternative Spring Break; University of Wisconsin-Madison Global Studies & Go Global!; University of Wyoming Center for Volunteer Service, Wyoming Union; Washington University in St. Louis—Center for Social Development; Washington University in St. Louis—Gephardt Institute for Public Service; Western Connecticut State University—International Services; Western Piedmont Community College Humanities/Social Sciences; Western Piedmont Community College Student Development; and White Plains City School.

VOLUNTEERING & SUPPORTING ORGANIZATIONS—MARCH 2009

ACDIVOCA; Action Without Borders/Idealist.org; Adventure Aid; American Bar Association Rule of Law Initiative; American Jewish World Service; American Refugee Committee; Amigos de las Americas; AngelPoints; Atlas Corps; BeGlobal; Bridges to Community, Inc.; Building Blocks International; Catholic Medical Mission Board; Catholic Network of Volunteer Services; Catholic Relief Services; Child Family Health International; Christian Reformed World Relief Committee; Citizens Development Corps; Cross-Cultural Solutions; and Earthwatch Institute.

Experiential Learning International; Fly for Good (Fly 4 Good); Foundation for International Medical Relief of Children; Foundation for Sustainable Development; Global Citizen Year; Global Citizens Network; Global Medic Force; Global Volunteers—Partners in Development; GlobalGiving Foundation; Globalhood; Globe Aware; Greenforce; Habitat for Humanity International; Hands On Disaster Response; Health Volunteers Overseas; Hope Worldwide; Hudson Institute; Innovations in Civic Participation; InterAction; and International Assoc. for Volunteer Effort (IAVE).

International Medical Corps; International Partnership for Service Learning; International Student Exchange Programs; International Student Volunteers; International Volunteer Programs Association; International Volunteer Ventures LLC (INVOLVE); Karuna International; LanguageCorps; Lifetree Adventures; Manna Project International; Medical Teams International; Mobility International; National Association of Social Workers (NASW); National Peace Corps Association; Nourish International; Operation Crossroads Africa; Partners of the Americas; Partners Worldwide; Encore! Service Corps; and PEPY Ride.

Points of Light Institute; Prevent Human Trafficking; Projects Abroad; ProWorld Service Corps; Service for Peace; SEVA; Student Movement for Real Change; The Advocacy Project; The Volunteer Family; Travel Alive; UN Volunteers; United Planet; United Way of America; US Center for Citizen Diplomacy; Volunteers for Economic Growth Alliance (VEGA); Volunteers for Peace; Volunteers for Prosperity (USAID); Winrock International; World Hope International/Hope Corps; World Servants; Worldteach; and Youth Service America.

Mr. FEINGOLD. As we debate the Serve America Act and highlight the important role of volunteer service in our communities, we must not overlook the opportunities for volunteers to help restore our image and standing abroad. Wisconsinites have a strong tradition of public service, particularly among young people in my state and it is because of their consistent interest

in such opportunities that I offer this amendment today.

International volunteering opportunities are an effective method of addressing critical human needs, building bridges across cultures, and promoting mutual understanding. In turn, this can bolster our national and global security. Though they may be working overseas, Americans who volunteer abroad are truly serving the interests of America.

The VFPserve and VFPLeaders Programs would be a valuable addition to our public diplomacy, to our development and humanitarian efforts overseas. I encourage my colleagues to support the amendment I will offer at a future time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 688

Mr. BOND. Mr. President, I rise today in support of the Crapo amendment which incorporates the Dodd-Crapo bill that I have cosponsored. Every Senator in this Chamber has heard from folks in their own communities who have lost jobs, families whose savings are disappearing, businesses that cannot meet payrolls. Unfortunately, until we solve the root of the economic crisis—our credit crisis—there will not be real relief or recovery for these struggling families and businesses.

The bottom line is our financial system is not working. It has become clogged with toxic assets. Some call them legacy assets, but they are toxic as well as old. Until they are removed, fear and uncertainty will continue to dominate the markets.

Earlier this week, Secretary Geithner released his long-awaited details on the administration's plan to solve the credit crisis. While Secretary Geithner did not take all of my advice, I am heartened that the administration has finally developed a plan to tackle the most pressing issue facing our Nation and the largest obstacle to economic recovery.

All Americans need this plan to work. Our Nation cannot afford another lost decade such as Japan faced in the nineties. No one wants to doom the Nation's families and workers to a recession any longer and deeper than the one we have already experienced. But before the Government commits trillions more in tax dollars, I hope Secretary Geithner will recognize that he owes the taxpayers some answers to some very important questions.

Unfortunately, under the previous administration and the current administration, there have been too few answers and too many questions for taxpayers about how economic rescue dollars are being spent. Instead, under both Treasury Secretaries Paulson's and Geithner's watch, billions in taxpayer dollars have been thrown down

the rat hole, with no clear plan, no end in sight, and no positive return. So now, this week, the taxpayers need to hear how the administration's plan will provide accountability, transparency, and oversight of taxpayer funds.

First, Secretary Geithner needs to tell taxpayers how this plan will protect their hard-earned dollars. Taxpayers have the right to question whether they are getting a fair deal since the taxpayers are taking on the vast majority of the risks under the new public-private investment partnership initiative.

Right now, private investors only stand to lose a small amount with their invested capital, with opportunities for great returns. In other words, are we again privatizing profits but socializing losses? Do we run the risk that this ends up being "heads they win, tails taxpayers lose"? This plan is dependent on taxpayers subsidizing and excessive leveraging of private resources to purchase these toxic assets. While it is important to encourage private capital, and I believe that is the best solution, we seem to be using the same formula—but this time risking billions of taxpayer dollars—that got us into the present situation. I am concerned that the administration's plan appears to be too generous to Wall Street investors, some of whom contributed to the crisis.

The second point is, what is the ultimate cost to taxpayers? Right now, the administration projects that its plan will initially require \$100 billion in taxpayer funds to leverage up to \$500 billion in taxpayer dollars. But most estimates show there are about \$2 trillion of toxic assets in the system. I believe the taxpayers deserve to know how much Secretary Geithner's plan will really cost them.

Third, the administration and the Treasury Secretary need to explain how he will prevent the rules of the game from changing again. Since the initial rescue of Bear Stearns last summer, the previous and the current administrations have taken an ad hoc approach that has changed and shifted numerous times. This "ad hococracy" has amounted to throwing billions of good taxpayers' dollars into failing banks, treating the symptoms rather than the cause, with no apparent exit strategy. This "ad hococracy" has resulted in fear and uncertainty in our markets and has done nothing to hasten the much needed economic recovery. As a matter of fact, one skilled observer, Professor John Taylor, said the lack of certainty has been a great cause in the failure of the markets to respond positively to any of the previous activities.

Is the plan announced this week the one and final approach? Will the administration stick to the plan? And just as important, what about Congress? Will we allow the plan to work or will we come in later and change the

rules of the game after they have been set? The administration, and I think we in Congress, must convince Wall Street and Main Street that the rules will not be changed again midgame. What expert after expert has told me, people who are looking at the market, people who want to see the market succeed, what the markets desperately need is certainty in a plan.

Finally, will banks and financial institutions holding toxic assets be willing to participate in the program? Despite what seems to be generous incentives for private investors to purchase the assets, it is not clear whether the banks will be willing to negotiate a fair deal with the Government and the partners. If banks are not willing to participate, then toxic assets will continue to clog the system. If they do not participate, will the administration finally turn to the Federal Deposit Insurance Corporation to resolve these problem banks?

Before closing, I note that we all understand we need to strengthen the ability of our regulators to prevent this kind of systemic failure from occurring in the future, but we need to consider any changes carefully. A critical first step would be our pending amendment which incorporates the Dodd-Crapo bill, S. 541, the Depositor Protection Act, to boost the FDIC's borrowing authority to deal with larger institutions and to prevent further substantial fee increases on good banks.

I heard from smaller, well-performing banks in Missouri that did not participate in the subprime and exotic loans that will bear more costs to cover the failures of the large banks that did. These smaller banks should not have to be a casualty of the mistakes of the larger financial institutions. Will the FDIC use the expanded authority that I hope we will give them to return FDIC premiums to their previous level? We need a diverse banking system. We need a system. There are over 8,000 banks of all sizes in communities and States throughout the Nation. It is my hope that this financial crisis resolution preserves that system instead of allowing it to be dominated by a few "too large to fail" institutions.

What else will the Treasury do? How will the Treasury assure these other banks will be strengthened when they are not in the top 20 on which the Treasury seems to focus?

These are just a few of the critical questions about Secretary Geithner's untested, complicated plan. We, on behalf of taxpayers, deserve answers. Taxpayers deserve to hear solutions that will work. It is more important than anything else in solving the economic crisis that we solve the credit crisis.

Our banking and financial system affects every American's standard of living, our ability to create and maintain

jobs, and our ability to compete globally. We must tackle the root of this problem—the toxic assets—and lead us out of the economic crisis and help Americans get back to work.

I, like most Americans, am suffering from bailout fatigue. Rightfully so. Taxpayers are fed up over the waste of hard-earned tax dollars and the plans that have wandered all over the lot in the past. Secretary Geithner now has a tough challenge, and that is to convince the taxpayers that this plan is a smart investment that will solve the root of our economic crisis.

Mr. President, I urge my colleagues to support the Dodd amendment. I yield the floor.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

#### NOMINATION OF DAVID S. KRIS

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly on the nomination of David S. Kris to be Assistant Attorney General in the National Security Division of the Department of Justice.

Let me say preliminarily how nice it is to see the other—I shouldn't say "the other Senator"—the Senator from Pennsylvania presiding today. I compliment Senator CASEY on an outstanding tenure for, let me see, 2 years and almost 3 months. I express my appreciation for his cooperation in working together on so many projects.

May I say further for the RECORD, since it is in black and white and not in Technicolor, I think there is a slight blush on Senator CASEY for the warranted praise.

Now on to the other subject at hand.

David Kris has been nominated for this very important position. He comes to it with excellent credentials. He is a graduate of Haverford College, a college I know very well, being my oldest son, Shanin, graduated there, and the Harvard Law School, an institution I don't know quite so well but one I hear is a very good school, not perhaps up to—well, I won't comment about that. After graduation from law school, Mr. Kris served as clerk to Judge Stephen Trott on the Ninth Circuit; was in the Criminal Division of the Department of Justice for 8 years; was Deputy Attorney General for 3 years. He has excellent academic and professional standards.

I ask unanimous consent to have Mr. Kris's resume printed in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, Mr. Kris has the commendations and recommendations of both Attorneys General for whom he worked—Attorney General Janet Reno and Attorney General John Ashcroft. John Ashcroft, our former colleague in the Senate who sat on the Judiciary Committee, described Mr. Kris's "intelligence, independence,

and wisdom" as "valuable national assets."

After years of public service, Mr. Kris joined Time Warner and even found time to write a legal treatise on national security investigations and prosecutions. He is considered an expert on the Foreign Intelligence Surveillance Act and leading authority on national security law.

I urge my colleagues to support his nomination.

I yield the floor.

#### EXHIBIT 1

DAVID S. KRIS, ASSISTANT ATTORNEY GENERAL, NATIONAL SECURITY DIVISION

Birth: 1966, Boston, Massachusetts.

Legal Residence: Bethesda, Maryland.

Education: B.A., Haverford College, 1988; J.D., Harvard Law School, 1991.

Employment: Clerk, Judge Stephen S. Trott, U.S. Court of Appeals for the Ninth Circuit, 1991-1992. Attorney, Criminal Division, U.S. Department of Justice, 1992-2000. Associate Deputy Attorney General, U.S. Department of Justice, 2000-2003. Vice President, Time Warner, Inc., 2003-2005. Chief Compliance Officer, Time Warner, Inc., 2005-Present. Senior Vice President and Deputy General Counsel, Time Warner, Inc., 2006-Present. Nonresident Senior Fellow, Brookings Institution, 2008-Present. Adjunct Professor of Law, Georgetown University Law Center, 2008-Present. National Security Adviser, Hillary Clinton for President and Obama for America, 2008. DOJ Agency Review Team Member, President-Elect Transition Team, 2008-2009.

Selected Activities: Award, Attorney General's Award for Exceptional Service, 1999, 2002. Award, Assistant Attorney General's Award for Special Initiative, 1998. Awards for Special Achievement (various dates prior to 2000). Member, Edward Bennett Williams Inn of Court, 1995-2007; Massachusetts Bar, 1991-Present; New York State Bar, 2003-Present; Maryland State Bar, 2008-Present.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I join with my colleague from Pennsylvania in urging my colleagues to give an overwhelming vote to David Kris. I have had the pleasure of working with him on national security matters in my position as vice chairman of the Intelligence Committee. I believe our national security will be well served by Mr. Kris. I wholeheartedly endorse his nomination.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I also wholeheartedly endorse his nomination. He is an extremely talented, experienced intellectual in the law. I expect him to be one of the best we have ever had. I am very proud he is willing to serve in this administration and go through the processes many people are trying to avoid at this particular point.

Let me just say, as the longest serving person on the Senate Intelligence Committee, we need people such as Mr. Kris in Government. I commend the administration in cooperating and appointing him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF DAVID S. KRIS TO BE ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of David S. Kris, of Maryland, to be Assistant Attorney General.

Mr. LEAHY. Mr. President, the Senate has confirmed four nominees to fill top leadership positions at the Justice Department officials, and today we take another step forward to put in place Attorney General Holder's leadership team. Today, the Senate turns to the nomination of David Kris to lead the National Security Division.

I thank the Democratic and Republican members of the Judiciary Committee for working with me to expedite this nomination when it was in committee. Senator FEINSTEIN chaired our Judiciary Committee hearing on his nomination on February 25. We were able to report his nomination out of the committee by a voice vote on March 5. The Senate Select Committee on Intelligence worked quickly to consider and report his nomination as well. Finally, the Senate today considers his nomination to this critical national security post.

The Judiciary Committee's renewed oversight efforts in the last 2 years brought into sharper focus what for years had been clear—that during the last 8 years, the Bush administration repeatedly ignored the checks and balances wisely placed on executive power by the Founders. The Bush administration chose to enhance the power of the President and to turn the Office of Legal Counsel at the Department of Justice into an apologist for White House orders—from the warrantless wiretapping of Americans to torture.

Attorney General Holder has already taken steps toward restoring the rule of law. With the confirmation of David Kris to lead the National Security Division, we fill another key national security position in the Department.

David Kris is a highly regarded veteran of the Department of Justice. He is former Federal prosecutor who spent 8 years as a career attorney in the criminal division at the Department, handling complex cases in Federal trial



and appellate courts, including the Supreme Court. Mr. Kris was then a political appointee under both President Clinton and President Bush, serving as Associate Deputy Attorney General from 2000–2003, supervising the government's use of the Foreign Intelligence Surveillance Act, FISA, representing the Justice Department at the National Security Council and in other interagency settings, briefing and testifying before Congress, and assisting the Attorney General in conducting oversight of the U.S. intelligence community.

Mr. Kris understands the role the Bush administration's excesses have played in undermining the Department of Justice and the rule of law. In 2006, Mr. Kris released a 23-page legal memorandum critical of the legal rationale offered by the Bush administration, and in support of the legality of the National Security Agency's warrantless wiretapping program. Mr. Kris was an early advocate for the creation of the National Security Division he has now been confirmed to lead, leaving a lucrative practice as an in-house counsel for a major corporation to return to government service.

Mr. Kris' nomination has also earned support from both sides of the aisle. Former Bush administration Solicitor General Ted Olson, who worked with Mr. Kris at the Department, describes Mr. Kris as "a very sound lawyer," who "is committed to the defense of the United States and its citizens, and respects the rule of law and civil rights." Former Deputy Attorney General Larry Thompson, who asked Mr. Kris to remain in his post during the Bush administration, writes that he asked Mr. Kris to stay after finding that "he had a passion for national security issues but also a deep respect and appreciation for the related civil liberties concerns." Former Bush administration Homeland Security Secretary Michael Chertoff and former Attorneys General Janet Reno and John Ashcroft have all written in support of Mr. Kris' nomination.

President Obama has reminded Americans and the world that, "to overcome extremism, we must also be vigilant in upholding the values our troops defend—because there is no force in the world more powerful than the example of America." The President reminded us that "living our values doesn't make us weaker, it makes us safer and it makes us stronger."

David Kris understands the moral and legal obligations we have to protect the fundamental rights of all Americans and to respect the human rights of all. He knows, as do the President and the Attorney General, that we must ensure that the rule of law is restored as the guiding light for the work of the Department of Justice.

I congratulate Mr. Kris and his family on his confirmation today.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the nomination of David S. Kris to be Assistant Attorney General for National Security.

Mr. Kris was nominated by President Obama on February 11, 2009, to fill this important position. Since then, his nomination has been considered by the Judiciary Committee and then sequentially by the Intelligence Committee. I had the honor of chairing both of these hearings, so am as familiar with any Member with his record.

Both the Judiciary Committee and Intelligence Committee favorably reported the nomination without dissent.

The position of the Assistant Attorney General for National Security was created in the USA PATRIOT Improvement and Reauthorization Act of 2005 out of recognition that there should be a single official in the Department of Justice who is responsible for national security.

The Assistant Attorney General is the bridge between our Nation's intelligence community and the Department of Justice. He or she represents the Government before the FISA Court and is also the Government's chief counterterrorism and counterespionage prosecutor.

David Kris is highly qualified for this critically important national security position.

He has both figuratively and literally "written the book" on national security.

Mr. Kris spent 11 years as a prosecutor in the Justice Department, and he knows its national security functions well.

During the Bush administration, he was the Associate Deputy Attorney General for national security, where he litigated national security cases and oversaw intelligence activities. When Congress considered merging the Department's national security functions under a single office, Kris was one of the experts consulted.

After leaving Federal Government service, Mr. Kris remained very active in the field of national security law. He coauthored of the most widely used legal treatise in this area. His book, titled "National Security Investigations and Prosecutions", provides a step-by-step analysis of all of the law that governs Government activity in response to terrorist threats.

During the debate last year over rewriting the Foreign Intelligence Surveillance Act, Mr. Kris spent significant amounts of his personal time meeting with personnel from both the Judiciary and Intelligence Committees to offer his expertise and judgment.

In addition to his expertise, Kris has received high marks for his commitment to the rule of law. Both committees to consider his nomination received numerous letters of support from distinguished legal and privacy

rights officials and experts. Those letters are in the hearing records at both committees.

It is important for the Senate to consider this nomination and confirm Mr. Kris. Simply put, the Department of Justice needs him to get to work.

The Assistant Attorney General position, currently vacant, is the primary official overseeing the Foreign Intelligence Surveillance Act implementation and signs applications going to the FISA Court.

Because of the legislation passed last year, Mr. Kris will need to start immediately to prepare new certifications and supporting materials that the executive branch will have to submit to the FISA Court. As such, he would be the official at the Department of Justice most directly involved in questions of setting minimization and targeting procedures, reviewing the Attorney General's guidelines under the act, and making sure that the intelligence collection is carried out faithfully under the law.

Separately, an Assistant Attorney General should be playing a key role in the executive branch review of how to handle individuals currently held at Guantanamo Bay. Mr. Kris has answered numerous questions on this topic during his confirmation hearings and shares my view that there must be an appropriate legal process upholding any decisions to detain individuals. However, he also believes, correctly in my view, that great care must be taken to ensure that anyone at Guantanamo who is transferred to other nations must not be allowed to pose a continuing threat to our national security.

I am pleased that this nomination has finally reached the floor, and I urge the confirmation of David Kris.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of David S. Kris, of Maryland, to be Assistant Attorney General?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 109 Ex.]

YEAS—97

Akaka	Barrasso	Bayh
Alexander	Baucus	Bech



Bennet	Graham	Murkowski
Bennett	Grassley	Murray
Bingaman	Gregg	Nelson (FL)
Bond	Hagan	Nelson (NE)
Boxer	Harkin	Pryor
Brown	Hatch	Reed
Brownback	Hutchison	Reid
Bunning	Inhofe	Risch
Burr	Inouye	Roberts
Burris	Isakson	Rockefeller
Byrd	Johanns	Sanders
Cantwell	Johnson	Schumer
Cardin	Kaufman	Sessions
Carper	Kerry	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Kohl	Snowe
Coburn	Kyl	Specter
Cochran	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Corker	Levin	Udall (CO)
Cornyn	Lieberman	Udall (NM)
Crapo	Lincoln	Vitter
DeMint	Lugar	Voinovich
Dodd	Martinez	Warner
Dorgan	McCain	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker
Feingold	Menendez	Wyden
Feinstein	Merkley	
Gillibrand	Mikulski	

## NOT VOTING—2

Enzi Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

## LEGISLATIVE SESSION

NATIONAL SERVICE  
REAUTHORIZATION ACT—Continued

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMERICAN AND CHINESE ECONOMIES

Mr. BROWN. Mr. President, the current financial crisis paints our economic relationship with China in broad relief. Our economies are not healthy, China's economy, the economy of the United States. And worse, these two countries' economies, ours and China's, are codependent.

The U.S. official unemployment rate is 8.1 percent. In my State of Ohio, it is 9.4 percent, the highest rate inflicted on our State in 25 years. Meanwhile, tens of thousands of factories in China have closed over the past 6 months.

China is one enormous export platform, and the United States is its biggest customer. We, for all intents and purposes, have stopped buying. Morgan Stanley economists report that exports account for 47 percent of the economies of China and other East Asian nations. Literally 47 percent of their economy, almost half of their economy, is devoted to export in China and other Eastern Asian countries, while in our

country, the United States, consumption accounts for 70 percent of our GDP. This economic codependency has bred a dangerously skewed financial relationship. As revenues flow out of the United States and into China, China has become our biggest lender. Imagine what that is going to look like if we continue these policies in the years ahead. What it means for sovereign wealth funds, the collection of United States dollars held by Chinese banks, Chinese Government treasury, Chinese businesses, the number of United States dollars, because of their trade surplus, coming from our trade deficit situation—I do not need to detail the risk that relationship breeds. But its roots lie in our economic codependency, and our economic codependency is rooted in our Nation's passive trade policy.

Senator SANDERS and Senator WHITEHOUSE, joining me on the floor, with the Presiding Officer, all understand what these trade agreements have done, this passive trade policy that we have practiced for more than a decade, what that has done to our country.

Ohio is one of the great manufacturing States in our Nation. We make paper, steel, aluminum, glass, cars, tires, solar panels—one of the leading States in the country manufacturing solar panels—polymers, wind turbines, and more. Look around you today and you will see, wherever you go, something that was made in Ohio.

So let's look at a typical Ohio manufacturer and compare that with a Chinese manufacturer. The Ohio manufacturer has a minimum wage to pay his workers, as he should. The Ohio manufacturer has clean air rules, safe drinking water rules, workplace rules, product safety standards by which to abide, helping to keep our workers healthy and productive, helping to keep customers safe, helping to create a better, more humane society.

Worker safety, environment, public health, treating workers properly, these are all things our country and the values it represents has brought to us. The Chinese manufacturer has no minimum wage to maintain, is allowed to pollute local water sources, is allowed to let workers use dangerous and faulty machinery and, frankly, whether it is in a vitamin or food of some kind, is allowed to use, too often, toxic substances, such as on children's toys with lead-based paint, things such as that. Chinese manufacturing doesn't do any of the things the Ohio manufacturer does.

The Ohio manufacturer pays taxes, health benefits, pays into Social Security and Medicare, typically allows family leave, and gives WARN notices when there is a plant closing. The Chinese manufacturer does little of that, but the Chinese manufacturer also allows child labor, which is expressly forbidden in this country. The Ohio manu-

facturer generally receives no government subsidies. The Chinese manufacturer often receives some subsidies for the development of new technologies and, often, subsidies for export assistance. The Chinese manufacturer benefits from China's manipulation of its currency which gives it up to a 40-percent cost advantage.

The Ohio manufacturer is going green, investing in new technologies and efficiency to create more sustainable production practices. Ohio manufacturers are part of the movement to become more energy efficient. They will do their job to reduce carbon emissions but not at the expense of jobs if China and other countries don't take comparable action. When an Ohio manufacturer petitions for relief, when he says, "I can compete with anyone, but this is not a level playing field;" when the Ohio manufacturer says he wants to emit less carbon but needs to see that his competitors from China bear the same cost on similar time lines, what does the Chinese Government say? They call it protectionism.

Last week Energy Secretary Chu noted in a hearing that unless other countries bear a cost for carbon emissions, the United States will be at a disadvantage. The Chinese official responded:

I will oppose using climate change as an excuse to practice protectionism on trade.

Chinese officials are quick to call us protectionist, a country that has an \$800 billion trade deficit, despite all the protections the Chinese afford its manufacturers. Meanwhile, the United States has the world's most open economy, as we should.

Of course, Chinese officials are often joined by highly paid American CEOs, by Ivy League economists, by editorial boards at darn near every newspaper in the country in calling any effort to rebuild American manufacturing protectionist. In newspapers around the country, when we fight for American jobs and say we need a level playing field, newspapers will say we are protectionist. That is why there is such a sense of urgency about changing this manufacturing policy. China's industrial policy is based on unfair trade practices. It involves direct export subsidies and indirect subsidies such as currency manipulation and copyright piracy, hidden subsidies such as lax standards and low labor costs, and unenforced environmental rules. In total, it results in millions of lost jobs—in Erie, Pittsburgh, Philadelphia, Cleveland, Youngstown, Sandusky, Zaynesville, and Lima, all over the States.

It is also depressing wage and income levels worldwide, while China's exploitation of environmental and health and safety standards injures Chinese, sometimes kills Chinese workers and citizens, and adds to our climate change challenges. The health of our economy,

the strength of our middle class depends on how Congress and how the Obama administration engages with China on these issues.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate at 12:33 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. KAUFMAN).

#### NATIONAL SERVICE REAUTHORIZATION ACT—Continued

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that Senator REED from Rhode Island be recognized first, for up to 5 minutes, and then I be recognized, following him, for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of H.R. 1388, the Serve America Act. I particularly commend Senator MIKULSKI for her leadership on this very important initiative. She has done more than anyone to bring this bill to the floor and it being on the verge of successful passage. I say thank you, Madam Chairwoman as well as Senators KENNEDY, HATCH, and ENZI for your excellent work on this bill.

This bipartisan legislation reauthorizes the National and Community Service Act for the first time since 1993. It strengthens our commitment to the importance and value of national and community service for individuals of all ages.

I was pleased the American Recovery and Reinvestment Act that was signed into law last month included \$154 million for AmeriCorps State and national programs and AmeriCorps VISTA. This funding is estimated to engage 13,000 additional individuals in service to their communities. In his address to Congress last month, President Obama encouraged "a renewed spirit of national service for this and future generations" and called for quick congressional action on the legislation we seek to pass today.

There are a variety of ways to serve your country. You can serve in the Armed Forces, as I did, or you can serve in your community, as so many Americans are doing today. More than ever, being a good citizen means not only working hard and providing for one's family but also being an engaged and contributing member of the community, and particularly to those most in need in your community.

We make ourselves better by engaging in service that gives back to our

communities and makes our society better, through teaching, mentoring and tutoring children, cleaning up rivers and streams, building housing for the homeless, and addressing the medical needs of the ailing, to name a few endeavors that are so critical.

The AmeriCorps, Learn and Serve America, and Senior Corps programs have greatly benefitted my State. Rhode Island has a proud tradition of service and was one of the first States to embrace the AmeriCorps program. More than 14,000 Rhode Islanders participated in those programs last year.

Participants in these programs are given an opportunity to learn as well as an opportunity to serve. In the act of serving their community, participants often make a difference in their own lives—developing their own knowledge, skills, character, and self-esteem, and incorporating an ethic of civic responsibility for the rest of their lives.

As a cosponsor of this legislation, I am particularly pleased that this bill includes changes I advocated to maximize Rhode Island's funding through the AmeriCorps and Learn and Serve programs. The Serve America Act includes a statutory small State minimum for the AmeriCorps and Learn and Serve formula programs for the first time. It also includes a provision I authored to ensure that small, innovative AmeriCorps programs such as those found throughout Rhode Island get their fair share of competitive grant funding. Additionally, I am pleased that this legislation includes changes I sought to encourage volunteers to focus on helping low-income individuals find affordable housing.

This is legislation that is important. It is critical. It lives up to our highest traditions as a nation; that is, to be something more than one who enjoys their rights but also who discharges their responsibilities through service to the community and the Nation. I urge passage.

The PRESIDING OFFICER. The Senator from Texas.

#### THE BUDGET

Mr. CORNYN. Mr. President, I am a member of the Budget Committee. Senator CONRAD is our chairman. Senator GREGG is our ranking member. As the Senate knows, this week we will be taking up the President's proposed budget, and I want to speak for a few minutes about that subject.

Yesterday I had the opportunity to speak to a number of students who were here because they want to make sure Congress continues to provide them an opportunity to study at our Nation's community colleges. I am a strong believer in the role of community colleges as a less expensive yet outstanding opportunity to earn a good education, but it being also a part of our workforce development and training, where industry can come in and match up a curriculum to train people

to perform jobs for which they can receive well-paying salaries.

But yesterday these community college students, of course, were here to talk about the issues that are on their mind. They heard from Dr. Jill Biden and Secretary Duncan, among others. I appreciate how eager they were to learn what is going on here in Washington. Indeed, I bet there are a lot of people who would like to know what is going on here in Washington.

I encouraged them to learn about the issues and express their views. I told them that as far as I can tell, their generation will bear the consequences of the reckless spending this Congress is engaged in, in a budget that simply spends too much, taxes too much, and borrows too much.

Students will ultimately end up—after they finish their education and enter the workforce—paying those higher taxes under this proposed budget. This proposed budget calls for \$1.4 trillion in additional net taxes over the next 10 years.

Students are trying to figure out how these higher taxes will actually impact the opportunities they will have as they enter the workforce. Some of these taxes will hit these students at the toughest time; that is, right as they enter their first job.

We know the engine of job creation in America is our small businesses. In fact, of those small businesses that employ between 10 and 500 employees—which are the principal job creators in our country—50 percent of them will experience higher tax rates because many of them are not incorporated. They are sole proprietorships. They are partnerships. They are subchapter S corporations, where the income actually flows through and is reported on an individual tax return.

So it is not true to say these will only affect the rich. Indeed, these taxes will affect the very job engine that creates the jobs we ought to be worried about retaining and indeed creating more of.

I also talked to these students about how they will feel the impact of higher energy costs on their electric bill. You may wonder what I am talking about. Well, we all care about the environment. As a matter of fact, I reject the notion of people who actually say: Well, we care about the environment, and you do not care. I think we all care about the quality of the air we breathe, the quality of the water we drink. I cannot imagine someone who does not.

These students, though, I think are understandably skeptical of the complex and unproven cap-and-trade scheme the President's budget wants to import from Europe, which will actually ultimately increase the cost of energy, including electricity. That is why some people have called it a national sales tax on energy, if, indeed, this complex and unproven cap-and-trade

plan is passed as part of the President's budget.

Then there is the issue of the caps placed on charitable deductions for taxpayers who take advantage of that tax break when they contribute money to good and worthy purposes. Many community college students receive scholarships from foundations that are funded by charitable contributions. As a matter of fact, charitable giving is one of the things that is part of our Nation's great tradition of voluntarism—something Alexis de Tocqueville called “public associations”—things you do not get paid for but things that people do because they think it is the right thing to do and they have the opportunity to do in our great country.

This budget would actually cap charitable contributions, which will actually reduce the tax incentive for individuals to contribute money to good causes such as the Tyler Junior College Foundation in Tyler, TX. The foundation is understandably concerned that raising taxes without increasing the charitable tax deduction will limit their ability to offer as many scholarships in future years.

So these tax increases will, in effect, limit the opportunities for these community college students, including folks in my State, in east Texas, in Tyler, TX.

Then there is the issue of raising taxes generally and spending. These students know Congress is already spending a whole lot of their money because it is all borrowed money. In fact, we have spent more money since this Congress convened this year than has been spent for the Iraq war, the war in Afghanistan, and in Hurricane Katrina recovery. We have done that already. And this budget calls for doubling the debt in 5 years and tripling the debt in 10 years.

These students, understandably—because they are going to be the ones we are going to look to to pay that money back or bear that tax burden—should be concerned and, indeed, they are concerned that so much money is being spent so recklessly. In fact, it is impossible for me to imagine it will be spent without huge sums of money actually being wasted.

We have already seen evidence of that. In the stimulus bill—the President said he wanted on his desk in short order, which was rushed through the Senate and through the Congress—\$1.1 trillion, including the debt and interest on the debt—we found out, once we passed the next bill, which was a \$410 billion Omnibus appropriations bill, that, lo and behold, Congress had actually doubly funded 122 different programs in the bill. We acted with such haste, with such little care, with such little deliberation, that we found out we doubly funded 122 programs.

Indeed, we found out in recent days that in the conference report on the

stimulus bill, there was a provision stuck in the conference report that protected the bailout bonuses for the executives of AIG. Then, of course, there was the understandable uproar over that. That is what happens when a bill is printed and circulated at 11 o'clock at night, on a Thursday night, and we are required to vote on it in less than 24 hours the next day. That is not the kind of transparency, that is not the kind of accountability, that is not what will actually give people more confidence in their Government-elected officials. To the contrary. There is another provision in this omnibus bill that has essentially started a trade war with Mexico, something that causes me grave concern.

So as we consider the President's \$3.6 trillion budget proposal, we should remember the lessons of the past 2 weeks: spending so much money, so quickly, can lead to unintended consequences, to say the very least, but the biggest consequence of this budget is the amount of debt we are accumulating. I have already talked about it a minute.

But, of course, we were shocked, and I think even the President and the administration were shocked, by the Congressional Budget Office, the non-partisan office which evaluates financial matters for Congress, which said the President's budget will actually create deficits averaging nearly \$1 trillion a year for the next decade.

I mentioned the fact that it would double the debt in 5 years, triple it in 10 years. The Congressional Budget Office said the size of the national debt as a percentage of the economy will become the highest since the years after World War II.

So these students who start college this year will see their share of the national debt grow from \$19,000 per student to more than \$36,000 per student after graduation from a 4-year program. By 2019, their share of the debt will grow to more than \$55,000 per person. Can you imagine, with the money they have to borrow to fund their education, with their credit card debt—and I do not know any student who does not have sizable credit card debt—we are going to heap \$55,000 in additional debt on these students. That is a tough way to start out your life after school as you start your first job. Today's college students will ultimately have to pay back the debt, as well as the generations that succeed them. All bailouts, one way or another, will come out of their pocket.

I urge my colleagues to understand the impact on this younger generation of a budget that taxes too much, spends too much, and borrows too much. Because of our actions, the next generation will either have to raise more taxes or cut programs that are necessary or lower their standard of living.

I know from my parents, members of the “greatest generation,” the one thing they aspired to more than anything else was that my brother and my sister and I would have a better life, more opportunities, more freedom, a better standard of living than they did. And they were willing to sacrifice for that, and sacrifice they did. But it seems to me the sacrifices we are calling for today are all on our children and grandchildren, and none upon the present generation.

The President says he wants to make hard decisions. But I do not see any hard decisions in this budget. All I see is more borrowing, more taxing, and more spending, and that is exactly the wrong way we ought to be headed.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, we know our planet is in danger, and later this year we will be debating a climate bill to address our environmental challenges. I am glad to see my colleagues from the other side of the aisle are doing their part for the environment by recycling 15-year-old talking points on the budget.

President Bush left us a terrible mess: high unemployment, high deficits, millions without health care. I am referring to the first President Bush and the mess inherited by President Bill Clinton. One of my colleagues at the time said Clinton's budget would “destroy the economy.” Well, I think everyone knows the Clinton years did not destroy the economy. In fact, they created about 22 million new jobs.

Let's look at some of the newspaper headlines from back then. First of all, just this week, Politico's banner headline was: “GOP Warns About Budget Hardball.” That is what we have been hearing on the floor—hardball, people coming down time after time attacking President Obama's budget.

But back in 1995, we heard the same thing: “GOP Plan for Budget to Take No Prisoners.”

In 1993: “GOP's Politics of No.” Sound familiar? GOP's politics of no.

In 1993: “One-Word Vocabulary Hobles GOP. Republicans Grouse as Senate Takes Up Budget Bill.” You could recycle and, in fact, that is what they are doing, every single one of these comments and every single one of these headlines.

The American people voted for change last November. They are tired of all of this. They are tired of the nay-saying, the doom and the gloom. They deserve better than a Republican repeat, and that is, unfortunately, what is happening: a Republican repeat,

same old politics, same old politics of no, slow-walking, filibustering; same old policies; every problem should have a tax cut for the wealthy. That is what got us into this mess.

We hear the same old thing from our colleagues on the other side of the aisle. We hear no to health care reform and the budget, no to creating 3.5 million new jobs through the recovery plan. We hear no to increasing oversight of our financial sector. We hear no to extending unemployment for those most in need. Certainly, in my great State of Michigan the answer has been no. To a commonsense budget that provides middle-class tax cuts and will cut the deficit in half in 4 years, what do we hear? No.

The budget we are working on now focuses on the real problems affecting American families, the things that people sit down with their families and struggle over every day. The Obama budget invests in America's future by focusing on jobs, by focusing on health care, by focusing on energy independence, and education. That is what our families are concerned about as they are trying to juggle what to pay first amidst the crisis they feel today.

This is a budget we need to do right now. We need to move past the politics of no and start working together to do what is right for American families. I urge my colleagues to look past the next election cycle and to pass this budget to get America back on track again.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

#### AMENDMENT NO. 688

Mr. CORKER. Mr. President, I rise to speak regarding amendment No. 688, the Crapo-Corker amendment. I say to the Senator from Michigan, this is an opportunity for us all to say yes.

This is an amendment that is very important to people all across the country. What this amendment does is it gives the FDIC the ability to have a line of credit that today is at \$30 billion, and it gives them a line of credit up to \$100 billion. The FDIC was put in place in 1991 when banking assets in our country were at \$4.5 trillion. Today, bank assets in our country total almost \$14.7 trillion. We have an FDIC today that is hamstrung because of the financial crisis in which we find ourselves. So this amendment would raise that line of credit from \$30 billion, which is an ancient establishment, to \$100 billion.

Secondly, what it would do is give the FDIC—with certain signatures required from the Fed, from the Treasury, from others—access to a \$500 billion line of credit in the event they need it to seize an institution to protect depositors. So this does two things.

To make this relevant to people who will be voting on this amendment,

hopefully, this afternoon, I think all of my colleagues know the FDIC has just put in place a special assessment. My guess is every person in this body has heard from community bankers and regional bankers and even larger establishments about this special assessment.

I know in Tennessee, many of the community banks actually would have to spend an entire quarter's earnings to pay this special assessment. So by doing what we are doing in this amendment, we actually give the FDIC time to amortize that special assessment over a number of years which will cause it to be far more palatable for community bankers, in particular, who have had nothing whatsoever to do with the financial crisis in which we find ourselves.

Secondly—and I think this ought to be equally important to people here—this gives the FDIC the ability to move into an organization quickly and to seize it to protect depositors' accounts.

I know right now the fund is running thin. My guess is that could affect—and actually the FDIC has lobbied for this—this might affect future actions if they don't feel as though they have the resources necessary to go into an organization to do the things they need to do to make sure depositors are protected.

This action is action for which I would imagine we could almost get unanimous support. As a matter of fact, my guess is we could voice vote this. As a matter of fact, I hope that will occur this afternoon.

In the past, this legislation has been held hostage to what is called the cram-down provision. The cram-down provision has been before this body. It was defeated overwhelmingly. Numbers of Democrats thought it was bad legislation. There have been a few Senators who have tried to attach cram-down to this legislation that we will be voting on this afternoon and tried to extort action on cram-down by virtue of holding this very good piece of policy at bay.

It is my hope this afternoon that we will do something that is very important, especially to community bankers across the country but also to depositors to make sure we have the ability to protect them: that the FDIC has the ability to move quickly. Move aside from extortionary politics and move toward doing something that is good for our country, good for community bankers, and certainly very good for depositors all across this country.

Mr. President, I thank you for this time. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, I wish to say with respect to the Serve America Act, let me compliment the committee chair and the ranking member. This is a good piece of legislation.

I am proud to support it. I also wish to say I have an amendment I hope we will be able to accept by voice this afternoon. It is the amendment that calls for a tribal liaison to the Corporation of National and Community Service in order to keep Indian tribes in this country fully involved in this process.

Some of the highest rates of unemployment in this country exist within Indian tribes. The opportunity to participate in, for example, the National Committee Service Program would be very important. So I know this amendment is supported by the chair and the ranking member, and I hope we can accept it by voice vote at some point this afternoon.

Mr. President, I would inform Senator MIKULSKI that I wanted to describe to my colleagues something that is happening in our State as I speak, and I wanted to do so in morning business so it doesn't interrupt the flow of the debate over this bill. So I ask unanimous consent to speak as in morning business to describe the flooding threat that is occurring in my State at this moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The further remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, later this afternoon we are going to be voting on the Crapo amendment, No. 688, to increase borrowing authority for the FDIC. I will not be supporting the Senator's amendment even though I agree there is much about the policy in the amendment that I agree with. It might be a good idea, but it is in the wrong place.

The bill pending before the Senate is the national service bill. It is the result of bipartisan, bicameral work—very complicated bipartisan, bicameral negotiations—on which we have strong support from a range of Senators and strong support from the administration. Introducing contentious housing and economic issues into this debate would jeopardize the bipartisan support we have on this bill and could wreak havoc in the conference we will be facing with the House. We don't want to be in havoc with the House. It is one thing to be negotiating assertively, representing a Senator's viewpoint with the House on national service and what is the best, most prudent, and affordable way to do it, but if we have to carry over to the House an amendment dealing with FDIC and insurance—that really belongs on another bill.

I encourage our colleague, Senator CRAPO, to withdraw the amendment. I really would not like to reject the idea, but that is the Banking Committee's jurisdiction. As I understand it from the chairman and ranking member of

the Banking Committee, this is a substantive issue they intend to take up in their committee.

I say to my colleagues on both sides of the aisle, if Senator CRAPO insists upon a vote, that we really not pass his amendment. For all of those who think the policy has merit, I don't dispute that. But that is for another forum. That is for a Banking Committee forum. That should be hashed out in the Banking Committee, and then recommendations would be brought to the respective caucuses of both the Democrats and Republicans so that we can have a substantive discussion.

I must say that to increase the borrowing authority of the FDIC from \$30 billion to \$100 billion should not be done on a shoot-from-the-lip. That is what this amendment is, all due respect to my colleague. Just kind of dumping it on national service is a shoot-from-the-lip amendment. I think it deserves more caution and consideration. We are talking about raising the borrowing authority by \$70 billion just when everybody is saying: Hey, Obama is taking on too much. I think we are taking too much on in an amendment with the national service bill.

I say to my colleague, please withdraw your amendment. If you insist upon a vote, I am afraid I will have to oppose you in a very vigorous way. Perhaps, if done appropriately through the Banking Committee and it comes before the Senate in the regular order, I might be in the "aye" column.

So when we do vote on that, that is the category I will be in. As I understand it, we will be voting on that amendment this afternoon. There is still time for the Senator to come over and withdraw his amendment. I say this in the most respectful way because I know how strongly he feels about it. He has a lot of expertise on that, and I would like to see that expertise channeled to the right place, at the right time, with the right amendment, on the right bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 3 p.m., the Senate resume consideration of amendment No. 688; that if a budget point of order is raised against the amendment and a motion to waive the applicable point of order is made, that immediately thereafter the Senate proceed to vote on the motion to waive the point of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, President Obama has said he wants to encourage "a renewed spirit of national service for this and future generations." I submit that we can all agree on the value of promoting voluntarism. Volunteers are essential to the survival of many charitable organizations in America. But I believe S. 277 diminishes the true spirit of volunteering, first, by providing taxpayer-funded benefits such as monthly stipends and housing to participants—this financial support for volunteers will cost over \$5 billion, which is a lot of money for volunteering—and secondly, by redefining volunteering as a taxpayer-funded political exercise in which Government bureaucrats can steer funding to organizations they select.

In the past, service organizations mandated by the Government have not been constrained from providing funds to organizations with political agendas, and this bill is no different. While the Mikulski substitute amendment to the bill adds a limited constraint, the political direction of the bill is still apparent. It attempts to direct resources to five newly created corps—three that aim to influence health care, energy and the environment, and education; that is, groups that reflect the key aspects of President Obama's domestic agenda. For instance, the bill would allocate funds to a newly created Clean Energy Corps in which participants would improve energy efficiency in low-income households. All well and good, but the bill would also require the Clean Energy Corps to consult with energy and labor and the Environmental Protection Agency. Among the activities of the new Clean Energy Corps would be reducing carbon emissions. How reducing carbon emissions can be achieved by volunteers has not been made clear. Is this, in fact, an attempt to create federally subsidized "green jobs" in areas already served by other Government programs or traditionally served by State, local, and private community service organizations?

Another problem with the bill is its failure to eliminate programs that are not working. Current national service programs being funded, such as Learn and Serve and the AmeriCorps National Civilian Community Corps, have not been successful. On its Web site, expectmore.gov, which provides a database of Federal program performance results, the Office of Management and Budget has categorized both of these programs as not performing and ineffective.

Finally, there are the costs associated with the programs. The Congressional Budget Office estimates that the costs this year will top \$1 billion and will cost another \$5.7 billion from 2010 to 2014 to expand the program from the

current 75,000 participants to 200,000 participants by 2014.

There is ample reason to conclude that these programs are not worth another \$5.7 billion. I realize we have gotten to the point where \$1 billion does not mean what it once did. But S. 277 would saddle taxpayers with another multimillion dollar bill at a time when we should be cutting back, not finding new ways to spend.

The spirit of voluntarism is alive and well in America. I see it in my own State of Arizona. Could we agree that maybe there is one area of our society in which we do not have to add more Government? I think volunteering to help our neighbors might be a good place to start.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, very briefly, I gather Senator MIKULSKI has already addressed this point, but I see my very good friend from Idaho, Mr. CRAPO, here as well, the author of the amendment. I commend him for it. I know this is going to sound awkward because there is going to be a procedural issue we are going to vote on shortly.

My colleague should understand the procedural differences should not reflect substantive differences at this point. We agree with what he is trying to achieve. There is an issue here involving a budget point of order, as well as a determination, I know, by the authors of this bill—Senator MIKULSKI, Senator KENNEDY, Senator HATCH, Senator ENZI, the principal authors—to try to achieve a bill that can move quickly dealing with national service.

But the underlying amendment by Senator CRAPO is one that I think is universally supported—there may be some who disagree, but I do not—that this has a lot of merit and we need to deal with it in conjunction with other matters, with which my colleague from Idaho is very familiar, dealing with the FTC, some safe harbor provisions from Senator MARTINEZ dealing with the foreclosure issue, and several other points as well. We are trying to include these as an overall package which we are working on and hopefully can complete maybe before the recess. I don't want to commit to that but certainly quickly because there is a sense of importance to these matters.

I want my colleagues to know, particularly my friend from Idaho, that supporting a motion dealing with a budget matter here is not a reflection of the substance of his amendment.

We talked privately about this issue, but I wanted to say so publicly as well, and that as chairman of the committee of jurisdiction, we will move as quickly as we possibly can to deal with this and related matters.

Again, I wish my colleagues to know that as well, but that is the rationale behind this particular moment.

Again, I thank my colleague from Idaho for raising this important issue. He is a valued member of the committee and made a very worthwhile suggestion, certainly one we will, in my judgment, incorporate as part of this larger package.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I thank my committee chairman, Senator DODD, of the Banking Committee for his comments. I appreciate our working relationship and the commitment he made on not only this issue but a number of issues of importance facing our financial institutions and the reform we need to deal with in Congress. I look forward to working with him on that matter.

I also thank Senator MIKULSKI for her patience as we brought this issue up on her bill. I truly do appreciate her patience and her understanding. I understand what the procedure is going to be and what the votes are going to be in a few minutes. I recognize that. I do realize we have a procedural issue here, but we also have a very critical financial issue.

As Senator DODD has so well stated, this is an issue on which we have broad bipartisan agreement. I appreciate his commitment to work with us in an expeditious manner so that we can get this legislation put into law as soon as possible. There is an urgency. It is not an emergency yet and we have a little bit of time to deal with it, but there is an urgency. I appreciate Senator DODD's recognition of that and his willingness to work with us on this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I wish to ask the manager of the bill if I may bring up a couple of my amendments. We gave the amendments to her staff about 4 hours ago. I was recently informed I was not going to be able to get those amendments up and pending. The majority leader of the Senate asked us to get amendments up. I cleared my schedule to make sure I could come over and get my amendments up. Now I am told by Senator MIKULSKI's staff that there would be objection to getting any more amendments pending.

Ms. MIKULSKI. Mr. President, I say to my colleague from Nevada, there seems to be some confusion about this matter. We do want to address his amendments. We have been working on

his side trying to queue up those amendments. Perhaps during this vote he and I can talk. I think there was confusion about where there are some roadblocks. Let's talk during the vote.

Mr. ENSIGN. I appreciate that.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wonder if I may have permission to ask the Senator from Connecticut a question.

Mr. President, I stepped in after the dialogue was taking place on the floor. My understanding is that the Crapo amendment that actually is part of the original bill—that you are very much a part of and have allowed—is going to come up in an expeditious manner. I wonder if we have a commitment from the chairman, whom I respect and certainly enjoy working with very much, that it come up unattached to a cram-down so that we don't have the extortion of that issue being attached to this.

I didn't hear that, so I wanted to know if that was also part of the commitment.

Mr. DODD. Mr. President, I appreciate my colleague from Tennessee having very good ears in all of this. I can't dictate what all is going to be included in the amendment. My colleague, of course, is aware that there are a number of our colleagues who are very interested in the cram-down—as you call it—provision dealing with the bankruptcy law and primary residences. So I cannot give the assertion that a final package will or will not include that. That will largely depend on how these negotiations proceed.

That is the reason we are not prepared today to go forward with this proposal, along with others as part of this package. And I know there are strong feelings on both sides of that question in this Chamber. So I know I have been asked to give that assertion, which I cannot give, obviously, any more than I could give an assertion that other pieces Members are interested in would be excluded or included at a moment like this.

What I have said to my colleague—and I will repeat to my good friend from Tennessee, with whom I enjoy a very good relationship—is that this is a very important matter my friend has raised. I agree with him on the substance of it. It needs to be done expeditiously. It is a serious issue. There are others, dealing with the Federal Trade Commission and others, which need to be a part of a package that our bankers—particularly our community bankers—are very interested in.

I also know there are strong feelings about the cram-down provisions. But as I have said to my colleague from Idaho and others, I cannot today stand here and dictate the outcome of a matter on which there are strong feelings and opinions in this Chamber. We will deal with that as we normally do,

through the normal process, one way or the other.

At this particular moment, given the fact that we need to deal with this in a more complete fashion, there is a budget point of order on this matter and, clearly, the authors of this bill, the pending matter, would like to move this matter without having extraneous material added to it. So for all those reasons, I will be supporting the motion of the Senator from Maryland so we can move along with the matter. But that is the answer to the question of my good friend from Tennessee.

Mr. CORKER. Mr. President, if I could have just 30 seconds, I certainly thank the Senator from Connecticut and, again, will certainly work with him. I might add that the strong feelings that are felt sort of go in this manner: that there is unanimous or overwhelming support for this particular provision, and this body is very divided on this other issue. So it does, in effect, keep us from having a very good policy that is very much supported from becoming law.

It is broken down by the fact we have tremendous dissension in this body—or let me say this: a difference of opinion in this body—over the cram-down issue. But that is stating the obvious, and I am sure the American public understands that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that Senator CHAMBLISS be added as a cosponsor of the Crapo amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No. 688 offered by the Senator from Idaho, Mr. CRAPO.

Ms. MIKULSKI. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. CRAPO. Mr. President, I move to waive the applicable provisions under the Budget Act with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Mr. President, what is the order, a vote or a quorum?

The PRESIDING OFFICER. A quorum is in order if someone suggests the absence of a quorum.

Mr. CRAPO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to waive the Budget Act in relation to the Crapo amendment, No. 688. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 49, as follows:

[Rollcall Vote No. 110 Leg.]

#### YEAS—48

Alexander	DeMint	McCain
Barrasso	Dorgan	McCaskill
Baucus	Ensign	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Cantwell	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Tester
Collins	Kyl	Thune
Corker	Lincoln	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Wicker

#### NAYS—49

Akaka	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Stabenow
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Warner
Conrad	Lieberman	Webb
Dodd	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Gillibrand	Murray	

#### NOT VOTING—2

Enzi	Kennedy
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The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

AMENDMENT NO. 715 TO AMENDMENT NO. 692

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I ask for the regular order concerning the Baucus amendment and I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 715 to amendment No. 692.

Mr. ENSIGN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify that nonprofit organizations assisted under the Nonprofit Capacity Building Program include certain crisis pregnancy centers, and organizations that serve battered women or victims of rape or incest)

On page 2, line 20, insert before the period the following: "which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest". These organizations must be charities within the meaning of the United States tax code.

Mr. ENSIGN. Mr. President, this is a very simple amendment. The Baucus amendment wants to pay legal fees for some of these organizations that are volunteer organizations. Sometimes these organizations have significant legal fees. What my amendment says is, even though the bill doesn't specifically exclude any organizations, I wish to make sure that several of these organizations or types of organizations are able to be included and eligible for some of those legal fees. In my amendment, it points out things such as crisis pregnancy centers, battered women shelters, rape crisis centers, various organizations that are specifically geared toward helping women. I wished to make sure that somewhere down the line somebody at an administrative level doesn't exclude somebody because they have a different political philosophy. We want to make sure the people in these organizations are included. These are people, obviously, from both sides of the political aisle whom we have included in our amendment. I urge its adoption.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we can appreciate this amendment and the thrust behind it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, the Ensign amendment would make an unnecessary and divisive change to the bipartisan amendment offered by Senators BAUCUS and GRASSLEY. The Baucus-Grassley amendment would create a nonprofit capacity building program. It would fund a grant program to provide education opportunities to small charities, primarily designed for those in rural areas. The education opportunities would teach charities how to manage finances and fundraise effec-

tively, how to accurately file complicated tax forms, adopt new computer technologies or even plan a long-term budget. Capacity in rural communities, such as I see in my own areas, do need help. I think the Grassley-Baucus amendment has merit. In the Baucus-Grassley amendment, there is no limitation on the types of charities that can access these training programs. Therefore, the amendment of the Senator from Nevada is unnecessary.

Support for the Baucus-Grassley amendment is quite broad. The National Council of Nonprofits, the Independent Sector, and the Alliance for Children and Families have voiced their strong support for this amendment. I urge colleagues to oppose the Ensign amendment.

I wish to also comment on his desire to include crisis pregnancy centers. That is a broad definition. I am not sure what he means by a crisis pregnancy center. There are those that are ones with a particular philosophical viewpoint as compared to broad pregnancy information. These centers are already covered by language in the current bill. The amendment is not needed. There is a question about adding that explicit language. I urge Members not to adopt the Ensign second-degree amendment. It is unnecessary and unneeded and would cause quite an intense negotiation with the House when we go to conference. The whole idea of the way we have been working so faithfully on a bipartisan and even bicameral basis is to not to have a long conference so we are able to move the national service bill to signing by the President so it could be included in this year's appropriations. By adding the Ensign second degree, this would result in jeopardizing the passage of the bill.

I urge defeat of the Ensign amendment and would so recommend to my colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. I ask unanimous consent to set aside the pending amendment so my amendment No. 712 can be called up for consideration.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Reserving the right to object, I would also ask, as part of that agreement, that I have an amendment that also be made pending as part of the request of the Senator from New Hampshire.

Ms. MIKULSKI. I object.

The PRESIDING OFFICER. Objection is heard.



The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we didn't know the Senator had an amendment. We need to have a copy of the amendment. If we could have a copy, we would be willing to discuss it.

Mr. THUNE. I would be happy to make it available to the distinguished manager of the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, if I may say to the Senator from South Dakota, we are looking at his amendment to see if there is something we can accommodate. Would it be agreeable to him if the Senator from New Hampshire offered a bipartisan amendment that she and the other Senator from New Hampshire are offering? She will offer it and speak briefly, understanding that the Senator had sought recognition before she did.

Mr. THUNE. Let me ask through the Chair, so the understanding would be that the amendment of the Senator from New Hampshire would become the pending amendment?

Ms. MIKULSKI. Yes.

Mr. THUNE. Is there any understanding beyond that about amendments offered by Members on our side, mine included?

Ms. MIKULSKI. It is a matter of expediting the time. We are reviewing your amendment, which is a sense of the Senate. We are viewing it from not only a policy standpoint but with this arrangement of discussing issues with the House. It is more of a time management issue than a content issue.

I ask unanimous consent that upon completion of the offering of the amendment by the Senator from New Hampshire, the Senator from South Dakota's amendment be pending.

Mr. THUNE. I thank the Senator from Maryland. I withdraw my objection.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 712 TO AMENDMENT NO. 687

Mrs. SHAHEEN. I ask unanimous consent to set aside the pending amendment so amendment No. 712 can be called up for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN], for herself and Mr. GREGG, proposes an amendment numbered 712 to amendment No. 687.

Mrs. SHAHEEN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that an Education Corps may carry out activities that provide music and arts education and engagement)

In section 122 (a)(1)(B) of the National and Community Service Act of 1990, as amended by section 1302 of the bill, insert at the appropriate place the following:

"( ) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages;"

Mrs. SHAHEEN. Mr. President, I appreciate your assistance in moving this amendment forward and certainly appreciate the Senator from South Dakota and, of course, the Senator from Maryland for helping me move forward with this amendment.

I bring this amendment forward on behalf of my colleague from New Hampshire, Senator GREGG, and myself. The Shaheen-Gregg amendment would simply add to the menu of activities that can be included in the Education Corps. It would include musicians and artists to promote arts in education. That, very simply, is the amendment.

I would also like to speak briefly to the pending legislation, S. 277, the Serve America Act. I want to begin by commending my colleagues, Senator KENNEDY and Senator HATCH, for their leadership in working on this legislation and bringing it forward and, of course, Senator MIKULSKI and Senator ENZI for their work in making sure the discussion on this bill can go forward, so hopefully we can pass this legislation this week.

This Serve America Act clearly embodies the spirit of America—a spirit that calls on all of us to give back to our country and to work together to build a nation that can continue to offer endless opportunity to generations to come.

This bill could not come at a more critical time in our Nation's history. More and more people need help getting by in this tough economic climate, while more and more of even the most generous among us have less and less to contribute to charitable activities. That is what makes this legislation so special. It has nothing to do with status, with background, with privilege or circumstance. Every American is equal in their ability to give of themselves and their time. As Martin Luther King said so eloquently: Every American can be great because every American can serve—to paraphrase what he said a little bit. The Serve America Act encourages voluntarism at every stage of life—from students, to full-time workers, to senior citizens.

Throughout American history, the compassion of our people has gotten us

through the most difficult of times. That spirit exists today in communities across America, and the Serve America Act taps into the strong desire of Americans to do their part to help our country recover and prosper.

No deed is too small. While the average American may not be able to save struggling banks from financial crisis, they can help a family to weatherize their home so they can save money on their heating or cooling bills. They can mentor a child so that child can reach his or her greatest potential, so they can hopefully go to college and compete in this global economy.

The Serve America Act will usher in a new era of service and civic engagement in our country, where we can solve our most difficult social challenges by using entrepreneurial spirit to bring about social change. It will build upon great success stories in voluntarism, such as AmeriCorps, by increasing the numbers of volunteers involved in volunteer programs nationwide from 75,000 to 250,000.

It also creates several new volunteer organizations with missions in specific areas of national need, including a Clean Energy Corps. While Congress works to position America as a leader in clean energy and energy efficiency, this group of volunteers will enhance our efforts by encouraging efficiency and conservation measures in communities and neighborhoods. It is an idea that makes so much sense. In New Hampshire, I know volunteers stand ready, for example, to make homes more energy efficient, or work to preserve our State's many parks, trails, and rivers for future generations to enjoy.

As Governor of New Hampshire, I saw firsthand the difference that programs such as AmeriCorps and other volunteer programs can make. Plus Time New Hampshire is one of those programs. It provides afterschool help to vulnerable students who would otherwise go home to empty houses. And New Hampshire's City Year program has been successful in decreasing the high school dropout rate.

I just point out that City Year was started by a New Hampshire native, Alan Khazei, who, with some of his friends from Harvard, was able to start a wonderful program that has now expanded across the country.

One young volunteer in New Hampshire for City Year, Jennifer Foshey, volunteered at Hampton Academy through the City Year program. During her year of service, she worked with sixth grade boys who were struggling academically and failing most of their classes. Jennifer provided one-on-one academic support, individual mentoring, and encouraged these students to get involved in extracurricular activities.

Because of her hard work, the boys' grades improved dramatically, and one

of them joined the community service afterschool club Jennifer ran. He was later quoted in the school paper as saying:

There are kids in our neighborhoods that need help, and it's our job to help them.

There could not be a better testament to the ripple effect programs such as City Year that are supported in this legislation have in our communities.

I have long been an advocate for national service because I have seen the power of these volunteers—power not only to help those in need but to empower citizens and strengthen communities. There is no question that the Serve America Act expands opportunities for all Americans to become involved in service in a wide range of areas of need.

Today, this amendment I offer will further extend the work of the service corps by offering opportunities for skilled musicians and artists to expand educational opportunity, promote greater community unity, and bridge cultural divides through the use of music and arts engagement.

The Serve America Act is so important to those in New Hampshire and across the country. I am very pleased and honored to join with Senators KENNEDY, and HATCH, and MIKULSKI, to cosponsor such an important piece of legislation that invests in new, innovative solutions to our Nation's most persistent social problems, and I urge my colleagues to join me in support of the Serve America Act. I hope they will also support the amendment Senator GREGG and I are offering.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from New Hampshire, along with her colleague, the senior Senator, Mr. GREGG, for offering this amendment. It does make sure that service programs in the Education Corps are also allowed to incorporate art and music. We in the committee on both sides of the aisle support this. We support it both for content reasons and process reasons.

In the area of process, what the Shaheen-Gregg amendment does is actually incorporate art and music as eligible for funding, as do our colleagues in the House. So it puts it in symmetry with the House. This is what we like. It is when we are out of symmetry with the House that we do not like it. This makes it a high note for art and music.

Second, we know that for many of our boys and girls, the involvement in art and/or music can have a profound impact on, No. 1, school attendance—they really want to come to school to follow their passion; No. 2, it also seems to have a particularly positive effect in the area of behavior for special education children. Special education children seem to have a real affinity in engaging in music and art ac-

tivity and often by the enrollment in those activities.

What we see in our public schools is that art and music programs have been the first on the budget block when it comes to the reduction of funds. Having talented young people come in with this kind of approach can really help school attendance, help with behavior problems in schools, and also unlock a talent in a child.

If a child grows up, as I see in Baltimore in that show called "The Wire"—where neighborhoods that are so drug saturated that there is constant police activity, and the informants become the wire—the children of those communities are so terribly disadvantaged. The teachers work under such Spartan circumstances that AmeriCorps being able to come in could change lives—could actually change lives.

The Shaheen-Gregg amendment is an excellent concept to add to our Education Corps. We, under normal circumstances, would accept it, but we understand a vote will be required. But when they call my name, I am going to be in the "aye" column.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 716 TO AMENDMENT NO. 687

Mr. THUNE. Mr. President, I ask unanimous consent that the amendment I have at the desk be called up and made pending.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 716 to amendment No. 687.

Mr. THUNE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the Federal income tax deduction for charitable giving)

At the appropriate place, insert the following:

SEC. —. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, "The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition".

(2) Americans gave more than \$300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or \$229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct income given to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the full income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving rather than to discourage it.

Mr. THUNE. Mr. President, President John F. Kennedy said:

The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition. . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition.

In 2007, Americans gave more than \$300 billion to charitable causes, an amount equal to roughly 2 percent of the gross domestic product. The vast majority of those donations, roughly 75 percent, or about \$229 billion, came from individuals who willingly gave their hard-earned dollars for causes greater than their own.

Studies have shown that Americans give far more to charity than the people of any other industrialized nation. In fact, relative to the size of our economy, Americans gave more than twice as much as the citizens of Great Britain and 10 times more than the citizens of France.

We should be proud of this tradition. Congress should continue to support the 70 percent of all American households that donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals. These charities provide invaluable public service to society's most vulnerable citizens during difficult economic times. In many cases, these services go above and beyond what any conceivable Government program could provide.

For years, Congress has provided incentives through the Internal Revenue

Code to encourage charitable giving by allowing individuals to deduct income given to tax-exempt charities. Over time, 41 million American households have taken advantage of this deduction to give to the charities of their choice.

Unfortunately for these generous families and individuals, President Obama and his administration have proposed, as part of their budget outline, reducing the allowable deduction for charitable giving. According to one study, President Obama's proposal would reduce charitable donations by as much as \$8 to \$16 billion per year.

Particularly in a time when many charities are already struggling on account of the economic downturn, these entities do not need a change in the Tax Code that would further discourage charitable giving. These organizations that educate our children, care for the sick and the poor, and facilitate religious opportunities should not have to pay the price for additional spending on new Federal programs, as is proposed in the administration's budget.

Over the past several days, this proposal has been criticized by Republicans and Democrats, large companies and small companies, universities and churches, constituents and charities of all shapes and sizes. Therefore, I have offered an amendment to H.R. 1388, the national service bill, which is before the Senate right now, which would express the "sense of the Senate that Congress should preserve the full income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving rather than to discourage it."

Americans have a proud tradition of voluntarily giving to those who are in need. Even in these tough economic times, when there is great temptation to save any earned income for better days, families and individuals continue to support our charities. I believe Congress should continue to support those who voluntarily make that sacrifice, and I hope my colleagues will, when this amendment comes up for a vote, support it.

I also point out that a Washington-based coalition of 600 different non-profit groups opposes this measure and has characterized it as a further disincentive to giving in challenging economic times. It is hard enough, with the economy being in the condition it is these days, people and charitable organizations trying to rely heavily on volunteers and voluntary giving to make ends meet, but it makes it even more complicated when we put policies in place that discourage that.

I wouldn't suggest for a minute that anybody who makes a contribution to a charitable organization does that because of the tax treatment only, but I do believe there is an interaction between our tax policy and charitable giving, and that it definitely affects

the amount of those gifts. So rather than dialing back the tax treatment we provide to those who make charitable contributions, in my view, we ought to be encouraging more of that. Certainly the administration's proposal, which would take away the favorable tax treatment for those above certain income categories, is going to cost those organizations who rely heavily upon charitable giving an enormous amount of additional dollars they would receive.

I hope my colleagues would find their way to support my amendment and express the sense of the Senate that we ought not be going down that path, that we ought to retain the current tax treatment that we have for charitable giving, particularly in a time when the economy is struggling and many people, many organizations that rely on that type of giving, are struggling to make ends meet.

I ask that my colleagues, as they consider this particular issue, in light of the underlying bill that does make available new monies for government programs, also give consideration to all of those charitable organizations out there and all of those individuals across this country who, out of the goodness of their hearts, have contributed mightily to make the good causes that are served by these charities move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, if I could comment on the Thune amendment, it is a sense of the Senate that Congress and Federal law should continue the current tax deduction rate of 35 percent, and we understand the thrust of the argument behind the Senator's sense of the Senate. I wish to comment both on process and on content. This is a Finance Committee and a Budget Committee matter; this is not a national service matter, though I can see why the Senator would say that, because the uniqueness of America is that we have always had these great public-private partnerships. In fact, so many of the AmeriCorps volunteers will work exactly in the nonprofits that benefit from the charitable giving. Boys and Girls Clubs would be an example of that type of work.

Now, the budget will be on the floor of the Senate next week. Why is that not the right place for the Senator to offer his amendment, not only as to the sense of the Senate, but to actually make a change? The President has recently proposed to limit the tax benefits of itemized deductions for those in the top two income brackets—to limit it to 28 percent. So in the President's budget we will be considering, there is the change in tax deduction rates from 35 percent to 28 percent. Next week is the right time for not only a sense of the Senate but actually direct action. I

actually hope that the Senator from South Dakota would consider withdrawing his amendment and dealing with it on the budget when the budget is before us next week.

We believe that the President's proposal would retain a generous benefit. There still would be a tax deduction equal to 28 cents on the dollar for every dollar contributed to charity. Less than 10 percent of the taxpayers who do claim a charitable deduction are in that 35-percent category the Senator from South Dakota has outlined. We believe these taxpayers, fortunate enough to be doing well, and who also wish to do good, will continue to give, even if it is at a 28-percent rate.

I could debate the substance, but I would prefer that the substantive debate come from the Budget Committee members and the Finance Committee members who have poored over this. No one on either side of the aisle wants to limit charitable giving or penalize people for giving. We understand that this is exactly what we need during these tough times. I believe this amendment should be debated and voted on in the budget bill, but if it is going to be here, again, I will have to oppose it, not necessarily on substantive grounds, though. I will support the President's budget.

We are proud of the tradition we have with giving. We should encourage people to keep on giving. One of the ways we do that is through an itemized deduction for charitable giving. I think both sides of the aisle agree on that. We very much support the idea of an itemized deduction for charitable giving. Both sides of the aisle agree on that. Certainly I do. But what the Senator's amendment misses is that all Americans give, all Americans who itemize deductions as well as Americans who don't. In fact, CRS says that only 30 percent of taxpayers claim a deduction for charitable giving. Yet we know that many more than 30 percent of taxpayers give to charity. In fact, the independent sector the Senator has quoted has a study that indicates 89 percent of households in America give in some charitable way. Isn't that wonderful. I mean isn't that fantastic. So many taxpayers make charitable contributions, even though they are not getting a tax benefit at all.

So to place the national service bill in one more quagmire with the House—because when we send this over, it means that national service will not only be conferred by our counterpart in the Education and Labor Committee, but it is going to have to go to the Finance Committee—excuse me, their Ways and Means Committee. Once again, because of a sense of the Senate, we are going to be put in a quagmire, when the Senator wants to deal with the policy of 35 percent versus 28 percent, and he would have that opportunity on the budget debate.

I disagree with this amendment not only because it is bad policy, but it is absolutely the wrong place to bring this up. I am going to oppose this sense of the Senate and I encourage the Senator from South Dakota, who has many excellent points to be made, that he bring it up on the budget bill.

So I oppose the amendment based on process as well as on substantive grounds.

Mr. President, before I yield the floor, I note that the Senator from Oregon is standing. May I inquire what the purpose of his statement will be—because the Senator from Louisiana has been waiting to offer an amendment. Did the Senator wish to speak on the Thune amendment?

Mr. MERKLEY. No. I am going to return to morning business, so I will defer.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 717 TO AMENDMENT NO. 687

Ms. LANDRIEU. Mr. President, I so appreciate the Senator from Maryland for managing this important bill and the Senator from Utah, both of whom have done an excellent job, along with Senator KENNEDY's guidance and support during the times he could be with us to move this bill, because it has been a great work of many Members of this body, both Democrats and Republicans. Of course, Senator ENZI has also been a great leader in this effort. It is such a timely and important subject as Americans are searching amidst all of the difficulties faced in the economic climate and uncertainty on the international front.

Americans are realizing the importance of loved ones and family. They are realizing the importance of the community that is around them. For better or worse, even though we are a great travel destination—and I do want to encourage people to continue traveling as they can, particularly to places such as New Orleans and Louisiana that see a number of visitors—I think Americans are turning a little bit more inward and want to spend more time with their families and right at home in their communities.

So this bill is timely because it basically calls America to come together, and it recognizes that some of our greatest assets are not just our money—which is fleeting, as we can tell these days. I remember my father used to tell me when I was growing up, he said: The easiest thing for me to give you, sweetheart, is a \$20 bill, even though we didn't have a lot of them floating around the house, but the hardest thing for me to give you is my time. That is what this bill calls for. This bill calls for us to give our time and our talents. God has given us all an equal amount; we all get 24 hours in a day. A life is made by how people spend that time, either serving themselves, worshiping idol gods, or spending their time on the things that matter.

I think this bill has such significance for us as a Nation now as we think about how to revitalize our service programs, update them, modernize them, particularly in light of the fact that we have so many healthy seniors, men and women who have achieved unimaginable success, different than many generations in the past. They find themselves at a great point in their life, in their late sixties or early seventies, very healthy, or even mid fifties. They are retiring and want to serve. So I think this is an excellent bill.

Mr. President, I come to the floor only to again congratulate the leaders and offer an amendment that gives a slight twist to a piece of this that I think is very important. I know a lot of great work has gone on. The amendment I wish to call up is amendment No. 717.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment No. 717 to amendment No. 687.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add a foster care program to the national service corps programs)

On page 92, strike line 1 and insert the following:

“(H) A program that seeks to expand the number of mentors for youth in foster care through—

“(i) the provision of direct academic mentoring services for youth in foster care;

“(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

“(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

“(I) Such other national service programs

Ms. LANDRIEU. Mr. President, I wish to take a minute to explain the amendment. I understand both Senators managing have looked at this and both their staffs have looked at it as well. It is a slight change to the mentoring portion of this bill dealing with children at risk.

If you think of America having 300 million people, about a third of those would be children. So we have about 100 million children in America, I guess between the ages of zero and 18 or 21. That is a lot of kids to care for. We as a nation are trying to do our best as individual parents and families and communities. However, there is a special group of children—and I am going to

take a minute more—there is a special group of children who are actually our children. All of these 100 million are ours theoretically. But definitely—and not in theory, but in actuality there are 500,000 children—as the Senator from Maryland knows very well because her career started as the only social worker, I think, in this body—500,000 children who are in foster care actually are children of the government, of the State, of our national and State governments. We are primarily responsible as a government for their care, their welfare, and their education.

So my amendment is quite simple. It adds a provision for a mentoring program for this special group of children, foster children who sometimes spend a few years there—sometimes a long time, unfortunately. Despite our great efforts to make foster care temporary, we know there are barriers for reunification or adoption. We are trying to work through those barriers. But we have some extraordinary, I say to my colleagues Senator HATCH and Senator MIKULSKI, some extraordinary pilots underway in this country.

In States such as California, where Governors Gray Davis and Arnold Schwarzenegger joined to support this program, there are promising results coming back about foster children in elementary and high schools who have mentors of their same age. We have always had grandparent mentoring, and that is very effective, where seniors are mentoring children. But, as you know, if you have teenagers, as I do, sometimes teenagers don't like to listen to adults. But teenagers will listen to their peers.

This is a great opportunity to have mentors from colleges and high schools coming to mentor our children who are in foster care. I will submit for the RECORD—because my colleague is going to speak—some exciting results.

I ask unanimous consent that a list of these results be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

98 percent of the foster children in this program have stayed in school.

There has been a 50 percent drop in teen pregnancy among the foster youth.

There has been a 1.7 year increase in academic progress per year.

50 percent increase in turning in assignments and homework.

100 percent in taking state standardized tests.

The program is now testing the students every 8 weeks to measure achievement.

In about 80 percent of the cases, there has been evidence of increase in grades within the first 8 months.

Ms. LANDRIEU. Mr. President, that is basically the substance of my amendment. It doesn't add a special corps, but it is an amendment that says when we care for children in need,

let's look especially at foster care children and promote those kinds of mentorship programs that we know work and that can make a difference.

Of all the children in America, I say to the Senator from Maryland, these children really need our focus, our attention, our love and our support. I understand this amendment can be taken up at any time that is appropriate for the managers.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, this is not only a good amendment, it is a fantastic amendment. I really compliment the Senator from Louisiana not only for the amendment but for her steadfast commitment to children in foster care, and also children in need of adoption—not only the cute, cuddly infants but the older children and the children who are handicapped. The Senator has also been a leader in the international field, working on a bipartisan basis.

This amendment is fantastic because it will help more foster children get the social and academic mentoring they need. It doesn't create a new corps. We are going to put it under AmeriCorps and leave it to the flexibility of government at the local level to do this in a way that coordinates with their departments of human services.

It is true there are 500,000 children in foster care in this country. When I started out my career as a social worker, after I graduated from college, I worked for Associated Catholic Charities. I was a foster care worker, so I know this up close and personal. I was also a home worker, so I know it personally.

When I was in my twenties, I often worked with children being cared for by nuns in group homes. The nuns themselves were in their forties, fifties, or older. They were sweet, caring, and compassionate. We could not do it without them. But those young preteens and adolescents needed different kinds of help.

I organized women I graduated with at my Catholic college, and we did hair-dos and curlers and lipstick with them and the kinds of things young girls needed to do. I was once in that age group myself. But those preteen girls were transitioning to womanhood. My classmates and I helped them, and it increased their interest in school, their interest in working with the sisters. When those girls were ready to leave the group home, either to go out into the world or to return to their parents, they were in a better place because of the nuns and their loving care and the work of Catholic Charities, and because of what the volunteers did.

I think what the Senator is offering is going to make a difference. I look forward, when we have the vote, to supporting it.

Our colleague from Oregon has been waiting to offer a very compelling

speech, which I eagerly await to hear. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEFENSE OF THE AMERICAN HOME

Mr. MERKLEY. Mr. President, I rise today to call on my colleagues, and indeed upon all Americans, to rally to the defense of the American home.

Sometime soon, within the next few weeks, this esteemed Chamber will be taking up this issue. So this seems to be an appropriate time to reflect on how to improve our policies for promoting homeownership.

There is nothing that characterizes the American dream better than owning your own home. The homeowner is the king—or queen—of his or her castle. You decorate and remodel it to suit your own taste and style. You are your own landlord; no one can tell you what you can or can't do. You fence the yard so you can finally have a dog. You put in a skylight because you want more light. You plant tiger lilies and hyacinth in the yard because they are the most beautiful flowers in the world. You create a stable and nurturing environment for raising your children.

In your own home you control your own destiny.

Moreover, it is through home ownership that you secure your financial destiny. By and large, everything you buy in life loses value quickly—your car, your furniture, your clothing. But not so with your home. The family home is, for most families, the biggest nest egg they will build in their lifetime.

At a minimum, owning a home—with a fair mortgage—locks in and caps your monthly housing expenses. That is a great deal compared to renting, where rents go up and up over the years.

In addition, your monthly payments steadily pay off your mortgage, you own an increasing share of your home, and the bank owns less.

You can look down the road and see the possibility of owning your home free and clear before you retire, making it possible to get by decently in your golden years. To make the deal even better, your home appreciates in value. The home you bought for \$80,000 in 1980 might be worth \$250,000 in 2010. In many cases, it might be that appreciation, that growing home equity, that enables you to travel a bit during retirement, or that enables your son or daughter to afford to go to college.

So homeownership really is a magical part of the American dream—opening the door to our aspirations and building our financial fortunes. Thus, you would expect that our leaders would do all they could to protect and advance homeownership.

Unfortunately, however, I am here today to say that we really haven't done such a good job. In fact, all too often this past decade, we have allowed the great American dream of homeownership, to turn into the great American nightmare. We can and must do better.

What has gone wrong? In short, almost everything.

Most fundamentally, we have abused one of the most amazing inventions, one of the most powerful wealth building tools, we have ever seen: The fully amortizing mortgage.

Let's turn the clock back 77 years to the Great Depression. Before 1932, house loans were normally 50 percent loan to value with 3- to 5-year balloon payments. This worked fine as long as a family could get a new loan at the end of 3 to 5 years to replace the old loan. With the crash of our banking system in 1929, however, replacement loans were no longer available. Thus, as balloon payments came due, millions of families lost their homes.

The solution was the fully amortized mortgage, which eliminated the challenge of replacing one's mortgage every 3 to 5 years, thereby insulating families from frozen lending markets. Indeed, the Roosevelt administration's decision to help millions of families replace their balloon loans with fully amortized loans was a major factor in ending the Great Depression and putting our national economy back on track.

This system of amortized mortgages worked very well for over half a century. But in recent years, we have allowed two developments that have deeply damaged the stabilizing power of the amortizing mortgage and helped produce our current economic crisis. Those two factors are tricky mortgages and steering payments.

One tricky mortgage, for example, was the teaser loan—sometimes called the “2-28” loan. In this loan, a low introductory rate exploded to a much higher rate after 2 years. In many cases, the broker knew that the family could never afford the higher rate, but the broker would persuade the family that the mortgage presented little risk since the family could easily refinance out of the loan at a later date. This argument was misleading, of course, since the family was locked into the loan by a sizable prepayment penalty.

Another tricky mortgage was the triple-option loan, in which a family could make a month-to-month choice between a low payment, a medium payment, or a high payment. What many families didn't understand, however, was that the low payment could only be used for a limited period before the family was required to make the high payment, which the family couldn't afford.

These tricky loans, however, would probably not have done much damage, because their use would have been rare—except for a second major mistake; namely, we allowed brokers to

earn huge bonus payments—unknownst to the homeowner—to steer unsuspecting homeowners into these tricky and expensive mortgages.

These secret steering payments turned home mortgages into a scam. A family would go to a mortgage broker for advice in getting the best loan. The family would trust the broker to give good advice because, quite frankly, they were paying the broker for that advice. The payment to the broker was right there, fully listed and disclosed by law, on the estimated settlement sheet.

But what the borrower didn't realize was that the broker would earn thousands of bonus dollars from the lender—so called "yield-spread premiums"—if the broker could convince the homeowner to take out a tricky expensive mortgage rather than a plain vanilla 30-year mortgage.

This scam has had a tremendous impact. A study for the Wall Street Journal found that 61 percent of the subprime loans originated in 2006 went to families who qualified for prime loans. This is simply wrong—a publicly regulated process designed to create a relationship of trust between families and brokers, but that allows payments borrowers are not aware of that stick families with expensive and destructive mortgages.

It is difficult to overstate the damage that has been done by these tricky loans and secret steering payments.

An estimated 20,000 Oregon families will lose their homes to foreclosure this year.

Nationwide, an estimated 2 million families will lose their homes this year and up to 10 million over the next 4 years.

In every single case, the foreclosure is a catastrophe for the family. Each foreclosure is a shattered dream. The family has lost its financial nest egg. It has lost the nurturing environment the parents created for the children. The family has lost its dream of building a foundation for retirement. And don't doubt for a second the stress that this catastrophe places on the parents' marriage, or on the children, multiplying the damage.

The foreclosure is also a catastrophe for the neighborhood, because an empty foreclosed home can lower the value of other homes on the street by \$5,000 to \$10,000.

The foreclosure is, in addition, a catastrophe for our financial system. A lender often loses half the value of the property by the time it has been publicly auctioned. And as we now know all too well, foreclosures undermine the value of mortgage securities and mortgage derivatives, damaging the balance sheets of financial institutions in America and throughout the world and throwing our banking system and global economy into chaos.

That frozen lending and economic chaos, of course, further hurts our fam-

ilies. Oregon's unemployment rate has gone from 6 percent to 11 percent in just 5 months, nearly doubling the number of Oregon families out of work, and unemployment, in turn, drives additional foreclosures.

How did we let this happen? This fiasco is, first and foremost, the consequence of colossal regulatory failure. Let me count the ways.

First, in 1994, Congress required the Federal Reserve Board to prohibit mortgage lending practices that are abusive, unfair or deceptive. That was a very good law. But for 14 years, the Fed sat on its hands, failing to regulate abusive and deceptive practices such as teaser loans, prepayment penalties, and steering payments.

Second, in 2002, after the State of Georgia adopted comprehensive mortgage reform legislation, the Comptroller of the Currency, John Hawke, overturned the Georgia reforms and banned all States from making such reforms affecting federally chartered institutions. This action made it difficult for States to pass reforms covering State-chartered lenders as well, since such action generated the powerful argument that it would create an unfair disadvantage for State-chartered banks. I can testify to this firsthand because that is exactly what happened when last year, as Speaker of the Oregon House, I worked to pass such mortgage reforms in Oregon. As a former attorney of North Carolina summarized it, the Office of the Comptroller of the Currency "took 50 sherriffs off the job during the time the mortgage lending industry was becoming the Wild West."

The third failure was in 2004. The Securities and Exchange Commission exempted the five largest investment banks from its leverage requirements. This dramatically amplified the funds available to the banks to purchase mortgage-backed securities, funding a tsunami of subprime loans. Let's take a look at a chart.

We see that impact in 2004, when subprime loans, which had been at a relatively stable level, grew dramatically and suddenly. To make it worse, the Securities and Exchange Commission failed to regulate credit default swaps, which became a \$50 trillion industry, that contributed to the appeal of mortgage-backed securities by insuring those securities against failure.

The fourth failure was in the Office of Thrift Supervision. That office was asleep at the switch. The office failed to halt risky lending practices that doomed numerous thrifts. An inspector general's report after the failure of NetBank in September of 2007 concluded that the Office of Thrift Supervision ignored warning signs about the bank's risky lending. OTS continued to snooze, however, while numerous thrifts failed, including IndyMac, Washington Mutual, and Countrywide.

The fifth failure. While Fannie Mae and Freddie Mac set standards limiting their purchase of subprime mortgages, they nevertheless poured fuel on the subprime fire by investing in subprime securities, thereby driving the financing of the subprime market.

Taken together, these five circumstances composed a colossal failure of regulation. Even Alan Greenspan, former Chair of the Fed who prominently advocated that banking practices should not be regulated because Wall Street, in its own long-term interest, would regulate itself, now renounces that philosophy.

I say to my friends and colleagues, what a mess. Congress got it right in 1994, when it asked the Fed to prohibit mortgage lending practices that were abusive, unfair, and deceptive. But Congress shares the responsibility for not following up aggressively when the Fed failed to act on this requirement.

The result is that home ownership has suffered and our national economy is in deep trouble. So now is the time for us to honestly assess the damage and to repair the damage as best we can. It is time to end the deception and abuse in Main Street mortgages and in Wall Street mortgage securitization.

The American dream of home ownership, with all that it means for the quality of life of our families, depends on our effective action.

To repair the damage, we need to support aggressive efforts to enable families trapped in subprime mortgages to negotiate modifications to those mortgages. President Obama and his team have taken many steps in the right direction on this issue, but we need to monitor the progress and help pave the way for success.

If mortgage modifications fail due to the extraordinary difficulty of connecting borrowers to lenders in a market where the loan has been sliced and diced into 100 pieces, we need to support the ability of bankruptcy judges to operate as an arbitrator to adjust the terms of the loan. We grant this power to judges for loans for yachts, loans for vacation homes for our more privileged citizens. Certainly, ordinary citizens should have the same recourse for a far more important possession—the family home.

Consider the experience of Lisa Williams, who spoke at a mortgage foreclosure summit I hosted in Oregon last month. Lisa spoke about the lengths to which she went to get in touch with someone to help her renegotiate her loan. She would call and call her bank and never get through or she would be put on hold for more than an hour at a time or, on the rare occasion that she did get through, she could not reach anyone in a position of authority to talk with her. Five months ago, despite her innumerable and consistent efforts, she lost her home. An aggressive loan modification program or a last resort—



and I stress “last resort”—bankruptcy arbitration would have saved Lisa’s home and, looking forward, would save the homes of millions of other American families.

We also need to restore the same guidelines to Wall Street—cap excessive leverage, regulate credit default swaps, prevent the creation of firms too big to fail, end regulator shopping, and evaluate and control systemic risks.

Finally, we need to end deceptive and abusive mortgage practices. The regulations adopted by the Federal Reserve last year are a decent start. It is time for us to make sure teaser loans, triple option loans, and secret steering payments never again haunt American families.

I say to my friends and colleagues, I end this appeal as I started it. Let us rally to the defense of the American home. We will have that chance when we consider legislation in the near future addressing mortgage practices. As we prepare to do our thoughtful best to craft mortgage and housing policy that will strengthen our American families, we might do well to consider the advice of President Franklin Roosevelt, since it was, indeed, Roosevelt who steered us out of the Nation’s last enormous housing crisis.

Roosevelt, speaking in his April 2, 1932, radio address entitled “The Forgotten Man,” declared:

Here should be the objective of Government itself, to provide at least as much assistance to the little fellow as it is now giving to large banks and corporations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I compliment the Senator from Oregon. I understand it is his very first speech he has given on the Senate floor; is that correct?

Mr. MERKLEY. That is correct.

Ms. MIKULSKI. Well, how wonderful, I say to the Senator from Oregon, his very first speech was important because it was about home ownership and how we have to make sure the American dream continues to be within reach for most Americans, that they are able to afford a home and have the jobs that pay those wages, and that when they go to buy a home, the rates are reasonable, that they are not a victim of a scam or scum.

I would like to say, if that is his first speech, I am looking forward to hearing many more and working with him on access to the American dream—home ownership, the opportunity to

pursue a higher education, and to either own a business or have a job that pays a living wage. Senator MERKLEY is a welcome addition to the Senate. Speaking, I know, on behalf of those who have been here a while, that was a great speech, and we look forward to many more.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I simply thank the Senator from Maryland and look forward to working with her. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

#### NOMINATION OF CHRISTOPHER HILL

Mr. BROWNBACK. Mr. President, I thank my colleagues for the opportunity to speak now on a critical issue that is facing us. There are a number of nominations coming before this body. We need to move forward on a lot of these nominations and move forward aggressively. There is one I wish to talk about with my colleagues, one about which I am deeply concerned. We held a hearing today on the nominee for the ambassadorship to Iraq.

Christopher Hill has been nominated to serve as Ambassador to Iraq. This is our most important diplomatic post in that region, arguably the most important diplomatic post to the United States in the world today. While it is important we have an Ambassador in place as soon as possible, what is most important is that we get the right person in place.

The next Ambassador to Iraq faces a daunting array of issues, such as preserving Iraq’s fragile security, the drawdown of our troops, Arab-Kurdish tensions, oil distribution, and Iranian aggression, to mention a few.

Quite simply, the stakes could not be higher for the administration to find the right person to conduct our diplomacy in Baghdad and that region.

In providing our advice and consent to the President, our duty is to ensure that his nominee for this most sensitive and complicated post will not only carry out faithfully the policies of the administration but also will implement the laws of this country.

Moreover, the nominee should have a strong track record of diplomacy, forthrightness, professionalism, and achievement to bolster his or her credibility with the American people, with the Iraqi people, and the numerous re-

gional actors. And in this respect, Mr. President, I regretfully say that I do not believe Ambassadors Hill’s career in the Foreign Service reflects the needs we have for this position in Iraq or this country. I think his record and his actions fall short of the qualifications we need. I want to articulate why I believe that, and therefore I will be objecting to his nomination as we move forward.

Let me begin by saying that I do not deny that Chris Hill is an experienced negotiator. He negotiated Bosnia in the 1990s and then negotiated North Korea for some period of time. But negotiation is only one component of diplomacy. In addition to being able to converse with foreign actors, we also expect our diplomats to respect the chain of command, to work closely with colleagues in the State Department, the Department of Defense, and all other relevant agencies, and we expect our Ambassadors to respect the laws of the United States expressed by statute and through proper oversight. But in his role as Assistant Secretary of East Asia and Pacific Affairs, as well as head of the U.S. delegation to the six-party talks, too often Ambassador Hill found that key officials and the law got in the way of his agenda. He found that sidelining those officials and ignoring congressional will was expedient, if not acceptable. I regret to have to say that. Such behavior establishes a precedent that can only hamper his efforts to coordinate the immensely complicated U.S. Government effort in Iraq, and that brings me to the focus of my concerns and the specific dealings I had—and extensive they were—on human rights in North Korea, where these troubling aspects of Chris Hill’s diplomatic conduct all come together.

I have a picture next to me here that is a very lamentable one from North Korea. It is a kindergarten in North Korea, and you can see the starving children who are there. This was during the late 1990s when there was starvation taking place in North Korea, and the North Korean Government was not asking for assistance or support and the people were dying of starvation. The human rights situation is deplorable in North Korea. I believe it is the worst in the world, and that is saying something given some of the other actors that exist.

Let me start by reminding my colleagues of all of this—the situation in North Korea. North Korea is ruled by a totalitarian regime rigidly controlled by a single dictator, Kim Jong Il. Human rights in North Korea do not exist. The state regulates all aspects of individual life, from food ration, to speech, to employment, to travel, and even to thought. Under Kim Jong Il’s watch, millions of North Korean citizens have perished from starvation, while thousands of others have died during imprisonment in the regime’s extensive political system and gulags.



I will show a picture here of the location of one of the prison camps—or a number of prison camps in Russia. I have given a speech, and I have pointed this out. Google Earth has made witnesses of us all. Now you can see these on Google Earth.

North Korean defectors have testified about the conditions in these camps. Prisoners face torture, hard labor, starvation, forced abortion, infanticide, public executions, chemical and medical experimentation on prisoners, and gas chambers. They experience detention without judicial process, and family members of dissenters, including children and the elderly, are also shipped to the gulag as part of the policy of guilt by association. It is thought that over 400,000 people have died in the gulags over the years, and currently there are 200,000 North Korean prisoners in the gulag system.

I want to read to you an account from the Washington Post about the only known living escapee from a North Korean gulag, and Mr. President, I ask unanimous consent to have the full article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 15, 2008]

THREE KERNELS OF CORN—THE STATE DEPARTMENT HAS MORE PRESSING CONCERNS THAN A MODERN-DAY GULAG.

We tend to think of concentration camps as belonging in history books, but Shin Dong-hyuk reminds us of the uglier truth. Mr. Shin, who is 26, was born in such a camp in North Korea and lived there until he escaped in 2005. He is, in fact, the only person known to have made a successful escape from one of that nation's prison camps, which hold an estimated 150,000 to 200,000 people.

Mr. Shin's story, which Post reporter Blaine Harden movingly recounted in an article last week, was horrifying on a couple of counts. The casual, routine brutality of the camps is, as the article noted, almost unfathomable. Part of Mr. Shin's finger was cut off as punishment for accidentally dropping a sewing machine in the factory of the camp where he was held. He bears scars from the torture of being, essentially, roasted over a charcoal fire. When he was 14, he watched as his mother was hanged and his brother shot to death, ostensibly for trying to escape. In a memoir, he writes of the "lucky day" when he found, in a pile of cow dung, three kernels of corn that he was able to wash off and eat.

It's horrifying, on another level, that only 500 people in South Korea, where Mr. Shin lives, have bought his book. Many Koreans don't want to hear about human rights abuses in the north; they're worried that the Communist regime might collapse and leave the more prosperous south with a costly burden of rehabilitation. And South Korea isn't alone in tuning out the horrors. The United States is more concerned with containing North Korea's nuclear ambitions. The State Department's stunning lack of urgency was captured in a recent statement from its assistant secretary for Asia, Christopher R. Hill: "Each country, including our own, needs to improve its human rights record." Japan is focused on Japanese citizens ab-

ducted forcibly to North Korea. China doesn't want instability across its border.

Mr. Hill's larger point is that the United States should be practical in relations with the north and not simply denounce abuses so that America can feel good about itself. We support his efforts to negotiate with the regime. It's worth noting, though, that last week the north yet again backtracked on a nuclear-related agreement it had made and Mr. Hill had vouched for. It will continue to honor such agreements, or not, based on a reading of its own interests, not on whether its negotiating partners do or don't speak honestly. We think there's an inverse relationship between a regime's trustworthiness on any subject and its propensity to abuse its own people. We also believe that it should not be left to the lone escapee from North Korea's gulag to speak out about its horror.

High school students in America debate why President Franklin D. Roosevelt didn't bomb the rail lines to Hitler's camps. Their children may ask, a generation from now, why the West stared at far clearer satellite images of Kim Jong Il's camps, and did nothing.

Mr. BROWNBACK. Mr. President, here is the quote I want to read from the article about Shin Dong-Hyuk:

... his finger was cut off as punishment for accidentally dropping a sewing machine in the factory of the camp where he was held. He bears scars from the torture of being, essentially, roasted over a charcoal fire. When he was 14, he watched as his mother was hanged and his brother shot to death, ostensibly for trying to escape. In a memoir, he writes of the "lucky day" when he found, in a pile of cow dung, three kernels of corn that he was able to wash off and eat.

This was from the full piece from the Washington Post that I have had printed in the RECORD.

Here is an aerial picture of what one of the camps looks like. This is camp 18—and you can get these off Google Earth—and the execution site within this camp. Imagine if during World War II and the Holocaust we had these kinds of pictures and this sort of knowledge. Would we say we want to really do something about this or would we not? I think all of us would say: Well, absolutely. We would want to be very vocal about this. We would want to be addressing this issue if we knew it took place. Well, this is happening today. It happened during Chris Hill's watch in that position, it happened during the six-party talks, and he didn't address it and he didn't work on it.

The desperate situation has caused tens of thousands of North Koreans to risk their lives and their families' lives to flee across the border into China, seeking food, shelter, and livelihood. But the Chinese Government blocks international access and aid to these refugees, leaving them helplessly exposed to severe exploitation, particularly in the form of sex trafficking. The refugees also face repatriation if caught by Chinese authorities, which for most of them means automatic imprisonment, torture, or execution once returned to North Korean officials.

As Holocaust-survivor and Nobel laureate Elie Wiesel said, the North Ko-

rean regime "... is responsible for one of the most egregious human rights and humanitarian disasters in the world today."

I want to quickly show two satellite photos showing the prison barracks of two camps, one in North Korea and the other in Auschwitz. Now, my point is not to say these situations are the same—they are not—but, rather, that there are similarities, and people should know this kind of evil still exists in the world today. I want people to look at this prison situation. This is one of the camps—and again, this is from Google Earth—one of the prison camps in North Korea. Then I want to hold up here as well a picture of Auschwitz. I ask people to look at the similarity of these situations and of these settings. I know when I first saw this, I thought, this is really eerie, that these look alike this much. Now, I am not saying these are the same situations. What I am saying is we continue to have this evil in the world. We continue to have thousands of people killed in a gulag system in 2009. This continues to happen in the world.

Mr. President, as you may recall, the Congress sought to address this horrifying situation back in 2004 with the North Korean Human Rights Act. This was passed and signed into law in October of that year. The Senate even passed that bill by unanimous consent—a proud day in the history of this body as we strengthened the moral fibers of this Nation. The purpose of that law, as defined in its introduction, was to promote respect for and protection of fundamental human rights in North Korea; to promote a more durable humanitarian solution to the plight of North Korean refugees; to promote increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea; and to promote the free flow of information into and out of North Korea.

Let me also read aloud the very first section of title I of that act. It says this:

It is the sense of Congress that the human rights of North Koreans should remain a key element in future negotiations between the United States, North Korea, and other concerned parties in Northeast Asia.

So this is a statement to the six-party talks—to our negotiators—that human rights should remain a key element in future negotiations. This was in 2004. Mr. President, 4½ years have transpired since the passage of this legislation. During that time, the issue of North Korean human rights quite simply has been subordinated, ignored, cast aside, and indeed swept under the carpet, in complete contradiction of the law of this country and against our Nation's most basic moral obligations and against the witnesses that we are that it is taking place even as we see it.

In all the bluster and dealmaking over the past few years, our negotiators have failed to exert any serious effort to address this dire issue. In fact, the situation has only worsened, according to any independent benchmark. And the individual responsible for this account during this period of time is Ambassador Chris Hill, who, according to the Washington Post Editorial Board, displayed a "stunning lack of urgency" to deal with human rights and, according to the Washington Times, "deliberately minimized focus on the bleak human rights record." This is the nominee to be the Ambassador to Iraq—the most important account for us, I believe, in the world.

The cochair of the Congressional Human Rights Caucus, FRANK WOLF, agreed, stating in a recent letter to Hill that he is concerned with Hill's "marginalization and utter neglect of human rights."

Just 1 year ago, Chris Hill himself said the following, asked about the human rights situation in North Korea:

Each country, including our own, needs to improve its human rights record.

In the face of the most horrific and ongoing human rights catastrophe in the world and instructed by Federal statute to address it, Ambassador Hill instead saw fit to associate the record of Kim Jong Il with that of the United States of America.

Some have said that the policies implemented by Ambassador Hill were merely the articulation of the Bush administration, but this is not the case. I spoke several times directly with President Bush about North Korean human rights. I know his passion for it and his real commitment to addressing the issue. He proudly signed the North Korean Human Rights Act and then again its reauthorization last year. He appointed a good, qualified man in Jay Lefkowitz as the Special Envoy for North Korean Human Rights. But somewhere between the Oval Office and the six-party negotiation room, the message got lost. On this, we have strong evidence that the broken link was Ambassador Hill.

First, at his nomination hearing this very morning, Ambassador Hill admitted that on at least one occasion he exceeded his instructions by meeting bilaterally with the North Korean Government. This went against the clear public position of the President. He explained this by saying he had to "call an audible." This was in testimony this morning. But to others, this looks like a freelancing diplomat. When it comes to working in a country with neighbors such as Iran and Syria, the stakes are too high to have diplomacy run anywhere other than by the Secretary of State and the President.

We also know from a number of sources that Ambassador Hill used his position to sideline key officials in the

administration who were charged with addressing the human rights situation in North Korea. One of these individuals was Jay Lefkowitz, who struggled during his entire tenure as Special Envoy for Human Rights in North Korea to gain tracks and support for his efforts among the East Asian Bureau and the team led by Hill.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I sent, and was sent back in answer by Jay Lefkowitz today, where we asked him if was he ever invited to the six-party talks—ever.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 25, 2009.

Mr. JAY P. LEFKOWITZ, P.C.,

Kirkland & Ellis LLP, Citigroup Center, New York, NY.

DEAR JAY: Christopher Hill testified today before the Senate Foreign Relations Committee. In response to a question by Senator Lugar, he failed to specifically address whether he invited you to participate in the Six Party Talks to address North Korean human rights. As you recall, in his testimony before the Senate Armed Service Committee on July 31, 2008, he promised to invite you to participate in all future negotiation sessions, without qualifying the nature of those sessions.

Based on my knowledge of the situation, I believe he violated his commitment. Can you please respond to me as to whether or not Christopher Hill or anyone acting on his behalf invited you to the Six Party Talks subsequent to July 31, 2008?

I look forward to your swift reply, and appreciate your cooperation in this matter.

Sincerely,

SAM BROWNBACK,

U.S. Senator.

DEAR SENATOR BROWNBACK: At no point during my tenure as Special Envoy for Human Rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any Six Party Talks.

JAY.

Mr. BROWNBACK. Mr. President, this is what Mr. Lefkowitz says in his response to my letter:

DEAR SENATOR BROWNBACK: At no point during my tenure as Special Envoy for Human Rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any Six Party Talks.

This is the Special Envoy for Human Rights to North Korea.

Another key official cut out of the loop by Hill was former Ambassador to Japan, Tom Schieffer. The Washington Post reported in 2007 that Ambassador Schieffer received assurances from the administration that he could tell the Japanese Government that North Korea would not come off the terrorism list until the abduction issue that was central to the Japanese had been resolved. But Ambassador Schieffer found out later that Chris Hill had cut a deal ignoring that pledge and, without advance notice or information from Ambassador Hill, had to backtrack—

our Ambassador to Japan—and try to mollify our stalwart ally, Japan, whose Government felt upset and betrayed.

Finally, at least one senior intelligence officer has said Ambassador Hill sidetracked and bypassed procedures designed to inform the intelligence community of the substance of his discussions with the North Koreans.

Such conduct in the course of negotiations should give serious pause to those concerned about the sensitivity of diplomacy in Iraq and in the Middle East at this time.

In addition to this undiplomatic conduct with respect to his executive branch colleagues, Ambassador Hill has a disturbing track record of evasiveness, and I believe dishonesty, in dealing with Congress. In statements made for the record in congressional testimony, Ambassador Hill made promises that he did not, could not, or had no intention to keep.

Regarding the prospect of normalization with North Korea, Ambassador Hill assured a skeptical House Foreign Affairs Committee in February 2007 that improvement in human rights would be part of any deal struck with North Koreans. But 1 year later, Ambassador Hill indicated to a reporter that normalization could proceed before such things took place. He stated:

Obviously we have continued differences with North Korea, but we can do that in the context of two states that have diplomatic relations.

On the issue of human rights last year, before the Senate Armed Services Committee, I asked Ambassador Hill whether he would invite the Special Envoy for Human Rights to all future negotiation sessions. His answer, and I quote it directly:

I would be happy to invite him to all future negotiating sessions with North Korea.

That answer was given without qualifiers.

Mr. President, I ask unanimous consent to have the relevant portion of that committee transcript from July 31, 2008, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NORTH KOREAN SIX-PARTY TALKS AND IMPLEMENTATION ACTIVITIES

HEARING BEFORE THE COMMITTEE ON ARMED SERVICES, UNITED STATES SENATE, JULY 31, 2008

Senator BROWNBACK. I want to, because my time will be narrow here: will you state that the Special Envoy will be invited to all future negotiating sessions with North Korea?

Ambassador HILL. I would be happy to invite him to all future negotiating sessions with North Korea.

Senator BROWNBACK. Thank you.

Mr. Ambassador, you noted this earlier, that there are political gulags and concentration camps in North Korea. Will you state that any prospect of normalization with North Korea is contingent upon the regime shutting down the political gulags and concentration camps?

Ambassador HILL. I can say to you, Senator, that we will definitely raise these

issues as an element of the normalization process. I'm not in a position at my level to state to you today what the specific conditions of normalization were, but they will be raised as part of that and clearly, we will be looking for more satisfactory answers on this.

Senator BROWNBACK. Mr. Ambassador, the Illinois delegation in total in a letter dated in 2005—noted the abduction of Reverend Kim Dong Shik, who's a U.S. citizen, and his wife is an Illinois resident, children U.S. citizens. I'm going to enter this letter in the record. It's from the Illinois delegation. They have said they would not support any normalization with North Korea until his abduction is dealt with.

[The information referred to follows:]

Mr. BROWNBACK. Mr. President, I already entered the note I received from the Special Envoy saying he was never invited, but there is another case—one I know is of great concern to the ranking member of the House Foreign Affairs Committee, Ms. ROSELEHTINEN—where Chris Hill told a reporter that he had no recollection of receiving a letter from and had provided no response to the spouse of Rev. Kim Dong-Shik, a U.S. permanent resident and father of a U.S. citizen, who was kidnapped in North Korea in 2000.

Yet a photo obtained by the media showed Mr. Hill receiving this from the Congresswoman herself.

On the issue of nuclear disarmament, Ambassador Hill also misled Congress. During his February 2007 testimony, Hill insisted that North Korea must disclose “all” of its nuclear programs, and specified that “All means all, and this means the highly enriched uranium program as well.”

But when the North Koreans' belated declaration of nuclear activity did not even mention their uranium program, even when there were reports that the documents themselves that they gave us had traces of uranium on them, Ambassador Hill still insisted on rewarding the North Korean regime with delisting from the terrorism list.

On dealing with proliferation, later that year before the House subcommittee, Ambassador Hill said:

Clearly, we cannot be reaching a nuclear agreement with North Korea if at the same time they are proliferating. It is not acceptable.

Yet only months later, Hill reached just such an agreement before Congress had a chance to answer key questions about North Korea's alleged nuclear proliferation to Syria, taking place during Hill's own negotiations.

What all this shows is a disturbing pattern by Ambassador Hill to tell Congress one thing, and then do another.

Congressional testimony is not a formality. It is not a venue for executive officials to parrot what Members of Congress want to hear—regardless of whether such parroting reflects reality.

Rather, congressional hearings provide a means to reassure the American people that their tax dollars are being

spent wisely, and their interests are being preserved.

In this case, we had a right to know that the tens of millions of dollars worth of heavy fuel oil sent to Kim Jong Il, and the other serious concessions Ambassador Hill was handing over, were at least going to improve our national security, if not help end the oppression of the North Korean people.

And in that respect, I would like to address the substance of Ambassador Hill's deals with the North Korean regime. The record can be summarized by stating the concessions that both sides obtained through the negotiations.

First, Ambassador Hill is credited with a victory in bringing the North Koreans back to the table in 2005. But in doing so, he admits to exceeding his instructions to avoid bilateral talks with the regime.

Second, Hill oversaw and managed a complicated process that involved Russia, China, South Korea, and Japan, in addition to the U.S. and the DPRK.

Neither of these gains in process provided us with concrete evidence of progress on denuclearization, despite the fact that the North Koreans traded them for substantial material gain from our side.

Ambassador Hill did obtain a declaration of nuclear activities from the regime. But as noted earlier, this declaration was half a year overdue and so incomplete as to render it useless. The declaration provided no confirmation of the number of bombs that were made, no admission or information on the uranium program, and nothing on proliferation. It was a radioactive set of documents of dubious worth.

Additionally, Ambassador Hill was able to get the DPRK to implode the cooling tower at Yongbyon. But according to many analysts, the step was mostly a symbolic gesture in that North Korea is still able to run its plutonium reactor, just with more environmental consequences.

In exchange for these minimal gains in process and symbolism, the concessions we forked over were substantial. Tens of millions of dollars worth of heavy fuel oil were shipped over to supply the regime with “energy assistance,” ostensibly so that it could continue to carry out its policies of belligerence and oppression.

Congress was asked to pass legislation waiving Glenn amendment sanctions against North Korea. These sanctions were designed to prohibit assistance to states that detonate illegal nuclear weapons, and were automatically triggered when DPRK tested a nuclear bomb in 2006. We gave them a pass on that.

We delisted the DPRK from the list of state sponsors of terror, despite their failure to account for the Japanese abductees and U.S. permanent resident Reverend Kim Dong-Shik, not

to mention their failure to even slightly diminish the terror they inflict upon the North Korean people.

We removed sanctions pursuant to the Trading with the Enemy Act, and facilitated the transfer of money to the regime that otherwise should have been confiscated by the Treasury Department under financial regulations for nuclear proliferators.

We looked the other way on the role that the DPRK played in constructing a nuclear reactor in Syria, choosing instead to plow ahead with the negotiations.

What is worse, after we gave up so much leverage, the DPRK is now just as hostile and dangerous as ever. Next week the regime plans on launching a ballistic missile over Japan that could reach the outskirts of the United States, a provocative act of the gravest significance.

And to push the limits of our tolerance even further, on March 17, North Korean border guards abducted two American journalists—Laura Ling and Euna Lee—and reports indicate that since their capture they have been subjected to “intense interrogation.”

Taken all together, this is an unfortunate legacy for Ambassador Hill. Broken commitments to Congress, freelancing diplomacy, disregarding human rights, and giving up key leverage to the DPRK in exchange for insubstantial gestures.

Such things have harmed our national security and ignored our moral obligations, a legacy ill-suited for the next Chief of Mission to Iraq.

I will conclude not with my own words, but with the words of Rabbi Abraham Cooper, associate dean of the Simon Wiesenthal Center, who wrote a piece for the Korea Times last month, which I will ask to be included in the RECORD.

By exclusively pursuing the nuclear tail around the six-party table, we have contributed to the horrible suffering of the people of North Korea and degraded the United States' long-standing commitment to fundamental human rights.

Like the inmates of the Soviet Gulag or the Nazi concentration camps of the 1930s, about 200,000 to 300,000 hapless victims in North Korean camps wait for help. Our silence to these and other outrages is perhaps Pyongyang's greatest victory to date. We want them to dispose of fearsome weapons—they want our silence. And too often, we have acquiesced.”

Mr. President, I do not acquiesce to this nomination.

I now ask unanimous consent the full article by Rabbi Abraham Cooper be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLINTON STRIKES BLOW FOR NORTH'S HUMAN RIGHTS

(By Rabbi Abraham Cooper)

Give Hillary Clinton her due. Her first overseas foreign policy trip as secretary of

state pits her against an adversary, North Korean leader Kim Jong-il, who over the last 16 years effectively took both the Clinton and Bush administrations to the cleaners.

Despite profoundly different worldviews, the United States has played pretty much the same cards at the six-party table. The main goal: securing a nuclear-defanged North Korea.

"Complications," like human rights, were effectively sidelined. Incredibly, some "Korean experts" are pushing hard for Secretary Clinton to pursue the same approach.

Nuclear deal, uber alles. They still imagine that North Korea has the same objectives as we do: that Pyongyang wants to seek benefits for their starving people, that it wants to advance economically, and that it pursues political objectives because of nationalistic fervor.

And, most dangerously, some experts dismiss the regime's missile-rattling as merely a means to attract attention and extract a higher price when they eventually give up their nuclear bargaining chips. The operative assumption is that they, like us, ultimately want to succeed in achieving a negotiated agreement.

But in pursuit of the prize, we have ignored Pyongyang's statements that they will never compromise on military objectives and will never relent on its nuclear program.

We have failed to recognize that the North Koreans leverage the process of negotiations to get benefits, while using any pretext to avoid fulfilling verifiable agreements on the issues that trouble the rest of the world.

If this process also degrades our alliances with Japan and South Korea and stymies the advance of good relations and China, their true objectives—putting us and our regional friends in a difficult position—will have been achieved . . . again.

By exclusively pursuing the nuclear tail around the six-party table, we have also contributed to the horrible suffering of the people of North Korea and degraded the United States' long-standing commitment to fundamental human rights.

Like the inmates of the Soviet Gulag or the Nazi concentration camps of the 1930s, about 200,000 to 300,000 hapless victims in North Korean camps wait for help.

Every day, they are forced to renounce their very humanity. How else to survive when prison guards threaten to chop off a child's hand to force a confession from a parent?

Why doesn't that guard, or those who've run gas chambers or performed experiments on political prisoners, have any reason to fear punishment under international law?

Our silence to these and other outrages is perhaps Pyongyang's greatest victory to date. We want them to dispose of fearsome weapons—they want our silence.

And too often, we have acquiesced. For the past two years we have let Japan go it alone in its fight to bring back citizens who were abducted by North Korea, kidnapped as they walked the streets of their hometowns in Japan.

As many as 80 Japanese are estimated to have been taken against their will to North Korea, where they are forced to train North Korean spies, enter arranged marriages and serve other interests of the Kim Jong-il regime. Kim himself admitted to 13 abductions.

In our eagerness to obtain that elusive agreement in which we imagine North Korea might divest itself of a bargaining chip it has devoted decades to develop at great expense, we sacrifice our own commitment to human rights.

The logic of doing so was never stated more vividly than in the written statement of a private witness at last week's hearing before the House Foreign Affairs Committee: "Japan will continue to be part of the problem rather than part of the solution when it comes to engaging North Korea, despite being one of our most important allies. By allowing the abduction of a handful of its citizens decades ago to dominate all policy considerations when it comes to the North, Tokyo has become irrelevant at the nuclear talks," the statement said, implying that being part of a negotiating process should outweigh a nation's interest in the rights of its own citizens. Thankfully, Hillary Clinton disagrees.

Secretary Clinton's visit to Asia is extremely important. So far, she's been making it clear that we are willing to negotiate with North Korea, but at the same time, by meeting with the families of some of the abductees, she is signaling that the United States will no longer abandon them or our fundamental values.

Mr. BROWNBACK. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 5:15 p.m. today, the Senate resume consideration of the Ensign second-degree amendment, No. 715, and that the amendment be modified with changes at the desk and there be 2 minutes of debate equally divided and controlled in the usual form prior to a vote in relation to the amendment; that upon the use of that time, the Senate proceed to a vote in relation to the amendment; that upon the disposition of amendment No. 715, as modified, the Baucus-Grassley amendment, No. 692, as amended, if amended, be agreed to and the motion to reconsider be laid upon the table, and that the Senate then resume consideration of amendment No. 693 and that the amendment be modified with the changes at the desk; that once modified, the amendment be agreed to, as modified, and the motion to reconsider be laid upon the table; that the Senate then resume consideration of amendment No. 717, and that the amendment be agreed to and the motion to reconsider be laid upon the table, and that no amendments be in order to any of the amendments covered in this agreement prior to a vote in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 715), as modified, is as follows:

On page 2, line 20, insert before the period the following: "which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest".

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

AMENDMENT NO. 715, AS MODIFIED

Ms. MIKULSKI. What is the pending business?

The PRESIDING OFFICER. There is now 2 minutes equally divided before a vote on amendment No. 715, as modified.

Ms. MIKULSKI. Which is the Ensign second-degree amendment?

The PRESIDING OFFICER. That is correct.

Ms. MIKULSKI. Thank you. As I understand it, the Senator from Nevada does not wish to speak.

Mr. ENSIGN. I yield back my time.

Ms. MIKULSKI. I will comment that the Ensign amendment would make an unnecessary, divisive change to the bipartisan amendment offered by Senators BAUCUS and GRASSLEY. Senators BAUCUS and GRASSLEY create a non-profit, capacity-building program that would fund grant programs to provide technical assistance to small charities: how to manage finances, accurately file tax returns, et cetera.

There is no limitation in the Baucus-Grassley amendment on the type of charities that can access these training opportunities. Therefore, the Senator from Nevada's amendment is unnecessary.

Therefore, I move to table the Ensign amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burr	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

## NAYS—41

Alexander	Crapo	McCain
Barraso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Casey	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Conrad	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	

## NOT VOTING—2

Enzi	Kennedy
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The motion was agreed to.

AMENDMENTS NOS. 692, 693, AS MODIFIED; AND 717

The PRESIDING OFFICER. Under the previous order, the following amendments are agreed to: Amendments Nos. 692, 693, as modified, and 717. The motions to reconsider those votes are considered made and tabled.

The amendments (Nos. 692 and 717) were agreed to.

The amendment (No. 693), as modified, was agreed to, as follows:

On page 115, line 15, strike "1 percent" and insert "2 percent".

On page 115, line 20, strike "\$10,000,000" and insert "\$20,000,000".

On page 213, after line 21, insert the following:

(b) AMENDMENT.—Subtitle F of title I is further amended by inserting after section 184 the following:

**"SEC. 184A. AVAILABILITY OF ASSISTANCE.**

"A reference in subtitle C, D, E, or H of title I regarding an entity eligible to receive direct or indirect assistance to carry out a national service program shall include a non-profit organization promoting competitive and non-competitive sporting events involving individuals with disabilities (including the Special Olympics), which enhance the quality of life for individuals with disabilities."

The PRESIDING OFFICER. The majority leader.

## CLOTURE MOTION

Mr. REID. Mr. President, we have made progress on this legislation. I appreciate very much the hard work of Senator MIKULSKI and appreciate the cooperation we have received on this side of the aisle. We are going to work through more amendments tomorrow—if, in fact, there are other amendments. It is my understanding the Thune amendment is one we will vote on. We will not do that tonight. We will do it in the morning at a convenient time for everyone. I am going to file cloture tonight. I hope it is not necessary that we vote to invoke cloture. We should not have to invoke cloture on a bill such as this. This is a bill that is unquestionably bipartisan. We have given hours and hours of time for people to offer amendments, to speak on the bill, speak on the amendments. As everyone knows, this is our last weekend prior to the Easter recess and next week is going to be a real difficult week. They always are when we do the budget. So it would be a good idea if we could finish tomorrow so people could go back to their States and do what they need to do before the difficult week we have next week. But if we can't finish this, we will have to vote for cloture and either the Republicans will allow us to move the vote up to Thursday or we will have to do it Friday morning. That means if people want to continue being difficult—and I am confident that will not be the case—then we would have to finish this on Saturday. We have to finish this legislation before Monday. We have to start on the budget Monday. There is 50 hours of statutory time. That time has to start running Monday. We will come in at an early time on Monday to get that going.

I had a small conversation today with Senator GREGG. He has an idea of how many amendments the Republicans wish to offer. This is one of those times when we have to look forward to what we have next week.

I send a cloture motion to the desk on the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Mikulski substitute amendment No. 687 to H.R. 1388, a bill to reauthorize and reform the national service laws.

Harry Reid, Barbara A. Mikulski, Patrick J. Leahy, Daniel K. Akaka, John F. Kerry, Jeff Bingaman, Russell D. Feingold, Carl Levin, Jon Tester, Robert P. Casey, Jr., Benjamin L. Cardin, Jeanne Shaheen, Roland W. Burris, Sheldon Whitehouse, Robert Menendez, Kirsten E. Gillibrand, Patty Murray.

Mr. REID. I ask unanimous consent that the live quorum not be necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1388, a bill to reauthorize and reform the national service laws.

Harry Reid, Barbara A. Mikulski, Patrick J. Leahy, Daniel K. Akaka, Jeff Bingaman, Joseph I. Lieberman, Russell D. Feingold, Carl Levin, Jon Tester, Robert P. Casey, Jr., Benjamin L. Cardin, Jeanne Shaheen, Roland W. Burris, Sheldon Whitehouse, Robert Menendez, Kirsten E. Gillibrand, Patty Murray.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, for the knowledge of all Senators, there will be a briefing here tomorrow, in the Visitor Center in the closed hearing room, dealing with Afghanistan. There is going to be a report come out from the White House tomorrow. Ambassador Holbrooke will be here to brief all Senators. I wish we could have given everyone more notice. I didn't know about it until 4 o'clock today. I am sorry about that. I know attendance may not be perfect because at 12 noon, there is going to be a series of votes in the Budget Committee. There will also be a series of votes at 3:30 tomorrow afternoon in the Budget Committee. What we accomplish on the floor, we are going to work around these votes that come from the Budget Committee. I would hope we could wrap up this bill right after that briefing, which will end at 5 o'clock tomorrow afternoon.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I believe we can wrap up this bill. I am not aware of many more amendments on our side of the aisle. We will be able to come to closure on ours, I believe, even before noon tomorrow, acknowledging what will happen in the Budget Committee. So we would like to be able to move expeditiously.

I would hope we would not have to be in session late on Friday or on Saturday. And, in fact, I would suggest that Members go home to their communities and volunteer. There is always some good work to be done. This is about national service. We have heard about the little platoons all over America. There are communities that need our help more than they need long-winded speeches on the Senate floor. So let's do some heavy lifting in the Senate, and let's do some heavy lifting in our communities. But let's bring this bill to an end tomorrow night.

I really want to thank my colleague, Senator HATCH, for the excellent cooperation he and his staff have given us, along with Senator ENZI, who I know continues to be snowed-in in Wyoming. We do not want to be snowed-in in the Senate. We have now filed cloture. Let's get this bill done.

Mr. President, questions have been raised about the intent of section 1705 giving the chief executive officer authority to delegate specific programmatic authority to the States. In particular, strong concerns have been raised that corporation officials would use this authority to eliminate the State offices of the corporation and adversely impact the operation of VISTA and the Senior Corps.

The committee intends that the chief executive officer will use this authority judiciously to improve the operation of the all of the corporation's

programs by using a consultative process that includes all of the stakeholders in the affected programs. The committee expects the corporation to continue the staff from State offices at an operational level that is at least equal to the current one.

Mr. DORGAN. Mr. President, I rise today to speak on my amendment that has been offered to the Serve America Act. I would first like to thank my colleague, Senator MURKOWSKI, for offering this amendment on my behalf. She is a cosponsor to this amendment along with a number of my other colleagues, including Senators BINGAMAN, JOHN-SON, AND BARRASSO.

My amendment will accomplish two things: First, it will designate a permanent Strategic Advisor for Native American Affairs at the Corporation for National and Community Service. And second, it will ensure that Indian Tribes remain eligible to compete for national service grants.

I want to applaud the Corporation for National and Community Service for recognizing the need for a tribal liaison over the past year. That office has helped make tribal communities more aware of the opportunities that the Corporation offers.

Making this position permanent will further increase tribal community in all national service programs. In addition, the office would collect information on challenges to tribes to better address tribal program needs.

The amendment places the designation of this position under the duties of the chief executive officer of the Corporation for National and Community Service and would greatly help to develop and enhance programming to address the unique needs of Indian tribes.

The second part of this amendment would ensure that tribal governments remain eligible for nationally competitive grants. Existing law allows tribes to compete for funds with states and national nonprofit organizations. The bill as currently written would remove tribal eligibility to compete for these grants. My amendment merely maintains existing law, and acknowledges Indian tribes as eligible entities for these competitive grants.

As my colleague from Alaska noted, many of the proposed Corps in this act address the very issues which are most critical in Indian Country. Grants under the activities and indicators of the Education, Healthy Futures, Clean Energy, Veterans and Opportunity Corps would provide many volunteers from tribal organizations, States, and national nonprofits numerous opportunities to work on reservations.

My hope is that the Corporation will continue to encourage the use of these Corps on Indian reservations though the proposed strategic adviser for Native American affairs in a way which will help tribal communities and individuals.

American Indians have the lowest level of educational attainment of any racial or ethnic group in the United States. Only 13.3 percent of Native Americans have an undergraduate degree, compared to the national average of 24.4 percent. Volunteers in the Education Corps who offer their time as mentors and tutors in Indian Country could help improve these numbers for our First Americans.

Moreover, the Health Futures Corps could assist with volunteers for individual American Indians who need help obtaining health services or navigating the health care system. The Clean Energy Corps might facilitate volunteers for Indian Country to assist with weatherization of homes on Indian reservations. The Veterans Corps is able to send volunteers to work with American Indian families who have a family member deployed overseas. Finally, the Opportunities Corps could provide volunteers to increase financial literacy in Indian communities where this assistance is desperately needed.

In addition, organizations who participate in the national service programs, such as the Boys and Girls Club, are active through these national service programs in Indian Country and they provide a much needed positive environment where Native American youth can go to celebrate their culture and community.

I would like to reiterate how important these national service programs are to Indian Country and thank the Corporation for National and Community Service for recognizing that importance. I urge my colleagues to support this amendment to the Serve America Act.

#### MORNING BUSINESS

Ms. MIKULSKI. Mr. President, I now ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

#### THE PRESIDENT'S PROPOSED BUDGET

Mr. CHAMBLISS. Mr. President, I rise today to speak about the President's proposed budget.

A real sense of unease is pervading the country right now, and it is not just the stock market or unemployment fears or the housing crisis. There is a genuine apprehension about where our Nation is headed financially.

In my travels throughout my home State this past weekend, I had the opportunity to talk to Georgians from Atlanta, to Waycross, to Blakely, to Macon, and to hear what is on their minds. One of their main concerns is the budget the President has sent to

the Hill and the financial hole into which it will put this country, our children, and our grandchildren.

They are right to be worried. The independent, nonpartisan Congressional Budget Office released its analysis of the President's proposed budget on last Friday. Its assessment is very troubling. The CBO's estimate for the cost of this budget exceeds that of the Obama administration's estimate by \$2.3 trillion over a 10-year period. By borrowing and spending so much money, the CBO projects that the public debt—the amount we have to pay back to our creditors—will grow to 82 percent of GDP by 2019. The last time that happened, America was paying off a massive debt it incurred from fighting in World War II. According to the CBO, this year, 2009, the total deficit is estimated to hit \$1.9 trillion. By 2018, the CBO projects annual deficits to be more than \$1 trillion every year, and rising. Under the terms of this budget, the annual deficit, in 2013, is slated to be \$672 billion—or more than 4 percent of estimated GDP. That is one of the largest deficits in American history, but it is actually the smallest projected deficit in this entire budget.

Back in 2004, before he was the President's Director of the Office of Management and Budget, current OMB Director Peter Orszag wrote that repeated deficits of 3.5 percent or more will put this country on an "unsustainable path" and would result in "a related loss of confidence both at home and abroad." He was right. But we are feeling that loss of confidence among Americans now, much less among those whom we are looking to to buy that huge debt we are creating.

To put it plainly, people are worried. These are people such as Phil Perlis, who owns a family clothing business in Tifton, GA. Phil's family has owned The Big Store for almost a century, and it employs approximately 20 people. I know Phil and his family very well. Phil said this is the toughest year he has ever had. He has been "squeezed in every place imaginable." The days of feeling comfortable about making a profit no longer exist, and he simply hopes to be in business this time next year. His confidence is shaken. And given the business climate and the economic issues in Washington—and despite his positive attitude—Phil predicted to me the other day that very trying times are ahead for his store, as well as all other small businesses across America.

He is not alone. Americans, despite the optimism that is our birthright, already feel a sense of disquiet about the direction our Nation is headed economically. As an example, the national savings rate has gone from zero in 2005 to 8 percent today. For the good of their families, Americans are trying to hold on to what they have, not throwing caution to the wind and hoping for



a future financial miracle. For the good of our country, our children, and our grandchildren, our Government should do the same.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

### THE BUDGET

Mr. DURBIN. Mr. President, next week the Senate is going to take up the budget. The budget, of course, is one of the most important documents the Congress considers each year. It is really the blueprint for spending. At the end of that debate in the Senate, hopefully the budget will pass and the same thing will happen in the House. The two Chambers will come together and agree on a spending pattern for the next fiscal year, which begins October 1.

It is an elaborate process, a lengthy process, many times a divisive process, but one that is absolutely essential because this budget book really reflects who we are and where our values are. That is why we spend so much time thinking about it and planning it. We have to look ahead, and not just to the next fiscal year from October 1 of this year through September 30 of 2010 but to what the budget will mean in the outyears. What will it do for the following year? What do we anticipate will happen?

Some of it is speculation. There are great speculators, and people paid a lot of money to speculate on what is going to happen to the economy, and they come up with different conclusions. I was thinking the other day, when the Congressional Budget Office came out with different projections for economic growth: I wonder if any speculators on economic growth 2 years ago would have predicted we would be where we are today. I do not think so because there would have been a race for the exits, with people selling their stocks and mutual funds and liquidating as fast as they could. We did not receive fair warning this was going to happen, although there were some storm clouds that really should have been heeded.

Well, when this President came to office, he inherited quite a situation. We started the year 2009 with President Obama in the midst of a crisis unlike any we have seen in our lifetime. As the Budget Office book indicates, our economy is in deep recession that threatens to be deeper and longer than any since the Great Depression 75 years ago.

More than 3.5 million jobs were lost over the past 13 months, before President Obama came to office—more jobs than at any time since World War II. Another 8.8 million Americans who want and need full-time work have had to settle for part-time jobs. Manufacturing employment has hit a 60-year low. Capital markets are virtually frozen, making it difficult for businesses to grow and families to borrow for a home, a car, or the college education expenses of their kids. Families are struggling to pay their bills and make their mortgage payments. Trillions of dollars of wealth have been wiped out. There is hardly anyone with a savings account or any kind of investment who has not seen it diminished by this economy over the last year. That is just a fact.

It is in that environment and in that context that we discuss what to do in the next budget. What should the Federal Government do in light of these economic realities?

Well, the first thing we did for this President was to pass a recovery and reinvestment package, the stimulus bill. The President came to us and said: Here is the fundamental problem we run into. People are worried. When their confidence is low, they stop spending. And if they are not spending on basic appliances and cars and things people spend money on, then, of course, there is no demand for goods and services. Without that demand, businesses start contracting and shrinking, laying off employees, and the situation goes from bad to worse.

So the President came to us and said: I am asking for \$800 billion in a recovery and reinvestment package to try to breathe some life back into this economy, to create jobs and save jobs, so people will have a paycheck they will spend for goods and services, which will invigorate businesses across America.

That, to me, was just fundamental. I took some economics courses in college way back when, and we basically learned what was known as Keynesian economics; that is, if you do not have enough aggregate demand in your economy, you can create that demand in three different ways: consumer spending, investment, or Government spending. Well, we cannot get people to invest because they are afraid of the stock market. Consumer spending is down because people are worried about the future. That leaves you one option: Government spending.

A lot of people say: Well, how can we spend money—\$800 billion—Senator, when we have all these deficits? You are just piling up more debt for our kids to pay. There is truth to that, but it does not tell the whole story. If we do not turn this recession around, if we do not put people back to work and businesses back in business, then, sadly, the recession gets worse, the overall deficit gets worse, and the pros-

pects that those kids of yours or grandkids will even find a job are diminished. So our investment in the recovery plan is a basic investment to try to create more consumer demand for goods and services and get the economy chugging forward again.

The budget the President proposes, the one for the next fiscal year, for our Government that we will be debating next week on the floor of the Senate, is a smart, fair, and responsible budget. The President has proposed—and he described it last night in his press conference—to restore fairness for middle-class families, reestablish responsibility in the budgeting process, and make smart investments for America's future. I think we have to do all three.

The Republican response to this on the other side of the aisle is that the President's budget just spends too much money. It taxes too much. It borrows too much.

The President's increase in what we call nondefense discretionary spending—that is outside of the mandatory programs such as Social Security and Medicare and Medicaid and other programs, veterans programs, and defense spending—all the rest of the budget is relatively small in comparison. But it is true that the President calls for increased spending in that area—but in two specifics: one, more money for veterans. You cannot visit a veterans hospital or meet with veterans today without realizing that the promise we made to them has to be kept, and it will cost money. I had a hearing today where two generals spoke to us from the Air National Guard and the Army National Guard and they talked about returning veterans and the problems they face, and we know there are many. Some come home with terrible wounds from war and have a long period of time ahead of them for rehabilitation and recovery. Some, however, come home with invisible wounds, psychological wounds, posttraumatic stress disorder and the like. LTG Vaughn from the Army Guard and Reserve said that suicide rates are up 140 to 150 percent. The same thing is true with the air guard returnees. It is an indication that we have an obligation that needs to be met. We need to spend money to make sure these veterans get the kind of care we promised, to put them back in a position in life where they can proceed to get a job and build a home and a family and have a good future. They served us. They risked their lives for America. We promised we would stand by them. President Obama keeps the promise in this budget.

When the Republicans on the other side say cut spending, I wonder if we will see any amendments from the Republican side to cut President Obama's requested increase in spending to help our veterans. It is one of the highlights of his budget. I don't think they will offer that amendment. They may complain about the spending level, but I



doubt if they will stand up here and say we are spending too much money on our veterans.

The President, of course, puts money into education, as he should. President Obama understands that a lot of middle-income families are struggling to keep their kids in school. Sometimes they are not making as much money at home as they used to. Some kids have been asked to come home from the campuses and not go back to school for awhile until things get better. Well, that interrupted education is not good, and we want these kids, these young men and women, to have a bright future. President Obama's budget spends money in providing financial and tax assistance to students in school. If that isn't a smart investment for our future, I don't know what is. It is critically important.

So to my Republican friends who say we spend too much, I guess my basic answer to them is: Please show us your budget. Unfortunately, what we have heard and what we have seen from the Republican side of the aisle is the same old politics and the same old policies—policies that brought us into this economic mess, and they still cling to them. Unfortunately, they don't reflect the reality of where America is today.

They say, of course, on the Republican side that the President taxes too much—taxes too much in his budget. Well, since 95 percent of Americans would receive a tax cut and any tax increases are for the richest Americans—those at the highest level of income—then apparently the Republicans are complaining because those who are well off might end up paying more in taxes.

Over the last several weeks we have heard quite a bit about how some of the wealthiest people in America are getting by and being compensated. I recognize that every wealthy American hasn't contributed to the decline in our economy, and not every wealthy American pulls down a hefty AIG bonus each year, but we are in this together. If we are asking sacrifice from average working families—and we are—is it too much to ask those making over \$250,000 a year to pay a little bit more in taxes? People making over a quarter of a million dollars a year will have to pay a little bit more under President Obama's budget. That is a fact. Their taxes will go up. The complaints from the other side must be about those tax increases, because the overwhelming majority—95 percent of American families—will see a tax cut, the President's Making Work Pay tax cut.

Some of my friends on the other side of the aisle seem to have no problem asking middle-class American workers—people making \$35,000 or \$40,000 a year—to make wage and salary concessions when they renegotiate their contracts, but if you ask those on the other side of the aisle whether people

making over a quarter of a million dollars a year or half a million a year or \$1 million a year should pay a little more in taxes, they say it goes too far, it is fundamentally unfair. I disagree with that point of view. What the President has proposed is smart, fair, and responsible. Ninety-five percent of Americans will see their taxes go down, as long as those tax cuts are paid for.

To those who say that raising taxes on anyone is a sure way to ruin the economy, look back to how our economy performed in the 1990s. Most Americans would gladly trade the prosperity of that decade for today's economy. No one in America will pay more taxes under the Obama budget than they would have paid in the 1990s under the Clinton administration. This budget takes a fair, responsible, and targeted approach to the current imbalance in our taxes.

Then, of course, there is the criticism on the Republican side that President Obama's budget borrows too much, borrows too much money. Well, let's reflect on history for a moment. Eight years ago when President George W. Bush took office, he inherited a surplus from President Clinton, a 2-year surplus when we were generating more revenue than we were spending in Washington. It hadn't happened in 30 years, but it happened under a Democratic President. George W. Bush inherited this. At the time he came to office, the sum total of the debt of America, from the days of George Washington through the Clinton administration, was about \$5 trillion. President George W. Bush inherited a budget with a surplus and a \$5 trillion mortgage on America. At the end of 8 years, what did President George W. Bush and the Republican administration leave us? The largest annual deficit in American history—\$1.3 trillion—and a doubling of the national debt. In 8 years, President George Bush doubled all the debt accumulated by America in the entire history of our Nation.

That happened on the watch of the Republicans who supported that President's policies. Now, this President, 65 days into his Presidency, is being accused of borrowing too much money, inheriting an economy flat on its back, trying to spend money and get us moving forward, and the criticism from the other side is he is going to have to borrow money.

Where was all this worry about borrowing too much when nearly all the Republicans voted to permanently repeal the estate tax, a repeal which would cost the American taxpayers \$1 trillion—\$1 trillion—in order to provide a tax break to the wealthiest three-fourths of 1 percent of Americans? I can tell my colleagues, many of the same Senators who were crying copious tears over the thought of going into debt were the first to step forward and say, Give a tax break to the wealthiest

people in America and we don't care what debt it incurs. I think their priorities are wrong.

Where was this worry about borrowing too much when the Bush administration turned that Clinton surplus into the largest pile of debt this Nation has ever seen? Remember Vice President Dick Cheney's favorite quote: "Reagan proved deficits don't matter." Well, I don't agree with that view. They do matter, to our kids and our grandkids. But those who should have been worrying about our deficits over the past 8 years turned a blind eye to them. They went along with Vice President Cheney. They said deficits don't count. They refused to do anything, while our national debt doubled under the last Republican administration, and we built up enormous debts we still owe to China and Japan, OPEC, and many other nations. They refused to act when our economy was growing and could have easily absorbed the necessary change. Now, when our economy is struggling and we need to spend the money to move forward, these same Republicans have decided that deficits are bad news. They have suddenly gotten a new brand of religion and they want us to end the deficits they supported in the first place. They were wrong then and they are wrong now. If we want to turn around the economy, now is the time for smart investments that pay off over the long term. We want to make sure we create jobs and business opportunities, investing in things that will pay off for a long time to come. The President spelled them out last night.

We know if we invest in health care in America to reduce the cost so that individual families and businesses, State and local governments, as well as the Federal Government, have a reduced increase in the cost of health care each year, it will help us balance the books. President Obama is dedicated to doing that. It will not only be good from a budget viewpoint, it is good from a health care viewpoint. It makes health insurance more affordable. It makes health care more affordable. It will mean that by modernizing and computerizing health records, we will have a better diagnosis and we will avoid the medical errors that frequently occur when information isn't gathered correctly and completely. So that investment in health care is part of President Obama's spending, spending to bring us out of the recession the right way: investing in our future.

He also invests in energy. It wasn't that long ago we were captives of the oil cartels that decided how much we would pay for gasoline. It went up to about \$4.50 in the Midwest. In Illinois, where I am honored to be Senator, people were hurting. Filling a gas tank was a big deal. I remember pulling my little Ford pickup truck into a gas station in Springfield to fill it up on the

weekend and it was 60 bucks and I couldn't believe it. I had never paid 60 bucks to fill up that little truck, ever. That is what happened. For other folks, they had to fill up every other day to get back and forth to work. We were the captives of these oil cartels, these dictators, who were draining off hundreds of billions of dollars from families and businesses in America for overpriced oil—\$120 a barrel and beyond. President Obama wants to bring that to an end. He wants us to move toward energy independence.

He wants to invest in making certain we have green energy sources, renewable and sustainable, right here at home. Is that a good thing for the long term? I think it is one of the best investments we can make. It is the kind of smart investment we need in a budget which many of my friends on the other side of the aisle have rejected. They were the first to complain about gas prices. They are obviously the last to sign up for changing our energy economy.

The third area, of course, is education. I wouldn't be here today without it. Most of us have profited from education that has given us chances we never dreamed of. President Obama can tell that story personally and many others can as well. His investment in education is to make sure we have better teachers, better classrooms, new libraries, laboratories, buildings that will service us in the 21st century. These are investments that will pay off for a long time to come as our kids get the education they need to compete in the 21st century.

We will hear a lot about the budget debate next week. There will be a ton of amendments. There always have been. Everybody has their favorite issue, their favorite amendment. But when it gets down to the bottom line, the question is what that budget will say about who we are and what we value. President Obama has proposed a budget that will make critical investments in our Nation's highest priorities at a time when America needs them more than ever. This budget would provide a little bit of help to hard-working families who desperately need it: tax cuts, as long as we pay for them, education assistance, health care, and alternative energy investments. That is what this budget is all about. The budget restores fairness, reestablishes responsibility.

Incidentally, we are finally going to put in this budget the real cost of Iraq and Afghanistan. For 8 years the Republican administration ignored it, wouldn't count it, said it was some mystery emergency spending. We know better. This budget is more honest.

We also realize to make smart investments—and this budget will make a lasting impact on our country by improving our economy, that will benefit our children and grandchildren for many years to come.

When the time comes next week, I hope my colleagues will step forward, be part of a new era of responsibility, be part of renewing America's promises, promises we have made that we will show good stewardship in leading this country out of this recession into a bright day tomorrow.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL SERVICE REAUTHORIZATION ACT—Continued

AMENDMENTS NOS. 691, 712, 695, AS MODIFIED,  
AND 696, AS MODIFIED

Mr. DURBIN. Mr. President, notwithstanding the pendency of H.R. 1388, I ask unanimous consent that it be in order for the Senate to consider the following amendments and that, where applicable, the amendments be modified with the changes at the desk; that the amendments be agreed to, as modified, where applicable, and that the motions to reconsider be laid upon the table en bloc: amendment No. 691 and amendment No. 712; that amendments Nos. 695 and 696 be called up for consideration, and that each amendment be modified with the changes at the desk; that the amendments, as modified, be agreed to and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 691 and 712) were agreed to.

Mr. DURBIN. Mr. President, I ask that amendments Nos. 695 and 696 be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mr. BURR, proposes amendments numbered 695 and 696, as modified.

The amendments are as follows:

AMENDMENT NO. 695, AS MODIFIED  
(Purpose: To provide for outreach to high schools with low graduation rates)

On page 19, line 22, strike "identified for school improvement under title I" and insert "not making adequate yearly progress for two or more consecutive years under section 1111."

AMENDMENT NO. 696, AS MODIFIED  
(Purpose: To clarify references to high school graduation rates)

On page 49, line 15, insert "(as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education" after "graduation rate".

On page 59, line 9, insert "and as clarified in applicable regulations promulgated by the Department of Education before"; and".

On page 69, line 14, insert "and as clarified in applicable regulations promulgated by the Department of Education before the semicolon.

The PRESIDING OFFICER. The amendments, as modified, are agreed to, and the motions to reconsider are laid upon the table.

The amendments (Nos. 695 and 696), as modified, were agreed to.

#### FLOODING IN NORTH DAKOTA

Mr. DORGAN. Mr. President, Senator CONRAD and I and Congressman POMEROY, our two colleagues from Minnesota, Senator KLOBUCHAR and Congressman PETERSON, met with President Obama just a few moments ago in the Vice President's Room behind the Chamber to talk about the flood threat in our region. This is today's NOAA flood warning map of our country, and you will see that North Dakota is entirely green. The green represents the flood warning areas in our country. We have an entire State under a flood watch.

The headline in our State today is "Blizzard Blasts The State." We have a raging blizzard that has gone on now for the last day and a half. It has closed the interstate highways. We have had up to 18 inches of snow in some areas, and then we have unbelievable flooding threats up and down the Red River and the Red River Valley of North Dakota. Now we have an urgent flood threat that exists in Bismarck, ND, as I speak.

I think it would probably be helpful just to show a few of the scenes. This is piling sandbags. They have had nearly 3 million sandbags filled in a very short period of time with college and high school students and National Guard and others in the Red River Valley filling sandbags. As I said, 3 million sandbags in a very short period of time.

This is the North Dakota National Guard filling sandbags inside the Bismarck Civic Center. Just in the last 24 hours we have seen a threat to the capital city—a very significant threat—and that threat is described in this photograph. This photograph shows what is called an ice jam. There are two ice jams at this point on the Missouri River and the Knife River that flows into the Missouri River. This shows an ice jam. As I speak, they are trying with explosives to deal with this ice jam. There are two ice jams, and if this happens in the wrong way, and one ice jam gives at the wrong time, we will see the entire south side of the capital city of Bismarck, ND, with a substantial amount of water.

Evacuations are underway as I speak in portions of that city. The mayor and the Governor and others, the Corps of Engineers, virtually everyone is involved, and this is a very significant

flood threat that just really in the last 24 to 48 hours has developed as a result of significant ice jams.

This is a city that has not had substantial flood threats since the dam was built on the Missouri River about 60 miles north of Bismarck, ND. But these ice jams have completely changed the calculation and pose a serious threat to the city of Bismarck today. There is a great deal of work going on in the city. I say to all of them how much we admire the work they are doing. They are heroes. There are so many in the military and volunteers who are filling sandbags and doing the work that is necessary to fight that flood.

The Red River Valley flood—this is volunteers in the Fargodome filling sandbags. As I said, several million have now been filled. It appears that this flood could very well top the estimates of the 1997 flood. In 1997, in the Red River Valley, Grand Forks, ND, a community, then, of about 45,000 to 50,000 people was completely evacuated. I rode down the streets of Grand Forks in a boat in a community that was completely evacuated. In the middle of that flood, the center part of that downtown city caught on fire, and we had the spectacle of firefighters in the middle of a flood trying to fight a fire in a downtown area that had been completely evacuated.

This is the Red River Valley. It is completely flat, as flat as a table top. You can't see a hill in any direction. So because of unprecedented amounts of moisture—snowfall and rainfall—and because all of that occurred on top of ground that last fall, when it froze up was completely saturated, we now see, once again, the threat of record levels of flooding.

This is sandbagging outside of Fargo homes in the last day or two.

This is flooding in Beulah, ND.

This is 70 to 80 miles north and west of Bismarck, ND.

This is a feed lot in Mandan, ND. You can't see any feed, and you can't see a lot.

All you can see is water. This is a flooded yard in Fargo, ND. This is the outskirts of Watford City, ND, which is 175 miles away from Bismarck. This is what the Jamestown Airport runway looks like.

The point is that we face a very serious threat. The urgent threat at the moment is in Bismarck, with the determination to try to solve the problem with these ice jams to prevent substantial flooding in the capital city. Our thoughts and prayers are certainly with the folks who are there today trying to do that.

In the Red River Valley—I will be there tomorrow and, hopefully, in Bismarck tomorrow night—the crest is expected in Fargo, ND, on Saturday. Our hope is that the flood fight that is occurring there goes well. Fargo has a lot

of experience fighting flood waters. The mayor and others have done an extraordinary job over the years. They are building earthen dikes, filling sandbags, doing all they can, in coordination with FEMA, the Corps of Engineers, the National Weather Service, the North Dakota National Guard, and others.

I wanted to simply explain the circumstances of why we met with the President today, spoke with the Secretary of Homeland Security yesterday, and why it is important. The President, by the way, said, as President Clinton did when Grand Fork was evacuated, that the point is, in these circumstances you are not alone. This Government of ours—at the city, State, and Federal levels—brings to a flood fight a substantial amount of capability and expertise and people who know what they are doing. Added to that, the volunteers from all over our communities have done an extraordinary job.

I spoke this morning to a person who runs what was formerly called the Crippled Children's School in Jamestown, ND, which has been called in recent years the Ann Carlson School. Disadvantaged circumstances exist for the children in that school, who, when a flood comes, are not as mobile as others. They had to evacuate the Ann Carlson School yesterday. I think there were 60 to 70 children there who live in that school. They had to be evacuated. Again, these are kids with a lot of needs. They had 75 young student athletes show up from the high schools and colleges, and in 4 hours they evacuated that school. They had to take the beds and all of the special equipment those children need. In 4 hours, all those young athletes did that. The fellow who runs that school told me it was extraordinary to see how many showed up to say: Let us help you. So there is a lot going on.

I am going to travel to both the Red River Valley and to Bismarck. I wanted my colleagues to understand the circumstances. Again, to put the first chart back up, you will see that today's NOAA estimate of our country shows that our entire State is under a flood threat. It has been an extraordinary winter. Even as we have this threat, there is a raging blizzard that is shutting down interstate highways in our State and is dropping as much as 18 inches of snow. It has been a tough time.

North Dakotans are pretty resilient people. We will get through this. I wanted to tell my colleagues about this and about why I met with the President.

#### 188TH ANNIVERSARY OF GREEK INDEPENDENCE

Mr. REID. Mr. President, I rise today to recognize Greek Independence Day.

My home state of Nevada is home to one of the most vibrant Greek communities in the United States, and I am pleased to join in celebration with my fellow Nevadans and Greek Americans all around our country on this 188th anniversary of the independence of Greece.

The political and philosophical legacy of ancient Greece is the very cornerstone upon which our great experiment in American democracy rests, and the United States and Greece share a proud history of cooperation and friendship. Our two countries joined together as allies in every major international conflict throughout the 20th century, and the valiant contribution of the Greeks to the Allied effort in World War II in particular cannot be understated.

Today, Greek Americans join together in celebrations both religious and secular, as Greek Independence Day coincides with the Greek Orthodox Church's celebration of the Festival of the Annunciation. As families gather to honor their Hellenic heritage with festive parades, prominent displays of the Greek flag, and preparation of traditional foods, I invite my fellow United States Senators to join me in congratulating the Greek Americans who have so enriched our country with their many contributions.

Earlier this week, I was pleased to support Senate Resolution 82, which passed the Senate by unanimous consent, and recognizes the 188th anniversary of the independence of Greece and celebrates Greek and American democracy. The strong partnership between the United States and Greece has prospered for nearly two centuries, and I look forward to many more years of friendship between our countries.

Ms. SNOWE. Mr. President, today marks a truly cherished day for the Greek people, Greek-Americans and for all the friends of Greece around the globe. It is the 188th anniversary of the day in 1821 when the people of Greece declared independence from the Ottoman Empire, signaling the beginning of the end of centuries of political, religious, and cultural repression of their proud and ancient culture. It took a further 8 years of heroic struggle before Greece secured its full independence.

Americans have long recognized that the ideals which guided our own struggle for independence—liberty, democracy, and human dignity—were also the foundation for Greece's declaration of sovereignty. The United States and Greece were thus destined to become not only faithful allies but close friends. Nearly two centuries after the rebirth of Greek independence, our two nations and their citizens are bound by ever-strengthening bonds which link us through both a shared heritage of democratic values and a modern alignment of strategic interests.

Just as there is much to celebrate in the 188 years of modern Greece's independence, there are many challenges which it faces in the 21st century. Ongoing provocations by Turkey in the Aegean and irredentist actions by the Former Yugoslav Republic of Macedonia thwart Greece's quest for a stable southeastern Europe free of past centuries' often cataclysmic territorial adventurism. Ankara's continuing persecution of the Ecumenical Patriarchate of Constantinople—the leader of Greek Orthodox Christians around the world—and illegal occupation of the north of Cyprus remain an outrageous affront not only to Hellenes but to people everywhere who believe in human rights.

Therefore, on this anniversary of Greek independence, let us not only celebrate and congratulate our friends in Greece but also rededicate ourselves to strengthening the relationship that exists between our two great nations, so as to defend its foundational principles and ensure its vitality in the centuries to come.

#### TRIBUTE TO EDWARD R. WARD

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a member of our Armed Forces from my home State of Kentucky, 1LT Edward R. "Eddie" Ward, who is being inducted posthumously into the U.S. Army Aviation Association of America's Order of Saint Michael.

Established in 1900, the Order of St. Michael recognizes individuals who have contributed significantly to the promotion of Army aviation. Those selected have demonstrated the standards of integrity and moral character, displayed an outstanding degree of professional competence, and served the U.S. Army aviation or civilian aviation community with distinction. There are three levels of the Order of St. Michael—Bronze, Silver, and Gold. First Lieutenant Ward is receiving Gold, the top level, which is awarded when an individual exhibits the highest values of honesty and ethical character.

Ward first enlisted in the Army in 1901 at the age of 19. Six years later, at the age of 25, he was assigned by the signal officer of the Army to take charge of "... all matters pertaining to military ballooning, air machines, and all kindred subjects." Ward became the first noncommissioned officer of the enlisted nucleus that eventually evolved into the present-day Aviation Branch of the Army.

His career was comprised of a great deal of leadership. He headed the team that uncrated and prepared the Wright aircraft for military trials at Fort Omaha. He also served at several air schools including Fort Omaha and the Philippines Air School. However the majority of his career was spent in the Aeronautic Branch of the Signal Corps

until his retirement from the armed forces in 1930.

The Order of St. Michael uses the story of St. Michael defeating the dragon to exemplify the bravery and gallantry associated with the aviation soldier and the boldness and swiftness of aviation on the battlefield. Edward Ward was a true Kentuckian and an American hero who epitomizes the heroism and courage told in this story. He was a prime example of the brave and dedicated soldiers that make our military the best in the world.

Mr. President, I ask my colleagues to join with me in recognizing 1LT Edward R. Ward's dedication to our military and our country.

#### OMNIBUS PUBLIC LAND MANAGEMENT ACT

Ms. CANTWELL. Mr. President, today, Congress can be very proud of a very significant accomplishment.

Because today, Congress stood up for the enjoyment and protection of some of our nation's most pristine and breathtaking wilderness areas, historical sites, national parks, forests, trails, scenic rivers, and oceans. This bill will help our country address the impacts of climate change on our coastal areas, and provide educational opportunities for our Nation's children.

Today, the U.S. House of Representatives will pass the Omnibus Public Land Management Act of 2009 one of the most sweeping conservation bills that Congress has passed in many years.

It is a huge victory for the generations of Americans who enjoy these sites each year.

It is a huge victory for our American heritage.

And, it is a huge victory for Washington State.

This bill has been through many twists and turns over the last year.

But today's successful vote could not have been possible without the tenacity and dedication of Majority Leader REID.

I thank the majority leader for his steadfast support and dedication to seeing that these important public land and ocean priorities became law.

Today, I would like to highlight some of the provisions in this bill that I am especially pleased to see go to the President's desk.

First, this package includes the Snoqualmie Pass Land Conveyance Act, which I sponsored. This bill would transfer an acre and a half of Forest Service land to the Snoqualmie Pass Fire District to help them build a new fire station.

For decades, the Fire District has been leasing its current site from the Forest Service. They operate out of an aging building that was not designed to be a fire station.

While they have been able to serve their community despite this build-

ing's many shortcomings, the time has come for us to pay them back for their hard work and dedication. With traffic on the rise and the need for emergency services in the area growing, the Fire District needs to move to a true fire station and this bill will finally help them do that.

Second, the Ice Age Floods National Geologic Trail Designation Act is included in this bill.

Since 2001, I have been working with communities in Central and Eastern Washington, the National Park Service, and community stakeholders to create an Ice Age Floods National Geologic Trail through portions of Washington, Oregon, Idaho, and Montana.

Visitors to the trail will not only provide an important economic boost to central and eastern Washington communities, but they will learn about an amazing, and often overlooked, part of our region's history.

You see, most people don't know that during the last Ice Age, when a glacial lake in Montana formed and deepened enough, the sheer force of the backed up water undermined the glacial ice-dam. And, the ice gave way in a crackling explosion.

The huge lake, bigger than all the rivers of the world today combined, was released all at once and carved its way through the Pacific Northwest. This changed the region's geography. But these cataclysmic floods have been a story that's gone largely untold. Because of this bill, more people will know this important part of Pacific Northwest history.

Third, this package includes my Pacific Northwest National Scenic Trail Act.

The Pacific Northwest Trail runs from the Continental Divide to the Pacific Coast, is 1,200 miles long, and is one of the most pristine and breathtaking trails in the world.

This carefully chosen path runs through the Rocky Mountains, Selkirk Mountains, Pasayten Wilderness, North Cascades, Olympic Mountains, and Wilderness Coast.

From beginning to end it passes through three states. It crosses three National Parks. And it winds through seven National Forests.

Finally, this trail will receive the designation it deserves.

This package also includes my Wildland Firefighter Safety legislation.

Wildland firefighting and the safety of wildland firefighters is vitally important to our brave men and women who battle these blazes, and for the communities that depend on them. This legislation will improve accountability and transparency in wildland firefighter safety training programs.

Through training and certification we can lower the risk to the brave men and women who protect our forests and communities. It's critical that Congress is actively engaged to make sure this happens.

I would also like to mention the three provisions in this package aimed at conserving and protecting our nation's oceans and the communities that depend on them.

This is particularly important in these days of economic turmoil, as millions of Americans depend directly and indirectly on healthy oceans and coasts.

Also, as our climate changes, we must work to address some of the issues that have the potential to affect millions of jobs.

That is why I was thankful that Majority Leader REID included several provisions in this package that address our oceans.

I am particularly thrilled about the Federal Ocean Acidification Research and Monitoring Act.

The world's oceans are absorbing roughly 22 million tons of carbon dioxide every day, causing seawater chemistry to become more acidic possibly withholding the basic chemical building blocks needed by many marine organisms.

This act creates a comprehensive national ocean acidification research and monitoring program that will take a hard look at the devastating impacts greenhouse gas emissions are having on our oceans.

All of this could not have been accomplished without the strong support and hard work and dedication of the majority leader and I thank the leader for successfully moving these priorities.

Today is a proud day for Congress, for Washington State, for our world's ocean and marine environments, and for some of the most breathtaking views and important legacies this Nation has to offer.

Because the steps we have taken in this package will protect our lands, our coastal areas, and our first responders.

#### UNNECESSARY KILLING OF BABY SEALS

Mr. LEVIN. Mr. President, yesterday Senator COLLINS and I submitted Senate Resolution 84, urging the Government of Canada to end the senseless and inhumane slaughter of seals off the east coast of Canada.

To reiterate, on March 18, 2009, just weeks before its hunting season was scheduled to begin, Russia announced that it would ban the hunting and killing of baby seals. Youri Trutnev, Russia's Minister of Natural Resources, who was quoted in the New York Times last week, graphically depicted the shameful practice, saying: "The bloody sight of the hunting of seals, the slaughter of these defenseless animals, which you cannot even call a real hunt, is banned in our country, just as well as in most developed countries."

In addition, the Internal Markets and Consumer Protection Committee,

IMCO, of the European Parliament approved a prohibition on trade in seal products in the European Union. This measure may now be considered by the full European Parliament in the coming months.

Yet, in Canada, the largest commercial slaughter of marine mammals in the world continues. According to the Humane Society of the United States, HSUS, over one million seals have been killed over the past 4 years. In Canada, seal pups as young as 12 days old can legally be killed. The vast majority of seals killed in these hunts are between 12 days and 12 weeks of age.

Canada has officially opened another seal hunting season, paving the way for hundreds of thousands of baby seals to be killed for their fur in the coming weeks, when the harp seal hunt begins in earnest. I am pleased to have been joined by Senator COLLINS in submitting this resolution that urges the Government of Canada to end this senseless and inhumane slaughter.

The U.S. Government has opposed this senseless slaughter, as noted in the January 19, 2005, letter from the U.S. Department of State, in response to a letter Senator COLLINS and I wrote to President Bush, urging him to raise this issue during his November 30, 2004, visit with Canadian Prime Minister Paul Martin. The letter reads, in part, as follows: "The United States has made known to the Government of Canada its objections and the objections of concerned American legislators and citizens to the Canadian commercial seal hunt on numerous occasions over recent years. The United States has also opposed Canada's efforts within the Arctic Council to promote trade in sealskins and other marine mammal products."

Mr. President, I ask unanimous consent the New York Times article of March 19, 2009, entitled "Russia to Ban Hunting Baby Seals" be printed in the RECORD, as follows:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

#### RUSSIA TO BAN HUNTING OF BABY SEALS

(By A.G. Sulzberger, Mar. 19, 2009)

Russia announced on Wednesday that it would ban the hunting of baby seals, effectively shutting one of the world's largest hunting grounds in the controversial trade in seal fur.

The decision is yet another blow to an age-old industry that has been losing a public relations battle in recent years to animal-rights groups, who have gained public support by using stark photographs of harp seal pups less than a month old being clubbed to death on blood-stained ice floes.

In addition, the European Union is considering a ban of all seal products—similar to one that the United States adopted decades ago—which would eliminate a key trade route and end market for the furs. And even in Canada, where the world's largest seal hunt is scheduled to begin later this month and top leaders vigorously defend the industry, a legislator for the first time introduced a proposal to curtail sealing.

"It's highly significant," Rebecca Aldworth, director of Humane Society International in Canada, said of the political developments. "It shows that world opinion is moving away from commercial seal hunting. There's hope on the horizon that this may be the last year that we ever have to witness this cruelty."

In Russia, where the number of new pups has dropped sharply in recent years because of the hunts as well as shrinking ice in the White Sea, the government initially announced a ban on the killing of the very youngest and most highly prized seals, known as "whitecoats." The seals shed the white fur in about two weeks, with the resulting silver coat also coveted.

But the government announced in unsparing language that it intended to extend the ban to include all seals less than a year old. (While adult seals are also hunted in smaller quantities, their coarse, scarred fur is generally not used in clothing.) The move, publicly backed by Prime Minister Vladimir V. Putin and coming just weeks before the hunting season was to begin, could save as many as 35,000 seals, according to a spokesman for the International Fund for Animal Welfare.

The Associated Press quoted the natural resources minister, Yuri Trutnev, as saying in a statement: "The bloody sight of the hunting of seals, the slaughter of these defenseless animals, which you cannot even call a real hunt, is banned in our country, just as well as in most developed countries, and this is a serious step to protect the biodiversity of the Russian Federation."

Masha Vorontsova, the head of the International Fund for Animal Welfare in Russia and a biologist who has been pushing for a ban since the fall of the Soviet Union, credited an outpouring of public support for ending the hunt. "It's a fantastic achievement," she said.

In contrast, Gail Shea, Canada's Minister of Fisheries and Oceans, did little to disguise her frustration at moves taking aim at the industry both abroad and at home, which she attributed to "mistruths and propaganda" spread by special interest groups. "For some reason the European Union will not recognize what the actual facts are because it's an emotional issue and a political issue," she said in an interview.

Ms. Shea, who earlier flew to Europe to lobby against a European Union ban, warned that such a move could violate international trade law. An industry spokesman said that nearly all Canadian seal products passed through Europe on their way to major consumers like Norway, Russia and China. It is unclear whether Russia will also ban the import and sale of seal products.

Commercial sealing also takes place in a handful of other countries, including Norway, Greenland and Namibia. In Canada, last year's catch of 207,000 seals—or roughly one in every five pups born that year—earned the roughly 6,000 licensed sealers a total of \$7 million, down from \$33 million in 2006, according to Phil Jenkins, a spokesman for the Canadian fisheries department. The hunting decreased, he said, largely because of a sharp drop in prices for the pelts, from \$97 to \$33, for a perfect specimen. Seals are killed by rifle or by club.

The harp seal population level has held steady at about 5.6 million for the last decade, he said, but anti-sealing groups contest that figure.

However, the Canadian industry came under rare official scrutiny last week, when Mac Harb, a senator from Ontario, introduced the legislation to cancel the coming

hunt. He argued that the industry was dying, propped up by public tax dollars and costing Canada international good will. But his proposal died when Mr. Harb could not get another member to second his motion.

"There was silence. Total silence!" he said in a telephone interview on Wednesday. "I was amazed that not one of my colleagues, from any one of the political parties, would even want to debate the issue."

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am a Meridian resident, who works in Boise, an 8-mile commute for me. I own a 2003 Dodge Dakota, and it was my commuter vehicle until a couple months back. It has a fuel capacity of 23 gallons. Before I stopped driving my truck, it was costing me about \$160 per month in gas . . . just for me to get to and from work—8 miles away. That is before gas went over \$4/gallon. The reason I do not have to drive my truck anymore, is because my wife got a new job in Boise, a mile from my workplace, and we are now able to carpool together in her car, a 2003 Mazda 6. Previously, she worked in Meridian, just a couple miles from our home. My wife hates driving the truck, which is why I drove it, instead of her.

Since my wife got her new job nearly two months ago, my truck has just sat in the garage. I filled it up 6-8 weeks ago—and it still has the same full tank of gas. It hasn't moved an inch. How can I afford to move it, when it only gets 12-16 mpg, and gas is now hovering between \$4.10-\$4.15 a gallon? If I was still driving my truck to work, it would now be costing about \$200 a month just to commute back and forth to work. Ridiculous. So my truck sits and waits for something to cause fuel prices to go down.

Now for the possible solution I read about the other day. SwiftFuel: I saw a blurb on it on the website, <http://slashdot.org>, which had a link to a full article by Robert X. Cringly on PBS' website. Basically, SwiftFuel is made from ethanol, but contains no ethanol. It is currently being tested by the FAA as a replacement fuel for the current lead based

aviation fuels, which must cease to exist in 2010. It has a higher octane rating (about 104); has more energy per gallon, which results in a 15-20 percent increase in fuel efficiency; can be run on existing engines without modification; can be stored in the same tanks and shipped in the same pipelines as gasoline; and since it is a biomass, has a net 0 carbon footprint on the environment. Oh, the ethanol used to make it—it is not produced from corn. It is produced from sorghum which produces six times more ethanol than corn, per acre. No higher food costs from the production of its ethanol. Currently, SwiftFuel costs about \$1.80 to produce, and we can make it right here, in the good ol' U. S. of A.

Obviously, this is just one article, and one side. But if most of what this article claims is true, this could be a very viable, quick remedy to breaking our addiction to oil. Everyone could benefit from it immediately, without having to buy new cars, or paying for expensive modifications. I think it deserves a very serious look from the Government, and I hope you will encourage other lawmakers to look into it.

If it makes it to our local pumps, my Dakota can come out of the garage and play.

JARED.

Thank you for all you are doing to keep energy prices, costs, and options open.

Our family is spread all over the country because we gave them wings to fly. Giving them independence sometimes means higher costs for visits. When my husband and I married in 1967, the Viet Nam War was the countries overseas involvement. Since then so many, many more overseas events have affected our society.

Being part of a world economy is a challenge. I think our country will be challenged beyond our wildest dreams and people from all over the world will be meeting our expectations of being like us. That is not all good. One of the things is energy and high cost of traveling. Staying close to home will be the only option for most people in our world and probably not a bad thing.

I would hope that other energy options will finally come out and be fully embraced by the government with incentives and with financial responsibilities that all Americans can understand and live with.

We will need another post World War II plan of some sort to put people to work, give them self esteem to continue to work things out.

With our medical crisis, overseas wars, and societal morality issues we face a time of great challenge!

I hope that you and others in Washington will take the time off and spend time at home and have smaller salaries so we as Americans can have examples of sacrifice and fiscal responsibly.

Thank you for your service to our state and our country. I look forward to the next four years and hopefully we will have a more responsible White House and legislative sessions!

NANCY.

As you have heard from many sources, the high energy costs are providing difficult choices: food or gas, rent or gas, mortgage or gas, utilities or gas, medicine or gas, etc. I just read the results of a survey that indicated that 76% of respondents say that the country is headed the wrong way. This is not only a White House issue. This is a White House and Congress issue. All I see reported is finger pointing; one party blaming the

other or the White House. It is time to put aside partisan bickering and seek for bipartisan solutions. OPEC is creating a false supply shortage due to lack of daily production. Oil companies must share the blame.

Refineries are creating a false supply shortage by not producing to their capacity. They post record profits but do nothing to increase refinery capacity or build new refineries. Oil production in the United States can and must increase.

Conservation by the American people is a must. A change in my driving habits has resulted in a 3 miles per gallon increase. I drive twenty miles a day to and from work. One road posts 65 mph. I drive 55 mph. I coast up to stop signs where safely possible. Where safely possible, I drive 55 miles per hour instead of 65, or 65 instead of 75. One can only imagine what would happen if every driver in America would increase their miles per gallon by changing driving habits.

Demand would definitely decrease which should have a positive effect on supply. But, unfortunately, the American people will not conserve on their own. The congress must force conservation. During the early 1970s, America faced an oil crisis. One of the measures the government instituted was lowering the speed limit to 55 miles per hour. Not only did this action reduce demand, it saved lives. This seems to be an inexpensive option. The only cost to the government, as I see it, is in putting up new speed limit signs.

The interesting thing to me is that the American public have driven one billion miles less this year compared to last year, yet the price of gas continues to rise. It makes one wonder what kind of coalition has been created to keep supply down and prices up in spite of the minimal conservation efforts of the American people. Does anything the American people say really carry any weight with our government?

I know that this is a complex problem. Some stop-gap measures need to be put in place while long-term solutions are reached. Now would be a good time for Congress to step up to the plate and hit a grand slam to win the game for the American people.

R.

Thank you for the opportunity to share my concern about the rising energy costs in our country. I have a 2001 Toyota Camry and when I first bought the car it cost between \$12 and \$15 to fill the tank. Last Friday I filled it and it was \$56.03! From \$15 to \$56, and the news says the price of gas is still rising!

In the past, whenever something was totally out of control in our country, we could count on our leaders to do something about it. Gas prices have gone up before (but never to this extent) and then came back down? I always felt safe and secure in the United States but now things seem to be totally out of control. Where are our leaders/Senate? What are they doing to help us? With the extremely high gas prices everything else is going up, too. So much so that we all are being forced to cut back everywhere else—even in critical areas such as food and/or medicine. Living in Idaho does not give me an option on not driving my car to work and I have to work in order to survive. I do not want to quit work and be supported by welfare, or any other assistance, simply because I cannot get to work. I am disabled and cannot ride a bicycle to work (which will not work in Idaho during the winter, either).

After a horrific divorce, I struggled many, many years as a single woman to get my feet on the ground and be self-sufficient. It terrifies me to think that security can easily be taken away from me



Where in the world did the United States ever get the notion we could be dependent on foreign countries for energy? That is absolutely ridiculous! We are supposed to be the leader of the free world, not depending on other countries to survive. We have resources on our own soil so why are we not using them? What is happening with the reserve oil? As the Senate, I implore you to please do something to stop the rising gas prices and get them lowered again!

CONNIE, *Post Falls*.

I am a non-traditional student at BSU. I depend on grants and loans to attend college and only work part-time as a tutor on campus. I live relatively close to campus so I can walk or take the bus if need be, but so far I have not had to. The real story I wanted to share is why I am not bothered with the rising prices of gas as much as everyone else seems to be.

I was in the US Army from 1968 to 1972 and served in Germany from the fall of 1968 to the spring of 1970. Gas prices in Germany, at that time, after converting from the old Mark to US dollars, were about \$3.65 a gallon. We have been very fortunate to have cheap prices for as long as we have. Now it is our turn to pay up.

I would say to Congress: Shame on you for not allowing the drilling of more oil reserves in those areas of our country that have it, for you are keeping us dependent upon OPEC and keep us at the mercy of their pocket book needs. I also would ask Congress to seriously consider thorium research to replace uranium in our reactors, for it is considerably more economical, safer for the environment and would go a long way to promote anti-proliferation by terrorists.

KERMIT.

My husband works in construction. The good news is: He has had job after job out at the nuclear site west of Idaho Falls. The bad news is: Construction workers do not get to ride the buses. They have to drive out themselves, unless they are lucky enough to work for a company that carpools their men in a company truck. That is not happening right now. Gary drives out to work every day. Even with a fuel stipend to offset his gas purchases each week, we are going in deeper and deeper because of the rising fuel prices. I am sure construction companies can only afford to offset just so much for their employees. It will cap out and we will be left making up the difference. After all, we have to keep Gary working. For my job, I travel the upper Snake River Valley, making visits in the homes of adult clients with developmental disabilities. I am required by the state Medicaid to make these monthly visits. I drive a fairly fuel efficient vehicle, but again, our miscellaneous expense budget has been hacked by increases expense at the fuel pump.

I am so hoping the government will explore and implement domestic oil production. Get these foreign countries off our backs! They are grinding the faces of the American citizen into the pavement. Of course, I am in favor of expanded nuclear energy research. We here in southeast Idaho have grown up with the nuclear site in our backyard. Incentives for conservation may help, but do not let too much red tape bind the effectiveness of the incentive or companies will not feel it is worth it. I repeat, the environmentalists have had their day and now we are suffering for it. They need to quiet down and let business address the issues of the American family trying to survive in the United States.

Thank you for your interest in our story.  
GARY and JANA.

The increase in prices caused by an increase in demand is not a valid cause for increasing the pressure put on the environment by our society's increasing demand for high quality energy. The price increase is a result of capitalism—imagine that, the U.S. has promoted a change in world economy to be more like ours and it has worked. More demand translates to higher prices. The stock brokers are now speculating on energy futures.

So the solution is efficiency. Start carpooling. The demand could be reduced if people rode together to work and school in their current vehicles. As new vehicles are purchased, energy efficient machines could be purchased instead of the CAFE loop-hole SUVs that the current federal government still subsidizes. Also the speed limit could be reduced. Yes, all the machines on the free-ways are more efficient at lower speeds. It is just physics. Then reduce the need for energy by reducing the demand for AC and Heating because of the unrealistic size of homes. Start programs to subsidize development of solar electric to AC systems in the sunbelt of the U.S. Such a program would significantly reduce the electric grid demand.

The answer to the impact of energy prices could be altered immediately through conservation, not 5 years from now by increases in exploration.

DALE, *Coeur d'Alene*.

We are writing to express our complete exasperation with the U.S. Congress' inaction on vital energy questions or maybe it is a not so subtle attempt to ruin our way of life. We and our neighbors live about 70 miles from adequate shopping and medical services. We spend about \$30 for gasoline for each round trip. Ours is a poor, rural community where many people have to commute long distances to work and whose budgets are being wrecked by the current cost of gasoline and diesel fuel. Being a community of mostly self-sufficient, hardworking people who do not have time to publicly complain or demonstrate, we seldom have the opportunity to be heard. We appreciate your invitation to let us express our frustrations.

We believe that election year politics is important but that an issue so vital as energy supplies should be something that our representatives should agree upon. Have we reached a point where the elite of our society are so powerful that the pain felt by everyday citizens is of no importance when balanced against their idealistic agendas?

I am a retired engineer with adequate retirement reserves, and \$4 a gallon gasoline will not bankrupt me. Most of my neighbors are not so fortunate and will be strapped to ever achieve adequate retirement finances if fuel costs and the increased cost of products due to fuel costs are not addressed. The ability to save is being destroyed for the average citizen by increased fuel costs.

Again, thank you for the opportunity to state my opinions. I hope that you will do all that is possible for you to do to ease this burden. We are in favor of drilling for oil both in ANWR and offshore. We are also in favor of nuclear energy. It is the fuel of the future and again we are letting a few loud-mouthed elitists dictate policy and add to the hardships of the people who make the country work.

KAREN and ROY, *Orofino*.

I suspect that you have heard quite a few stories about how rising energy costs have

impacted Idahoans lives. I want to tell you how mine has been changed. I work at the INL (Idaho National Laboratory) for the CCP (Central Characterization Project) on the ICP (Idaho Cleanup Project). I tried riding the bus service that the site has provided for decades. At the end of last year, the fuel prices prompted a change in the cost of a bus pass from approx \$11 a week—more than doubling (I believe) to almost \$23 a week. I no longer ride the bus but ride with a co-worker who has been forced to drive because it is cheaper for he and his wife who both work on the ICP to drive than to ride the bus. He is gracious and insists that I do not pay my share of fuel costs or the maintenance on his car. I have filled the car's fuel tank twice, and each time I was caught off guard by my upset wife telling me that the lack of that money was going to cut down on food and other things that we have necessity for in our home. I have been very blessed by the hands of God in which our country and state reside. My family has never gone hungry, but I truly have to hope now that we never will. If there can be a way to improve the value of the dollar, to lower the price in gas (or even maintain it at the ridiculous price that it is currently at), then myself and many other Idahoans and Americans would be greatly appreciative. I continue to support those who are making wise decisions for the people of the United States, and continue to pray to God that he will preserve me and my family from harder times.

STEPHAN.

My husband and I both are retired. We recently bought a Silverado pick-up in February, almost \$32,000. Do you think we would have bought that had we seen the gas crisis coming? Heavens no! We were going to buy a travel trailer for it to hitch and explore our nation. That thought is completely gone. We have six children, three of whom are married with children, with double incomes to make ends meet. Now, that is all we can do—make ends meet. We are all surviving and, thank God, we are a resourceful nation. We bought a 32 mpg Chevy, and one son bought a motorcycle to commute to work, but we just do not go shopping. We are all making it, but groceries and gasoline seem to be taking our checks. I am worried about the other businesses of our nation who have depended a bit on our incomes. What about them? Start drilling! We are worth more than what we are being handed by the radical environmentalists. God is the one who selects plants and animals for extinction, not us. If he chooses, they could be gone tomorrow no matter what we do. Start drilling!

VAL.

#### ADDITIONAL STATEMENTS

##### HONORING HARTLEY'S CHRYSLER DODGE JEEP GMC

• Ms. SNOWE. Mr. President, as we heard in testimony before the Senate Committee on Small Business and Entrepreneurship last week, auto dealerships are struggling to sell cars in this difficult economy. One of our witnesses remarked that in a healthy economy, auto sales make up approximately 20



percent of our country's retail spending. Clearly, a healthy automobile industry is critical to our economic success. I rise this week to recognize Hartley Chrysler Dodge Jeep GMC, an outstanding auto dealership from my home State of Maine that has remained true to its longstanding commitment to serving its customers and its community, regardless of economic conditions.

Located in the central Maine town of Newport, Hartley's Chrysler Dodge Jeep GMC is a second-generation family-owned small business. Hartley's opened its doors in 1946, when Perley Hartley began selling used vehicles from a filling station in the neighboring town of Corinna. In 1960, the dealership started selling new cars, adding Chrysler and Plymouth as its first automobile lines.

A year after graduating from Eastern Maine Community College in the early 1970s, Steven H. Hartley, now the company's president, went to work for his father in the sales department at Hartley Motors in the town of Dexter. He eventually bought the original dealership from his uncle Perley and took over operations in 1983, when he moved the business to its current location in Newport. Since then, Steven Hartley has ensured that the dealership is profitable every year. For the company's dedicated work, Hartley's received DaimlerChrysler's five-star elite dealership status in 2005, an honor held by only two dealerships across Maine.

Mr. Hartley donates his time to promoting the well-being of the entire auto dealer industry throughout Maine and New England. He is a former director of the New England Chrysler Ad Association, and presently serves as a director on the New England Dodge Ad Association. Mr. Hartley also contributes his time and talents as a Director at the Maine Auto Dealers, and a trustee for the Maine Auto Dealers health and insurance trust.

In addition to his business and professional accomplishments, Steven Hartley is a Master Mason and a member of the Shriners. Additionally, Mr. Hartley has served for 20 years as a volunteer firefighter for the Corinna Fire Department, even attaining the rank of department chief. Late last year, he was one of just 49 automobile dealers out of more than 19,500 nationwide that were nominated for the TIME Magazine Dealer of the Year award. Through this nomination, he garnered national recognition at the National Automobile Dealers Association Convention and Exposition in January, where he was honored by TIME and the Goodyear Tire and Rubber Company for his honorable community contributions and his service to the auto dealer industry.

Driving his dealership to a whole new level of success, Steven Hartley has led Hartley's Chrysler Dodge Jeep GMC to the top of the industry and the fore-

front of the community. Entrepreneurs like Mr. Hartley are striving to ensure that our Nation's auto dealerships are here to stay, and we owe them a debt of gratitude. Congratulations to Steven H. Hartley on his most recent accolades, and I wish everyone at Hartley's Chrysler Dodge Jeep GMC a prosperous year.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1089. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Policies, Types of Loans, Loan Requirements—Telecommunications" (RIN0572-AC13) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1090. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Castor Oil, Ethoxylated, Oleate; Tolerance Exemption" (FRL-8399-8) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1091. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dinotefuran; Pesticide Tolerances for Emergency Exemptions" (FRL-8401-5) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1092. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenprothrin; Pesticide Tolerances" (FRL-8400-8) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1093. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Pesticide Tolerances" (FRL-8403-7) received in the Office of the

President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1094. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thymol; Exemption From the Requirement of a Tolerance" (FRL-8404-4) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1095. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triethanolamine; Exemption From the Requirement of a Tolerance" (FRL-8404-1) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1096. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tristyrylphenol Ethoxylates (CAS Reg. No. 70559-25-0) and (CAS Reg. No. 99734-09-5); Exemption From the Requirement of a Tolerance" (FRL-8404-7) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1097. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico" (Docket No. APHIS-2008-0124) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1098. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to demonstration project notices, amendments, and changes requested by the Science and Technology Reinvention Laboratories during calendar year 2008; to the Committee on Armed Services.

EC-1099. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC-1100. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Accuracy of Advertising and Notice of Insured Status" (RIN3133-AD52) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-1101. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination in the position of Deputy Secretary; to the Committee on Banking, Housing, and Urban Affairs.

EC-1102. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Amendment 15" (RIN0648-AW08) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1103. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Emergency Rule" (RIN0648-AX61) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1104. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2009-2010 Biennial Specifications and Management Measures" (RIN0648-AX24) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1105. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Reduction of the Landing Limit for Eastern Georges Bank Cod in the U.S./Canada Management Area" (RIN0648-XN46) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1106. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XN33) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1107. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XN69) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1108. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648-XN53) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1109. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XN55) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1110. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the DTV Delay Act" (MB Docket No. 09-17) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1111. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Reexamination of the Comparative Standards for Noncommercial Educational Applicants" (MM Docket No. 95-31) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1112. A communication from the Senior Legal Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Improving Public Safety Communications in the 800 MHz Band; New 800 MHz Band Plan for U.S.-Canada Border Regions" (WT Docket No. 02-55) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1113. A communication from the Acting Director of the Office of Policy, Import Administration, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Steel Import Monitoring and Analysis" (RIN0625-AA82) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1114. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations Under the Textile Fiber Products Identification Act" (16 CFR Part 303) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1115. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of a Dose Standard After 10,000 Years" (RIN3150-AH68) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Energy and Natural Resources.

EC-1116. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" ((SATS No. PA-152-FOR)(Docket No. OSM-2008-0019)) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Energy and Natural Resources.

EC-1117. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment" (RIN1904-AB74) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Energy and Natural Resources.

EC-1118. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable En-

ergy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Procedural Rules for DOE Nuclear Activities" (RIN1990-AA30) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Energy and Natural Resources.

EC-1119. A communication from the Acting Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2008; to the Committee on Energy and Natural Resources.

EC-1120. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Chemical Reporting; Tier II Inventory Information" (FRL-8785-3) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Environment and Public Works.

EC-1121. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Kentucky; Approval Section 110(a)(1) Maintenance Plans for the 1997 8-hour ozone standard for the Huntington-Ashland Area, Lexington Area and Edmonson County" (FRL-8781-5) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1122. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Maryland; Reasonably Available Control Technology Requirements for Volatile Organic Compounds" (FRL-8780-2) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1123. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Volatile Organic Compound Reasonably Available Control Technology for Reynolds Consumer Products Company" (FRL-8779-8) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1124. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to the Control of Air Pollution from Combustion of Refuse" (FRL-8782-2) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1125. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Alabama State Implementation Plan; Birmingham and Jackson Counties" (FRL-8781-7) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1126. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Control of Emissions From Existing Other Solid Waste Incinerator Units; Arizona; Pima County Department of Environmental Quality" (FRL-8781-2) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1127. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of California; Amador County Air Pollution Control District, San Diego County Air Pollution Control District" (FRL-8783-7) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1128. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Mexico: Final Authorization of State Hazardous Waste Management" (FRL-8784-9) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Environment and Public Works.

EC-1129. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Parent Locator Service; Safeguarding Child Support Information" (RIN0970-AC01) received in the Office of the President of the Senate on March 23, 2009; to the Committee on Finance.

EC-1130. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Asset Valuation under Section 430(g)(3)(B) as amended by WRERA" (Notice 2009-22) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Finance.

EC-1131. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxation of fringe benefits" (Rev. Rul. 2009-6) received in the Office of the President of the Senate on March 24, 2009; to the Committee on Finance.

EC-1132. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to providing information on U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-1133. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Department's Other Transaction Authority; to the Committee on Homeland Security and Governmental Affairs.

EC-1134. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Implementation of Omnibus Homeland Security Act: D.C. Government Needs to Sharpen Its Focus on Homeland Defense"; to the Committee on Homeland Security and Governmental Affairs.

EC-1135. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Certified

Capital Companies Program"; to the Committee on Homeland Security and Governmental Affairs.

EC-1136. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-31" (Docket FAR 2009-0001, Sequence 2) received in the Office of the President of the Senate on March 20, 2009; to the Committee on Homeland Security and Governmental Affairs.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-13. A resolution adopted by the Senate of the Republic of the Philippines, forwarded by the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, expressing the sense of the Senate to thank the United States Congress for the approval of the Conference Report on the American Recovery and Reinvestment Act of 2009, which provides the amount of one hundred ninety-eight million dollars for the benefit of eligible Filipino veterans; to the Committee on Appropriations.

#### RESOLUTION NO. 161

Whereas, then President of the United States Franklin D. Roosevelt issued a military order on 26 July 1941, calling into service the organized military forces of the country under the command of General Douglas MacArthur to fight with the American soldiers in World War II;

Whereas, President Roosevelt's military order stated that, "As Commander-in-Chief of the Army and Navy of the United States, I hereby call and order into service of the Armed Forces of the United States for the period of the existing emergency, and place under the command of a General Officer, United States Army, to be designated by the Secretary of War from time to time, all of the organized military forces of the Government of the Commonwealth of the Philippines";

Whereas, on February 20, 1946, then President Harry Truman affirmed the status of these Filipino veterans as "nationals of the United States" who "fought, as American nationals, under the American flag, and under the direction of our military leaders";

Whereas, President Truman likewise recognized that they "fought with gallantry and courage under most difficult conditions";

Whereas, regrettably, on 18 February and 17 May 1946, the First and Second Supplemental Surplus Appropriation Rescission Acts, collectively known as the Rescission Acts of 1946, were enacted, preventing our veterans from receiving benefits which were previously granted to them;

Whereas, our veterans have been fighting for more than six decades for the restoration of their honor and the recognition of their dignity as soldiers who fought with the Americans during World War II;

Whereas, previous administrations, starting from former President Elpidio Quirino, including Philippine Ambassadors to the United States, have continuously exerted collective efforts for the realization of this goal;

Whereas, on June 2007, members of the United States Congress expressed their sup-

port for the passage of a legislative measure reversing, the ill effects the Rescission Acts of 1946 and granting pension benefits to our veterans then pending in the US Congress;

Whereas, these legislators, however, intimated their concern that upon the passage of this US bill, the benefits currently granted to our veterans would be revoked, as provided under RA 6948, amended by RA 7696;

Whereas, to address this concern and to grant full benefits to our veterans which they rightfully deserve, Republic Act No. 9499, otherwise known as the Filipino World War II Veterans Pensions and Benefits Act of 2008, was signed into law on 9 April 2008;

Whereas, the law paved the way for the approval by the United States Senate and House of Representatives of the proposed American Recovery and Reinvestment Act of 2009, otherwise known as the Economic Stimulus Bill, with the valiant and unflinching support of Senators Daniel K. Inouye, Harry Reid and Daniel Kahikina Akaka, and Representatives Robert Filner, Mike Honda and Nancy Pelosi, among other legislators;

Whereas, on 13 February 2009, both Houses of the US Congress approved the Conference Report on the Economic Stimulus Bill, with 60 affirmative votes and 38 negative votes;

Whereas, United States President Barack Obama is scheduled to sign the Economic Stimulus Bill in Denver, Colorado, on 17 February 2009, the eve of the 63rd anniversary of the enactment of the First Rescission Act;

Whereas, the end of the decades-long suffering of our veterans is now within reach, for when the Economic Stimulus Bill is enacted into law, our surviving veterans can claim up to Fifteen Thousand Dollars (USD 15,000) in lump-sum benefits, not as monetary compensation for their gallantry during World War II, but as recognition of their honor for risking life and limb for our allies and our country. Now, therefore, be it

*Resolved as it is hereby resolved by the Senate of the Philippines*, To express the sense of the Senate to commend Senator Daniel K. Inouye and the United States Congress for the approval of the Conference Report on the American Recovery and Reinvestment Act of 2009, which provides the amount of One Hundred Ninety-eight Million Dollars (USD 198,000,000) for the benefit of eligible Filipino Veterans.

POM-14. A resolution adopted by the Senate of the State of New Mexico memorializing a request that Congress be urged to hold hearings on a new management system for the Valles Caldera National Preserve; to the Committee on Energy and Natural Resources.

#### SENATE MEMORIAL NO. 32

Whereas, the Valles Caldera National Preserve is one of New Mexico's most spectacular places and important wildlife habitats, consisting of eighty-nine thousand acres of forest, high-mountain grassland and clear streams nestled into the caldera of an ancient volcano; and

Whereas, hunting, fishing and outdoor recreation are important parts of the way of life in New Mexico; and

Whereas, accessible and protected public lands benefit local economies by offering a higher quality of life that attracts tourism and high-wage jobs; and

Whereas, the current management experiment at the Valles Caldera National Preserve is based on a system set up for the Presidio, an urban area located in San Francisco, California; and

Whereas, it has become clear that the experimental management system for the

Valles Caldera National Preserve will never generate adequate funding without developing, and thereby destroying, the Valles Caldera itself; and

Whereas, the current experimental management system has failed to provide adequate access to the public for responsible use and enjoyment of the area; and

Whereas, a new management system would improve opportunity for the public to responsibly enjoy the Valles Caldera National Preserve, thereby benefiting all residents and helping the local economy; and

Whereas, a new management system would expand access to hunting, fishing and outdoor recreational opportunities for all residents regardless of financial means; and

Whereas, a new management system would improve natural resource management at the Valles Caldera National Preserve and put it on more solid financial footing, ensuring that this spectacular place can be enjoyed by present and future generations: Now, therefore, be it

*Resolved by the Senate of the State of New Mexico*, That Congress be urged to hold hearings as soon as possible on the establishment of a new management system for the Valles Caldera National Preserve, in which the United States Forest Service, the National Park Service or the United States Fish and Wildlife Service provide management to improve responsible public access, expand hunting, fishing and outdoor recreational opportunities for the public and place the Valles Caldera National Preserve on firm financial footing so that present and future generations can enjoy and experience this spectacular place and benefits to the economy can be fully realized; and be it further

*Resolved*, That copies of this memorial be transmitted to the New Mexico Congressional Delegation and the Chief Clerks of the United States House of Representatives and Senate for distribution to the appropriate committees.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself and Mr. CARDIN):

S. 689. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of church pension plans, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. CRAPO, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. 690. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the Committee on Environment and Public Works.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 691. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southern Colorado region, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHUMER:

S. 692. A bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself, Mr. ISAKSON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 693. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. HATCH):

S. 694. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mr. KOHL, Ms. STABENOW, Mr. BROWN, and Mr. LIEBERMAN):

S. 695. A bill to authorize the Secretary of Commerce to reduce the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself and Mr. ALEXANDER):

S. 696. A bill to amend the Federal Water Pollution Control Act to include a definition of fill material; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Mr. BROWN, Mr. CASEY, and Mr. WHITEHOUSE):

S. 697. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. GRAHAM, and Ms. COLLINS):

S. 698. A bill to ensure the provision of high-quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 699. A bill to provide for the construction by the Secretary of Veterans Affairs of a full service hospital in Far South Texas; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. BROWN, and Ms. COLLINS):

S. 700. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. ALEXANDER, Mr. WYDEN, Mr. WHITEHOUSE, and Mr. BROWNBACK):

S. 701. A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG); to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. ENSIGN, Ms. COLLINS, Ms. KLOBUCHAR, and Mr. GRAHAM):

S. 702. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Finance.

By Mr. SANDERS:

S. 703. A bill to provide for health care for every American and to control the cost and

enhance the quality of the health care system; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. BURR):

S. 704. A bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. KAUFMAN, and Mr. MENENDEZ):

S. 705. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

By Mr. MENENDEZ:

S. 706. A bill to increase housing, awareness, and navigation demonstration services (HANDS) for individuals with autism spectrum disorders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 707. A bill to enhance the Federal Telework Program; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mr. INOUE, Ms. MURKOWSKI, and Mr. BEGICH):

S. 708. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 709. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. UDALL of Colorado):

S. 710. A bill to prohibit unfair or deceptive acts or practices relating to gift certificates, store gift cards, and other general-use prepaid cards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS:

S. 711. A bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes; to the Committee on Armed Services.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER (for himself and Mr. BAUCUS):

S. Res. 85. A resolution congratulating the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 277

At the request of Mr. KAUFMAN, his name was added as a cosponsor of S.

277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 277, *supra*.

S. 355

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 355, a bill to enhance the capacity of the United States to undertake global development activities, and for other purposes.

S. 475

At the request of Mr. BURR, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 476

At the request of Mrs. BOXER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 491

At the request of Mr. WEBB, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 493

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 527

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain

emissions from agricultural production.

S. 546

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 547

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 622

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 622, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 631

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 631, a bill to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 661

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 661, a bill to strengthen American manufacturing through improved industrial energy efficiency, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from

Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 671

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 676

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 676, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

AMENDMENT NO. 688

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 688 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

AMENDMENT NO. 691

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 691 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

AMENDMENT NO. 692

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 692 proposed to H.R. 1388, a bill to reauthorize and reform the national service laws.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. CRAPO, Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON, of Florida):

S. 690. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am introducing the Neotropical Migratory Bird Conservation Act with the support of my colleagues, Mr. CRAPO,

Mr. LEAHY, Mr. LIEBERMAN, Mr. MENENDEZ, and Mr. NELSON. This bill supports habitat protection, education, research, monitoring, and capacity building to provide for the long-term protection of neotropical migratory birds. It does this by providing grants to countries in Latin America and the Caribbean for the conservation of these birds, through a U.S. Fish and Wildlife Service competitive matching grants program. Up to one-quarter of the annual grants can also be used for projects in the United States. Projects include activities that benefit bird populations, such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

Neotropical migratory birds breed in Canada and the U.S. during our summer and spend our winters in Latin America and the Caribbean. There are nearly 500 species of these birds, and they face a range of threats, including development pressures, invasive species, climate change, and avian diseases. Protecting these birds requires international cooperation.

The NMBCA program has a proven track record of reversing habitat loss and advancing conservation strategies for the broad range of neotropical birds that populate the United States and the rest of the Western hemisphere. The public-private partnerships and international collaboration provided by this program are integral to preserving vulnerable bird populations. Just as importantly, this Federal program is a good value for taxpayers, leveraging over four dollars in partner contributions for every one that we spend.

Migratory birds are not only beautiful creatures eagerly welcomed by millions of Americans into their backyards every year; they help generate \$2.7 billion annually for the U.S. economy through wildlife watching activities, and they help our farmers by consuming billions of harmful insect pests. Bird watchers include over 48 million Americans, 20 million of whom take annual trips to watch birds. In 2006, 20 million American wildlife watchers spent \$12.8 billion on trip-related expenditures. Americans spend \$3.3 billion each year on bird food. 16 million Americans spend \$790 million each year on bird houses, nest boxes, feeders, and baths.

The Baltimore Oriole, the state bird of my state of Maryland, migrates in flocks to southern Mexico, Central America, and northern South America. The Oriole has recently been threatened by destruction of breeding habitat and tropical winter habitat, and by toxic pesticides ingested by the insects which constitute the Oriole's main diet. This legislation will help ensure that the broad range of migratory birds, from the Cerulean Warbler to the Baltimore Oriole, will have the healthy habitat they need on both ends of their

annual migration routes so they can continue to play their vital biological, recreational, and economic roles.

Congress passed the Neotropical Migratory Bird Conservation Act of 2000 and it became public law 106-527. It authorized an annual \$5 million for each of the fiscal years 2001 through 2005. Since 2002, the U.S. has invested more than \$25 million in 262 projects in 44 U.S. states, Canada, and 33 Latin American and Caribbean countries, and leveraged an additional \$112 million in partner funds to support these projects. The reauthorization legislation would authorize \$8 million for fiscal year 2010, gradually escalating to \$20 million for fiscal year 2015, in order to meet expanding funding needs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 690

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REAUTHORIZATION OF NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.**

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

**"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, to remain available until expended—

- "(1) \$8,000,000 for fiscal year 2010;
- "(2) \$11,000,000 for fiscal year 2011;
- "(3) \$13,000,000 for fiscal year 2012;
- "(4) \$16,000,000 for fiscal year 2013;
- "(5) \$18,000,000 for fiscal year 2014; and
- "(6) \$20,000,000 for fiscal year 2015.

"(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States."

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 691. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southern Colorado region, and for other purposes; to the Committee on Veterans' Affairs.

Mr. UDALL of Colorado. Mr. President, I am proud to join today with my colleague and fellow Coloradan Senator MICHAEL BENNET in introducing legislation to create a national veterans' cemetery in El Paso County, CO, and provide a respectful final resting place that our Colorado veterans so deserve.

In a few months, we will honor those who made the ultimate sacrifice in defending our Nation, as we celebrate Memorial Day weekend. On that weekend, friends and family members of our departed veterans will go to Veterans Affairs, VA, cemeteries throughout the country to honor the memory of their loved ones. Unfortunately, too many family members will have to travel far

too many miles to pay their respects. Even worse, the long distance that some veterans' survivors must travel will prevent them from making the trip at all.

This is true of the loved ones of veterans in southern Colorado, whose population features one of the highest concentrations of veterans in the Nation. The vast majority of veterans in southern Colorado are located far outside of a 75-mile radius of the nearest VA cemeteries, Fort Logan National Cemetery in Denver and Fort Lyon National Cemetery in Bent County.

For nearly a decade, it has been a goal of the Pikes Peak Veterans Cemetery Committee, as well as the Department of Colorado Veterans of Foreign Wars, the Colorado chapters of the American Legion, the Paralyzed Veterans of America, and the Association for Service Disabled Veterans, to bring a national cemetery to El Paso County. In the last Congress, Representative JOHN SALAZAR introduced legislation that would address this issue, and I supported that legislation along with other members of the Colorado delegation.

That bill, H.R. 1660, passed the House of Representatives unanimously by voice vote, highlighting the support southern Colorado veterans have received from the entire Nation for the establishment of a VA cemetery in El Paso County. Unfortunately, the Senate did not act on this bill in the last Congress.

I hope—and I know that veterans throughout Colorado hope—that this year will be different. Representative SALAZAR has again introduced a House bill, and today we introduce the Senate companion. Senator BENNET and I will work hard to raise awareness of the need for a new national cemetery for southern Colorado and get this bill passed in the Senate. We need to ensure that all of our veterans receive the recognition they deserve with a final resting place close to their own communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 691

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in El Paso County, Colorado, to serve the needs of veterans and their families in the southern Colorado region.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—



(1) appropriate officials of the State of Colorado and local officials in the southern Colorado region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in El Paso County, Colorado, that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) SOUTHERN COLORADO REGION DEFINED.—In this Act, the term “southern Colorado region” means the geographic region consisting of the following Colorado counties:

- (1) El Paso.
- (2) Pueblo.
- (3) Teller.
- (4) Fremont.
- (5) Las Animas.
- (6) Huerfano.
- (7) Custer.
- (8) Costilla.
- (9) Alamosa.
- (10) Saguache.
- (11) Conejos.
- (12) Mineral.
- (13) Archuleta.
- (14) Hinsdale.
- (15) Gunnison.
- (16) Pitkin.
- (17) La Plata.
- (18) Montezuma.
- (19) San Juan.
- (20) Ouray.
- (21) San Miguel.
- (22) Dolores.
- (23) Montrose.
- (24) Delta.
- (25) Mesa.
- (26) Crowley.
- (27) Kiowa.
- (28) Bent.
- (29) Baca.

By Mr. HARKIN (for himself, Mr. ISAKSON, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 693. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am here today to lay the foundation for what I hope will be a broad effort to reform our health care system. In these troubled economic times, it has never been more clear that our current system is broken. I have said many times that we do not have a “health” care

system, we have a “sick” care system. If you are sick, you get care. We spend untold hundreds of billions on pills, surgery, hospitalization, and disability. But we spend peanuts about 3 percent of our health-care dollars for prevention. There are huge, untapped opportunities in the area of wellness and prevention.

Last fall, I was honored to be asked by Senator KENNEDY to lead the Health, Education, Labor and Pension Committee’s working group on Prevention and Public Health in our health reform efforts. I am a long-time believer that prevention and wellness are the keys to solving our health care crisis. Our working group has already started looking at prevention and public health-based solutions. We have held three hearings so far. First, we laid down the case for why prevention and public health strategies are so important to improving health care. We heard from a variety of experts, including health economists and successful health promotion programs in the corporate world and in small communities. It was clear that prevention works and that we can not afford not to do it. Next, we heard from a number of States about the innovative things they are doing to improve public health and encourage wellness. We heard about universal coverage in Massachusetts, improving quality and reducing cost in North Carolina’s Medicaid program, and emphasizing prevention and chronic care management in Iowa. Some truly groundbreaking efforts are already underway in many states. Finally, we held a hearing about access to public health and wellness services for vulnerable populations. We heard about some creative solutions addressing public health disparities for children, seniors, individuals with disabilities, and folks in rural areas. In all of our hearings, we have learned a great deal about what we are doing right to make prevention happen. But we have also learned about how far we still have to go in making sure that everyone has the opportunity to become healthier.

What is abundantly clear to me is that we can and must do more. We have good science behind us, and we know that there are many proven techniques to make our population healthier. This is particularly true in preventive medicine, where health care providers have expertise both in medicine and in public health. These are the people we need to help tackle our growing obesity epidemic, the alarming trends in cardiovascular disease and drug-resistant bacterial infections. They can both treat patients and address public health concerns. They understand both the physiology of disease and the population effects of disease. They know how to provide the best care for the patient and the broader population.

When tens of millions of Americans suffer from preventable diseases such as type 2 diabetes, heart disease, and some types of cancer we need experts in preventive medicine. And even though the need is growing, our work force in preventive medicine is shrinking. We are not training enough preventive medicine specialists, and our capacity to do so is being limited. Though there were 90 preventive medicine residency programs in 1999, today there are only 71. Today, I am introducing legislation, along with Senators ISAKSON, BINGAMAN and LIEBERMAN, to make sure that we train enough professionals in preventive medicine. The Preventive Medicine and Public Health Training Act will provide training grants to medical schools, teaching hospitals, schools of public health, and public health departments to fund existing programs and in some cases develop new residency training programs in Preventive Medicine. This bill is designed with one simple goal in mind: to improve and increase our prevention workforce. We have seen how an ounce of prevention really is worth a pound of cure, but we know that we need someone to provide that ounce of prevention. And our bill will help train future generations of experts in Preventive Medicine.

This legislation is a small but vitally important part of our efforts at health reform. In the coming months, I will be working with HELP Committee Chairman KENNEDY and other interested members to ensure that, as we craft legislation to provide health insurance to all, we do so in a way that guarantees that all Americans have access to and take advantage of exemplary preventive care. We must guarantee that our health care system will not just fix us when we are sick, but keep us well throughout our lifetimes. We must lay down a marker today to say that reforming our health care system means rejecting our current delivery of “sick care” and instead strengthening our ability to provide “well care” through preventive medicine. Today’s legislation is just one part of that effort, and I look forward to working with other interested Senators to build on this legislation as health care reform moves forward.

By Mr. DODD (for himself and Mr. HATCH):

S. 694. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce with Senator ORRIN HATCH the Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009. The bill we are introducing would help to better integrate individuals with intellectual disabilities into their communities, improve



their quality of life and promote the extraordinary gifts of these individuals.

I am proud to introduce this bill with my good friend Senator HATCH. He has been a long time leader in the cause of Americans with disabilities. We, as a society, have an obligation to do all we can to better include individuals with disabilities within our communities and help them to reach their full potential.

Yet, as one study on teen attitudes notes: "Legal mandates cannot, however, mandate acceptance by peers, neighbors, fellow employees, employers or any of the other groups of individuals who directly impact the lives of people with disabilities." People with intellectual disabilities have indeed gained many rights that have improved their lives; however, negative stereotypes abound. Social isolation, unfortunately, is the norm for too many people with intellectual disabilities.

Early intervention, effective education, and appropriate support all go a long way toward helping individuals with intellectual disabilities achieve the best of his or her abilities and lead a meaningful life in the community. I would like to tell you about the accomplishments of Best Buddies, a remarkable non-profit organization that is dedicated to helping people with intellectual disabilities develop relationships that will provide the support needed to help them reach their potential.

Founded in 1989, Best Buddies is the only national social and recreational program in the United States for people with intellectual disabilities. Best Buddies works to enhance the lives of people with intellectual disabilities by providing opportunities for friendship and integrated employment. Through more than one thousand volunteer-run chapters at middle schools, high schools and colleges, students with and without intellectual disabilities are paired up in a one-to-one mentoring friendship. Best Buddies also facilitates an Internet pen pal program, an adult friendship program, and a supported employment program.

Approximately 7,000,000 people in the U.S. have an intellectual disability; every one of these individuals would benefit from the kind of relationships that the Best Buddies programs help to establish. The resulting friendships are mutually beneficial, increasing the self-esteem, confidence, and abilities of people both with and without intellectual disabilities.

The legislation we introduce today would allow the Secretary of Education to award grants to promote the expansion of the Best Buddies programs and to increase participation in and public awareness about these programs. The bill authorizes \$10,000,000 for fiscal year 2010 and such sums as necessary through fiscal year 2014. If passed, this

legislation would allow Best Buddies to expand their valuable work and offer programs in every state in the America, helping to create a more inclusive society with a direct and positive impact on more than 1.2 million citizens.

I thank my colleague Senator HATCH for working with me on this important legislation. I urge my colleagues to join with me in supporting this legislation that will make a positive—and needed—difference in the lives of individuals with intellectual disabilities and in the lives of those with whom they develop relationships through the Best Buddies program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 694

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Best Buddies Empowerment for People with Intellectual Disabilities Act of 2009".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Best Buddies operates the first national social and recreational program in the United States for people with intellectual disabilities.

(2) Best Buddies is dedicated to helping people with intellectual disabilities become part of mainstream society.

(3) Best Buddies is determined to end social isolation for people with intellectual disabilities by promoting meaningful friendships between them and their non-disabled peers in order to help increase the self-esteem, confidence, and abilities of people with and without intellectual disabilities.

(4) Since 1989, Best Buddies has enhanced the lives of people with intellectual disabilities by providing opportunities for 1-to-1 friendships and integrated employment.

(5) Best Buddies is an international organization spanning 1,300 middle school, high school, and college campuses.

(6) Best Buddies implements programs that will positively impact more than 400,000 individuals in 2009 and expects to impact 500,000 people by 2010.

(7) The Best Buddies Middle Schools program matches middle school students with intellectual disabilities with other middle school students and supports 1-to-1 friendships between them.

(8) The Best Buddies High Schools program matches high school students with intellectual disabilities with other high school students and supports 1-to-1 friendships between them.

(9) The Best Buddies Colleges program matches adults with intellectual disabilities with college students and creates 1-to-1 friendships between them.

(10) The Best Buddies e-Buddies program supports e-mail friendships between people with and without intellectual disabilities.

(11) The Best Buddies Citizens program pairs adults with intellectual disabilities in 1-to-1 friendships with other individuals in the corporate and civic communities.

(12) The Best Buddies Jobs program promotes the integration of people with intel-

lectual disabilities into the community through supported employment.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide support to Best Buddies to increase participation in and public awareness about Best Buddies programs that serve people with intellectual disabilities;

(2) dispel negative stereotypes about people with intellectual disabilities; and

(3) promote the extraordinary contributions of people with intellectual disabilities.

#### SEC. 3. ASSISTANCE FOR BEST BUDDIES.

(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter into contracts or cooperative agreements with, Best Buddies to carry out activities to promote the expansion of Best Buddies, including activities to increase the participation of people with intellectual disabilities in social relationships and other aspects of community life, including education and employment, within the United States.

(b) LIMITATIONS.—

(1) IN GENERAL.—Amounts appropriated to carry out this Act may not be used for direct treatment of diseases, medical conditions, or mental health conditions.

(2) ADMINISTRATIVE ACTIVITIES.—Not more than 5 percent of amounts appropriated to carry out this Act for a fiscal year may be used for administrative activities.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the use of non-Federal funds by Best Buddies.

#### SEC. 4. APPLICATION AND ANNUAL REPORT.

(a) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under section 3(a), Best Buddies shall submit an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, an application under this subsection shall contain the following:

(A) A description of activities to be carried out under the grant, contract, or cooperative agreement.

(B) Information on specific measurable goals and objectives to be achieved through activities carried out under the grant, contract, or cooperative agreement.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—As a condition of receipt of any funds under section 3(a), Best Buddies shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, each annual report under this subsection shall describe the degree to which progress has been made toward meeting the specific measurable goals and objectives described in the applications submitted under subsection (a).

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Education for grants, contracts, or cooperative agreements under section 3(a), \$10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the 4 succeeding fiscal years.

By Ms. SNOWE (for herself, Mr. KOHL, Ms. STABENOW, Mr. BROWN, and Mr. LIEBERMAN):

S. 695. A bill to authorize the Secretary of Commerce to reduce the matching requirement for participants in the Hollings Manufacturing Partnership Program; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today in support of critical legislation that I am introducing, along with Senators KOHL, STABENOW, BROWN, and LIEBERMAN, to reduce the cost share amount that the Manufacturing Extension Partnership, or MEP, faces in obtaining its annual funding. The MEP is a nationwide public-private network of counseling and assistance centers that provide our nation's nearly 350,000 small and medium manufacturers with services and access to resources that enhance growth, improve productivity, and expand capacity. The MEP's contribution to sustaining America's manufacturing sector is indisputable. In fiscal year 2008 alone, MEP clients created or retained 57,079 jobs; provided cost savings in excess of \$1.44 billion; and generated over \$10.5 billion in sales.

At present, individual MEP centers must raise a full two-thirds of their funding after their fourth year of operation, placing a heavy burden on these centers. The National Institute of Standards and Technology, NIST, at the Department of Commerce, in turn, provides  $\frac{1}{3}$  of the centers' funding. MEP centers can meet their portion of the cost share requirement through funds from universities, State and local governments, and other institutions.

In today's tumultuous economy, these centers are experiencing increased difficulties finding adequate funding from both private and public sources. As economic concerns weigh down on all of us, States, organizations, and groups that traditionally assist MEP centers in meeting this cost share are reluctant to expend the money—or do not have the resources to do so.

Our bill is simple and straightforward. It would reduce the statutory cost share that MEP centers face to 50 percent for all years of the centers' operation. Frankly, the Nation's MEP centers are subject to an unnecessarily restrictive cost share requirement. It is inequitable, as the MEP is the only initiative out of the 80 programs funded by the Department of Commerce that is subject to a statutory cost share of greater than 50 percent. There is no reason for this to persist, particularly not during this trying economy when so many manufacturers are trying to remain afloat.

The MEP is an essential resource for small and medium manufacturers nationwide. With centers in all 50 States, as well as Puerto Rico, its reach is unmatched and its experience in counseling manufacturers is unrivaled. It is my hope that my colleagues will support this legislation as a direct way to bolster an industry that is indispensable to our Nation's economy health.

By Mr. CARDIN (for himself and Mr. ALEXANDER):

S. 696. A bill to amend the Federal Water Pollution Control Act to include

a definition of fill material; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today the Obama administration is taking an important first step in ending mountaintop mining, one of the most environmentally destructive practices currently in use in this country. More than 1 million acres of Appalachia have already been destroyed. An estimated 1,200 miles of headwater streams have been buried under tons of mining wastes. Over 500 mountains have been permanently scarred. Homes have been ruined and drinking water supplies contaminated. It is time to end this especially destructive method of coal mining.

By stopping the issuance of some of the most destructive permits, today the administration is sending the right signals that the days of mountaintop mining are being relegated to the dust bin of the past, where they belong.

Today, Senator LAMAR ALEXANDER and I are introducing bipartisan legislation that will go one step further. Our bill, the Appalachia Restoration Act, will make clear that mining wastes cannot be dumped into our streams, smothering them and sending plumes of toxic run-off into groundwater systems. This Cardin-Alexander legislation amends the Clean Water Act, specifically preventing the so-called "excess spoil" of mining wastes from entering our streams and rivers. This simple legislation will restore the Clean Water Act to its original purpose. In doing so, it will stop the wholesale destruction of some of America's most beautiful and ecologically significant regions.

Mountaintop mining produces less than five percent of the coal mined in the United States. This bill does not ban other methods of coal mining. Instead, it is narrowly tailored to stop a practice that has earned the condemnation of communities across Appalachia as well as citizens across the rest of the country.

I applaud the Obama administration for the steps it is taking today, and Senator ALEXANDER and I look forward to working with the Administration to pass the Cardin-Alexander Appalachia Restoration Act later this year.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 696

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Appalachia Restoration Act".

#### SEC. 2. FILL MATERIAL.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(26) FILL MATERIAL.—

"(A) IN GENERAL.—The term 'fill material' means any pollutant that—

"(i) replaces a portion of the waters of the United States with dry land; or

"(ii) modifies the bottom elevation of a body of water for any purpose.

"(B) EXCLUSIONS.—The term 'fill material' does not include—

"(i) the disposal of excess spoil material (as described in section 515(b)(22) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1265(b)(22))) in waters of the United States; or

"(ii) trash or garbage.".

By Mr. FEINGOLD (for himself,

Mr. GRAHAM, and Ms. COLLINS):

S. 698. A bill to ensure the provision of high-quality health care coverage for uninsured individuals through State health care coverage pilot projects that expand coverage and access and improve quality and efficiency in the health care system; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, there is a crisis facing our country, a crisis that directly affects the lives of almost 50 million people in the U.S., and that indirectly affects many more. The crisis is the lack of universal health insurance in America, and its effects are rippling through our families, our communities, and our economy. It is the number one issue that I hear about in Wisconsin, and it is the number one issue for many Americans. Nevertheless, for too long, Congress has been locked in a stalemate when it comes to health reform, refusing to move forward on this life-threatening problem because of party politics and special interests. That is why, for the past few Congresses, I have introduced with the Senator from South Carolina, LINDSEY GRAHAM, the State-Based Health Care Reform Act.

Senator GRAHAM and I are from opposite ends of the political spectrum, we are from different areas of the country, and we have different views on health care. But we agree that something needs to be done about health care in our country. Every day, all over our nation, Americans suffer from medical conditions that cause them pain and even change the way they lead their lives. Every one of us has either experienced this personally or through a family member suffering from cancer, Alzheimer's, diabetes, genetic disorders, mental illness or some other condition. The disease takes its toll on both individuals and families, as trips to the hospital for treatments such as chemotherapy test the strength of the person and the family affected. This is an incredibly difficult situation for anyone. But for the uninsured and underinsured, the suffering goes beyond physical discomfort. These Americans bear the additional burden of wondering where the next dollar for their health care bills will come from; worries of going into debt; worries of going bankrupt because of health care needs. When illness strikes families, the last thing they should have to think about

is money, but for many in our country, this is a persistent burden that causes additional stress and hopelessness when they are ill.

It is difficult to do justice to the magnitude of the uninsurance problem, but I want to share a few astounding statistics. The need for health care reform has reached crisis proportions in America, with over 46 million Americans uninsured. As a result of our current economic crisis, that number is climbing by the day. In December of 2008 and January of 2009, it is estimated that 14,000 Americans lost their access to health care each day; in Wisconsin, 230 people each day lost access to care during these 2 months. The cost of providing care to the uninsured weighs heavily on the U.S. economy. According to research done by the journal *Health Affairs*, the uninsured received approximately \$56,000,000,000 in uncompensated care in 2008. Government programs finance about 75 percent of uncompensated care. The cost of the uninsured weighs heavily on our collective conscience, as well. In my home State of Wisconsin alone, it is estimated that 250 Wisconsinites, or 5 people each week, died in 2006 because they did not have health insurance.

The U.S. is the only industrialized nation that does not guarantee health care for its citizens. In other countries, if someone is sick, they get proper care regardless of ability to pay. In our country, that is not the case. It is unacceptable for a nation as great as America to not provide good health care for all our citizens. We are failing those in need. We are failing the hard-working family that cannot afford the insurance offered to them. We are failing the uninsured children whose parents do not have any access to insurance. We are failing low-income Americans and middle-income Americans alike. This is not right. We can do better.

Even for those Americans who currently have health insurance through their employer, the risk of becoming uninsured is very real. Large businesses are finding themselves less competitive in the global market because of skyrocketing health care costs. Small businesses are finding it difficult to offer insurance to employees while staying competitive in their own communities. Our health care system has failed to keep costs in check, and there is simply no way we can expect businesses to keep up. More and more, employers are forced to increase employee cost-sharing or to offer sub-par benefits, or no benefits at all. Employers cannot be the sole provider of health care when these costs are rising faster than inflation.

I travel to each of Wisconsin's 72 counties every year to hold townhall meetings. Almost every year, the number one issue raised at these listening sessions is the same—health care. The

failure of our health care system brings people to these meetings in droves. These people used to think Government involvement was a terrible idea, but not anymore. Now they come armed with their frustration, their anger, and their desperation, and they tell me that their businesses and their lives are being destroyed by health care costs, and they want the Government to step in.

I am pleased to be joined by Senator GRAHAM in introducing the State-Based Health Care Reform Act. In short, this bill establishes a pilot project to provide States with the resources needed to implement universal health care reform. The bill does not dictate what kind of reform the States should implement, it just provides an incentive for action, provided States meet certain minimum coverage and low-income requirements.

Even though Senator GRAHAM and I support different methods of health care reform, we both agree that this legislation presents a viable solution to the logjam preventing reform. It may well be that, with a new President and a new Congress, that logjam is already broken. I hope that is the case, as I have long said that a single-payer health care system is what I prefer for our country. I also recognize that there are strong obstacles to enacting real reform, and that we may need the support of members of Congress with different views on this topic. Senator GRAHAM would like to see health care privatized and see a base, catastrophic coverage offered to everyone. Despite our disagreements about the form that health care reform should take, we agree on this legislation.

With the election of Barack Obama, Americans have a real opportunity to reform our health care system. I look forward to consideration of health care reform this Congress, and I do not intend to push this bill as an alternative to broader efforts. But I do think our proposal may help provide ideas about how to bring together Democrats and Republicans on this issue.

Under our proposal, States can be creative in the State resources they use to expand health care coverage. For example, a State can use personal or employer mandates for coverage, use State tax incentives, create a single-payer system or even join with neighboring States to offer a regional health care plan. The proposals are subject only to the approval of the newly created Health Care Coverage Task Force, which will be composed of health care experts, consumers, and representatives from groups affected by health care reform. This Task Force will be responsible for choosing viable State projects and ensuring that the projects are effective. The Task Force will also help the States develop projects, and will continue a dialogue with the States in order to facilitate a good re-

lationship between the State and Federal Governments.

The Task Force is also charged with making sure that the State plans meet certain minimal requirements. First, the State plans must include specific target dates for decreasing the number of uninsured, and must also identify a set of minimum benefits for every covered individual. These benefits must be comparable to health insurance offered to Federal employees. Second, the State plans must include a mechanism to guarantee that the insurance is affordable. Americans should not go broke trying to keep healthy, and health care reform should ensure that individual costs are manageable. The State-Based Health Care Reform Act bases affordability on income.

Another provision in this legislation requires that the States contribute to paying for their new health care programs. The Federal Government will provide matching funds based on enhanced FMAP—the same standard used for SCHIP—and will then provide an additional 5 percent. States that can afford to provide more are encouraged to, but the matching requirement will ensure the financial viability of the bill and State buy-in. Other than these requirements, the States largely have flexibility to design a plan that works best for their respective residents. The possibilities for reform are wide open.

One of the main criticisms of Federal Government spending on health care is that it is expensive and increases the deficit. My legislation is fully offset, ensuring that it will not increase the deficit. The bill does not avoid making the tough budget choices that need to be made if we are going to pay for health care reform.

We need a solution for a broken system where millions are uninsured, and where businesses and Americans are struggling under the burden of health care costs.

It has been over 10 years since the last serious debate over health care reform was killed by special interests and the soft money contributions they used to corrupt the legislative process. The legislative landscape is now much different. Soft money can no longer be used to set the agenda, and businesses and workers are crying out as never before for Congress to do something about the country's health care crisis.

We are fortunate to live in a country that has been abundantly blessed with democracy and wealth, and yet there are those in our society whose daily health struggles overshadow these blessings. That is an injustice, but it is one we can and must address. Dr. Martin Luther King, Jr., said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." It is long past time for Congress to heed these words and end this terrible inequality.

By Mr. BINGAMAN (for himself, Mr. BROWN and Ms. COLLINS):

S. 700. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today along with my colleagues, Senators BROWN and COLLINS, to introduce bipartisan legislation entitled Ending the Medicare Disability Waiting Period Act of 2009. This legislation would phase out the current 2-year waiting period that people with disabilities must endure after qualifying for Social Security Disability Insurance, SSDI. In the interim or as the waiting period is being phased out, the bill would also create a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people with significant disabilities, lawmakers created the 24-month waiting period. According to an April 2007 report from the Commonwealth Fund, it is estimated that over 1.5 million SSDI beneficiaries are in the Medicare waiting period at any given time, "all of whom are unable to work because of their disability and most of whom have serious health problems, low incomes, and limited access to health insurance." Nearly 39 percent of these individuals do not have health insurance coverage for some point during the waiting period and 26 percent have no health insurance during this period.

The stated reason at the time was to limit the fiscal cost of the provision. However, I would assert that there is no reason, be it fiscal or moral, to tell people that they must wait longer than 2 years after becoming severely disabled before we provide them access to much needed health care.

In fact, it is important to note that there really are actually three waiting periods that are imposed upon people seeking to qualify for SSDI. First, there is the disability determination process through the Social Security Administration, which often takes many months or even longer than a year in some cases. Second, once a worker has been certified as having a severe or permanent disability, they must wait an additional five months before receiving their first SSDI check. And third, after receiving that first SSDI check, there is the 2-year period that people must wait before their Medicare coverage begins.

What happens to the health and well-being of people waiting more than 2½ years before they finally receive critically needed Medicare coverage? According to Karen Davis, president of the Commonwealth Fund, which has

conducted several important studies on the issue, "Individuals in the waiting period for Medicare suffer from a broad range of debilitating diseases and are in urgent need of appropriate medical care to manage their conditions. Eliminating the 2-year wait would ensure access to care for those already on the way to Medicare."

Again, we are talking about individuals that have been determined to be unable to engage in any "substantial, gainful activity" because of either a physical or mental impairment that is expected to result in death or to continue for at least 12 months. These are people that, by definition, are in more need of health coverage than anybody else in our society. The consequences are unacceptable and are, in fact, dire.

The majority of people who become disabled were, before their disability, working full-time jobs and paying into Medicare like all other employed Americans. At the moment these men and women need coverage the most, just when they have lost their health, their jobs, their income, and their health insurance, Federal law requires them to wait 2 full years to become eligible for Medicare. Many of these individuals are needlessly forced to accumulate tens-of-thousands of dollars in healthcare debt or compromise their health due to forgone medical treatment. Many individuals are forced to sell their homes or go bankrupt. Even more tragically, more than 16,000 disabled beneficiaries annually, about 4 percent of beneficiaries, do not make it through the waiting period. They die before their Medicare coverage ever begins.

Removing the waiting period is well worth the expense. According to the Commonwealth Fund, analyses have shown providing men and women with Medicare at the time that Social Security certifies them as disabled would cost \$8.7 billion annually. This cost would be partially offset by \$4.3 billion in reduced Medicaid spending, which many individuals require during the waiting period. In addition, untold expenses borne by the individuals involved could be avoided, as well as the costs of charity care on which many depend. Moreover, there may be additional savings to the Medicare program itself, which often has to bear the expense of addressing the damage done during the waiting period. During this time, deferred health care can worsen conditions, creating additional health problems and higher costs.

Further exacerbating the situation, some beneficiaries have had the unfortunate fate of having received SSI and Medicaid coverage, applied for SSDI, and then lost their Medicaid coverage because they were not aware the change in income when they received SSDI would push them over the financial limits for Medicaid. In such a case, and let me emphasize this point, the

Government is effectively taking their health care coverage away because they are so severely disabled.

Therefore, for some in the waiting period, their battle is often as much with the Government as it is with their medical condition, disease, or disability.

Nobody could possibly think this makes any sense.

As the Medicare Rights Center has said, "By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty, or death. . . . Since disability can strike anyone, at any point in life, the 24-month waiting period should be of concern to everyone, not just the millions of Americans with disabilities today."

Although elimination of the Medicare waiting period will certainly increase Medicare costs, it is important to note that there will be some decrease in Medicaid costs. Medicaid, which is financed by both Federal and State governments, often provides coverage for a subset of disabled Americans in the waiting period, as long as they meet certain income and asset limits. Income limits are typically at or below the poverty level, including at just 74 percent of the poverty line in New Mexico, with assets generally limited to just \$2,000 for individuals and \$3,000 for couples.

Furthermore, from a continuity of care point of view, it makes little sense that somebody with disabilities must leave their job and their health providers associated with that plan, move on to Medicaid, often have a different set of providers, then switch to Medicare and yet another set of providers. The cost, both financial and personal, of not providing access to care or poorly coordinated care services for these seriously ill people during the waiting period may be greater in many cases than providing health coverage.

Finally, private-sector employers and employees in those risk-pools would also benefit from the passage of the bill. As the Commonwealth Fund has noted, ". . . to the extent that disabled adults rely on coverage through their prior employer or their spouse's employer, eliminating the waiting period would also produce savings to employers who provide this coverage."

To address concerns about costs and immediate impact on the Medicare program, the legislation phases out the waiting period over a 10-year period. In the interim, the legislation would create a process by which others with life-threatening illnesses could also get an exception to the waiting period. Congress has previously extended such an exception to the waiting period to individuals with amyotrophic lateral sclerosis, ALS, also known as Lou Gehrig's disease, and for hospice services. The ALS exception passed the Congress in

December 2000 and went into effect July 1, 2001. Thus, the legislation would extend the exception to all people with life-threatening illnesses in the waiting period.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 700

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Ending the Medicare Disability Waiting Period Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Phase-out of waiting period for medicare disability benefits.
- Sec. 3. Elimination of waiting period for individuals with life-threatening conditions.
- Sec. 4. Institute of Medicine study and report on delay and prevention of disability conditions.

#### SEC. 2. PHASE-OUT OF WAITING PERIOD FOR MEDICARE DISABILITY BENEFITS.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(1) in paragraph (2)(A), by striking “, and has for 24 calendar months been entitled to,” and inserting “, and for the waiting period (as defined in subsection (k)) has been entitled to,”;

(2) in paragraph (2)(B), by striking “, and has been for not less than 24 months,” and inserting “, and has been for the waiting period (as defined in subsection (k)),”;

(3) in paragraph (2)(C)(ii), by striking “, including the requirement that he has been entitled to the specified benefits for 24 months,” and inserting “, including the requirement that the individual has been entitled to the specified benefits for the waiting period (as defined in subsection (k)),”;

(4) in the flush matter following paragraph (2)(C)(ii)(II)—

(A) in the first sentence, by striking “for each month beginning with the later of (I) July 1973 or (II) the twenty-fifth month of his entitlement or status as a qualified railroad retirement beneficiary described in paragraph (2), and” and inserting “for each month beginning after the waiting period (as so defined) for which the individual satisfies paragraph (2) and”;

(B) in the second sentence, by striking “the ‘twenty-fifth month of his entitlement’ refers to the first month after the twenty-fourth month of entitlement to specified benefits referred to in paragraph (2)(C) and”;

(C) in the third sentence, by striking “, but not in excess of 78 such months”.

(b) SCHEDULE FOR PHASE-OUT OF WAITING PERIOD.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

“(k) For purposes of subsection (b) (and for purposes of section 1837(g)(1) of this Act and section 7(d)(2)(ii) of the Railroad Retirement Act of 1974), the term ‘waiting period’ means—

“(1) for 2010, 18 months;

“(2) for 2011, 16 months;

“(3) for 2012, 14 months;

“(4) for 2013, 12 months;

“(5) for 2014, 10 months;

“(6) for 2015, 8 months;

“(7) for 2016, 6 months;

“(8) for 2017, 4 months;

“(9) for 2018, 2 months; and

“(10) for 2019 and each subsequent year, 0 months.”.

(c) CONFORMING AMENDMENTS.—

(1) SUNSET.—Effective January 1, 2019, subsection (f) of section 226 of the Social Security Act (42 U.S.C. 426) is repealed.

(2) MEDICARE DESCRIPTION.—Section 1811(2) of such Act (42 U.S.C. 1395c(2)) is amended by striking “entitled for not less than 24 months” and inserting “entitled for the waiting period (as defined in section 226(k))”.

(3) MEDICARE COVERAGE.—Section 1837(g)(1) of such Act (42 U.S.C. 1395p(g)(1)) is amended by striking “of the later of (A) April 1973 or (B) the third month before the 25th month of such entitlement” and inserting “of the third month before the first month following the waiting period (as defined in section 226(k)) applicable under section 226(b)”.

(4) RAILROAD RETIREMENT SYSTEM.—Section 7(d)(2)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)(ii)) is amended—

(A) by striking “, for not less than 24 months” and inserting “, for the waiting period (as defined in section 226(k) of the Social Security Act); and

(B) by striking “could have been entitled for 24 calendar months, and” and inserting “could have been entitled for the waiting period (as defined in section 226(k) of the Social Security Act), and”.

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(1), the amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2010).

#### SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVIDUALS WITH LIFE-THREATENING CONDITIONS.

(a) IN GENERAL.—Section 226(h) of the Social Security Act (42 U.S.C. 426(h)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting “(1)” after “(h)”;

(3) in paragraph (1) (as designated by paragraph (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting “or any other life-threatening condition” after “amyotrophic lateral sclerosis (ALS)”;

(B) in subparagraph (B) (as redesignated by paragraph (1)), by striking “(rather than twenty-fifth month)”;

(4) by adding at the end the following new paragraph:

“(2) For purposes of identifying life-threatening conditions under paragraph (1), the Secretary shall compile a list of conditions that are fatal without medical treatment. In compiling such list, the Secretary shall—

“(A) consult with the Director of the National Institutes of Health (including the Office of Rare Diseases), the Director of the Centers for Disease Control and Prevention, the Director of the National Science Founda-

tion, and the Institute of Medicine of the National Academy of Sciences; and

“(B) annually review the compassionate allowances list of conditions of the Social Security Administration.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2010).

#### SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON DELAY AND PREVENTION OF DISABILITY CONDITIONS.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall request that the Institute of Medicine of the National Academy of Sciences conduct a study on the range of disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before the condition reaches disability levels.

(b) REPORT.—Not later than the date that is 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the Institute of Medicine study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$750,000 for the period of fiscal years 2010 and 2011.

By Mr. KERRY (for himself, Mr. ALEXANDER, Mr. WYDEN, Mr. WHITEHOUSE, and Mr. BROWNBACK):

S. 701 A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVI); to the Committee on Finance.

Mr. KERRY. Mr. President, as we move forward with comprehensive health reform we must also not ignore that some of our most vulnerable Medicare beneficiaries are subject to costly, bureaucratic red tape which is delaying essential, life-saving treatments. Addressing this problem can both increase the quality of life for many patients and ease financial burdens for their medical providers.

Between 6,000 and 10,000 Medicare beneficiaries have primary immunodeficiency diseases, PIDD, that require intravenous immunoglobulin, IVIG, treatment to maintain a healthy immune system.

Primary Immunodeficiency Diseases, PIDD, are disorders in which part of the body's immune system is missing or does not function properly. Untreated PIDDs result in frequent life-threatening infections and debilitating illnesses. Even illnesses such as the common cold or the flu can be deadly for someone with PIDD.

Because of advances in our medical understanding and treatment of primary immune deficiency diseases, individuals who in the past would not have survived childhood are now able to live nearly normal lives. While there is still no cure for PIDD, there are effective treatments available. Nearly 70 percent

of primary immune deficient patients use intravenous immunoglobulin, IVIG, to maintain their health.

Immunoglobulin is a naturally occurring collection of highly specialized proteins, known as antibodies, which strengthen the body's immune response. It is derived from human plasma donations and is administered intravenously to the patient every three to four weeks.

Currently, Medicare beneficiaries needing IVIG treatments are experiencing access problems. This is an unintended result of the way Medicare has determined the payment for IVIG. In January 2005, the Medicare Modernization Act changed the way physicians and hospital outpatient departments were paid under Medicare. The law reduced IVIG reimbursement rates so most physicians in outpatient settings could no longer afford to treat Medicare patients requiring IVIG. Access to home based infusion therapy is limited since Medicare currently pays for the cost of IVIG, but not for the nursing services or supplies required for infusion.

As a result, patients are experiencing delays in receiving critically-needed treatment and are being shifted to more expensive care settings such as inpatient hospitals. In April 2007, the U.S. Department of Health and Human Services Office of the Inspector General, OIG, reported that Medicare reimbursement for IVIG was inadequate to cover the cost many providers must pay for the product. In fact, the OIG found that 44 percent of hospitals and 41 percent of physicians were unable to purchase IVIG at the Medicare reimbursement rate during the 3rd quarter of 2006. The previous quarter was even worse—77.2 percent of hospitals and 96.5 percent of physicians were unable to purchase IVIG at the Medicare reimbursement rate.

We have an opportunity to fix this very real problem with a compassionate and common sense solution. I believe we can improve the quality of life for PIDD patients and cut inpatient expenses by improving reimbursement procedures for IVIG treatments for physicians and outpatient facilities and allowing for home treatments and coverage for related services.

That is why, today, I am introducing the Medicare IVIG Access Act, with Senators ALEXANDER, WYDEN, WHITEHOUSE, and BROWNBACK, to authorize the Secretary of Health and Human Services to update the payment for IVIG, based on new or existing data, and to provide coverage for related items and services currently excluded from the existing Medicare home infusion therapy benefit. This bill is endorsed by several national organizations from the patient and physician communities, including the Immune Deficiency Foundation, GBS/CIDP Foundation International, the Jeffrey

Modell Foundation, the Clinical Immunology Society, and the National Patient Advocate Foundation.

I hope all my colleagues can support this legislation to help patients, physicians, caretakers, researchers, and plasma donors.

By Mr. GRASSLEY (for himself, Mrs. LINCOLN, Ms. SNOWE, Mr. ENSIGN, Ms. COLLINS, Ms. KLOBUCHAR, and Mr. GRAHAM):

S. 702. A bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, at 2:30 today, the Senate Finance Committee, Subcommittee on Health Care, held a hearing entitled The Role of Long-Term Care in Health Reform. In conjunction with the Subcommittee hearing, my colleagues Senators LINCOLN, SNOWE, ENSIGN, COLLINS, KLOBUCHAR, GRAHAM and I wanted to take the opportunity to introduce the Long-Term Care Affordability and Security Act of 2009.

Our Nation is graying. Research shows that the elderly population will nearly double by 2030. By 2050, the population of those aged 85 and older will have grown by more than 300 percent. Research also shows that the average age at which individuals need long-term care services, such as home health care or a private room at a nursing home, is 75. Currently, the average annual cost for a private room at a nursing home is more than \$75,000. This cost is expected to be in excess of \$140,000 by 2030.

Based on these facts, we can see that our Nation needs to prepare its citizens for the challenges they may face in old age. One way to prepare for these challenges is by encouraging more Americans to obtain long-term care insurance coverage. To date, only 10 percent of seniors have long-term care insurance policies, and only 7 percent of all private-sector employees are offered long-term care insurance as a voluntary benefit.

Under current law, employees may pay for certain health-related benefits, which may include health insurance premiums, co-pays, and disability or life insurance, on a pre-tax basis under cafeteria plans and flexible spending arrangements, FSAs. Essentially, an employee may elect to reduce his or her annual salary to pay for these benefits, and the employee does not pay taxes on the amounts used to pay these costs. Employees, however, are explicitly prohibited from paying for the cost of long-term care insurance coverage tax-free.

Our bill would allow employers, for the first time, to offer qualified long-

term care insurance to employees under FSAs and cafeteria plans. This means employees would be permitted to pay for qualified long-term care insurance premiums on a tax-free basis. This would make it easier for employees to purchase long-term care insurance, which many find unaffordable. This should also encourage younger individuals to purchase long-term care insurance. The younger the person is at the time the long-care insurance contract is purchased, the lower the insurance premium.

An aging Nation has no time to waste in preparing for long-term care, and the need to help people afford long-term care is more pressing than ever. I look forward to working with Senators LINCOLN, SNOWE, ENSIGN, COLLINS, KLOBUCHAR, GRAHAM and all of our Senate colleagues toward enacting the Long-Term Care Affordability and Security Act of 2009.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 702

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Long-Term Care Affordability and Security Act of 2009".

#### SEC. 2. TREATMENT OF PREMIUMS ON QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.

##### (a) IN GENERAL.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) of the Internal Revenue Code of 1986 (defining qualified benefits) is amended by inserting before the period at the end "except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract".

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by an employer to accident and health plans) is amended by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

##### (b) CONFORMING AMENDMENTS.—

(1) Section 6041 of such Code is amended by adding at the end the following new subsection:

"(h) FLEXIBLE SPENDING ARRANGEMENT DEFINED.—For purposes of this section, a flexible spending arrangement is a benefit program which provides employees with coverage under which—

"(1) specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions), and

"(2) the maximum amount of reimbursement which is reasonably available to a participant for such coverage is less than 500 percent of the value of such coverage.

In the case of an insured plan, the maximum amount reasonably available shall be determined on the basis of the underlying coverage."

(2) The following sections of such Code are each amended by striking "section 106(d)"



and inserting "section 106(c)": sections 223(b)(4)(B), 223(d)(4)(C), 223(f)(3)(B), 3231(e)(11), 3306(b)(18), 3401(a)(22), 4973(g)(1), and 4973(g)(2)(B)(i).

(3) Section 6041(f)(1) of such Code is amended by striking "(as defined in section 106(c)(2))".

(4) Section 26(b)(2)(S) of such Code is amended by striking "106(e)(3)(A)(ii)" and inserting "106(d)(3)(A)(ii)".

(5) Section 223(c)(1)(B)(iii)(II) of such Code is amended by striking "section 106(e)" and inserting "section 106(d)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

### SEC. 3. ADDITIONAL CONSUMER PROTECTIONS FOR LONG-TERM CARE INSURANCE.

(a) ADDITIONAL PROTECTIONS APPLICABLE TO LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (B) of section 7702B(g)(2) of the Internal Revenue Code of 1986 (relating to requirements of model regulation and Act) are amended to read as follows:

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to any contract if such contract meets—

"(i) MODEL REGULATION.—The following requirements of the model regulation:

"(I) Section 6A (relating to guaranteed renewal or noncancellability), other than paragraph (5) thereof, and the requirements of section 6B of the model Act relating to such section 6A.

"(II) Section 6B (relating to prohibitions on limitations and exclusions) other than paragraph (7) thereof.

"(III) Section 6C (relating to extension of benefits).

"(IV) Section 6D (relating to continuation or conversion of coverage).

"(V) Section 6E (relating to discontinuance and replacement of policies).

"(VI) Section 7 (relating to unintentional lapse).

"(VII) Section 8 (relating to disclosure), other than sections 8F, 8G, 8H, and 8I thereof.

"(VIII) Section 11 (relating to prohibitions against post-claims underwriting).

"(IX) Section 12 (relating to minimum standards).

"(X) Section 13 (relating to requirement to offer inflation protection).

"(XI) Section 25 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

"(XII) The provisions of section 28 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4) of this subsection.

"(ii) MODEL ACT.—The following requirements of the model Act:

"(I) Section 6C (relating to preexisting conditions).

"(II) Section 6D (relating to prior hospitalization).

"(III) The provisions of section 8 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4) of this subsection.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) MODEL REGULATION.—The term 'model regulation' means the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of December 2006).

"(ii) MODEL ACT.—The term 'model Act' means the long-term care insurance model Act promulgated by the National Associa-

tion of Insurance Commissioners (as adopted as of December 2006).

"(iii) COORDINATION.—Any provision of the model regulation or model Act listed under clause (i) or (ii) of subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision.

"(iv) DETERMINATION.—For purposes of this section and section 4980C, the determination of whether any requirement of the model regulation or the model Act has been met shall be made by the Secretary."

(b) EXCISE TAX.—Paragraph (1) of section 4980C(c) of the Internal Revenue Code of 1986 (relating to requirements of model provisions) is amended to read as follows:

"(1) REQUIREMENTS OF MODEL PROVISIONS.—

"(A) MODEL REGULATION.—The following requirements of the model regulation must be met:

"(i) Section 9 (relating to required disclosure of rating practices to consumer).

"(ii) Section 14 (relating to application forms and replacement coverage).

"(iii) Section 15 (relating to reporting requirements).

"(iv) Section 22 (relating to filing requirements for marketing).

"(v) Section 23 (relating to standards for marketing), including inaccurate completion of medical histories, other than paragraphs (1), (6), and (9) of section 23C.

"(vi) Section 24 (relating to suitability).

"(vii) Section 27 (relating to the right to reduce coverage and lower premiums).

"(viii) Section 31 (relating to standard format outline of coverage).

"(ix) Section 32 (relating to requirement to deliver shopper's guide).

The requirements referred to in clause (vi) shall not include those portions of the personal worksheet described in Appendix B relating to consumer protection requirements not imposed by section 4980C or 7702B.

"(B) MODEL ACT.—The following requirements of the model Act must be met:

"(i) Section 6F (relating to right to return).

"(ii) Section 6G (relating to outline of coverage).

"(iii) Section 6H (relating to requirements for certificates under group plans).

"(iv) Section 6J (relating to policy summary).

"(v) Section 6K (relating to monthly reports on accelerated death benefits).

"(vi) Section 7 (relating to incontestability period).

"(vii) Section 9 (relating to producer training requirements).

"(C) DEFINITIONS.—For purposes of this paragraph, the terms 'model regulation' and 'model Act' have the meanings given such terms by section 7702B(g)(2)(B)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to policies issued more than 1 year after the date of the enactment of this Act.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. KAUFMAN, and Mr. MENENDEZ):

S. 705. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

Mr. KERRY. Mr. President, I rise to support the Overseas Private Investment Corporation Reauthorization Act of 2009. Along with Senators LUGAR, KAUFMAN and MENENDEZ, I ask for ap-

proval of the Overseas Private Investment Corporation Reauthorization Act of 2009, a bill to reauthorize a vital U.S. Government agency that has assisted U.S. businesses and promoted projects in support of our foreign policy interests since 1971. This legislation reauthorizes the Overseas Private Investment Corporation, OPIC, for 4 years.

OPIC is an independent U.S. agency whose mission is to mobilize U.S. private sector investment in poorer countries to facilitate their economic and social development. It provides U.S. companies with financing—from large structured finance to small business loans, political risk insurance, and investment funds.

OPIC operates at no net cost to taxpayers: OPIC charges market-based fees for its products and operates on a self-sustaining basis. Over its 38-year history, OPIC projects have generated more than \$72 billion in U.S. exports and supported more than 273,000 American jobs while supporting over \$188 billion worth of investments that have helped developing countries generate almost \$15 billion in host-government revenues leading to over 821,000 host-country jobs.

OPIC's financing and political risk insurance help U.S. businesses, particularly small- and medium-sized enterprises, to compete in emerging markets and meet the challenges of investing overseas when private sector support is not available. OPIC promotes U.S. best practices by requiring that projects adhere to international labor standards.

OPIC also engages in critical foreign policy areas. It is implementing major projects in the Middle East, including Jordan, the West Bank, and Lebanon. In Africa, OPIC has established a new investment fund that will mobilize \$1.6 billion of private investment in Africa towards health care, housing, telecommunications and small businesses. The agency also gives preferential consideration to projects supported by small businesses. It has even established a separate department to focus on small business financing. An overwhelming majority of projects supported by OPIC involved small business—87 percent in fiscal year 2006. This is up from 24 percent in fiscal year 1997.

The bill incorporates several important aspects, including: strengthening the rights of workers overseas, and strengthening transparency requirements to ensure NGOs and other interested groups have sufficient notice and information about potential OPIC-supported projects.

We all are aware of the unfortunate history associated with extractive industry projects and developing countries. Our bill ensures that OPIC projects will conform to principles and standards developed by the Extractive Industry Transparency Initiative. The



transparency for extraction investments is a new subsection created by the bill to ensure that countries with extractive industry projects will put in place functioning systems to allow accurate accounting, regular independent audits and broader accountability. Ultimately, this will be an important tool for preventing fraud, bribery and corruption in host countries with extractive projects.

This legislation will also ensure greater transparency for how the Corporation operates. It directs OPIC to provide more detailed information in advance about potential projects so NGOs and other groups can determine their impact. The bill ensures that NGOs and other interested groups will have adequate notice and information about potential OPIC-supported projects, prior to Board meeting votes on OPIC assistance.

I would like to reiterate that OPIC is an important foreign policy tool that encourages U.S. private sector companies to invest in poorer countries and improve their economic and social development. I want to make sure OPIC can continue to do its good work, but I also want to ensure that OPIC adheres to the highest labor and environmental standards, incorporates stringent accountability measures towards extractive industry projects, and promotes a green investment agenda.

In conclusion, I urge my colleagues to approve the Overseas Private Investment Corporation Reauthorization Act of 2009 and join in this effort.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 707. A bill to enhance the Federal Telework Program; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I introduce the Telework Enhancement Act of 2009 to allow greater workplace flexibility for Federal workers and agencies. I am pleased to be joined in this effort by my good friend, Senator GEORGE VOINOVICH.

Flexible work arrangements referred to generally as “telework” have emerged as an important part of Federal agencies’ management tools and continuity of operations plans during emergencies, allowing employees to work from home or a remote location. As the Internet and technologies have advanced and become integrated into the modern work environment, opportunities for employees to securely and efficiently perform their official duties from a remote location also have expanded.

Last Congress, as Chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I joined Ranking Member VOINOVICH in holding a hearing to assess telework policies and initiatives within the Fed-

eral Government. Witnesses testified to the benefits of increased telework opportunities within the Federal workforce, including lower vehicle emissions associated with commuting, better work-life balance, reduced overhead costs for agencies, and increased trust and communication between employees and their managers.

Expanding telework options helps the Federal Government attract and retain talented employees. With a large portion of the Federal workforce eligible for retirement in the coming years, it is essential for agencies to develop management tools to enhance recruitment and retention. This bill would provide Federal agencies with an important tool to remain competitive in the modern workplace and would offer a flexible option for human capital management.

Despite these benefits, witnesses also testified that many agencies hesitate to implement broad telework programs. The witnesses cite agency leadership and management resistance as the greatest barriers to the development of robust telework policies. Even the head of the Patent and Trademark Office acknowledged that without his persistent leadership and commitment to telework, the PTO would not have the beneficial program that it does today.

In the past, Congress has approved provisions in appropriations bills to enhance telework opportunities within the Federal Government and encouraged agencies to implement comprehensive telework programs. However, Congress has not approved an authorization bill to make all Federal employees presumptively eligible to telework unless an employing agency expressly determined otherwise. Last Congress I offered an amendment in the nature of a substitute to S. 1000, a telework bill introduced by Senators Stevens and LANDRIEU. My amendment was adopted by the Committee on Homeland Security and Governmental Affairs and the amended bill was reported on the floor of the Senate.

The Telework Enhancement Act of 2009 builds on those efforts by laying the groundwork for robust telework policies in each executive agency. The Office of Personnel Management, OPM, would work with agencies to provide guidance and consultation on telework policies and goals. A Telework Managing Officer, TMO, would also be created within each agency. The TMO’s primary responsibilities would be to monitor and develop agency telework policies, and act as a resource for employees and managers on telework issues.

This bill does more than provide guidelines for the development of robust telework policies; it prohibits discrimination against employees who chose to telework, guaranteeing those employees will not be disadvantaged in

performance evaluations, pay, or benefits. This bill also holds agencies accountable by requiring the submission of telework data to OPM. OPM is then responsible for submitting an annual report to Congress, which summarizes the telework data and reports on the progress of each agency in achieving its telework goals.

I am proud to join Senator VOINOVICH in introducing the Telework Enhancement Act of 2009. We must make sure agencies have the tools necessary to make the Federal Government an employer of choice in the twenty-first century; enhancing telework options will further that goal. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 707

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Telework Enhancement Act of 2009”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **EMPLOYEE.**—The term “employee” has the meaning given that term under section 2105 of title 5, United States Code.

(2) **EXECUTIVE AGENCY.**—Except as provided in section 7, the term “executive agency” has the meaning given that term under section 105 of title 5, United States Code.

(3) **TELEWORK.**—The term “telework” means a work arrangement in which an employee performs officially assigned duties at home or other worksites geographically convenient to the residence of the employee.

#### SEC. 3. EXECUTIVE AGENCIES TELEWORK REQUIREMENT.

(a) **TELEWORK ELIGIBILITY.**—Not later than 180 days after the date of enactment of this Act, the head of each executive agency shall—

(1) establish a policy under which eligible employees of the agency may be authorized to telework;

(2) determine the eligibility for all employees of the agency to participate in telework; and

(3) notify all employees of the agency of their eligibility to telework.

(b) **PARTICIPATION.**—The policy described under subsection (a) shall—

(1) ensure that telework does not diminish employee performance or agency operations;

(2) require a written agreement that—

(A) is entered into between an agency manager and an employee authorized to telework, that outlines the specific work arrangement that is agreed to; and

(B) is mandatory in order for any employee to participate in telework;

(3) provide that an employee may not be authorized to telework if the performance of that employee does not comply with the terms of the written agreement between the agency manager and that employee;

(4) except in emergency situations as determined by the head of an agency, not apply to any employee of the agency whose official duties require on a daily basis (every work day)—

(A) direct handling of secure materials; or  
 (B) on-site activity that cannot be handled remotely or at an alternate worksite; and  
 (5) be incorporated as part of the continuity of operations plans of the agency in the event of an emergency.

#### SEC. 4. TRAINING AND MONITORING.

(a) IN GENERAL.—The head of each executive agency shall ensure that—

(1) an interactive telework training program is provided to—

(A) employees eligible to participate in the telework program of the agency; and

(B) all managers of teleworkers;

(2) except as provided under subsection (b), an employee has successfully completed the interactive telework training program before that employee enters into a written agreement to telework described under section 3(b)(2);

(3) no distinction is made between teleworkers and nonteleworkers for purposes of—

(A) periodic appraisals of job performance of employees;

(B) training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees;

(C) work requirements; or

(D) other acts involving managerial discretion; and

(4) when determining what constitutes diminished employee performance, the agency shall consult the established performance management guidelines of the Office of Personnel Management.

(b) TRAINING REQUIREMENT EXEMPTIONS.—The head of an executive agency may provide for an exemption from the training requirements under subsection (a), if the head of that agency determines that the training would be unnecessary because the employee is already teleworking under a work arrangement in effect before the date of enactment of this Act.

#### SEC. 5. POLICY AND SUPPORT.

(a) AGENCY CONSULTATION WITH THE OFFICE OF PERSONNEL MANAGEMENT.—Each executive agency shall consult with the Office of Personnel Management in developing telework policies.

(b) GUIDANCE AND CONSULTATION.—The Office of Personnel Management shall—

(1) provide policy and policy guidance for telework in the areas of pay and leave, agency closure, performance management, official worksite, recruitment and retention, and accommodations for employees with disabilities;

(2) assist each agency in establishing appropriate qualitative and quantitative measures and teleworking goals; and

(3) consult with—

(A) the Federal Emergency Management Agency on policy and policy guidance for telework in the areas of continuation of operations and long-term emergencies; and

(B) the General Services Administration on policy and policy guidance for telework in the areas of telework centers, travel, technology, equipment, and dependent care.

(c) CONTINUITY OF OPERATIONS PLANS.—

(1) INCORPORATION INTO CONTINUITY OF OPERATIONS PLANS.—Each executive agency shall incorporate telework into the continuity of operations plan of that agency.

(2) CONTINUITY OF OPERATIONS PLANS SUPERSEDE TELEWORK POLICY.—During any period that an executive agency is operating under a continuity of operations plan, that plan shall supersede any telework policy.

(d) TELEWORK WEBSITE.—The Office of Personnel Management shall—

(1) maintain a central telework website; and

(2) include on that website related—

(A) telework links;

(B) announcements;

(C) guidance developed by the Office of Personnel Management; and

(D) guidance submitted by the Federal Emergency Management Agency, and the General Services Administration to the Office of Personnel Management not later than 10 business days after the date of submission.

#### SEC. 6. TELEWORK MANAGING OFFICER.

(a) IN GENERAL.—

(1) DESIGNATION.—The head of each executive agency shall designate an employee of the agency as the Telework Managing Officer. The Telework Managing Officer shall be established within the Office of the Chief Human Capital Officer or a comparable office with similar functions.

(2) TELEWORK COORDINATORS.—

(A) APPROPRIATIONS ACT, 2004.—Section 627 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 99) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”.

(B) APPROPRIATIONS ACT, 2005.—Section 622 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2919) is amended by striking “designate a ‘Telework Coordinator’ to be” and inserting “designate a Telework Managing Officer to be”.

(b) DUTIES.—The Telework Managing Officer shall—

(1) be devoted to policy development and implementation related to agency telework programs;

(2) serve as—

(A) an advisor for agency leadership, including the Chief Human Capital Officer;

(B) a resource for managers and employees;

(C) a primary agency point of contact for the Office of Personnel Management on telework matters; and

(3) perform other duties as the applicable delegating authority may assign.

#### SEC. 7. REPORTS.

(a) DEFINITION.—In this section, the term “executive agency” shall not include the Government Accountability Office.

(b) REPORTS BY THE OFFICE OF PERSONNEL MANAGEMENT.—

(1) SUBMISSION OF REPORTS.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Director of the Office of Personnel Management, in consultation with Chief Human Capital Officers Council, shall—

(A) submit a report addressing the telework programs of each executive agency to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives; and

(B) transmit a copy of the report to the Comptroller General and the Office of Management and Budget.

(2) CONTENTS.—Each report submitted under this subsection shall include—

(A) the degree of participation by employees of each executive agency in teleworking during the period covered by the report, (and for each executive agency whose head is referred to under section 5312 of title 5, United States Code, the degree of participation in each bureau, division, or other major administrative unit of that agency), including—

(i) the total number of employees in the agency;

(ii) the number and percent of employees in the agency who are eligible to telework; and

(iii) the number and percent of eligible employees in the agency who are teleworking—

(I) 3 or more days per pay period;

(II) 1 or 2 days per pay period;

(III) once per month; and

(IV) on an occasional, episodic, or short-term basis;

(B) the method for gathering telework data in each agency;

(C) if the total number of employees teleworking is 10 percent higher or lower than the previous year in any agency, the reasons for the positive or negative variation;

(D) the agency goal for increasing participation to the extent practicable or necessary for the next reporting period, as indicated by the percent of eligible employees teleworking in each frequency category described under subparagraph (A)(iii);

(E) an explanation of whether or not the agency met the goals for the last reporting period and, if not, what actions are being taken to identify and eliminate barriers to maximizing telework opportunities for the next reporting period;

(F) an assessment of the progress each agency has made in meeting agency participation rate goals during the reporting period, and other agency goals relating to telework, such as the impact of telework on—

(i) emergency readiness;

(ii) energy use;

(iii) recruitment and retention;

(iv) performance;

(v) productivity; and

(vi) employee attitudes and opinions regarding telework; and

(G) the best practices in agency telework programs.

(c) COMPTROLLER GENERAL REPORTS.—

(1) REPORT ON GOVERNMENT ACCOUNTABILITY OFFICE TELEWORK PROGRAM.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act and on an annual basis thereafter, the Comptroller General shall submit a report addressing the telework program of the Government Accountability Office to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Oversight and Government Reform of the House of Representatives.

(B) CONTENTS.—Each report submitted by the Comptroller General shall include the same information as required under subsection (b) applicable to the Government Accountability Office.

(2) REPORT TO CONGRESS ON OFFICE OF PERSONNEL MANAGEMENT REPORT.—Not later than 6 months after the submission of the first report to Congress required under subsection (b), the Comptroller General shall review that report required under subsection (b) and submit a report to Congress on the progress each executive agency has made towards the goals established under section 5(b)(2).

(d) CHIEF HUMAN CAPITAL OFFICER REPORTS.—

(1) IN GENERAL.—Each year the Chief Human Capital Officer of each executive agency, in consultation with the Telework Managing Officer of that agency, shall submit a report to the Chair and Vice Chair of the Chief Human Capital Officers Council on agency management efforts to promote telework.

(2) REVIEW AND INCLUSION OF RELEVANT INFORMATION.—The Chair and Vice Chair of the Chief Human Capital Officers Council shall—

(A) review the reports submitted under paragraph (1);

(B) include relevant information from the submitted reports in the annual report to Congress required under subsection (b); and

(C) use that relevant information for other purposes related to the strategic management of human capital.

**SEC. 8. AUTHORITY FOR TELEWORK TRAVEL EXPENSES TEST PROGRAMS.**

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by inserting after section 5710 the following:

**“§5711. Authority for telework travel expenses test programs**

“(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an employing agency may pay through the proper disbursing official any necessary travel expenses in lieu of any payment otherwise authorized or required under this subchapter for employees participating in a telework program. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

“(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

“(3) Under any test program, if an agency employee voluntarily relocates from the pre-existing duty station of that employee, the Administrator may authorize the employing agency to establish a reasonable maximum number of occasional visits to the pre-existing duty station before that employee is eligible for payment of any accrued travel expenses by that agency.

“(4) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

“(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section, and the rationale for approval, to the appropriate committees of Congress at least 30 days before the effective date of the program.

“(c)(1) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator, the Telework Managing Officer of that agency, and the appropriate committees of Congress a report on the results of the program not later than 3 months after completion of the program.

“(2) The results in a report described under paragraph (1) may include—

“(A) the number of visits an employee makes to the pre-existing duty station of that employee;

“(B) the travel expenses paid by the agency;

“(C) the travel expenses paid by the employee; or

“(D) any other information the agency determines useful to aid the Administrator, Telework Managing Officer, and Congress in understanding the test program and the impact of the program.

“(d) No more than 10 test programs under this section may be conducted simultaneously.

“(e) The authority to conduct test programs under this section shall expire 7 years after the date of the enactment of the Telework Enhancement Act of 2009.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5710 the following:

“5711. Authority for telework travel expenses test programs.”.

Mr. VOINOVICH. Mr. President, I am pleased to join my good friend and partner on human capital issues, Senator DANIEL K. AKAKA, in introducing the Telework Enhancement Act of 2009.

One of my top priorities as a Senator has been to transform the culture of the Federal workforce, something I conscientiously undertook with the city and State workforces as Mayor of Cleveland and Governor of Ohio. I know that investing in our workforce pays off.

We have an aging workforce that has difficulty attracting young people to public service careers. The image of the public sector can be bureaucratic—an impression that too often discourages young, creative college graduates. We must be able to recruit the best candidates, provide training and professional development opportunities, and reward good performance.

To compete as an employer of choice in the fast-paced 21st century knowledge economy and improve our competitiveness, we need to create an environment that supports those with the desire and commitment to serve. Just as other aspects of their lives have been informed by technology, we need to acknowledge that this next generation will have different expectations of what it means to go to work. The growth of Web 2.0 hand held devices makes it far more likely that working anytime from most anywhere will be the new norm.

As I stated in my 2000 report to the President on the Crisis in Human Capital, Federal agencies should enable as many employees as possible to telecommute or participate in other types of flexible workplace programs. Not only would this make Federal service more attractive to many employees, especially parents of young children, it has the potential to reduce traffic congestion and pollution in large metropolitan areas. According to the Telework Exchange, the average round trip commute is 50 miles, and commuters spend an average of 264 hours per year commuting. Looking at the Federal Government, if all Federal employees who are eligible to telework full time were to do so, the Federal workforce could realize \$13.9 billion savings in commuting costs annually and eliminate 21.5 billion pounds of pollutants out of the environment each year. Though more difficult to quantify, but equally important, is the improved work/life balance which has a positive effect on employee morale. An additional reason that was made plain on September 11, 2001, is the need for a workforce that can be dispersed and decentralized so that essential functions can continue during an emergency.

The legislation we introduce today helps ensure that executive agencies better integrate telework into their

human capital planning, establishes a level playing field for employees who voluntarily elect to telework, and improves program accountability.

According to the most recent OPM survey on Federal human capital, only 22 percent of employees when asked about work/life and family friendly benefits said that they were satisfied with current telework/telecommuting opportunities. Another 37 percent responded that they had no basis to judge. Even though teleworking has increased since OPM began reporting in 2001, participation is far short of what it should be and what the Federal workforce needs if our government is to remain an employer of choice. While most Federal agencies have made progress, the overall number of teleworkers decreased by approximately 15,000 employees between 2006 and 2007, according to the Office of Personnel Management. In addition, less than 8 percent of eligible Federal employees telework regularly.

I urge my colleagues to join Senator AKAKA and me in ensuring the Federal Government better integrates telework into its operational plans.

By Mr. AKAKA (for himself, Mr. INOUE, Ms. MURKOWSKI, and Mr. BEGICH):

S 708. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, today I, along with members of the Hawaii Congressional Delegation, introduce a modified version of the Native Hawaiian Government Reorganization Act of 2009. In order to address concerns that have been raised, a new section prohibiting gaming has been included. With the exception of this one section, the resulting Senate bill and House bill preserve the language of S. 381 and H.R. 862, respectively; that were previously introduced on February 4, 2009. The legislation we introduce today is the legislation we will seek to move forward with toward enactment.

I am not a proponent of gaming. Our legislation would not legalize gaming by Native Hawaiians or the Native Hawaiian government in the State of Hawaii, any other state, or the territories. I reiterate to my colleagues, as well as the people of this Nation that all forms of gambling are illegal in Hawaii and the Native Hawaiian government will be subject to all State and Federal laws. The legislation we introduce today with this added gaming prohibition provision simply clarifies our intent.

Let me be clear for the record and for my colleagues that this bill is not

about gaming. Rather it is about providing Federal recognition to Native Hawaiians so they may have the opportunity to enjoy the same government-to-government relationship with the U.S. provided to Alaska Natives and American Indians. The indigenous people of Hawaii, Native Hawaiians, have not been extended the Federal policy of self-governance and self-determination. The legislation provides parity and authorizes a process to federally recognize Native Hawaiians. The legislation is consistent with Federal law and maintains efforts by the U.S. Government and State of Hawaii to address the unique needs of Native Hawaiians and empower them to perpetuate their culture, language, and traditions.

The United States has committed itself to a process of reconciliation with the indigenous people of Hawaii. Recognizing and upholding this U.S. responsibility for Native Hawaiians, the legislation allows us to take the next necessary step in the reconciliation process. The legislation does three things. First, it authorizes an Office within the Department of Interior to serve as a liaison between Native Hawaiians and the U.S. Second, it forms an Interagency Task Force cochaired by the Departments of Interior and Justice and comprised of officials from Federal agencies administering programs and services impacting Native Hawaiians. Third, it authorizes the process for the reorganization of a Native Hawaiian government for the purposes of a federally recognized government-to-government relationship. Once the Native Hawaiian government is recognized, the bill establishes an inclusive democratic negotiations process representing both Native Hawaiians and non-Native Hawaiians. There are many checks and balances in this process and any agreements reached during the negotiations process will require implementing legislation at the State and Federal levels.

This legislation will go a long way to address issues present in my home State. It is clear there are longstanding and unresolved issues resulting from the 1893 U.S. overthrow of the kingdom of Hawaii. Progress to address these issues have been limited as there has been no government-to-government relationship to facilitate discussions or implement agreements. However, with the structured process in the bill the people of Hawaii will be empowered to come together, resolve these issues, and move proudly forward together as a State.

The bill remains the product of the dedicated and mindful work of the five working groups that drafted the original bill that passed the U.S. House of Representatives in 2000. Individuals from the Native Hawaiian community, elected officials from the State of Hawaii, representatives from Federal agencies, Members of Congress, as well

as leaders from Indian country and experts in constitutional law contributed to this bill. These working groups ensured that all parties that had expertise and would work to implement the bill had an opportunity to participate in the drafting process.

Over the last 9 years there has been significant public input and congressional oversight. This bill benefits from the input received during the nine congressional hearings, including six joint House Natural Resources Committee and Senate Indian Affairs Committee hearings, five of which were held in Hawaii. The bill introduced today provides a constitutionally sound foundation for us to build upon. I encourage my colleagues to join Senator INOUE and me in enacting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 708

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States.

(2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States.

(3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.

(4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(7) Approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of

land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

(11) Native Hawaiians have maintained other distinctly native areas in Hawaii.

(12) On November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral

lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian government for the purpose of giving expression to their rights as native people to self-determination and self-governance.

(20) The United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3; 73 Stat. 4) by—

(i) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for 5 purposes, one of which is for the betterment of the conditions of Native Hawaiians; and

(ii) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

## SEC. 2. DEFINITIONS.

In this Act:

(1) **ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.**—The term “aboriginal, indigenous, native people” means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the

areas that later became part of the United States.

(2) **ADULT MEMBERS.**—The term “adult members” means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the final roll, as provided in section 7(a)(3) of this Act.

(3) **APOLOGY RESOLUTION.**—The term “Apology Resolution” means Public Law 103-150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) **CEDED LANDS.**—The term “ceded lands” means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexing the Hawaiian Islands to the United States of July 7, 1898 (30 Stat. 750), and which were later transferred to the State of Hawaii in the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union” approved March 18, 1959 (Public Law 86-3; 73 Stat. 4).

(5) **COMMISSION.**—The term “Commission” means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (7)(A).

(6) **INDIGENOUS, NATIVE PEOPLE.**—The term “indigenous, native people” means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) **NATIVE HAWAIIAN.**—

(A) Prior to the recognition by the United States of a Native Hawaiian government under the authority of section 7(d)(2) of this Act, the term “Native Hawaiian” means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, and includes all Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(B) Following the recognition by the United States of the Native Hawaiian government under section 7(d)(2) of this Act, the term “Native Hawaiian” shall have the meaning given to such term in the organic governing documents of the Native Hawaiian government.

(8) **NATIVE HAWAIIAN GOVERNMENT.**—The term “Native Hawaiian government” means the citizens of the government of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d)(2) of this Act.

(9) **NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.**—The term “Native Hawaiian Interim Governing Council” means the interim governing council that is organized under section 7(c) of this Act.

(10) **ROLL.**—The term “roll” means the roll that is developed under the authority of section 7(a) of this Act.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(12) **TASK FORCE.**—The term “Task Force” means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

## SEC. 3. UNITED STATES POLICY AND PURPOSE.

(a) **POLICY.**—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian government; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) **PURPOSE.**—It is the intent of Congress that the purpose of this Act is to provide a process for the reorganization of a Native Hawaiian government and for the recognition by the United States of the Native Hawaiian government for purposes of continuing a government-to-government relationship.

## SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN AFFAIRS.

(a) **IN GENERAL.**—There is established within the Office of the Secretary the United States Office for Native Hawaiian Affairs.

(b) **DUTIES OF THE OFFICE.**—The United States Office for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian government and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may affect traditional or current Native Hawaiian practices and matters that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian government by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian government prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian government and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian government; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(c) of this Act, and the recognition of the Native Hawaiian government as provided for in section 7(d) of this Act.

(c) **AUTHORITY.**—The United States Office for Native Hawaiian Affairs is authorized to enter into a contract with or make grants for the purposes of the activities authorized or addressed in section 7 of this Act for a period of 3 years from the date of enactment of this Act.

#### **SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.**

The Attorney General shall designate an appropriate official within the Department of Justice to assist the United States Office for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political, legal, and trust relationship with the United States, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, in the implementation and protection of the rights of the Native Hawaiian government and its political, legal, and trust relationship with the United States.

#### **SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.**

(a) **ESTABLISHMENT.**—There is established an interagency task force to be known as the "Native Hawaiian Interagency Task Force".

(b) **COMPOSITION.**—The Task Force shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the United States Office for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) **LEAD AGENCIES.**—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task

Force, and meetings of the Task Force shall be convened at the request of either of the lead agencies.

(d) **CO-CHAIRS.**—The Task Force representative of the United States Office for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General's designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) **DUTIES.**—The responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian government by the United States as provided in section 7(d)(2) of this Act, consultation with the Native Hawaiian government; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

#### **SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNMENT, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.**

(a) **ROLL.**—

(1) **PREPARATION OF ROLL.**—The United States Office for Native Hawaiian Affairs shall assist the adult members of the Native Hawaiian community who wish to participate in the reorganization of a Native Hawaiian government in preparing a roll for the purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of the—

(A) adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government and who are—

(i) the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago; or

(ii) Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or their lineal descendants; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) **CERTIFICATION AND SUBMISSION.**—

(A) **COMMISSION.**—

(i) **IN GENERAL.**—There is authorized to be established a Commission to be composed of 9 members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act.

(ii) **MEMBERSHIP.**—

(I) **APPOINTMENT.**—The Secretary shall appoint the members of the Commission in accordance with subclause (II). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(II) **REQUIREMENTS.**—The members of the Commission shall be Native Hawaiian, as defined in section 2(7)(A) of this Act, and shall have expertise in the certification of Native Hawaiian ancestry.

(III) **CONGRESSIONAL SUBMISSION OF SUGGESTED CANDIDATES.**—In appointing members

of the Commission, the Secretary may choose such members from among—

(aa) five suggested candidates submitted by the Majority Leader of the Senate and the Minority Leader of the Senate from a list of candidates provided to such leaders by the Chairman and Vice Chairman of the Committee on Indian Affairs of the Senate; and

(bb) four suggested candidates submitted by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives from a list provided to the Speaker and the Minority Leader by the Chairman and Ranking member of the Committee on Resources of the House of Representatives.

(iii) **EXPENSES.**—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) **CERTIFICATION.**—The Commission shall certify that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(7)(A) of this Act.

(3) **SECRETARY.**—

(A) **CERTIFICATION.**—The Secretary shall review the Commission's certification of the membership roll and determine whether it is consistent with applicable Federal law, including the special trust relationship between the United States and the indigenous, native people of the United States.

(B) **PUBLICATION.**—Upon making the determination authorized in subparagraph (A), the Secretary shall publish a final roll.

(C) **APPEAL.**—

(i) **ESTABLISHMENT OF MECHANISM.**—The Secretary is authorized to establish a mechanism for an appeal of the Commission's determination as it concerns—

(I) the exclusion of the name of a person who meets the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act, from the roll; or

(II) a challenge to the inclusion of the name of a person on the roll on the grounds that the person does not meet the definition of Native Hawaiian, as so defined.

(ii) **PUBLICATION; UPDATE.**—The Secretary shall publish the final roll while appeals are pending, and shall update the final roll and the publication of the final roll upon the final disposition of any appeal.

(D) **FAILURE TO ACT.**—If the Secretary fails to make the certification authorized in subparagraph (A) within 90 days of the date that the Commission submits the membership roll to the Secretary, the certification shall be deemed to have been made, and the Commission shall publish the final roll.

(4) **EFFECT OF PUBLICATION.**—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council and the Native Hawaiian government.

(b) **RECOGNITION OF RIGHTS.**—The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States.

(c) **ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.**—

(1) **ORGANIZATION.**—The adult members listed on the roll developed under the authority of subsection (a) are authorized to—

(A) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;



(B) determine the structure of the Native Hawaiian Interim Governing Council; and

(C) elect members to the Native Hawaiian Interim Governing Council.

(2) ELECTION.—Upon the request of the adult members listed on the roll developed under the authority of subsection (a), the United States Office for Native Hawaiian Affairs may assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council.

(3) POWERS.—

(A) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) FUNDING.—The Native Hawaiian Interim Governing Council is authorized to enter into a contract or grant with any Federal agency, including but not limited to, the United States Office for Native Hawaiian Affairs within the Department of the Interior and the Administration for Native Americans within the Department of Health and Human Services, to carry out the activities set forth in subparagraph (C).

(C) ACTIVITIES.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to conduct a referendum of the adult members listed on the roll developed under the authority of subsection (a) for the purpose of determining (but not limited to) the following:

(I) The proposed elements of the organic governing documents of a Native Hawaiian government.

(II) The proposed powers and authorities to be exercised by a Native Hawaiian government, as well as the proposed privileges and immunities of a Native Hawaiian government.

(III) The proposed civil rights and protection of such rights of the citizens of a Native Hawaiian government and all persons subject to the authority of a Native Hawaiian government.

(ii) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based upon the referendum, the Native Hawaiian Interim Governing Council is authorized to develop proposed organic governing documents for a Native Hawaiian government.

(iii) DISTRIBUTION.—The Native Hawaiian Interim Governing Council is authorized to distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(iv) CONSULTATION.—The Native Hawaiian Interim Governing Council is authorized to freely consult with those members listed on the roll concerning the text and description of the proposed organic governing documents.

(D) ELECTIONS.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to hold elections for the purpose of ratifying the proposed organic governing documents, and upon ratification of the organic governing documents, to hold elections for the officers of the Native Hawaiian government.

(ii) ASSISTANCE.—Upon the request of the Native Hawaiian Interim Governing Council, the United States Office for Native Hawaiian Affairs may assist the Council in conducting such elections.

(4) TERMINATION.—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time at which the duly elected officers of the Native Hawaiian government take office.

(d) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.—

(1) PROCESS FOR RECOGNITION.—

(A) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—The duly elected officers of the Native Hawaiian government shall submit the organic governing documents of the Native Hawaiian government to the Secretary.

(B) CERTIFICATIONS.—Within 90 days of the date that the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) were adopted by a majority vote of the adult members listed on the roll prepared under the authority of subsection (a);

(ii) are consistent with applicable Federal law and the special trust relationship between the United States and the indigenous native people of the United States;

(iii) provide for the exercise of those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(iv) provide for the protection of the civil rights of the citizens of the Native Hawaiian government and all persons subject to the authority of the Native Hawaiian government, and to assure that the Native Hawaiian government exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian government without the consent of the Native Hawaiian government;

(vi) establish the criteria for citizenship in the Native Hawaiian government; and

(vii) provide authority for the Native Hawaiian government to negotiate with Federal, State, and local governments, and other entities.

(C) FAILURE TO ACT.—If the Secretary fails to act within 90 days of the date that the duly elected officers of the Native Hawaiian government submitted the organic governing documents of the Native Hawaiian government to the Secretary, the certifications authorized in subparagraph (B) shall be deemed to have been made.

(D) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH FEDERAL LAW.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part thereof, are not consistent with applicable Federal law, the Secretary shall resubmit the organic governing documents to the duly elected officers of the Native Hawaiian government along with a justification for each of the Secretary's findings as to why the provisions are not consistent with such law.

(ii) AMENDMENT AND RESUBMISSION BY THE NATIVE HAWAIIAN GOVERNMENT.—If the organic governing documents are resubmitted to the duly elected officers of the Native Hawaiian government by the Secretary under clause (i), the duly elected officers of the Native Hawaiian government shall—

(I) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with subparagraphs (B) and (C).

(2) FEDERAL RECOGNITION.—

(A) RECOGNITION.—Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian government and the certifications (or deemed certifications) by the Secretary authorized in paragraph (1), Federal recognition is hereby extended to the Native Hawaiian government as the representative governing body of the Native Hawaiian people.

(B) NO DIMINISHMENT OF RIGHTS OR PRIVILEGES.—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian people which are not inconsistent with the provisions of this Act.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in this Act.

**SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.**

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of Native Hawaiians contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3; 73 Stat. 5) is hereby reaffirmed.

(b) NEGOTIATIONS.—Upon the Federal recognition of the Native Hawaiian government pursuant to section 7(d)(2) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian government regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of enactment of this Act to the Native Hawaiian government.

**SEC. 10. APPLICABILITY OF INDIAN GAMING REGULATORY ACT.**

(a) PROHIBITION.—The Native Hawaiian government and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(b) APPLICABILITY.—The foregoing prohibition in section 10(a) on the use of the Indian Gaming Regulatory Act and inherent authority to game apply regardless of whether gaming by Native Hawaiians or the Native Hawaiian government would be located on land within the State of Hawaii or within any other State or territory of the United States.

**SEC. 11. DISCLAIMER.**

Nothing in this Act is intended to serve as a settlement of any claims against the United States, or to affect the rights of the Native Hawaiian people under international law.

**SEC. 12. REGULATIONS.**

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

**SEC. 13. SEVERABILITY.**

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

By Mrs. FEINSTEIN (for herself  
and Mrs. BOXER):

S. 709. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator BOXER to reintroduce legislation to enable hundreds of former Santa Susana Field Laboratory Workers or their survivors to receive compensation for illnesses caused by exposure to radiation and other toxic substances.

Specifically, the Santa Susana Fair Compensation Act would provide a special status designation under the Energy Employees Occupational Illness Compensation Act to Santa Susana Field Laboratory employees, so they can receive the benefits they deserve.

In addition, the bill would extend the "special exposure cohort" status to Department of Energy employees, Department of Energy contract employees, or atomic weapons employees who worked at the Santa Susana Field Laboratory for at least 250 days prior to January 1, 2009.

This revision would ensure that the Act's benefits are available to any of those workers who developed a radiation-linked cancer due to their employment at the Santa Susana Field Laboratory.

This bill fulfills the intent of Congress when it approved the act, providing compensation and care for nuclear program workers who suffered severe health problems caused by on-the-job exposure to radiation.

The Santa Susana Field Laboratory is a 2,849-acre facility located about 30 miles north of downtown Los Angeles.

During the Cold War, it was used for the development and testing of nuclear reactors and powerful rockets, including those used in America's space and ballistic missile programs.

Sadly, many workers of the Cold War era were exposed to radiation on a regular basis. But claims for compensation are hampered by incomplete and inaccurate records.

Some records show only estimated levels of exposure for workers, and are imprecise. In other cases, if records were kept, they cannot be found today.

Many Santa Susana Field Laboratory workers were not aware of the hazards at their workplace. Remarkably, no protective equipment—like respirators, gloves, or body suits—was provided to workers.

More than 600 claims for compensation have been filed by Santa Susana Field Lab workers, but only a small fraction have been approved. A lack of documentation, or inability to prove exposure thresholds, has hindered hundreds of claims that may well be legitimate. And, for some lab workers and their families, it is impossible to reconstruct exposure scenarios due to records having been destroyed.

Santa Susana Field Lab workers and their families now face the burden of having to reconstruct exposure scenarios that existed more than 40 years ago, in most cases with little or no documentation.

The case of my constituent, Betty Reo, provides an example of why this legislation is necessary.

Ms. Reo's husband, Cosmo Reo, worked at the Santa Susana Field Laboratory as an instrumentation mechanic from April 18, 1957 until May 17, 1960.

Cosmo worked in the rocket testing pits and was exposed to hydrazine, trichloroethylene, and other cancer-causing chemicals which attack the lungs, bladder and kidneys.

Cosmo died of renal failure in 1980. Ms. Reo applied for benefits under the Energy Employees Occupational Illness Compensation Act. She has been trying to reconstruct the exposure scenarios under which her husband worked, but without adequate documentation she has been repeatedly denied benefits.

This bill would help people like Betty Reo, people who lack the documentation necessary to prove their cases, and those who worked in any of the four areas of the Santa Susana site.

I urge my colleagues to join me in correcting these injustices and cutting through the "red tape" that prevents Santa Susana Field Laboratory workers, and their families, from receiving fair compensation.

For many, such as Ms. Reo, time is running out. We can no longer afford to delay, and this bill provides a straightforward solution to fix a broken system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 709

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Susana Fair Compensation Act".

#### SEC. 2. DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT.

(a) IN GENERAL.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end the following new subparagraph:

"(D) The employee was so employed for a number of work days aggregating at least 250 work days before January 1, 2009, by the Department of Energy or a Department of Energy contractor or subcontractor at the Santa Susana Field Laboratory in California."

(b) REAPPLICATION.—A claim that an individual qualifies, by reason of section 3621(14)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as added by subsection (a)), for compensation or benefits under such Act shall be considered for compensation or benefits not-

withstanding any denial of any other claim for compensation with respect to such individual.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 85—CONGRATULATING THE ROCKY MOUNTAIN COLLEGE BATTLIN' BEARS FOR WINNING THE 2009 NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS MEN'S BASKETBALL NATIONAL CHAMPIONSHIP

Mr. TESTER (for himself and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 85

Whereas, on March 24, 2009, the Rocky Mountain College Battlin' Bears won the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship title with a stunning 77-61 triumph over the Columbia College Cougars;

Whereas Rocky Mountain College, located in Billings, Montana, is one of the premier liberal arts schools in the State of Montana;

Whereas Rocky Mountain College forward Devin Uskoski was named the Most Valuable Player of the National Association of Intercollegiate Athletics men's basketball tournament;

Whereas Devin Uskoski averaged 17.4 points per game and 11 rebounds per game throughout his senior season;

Whereas the Battlin' Bears finished the 2009 season with a record of 30-8 and won 10 of their final 11 games;

Whereas Rocky Mountain College fans across Montana supported and encouraged the Battlin' Bears throughout the basketball season;

Whereas Rocky Mountain College President Michael R. Mace and Athletic Director Robert Beers have shown great leadership in bringing academic and athletic success to Rocky Mountain College; and

Whereas the people of the State of Montana celebrate the success and share the pride of Rocky Mountain College: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the Rocky Mountain College Battlin' Bears win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the President of Rocky Mountain College, Michael R. Mace;

(B) the Athletic Director of Rocky Mountain College, Robert Beers; and

(C) the Head Coach of the Rocky Mountain College basketball team, Bill Dreikosen.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 701. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself

and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table.

SA 702. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 703. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 704. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 705. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 706. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 707. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 708. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 709. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 710. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 711. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 712. Mrs. SHAHEEN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 713. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 714. Mr. WARNER (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 715. Mr. ENSIGN proposed an amendment to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 716. Mr. THUNE proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 717. Ms. LANDRIEU proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, supra.

SA 718. Mr. MENENDEZ submitted an amendment intended to be proposed by him

to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 719. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

SA 720. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1388, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 701.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 5, before line 1 and after the item relating to section 6101, insert the following:  
**SEC. 2. SENSE OF THE SENATE.**

(a) FINDINGS.—The Senate finds the following:

(1) Total private giving increased to \$306,000,000,000 in 2007, equal to 2.2 percent of the gross domestic product of the United States.

(2) Total private giving has more than doubled in a 10-year period, and individual giving reached \$229,000,000,000 in 2007.

(3) The people of the United States donate 3½ times as much, per capita, as the people of any other developed nation.

(4) There are nearly 1,400,000 charitable organizations in the United States, and approximately 355,000 religious congregations.

(5) Nonprofit organizations, including public charities and private foundations, account for approximately 8 percent of the wages and salaries paid in the United States.

(6) The nonprofit sector employs more than 10,000,000 people, and 7 percent of the people of the United States are paid employees of nonprofit organizations.

(7) A proposed cut to charitable tax deductions for wealthy taxpayers may result in a 10 percent drop in charitable giving by wealthy individuals that is equal to \$6,000,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) all citizens of the United States should continue in the selfless generosity and noble spirit of charitable giving;

(2) Congress should support measures that incentivize charitable giving by wealthy Americans to nonprofit organizations, public charities, private foundations, and religious congregations; and

(3) Federal tax law should encourage, and not punish, charitable donations by all people of the United States, regardless of income.

**SA 702.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 213, after line 21, insert the following:

#### **SEC. 1613. LIMITING BURDENS ON THE BUREAU OF THE CENSUS.**

Notwithstanding section 179A of the National and Community Service Act of 1990 (as

added by section 1608), the Director of the Bureau of the Census shall be prohibited from providing technical advice to the Corporation, collecting, reporting or supplying data to the Corporation, or carrying out any other activity described in such section 179A, until such time as the Comptroller General of the United States—

(1) determines that the 2010 Census is no longer a high-risk area with respect to addressing challenges in broad-based transformation; and

(2) removes the 2010 Census from the Government Accountability Office's high-risk list.

**SA 703.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### **TITLE VII—MILLIONAIRE EXEMPTION**

##### **SEC. 701. EXEMPTION FOR MILLIONAIRES.**

(a) IN GENERAL.—Notwithstanding any other provision of this Act or any provision of the national service laws (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)), no wealthy individual who participates in a program under this Act or any of such national service laws may receive stipend, living allowance, education award, or other compensation by virtue of such participation.

(b) WEALTHY INDIVIDUAL.—In this section, the term “wealthy individual” means an individual who is from a family with a taxable annual income of more than \$1,000,000.

**SA 704.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Beginning on page 61, strike line 7 and all that follows through page 62, line 25 and insert the following:

(2) by striking subsection (b) and inserting the following:

“(b) PROHIBITION ON NATIONAL SERVICE PROGRAMS RUN BY FEDERAL AGENCIES.—Notwithstanding any other provision of law, no Federal funds (including funds authorized for financial assistance or for educational awards for participants in approved national service positions) shall be available for national service programs run by Federal agencies under this subtitle.”.

**SA 705.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

“(c) INELIGIBLE ORGANIZATIONS.—

“(1) IN GENERAL.—No assistance provided under this subtitle may be provided (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) to—

“(A) an organization described in paragraph (2); or

“(B) to an organization that is co-located on the same premises as an organization described in paragraph (2).

“(2) ORGANIZATIONS.—An organization referred to in paragraph (1) means—

“(A) the Association of Community Organizations for Reform Now (ACORN); or

“(B) an entity that is under the control of such Association, as demonstrated by—

“(i)(I) such Association directly owning or controlling, or holding with power to vote, 25 percent or more the voting shares of such other entity;

“(II) such other entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association; or

“(III) a third entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association and such other entity;

“(ii)(I) such Association controlling, in any manner, a majority of the board of directors of such other entity;

“(II) such other entity controlling, in any manner, a majority of the board of directors of such Association; or

“(III) a third entity controlling, in any manner, a majority of the board of directors of such Association and such other entity;

“(iii) individuals serving in a similar capacity as officers, executives, or staff of both such Association and such other entity;

“(iv) such Association and such other entity sharing office space, supplies, resources, or marketing materials, including communications through the Internet and other forms of public communication; or

“(v) such Association and such other entity exhibiting another indicia of control over, control by, or common control with, such other entity or such Association, respectively, as may be set forth in regulation by the Corporation.

“(d) NONDISPLACEMENT OF EMPLOYED WORKERS

**SA 706.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 2, line 20, insert before the period the following: “which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest”.

**SA 707.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:  
**SEC. \_\_\_\_.** SENSE OF THE SENATE REGARDING THE TAX DEDUCTION FOR CHARITABLE CONTRIBUTIONS.

It is the sense of the Senate that the tax deduction for charitable contributions and gifts should not be changed in any way that would discourage taxpayers from making such contributions and gifts.

**SA 708.** Mr. DEMINT submitted an amendment intended to be proposed to

amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Strike line 11 on page 212 and all that follows through line 21 on page 213 and insert the following:

**“SEC. 189D. CRIMINAL HISTORY CHECKS.**

“(a) IN GENERAL.—Each entity selecting individuals to serve in a position in which the individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

“(b) REQUIREMENTS.—A criminal history check under subsection (a) shall include—

“(1) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

“(2) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history check.

“(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

“(1) refuses to consent to the criminal history check described in subsection (b);

“(2) makes a false statement in connection with such criminal history check;

“(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of a crime of violence, as defined in section 16 of title 18, United States Code.”.

**SA 709.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

“(b) INELIGIBLE ORGANIZATIONS AND CO-LOCATED ORGANIZATIONS.—

“(1) IN GENERAL.—No assistance provided under this subtitle may be provided to an organization described in paragraph (2) (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) or to an organization that is co-located on the same premises as an organization described in paragraph (2).

“(2) ORGANIZATIONS.—The organization referred to in paragraph (1) is an organization that provides or promotes abortion services, including referral for such services.

“(c) NONDISPLACEMENT OF EMPLOYED WORKERS

**SA 710.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

“(b) INELIGIBLE ORGANIZATIONS AND CO-LOCATED ORGANIZATIONS.—

“(1) IN GENERAL.—No assistance provided under this subtitle may be provided to an organization described in paragraph (2) (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) or to an organization that is co-located on the same premises as an organization described in paragraph (2).

“(2) ORGANIZATIONS.—The organization referred to in paragraph (1) is an organization that has been indicted for voter fraud.

“(c) NONDISPLACEMENT OF EMPLOYED WORKERS

**SA 711.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 128, strike line 6 and insert the following:

“(b) INELIGIBLE ORGANIZATIONS AND CO-LOCATED ORGANIZATIONS.—

“(1) IN GENERAL.—No assistance provided under this subtitle may be provided to an organization described in paragraph (2) (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) or to an organization that is co-located on the same premises as an organization described in paragraph (2).

“(2) ORGANIZATIONS.—The organization referred to in paragraph (1) is a for-profit organization, political party, labor organization, or organization engaged in political or legislative advocacy.

“(c) NONDISPLACEMENT OF EMPLOYED WORKERS

**SA 712.** Mrs. SHAHEEN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

In section 122 (a)(1)(B) of the National and Community Service Act of 1990, as amended by section 1302 of the bill, insert at the appropriate place the following:

“(\_\_\_\_) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages;”.

**SA 713.** Mr. WARNER submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

Subtitle H of title I is further amended by adding at the end the following:

**"PART —VOLUNTEER MANAGEMENT CORPS"****"SEC. 198. VOLUNTEER MANAGEMENT CORPS."**

"(a) FINDINGS.—Congress finds the following:

"(1) Many managers seek opportunities to give back to their communities and address the Nation's challenges.

"(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and Federal, State, and local governmental agencies create efficiencies and cost savings, and develop programs to serve communities in need.

"(3) There are currently a large number of companies and firms that are seeking to identify savings through sabbatical opportunities for senior employees.

"(b) PURPOSE.—The purpose of this section is to create a Volunteer Management Corps for managers, in order to provide managers with meaningful pro bono opportunities—

"(1) to apply their business and technical expertise to nonprofit organizations and at the Federal, State, and local government levels; and

"(2) to address the Nation's challenges.

"(c) PROGRAM ESTABLISHED.—

"(1) IN GENERAL.—The Corporation shall establish a Volunteer Management Corps program by assisting skilled managers with demonstrated management experience or expertise in finding meaningful volunteering opportunities to carry out activities, as described in subsection (d).

"(2) CORPORATION'S ROLE.—In carrying out the Volunteer Management Corps program, the Corporation may take steps to facilitate the process of connecting skilled managers with nonprofit organizations, and Federal, State, and local governmental agencies, in need of the manager's skills, such as—

"(A) recruiting individuals with demonstrated management experience or expertise to volunteer as Volunteer Management Corps members;

"(B) developing relationships with nonprofit organizations and Federal, State, and local governmental agencies to assist Corps members in connecting with such organizations and agencies in need of the members' services;

"(C) approving the volunteering opportunities selected by Corps members under subsection (d) as appropriate Volunteer Management Corps activities; and

"(D) publicizing opportunities for Corps members at nonprofit organizations and Federal, State, and local governmental agencies, or otherwise assisting Corps members in connecting with opportunities to carry out activities described in subsection (d).

"(d) CORPS MEMBERS.—

"(1) IN GENERAL.—A Volunteer Management Corps member shall select, subject to the Corporation's approval, a nonprofit organization, or Federal, State, or local governmental agency, with which to volunteer and carry out a volunteering activity described in paragraph (2) with such organization or agency.

"(2) ACTIVITIES.—The activities carried out by Volunteer Management Corps members may include the following:

"(A) Developing and carrying out a community service project or program with a nonprofit organization, or Federal, State, or local governmental agency.

"(B) Assisting a nonprofit organization, or Federal, State, or local governmental agency, of the Corps member's choice, in creating efficiencies and cost savings by using the Corps member's expertise and skills.

"(C) Recruiting other individuals with demonstrated management experience or ex-

pertise into pro bono service opportunities with such organization or agency."

**SA 714.** Mr. WARNER (for himself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 235, between lines 9 and 10, insert the following:

**SEC. 1713. VOLUNTEER MANAGEMENT CORPS STUDY.**

(a) FINDINGS.—Congress finds the following:

(1) Many managers seek opportunities to give back to their communities and address the Nation's challenges.

(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and State and local governments create efficiencies and cost savings and develop programs to serve communities in need.

(3) There are currently a large number of businesses and firms who are seeking to identify savings through sabbatical opportunities for senior employees.

(b) STUDY AND PLAN.—Not later than 6 months after the date of enactment of this Act, the Corporation shall—

(1) conduct a study on how best to establish and implement a Volunteer Management Corps program; and

(2) submit a plan regarding the establishment of such program to Congress and to the President.

(c) CONSULTATION.—In carrying out the study described in subsection (b)(1), the Corporation may consult with experts in the private and nonprofit sectors.

(d) EFFECTIVE DATE.—Notwithstanding section 6101, this section shall take effect on the date of enactment of this Act.

**SA 715.** Mr. ENSIGN proposed an amendment to amendment SA 692 submitted by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

On page 2, line 20, insert before the period the following: "which shall include crisis pregnancy centers, organizations that serve battered women (including domestic violence shelters), and organizations that serve victims of rape or incest". These organizations must be charities within the meaning of the United States tax code.

**SA 716.** Mr. THUNE proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

At the appropriate place, insert the following:

**SEC. —. SENSE OF THE SENATE.**

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, "The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, char-

ity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition".

(2) Americans gave more than \$300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or \$229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct income given to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the full income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving rather than to discourage it.

**SA 717.** Ms. LANDRIEU proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, to reauthorize and reform the national service laws; as follows:

On page 92, strike line 1 and insert the following:

"(H) A program that seeks to expand the number of mentors for youth in foster care through—

"(i) the provision of direct academic mentoring services for youth in foster care;

"(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

"(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

"(I) Such other national service programs

**SA 718.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

In section 147(d) of the National and Community Service Act of 1990, as added by section 1404, strike " , for each of not more than 2 of such terms of service."

**SA 719.** Mr. MENENDEZ submitted an amendment intended to be proposed

by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

In subsection (c)(8)(B)(iii) of section 119 of the National and Community Service Act of 1990, as added by section 1204, strike “of \$500 or \$750”.

In section 147(d) of the National and Community Service Act of 1990, as added by section 1404, strike “equal to” and all that follows through the period and inserting the following: “equal to \$1,000 (or, at the discretion of the Chief Executive Officer, equal to \$1,500 in the case of a participant who is economically disadvantaged).”.

**SA 720.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1388, to reauthorize and reform the national service laws; which was ordered to lie on the table; as follows:

On page 183, between lines 2 and 3, insert the following:

**SEC. 1518. ADDITIONAL CAMPUS AND REPORTING REQUIREMENT.**

(a) **FLORIDA CAMPUS.**—The Director of the National Civilian Community Corps under subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12611 et seq.) shall establish a campus described in section 155 of such Act (as amended by section 1505 of this Act) (42 U.S.C. 12615) for such Corps in the State of Florida.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for the establishment of the campus required under subsection (a).

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Corporation for National and Community Service shall submit a report to Congress on the effectiveness of the expansion of the National Civilian Community Corps in addressing the effects of hurricanes and tropical storms in the southern region of the United States.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 25, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, “The Need for Transportation Investment.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 2:30 p.m., to hold a hearing entitled “Foreign Policy and the Global Economic Crisis.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 9:30 a.m. to conduct a hearing entitled “Southern Border Violence: Homeland Security Threats, Vulnerabilities, and Responsibilities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled “Oversight of the Federal Bureau of Investigation” on Wednesday, March 25, 2009, at 9:30 a.m., in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON VETERANS’ AFFAIRS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Wednesday, March 25, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on Wednesday, March 25, 2009, at 9:45 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON ENERGY**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate

in order to conduct a hearing on Wednesday, March 25, 2009, at 2 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON HEALTH CARE**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Health Care of the Committee on Finance will meet on Wednesday, March 25, 2009, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON PERSONNEL**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 25, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SPECIAL COMMITTEE ON AGING**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, March 25, 2009 from 10:30 a.m.–12:30 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ORDERS FOR THURSDAY, MARCH 26, 2009**

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, March 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate resume consideration of H.R. 1388, the national service legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. DURBIN. Mr. President, tomorrow, at 4 p.m. in room 217 of the Capitol Visitor Center, there will be a classified Senators-only briefing with Special Representative for Afghanistan and Pakistan Richard Holbrooke.



## ORDER FOR ADJOURNMENT

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order following the remarks of Senator BARRASSO.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. BARRASSO. Mr. President, I ask unanimous consent that the period of morning business tomorrow be limited to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105-83, announces the appointment of the following individual to serve as a member of the National Council of the Arts: the Honorable SHELDON WHITEHOUSE of Rhode Island.

The Chair announces, on behalf of the majority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480 adopted November 21, 2004, the appointment of the following Senators as members of the Senate National Security Working Group for the 111th Congress: the Senator from Florida, Mr. NELSON, and the Senator from Connecticut, Mr. LIEBERMAN.

Mr. BARRASSO. Mr. President, I make a note that these appointments to the National Security Working Group were inadvertently left off the March 9, 2009, appointment to this group.

## SENIORS MENTAL HEALTH ACCESS AND IMPROVEMENT ACT

Mr. BARRASSO. Mr. President, I am honored to join my colleague from Arkansas, Senator BLANCHE LINCOLN, in introducing Nos. 671, the Seniors Mental Health Access Improvement Act.

For over a decade, Senator LINCOLN has been a strong voice advocating for

health care policies in the Senate that apply specifically to rural communities. I am proud to join her as we fight to ensure Medicare patients living in rural and in frontier States have access to and a choice of their mental health professionals.

The Seniors Mental Health Access Improvement Act will permit marriage and family therapists and licensed professional counselors to bill Medicare directly. These providers will then receive 75 percent of the rate that psychiatrists and psychologists receive for the same services.

I want my colleagues to know that S. 671 does not expand covered Medicare services. It would simply give Medicare patients who are living in isolated frontier States, such as Wyoming, more choices for mental health providers.

Today, approximately three-quarters of the nationally designated mental health professional shortage areas are located in rural areas. Over half of all rural counties have no mental health services of any kind. Frontier counties have even more dramatic numbers—95 percent do not have a psychiatrist, 68 percent do not have a psychologist, and 78 percent do not have a social worker. Virtually all of Wyoming is designated a mental health professional shortage area.

In Wyoming, there is a total of 474 mental health providers who are currently eligible to care for Medicare patients and bill Medicare for their services—474. Additionally, we have over 500 licensed professional counselors and 61 marriage and family therapists who are currently licensed to practice. None of them are able, at this time, to charge Medicare for the services they provide. By enacting this Seniors Mental Health Access and Improvement Act, that would more than double—more than double—the number of mental health providers available to treat seniors in my State.

Medicare patients in Wyoming are often forced to travel great distances to see mental health providers who are currently recognized by the Medicare program. To make matters even more of a challenge, rural and frontier communities have a tough time recruiting and retaining these providers—all providers but especially mental health care providers. In many small towns, a licensed professional counselor or a marriage or family therapist is the only mental health care provider in the area.

Medicare laws only compound the current situation.

Right now, only psychiatrists, clinical psychologists, clinical social workers, and clinical nurse specialists can bill Medicare for mental health services. So it is time the Medicare Program recognizes the qualifications of licensed professional counselors and marriage and family therapists. They

do play a crucial role in this Nation's mental health care.

These providers go through rigorous training, and it is similar to the curriculum of a master's level social worker. They must not be excluded from the Medicare Program. I believe S. 671 is critically important to the health and the well-being of our Nation's seniors. It is time for this bill to become law.

I yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 6:29 p.m., adjourned until Thursday, March 26, 2009, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

## DEPARTMENT OF AGRICULTURE

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT, VICE THOMAS C. DORR, RESIGNED.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PETER A. KOVAR, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SHEILA MCNAMARA GREENWOOD.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARGARET A. HAMBURG, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF FOOD AND DRUGS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE ANDREW VON ESCHENBACH, RESIGNED.

## IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

*To be rear admiral (lower half)*

CAPT. ROBERT E. DAY, JR.

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

RYAN G. MCPHERSON

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

MARK J. IVEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

PAUL L. CANNON  
GARY S. LINSKY  
STEVEN A. SCHAICK  
CHERRI S. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

RICHARD EDWARD ALFORD  
ROBERT J. ANDERSON  
SONDRA A. BELL  
TAMONA L. BRIGHT  
AMY E. BRYAN  
MATTHEW D. BURRIS  
ERNEST JOHN CALDERON II  
PAOLINO M. CALIENDO  
KEVIN D. CATRON  
LINDSAY E. CONTOVEROS  
ROYAL A. DAVIS  
WILLIAM D. DEITCH

JAMES R. DORMAN  
GLORIA A. DOWNEY  
PAUL E. DURKES  
DARREN M. EICKEN  
LISA D. FILL  
SHELLY M. FRANK  
LANCE E. FREEMAN  
NATHAN N. FROST  
THOMAS A. GABRIELE  
DARREN S. GILKES  
ANDREW D. GILLMAN  
MARLA JUDITH GILLMAN  
CORETTA E. GRAY  
PATRICIA A. GRUEN  
MARGARET L. HANNAN  
CHARLES J. HEBNER  
RYAN A. HENDRICKS  
AMBER E. HIRSCH  
BRANDON C. JAROCH  
MATTHEW T. KING  
SHANDRA J. KOTZUN  
ERIKA E. LYNCH  
JOSEPH E. MANAHAN  
SCOTT W. MEDLYN  
CHARLTON J. MEGINLEY  
ETIENNE J. MISZCZAK  
AIRON A. MOTHERSHED  
JASON S. OSBORNE  
BRENT F. OSGOOD  
STERLING C. PENDLETON  
STEPHAN PIEL  
KEIRA A. POELLET  
JACOB A. PUGH  
MICHELLE A. QUITUGUA  
JENNIFER J. RAAB  
DREW G. ROBERTS  
DAVID ROUTHIER  
LEE F. SANDERSON  
MATTHEW G. SCHWARTZ  
DAMON P. SCOTT  
MULGHETTA A. SIUM  
DARRIN M. SKOUSEN  
TIAUNDR D. SORRELL  
JODI M. VELASCO  
WILLIAM DAVID VERNON  
TIFFANY M. WAGNER  
ELWOOD L. WATERS III  
DANIEL J. WATSON  
PAUL E. WELLING  
ROBERT C. WILDER  
DYLAN B. WILLIAMS  
RICHARD D. YOUNTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES AIR  
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

CHRISTOPHER B. BENNETT  
THOMAS L. CLUFF, JR.  
ROBERT C. COTTRELL, JR.  
GAIL E. CRAWFORD  
TIFFANY A. DAWSON  
ANDREA M. DECAMARA  
PATRICK J. DOLAN  
DAVID B. EBY  
MICHELE A. FORTE  
PATRICK W. FRANZESE  
KYLE W. GREEN  
CALEB B. HALSTEAD, JR.  
BRANDON L. HART  
MATTHEW T. JARRAU  
JOHN C. JOHNSON  
JAMES H. KENNEDY III  
JAMES E. KEY III  
ANTONY B. KOLENC  
KIM E. LONDON  
AMY L. MOMBER  
MATTHEW J. MULBARGER  
CHARLES D. MUSSELMAN, JR.  
KATHERINE E. OLER  
DANIEL A. OLSON  
RALPH A. PARADISO  
MICHELE A. PEARCE  
JAMES W. RICHARDS IV  
MICHAEL S. RODERICK  
THOMAS M. RODRIGUES  
ROBERT N. RUSHAKOFF  
ELIZABETH L. SCHUCHSGOPAUL  
MICHAEL W. TAYLOR  
GRAHAM H. TODD  
OWEN W. TULLOS  
TIMOTHY J. TUTTLE  
JEREMY S. WEBER  
DAVID J. WESTERN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES AIR  
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

WILLIAM A. BARTOUL  
JAMES D. BRANTINGHAM  
DAVID L. CARR  
JOSEPH DEICHERT  
JAMES M. GLASS  
GREGORY D. JANS  
WILLIAM GERALD OSULLIVAN  
MARK W. SAHADY  
GERALD HARVEY SNYDER, JR.  
WARREN A. WATTIES  
G. LLOYD WOODBURY, JR.

GEORGE T. YOSTRA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES AIR  
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

PETER BRIAN ABERCROMBIE II  
TODD W. ABSHIRE  
MATTHEW P. ACER  
J. A. ACEVEDO  
RODGER N. ACKLIN  
ADAM J. ACOCK  
OLGA L. ACOSTA  
DAVID C. ADAMS  
GREGORY M. ADAMS  
KIRK D. ADAMS  
MICHAEL J. ADAMS  
ROBERT B. ADAMS  
SCOTT L. ADAMS  
DAVID R. ADAMSON  
SUSAN M. ADAMSON  
SHILETTE M. ADDISON REED  
TONI L. AGNEW  
DIANA E. AGUILAR  
VICTOR J. AGUILAR  
JONATHAN E. AIRHART  
COREY M. AKIYAMA  
CARMELO ALAMO, JR.  
JOHN F. ALBERT  
MELISSA M. ALBLINGER  
FREDERICK V. ALDRICH  
BRIAN M. ALEXANDER  
CHARLES R. ALLEN, JR.  
JUSTIN T. ALLEN  
MATTHEW R. ALLEN  
WILLIAM H. ALLEN, JR.  
MITCHELL L. ALLEY  
MAELI A. ALLISON  
RICHARD H. ALLISON  
RUSSELL P. ALLISON  
JAMES C. ALLMAN  
CLAYTON H. ALLMON  
CHRISTOPHER T. ALLRED  
RASUL S. ALSALIH  
CARL J. ALSTATT  
KEITH R. ALTENHOFEN  
JAMES D. ALVES  
PHILIP D. AMBARD  
LAWRENCE JAMES ANDERLEY  
ANTHONY W. ANDERSON  
CHRISTOPHER A. ANDERSON  
DAVID R. ANDERSON  
JASON R. ANDERSON  
JAY K. ANDERSON  
JOHN E. ANDERSON  
MARK S. ANDERSON  
PAUL D. ANDERSON  
STEPHEN P. ANDERSON  
VANESSA M. ANDERSON  
LAURA A. ANDRADE HARRISON  
JOSHUA K. ANDREWS  
MICHAEL J. ANDREWS  
MICHAEL R. ANDREWS  
SOUNDER R. ANDREWS  
STEPHEN L. ANDREWS  
CRAIG R. ANDRLE  
GLENN B. ANGELES  
SEAN D. ANGUS  
LEWIS M. ANTHONY  
ELIZABETH A. APTEKAR  
JERRRETT A. ARCHER  
DANIEL J. ARKEMA  
ERIC R. ARMENTROUT  
JAMES D. ARNETT  
JIMMY W. ARNOLD  
JEFFREY J. ARSENAULT  
TIMOTHY G. ARSENAULT  
ADONIS C. ARVANITAKIS  
BRIAN D. ASCHENBRENNER  
ALFRED J. ASCOL  
JAMES T. ASHLOCK, JR.  
MARK L. ASHMAN  
JAMES E. ASKINS  
CARLOS G. ASSAF  
MATTHEW A. ASTROTH  
JAMES W. ATCHLEY, JR.  
ROBERT G. ATKINS  
JASON E. ATTAWAY  
GLENN K. AUGE  
RANDALL R. AUSTILL  
ROBERT A. AUSTIN  
ANDREW J. AVERY  
KEVIN P. AVERY  
DANNY AVILA  
ADAM H. AVNET  
ALAN B. AVRIETT, JR.  
ERIK M. AXT  
CHARLES F. AXTELL  
STEVEN J. AYRE  
SARAH S. BABBITT  
JASON R. BACHELOR  
ROBERT E. BADER, JR.  
ERIC D. BADGER  
RYAN J. BAGLEY  
DONNY LYNN BAGWELL  
CRAIG S. BAILEY  
GREGORY P. BAILEY  
MARK P. BAILEY  
BLAINE L. BAKER  
LUKE A. BAKER  
KRISTEN D. BAKOTIC

BRIAN A. BALAZS  
KYLE M. BALDASSARI  
ERNE J. BALDREE  
NICHOLAS J. BALDWIN  
TOBIN C. BALDWIN  
JASON W. BALES  
JOHN I. BALL  
JEFFREY M. BANKER  
MARK E. BARAN  
ROBERT P. BARAN  
CHARLEEN BARLOW  
HARLEY R. BARMORE  
GREGORY M. BARNES  
RENAE BARNES  
RICHARD D. BARNHART  
RYAN F. BARRETT  
CRAIG R. BARRINGTON  
GAUIS S. BARRON  
MARGARET L. BARRY  
DAVID K. BARTELS  
DAVE K. BARTELSON  
BRENDON C. BARTHOLOMEW  
CASEY J. BARTHOLOMEW  
JEFF K. BARTLETT  
MATTHEW A. BARTLETT  
VANESSA C. BARTLEY  
AUSTIN A. BARTOLO  
KEVIN L. BASS  
CHARLES J. BASSETT III  
JAIME BASTIDAS, JR.  
KYLE C. BATE  
PAUL G. BATISH  
QUIANA M. BATTS  
JAMES D. BAUER  
GREGORY R. BAUR  
MELVIN I. BAYLON  
JIMACIE N. BEARD, JR.  
JERRY E. BEAVER, JR.  
THERESA D. BEAVER  
TIMOTHY D. BECK  
JEFFREY R. BECKHAM  
JESSICA BEDELL  
MARIA T. BEECHER  
JOHN T. BEEDE, JR.  
JONATHAN R. BEHUNIN  
BERNIE E. BEIGH  
KAY A. BEIGH  
JENNIFER B. BEISEL  
MICHAEL D. BELARDO  
ALPHONZO R. BELCHER  
JENNIFER T. BELCHER  
ZDRAVKO BELIC  
JADEE A. BELL  
KIM C. BELL  
SHAUN G. BELLAMY  
JOSEPH A. BEMIS  
BRAD A. BEMISH  
TODD D. BENDER  
BRIAN J. BENJAMIN  
BENJAMIN F. BENNETT  
DAVID I. BENNETT  
NELSON P. BENNETT  
BRIAN D. BENNINGFIELD  
JOHN D. BENSON  
JOHN F. BENSON  
MARK C. BENSON  
CORY C. BENTON  
MICHAEL A. BENZA  
DEAN E. BERCK  
CHRISTOPHER J. BERGSTROM  
CHRISTIAN M. BERGTHOLDT  
ALULA B. BERHANE  
ROBERT E. BERNISH  
ROBERT A. BERNAZAL  
GAVIN A. BERNE  
JAMES F. BERTLING, JR.  
EDWARD J. BESTA, JR.  
MICHELE RENEE BESWICK  
ANGEL E. BETANCOURTTOYENS  
DAVID A. BETHEL  
MARK C. BETTERS  
ROLAND BEZOVICS  
WILLIAM A. BIERENKOVEN  
THOMAS E. BIERLY  
DAVID C. BILLS  
ROBERT G. BINGHAM  
BENJAMIN J. BISHOP  
JOSHUA JEFFREY BISHOP  
ERIC M. BISSONETTE  
PAULA D. BISSONETTE  
NICOLE M. BITTLE  
ERIC R. BIXBY  
ANDREW H. BLACK  
JOHN D. BLACKMAN  
JASEN B. BLACKSBURG  
KIP D. BLACKWELL  
MICHAEL J. BLAIR  
CHARLOTTA D. BLALOCK  
TIMOTHY A. BLANK  
JEFFREY A. BLANKENSHIP  
JAMES S. BLAZAK  
JASON E. BLEVINS  
MICHAEL R. BLISS  
ANQUENETTA BLOUNT  
DARRELL A. BOARD  
TIMOTHY R. BOBINSKI  
ALLEN D. BOETTCHER  
BRIAN W. BOETTGER  
YULANDA J. BOGANY  
CHRISTOPHER J. BOILEAU  
SEAN BOLDT  
ROBERT L. BOLES

JOEL ANDREW BOLINA  
 KENT D. BOLSTER  
 STEVEN J. BOLSTER  
 DOUGLAS W. BONARO  
 WILLIAM H. BONES  
 JOSEPH M. BONNER  
 TIMOTHY E. BOOK  
 JOSEPH S. BOOTH  
 STEPHEN F. BOOTH  
 DAVID A. BOPP  
 THOMAS P. BORREGO  
 RAFAEL A. BOSCH  
 GREGORY D. BOSCHERT  
 DEREK M. BOUGHNER  
 YVETTE K. BOURCICOT  
 GRAHAM W. BOUTZ  
 CHAD T. BOWDEN  
 JONATHAN D. BOWEN  
 RICHARD J. BOWER  
 DANIEL S. BOWES  
 THOMAS R. BOWMAN  
 ROSS T. BOWN  
 CHRISTOPHER D. BOYD  
 RONALD G. BOYD  
 DAVID A. BOYER  
 THOMAS H. BOYLE  
 WILLIAM L. BOYLES, JR.  
 MICHAEL M. BOYNTON  
 DAVID J. BOYTIM  
 THOMAS R. BOZUNG  
 DENVER M. BRAA  
 DAWN P. BRACKROG  
 ANDRE R. BRADLEY  
 PATRICK L. BRADYLEE  
 BRIAN A. BRAGG  
 WILLIAM D. BRAGG  
 BRADLEY L. BRANDT  
 RICARDO S. A. BRAVO  
 CHRISTOPHER T. BRAY  
 COLE L. BRAY  
 MICHAEL P. BRAZDA  
 CHRISTOPHER J. BRECHEISEN  
 ALISON P. BREEDEN  
 CHRISTOPHER W. BREFFITT  
 LANCE M. BRENNEKE  
 ADAM C. BRIGHT  
 JUSTIN E. BRIGHT  
 SHANNON E. BRILL  
 BURTON G. BRINKER  
 ERIC R. BRINKMAN  
 MICHAEL T. BROCKBANK  
 ABDULLAH A. BRODIE  
 BENTLEY A. BROOKS  
 ROBERT J. BROOKS  
 TROY J. BROSKOVETZ  
 AHAVE E. BROWN, JR.  
 BENJAMIN P. BROWN  
 DANIEL J. BROWN  
 DAVID M. BROWN  
 JOEL N. BROWN  
 JON C. BROWN  
 KIRK C. BROWN  
 MICHAEL W. BROWN  
 DAVID A. BRUCE  
 SEAN P. BRUCE  
 STEVEN P. BRUMMITT  
 JOHN S. P. BRUNNER  
 ELAINE M. BRYANT  
 MICHAEL T. BRYANT  
 TRACEY A. BRYANT  
 PARKIN C. BRYSON  
 DOCLA A. BUCHANAN  
 JESSICA F. BUCHTA  
 AARON R. BUCK  
 CHRISTOPHER J. BUCKLEY  
 BRIAN J. BUDDE  
 RYAN P. BUDINKO  
 DAVID C. BUDZKO  
 CHRISTOPHER J. BUECHLER  
 JAMES J. BUESSING, JR.  
 LAURA M. BUNYAN  
 JONATHAN R. BURD  
 DARIUS E. BURDEN  
 ROBERT A. BURDETTE  
 JAMES L. BURGESS  
 JEREMIAH J. BURGESS  
 JOSHUA D. BURGESS  
 SIERRA C. BURGESS  
 AARON J. BURKE  
 ANN M. BURKS  
 KRISTINA C. BURNE  
 BRIAN S. BURNHAM  
 JAYDEE A. BURNS  
 WILLIAM ROBERT BURNS  
 ANDREW L. BURROUGHS  
 ERIC B. BURROUGHS  
 JASON P. BURROUGHS  
 JONATHAN J. BURSON  
 TRAVIS A. BURTON  
 MATTHEW L. BUSCH  
 RICHARD J. BUSH  
 ROGER L. BUSHORE  
 JOHN D. BUSKE  
 DEBRA L. BUTLER  
 JOSEPH M. BUTRYN  
 CHRISTOPHER K. BUTTS  
 RODERIC K. BUTZ  
 KEVIN W. BYRD  
 MALCOLM M. BYRD  
 JAMES M. BYRNE  
 EDWIN R. BYRNES  
 JOSE L. CABRERA

LUIS N. CAIRO  
 MARCUS B. CALDERON  
 JOSHUA N. CALDON  
 DAVID W. CALLAWAY  
 JOHN A. CAMINO  
 MICHAEL B. CAMPBELL  
 ERIC W. CANNELL  
 DANIEL A. CANNON  
 JERALD M. CANNY  
 JAMES R. CANTU  
 JOHN T. CANTY  
 MICHAEL A. CAPOZZI  
 NICOLE L. CAPOZZI  
 BRIAN W. CAPPS  
 HEATHER R. CAPURRO  
 MICHAEL J. CARAWAN  
 LEONARDO A. CARDENAS  
 RICHARD A. CAREY  
 WILLIAM H. CAROTHERS III  
 NANCY L. CARR  
 THOMAS K. CARR  
 ERIC M. CARRANO  
 CHRISTOPHER D. CARROLL  
 KENDRICK L. CARROLL  
 SCOTT R. CARSON  
 CHARLES L. CARTER  
 DANIEL L. CARTER  
 LORRIE C. CARTER  
 STEVEN J. CARTER  
 VIRGIL A. CARTER  
 JORDAN M. CARVELL  
 JASON R. CASE  
 JONATHAN P. CASEY  
 SCOTT K. CASSANO  
 JOSE L. CASTANEDA  
 JEREMY R. CASTOR  
 JOSHUA A. CATES  
 HILBURN B. CAULDER  
 JASON P. CECCOLI  
 RYAN CANAAN CENGERI  
 DAVID J. CHABOYA  
 DAVID S. CHADSEY  
 BRIAN D. CHANDLER  
 CLIFFORD J. CHAPMAN  
 MICHAEL D. CHARLES  
 SCOTT M. CHARLTON  
 DOUGLAS A. CHARTERS  
 DAREN J. CHAUVIN  
 RUDOLFO CHAVEZ III  
 ELIZABETH A. CHERNEY  
 RAYMOND H. CHESTER, JR.  
 JUSTEN D. CHILBERT  
 KEVIN R. CHILDS  
 LOYD G. CHILDS  
 MATTHEW S. CHISAM  
 JASON C. CHISM  
 RYAN PATRICK CHMIELEWSKI  
 ADAM S. CHMURA  
 BRIAN D. CHRISTENSEN  
 CHARLES F. CHRISTENSEN  
 ERIC J. CHRISTENSEN  
 RICARDO M. CISNEROS  
 BILLY W. CLARK  
 BRANT CLARK  
 BRENT CLARK  
 CHRISTOPHER G. CLARK  
 JAMES M. CLARK  
 RYAN A. CLARK  
 MATTHEW J. CLAUSEN  
 ROBERT C. CLAY  
 DENNIS C. CLEMENTS  
 JASON D. CLENDENIN  
 RYAN D. CLEVELAND  
 WILLIAM J. CLEVELAND  
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 NATHAN A. SCHAUERMANN  
 JASON W. SCHENK  
 DANIEL E. SCHERDT  
 RICHARD B. SCHERMER  
 JACOB D. SCHERRER  
 EDWARD J. SCHIERBERL  
 BENJAMIN J. SCHILL  
 DYANN L. SCHILLING  
 JAMES L. SCHLABACH  
 ANTHONY T. SCHMIDT  
 ERIC W. SCHMIDT  
 JAYSON H. SCHMIEDT  
 ASHLEY L. SCHMITT  
 KENNETH B. SCHNEIDER  
 LUKE J. SCHNEIDER  
 MATTHEW R. SCHNELL  
 PETER J. SCHNOBRICH  
 JACK M. SCHROEDER  
 MICHAEL D. SCHROEDER  
 MICHAEL R. SCHROER  
 JEFFREY J. SCHRUM  
 PATRICK J. SCHULDIT  
 JOHN K. SCHULTZ  
 MARY K. SCHULTZ

CLINTON P. SCHULZ  
TROY D. SCHULZ  
EVELYN A. SCHUMER  
MATHEW A. SCHUTT  
MICHAEL D. SCHUYLER  
RANDY D. SCHWINLER  
MICHAEL J. SCIANNA  
AMY N. SCOTT  
ANDREW C. SCOTT  
BRIAN G. SCOTT  
DAVID R. SCOTT  
ELIZABETH H. SCOTT  
JANICE BARKER SCOTT  
MATTHEW A. SCOTT  
DAVID H. SCROGGINS  
CHRIS W. SEAGER  
BRIAN L. SEALOCK  
JOHN E. SEBESTA  
PAUL J. SEBOLD  
LUIS A. SEGURA  
KENNETH C. SEIVER  
JAMES M. SELL  
MICHAEL J. SELLERS  
TAPAN SEN  
ERIC G. SENG  
MICHAEL C. SERE  
DANIEL F. SEVIGNY  
RICHARD S. SEYMOUR  
BRANDON G. SHADE  
ROBERT R. SHALLENBERGER  
PAUL A. SHAMY  
BRENDAN M. SHANNON  
STACEY L. SHAUL  
CHRISTA M. SHAVERS  
BILLY SHAW  
DENISE A. SHEA  
PAUL E. SHEETS  
JOHN D. SHELL  
GARON L. SHELTON  
ADAM C. SHUCKS  
ANDY C. SHIELDS  
ARTHUR A. SHIELDS, JR.  
NENGWEI T. SHIH  
JONATHAN L. SHILL  
KENNETH W. SHINN  
DAN J. SHINOHARA  
ROBERT J. SHIPP, JR.  
KENNETH M. SHIRLEY  
WILLIAM J. SHNOWSKE  
JEREMIAH A. SHOCKLEY  
LEONARD M. SHORES III  
DEREK L. SHOWERS  
ROBERT E. SHRADER  
JOY M. SHUCK  
THEODORE J. SHULTZ  
ANDREW J. SHURTLEFF  
MATTHEW P. SICOLA  
ROBERT A. SIDES  
MICHAEL V. SIEBERT  
JASMIN SILENCE  
JAMES D. SILVA  
PHILLIP H. SILVA  
CHARLES R. SILVANIC, JR.  
ERIC L. SILVER  
LAWRENCE T. SILVERMAN  
MARK D. SILVIUS  
JESUS T. SIMENTAL  
JASON W. SIMMONS  
TERRY B. SIMONTON  
DAVID W. SIMPSON  
BRIANA J. SINGLETON  
LOGAN B. SISSON  
JENNIFER J. SITZ  
CHAD S. SITZMANN  
BETHANY L. SLACK  
DENNIS H. SLADE  
LORENZO SLAY, JR.  
MARK ANDREW SLETTEN  
MARK A. SLIK  
NISHAWN S. SMAGH  
CLAYTON A. SMALL  
PATRICK H. SMILEY  
KRISTOFFER SMITH RODRIGUEZ  
ANDREW R. SMITH  
ANTHONY T. SMITH  
BRIAN C. SMITH  
CHRISTOPHER D. SMITH  
CHRISTOPHER K. SMITH  
JAMES M. SMITH  
JASON M. SMITH  
JEFFREY A. SMITH  
JEFFREY D. SMITH  
JEFFREY L. SMITH  
JEFFREY T. SMITH  
JEREMY J. SMITH  
JESSE L. SMITH  
JIMMY L. SMITH  
JONATHAN R. SMITH  
MARTY T. SMITH  
PAUL E. SMITH  
TREVOR K. SMITH  
VINCENT B. SMITS  
PATRICK S. SMYTH  
DOUGLAS A. SNEAD  
LESLIE R. SNODGRASS, JR.  
KEITH H. SNOOK, JR.  
JOSEPH F. SNYDER  
STAN L. SOCHA  
BRANDON H. SOKORA  
NEIL A. SOLIMAN  
WALTER J. SORENSEN  
KEVIN J. SORRELS

THEODORE J. SOTOROPOLIS  
SHAWN T. SOUTH  
CHRISTOPHER L. SPANGENBERG  
JOHN A. SPEAR  
MATTHEW R. SPEARS  
ALLEN M. SPECHT  
JOHN R. SPEER  
ROBERT E. SPEER  
DARREN W. SPENCER  
JONATHAN S. SPENCER  
CHRISTOPHER J. SPLEES  
BRIAN L. SPLIETHOF  
HUGH P. SPONSELLER  
SIDNEY S. SQUIRES  
BRIAN D. SROUFE  
ANGELO A. STAAGUEDA  
NATHAN R. STACKHOUSE  
THOMAS C. STADY  
BRIAN T. STAHL  
JAN H. STAHL  
DAVID I. STAMPS  
CHRISTINE STANABACK  
MATTHEW S. STANFORD  
JOSEPH M. STANGL  
FREDERICK M. STANLEY  
KEVIN B. STANLEY  
WESLEY B. STARK  
JOHN G. STAUDT III  
WILLIAM S. STAYBERG  
MICHAEL R. STEELE  
KRISTY D. STEENBERGE  
JAMES L. STEFF, JR.  
SCOTT J. STELL  
ERIK J. STENGEL  
CHANSE D. STEPHENS  
DARRYLE STEPHENS  
GRADY C. STEPHENS  
BRETT L. STEVENS  
DWAINE A. STEVENS  
JON B. STEVENS  
WILLIAM E. STEVENS  
GERALD A. STEVENSON  
ANGELA G. STEWART  
STERLING M. STEWART  
JONATHAN U. STICKA  
TODD M. STINCHFIELD  
SAMUEL CLAIRE STITT  
ANDREW P. STOCKMAN  
JAMES E. STODDARD  
JIM A. STOKMAN  
TARA R. STORCH  
KENNETH A. STREMMEL  
MARLON J. STRICKLAND  
DEREK A. STRUNK  
RANDY N. STUBBS  
MARK P. SULLIVAN  
SHAYNE M. SULLIVAN  
WILLIAM A. SULLIVAN  
DANIEL SUSICH  
JUSTIN L. SUTHERLAND  
ROSS H. SUTHERLAND  
CHRISTOPHER D. SUZZI  
STEPHEN T. SWAINE  
WILLIAM K. SWAN  
NICHOLAS J. SWEENEY  
SCOTT R. SWEENEY  
ROBERT G. SWIECH  
TOBIAS B. SWITZER  
JOHN A. SYC  
ANTHONY SYLVAIN  
MICHAEL R. SYNAKIEWICZ  
STEVEN SYNGAJEWSKI  
MEGHAN M. SZWARC  
LARRY C. TANKSLEY, JR.  
TONI J. TANNER  
FRANK A. TARAVELLA  
ERIK M. TARNANEN  
REGINA J. TATE  
APRYLE M. TAYLOR  
CRAIG A. TAYLOR  
JEFFREY L. TAYLOR  
LATRESE M. TAYLOR  
RAY CURTIS TAYLOR III  
RYAN T. TAYLOR  
SCOTT M. TAYLOR  
TRACY L. TAYLOR  
WILLIAM W. TAYLOR, JR.  
JASON M. TEAGUE  
TREMAYNE N. TEASLEY  
AARON H. TELTCHIK  
DOUGLAS D. TEMPLETON  
LAURA C. TERRY  
NATHAN B. TERRY  
JAMES I. THACKER  
KEVIN F. THACKER  
RAYMOND R. THALER  
JOHN C. THARP  
KENNETH J. L. THEIS  
ERIC D. THERIAULT  
LIZA MOYA THERIAULT  
ALISA M. THOMAS  
JAY C. THOMAS  
MARK R. THOMAS  
MATTHEW H. THOMAS  
MICHELE L. THOMAS  
RONALD L. THOMAS  
STEVEN J. THOMAS  
TROY D. THOMAS  
SCOTT THOMASON  
JOHN W. THOMPSON  
ALICIA M. THOMPSON  
ERIC D. THOMPSON

HARLEY P. THOMPSON  
JASON I. THOMPSON  
JEFFREY R. THOMPSON  
NATHAN A. THOMPSON  
WILBUR L. THOMPSON  
JACOB M. THORNBURG  
JOHN G. THORNE  
THOMAS M. THORP  
CRAIG A. THORSTENSON  
LINDA R. THORSTENSON  
CHARLES D. THROCKMORTON IV  
ROBERT S. THROWER  
ROBERT M. THWEATT  
ANTHONY L. TILLMAN  
MATTHEW P. TINKER  
BRYAN M. TITUS  
MICHAEL J. TKACZ  
JAMES P. TOBIN  
CHRISTOPHER J. TODARO  
SAMUEL M. TODD  
JOHN D. TOLK, JR.  
TYLER C. TOLLMAN  
TONI J. TONES  
CHRISTOPHER A. TOOMAN  
AARON O. TORCZYNSKI  
MARC A. TOROSIAN  
JENNER M. TORRENCE  
ANTONIO J. TORRES  
CONSTANCIO C. TORRES  
NICHOLAS A. TORRES  
BRENT J. TOTH  
MICHAEL R. TOTH  
ROBERT C. TOURNAY  
PAUL P. TOWNSEND  
MARK A. TOZER  
TODD E. TRACY  
BRIAN E. TRAINOR  
KIMBERLY L. TRAMMELL  
FELIX D. TRAN  
BRYAN E. TRINKLE  
PETER A. TRITSCH, JR.  
JOHN M. TRODDEN  
DAVID P. TROUT  
MATTHEW R. TROVINGER  
JOHN L. TRUEBLOOD  
ANTHONY A. TRUETTE  
TRAVIS C. TRUSSELL  
ALLAN Z. TUCKER  
ERIC A. TUCKER  
WILLIAM D. TUCKER  
JODY DAN TURK  
MICHAEL A. TURNBAUGH  
MELVIN D. TURNER, JR.  
SHALIN G. TURNER  
JOSEPH C. TURNHAM  
DENNIS R. TURRIFF  
JOSHUA L. TYLER  
WILLIAM A. TYNON  
MICHAEL J. TYSON  
CHRISTOPHER A. ULIBARRI  
CLIFFORD P. ULMER  
MICHAEL A. ULSH  
BRYAN T. UNKS  
NICHOLAS D. UNRUH  
EMILIO J. URENA  
LUKE M. URISH  
BRIAN M. VALLESE  
KEVIN WILLIAM VAN STONE  
BRIAN H. VANCE  
KEVIN L. VANCE  
DAVID ALLEN VANPELT  
MARK F. VANWEEZENDONK  
ADRIAN J. VANWERT  
CHRISTOPHER F. VARANI  
JENNIFER L. VARGA  
RAFAEL A. VARGASFONTANEZ  
PETER S. VARNEY  
MARC A. VASSALLO  
WILLIAM J. VAUSE  
FRANCISCO VEGA  
JOHN G. VELAZQUEZ  
JOHN P. VERBANICK  
JEREMY D. VERBOUT  
MARIO VERRETT  
BRIAN P. VESEY  
ROBERT D. VIDOLOFF  
CHRISTINA DUNN VILE  
ALAN T. VILLANUEVA  
CIRIACO M. VILLARREAL  
DAVID W. VILLARREAL  
DANIEL J. VISOSKY  
GREGORY S. VOELKEL  
GEORGE N. VOGEL  
ROBERT A. VOLESKY  
SETH K. VOLK  
MATTHEW R. VOLLKOMMER  
PAUL VON HACKER III  
TODD C. VONINS  
DAMON C. VORHEES  
GREGORY W. VOTH  
JAMIE M. WADE  
EDWARD R. WAGNER  
TORREY J. WAGNER  
ETHAN M. WAITTE  
CHARLES B. WALBECK  
AARON D. WALENGA  
SCOTT T. WALKER  
TOBY LOUIS WALKER  
TODD A. WALKER  
WAYNE W. WALKER  
CAROLYN J. WALKOTTE  
KIMBERLY Y. WALLACE

KYLE O. WALLACE  
LONZO E. WALLACE  
TRACI L. WALLACE  
WILLIE B. WALLACE III  
DANIEL P. WALLICK  
DON E. WALPOLE  
MICHAEL M. WALSH  
LEON H. WALTERS, JR.  
TERRY L. WANNER, JR.  
BARTLEY J. WARD  
JASON T. WARD  
THOMAS C. WARD  
WILLIAM C. WARD  
DAVID M. WARE  
TERESA M. WARMAN  
DOUGLAS M. WARREN  
GARY D. WARREN  
THOMAS C. WASHBURN  
DAVID L. WASHER  
MARK R. WASS  
ANA C. WATKINS  
GEORGE R. WATKINS  
WARREN B. WATKINSON II  
JOSEPH C. WATSON  
DAVID T. WATTS  
JEFFERY C. WATTS  
NEAL A. WATTS  
CEDRIC D. WEATHERLY  
CHRISTOPHER J. WEATON  
RYAN F. WEAVER  
STEPHANIE L. WEAVER  
DAVID L. WEBB  
JEFFREY S. WEBB  
JONATHAN C. WEBB  
KEVIN M. WEBB  
ROBERT D. WEBB  
DAVID B. WEBER  
REX C. WEBER  
DARREN P. WEES  
THOMAS F. WEGNER  
WILLIAM L. WEIFORD III  
KARL WEINBRECHT  
MATTHEW R. WEINSCHENKER  
RACHEL A. WEIS  
JOHN S. WELCH  
PHILIP M. WELCH IV  
ERICK O. WELCOME  
CHRIS T. WELLBAUM  
JOSEPH R. WELLMAN  
RYAN L. WELLMAN  
JAMES E. WELLS  
JEREMY W. WELLS  
RACHEL A. WELLS  
STEWART B. WELLS  
FRANK W. WELTON  
REBECCA M. WELTON  
KEVIN D. WENGER  
JOSHUA WENNRICH  
JASON A. WENTZEL  
JASON E. WEST  
MICAH L. WEST  
JOSHUA A. WESTBY  
KRISTEN E. WESTBY  
BRIAN E. WESTER  
BRENDON MICHAEL WEYGANDT  
DARIN P. WHEELER  
NEIL D. WHELDEN  
AMALIA F. WHITE  
ANTHONY D. WHITE  
DOUGLAS W. WHITE  
JOSEPH R. WHITE  
JUSTIN D. WHITE  
KEVIN R. WHITE  
TERRY J. WHITE  
WILLIAM P. WHITE  
MICHELLE M. H. WHITFIELD  
JACKSON M. WHITING  
STUART D. WHITNEY  
JOSEPH E. WHITTINGTON, JR.  
KEVIN W. WIERSCHKE  
GEORGEREEO J. WIGFALL  
JACOB A. WILCOX  
JASON W. WILD  
BRIAN D. WILDER  
DANIEL C. WILKINSON  
WILLIAM J. WILKINSON  
DAMON L. WILLE  
DANIEL J. WILLEMS  
SHAUN M. WILLHITE  
ANDREW M. WILLIAMS  
BRANDON G. WILLIAMS  
CAMERON S. WILLIAMS  
CHRISTOPHER L. WILLIAMS  
DANIEL L. WILLIAMS  
DAVID S. WILLIAMS  
JAMES E. WILLIAMS  
JASON EDWARD WILLIAMS  
KIMBERLY A. WILLIAMS  
DALE A. WILLIQUETTE  
DANIEL P. WILLISON, JR.  
CARL C. WILSON  
DAVID I. WILSON  
ERIC W. WILSON  
MARCUS D. WILSON  
RICHARD G. WILSON  
APRIL L. WIMMER  
SHEENA L. WINDER  
PAUL G. WINKA  
JAMES M. WINNING  
BRAD C. WINTER  
MICHAEL J. WINTER  
DOUGLAS R. WITMER

DAVID R. WITT  
RANDOLPH B. WITT  
BRYAN M. WOJCICK  
BENJAMIN B. WOLF  
JAMES D. WOMBLE  
DICK WONG  
BRIAN V. WOOD  
CHRISTOPHER C. WOOD  
JOSHUA T. WOOD  
RYAN E. WOOD  
NICHOLAS S. WOODROW  
CHARLES S. WOODS  
TANNER G. WOOLSEY  
RICHARD H. WORCESTER  
RYAN L. WORKMAN  
CHRISTOPHER M. WRIGHT  
DAVID R. WRIGHT  
DAVID T. WRIGHT  
NORMAN P. WRIGHT  
PAUL B. WURSTER  
BRET M. WYATT  
TOMMY N. WYATT  
REID J. WYNANS  
SHAZAD YADALI  
NICHOLAUS A. YAGER  
JARED Y. YAMASHIRO  
SEAN E. YARBROUGH  
MARK L. YARIAN  
NICHOLAS R. YATES  
ROWDY E. YATES  
CARRICK O. YAWS  
WENDELL J. YEAGER  
CHRISTOPHER A. YEATES  
STEVEN D. YELVERTON  
CHRISTIAN C. YERXA  
JADE N. YIM  
JOHN F. YOHN, JR.  
BENJAMIN R. YOSFAN  
MARK T. YOUKEY  
ERICH W. YOUMANS, JR.  
ROBERT M. YOUNG  
RONNIE B. YOUNG  
LEONARDO J. YUQUE  
AARON N. ZASTROW  
EVER O. ZAVALA  
DAVID E. ZEYTOONJIAN  
ERIC D. ZION  
MICHAEL E. ZISKA  
ERIC J. ZUHLSDORF

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be major*

VICTOR J. TORRES-FERNANDEZ

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be lieutenant colonel*

JOSEPH ANGERER  
KRIS ATTARIAN  
ALLEN BARNES  
NANCY E. BLACKER  
JAMES M. BROWN  
JOYCE M. BUSCH  
KERRY H. COSTELLO  
JOHN R. FERGUSON  
SCOTT R. GRANT  
ROBERT J. HARDING  
BEN H. HARVEY  
MIKE W. KIMBERLY  
JON S. LEAHY  
TIMOTHY J. LEITCH  
RICHARD A. MILLER  
MARK J. MOONEY  
KARL A. MORTON  
YOULANDA NIETO  
MARYANN C. OTTO  
DAVID F. SLATER  
JAMES W. SOBOLESKI  
MICHAEL D. STROZIER  
OMAR E. THONDIQUE  
PATRICIA E. TILSON  
JEFFREY J. TOUSIGNANT  
JEFFREY W. WILLIAMS  
JOHN D. WILLIAMSON

#### *To be major*

RUBEN N. ABREU  
RIDELIS D. AGBOR  
DWYKE A. BIDJOU  
TODD W. BURNLEY  
JAMES A. CHARTERS  
BRIAN A. CHESSER  
JOHN T. COBBS  
MARTIN L. CROUSE  
DIEGO DAVILA  
HOWARD R. DAVIS  
JOHN G. DEAN  
ANDREW T. DEPONAI  
RAYMOND DIAZ  
JOHN A. DUDA  
SAMUEL J. DUNCKHORST  
DARRELL FAIRLEIGH  
JERRY J. FOGG  
MICHAEL D. GERGEN  
CURTIS A. GIBSON

COURTNEY L. GLASS  
ROBERT T. GRIFFIN  
MATTHEW D. HALEY  
JESSE K. HARRIS  
STEVEN J. HILDEBRAND  
WILLIAM R. HOGAN  
ERIC E. JOHNSON  
GLENN N. JUMAN  
DAVID K. LAW  
JIN H. LIM  
CHRISTOPHER J. LOMBARDI  
AMBRO MARTIN  
SHAWN P. MCLAIN  
JOHN A. MILLER  
JEFFREY S. MILLS  
KEITH L. NELSON  
TONY A. OWENS  
EDWIN J. QUIMBY  
MARK A. QUIRE  
YOKEITHA A. RAMEY  
DANFORTH J. RHODES  
KERRY V. ROBERTS  
FEDERIC RODRIGUEZ  
ERIC F. RUSSELL  
IMMANUEL B. SAMSON  
CHRISTOPHER L. SMITH  
TODD C. SMITH  
JOSHUA W. STEWART  
SCOTT D. STEWART  
CHRISTOPHER B. TEAGUE  
TRAVIS O. TRAYLOR  
BRIAN T. UNGERER  
ALLEN R. VOSS  
JOHN C. WALLACE  
JOHN F. WEBB  
WILLIAM S. WEST  
ADRIAN H. WHEELER  
JOHN H. WOODCOCK  
RICHARD WULFF  
MATTHEW J. YANDURA

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be colonel*

TED R. BATES  
DIRON J. CRUZ  
PETER M. MENICUCCI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be colonel*

JOHN M. DIAZ  
MICHAEL D. MURRAY  
LAVORE L. RICHMOND, JR.

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

#### *To be major*

LUISA SANTIAGO  
YEVGENY S. VINDMAN

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be colonel*

RANDALL W. COWELL

#### *To be lieutenant colonel*

TILDON K. ALLEN  
DAVID A. BARSNESS  
THOMAS M. BLUNTZER  
TIMOTHY J. BURKE  
WILLIAM R. CAMPBELL  
WILLIAM K. CANTRELL  
FERMAN G. CEPEDA  
CLIFFORD K. CRAWFORD  
SAMMIE L. DAVIS  
SHAWN R. DENNY  
ELIZABETH L. DEVANY  
CEDRIC S. DOLMAN  
GRANT EDWARDS  
PHILIP D. FORSBERG  
CHRISTOPHER B. GINTHER  
VAUGHN M. GRIZZLE  
TERESA F. HALL  
TIMOTHY R. HARDISON  
STEPHEN H. HARMON  
MICHAEL C. HILL  
DAVID W. JOHNSON  
LEON JONES  
THOMAS P. KNOTT  
JOHN N. MAHINES  
RICHARD J. MCNORTON  
ANDREW J. MCVEIGH  
ROY E. MOSHER  
MARK D. MUMM  
LLOYD M. NATHAN  
PAUL A. NOCE  
DANIEL P. O'CONNELL  
PABLO O. PAGAN  
STANNON M. PEDERSON  
KEITH L. POYNOR  
RAUL A. RIVERA  
DYLESTER SCOTT

HAROLD J. TARPLEY  
 MARC C. THOMPSON  
 WILLIAM E. TINER  
 DONALD S. TRAVIS  
 SCOTT T. WALES  
 GEORGE C. WASHINGTON  
 ELIZABETH L. YARBROUGH

*To be major*

ALBERT A. AUGUSTINE  
 THOMAS D. BAKER  
 LESLIE L. BALFAQIH  
 STEVEN A. BESEDA  
 CRAIG J. BONDRA  
 GARY W. BROCK  
 COURTNEY R. BROOKS  
 BENJAMIN W. BUCHHOLZ  
 RODNEY D. CAIN  
 HOWARD D. CARPENTER  
 SHANE M. CARPENTER  
 JOSEPH B. CORCORAN  
 SCOTT A. CRUMP  
 ANDRE W. DANCY  
 VENDECK M. DAVIS  
 ROBYN R. DEATHERAGE  
 CURTIS L. DECKER  
 CHRISTOPHER DELOSSANTOS  
 GEORGE L. DEUEL  
 GARRY DODARD  
 CHRISTOPHER B. EMERY  
 ALLAN J. FEHR  
 PAUL E. FRITZ  
 KIMBERLY K. FUHRMAN  
 JAMES J. GERRITY  
 RANDALL D. GRIGG  
 KARSTEN J. HAAKE  
 JEREMY P. HALL  
 SHEILA HENDERSON  
 MICHAEL C. HERRERA  
 DAVID K. HOWE  
 KEITH JACKSON  
 CHRISTOPHER D. JESELINK  
 DOUGLAS A. KCKEWAN  
 QUINT A. KLOPFLEISCH  
 MICHAEL LEWCZAK  
 BARRETT D. LYNCH  
 ROBERT S. MATHEWS  
 RYAN M. MCCABE  
 LAURA L. MCGUNAGLE  
 NATHANIEL C. MIDBERRY  
 DAVID M. MILLER  
 JOEL R. MITCHEM  
 GARRY G. MORRIS

JOSHUA J. MUNCH  
 TONY A. OWENS  
 MICHAEL J. PAPP  
 EDWARD L. PEARCE  
 DONALD J. PETERSON  
 ROBERT E. PETTY  
 MARCIA M. PIERCE  
 KELDA S. PITTMAN  
 BUECHELLE O. PORTER  
 THOMAS A. PRIEVE  
 GREGORY RIVERA  
 DUCAN S. ROBINSON  
 DALE A. ROBISON  
 ROBERT B. RODEFER  
 GREGORY M. ROGERS  
 EDWARD K. ROWSEY  
 DANIEL L. SALISBURY  
 MARC S. SAPHIR  
 LAMAL SHEPPARD  
 DERREN M. SIGLOCK  
 MICHAEL M. SMALL  
 JOHN D. STAHL  
 SCOTT STEWART  
 CHRISTOPHER B. TEAGUE  
 DAVID C. THOMAS  
 ERIC S.M. THOMPSON  
 BOGDAN T. TOCARCIUC  
 TIMOTHY J. TREAT  
 THOMAS C. VECE  
 KEVIN L. WASHINGTON  
 PATRICK S. WICKER  
 DUANE M. WILLIAMS  
 TUWANDA F. WILLIAMS  
 DENNY L. WINNINGHAM  
 JOHN H. WOODCOCK  
 DANIEL M. ZERBY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

ALBERT J. ADKINSON  
 JOHN C. BOYD  
 HENRY C. CASON  
 GERALD T. CATRETT  
 JAMES S. CHASE  
 DEBORAH W. COLEMAN  
 WILLIAM E. CRANE  
 JOHN M. EPPERLY  
 MICHAEL D. FRANCE  
 ROBERT N. HIBBETT  
 WALTER L. MERCER

RICHARD J. NORIEGA  
 JEFFREY S. TIPTON  
 MARK A. TOPLIKAR  
 JASPER B. VARN III  
 WILLIAM E. WYNNS, JR.

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

CHRISTOPHER G. CUNNINGHAM  
 HENRY J. ZIELINSKI

*To be lieutenant commander*

RICHARD C. BALTIERRA  
 CHRIS M. COGGINS  
 JEFFREY S. DAVIS  
 RICHARD C. ERICKSON  
 SYLVESTER FREDERICK  
 TYLER H. LIPPERT  
 KEVIN A. MORGAN  
 GEORGE M. TURNER  
 SELVIN A. WHITE  
 CHRISTOPHER A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

*To be lieutenant commander*

JANET L. JACKSON  
 VINCIRENA PALMORE  
 TODD M. SULLIVAN

CONFIRMATION

Executive nomination confirmed by the Senate, March 25, 2009:

DEPARTMENT OF JUSTICE

DAVID S. KRIS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## HOUSE OF REPRESENTATIVES—Wednesday, March 25, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
March 25, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Rev. Earl F. Palmer, National Presbyterian Church, Washington, D.C., offered the following prayer:

O God, Our Father, we begin this day with gratitude and resolve. We give thanks for those who are privileged to serve in this place of study, deliberation, decisions and history. We are grateful for our Republic of citizens, young and old, their cities and States, farms and villages—a people who by their work and dreams give motivation and energy to what happens here in this House of Representatives.

As we begin this day, we claim, O God, Your gift of truth and grace: for truth that bears the imprint of integrity and honesty and for Your grace that forgives us when harm happens and healing is needed to keep us whole.

We ask for the wisdom, courage and respect that build friendships among these leaders who guide our land. Grant us the hope that encourages through morning, afternoon, and evening hours because of Your love and faithfulness. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. COSTA) come forward and lead the House in the Pledge of Allegiance.

Mr. COSTA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING REV. EARL F. PALMER

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. THORNBERRY) is recognized for 1 minute.

There was no objection.

Mr. THORNBERRY. Madam Speaker, our guest chaplain today represents a convergence of two Washingtons. Rev. Earl Palmer is from Washington State and recently retired as the senior pastor at University Presbyterian Church in Seattle. Currently, he is the Preaching Pastor in Residence at the National Presbyterian Church here in Washington, D.C., as he also preaches around the country under the nonprofit Earl Palmer Ministries organization.

With degrees from UC-Berkeley and Princeton Theological Seminary, he is the author of 18 books. Rev. Palmer is also one of the leading scholars on the life and works of C.S. Lewis.

Citizens from both Washingtons and many others in the country and in between have benefited from the work of this remarkable man. His love of the Gospel and his enthusiasm for sharing the Gospel are evident in all of his preachings and teachings, as is his basic human kindness.

Shirley, Earl's wife of 50 years, has a Ph.D. from the University of Washington. They have three children and seven grandchildren, some of whom are with us today.

Many lives have been blessed by the life and ministry of Earl Palmer, and it is my honor to help welcome him here today to the House of Representatives.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

### DROUGHT IN CALIFORNIA

(Mr. COSTA asked and was given permission to address the House for 1 minute.)

Mr. COSTA. Madam Speaker, I rise today to call for immediate response and Federal action to assist California in the drought crisis that we're facing today. Clearly, the entire Nation is feeling a financial meltdown with home foreclosures and many other

challenges we face, but in California, beyond that, we have a drought that also involves a dairy meltdown.

We have reservoirs that are low, Federal allocations that are set at zero in the San Joaquin Valley, which I represent, along with many of my colleagues, 20 percent for State water deliveries. As a result, we could lose as many as 80,000 jobs. The economic impact could be as much as \$2.2 billion in the San Joaquin Valley that we represent.

Small communities have been crippled. Communities that I represent like Mendota and Firebaugh have 36 to 40 percent unemployment. Delano, with over 50,000 people, has over 34 percent unemployment.

Naming a drought task force is helpful but it is not enough. Plain and simple, we don't need words, we need water. Federal and State collaboration is urgently needed and needs to be improved to make stimulus funds available for immediate relief and to relax standards that prevent water supplies from going to those who most need it.

We ask for your help to increase the water supply for California's future.

### BROOKS CORLEY ATTAINS A BLACK BELT

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, I rise today to speak of the extraordinary accomplishment recently of one of my constituents, Albert Brooks Corley.

Brooks has been in my karate class affiliated with the Shreveport Karate Club back in my hometown of Minden, Louisiana, since he was just a little guy. Today, he has grown into a tall, strong young man. After years of hard work, he was recently awarded a first-degree black belt in karate by Sensei Mikami, a karate champion and eighth-degree black belt. Having worked for years to obtain my black belt in Japanese karate, I know the hard work and persistence it takes to obtain this level of martial arts expertise.

Apart from developing into a tough, aggressive and coordinated martial artist, Brooks is a fine young man who is now completing his education in order to be gainfully employed.

Brooks is truly a model by which young people should aspire to achieve the potential that each may obtain. Therefore, I heartily commend him in

his recent achievement and the many achievements ahead. Furthermore, I commend his parents, Mr. and Mrs. Corley, for raising such a fine man.

#### COVER THE UNINSURED WEEK

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, I rise this morning to bring attention to Cover the Uninsured Week and to encourage the Congress to enact comprehensive health care reform this year.

Our Nation's health care system—which leaves more than 45 million Americans uninsured and millions more underinsured—is badly in need of reform. Practically \$56 billion in uncompensated care for the uninsured is absorbed annually by the health system, driving up the cost of insurance for everyone. Health care costs are consuming more of individuals', families', and businesses' budgets every year and represent the fastest growing piece of the Federal budget.

The economic crisis is also shedding further light on a system that is inefficient, unaffordable and out of reach for too many Americans. Americans cannot simply wait any longer to ensure greater access to quality affordable health care.

I encourage all of my colleagues on both sides of the aisle to come together to enact comprehensive health care reform this year. So during this week, Uninsured Week, when Congress recognizes the plight of those Americans without health insurance, let us strive to provide all Americans with comprehensive, affordable health care now.

#### THE AMERICAN PEOPLE DESERVE A RESPONSIBLE BUDGET

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute.)

Mr. COFFMAN of Colorado. Madam Speaker, President Barack Obama used a prime time news conference last night to defend his \$3.6 trillion budget plan. The nonpartisan Congressional Budget Office says the President's budget would run up a \$9.3 trillion debt over the next 10 years. This budget spends too much. Middle class families and small businesses are making sacrifices when it comes to their own budgets, yet Washington continues to spend trillions of taxpayers' dollars on bailouts and other government programs.

The budget taxes too much. It contains the largest tax increase in American history. The budget borrows too much. Unchecked spending will result in borrowing hundreds of billions of dollars from China and the Middle East.

Madam Speaker, the American people deserve a responsible budget from

their President. This budget will guarantee that our economy will never fully recover.

#### GROWTH OF GREEN-COLLAR JOBS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, last night President Obama again reaffirmed his commitment to a clean energy policy for America, a policy that will grow millions of new green-collar jobs in this country. And he did it by, again, reaffirming his commitment to a cap-and-trade bill in this Congress this year which will drive investments into these new jobs for the next century.

The reason he is giving so much hope for Americans is that he realizes that we want Americans building the energy-efficient, partially and fully electric cars so we can sell those cars to China, so we can make the solar cells and sell them to Korea, so we can make wind turbines and sell them to Denmark.

It is this vision of Barack Obama that is going to help grow jobs in this country. And when we pass this cap-and-trade bill, two things are going to happen: money is going to go back to the American consumers to help them buy these energy-efficient products, and we are going to create millions of new jobs.

That is a Barack Obama hope for the future, and it is going to come to pass.

#### WASHINGTON MUST MAKE SACRIFICES

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Madam Speaker, every day western New Yorkers tell me what sacrifices they are making during these tough economic times. I wish the same could be said for Washington.

This Congress has already missed two opportunities to impose fiscal restraint with the stimulus and the omnibus spending bills. Now the nonpartisan Congressional Budget Office tells us that the administration's budget proposal will produce \$9.3 trillion in budget deficits over the next 10 years. As this chart demonstrates, that amount represents more than two-and-a-half times the budget deficits of the prior administration, which in itself was faulted for spending too much.

Taxpayers will be stuck paying more than \$1 trillion in interest payments on this excessive borrowing. Today's red ink will bring impossible choices for our children and our grandchildren.

We need to make Washington do more with less, just as western New Yorkers have for many years.

#### HONORING THE LIVES OF OAKLAND POLICE OFFICERS SERGEANT ERVIN ROMANS AND MARK DUNAKIN

(Mr. McNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNERNEY. Madam Speaker, I rise to honor four police officers who gave their lives in the line of duty in a tragic shooting in Oakland this past weekend.

I join all of Northern California in mourning their loss and honoring their sacrifice.

Two of these brave officers lived in my district. Sergeant Ervin Romans of Danville, California, was a member of the SWAT team and had served with the Oakland Police Department for 13 years. He was a recipient of the department's Medal of Valor for bravery. Erv, as he was known, leaves behind his wife and three children.

Sergeant Mark Dunakin of Tracy served with the Oakland Police Department for 18 years. He was known and respected as a passionate guardian of public safety. Sergeant Dunakin grew up in Pleasanton and is survived by his wife and three children.

These heroic officers dedicated their lives so that we might live in safety. My thoughts and prayers are with their families and their loved ones during this difficult time.

#### DAWN JOHNSEN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, President Obama's appointment to head the Justice Department's Office of Legal Counsel is truly from the far left radical fringe.

Dawn Johnsen, a former attorney for one of the radical abortion groups, is a step back for a President who has claimed he would like to find common ground on the abortion issue. Ms. Johnsen's own quotes speak for her radical views. She has equated pregnancy to slavery when she said that laws restricting a woman's abortion choice "are disturbingly suggestive of involuntary servitude." She has likened pregnant mothers to "no more than fetal containers." She has likened pro-life advocates to "terrorists," calling them "remarkably similar to the Ku Klux Klan."

Her appointment is a slap in the face to all fair-minded persons, not just pro-life Americans. The President should withdraw her nomination or else the Senate should reject it.

□ 1015

## WE MUST PASS THIS BUDGET

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, today I rise to speak to middle-class families facing job loss or shrinking incomes. They may feel left out of the bailouts. That is why I am happy to report that the President's budget will help them by making the \$800 Make Work Pay tax cut permanent; by expanding the child tax credit for millions of families with children; by making college more affordable by making the \$2,500 American opportunity tax credit permanent; by permanently protecting millions of middle-class families from being hit by the AMT; by expanding the earned income tax credit; by expanding the current tax credit for saving for retirement and providing for automatic enrollment in IRAs and 401(k)s; and by eliminating capital gains on small businesses.

The President's budget cuts taxes for 95 percent of Americans, while the budget invests in programs that create jobs, makes education affordable, and encourages clean American energy. It helps the middle class, which is why we must pass this budget.

## BUDGET

(Mr. GRAVES asked and was given permission to address the House for 1 minute.)

Mr. GRAVES. Madam Speaker, the President's budget is going to cost Americans trillions of dollars. How does he want to pay for it? By taxing small businesses, the very people who are responsible for creating 7 out of every 10 jobs.

Many small business owners file their taxes as individuals. So let's be honest about who we're asking to pay for this unprecedented expansion of government. Every dollar we take from small business owners is a dollar that cannot be used to reinvest in their businesses or hire more workers.

The President and his friends in Congress act like they know the needs of small business owners. The President's announcement last Monday to "help" small businesses with SBA loans was a clear example of just how out of touch the President is. According to a recent survey of small business owners, 90 percent of owners said they have never even applied for an SBA loan.

Congress must reject the President's budget which spends too much, borrows too much, and taxes our Nation's hard-working small business owners.

Our job here in Congress is to put the American people back to work, not grow government.

## HONORING SERGEANT MATTHEW W. ECKERSON

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Madam Speaker, I rise today to recognize and honor the service of U.S. Army Sergeant Matthew W. Eckerson from my hometown of Erie, Pennsylvania.

I have a picture of Sergeant Eckerson. While serving in Sadr City, Iraq, this 24-year-old was injured after a roadside bomb hit his tank on April 24, 2004. Sergeant Eckerson was no stranger to these kinds of attacks. While serving overseas, he has experienced five other roadside bombings while in a tank or Humvee, attacks which left him with traumatic brain injuries from the blasts. His bravery earned him four Army Medals of Commendation, as well as the Purple Heart.

Sergeant Eckerson is now medically retired from the Army after 6 years of active duty, a total of 33 months served in Iraq from 2004 to 2008. He is currently enrolled at the University of Phoenix, seeking a degree in business management with a concentration in politics.

Madam Speaker, I am so grateful to Sergeant Eckerson for his patriotism and service to our country. This war has affected me personally, and I do not take his service for granted.

My nephew and his wife have served four and three tours in Iraq, respectively, and my foster son served in Iraq and came home suffering from PTSD.

Thank you to Sergeant Eckerson, and God bless all the other brave men and women in uniform for their service to our country.

## TAXES ON AMERICAN-MADE ENERGY ARE TAXES ON ALL AMERICANS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute.)

Mr. BOUSTANY. Madam Speaker, last night the President tried to make a case for his \$3.6 trillion budget. He suggested that more than \$30 billion in new taxes on America's energy producers would not cost American jobs.

I represent a number of America's small energy producers and the support companies, service workers, and others who responsibly provide the energy powering America. The President's budget would force them out of business and send their work and their jobs overseas.

But this is what the President failed to tell those listening last night. His new energy taxes would hit every single American. The new taxes in his carbon program would increase electricity prices, the price at the pump, and home heating oil costs.

Republicans believe we must be good stewards of the environment, and Lou-

isiana workers prove every day that we can produce energy in an environmentally responsible way.

Let's work together to create jobs and keep energy costs down.

The President's plan to hike taxes on Americans who are already struggling with a slow economy is just the wrong way to be going. Let's make America competitive again and get Americans working. That's the kind of stimulus Americans and our economy really need.

## TAMPA INTERNATIONAL AIRPORT FUNDING

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. Madam Speaker, last month when we worked with President Obama to adopt an economic recovery plan, our intent was to put people back to work. Well, the recovery plan is just now starting to work, and I'm very pleased to report that this week I joined the director of the Tampa International Airport to announce that \$8 million from the recovery plan will come to the Tampa Bay area to reconstruct our fabulous airport. In particular, we are going to reconstruct a taxiway and begin construction on a new north terminal.

Now, this is absolutely vital because the unemployment rate in my hometown now is about 10 percent. So when we can put folks back to work, the utilities, especially in the hard-hit construction sector, rebuilding this fabulous economic engine in my community, I know that it is going to have a ripple effect throughout my local economy.

This is what's happening all across America. So as we recover and put people back to work, America will be stronger than ever before.

## CAP-AND-TAX

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, today's Los Angeles Reuters article states, "U.S. electricity prices are likely to rise 15 to 30 percent if a national cap on carbon dioxide emissions is instituted, according to a report by Moody's Investors Services."

You've heard us talk a lot about a cap-and-tax. The burden of this carbon regime will be a tax on carbon use, pushing the cost on us, the middle class, the poor. And the debate here is we, on our side, we do not want to cap our economy and trade away our jobs. And that's what this regime will do.

This was after the 1990 Clean Air Act Amendments. A mine in my district, Peabody No. 10 in Kincaid, Illinois, because of the Clean Air Amendments,



well, it was actually 1,200 miners lost their jobs.

This is what will happen if we pursue a cap-and-tax regime that caps our economy and trades away our jobs. We will fight this to the end.

#### BARRING DALAI LAMA FROM PEACE CONFERENCE IN SOUTH AFRICA

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, it is a shame and a disgrace that the Dalai Lama will not be permitted to attend a peace conference in South Africa this week.

How could a nation, once a symbol of the power of reconciliation, be so wrong today? How could the home of Albert Lituli and Nelson Mandela and other men and women of courage deny their brotherhood with one simple man of peace?

Madam Speaker, I am afraid that this says something very troubling about the leadership of South Africa. It says that they are willing to sacrifice the cause of justice on the cross of trade and monetary gain with China.

Today, I stand with former President F.W. de Klerk, Archbishop Desmond Tutu and others around the world who condemn this unnecessary act.

#### THE BUDGET AND THE PRESIDENT'S NEWS CONFERENCE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Yesterday, the President of the United States took to prime time television in defense of a budget proposal that spends too much, taxes too much, and borrows too much, and the American people know it. Our Nation is beginning to understand that the President's proposed the most fiscally irresponsible budget in the history of our Nation.

It comes at such a difficult time for our country. I recently met firsthand with families in my district who are facing these difficult times with courage and sacrifice.

The leaders of Rushville, Indiana, were sitting down around a kitchen table at a farm last week, practicing the kind of fiscal restraint and determination necessary to make it through these difficult times, and the people in all of our Nation want Washington to do likewise. They want us to put our fiscal house in order with fiscal responsibility and a commitment to grow.

The President's budget increases spending and raises taxes on almost every American household and small business, and invites record deficits, and adds roughly \$1 trillion to our na-

tional debt every year for the next 10 years.

The American people know there's a better way. In the coming hours, Republicans will unveil a better solution to pass a budget bill based on fiscal responsibility and the principles of growth.

#### TAX CUTS

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Madam Speaker, to my colleagues here on the floor, give me a break. That's exactly what the American taxpayer has asked for, and that's what this Congress has delivered.

Over the last 3 months that I have been here in the Congress, here in the United States Capitol, we have made permanent the \$800 Making Work Pay tax cut for American middle-class families. We've expanded the child tax credit. We've made the investment into alternative energy, the tax cuts that are going to help grow green energy jobs here in the United States and in my district in Ohio. We've made those part of our package that we've rolled out.

This stimulus package and economic recovery bill that was passed by this Congress provides the largest tax cut for American middle-class families and for small businesses in this country. This was the right step. We can already begin to see the signs of economic recovery on the horizon.

We've got a long way to go, but the package we introduced and passed in this Congress is going to be the right track, and we need to put our country back on track. That's what the American taxpayers have asked for, and that's what we're giving them, a break.

#### THREAT FROM IRAN IS REAL

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Madam Speaker, the threat from Iran is real. It endangers Israel, our greatest ally in the Middle East, many of our NATO allies in Europe, and indeed, the United States of America herself.

The President has said that Iran with nuclear weapons would be a "game changer," and last week he sent a video message to the people of Iran. What was contained in the message was not as striking as what was left out.

The President did not call on the Iranian Government to give up uranium enrichment. He did not insist that the Iranian Government stop arming Hezbollah in Lebanon and Hamas in Gaza. He did not insist that the Iranian Government stop threatening Israel.

What he did do was call for a "new beginning," without saying much more. Israeli President Shimon Perez also appealed to the people of Iran before making clear that the country would be run by religious fanatics.

I urge the President to rely more on our friends in the Middle East, who deal with Iran on a daily basis, and less on Youtube and sports metaphors.

The United States must make clear that we support Israel, their President, and their new prime minister in their continuing struggle with Iran and its misguided leaders.

#### PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 146, OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 280 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 280

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Natural Resources or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

□ 1030

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Thank you, Madam Speaker.

For the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. Foxx). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Ms. PINGREE of Maine. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 280.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Madam Speaker, House Resolution 280 provides for consideration of the Senate amendments to H.R. 146, the Omnibus Public Land Management Act of 2009. The rule makes in order a motion by the chairman of the Committee on Natural Resources to concur in the Senate amendments to H.R. 146, the Omnibus Public Land Management Act of 2009. The rule provides 1 hour of debate on the motion controlled by the Committee on Natural Resources.

Madam Speaker, today, people across the country are looking to this body to pass this important bill. We have an historic opportunity to protect and preserve land across the country for future generations. Our grandchildren and their grandchildren will be able to enjoy national parks around the country.

In Maine, my district, like so many other areas around the country, we cherish the natural beauty that surrounds us, and we have worked hard to preserve it. When I was the Senate majority leader in the State of Maine, I sponsored the biggest land bond bill in State history to preserve our open spaces for the public.

Time and again, the people of my State have voted to invest in public land that will be protected for generations to come, and we value the full variety of uses of that land, whether it be hiking, camping, kayaking, hunting, or fishing.

We are here today to consider the Senate amendments to H.R. 146, the Omnibus Public Land Management Act of 2009. These amendments provide us with the opportunity to strengthen our National Park System, improve forest health, facilitate better management of our public lands, and increase the quantity and quality of the water supply in numerous local communities.

This is not the first time this body has voted on this legislation. On March 11, a bipartisan majority of the House voted in favor of the Omnibus Lands Management Act. Unfortunately, it narrowly failed to obtain the two-thirds vote to pass the House. Last year, the majority of the bills that make up this package were passed out of the House but were held up in the Senate by a threatened filibuster.

Finally, this year the Senate voted twice—each time overwhelmingly in favor of this package. Our time to send this legislation to the President's desk is long overdue.

This package will provide protection to historic and cultural resources that include the sacred ground of American battlefields. In addition, it will protect our forests, our water, our network of trails. It will add to our National Park System and provide land that we can all enjoy.

By finally passing this legislation today, we will designate over 2 million acres of land as wilderness. This means

that when our grandchildren want to take their families to see what America looked like in its wild state, they will be able to. And they will be able to explore these lands because we are not closing off or preventing access to land.

Instead, the wilderness designation helps manage the various uses, and this legislation recognizes that some areas are better suited for some kinds of recreation than others.

This act also provides protection to historic sites like the Harriet Beecher Stowe House in my State of Maine, where this courageous abolitionist wrote "Uncle Tom's Cabin." Future generations will be able to see and use this site and others protected by this legislation.

This legislation before us is a product of bipartisan efforts that recognize how critical it is to conserve our land and ensure that the American people have access to that land. Land is one of our most precious resources and we must do our part, not only for our use but for future generations.

This legislation protects areas for outdoor recreation. It preserves land for hunting, fishing, and other recreational activities. Not only does this package protect some of the most environmentally significant and scenic land in the country, it also provides protection for our Nation's water resources and keeps our Wild and Scenic Rivers undammed and free flowing.

Taken as a whole, this package is truly landmark legislation. The amendments incorporate bipartisan bills introduced by the last Congress—39 by Democrats and 36 by Republican Members of the House.

Finally, as good a piece of legislation as I think this is, the debate before us is simply on the rule to debate the underlying bill. My colleagues on the other side of the aisle may argue that this did not go through regular order, or this limits second amendment rights, or that it somehow excludes our honored returning vets from accessing public lands, but all of those arguments are simply untrue.

Mr. HASTINGS of Washington. Will the gentlelady yield?

Ms. PINGREE of Maine. No, I won't.

I urge my colleagues on both sides of the aisle to support this very important public lands bill.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, the best thing about what has been happening in this session of Congress, I think, is that the American people are paying close attention to what is going on here, and I certainly hope that they are paying close attention to the debate on this rule today because it's an important rule that we are debating and it's an important bill that is going to be voted on.

Process is important, I think, although people say most folks don't pay attention to it. But what the majority

has done, it's taken a very, very bad bill and used every possible maneuver to it to keep us from really debating this bill, from voting on amendments, and from dealing with this bill in an open way.

I want to say that I am a big supporter of national parks. I often say that I think the Federal Government's number one job is national defense, but I think there is an important role in this country for preserving land for all people to use.

So I am a supporter of national parks. When I travel around the country, those are the places that I like to go.

We are debating the rule, but the underlying bill, I think, is going to harm our country and harm Americans in many ways. We are going to be restricting Americans' right to the second amendment in this country. We are going to be restricting people with disabilities from using the very lands that they think they should be able to use. We are going to be restricting our disabled veterans from being able to use the parks and areas that are being set aside. We are going to be trampling on the important issue of eminent domain.

Many people are opposed to this bill. We even have the ACLU along with several other groups saying that they are opposed to this bill and have serious reservations about it.

But it's going to be rammed through, like so many other things have been rammed through in this session of Congress, and it's setting the tone for how the majority is operating in this Congress at this time.

We are even told that even though 100 of these bills—there are 160 bills in this one bill—even though 100 of them have never been debated by either body, because the Senate okayed this, then it's okay with us.

I suspect that later on in this session I'm going to hear my colleagues who made that comment make a very, very different kind of comment.

So I am very concerned about this rule. I think it is a bad underlying bill. I think the rule is bad because it cuts off debate. But this is the modus operandi of the majority in this session.

With that, Madam Speaker, I would like to yield 8 minutes to a former member of the Rules Committee, the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Madam Speaker, I rise in strong opposition to this rule and the total blockade erected by House Democrat leaders to any amendments being offered on this over 1,200-page bill, this \$10 billion omnibus lands package.

This bill is a monster bill created by the Senate, stacking together more than 170 pieces of different legislation. Over 100 of these bills have never been voted on in the House.

The legislative strategy behind the creation of this omnibus bill was to make a bill—apparently like AIG—that is too big to fail.

Of course, the bill does contain some worthwhile provisions, including a few that I offered. But if we were wise, if we were wise in this House, our recent experiences with TARP and the stimulus package would serve as a cautionary tale about the need for deliberation before passing gargantuan bills.

Last week, for example, Congress loudly expressed indignation about the Wall Street bonuses. But now we learn that restrictions on bonuses were in the original legislation but they were stripped out in the final bill by someone in Congress, specifically in the Senate.

And yet here we are again, about to ensure that another far-reaching bill will move through the House, unexamined, and it with no opportunity for amendment.

However, there are many areas in this bill that need improvement. I filed, Madam Speaker, just 10 amendments with the Rules Committee on the most serious areas of concern.

Let me highlight just a few of them: Ensuring protection of our border security; producing American-made energy that will create new jobs; ensuring public access to Federal lands—and I will talk about that more in a moment—and restoring Americans' second amendment rights while on Federal lands. This was struck down last Thursday by a judge here in D.C.

On the need to protect our borders, do we know what effect the enhanced environmental restrictions under this bill will have on border security? No, we do not.

The Senate has stricken out an amendment by Mr. GRIJALVA of Arizona to the National Landscape Conservation System bill that was adopted in this House last April, 414-0. This unanimously approved House amendment stated, "Nothing in this act shall impede any efforts by the Department of Homeland Security to secure the borders of the United States." The Senate stripped this provision from the bill and now that protection is gone.

I filed an amendment with the Rules Committee to restore this provision as it reflects the unanimous House position, as well as another amendment to apply this border security protection language to the entire omnibus bill.

We must ensure that provisions in this bill do not ban the use of vehicles and other technology to patrol and secure our border. But this rule we are debating doesn't allow any amendments to be debated or voted on by this House.

The force behind denying any amendment to the omnibus bill is so great, so great, that the House is apparently willing to fall over and play dead on

border security. We don't even know who is responsible for deleting this amendment in the Senate.

If this bill becomes law without fixing this border security loophole, I fear we will likely look back in the future and say, Well, we really should have kept that safeguard in and not let the Senate strip it out, just like the Senate stripped out the AIG provision that we rallied against last week.

The price Americans pay to fill up their cars is starting to go up again, yet H.R. 146 prohibits American-made energy production on Federal lands—production that would create new jobs in these difficult economic times. Our Nation can't afford to shut down the creation of jobs and we can't afford to become even more dependent on foreign oil.

The omnibus bill even locks up Federal lands from renewable energy production, including wind and solar. Again, amendments that I filed to address these issues were rejected by the Rules Committee.

As written, Madam Speaker, the omnibus bill prevents and bans public access to Federal lands in many ways. The recreational riding of bicycles and motorbikes is prohibited in over 2 million acres of public land. Wheelchair access to wilderness areas is effectively banned as well.

Madam Speaker, let me explain. Federal law does not ensure that wheelchairs capable of use in outdoor natural areas are allowed. It only permits wheelchairs that are "suitable for use in an indoor pedestrian area."

Madam Speaker, I know there's a great deal that politicians disagree on, but I hope that we can agree on this fundamental fact: Nature is outdoors. Wilderness areas and national parks are located outside, and wheelchairs and similar devices that allow the disabled access to outdoor natural areas is not allowed under existing law or this omnibus bill.

Furthermore, current law expressly says that accommodation for wheelchairs or the disabled in wilderness areas is not required. Therefore, the disabled act reigns.

Public lands should be available for public enjoyment. That includes disabled. Yet access for disabled veterans and all disabled Americans is not protected by this omnibus.

I proposed several amendments to address these shortcomings, including explicit protections for bicycle access, existing motorized recreational vehicle access, as well as an amendment for access for disabled and disabled veterans on lands covered in this bill.

Mr. DREIER. Will the gentleman yield?

Mr. HASTINGS of Washington. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, I want to congratulate our friend from Pasco, the ranking

member of the Resources Committee, for his very hard work on this issue, and to report to the House, unfortunately, the fact that the Rules Committee last night, after a very, very contentious debate, on a party-line vote, decided not to allow the very thoughtful amendments that Mr. HASTINGS has brought forward to be considered.

It's interesting to note, if my friend would continue to further yield, that we in the last week or two have been dealing with the aftermath of the 1,100-page stimulus bill that was brought before us.

□ 1045

We know that last week we spent all of our time trying to figure out a way around the \$167 million in bonuses that were provided to AIG executives. Everyone was up in arms about this, and people are still pointing fingers to determine how it is that that measure got into the stimulus bill.

Well, one of the things that we found is that unintended consequences continue to come forward and we, thanks to Mr. HASTINGS' efforts, found an unintended consequence. I have to say, Madam Speaker, for many, many years we, as Republicans, have been maligned, maligned regularly by our friends on the other side of the aisle for trying to pull the rug out from under seniors, starving children, and the disabled. I would not dream of standing here arguing that there is any Member of this House, Democrat or Republican, who would want to deny the disabled access to wilderness areas. But I know this, a problem was raised.

The SPEAKER pro tempore. The gentleman from Washington's time has expired.

Ms. FOXX. I yield an additional 2 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Let me say, and I thank both of my colleagues for their kindness, but let me say, Madam Speaker, as we look at this challenge which has been such a great one, there is no one, as I said, who would want to deny any disabled person access, Democrat or Republican, even though we are regularly accused of such heinous acts and have been for many, many years.

But Mr. HASTINGS found the unintended consequence here, and last night in the Rules Committee we came forward and said here is a way to deal with this challenge. We want to ensure that people who are disabled have access to our wilderness areas. And again, Mr. HASTINGS had two amendments. We offered them, and on a party-line vote he was denied an opportunity to offer those amendments.

Again this gets to this point, Madam Speaker, we are in this era of bipartisanship as put forward by Speaker

PELOSI, a great desire to listen to the input provided by Members regardless of political party; and here we have a commonsense package of amendments that will deal with something that no one wants to allow happen, and yet Members of the Republican Party were in fact shut out from having a chance to offer those amendments whatsoever. And I believe it is a very sad day for this institution and the Committee on Rules that such action would take place.

I thank my friend for yielding and thank him again for his very hard work on this important issue.

Mr. HASTINGS of Washington. I appreciate the gentleman's remarks.

Madam Speaker, there is another issue. I offered an amendment with Mr. BISHOP of Utah dealing with the second amendment rights, and he will speak to that. But I want to tell the House that this is an issue to correct a Federal judge's decision from last week that bans the use of firearms under State law on certain Federal lands. We can rectify that without slowing this bill down at all.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. FOXX. I yield the gentleman an additional minute.

Mr. HASTINGS of Washington. We can rectify this, Madam Speaker, by defeating the previous question. If we defeat the previous question and allow a motion to amend the rule to take up the amendment that I offered dealing with the second amendment, then we can add that to the package and this House will have an opportunity to vote on that.

The reason I bring this up, while 2 weeks ago the House put in the Alt-mire amendment, at that time the non-restriction on gun ownership on Federal lands was in place until the judge struck it down. This corrects that, and it needs to be corrected. We can correct it today by defeating the previous question and allowing us to amend the rule to take up my amendment on the second amendment.

I urge Members when we get to that point to vote "no" on the previous question so we can amend the rule to take up this issue on gun rights that Mr. BISHOP will talk about later.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentlelady's courtesy in permitting me to speak on the rule and support for the underlying bill.

This morning marks hopefully the culmination of 7 years of work that I have been involved with in the State of Oregon to preserve one of our special places, the Mount Hood wilderness. It has been a bipartisan effort. Indeed, I

hiked around Mount Hood with my good friend and colleague, GREG WALDEN, 5 years ago now, with our staff. We have had countless meetings with stakeholders, with Native Americans, with cyclists, with all of the special interests that care about this icon of Oregon, Mount Hood. And it took us a lot of hard work to reach the sweet spot where we had bipartisan support. We actually got it through the House once, and it stumbled in the Senate.

Madam Speaker, it is too important for us to start down this trail of starting to tweak the legislation now, because I have watched the Mount Hood wilderness be tied up in Senate politics and procedural activities for a half-dozen years now. I strongly urge that we support this underlying bill and be able to bring in millions of acres of America's special places to give them wilderness designation.

I want to thank my friend, GREG WALDEN; the dean of our delegation, PETER DEFAZIO; and in the other body, Senator WYDEN; former Republican Senator Smith; and new Senator MERKLEY. All of us have joined together on this landmark legislation for Mount Hood. I see my good friend and colleague Congressman MINNICK from Idaho here. This is a journey in Idaho that Representative SIMPSON has been working on for years as well. Members should come together and pass this legislation.

The rule does matter. We have watched one single Member of the other body tie up critical wilderness legislation for years. We have got it through the Senate, finally. We have broad bipartisan support for special places all across America. I strongly urge that we resist the temptation to tinker with this bill now. I would like to think that my colleague on the other side of the aisle is offering this from the purest of motives, but the fact is that we have watched delay and amendment foul up the wilderness legislation procedurally for a half-dozen years.

By approving this rule, approving this legislation, we can move forward with these protections for special places all across America. And then we can go back and deal with any unresolved issues. Heaven knows, I want to make sure that we take care of issues that relate to cyclists, for instance. Vote for the rule, vote for the bill, and get on with business.

Ms. FOXX. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Madam Speaker, yesterday I went to the Rules Committee and offered an amendment to the Omnibus Public Lands bill that would have saved 80,000 jobs and over \$2.2 billion worth of income in my district by ending the regulatory drought that currently plagues the San Joaquin Valley. Surprisingly, the Rules Com-

mittee said "no" to saving 80,000 jobs despite bipartisan support.

My amendment would have temporarily removed the restrictions the Endangered Species Act places on Federal and State water pumps in the California Bay-Delta, allowing water to be moved from northern and central California to farming families in my district and to millions of urban Californians in the southern portion of the State. Pumping and storing more water is necessary if we want to relieve the devastating drought in California. Yet, the Rules Committee didn't consider the billions of dollars and jobs it would save to be worthwhile.

The way this legislation has been put together and shuttled through Congress is atrocious. The majority has sprinkled a few meritorious provisions in an effort to buy votes around what is otherwise damaging legislation.

This bill blocks millions of acres from new oil and gas leasing and all other business activity. Further, the bill designates more than 2 million acres as wilderness acres, permanently restricting public access. The Federal Government already owns 30 percent of the total land area of the United States. It doesn't need any more.

Though I will not vote for the Omnibus Public Lands bill for the serious reasons previously stated, there are some supportable measures in the bill. The Tuolumne Me-Wuk Land Transfer Act, the Madera Water Supply Enhancement Act, and the San Joaquin River Restoration Settlement are three examples.

The Madera Water Supply Enhancement Act creates an underground water bank in my district which is desperately needed in the San Joaquin Valley to mitigate the effects of drought and the onerous Endangered Species Act regulations.

I also support the San Joaquin River Restoration Settlement, resolving a 20-year lawsuit that threatened the water supply for farmers in the San Joaquin Valley. The San Joaquin River Restoration Settlement gave my agricultural constituents something they did not previously have: a seat at the negotiating table. Before the settlement, a Federal judge was going to decide how much water farmers would lose in order to restore a salmon fishery. By giving farmers a voice in the solution, the settlement prevents an agricultural disaster and gives the agricultural community some control over their water future. Additionally, all 22 water districts of the Friant Water Users Authority have consistently voted in support of the settlement. The settlement is a product of hardworking folks who simply want to continue growing food to feed this great Nation with a safe, reliable, and efficient water supply. I believe we have accomplished that goal in this settlement.

The SPEAKER pro tempore. The gentleman's time has expired.

Ms. FOXX. I yield another 30 seconds to the gentleman from California.

Mr. RADANOVICH. Madam Speaker, I support these portions of the Omnibus Public Lands Act, and believe that they should be passed on their own merit. However, for reasons stated above, I cannot support the overall package and urge my colleagues to vote against this rule that did not allow a vote to save 80,000 jobs and over \$2 million in income in California at no cost to the taxpayers.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Madam Speaker, I rise today in strong support of the Omnibus Public Lands bill under consideration, as well as the rule.

This bipartisan and bicameral effort has taken a lot of work, and it has been a long and twisting road. But we have before us today a widely supported piece of legislation that benefits our Nation from Florida to Alaska, Texas to Minnesota, and, indeed, my district in Colorado.

I was lucky enough to grow up in Boulder, Colorado, hiking in Mount Sanitas, the Flat Irons, and Flagstaff Mountain—all areas under public management. This bill will protect and defend some of America's truly great public lands so that children all across the country can grow up enjoying our environment and interacting with our ecosystems, just like I did when I was a kid.

It will also finally give Rocky Mountain National Park, a prized jewel in Colorado, the wilderness designation it deserves. The Rockies, rising high above Denver and our surrounding communities, are visited by local residents and international adventurers who come to be surrounded by our awe-inspiring landscapes and diverse ecosystem.

These visitors sustain Colorado communities like Estes Park and Grand Lake, communities that rely on tourism and recreation jobs, and will be well served by this bill.

Furthermore, the National Landscape Conservation System, the wild and scenic rivers and national heritage areas that this bill codifies, will enrich our country many times over. Just as Rocky Mountain National Park and the Indian Peaks Wilderness have enriched the culture and history of Colorado, the National Landscape Conservation System will enrich our country.

This bill's passage is long overdue. It will preserve landscapes, educate generations, enrich lives and support local communities. We have addressed any reasonable concerns that have been posed, and at long last it is time for this bill to become law.

Madam Speaker, I urge my colleagues to join me in support of this important piece of legislation. I thank

Chairman RAHALL for his leadership on this bill, Representative PINGREE for her leadership on the rule, and I look forward to sending this bill to the President.

Ms. FOXX. Madam Speaker, I now would like to yield 4 minutes to my distinguished colleague, the gentleman from Utah (Mr. BISHOP).

□ 1100

Mr. BISHOP of Utah. Madam Speaker, this new bill and the amendments to the bill cover 177 different issues, 100 of which were obviously never discussed in the House before. I think it is important to note that the chairman of this committee, Mr. RAHALL, the Democrat chairman, would not have done this. On each of the issues we actually did discuss, he went through regular order. There were hearings. There was a markup. They brought them individually to the floor for debate.

This bill is in this condition not because there were Senate filibusters, for indeed some of these provisions have sat over in the Senate for as long as 2 years. This bill—this concoction—is here simply because the Senate failed to do their job. They did not hold hearings. They did not hold markups. They did not bring these issues to the floor in a regular manner. They lumped them all together.

And now it is almost humorous to watch the contortions that the Democratic Party is going to go through to try and stifle any kind of debate or change in this bill. Originally it came to us as a suspension in a situation in which it could not be amended, could not have a motion to recommit, even though it did somehow get an amendment on it. Now it is coming back to us in a version of amendments to another Revolutionary War bill. They actually had a Civil War monument battlefield bill over there with a Republican sponsor. They could have at least made those amendments to that bill and appeared bipartisan. But nonetheless it is now here to us as the form of amendments with a closed rule so we can't talk about them again.

Now one of the amendments that got into this bill, even though it wasn't actually supposed to get into the bill, dealt with hunting rights. Mr. HASTINGS of Washington talked about that issue very briefly. Hunting is not the same thing as the second amendment. And we have special interests that went before a maverick judge who ruled that 8 months of study is not the same thing as a quick review. It is not long enough. And therefore that judge, in her own right, changed National Park Service policy that was designed to create consistency and created instead chaos.

If the Park Service rule had been left in place without this judge playing around with it, all public lands under the Department of the Interior would

be treated the same way. The Bureau of Land Management does not prohibit against lawful concealed carry anywhere that it is allowed by States. The Forest Service doesn't do it either. Only the Park Service. And the Park Service changed their rule to make it in compliance with everything else and bring consistency. This judge changed it to chaos.

Now when we think about national parks, we think about Yellowstone, Grand Canyon, Zion and Bryce. But the National Park Service controls lands, they control roads and walkways. It is impossible to drive or jog without going in and out of Park Service land which is never signed or notified, so no one really knows whether you are actually legally carrying a concealed weapon or not. We have had people who have been arrested, entrapped, on Park Service land for carrying a concealed weapon where if they had gone a couple of blocks further, they would be in Virginia territory where it was legal. That is ridiculous. That is silly.

Yet this provision is now done by judicial fiat, which means that the hunting amendment that was put in by the Democrats in the contortion of trying to get this bill through is now meaningless and it is insignificant, which is why Representative HASTINGS of Washington has an amendment to reverse that decision and bring consistency back to the Department of the Interior.

This is the proper time. It is the proper venue. It should have been made in order. It would have solved the problem.

I introduced another amendment in there to simply take four amendments that were passed by this House on the floor, bipartisan amendments, Republican and Democrat, that were voted in a bipartisan way and rejected by the Senate simply because the Senate said they didn't have the time to review what the House did. These were short amendments. If you wrote small, you could put them all on one page. It is wrong that the Senate rejects the work of this floor. This side of the Capitol is just as important as that side of the Capitol.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman 30 additional seconds.

Mr. BISHOP of Utah. It is just as important as that side of the Capitol. And what we do should be respected. That amendment should have been put in order so that what the House passed and what the House said should be part of this particular bill if indeed it is going to pass. There is no reason why we should have our amendments taken out and let the Senate simply do what it wants to because the Senate failed to work in an orderly process while they had these bills for years and years.

Ms. PINGREE of Maine. Madam Speaker, I yield 1 minute to the gentleman from Idaho (Mr. MINNICK).

Mr. MINNICK. Madam Speaker, this legislation protects public lands in my home State of Idaho within the vast Owyhee Canyonlands. It is contained within one county in my district which is larger than five States and has only 12,000 hardscrabble residents, fewer people per square mile than any county in the continental United States.

Last summer, I had the privilege of spending several days floating a rarely visited upper stretch of the Owyhee River within the area this bill will protect. If passed, this bill will permanently protect as wilderness 517,000 stunning, unspoiled acres of my home State's landscape and would provide Wild and Scenic status to nearly 315 miles of its free flowing rivers. It will also guarantee that the ranching families who have protected this land for generations will continue on, with their grazing rights protected from the free-ranging ORVs which will be restricted to designated roads and trails.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman 15 additional seconds.

Mr. MINNICK. I salute my colleague in the Senate, MIKE CRAPO, who fostered a bipartisan collaborative process of ranchers, public officials, community leaders and conservationists to preserve our cherished Owyhees.

I urge my colleagues to support this historic legislation. I support the rule.

Ms. FOXX. Madam Speaker, I now would like to yield 1 minute to my colleague from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Madam Speaker, I thank the gentlelady for yielding.

A couple of minutes ago, our friend from the other side of the aisle, the gentleman from Oregon said, and I wrote it down, "We need to resist the temptation to tinker with this." Wow. I don't really have a category for that. Think about the experience that we're coming off of where this body failed to properly vet the stimulus package that ends up passing with an 1,100-page thud and all of a sudden people are unable to answer the simple question, did you read it or did you not read it? And we have an AIG debacle that has completely confused and created a great deal of consternation across the country.

Nearly half the bills that are being contemplated in this omnibus, Madam Speaker, have not been contemplated by the House, and that is considered "tinkering"? I think that this is acting as a coequal branch of government. And we ought not to give up this authority, we ought not to give up this responsibility, and we need to vote against this rule so that this House can do the right thing.

Ms. PINGREE of Maine. I reserve my time.

Ms. FOXX. Madam Speaker, I would now like to yield 2 minutes to our colleague, Mr. FLEMING, from Louisiana.

Mr. FLEMING. I thank the gentlelady from North Carolina.

I want to speak out on this rule and certainly the underlying legislation for the omnibus public land bill. The Constitution of the United States has long been a thorn in the side of many activist judges in this country. Last week we witnessed another act of hostility towards the Constitution when a U.S. district judge single-handedly decided to recede one of our basic constitutional rights. The ruling by Judge Colleen Kollar-Kotelly eliminating a law-abiding citizen's right to carry a concealed weapon on Federal lands is a direct assault on the second amendment.

The right to bear arms was a founding principle of our democracy, and the second amendment spells out this principle in clear, unambiguous language that requires no clarification or translation: "The right of the People to keep and bear arms shall not be infringed." Citizens should not lose this right just because they are standing or driving on Federal lands.

It is our responsibility in Congress to craft legislation that is in accordance with the Constitution. And we should not see cede this responsibility to an agenda-driven activist judge.

I urge my colleagues to join me in upholding and protecting this country's founding document by voting to restore Americans' second amendment rights on public lands.

"A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

Let us never forget the second amendment and its importance.

Ms. PINGREE of Maine. Madam Speaker, I reserve my time.

Ms. FOXX. Madam Speaker, I would like to yield 2 minutes to Mr. NUNES, the distinguished gentleman from California.

Mr. NUNES. Madam Speaker, around the world today, more than 1 billion people do not have access to water. Conflict rages among populations on every continent for the control of this vital resource. In the undeveloped world, violence and bloodshed often determine winners and losers. And, indeed, brutal dictators like Robert Mugabe have taken water from their own people as a means of control.

Most Americans would never believe our government is capable of such an act, the intentional drying up of entire communities. That is what the San Joaquin River Settlement does to central California.

Madam Speaker, the Democrat leadership in Congress clearly has no interest in the economic prosperity of the San Joaquin Valley and no compassion for those suffering due to manmade water shortages.

This legislation will ensure higher unemployment in a region nearing 20 percent unemployment. The poverty

you are creating is unprecedented. This body's cruelty in the face of suffering is beyond belief.

If this Congress isn't capable of delivering water to people, perhaps we can ask the United Nations for help. Maybe they would be willing to deliver water, distribute humanitarian aid and rebuild the San Joaquin Valley you seem so committed to destroying.

Madam Speaker, I urge my colleagues to vote "no" on this rule and vote "no" on this bill.

Ms. PINGREE of Maine. I continue to reserve my time.

Ms. FOXX. Madam Speaker, I would like to ask the gentlewoman from Maine if she is prepared to close.

Ms. PINGREE of Maine. Yes. I am the last speaker for this side. I will reserve my time until the gentlewoman has closed for her side and yielded back her time.

Ms. FOXX. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentlewoman is recognized for 4 minutes.

Ms. FOXX. I must urge my colleagues to vote "no" on the previous question so that we can amend this rule to restore Americans' second amendment rights on public lands and wildlife refuges. In January, with overwhelming support from both sides of the aisle, the Federal Government announced a commonsense policy to allow citizens legally to carry concealed firearms in national parks and wildlife refuges in accordance with State law.

Last week, House and Senate leaders added an amendment, sponsored by Representative JASON ALTMIRE, to the Omnibus Public Lands Management Act that protects hunting and fishing on certain parts of Federal land. It clarified that the States have the authority to manage fish and wildlife. In short, the Altmire amendment made certain that Americans kept their second amendment right to carry concealed firearms on public land.

However, in an arbitrary reversal of sound policy on March 19, a U.S. district judge single-handedly decided to block this commonsense policy to allow citizens to carry concealed firearms in national parks and wildlife refuges in accordance with State laws. As Ranking Member HASTINGS said, "There is now a giant hole in the Altmire language." Americans' constitutional second amendment rights are again in jeopardy, and I call on the Democrats in charge to amend this rule so Congress can protect these rights as we were sent here by our constituents to do.

For months, Democrats in the House and Senate have done everything in their power to block the House from voting on any amendments to this enormous 1,200-page, \$10 billion bill which combines over 160 land bills, most of which have never had hearings in either the House or the Senate.



This bill contains hundreds of millions of taxpayer dollars in new spending and locks up additional public land which may have energy resource potential. Many of the bills rolled into this package are controversial and ambiguous, yet in a series of hasty maneuvers to silence dissent, the Democrats have worked to marginalize rather than engage the healthy debate our constituents deserve on these bills.

With this new court ruling, Americans' second amendment rights would be in jeopardy on all Federal land, including 2 million new acres of land designated as "wilderness areas" under this bill. Today, there are 708 federally imposed "wilderness areas" totaling 107 million acres of land in 44 States. If this bill is enacted, the amount of Federal wilderness areas will exceed the amount of all developed land in the United States. If Congress does not take action to protect every American's constitutional rights now, it won't be long before these rights are in jeopardy on even more land.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. Madam Speaker, I call on the Democrats in charge to fulfill their obligation to the American people by restoring their second amendment right to carry concealed firearms on public lands in accordance with State law.

I urge my colleagues to defeat the previous question and defeat the rule.

I yield back the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, let me be clear on two things. Nothing in this bill in any way limits or restricts access as defined by the ADA. Nothing in H.R. 146 changes the status quo in regards to regulation of hunting, fishing and recreational activities in designated areas.

I would like to enter into the RECORD a letter from the National Rifle Association supporting the Altmire amendment to the omnibus public land management bill.

□ 1115

I will also submit for the RECORD a full editorial in today's New York Times, and I would like to read briefly from that editorial.

"This bill establishes three new national park units and protects more than 1,000 miles of wild and scenic rivers and streams from development. But what makes it a memorial piece of legislation are provisions giving permanent wilderness status, the highest layer of protection the law can confer, to 2 million acres of public land in nine States ranging from California and Oregon to Virginia. This would be the

largest addition to the nation's store of protected wilderness, now about 107 million acres, since 1994.

"The bill has broad bipartisan support in Congress and the country at large. But after surviving a threatened filibuster in the Senate in January, it failed by two votes in the House, partly for complex parliamentary reasons and partly because some House Members felt that not all the measure's moving parts (the bill is really 160 smaller bills wrapped into one big one) had been properly vetted in committee.

"This is a defect that afflicts many omnibus bills. It is also true, however, that every single provision in the bill is a product of long and intense negotiations stretching back years on the State and local level, and the product, that is, of consensus.

"The measure is now back in the House after a second trip through the Senate. It has been approved each step of the way. Its most controversial provision for a road through a wildlife refuge in Alaska has been revised for the better. It now gives the Secretary of the Interior the power to veto the road if he feels it would cause excessive environmental damage."

The New York Times closes by saying, "The House should honor all of this work, as well as the country's need for protected open space, by approving this worthy measure."

This legislation has been through the House and the Senate numerous times in one form or another. The items in the bill have been thoroughly vetted. Most, if not all the House provisions have had extensive hearings, committee markups and been passed by the full House. The bill is a bipartisan product that contains language sought by Members on both sides of the aisle. That was reflected in the last week's suspension vote of 282-144 here in the House. The Senate vote was 77-20. Any changes at this point would require that the bill goes back to the Senate, where further action is very unlikely. It is time to pass this widely supported bipartisan legislation and send it to the White House for the President's signature. I urge a "yes" vote on the previous question and on the rule.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION,

*Fairfax, VA, March 10, 2009.*

Hon. NANCY PELOSI,  
*Speaker, House of Representatives, The Capitol, Washington, DC.*

Hon. JOHN BOEHNER,  
*Republican Leader, House of Representatives, The Capitol, Washington, DC.*

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the National Rifle Association, I am writing to express our support for the Altmire amendment to S. 22, the Omnibus Public Land Management Act of 2009. The Altmire amendment would ensure that the provisions of S. 22 will not be used to close lands that are currently open to hunting, fishing, trapping, target shooting and other forms of traditional recreation. In ad-

dition, the amendment clarifies that the states retain the authority to manage resident fish and wildlife.

Encroaching development and the increasing population demand for open space has resulted the closure of federal lands that were once open to traditional forms of recreation, such as hunting and target shooting. Whether it is the closure of a trail that served as the access point for a generations-old hunting camp or the closure of large areas to target shooting, the sportsman's way of life has been under attack. There are those who would exacerbate this situation by attempting to use land designations to further close federal lands to sportsmen. This is why the Altmire amendment is necessary.

The Altmire amendment has already been applied to the National Landscape Conservation System Act within S. 22. It is critical to extend this protection for sportsmen to other areas of the bill, specifically Titles V and VIII pertaining to Rivers and Trails and National Heritage Areas, respectively. This is precisely what the Altmire amendment would do.

While the NRA takes no position on S. 22 as a whole, the meaningful protections provided by the Altmire amendment are critical to preserve access for sportsmen and the authority of the states to manage resident wildlife populations. For these reasons, we support its inclusion in S. 22.

Should you have any questions or need additional information, please do not hesitate to contact me directly.

Sincerely,

CHRIS W. COX,  
*Executive Director,*  
NRA-ILA.

[From the New York Times, Mar. 25, 2009]

#### A BILL WHOSE TIME HAS COME

Maybe, just maybe, with a little nudge from Speaker NANCY PELOSI and other House Democrats, Congress will at last push a historic omnibus public lands bill over the finish line, perhaps as early as Wednesday.

The bill establishes three new national park units and protects more than 1,000 miles of "wild and scenic" rivers and streams from development. But what makes it a memorable piece of legislation are provisions giving permanent wilderness status—the highest layer of protection the law can confer—to two million acres of public land in nine states ranging from California and Oregon to Virginia.

This would be the largest addition to the nation's store of protected wilderness—now about 107 million acres—since 1994.

The bill has broad bipartisan support in Congress and the country at large. But after surviving a threatened filibuster in the Senate in January, it failed by two votes in the House—partly for complex parliamentary reasons and partly because some House members felt that not all of the measure's moving parts (the bill is really 160 smaller bills wrapped into one big one) had been properly vetted in committee.

This is a defect that afflicts many omnibus bills. It is also true, however, that every single provision in the bill is the product of long and intense negotiations stretching back years on the state and local level—the product, that is, of consensus.

The measure is now back in the House after a second trip through the Senate. It has been improved each step of the way. Its most controversial provision—for a road through a wildlife refuge in Alaska—has been revised for the better; it now gives the secretary of the interior the power to veto the road if he



feels it would cause excessive environmental damage.

The House should honor all this work, as well as the country's need for protected open space, by approving this worthy measure.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 280 OFFERED BY MS. FOXX OF NORTH CAROLINA

After "concur in the Senate" strike "amendments" and insert "amendment to the title and concur in the Senate amendment to the text with the amendment specified in section 2".

At the end of the resolution, insert the following:

SEC. 2. The amendment to the text referred to in section 1 is as follows: At the end of title XIII, add the following new section (and conform the table of contents accordingly):

**"SEC. 13007. FIREARMS IN NATIONAL PARKS AND NATIONAL WILDLIFE REFUGES.**

"Except as provided in section 930 of title 18, United States Code, a person may possess, carry, and transport firearms within a national park area or national wildlife refuge area in accordance with the laws of the State in which the national park area or national wildlife refuge are, or that portion thereof, is located".

The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

**THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS**

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form

Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 25, 2009.

Chairwoman LOUISE SLAUGHTER,  
House Rules Committee,  
Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: It is with deep personal regret that I learned of comments you made about my truthfulness at yesterday's Rules Committee hearing in describing the lack of access that disabled Americans and disabled veterans will have on federal lands covered under H.R. 146, the Omnibus Public Lands Management Act of 2009.

Having served on the Rules Committee for twelve years, I take particular exception to the fact you chose to direct your comments at me only after I departed the hearing following my appearing before you as a witness for an hour. If there were doubts about the accuracy of what I stated, courtesy and fair play would mean allowing me the opportunity to rebut your accusations with the facts.

The facts show that my amendments to ensure access for the disabled and disabled veterans on federal lands in this bill are very much needed. As written, the Omnibus Lands Bill prevents and bans public access to federal lands in many ways. The recreational riding of bicycles and motor bikes is prohibited on over 2 million acres of public land. Wheelchair access to wilderness areas is effectively banned as well. Federal law does not ensure that wheelchairs capable of use in outdoor, natural areas are allowed—it only permits wheelchairs that are "suitable for use in an indoor pedestrian area." Wilderness areas and national parks are located outdoors, not indoors. Wheelchairs and similar devices that allow the disabled access to outdoor, natural areas are not ensured under existing law or this Omnibus bill. Furthermore, current federal law expressly says that accommodations for wheelchairs or the disabled in Wilderness areas are not required.

Public lands should be available for public enjoyment, and that includes for the disabled. Yet, true access for disabled veterans and all disabled Americans is not protected in this Omnibus. I proposed two amendments to explicitly ensure access for the disabled and disabled veterans to lands covered in the

Omnibus bill. As you know, these amendments were blocked by you and Democrat Members of the Rules Committee.

I regret the inaccurate, false statements made about my truthfulness, and that such comments were made only after I left the hearing room. But what I most seriously regret is that the Rules Committee under your leadership refused to ensure true access for the disabled and disabled veterans for public lands in the Omnibus bill.

Sincerely,

DOC HASTINGS,  
Ranking Republican Member,  
House Natural Resources Committee.

Ms. PINGREE of Maine. Madam Speaker, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. PINGREE of Maine. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

**SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM ACT OF 2009**

Mr. MOORE of Kansas. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 383) to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 383

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Special Inspector General for the Troubled Asset Relief Program Act of 2009".

**SEC. 2. AUDIT AND INVESTIGATION AUTHORITIES.**

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) in subsection (c), by adding at the end the following:

“(4)(A) Except as provided under subparagraph (B) and in addition to the duties specified in paragraphs (1), (2), and (3), the Special Inspector General shall have the authority to conduct, supervise, and coordinate an audit or investigation of any action taken under this title as the Special Inspector General determines appropriate.

“(B) Subparagraph (A) shall not apply to any action taken under section 115, 116, 117, or 125.”; and

(2) in subsection (d)—

(A) in paragraph (2), by striking “subsection (c)(1)” and inserting “subsection (c)(1) and (4)”;

(B) by adding at the end the following:

“(3) The Office of the Special Inspector General for the Troubled Asset Relief Program shall be treated as an office included under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) relating to the exemption from the initial determination of eligibility by the Attorney General.”.

#### SEC. 3. PERSONNEL AUTHORITIES.

Section 121(e) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) in paragraph (1)—

(A) by inserting “(A)” after “(1)”;

(B) by adding at the end the following:

“(B)(i) Subject to clause (ii), the Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

“(ii) In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

“(I) the Special Inspector General may not make any appointment on and after the date occurring 6 months after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009;

“(II) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

“(III) no period of appointment may exceed the date on which the Office of the Special Inspector General terminates under subsection (k).”;

(2) by adding at the end the following:

“(5)(A) Except as provided under subparagraph (B), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Office of the Special Inspector General for the Troubled Asset Relief Program, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

“(B) Subparagraph (A) shall apply to—

“(i) not more than 25 employees at any time as designated by the Special Inspector General; and

“(ii) pay periods beginning after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009.”.

#### SEC. 4. RESPONSE TO AUDITS AND COOPERATION AND COORDINATION WITH OTHER ENTITIES.

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (e) the following:

“(f) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The Secretary shall—

“(1) take action to address deficiencies identified by a report or investigation of the Special Inspector General or other auditor engaged by the TARP; or

“(2) certify to appropriate committees of Congress that no action is necessary or appropriate.

“(g) COOPERATION AND COORDINATION WITH OTHER ENTITIES.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this section, the Special Inspector General shall work with each of the following entities, with a view toward avoiding duplication of effort and ensuring comprehensive oversight of the Troubled Asset Relief Program through effective cooperation and coordination:

“(1) The Inspector General of the Department of Treasury.

“(2) The Inspector General of the Federal Deposit Insurance Corporation.

“(3) The Inspector General of the Securities and Exchange Commission.

“(4) The Inspector General of the Federal Reserve Board.

“(5) The Inspector General of the Federal Housing Finance Board.

“(6) The Inspector General of any other entity as appropriate.

“(h) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—The Special Inspector General shall be a member of the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) until the date of termination of the Office of the Special Inspector General for the Troubled Asset Relief Program.”.

#### SEC. 5. REPORTING REQUIREMENTS.

Section 121(i) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343), as redesignated by this Act, is amended—

(1) in paragraph (1), by striking the first sentence and inserting “Not later than 60 days after the confirmation of the Special Inspector General, and not later than 30 days following the end of each fiscal quarter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during that fiscal quarter.”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

“(2) Not later than September 1, 2009, the Special Inspector General shall submit a report to Congress assessing use of any funds, to the extent practical, received by a financial institution under the TARP and make the report available to the public, including posting the report on the home page of the website of the Special Inspector General within 24 hours after the submission of the report.”; and

(4) by adding at the end the following:

“(5) Except as provided under paragraph (3), all reports submitted under this subsection shall be available to the public.”.

#### SEC. 6. FUNDING OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL.

Section 121(j)(1) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343), as redesignated by this Act, is amended by inserting before the period at the end the following: “, not later than 7 days after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009”.

#### SEC. 7. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

The Special Inspector General for Iraq Reconstruction and the Special Inspector Gen-

eral for Afghanistan Reconstruction shall be a members of the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) until the date of termination of the Office of the Special Inspector General for Iraq Reconstruction and the Office of the Special Inspector General for Afghanistan Reconstruction, respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes. The Chair recognizes the gentleman from Kansas.

#### GENERAL LEAVE

Mr. MOORE of Kansas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MOORE of Kansas. Madam Speaker, I yield myself as much time as I may consume.

We are in a deep and painful economic downturn, the likes of which we haven't seen in decades. Just last month our economy lost over 650,000 jobs for the third straight month, bringing the total number of jobs lost since December 2007 to 4.4 million. That's more than 1½ times the entire population of my home State of Kansas.

But something we should remember, Madam Speaker, is our financial sector must be stabilized and confidence restored before we see any economic recovery.

My constituents, like most Americans, are anxious and frustrated, and they deserve the strongest oversight and accountability of how their taxpayer dollars are spent.

When Congress enacted the Emergency Economic Stabilization Act last October, the new law not only created the Troubled Assets Relief Program, or TARP, we made sure to include strong oversight protections for United States taxpayers, such as the creation of the Special Inspector General for TARP or SIGTARP.

Last month, Mr. Neal Barofsky, the newly appointed SIGTARP, testified before the House Financial Services Oversight and Investigation Subcommittee. He said that after adding up all the Federal programs utilizing TARP funds, the total amount of money potentially at risk was approximately \$2.875 trillion.

Mr. Barofsky went on to say, “We stand on the precipice of the largest infusion of government funds over the shortest period of time in our Nation's history. History teaches us that an outlay of so much money in such a short period of time will inevitably draw those seeking to profit criminally. We are looking at the potential

exposure of tens if not hundreds of billions of dollars in taxpayer money lost to fraud. We must be vigilant.”

As chairman of the Oversight and Investigations Subcommittee, I couldn’t agree more. We must be vigilant to protect the United States taxpayers.

I worked with my friend, Ranking Member JUDY BIGGERT, as well as Congressmen STEVE DRIEHAUS and ERIC PAULSEN, and we introduced H.R. 1341, a companion bill to the Senate bill, S. 383 we are considering today. The Senate has already unanimously approved this bill twice. Most recently, Senator CLAIRE MCCASKILL introduced this legislation last month, and the Senate approved the bill the same day. This bipartisan legislation equips the SIGTARP with the tools he needs by, No. 1, making clear the SIGTARP has the audit and investigative authority over any taxes taken by the TARP program; No. 2, giving the SIGTARP the authority to hire auditors and staff quickly by granting him temporary hiring authority; No. 3, requiring the Treasury Secretary to explain why any SIGTARP recommendation is not implemented; and, No. 4, mandating that the SIGTARP issue a report no later than September analyzing how TARP funds have been spent to date.

Gene Dodaro from GAO and Professor Elizabeth Warren from Congressional Oversight Panel testified they supported S. 383, and Mr. Barofsky testified that he “desperately needs more hiring flexibility, the type of which is contained in S. 383.”

He said, “Quick passage of this important and essential legislation will allow me to hire rapidly the essential personnel to meet the challenges of providing effective oversight. I believe that this bill will help provide the necessary resources for us to meet our obligation to help protect the U.S. taxpayers’ investments.”

There are additional issues we should consider, such as CO’s request to hire retired annuitants, and other suggestions made at our committee markup that we will continue to monitor. I will note the amendments offered were well-intended, but they did little other than give special emphasis to activities already authorized by SIGTARP’s mandate in current law or as expressed in S. 383.

Conversely, if we included those amendments it would have had the effects of substantially slowing down the bill because it would require further action by the Senate.

Most importantly, I think it’s telling that not one Financial Services Committee member, Republican or Democrat, voted against this bill at the markup. And not one Senator, Republican or Democrat, voted against this bill. Protecting taxpayer money should be a nonpartisan effort, and I believe this bill keeps with that spirit.

In light of the SIGTARP’s testimony and the urgency of his request, and

with legitimate public outrage over the AIG bonuses and other misbehavior by TARP recipients, it’s important now more than ever that we approve this bipartisan bill today so we can send it straight to the President’s desk for signature.

I urge my colleagues to support S. 383, and I reserve the balance of my time.

Mr. PAULSEN. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in strong support of Senate bill 383, the Special Inspector General for the Troubled Asset Relief Program Act.

It is clear that both the Bush and Obama administrations, as well as Congress, have failed to include adequate oversight of taxpayer dollars being spent through the Troubled Asset Relief Program, the TARP bill.

The lack of oversight and transparency are why one of my first votes in Congress as a freshman Member was against the release of the additional \$350 billion in TARP bailout spending that companies like AIG are currently receiving.

When Congress is literally spending billions and billions of taxpayer dollars, it is critical that we have the most stringent oversight and transparency possible. The good news is that we have a chance to act on this important issue today.

The legislation before us gives broad authority for a Special Inspector General to oversee any remaining spending of TARP funds. This bill will provide the Special Inspector General with the authority to conduct, to supervise and to coordinate an audit or any investigation of any action taken with regard to TARP funds. It also will require the Special Inspector General to submit quarterly reports to Congress, while also requiring the Secretary of the Treasury to take action, or certify that no action is necessary, when any problems or deficiencies are identified by the inspector. And of course the bill also requires that the reports on institutions who receive TARP funding be posted on the Special Inspector General’s Web site within 24 hours after being submitted to Congress so the public has access to this information as well. Simply put, this bill represents a major break from the past.

Madam Speaker, the American people deserve to know when Washington is spending taxpayer dollars, and we are making every effort with this legislation to ensure that those dollars are being spent wisely. And while some of us, including me, continue to have serious concerns about the sweeping and the expanding role of government involvement in the private sector, I do believe that we can all agree today that increasing oversight of the money that’s currently being spent is the right thing to do.

As a new Member, I came to Washington hoping to fix broken policies that have plagued Congress for far too long. We have the ability to make that change, and this bill is a move and a step in the right direction. It will take a bipartisan effort from Congress and the administration, but we must make it.

And along those lines, I want to thank especially the chairman of the Oversight and Investigation Subcommittee, Congressman MOORE, for his leadership on this issue and bringing this effort forward in a bipartisan basis.

I also want to commend the ranking member, Ms. JUDY BIGGERT, for her efforts and leadership as well. I appreciate their efforts to work together in a bipartisan way in crafting this legislation.

And I, of course, want to thank the committee staff for their tireless work that they have put on behind the scenes. They have been an extremely valuable resource.

So, Madam Speaker, the bill we have before us today will help us bring accountability to a program that spends hundreds and hundreds of billions of dollars of taxpayer money, and I urge my colleagues support. American taxpayers deserve no less.

Madam Speaker, I reserve the balance of my time.

Mr. MOORE of Kansas. Madam Speaker, I would like to thank Congressman PAULSEN for his work as well on this legislation. I think he is exactly right. We need to pass this on a bipartisan basis.

At this time, Madam Speaker, I yield 2 minutes to the gentlelady from California, Congresswoman SPEIER.

Ms. SPEIER. Thank you, Mr. Chairman, for your leadership.

I rise today in support of S. 383 to authorize the Special Inspector General to hire the essential staff needed to follow the money and provide accountability for the billions of dollars taxpayers have invested in financial institutions.

I must say, Madam Speaker, that this particular function is among the most critical in government today. Aggressive and competent oversight is absolutely necessary for any of these government programs to operate effectively.

Last year, when the House voted for the Emergency Economic Stabilization Act, I raised concerns about potential problems that could hamper TARP. Among them, conflicts of interest and a lack of transparency were the most serious. I was encouraged that leadership was committed to keep a close watch on taxpayer money. This bill honors that commitment.

Within weeks of the passage of the Stabilization Act I had an opportunity to speak with Gene Dodaro from the Government Accountability Office and

Dr. Elizabeth Warren, Chair of the Congressional Oversight Panel. Their reports to Congress have been illuminating in what banks have and have not done with the TARP funds. And both of these individuals have stressed the need for competent and knowledgeable staff to provide proper oversight.

I first met Mr. Neal Barofsky, the Special Inspector General, at a hearing of the Oversight Investigation Subcommittee of the Financial Services Committee, and found his testimony and answers to questions to be frank and extremely well thought out.

Now, he may ruffle some feathers in this city that doesn't like having its feathers ruffled, but he is precisely the kind of person we need to do that job.

□ 1130

I was disappointed to hear that Mr. Barofsky lacked the staff he needed to oversee such a massive outlay of taxpayer money. This bill allows the Special Inspector General to hire 25 retired annuitants. These are people who are retired from Federal service but who have the know-how, who have the ability and who, frankly, will cost us less money because we are not paying for the retirement benefits. These employees are desperately needed, as the article in yesterday's Washington Post provided.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MOORE of Kansas. I yield an additional minute to the gentlewoman.

Ms. SPEIER. Madam Speaker, I have spoken with our subcommittee Chair, Mr. MOORE, about the need to give similar hiring powers to Dr. Warren at the Congressional Oversight Panel, and soon will introduce legislation authorizing that.

We ask the American people to take a huge leap of faith with us when we pass the Emergency Economic Stabilization Act. It is imperative that we protect the taxpayers' investment by providing adequate staffing to conduct the vital oversight and accountability functions.

Mr. PAULSEN. Madam Speaker, I would like to now yield 5 minutes to the distinguished ranking member of the Domestic Policy Subcommittee of the Oversight and Government Reform Committee, the gentleman from California (Mr. ISSA), who takes the role of being a taxpayer watchdog very seriously and works very hard at that effort.

Mr. ISSA. Madam Speaker, a good bill is, in fact, not necessarily the democratic process at work. I am disappointed that the majority chose to forego oversight committee responsibilities on this TARP IG.

In an exchange of letters with the chairman, whom I respect a great deal, we have failed to reconcile that. Although this piece of legislation arrived in the House on February 9, it never

got a hearing or a markup in the committee of primary jurisdiction on all of the IGs. This is not a bad piece of legislation, Madam Speaker. It could be better. It would be better if the majority did not choose to, in their own words, say that there was not time to consider these other items. Madam Speaker, something cannot arrive from the Senate on February 9 and yet have to be passed on March 25 because there was no time. We have had far greater time than we had to do it wrong in the TARP. The speakers on both sides of the aisle have made the very valid point that "ready, shoot aim" was the mistake of the TARP.

I don't believe that this will be an impossible situation. What I do believe is that the democratic process here in the House has been violated once again. Perfectly good, by their own statement, amendments were suggested by the Republican minority on the Financial Services Committee. Yet they were rejected, not based on their merit but based on that it would have taken more time. They would have had to send it back to the Senate. The Senate would have had to have a deliberative process.

Madam Speaker, we are not allowed here in the House to speak ill of the Senate—of the other body—or of the President and the Vice President, but I think we certainly can speak that, if we can be told there is not time to get it right, the Senate should be asked, couldn't they, in fact, be given the time—a day or two or three—to look at amendments that we have considered and that have been rejected on time. I know that is not going to happen. I know that this bill will pass either unanimously or with substantial approval, but this is yet another example of a body who has not recognized that a crisis is not an excuse to move legislation, no matter how well-intended, prematurely or as less than what it should be.

I enjoy working with the chairman of the committee. I believe he is a good man who wants to increase transparency and oversight. I believe we have missed an opportunity here today to do that little bit better that we both promised to do when we were elevated to these positions. So, Madam Speaker, I will vote for this bill. I will vote for this bill because it is more good than bad, but it could have been better.

Mr. MOORE of Kansas. Madam Speaker, I yield 5 minutes to the chairman of the Committee on Oversight and Government Reform, Chairman TOWNS of New York.

Mr. TOWNS. Madam Speaker, as chairman of the Committee on Oversight and Government Reform, I rise in support of S. 383, the Special Inspector General for the Troubled Asset Relief Program Act of 2009.

It has been over 5 months since Congress approved the \$700 billion rescue

plan for the financial industry. During this time, the oversight committee has documented the accountability and transparency shortcomings of the program. I have asked before and I will ask again:

What did the American people get or what can they expect to get from the \$700 billion rescue plan?

It is my goal to make sure that the taxpayers receive meaningful answers to these questions to make certain that the money is spent wisely and to ensure that waste, fraud and mismanagement is avoided. I am pleased to support this legislation because I have no doubt that such oversight of the TARP program will greatly benefit from these measures to strengthen the TARP Special Inspector General.

As Special Inspector General Barofsky told our Domestic Policy Subcommittee earlier this month, more than \$300 billion has already been expended. The spending program is up and running, but the office designed to oversee this spending has not yet been provided with all of the authority it needs to do this job effectively. These are his words.

We should not wait a moment longer. S. 383 provides this authority. It allows the SIGTARP to conduct oversight over all aspects of the TARP program. It also grants the SIGTARP the temporary hiring authority needed to quickly put in place the staff that the IG needs to conduct critical audits of the program. Under normal circumstances, I would not advocate any deviation from the normal civil service hiring process. I would say that is what we should follow, but these are anything but normal circumstances. These critical audits and investigation positions should be filled right away. I should note that, even with its current modest staff, the SIGTARP has demonstrated its effectiveness in overseeing the TARP program.

Last month, I wrote to Treasury Secretary Geithner, urging him to adopt the recommendations made by Mr. Barofsky in his initial report to Congress. I asked that all TARP agreements include language requiring funding recipients to provide information to the SIGTARP and other inspectors general to establish internal controls and to clarify compliance. Importantly, S. 383 would require the Treasury Secretary to report back to Congress if any recommendations made by the SIGTARP are not adopted.

I look forward to working together with Mr. Barofsky and with Secretary Geithner to ensure transparency in the TARP program. I believe this legislation is an important step in restoring our economy. It will provide greater accountability to the taxpayers who are funding the TARP program, and I urge its adoption.

Let me just say that I want to thank all who have worked on this because I

think this is legislation that is very, very important, and I think this is legislation that is going to help us eliminate waste, fraud and abuse.

Mr. PAULSEN. Madam Speaker, I would now like to yield 2 minutes to the distinguished gentleman from the 10th Congressional District from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Madam Speaker, I rise today because we are, once again, considering another legislative cover-up from mistakes that have already been made.

Last week, Democratic leadership here in Congress drove their steamroll of socialism right over this legislative body, forcing through an unconstitutional 90 percent tax targeting AIG employees, but it serves no other purpose than to divert attention from the truth, the truth that congressional leaders made these bonus payments possible through a lack of transparency.

Today, we are hastily considering another bill with the intention of correcting a mistake that should not have been made in the first place. Today's bill to expand the powers of the TARP Inspector General is akin to locking the door on the henhouse after the fox has already snuck in, and now the chickens are dead.

Congress has irresponsibly wasted \$700 billion of the taxpayers' money on TARP, selling this plan to the American people as a way to free up credit markets. But they are not freed up. They are still frozen. We were sold a bill of goods, and now we know that the taxpayer-funded TARP program lacks transparency and accountability.

Madam Speaker, by now, we should anticipate the sly fox's arrival and start locking—in fact, deadbolting—the henhouse door before it gets in, not after. We have to demand transparency. We have to demand accountability. We are not getting it. The American people should demand that. We are spending too much. We are taxing too much. We are borrowing too much money from the TARP all the way to this new budget that has been proposed that we are going to be considering in the very near future. We have got to stop the steamroll of socialism.

Mr. MOORE of Kansas. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Madam Speaker, I just want to say a few words in favor of what is attempting to be done here in the context of this bill.

The TARP situation, which, as we remember, was set up last fall and, in effect, was rammed through here by the then-Secretary of the Treasury, authorized the expenditure of \$700 billion, and under the last administration, about \$380 billion had already been spent. So what we are trying to do here now is to make sure that the rest of

this money is spent in appropriate ways.

We have already set up the Special Inspector General, establishing that piece of responsibility here, and now what we are doing in the context of this bill is putting into effect all of the measures that are going to ensure the effectiveness of that Special Inspector General to make sure that he has the ability to carry out his responsibilities—to oversee the way in which this money is being allocated, how it is being used, what the impact of its use is. None of that was included in that TARP bill which the previous Secretary of the Treasury came here and, in effect, forced through the Congress.

So this is an essential element here. This legislation is critically important. We need to make certain that these economic circumstances are dealt with but that they are dealt with responsibly and effectively, and that is what this legislation is going to do. I cannot see any reason why anyone would object to it, why anyone would put any opposition to it, why anyone would try to slow it down in getting effect. All of this is absolutely essential on behalf of the people of this country.

We heard some statements being made just a couple of minutes ago about money being spent and allegations about how that money is too much. Well, \$380 billion, yes, spent by the previous Secretary of the Treasury is much too much. We need to make sure that this is done in the proper way, and that is why this legislation needs to be adopted.

Mr. MOORE of Kansas. Madam Speaker, we have no more speakers, and we reserve the remainder of our time.

Mr. PAULSEN. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, again, I came to Washington with the goal of increasing transparency and accountability in the way that taxpayer dollars are being spent. I know many of us share that goal. Certainly, the subcommittee chairman does. Unfortunately, it is abundantly clear that the initial TARP bailout funding is being spent without proper oversight. There is no doubt.

When the Federal Government is literally spending hundreds of billions of dollars, it is critical that we have the most stringent oversight of that spending. That is our obligation to the taxpayer, especially now when our constituents are being forced to do much more with much less. They have the absolute right to know that their money—it is their money—is being spent properly and wisely. This legislation will give additional tools to help ensure that there is proper tracking, proper accounting and proper oversight for all the spending of taxpayer dollars going forward.

As the subcommittee chairman knows, in committee, we heard testi-

mony about the potential for additional waste, additional fraud, additional abuse. This ensures we will have protection from that. So I ask my colleagues to vote in support of this legislation.

I yield back the balance of my time.

□ 1145

Mr. MOORE of Kansas. Madam Speaker, I yield myself such time as I may consume.

I want to thank Representative PAULSEN for his contributions here and his work on this legislation.

Let me close by urging my colleagues to support S. 383. I don't know how anyone can argue with the fact that the United States taxpayers we represent deserve strong oversight of how their funds are used, and this bill will do just that. Support this bipartisan bill so we can equip the Special Inspector General for TARP with the staff and authority he needs to track the use of TARP funds and limit any waste, fraud and abuse in the program.

Mr. ISSA. Madam Speaker, I am disappointed that the Majority has unilaterally elected to forgo Oversight and Government Reform Committee consideration of this legislation, which will affect the billions of dollars disbursed under the troubled asset relief program (TARP). Despite the Majority's pledge of openness and transparency, they have chosen to discharge this legislation from our Committee and deny the Members of our Committee, and the citizens they represent, a voice in this important legislation.

The TARP suffers from a serious lack of transparency and accountability. As of February 6th of this year, the Treasury Department has committed \$300 billion in taxpayer funds to our nation's financial institutions in the form of preferred shares and warrants, loans and insurance against losses. While the Treasury Department currently monitors aggregate monthly levels of some banking activities, it does not require any recipient of TARP funds to disclose the details of any individual transaction that the recipient would not have entered into but for the receipt of TARP money. In other words, we do not know whether \$300 billion of taxpayer money has changed anyone's behavior. As a result, neither the Treasury Department, nor Congress, nor the general public truly knows the outcome achieved by the injection of taxpayer funds.

Given the magnitude of the TARP program and the critical importance of focused oversight of this program, avoiding consideration of this legislation in an open, bipartisan process, goes against our shared desire to bring transparency to this massive expenditure of taxpayer funds.

The House received this legislation on February 9, 2009. Since that time, the Oversight Committee has had the benefit of hearings, testimony, policy developments, and institutional action, all of which could improve this legislation. For example, at our hearing on March 11, "Peeling Back the TARP: Exposing Treasury's Failure to Monitor the Ways Financial Institutions are Using Taxpayer Funds

Provided under the Troubled Assets Relief Program", Special Inspector General Barofsky agreed with the need for greater transparency in the TARP program, and Democrats and Republicans had suggestions that could have improved this bill.

For example, if given the opportunity, I would have offered an amendment to this legislation to deliver true transparency in the TARP program, by requiring all data disclosed by TARP recipients to be disclosed in a standard, consistent, and structured format. This is essential to ensure transparency and accountability for TARP funds. Without this amendment, TARP recipients will be able to continue reporting data on how they have used taxpayer money received under TARP in any data format they choose, obscuring important information.

During a hearing before the Domestic Policy Subcommittee of the House Oversight Committee, Mr. KUCINICH and I pressed the SIGTARP on his ability to sift through the survey responses he has received from TARP recipients. We pointed out to him that merely relying on "narrative responses" in a non-standard format from banks would not deliver the kind of transparency and accountability the American people demand. Rather, we have to insist on access to the raw data in order to achieve complete transparency. Mr. Barofsky said that he doesn't have the resources to sift through such data. I agree. However, putting the data in a standardized and machine-readable format would allow investors, regulators, and the public to use innovative technology solutions to sift through these mountains of data.

In addition, I would have offered an amendment to this legislation that would increase the SIGTARP's hiring flexibility so that he would have sufficient latitude to hire the qualified experts he needs. These changes would have enabled SIGTARP to more effectively execute its responsibilities in oversight of the program. Unfortunately, due to the Majority's stifling of debate on this legislation, we will not have the chance to discuss these important ideas.

One conclusion we have learned from the rush to legislate on the TARP, the stimulus bill, appropriations bills, and various bailouts, is that citizens want expedient, but well considered, solutions before we act. Unfortunately, yet again, it appears that transparency, oversight, and Member participation have taken a back seat to political expediency.

Mr. MOORE of Kansas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the Senate bill, S. 383.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MOORE of Kansas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

ordering the previous question on H. Res. 280, by the yeas and nays;  
adoption of H. Res. 280, if ordered;  
motion to suspend on S. 383, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 146, OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 280, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 242, nays 180, not voting 9, as follows:

[Roll No. 150]

YEAS—242

Abercrombie	Connolly (VA)	Green, Gene
Ackerman	Conyers	Grijalva
Adler (NJ)	Cooper	Gutierrez
Altmire	Costa	Hall (NY)
Andrews	Costello	Halvorson
Arcuri	Courtney	Hare
Baca	Crowley	Harman
Baird	Cuellar	Hastings (FL)
Baldwin	Cummings	Heinrich
Bean	Davis (AL)	Herseth Sandlin
Becerra	Davis (CA)	Higgins
Berkley	Davis (IL)	Hill
Berman	Davis (TN)	Himes
Berry	DeFazio	Hinche
Bishop (GA)	DeGette	Hinojosa
Bishop (NY)	Delahunt	Hirono
Blumenauer	DeLauro	Hodes
Bocchieri	Dicks	Holden
Boren	Dingell	Holt
Boswell	Doggett	Honda
Boucher	Donnelly (IN)	Hoyer
Boyd	Doyle	Inslee
Brady (PA)	Driehaus	Israel
Braley (IA)	Edwards (MD)	Jackson (IL)
Bright	Edwards (TX)	Jackson-Lee
Brown, Corrine	Ellison	(TX)
Butterfield	Ellsworth	Johnson (GA)
Capps	Eshoo	Johnson, E. B.
Capuano	Etheridge	Kagen
Cardoza	Farr	Kanjorski
Carnahan	Fattah	Kaptur
Carson (IN)	Filner	Kennedy
Castor (FL)	Foster	Kildee
Chandler	Frank (MA)	Kilpatrick (MI)
Childers	Fudge	Kilroy
Clarke	Giffords	Kind
Clay	Gonzalez	Kissell
Cleaver	Gordon (TN)	Klein (FL)
Clyburn	Grayson	Kratovil
Cohen	Green, Al	Kucinich

Langevin	Neal (MA)	Sherman
Larsen (WA)	Oberstar	Shuler
Lee (CA)	Obey	Sires
Levin	Oliver	Skelton
Lewis (GA)	Ortiz	Slaughter
Lipinski	Pallone	Smith (WA)
Loeb sack	Pascarell	Snyder
Lofgren, Zoe	Pastor (AZ)	Space
Lowe	Payne	Speier
Lujan	Perlmutt	Spratt
Lynch	Peters	Stark
Maffei	Peterson	Stupak
Maloney	Pingree (ME)	Sutton
Markey (CO)	Pollis (CO)	Tanner
Markey (MA)	Pomeroy	Tauscher
Marshall	Price (NC)	Taylor
Massa	Rahall	Teague
Matheson	Rangel	Thompson (CA)
Matsui	Reichert	Thompson (MS)
McCarthy (NY)	Reyes	Tierney
McCollum	Richardson	Titus
McDermott	Rodriguez	Tonko
McGovern	Ross	Towns
McIntyre	Rothman (NJ)	Tsongas
McMahon	Roybal-Allard	Von Hollen
McNerney	Ruppersberger	Velázquez
Meek (FL)	Rush	Visclosky
Meeks (NY)	Ryan (OH)	Walz
Melancon	Salazar	Wasserman
Michaud	Sánchez, Linda	Schultz
Miller (NC)	T.	Waters
Miller, George	Sanchez, Loretta	Watson
Mitchell	Schakowsky	Watt
Mollohan	Schauer	Waxman
Moore (KS)	Schiff	Weiner
Moore (WI)	Schrader	Welch
Moran (VA)	Schwartz	Wexler
Murphy (CT)	Scott (GA)	Wilson (OH)
Murphy, Patrick	Scott (VA)	Woolsey
Murtha	Serrano	Wu
Nadler (NY)	Sestak	Yarmuth
Napolitano	Shea-Porter	

NAYS—180

Aderholt	Dreier	LoBiondo
Akin	Duncan	Lucas
Alexander	Ehlers	Luetkemeyer
Austria	Emerson	Lummis
Bachmann	Fallin	Lungren, Daniel
Bachus	Flake	E.
Barrett (SC)	Fleming	Mack
Barrow	Forbes	Manzullo
Bartlett	Fortenberry	Marchant
Barton (TX)	Fox	McCarthy (CA)
Biggart	Franks (AZ)	McCaul
Billray	Frelinghuysen	McClintock
Bilirakis	Gallely	McCotter
Bishop (UT)	Garrett (NJ)	McHenry
Blackburn	Gerlach	McHugh
Blunt	Gingrey (GA)	McKeon
Boehner	Goodlatte	McMorris
Bonner	Granger	Rodgers
Bono Mack	Graves	Mica
Boozman	Griffith	Miller (FL)
Boustany	Guthrie	Miller (MI)
Brady (TX)	Hall (TX)	Minnick
Broun (GA)	Harper	Moran (KS)
Brown (SC)	Hastings (WA)	Murphy, Tim
Brown-Waite,	Heller	Myrick
Ginny	Hensarling	Neugebauer
Buchanan	Herger	Nunes
Burgess	Hoekstra	Nye
Burton (IN)	Hunter	Olson
Buyer	Inglis	Paul
Calvert	Issa	Paulsen
Camp	Jenkins	Pence
Campbell	Johnson (IL)	Perriello
Cantor	Johnson, Sam	Petri
Cao	Jones	Pitts
Capito	Jordan (OH)	Platts
Carney	King (IA)	Poe (TX)
Carter	King (NY)	Posey
Castle	Kingston	Price (GA)
Chaffetz	Kirk	Putnam
Coble	Kirkpatrick (AZ)	Radanovich
Cole	Kline (MN)	Rehberg
Conaway	Kosmas	Roe (TN)
Crenshaw	Lamborn	Rogers (AL)
Culberson	Lance	Rogers (KY)
Dahlkemper	Latham	Rogers (MI)
Davis (KY)	LaTourette	Rohrabacher
Deal (GA)	Latta	Rooney
Dent	Lee (NY)	Ros-Lehtinen
Diaz-Balart, L.	Lewis (CA)	Roskam
Diaz-Balart, M.	Linder	Royce

Ryan (WI) Smith (NE) Turner  
 Scalise Smith (NJ) Upton  
 Schmidt Smith (TX) Walden  
 Schock Souder Wamp  
 Sensenbrenner Stearns Whitfield  
 Sessions Terry Wilson (SC)  
 Shadegg Thompson (PA) Wittman  
 Shimkus Thornberry Wolf  
 Shuster Tiahrt Young (AK)  
 Simpson Tiberi Young (FL)

## NOT VOTING—9

Cassidy Gohmert Sarbanes  
 Coffman (CO) Larson (CT) Sullivan  
 Engel Miller, Gary Westmoreland

## □ 1210

Messrs. WITTMAN, POSEY, BARRETT of South Carolina and YOUNG of Alaska changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. COFFMAN. Madam Speaker, I was unavoidably detained. If I voted, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Ms. FOXX. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 177, not voting 7, as follows:

## [Roll No. 151]

## AYES—247

Abercrombie Conyers Gutierrez  
 Ackerman Cooper Hall (NY)  
 Adler (NJ) Costa Halvorson  
 Altmire Costello Hare  
 Andrews Courtney Harman  
 Arcuri Crowley Hastings (FL)  
 Baca Cuellar Heinrich  
 Baird Cummings Herseth Sandlin  
 Baldwin Dahlkemper Higgins  
 Barrow Davis (AL) Hill  
 Bean Davis (CA) Himes  
 Becerra Davis (IL) Hinchey  
 Berkley Davis (TN) Hinojosa  
 Berman DeFazio Hirono  
 Berry DeGette Hodes  
 Bishop (GA) Delahunt Holden  
 Bishop (NY) DeLauro Holt  
 Blumenauer Dicks Honda  
 Boccieri Dingell Hoyer  
 Boren Doggett Inslee  
 Boswell Doyle Israel  
 Boucher Driehaus Jackson (IL)  
 Boyd Edwards (MD) Jackson-Lee  
 Brady (PA) Edwards (TX) (TX)  
 Braley (IA) Ellison Johnson (GA)  
 Bright Ellsworth Johnson, E. B.  
 Brown, Corrine Eshoo Kagen  
 Butterfield Etheridge Kanjorski  
 Capps Farr Kaptur  
 Capuano Fattah Kennedy  
 Cardoza Filner Kildee  
 Carnahan Foster Kilpatrick (MI)  
 Carney Frank (MA) Kilroy  
 Carson (IN) Fudge Kind  
 Castor (FL) Giffords Kissell  
 Chandler Gonzalez Klein (FL)  
 Clarke Gordon (TN) Kosmas  
 Clay Grayson Kratovil  
 Cleaver Green, Al Kucinich  
 Clyburn Green, Gene Langevin  
 Cohen Griffith Larsen (WA)  
 Connolly (VA) Grijalva Larson (CT)

Lee (CA) Nye  
 Levin Oberstar  
 Lewis (GA) Obey  
 Lipinski Oliver  
 Loeb sack Ortiz  
 Lofgren, Zoe Pallone  
 Lowey Pascrell  
 Lujan Pastor (AZ)  
 Lynch Payne  
 Maffei Perlmutter  
 Maloney Perriello  
 Markey (CO) Peters  
 Markey (MA) Peterson  
 Marshall Pingree (ME)  
 Massa Polis (CO)  
 Matheson Pomeroy  
 Matsui Price (NC)  
 McCarthy (NY) Rahall  
 McCollum Rangel  
 McDermott Reichert  
 McGovern Reyes  
 McIntyre Richardson  
 McMahon Rodriguez  
 McNerney Ross  
 Meek (FL) Rothman (NJ)  
 Meeks (NY) Roybal-Allard  
 Melancon Ruppersberger  
 Michaud Rush  
 Miller (NC) Ryan (OH)  
 Miller, George Salazar  
 Minnick Sanchez, Linda  
 Mitchell T.  
 Mollohan Sanchez, Loretta  
 Moore (KS) Schakowsky  
 Moore (WI) Schauer  
 Moran (VA) Schiff  
 Murphy (CT) Schrader  
 Murphy, Patrick Schwartz  
 Murtha Scott (GA)  
 Nadler (NY) Scott (VA)  
 Napolitano Serrano  
 Neal (MA) Sestak

## NOES—177

Aderholt Dreier Lucas  
 Akin Duncan Luetkemeyer  
 Alexander Ehlers Lummis  
 Austria Emerson Lungren, Daniel  
 Bachmann Fallin E.  
 Bachus Flake Mack  
 Barrett (SC) Fleming Manzanillo  
 Bartlett Forbes Marchant  
 Barton (TX) Fortenberry McCarthy (CA)  
 Biggert Foxx McCaul  
 Bilbray Franks (AZ) McClintock  
 Bilirakis Frelinghuysen McCotter  
 Bishop (UT) Gallegly McHenry  
 Blackburn Garrett (NJ) McHugh  
 Blunt Gerlach McKeon  
 Boehner Gingrey (GA) McMorris  
 Bonner Gohmert Rodgers  
 Bono Mack Goodlatte  
 Boozman Granger Mica  
 Boustany Graves Miller (FL)  
 Brady (TX) Guthrie Miller (MI)  
 Broun (GA) Hall (TX) Moran (KS)  
 Brown (SC) Harper Murphy, Tim  
 Brown-Waite, Hastings (WA) Myrick  
 Ginny Heller Neugebauer  
 Buchanan Hensarling Nunes  
 Burgess Herger Olson  
 Burton (IN) Hoekstra Paul  
 Buyer Hunter Pence  
 Calvert Inglis Petri  
 Camp Issa Pitts  
 Campbell Jenkins Platts  
 Cantor Johnson (IL) Poe (TX)  
 Cao Johnson, Sam Posey  
 Capito Jones Putnam  
 Carter Jordan (OH) Radanovich  
 Cassidy King (IA) Rehberg  
 Castle King (NY) Roe (TN)  
 Chaffetz Kingston Rogers (AL)  
 Coble Kirk Rogers (KY)  
 Coffman (CO) Kirkpatrick (AZ) Rogers (MI)  
 Cole Kline (MN) Rohrabacher  
 Conaway Lamborn Rooney  
 Crenshaw Lance Ros-Lehtinen  
 Culberson Latham Roskam  
 Davis (KY) LaTourette Royce  
 Deal (GA) Latta Ryan (WI)  
 Dent Lee (NY) Scalise  
 Diaz-Balart, L. Lewis (CA) Schmidt  
 Diaz-Balart, M. Linder Schock  
 Donnelly (IN) LoBiondo Sensenbrenner

Sessions Stearns Upton  
 Shadegg Stupak Walden  
 Shimkus Sullivan Wamp  
 Shuster Terry Whitfield  
 Simpson Thompson (PA) Wilson (SC)  
 Smith (NE) Thornberry Wittman  
 Smith (NJ) Tiahrt Wolf  
 Smith (TX) Tiberi Young (AK)  
 Souder Turner Young (FL)

## NOT VOTING—7

Childers Price (GA) Woolsey  
 Engel Sarbanes  
 Miller, Gary Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

## □ 1218

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PRICE of Georgia. Mr. Speaker, on roll-call No. 151, had I been present, I would have voted “no.”

## SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 383, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the Senate bill, S. 383.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, nays 0, not voting 8, as follows:

## [Roll No. 152]

## YEAS—423

Abercrombie Blumenauer Capito  
 Ackerman Blunt Capps  
 Aderholt Boccieri Capuano  
 Adler (NJ) Boehner Cardoza  
 Akin Bonner Carnahan  
 Alexander Bono Mack Carney  
 Altmire Boozman Carson (IN)  
 Andrews Boren Carter  
 Arcuri Boswell Cassidy  
 Austria Boucher Castle  
 Baca Boustany Castor (FL)  
 Bachmann Boyd Chaffetz  
 Bachus Brady (PA) Chandler  
 Baird Brady (TX) Childers  
 Baldwin Braley (IA) Clarke  
 Barrett (SC) Bright Clay  
 Barrow Broun (GA) Cleaver  
 Bartlett Brown (SC) Clyburn  
 Barton (TX) Brown, Corrine Coble  
 Bean Brown-Waite, Coffman (CO)  
 Becerra Ginny Cohen  
 Berkley Buchanan Cole  
 Berman Burgess Conaway  
 Berry Burton (IN) Connolly (VA)  
 Biggert Butterfield Conyers  
 Bilbray Buyer Cooper  
 Bilirakis Calvert Costa  
 Bishop (GA) Camp Costello  
 Bishop (NY) Campbell Courtney  
 Bishop (UT) Cantor Crenshaw  
 Blackburn Cao Crowley



Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inlee  
Israel  
Issa  
Jackson (IL)

Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)

Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space

Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt

Tiberi  
Tierney  
Titus  
Tonko  
Townes  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters

Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Young (AK)  
Young (FL)

## NOT VOTING—8

Engel  
Eshoo  
Miller, Gary  
Price (GA)  
Rohrabacher  
Sarbanes  
Westmoreland  
Yarmuth

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1225

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PRICE of Georgia. Mr. Speaker, on roll-call No. 152, had I been present, I would have voted "yea."

# OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 280, I move to take from the Speaker's table the bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes, with the Senate amendments thereto, and I have a motion at the desk.

The SPEAKER pro tempore (Mr. SALAZAR). The Clerk will report the title of the bill, designate the Senate amendments and designate the motion.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Omnibus Public Land Management Act of 2009".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

### Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.

Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.

Sec. 1003. Monongahela National Forest boundary confirmation.

Sec. 1004. Enhanced Trail Opportunities.

### Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.

Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest as wilderness or a wilderness study area.

Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.

Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.

Sec. 1105. Trail plan and development.

Sec. 1106. Maps and boundary descriptions.

Sec. 1107. Effective date.

### Subtitle C—Mt. Hood Wilderness, Oregon

Sec. 1201. Definitions.

Sec. 1202. Designation of wilderness areas.

Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.

Sec. 1204. Mount Hood National Recreation Area.

Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.

Sec. 1206. Land exchanges.

Sec. 1207. Tribal provisions; planning and studies.

### Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.

Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.

Sec. 1303. Protection of tribal rights.

### Subtitle E—Cascade-Siskiyou National Monument, Oregon

Sec. 1401. Definitions.

Sec. 1402. Voluntary grazing lease donation program.

Sec. 1403. Box R Ranch land exchange.

Sec. 1404. Deerfield land exchange.

Sec. 1405. Soda Mountain Wilderness.

Sec. 1406. Effect.

### Subtitle F—Owyhee Public Land Management

Sec. 1501. Definitions.

Sec. 1502. Owyhee Science Review and Conservation Center.

Sec. 1503. Wilderness areas.

Sec. 1504. Designation of wild and scenic rivers.

Sec. 1505. Land identified for disposal.

Sec. 1506. Tribal cultural resources.

Sec. 1507. Recreational travel management plans.

Sec. 1508. Authorization of appropriations.

### Subtitle G—Sabinoso Wilderness, New Mexico

Sec. 1601. Definitions.

Sec. 1602. Designation of the Sabinoso Wilderness.

### Subtitle H—Pictured Rocks National Lakeshore Wilderness

Sec. 1651. Definitions.

Sec. 1652. Designation of Beaver Basin Wilderness.

Sec. 1653. Administration.

Sec. 1654. Effect.

### Subtitle I—Oregon Badlands Wilderness

Sec. 1701. Definitions.

Sec. 1702. Oregon Badlands Wilderness.

Sec. 1703. Release.

Sec. 1704. Land exchanges.

Sec. 1705. Protection of tribal treaty rights.

### Subtitle J—Spring Basin Wilderness, Oregon

Sec. 1751. Definitions.

Sec. 1752. Spring Basin Wilderness.

Sec. 1753. Release.

Sec. 1754. Land exchanges.  
 Sec. 1755. Protection of tribal treaty rights.  
     *Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California*  
 Sec. 1801. Definitions.  
 Sec. 1802. Designation of wilderness areas.  
 Sec. 1803. Administration of wilderness areas.  
 Sec. 1804. Release of wilderness study areas.  
 Sec. 1805. Designation of wild and scenic rivers.  
 Sec. 1806. Bridgeport Winter Recreation Area.  
 Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.  
 Sec. 1808. Ancient Bristlecone Pine Forest.  
     *Subtitle L—Riverside County Wilderness, California*  
 Sec. 1851. Wilderness designation.  
 Sec. 1852. Wild and scenic river designations, Riverside County, California.  
 Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.  
     *Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California*  
 Sec. 1901. Definitions.  
 Sec. 1902. Designation of wilderness areas.  
 Sec. 1903. Administration of wilderness areas.  
 Sec. 1904. Authorization of appropriations.  
     *Subtitle N—Rocky Mountain National Park Wilderness, Colorado*  
 Sec. 1951. Definitions.  
 Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.  
 Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.  
 Sec. 1954. East Shore Trail Area.  
 Sec. 1955. National forest area boundary adjustments.  
 Sec. 1956. Authority to lease Leiffer tract.  
     *Subtitle O—Washington County, Utah*  
 Sec. 1971. Definitions.  
 Sec. 1972. Wilderness areas.  
 Sec. 1973. Zion National Park wilderness.  
 Sec. 1974. Red Cliffs National Conservation Area.  
 Sec. 1975. Beaver Dam Wash National Conservation Area.  
 Sec. 1976. Zion National Park wild and scenic river designation.  
 Sec. 1977. Washington County comprehensive travel and transportation management plan.  
 Sec. 1978. Land disposal and acquisition.  
 Sec. 1979. Management of priority biological areas.  
 Sec. 1980. Public purpose conveyances.  
 Sec. 1981. Conveyance of Dixie National Forest land.  
 Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.  
 Sec. 1983. Authorization of appropriations.  
     **TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS**  
     *Subtitle A—National Landscape Conservation System*  
 Sec. 2001. Definitions.  
 Sec. 2002. Establishment of the National Landscape Conservation System.  
 Sec. 2003. Authorization of appropriations.  
     *Subtitle B—Prehistoric Trackways National Monument*  
 Sec. 2101. Findings.  
 Sec. 2102. Definitions.  
 Sec. 2103. Establishment.  
 Sec. 2104. Administration.  
 Sec. 2105. Authorization of appropriations.  
     *Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area*  
 Sec. 2201. Definitions.  
 Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.

Sec. 2203. Management of the Conservation Area.  
 Sec. 2204. Authorization of appropriations.  
     *Subtitle D—Snake River Birds of Prey National Conservation Area*  
 Sec. 2301. Snake River Birds of Prey National Conservation Area.  
     *Subtitle E—Dominguez-Escalante National Conservation Area*  
 Sec. 2401. Definitions.  
 Sec. 2402. Dominguez-Escalante National Conservation Area.  
 Sec. 2403. Dominguez Canyon Wilderness Area.  
 Sec. 2404. Maps and legal descriptions.  
 Sec. 2405. Management of Conservation Area and Wilderness.  
 Sec. 2406. Management plan.  
 Sec. 2407. Advisory council.  
 Sec. 2408. Authorization of appropriations.  
     *Subtitle F—Rio Puerco Watershed Management Program*  
 Sec. 2501. Rio Puerco Watershed Management Program.  
     *Subtitle G—Land Conveyances and Exchanges*  
 Sec. 2601. Carson City, Nevada, land conveyances.  
 Sec. 2602. Southern Nevada limited transition area conveyance.  
 Sec. 2603. Nevada Cancer Institute land conveyance.  
 Sec. 2604. Turnabout Ranch land conveyance, Utah.  
 Sec. 2605. Boy Scouts land exchange, Utah.  
 Sec. 2606. Douglas County, Washington, land conveyance.  
 Sec. 2607. Twin Falls, Idaho, land conveyance.  
 Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.  
 Sec. 2609. Park City, Utah, land conveyance.  
 Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.  
 Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.  
     **TITLE III—FOREST SERVICE AUTHORIZATIONS**  
     *Subtitle A—Watershed Restoration and Enhancement*  
 Sec. 3001. Watershed restoration and enhancement agreements.  
     *Subtitle B—Wildland Firefighter Safety*  
 Sec. 3101. Wildland firefighter safety.  
     *Subtitle C—Wyoming Range*  
 Sec. 3201. Definitions.  
 Sec. 3202. Withdrawal of certain land in the Wyoming range.  
 Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.  
     *Subtitle D—Land Conveyances and Exchanges*  
 Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.  
 Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.  
 Sec. 3303. Santa Fe National Forest; Pecos National Historical Park Land Exchange.  
 Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.  
 Sec. 3305. Kittitas County, Washington, land conveyance.  
 Sec. 3306. Mammoth Community Water District use restrictions.  
 Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.  
 Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.  
 Sec. 3309. Sandia pueblo land exchange technical amendment.  
     *Subtitle E—Colorado Northern Front Range Study*  
 Sec. 3401. Purpose.

Sec. 3402. Definitions.  
 Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.  
     **TITLE IV—FOREST LANDSCAPE RESTORATION**  
 Sec. 4001. Purpose.  
 Sec. 4002. Definitions.  
 Sec. 4003. Collaborative Forest Landscape Restoration Program.  
 Sec. 4004. Authorization of appropriations.  
     **TITLE V—RIVERS AND TRAILS**  
     *Subtitle A—Additions to the National Wild and Scenic Rivers System*  
 Sec. 5001. Fossil Creek, Arizona.  
 Sec. 5002. Snake River Headwaters, Wyoming.  
 Sec. 5003. Taunton River, Massachusetts.  
     *Subtitle B—Wild and Scenic Rivers Studies*  
 Sec. 5101. Misisquoui and Trout Rivers Study.  
     *Subtitle C—Additions to the National Trails System*  
 Sec. 5201. Arizona National Scenic Trail.  
 Sec. 5202. New England National Scenic Trail.  
 Sec. 5203. Ice Age Floods National Geologic Trail.  
 Sec. 5204. Washington-Rochambeau Revolutionary Route National Historic Trail.  
 Sec. 5205. Pacific Northwest National Scenic Trail.  
 Sec. 5206. Trail of Tears National Historic Trail.  
     *Subtitle D—National Trail System Amendments*  
 Sec. 5301. National Trails System willing seller authority.  
 Sec. 5302. Revision of feasibility and suitability studies of existing national historic trails.  
 Sec. 5303. Chisholm Trail and Great Western Trails Studies.  
     *Subtitle E—Effect of Title*  
 Sec. 5401. Effect.  
     **TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS**  
     *Subtitle A—Cooperative Watershed Management Program*  
 Sec. 6001. Definitions.  
 Sec. 6002. Program.  
 Sec. 6003. Effect of subtitle.  
     *Subtitle B—Competitive Status for Federal Employees in Alaska*  
 Sec. 6101. Competitive status for certain Federal employees in the State of Alaska.  
     *Subtitle C—Wolf Livestock Loss Demonstration Project*  
 Sec. 6201. Definitions.  
 Sec. 6202. Wolf compensation and prevention program.  
 Sec. 6203. Authorization of appropriations.  
     *Subtitle D—Paleontological Resources Preservation*  
 Sec. 6301. Definitions.  
 Sec. 6302. Management.  
 Sec. 6303. Public awareness and education program.  
 Sec. 6304. Collection of paleontological resources.  
 Sec. 6305. Curation of resources.  
 Sec. 6306. Prohibited acts; criminal penalties.  
 Sec. 6307. Civil penalties.  
 Sec. 6308. Rewards and forfeiture.  
 Sec. 6309. Confidentiality.  
 Sec. 6310. Regulations.  
 Sec. 6311. Savings provisions.  
 Sec. 6312. Authorization of appropriations.  
     *Subtitle E—Izembek National Wildlife Refuge Land Exchange*  
 Sec. 6401. Definitions.  
 Sec. 6402. Land exchange.

Sec. 6403. King Cove Road.  
 Sec. 6404. Administration of conveyed lands.  
 Sec. 6405. Failure to begin road construction.  
 Sec. 6406. Expiration of legislative authority.

#### TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

##### Subtitle A—Additions to the National Park System

Sec. 7001. Paterson Great Falls National Historical Park, New Jersey.  
 Sec. 7002. William Jefferson Clinton Birthplace Home National Historic Site.  
 Sec. 7003. River Raisin National Battlefield Park.

##### Subtitle B—Amendments to Existing Units of the National Park System

Sec. 7101. Funding for Keweenaw National Historical Park.  
 Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.  
 Sec. 7103. Little River Canyon National Preserve boundary expansion.  
 Sec. 7104. Hopewell Culture National Historical Park boundary expansion.  
 Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.

Sec. 7106. Minute Man National Historical Park.

Sec. 7107. Everglades National Park.  
 Sec. 7108. Kalaupapa National Historical Park.  
 Sec. 7109. Boston Harbor Islands National Recreation Area.

Sec. 7110. Thomas Edison National Historical Park, New Jersey.

Sec. 7111. Women's Rights National Historical Park.

Sec. 7112. Martin Van Buren National Historic Site.

Sec. 7113. Palo Alto Battlefield National Historical Park.

Sec. 7114. Abraham Lincoln Birthplace National Historical Park.

Sec. 7115. New River Gorge National River.

Sec. 7116. Technical corrections.

Sec. 7117. Dayton Aviation Heritage National Historical Park, Ohio.

Sec. 7118. Fort Davis National Historic Site.

##### Subtitle C—Special Resource Studies

Sec. 7201. Walnut Canyon study.  
 Sec. 7202. Tule Lake Segregation Center, California.

Sec. 7203. Estate Grange, St. Croix.

Sec. 7204. Harriet Beecher Stowe House, Maine.

Sec. 7205. Shepherdstown battlefield, West Virginia.

Sec. 7206. Green McAdoo School, Tennessee.

Sec. 7207. Harry S Truman Birthplace, Missouri.

Sec. 7208. Battle of Matewan special resource study.

Sec. 7209. Butterfly Overland Trail.

Sec. 7210. Cold War sites theme study.

Sec. 7211. Battle of Camden, South Carolina.

Sec. 7212. Fort San Gerónimo, Puerto Rico.

##### Subtitle D—Program Authorizations

Sec. 7301. American Battlefield Protection Program.

Sec. 7302. Preserve America Program.

Sec. 7303. Save America's Treasures Program.

Sec. 7304. Route 66 Corridor Preservation Program.

Sec. 7305. National Cave and Karst Research Institute.

##### Subtitle E—Advisory Commissions

Sec. 7401. Na Hoa Pili O Kaloko-Honokohau Advisory Commission.

Sec. 7402. Cape Cod National Seashore Advisory Commission.

Sec. 7403. Concessions Management Advisory Board.

Sec. 7404. St. Augustine 450th Commemoration Commission.

#### TITLE VIII—NATIONAL HERITAGE AREAS

##### Subtitle A—Designation of National Heritage Areas

Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.

Sec. 8002. Cache La Poudre River National Heritage Area, Colorado.

Sec. 8003. South Park National Heritage Area, Colorado.

Sec. 8004. Northern Plains National Heritage Area, North Dakota.

Sec. 8005. Baltimore National Heritage Area, Maryland.

Sec. 8006. Freedom's Way National Heritage Area, Massachusetts and New Hampshire.

Sec. 8007. Mississippi Hills National Heritage Area.

Sec. 8008. Mississippi Delta National Heritage Area.

Sec. 8009. Muscle Shoals National Heritage Area, Alabama.

Sec. 8010. Kenai Mountains-Turnagain Arm National Heritage Area, Alaska.

##### Subtitle B—Studies

Sec. 8101. Chattahoochee Trace, Alabama and Georgia.

Sec. 8102. Northern Neck, Virginia.

##### Subtitle C—Amendments Relating to National Heritage Corridors

Sec. 8201. Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

Sec. 8202. Delaware And Lehigh National Heritage Corridor.

Sec. 8203. Erie Canalway National Heritage Corridor.

Sec. 8204. John H. Chafee Blackstone River Valley National Heritage Corridor.

##### Subtitle D—Effect of Title

Sec. 8301. Effect on access for recreational activities.

#### TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

##### Subtitle A—Feasibility Studies

Sec. 9001. Snake, Boise, and Payette River systems, Idaho.

Sec. 9002. Sierra Vista Subwatershed, Arizona.

Sec. 9003. San Diego Intertie, California.

##### Subtitle B—Project Authorizations

Sec. 9101. Tumalo Irrigation District Water Conservation Project, Oregon.

Sec. 9102. Madera Water Supply Enhancement Project, California.

Sec. 9103. Eastern New Mexico Rural Water System project, New Mexico.

Sec. 9104. Rancho California Water District project, California.

Sec. 9105. Jackson Gulch Rehabilitation Project, Colorado.

Sec. 9106. Rio Grande Pueblos, New Mexico.

Sec. 9107. Upper Colorado River endangered fish programs.

Sec. 9108. Santa Margarita River, California.

Sec. 9109. Elsinore Valley Municipal Water District.

Sec. 9110. North Bay Water Reuse Authority.

Sec. 9111. Prado Basin Natural Treatment System Project, California.

Sec. 9112. Bunker Hill Groundwater Basin, California.

Sec. 9113. GREAT Project, California.

Sec. 9114. Yucaipa Valley Water District, California.

Sec. 9115. Arkansas Valley Conduit, Colorado.

##### Subtitle C—Title Transfers and Clarifications

Sec. 9201. Transfer of McGee Creek pipeline and facilities.

Sec. 9202. Albuquerque Biological Park, New Mexico, title clarification.

Sec. 9203. Goleta Water District Water Distribution System, California.

##### Subtitle D—San Gabriel Basin Restoration Fund

Sec. 9301. Restoration Fund.

##### Subtitle E—Lower Colorado River Multi-Species Conservation Program

Sec. 9401. Definitions.

Sec. 9402. Implementation and water accounting.

Sec. 9403. Enforceability of program documents.

Sec. 9404. Authorization of appropriations.

##### Subtitle F—Secure Water

Sec. 9501. Findings.

Sec. 9502. Definitions.

Sec. 9503. Reclamation climate change and water program.

Sec. 9504. Water management improvement.

Sec. 9505. Hydroelectric power assessment.

Sec. 9506. Climate change and water intragovernmental panel.

Sec. 9507. Water data enhancement by United States Geological Survey.

Sec. 9508. National water availability and use assessment program.

Sec. 9509. Research agreement authority.

Sec. 9510. Effect.

##### Subtitle G—Aging Infrastructure

Sec. 9601. Definitions.

Sec. 9602. Guidelines and inspection of project facilities and technical assistance to transferred works operating entities.

Sec. 9603. Extraordinary operation and maintenance work performed by the Secretary.

Sec. 9604. Relationship to Twenty-First Century Water Works Act.

Sec. 9605. Authorization of appropriations.

#### TITLE X—WATER SETTLEMENTS

##### Subtitle A—San Joaquin River Restoration Settlement

##### PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

Sec. 10001. Short title.

Sec. 10002. Purpose.

Sec. 10003. Definitions.

Sec. 10004. Implementation of settlement.

Sec. 10005. Acquisition and disposal of property; title to facilities.

Sec. 10006. Compliance with applicable law.

Sec. 10007. Compliance with Central Valley Project Improvement Act.

Sec. 10008. No private right of action.

Sec. 10009. Appropriations; Settlement Fund.

Sec. 10010. Repayment contracts and acceleration of repayment of construction costs.

Sec. 10011. California Central Valley Spring Run Chinook salmon.

##### PART II—STUDY TO DEVELOP WATER PLAN; REPORT

Sec. 10101. Study to develop water plan; report.

##### PART III—FRIANT DIVISION IMPROVEMENTS

Sec. 10201. Federal facility improvements.

Sec. 10202. Financial assistance for local projects.

Sec. 10203. Authorization of appropriations.

##### Subtitle B—Northwestern New Mexico Rural Water Projects

Sec. 10301. Short title.

Sec. 10302. Definitions.

Sec. 10303. Compliance with environmental laws.

Sec. 10304. No reallocation of costs.

Sec. 10305. Interest rate.

##### PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87-483

Sec. 10401. Amendments to the Colorado River Storage Project Act.

Sec. 10402. Amendments to Public Law 87-483.  
Sec. 10403. Effect on Federal water law.

**PART II—RECLAMATION WATER SETTLEMENTS FUND**

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**TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM**

**Subtitle A—Wild Monongahela Wilderness**

**SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.**

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of

West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled “Big Draft Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Big Draft Wilderness”.

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled “Cranberry Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97-466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled “Dolly Sods Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93-622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled “Otter Creek Expansion Proposed Wilderness” and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93-622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled “Roaring Plains Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Roaring Plains West Wilderness”.

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled “Spice Run Proposed Wilderness” and dated March 11, 2008, which shall be known as the “Spice Run Wilderness”.

**(b) MAPS AND LEGAL DESCRIPTION.—**

(1) FILING AND AVAILABILITY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the maps and descriptions.

(c) ADMINISTRATION.—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods Wilderness addition designated by paragraph (3) of subsection (a) and the Roaring Plains West Wilderness Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas as wilderness.

(d) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C.

1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

**SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.**

(a) **BOUNDARY ADJUSTMENT.**—The boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97-466 (96 Stat. 2538) is modified to exclude two parcels of land, as generally depicted on the map entitled “Monongahela National Forest Laurel Fork South Wilderness Boundary Modification” and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the office of the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(b) **MANAGEMENT.**—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

**SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.**

(a) **IN GENERAL.**—The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled “Monongahela National Forest Boundary Confirmation” and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, encompassed within such boundary shall be managed under the laws and regulations pertaining to the National Forest System.

(b) **LAND AND WATER CONSERVATION FUND.**—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Monongahela National Forest, as confirmed by subsection (a), shall be considered to be the boundaries of the Monongahela National Forest as of January 1, 1965.

**SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.**

(a) **PLAN.**—

(1) **IN GENERAL.**—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) **NONMOTORIZED RECREATION TRAIL DEFINED.**—For the purposes of this subsection, the term “nonmotorized recreation trail” means a trail designed for hiking, bicycling, and equestrian use.

(b) **REPORT.**—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the plan required under subsection (a), including the identification of priority trails for development.

(c) **CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.**—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

**Subtitle B—Virginia Ridge and Valley Wilderness**

**SEC. 1101. DEFINITIONS.**

In this subtitle:

(1) **SCENIC AREAS.**—The term “scenic areas” means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

**SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LAND IN JEFFERSON NATIONAL FOREST AS WILDERNESS OR A WILDERNESS STUDY AREA.**

(a) **DESIGNATION OF WILDERNESS.**—Section 1 of Public Law 100-326 (16 U.S.C. 1132 note; 102 Stat. 584, 114 Stat. 2057), is amended—

(1) in the matter preceding paragraph (1), by striking “System—” and inserting “System.”;

(2) by striking “certain” each place it appears and inserting “Certain”;

(3) in each of paragraphs (1) through (6), by striking the semicolon at the end and inserting a period;

(4) in paragraph (7), by striking “; and” and inserting a period;

(5) by adding at the end the following:

“(9) Certain land in the Jefferson National Forest comprising approximately 3,743 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain East Wilderness’.

“(10) Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled ‘Brush Mountain and Brush Mountain East’ and dated May 5, 2008, which shall be known as the ‘Brush Mountain Wilderness’.

“(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled ‘Seng Mountain and Raccoon Branch’ and dated April 28, 2008, which shall be known as the ‘Raccoon Branch Wilderness’.

“(12) Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled ‘Stone Mountain’ and dated April 28, 2008, which shall be known as the ‘Stone Mountain Wilderness’.

“(13) Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Hunting Camp Creek Wilderness’.

“(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled ‘Garden Mountain and Hunting Camp Creek’ and dated April 28, 2008, which shall be known as the ‘Garden Mountain Wilderness’.

“(15) Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled ‘Mountain Lake Additions’ and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(16) Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled ‘Lewis Fork Addition and Little Wilson Creek Additions’ and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(17) Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as generally depicted on the map entitled ‘Lewis Fork Addition and Little Wilson Creek Additions’ and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(18) Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled ‘Shawvers Run Additions’ and dated April 28,

2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).

“(19) Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled ‘Peters Mountain Addition’ and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

“(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled ‘Kimberling Creek Additions and Potential Wilderness Area’ and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).”.

(b) **DESIGNATION OF WILDERNESS STUDY AREA.**—The Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586) is amended—

(1) in the first section, by inserting “as” after “cited”; and

(2) in section 6(a)—

(A) by striking “certain” each place it appears and inserting “Certain”;

(B) in each of paragraphs (1) and (2), by striking the semicolon at the end and inserting a period;

(C) in paragraph (3), by striking “; and” and inserting a period; and

(D) by adding at the end the following:

“(5) Certain land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled ‘Lynn Camp Creek Wilderness Study Area’ and dated April 28, 2008, which shall be known as the ‘Lynn Camp Creek Wilderness Study Area’.”.

**SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.**

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled “Kimberling Creek Additions and Potential Wilderness Area” and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586).

(b) **MANAGEMENT.**—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) **ECOLOGICAL RESTORATION.**—

(1) **IN GENERAL.**—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, and any other activity necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Kimberling Creek Wilderness.

(2) **LIMITATION.**—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) **WILDERNESS DESIGNATION.**—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are

incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

**SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.**

(a) **ESTABLISHMENT.**—There are designated as National Scenic Areas—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled “Seng Mountain and Raccoon Branch” and dated April 28, 2008, which shall be known as the “Seng Mountain National Scenic Area”; and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled “Bear Creek” and dated April 28, 2008, which shall be known as the “Bear Creek National Scenic Area”.

(b) **PURPOSES.**—The purposes of the scenic areas are—

(1) to ensure the protection and preservation of scenic quality, water quality, natural characteristics, and water resources of the scenic areas;

(2) consistent with paragraph (1), to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests; and

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) **AUTHORIZED USES.**—The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas.

(2) **EFFECT.**—Nothing in this subsection requires the Secretary to revise the land and resource management plan for the Jefferson National Forest under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(e) **ROADS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed within the scenic areas.

(2) **LIMITATION.**—Nothing in this subsection denies any owner of private land (or an interest in private land) that is located in a scenic area the right to access the private land.

(f) **TIMBER HARVEST.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) **EXCEPTIONS.**—The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

(3) **FIREWOOD FOR PERSONAL USE.**—Firewood may be harvested for personal use along perimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

(g) **INSECT AND DISEASE OUTBREAKS.**—The Secretary may control insect and disease outbreaks—

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

(h) **VEGETATION MANAGEMENT.**—The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act.

(i) **MOTORIZED VEHICLES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

(2) **EXCEPTIONS.**—The Secretary may authorize the use of motorized vehicles—

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b);

(B) to assist wildlife management projects in existence on the date of enactment of this Act; and

(C) during deer and bear hunting seasons—

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as “open seasonally”.

(j) **WILDFIRE SUPPRESSION.**—Wildfire suppression within the scenic areas shall be conducted—

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

(k) **WATER.**—The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(l) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing laws.

**SEC. 1105. TRAIL PLAN AND DEVELOPMENT.**

(a) **TRAIL PLAN.**—The Secretary, in consultation with interested parties, shall establish a trail plan to develop—

(1) in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), hiking and equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) nonmotorized recreation trails in the scenic areas.

(b) **IMPLEMENTATION REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan, including the identification of priority trails for development.

(c) **SUSTAINABLE TRAIL REQUIRED.**—The Secretary shall develop a sustainable trail, using a contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)) connecting to Forest Development Road 49352 in Smyth County, Virginia.

**SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.**

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

(1) the scenic areas;

(2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5));

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-586) (as added by section 1102(b)(2)(D)); and

(4) the potential wilderness area designated by section 1103(a).

(b) **FORCE AND EFFECT.**—The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) **AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.**—The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) **CONFLICT.**—In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

**SEC. 1107. EFFECTIVE DATE.**

Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering—

(1) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100-326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) the potential wilderness area designated by section 1103(a).

**Subtitle C—Mt. Hood Wilderness, Oregon**

**SEC. 1201. DEFINITIONS.**

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(2) **STATE.**—The term “State” means the State of Oregon.

**SEC. 1202. DESIGNATION OF WILDERNESS AREAS.**

(a) **DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Oregon are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) **BADGER CREEK WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, as generally depicted on the maps entitled “Badger Creek Wilderness—Badger Creek Additions” and “Badger Creek Wilderness—Bonney Butte”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) **BULL OF THE WOODS WILDERNESS ADDITION.**—Certain Federal land managed by the Forest Service, comprising approximately 10,180 acres, as generally depicted on the map entitled “Bull of the Woods Wilderness—Bull of the Woods Additions”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) **CLACKAMAS WILDERNESS.**—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the maps entitled “Clackamas Wilderness—Big Bottom”, “Clackamas Wilderness—Clackamas Canyon”, “Clackamas Wilderness—Memaloose Lake”, “Clackamas Wilderness—Sisi Butte”, and “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007, which shall be known as the “Clackamas Wilderness”.

(4) **MARK O. HATFIELD WILDERNESS ADDITIONS.**—Certain Federal land managed by the Forest Service, comprising approximately 25,960 acres, as generally depicted on the maps entitled “Mark O. Hatfield Wilderness—Gorge Face”



and “Mark O. Hatfield Wilderness—Larch Mountain”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Mark O. Hatfield Wilderness, as designated by section 3(1) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(5) MOUNT HOOD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 18,450 acres, as generally depicted on the maps entitled “Mount Hood Wilderness—Barlow Butte”, “Mount Hood Wilderness—Elk Cove/Mazama”, “Richard L. Kohnstamm Memorial Area”, “Mount Hood Wilderness—Sand Canyon”, “Mount Hood Wilderness—Sandy Additions”, “Mount Hood Wilderness—Twin Lakes”, and “Mount Hood Wilderness—White River”, dated July 16, 2007, and the map entitled “Mount Hood Wilderness—Cloud Cap”, dated July 20, 2007, which is incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 36,550 acres, as generally depicted on the map entitled “Roaring River Wilderness—Roaring River Wilderness”, dated July 16, 2007, which shall be known as the “Roaring River Wilderness”.

(7) SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 16,620 acres, as generally depicted on the maps entitled “Salmon-Huckleberry Wilderness—Alder Creek Addition”, “Salmon-Huckleberry Wilderness—Eagle Creek Addition”, “Salmon-Huckleberry Wilderness—Hunchback Mountain”, “Salmon-Huckleberry Wilderness—Inch Creek”, “Salmon-Huckleberry Wilderness—Mirror Lake”, and “Salmon-Huckleberry Wilderness—Salmon River Meadows”, dated July 16, 2007, which is incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(8) LOWER WHITE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,870 acres, as generally depicted on the map entitled “Lower White River Wilderness—Lower White River”, dated July 16, 2007, which shall be known as the “Lower White River Wilderness”.

(b) RICHARD L. KOHNSTAMM MEMORIAL AREA.—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Richard L. Kohnstamm Memorial Area”, dated July 16, 2007, is designated as the “Richard L. Kohnstamm Memorial Area”.

(c) POTENTIAL WILDERNESS AREA; ADDITIONS TO WILDERNESS AREAS.—

(1) ROARING RIVER POTENTIAL WILDERNESS AREA.—

(A) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as “Potential Wilderness” on the map entitled “Roaring River Wilderness”, dated July 16, 2007, is designated as a potential wilderness area.

(B) MANAGEMENT.—The potential wilderness area designated by subparagraph (A) shall be managed in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133).

(C) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.), the potential wilderness shall be—

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the Roaring River Wilderness designated by subsection (a)(6).

(2) ADDITION TO THE MOUNT HOOD WILDERNESS.—On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled “Mount Hood Wilderness—Tilly Jane”, dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

(3) ADDITION TO THE SALMON-HUCKLEBERRY WILDERNESS.—On acquisition by the United States, the approximately 160 acres of land identified as “Land to be acquired by USFS” on the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006, shall be incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273) and enlarged by subsection (a)(7).

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(4) DESCRIPTION OF LAND.—The boundaries of the areas designated as wilderness by subsection (a) that are immediately adjacent to a utility right-of-way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right-of-way or the project boundary.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this section shall be administered by the Secretary that has jurisdiction over the land within the wilderness, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the wilderness.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(f) BUFFER ZONES.—

(1) IN GENERAL.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Pub-

lic Law 98-328), Congress does not intend for designation of wilderness areas in the State under this section to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(g) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

(h) FIRE, INSECTS, AND DISEASES.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary that has jurisdiction over the land within the wilderness (referred to in this subsection as the “Secretary”) may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(i) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

#### SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA.

(a) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(171) SOUTH FORK CLACKAMAS RIVER, OREGON.—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

“(172) EAGLE CREEK, OREGON.—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

“(173) MIDDLE FORK HOOD RIVER.—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

“(174) SOUTH FORK ROARING RIVER, OREGON.—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

“(175) ZIG ZAG RIVER, OREGON.—The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

“(176) FIFTEENMILE CREEK, OREGON.—

“(A) IN GENERAL.—The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

“(i) The 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river.

“(ii) The 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.



“(iii) The 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river.

“(iv) The 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

“(B) INCLUSIONS.—Notwithstanding section 3(b), the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

“(177) EAST FORK HOOD RIVER, OREGON.—The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

“(178) COLLAWASH RIVER, OREGON.—The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence of the mainstream of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river.

“(B) The 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

“(179) FISH CREEK, OREGON.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.”

(2) EFFECT.—The amendments made by paragraph (1) do not affect valid existing water rights.

(b) PROTECTION FOR HOOD RIVER, OREGON.—Section 13(a)(4) of the “Columbia River Gorge National Scenic Area Act” (16 U.S.C. 544k(a)(4)) is amended by striking “for a period not to exceed twenty years from the date of enactment of this Act.”

#### SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA.

(a) DESIGNATION.—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, watershed, and fish and wildlife values, there is established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 34,550 acres, as generally depicted on the maps entitled “National Recreation Areas—Mount Hood NRA”, “National Recreation Areas—Fifteenmile Creek NRA”, and “National Recreation Areas—Shellrock Mountain”, dated February 2007.

(c) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Mount Hood National Recreation Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and the legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on

file and available for public inspection in the appropriate offices of the Forest Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

(i) in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

(ii) consistent with the purposes described in subsection (a); and

(B) only allow uses of the Mount Hood National Recreation Area that are consistent with the purposes described in subsection (a).

(2) APPLICABLE LAW.—Any portion of a wilderness area designated by section 1202 that is located within the Mount Hood National Recreation Area shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(e) TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

(ii) to the extent that the trees promote stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;

(2) to accomplish an approved management activity in furtherance of the purposes established by this section, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this section.

(f) ROAD CONSTRUCTION.—No new or temporary roads shall be constructed or reconstructed within the Mount Hood National Recreation Area except as necessary—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the United States;

(3) to allow for the exercise of reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road; or

(5) to rectify a hazardous road condition.

(g) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Mount Hood National Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing.

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the Federal land described in paragraph (2) is transferred from the Bureau of Land Management to the Forest Service.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 130 acres of land administered by the Bureau of Land Management that is within or adjacent to the Mount Hood National Recreation Area and that is identified as “BLM Lands” on the map entitled “National Recreation Areas—Shellrock Mountain”, dated February 2007.

#### SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

(a) CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—On completion of the land exchange under section 1206(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Crystal Springs Watershed Special Resources Management Unit”, dated June 2006 (referred to in this subsection as the “map”), to be known as the “Crystal Springs Watershed Special Resources Management Unit” (referred to in this subsection as the “Management Unit”).

(B) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.

(C) WITHDRAWAL.—

(i) IN GENERAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(ii) EXCEPTION.—Clause (i)(I) does not apply to the parcel of land generally depicted as “HES 151” on the map.

(2) PURPOSES.—The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) MAP AND LEGAL DESCRIPTION.—

(A) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall—

(i) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.—To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(I) National Forest System land; or  
(II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) **PROHIBITED ACTIVITIES.**—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) **FOREST ROAD CLOSURES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) **EXCEPTION.**—Nothing in this subsection requires the Secretary to close the road commonly known as “Cloud Cap Road”, which shall be administered in accordance with otherwise applicable law.

(7) **PRIVATE LAND.**—

(A) **EFFECT.**—Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the “Crystal Springs Zone of Contribution” by—

(i) the owners of the private property; and

(ii) guests to the private property.

(B) **COOPERATION.**—The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) **ACQUISITION OF LAND.**—

(A) **IN GENERAL.**—The Secretary may acquire from willing landowners any land located within the area identified on the map as the “Crystal Springs Zone of Contribution”.

(B) **INCLUSION IN MANAGEMENT UNIT.**—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(b) **PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.**—

(1) **IN GENERAL.**—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(2) **DESCRIPTION OF LAND.**—The Federal land referred to in paragraph (1) is—

(A) the approximately 1,580 acres, as generally depicted on the map entitled “Upper Big Bottom”, dated July 16, 2007; and

(B) the approximately 280 acres identified as “Cultus Creek” on the map entitled “Clackamas Wilderness—South Fork Clackamas”, dated July 16, 2007.

(3) **MAPS AND LEGAL DESCRIPTIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) **FORCE OF LAW.**—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(C) **PUBLIC AVAILABILITY.**—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) **USE OF LAND.**—

(A) **IN GENERAL.**—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).

(B) **PROHIBITED USES.**—The following shall be prohibited on the Federal land described in paragraph (2):

(i) Permanent roads.

(ii) Commercial enterprises.

(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(I) the use of motor vehicles; or

(II) the establishment of temporary roads.

(5) **WITHDRAWAL.**—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

#### **SEC. 1206. LAND EXCHANGES.**

(a) **COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **COUNTY.**—The term “County” means Hood River County, Oregon.

(B) **EXCHANGE MAP.**—The term “exchange map” means the map entitled “Cooper Spur/Government Camp Land Exchange”, dated June 2006.

(C) **FEDERAL LAND.**—The term “Federal land” means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as “USFS Land to be Conveyed” on the exchange map.

(D) **MT. HOOD MEADOWS.**—The term “Mt. Hood Meadows” means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) **NON-FEDERAL LAND.**—The term “non-Federal land” means—

(i) the parcel of approximately 770 acres of private land at Cooper Spur identified as “Land to be acquired by USFS” on the exchange map; and

(ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) **COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**—

(A) **CONVEYANCE OF LAND.**—Subject to the provisions of this subsection, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements re-

served under subparagraph (G)), subject to valid existing rights.

(B) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) **CONDITIONS ON ACCEPTANCE.**—

(i) **TITLE.**—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) **TERMS AND CONDITIONS.**—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) **APPRAISALS.**—

(i) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) **REQUIREMENTS.**—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) **SURVEYS.**—

(i) **IN GENERAL.**—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) **COSTS.**—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) **RESERVATION OF EASEMENTS.**—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(i) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(ii) a trail easement to the Federal land that allows—

(I) nonmotorized use by the public of existing trails;

(II) roads, utilities, and infrastructure facilities to cross the trails; and

(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) **PORT OF CASCADE LOCKS LAND EXCHANGE.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **EXCHANGE MAP.**—The term “exchange map” means the map entitled “Port of Cascade Locks/Pacific Crest National Scenic Trail Land Exchange”, dated June 2006.

(B) **FEDERAL LAND.**—The term “Federal land” means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area identified as “USFS Land to be conveyed” on the exchange map.

(C) **NON-FEDERAL LAND.**—The term “non-Federal land” means the parcels of land consisting of approximately 40 acres identified as “Land to be acquired by USFS” on the exchange map.

(D) **PORT.**—The term “Port” means the Port of Cascade Locks, Cascade Locks, Oregon.

(2) LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS ON ACCEPTANCE.—

(A) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(B) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(4) APPRAISALS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(5) SURVEYS.—

(A) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(B) COSTS.—The responsibility for the costs of any surveys conducted under subparagraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(6) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(c) HUNCHBACK MOUNTAIN LAND EXCHANGE AND BOUNDARY ADJUSTMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term “County” means Clackamas County, Oregon.

(B) EXCHANGE MAP.—The term “exchange map” means the map entitled “Hunchback Mountain Land Exchange, Clackamas County”, dated June 2006.

(C) FEDERAL LAND.—The term “Federal land” means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest identified as “USFS Land to be Conveyed” on the exchange map.

(D) NON-FEDERAL LAND.—The term “non-Federal land” means the parcel of land consisting of approximately 160 acres identified as “Land to be acquired by USFS” on the exchange map.

(2) HUNCHBACK MOUNTAIN LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this paragraph, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the County all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this paragraph, the

Secretary shall carry out the land exchange under this paragraph in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this paragraph, title to the non-Federal land to be acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this paragraph shall be completed not later than 16 months after the date of enactment of this Act.

(3) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Mount Hood National Forest shall be adjusted to incorporate—

(i) any land conveyed to the United States under paragraph (2); and

(ii) the land transferred to the Forest Service by section 1204(h)(1).

(B) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary shall administer the land described in subparagraph (A)—

(i) in accordance with—

(I) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(II) any laws (including regulations) applicable to the National Forest System; and

(ii) subject to sections 1202(c)(3) and 1204(d), as applicable.

(C) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(d) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

(1) REQUIREMENTS APPLICABLE TO THE CONVEYANCE OF FEDERAL LAND.—

(A) IN GENERAL.—As a condition of each of the conveyances of Federal land under this section, the Secretary shall include in the deed of conveyance a requirement that applicable construction activities and alterations shall be conducted in accordance with—

(i) nationally recognized building and property maintenance codes; and

(ii) nationally recognized codes for development in the wildland-urban interface and wildfire hazard mitigation.

(B) APPLICABLE LAW.—To the maximum extent practicable, the codes required under subparagraph (A) shall be consistent with the nationally recognized codes adopted or referenced by the State or political subdivisions of the State.

(C) ENFORCEMENT.—The requirements under subparagraph (A) may be enforced by the same entities otherwise enforcing codes, ordinances, and standards.

(2) COMPLIANCE WITH CODES ON FEDERAL LAND.—The Secretary shall ensure that applicable construction activities and alterations undertaken or permitted by the Secretary on National Forest System land in the Mount Hood National Forest are conducted in accordance with—

(A) nationally recognized building and property maintenance codes; and

(B) nationally recognized codes for development in the wildland-urban interface development and wildfire hazard mitigation.

(3) EFFECT ON ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS.—Nothing in this subsection alters or limits the power of the State or a political subdivision of the State to implement or enforce any law (including regulations), rule, or standard relating to development or fire prevention and control.

#### SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(a) TRANSPORTATION PLAN.—

(1) IN GENERAL.—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed by the Oregon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(A) to promote appropriate economic development;

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(2) ISSUES TO BE ADDRESSED.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(B) establishing park-and-ride facilities that shall be located at gateway communities;

(C) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(D) creating a new interchange on Oregon State Highway 26 located adjacent to or within Government Camp;

(E) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(i) providing emergency routes; or

(ii) improving access to, and travel within, the Mount Hood region;

(F) the feasibility of establishing—

(i) a gondola connection that—

(I) connects Timberline Lodge to Government Camp; and

(II) is located in close proximity to the site of the historic gondola corridor; and

(ii) an intermodal transportation center to be located in close proximity to Government Camp;

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon; and

(H) creating mechanisms for funding the implementation of the transportation plan under paragraph (1), including—

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

(iv) other financing tools that link transportation infrastructure improvements with development.

(b) MOUNT HOOD NATIONAL FOREST STEWARD-SHIP STRATEGY.—

(1) IN GENERAL.—The Secretary shall prepare a report on, and implementation schedule for, the vegetation management strategy (including recommendations for biomass utilization) for the Mount Hood National Forest being developed by the Forest Service.

(2) SUBMISSION TO CONGRESS.—

(A) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) IMPLEMENTATION SCHEDULE.—Not later than 1 year after the date on which the vegetation management strategy referred to in paragraph (1) is completed, the Secretary shall submit the implementation schedule to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(c) LOCAL AND TRIBAL RELATIONSHIPS.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with Indian tribes with treaty-reserved gathering rights on land encompassed by the Mount Hood National Forest and in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, dated April 25, 2003, as modified, shall develop and implement a management plan that meets the cultural foods obligations of the United States under applicable treaties, including the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) EFFECT.—This paragraph shall be considered to be consistent with, and is intended to help implement, the gathering rights reserved by the treaty described in subparagraph (A).

(2) SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.—

(A) TREATY RIGHTS.—Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) TRIBAL LAND.—Nothing in this subtitle affects land held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other land acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(d) RECREATIONAL USES.—

(1) MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.—The Secretary may establish a working group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering a Forest Service road in the Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

(3) IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.—The Secretary, in consultation with the public, may design and construct a

trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

#### Subtitle D—Copper Salmon Wilderness, Oregon

### SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) DESIGNATION.—Section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328) is amended—

(1) in the matter preceding paragraph (1), by striking “eight hundred fifty-nine thousand six hundred acres” and inserting “873,300 acres”;

(2) in paragraph (29), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled ‘Proposed Copper Salmon Wilderness Area’ and dated December 7, 2007, to be known as the ‘Copper Salmon Wilderness’.”

(b) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this subtitle as the “Secretary”) shall file a map and a legal description of the Copper Salmon Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) BOUNDARY.—If the boundary of the Copper Salmon Wilderness shares a border with a road, the Secretary may only establish an offset that is not more than 150 feet from the centerline of the road.

(4) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

### SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking “19-mile segment” and inserting “29-mile segment”;

(2) in subparagraph (A), by striking “; and” and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

“(B)(i) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

“(C)(i) The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

“(ii) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.”

### SEC. 1303. PROTECTION OF TRIBAL RIGHTS.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as diminishing any right of any Indian tribe.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum

of understanding with the Coquille Indian Tribe regarding access to the Copper Salmon Wilderness to conduct historical and cultural activities.

#### Subtitle E—Cascade-Siskiyou National Monument, Oregon

### SEC. 1401. DEFINITIONS.

In this subtitle:

(1) BOX R RANCH LAND EXCHANGE MAP.—The term “Box R Ranch land exchange map” means the map entitled “Proposed Rowlett Land Exchange” and dated June 13, 2006.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term “Bureau of Land Management land” means the approximately 40 acres of land administered by the Bureau of Land Management identified as “Rowlett Selected”, as generally depicted on the Box R Ranch land exchange map.

(3) DEERFIELD LAND EXCHANGE MAP.—The term “Deerfield land exchange map” means the map entitled “Proposed Deerfield-BLM Property Line Adjustment” and dated May 1, 2008.

(4) DEERFIELD PARCEL.—The term “Deerfield parcel” means the approximately 1.5 acres of land identified as “From Deerfield to BLM”, as generally depicted on the Deerfield land exchange map.

(5) FEDERAL PARCEL.—The term “Federal parcel” means the approximately 1.3 acres of land administered by the Bureau of Land Management identified as “From BLM to Deerfield”, as generally depicted on the Deerfield land exchange map.

(6) GRAZING ALLOTMENT.—The term “grazing allotment” means any of the Box R, Buck Lake, Buck Mountain, Buck Point, Conde Creek, Cove Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly, Howard Prairie, Jenny Creek, Keene Creek, North Cove Creek, and Soda Mountain grazing allotments in the State.

(7) GRAZING LEASE.—The term “grazing lease” means any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(8) LANDOWNER.—The term “Landowner” means the owner of the Box R Ranch in the State.

(9) LESSEE.—The term “lessee” means a livestock operator that holds a valid existing grazing lease for a grazing allotment.

(10) LIVESTOCK.—The term “livestock” does not include beasts of burden used for recreational purposes.

(11) MONUMENT.—The term “Monument” means the Cascade-Siskiyou National Monument in the State.

(12) ROWLETT PARCEL.—The term “Rowlett parcel” means the parcel of approximately 40 acres of private land identified as “Rowlett Offered”, as generally depicted on the Box R Ranch land exchange map.

(13) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(14) STATE.—The term “State” means the State of Oregon.

(15) WILDERNESS.—The term “Wilderness” means the Soda Mountain Wilderness designated by section 1405(a).

(16) WILDERNESS MAP.—The term “wilderness map” means the map entitled “Soda Mountain Wilderness” and dated May 5, 2008.

### SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PROGRAM.

(a) EXISTING GRAZING LEASES.—

(1) DONATION OF LEASE.—

(A) ACCEPTANCE BY SECRETARY.—The Secretary shall accept any grazing lease that is donated by a lessee.

(B) TERMINATION.—The Secretary shall terminate any grazing lease acquired under subparagraph (A).

(C) NO NEW GRAZING LEASE.—Except as provided in paragraph (3), with respect to each

grazing lease donated under subparagraph (A), the Secretary shall—

(i) not issue any new grazing lease within the grazing allotment covered by the grazing lease; and

(ii) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(2) **DONATION OF PORTION OF GRAZING LEASE.**—

(A) **IN GENERAL.**—A lessee with a grazing lease for a grazing allotment partially within the Monument may elect to donate only that portion of the grazing lease that is within the Monument.

(B) **ACCEPTANCE BY SECRETARY.**—The Secretary shall accept the portion of a grazing lease that is donated under subparagraph (A).

(C) **MODIFICATION OF LEASE.**—Except as provided in paragraph (3), if a lessee donates a portion of a grazing lease under subparagraph (A), the Secretary shall—

(i) reduce the authorized grazing level and area to reflect the donation; and

(ii) modify the grazing lease to reflect the reduced level and area of use.

(D) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the level and area of livestock grazing on the land covered by a portion of a grazing lease donated under subparagraph (A), the Secretary shall not allow grazing to exceed the authorized level and area established under subparagraph (C).

(3) **COMMON ALLOTMENTS.**—

(A) **IN GENERAL.**—If a grazing allotment covered by a grazing lease or portion of a grazing lease that is donated under paragraph (1) or (2) also is covered by another grazing lease that is not donated, the Secretary shall reduce the grazing level on the grazing allotment to reflect the donation.

(B) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the level of livestock grazing on the land covered by the grazing lease or portion of a grazing lease donated under paragraph (1) or (2), the Secretary shall not allow grazing to exceed the level established under subparagraph (A).

(b) **LIMITATIONS.**—The Secretary—

(1) with respect to the Agate, Emigrant Creek, and Siskiyou allotments in and near the Monument—

(A) shall not issue any grazing lease; and

(B) shall ensure a permanent end to livestock grazing on each allotment; and

(2) shall not establish any new allotments for livestock grazing that include any Monument land (whether leased or not leased for grazing on the date of enactment of this Act).

(c) **EFFECT OF DONATION.**—A lessee who donates a grazing lease or a portion of a grazing lease under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

#### **SEC. 1403. BOX R RANCH LAND EXCHANGE.**

(a) **IN GENERAL.**—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and

(2) if the Landowner accepts the offer—

(A) the Secretary shall convey to the Landowner all right, title, and interest of the United States in and to the Bureau of Land Management land; and

(B) the Landowner shall convey to the Secretary all right, title, and interest of the Landowner in and to the Rowlett parcel.

(b) **SURVEYS.**—

(1) **IN GENERAL.**—The exact acreage and legal description of the Bureau of Land Management

land and the Rowlett parcel shall be determined by surveys approved by the Secretary.

(2) **COSTS.**—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Landowner.

(c) **CONDITIONS.**—The conveyance of the Bureau of Land Management land and the Rowlett parcel under this section shall be subject to—

(1) valid existing rights;

(2) title to the Rowlett parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(3) such terms and conditions as the Secretary may require; and

(4) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) **APPRAISALS.**—

(1) **IN GENERAL.**—The Bureau of Land Management land and the Rowlett parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) **REQUIREMENTS.**—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) **APPROVAL.**—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

(e) **GRAZING ALLOTMENT.**—As a condition of the land exchange authorized under this section, the lessee of the grazing lease for the Box R grazing lease in accordance with section 1402(a)(1).

#### **SEC. 1404. DEERFIELD LAND EXCHANGE.**

(a) **IN GENERAL.**—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and

(2) if Deerfield Learning Associates accepts the offer—

(A) the Secretary shall convey to Deerfield Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and

(B) Deerfield Learning Associates shall convey to the Secretary all right, title, and interest of Deerfield Learning Associates in and to the Deerfield parcel.

(b) **SURVEYS.**—

(1) **IN GENERAL.**—The exact acreage and legal description of the Federal parcel and the Deerfield parcel shall be determined by surveys approved by the Secretary.

(2) **COSTS.**—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Deerfield Learning Associates.

(c) **CONDITIONS.**—

(1) **IN GENERAL.**—The conveyance of the Federal parcel and the Deerfield parcel under this section shall be subject to—

(A) valid existing rights;

(B) title to the Deerfield parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(C) such terms and conditions as the Secretary may require; and

(D) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) **APPRAISALS.**—

(1) **IN GENERAL.**—The Federal parcel and the Deerfield parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) **REQUIREMENTS.**—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) **APPROVAL.**—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

#### **SEC. 1405. SODA MOUNTAIN WILDERNESS.**

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres of Monument land, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Soda Mountain Wilderness”.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **SUBMISSION OF MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE AND EFFECT.**—

(A) **IN GENERAL.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(B) **NOTIFICATION.**—The Secretary shall submit to Congress notice of any changes made in the map or legal description under subparagraph (A), including notice of the reason for the change.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.**—Except as provided by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), within the wilderness areas designated by this subtitle, the Secretary may take such measures in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(3) **LIVESTOCK.**—Except as provided in section 1402 and by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), the grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **FISH AND WILDLIFE MANAGEMENT.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(5) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

#### **SEC. 1406. EFFECT.**

Nothing in this subtitle—

(1) affects the authority of a Federal agency to modify or terminate grazing permits or leases, except as provided in section 1402;

(2) authorizes the use of eminent domain;

(3) creates a property right in any grazing permit or lease on Federal land;

(4) establishes a precedent for future grazing permit or lease donation programs; or

(5) affects the allocation, ownership, interest, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right held by the United States, an Indian tribe, a State, or a private individual, partnership, or corporation.

#### **Subtitle F—Owyhee Public Land Management**

##### **SEC. 1501. DEFINITIONS.**

In this subtitle:

(1) **ACCOUNT.**—The term “account” means the Owyhee Land Acquisition Account established by section 1505(b)(1).

(2) **COUNTY.**—The term “County” means Owyhee County, Idaho.

(3) **OWYHEE FRONT.**—The term “Owyhee Front” means the area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(4) **PLAN.**—The term “plan” means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 1507.

(5) **PUBLIC LAND.**—The term “public land” has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means the State of Idaho.

(8) **TRIBES.**—The term “Tribes” means the Shoshone Paiute Tribes of the Duck Valley Reservation.

##### **SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.**

(a) **ESTABLISHMENT.**—The Secretary, in coordination with the Tribes, State, and County, and in consultation with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Center in the County to conduct research projects to address natural resources management issues affecting public and private rangeland in the County.

(b) **PURPOSE.**—The purpose of the center established under subsection (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

##### **SEC. 1503. WILDERNESS AREAS.**

(a) **WILDERNESS AREAS DESIGNATION.**—

(1) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) **BIG JACKS CREEK WILDERNESS.**—Certain land comprising approximately 52,826 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Big Jacks Creek Wilderness”.

(B) **BRUNEAU-JARBIDGE RIVERS WILDERNESS.**—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled “Bruneau-Jarbridge Rivers Wilderness” and dated December 15, 2008, which shall be known as the “Bruneau-Jarbridge Rivers Wilderness”.

(C) **LITTLE JACKS CREEK WILDERNESS.**—Certain land comprising approximately 50,929 acres, as generally depicted on the map entitled “Little Jacks Creek and Big Jacks Creek Wilderness” and dated May 5, 2008, which shall be known as the “Little Jacks Creek Wilderness”.

(D) **NORTH FORK OWYHEE WILDERNESS.**—Certain land comprising approximately 43,413 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “North Fork Owyhee Wilderness”.

(E) **OWYHEE RIVER WILDERNESS.**—Certain land comprising approximately 267,328 acres, as generally depicted on the map entitled “Owyhee River Wilderness” and dated May 5, 2008, which shall be known as the “Owyhee River Wilderness”.

(F) **POLE CREEK WILDERNESS.**—Certain land comprising approximately 12,533 acres, as generally depicted on the map entitled “North Fork Owyhee and Pole Creek Wilderness” and dated May 5, 2008, which shall be known as the “Pole Creek Wilderness”.

(2) **MAPS AND LEGAL DESCRIPTIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each area designated as wilderness by this subtitle.

(B) **EFFECT.**—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct minor errors in the map or legal description.

(C) **AVAILABILITY.**—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the Bureau of Land Management.

(3) **RELEASE OF WILDERNESS STUDY AREAS.**—

(A) **IN GENERAL.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(B) **RELEASE.**—Any public land referred to in subparagraph (A) that is not designated as wilderness by this subtitle—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **WITHDRAWAL.**—Subject to valid existing rights, the Federal land designated as wilderness by this subtitle is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) **LIVESTOCK.**—

(A) **IN GENERAL.**—In the wilderness areas designated by this subtitle, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101-405.

(B) **INVENTORY.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this subtitle.

(C) **FENCING.**—The Secretary may construct and maintain fencing around wilderness areas designated by this subtitle as the Secretary determines to be appropriate to enhance wilderness values.

(D) **DONATION OF GRAZING PERMITS OR LEASES.**—

(i) **ACCEPTANCE BY SECRETARY.**—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the wilderness areas designated by this subtitle.

(ii) **TERMINATION.**—With respect to each permit or lease donated under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) **COMMON ALLOTMENTS.**—

(I) **IN GENERAL.**—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the level of grazing on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) **PARTIAL DONATION.**—

(I) **IN GENERAL.**—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the donation; and

(bb) modify the permit or lease to reflect the revised level of use.

(II) **AUTHORIZED LEVEL.**—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) **ACQUISITION OF LAND AND INTERESTS IN LAND.**—

(A) **IN GENERAL.**—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness



areas designated by this subtitle by purchase, donation, or exchange.

(B) **INCORPORATION OF ACQUIRED LAND.**—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5) **TRAIL PLAN.**—

(A) **IN GENERAL.**—The Secretary, after providing opportunities for public comment, shall establish a trail plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) **OUTFITTING AND GUIDE ACTIVITIES.**—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) **ACCESS TO PRIVATE PROPERTY.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this subtitle adequate access to the property.

(8) **FISH AND WILDLIFE.**—

(A) **IN GENERAL.**—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) **MANAGEMENT ACTIVITIES.**—

(i) **IN GENERAL.**—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle, if the management activities are—

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101-405.

(ii) **INCLUSIONS.**—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) **EXISTING ACTIVITIES.**—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101-405, the State may use aircraft (including helicopters) in the wilderness areas designated by this subtitle to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) **WILDFIRE, INSECT, AND DISEASE MANAGEMENT.**—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(10) **ADJACENT MANAGEMENT.**—

(A) **IN GENERAL.**—The designation of a wilderness area by this subtitle shall not create any protective perimeter or buffer zone around the wilderness area.

(B) **NONWILDERNESS ACTIVITIES.**—The fact that nonwilderness activities or uses can be seen

or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) **MILITARY OVERFLIGHTS.**—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) **WATER RIGHTS.**—

(A) **IN GENERAL.**—The designation of areas as wilderness by subsection (a) shall not create an express or implied reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) **EXCLUSIONS.**—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

#### **SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.**

(a) **IN GENERAL.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1203(a)(1)) is amended by adding at the end the following:

“(180) **BATTLE CREEK, IDAHO.**—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(181) **BIG JACKS CREEK, IDAHO.**—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW  $\frac{1}{4}$  of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(182) **BRUNEAU RIVER, IDAHO.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbridge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

“(B) **EXCEPTION.**—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

“(183) **WEST FORK BRUNEAU RIVER, IDAHO.**—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbridge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(184) **COTTONWOOD CREEK, IDAHO.**—The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(185) **DEEP CREEK, IDAHO.**—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(186) **DICKSHOOTER CREEK, IDAHO.**—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream  $\frac{1}{4}$  mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(187) **DUNCAN CREEK, IDAHO.**—The 0.9-mile segment of Duncan Creek from the confluence

with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

“(188) **JARBIDGE RIVER, IDAHO.**—The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbridge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(189) **LITTLE JACKS CREEK, IDAHO.**—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

“(190) **NORTH FORK OWYHEE RIVER, IDAHO.**—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

“(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

“(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

“(191) **OWYHEE RIVER, IDAHO.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(B) **ACCESS.**—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

“(192) **RED CANYON, IDAHO.**—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(193) **SHEEP CREEK, IDAHO.**—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbridge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

“(194) **SOUTH FORK OWYHEE RIVER, IDAHO.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho-Nevada State border, to be administered by the Secretary of the Interior as a wild river.

“(B) **EXCEPTION.**—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

“(195) **WICKAHONEY CREEK, IDAHO.**—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.”

(b) **BOUNDARIES.**—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of—

(1) an average distance of  $\frac{1}{4}$  mile from the high water mark on both sides of the river segment; or



(2) the distance to the nearest confined canyon rim.

(c) **LAND ACQUISITION.**—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner.

**SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.**

(a) **IN GENERAL.**—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) **USE OF PROCEEDS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (other than a law that specifically provides for a proportion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the “Owyhee Land Acquisition Account”.

(2) **AVAILABILITY.**—

(A) **IN GENERAL.**—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this subtitle, including land identified as “Proposed for Acquisition” on the maps described in section 1503(a)(1).

(B) **APPLICABLE LAW.**—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) **APPLICABILITY.**—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(4) **ADDITIONAL AMOUNTS.**—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, subject to applicable reprogramming guidelines.

(c) **TERMINATION OF AUTHORITY.**—

(1) **IN GENERAL.**—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of \$8,000,000 from the account is expended.

(2) **AVAILABILITY OF AMOUNTS.**—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(C) used in accordance with that subtitle.

**SEC. 1506. TRIBAL CULTURAL RESOURCES.**

(a) **COORDINATION.**—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.

(b) **AGREEMENTS.**—The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

**SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.**

(a) **IN GENERAL.**—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.

(b) **INVENTORY.**—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route inventories of the area covered by the plan.

(c) **LIMITATION TO DESIGNATED ROUTES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to snowmobiles.

(d) **TEMPORARY LIMITATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the date of enactment of this Act.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to—

(A) snowmobiles; or

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

(e) **SCHEDULE.**—

(1) **OWYHEE FRONT.**—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a transportation plan for the Owyhee Front.

(2) **OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.**—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

**SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

**Subtitle G—Sabinoso Wilderness, New Mexico**

**SEC. 1601. DEFINITIONS.**

In this subtitle:

(1) **MAP.**—The term “map” means the map entitled “Sabinoso Wilderness” and dated September 8, 2008.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of New Mexico.

**SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.**

(a) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 16,030 acres of land under the jurisdiction of the Taos Field Office Bureau of Land Management, New Mexico, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Sabinoso Wilderness”.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Sabinoso Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Sabinoso Wilderness shall be administered by the Secretary in accordance with this

subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Sabinoso Wilderness that is acquired by the United States shall—

(A) become part of the Sabinoso Wilderness; and

(B) be managed in accordance with this subtitle and any other laws applicable to the Sabinoso Wilderness.

(3) **GRAZING.**—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **FISH AND WILDLIFE.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife in the State.

(5) **ACCESS.**—

(A) **IN GENERAL.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) **CERTAIN LAND.**—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) **WITHDRAWAL.**—Subject to valid existing rights, the land generally depicted on the map as “Lands Withdrawn From Mineral Entry” and “Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry” is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws, except disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(e) **RELEASE OF WILDERNESS STUDY AREAS.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

**Subtitle H—Pictured Rocks National Lakeshore Wilderness**

**SEC. 1651. DEFINITIONS.**

In this subtitle:

(1) **LINE OF DEMARCATION.**—The term “line of demarcation” means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) **MAP.**—The term “map” means the map entitled “Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary”, numbered 625/80,051, and dated April 16, 2007.

(3) **NATIONAL LAKESHORE.**—The term “National Lakeshore” means the Pictured Rocks National Lakeshore.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **WILDERNESS.**—The term “Wilderness” means the Beaver Basin Wilderness designated by section 1652(a).

#### **SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.**

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Beaver Basin Wilderness”.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map.

(c) **BOUNDARY.**—

(1) **LINE OF DEMARCATION.**—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) **SURFACE WATER.**—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) **LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) **FORCE AND EFFECT.**—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

#### **SEC. 1653. ADMINISTRATION.**

(a) **MANAGEMENT.**—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) **USE OF ELECTRIC MOTORS.**—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

#### **SEC. 1654. EFFECT.**

Nothing in this subtitle—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

#### **Subtitle I—Oregon Badlands Wilderness**

#### **SEC. 1701. DEFINITIONS.**

In this subtitle:

(1) **DISTRICT.**—The term “District” means the Central Oregon Irrigation District.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Oregon.

(4) **WILDERNESS MAP.**—The term “wilderness map” means the map entitled “Badlands Wilderness” and dated September 3, 2008.

#### **SEC. 1702. OREGON BADLANDS WILDERNESS.**

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Oregon Badlands Wilderness”.

(b) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Oregon Badlands Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Oregon Badlands Wilderness that is acquired by the United States shall—

(A) become part of the Oregon Badlands Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) **GRAZING.**—The grazing of livestock in the Oregon Badlands Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **ACCESS TO PRIVATE PROPERTY.**—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of the Oregon Badlands Wilderness adequate access to the property.

(c) **POTENTIAL WILDERNESS.**—

(1) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management with a width of 25 feet, as generally depicted on the wilderness map as “Potential Wilderness”, is designated as potential wilderness.

(2) **INTERIM MANAGEMENT.**—The potential wilderness designated by paragraph (1) shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may allow nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(3) **DESIGNATION AS WILDERNESS.**—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (1) that are permitted under paragraph (2) have terminated, the potential wilderness shall be—

(A) designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) incorporated into the Oregon Badlands Wilderness.

(d) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Badlands Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

#### **SEC. 1703. RELEASE.**

(a) **FINDING.**—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Badlands wilderness study area that are not designated as the Oregon Badlands Wilderness or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

(b) **RELEASE.**—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

#### **SEC. 1704. LAND EXCHANGES.**

(a) **CLARNO LAND EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 239 acres of non-Federal land identified on the wilderness map as “Clarno to Federal Government”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 209 acres of Federal land identified on the wilderness map as “Federal Government to Clarno”.

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) **DISTRICT EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the District all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 527 acres of non-Federal land identified

on the wilderness map as "COID to Federal Government".

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on the wilderness map as "Federal Government to COID".

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) **APPLICABLE LAW.**—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) **VALUATION, APPRAISALS, AND EQUALIZATION.**—

(1) **IN GENERAL.**—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) **APPRAISALS.**—

(A) **IN GENERAL.**—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) **REQUIREMENTS.**—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) **EQUALIZATION.**—

(A) **IN GENERAL.**—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) **CASH EQUALIZATION PAYMENTS.**—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) **CONDITIONS OF EXCHANGE.**—

(1) **IN GENERAL.**—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) **COSTS.**—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) **VALID EXISTING RIGHTS.**—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(f) **COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

#### SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights

of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

#### Subtitle J—Spring Basin Wilderness, Oregon

##### SEC. 1751. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(2) **STATE.**—The term "State" means the State of Oregon.

(3) **TRIBES.**—The term "Tribes" means the Confederated Tribes of the Warm Springs Reservation of Oregon.

(4) **WILDERNESS MAP.**—The term "wilderness map" means the map entitled "Spring Basin Wilderness with Land Exchange Proposals" and dated September 3, 2008.

##### SEC. 1752. SPRING BASIN WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Spring Basin Wilderness".

(b) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Spring Basin Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land within the boundary of the Spring Basin Wilderness that is acquired by the United States shall—

(A) become part of the Spring Basin Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) **GRAZING.**—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(c) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Spring Basin Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct any typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

##### SEC. 1753. RELEASE.

(a) **FINDING.**—Congress finds that, for the purposes of section 603(c) of the Federal Land

Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring Basin wilderness study area that are not designated by section 1752(a) as the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. 8 S., R. 19 E., sec. 10, NE ¼, W ½.

(2) T. 8 S., R. 19 E., sec. 25, SE ¼, SE ¼.

(3) T. 8 S., R. 20 E., sec. 19, SE ¼, S ½ of the S ½.

(b) **RELEASE.**—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

##### SEC. 1754. LAND EXCHANGES.

(a) **CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION LAND EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (e) through (g), if the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Tribes all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 4,480 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from the CTWSIR to the Federal Government".

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 4,578 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to CTWSIR".

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(4) **WITHDRAWAL.**—Subject to valid existing rights, the land acquired by the Secretary under this subsection is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under any law relating to mineral and geothermal leasing or mineral materials.

(b) **MCGREER LAND EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from McGreer to the Federal Government".

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to McGreer".

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) **KEYS LAND EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 180 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Keys to the Federal Government”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Keys”.

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(d) **BOWERMAN LAND EXCHANGE.**—

(1) **CONVEYANCE OF LAND.**—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 32 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Bowerman to the Federal Government”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Bowerman”.

(3) **SURVEYS.**—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(e) **APPLICABLE LAW.**—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(f) **VALUATION, APPRAISALS, AND EQUALIZATION.**—

(1) **IN GENERAL.**—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) **APPRAISALS.**—

(A) **IN GENERAL.**—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) **REQUIREMENTS.**—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) **EQUALIZATION.**—

(A) **IN GENERAL.**—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) **CASH EQUALIZATION PAYMENTS.**—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) **CONDITIONS OF EXCHANGE.**—

(1) **IN GENERAL.**—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) **COSTS.**—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) **VALID EXISTING RIGHTS.**—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

(h) **COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

**SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.**

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

**Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California**

**SEC. 1801. DEFINITIONS.**

In this subtitle:

(1) **FOREST.**—The term “Forest” means the Ancient Bristlecone Pine Forest designated by section 1808(a).

(2) **RECREATION AREA.**—The term “Recreation Area” means the Bridgeport Winter Recreation Area designated by section 1806(a).

(3) **SECRETARY.**—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) **STATE.**—The term “State” means the State of California.

(5) **TRAIL.**—The term “Trail” means the Pacific Crest National Scenic Trail.

**SEC. 1802. DESIGNATION OF WILDERNESS AREAS.**

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) **HOOVER WILDERNESS ADDITIONS.**—

(A) **IN GENERAL.**—Certain land in the Humboldt-Toiyabe and Inyo National Forests, comprising approximately 79,820 acres and identified as “Hoover East Wilderness Addition,” “Hoover West Wilderness Addition”, and “Bighorn Proposed Wilderness Addition”, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the Hoover Wilderness.

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008; and

(ii) the map entitled “Bighorn Proposed Wilderness Additions” and dated September 23, 2008.

(C) **EFFECT.**—The designation of the wilderness under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) **OWENS RIVER HEADWATERS WILDERNESS.**—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled “Owens River Headwaters Proposed Wilderness” and dated September 16, 2008, which shall be known as the “Owens River Headwaters Wilderness”.

(3) **JOHN MUIR WILDERNESS ADDITIONS.**—

(A) **IN GENERAL.**—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 70,411 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled “John Muir Proposed Wilderness Addition (1 of 5)” and dated September 23, 2008;

(ii) the map entitled “John Muir Proposed Wilderness Addition (2 of 5)” and dated September 23, 2008;

(iii) the map entitled “John Muir Proposed Wilderness Addition (3 of 5)” and dated October 31, 2008;

(iv) the map entitled “John Muir Proposed Wilderness Addition (4 of 5)” and dated September 16, 2008; and

(v) the map entitled “John Muir Proposed Wilderness Addition (5 of 5)” and dated September 16, 2008.

(C) **BOUNDARY REVISION.**—The boundary of the John Muir Wilderness is revised as depicted on the map entitled “John Muir Wilderness—Revised” and dated September 16, 2008.

(4) **ANSEL ADAMS WILDERNESS ADDITION.**—Certain land in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled “Ansel Adams Proposed Wilderness Addition” and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.

(5) **WHITE MOUNTAINS WILDERNESS.**—

(A) **IN GENERAL.**—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the maps described in subparagraph (B), which shall be known as the “White Mountains Wilderness”.

(B) **DESCRIPTION OF MAPS.**—The maps referred to in subparagraph (A) are—

(i) the map entitled “White Mountains Proposed Wilderness-Map 1 of 2 (North)” and dated September 16, 2008; and

(ii) the map entitled “White Mountains Proposed Wilderness-Map 2 of 2 (South)” and dated September 16, 2008.

(6) **GRANITE MOUNTAIN WILDERNESS.**—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 34,342 acres, as generally depicted on the map entitled “Granite Mountain Wilderness” and dated September 19, 2008, which shall be known as the “Granite Mountain Wilderness”.

(7) **MAGIC MOUNTAIN WILDERNESS.**—Certain land in the Angeles National Forest, comprising approximately 12,282 acres, as generally depicted on the map entitled “Magic Mountain Proposed Wilderness” and dated December 16, 2008, which shall be known as the “Magic Mountain Wilderness”.

(8) **PLEASANT VIEW RIDGE WILDERNESS.**—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled “Pleasant View Ridge Proposed Wilderness” and dated December 16, 2008, which shall be known as the “Pleasant View Ridge Wilderness”.

#### **SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.**

(a) **MANAGEMENT.**—Subject to valid existing rights, the Secretary shall administer the wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this subtitle with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE OF LAW.**—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilderness area or wilderness addition by this subtitle is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing or mineral materials.

(e) **FIRE MANAGEMENT AND RELATED ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary may take such measures in a wilderness area or wilderness ad-

dition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(2) **FUNDING PRIORITIES.**—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.

(3) **REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this subtitle.

(4) **ADMINISTRATION.**—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(f) **ACCESS TO PRIVATE PROPERTY.**—The Secretary shall provide any owner of private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(g) **MILITARY ACTIVITIES.**—Nothing in this subtitle precludes—

(1) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this subtitle;

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(h) **LIVESTOCK.**—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(i) **FISH AND WILDLIFE MANAGEMENT.**—

(1) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) **STATE JURISDICTION.**—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(j) **HORSES.**—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness or as a wilderness addition by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(k) **OUTFITTER AND GUIDE USE.**—Outfitter and guide activities conducted under permits issued by the Forest Service on the additions to the John Muir, Ansel Adams, and Hoover wilderness areas designated by this subtitle shall be in addition to any existing limits established for the John Muir, Ansel Adams, and Hoover wilderness areas.

(l) **TRANSFER TO THE FOREST SERVICE.**—

(1) **WHITE MOUNTAINS WILDERNESS.**—Administrative jurisdiction over the approximately 946 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(5)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) **JOHN MUIR WILDERNESS.**—Administrative jurisdiction over the approximately 143 acres of land identified as “Transfer of Administrative Jurisdiction from BLM to FS” on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(m) **TRANSFER TO THE BUREAU OF LAND MANAGEMENT.**—Administrative jurisdiction over the approximately 3,010 acres of land identified as “Land from FS to BLM” on the maps described in section 1802(6) is transferred from the Forest Service to the Bureau of Land Management to be managed as part of the Granite Mountain Wilderness.

#### **SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.**

(a) **FINDING.**—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) **DESCRIPTION OF STUDY AREAS.**—The study areas referred to in subsection (a) are—

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) **RELEASE.**—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

#### **SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.**

(a) **IN GENERAL.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1504(a)) is amended by adding at the end the following:

“(196) **AMARGOSA RIVER, CALIFORNIA.**—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

“(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7, T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

“(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

“(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

“(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

“(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

“(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the Owens River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

“(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

“(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

“(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

“(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

“(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R. 27 E., as a wild river.

“(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

“(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

“(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of Cottonwood Creek in the State of California:

“(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T. 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec. 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

“(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T. 4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

“(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

“(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.”.

(b) EFFECT.—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act.

#### SEC. 1806. BRIDGEPORT WINTER RECREATION AREA.

(a) DESIGNATION.—The approximately 7,254 acres of land in the Humboldt-Toiyabe National

Forest identified as the “Bridgeport Winter Recreation Area”, as generally depicted on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

##### (b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

##### (c) MANAGEMENT.—

(1) INTERIM MANAGEMENT.—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area—

(A) during periods of adequate snow coverage during the winter season; and

(B) subject to any terms and conditions determined to be necessary by the Secretary.

(d) MANAGEMENT PLAN.—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

- (1) adequate signage;
- (2) a public education program on allowable usage areas;
- (3) measures to ensure adequate sanitation;
- (4) a monitoring and enforcement strategy; and
- (5) measures to ensure the protection of the Trail.

(e) ENFORCEMENT.—The Secretary shall prioritize enforcement activities in the Recreation Area—

- (1) to prohibit degradation of natural resources in the Recreation Area;
- (2) to prevent interference with nonmotorized recreation on the Trail; and
- (3) to reduce user conflicts in the Recreation Area.

(f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an appropriate snowmobile crossing point along the Trail in the area identified as “Pacific Crest Trail Proposed Crossing Area” on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008—

- (1) in accordance with—
  - (A) the National Trails System Act (16 U.S.C. 1241 et seq.); and
  - (B) any applicable environmental and public safety laws; and
- (2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—
  - (A) interfere with the nature and purposes of the Trail; or
  - (B) harm the surrounding landscape.

#### SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690

acres identified as “Pickel Hill Management Area”, as generally depicted on the map entitled “Humboldt-Toiyabe National Forest Proposed Management” and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

#### SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) DESIGNATION.—To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled “Ancient Bristlecone Pine Forest—Proposed” and dated July 16, 2008, is designated as the “Ancient Bristlecone Pine Forest”.

##### (b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

##### (c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

##### (2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

(A) all forms of entry, appropriation or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

#### Subtitle L—Riverside County Wilderness, California

#### SEC. 1851. WILDERNESS DESIGNATION.

(a) DEFINITION OF SECRETARY.—In this section, the term “Secretary” means—



(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

(1) DESIGNATIONS.—

(A) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled “Proposed Addition to Agua Tibia Wilderness”, and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93-632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled “Cahuilla Mountain Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Cahuilla Mountain Wilderness”.

(C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled “South Fork San Jacinto Proposed Wilderness”, and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “South Fork San Jacinto Wilderness”.

(D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled “Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition”, and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98-425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 15,621 acres, as generally depicted on the map titled “Beauty Mountain Proposed Wilderness”, and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Beauty Mountain Wilderness”.

(F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled “Orocopia Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopia Mountains Wilderness boundary.

(H) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled “Palen/McCoy Proposed Wilderness Additions”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404 acres, as generally depicted on the map titled “Pinto Mountains Proposed Wilderness”, and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the “Pinto Mountains Wilderness”.

(J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled “Chuckwalla Mountains Proposed Wilderness Addition”, and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103-433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this

section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

(c) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled “Joshua Tree National Park Proposed Wilderness Additions”, and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94-567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition designated by this section that is acquired by the United States shall—



(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this section as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96-617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95-341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

(A) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this section;

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

#### SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

“(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

“(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

“(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

“(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

“(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

“(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

“(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

“(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

“(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

“(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.”.

#### SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

“(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled ‘Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition’, and dated March 12, 2008:

“(1) The ‘Santa Rosa Peak Area Monument Expansion’.

“(2) The ‘Snow Creek Area Monument Expansion’.

“(3) The ‘Tahquitz Peak Area Monument Expansion’.

“(4) The ‘Southeast Area Monument Expansion’, which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.”.

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking “eight” and inserting “a majority of the appointed”.

#### Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

##### SEC. 1901. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STATE.—The term “State” means the State of California.

##### SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740 acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled “John Krebs Wilderness”, and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as “Silver City” and “Kaweah Han”.

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted

on the map titled “Sequoia-Kings Canyon Wilderness Addition”, numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness.

(3) **RECOMMENDED WILDERNESS.**—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

#### SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) **IN GENERAL.**—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **SUBMISSION OF MAP AND LEGAL DESCRIPTION.**—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE AND EFFECT.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) **HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.**—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98-40.

(d) **AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.**—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) **HORSEBACK RIDING.**—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

**SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.** There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

#### Subtitle N—Rocky Mountain National Park Wilderness, Colorado

#### SEC. 1951. DEFINITIONS.

In this subtitle:

(1) **MAP.**—The term “map” means the map entitled “Rocky Mountain National Park Wilderness Act of 2007” and dated September 2006.

(2) **PARK.**—The term “Park” means Rocky Mountain National Park located in the State of Colorado.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **TRAIL.**—The term “Trail” means the East Shore Trail established under section 1954(a).

(5) **WILDERNESS.**—The term “Wilderness” means the wilderness designated by section 1952(a).

#### SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) **MAP AND BOUNDARY DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) **AVAILABILITY; FORCE OF LAW.**—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) **INCLUSION OF POTENTIAL WILDERNESS.**—

(1) **IN GENERAL.**—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a “Potential Wilderness Area”, the land shall be—

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) **BOUNDARY DESCRIPTION.**—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) **EXCLUSION OF CERTAIN LAND.**—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the Specimen Ditch), the right-of-way for the Grand River Ditch, land 200 feet on each side of the center line of the Grand River Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Land owned by the Wincenstsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the “East Shore Trail Area”.

(e) **ADMINISTRATION.**—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) **WATER RIGHTS.**—

(1) **FINDINGS.**—Congress finds that—

(A) the United States has existing rights to water within the Park;

(B) the existing water rights are sufficient for the purposes of the Wilderness; and

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) **EFFECT.**—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) **FIRE, INSECT, AND DISEASE CONTROL.**—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

#### SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) **CONDITIONAL WAIVER OF STRICT LIABILITY.**—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) **AGREEMENT.**—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) **LIMITATION.**—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101-337 (16 U.S.C. 191j et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

(d) COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.—

(1) IN GENERAL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado-Big Thompson Project facilities located within the Park.

(2) ALVA B. ADAMS TUNNEL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) RIGHT-OF-WAY.—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park.

(f) NEW RECLAMATION PROJECTS.—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) CLARIFICATION OF MANAGEMENT AUTHORITY.—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

#### SEC. 1954. EAST SHORE TRAIL AREA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the “East Shore Trail”, to maximize the opportunity for sustained use of the Trail without causing—

- (1) harm to affected resources; or
- (2) conflicts among users.

(b) BOUNDARIES.—

(1) IN GENERAL.—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) ADJUSTMENTS.—To the extent necessary to protect Park resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

- (A) included in the Wilderness; and
- (B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this subtitle affects the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

#### SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95–450) is amended—

(1) by striking “seventy thousand acres” and inserting “74,195 acres”; and

(2) by striking “, dated July 1978” and inserting “and dated May 2007”.

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking “thirty-six thousand two hundred thirty-five acres” and inserting “35,235 acres”; and

(2) by striking “, dated July 1978” and inserting “and dated May 2007”.

#### SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land described in subsection (b).

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the “Leiffer tract” that is—

- (1) located near the eastern boundary of the Park in Larimer County, Colorado; and
- (2) administered by the National Park Service.

#### Subtitle O—Washington County, Utah

#### SEC. 1971. DEFINITIONS.

In this subtitle:

(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.—The term “Beaver Dam Wash National Conservation Area Map” means the map entitled “Beaver Dam Wash National Conservation Area” and dated December 18, 2008.

(2) CANAAN MOUNTAIN WILDERNESS MAP.—The term “Canaan Mountain Wilderness Map” means the map entitled “Canaan Mountain Wilderness” and dated June 21, 2008.

(3) COUNTY.—The term “County” means Washington County, Utah.

(4) NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.—The term “Northeastern Washington County Wilderness Map” means the map entitled “Northeastern Washington County Wilderness” and dated November 12, 2008.

(5) NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.—The term “Northwestern Wash-

ington County Wilderness Map” means the map entitled “Northwestern Washington County Wilderness” and dated June 21, 2008.

(6) RED CLIFFS NATIONAL CONSERVATION AREA MAP.—The term “Red Cliffs National Conservation Area Map” means the map entitled “Red Cliffs National Conservation Area” and dated November 12, 2008.

(7) SECRETARY.—The term “Secretary” means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) STATE.—The term “State” means the State of Utah.

(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term “Washington County Growth and Conservation Act Map” means the map entitled “Washington County Growth and Conservation Act Map” and dated November 13, 2008.

#### SEC. 1972. WILDERNESS AREAS.

(a) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Beartrap Canyon Wilderness”.

(B) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Blackridge Wilderness”.

(C) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the “Canaan Mountain Wilderness”.

(D) COTTONWOOD CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Cottonwood Canyon Wilderness”.

(E) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the “Cottonwood Forest Wilderness”.

(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Cougar Canyon Wilderness”.

(G) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Deep Creek Wilderness”.

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the “Deep Creek North Wilderness”.

(I) DOC'S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the “Doc's Pass Wilderness”.

(J) **GOOSE CREEK.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Goose Creek Wilderness".

(K) **LAVERKIN CREEK.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "LaVerkin Creek Wilderness".

(L) **RED BUTTE.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Red Butte Wilderness".

(M) **RED MOUNTAIN.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the "Red Mountain Wilderness".

(N) **SLAUGHTER CREEK.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the "Slaughter Creek Wilderness".

(O) **TAYLOR CREEK.**—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Taylor Creek Wilderness".

(2) **MAPS AND LEGAL DESCRIPTIONS.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

(B) **FORCE AND EFFECT.**—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) **AVAILABILITY.**—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

- (i) the Bureau of Land Management; and
- (ii) the Forest Service.

(b) **ADMINISTRATION OF WILDERNESS AREAS.**—

(1) **MANAGEMENT.**—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(2) **LIVESTOCK.**—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives ac-

companying H.R. 2570 of the 101st Congress (H.Rep. 101-405) and H.R. 5487 of the 96th Congress (H. Rept. 96-617).

(3) **WILDFIRE, INSECT, AND DISEASE MANAGEMENT.**—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) **BUFFER ZONES.**—

(A) **IN GENERAL.**—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) **ACTIVITIES OUTSIDE WILDERNESS.**—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(5) **MILITARY OVERFLIGHTS.**—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over any area designated as wilderness by subsection (a)(1), including military overflights that can be seen or heard within any wilderness area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) **ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.**—

(A) **ACQUISITION AUTHORITY.**—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) **INCORPORATION.**—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) **NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.**—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) **CLIMATOLOGICAL DATA COLLECTION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

(9) **WATER RIGHTS.**—

(A) **STATUTORY CONSTRUCTION.**—Nothing in this section—

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(iii) shall be construed as establishing a precedent with regard to any future wilderness designations;

(iv) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) **STATE WATER LAW.**—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) **FISH AND WILDLIFE.**—

(A) **JURISDICTION OF STATE.**—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) **AUTHORITY OF SECRETARY.**—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101-405.

(11) **WILDLIFE WATER DEVELOPMENT PROJECTS.**—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(12) **COOPERATIVE AGREEMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) **RELEASE OF WILDERNESS STUDY AREAS.**—

(1) **FINDING.**—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) **RELEASE.**—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

(d) **TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.**—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

**SEC. 1973. ZION NATIONAL PARK WILDERNESS.**

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) **WILDERNESS AREA.**—The term “Wilderness Area” means the Zion Wilderness designated by subsection (b)(1).

(3) **ZION NATIONAL PARK WILDERNESS MAP.**—The term “Zion National Park Wilderness Map” means the map entitled “Zion National Park Wilderness” and dated April 2008.

(b) **ZION NATIONAL PARK WILDERNESS.**—

(1) **DESIGNATION.**—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Zion Wilderness”.

(2) **INCORPORATION OF ACQUIRED LAND.**—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) **MAP AND LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Wilderness Area.

(B) **FORCE AND EFFECT.**—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) **AVAILABILITY.**—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

#### **SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA.**

(a) **PURPOSES.**—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) **DEFINITIONS.**—In this section:

(1) **HABITAT CONSERVATION PLAN.**—The term “habitat conservation plan” means the conservation plan entitled “Washington County Habitat Conservation Plan” and dated February 23, 1996.

(2) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) **NATIONAL CONSERVATION AREA.**—The term “National Conservation Area” means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) **PUBLIC USE PLAN.**—The term “public use plan” means the use plan entitled “Red Cliffs Desert Reserve Public Use Plan” and dated June 12, 2000, as amended.

(5) **RESOURCE MANAGEMENT PLAN.**—The term “resource management plan” means the management plan entitled “St. George Field Office Resource Management Plan” and dated March 15, 1999, as amended.

(c) **ESTABLISHMENT.**—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) **CONSULTATION.**—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) **INCORPORATION OF PLANS.**—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) **USES.**—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) **MOTORIZED VEHICLES.**—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) **GRAZING.**—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law; and

(B) in a manner consistent with the purposes described in subsection (a).

(5) **WILDLAND FIRE OPERATIONS.**—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) **ADDITIONAL LAND.**—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) **EFFECT.**—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

(2) any other applicable law (including regulations).

#### **SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA.**

(a) **PURPOSE.**—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) **DEFINITIONS.**—In this section:

(1) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) **NATIONAL CONSERVATION AREA.**—The term “National Conservation Area” means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) **ESTABLISHMENT.**—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) **CONSULTATION.**—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) **MOTORIZED VEHICLES.**—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) **USES.**—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) **MOTORIZED VEHICLES.**—

(A) **IN GENERAL.**—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) **ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.**—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as “Designated Road Areas”, motorized vehicles shall be permitted only on the roads identified on such map.

(4) **GRAZING.**—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) **WILDLAND FIRE OPERATIONS.**—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) **WITHDRAWAL.**—

(1) **IN GENERAL.**—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) **ADDITIONAL LAND.**—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

# **SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.**

(a) **DESIGNATION.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(204) **ZION NATIONAL PARK, UTAH.**—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled ‘Wild and Scenic River Segments Zion National Park and Bureau of Land Management’ and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:

“(A) **TAYLOR CREEK.**—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

“(B) **NORTH FORK OF TAYLOR CREEK.**—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(C) **MIDDLE FORK OF TAYLOR CREEK.**—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(D) **SOUTH FORK OF TAYLOR CREEK.**—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

“(E) **TIMBER CREEK AND TRIBUTARIES.**—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(F) **LAVERKIN CREEK.**—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

“(G) **WILLIS CREEK.**—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

“(H) **BEARTRAP CANYON.**—The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(I) **HOP VALLEY CREEK.**—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(J) **CURRENT CREEK.**—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

“(K) **CANE CREEK.**—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(L) **SMITH CREEK.**—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

“(M) **NORTH CREEK LEFT AND RIGHT FORKS.**—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

“(N) **WILDCAT CANYON (BLUE CREEK).**—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(O) **LITTLE CREEK.**—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

“(P) **RUSSELL GULCH.**—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

“(Q) **GRAPEVINE WASH.**—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

“(R) **PINE SPRING WASH.**—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

“(S) **WOLF SPRINGS WASH.**—The 1.4-mile segment from the head of Wolf Springs Wash to the

junction with Pine Spring Wash and adjacent land ½-mile wide, as a scenic river.

“(T) **KOLOB CREEK.**—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(U) **OAK CREEK.**—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

“(V) **GOOSE CREEK.**—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(W) **DEEP CREEK.**—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(X) **NORTH FORK OF THE VIRGIN RIVER.**—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

“(Y) **NORTH FORK OF THE VIRGIN RIVER.**—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

“(Z) **IMLAY CANYON.**—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(AA) **ORDERVILLE CANYON.**—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(BB) **MYSTERY CANYON.**—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(CC) **ECHO CANYON.**—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(DD) **BEHUNIN CANYON.**—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(EE) **HEAPS CANYON.**—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

“(FF) **BIRCH CREEK.**—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

“(GG) **OAK CREEK.**—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

“(HH) **OAK CREEK.**—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

“(II) **CLEAR CREEK.**—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

“(JJ) **PINE CREEK.**—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

“(KK) **PINE CREEK.**—The 3-mile segment of Pine Creek from the junction with Clear Creek



to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

“(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

“(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.”.

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled “Zion National Park Water Rights Settlement Agreement” and dated December 4, 1996.

#### SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term “trail” means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term “travel management plan” means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County—

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the “High Desert Off-Highway Vehicle Trail”.

(B) REQUIREMENTS.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) land located in proximity to the trail; and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

(I) to repair damage to the trail; or

(II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of the closure of the portion of the trail;

(II) located on public land; and

(III) open to motorized use; and

(ii) if the Secretary concerned determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

#### SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the “Washington County, Utah Land Acquisition Account”.

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

#### SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

#### SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as “Temple Quarry” as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel B”, to the City of St. George, Utah, for open space and public recreation purposes.



(2) **HURRICANE CITY SPORTS PARK.**—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel C”, to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) **WASHINGTON COUNTY SCHOOL DISTRICT.**—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel D”, to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) **WASHINGTON COUNTY JAIL.**—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel E”, to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) **HURRICANE EQUESTRIAN PARK.**—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as “Parcel F”, to the City of Hurricane, Utah, for use as a public equestrian park.

(b) **MAP AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **REVERSION.**—

(1) **IN GENERAL.**—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) **RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.**—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

#### **SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.**

(a) **DEFINITIONS.**—In this section:

(1) **COVERED FEDERAL LAND.**—The term “covered Federal land” means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) **LANDOWNER.**—The term “landowner” means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) **MAP.**—The term “map” means the map entitled “Conveyance of Dixie National Forest Land” and dated December 18, 2008.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) **LEGAL DESCRIPTION.**—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) **CONSIDERATION.**—

(A) **IN GENERAL.**—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) **APPRAISAL.**—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) any other applicable law (including regulations).

(4) **DISPOSITION AND USE OF PROCEEDS.**—

(A) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) **USE OF PROCEEDS.**—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

(5) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

#### **SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS BAND OF PAIUTE INDIANS.**

(a) **DEFINITIONS.**—In this section:

(1) **PARCEL A.**—The term “Parcel A” means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled “Washington County Growth and Conservation Act Map”.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **TRIBE.**—The term “Tribe” means the Shivwits Band of Paiute Indians of the State of Utah.

(b) **PARCEL TO BE HELD IN TRUST.**—

(1) **IN GENERAL.**—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) **SURVEY; LEGAL DESCRIPTION.**—

(A) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) **LEGAL DESCRIPTION OF PARCEL A.**—

(i) **IN GENERAL.**—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) **TECHNICAL CORRECTIONS.**—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

(iii) **EFFECT.**—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) **EFFECT.**—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) **LAND TO BE MADE A PART OF THE RESERVATION.**—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

#### **SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

### **TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS**

#### **Subtitle A—National Landscape Conservation System**

##### **SEC. 2001. DEFINITIONS.**

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **SYSTEM.**—The term “system” means the National Landscape Conservation System established by section 2002(a).

##### **SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.**

(a) **ESTABLISHMENT.**—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) **COMPONENTS.**—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) **MANAGEMENT.**—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) **EFFECT.**—

(1) **IN GENERAL.**—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) **FISH AND WILDLIFE.**—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several

States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

#### SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

#### Subtitle B—Prehistoric Trackways National Monument

#### SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatracks was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101-578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing “the most scientifically significant Early Permian tracksites” in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

#### SEC. 2102. DEFINITIONS.

In this subtitle:

(1) **MONUMENT.**—The term “Monument” means the Prehistoric Trackways National Monument established by section 2103(a).

(2) **PUBLIC LAND.**—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

#### SEC. 2103. ESTABLISHMENT.

(a) **IN GENERAL.**—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.

(b) **DESCRIPTION OF LAND.**—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled “Prehistoric Trackways National Monument” and dated December 17, 2008.

(c) **MAP; LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) **CORRECTIONS.**—The map and legal description submitted under paragraph (1) shall have

the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) **CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.**—In the case of a conflict between the map and the legal description, the map shall control.

(4) **AVAILABILITY OF MAP AND LEGAL DESCRIPTION.**—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) **MINOR BOUNDARY ADJUSTMENTS.**—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

#### SEC. 2104. ADMINISTRATION.

(a) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) **NATIONAL LANDSCAPE CONSERVATION SYSTEM.**—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) **COMPONENTS.**—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) **AUTHORIZED USES.**—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) **INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.**—

(1) **IN GENERAL.**—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) **SPECIAL MANAGEMENT AREAS.**—

(1) **IN GENERAL.**—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of

the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) **CONFLICT OF LAWS.**—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) **MOTORIZED VEHICLES.**—

(1) **IN GENERAL.**—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) **PERMITTED EVENTS.**—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) **WITHDRAWALS.**—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) **GRAZING.**—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) **WATER RIGHTS.**—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

#### SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

#### Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

#### SEC. 2201. DEFINITIONS.

In this subtitle:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed for the Conservation Area under section 2203(c).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

#### SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

(a) **ESTABLISHMENT; PURPOSES.**—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) **AREA INCLUDED.**—The Conservation Area shall include the area within the boundaries depicted on the map entitled “Fort Stanton-Snowy River Cave National Conservation Area” and dated December 15, 2008.

(c) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) **EFFECT.**—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

#### **SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.**

(a) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) **USES.**—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) **REQUIREMENTS.**—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) **WITHDRAWALS.**—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) **PURPOSES.**—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the

historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) **RESEARCH AND INTERPRETIVE FACILITIES.**—

(1) **IN GENERAL.**—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) **COOPERATIVE AGREEMENTS.**—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) **WATER RIGHTS.**—Nothing in this subtitle constitutes an express or implied reservation of any water right.

#### **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

#### **Subtitle D—Snake River Birds of Prey National Conservation Area**

#### **SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.**

(a) **RENAMING.**—Public Law 103–64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii–1(2)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”; and

(2) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by inserting “Morley Nelson” before “Snake River Birds of Prey National Conservation Area”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

(c) **TECHNICAL CORRECTIONS.**—Public Law 103–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by striking “(hereafter referred to as the ‘conservation area’)”; and

(2) in section 4 (16 U.S.C. 460iii–3)—

(A) in subsection (a)(2), by striking “Conservation Area” and inserting “conservation area”; and

(B) in subsection (d), by striking “Visitors Center” and inserting “visitors center”.

#### **Subtitle E—Dominguez-Escalante National Conservation Area**

#### **SEC. 2401. DEFINITIONS.**

In this subtitle:

(1) **CONSERVATION AREA.**—The term “Conservation Area” means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).

(2) **COUNCIL.**—The term “Council” means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan developed under section 2406.

(4) **MAP.**—The term “Map” means the map entitled “Dominguez-Escalante National Conservation Area” and dated September 15, 2008.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Colorado.

(7) **WILDERNESS.**—The term “Wilderness” means the Dominguez Canyon Wilderness Area designated by section 2403(a).

#### **SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) **AREA INCLUDED.**—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) **PURPOSES.**—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) **USES.**—

(A) **IN GENERAL.**—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) **USE OF MOTORIZED VEHICLES.**—

(i) **IN GENERAL.**—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) **ADMINISTRATIVE AND EMERGENCY RESPONSE USE.**—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) **LIMITATION.**—This subparagraph shall not apply to the Wilderness.

#### **SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.**

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Dominguez Canyon Wilderness Area”.

(b) **ADMINISTRATION OF WILDERNESS.**—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

#### **SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.**

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) **FORCE AND EFFECT.**—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) **PUBLIC AVAILABILITY.**—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

**SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.**

(a) **WITHDRAWAL.**—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) **GRAZING.**—

(1) **GRAZING IN CONSERVATION AREA.**—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) **GRAZING IN WILDERNESS.**—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(c) **NO BUFFER ZONES.**—

(1) **IN GENERAL.**—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) **ACTIVITIES OUTSIDE CONSERVATION AREA.**—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) **MANAGEMENT.**—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) **FIRE, INSECTS, AND DISEASES.**—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) **ACCESS.**—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) **INVASIVE SPECIES AND NOXIOUS WEEDS.**—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) **WATER RIGHTS.**—

(1) **EFFECT.**—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) **WILDERNESS WATER RIGHTS.**—

(A) **IN GENERAL.**—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) **STATE LAW.**—

(i) **PROCEDURAL REQUIREMENTS.**—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) **ESTABLISHMENT OF WATER RIGHTS.**—

(I) **IN GENERAL.**—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) **EXCEPTION.**—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) **DEADLINE.**—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) **REQUIRED DETERMINATION.**—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) **COOPERATIVE ENFORCEMENT.**—

(i) **IN GENERAL.**—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) **ADJUDICATION.**—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) **INSUFFICIENT WATER RIGHTS.**—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Sec-

retary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) **FAILURE TO COMPLY.**—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) **WATER RESOURCE FACILITY.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydropower project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) **EXCEPTION.**—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(4) **CONSERVATION AREA WATER RIGHTS.**—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

(5) **WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.**—

(A) **IN GENERAL.**—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) **EXCLUSION FROM WILDERNESS.**—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) **EFFECT.**—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) **VALID EXISTING RIGHTS.**—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

**SEC. 2406. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) **PURPOSES.**—The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

**SEC. 2407. ADVISORY COUNCIL.**

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the “Dominguez-Escalante National Conservation Area Advisory Council”.

(b) **DUTIES.**—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) **APPLICABLE LAW.**—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) **MEMBERS.**—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

(e) **REPRESENTATION.**—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

(f) **DURATION.**—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

**SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

**Subtitle F—Rio Puerco Watershed Management Program**

**SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.**

(a) **RIO PUERCO MANAGEMENT COMMITTEE.**—Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (I) through (N) as subparagraphs (J) through (O), respectively; and

(B) by inserting after subparagraph (H) the following:

“(I) the Environmental Protection Agency;”;

(2) in paragraph (4), by striking “enactment of this Act” and inserting “enactment of the Omnibus Public Land Management Act of 2009”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 401(e) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4148) is amended by striking “enactment of this Act” and inserting “enactment of the Omnibus Public Land Management Act of 2009”.

**Subtitle G—Land Conveyances and Exchanges**

**SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.**

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means Carson City Consolidated Municipality, Nevada.

(2) **MAP.**—The term “Map” means the map entitled “Carson City, Nevada Area”, dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) **SECRETARY.**—The term “Secretary” means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) **SECRETARIES.**—The term “Secretaries” means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) **TRIBE.**—The term “Tribe” means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) **CONVEYANCES OF FEDERAL LAND AND CITY LAND.**—

(1) **IN GENERAL.**—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B).

(2) **DESCRIPTION OF LAND.**—

(A) **NON-FEDERAL LAND.**—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as “To U.S. Forest Service”.

(B) **FEDERAL LAND.**—The Federal land referred to in paragraph (1)(B) is—

(i) the approximately 935 acres of Forest Service land identified on the Map as “To Carson City for Natural Areas”;;

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as “Silver Saddle Ranch and Carson River Area”;;

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as “To Carson City for Parks and Public Purposes”; and

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as “Reversionary Interest of the United States Released”.

(3) **CONDITIONS.**—

(A) **CONSIDERATION.**—Before the conveyance of the 62-acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) **CONSERVATION EASEMENT.**—As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) **COSTS.**—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) **USE OF LAND.**—

(A) **NATURAL AREAS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) **EXCEPTION.**—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) **SILVER SADDLE RANCH AND CARSON RIVER AREA.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) **EXCEPTION.**—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trailhead facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) **PARKS AND PUBLIC PURPOSES.**—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.).

(D) **REVERSIONARY INTEREST.**—

(i) **RELEASE.**—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) **CONVEYANCE BY CITY.**—

(I) **IN GENERAL.**—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) **CONVEYANCE TO GOVERNMENT OR NON-PROFIT.**—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) **DISPOSITION OF PROCEEDS.**—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) **REVERSION.**—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph

(A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) MISCELLANEOUS PROVISIONS.—

(A) IN GENERAL.—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

(i) become part of the Humboldt-Toiyabe National Forest; and

(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) DESCRIPTION OF LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as “To Bureau of Land Management”.

(C) COSTS.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as “Parcel #1” is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) COSTS.—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) USE OF LAND.—

(A) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(B) DISPOSAL.—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) DISPOSAL OF CARSON CITY LAND.—

(1) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this subsection, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 108 acres of Bureau of Land Management land identified as “Lands for Disposal” on the Map; and

(B) the approximately 50 acres of land identified as “Parcel #1” on the Map.

(3) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(A) City zoning ordinances; and

(B) any master plan for the area approved by the City.

(4) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under paragraph (1) shall be—

(A) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from—

(i) all forms of entry and appropriation under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws.

(B) EXCEPTION.—Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(1) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

(A) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the “Carson City Special Account”, and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the “Silver Saddle Endowment Account”, consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph

(1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as “Urban Interface Withdrawal”.

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking “Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))” and inserting “Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))”;

(2) in paragraph (3)(A)(v), by striking “Clark, Lincoln, and White Pine Counties” and inserting “Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))”;

(3) in paragraph (4), by striking “2011” and inserting “2015”; and

(4) by adding at the end the following:

“(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

“(A) adjacent to the Carson River; or

“(B) within the floodplain of the Carson River.”.

(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.—

(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as “To Washoe Tribe”.

(3) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1).

(4) USE OF LAND.—



(A) GAMING.—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(B) TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200' elevation contour, the Tribe—

(i) shall limit the use of the land to—  
(I) traditional and customary uses; and  
(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—  
(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(C) TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200' elevation to—

(i) traditional and customary uses;  
(ii) stewardship conservation for the benefit of the Tribe; and

(iii)(I) residential or recreational development; or

(II) commercial use.

(D) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) CORRECTION OF SKUNK HARBOR CONVEYANCE.—

(1) PURPOSE.—The purpose of this subsection is to amend Public Law 108-67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) TECHNICAL CORRECTION.—Section 2 of Public Law 108-67 (117 Stat. 880) is amended—

(A) by striking “Subject to” and inserting the following:

“(a) IN GENERAL.—Subject to”;  
(B) in subsection (a) (as designated by paragraph (1)), by striking “the parcel” and all that follows through the period at the end and inserting the following: “and to approximately 23 acres of land identified as ‘Parcel A’ on the map entitled ‘Skunk Harbor Conveyance Correction’ and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0’ (Lake Tahoe Datum).”; and

(C) by adding at the end the following:

“(b) SURVEY AND LEGAL DESCRIPTION.—  
“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

“(2) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

“(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.”.

(3) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108-67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as “Parcel B” on the map entitled “Skunk Harbor Conveyance Correction” and dated September 12, 2008.

(j) AGREEMENT WITH FOREST SERVICE.—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) ARTIFACT COLLECTION.—

(1) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as “Parcel #2” on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) AUTHORIZED ACTIVITIES.—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as “Parcel #2” on the Map.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term “City” means the City of Henderson, Nevada.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the State of Nevada.

(4) TRANSITION AREA.—The term “Transition Area” means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as “Limited Transition Area” on the map entitled “Southern Nevada Limited Transition Area Act” and dated March 20, 2006.

(b) SOUTHERN NEVADA LIMITED TRANSITION AREA.—

(1) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(A) IN GENERAL.—After the conveyance to the City under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) METHOD OF SALE.—  
(i) IN GENERAL.—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be for not less than fair market value.

(C) COMPLIANCE WITH CHARTER.—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(D) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(3) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with

the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election.

(4) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and

(B) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) REVERSION.—

(A) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

#### SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) ALTA-HUALAPAI SITE.—The term “Alta-Hualapai Site” means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.); and

(B) identified on the map as the “Alta-Hualapai Site”.

(2) CITY.—The term “City” means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term “Institute” means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term “map” means the map titled “Nevada Cancer Institute Expansion Act” and dated July 17, 2006.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term “Water District” means the Las Vegas Valley Water District.

(b) LAND CONVEYANCE.—

(1) SURVEY AND LEGAL DESCRIPTION.—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) ACCEPTANCE.—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) ADDITIONAL CONVEYANCES.—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid



existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary medical or nonprofit use compatible with the mission of the Institute.

(5) **APPLICABLE LAW.**—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105-263 (112 Stat. 2345).

(6) **TRANSACTION COSTS.**—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105-263 (112 Stat. 2345).

(c) **RIGHTS-OF-WAY.**—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

(d) **REVERSION.**—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

#### **SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.**

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 25 acres of Bureau of Land Management land identified on the map as “Lands to be conveyed to Turnabout Ranch”.

(2) **MAP.**—The term “map” means the map entitled “Turnabout Ranch Conveyance” dated May 12, 2006, and on file in the office of the Director of the Bureau of Land Management.

(3) **MONUMENT.**—The term “Monument” means the Grand Staircase-Escalante National Monument located in southern Utah.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **TURNABOUT RANCH.**—The term “Turnabout Ranch” means the Turnabout Ranch in Escalante, Utah, owned by Aspen Education Group.

(b) **CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.**—

(1) **IN GENERAL.**—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land for the appraised value, the Secretary shall, not later than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) **APPRAISAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice”. All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) **PAYMENT OF CONSIDERATION.**—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch

shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) **COSTS OF CONVEYANCE.**—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305), to be expended in accordance with that Act.

(c) **MODIFICATION OF MONUMENT BOUNDARY.**—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

#### **SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.**

(a) **DEFINITIONS.**—In this section:

(1) **BOY SCOUTS.**—The term “Boy Scouts” means the Utah National Parks Council of the Boy Scouts of America.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **BOY SCOUTS OF AMERICA LAND EXCHANGE.**—

(1) **AUTHORITY TO CONVEY.**—

(A) **IN GENERAL.**—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) **REVERSIONARY INTEREST.**—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) **DESCRIPTION OF LAND.**—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(ii) SE 1/4 SE 1/4 sec. 24, T. 35. S., R. 9 W., Salt Lake Base Meridian.

(3) **CONDITIONS.**—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43-75-0010.

(4) **MODIFICATION OF PATENT.**—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq.) numbered 43-75-0010 to take into account the exchange under paragraph (1)(A).

#### **SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.**

(a) **DEFINITIONS.**—In this section:

(1) **PUBLIC LAND.**—The term “public land” means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled “Douglas County Public Utility District Proposal” and dated March 2, 2006.

(2) **PUD.**—The term “PUD” means the Public Utility District No. 1 of Douglas County, Washington.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **WELLS HYDROELECTRIC PROJECT.**—The term “Wells Hydroelectric Project” means Federal Energy Regulatory Commission Project No. 2149.

(b) **CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.**—

(1) **CONVEYANCE REQUIRED.**—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

(2) **APPRAISAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice”.

(3) **PAYMENT.**—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) **MAP AND LEGAL DESCRIPTIONS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) **COSTS OF CONVEYANCE.**—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(c) **SEGREGATION OF LANDS.**—

(1) **WITHDRAWAL.**—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

(2) **DURATION.**—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) **RETAINED AUTHORITY.**—The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

**SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.**

(a) **CONVEYANCE.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) **LAND DESCRIPTION.**—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as “Land to be conveyed to Twin Falls” on the map titled “Twin Falls Land Conveyance” and dated July 28, 2008.

(c) **MAP ON FILE.**—A map depicting the land described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) **USE OF CONVEYED LANDS.**—

(1) **PURPOSE.**—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) **RESTRICTION.**—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) **REVERSION.**—If the land conveyed under this section is no longer used in accordance with subsection (d)—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) **ADMINISTRATIVE COSTS.**—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

**SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.**

(a) **FINDING.**—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) **RELEASE.**—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) **DESCRIPTION OF LAND.**—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled “Sunrise Mountain ISA Release Areas” and dated September 6, 2008.

**SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.**

(a) **CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.**—

(1) **LAND TRANSFER.**—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(2) **DEED RESTRICTION.**—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

(3) **CONSIDERATION.**—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) **SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.**—

(1) **SALE OF LAND.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) **METHOD OF SALE.**—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) **DISPOSITION OF LAND SALES PROCEEDS.**—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

**SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.**

(a) **RAILROAD LANDS DEFINED.**—For the purposes of this section, the term “railroad lands”

means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) **RELEASE OF REVERSIONARY INTEREST.**—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in subsection (a) of this section are hereby released.

**SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.**

(a) **IN GENERAL.**—

(1) **FEDERAL LANDS.**—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106-568; 114 Stat. 2921).

(2) **TRUST LANDS.**—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106-568; 114 Stat. 2921).

(b) **FEDERAL LANDS DESCRIBED.**—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

(c) **TRUST LANDS DESCRIBED.**—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) **SURVEY.**—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b)

and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) **LEGAL DESCRIPTIONS.**—

(1) **PUBLICATION.**—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—  
(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) **EFFECT.**—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

### **TITLE III—FOREST SERVICE AUTHORIZATIONS**

#### **Subtitle A—Watershed Restoration and Enhancement**

##### **SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.**

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended—

(1) in subsection (a), by striking “each of fiscal years 2006 through 2011” and inserting “fiscal year 2006 and each fiscal year thereafter”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) **APPLICABLE LAW.**—Chapter 63 of title 31, United States Code, shall not apply to—

“(1) a watershed restoration and enhancement agreement entered into under this section; or

“(2) an agreement entered into under the first section of Public Law 94-148 (16 U.S.C. 565a-1).”.

#### **Subtitle B—Wildland Firefighter Safety**

##### **SEC. 3101. WILDLAND FIREFIGHTER SAFETY.**

(a) **DEFINITIONS.**—In this section:

(1) **SECRETARIES.**—The term “Secretaries” means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) **WILDLAND FIREFIGHTER.**—The term “wildland firefighter” means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) **ANNUAL REPORT TO CONGRESS.**—

(1) **IN GENERAL.**—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) **TIMELINE.**—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

#### **Subtitle C—Wyoming Range**

##### **SEC. 3201. DEFINITIONS.**

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(2) **WYOMING RANGE WITHDRAWAL AREA.**—The term “Wyoming Range Withdrawal Area” means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled “Wyoming Range Withdrawal Area” and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

##### **SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.**

(a) **WITHDRAWAL.**—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

(b) **EXISTING RIGHTS.**—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) **BUFFERS.**—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

(d) **LAND AND RESOURCE MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) **CONFLICTS.**—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) **PRIOR LEASE SALES.**—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease

parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) **EXCEPTION.**—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

##### **SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.**

(a) **NOTIFICATION OF LEASEHOLDERS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section.

(b) **REQUEST FOR LEASE RETIREMENT.**—

(1) **IN GENERAL.**—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) **LIST OF INTERESTED HOLDERS.**—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) **PROHIBITION.**—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) **DONATION AUTHORITY.**—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) **RELATIONSHIP TO OTHER AUTHORITY.**—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

#### **Subtitle D—Land Conveyances and Exchanges**

##### **SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.**

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the city of Coffman Cove, Alaska.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **CONVEYANCE.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

## (2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled "Subdivision of U.S. Survey No. 10099" and recorded as Plat 2003-1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) EXCLUDED LAND.—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030-295 and southeast of Tract CC-8.

(3) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) REVERSION.—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under paragraph (1)—

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

**SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST LAND CONVEYANCE, MONTANA.**

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Jefferson County, Montana.

(2) MAP.—The term "map" means the map that is—

(A) entitled "Elkhorn Cemetery";

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) CONVEYANCE TO JEFFERSON COUNTY, MONTANA.—

(1) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the "Elkhorn Cemetery", as generally depicted on the map.

(3) USE OF LAND.—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) EASEMENT.—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) REVERSION.—In the quitclaim deed to the County, the Secretary shall provide that the

land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

**SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE.**

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term "landowner" means the 1 or more owners of the non-Federal land.

(3) MAP.—The term "map" means the map entitled "Proposed Land Exchange for Pecos National Historical Park", numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term "Park" means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term "State" means the State of New Mexico.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) EASEMENT.—

(A) IN GENERAL.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) ROUTE.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.).

(2) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

**SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.**

(a) DEFINITIONS.—In this section:

(1) **CLAIM.**—The term “Claim” means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) **CLAIMANTS.**—The term “Claimants” means Ramona Lawson and Boyd Lawson.

(3) **FEDERAL LAND.**—The term “Federal land” means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) **SURVEY.**—The term “survey” means the survey plat entitled “Boundary Survey and Conservation Easement Plat”, prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) **SANTA FE NATIONAL FOREST LAND CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) **SURVEY.**—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

(3) **SATISFACTION OF CLAIM.**—The conveyance of Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

#### **SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.**

(a) **CONVEYANCE REQUIRED.**—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the “District”), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) **SURVEY.**—If necessary, the exact acreage and legal description of the lands to be con-

veyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### **SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.**

Notwithstanding Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the “Mammoth Community Water District”) by Patent No. 04-87-0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder’s Office, Mono County, California, may be used for any public purpose.

#### **SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.**

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term “City” means the City of Bountiful, Utah.

(2) **FEDERAL LAND.**—The term “Federal land” means the land under the jurisdiction of the Secretary identified on the map as “Shooting Range Special Use Permit Area”.

(3) **MAP.**—The term “map” means the map entitled “Bountiful City Land Consolidation Act” and dated October 15, 2007.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **EXCHANGE.**—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) **VALUATION AND EQUALIZATION.**—

(1) **VALUATION.**—The value of the Federal land and the non-Federal land to be conveyed under subsection (b)—

(A) shall be equal, as determined by appraisals carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) **EQUALIZATION.**—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

(B) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(e) **APPLICABLE LAW.**—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) **CONDITIONS.**—

(1) **LIABILITY.**—

(A) **IN GENERAL.**—As a condition of the exchange under subsection (b), the Secretary shall—

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

(II) hold the United States harmless for any liability for the condition of the Federal land; and

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) **LIMITATION.**—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(g) **MANAGEMENT OF ACQUIRED LAND.**—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

(h) **EASEMENTS; RIGHTS-OF-WAY.**—

(1) **BONNEVILLE SHORELINE TRAIL EASEMENT.**—In carrying out the land exchange under subsection (b), the Secretary shall ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) **OTHER RIGHTS-OF-WAY.**—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) **DISPOSAL OF REMAINING FEDERAL LAND.**—

(1) **IN GENERAL.**—The Secretary may, by sale or exchange, dispose of all, or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

(2) **REQUIREMENTS.**—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after carrying out a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **CONSIDERATION.**—As consideration for any conveyance of Federal land under paragraph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land.

(4) **RELATION TO OTHER LAWS.**—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(5) **DISPOSITION OF PROCEEDS.**—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) **ADDITIONAL TERMS AND CONDITIONS.**—Any conveyance of Federal land under paragraph (1) shall be subject to—

- (A) valid existing rights; and
- (B) such additional terms and conditions as the Secretary may require.

**SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS.**

(a) **PURPOSES.**—The purposes of this section are—

- (1) to adjust the boundaries of the wilderness area; and
- (2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) **DEFINITIONS.**—In this section:

(1) **LAND DESIGNATED FOR EXCLUSION.**—The term “land designated for exclusion” means the parcel of land that is—

- (A) comprised of approximately 10.2 acres of land;

(B) generally depicted on the survey plat entitled “Proposed Boundary Change FCORNW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho” and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on file in—

- (i) the office of the Chief of the Forest Service, Washington, DC; and
- (ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) **LAND DESIGNATED FOR INCLUSION.**—The term “land designated for inclusion” means the parcel of National Forest System land that is—

- (A) comprised of approximately 10.2 acres of land;

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(C) generally depicted on the map entitled “Challis National Forest, T.14 N., R. 13 E., B.M., Custer County, Idaho, Proposed Boundary Change FCORNW” and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

- (i) the office of the Chief of the Forest Service, Washington, DC; and
- (ii) the Intermountain Regional Forester, Ogden, Utah.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(4) **WILDERNESS AREA.**—The term “wilderness area” means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) **BOUNDARY ADJUSTMENT.**—

(1) **ADJUSTMENT TO WILDERNESS AREA.**—

(A) **INCLUSION.**—The wilderness area shall include the land designated for inclusion.

(B) **EXCLUSION.**—The wilderness area shall not include the land designated for exclusion.

(2) **CORRECTIONS TO LEGAL DESCRIPTIONS.**—The Secretary may make corrections to the legal descriptions.

(d) **CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—

- (A) the land designated for exclusion; and
- (B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent to the land designated for exclusion.

(2) **CONDITIONS.**—The sale of land under paragraph (1) shall be subject to the conditions that—

- (A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the person buying the land shall pay—

- (i) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) **DISPOSITION OF PROCEEDS.**—

(A) **IN GENERAL.**—The Secretary shall deposit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) **AVAILABILITY AND USE.**—Amounts deposited under subparagraph (A)—

- (i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

- (I) wildland fire management; or
- (II) any other emergency purposes.

**SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.**

Section 413(b) of the T’u’f Shur Bien Preservation Trust Area Act (16 U.S.C. 539m-11) is amended—

(1) in paragraph (1), by inserting “3,” after “sections”; and

(2) in the first sentence of paragraph (4), by inserting “, as a condition of the conveyance,” before “remain”.

**Subtitle E—Colorado Northern Front Range Study**

**SEC. 3401. PURPOSE.**

The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

**SEC. 3402. DEFINITIONS.**

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) **STATE.**—The term “State” means the State of Colorado.

(3) **STUDY AREA.**—

(A) **IN GENERAL.**—The term “study area” means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled “Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area” and dated August 27, 2008.

(B) **EXCLUSIONS.**—The term “study area” does not include land within the city limits of the cities of Arvada, Boulder, or Golden, Colorado.

(4) **UNDEVELOPED LAND.**—The term “undeveloped land” means land—

- (A) that is located within the study area;
- (B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

**SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.**

(a) **STUDY; REPORT.**—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

- (1) conduct a study of the land within the study area; and
- (2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) **REQUIREMENTS.**—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

- (1) The Colorado Department of Natural Resources.
- (2) Colorado State Forest Service.
- (3) Colorado State Conservation Board.
- (4) Great Outdoors Colorado.
- (5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) **LIMITATION.**—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

- (1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) **EFFECT.**—Nothing in this subtitle authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

**TITLE IV—FOREST LANDSCAPE RESTORATION**

**SEC. 4001. PURPOSE.**

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

- (A) various ecological restoration techniques—
- (i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefiting local rural economies and improving forest health.

**SEC. 4002. DEFINITIONS.**

In this title:

(1) **FUND.**—The term “Fund” means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

(2) **PROGRAM.**—The term “program” means the Collaborative Forest Landscape Restoration Program established under section 4003(a).

(3) **PROPOSAL.**—The term “proposal” means a collaborative forest landscape restoration proposal described in section 4003(b).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(5) **STRATEGY.**—The term “strategy” means a landscape restoration strategy described in section 4003(b)(1).

**SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.**

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological



restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) any other applicable law.

(b) **ELIGIBILITY CRITERIA.**—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would carry out any forest restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106-393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the “10 Year Comprehensive Strategy Implementation Plan” and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and nonprofit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) **NOMINATION PROCESS.**—

(1) **SUBMISSION.**—A proposal shall be submitted to—

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(2) **NOMINATION.**—

(A) **IN GENERAL.**—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) **CONCURRENCE.**—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(3) **DOCUMENTATION.**—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of plan-

ning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) **SELECTION PROCESS.**—

(1) **IN GENERAL.**—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) **CRITERIA.**—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) **LIMITATION.**—The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(e) **ADVISORY PANEL.**—

(1) **IN GENERAL.**—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) **REPRESENTATION.**—The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) **INCLUSION.**—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and



woody biomass and small-diameter tree utilization.

(f) **COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund, to be known as the “Collaborative Forest Landscape Restoration Fund”, to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(2) **INCLUSION.**—The cost of carrying out ecological restoration treatments as provided in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) **CONTENTS.**—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) **EXPENDITURES FROM FUND.**—

(A) **IN GENERAL.**—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) **LIMITATION.**—The Secretary shall not expend money from the Fund on any 1 proposal—

(i) during a period of more than 10 fiscal years; or

(ii) in excess of \$4,000,000 in any 1 fiscal year.

(5) **ACCOUNTING AND REPORTING SYSTEM.**—The Secretary shall establish an accounting and reporting system for the Fund.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Fund \$40,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(g) **PROGRAM IMPLEMENTATION AND MONITORING.**—

(1) **WORK PLAN.**—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration; and

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) **PROJECT IMPLEMENTATION.**—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) **ANNUAL REPORT.**—The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) **MULTIPARTY MONITORING.**—The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(h) **REPORT.**—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

#### **SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

### **TITLE V—RIVERS AND TRAILS**

#### **Subtitle A—Additions to the National Wild and Scenic Rivers System**

##### **SEC. 5001. FOSSIL CREEK, ARIZONA.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

“(205) **FOSSIL CREEK, ARIZONA.**—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

“(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

“(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.”.

##### **SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.**

(a) **SHORT TITLE.**—This section may be cited as the “Craig Thomas Snake Headwaters Legacy Act of 2008”.

(b) **FINDINGS; PURPOSES.**—

(1) **FINDINGS.**—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(1) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) **PURPOSES.**—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) **DEFINITIONS.**—In this section:

(1) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

(2) **STATE.**—The term “State” means the State of Wyoming.

(d) **WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

“(206) **SNAKE RIVER HEADWATERS, WYOMING.**—The following segments of the Snake River System, in the State of Wyoming:

“(A) **BAILEY CREEK.**—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

“(B) **BLACKROCK CREEK.**—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

“(C) **BUFFALO FORK OF THE SNAKE RIVER.**—The portions of the Buffalo Fork of the Snake River, consisting of—

“(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

“(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

“(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

“(D) **CRYSTAL CREEK.**—The portions of Crystal Creek, consisting of—

“(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

“(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

“(E) **GRANITE CREEK.**—The portions of Granite Creek, consisting of—

“(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

“(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

“(F) **GROS VENTRE RIVER.**—The portions of the Gros Ventre River, consisting of—

“(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

“(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

“(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

“(G) **HOBACK RIVER.**—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

“(H) **LEWIS RIVER.**—The portions of the Lewis River, consisting of—

“(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

“(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

“(I) **PACIFIC CREEK.**—The portions of Pacific Creek, consisting of—

“(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

“(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

“(J) **SHOAL CREEK.**—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

“(K) **SNAKE RIVER.**—The portions of the Snake River, consisting of—

“(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

“(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

“(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

“(L) **WILLOW CREEK.**—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

“(M) **WOLF CREEK.**—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.”

(e) **MANAGEMENT.**—

(1) **IN GENERAL.**—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) **REQUIRED COMPONENT.**—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) **QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.**—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) **STREAM GAUGES.**—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) **CONSENT OF PROPERTY OWNER.**—No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) **EFFECT OF DESIGNATIONS.**—

(A) **IN GENERAL.**—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) **JACKSON LAKE; JACKSON LAKE DAM.**—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### **SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.**

(a) **DESIGNATION.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

“(207) **TAUNTON RIVER, MASSACHUSETTS.**—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

“(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

“(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

“(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

“(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.”

(b) **MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.**—

(1) **TAUNTON RIVER STEWARDSHIP PLAN.**—

(A) **IN GENERAL.**—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the “Secretary”) determines to be consistent with this section).

(B) **EFFECT.**—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) **COOPERATIVE AGREEMENTS.**—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) **RELATION TO NATIONAL PARK SYSTEM.**—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(4) **LAND MANAGEMENT.**—

(A) **ZONING ORDINANCES.**—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or  
(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

**Subtitle B—Wild and Scenic Rivers Studies**

**SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.**

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

“(140) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.”.

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

“(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

“(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(140); and

“(B) submit a report describing the results of that study to the appropriate committees of Congress.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**Subtitle C—Additions to the National Trails System**

**SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.**

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(27) ARIZONA NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.–Mexico international border to the Arizona–Utah border, as generally depicted on the map entitled ‘Arizona National Scenic Trail’ and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.”.

**SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.**

(a) AUTHORIZATION AND ADMINISTRATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5201) is amended by adding at the end the following:

“(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a con-

tinuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled ‘New England National Scenic Trail Proposed Route’, numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the ‘Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment’, prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.”.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall consider the actions outlined in the Trail Management Blueprint described in the report titled the “Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment”, prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet–Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

**SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.**

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term “Ice Age floods” or “floods” means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term “plan” means the cooperative management and interpretation plan authorized under subsection (f)(5).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TRAIL.—The term “Trail” means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled “Ice Age Floods National Geologic Trail,” numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or non-profit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

- (i) State, local, and tribal governments;
- (ii) the Ice Age Floods Institute;
- (iii) private property owners; and
- (iv) other interested parties.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled “Ice Age Floods, Study of Alternatives and Environmental Assessment” (February 2001) by—

- (I) locating features more accurately;
- (II) improving the description of features; and
- (III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91-383 (16 U.S.C. 1a-2(l)).

(B) AUTHORITY.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public or private entities to carry out this section.

(8) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) LIABILITY.—Designation of the Trail by subsection (c) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than \$12,000,000 may be used for development of the Trail.

#### SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

“(29) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled ‘WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL’, numbered T01/80,001, and dated June 2007.

“(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

“(i) other Federal, State, tribal, regional, and local agencies; and

“(ii) the private sector.

“(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

#### SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

“(30) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled ‘Pacific Northwest National Scenic Trail: Proposed Trail’, numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the ‘map’).

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

“(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

“(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.”.

#### SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

“(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

“(i) The Bengie and Bell routes.

“(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

“(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

“(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).”.

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: “No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.”.

#### Subtitle D—National Trail System Amendments

#### SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.—

(1) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(5) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(7) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior

boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.”.

(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: “No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.”.

(b) CONFORMING AMENDMENT.—Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the ‘trail’) designated by section 5(a)(12)—

“(i) not more than \$500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

“(ii) not more than \$2,000,000 shall be appropriated for the development of the trail.

“(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”.

**SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.**

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

“(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

“(1) DEFINITIONS.—In this subsection:

“(A) ROUTE.—The term ‘route’ includes a trail segment commonly known as a cutoff.

“(B) SHARED ROUTE.—The term ‘shared route’ means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

“(2) REQUIREMENTS FOR REVISION.—

“(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

“(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection.

“(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

“(3) OREGON NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) Whitman Mission route.

“(ii) Upper Columbia River.

“(iii) Cowlitz River route.

“(iv) Meek cutoff.

“(v) Free Emigrant Road.

“(vi) North Alternate Oregon Trail.

“(vii) Goodale’s cutoff.

“(viii) North Side alternate route.

“(ix) Cutoff to Barlow road.

“(x) Naches Pass Trail.

“(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

“(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) MISSOURI VALLEY ROUTES.—

“(I) Blue Mills–Independence Road.

“(II) Westport Landing Road.

“(III) Westport–Lawrence Road.

“(IV) Fort Leavenworth–Blue River route.

“(V) Road to Amazonia.

“(VI) Union Ferry Route.

“(VII) Old Wyoming–Nebraska City cutoff.

“(VIII) Lower Plattsmouth Route.

“(IX) Lower Bellevue Route.

“(X) Woodbury cutoff.

“(XI) Blue Ridge cutoff.

“(XII) Westport Road.

“(XIII) Gum Springs–Fort Leavenworth route.

“(XIV) Atchison/Independence Creek routes.

“(XV) Fort Leavenworth–Kansas River route.

“(XVI) Nebraska City cutoff routes.

“(XVII) Minersville–Nebraska City Road.

“(XVIII) Upper Plattsmouth route.

“(XIX) Upper Bellevue route.

“(ii) CENTRAL ROUTES.—

“(I) Cherokee Trail, including splits.

“(II) Weber Canyon route of Hastings cutoff.

“(III) Bishop Creek cutoff.

“(IV) McAuley cutoff.

“(V) Diamond Springs cutoff.

“(VI) Secret Pass.

“(VII) Greenhorn cutoff.

“(VIII) Central Overland Trail.

“(iii) WESTERN ROUTES.—

“(I) Bidwell–Bartleson route.

“(II) Georgetown/Dagget Pass Trail.

“(III) Big Trees Road.

“(IV) Grizzly Flat cutoff.

“(V) Nevada City Road.

“(VI) Yreka Trail.

“(VII) Henness Pass route.

“(VIII) Johnson cutoff.

“(IX) Luther Pass Trail.

“(X) Volcano Road.

“(XI) Sacramento-Coloma Wagon Road.

“(XII) Burnett cutoff.

“(XIII) Placer County Road to Auburn.

“(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

“(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

“(iii) Keokuk route (Iowa).

“(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

“(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

“(vi) 1850 Golden Pass Road in Utah.

“(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

“(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled ‘Western Emigrant Trails 1830/1870’ and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

“(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

“(i) St. Joe Road.

“(ii) Council Bluffs Road.

“(iii) Sublette cutoff.

“(iv) Applegate route.

“(v) Old Fort Kearny Road (Oxbow Trail).

“(vi) Childs cutoff.

“(vii) Raft River to Applegate.”.

**SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.**

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

“(44) CHISHOLM TRAIL.—

“(A) IN GENERAL.—The Chisholm Trail (also known as the ‘Abilene Trail’), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

“(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

“(45) GREAT WESTERN TRAIL.—

“(A) IN GENERAL.—The Great Western Trail (also known as the ‘Dodge City Trail’), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan’s Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

“(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of

the Interior shall identify the point at which the trail originated south of San Antonio, Texas.”.

#### Subtitle E—Effect of Title

##### SEC. 5401. EFFECT.

(a) **EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.**—Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) **EFFECT ON STATE AUTHORITY.**—Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

#### TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

##### Subtitle A—Cooperative Watershed Management Program

##### SEC. 6001. DEFINITIONS.

In this subtitle:

(1) **AFFECTED STAKEHOLDER.**—The term “affected stakeholder” means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) **GRANT RECIPIENT.**—The term “grant recipient” means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) **PROGRAM.**—The term “program” means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **WATERSHED GROUP.**—The term “watershed group” means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

(I) owns land within the watershed; or

(II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;

(iii) ecological resiliency; and

(iv) the reduction of water conflicts; and

(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) **WATERSHED MANAGEMENT PROJECT.**—The term “watershed management project” means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;

(B) improves water quality;

(C) improves ecological resiliency of a river or stream;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

##### SEC. 6002. PROGRAM.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the “Cooperative Watershed Management Program”, under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or

(B) to enlarge a watershed group; and

(2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) **APPLICATION.**—

(1) **ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process for the program; and

(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) **DISTRIBUTION OF GRANT FUNDS.**—

(1) **IN GENERAL.**—In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and

(B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or

(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) **FUNDING PROCEDURE.**—

(A) **FIRST PHASE.**—

(i) **IN GENERAL.**—The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than \$100,000 each year for a period of not more than 3 years.

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) **ANNUAL DETERMINATION OF ELIGIBILITY.**—

(I) **DETERMINATION.**—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) **EFFECT OF DETERMINATION.**—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) **ADVANCEMENT CONDITIONS.**—A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and

(II)(aa) holds regular meetings;

(bb) has completed a mission statement; and

(cc) has developed a restoration plan and project concepts for the watershed.

(v) **EXCEPTION.**—A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants

under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) **SECOND PHASE.**—

(i) **IN GENERAL.**—A watershed group may apply for and receive second-phase grants of \$1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or

(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) **ANNUAL DETERMINATION OF ELIGIBILITY.**—

(I) **DETERMINATION.**—For each year of the second-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) **EFFECT OF DETERMINATION.**—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) **ADVANCEMENT CONDITION.**—A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement of the second-phase grant; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) **THIRD PHASE.**—

(i) **FUNDING LIMITATION.**—

(I) **IN GENERAL.**—Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than \$5,000,000 for a period of not more than 5 years.

(II) **EXCEPTION.**—The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) **MANDATORY USE OF FUNDS.**—A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) **AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE AND OTHER COSTS.**—A grant recipient that receives a grant under this section may use the funds—

(A) to pay for—

(i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or

(II) \$100,000;

(ii) the salary of not more than 1 full-time employee of the watershed group; and

(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and

(ii) the planning, design, and implementation of any projects relating to water quality or quantity.



(d) **COST SHARE.**—

(1) **PLANNING.**—The Federal share of the cost of an activity provided assistance through a first-phase grant shall be 100 percent.

(2) **PROJECTS CARRIED OUT UNDER SECOND PHASE.**—

(A) **IN GENERAL.**—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) **PROJECTS CARRIED OUT UNDER THIRD PHASE.**—

(A) **IN GENERAL.**—The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) **REQUIRED DEGREE OF DETAIL.**—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) **REPORT.**—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

(A) in addressing water conflicts;  
(B) in conserving water;  
(C) in improving water quality; and  
(D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(1) \$2,000,000 for each of fiscal years 2008 and 2009;

(2) \$5,000,000 for fiscal year 2010;

(3) \$10,000,000 for fiscal year 2011; and

(4) \$20,000,000 for each of fiscal years 2012 through 2020.

**SEC. 6003. EFFECT OF SUBTITLE.**

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.

#### **Subtitle B—Competitive Status for Federal Employees in Alaska**

**SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.**

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end the following:

“(e) **COMPETITIVE STATUS.**—

“(1) **IN GENERAL.**—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same man-

ner as any other employee hired as part of the competitive service.

“(2) **REDESIGNATION OF CERTAIN POSITIONS.**—

“(A) **PERSONS SERVING IN ORIGINAL POSITIONS.**—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

“(B) **PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.**—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

“(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

“(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.”.

#### **Subtitle C—Wolf Livestock Loss Demonstration Project**

**SEC. 6201. DEFINITIONS.**

In this subtitle:

(1) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) **LIVESTOCK.**—The term “livestock” means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

(3) **PROGRAM.**—The term “program” means the demonstration program established under section 6202(a).

(4) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

**SEC. 6202. WOLF COMPENSATION AND PREVENTION PROGRAM.**

(a) **IN GENERAL.**—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes—

(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to such predation.

(b) **CRITERIA AND REQUIREMENTS.**—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—

(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) **ELIGIBILITY.**—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

(4) submit to the Secretary—

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and

(ii) a description of any action taken on the claims; and

(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) promulgate rules for reimbursing livestock producers under the program.

(d) **ALLOCATION OF FUNDING.**—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

(2) among States and Indian tribes based on—  
(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) any other factors that the Secretaries determine are appropriate.

(e) **ELIGIBLE LAND.**—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) **FEDERAL COST SHARE.**—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

**SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this subtitle \$1,000,000 for fiscal year 2009 and each fiscal year thereafter.

#### **Subtitle D—Paleontological Resources Preservation**

**SEC. 6301. DEFINITIONS.**

In this subtitle:

(1) **CASUAL COLLECTING.**—The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth’s surface and other resources. As used in this paragraph, the terms “reasonable amount”, “common invertebrate and plant paleontological resources” and “negligible disturbance” shall be determined by the Secretary.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) **INDIAN LAND.**—The term “Indian Land” means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) **PALEONTOLOGICAL RESOURCE.**—The term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.



(6) *STATE*.—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

#### SEC. 6302. MANAGEMENT.

(a) *IN GENERAL*.—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) *COORDINATION*.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

#### SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

#### SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

##### (a) PERMIT REQUIREMENT.—

(1) *IN GENERAL*.—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) *CASUAL COLLECTING EXCEPTION*.—The Secretary shall allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) *PREVIOUS PERMIT EXCEPTION*.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) *CRITERIA FOR ISSUANCE OF A PERMIT*.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) *PERMIT SPECIFICATIONS*.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) *MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS*.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) *AREA CLOSURES*.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

#### SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

#### SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) *IN GENERAL*.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) *FALSE LABELING OFFENSES*.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) *PENALTIES*.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) *MULTIPLE OFFENSES*.—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) *GENERAL EXCEPTION*.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

#### SEC. 6307. CIVIL PENALTIES.

(a) *IN GENERAL*.—

(1) *HEARING*.—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) *AMOUNT OF PENALTY*.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) *MULTIPLE OFFENSES*.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) *LIMITATION*.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) *PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS*.—

(1) *JUDICIAL REVIEW*.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) *FAILURE TO PAY*.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person is found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) *HEARINGS*.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) *USE OF RECOVERED AMOUNTS*.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, and to protect, monitor, and study the resources and sites.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

#### SEC. 6308. REWARDS AND FORFEITURE.

(a) *REWARDS*.—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to 1/2 of the penalties, to any person who furnishes information which leads to the finding of

a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) **FORFEITURE.**—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture.

(c) **TRANSFER OF SEIZED RESOURCES.**—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

#### SEC. 6309. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

- (1) further the purposes of this subtitle;
- (2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and
- (3) be in accordance with other applicable laws.

#### SEC. 6310. REGULATIONS.

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

#### SEC. 6311. SAVINGS PROVISIONS.

Nothing in this subtitle shall be construed to—

- (1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the “Mining in the Parks Act”) (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

- (2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

- (3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

- (4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

- (5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

- (6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

#### SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

#### Subtitle E—Izembek National Wildlife Refuge Land Exchange

#### SEC. 6401. DEFINITIONS.

In this subtitle:

(1) **CORPORATION.**—The term “Corporation” means the King Cove Corporation.

(2) **FEDERAL LAND.**—The term “Federal land” means—

(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and

(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

(3) **MAP.**—The term “map” means each of—

(A) the map entitled “Izembek and Alaska Peninsula National Wildlife Refuges” and dated September 2, 2008; and

(B) the map entitled “Sitkinak Island–Alaska Maritime National Wildlife Refuge” and dated September 2, 2008.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means—

(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and

(B) the approximately 13,300 acres of land owned by the Corporation (including approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) as part of the land exchange under section 6402(a)), as generally depicted on the map.

(5) **REFUGE.**—The term “Refuge” means the Izembek National Wildlife Refuge.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means the State of Alaska.

(8) **TRIBE.**—The term “Tribe” means the Agdaagux Tribe of King Cove, Alaska.

#### SEC. 6402. LAND EXCHANGE.

(a) **IN GENERAL.**—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) **COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.**—

(1) **IN GENERAL.**—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) except as provided in subsection (c), comply with any other applicable law (including regulations).

(2) **ENVIRONMENTAL IMPACT STATEMENT.**—

(A) **IN GENERAL.**—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) **REQUIREMENTS.**—The environmental impact statement prepared under subparagraph (A) shall contain—

(i) an analysis of—

(I) the proposed land exchange; and

(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay, Alaska; and

(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Tribe.

(3) **COOPERATING AGENCIES.**—

(A) **IN GENERAL.**—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.

(B) **AUTHORIZED ENTITIES.**—An authorized entity may include—

(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2)(B)(i)(II);

(ii) the State;

(iii) the Aleutians East Borough of the State;

(iv) the City of King Cove, Alaska;

(v) the Tribe; and

(vi) the Alaska Migratory Bird Co-Management Council.

(c) **VALUATION.**—The conveyance of the Federal land and non-Federal land under this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.

(d) **PUBLIC INTEREST DETERMINATION.**—

(1) **CONDITIONS FOR LAND EXCHANGE.**—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall determine that the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(2) **LIMITATION OF AUTHORITY OF SECRETARY.**—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—

(A) require the State or the Corporation to convey additional land to the United States; or

(B) impose any restriction on the subsistence uses (as defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)) of waterfowl by rural residents of the State.

(e) **KINZAROFF LAGOON.**—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a State refuge, in accordance with the applicable laws (including regulations) of the State.

(f) **DESIGNATION OF ROAD CORRIDOR.**—In designating the road corridor described in subsection (b)(2)(B)(ii), the Secretary shall—

(1) minimize the adverse impact of the road corridor on the Refuge;

(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and

(3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.

#### SEC. 6403. KING COVE ROAD.

(a) **REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.**—

(1) **LIMITATIONS ON USE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used primarily for health and safety purposes (including access to and from the Cold Bay Airport) and only for non-commercial purposes.

(B) **EXCEPTIONS.**—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be

allowed on the road described in subparagraph (A).

(C) **REQUIREMENT OF AGREEMENT.**—The limitations of the use of the road described in this paragraph shall be enforced in accordance with an agreement entered into between the Secretary and the State.

(2) **REQUIREMENT OF BARRIER CABLE.**—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on each side of the road, as described in the record of decision entitled "Mitigation Measure MM-11, King Cove Access Project Final Environmental Impact Statement Record of Decision" and dated January 22, 2004, unless a different type barrier is required as a mitigation measure in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2).

(3) **REQUIRED DIMENSIONS AND DESIGN FEATURES.**—The road described in paragraph (1)(A) shall—

(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;

(B) be constructed with gravel;

(C) be constructed to comply with any specific design features identified in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) as Mitigation Measures relative to the passage and migration of wildlife, and also the exchange of tidal flows, where applicable, in accordance with applicable Federal and State design standards; and

(D) if determined to be necessary, be constructed to include appropriate safety pullouts.

(b) **SUPPORT FACILITIES.**—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.

(c) **FEDERAL PERMITS.**—It is the intent of Congress that any Federal permit required for construction of the road be issued or denied not later than 1 year after the date of application for the permit.

(d) **APPLICABLE LAW.**—Nothing in this section amends, or modifies the application of, section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(e) **MITIGATION PLAN.**—

(1) **IN GENERAL.**—Based on the evaluation of impacts determined through the completion of the environmental impact statement under section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(2) **CORRECTIVE MODIFICATIONS.**—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—

(A) the mitigation standards required under the mitigation plan are maintained; and

(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.

(3) **AVOIDANCE OF WILDLIFE IMPACTS.**—Road construction shall adhere to any specific mitigation measures included in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) that—

(A) identify critical periods during the calendar year when the refuge is utilized by wildlife, especially migratory birds; and

(B) include specific mandatory strategies to alter, limit or halt construction activities during identified high risk periods in order to minimize impacts to wildlife, and

(C) allow for the timely construction of the road.

(4) **MITIGATION OF WETLAND LOSS.**—The plan developed under this subsection shall comply with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) with regard to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, espe-

cially intertidal wetlands, and shall evaluate mitigating effect of those wetlands transferred in Federal ownership under the provisions of this subtitle.

#### **SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.**

(1) **FEDERAL LAND.**—Upon completion of the land exchange under section 6402(a)—

(A) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under the land exchange; and

(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State upon the relinquishment or termination of the withdrawal.

(2) **NON-FEDERAL LAND.**—Upon completion of the land exchange under section 6402(a), the non-Federal land conveyed to the United States under this subtitle shall be—

(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate, as generally depicted on the map; and

(B) administered in accordance with the laws generally applicable to units of the National Wildlife Refuge System.

(3) **WILDERNESS ADDITIONS.**—

(A) **IN GENERAL.**—Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—

(i) the Izembek National Wildlife Refuge Wilderness; or

(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.

(B) **ADMINISTRATION.**—The land added as wilderness under subparagraph (A) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).

#### **SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.**

(a) **NOTIFICATION TO VOID LAND EXCHANGE.**—If the Secretary, the State, and the Corporation enter into the land exchange authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.

(b) **DISPOSITION OF LAND EXCHANGE.**—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted (other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2)), the land exchange shall be null and void.

(c) **RETURN OF PRIOR OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.**—If the land exchange is voided under subsection (b)—

(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;

(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and

(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.

#### **SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.**

(a) **IN GENERAL.**—Any legislative authority for construction of a road shall expire at the end of the 7-year period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during that period.

(b) **EXTENSION OF AUTHORITY.**—If a construction permit is issued within the allotted period,

the 7-year authority shall be extended for a period of 5 additional years beginning on the date of issuance of the construction permit.

(c) **EXTENSION OF AUTHORITY AS RESULT OF LEGAL CHALLENGES.**—

(1) **IN GENERAL.**—Prior to the issuance of a construction permit, if a lawsuit or administrative appeal is filed challenging the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) **INJUNCTION.**—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(d) **APPLICABILITY OF SECTION 6405.**—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

### **TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS**

#### **Subtitle A—Additions to the National Park System**

#### **SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY.**

(a) **DEFINITIONS.**—In this section:

(1) **CITY.**—The term "City" means the City of Paterson, New Jersey.

(2) **COMMISSION.**—The term "Commission" means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) **HISTORIC DISTRICT.**—The term "Historic District" means the Great Falls Historic District in the State.

(4) **MANAGEMENT PLAN.**—The term "management plan" means the management plan for the Park developed under subsection (d).

(5) **MAP.**—The term "Map" means the map entitled "Paterson Great Falls National Historical Park—Proposed Boundary", numbered T03/80,001, and dated May 2008.

(6) **PARK.**—The term "Park" means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

(7) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(8) **STATE.**—The term "State" means the State of New Jersey.

(b) **PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.**—

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the "Paterson Great Falls National Historical Park".

(B) **CONDITIONS FOR ESTABLISHMENT.**—The Park shall not be established until the date on which the Secretary determines that—

(i) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

(ii) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(I) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(II) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) PURPOSE.—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) BOUNDARIES.—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

(4) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) PUBLICATION OF NOTICE.—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(B) RIGHT OF ACCESS.—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or disposal.

(E) MATCHING FUNDS.—

(i) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) FORM.—With the approval of the Secretary, the non-Federal share required under clause (i) may be in the form of donated property, goods, or services from a non-Federal source.

(4) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) DONATION OF STATE OWNED LAND.—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91-383 (commonly known as the "National Park Service General Authorities Act") (16 U.S.C. 1a-7(b)); and

(B) other applicable laws.

(2) COST SHARE.—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) SUBMISSION TO CONGRESS.—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the "Paterson Great Falls National Historical Park Advisory Commission".

(2) DUTIES.—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—A member shall be appointed for a term of 3 years.

(ii) REAPPOINTMENT.—A member may be reappointed for not more than 1 additional term.

(B) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) QUORUM.—A majority of the Commission shall constitute a quorum.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(B) VICE CHAIRPERSON.—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(C) TERM.—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) COMMISSION PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Members of the Commission shall serve without compensation.

(ii) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) DETAIL OF EMPLOYEES.—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

(9) FACIA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) STUDY OF HINCHLIFFE STADIUM.—

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) **INCLUSIONS.**—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.**

(a) **ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.**—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the “President William Jefferson Clinton Birthplace Home National Historic Site”.

(b) **APPLICABILITY OF OTHER LAWS.**—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

**SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the “Secretary”) shall accept the donated land.

(2) **DESIGNATION OF PARK.**—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be known as the “River Raisin National Battlefield Park” (referred to in this section as the “Park”).

(3) **LEGAL DESCRIPTION.**—

(A) **IN GENERAL.**—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) **AVAILABILITY OF MAP AND LEGAL DESCRIPTION.**—A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **GENERAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site.

(B) **CONSULTATION.**—The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) **INCLUSIONS.**—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) **SUBMISSION TO CONGRESS.**—On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

**Subtitle B—Amendments to Existing Units of the National Park System**

**SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.**

(a) **ACQUISITION OF PROPERTY.**—Section 4 of Public Law 102–543 (16 U.S.C. 410yy–3) is amended by striking subsection (d).

(b) **MATCHING FUNDS.**—Section 8(b) of Public Law 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking “\$4” and inserting “\$1”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 10 of Public Law 102–543 (16 U.S.C. 410yy–9) is amended—

(1) in subsection (a)—

(A) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(B) by striking “\$3,000,000” and inserting “\$25,000,000”; and

(2) in subsection (b), by striking “\$100,000” and all that follows through “those duties” and inserting “\$250,000”.

**SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.**

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking “contiguous to” and all that follows and inserting “within Fairfield County.”;

(2) by amending paragraph (2) to read as follows:

“(2) **DEVELOPMENT.**—

“(A) **MAINTAINING NATURAL CHARACTER.**—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

“(B) **TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.**—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary’s acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A).”;

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “the appropriate zoning authority” and all that follows through “Wilton, Connecticut,” and inserting “the local

governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)”.

**SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.**

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

(1) in subsection (b)—

(A) by striking “The Preserve” and inserting the following:

“(1) **IN GENERAL.**—The Preserve”; and

(B) by adding at the end the following:

“(2) **BOUNDARY EXPANSION.**—The boundary of the Preserve is modified to include the land depicted on the map entitled ‘Little River Canyon National Preserve Proposed Boundary’, numbered 152/80,004, and dated December 2007.”; and

(2) in subsection (c), by striking “map” and inserting “maps”.

**SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION.**

Section 2 of the Act entitled “An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio”, approved May 27, 1992 (106 Stat. 185), is amended—

(1) by striking “and” at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting “; and”;

(3) by adding after subsection (a)(4) the following new paragraph:

“(5) the map entitled ‘Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment’ numbered 353/80,049 and dated June, 2006.”; and

(4) by adding after subsection (d)(2) the following new paragraph:

“(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.”.

**SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.**

(a) **IN GENERAL.**—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking “of approximately twenty thousand acres generally depicted on the map entitled ‘Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve’ numbered 90,000B and dated April 1978,” and inserting “generally depicted on the map entitled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve’, numbered 467/80100A, and dated December 2007,”.

(b) **ACQUISITION OF LAND.**—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking “(a) Within the” and all that follows through the first sentence and inserting the following:

“(a) **IN GENERAL.**—

“(1) **BARATARIA PRESERVE UNIT.**—

“(A) **IN GENERAL.**—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

“(B) **LIMITATIONS.**—

“(i) **IN GENERAL.**—Any non-Federal land depicted on the map described in section 901 as ‘Lands Proposed for Addition’ may be acquired by the Secretary only with the consent of the owner of the land.

“(ii) **BOUNDARY ADJUSTMENT.**—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

“(iii) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

“(C) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as ‘Lands Proposed for Addition’ is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.”;

(B) in the second sentence, by striking “The Secretary may also acquire by any of the foregoing methods” and inserting the following:

“(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A)”;

(C) in the third sentence, by striking “Lands, waters, and interests therein” and inserting the following:

“(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water”;

(D) in the fourth sentence, by striking “In acquiring” and inserting the following:

“(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring”;

(2) by striking subsections (b) through (f) and inserting the following:

“(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

“(1) fresh water drainage patterns;

“(2) vegetative cover;

“(3) the integrity of ecological and biological systems; and

“(4) water and air quality.

“(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

“(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

“(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water.”; and

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting “(or January 1, 2007, for areas added to the park after that date)” after “January 1, 1977”.

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking “, except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he” and inserting “on land, and interests in land and water managed by the Secretary, except that the Secretary”.

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “Pending such establishment and thereafter the” and inserting “The”.

(f) REFERENCES IN LAW.—

(1) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(A) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(B) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(2) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(A) by striking “Barataria Marsh Unit” each place it appears and inserting “Barataria Preserve Unit”; and

(B) by striking “Jean Lafitte National Historical Park” each place it appears and inserting “Jean Lafitte National Historical Park and Preserve”.

#### SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Minute Man National Historical Park Proposed Boundary”, numbered 406/81001, and dated July 2007.

(2) PARK.—The term “Park” means the Minute Man National Historical Park in the State of Massachusetts.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### SEC. 7107. EVERGLADES NATIONAL PARK.

(a) INCLUSION OF TARPON BASIN PROPERTY.—

(1) DEFINITIONS.—In this subsection:

(A) HURRICANE HOLE.—The term “Hurricane Hole” means the natural salt-water body of water within the Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP.—The term “map” means the map entitled “Proposed Tarpon Basin Boundary Revision”, numbered 160/80,012, and dated May 2008.

(C) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(D) TARPON BASIN PROPERTY.—The term “Tarpon Basin property” means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) BOUNDARY REVISION.—

(A) IN GENERAL.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) ADMINISTRATION.—Land added to Everglades National Park by this section shall be ad-

ministered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) COMPANY.—The term “Company” means Florida Power & Light Company.

(B) FEDERAL LAND.—The term “Federal Land” means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP.—The term “map” means the map prepared by the National Park Service, entitled “Proposed Land Exchanges, Everglades National Park”, numbered 160/60411A, and dated September 2008.

(D) NATIONAL PARK.—The term “National Park” means the Everglades National Park located in the State.

(E) NON-FEDERAL LAND.—The term “non-Federal land” means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii)(I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as “Tract D”.

(F) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(G) STATE.—The term “State” means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract A”.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISALS.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.



(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

- (i) become part of the National Park; and
- (ii) be administered in accordance with the laws applicable to the National Park System.

(3) LAND EXCHANGE WITH COMPANY.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as “Tract D”, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract B”, along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISAL.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

- (i) become part of the National Park; and
- (ii) be administered in accordance with the laws applicable to the National Park System.

(4) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) BOUNDARY REVISION.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

#### SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka ‘Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka ‘Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

#### SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) COOPERATIVE AGREEMENTS.—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

“(3) AGREEMENTS.—

“(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term ‘eligible entity’ means—

- “(i) the Commonwealth of Massachusetts;
- “(ii) a political subdivision of the Commonwealth of Massachusetts; or
- “(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).

“(B) AUTHORITY OF SECRETARY.—Subject to subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

- “(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and
- “(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

“(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

- “(i) appropriations for carrying out the purposes of the agreement are available; and
- “(ii) the agreement is in the best interests of the United States.”.

(b) TECHNICAL AMENDMENTS.—

(1) MEMBERSHIP.—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking “Coast Guard” and inserting “Coast Guard.”.

(2) DONATIONS.—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking “Notwithstanding” and inserting “Notwithstanding”.

#### SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) PURPOSES.—The purposes of this section are—

- (1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and
- (2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the “Historical Park”).

(2) BOUNDARIES.—The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this

section as the “Secretary”) for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the “Thomas Edison National Historical Park”, numbered 403/80,000, and dated April 2008.

(3) MAP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled “An Act to establish a National Park Service, and for other purposes,” approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,” approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) REPEAL OF SUPERSEDED LAW.—Public Law 87–628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

(5) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Edison National Historic Site” shall be deemed to be a reference to the “Thomas Edison National Historical Park”.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

#### SEC. 7111. WOMEN’S RIGHTS NATIONAL HISTORICAL PARK.

(a) VOTES FOR WOMEN TRAIL.—Title XVI of Public Law 96–607 (16 U.S.C. 410ll) is amended by adding at the end the following:

##### “SEC. 1602. VOTES FOR WOMEN TRAIL.

“(a) DEFINITIONS.—In this section:

“(1) PARK.—The term ‘Park’ means the Women’s Rights National Historical Park established by section 1601.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Director of the National Park Service.

“(3) STATE.—The term ‘State’ means the State of New York.

“(4) TRAIL.—The term ‘Trail’ means the Votes for Women History Trail Route designated under subsection (b).

“(b) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the ‘Votes for Women History Trail Route’, to link properties in the State that are historically and thematically associated with the struggle for women’s suffrage in the United States.

“(c) ADMINISTRATION.—The Trail shall be administered by the National Park Service through the Park.

“(d) ACTIVITIES.—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—



“(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

“(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

“(3) create and adopt an official, uniform symbol or device to mark the Trail; and

“(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

“(e) **ELEMENTS OF TRAIL ROUTE.**—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

“(1) all units and programs of the Park relating to the struggle for women’s suffrage;

“(2) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women’s suffrage; and

“(3) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women’s suffrage.

“(f) **COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.**—

“(1) **IN GENERAL.**—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).”

(b) **NATIONAL WOMEN’S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.**—

(1) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women’s rights history properties.

(2) **ELIGIBILITY.**—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women’s rights movement, such as politics, economics, education, religion, and social and family rights.

(3) **UPDATES.**—The Secretary shall ensure that the National Register travel itinerary website entitled “Places Where Women Made History” is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

(c) **NATIONAL WOMEN’S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.**—

(1) **GRANTS.**—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the “network”), the purpose of

which is to provide interpretive and educational program development of national women’s rights history, including historic preservation.

(2) **MANAGEMENT OF NETWORK.**—

(A) **IN GENERAL.**—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) **COORDINATION.**—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) **STATE HISTORIC PRESERVATION OFFICES.**—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2013.

#### **SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.**

(a) **DEFINITIONS.**—In this section:

(1) **HISTORIC SITE.**—The term “historic site” means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93-486 (16 U.S.C. 461 note) on October 26, 1974.

(2) **MAP.**—The term “map” means the map entitled “Boundary Map, Martin Van Buren National Historic Site”, numbered “460/80801”, and dated January 2005.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.**—

(1) **BOUNDARY ADJUSTMENT.**—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the “PROPOSED PARK BOUNDARY”, as generally depicted on the map.

(2) **ACQUISITION AUTHORITY.**—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) **ADMINISTRATION.**—Land acquired for the historic site under this section shall be administered as part of the historic site in accordance with applicable law (including regulations).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### **SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.**

(a) **DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.**—

(1) **IN GENERAL.**—The Palo Alto Battlefield National Historic Site shall be known and designated as the “Palo Alto Battlefield National Historical Park”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park.

(3) **CONFORMING AMENDMENTS.**—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102-304) is amended—

(A) by striking “National Historic Site” each place it appears and inserting “National Historical Park”;

(B) in the heading for section 3, by striking “**NATIONAL HISTORIC SITE**” and inserting “**NATIONAL HISTORICAL PARK**”; and

(C) by striking “historic site” each place it appears and inserting “historical park”.

(b) **BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.**—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102-304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking “(1) The historical park” and inserting the following:

“(1) **IN GENERAL.**—The historical park”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

“(2) **ADDITIONAL LAND.**—

“(A) **IN GENERAL.**—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled “Palo Alto Battlefield NHS Proposed Boundary Expansion”, numbered 469/80,012, and dated May 21, 2008.

“(B) **AVAILABILITY OF MAP.**—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.”;

and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking “(3) Within” and inserting the following:

“(3) **LEGAL DESCRIPTION.**—Not later than”;

and

(B) in the second sentence, by striking “map referred to in paragraph (1)” and inserting “maps referred to in paragraphs (1) and (2)”.

#### **SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.**

(a) **DESIGNATION.**—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the “Abraham Lincoln Birthplace National Historical Park”.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the “Abraham Lincoln Birthplace National Historical Park”.

#### **SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.**

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m-20) is amended in the first sentence by striking “may” and inserting “shall”.

#### **SEC. 7116. TECHNICAL CORRECTIONS.**

(a) **GAYLORD NELSON WILDERNESS.**—

(1) **REDESIGNATION.**—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108-447), is amended—

(A) in subsection (a), by striking “Gaylord A. Nelson” and inserting “Gaylord Nelson”; and

(B) in subsection (c)(4), by striking “Gaylord A. Nelson Wilderness” and inserting “Gaylord Nelson Wilderness”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Gaylord A. Nelson Wilderness” shall be deemed to be a reference to the “Gaylord Nelson Wilderness”.

(b) **ARLINGTON HOUSE LAND TRANSFER.**—Section 2863(h)(1) of Public Law 107-107 (115 Stat. 1333) is amended by striking “the George Washington Memorial Parkway” and inserting “Arlington House, The Robert E. Lee Memorial”.

(c) **CUMBERLAND ISLAND WILDERNESS.**—Section 2(a)(1) of Public Law 97-250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking “numbered 640/20,038I, and dated September 2004” and inserting “numbered 640/20,038K, and dated September 2005”.

(d) **PETRIFIED FOREST BOUNDARY.**—Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108-430) is amended by striking “numbered 110/80,044, and dated July 2004” and inserting “numbered 110/80,045, and dated January 2005”.

(e) **COMMEMORATIVE WORKS ACT.**—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8903(d), by inserting “Natural” before “Resources”;

(2) in section 8904(b), by inserting “Advisory” before “Commission”; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting “Advisory” before “Commission”; and

(B) in the second sentence, by striking “House Administration” and inserting “Natural Resources”.

(f) **CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.**—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking “The John Smith” and inserting “The Captain John Smith”.

(g) **DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.**—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109-338; 120 Stat. 1856) is amended by striking “under section 605”.

(h) **USE OF RECREATION FEES.**—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking “section 6(a)” and inserting “section 806(a)”.

(i) **CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.**—Section 297F(b)(2)(A) of the Crossroads of the American Revolution National Heritage Area Act of 2006 (Public Law 109-338; 120 Stat. 1844) is amended by inserting “duties” before “of the”.

(j) **CUYAHOGA VALLEY NATIONAL PARK.**—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 110-229; 122 Stat. 827) is amended by striking “Cuyahoga” each place it appears and inserting “Cuyahoga”.

(k) **PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.**—

(1) **NAME ON MAP.**—Section 313(d)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-199; 40 U.S.C. 872 note) is amended by striking “map entitled ‘Pennsylvania Avenue National Historic Park’”, dated June 1, 1995, and numbered 840-82441” and inserting “map entitled ‘Pennsylvania Avenue National Historic Site’”, dated August 25, 2008, and numbered 840-82441B”.

(2) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the “Pennsylvania Avenue National Historic Site”.

#### **SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.**

(a) **ADDITIONAL AREAS INCLUDED IN PARK.**—Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410uw, et seq.) is amended by adding at the end the following:

“(c) **ADDITIONAL SITES.**—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled ‘Dayton Aviation Heritage National Historical Park’, numbered 362/80,013 and dated May 2008:

“(1) Hawthorn Hill, Oakwood, Ohio.

“(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.”.

(b) **PROTECTION OF HISTORIC PROPERTIES.**—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410uw-1) is amended—

(1) in subsection (a), by inserting “Hawthorn Hill, the Wright Company factory,” after “acquire”;

(2) in subsection (b), by striking “Such agreements” and inserting:

“(d) **CONDITIONS.**—Cooperative agreements under this section”;

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

“(c) **COOPERATIVE AGREEMENTS.**—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming.”; and

(4) by striking “Commission” and inserting “Aviation Heritage Foundation”.

(c) **GRANT ASSISTANCE.**—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

(1) by redesignating subsection (b) of section 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

“(b) **GRANT ASSISTANCE.**—The Secretary is authorized to make grants to the parks’ partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park’s general management plan, and shall enhance public use and enjoyment of the park.”.

(d) **NATIONAL AVIATION HERITAGE AREA.**—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108-447), is amended—

(1) in section 503(3), by striking “104” and inserting “504”;

(2) in section 503(4), by striking “106” and inserting “506”;

(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and

(4) in section 505(b)(1), by striking “106” and inserting “506”.

#### **SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.**

Public Law 87-213 (16 U.S.C. 461 note) is amended as follows:

(1) In the first section—

(A) by striking “the Secretary of the Interior” and inserting “(a) The Secretary of the Interior”;

(B) by striking “476 acres” and inserting “646 acres”; and

(C) by adding at the end the following:

“(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled ‘Fort Davis Proposed Boundary Expansion’, numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.”.

(2) By repealing section 3.

#### **Subtitle C—Special Resource Studies**

##### **SEC. 7201. WALNUT CANYON STUDY.**

(a) **DEFINITIONS.**—In this section:

(1) **MAP.**—The term “map” means the map entitled “Walnut Canyon Proposed Study Area” and dated July 17, 2007.

(2) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(3) **STUDY AREA.**—The term “study area” means the area identified on the map as the “Walnut Canyon Proposed Study Area”.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretaries shall conduct a study of the study area to assess—

(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(e));

(B) continued management of the study area by the Forest Service; or

(C) any other designation or management option that would provide for—

(i) protection of resources within the study area; and

(ii) continued access to, and use of, the study area by the public.

(2) **CONSULTATION.**—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities.

(3) **REPORT.**—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### **SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.**

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(2) **STUDY GUIDELINES.**—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(3) **CONSULTATION.**—In conducting the study, the Secretary shall consult with—

(A) Modoc County;

(B) the State of California;

(C) appropriate Federal agencies;

(D) tribal and local government entities;

(E) private and nonprofit organizations; and

(F) private landowners.

(4) **SCOPE OF STUDY.**—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) **REPORT.**—Not later than 3 years after the date on which funds are made available to conduct the study required under this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

#### **SEC. 7203. ESTATE GRANGE, ST. CROIX.**

(a) **STUDY.**—

(1) *IN GENERAL.*—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton’s life on St. Croix in the United States Virgin Islands.

(2) *CONTENTS.*—In conducting the study under paragraph (1), the Secretary shall evaluate—

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) *CRITERIA.*—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under paragraph (1).

(4) *REPORT.*—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.**

(a) *STUDY.*—

(1) *IN GENERAL.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the “Secretary”) shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate—

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) *STUDY GUIDELINES.*—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(b) *REPORT.*—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.**

(a) *SPECIAL RESOURCES STUDY.*—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) *CRITERIA.*—In conducting the study authorized under subsection (a), the Secretary

shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.**

(a) *IN GENERAL.*—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the “site”) to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) *CRITERIA.*—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) *CONTENTS.*—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

(d) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

**SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.**

(a) *IN GENERAL.*—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the “birthplace site”) in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or non-profit organizations.

(b) *STUDY REQUIREMENTS.*—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the birthplace site.

**SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.**

(a) *IN GENERAL.*—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the “Matewan Massacre”) of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or non-profit organizations.

(b) *STUDY REQUIREMENTS.*—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

**SEC. 7209. BUTTERFIELD OVERLAND TRAIL.**

(a) *IN GENERAL.*—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study along the route known as the “Ox-Bow Route” of the Butterfield Overland Trail (referred to in this section as the “route”) in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) *STUDY REQUIREMENTS.*—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) *REPORT.*—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

**SEC. 7210. COLD WAR SITES THEME STUDY.**

(a) *DEFINITIONS.*—

(1) *ADVISORY COMMITTEE.*—The term “Advisory Committee” means the Cold War Advisory Committee established under subsection (c).

(2) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior.

(3) *THEME STUDY.*—The term “theme study” means the national historic landmark theme study conducted under subsection (b)(1).

(b) *COLD WAR THEME STUDY.*—

(1) *IN GENERAL.*—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) **RESOURCES.**—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

- (i) intercontinental ballistic missiles;
- (ii) flight training centers;
- (iii) manufacturing facilities;
- (iv) communications and command centers (such as Cheyenne Mountain, Colorado);
- (v) defensive radar networks (such as the Distant Early Warning Line);
- (vi) nuclear weapons test sites (such as the Nevada test site); and
- (vii) strategic and tactical aircraft.

(3) **CONTENTS.**—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

- (i) State and local governments;
- (ii) local historical organizations; and
- (iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) **CONSULTATION.**—In conducting the theme study, the Secretary shall consult with—

- (A) the Secretary of the Air Force;
- (B) State and local officials;
- (C) State historic preservation offices; and
- (D) other interested organizations and individuals.

(5) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) **COLD WAR ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the “Cold War Advisory Committee”, to assist the Secretary in carrying out this section.

(2) **COMPOSITION.**—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

- (A) 3 shall have expertise in Cold War history;
- (B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) **CHAIRPERSON.**—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) **COMPENSATION.**—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) **MEETINGS.**—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) **INTERPRETIVE HANDBOOK ON THE COLD WAR.**—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$500,000.

#### **SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.**

(a) **IN GENERAL.**—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any recommendations of the Secretary.

#### **SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.**

(a) **DEFINITIONS.**—In this section:

(1) **FORT SAN GERÓNIMO.**—The term “Fort San Gerónimo” (also known as “Fortín de San Gerónimo del Boquerón”) means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) **RELATED RESOURCES.**—The term “related resources” means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) **STUDY REQUIREMENTS.**—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) **REPORT.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

- (1) the results of the study; and
- (2) any recommendations of the Secretary.

#### **Subtitle D—Program Authorizations**

#### **SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.**

(a) **PURPOSE.**—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic bat-

tles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) **PRESERVATION ASSISTANCE.**—

(1) **IN GENERAL.**—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) **FINANCIAL ASSISTANCE.**—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$3,000,000 annually to carry out this subsection, to remain available until expended.

(c) **BATTLEFIELD ACQUISITION GRANT PROGRAM.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **BATTLEFIELD REPORT.**—The term “Battlefield Report” means the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) **ELIGIBLE ENTITY.**—The term “eligible entity” means a State or local government.

(C) **ELIGIBLE SITE.**—The term “eligible site” means a site—

- (i) that is not within the exterior boundaries of a unit of the National Park System; and
- (ii) that is identified in the Battlefield Report.

(D) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) **ESTABLISHMENT.**—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) **NONPROFIT PARTNERS.**—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) **NON-FEDERAL SHARE.**—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) **LIMITATION ON LAND USE.**—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to provide grants under this subsection \$10,000,000 for each of fiscal years 2009 through 2013.

#### **SEC. 7302. PRESERVE AMERICA PROGRAM.**

(a) **PURPOSE.**—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) **DEFINITIONS.**—In this section:

(1) **COUNCIL.**—The term “Council” means the Advisory Council on Historic Preservation.

(2) **HERITAGE TOURISM.**—The term “heritage tourism” means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) **PROGRAM.**—The term “program” means the Preserve America Program established under subsection (c)(1).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) **ELIGIBLE PROJECTS.**—

(A) **IN GENERAL.**—The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) **LIMITATION.**—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) **PREFERENCE.**—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America’s Treasures Program.

(4) **CONSULTATION AND NOTIFICATION.**—

(A) **CONSULTATION.**—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) **NOTIFICATION.**—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) **REQUIREMENT.**—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) **DESIGNATION OF PRESERVE AMERICA COMMUNITIES.**—

(1) **APPLICATION.**—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) **CRITERIA.**—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) **LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.**—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) **GUIDELINES.**—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) **REGULATIONS.**—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$25,000,000 for each fiscal year, to remain available until expended.

#### **SEC. 7303. SAVE AMERICA’S TREASURES PROGRAM.**

(a) **PURPOSE.**—The purpose of this section is to authorize within the Department of the Interior the Save America’s Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

(5) the National Conference of State Historic Preservation Officers;

(6) the National Association of Tribal Historic Preservation Officers; and

(7) the President’s Committee on the Arts and the Humanities.

(b) **DEFINITIONS.**—In this section:

(1) **COLLECTION.**—The term “collection” means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means a Federal entity, State, local, or tribal government, educational institution, or non-profit organization.

(3) **HISTORIC PROPERTY.**—The term “historic property” has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) **NATIONALLY SIGNIFICANT.**—The term “nationally significant” means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) **PROGRAM.**—The term “program” means the Save America’s Treasures Program established under subsection (c)(1).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the Department of the Interior the Save America’s Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(2) **DETERMINATION OF GRANTS.**—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) **APPLICATIONS FOR GRANTS.**—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) **COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.**—

(A) **IN GENERAL.**—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(i) nationally significant; and

(ii) threatened or endangered.

(B) **ELIGIBLE COLLECTIONS.**—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation with the organizations described in subsection (a), as appropriate.

(C) **ELIGIBLE HISTORIC PROPERTIES.**—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(i) be listed in the National Register of Historic Places at the national level of significance; or

(ii) be designated as a National Historic Landmark.

(5) **SELECTION CRITERIA FOR GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) **PREFERENCE.**—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) **LIMITATION.**—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) **CONSULTATION AND NOTIFICATION BY SECRETARY.**—

## (A) CONSULTATION.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) LIMITATION.—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

## (7) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each fiscal year, to remain available until expended.

**SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.**

Section 4 of Public Law 106-45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking “2009” and inserting “2019”.

**SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.**

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105-325) is amended by striking section 5 and inserting the following:

**“SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”.

**Subtitle E—Advisory Commissions****SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.**

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking “ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996” and inserting “on December 31, 2018”.

**SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.**

Effective September 26, 2008, section 8(a) of Public Law 87-126 (16 U.S.C. 459b-7(a)) is amended in the second sentence by striking “2008” and inserting “2018”.

**SEC. 7403. CONCESSIONS MANAGEMENT ADVISORY BOARD.**

Section 409(d) of the National Park Service Concessions Management Improvement Act of

1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking “2008” and inserting “2009”.

**SEC. 7404. ST. AUGUSTINE 450TH COMMEMORATION COMMISSION.**

(a) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term “commemoration” means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) COMMISSION.—The term “Commission” means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) GOVERNOR.—The term “Governor” means the Governor of the State.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—

(A) IN GENERAL.—The term “State” means the State of Florida.

(B) INCLUSION.—The term “State” includes agencies and entities of the State of Florida.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the “St. Augustine 450th Commemoration Commission”.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) TERM; VACANCIES.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(I) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(iii) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devices of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(A) provide grants in amounts not to exceed \$20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and



(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) DIRECTOR AND STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

(6) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(7) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(8) SUPPORT SERVICES.—

(A) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(B) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the

appropriation, fund, or account used for paying the amounts reimbursed.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) NO EFFECT ON AUTHORITY.—Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) PLANS; REPORTS.—

(1) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission; and

(C) the findings and recommendations of the Commission.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this section \$500,000 for each of fiscal years 2009 through 2015.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until December 31, 2015.

(h) TERMINATION OF COMMISSION.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2015.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

## TITLE VIII—NATIONAL HERITAGE AREAS

### Subtitle A—Designation of National Heritage Areas

#### SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) MAP.—The term “map” means the map entitled “Proposed Sangre De Cristo National Heritage Area” and dated November 2005.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Colorado.

(b) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Sangre de Cristo National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year that Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(4) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located in the core area described in subsection (b)(2); and

(II) any other property in the core area that—  
(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) **DEADLINE.**—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) **AMENDMENTS.**—

(i) **IN GENERAL.**—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) **USE OF FUNDS.**—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) **PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regula-

tion of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) **EVALUATION; REPORT.**—

(1) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) **EVALUATION.**—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) **REPORT.**—

(A) **IN GENERAL.**—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) **REQUIRED ANALYSIS.**—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) **SUBMISSION TO CONGRESS.**—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

## **SEC. 8002. CACHE LA POUDE RIVER NATIONAL HERITAGE AREA, COLORADO.**

(a) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1).

(4) **MAP.**—The term “map” means the map entitled “Cache La Poudre River National Heritage Area”, numbered 960/80,003, and dated April, 2004.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Colorado.

(b) **CACHE LA POUDE RIVER NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—There is established in the State the Cache La Poudre River National Heritage Area.

(2) **BOUNDARIES.**—The Heritage Area shall consist of the area depicted on the map.

(3) **MAP.**—The map shall be on file and available for public inspection in the appropriate offices of—

- (A) the National Park Service; and
- (B) the local coordinating entity.

(4) **LOCAL COORDINATING ENTITY.**—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) **ADMINISTRATION.**—

(1) **AUTHORITIES.**—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—

(A) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) **DUTIES.**—The local coordinating entity shall—

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest, are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) **DEADLINE.**—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary approves a management plan.

(4) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(C) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(5) **AMENDMENTS.**—

(A) **IN GENERAL.**—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) **USE OF FUNDS.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law (including regulations).

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any law (including any regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) **PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) CONFORMING AMENDMENT.—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104-323) is repealed.

#### SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) HERITAGE AREA.—The term “Heritage Area” means the South Park National Heritage Area established by subsection (b)(1).

(3) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required by subsection (d).

(5) MAP.—The term “map” means the map entitled “South Park National Heritage Area Map (Proposed)”, dated January 30, 2006.

(6) PARTNER.—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(8) STATE.—The term “State” means the State of Colorado.

(9) TECHNICAL ASSISTANCE.—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(2) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cul-

tural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the

historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and in-

terpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(E) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(F) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(G) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

#### SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under subsection (d).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of North Dakota.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(3) **MAP.**—A map of the Heritage Area shall be—

- (A) included in the management plan; and
- (B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(c) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) **DUTIES.**—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(3) **AUTHORITIES.**—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including other Federal programs;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(4) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

(5) **OTHER SOURCES.**—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the

story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **DEADLINE.**—

(A) **IN GENERAL.**—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation of the Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B).

(B) **CRITERIA FOR APPROVAL.**—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including

Federal, State, tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(C) **DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(E) **AUTHORITIES.**—The Secretary may—

(i) provide technical assistance under this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(e) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements



with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(4) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) **PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) **EVALUATION; REPORT.**—

(1) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) **EVALUATION.**—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) **REPORT.**—

(A) **IN GENERAL.**—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) **REQUIRED ANALYSIS.**—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) **SUBMISSION TO CONGRESS.**—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

## **SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.**

(a) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) **MAP.**—The term “map” means the map entitled “Baltimore National Heritage Area”, numbered T10/80,000, and dated October 2007.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **STATE.**—The term “State” means the State of Maryland.

(b) **BALTIMORE NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—There is established the Baltimore National Heritage Area in the State.

(2) **BOUNDARIES.**—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(i) the Cruise Maryland Terminal;

(ii) new marina construction;

(iii) the National Aquarium Aquatic Life Center;

(iv) the Westport Redevelopment;

(v) the Gwynns Falls Trail;

(vi) the Baltimore Rowing Club; and

(vii) the Masonville Cove Environmental Center.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Baltimore Heritage Area Association.

(4) **LOCAL COORDINATING ENTITY.**—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(1) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships

and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) **ACTION FOLLOWING DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as deter-

mined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) **REPORT.**—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF EFFECTIVENESS.**—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE.**

(a) **PURPOSES.**—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Freedom’s Way National Heritage Area established by subsection (c)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) **MAP.**—The term “map” means the map entitled “Freedom’s Way National Heritage Area”, numbered T04/80,000, and dated July 2007.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Freedom’s Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) **BOUNDARIES.**—

(A) **IN GENERAL.**—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) **REVISION.**—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph (3).

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) **LOCAL COORDINATING ENTITY.**—The Freedom’s Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(1) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all in-

formation pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) **USE OF FUNDS FOR NON-FEDERAL PROPERTY.**—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) **ACTION FOLLOWING DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

(1) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) **EVALUATION; REPORT.**—

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) **REPORT.**—

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) **RELATIONSHIP TO OTHER FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **AVAILABILITY.**—Funds made available under paragraph (1) shall remain available until expended.

(3) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(j) **TERMINATION OF FINANCIAL ASSISTANCE.**—The authority of the Secretary to provide financial assistance under this section terminates on

the date that is 15 years after the date of enactment of this Act.

**SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.**

(a) **DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Mississippi.

(b) **MISSISSIPPI HILLS NATIONAL HERITAGE AREA.**—

(1) **ESTABLISHMENT.**—There is established the Mississippi Hills National Heritage Area in the State.

(2) **BOUNDARIES.**—

(A) **AFFECTED COUNTIES.**—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B), Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Norubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) **BOUNDARY DESCRIPTION.**—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately ½ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) **LOCAL COORDINATING ENTITY.**—

(A) **IN GENERAL.**—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

(B) **BOARD OF DIRECTORS.**—

(i) **IN GENERAL.**—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) **COMPOSITION.**—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(c) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(1) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(E) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(F) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(E) contract for goods or services.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(B) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) provide recommendations for educational and interpretive programs to provide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

**(D) ACTION FOLLOWING DISAPPROVAL.—**

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

**(E) REVIEW; AMENDMENTS.—**

(i) **IN GENERAL.**—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(iii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

**(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—****(1) TECHNICAL AND FINANCIAL ASSISTANCE.—**

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

**(2) EVALUATION; REPORT.—**

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

**(C) REPORT.—**

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

**(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—**

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**(g) EFFECT.—**

(1) **PROPERTY OWNERS AND REGULATORY PROTECTIONS.**—Nothing in this section—

(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land use or other regulatory authority to the local coordinating entity;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(G) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) **NO EFFECT ON INDIAN TRIBES.**—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

**(h) AUTHORIZATION OF APPROPRIATIONS.—**

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) **AVAILABILITY.**—Amounts made available under paragraph (1) shall remain available until expended.

**(3) COST-SHARING REQUIREMENT.—**

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) **FORM.**—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF FINANCIAL ASSISTANCE.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA.****(a) DEFINITIONS.—**In this section:

(1) **BOARD.**—The term “Board” means the Board of Directors of the local coordinating entity.

(2) **HERITAGE AREA.**—The term “Heritage Area” means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under subsection (d).

(5) **MAP.**—The term “map” means the map entitled “Mississippi Delta National Heritage Area”, numbered T13/80,000, and dated April 2008.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **STATE.**—The term “State” means the State of Mississippi.

**(b) ESTABLISHMENT.—**

(1) **ESTABLISHMENT.**—There is established in the State the Mississippi Delta National Heritage Area.

(2) **BOUNDARIES.**—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

**(4) LOCAL COORDINATING ENTITY.—**

(A) **DESIGNATION.**—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

**(B) BOARD OF DIRECTORS.—****(i) COMPOSITION.—**

(I) **IN GENERAL.**—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;



(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(ii) OFFICERS.—

(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and nongovernmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) BYLAWS.—

(I) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(I) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhance-

ment, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

**(D) ACTION FOLLOWING DISAPPROVAL.—**

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

**(E) AMENDMENTS.—**

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

**(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—**

**(1) TECHNICAL AND FINANCIAL ASSISTANCE.—**

(A) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) **PRIORITY.**—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) **PROHIBITION OF CERTAIN REQUIREMENTS.**—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

**(2) EVALUATION; REPORT.—**

(A) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) **EVALUATION.**—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

**(C) REPORT.—**

(i) **IN GENERAL.**—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) **REQUIRED ANALYSIS.**—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) **SUBMISSION TO CONGRESS.**—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

**(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—**

(1) **IN GENERAL.**—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) **CONSULTATION AND COORDINATION.**—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) **OTHER FEDERAL AGENCIES.**—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—**

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other reg-

ulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

**(h) AUTHORIZATION OF APPROPRIATIONS.—**

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

**(2) COST-SHARING REQUIREMENT.—**

(A) **IN GENERAL.**—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

**(B) FORM.**—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) **TERMINATION OF FINANCIAL ASSISTANCE.**—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.**

(a) **PURPOSES.**—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

**(b) DEFINITIONS.**—In this section:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) **MAP.**—The term “map” means the map entitled “Muscle Shoals National Heritage Area”, numbered T08/80,000, and dated October 2007.

(5) **STATE.**—The term “State” means the State of Alabama.

(c) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established the Muscle Shoals National Heritage Area in the State.

(2) **BOUNDARIES.**—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

(3) **AVAILABILITY MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) **LOCAL COORDINATING ENTITY.**—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) **DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.**—

(1) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the

Heritage Area and are consistent with the approved management plan.

(3) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(e) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) **REQUIREMENTS.**—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) **APPROVAL OF MANAGEMENT PLAN.**—

(A) **REVIEW.**—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) **CONSULTATION REQUIRED.**—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(D) **DISAPPROVAL.**—

(i) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) **DEADLINE.**—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) **AMENDMENTS.**—

(i) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) **AUTHORITIES.**—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) **DUTIES AND AUTHORITIES OF THE SECRETARY.**—

## (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

## (2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

## (C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal

agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

## (i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

## (3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.**

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term “Heritage Area” means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term “management plan” means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) MAP.—The term “map” means the map entitled “Proposed Kenai Mountains-Turnagain Arm NHA” and dated August 7, 2007.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

## (c) MANAGEMENT PLAN.—

(1) LOCAL COORDINATING ENTITY.—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships

and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(G) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(G) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other provision of law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section \$1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of \$10,000,000 may be made available to carry out this section.

(3) COST-SHARING.—

(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

#### Subtitle B—Studies

#### SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term “Corridor” means the Chattahoochee Trace National Heritage Corridor.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STUDY AREA.—The term “study area” means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled “Chattahoochee Trace National Heritage Corridor, Alabama/Georgia”, numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes non-contiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklore that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, non-profit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation of the Corridor;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the 3rd fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

#### SEC. 8102. NORTHERN NECK, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) PROPOSED HERITAGE AREA.—The term “proposed Heritage Area” means the proposed Northern Neck National Heritage Area.

(2) STATE.—The term “State” means the State of Virginia.

(3) STUDY AREA.—The term “study area” means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklore that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, non-profit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.



**Subtitle C—Amendments Relating to National Heritage Corridors**

**SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.**

(a) **TERMINATION OF AUTHORITY.**—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

(b) **EVALUATION; REPORT.**—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by adding at the end the following:

“(c) **EVALUATION; REPORT.**—

“(1) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

“(A) conduct an evaluation of the accomplishments of the Corridor; and

“(B) prepare a report in accordance with paragraph (3).

“(2) **EVALUATION.**—An evaluation conducted under paragraph (1)(A) shall—

“(A) assess the progress of the management entity with respect to—

“(i) accomplishing the purposes of this title for the Corridor; and

“(ii) achieving the goals and objectives of the management plan for the Corridor;

“(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

“(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

“(3) **REPORT.**—

“(A) **IN GENERAL.**—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

“(B) **REQUIRED ANALYSIS.**—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

“(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

“(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

“(C) **SUBMISSION TO CONGRESS.**—On completion of the report, the Secretary shall submit the report to—

“(i) the Committee on Energy and Natural Resources of the Senate; and

“(ii) the Committee on Natural Resources of the House of Representatives.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103-449) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

**SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.**

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100-692) is amended—

(1) in section 9—

(A) by striking “The Commission” and inserting the following:

“(a) **IN GENERAL.**—The Commission”; and

(B) by adding at the end the following:

“(b) **CORPORATION AS LOCAL COORDINATING ENTITY.**—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

“(c) **IMPLEMENTATION OF MANAGEMENT PLAN.**—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

“(d) **USE OF FUNDS.**—The Corporation may use Federal funds made available under this Act—

“(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

“(e) **RESTRICTION ON USE OF FUNDS.**—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.”;

(2) in section 10—

(A) in the first sentence of subsection (c), by striking “shall assist the Commission” and inserting “shall, on the request of the Corporation, assist”;;

(B) in subsection (d)—

(i) by striking “Commission” each place it appears and inserting “Corporation”;;

(ii) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”; and

(iii) by adding at the end the following:

“(2) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

“(3) **PRIORITY.**—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

“(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

“(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.”; and

(C) by adding at the end the following:

“(e) **TRANSITION MEMORANDUM OF UNDERSTANDING.**—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

“(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

“(2) coordination regarding the implementation of the Plan.”;

(3) in section 11, in the matter preceding paragraph (1), by striking “directly affecting”;;

(4) in section 12—

(A) in subsection (a), by striking “Commission” each place it appears and inserting “Corporation”;;

(B) in subsection (c)(1), by striking “2007” and inserting “2012”; and

(C) by adding at the end the following:

“(d) **TERMINATION OF ASSISTANCE.**—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.”; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) the term ‘Corporation’ means the Delaware and Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986.”.

**SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.**

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106-554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “27” and inserting “at least 21 members, but not more than 27”;;

(ii) in paragraph (2), by striking “Environment” and inserting “Environmental”; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking “19”;;

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

“(C) The remaining members shall be—

“(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

“(ii) persons that are residents of, or employed within, the applicable congressional districts.”;

(B) in subsection (f), by striking “Fourteen members of the Commission” and inserting “A majority of the serving Commissioners”;;

(C) in subsection (g), by striking “14 of its members” and inserting “a majority of the serving Commissioners”;;

(D) in subsection (h), by striking paragraph (4) and inserting the following:

“(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

“(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates.”; and

(E) in subsection (j), by striking “10 years” and inserting “15 years”;;

(2) in section 807—

(A) in subsection (e), by striking “with regard to the preparation and approval of the Canalway Plan”; and

(B) by adding at the end the following:

“(f) **OPERATIONAL ASSISTANCE.**—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.”; and

(3) in section 810(a)(1), in the first sentence, by striking “any fiscal year” and inserting “any fiscal year, to remain available until expended”.

**SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.**

Section 3(b)(2) of Public Law 99-647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking “shall be the the” and inserting “shall be the”; and

(2) by striking “Directors from Massachusetts and Rhode Island;” and inserting “Directors from Massachusetts and Rhode Island, ex officio, or their delegates;”.

**Subtitle D—Effect of Title**

**SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.**

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

## TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

### Subtitle A—Feasibility Studies

#### SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section \$3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

#### SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term “appraisal report” means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term “principles and guidelines” means the report entitled “Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies” issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the reclamation laws and the principles and guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Arizona that are identified as appropriate for further study in the appraisal report.

(B) INCLUSIONS.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(III) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that

the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

(3) STATEMENT OF CONGRESSIONAL INTENT RELATING TO COMPLETION OF STUDY.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$1,260,000.

(c) WATER RIGHTS.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

#### SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.—

(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as “Secretary”), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary’s engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(2) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(3) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) FEDERAL RECLAMATION PROJECTS.—Nothing in this section shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall

terminate 10 years after the date of the enactment of this Act.

### Subtitle B—Project Authorizations

#### SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term “Project” means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project \$4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

#### SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term “Project” means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) TOTAL COST.—The term “total cost” means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(b) PROJECT FEASIBILITY.—

(1) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts

amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) **APPLICABILITY OF OTHER LAWS.**—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(c) **COOPERATIVE AGREEMENT.**—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

- (1) engineering and design;
- (2) construction; and
- (3) the administration of contracts pertaining to any of the foregoing.

(d) **AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.**—

(1) **AUTHORIZATION OF CONSTRUCTION.**—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project.

(2) **TOTAL COST.**—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed \$90,000,000.

(3) **COST SHARE.**—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) **CREDIT FOR NON-FEDERAL WORK.**—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) **LIMITATION.**—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) **PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.**—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) **TITLE; RESPONSIBILITY; LIABILITY.**—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) **AUTHORIZATION OF APPROPRIATION.**—There is authorized to be appropriated to the Secretary to carry out this subsection \$22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) **SUNSET.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

#### **SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.**

(a) **DEFINITIONS.**—In this section:

(1) **AUTHORITY.**—The term “Authority” means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) **ENGINEERING REPORT.**—The term “engineering report” means the report entitled “Eastern New Mexico Rural Water System Preliminary Engineering Report” and dated October 2006.

(3) **PLAN.**—The term “plan” means the operation, maintenance, and replacement plan required by subsection (c)(2).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of New Mexico.

(6) **SYSTEM.**—

(A) **IN GENERAL.**—The term “System” means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) **INCLUSIONS.**—The term “System” includes the major components and associated infrastructure identified as the “Best Technical Alternative” in the engineering report.

(7) **UTE RESERVOIR.**—The term “Ute Reservoir” means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) **EASTERN NEW MEXICO RURAL WATER SYSTEM.**—

(1) **FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) **USE.**—

(i) **IN GENERAL.**—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) **LIMITATIONS.**—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) **COST-SHARING REQUIREMENT.**—

(A) **IN GENERAL.**—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) **SYSTEM DEVELOPMENT COSTS.**—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) **LIMITATION.**—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) **TITLE TO PROJECT WORKS.**—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) **OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.**—

(1) **IN GENERAL.**—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) **OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.**—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) **ADMINISTRATIVE PROVISIONS.**—

(1) **COOPERATIVE AGREEMENTS.**—

(A) **IN GENERAL.**—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) **COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.**—

(i) **IN GENERAL.**—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(ii) **REQUIREMENTS.**—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) **TECHNICAL ASSISTANCE.**—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

(3) **BIOLOGICAL ASSESSMENT.**—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) **EFFECT.**—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than \$327,000,000.

(2) **ADJUSTMENT.**—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) **NONREIMBURSABLE AMOUNTS.**—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and nonreturnable to the United States.

(4) **AVAILABILITY OF FUNDS.**—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

**SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.**

(a) **IN GENERAL.**—The Reclamation Water and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**“SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.**

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or \$20,000,000, whichever is less.

“(c) **LIMITATION.**—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).”

(b) **CLERICAL AMENDMENT.**—The table of items in section 2 of Public Law 102-575 is amended by inserting after the last item the following:

“Sec. 1649. Rancho California Water District Project, California.”

**SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.**

(a) **DEFINITIONS.**—In this section:

(1) **ASSESSMENT.**—The term “assessment” means the engineering document that is—

(A) entitled “Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation”;

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) **DISTRICT.**—The term “District” means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37-45-101 et seq.).

(3) **PROJECT.**—The term “Project” means the Jackson Gulch rehabilitation project, a program for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) **STATE.**—The term “State” means the State of Colorado.

(b) **AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.**—

(1) **IN GENERAL.**—Subject to the reimbursement requirement described in paragraph (3), the Secretary shall pay the Federal share of the total cost of carrying out the Project.

(2) **USE OF EXISTING INFORMATION.**—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(3) **REIMBURSEMENT REQUIREMENT.**—

(A) **AMOUNT.**—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) \$2,900,000.

(B) **MANNER.**—The Secretary shall recover reimbursable expenses under subparagraph (A)—

(i) in a manner agreed to by the Secretary and the District;

(ii) over a period of 15 years; and

(iii) with no interest.

(C) **CREDIT.**—In determining the exact amount of reimbursable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of enactment of this Act for engineering work and improvements directly associated with the Project.

(4) **PROHIBITION ON OPERATION AND MAINTENANCE COSTS.**—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(5) **LIABILITY.**—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) **EFFECT.**—An activity provided Federal funding under this section shall not be considered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to pay the Federal share of the total cost of carrying out the Project \$8,250,000.

**SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.**

(a) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities, such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extending available water supplies;

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated or owned by the Bureau of Reclamation; and

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) **PURPOSE.**—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) **DEFINITIONS.**—In this section:

(1) **2004 AGREEMENT.**—The term “2004 Agreement” means the agreement entitled “Agreement

By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico” and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) **DESIGNATED ENGINEER.**—The term “designated engineer” means a Federal employee designated under the Act of February 14, 1927 (69 Stat. 1098, chapter 138) to represent the United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) **DISTRICT.**—The term “District” means the Middle Rio Grande Conservancy District, a political subdivision of the State established in 1925.

(4) **PUEBLO IRRIGATION INFRASTRUCTURE.**—The term “Pueblo irrigation infrastructure” means any diversion structure, conveyance facility, or drainage facility that is—

(A) in existence as of the date of enactment of this Act; and

(B) located on land of a Rio Grande Pueblo that is associated with—

(i) the delivery of water for the irrigation of agricultural land; or

(ii) the carriage of irrigation return flows and excess water from the land that is served.

(5) **RIO GRANDE BASIN.**—The term “Rio Grande Basin” means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) **RIO GRANDE PUEBLO.**—The term “Rio Grande Pueblo” means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) **SIX MIDDLE RIO GRANDE PUEBLOS.**—The term “Six Middle Rio Grande Pueblos” means each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) **SPECIAL PROJECT.**—The term “special project” has the meaning given the term in the 2004 Agreement.

(10) **STATE.**—The term “State” means the State of New Mexico.

(c) **IRRIGATION INFRASTRUCTURE STUDY.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—On the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) based on the results of the study, develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

(B) **REQUIRED CONSENT.**—In carrying out subparagraph (A), the Secretary shall only include each individual Rio Grande Pueblo that notifies the Secretary that the Pueblo consents to participate in—

(i) the conduct of the study under subparagraph (A)(i); and

(ii) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

## (2) PRIORITY.—

## (A) CONSIDERATION OF FACTORS.—

(i) IN GENERAL.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall—

(I) consider each of the factors described in subparagraph (B); and

(II) prioritize the projects recommended for implementation based on—

(aa) a review of each of the factors; and

(bb) a consideration of the projected benefits of the project on completion of the project.

(ii) ELIGIBILITY OF PROJECTS.—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(B) FACTORS.—The factors referred to in subparagraph (A) are—

(i)(I) the extent of disrepair of the Pueblo irrigation infrastructure; and

(II) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(ii) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(iii)(I) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(v) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(3) CONSULTATION.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Conservation Service, and the Chief of Engineers to evaluate the extent to which programs under the jurisdiction of the respective agencies may be used—

(A) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—

(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(A) the list of projects recommended for implementation under paragraph (1)(A)(ii); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(i);

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

(5) PERIODIC REVIEW.—Not later than 4 years after the date on which the Secretary submits the report under paragraph (4) and every 4

years thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(A) review the report submitted under paragraph (4); and

(B) update the list of projects described in paragraph (4)(A) in accordance with each factor described in paragraph (2)(B), as the Secretary determines to be appropriate.

## (d) IRRIGATION INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to, and enter into contracts or other agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under subsection (c)(1)(A)(ii)—

(A) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(B) to conserve water; or

(C) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(2) LIMITATION.—Assistance provided under paragraph (1) shall not be used for—

(A) the repair, rehabilitation, or reconstruction of any major impoundment structure; or

(B) any on-farm improvements.

(3) CONSULTATION.—In carrying out a project under paragraph (1), the Secretary shall—

(A) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(B) consult with the Director of the Bureau of Indian Affairs; and

(C) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

## (4) COST-SHARING REQUIREMENT.—

## (A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the total cost of carrying out a project under paragraph (1) shall be not more than 75 percent.

(ii) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under clause (i) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

## (B) DISTRICT CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under paragraph (1) on land located in any of the Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(ii) LIMITATION.—Nothing in clause (i) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

## (C) STATE CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(ii) LIMITATION.—Nothing in clause (i) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A)(i) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under paragraph (1).

(5) OPERATION AND MAINTENANCE.—The Secretary may not use any amount made available under subsection (g)(2) to carry out the operation or maintenance of any project carried out under paragraph (1).

## (e) EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.—Nothing in this section—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

## (f) EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.—

(1) PUEBLO WATER RIGHTS.—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) STATE WATER LAW.—Nothing in this section preempts or affects—

(A) State water law; or

(B) an interstate compact governing water.

## (g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDY.—There is authorized to be appropriated to carry out subsection (c) \$4,000,000.

(2) PROJECTS.—There is authorized to be appropriated to carry out subsection (d) \$6,000,000 for each of fiscal years 2010 through 2019.

**SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH PROGRAMS.**

(a) DEFINITIONS.—Section 2 of Public Law 106–392 (114 Stat. 1602) is amended—

(1) in paragraph (5), by inserting “, rehabilitation, and repair” after “and replacement”; and

(2) in paragraph (6), by inserting “those for protection of critical habitat, those for preventing entrainment of fish in water diversions,” after “instream flows.”

(b) AUTHORIZATION TO FUND RECOVERY PROGRAMS.—Section 3 of Public Law 106–392 (114 Stat. 1603; 120 Stat. 290) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “\$61,000,000” and inserting “\$88,000,000”; and

(B) in paragraph (2), by striking “2010” and inserting “2023”; and

(C) in paragraph (3), by striking “2010” and inserting “2023”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “\$126,000,000” and inserting “\$209,000,000”; and

(B) in paragraph (1)—

(i) by striking “\$108,000,000” and inserting “\$179,000,000”; and

(ii) by striking “2010” and inserting “2023”; and

(C) in paragraph (2)—

(i) by striking “\$18,000,000” and inserting “\$30,000,000”; and

(ii) by striking “2010” and inserting “2023”; and

(3) in subsection (c)(4), by striking “\$31,000,000” and inserting “\$87,000,000”.

**SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.**

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term “District” means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term “Project” means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under subsection (b).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.—

(1) AUTHORIZATION.—The Secretary, acting pursuant to Federal reclamation law (the Act of

June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), to the extent that law is not inconsistent with this section, may construct, operate, and maintain the Project substantially in accordance with the final feasibility report and environmental reviews for the Project and this section.

(2) **CONDITIONS.**—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

(A)(i) The District and the Secretary of the Navy have entered into contracts under subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(ii) As an alternative to a repayment contract with the Secretary of the Navy described in clause (i), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

(B) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriate right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) The agreement and waiver under clause (i) and the changes in points of diversion and storage under subparagraph (B)—

(I) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(c) **COSTS.**—

(1) **IN GENERAL.**—As determined by a final cost allocation after completion of the construction of the Project, the Secretary of the Navy shall be responsible to pay upfront or repay to the Secretary only that portion of the construction, operation, and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(2) **OTHER CONTRACTS.**—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(d) **OPERATION; YIELD ALLOTMENT; DELIVERY.**—

(1) **OPERATION.**—The Secretary, the District, or a third party (consistent with subsection (f)) may operate the Project, subject to a memorandum of agreement between the Secretary, the Secretary of the Navy, and the District and under regulations satisfactory to the Secretary

of the Navy with respect to the share of the Project of the Department of the Navy.

(2) **YIELD ALLOTMENT.**—Except as otherwise agreed between the parties, the Secretary of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(A) 60 percent of the yield of the Project is allotted to the Secretary of the Navy.

(B) 40 percent of the yield of the Project is allotted to the District.

(3) **CONTRACTS FOR DELIVERY OF EXCESS WATER.**—

(A) **EXCESS WATER AVAILABLE TO OTHER PERSONS.**—If the Secretary of the Navy certifies to the official agreed on to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the yield of the Project allotted to the Secretary of the Navy under paragraph (2), the official may enter into temporary contracts for the sale and delivery of the excess water.

(B) **FIRST RIGHT FOR EXCESS WATER.**—The first right to excess water made available under subparagraph (A) shall be given the District, if otherwise consistent with the laws of the State of California.

(C) **CONDITION OF CONTRACTS.**—Each contract entered into under subparagraph (A) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand the water, without charge and without obligation on the part of the United States, after 30 days notice.

(D) **MODIFICATION OF RIGHTS AND OBLIGATIONS.**—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(4) **CONSIDERATION.**—

(A) **DEPOSIT OF FUNDS.**—

(i) **IN GENERAL.**—Amounts paid to the United States under a contract entered into under paragraph (3) shall be—

(I) deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(II) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(ii) **EXCEPTION.**—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited in the special account pursuant to this paragraph.

(B) **IN-KIND CONSIDERATION.**—In lieu of monetary consideration under subparagraph (A), or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy;

(ii) construction of new facilities for the Department of the Navy;

(iii) provision of facilities for use by the Department of the Navy;

(iv) facilities operation support for the Department of the Navy; and

(v) provision of such other services as the Secretary of the Navy considers appropriate.

(C) **RELATION TO OTHER LAWS.**—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(D) **CONGRESSIONAL NOTIFICATION.**—If the in-kind consideration proposed to be provided under a contract to be entered into under paragraph (3) has a value in excess of \$500,000, the contract may not be entered into until the earlier of—

(i) the end of the 30-day period beginning on the date on which the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the contract and the form and quantity of the in-kind consideration; or

(ii) the end of the 14-day period beginning on the date on which a copy of the report referred to in clause (i) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(e) **REPAYMENT OBLIGATION OF THE DISTRICT.**—

(1) **DETERMINATION.**—

(A) **IN GENERAL.**—Except as otherwise provided in this paragraph, the general repayment obligation of the District shall be determined by the Secretary consistent with subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) **GROUNDWATER.**—For purposes of calculating interest and determining the time when the repayment obligation of the District to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(C) **CONTRACTS FOR DELIVERY OF EXCESS WATER.**—There shall be no repayment obligation under this subsection for water delivered to the District under a contract described in subsection (d)(3).

(2) **MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.**—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

(f) **TRANSFER OF CARE, OPERATION, AND MAINTENANCE.**—

(1) **IN GENERAL.**—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are—

(A) satisfactory to the Secretary and the District; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Secretary, the District, and the Secretary of the Navy.

(2) **EQUITABLE CREDIT.**—

(A) **IN GENERAL.**—In the event of a transfer under paragraph (1), the District shall be entitled to an equitable credit for the costs associated with the proportionate share of the Secretary of the operation and maintenance of the Project.

(B) **APPLICATION.**—The amount of costs described in subparagraph (A) shall be applied against the indebtedness of the District to the United States.

(g) **SCOPE OF SECTION.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, for the purpose of this section, the laws of the State of California shall apply to the rights of the United States pertaining to the use of water under this section.

(2) **LIMITATIONS.**—Nothing in this section—

(A) provides a grant or a relinquishment by the United States of any rights to the use of water that the United States acquired according to the laws of the State of California, either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(B) creates any legal obligation to store any water in the Project, to the use of which the United States has those rights;



(C) requires the division under this section of water to which the United States has those rights; or

(D) constitutes a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

(h) **LIMITATIONS ON OPERATION AND ADMINISTRATION.**—Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way that will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

(i) **REPORTS TO CONGRESS.**—Not later than 2 years after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each submit to the appropriate committees of Congress reports that describe whether the conditions specified in subsection (b)(2) have been met and if so, the manner in which the conditions were met.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section—

(1) \$60,000,000, as adjusted to reflect the engineering costs indices for the construction cost of the Project; and

(2) such sums as are necessary to operate and maintain the Project.

(k) **SUNSET.**—The authority of the Secretary to complete construction of the Project shall terminate on the date that is 10 years after the date of enactment of this Act.

#### **SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.**

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9104(a)) is amended by adding at the end the following:

#### **“SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA.**

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

“(b) **COST SHARING.**—The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$12,500,000.”

(b) **CLERICAL AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (as amended by section 9104(b)) is amended by inserting after the item relating to section 1649 the following:

“Sec. 1650. Elsinore Valley Municipal Water District Projects, California.”

#### **SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.**

(a) **PROJECT AUTHORIZATION.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9109(a)) is amended by adding at the end the following:

#### **“SEC. 1651. NORTH BAY WATER REUSE PROGRAM.**

“(a) **DEFINITIONS.**—In this section:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

- “(A) Marin County;
- “(B) Napa County;
- “(C) Solano County; or
- “(D) Sonoma County.

“(2) **WATER RECLAMATION AND REUSE PROJECT.**—The term ‘water reclamation and reuse project’ means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

- “(A) water quality improvement;
- “(B) wastewater treatment;
- “(C) water reclamation and reuse;
- “(D) groundwater recharge and protection;
- “(E) surface water augmentation; or
- “(F) other related improvements.

“(3) **STATE.**—The term ‘State’ means the State of California.

“(b) **NORTH BAY WATER REUSE PROGRAM.**—

“(1) **IN GENERAL.**—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

“(2) **COORDINATION WITH OTHER FEDERAL AGENCIES.**—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

- “(A) non-Federal entities; and
- “(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

“(3) **PHASED PROJECT.**—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

“(A) **FIRST PHASE.**—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

“(B) **SECOND PHASE.**—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

“(4) **COST SHARING.**—

“(A) **FEDERAL SHARE.**—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

“(B) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

- “(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and
- “(ii) the acquisition costs of land acquired for the project that is—

- “(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and
- “(II) owned by an eligible entity and directly related to the project.

“(C) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“(5) **EFFECT.**—Nothing in this section—

“(A) affects or preempts—

- “(i) State water law; or
- “(ii) an interstate compact relating to the allocation of water; or

“(B) confers on any non-Federal entity the ability to exercise any Federal right to—

- “(i) the water of a stream; or
- “(ii) any groundwater resource.

“(6) **AUTHORIZATION OF APPROPRIATIONS.**—

There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section \$25,000,000, to remain available until expended.”

(b) **CONFORMING AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (as amended by section 9109(b)) is amended by inserting after the item relating to section 1650 the following:

“Sec. 1651. North Bay water reuse program.”

#### **SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT, CALIFORNIA.**

(a) **PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**—

(1) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the following:

#### **“SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**

“(a) **IN GENERAL.**—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000.

“(e) **SUNSET OF AUTHORITY.**—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.”

(2) **CONFORMING AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (43 U.S.C. prec. 371) (as amended by section 9110(b)) is amended by inserting after the last item the following:

“1652. Prado Basin Natural Treatment System Project.”

(b) **LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**—

(1) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

#### **“SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

“(a) **IN GENERAL.**—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed—

“(1) 25 percent of the total cost of the project; or

“(2) \$26,000,000.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

“(e) **SUNSET OF AUTHORITY.**—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.”.

(2) **CONFORMING AMENDMENT.**—The table of sections in section 2 of Public Law 102-575 (43 U.S.C. prec. 371) (as amended by subsection (a)(2)) is amended by inserting after the last item the following:

“1653. Lower Chino dairy area desalination demonstration and reclamation project.”.

(c) **ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.**—Section 1624 of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h-12j) is amended—

(1) in the section heading, by striking the words “**PHASE 1 OF THE**”; and

(2) in subsection (a), by striking “phase 1 of”.

**SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.**

(a) **DEFINITIONS.**—In this section:

(1) **DISTRICT.**—The term “District” means the Western Municipal Water District, Riverside County, California.

(2) **PROJECT.**—

(A) **IN GENERAL.**—The term “Project” means the Riverside-Corona Feeder Project.

(B) **INCLUSIONS.**—The term “Project” includes—

(i) 20 groundwater wells;

(ii) groundwater treatment facilities;

(iii) water storage and pumping facilities; and

(iv) 28 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

(C) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **PLANNING, DESIGN, AND CONSTRUCTION OF RIVERSIDE-CORONA FEEDER.**—

(1) **IN GENERAL.**—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) **AGREEMENTS AND REGULATIONS.**—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) **FEDERAL SHARE.**—

(A) **PLANNING, DESIGN, CONSTRUCTION.**—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—

(i) an amount equal to 25 percent of the total cost of the Project; and

(ii) \$26,000,000.

(B) **STUDIES.**—The Federal share of the cost to complete the necessary planning studies associated with the Project—

(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and

(ii) shall be included as part of the limitation described in subparagraph (A).

(4) **IN-KIND SERVICES.**—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) **LIMITATION.**—Funds provided by the Secretary under this subsection shall not be used for operation or maintenance of the Project.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—

(A) an amount equal to 25 percent of the total cost of the Project; and

(B) \$26,000,000.

**SEC. 9113. GREAT PROJECT, CALIFORNIA.**

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102-575; 43 U.S.C. 390h et seq.) (as amended by section 9111(b)(1)) is amended by adding at the end the following:

“**SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.**

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

“(b) **COST SHARE.**—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

“(c) **LIMITATION.**—The Secretary shall not provide funds for the following:

“(1) The operations and maintenance of the project described in subsection (a).

“(2) The construction, operations, and maintenance of the visitor’s center related to the project described in subsection (a).

“(d) **SUNSET OF AUTHORITY.**—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.”.

(b) **CLERICAL AMENDMENT.**—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (as amended by section 9111(b)(2)) is amended by inserting after the last item the following:

“Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment project.”.

**SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.**

(a) **IN GENERAL.**—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9113(a)) is amended by adding at the end the following:

“**SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.**

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

“(b) **COST SHARING.**—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000.

“**SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.**

“(a) **AUTHORIZATION.**—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

“(b) **COST SHARE.**—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

“(c) **LIMITATION.**—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.”.

(b) **CONFORMING AMENDMENTS.**—The table of sections in section 2 of Public Law 102-575 (as amended by section 9114(b)) is amended by inserting after the last item the following:

“Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.

“Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.”.

**SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.**

(a) **COST SHARE.**—The first section of Public Law 87-590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after “cost thereof,” the following: “or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingspan-Arkansas project excess capacity or exchange contracts using Fryingspan-Arkansas project facilities.”.

(b) **RATES.**—Section 2(b) of Public Law 87-590 (76 Stat. 390) is amended—

(1) by striking “(b) Rates” and inserting the following:

“(b) **RATES.**—

“(1) **IN GENERAL.**—Rates”; and

(2) by adding at the end the following:

“(2) **RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.**—

“(A) **IN GENERAL.**—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingspan-Arkansas project excess capacity or exchange contracts using Fryingspan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

“(B) **EFFECT.**—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

“(3) **ARKANSAS VALLEY CONDUIT.**—

“(A) **USE OF REVENUE.**—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingspan-Arkansas project excess capacity or exchange contracts using Fryingspan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

“(B) **ADJUSTMENT OF RATES.**—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingspan-Arkansas project excess capacity or exchange contracts using Fryingspan-Arkansas project facilities.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 7 of Public Law 87-590 (76 Stat. 393) is amended—

(1) by striking “SEC. 7. There is hereby” and inserting the following:

“**SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

“(a) **IN GENERAL.**—There is”; and

(2) by adding at the end the following:

“(b) **ARKANSAS VALLEY CONDUIT.**—

“(1) *IN GENERAL.*—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

“(2) *LIMITATION.*—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.”.

**Subtitle C—Title Transfers and Clarifications**  
**SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FACILITIES.**

(a) *DEFINITIONS.*—In this section:

(1) *AGREEMENT.*—The term “Agreement” means the agreement numbered 06-AG-60-2115 and entitled “Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma”.

(2) *AUTHORITY.*—The term “Authority” means the McGee Creek Authority located in Oklahoma City, Oklahoma.

(3) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior.

(b) *CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.*—

(1) *AUTHORITY TO CONVEY.*—

(A) *IN GENERAL.*—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

- (i) the pumping plant;
- (ii) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;
- (iii) the surge tank;
- (iv) the regulating tank;
- (v) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and
- (vi) any other appurtenances, easements, and fee title land associated with the facilities described in clauses (i) through (v), in accordance with the Agreement.

(B) *EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.*—

(i) *IN GENERAL.*—The mineral estate shall be excluded from the conveyance of any land or facilities under subparagraph (A).

(ii) *MANAGEMENT.*—Any mineral interests retained by the United States under this section shall be managed—

- (I) consistent with Federal law; and
- (II) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(C) *COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.*—

(i) *AGREEMENT.*—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(ii) *APPLICABLE LAW.*—Before any conveyance under subparagraph (A), the Secretary shall complete any actions required under—

- (I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- (II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- (III) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and
- (IV) any other applicable laws.

(2) *OPERATION OF TRANSFERRED FACILITIES.*—

(A) *IN GENERAL.*—On the conveyance of the land and facilities under paragraph (1)(A), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(B) *OPERATION AND MAINTENANCE COSTS.*—

(i) *IN GENERAL.*—After the conveyance of the land and facilities under paragraph (1)(A) and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(ii) *LIMITATION ON FUNDING.*—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(3) *RELEASE FROM LIABILITY.*—

(A) *IN GENERAL.*—Effective beginning on the date of the conveyance of the land and facilities under paragraph (1)(A), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance.

(B) *NO ADDITIONAL LIABILITY.*—Nothing in this paragraph adds to any liability that the United States may have under chapter 171 of title 28, United States Code.

(4) *CONTRACTUAL OBLIGATIONS.*—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), any rights and obligations under the contract numbered 0-07-50-X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(B) *AMENDMENTS.*—With the consent of the Authority, the Secretary may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1)(A).

(5) *APPLICABILITY OF THE RECLAMATION LAWS.*—Notwithstanding the conveyance of the land and facilities under paragraph (1)(A), the reclamation laws shall continue to apply to any project water provided to the Authority.

**SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.**

(a) *PURPOSE.*—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

(b) *DEFINITIONS.*—In this section:

(1) *CITY.*—The term “City” means the City of Albuquerque, New Mexico.

(2) *BIO-PARK PARCELS.*—The term “BioPark Parcels” means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B-1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B-1 and B-2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological

Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A-1-A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A-1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) *MIDDLE RIO GRANDE CONSERVANCY DISTRICT.*—The terms “Middle Rio Grande Conservancy District” and “MRGCD” mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) *MIDDLE RIO GRANDE PROJECT.*—The term “Middle Rio Grande Project” means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80-858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81-516; 64 Stat. 170).

(5) *SAN GABRIEL PARK.*—The term “San Gabriel Park” means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) *TINGLEY BEACH.*—The term “Tingley Beach” means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(c) *CLARIFICATION OF PROPERTY INTEREST.*—

(1) *REQUIRED ACTION.*—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(2) *TIMING.*—The Secretary shall carry out the action in paragraph (1) as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(3) *NO ADDITIONAL PAYMENT.*—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

(d) *OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.*—

(1) *IN GENERAL.*—Except as expressly provided in subsection (c), nothing in this section shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(2) *ONGOING LITIGATION.*—Nothing contained in this section shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99-CV-01320-JAP-RHS, entitled *Rio Grande Silvery Minnow v. John W. Keys, III*, concerning the right, title, or interest

in and to any property associated with the Middle Rio Grande Project.

**SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.**

(a) **DEFINITIONS.**—In this section:

(1) **AGREEMENT.**—The term “Agreement” means Agreement No. 07–LC–20–9387 between the United States and the District, entitled “Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District”.

(2) **DISTRICT.**—The term “District” means the Goleta Water District, located in Santa Barbara County, California.

(3) **GOLETA WATER DISTRIBUTION SYSTEM.**—The term “Goleta Water Distribution System” means the facilities constructed by the United States to enable the District to convey water to its water users, and associated lands, as described in Appendix A of the Agreement.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.**—The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

(c) **LIABILITY.**—Effective upon the date of the conveyance authorized by subsection (b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(d) **BENEFITS.**—After conveyance of the Goleta Water Distribution System under this section—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

(e) **COMPLIANCE WITH OTHER LAWS.**—

(1) **COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.**—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(2) **COMPLIANCE BY THE DISTRICT.**—Upon the conveyance of the Goleta Water Distribution System under this section, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(3) **APPLICABLE AUTHORITY.**—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

(f) **REPORT.**—If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under subsection (b), the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the con-

veyance shall be completed. The Secretary shall submit a report required under this subsection to Congress not later than 14 months after the date of the enactment of this Act.

**Subtitle D—San Gabriel Basin Restoration Fund**

**SEC. 9301. RESTORATION FUND.**

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554, as amended by Public Law 107–66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

“(iv) **NON-FEDERAL MATCH.**—After \$85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

“(I) **SAN GABRIEL BASIN WATER QUALITY AUTHORITY.**—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

“(II) **CENTRAL BASIN MUNICIPAL WATER DISTRICT.**—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.”;

(2) in subsection (a), by adding at the end the following:

“(4) **INTEREST ON FUNDS IN RESTORATION FUND.**—No amounts appropriated above the cumulative amount of \$85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States.”; and

(3) by amending subsection (d) to read as follows:

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—“(1) **IN GENERAL.**—There is authorized to be appropriated to the Restoration Fund established under subsection (a) \$146,200,000. Such funds shall remain available until expended.

“(2) **SET-ASIDE.**—Of the amounts appropriated under paragraph (1), no more than \$21,200,000 shall be made available to carry out the Central Basin Water Quality Project.”.

**Subtitle E—Lower Colorado River Multi-Species Conservation Program**

**SEC. 9401. DEFINITIONS.**

In this subtitle:

(1) **LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.**—The term “Lower Colorado River Multi-Species Conservation Program” or “LCR MSCP” means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) **LOWER COLORADO RIVER.**—The term “Lower Colorado River” means the segment of the Colorado River within the planning area as provided in section 2(B) of the Implementing Agreement, a Program Document.

(3) **PROGRAM DOCUMENTS.**—The term “Program Documents” means the Habitat Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means each of the States of Arizona, California, and Nevada.

**SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.**

(a) **IMPLEMENTATION.**—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) **WATER ACCOUNTING.**—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

**SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.**

(a) **IN GENERAL.**—Due to the unique conditions of the Colorado River, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under the Section 10(a)(1)(B) Permit, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under those Program Documents.

(b) **JURISDICTION.**—The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court's exercise of jurisdiction under this section.

(c) **UNITED STATES AS DEFENDANT.**—

(1) **IN GENERAL.**—The United States or any agency of the United States may be named as a defendant in such actions.

(2) **SOVEREIGN IMMUNITY.**—Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) **NONWAIVER FOR CERTAIN CLAIMS.**—Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) **RIGHTS UNDER FEDERAL AND STATE LAW.**—

(1) **IN GENERAL.**—Except as specifically provided in this section, nothing in this section limits any rights or obligations of any party under Federal or State law.

(2) **APPLICABILITY TO LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.**—This section—

(A) shall apply only to the Lower Colorado River Multi-Species Conservation Program; and

(B) shall not affect the terms of, or rights or obligations under, any other conservation plan created pursuant to any Federal or State law.

(e) **VENUE.**—Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

**SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to the Secretary such sums as may be necessary to meet the obligations of the Secretary under the Program Documents, to remain available until expended.

(b) **NON-REIMBURSABLE AND NON-RETURNABLE.**—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be non-reimbursable and non-returnable.

**Subtitle F—Secure Water**

**SEC. 9501. FINDINGS.**

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

#### SEC. 9502. DEFINITIONS.

In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92-01; and

(B) to coordinate water data collection activities.

(3) **ASSESSMENT PROGRAM.**—The term “assessment program” means the water availability and use assessment program established by the Secretary under section 9508(a).

(4) **CLIMATE DIVISION.**—The term “climate division” means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of Reclamation.

(6) **DIRECTOR.**—The term “Director” means the Director of the United States Geological Survey.

(7) **ELIGIBLE APPLICANT.**—The term “eligible applicant” means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.

(8) **FEDERAL POWER MARKETING ADMINISTRATION.**—The term “Federal Power Marketing Administration” means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(9) **HYDROLOGIC ACCOUNTING UNIT.**—The term “hydrologic accounting unit” means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) **MAJOR AQUIFER SYSTEM.**—The term “major aquifer system” means a groundwater system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) **MAJOR RECLAMATION RIVER BASIN.**—

(A) **IN GENERAL.**—The term “major reclamation river basin” means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) **INCLUSIONS.**—The term “major reclamation river basin” includes—

(i) the Colorado River;

(ii) the Columbia River;

(iii) the Klamath River;

(iv) the Missouri River;

(v) the Rio Grande;

(vi) the Sacramento River;

(vii) the San Joaquin River; and

(viii) the Truckee River.

(13) **NON-FEDERAL PARTICIPANT.**—The term “non-Federal participant” means—

(A) a State, regional, or local authority;

(B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) **PANEL.**—The term “panel” means the climate change and water intragovernmental panel established by the Secretary under section 9506(a).

(15) **PROGRAM.**—The term “program” means the regional integrated sciences and assessments program—

(A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decisionmaking processes.

(16) **SECRETARY.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “Secretary” means the Secretary of the Interior.

(B) **EXCEPTIONS.**—The term “Secretary” means—

(i) in the case of sections 9503, 9504, and 9509, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).

(17) **SERVICE AREA.**—The term “service area” means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

#### SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish a climate change adaptation program—

(1) to coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) **REQUIRED ELEMENTS.**—In carrying out the program described in subsection (a), the Secretary shall—

(1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

(A) a change in snowpack;

(B) changes in the timing and quantity of runoff;

(C) changes in groundwater recharge and discharge; and

(D) any increase in—

(i) the demand for water as a result of increasing temperatures; and

(ii) the rate of reservoir evaporation;

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

(C) recreation at reclamation facilities;

(D) fish and wildlife habitat;

(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) water quality issues (including salinity levels of each major reclamation river basin);

(G) flow and water dependent ecological resiliency; and

(H) flood control management;

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;

(B) the development of new water management, operating, or habitat restoration plans;

(C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data—

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) **REPORTING.**—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

(A) the Director;

(B) the Administrator;

(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) FEASIBILITY STUDIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) COST SHARING.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) EXCEPTION RELATING TO FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to contribute an amount equal to 50 percent of the cost of the study.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this section amends or otherwise affects any existing authority under reclamation laws that govern the operation of any Federal reclamation project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

#### SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of

1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);

(G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

(H) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or

(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) APPLICATION.—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(A) be located within the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

(B) submit to the Secretary an application that includes a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant.

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—

(A) COMPLIANCE WITH REQUIREMENTS.—Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) AGRICULTURAL OPERATIONS.—In carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

(i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or

(ii) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.

(C) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) TITLE TO IMPROVEMENTS.—If an infrastructure improvement to a federally owned facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) COST SHARING.—

(i) FEDERAL SHARE.—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) MAXIMUM AMOUNT.—The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than \$5,000,000.

(iv) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) LIABILITY.—

(i) IN GENERAL.—Except as provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(b) RESEARCH AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may enter into 1 or more agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources;

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources, including increasing the use of renewable energy in the management and delivery of water.

(2) TERMS AND CONDITIONS OF SECRETARY.—

(A) IN GENERAL.—An agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) AVAILABILITY.—The agreements under this subsection shall be available to all Reclamation projects and programs that may benefit from project-specific or programmatic cooperative research and development.

(c) MUTUAL BENEFIT.—Grants or other agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$200,000,000, to remain available until expended.

#### SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.

(a) DUTY OF SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE DATA.—

(1) IN GENERAL.—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate



change on water supplies that are used to produce hydroelectric power.

(2) ACCESS TO DATA FOR CERTAIN ASSESSMENTS.—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) AUTHORITY.—The Secretary of Energy may enter into contracts, grants, or other agreements with appropriate entities to carry out this section.

(e) COSTS.—

(1) NONREIMBURSABLE.—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(2) PMA COSTS.—Each Federal Power Marketing Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

#### SEC. 9506. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Resources and Environment);

(5) the Commissioner;

(6) the Secretary of the Army, acting through the Chief of Engineers;

(7) the Administrator of the Environmental Protection Agency; and

(8) the Secretary of Energy.

(c) REVIEW ELEMENTS.—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, drinking water utilities, water research organizations, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant freshwater watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant freshwater watershed and aquifer located in the United States;

(5) to facilitate the development of hydrologic and other models to integrate data that reflects groundwater and surface water interactions; and

(6) to apply the hydrologic and other models developed under paragraph (5) to water resource management problems identified by the panel, including the need to maintain or improve ecological resiliency at watershed and aquifer system scales.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed \$1,000,000.

(B) REPORT.—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing

the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a) through (d) \$2,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(2) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—There is authorized to be appropriated to carry out subsection (e) \$10,000,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

#### SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY.

(a) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee and the Panel and consistent with this section, shall proceed with implementation of the national streamflow information program, as reviewed by the National Research Council in 2004.

(2) REQUIREMENTS.—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the National Integrated Drought Information System)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to identify any data gap with respect to water resources; and

(iv) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) NETWORK ENHANCEMENT.—

(A) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program to a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) **REQUIREMENTS OF SITES.**—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) **FEDERAL SHARE.**—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) **NETWORK ENHANCEMENT FUNDING.**—There is authorized to be appropriated to carry out the network enhancements described in paragraph (4) \$10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) **NATIONAL GROUNDWATER RESOURCES MONITORING.**—

(1) **IN GENERAL.**—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) **PROGRAM ELEMENTS.**—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting;

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and

(C) prior to initiating any specific monitoring activities within a State after the date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State.

(3) **PROGRAM OBJECTIVES.**—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) **IMPROVED METHODOLOGIES.**—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) **FEDERAL SHARE.**—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) **PRIORITY.**—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall

give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2009 through 2023, to remain available until expended.

(c) **BRACKISH GROUNDWATER ASSESSMENT.**—

(1) **STUDY.**—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$3,000,000 for the period of fiscal years 2009 through 2011, to remain available until expended.

(d) **IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.**—

(1) **AUTHORITY OF SECRETARY.**—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with expertise in water resource data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) **PRIORITY.**—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration; and

(E) water withdrawals, return flows, and consumptive use.

(3) **PARTNERSHIPS.**—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage partnerships, including public-private partnerships, between and

among Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2009 through 2019.

**SEC. 9508. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.**

(a) **ESTABLISHMENT.**—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the “national water availability and use assessment program”—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to assist in the determination of the quality of the water resources of the United States;

(4) to identify long-term trends in water availability;

(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and

(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) **PROGRAM ELEMENTS.**—

(1) **WATER USE.**—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

(2) **WATER AVAILABILITY.**—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection; and  
(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) GRANT PROGRAM.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) CRITERIA.—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) MAXIMUM AMOUNT.—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than \$250,000.

(d) REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred or are occurring; and

(6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a), (b), and (d) \$20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (c) \$12,500,000 for the period of fiscal years 2009

through 2013, to remain available until expended.

#### SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

#### SEC. 9510. EFFECT.

(a) IN GENERAL.—Nothing in this subtitle supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this subtitle preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

#### Subtitle G—Aging Infrastructure

#### SEC. 9601. DEFINITIONS.

In this subtitle:

(1) INSPECTION.—The term “inspection” means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) PROJECT FACILITY.—The term “project facility” means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) RESERVED WORKS.—The term “reserved works” mean any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) TRANSFERRED WORKS.—The term “transferred works” means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) TRANSFERRED WORKS OPERATING ENTITY.—The term “transferred works operating entity” means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—The term “extraordinary operation and maintenance work” means major, nonrecurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor’s or the transferred works operating entity’s annual operation and maintenance budget for the facility, or greater than \$100,000.

#### SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.

(a) GUIDELINES AND INSPECTIONS.—

(1) DEVELOPMENT OF GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or prop-

erty damage if such project facilities were to fail.

(2) CONDUCT OF INSPECTIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) TREATMENT OF COSTS.—The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) USE OF INSPECTION DATA.—The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works;

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.—

(1) AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.—The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development of a training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity’s workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

(F) Development of any other plans or documentation which, in the judgment of the Secretary, will contribute to public safety and the safe operation of a project facility.

(2) COSTS.—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

#### SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.

(a) IN GENERAL.—The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b) and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) TREATMENT OF COSTS.—For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subtitle is substantially complete.

(2) AUTHORITY OF SECRETARY.—For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subtitle shall be deemed to be a new or amended contract for the purposes of section 203(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390c(a)).

(3) DETERMINATION OF INTEREST RATE.—The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subtitle shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest  $\frac{1}{8}$  of 1 percent on the unamortized balance of any portion of the loan.

(c) EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) IN GENERAL.—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) REIMBURSEMENT.—The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) FUNDING.—If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

#### SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act (43 U.S.C. 2401 et seq.).

#### SEC. 9605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

### TITLE X—WATER SETTLEMENTS

#### Subtitle A—San Joaquin River Restoration Settlement

#### PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

##### SEC. 10001. SHORT TITLE.

This part may be cited as the “San Joaquin River Restoration Settlement Act”.

##### SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

##### SEC. 10003. DEFINITIONS.

In this part:

(1) The terms “Friant Division long-term contractors”, “Interim Flows”, “Restoration Flows”, “Recovered Water Account”, “Restoration Goal”, and “Water Management Goal” have the meanings given the terms in the Settlement.

(2) The term “Secretary” means the Secretary of the Interior.

(3) The term “Settlement” means the Stipulation of Settlement dated September 13, 2006, in the litigation entitled *Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.*, United States District Court, Eastern District of California, No. CIV. S-88-1658-LKK/GGH.

##### SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State’s agreement in 1 or more memoranda of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary’s use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary’s performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

(h) INTERIM FLOWS.—

(1) STUDY REQUIRED.—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including at a minimum—

(A) an analysis of channel conveyance capacities and potential for levee or groundwater seepage;

(B) a description of the associated seepage monitoring program;

(C) an evaluation of—

(i) possible impacts associated with the release of Interim Flows; and

(ii) mitigation measures for those impacts that are determined to be significant;

(D) a description of the associated flow monitoring program; and

(E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows.

(2) CONDITIONS FOR RELEASE.—The Secretary is authorized to release Interim Flows to the extent that such flows would not—

(A) impede or delay completion of the measures specified in Paragraph 11(a) of the Settlement; or

(B) exceed existing downstream channel capacities.

(3) **SEEPAGE IMPACTS.**—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage caused by such flows that the Secretary identifies based on the monitoring program of the Secretary.

(4) **TEMPORARY FISH BARRIER PROGRAM.**—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made available in accordance with section 10009, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.

(i) **FUNDING AVAILABILITY.**—

(1) **IN GENERAL.**—Funds shall be collected in the San Joaquin River Restoration Fund through October 1, 2019, and thereafter, with substantial amounts available through October 1, 2019, pursuant to section 10009 for implementation of the Settlement and parts I and III, including—

(A) \$88,000,000, to be available without further appropriation pursuant to section 10009(c)(2);

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated \$20,000,000 from the CVP Restoration Fund pursuant to section 10009(b)(2); and

(C) an aggregate commitment of at least \$200,000,000 by the State of California.

(2) **ADDITIONAL AMOUNTS.**—Substantial additional amounts from the San Joaquin River Restoration Fund shall become available without further appropriation after October 1, 2019, pursuant to section 10009(c)(2).

(3) **EFFECT OF SUBSECTION.**—Nothing in this subsection limits the availability of funds authorized for appropriation pursuant to section 10009(b) or 10203(c).

(j) **SAN JOAQUIN RIVER EXCHANGE CONTRACT.**—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.

**SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.**

(a) **TITLE TO FACILITIES.**—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) **ACQUISITION OF PROPERTY.**—

(1) **IN GENERAL.**—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) **APPLICABLE LAW.**—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 10004.

(c) **DISPOSAL OF PROPERTY.**—

(1) **IN GENERAL.**—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

(2) **RIGHT OF FIRST REFUSAL.**—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) **DISPOSITION OF PROCEEDS.**—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 10009(c).

(d) **GROUNDWATER BANK.**—Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity.

**SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.**

(a) **APPLICABLE LAW.**—

(1) **IN GENERAL.**—In undertaking the measures authorized by this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) **ENVIRONMENTAL REVIEWS.**—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) **EFFECT ON STATE LAW.**—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) **USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.**—

(1) **DEFINITION OF ENVIRONMENTAL REVIEW.**—For purposes of this subsection, the term “environmental review” includes any consultation and planning necessary to comply with subsection (a).

(2) **PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.**—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow

the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) **LIMITATION.**—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) **NONREIMBURSABLE FUNDS.**—The United States' share of the costs of implementing this part shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project rate-setting policies.

**SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.**

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721), provided, however, that—

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721), as provided in the Settlement; and

(2) those assessments and collections shall continue to be counted toward the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4726).

**SEC. 10008. NO PRIVATE RIGHT OF ACTION.**

(a) **IN GENERAL.**—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this part or the Settlement.

(b) **APPLICABLE LAW.**—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

**SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.**

(a) **IMPLEMENTATION COSTS.**—

(1) **IN GENERAL.**—The costs of implementing the Settlement shall be covered by payments or in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (c)(1), estimated to total \$440,000,000, of which the non-Federal payments are estimated to total \$200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total \$240,000,000, the additional Federal appropriation of \$250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 10004(a)(1) shall be shared by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least \$110,000,000 of State funds.

(2) **ADDITIONAL AGREEMENTS.**—

(A) **IN GENERAL.**—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) **REQUIREMENTS.**—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 10004(a)(1).

(3) **LIMITATION.**—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—In addition to the funding provided in subsection (c), there are also authorized to be appropriated not to exceed \$250,000,000 (at October 2006 price levels) to implement this part and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the San Joaquin River Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subsection (c)(1)(C)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this part or the Settlement.

(2) **USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.**—The Secretary is authorized to use monies from the Central Valley Project Restoration Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4727) for purposes of this part in an amount not to exceed \$2,000,000 (October 2006 price levels) in any fiscal year.

(c) **FUND.**—

(1) **IN GENERAL.**—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restoration Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsections (a) and (b) of section 10203:

(A) All payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to repayment contracts, including repayment contracts executed pursuant to section 10010. The construction cost repayment obligation assigned such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99-546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10005.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(2) **AVAILABILITY.**—All funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of paragraph (1) are authorized for appropriation to implement the Settlement and this part, in addition to the authorization provided in subsections (a) and (b) of section 10203, except that \$88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.

(d) **LIMITATION ON CONTRIBUTIONS.**—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(e) **NO ADDITIONAL EXPENDITURES REQUIRED.**—Nothing in this part shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(f) **REACH 4B.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) **DEADLINE.**—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) **REPORT.**—

(A) **IN GENERAL.**—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this subtitle, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) **DETERMINATION REQUIRED.**—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in reach 4B.

(3) **COSTS.**—If the Secretary's estimated Federal cost for expanding reach 4B in paragraph (2), in light of the Secretary's funding plan set out in that paragraph, would exceed the remaining Federal funding authorized by this

part (including all funds reallocated, all funds dedicated, and all new funds authorized by this part and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this part in an amount at least sufficient to cover the higher estimated Federal costs.

**SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.**

(a) **CONVERSION OF CONTRACTS.**—

(1) The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division, Hidden Unit, and Buchanan Unit contractors, entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions: Arvin-Edison Water Storage District; Delano-Earlimart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Ivanhoe Irrigation District; Lindmore Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon request of the contractor, the Secretary is authorized to convert, prior to December 31, 2010, other existing long-term contracts with Friant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Friant Division long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2014; such amount to be discounted by  $\frac{1}{2}$  the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual



allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2014. An estimate of the remaining amount of construction costs as of January 31, 2014, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2013;

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000. If such amount is \$5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of \$5,000,000 shall not be a precedent in any other context; and

(C) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of

repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), the Secretary shall waive the pricing provisions of section 3405(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) for such contractor, provided that such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(3) Provisions of the Settlement applying to Friant Division, Hidden Unit, and Buchanan Unit long-term water service contracts shall also apply to contracts executed pursuant to this section.

(d) REDUCTION OF CHARGE FOR THOSE CONTRACTS CONVERTED PURSUANT TO SUBSECTION (A)(1).—

(1) At the time all payments by the contractor required by subsection (a)(3)(A) have been completed, the Secretary shall reduce the charge mandated in section 10007(1) of this part, from 2020 through 2039, to offset the financing costs as defined in section 10010(d)(3). The reduction shall be calculated at the time all payments by the contractor required by subsection (a)(3)(A) have been completed. The calculation shall remain fixed from 2020 through 2039 and shall be based upon anticipated average annual water deliveries, as mutually agreed upon by the Secretary and the contractor, for the period from 2020 through 2039, and the amounts of such reductions shall be discounted using the Treasury Rate; provided, that such charge shall not be reduced to less than \$4.00 per acre foot of project water delivered; provided further, that such reduction shall be implemented annually unless the Secretary determines, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover ongoing federal costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. If the Secretary determines that such charges are necessary to cover such ongoing federal costs, the Secretary shall, instead of making the reduction in such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

(2) If the calculated reduction in paragraph (1), taking into consideration the minimum amount required, does not result in the contractor offsetting its financing costs, the Secretary is authorized and directed to reduce, after October 1, 2019, any outstanding or future obligations of the contractor to the Bureau of Reclamation, other than the charge assessed and collected under section 3407(d) of Public Law 102-575, by the amount of such deficiency, with such amount indexed to 2020 using the Treasury Rate and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-Federal operating entity.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference of the net present value of the construction cost identified in subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and applying those rates against a calculated average annual capital repayment through 2030.

(4) Effective in 2040, the charge shall revert to the amount called for in section 10007(1) of this part.

(5) For purposes of this section, "Treasury Rate" shall be defined as the 20 year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury as of October 1, 2010.

(e) SATISFACTION OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Upon the first release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which 1 or more long-term Friant Division, Hidden Unit, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water not released as Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3405(a)(1)(A) and (I) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) without the further concurrence of the Secretary as to compliance with said subsections if the contractor provides, not later than 90 days before commencement of any such transfer or exchange for a period in excess of 1 year, and not later than 30 days before commencement of any proposed transfer or exchange with duration of less than 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement. The Secretary shall promptly make such notice publicly available.

(2) DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted as a replacement or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 16(b) of the Settlement. The Secretary shall, at least annually, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or to facilitate the Water Management Goal, as well as the volume of water transferred or exchanged under such agreements.

(3) STATE LAW.—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(f) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(g) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or (4)(A) of subsection (a).

#### SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16

U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) **REINTRODUCTION IN THE SAN JOAQUIN RIVER.**—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section 10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) **FINAL RULE.**—

(1) **DEFINITION OF THIRD PARTY.**—For the purpose of this subsection, the term “third party” means persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) **ISSUANCE.**—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) **REQUIRED COMPONENTS.**—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) **APPLICABLE LAW.**—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act of 1973 for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) **INCLUSIONS.**—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) **FERC PROJECTS.**—

(1) **IN GENERAL.**—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the

Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) **EFFECT OF SECTION.**—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

## **PART II—STUDY TO DEVELOP WATER PLAN; REPORT**

### **SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.**

(a) **PLAN.**—

(1) **GRANT.**—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of sub-regional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject counties in the hydrologic basins that would address issues related to—

(A) water quality;

(B) water supply (both surface, ground water banking, and brackish water desalination);

(C) water conveyance;

(D) water reliability;

(E) water conservation and efficient use (by distribution systems and by end users);

(F) flood control;

(G) water resource-related environmental enhancement; and

(H) population growth.

(2) **STUDY AREA.**—The study area referred to in paragraph (1) is the proposed study area of the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160-05, volume 3, chapters 7 and 8, including Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.

(b) **USE OF PLAN.**—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

(c) **REPORT.**—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 24 months after financial assistance is made available to the California Water Institute under subsection (a)(1).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$1,000,000 to remain available until expended.

## **PART III—FRIANT DIVISION IMPROVEMENTS**

### **SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.**

(a) The Secretary of the Interior (hereafter referred to as the “Secretary”) is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the following improvements and facilities in the Friant Division, Central Valley Project, California:

(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woollomes Check Structure.

(b) Upon completion of and consistent with the applicable feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.

(c) The costs of implementing this section shall be in accordance with section 10203, and shall be a nonreimbursable Federal expenditure.

### **SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.**

(a) **AUTHORIZATION.**—The Secretary is authorized to provide financial assistance to local agencies within the Central Valley Project, California, for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further authorized to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

(b) **CRITERIA.**—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

(2) Federal financial assistance shall only apply to the portion of a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

(A) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at a price that is no higher than the local agency's own costs, in order to secure necessary storage, extraction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary;

(B) determines, based on information available at the time, that the local agency has the

financial capability and willingness to fund its share of the project's construction and all operation and maintenance costs on an annual basis;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts expected to be caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5); and

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project's construction costs on an annual basis.

(c) **GUIDELINES.**—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider prioritizing the distribution of available funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) **COST SHARING.**—The Federal financial assistance provided to local agencies under subsection (a) shall not exceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) 50 percent of the costs associated with construction of any such project.

(e) **PROJECT OWNERSHIP.**—

(1) Title to, control over, and operation of, projects funded under subsection (a) shall remain in one or more non-Federal local agencies. Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

#### **SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.**

(a) The Secretary is authorized and directed to use monies from the fund established under section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed \$35,000,000.

(b) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the plan provided for pursuant to section 10004(a)(4), in an amount not to exceed \$17,000,000, provided that the Secretary first determines that such expenditure will not conflict with or delay his implementation of actions required by part I of this subtitle. Notice of the Secretary's determination shall be published not later than his submission of the report to Congress required by section 10009(f)(2).

(c) In addition to funds made available in subsections (a) and (b), there are authorized to

be appropriated \$50,000,000 (October 2008 price levels) to carry out the purposes of this part which shall be non-reimbursable.

#### **Subtitle B—Northwestern New Mexico Rural Water Projects**

##### **SEC. 10301. SHORT TITLE.**

This subtitle may be cited as the "Northwestern New Mexico Rural Water Projects Act".

##### **SEC. 10302. DEFINITIONS.**

In this subtitle:

(1) **AAMODT ADJUDICATION.**—The term "Aamodt adjudication" means the general stream adjudication that is the subject of the civil action entitled "State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambé, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.", No. 66 CV 6639 MV/LCS (D.N.M.).

(2) **ABEYTA ADJUDICATION.**—The term "Abeyta adjudication" means the general stream adjudication that is the subject of the civil actions entitled "State of New Mexico v. Abeyta and State of New Mexico v. Arrellano", Civil Nos. 7896-BB (D.N.M) and 7939-BB (D.N.M.) (consolidated).

(3) **ACRE-FEET.**—The term "acre-feet" means acre-feet per year.

(4) **AGREEMENT.**—The term "Agreement" means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(5) **ALLOTTEE.**—The term "allottee" means a person that holds a beneficial real property interest in a Navajo allotment that—

(A) is located within the Navajo Reservation or the State of New Mexico;

(B) is held in trust by the United States; and

(C) was originally granted to an individual member of the Nation by public land order or otherwise.

(6) **ANIMAS-LA PLATA PROJECT.**—The term "Animas-La Plata Project" has the meaning given the term in section 3 of Public Law 100-585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106-554; 114 Stat. 2763A-258).

(7) **CITY.**—The term "City" means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

(8) **COLORADO RIVER COMPACT.**—The term "Colorado River Compact" means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(9) **COLORADO RIVER SYSTEM.**—The term "Colorado River System" has the same meaning given the term in Article II(a) of the Colorado River Compact.

(10) **COMPACT.**—The term "Compact" means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(11) **CONTRACT.**—The term "Contract" means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(12) **DEPLETION.**—The term "depletion" means the depletion of the flow of the San Juan River stream system in the State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(13) **DRAFT IMPACT STATEMENT.**—The term "Draft Impact Statement" means the draft envi-

ronmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(14) **FUND.**—The term "Fund" means the Reclamation Waters Settlements Fund established by section 10501(a).

(15) **HYDROLOGIC DETERMINATION.**—The term "hydrologic determination" means the hydrologic determination entitled "Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico," prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87-483; 76 Stat. 99), and dated May 23, 2007.

(16) **LOWER BASIN.**—The term "Lower Basin" has the same meaning given the term in Article II(g) of the Colorado River Compact.

(17) **NATION.**—The term "Nation" means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the "Navajo Tribe," the "Navajo Tribe of Arizona, New Mexico & Utah," and the "Navajo Tribe of Indians" and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) **NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.**—The term "Navajo-Gallup Water Supply Project" or "Project" means the Navajo-Gallup Water Supply Project authorized under section 10602(a), as described as the preferred alternative in the Draft Impact Statement.

(19) **NAVAJO INDIAN IRRIGATION PROJECT.**—The term "Navajo Indian Irrigation Project" means the Navajo Indian irrigation project authorized by section 2 of Public Law 87-483 (76 Stat. 96).

(20) **NAVAJO RESERVOIR.**—The term "Navajo Reservoir" means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.).

(21) **NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.**—The term "Navajo Nation Municipal Pipeline" or "Pipeline" means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100-585; 102 Stat. 2973; 114 Stat. 2763A-263).

(22) **NON-NAVAJO IRRIGATION DISTRICTS.**—The term "Non-Navajo Irrigation Districts" means—

(A) the Hammond Conservancy District;

(B) the Bloomfield Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) **PARTIAL FINAL DECREE.**—The term "Partial Final Decree" means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

(24) **PROJECT PARTICIPANTS.**—The term "Project Participants" means the City, the Nation, and the Jicarilla Apache Nation.

(25) **SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.**—The term "San Juan River Basin Recovery Implementation Program" means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(26) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) **STREAM ADJUDICATION.**—The term "stream adjudication" means the general stream

adjudication that is the subject of *New Mexico v. United States*, et al., No. 75-185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) **SUPPLEMENTAL PARTIAL FINAL DECREE.**—The term “Supplemental Partial Final Decree” means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) **TRUST FUND.**—The term “Trust Fund” means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a).

(30) **UPPER BASIN.**—The term “Upper Basin” has the same meaning given the term in Article II(f) of the Colorado River Compact.

#### **SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

(a) **EFFECT OF EXECUTION OF AGREEMENT.**—The execution of the Agreement under section 10701(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

#### **SEC. 10304. NO REALLOCATION OF COSTS.**

(a) **EFFECT OF ACT.**—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been authorized under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or

(2) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(b) **USE OF POWER REVENUES.**—Notwithstanding any other provision of law, no power revenues under the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), shall be used to pay or reimburse any costs of the Navajo Indian Irrigation Project or Navajo-Gallup Water Supply Project.

#### **SEC. 10305. INTEREST RATE.**

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

### **PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87-483**

#### **SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.**

(a) **PARTICIPATING PROJECTS.**—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620(2)) is amended by inserting “the Navajo-Gallup Water Supply Project,” after “Fruitland Mesa.”.

(b) **NAVAJO RESERVOIR WATER BANK.**—The Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

“SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank.

“(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87-483 (76 Stat. 99).

“(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

“(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

“(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

“(A) Public Law 87-483 (76 Stat. 96); and

“(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

“(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c).

“(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

“(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does not occur, including storage of water under New Mexico State Engineer File No. 2849;

“(B) water in the top water bank be subject to evaporation and other losses during storage;

“(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

“(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

“(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

“(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.”.

#### **SEC. 10402. AMENDMENTS TO PUBLIC LAW 87-483.**

(a) **NAVAJO INDIAN IRRIGATION PROJECT.**—Public Law 87-483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

“SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

“(b)(1) Subject to paragraph (2), the average annual diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

“(A) 508,000 acre-feet per year; or

“(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

“(2) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

“(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

“(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106-392 (114 Stat. 1602).

“(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

“(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

“(B) Notwithstanding any other provision of law—

“(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Navajo Nation;

“(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power; and

“(iii) the United States shall have no trust obligation to monitor, administer, or account for the revenues received by the Navajo Nation, or the expenditure of the revenues.

“(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

“(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

“(1) the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

“(2) the contract executed under section 10604(a)(2)(B) of that Act; and

“(3) any other applicable law.

“(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

“(1) the Navajo-Gallup Water Supply Project under section 10602 of the Northwestern New Mexico Rural Water Projects Act; or

“(2) other nonirrigation purposes authorized under subsection (c) or (d).

“(f)(1) Repayment of the costs of construction of the project (as authorized in subsection (a)) shall be in accordance with the Act of April 11, 1956 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.), including section 4(d) of that Act.

“(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for nonirrigation purposes under subsection (e).”.

(b) **RUNOFF ABOVE NAVAJO DAM.**—Section 11 of Public Law 87-483 (76 Stat. 100) is amended by adding at the end the following:

“(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria:

“(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

“(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including contracts authorized by the

Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

“(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San Juan-Chama Project authorized by section 8, which shall be the amount to which any shortage is applied.

“(2) The Secretary shall not include in the normal diversion requirements—

“(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

“(B) the quantity of water anticipated to be supplied through reuse.

“(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following order:

“(A) The demand for delivery for uses in the State of Arizona under the Navajo-Gallup Water Supply Project authorized by section 10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

“(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

“(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

“(2) For any year for which the Secretary determines and responds to a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

“(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’).

“(f) The Secretary of the Interior shall apportion water under subsections (a), (d), and (e) on an annual volume basis.

“(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

“(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

“(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.”

#### SEC. 10403. EFFECT ON FEDERAL WATER LAW.

Unless expressly provided in this subtitle, nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the ‘Colorado River Storage Project Act’) (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the ‘Colorado River Basin Project Act’) (82 Stat. 885);

(5) Public Law 87–483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

### PART II—RECLAMATION WATER SETTLEMENTS FUND

#### SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ‘Reclamation Water Settlements Fund’, consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, \$120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—

(A) EXPENDITURES.—Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) ADDITIONAL EXPENDITURES.—The Secretary may expend more than \$120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching \$120,000,000 for prior fiscal years.

(2) AUTHORITY.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT AND OTHER SETTLEMENTS.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—

(I) IN GENERAL.—The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) RESERVED AMOUNTS.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

(B) COMPLETION OF PROJECT.—

(i) NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(e)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$500,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(ii) OTHER NEW MEXICO SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—The amount expended under subclause (I) shall not exceed \$250,000,000.

(iii) MONTANA SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled ‘In re the General Adjudication of All the Rights to Use Surface and Groundwater in the State of Montana’, if

a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$350,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(iv) ARIZONA SETTLEMENT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed \$100,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) through (iii).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(C) REVERSION.—If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) INVESTMENT OF AMOUNTS.—

(I) IN GENERAL.—The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(I) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2034—

(1) the Fund shall terminate; and  
(2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

**PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT**

**SEC. 10601. PURPOSES.**

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.

**SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.**

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system, power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities and associated wheeling services to connect Project facilities to existing high-voltage transmission facilities and deliver power to the Project.

(c) ACQUISITION OF LAND.—

(I) IN GENERAL.—The Secretary is authorized to acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) LAND OF THE PROJECT PARTICIPANTS.—As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary.

(3) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(I) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 10604 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

(D) the Secretary has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of the construction costs of the Project of not less than \$50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed to construct water conveyance facilities to the Project Participants to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement.

(2) EXCEPTION.—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and proceed with Project construction if all other conditions for construction have been satisfied.

(3) EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or replacement of the Project.

(e) POWER.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(f) CONVEYANCE OF TITLE TO PROJECT FACILITIES.—

(I) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized under subsection (b) (including any appropriate interests in land) to the City and the Nation after—

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth—

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this part;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project or section of a Project facility; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance of title, including the requirement that the City and the Nation shall—

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 10604(a)(2)(B).

(2) EFFECT OF CONVEYANCE.—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act



of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(3) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(4) **NOTICE OF PROPOSED CONVEYANCE.**—Not later than 45 days before the date of a proposed conveyance of title to any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) **COLORADO RIVER STORAGE PROJECT POWER.**—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) **REGIONAL USE OF PROJECT FACILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and  
(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;  
(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and  
(iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use.

(2) **EFFECT OF PAYMENTS.**—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

**SEC. 10603. DELIVERY AND USE OF NAVAJO-GALUP WATER SUPPLY PROJECT WATER.**

(a) **USE OF PROJECT WATER.**—

(1) **IN GENERAL.**—In accordance with this subtitle and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) **USE ON CERTAIN LAND.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and  
(ii) land held in fee by the Nation.

(B) **TRANSFER.**—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) **HYDROELECTRIC POWER.**—

(A) **IN GENERAL.**—Hydroelectric power may be generated as an incident to the delivery of Project water for authorized purposes under paragraph (1).

(B) **ADMINISTRATION.**—Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of the hydroelectric power; and

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) **STORAGE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) **STATE APPROVAL.**—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(b) **PROJECT WATER AND CAPACITY ALLOCATIONS.**—

(1) **DIVERSION.**—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) **PROJECT DELIVERY CAPACITY ALLOCATIONS.**—

(A) **IN GENERAL.**—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) **DELIVERY CAPACITY ALLOCATION TO THE CITY.**—The Project may deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water in any 1 year for which the City has secured rights for the use of the City.

(C) **DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.**—For use by the Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the points of diversion from the San Juan River or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) **DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.**—Subject to subsection (c), the Project may deliver at the point of diversion from the San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(E) **DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.**—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year of the water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) **USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.**—Notwithstanding each delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a

Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) delivery capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use of any Project facility; and

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) **CONDITIONS FOR USE IN ARIZONA.**—

(1) **REQUIREMENTS.**—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation's behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) **ACCOUNTING OF USES IN ARIZONA.**—

(A) **IN GENERAL.**—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; or

(ii) subject to subparagraph (B), a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(I) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150) (as may be amended or supplemented);

(II) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(III) be accounted as the water identified in section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478).

(B) **LIMITATION.**—Notwithstanding subparagraph (A)(ii), no water diverted by the Project shall be accounted for pursuant to subparagraph (A)(ii) until such time that—

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission

and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(A)(ii); and

(ii) Article II(B) of the Decree of the Supreme Court of the United States in *Arizona v. California* (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(A)(ii) of this Act. This clause shall not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

(3) UPPER BASIN PROTECTIONS.—

(A) CONSULTATIONS.—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan River Basin, the Secretary shall confer with the States of Colorado and New Mexico, consistent with the provisions of section 5 of the "Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin" as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(B) PRESERVATION OF EXISTING RIGHTS.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to subsection 10603(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(d) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87-483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(e) EFFECT.—Nothing in this subtitle—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (d).

(f) COLORADO RIVER COMPACTS.—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall be a part of, and charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project into the lower basin within the State of New Mexico shall not be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact.

(g) PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Secretary is authorized to pay the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water generated by, and through, that section of the Project can be made to a Project participant.

(2) PROJECT PARTICIPANT PAYMENTS.—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs for that substantially completed section of the Project, in accordance with contracts entered into pursuant to section 10604, except as provided in section 10604(f).

(h) NO PRECEDENT.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

(i) UNIQUE SITUATION.—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basin;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico;

(4) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(6) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

(j) CONSENSUS.—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this section.

(k) EFFICIENT USE.—The diversions and uses authorized for the Project under this Section

represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

**SEC. 10604. PROJECT CONTRACTS.**

(a) NAVAJO NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination necessary to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle).

(3) NONREIMBURSABILITY OF ALLOCATED COSTS.—The following costs shall be nonreimbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the construction of Navajo Dam that may otherwise be allocable to the Nation for water deliveries under the Contract.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Contract shall include provisions under which the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of the construction costs of the City relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the City to satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of the City described in subparagraph (A) shall be determined by agreement between the Secretary and the City.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the City pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

## (3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percentage of the allocated construction costs that the City shall be required to repay pursuant to the contract entered into under paragraph (1), based on the ability of the City to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the City in excess of the repayment obligation of the City, as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(6) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(7) WATER DELIVERY SUBCONTRACT.—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City's portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, with—

(A) the Nation, as authorized by the Contract;

(B) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102-441; 106 Stat. 2237); or

(C) an acquired alternate source of water, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

## (c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

## (2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the Jicarilla Apache Nation to satisfy the repayment obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the Jicarilla Apache Nation prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of Jicarilla Apache Nation described in subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

## (3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

## (d) CAPITAL COST ALLOCATIONS.—

(1) IN GENERAL.—For purposes of estimating the capital repayment requirements of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) FINAL COST ALLOCATION.—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) REPAYMENT OBLIGATION.—The Secretary shall determine the repayment obligation of the Project Participants based on the final cost allocation identifying reimbursable and nonreimbursable capital costs of the Project consistent with this subtitle.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project.

## (f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water generated by and through that section of the Project can be made to the Nation, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the ability of the Nation to pay.

(2) SUBSEQUENT PAYMENT BY NATION.—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(4) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) be-

cause of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not alter the obligations of the Nation or the United States under a repayment contract.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 10602(f) shall terminate on the date on which the Project facility is transferred.

(g) PROJECT CONSTRUCTION COMMITTEE.—The Secretary shall facilitate the formation of a project construction committee with the Project Participants and the State of New Mexico—

(1) to review cost factors and budgets for construction and operation and maintenance activities;

(2) to improve construction management through enhanced communication; and

(3) to seek additional ways to reduce overall Project costs.

**SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.**

(a) USE OF NAVAJO NATION PIPELINE.—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas La Plata Project water for municipal and industrial purposes.

## (b) CONVEYANCE OF TITLE TO PIPELINE.—

(1) IN GENERAL.—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary, the Nation, and the City of Farmington that sets forth any terms and conditions that the Secretary determines are necessary.

(2) CONVEYANCE TO THE CITY OF FARMINGTON OR NAVAJO NATION.—In conveying title to the Navajo Nation Municipal Pipeline under this subsection, the Secretary shall convey—

(A) to the City of Farmington, the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located within the corporate boundaries of the City; and

(B) to the Nation, the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located outside the corporate boundaries of the City of Farmington.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Pipeline shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of water associated with the Animas-La Plata Project.

## (4) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States or by employees or agents of the United States prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(5) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the

Committee on Energy and Natural Resources of the Senate, notice of the conveyance of the Pipeline.

**SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.**

(a) **CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.**—Not later than 1 year after the date of enactment of this Act, the Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) **WELLS IN THE SAN JUAN RIVER BASIN.**—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) **WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.**—

(1) **IN GENERAL.**—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) **USE.**—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) **LIMITATION.**—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) **CONDITION.**—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) **CONVEYANCE OF WELLS.**—

(1) **IN GENERAL.**—On the determination of the Secretary that the wells and related facilities are substantially complete and delivery of water generated by the wells can be made to the Nation, an agreement with the Nation shall be entered into, to convey to the Nation title to—

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) **OPERATION, MAINTENANCE, AND REPLACEMENT.**—

(A) **IN GENERAL.**—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until title to the facilities is conveyed to the Nation.

(B) **SUBSEQUENT ASSUMPTION BY NATION.**—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(3) **EFFECT OF CONVEYANCE.**—The conveyance of title to the Nation of the conjunctive use

wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) **USE OF PROJECT FACILITIES.**—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 10602(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) **LIMITATIONS.**—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

**SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.**

(a) **REHABILITATION.**—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) **CONDITION.**—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) **OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.**—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

**SEC. 10608. OTHER IRRIGATION PROJECTS.**

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) **GRANTS.**—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent, and shall be nonreimbursable.

(2) **FORM.**—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) **STATE CONTRIBUTION.**—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

**SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project \$870,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(2) **ADJUSTMENTS.**—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2007 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) **USE.**—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(4) **OPERATION AND MAINTENANCE.**—

(A) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to operate and maintain the Project consistent with this subtitle.

(B) **EXPIRATION.**—The authorization under subparagraph (A) shall expire 10 years after the year the Secretary declares the Project to be substantially complete.

(b) **APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.**—

(1) **SAN JUAN WELLS.**—There is authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(b) \$30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019.

(2) **WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.**—There are authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(c) such sums as are necessary for the period of fiscal years 2009 through 2024.

(3) **ADJUSTMENTS.**—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2008 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) **NONREIMBURSABLE EXPENDITURES.**—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) **USE.**—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(6) **LIMITATION.**—Appropriations authorized under paragraph (1) shall not be used for operation or maintenance of any conjunctive use wells at a time in excess of 3 years after the well is declared substantially complete.

(c) **SAN JUAN RIVER IRRIGATION PROJECTS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary—

(A) to carry out section 10607(a)(1), not more than \$7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2016, to remain available until expended; and

(B) to carry out section 10607(a)(2), not more than \$15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2019, to remain available until expended.

(2) **ADJUSTMENT.**—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) **NONREIMBURSABLE EXPENDITURES.**—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) **OTHER IRRIGATION PROJECTS.**—There are authorized to be appropriated to the Secretary to carry out section 10608 \$11,000,000 for the period of fiscal years 2009 through 2019.

(e) **CULTURAL RESOURCES.**—

(1) **IN GENERAL.**—The Secretary may use not more than 2 percent of amounts made available

under subsections (a), (b), and (c) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) **NONREIMBURSABLE EXPENDITURES.**—Any amounts made available under paragraph (1) shall be nonreimbursable.

(f) **FISH AND WILDLIFE FACILITIES.**—

(1) **IN GENERAL.**—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a), (b), and (c) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) **NONREIMBURSABLE EXPENDITURES.**—Any amounts expended under paragraph (1) shall be nonreimbursable.

#### **PART IV—NAVAJO NATION WATER RIGHTS SEC. 10701. AGREEMENT.**

(a) **AGREEMENT APPROVAL.**—

(1) **APPROVAL BY CONGRESS.**—Except to the extent that any provision of the Agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

(2) **EXECUTION BY SECRETARY.**—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(3) **AUTHORITY OF SECRETARY.**—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) **ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.**—The State of New Mexico may administer water that has been released from storage in Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) **WATER AVAILABLE UNDER CONTRACT.**—

(1) **QUANTITIES OF WATER AVAILABLE.**—

(A) **IN GENERAL.**—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) **WATER QUANTITIES.**—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre-feet/ year)	Depletion (acre-feet/ year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

(C) **MAXIMUM QUANTITY.**—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) **TERMS, CONDITIONS, AND LIMITATIONS.**—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

(2) **AMENDMENTS TO CONTRACT.**—The Secretary, with the consent of the Nation, may

amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) **RIGHTS OF THE NATION.**—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) **SUBCONTRACTS.**—

(1) **IN GENERAL.**—

(A) **SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.**—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) **APPROVAL REQUIRED.**—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) **SUBMITTAL.**—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) **DEADLINE.**—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(1) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) **ENFORCEMENT.**—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) **COMPLIANCE WITH OTHER LAW.**—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(G) **NO LIABILITY.**—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(2) **ALIENATION.**—

(A) **PERMANENT ALIENATION.**—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) **MAXIMUM TERM.**—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) **NONINTERCOURSE ACT COMPLIANCE.**—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) **FORFEITURE.**—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) **NO PER CAPITA PAYMENTS.**—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) **WATER LEASES NOT REQUIRING SUBCONTRACTS.**—

(1) **AUTHORITY OF NATION.**—

(A) **IN GENERAL.**—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) **COMPLIANCE WITH OTHER LAW.**—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) **ALIENATION; MAXIMUM TERM.**—

(A) **ALIENATION.**—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) **MAXIMUM TERM.**—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) **NO LIABILITY.**—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(4) **NONINTERCOURSE ACT COMPLIANCE.**—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(5) **FORFEITURE.**—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) **NULLIFICATION.**—

(1) **DEADLINES.**—

(A) **IN GENERAL.**—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) **AGREEMENT.**—Not later than December 31, 2010, the Secretary shall execute the Agreement.

(ii) **CONTRACT.**—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

(iii) **PARTIAL FINAL DECREE.**—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) **FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.**—Not later than December 31, 2016, the

rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) shall be completed.

(v) **SUPPLEMENTAL PARTIAL FINAL DECREE.**—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) **HOGBACK-CUDEI IRRIGATION PROJECT.**—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) shall be completed.

(vii) **TRUST FUND.**—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(viii) **CONJUNCTIVE WELLS.**—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) for the conjunctive use wells authorized under section 10606(b) should be appropriated.

(ix) **NAVAJO-GALLUP WATER SUPPLY PROJECT.**—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

(B) **EXTENSION.**—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) **REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.**—

(A) **PETITION.**—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) **TERMINATION.**—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

- (i) the Trust Fund shall be terminated;
- (ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;
- (iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and
- (iv) this part and parts I and III shall be null and void.

(3) **CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.**—

(A) **IN GENERAL.**—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) **CONDITIONS.**—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(f) **EFFECT ON RIGHTS OF INDIAN TRIBES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) **EXCEPTION.**—The right of the Nation to use water under water rights the Nation has in

other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

#### **SEC. 10702. TRUST FUND.**

(a) **ESTABLISHMENT.**—There is established in the Treasury a fund to be known as the “Navajo Nation Water Resources Development Trust Fund”, consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) **USE OF FUNDS.**—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this subtitle and facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) **MANAGEMENT.**—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **INVESTMENT OF THE TRUST FUND.**—Beginning on October 1, 2019, the Secretary shall invest amounts in the Trust Fund in accordance with—

- (1) the Act of April 1, 1880 (25 U.S.C. 161);
- (2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) **CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) **REQUIREMENTS.**—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this subtitle.

(3) **NO LIABILITY.**—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes

for which, funds of the Nation remaining in the Trust Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) **ANNUAL REPORT.**—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) **LIMITATION.**—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) **CONDITIONS.**—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2019; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree; and

(ii) the Supplemental Partial Final Decree.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for deposit in the Trust Fund—

(1) \$6,000,000 for each of fiscal years 2010 through 2014; and

(2) \$4,000,000 for each of fiscal years 2015 through 2019.

#### **SEC. 10703. WAIVERS AND RELEASES.**

(a) **CLAIMS BY THE NATION AND THE UNITED STATES.**—In return for recognition of the Nation's water rights and other benefits, including but not limited to the commitments by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members of the Nation (other than members in the capacity of the members as allottees), and the United States acting in its capacity as trustee for the Nation, shall execute a waiver and release of—

(1) all claims for water rights in, or for waters of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized in the Agreement or this subtitle;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that accrued at any time up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for injunctive or other relief because of the condition of or changes in water quality related to, or arising out of, the exercise of water rights; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.

(b) **CLAIMS BY THE NATION AGAINST THE UNITED STATES.**—The Nation, on behalf of itself and its members (other than in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or waters of the San Juan River Basin in the State of New Mexico that the United States, acting in its capacity as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land,



or natural resources due to loss of water or water rights (including but not limited to damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to inference with, diversion, or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water or water rights) in the San Juan River Basin in the State of New Mexico that first accrued at any time up to and including the effective date described in subsection (e);

(3) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in the stream adjudication; and

(4) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees, the Contract, or this subtitle.

(c) **RESERVATION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this subtitle, the Nation on behalf of itself and its members (including members in the capacity of the members as allottees) and the United States acting in its capacity as trustee for the Nation and allottees, retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13, and 13.9 of the Agreement;

(2) all claims for enforcement of the Agreement, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this subtitle, through any legal and equitable remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the date of enactment of this Act;

(4) all claims relating to activities affecting the quality of water not related to the exercise of water rights, including but not limited to any claims the Nation might have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(5) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this subtitle.

(d) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) March 1, 2025; or

(B) the effective date described in subsection (e).

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(e) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The waivers and releases described in subsections (a) and (b) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 10701(e)(1) have been met.

(2) **DEADLINE.**—If the deadlines described in section 10701(e)(1)(A) have not been met by the later of March 1, 2025, or the date of any extension under section 10701(e)(1)(B)—

(A) the waivers and releases described in subsections (a) and (b) shall be of no effect; and

(B) section 10701(e)(2)(B) shall apply.

#### **SEC. 10704. WATER RIGHTS HELD IN TRUST.**

A tribal water right adjudicated and described in paragraph 3.0 of the Partial Final Decree and in paragraph 3.0 of the Supplemental Partial Final Decree shall be held in trust by the United States on behalf of the Nation.

#### **Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement**

##### **SEC. 10801. FINDINGS.**

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

##### **SEC. 10802. PURPOSES.**

The purposes of this subtitle are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters

of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this subtitle; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this subtitle.

##### **SEC. 10803. DEFINITIONS.**

In this subtitle:

(1) **AGREEMENT.**—The term "Agreement" means the agreement entitled the "Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River" and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) **DEVELOPMENT FUND.**—The term "Development Fund" means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 10807(b)(1).

(3) **EAST FORK OF THE OWYHEE RIVER.**—The term "East Fork of the Owyhee River" means the portion of the east fork of the Owyhee River that is located in the State.

(4) **MAINTENANCE FUND.**—The term "Maintenance Fund" means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 10807(c)(1).

(5) **RESERVATION.**—The term "Reservation" means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **STATE.**—The term "State" means the State of Nevada.

(8) **TRIBAL WATER RIGHTS.**—The term "tribal water rights" means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) **TRIBES.**—The term "Tribes" means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) **UPSTREAM WATER USER.**—The term "upstream water user" means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

##### **SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.**

(a) **IN GENERAL.**—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) **SECRETARIAL AUTHORIZATION.**—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) **EXCEPTION FOR TRIBAL WATER MARKETING.**—Notwithstanding any language in the Agreement to the contrary, nothing in this subtitle authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for the allocation of 265 acre feet to upstream water users

under the Agreement, or use on tribal land off the Reservation.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this subtitle.

#### SEC. 10805. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or non-use.

#### SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.—Nothing in this subtitle shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subtitle for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

#### SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) DEFINITION OF FUNDS.—In this section, the term "Funds" means—

- (1) the Development Fund; and
- (2) the Maintenance Fund.

(b) DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Water Rights Development Fund".

(2) USE OF FUNDS.—

(A) PRIORITY USE OF FUNDS FOR REHABILITATION.—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) OTHER USES OF FUNDS.—Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary for deposit in the Development Fund \$9,000,000 for each of fiscal years 2010 through 2014.

(c) MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Operation and Maintenance Fund".

(2) USE OF FUNDS.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund \$3,000,000 for each of fiscal years 2010 through 2014.

(d) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts made available under subsections (b)(3) and (c)(3) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) ADMINISTRATION OF FUNDS.—Upon completion of the actions described in section 10808(d), the Secretary, in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) LIABILITY.—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury

shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) NO PER CAPITA PAYMENTS.—No amount from the Funds (including any interest income that would have accrued to the Funds after the effective date) shall be distributed to a member of the Tribes on a per capita basis.

#### SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this subtitle, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this subtitle; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that accrued at any time up to and including the effective date.

(b) WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, and the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 10807(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this subtitle to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this subtitle.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

(d) **EFFECTIVE DATE.**—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 10807 have been appropriated.

(e) **FAILURE TO PUBLISH STATEMENT OF FINDINGS.**—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this subtitle shall not take effect; and

(2) any funds that have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 10807 are appropriated.

(2) **EFFECT OF SUBPARAGRAPH.**—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

#### **SEC. 10809. MISCELLANEOUS.**

(a) **GENERAL DISCLAIMER.**—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this subtitle.

(b) **LIMITATION OF CLAIMS AND RIGHTS.**—Nothing in this subtitle—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the "Resource Conservation and Recovery Act of 1976"), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this subtitle.

(c) **ADMISSION AGAINST INTEREST.**—Nothing in this subtitle constitutes an admission against interest by a party in any legal proceeding.

(d) **RESERVATION.**—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) **JURISDICTION.**—

(1) **SUBJECT MATTER JURISDICTION.**—Nothing in the Agreement or this subtitle restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) **CIVIL OR REGULATORY JURISDICTION.**—Nothing in the Agreement or this subtitle impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) **CONSENT TO JURISDICTION.**—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) **EFFECT OF SUBSECTION.**—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

#### **TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS**

##### **SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEOLOGIC MAPPING ACT OF 1992.**

(a) **FINDINGS.**—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;” and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting “home-land and” after “planning for”; and

(B) in subparagraph (E), by striking “predicting” and inserting “identifying”;

(C) in subparagraph (I), by striking “and” after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

“(J) recreation and public awareness; and”; and

(3) in paragraph (9), by striking “important” and inserting “available”.

(b) **PURPOSE.**—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting “and management” before the period at the end.

(c) **DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.**—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking “not later than” and all that follows through the semicolon and inserting “not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009;”;

(2) in subparagraph (B), by striking “not later than” and all that follows through “in accordance” and inserting “not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009 in accordance;” and

(3) in the matter preceding clause (i) of subparagraph (C), by striking “not later than” and all that follows through “submit” and inserting “submit biennially”.

(d) **GEOLOGIC MAPPING PROGRAM OBJECTIVES.**—Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking “geophysical-map data base, geochemical-map data base, and a”; and

(2) by striking “provide” and inserting “provides”.

(e) **GEOLOGIC MAPPING PROGRAM COMPONENTS.**—Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking “and” after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(III) the needs of land management agencies of the Department of the Interior.”.

(f) **GEOLOGIC MAPPING ADVISORY COMMITTEE.**—

(1) **MEMBERSHIP.**—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(A) in paragraph (2)—

(i) by inserting “the Secretary of the Interior or a designee from a land management agency of the Department of the Interior,” after “Administrator of the Environmental Protection Agency or a designee,”;

(ii) by inserting “and” after “Energy or a designee,”; and

(iii) by striking “, and the Assistant to the President for Science and Technology or a designee,”; and

(B) in paragraph (3)—

(i) by striking “Not later than” and all that follows through “consultation” and inserting “In consultation”;

(ii) by striking “Chief Geologist, as Chairman” and inserting “Associate Director for Geology, as Chair”;

(iii) by striking “one representative from the private sector” and inserting “2 representatives from the private sector”.

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(A) in paragraph (2), by striking “and” at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and”.

(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking “10-member” and inserting “11-member”.

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking “geologic map” and inserting “geologic-map”;

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;”.

(h) BIENNIAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking “Not later” and all that follows through “biennially” and inserting “Not later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and biennially”.

(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$64,000,000 for each of fiscal years 2009 through 2018.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “2000” and inserting “2005”;

(B) in paragraph (1), by striking “48” and inserting “50”;

(C) in paragraph (2), by striking 2 and inserting “4”.

#### SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this section as the “Secretary”), in coordination with the State of New Mexico (referred to in this section as the “State”) and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with

this section and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

### TITLE XII—OCEANS

#### Subtitle A—Ocean Exploration

##### PART I—EXPLORATION

#### SEC. 12001. PURPOSE.

The purpose of this part is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

#### SEC. 12002. PROGRAM ESTABLISHED.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

#### SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 12002, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 12005;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

#### SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

#### SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) **FEDERAL ADVISORY COMMITTEE ACT.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) **APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.**—Nothing in part supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

#### **SEC. 12006. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this part—

- (1) \$33,550,000 for fiscal year 2009;
- (2) \$36,905,000 for fiscal year 2010;
- (3) \$40,596,000 for fiscal year 2011;
- (4) \$44,655,000 for fiscal year 2012;
- (5) \$49,121,000 for fiscal year 2013;
- (6) \$54,033,000 for fiscal year 2014; and
- (7) \$59,436,000 for fiscal year 2015.

#### **PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009**

##### **SEC. 12101. SHORT TITLE.**

This part may be cited as the “NOAA Undersea Research Program Act of 2009”.

##### **SEC. 12102. PROGRAM ESTABLISHED.**

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) **PURPOSE.**—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

##### **SEC. 12103. POWERS OF PROGRAM DIRECTOR.**

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

##### **SEC. 12104. ADMINISTRATIVE STRUCTURE.**

(a) **IN GENERAL.**—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) **DIRECTION.**—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

##### **SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.**

(a) **IN GENERAL.**—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) **OPERATIONS.**—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

##### **SEC. 12106. COMPETITIVENESS.**

(a) **DISCRETIONARY FUND.**—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) **COMPETITIVE SELECTION.**—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

##### **SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—  
(A) \$13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) \$15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) \$16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) \$18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) \$20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) \$22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) \$24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$9,744,000 for the National Technology Institute.

#### **Subtitle B—Ocean and Coastal Mapping Integration Act**

##### **SEC. 12201. SHORT TITLE.**

This subtitle may be cited as the “Ocean and Coastal Mapping Integration Act”.

##### **SEC. 12202. ESTABLISHMENT OF PROGRAM.**

(a) **IN GENERAL.**—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) **MEMBERSHIP.**—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) **PROGRAM PARAMETERS.**—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

#### **SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.**

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 12202.

(b) **MEMBERSHIP.**—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this subtitle. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) **CO-CHAIRMEN.**—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) **SUBCOMMITTEE.**—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) **MEETINGS.**—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) **COORDINATION.**—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) **ADVISORY PANEL.**—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from nongovernmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

#### **SEC. 12204. BIENNIAL REPORTS.**

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decision-making;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with nongovernmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

#### **SEC. 12205. PLAN.**

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan

for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) **PLAN REQUIREMENTS.**—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and nongovernmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) **NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.**—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this subtitle, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) **NOAA REPORT.**—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to



minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

**SEC. 12206. EFFECT ON OTHER LAWS.**

Nothing in this subtitle shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

**SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this subtitle—

- (1) \$26,000,000 for fiscal year 2009;
- (2) \$32,000,000 for fiscal year 2010;
- (3) \$38,000,000 for fiscal year 2011; and
- (4) \$45,000,000 for each of fiscal years 2012 through 2015.

(b) **JOINT OCEAN AND COASTAL MAPPING CENTERS.**—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

- (1) \$11,000,000 for fiscal year 2009.
- (2) \$12,000,000 for fiscal year 2010.
- (3) \$13,000,000 for fiscal year 2011.
- (4) \$15,000,000 for each of fiscal years 2012 through 2015.

(c) **COOPERATIVE AGREEMENTS.**—To carry out interagency activities under section 12203 of this subtitle, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

**SEC. 12208. DEFINITIONS.**

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) **COASTAL STATE.**—The term “coastal state” has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) **COMMITTEE.**—The term “Committee” means the Interagency Ocean and Coastal Mapping Committee established by section 12203.

(4) **EXCLUSIVE ECONOMIC ZONE.**—The term “exclusive economic zone” means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) **OCEAN AND COASTAL MAPPING.**—The term “ocean and coastal mapping” means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) **TERRITORIAL SEA.**—The term “territorial sea” means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) **NONGOVERNMENTAL ENTITIES.**—The term “nongovernmental entities” includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite images, or other graphical or digital

presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) **OUTER CONTINENTAL SHELF.**—The term “Outer Continental Shelf” means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

**Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009**

**SEC. 12301. SHORT TITLE.**

This subtitle may be cited as the “Integrated Coastal and Ocean Observation System Act of 2009”.

**SEC. 12302. PURPOSES.**

The purposes of this subtitle are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

**SEC. 12303. DEFINITIONS.**

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as Administrator of the National Oceanic and Atmospheric Administration.

(2) **COUNCIL.**—The term “Council” means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) **FEDERAL ASSETS.**—The term “Federal assets” means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data manage-

ment, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—The term “Interagency Ocean Observation Committee” means the committee established under section 12304(c)(2).

(5) **NON-FEDERAL ASSETS.**—The term “non-Federal assets” means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) **REGIONAL INFORMATION COORDINATION ENTITIES.**—

(A) **IN GENERAL.**—The term “regional information coordination entity” means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) of this subtitle and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.

(B) **CERTAIN INCLUDED ASSOCIATIONS.**—The term “regional information coordination entity” includes regional associations described in the System Plan.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(8) **SYSTEM.**—The term “System” means the National Integrated Coastal and Ocean Observation System established under section 12304.

(9) **SYSTEM PLAN.**—The term “System Plan” means the plan contained in the document entitled “Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan”, as updated by the Council under this subtitle.

**SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.**

(a) **ESTABLISHMENT.**—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 12302 of this subtitle and the System Plan and to fulfill the Nation's international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) **SYSTEM ELEMENTS.**—

(1) **IN GENERAL.**—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and

information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) **ENHANCING ADMINISTRATION AND MANAGEMENT.**—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) **AVAILABILITY OF DATA.**—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) **NON-FEDERAL ASSETS.**—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) **POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.**—

(1) **COUNCIL FUNCTIONS.**—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observing Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

(2) **INTERAGENCY OCEAN OBSERVATION COMMITTEE.**—The Council shall establish or designate an Interagency Ocean Observing Committee which shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;

(B) develop and transmit to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) **LEAD FEDERAL AGENCY.**—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observing Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observing Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this subtitle on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System

and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan.

(4) **REGIONAL INFORMATION COORDINATION ENTITIES.**—

(A) **IN GENERAL.**—To be certified or established under this subtitle, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) **PARTICIPATION.**—For the purposes of this subtitle, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) **SYSTEM ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee.

(2) **PURPOSE.**—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and

data management and communication aspects of the System, and fulfillment of the purposes set forth in section 12302;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

**(3) MEMBERS.—**

(A) **IN GENERAL.**—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) **TERMS OF SERVICE.**—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) **CHAIRPERSON.**—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) **APPOINTMENT.**—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

**(4) ADMINISTRATIVE PROVISIONS.—**

(A) **REPORTING.**—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) **ADMINISTRATIVE SUPPORT.**—The Administrator shall provide administrative support to the System advisory committee.

(C) **MEETINGS.**—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) **COMPENSATION AND EXPENSES.**—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) **EXPIRATION.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) **CIVIL LIABILITY.**—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) **LIMITATION.**—Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

**SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.**

(a) **IN GENERAL.**—To carry out interagency activities under this subtitle, the Secretary of

Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) **RECIPROCITY.**—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

**SEC. 12306. APPLICATION WITH OTHER LAWS.**

Nothing in this subtitle supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

**SEC. 12307. REPORT TO CONGRESS.**

(a) **REQUIREMENT.**—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this subtitle.

(b) **CONTENTS.**—The report shall include—

(1) a description of activities carried out under this subtitle and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

**SEC. 12308. PUBLIC-PRIVATE USE POLICY.**

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act.

**SEC. 12309. INDEPENDENT COST ESTIMATE.**

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated

acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

**SEC. 12310. INTENT OF CONGRESS.**

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of \$250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

**SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this subtitle and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

**Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009**

**SEC. 12401. SHORT TITLE.**

This subtitle may be cited as the “Federal Ocean Acidification Research And Monitoring Act of 2009” or the “FOARAM Act”.

**SEC. 12402. PURPOSES.**

(a) **PURPOSES.**—The purposes of this subtitle are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

**SEC. 12403. DEFINITIONS.**

In this subtitle:

(1) **OCEAN ACIDIFICATION.**—The term “ocean acidification” means the decrease in pH of the Earth’s oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) **SUBCOMMITTEE.**—The term “Subcommittee” means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

**SEC. 12404. INTERAGENCY SUBCOMMITTEE.**

(a) **DESIGNATION.**—

(1) **IN GENERAL.**—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) **MEMBERSHIP.**—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United

States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) **CHAIRMAN.**—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) **DUTIES.**—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) **REPORTS TO CONGRESS.**—

(1) **INITIAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) **BIENNIAL REPORT.**—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(3) **STRATEGIC RESEARCH PLAN.**—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

#### **SEC. 12405. STRATEGIC RESEARCH PLAN.**

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Fed-

eral research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) **CONTENTS OF THE PLAN.**—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) **PROGRAM ELEMENTS.**—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

(d) **NATIONAL ACADEMY OF SCIENCES EVALUATION.**—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) **PUBLIC PARTICIPATION.**—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

#### **SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.**

(a) **IN GENERAL.**—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) **ADDITIONAL AUTHORITY.**—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

**SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES.**

(a) **RESEARCH ACTIVITIES.**—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) **CONSISTENCY.**—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) **COORDINATION.**—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

**SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES.**

(a) **OCEAN ACIDIFICATION ACTIVITIES.**—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) **PROGRAM CONSISTENCY.**—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) **COORDINATION.**—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

**SEC. 12409. AUTHORIZATION OF APPROPRIATIONS.**

(a) **NOAA.**—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this subtitle—

(1) \$8,000,000 for fiscal year 2009;

(2) \$12,000,000 for fiscal year 2010;

(3) \$15,000,000 for fiscal year 2011; and

(4) \$20,000,000 for fiscal year 2012.

(b) **NSF.**—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this subtitle—

(1) \$6,000,000 for fiscal year 2009;

(2) \$8,000,000 for fiscal year 2010;

(3) \$12,000,000 for fiscal year 2011; and

(4) \$15,000,000 for fiscal year 2012.

**Subtitle E—Coastal and Estuarine Land Conservation Program**

**SEC. 12501. SHORT TITLE.**

This Act may be cited as the “Coastal and Estuarine Land Conservation Program Act”.

**SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.**

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

**“AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM**

“SEC. 307A. (a) **IN GENERAL.**—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of

government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

“(b) **PROPERTY ACQUISITION GRANTS.**—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

“(1) a Coastal Zone Management Plan or Program approved under this title;

“(2) a National Estuarine Research Reserve management plan;

“(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

“(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

“(c) **GRANT PROCESS.**—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

“(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

“(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders, shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

“(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

“(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

“(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

“(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.

“(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

“(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

“(i) are under an imminent threat of conversion to a use that will degrade or otherwise di-

minish their natural, undeveloped, or recreational state; and

“(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.

“(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

“(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

“(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

**“(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.—**

“(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

“(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

“(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

“(e) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

**“(f) MATCHING REQUIREMENTS.—**

“(1) **IN GENERAL.**—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

**“(2) COST SHARE REQUIREMENT.—**

“(A) **IN GENERAL.**—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

“(B) **WAIVER OF REQUIREMENT.**—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

“(3) **OTHER FEDERAL FUNDS.**—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

“(4) **SOURCE OF MATCHING COST SHARE.**—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

“(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

“(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

“(ii) the value of the land or easement is held by a non-governmental organization included in

the grant application in perpetuity for conservation purposes of the program; and

“(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

“(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

“(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non-Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

“(g) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

“(h) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter.

“(i) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

“(1) such assurances as the Secretary may require that—

“(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

“(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

“(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process; and

“(2) certification that the property (including any interest in land) will be acquired from a willing seller.

“(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

“(k) DEFINITIONS.—In this section:

“(1) CONSERVATION EASEMENT.—The term ‘conservation easement’ includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

“(2) INTEREST IN PROPERTY.—The term ‘interest in property’ includes a conservation easement.

“(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$60,000,000 for each of fiscal years 2009 through 2013.”

## TITLE XIII—MISCELLANEOUS

### SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

#### “SEC. 26. NORTH DAKOTA TRUST FUNDS.

“(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the ‘trust fund’)—

“(1) deposit all revenues earned by a trust fund into the trust fund;

“(2) deduct the costs of administering a trust fund from each trust fund; and

“(3) manage each trust fund to—

“(A) preserve the purchasing power of the trust fund; and

“(B) maintain stable distributions to trust fund beneficiaries.

“(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

“(c) MANAGEMENT OF PROCEEDS.—Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

“(d) MANAGEMENT OF LAND AND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).”

(b) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the “First Morrill Act”) (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

#### “SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

“(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

“(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the ‘trust fund’)—

“(1) deposit all revenues earned by a trust fund into the trust fund;

“(2) deduct the costs of administering a trust fund from each trust fund; and

“(3) manage each trust fund to—

“(A) preserve the purchasing power of the trust fund; and

“(B) maintain stable distributions to trust fund beneficiaries.

“(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

“(d) MANAGEMENT.—Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.”

(c) CONSENT OF CONGRESS.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3037 of the 59th Legislature of the State of North Dakota entitled “A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds

of other educational or charitable institutions; and to provide a contingent effective date” and approved by the voters of the State of North Dakota on November 7, 2006.

### SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking “\$5,000,000” and inserting “\$2,500,000”.

(b) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by striking “The value” and inserting the following:

“(1) IN GENERAL.—The value”; and

(2) by adding at the end the following:

“(2) BONNEVILLE POWER ADMINISTRATION.—

“(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

“(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.”

(c) REPORT.—Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by inserting “any” before “amounts are made”; and

(2) by inserting after “Secretary shall” the following: “, after partnering with local governmental entities and the States in the Pacific Ocean drainage area,”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in subsection (a), by striking “2001 through 2005” and inserting “2009 through 2015”; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) ADMINISTRATIVE EXPENSES.—

“(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term ‘administrative expense’ means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

“(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

“(ii) the review, processing, and provision of applications for funding under the Program.

“(B) LIMITATION.—

“(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

“(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

“(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

“(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

“(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

“(I) shall be divided evenly among all States provided assistance under the Program; and



“(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

“(aa) arranging meetings to promote the Program to potential applicants;

“(bb) assisting applicants with the preparation of applications for funding under the Program; and

“(cc) visiting construction sites to provide technical assistance, if requested by the applicant.”.

#### SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

“(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

“(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

“(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).”.

#### SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking “7 Assistant Secretaries” and inserting “8 Assistant Secretaries”.

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking “Assistant Secretaries of Energy (7)” and inserting “Assistant Secretaries of Energy (8)”.

#### SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTE.—The term “Institute” means the Lovelace Respiratory Research Institute, a nonprofit organization chartered under the laws of the State of New Mexico.

(2) MAP.—The term “map” means the map entitled “Lovelace Respiratory Research Institute Land Conveyance” and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) SECRETARY OF ENERGY.—The term “Secretary of Energy” means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as “Parcel A” on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) OTHER FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall complete any real property actions, including the revocation of any Federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) RESTRICTIONS ON USE.—

(A) AUTHORIZED USES.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) REVERSION.—

(i) IN GENERAL.—If, at any time, the Secretary of Energy, in consultation with the Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

(I) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and

(II) the United States shall have the right of immediate entry onto the parcel.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) COSTS.—

(A) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) DEPOSIT IN FUND.—

(i) IN GENERAL.—Amounts received by the United States under this paragraph as a reimbursement or recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) USE.—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for property damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.—If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) NO ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force shall, on behalf of the United States and subject to any terms and conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretaries determine to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as “Parcel B” on the map, including any improvements to the parcel.

(2) REMOVAL OF IMPROVEMENTS.—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

**SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.**

Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:

**“§ 153514. Authorization of appropriations**

“(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses \$500,000 for each of fiscal years 2008 through 2017.

“(b) LIMITATION.—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds.”.

**TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT**

**SEC. 14001. SHORT TITLE.**

This title may be cited as the “Christopher and Dana Reeve Paralysis Act”.

**Subtitle A—Paralysis Research**

**SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.**

(a) COORDINATION.—The Director of the National Institutes of Health (referred to in this title as the “Director”), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health in order to further advance such activities and avoid duplication of activities.

(b) CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium.

(2) RESEARCH.—Each consortium under paragraph (1)–

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT.—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from

the public regarding such programs and activities.

**Subtitle B—Paralysis Rehabilitation Research and Care**

**SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS.**

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH.—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translational purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

**Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities**

**SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.**

(a) IN GENERAL.—The Secretary of Health and Human Services (in this subtitle referred to as the “Secretary”) may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establish-

ment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$25,000,000 for each of fiscal years 2008 through 2011.

**TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION**

**SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.**

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry

out this section a total of \$41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

**SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.**

(a) **AUTHORITY TO CONSTRUCT.**—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section a total of \$14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

**SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.**

(a) **IN GENERAL.**—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$12,000,000 to carry out this section. Such sums shall remain available until expended.

Amend the title so as to read: "An Act to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes."

MOTION OFFERED BY MR. RAHALL

The text of the motion is as follows:

Mr. Rahall moves that the House concur in the amendments of the Senate.

The SPEAKER pro tempore. Pursuant to House Resolution 280, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on Natural Resources.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the matter under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the road leading us here today has been a long one and it has contained a few twists and turns along the way. As my colleagues are well aware, a series of procedural hurdles in both the House and the Senate has delayed enactment of this legislation. It would truly be a shame, however, to allow those difficulties to overshadow just how important this bill is.

The Omnibus Public Lands Management Act of 2009 is landmark legislation. It combines measures that will

strengthen the National Park System, restore our national forests, preserve our Wild and Scenic Rivers, protect our sacred battlefields, and restore balance to the management of our public lands.

After nearly a decade during which our parks were taken for granted and our rangelands were scarred by a spider web of roads and well pads—after nearly a decade during which responsible stewardship was abandoned—this omnibus package represents a new dawn. A new dawn for America's heritage and America's values.

□ 1230

It will preserve pristine wilderness, such as in my home State of West Virginia, protect our national monuments and conservation areas, conserve our free-flowing rivers, establish new park units, guarantee abundant clean water for thousands of families, and more.

At a time when so much of the news is bad, when so much about our future seems uncertain, enactment of this public lands bill will serve as a reminder that our Nation is truly blessed; and that, no matter what happens, if we pass those blessings on to our children, our Nation will survive and endure.

One advantage of having considered this package before is that we have heard all the arguments. We have heard all the arguments against it, and we know that they have been proven wrong.

For example, we were told that this package costs a great deal of money. The Congressional Budget Office has made it clear; it does not. We were told that this is a big Federal land grab; but Members now understand that this package contains no condemnation nor taking of land of any kind. We were told this package contained a provision that would put children in jail for collecting fossils. We know now that only large commercial companies who take public resources and sell them for private profit will be penalized.

The truth is, this package of bills will make small but meaningful improvements in the quality of life for millions of Americans across our great country. The arguments made by opponents are petty by comparison. That is why an overwhelming and bipartisan majority of 77 members of the other body and 282 Members of this House have already voted for this bill.

We have all heard the saying: That which does not kill us makes us stronger. Attempts to kill this important package have failed, making our commitment to getting it enacted that much stronger.

The road leading us here has indeed had some twists and turns, but today we arrive at the end. I urge my colleagues to support H.R. 146 and, finally, send this bill to the President for his signature.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has gone through quite a process. And although this bill contains several meritorious separate pieces of legislation, and three parts of this omnibus bill are mine, I might add, the negatives in this bill and the failure to consider it under regular order of any kind of open, inclusive process outweigh any reason, in my mind, to go forward.

By now, it is well known that Republicans have tried to amend this bill to restore needed House provisions, to remove egregious provisions, and add protections for Americans' second amendment rights.

If we had been allowed to offer these amendments, we might have produced legislation almost all Members of the House could support; however, we have been blocked at every opportunity from participating in this process.

This package is largely a product of closed-door deal-making. It is designed to ensure that just enough congressional districts receive something to induce support for very controversial measures that underwent no public hearing.

The Democrat leadership likes to argue that the full House has acted on more than 70 provisions in this bill. What they don't say is that at least 100 provisions have not been considered by the full House.

Mr. Speaker, this may look familiar to some people. It is a large, large bill. Of that, only this amount has been considered by the House. It seems like we haven't learned from what past experience has taught us about trying to put massive bills through the House without having somewhat of an open process.

Every motion, procedure, and action of this body has been used to deny the House Republicans any meaningful participation in this bill. The House's failure to study these 100 provisions will have serious consequences, in my view, for an ailing economy.

Before the House rejected this package under suspension of the rules, our friends on the other side of the aisle argued that this bill is just what America needs in difficult times. Well, it seems to me the discussion in this new Congress has been around the economy and the need for American jobs. And I think that we can all agree that Americans need jobs. Although H.R. 146 might create a few jobs, these jobs will be mostly limited to bureaucrats putting up "Do Not Enter and No Access" signs all over America's public lands. And these few jobs will be far outnumbered by the jobs that would be killed by this bill.

Are our memories so short that we have forgotten the energy crisis of just last summer and the role that it played in the economic downturn that we experienced in the second half of last

year? Evidently, the Democrat leadership's answer to this is to close off energy-rich public lands forever.

This package contains 19 provisions to block American-made energy production, locking away hundreds of millions of barrels of oil and trillions of cubic feet of natural gas. More than 3 million acres of public land are permanently locked away from energy development. Now, these are public lands, in a time when our economy is slowing, in a time when we need to try to get the economy going, and no sector could be better I think than the energy sector, especially the American energy sector; yet, this bill goes the opposite way of what I just cited.

It is ironic, while Democrat leaders accuse industry of stockpiling Federal oil and gas leases, the truth is that the Federal Government, through the actions of the Democrat majority in this Congress, is stockpiling lands to block energy production.

H.R. 146 has many other problems. It could—and I say “could”—result in a ban on the use of vehicles and other technology to patrol the U.S. border. It bans recreational access to millions of acres of public lands. Even worse, it denies those dependent on wheelchairs, including disabled veterans, from fully enjoying public lands like everyone else. It fails to address a Federal judge's decision of only last week, when we could have acted on this, that overturned the Bush administration's regulations to protect second amendment rights in parks and wildlife refuges. In other words, to make consistent our laws on public lands. H.R. 146 even hurts civil liberties. It could mean jail time and asset forfeiture for several innocent actions by Americans.

Yesterday, we received a letter from a coalition of civil rights groups, including the American Civil Liberties Union, the Competitive Enterprise Institute, the National Association of Criminal Defense Lawyers, and others, who have grave concerns. And I will quote, “The bill creates many new Federal crimes using language that is so broad that the provisions could cover innocent human error.”

These organizations also say, and, again, I am quoting, “Above all, we are concerned that a bill containing new Federal crimes, fines and imprisonment and forfeiture provisions may come to the House floor without first being marked up by the House Judiciary Committee.”

Mr. Speaker, this bill was not even marked up by the House Natural Resources Committee. This bill was not marked up by any committee in the House. This is a bill that came over, again, over 1,100 pages, from the Senate. So this wasn't even marked up, and it has these provisions in it.

I just have to ask you, Mr. Speaker, does this sound familiar? None of the several committees with jurisdiction

over this bill had any hearing on the troubling provisions within this bill.

So, Mr. Speaker, that is not how the people's House ought to work. This House is the House wherein no Member has ever served that was not elected. It is the closest to the people. And when we have concerns, then let's debate those concerns, and let's have a vote. And I understand how that works. We have three buttons, but I generally only press two, yes and no; and, whoever has the most votes prevails. But we have been denied even that basic opportunity in the people's House on this bill.

The amendments I offered, for example, last night in the Rules Committee that were rejected, all on a party-line vote, I might add, were bills that only address the most egregious parts. We had a discussion with some of the members of the Rules Committee where they were talking about some of the provisions they worked on were carefully crafted. In fact, the distinguished chairman mentioned that. And I totally agree; I know there are provisions that have been crafted. But for those provisions in the bill that have some dissension, some difference of opinion, then let's discuss that, and then we can have a vote and whichever side prevails, prevails. That is the way the people's House ought to work. But, once again, that process is being denied with this huge bill that is slightly larger, I think, than the stimulus bill, if you want to make some sort of a comparison. But here we are again, today, going through that same procedure.

So with that, Mr. Speaker, while there are three provisions in this bill that I have worked several Congresses on, I have to say that this bill on the whole is not worthy of my support, and I urge my colleagues to vote “no.”

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am happy to yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE) who has helped us craft some language in the bill that is supported by the National Rifle Association.

Mr. ALTMIRE. I thank the gentleman, and I rise today in support of the public lands bill which includes my amendment to protect the rights of our Nation's sportsmen. The language that I worked to include in today's bill is a hard-fought victory for sportsmen and the preservation of their access to public lands.

Within the three main sections of this bill, those related to the National landscape conservation system, rivers, and trails, and heritage areas, protections are included to ensure sportsmen are able to hunt, fish, and trap on millions of acres of public lands. These protections and my amendment are strongly supported by the National Rifle Association.

And as an unwavering supporter of the second amendment, I share the

concerns of Mr. HASTINGS, Mr. BISHOP, and others, about the recent district court decision limiting the ability of citizens to carry concealed weapons in national parks. However, that decision does not in any way relate to my amendment, and it certainly doesn't create a loophole. I agree that the right-to-carry issue is vitally important, but it is a separate issue based on a court ruling that took place after this bill was finalized. I look forward to working closely with Mr. HASTINGS and Mr. BISHOP to address this important issue through a more appropriate legislative vehicle.

Today's action by the House protects the rights of our Nation's sportsmen and their ability to hunt, fish, and trap on millions of acres of public land. The language that I worked to include makes it clear that the fundamental rights are protected, and I ask my colleagues to support this bill.

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to the gentleman from California, I yield myself 15 seconds to simply say that the NRA does not endorse this bill. The NRA endorsed the gentleman's amendment that he offered 2 weeks ago, but it does not endorse this bill.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATION ACTION,

Fairfax, VA, March 10, 2009.

Hon. NANCY PELOSI,

Speaker, House of Representatives, H-232, The Capitol, Washington, DC.

Hon. JOHN BOEHNER,

Republican Leader, House of Representatives, H-204, The Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER, on behalf of the National Rifle Association, I am writing to express our support for the Altmire amendment to S. 22, the Omnibus Public Land Management Act of 2009. The Altmire amendment would ensure that the provisions of S. 22 will not be used to close lands that are currently open to hunting, fishing, trapping, target shooting and other forms of traditional recreation. In addition, the amendment clarifies that the states retain the authority to manage resident fish and wildlife.

Encroaching development and the increasing population demand for open space has resulted the closure of federal lands that were once open to traditional forms of recreation, such as hunting and target shooting. Whether it is the closure of a trail that served as the access point for a generations-old hunting camp or the closure of large areas to target shooting, the sportsman's way of life has been under attack. There are those who would exacerbate this situation by attempting to use land designations to further close federal lands to sportsmen. This is why the Altmire amendment is necessary.

The Altmire amendment has already been applied to the National Landscape Conservation System Act within S. 22. It is critical to extend this protection for sportsmen to other areas of the bill, specifically Titles V and VIII pertaining to Rivers and Trails and National Heritage Areas, respectively. This is precisely what the Altmire amendment would do.

While the NRA takes no position on S. 22 as a whole, the meaningful protections provided by the Altmire amendment are critical

to preserve access for sportsmen and the authority of the states to manage resident wildlife populations. For these reasons, we support its inclusion in S. 22.

Should you have any questions or need additional information, please do not hesitate to contact me directly at (202) 651-2560.

Sincerely,

CHRIS W. COX,  
*Executive Director NRA-ILA.*

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. McCLINTOCK), a new Member, and a new member of the Resources Committee.

Mr. McCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, Abraham Lincoln once told of a farmer who said, "I ain't greedy for land. All I want is what is next to mine." I think our Federal Government is starting to resemble that farmer.

H.R. 146 is a massive land grab that would literally put more land in the United States into wilderness designation than we currently have actually developed from coast to coast. That pretty much means no human activities other than walking through it—as long as you don't touch anything. So I have to ask a question, when is enough enough?

The Federal Government already owns nearly 650 million acres of land. That is 30 percent of the entire land area of the United States. It owns 45 percent of my home State of California. Now, compare that to the District of Columbia, Washington, D.C., the Federal Capital, the home to every agency in our vast Federal bureaucracy. The Federal Government owns only 25 percent of the District of Columbia.

The bill is estimated to cost about \$10 billion, not only to pay for this land grab but for all of the other bells and whistles that are attached to it. That includes congressional earmarks like \$3.5 million to celebrate the birthday of St. Augustine, Florida, and \$250,000 to decide—to decide—what we are going to do with Alexander Hamilton's boyhood home in the Virgin Islands.

Now, \$1 billion of the \$10 billion of this bill is for salmon population restoration on the San Joaquin River in California, with the stated objective of establishing a population of at least 500 salmon.

□ 1245

Five hundred salmon. One billion dollars.

Mr. Speaker, that comes to \$2 million per fish. And that is without accounting for all of the costs that will be incurred by central valley farmers as water that is already in critically short supply is diverted to this project.

Overall, this bill spends \$10 billion of people's earnings. In real world numbers, that means about \$130 from an average family of four through their taxes. I'm afraid that the mega-spend-

ing by this administration has begun to desensitize us to figures that are under \$1 trillion. But let's try to put this \$10 billion in perspective. The National Park Service reports a maintenance backlog of \$9 billion on the land we already own. So, we can't take care of the land we already have, but we are going to spend \$10 billion on acquiring additional land that we can't take care of.

This bill withdraws 3 million acres of land from energy leasing. Just from reserves that we know about, that is going to cost the American economy 330 million barrels of oil and 9 trillion cubic feet of natural gas in Wyoming alone.

I was particularly struck by a provision that allows the Federal Government to condemn private property where fossils are found. So if you find a fossil in your backyard, Mother and Father America, be very careful. You will be well advised to keep it a secret. Under this bill, such a discovery could cost you your property.

This bill also means new restrictions on BLM lands. Now these public lands currently contribute to our Nation's economy by providing multiple uses such as farming, ranching, timber harvesting and offroad vehicle recreation, all for the broader public good. I have an awful lot of land in my district that is under Federal jurisdiction and under BLM management, and the constant complaints that I get from the public are not that there is too much access to public lands, but that there is too little access and too many restrictions to those lands. This bill codifies the National Landscape Conservation System, which means less public access and more restrictions on the public's use of the public's land.

So I ask again, when is enough enough? The preservation of public land is not an end in itself. It is a means to an end, that end being the public good. And the public good is not served by the mindless and endless acquisition of property at the expense of the sustainable use of our natural resources, the responsible stewardship of our public lands and the freedom and property rights of our citizens.

NATIONAL RIFLE ASSOCIATION OF  
AMERICA, INSTITUTE FOR LEGISLA-  
TIVE ACTION,

*Fairfax, VA, March 10, 2009.*

Hon. NANCY PELOSI,  
*Speaker, House of Representatives, Washington, DC.*

Hon. JOHN BOEHNER,  
*Republican Leader, House of Representatives, Washington, DC.*

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the National Rifle Association, I am writing to express our support for the Altmire amendment to S. 22, the Omnibus Public Land Management Act of 2009. The Altmire amendment would ensure that the provisions of S. 22 will not be used to close lands that are currently open to hunting, fishing, trapping, target shooting and other forms of traditional recreation. In ad-

dition, the amendment clarifies that the states retain the authority to manage resident fish and wildlife.

Encroaching development and the increasing population demand for open space has resulted the closure of federal lands that were once open to traditional forms of recreation, such as hunting and target shooting. Whether it is the closure of a trail that served as the access point for a generations-old hunting camp or the closure of large areas to target shooting, the sportsman's way of life has been under attack. There are those who would exacerbate this situation by attempting to use land designations to further close federal lands to sportsmen. This is why the Altmire amendment is necessary.

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Should you have any questions or need additional information, please do not hesitate to contact me directly at (202) 651-2560.

Sincerely,

CHRIS W. COX,  
*Executive Director, NRA-ILA.*

Mr. RAHALL. Mr. Speaker, I am forced to yield myself 30 seconds to respond to the total inaccuracies just stated by the gentleman.

First of all, the fossil collection measure in this bill applies only to public lands, no private lands whatsoever. And if the gentleman had heard my opening statement or even seen what the Senate passed, he would recognize—that the other body passed—he would recognize that the casual collector of fossils is exempt from this legislation. It only applies to those who are in the professional collection of fossils on public lands once again.

In regard to the locking away of land from oil and gas developments, what you are going to keep hearing throughout today from the other side is that old mantra "drill, baby, drill" that we are hearing over and over and again, and they just don't get it anymore.

I am glad to yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I proudly rise today in strong support of H.R. 146, a bipartisan piece of legislation that will do wonders for conservation and historic preservation across the United States. If one, Mr. Speaker, were to add up all the hours that were devoted to each part of this legislation in the House and the Senate, it would minimize basically what I just heard from the other side, over 100 hours of debate on these bills separately. And now we are bringing them together in one omnibus public land management bill.

This bill includes the Paterson Great Falls National Park Act. It was originally introduced in the 109th Congress and passed the House in October of 2007, like many of these other bills that are part of this omnibus bill, which is a bipartisan piece of legislation.

As a lifelong Paterson resident and the city's former mayor, I have fought for many years to bring recognition to the site that has played such a seminal role in American history. Alexander Hamilton knew what he was doing, because it became the gateway to industry in this country so that immigrants could come here, go to work and build the greatest country in the world.

With a National Park designation, the Great Falls will be transformed into an attraction for visitors and Patersonians alike that could lead to the economic revitalization of Paterson, joining together of public and private investment. Isn't that what we are here for?

As soon as President Obama signs this bill into law, Federal resources will be leveraged to revitalize the Great Falls area, refurbish the beautiful historic mill buildings, maintain and protect the waterfalls, and create a living reminder of our Nation's rich industrial history. I'm proud and thankful that Congress and the President fully recognize the vision of Hamilton, the design of L'Enfant, and the cultural and historic landmarks that have shaped America's history.

The SPEAKER pro tempore (Mr. ALTMIRE). The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman 30 additional seconds.

Mr. PASCRELL. After this bill is signed into law, I would be honored to have my colleagues visit the Great Falls where they can all see firsthand the value that urban parks bring to the National Park System and to the local communities.

I want to thank Speaker PELOSI, Chairman RAHALL and Chairman GRIJALVA for bringing this bill to the floor. I urge my colleagues to vote "yes."

I think, Mr. Chairman, when we are involved more in substance rather than process, we get a lot done in the House of Representatives.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman has 16¾ minutes. The gentleman from West Virginia has 22½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Georgia, a member of the Natural Resources Committee, Mr. BROWN.

Mr. BROWN of Georgia. As Members of Congress, we have taken an oath to uphold the U.S. Constitution. Today's vote on the omnibus lands bill is a vote

on the right to own private property and on the second amendment right of law-abiding citizens to have and use firearms. The fifth amendment concludes with these words "nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation."

Our Nation is facing an economic crisis today. Yet Democrats are forcing this Chamber to rush through a bill that will increase government spending by as much as \$10 billion. The Federal Government already owns over 650 million acres of land that they can't take care of. The National Park Service alone faces a backlog of \$9 billion worth of projects that need to be funded.

If S. 22 passes, there will be more wilderness areas in the United States than the total developed land, 109-plus million acres versus 108.1 million acres. We should not be permanently locking up tens of millions of acres of the people's land.

The second amendment rights of law-abiding citizens to have firearms and use firearms are also in danger today. The second amendment to the U.S. Constitution declares that "a well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Last week, Democratic leaders in the House and the Senate added the Altmire amendment to the omnibus lands bill to prevent the Federal Government from banning hunting and fishing on certain types of Federal land.

At the time this amendment was added, the right of Americans to carry concealed firearms on park lands and wildlife refuges, in accordance with State law, was already recognized in Federal regulations. However, last Thursday, a U.S. District Court judge single-handedly decided to block this right. And it was an unconstitutional decision by this judge. Now there is a giant hole in the current Altmire language, and Congress should fix it. Congress must not allow one Federal judge to single-handedly deny Americans their second amendment rights on Federal lands.

My colleagues Mr. HASTINGS and Mr. BISHOP introduced an amendment to this bill that would write into law the very protections struck down by this one Federal judge. Unfortunately, Democratic leadership would not allow a vote on this amendment that would repair the massive void in the current Altmire language. The omnibus lands bill was the best place to fix what this one Federal judge in Washington, D.C., has done, but we won't even be allowed a vote today.

It is not the role of the Federal Government to hoard massive amounts of land. And it is not the role to take away law-abiding citizens' second amendment rights.

Protect the fifth amendment. Protect the second amendment. Vote "no" on S. 22.

Mr. RAHALL. Mr. Speaker, many Members on the minority side have been helping us with this legislation. I now am pleased to recognize one such Member, the gentleman from California (Mr. MCKEON), for 2 minutes.

Mr. MCKEON. Mr. Speaker, I thank the chairman for the time and for his leadership in bringing this important bill to the floor.

I rise in strong support of the omnibus lands bill, which includes my legislation, the Eastern Sierra and Northern San Gabriel Mountains Wild Heritage Act, about which I'm going to speak. I have the great privilege of representing one of the most rugged and beautiful areas of the country, including the vast Eastern Sierras of California represented in a few of the pictures that I have here.

My district is also one of the largest in the country, with over 95 percent of the land in Mono and Inyo Counties owned and managed by the Federal Government. We need land for recreation, hunting and fishing. We need land for mining. We need some land protected as wilderness. But, most importantly, we need commonsense, locally driven solutions to land use.

This legislation is a product of countless hours of community involvement between Senator BOXER and I working together with virtually every local stakeholder, county official, local sportsman and recreational advocate, BLM and Forest Service. We also presented the legislation directly to the public through county hearings.

Specifically, this legislation would designate over 470,000 acres of wilderness in the Eastern Sierras of Mono and Inyo Counties and the San Gabriel Mountains north of Los Angeles. While many of these areas are already successfully protected from many destructive human activities by the management plans of the Forest Service and BLM, I feel strongly that these areas should have a higher level of protection.

In addition, my legislation strikes that important land use balance and releases over 50,000 acres of Wilderness Study Areas from further consideration as wilderness. Finally, my legislation creates the first ever dedicated winter recreation area, 11,000 acres for snowmobile use which will bring much-needed tourism to the community of Bridgeport in northern Mono County.

This is a locally driven, practical solution to the many land uses in my district. This isn't Congress telling my district how to manage our land. This is my community, my constituents asking Congress to approve a land use compromise developed and vetted back home in California.

I strongly urge a "yes" vote.

Mr. HASTINGS of Washington. Mr. Speaker, the last time I inquired about



time there was a disparity. So I think I will reserve my time until we catch up.

Mr. RAHALL. Mr. Speaker, I am glad to yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR), who has been very instrumental in crafting this legislation.

Mr. SALAZAR. I would like to thank Chairman RAHALL and Chairman GRIJALVA for all their hard work on this Omnibus Public Lands Management Act. The public lands package includes five bills critical to my district in western and southern Colorado, and we have been working on this ever since day one that I got here to Congress.

The Jackson Gulch project supplies water to the town of Mancos, the Mancos Water Conservancy District, the Mancos Rural Water Company, and it is the sole supplier of municipal water for Mesa Verde National Park. The project provides irrigation water for over 13,000 acres.

The Baca Wildlife Refuge Management Act will amend the Great Sand Dunes National Park and Preservation Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge.

This legislation defines the purpose of the refuge "to restore, enhance, and maintain wetlands, upland, riparian and other habitats for native wildlife, plant and fish species in the San Luis Valley."

The Sangre de Cristo National Heritage Area will designate a national heritage area in Conejos, Costilla and Alamosa Counties. It will bring deserved attention to the rich culture, heritage and landscape of the San Luis Valley.

The Arkansas Valley Conduit will establish a 65 percent Federal cost share for the construction of the conduit, a proposed 130-mile water delivery system from Pueblo Dam to communities throughout the Arkansas River Valley. Generations of people in southeast Colorado have waited long enough for clean and safe drinking water.

The Dominguez-Escalante National Conservation Area will conserve water and land resources in approximately 210,000 acres of federally owned land on the Uncompahgre Plateau in lands in Montrose, Delta and Mesa Counties.

□ 1300

Mr. Speaker, this is actually one of the proudest days of my legislative career. I worked side by side with my younger brother, the now Secretary of the Interior, when he was in the Senate, Ken Salazar, for the past 4 years to make these efforts a reality. This will help protect Colorado's land, water, and natural beauty for generations to come. I want to thank the chairman once again and thank you, Mr. Speaker.

Mr. HASTINGS of Washington. Mr. Speaker, once again can I inquire of the time on both sides.

The SPEAKER pro tempore. The gentleman from Washington has 13¼ minutes. The gentleman from West Virginia has 18½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I will reserve my time again so we can equalize the time.

Mr. RAHALL. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Oregon (Mr. WU), who has been very helpful to us as well on this legislation.

Mr. WU. Thank you, Mr. Chairman.

Mr. Speaker, I rise today to express my strong support for H.R. 146, The Omnibus Public Land Management Act of 2009. This legislation includes many important provisions that will protect and preserve America's public land heritage. It is a compilation of bills that enjoys broad bipartisan support in both Chambers of Congress, and I hope that the majority of the House will see fit to pass this omnibus legislation today.

Included in this package are several bills that highlight my home State of Oregon's scenic and ecological diversity, including the salmon-producing Coast Range waters of the Elk River in southeastern Oregon, the high desert badlands near Bend, the prairies overlooking the John Day River in central Oregon, and the high alpine forests of the Siskiyou.

One provision of particular importance to me adds additional land protections within the Columbia River Gorge, which I and many other Oregonians consider the crown jewel of Oregon's natural heritage. The Gorge Face wilderness additions reflect the continued commitment of this Congress to keep this remarkable area safe from inappropriate development.

I would also like to voice my support for the provisions that will protect nearly 127,000 acres around Mount Hood and almost 80 miles on nine free-flowing stretches of river, as well as create a 34,550-acre National Recreation Area. Mount Hood is one of the enduring symbols of Oregon's love of the outdoors, and this bill is an important signal to future generations that we wish to continue providing opportunities to enjoy all that nature has to give.

In these tough economic times, the protection of these natural spaces also supports Oregon's economy. Oregon's vibrant outdoor recreation industry supplies 73,000 jobs, and it injects almost \$6 billion annually into Oregon's economy.

Mr. Speaker, I would like to reiterate my strong support for H.R. 146.

Mr. RAHALL. Mr. Speaker, I am very happy to yield now to the gentleman from Arizona, the chairman of our Parks Subcommittee, who has undergone this tortuous path with us all the way, the gentleman from Arizona, the Park Subcommittee Chair, Mr. GRIJALVA, 3 minutes.

Mr. GRIJALVA. Mr. Speaker, I think to some extent we need to set the

record straight about this legislation. We need to be clear that this bill is about conservation and preservation of our public lands. It's about improving our water supplies in the West. It's about improving the health of our forests and creating economic opportunities for rural communities.

This legislation will also establish a new national park unit, conserve wild and scenic rivers, protect historic American battlefields where brave patriots fought and died for this Nation, and establish miles of new hiking trails and much, much more.

Bills in this package will give families places to enjoy, to enjoy outdoor recreation; it will preserve our history so the children can learn the story of America on field trips. It will protect rivers for boaters and anglers so they can enjoy it themselves.

H.R. 146 is wildly popular, both among a large bipartisan majority of the Members of Congress and among the American people. In fact, this package is so popular that those that oppose new parks, those who think protecting rivers and trails is not a good use of our time, are placed in a very difficult position. They have no choice but to try to insert issues in this debate that simply don't belong in this debate.

This is not about guns. The Court ruling that has become the crucible of discussion with this legislation regarding the second amendment, that ruling, and let me quote from it, from the judge's order, "Because the Court finds that the final rule which was rushed by the Bush administration on their way out the door, is a product of Defendant's astoundingly flawed process, the Court holds that the Plaintiffs are highly likely to prevail on the merits of their NEPA claims. Accordingly, the Court expresses no views on the merits of any laws or regulations related to concealed weapons or firearms generally."

This was a ruling on a flawed process, on a process that ignored public input, that ignored transparency, and that's why that rule by the Bush administration was enjoined. It was not enjoined on the merits of the concealed weapon issue that time and time again is brought up as the ruling itself.

This bill is not about locking anything up or locking anybody out. I am told that during debate on the measure in the Rules Committee yesterday, opponents of this bill took more time talking about AIG than they did about parks and forests.

The truth is, this package of bills is as popular as mom, as apple pie, and I do not envy those few Members who have to come to the House floor today and manufacture reasons to oppose it. But let's be clear. These arguments are manufactured and should not be given any weight.

This legislation is good for the land, it's good for our Nation, and our children, and our grandchildren. They will all thank us later for passing this legislation.

Mr. Speaker, after a long, dark period where protection of our natural and cultural resources was ignored, today we can change that. I urge passage of H.R. 146.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Natural Resources Committee.

Mr. GOHMERT. Mr. Speaker, there are some good provisions in this bill. There have been hearings on 70 out of 170 provisions in the House and this Congress. But our esteemed and fine chairman of the committee said the arguments against this bill, in his word, are petty.

I guess when you spend \$1.68 trillion, whatever we have spent already in the last few months, \$10 billion can seem like petty cash. You know, 10 billion here, there. I understand it can seem like petty. But that is an argument. This is \$10 billion without hearings in this House over 100 of these provisions on whether they will help the economy.

You know, we heard over and over that people are losing jobs every day. Let's do something about it. And in the meantime, we're going to go spend \$10 billion in this bill; don't know that it will help the economy. Maybe eventually.

Well, how about the people that are out of work right now? How about the people that might be able to utilize some areas that won't be able to now for certain purposes?

Or like energy, for example. Oh, yes, has anybody noticed the price of gasoline is going up again, just like everybody expected it to go up. And it will go up more and more as we approach the summer.

And what is happening, what are we doing in this sensitive body that we have here in Congress? We are going to put more of it off limits, more of it off limits at a time when the price is going up, the economy is struggling, people are losing jobs, people are having their pay cut, people are allowing their pay to be cut so others don't lose their jobs.

And what are we going to do to help? By golly, we are going to put some more land off limits so we can't get the energy and help ourselves in this country.

I was talking to some people from China not long ago. And the way they look at things, they don't look at just, you know, 10 years, 100 years, they look way down the road. And as we have seen in this body, for example, last week, we just looked at what's popular today. Gee, let's have a 90 percent tax on bonuses that we should not have ever allowed in the first place if

people had done what I asked and read the stinking bills before we rushed in and passed them. But I digress.

Sometimes we just look at 1 day. They look way down the road. And it was interesting to me, these individuals said, we know what the United States is doing. You keep putting your energy off limits, more and more of it. We know what you're doing. You're smart. You're smarter than somebody gives the United States credit for, they said, because we know what you're doing. You keep putting your energy off limits, knowing that other countries will use up all of the rest of the resources in the world, and then you'll be the only country with those resources, and you'll be able to maintain your status as the one superpower in the world because you've got all the resources. You were smart enough to hold them and wait to use them until after everybody else exhausted theirs. And I wished I could say, "You're right; we see that far down the road in this Congress." But it's not true. We keep hurting ourselves at the worst possible time.

So with this big bill here, Mr. Speaker, 100 provisions out of the 170 that didn't get a hearing in the House, we need to practice, and we can start now. I'm shocked. I'm outraged. I'm outraged and I'm shocked. I'm shocked and outraged, because once people start finding out what's in the bill, what all provisions didn't get a hearing that could have been tweaked to avoid the outrages that will come, we'll need to have people saying this to save their jobs. Some may be comforted that the Senate has had Senators—and I don't know if Senator DODD examined all the language to make sure it was perfect, but I'm sure some Senators did. But get ready to say you're shocked and outraged.

Mr. RAHALL. You forgot "drill, baby, drill."

Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD) for a colloquy.

Mr. BAIRD. Mr. Chairman, thank you for the opportunity to highlight the NOAA Underseas Research Program Act which is included in this bill, and establishes an important and proven system of undersea research techniques.

The language in the present legislation does not specifically mention the Aquarius Undersea Laboratory, and I would like to recognize the crucial and cutting-edge work done at Aquarius, and I want to mention for the record it is owned by NOAA. Therefore, I wish to clarify that whenever the legislation we are considering mentions the extramural centers and the National Institute for Science and Technology, it is understood that Aquarius is included.

In closing, I wish to commend the staff at Aquarius for the critical work they have done, and I wish to express

my support for their continued research.

Mr. RAHALL. Mr. Speaker, I commend the gentleman from Washington for recognizing the scientific contributions made by Aquarius, and I thank them for supporting the provisions in the underlying legislation that will promote the development of future innovations in undersea research technologies.

Mr. HASTINGS of Washington. Mr. Speaker, again, to equalize the time, I will reserve my time.

Mr. RAHALL. I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the Chair of the Committee on Natural Resources.

This bill is the kind of bill that I love. I am especially pleased that we could preserve New Jersey's heritage as one of the leaders of the industrial revolution by giving the American public the Paterson Great Falls National Historic Park and the Edison National Historic Park. And I thank Chairman RAHALL for bringing the bill along.

When I introduced this H.R. 146, little did I suspect that my bill to protect the battlefields of the American Revolution and the War of 1812 would grow to 1,300 pages and attract so much attention. But I am pleased that my bill to protect the battlefields of the American Revolution and the War of 1812 has been used as a vehicle to bring this important lands bill through the legislative process. However, I regret that my language to protect the battlefields of the American Revolution and the War of 1812 has vanished.

And so, I am here to ask the chairman of the Committee on Natural Resources if I may have his assurances that he will assist me in moving this noncontroversial legislation to protect the battlefields of the War of 1812 and the American Revolution expeditiously.

□ 1315

Mr. RAHALL. Will the gentleman yield?

Mr. HOLT. I will yield.

Mr. RAHALL. I thank the gentleman from New Jersey for his patience and willingness to work with us, and I pledge to work with him to move H.R. 1694 quickly and to work towards its passage in the other body in the near future.

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am very honored to yield 1½ minutes to the distinguished subcommittee chair on our Committee on Natural Resources, the Chair of the Water Resources Subcommittee, the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, the Public Land Management Act includes

30 separate water bills that my subcommittee passed/approved with the Bureau of Reclamation, the USGS and, of course with the 17 Western States on water environment.

It authorizes conservation, water-use efficiencies and title XVI water recycling projects, addressing the aging infrastructure in the United States' 17 Western States, and allowing for the feasibility studies of many of those much needed water projects.

The West, of course, is having an unprecedented drought, and this will help not only to bring up those shovel-ready projects that will bring 500,000 acre-feet of water and thousands of jobs for the reclaimed reuse water and added storage capacity, but this will lessen a lot of the areas' reliance on costly water and unreliable sources.

We urge your vote, and hope that we will be successful in being able to get those shovel-ready projects to develop those jobs.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am very honored to yield 1 minute to a new member of our committee who is from the State of New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Speaker, I certainly stand in strong support of this legislation because of its importance to the New Mexico families that I represent.

The Rio Grande has been the lifeblood of our community in New Mexico for thousands of years, and for the Pueblo of Sandia, this bill will certainly make possible much needed investments in their water infrastructure and vital agricultural irrigation systems.

Further south along the Rio Grande, this bill will clarify ownership of Tingley Beach in Albuquerque, a historical gathering spot that has been revitalized into a popular zoo, a biopark, an aquarium, and numerous fishing ponds open to the public.

From east to west, this bill will reauthorize the Route 66 Corridor program, which is essential to preserving the historical character and vibrancy of our beloved Central Avenue in Albuquerque.

These improvements, along with protecting the incredible piece of New Mexico that is the Sabinoso Wilderness, will protect critical resources for New Mexican families. I urge all of my colleagues to support this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

The SPEAKER pro tempore. The time is equal on both sides. There are 9¼ minutes remaining for the gentleman from Washington, and there are 9½ minutes remaining for the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to express my strong support for H.R. 146, a bill that will set aside millions of acres of public wilderness and that will create more than 1,000 miles of scenic river designations. This will provide recreation for millions of Americans while supporting the communities and industries that depend upon these precious resources.

I would also like to express my support for the amendment included by my good friend and fellow Pennsylvanian (Mr. ALTMIRE). In our home State of Pennsylvania, we believe that the second amendment is not only a right but a way of life. Hunting and fishing are important American outdoor traditions that have been passed down from generation to generation. Therefore, we have an obligation not only to defend our God-given right to self-defense but to protect against any encroachment on the rights of our sportsmen and -women. Therefore, I am proud to stand in support of Mr. ALTMIRE's amendment, which will ensure that lands currently open to hunting, fishing, trapping, target shooting, and other forms of traditional recreation are protected.

In Congress, I will continue to stand in support of this second amendment, a fundamental right guaranteed in the Constitution. Furthermore, I will continue to oppose reductions in Federal hunting acreage, and will fight to ensure that opportunities for hunting and sport are maintained.

I urge my colleagues to vote in favor of H.R. 146 with the addition of Mr. ALTMIRE's amendment in defense of the U.S. Constitution.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Utah, a member of the Natural Resources Committee (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I suppose it is a sense of poetic irony that Mr. HOLT's language was removed when you amended his bill. I hope you can fix that at some time.

You have a pattern of individuals coming down here, speaking of good parts to this bill. There are good parts to this bill. I actually have two measures in here that, I think, are good to this bill, but it doesn't cover up the fact that, within that, there are some problems in this particular bill.

It does not cover up the fact that there are heritage areas when the Department of the Interior specifically asked us to wait until they could come up with rules on what heritage areas should be and how they should be constituted, because the way we are doing it right now is chaotic. There are elements in here that create national parks which I will visit when they include a baseball stadium, and not until.

Those national parks were actually rejected by the Park Service because they have enough of this generic por-

tion. It did not meet the standards. It was expensive. Even though at one time they said that they might be comfortable with it, last night, in talking to a reporter, they once again stood by that analysis of that park, especially when we have \$9 billion of needs in the rest of the National Park System that is yet to be met. I reject it when, in fact, some judge includes the fact that 8 months of study and of public input is not long enough or that NEPA actually has more importance than the second amendment.

I actually want to speak a little bit differently right now. I want to explain to my good friends who live east of the Rocky Mountains why I feel so passionate about this particular bill.

This is a map of the United States, and everything that is colored in red is owned by the Federal Government. You will notice it is all concentrated in the West. Even though most of our forest land is in the East, the Forest Service land is all in the West.

Does this make a difference to people? In a way, I think it does because this map illustrates the difference in education.

The States in red are the States that are having the most difficult time raising money to fund their own public education system. As you know, there is a strong correlation between the amount of public land and the difficulty in funding education. In Utah, it is a common statement. We will always simply say: The reason we are having such a hard time in funding education is we do not control enough of our land.

If the Federal Government even paid at the lowest tax rate for the land that it owns in the State of Utah, that would be \$116 million every year. That does not count government funding; it is just for the education portion—\$116 million that we would get every year. When decisions are made in the Department of the Interior that take leases off the land, that is a \$3 million cut to education in the State of Utah, not only counting the State trust lands that develop money for education but above those lands that now become sterile at the same time.

The New York Times recently wrote an article in which they compared a school district in Utah and one in Wyoming, across the border. The one in Wyoming is awash with money, and will get more money in the stimulus package than the district in Utah. They said: Well, that is simply an anomaly of the distribution formulas that we use. I really don't care about the distribution formula. The amount of Federal money that goes to education in Utah only rates at about 7 percent. What is significant is why the State of Utah has less money to begin with, and it goes back to the issue of resources.

This chart shows you the difference in teachers' salaries between the two

States of Wyoming and Montana. Wyoming starts their teachers at \$20,000 a year higher than Montana's. Why? Because Wyoming is much more aggressive at the way they develop their resources. Even though this particular bill, once again, takes resource land off the table in Wyoming, threatening them, acknowledged by the chairman who says it is not a problem, it could, indeed, be a problem, but for us in Utah, well, this is a problem that we still face.

This is the State of Utah. Everything that is a color is owned by the Federal Government. Now, this is the problem that we simply have. The problem we simply have is that two of the three most important decisions recently made by the Interior Department also affect the resources that are in Utah that we need desperately to fund our education system, but when you create more wild and scenic areas in the West, you make it much more difficult for us to fund our education system. When you create more wild and scenic areas in the East, you cut into the PILT money that goes into the West, which is necessary to fund our education system.

We have yet to discuss the fundamental issue of the role of Federal ownership of this land—if it is, indeed, appropriate, if it is right, if it should be more or if it should be less or if it should be balanced between the West and the East.

I'm sorry for my experience in the legislature in Utah. We have difficulties in Utah in being able to fund our roads and to pay for our colleges and to pay for our public education, and it goes back to this basic fact: We are not just creating nice, pretty vistas again. We have an ancillary harm that takes place to real kids. I'm sorry, Mr. Speaker. My kids in Utah are more important to me than a park that is created that the National Park Service does not want. It is more important to me than a wild and scenic river that is created when it violates the standards of the Wild and Scenic River Act. My kids are more important to me than heritage areas that are chaotically done because my kids' future is harmed by these decisions. Even though those who create these decisions are well-intentioned and well-meaning, my kids' decisions and my kids' futures are still controlled by what Nelson Rockefeller used to say is the deadening hand of bureaucracy.

I realize that this particular bill has had more procedural twists than Lombard Street, but at the same time, there are many provisions in this bill that would easily pass if they stood alone, and there are provisions in this bill that would not. There is no reason we need to lump all of these things together.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. BISHOP of Utah. Mr. Speaker, Satchel Paige used to say, "Just throw strikes. Home plate don't move."

We do not need to have this omnibus bill to go through these particular procedures, and my kids are worth fighting for: They are worth fighting the provisions of this bill that would not pass if they were standing on their own. That is the problem. That is the problem, and that is why I am passionate.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I listened to my good friend from Utah. You know, the irony is that all the lands we are talking about are already publicly owned. They are not on the tax rolls. They have been publicly owned since the United States first acquired them. We give these states 25 percent of timber receipts, 50 percent of oil and gas, and Federal payment in lieu of taxes (PILT).

I come from one of those States where there are some serious questions about the Federal balance of resources, but I just want to say that adding the 126,000 acres and 80 miles of wild and scenic rivers has no effect on the revenue flow to our State. In fact, I would be prepared to make the argument that having this certainty, having this enhanced protection, is actually going to add value. It is going to protect water resources. It is going to encourage tourism. It is going to enhance both the environment and our economy.

That is why my colleague GREG WALDEN, and I, spent 7 years on this piece of legislation. We had the bipartisan support of former Republican Senator Smith and Senator WYDEN and new Senator MERKLEY. We had Native Americans, environmentalists, local government, bicyclists—a wide range of people who came together—realizing this is a vision for the future.

Now, Mr. Chairman, you have put together a piece of legislation that goes far beyond preserving our special places in Oregon. It is an opportunity not only to save hundreds of thousands of acres across America, but it is an opportunity to develop an approach where we can come together. This legislation is going to get broad bipartisan support, and I think it is going to show a way where we can protect more of America's special places and not disadvantage anybody economically but actually strengthen the economy, strengthen the environment and preserve these areas for generations to come.

I thank the committee for the work they have done. I look forward to this bipartisan support.

Mr. HASTINGS of Washington. Mr. Speaker, I will reserve my time. I am the last speaker on this side.

The SPEAKER pro tempore. The gentleman from Washington has 2¼ minutes. The gentleman from West Virginia has 6 minutes.

□ 1330

Mr. RAHALL. Mr. Speaker, I am very honored to yield 2 minutes to the distinguished dean of the House of Representatives, the gentleman from Michigan, my dear friend and an individual who has helped us tremendously in not only crafting this legislation but so much of the legislation that passes through the Congress, the Honorable JOHN DINGELL.

Mr. DINGELL. Mr. Speaker, I begin by thanking the great chairman of the committee, my dear friend from West Virginia, Mr. NICKY JOE RAHALL. Thank you. This is a great bill, and I rise in support of it. And I thank you for what you have done for me and my people in Monroe and Monroe County, Michigan, in setting up the River Raisin National Battlefield Park in this legislation. This is a proposal which has the strongest possible support from all of the people in the area. It will preserve a battleground from the War of 1812, which was a major engagement west of the Appalachian Mountains where the Americans suffered a devastating military defeat. Out of better than 1,000 American regulars and militia who participated in the battle, only 33 escaped death or capture.

The future President of the United States, then-General William Henry Harrison, described the loss at the River Raisin as a "national calamity."

But it went beyond this. That was the battle which became the battle cry in the War of 1812. And it is that which probably led to the saving for the United States of all of the lands west of the Appalachians and certainly the Great Lakes Basin.

The park designation is so important to my people in the local community that they will give the land necessary for this to the Park Service without any compensation or charge. And this is certainly something which is important to us because this kind of local support is going to lead to an extraordinary relationship between the Park Service and the people in the area where volunteers will come forward to help make this park a tremendous success.

So I urge my colleagues to support this legislation. I commend and I thank my dear friend, the chairman of the committee, for his leadership, persistence and hard work. Getting this legislation to this point where it is going to the White House is an extraordinary accomplishment and shows extraordinary dedication and persistence by my dear friend, the chairman.

I want to say that this is going to be a great piece of legislation. It is a great event in the history of the country, and I am proud of my dear friend for the

leadership that he has shown. I thank you, Mr. Chairman.

Mr. HASTINGS of Washington. Mr. Speaker, I will reserve my time.

Mr. RAHALL. Mr. Speaker, I am prepared to close on our side. I am our last speaker.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in my opening remarks, I talked a bit about process, that we seem to have a pattern in this new Congress of taking up bills like this that are not fully vetted. This is just the latest example of that. I hope it is the last, but I am not holding my breath.

But I also made an observation in my opening remarks that there are enough individual bills in here to cover enough individual congressional districts that this bill will probably pass, and I suspect that it probably will.

I listened very intently to all of my friends on both sides of the aisle that spoke in favor of this bill. In every one of the projects they talked about, at least one way or the other, they suggested that there is a lot of work at home, there is a lot of vetting on that. And I totally agree.

When I went to the Rules Committee last night to try to address some of the problems I had, none of those projects that the Members on the other side talked about were what I was talking about with what I had problems with this bill. And that gets us then back to the point that we are making. On those areas where there is disagreement, in the people's House, Mr. Speaker, we should have an opportunity to discuss the differences and then have a vote and find out which side prevails. But all we heard today on debate on this was those that had good projects. I certainly don't argue with that. I mentioned I have three of them in here myself.

And so, the process, I guess, is what disturbs me more than anything else. The issue that I had a concern with was the issue of the judge's decision last week on second amendment rights. Nobody talked to defend that. The issue I had was the language that was taken out as to homeland security environmental concerns. Nobody came down to the floor to discuss that or defend that position. I raised concerns about the interpretation of people with disabilities having access to our wilderness areas. Nobody came down to the floor to discuss that.

Those are the issues that we should have had a discussion on, not the issues that everybody agreed upon. Had we gone through normal process, that probably would have been vetted. There probably would have been a compromise worked out so that we could have resolved the issues for everybody and a bill like this truly could have passed with well-overwhelming support.

But as it is, Mr. Speaker, because it is a bill in which a lot was vetted, in which there are a lot of unanswered questions and unintended consequences—which we see is becoming a pattern in this Congress by taking up bills that don't get a lot of time to be looked at—we will probably come back and have to make some changes. In fact, I would not be surprised that there will be a bill to address the issue of the judge's decision very shortly. I bet probably there will be a bill that will clarify the border security. Well, we could have done that with this lands bill.

So, Mr. Speaker, even though I have pieces of legislation in here, I am going to urge my colleagues to vote "no" on this bill.

With that, I yield back my time.

Mr. RAHALL. Mr. Speaker, as we close this debate, to some of the gentlemen on the other side of the aisle who are expressing opposition to this measure—some rather vociferously—I would quote William Shakespeare: *Me thinks ye doth protest too much.*

The Ice Age Floods National Geologic Trail, which the gentleman from Washington—my ranking member who I respect—has been working on for many years will now become a reality. And the Park City and Bountiful land exchanges, which the gentleman from Utah has been advocating for some time, will also become a reality.

The Santa Margarita River and Elsinore Valley Water projects, which the gentleman from California wants, will now become a reality. And the Chisholm-Great Western Trail study, advanced by the gentlemen from Oklahoma, will now become a reality.

Many of you are in the enviable position, I guess, of protesting against this bill—perhaps voting against it—yet still getting what you want. I guess being in the minority sometimes has its advantages.

The fact of the matter is that the pending matter has twice been approved by the Senate by overwhelming majorities, and 2 weeks ago in this body, it received 282 votes in favor and 144 opposed.

It is now time, my colleagues, for the will of the Congress to be made final on this measure. We have heard repeatedly from the malcontents, but they do not represent the majority view. The famous photographer Ansel Adams once said, "Let us leave a splendid legacy for our children. Let us turn to them and say, this you inherit: guard it well, for it is far more precious than money, and once destroyed, nature's beauty cannot be repurchased at any price."

That, my friends, is what this legislation is all about.

From the Wild Mon wilderness in my home State of West Virginia, to the Copper Salmon Wilderness in Oregon; the Virginia Ridge and Valley Wilder-

ness in Virginia, to the Mount Hood Wilderness also in Oregon; from the Eastern Sierra Wilderness in California, to the Trail of Tears in Tennessee; the establishment of the Taunton Wild and Scenic River in Massachusetts, to the Pacific Northwest National Scenic Trail in Washington State, to the Paterson National Historic Park in New Jersey, my friends, this is America the beautiful, of spacious skies and purple mountain majesties.

This is what our great land is all about. This is what we, who have a responsibility to steward and guard our public resources, have a responsibility as well to pass on to generations to come after us.

My colleagues, in these trying economic times, let us today give assurances to the American people that this Nation does remain great and that we have something to celebrate, a heritage of which we can all be proud. The open skies, the public wilderness, the heritage areas, the wild and scenic trails, the beautiful, open-flowing and clean rivers, let us all think about those majesties that we have in this country as we move toward final passage of this legislation and indeed turn it to where it belongs, in the heavens above.

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of H.R. 146, the Omnibus Public Lands Act, a bipartisan piece of legislation that will do wonders for conservation and historic preservation across the United States. This bill includes the Paterson Great Falls National Park Act, which I originally introduced in the 109th Congress and passed this House in October of 2007.

As a lifelong Paterson resident and the city's former mayor, I have fought for many years to bring recognition to this site that has played such a seminal role in American history. A National Historical Park is the only way to properly showcase the significant cultural and historic landmarks and natural beauty that the Great Falls Historic District has to offer, I am proud and thankful that the Congress will soon pass this legislation and President Obama will sign it into law.

Fifteen miles west of New York City, the majestic Great Falls in Paterson, New Jersey was the second largest waterfall in colonial America. No other natural landmark has played such an important role in our nation's quest for freedom and prosperity.

Alexander Hamilton recognized the grandeur and unique power of the Great Falls when he founded Paterson in 1792 as America's first planned industrial city. Hamilton was committed to demonstrating the profitability of manufacturing in America rather than depending upon foreign goods. As Paterson rapidly rose into a thriving industrial city, it became the living manifestation of Hamilton's prescient belief in the capitalist revolution.

Development of the raceway system to harness the power of the 77-foot Great Falls, the second largest waterfall east of the Mississippi River, created one of the country's first manufacturing centers. Paterson was the site of the first water-powered cotton spinning mill, and

the first continuous roll paper mill. It was the site of the manufacture of the Colt Revolver, the Rogers Steam Locomotive, the Wright aeronautic engines and the first practical submarine. Its mills manufactured paper, cotton, and famously, silk, earning Paterson the name of "Silk City."

The National Park Service has long been aware of the importance of protecting and preserving the Great Falls district. In 1969, the Great Falls was listed as a National Natural Landmark and the 117 acres surrounding them were entered on the Department of Interior's National Register as a Historic District. In 1976, the Great Falls became a National Landmark. Since 1988, the Interior Department has listed the district as a Priority One threatened National Historic Landmark.

In a special Bicentennial speech in Paterson with the spectacular natural beauty of the Great Falls in the background, the late President Gerald R. Ford said, "We can see the Great Falls as a symbol of the industrial might which helps to make America the most powerful nation in the world."

With a National Park designation, the Great Falls will be transformed into an attraction for visitors and Patersonians alike that could lead to the economic revitalization of Paterson.

As soon as President Obama signs this bill into law, federal resources will be leveraged to revitalize the Great Falls area, refurbish the beautiful, historic mill buildings, maintain and protect the waterfall, and create a living reminder of our nation's rich industrial history. I am proud and thankful that Congress and the President will fully recognize the vision of Hamilton, the design of L'Enfant, and the cultural and historic landmarks that have shaped America's history.

After this bill is signed into law I would be honored to have my colleagues visit Paterson and tour the new Great Falls National Historic Park, where they can all see first hand the value that urban parks bring to the National Park System and to their local communities.

This has been a long road we have traveled to get to this point. The Great Falls National Historic Park would not be at this point without the work of many dedicated staff members who have worked on this proposal. Obviously the patient staffers working under Chairman RAHALL and Chairman GRIJALVA at the Natural Resources Committee deserve our thanks and appreciation. Since 2001, the many staffers from my office working towards this goal have included Mia Dell, Susan Quatrone, Caley Gray, Stephanie Krenrich and Arthur Mandel. On the other side of the Capitol, Arvin Ganesan with Senator LAUTENBERG and Hal Connolly with Senator MENENDEZ deserve our appreciation.

And let me conclude by extending special thanks to Leonard Zax, a good friend and Paterson native, who has testified in committees, drafted support letters, brought parties together and has basically worked tirelessly to see this bill through from concept to completion.

We have a great deal of work left to do, but let us celebrate this important milestone for the City of Paterson and the preservation of the Great Falls on the Passaic River.

Ms. HIRONO. Mr. Speaker, I rise today in enthusiastic support of H.R. 146, the Omnibus

Public Lands Management Act, which includes my Kalaupapa Memorial Act (H.R. 3332 in the 110th Congress; H.R. 410 in the 111th Congress). The Kalaupapa Memorial Act authorizes establishment of a memorial at Kalaupapa National Historical Park on the island of Molokai, Hawaii, to honor the memory and sacrifices of the some 8,000 Hansen's disease patients who were forcibly relocated to the Kalaupapa peninsula between 1866 and 1969.

Last August, I visited Kalaupapa and met with the mostly elderly former patients who reside there. Many expressed a strong desire to see the Memorial become a reality in their lifetimes. Unfortunately, that dream did not come true for two of the community's most beloved and distinguished residents:

Kuulei Bell, the president of Ka 'Ohana O Kalaupapa, passed away in February 8, 2009 after a long illness. Despite her illness, she continued to champion establishment of the Memorial until shortly before her death.

Bernard Punika'i'a, who fought all his life for equality and human rights for persons with Hansen's Disease throughout the world, passed away on February 25, 2009.

Today, I pay special tribute to Kuulei and Bernard in casting my vote for this bill. The policy of exiling persons with the disease that was then known as leprosy began under the Kingdom of Hawaii and continued under the governments of the Republic of Hawaii, the Territory of Hawaii, and the State of Hawaii. Children, mothers, and fathers were forcibly separated and sent to the isolated peninsula of Kalaupapa, which for most of its history could only be accessed by water or via a steep mule trail. Children born to parents at Kalaupapa were taken away from their mothers and sent to orphanages or to other family members outside of Kalaupapa. Hawaii's isolation laws for people with Hansen's disease were not repealed until 1969, even though medications to control the disease had been available since the late 1940s.

While most of us know about the sacrifices of Father Damien (his statue is one of two representing Hawaii in DC), who dedicated his life to care for those exiled to Kalaupapa fewer know of the courage and sacrifices of the patients who were torn from their families and left to make a life in this isolated area. It is important that their lives be remembered.

Of the some 8,000 former patients buried in Kalaupapa, only some 1,300 have marked graves. A memorial listing the names of those who were exiled to Kalaupapa and died there is a fitting tribute and is consistent with the primary purpose of the park, which is "to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations."

Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park and their family members and friends, was established in August 2003 to promote the value and dignity of the more than 8,000 persons some 90 percent of whom were Native Hawaiian—who were forcibly relocated to the Kalaupapa peninsula. A central goal of Ka 'Ohana O Kalaupapa is to make certain that the lives of these individuals are honored and remembered through the establishment of a memorial

or memorials within the boundaries of the park at Kalawao or Kalaupapa.

Ka 'Ohana O Kalaupapa has made a commitment to raise the funds needed to design and build the memorial and will work with the National Park Service on design and location of the memorial.

The residents of Kalaupapa and the families of those who have passed want to make sure not only that the story of Kalaupapa is told but that the patients are recognized as individuals by having the names of each of those exiled to Kalaupapa and buried there recorded for posterity. Families that have visited Kalaupapa and Kalawao searching in vain for the graves of their family members will find comfort in seeing those names recorded on a memorial.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today in support of H.R. 146, the Omnibus Public Lands Bill, in part because of the important designations it makes for areas in Arizona's First Congressional District. Among the many natural treasures that make our country beautiful, several of the most beautiful are in Greater Arizona, including the 58,000 square miles that comprise the district I represent.

One such treasure, Fossil Creek, runs along the border between Gila and Yavapai Counties, as well as between the Coconino and Tonto National Forests. The entire watershed is within National Forest land and is surrounded by Fossil Springs Wilderness and Mazatal Wilderness areas. These fourteen miles of spring-fed water provide families with opportunities for camping, birding, hiking, horseback riding, and other recreational activities.

In addition to the remarkable beauty of the area, Fossil Creek represents a cultural treasure as well. The creek sustained the Yavapai-Apache people who have inhabited the area, and the Yavapai-Apache Nation still considers Fossil Creek sacred ancestral homeland. Ancient artifacts, ruins, and pictographs have been found on numerous locations along Fossil Creek's terraces, and undiscovered archaeological treasures surely remain.

I commend the efforts of folks in Cottonwood, Camp Verde, and Clarkdale communities to have Fossil Creek included in the Wild and Scenic River System, which will rightly highlight the beautiful and unique features of the area for generations.

Walnut Canyon National Monument is another great treasure in Northern Arizona, and this bill includes a study to help develop a long-term management plan that addresses the recreational, cultural, and natural resources in the area. The study has had the strong backing of Coconino County and the City of Flagstaff, and through their efforts we will protect the natural habitat and sacred grounds surrounding the Walnut Canyon National Monument.

Mr. Speaker, thank you for the opportunity to consider this legislation, which includes so many provisions to protect and enhance our nation's natural and cultural treasures.

Ms. HERSETH SANDLIN. Mr. Speaker, today, the House of Representatives passed H.R. 146: Omnibus Public Land Management Act 2009. Included in this bill is the authorization of Preserve America and Save America's Treasures.



I want to take this opportunity to express my appreciation of and support for the role that State and Tribal Historic Preservation Offices play in national historic preservation efforts. In 1966, Congress passed the National Historic Preservation Act. This Act charged State Historic Preservation Offices with several responsibilities, from locating historic resources to providing technical assistance to federal agencies.

Furthermore, the National Historic Preservation Act emphasizes the need for cooperation and coordination among federal, tribal, state, and local governments as well as private organizations and individuals. In South Dakota, State and Tribal Historic Preservation Officers play a crucial part in many projects and initiatives, such as preserving significant buildings and landmarks and ensuring that Native American sacred sites are protected.

South Dakota has received a handful of grants through both the Save America's Treasures and Preserve America programs. However, the majority of our preservation funding comes from, and I expect will continue to come from, the State and Tribal Historic Preservation Programs.

While I support the Save America's Treasures and Preserve America programs, it is imperative that we also recognize the statutory responsibilities of State and Tribal Historic Preservation Offices to carry out federal historic preservation activities. In turn, I want to state my support for ensuring that State and Tribal Historic Preservation Offices have the funding and resources that they need to carry out their multifaceted missions. I anticipate that authorizing Save America's Treasures and Preserve America will complement the work conducted by State and Tribal Historic Preservation Offices across the United States.

My hope is that Congress recognizes that the Preserve American and Save America's Treasures programs are meant to supplement the baseline activities of State and Tribal Historic Preservation Offices (S/THPOs) which carry out the mandates of the National Historic Preservation Act. The work of the States and Tribes provides the necessary foundation for the supplemental assistance provided by Preserve America and Save America's Treasures grants.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to clarify my position as it relates to H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act. I cosponsored this legislation when it was originally introduced into the House of Representatives by my friend Congressman RUSH HOLT of New Jersey, to create a grant program to generate partnerships at the State and local level, encouraging the private sector to preserve, conserve, and enhance nationally significant Revolutionary War and War of 1812 battlefields.

This bill passed by an overwhelming margin on the House floor on March 3, 2009, and was subsequently sent to the Senate. Senate leaders then removed all language the House of Representatives had voted for and replaced it with the Omnibus Public Land Management Act of 2009. The Senate proceeded to pass the legislation and send it back to the House of Representatives where we stand to vote on it today. To be clear, the language contained

in H.R. 146, the Omnibus Public Land Management Act of 2009 in no way resembles the legislation I cosponsored when I lent my name and support in favor of the Revolutionary War and War of 1812 Battlefield Protection Act.

It was not my intention or desire to be listed as a cosponsor of the Omnibus Public Land Management Act of 2009. This legislation does have several laudable provisions, including language I sponsored: H.R. 548, the Civil War Battlefield Preservation Act to preserve and protect Civil War Battlefields and H.R. 530, the Santa Ana River Water Supply Enhancement Act to increase Southern California's water supply. However, this omnibus bill taken as a whole would withdraw millions of acres of public land from energy development, increase government spending by almost \$9 billion, and add even greater restrictions to federally managed lands.

I have been a long time advocate for preservation of our nation's historic battlefields. These battlefields offer a porthole to the past. The vivid imagery of an epic conflict can remind visitors of the struggles our country has gone through to preserve the banner of liberty and justice for all. Memorializing the Civil War, Oliver Wendell Holmes said, "We have shared the incommunicable experience of war. We felt, we still feel, the passion of life to its top. In our youths, our hearts were touched by fire." By preserving this Nation's historic battlefields, we can give visitors a sense of what Mr. Holmes was talking about. Unfortunately, this legislation stripped the language to which I originally lent my support, and therefore do not wish to appear as a cosponsor of the Omnibus Public Lands Management Act of 2009.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 146, the Omnibus Public Land Management Act of 2009. This legislation is the culmination of years of hard work, negotiation, and consensus-building, and I commend Chairman RAHALL and his subcommittee chairs, including RAUL GRIJALVA and GRACE NAPOLITANO, and the Natural Resources Committee staff, for all of their efforts to bring this bill before us today.

The Omnibus Public Land Management Act is a compilation of many of the most important conservation measures that the Congress has considered in years, and it is supported by a diverse coalition that includes the outdoor industry, sportsmen's associations, parks and wilderness advocates, faith groups, and literally dozens of individual conservation and wildlife protection organizations from across the country.

In California, for example, this bill will protect significant stretches of federal land for future generations by enacting the California Desert and Mountain Heritage Act, the Sequoia-Kings Canyon National Park Wilderness Act, and the Eastern Sierra and Northern San Gabriel Wild Heritage Act.

But this bill is not just about protecting national treasures for future generations. It's also about taking very significant steps to resolve water conflicts. All of us who represent California and the arid West are very concerned about drought, and this bill provides solutions: the legislation before us today resolves conflicts that have dragged on for decades, and it will bring substantial clean water supplies online. We owe it to our constituents to support this bill.

Some previous speakers have erroneously claimed that the Omnibus Public Land Management Act would harm our water supplies. Nothing could be further from the truth. The fact of the matter is that this bill increases the clean water supply available to the American West, and it settles years of costly litigation over water. California, for example, will see seven Title XVI water recycling projects authorized by this package, in addition to two groundwater recharge projects. These projects will allow local communities across our state to produce almost half a million acre-feet of reclaimed reuse water and added storage capacity. These water provisions are environmentally sustainable and they are cost-effective, and should be supported by our state's entire congressional delegation.

Because of the widespread benefits of these Title XVI and groundwater water supply authorizations, this bill is supported by a broad coalition that includes the Association of California Water Agencies, the Metropolitan Water District of Southern California, the National Water Resources Association, and the Western Urban Water Coalition. I ask unanimous consent to include in the RECORD a letter of support sent by this coalition earlier this month to Speaker PELOSI and Minority Leader BOEHNER. These agencies and associations are supporting the Omnibus Public Land Management Act because they know that this bill represents a historic chance to meet our water challenges head-on. I strongly support continued investment in these and other alternative water supplies, and encourage the Bureau of Reclamation to move expeditiously on these projects.

The bill before us today also provides us with the remarkable opportunity to resolve nearly two decades of litigation over the restoration of the San Joaquin River in California. The San Joaquin Restoration Settlement Act is supported by the local affected water districts and the Friant Water Users Authority, the environmental and fishing group plaintiffs who brought the lawsuit, and by the state and federal government. By approving H.R. 146, we are voting to restore water and salmon to the once-mighty San Joaquin River, as well as to authorize programs to help local farmers avoid potential negative impacts from the restoration program.

Without this legislation, the parties to the lawsuit would have no choice but to return to court, meaning wasted time and energy, a lack of certainty for both sides, and the loss of significant nonfederal funding. By passing this legislation today, we provide the funding and legal authority the Department of the Interior needs to ensure a timely and robust restoration program, which is so essential to the success of this settlement.

As many of my colleagues know, the continued shutdown of the sport and commercial salmon fisheries in our state has resulted in significant economic losses. While California must do more to restore the health of the Bay-Delta and the Sacramento River, restoring 30,000 spring run Chinook salmon to the San Joaquin River each year, as this legislation intends, will help ensure that California's salmon, and the considerable statewide economic activity that depends on healthy salmon runs, are restored and sustained for future generations.

Approving the San Joaquin River Settlement will help bring the State's second largest river back to life, improving water quality for the Bay-Delta, and it will achieve some of the goals of the 1992 Central Valley Project Improvement Act. Perhaps most importantly, Congress's approval of this settlement will demonstrate that environmentalists and farmers can work together with federal and state agencies to resolve California's water challenges in a way that all parties can live with. While passage of this legislation is not the final step in the restoration of the river, and although we will need to watch the agencies' implementation of the settlement carefully, this vote today is a critical step in a very long process.

For those of us who represent California and the West, it's very clear that this bill offers a significant opportunity to protect our natural resources, address serious economic problems, and resolve conflicts over water. We can't afford to miss this chance.

For all these reasons and more, I strongly urge my colleagues to support H.R. 146—the Omnibus Public Land Management Act of 2009.

MARCH 10, 2009.

Re S. 22 Omnibus Public Lands Act.

Hon. NANCY PELOSI,  
*House of Representatives, Capitol Building,*  
*Washington, DC*

Hon. JOHN A. BOEHNER,  
*House of Representatives, Capitol Building,*  
*Washington, DC.*

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: The undersigned organizations urge your support for key provisions of S. 22, the Omnibus Public Land Management Act of 2009 and ask that you oppose any parliamentary or procedural efforts to delay or disrupt S. 22.

This legislation includes many key water provisions and authorizations for critically important water projects and water resource management programs that would help increase local water supplies. The bill could not come at a more important time as California and the southwest grapple with a multi-year drought—one of the most severe we have experienced in the last hundred years.

Additionally, S. 22 authorizes the terms of two historic environmental settlement agreements, the Lower Colorado River Multiple Species Habitat Conservation Plan, and the San Joaquin River Restoration settlement agreement. The Secure Water Act, as detailed in S. 2156, is also included in the Omnibus Public Land Management Act.

Your support of S. 22 is imperative and we ask that you move expeditiously to help ensure that the key water provisions of S. 22 including the San Joaquin River Restoration Settlement Agreement, the Lower Colorado River Multiple Species Habitat Conservation Plan can be enacted as soon as possible. Thank you for your consideration of our request which would greatly benefit all Californians.

Very truly yours,

Tim Quinn Executive Director, Association of California Water Agencies; Donald R. Kendall, General Manager, Calleguas Municipal Water District; Art Aguilar, General Manager, Central Basin Municipal Water District; Tony Pack, General Manager, Eastern Municipal Water District; Ronald E. Young, General Manager, Elsinore Valley Municipal Water District; Richard

Atwater, General Manager, Inland Empire Utilities Agency; John R. Mundy, General Manager, Las Virgenes Municipal Water District; Jeffrey Kightlinger, General Manager, Metropolitan Water District of Southern California.

Tom Donnelly, Executive Director, National Water Resources Association; Michael R. Markus, General Manager, Orange County Water District; Matt Stone, General Manager, Rancho California Water District; Leroy Goodson, General Manager, Texas Water Conservation Association; G. Wade Miller, Executive Director, Watereuse Association; Richard Nagal, General Manager, West Basin Municipal Water District; Charles L. Nylander, President, Western Coalition of Arid States; Guy Martin, National Counsel, Western Urban Water Coalition.

Mr. STARK. Mr. Speaker, I rise today in strong support of H.R. 146, the Omnibus Public Land Management Act of 2009.

This long overdue legislation has been many years in the making. It will be the first major environmental bill signed into law by President Obama and it includes the largest wilderness designation of land in 15 years. The bill will designate 2.1 million acres of wildlands as federally protected wilderness, including over 735,000 acres of land in my home state of California.

In California, this bill will permanently protect half a million acres in the eastern Sierra, White Mountains, Mojave Desert, San Gabriel Mountains, San Jacinto Mountains, and Sequoia, Kings Canyon, and Joshua Tree National Parks. Over 100 miles of California's rivers will be designated as Wild and Scenic Rivers, ensuring their ecological health in the future. The legislation also includes vital provisions to restore the vitality of the San Joaquin River and its historic salmon runs.

As cities and towns across our nation continue to develop and expand, it is essential that we set aside wilderness lands and wild rivers for ecological preservation and recreational enjoyment. These wilderness areas provide us with clean air and drinking water. They are part of our national heritage and we need to ensure that they are protected for our grandchildren and our grandchildren's grandchildren to experience and appreciate.

The Omnibus Public Land Management Act of 2009 is truly historic legislation that represents a huge victory for our environment. I'm proud to support this bill and I urge my colleagues to join me in voting for it.

Mr. GALLEGLY. Mr. Speaker, subsection 199 of H.R. 146, the Omnibus Public Land Management Act of 2009, concerns two stream segments on Piru Creek located on National Forest lands in Southern California and those segments flow to and from existing hydroelectric facilities and water supply operations. Water is released from Pyramid Lake into Piru Creek for conveyance and delivery to Lake Piru for the United Water Conservation District and water is also released from Lake Piru. The amount and timing of water delivered or released may need to change to address the community's water needs and to protect the endangered Arroyo Toad.

According to a statement by the author of this subsection of the legislation, it is my un-

derstanding that this legislation is not intended to preclude or limit the State of California, the Department of Water Resources of the State of California, the United Water Conservation District, and other governmental entities from releasing water for water conservation purposes.

Mrs. CAPPS. Mr. Speaker, I rise today to express my support for the Senate amendments to H.R. 146, which incorporates the Omnibus Public Land Management Act of 2009.

I want to thank Chairman RAHALL for his leadership in bringing this legislation back to the House floor for a vote. While we were unable to vote on this package earlier this month, it is time that we pass these bills.

This legislation is a bipartisan package of more than 160 individual bills, and incorporates a wide range of public lands, water resources, and ocean and coastal protection measures that impact various regions of our Nation. All of the bills included in the package have been thoroughly reviewed and approved by the House or favorably reported by the Senate committee of jurisdiction during the 110th Congress.

Today, I wish to highlight four bills in the omnibus package that I sponsored during the 111th Congress.

First, the Coastal and Estuarine Land Conservation Program Act.

This legislation codifies and strengthens an existing NOAA program—the Coastal and Estuarine Land Conservation Program, or CELCP—that awards grants to coastal states to protect environmentally sensitive lands.

As someone who represents over 200 miles of California's coastline, I'm well aware of the pressures of urbanization and pollution along our nation's coasts. These activities threaten to impair our watersheds, impact wildlife habitat and cause damage to the fragile coastal ecology.

Coastal land protection partnership programs, like CELCP, can help our Nation meet these growing challenges.

For example, in my congressional district I've worked collaboratively with environmental groups, willing sellers, and the State to conserve lands and waters around Morro Bay, on the Gaviota Coast, and near the Piedras Blancas Light Station.

These projects have offered numerous benefits to local communities by preserving water quality, natural areas for wildlife and birds, and outdoor recreation opportunities—thereby protecting for the future the very things we love about the coasts.

Although the program has been in existence for six years, it has yet to be formally authorized. This legislation seeks to do just that. It expands the federal/state partnership program explicitly for conservation of coastal lands.

Under this program, coastal states can compete for matching funds to acquire land or easements to protect coastal areas that have considerable conservation, recreation, ecological, historical or aesthetic values threatened by development or conversion.

It will not only improve the quality of coastal areas and the marine life they support, but also sustain surrounding communities and their way of life.

I would also like to acknowledge the work of former Congressman Jim Saxton. Mr. Saxton

introduced this legislation in the 109th and 110th Congresses. His longstanding commitment to passage of this legislation will ensure the protection of the important coastal habitat and provide for increased recreational opportunities throughout his home state of New Jersey.

The Omnibus Public Land Management Act also includes my Integrated Coastal and Ocean Observation System Act.

This legislation seeks to establish a national ocean and coastal observing, monitoring, and forecasting system to gather real-time data on the marine environment, to refine and enhance predictive capabilities, and to provide other benefits, such as improved fisheries management and safer navigation.

To safeguard our coastal communities and nation, we must invest in the integration and enhancement of our coastal and ocean observing systems.

The devastation caused by tsunamis, hurricanes, and other coastal storms demonstrates the critical need for better observation and warning systems to provide timely detection, assessment and warnings to millions of people living in coastal regions around the world.

The U.S. Commission on Ocean Policy, the Pew Oceans Commission, and many government ocean advisory groups have called for the establishment of a national integrated coastal and ocean observing system as the answer to this challenge.

Specifically, the National Integrated Coastal and Ocean Observing System Act would formally authorize the President to develop and operate a genuine national coastal and ocean observing system to measure, track, explain, and predict events related to climate change, natural climate variability, and interactions between the oceans and atmosphere, including the Great Lakes; promote basic and applied science research; and institutionalize coordinated public outreach, education, and training.

Importantly, this system will build on recent advances in technology and data management to fully integrate and enhance the nation's existing regional observing assets, like the Southern and Central and Northern California Ocean Observing Systems, which operate off California's coastline. These systems have proven invaluable in understanding and managing our ocean and coastal resources.

I would also like to commend our former colleague from Maine, Congressman Tom Allen, for championing this legislation in the 110th Congress. Congressman Allen worked tirelessly to enact this important legislation in the last session, and he deserves a tremendous amount of credit when this measure is signed into law.

This legislation also includes my City of Oxnard Water Recycling and Desalination Act. This bill authorizes a proposed regional water resources project—the Groundwater Recovery Enhancement and Treatment, or GREAT, Program—located in my congressional district. Many communities today are faced with the difficult task of providing reliable and safe water to their customers. The City of Oxnard is no exception.

Oxnard is one of California's fastest growing cities and is facing an ever growing crisis: it's running out of affordable water.

The water needs for the city's agricultural and industrial base, together with its growing

population, have exceeded its local water resources. As a result, over 50 percent of its water has to be imported from outside sources. However, through a series of local, state and federal restrictions the amount of imported water available to the city is shrinking, while the cost of that water is rising.

Recognizing these challenges, Oxnard developed the GREAT Program to address its long term water needs.

The GREAT Program elements include a new regional groundwater desalination facility to serve potable water customers in Oxnard and adjacent communities; a recycled water system to serve agricultural water users and provide added protection against seawater intrusion and saltwater contamination; and a wetlands restoration and enhancement component that efficiently reuses the brine discharges from both the groundwater desalination and recycled water treatment facilities.

Implementation of the GREAT Program will provide many significant regional benefits.

First, the new desalination project will serve ratepayers in Oxnard and adjacent communities, guaranteeing sufficient water supplies for the area.

Second, Oxnard's current water infrastructure delivers approximately 30 million gallons of treated wastewater per day to an ocean outfall. The GREAT Program will utilize the resource currently wasted to the ocean and treat it so that it can be reused by the agricultural water users in the area.

During the non-growing season, it will inject the resource into the ground to serve as a barrier against seawater intrusion and saltwater contamination. To alleviate severely depressed groundwater levels, this component also pumps groundwater into the aquifer to enhance groundwater recharge.

Finally, the brine produced as a by-product of the desalination and recycling plants will provide a year-round supply of nutrient-rich water to the existing wetlands at Ormond Beach.

I commend Oxnard for finding innovative and effective ways of extending water supplies in the West. In my view, the City of Oxnard Water Recycling and Desalination Act supports one such creative solution.

It will reduce the consumption of groundwater for agricultural and industrial purposes, cut imported water delivery requirements, and improve local reliability of high quality water deliveries.

Finally, the package includes my Goleta Water Distribution System Conveyance Act.

This bill authorizes the title transfer of a federally owned water distribution system in my congressional district from the Bureau of Reclamation to the Goleta Water District.

The purpose of the legislation is to simplify the operation and maintenance of the District's water distribution system and eliminate unnecessary paperwork and consultation between the District and the Bureau.

The Goleta Water District has operated and maintained the facilities proposed for transfer since the 1950s. They have worked through all requirements of the Bureau's title transfer process, including public meetings, fulfillment of their repayment obligations, completion of an environmental assessment, and compliance with all other applicable laws.

The only step remaining to complete the process is an act of Congress enabling the Secretary of the Interior to transfer title.

It is important to note that the proposed transfer would apply only to lands and facilities associated with the District and would not affect the District's existing water service contract with the Santa Barbara County Water Agency, nor the Federal government receipts from water deliveries under the contract.

In addition, the proposed transfer does not envision any new physical modification or expansion of the service infrastructure.

I'm pleased the Bureau supported my legislation, which will allow the Bureau to focus its limited resources where they are needed most.

In my view, this is an example of local problem-solving at its best. I commend the staff of the water district and the Bureau for their efforts to reach this agreement. I know that they have been working on this for several years now.

In closing, Mr. Speaker, all of these bills could not have been accomplished without the strong support and hard work and dedication of the House Leadership and Chairman RAHALL, and I thank them for successfully moving these priorities in my congressional district.

I urge all of my colleagues to support the Omnibus Public Land Management Act of 2009 by voting for the Senate amendments to H.R. 146.

Mrs. MALONEY. Mr. Speaker, I am pleased to support H.R. 146, the Omnibus Public Land Management Act of 2009. The rivers, mountains, parks and forests of the United States are a fundamental part of our national heritage, and it is crucial that these resources are protected for future generations to enjoy.

The majority of the bills in this monumental legislation had been considered and enjoyed strong bipartisan support in previous Congresses, and the passage of these provisions for public land management, forest preservation, and other crucial conservation measures is long overdue. I would like to take this opportunity to commend the work of Senate Majority Leader HARRY REID, Speaker of the House NANCY PELOSI, the bill's sponsor Senator JEFF BINGAMAN, and Representative NICK RAHALL in keeping this legislation moving forward.

I would also like to congratulate my friend Congresswoman LOUISE SLAUGHTER for the inclusion of her provision on the Women's Rights National Historic Park in this important legislation. It is fitting that, as we work to protect the landmarks that help to make this country great, we commemorate the central role women have played in our Nation's history.

On July 19, 1848, a group of women activists including Elizabeth Cady Stanton, Lucretia Mott, and Mary Ann M'Clintock organized the first Women's Rights Convention at Wesleyan Chapel in Seneca Falls, New York. The document produced at the Convention, entitled the Declaration of Sentiments, articulated the then radical idea that certain rights accrued to women, such as the freedom to own property and the right to an education. That meeting spearheaded a 72-year struggle for women's suffrage, ending with the ratification of the 19th amendment on August 18, 1920.

This provision in the Omnibus Public Lands Act would pay tribute to a milestone event in the women's rights movement by allowing for the construction of a trail in the Women's Rights Historical Park in Seneca Falls, New York, and permitting the establishment of a network of historical sites relevant to women's history.

The park would serve as a physical reminder of women's historical contributions to equality of rights and opportunity, values which are central to the legacy of the United States. I ask my colleagues to join me in celebrating these accomplishments by ensuring that the landmarks of the women's rights movement are remembered and preserved.

Mr. BLUMENAUER. Mr. Speaker, I am pleased to vote "yes" on the Omnibus Public Land Management Act of 2009. This bill will designate more than 2 million acres of wilderness in nine states, including 127,000 acres on Mt. Hood and in the Columbia River Gorge. It also includes wilderness protection for other Oregon treasures in the Cascade Siskiyou, Oregon Badlands, Spring Basin, and Copper Salmon areas.

It is worth noting that in addition to wilderness on Mt. Hood, the legislation contains nearly 80 miles of Wild and Scenic Rivers, including stretches of Fish Creek, which contains crucial habitat for endangered fish, the East Fork of the Hood River, where wildlife habitat and low impact recreation opportunities abound, and Fifteen Mile Creek, another critical area for fish and wildlife, recreation, and scenic beauty. The bill designates 34,000 acres of new National Recreation Areas in the Mt. Hood National Forest and creates a long term transportation plan to address the challenges of getting to and from the mountain. It also directs the Forest Service to participate in three land conveyances. These exchanges will provide additional protection for the North side of Mt. Hood, the Pacific Crest Trail, and a parcel of land that is critical to the community in Clackamas County.

In 2003, I worked with other members of the Oregon delegation to hold a Mt. Hood Summit at Timberline Lodge, inviting local stakeholders to share their vision for the challenges and opportunities facing the Mt. Hood National Forest. Over the past six years a committed group of citizens, organizations, Native Americans, local, state and federal jurisdictions, and private interests have spent countless hours negotiating a long term stewardship and protection plan for Mt. Hood's forests and rivers. Oregonians have worked tirelessly and waited years to have these treasured natural areas protected. I am extremely pleased that the hard work of so many committed local stakeholders is coming to fruition, and I hope that we pass this bill today and send it swiftly to President Obama for his signature.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 280, the previous question is ordered.

The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on concurring in the Senate amendments will be followed by a 5-minute vote on suspending the rules and agreeing to House Resolution 273, if ordered.

The vote was taken by electronic device, and there were—yeas 285, nays 140, not voting 6, as follows:

[Roll No. 153]

YEAS—285

Abercrombie	Ehlers	Lipinski
Ackerman	Ellison	LoBiondo
Adler (NJ)	Ellsworth	Loeb
Altmire	Eshoo	Lofgren, Zoe
Andrews	Etheridge	Lowey
Arcuri	Farr	Lujan
Baca	Fattah	Lynch
Baird	Filner	Maffei
Baldwin	Fortenberry	Maloney
Barrow	Poster	Markey (CO)
Bean	Frank (MA)	Markey (MA)
Becerra	Frelinghuysen	Massa
Berkley	Gerlach	Matheson
Berman	Giffords	Matsui
Berry	Gonzalez	McCarthy (NY)
Bishop (GA)	Gordon (TN)	McCollum
Bishop (NY)	Grayson	McDermott
Blumenauer	Green, Al	McGovern
Boccieri	Green, Gene	McIntyre
Bono Mack	Griffith	McKeon
Boswell	Grijalva	McMahon
Boucher	Gutierrez	McNerney
Boyd	Hall (NY)	Meek (FL)
Brady (PA)	Halvorson	Meeks (NY)
Braley (IA)	Hare	Melancon
Bright	Harman	Michaud
Brown, Corrine	Hastings (FL)	Miller (MI)
Brown-Waite,	Heinrich	Miller (NC)
Ginny	Hereth Sandlin	Miller, George
Butterfield	Higgins	Minnick
Capito	Hill	Mitchell
Capps	Himes	Mollohan
Capuano	Hinche	Moore (KS)
Cardoza	Hinojosa	Moore (WI)
Carnahan	Hirono	Moran (VA)
Carney	Hodes	Murphy (CT)
Carson (IN)	Holden	Murphy, Patrick
Cassidy	Holt	Murtha
Castle	Honda	Nadler (NY)
Castor (FL)	Hoyer	Napolitano
Chandler	Inglis	Neal (MA)
Childers	Insee	Nye
Clarke	Israel	Oberstar
Clay	Jackson (IL)	Obey
Cleaver	Jackson-Lee	Oliver
Clyburn	(TX)	Ortiz
Cohen	Johnson (GA)	Pallone
Connolly (VA)	Johnson (IL)	Pascarell
Conyers	Johnson, E. B.	Pastor (AZ)
Cooper	Jones	Paulsen
Costa	Kagen	Payne
Costello	Kanjorski	Perlmutter
Courtney	Kaptur	Perriello
Crowley	Kennedy	Peters
Cuellar	Kildee	Petri
Cummings	Kilpatrick (MI)	Pingree (ME)
Dahlkemper	Kilroy	Platts
Davis (AL)	Kind	Polis (CO)
Davis (CA)	Kirk	Pomeroy
Davis (IL)	Kirkpatrick (AZ)	Price (NC)
Davis (TN)	Kissell	Rahall
DeFazio	Klein (FL)	Rangel
DeGette	Kosmas	Reichert
Delahunt	Kratovil	Reyes
DeLauro	Kucinich	Richardson
Dent	Lance	Rodriguez
Dicks	Langevin	Rooney
Dingell	Larsen (WA)	Ros-Lehtinen
Doggett	Larson (CT)	Ross
Donnelly (IN)	LaTourette	Rothman (NJ)
Doyle	Lee (CA)	Roybal-Allard
Driehaus	Lee (NY)	Ruppersberger
Edwards (MD)	Levin	Rush
Edwards (TX)	Lewis (GA)	Ryan (OH)

Salazar	Smith (WA)	Walden
Sanchez, Linda	Snyder	Walz
T.	Space	Wamp
Sanchez, Loretta	Speier	Wasserman
Sarbanes	Spratt	Schultz
Schakowsky	Stark	Waters
Schauer	Sutton	Watson
Schiff	Tanner	Watt
Schrader	Tauscher	Waxman
Schwartz	Taylor	Weiner
Scott (GA)	Teague	Welch
Scott (VA)	Thompson (CA)	Wexler
Serrano	Thompson (MS)	Whitfield
Sestak	Tierney	Wilson (OH)
Shea-Porter	Titus	Wittman
Sherman	Tonko	Wolf
Shuler	Towns	Woolsey
Simpson	Tsongas	Wu
Sires	Turner	Yarmuth
Skelton	Upton	Young (AK)
Slaughter	Van Hollen	Young (FL)
Smith (NJ)	Velázquez	
Smith (TX)	Visclosky	

NAYS—140

Aderholt	Flake	McMorris
Akin	Fleming	Rodgers
Alexander	Forbes	Mica
Austria	Fox	Miller (FL)
Bachmann	Franks (AZ)	Moran (KS)
Bachus	Gallely	Murphy, Tim
Barrett (SC)	Garrett (NJ)	Myrick
Bartlett	Gingrey (GA)	Neugebauer
Barton (TX)	Gohmert	Nunes
Biggert	Goodlatte	Olson
Bilbray	Graves	Paul
Bilirakis	Guthrie	Pence
Bishop (UT)	Hall (TX)	Peterson
Blackburn	Harper	Pitts
Blunt	Hastings (WA)	Poe (TX)
Boehner	Heller	Poser
Bonner	Hensarling	Price (GA)
Boozman	Herger	Putnam
Boren	Hoekstra	Radanovich
Boustany	Hunter	Rehberg
Brady (TX)	Issa	Roe (TN)
Brown (GA)	Jenkins	Rogers (AL)
Brown (SC)	Johnson, Sam	Rogers (KY)
Buchanan	Jordan (OH)	Rogers (MI)
Burgess	King (IA)	Rohrabacher
Burton (IN)	King (NY)	Roskam
Buyer	Kingston	Royce
Calvert	Kline (MN)	Ryan (WI)
Camp	Lamborn	Scalise
Campbell	Latham	Schmidt
Cantor	Latta	Schock
Cao	Lewis (CA)	Sensenbrenner
Carter	Linder	Sessions
Chaffetz	Lucas	Shadegg
Coble	Luetkemeyer	Shimkus
Coffman (CO)	Lummis	Shuster
Cole	Lungren, Daniel	Smith (NE)
Conaway	E.	Stearns
Crenshaw	Mack	Stupak
Culberson	Manzullo	Sullivan
Davis (KY)	Marchant	Terry
Deal (GA)	Marshall	Thompson (PA)
Diaz-Balart, L.	McCarthy (CA)	Thornberry
Diaz-Balart, M.	McCauley	Tiahrt
Dreier	McClintock	Tiberi
Duncan	McCotter	Wilson (SC)
Emerson	McHenry	
Fallin	McHugh	

NOT VOTING—6

Engel	Granger	Souder
Fudge	Miller, Gary	Westmoreland

□ 1404

Messrs. HALL of Texas and ROYCE, and Ms. FALLIN changed their vote from "yea" to "nay."

Ms. GINNY BROWN-WAITE of Florida and Mr. MCINTYRE changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# RECOGNIZING 188TH ANNIVERSARY OF GREEK INDEPENDENCE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 273.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 273.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 8, as follows:

[Roll No. 154]

AYES—423

Abercrombie	Calvert	Doyle
Ackerman	Camp	Dreier
Aderholt	Campbell	Driehaus
Adler (NJ)	Cantor	Duncan
Akin	Cao	Edwards (MD)
Alexander	Capito	Edwards (TX)
Altmire	Capps	Ehlers
Andrews	Capuano	Ellison
Arcuri	Cardoza	Ellsworth
Austria	Carnahan	Emerson
Baca	Carney	Eshoo
Bachmann	Carson (IN)	Etheridge
Bachus	Carter	Fallin
Baird	Cassidy	Farr
Baldwin	Castle	Fattah
Barrett (SC)	Castor (FL)	Finer
Barrow	Chaffetz	Flake
Bartlett	Chandler	Fleming
Barton (TX)	Childers	Forbes
Bean	Clarke	Fortenberry
Becerra	Clay	Foster
Berkley	Cleaver	Fox
Berman	Clyburn	Frank (MA)
Berry	Coble	Franks (AZ)
Biggert	Coffman (CO)	Frelinghuysen
Bilbray	Cohen	Galleghy
Bilirakis	Cole	Garrett (NJ)
Bishop (GA)	Conaway	Gerlach
Bishop (NY)	Connolly (VA)	Giffords
Bishop (UT)	Conyers	Gingrey (GA)
Blackburn	Cooper	Gohmert
Blumenauer	Costa	Gonzalez
Blunt	Costello	Goodlatte
Boccieri	Courtney	Gordon (TN)
Boehner	Crenshaw	Graves
Bonner	Crowley	Grayson
Bono Mack	Cuellar	Green, Al
Boozman	Culberson	Green, Gene
Boren	Cummings	Griffith
Bowell	Dahlkemper	Grijalva
Boucher	Davis (AL)	Guthrie
Boustany	Davis (CA)	Gutierrez
Boyd	Davis (IL)	Hall (NY)
Brady (PA)	Davis (KY)	Hall (TX)
Brady (TX)	Davis (TN)	Halvorson
Braley (IA)	Deal (GA)	Hare
Bright	DeFazio	Harman
Brown (GA)	DeGette	Harper
Brown (SC)	Delahunt	Hastings (FL)
Brown, Corrine	DeLauro	Hastings (WA)
Brown-Waite,	Dent	Heinrich
Ginny	Diaz-Balart, L.	Heller
Buchanan	Diaz-Balart, M.	Hensarling
Burgess	Dicks	Herger
Burton (IN)	Dingell	Herseth Sandlin
Butterfield	Doggett	Higgins
Buyer	Donnelly (IN)	Hill

Himes	McDermott	Ryan (WI)
Hinchev	McGovern	Salazar
Hinojosa	McHenry	Sánchez, Linda
Hirono	McHugh	T.
Hodes	McIntyre	Sanchez, Loretta
Hoekstra	McKeon	Sarbanes
Holden	McMahon	Scalise
Holt	McMorris	Schakowsky
Honda	Rodgers	Schauer
Hoyer	McNerney	Schiff
Hunter	Meek (FL)	Schmidt
Inglis	Meeks (NY)	Schock
Inslee	Melancon	Schrader
Israel	Mica	Schwartz
Issa	Michaud	Scott (GA)
Jackson (IL)	Miller (FL)	Scott (VA)
Jackson-Lee	Miller (MI)	Sensenbrenner
(TX)	Miller (NC)	Serrano
Jenkins	Miller, George	Sessions
Johnson (GA)	Minnick	Sestak
Johnson (IL)	Mitchell	Shadegg
Johnson, E. B.	Mollohan	Shea-Porter
Johnson, Sam	Moore (KS)	Sherman
Jones	Moore (WI)	Shimkus
Jordan (OH)	Moran (KS)	Shuler
Kagen	Moran (VA)	Shuster
Kanjorski	Murphy (CT)	Simpson
Kaptur	Murphy, Patrick	Sires
Kennedy	Murphy, Tim	Skelton
Kildee	Murtha	Slaughter
Kilpatrick (MI)	Myrick	Smith (NE)
Kilroy	Nadler (NY)	Smith (NJ)
Kind	Napolitano	Smith (TX)
King (IA)	Neal (MA)	Smith (WA)
King (NY)	Neugebauer	Snyder
Kingston	Nunes	Space
Kirk	Nye	Speier
Kirkpatrick (AZ)	Oberstar	Spratt
Kissell	Obey	Stark
Klein (FL)	Olson	Stearns
Kline (MN)	Olver	Stupak
Kosmas	Ortiz	Sullivan
Kucinich	Pallone	Sutton
Lamborn	Pascarella	Tanner
Lance	Pastor (AZ)	Tauscher
Langevin	Paul	Taylor
Larsen (WA)	Paulsen	Teague
Larson (CT)	Payne	Terry
Latham	Pence	Thompson (CA)
LaTourette	Perlmutter	Thompson (MS)
Latta	Perriello	Thompson (PA)
Lee (CA)	Peters	Thornberry
Lee (NY)	Peterson	Tiahrt
Levin	Petri	Tiberi
Lewis (CA)	Pingree (ME)	Tierney
Lewis (GA)	Pitts	Titus
Linder	Platts	Tonko
Lipinski	Poe (TX)	Towns
LoBiondo	Polis (CO)	Tsongas
Loebback	Pomeroy	Turner
Lofgren, Zoe	Price (CA)	Upton
Lowey	Price (NC)	Van Hollen
Lucas	Putnam	Velázquez
Luetkemeyer	Radanovich	Visclosky
Lujan	Rahall	Walden
Lummis	Rangel	Walz
Lungren, Daniel	Rehberg	Wamp
E.	Reichert	Wasserman
Lynch	Reyes	Schultz
Mack	Richardson	Waters
Maffei	Rodriguez	Watson
Maloney	Roe (TN)	Watt
Manzullo	Rogers (AL)	Waxman
Marchant	Rogers (KY)	Weiner
Markey (CO)	Rogers (MI)	Welch
Markey (MA)	Rohrabacher	Wexler
Marshall	Rooney	Whitfield
Massa	Ros-Lehtinen	Wilson (OH)
Matheson	Roskam	Wilson (SC)
Matsui	Ross	Wittman
McCarthy (CA)	Rothman (NJ)	Wolf
McCarthy (NY)	Roybal-Allard	Woolsey
McCaul	Royce	Wu
McClintock	Ruppersberger	Yarmuth
McCollum	Rush	Young (AK)
McCotter	Ryan (OH)	Young (FL)

## NOT VOTING—8

Engel	Kratovil	Souder
Fudge	Miller, Gary	Westmoreland
Granger	Posey	

□ 1412

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PROVIDING FOR CONSIDERATION OF H.R. 1404, FEDERAL LAND AS- SISTANCE, MANAGEMENT AND ENHANCEMENT ACT

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 281 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 281

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague on the Rules Committee, the gentleman

from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 281 provides for consideration of H.R. 1404, the Federal Land Assistance Management and Enhancement, or FLAME, Act under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Natural Resources.

The rule makes in order 13 amendments, which are listed on the Rules Committee report accompanying the resolution. Each amendment is debatable for 10 minutes. The rule also provides one motion to recommit, with or without instructions.

All Members were given an opportunity to submit amendments to the Rules Committee on the bill, and a number of Members on both sides of the aisle did so: 21 amendments were submitted to the Rules Committee on this bill; two amendments were subsequently withdrawn; and three amendments were nongermane to the underlying bill. Of the remaining 16, 13 were made in order, five of those from Republican sponsors. This was a very fair rule and a very fair process.

My district and the State of Colorado are tied closely to the lands and landscapes that our citizens interact with on a daily basis. These landscapes are majestic and rugged, and define the character of Colorado. The FLAME Act ends a cycle of growing costs for fighting wildfires. These costs are draining the coffers of our Federal land management agencies.

The character of our wilderness is being tested every summer when districts like mine and many others face the threat of wildfires, and anxiety grows in the minds of mountain residents and local communities. This anxiety has grown in recent years due to the health of forests, which has worsened.

Mr. Speaker, the FLAME Act is a bill of personal interest to me and the residents of Colorado. My district, like many Western districts, is dealing with a mountain pine beetle outbreak of catastrophic proportions. This outbreak has killed millions of acres of lodgepole pines, altering the landscape, and has put more Colorado, New Mexico, Wyoming, Montana, and Idaho communities at risk of wildfire.

I bring your attention to this picture. This is some land in my district

in Grand County near Granby, Colorado. My district has many tourists coming through it; and I have Vail, Beaver Creek, Copper Mountain, Winter Park. Recently, I had somebody who came through in July and noticed that many of our trees were red and said, "Fall comes early in Colorado." I had to respond that, "No, it is not fall. Our trees are dying." This is a typical landscape across many parts of the Mountain West of Colorado. The red trees are actually dead or in the process of dying, having been felled by the pine beetle. The danger is that when we have a forest of dead trees, it is in effect a tinderbox and is a major forest fire risk.

This bill includes amendments in the underlying language that free up resources to help address the underlying causes of forest fires rather than just after the fact dealing with emergencies.

The culprit in this particular case, the mountain pine beetle, a small little fellow, *dendroctonus ponderosae*. I have some here, life-size. Again, not just affecting Colorado, but affecting many areas of our Mountain West; and, in addition to the devastation of our forests, visually and ecologically, creating a very real risk of forest fires, which this bill gives us the ability to begin to address.

Our land management agencies are working quickly to reduce the potential fire risks where communities and wildlands come face to face. These wildland-urban interface zones, or WUI zones, are critical in decreasing the number and threat of catastrophic wildfires. But our agencies simply don't have the resources to effectively respond to the risk or the increased risk because of the changes. The Forest Service and Bureau of Land Management have multiple environmentally friendly projects simply waiting to be funded.

Fire suppression costs have increased with alarming speed in recent years. In 2008, fire suppression costs consumed 46 percent of the Forest Service's budget compared to 13 percent in 1991. The account established in the FLAME Act frees up capital and resources for needed and lasting forest health improvements.

Mr. Speaker, the beetle epidemic in the West puts Coloradans on the front lines of changing climate, which only further strains our national land management budgets. Across the Nation, climate and weather modeling shows our future to be growing both drier and hotter. These models point to extreme intense thunderstorms with insufficient quantities of rain.

Our communities deserve a land management policy that not only reflects crucial priorities, but is unimpeded by the costs of frequent and overwhelming fires and the crises that arise from time to time. Our policy needs to make

sure that, as these fires grow in scope and number, we are not forced to make hard choices between money and safety, between dealing with catastrophes and preventing them from occurring. This is exactly what this legislation is designed to do.

The FLAME Act addresses the anxiety of our communities by removing hurdles that currently restrict the Forest Service and BLM's ability to proceed with projects. By establishing the FLAME fund, this bill separates the increasing costs of fighting fires from the annual budget that agencies rely on for maintenance and mitigation. This bill keeps the critical budget of—our Forest Service from being consumed by potentially just one or two major wildfires each year.

Mr. Speaker, this bill has gained the support of every environmentally conscious constituency, from land management agencies to environmental and community leaders to local governments. It has garnered bipartisan support, as reported out of the Natural Resources Committee in the 110th Congress by a voice vote.

Mr. Speaker, I want to reiterate the importance and the critical nature of this legislation to thousands of communities like mine across the Nation and to millions of acres of our public lands. This is an excellent opportunity to provide necessary resources to our Forest Service and BLM so they can do the work that they are meant to do, and prevent forest fires from occurring. I urge passage of the bill and the rule.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentleman from Colorado (Mr. POLIS) for the time, and I yield myself such time as I may consume.

With the serious conditions in our Nation's forests, drought and more and more development closer to our forests, the size and severity of wildfires have dramatically increased. The costs to our public lands, wildlife, private property, and, most importantly, to human life have been tragic.

Federal fire suppression spending has grown substantially over the past several years, with approximately 48 percent of the Department of Agriculture's Forest Service budget now accounting for these activities. Just over a decade ago, only 18 percent of the Forest Service budget was dedicated to fire suppression. Much to the detriment of other important programs, the Forest Service and the Department of the Interior have been forced to borrow funds from other agency accounts to cover these emergency costs. When agencies transfer funds from other accounts, they must reimburse those accounts when additional funds become available, usually through emergency supplement appropriations.

This legislation that is being brought to the floor today establishes a fund



that will be separate from budgeted wildland fire suppression funding for the Forest Service and the Department of the Interior. This fund will only be used for the suppression of catastrophic emergency wildland fires. The annual agency budgets will continue to fund anticipated and predicted wildland fire suppression activities. Thus, this fund will help ensure that fire prevention resources of the Forest Service and the Department of the Interior are not completely overwhelmed by emergency firefighting expenses. Appropriations for the fund will be based on the average costs incurred by these agencies to suppress catastrophic emergency wildland fires over the preceding 5 fiscal years.

Although I support the underlying legislation, I know there is concern that the legislation is reactive and not proactive. A number of Members in the minority have expressed their concern that the legislation only addresses one aspect of the problem, the suppression funding side, without providing real relief and dealing with the underlying problem to help prevent wildfires. I hope that the Natural Resources Committee will review these concerns and work to prevent these devastating fires.

Last week, I had the honor of addressing the International Association of Firefighters, IAFF. It was a great honor to stand before those courageous men and women to thank them for their noble service to the Nation. Firefighters put their lives in danger in order to rescue their fellow citizens from peril and to protect our communities. Our heartfelt gratitude goes out to them, and I am pleased that the underlying legislation recognizes the selfless acts of bravery of these men and women by ensuring that our firefighters have the resources necessary and readily available to combat the catastrophic fires that ravage our public lands and threaten surrounding communities.

I would like to thank Chairman RAHALL and Ranking Member HASTINGS for their bipartisan work on the legislation. Unfortunately, in what is becoming quite a familiar pattern, the House majority leadership and the majority on the Rules Committee continue to block an open debate even on noncontroversial legislation.

This legislation passed the House of Representatives by a unanimous voice vote last Congress. That vote clearly shows that this legislation has broad support from both sides of the aisle. Yet, the majority is apparently so afraid of losing control of the debate that even on something with obvious consensus support the majority blocks Members from offering amendments to improve the legislation.

I reviewed some of the amendments blocked by the majority, and I cannot understand what is so objectionable.

One amendment, for example, by Representative HERGER would have required that any wildlife suppression funds in excess of amounts annually appropriated be made available for hazardous fuels reduction projects. Another amendment by Ranking Member HASTINGS that was blocked would have included fire prevention activities as part of the fire management strategy.

Mr. Speaker, I am not going to go into the rest of the amendments, but none of them seem so objectionable that the House should be prevented from even considering them. The pattern is clear. The pattern of procedural unfairness by this majority continues. It is petty and it is unfortunate.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, of the 16 amendments that were germane and were offered, 13 were made in order, and indeed five of those were by Republican sponsors. And I know that the Rules Committee did give every consideration to amendments from both sides and indeed allow a reasonable number for discussion.

□ 1430

The issue is an urgent one. By freeing up the pot of money that is otherwise able to be used for single events or catastrophes as sometimes in the past it has been used for one or two events, it prevents ongoing forest maintenance and prevention activities. As my colleague from Florida mentioned, this bill does have strong bipartisan support. I too would like to applaud Chairman RAHALL and Ranking Member HASTINGS for their work in bringing this bill before us.

Not only my district, but many other parts of the country deserve a better equipped agency that can work to address the challenges faced by our communities on public lands. The pine beetle epidemic will leave an increased risk of forest fire for many years to come. And the further effects of climate change will put many more strains on our ecosystems and the economy, not just in Colorado, not just for the southern pine beetle in Florida, not just in areas that are currently affected, but indeed in public lands and areas across our great Nation. In many ways, this is one of the costs of climate change which this body talks about in other pieces of legislation from time to time.

I would like to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield such time as he may consume to my friend, the former member of the Rules Committee, who now is the ranking member of the Resources Committee, Mr. HASTINGS of Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my good friend and former seatmate on the Rules Committee for yielding the time.

Mr. Speaker, while I support the underlying goals and indeed the idea of this bill, I have fundamental concerns with what is lacking in both the bill and the rule.

This rule and bill have focused on clearing up how to budget for fighting forest fires. That is good. But the Democrat leadership is averting its eyes and its legislative power from the need to prevent forest fires from happening in the first place.

Under the Democrat majority, not a single hearing has been held on wildland fire prevention in this Congress, and only one hearing was held in the last Congress. Hundreds of millions of dollars have been provided to place more forested land under Federal control. But little has been allocated to actively manage these lands or help the Forest Service and Department of the Interior clear areas and create firewalls between populated areas and potential tinder boxes.

I note that while this rule has been much more generous, and sometimes when I say that with all the closed rules we have had, even one amendment would be generous, but while this rule has been much more generous in making amendments in order than recent examples, of the five amendments that I filed, the two which explicitly address fire prevention were not allowed by the Rules Committee, as was Congressman HERGER's amendment, a commonsense, budget-neutral one that the gentleman from Florida pointed out would simply say excess funds in this account should go to fire prevention.

I don't understand what is wrong with even debating it. Keep in mind, Mr. Speaker, when we allow these amendments to be made in order, we are not saying they are going to pass. We are simply going to say that they will be made in order to debate. Why wouldn't we want to have a debate that says we have excess funds, and if there is no fires, so there is some funds left over, we will put that in fire prevention? Why, for goodness' sakes, could we not even debate something like that on the floor? But that seems to be a pattern, unfortunately, in this Congress.

Mr. Speaker, we immunize our children to prevent illnesses and suffering. We treat our homes for termites and other pests to save us from expensive extermination and repairs down the line. Farmers spray their crops to prevent plant disease and infestation and to produce healthy products. Why can't we extend the same principle to our forests? Preventing devastating forest fires or reducing their severity will save money, property and even lives.

I note that my friend from Colorado in his opening remarks made mention of a forest that is devastated by a beetle. There is nothing in this bill that prevents the beetle infestation. Now

there are some amendments that may address, and frankly my amendments that I wanted to offer would address it more fully. I think that this bill of carving out something to say that the Forest Service or anybody that fights forest fires will have a dedicated sum of money to fund those, I think that is good policy. But, once again, this does not address the underlying issues, and that is really where we should be focusing.

So I hope in the future my majority colleagues will heed the words of the beloved icon of the Forest Service, Smokey the Bear, when he says, "Only you can prevent forest fires."

With that, I thank the gentleman for yielding.

Mr. POLIS. Mr. Speaker, the gentleman from Washington had three amendments that were ruled in order of the several he submitted before the Rules Committee, and those, of course, will be given consideration. There are also two amendments that directly relate to our friends, the invasive species in this case, *dendroctonus ponderosae*, and other species in other areas.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. POLIS. Yes.

Mr. HASTINGS of Washington. I appreciate the gentleman yielding. And I'm very thankful that you made three of my amendments in order. But as I explained in my remarks regarding the Herger amendment, when you make an amendment in order, you are not ensuring its passage. All you are ensuring is you are going to have a debate on the issue. And so I wonder why you wouldn't, because there were some 20 amendments, why didn't you make them all in order and then we would have a debate on all of them.

Mr. POLIS. Reclaiming my time, of all individuals, those who have served on the Rules Committee are well aware of the functions of that committee and have, in fact, in previous sessions of Congress undertaken even more severe restrictions on a number of bills. Again, with regard to allowing 13 of the 16 amendments that were germane I think is an excellent example of the Rules Committee not only doing their job but actually working to improve the bill.

Our land management agencies shouldn't have to choose between fighting fires and preventing them or preparing our communities or promoting healthier forests. Our agencies should be given the tools that allow them to fulfill their mission statements, protecting our forests and serving our communities. The FLAME Act addresses these problems by providing a source of emergency funds to suppress severe fires that pose a threat to life and property. It ensures that during fire-fighting seasons when the agencies' budgeted fire suppression funds are exhausted, they won't be forced to cut

other vital projects, indeed prevention-related and forest health-related projects as a result.

I would like to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I yield such time as he may consume to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I thank the gentleman for yielding, and I wish my friend from Colorado had yielded to me.

He is right. I served on the Rules Committee for 12 years. And I understand what it is like for the majority to have to control their agenda. I fully understand that. But this is the people's House. And we ought to be able to debate issues on where there may be some disagreement.

Now you're a new Member here. I hope that at some time you will enjoy, and I say that in all sincerity, enjoy having a bill on the floor under an open rule to debate under the 5-minute rule. Now I'm not sure if you know what that is, but that allows every Member to speak for 5 minutes on a rule for unlimited time. I see my friend from California (Mr. MILLER) sitting here. And I remember in my first term in 1995, we had some humongous debates on the floor here on forest lands, probably some other things. And those debates went well into the night. I remember very specifically. And at end of the day, we voted. And one side won and one side lost, and we went on to the next issue. But the pattern in this Congress has been not even to have a debate. I don't expect you to totally agree with me. You're new here. Maybe you ought to go back and look at some debates that we have had in the past or look at some rules.

We are coming to a time here in this process where we call appropriations season. Appropriations season has historically been a time when there is open debate. Now, I hope I am wrong. I hope I am wrong. But I suspect that the Rules Committee will come up with what they call preprinting requirement open rules. Well, that is not an open rule. Just by definition, if you have a preprinting requirement, how can it be open? But I suspect that that is what is going to happen.

And so, one more step here where the people, I think, will be denied access to their Members, their Representatives having access to an open debate. It just seems to me that we have gone through this year in the ruckus we had on the floor with AIG last week, oh, my gosh, we were shocked because of that provision that was in the bill. It was an 1,100-page bill under which we had absolutely no chance to read it.

Now, clearly, people on your side of the aisle didn't read it. Clearly, people in the other body didn't read it, because the whole debate on that was,

my goodness, how could these AIG executives get the bonuses?

And what is ironic about this, we found out now that one Senator admitted, yes, in fact, I did put that provision in there at the beckoning of the administration. We still don't know who in the administration told that Senator that that provision should be in there. But I only make that observation because it seems to me we should learn. We should learn that some of these things don't work good. Because the laws that we are passing are affecting all Americans. And if we have to come back and say, goodness, we didn't know that was in a particular bill, that doesn't do justice to what we as representatives, people's representatives, should be doing in this House.

So I'm pleased that at least some of my amendments were made in order. I wish they all could have been made in order. I would have taken the consequences if the majority of my colleagues didn't agree with my approach to that. I would hope to have an opportunity to at least debate that. But I wasn't allowed that opportunity. And I think that is a bad trend in this House, and I hope it gets more open. But I suspect that will not be the case.

With that, Mr. Speaker, I thank my friend for yielding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. POLIS. Mr. Speaker, I was beginning to wonder when our friends would try to connect AIG with forest health and preventing forest fires. Indeed we did not have to wait too long.

This bill promotes accountability by requiring the Secretaries of Agriculture and Interior to monitor their accounts and anticipate relevant costs. This is a valuable tool in the long term to improve the efficacy and sustainability of our public lands management. We will note that the arguments being made are purely procedural. We should not allow these procedural issues to get in the way of what is substantively agreed on.

I have heard very positive comments with regard to the substance of this bill from both sides of the aisle, indeed giving our land management agencies the flexibility they need to make sure that their budgets are not consumed by signal events and to focus on what they need to do and are, in fact, required to do under law in terms of forest management and forest fire risk mitigation.

For nearly a decade, the GAO has called for our agencies to draft a strategy which will identify agencies to environmental and community leaders alike. This bill has garnered strong bipartisan support, and it was reported, as I mentioned before, by a voice vote from the Natural Resources Committee.

I want to reiterate the importance of this legislation to thousands of communities across the Nation and to millions upon millions of acres of public lands. This is an excellent opportunity to provide the necessary resources to our Forest Service so they can do the work they are meant to do and indeed must do.

I urge the passage of the bill and the rule.

I would inquire if the gentleman from Florida has any remaining speakers.

Mr. LINCOLN DIAZ-BALART of Florida. I don't have any other speakers, but I have not yielded back.

Mr. POLIS. I would like to reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have appreciated this discussion, and again, I thank Ranking Member HASTINGS for having come down during the time of debate on the rule. He has perhaps a very unique perspective having served on the Rules Committee for so many years. He knows the importance of process to the functioning of the House. And in addition, obviously, now he is an expert, he always has been, but especially now that he is day in and day out working on these issues in the Resources Committee, he is very much an expert on the underlying legislation.

Hearing the discussion, one thing comes to mind. Mr. HASTINGS pointed, Mr. Speaker, to the fact that we recognize, and I agree with him, we recognize that the majority obviously has a right to carry forth its agenda and obviously a right under the rules to pass out resolutions establishing the framework for debate. But some things I think are important to point out with regard to that. In this Congress, I mentioned there has been a pattern, really an excessive pattern. I don't believe we have passed out an open rule.

□ 1445

In other words, I don't think any legislation in this Congress; am I correct? I don't remember any open rules. That's really breaking with tradition.

Let me explain that, Mr. Speaker. Open rules are, as Mr. HASTINGS said, frameworks by which bills are brought to the floor, where any Member can have an amendment, and any Member can speak on any amendment, for 5 minutes. And we have not seen that at all in this Congress. Now, that is a very significant and, I believe, unfair pattern that's been set.

Now, even having said that, there is another point that I think should be brought out. And I think our colleague from Massachusetts (Mr. FRANK) has made this point more than once, and I think he's made it very eloquently. Issues of genuine contention, all of such issues should be able to be debated.

Now, in other words, if the majority doesn't want to have an open rule,

doesn't want every amendment possible to be presented, at least issues of contention that were taken before the Rules Committee in the form of amendments should be allowed to be heard.

Mr. HASTINGS has pointed out that there is an issue in this with regard to this legislation, and this is consensus legislation. The underlying legislation has support from both sides of the aisle. But there is an issue of contention that was brought before the committee, and that is on fire prevention.

Apparently, and I'm not an expert on this area. But apparently, there are objections from the extreme environmental lobby with regard to fire prevention being able to be debated. And the majority party, listening to that extreme lobby, has not allowed that issue of contention which should be brought before this floor to be even debated. And I think that's unfortunate.

So beyond even the pattern of unfairness that has been set by this majority, where not even one piece of legislation has been brought under an open rule where everybody can file, every Member of this House can file amendments, beyond that even, significant issues of contention that Mr. FRANK of Massachusetts has made clear, and I've heard him. He's been very explicit and, I think, eloquent when he said, no, no, all such issues of contention should be allowed by the Rules Committee. And he's gone so far even to protest his own leadership excluding genuine issues of contention from prior bills brought before this House, and I think that he deserves commendation for that.

So, here's another example. Mr. HASTINGS talks about an issue of contention that has been shut out by the Rules Committee. So yes, Mr. HASTINGS may have had three amendments made in order, but two amendments that deal with the issues of contention have not been made in order, and that's unfortunate. That's what I'm saying with regard to it being, I believe, unfortunate to see unnecessary, totally unnecessary closing of the process, shutting out debate by the majority, even on noncontroversial underlying pieces of legislation like the one we're bringing to the floor today.

So we have no further speakers. Again, I thank my friend from Colorado for his courtesy.

At this time, since we have no further speakers, we yield back the balance of our time.

Mr. POLIS. Mr. Speaker, I believe that it is noteworthy of the issues raised by our friends, none speak to the lack of merit of this bill or, indeed, the 13 amendments that are allowed under this rule which will be subsequently discussed. We must make sure that substance takes priority over procedural processes which could otherwise delay a critical bill for the management of our public lands.

Our public lands management agencies remain constrained every day by the costs of fighting wildfires, which will only worsen in coming years from a changing climate and increasing fuel load.

Some critics may point fingers, but today we stand here with an intelligent, well-designed, responsible and bipartisan solution that puts our taxpayer money to good use by protecting our communities and preserving our national treasures.

This rule allows for 13 amendments, including five from the minority party, and has given fair and due consideration to all the ideas that have been promoted to enhance this legislation, including many that actually impact, at least two amendments that reflect invasive species such as the pine beetle.

Thank you, Mr. Speaker. I urge a "yes" vote on the previous question and the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent Resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 12. Concurrent resolution recognizing and honoring the signing by President Abraham Lincoln of the legislation authorizing the establishment of collegiate programs at Gallaudet University.

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the Secretary of the Senate, announces the appointment of Sheryl B. Vogt, of Georgia, to the Advisory Committee on Records of Congress.

The message also announced that pursuant to Public Law 111-5, the Chair, on behalf of the Majority Leader, appoints the following individual to the Health Information Technology Policy Committee: Dr. Frank Nemec of Nevada.

#### RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House

and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

#### H. RES. 286

Whereas, The Hill reported that a prominent lobbying firm specializing in obtaining defense earmarks for its clients, the subject of a "federal investigation into potentially corrupt political contributions," has given \$3.4 million in political donations to no less than 284 Members of Congress.

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to "straw man" contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees of the firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill."

Whereas, CQ Today specifically noted a Member getting "\$25,000 in campaign contribution money from [the founder of the firm] and his relatives right after his subcommittee approved its spending bill in 2005."

Whereas, the Associated Press also noted that Members received campaign contributions from employees of the firm "around the time they requested" earmarks for companies represented by the firm.

Whereas, clients of the firm received at least \$300 million worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of this institution.

Now, therefore, be it *Resolved*, That (a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of this resolution.

The SPEAKER pro tempore. The resolution qualifies.

#### MOTION TO TABLE

Mr. GEORGE MILLER of California. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on tabling House Resolution 286 will be followed by a 5-minute vote on adopting House Resolution 281.

The vote was taken by electronic device, and there were—yeas 223, nays 182, answered "present" 16, not voting 10, as follows:

#### [Roll No. 155]

#### YEAS—223

Abercrombie	Gutierrez	Pallone
Ackerman	Hall (NY)	Pascarell
Adler (NJ)	Hare	Pastor (AZ)
Altmire	Harman	Payne
Andrews	Hastings (FL)	Perlmutter
Arcuri	Heinrich	Peters
Baca	Higgins	Peterson
Baird	Hinchee	Pingree (ME)
Baldwin	Hinojosa	Polis (CO)
Barrow	Hirono	Pomeroy
Becerra	Holden	Price (NC)
Berkley	Holt	Rahall
Berman	Honda	Rangel
Berry	Hoyer	Reyes
Bishop (GA)	Insee	Richardson
Bishop (NY)	Israel	Rodriguez
Blumenauer	Jackson (IL)	Rohrabacher
Boren	Jackson-Lee	Ross
Boswell	(TX)	Rothman (NJ)
Boucher	Johnson (GA)	Roybal-Allard
Boyd	Johnson, E. B.	Ruppersberger
Brady (PA)	Jones	Rush
Braley (IA)	Kagen	Ryan (OH)
Brown, Corrine	Kanjorski	Salazar
Capps	Kaptur	Sánchez, Linda
Capuano	Kennedy	T.
Cardoza	Kildee	Sanchez, Loretta
Carnahan	Kilpatrick (MI)	Sarbanes
Carney	Kilroy	Schakowsky
Carson (IN)	Kissell	Schauer
Childers	Klein (FL)	Schiff
Clarke	Kratovil	Schrader
Clay	Kucinich	Schwartz
Cleaver	Langevin	Scott (GA)
Clyburn	Larsen (WA)	Scott (VA)
Cohen	Larson (CT)	Serrano
Connolly (VA)	Lee (CA)	Sestak
Conyers	Levin	Shea-Porter
Cooper	Lewis (GA)	Sherman
Costa	Lipinski	Shuler
Costello	Lowe	Sires
Courtney	Luján	Skelton
Crowley	Lynch	Slaughter
Cuellar	Maffei	Snyder
Cummings	Maloney	Space
Dahlkemper	Markey (CO)	Speier
Davis (AL)	Markey (MA)	Spratt
Davis (CA)	Marshall	Stark
Davis (IL)	Massa	Stupak
Davis (TN)	Matheson	Sutton
DeFazio	Matsui	Tanner
DeGette	McCarthy (NY)	Tauscher
Delahunt	McCollum	Taylor
DeLauro	McDermott	Thompson (CA)
Dicks	McGovern	Thompson (MS)
Dingell	McMahon	Tierney
Doggett	Meek (FL)	Titus
Doyle	Meeks (NY)	Tonko
Driehaus	Michaud	Towns
Edwards (MD)	Miller (NC)	Tsongas
Edwards (TX)	Miller, George	Van Hollen
Ellison	Mollohan	Velázquez
Eshoo	Moore (KS)	Wasserman
Etheridge	Moore (WI)	Schultz
Farr	Moran (VA)	Watson
Fattah	Murphy (CT)	Watt
Filner	Murphy, Patrick	Waxman
Frank (MA)	Murphy, Tim	Weiner
Fudge	Murtha	Wexler
Gonzalez	Nadler (NY)	Wilson (OH)
Gordon (TN)	Napolitano	Woolsey
Grayson	Neal (MA)	Wu
Green, Al	Nye	Yarmuth
Green, Gene	Oberstar	Young (AK)
Griffith	Obey	
Grijalva	Ortiz	

#### NAYS—182

Aderholt	Garrett (NJ)	Mica
Akin	Gerlach	Miller (FL)
Alexander	Giffords	Miller (MI)
Austria	Gingrey (GA)	Minnick
Bachmann	Gohmert	Mitchell
Bachus	Goodlatte	Moran (KS)
Bartlett	Granger	Neugebauer
Barton (TX)	Graves	Nunes
Bean	Guthrie	Olson
Biggart	Hall (TX)	Paul
Blibray	Halvorson	Paulsen
Bilirakis	Harper	Pence
Bishop (UT)	Heller	Perriello
Blackburn	Hensarling	Petri
Blunt	Herger	Pitts
Bocchieri	Herseeth Sandlin	Platts
Boehner	Hill	Posey
Bono Mack	Himes	Price (GA)
Boozman	Hodes	Putnam
Boustany	Hoekstra	Radanovich
Brady (TX)	Hunter	Rehberg
Bright	Inglis	Reichert
Brown (GA)	Issa	Roe (TN)
Brown (SC)	Jenkins	Rogers (AL)
Brown-Waite,	Johnson (IL)	Rogers (KY)
Ginny	Johnson, Sam	Rogers (MI)
Buchanan	Jordan (OH)	Rooney
Burgess	Kind	Ros-Lehtinen
Burton (IN)	King (IA)	Roskam
Buyer	King (NY)	Royce
Calvert	Kingston	Ryan (WI)
Camp	Kirk	Scalise
Campbell	Kirkpatrick (AZ)	Schmidt
Cao	Kosmas	Schock
Capito	Lamborn	Sensenbrenner
Carter	Lance	Sessions
Cassidy	LaTourette	Shadegg
Castle	Latta	Shimkus
Chaffetz	Lee (NY)	Simpson
Coble	Lewis (CA)	Smith (NE)
Coffman (CO)	Linder	Smith (NJ)
Cole	LoBiondo	Smith (TX)
Crenshaw	Loebuck	Smith (WA)
Culberson	Lucas	Stearns
Davis (KY)	Luetkemeyer	Sullivan
Diaz-Balart, M.	Lummis	Teague
Donnelly (IN)	Lungren, Daniel	Terry
Dreier	E.	Thompson (PA)
Duncan	Mack	Thornberry
Ehlers	Manzullo	Tiahrt
Ellsworth	Marchant	Tiberi
Emerson	McCarthy (CA)	Turner
Fallin	McCaul	Upton
Flake	McClintock	Visclosky
Fleming	McCotter	Walz
Forbes	McHenry	Wamp
Fortenberry	McHugh	Whitfield
Foster	McIntyre	Wilson (SC)
Fox	McKeon	Wittman
Franks (AZ)	McMorris	Wolf
Frelinghuysen	Rodgers	Young (FL)
Gallely	McNerney	

#### ANSWERED "PRESENT"—16

Barrett (SC)	Dent	Myrick
Bonner	Diaz-Balart, L.	Poe (TX)
Butterfield	Hastings (WA)	Walden
Castor (FL)	Kline (MN)	Welch
Chandler	Latham	
Conaway	Lofgren, Zoe	

#### NOT VOTING—10

Cantor	Miller, Gary	Waters
Deal (GA)	Olver	Westmoreland
Engel	Shuster	
Melancon	Souder	

#### □ 1520

Messrs. COFFMAN of Colorado, SMITH of Nebraska and LOEBSACK changed their vote from "yea" to "nay."

Mr. LUJÁN changed his vote from "nay" to "yea."

Mr. WELCH changed his vote from "yea" to "present."

Mrs. MYRICK changed her vote from "nay" to "present."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PROVIDING FOR CONSIDERATION OF H.R. 1404, FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 281, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 175, not voting 8, as follows:

[Roll No. 156]

YEAS—248

Abercrombie	Edwards (TX)	Lowey
Ackerman	Ellison	Lujan
Adler (NJ)	Ellsworth	Lynch
Altmire	Eshoo	Maffei
Andrews	Etheridge	Maloney
Arcuri	Farr	Markey (CO)
Baca	Fattah	Markey (MA)
Baird	Filner	Marshall
Baldwin	Foster	Massa
Barrow	Frank (MA)	Matheson
Bean	Fudge	Matsui
Becerra	Giffords	McCarthy (NY)
Berkley	Gonzalez	McCollum
Berman	Gordon (TN)	McDermott
Berry	Grayson	McGovern
Bishop (GA)	Green, Al	McIntyre
Bishop (NY)	Green, Gene	McMahon
Blumenauer	Griffith	McNerney
Bocieri	Grijalva	Meek (FL)
Boren	Gutierrez	Meeks (NY)
Boswell	Hall (NY)	Melancon
Boucher	Halvorson	Michaud
Boyd	Hare	Miller (NC)
Brady (PA)	Harman	Miller, George
Braley (IA)	Hastings (FL)	Minnick
Bright	Heinrich	Mitchell
Brown, Corrine	Hereth Sandlin	Mollohan
Butterfield	Higgins	Moore (KS)
Capps	Himes	Moore (WI)
Capuano	Hinchey	Moran (VA)
Cardoza	Hinojosa	Murphy (CT)
Carnahan	Hirono	Murphy, Patrick
Carney	Hodes	Murtha
Carson (IN)	Holden	Nadler (NY)
Castor (FL)	Holt	Napolitano
Chandler	Honda	Neal (MA)
Childers	Hoyer	Nye
Clarke	Inslee	Oberstar
Clay	Jackson (IL)	Obey
Cleaver	Jackson-Lee	Ortiz
Clyburn	(TX)	Pallone
Cohen	Johnson (GA)	Pascarell
Connolly (VA)	Johnson, E. B.	Pastor (AZ)
Conyers	Kagen	Payne
Cooper	Kanjorski	Perlmutter
Costa	Kaptur	Perriello
Costello	Kennedy	Peters
Courtney	Kildee	Peterson
Crowley	Kilpatrick (MI)	Pingree (ME)
Cuellar	Kilroy	Polis (CO)
Cummings	Kind	Pomeroy
Dahlkemper	Kirkpatrick (AZ)	Price (NC)
Davis (AL)	Kissell	Rahall
Davis (CA)	Klein (FL)	Rangel
Davis (IL)	Kosmas	Reyes
Davis (TN)	Kratovil	Richardson
DeFazio	Kucinich	Rodriguez
DeGette	Langevin	Ross
Delahunt	Larsen (WA)	Rothman (NJ)
DeLauro	Larson (CT)	Roybal-Allard
Dicks	Lee (CA)	Ruppersberger
Dingell	Levin	Rush
Doggett	Lewis (GA)	Ryan (OH)
Doyle	Lipinski	Salazar
Driehaus	Loebach	Sanchez, Linda
Edwards (MD)	Lofgren, Zoe	T.

Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skeltan  
Slaughter  
Smith (WA)

Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas

Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

NAYS—175

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly (IN)  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)

Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hill  
Hoekstra  
Huntman  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)

Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadeeg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

NOT VOTING—8

Cantor  
Deal (GA)  
Engel

Israel  
Miller, Gary  
Oliver

Souder  
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on the vote.

□ 1529

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1404.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

## FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 281 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1404.

□ 1531

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes, with Mr. LUJAN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to bring before this body proactive legislation which would establish a new arsenal to provide the necessary resources to combat catastrophic wildfires.

We are all aware of the raging fires which annually sweep across parts of America. Over the last decade, wildfires have become increasingly dangerous and destructive, burning more acreage and more property more often. Yet, financially, the Federal Government continues to be ill-prepared to respond to these fires.

Every year the Forest Service, the Bureau of Land Management, and the other Federal agencies are forced to dramatically shift spending priorities, rapidly increasing funding for fire fighting at the expense of other vital programs.

This “Rob Peter to Pay Paul” approach requires these agencies to borrow funds from other accounts, causing everything from basic maintenance to visitor services to suffer. In fact, as it stands, nearly half of the Forest Service’s annual budget is spent putting out fires, causing some to point out that the agency is no longer the U.S. Forest Service, but rather, the U.S. Fire Service.

The legislation before us, the Federal Land Assistance Management Enhancement Act, or FLAME Act, is a bipartisan effort to correct course by getting out in front of these tragic fire seasons. The legislation would address the funding problem by establishing a dedicated fund for catastrophic, emergency wildland fire suppression activities, separate from appropriated, fire-fighting funding. This pot of money would be available when appropriated funds run out, saving the agencies from having to cut into nonfire programs.

The Secretaries of Agriculture and Interior would be authorized to use money from the FLAME fund only after making a specific declaration that a fire was large enough and dangerous enough to warrant such action.

The bill would also require the Forest Service and the Department of the Interior to present to Congress a long-overdue, comprehensive strategy for combating wildland fire, a strategy that would address the troubling shortcomings in the agencies’ response to fires identified by the Government Accountability Office and the Agriculture Department’s Inspector General.

I would note that this legislation complements proposals in President Obama’s proposed budget to establish a dedicated fund for catastrophic wildfires.

This legislation also enjoys the support of the five former chiefs of the Forest Service, the National Association of State Foresters, the National Association of Counties, the National Federation of Federal Employees, the Western Governors’ Association, and nearly 40 other organizations.

I am honored to be joined by our subcommittee chairman, the gentleman from Arizona (Mr. GRIJALVA); our Interior Appropriations chairman NORM DICKS; Interior Appropriations ranking member SIMPSON; and Congressman GREG WALDEN as original cosponsors of H.R. 1404. Agriculture chairman COLLIN PETERSON is also a cosponsor of the bill.

Each of these Members understands that fire, and the cost of fighting it, is among the most serious issues facing our Federal land management agencies. If not addressed, this issue will continue to cost homes, businesses, communities, public lands, and lives.

The FLAME Act will allow the Forest Service and the Department of the Interior to respond to these dangerous fires while also accomplishing other

important aspects of their missions, including those that will prevent fires from devastating our communities in the future.

I ask my colleagues to support passage of the FLAME Act.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I want to compliment the distinguished chairman of the Natural Resources Committee, Mr. RAHALL, for sponsoring this legislation, and I urge my Republican colleagues to support it.

This bill makes budgeting and accounting for fighting fires easier for Federal agencies and for Congress, but Mr. Chairman, as written, it does nothing to prevent forest fires. This is an accounting bill but not a wildfire prevention bill.

It is regrettable that, since taking control of the House, Democrats have not moved a single piece of legislation that gives our land managers new authority or tools to manage the disastrous situation on our Nation’s forests. Funding is important, but it will not solve the problem if our land management agencies are handcuffed to wrong-headed policies backed up by special interest lawsuits.

Jobs are also at stake with the management of our Federal lands. Since 2006, Mr. Chairman, the logging, wood, paper, and cabinetry industries have lost 242,000 jobs. Two weeks ago, a Sierra Pacific timber mill in Quincy, California, closed, which means that close to 10 percent of the town’s economy will be closed down. This is an area that has had double-digit unemployment since the early 1990s. One of the main reasons the company cited for the mill closing is the lawsuits by environmental groups on every single timber sale.

On the issue of climate change and the President’s proposal of a new cap-and-trade energy tax, we know that forests provide large and beneficial inventory of stored carbon and that forest fires contribute huge amounts of carbon dioxide emissions.

We lose millions of acres of our national forests to wildfire every year, and these fires and their aftermath produce billions of tons of pollutants. A medium-sized fire can release 200,000 tons of CO<sub>2</sub>, but if the burned trees are left to decompose, several times that amount will be emitted.

At a time when the Democrat majority in Congress are working to make carbon emissions the number one issue on their legislative agenda, it is troubling that action is not being taken to prevent wildfires that emit so much carbon into the atmosphere.

Instead, Congress is working overtime on imposing a cap-and-trade tax scheme that the Obama administration says may cost our economy over \$2

trillion. A new report from Moody’s Investor Service predicts that cap-and-trade would cause electricity prices to jump between 15 and 30 percent. This could cost American families up to \$3,100 a year.

These are prices that are too high for Americans to pay, especially when the impact of wildfires is not even being considered. A better way of budgeting for fire fighting is needed, and the bill that we will be considering does precisely that, and I support that. But there is far more to this problem than bookkeeping.

The simple fact is that our national forests now have four to five times the amount of trees per acre compared to when Lewis and Clark ventured West. Today, these lands are a tinderbox waiting for a match strike.

I hope this bill is improved through the limited number of amendments that were made in order by the Rules Committee, but it is clear that after enactment of this bill there is still far, far more that needs to be done to prevent wildfires across this country.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I’m very happy to yield 2 minutes to the gentlelady from California (Mrs. CAPPS), a very valued member of our Committee on Natural Resources that was so instrumental in bringing this legislation, as well as many other pieces of legislation out of our committee, to the floor.

Mrs. CAPPS. I thank Chairman RAHALL for giving me time.

Mr. Chairman, I rise in very strong support of this FLAME Act. This much-needed legislation comes at an important time. Our Nation will be facing longer and more intense fire seasons due to global warming and drought. The cost of fighting fires has grown enormously in recent years, and projections indicate that this trend will only increase, especially in populated wildland-urban interface areas.

The Forest Service has spent over \$1 billion per year in 5 of the last 7 years to extinguish fires. And as the chairman just said, wildland fire management activities are estimated to consume close to half of the Forest Service’s budget this year.

These escalating costs are having a significant impact on the Forest Service. For example, the Forest Service is forced to pull funds from other programs, leaving fewer funds available for campground maintenance and forest restoration.

The emergency fund created by the FLAME Act will reduce the need to deplete important Forest Service programs and will provide more reliable funding than uncertain year-to-year supplementals.

Even more important, the FLAME Act will ensure the Forest Service has regular funding available for day-to-



day fire management. This includes important prevention steps, like FIREWISE Communities, hazardous fuels treatment, and restoration work.

It's absolutely essential that our efforts to fight today's fires don't hurt our efforts to prevent tomorrow's fires. This bill will ensure this is the case.

Mr. Chairman, the Zaca fire that burned 240,000 acres in my congressional district 2 years ago burned for 3 months, from July through September, and it cost the Forest Service \$120 million. One fire. With close to 3,000 fires in California last year alone, and the fire season expected to start earlier than usual, it's very clear that we have a real need to create—

The CHAIR. The time of the gentlewoman has expired.

Mr. RAHALL. I yield the gentlelady another 30 seconds.

Mrs. CAPPS. It's very clear that we need to create an emergency Federal fund dedicated solely to fighting devastating wildland fires, a rainy day fund for forest fires. This idea is long overdue.

This legislation deserves to be approved by the House, and I urge all of my colleagues to address the long-term wildfire suppression fund situation by supporting this FLAME Act.

Mr. HASTINGS of Washington. Mr. Chairman, I'm pleased to yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK), a member of the Natural Resources Committee.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Chairman, I certainly support H.R. 1404. It is going to add some flexibility in managing firefighting costs on our Federal lands, but my friend, the gentleman from Washington, is absolutely correct. Our firefighting costs would be much lower and our revenues would be much higher if we'd restore the sound forest management practices that this Congress long ago abandoned. Instead, we've embraced a radical and retrograde ideology that we should abandon our public lands to overpopulation, overgrowth, and benign neglect. Bills like this one are made necessary precisely because of this public falling.

A generation ago we recognized the importance of proper wildlands management. We recognized that nothing is more devastating to the ecology of a forest than a forest fire, and we recognized that in any living community, including forests, dense overpopulation is unhealthy.

And so we carefully groomed our public lands. We removed excessive vegetation, and we gave timber the room it needs to go. Surplus timber and overgrowth were sold for the benefit of our communities. Our forests prospered, our economy prospered, and forest fires were far less numerous and far less severe than we suffer today.

Today, we're seeing the damage done to our forests and to our economy by

this Luddite ideology that human beings shouldn't touch our natural resources.

My region in northeastern California has been tormented by devastating fires in the last few years, and the reason is quite simple. As one forester explained it at a hearing we conducted in Sacramento, the excess timber is going to come out of the forests one way or the other. It's either going to be carried out or it's going to be burned out.

□ 1545

A generation ago, we carried it out, and it fueled prosperity throughout our region and produced a cornucopia of revenues to the Federal Government. But today, it's being burned out, fueling devastating fires that are destroying vast tracts of land and destroying the abundance and prosperity that we once enjoyed.

The first victim of this wrongheaded policy is the environment itself. Our recent forest fires have made a mockery of all our clean air regulations. As the gentleman from Washington pointed out, those concerned about carbon dioxide might be interested in a report by scientists from the National Center for Atmospheric Research and the University of Colorado at Boulder. They estimated that a single forest fire in California in 2007 produced about 25 percent of the average monthly emissions from all fossil fuel burning throughout all of California. Anyone who's seen a forest after one of these fires knows that the environmental devastation could not possibly be more complete.

But the cost of these policies doesn't end there. Timber is a renewable resource. If properly managed, it's literally an inexhaustible source of prosperity. And yet my region, blessed with one of the most bountiful renewable resources in the Nation, has been rendered economically prostrate. A region that once prospered from its surplus timber is now ravaged by fires that are fueled by that surplus timber.

The gentleman from Washington mentioned the little town of Quincy, California, that happens to be in my district—population 2,000. About 500 families. As of May 4, 150 of those families are going to be out of work because the sawmill had to shut down. Environmental litigation has tied up about two-thirds of their timber harvest.

The company that owns that sawmill, Sierra Pacific, also just announced today that it's shutting down its sawmills in Sonora and Camino for the same reason. That's another 310 families out of work.

This is not environmentalism. A true environmentalist recognizes the damage done by overgrowth and overpopulation and they recognize the role of sound forest management practices in maintaining healthy forests.

So, Mr. Chairman, while I support this legislation, we wouldn't need to be

spending so much putting out fires and we'd have a lot more revenue to do it with if we would spend a little more effort on restoring sound forest management practices to our national forests.

Mr. RAHALL. I yield myself such time as I may consume, Mr. Chairman.

The Congress, under the previous majority, in 2003 enacted the Healthy Forests Restoration Act under the guise that it was the solution to preventing wildland fires on Federal lands. Today, nearly 6 years later, fires are still raging across the country and the Federal land managers are breaking the bank trying to pay for them. Clearly, it's time to try something new—and that's what we are attempting to do in this legislation.

I would certainly note that in passing the Healthy Forests Restoration Act, Congress authorized \$760 million annually for hazardous fuels treatments on Federal lands. Sadly, the Bush administration continuously underfunded hazardous fuels treatments at only 65 percent of the level authorized by Congress.

The skyrocketing cost of fighting fires forced drastic reductions in other Forest Service accounts under the Bush administration. This included cuts to fire preparedness, State fire assistance, cooperative fire assistance, and hazardous fuels treatments.

The lack of investment in fire prevention under the Bush administration led to a situation where communities around the country have NEPA-approved hazardous fuels projects waiting for Federal funding.

In western States last year, there were over 1 million acres of NEPA-approved hazardous fuels projects that were awaiting funding from the Bush administration.

The FLAME Act will relieve the drain on the Forest Service and the Department of the Interior budgets to ensure that funding is not swept away from vital fire prevention activities. This is why the FLAME Act has received support from those organizations I mentioned in my opening statement—a rather broad-based list of organizations, well over 40, that are in support of the pending legislation.

I reserve the balance of my time, Mr. Chairman.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the ranking member for yielding to me.

I want to commend him and Chairman RAHALL for addressing this important issue over the last 2 years. The wildfire funding problems for the Forest Service are some of the most challenging issues the agency faces today.

Wildfire funding costs have skyrocketed over the last decade and are consuming the Forest Service's budget, which means that there's much less

funding for other Forest Service needs. We will continue to see high costs and more damage to our forests and communities unless we take steps to reduce fire risk in our national forests. We must provide the Forest Service with additional tools to get our Federal forests in a healthy, more fire-resistant condition.

This is a bill of great importance to States and communities across the country. The problems of forest management affect not just western States, but those along the eastern seaboard as well. Virginia is one such example. Last year, Virginia had more acres burn than any year since 1963, which shows how the problem of forest management has progressively worsened.

This version of the FLAME Act is an improvement from the one passed by the House in the last Congress. However, the bill does not do enough to address the problem causing the increasing costs of fighting fires—that is, the unhealthy conditions of our forests.

My amendment to the FLAME Act, which I will offer tomorrow, will provide the Forest Service with an additional tool to address these problems that will ultimately be a cost-saving measure.

My amendment creates a new contracting tool for the Forest Service to partner with States. This will give the Forest Service permanent authority to contract with States to reduce wildfire risks across boundary lines.

This practice is commonly known as “good neighbor authority” and has been tested in States like Colorado and Utah, where it has proven to be effective.

Currently, H.R. 1404 contains no such tool for the Forest Service. The significance of this measure is that it will encourage both Federal and State agencies to work together to address unhealthy conditions in Federal forests.

Fires know no boundaries. They can start on Federal land and easily spread to State and private forest land and vice versa. My amendment provides a more comprehensive approach to preventing dangerous fires and fighting them when they happen.

I'm pleased that my amendment has the support of the Society of American Foresters, the Western Council of State Foresters, the Forest Foundation, and other forestry groups.

I have also spoken with the Forest Service and they have told me they have no objections to this amendment. I might also add that we have cleared this amendment in the Ag Committee, which shares jurisdiction with the Resources Committee for forestry issues, and they also have no objection to this amendment.

This is something that the professionals who fight forest fires around our country—the professional fighters—and the societies that are com-

prised of American foresters want and need in this legislation. So I hope that there will be bipartisan support. I know in the Rules Committee there was bipartisan support for bringing this amendment forward. I certainly hope that that will continue as we try to maintain the type of bipartisan cooperation that has led to the point that we have reached thus far in bringing this legislation forward in a way to significantly enhance it.

Mr. RAHALL. I yield 2 minutes to someone who knows well the problems this legislation seeks to address, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Thank you, Mr. Chairman.

I rise in support of the FLAME Act, an absolutely critical strategy for fighting the catastrophic forest fires that face communities across the western United States, particularly in communities in New Mexico that I have seen impacted directly by these fires in recent years.

In New Mexico's First Congressional District, both the Sandia and Mountainair Ranger Districts of the Cibola National Forest tower over the valley where most of my residents live. Both are afflicted with severe drought conditions that have contributed to a dangerous tinderbox effect in these forests. As a result of climate change, the Mountainair Ranger District has gone into fire restrictions earlier than ever before.

Still, much of the funding to fight these fires has been reappropriated on an ad hoc basis from Federal land agency budgets. For those agencies, that has often meant cutting funding for employees, for scientific research, and education—the very kinds of things that help prevent forest fires in the first place.

The FLAME Act will create a critical Federal fund specifically to fight catastrophic wildfires, keep our communities safe, and ensure the safety of our firefighters who risk their lives to protect us every fire season.

I would urge all my colleagues to support this legislation.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

As I stated in my opening remarks, this is a good bill and I commend the chairman for introducing it. This bill passed on the suspension calendar in the last Congress. Nobody even asked for a recorded vote. So it has broad bipartisan support, yet the underlying issue is—and it's something this Congress should take up in the future—and that is to try to go to the core of preventing forest fires, and that is proper maintenance.

There is one amendment that addresses that tomorrow. I think that amendment offered by Mr. GOODLATTE will make this bill that much better. I

hope that my colleagues on both sides of the aisle will support that.

But this is a good bill. It's a start in the right direction. I hear this all the time when we have forest fires in my district—and they happen virtually every year. People want to know: Are there sufficient funds in order to pay for those forest fires?

Now we can say that there's a mechanism put in place that will take care of that, and I commend the chairman for his sponsorship of that.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. RAHALL. I yield myself such time as I may consume.

I certainly understand what the gentleman from Washington is referencing. I said last year during debate on this floor to the gentleman from Virginia (Mr. GOODLATTE) that I certainly understand the need to develop comprehensive preventive legislation that is aimed at truly getting at the root causes of these forest fires. I would repeat to the gentleman from Washington, my respected ranking member, that if he introduces such legislation—any member introduces such legislation—we will certainly bring it forth before our committee and give it due consideration and certainly try to work on it as well as we have on this legislation to bring it to the floor of the House.

Mr. Chairman, I'm going to recap very quickly since we are closing general debate at this point. For much of the last decade, the wildlands fire season has been expanding due to factors such as climate change and drought. Unfortunately, future trends appear to indicate that this increase will only continue.

Within the Forest Service, wildlands fire activity now accounts for nearly half of their budget. The Forest Service spent over \$1 billion fighting wildland fires last year. The skyrocketing cost of fighting fires has led to the Forest Service and the Department of the Interior to rob Peter to pay Paul and borrow funds from other agency accounts.

□ 1600

There were cuts to fire preparedness, State fire assistance, cooperative fire assistance, and hazardous fuel treatments in Forest Service budgets.

The FLAME Act will allow the Forest Service and the Department of the Interior to respond to dangerous fires while also accomplishing other important parts of their mission. The act will relieve the drain on the Forest Service and the Department of the Interior budgets to ensure that funding is not swept away from vital fire prevention activities. I conclude by urging adoption of the pending measure.

Mr. HERGER. Mr. Chair. I rise today in opposition to the rule for H.R. 1404, the Federal Land Assistance, Enhancement, and Management Act of 2009.

While this legislation is important to address the very serious issue of funding shortfalls faced by the Federal wildland firefighting agencies each year, I believe that it does not do enough to address the cause of these soaring wildfire suppression costs.

We need to drastically increase management on our Federal forests to reduce these fuels and the risk of catastrophic wildfire in the first place.

For this reason, I introduced an amendment to make some of these funds available for hazardous fuel reduction projects.

While unfortunately it was not made in order, I am pleased to see that we will be allowed the opportunity to debate Mr. GOODLATTE's amendment to expand the "Good Neighbor" authority to assist in getting some work done on the ground.

I urge my colleagues to support this amendment and others that bring additional focus to the real root of the problem.

Ms. ESHOO. Mr. Chair, I rise today to express my strong support for H.R. 1404, the Federal Land Assistance, Management and Enhancement (FLAME) Act and I salute Chairman RAHALL for bringing this important bill to the floor today.

Last year a series of wildfires devastated counties across California, including Santa Cruz County in my Congressional District. The fires burned 1.4 billion acres of land across the State and cost over \$1 billion to contain. Experts expect a similarly difficult fire season in California this year. Over the past decade wildland fires have increased in size and quantity, and projections indicate that this trend will continue due to climate change, drought, and other factors.

The skyrocketing costs of fighting wildland fires have forced the Forest Service and Department of Interior to "borrow" funds from non-fire programs, distracting these agencies from their core missions. Wildland fire activities now account for 48 percent of the Forest Service budget and more than 10 percent of the Interior Department budget.

This bill will create the FLAME Fund to help cover the costs of fighting fires after the money appropriated by the federal government runs out. Agencies may use this fund only if the Secretary of Interior or the Secretary of Agriculture deems the fire large enough or dangerous enough to warrant using the fund.

The FLAME Act requires the Secretaries of Interior and Agriculture to submit a report to Congress containing a comprehensive wildland fire management strategy. The Government Accountability Office (GAO) found that the federal land management agencies lack such a plan and the USDA Inspector General found that the Forest Service lacks any system to ensure that the highest priority fuel reduction projects are being funded first. This report by the Secretaries of Interior and Agriculture will address the recommendations made by both GAO and the USDA Inspector General.

To ensure that the money is going to where it is most needed, the bill requires that yearly reports be made available to the public on the use of the FLAME Fund. It also requires the Secretaries to conduct a review of wildland fire incidents that result in expenses greater than

\$10,000,000 and requires the Secretaries to notify Congress whenever the FLAME Fund drops to a level estimated to cover just two months worth of expenditures.

The FLAME Act establishes a wildfire grant program within each department that will assist communities in preparing for wildfires. Grants will go towards purchasing firefighting equipment and training programs for local firefighters. The money will also be used for education and public awareness of wildfires and to development community wildfire protection plans.

This bill is necessary so that agencies no longer have to move funding around to make up for the increased costs of wildfire suppression programs. The fund will provide a safety net in the event of catastrophic fires, such as those that occurred in California last year. It will also ensure that the Federal Government has an effective and comprehensive plan for wildland fire management.

I'm proud to support this bill and I urge my colleagues to support this important legislation.

Mr. GRIJALVA. Mr. Chair, I rise in opposition to the Goodlatte Amendment and I urge my colleagues to join me in opposing this harmful amendment.

While I strongly support the FLAME Act, I am opposed to this amendment because it would undermine current protections for forest workers as well as preventing proper environmental review of projects. It would do this by dramatically expanding existing good neighbor authority that only applies to certain projects on National Forests in Colorado and Utah right now.

Specifically, this amendment would waive provisions of the National Forest Management Act protecting taxpayer interests. It would give discretion over projects on National Forests to state foresters, eliminating federal oversight and accountability, and it would limit the public's knowledge of when timber is sold.

I am also concerned that the amendment, if successful, would put into question federal labor standards and current wage protections for forest workers.

My subcommittee held a hearing last year which shined a light on how pineros, literally men of the pines, were not being adequately compensated or paid for their work under existing law. Delegating this to the state or some subcontractor or the state without assurances for workers is foolish.

Directly to this issue, the GAO released a report yesterday recommending caution on allowing broader authority until the federal government could ensure greater "transparency, competition, and oversight."

I agree with the GAO and believe that this amendment is just too broad and would waive too many existing laws that protect workers and the environment.

In sum, I want to voice my strong support for the FLAME Act, which will enable our public lands agencies to finally get ahead of the vicious cycle of budget-consuming catastrophic fires, and begin the process of working to protect communities and restore the nation's lands. I urge opposition to this amendment and support for the underlying bill.

Mr. RAHALL. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Mr. RAHALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DRIEHAUS) having assumed the chair, Mr. LUJÁN, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes, had come to no resolution thereon.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

#### STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 520) to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 520

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse under construction, as of the date of enactment of this Act, at 327 South Church Street, Rockford, Illinois, shall be known and designated as the "Stanley J. Roszkowski United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Stanley J. Roszkowski United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

## GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous materials on S. 520.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 520, legislation introduced by the senior Senator from Illinois, Senator DICK DURBIN, to name the United States district courthouse in Rockford, Illinois, after Stanley J. Roszkowski. Judge Roszkowski has ably served our country in times of war and peace, and I am pleased to be here today to speak on behalf of this bill.

Stanley J. Roszkowski was raised in the village of Royalton, Illinois, which is located in Franklin County in southern Illinois. One of 15 children, he volunteered for the Army Air Corps during World War II, and served as a nose gunner on a B-26 bomber, flying over 35 missions in Italy and Germany.

After the war, he went on to earn his bachelor's degree from the University of Illinois and then his law degree, working as an appliance salesman to pay for his college tuition. He moved to Rockford, Illinois, opened a successful law practice, and became involved in his community.

He gave up his practice of law when President Carter appointed him to the bench in 1977, where he served for the next 20 years as a Federal judge in the Northern District of Illinois. Judge Roszkowski took senior status in 1991, and was known for running a business-like but relaxed courtroom. He was praised by his peers for being extremely knowledgeable, competent, fair, and objective, and a gentleman at all times.

Through his long service to our country, in the military and on the Federal bench, Judge Roszkowski has given a great deal to all of us, and naming this courthouse in his honor is a fitting tribute to his career.

Mr. Speaker, I urge my colleagues to support S. 520.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

This bill names the United States courthouse currently under construction in Rockford, Illinois as the Stanley J. Roszkowski United States Courthouse.

Judge Roszkowski was raised in Royalton, Illinois, and during World War II he volunteered for the Army Air Corps and served as a nose gunner on a B-26 bomber, flying more than 35 missions in Italy and Germany.

After the war, he earned his bachelor's degree from the University of Il-

linois in 1949, and a law degree from the University of Illinois College of Law in 1954. In 1955, he moved to Rockford, Illinois, and began his practice of law, until his appointment in 1977 by President Carter to the U.S. District Court, Northern District of Illinois. In 1991, Judge Roszkowski assumed senior status on the Federal bench, and served in that capacity until his retirement in 1998.

Among his many accomplishments, Judge Roszkowski was a member of the Illinois, Florida, and American Bar Associations, and served on the board of directors of the Federal Judges Association. He also lectured extensively at seminars for various bar associations in U.S. courts, and participated in countless workshops and mediation courses sponsored by the Federal Judicial Center.

Early in his career, he was elected a fellow with the American College of Trial Lawyers, and served as the chairman and member of the Rockford Fire and Police Commission.

Naming this new courthouse in Rockford, Illinois seems appropriate in recognition of Judge Roszkowski's dedication to public service and the legal profession. I have no objections to the passage of this bill, and support its adoption.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 520, a bill to designate the United States Courthouse under construction at 327 South Church Street in Rockford, Illinois, as the Stanley J. Roszkowski United States Courthouse.

Stanley Roszkowski was born on January 22, 1923, and was raised in Royalton, Illinois. He was one of 15 children. He served a decorated tour in World War II as a nose gunner on a B26 bomber. After his discharge from the United States Air Force, he enrolled at the University of Illinois where he received his B.S. in 1949, and his J.D. in 1954. He then opened up a successful law practice in Rockford.

Stanley Roszkowski was appointed judge for the United States District Court for the Northern District of Illinois on October 11, 1977. He took senior status on January 9, 1991, and retired in January of 1998 after serving for more than 20 years.

Judge Roszkowski was instrumental in having the courthouse constructed in Rockford, Illinois, and this designation is a tribute to his years of service to the court and community.

I urge my colleagues to join me in supporting S. 520.

Mr. MANZULLO. Mr. Speaker, I am pleased to rise in support of S. 520, which would name the new federal courthouse currently under construction in Rockford, Illinois after Stanley J. Roszkowski, former Federal Judge in the Northern District of Illinois. Judge Roszkowski played an integral role in bringing a new federal courthouse to Rockford.

Stanley Roszkowski was raised in Royalton, Illinois, one of 15 children. As a testimony to his courage and love of country, he volunteered during World War II to serve in the U.S. Army Air Corps and was assigned the role of

a nose gunner on a B-26 bomber, flying over 35 missions in Italy and Germany between 1943 and 1945. Service in the Army Air Corps was an extremely hazardous occupation, with one of the highest casualty rates out of all the branches of the service.

Many Allied bombers were blown out of the sky by German fighters or by flak. For those who survived being shot down, a dismal stay at a German Prisoner of War (POW) camp awaited them where many did not live to see the end of the war. The fact that Staff Sergeant Stanley Roszkowski survived the daunting odds of completing 35 separate missions is a reflection of his skill and courage and those of his fellow crewmembers.

After the war, Stanley Roszkowski earned his Bachelor's degree from the University of Illinois in 1949 and subsequently earned his law degree from the College of Law at the University of Illinois in 1954. He paid for school by working as an appliance salesman and is where he met his lovely wife, Catherine.

Stanley Roszkowski decided to locate his new law practice in Rockford, Illinois and become active in the local community. He was the founder and eventually became Chairman of the Board of the First State Bank and Trust of Rockford.

He also was a member and Chairman of the Rockford Fire and Police Commission. Judge Roszkowski was also honored with the General Pulaski Heritage Award for Outstanding Service to the Polish-American Community in 1982.

In 1977, President Jimmy Carter appointed and the U.S. Senate confirmed Stanley Roszkowski to the federal bench where he served for the next 20 years as a Federal Judge in the Northern District of Illinois. After his retirement from the bench in 1997, Judge Roszkowski now serves as a mediator/arbitrator for the Judicial Arbitration and Mediation Services (JAMS). The aim of JAMS is to resolve some of the nations largest and most complex and contentious disputes. Given the depth of experience, knowledge, and professionalism of Judge Roszkowski, JAMS is well served to have him as a resource to help with alternative dispute resolutions.

Mr. Speaker, it is appropriate to name the new federal courthouse in Rockford after Judge Roszkowski because of his role in the community and his driving force in making this project a reality today. I urge my colleagues to support S. 520.

Mr. GUTHRIE. Mr. Speaker, I yield back the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge passage of this legislation. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the Senate bill, S. 520.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

### CREDITWORTHINESS OF THE UNITED STATES

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, this morning the British Government failed to auction its debt. This news lowered demand for U.S. debt at the auction we held this afternoon. In short, no one would lend the British Government money, and now they are increasingly reluctant to lend to Uncle Sam. When news of this development hit the markets this afternoon, Wall Street fell by over 200 points.

But this news is more important than just market movements today. After approving the stimulus and the omnibus, we now know the Treasury Department's Bureau of the Public Debt must auction \$150 billion of U.S. Treasuries a week.

Like canaries falling over in a mine, the markets are now telling us that they are increasingly unwilling to lend us money. China is reluctant to lend, as are others.

Mr. Speaker, we are entering into a very dangerous time in which the creditworthiness of the United States, the legacy of President George Washington and his successors, is being called into doubt. Will the President listen?

### BORDER WAR WITH CARTELS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, I bring you news from the border war with the cartels. Our Homeland Security Director has recently announced the effort to beef up the ports of entry on our southern border by using the Federal agencies of the ATF, the DEA, and more Border Patrol, mainly at the ports of entry.

I am encouraged that we have finally recognized that we have a problem on the southern border, but the plan unfortunately omits the obvious: The problem is not at the legal ports of entry; the problem is between the legal ports of entry; and between the legal ports of entry we ought to use the National Guard. The reason being is Mexico is engaged with the battle of the cartels, and they use the military. They have several thousand on their border. Why? The cartels are an army of evildoers. They commit beheadings, murder, corruption, and terror along the border. It is violent, and it is now becoming a cross-border problem.

So let's be serious about the border war with the cartel. Let's join Mexico, and put our National Guard on the border. The Texas Governor and the Arizona Governor have both asked for the National Guard. They should know that they need that help. We need the National Guard to squeeze out the vi-

cious cartel army and put them out of the business.

And that's just the way it is.

### HARD WORK, SOUND INVESTMENT, LOWER TAXES, AND LESS DEBT

(Mr. CASSIDY asked and was given permission to address the House for 1 minute.)

Mr. CASSIDY. Mr. Speaker, in times of hardship, leaders must inspire hope; and, to his credit, President Obama inspires hope. But without planning, reason, and a sense of what works, inspired hope can be a hoax. History in economics demonstrates that the path to prosperity is hard work, sound investment, lower taxes, and less debt. Whether in a family business or government, debt imprisons.

In the short term, debt can elevate the standard of living; but if income grows slower than debt, debt destroys that standard of living. And my fear is that the trillions in debt that the President is creating will swallow economic growth and destroy that standard of living. Our economic future will be pawned, our future in debtor's prison.

The President is ambitious and impatient, but I ask that his ambition not deafen him to the lessons of history and economics. I ask him to inspire hope not just for the present, but also for the future.

### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

### A TRIBUTE TO REPRESENTATIVE WASSERMAN SCHULTZ—TENACIOUS COURAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, it is not every day that Members of this Chamber come to the floor and share personal stories of sacrifice and ultimately triumph. But this week, a colleague of mine that I deeply admire and respect came to this floor and did just that, and I think she deserves to be recognized for her tenacious courage and even her willingness to be vulnerable.

We both came into Congress the same year, but we come from different parts of the country, we are of different parties, and we don't always agree on the answers for the issues the people of our Nation face every day.

Even so, as we in the people's House continue to busily deal with our national concerns, we should never fail to

recognize the courageous that are among us, those who are bold and strong.

□ 1615

Let me explain, Mr. Speaker. This Monday, the gentlelady from Florida (Ms. WASSERMAN SCHULTZ) shared with us a deeply moving story about the personal battle that she has had with breast cancer. It is a situation that many of our mothers, wives and daughters have also struggled with. About 1 year ago, Ms. WASSERMAN SCHULTZ was diagnosed with breast cancer. And after medical treatment and, in the end, surgery, the cancer was removed from her body and she is now cancer free.

What makes Representative WASSERMAN SCHULTZ so remarkable is the way she responded to this difficult situation. Rather than become discouraged by her circumstances, she decided she was going to help other women who might also be battling breast cancer and other forms of cancer that really affect America's women.

So, this week she is introducing legislation meant to empower women to know how to deal with breast cancer and teach women and doctors alike about the risk factors and the warning signs. I was pleased to become one of the first cosponsors of this legislation to make America's women healthier.

Mr. Speaker, I don't know how many people who would have the courage to use their own personal story to help change the lives of others. But as the father of three daughters and the grandfather of four girls, it doesn't surprise me that it is a woman who is setting the example for the rest of us. Representative WASSERMAN SCHULTZ is a model of courage and conviction. I'm proud to serve along with her in the people's House.

My grandmother used to tell me that nothing is more powerful than a woman that has made up her mind. Grandma was right. And DEBBIE WASSERMAN SCHULTZ is one of those women who has faced the enemy of cancer, fought it, defeated it and has made up her mind to help other women of this Nation do the same.

And that's just the way it is.

### H.R. 1380, THE JOSH MILLER HEARTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

Ms. SUTTON. Mr. Speaker, I rise today to share the story of a boy from my hometown of Barberton, Ohio. To know Josh Miller was to know a kind-hearted and generous young man with limitless potential. Josh was a Barberton High School sophomore with a 4.0 grade point average. He was a linebacker who dreamed of playing football

for Ohio State. He was the kind of a kid who could walk into a room and light it up.

But one day, without warning, his dreams were cut short. Josh never showed any signs of heart trouble. But right after the final game of the 2000 football season, he collapsed after leaving the field. By the time his heart was shocked with an automated external defibrillator, it was too late to save him. Josh suffered a sudden cardiac arrest which, according to the American Heart Association, claims the lives of 330,000 Americans every year.

Like Josh, the vast majority of these individuals do not display any prior signs of heart trouble. Yet there is an easy-to-use, relatively inexpensive piece of medical equipment that more than doubles the odds of survival for someone experiencing a sudden cardiac arrest. An automated external defibrillator, or AED, is the single most effective treatment for starting the heart after a sudden cardiac arrest. And because the chances of survival decrease by up to 10 percent for every minute that passes, every second is critical.

Last week, I reintroduced the Josh Miller HEARTS Act to increase the availability of AEDs in our communities. This bill, H.R. 1380, will establish a grant program to help schools across the country purchase these life-saving devices.

Schools are central gathering places in our communities. Placing AEDs in our schools will not only save the lives of the students enrolled there, but they will be available for teachers and staff, parents and volunteers and the many other members of the community who pass through their halls every single day.

This legislation is modeled on a similar program for the State of Ohio. Dr. Terry Gordon, a cardiologist at Akron General Hospital, has dedicated his life to this campaign. His tireless efforts in Ohio led to the adoption of a statewide initiative to put an AED into every school in our State.

I hope we in Congress can build on Dr. Gordon's good work and carry out this program at the national level. Last year, this bill had 100 cosponsors and passed the House unanimously. To all of my colleagues who cosponsored and supported this legislation, thank you, and I urge you to cosponsor H.R. 1380. And to all of my colleagues who did not cosponsor the bill, I ask for your support in this Congress.

This bill is endorsed by the Red Cross, the American Heart Association, the Heart Rhythm Society, the Sudden Cardiac Arrest Association, the International Association of Firefighters, the American College of Cardiology, the National Education Association, Parent Heart Watch, American Federation of Teachers and the National Safety Council. I thank these organizations

for their support on this issue, and I look forward to working with them on AED awareness.

Losing a young life like Josh's can bring about a sense of helplessness. But today we have an opportunity to act. I urge my colleagues to join me in supporting this effort to bring AEDs into every single school across this country because AEDs in schools will save lives.

#### RECOGNIZING CHARLES R. "DICK" WEBB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this afternoon in recognition of a respected business leader in the State of Kansas who died earlier this week. Charles R. "Dick" Webb of Pittsburg, Kansas, and founder of Watco Companies passed away on Monday, March 23, at the young age of 70. He was a great Kansan and an exemplary American who will be greatly missed.

Dick Webb made his mark on the Kansas business community through Watco, a company he founded in 1983 along with his wife, Kaye Lynne. Watco was started literally at the kitchen table. A rail service provider, the Webbs' startup would evolve into a titan of Midwestern business. Watco Companies now supports 2,000 employees in over 26 States.

This expansive network of Watco employees and products has benefited millions of Americans through efficient commodity shipping and gainful employment. Watco railroad tracks continue to move the products that move America. Food and fuel find their way across our Nation's heartland thanks to the foresight of Dick Webb. His endurance in times of uncertainty in his industry allowed Watco to emerge as a leader in rail service and technology. Entrepreneurship is highly valued in our society, and Dick epitomized that quality.

With the success Watco experienced, it would have been easy to relocate the company's headquarters to a more densely populated area. But being a loyal Kansan, Dick remained in Pittsburg to grow his business and his community. Whether it was his support for his alma mater, Pittsburg State University, or his support for other local startup businesses, Dick added to the overall quality of life for every Pittsburg resident.

Dick is survived by his wife, his two children, Susan Lundy and Rick Webb, as well as six grandchildren who all were raised to remain in Pittsburg. But knowing of Dick's devotion to his employees, it may well be said that he is survived by his Watco family as well. The employees and their families that aided the building of Watco continue to

benefit from Dick's work and leadership.

The legacy he left on our State and this Nation will continue to benefit us all.

Mr. Speaker, I ask that you and Members of the U.S. House of Representatives join me in honoring Dick Webb and the lasting legacy he achieved with his life.

#### TRIBUTE TO MRS. CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, it is with a heavy heart that we in the Maryland delegation join our colleagues in paying tribute to the late Mrs. Christine Sarbanes who passed away this week. She was indeed a ray of sunshine in the lives of many. She is already dearly missed. JOHN, her son, our colleague, said to me just a few days ago that he did not realize that he could miss someone so much in such a short period of time.

If there was only one word that could be used to describe Christine Sarbanes, it would be "enthusiastic." But there are so many other words, "kind," "gentle," and "concerned." For over 20 years, she was an outstanding educator and showed a genuine interest in her students. She encouraged them to set positive goals for themselves and encouraged and challenged them to do their best.

In fact, she was instrumental in helping students develop an appreciation for Latin, which had proved quite useful for those seeking admission to college. With her dedication to teaching also came a love of community involvement with books. Mrs. Sarbanes often talked about her love of the Enoch Pratt Free Library and of libraries in general. She would often say that the library was her place to escape when she was a child to be able to basically move all around the world by sitting in one room.

Christine Sarbanes was able to combine both passions as a board member of the Enoch Pratt Free Library which is located in Baltimore, in my home city, and her dedication to the libraries in the community recently led to the opening of the first two libraries in Baltimore in over 30 years.

Mrs. Sarbanes served at one point as the vice chairman of our board of the independent library. But the thing that she prized the most was being the head of the community outreach committee of Enoch Pratt. She was one who consistently said that the library was the great equalizer. As a matter of fact, I think she met her husband in a library.

Over and over again, she did everything she could to make sure that there was outreach into the community. She also would say that the libraries in the various communities



were the neighborhood community centers. And she really meant that.

The other thing she consistently did was reach out to those who were coming here from foreign countries and coming in as immigrants. She would constantly get the library to take the materials and put them in various languages so that when people came here, they could take full advantage of the services and those resources that the library had.

Despite these successes, nothing could match the devotion that Christine Sarbanes had for her family as a wife, mother and grandmother. She was active in the campaigns of her husband, former Senator Paul Sarbanes, and she proudly watched her son and our colleague, JOHN, become a Member of the United States House of Representatives.

It is through her family that the legacy of this kind, intelligent and dignified woman will continue. To everyone in the Sarbanes family, Michael, JOHN and Janet and all of the grandchildren, please know that our prayers are with you. This world is a better place due to the contributions of Christine Sarbanes.

#### TESTIMONY OF LARRY GETTS, EMPLOYEE OF DANA CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, there was testimony before the Senate Committee on Health, Education, Labor and Pensions just recently by a fellow named Larry Getts who is an employee of the Dana Corporation in Indiana. He was very concerned that the secret ballot on whether or not they were going to join a union was not being given to them. And I would like to read part of his testimony.

He said, "Before I begin, I'd like to say that, as many workers have learned firsthand, I believe Card Check organizing drives put the interests of the union officials ahead of those of the workers."

"While the bill has been officially named the Employee Free Choice Act by its proponents in organized labor and their allies in Congress, my own personal experience shows a more appropriate name would be the Worker Coercion Act."

He talks about the union officials and how they came to the company to try to get them to join the union through what they call Card Check without a secret ballot.

He said, "After this first attempt to organize our shop failed, the UAW changed tactics and sent in a whole new crew. At that point, it became clear to all of us that the UAW was going to do whatever was necessary to get the required number of signatures.

"The entire time they were constantly badgering us to sign the cards. I refused to sign the card every time they asked, and I know that many of my colleagues shared my sentiment. But none of that mattered to the UAW, because the pressure did not let up.

"In fact, one day, an official approached me again claiming 50 percent of the plant had signed, so now I was going to have to sign the card to 'get my information in the system.' I signed the card because I thought I had to."

□ 1630

I didn't learn until later that even then, I should not have been forced to sign the card.

In the end, the UAW did succeed in organizing our plant, but I thought they succeeded only because of their confrontational tactics and not because the majority of our workers wanted UAW representation.

So immediately, after the union came in, I began a decertification effort. The only reason I was able to fight back was because other Dana Corporation employees in Ohio appealed to the National Labor Relations Board after facing aggression from the UAW, and the NLRB decided that workers should be allowed to seek decertification.

Of course, the UAW responded to my effort by increasing the pressure, and even started visiting me at my home, and my coworkers. Despite their intimidation, my coworkers and I voted to decertify the UAW 45 days after the Card Check drive in a secret ballot. I believe the results of the secret ballot election showed the true free choice of my coworkers regarding UAW representation. We didn't want the UAW representation that was foisted on us through Card Check.

At the end of the day, the voice of the worker needs to be considered. Union officials say they speak for the workers, and they say passage of the Card Check bill is needed to give workers a free choice. But the only way to give workers a free choice is the way we vote in this country, and that's to give them a secret ballot. If they want to join the union, they should be able to join the union through a secret ballot. But if they don't want to join the union, they should not be coerced into joining the union by signing a card. They should have the right, as every American citizen does, to a secret vote on whether or not they want to be employed in a union shop. Now, if they don't want to do that, they shouldn't have to vote for it.

And that's exactly what the gentleman went through and all of his coworkers. And after they went through it and were forced to join the union, they found out they could have a secret ballot, they did a secret ballot, and they threw the union out.

I'm not an anti-union person, but there ought to be a free choice for people to join the union or not to join it, and they should not be coerced by Card Check.

#### HONORING THE LIFE OF CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. VAN HOLLEN) is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to remember Christine Sarbanes and offer my heartfelt condolences to former Senator Sarbanes and our colleague, JOHN SARBANES, and the entire Sarbanes family. They have lost a cherished loved one, and our State of Maryland has lost a good, kind and gracious friend.

Christine Sarbanes was a dedicated wife and loving mother who worked tirelessly with her husband to serve their beloved State of Maryland. She was an educator, improving the lives of her students with her incredible enthusiasm and her intellect, which she brought to the classroom every single day. Christine Sarbanes believed with every fiber of her body and her being that we all have the potential to be great, and she channeled her passion into a career in education which touched the lives of thousands of Marylanders.

I will always remember Christine Sarbanes as a pillar of strength and the embodiment of grace. She accompanied her husband and family on countless Labor Day, Memorial Day and Fourth of July parades that she faithfully participated in as the spouse of a Member of Congress. Charming her way through the crowd, stopping to share her special concern with young people in our great State, she had a special eye for young people, and young people came to her and understood that this was a special person who cared about them. Whether it was in Baltimore at a bull roast or a crab feast in Crisfield or a folk festival in Takoma Park, Christine Sarbanes felt at home, and she made all the people she touched feel special. Her loss is felt not only by her family and friends, but by the thousands of lives in Maryland and around the country that she touched and the countless others she inspired.

Mr. Speaker, please join me in honoring the life of Christine Sarbanes. Her kindness and legacy of public service serves as an example to all of us, and she will be deeply missed.

#### VETERANS' HEALTHCARE FACILITIES/COMMEMORATING EARTH HOUR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today deeply concerned about yesterday's reports regarding nearly 10,000 of our Nation's veterans who may have been exposed to HIV and other communicable diseases at Veteran's Administration hospitals. Like those veterans and their families, I'm shocked and appalled that this could have happened. Our veterans deserve better.

A couple of weeks ago I had the privilege of meeting with the new VA Secretary, Eric Shinseki, at the North Chicago VA Hospital to discuss improving care for our veterans. We've heard a lot about change in the past several months. Well, we have the duty to change our VA health system so reports of occurrences like we heard earlier this week never happen again. This means taking a serious look at every option to improve our veterans' care.

One option is right in my backyard. It is actually in my good friend from Illinois, Mrs. HALVORSON's district. There's a hospital named Silver Cross that will be moving to a new location in 2012. The facility that they are leaving has an emergency room that was built in 2006 and a specialty care wing that is less than 7 years old.

Instead of being opportunistic and selling the facility to the highest bidder, the hospital formed a Healthy Community Commission, whose focus is to give back to the Will County community. Our veterans are at the top of their list, and I commend them for that.

I look forward to working with Secretary Shinseki, Congresswoman HALVORSON and Members of both sides of the aisle to explore this and other options to make sure that our veterans never again have to put up with inadequate care.

And with that, Mr. Speaker, this Saturday, March 28, 2009, at 8:30 p.m. millions of people around the world will join together to turn off their lights for 1 hour, Earth Hour, to raise awareness about climate change. Communities, individuals, businesses and organizations will turn off non-essential lighting and cast a virtual vote for global education, awareness and action on this important issue.

Earth Hour began in 2007 in Sydney, Australia where more than 2.2 million people turned off their lights. Last year, World Wildlife Fund took Earth Hour global and more than 50 million people in more than 400 cities, on all seven continents participated, darkening some of the world's most famous skylines and icons, including the Empire State Building, the Golden Gate Bridge, the Coliseum in Rome, and the Sears Tower in Chicago. Even Google's home page went dark for that day.

This year, more than 1,700 cities in some 80 countries already have signed up to participate, with more joining each day. The event itself will begin in Fiji, cascading across the world with

Hawaii as the final stop. In my district, three municipalities, Aurora, Naperville and Homer Glen, and numerous businesses have signed up to participate.

We need to start addressing climate change now, and Earth Hour is one of the many steps that we can take to do just that. That's why I introduced House Resolution 268, with my good friend from Georgia, Mr. BARROW, to support these goals and ideas of Earth Hour. The resolution will help increase education, awareness and action on this important environmental issue.

I encourage my colleagues to cosponsor House Resolution 268 and join in this inspiring and historical event.

I will submit an article entitled, "3,000 Vets Face HIV Risk After Unsterile Procedure," from the Associated Press, for the RECORD.

[From the Associated Press, Mar. 24, 2009]

#### 3,000 VETS FACE HIV RISK AFTER UNSTERILE PROCEDURE

A Veterans Affairs hospital here has notified thousands of patients that their colonoscopies were performed with improperly sterilized equipment, officials said Monday.

The hospital urged about 3,260 patients who had colonoscopies between May 2004 and March 12 of this year to get tests for HIV, hepatitis and other diseases.

The VA insisted the risk of infection was minimal, saying the tubing that was improperly cleaned didn't make contact with patients.

It was the second recent announcement of errors during colonoscopies at VA facilities.

"The very notion that veterans have to contemplate this new reality now before them and visit special care clinics to undergo blood testing is stomach-turning," U.S. Rep. Kendrick Meek, D-Fla., said in a letter Monday to the VA's inspector general. "This information is shocking."

Meek urged a door-to-door campaign to alert veterans of the error.

"Although there is minimal risk, we feel that even a slight risk is unacceptable to the veterans we care for," said Susan Ward, a spokeswoman for the VA in Miami.

Last month, 6,378 patients at a clinic in Murfreesboro, Tenn., were told they may have been exposed to infectious body fluids during colonoscopies.

The VA said 1,800 veterans treated at an ear, nose and throat clinic in Augusta, Ga., were also alerted they could have been exposed to an infection due to improper disinfection of an instrument, though officials said the risk was "extremely small."

The VA hasn't said whether it expects more facilities to announce similar problems, though Meek cautioned the number of affected people "could quickly expand to include a much larger pool of people."

"That, somehow, these standard protocols were not followed will undoubtedly leave our veterans with serious misgivings about our VA system," he said.

#### HONORING THE LIFE OF CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. RUPPERSBERGER) is recognized for 5 minutes.

Mr. RUPPERSBERGER. Mr. Speaker, I rise today with several of my colleagues from Maryland to honor Mrs. Christine Sarbanes, and the impact her passing will have on the citizens of our great State of Maryland and on our country.

Mrs. Sarbanes is the wife of Senator Paul Sarbanes and the mother of JOHN SARBANES, who is a Member of the House of Representatives. Christine was the quintessential lady, polished, well-educated and warmhearted.

Many times, as lawmakers, our spouses chose to sit on the sidelines, but Christine was very much involved in her husband's career. In fact, political activism brought Senator Sarbanes and Christine together at Oxford in England. A champion for women's rights, she was trying to get women accepted into his all-male debating society.

On the occasions when she would represent her husband at events, Christine was very knowledgeable on the issues. She was a hearty campaigner for her husband, but was even more tenacious when her son, JOHN, campaigned for this seat in the House of Representatives. She shared her love of politics and public service with her three children, and they each have taken her example to serve the greater community. She was the true matriarch of a great and distinguished political family.

In addition to finding time to raise three children and helping her husband's career, she managed a full-time job teaching Latin, Greek, and French at Goucher College and Gilman High School, all located in Baltimore, where she taught for more than 20 years.

In fact, one of my staffers, Walter Gonzalez, had the privilege of studying under her at Gilman. He described her as firm, but effective. She taught his 11th-grade speech class and advised him on his senior class speech. Laughing, he recalled yesterday how she coached him day after day. She would say, "Speed up, slow down, enunciate your words, too loud, emphasize the points." He said Christine was a passionate teacher who communicated her respect for her subjects with grace and humor.

A lifelong lover of libraries and art, Christine also found time to serve on several cultural boards and talked the Walters Art Gallery into eliminating their admission fees. She wanted all people, and especially children, to have the ability to experience culture. But she also wanted them to have basic survival needs. She did this through tireless work with the United Nations children's fund.

Christine enjoyed high regard from important people. But I will always remember how she treated everyday people who crossed her path with dignity and respect.

Maryland has lost a truly admired political presence. And on behalf of the

residents of Maryland's Second District and the State of Maryland, I would like to express my sympathies to the Sarbanes family and thank them for sharing a talented and giving woman with our State and our country.

#### TARP FUNDS ABROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, recently released documents from AIG accounts for some of the more than \$180 billion in aid that AIG has received. And it's revealed that over \$58 billion of that \$180 billion has gone to foreign banks around the world. And \$58 billion have gone to French banks, German banks, French and German banks, respectively, pulled in \$19 billion and \$17 billion of American taxpayer money.

I understand the outrage over bonuses, \$166 million in bonuses, but that's a pittance compared to the \$58 billion that have gone to overseas banks. Societe Generale, based in France, was the top foreign recipient, at \$11.9 billion. Deutsche Bank of Germany received \$11.8 billion of taxpayer money. Barclays, based in England, got \$8.5 billion. BNP Paribas, based in France, got \$5 billion.

The House Oversight Committee also discovered a list of questionable foreign investments conducted by the largest recipients of TARP funds. Citigroup, JP Morgan and Bank of America each received \$25 billion in TARP funds on October 26th of last year. Citigroup then loaned Dubai \$8 billion of American taxpayer money. JP Morgan invested \$1 billion of American taxpayer money in India. And Bank of America gave communist China \$7 billion of the American people's money.

Now, the American people have the right to be outraged at the fact that they are being taxed so that a government-owned, failed company like AIG can give bonuses to the very same executives who brought about the ruin of their company. Mr. Speaker, \$166 million in bonuses is a lot of money. But it's a pittance, again, compared to that \$58 billion that AIG used to bail out the rest of the world.

So while hundreds of thousands of Americans get laid off each month, and even people with good credit can't get homes, can't get home loans, can't get car loans, our tax dollars are hard at work making sure foreign countries get helped first.

Instead of giving billions of dollars worth of tax breaks and incentives to American companies who manufacture American products and hire American workers, our government has sided with foreign countries instead of being on the side of the American worker.

To compound the problem, the United States has record trade deficits

with the rest of the world. So while our government punishes American companies who actually make things with high taxes, burdensome regulations, petty environmental restrictions and unfair trade laws, foreign countries are getting American tax dollars to invest in their business infrastructure so they can take away more American jobs during an American recession.

We allowed Bank of America to give \$7 billion in taxpayer money to China, \$7 billion in Americans' money to communist China, so they can build up their military and steal American jobs. That's criminal.

The AIG bonus scandal is a big deal. The Treasury losing track of where the bailout money is going is appalling. But it's too late to just ask where the money's going or to try to get back the taxpayer-subsidized bonuses, although those are good starts.

□ 1645

What we need to do now is stop spending. Just stop. No more TARP. No more stimulus. No cap-and-trade energy tax on small businesses, and surely, no more bailing out foreign countries like China and India while we spend and tax and borrow our way into oblivion.

I respectfully ask the President of the United States to put the checkbook down.

#### HONORING THE LIFE OF CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. KRATOVIL) is recognized for 5 minutes.

Mr. KRATOVIL. Mr. Speaker, I rise to honor the life of one of Maryland's finest public servants, Christine Sarbanes—a woman of grace, passion and compassion.

She was a teacher, an activist and a volunteer who gave selflessly to her community, to Maryland, to the Nation, and to the greater world community. Her belief that every individual had the potential to be great fueled her passion for teaching, for spreading literacy worldwide and for providing access to higher learning for each and every student who had a desire to learn.

Christine Sarbanes was a dedicated mother, a full-time educator and both a political partner and adviser to her husband, Senator Paul Sarbanes.

For many of us, each job alone would constitute enough to leave a legacy, but for Christine, she chose to go above and beyond as a community servant, as an active board member for a number of community and international organizations, and as a tireless fundraiser for causes near to her heart.

I would like to extend the thoughts and prayers of my family and constituents to Senator Sarbanes, to my col-

league, Congressman JOHN SARBANES, and to the entire Sarbanes family.

#### HONORING THE LIFE OF CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

Mr. BARTLETT. Mr. Speaker, I am going to speak from this side of the aisle because it is where Paul Sarbanes would have stood.

When I came here almost 17 years ago, I would see Senator Sarbanes at social functions with this very attractive brunette on his arm, and I said to myself: Paul married well, didn't he? Then Christine came to my office as an advocate for schools and teachers, and I was wowed. When she left, I said to myself: Paul not only married well, he married up. Then, one day, my wife, when I came home, told me that at a spouse's event that day she had talked to Christine and that Christine told her that they had decided to retire because, as she told my wife—and Mr. Speaker, I am going to have a little trouble with this—they wanted to retire while they could still both climb steps.

I regret very much that Christine had far too few years to climb those steps with Paul.

#### HONORING THE LIFE OF CHRISTINE SARBANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Ms. EDWARDS) is recognized for 5 minutes.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today as a Marylander in honor of another Marylander, Christine Sarbanes, and in honor of her service and of her legacy to the State of Maryland and to the people of the Fourth Congressional District, which I represent.

I did not know Christine Sarbanes in the way that you know a person. I knew her as a public person. I first met Christine Sarbanes at an elementary school at an event, and she didn't even know I was at the back of the school, but what I observed of Christine Sarbanes was her gentleness and tenacity and her love of education and her love of children.

I think, in some ways, you know a person sometimes by the people around them—by their children, by their spouses—and so we know Christine Sarbanes by her husband, our beloved Senator Paul Sarbanes, by her son and our colleague—JOHN SARBANES—and her other children. We see in them the gentleness and the smarts and the tenacity and the passion that was Christine Sarbanes. So it is with a heavy heart that we celebrate Christine Sarbanes' legacy.

I said to JOHN SARBANES yesterday, as he mentioned that it is difficult to know how much you miss a person until they are gone, that when one loses a parent—and I know about the loss of a parent—that the sadness of today becomes a joy of tomorrow when you remember a smile, when you remember something that happened when you were growing up, and it touches your heart in a different way.

So I wish for former Senator Paul Sarbanes, for JOHN SARBANES and for the entire Sarbanes family that there will be days down the line when they will remember Christine Sarbanes with that joy and with a little bit more lightness of their hearts than they are experiencing today.

#### DOD REPORT ON CHINA'S MILITARY POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, today, the Department of Defense released its annual report to Congress on China's military power.

The report released is an important reminder of why the Congressional China Caucus, the Congress and the American people should continue to monitor not only the expansion of China's military power but the way they exercise judgment in the use of it and other elements of national influence.

China's continuing buildup of advanced cruise missiles that can target aircraft carriers and other ships, its 260-ship Navy as compared to our 283-ship Navy, and its continued arm shipments to unstable countries demonstrates a global focus rather than a regional one.

Regrettably, over the past year, several incidents have threatened the strength of U.S.-Sino relations. In the last year, the FBI has stated that China has the most aggressive espionage program facing our Nation. U.S. authorities continue to investigate whether PRC officials copied the contents of a government computer during a trip to China by the Secretary of Commerce, and just this month, Senator NELSON's office reported three separate instances of cyber attacks from China, which follow multiple instances last year.

In addition, a routine Thanksgiving holiday port call by a U.S. aircraft carrier, the USS Kitty Hawk, to Hong Kong was inexplicably cancelled at the eleventh hour. Most recently, five Chinese vessels harassed an unarmed U.S. naval ship.

Mr. Speaker, this House has refused to respond to that attack as yet. I am troubled at the prospect for miscalculation or unnecessary escalation of one of these situations if China does not act in a transparent and respon-

sible manner that is expected of a rising global power.

For that reason, I introduced H. Con. Res. 72 with Congressional China Caucus cochair MADELEINE BORDALLO, urging China to avoid necessary escalations that could harm U.S.-China relations and to condemn their attack on our unarmed U.S. naval ship, but so far, the leadership of the House has not found time to allow that resolution to come to the floor.

Mr. Speaker, it bothers me that today, when China had a proposal for a new global currency to replace the dollar, that Secretary of Treasury Geithner said that he was open to the proposal and that White House economic adviser Austin Goolsbee declined to rule it out.

Mr. Speaker, if we don't know our positions on these issues, we are inviting the Chinese to push us further and further. The future course in U.S.-China relations hinges on China's ability to provide the necessary transparency with regard to its military buildup and cyber warfare capabilities. Mr. Speaker, I hope that we will continue to push for that kind of transparency.

#### HONORING ARCHBISHOP JOHN CARROLL HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I rise today to honor a remarkable institution that stands as a center of academic and spiritual excellence in the Seventh Congressional District of Pennsylvania. That the motto of this school is "Pro Deo et Patria" tells us much about its tradition and about the wisdom of its founders. That the school nickname is the Patriots tells us even more about the values and principles of its students, faculty, administrators, parents, and alumni. However, in the past year, this school has also established a new and unprecedented standard for athletic excellence. I am speaking of the community that is Archbishop John Carroll High School of the Philadelphia Catholic League.

Last weekend, both the boys' and girls' basketball teams won their respective Pennsylvania Intercollegiate Athletic Association State championships. In that remarkable feat, the Archbishop Carroll coaches, players, trainers, parents, families, and fans fulfilled a covenant to one another. Well before the season began, they pledged that, although other teams might seem to have more advantage, none would ever out-work, out-think, or out-cheer the Patriots of Archbishop Carroll.

The people of the Philadelphia region are renowned for their knowledge of sports, and it is well established that championships are not won in a tour-

namment. They are the products of thousands of hours of practice, conditioning and study long before the first game. Thereafter, championships are won by the team that establishes the strongest bonds of trust and respect among one another and the ability to overcome every adversity. Throughout a grueling season of 62 games, the young men and women of both teams showed that the physical and mental preparation, teamwork and, above all, character are rewarded.

Archbishop John Carroll High School offers faith- and values-based education under the leadership of President Reverend William E. Grogan and Principal David R. Dickens that confirms the wisdom of the great John Wooden, who remarked, "I always tried to make clear that basketball is not the ultimate. It is of small importance in comparison to the total life we live. There is only one kind of life that truly wins, and that is the one that places faith in the hands of the Savior. Until that is done, we are on an aimless course that runs in circles and goes nowhere."

Mr. Speaker, the young men and women we honor today are on the right course. They are on course in a journey to lead, to teach, to solve difficult problems in the arts, sciences, businesses, and most importantly, to raise wonderful children who will carry on the proud traditions of Archbishop John Carroll High School.

To the players of these magnificent teams and their classmates, this Chamber and our Nation wish you Godspeed on your journey. We are proud to know you, and look forward to even greater challenges and victories that await you.

#### INTRODUCTION OF RESOLUTION REGARDING PMA GROUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, in just a few minutes, I will introduce a privileged resolution, the purpose of which is to have the House Ethics Committee look into the relationship between the PMA Group—a lobbying firm that has been raided by the FBI—earmarks received by the raided firm for their clients and the source and timing of campaign contributions made by the raided firm to Members of the House.

Mr. Speaker, this will be the sixth resolution that I have introduced on the same topic. I want to stress again that this is not a partisan resolution. These resolutions have not been introduced at the behest of any Republican or of any Democrat. No Member of Congress is mentioned in these resolutions. No party is mentioned either. This is a problem that this House simply must address.

The bottom line, Mr. Speaker, is that, as long as Members of Congress have the ability, which we currently have, to award no-bid contracts to individuals or organizations—nonprofit or for profit—then you are going to have problems, and that is what we are seeing with the investigations that are going on with the PMA Group.

The PMA Group is a powerhouse lobbying firm that last year had revenues in excess of \$17 million. That firm, as I have mentioned, has been raided by the FBI, and is now in the process of disbanding. By the end of this month, in just a few days, it will be gone, from \$17 million—boom—overnight to nothing because somebody got on to them and because they were able to get earmarks for their clients who should not have been awarded in this way.

We simply should not have the ability here in Congress to award no-bid contracts to anyone, let alone those who turn around and make big contributions back to our congressional campaigns. That is what we are asking the Ethics Committee to look into.

Right now, the Ethics Committee has issued guidance, saying that, when you want to request an earmark, you have to sign a certification saying that you have no financial interest in the earmark that you are signing—that you don't have a spouse working for the firm or that money is not somehow going to come back to you. The Ethics Committee has also said that that does not include campaign contributions.

□ 1700

Yet we have examples of just thousands of dollars, hundreds of thousands of dollars coming back to those who have requested these earmarks from the firms who got the earmarks, the lobbying firms who requested the earmarks for the client and from political action committees established by the lobbying firm. That doesn't reflect well on the House.

As I said, this is not a Republican problem or a Democratic problem. This is a problem that all of us have here, and it needs to be addressed by the bipartisan Ethics Committee. That's the purpose of the resolution that I will offer in just a minute.

As I mentioned, this is the sixth one. The five prior to this have been tabled. I don't know what the fate of this one will be. Perhaps it will be tabled as well. But if it is, we need to come back and do the same thing because we can't stop until we address this issue.

We are going into a season of appropriations where the Appropriations Committee, in fact, the earmark deadline, request deadline, is next week. Are we going to continue to allow Members of this body to secure no-bid contracts for people who turn around and give them campaign contributions? That is a question that should be answered before we go into the appropri-

ation season, and that is a reason we need to move forward quickly on this.

We looked at the 2008 defense bill. The PMA group, the firm that again has been raided by the FBI, received more than \$300 million in earmarks for its clients. The 2009 defense bill was a number slightly higher than that or still totaling that number but looks to be above \$300 million. It is worthy to note that that bill, the 2009 defense bill which we passed last September, was not even considered by the full Appropriations Committee in the House. So it wasn't vetted, there was virtually no oversight there, and when the bill came to the House, there was no ability for any Member of this body to challenge any of the thousands of earmarks that were in that bill, a few thousand of which represented no-bid contracts.

#### NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, The Hill reported that a prominent lobbying firm specializing in obtaining defense earmarks for its clients, the subject of a "federal investigation into potentially corrupt political contributions," has given \$3.4 million in political donations to no less than 284 members of Congress.

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to "straw man" contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees the firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill."

Whereas, CQ Today specifically noted a Member getting "\$25,000 in campaign contribution money from [the founder of the firm] and his relatives right after his subcommittee approved its spending bill in 2005."

Whereas, the Associated Press noted that Members received campaign contributions from employees of the firm "around the time they requested" earmarks for companies represented by the firm.

Whereas, the Associated Press highlighted the "huge amounts of political donations" from the firm and its clients to select members and noted that "those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests."

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were ap-

proved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, the Associated Press reported that "the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash."

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Now, therefore, be it: *Resolved*, that (a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

#### THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I join with the President in expressing hope that our economy will begin to recover soon. No one should underestimate the pain and worry that the American people are experiencing during this economic crisis.

Every weekend when I am back in Ohio's Ninth Congressional District, I hear more worried stories from people about the trouble they are having making ends meet and planning for their futures with confidence. For the sake of our country, we simply have to get the economy right.

Thus, I am troubled by several aspects of the most recent financial stability plan that Treasury Secretary Geithner unveiled this week. I am most

concerned by the fact that the American taxpayers once again are shouldering far, far too much of the risk that was created by unscrupulous traders on Wall Street in the biggest mega banks and investment houses. And the plan does not place rigor and market discipline to correct what faces us.

By committing taxpayer dollars to leveraging minimal private investment in the private banking system, a private system that is now substantially owned by the public, the Geithner plan once again places taxpayers on a very large hook. Why should we use taxpayer dollars to eliminate discipline and most risk for private investors to purchase the bad loans in order to clean up the banks' books? Taxpayers didn't create this problem.

In this new deal, private investors may put up as little as 3 percent while government—which means our people—put up 97 percent of the rest as a loan, and a nonrecourse loan at that, which means if something goes sour, they pick it all up. And guess who gets the profits on the upside if there is any? That's not a good deal.

This is what should be the focus of our concern. According to an Associated Press investigation reported recently, these bailed-out banks sought to hire 21,800 foreign workers in the past 6 years. Major U.S. banks sought government permission to bring thousands of foreign workers into our country for high-paying jobs even as the system was melting down last year.

So, as Americans were getting laid off across our country, according to an Associated Press review of visa applications, these mega banks were hiring foreign workers.

Dr. Peter Morici, an economist at the University of Maryland, described the Geithner plan as "structured to create more risk for the Federal Government." Why? Because "it is going to be the fund manager who raised the private money and then borrowed with a government guarantee who is going to be paid on the number of loans he or she buys and he or she will have the temptation to bid whatever it takes. There is going to be real incentive here for people to overbid."

Again, the proposal has no market discipline. Price setting will be taken out of the normal market process. That is never a good idea.

"As a result," says Dr. Morici, "the Geithner plan creates the potential for another bubble. You have created the potential for a synthetic bubble inside the government," inside the public coffers, "which could cost the government" and, in turn, the American taxpayers, a whole lot more money down the road.

Doctor Morici describes the plan as low risk and high reward for the private investor and high-risk and high-reward for everybody else, the taxpayer.

I have said all along that the solution to this crisis lies in using the existing full authority of agencies such as the Federal Deposit Insurance Corporation and the Securities and Exchange Commission. I was outraged by the failure of the Bush administration to use these existing instruments of the Federal Government, and I am baffled by this administration's failure to do so as yet. I am concerned that the Geithner plan will actually place at risk the FDIC's insurance fund.

Dr. William Black, a law professor at the University of Missouri, Kansas City, who was a key player in resolving the savings and loan crisis in the 1980s and 1990s has pointed to one explanation: The Bush administration, in its zealous pursuit of deregulation, "gutted the FDIC and its sister agencies' staffs. The FDIC is trying to staff up, but it has put some absurd limits on hiring the best bank examiners. The FDIC shortages are critical in examination, not in the use of receivership."

Mr. Black goes on to say: "We didn't resolve the S&L crisis by appointing 'political commisars' to govern failed S&Ls. We hired competent bankers with records of integrity to run the receiverships.

The academic literature concludes that they did an excellent job. It is bizarre that (President) Obama and (Secretary) Geithner are channeling President Reagan and claiming the government can't do anything and the market is all knowing."

We have learned that the market is not all knowing, especially when it is distorted by greed and avarice and government complicity. We have learned the hard way the costs of "too big to fail." We have learned not to trust the right-wing ideologues who peddled a devil's brew of deregulated and free market fundamentalism.

We have learned a hard lesson about free market fundamentalism. Just as we have learned a hard lesson about free trade fundamentalism. This snake oil was peddled by the big banks and the big corporations. You can see the effects by walking down the main street of almost any city or town in any state surely in the State of Ohio.

We need to learn the lessons of history and apply them. We need to use the proper government instrumentalities. The proper use of the market to resolve this economic crisis. Otherwise we will make the same mistakes. And again the American people will again be left holding the bag of bad debts for generations to come, throttling economic growth and compromising our future.

In the end, we must do what is right, not what might be politically expedient.

#### IN MEMORY OF CHRISTINE SARBANES

The SPEAKER pro tempore (Mr. GRIFFITH). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, in 1966, I was elected to the Maryland State Sen-

ate. I was a few months out of Georgetown Law School. And elected at the same time was an extraordinary representative of our State. He was elected to the House of Delegates.

In 1970, he was elected to the Congress of the United States and served in the Congress until 1976. In 1976, the citizens of our State elected him to the United States Senate. Paul Sarbanes retired 2 years ago as the longest-serving member of the United States Senate in the history of our State.

His partner in all of those efforts was an extraordinary woman. Her name was Christine. She was born in England. She was an extraordinary individual. Paul Sarbanes was a great intellect. Christine matched his intellect. Paul Sarbanes was a person of extraordinary integrity, and his partner, Christine, matched that integrity.

Paul Sarbanes was a person of great depth and great compassion, mirrored by his wife, Christine.

Christine Sarbanes, the mother of our colleague, JOHN SARBANES, who represents the district that his father once represented. Christine Sarbanes passed away this weekend. Christine was a loving friend and partner to her husband for nearly half a century, and those of us who were active with her husband in the public sphere and got to know her well and got to be her friend were blessed by that relationship.

She took the partnership with Paul very seriously. From the days when she and Paul knocked on hundreds of doors each afternoon to get him elected to the House of Delegates to the days when she acted as Senator Sarbanes's most trusted adviser. Like her husband, Christine possessed, as I have said, tremendous political savvy, deep intelligence and a love of learning.

In fact, she once said that she and Paul bought their house because it was within walking distance of a library. No one was surprised at that criteria for purchasing a home.

Christine passed that love of learning to generations of students as a teacher of Latin, Greek, and French.

□ 1715

Her son reflects that deep intellect as he serves the constituents of the Third Congressional District of Maryland.

As a tireless worker for UNICEF, Christine served the international community. Among the many other charities she served, Christine took up the fight for children around the world.

So today, Mr. Speaker, we mourn the loss of an honored teacher, wise counselor, passionate advocate, and her family mourns the loss of an irreplaceable mother and wife.

I lost my wife Judy 12 years ago. So I know something of the pain that Senator Sarbanes is experiencing. He's one of my closest friends. We've been involved in politics for over four decades together, but I also know that love



outlasts grief. As Oscar Wilde said, "Where there is sorrow, there is sacred ground."

As long as her loved ones live—her grandchildren will survive for a long period of time—their memories of the wife, their mother, their grandmother, will be sacred to them. Something of her will live on, on the sacred ground of memory, as long as those memories last.

I know that all the Members of this House in which Paul Sarbanes and Christine, although not elected, served so ably for 6 years, and the colleagues of his in the United States Senate who grew to know Christine as well as they knew Paul and respected her and loved her as they loved Paul, I know they share in his grief, in JOHN SARBANES'S grief, in his brother's grief, and their grandchildren's grief.

So, Mr. Speaker, I know that the House joins me in expressing our deep regrets and that our prayers and sympathy are with the Sarbanes family, a family of immigrants, that came to this country and have made it better, like so many others. Paul Sarbanes still lives, still serves. Christine is gone, but her memory is not. We honor her this evening.

#### A CLEAN ENERGY FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Mr. Speaker, I've come to the House today to talk about a bold vision and an act of leadership by President Obama that was again noted last night by President Obama.

In his news conference, he again stated his commitment to lead our country to the adoption of a clean energy future by means of a bill called a cap-and-trade bill, which we're going to talk about this evening, that he believes and I believe and many people believe will be a wellspring and main-spring of our economic transition to a clean energy future for this country.

And I was very pleased to hear him say that last night, because he has not been timid about recognizing the need for economic growth in our country, for job creation growth in our country, for taking on new markets in this country so that we can really rebuild the economy of this country.

And I heard him last night yet again recognizing that we're not going to get our economy back on our feet unless we actually take some action. It's not going to happen just by the tooth fairy.

So last night what he proposed to do is for the Congress, in as bipartisan a way as we possibly can, to adopt a provision that will drive investment into the new companies that can create millions of jobs in our green-collar future

in the next decade or two, and he did that by proposing something called a cap-and-trade bill which will essentially limit the amount of dirty pollution industries put in the air and drive investment into the new jobs of the future that can really give us the new, clean technologies and clean energy that can lead us to this new future.

So I come tonight to talk about two things that are fundamental to our ability to realize this vision. The first is, I'd like to discuss tonight some of the companies that are actually realizing this vision.

Now, President Obama wasn't just sort of daydreaming when he said that this is a vision that we Americans are capable of. Some of the companies I will note tonight are on the cusp of creating commercially viable technologies that can create literally millions of new jobs where we can create high-tech components and energy sources and ship them around the world.

So the first thing I'd like to talk about tonight are some of those new technologies that we can build in America. The second thing I'd like to talk about is how we can build a cap-and-trade bill that will assuage some of the concerns.

Now, President Obama knows that this is not an easy setting. When you propose something big, a big idea like this, people get nervous. They get concerned. They want to know the details. And there are concerns tonight about the cap-and-trade bill, and I want to address some of those about how we're going to build jointly a cap-and-trade bill that will work for all the country and all segments of the country. So let me, if I can, first talk about why I believe President Obama's vision is based on optimism but also a really sound sense of realism.

I want to talk about some of the people I've come to know in America who are now engaged in building the jobs of the future. Go to Nevada, where there's a company called Ausra. Two years ago it just had eight people. Now, Ausra has several hundred people working for them.

What the Ausra concentrated solar energy company does, they have figured out a way to use long mirrors to concentrate the sun's energy that heats up a pipe with a liquid in it, some type of oil usually, captures the sun's radiant energy, uses that oil to essentially heat water and turn a steam turbine and generate electricity. And now we have the first manufacturing plant in the United States to build these system of mirrors that can now be arrayed anywhere the sun shines to create energy and electricity with no carbon dioxide, no pollution whatsoever of global warming gases while you're producing that electricity.

Why is this a big deal? It's a big deal because the world is desperate for elec-

tricity that we can generate at a commercially viable price that doesn't pollute. Ausra is now manufacturing a plant to do that. They're not the only one.

The Bright Source company is another company that uses what's called concentrated solar energy. They do a similar technology, and they just signed contracts for I think over 2,000 megawatts of concentrated solar energy to provide our grid system.

So here are two companies that are leaders that could potentially create massive new job creation, not only giving us electricity, but as importantly, developing technology that we can sell to the rest of the world.

I met the environmental minister of India this afternoon, and they are desperate for clean energy. Now, President Obama has a vision that I think can come to reality. Ausra and Bright Source make this technology. We build it here, we design it here, and we sell it to India, and we sell it to China, and we sell these products to Korea. This is the vision of economic growth that he recognizes, and I think the country will come to recognize is our best way out of the economic morass we're in.

Go to Boston. In Boston is a company called A123. A123 has developed a lithium ion battery that is capable of producing a plug-in electric car where we can run our cars for 40 miles on nothing but electricity, home-grown, American electricity. Imagine a future where you're generating electricity with solar power, and you're feeding it in at night, you plug your car in at home at night, you unplug it, and you drive to work. It goes 40 miles, which 60 percent of our trips are less than 40 miles a day, on all electricity. You get an infinite miles per gallon of gasoline because you don't use any, at least in your first 40 miles.

Now, A123 battery company is competing with a loan guarantee, again under President Obama's plan, to start the manufacture essentially of this type of component, and this is an extremely important realization by our new President. He realizes that we're going to have electrified cars, and we're going to need advanced batteries to run them, and we want those batteries made in America. We don't want us to be driving cars with electric batteries made in Korea or China. We want to drive cars with batteries made in the United States, and we want to sell those batteries to Chinese car buyers and Korean car buyers. That's a vision we need to pursue.

So we need policies that will drive that investment into the United States, to build these new electric batteries here, not Korea, not China. And why is that important? Well, it's important because if we don't do this, we're going to trade our addiction to

Saudi Arabian oil, which we're addicted to now, for an addiction to lithium ion batteries made in Korea or China.

Now, if we don't start taking some action here in Congress, that's the type of fate that our economy would have. Fortunately, we have a President with a plan to, in fact, do this domestically.

So now I will travel West to Michigan to see General Motors, who is getting ready to build the GM Volt, which is a plug-in electric car so that our car manufacturers can start to build this new generation of vehicle, leading the third generation to an all-electric vehicle.

And just to show you that our car manufacturers, even if there's dislocation in the car manufacturing business, I'll tell you about another little company I heard about called Infinia. Infinia is a company in Tri-Cities, Washington. It's in southeast Washington.

They have developed a concentrated solar energy machine. It is called a sterling engine, a sterling engine. It's very old, but they're now figuring out a way to make it commercially viable. Essentially, it uses a pressure differential created by solar thermal energy that drives a piston, and it creates electricity. And the beauty of the Infinia product is that people who have made cars, this is exactly the type of technology to now start making sterling engines because it's essentially automobile technology. It involves a cylinder, a transmission, and people in the auto industry can transition into this new industry.

So here are five companies I've listed that if we adopt the Obama cap-and-trade system and energy plan, we've got a chance to really drive the economic development.

So, I have a few others I thought I might share with you, but we're joined by RON KIND from Wisconsin. He is the leader of the New Democratic Coalition that's invested in pushing ideas about how we really innovate, and I'm glad you've joined me. I wonder if you have some comments.

Mr. KIND. Well, I appreciate my good friend from Washington for yielding a little bit of time, and I want to join you in this Special Order a little bit because there are a lot of exciting things happening right now in the area of alternative and renewable energy development, but especially to commend you for the leadership that you've given, not only to the Congress but the rest of the Nation, in trying to challenge our vision, where we're going to go as a country, as a people, to put us on a glide path toward energy independence, to break our addiction to foreign energy sources, and to be smarter consumers of energy at the end of the day.

I was one of probably many in this Chamber that read my good friend's

book on this subject, "Apollo's Fire." That's not a shameless plug for royalty's sake, but it was a good read, because you did cite in the book many examples, a lot of the innovation and creativity that's happening throughout the country now in this field.

□ 1730

That's why I'm excited with the current Obama administration and the urgency that they see and the priority that they're making in a new energy future for our country.

Just today, I had the owner of a company in Manitowoc, Wisconsin—I represent a district in Wisconsin—called Orion Energy, which has developed what is called the Apollo Light Tube. It doesn't use any electricity. It merely harvests the light of the day in order to focus it in the light-up manufacturing of floors, churches, schools—zero CO<sub>2</sub> emission, obviously—and it's tapped into the electric grid of that building so that if it's a cloudy day, the regular energy source kicks in so you maintain a constant light ambient for work conditions or for customers in that building.

But the payback is roughly 4 or 5 years on it. And this is the type of thinking that we need to keep spurring and keep encouraging in the country that's going to help us get out of the energy box that we're in right now.

I think you've recognized for a long time that time is of the essence on it. President Obama understands that the recent reduction in energy prices are very temporary in nature and that once a recovery starts taking place both at home and abroad, we are in all likelihood going to see a rapid escalation of energy costs and then everyone looking at each other trying to figure out who to blame that we are back in this energy box again.

So I would hope that, again, with your leadership and like minds in the Congress today, working with the current administration, who I think really does get it, that we have an opportunity to lay the foundation for a sustainable energy future in our country in anticipation of this cycle coming back again with increased energy costs.

I think time is of the essence. We have got to work hard to get it right at home so we can share this with the rest of the world. If we're ever going to have any chance of averting the global catastrophe of global warming, a lot of that leadership and creativity is going to have to occur right here first at home, with the right incentives and with the right blueprint to accomplish it.

I thank my friend from Washington State again for his leadership.

Mr. INSLEE. I would like to yield to a tremendous leader in the clean air revolution, our Speaker, NANCY PELOSI, who is truly leading the House in the right direction.

Madam Speaker.

Ms. PELOSI. I thank the gentleman for yielding. I wish to also acknowledge his leadership and that of Mr. KIND on this important issue—the issue of global warming, of clean energy, of how we reduce our dependence on foreign oil, and how we do so as a national security issue, as an economic issue, as an environmental issue, and as a moral issue to preserve our beautiful planet, which is God's creation.

I listened attentively to what you had to say and look forward to your weighing in as we write legislation to do just that.

I rise to call attention to the serious challenges facing the people of North Dakota—the record crest of the Red River threatening the city of Fargo, the ice jam causing flooding on the Missouri River and forcing evacuations in Bismarck, and flood and other related impacts in other parts of the State.

As you know, our colleague, Congressman EARL POMEROY, has flown home already to get back into making sandbags, as he has done already this week. North Dakotans are no strangers to floods, Mr. Speaker. Grand Forks was devastated by the Red River flood in 1997, forcing the entire city to rebuild.

North Dakotans are no stranger either to the ideal of neighbors helping neighbors. Through the weekend and early parts of this week, thousands of people—including high school and college students, National Guardsmen and women, and our own Congressman EARL POMEROY, among many others, have stood shoulder-to-shoulder filling sandbags to protect Fargo and other cities from the dangers of rising waters. Others have come together to offer shelter to those forced to leave their homes.

As of late last night, Fargo residents and out-of-town volunteers had filled over 1 million sandbags—over 1 million sandbags—and they aren't stopping. I salute the work of these Americans coming together in common purpose in this time of need.

While there is and will be a significant Federal role assisting those impacted, the work of the community is the first line of defense. Congressman POMEROY has briefed me about the seriousness of this situation, and I have assured him that this Congress will be following the situation closely and are prepared to respond as required.

President Obama has swiftly acted, declaring North Dakota a Federal disaster area. Congress will act with no less speed to ensure that the people of North Dakota have everything they need as the flood waters recede.

I know that the Governor is working with Mr. POMEROY in a bipartisan way and I look forward to communicating with the Governor to see how we can be helpful.

The thoughts and prayers of this entire Congress and the American people are with the people of North Dakota and we will work with them to ensure that they have all they need in the days and weeks ahead.

As we extend expressions of sadness to the people of North Dakota for what they are going through, I want to also associate myself with the remarks earlier of our distinguished Democratic Leader, Mr. HOYER, in acknowledging the passing of a great lady, Christine Sarbanes. While you could say wife of Senator Paul Sarbanes, she is also the mother of JOHN and her other children, of whom she was very proud—JOHN, our colleague—and other children of whom she was very proud. But she was a star in her own right—in academia as a teacher, and a great lady, who will be sadly missed by all who knew her.

Everyone who did know her had the highest respect for her and extend to her family our sympathy. I hope it is a comfort to them that so many people loved Christine Sarbanes, mourn their loss, and are praying for them at this sad time.

With that, my colleagues, I thank you for yielding and for your leadership on the important subject of climate change and clean energy.

Mr. INSLEE. Madam Speaker, before you go, just one comment. Our colleague EARL POMEROY is a very good sandbagger and sandbag filler. I talked to him this morning about that effort. He's been working hard.

He was on the floor this afternoon making sure that all of his colleagues knew about this problem and I saw him talking to several folks about some ideas to help his constituents. Thank you for caring about his great State.

Ms. PELOSI. Well, he impressed us all when Fargo was flooded before—and now Bismarck, which was really kind of a surprise. He told me that when he was sandbagging, he was standing next to I think a heart surgeon on one side and a prison inmate on another. And it really didn't matter. They were all there to help the community.

But those of us who have experienced natural disasters in our communities know that this is a very fragile time for people because they have lost their personal resources—their home, their clothes, the rest—and it's hard to be a neighbor when you don't even have a home to go home to yourself. But the spirit that they have is something that will see them through.

We have to do our part so that as soon as they have fought and met the emergency rescue needs and the rebuilding, that they have no doubt that the Federal Government and this Congress will be there for them.

I join you in saluting Congressman POMEROY and his work on behalf of the entire State—he has an entire State. A Member of Congress with the entire State of North Dakota.

Mr. KIND. If the gentleman would yield on that point.

Mr. INSLEE. Yes, sir.

Mr. KIND. If there's anything worse than having to deal with rising waters, flood waters, it's having to deal with it in freezing temperatures. That's exactly what has hit North Dakotans right now. As a Member who I think has more miles along the Mississippi River than anyone else in this place, we've had our fair share of flooding in the upper Mississippi region. Even when the waters recede, it takes weeks and months for the cleanup to occur.

I share in offering our best wishes and hopes and prayers for those going through this very difficult time and I'm confident that the United States Congress and the current administration will respond with the type of help and assistance that those communities are going to need in order to battle out of this mess right now.

Of course, Representative POMEROY is probably the most distinguished sandbagger in this place. It's an area of expertise you really don't want to claim. Unfortunately, he's had his fair share of experience. I'm sure those communities are going to fight through this again.

Mr. INSLEE. Thank you, Madam Speaker.

Ms. PELOSI. I thank the gentleman.

Mr. INSLEE. We'll turn our attention now, again, to the issue of how we promote this job creation in this new energy world. I want to perhaps now talk about the second thing this evening we want to talk about, which is how a cap-and-trade bill will actually promote job creation.

It's very important, obviously, for environmental reasons, why we want to prevent global warming. It is obvious why we want to get off of our addiction to Middle Eastern oil. It is obvious that we have national security concerns that promote the development of clean energy.

What is not so obvious always is the fact that we can create jobs by making smart and commonsense policies. I want to briefly talk about six things in the bill President Obama is ultimately going to help us pass that will be very helpful.

First off, in his cap-and-trade bill, he will pass and we will pass a cap on the amount of pollution that goes into the atmosphere, which our grandchildren deserve and we deserve and our homes deserve so that the climate does not change dramatically.

We have a cap right now on many pollutants. We limit the amount of, for instance, sulfur dioxide and other pollutants that go into the air. But, unfortunately, polluting industries are still free to put unlimited amounts of one of the worst pollutants in the globe right now—carbon dioxide—which is responsible for changing the climate of the planet.

So we need to essentially close the huge loophole in our laws right now and put a cap on the amount of pollution that's going in the atmosphere. Then we need to charge polluting industries for the right to put this into the atmosphere because obviously we don't want it to be allowed to go up there for free because it will be put in the air for free. And we can't do that as citizens.

We can't go to the garbage dump and take our pickup load of all the junk in our basement that accumulates—I don't know how, but it ends up there. We can't go to the garbage dump and dump it for free. We've got to pay \$25, \$30. That should be true too, including industries who put pollution into the atmosphere, which has a limited carrying capacity before the climate changes.

So President Obama has proposed we simply extend an American law we have for several other pollutants, including sulfur dioxide, to the gas of carbon dioxide.

Now there are six things I want to address about that bill and then I will yield to Mr. TONKO. I'll just note a couple of them.

The first thing in this bill is that the money that is generated when these permits are auctioned off to these polluting industries, the bulk of it is going to go right back to American citizens. It's going to go right back. It's going to be recycled so that American citizens have assistance with their energy bills.

So that money is going to be paid into a pool by polluting industries. The vast bulk of it is going to be recycled right back to American households for help on their utility bills.

We're going to have a way to get that job done. We are designing it now. We want to have bipartisan help, if we can do that. We would love Republicans to help us to do that because we hope that they'd want that to be the case, that a significant part of this go back to the American taxpayers.

So for those who are concerned about the utility bills, the first thing to realize about a cap-and-trade bill is the most significant part of this money is going to go right back to citizens. And that's perhaps the first thing people should know about it.

The second thing they should know about it is that some people are concerned from coal-producing States that if we pass this cap-and-trade bill, it will be too disruptive to their economies.

Here's a very important point for those who are in regions of our country that use coal, which is tremendously abundant and has been a very effective energy source for us, but in fact has the problem now that if we continue to burn it, if we burn all the coal we have, we will cook the planet, unless we find a way to sequester carbon dioxide and

put it where it can't get in the atmosphere.

For those who are concerned about this, it's important to note that a significant part of this pool of money that will be generated is going to go to research to help the coal industry figure out a way to bury carbon dioxide so that it doesn't get into the atmosphere.

For those who worry about this—of the continuation of the coal industry—they ought to support this approach because we're going to generate money to help the industry develop a way not to put carbon dioxide in the atmosphere. If we do that, coal could have a long-term future in our economy. If we don't, it does not. Because we have to find a way to reduce the amount of carbon dioxide going into the atmosphere.

So here's two central points that those who are looking at a cap-and-trade bill and are worried about it. I hope they will realize the first thing, the money is going back to the consumers; second, we're helping industries that might otherwise be in dire, dire trouble if we don't help them out.

With that, I'd like to turn to a new Member of Congress, PAUL TONKO, who has a tremendous energy background. I'd love your thoughts this evening.

Mr. TONKO. Thank you, Congressman INSLEE. I appreciate your leadership in regard to the environment and the energy and what that means to this Nation's economy and certainly to job growth.

□ 1745

I think to summarize where we can be with this innovation economy is to speak to American energy produced by American jobs. That, in and of itself, is a powerful statement, knowing that we can grow our energy security, we can spark an innovation economy driven by a greening up of our energy policy, and reduce our dependency on the foreign imports of oil and petroleum from some of the most troubled spots in the world. And I believe that, as we do that, not only do we address our energy security, but we address our national security. It becomes an issue that allows us to better deal with international relations and to avoid the sort of involvement that we have had in the Middle East. So I think it is an important issue well beyond energy and job creation; it is also an international affairs issue, as we grow our international security, our national security.

The fact that American energy can produce American jobs that then provides a benefit in many ways to the American families from coast to coast is an important factor. Economists have estimated that well over one-half of the growth of our Nation's GDP was in relation to the development and adoption of new technologies, of emerging technologies. That was done

on average with a 3 percent investment in R&D, 3 percent of our GDP. Think of what happens when we enhance that number, when we go well beyond the 3 percent investment in R&D. We should expect, rightfully, that then that produces a tremendous impact on our GDP, on the growth of our GDP.

The President has said, I believe correctly, in a very visionally sense that this struggling economy that we are working to improve now, a struggling economy which he inherited as President, can be improved if we provide assistance and reforms to our health care arena and to our energy arena. That produces jobs, that produces a response to the needs of the American society in a way that is cutting edge, state-of-the-art. And as we grow that greening up of our energy supply, as we produce here locally in the USA rather than relying on foreign importation, we are then going to then strengthen the outcome because we are going to embrace the intellectual capacity of this Nation. We are going to take those R&D situations. Where there are success stories, we will deploy them to the commercial sector.

We have today shelf-ready technology that can assist in so many ways that speak to energy efficiency, that speak to job production, that speak to a much better use of resources, that provides for a favorable response to reducing that carbon footprint.

Mr. INSLEE. The good news is that President Obama is right on the beam of what you are suggesting; because in this cap-and-trade bill, he is not suggesting using the money that is generated by the polluting industries buying these permits for museums or nick-nacks. He wants to put the money that doesn't go back to consumers, that is recycled right back to consumers, which will be the bulk of it, he wants to put it in a research and development, and he is proposing \$15 billion—frankly, we think it may end up being higher than that—to develop these American industrial technologies so we can put Americans to work in green-collar jobs. And I think that is so important, because if you look at the energy research we have been doing, it is pretty pathetic until President Obama was President.

I will give you what was an eye opener to me. The dog food industry of the United States spends more on research and development than the entire electrical utility industry of the United States. We have not done our knitting when it comes to research and development funds.

Now, we started in this new bill we just passed, which put about \$70 billion into research, but we need the second, third, and fourth year out. And President Obama, in this cap-and-trade, we are going to dedicate these funds. They are not going to be used by Member of Congress for just some pet project;

they are going to be dedicated for clean energy research and development.

And when President Obama talks about that, what I am particularly impressed about is he is not focusing on one little silver bullet here like he has got some favorite technology, he is putting it in the whole vast array of new possibilities; solar photovoltaic energy, concentrated solar energy, engineered geothermal energy, advanced biofuels, lithium ion batteries, coal sequestration to find out if we can burn coal in a way that doesn't put CO<sub>2</sub> in the atmosphere.

So this is a mechanism he has proposed to do for energy what John F. Kennedy did for space.

Mr. TONKO. Absolutely. And I think that that sort of vision that was shared with the public back in the early 1960s by President Kennedy is the sort of sequence here that we have with President Obama, where he is expressing to the Nation: We can do better than we are doing today. I believe that totally.

I am optimistic about growing out of this energy situation in a very powerful way, in a very expressive way that allows us to put an American stamp on this.

I represent Schenectady, New York. They are the city that lights and hauls the world. They earned that reputation because of the inventions and innovation that came out of that city through names like Edison and Steinmetz that determined our energy future over a century ago, and then manufacturing that took place in that city and in that Mohawk Valley region was all about invention and innovation. We saw what happened when they built the locomotives that hauls, again, the world. All of this is part of a spark of invention that drove an economy for decades.

We are at that same juncture now. As we have hit rock bottom with this economy it challenges us. We are facing a crises, but out of that can come opportunity.

Here is the opportunity. When you talk, Congressman, about the geothermal and solar and PV and all of those aspects, let me throw another one out there, kinetic hydropower.

When I was at NYSERDA, which was my workplace before entering Congress, we were involved with a kinetic hydropower project on the East River along the island of Manhattan. We were in demonstration project addressing this situation, and it is forecasted that we can produce as much as 1,000 megawatts of power through kinetic hydro, which is similar to a wind turbine but beneath the turbulent waters of the East River.

There are so many ways to deal with the environment in a benign way to produce energy. Over 8,300 megawatts in this country of wind power are existing today. We can do far better in the solar, wind, geothermal, kinetic hydro

areas, and many other ideas that can transform how we produce energy, and produce energy that creates American jobs.

That is what this is about, American energy producing American jobs, speaking to the needs of American families and American business.

Mr. INSLEE. By the way, there are people who might be listening to us talk about this tonight who might look askance at some of these new technologies. They might think it is people with funny hats on talking about some kind of crazy thing that is never going to come to pass. And some of these technologies will not become commercially viable. The nature of exploration is that you try things, and some of them don't work and some of them do work. And some of the things we are talking about tonight may not work. But I would just hearken back to a recent experience.

Ten years ago, when we were arguing that we should try to develop wind power people thought those were just going to be little Dutch windmills that could never really generate electricity. Well, this year the United States of America became the largest producer of wind power, electricity generated by wind in the world. We are number one in the world of wind-power generation. And, more people today are working in the wind power industry than are working in the coal mining industry. That is not to diminish the importance of the coal mining industry. It is important. Those are good although very difficult jobs. But the point is, ten years ago people would have laughed at us if we would have said we are going to have more people working in the wind turbine industry than coal. And, in fact, that has come to pass, and wind is still going gang busters. We cannot put up wind turbines fast enough. We have to build the lines to get to them, and that is another part of President Obama's plan to build the lines to get to the wind turbines, and he has committed significant dollars to make sure we do that.

I want to point out something about the fourth point of some people's concerns about this cap-and-trade bill. Some people have expressed concerns that it would only help the coastal regions, the Seattles of the world where I am from, the Bostons of the world, and leave out the heartland, and nothing could be more further from the truth. I just want to mention a couple reasons.

Number one, one of the big winners in this new transition is the agricultural part of America, the heartland, for a couple reasons. Number one, it is where the wind is. And farmers today are getting \$3,000 to \$6,000 a year just in lease payments to leases a few hundred square feet to put a wind turbine on. And there are a lot of happy farmers in my State right now, and there

are going to be a lot of happy farmers in the Midwest, in North Dakota and Wyoming and Iowa. There are going to be a lot of farmers sitting in that chair seeing those checks come in the mailbox from getting to rent these wind turbines.

Second, there is a way in this cap-and-trade bill that farmers may be able to essentially get paid for using their topsoil to sequester carbon dioxide. If they can find ways, tillage practices and the like, they can sell the sequestration service, the service of their soil of taking carbon dioxide out of the air and burying it in the soil; and we think there is a way we might be able to design a system to do that.

Third, biofuels. You know, we still have advanced biofuels. It is not just biodiesel and corn-based ethanol. That was sort of the first generation. Now we have got to move to the second generation of cellulosic ethanol and then the third generation of algae-based gasoline. By the way, there is a company called Sapphire Energy right now that just opened up their plant in New Mexico to do that.

So we want to make the point that those who care about the agricultural communities, there is a tremendous upside to moving forward with this cap-and-trade system.

Mr. TONKO. Congressman INSLEE, you mentioned agriculture. I will tell you that the State of New York through its SUNY operation, the State University of New York, has a number of ag and tech campuses. I can name one that I represent, Cobleskill, that is going through a transformational project of creating energy. There is a SUNY campus that is dealing with hybrid types of soy that they are developing so that it could be used in the biofuels system. Others are looking at beet produce that can be created in a way that will allow for ag diversification.

I represent many dairy farmers in my given area. We worked on a project when I was still in the New York State Assembly serving as energy chair, and we incorporated the services of NYSERDA, the New York State Energy Research and Development Authority, the local utility, Cornell University with its R&D efforts, and some ESCOs, energy services company, and the Farm Bureau. We worked together, and created energy efficiency programs that drove down energy demand at these dairy farms by anywhere from 30 to a 45 percent, and we started with two demonstrations and people were so favorably touched by that exercise, and then opened it up to 70 participants of different dairy farms that, again, realized a reduction in their bill, not by any change in the rate that was produced, but by the amount of energy they had consumed.

And you are dealing with a perishable product, one that is highly regu-

lated. You have pumping and cooling processes that need to be addressed. They did this in an energy significant relief mannerism that produced a far better outcome for an industry that is stressed. We hear today about these dairy prices. We somehow as a society pride ourselves on eating cheap. Dairy farmers work 24/7. They need a fair price for their milk. But what we could do at that State level was reduce their cost of business, and we had done that, which I thought was tremendously powerful. The opportunity to invest in wasted energy projects on our various farms, of all sectors in this country, to deal with digesters.

You know, you talked about job creation and perhaps people seeing it as some sort of magic wand out there that is being waved. Let us just look over our shoulder at recent passed history just over the last century. What happened when we put our minds to work to R&D and innovation and invention? We went and produced an internal combustion engine, we went and developed electricity. That created unprecedented amounts of jobs in the manufacturing sector. And then, we put people to work on those manufacturing lines in the auto industry, and then put many people to work building dams, building power plants, and putting together our national grid system.

So we know what these jobs can look like. We know that when we invest in R&D, when we provide for our own American generation of power through American jobs, we can create a tremendous amount of economic recovery.

□ 1800

Mr. INSLEE. You mentioned the electrical grid. It is very important that we build an electrical grid that is up to these new technologies. And I will be introducing a bill in the next week or so to create a new Federal way of siting, planning and financing these new high-density, high-capacity grid systems to get that job done.

Before I yield to Mr. POLIS, I want to just mention one thing before I forget. There is a fifth concern about our cap-and-trade bill that the President has proposed. Some people have rightly been concerned about a market mechanism to allow companies to swap these permits. And given what we have gone through in the recent past, we all are rightfully skeptical of a new market system that could be manipulated by those who let greed overcome their common sense. So it is very important that when we design this system, we design a new regulatory system that is fully capable of being the most aggressive, most hard-nosed, toughest, most ambitious, most foolproof regulatory system known on planet Earth. We intend to accomplish that. We do not intend to allow this market to be abused, as other markets have been, including by regulating derivatives that have

been the bane of some of these market disasters. So we hope to use this as a template on how to really do other markets so that we don't have that problem.

I want to now yield to Mr. POLIS from Colorado, who has been a great leader on these measures that have had tremendous success in the development of job creation in Colorado. We are envious of some of the things you're doing there.

Mr. POLIS. Right in my district, which includes Boulder County and Adams County, green jobs, green energy jobs have really been the fastest growing job sector in the last several years. It has really been a huge boon to us. As my colleague from New York (Mr. TONKO) said, when we are talking about building a green energy economy, we are talking about creating jobs. And we are talking about creating good jobs.

Some of this ties into the job preparation we need to do. I had the opportunity to join Representative TONKO earlier this week and learned about some of the projects that General Electric has training wind energy engineers in Upstate New York. It is a terrific program. Near my district, we have the National Renewable Energy Laboratory, and we have a wind turbine testing laboratory. These partnerships with community colleges and partnerships with workplace training are absolutely critical to make sure that people have the job skills of the future.

These are areas that America will not only be competitive in but will be growth sectors for jobs. The truth is we are not going to have the same strong economy, the same opportunity to support the middle class lifestyle with the same kinds of jobs that America did in the 1950s. Some of these jobs will still be around. But those are not the growth sectors of the 21st century.

One of those critical growth sectors, in addition to health care and others, is green energy jobs. And by having public policy that sets a framework nationally through a cap-and-trade, we are encouraging the creation of these very kinds of jobs that will help us emerge from this recession.

One more thing that sometimes gets lost in talking about the benefits and some of the individual things we need to address like, of course, we need a way to get farmers on board. We need a way to broaden the appeal and make sure that the money goes back to those who deserve it. One thing that sometimes gets lost are the costs of doing nothing, the costs of not taking action on climate change. Earlier today I was on the floor, and I have a little vial of pine beetles here, *Dendroctorus ponderosae*. I used them when we were talking about the FLAME bill earlier today, and the rule passed. But these are in epidemic proportions across Colorado and other States. I know Wash-

ington and Florida have an infestation. As a result of a changing climate, we have not had a cold enough winter in over a decade to kill off the larvae of those pine beetles. Now, of course, in any one particular event, you can't determine causality and say it was absolutely this or absolutely that. But the truth of the matter is we have not had a cold enough winter to kill these off. It has killed, in Grand County, in one of my counties, 90 percent of the pine trees. It is sweeping through Summit and Clear Creek Counties. These are counties that our viewers tonight will know because they contain popular ski resorts, Vail, Copper Mountain, Beaver Creek, Winter Park. And, of course, not only is it changing the ecosystems in these areas, it is also creating a huge forest fire risk.

This is just the tip of the envelope with regard to the vast, vast environmental changes that will affect our country with regards to climate change. And when we are talking about a farmer supporting himself, the cost of not taking action and having the weather dry up, having more sun where there is sun, less sun where there isn't sun, the cost of that needs to be taken into account. When you compare whatever we're talking about in terms of the costs here, with the cost of not taking action, it is not even close. And I think that is an important point to make as well.

Mr. INSLEE. I appreciate that comment. I'm going to make a couple of closing comments and turn it over to my friends here. We have come tonight to try to assuage some concerns about this program. We know we have to move. Inaction is not an option. Failure is not an option here given what is going to happen to our country otherwise. But I just want to mention five things.

Those who are concerned about the impact on consumers, we will be recycling the money generated from this, to a large extent, back to consumers, right back into their pockets, number one.

Number two, for those who are concerned about the impact on coal-dominated regions, this is the only plan out there to help the coal industry survive long term by doing research to find out if we can sequester carbon dioxide and allow coal to remain a viable option for this country.

Number three, those who are concerned about the impact on agriculture, we know agriculture is going to suffer if global warming continues. Take a look at the drought and the almond farmers who are losing their orchards in California right now because of the drought. And farmers are going to be able to make money from this program in wind power, in sequestration and in advanced forms of biofuels.

Number four, we will provide the American people what they deserve in

market protection. We will have a regulatory program that will keep the rascals out of our till in these markets. And it will be a template of further markets.

Number five, we will do for research and development what Kennedy did for space in the original Apollo project and finally get this country up to speed on generating these new technologies. So we hope people will take a good look at this.

We are very appreciative of President Obama's inspirational leadership here, and we intend to do our part.

Mr. POLIS. If the gentleman will yield for a moment before he departs, you hit all the objections. That is everything that we have heard on the other side. Anybody who objects, it falls into those categories. And you have a response. And there is a response for every one of those. All of these arguments fade away. There is not a single argument against taking bold action on cap-and-trade that we haven't addressed here today.

Mr. INSLEE. If you find anyone objecting, give them those five points, and we hope they will see the light.

With that, I ask unanimous consent that the gentleman from New York be redesignated the time.

The SPEAKER pro tempore. The balance of the majority leader's hour is reallocated to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Thank you very much, Congressman INSLEE, and thank you for your leadership.

You are very right in acknowledging the role that our new President is playing and his sense of vision that has been shared with the American public. It is that sort of boldness to take a golden opportunity and turn it green that this President has really embraced. He and his administration, Secretary Chu from the Department of Energy, and others are anxiously looking forward to creating that new era of energy generation for this country. And certainly Speaker PELOSI in our House and all of the leadership here and the respective chairs are fast at work, and the membership at large, because we know this is a great way for us to address this economic recovery that is so necessary.

Congressman POLIS, you mentioned the hearing the other day chaired by Congressman HINOJOSA who chairs the Subcommittee on Higher Education, looking at higher education and workforce opportunities. And you're right in that we create many jobs in that direct ripple that is caused by dropping the stone into the water here. That first ripple does speak to wind technicians and site operators, for instance, for wind turbine operations across the country. GE spoke to that at the hearing. But then it is all the other ancillary impacts that can be made in a way for our manufacturing sector, our agricultural sector and our service sector



as we apply these funds to energy efficiency retrofits, as we work with various States to provide the resources that allows our manufacturing to be as smart and energy innovative as possible. Then when they are competing in that global marketplace, they will be winning the race because of doing it in a smarter and more energy-efficient way.

I think that is an important part here because there are many, many winners across the board as we move forward with these technologies. Looking at the inspiration that comes from the labs where we are developing some of these projects, it is important to indicate the success that has been driven by engineers, inventors and innovators. But this is also about reaching to the trades, making certain that our trades people are allowed to participate in this green-collar job growth so that as the white- and blue-collar traditional jobs now get in some ways transformed in certain sectors to green-collar job opportunities, we will have room for everyone from the skill set of the trades people over to the 2-year, 4-year graduate levels of the workforce that can really inspire this sort of innovation economy that holds great promise for an economic recovery.

Mr. POLIS. I think that is an excellent point because sometimes when people talk about the jobs that are being created, I think that our viewers might envision, oh, well, you need a Ph.D. for that, or you need to be a researcher. No. The vast majority of the jobs that are created are jobs that are good-paying jobs for working families, where we can do a good job in our high schools running vocational programs to prepare kids into these jobs. In community colleges, again, you talked about the testimony, most of the jobs created require associate degrees, 2-year degrees, we are not even talking 4 years, we are talking a 2-year degree to do a lot of these great green economy jobs.

This goes across the entire spectrum. Of course, there are some jobs for Ph.D.s and for college graduates. Across the board, this is going to be a critical growth sector and a growth sector in an area that makes America stronger. This is a patriotic sector. This is something that fundamentally helps the national security needs of our Nation, helps put America back to work and helps address the biggest global issue that we are facing, which is global climate change due to carbon emissions.

Mr. TONKO. It is interesting, because as we heard from a representative from a community college dealing with the greening up of jobs from Hudson County Community College in the capital region of New York, it is interesting to note that across this Nation, we are gifted with several campuses that are community colleges. And that has be-

come in New York State the campus of choice. Because of the economics of the times, I believe a lot of people, if they have been displaced, are looking to train or retrain for other opportunities. And now with the growth of community colleges and the strengthening that they have been part of, they offer hands-on experience. So to watch some of the construction majors at Hudson Valley Community College being taught the state-of-the-art application of photovoltaic on solar array systems for rooftop application is a wonderful outcome. To witness that and know that there will be those individuals who can maintain, install and repair these systems and be part of that solution, because we need the human infrastructure to be developed so as to move into this energy revolution, as we look at our campuses, they hold great promise for this. In the State of New York, Hudson Valley has been working with NYSEERDA, New York State Energy Research and Development Authority, through resources, through a plan, through a sense of vision that is shared and then incorporated into the work that they do. They reach out and deal with some seven or eight different community college campuses. They then train those people that will be the trainers in their given campus community.

Just recently I had met with Fulton-Montgomery Community College, again in the congressional district that I represent. And they are talking about the nano sciences, the nanotechnology growth in the capital region of New York. They are going to train people to work in clean rooms. They are going to make certain that they have that gift to be able to be there in all sorts of capacities, at all levels, to make this work so that as people look to growing incubator opportunity, they are going to need a workforce, as people not only deal with startups but grow those given businesses that are there today that are energy and technology related, they will require the workforce that is specifically trained and ready to go.

This is a package that comes together nicely with the vision that is shared by this President, with the leadership that he has executed and with the outstanding leadership here with Speaker PELOSI and our many chairs and our leadership of the House.

Mr. POLIS. In addition to the energy production side, there are also good jobs in the energy conservation side, when we are talking about weatherization, when we are talking about reducing our energy consumption. There are two parts of the equation for carbon emission reduction and they are both equally as valid. There are a lot of great jobs in that area, too. So when we are talking about cap-and-trade, the American people should hear win-win. The American people should hear this is the solution to global climate

change. The American people should hear, this is a solution to a whole host of national security issues and our reliance on foreign oil that weakens our country, and this is the solution to getting our economy going again and creating good jobs.

When Representative INSLEE was here, he addressed all of the objections that I heard. Have you heard any other objections, Representative TONKO?

Mr. TONKO. No. Not at all.

Mr. POLIS. They are valid points, where people say our farmers need to be part of it, absolutely. Representative INSLEE is right. Our farmers need to have a stake in reducing carbon emissions. It makes economic sense for them. Our farmers have the most to lose. Those who derive their living from the weather, from the grace of God, the sun and the rain, have the most to lose with regard to global climate change. I rank our farmers high in that category. And absolutely, they should have an incentive to be part of that solution. The money should stay within the system. We should address the market protection and make sure this isn't just a giveaway to big business or any kind of business.

All of those concerns have been looked at. And what we have before us, and what we are talking about, and, of course, we are still in the process of formulating it, is going to be a huge win for our country. This is probably going to be one of the most important bills that we can pass.

It is not just this bill. As Representative TONKO also mentioned, this goes across all different areas. Representative TONKO and I both happen to be on the Education and Labor Committee. When we are talking about job training for adults, when we are talking about vocational programs in our schools for kids, that is part of it, too. There is a tax component. There is a subsidy component. There is an international component to this because, of course, we need to use diplomacy to get other countries to be a part of our reducing our carbon emissions. America has been a global laggard this last decade, hasn't it, Representative TONKO?

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Mr. TONKO. Absolutely.

Mr. POLIS. And we have the opportunity to be a leader.

Mr. TONKO. Absolutely. And Representative POLIS is right. We have reached over all of the sectors, from agriculture to service, to small business to larger business and manufacturing and then industry, all of these areas are benefited, as are our homes, because housing in this country is a big part of the looming issue out there of carbon footprint, of energy consumption, and certainly it's a great opportunity for us to reduce demand.

But let's also look at that transportation sector. In this effort to grow

new opportunities, we are going to look at that transportation sector and provide for advanced battery manufacturing, taking, again, R&D experiences that are working today, and put them to use, not only in the transportation area, but in energy generation and energy storage. Some of our intermittent power, whether it be solar or wind, needs to be bolstered by the fact that we can store that power so that when we are at peak situations, it is then most useful, and we can create that battery storage issue.

I am convinced. We heard again about various efforts to improve battery operations out there. And the fact that \$2 billion, as part of the Recovery Act and certainly, additional involvement in the Federal budget will allow us to, then, move forward with the batteries of the future, be they Lithium batteries, Lithium ion battery or others that are being developed that will now allow us to really transform the transportation sector.

You know, when gas prices were hitting the \$4 and beyond mark, everyone was exploding with the need for us to do something about it. Well, this takes a plan, and it's not going to happen overnight. We were warned in the '70s to begin to do your greening up of energy policy. That didn't happen. So we need to move forward and make certain that this innovation comes in the boldness that it requires and deserves and certainly that the American public deserves.

So Representative POLIS, I think our time is coming to a near end, so I will use that as my final statement, and then allow you to offer some comments.

Mr. POLIS. Well, thank you, Representative TONKO. And Representative INSLEE had some tremendous comments. I just want to address one more misconception that's out there. Representative TONKO, when he mentioned storage and batteries, got me thinking. I hear the naysayers say oh, the carbon footprint of creating these batteries is more than the carbon that's saved by using them. Well, through a cap-and-trade system, all of that is taken into account. If you're using carbon to create the batteries, then you don't have any net carbon savings, and that's reflected in the pricing. This creates a market mechanism that takes that into account.

They're looking at compressed air. They're looking at elevation, they're looking at a variety of techniques for energy conservation and together we can make it happen.

Mr. TONKO. Mr. Speaker, we thank you for the time allotted here this evening, and we most appreciate your courtesy.

#### CHALLENGES AND TROUBLES WITH OUR ECONOMY

The SPEAKER pro tempore (Mr. BRIGHT). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, it's a pleasure to join you this evening and to talk about some issues that are of significance to all of us. And I thought that what we might do this evening, starting out, was just take a look at—many people are conscious of the fact that we've got some challenges and troubles with the economy. People are aware that we have a problem with jobs and having enough jobs to go around. We have some difficulties on Wall Street, as people know. We have difficulties on Main Street.

We have been told over a period of the last six or 7 years that we spent a whole lot, too much money in the war in Iraq and in Afghanistan. In fact, we have been regaled every day with stories about oh, we're spending more and more money.

But just to kind of put perspective on how much we have been spending lately, let's just consider the 6 years of the war in Iraq and add up all the money we spent in the war in Iraq, and then let's add to that the amount of money that we spent in Afghanistan. And you put the two together, and it's less money than we've spent in the first five weeks when this Congress was in session. That's kind of an amazing number.

We spent this, supposedly stimulus bill, \$840 billion. What is \$840 billion? Well, it's more money than we've spent in both of these wars over the past six and 7 years all added up, combined.

So how did we get into this situation that we are spending so tremendously much money?

I recall, the President made a statement. It said, "We cannot simply spend as we please and defer the consequences." And many of the President's statements are noteworthy. This is a good statement. "We cannot simply spend as we please and defer the consequences."

The only question is, when you take a look at the level of spending, these blue bars was President Bush, and these red bars, now, become the Democrats and particularly, here, this is this year. Now, this is not, doesn't have projections in it for economists making all kinds of predictions. This is actually what we are spending. And you see how much the spending has gone up. And so this line doesn't square too well with "We can't simply spend as we please and defer the consequences."

So how did we get into this really heavy, big spending kind of situation?

I think it's helpful—people say, oh, we just have to keep looking ahead and solving problems. I think it's good to

look ahead and solve problems. I think it's also possible to take a look and see where did we make mistakes and what do we need to make sure that we don't do again. I90[H25MR9-R1]{H4012}

And if you take a look at how we got the economy in trouble, the story goes back, actually, a good number of years. It goes back even as far back as 1968, and that was when Fannie Mae was created. It's called a government-sponsored enterprise. It's not really private. It's not really government. It's sort of half and half. And so '68 we created Fannie Mae, and then in 1970, Freddie Mac. And the purpose of these organizations was to make it so that Americans could afford to own homes. And that is, of course a good thing. We all appreciate the American dream, particularly having, when you come home after a hard day's work, have a place that's really your palace. Maybe not a fancy palace, but it's at least a place where there should be some peace and when you can say yeah, this is my house. And that's always been part of the American dream.

And the idea was to create these agencies, to allow more people to have a chance to own their own home. And that was what a good enough idea to start with. But then we started to tamper with the idea some in 1977 with the Community Reinvestment Act, which mandated that Freddie and Fannie—or in the Community Reinvestment Act it mandated more banks had to make loans that were risky loans, not the sort of loan that a local bank would know the people living in their area and they'd say, oh, this is a good guy and he wants to buy a home, but we know he'll be able to pay his loan, so we'll go ahead and make that loan and we'll keep that on our books and allow that to go forward. And then every month we know this man in our community, we know he'll pay off his loan and soon he'll be a proud homeowner.

No, this was not what happened with the Community Reinvestment Act. What we're saying now is that banks have to lend money to people who might not be able to repay those loans, and the government's starting to say, you've got to make these loans that are not so good.

Well, in 1992, the Federal Housing Enterprise Financial Safety and Soundness Act mandated that Freddie and Fannie buy risky loans from the banks. So now pretty soon, you've got this and it's gone a little further. It's not just that the bank is going to make some risky loans, but now the bank has the option of dumping the risky loans on Freddie and Fannie. So you can see where this is going. What's starting to happen is that we're passing the accountability. And guess who's finally going to end up holding the bag? You guessed it, the U.S. taxpayer.

Well, here's what's going on. Now, this enterprise is saying you can take

these bad loans, pass them on to Freddie and Fannie. Well.

Then we go to 1999, and under the Gramm-Leach-Bliley Act, this is where President Clinton expanded the number of bad loans, not maybe bad loans, but much more risky loans that Freddie and Fannie had to take. And so Freddie and Fannie now are picking up more and more of loans where it's not so clear people are going to be able to pay these things. And so Freddie and Fannie start to do some exciting footwork with their finances, and start packaging these loans up in unique ways, and selling them, through Wall Street, all over the world. And so this is going on in '99.

Now, other things are starting to take effect here. The economy was not so good in '99. And so, Greenspan, at that time, lowered the interest rate, took it way down so it created a whole lot of available liquidity, and the housing bubble starts going. And this was the year that I was elected to Congress, 2000. So 2001, if I'd come down here, I was really kicking myself by 2005 because anybody who bought a house in Washington, D.C., why, that house would have doubled in value in about 5 years. You're saying why in the world didn't I buy some big house in D.C.? And then later on you think, I'm glad I didn't.

But anyway, we haven't gotten there yet. So this is what's happening in 1999. Then things start to—the train starts to come off the track.

In 2003, Freddie and Fannie get investigated by The Securities and Exchange, and they admit that \$1.2 billion accounting error. At that particular time, President Bush, seeing that, had been warned. Now there'd been some warnings before, back in 1999. New York Times, there's an editorial saying, we are setting up a problem. And here's the problem. You've got a whole bunch of loans that are very questionable, more and more questionable loans. And who is going to back up those loans? Who's going to end up having to pay for them if people default on their loans? So this is, who's going to pay? Well, Freddie and Fannie have all of these things. What's the implication? Well, Freddie and Fannie are backed by who? By the U.S. government. So if the loans are bad, now the U.S. government is, maybe not obligated, but pretty much obligated. By this time, Freddie and Fannie have got more than half of the home loans in America. So is the government going to turn their back and say, oops, all of this is stuff is just going to go away? No, of course. So this is starting to come along.

By 2003, the President sees these problems, and in this article, on September 11, 2003, the article, this is New York Times, September 11, 2003, it says hear, "The Bush administration today recommended the most significant reg-

ulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago."

So here you have, Republican President Bush is saying, uh-oh, guys. We've got trouble. We need to get into Freddie and Fannie. We need to regulate them some because they're starting to get wild and wooly with their financial wheeling and dealing, and what's going to happen is the government and the taxpayer are going to end up getting caught on the hook.

Well, what was the response? And did we go ahead and take the President's recommendation and move forward with further regulations of Freddie and Fannie?

Well, he was opposed. The same article in the New York Times, same one, September 11, 2003, the ranking Democrat of the Financial Services Committee, Congressman FRANK, is quoted in this article. "These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis" said Representative BARNEY FRANK of Massachusetts. Now, I think he didn't think they were facing any particular kind of crisis. But he was the ranking member on this committee. That means he was in the minority party in 2003. But he was opposed to what the President was suggesting, and that was a strong reining in of Freddie and Fannie's practices. Now, he, by himself, of course, couldn't stop a legislation because he was in the minority party.

So, following 2003, you have, in addition, you have the Bush administration in 2004, again, this is committee testimony saying, we've got to get on to Freddie and Fannie. And then by 2005, a bill was passed in the House. It was mostly, the one in the House was mostly voted for by Republicans. It was opposed by a majority of Democrats, or quite a number of Democrats. And the bill passes out of the House and then goes over to the Senate.

Now, the Senate is kind of an odd body because over there it takes 60 votes to get something passed. And as the New York Times reported, the Democrats were not in favor of this additional regulation on Freddie and Fannie. So here is another version, the Senate bill 190, it's the Federal Housing Enterprise Regulatory Reform Act 2005. And the Senate, it was passed out of the Committee on Banking and Housing and Urban Affairs, but the floor action was blocked by the Democrat minority.

So there's a difference, a political difference here, that the Republicans were in support of more regulation of Freddie and Fannie. Democrats were opposed to that, killed it over in the Senate.

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Now, what happened then, of course, is that all of these bad loans spiraled

more and more out of control, and as they did so, they started to create havoc in other parts of the economy. Now, was this problem created entirely because Democrats refused to regulate Freddie and Fannie? No, not entirely because of that. It was a very important component. Certainly, the bad loans are what put us on track for a very serious world economic situation. There was more to it, though.

There were people on Wall Street, such as Standard & Poor's and two other rating agencies—the ones that give us our credit ratings personally. They are the ones that said that all of these mortgage-backed securities were a AAA rating. Well, that turns out to also have been not a very wise thing, and they were not AAA rated. In fact, most of them have gone into default enough so that there is no longer any market for these mortgage-backed securities. So now we are at the point in the last year or two where we have what is clearly a recession on our hands. So what do you do with a recession? There are two basic theories about how you handle this.

The first one goes back to FDR and to his Secretary of the Treasury, Henry Morgenthau. Morgenthau, along with a guy, little Lord Keynes—he was a little weird, but he was an economist anyway—came up with this idea that when the economy gets in trouble what you have got to do is to stimulate it, and so what we are going to do is spend a whole lot of money, and that is going to make the economy a lot better. So they tried that during the Great Depression. After 8 years of stimulating—that is, spending tons and tons of taxpayer money—you have the guy who really came up with this scheme, Henry Morgenthau, now appearing before the House Ways and Means Committee in the year 1939. He talks about: How well does it work if the government spends a whole lot of money to get itself out of an economic fix? Well, here is what his quote was:

"We have tried spending money. We are spending more than we have ever spent before, and it does not work."

This is the guy who supports this Keynesian model of economics, which says, hey, the more you spend money, the more it's going to fix the economy. After 8 years of the administration, we have just as much unemployment as when we started—and an enormous debt to boot.

Now, this is a lesson that Henry Morgenthau learned in 1939. He learned it at the cost of 8 years of Americans being out of jobs. He realized that this does not work. The Japanese did not learn the lesson, and in the '70s, they took their economy through 10 years of big government spending to try to get their economy going, and it did not work.

So what we have then is the problem of an approach to fixing an economic

crisis which creates unemployment, and of course unemployment—lost jobs—really, really hurt an awful lot of common people. A lot of people who have worked hard all of their lives, who are trying to pay their mortgages off, lose their jobs, and now their houses are foreclosed. I think sometimes, in my own mind, of being the father of a family with a wife and with kids depending on me. I think of what it would be like to come home at night and see your living room furniture sitting on the sidewalk, and you're being tossed out of your house. That is the kind of thing we risk when we start using bad government policies. When we start to take this process of having people being encouraged to take loans that they cannot afford to take, we lose jobs, and things start to come undone.

There is a different approach, another way, of dealing with a recession. One way of dealing with a recession that we mentioned is, of course, the Keynesian model, or the idea of spending your way out of trouble. Now, we need a little bit of common sense down in Washington, D.C. We need a little common sense in Congress. Most people in a lot of our districts know that, if you get in trouble economically, the thing you do is you don't go buy a brand new car and spend money like mad, hoping it's going to get better. That's just plain crazy, and yet that seems to be what the government is doing.

Let's take a look and see what our response has been, because there is another approach. There was the same approach that was used by JFK, by Ronald Reagan and by President Bush, all three times effectively turning a recession into good, solid economic times. I've got a couple of charts here. I just want to throw a couple of these up because this is the heart of where we are in America today, and it affects every man, woman and child in our country.

What I have here right in front of me is the danger of using that Keynesian model—spending money out of control. Let's take a look at this chart. This is a pretty easy one to understand. I know charts are sometimes a little confusing or you have to try and figure out what they're saying, but this just tells you whether or not the family budget got balanced. Every single one of these bars is a line, and if the line goes down, it means the government spent too much money. If the line goes up, it says we actually did not spend as much as we took in. So, just like the family budget, the down lines mean, uh-oh, we went into debt. We're going back all the way here to 1980 and are going out here to this very year where we are.

So what has happened? Well, we've been spending too much money for a long time here. About how much too

much? Well, you know, \$3 billion to \$400 billion worth. That's a lot of money. Here we had a couple of good years where we actually made some money. This was a Republican Congress. Bill Clinton and the Congress said we're not going to spend much money, and there were some disagreements. We actually saved some money for a couple of years. These years right in here are the 8 years of Bush, and Bush was criticized for spending too much money. I voted against some of that spending, and here is what the spending was:

You can see that probably the worst spending was somewhere in the range of about \$400 billion. Now take a look at what happened this year in 2009. My goodness, this is absolutely unprecedented. That is the level of spending in 2009. Guess what? We're not done with 2009 yet. So this tells you that we have taken an approach which is saying, boy, are we going to spend some money. You can say that, maybe, President Bush spent too much money. I think he did, but it is nowhere near what we're seeing, and so this spending pattern seems to be in great contradiction with the statement that says: We cannot simply spend as we please and defer the consequences. This is what he said, but look at what we are doing.

I am joined here in the Chamber tonight by a very good friend of mine from Louisiana, Congressman SCALISE.

I know that you've been paying attention to some of these issues and have already, rapidly, distinguished yourself here in the Congress. I would appreciate it if you would give us your perspective on what's going on this evening.

Mr. SCALISE. Well, I want to first thank my friend from Missouri for yielding and for hosting this hour to talk about the real dangers of this road that we're going down. This is a budget proposal, this budget that we're talking about, especially these record levels of spending, but they are all proposals right now that have been filed by President Obama. Some of these are bills that have not even gone through committee yet but that are going to be going through committee.

I think what is happening and what we are seeing around the country is that the American public, during these tough economic times, is dealing with their problems. Families are cutting back right now. We are seeing that all across the country. People are saving money. They are paying down debt because they know that we are in tough times. We all hope that we get out of these tough times soon, but I think what is concerning people are some of the policy decisions coming out of Washington right now: these proposals by President Obama for these record levels of spending, with record levels of borrowing and of not borrowing from a savings account but borrowing from

our children and grandchildren—because this is money we don't have—coupled with record tax increases. These are not just tax increases on the rich—and I don't think class warfare is a good thing at any time. It is surely not a good thing now, during these tough economic times, to be threatening over \$600 billion in new taxes, the bulk of which will fall on the backs of our small business owners—on the people who actually hire and employ 70 percent of the American workforce right now.

Mr. AKIN. Reclaiming my time just for a second, you are talking about these different tax increases and different things that are spending money. It's starting to get a little bit hazy because there are a number of them coming along, and it's easy to get them confused in your mind where it was that we spent money and how much. So I have put together some of the real big ticket items. I mean we're only into March, right? I mean it's only the first quarter. Let's take a look here.

This is the Wall Street bailout. It started, actually, at the end of the Bush administration. They did, I think it was, \$300 billion or \$350 billion, something like that.

Mr. SCALISE. \$350 billion.

Mr. AKIN. \$350 billion.

Then, under President Obama, we got the other \$350 billion. So half of this is Bush and half of this is President Obama. Then we've got this economic stimulus—I call this the porkulus bill—and that was \$787 billion in its final form. Then we've got the appropriations bill that we passed. That's another \$410 billion. So, you know, we are well over \$1 trillion here in less than—what is it?—3 months.

Mr. SCALISE. Sixty-five days to be exact.

Mr. AKIN. Sixty-five days.

I just thought it would be helpful to have those numbers up there. The main thing was the Wall Street bailout, then this porkulus bill and then this appropriations bill.

I yield.

Mr. SCALISE. What you are pointing out is exactly the concern that is going on throughout the country, the fact that, in the 65 days President Obama has been in office, our country has already incurred over \$1 trillion in new debt. We keep hearing the word "inherited" a lot, and the President tries to imply that every problem that is out there and all of these spending bills are all things that he inherited.

First of all, the porkulus bill, as you call it—the spending bill that added over \$1 trillion of new debt, which was his major initiative, his first initiative—actually was something that President Obama decided to do on his own. That added another \$1 trillion. His budget that he has filed is a record.

This is a chart here that depicts the budget deficits over the last few years,

but then project it forward under President Obama's budget, and you can see the first year of President Obama's budget is a record. It was \$1.7 trillion. Just on Friday of last week, the Congressional Budget Office updated the numbers because they recognize now there is even more deficit spending, and they recognize the fact that now there will be over \$1.9 trillion of deficit spending just in President Obama's first budget.

This is not a budget President Bush proposed. In fact, President Bush's last budget, as you can see, was somewhere in the \$400 billion number, a number I'm not comfortable and, I'm sure, that my friend from Missouri is not comfortable with.

Mr. AKIN. Reclaiming my time, we have gone from \$400 billion to \$1.7 trillion?

Mr. SCALISE. More than tripling the deficit in just 1 year, and this is the latest projection. Now it is \$1.9 trillion, roughly, in deficit spending that President Obama's budget has.

Clearly, this is not an inherited number. This is something that he has proposed spending and that we are going to fight. We are actively fighting it right now. I think, if you look across the country, the American people are seeing what these record deficits would mean. When the President says—and he said it again last night—that he wants to cut the deficit in half, I think a lot of people are starting to realize now that what he is saying is kind of a play on words, because he is not talking about cutting the deficit in half from the deficit that he truly inherited. He inherited a \$400 billion deficit—again, a number that, I think, is too high.

So, if we agree that that number is too high and the President, himself—and of course, he was a Senator for the last 4 years, and he voted for some of these budgets—agrees that a \$400 billion deficit is too high and he wants to cut it in half, then you would think that means he is going to have a \$200 billion deficit, but that is not what is happening in his budget.

He actually proposes in his very first year a \$1.7 trillion deficit, triple the budget deficit that he “inherited.” By his fourth year, he is still over \$1 trillion now in deficits. So, clearly, he is not cutting it in half. He has raised the bar the first year to a record-level-high deficit, and still his fourth year is more than double the deficit that he inherited in the first year.

Mr. AKIN. Reclaiming my time, that is really clever politically. So, in other words, what you're saying is the first year, you kick it up—and it is whatever it is, three or four times more than it has ever been for a long, long time—and then you say, “But I am going to cut it back so it's just a lot more than it has ever been.”

Mr. SCALISE. I'll give my friend from Missouri an example. I come from

Louisiana. I was born in New Orleans. We've got some of the best restaurants in the world in New Orleans, and that is an undisputed fact, and I'm very proud of that fact, but if I were to decide tomorrow to go out every single night and eat at these world-class restaurants and, let's say, starting tomorrow and for a couple of days that I gained about 40 pounds while eating out and I say I'm going to cut my weight gain in half, after a couple of weeks, I'm down to a 20-pound increase. Well, at that point, I'm still 20 pounds heavier than when I started.

□ 1845

And so what happens is he starts off by raising, by actually going on, instead of an eating binge where you can get some good enjoyment out of the food, he goes on a spending binge spending money that we don't have, that our children and grandchildren who, I am sure, would not approve of this. And, of course, I have got a 2-year-old daughter. Nobody's asked her if she approves of this spending because she is going to have to pay for it. And yet they go on this spending binge in the first year and continue it all the way out through the full 4-year term of President Obama.

In fact, the Congressional Budget Office has estimated that in the first 5½ years since President Obama took the oath of office, the national debt will double in those 5 years—double from the point that this country started, going back to George Washington through President Bush, all the debt that has been inherited in our country for that entire period of time, over 230 years, President Obama, in just 5½ years, will double that record level of debt.

Mr. AKIN. Reclaiming my time.

We have a chart here. It is kind of an interesting chart in a way in that these are all of our Presidents. You start over here with George Washington and you end up down here with President Bush. And if you add all of the debt that all of these Presidents all the way through Bush put together every time when they overspent the family budget, if you will, and you keep adding all of that together, you come up with \$5.8 trillion, which is bad. We shouldn't overspend that way.

But here, take a look at just from 2009 to 2016. That's not so many years. We're only talking about, what is that, 7 years. That's assuming, let's say he were President for 8 years and so this is all during his Presidency. What he's proposing is \$8.7 trillion. So he's going to create more debt in 7 years than we have in 232 years of all the previous Presidents. This is kind of getting serious.

I have noticed that we're joined in the Chamber here by a judge. You know, judges are kind of sober and straightforward. And this guy is a

judge from Texas, and Judge CARTER usually has some very interesting perspectives and a little bit of straight shooting and straight talk.

Judge CARTER, please join us.

Mr. CARTER. I thank the gentleman for yielding.

Actually I have been listening to what you have got to say, and I think it is a really interesting concept, but it is not one we haven't seen before.

When I first came to this Congress when the Republicans were in the majority, I happened to be on the Education and Workforce Committee, and No Child Left Behind, everybody was screaming they would need more money. I don't remember the funding numbers, but they were something like \$8 billion. So we decided we would accelerate that to \$10 billion because it was needed.

The minority offered an amendment to make it \$15 billion and then put out a press release that said, “Republicans cut No Child Left Behind \$5 billion.” And they never changed it. And I kept saying, Wait a minute. That's not right. We raised it \$2 billion.

But from their proposal—which is the right proposal—if you look at this over here, I mean, it is pretty obvious in those out-years, that line is half as big as this big line. It is actually less than half as big, if you look at this. Nobody is lying right here. I cut this line more than half. Of course, it exceeds this line and far exceeds this line and far exceeds this line.

So to say before you propose a budget, you're going to cut the spending in half, and then you say but first I am going to jack it up 2½ times and I am going to raise it down to this level. Nobody is telling a story. It's half this.

But this is the record of all-time spending in the history of the Republic.

It is not half of this, which is the Democratic Congress with Bush, or half of this, the Republican Congress with Bush. But it's half of this, which is President Obama with a Democrat Congress. I think that's an interesting concept.

Mr. AKIN. We've heard about how bad Republicans and President Bush were, so I just made a couple of real simple comparisons.

This is the average annual deficit under President Bush, and it was \$300 billion. Now we don't like that. But that was what the deficit was on an average under the Bush years—\$300 billion.

Now under Barack Obama's proposed budget—these are his numbers; we're not doctoring them—this is what he's proposing. His annual deficit is going to be 600. He's doubled the deficit of President Bush. And we heard all of this stuff about how bad Bush's spending level is. Here is another way of saying it.

The highest deficit under George Bush happened to be 2008, and that, of

course, was with the Democrat Congress, but that was \$459 billion, and the projections by the Congressional Budget Office is looking at \$1.2 trillion. That's more than double.

And here we got the increase in national debt. Under Bush, he increased the debt, from 2000 to 2008, \$2.5 trillion. But take a look under Barack Obama, we're looking at almost double.

So everywhere down the line we're doubling. And we are not fighting the war in Iraq, and we're pulling the war in Iraq back, and we're, in fact, doubling everything.

So these numbers really need some attention, I think, and I appreciate your sharing.

I would yield to the gentleman from Louisiana.

Mr. SCALISE. As we look at all of these numbers—and, of course, it can become overwhelming. It looks like something that's almost hard to believe when you look at these record levels. But I think all across the country what you're seeing is people really are looking at this level of spending, and it is something that people don't want to stomach. It's something that they don't feel comfortable with. They realize how reckless this level of spending is.

In fact, all across the country right now we're starting to see TEA parties sprouting up. These are things that aren't being even organized. There was one I heard of in Orlando, Florida, the other day. Two housewives got very angry. They got mad. They wanted to channel all their anger that's been going on in Washington and all of the borrowing from our children and grandchildren, and they decided they were just going to put together a protest against all of this spending. Over 3,000 people showed up at this rally. In my district on April 15 in the largest parish in Louisiana they are planning a TEA party.

They are also planning another one in a place called St. Tammany because people are angry about the spending. They want to stop this because the good news is—and as we have been talking about all of this there is a silver lining—and the silver lining is this budget has not passed yet. This budget has been proposed by President Obama, but I think as he's laid it out there, not just Republicans but Democrats, Independents all across the country are speaking up just like we are here tonight on the House floor. People all across the country are speaking up saying, Enough is enough. Stop this runaway spending. And I think that's encouraging because there is an opportunity to slow this train down to regain fiscal responsibility.

Mr. AKIN. You talked about the TEA party. We were flushing a little tea down the Mississippi River from St. Louis. We had a TEA party, too, and I don't know whether that's gotten down

to Louisiana yet. But we had the same thing. We have people saying, Wait a minute. This spending is out of control. Some of the money that we had on the chart here has already been spent. But there is a tremendous amount more spending that is being proposed. And we don't have to keep spending.

We did the \$300-some billion bank bailout. That water is over the dam or down the river, however you want to look at it. And that porkulus bill at almost \$800 billion, you know, you're talking about more than the war in Iraq and Afghanistan added together. We're talking about just 5 weeks here in the Chamber, and we have gone hugely into debt.

I am on Armed Services. One of the most expensive things we buy on my committee is aircraft carriers. We have 11 of them in the U.S.A., and this bill, for \$800 billion, we could get 250 aircraft carriers. End-to-end I can't even imagine how many aircraft carriers that would be. We only have 11. The debt service and the money would buy 9 brand new aircraft carriers. We're talking a lot of money, and the American public is starting to get wise to this deal.

Mr. CARTER. I was thinking as you all were talking, these numbers will glaze over the eyes of almost anybody listening to them because there is such a tremendous amount of money that people just kind of go, whoa, this is more than I can think about. And I think that could happen.

There's been several examples that have been coming out. Recently I saw one in either Roll Call or The Hill, just the day before yesterday, where they were talking about if you spent a dollar a second, that 32,000 years from now you would have spent \$1 trillion.

Mr. AKIN. Thirty-two thousand years? Now, wait a minute. What year is this? This is 2009 and you're saying 32,000?

Mr. CARTER. Yes. Thirty-two thousand years from now you'd spend \$1 trillion.

Mr. AKIN. This isn't the year of 32,000. This is the year 2009.

Mr. CARTER. It's a number that shakes the imagination.

But there is more in this budget that we ought to be talking about that I think and I want to suggest, do you have information about this carbon tax?

Mr. AKIN. Oh, yeah.

Mr. CARTER. Let's talk about the carbon tax because I think that's something that people can relate to.

Mr. AKIN. Reclaiming my time.

The special hour that the Democrats did just before we came on here, they were talking about the glories and the benefits of this carbon tax and all the things they're doing with renewables and those kinds of things. But a tax is a tax is a tax.

What we're talking about here is this thing that's called cap-and-trade. I

would call it cap-and-tax. This is \$646 billion. This is another one of these things you have got to be real careful what you hear when you get an address from the President. Because as he was in this Chamber 6 or 8 weeks ago, he gave us a State of the Union or State of the State, whatever the address was called, he said, Look. I am going to guarantee you something. If you're making less than \$250,000, I have got good news for you. I am not going to tax you.

He said that. We were sitting in here. And then he's proposing this cap-and-trade which really is a tax on the use of energy, particularly carbon.

And who is it that uses this carbon? Well, anybody who's got a house that's heated with fuel oil or coal or electricity or natural gas. All of those things are going to get taxed.

So this little tax, this \$646 billion tax, is going to come from somebody. Guess who? The average homeowner. In fact, it has been estimated by one organization that you're talking about \$3,100 per average household. That's some money for a lot of us.

Mr. CARTER. If you look at that, divide that \$3,100 by 12, it's, what—I am not a mathematician—about \$300.

Mr. AKIN. Three hundred dollars a month.

Mr. CARTER. A \$300-a-month increase in your fuel bill.

Now, the way to remember all of this, when you think of this national energy tax that they are proposing, is from now until we get through with this debate, every time you turn off a light or turn on a light, realize that you have increased out of your pocket probably 50 cents. Every time you turn one on and maybe if you turn it off you're saving 50 cents.

But the bottom line is about \$300 a month, next month, if this tax were to go into effect, would be coming out of your pocket. Okay. It wouldn't be something you did. And the real issue is more important because let me point out, and I pointed this out the other night.

Everything in this room was brought to you by a truck, including the clothes on your back and the food that you ate for lunch. And that truck ran on diesel, and diesel is going to be taxed. Therefore, that tax is going to be passed on to who? The consumer.

So everything in here is going to go up by a percentage.

Mr. AKIN. If you buy a chair or a table or a microphone, anything that you see sitting around us, you're going to move that by rail.

Mr. CARTER. Or the wood or the plumbing or the cement or the carpet or the clothing or the food you eat.

Mr. AKIN. There is energy tied up in everything. And it's all going up.

Mr. CARTER. Just the transportation costs are going to go up.

People need to realize if it's raising your heating bill and air-conditioning



bill \$300 a month, then some percent of everything else you're going to have is going up in value and cost.

Mr. AKIN. Reclaiming my time.

I don't want you to make things too gloomy here. We're not just talking about gasoline and natural gas and propane and electricity.

Mr. CARTER. And coal.

Mr. AKIN. We're talking about the price of all of the things that that energy goes into as well.

□ 1900

That would affect small businesses, too. I yield to my good friend from Louisiana and I know that you have had some small business experience. Maybe you can share your thoughts about does this make sense for us to be doing this great big tax increase on energy when the economy is struggling? Does that make sense to you? I yield.

Mr. SCALISE. It absolutely does not make sense to be doing this in good times or in bad, but especially when we talk about the economic times our country's facing, where unemployment is going up and just exceeded 8 percent nationally.

The estimates that are just starting to come out on the President's cap-and-trade—and he calls it a cap-and-trade bill, but clearly, this is an energy tax, a tax on energy to the tune, according to the President's budget, and this is not our number. This is the numbers that the President gave us. He expects to generate over \$640 billion in new revenue through this energy tax, and this is something that's going to be paid for by every American family.

His budget director, Peter Orszag, a year ago when he was working for the Congressional Budget Office actually said this type of plan, this cap-and-trade energy tax, would cost every American family that uses energy roughly \$1,200 a month minimum more in their electricity bill. Plus, anything that is produced by energy, any product that's produced by energy, would also increase in cost because this tax would be passed on.

And so, as the judge said, these goods, food, clothes, anything that's shipped by rail, by car, by truck, by ship, all of these goods will be taxed through this energy tax, the cost being passed on to the consumer.

What's more, early estimates in the first year alone, numbers we got from the U.S. Chamber of Commerce, showed that we would lose, the United States, would lose over 600,000 jobs that would leave this country. And we talk about the dangers of exporting jobs, losing jobs to foreign countries. Countries like China and India are not be going to be complying with this tax.

I will give you an example of a business, an opportunity, that is delayed right now, a job-creating opportunity in a time when we want to be creating jobs. In south Louisiana, there is a

steel mill that a company from North Carolina was going to be building, and they're right now deciding between two sites. One site's in the United States, and it's in south Louisiana right outside of my district, but it's in south Louisiana. The other alternative location is in Brazil. So they're not even looking in the United States if they don't go to this location.

Mr. AKIN. Reclaiming my time a second, what you are saying is you've got some very hard manufacturing jobs. These are the kind that support other jobs in the community. You're talking about steel mill. You're talking about production. You're talking about a lot of investment, good solid jobs in the community, and your competition is not Missouri, is it?

Mr. SCALISE. The competition is not Missouri. In fact, the only competition is really the United States Congress is because what this company has said is they want to build this plant in the United States. They want to keep these jobs in the United States. This is a \$2 billion investment, and we're not talking about government money. We're not talking about bailouts. It seems like some people in the White House and the leadership in Congress, they only want to give taxpayer money away to people to create jobs.

This is a private company that wants to spend \$2 billion of their own money to build this steel plant which would create 700 good, high-paying jobs, and they want to do that here in United States. And they said there's one thing holding them back, and that's the President cap-and-trade plan. If the President's cap-and-trade plan, the energy tax, passes, they will not be able to build that plant in the United States.

Now, that plant will still be built. So people that think that this plant's going to do some damage to the environment, first of all, they don't have science backing them up on that. But if they think that, first of all, they're wrong because that plant will be built, but it's going to be built in Brazil. Those 700 good, high-paying jobs, the \$2 billion of private sector investment will all be sent to Brazil. And Brazil's not going to use the same environmental controls, the same safeguards that we would use if that plant was run here.

So that's a real direct example, and that's one example. That's one of countless examples of what the President's cap-and-trade energy tax would do, not only to raise taxes on every American family, as even his own budget director pointed out, but also the direct loss in American jobs that would be shipped overseas if this plan passed. And this isn't something that we're just coming up with. This is something a corporation has said publicly that they want to spend \$2 billion to create 700 jobs here in America.

Mr. AKIN. Reclaiming my time, these are hard jobs. This is a proposal by a company. I used to be in charge of maintenance in a steel mill. I didn't know if you knew that, but I did. In fact, my great-grandfather started a steel mill. I can tell you one thing about steel mills, they use energy. They use a lot of energy. If you're going to put this big, whopping tax increase on energy, guess what you're going to do. You're going to do the same thing that's going on here. You are sending jobs straight out of our country, and that's not what we should be doing in these economic times. It makes no common sense whatsoever.

Mr. CARTER. If the gentleman would yield for just a moment, in the Washington Post a couple of weeks ago, I saw an article about Germany, and Germany has had a cap-and-tax procedure over there now for 5 years. I believe that's what the article said.

Mr. AKIN. And how well is it working?

Mr. CARTER. Well, according to the scientists, they actually are putting more carbon in the air and in the atmosphere since they put the cap-and-trade proceedings in because those companies that were dirty could just pay the tax and continue to be dirty. If you have got a dirty plant that's putting carbon dioxide, if it's bad, into the atmosphere and they say, well, fine, how much is the tax, here's the tax, I will pass it on to my customers down here that are buying my product, does that keep this stuff from going into the air? No. It's still there in the air.

Mr. AKIN. Reclaiming my time, what you're talking about, we see this when you really look at legislation we pass all the time, we pass legislation that's supposed to do one thing, and frequently it does the exact opposite. You know what I'm thinking, if I'm from the good old State of Missouri, we have plenty of guys. There's a lot of oak trees and a lot of chain saws, and you all of the sudden start taxing people's natural gas or their propane or if they have electric heat pumps and things and their family budget gets tight, guess what's going to happen. That old, dead oak tree out behind in the back 40, they're going to get that chain saw, they're going to fire that thing up, and they're going to get themselves a big, old, wood burning stove. And it may not be very efficient, and they're going to really put some CO<sub>2</sub> out.

And the thing that is supposed to be not making CO<sub>2</sub>, instead of building a nuclear plant that makes no CO<sub>2</sub>, which is if you were really serious that you're worried about CO<sub>2</sub>, well, then you'd want to go with a nuclear because it makes no CO<sub>2</sub>. But by doing this tax, all that's going to happen, we're going to make more CO<sub>2</sub>. It doesn't even make a whole lot of sense, does it?

Mr. CARTER. It doesn't make sense. And the other thing is, at least some

people who are very zealous on this theory say we're going to tax everything that produces carbon, and my thoughts were, we've been sitting here breathing now for 30 minutes, and every time we breathe out, we breathe out carbon. So are we going to have a little monitor that sits right here that monitors how much carbon we breathe as we go through the day?

It's ridiculous to talk about taxing something like that if it's not preventing the situation. You're right, nuclear is a major solution to big power. I'm all for alternative vehicles, and they will be a solution at some time that will help a lot and let's do it. But we don't have an electrical engine big enough to pull a big load down the highway unless it's a ship engine which is as big as this room.

So we've got to be practical about this stuff and say, all energy sources, let's clean them up, make them as good as we can, but let's continue to thrive by being the most productive place on the face of the globe.

Mr. AKIN. Just reclaiming my time, you know, the thing I'd like—we're going to be wrapping things up here pretty soon, and one of the things sometimes that there's some that would like to portray us as being just say "no" on everything. I think we need to deal with that for just a minute in our discussion here.

It's not that we think "no" on everything. We really think "yes" on everything, on a whole lot of things. We just don't believe that the solution to the economic problems that have been created by these bad loans and bad mortgages and things, which were a failed socialist policy, there was no failure of free enterprise. We don't think the solution to the economy is just spending tons and tons of money. And so that doesn't make us just "no."

There are ways to get an economy that's in a recession getting it going, and we've seen examples of people that have done it. Why don't we copy what works? JFK did it, Ronald Reagan did it, and Bush 2 did it in some of the tax cuts. If you do tax cuts and you cut Federal spending and you allow small business entrepreneurs, investors to have enough liquidity to invest, then you can get the economy going.

And so we've got a bunch of different kinds of solutions, but the bottom line is you've got to back off on the Federal Government sucking all of the liquidity out of the economy, and you have got to allow small businesses to invest. And you don't do that by taxing them to death, taxing them on their energy, taxing anybody who makes over \$250,000. That's more than half of the small business owners in the country.

And so we've got a solution, don't we? It's not like we're saying "no." Our solution is straightforward. You have to allow the investors and the small businesspeople to have enough liquid-

ity to get the free enterprise system going and you've got to get the government in this incredible overspending off of their backs.

I wanted to make sure we're talking positively because we love America. This country has been through a lot of crises, and we're in a whale of a crisis now because of mismanagement. That doesn't mean we have to keep going down the same, dumb path that didn't work for FDR. It didn't work for the Japanese. We need to go for the things that work.

So what we are saying is we're opposed to stuff that doesn't work. We love our country, and we know how to make it better.

Mr. CARTER. If the gentleman yield, here's not a "no" issue on the CO<sub>2</sub> but an opportunity. We right now know that we can recapture oil in played out oil fields by charging those oil fields with, guess what, CO<sub>2</sub>. So there's an industry out there for capturing CO<sub>2</sub> and charging oil fields with it. Louisiana knows about it, Texas knows about it, and so does the rest of the world.

That means if you put together a plant that captures the CO<sub>2</sub>, rather than paying a tax so you release it in the atmosphere, and then you take it and put it in trucks and take it down there and put it in the oil fields, you actually produce more of the oil and gas energy that's in the ground, and the CO<sub>2</sub> is in the ground. That will actually keep CO<sub>2</sub> out of the environment.

Mr. AKIN. That seems like a whole lot better idea than taxing everybody that uses any form of energy and adding that to the price of everything else. That's just brutal in a rough economy. There's a lot of families in my district that are hurting, and to be doing this kind of budget imbalance, take a look at this, these are President after President after President, you can see, you know, this is the wrong track. This is just not the way to do something. The gentleman from Louisiana.

Mr. SCALISE. There are a lot of things that we are saying "yes" to. We are saying "yes" to fiscal responsibility. We're saying "yes" to lower taxes. I think people all across the country are saying "yes" to that, too, and that's why they're all pointing to Washington, and they're saying, "no," don't continue going down this road of runaway spending, runaway deficit, runaway borrowing from our children and grandchildren.

We can pursue new technologies, as the judge talked about. There are companies right now pursuing technologies for carbon capture and sequestration where they literally would be going into those coal plants and capturing the carbon and storing it, holding on to it so it doesn't go into the air. We're pursuing and continuing to encourage the development of wind power, of nuclear power, of solar power, but all of

those technologies combined are what it's going to take to reduce our dependence on foreign oil.

If that's our goal, and it should be our goal to increase our production of our own natural resources in this country, but what we've got to be very careful about as we discuss the dangers of this spending proposal and these taxes is what it does to future generations.

And there's one final chart I wanted to show, and that is what President Obama's budget does to raid the Social Security trust fund. This is a promise that was made not only to our senior citizens of today but to our workers of today and our children of tomorrow if they want to expect that Social Security program to be there for them, that they're paying into right now.

The fact, President Obama's budget in the first four years takes over \$200 billion a year out of the Social Security trust fund. It actually raids those funds after the first four years of President Obama's term in office. He would raid over \$900 billion from the Social Security trust fund alone, and then, of course, he still goes other places. He tries to sell debts to countries like China.

We just saw today—today, something very frightening happened. The markets reacted very negatively to it. They went out and tried to sell debt, as the country does throughout the course of each week. A few times a week the country goes and actually sells debt.

□ 1915

When they went today to sell debt, the number of people that wanted to buy that debt dropped to a low level—dangerously low level—and in fact they had to pull back. And you saw the markets drop dramatically because I think it is a sign. It's a sign that people are very concerned about these runaway deficits and what this is going to do to the value of the dollar down the road. And that's why we've got to be fiscally responsible. We've got to say "yes" to fiscal responsibility and stop this out-of-control spending that is going on in Washington.

Mr. AKIN. I guess you could say we are spending too much, we are taxing too much, we are borrowing too much. That is kind of a summary of it.

If you just take a look at these bar charts about the budget imbalance, you can see that. This is not the equation of how to fix an economy that's in trouble. That's not what JFK did. That's not what Ronald Reagan did. That's not what Bush II did to stop those recessions. This is even worse than what FDR did.

The problem we have is if something doesn't work, it just doesn't work. It's not like you're being negative. You're saying, Look, it's never worked in history. What we have to do is go back to the time-tested principles of the country we love—and that's just to trust

the Americans, the inventors and the investors, the entrepreneurs, the people who love this country, who live the American Dream, who come here with some crazy new idea, give it a try and, by golly, the thing works.

They wake up some day and they've been sleeping under a park bench 10 years before and some guy and his wife realize they're millionaires and they didn't even know it was going to happen to them. That's what this country is all about.

The government can never create any wealth but, boy, we can sure keep other people from ever doing any by overtaxing them.

Mr. CARTER. I'm glad you made that point. What makes America great is the giving of the opportunity to succeed. The parents right now that are sending their children off to college and times are tight. Now they're not throwing money out the window for other projects. They're not going out and buying five flat screen TVs as a good idea to make things better for themselves. No. They're saving that money. They're cutting those costs. They're not eating out every night. They're doing these things so that they can do the projects that they want to do, which is send their kids to college.

That's normal budgeting. What we're doing here, what the President's proposing is not commonsense budgeting. It's voodoo economics.

Mr. AKIN. It strikes me as it may be worse than that. What we're doing here, we're killing the American Dream. That is what's going on. We're killing the dream for people that wanted to come to this country, own their own house, be able to send their kids to get a better education than they got before.

This is a country that is so unlike anything else in the world. We are such a special country. We are unique in so many different ways. Whenever you see there's a tsunami or hurricane, you see our people out there helping. We've been a bastion of freedom for people all around the world. They look at America and say, Hey those Americans have got it down. You could live the American Dream over there. They come flooding into our country. We're worried about the immigration because they understand what this country has always been about. It's never been about this kind of stuff—this irresponsible, runaway government spending. This is killing the dream that Americans have always come to believe in.

I yield to my friend from Louisiana.

Mr. SCALISE. Thank you. I see our time has about expired, but I think the important note that we're finishing on, and I appreciate your passion because there are so many people that are passionate, and that's what's great about this country, and we can stop this runaway train by continuing to have this debate tonight.

Mr. AKIN. This is taxing too much, spending too much, and borrowing too much.

#### STIMULATING THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Thank you, Mr. Speaker.

I enjoyed visiting with my neighbors and talking in the previous hour. They are welcome to join me if they would like to talk some more.

I'm going to be joined here in a minute by a good colleague of mine, LOUIE GOHMERT, a Congressman from east Texas, and we are going to talk about an idea that LOUIE has got. It's an idea that an awful lot of people find interesting. It's the idea that maybe the easiest way in the world to get money in the hands of the American people is to just give them their own money.

It's not real complicated. It's pretty simple. But I want to let him talk to you about it because the option that we've got right now is that as we look at that stimulus package that was supposed to stimulate the economy, and if you look closely at it—and I don't want anybody to take my word for it. I want you to go to the library or on the Internet and pull either a review of that bill, or that bill, and look into it and see how the money is spent. And you will see that it's spent on industries that don't exist, but maybe they can make them exist. It's spent on things that people wish existed, and maybe they can exist. But they are investing in those things.

Maybe they won't create jobs over the next 5 years, but maybe they will create jobs in the next 10 years. That's great, except that stimulus is supposed to be about now. It's supposed to be about doing it right now. If you believe that the economy gets saved by spending money, you need to spend the money now to stimulate the economy. If you're not, then you're putting off the rescue that you anticipate.

I would argue, however, that government spending was tried very extensively from 1931 until 1941, and the unemployment in 1939, according to the Secretary of the Treasury at the time, was the same as it had been in 1931. In that 10-year period, the largest expenditures in the history of the Republic at the time—we're fixing to top those tomorrow—but at the time had been spent, and we had not gotten out of what is called the Great Depression.

I want to make a point, too, that what TODD said in the other hour that I think is important that you hear. I want to tell you because I believe it's important that anybody that stands up here, confess your own sins.

We as a Congress cut taxes, but we failed to cut spending. We deserve to be told by the voters that we didn't do it. And they did. They told us. The Democratic Party said: We'll do it better. And they hired them to do the job.

But the key is both formulas cut taxes and cut spending and the economy will blossom. It has and it will. And it always has and always will. That's what the message is about.

People say, Well, that's the same old thing. I'm sorry, but let's be honest. Let's look at the last 8 years and then look at any time in the history of the country where you were involved in two major wars, came in with a recession, and had the largest single weather disaster in the history of the Republic in an 8-year period, and yet the economy after the first three quarters grew every quarter up until the last quarter of the Bush administration. This is what you look at to say: Are we in a recession or are we not in a recession? Are we growing? We were always growing. We are not growing now. Nobody's anticipating we're going to grow for the rest of this year, although some say maybe around Christmas Santa Claus is going to bring us some growth. And maybe he is. But I have my doubts.

My friend LOUIE GOHMERT, who should be here in a few minutes, has basically said, You know, if you want to stimulate the economy, there's an easy way to do it. Let's just give people a tax holiday. Just tell them for a couple of months, You don't have to pay taxes. You get your full paycheck. You know what? That might just be the solution.

So I'm looking forward to LOUIE talking about this tax holiday. In the meantime, let's talk about the budget just a little bit and what we're looking at.

I see that one of my classmates is here, all dressed up and looking dapper. Doctor, would you like to let me yield you a little bit of time to say a couple of things?

Dr. PHIL GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I appreciate very much my good friend JOHN CARTER for yielding time. I know I came in kind of late in the discussion, but I had a couple of things that I wanted to offer as suggestions.

As we look at the budget and what President Obama and the Democratic majority want to do in regard to spending, it's based on some projections. I was watching television this weekend and I think the chairperson of the Council of Economic Advisers, Christina Romer, was saying over and over how confident she was that this budget and this plan of stimulating and restoring the vigor in the economy would work and that the President would be able to afford to cut taxes, let the Bush tax cuts expire, and that the GDP would grow and be robust.

Her projections that I recall were 4 percent GDP growth for a number of consecutive quarters. Of course, at this high unemployment rate that we're facing right now, my colleagues, it would come back down to the 6 percent range.

Well, here's a suggestion. Why don't we put some triggers on this budget and say that you can't let those tax cuts expire until you've had two or three consecutive 4 percent or more growth in the GDP and until the unemployment rate comes back down to 6 percent. If you're that confident in your program, put those triggers in there.

If my colleague will continue to yield, I've got one other suggestion, and that's based on this new program that we heard from Secretary Geithner and the Federal Reserve in regard to buying those toxic assets or troubled assets. They want the government to go—we, the taxpayers, Mr. Speaker—to go into partnership with the private sector. But who they mean by the private sector is these Wall Street Fat Cats—maybe some of them who got us in trouble in the first place. They've got cash on the sidelines. So they go into this partnership with the Federal Government but they get the best end of the deal and we, the taxpayer—my colleagues may have already gone over this, Mr. Speaker—but it's like the private sector has everything to gain, very little to lose, and the public sector—we, the taxpayer—has very little to gain and quite a lot to potentially lose.

Here's what I would suggest. If it's so good a program, why don't we just simply do this: To every person in this country who has an IRA or 401(k), maybe they're retired, to be able then for a one-time deal to put up to 10,000 extra dollars in their IRA and put that into a government fund and let them have the opportunity to invest in these troubled assets. Let the public invest and not just give this sweetheart deal to all these Wall Street Fat Cats and we, the taxpayer, who don't want to be involved in that, we would not be on the hook at all.

Honestly, I think a lot of people who have sat here and watched over the last year and a half, particularly the last 6 months, Mr. Speaker, their IRA value, their 401(k)s drop by 40 percent, the value of their home drop by 40 percent, this would give them an opportunity—praise God, hopefully—to recoup some of their money.

I just wanted to make those suggestions. It was brought to me by one of my constituents and a good friend in my district.

Mr. CARTER. Reclaiming my time, it's pretty amazing because I got an e-mail from a very good friend of mine, a very good businessman, John Avery back in my district, basically saying exactly the same thing. He said it

would be criminal for the people who put us in this position to be able to put 5 percent down and get 50 percent of the profits from buying up these assets. It would be criminal. And I happen to agree with him.

I actually think you have put forward a good plan—a place where those who have seen their 401(k)s go to 201(k)s, as we like to joke, that they be able to invest in people who would offer a group—but become involved in buying these at 5 percent down and 50 percent of the profits, these bad assets.

□ 1930

But don't let the guys that put us here get out of the mess and make 50 percent of the profit for a 5 percent investment. As my friend from back home said, it is criminal. And I agree with you, I think that may be part of what the plan is. And it frightens me with this bonus money we have already battled with that someone would plan a \$1 trillion expenditure of our Federal funds that basically is going to prop up the very guys that put us in this mess.

Mr. GINGREY of Georgia. If the gentleman would yield for just 15 more seconds. I want to pay attribution to my colleague, a financial wizard, really, and a good friend, Tom Garr from Marietta, Georgia in the 11th Congressional District. Because it is, Mr. Speaker, our constituents a lot of times that bring us these great ideas. And we think we know everything up here in the halls of Congress, and sometimes we don't, or a lot of times we don't and it gets to be a bizarre world, I call it. Even though the President is a great basketball fan, there is no place in this Congress or over down there on Pennsylvania Avenue for March Madness. It seems like that is what we have had here for the last couple or 3 weeks, and we need to get over that and move on. And I yield back to my friend.

Mr. CARTER. I am going to yield some time to another good Georgian, Dr. BROUN, to take as much time as he chooses to use.

Mr. BROUN of Georgia. I want to commend Dr. GINGREY, because we have been proposing all along some method of trying to develop a market for these toxic assets so that the taxpayers don't have to bail out Wall Street by giving money to the individuals that have created this mess through their own greed, through seeking their own end and putting the bill on the backs of the taxpayers, in fact, the people who can least afford to have that burden put on them, and that is small business in this country.

I want to remind the Speaker, as well as those here in the House and those listening, that Republicans offered an alternative to the TARP bill that was presented in the last Congress. Secretary of Treasury Hank Paulson was totally wrong. A lot of us on the Re-

publican side voted against it, there were some Democrats even that voted against it. And we had an alternative, an alternative that would not have created this huge debt on the backs of the small businesses and the taxpayers of this country, and we need to find solutions.

We have proposed suspending capital gains tax. That would bring in a tremendous influx of cash offshore that is just sitting there. It would bring in a tremendous influx of cash into the financial system that would be placed in banks so that they would have money to capitalize loans. And, it would help stop some of the problems that we have with frozen credit markets in this country.

We have proposed suspending the mark-to-market accounting that the Federal regulators are still requiring the banks to go by, which is continuing to freeze up assets so that banks cannot lend out money to people with good credit. It makes absolutely no sense. We need to suspend mark-to-market and find some other means of accounting that makes sense, that doesn't just totally torpedo the capital assets of all these financial institutions.

Republicans have presented these plans. Unfortunately, the leadership, last year President Bush and under the directions of Hank Paulson, wouldn't even listen to us. They wouldn't consider those things. And it is one of the big mistakes I think that the last administration made. But, more importantly, we see the same kind of policy coming on right now today through Secretary of Treasury, as well as this current administration, as well as the leadership here in this House. And we as Republicans presented proposal after proposal after proposal, and the leadership here in this House and in the Senate have been obstructionist. They will not listen to any other alternative but their own steamroller of socialism that is being shoved down the throats of the American public. And it is going to strangle the American economy. It is going to choke the American people economically.

So I commend Dr. GINGREY for a proposal of creating a market for these so-called toxic assets. They have value as you, Judge CARTER, and Dr. GINGREY were just discussing, and I applaud that.

We can solve an economic problem, and we can do it in the private sector, without increasing the debt of the Federal Government; because the Federal Government is borrowing too much, it is taxing too much, and it is spending too much, and we have got to stop it. I believe very firmly that if we don't have these alternatives considered, that it is going to strangle the American economy, it is going to lengthen the recession, it is going to deepen the recession, and maybe even push us into a frank depression. And we have got to

stop it; not only for the good of small business, which is the engine that creates jobs and is the economic engine that pulls along the train of economic prosperity here in America, but also for the people who are going to be most disserved by this philosophy that the leadership in this House and the Senate are proposing, and that is, it is going to hurt the people on limited incomes, it is going to hurt the people that are on the lower end of the economic ladder here. We need to help them up the ladder by giving them good jobs, good-paying jobs. And the policies that have been proposed by this administration, particularly this new budget, are going to hurt the people that our colleagues on the other side supposedly want to help the most. But it is going to hurt those poor people. It is going to help to put those people in more economic straits, dire straits, where they are going to be struggling even more.

So I do congratulate Dr. GINGREY for bringing us another proposal, one that makes sense economically, one that makes sense to get us out of this economic downturn that we are suffering under.

Mr. CARTER. Reclaiming my time, if I may. Actually, I agree with everything you have to say.

And the real point here is that the American people have common sense. We talk about all of this budgetary language here. If we are honest, it is confusing to us, and it is certainly confusing to the American people. But they understand that when they have a budget shortfall in their budget back home, they have either got to make more money, work harder and make more money, or they are going to have to save. And if they don't have the opportunity to make more money, they are going to have to cut back on something.

Like I said a minute ago, you know, I have talked to people who say, I am sending my kid to a State school in Texas, which we are very blessed to have. They are expensive, but they are still reasonable, State schools. And, I have found that if my wife and I will just cut out buying our lunch every day at work and just take a sack lunch from home, we have got almost enough money to pay the tuition. We save almost enough money to pay the tuition.

So the American people know how to budget. They know how to look at what they have got and what they have got to get, and figure out a way to make it work.

So Dr. GINGREY's suggestion, which happens to be a suggestion of one of my constituents, too, is an outstanding suggestion because it basically makes sense. Sure as heck, if somebody puts the country at risk by their poor decisions on investing, then certainly don't let them get the benefit of a government program spending \$1 trillion worth of taxpayers' money by letting

them bail themselves out with a 5 percent investment. I agree with that. That is perfectly good common sense. And I think every American in America would say, I don't want those guys that created these bad assets to be able to pay 5 percent of the value that they are going to set, understand that, and then get 50 percent of the profits when they clean up those assets and sell them. And that is what is available potentially under the plan that has been put forward by Secretary Geithner.

Now, if he will step up, and I think we owe a duty now to tell him the American people don't want that, so that he can make rules that say all you guys that bought all these bad assets, don't you come in here with your 5 percent and try to bail this deal out. We have other people who want to invest in it. And then a great idea would be let people who lost on their 401(k)s join investment pools and maybe invest in some of these that might make them good money. A 50 percent return on a 5 percent investment is not a bad deal.

Mr. BROUN of Georgia. If the gentleman will yield.

Mr. CARTER. Yes, I will.

Mr. BROUN of Georgia. I appreciate the gentleman for yielding.

You made a couple points that I would like to point out to the folks who are listening to us tonight, is that we have a proposal by the Democratic leadership, by Secretary Geithner and by the administration, that is going to continue to borrow and borrow and borrow. And who are they borrowing from? Short term, they are borrowing from China and other foreign entities; but long term, they are borrowing from our children and grandchildren.

But, Judge CARTER, you made an excellent point, a good commonsense point that people all over this country do when they have economic problems, and that is that they tighten their belt and stop spending. And that is exactly what the Federal Government needs to do. We need to live on a balanced budget, just like the American people do every day. Unfortunately, there is not much common sense around here in the Federal Government, and we just see this policy of borrowing and borrowing and borrowing. We are borrowing way too much. And all it is going to do is just continue us into a deeper and deeper hole, because you cannot borrow and spend yourself to prosperity. And I think that is a great point that you just made.

And these assets, these so-called toxic assets have value, they have real value. They are not zero that the mark-to-marketing accounting rules require banks to mark them down to just because they don't have a market today.

Mr. CARTER. Reclaiming my time. I think we have made an excellent point here, as we both talked about; we came here because our good friend LOUIE

GOHMERT, my colleague from Texas, has a proposal that deserves to be heard. And so I am going to yield such time as my good friend LOUIE GOHMERT may choose to use tonight, and I will just be here to try to help.

Mr. GOHMERT. I appreciate my friend from Texas yielding, also a former judge. Actually, he served on the bench longer than I did. And, Mr. Speaker, we appreciate the opportunity to try to point out some of these things tonight.

What struck me months ago was hearing that trillions and trillions of dollars were being committed on behalf of the Federal Government to try to help the economy recover. So I wanted to know how much money gets spent into the Federal Government by taxpayers just paying their taxes, ordinary individual taxpayers. And the answer we got was \$1.21 trillion was what was expected to be paid from individual taxpayers for the entire year of 2008.

So I am thinking \$1.21 trillion, that is less than supposedly Fed Chairman Bernanke and Chairman Paulson and now Secretary Geithner are committing of our money. Can you imagine what would happen with the United States' economy if you just told all the taxpayers in America: No taxes. For the whole year of 2008, no taxes. And if you paid it, you are going to get it back; and if you haven't paid it yet, don't worry about it before April 15th, because you are getting all your money that you have already paid in.

Can you imagine the cars that would be bought, the car dealers and the car manufacturers that would be bailed out by Americans choosing which car they wanted to buy? That was my thinking. That was the thought process.

I got a message from Newt Gingrich; he liked the idea. He said, what would you do if you added FICA in there? Well, if you added FICA, that is \$65 billion per month. You could have 2 months of allowing every American to get back every dime that was being withheld for Federal withholding, both FICA and individual income tax, and do that for 2 months and still have spent less than the \$350 billion that the Obama administration was looking to get from the half that was left over.

□ 1945

It turns out there was more than half left over. There may have been \$450 billion from the original 750. We haven't got the final figures, which is another reason we all opposed that bailout back in September. It was a terrible idea because it was just too open-ended.

So anyway, Human Events had an article, this was their headline, Nobody Pays Taxes For 2 Months, the Gohmert Tax Holiday Plan. Now one Texas conservative is challenging Congress and the White House with a commonsense plan that is much more likely to help our economy recover more than bank

bailouts or any handouts to car makers. Two months' break from income or withholding for all taxpayers. The total cost would be actually less than \$350 billion. It is effectively a 70 percent tax reduction for a year.

Also it was indicated by Moody's Economy, they did their own study and found that this idea would increase the 1-year gross domestic product more than any other plan that involved taxes. So I thought it was a good idea. And then I had my friend, Judge CARTER from Texas, point out that apparently other people had beat me to the tax holiday idea.

Mr. CARTER. I have been on the floor of this House talking about the fact that we need to resolve some ethics problems that are out there so that we can be sure that we feel comfortable trusting people that are making decisions around here. And then when my friend, Brother GOHMERT, talked to me about his tax holiday, I realized that I've been talking about two tax holidays now for a month. Mr. RANGEL took a tax holiday for \$10,800 for 20 years. He didn't pay his taxes on his Dominican Republic rentals for 20 years. He took a tax holiday. And then when he finally ended up paying them, he didn't pay any penalty or any interest. So that's a tax holiday.

Mr. GOHMERT. What gets interesting, CNN had this report and had the quote from our President. He said, "I campaigned on changing Washington and bottom-up politics. I don't want to send a message to the American people that there are two sets of standards, one for powerful people and one for ordinary folks who are working every day and paying their taxes." That was February 3, 2009.

Well, here is a chart that indicates that may have been going on, anyway, in spite of what the President said. You have got some powerful people here that have taken a tax holiday for a number of years, no penalties, no interest, where on the other side you have ordinary folks who are paying their taxes, and that is the quote from our President, "ordinary folks who are paying their taxes," he said he didn't want two sets of standards. Well, we have had two sets of standards. They don't get any tax holiday. The leadership here has fought it tooth and nail. If you don't make your payments, there are no excuses. They come after you for the penalty and interest and all kinds of stuff to go with it. So, unfortunately, despite the assurances of the President, there are two standards that have been taking place here.

Mr. CARTER. Reclaiming my time for just 1 minute.

That has been my exact point. And that is why I introduced legislation to put forward the Rangel Rule. And the Rangel Rule is very simple. Everybody that owes taxes that doesn't want to pay penalty and interest, just write at

the bottom of your tax form "exercising the Rangel Rule," and the IRS won't be able to charge you penalties and interest. They will have to treat you just like Mr. RANGEL. I thought that was fair. And I thought I was being reasonable about that.

Then we have the Secretary of the Treasury come along, and he took a 4-year tax holiday on \$43,200. Although he did pay some interest, he still hasn't had any penalty assessed against him either. So I guess we could change it to the Rangel-Geithner tax holiday or the Rangel-Geithner Rule. But I just kind of like Rangel Rule. It has a nice ring to it.

Mr. BROWN of Georgia. Will the gentleman yield?

Let's call it the Rangel Dangle Rule. I like that better.

It seems like people around here don't mind, there are a number of people around here that don't mind raising other people's taxes because they don't pay any themselves. So I compliment the gentleman. I appreciate your allowing me to throw in that. But I like your Rangel Rule. Can I do that?

Mr. CARTER. Reclaiming my time, you can certainly sign on to my Rangel Rule bill, and we are going to try to get that thing before this Congress, and we are going to start getting pretty serious about getting it done.

Mr. GOHMERT. It is really ironic, but it has been about 30 years ago, back then, a comedian, he wasn't so much an actor back then, I think he had been with a group called the Nitty Gritty Dirt Band. But he was out on his own as a comedian. Steve Martin was originally from Waco, Texas. He went to Waco High. Anyway, as part of his comedy schtick, he would say, you know, I'm going to write a book, "How to Have \$10 Million and Not Pay Taxes." And then he would lead the audience on. Well, they would want to know, how do you get \$10 million and not pay taxes? He would eventually say, okay, okay, I'll let you in on the secret how you do it. First, you accept \$10 million, which is pretty funny, because nobody just gets themselves \$10 million unless you're a special person or something. And then he said, you just don't pay taxes. This is what Steve Martin said 30 years ago. Just don't pay taxes. And if they ever catch you, all you have to do is say, "I forgot."

Now, 30 years later, it is basically what we are seeing. People, powerful people. We don't want two sets of standards, one for powerful people. Well, the powerful people are able to file their forms, and if they have not paid their taxes, then they could just write, yes, "Rangel Rule," or perhaps they could say, "I forgot." Or "it was just an honest mistake," or, the favorite one apparently of powerful people, "Look, I used TurboTax. It's not my fault. TurboTax did that. I didn't do it." And then that saves you penalty

and interest. So there ought to be a number of things, Rangel Rule perhaps, but TurboTax Rule. Maybe that would also free you up from interest or penalty on your taxes.

I yield back to my friend.

Mr. CARTER. And I thank you.

We have got here, what's really interesting is when the IRS gives you the money to pay the taxes, and gives you a form that tells you you owe the taxes, and says, now here is the check, you're responsible for your own taxes, be sure and pay them, and you sign that form agreeing to pay them, and then you say, it was only \$42,000, and I just forgot. I mean, that is kind of what like our friend, Mr. Martin, said.

We make a little bit light of this, and we do that because, quite frankly, I don't want to be accused of being mean-spirited. But the facts are that we want people that are giving us ideas to save us from what could be an economic disaster. We want them to speak openly and honestly and come from a situation that we can trust them. And my whole issue that I have been raising are these issues of trust. I am not doing what has been done in the past and accusing people of being corrupt and that type of thing. I am not doing that.

I am pointing out accusations made by other people. And I'm saying that these accusations need to be resolved so the American people can trust the folks they are counting on to fix this economy. And the head of the tax committee of the House of Representatives, they need to be confident they can trust him. Our Ethics Committee needs to finish the investigation and get that done. And if he is exonerated, wonderful. But the American people have the right to know. The Americans have the right to know, can they trust the Secretary of the Treasury when he doesn't pay his taxes and he says, "TurboTax messed up"?

First off, I kind of thought he was in a pay grade a little higher than TurboTax. But the point is, it's about trust. It is about the American people trusting the people they send here. That is why I continue to come up here every week and talk about these issues of lapse of memory or whatever it may be, and they need to be resolved by a finder of fact, whoever that may be, to resolve this issue.

Let me yield to my friend from Georgia for a moment.

Mr. BROWN of Georgia. I thank the gentleman for yielding.

We were just speaking a few moments ago about many alternatives that have been presented to this House that would be in the private sector that wouldn't borrow from our grandchildren, and our good friend, Mr. GOHMERT, with his Federal tax holiday, has provided us with a plan that would stimulate the economy and help hard-working Americans without growing the size of government.



My friend from Texas serves as a constant reminder that we are spending the people's money and that policies like those supported by Secretary Geithner are just the most recent examples of policies from this administration that are not for the people, of the people, or by the people.

Mr. GOHMERT's plan is especially necessary as Secretary Geithner attempts to increase his power while moving away from the dollar, now that he is apparently open to moving the world economy towards an IMF-controlled currency system. Maybe he was at IMF too long and he is embracing a world currency based on IMF. I believe that the Secretary of the Treasury needs reminding that we are part of a government that is directed by the Constitution of the United States.

In fact, Congresswoman BACHMANN just yesterday asked him where in the Constitution is the authority that he is wanting to claim and expand his powers? He couldn't answer that because there is none there.

And that document, the Constitution, does not provide for any evolutionary changes in the Secretary's power without explicit Congressional approval, and, by extension, approval from the people of the United States.

Right now, neither has granted such approval.

This expansion of the powers of the Treasury Department is a cause of great concern and should be of great concern to every American. I was concerned when former Secretary Henry Paulson first started us down this path towards nationalization and government-run industries. And I'm even more concerned as I stand before the American public today and before this House today.

There are many good and justified actions that Congress can take to get us back on the path to economic prosperity, like a Federal tax holiday of Mr. GOHMERT's. But these recent developments, spearheaded by Secretary Geithner, are not only ill-advised, but they do not begin to fall into the realm of constitutional duties or authority.

I hope and pray that there is economic success in America's near future. But I believe that any gains to be made will come in spite of the actions of Treasury Secretary Geithner and not because of them.

It is my sincerest hope that people all over this great Nation will contact their friends, contact their family and contract their elected representatives to tell them to prevent the unconstitutional extension of the Secretary's power.

I'm pleased that Mr. GOHMERT has led the charge today to discuss these commonsense plans to restore power back to the people of this country, and I wish that congressional leaders would spend much more time considering our, the Republicans', commonsense alter-

natives that return power to the people instead of promoting the Treasury's grab for more and more power, particularly in view of the fact that it is unconstitutional and they have no constitutional authority to do that. I am very concerned about the Secretary's grab for power, nationalization of banks, nationalization of all businesses, such as they want to control AIG and others.

We have got to stop it. We have a steamroller of socialism going on here. That steamroller of socialism is being shoved down the throats of the American people. It is going to strangle the American economy. It is going to choke the American people economically. That steamroller of socialism is being driven by NANCY PELOSI, HARRY REID and the President of the United States. And that steamroller needs a speed bump. It needs a stop sign.

□ 2000

And Mr. GOHMERT's plan is an excellent plan. In fact, I'm a cosponsor of your bill. And I applaud this ingenious way of helping to stimulate the economy. And I'm also, should be a cosponsor of Judge CARTER's bill, for the Rangel rule. I love it. I think it's a commonsense way of saying that everybody should be treated equal under the law. That's what the Constitution calls for. Everybody should be treated equal under the law. And if Mr. RANGEL, Mr. Geithner, and others have the ability to do that, every American in this country should have the ability to write "Rangel rule" on the bottom of their tax form. And I love it. I think it's something that just puts a microscopic focus on the problem we have in this country today. The powerful, the elite, want to live in a way that all the other people in this country cannot, and it's wrong. It's absolutely wrong. And we must stop it. And I congratulate you, Judge CARTER.

Mr. CARTER. Reclaiming my time, and I thank you for those comments. Now I'd like to yield so much time as he chooses to consume again to my friend, LOUIE GOHMERT from Texas.

Mr. GOHMERT. Thank you. I appreciate the time. And I appreciate your leading this debate.

Mr. Speaker, it's good to have a chance to talk about these things. And I appreciate so much my friend from Georgia, Dr. BROUN, points being made. And as he said, this is an incredible power grab that's going on.

Now, we've had, made some light and been a little tongue-in-cheek tonight. But it's a little scary what's going on. And when you look at all the things that have happened so fast in 3 months, I'm telling you, I had no idea we could ever move this far this fast down the wrong road. And some say, a road to socialized, or to socialism like Europe, European socialism. It's not European socialism. It's socialism. That's what it is.

And what I struggled with, as I heard our President saying not only are we going to make it harder to get energy, because for folks, Mr. Speaker, that might not know at home, today, we passed an omnibus land bill that was 170 different land bills combined into one, 100 of which or so that had not been properly through committee process and had the vetting they required. And so many of those put more and more land off limits to production of energy, took natural gas and oil away. It's going to help raise the price of gasoline at a time when people have lost their jobs, other people are cutting what they're willing to take, so that others will keep from losing their jobs. It is a tough time for many people.

Now, I really feel like if the President would quit spreading the gloom and doom that our President did start—George Bush went out first and said, you know, depression's coming. But, good grief, you know, President Obama, with his gifts of communication, I thought, would help turn that around. Then he came in and also tried to set the bar low so it would be easier to get over it. Turns out that's been hurting the economy. Market's up a little bit this week, but good grief, at what price? Look at what's happened in the past.

So then when I hear our President say, you know what? We're going to cut the amount you can deduct for charitable deduction. And as I heard him, as I heard a replay of the interview, he said, basically, that a deduction shouldn't be the reason that you make a contribution to a charity. Well, that's nice. But it encourages people to make charitable deductions. So we start demeaning people who are making charitable deductions. Goodness, they shouldn't be doing it just to get a—you shouldn't make charitable contributions to get a deduction. So you're going to belittle the people that are helping the charities, when most of us know it's the charities, after a disaster, that can move straight in and immediately start helping people, not only in this country, but in other countries around the world. But whereas the U.S. government, we have to go through the government in another country, and often, whether it's a famine or something, we've been propping up governments that had no business being propped up because we're trying to get charity to the people, whereas charities can run right in and take care of it.

But anyway, I've struggled. Now, why would the President here, at this time when we're taking over AIG, taking over the car dealers, taking over Wall Street, why, at this time, would you choose to limit the deductible of charitable contributions?

And then it hit me. It hit me. It's all about the GRE. All about the GRE. That's what all of this is about, the

GRE, the Government Running Everything. That's what it's about, the Government Running Everything. And that's what all of these things are about.

You know, people in positions that should have known better, not paying taxes. People, I mean, Secretary Geithner, for goodness sakes. I was on a conference call with constituents. One lady I didn't know before the call was telling me she had just retired from the IRS. She said, IRS employees are incensed that they now have a boss who didn't pay his taxes when he knew he was supposed to.

And she went on to say at one point, I'd gone over to the boats at Bossier City in Louisiana, and won \$600. And when I went to file my tax return and filed it, I forgot I had gotten that \$600 that I won over there. So I immediately filed an amended return. And because I was filing an amended return, under the IRS rules, she said, an IRS agent who underpays taxes, no ifs, ands or buts, there's no excuses. You're fired. That's it. No recourse.

She said, I was being fired, and the only thing that saved me was my supervisor pointed out that I had not underpaid my taxes. I was getting money back, so the amended tax return didn't actually cause her to have to pay anything. Therefore, she was able to scramble, with her supervisor's help, and keep her job over \$600, where she'd paid all the taxes that was due.

But now, everybody else in the IRS has a boss that has done exactly what she was about to be fired for if she hadn't overpaid her taxes.

It isn't right. And it appears that there are two standards already under this administration, one for powerful people, and then the other one for ordinary folks who are working every day and paying their taxes. That isn't right.

And we don't need the government running everything. Look at what we've done. You know, the government should be about making sure there's a level playing field so everybody can play fairly. And then we're to provide for a common defense against enemies, foreign and domestic. That means cheaters. So if people are cheating out on the playing field, we move in, we go after them.

But it turns out we have been so busy trying to tell auto makers how to make cars, trying to tell banks who they have to loan to, what they have to do, we have been so busy trying to tell everybody how to run their life, the government running everything, that we haven't been taking care of going after the cheats like Madoff. That should never have happened. I don't care which administration's in charge. Apparently it was going on under a lot more than one. It doesn't matter. The government needs to quit trying to run everything. Go after the cheats. Make

sure everybody plays by the same rules, and if they don't, then punish them. But we should not be running everything, and that's what we see over and over.

And I hope the American people will think about these things, Mr. Speaker, as they start seeing gas prices go higher and higher, at the very same time we're putting more and more of our energy, our own energy off limits. And we're making, having more and more dictation, this cap-and-tax, going to add thousands of dollars to people's budgets they have to pay when we've got a budget here running out of control. And it is deeply disconcerting.

I know there are some people that are saying, well, maybe the American people will forgive the Republicans for overspending previously now that they've seen the Democratic majority has just more than doubled anything Republicans ever did, and give us another chance. I hope they will. I know those who were pushing the overspending before have learned their lesson.

But the trouble is, I don't know how much more of this damage to the country we can survive for the next year and a half before the next election. But I appreciate the chance to point these out.

And I would yield back to my dear friend, fellow former judge, Judge CARTER.

Mr. CARTER. Reclaiming my time, I thank Judge GOHMERT, Congressman GOHMERT, for a really heartfelt explanation of why he is trying to come up with alternative ideas. It's the same reason that Dr. BROUN and I are trying to come up with alternative ideas. We just see this phenomenal number that is looming on the horizon of expenditures, and we can't help but be just absolutely scared to death as to what it means for our grandchildren. I don't have any right now, but, by golly, I plan to, and I want to make sure that when I do, that I'm not leaving them \$100,000 a person debt, which is something that at least one of the pundits has said, that when they finish with this, every American's portion of the debt will be over \$100,000. That's today, without any interest stacking up on it. What's it going to be for our grandchildren and our great grandchildren? Because, believe me, the kind of numbers that they, the Obama administration, is putting forward in 60 days, they've done almost \$3 trillion. There's another trillion on the drawing board that we just heard about that we're going to bring out of the Fed, which is ultimately still got to be paid back. We're not even looking at the numbers that are over in the Fed. And then we've got a \$3.6 trillion budget proposed, which supposedly is going to be crammed down our throats next week, without much participation on the side of the minority.

So, yeah, we're worried. And yeah, that's one of the reasons that I come up here every week and talk about it's time for us to resolve these issues of trust. And I want to make it very clear, I sat here, when we were in the majority, in the chair that the Speaker's in sitting here tonight, and heard the term "corruption" used to every member of the Republican Party every single night. And I'll tell you, there were some people that deserved it. But the vast majority of the people didn't. And those issues got resolved, and they got it resolved in the Court and they got it resolved by the rules of the Republican conference.

There's nothing resolving the issues that are being brought up. And there's lot more than I've talked about here today, and I will talk about those too, because nobody's accusing anybody of being corrupt, but somebody is saying there are accusations that should be resolved. And it's a trust issue.

Can the American people trust our economy, trust our soldiers on the battlefield, trust our health care to people who have trust issues with the American people?

And I think the American people should say, whoever's in charge of resolving it, resolve it. Tell us, is this something we should be concerned about? Because they are. Or shouldn't we be concerned about it?

That's the reason I'm here. I think that's the reason Dr. BROUN's here. We're here to say, these are serious issues, serious issues for the American people.

I would like to have a little more time at the end. But I would like to yield some time to my friend, Dr. BROUN from Georgia.

Mr. BROUN of Georgia. Thank you, Judge CARTER. I appreciate your yielding.

You brought up a whole lot of very, very good points here. The American people should not trust this budget that's being presented because all it's going to do, in my opinion, is deepen the depression or recession, and probably put us into a recession.

I believe very firmly that if there is corruption, people should go to jail. If there are people who we cannot trust, as Congressman GOHMERT was talking about, if an IRS agent can't be trusted, they're fired. The American people need to be firing people who can't be trusted.

And we, as Republicans, are presenting a lot of things that the American people can trust in that look to the private sector, and will solve this economic problem. I applaud Congressman GOHMERT's plan of a 2-month tax holiday. That's the reason I very strongly endorsed his bill. In fact, I presented my own bill, or actually it was an amendment to that stimulus or nonstimulus, "porkulus" bill that we

had here. My idea was if the Democratic majority was so bent on spending \$835 billion, let's just divide it amongst the American people who are taxpayers, legal resident taxpayers in this country, and bail them out, instead of bailing out Wall Street. And if you divide that out, per legal resident taxpayer, we would have sent every single legal resident taxpayer in this country right at \$9,000. A couple would have got almost \$18,000.

□ 2015

But the Democratic majority would not consider my amendment, one which makes sense and one which does not borrow from our grandchildren and put them in hock the way we see with this new budget coming forth on this floor next week.

So I applaud you, Judge CARTER, for bringing out these issues of trust. I know the American people did not trust Republicans, and they took us out of the majority in 2006. I was not here then. In 2008, they actually took more Republicans out of office.

We have, I think, presented many things to the American people that they can look at, and they can trust the Republicans to bring forth ideas and to stand firm on good ethics. On the trust of the American people, we are presenting solutions after solutions that make sense economically and that do not borrow from our grandchildren, and hopefully, the American people will trust us.

I just applaud what you are doing, Judge CARTER. I yield back.

Mr. CARTER. I thank you for your comments.

I want to thank my friends for coming out tonight and for joining me in this hour of talk and discussion. I want to thank the Speaker for being patient with us tonight and for staying here with us, and I thank those who work to make a recording of what is said here, which I happen to know from long years of experience is a very difficult job, and I always have a lot of sympathy for the court reporters who have to take down people who talk like I do, so I want to give them some credit here tonight.

I want to thank the American people. To those who did listen in, let's use some common sense, and let's get everything out on the table, and let's resolve any ethics issues we've got so that America can trust the people who are talking to them. If we talk straight and if we try to come up with straight ideas, I think the American people know that good, solid, commonsense ideas can fix things. I hope that they will participate in this representative form of government by contacting their Representatives and by making suggestions. I have gotten good ones from my constituents. They will send me more good ones, and I hope that everybody in America will contact their

Representatives and will let them know how they feel about things and will give them the good ideas, because that is what a representative form of government is all about, and that is why we have a Republic. I am proud to be a small part of this Republic.

With that, I would like to yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today and the balance of the week on account of an illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUMMINGS) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. RUPPERSBERGER, for 5 minutes, today.

Mr. KRATOVIL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. GUTHRIE) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, April 1.

Mr. JONES, for 5 minutes, April 1.

Mr. BURTON of Indiana, for 5 minutes, March 30, 31 and April 1.

Mr. CASSIDY, for 5 minutes, March 30, 31 and April 1.

Mr. FORBES, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. BARTLETT, for 5 minutes, today.

Ms. EDWARDS of Maryland, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

#### ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, March 26, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1048. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of the result of a public-private competition, in accordance with 10 U.S.C. 2462(a); to the Committee on Armed Services.

1049. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Reference [DC103-2051; FRL-8775-3] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1050. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Greene County 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory [EPA-R03-OAR-2007-0176; FRL-8777-3] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1051. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to the Open Burning Regulation [EPA-R03-OAR-2007-0200; FRL-8773-1] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1052. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Clearfield/Indiana 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year Inventory [EPA-R03-OAR-2007-0624; FRL-8777-4] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1053. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Alabama; Update to Materials Incorporated by Reference [AL-200822; FRL-8759-9] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1054. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Permits by Rule and Regulations for Control of Air Pollution by Permits for New Construction or Modification [EPA-R06-OAR-2005-TX-0026; FRL-8780-5] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1055. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Final Determination to Approve Research, Development, and Demonstration Request for the Salt River Landfill [EPA-R09-RCRA-2008-0354; FRL-8777-9] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1056. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2008-0513; FRL-8400-1] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1057. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2008-0936; FRL-8402-8] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1058. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference [MD202-3118; FRL-8775-2] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1059. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more (Transmittal No. DDTC 147-08), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1060. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to Australia (Transmittal No. DDTC 144-08), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1061. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Republic of Korea (Transmittal No. DDTC 148-08), pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

1062. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1063. A letter from the Chief Executive Officer, Neighborhood Reinvestment Corporation, transmitting the Corporation's Fiscal Year 2008 Annual Program Performance Report, prepared in accordance with the provisions of The Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

1064. A letter from the Chairman, Railroad Retirement Board, transmitting a copy of the annual report for Calendar Year 2008, in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

1065. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, "Report of the Proceedings of the Judicial Conference of the United States" for the September 2008 session and the June 2008 special session; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 608. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes (Rept. 111-53, Pt. 1). Ordered to be printed.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 608. Referral to the Committee on House Administration extended for a period ending not later than April 24, 2009.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALTMIRE (for himself, Mr. TIM MURPHY of Pennsylvania, and Ms. ESHOO):

H.R. 1699. A bill to require that certain complex diagnostic laboratory tests performed by an independent laboratory after a hospital outpatient encounter or inpatient stay during which the specimen involved was collected shall be treated as services for which payment may be made directly to the laboratory under part B of title XVIII of the Social Security Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mrs. CAPITO, Ms. NORTON, Ms. KAPTUR, Ms. DeLAURO, Ms. BORDALLO, Mr. MORAN of Virginia, Ms. WATSON, Ms. HIRONO, Ms. FALLIN, Ms. KILPATRICK of Michigan, Mrs. BLACKBURN, Ms. SCHAKOWSKY, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1700. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Transportation and Infrastructure.

By Mr. JONES (for himself and Mr. TAYLOR):

H.R. 1701. A bill to amend title 10, United States Code, to direct the Secretary of Defense to establish a special review board for certain former members of the Armed Forces with post-traumatic stress disorder or a traumatic brain injury, and for other purposes; to the Committee on Armed Services.

By Mr. MILLER of North Carolina (for himself, Mr. PRICE of North Carolina, Mr. CASTLE, Mr. HINCHEY, Mr. ELLISON, Ms. MOORE of Wisconsin, and Mr. JACKSON of Illinois):

H.R. 1702. A bill to authorize assistance for affordable housing and sustainable urban development in developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FATTAH:

H.R. 1703. A bill to require a study and comprehensive analytical report on transforming America by reforming the Federal tax code through elimination of all Federal taxes on individuals and corporations and replacing the Federal tax code with a transaction fee-based system; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY:

H.R. 1704. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT (for himself and Mr. MILLER of North Carolina):

H.R. 1705. A bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty; to the Committee on Financial Services.

By Mr. RUSH (for himself, Mr. WAXMAN, Mr. DINGELL, Mr. DOYLE, Mr. MARKEY of Massachusetts, Mr. STUPAK, Ms. SCHAKOWSKY, and Ms. DEGETTE):

H.R. 1706. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Mr. WOLF, Mr. YOUNG of Florida, Mr. KING of New York, Mr. CRENSHAW, and Mr. BURTON of Indiana):

H.R. 1707. A bill to increase housing, awareness, and navigation demonstration services (HANDS) for individuals with autism spectrum disorders; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas (for himself and Mr. TERRY):

H.R. 1708. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Mr. LIPINSKI, and Mr. EHLERS):

H.R. 1709. A bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. KENNEDY, Mr. GRIJALVA, Mr. HARE, and Mr. YARMUTH):

H.R. 1710. A bill to include family therapists on the list of professionals recognized to provide public school mental health services under the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. ABERCROMBIE (for himself, Mr. SABLON, Ms. HIRONO, Mr. YOUNG of Alaska, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. FALOMAVAEGA, and Mr. KILDEE):

H.R. 1711. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Natural Resources.

By Mrs. BLACKBURN (for herself, Mr. GINGREY of Georgia, Mr. MARCHANT, Mr. WESTMORELAND, Ms. GINNY BROWN-WAITE of Florida, and Mr. PITTS):

H.R. 1712. A bill to amend title II of the Social Security Act to establish a Social Security Surplus Protection Account in the Federal Old-Age and Survivors Insurance Trust Fund to hold the Social Security surplus, to provide for suspension of investment of amounts held in the Account until enactment of legislation providing for investment of the Trust Fund in investment vehicles other than obligations of the United States, and to establish a Social Security Investment Commission to make recommendations for alternative forms of investment of the Social Security surplus in the Trust Fund; to the Committee on Ways and Means.

By Mr. BOREN (for himself, Mr. COLE, Ms. FALLIN, Mr. SULLIVAN, and Mr. LUCAS):

H.R. 1713. A bill to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley "Wes" Watkins; to the Committee on Agriculture, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 1714. A bill to require that the Board Compensation Committees required for financial institutions receiving assistance under the Troubled Assets Relief Program include the representation of the financial institution's lowest paid employees; to the Committee on Financial Services.

By Ms. DEGETTE:

H.R. 1715. A bill to amend the Public Health Service Act with respect to the protection of human subjects in research; to the Committee on Energy and Commerce.

By Mr. HILL (for himself, Mr. ADLER of New Jersey, Mr. CARSON of Indiana, Mr. BURTON of Indiana, Mr. DONNELLY of Indiana, Mr. VISCLOSKEY, and Mr. STUPAK):

H.R. 1716. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for real property taxes on the principal residences to all individuals whether or not they itemize other deductions; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mr. BURTON of Indiana, Mr. BROWN of Georgia, Mr. CAMPBELL, Mr. CANTOR, Mr. CARTER, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CULBERSON, Ms. FALLIN, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. HENSARLING, Mr. HERGER, Mr. INGLIS, Mr. ISSA, Mr. JONES, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LINDER, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MCHENRY, Mr. MANZULLO, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. ROGERS of Michigan, Mr. ROHRBACHER, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. THORNBERRY, Mr. TIAHRT, Mr. WESTMORELAND, and Mr. WILSON of South Carolina):

H.R. 1717. A bill to allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students; to the Committee on Education and Labor.

By Mr. KIND (for himself, Mr. HERGER, Mr. DAVIS of Alabama, Mr. PASCRELL, and Mr. THOMPSON of California):

H.R. 1718. A bill to amend the Internal Revenue Code of 1986 to treat amounts paid for umbilical cord blood banking services as medical care expenses; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California:

H.R. 1719. A bill to amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote the use of the Internet by State and local election officials in carrying out voter registration activities, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 1720. A bill to permit statues honoring citizens of the District of Columbia to be placed in Statuary Hall in the same manner as statues honoring citizens of the States are placed in Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. PALLONE (for himself, Mr. DINGELL, and Mr. KENNEDY):

H.R. 1721. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Energy and Commerce, and in addition to

the Committees on Ways and Means, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. LYNCH, Mr. DAVIS of Illinois, Mr. MORAN of Virginia, and Mr. RUPPERSBERGER):

H.R. 1722. A bill to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. STARK (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mrs. MALONEY):

H.R. 1723. A bill to provide for a paid family and medical leave insurance program, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER (for himself and Ms. SUTTON):

H.R. 1724. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the remediation of contaminated sites; to the Committee on Ways and Means.

By Mr. VAN HOLLEN (for himself, Ms. PINGREE of Maine, Mr. RUPPERSBERGER, Mr. KRATOVIL, and Mr. RAHALL):

H.R. 1725. A bill to amend title XIX of the Social Security Act to require, at the option of a State, drug manufacturers to pay rebates to State prescription drug discount programs as a condition of participation in a rebate agreement for outpatient prescription drugs under the Medicaid Program; to the Committee on Energy and Commerce.

By Mrs. BACHMANN (for herself, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. SHADEGG, Mr. KIRK, Ms. FOXX, Mr. PITTS, Mr. BARTLETT, Mr. MCCLINTOCK, Mr. GINGREY of Georgia, Mr. WAMP, Ms. FALLIN, Mr. FLEMING, Mrs. BLACKBURN, Mr. BROWN of Georgia, Mr. AKIN, Mr. ISSA, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. GOHMERT, Mr. THOMPSON of Pennsylvania, Mr. LAMBORN, Mr. PAUL, Mr. CULBERSON, Mrs. BIGGERT, Mr. BROWN of South Carolina, Mr. JONES, Mr. POSEY, Mr. ROE of Tennessee, and Mr. CONAWAY):

H.J. Res. 41. A joint resolution proposing an amendment to the Constitution of the United States to prohibit the President from entering into a treaty or other international agreement that would provide for the United States to adopt as legal tender in the United States a currency issued by an entity other than the United States; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H. Con. Res. 81. Concurrent resolution recognizing the 150th anniversary of the arrival of the Sisters of the Sacred Hearts in Hawai'i; to the Committee on Education and Labor.

By Mr. THOMPSON of Mississippi:

H. Con. Res. 82. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be

issued honoring James Chaney, Andrew Goodman, and Michael Schwerner; to the Committee on Oversight and Government Reform.

By Mr. FLAKE

H. Res. 286. A resolution raising a question of the privileges of the House.

By Ms. BEAN (for herself, Mr. COOPER, Mr. KIND, Mr. HELLER, Mr. FLAKE, and Mr. CAMPBELL):

H. Res. 287. A resolution directing the Clerk of the House of Representatives to post on the public Internet site of the Office of the Clerk a record, organized by Member name, of recorded votes taken in the House, and directing each Member who maintains an official public Internet site to provide an electronic link to such record; to the Committee on House Administration.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. FATTAH, Mr. SHERMAN, Mr. DICKS, Mr. KLINE of Minnesota, Mr. WALDEN, Mr. SMITH of Washington, and Mrs. BONO MACK.

H.R. 31: Mr. LATOURETTE.

H.R. 67: Mr. VAN HOLLEN.

H.R. 111: Mr. WAXMAN and Mr. CASSIDY.

H.R. 154: Mr. HINOJOSA.

H.R. 179: Mr. DOYLE.

H.R. 197: Mr. MICA, Mr. KLINE of Minnesota, Mr. POE of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. TIAHRT, Ms. FOXX, Mr. BILIRAKIS, Mr. JORDAN of Ohio, and Mr. MORAN of Kansas.

H.R. 272: Mr. BOSWELL.

H.R. 303: Mr. GRIFFITH, Mr. DOYLE, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 327: Mr. PIERLUISI.

H.R. 422: Mr. MCNERNEY.

H.R. 444: Mrs. CHRISTENSEN.

H.R. 498: Mrs. MYRICK.

H.R. 560: Mr. OLSON and Mr. MARCHANT.

H.R. 574: Ms. SHEA-PORTER.

H.R. 606: Mr. MOORE of Kansas.

H.R. 618: Mr. DAVIS of Alabama.

H.R. 622: Mr. PERRIELLO.

H.R. 626: Mr. SERRANO, Mr. SESTAK, and Mr. MOORE of Kansas.

H.R. 650: Mr. BOREN.

H.R. 653: Mr. SESTAK.

H.R. 699: Mr. SESTAK.

H.R. 729: Mr. SPRATT, Mr. MURPHY of Connecticut, Mr. CHANDLER, and Ms. JACKSON-LEE of Texas.

H.R. 745: Mr. CARNEY.

H.R. 775: Mr. BARRETT of South Carolina, Mr. LATTA, Mr. HIGGINS, and Mr. BISHOP of Georgia.

H.R. 785: Mr. SESTAK.

H.R. 873: Mr. MATHESON, Mr. SHERMAN, Ms. KILPATRICK of Michigan, and Ms. LINDA T. SANCHEZ of California.

H.R. 927: Mr. KAGEN.

H.R. 936: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LUJÁN, Mr. BACA, Ms. GIFFORDS, Mr. COHEN, and Mr. BLUMENAUER.

H.R. 946: Mr. SIRES.

H.R. 949: Ms. CORRINE BROWN of Florida and Mr. WALZ.

H.R. 953: Ms. GINNY BROWN-WAITE of Florida.

H.R. 958: Mr. MCHUGH, Mr. ROSS, Ms. Linda T. Sánchez of California, and Mr. SESTAK.

H.R. 978: Mrs. BACHMANN, Mr. MOORE of Kansas, Mr. MCMAHON, and Mr. MCHENRY.

H.R. 985: Mr. MAFFEI.

H.R. 997: Mr. CAMPBELL and Mr. THOMPSON of Pennsylvania.

H.R. 998: Mr. YOUNG of Florida.

H.R. 1083: Mr. LAMBORN.

H.R. 1171: Mr. MICHAUD.

H.R. 1185: Mr. MCMAHON.

H.R. 1189: Mr. SESTAK and Mr. GALLEGLY.

H.R. 1210: Mr. DAVIS of Alabama.

H.R. 1214: Ms. WASSERMAN SCHULTZ.

H.R. 1220: Mr. LUCAS and Mr. BURTON of Indiana.

H.R. 1231: Mr. SERRANO and Mr. SIRES.

H.R. 1232: Ms. JACKSON-LEE of Texas.

H.R. 1242: Mr. ROONEY.

H.R. 1255: Mr. MCGOVERN and Mr. BOUTSTANY.

H.R. 1256: Mr. SESTAK and Mr. MASSA.

H.R. 1261: Mr. SHUSTER and Mr. KISSELL.

H.R. 1264: Mr. HARPER and Mr. GRAYSON.

H.R. 1274: Mr. SERRANO.

H.R. 1285: Mr. FATTAH.

H.R. 1303: Mr. RANGEL and Mr. SESTAK.

H.R. 1305: Mr. COSTA and Mr. DOYLE.

H.R. 1330: Ms. WASSERMAN SCHULTZ and Mr. MOORE of Kansas.

H.R. 1339: Ms. KILPATRICK of Michigan.

H.R. 1341: Mr. ETHERIDGE.

H.R. 1380: Mr. SIRES, Mr. MEEKS of New York, Mr. PAYNE, Mr. LEWIS of Georgia, Mr. BARROW, Ms. NORTON, Mr. JACKSON of Illinois, Mr. HONDA, Mr. MCMAHON, Mr. SARBANES, Ms. HIRONO, Mr. KENNEDY, Mr. HOLT, Mr. SESTAK, Mr. BRALEY of Iowa, Ms. SHEA-PORTER, Mr. ALTMIRE, Mr. CUMMINGS, and Mr. SPACE.

H.R. 1385: Mr. KILDEE.

H.R. 1404: Mr. TEAGUE and Mr. COFFMAN of Colorado.

H.R. 1406: Mrs. BLACKBURN.

H.R. 1427: Mr. KINGSTON.

H.R. 1437: Mr. OLSON and Mr. CARNEY.

H.R. 1449: Mr. DUNCAN.

H.R. 1454: Mr. KIRK, Mr. BOOZMAN, and Mr. SHUSTER.

H.R. 1458: Mr. SESTAK.

H.R. 1460: Mr. SESTAK and Mr. YOUNG of Florida.

H.R. 1470: Mr. MILLER of Florida, Mr. THORNBERRY, Ms. SCHWARTZ, Mr. GERLACH, and Mr. SMITH of Nebraska.

H.R. 1475: Mr. BRADY of Pennsylvania.

H.R. 1509: Mrs. MCMORRIS RODGERS, Mr. SMITH of Nebraska, and Ms. KOSMAS.

H.R. 1521: Mr. DENT, Mr. SMITH of Nebraska, Mrs. MYRICK, Mr. ALEXANDER, and Mr. SCOTT of Georgia.

H.R. 1548: Mr. CARSON of Indiana.

H.R. 1550: Mr. BLUMENAUER and Mr. YARMUTH.

H.R. 1569: Mr. JACKSON of Illinois and Ms. KILPATRICK of Michigan.

H.R. 1585: Ms. SLAUGHTER, Mr. ELLISON, Mrs. BONO MACK, Mr. SESTAK, Mr. MCNERNEY, Mr. BERMAN, Ms. KILPATRICK of Michigan, Mr. REYES, and Mr. CLEAVER.

H.R. 1615: Mr. TOWNS, Mr. HUNTER, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. GORDON of Tennessee, and Ms. ROS-LEHTINEN.

H.R. 1616: Ms. NORTON and Mr. SERRANO.

H.R. 1624: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1625: Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. JACKSON of Illinois, Mr. ROGERS of Alabama, Mr. ROSS, Mr. ISRAEL, and Mr. VISLOSKEY.

H.R. 1660: Mr. MASSA and Mr. LEE of New York.

H.R. 1663: Mr. ROONEY.

H.R. 1670: Mr. RANGEL, Ms. SCHAKOWSKY, Mr. LOEBACK, Mr. GRIJALVA, Mr. NADLER of

New York, Mrs. DAVIS of California, Mr. MORAN of Virginia, Mr. MORAN of Kansas, Mr. POLIS, Mr. REYES, Mr. SERRANO, Ms. DEGETTE, Ms. CLARKE, Mr. MCHUGH, Mr. FRANK of Massachusetts, and Ms. SLAUGHTER.

H.R. 1683: Mr. DOGGETT.

H.R. 1684: Mr. THOMPSON of Pennsylvania, Mr. DREIER, Mr. ROONEY, Mr. MORAN of Kansas, Mr. NYE, Mr. PAUL, and Mr. CASSIDY.

H.R. 1685: Ms. DELAURO and Ms. LEE of California.

H.R. 1694: Mr. MCGOVERN.

H.J. Res. 18: Mr. ROTHMAN of New Jersey.

H. Con. Res. 36: Mr. BILIRAKIS.

H. Con. Res. 42: Mr. LEWIS of Georgia.

H. Con. Res. 43: Mr. LEWIS of Georgia.

H. Con. Res. 60: Mr. GONZALEZ, Mr. MASSA, Mr. BACHUS, Mr. REYES; Ms. GINNY BROWN-WAITE of Florida, and Mr. MCHUGH.

H. Res. 20: Mr. YOUNG of Alaska.

H. Res. 65: Mr. SESTAK.

H. Res. 86: Mr. PLATTS.

H. Res. 111: Mr. ALTMIRE, Mr. DEAL of Georgia, Mr. ISRAEL, Mr. LINCOLN DIAZ-BALART of Florida, Mr. NEUGEBAUER, Mr. SARBANES, and Mr. JORDAN of Ohio.

H. Res. 130: Mr. MOORE of Kansas and Mr. WU.

H. Res. 164: Mr. MCCOTTER.

H. Res. 171: Ms. SLAUGHTER.

H. Res. 175: Mr. WU and Mr. LAMBORN.

H. Res. 244: Mr. LAMBORN.

H. Res. 254: Mr. MAFFEI, Mr. LYNCH, Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. HARE, Mr. ENGEL, Ms. MCCOLLUM, Mr. MORAN of Virginia, Ms. KILPATRICK of Michigan, Mr. PAYNE, Mr. WEXLER, Mr. KILDEE, Mr. KENNEDY, Mr. PASCRELL, Mr. MARKEY of Massachusetts, Mr. BISHOP of New York, Mr. DAVIS of Tennessee, Mr. CROWLEY, Mr. DUNCAN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KANJORSKI, Mr. BOSWELL, Ms. HIRONO, Mr. CARNEY, Mr. HIGGINS, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, and Mr. TONKO.

H. Res. 258: Mr. SIRES, Mr. ORTIZ, Mr. ENGEL, Mrs. MCCARTHY of New York, Mr. GRIJALVA, Mr. FILNER, and Mr. POLIS.

H. Res. 268: Ms. ZOE LOFGREN of California, Mr. MORAN of Virginia, and Mr. CARNAHAN.

H. Res. 269: Ms. BORDALLO, Mr. PLATTS, and Mr. BROWN of South Carolina.

H. Res. 272: Mr. CHAFFETZ.

H. Res. 274: Mr. BRALEY of Iowa, Ms. DELAURO, Mr. HINCHEY, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mr. DONNELLY of Indiana, Mr. COURTNEY, Mr. MURPHY of Connecticut, Mr. PALLONE, Mr. BUTTERFIELD, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Ms. DEGETTE, Ms. BERKLEY, Mrs. MCCARTHY of New York, Mr. TOWNS, Ms. WATSON, Mr. KLEIN of Florida, Ms. WOOLSEY, Ms. HIRONO, Mr. LIPINSKI, Mr. SNYDER, Mr. MCNERNEY, Mr. SHULER, Mr. ELLSWORTH, Mr. BOREN, Mr. NYE, Mr. HILL, Mr. TANNER, Mr. CARDOZA, Mr. GRIFFITH, Mr. KRATOVL, Mrs. MALONEY, Mr. DRIEHAUS, Mr. MINNICK, Mr. WALZ, Mr. CAPUANO, Mr. BERRY, Mr. MELANCON, Mr. SIRES, Mr. BARROW, Mr. SERRANO, Mr. GRIJALVA, Mr. CARNEY, Ms. VELÁZQUEZ, Mr. SARBANES, Mr. HODES, Mr. MCCARTHY of California, Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, Mrs. CHRISTENSEN and Mrs. CAPPS.

H. Res. 283: Mr. MCCOTTER, and Mr. MURPHY of Connecticut.



CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendments to be offered by Representative Hastings of Washington or a designee to H.R. 146 the Omnibus Public Land

Management Act of 2009, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

## EXTENSIONS OF REMARKS

## EARMARK DECLARATION

## HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to Republican Leadership standards on earmarks, I am submitting the following Information regarding earmarks I received as part of H.R. 1109, The Omnibus Appropriations Act, 2009.

Project Name: Police Department Photography Lab Upgrades for the City of Miami

Amount Funded: \$400,000

Account: COPS Law Enforcement Technology

Contact: Pedro G. Hernandez, City Manager, City of Miami

Address: 3500 Pan American Drive, Miami, Florida 33143

Description: The City of Miami Police Department Photo Lab Upgrades Project will upgrade and digitize the City's police department photo lab. Funds will be used to incorporate digital cameras, memory card readers and a digital photographic laboratory system which will replace the antiquated film technology that is currently in use. Funding for photo lab upgrades will facilitate the investigative and prosecutorial efforts of the law enforcement community in the City of Miami, with national crime fighting implications that extend beyond Southern Florida in circumstances when fugitives flee the City to avoid prosecution.

Project Name: Miami Beach After School Gang and Drug Prevention Program

Amount Funded: \$200,000

Account: OJP—Bryne Discretionary Grants

Contact: Kevin Crowder, City of Miami Beach

Address: 1700 Convention Center Drive, Miami Beach, Florida 33139

Description: Continued After-School and summer programs ensure youth "growing-up" within the system. These youth are less likely to entertain outside and detrimental participation in other unsupervised activities, such as involvement in gangs and/or drugs. Participation in the recently created Teen Intervention Program in North Beach has increased dramatically during the past year, as have the various programmatic offerings by the City. City of Miami Beach local funding is \$642,167, or 23% of the program cost. Justification for use of federal taxpayer dollars.

Project Name: Life-Management Skill Intervention Program for At-Risk Youth

Amount Funded: \$300,000

Account: OJP—Juvenile Justice

Contact: Susan Benson, ARISE Foundation  
Address: 824 U.S. Highway 1, Suite 420, North Palm Beach, Florida 33408

Description: During 2006–07 Florida committed 7,187 juvenile offenders to residential delinquent treatment facilities. The Department

of Juvenile Justice wants to increase their life chances according to the Models of Change (Systems Reform in Juvenile Justice). ARISE provides juvenile, justice facilities with specialized staff training and its unique curricula designed specifically for populations reading at approximately a third grade level. With over 260 easy-to-administer ARISE life-management lessons, ARISE materials contain vital information necessary for reducing recidivism. The ARISE program provides both staff training and educational materials for teaching life lessons to incarcerated youth through interactive methods and help develop critical thinking skills needed to break the cycle of violence and crime that would otherwise doom many of these juvenile offenders to tragic lives of gang involvement, crime, drugs, disease and poverty.

Due to inherent problems staff have in dealing with incarcerated high risk youth, ARISE will expand its training program for Juvenile Care and Detention Officers in Florida's Juvenile Justice facilities, by introducing additional training topics such as anger management, non-judgmental listening and conflict resolution. This training will be directed at reducing staff on youth conflict, and severe turnover of staff.

Project Name: City of Coral Gables Wastewater Infrastructure Improvements

Amount Funded: \$500,000

Account: EPA—STAG Water and Wastewater Infrastructure

Contact: Alberto Delgado, Department of Public Works, City of Coral Gables

Address: 405 Biltmore Way, Coral Gables, Florida 33144

Description: The project meets the STAG match requirement. Funding would be used to make state-mandated upgrades to the City's wastewater infrastructure.

Project Name: Florida Keys Water Quality Improvements

Amount Funded: \$2,392,000

Account: Corps of Engineers, Construction

Contact: Clyde Burnett, City Manager, City of Marathon

Address: 9805 Overseas Highway, Marathon, Florida 33050

Description: The Florida Keys are required to meet rigid wastewater and stormwater management restrictions as well as near shore water quality and environmental protection standards.

Project Name: Miami Museum of Science Renewable Energy Research Project

Amount Funded: \$713,625

Account: Department of Energy, EERE

Contact: Gillian Thomas, President and CEO, Miami Museum of Science

Address: 3280 S. Miami Avenue, Miami, Florida 33122

Description: Funding is requested for a research and development program aimed at enhancing understanding by Miami-Dade residents of programs related to alternative en-

ergy and energy efficiency technologies, with a special emphasis on Hispanic and Haitian communities.

Project Name: Miami Harbor Channel Dredging

Amount Funded: \$478,000

Account: Corps of Engineers, O&M

Contact: Eric Olafson, Assistant Director, Miami-Dade County

Address: 444 North Capitol Street, NW, Washington, DC 20001

Description: This funding request is for the first phase of implementation, which includes the design, preparation of plans and specifications for bidding. Miami-Dade County is also seeking an additional source of PED funds through utilizing the funds that will be restored to the project, once the Port of Miami reimburses the Army Corps for its share of the costs of the General Reevaluation Report (GRR). The Chief of Engineers has recommended the deepening project to 50–52 feet and Congress has authorized the project (Title I, Water Resources Development Act of 2007).

Project: Intracoastal Waterway, Jacksonville to Miami, Florida

Amount Funded: \$4,019,000

Account: Corps of Engineers, O&M

Contact: David Roach, Executive Director, Florida Inland Navigation District

Address: 1314 Marcinski Road, Jupiter, Florida 33477

Description: Funds would be used to dredge the IWW in two locations: (1) Matanzas Inlet (St. Johns County) and in the vicinity of St. Augustine. In addition, funds would be used to (1) restore a Dredged Material Management Area in St. Johns County and (2) construct a Dredged Material Management Area in Indian River County. The organization does not have a local match requirement with the Corps of Engineers.

Project: Miami River Maintenance Dredging Project

Amount Funded: \$10,043,000

Account: Corps of Engineers, O&M

Contact: Eric Olafson, Assistant Director, Miami-Dade County

Address: 444 North Capitol Street, NW, Washington, DC 20001

Description: This request is for the final phase of the Miami River Dredging Project to restore authorized depth and width to the navigation channel. This project, funded by the US Army Corps of Engineers with a coalition of local sponsors led by Miami-Dade County, removes contaminated sediments from the Miami River, Florida's 4th largest port with an economic value of \$4 billion. The local sponsor has exceeded all match requirements.

Project: Lower Keys Shuttle Bus Facilities

Amount Funded: \$950,000

Account: Transportation, Bus and Bus Facilities

Contact: Jim Scholl, City Manager, City of Key West

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Address: 525 Angela Street, Key West, Florida 33140

Description: Federal funds will assist the City in its efforts to improve the City's bus facilities. Specifically, funding will provide a modern maintenance facility to assist in improved bus facilities as well as passenger amenities such as waiting areas, bus transfer areas and ticketing areas

Project: Atlantic Greenway Corridor Network

Amount Funded: \$570,000

Account: Transportation, TCSP

Contact: Kevin Crowder, City of Miami Beach

Address: 1700 Convention Center Drive, Miami Beach, Florida 33139

Description: Through the development of the Atlantic Corridor Greenway Network, the City of Miami Beach is creating a regional alternative transportation network which will interconnect key intermodal centers, area business districts, cultural/tourism centers, residential neighborhoods, parking facilities, parks, schools and the beaches. The Network will be comprised of a citywide system of bicycle/pedestrian accessways, enhanced public transit facilities, expanded bus service and innovative regional parking improvement programs.

Project: Little Venice Road Improvement Project, Phase II

Amount Funded: \$95,000

Account: Transportation, TCSP

Contact: Clyde Burnett, City Manager, City of Marathon

Address: 9805 Overseas Highway, Marathon, Florida 33050

Description: The proposed project includes the installation of drainage and retention structures to minimize the destructive impacts from serious weather events. Additionally, the project proposes the installation of an asphaltic overlay for all road surfaces in the immediate area. This area constitutes 95th Streets to 117th Street south of the highway and connecting cross streets.

Project: Pedestrian Bridges in Coral Gables, Florida

Amount Funded: \$142,500

Account: HUD, EDI

Contact: Maria Jimenez, Interim City Manager, City of Coral Gables

Address: 405 Biltmore Way, Coral Gables, Florida 33144

Description: The requested federal funding will be used to build pedestrian bridges next to the Hardee, Granada and Maynada bridges where vehicular traffic has created safety concerns for crossing pedestrians and cyclists. These new bridges will allow for more efficient and safer traffic flow throughout the City. Improved pedestrian safety along busy roadways in the City of Coral Gables will be the benefit of this project.

Project: Barry University Community Health and Minority Medicine Project

Amount Funded: \$95,000

Account: DOE-Higher Education

Contact: Ann Paton, VP for Institutional Advancement

Address: 11300 NE 2nd Avenue, Miami Shores, Florida 33161

Description: Funding will be utilized to expand current lab facilities at Barry University's center for community health.

Project: Jackson Health System Facilities and Equipment

Amount Funded: \$190,000

Account: HHS-HRSA

Contact: Jeanette Nunez, VP

Address: 1611 NW 12th Avenue, Miami, Florida 33136

Description: Funding will be used to upgrade Jackson Health System's information technology infrastructure. Jackson is a fully integrated health care system with 3 major hospitals, 12 primary care centers, 16 school-based clinics, a mental health facility, 2 mobile health vans and a major health plan. Jackson is also the primary safety net provider in Miami-Dade County.

Project: Mercy Hospital Equipment Upgrades

Amount Funded: \$95,000

Account: HHS-HRSA

Contact: Lois Blume, Grants Coordinator, Mercy Foundation

Address: 3663 South Miami Avenue, Miami, Florida 33133

Description: Mercy Hospital in Miami is seeking funding to upgrade equipment in three key healthcare areas: advanced cardiac video imaging technology, cardiac mapping technology, anesthesia machines, and a sterilization machine for surgical equipment.

Project: Miami-Dade College Medical Center Nursing Program Equipment

Amount Funded: \$95,000

Account: HHS-HRSA

Contact: Joe Pena, Director of Federal Relations

Address: 300 NW 2nd Avenue, Suite 1402, Miami, Florida 33132

Description: To address a growing demand for healthcare professionals, Miami Dade College (MDC) School of Nursing requires additional programs and advanced training equipment in order to expand their successful nursing program.

#### HONORING KIRKSVILLE HIGH SCHOOL WRESTLING TEAM

#### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating the Kirksville High School wrestling team for winning the Class 2 A Missouri State Championship in February.

Not only did the Kirksville High Tigers cap off an impressive season with a state championship, but they dominated in winning their conference and district titles.

The city of Kirksville should take pride in their high school wrestling team, who won the school's third state sports championship.

I ask that you join me in recognizing the Kirksville High Tigers for an outstanding season and a job well done!

#### CELEBRATING THE 100TH BIRTHDAY OF ROGERS STATE UNIVERSITY

#### HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. BOREN. Madam Speaker, I rise today to honor a milestone for a prestigious institution of higher learning in Oklahoma. Rogers State University, with campuses located in Claremore, Bartlesville, and Pryor is turning 100 years old this month.

Founded in 1909, Rogers State University has been a center of excellence and learning for thousands of Oklahomans.

In 1998, the Oklahoma Legislature solidified the role of Rogers State University as a world class regional university by granting them full accreditation. RSU is one of only two universities in the state of Oklahoma to offer both associate of arts and bachelors degrees in various disciplines.

Rogers State University is one of the fastest-growing universities in Oklahoma. Over the last eight years Rogers State University's enrollment has jumped 70 percent. At one time RSU's enrollment registered just over 400, but in recent years it has swelled to boast a diverse student body of 4,000.

RSU is a national leader and pioneer in on-line learning. They are the first public university in the state of Oklahoma to offer associate and bachelor degrees completely online.

In athletics, the future looks just as promising for Rogers State. A few years ago, the RSU Hillcats gained acceptance into the National Association of Intercollegiate Athletics, NAIA. RSU currently fields a multitude of athletic teams and competes in the Sooner Athletic Conference.

During their university's Centennial this year, the Hillcats won the Sooner Athletic Conference championship in men's basketball, and represented their school this month as the No. 1 seed in the NAIA Championship Tournament. In 2008, just their first year of Sooner Athletic Conference play, the RSU women's soccer team earned a conference championship.

RSU is the only university in Oklahoma to operate a full-power public television station. It also operates a radio station, and boasts a 120-acre nature conservatory located on the main campus in Claremore.

The university has also added significantly to their university infrastructure and facilities. Recently, the school opened a \$13 million Student Services Center at its main campus and a \$1.3 million expansion that will double the size of the campus at the Pryor location.

In these times of limited educational dollars, it is important for the United States Congress to remember the local and regional universities that educate so many of our citizens and allow them to benefit both the future of their family and our entire society. Rogers State University is an enormous asset to eastern Oklahoma and I come to the floor today to honor all they do.

Happy Birthday Rogers State University!

TRIBUTE TO MRS. NANCY  
DAWKINS

**HON. KENDRICK B. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to Mrs. Nancy Dawkins, who will be recognized by the Heritage Trail Advisory Committee in collaboration with the Martin Luther King Economic Development Corporation, Liberty City Trust and the City of Miami for her invaluable service to the residents of Liberty City and the City of Miami. Mrs. Dawkins' generosity and community activism in the fields of education, counseling and leadership development serve as hallmarks to her unwavering dedication to the South Florida community and the 17th Congressional District.

Mrs. Dawkins, a teacher in the Miami-Dade County Public School System for 35 years, has been at the forefront of various community endeavors. She co-authored the program concept that became the COPE school program for pregnant teenagers, served as a career and occupational specialist at Booker T. Washington Middle School and was a former early childhood education instructor of Miami-Dade College North Campus. Among her many awards and accolades throughout the years, Mrs. Dawkins has received the Dade Heritage Trust Plaque for Outstanding Contribution in Promoting Commemorative Services, the Miami Police Department's Recognition Plaque for Community Service and the Metropolitan Dade County Appreciation Plaque from former Mayor Stephen P. Clark.

As a tireless activist devoted to the advancement of equality and human rights, Mrs. Dawkins received The Miami Herald's Spirit of Excellence Award. She currently serves on the board of the Children's Home Society and has been a driving force in the largest African-American chapter of the American Association of Retired Persons, AARP, in the northwestern Miami community where she actively participates by attending state and national conventions.

Throughout the years Mrs. Dawkins has served as a charter member, organizer and past president of the National Association of Negro Business and Professional Women's Club, South Florida chapter, which has spearheaded the establishment of several nationally recognized programs for children who provide countless hours of volunteer community service. Moreover, Mrs. Dawkins sought out summer jobs for her students in order to broaden their experiences in cultural affairs and in her continued activism, encouraged her students at Miami-Dade Community College to establish early childhood centers.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing Mrs. Nancy Dawkins' tremendous humanitarian efforts and overwhelming dedication to our South Florida community. I wish her every happiness and continued success.

HAITIAN DEPORTATIONS—A HUMANITARIAN OPPORTUNITY  
GONE UNNOTICED

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. RANGEL. Madam Speaker, I stand before you today to acknowledge the unjust and inhumane treatment of 30,000 Haitians living in the United States who have been threatened with deportation. These Haitian nationals have contributed to our society for several years as hard-working, law-abiding tax-payers and are now being asked to return to a country that is in no position to support them.

Haiti is the poorest nation in the Western Hemisphere and it has furthermore been ravaged by natural disasters during the last year. The impact of hurricanes and floods has been devastating to the Haitian economy and has resulted in an unprecedented level of suffering requiring emergency assistance for the people of Haiti. The idea of sending thousands of refugees into such a desperate situation is so inhumane as to be unthinkable.

The UN estimates the lives of approximately 800,000 have been affected by the storms of the previous year. These people have no viable country to return to—what is the rationale behind sending an additional 30,000 people back to a country that already has close to a million displaced individuals? This is a Bush policy that needs to be reconsidered—it is uncertain who would support such a policy that threatens an already fragile environment.

The humanitarian thing to do would be to offer these Haitians Temporary Protection Status (TPS) which is consistent with concessions given to other countries given the same circumstances. In the past, we have made this compromise with countries such as El Salvador, Nicaragua, and Honduras, even as recent as 2008. This is blatantly inconsistent with the treatment given to Haitian immigrants despite the fact that economic and social conditions are worse, in addition to the reality that the country has not overcome the recent floods and hurricanes. Considering the compelling humanitarian reasons against returning Haitians to a homeland that cannot now support them, I must wonder what the real motives behind such a policy are.

It is unfortunate to see the treatment of these Haitians by the United States government given the fact that Haiti has had such a rich, long history with the United States. During the American Revolution about 750 Haitian freemen fought alongside colonial troops against the British in the Siege of Savannah in 1779. This level of sacrifice by a country should not be forgotten, especially during times of need.

The defeat of the French Napoleon Army by the Haitians, albeit indirectly, helped America expand its territories towards the West with the Louisiana Purchase. At the time, Haiti was the producer of 40 percent of the world's sugar, was the most profitable colony the French owned and in fact the wealthiest and most flourishing of the slave colonies in the Caribbean. This was a tremendous loss to the French, and as a result was forced to sell off

some of their land. The outcome for the US was significant—the land included in the purchase comprised of around 23% of the territory of the United States today.

The historical relationship and the humanitarian concerns are important facts to consider before deporting this group of Haitian refugees. Also consider that the Haitian economy has become increasingly reliant on the money sent by the Haitian Diaspora living abroad. Haiti's remittances make up one-third of their GDP and no other national group anywhere in the world sends money home in higher proportions. These 30,000 Haitians should be allowed to remain in this country and continue to send remittances to their homeland, while still paying their tax dollars and helping our economy grow.

Madam Speaker, I hope that our government will make the right decision and allow this country, a friend of ours, to rebound from these tragic natural disasters. As an example to the world, we must not let this humanitarian opportunity go unnoticed.

OWYHEE INITIATIVE

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. SIMPSON. Madam Speaker, I rise today to congratulate Senator CRAPO for his efforts in creating Idaho's newest wilderness areas in the Owyhee region of Southwestern Idaho. The designation of wilderness in Idaho is long overdue, as it has been nearly thirty years since the late Senator Frank Church created the River of No Return Wilderness.

I applaud the Senator for having the patience and perseverance to develop the compromises he has made with numerous ranchers, county officials, sportsman groups and conservation groups. The years of effort he put into creating this legislation are a testament to just how special these lands are. It is assured that Idahoans will be enjoying these unspoiled vistas and areas for generations to come.

There are numerous individuals in Idaho to congratulate for their hard work. I won't name them all, but Fred Grant, Chad Gibson, Brenda Richards and Craig Gherke put a lot of effort into this process. In addition, John Hoehne and Layne Bangert of Senator CRAPO's staff did tremendous staff work on the ground in Idaho. If they and so many others didn't commit themselves to the Owyhee initiative, there would have been nothing to work with here in D.C.

Finally, I saw first hand here in Washington how this legislation could not have been completed without the efforts of Peter Fischer on Senator CRAPO's staff, David Brooks on Senator BINGAMAN's staff, and Marcia Argust with the Campaign for America's Wilderness. Their commitment and belief in the product developed in Idaho made it possible for this legislation to move forward.

Idaho can be proud of the work that Senator CRAPO, his staff and its stakeholders have done in creating the Owyhee legislation.

THE TELEWORK IMPROVEMENTS  
ACT OF 2009

**HON. JOHN P. SARBANES**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. SARBANES. Madam Speaker, I rise today to introduce the Telework Improvements Act of 2009. Telework allows workers to perform their duties and responsibilities from home or at another work site removed from their regular place of employment. The Telework Improvements Act encourages a uniform and consistent telework policy across the federal government, while imposing strict oversight and accountability that will ensure the success of this pragmatic yet innovative workforce management policy.

First and foremost, this bill is about good government. According to an estimate by the nonpartisan Partnership for Public Service, in the next five years approximately 550,000 federal employees—almost 30 percent of the federal workforce—will leave government, largely through retirement. Broadband and other technological advances have made remote work arrangements widely possible and the government should use telework as a powerful recruitment and retention tool to compete with more highly paid private sector jobs. The flexibility that telework provides will make a career in government more attractive to the next generation of civil servants.

Telework will also help mitigate congestion in high-traffic areas such as the National Capital Region—reducing carbon emissions from vehicles and improving the quality of life for all commuters. I commute from my home in Towson, Maryland to our nation's capital, tracing the length of my district. Each day, I sit in suffocating traffic with thousands of federal employees and other commuters. The gridlock results in lost productivity, less time spent with families, and pollution that poisons our air and alters our climate. If we offer an innovative alternative so that some in the federal workforce can avoid these commutes through telework, not only will we improve their quality of life, we will relieve the overall strain on our regional transportation infrastructure and improve the daily commute for all area workers.

Select agencies within the federal government like the United States Patent and Trademark Office, the Defense Information Systems Agency, and the General Services Administration have shown strong leadership—from agency heads down to individual managers—by putting in place an efficient and effective telework policy. They have demonstrated extraordinary results and are a template for other agencies to follow. But even though telework has been available to federal employees for over a decade, there are no uniform policies in place. Agencies are hampered by a lack of guidance and training for federal employees who wish to telework. Uneven application among managers and supervisors has too often rendered telework policies ineffective. Finally, the absence of uniform data collection and meaningful oversight make the best practices employed by agencies with effective telework programs all but impossible to implement elsewhere in government.

To address these flaws, the Telework Improvements Act of 2009 will: instruct the Office of Personnel Management to develop a uniform, government-wide telework policy for federal employees; ensure that federal employees who wish to telework and are eligible to telework are able to do so for at least 20 percent of the hours they work in a two-week work period; designate a Telework Managing Officer within every agency and department to oversee telework; provide greater access to and opportunities for telework training and education to both employees and supervisors, while providing employees electing to telework with greater protection against discriminatory punitive treatment by supervisors and managers; require the Office of Personnel Management to compile government-wide data on telework; and require the Government Accountability Office (GAO) to evaluate agency compliance, produce an annual report to Congress and make that report publicly available on the internet.

In closing, I would like to salute Congressman FRANK WOLF for his vision and tireless advocacy for telework in the federal government. Over the last decade, he has put telework on the map as a management option within the federal workforce and I thank him for his leadership.

I would also like to thank Congressman GERRY CONNOLLY for joining Congressman WOLF and myself in writing this legislation. Though Congressman CONNOLLY is new to this body, he is not new to telework. As Chairman of the Fairfax County, Virginia Board of Supervisors, Congressman CONNOLLY instituted a far-reaching telework policy—performing a great service to the employees of Fairfax County and offering a model solution for the federal government.

Finally, I would like to thank Congressman DANNY K. DAVIS for his support. Congressman DAVIS and I introduced a similar piece of legislation in the 110th Congress. As chairman of the Federal Workforce Subcommittee of the House Committee on Oversight and Government Reform, the Congressman shepherded this crucial legislation through the House of Representatives, but unfortunately the measure stalled in the Senate. We are hopeful that we will get a bill to the President's desk during the 111th Congress.

Madam Speaker, the federal government should lead the way as a model employer and embrace innovative personnel policies that increase productivity while striking the right balance between family and work. By enacting the Telework Improvements Act, we have the opportunity to bolster the federal workforce, reduce traffic and carbon emissions, and improve the quality of life for our dedicated civil servants all in one fell swoop. I hope my colleagues will join me in supporting this pragmatic, commonsense legislation.

TRIBUTE TO FORMER NASA ADMINISTRATOR DR. MICHAEL D. GRIFFIN

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the aerospace and aeronautics communities, and to our country, have been exceptional. The National Aeronautics and Space Administration (NASA) has been fortunate to have a dynamic and dedicated leader who has given his time and talent to advance U.S. interests in space, science and aeronautics. On January 20, 2009, Administrator Michael Griffin concluded nearly four years of service as the NASA Administrator.

Dr. Griffin was nominated by President George W. Bush and confirmed by the United States Senate as the 11th Administrator of the National Aeronautics and Space Administration. He began his term on April 14, 2005. As Administrator, Mike led the NASA team and managed its resources to advance the U.S. Vision for Space Exploration which included returning the space shuttle to flight, completing assembly of the International Space Station and development of the Ares rocket and Orion crew vehicle to return us to the moon and eventually to Mars.

Prior to his tenure with NASA, Griffin served as Space Department Head at Johns Hopkins University's Applied Physics Laboratory in Laurel, Maryland. He was previously President and Chief Operating Officer of In-Q-Tel, Inc., and also served in several positions within Orbital Sciences Corporation, Dulles, Virginia, including Chief Executive Officer of Orbital's Magellan Systems division and General Manager of the Space Systems Group. Griffin also previously served as chief engineer and as associate administrator for exploration at NASA, and as deputy for technology at the Strategic Defense Initiative Organization.

Mike Griffin is a true rocket scientist and has the post-secondary degrees to prove it. He received a bachelor's degree in physics from Johns Hopkins University; a master's degree in aerospace science from Catholic University of America; a Ph.D. in aerospace engineering from the University of Maryland; a master's degree in electrical engineering from the University of Southern California; a master's degree in applied physics from Johns Hopkins University; a master's degree in business administration from Loyola College; and a master's degree in Civil Engineering from George Washington University.

Mike Griffin is a certified flight instructor with instrument and multiengine ratings. In addition, he is a member of the National Academy of Engineering and International Academy of Astronautics, an Honorary Fellow of the American Astronautical Society, a Senior Member of the Institute of Electrical and Electronic Engineers, and a previous adjunct professor at the University of Maryland, Johns Hopkins University, and George Washington University, where he taught courses in spacecraft design,

applied mathematics, guidance and navigation, compressible flow, computational fluid dynamics, spacecraft attitude control, astrodynamics and introductory aerospace engineering. He is the lead author of more than two dozen technical papers, as well as the textbook, "Space Vehicle Design." Mike is also the recipient of the Department of Defense's Distinguished Public Service Medal, the highest award given to a non-government employee.

Mike has demonstrated his ongoing passion for NASA and provided tremendous leadership for the agency in the Second Space Age. I am proud to call Mike a fellow American and friend. I know that many people around the country are grateful for his service and join me in saluting his many achievements. Whatever the future holds for him, Godspeed Mike Griffin.

#### CONGRATULATIONS LEXINGTON HIGH SCHOOL

#### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. WILSON of South Carolina. Madam Speaker, during this year's Southeastern Theatre Conference (SETC) convention, which took place March 4th to 8th in Birmingham, Alabama, South Carolina's own Lexington High School earned runner-up honors for their production of "Scooter Thomas Makes It To The Top Of The World" in the High School Theatre Festival. Three Lexington High School students won recognition for their roles in the production: William Vaughan won the Best Actor Award; Luke Whitmire won the Best Supporting Actor Award; and, Danielle Peterson won the Best Assistant Director Award.

In November 2008, Lexington High School took top honors at the South Carolina Theatre Association's festival which earned them a spot in the Southeastern Theatre Conference. The play, "Scooter Thomas Makes It To The Top Of The World," written by Peter Parnell, tells the story of Dennis who travels to the funeral of his childhood friend Scooter Thomas and reflects on their relationship and the decisions they made growing up.

I wish to commend all the students involved in this production—including Lachlan Medley, stage manager; Johnny Hawley, sound and light technician; Justin Hall, master set builder; Shelly Skelly, light technician; stage hands Eliott Carter and Bradley Cockrell—as well as their director and drama teacher, Leslie Dellinger. Congratulations to Lexington High School, under the professional leadership of Principal B. Creig Tyler, for their continued dedication and support of the arts and to the success of our students and community.

#### HOUSING CRISIS IN THE CENTRAL VALLEY

#### HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. CARDOZA. Madam Speaker, I rise today to remind my colleagues that the housing crisis continues to devastate communities across the country.

By all measures my district has been among the hardest hit by the foreclosure epidemic and the recession.

Constituents in Merced, California, near my hometown of Atwater, are suffering from 19.9% unemployment, the highest rate of foreclosures in the nation, and a loss of 70% of their home equity over the last three years.

They are experiencing an economic tsunami that will leave the Central Valley struggling for many years to come.

I am working on an effort to devise an Economic Disaster Area designation.

So places like my district, whose communities have been disproportionately affected by the country's recession, can receive the additional federal funding they need to keep from falling off the map.

The future of my constituents and my district is in jeopardy.

That is why I am asking my colleagues to support me in my efforts to create this Economic Disaster Area designation and to help my constituents and the entire Central Valley recover from this economic downturn.

#### MORRIS TOMORROW CELEBRATES 25TH ANNIVERSARY

#### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. FRELINGHUYSEN. Madam Speaker, I rise today in commemoration of the Twenty Fifth Anniversary of Morris Tomorrow of Morris County, New Jersey, a vibrant organization that I am proud to represent.

Morris Tomorrow's primary mission includes focusing attention on issues of regional significance, promoting public discussion, facilitating consensus towards viable solutions, and serving as a catalyst for implementation. Founded as Morris 2000 in 1984, the organization has managed to successfully bridge environment and business interests, working to further both causes to the mutual benefit of both.

Morris Tomorrow has established several high-profile programs that have helped define issues facing Morris County and the surrounding area. Among the programs is Midday Morris, a quarterly lecture series targeted toward business, government, civic and education leaders; Building Cross-Cultural Communities, works to address issues faced by our immigrant communities; Morris Summit, brings together local leaders from our business, government, education and nonprofit communities to explore quality of life issues. Additionally, three organizations that have proved essential to the watershed manage-

ment issues that are vital to the area are offshoots of Morris Tomorrow—the Ten Towns Great Swamp Watershed Management Committee, the Rockaway River Watershed Cabinet, and the Raritan Highlands Compact.

We are privileged to have such a dynamic and dedicated non-profit organization in Morris County.

Madam Speaker, I urge you and my colleagues to join me in congratulating Morris tomorrow on the celebration of its 25 years serving Morris County.

#### EARMARK DECLARATION

#### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks received as part of H.R. 1105, Omnibus Appropriations Act, 2009.

Name of the Requesting Member: LEE TERRY.

The bill number: H.R. 1105, Omnibus Appropriations Act, 2009.

Project Name: Special Olympics Educational Programs.

Amount Requested: \$6,000,000.

The legal name and address of requesting entity: 2010 Special Olympics USA National Games 8801 F Street, Omaha, Nebraska 68127.

Description of earmark: The request I made was for the 2010 Special Olympics USA National Games to assist in funding the Special Olympics' Second USA National Games. This money would be spent on logistics, security, transportation, housing and meals for athletes during the 2010 games in Nebraska. It is my understanding that this project, which included my name as a requestor, is for Special Olympics educational programs that can be integrated into classroom instruction and for activities to increase the participation of individuals with intellectual disabilities, as authorized under the Special Olympics Sport and Empowerment Act.

#### TRIBUTE TO GEORGIA NATIONAL GUARD'S 48TH INFANTRY BRI- GADE BRAVO COMPANY SECOND BATTALION

#### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to the Georgia National Guard's 48th Infantry Brigade Bravo Company Second Battalion, which will soon deploy for a yearlong mission to train and mentor members of the Afghan National Army.

The Bravo Company Second Battalion, based out of Newnan in Georgia's 3rd Congressional District, has trained intensely at



Fort Gordon in Augusta, Fort Polk in Louisiana and Fort Stewart in southeast Georgia leading up to its deployment.

These 130 U.S. soldiers will do a great job serving their nation and assisting the Afghans in building their own proud military. They bring with them to Afghanistan a wealth of expertise and battle-tested experience.

Half of the soldiers deployed to Iraq in 2005–2006, a time of intense fighting with insurgents, and the unit suffered heavy losses. As today's unit carries on the fight, they remember and honor their fallen comrades.

On April 13, the unit will ship off to Camp Shelby, MS, before heading to their overseas destination. I look forward to taking part in community events to see them off and give them the honor and gratitude they and their families so richly deserve.

Georgians in the 3rd District are proud to have these patriots as neighbors. The soldiers of the 48th Infantry Brigade put themselves on the front lines to defend our nation and protect our freedom. The families they leave behind sacrifice just as much. We pray that God blesses their mission and watches over them until their safe return to Georgia and their loving families.

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#### INTRODUCTION OF LEGISLATION TO GIVE DC CITIZENS A PLACE IN STATUARY HALL

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Ms. NORTON. Madam Speaker, I am pleased to introduce a bill today to permit two statues honoring citizens of the District of Columbia in Statuary Hall in the Capitol, just as statues honoring citizens of States are placed in the historic hall. This legislation would allow the city to offer two statues to the Congress on behalf of D.C. residents. This bill is important to ensure equal treatment for the residents of the District of Columbia with the residents of the 50 States, who already have statues representing them in Statuary Hall.

The D.C. statues would likely be of Frederick Douglass and Pierre L'Enfant, known for their contributions to the city and to the Nation, who were selected by the D.C. Commission on the Arts and Humanities through a public process. The D.C. statues could help cure the diversity embarrassment of statues in the Capitol. When the Capitol Visitors Center (CVC) opened in December, many were surprised and embarrassed that even in the part of the CVC Congress named Emancipation Hall, to honor the slaves and free blacks who helped build the Capitol, there were no statues of African Americans. It also is an embarrassment, and an indefensible one at that, that the 600,000 American citizens who live in the nation's capital have no statues of their own, while all 50 States have statues.

On August 10, 2006, the D.C. Commission on Arts and Humanities began the process of creating the two statues to be placed in Statuary Hall, when the Commission chose Frederick Douglass and Pierre L'Enfant as the two prominent residents whose statues would rep-

resent the District of Columbia. The Commission also hired two Washington area sculptors, Steven Weitzman and Gordon Kay, to work on the sculptures of Frederick Douglass and Pierre L'Enfant. Both statues were placed in the lobby of One Judiciary Square, a District government building.

Douglass (1818–1895) was born a slave in Maryland and became a District resident in the 1870s. He held diplomatic and District appointments and is considered to be the Father of the Civil Rights Movement. Douglass also displayed his talents as an orator and journalist throughout his life here. His home in southeast Washington is a national monument that attracts hundreds of thousands of visitors annually.

L'Enfant (1754–1825), an architect, engineer and soldier, left France to serve in the American Revolution. George Washington chose L'Enfant to design the new federal city of Washington, D.C. He became a U.S. citizen and spent the remainder of his life in D.C., implementing the plan that made the Nation's capital the beautiful city it is today.

The District of Columbia was born with the Nation itself over 200 years ago. Throughout these two centuries, the city has created its very own rich and uniquely American history. In the Congress, we undermine the Nation's efforts to spread full democracy around the world. While D.C. residents have not yet obtained the same political equality and voting rights as the citizens of the States, they have all the responsibilities of the citizens of the States, including paying all Federal taxes and serving in all the Nation's wars. Today, when our residents are serving in Iraq, the least we should do is to give this city its rightful and equal place in the Capitol.

The statues would offer District residents the opportunity to enjoy the same pride that all other citizens experience when they come to their Capitol—the opportunity to view memorials that commemorate the efforts of residents who have made significant contributions to their jurisdiction and to American history.

The statue bill I introduce today is part of our “Free and Equal D.C.” series, which includes the D.C. House Voting Rights Act, bills for budget autonomy and legislative autonomy, an elected district attorney position, and other bills designed to ensure that District residents, who pay Federal taxes and fight in wars like other Americans, are granted the same privileges as other Americans.

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#### TRIBUTE TO ROBIN TORELLO

#### HON. FORTNEY PETE STARK

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. STARK. Madam Speaker, I rise today to pay tribute to Robin Torello, a resident of San Leandro, California. Ms. Torello has been selected as the 2009 Woman of the Year for the 10th Senatorial District, represented by California State Senator Ellen Corbett.

Since 1987, in conjunction with Women's History Month, California Senators and Assembly Members invite one woman from their respective districts to the Capitol in Sac-

ramento to be recognized as Woman of the Year in a formal ceremony on the floors of the Senate and Assembly. I am proud to share with my colleagues in the House of Representatives that Robin Torello was so chosen.

Robin Torello continues to serve as a role model for women in her community and generations to come. She has distinguished herself professionally in the area of employee benefits. She has vast knowledge and experience in this area and currently serves as a Senior Associate Consultant in the San Francisco office of Mercer. Ms. Torello identifies client-employee benefit program needs and works with clients for appropriate solutions. Ms. Torello utilizes her exemplary skills, expertise and experience in such specific areas as plan design development and implementation, renewal negotiations, financial analysis, legislative compliance, project management, and strategic planning.

In addition to her professional responsibilities, Ms. Torello is active in the community and serves as an executive board member and chair of several organizations. She has given much of her time and effort in fostering participation in the political process, engaging the public on important issues, developing candidate recruitment and training programs, and increasing voter education.

Ms. Torello earned a Bachelor of Science degree in history and political science from Central Connecticut State College in 1974 and received a Master of Public Administration degree from California State University, Hayward in 1986. She also holds a life agent license issued by the California Department of Insurance.

I am pleased to recognize the achievements of Robin Torello as she receives the California Woman of the Year award. I join California State Senator Ellen Corbett in commending Ms. Torello on her outstanding record of professional and civic leadership.

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#### PERSONAL EXPLANATION

#### HON. JOHN SULLIVAN

OF OKLAHOMA  
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I intended to vote “nay” on rollcall vote 140 to H.R. 1388 taken on March 18, 2009. The CONGRESSIONAL RECORD currently lists me as an “aye” vote on this measure. As a conservative, I cannot support the federal government paying individuals to volunteer their time, especially in a period of record federal deficits and budget constraints facing American families.

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#### CLAIRTON BEARS WPIAL CHAMPIONS

#### HON. MICHAEL F. DOYLE

OF PENNSYLVANIA  
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. DOYLE. Madam Speaker, I rise today to ask my colleagues to join me in congratulating

the Clairton Bears on a stellar high school football season.

For the first time in their school's history, the Bears reached the State championship game. This accomplishment topped an undefeated regular season and a WPIAL title.

These great accomplishments were the result of fantastic coaching and consistently outstanding performances by the team's staff and players.

The staff consisted of head coach Tom Nola and assistant coaches Mike LeDonne, Demonje Rosser, Remondo Williams, Tim Borkowski, John DeMarco, Tony St. Angelo, Tony Ferrare, and Wayne Wade.

The players consisted of 9 seniors—Malcolm Ford, Troy Webb, Andrew Currington, CJ Hammonds, Kailon Lyons, Eyan Johnson, Lance Meade, David Spence, and Taylor Wright as well as underclassmen Kevin Weatherspoon, Deontae Howard, Josh Page, Brandon Small, Eddie Ball, Remondo Williams, Desimon Green, Trenton Coles, Julian McLean, Bishop Neal, Geron Johnson, Devante Dockery, Kevin Poindexter, Devante Gardlock, Marcus Nash, Antwon Thompson, Brian Boyd, Carvan Thompson, Donzel Daniels, Chanze James, Keith Craven, Devonte Doss, Marquis Norris, Shawn Thomas, Ezekial Williams, and Wesley Sutton. The hard work, dedication, and teamwork these young men displayed throughout the season produced a once in a lifetime opportunity for the graduating seniors to play in the big game before leaving their high school.

Pittsburgh once again has lived up to its name as the "City of Champions" producing a great team like the Clairton Bears. I wish the Bears and their program success in the seasons to follow and congratulate them once again on a fantastic season.

#### TRIBUTE TO THE BELL COUNTY HIGH SCHOOL FOOTBALL TEAM 2008–2009

#### **HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to the 2008–2009 Bell County High School Football Team, who captured the Kentucky High School Athletic Association Class 4–A State Championship Title. The tremendous athletes should be proud of their talent and ability, and know that I am honored to recognize their athletic achievement.

Bell County has a long history of great football teams. The Bobcats have defeated formidable opponents in years past and gone on to win multiple championships, along with district and regional titles. This year's State Championship should come as no surprise given the drive and dedication in each of the team's players.

The Bell County Bobcats defeated a tough team from Bullitt East, winning 15–13 in the State final. More than six thousand fans filled the Cardinal Stadium to witness these focused young men put their athletic ability and knowledge of the game to the highest test. The

Bobcats dominated the second half of the football game, scoring 15 unanswered points and stopping a two-point conversion attempt by the young men of Bullitt East with a mere ten seconds left.

This Championship Title reflects the wisdom of their coach, Dudley Hilton. Coach Hilton led the Bobcats to their first undefeated season with 15 straight wins and the team's second State Title. The team's unwavering determination was demonstrated in the last three games of this season's playoffs when each time they came back from behind to claim victory. These experiences and life lessons learned on the field will be carried on after the game and continue to shape these athletes into young men of promise and outstanding character.

It is my hope that this Championship will inspire not only young men on this team, but younger generations, to have the same determination when they face obstacles later in life. Commitment, courage and character was demonstrated by each and every one of these teammates and these qualities will bring continued success both on and off the field.

Madam Speaker, I ask my colleagues to join me in honoring coach Dudley Hilton and the Bell County High School 2008–2009 Football Team as the KHSAA Class 4A State Champions. Bell County's continued success has helped to shape the lives of so many students and members of the community, and I congratulate them and wish them all the best in the years to come.

#### INTRODUCING THE FAMILY LEAVE INSURANCE ACT OF 2009

#### **HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. STARK. Madam Speaker, I rise today with Representatives GEORGE MILLER, LYNN WOOLSEY, and CAROLYN MALONEY to introduce the Family Leave Insurance Act of 2009. This legislation will support our nation's working families by providing 12 weeks of paid leave for all workers to care for a sick family member, bond with a new child, deal with the military deployment of a family member, or recover from their own serious illness.

Sixteen years ago, Congress passed the landmark Family and Medical Leave Act (FMLA) to provide job-protected leave for new parents and individuals caring for ill family members. Since then, more than 100 million families have benefited from this law. While the FMLA has proved vitally important for many families, it remains incomplete because it requires only unpaid leave and applies only to companies with 50 or more employees—less than half the workforce.

Millions of men and women are not protected by the FMLA or simply cannot afford to take unpaid leave—especially in these tough economic times. A recent study found that about 75 percent of FMLA-eligible workers did not take leave because they could not afford it—and according to the Department of Labor, only 8 percent of private employers provide paid leave. This is taking a toll on families—a report in 1999 by the President's Council of

Economic Advisers found that since 1969, children have lost 22 hours per week with their parents.

The United States is nearly alone in the world in not providing some type of paid family leave. Only three other countries—Liberia, Papua New Guinea, and Swaziland—fail to provide security for new parents or those caring for a loved one. The Family Leave Insurance Act would bring the United States up to date with the rest of the world and allow millions of workers to take care of their families while still being able to make ends meet.

Paid leave provides real benefits for children and families. A Harvard School of Public Health study found that the education and health of children improves substantially when parents have work flexibility and paid leave. When parents are able to act as caregivers for a sick child, hospital stays are reduced by 31 percent. Parental involvement is also associated with higher achievement in language and math, improved behavior, and lower dropout rates.

Paid leave is also a boon to businesses and workers. For workers, paid leave means employment and financial security and improved job satisfaction. For businesses, paid leave means less turnover and increased productivity. Research indicates that 98 percent of employees return to work for the same employer after taking family and medical leave.

My home state of California has led the country in providing access to paid leave (albeit only six weeks) and flexible use of sick days. This law has helped California's families and businesses. According to a Harvard study, California had a lower rate of foreclosures than other states due to income loss arising from a personal illness or the need to care for a sick household member. Despite initial protest by California's business community against the paid leave law, most employers now agree that this investment in their workers is also a wise investment for their business. The Family Leave Insurance Act builds on California's successful experience to enact a federal paid leave law.

More specifically, the bill:

Provides all workers with 12 weeks of paid leave over a 12-month period to care for a new child, provide for an ill family member (including a domestic partner or the child of a domestic partner), treat their own illness, or deal with an exigency caused by the deployment of a member of the military;

Creates a new trust fund to run the program. It is financed equally by employers and employees, who will each contribute 0.2% of employee wages;

Progressively tiers the benefits so that low wage workers (earning less than \$30,000) will receive full or near full salary replacement, middle income workers (\$30,000–\$60,000) receive 55% wage replacement, and higher earners (over \$60,000) receive 40–45%, with the benefit capped at approximately \$800 per week;

Administers the program through the Department of Labor, which will contract with states to administer the program (similar to how the Unemployment Insurance program is run).

The FMLA has helped individuals meet their employment and family obligations without

jeopardizing their job. Now—more than ever—workers' financial obligations must be provided the same security. I urge my colleagues to co-sponsor the Family Leave Insurance Act. All workers deserve the chance to care for their families and still be able to pay the bills.

**PAYING TRIBUTE TO FLORENCE M.  
RICE ON HER 90TH BIRTHDAY**

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise to congratulate my good friend Florence Rice as she joins her family, long time friends, and the Harlem community together in celebration of her 90th Birthday. This momentous and joyous occasion is being celebrated with an extraordinary affair today at Noon in the Church of the Intercession in my beloved village of Harlem.

Florence M. Rice was born on March 22, 1919 in Buffalo, New York. She is the founder of the Harlem Consumer Education Council. During her childhood, Rice spent several years in the Colored Orphan Asylum and in several foster homes in New York. Upon completion of the eighth grade, Rice left school for work as a domestic seamstress where she became a member of the International Ladies Garment Workers Union. Rice spoke out against the discriminatory practices against African American and Latino workers. She participated in Harlem Congressman Adam Clayton Powell, Jr.'s 1962 congressional hearing, which probed dressmaker union's policies and after testifying, she was blacklisted.

In the 1960s, Rice founded the Harlem Consumer Education Council, waging a war against corporations who discriminated against African Americans and other minorities. The Council organized many successful New York City boycotts and picket lines against grocery stores, furniture stores, and individuals found to be overcharging minorities. Rice's biggest victory was against the New York State Public Service Commission, forcing New York Telephone to stop charging low income residents pre-installation fees. The Harlem Consumer Education Council investigated over 100,000 complaints.

Appointed Special Consultant to the Consumer Advisory Council of the Federal Reserve Board in the 1970s, Rice also taught consumer education at Malcolm-King College and has lectured to thousands at her workshops and seminars. In the 1990s, Rice was responsible for the Bell Atlantic Technology Center in Harlem. The center is dedicated to educating business people, students, senior citizens and other customers about the latest advances in telecommunication technologies. She has lectured in several countries, including South Africa where she was named a delegate in the first World Consumer Congress.

Florence continues to work as the first lady of consumer education in my beloved Village of Harlem. She is famed for her extraordinary commitment, energy, wisdom, discipline, principle, and clear purpose which have won the

admiration of all who are privileged to come to know and work with her. I consider myself fortunate to have the opportunity to observe and experience her example as a personal inspiration.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring and congratulating Florence Rice on her historic 90th Birthday. Her constant dedication and commitment to our community is worthy of the highest esteem.

**HONORING ST. FRANCIS BORGIA  
BOYS BASKETBALL TEAM**

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating the St. Francis Borgia Boys Basketball team for winning the Class 4 A Missouri State Championship on March 14th.

The Knights were hungry for a win and that hunger showed.

Armed with a tenacious defense that forced 17 turnovers and fueled by their high-powered offense, the Knights walked away with a convincing 59-41 victory over the Kearney Bulldogs.

The young men and their coaches should be commended for all their hard work throughout the regular season and the playoffs.

And it just goes to show that a strong defense is the foundation for a winning offense.

I ask that you join me in recognizing the St. Francis Borgia Knights for a job well done!

**IN TRIBUTE TO THE HONORABLE  
GEORGE NAPOLITANO**

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to George Napolitano, who passed away last week after a courageous battle with cancer. George was a great friend, a dedicated community leader and a devoted family man. He was one of the best men I have ever known. People loved George. He was kind, good-hearted, compassionate and hard-working. He will be sorely missed. To know George, was to love him. He was one of the world's really good people.

George made a lifelong commitment to community service. No matter how many other obligations he had, he could always be counted on to pitch in and take an active role. He was a member of the Tri-State Italian American Congress, a charter member of the Sons of Italy in Manhattan which he proudly served as President and a charter member of the Knights of Columbus where he was instrumental in coordinating the Youth Program. He was very active in the Powhatan Democratic Club, most recently serving as District Leader for the club. While his daughter attended high school, he was Chairman of the Parents' As-

sociation of St. Vincent Ferrer High School. For his work as a Lector and Eucharist Minister and his commitment to the Holy Name Society he was honored by the Brooklyn Diocesan Union.

He was particularly active in the Holy Name Society of the Immaculate Conception Parish. During his tenure as President, the organization experienced unprecedented growth. He also co-chaired numerous Holy Name Society dinner dances which raised funds for grants for graduating students. His hard work and selfless dedication made a real difference in the lives of many young people and community members. For his many contributions, in 2002 he was named Man of the Year and presented with an award at their annual dinner dance.

George was eventually offered an opportunity to make his community activism a career. For ten years, George worked as a legislative aide to former Assemblyman Denis J. Butler. Most recently, he joined my staff and, at the time of his death, he was managing my Queens office. He was a truly dedicated community leader who really understood what was going on in the neighborhood he served. My constituents knew that George would always offer them good advice and assistance. After he became ill, George remained deeply involved in community affairs. He attended every community meeting he could and remained active right up to the end.

George was born and raised in the Little Italy section of New York City. He attended St. Patrick's Old Cathedral School and All Hallows High School before matriculating at St. John's University where he completed his BA. Following his study at St. John's, Mr. Napolitano began working in the financial sector. In 1960, he left business to serve his country in the military. Stationed in Ft. Rucker, Alabama he was placed in charge of the Officers Payroll Department. Typically, he used his time to become involved in the community life on the base. He coached the base's Little League team to a State Championship. George was granted an honorable discharge as Sergeant and completed an additional four years reserve training. After his service, Mr. Napolitano returned to his career in the private sector working again in the financial district before beginning a career in real estate and insurance. Along with his many other commitments, Mr. Napolitano also operates his own real estate and insurance business in Queens, New York. George leaves behind his beloved wife, Carol, his four children, Deana, Denise, Catherine, and Robert, and several grandchildren.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the life and career of a truly good man, George Napolitano.

**HONORING GARNER "MACK"  
GOODE FOR HIS LONG SERVICE  
TO OUR COMMUNITY**

**HON. JOHN S. TANNER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TANNER. Madam Speaker, I rise today to honor my friend Garner "Mack" Goode, a

long-time leader in West Tennessee, who is retiring this month after more than four decades on the Crockett County Election Commission and who continues to serve our area in many other capacities.

Governor Buford Ellington and the State Board of Election Supervisors first appointed Mack as a Democratic member the Commission of Elections for Crockett County in 1967. He has remained on the board for 41 years.

Mack is also Chairman of the Gibson Electric Membership Cooperative Board of Trustees, which is important to rural communities all across West Tennessee. Mack's family has been involved in West Tennessee farming for decades, and Mack continues to manage 900 acres of crops. He also spent 42 years at the Bank of Alamo, including in the position of President and CEO. Mack served for 15 years on the Crockett County Board of Education and nine years on the Alamo City School Board. He has also served as Alamo City Alderman, a member of the Alamo/Crockett County Rotary Club and a member of the Alamo Jaycees.

Mack has done a considerable amount of volunteer work in our area over the years, including 32 years with the Crockett County Rescue Squad and 26 years with the Alamo Fire Department. He has served on the Crockett County Emergency Management Board, as a Partner in Education for Alamo City School, as a supporter of various charitable organizations and as co-founder of the Mack and Mary June Goode "Special Needs Fund for Alamo City School" Foundation.

In between his community service and farming, Mack enjoys spending time with his wife Mary June Goode and their family. Their children are Bobby and Melinda Goode, and Reecha Black. Their grandchildren are Brandi and Rick Wilson, Garner and Rachel Goode, Jenna Black, Crockett Goode and Jessie Black. They have three great grandchildren, Lee Wilson, Mary Wilson and Luke Wilson. Mack is also an avid hunter, fisherman and golfer.

We know that as Mack will continue to be active in our community. His leadership and counsel will remain important to us as we work together to help increase industrial development in Crockett County and across rural West Tennessee.

Madam Speaker, I hope you and our colleagues will join me as we thank Mack Goode for his long community service, congratulate him on his 41 years on the Crockett County Elections Commission and wish him and his family all the best.

IN HONOR OF THE LIFE OF FOUNTAIN HILLS COUNCILMEMBER  
KEITH MCMAHAN

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to honor the life of Councilmember Keith McMahan of Fountain Hills and to recognize the many significant contributions he made to our community.

On March 17 Keith passed away of natural causes at the age of 70.

During the time he lived in Fountain Hills, Keith was a strong force behind the growth and prosperity of the town. Keith served as the advertising and tourism chairman while also serving on their Board of Directors for the Fountain Hills Chamber of Commerce for many years. In addition to serving as a member of the Town Council, Keith was a local small business owner and formed his own advertising agency in 1991 to cater to area clients. Keith was even named "Business Person of the Year" by the Chamber of Commerce in 1997.

Keith is well-known for his leadership abilities not only within the Town Council, but in the Fountain Hills community as well. Most notably, he was an active member of the Fountain Hills Civic Association, Fountain Hills Historical Society Board of Directors, and the Fountain Hills School Board. In addition, Keith participated extensively in the Fountain Festival held by the Chamber of Commerce, helping out on 30 different occasions.

Madam Speaker, please join me in commemorating the life of Keith McMahan's life and remembering the strong and positive impact he left on his community and the many people who knew and loved him.

#### EARMARK DECLARATION

**HON. ROSCOE G. BARTLETT**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. BARTLETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act, 2009.

Bill Number: H.R. 1105

Account: Salaries and Expenses

Legal Name of Requesting Entity: Harry R. Hughes Center for Agro Ecology

Address of Requesting Entity: PO Box 169 124 Wry Narrows Dr, Queenstown, MD 21658

Description of Request: This program was \$499,000 funding to be used for research that specifically addresses the recommendations contained in the Maryland Statewide Plan for Agricultural Policy and Resource Plan Ensuring a Sustainable Forest Future.

Bill Number: H.R. 1105

Account: Conservation Operations

Legal Name of Requesting Entity: Natural Resources Conservation Services

Address of Requesting Entity: 14th and Independence Ave SW, Washington, DC 20250

Description of Request: Chesapeake Bay Activities. This program was funded \$3,998,000. Since 2003 the AG Appropriations bill has included an earmark for the Chesapeake Bay in Maryland. Although this earmark has previously not been in addition to state funds, the Task Force encourages the committee to make this request additive.

Bill Number: H.R. 1105

Account: National Institute of Standards and Technology

Legal Name of Requesting Entity: UMBC Nano Center

Address of Requesting Entity: College Park, MD

Description of Request: Nanotechnology Research and Development. Funded \$2,000,000 Develop ultrafast dynamics technologies with fundamentally expand the scope of nanotechnology. The funding would be used for research and technology.

Bill Number: H.R. 1105

Account: NOAA National Marine Fisheries Service Operations, Research and Facilities

Legal Name of Requesting Entity: Blue Crab Advanced Research Consortium at UMBI

Address of Requesting Entity: 701 East Pratt St, Baltimore, MD 21202

Description of Request: Blue Crab Research Funding \$50,000. Funds research and aquaculture for restoring the blue crabs. The Blue Crab Advanced Research Consortium was created to address the sharp decline in Blue Crab harvests in the Chesapeake Bay.

Bill Number: H.R. 1105

Account: NOAA National Marine Fisheries Service Operations, Research and Facilities

Legal Name of Requesting Entity: NOAA Chesapeake Bay Office

Address of Requesting Entity: 410 Severn Ave, Annapolis, MD 21403

Description of Request: Oyster Habitat Funding \$4,600,000. This project would fund native oyster restoration in both Maryland and Virginia portions of the Chesapeake Bay.

Bill Number: H.R. 1105

Account: NOAA National Weather Service Operations, Research and Facilities

Legal Name of Requesting Entity: University of Maryland

Address of Requesting Entity: College Park Maryland 20742

Description of Request: Climate Impacts Funding \$1,000,000 to advance and integrate all essential elements in climate change science, economics and policy, and bring the resulting models and tools to bear on issues of climate impacts and adaptation in the Mid Atlantic Region.

Bill Number: H.R. 1105

Account: NOAA National Marine Fisheries Service Operations, Research and Facilities

Legal Name of Requesting Entity:

Address of Requesting Entity:

Description of Request: Virginia Trawling Survey funding \$150,000. Virginia Trawling Survey, this survey completed at Institute of Marine Science, provides the longest time series of fisheries monitoring data in the Chesapeake Bay.

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Frederick County Sheriffs Department

Address of Requesting Entity: 110 Airport Drive East, Frederick, MD 21701

Description of Request: Funding \$500,000 Frederick County Sheriffs Office Automated Fingerprint Identification. Funding would be used for purchasing 10 handheld biometric identification units with mugshot capability and providing for an automated fingerprint, facial recognition and biometric identifiers.

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Harford County Executive

Address of Requesting Entity: 220 S. Main St, Bel Air, MD

Description of Request: Public Safety Network Technology Upgrades Funded \$365,000. Purchase and implement equipment designed to expand and enhance the capabilities of the Harford County Public Safety Network. The total cost is \$1,454,242 and Harford County has committed \$1,091,017 to support this project. By enhancing interoperability communications capabilities, Harford County can improve its ability to protect its residents as well as public safety personnel.

Bill Number: H.R. 1105

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Hagerstown, Office of City Administrator

Address of Requesting Entity: 1 East Franklin St., Hagerstown, MD 21740

Description of Request: Funding \$300,000. City of Hagerstown drinking water system. The funding would replace the two transmission mains that provide service directly to Zone 1 and currently to the West End Reservoir.

Bill Number: H.R. 1105

Account: MRT-Construction

Legal Name of Requesting Entity: MD Dept of Natural Resources

Address of Requesting Entity: 580 Taylor Ave Annapolis MD 21401

Description of Request: Funded \$2,000,000 Continue efforts by the Army Corps of Engineers to design and build oyster reefs in the Chesapeake Bay. Activities include construction of oyster bars and reeds, rehabilitation of existing marginal habitat and construction of oyster hatcheries.

Bill Number: H.R. 1105

Account: EERE-Other

Legal Name of Requesting Entity: Frostburg State University

Address of Requesting Entity: Department of Physics and Engineering, Frostburg, MD

Description of Request: Funding \$856,350 Construction of the Sustainable Energy Research Facility (SERF) Phase 2 will provide additional funding to finish the construction and allow purchase of research equipment and appointment of staff to study the effectiveness of sustainable energy in the Appalachia. SERF is a residential type green building.

Bill Number: H.R. 1105

Account: Salaries and Expenses

Legal Name of Requesting Entity: City of Hagerstown

Address of Requesting Entity: Hagerstown, MD

Description of Request: Funded \$100,000. The program will offer assistance needed to develop minorities and women into successful business owners. The city developed the program to create opportunities and increase their number, magnitude and success rate. Hagerstown plans an aggressive outreach and support program designed to increase the number of minority and women owned businesses in the City.

Bill Number: H.R. 1105

Account: Transportation, Planning, Research and Development

Legal Name of Requesting Entity: Assistant Secretary of Transportation

Address of Requesting Entity: PO Box 548 7201 Corporate Center Dr., Hanover, MD 21076

Description of Request: Funding \$712,500. To continue work on the upgrading of 5.3 miles of I-70 Improvement, this project will address safety concerns and relieve congestion on a heavily traveled roadway.

Bill Number: H.R. 1105

Account: Transportation Planning, Research and Development

Legal Name of Requesting Entity: Assistant Secretary of Transportation

Address of Requesting Entity: PO Box 548 7201 Corporate Center Dr. Hanover, MD 21076

Description of Request: Funding \$95,000 Upgrade I-81 Improvements between the West Virginia and Pennsylvania state lines to improve safety and reduce congestion. This project will address safety concerns and relieve congestion on a heavily traveled roadway.

Bill Number: H.R. 1105

Account: Transportation Planning, Research and Development

Legal Name of Requesting Entity: Director of Economics Development City of Frederick

Address of Requesting Entity: 101 North Court Street, Frederick MD 21701

Description of Request: Funding \$285,000 US 15 and Catocin Mountain Highway Construction of a full grade separated urban diamond interchange at the intersection of US 15 and Catocin Mountain Highway with Christophers Crossing/Monocacy Boulevard. This is one of the primary access points to Fort Detrick.

Bill Number: H.R. 1105

Account: Transportation Planning, Research and Development

Legal Name of Requesting Entity: City of Hagerstown, City Engineer

Address of Requesting Entity: 1 E. Franklin St. Hagerstown, MD 21740

Description of Request: Funding \$380,000 Eastern Boulevard Widening and grade separation from MD RT64 to Antietam Blvd. This will result in better traffic flow and will eliminate congestion at the current Eastern Blvd/North Ave/Potomac Street intersection

Bill Number: H.R. 1105

Account: Transportation Planning, Research and Development

Legal Name of Requesting Entity: Board of County Commissioners of Washington Co., MD

Address of Requesting Entity: 100 W. Washington St. Hagerstown, MD 21740

Description of Request: Funding \$95,000 Hagerstown Area Northeast By-Pass Project is to conduct a planned level analysis for the construction of the Hagerstown MD vicinity. This highway would connect to I-70 on the east and I-81 toward the north.

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Frederick Community College and Carroll Community College

Address of Requesting Entity: 7932 Opossumtown Pike, Frederick, MD 21702

Description of Request: Funding \$143,000 used for construction of laboratories and

classrooms, staff salaries and leasing costs. Howard, Frederick and Carroll Community Colleges are partnering with health providers to offer education in specific health care fields in Mt. Airy, Maryland. The facility would be known as the Mid-Maryland Community College Allied Healthcare Education Center.

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Washington County Hospital

Address of Requesting Entity: 251 East Antietam Street, Hagerstown, MD 21740

Description of Request: Funding \$285,000 Purchase new Angioplasty room, upgrading technology would help address the growing need for Angioplasty procedures in the Maryland, Pennsylvania, and West Virginia Region.

## CONGRATULATING MARIE MAIER OF HOPE TOWNSHIP, NEW JERSEY

### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. LANCE. Madam Speaker, I rise today to congratulate Marie A. Maier of Hope Township, New Jersey as she reaches an amazing milestone in life and celebrates her 100th birthday on Thursday, March 26, 2009 with her family, friends and local community and governmental leaders.

I have personally known Marie Maier for many years and she has always been a wonderful inspiration to everyone around her. This is exceptionally so for members of her family, her friends and her neighbors.

Marie A. Kroener was born on March 26, 1909 in New York City to Henry and Evan Kroener. On November 29, 1933, she was married to Hermann R. Maier and she enjoyed an outstanding business career as a legal assistant for what is now modern day Texaco. She also served as an accountant for her husband's business, Educational Placements, and worked in her father's restaurant and microbrewery on Staten Island.

Marie and her husband founded Educational Products Company, which manufactured the first plastic cookie cutters in the United States and they further distinguished themselves as the owners-operators of the renowned Land of Make Believe, which is the oldest and largest water and amusement park in New Jersey.

Additionally, Marie has given generously of her time, talents and resources to a wide range of civic and community organizations, including as one of the founding members of the Sussex and North Warren Girls Scouts Council and President of North Warren Girl Scouts Council, as Past President of the Hope Historical Society and as an active and tireless member of the Blair Women's Club.

Marie takes pride in her children and she takes especial delight in her two grandchildren and four great-grandchildren. As she observes the important milestone of her 100th birthday, her family, friends and community leaders are especially appreciative of her valuable and irreplaceable presence in their lives.

Marie Maier continues to make amazing contributions to her family and to her community.

It is my pleasure to congratulate her on her 100th birthday and to share her wonder life story with my colleagues in the United States Congress and with the American people.

#### CELEBRATING THE LIFE OF EARL LLOYD

#### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to celebrate and acknowledge the achievements of a trailblazer in the National Basketball Association. Earl Lloyd retired to Cumberland County, Tennessee, in my Congressional District after a distinguished career as a basketball player and coach and with a historic superlative: the first African American to play in the NBA.

After a promising start at West Virginia, Mr. Lloyd was drafted to play with the Washington Capitols in the NBA. Soon thereafter, he signed with the Syracuse Nationals. In 1955, after three years with the Nationals, Mr. Lloyd set another milestone by helping to lead his team to an NBA Championship, making him one of the first two African Americans to win a Championship. Players and sportscasters nicknamed Mr. Lloyd "The Big Cat" for his height and speed, and he finished his playing career with an average of 8.4 points and 6.4 rebounds per game.

With an enviable career in the NBA behind him, Mr. Lloyd continued on in the NBA as an assistant coach with the Detroit Pistons. Years later, after marrying and raising two children, Mr. Lloyd marked another first for African Americans when he was promoted as a non-playing coach with the Detroit Pistons.

Chicago sportscaster Johnny Kerr once remarked in Sports Illustrated that if people know who Jackie Robinson is, why don't they know about Earl Lloyd? Mr. Lloyd might say that his achievement went unnoticed because basketball, as a sport, had yet to really capture the attention of a wide American audience. People who know Mr. Lloyd well, however, will speak to his humility in the face of all he has accomplished.

I ask that my colleagues rise with me today to recognize the life's work of a trailblazer who did so much for his sport and for African Americans across the country.

#### EARMARK DECLARATION

#### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 2009

Mr. ALEXANDER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act, 2009.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Interior, Environmental Protection Agency

Legal Name of Requesting Entity: City of Baton Rouge

Address of Requesting Entity: 222 St. Louis Street, Baton Rouge, LA 70821

Description of Request: City of East Baton Rouge for Sewer System Improvements. East Baton Rouge Parish, under a consent decree with the EPA for sewer system overflows, is replacing and repairing much of its outdated and deteriorating decades-old sewer system. As part of this effort, the Parish is rehabilitating, upgrading, and/or replacing many of the major sanitary sewer trunk lines and pump stations transporting flow to the South Wastewater Treatment Plant (SWWTP). The SWWTP services an area of approximately 44,000 acres with a population of approximately 210,000 people, and has a plant design capacity of 120MGD. The Service area comprises much of the southern portion of the Parish, including portions of Downtown Baton Rouge, the Baton Rouge Community College, and Louisiana State University. This area is experiencing significant population growth due to the effects of Hurricanes Katrina and Rita, as well as ongoing regional development. The City/Parish has already expended approximately \$500,000,000 in improvements to all three of its sanitary sewer collection and treatment facilities, and is scheduled to expend another \$1,200,000,000 to address the system's sanitary sewer overflow (SSO) issues under the consent decree. Improvements in the SWWTP service area are necessary to meet sewer disposal needs and to protect the public health.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Interior, Environmental Protection Agency

Legal Name of Requesting Entity: City of West Monroe

Address of Requesting Entity: 2305 North 7th Street, West Monroe, LA 71291

Description of Request: City of Monroe, Monroe Wastewater Treatment System. Treatment of Wastewater to Drinking Water Quality for Sparta Aquifer Preservation & Industry Reuse saves the overdraw of the Sparta Aquifer by recycling existing Wastewater and plans for additional flow. This project cuts the deficit of Sparta by about half. It will benefit 14 parishes in NE Louisiana that use the Sparta and will limit most of the Municipal Discharge into the Ouachita River.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Agricultural Research Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Delta Nutrition Initiative, Little Rock, AR. Louisiana ranks 4th in adult obesity and the obesity rate for children have tripled over the past 3 decades. Due to this, childhood obesity prevention in Louisiana has become the LSU AgCenter's Family and

Consumer Sciences Extension and Outreach Division's focus. We are requesting \$705,000 dollars to implement the USDA Fruit and Vegetable Snack Program (FVSP) in selected schools. This program will expand nutrition education outreach and applied research already being implemented by an established grassroots network of Extension educators in every parish. Underway is a tri-state initiative, Delta HOPE, to address childhood obesity in the poverty-stricken Delta region of Louisiana, Mississippi, and Arkansas. The AgCenter also has a public-private partnership with Blue Cross Blue Shield of Louisiana to conduct and evaluate an interactive educational program called Smart Bodies to teach children how to build strong bodies and develop active minds. Federal dollars will be used to leverage state and private dollars to implement and evaluate the USDA FVSP. Grants will be given to selected public schools participating in Smart Bodies to purchase fruits and vegetables for students to consume throughout the school day. This program will not only improve children's health behaviors, but increase consumption of agricultural commodities

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Agricultural Research Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Formosan Subterranean Termites Research, New Orleans, LA. The Formosan subterranean termite has infested 32 of the 64 parishes in Louisiana, with the most severe infestations in the New Orleans and Lake Charles areas. This insect has caused millions of dollars worth of damage with an astonishing \$300 million impact in New Orleans alone. Clearly, it is the most costly pest in the state and the management of this termite is essential to Louisiana's economic well-being. For the last seven years, the LSU AgCenter has participated in the USDA/ARS project, Operation Fullstop. The AgCenter is the lead agency in management programs for this termite in the French Quarter and 16 public schools in Orleans and Jefferson parishes. From the \$31,800,000 appropriation to ARS, the AgCenter has received approximately \$8.5 million since the initial appropriation in FY 1998. Sixty-four percent (64%) or (\$6,874,724) of these funds has been pass-through money to the pest control operators and thirty-six percent (36%) or (\$2,770,606) has been used to conduct research and extension educational programs. During the past year, the AgCenter received \$1,340,006. Of that amount, \$282,163, or approximately twenty-one and one-half percent (21.5%), was for research and extension activities. The remaining \$1,057,843, or seventy-eight and one half percent (78.5%), was for the PCO operators. We are requesting an increase to \$500,000 to expand our research and extension programs. Research would focus on improved termite detection systems, evaluation of wood treatment products for protecting building materials, and enhancement of bait technology among others. Extension would continue to provide the critical tasks of



educating the citizenry on all aspects of integrated pest management (IPM) of structural pests.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Animal and Plant Health Inspection Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Blackbird Management, Louisiana. Blackbird depredation of rice is a serious economic problem facing rice producers in Louisiana. Depredation of rice occurs at planting and just prior to harvest; however, the most serious problem is depredation of rice seed and seedlings at planting. Yield losses due to blackbird depredation have been estimated to vary from 77 million pounds in 1995 to slightly over 93 million pounds in 2002. Economic losses associated with blackbird damage have been estimated to average \$9.3 million annually from 1995 to 2002. Damage does not occur uniformly across the state; consequently, severe economic losses may be experienced by some producers due to the concentration of blackbirds in a given area. The use of DRC-1339 has resulted in reducing the extent of damage and the magnitude of economic loss. DRC-1339 is a selective avicide specific to blackbirds, grackles, and starlings. As a result, reduction in blackbird damage to rice is achieved with little or no effect upon other bird species.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Aquaculture, LA. Louisiana contains one of the most diverse aquaculture industries in the U.S. The state continues to lead the nation in production of crawfish, oyster, alligator, and pet turtle sales. Catfish production has declined in recent years but is still important. The total farm-gate value of aquaculture production in 2008 exceeded \$188.6 million. Research is needed to: 1) enhance crawfish harvesting technology and efficiency and to improve crawfish broodstock reproduction, 2) to further develop tools to facilitate genetic improvement of cultured finfish, 3) to determine alternatives to catfish and other fish cultivation methods and production systems including polyculture, which reduce off-flavor and improve fish health, 4) to further refine finfish nutrition and feeding practices so that feed cost are reduced and water quality is improved, 5) to further protect cultured aquatic species from disease, and 6) to develop new value-added aquaculture food products and waste by-products.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Biomaterials from Sugar Cane, LA. The major objective of this project is to develop and validate an integrated technology that will convert low-value bagasse, cane leaves and tops, and molasses into a high value product mix including ethanol, specialty chemicals, biomaterials and animal feed for a sugar based biorefinery. The LSU AgCenter will accomplish this by improving, integrating, and optimizing collective technologies in biomass pretreatment, hydrolysis, sugar refining and biological and thermochemical conversion. The conversion of 500,000 tons per year of bagasse and molasses (total raw materials cost of \$23 million) into value-added products using the proposed technologies would generate \$240 million in annual revenue and make a substantial contribution to Louisiana's economy through expanding the sugar industry. The project is a major opportunity to showcase the impact of science and technology in augmenting Louisiana's economic base.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Tillage, Silviculture, Waste Management, LA. This special grant addresses critical environmental concerns in Louisiana. Alternatives to traditional tillage in southwest Louisiana rice production are needed to improve floodwater quality, reduce soil erosion, and reduce production costs. Stand establishment and early-season plant density have been shown to be critical components of a reduced tillage system. Development of herbicide-resistant rice varieties has allowed drill seeding of rice, which increases flexibility with nutrient and vegetation management. However, the effect of rotational crops on rice grain yield and soil physical condition is not well understood and requires more research. Cotton and corn production are major components of the agricultural economy in northeast Louisiana. Reduced tillage practices and herbicide tolerant crops are being adopted to sustain soil productivity and reduce surface water contamination and are improving production efficiency. However, conservation tillage systems provide a favorable microenvironment for insect populations, which have the potential to limit economic value. Basic biological information is needed on insect population dynamics in reduced tillage systems. The animal waste management component of this project will develop data and systems that allow proper use of waste products and lagoon effluent in two areas of the state. The dairy industry in southeast Louisiana and the poultry industry in north Louisiana will benefit from research on pasture runoff, background indicator organisms, optimum land disposal rates for poultry litter, and new uses for poultry litter particularly as it relates to forest productivity. Enhanced research on Best Management Practices (BMPs) will help reduce both point and non-point source discharges associated with crop, animal, and timber production activities.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Wetland Plants, LA. Since the 1930s, 1,000,000 acres of Louisiana wetlands have been lost by human activities and natural forces such as the hurricanes of 2005. This directly affects U.S. security, navigation, energy consumption, and food supply. The potential for loss of life, industry, ecosystems, and infrastructure is enormous. The Coastal Plants Program (CPP) represents a major commitment to focus proven scientific technologies and outreach capabilities on issues critical to restore the coastal wetlands of Louisiana. This program combines the expertise of AgCenter plant breeders, ecologists, and other plant and soil scientists to facilitate the development and utilization of improved native plant resources to preserve remaining marshes and stabilize those that are being re-created. This project will develop strategies for genetic improvement leading to the economic and rapid establishment of critically important wetland plant species over large areas of threatened and reclaimed coastal wetlands. Native populations will be characterized and a genetic improvement program conducted to develop superior varieties/populations with enhanced value in the restoration and protection of wetlands. Plant cloning and molecular biology will facilitate genetic characterization and genetic improvement and provide superior plant materials to Louisiana's developing commercial wetland plant and seed industry. On-site marsh research will address issues concerning beneficial use of dredge material, sediment nourishment of deteriorating wetlands, and factors influencing vegetative response.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: AG, Natural Resources Conservation Service

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: P.O. Box 25203 Baton Rouge, LA 70894

Description of Request: Best Management Practices and Master Farmer Special Research Grant with LSD, LA. Of more than 2,000 agricultural producers trained through Louisiana's Master Farmer program, 65 have completed the third tier of the program which ends with certification from the Louisiana Department of Agriculture and Forestry. This represents a high benchmark in performance, which requires completion of eight hours of classroom instruction, participation in a Model Farm field tour, and development and implementation of an NRCS Resource Management System plan to address potential or occurring pollution. With the assistance of USDA programs and other technical assistance, these producers have installed research-based BMPs to address environmental issues. These certified producers manage more than 15,000 acres of Louisiana farmland, all within a 50-

mile radius of 303d listed impaired state waters. In addition, multi-state collaboration has resulted in the development of a template by the Louisiana Master Farmer Program that can be used by other states to develop similar programs, focusing on curriculum development, implementation and lessons learned. Land area impacted by targeted programs is 928,507 acres.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Financial Services, SBA

Legal Name of Requesting Entity: City of Baton Rouge

Address of Requesting Entity: 222 St. Louis Street, Baton Rouge, LA 70821

Description of Request: City of Baton Rouge, Louisiana, for small business investment initiative technical assistance. Baton Rouge's population growth following the economic devastation of Hurricanes Katrina and Rita provides an opportunity to expand small businesses and micro-enterprises. Baton Rouge is partnering with Seedco Financial and Southern University on a new initiative to provide minority- and women-owned business enterprises (M/WBEs) assistance to bridge the financing gap that affects many existing and emerging M/WBEs. Seedco will provide loans to these businesses through the Small Business Loan Fund for real estate expansion, working capital, and/or start up costs. The program will connect M/WBEs to large-scale developments currently being undertaken by the City/Parish and other local stakeholders in Old South, Mid-City, and Downtown Baton Rouge, neighborhoods with a poverty rate of over 35% and a median household income of \$17,867. This request is to fund comprehensive technical assistance, including debt and financial management, marketing, and cost-cutting strategies, to enable M/WBEs to use the financial assistance offered by the City/Parish's partners. Technical assistance will be provided through workshops and intensive, one-on-one sessions by local, grassroots, and nonprofit development corporations trained by Seedco Financial to provide services to borrowers and prospective borrowers. Graduate students at Southern University's School of Business also will deliver business planning and financial management assistance through structured sessions supervised by university professors.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Financial Services, SBA

Legal Name of Requesting Entity:

Address of Requesting Entity:

Description of Request: Northeast Louisiana Business and Community Development Center. The University of Louisiana at Monroe College of Business and Louisiana Small Business Development Center (LSBDC) propose to advance entrepreneurship and support economic development by further development and expansion of the Northeast Louisiana Business and Community Development Center which provides a regional business incubator/accelerator and community development services. The center will contain a multi-purpose incubator and provide regional, rural outreach for community development such as training

for community leaders to enhance their ability to create effective economic development plans that include entrepreneurship. The center provides research reports for projects to communities. To expand the reach of the Center, we anticipate creating virtual services and possible distributed service locations in the rural areas of the service region of the University. Expanded services are possible through a potential partnership with the recently created Center for Rural Initiatives. The expected outcome will be a new focus on entrepreneurship that brings the expertise and resources of the university to rural communities and a facility to nurture entrepreneurs and grow businesses. Community leaders and elected officials will receive training on budgeting, strategic planning, marketing, and accessing community development information. New businesses will be started, with a better chance of survival, and jobs will be created

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, Airport Improvement Program

Legal Name of Requesting Entity: City of Monroe

Address of Requesting Entity: Monroe, LA

Description of Request: Monroe Regional Airport, New Terminal, LA. This historic airport, birthplace of Delta Airlines, serves the needs of Ouachita Parish and eleven neighboring parishes with a combined population of 325,000 people. The airport currently processes approximately 225,000 passengers a year. Forecasts project a 47 percent increase in activity over the next 20 years. Analysis projects the need for a new terminal at twice the size of the current facility. It would accommodate growth in passengers, provide the latest security features, improve energy efficiency, and be easily expandable for further growth beyond 20 years. This request for FY09 would fund the first phase of Terminal building construction.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, Buses and Bus Facilities

Legal Name of Requesting Entity: Louisiana Public Transit Association

Address of Requesting Entity: 2817 Canal Street New Orleans, LA 70119

Description of Request: Louisiana Statewide Buses and Bus Facility, LA. The request is for funds to replace obsolete buses & vans, Facilities and transit terminals.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, Surface Transportation Priorities

Legal Name of Requesting Entity: Louisiana Department of Transportation and Development

Address of Requesting Entity: P.O. Box 94245, Baton Rouge LA 70804

Description of Request: 4-Laning of Hwy 84 from Vidalia to Toledo Bend, LA. The funding would be used to widen US 84 to four lanes from its junction with LA 3037 to the junction of LA 124

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, Surface Transportation Priorities

Legal Name of Requesting Entity: Delta Highway 65 Commission

Address of Requesting Entity: 103 Rue Toulouse, West Monroe, LA 71291

Description of Request: Delta Highway 65 Study/Expansion, LA. It has been determined that an expansion of LA State Hwy. 65 from Alexandria, LA to I-40 in Arkansas will promote Economic Development within the Delta. Also, it will provide for an Emergency Evacuation Route on the West side of the Mississippi River. The project has few obstacles to overcome and can result in a "4-fold" return; alleviating poverty, providing a needed north/south connector in LA and provide development opportunities within the poorest region of the U.S.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: City of Baton Rouge

Address of Requesting Entity: 222 St. Louis Baton Rouge, LA 70821

Description of Request: I-10 Pecue Lane Interchange, Baton Rouge, LA. The southern portions of East Baton Rouge Parish and adjoining Ascension Parish have experienced significant population growth and expansion in recent years. As a result, traffic volumes have dramatically increased along the I-10 corridor from the I-10/I-12 split east into Ascension Parish. Development in this area is expected to continue to grow, including the construction of a major medical complex nearby, which will further increase traffic volumes. Additional access to and from the Interstate is needed along the I-10 corridor to accommodate these changing travel patterns and increased traffic. Pecue Lane has been identified as a strategic route that can enhance connectivity within this region and provide access to I-10. This project will reduce congestion and improve safety in this part of the City/Parish. An access request for this interchange has been presented to both the LADOTD and FHWA and is currently under review. A rural diamond interchange configuration has been selected for this location to facilitate the connectivity to the existing Pecue Lane overpass. FY 2009 funding will be used complete environmental studies and design.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: THUD, EDI

Legal Name of Requesting Entity: City of Alexandria

Address of Requesting Entity: P.O. Box 71, Alexandria, LA 71309

Description of Request: Alexandria Riverfront Multi-Site Development, LA for the redevelopment of the Alexandria Riverfront. The City of Alexandria requests consideration of RIVER, (Riverfront Improvement Venture and Essential Recreation), a cultural, community-up approach to the re-development of the riverfront area of Alexandria-Pineville. Following the model city of Chattanooga, Alexandria-Pineville would benefit from a planned re-

development of the riverfronts facing each other located alongside both cities. The identities of the cities are tied directly to the riverfronts and history surrounding the areas. The economic engines development along the Red River at Alexandria, which has the largest inland port in the continental United States, creates state-wide economic development opportunities. The proposed works would serve downtown, mid-city, and Garden District businesses, future retail tenants, downtown hotels, the Riverfront Convention Center, various public buildings such as City Hall, and various other public buildings and improvements. The choices expand other choices for transportation, employment and housing (through mixed-use and other opportunities) and value long-range, regional considerations of sustainability.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Education

Legal Name of Requesting Entity: Louisiana Tech University

Address of Requesting Entity: Ruston, LA

Description of Request: Louisiana Tech University, Ruston, LA for a program in K-12 cyberspace education in cooperation with members of the Consortium for Education, Research and Technology of North Louisiana. The Cyberspace Cyberspace Science and Engineering project will empower K-12 education in North Louisiana and increase the nation's supply of cyber-security professionals. The project is a joint venture between the College of Engineering and Science, College of Liberal Arts, SciTEC in College of Education. It will: Foster development of partnerships with K-12 institutions. Develop and implement innovative curricula related to Cyberspace. Enhance the cyber-infrastructure related to delivering educational content. Improve STEM teacher preparation. Implement professional development opportunities for in-service teachers. Promote student and faculty development. Promote partnerships with business and industry through collaboration with the Cyber Innovation Center.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: Mary Bird Perkins Cancer Center

Address of Requesting Entity: 4950 Essen Lane, Baton Rouge, LA 70809

Description of Request: Mary Bird Perkins Cancer Center, Baton Rouge, LA to expand early detection cancer screenings. This MBPCC program is designed for life-saving cancer screenings with the goal of expanding its outreach services to the medically underserved public in the greater Baton Rouge and Hammond and Covington areas. These areas include Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Point Coupee, St. Helena, St. Tammany, Tangipahoa West Baton Rouge, West Feliciana and Washington parishes located in the Louisiana Cancer Control Partnership (LCCP) Regions 2 and 9. MBP began its comprehensive outreach program in 2002 through its CARE Network. In 2007, the program screened the 20,000th per-

son for free. Although cancer incidence rates in Louisiana are comparable to national averages, Louisiana has one of the highest death rates from cancer in the country. For example, African American women have breast cancer incidence rates similar to the national rate but have mortality rates 19 percent higher. The Louisiana Tumor Registry which collects state-wide data on all newly-diagnosed malignancies and cancer deaths, reports that one reason for the high death rate is inadequate cancer screening for early detection resulting in late stage diagnosis. Additional funding would allow MBP to provide more services to those in need.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: St. Francis Cabrini Hospital

Address of Requesting Entity: 3330 Masonic Drive Alexandria, LA 71301

Description of Request: CHRISTUS St. Francis Cabrini Hospital, Alexandria, LA for a pre-natal clinic, including facilities and equipment. CHRISTUS St. Francis Cabrini Pre-Natal Clinic: CHRISTUS is seeking funding to help support a new pre-natal clinic which will provide care to low income women with the goal of reducing infant mortality and promoting pregnancy wellness here in Louisiana which consistently ranks among the worst states in the nation for high infant mortality (10.4 deaths per 1000 live births in 2004). The center will be available to all women but focused primarily on those with low income, those who are uninsured, and those in the Medicaid population. Three associates will staff the center—nurse practitioner, a licensed practical nurse, and a clerk. The nurse practitioner will collaborate with a medical director to provide prenatal care as well as early and ongoing risk assessment to prevent and recognize conditions associated with maternal and infant morbidity and mortality.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: St. Francis Cabrini Hospital

Address of Requesting Entity: 3330 Masonic Drive Alexandria, LA 71301

Description of Request: CHRISTUS St. Francis Cabrini Hospital, Alexandria, LA for a school dental hygiene program. The Seal a Smile program brings dentists and dental hygienists for four elementary schools where children in the 1st, 2nd, and 6th grades receive treatment which helps prevent cavities. Money would help the program return to the four schools visited this year (to treat a whole new group of children) and bring the program to two more schools at which school-based health clinics opened just this year. In addition, CHRISTUS will employ a dentist with a mobile dental unit from a Federally Qualified Center to do x-rays, fillings, and restorative dentistry at one of the four elementary schools with a school-based health clinic. These funds would enable the mobile dental unit to also serve the other three elementary schools. Our

community services division will soon own portable dental equipment, but needs funding for a dentist to do the same restorative dentistry at the other three schools.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: Louisiana Primary Care Association, Inc

Address of Requesting Entity: 4550 N BLVD Suite 120 Baton Rouge, LA 70806

Description of Request: Louisiana Primary Care Association, Inc., Baton Rouge, LA for purchase of equipment. Even with the one time state appropriations of approximately \$40 million, Louisiana's Federally Qualified Health Centers (FQHC) will still be challenged with the need for operational funds to offset expenses incurred for the growing population of the uninsured. The total cost per user/patient for Louisiana's Health Center patients is \$372 (inclusive of primary care and dental services). According to the 2006 Bureau of Primary Health Care (BPHC) Uniform Data System (UDS) report, Louisiana's health centers served approximately 45% uninsured persons of the total 128,507 users (an increase of 2% from the previous year). LPCA is requesting \$5,000,000 to assist their 22 grantee members with the acquisition of needed healthcare equipment for various centers which may include the implementation of electronic medical records for centers not currently using them. LPCA will use these funds to leverage and solicit additional resources to offset expenses. Commitment letters incorporating detailed budgets and narratives will be required by LPCA to insure accountability from all participating members and will be maintained at LPCA for auditing purposes.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: University of Louisiana at Monroe

Address of Requesting Entity: Monroe, LA

Description of Request: University of Louisiana at Monroe, Monroe, LA for facilities and equipment. ULM seeks funding for a new 10,000 square foot Animal Research Facility/Vivarium for the College of Pharmacy. The facility will support research of cardiovascular disease, cancer, diabetes, Alzheimer's disease, and other neurological diseases. The research facility is a specially designed building type, which accommodates specially controlled environments for the care and maintenance of experimental animals. The facilities are vital to the support of proper, safe, and humane research. The Association for Accreditation and Assessment of Laboratory Animal Care International (AAALAC) provides criteria and a certification process helping assure both accurate experimental results and safe and humane treatment of research animals.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: University of Louisiana at Monroe

Address of Requesting Entity: Monroe, LA

Description of Request: University of Louisiana at Monroe, Monroe, LA for purchase of a mobile dental unit, including equipment. This mobile unit, serving the delta area of Louisiana, would enhance the teaching capabilities of the dental hygiene program and would provide critically needed services to underserved patients who lack the financial resources and/or transportation to obtain proper dental care. The unit would be staffed by a dentist, dental assistant, dental hygienist and dental hygiene students who would work with local public health offices to coordinate services.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Health and Human Services

Legal Name of Requesting Entity: Xavier University

Address of Requesting Entity: New Orleans, LA

Description of Request: Xavier University, New Orleans, LA, for facilities and equipment. The goal of this project is to construct an addition to Xavier's College of Pharmacy and expansion of Xavier's Clinical Trials Unit. Expansion of the College of Pharmacy will increase Xavier's ability to provide pharmaceutical companies with well-educated graduates as employees. Xavier is a leader in graduating bioscience and pharmaceutical professionals. For more than a decade, Xavier ranked first nationally in the number of African American students earning bachelors degrees in biology, physics, and the physical sciences overall.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: LHHS, Department of Labor

Legal Name of Requesting Entity: Southeastern Louisiana University

Address of Requesting Entity: Hammond, LA

Description of Request: Southeastern Louisiana University, Hammond, LA for a job training initiative. Southeastern Louisiana University requests funding to expand its pilot initiative to provide a one-stop economic/workforce development and community planning/smart growth assistance to meet the needs of post-Katrina southeast Louisiana. A recent addition to the effort is smart-growth community planning. Rapid population growth in the region pre and post-Katrina has accelerated the need for better planning in order to maintain and enhance the quality of life in the area. The Southeast Louisiana Business Center, in conjunction with the Southeastern Social Science Research Center, has initiated outreach to area communities in order to provide smart growth assistance. Southeastern proposes to expand this initiative in order to increase services and reach more communities across southeast Louisiana.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Commerce

Legal Name of Requesting Entity: Louisiana State University

Address of Requesting Entity: Baton Rouge, LA

Description of Request: Louisiana State University A&M to provide more information for a geodetic reference system to aid land planning in Louisiana. The Louisiana Geodetic Spatial Reference Center (LGSRC) is currently a joint partnership between Louisiana State University (LSU) and the National Geodetic Survey (NGS). NGS is an office of NOAA's National Ocean Service and is tasked with maintaining the nation's system of monuments for surveying and positioning. LGSRC is a legal extension of the NGS within the State of Louisiana and surrounding Gulf States and will use GULFNET as the backbone for its regional system of positioning monuments. Accurate and precise positioning data and information is the basis for all things geospatial. A strong capability in geodesy, topographic engineering, and surveying is thus essential to the success of the Center. LSU is at the technological cutting edge in these fields and will host, staff, manage, and operate the Center on the LSU Baton Rouge campus. In 1997, Louisiana State University began construction of GULFNET, a geodetic reference system spanning coastal Louisiana using GPS technologies. Originally designed to support high precision measurement of subsidence, the system was also designed to support a whole host of other activities. This system consists of three continuously operating stations and 24 episodic campaign targets and is supported by contracts with the National Science Foundation and the Louisiana Board of Regents. GULFNET will provide public and private sector users with data and an information stream that will meet several currently unmet needs and requirements for lateral positioning and height information.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Commerce

Legal Name of Requesting Entity: Southern Shrimp Alliance

Address of Requesting Entity: P.O. Box 1577 Tarpon Springs, FL 34688

Description of Request: National Marine Fisheries Service Shrimp Industry Fishing Effort Research Continuation. In January 2008, the National Marine Fisheries Service (NMFS) issued a final rule implementing a comprehensive management regime for achieving new statutory mandates under the Magnuson-Stevens Act to end overfishing and rebuild the red snapper stock in the Gulf of Mexico. A primary component of this plan is a substantial reduction in the bycatch of juvenile red snapper in the shrimp fishery that must be achieved through a large reduction in shrimp fishing effort in juvenile red snapper habitat areas. Failure to achieve the necessary reduction in shrimp fishing effort triggers a closure of the shrimp fishery in these areas. Consequently, the ability to accurately measure where and when shrimp fishing effort occurs each year is not only critical to achieving statutory red snapper conservation objectives, it is absolutely crucial to the future survival of the Gulf shrimp fishery. Widely supported by industry, environmental community and federal & State fishery management agencies.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: Ascension Parish Sheriff's Office

Address of Requesting Entity: 828 S. Irma Blvd. Gonzales, LA 70737

Description of Request: Ascension Parish Sheriff, Law Enforcement Training Equipment. Ascension Parish Sheriff's Office owns and operates one of the premier law enforcement law training facilities in the Gulf region. Federal, state and local law enforcement agencies use this facility for various training purposes. The sheriff's office is in need of funding to continue to offer these services.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: City of Baton Rouge

Address of Requesting Entity: 222 St. Louis Street Baton Rouge, LA 70821

Description of Request: East Baton Rouge Parish to upgrade law enforcement technologies. Federal funding will support city-wide expansion of a program to equip law enforcement officers with the latest in mobile data technology. Laptop computers in 400 marked patrol cars will be linked over a 700/800mhz RF network. Local funding will be used to purchase software and equipment to allow connectivity and initial Wireless Access Points to transmit the data. Federal funding will expand this wireless mesh network, adding Wireless Access Point locations throughout the City/Parish. Wi-fi capabilities will increase the speed and availability of the network and help law enforcement officers in the field prevent and solve crimes by sharing information in real time. FY09 funding will also support city-wide roll-out of a camera monitoring system. The City/Parish has begun to implement a canopy system that uses wireless camera installations to monitor critical infrastructure and other hot points throughout the City/Parish. Cameras will be equipped with state-of-the-art ShotSpotter technology, which provides real-time notification of gunshot events, as well as precise event data, such as a shooter's location. Further expansion of this project will allow the City/Parish to place cameras in newly developing high-crime areas.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: Jackson Parish

Address of Requesting Entity: 500 E. Court Street, Room 100 Jonesboro, LA 71251

Description of Request: Jackson Parish Sheriff Department Training Complex. Funding would be used to construct a pistol/rifle range and a training building.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: Lincoln Parish

Address of Requesting Entity: 201 N. Vienna, Ruston, LA 71270

Description of Request: North Louisiana GIS Consortium. Law enforcement agencies are increasingly turning to Pictometry's new visual

intelligence tools that permit users to instantly see up to 12 different views of any feature in their jurisdiction. Pictometry, a small, US-owned technology firm creates libraries of a revolutionary new form of digital, full color aerial imagery and geo-spatial information. Pictometry captures every square foot of an area from as many as twelve directions. While Pictometry libraries consist of orthogonal (straight down) images like ordinary aerial imaging, over 80% of the images are oblique (taken from angles) so that features can be easily seen in their entirety. These images reveal the front, back, and sides of objects of interest rather than just their tops. Within seconds, a law enforcement officer can literally view and analyze any house, building, intersection, fire hydrant, tree or any feature in the county from their laptop, workstation, or mobile device.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: Louisiana Sheriff's Association

Address of Requesting Entity: 1175 Nicholson Drive Baton Rouge, LA 70802

Description of Request: Louisiana Sheriffs' Association, Louisiana Methamphetamine Task Force. This grant funding will be used for the continuation of a Multi-Parish Methamphetamine Task Force (Louisiana Methamphetamine Task Force) formed in 2004. The parishes involved are Claiborne, Grant, Natchitoches, Rapides, Vernon, Webster, and Winn. The grant money will be used to continue paying the new personnel hired for the task force, the payment of overtime to law enforcement officers directly involved in the Methamphetamine Task Force, increase the number of new hires, to purchase new equipment which will be specifically directed toward the deterrence, location and destruction of methamphetamine labs. Additionally five percent (5%) of this request will be used to continue paying the grant administrator.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, Department of Justice

Legal Name of Requesting Entity: Louisiana District Attorney's Association

Address of Requesting Entity: 1645 Nicholson Drive Baton Rouge, LA 70802

Description of Request: Louisiana District Attorney's Association to support an early intervention program for at-risk elementary students. The Prosecutor's Early Intervention Program (PEIP) is a proven prevention-based program, developed by the 16th Judicial District, that creates a conduit between the home, school, social service agencies and the legal system in order to quickly identify and intervene with elementary children who are exhibiting behavioral and/or school performance problems. Children have become more successful in school academically, behavioral problems in the classroom have declined and there has been a decrease in juvenile court filings.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: CJS, National Aeronautics and Space Administration

Legal Name of Requesting Entity: Thurgood Marshall College Fund

Address of Requesting Entity: 80 Maiden Lane Suite 2204 New York, NY 10038

Description of Request: Thurgood Marshall College Fund to recruit minority students who will pursue careers in the sciences. This program will Assist NASA in its efforts to recruit minority students who will pursue careers in energy sciences. TCMF seeks to continue this nation's mission to produce more minority students in the areas of math and science. Moreover, TCMF is continuing to produce more leaders advocating economic development with a sustained focus of educating the nation's workforce and providing state-of-the-art instruction, facilities and curriculum.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity:

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Bayou Sorrel Lock, LA. Bayou Sorrel Lock (Intracoastal Waterway Locks) in the East Atchafalaya Basin Protection Levee, a main-line feature of the MR&T, is critical for flood protection and inland navigation. The funds would be used to advance preconstruction, engineering and design completion by two years. Authorization: Section 601 of WRDA 1986 (PL 99-662)

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Comite River (Diversification Project), LA. This project was created to ameliorate flood losses in the Baton Rouge Urbanized Area. Since this project began, federal funding has not been adequate and the project construction schedule had to be extended from 2011 to 2016 in accordance with USACE estimates. This is caused by the inadequate annual funding that allows only the absolute minimum work to keep the project alive. \$18,000,000 is necessary to adequately fund construction related work for the project and continue development of plans and specifications.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity:

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Inner Harbor Navigation Canal Lock Replacement, LA. The EIS for the IHNC Lock replacement is being redone under court order and will be completed in December 2008. The additional funds will be used to resume lock design and award west levee contract to complete construction by 2018. This is a critical lock in the GIWW system and is the #1 priority of the Inland Waterways Users Board (IWUB).

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: Red River Waterway Commission

Address of Requesting Entity: P.O. Box 709, Shreveport, LA 71162

Description of Request: J. Bennett Johnston Waterway, LA. The project is located in central and northwest Louisiana and provides for a 9-by 200-foot navigation channel extending about 236 miles from the Mississippi River through Old River and Red River to the vicinity of Shreveport, LA. Five locks and adjacent dams provide a lift of about 141 feet. Facilities to provide recreation and fish and wildlife development are also an integral part of the project. Although the project is open to navigation, refinements to the channel alignment are necessary to improve the safety and reliability of the navigation channel as well as to reduce maintenance dredging costs. These refinements consist of reinforcing or capping out existing revetments as well as adding additional contraction structures (dikes) to improve navigation conditions. WRDA 2007 increased the authorized cost for mitigation to \$33,912,000 allowing the purchase of cleared or agricultural lands for reforestation.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Bayou Desiard, Monroe, LA. Bayou DeSiard is located within Ouachita Parish in northeastern Louisiana near the city of Monroe. Prior to the construction of the Ouachita River levee system, the bayou was a flowing stream that drained into the Ouachita River just north of Monroe. It is currently a 28-mile-long impoundment.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Frazier/Whitehouse Oxbow Lake Weir, LA. Frazier/Whitehouse Oxbow Lake is located in east-central Louisiana, adjacent to Lindy C. Boggs Lock and Dam. The project provides for an overtopping closing to maintain minimum water levels during period of low water. Completion of the proposed project would result in positive environmental benefits by partially restoring historical lake water levels and the associated fish and wildlife habitat.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Lake St. Joseph, Tensas Parish, LA. Lake St. Joseph, an abandoned oxbow of the Mississippi River, is located in northeast Louisiana in Tensas Parish, 4 miles north of St. Joseph, LA. The lake is a shallow lake, 3 to 4 feet deep, due to sedimentation and subject to fish kills during prolonged periods of hot weather.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Alexandria to the Gulf, LA. Funding in the amount of \$790,000 is necessary to complete remaining work for the Feasibility Study and advance the PED. Authorization: HR 23 July 1997.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Morganza to the Gulf, LA. Funding in the amount of \$8,000,000 would be used to continue Pre-Construction and Design work and \$10,000,000 would be used for construction activities authorized under WRDA 2007. Authorization: WRDA 2007 (P.L. 110-114), Sec 1001 (24).

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Spring Bayou, LA. The study area includes the Spring Bayou, LA, area, and any adjacent parishes that impact the area. The Spring Bayou Area is comprised of several U.S. Fish and Wildlife Service refuges and state wildlife management areas, along with adjacent lands that have traditionally been recognized as one of the most significant fish and wildlife and wetland ecosystems in the South.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN. Funding in the amount of \$54,100,000 is necessary to properly fund construction for the raising of deficient portions of the Mississippi River Levees. Funds can also be used for the construction of a museum and interpretive site.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Baton Rouge Harbor, Devil Swamp, LA. This project is to maintain depth of the slack water channel for commercial barge traffic. Authorization: Flood control Act 1948; Sect 201, P.L. 858

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Tensas Basin, Boeuf and Tensas Rivers, AR & LA. The flood control project is located in central and northeast Louisiana and southeast Arkansas and includes the Lake Chicot pumping plant. Funds are requested to continue operation and maintenance of project features and to repair bell housing; maintain Big Bayou weirs; replace Motor Control Center at Lake Chicot pumping plant; paint and repair operators; prepare plans and specifications for Lake Chicot access road; and construct Lake Chicot access road.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Tensas Basin, Red River Backwater, LA. The project is located in central and northeast Louisiana. For Operations and Maintenance

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Atchafalaya River and Bayous Chene, Boeuf & Black, LA. For operations and Maintenance.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: Red River Waterway Commission

Address of Requesting Entity: P.O. Box 709, Shreveport, LA 71162

Description of Request: J. Bennett Johnston Waterway, LA. The project is located in central and northwest Louisiana and provides for 9-by 200-foot navigation extending about 236 miles from the Mississippi River through Old

River and Red River to the vicinity of Shreveport, Louisiana. Five locks and adjacent dams provide a lift of approximately 141 feet. The project also provides for realigning the banks of the Red River from the Mississippi River to Shreveport by means of dredging, cutoffs, and training works and stabilizing its banks by means of revetments, dikes, and other methods.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Lake Providence Harbor, LA. Lake Providence Harbor is an inland harbor, located along the Mississippi River in East Carroll Parish, Louisiana. Without maintenance dredging funds, this harbor will lose project dimensions requiring the port to be shut down during the busiest time of the year when crops are harvested and shipped. This harbor services many small communities and farmers in Louisiana. The project was constructed in 1980 and has been maintained annually. The loss of navigation will have significant adverse economic impacts on the region.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Madison Parish Port, LA. Madison Parish Port is a fast water, shallow draft port, located on the Mississippi River in Madison Parish, Louisiana. Without maintenance dredging funds, this port will lose project dimensions requiring the port to be shut down during the busiest time of the year when crops are harvested and shipped. This port services many small communities and farmers in Louisiana. The project was constructed in 1980 and has been maintained annually. The loss of navigation will have significant adverse economic impacts on the region.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Energy and Water, Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: Mississippi River, Baton Rouge to the Gulf of Mexico, LA. Operation and maintenance funds for the Mississippi River Ship Channel Baton Rouge to the Gulf of Mexico are not adequate to keep international commerce moving without delays and light loadings. Additional funds are needed to repair pile dikes, foreshore dikes and jetties and some residual damage to structures from Hurricane Katrina.

Requesting Member: Congressman RODNEY ALEXANDER



Bill Number: H.R. 1105

Account: Energy and Water, Department of Energy

Legal Name of Requesting Entity: Louisiana Tech University

Address of Requesting Entity: Ruston, La

Description of Request: Bionanotechnology: Research and Commercialization (LA). Three biorefinery projects will help invigorate the economy in North Louisiana and decrease the entire nation's dependency on fossil fuels. Louisiana Tech has world class expertise including algae to biodiesel, cellulosic ethanol, and nanoengineered fischer-tropsch catalysts.

A TRIBUTE TO CONSTANCE V.  
HAY-ALLEYNE

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Constance V. Hay-Alleyne.

Constance has lived life as a goal oriented and knowledgeable Registered Nurse with ambitious and humanitarian social motivations. Constance is well known in the Panamanian and Caribbean communities. Her delightful intellectual curiosity has served her professional growth well. She holds a BSN and MSN degrees from Medgar Evers College in Brooklyn, New York and Georgetown University, in Washington D.C., respectively. She has distinguished herself as a competent Nurse Manager and Administrator for over three decades, in the Brooklyn, Manhattan, and Washington D.C. areas. In 1981, she joined the United States Army Nurses Corps, served as a Captain, active duty and in reserve.

At home, Constance has raised her four children to love and respect everyone especially their elders. She insufflated in them positive outlooks in life and motivation to do "as much as they can" with care and dignity. It could not be otherwise since this has been an inheritance from her parents: John who died at the age of 114 and Imogene, at age 82. Faithful to that motto, she has been involved in many other activities such as a mediator at the Fafe Horizon Brooklyn Mediation Center, as a Board Member of the Community Board 5 and as the Chair for Education and Training for Tashia's Life, a lupus foundation.

She was miraculously rescued from the September 11, 2001 disaster at WTI. This encounter made her redefine her mission on earth, realizing that God had saved her life for some special purpose. She serves the Lord at St. Alban's Episcopal Church in Canarsie, Brooklyn, where she functions as a Lay Ecinencial Minister, as well as a Vestry.

Throughout her career, Mrs. Hay-Alleyne has received numerous awards and recognitions including: being featured in "Who's Who?" in Nursing in Cambridge.

IN RECOGNITION OF AREA  
HEALTH EDUCATION CENTERS  
(AHECs)

**HON. KATHY CASTOR**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Ms. CASTOR of Florida. Madam Speaker, I rise today to acknowledge the contributions of the nation's Area Health Education Centers (AHECs) and applaud the vitally important healthcare workforce programs they conduct to improve access to healthcare for medically under-served individuals.

AHECs, established by Congress in 1971 as one of the Title VII Health Professions Training programs, are the workforce development, training and education machine for the nation's healthcare safety net programs. Across the nation, 54 AHEC programs and more than 200 affiliated AHEC centers collaborate with over 120 medical schools and 600 nursing and allied health programs to improve the quality, geographic distribution and diversity of the primary care workforce.

Last year, AHECs facilitated the placement of more than 44,000 health professional students in almost 17,000 community-based practice settings nationwide including community health centers, rural health clinics, critical access hospitals, tribal clinics and public health departments. To address the growing shortage of health care professionals in America, nearly 102,000 students received more than 20 hours of health career exposure, information, and academic enhancement to prepare them for health professions training programs.

The University of South Florida's AHEC Program connects students to careers, professionals to communities, and communities to better health. The USF AHEC Program inspires youth to choose a career in the health professions with its health career camps, mentoring programs, college preparatory courses and more. USF focuses on recruiting more minority and disadvantaged youth into health careers because as the nation's population becomes more diverse, it is important that the health care workforce reflects that diversity. AHECs in the Tampa Bay area are dedicated to community service and committed to enhancing the lives of Florida's most vulnerable populations who often go without health care due to geographic isolation and economic or social status. Local AHECs work tirelessly to ensure that no Floridian is without timely access to quality health care, and last year alone more than 1,700 medical students from the USF AHECs provided more than 215,000 hours of care to an estimated 350,000 patients.

Not only have AHECs have supported the education of future professionals, but they have supported more than 400,000 health professionals caring for the medically under-served with programs designed to enhance their skills, knowledge, and quality of care. AHECs have awarded 1.1 million contact hours of continuing education programs to current health professionals. AHECs extend the academic resources of health professions training programs into rural and medically

under-served communities throughout the United States by creating partnerships between the health science centers that train health professions students, residents, faculty, and practitioners and the local providers that care for our nation's increasing number of medically under-served citizens.

Madam Speaker, through community-based interdisciplinary training programs, AHECs identify, inspire, recruit, educate, and retain a health care workforce committed to under-served populations. To that end, I would like to take this opportunity to officially recognize National AHEC Week, March 23 through March 27, 2009.

A TRIBUTE TO GLORIA COOKE

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Gloria Cooke, President of the AARP National Organization and community activist.

Gloria Cooke was born and raised in Brooklyn, New York. Gloria attended Franklin K. Lane High School, and completed her education at Kingsborough College where she majored in computer technology.

Ms. Cooke attends Mt. Zion Baptist Church faithfully, under the direction of Pastor Dan Craig.

Gloria was a care giver for her mother and brother before they expired.

Gloria's love of her life is her only son Charles.

Ms. Cooke entered into the work force and became a leader in the banking industry for a period of 36 years. She worked for Bankers Trust for 25 years, and Chase Manhattan. She also is a member of Penn Wortman Senior Center. Gloria is a community activist and enjoys volunteering to help her community, neighbors and friends to help them in anyway she can.

Ms. Cooke is the President of the AARP National Organization; she was given the position in the AARP Chapter which was founded by Director of Penn Wortman and Pink Senior Center Liz Sanders. The AARP Chapter serves the East New York community.

Her favorite hobby is travelling to the Caribbean Islands at least three times a year which inspired her to become a travel agent.

A TRIBUTE TO BARBARA NICOLE  
HOWARD

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Barbara Nicole Howard, a Health Department Representative and distinguished public servant.

Barbara Howard is a Health Department Representative for the NYC Department of Health and Mental Hygiene's Public Health

Detailing Program. The Public Health Detailing Program works with primary health care providers to improve patient care around key public health challenges in the areas of NYC with healthcare disparities. Ms. Howard provides medical providers with clinical tools and patient education materials via one-on-one relationships to improve health outcomes in the community.

Barbara Nicole Howard was born in the Bronx, New York to Henry and Barbara Howard. The family moved to Staten Island shortly thereafter due to the need for a larger apartment and the 1970's housing shortage. Through the years, she volunteered at soup kitchens, homeless shelters, HIV/AIDS programs, special needs children's organizations, and hospitals; developing a heart for servicing the community.

Ms. Howard obtained a Bachelor's of Art Degree in Sociology and a minor in Urban Affairs from Hunter College. After completing her studies, she worked in Brooklyn for the Legal Aid Society as a Forensic Social Work Assistant finding alternatives to incarceration for clients. She was then afforded the opportunity to work with the NYC Health and Hospital Corporation's Discharge Planning Program at Riker's Island for the mentally ill population as a Discharge Planner. She also had several promotions and worked as Supervisor of Discharge Planning / Community Liaison. Ms. Howard enrolled in Baruch College's Executive Master of Public Administration program. Afterwards, Ms. Howard recommitted to public service as Provider Liaison for the NYC Department of Health and Mental Hygiene's Early Intervention Program. After three years with the Early Intervention Program, Ms. Howard devoted herself to public health and began to work with the Public Health Detailing Program.

Although, she continues to live in Staten Island, Ms. Howard has made Brooklyn her second home. She works, worships, and has many friends within Brooklyn. Ms. Howard is currently an active member of the Brooklyn Tabernacle in downtown Brooklyn.

#### A TRIBUTE TO VANESSA HUGHES

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Vanessa Hughes.

Vanessa Hughes was born August 17, 1959 to Rose and Leonard Reid Sr. She is the middle of five children and has two surviving brothers, Jeffrey and Bruce, one sister Shelissa, and a deceased brother Leonard Jr. Ms. Hughes attended neighboring schools, P.S. 260 and JHS 211. She has worked to support her community throughout her life. Known for her energy and enthusiasm, Ms. Hughes is the founder of the Community Based Operations for All Neighborhoods, a community civic group whose motto is "Building Better Communities One Block at a Time."

The need for community, social, recreational and education programs was the structure for the implementation of C.B.O.F.A.N. A strong advocate of children oriented activities and

programs, Ms. Hughes implemented an "Annual Mardi Gras Health and Awareness" event which brought local programs such as the public library, Office of Environmental Management and Parks Department to the community to explain the services they offer.

As the current Grievance Committee Chairperson of the Breukelen Tenant Association, Ms. Hughes acts as a liaison between the community residents and the management of the Breukelen Housing Development by keeping abreast of the needs of the community and forwarding them to the proper people to have them resolved.

As a community activist, Ms. Hughes can be found working with the Breukelen Community Head Start Program, Breukelen Community Center, elected officials, neighborhood businesses and her C.B.O.F.A.N. to ensure that the needs of her community are met for the betterment of the community.

Please join me Madam Speaker in recognizing Vanessa Hughes' passion for public service.

#### A TRIBUTE TO LEORA KEITH

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Leora Keith.

Mrs. Leora Keith is a widow and mother of four biological daughters. She is the adoptive mother of two and a past foster mother. She is a retired early childhood educator who served thirty seven years with the New York City Board of Education. Mrs. Keith encouraged countless children and their families, as she guided them towards successful careers.

Mrs. Keith has been a member of the Upper Room Full Gospel Baptist Church for more than thirty years, where she has served on the Usher Board, as church clerk, worked with the youth and sings in the Senior Choir. Through her work with her congregation, she has inspired many with her commitment to family, community and church.

Mrs. Keith is affiliated with the Order of Eastern Star under the Star of Bethlehem Grand Chapter where she held the titles of Matron and a Deputy Grand Matron. She is a lifelong member of the National Council of Negro Women Inc., where she served as Vice President of the Brooklyn section. A member of the Brooklyn Reading Association, The New York Alliance of Black School Educators, Board member of the Nascent Victorian Place Cultural Center, which is a non-profit multi-cultural center, dedicated to building links between communities. She is currently President of Tompkins Houses Resident Association Inc., where she partners with the Fresh Air Fund and Literacy Teen Reading partner program. Mrs. Keith is also a member of the Cabs Home Attendants Service Inc., and Continuous Quality Improvement committee.

Leora Keith received a Bachelor Degree in Professional Studies from Pace University's Manhattan campus with a concentration in reading. She has master credits from Touro Graduate School of Education and Psychology in Early Childhood and Special Education.

Madam Speaker, please join me in recognizing the extraordinary level of passion and commitment towards the betterment of our youth that Leora Keith has given us.

#### A TRIBUTE TO CARMEN LOURDES MARTINEZ

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Carmen Lourdes Martinez, Director of the Community Action Center in the Office of the New York City Comptroller.

Carmen was born in Santo Domingo, Dominican Republic; she immigrated to Brooklyn, New York at the age of eight and is a product of the New York City public school system. She is a graduate of the City University of New York, having obtained a Bachelor of Science Degree in Business Administration from Medgar Evers College and continued her graduate studies in Public Administration at Brooklyn College.

Carmen is currently Director of the Community Action Center in the Office of New York City Comptroller William C. Thompson, Jr. Since joining the office on May 18, 1992, Carmen has rendered service to over 87,000 constituents, run the Comptroller's Foreclosure Intervention Hotline, and served as Management Co-Chair of the Comptroller's Quality of Work Life, Employees Recognition Committee.

Carmen's many personal awards and recognitions include: Aegis Society, Inc. The Federation of African-American Civil Service Organizations, Inc. Merit Award; National Association for Equal Opportunity in Higher Education Distinguished Alumni Award; Caribbean American Chamber of Commerce & Industry, Inc. 21st Century Visionary Award; Brooklyn Borough President Outstanding Achievement Award; Bedford Stuyvesant Community Legal Services Corporation Outreach Self-Help Program Valedictorian and Outstanding Scholarship Award.

Outside of work, Carmen volunteers her time to grassroots activities designed to advance the community. She is a Charter Member and a member of the Board of Directors of the Brooklyn Metropolis Lions Club; a Charter Member and former member of the Board of Directors of the Central Brooklyn Federal Credit Union; Former Member of the Board of Directors of the Central Brooklyn Partnership; participant in the New York City Department of Education's Kids and the Power of Work Program and volunteers as a judge for the New York City Working in Support of Education, Quality of Life Program. Recently Carmen completed her third term as President of the Alumni Association of Medgar Evers College.

Carmen reared three children as a single mother, Grace M. Benjamin, Harry "Jamie" Martinez-Benjamin and Xiomara L. Maloney and is the proud grandmother of three.

A TRIBUTE ROSEMARIE  
ARMSTEAD-LOWERY

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Rosemarie Armstead-Lowery, educator and community activist.

Rosemarie Armstead-Lowery has always been a child of her community. Community has shielded her, nurtured her, and allowed her the freedom to be herself in a world where the expectations of others often times limit one's horizon. The major influences of her life have been family and Church and they, in that order, are responsible for much of who she has become. For the last sixty of her seventy years, she has found her niche in serving that community that has nurtured her. She has been teaching the youngsters of her community for almost fifty years. Rosemarie has been a Day Care director at the Horace E. Greene Day Care Center in the Bushwick section of Brooklyn at a time of transition for child care. She implemented a change in school-age programming which made her center one of the model programs for city wide school-age programs.

After her directorship in daycare, Ms. Lowery returned to the classroom in the public school where she spent the next 12 years nurturing the students in her care at P. 335 in the Bedford Stuyvesant section of Brooklyn. She considered her job to be a facilitator, one who made learning both possible and enjoyable. It was her responsibility to show youngsters that learning was fun and that they could soar beyond their wildest dreams if they were willing to put forth the effort. Rosemarie was judged a nonconformist by some of her peers because of her unorthodox methods for reaching her students, but in the end the success of her students was her vindication.

In 1988, Ms. Lowery decided to embark on a venture of her own and opened The Learning Center of Bedford Stuyvesant in a brownstone in Bedford Stuyvesant. The independent school was in response to the desire of parents for an alternative to the public school. The individualization of the learning process for each student was its strength. The program was based on an eleven month curriculum where travel was an important component. The students were encouraged to study and become part of the culture they visited. They have traveled to Canada, Alaska, Mexico, Puerto Rico, Washington D.C., Virginia and around the local tri-state area. Unfortunately, the Learning Center closed at the end of its twentieth year because Ms. Lowery has turned yet another page.

In the summer of 2007, the Roman Catholic Diocese of Brooklyn/Queens created a new tri-Church configuration by combining the parishes of Holy Rosary, our Lady of Victory, and St. Peter Claver into a new tri-church Parish called St. Martin de Porres. Ms Lowery was hired as the Temporalities Manager. Her function is to act as a business manager of the newly formed Parish. She is currently responsible for the fiscal and temporal care of the Parish and its facilities. Times change, and cir-

cumstances along with them, but the opportunity to meet life head-on continues to present itself each day and for this she is eternally grateful.

A TRIBUTE TO RUTH SIBLER

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ruth Sibling, a dedicated public servant for 26 years.

Ruth Sibling is a volunteer at Public School 273 in New York City. She was born in Brooklyn, New York and has lived in Brooklyn for seventy-three years.

Ms. Sibling has worked diligently for the Teamster's Union for the 26 years prior to her retirement, and death of her husband, Mr. Sibling. Following her retirement, Ms. Sibling volunteered with P.S. 273 to assist in the library.

Ms. Sibling considers volunteering in school the "love of her life", along with her children and grand-children, and brings a constant youthful insightfulness to her volunteer work.

Madam Speaker, Please join me in recognizing Ruth Sibling for her time and dedication to public service.

A TRIBUTE TO ZENOBIA C. WHITE

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Zenobia White.

Zenobia always knew that after high school she wanted to do something meaningful. After successfully completing four years at Beach Channel High School in Far Rockaway, New York with honors, she enlisted with the United States Army as an Army Supply Specialist and served four years in Germany.

After leaving the Army, Zenobia worked for the New York City Corrections Department working in prison complexes across the city including Riker's Island, Brooklyn's Men's House of Detention and Kings County Hospital's prison ward.

Zenobia White married James White and the couple had two children, Daryl and Jameha White.

Ms. White continued to work for New York City with the Health and Hospital Corporation and the Metro Plus Health Plan. In this position she enrolled over two hundred families for the East New York D&TC. As a recognized community activist, she joined the community board of the East New York D&TC, where she remains active.

Ms. White now works as a Medicare sales representative for the Emblem health plan, where working for senior citizens has become one of her greatest joys.

Zenobia White holds the position of Vice President for Sister Sister In-law, a women's group which assists and mentors young women in their communities.

Please join me, Madam Speaker, in recognizing Ms. White's proven record in service to her community.

A TRIBUTE TO AWILDA ROSARIO

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 25, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Awilda Rosario, a woman committed to the dignified care of the aging in her community.

Awilda Rosario was born in Fajardo, Puerto Rico on December 3, 1951. She grew up with her mother, step-father and three sisters. Early on she was irresistibly attracted to reading and learning about the world and how people live. During her high school years, inspired by her Spanish Literature teachers, she discovered her love for human studies. After graduating from high school in the town of Loiza, she attended the University of Puerto Rico where she completed a Bachelors degree in Spanish Literature with a minor in Sociology.

After teaching Spanish Literature at the high school level, Ms. Rosario decided to immigrate to New York, invited by one of her cousins who already lived there. Once in New York, she started to connect with her ex-classmates and friends who helped her land her first job. Because there are no accidents, that first job was as a Caseworker at Diana Jones Senior Center in Williamsburg, Brooklyn. Her position afforded her the opportunity to work with community groups to advocate on behalf of the elderly.

At that moment, just emerging from the 70's, the New York City Department for the Aging was not as yet the developed and diverse agency that it is today. The needs of the minority elderly, especially those unable to understand the complexity of the benefits and entitlement programs went mostly unmet. Many minority elderly individuals simply did not apply for benefit programs because they did not know they existed. Even if they knew, they didn't know how to apply for them. For this reason, she joined forces with Mr. Ed Mendez-Santiago, who would later be appointed the Commissioner for the New York City Department for the Aging. The organization he founded, the Spanish Speaking Elderly Council-Raices, became a forerunner for advocacy and expansion of services that made benefits and entitlement programs accessible to the minority elderly. She held the position of Chairperson of the Board for a good number of years.

After a few years of working as a caseworker, Ms. Rosario was appointed as the Director of the North Brooklyn meals-on-wheels program, also funded by the Department for the Aging and sponsored by Wartburg Lutheran Home for the Aging. During that time Ms. Rosario became very active with the community and served as a member of the Board of Directors of several organizations including the New York State Office for the Aging, Vision for the Blind, East New York Interagency Council and the Brownsville-Ocean Hill Interagency Council.

After completing her Masters in Social Work and Administration at Hunter College, Wartburg Lutheran offered her the position of Director of Adult Day Health Care program which she held until several years ago. After 21 years with Wartburg, Ms. Rosario came to work with Brooklyn United Methodist Church Home to serve as Director of their Adult Day Care Program. As always, she continues to enjoy her work with the elderly and with those whose needs can be met by the services offered by this program. She is grateful to Brooklyn United Methodist for the opportunity to continue working with the community and doing what she likes.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 26, 2009 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### MARCH 31

- 9:30 a.m.  
Agriculture, Nutrition, and Forestry  
To hold hearings to examine Federal school meal programs, focusing on nutrition for kids in schools. SR-328A
- 10 a.m.  
Commerce, Science, and Transportation  
To continue hearings to examine health insurance industry practices. SR-253
- Finance  
To hold an oversight hearing to examine a six month update on the Troubled Asset Relief Program (TARP). SD-215

Homeland Security and Governmental Affairs  
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee  
To hold hearings to examine the Office of the Chief Financial Officer, focusing on the progress it has made since the financial crisis of the 1990s, the financial management challenges in the years ahead, and the steps that are being taken to address those challenges. SD-342

Environment and Public Works  
Water and Wildlife Subcommittee  
To hold hearings to examine Environmental Protection Agency's role in promoting water use efficiency. SD-406

2:15 p.m.  
Foreign Relations  
Business meeting to consider pending calendar business. S-116, Capitol

2:30 p.m.  
Banking, Housing, and Urban Affairs  
Economic Policy Subcommittee  
To hold hearings to examine lessons from the New Deal. SD-538

2:45 p.m.  
Foreign Relations  
Near Eastern and South and Central Asian Affairs Subcommittee  
To hold hearings to examine the return and resettlement of displaced Iraqis. SD-419

##### APRIL 1

9:30 a.m.  
Armed Services  
To hold hearings to examine United States policy toward Afghanistan and Pakistan. SD-106

Small Business and Entrepreneurship  
To hold hearings to examine the nomination of Karen Gordon Mills, of Maine, to be Administrator of the Small Business Administration. SR-428A

10 a.m.  
Environment and Public Works  
Clean Air and Nuclear Safety Subcommittee  
To hold an oversight hearing to examine the Environmental Protection Agency's renewable fuel standard. SD-406

Health, Education, Labor, and Pensions  
Business meeting to consider pending calendar business. SD-430

Appropriations  
State, Foreign Operations, and Related Programs Subcommittee  
To hold hearings to examine assistance for civilian casualties of war. SD-138

Veterans' Affairs  
To hold hearings to examine the nomination of W. Scott Gould, of the District of Columbia, to be Deputy Secretary of Veterans Affairs. SR-418

2 p.m.  
Agriculture, Nutrition, and Forestry  
To hold hearings to examine pending nominations. SR-328A

2:30 p.m.  
Judiciary  
To hold hearings to examine the nominations of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, and Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General, Department of Justice. SD-226

Armed Services  
Personnel Subcommittee  
To hold hearings to examine the implementation of Wounded Warrior policies and programs. SD-106

##### APRIL 2

10 a.m.  
Homeland Security and Governmental Affairs  
To hold hearings to examine recovery and reinvestment spending. SD-342

##### APRIL 22

2:30 p.m.  
Veterans' Affairs  
To hold hearings to examine pending health related legislation. SR-418

##### MAY 6

9:30 a.m.  
Veterans' Affairs  
To hold hearings to examine pending benefits related legislation. SR-418

##### MAY 21

9:30 a.m.  
Veterans' Affairs  
Business meeting to markup pending legislation. SR-418

## HOUSE OF REPRESENTATIVES—Thursday, March 26, 2009

The House met at 10 a.m.

Reverend Gary Shaw, Central Christian Center, Joplin, Missouri, offered the following prayer:

Father, as I stand in this beautiful hall of honor, my heart overflows with admiration and appreciation for those who have occupied this place throughout history representing the citizens of this great country.

May Your divine wisdom, Your unbiased judgment and Your love fill each of those who have chosen to serve our Nation. May they draw from Your fountain of knowledge and Your storehouse of fair play as they administer and create legislation that governs our land. Instill in all of us a respect, honor and a love for life that will allow us to serve with pride and dignity at all levels of local, State, and national government.

Help us to put on the shield of faith and to face the challenges before us with a determination that we will succeed and prosper because we operate in Your providential and divine order.

Please bless America and help us honor You.  
Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING REVEREND GARY SHAW

The SPEAKER. Without objection, the gentleman from Missouri (Mr. BLUNT) is recognized for 1 minute.

There was no objection.

Mr. BLUNT. Madam Speaker, it's my honor today to welcome for the opening prayer a respected leader and a friend of mine, Reverend Gary Shaw of Central Christian Center in Joplin, Missouri. Reverend Shaw is an elder

and trustee at the Central Christian Center and has served there as executive administrator for the past 30 years.

In addition to his church work, Reverend Shaw is the mayor of the city of Joplin in southwest Missouri. Joplin is the second largest city in my congressional district. It serves a four-State area as a center for commerce, education, health care, and transportation.

Gary Shaw has spent several years in service to the city of Joplin, and I am thankful for Reverend Shaw's committed efforts to the city as a member of several committees and leadership boards. His work to improve business, safety, and historic preservation in his community and State does not go unnoticed.

He's a devoted father and husband. He's been married to his best friend, Kathy, for 46 years and has one son, Brian, a local businessman. A veteran of the United States Army, a graduate of Ozark Christian College in Joplin, Reverend Shaw has also been a witness for his faith in over 30 countries.

It's truly my honor to welcome Reverend Shaw to the House today and thank him for his service to Missouri and many years of dedicated service to the city of Joplin.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five further requests for 1-minute speeches from each side of the aisle.

### HONORING THE LIFE OF U.S. MARINE CORPORAL MIKE OUELLETTE

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Madam Speaker, I rise today to honor U.S. Marine Corporal Mike Ouellette of Manchester, New Hampshire. Corporal Ouellette was tragically killed in action on Sunday, March 22, during a foot patrol in the Helmand Province in Afghanistan. He was 28 years old.

Corporal Ouellette leaves behind his parents, Donna Ouellette and Leonard Ouellette, a brother Alan, and a sister Stephanie. I extend my deepest sympathies to Corporal Ouellette's family, who are in my thoughts and prayers.

We also honor the courage and the sacrifice of Corporal Anthony Williams, 21, of Oxford, Pennsylvania, who

was killed alongside Corporal Ouellette.

Corporal Ouellette was a patriot who was twice deployed to Iraq and was serving his third tour of duty with the 3rd Battalion, 8th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force.

Corporal Ouellette graduated from Memorial High School in Manchester, New Hampshire, in 1999 and studied at the Manchester School of Technology before he enlisted in the United States Marine Corps on June 15, 2005. I spoke with his father last night, who said his son just wanted to help people. Corporal Ouellette was best known for his friendly and outgoing nature and will be missed by many. He was a blessing to his community. He dedicated his life to the service of his family, his friends, and his country.

Our country owes Corporal Ouellette and his family a debt we cannot repay. We salute Corporal Ouellette's selfless sacrifice, service and bravery. America was honored to call him our son.

### WHITE HOUSE BUDGET

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, next week the House is going to vote on the administration's budget that spends too much, taxes too much, and borrows too much. Every day, American families need to make tough decisions to balance their budgets. If they end up in the red each month, they are in trouble. But not the Federal Government.

The administration says spend, spend, spend. The White House budget raises taxes on hardworking Americans in the middle of a recession. Americans say "no new taxes." They don't want us to raise taxes during a recession. They know that it is not the way to get this economy moving again. Our children and grandchildren deserve better. Let's clean the budget up.

We used to say, "It's the spending, stupid."

### A PROMISING BUDGET

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, this Congress' Budget Committee worked long into the night last night to prepare a budget for the House to vote on. It's a

budget that cuts the deficit by two-thirds by the year 2013, and gives a tax cut for 95 percent of the American people.

Yes, Mr. Speaker, the middle class and 95 percent of the people will get a tax cut, not simply the upper 1 percent who have gotten the tax cuts while we have been Bush-whacked over the 8 years of the Bush-Cheney Presidency and a Congress that's now run off the tracks and threatened the world's economy.

We're going to invest in health care to give people affordable health care, invest in education so the Chinese don't lead us in science and math, and we can maintain our position as the world's number one economic power and also invest in renewable energies so we're not dependent on Middle Eastern oil, and a Defense Department that needs to protect those routes to keep America secure; a budget that is a promising budget for the future to create jobs.

I am proud of the Budget Committee and look forward to supporting the President.

#### NO NEW TAXES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know, this budget of the President taxes too much, it borrows too much, and it spends way too much money. And the focus of the White House should be on what they can do to generate economic growth rather than finding new ways to tax our families, hardworking families. And we hear they are going to be taxed to the tune of \$1.9 trillion—with a "T"—in new taxes.

My constituents have had enough of this economic abuse and so have our children and our grandchildren. They don't want the government to continue to spend money they have not made for programs that they do not want. They are worried about the future of their small businesses, they are worried about their retirement plans, and they are worried about the future of those children and grandchildren. So Republicans are offering an alternative that will be there to help ensure our economic prosperity.

I would encourage all of my colleagues to support this alternative because Americans deserve more than wasteful government spending at unprecedented levels. They deserve freedom and economic prosperity.

□ 1015

#### COVER THE UNINSURED WEEK

(Mrs. CAPPS asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. CAPPS. This week, once again, we observe Cover the Uninsured Week, something we do every year. You know, the United States is a world leader in so many respects, but are we ever a poor example to follow on health care coverage.

As many as 47 million Americans lack insurance, and many more we know are underinsured. In most instances, they lack access to quality health care, especially primary and preventive care.

Our country has dug itself into a hole so deep, I'm afraid there isn't one simple solution to the puzzle of covering the uninsured. Thankfully, we have already begun to take important steps, such as expanding the Children's Health Insurance Program and assisting unemployed individuals struggling to pay COBRA premiums.

But we have so much more work to do. We must finally extend coverage to all Americans, and we must do it this year.

Let's give real meaning to the phrase "cover the uninsured" and have something to celebrate next year.

#### OBAMA'S BUDGET BORROWING TOO MUCH

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, it's becoming increasingly clear to Americans all across this country that President Obama's budget spends too much, taxes too much, and borrows too much. No one in the history of the world has ever borrowed so much money. How much? Right now we're borrowing about \$1 million each minute.

The Obama budget would double the national debt in 5 years, triple it in 10 years. Think about the impact that's going to have on our country. The Federal Government is showering itself with money while small businesses and families all across this country are continuing to have to tighten their belts and make tough decisions.

I think about my son, Cole, who will be 2 next month, and by the time he's my age, he's going to face a doubling of the tax burden. It's not sustainable. It is not fiscally responsible. We can do better and we must do better.

History teaches us that the Pharaohs drove Egypt to bankruptcy building the pyramids. At least they got pyramids. All we're going to have is a mountain of debt.

#### WHO SHOULD GET THE BONUSES

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, I rise this morning on behalf of the Sustainable Energy and Environment Caucus. There has been a lot of talk and controversy on the floor about bonuses for America's executives. Let me tell you who I believe really deserve bonuses.

It's the energy entrepreneurs who are working every single day to develop the new technologies that will end our dependence on foreign oil. It's the people on Long Island who are working on LED lighting and biofuels; the people at the National Renewable Energy Laboratory in Golden, Colorado, who are working on battery storage; the people at General Motors who are working on plug-in hybrids; the people at Brookhaven National Labs who are working on nanotech; the venture capitalists and the investors and the engineers and the researchers and the developers who are bringing new technologies to market which will reduce our dependence on foreign oil once and for all, which will create a new generation of jobs, which will expand our economy, and which will reduce energy costs.

Those are the people who are creating a new future for America's economy, and those are the people who we should be rewarding with bonuses and our appreciation.

#### BUDGET GIMMICKS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President has disparaged budget gimmicks and declared "a return to honest budgeting." Yet his plan then goes on to claim \$1.5 billion in war "savings" that are nothing more than an illusion, just the kind of gimmick he has disparaged.

The President's budget claims \$1.6 trillion in "savings" and \$1.5 trillion in "deficit reduction" by claiming the already determined drawdown in troops as a reduction in spending. Put another way, the administration budget assumes an elevated path of war spending that was never going to be followed, and then claims savings through a reduction that was going to occur anyway.

This war games budget gimmick ends up representing three-quarter of their so-called savings.

The President isn't making any attempt to reduce spending. He has constructed an unrealistically high future spending projection, and then claimed as savings the difference between this fictional budget world and reality.

We need to get spending under control, not budget gimmicks.

#### HONORING MRS. MYRTIS DENSON MAYO

(Mr. CHILDERS asked and was given permission to address the House for 1 minute.)



Mr. CHILDERS. Mr. Speaker, I rise today to recognize one of America's most exceptional women. Today is indeed a grand day in Prentiss County, Mississippi, because today, Mr. Speaker, Mrs. Myrtis Denson Mayo and all who love her are celebrating 102 years of a life well-lived, one who has sewn every garment she has ever worn. A rich life rewarded by 6 children, 19 grandchildren, 31 great-grandchildren and 20 great-great-grandchildren. Her extraordinary life is one of a great faith in God, with a love and appreciation for all mankind.

Mr. Speaker, I rise today to honor this humble and gentle lady and commend her on her 102nd birthday, and further, I am proud to be one of the thousands of people positively influenced by my wife's grandmother, Mrs. Myrtis Denson Mayo.

#### THE AMERICAN PEOPLE WANT CONGRESS TO PUT ITS FISCAL HOUSE IN ORDER

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. After years of runaway spending at the Federal level, the American people want this Congress to put our fiscal house in order. Instead, President Barack Obama has brought forward the most fiscally irresponsible budget in American history. The President's budget spends too much, borrows too much, and taxes too much, and the American people know it.

The American people don't want more spending, more government, and more bailouts. They don't want to see this President's budget result in, as CBO projected, nearly \$1 trillion in annual deficits for the next 10 years.

The President's budget would actually double the national debt in just 6 years, and even worse, the President's budget pays for all this spending with higher taxes on virtually every American, small business, and a light-switch tax that would raise utility rates for every American household by more than \$3,000.

Today, Republicans will continue to offer better solutions, unveiling today a blueprint for recovery that's built on fiscal discipline, growth, and reform.

Let the debate begin.

#### FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT

The SPEAKER pro tempore (Mr. ISRAEL). Pursuant to House Resolution 281 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1404.

□ 1023

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes, with Mr. PASTOR of Arizona (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, March 25, 2009, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 1404

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Land Assistance, Management and Enhancement Act" or "FLAME Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Flame Fund for catastrophic emergency wildland fire suppression activities.

Sec. 3. Cohesive wildland fire management strategy.

Sec. 4. Review of certain wildfires to evaluate cost containment in wildland fire suppression activities.

Sec. 5. Reducing risk of wildfires in fire-ready communities.

#### SEC. 2. FLAME FUND FOR CATASTROPHIC EMERGENCY WILDLAND FIRE SUPPRESSION ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the following:

(A) Public lands, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) Units of the National Park System.

(C) Refuges of the National Wildlife Refuge System.

(D) Lands held in trust by the United States for the benefit of Indian tribes or individual Indians.

(E) Lands in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term "Flame Fund" means the Federal Land Assistance, Management, and Enhancement Fund established by this section.

(3) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(4) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(b) ESTABLISHMENT AND AVAILABILITY OF FLAME FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Federal Land Assistance, Management, and Enhancement Fund.

(2) CONTENTS.—The Flame Fund shall consist of the following amounts:

(A) Amounts appropriated to the Flame Fund pursuant to the authorization of appropriations in subsection (c).

(B) Amounts transferred to the Flame Fund pursuant to subsection (d).

(3) AVAILABILITY.—Subject to subsection (e), amounts in the Flame Fund shall be available to the Secretaries to pay the costs of catastrophic emergency wildland fire suppression activities that are separate from amounts annually appropriated to the Secretaries for the predicted annual workload for wildland fire suppression activities, based on analyses of historical workloads and anticipated increased workloads due to changing environmental or demographic conditions.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Flame Fund such amounts as may be necessary to carry out this section. It is the intent of Congress that the amount appropriated to the Flame Fund for fiscal year 2010 and each fiscal year thereafter should be not less than the average amount expended by the Secretaries for emergency wildland fire suppression activities over the five fiscal years preceding that fiscal year.

(2) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS AS EMERGENCY REQUIREMENT.—It is the sense of Congress that—

(A) the amounts appropriated to the Flame Fund should be designated as amounts necessary to meet emergency needs; and

(B) the new budget authority and outlays resulting therefrom should not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(3) NOTICE OF INSUFFICIENT FUNDS.—The Secretaries shall notify the congressional committees specified in subsection (h)(2) whenever only an estimated two months worth of funding remains in the Flame Fund.

(d) TRANSFER OF EXCESS WILDLAND FIRE SUPPRESSION AMOUNTS INTO FLAME FUND.—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts appropriated to the Secretary concerned for wildland fire suppression activities for the fiscal year, but not obligated for wildland fire suppression activities before the end of the fiscal year.

(e) USE OF FLAME FUND.—

(1) DECLARATION REQUIRED.—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildland fire suppression activity is eligible for funding from the Flame Fund.

(2) DECLARATION CRITERIA.—A declaration by the Secretaries under paragraph (1) shall be based on the following criteria:

(A) In the case of an individual wildland fire incident—

(i) the fire covers 300 or more acres;

(ii) the severity of the fire, which may be based on incident complexity or the potential for increased complexity; and

(iii) the threat posed by the fire, including the potential for loss of lives, property, or critical resources.

(B) Consistent with subsection (f), in the case of a firefighting season, when the cumulative costs of wildland fire suppression activities for the Secretary concerned are projected to exceed amounts annually appropriated for such activities.

(3) **TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.**—After issuance of a declaration under paragraph (1) and upon the request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildland fire suppression activities associated with the declared suppression emergency.

(4) **STATE, PRIVATE, AND TRIBAL LAND.**—Use of the Flame Fund for catastrophic emergency wildland fire suppression activities on State and private land and, where applicable, tribal land shall be consistent with existing agreements where the Secretaries have agreed to assume responsibility for wildland fire suppression activities on the land.

(f) **TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.**—The Secretary concerned shall continue to fund anticipated and predicted wildland fire suppression activities within the appropriate agency budget for each fiscal year. Use of the additional funding made available through the Flame Fund is intended to supplement the budgeted and appropriated agency funding and is to be used only for purposes and in instances consistent with this section.

(g) **PROHIBITION ON OTHER TRANSFERS.**—All amounts in the Flame Fund, as well as all funds appropriated for the purpose of wildland fire suppression on Federal land, must be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildland fire suppression.

(h) **ACCOUNTING AND REPORTS.**—

(1) **ACCOUNTING AND REPORTING SYSTEM.**—The Secretaries shall establish an accounting and reporting system for the Flame Fund compatible with existing National Fire Plan reporting procedures.

(2) **ANNUAL REPORT; PUBLIC AVAILABILITY.**—The Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate an annual report on the use of the funds from the Flame Fund, together with any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund. The annual report shall be made available to the public.

(3) **ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.**—

(A) **PERIODIC ESTIMATES.**—Consistent with the schedule provided in subparagraph (B), the Secretaries shall submit to the committees specified in paragraph (2) an estimate of anticipated wildfire suppression costs for the current fiscal year and the following fiscal year. The methodology for developing the estimates shall be subject to periodic peer review to ensure compliance with subparagraph (C).

(B) **SUBMISSION SCHEDULE.**—The Secretaries shall submit an estimate under subparagraph (A) during—

(i) the first week of February of each year;

(ii) the first week of April of each year;

(iii) the first week of July of each year; and

(iv) if the bill making appropriations for operations of the Department of the Interior

and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(C) **BASIS.**—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and

(ii) models and other analytic tools.

### **SEC. 3. COHESIVE WILDLAND FIRE MANAGEMENT STRATEGY.**

(a) **STRATEGY REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall submit to Congress a report that contains a cohesive wildland fire management strategy, consistent with the recommendations contained in recent Comptroller General reports regarding this issue.

(b) **ELEMENTS OF STRATEGY.**—The strategy required by subsection (a) shall address the findings of the Comptroller General in the reports referred to in such subsection and include the following elements:

(1) A system to identify the most cost effective means for allocating fire management budget resources.

(2) An illustration of plans by the Secretary of the Interior and the Secretary of Agriculture to reinvest in non-fire programs.

(3) A description of how the Secretaries will employ appropriate management response.

(4) A system for assessing the level of risk to communities.

(5) A system to ensure that the highest priority fuels reduction projects are being funded first.

### **SEC. 4. REVIEW OF CERTAIN WILDFIRES TO EVALUATE COST CONTAINMENT IN WILDLAND FIRE SUPPRESSION ACTIVITIES.**

(a) **REVIEW REQUIRED.**—The Secretary of the Interior and the Secretary of Agriculture shall conduct a review, using independent panels, of each wildfire incident for which the Secretary concerned incurs expenses in excess of \$10,000,000.

(b) **REPORT.**—The Secretary concerned shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate a report containing the results of each review conducted under subsection (a).

### **SEC. 5. REDUCING RISK OF WILDFIRES IN FIRE-READY COMMUNITIES.**

(a) **FIRE-READY COMMUNITY DEFINED.**—In this section, the term “fire-ready community” means a community that—

(1) is located within a priority area identified pursuant to subsection (b);

(2) has a cooperative fire agreement that articulates the roles and responsibilities for Federal, State and local government entities in local wildfire suppression and protection;

(3) has local codes that require fire-resistant home design and building materials;

(4) has a community wildfire protection plan (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6502)); and

(5) is engaged in a successful collaborative process that includes multiple interested persons representing diverse interests and is transparent and nonexclusive, such as a resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note).

(b) **FIRE RISK MAPPING.**—As soon as is practicable after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior (in this section referred to as the “Secretaries”) shall develop regional maps of communities most at risk of wildfire and in need of hazardous fuel treatment and maintenance. The maps shall identify priority areas for hazardous fuels reduction projects, including—

(1) at-risk communities in fire-prone areas of the wildland-urban interface (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6502));

(2) watersheds and municipal drinking water sources;

(3) emergency evacuation corridors;

(4) electricity transmission corridors; and

(5) low-capacity or low-income communities.

(c) **LOCAL WILDLAND FIREFIGHTING CAPABILITY GRANTS.**—

(1) **GRANTS AVAILABLE.**—The Secretaries may provide cost-share grants to fire-ready communities to assist such communities in carrying out activities authorized by paragraph (2).

(2) **ELIGIBLE ACTIVITIES.**—Grant funds may be used for the following:

(A) Education programs to raise awareness of homeowners and citizens about wildland fire protection practices, including FireWise or similar programs.

(B) Training programs for local firefighters on wildland firefighting techniques and approaches.

(C) Equipment acquisition to facilitate wildland fire preparedness.

(D) Implementation of a community wildfire protection plan.

(d) **WILDLAND FIRE COST-SHARE AGREEMENTS.**—In developing any wildland fire cost-share agreement with a State Forester or equivalent official, the Secretaries shall, to the greatest extent possible, encourage the State and local communities involved to become fire-ready communities.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretaries to carry out this section such sums as may be necessary.

The Acting CHAIR. No amendment to the bill is in order except those printed in House Report 111-52. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall be not subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-52.

Mr. RAHALL. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. RAHALL: Page 5, beginning line 3, strike paragraph (2) (and redesignate the subsequent paragraph accordingly).

The Acting CHAIR. Pursuant to House Resolution 281, the gentleman

from West Virginia (Mr. RAHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the pending measure contains a sense of the Congress resolution regarding the budgetary treatment of the FLAME fund. We've been working with the Budget Committee on this matter and appreciate their interest in this legislation, and as such, I no longer see a need for the sense of Congress provision. My amendment simply strikes it from the bill, and I ask for adoption of the amendment.

I reserve my time.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I'm not in opposition to the amendment.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, as introduced, this bill contained sense of Congress language that the chairman talked about.

Since the severity of wildfires and cost of suppressing them have grown enormously in recent years as a result of the tinderbox conditions we have allowed to develop in this country, I understand why the bill sought to deal with the requirements of the Budget Act this way because, after all, we really have no choice but to try to bring the fires under control and limit their destructiveness.

Although, I can understand how this amendment came to be, because apparently the Budget Committee must feel differently with the massive deficits that we face under the President's proposed budget, and I can see why the Budget Committee is concerned about taking the FLAME fund off budget.

Nevertheless, I think this is the right amendment.

I yield back the balance of my time.

Mr. RAHALL. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PERLMUTTER

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-52.

Mr. PERLMUTTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PERLMUTTER:

Page 4, line 15, insert after the period the following new sentence: "Authorized sup-

pression activities include containment activities in response to crisis insect infestations to reduce the likelihood of wildfires."

The Acting CHAIR. Pursuant to House Resolution 281, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Chairman, I would begin by thanking the chairman of the committee, Mr. RAHALL, for bringing this critical bill to the floor today.

One of the most pressing dangers posed by wildfires is the thousands of acres of dead woods and dead trees caused by invasive species, particularly the bark beetle in my own State of Colorado and throughout the Rocky Mountain West.

These insects have created literally millions of square miles of dead forest which endanger thousands of communities should they ignite into flames.

This amendment simply clarifies that the FLAME fund can be used for containment activities to prevent a burning fire from reaching dangerously infested areas, which pose a higher risk of the intensification and spread of that wildfire.

While not regionally specific, my amendment is especially relevant to the Rocky Mountain West.

From Canada down to New Mexico, the bark beetle epidemic has been called "the largest known insect infestation in the history of North America." This epidemic has the potential to cripple our communities, our forests, our tourism sector, our economy, and our way of life in Colorado.

But heaven forbid a forest fire should start in an infected area; far more will be lost.

The effects of the bark beetle infestation are apparent in the transformation of our mountain landscape, which has been described as turning "a blanket of green forest into a blanket of rust red." To put this transformation into perspective, in my own State of Colorado and in Wyoming in 2006, there were 1 million acres of dead trees. In 2008, it is expected to total over 2 million. These acres of dead trees trigger and perpetuate catastrophic fire risk and scope.

The FLAME Act will play an instrumental role in helping to suppress these catastrophic wildfires.

My amendment will explain further and make clear the Secretary of the Interior's and the Secretary of Agriculture's authority to provide suppression activities in response to crisis insect infestations.

□ 1030

I ask for the Members to support this important amendment.

With that, I yield to the chairman of the Natural Resources Committee.

Mr. RAHALL. I appreciate the gentleman from Colorado yielding. I'm happy to accept his amendment and appreciate his work on this legislation.

Mr. PERLMUTTER. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. The amendment offered by the gentleman from Colorado is intended, rightfully so, to clarify the fire suppression authority under this Act as it relates to the severe insect infestation problem in our national forests.

Although I support the amendment, I must point out that prevention is far more cost-effective than fire suppression, and until we in Congress act on measures that promote sound scientific forest management and allow the related industries to survive, we are really not comprehensively addressing this problem.

Nevertheless, this is a good amendment. I support it.

I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Chairman, I just ask for an "aye" vote on amendment No. 2.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-52.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk to the Federal Land Assistance, Management and Enhancement Act.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. POLIS:

Page 11, after line 4, insert the following new subsection:

(c) REVISION.—At least once during every five-year period initially beginning on the date of the submission of the cohesive wildland fire management strategy under subsection (a), the Secretary of the Interior and the Secretary of Agriculture shall submit to Congress a revised strategy that takes into consideration changes affecting the elements of the strategy specified in subsection (b) during the five-year period, in particular changes with respect to landscape, vegetation, climate, and weather.

The Acting CHAIR. Pursuant to House Resolution 281, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Thank you, Mr. Chair. I would like to thank Chairman RAHALL and his staff for their leadership on an intelligent and important bill that will do a world of good work for districts like mine in the West and other districts across the country where people live, work and play in and around our public lands.

With the establishment of the FLAME Fund, our Nation's land management agencies are freed from the overbearing costs of fighting wildfires and once again will be able to focus their efforts on the local communities and public land users they were created to serve, as well as fire prevention.

This bill also, finally, guarantees that a cohesive wildfire management strategy is completed and put into place, a strategy that is long overdue and the absence of which has already damaged wildfire suppression efforts across our country.

Mr. Chairman, this vital cohesive plan, which has been called for time and time again by the General Accountability Office, is kept up-to-date and remains an effective tool as years go by.

My district in Colorado is a prime example of why we need an ever-evolving fire management plan. We have been hit hard by the mountain pine beetle infestation, an epidemic that has killed millions of acres of trees, turning the area into a potential powder keg for fire risk, and brought the threat of wildfires into our backyards in ways that we could not have predicted prior to the outbreak.

Over the past 10 years, the outbreak has spread to more and more areas and is now hitting newer species of pine.

Climate modeling predicts that a large change in the frequency of precipitation and the intensity of droughts in the area could only add increasing wildfire risks. My district is already experiencing the effects of climate change, and any national wildfire plan needs to change in step with our environment.

My amendment ensures that the Secretaries of Interior and Agriculture work to continually update the cohesive fire management plan by requiring that they provide a revised plan at least once every 5 years that takes into account community needs and our changing climate.

We owe it to our brave firefighters and the efficiency-minded taxpayers to ensure that this fundamental part of wildfire management policy stays up-to-date and doesn't let our communities fall by the way side.

Mr. Chair, this amendment and this bill are vitally important to ensuring

responsible national wildfire policy. I urge passage of the amendment and the underlying bill.

I yield to the gentleman from West Virginia.

Mr. RAHALL. I appreciate the gentleman from Colorado yielding, and congratulate him for his superb leadership and work on this bill, and we accept the amendment.

Mr. HASTINGS of Washington. I ask unanimous consent to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. Thank you, Mr. Chair. I have no objection to the amendment of the gentleman from Colorado. I know that most Forest Service employers are very frustrated over the extent to which their time is spent producing the paperwork needed to defend against or head off lawsuits. I am sure many in Congress have heard me say that as a result of these lawsuits, they spend far more time developing forest plans than implementing them. But in the case of keeping the forest fire wildfire strategy current, it makes sense to revise them from time to time.

In a few short years, drought, beetle infestation or forest life cycle can transform a forest, and what may have once been a very appropriate fire management strategy may no longer be relevant.

I hope that the Forest Service will be able to update the cohesive wildlife management strategy in a timely manner, without delays or other challenges posed by irresponsible environmental lawsuits.

I yield back the balance of my time.

Mr. POLIS. I yield back the balance of my time and ask for approval of the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

#### AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-52.

Mr. HASTINGS of Washington. Mr. Chair, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HASTINGS of Washington:

Page 11, after line 4, insert the following new subsection:

(c) NOTICE OF PRESCRIBED FIRES.—As part of the strategy required by subsection (a) for the Forest Service, the Secretary of Agriculture shall ensure that, before any prescribed fire is used on National Forest System land, owners of adjacent private land are

notified in writing of the date and scope of the prescribed fire.

The Acting CHAIR. Pursuant to House Resolution 281, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Thank you, Mr. Chairman.

Mr. Chairman, my amendment can best be described as a "good neighbor amendment." This amendment will require advanced notice in writing to land owners adjacent to National Forest system lands whenever the Forest Service sets a prescribed burn.

It is important for all of us who are government officials to treat every American with respect. We owe it to neighboring property owners to let them know what we are doing when our actions may affect them.

Fires, even prescribed burns, can be dramatic events. It is simply a courtesy to keep our neighbors informed.

This commonsense amendment was included in the version of the FLAME Act that passed the House under suspension of the rules by a voice vote last year.

Some might say that the burden of notifying neighbors is too great. I suspect these are people who don't live next to national forests and they don't understand what challenges a prescribed burn can have. It is a lot more expensive to face lawsuits from private landowners who weren't given enough warning to prepare for possible problems than it might come from notifying them of a prescribed burn.

Mr. RAHALL. Will the gentleman yield?

Mr. HASTINGS of Washington. With that, Mr. Chair, I yield to the gentleman.

Mr. RAHALL. I appreciate the gentleman's amendment, and thank him for it. We would be glad to accept it on this side.

Mr. HASTINGS of Washington. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

#### AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-52.

Mr. HASTINGS of Washington. Mr. Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HASTINGS of Washington:

Page 11, line 12, insert after the period the following new sentence: "The review of a wildfire incident shall include an assessment of what actions, if any, could have been taken in advance of the fire that may have prevented the fire or at least reduced the severity of the fire."

The Acting CHAIR. Pursuant to House Resolution 281, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Thank you, Mr. Chairman.

Mr. Chairman, Einstein's definition of insanity is doing the same thing over and over and expecting a different result. In order not to be a continuing example of Einstein's observation, this bill wisely requires the Secretaries to conduct a review of major wildlife incidents and report the results of the review to Congress.

My amendment simply directs that these reports include an assessment of what actions could have been taken before the fire that would have prevented or lessened the severity of the fire. I believe my amendment will increase the value and usefulness of the information gathered, and I urge its adoption.

Mr. RAHALL. Will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from West Virginia.

Mr. RAHALL. We accept the amendment on this side.

Mr. HASTINGS of Washington. Mr. Chair, I urge adoption.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-52.

Mr. HASTINGS of Washington. I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HASTINGS of Washington:

Page 11, line 12, insert after the period the following new sentence: "The review of a wildfire incident shall include an assessment of the quantity of greenhouse gases produced as a result of the fire."

The Acting CHAIR. Pursuant to the rule, the gentleman from Washington

(Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Thank you, Mr. Chairman. Mr. Chairman, the President has proposed that the Federal Government impose a cap-and-trade system aimed at limiting and reducing carbon emissions in our country. This cap-and-trade system is really a national energy tax that could cost \$2 trillion. As a result of that, American families could pay up to \$3,100 per year in higher energy and fuel costs.

Let's set aside the fact that our economy can't afford such a massive new tax on such basic essential services as electricity. Let's also set aside the fact that we'd be handicapping the American worker and small business by imposing such a tax when China and India are unapologetically racing to expand carbon emissions in their country.

The President's cap-and-trade scheme aims to curb manmade carbon emissions, but the bill before us today is about wildfires—and the fact is that we know very little about the massive carbon emissions created by such fires.

Yet, what little information we do have on wildfires is absolutely astonishing. For example, the 2003 Hayman fire in Colorado produced more CO<sub>2</sub> than was produced by the entire population of the State of Colorado in a single year.

My amendment simply directs the Forest Service to gather information on the emissions of wildfires because such knowledge is an essential component in making national policy decisions on greenhouse gases that are based on facts and proven science and not conjecture and unproven consensus.

We can't afford to impose a \$2 trillion energy tax on our economy and on American families and small businesses, especially when we weren't even aware of the massive carbon outputs of wildfires that the Federal Government is doing enough to prevent right now.

So I urge support of my amendment.

Mr. RAHALL. Will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentleman for yielding. We accept the amendment on this side.

Mr. HASTINGS of Washington. Mr. Chairman, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. HEINRICH

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-52.

Mr. HEINRICH. Mr. Chair, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HEINRICH: Page 11, after line 4, insert the following new paragraph:

(6) A system to assess the impacts of climate change on the frequency and severity of wildland fire.

The Acting CHAIR. Pursuant to House Resolution 281, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I yield myself such time as I may consume.

Thank you, Chairman RAHALL, for championing this legislation. I support the FLAME Act because it's critical to protecting the public safety of New Mexico's First Congressional District.

The forest fire season has begun earlier than ever in various areas of the Cibola National Forest in my congressional district, and specifically in the Mountainair Ranger District, where last year we saw the Trigo fire burn 14,000 acres over a period of a month. As you can imagine, being prepared for this year's fire season is a top priority for us.

The focus of this legislation is clearly the creation of a Catastrophic Wildfire Fund. But the bill also calls for a cohesive wildland fire management strategy. The amendment that I'm offering simply ensures that this strategy includes an assessment of the impacts of climate change on the frequency and severity of wildland fires.

Such an assessment is critical to our understanding of how the dynamics of fire seasons are dramatically affected due to changes in weather and temperature. Our forests are already experiencing climate change as we speak. I can see the effect on the forest when I hike through the Sandia Wilderness in my district. One of the primary consequences of these changes is the substantial increase in the forests' vulnerability to fire.

To put it simply, snow pack in our mountains is melting earlier in the season and at a much faster rate, resulting in dryer conditions earlier in the fire season on. This requires land managers to be prepared for fires much earlier than they have before, placing even more demands on the firefighters who make up our first line of defense.

In addition, warmer temperatures earlier in the year have allowed for more generations of insects like bark beetles to reproduce each summer. We've had serious bark beetle outbreaks in our Pinon and Ponderosa forests—and the damage that they do to

trees contributes to significant deadwood on the forest floor, creating even more fuel for wildland fires.

Firefighters tell us that the conditions resulting from the bark beetle's impact create a different kind of fire—one that is more intense, more persistent, and more resistant to the tools that they have used to against them in the past.

□ 1045

This is why we must understand these trends resulting from our changing climate and the impact that they have on forest fire behavior. Moreover, forest fires have a compounding effect on climate change. Catastrophic forest fires release more greenhouse gases into the atmosphere than the carbon cycle can naturally process, which exacerbates the warming cycle and makes forests more vulnerable to fire.

Recognizing these changing conditions and being prepared to address them is essential to the safety of our firefighters and the communities that they risk their lives to protect. I strongly believe that my amendment will help every community threatened by wildfire to be better prepared for the fires that we will face in coming years.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, the amendment offered by the gentleman from New Mexico deals with what issues Federal agencies should take into account when preparing a cohesive wildland fire management strategy.

I will simply note the irony that Democrats on the Rules Committee made when they allowed this amendment to be made in order to require that the management strategy analyze how the world's atmosphere and climate might impact the frequency in severity of wildfires; and yet, my amendment to have the agencies include fire prevention practices on fire management was not made in order. Apparently, we prefer to dedicate our Federal firefighters' time to speculation about the weather and not on real on-the-ground, human-controlled actions that are proven to prevent fires from ever happening. So it seems to me our priorities, at least from the Rules Committee standpoint, might be a bit misplaced. But, nevertheless, this is a good amendment and we accept it.

I reserve the balance of my time.

Mr. HEINRICH. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman yielding. I want to

thank him for his amendment, and we accept it.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mr. HEINRICH. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. MINNICK

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-52.

Mr. MINNICK. Mr. Chairman, I rise today with an amendment to H.R. 1404, the Federal Land Assistance Management and Enhancement Act.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. MINNICK: Page 7, after line 13, insert the following new paragraph:

(5) EFFECT OF INSECT INFESTATIONS.—For purposes of applying clauses (ii) and (iii) of paragraph (2)(A), the Secretaries shall take into account areas where insect infestation has created an extreme risk for wildfire.

The Acting CHAIR. Pursuant to House Resolution 281, the gentleman from Idaho (Mr. MINNICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. MINNICK. Mr. Chairman, our Nation's forests are in a state of crisis. In Idaho and throughout the West, the bark beetle is wreaking havoc on our healthy forests and increasing the risk and intensity of wildfires. The FLAME Act addresses the escalating costs of wildfires by creating a government fund for devastating emergency wildfires. My amendment addresses the growing problem that the bark beetle has on our forests.

This beetle is killing millions of trees out West, and the dead and dying trees they leave in their wake create the kind of fuel that can feed major wildfires and threaten our communities.

My amendment directs the allocation of funding in this Act to account for forest areas, not only in Idaho, but throughout the country, that have been greatly damaged by the infestation of invasive insects. Those areas have high potential to burn quickly, and must be managed in an effective way for the benefit and protection of local communities.

Mr. RAHALL. Will the gentleman yield?

Mr. MINNICK. I yield to the gentleman from West Virginia.

Mr. RAHALL. I appreciate the gentleman's amendment, thank him for his work, and we accept the amendment.

Mr. MINNICK. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased the majority has acknowledged with this amendment the importance of prevention.

Whether the risk be beetle infestation or other disease, we can prevent forest fires if we manage our forests. I hope in the future we can take genuine strides to prevent catastrophic fire. This amendment is just one small piece of a much broader prevention strategy that is needed.

If the gentleman is prepared to yield back, I yield back the balance of my time.

Mr. MINNICK. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Idaho (Mr. MINNICK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MINNICK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. LUJÁN

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-52.

Mr. LUJÁN. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. LUJÁN: Page 11, after line 4, insert the following new paragraph:

(6) A system to study the effects of invasive species on wildland fire risk.

Page 14, after line 7, insert the following new subparagraph:

(E) Implementation of fire-safety programs focused on the eradication or control of invasive species.

The Acting CHAIR. Pursuant to House Resolution 281, the gentleman from New Mexico (Mr. LUJÁN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. LUJÁN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chair, I thank Mr. RAHALL for his leadership on this issue.

All across New Mexico and the United States, wildfires are a growing hazard, posing a threat to life and property when woodland ecosystems meet developed areas.

In recent decades, invasive species have increased the wildfire threat to



woodland ecosystems throughout the Southwest and other regions of the country. With my colleagues, Congresswoman MARKEY of Colorado and Congressman CONNOLLY of Virginia, I have proposed this amendment to limit fire risk resulting from the negative impacts of invasive species.

In my district, invasive species have become a problem. Increasing the threat of fire in woodland areas, several years of drought combined with high tree densities allowed pine bark beetle populations to reach outbreak levels between 2002 and 2004, killing millions of pinyon and ponderosa pine trees in New Mexico and Arizona. Aerial survey data found that 3.4 million acres in the region were affected during that period. These dead trees have amplified the threat of fire in woodland areas by increasing the amount of dead and downed organic material, material that is just waiting for a spark.

This amendment will help decrease the threat of wildfires by identifying ways to reduce fire hazards through the study of invasive species and the increased fire vulnerability they cause.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, clearly invasive species have a role in destroying our valuable forests. My understanding is that the grants made available under this amendment would go towards programs focused on eradication of invasives.

Much like a weed infested, untended garden, our forests are being overtaken and destroyed. This condition is completely unnecessary, but our land managers now spend most of their time dealing with lawsuits, either preparing to be sued or being sued, while our forests go untreated. This is a good amendment, and I urge adoption.

I reserve the balance of my time.

Mr. LUJÁN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Chairman, I thank my colleague.

This amendment adds a single element to section 3 of the FLAME Act, directing the Secretaries of Interior and Agriculture to develop a cohesive wildland fire management strategy.

As my colleague from New Mexico just indicated, invasive species really can be very destructive and, frankly, affect every part of the United States. For example, the gypsy moth defoliates and kills oak trees throughout the Northeast and Mid-Atlantic.

In my own region, the hemlock wooly adelgid has a similar range, but it in-

fects and kills Eastern and Carolina hemlocks. Ninety percent of all of the hemlock trees in Virginia have been killed by this pest, and it is spreading, and it is spreading from the Southeast toward the Northeast and the Midwest. The southern pine beetle defoliates vast stands of pines in the South, wreaking havoc and creating tinderboxes in dry conditions.

The Forest Service recognizes these fire hazards. In 2002, in a report about the western bark beetle, the agency said that, "Extreme fuel loads pose a significant threat to property and life," and, "Mortality caused by bark beetles increases the risk of catastrophic fires."

This fire hazard is not limited to Western States. The Daniel Boone National Forest national managers, for example, said they "are concerned about the debris from dead and dying trees that are now covering the forest floor. This debris dramatically increases the fuel load in these areas, which may create severe conditions in the event of a wildfire."

Since invasive species can create conditions under which large fires are much more likely, it would be appropriate to try to prevent these hazardous fuels from accumulating by suppressing the pest in the first place.

I am delighted to join in this amendment. I thank my colleague from New Mexico and in advance my colleague from Colorado for joining in this effort, and I look forward to its adoption.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. LUJÁN. Mr. Chairman, may I inquire of the time remaining?

The Acting CHAIR. The gentleman from New Mexico has 1½ minutes remaining.

Mr. LUJÁN. Mr. Chairman, I would yield 1¼ minutes to the gentlelady from Colorado, Congresswoman MARKEY.

Ms. MARKEY of Colorado. Mr. Chairman, I rise today in support of an amendment to the FLAME Act that I coauthored along with Congressman LUJÁN and Congressman CONNOLLY.

Our amendment would provide for a management plan that would study the effects on wildfire risk. This amendment would also expand eligibility to allow grants to focus their fire prevention by eradicating invasive species. One such invasive species is tamarisk.

Since the 1960s, Westerners have worked to rid the region's rivers of tamarisk, hoping to salvage scarce water, protect wildlife, or fend off wildfire. Millions of dollars and countless back-breaking hours are spent each year on efforts to hack down and poison the plants.

Tamarisk has displaced native vegetation on approximately 1.6 million acres of land in the West and continues to spread. Studies have shown that mature tamarisk can uptake nearly 200

gallons of water a day. Due to this, the West is losing 2 million to 4.5 million acre-feet of water per year because of tamarisk. In Southeastern Colorado, this has made the land more arid, which has made it susceptible to wildfire. Our amendment will help suppress growth by eradicating the problem before it starts.

I want to thank my colleagues for working with me on this amendment, and I want to thank Chairman RAHALL for his support of our amendment and for his leadership on this bill. I urge all Members to support our amendment.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mr. LUJÁN. Mr. Chairman, this is an important issue, and this issue needs to be dealt with in a manner that is timely and adequate. I urge passage of the amendment.

Mr. LUJÁN. Mr. Chair, thank you Mr. RAHALL for your leadership on this issue. All across New Mexico and the United States, wildfires are a growing hazard, posing a threat to life and property when woodland ecosystems meet developed areas. In recent decades, invasive species have increased the wildfire threat to woodland ecosystems throughout the southwest and other regions of the country. With my colleagues Congresswoman MARKEY of Colorado and Congressman CONNOLLY of Virginia, I have proposed this amendment to limit fire risk resulting from the negative impact of invasive species.

In my district, invasive species have become a problem—increasing the threat of fire in woodland areas. Several years of drought combined with high tree densities allowed pine bark beetle populations to reach outbreak levels between 2002 and 2004, killing millions of piñon and ponderosa pine trees in New Mexico and Arizona. Aerial survey data found that 3.4 million acres in the region were affected during this period.

These dead trees have amplified the threat of fire in woodland areas by increasing the amount of "dead and down" organic material—material that is just waiting for a spark. This amendment will help decrease the threat of wildfires by identifying ways to reduce fire hazards through the study of invasive species and the increased fire vulnerability they cause.

Mr. Chair, this is an important issue and an issue that is timely and adequate. With that Mr. Chair I urge the passage of my amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. LUJÁN).

The amendment was agreed to.

□ 1100

AMENDMENT NO. 10 OFFERED BY MR. RAHALL

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-52.

Mr. RAHALL. On behalf of Mr. MATHESON of Utah, Mr. Chairman, I offer his amendment No. 10.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. RAHALL: Page 11, after line 4, insert the following new paragraph:

(6) A plan, developed in coordination with the National Guard Bureau, to maximize the use of National Guard resources to fight wildfires.

The Acting CHAIR. Pursuant to House Resolution 281, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. This is a simple amendment, Mr. Chairman. It would allow the National Guard to participate in the fighting of wildfires.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. This amendment would direct better coordination of the National Guard with wildfires. I think it is a good amendment, and we will accept it on this side.

Mr. RAHALL. I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MRS. KIRKPATRICK OF ARIZONA

The Acting CHAIR. The Chair has been notified that amendment No. 11 will not be offered.

It is now in order to consider amendment No. 12 printed in House Report 111-52.

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mrs. KIRKPATRICK of Arizona:

Page 11, line 25, strike "that—" and insert the following: "that satisfies the requirement of paragraph (1), and the requirements in at least two of the other four paragraphs, as follows:".

The Acting CHAIR. Pursuant to House Resolution 281, the gentlewoman from Arizona (Mrs. KIRKPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, I yield to myself such time as I may consume.

Mr. Chairman, I am offering an amendment to the FLAME Act to amend the definition of "fire-ready community." The overall bill is of great concern to my district, where 6 million acres of national forest provide access to unique natural resources, but also pose a great risk of fire.

We are just a few short weeks from the official beginning of wildfire season

in the State of Arizona. In fact, there was a report in the Prescott Daily Courier yesterday of a start of a wildfire in the Skull Valley area. For the next 6 months, more than 7,000 professional firefighters and countless volunteers will be on constant alert. We have already begun fighting fires just miles from the site of the Rodeo-Chediski fire that devastated Arizona's First District 7 years ago. And we expect to be tested throughout the district very soon.

The drought that has been ravaging Arizona for many years makes us even more vulnerable to wildfires than we once were. Just last year, in Yavapai County, which is in my district, we lost almost 9,000 acres and nearly lost the historic community of Crown King when a hiker started a small signal fire. And that was just one of the 1,850 wildfires that ranged over our State, burning 85,000 acres. And that was a mild wildfire season.

Our firefighters have bravely contained fires year in and year out doing outstanding work to keep our citizens safe. They have risked their lives combating wildfires in Arizona and across the country. With some of the best training in the world available at the Wildfire Academy in Prescott, which was started with the efforts of my cousin, Cory Kirkpatrick, I have no doubt they will come into this wildfire season as well prepared as ever to protect our homes and communities.

But with the millions of acres of national forest for them to protect in the First District of Arizona alone and the State Forestry Division responsible for more than 22 million acres, bravery and readiness may not be enough. They need our assistance to partner with local communities for the implementation of a community wildfire protection plan, along with a provision for training, education and equipment.

That is why I have offered this amendment, which changes the definition of "fire-ready community," the cities and towns that will receive Fire-fighting Capability Grants. Under my amendment, cities that have taken good-faith steps to prepare for wildfire and are in regions considered high priority will be eligible for these grants.

With so much at stake, we should be making it easier for towns to receive the help they need to prepare and protect against devastating wildfires. To that end, I urge support of my amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, my understanding is that

this amendment makes it easier for communities to qualify for grants. These funds will be well spent if they actually go towards real fuel reduction. Neither taxpayers nor communities in harm's way of potential wildfires can afford to have funds used merely to nibble around the edges, avoiding tackling the real problem of fuel buildup.

This is a good amendment. I support it.

If the gentlelady is ready to close, I will yield back my time.

Mr. RAHALL. Will the gentlewoman yield?

Mrs. KIRKPATRICK of Arizona. I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentlewoman from Arizona and commend her on her excellent amendment and rise in support of it.

Mrs. KIRKPATRICK of Arizona. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Mrs. KIRKPATRICK).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Arizona will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. GOODLATTE

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-52.

Mr. GOODLATTE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. GOODLATTE:

Add at the end the following new section:  
**SEC. 6. DEPARTMENT OF AGRICULTURE PARTNERSHIPS TO REDUCE HAZARDOUS FUELS ON NATIONAL FOREST SYSTEM LANDS TO PREVENT OR REDUCE THE SEVERITY OF WILDFIRES.**

(a) DEFINITIONS.—In this section:

(1) CONTRACT.—The term "contract" means any contracting authority available to the Secretary of Agriculture, including a sole source contract or other agreement for the mutual benefit of the Secretary and a State Forester.

(2) GOOD NEIGHBOR PROJECT.—The term "good neighbor project" means any project on National Forest System land that meets the requirements for hazardous fuels reduction projects under subsections (a), (d), (e), and (f) of section 102 of the Healthy Forests Restoration Act (16 U.S.C. 6512).

(3) STATE FORESTER.—The term "State Forester" has the meaning given that term in section 4(k) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103).

(b) PARTNERSHIP AUTHORITY.—The Secretary of Agriculture (in this section referred to as the "Secretary") may enter into contracts or cooperative agreements with a

State Forester to prepare and implement good neighbor projects on National Forest System land to complement any similar project being performed on bordering or adjacent non-Federal land. The decision to proceed with a good neighbor project is in the Secretary's sole discretion.

(c) **STATE FORESTER OR EQUIVALENT OFFICIAL AS AGENT.**—A cooperative agreement or contract under subsection (b) may authorize the State Forester to serve as the agent for the Secretary in providing all services necessary to facilitate the performance of good neighbor projects, except that any decision with respect to a good neighbor project required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may not be delegated to a State Forester or any officer or employee of the State Forester.

(d) **PROJECT REQUIREMENTS.**—In implementing any good neighbor project, the Secretary shall ensure that—

(1) the project is consistent with the applicable land and resource management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

(2) the project improves the cost efficiency of managing the National Forest System land covered by the project, as determined by the Secretary.

(e) **PRIORITY FOR COLLABORATIVE PROJECTS.**—The Secretary shall give priority to good neighbor projects that are—

(1) developed in collaboration with non-governmental entities;

(2) consistent with a community wildfire protection plan (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6502)); or

(3) prepared in a manner consistent with the Implementation Plan for the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report No. 106-64), and subsequent revisions of the implementation plan.

(f) **RELATION TO OTHER LAWS.**—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to a contract or other agreement under this subsection.

(g) **SUBCONTRACTING BY A STATE FORESTER.**—A State Forester may subcontract to the extent allowed by State and local law to prepare or implement a contract or other agreement under this section.

The Acting CHAIR. Pursuant to House Resolution 281, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I commend Chairman RAHALL for addressing this important issue over the last 2 years. The wildfire funding problems for the Forest Service are some of the most challenging issues the agency faces today. Wildfire funding costs have skyrocketed over the last decade and are consuming the Forest Service's budget, which means there is less funding for other Forest Service needs.

We will continue to see high costs and more damage to our forests and communities unless we take steps to reduce fire risk in our Federal forests. We must provide the Forest Service with additional tools to get our Federal forests in a healthy, more fire-resistant condition.

I support the underlying purpose of this legislation. However, the bill does not do enough to address the problem causing the increasing costs of fighting fires; that is, the unhealthy conditions of our forests.

My amendment to the FLAME Act will provide the Forest Service with an additional tool to address these problems that will ultimately leave our forests in a healthier condition and will yield a savings for the taxpayers.

My amendment creates a new contracting tool for the Forest Service to partner with States. This will give the Forest Service permanent authority to contract with States to reduce wildfire risks across boundary lines. This practice is commonly known as "good neighbor authority," and has been tested in States like Colorado and Utah, where it has proven to be effective. Currently, H.R. 1404 contains no such tool for the Forest Service.

The significance of this measure is that it will encourage both Federal and State agencies to work together to address unhealthy conditions in Federal forests. Fires know no boundaries. They can start on Federal land and easily spread to State and private forestland. My amendment provides a more comprehensive approach to preventing dangerous fires and fighting them when they happen.

I'm pleased that my amendment has the support of several forestry groups, including the Society of American Foresters, the Council of State Foresters, the Forest Foundation and other forestry groups. I have also spoken with the Forest Service, and they have told me that they have no objections to this amendment.

Let me be clear. This amendment is meant to protect our forests from catastrophic fire. Like everyone else, I want to see our treasured national forests protected from fires. By allowing Federal and State agencies to work in tandem to reduce hazardous fuels, we are ensuring that our forests are protected for generations to come.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Goodlatte amendment. The amendment would provide expansive new con-

tracting authority to State foresters to perform so called "good neighbor projects" on national forest system lands. My concern here is not with these types of projects in and of themselves, but rather the way the amendment would allow these type of projects to proceed.

In effect, the amendment represents an unwarranted authority which could undermine current protections in the law that protect taxpayer interests, forest worker rights and which ensure adequate environmental review for activities occurring on forest lands.

Some supporters of this proposal are seeking to use the pending legislation to make wholesale changes in Federal forest management. Specifically, the amendment would eliminate existing requirements on public notification and advertising of timber sales. It would eliminate requirements separating the planning of projects from those with a financial interest in the project.

The transfer of contracting authority from the Federal Government to the States also has impacts on Federal worker-protection laws. Under existing law, the Forest Service must ensure that contracts adhere to Federal labor standards. These contract labor laws provide fair wage rates and compensation for overtime.

These Federal labor standards do not apply to contracts issued by individual States. As such, wage standards and overtime requirements that are required for any Federal contract would not apply under this amendment, since a State would be the contracting agent.

The Obama administration has highlighted the risk to the taxpayer of the reliance of Federal agencies on sole-source contracting, for which this amendment provides. A March 4 memorandum on government contracting states clearly that it is the policy of the Federal Government that executive agencies shall not engage in non-competitive contracts, except where appropriate safeguards have been put in place to protect the taxpayer. We have seen what happens when the government turns over contracting to a sole-source entity.

The underlying measure before the House today is about ensuring firefighters have the resources they need to combat wildfires. We have had our fire drills on forest management battles in the past.

□ 1115

This is not the time or place to have another.

I would note that this amendment is opposed by the AFL-CIO Building and Construction Trades. It's opposed by the Carpenters' Union as well. I have those communications in front of me.

And I would note that, while the gentleman from Virginia, as well-intentioned as he is in his efforts, and has

noted that the Forest Service does not oppose the amendment, of course they don't. They cannot. And they are not for the amendment either. Of course they cannot be.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, at this time I am pleased to yield 1 minute to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, I appreciate the opportunity to speak in favor of this amendment.

This amendment simply gives the Secretary of Agriculture some flexibility to work in relationship with State directors to try and solve problems that exist.

In 2007, in my State of Utah, there was a half a million acres that were burned. Four-fifths of that was on Federal property. Unfortunately, fire, being stupid, didn't know enough to stop at the Federal line, and it actually did impinge on private property. There has been too much private property lost. There have been too many young lives that were lost in those fires. We need to have a solution to that.

The States of Colorado and Utah have been working on this program, and it has been effective. It's been effective in saving lives. It's been effective in saving property. It's been effective in alleviating the amount of fuel, the intensity of the fires and, over time, that simply helps our forest, it helps life, it helps the environment, it helps clean the air, and I thank the gentleman from Virginia for actually presenting this amendment. In Utah it works. In Colorado it works. It can work in other places as well.

Mr. RAHALL. Mr. Chairman, I am the last speaker. I am ready to close on my side.

Mr. GOODLATTE. Mr. Chairman, at this time I am pleased to yield 1 minute to the ranking member, the gentleman from Washington State (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, this is an excellent opportunity, with this amendment, for us to insist that fire prevention activities be part of the overall wildland fire management equation. Mr. GOODLATTE's program to encourage cooperative management across Federal, State and private forest lands is, very simply, a positive step.

Wildfires do not read maps, and they do not respect boundaries. So by taking advantage of the non-Federal fuel reduction efforts, we can, in the long run, leverage more protection. And the one thing that this bill doesn't have enough of is protection. This is a positive step in that direction.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to quote from the building and construction trades letter to me in opposition to the pend-

ing amendment. They state their opposition to the Goodlatte amendment to H.R. 1404, the FLAME Act, because it will deprive employees of private contractors of Federal labor standards protection otherwise applicable to them while working on Federal land. The protective labor standards in the McNamara-O'Hare Service Contract Act and the Davis-Bacon Act, which would otherwise apply if these contracts are awarded by the U.S. Forest Service or the BLM, will not be applied to this work, even though it will be performed on national forest system land for the benefit of the Federal Government. For this reason, we urge the House to reject the Goodlatte amendment.

A similar telecommunication this morning to our office from the United Brotherhood of Carpenters and Joiners of America states that they are absolutely opposed to the Goodlatte amendment. Turning this work over to State governments deprives the workers on these projects of Federal labor law protections, and this is something we would never support.

That, again, is from the United Brotherhood of Carpenters. So, for these reasons and the reasons I stated in my previous statement, Mr. Chairman, I would urge our colleagues to reject this amendment.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Virginia has 1 minute remaining.

Mr. GOODLATTE. I yield myself the balance of my time.

Mr. Chairman, I want to, again, encourage my colleagues to support this amendment. I say to the chairman of the committee, I appreciate the concerns that he has raised, but as has been correctly noted, we are having ever-increasing problems with fighting forest fires each season. They do not recognize boundaries.

I think some of the labor concerns that the gentlemen have raised will actually work to the benefit of the groups that have raised these concerns because it is more likely that more work will be done by Federal-contracted employees under Federal rules on private and State lands if this kind of partnership and cooperation is allowed, than the reverse will be taking place.

Nonetheless, we should not wait while we work through all those things and force people to dance on the head of a pin, when we have the opportunity to work cooperatively right now among all those who are affected by forest fires.

We should enable a good neighbor policy to help fight forest fires. It will save the taxpayer dollars. It will make our forest healthier, it will allow us to move forward.

And finally, I'd say to the gentleman that yesterday he conveyed to us his willingness to continue to work on

these issues regarding the health of the forest, and I take him at his word, and look forward to continuing to do that. But I think this amendment should be passed.

Mr. RAHALL. Yes, we will continue to work on these, I would respond to the gentleman from Virginia, work on these issues, including, as I said yesterday, preventive measures that are so necessary to getting at the root of the problem.

Mr. Chairman, I have no more requests for time, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-52 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. PERLMUTTER of Colorado,

Amendment No. 4 by Mr. HASTINGS of Washington,

Amendment No. 8 by Mr. MINNICK of Idaho,

Amendment No. 12 by Mrs. KIRKPATRICK of Arizona,

Amendment No. 13 by Mr. GOODLATTE of Virginia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote of this series.

#### AMENDMENT NO. 2 OFFERED BY MR. PERLMUTTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER) on which further proceedings were postponed and on which the yeas prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, yeas 0, not voting 17, as follows:

[Roll No. 157]

AYES—420

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)

Akin  
Altmire  
Andrews  
Arcuri

Austria  
Baca  
Bachmann  
Bachus

Baird	Dicks	Kirk	Payne	Sánchez, Linda	Taylor	Barrett (SC)	Dreier	Kline (MN)
Baldwin	Dingell	Kirkpatrick (AZ)	Pence	T.	Teague	Barrow	Drieaus	Kosmas
Barrett (SC)	Doggett	Kissell	Perlmutter	Sanchez, Loretta	Terry	Bartlett	Duncan	Kratovil
Barrow	Donnelly (IN)	Klein (FL)	Perriello	Scalise	Thompson (CA)	Barton (TX)	Edwards (MD)	Kucinich
Bartlett	Dreier	Kline (MN)	Peters	Schakowsky	Thompson (MS)	Bean	Edwards (TX)	Lamborn
Barton (TX)	Drieaus	Kosmas	Peterson	Schauer	Thompson (PA)	Becerra	Ehlers	Lance
Bean	Duncan	Kratovil	Petri	Schiff	Thornberry	Berman	Ellison	Langevin
Becerra	Edwards (MD)	Kucinich	Pierluisi	Schmidt	Tiahrt	Berry	Ellsworth	Larsen (WA)
Berkley	Edwards (TX)	Lamborn	Pingree (ME)	Schock	Tiberi	Biggart	Emerson	Larson (CT)
Berman	Ehlers	Lance	Pitts	Schrader	Tierney	Bilbray	Engel	Latham
Berry	Ellison	Langevin	Platts	Schwartz	Titus	Bilirakis	Eshoo	LaTourette
Biggart	Ellsworth	Larsen (WA)	Polis (CO)	Scott (GA)	Tonko	Bishop (GA)	Etheridge	Latta
Bilbray	Emerson	Larson (CT)	Posey	Scott (VA)	Towns	Bishop (NY)	Fallin	Lee (CA)
Bilirakis	Engel	Latham	Price (GA)	Sensenbrenner	Tsongas	Bishop (UT)	Farr	Lee (NY)
Bishop (GA)	Eshoo	LaTourette	Price (NC)	Serrano	Turner	Blumenauer	Fattah	Levin
Bishop (NY)	Etheridge	Latta	Putnam	Sessions	Upton	Blunt	Filner	Lewis (CA)
Bishop (UT)	Fallin	Lee (CA)	Radanovich	Sestak	Van Hollen	Boccieri	Flake	Lewis (GA)
Blackburn	Farr	Lee (NY)	Rahall	Shadegh	Velázquez	Boehner	Fleming	Lipinski
Blumenauer	Fattah	Levin	Rangel	Shea-Porter	Visclosky	Bonner	Forbes	LoBiondo
Blunt	Filner	Lewis (CA)	Rehberg	Sherman	Walden	Bono Mack	Fortenberry	Loeb sack
Boccieri	Flake	Lewis (GA)	Reichert	Shimkus	Walz	Boozman	Foster	Lofgren, Zoe
Boehner	Fleming	Lipinski	Reyes	Shuler	Wamp	Bordallo	Fox	Lowe
Bonner	Forbes	LoBiondo	Richardson	Shuster	Wasserman	Boren	Frank (MA)	Lucas
Bono Mack	Fortenberry	Loeb sack	Rodriguez	Simpson	Schultz	Boswell	Franks (AZ)	Luetkemeyer
Boozman	Foster	Lofgren, Zoe	Roe (TN)	Sires	Waters	Boucher	Frelinghuysen	Lujan
Bordallo	Fox	Lowey	Rogers (AL)	Skelton	Watson	Boustany	Fudge	Lummis
Boren	Frank (MA)	Lucas	Rogers (KY)	Slaughter	Watt	Boyd	Gallagher	Lungren, Daniel
Boswell	Franks (AZ)	Luetkemeyer	Rogers (MI)	Smith (NE)	Waxman	Brady (PA)	Garrett (NJ)	E.
Boucher	Frelinghuysen	Lujan	Rohrabacher	Smith (NJ)	Weiner	Brady (TX)	Gerlach	Lynch
Boustany	Fudge	Lummis	Rooney	Smith (TX)	Welch	Braley (IA)	Giffords	Mack
Boyd	Gallagher	Lungren, Daniel	Ros-Lehtinen	Smith (WA)	Westmoreland	Bright	Gingrey (GA)	Maffei
Brady (PA)	Garrett (NJ)	E.	Roskam	Snyder	Wexler	Brown (GA)	Gohmert	Maloney
Brady (TX)	Gerlach	Lynch	Ross	Space	Whitefield	Brown (SC)	Gonzalez	Manzullo
Braley (IA)	Giffords	Mack	Rothman (NJ)	Speier	Wilson (OH)	Brown, Corrine	Goodlatte	Marchant
Bright	Gingrey (GA)	Maffei	Roybal-Allard	Spratt	Wilson (SC)	Brown-Waite,	Gordon (TN)	Markey (CO)
Broun (GA)	Gohmert	Maloney	Royce	Stark	Wittman	Ginny	Granger	Markey (MA)
Brown (SC)	Gonzalez	Manzullo	Ruppersberger	Stearns	Wolf	Buchanan	Graves	Marshall
Brown, Corrine	Goodlatte	Marchant	Rush	Stupak	Woolsey	Burgess	Grayson	Massa
Brown-Waite,	Gordon (TN)	Markey (CO)	Ryan (OH)	Sullivan	Wu	Burton (IN)	Green, Al	Matheson
Ginny	Granger	Markey (MA)	Ryan (WI)	Sutton	Yarmuth	Butterfield	Green, Gene	Matsui
Buchanan	Graves	Marshall	Sablan	Tanner	Young (AK)	Buyer	Grijalva	McCarthy (CA)
Burgess	Grayson	Massa	Salazar	Tauscher	Young (FL)	Calvert	Guthrie	McCarthy (NY)
Burton (IN)	Green, Al	Matheson				Camp	Gutierrez	McCaul
Butterfield	Green, Gene	Matsui				Campbell	Hall (NY)	McClintock
Buyer	Grijalva	McCarthy (CA)	Alexander	Griffith	Pascrell	Cantor	Hall (TX)	McCollum
Calvert	Guthrie	McCarthy (NY)	Davis (CA)	Hinojosa	Poe (TX)	Cao	Halvorson	McCotter
Camp	Gutierrez	McCaul	Davis (TN)	Hoyer	Pomeroy	Capito	Hare	McDermott
Campbell	Hall (NY)	McClintock	Deal (GA)	Linder	Sarbanes	Capps	Harman	McGovern
Cantor	Hall (TX)	McCollum	Doyle	Miller, Gary	Souder	Capuano	Harper	McHenry
Cao	Halvorson	McCotter	Faleomavaega	Murphy, Tim		Cardoza	Hastings (FL)	McHugh
Capito	Hare	McDermott				Carnahan	Hastings (WA)	McIntyre
Capps	Harman	McGovern				Carney	Heinrich	McKeon
Capuano	Harper	McHenry				Carson (IN)	Heller	McMahon
Cardoza	Hastings (FL)	McHugh				Carter	Hensarling	McMorris
Carnahan	Hastings (WA)	McIntyre				Cassidy	Herger	Rodgers
Carney	Heinrich	McKeon				Castle	Herseth Sandlin	McNerney
Carson (IN)	Heller	McMahon				Castor (FL)	Higgins	Meek (FL)
Carter	Hensarling	McMorris				Chaffetz	Hill	Meeks (NY)
Cassidy	Herger	Rodgers				Chandler	Himes	Melancon
Castle	Herseth Sandlin	McNerney				Childers	Hinchey	Mica
Castor (FL)	Higgins	Meek (FL)				Christensen	Hirono	Michaud
Chaffetz	Hill	Meeks (NY)				Clarke	Hodes	Miller (FL)
Chandler	Himes	Melancon				Clay	Hoekstra	Miller (MI)
Childers	Hinchey	Mica				Cleaver	Holden	Miller (NC)
Christensen	Hirono	Michaud				Clyburn	Holt	Miller, George
Clarke	Hodes	Miller (FL)				Coble	Honda	Minnick
Clay	Hoekstra	Miller (MI)				Coffman (CO)	Hunter	Mitchell
Cleaver	Holden	Miller (NC)				Cohen	Inglis	Mollohan
Clyburn	Holt	Miller, George				Cole	Inslee	Moore (KS)
Coble	Honda	Minnick				Conaway	Israel	Moore (WI)
Coffman (CO)	Hunter	Mitchell				Connolly (VA)	Issa	Moran (KS)
Cohen	Inglis	Mollohan				Conyers	Jackson (IL)	Moran (VA)
Cole	Inslee	Moore (KS)				Cooper	Jackson-Lee	Murphy (CT)
Conaway	Israel	Moore (WI)				Costa	(TX)	Murphy, Patrick
Connolly (VA)	Issa	Moran (KS)				Costello	Jenkins	Murtha
Conyers	Jackson (IL)	Moran (VA)				Courtney	Johnson (GA)	Myrick
Cooper	Jackson-Lee	Murphy (CT)				Crenshaw	Johnson (IL)	Nadler (NY)
Costa	(TX)	Murphy, Patrick				Crowley	Johnson, E. B.	Napolitano
Costello	Jenkins	Murtha				Cuellar	Johnson, Sam	Neal (MA)
Courtney	Johnson (GA)	Myrick				Culberson	Jones	Neugebauer
Crenshaw	Johnson (IL)	Nadler (NY)				Cummings	Jordan (OH)	Norton
Crowley	Johnson, E. B.	Napolitano				Dahlkemper	Kagen	Nunes
Cuellar	Johnson, Sam	Neal (MA)				Davis (AL)	Kanjorski	Nye
Culberson	Jones	Neugebauer				Davis (IL)	Kaptur	Oberstar
Cummings	Jordan (OH)	Norton				Davis (KY)	Kennedy	Obey
Dahlkemper	Kagen	Nunes				DeFazio	Kildee	Olson
Davis (AL)	Kanjorski	Nye				DeGette	Kilpatrick (MI)	Oliver
Davis (IL)	Kaptur	Oberstar				Delahunt	Kilroy	Ortiz
Davis (KY)	Kennedy	Obey				DeLauro	Kind	Pallone
DeFazio	Kildee	Olson				Dent	King (IA)	Pastor (AZ)
DeGette	Kilpatrick (MI)	Oliver				Diaz-Balart, L.	King (NY)	Paul
Delahunt	Kilroy	Ortiz				Diaz-Balart, M.	Kingston	Paulsen
DeLauro	Kind	Pallone				Dicks	Kirk	Payne
Dent	King (IA)	Pastor (AZ)				Dingell	Kirkpatrick (AZ)	Pence
Diaz-Balart, L.	King (NY)	Paul				Doggett	Kissell	Perlmutter
Diaz-Balart, M.	Kingston	Paulsen				Donnelly (IN)	Klein (FL)	Perriello

## NOT VOTING—17

□ 1148

Mrs. TAUSCHER changed her vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. HASTINGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 17, as follows:

[Roll No. 158]

AYES—420

Abercrombie	Alexander	Baca
Ackerman	Altmire	Bachmann
Aderholt	Andrews	Bachus
Adler (NJ)	Arcuri	Baird
Akin	Austria	Baldwin

Peters	Sarbanes	Teague	Altmire	DeFazio	Kildee	Olson	Ryan (OH)	Tanner
Peterson	Scalise	Terry	Andrews	DeGette	Kilpatrick (MI)	Olver	Ryan (WI)	Tauscher
Petri	Schakowsky	Thompson (CA)	Arcuri	DeLauro	Kilroy	Ortiz	Sablan	Taylor
Pierluisi	Schauer	Thompson (MS)	Austria	Dent	Kind	Pallone	Salazar	Teague
Pingree (ME)	Schiff	Thompson (PA)	Baca	Diaz-Balart, L.	King (IA)	Pastor (AZ)	Sánchez, Linda	Terry
Pitts	Schmidt	Thornberry	Bachmann	Dicks	King (NY)	Paul	T.	Thompson (CA)
Platts	Schock	Tiahrt	Bachus	Dingell	Kingston	Payne	Sanchez, Loretta	Thompson (MS)
Polis (CO)	Schrader	Tiberi	Baird	Doggett	Kirk	Pence	Sarbanes	Thompson (PA)
Posey	Schwartz	Tierney	Baldwin	Donnelly (IN)	Kirkpatrick (AZ)	Perlmutter	Scalise	Thornberry
Price (GA)	Scott (GA)	Titus	Barrett (SC)	Dreier	Kissell	Perriello	Schakowsky	Tiahrt
Price (NC)	Scott (VA)	Tonko	Barrow	Driehaus	Klein (FL)	Peters	Schauer	Tiberi
Putnam	Sensenbrenner	Towns	Bartlett	Duncan	Kline (MN)	Peterson	Schiff	Tierney
Radanovich	Serrano	Tsongas	Barton (TX)	Edwards (MD)	Kosmas	Petri	Schmidt	Titus
Rahall	Sessions	Turner	Bean	Edwards (TX)	Kratovil	Pierluisi	Schock	Tonko
Rangel	Sestak	Upton	Becerra	Ehlers	Kucinich	Pingree (ME)	Schrader	Towns
Rehberg	Shadegg	Van Hollen	Berkley	Ellison	Lamborn	Pitts	Schwartz	Tsongas
Reichert	Shea-Porter	Velázquez	Berman	Ellsworth	Lance	Platts	Scott (GA)	Turner
Reyes	Sherman	Visclosky	Berry	Emerson	Langevin	Polis (CO)	Scott (VA)	Upton
Richardson	Shimkus	Walden	Biggett	Engel	Larsen (WA)	Posey	Sensenbrenner	Van Hollen
Rodriguez	Shuler	Walz	Bilbray	Eshoo	Larson (CT)	Price (GA)	Serrano	Velázquez
Roe (TN)	Shuster	Wamp	Blirakis	Etheridge	Latham	Price (NC)	Sessions	Visclosky
Rogers (AL)	Simpson	Wasserman	Bishop (GA)	Fallin	LaTourette	Putnam	Sestak	Walden
Rogers (KY)	Sires	Schultz	Bishop (NY)	Farr	Latta	Radanovich	Shea-Porter	Walz
Rogers (MI)	Skelton	Waters	Bishop (UT)	Fattah	Lee (CA)	Rahall	Sherman	Wamp
Rohrabacher	Slaughter	Watson	Blackburn	Filner	Lee (NY)	Rangel	Shimkus	Wasserman
Rooney	Smith (NE)	Watt	Blumenauer	Flake	Levin	Rehberg	Shuler	Schultz
Ros-Lehtinen	Smith (NJ)	Waxman	Blunt	Fleming	Lewis (CA)	Reichert	Shuster	Waters
Roskam	Smith (TX)	Weiner	Boccheri	Forbes	Lewis (GA)	Reyes	Simpson	Watson
Ross	Smith (WA)	Welch	Boehner	Fortenberry	Lipinski	Richardson	Sires	Watt
Rothman (NJ)	Snyder	Westmoreland	Bonner	Foster	LoBiondo	Rodriguez	Skelton	Waxman
Roybal-Allard	Space	Wexler	Bono Mack	Fox	Loeback	Roe (TN)	Slaughter	Weiner
Royce	Speier	Whitfield	Boozman	Frank (MA)	Lofgren, Zoe	Rogers (AL)	Smith (NE)	Welch
Ruppersberger	Spratt	Wilson (OH)	Bordallo	Franks (AZ)	Lowey	Rogers (KY)	Smith (NJ)	Westmoreland
Rush	Stark	Wilson (SC)	Boren	Frelinghuysen	Lucas	Rogers (MI)	Smith (TX)	Wexler
Ryan (OH)	Stearns	Wittman	Boswell	Fudge	Luján	Rohrabacher	Smith (WA)	Whitfield
Ryan (WI)	Stupak	Wolf	Boucher	Gallegly	Lummis	Rooney	Snyder	Wilson (OH)
Sablan	Sullivan	Woolsey	Boustany	Garrett (NJ)	Lungren, Daniel	Ros-Lehtinen	Space	Wilson (SC)
Salazar	Sutton	Wu	Boyd	Gerlach	E.	Roskam	Speier	Wittman
Sánchez, Linda	Tanner	Yarmuth	Brady (PA)	Giffords	Lynch	Ross	Spratt	Wolf
T.	Tauscher	Young (AK)	Brady (TX)	Gingrey (GA)	Mack	Rothman (NJ)	Stark	Woolsey
Sanchez, Loretta	Taylor	Young (FL)	Brady (IA)	Gohmert	Maffei	Roybal-Allard	Stearns	Wu
			Bright	Gonzalez	Maloney	Royce	Stupak	Yarmuth
			Broun (GA)	Goodlatte	Manzullo	Ruppersberger	Sullivan	Young (AK)
			Brown (SC)	Gordon (TN)	Marchant	Rush	Sutton	Young (FL)
			Brown, Corrine	Granger	Markey (CO)			
			Brown-Waite,	Graves	Markey (MA)			
			Ginny	Grayson	Marshall			
			Buchanan	Green, Al	Massa			
			Burgess	Green, Gene	Matheson			
			Burton (IN)	Grijalva	Matsui			
			Butterfield	Guthrie	McCarthy (CA)			
			Buyer	Gutierrez	McCarthy (NY)			
			Calvert	Hall (NY)	McCaul			
			Camp	Hall (TX)	McClintock			
			Campbell	Halvorson	McCollum			
			Cantor	Hare	McCotter			
			Cao	Harman	McDermott			
			Capito	Harper	McGovern			
			Capps	Hastings (FL)	McHenry			
			Capuano	Hastings (WA)	McHugh			
			Cardoza	Heinrich	McIntyre			
			Carnahan	Heller	McKeon			
			Carney	Hensarling	McMahon			
			Carson (IN)	Herger	McMorris			
			Carter	Hereth Sandlin	Rodgers			
			Cassidy	Higgins	McNerney			
			Castle	Hill	Meek (FL)			
			Castor (FL)	Himes	Meeks (NY)			
			Chaffetz	Hinchey	Melancon			
			Chandler	Hirono	Mica			
			Childers	Hodes	Michaud			
			Christensen	Hoekstra	Miller (FL)			
			Clarke	Holden	Miller (MI)			
			Clay	Holt	Miller (NC)			
			Cleaver	Honda	Miller, George			
			Clyburn	Hunter	Minnick			
			Coble	Inglis	Mitchell			
			Coffman (CO)	Inslee	Mollohan			
			Cohen	Israel	Moore (KS)			
			Cole	Issa	Moore (WI)			
			Conaway	Jackson (IL)	Moran (KS)			
			Connolly (VA)	Jackson-Lee	Moran (VA)			
			Conyers	(TX)	Murphy (CT)			
			Cooper	Jenkins	Murphy, Patrick			
			Costa	Johnson (GA)	Murtha			
			Costello	Johnson (IL)	Myrick			
			Courtney	Johnson, E. B.	Nadler (NY)			
			Crenshaw	Johnson, Sam	Napolitano			
			Crowley	Jones	Neal (MA)			
			Cuellar	Jordan (OH)	Neugebauer			
			Culberson	Kagen	Norton			
			Cummings	Kanjorski	Nunes			
			Dahlkemper	Kaptur	Nye			
			Davis (AL)	Kennedy	Oberstar			
			Davis (IL)		Obey			
			Davis (KY)					

## NOT VOTING—17

Berkley	Faleomavaega	Murphy, Tim
Blackburn	Griffith	Pascarell
Davis (CA)	Hinojosa	Poe (TX)
Davis (TN)	Hoyer	Pomeroy
Deal (GA)	Linder	Souder
Doyle	Miller, Gary	

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
Two minutes remain in the vote.

□ 1156

Mr. KING of Iowa changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 8 OFFERED BY MR. MINNICK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. MINNICK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 15, as follows:

[Roll No. 159]

AYES—422

Abercrombie	Aderholt	Akin
Ackerman	Adler (NJ)	Alexander

## NOT VOTING—15

Davis (CA)	Griffith	Murphy, Tim
Davis (TN)	Hinojosa	Pascarell
Deal (GA)	Hoyer	Poe (TX)
Doyle	Linder	Pomeroy
Faleomavaega	Miller, Gary	Souder

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

□ 1204

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 12 OFFERED BY MRS.

## KIRKPATRICK OF ARIZONA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Arizona (Mrs. KIRKPATRICK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 2, not voting 17, as follows:



[Roll No. 160]  
AYES—418

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Bordallo  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Christensen  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw

Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Dreier  
Drieaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Markkey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)

Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markkey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)

Murphy, Patrick  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Norton  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pierluisi  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney

Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sablan  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark

Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOES—2

Issa  
Kucinich  
NOT VOTING—17

Boren  
Davis (CA)  
Davis (TN)  
Deal (GA)  
Doyle  
Faleomavaega  
Griffith  
Hinojosa  
Hoyer  
Linder  
Miller, Gary  
Murphy, Tim

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

□ 1211

Mr. KUCINICH changed his vote from  
“aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

## AMENDMENT NO. 13 OFFERED BY MR. GOODLATTE

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Virginia (Mr. GOOD-  
LATTE) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 148, noes 272,  
not voting 17, as follows:

[Roll No. 161]  
AYES—148

Aderholt  
Akin  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Carter  
Cassidy  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Dent  
Dreier  
Duncan  
Ehlers  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry

Foster  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
Kingston  
Kline (MN)  
Lamborn  
Latham  
Latta  
Lee (NY)  
Lewis (CA)  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McHenry  
McKeon

McMorris  
Rodgers  
Mica  
Miller (FL)  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Pitts  
Platts  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Roe (TN)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Royce  
Ruppersberger  
Scalise  
Schradler  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Sires  
Smith (NE)  
Smith (TX)  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (FL)

## NOES—272

Abercrombie  
Ackerman  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocieri  
Bordallo  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Cao  
Capito  
Capps

Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castle  
Castor (FL)  
Chandler  
Childers  
Christensen  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Diaz-Balart, L.  
Diaz-Balart, M.

Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Drieaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Finer  
Frank (MA)  
Fudge  
Gerlach  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich

Higgins  
Hill  
Himes  
Hinchey  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebsock  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCollum  
McCotter  
McDermott  
McGovern

McHugh  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Norton  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pierluisi  
Pingree (ME)  
Polis (CO)  
Price (NC)  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Rogers (CT)  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Rush  
Ryan (OH)  
Ryan (WI)  
Sablan  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta

Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Tanner  
Tauscher  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth  
Young (AK)

## NOT VOTING—17

Davis (CA)  
Davis (TN)  
Deal (GA)  
Doyle  
Faleomavaega  
Griffith

Hinojosa  
Pascarell  
Poe (TX)  
Pomeroy  
Souder  
Welch

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

□ 1219

Mr. MARKEY of Massachusetts changed his vote from “aye” to “no.”

Messrs. POSEY and BRIGHT changed their vote from “no” to “aye.”  
So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SIRES. Mr. Chairman, on rollcall No. 161 I inadvertently miscast my vote. I intended to vote “no” on that question. I ask unanimous consent that this statement appear in the RECORD adjacent to that rollcall.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALT-

MIRE) having assumed the chair, Mr. PASTOR of Arizona, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes, pursuant to House Resolution 281, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. RAHALL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 3, not voting 16, as follows:

[Roll No. 162]

## AYES—412

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blakburn  
Blumenauer  
Blunt  
Bocciari

Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney

Carson (IN)  
Carter  
Cassidy  
Castle  
Chaffetz  
Chandler  
Childers  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeGette  
Delahunt

DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind

King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebsock  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Pallone  
Pastor (AZ)

Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas

Turner	Waters	Wilson (SC)
Upton	Watson	Wittman
Van Hollen	Watt	Wolf
Velázquez	Waxman	Woolsey
Visclosky	Weiner	Wu
Walden	Welch	Yarmuth
Walz	Westmoreland	Young (AK)
Wamp	Wexler	Young (FL)
Wasserman	Whitfield	
Schultz	Wilson (OH)	

## NOES—3

Flake	Paul	Sensenbrenner
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## NOT VOTING—16

Castor (FL)	Hinojosa	Poe (TX)
Davis (CA)	Hoyer	Pomeroy
Davis (TN)	Linder	Smith (WA)
Deal (GA)	Miller, Gary	Souder
Doyle	Murphy, Tim	
Griffith	Pascarell	

□ 1237

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. DAVIS of California. Mr. Speaker, during rollcall votes No. 157 through 162, I was on a leave of absence due to the funeral of a very close friend.

Had I been present for rollcall vote No. 157 on the Perlmutter amendment to H.R. 1404, to clarify that authorized suppression activities for the Flame Fund include containment activities in response to crisis insect infestations to reduce the likelihood of wildfires, I would have voted "aye."

Had I been present for rollcall vote No. 158 on the Hastings amendment to H.R. 1404, to require advance notice, in writing, to adjacent landowners whenever the Department of Agriculture sets a prescribed fire on National Forest System land, I would have voted "aye."

Had I been present for rollcall vote No. 159 on the Minnick amendment to H.R. 1404, to require that the Secretaries, in considering severity of and threat posed by a fire for the purposes of determining whether to declare that a wildland fire suppression activity is eligible for funding from the flame Fund, take into account areas where insect infestation has created an extreme risk for wildfire, I would have voted "aye."

Had I been present for rollcall vote No. 160 on the Kirkpatrick amendment to H.R. 1404, to amend the definition of "fire-ready community" in the bill to provide that a community satisfies the definition if it is located within a priority area identified by the fire risk maps required by the bill, and meets two of the other four criteria listed in the bill for "fire-ready communities," I would have voted "aye."

Had I been present for rollcall vote No. 161 on the Goodlatte amendment to H.R. 1404, to authorize the Secretary of Agriculture to enter into sole source contracts with States to prepare and implement "good neighbor" projects on National Forest System lands, I would have voted "no."

Had I been present for rollcall vote No. 162 on final passage of H.R. 1404, the Federal Land Assistance, Management and Enhancement Act, I would have voted "aye."

## PERSONAL EXPLANATION

Mr. PASCARELL. Mr. Speaker, I want to state for the RECORD that today, March 26th, I was detained in my district and therefore missed the six rollcall votes of the day. Had I been present I would have voted "aye" on rollcall vote No. 157 on agreeing to the Perlmutter of Colorado Amendment. Had I been present I would have also voted "aye" on rollcall vote No. 158 on agreeing to the Hastings of Washington Amendment No. 4. Had I been present I would have also voted "aye" on rollcall vote No. 159 on agreeing to the Minnick of Idaho Amendment. Had I been present I would have also voted "aye" on rollcall vote No. 160 on agreeing to the Kirkpatrick of Arizona Amendment. Had I been present I would have voted "no" on rollcall vote No. 161 on agreeing to the Goodlatte of Virginia Amendment. Lastly, had I been present I would have voted "yea" on rollcall vote No. 161 on final passage of the Federal Land Assistance, Management and Enhancement Act.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1404, FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1404, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1135

Mr. LATTA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor to H.R. 1135.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1319

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1319. My name was mistakenly submitted by the bill's sponsors.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1427

Mr. HIMES. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor from H.R. 1427.

My name was added as a result of an administrative error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from New York for the purposes of announcing next week's schedule.

Mr. CROWLEY. I thank the gentleman for yielding.

Mr. Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business. On Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and 12 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow.

In addition, we will consider Senate amendments to H.R. 1388, Generations Invigorating Volunteerism and Education Act; H.R. 1664, Pay for Performance Act; and the fiscal year 2010 budget resolution.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would like to ask the gentleman if the House will begin the process of deliberating on the budget on Wednesday. Is that the planned day that we will have the discussion on the budget here on the floor; and, does he expect that debate to stretch over 2 days? And, again, if he could elaborate as to when the final vote on the budget is expected.

Mr. CROWLEY. If the gentleman would continue to yield.

I haven't spoken to the majority leader about the specifics in terms of the schedule. The intention is to finish a vote on the budget by the end of business next week.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would ask the further question. Does he anticipate a weekend session possibility?

Mr. CROWLEY. There is always the possibility that if we fail to resolve or come to agreement on the budget by the time we hope to before the close of business day next week, that we possibly could work into the weekend to pass that budget.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, further, I would ask the gentleman if he could tell us about the expected process of amendments, of substitutes.

How many substitutes should we expect your side to offer? Will the Blue

Dogs have a substitute? Does this budget replace the budget of the Progressive Caucus that we usually see come to the floor? Will they have a need for a substitute? Just trying to get some idea, Mr. Speaker.

I yield to the gentleman.

Mr. CROWLEY. I thank the gentleman for yielding.

I have not spoken, again, to the majority leader about this specifically or to the Rules Committee chairwoman about this. I do not know at this time how many substitutes we expect to make in order. Does the gentleman know how many on his side we can expect to be submitted?

I do expect that we will complete the consideration of vote on the budget resolution next week, and that the leadership intends to be here until we can accomplish that objective. And, yes, again, that could mean extending into the weekend.

Mr. CANTOR. I thank the gentleman.

And I could very easily tell him we will have one substitute from the minority side of the aisle, which is why I am asking how many we could expect from yours.

Mr. CROWLEY. Again, I don't have an answer for you.

Mr. CANTOR. Mr. Speaker, I would reclaim my time.

I would ask the gentleman from New York, in reference to the D.C. voting bill, what are the latest plans for floor consideration on that? And, will a second amendment protection be added to that bill? I yield.

Mr. CROWLEY. I thank the gentleman for yielding.

I know this is a priority for the leadership, and we continue to work on that. However, I do not expect it will be ready for the floor next week, nor do I know whether or not there will be a second amendment application in that bill as well.

Mr. CANTOR. I thank the gentleman.

I would ask again, are we to expect a vote on D.C. voting next week as well?

Mr. CROWLEY. As I just stated, I do not expect it will be ready for the floor next week.

Mr. CANTOR. I apologize to the gentleman; I didn't quite discern that. I thank the gentleman.

I would ask the gentleman, Mr. Speaker, about the FDA bill and the regulation of tobacco. And does he expect this bill to come to the floor next week? And in what form does he expect this bill to come, under a rule or as a suspension?

I yield to the gentleman.

Mr. CROWLEY. I thank the gentleman.

The gentleman will recall, this bill passed the House 326-102, with 96 Republicans voting "yes." The bill does have broad bipartisan support. We continue to work with Chairman WAXMAN to have this bill ready for the floor. I have not, again, spoken to the chair-

woman of the Rules Committee yet as to how this bill will be brought to the floor. And it could be as early as next week, although we have no confirmation of that yet.

Mr. CANTOR. I thank the gentleman.

I would like to yield to the gentleman from Indiana.

□ 1245

Mr. BUYER. I would ask of the gentleman, representing the views of the minority leadership of the Energy and Commerce Committee and the House Armed Services Committee, that there are some outstanding issues and that the dynamic has, in fact, changed, that there are bipartisan alternatives to Mr. WAXMAN's legislation. And so what we are asking is for there to be regular order for the House to be able to work its will.

This bipartisan legislation is a completely different type of alternative approach to public health policy with tobacco. So while the gentleman was active with regard to what occurred in the last Congress, this is a very different Congress. So we are asking for regular order.

And there is a particular issue that is highly sensitive to the House Armed Services Committee because the Waxman legislation mandates the inclusion of the military in the Roth program. So what we have is, the Energy and Commerce Committee is dictating military personnel policy. In order to protect this about 160 million over a 10-year, for that to remain in the personnel budget of the Armed Services Committee, the Armed Services Committee would need to have an amendment that goes through the Rules Committee. You see, if, in fact, you allow it to come on suspension, the suspension then denies the House Armed Services Committee's ability to fence off those dollars for it to remain in the personnel budget. It would also deny the bipartisan substitute and would also deny Dr. BURGESS his amendments.

So the dynamic, I just want to inform the majority, has changed. And we are very hopeful that you will take that under advisement and that that bill will be brought to the floor under a rule.

Mr. CANTOR. I yield to the gentleman from New York.

Mr. CROWLEY. Thank you for yielding.

I appreciate Mr. BUYER's work and efforts on this legislation. I do know there are multiple jurisdictions on this. And it is my understanding that the chairs of the requisite committees are continuing to discuss the legislation. And again, it is a priority for Mr. WAXMAN, and we hope to have it on the floor, and they are hoping to work through some of these issues.

Mr. CANTOR. I yield to the gentleman from Indiana.

Mr. BUYER. We have been working very hard. And I would place the ma-

jority on notice that please do not bring this on suspension, because we have the votes to bring it down.

Mr. CANTOR. I thank the gentleman from Indiana.

Mr. Speaker, I would like to ask the gentleman from New York about the schedule past the Easter recess and what we can expect to come to the floor following our return from recess.

Mr. CROWLEY. The agenda for the next work period, I have not, again, spoken directly with the majority leader about the schedule after recess. But I would expect we will be working on a budget conference report after the Senate and House will have worked their will next week, in addition to some of the other items you have mentioned, including a D.C. vote as well as stem-cell legislation.

Mr. CANTOR. I thank the gentleman.

I would like to ask the gentleman in reference to the budget that will be considered next week, that we now have a text of the bill out of committee, and the fact that really some of the implications of that bill still remain very unclear. Specifically, I would like to ask about the cap-and-tax scheme that seems to be continuing to circulate in the discussions in committee as well as publicly in the press, and whether the reconciliation instructions in the bill that came out of the Budget Committee refers to that, and whether we are going to be considering the impact of that scheme on the working families of this country, as they are having a difficult time as it is, as the gentleman knows, in his area, in particular, as it is hard-hit as the center of the financial world. Are our families going to have to expect that somehow the reconciliation tools will be used to impose a national energy tax that some have estimated will cost the average family \$3,000 a year?

I yield to the gentleman.

Mr. CROWLEY. I thank the gentleman for yielding and his observations about my district as well. The gentleman makes reference to cap-and-trade as we know it on this side of the aisle.

The budget resolution does not provide reconciliation instructions for cap and trade. And it is not our intention to use reconciliation in terms of the process for that legislation. However, it does provide for legislation encouraging alternative energy sources and reducing greenhouse gas emissions, which we intend to move through legislative process.

In addition, we have heard repeatedly the minority's concern about the cost of the cap-and-trade proposal. You just reiterated some of those concerns. Again, the budget does not proscribe the contents of cap-and-trade legislation, which we have left to the relevant committees, including the committee that you and I both serve on, where a hearing at this very moment on cap

and trade is taking place. At this point, both those estimates make certain assumptions about a bill that is, in effect, not yet written.

We look forward to working with the minority, I personally with you, to address the costs of cap-and-trade legislation as it moves forward.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, at this time, I would like to yield time to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentleman for yielding.

I asked the whip to yield to me so I may inquire of the designee of the majority leader. Today, the House Financial Services Committee by a vote of 64-0 reported H. Res. 251. And as the gentleman is aware, the AIG bonus issue is something that has roiled both parties. Both parties are embarrassed that somebody slipped a paragraph into the stimulus bill. H. Res. 251 is a resolution of inquiry that directs the Secretary of the Treasury to provide not only the documents that he might have in his possession, but they also relate back to Secretary Paulson and his administration of the TARP program. So it clearly is a bipartisan measure. I think the vote of 64-0 speaks for itself.

And I note that on next week's schedule the majority has scheduled the other bill that was just reported this morning out of the Financial Services Committee, and I would ask the gentleman if we are going to see H. Res. 251 next week. And if not, I would make my request that we do. And I would further make the request that since the vote was 64-0 and we appear to have run out of post offices, perhaps it could be a suspension next week.

Mr. CANTOR. I yield to the gentleman from New York.

Mr. CROWLEY. I thank the gentleman for yielding.

I haven't spoken to Chairman FRANK about the legislation. I don't expect at this point that it would be on the suspension calendar or on the calendar for next week. Again, that does mean it will not be. I just simply have not had that conversation to affirm or negate that.

Mr. LATOURETTE. I thank the gentleman.

Mr. CANTOR. I thank the gentleman.

At this time, I would like to again reiterate my thanks to the gentleman from New York, and I yield back.

#### ADJOURNMENT TO MONDAY, MARCH 30, 2009

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-57) on the resolution (H. Res. 289) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

#### VILLA MARIA ACADEMY BASKETBALL TEAM

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to congratulate my alma mater, the Villa Maria Academy Girls' Basketball Team, or should I say the 2009 Pennsylvania AA State Champions.

Last Friday, Erie, Pennsylvania's Villa Maria Victors defeated three-time defending champs, York Catholic, by 56-51, winning the State championship for the first time in school history.

Displaying great team spirit, Villa Maria built a large 18-point lead in the second half before fighting off a late York Catholic charge.

Established in 1892 by the Sisters of St. Joseph of Northwestern Pennsylvania, the Villa Maria Academy is a Catholic coeducational secondary school. And for over 115 years, Villa Maria Academy has been a part of the history and tradition of the Erie area, providing educational excellence for area students in preparation for higher education and life pursuits.

The mission of the academy is to empower young people to recognize their uniqueness and talents. The Villa Maria Academy Girls' Basketball Team demonstrated that commitment to excellence last Friday.

Congratulations to the new 2009 Pennsylvania AA State Champions.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### OBAMA TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, one of the worst things that you can do during an economic downturn is to raise taxes. And Speaker PELOSI and

the Democrats' budget does exactly that.

The amount of taxes that they anticipate raising in their budget, which we are going to debate next week, is \$1.4 trillion. One point four trillion dollars. And the majority of the burden of this tax increase is on a number of different areas of government. One of those is a \$637 billion tax increase that is going to be borne by small businesses that pay taxes as individuals. Small businesses create about 60 to 80 percent of all the new jobs in America, and these new taxes will be a real wet blanket on job creation and economic growth right in the middle of this recession.

They are also going to tax everybody in this country with the energy tax that they are going to add. The budget proposes to raise taxes by \$646 billion on consumers of oil, coal and natural gas through a complicated cap-and-tax program that will increase the cost of energy for every American. If you turn on your light switch, if you use gas in your car, if you use gas to heat your home, any kind of energy that you use is going to be taxed. And that is going to amount to, on average, \$3,128 in new taxes on every family in America.

Also under the Speaker's budget, taxes on capital gains and dividends will increase from 15 to 20 percent, increasing taxes on investors by \$338 billion over 10 years. These taxes would directly affect investors and stockholders, including people who have 401(k) programs and pension funds, mostly impacted by the declining stock market, and would further discourage investments during a time when new investments are absolutely essential to jump-start our economy.

They are also going to tax charitable giving. They are going to reduce the amount of money that people can deduct from their taxes when they give money to charities. And the charities of this country indicate that is going to cost them at least \$4 to \$9 billion. Now, if the charities in this country can't spend that \$4 to \$9 billion that is given to them by the people of this country, then where are they going to get the money?

Where are the people of this country going to get the money to solve these problems? It is going to probably end up on the back of the taxpayers.

And then we have what is called the "death tax" that they are reinstating. And that says that everybody that has a business, if you want to pass it on to your relatives or your children or grandchildren when you die, there is going to be a tax on it. They are going to tax it and tax it and tax it so that the value of the property or the investment will go down dramatically. And many of the people who would inherit a business so that they can carry on, a farmer, an agricultural family, they will lose it because they can't pay the taxes.

And then they are also going to tax investors, Part 2 investors. The budget would more than double the taxes on carried interest, increasing taxes up from the capital gains rate of 15 percent to the income tax rate of 35 percent.

And all I can say to my colleagues is that the Speaker and the Democrat proposal needs to be re-evaluated. At a time when this economy is suffering, we need to have tax cuts, tax incentives for new job creation, and tax cuts that will allow Americans to take more of their pay home that they can spend on things like refrigerators, cars, food and clothing.

□ 1300

And what they're going to do is they're going to tax, tax, tax, which is going to be another wet blanket on the economy.

One of the great things, one of the things that really hurt this country during the Great Depression in the twenties and thirties, was because they raised taxes. That's exactly the wrong thing to do. After Jimmy Carter put us in this trick bag with 14 percent unemployment, or 14 percent inflation and 12 percent unemployment, Ronald Reagan came in and cut taxes across the board, and that increased the productivity in this country. People had more disposable income, and the economy flourished, and we had a period of unprecedented economic growth. That's what we should be doing now, not raising taxes, not adding to the deficit by having these huge budgetary expenditures that are in Speaker PELOSI and the Democrats' plan.

Mr. Speaker, I hope that everybody will listen to what was just said because we don't need tax increases and more spending right now.

#### WE MUST NOT REPEAT THE MISTAKES OF THE PAST

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the Obama administration is finalizing its strategy for Afghanistan, and it may announce the results of its war review in the next few days.

President Obama inherited the situation in Afghanistan. He is a leader who prefers diplomacy over war. The United States is organizing an international conference on Afghanistan to reach out to the international community for their help. And there is talk about sending a civilian surge, a surge of experts in such areas as agriculture, reconstruction, rebuilding, and education to Afghanistan, all very positive steps.

Since President Obama, however, has said that he will send at least 17,000 more troops to Afghanistan and pos-

sibly more, I am deeply concerned. It will take years, and it will take a lot of blood and treasure to fight a war in Afghanistan and Pakistan. It could bog us down and distract us from our enormous domestic problems right here at home. It could cost us lives. It would cost us economic treasure, and it would cost us, actually it would leave our reputation, international reputation in tatters.

Our 6-year occupation of Iraq, which continues, as I speak, has been a disaster that we absolutely must learn from. Using military force to solve problems that don't have a military solution doesn't work. Foreign occupation doesn't work. According to a new Army report, there are still over 100 attacks per week on our troops in Iraq.

Another occupation, Madam Speaker, halfway around the world, raises serious questions that Congress needs an answer to. So last month, I joined my colleagues, Congresswoman BARBARA LEE and Congresswoman MAXINE WATERS, and since we wrote a particular letter to the President and sent it, 10 other Members have signed on, and we're going to send that letter on to him also, raising these issues.

We and the others made six recommendations. These recommendations are:

1. Ask Congress for a clear authorization for the use for military force in Afghanistan and Pakistan;
2. Define the goals objectives and benefits of U.S. involvement in Afghanistan;
3. Determine the human and financial resources needed to carry out our efforts;
4. Develop a timeline for the redeployment of our troops and military contractors out of Afghanistan;
5. Clearly describe the role of NATO, the United Nations and other international partners;
6. And finally, meet the immediate humanitarian and economic needs of the Afghan people.

Madam Speaker, these six steps offer a good blueprint for avoiding a repeat of the mistakes that the United States made in Iraq. We need nation building, not empire building, because the way to defeat our enemies is to help the Afghan people to rebuild their country and to give them hope for a better future. Schools and roads will win us more hearts and minds than bombs and bullets.

And a new foreign policy, based on conflict resolution and humanitarian assistance, is the most responsible and smartest way for us to achieve our goals in the Middle East and Central Asia. I hope that President Obama's new plan for Afghanistan will reflect this strategy and these values, because if we don't learn from our Iraq experience, we are doomed to repeat it.

#### 26TH ANNIVERSARY OF THE EGYPTIAN-ISRAELI PEACE TREATY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, today I wish to acknowledge and express deep gratitude to timeless leaders President Jimmy Carter, Egyptian President Anwar al-Sadat and Israeli Prime Minister Menachem Begin for their historic, unprecedented and courageous journey toward peace in the Middle East three decades ago today. March 26 marks the anniversary of their signing of the Egyptian-Israeli Peace Treaty, momentous in that it was the first such treaty between an Arab nation and the nation of Israel. It followed the Camp David Accords which these leaders had signed the prior year. They signed it right here on the White House lawn.

I can remember the day. History will record for all time that incredible step forward of lions and lambs lying down their arms and their fears. I can still recall the day of that signing. It was a sunny day, as the three leaders pledged their political and personal capital to that unprecedented feat. It was historic. It was bold. And it was costly. In 1981, an assassin in Cairo would take the life of President Anwar al-Sadat. In 1983, Menachem Begin resigned. President Jimmy Carter lost his re-election campaign.

President Jimmy Carter and his gifted National Security adviser, Zbigniew Brezezinski, carry the collective living memory of that pristine moment of the Camp David Peace Accord and the Egyptian Israeli Peace Treaty. To date, only one other Arab nation has signed a peace accord with the nation of Israel, Jordan, in 1994, well over 10 years later, through the equally courageous vision of its timeless leader, King Hussein.

Looking back, as today's upheaval across the Middle East reminds us of old fractures and unmet potential, we can ask, how did these men do it? How did they make history?

The enmity between people and nations was no less. The prospects forward seemed very dim at that time. Yet, their inspired and dogged efforts did not take no for an answer. That peace agreement ended 30 years of war between Israel and Egypt. Now we have seen 30 years of peace between them. By anyone's measure, this remains the most important set of diplomatic achievements in the Middle East in modern history. We need to celebrate them.

And as we honor the achievement of these leaders, and the nations to which they dedicated their lives, let us remember what they did.

President Jimmy Carter stated, "War may sometimes be a necessary evil. But no matter how necessary, it is always an evil, never a good. We will not



learn how to live together in peace by killing each others' children."

Prime Minister Menachem Begin said, "If through your efforts and sacrifice, you win liberty and with it the prospect of peace, then work for peace because there is no mission in life more sacred."

And President Anwar al-Sadat said, "Peace is much more precious than a piece of land."

Could we only recapture that moment again. How much our world still owes these men for leading history forward, for showing us the way. They did not allow the status quo or entrenched rivalries and worn-out dreams to quash the prospect of peace. They gave their all to it. Today, we commemorate and we celebrate their greatness.

#### OUR CHILDREN AND GRANDCHILDREN'S FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Madam Speaker, I am grateful for the opportunity to come here today with some of my colleagues to talk about several issues that we think are of very much concern to the American people. Whatever we do here in terms of spending, we know has a major impact on our country. And it's not just for today that it has an impact but it's for a long, long time. And so we are highlighting today what is happening with the budget that has been made public today and that's going to be debated next week, and probably adopted, unfortunately, unfortunately for the American people and for our children and our grandchildren, maybe even our great grandchildren. So we'll be talking about that for the next hour.

And I'm joined by two of my colleagues that I want to yield some time to to ask them to make some presentations on some particular issues they are very familiar with and do a wonderful job of explaining. So I'd like to yield now to my colleague from Georgia, the distinguished physician, Mr. GINGREY.

□ 1315

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentlelady from North Carolina for yielding.

As she was pointing out, next week, the budget—the House version of our budget for fiscal year 2010—will be on this floor, and I think there is the full intention for that budget to be voted on and passed this coming week. Those of us who do not sit on the Budget Committee are not sure of all of the fine details in that budget, but we do know what our President has proffered to the Congress and to the American

people as to what he would like to see as the Office of Management and Budget develops this \$3.6 trillion budget. I think this is the highest amount of spending that we have had in this country since we originated our country way back in 1776 and 1779.

The bottom line in regard to it is really simple as we look at it, as we, the loyal minority—the Republican party—look at that budget. There is no question but that it does three things: It spends enormously; it taxes painfully, and it borrows dangerously. Said another way, President Obama's budget spends too much; it taxes too much, and it borrows too much. We feel that that is wrong. As I talk today with my colleague VIRGINIA FOXX, I think it is important that people understand that there is a better way.

According to Republican philosophy, it has always been our feeling—and I think this is a major difference between the Republicans and the Democrats—that we think "less government." We think people have an opportunity to hold onto more of their hard-earned dollars and to pay less taxes to the Federal Government and to limit spending. That is the best recipe to get us out of this economic ditch that we are in. You have heard, and I have heard my colleagues on the other side of the aisle many times say, "The first rule of a ditch is that, when you're in one, you need to stop digging." Well, without question, this budget that the President has submitted to us is just digging a deeper and deeper hole in regard to the amount of debt—well, deficit spending, red ink—from year to year. In the aggregate, of course, you accumulate more and more debt, and you have to pay interest on that debt. It is just something that we, in our lifetimes, will never pay back. Our grandchildren will never pay it back, but our great grandchildren—maybe they will pay it back, but what a burden, what a legacy to leave to the next generations.

So I thank the gentlewoman. I am really happy to be sharing the time with her and with my other colleagues.

I will yield back to Ms. FOXX, and we will continue to discuss some of the finer points of this budget that we are going to be voting on next week.

Ms. FOXX. Well, I thank the gentleman from Georgia for setting the stage for this and for reiterating what we, as Republicans, believe so strongly in—that the President's budget spends too much, taxes too much and borrows too much.

Well, what we know now is that the budget presented by the Democrats in the meetings in the Budget Committee yesterday is basically the same. They kept trying to say their budget was going to be different from the President's. They have heard the firestorm. The American people are beginning to wake up. They realize that some things

that were said to them in last year's election are not turning out the way they thought they were going to turn out, and they are getting a little spooked by that, so they've been trying to backpedal from that. They were saying there is going to be less spending, smaller deficits, lower debt, but in the meeting yesterday, during the markup, we know now that the two budgets are really the same. Here are some of their comments that prove that. We don't have to say it. We just use their own words:

"This budget resolution shares the President's priorities."

"This is a key step to making the President's plan a reality."

"The President has proposed, and under this budget, we support his plans."

The chairman's mark "embraces and supports the President's budget."

These remarks admitted the obvious. The mark could be described as different only if one believed the following: that the 5-year budget window as opposed to the President's 10-year plan is not designed to hide the explosion of cost after 2014 for the President's ambitious, big-government agenda; that the Alternative Minimum Tax will be fixed in a deficit neutral fashion—that is, by raising other taxes, though the Democrats, themselves, have rejected this approach for the past 2 years; that Making Work Pay Tax Credit, a key provision in the President's budget, will not be extended unless offset, and it was created as an emergency; that the Troubled Asset Relief Program, the TARP, is over, and the Treasury Secretary's financial stabilization plan will get no more funding; and that the mark's numerous reserve funds, also known as tax-and-spend, will not be used to increase spending and taxes in the President's plan for a sweeping expansion of government.

So we know now that the Democrat budget, presented by the Democrat leadership, is the same as the Obama budget, so we will go on to show why we think this budget is not the right thing to do.

Before we spend more time on that, I want to give some time to my colleague from Ohio (Mr. LATOURETTE), who has an excellent presentation to show how we are getting into the messes that we are getting into as a result of the action of the majority. I know there are still some people out there who don't understand that this Congress is controlled by the Democrats. It has been controlled by the Democrats since January of 2007, and while they keep talking about what they have inherited, they have to own up to the responsibility at some point.

I yield now such time as he may consume to my wonderful colleague from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Well, I thank the gentlelady from North Carolina.

You know, I think the gentlelady from North Carolina and the gentleman from Georgia have correctly hit on the fact—and I think anyone who realistically looks at the budget that we are going to be asked to pass judgment on next week—spends too much, taxes too much and borrows too much from future generations, but of as much concern or maybe of more concern to me is, basically, that there are things occurring in this House that I never thought would occur.

This is my 15th year in the United States Congress. I am proud to represent my corner of Ohio. There is this notion that we can rush legislation through without reading it and without knowing what is in it. Especially on our side—and I will talk about the stimulus bill in a minute—we got about 90 minutes to read 1,000 pages, 1,000 pages in the stimulus bill. They gave us 90 minutes to read it, and then people are surprised when funny things happen. The funny thing I want to just mention and why I hope we don't go down this road with the budget that spends too much, taxes too much and borrows too much is what happened in the stimulus bill.

So, again, this was put forward as “we have to get it done.” We had to get it done by the President's Day recess for some reason. I don't know what the reason was, but we had to get it done and get it done in a hurry. On the Tuesday of the week that we considered the stimulus bill, we had a vote here in this Chamber. The proposition was—and it was a silly proposition—before we would be asked to vote on the stimulus bill, every Member would be given 48 hours to read the bill, and it would be posted on the Internet so our constituents and anybody who was interested could also read the bill and could have 48 hours to sort of digest it. Everybody voted. Everybody who was here that day voted to do that—every Republican and every Democrat.

Well, then we came along to Friday, and the bill was filed at a little after midnight on Thursday night. I apologize that I wasn't up to receive the 1,000 pages to read it then, but when I did get into the office, there were 90 minutes to read 1,000 pages between the time I got to work and the time that we had the vote. That was the length of the debate.

People said, “Well, don't worry about it, you know. It's only 1,000 pages. It only spends \$1 trillion. Why would you want to read the thing?” Well, sadly—and we warned—what happens when you do things like that is that people get embarrassed, and in fact, people did get embarrassed.

Some folks may remember that, for the last couple of weeks, people have been upset about these million-dollar bonuses, these multi-million-dollar bonuses, included in the bill, that went to executives at a company called AIG,

which many point a finger to as at least participating in the economic decline that we, sadly, are experiencing.

When the stimulus bill was considered in the United States Senate, across the Rotunda on the other side, two Senators—a Democratic Senator by the name of WYDEN from Oregon and a Republican Senator by the name of SNOWE from Maine—authored an amendment that went into the stimulus bill that said—and it was pretty simple—that if you are a firm that is getting billions of taxpayer dollars, do not give million-dollar bonuses to your executives. I mean that is something that I certainly support. As a matter of fact, it passed just like our thing—that we were going to get 48 hours to read the bill. It passed in the Senate by voice vote. Every Senator said, “Aye.” Again, that sounded pretty reasonable to a lot of us.

Now, there are those people who may not follow how everything works here—and God help you if you do follow everything that works here—but know that, once they have passed their bill on the Senate side and once we have passed our bill over here, we each appoint conferees. They go into a conference room, and they hash out the differences between the House bill and the Senate bill, and then it comes back to each body. We vote on it and we are done.

Well, there's a funny thing. One of my favorite movies when I was growing up was “A Funny Thing Happened on the Way to the Forum.” A funny thing happened on the way to this conference report. The Snowe-Wyden amendment, which said no bonuses for people who got billions of dollars of taxpayer money, was taken out. What was put in instead, Madam Speaker, are these 47 words that are next to me. The 47 words not only removed the Snowe-Wyden amendment that said “no bonuses,” but this language specifically protected the bonuses, and authorized AIG and anybody else who got TARP money—who got billions of dollars in financial help from the Federal Government, from our taxpayers—to pay out the bonuses. I'm going to talk about how it got in there in just a minute.

The thing that was amazing last week was that we had people all over town who were shocked. “I am shocked that they paid out bonuses.” “I am shocked that we all had this happen.” “We want our money back.” “I am shocked.” Well, it is a little bit, Madam Speaker, like the guy who takes a bath with the clock radio on the side of the bathtub, and the thing falls in, and he's surprised and he's shocked. Clearly, anybody who voted for the stimulus bill voted to approve the bonuses to AIG and to all the other banks that have sort of led us into this mess, but then they were shocked.

Ms. FOXX. Would the gentleman yield?

Mr. LATOURETTE. I would be happy to yield to the gentlelady.

Ms. FOXX. My memory is this—and maybe you said it and I missed it. My memory is that every Republican voted against the stimulus; is that correct?

Mr. LATOURETTE. That is my recollection, yes.

Ms. FOXX. All right. And 11 Democrats joined us?

Mr. LATOURETTE. That would be correct.

Ms. FOXX. Right. So no Republican voted for that stimulus bill which took out this provision; is that correct?

Mr. LATOURETTE. The gentlelady is correct.

I would just say that, in talking to my Democratic colleagues who voted for the stimulus bill, I think some of them were surprised that this had happened, but I think the point is that this is not the way to legislate. You don't give the power to three or four people to go into a room, to take out an important provision, to then put in an important provision, to not give anybody time to read it, and then say you are surprised that there might be something goofy or embarrassing in the piece of legislation. So, basically, anybody who voted for the stimulus bill voted to give millions of dollars of bonuses to AIG officials and to everybody else.

Now, when they found out and people were embarrassed—and we went through this political theater last week, a charade—a lot of people got up on the floor and said, “We want our money back.” You know, “give us our money back.” So they used the Tax Code in a way that I have never seen, which said we are going to tax these bonuses at 90 percent. That was their fix. You know, even that fix is—I will use the word—“stupid” because it is only 90 percent. So the top guy at AIG got a \$6.4 million bonus. Even under their fix, he still gets to keep \$640,000. They are either entitled to some money, to all of their money or to none of their money. There is this notion that we fixed it and that we were mean to these people in that we only let them keep \$640,000.

You know, the gentlelady, Ms. FOXX from North Carolina, a person who works in my district outside of Cleveland, Ohio who makes \$40,000 a year would have to work for 16 years to make \$640,000.

Anyway, we had a lot of fancy speeches, and people said, “We are going to fix it.” So we have been talking for 2 weeks, Madam Speaker, about how it happened, and nobody is willing to take responsibility. I mean, obviously, the thing, you know, didn't just drop down from the sky, and one paragraph goes out and this paragraph comes in. Somebody had to do it. We started last week with a number of our colleagues, and we said, you know, there are 435 Members of Congress.

There are 100 Senators, and so we started with 535 suspects.

□ 1330

Through good detective work by a lot of my colleagues, we have been able to narrow that down because sadly, not one Republican was invited in this room where this deal was cut. So you can take out all 178 Republican Members of the House, all 38 Republican members of the Senate. And then we continued to cram it down.

And we have had public statements from a number of people. There was a report by CNN's Dana Bash that this thing was hashed out over 8 hours. And the President's chief of staff was here and the President's director of the budget was here. And so while we got down and eliminated a lot of Members of Congress, we had to add some people.

So, Madam Speaker, what we have arrived at—and this was one of the favorite games that I played when I was a young person, and I enjoyed very much playing it with my children, and I bet a lot of people in America have played the game of Clue. With apologies to our friends at Hasbro, we now find ourselves with the sad situation where somebody put into this bill the authorization to pay out these millions of dollars of bonuses to AIG and everybody else, and now we're shocked.

Well, those of you who play the game of Clue know you need to have a suspect—or the person that committed it—where it happened—in the House—and what the weapon was.

Now, we started with a great advantage here because we didn't have to go lead pipe, wrench, gun, all of that other stuff. We know the crime was committed with a pen. So we're one-third of the way home. We also have the rooms located here in the Capitol that indicate where activity took place. And I will tell you that we're not there yet, and we really are seeking the person that did this. Just come forward. Just tell us you did it and we can move on to something else. And then maybe you can tell us why you did it, and we will be happy.

But the reports indicate, first of all, they were all pointing to the senator from Connecticut, Senator DODD. And why? Because he was the Chairperson of the Senate Banking Committee, and he is the person who has made some observations that his staff put it in at the suggestion of somebody else's staff and so forth and so on. And I don't know. But it went to him.

But I am not really suspecting Senator DODD because I think he has a vested interest in making sure we clean this up. And, you know, when there is a mystery and you can't solve it, people begin to speculate and people begin to pass out nasty rumors and you become the subject of rumors.

And two rumors that have coordinated around Senator DODD that makes

people think, well, he must be the guy. Well, one, is he is the largest recipient of campaign donations from AIG and their executives. And that makes some people say, "Well, of course he did it. He's paying back AIG." I don't think that's true.

Second, there was a second report in the Hartford Courant this week that his wife was employed by a subsidiary of AIG. So that causes the tongue waggers to say, Hey, you know what? We really think it's him.

But, Madam Speaker, I am a big fan of Agatha Christie novels. And the great thing about those novels is you read them, you always think it's the butler and you get to the end of the book, it's not the butler. So I really don't think it was Senator DODD who did this.

The other folks that we have listed here—and I am also ready to give up on the distinguished chairman of the Ways and Means Committee, Mr. RANGEL of New York. And I think the only reason that we have him here still is was he was quoted coming out of the room—because he was in the room—but when he came out of the room, he said, "It's very frustrating when the Congress is run by only three people." So I think since he's expressing disappointment by that, I don't think he's one of the three people that actually got it done.

Press reports indicate there was shuttle diplomacy between the Speaker's office and the Senate leader's office, and that's why we have the distinguished Speaker of the House, NANCY PELOSI of California, and the distinguished majority leader of the Senate, Mr. REID of Nevada, over there. And these are their offices.

And we are told that these two people—well, we will start with this fellow. He used to serve with us in the House. He is a fine fellow. He is now the President's chief of staff. His name is Rahm Emanuel from Illinois. And he was here for 8 hours shuttling back and forth between these two offices. And so is this fellow, who may not be as familiar to the Members as Mr. Emanuel, that's Peter Orszag, who happens to be the budget director for the new administration.

So we know from events that a lot of shuttling back and forth over an 8-hour period between these two offices, a deal was eventually struck, this language is inserted, the Snow White language is removed. And the problem we have is nobody will say they did it. And I think that that is a sad state of affairs. I think whoever did it should come forward and tell the American people you did it. Because whoever did it embarrassed—anybody that voted for the stimulus bill has to be embarrassed by the fact that they authorized the bonus to AIG.

Ms. FOXX. Would the gentleman yield?

Mr. LATOURETTE. I would be happy to.

Ms. FOXX. But no Republicans need to—in the House—need to be embarrassed, right, because none of us voted for this.

Mr. LATOURETTE. Well, the gentlelady is right. And that's why we have really done some hard work. I have to give credit to a lot of my cohorts on this. They've really done a lot of work from going from 535 that I think we really are down to these 6 and 7 people.

I should explain the question mark down there because the Secretary of the Treasury has twice appeared before the Financial Services Committee and given testimony. And when asked directly who did it, he said staff at the Treasury communicated with staff and Senator DODD's office. Now, listen, that is the biggest "what, are you kidding me?" I've ever heard because staff can't write legislation, the Treasury can't write legislation. Members of Congress write legislation. And to hide behind the skirts of some unknown, unnamed staff member I think is a tremendous act of cowardice, and so just come out.

But I put the question mark there because that question mark we hope to eventually fill in with the staffer at Treasury who apparently is somehow involved. All we're going to ask that staffer is, "Who told you to do it?" It has to be somebody in power. It can't be the staff got together and said, "Hey, I got a good one. Let's give out some bonuses to AIG." So we are going to continue this quest.

But the point in your special order that I just wanted to raise is that we have this budget next week. And this bill where this horrible thing happened only—and I can't believe I have been in Washington so long I can say "only spent a trillion dollars," the proposal next week on the floor proposes to spend \$3.6 trillion.

And I would just hope under the straight-faced test, can I look at myself in the mirror when I wake up in the morning, that whoever is in charge, whoever happens to be in the next room where this is being negotiated says, You know what? I've got a novel idea. Why don't we let everybody read the bill, understand the bill, so we can have an intelligent debate on the bill. And when it goes to the conference committee and it goes in these rooms and there are only five or six people involved, maybe you check back and say, "You know what? I have made this change. Here's why I made the change. I hope can you go along with it."

But this back door, backhanded sneaky stuff, it doesn't belong not only in the United States Congress, it doesn't belong anywhere.

So I thank the gentlelady for yielding, and I would enlist the gentleman from Georgia, the gentleman from Pennsylvania and the gentlelady from

North Carolina as junior sleuths. And we will continue this discussion next week, and we're going to find out who did it, what room it happened in, with the pen.

I thank the gentlelady.

Ms. FOXX. I want to thank the gentleman from Ohio for coming up with this very innovative way of describing this process, and I hope that the folks who created the game Clue are going to appreciate that there may be a revival of interest in it and that our young folks who are listening will look up the word "sleuths" and if they don't know that word, it's a good word to learn today. I advocate young people learn one word every day, and they can join us as sleuths and perhaps become identified with what we are doing here in terms of figuring out who is spending all of this money, who is putting these items in these bills that nobody has a chance to read because they are coming up at the last minute. They have to be done right now, and if they are not done right now, the world is going to come to an end.

But I know that our colleague, Mr. THOMPSON from Pennsylvania, is going to be sharing some great insights with us about the budget and, again, other activities that we are doing. He has just joined the Congress in this session, but he's already making a great name for himself in terms of presenting items on the floor and doing hard work as a Member of Congress.

So I would yield the floor to Mr. THOMPSON from Pennsylvania.

Mr. THOMPSON of Pennsylvania. I thank the gentlelady for yielding me some time here.

Obviously, today there are serious concerns about the President's budget, a budget that borrows too much and spends too much and taxes just way too much.

Prior to my running for Congress this past year, I spent 28 years in the health care business. And one of the first things you learn in the medical profession is "do no harm."

So, Madam Speaker, I come to the floor today to speak briefly about the harm the President's budget will cause back in rural Pennsylvania. My rural district is much like the heartland of this country. Mom-and-pop shops, family farms, small businesses. Just run-of-the-mill folks looking for a fair shake.

So in evaluating the President's budget, I asked myself one question: will this proposal help or hamper the economic growth in my district. And truth be told, it didn't take long for me to answer this simple question.

Increasing taxes on small businesses, as this budget proposes, will penalize the very segment of the economy that is best equipped to get us back on track. Small businesses are creating 7 out of every 10 jobs. They are the backbone of rural America. They are the

farmers that harvest much of the food that we eat. They are the small, independently owned energy companies whose employees go to work each day with the goal of achieving American energy independence. They are the independent truckers that haul the goods that we consume.

You see, Madam Speaker, these are not Republican or Democrat jobs, but they are jobs that are at risk of being eliminated if this budget proceeds as currently written.

The President's new cap-and-tax energy policy, which will inevitably drive up the cost of every manufactured and processed good we consume, will increase utility bills and will cost more just to fuel up at the tank and will devastate rural America.

Madam Speaker, oil was discovered in my district 150 years ago. We are also home to the most promising natural gas play in the country and the third largest in the world. Many of my constituents make a living by harvesting the natural resources that we are blessed with. These same natural resources, I may add, that are used to build windmills, solar panels and bio-refineries.

You see, without natural gas and oil, there would be no windmills or solar panels. These very natural resources are the key feedstock in manufacturing the next generation of clean energy sources.

So we should celebrate the American energy industry, the fuels that made this country what it is today, the fuels that will serve as a bridge to the renewable energy future; not penalize it, as does this budget that the President proposes.

All is not lost, however. The Speaker will have an opportunity to allow fruitful debate and deliberation next week when the budget comes to the floor. House Republicans will put forward a budget proposal that offers smart government solutions and address the very issues I've laid out.

The American people are hurting. The economy is on life support. And if the Democratic leadership asks themselves this simple one question—will this budget help or hamper economic growth—they will come to the table and work with Republicans to find a reasonable compromise for the good of the entire country.

Mr. GINGREY of Georgia. Will the gentleman yield for just a second?

Mr. THOMPSON of Pennsylvania. I certainly will.

Mr. GINGREY of Georgia. I appreciate the gentleman yielding to me because I had some interesting statistics that follow right in with what Representative THOMPSON was talking about.

And in regard to those small businesses in his district, I think he described his district is very much like mine in northwest Georgia.

But just before we started this hour with Ms. FOXX controlling the time on discussing this budget, I had met with a good friend from the American Chemistry Council, and we sat down. He talked to me about this budget, this \$3.6 trillion budget that borrows too much, spends too much, it taxes too much.

And he said, PHIL, let me just tell you what this does to jobs that are—business are part of the American Chemistry Council membership. But in your district, the 11th of Georgia, we're talking about 1,500 direct jobs and 95,000 indirect employees of the chemical industry in the 11th District. And he was talking about the same thing Representative THOMPSON was talking about in regard to that energy tax, that hidden energy tax. And this business in chemicals and plastics, they are very energy dependent.

And then on top of all of that, this cap-and-tax where the President is trying to get \$600 billion to spend on education and a single-payer health care system and green energy, it's really hurting these small businesses that depend on electricity. And there is a Superfund tax of \$2.8 billion over 2 years. They do a lot of things with accounting that hurts small businesses.

But I just wanted to—because it's so important. It goes along right with what is going on in western Pennsylvania.

I appreciate the gentleman for yielding, and I will yield back to him.

□ 1345

Mr. THOMPSON of Pennsylvania. I thank the gentleman for his remarks. The fact is, it sounds like our districts are very similar, and we're hurting right now, and we need leadership, leadership with a vision for smart government solutions, and that's not what I'm seeing with this proposal coming forward next week from the President.

With that, I thank the gentlelady.

Ms. FOXX. I thank the gentleman from Pennsylvania for coming and sharing his perspective. As he indicated, we all represent small businesses. We all represent people who are struggling in this country. Middle class families and small businesses are making tremendous sacrifices when it comes to their own budgets. They're learning to live within their budgets, but Washington continues to spend trillions in taxpayer dollars on bailouts and other government programs.

We have people up here who are so out of touch with the American people. Some of them never go home. Some of them have been in Washington 50 years. A vast majority of the majority party has been here for a long, long time. Many of them have parents who served in Congress. They really are out of touch with the average American, and I think it's extraordinarily unfortunate.

I'd now like to yield some time to our distinguished colleague from Michigan, the chairman of the Policy Committee, Mr. McCOTTER, who always has an interesting perspective to bring to us and usually some words we have to look up in the dictionary to see exactly what the definition is.

Mr. McCOTTER. I thank the gentlelady. I will try to not use any words that anyone finds indecipherable or offensive.

One of the reasons that we are here today addressing this budget is tied directly, intellectually, to the Clue game that our colleague from Ohio (Mr. LATOURETTE) put forward.

In trying to find out who put into the stimulus bill the AIG bonuses, protections, and approvals, we are getting to the heart of what type of policy we can expect from this administration. Do we have an entrepreneurial, humane economy or do we continue to go with the too-big-to-fail model that has already failed and cost taxpayers hundreds of billions of their dollars? This AIG amendment clearly shows that the mistakes that were made last fall with the Wall Street bailout are being perpetuated today. We cannot have this.

The reason our economy is recessed is because of misfeasance and chaos within our financial institutions. Today, the budget that we have before us of \$3.6 trillion sends the signal to the American people not just that it borrows too much, not just that it spends too much, not just that it taxes too much, but that the misfeasance and chaos, the collapse of the financial markets, is on the verge of collapsing our political institutions.

The dot.com bubble which hurt so many people was, as we know now, replaced with a housing bubble. This housing bubble has collapsed. This budget is an attempt to replace the housing bubble with a government bubble, a bubble in the trillions of dollars of taxpayers' money. And when the government bubble breaks, as inevitably it will, where will we be?

We have to get back to commonsense priorities, not only in our political institutions, but within our financial institutions. And one of the fundamental concepts has to be that responsibility will be encouraged and rewarded here, irresponsibility will not be.

So to see the situation in our country, a very dire one economically for so many, including those in my home State of Michigan who have experienced 12 percent unemployment, for them to see this institution believe it can simply spend trillions of dollars to get us out of this situation tells them that their government is on the verge of making chaotic, shortsighted, long-term, injurious decisions. And you can see this in their comments to my office, and I'm sure my colleagues can see this in their comments to you.

They want order, sanity, justice, equity restored not only to these finan-

cial institutions that failed but to the political institutions that are supposed to work for them. And yet as we watch proposals to go through to allow too-big-to-fail to continue to be the operative theory, we are on the verge of seeing the United States government too-big-to-succeed.

Big government does not stop chaos. Big government is chaos. And with the expansion in the trillions that is proposed today, we can talk about the items such as cap-and-tax that will hurt my blue collar and white collar people in the manufacturing industry; we can talk about how all those costs will be passed on to hard pressed consumers to shrink their family budgets for consumer goods that have had this tax added on and passed on or into their home energy prices at the very worst time for them; we can talk about abstract numbers and deficits. But let us be clear, the American people know that this is an irresponsible budget and that in a very chaotic time all it will do is increase the chaos around them that threatens their hearths at home.

We have to stand firm. We have to say "no." We cannot borrow and spend our way out of prosperity. We cannot tax our way into prosperity, but we can do the opposite.

And I would encourage all Members of this caucus, this Congress, to remember one thing: our prosperity is from the private sector, not the public sector. The corporations are pass-throughs for taxes. They do not pay them. They collect them from you. And the more we allow the private sector, individual, hardworking men and women to have to pay more for the cost of government, the longer it is going to be before we can hand to our children the Nation's greatest economy on earth which we inherited and which today we have to preserve for them.

I thank the gentlelady for the time.

Ms. FOXX. I thank the gentleman from Michigan for his comments, and I actually had a constituent come to me this week and say what do you think about the phrase "America, too big to fail"? That's a scary notion because that phrase has been used for these agencies and institutions that have been failing, and it is scary for us to think about that.

This is the greatest country in the world. We have been extraordinarily successful by being very prudent in the way that we spend money. For two centuries, Americans have worked hard so their children could have better lives and greater opportunity. Democrats now want to reverse that order by having our children work hard so we don't have to make the hard economic choices now that need to be made.

It is a terribly cynical approach to governing, and it is one that I can hardly believe we've come to in this country. But it appears to be that way, and I thank, again, Mr. McCOTTER from

Michigan for always putting things in a very strong philosophical light to make us think about them in the larger order. And of course, we always need to think that way. I'm very grateful to him for doing that.

I now want to yield back to my colleague from Georgia for a few more comments about where we are, and then I will wind up our Special Order for today and hope that we give the American people a lot to think about this weekend.

Most of us are going home to our districts where we'll be dealing with our constituents. They will be telling us how this budget's going to affect them and what's happening to them on a day-to-day basis, and this is the kind of thing we always need to stay in touch with.

So I yield to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Once again, Madam Speaker, I thank the gentlelady from North Carolina, my good friend, VIRGINIA FOXX, and thank her for bringing this information to our colleagues on both sides of the aisle because here it is, late Thursday afternoon, but we will be right back here on Monday and probably be in session next week until maybe even Friday or Saturday—I think it's possible we'll be here until Saturday—to try to pass this House version of the budget.

I'm very hopeful that there will be some significant cuts, as Mr. SPRATT, the chairman of the Budget Committee, brings that budget to the floor for a vote, and I hope there will be an opportunity for a Republican alternative. Certainly, we have a very good Republican alternative. I think there was a press conference on that today led by JOHN BOEHNER and PAUL RYAN the ranking member on the Budget Committee.

We need to make sure that all people are represented in this people's House, and, hopefully, we will have a good debate next week and come up with a budget that's more reasonable than what the President has sent over here that was drawn up by his economic advisers, Christina Roemer and Larry Summers and, of course, Peter Orszag, the OMB, Office of Management and Budget, director. Our Congressional Budget Office, bipartisan to the core, said that his predictions of the amount of deficit were \$2.3 trillion short.

And before I yield back to Ms. FOXX, I want to just talk about some of the things in that budget that almost are incredulous.

You know, Madam Speaker, this weekend I guess starting what, tonight, we go right back to pick up, as we go home—and I'm sure lots of folks across the country will be enjoying March Madness as the Sweet Sixteen gets down to the Final Four late Sunday afternoon. So this March Madness is wonderful for sports fans, and I know

that President Obama is a big sports fan, in fact a big basketball fan; but I have had people in my district say there is no place in Washington for March Madness, but that's exactly what we're looking at in regard to this budget. I mean, it's unbelievable.

Listen to this, Madam Speaker, in regard to increasing taxes during a recession, preposterous. Total tax increases during this recession over the next 10 years, \$1.4 trillion; taxes on small businesses—which by the way we all know, nobody disputes the fact that they create about 75, 80 percent of the jobs in this country—this cap-and-tax, or cap-and-trade as President Obama calls it, this is a hidden tax of \$646 billion on every man, woman, and child in this country. It causes the energy costs, electricity, natural gas, it just goes up, and it's a hidden tax.

But every month, the middle class, the small working people, the small businesses are paying that tax so that we can take that money, put it in a reserve fund and pay for national, government-run health care, which I quite honestly think that the people of this country spoke loud and clear, Madam Speaker, back in 1993-94 when they totally rejected HillaryCare.

So, you know, we do need to reform health care, and we need to have our market-driven system improved. And we're all for that on this side of the aisle and reduce the number of uninsured, and we can do that without giving a blank check to the Federal Government.

But I could go on about some of these taxes, but I know Representative Foxx, who's leading the hour, has a number of things that she wants to talk about in the final 15 minutes or so. So I just want to thank the gentlelady for letting me join her, and I look forward to seeing her back next week as we try to bring some sense into the budget process.

Ms. FOXX. Well, I thank the gentleman from Georgia for his help on this Special Order. I think that having a variety of folks come in and speak about this issue is much better than having one talking head here. We have lots of different perspectives. We come from different experiences. I think that's very important to us.

But I want to summarize some of the things that we have been talking about, and frankly, I hadn't thought about using the term "March Madness" for what's going on, but I certainly do think it's an appropriate term for the proposals that have been made for this budget.

But I want to again reiterate some of the things that have been said before. This budget will give us the largest tax increase in the history of this country. It will be more borrowing than all the other Presidents have proposed in the history of this country.

□ 1400

If you take every President from President George Washington to President George W. Bush, what President Obama has recommended and what the Democrats have endorsed in this Congress is going to create more gross debt in 10 years than all the other President's combined. That is a pretty staggering thing to think about.

Thomas Jefferson was a very wise man. He's represented here in this Chamber. We have a lot of folks in the gallery today. I'll point out to you that around the top of the House there are these profiles of people. All of them are ancient lawgivers except two. Behind me, over the Speaker's podium, there are two Americans—Thomas Jefferson to my right and George Mason to my left. The rest are ancient lawgivers—with Moses being over the center door in full face.

We honor Jefferson in this country. The Democrats supposedly honor Thomas Jefferson for his wisdom. But this is what he said—and they have certainly forgotten this—"I sincerely believe that the principle of spending money to be paid by posterity under the name of funding is but swindling futurity on a large scale." Thomas Jefferson, 1816.

Our Founders understood this. They wanted a small Federal Government, not one that would oppress the people, not one that would give us huge tax increases and take money from the people. They can spend better than the government can spend it. That's what Thomas Jefferson believed in—and I believe in that—and I'm so sorry that the Democrats have forgotten the lessons he taught their party and taught our country.

Another thing in this budget is a new energy tax that will cost every household up to \$3,128 annually. The President promised tax cuts. There's going to be about \$600 in tax cuts given to the average family. But, in exchange for that, they're going to be \$3,128 more for energy. It doesn't sound like a good deal to me. It's also going to cost American jobs.

We know the cap-and-tax plan, in addition to all these taxes, are going to cost jobs, because the majority of the tax increases are going to fall on small businesses. They're not going to be able to keep being the engine of job creation that they have been.

There's going to be a new tax on charitable giving, which could cost American charities at least \$9 billion a year. The cynical attitude behind this is: We don't need the private sector doing all these things. We're going to take your money because government knows how to spend the money better.

In fact, it will destroy many charities in this country that are doing wonderfully good things. But it will hurt them and, in some cases, destroy them, all in the name of having the government run our country.

Some people have said that this sounds a lot like Animal Farm. I would say to people: If you haven't read 1984, if you haven't read Animal Farm in a long time, or, if you've never read them, get them out and read them and think about what's happening in this country as it compares to what was written in those books.

This will be the highest level of borrowing ever. It's going to be unchecked spending, which will result in borrowing hundreds of billions of dollars from China, the Middle East, and other nations that own our growing debt.

As I said earlier, for the first two centuries of this country, Americans have worked hard so their children could have better lives and better opportunities. Democrats want to reverse that order by having our children work hard so we don't have to make the hard choices now.

Let me show you another chart here. Again, you don't have to take my word for it. I can show it to you graphically.

This is going to be doubling the debt held by the public. Look how those numbers go up. This is what it was under Republican control of the Congress and a Republican administration. This is what it is under Democratic control.

According to the CBO, President Obama's budget would add \$9.3 trillion to the national debt. This will lead to unprecedented borrowing, with debt held by the public increasing from 41 percent of GDP in 2008 to 82 percent of GDP in 2019. We have never seen that kind of debt, even in wartime.

In 2010, the budget's going to spend \$172 billion on interest on the national debt. Just think about that—\$172 billion just on interest. It's going to be piling up more and more debt and less money to spend on real priorities.

This is not the way for America. Putting our children and grandchildren into debt is wrong.

After we had the bailout last fall, I went home and I was taking my grandchildren to school and they said to me, "What were you doing in Washington? We know you were up there, you came back, you went back." I said to my 12-year-old grandson and 9½-year-old granddaughter—I said, "Well, what the Congress just did was put you, your children, and your grandchildren into debt for more money than you're ever going to be able to pay off." And my 9½-year-old granddaughter Rana said to me, "Grandma, why do you want to put little children into debt? I said, "Rana, I don't. That's why I voted 'no.'" That's why most Republicans voted "no."

We understand what's happening here. We don't want to do this. But what is about to occur here is even worse than what happened last fall, even worse than what happened with the stimulus. These people are going headlong in because they don't want to



take the responsibility to do what needs to be done now—trim spending and make tough decisions.

Somebody said the other day that we're pretty soon going to be like Argentina, because the Federal Reserve is printing dollars trying to get the economy stimulated. The government's spending, spending, spending. We're pretty soon going to go into a situation where we're going to look like a third-world country.

I don't think that's what most Americans want. Most Americans love this country, they want us to continue to be the greatest country in the world, and they want us to continue to be successful in what we do. They want us to leave a country that is good and economically and fiscally healthy to our children and our grandchildren and to our posterity.

That's not the direction the Democrats are taking us. They cannot blame this on the Republicans because they have been in charge of the Congress since January 2007. They started the spending going that way.

The President, who's promised so many good things and led the American people to think that he would be a moderate person and who would bring good change to this country, is bringing change, all right—the kind of change that is going to lead us down a very, very dark path and create problems that will take a long, long time for us to fix.

So I want to say to my colleagues on the other side of the aisle that this is the wrong thing to be doing. You've been cramming things down our throats and down the throats of the American people for the past 2½ months. This is not the direction this country should be going in.

We need to be fiscally responsible. We need to remember our oath to the Constitution. We need to be looking after this country and the people who elected us here to do that.

With that, Mr. Speaker, I yield back.

#### CONGRESSIONAL PROGRESSIVE CAUCUS

The SPEAKER pro tempore (Mr. POLIS). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Maryland (Ms. EDWARDS) is recognized for 60 minutes as the designee of the majority leader.

Ms. EDWARDS of Maryland. Thank you, Mr. Speaker. I am pleased to rise today to speak on behalf of the Congressional Progressive Caucus about the importance of the Employee Free Choice Act.

First, I want to thank Representatives LYNN WOOLSEY and RAÚL GRIJALVA for their leadership as cochair of the Congressional Progressive Caucus. Each week we come to the floor to speak to the American people about important progressive values that we share.

I want to thank also Chairman GEORGE MILLER for his strong leadership on the Employee Free Choice Act and for being a stalwart champion for working people throughout his impressive career. I feel fortunate to consider Chairman MILLER both a friend and a mentor, and especially when it comes to workers rights.

It's time for us to set the record straight about the Employee Free Choice Act. Due to the well-funded opposition campaign by corporate interests, a lot of misinformation about the Employee Free Choice Act has filled our airways, our newspapers, and public discourse. Well, it's time for that to stop. Let's set aside the myths and talk about reality.

First, to fully understand the importance of the Employee Free Choice Act, an appreciation of the history and context of organized labor in America is a prerequisite. In 1935, the Congress passed the National Labor Relations Act. The purpose of the legislation, as stated in the text, was to protect "the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection."

Now I know a little bit, but not a lot, about organized labor. What I do know is that for my grandfather, for his father, for my mother, the importance of organized labor and the labor movement was actually to move people into the workforce, into good-paying jobs with great benefits and to be able to work into the middle class. This was important for my family and it's important to families all across this country.

As a direct result of the act, many decades went by where workers successfully formed unions without interference by employers.

Now, to be sure, let's celebrate the tremendous courage of workers across this country and throughout history who stood up for their rights—stood up for their rights to good benefits, stood up for their rights for good wage, stood up for their rights for working conditions that were safe in the work place.

Over the last decade, the National Labor Relations Board elections have fallen by 50 percent. For instance, in 2007, only 30,000 workers actually gained collective bargaining through the National Labor Relations Board certification. This precipitous decline is due to many companies fighting the National Labor Relations Act at every turn and the unfair labor practices of many businesses.

The instances of businesses taking or threatening to take punitive actions against employees who attempt to organize have, once again, Mr. Speaker, become all too common. In fact, in a recent survey report, 79 percent of

workers were likely or very likely or at least somewhat likely to be fired for trying to organize a union. Fired for trying to organize a union. Fired for trying to organize collectively to fight for themselves and working families in this country.

In 25 percent of organizing drives, at least one worker is lawfully fired for a union activity. Can you believe it—in America you can be fired for trying to organize collectively for good benefits and strong wages and safe working conditions in your workplace? Yet, this is exactly what is happening to workers across this country right here in the United States.

As you can tell in the current business climate that is rife with fear and intimidation, workers are rightfully afraid to engage in union organizing—afraid to engage in working with their fellow employees to fight for their rights as workers.

Recently, over 150 historians wrote a letter to all of us in Congress expressing their support for the Employee Free Choice Act. As they note—and I want to emphasize—the Employee Free Choice Act is necessary as a direct result of the erosion of good faith actions of employers against their employees organizing and forming a union. It is a public policy response to those who have been fought against in the workplace. It's a public policy response on behalf of workers in support of their right to organize and form a union. This climate of fear hasn't existed in our Nation for many years. Unfair labor practices were originally mitigated by the National Labor Relations Act.

□ 1415

But, once again, our Nation's workers need our help. We must pass the Employee Free Choice Act in order to break down the barriers to organizing created by far too many employers.

Now, not all employers are working against workers. In fact, there are many employers who are working with workers who are organizing collectively to bargain for their rights. But there are some really bad actors in the system, and the Employee Free Choice Act aims to clear up the bad actors.

Mr. Speaker, next I believe it is important to address the myths that have been perpetrated by businesses determined to deprive workers of fundamental rights, and there is a lot of mythology out there. The most widely repeated and factually inaccurate statement about the Employee Free Choice Act is that it would abolish the secret ballot election. You have heard it on the news, you have seen it in the television advertising, but it is nothing more than a public relations stunt to turn the American workforce against organized labor. So let's clear it up.

The fallacy was actually originated by public relations campaigns financed

by corporations determined to defeat the Employee Free Choice Act. And even more frustrating, it has been widely reported as the impetus behind former supporters flip-flopping on their Employee Free Choice Act position; that is, against workers. This myth is repeated daily by the media outlets, opponents, and former supporters, and it is just plain wrong.

The process these critics are referring to is the National Labor Relations Board Election. But the reality is, is that it is about the employees' choice about what kind of election, what kind of choice they want to make. Under the Employee Free Choice Act, the election process is preserved. The mythology is wrong.

Under the Employee Free Choice Act, it would enable the workers simply to access a different method, an alternative method to form a union, through majorities signing up saying that they want a union and that they would prefer that kind of process. Under current law, workers can only use the majority signing up on a card process if the employer agrees.

Now, this is a fundamental worker's right to choose what kind of election they want. That is what the Employee Free Choice Act is; it is about freedom of choice on behalf of the workers to choose the kind of process they want to form a union or not. So it doesn't destroy the ballot process. In fact, workers could elect still, under the Employee Free Choice Act, for a secret ballot, or they could elect to sign up with a majority signing up for a union. The difference is that they can't be coerced by employers. So there are many myths that have permeated the recent dialogue. I want to take a moment to address each of these individually.

First, the first myth is that the secret ballot election protects workers' democratic rights. The fact is that the National Labor Relations Board election process currently fails to satisfy the most basic standards for a free and fair election. In these processes, the employer has total access to the employee. The employer can coerce, can show videotape, can do all kinds of things to keep employees from signing up to form a union. The workers, on the other hand, have very little access to their fellow employees to help to organize them.

Secret ballots in themselves don't guarantee fair elections. We have all seen that. There is nothing that is so sacred about that secret ballot process when it comes to a union election. So we want to create a process by which employees can choose how they want to form a union, employees can choose how they want to organize collectively for their own benefit.

So the standard procedure in the National Labor Relations Board—and I will just yield for a minute to my colleague who organizes our Progressive

Hour. I will yield to my colleague from the great State of Minnesota to have some dialogue about the Employee Free Choice Act and about the benefits to organizing for workers.

Mr. ELLISON. Will the gentlelady yield?

Ms. EDWARDS of Maryland. Yes.

Mr. ELLISON. I have a question for you about the Employee Free Choice Act. Is this a proven idea? You know, this idea of a card check, of getting a majority of the workers to sign up and then have the union recognized, has this been tried anywhere before? I yield back.

Ms. EDWARDS of Maryland. Employees, actually, in a number of countries around the world that have unions that organize, workers who organize to form unions in fact use this process, and it would not be an anomaly to the United States to use a majority sign-up process. Indeed, here in this country workers have done that as well.

So what we are doing with the Employee Free Choice Act is we are actually codifying the ability of workers to decide how they want to organize.

Mr. ELLISON. In my own city of Minneapolis, the management of the city reached out to the workers and said, if you all want to have a card check in order to get your union recognized, that is the process we will go by. I can list a number of employers who have voluntarily done card check, and it has not harmed these companies. In fact, as you pointed out, Congresswoman, there are a lot of American companies that have very good relationships with their workers that are humming along and making profit right now. So there is no reason to believe that if we make the Employee Free Choice Act law, that it would in any way undermine any productivity.

May I ask you another question, if I may?

Ms. EDWARDS of Maryland. Reclaiming my time, I would like to say to the gentleman from Minnesota that in fact if we study what has just happened recently with the auto industry—and many Americans have been looking at the business pages and the front pages about the trouble that American auto workers and the industry face right now. Those employees and employers sat down and bargained in an agreement about benefits, about wages, about working conditions. They came to an agreement. And it wasn't as though it wasn't a hard-fought agreement. Some of these are difficult-to-win agreements. But they did.

Then, when it came time that the auto industry was facing troubles, the auto industry and the union appeared together before the United States Congress, and workers sat down at a bargaining table again and were willing to make the kinds of concessions that you actually might not have gotten if you had to coerce them; but, in fact, they

had to come together to work on an agreement that would help preserve the industry.

This is the benefit of collective bargaining. This is the benefit of having an equal voice for workers as we have for employers.

Mr. ELLISON. If the gentlelady would yield, I want to ask you a more fundamental question. Are unions good for America? I yield back.

Ms. EDWARDS of Maryland. You know, I come from a family of union workers. My grandfather and my great grandfather worked in the coal mines of West Virginia, where they didn't enjoy the greatest protections in that coal mine. My grandfather in fact ended up dying of a respiratory disease. And I think that today, the reason that our mine workers enjoy protection, the reason that our auto workers enjoy protection on those assembly lines, the reason that workers like my mother many years ago in a cannery in California enjoyed protection for safety considerations and for wages and benefits was precisely because they were enabled to organize as a union.

So companies that have unions that are organized in their workplace actually do enjoy profits, unlike others. There are incentives for employees to stay at a workplace and to develop loyalty to that employer precisely because they struck a deal.

So workers are not just a good benefit for organizing and unions aren't just a good benefit for workers. As my colleague knows, organizing and unions are actually good for employers, they are good for economic growth, they are good for productivity. And that is why here in the United States over this last decade, as we have seen this really precipitous decline in union membership, we have also seen a real flat-lining of wages, a flat-lining of benefits. In fact, the American workers has lost so much in wages and benefits over this last decade that one might argue in fact that it is precisely because they are not organized together to form a union to lobby and negotiate on their own behalf for benefits that we have seen this decline. And I would yield to my colleague.

Mr. ELLISON. As I might point out, Congresswoman and Mr. Speaker, the fact is that having a union creates labor peace. We don't have costly strikes, lockouts. We have labor peace. We make an agreement, and everybody sort of—we have a refined orderly way to resolve conflict. And as you pointed out, sometimes these conflicts over a bargaining table are tough struggles. Nobody is expecting to just give anything away, but there is an orderly way to resolve issues. Turnover, which is a definite killer for productivity, is reduced when you have a union in place.

Unions tend to promote reliability. You have a place to go, you can go to your shop steward if there is something

you think isn't right. And it provides a way for real stability on the job. Also, I think it is important to say that a lot of unions have training programs of their own, which it shares the burden with the employer.

So unions have been good for many employers and have been good for America. Union workers earn 30 percent more than nonunion workers. And when it comes to African American unionized people, they earn 56 percent more than nonunion African Americans. Women benefit from being in the union. Upwards of 40, 50 percent of women who are unionized make that much more than women who are not. Pensions, medical benefits. It is good to have a union job. Everybody knows that. And unions have not contributed to economic demise of any community or our country. In fact, unions have brought labor peace, unions have benefited our country in a great way.

And I just might add, before I turn it back to the gentlelady from Maryland, Congresswoman, I will never forget the image of Walter Reuther, the great UAW leader and Martin Luther King walking down Woodward Avenue in Detroit. I will never forget that when Martin Luther King went to his reward on April 4, 1968, he was at a union. He was standing up for garbage strikers, sanitation workers who were on strike because they were paid poorly and in unsafe working conditions and were dealing with these issues. And it is important to remember that the union won that strike.

So unions have contributed to the life of America. Unions have done a service for our great country. And so I think it is important that we point that out as we talk about the Employee Free Choice Act. And I yield back.

Ms. EDWARDS of Maryland. And to my colleague from Minnesota, first, thank you for your leadership and organizing this time when we can speak to the American people about important progressive values.

You know, in the days that exist currently, in the old days, these standard Union Labor Relations Board elections have included a lot of practices that really that are hard-felt and hit workers in a very unfair way.

For example, employees have no right to free speech in the process. Employees can't access media in the process. Employees don't have protection against intimidation and one-on-one interviews with their supervisors where they could believe that in choosing a union it would jeopardize their jobs. Workers are regularly forced to attend anti-union meetings. Well, the union doesn't and the workers trying to form a union don't get that same kind of access to employees. So it is really an unfair process that exists currently.

So what Chairman MILLER and all of us in Congress who really want to see

employees with the free choice, the right to choose a union do so because we are interested in workers freely making their own choice about their workplace.

Mr. ELLISON. Would the gentlelady yield?

Ms. EDWARDS of Maryland. I will in just one minute. But we want to know that we want workers able to attend meetings where they can discuss the values and the value of organizing in a union, where they could discuss the prospects for them ahead in wages and benefits and working conditions. And this can only take place in a context where those trying to organize a union have as much access to workers as the employer does.

And I would yield to the gentleman.

Mr. ELLISON. I have heard this term, "captive audience," as I have discussed the Employee Free Choice Act, and heard stories about how, when the union drive was going on, that the employer can make it a condition of a worker's employment that they show up at a meeting where they give anti-union messages. Is this really true?

□ 1430

Is this really true? I yield back. Does this happen in America?

Ms. EDWARDS of Maryland. Reclaiming my time, I would say to the gentleman that what happens in a workplace can sometimes be a little innocuous. And so it may not be a direct threat. But if your employer is sitting with you, next to you while you're reading a union flier about organizing a union in your workplace, that is a little intimidating. If a decision by the employer about handing out raises is coming along and you're one of the workers trying to organize a union, you might believe that in doing that you may not get a raise, very intimidating, or that you may be under threat of losing your job entirely.

These are not stories that are made up. These are cases that came before the National Labor Relations Board every single day. They are stories that come from our organizers out in the field across the country who are trying to organize in work places. Indeed this last summer I had the real privilege of standing with the workers of the United Food and Commercial Workers Union trying to get a union at the Smithfield Tar Heel produce processing plant in North Carolina. And the intimidation that those workers described in their quest over many years to gain recognition in that work place was really tremendous.

It is unfair. That is the key. It is unfair. Workers ought to be able to freely decide with their colleagues and with their co-workers, do I want a union representing me or not? Which union do I want to represent me? And who is the leadership of that union representing me? These are choices that

workers ought to be able to freely and independently make. And under the current process, that is not happening.

I would yield to my colleague.

Mr. ELLISON. Well, I'm going to commend you, Congresswoman, for going down to North Carolina and standing with those workers. It is not easy. I have been on many a picket line myself. I have been on many a union drive because I believe in it. I think it strengthens the working class.

You're right. There are subtle points of intimidation to prevent the union. But there are lots of places in this country where there is not-so-subtle intimidation to prevent the union. There are people fired for trying to organize a union. And even if you prove that it is an unfair labor practice that you were fired for organizing a union, generally even if you win, at the NLRB what happens? Well, a minor fine maybe, a posting up on the wall that says we were wrong for doing this. In fact, it is really not a real deterrent to some of the unfair labor practices that we have seen.

I think that having a union in place would definitely strengthen a worker's right to raise issues that are of concern to them at the workplace as you point out.

I hope the gentlelady doesn't mind me taking a little turn to make a few comments that I would like to make. And I also want to thank you for holding it down. It was your idea that we do the Employee Free Choice Act today, it was your organization that brought this session about, and this is critically important that we do this subject because we do need to help the public understand that a strong workforce that is organized and unionized gives voice not just only to unionized people but to the entire middle class.

And so I do want to thank you for organizing this today. All I want to do is just take a little short detour for a moment and say that the Employee Free Choice Act, we also talk about card check, majority card check. As you pointed out, if you get 30 percent of the employees to sign a card, you can get an election for a union now. That is the present law. And nothing about that will be stripped away by the Employee Free Choice Act. But it is also important to say that even if you get, even if you get majority sign up and you get the union recognized or you get 30 percent which then provokes a union election and you get the union recognized that way, that is not the end of the Employee Free Choice Act.

The Employee Free Choice Act recognizes the fact that even after union recognition comes, a lot of employers fight and fight the contract, and you can have a union but no contract. And I would love to hear if you have any stories about that because it is important to talk about how workers have dealt with these things.

But the Employee Free Choice Act requires a period in which there is mediation on the contract, and then if that doesn't work, there is binding arbitration on the first contract so that there will be a first contract. And after there is one contract, then history tells us there will be another one. But there will be a first contract under the Employee Free Choice Act. So it is not just card check, but it is getting that first contract at the bargaining table.

So I will yield back to the gentlelady at this time because I just want to make sure that we frame what the bill says and what it doesn't say. And again I invite the gentlelady if she cares to talk about this effort to get the first contract which is so often a difficulty. Of course, I don't want to narrow what the gentlelady might comment on.

Ms. EDWARDS of Maryland. Reclaiming my time from the gentleman from Minnesota.

What I would like to say is that we have all heard, many of us across the country have heard the story and the plight of our air traffic controllers who after the de-establishment of their union have then re-established and have been trying to get a contract and are put off time and time and time again. And so that the process from the time one decides one wants a union, that workers decide they want a union, to the time they actually get a contract that they can work under can be sorely delayed under the current process. And so what we would like to say in the Employee Free Choice Act is, do you know what? Once workers have decided that they want to form a union, sit down at the bargaining table, come up with a negotiation, negotiate a contract that is fairly bargained with the employer on one side of the table and the workers on the other side of the table, come up with an agreement, and then get to work. And that is all the Employee Free Choice Act does. It is actually pretty simple, bargain one, come up with a contract, and get to work.

So I'm actually excited about the prospect both for workers and for their employers to have certainty in the workplace about what the rules are, about what the game plan is. And the Employee Free Choice Act gives the employees the freedom to choose to have a union, then to negotiate an agreement and then to get to work being productive both for the employer, but also for themselves and their families. To me that seems like a really fair deal.

There are a lot of myths surrounding the Employee Free Choice Act. And some of those have been played out, of course, on television, in the newspapers and in the back-and-forth dialogue. But I just want to talk about what is important for workers. It is important for workers to be protected against pressure. Now some people say, why can't

workers form a union just like you get into the United States Congress? You go and cast your secret ballot, and then you're a Member of Congress. Well, the fact of the matter is that when I go and cast my ballot for President or for Congress, there is no employer standing next to me, there is no employer looking over my shoulder to see what I will do or potentially threatening my job. I can cast my ballot and do it in relative quiet and safety and under my own guidance.

This is not true for elections that take place in the workplace. This is why it is really important for workers to be able to organize, to go around and talk with their colleagues about the importance of forming a union and then to get their accord to do so.

Now it doesn't say that if employees decide that they want to have a secret ballot election that that can still take place. The point is, there is a choice. And it is not the employer's choice. It is not Congress' choice. It is the employees' choice about what they want to do. And so we have to really destroy this mythology.

Before we go on, I would like to talk about another myth because there are a lot of myths surrounding the Employee Free Choice Act.

Mr. ELLISON. If the gentlelady will yield just on that point.

Ms. EDWARDS of Maryland. Certainly.

Mr. ELLISON. I'm curious to get the gentlelady's views on this point.

Now, on that myth you just talked about right there, is it common, in your view, allowing for the fact that there are a lot of good employers who cooperate with their unions, but is it common in your view for some of these folks who are opposing the Employee Free Choice Act, some of these big CEOs who are opposing the Employee Free Choice Act, to spend a lot of time worrying about whether a worker has a private ballot or not? Is there any irony here that you have been able to detect?

I yield back.

Ms. EDWARDS of Maryland. Reclaiming my time from the gentleman.

This notion that somehow I think that these CEOs are looking out for the workers, they want to protect the workers, let's destroy that myth as well. And I would say, Mr. Speaker, that, in fact, what we have with the Employee Free Choice Act is a pretty simple and perhaps even old battle. You have employers who don't want a union because they know that union workers organized collectively will bargain for good wages, good benefits and safe working conditions. And on other hand, you have employees who want to form a union precisely because they don't have good wages, they don't have good benefits, and they don't have safe working conditions.

The reality is that it is cheaper not to provide good wages, it is cheaper not

to provide good benefits, and it is cheaper not to have safe working conditions. And so employers can't both want to produce a product or a service and make a lot of profit on that at the expense of workers.

So, all we are asking, and it is a pretty simple prospect, we are asking simply for workers to be able to organize themselves, decide who represents them, and sit down as an equal bargaining partner at the bargaining table with their employer. And in the end, it is a win-win for employers and for workers.

And I would yield to the gentleman.

Mr. ELLISON. And I would add to society at large.

Let me say that 79 percent of workers surveyed reported that workers are very, or at least somewhat, likely to be fired for trying to organize a union, an important fact I think we need to point out. And in about 25 percent of all organizing drives, at least one worker is unlawfully fired for union activity.

So again, this kind of protection, this stress-free way to either have a union recognized or not I think is a very, very good idea.

I believe the gentlelady was kind of going down myths that are out there. Let's bust a few more myths. I think that it is important to point out that this does not hurt small business. Small businesses would not be harmed by the Employee Free Choice Act. In fact, small business stand to gain from the Employee Free Choice Act. It is interesting to me that in a time when we talk about "too big to fail" and these huge, enormous businesses, some of them opposing the Employee Free Choice Act, it is the small business, again, that is often at the back end of the line on this stuff. But along that alone, let's just say that small business owners are supporting the bill and are beginning to speak out all over the country.

In fact, a Wisconsin company, Wisconsin Vision, owned by Darren Horndasch, says that having a union makes his employees more career oriented, more invested in his business and gives him a competitive edge. Jim O'Malley, owner of a print shop in Pittsburgh, says that he values the union apprenticeship program for his employees. Again, sharing training expenses with the union is a benefit to this small business employer. Ruth Shep, a business owner in West Fargo, North Dakota, says "good jobs support families, they support the community." And she wants to see workers be able to form a union and to have a choice in our economy. Larry Thompson, owner of an Ohio firm, Thompson Electric, recently wrote an op-ed in which he wrote, "our union workers receive the most cutting-edge job training available, and it pays off through lower injury rates, increased productivity and strengthening the ability to serve the people of Ohio."

So I would agree with you. It is cheaper in the short term, this quarter, to try to shave a buck here a buck there. But if you want a successful business, you have to build over the long term. That means having a good, solid, well trained, reliable and productive workforce. And you can't do that on the cheap. And that is why we need the Employee Free Choice Act.

And I yield back to the gentlelady.

Ms. EDWARDS of Maryland. Reclaiming my time.

I would like to point out to the gentleman as well, and, Mr. Speaker, you know this, that, in fact, what has been good for unions and for union workers has been good for all workers. Now I have never been a member of a union. But I do know that when I was working in the low-wage workforce that precisely because union workers had gained benefits, increased wages and working standards, that there was a payoff for me as a worker who was not a union member. It meant that over time my wages went up because the union workers were the ones who fought the most for an increase in the minimum wage, not because union workers were receiving minimum wages, but because their fight and struggle for a good-paying union job was a fight and a struggle for ordinary workers, even those who were working at the minimum wage. So the payoff for the union worker and for the organized workforce is that there is a benefit, then, to all of us.

I remember when I was working, Mr. Speaker, as a waitress and scrubbing by on tips that it was precisely because union workers fought for an increase in wages that that benefited me as a non-union worker. And so there are great benefits.

We know that the fight for union wages that are good wages, good benefits and safe working conditions is a fight that pays off both here in the United States and around the world. After all, when employers are allowed to close down union factories here in this country, relocate them to another country where they pay depressed wages, that has a benefit around the world, and it has a direct benefit, a negative consequence to American workers.

□ 1445

And so the strength of being able to organize unions and to bargain collectively for benefits and wages and safe working conditions is one that pays off to all workers in this country, and indeed, pays off to workers around the world.

And let me just throw out another one of these myths, because some have said that if we implement the Employee Free Choice Act, then that's going to result in labor unions engaging in intimidating and harassing behavior towards employees. This seems

rather ridiculous Mr. Speaker, that, in fact, when labor unions and workers want to organize, it is not in their interest to harass and intimidate workers. The goal is to bring workers along. And so this is a myth also that has to be destroyed and that indeed, in the present system, the coercion occurs in the other way, the coercion occurs from employers who don't want to see a union workplace.

And look what happens in communities. I happen to live in a district in Maryland in which we have one hotel on a project where the work force is organizing, where there will be good wages and benefits for the service employees at that hotel. And that's a good thing, and I fought for it too. But in the other hotels, that's not happening. And so you can imagine that if we actually lift up workers in one work site, that we have the possibility then of lifting up workers in another work site.

And as you've pointed out, the gentleman from Minnesota has pointed out that, in fact, Mr. Speaker, that means that all workers benefit from the ability to organize to form a union.

And I would yield to the gentleman from Minnesota.

Mr. ELLISON. I thank you, Congresswoman EDWARDS, for doing this again. So many myths you're busting tonight, so much good information, including the panels that are right next to you.

But I just want to say that, you know, as you're busting myths associated with the Employee Free Choice Act, and I thank you for that, let me just talk about a few other things that unions have done for me and you. Worker compensation. That's because workers fought for it. Social Security, that's a pretty good thing, right? Minimum wage, I'd say that's a thumbs up. The weekend. You want to thank somebody for the weekend, you can thank the union movement. The 8-hour day, prohibitions against child labor so we don't have 9-year-olds slaving away for 14 hours a day 7 days a week. Worker safety, used to be, Congresswoman EDWARDS, that if you lost your thumb at that punch press, they couldn't use you anymore, you just had to leave. Now we've got worker safety and requirements, OSHA. Setting a wage scale. As you pointed out, as a worker who was on the lower end of the wage scale, you could thank the union movement for setting a minimum wage and for setting a wage scale that other employers had to meet, or they would lose workers because they would come to the higher wage area.

The union movement, as I pointed out a moment ago, contributed to the civil rights movement, for women, for people of color. And even today, so many struggles for union representation are caught up in struggles for empowerment, for people who are legal immigrants to our society, commu-

nities of color, women, people who are fighting for a chance in our society. The union movement has done a lot for us all.

I yield back.

Ms. EDWARDS of Maryland. And reclaiming my time from the gentleman, I would say this as well; that, you know, people ask me all the time, even as a Member of Congress, and certainly as a worker, why do you support workers' rights to organize? And it's a pretty simple answer. I support workers' rights to organize because I recognize the benefit that that pays to all of us in our communities. And you know, our small businesses out there want to be able to provide, for example, health care for their employees. And it's really tough for a small business to do that because health care costs have so skyrocketed, and it cuts deeply into even marginal profit lines.

On the other hand, the unions are out there fighting for health care for all of us, for a system that would actually provide health care at a lower cost, affordable and accessible for all of us. What does that mean for small business? It means it takes it off of your, you know, out of your pot. And so that's an important benefit from small business that will only come because we are working together with members of organized labor to fight for health care for all of us.

Let's talk about what it means to have workers in our community who are able to go out and purchase the services of our small businesses and the products produced by all of our businesses. Well, we certainly cannot do that on stagnant wages. And so, when the unions are out there able to organize workers to negotiate contracts with their employers, creating certainty in the workplace, then employers and businesses can work on productivity, can work on efficiency and can work on growth. And this benefits all of us, from those of us who want to go out into the consumer marketplace and purchase a television made by a worker, or those of us who want to go and get the services supported by union workers. And so it's, again, a win-win situation for all of us.

And I'd like to say, as well for our brothers and sisters in organized labor, Mr. Speaker, there are no harder workers than people who get up every day and do the tough jobs, some of them jobs that many of us don't want to do, but need to be done. And so, this notion that somehow we should deprive them of wages and benefits and safe working conditions really goes against our gut, goes against who we are as Americans, and because we know that from the beginnings of the last century, the hard-fought benefits that you pointed out, of Social Security, of the 8-hour work day, of the 40-hour work week, of setting a minimum scale for a standard for wages and for working conditions,

ensuring protections if that thumb was cut off on the production line, these are all things that, because union workers stood on the line and fought the hard, tough, courageous battles for all of us, that whether you're a union worker or not, you get the benefit of that.

Even those of us who are Members of Congress have the benefit of workers having organized. The mere fact that we can put into a retirement system is about workers having organized and fought for those benefits in their workplace. And so the benefits are tremendous for all of us.

And that is why, in all of our communities, as we're talking about spending stimulus dollars to the billions of dollars throughout the States on transportation projects and water and sewer infrastructure and all of the energy infrastructure that we need for the 21st century, what we really need are skilled union workers getting highly paid, you know, wages and benefits and safe working conditions to rebuild our infrastructure for the 21st century. And you can only get that when workers are able to organize.

And so I would yield to the gentleman from Minnesota.

Mr. ELLISON. And I again want to thank the gentlelady from Maryland, Congresswoman EDWARDS. You're doing a great job here, a great service getting the word out. And I want to lend my voice and thank you. Again, reminding everybody that we are here on the progressive message. The Progressive Caucus has a vision for America that includes workers' rights, and we're talking about that today.

And I just want to say, as I begin to have to wind down, Congresswoman, that I just want to leave with this thought. You know, you and I know that this Congress has been abuzz over the last week, over the whole AIG thing, right? We've been talking about AIG, AIG. And what have we been talking about? These enormous bonuses these folks have been getting. \$165 million in retention bonuses to people who work in the unit of AIG that did all these fancy derivatives that kind of led to this tremendous risk to the American economy.

But this idea of work, executive pay, Congresswoman, is not a new one. In fact, it was 1991, when I was a brand new lawyer, just got out of law school in 1990, and I read a book called *In Search of Excess*. And in this book it talked about executive pay, exorbitant executive pay. 1991. I think I was 25 years old at the time.

What's my point?

My point is, that during the same period of time we've seen flat worker pay. We've seen worker pay stay stagnant. We've seen people's unemployment rise recently, but we've seen the health care plans have higher co pays, more of a premium every month, and we've

seen workers really struggling, and we've seen productivity going up. So we see flat worker pay, increasing productivity, meaning workers are making more stuff and doing more services within the same amount of time, and so the reality is, somebody's got to stand up for the American worker.

I think it's almost time for us to wrap up. I am going to leave that to you, the Congresswoman from Maryland, who's done such a good job in organizing this special order tonight for the Progressive Caucus.

Ms. EDWARDS of Maryland. And if I could make an inquiry of the Speaker how much time remains.

The SPEAKER pro tempore. 14 minutes remain.

Ms. EDWARDS of Maryland. Thank you, Mr. Speaker.

You raise a good point. And I know that my colleague from Minnesota, a real leader in the Progressive Caucus, is set to depart. But I will just say this as you're leaving, that this fight for the Employee Free Choice Act is really a fight for justice for the American worker. And it's a fight to set the American worker back on course for productivity and for growth and for success. And so I think that it's time for those of us who believe in the capacity of the American worker to stand up for workers by supporting the Employee Free Choice Act. And you know, Mr. Speaker, the Employee Free Choice Act was just introduced into Congress just a week or so ago, and so it is time now for Members of Congress to really hear, Mr. Speaker, from constituents about their support of the Employee Free Choice Act, and to say to the United States Congress that it is time for workers to get a fair deal.

When I hear you describe, and we read across the papers the excesses of CEO executives in the financial industry, and that ordinary workers have to bear the burden of paying the cost for straightening this system out, it makes me cringe. And the reason that it does, Mr. Speaker, is because it's unfair to workers.

You know, when the auto industry came to the United States Congress and said, we're going to need help, otherwise the auto industry may not survive, you know, many Members of the United States Congress said to auto workers, well, you have to go back and renegotiate your contracts and your deal, talking to workers and telling workers that they to renegotiate their deals. But we haven't been willing really to say to CEOs, I'm sorry but you got quite a deal too. You need to go back and renegotiate that with the American public.

And so I think it's time for us to actually close that gap from CEO pay to worker pay, because it's the workers that prop up, that build this country. And yet, year after year, decade after decade, workers are losing. And the

Employee Free Choice Act is yet another tool that we have that we will provide to workers so that it enables them to organize, to bargain collectively and fairly, as partners at a table, with employers and to say to employers, once again, we don't have anything against your making money, making a profit, building your business. But you cannot do that at the expense of and on the backs of workers.

And I think it's a fairly simple proposition, and I think it is one, Mr. Speaker, that the American public feels very strongly about, that somehow, all of us who get up every day and go to work for a living ought to have good wages, good benefits and safe working conditions, just three simple things.

□ 1500

Because the American worker is not asking anyone, really, for a handout. The American worker is not asking for an easy deal or for a bonus. They are saying fair wages, good and safe working conditions and good benefits. I think that the American worker deserves the opportunity to sit at a bargaining table to decide: I want to have a union; I want to easily sign up and let my coworkers know that I want a union; I want the choice to be able to do that, and then I want to bargain fairly at the bargaining table with the employer. I think that that, Mr. Speaker, is a good deal for the American people.

So I am excited about the prospects. I think it is important for us to destroy the mythology that is taking place from some who don't really believe in the American worker, and I think it is important for us to destroy the mythology of those who believe that just because a worker gets a good wage and good benefits and good working conditions it means that that is the end of the American economy. It is not true. It never has been true, and it will not be true tomorrow.

So I thank the gentleman from Minnesota for joining me this evening to speak up on behalf of the American worker and to speak up and say that the Employee Free Choice Act is about choice. It is not my choice. It is not your choice. Mr. Speaker, it is not your choice. It is the choice of the American worker to choose a union, to bargain fairly, to get a good deal, and to go to work the next morning to take care of themselves and their families.

With that, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. DAVIS of California (at the request of Mr. HOYER) for today on account of funeral of very close friend.

Mr. GRIFFITH (at the request of Mr. HOYER) for today on account of family medical emergency.



Mr. POE of Texas (at the request of Mr. BOEHNER) for today on account of official business in the district.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. GOHMERT, for 5 minutes, today.

Mr. GUTHRIE, for 5 minutes, March 31.

Mr. CASSIDY, for 5 minutes, April 2.

Mr. POE of Texas, for 5 minutes, April 2.

Mr. JONES, for 5 minutes, April 2.

Mr. BURTON of Indiana, for 5 minutes, April 2.

#### ADJOURNMENT

Ms. EDWARDS of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Monday, March 30, 2009, at 12:30 p.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1066. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Federal Procurement of Energy Efficient Products (RIN: 1904-AB68) received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1067. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Formaldehyde, Polymer with 2-Methyloxirane and 4-Nonylphenol; Tolerance Exemption [EPA-HQ-OPP-2008-0794; FRL-8399-5] received March 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1068. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Germany (Transmittal No. DDTC 141-08), pursuant to 22 U.S.C. 39, section 36(c); to the Committee on Foreign Affairs.

1069. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the De-

partment's final rule — Removal and Modification of Certain Entries from the Entity List: Persons Removed or Modified Based on ERC Annual Review [Docket No.: 090223225-9275-01](RIN: 0694-AE57) received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1070. A letter from the Secretary, Judicial Conference of the United States, transmitting a legislative proposal to eliminate the divisions within the Judicial District of North Dakota, leaving unaffected North Dakota's configuration as one judicial district with four places of holding court; to the Committee on the Judiciary.

1071. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Termination of Phase-In Period for Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation Based on a VA Determination of Individual Unemployability (RIN: 2900-AN19) received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1072. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — The Dr. James Allen Veteran Vision Equity Act of 2007 (RIN: 2900-AN03) received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1073. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I — Industry Director Directive on Domestic Production Deduction (DPD) #3 — Field Directive related to compensation Expenses currently deducted but attributable to prior periods. [LMSB-04-0209-004] received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1074. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — April 2009 (Rev. Rul. 2009-10) received March 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1075. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tax Treatment of Losses from Criminally Fraudulent Investment Arrangements (Rev. Rul. 2009-9) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1076. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Safe Harbor Method for Determining Theft Loss Deductions from Criminally Fraudulent Investment Arrangements (Rev. Proc. 2009-20) received March 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1077. A letter from the National Quality Forum, transmitting the Forum's report entitled, "Improving Healthcare Performance: Setting Priorities and Enhancing Measurement Capacity" in accordance with a provision in the Medicare Improvements for Patients and Providers Act of 2008; jointly to the Committees on Energy and Commerce and Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1171. A bill to amend title 38, United States Code, to reauthorize the Homeless Veterans Reintegration Program for fiscal years 2010 through 2014; with amendments (Rept. 111-54). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1377. A bill to amend 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes; with an amendment (Rept. 111-55). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1513. A bill to increase, effective as of December 1, 2009, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes (Rept. 111-56). Referred to the Committee of the Whole House on the State of the Union.

Ms. MATSUI: Committee on Rules. House Resolution 289. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 111-57). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. LORETTA SANCHEZ of California (for herself, Mr. ENGEL, Mr. GONZALEZ, Mr. HINCHY, Mr. THOMPSON of Mississippi, Mr. HINOJOSA, Mr. GRIJALVA, Mr. CARNAHAN, Ms. SCHAKOWSKY, Mr. ORTIZ, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mrs. LOWEY, Ms. LEE of California, Mr. CARSON of Indiana, Mr. PAUL, Ms. CLARKE, Mr. MILLER of North Carolina, and Mr. FILNER):

H.R. 1726. A bill to require the Secretary of Homeland Security to issue a rule with respect to border security searches of electronic devices, and for other purposes; to the Committee on Homeland Security.

By Mrs. BONO MACK (for herself and Mr. SCHIFF):

H.R. 1727. A bill to establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries and to require the Attorney General to establish a national criminal arsonist and criminal bomber registry program, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of North Carolina (for himself, Mr. WATT, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. GUTIERREZ, Ms. BEAN, and Mr. MINNICK):

H.R. 1728. A bill to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself and Mr. LATOURETTE):

H.R. 1729. A bill to amend the National Voter Registration Act of 1993 to provide for

the treatment of institutions of higher education as voter registration agencies; to the Committee on House Administration, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNERNEY:

H.R. 1730. A bill to amend the Public Utility Regulatory Policies Act of 1978 with respect to electric vehicle infrastructure; to the Committee on Energy and Commerce.

By Mr. MINNICK:

H.R. 1731. A bill to amend the Truth in Lending Act to require any creditor who transfers, sells, or conveys certain residential mortgage loans to third parties to retain an economic interest in a material portion of the credit risk for any such loan, and for other purposes; to the Committee on Financial Services.

By Mr. HARMAN (for herself and Mr. UPTON):

H.R. 1732. A bill to amend the Energy Policy and Conservation Act to provide for standards for energy efficient outdoor lighting; to the Committee on Energy and Commerce.

By Mr. LEE of New York (for himself, Mr. HIGGINS, and Mr. MCHUGH):

H.R. 1733. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the cost of passports and other enhanced identification documents required to comply with the June 1, 2009, implementation of the Western Hemisphere Travel Initiative; to the Committee on Ways and Means.

By Mr. LEE of New York (for himself, Mr. HIGGINS, and Mr. MCHUGH):

H.R. 1734. A bill to require the Secretary of State to establish passport issuance agencies within 50 miles of all major international border crossings; to the Committee on Foreign Affairs.

By Mr. DEFAZIO (for himself, Ms. JACKSON-LEE of Texas, and Mr. WU):

H.R. 1735. A bill to amend title 28, United States Code, to provide for the direct payment of attorney fees to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims, and for other purposes; to the Committee on the Judiciary.

By Mr. BAIRD (for himself, Mr. EHLERS, Mr. LIPINSKI, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CARNAHAN):

H.R. 1736. A bill to provide for the establishment of a committee to identify and coordinate international science and technology cooperation that can strengthen the domestic science and technology enterprise and support United States foreign policy goals; to the Committee on Science and Technology.

By Mr. MORAN of Kansas (for himself, Mr. DELAHUNT, Ms. EDWARDS of Maryland, Mrs. EMERSON, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. BOUTSTANY, Mr. PAUL, Mr. CONAWAY, Mr. ROSS, Mr. FLAKE, Mr. THOMPSON of Mississippi, Mr. MCGOVERN, Mr. SNYDER, Mr. BROWN of South Carolina, Mr. BOOZMAN, Mr. NEUGEBAUER, and Mr. WALZ):

H.R. 1737. A bill to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Fi-

nancial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself and Mrs. NAPOLITANO):

H.R. 1738. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the city of Downey, California, regional wastewater treatment and reclamation facility projects; to the Committee on Natural Resources.

By Mrs. MALONEY (for herself, Mr. HONDA, Mrs. DAVIS of California, Mr. MCGOVERN, Mr. GONZALEZ, and Mr. MCDERMOTT):

H.R. 1739. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to prohibit States from refusing to accept balloting materials solely because the materials are generated through the use of a computer program, are not printed on a specific type of paper, or do not otherwise meet similar extraneous requirements which are not clearly necessary to prevent fraud in the conduct of elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WASSERMAN SCHULTZ (for herself, Mrs. MYRICK, Ms. DELAULO, Mrs. CHRISTENSEN, Ms. BEAN, Ms. PELOSI, Ms. BORDALLO, Mr. SERRANO, Mrs. CAPPES, Mr. WEINER, Mr. WEXLER, Mr. TONKO, Mr. DAVIS of Alabama, Mr. SABLON, Ms. MCCOLLUM, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. BACA, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Ms. CASTOR of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KLEIN of Florida, Ms. FUDGE, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. MAFFEI, Mr. LARSON of Connecticut, Ms. SUTTON, Mr. CUMMINGS, Mr. BURTON of Indiana, Mr. POE of Texas, Ms. LEE of California, Mr. MOORE of Kansas, Mr. MARIO DIAZ-BALART of Florida, Ms. MARKEY of Colorado, Ms. CLARKE, Mr. PERRIELLO, Ms. KOSMAS, Ms. MATSUI, Mr. GENE GREEN of Texas, Ms. HIRONO, Mrs. MCCARTHY of New York, Mr. BOREN, Mrs. DAVIS of California, Mr. NADLER of New York, Mrs. DAHLKEMPER, Ms. SCHWARTZ, Ms. EDWARDS of Maryland, Ms. KILPATRICK of Michigan, Mr. MURTHA, Ms. BALDWIN, Ms. HARMAN, Mrs. EMERSON, Mr. HODES, Mr. HALL of New York, Mr. FATTAH, Mrs. TAUSCHER, Ms. NORTON, Mr. CONYERS, Mr. RYAN of Ohio, Mr. JONES, Mr. BRALEY of Iowa, Ms. TITUS, Mr. VAN HOLLEN, Mr. ARCURI, Mr. WELCH, Ms. HERSETH SANDLIN, Mr. NYE, Mr. CARNEY, Mrs. KIRKPATRICK of Arizona, Mr. DOGGETT, Ms. KILROY, Mr. BARROW, Ms. LINDA T. SANCHEZ of California, Mr. WALZ, Mr. DONNELLY of Indiana, Mr. BECERRA, Mr. SCHIFF, Mr. SCHAUER, Mr. HINCHEY, Mrs. LOWEY, Mr. PERLMUTTER, Mr. ELLISON, Mr. TEAGUE, Mr. COHEN, Mr. DOYLE, Mr. MITCHELL, Mr. SEXTAK, Mr. MCMAHON, Mr. OLVER, Mr. SHULER, Mr. THOMPSON of California, Ms. KAPTUR, Mr. MASSA, Mr. REYES, Mrs. MALONEY, Mr. WAXMAN, Ms.

SHEA-PORTER, Mr. BOYD, Mr. DICKS, Mr. LATOURETTE, Mr. OBEY, Mr. WAMP, Mr. PRICE of North Carolina, Mr. MANZULLO, Mrs. BONO MACK, Mr. POSEY, Mr. STEARNS, Mr. TIERNY, Mr. ISSA, Mr. MACK, Mr. SCOTT of Georgia, Mr. CLYBURN, Mr. CHILDERS, Mr. CLEAVER, Mr. LUJAN, Mr. POSTER, Mr. KANJORSKI, Ms. SPEIER, Mr. HOYER, Ms. RICHARDSON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of Connecticut, Mr. BOCIERI, Mr. WILSON of Ohio, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. KRATOVL, Mr. AL GREEN of Texas, Mr. PUTNAM, Mrs. HALVORSON, Mr. KIND, Mr. KILDEE, Mr. KENNEDY, Mr. BOOZMAN, Mrs. BIGGERT, Mr. LANCE, Mrs. MCMORRIS RODGERS, Mr. YARMUTH, Mr. SHIMKUS, Mr. CARNAHAN, Mr. LOEBACK, Mr. REHBERG, Mr. ALEXANDER, Mr. HEINRICH, Mr. SIRE, Mr. ELLSWORTH, Mr. MATHESON, Mr. TAYLOR, Mr. BURGESS, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. BARTON of Texas, Mr. CLAY, Mr. HONDA, Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. FORTENBERRY, Mr. CRENSHAW, Mr. SAM JOHNSON of Texas, Mr. CULBERSON, Mr. MARCHANT, Mr. LUCAS, Mr. SMITH of Texas, Mr. KIRK, Mrs. CAPITO, Mr. GONZALEZ, Mr. FALEOMAVAEGA, Mr. LATHAM, Mr. CANTOR, Ms. FALLIN, Ms. WATERS, Mr. MELANCON, Ms. ZOE LOFGREN of California, Mr. OBERSTAR, Mr. RAHALL, Mr. PASTOR of Arizona, Mr. HIMES, Mr. BUYER, Mr. PAYNE, Mr. COSTELLO, Mr. TURNER, and Mr. PRICE of Georgia):

H.R. 1740. A bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer; to the Committee on Energy and Commerce.

By Mr. CUMMINGS (for himself, Ms. LEE of California, Mr. MCDERMOTT, Mr. VAN HOLLEN, Mr. SESTAK, and Ms. BORDALLO):

H.R. 1741. A bill to require the Attorney General to make competitive grants to eligible State, tribal, and local prosecutors to establish and maintain certain protection and witness assistance programs; to the Committee on the Judiciary.

By Ms. ESHOO:

H.R. 1742. A bill to establish a program to deploy and integrate plug-in electric drive vehicles in multiple regions; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California:

H.R. 1743. A bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit, and for other purposes; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. GRAVES, Mrs. EMERSON, Mr. HENSARLING, Ms. JENKINS, Mr. SESSIONS, Mr. TAYLOR, Mr. LUETKEMEYER, Mr. SHERMAN, Mr. HOLDEN, Mr. SPACE, Mr. SAM JOHNSON of Texas, Mr. GOODLATTE, Mr. AKIN, Mr. JONES, Mr. SMITH of Texas, Mr. HALL of Texas, Mr. MORAN of Kansas, Mr. TIAHRT, Mr. ROSS, Mr. MOORE of Kansas, Mr. NEUGEBAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. SKELTON, Mr.

MARCHANT, Mr. DAVIS of Illinois, Mr. CLEAVER, Mr. DUNCAN, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mrs. MYRICK, Mr. BISHOP of Georgia, Mr. COSTELLO, Mr. MEEKS of New York, Mr. CUELLAR, Mr. KANJORSKI, Mr. ROGERS of Alabama, Mr. HILL, Mr. UPTON, Mr. LATOURETTE, and Mr. ORTIZ):

H.R. 1744. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Financial Services.

By Mr. TIM MURPHY of Pennsylvania (for himself and Mr. GENE GREEN of Texas):

H.R. 1745. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1746. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H.R. 1747. A bill to authorize appropriations for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, and Mrs. BIGGERT):

H.R. 1748. A bill to amend title 18, United States Code, to enhance the investigation and prosecution of mortgage fraud and financial institution fraud, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL:

H.R. 1749. A bill to provide assistance to owners of manufactured homes constructed prior to 1976 to purchase Energy Star qualified manufactured homes; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. PENCE, Mr. SHIMKUS, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. FORTENBERRY, Mrs. SCHMIDT, and Mr. PITTS):

H.R. 1750. A bill to provide for the use of information in the National Directory of New Hires in enforcing sex offender registration laws; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Ms. ROYBAL-ALLARD, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ZOE LOFGREN of California, Mr. NUNES, Mr. POLIS, Mr. CAO, Ms. ROS-LEHTINEN, Mr. CONYERS, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1751. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 1752. A bill to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; to the Committee on House Administration.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. BILBRAY, Mrs. MYRICK, Mr. ROHRABACHER, Mr. LUETKEMEYER, Mr. BURTON of Indiana, Mr. LAMBORN, Mr. JONES, Mr. CHAFFETZ, Mr. POE of Texas, and Mr. AKIN):

H.R. 1753. A bill to amend the Immigration and Nationality Act to include in the definition of the term "aggravated felony" a criminal violation committed by an alien who unlawfully entered the United States; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 1754. A bill to create a systemic risk monitor for the financial system of the United States, to oversee financial regulatory activities of the Federal Government, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARE (for himself, Mr. REHBURG, Mr. LOEBACK, and Ms. HIRONO):

H.R. 1755. A bill to award grants to States to establish, enhance, or expand high-quality preschool programs for children ages 3 through 5 in rural areas; to the Committee on Education and Labor.

By Mr. HELLER:

H.R. 1756. A bill to amend the Small Business Act to improve the Microloan program, and for other purposes; to the Committee on Small Business.

By Ms. HERSETH SANDLIN (for herself and Mr. SHIMKUS):

H.R. 1757. A bill to amend the Internal Revenue Code of 1986 to encourage increased access to alternative fuels; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Ms. HIRONO, Mr. GRIJALVA, Mr. FATTAH, Mr. CLEAVER, and Mr. SPACE):

H.R. 1758. A bill to provide for the establishment of a commission to stimulate and engage in an informed, national, and public dialogue about how to ensure that each student in the United States receives an equitable education that enables the student to achieve his or her maximum academic potential; to the Committee on Education and Labor.

By Mr. INSLEE (for himself and Mr. DOYLE):

H.R. 1759. A bill to distribute emission allowances under a domestic cap-and-trade program to facilities in certain domestic energy-intensive industrial sectors and subsectors to prevent an increase in greenhouse gas emissions by manufacturing facilities located in countries without commensurate greenhouse gas regulation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. WELCH, and Mr. HONDA):

H.R. 1760. A bill to mitigate the effects of black carbon emissions in the United States and throughout the world; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE (for himself, Ms. KAPTUR, Ms. SUTTON, Mr. MICHAUD, Mr. HARE, Mr. STUPAK, Mr. DINGELL, Mr. VISCLOSKEY, Mr. HOLDEN, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Mr. BRADY of Pennsylvania, and Ms. KILROY):

H.R. 1761. A bill to amend the Emergency Economic Stabilization Act of 2008 to restrict the use of TARP funds for domestic purposes; to the Committee on Financial Services.

By Mrs. KIRKPATRICK of Arizona:

H.R. 1762. A bill to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze"; to the Committee on Natural Resources.

By Mr. LATTA (for himself and Mr. CANTOR):

H.R. 1763. A bill to provide tax relief for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUI (for herself, Ms. CASTOR of Florida, Ms. BERKLEY, and Ms. SUTTON):

H.R. 1764. A bill to require that amounts of assistance provided to financial institutions under the Troubled Asset Relief Program of the Secretary of the Treasury that are returned be used only for assistance for homeowners in accordance with the Making Home Affordable Program of the Secretary; to the Committee on Financial Services.

By Ms. MATSUI (for herself and Mr. TANNER):

H.R. 1765. A bill to amend title XVIII of the Social Security Act with respect to payment for the furnishing of intravenous immune globulin (IVIG) in a patient's home for the treatment of primary immune deficiency diseases and to cover certain disposable pumps as durable medical equipment in place of non-disposable pumps under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida:

H.R. 1766. A bill to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of environmentally preferable "green" commodities and services and certain other related items by State and local governments; to the Committee on Oversight and Government Reform.

By Mr. PAUL:

H.R. 1767. A bill to amend the Internal Revenue Code of 1986 to make the first-time

homebuyer credit retroactive to the beginning of 2008 and to permanently extend the credit; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1768. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for replacing an automobile with a more fuel-efficient automobile; to the Committee on Ways and Means.

By Mr. REICHERT (for himself, Mr. INSLEE, Mr. BAIRD, Mr. McDERMOTT, and Mr. SMITH of Washington):

H.R. 1769. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself, Mrs. CAPITO, and Ms. MARKEY of Colorado):

H.R. 1770. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Transportation and Infrastructure.

By Mr. SARBANES (for himself, Mr. WITTMAN, and Mr. KRATOVIL):

H.R. 1771. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Natural Resources.

By Mr. SENSENBRENNER:

H.R. 1772. A bill to modernize, shorten, and simplify the Federal criminal code; to the Committee on the Judiciary.

By Mr. SHADEGG (for himself, Mr. MACK, Mr. LATTA, Mr. CAMPBELL, Mr. KING of Iowa, Mr. SHIMKUS, Mr. BROWN of South Carolina, Mr. AKIN, Mr. CONAWAY, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. FLEMING, Mr. PENCE, Ms. FALLIN, Mr. LAMBORN, Mr. ROYCE, Mr. GOHMERT, Mr. GINGREY of Georgia, Mr. BURTON of Indiana, Mr. BARTLETT, Mr. FLAKE, Mrs. BACHMANN, Mr. ISSA, and Mr. CHAFFETZ):

H. Con. Res. 83. Concurrent resolution expressing the sense of Congress that a nuclear-powered aircraft carrier of the Navy, either the aircraft carrier designated as CVN-79 or the aircraft carrier designated as CVN-80, should be named the U.S.S. Barry M. Goldwater; to the Committee on Armed Services.

By Mr. WAMP (for himself and Mr. EDWARDS of Texas):

H. Con. Res. 84. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month; to the Committee on Oversight and Government Reform.

By Mr. BARROW (for himself and Mr. THOMPSON of Pennsylvania):

H. Res. 288. A resolution recognizing the importance of park and recreation facilities and expressing support for the designation of the month of July as "National Park and Recreation Month"; to the Committee on Natural Resources.

By Ms. LEE of California (for herself, Ms. PELOSI, Mr. McNERNEY, Mrs. TAUSCHER, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. THOMPSON of California, Ms. MATSUI, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. SPEIER, Mr. STARK, Ms. ESHOO, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. FARR, Mr. CARDOZA, Mr. COSTA, Mrs. CAPPS, Mr. SHERMAN, Mr.

SCHIFF, Mr. WAXMAN, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. WATERS, Ms. HARMAN, Ms. RICHARDSON, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. FILNER, Mrs. DAVIS of California, Mr. CALVERT, Mr. CAMPBELL, Mr. ISSA, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. RADANOVICH, Mr. ROHRBACHER, and Mr. DREIER):

H. Res. 290. A resolution honoring the lives, and mourning the loss, of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege, members of the Oakland Police Department in California who were brutally slain in the line of duty; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida (for himself, Mrs. MALONEY, Mr. WEXLER, Ms. WOOLSEY, Ms. CORRINE BROWN of Florida, Mr. KISSELL, Mr. HALL of New York, Mr. RODRIGUEZ, Ms. KILPATRICK of Michigan, and Mr. BROWN of South Carolina):

H. Res. 291. A resolution recognizing the crucial role of assistance dogs in helping wounded veterans live more independent lives, expressing gratitude to The Tower of Hope, and supporting the goals and ideals of creating a Tower of Hope Day; to the Committee on Veterans' Affairs.

By Mr. KING of Iowa:

H. Res. 292. A resolution congratulating the on-premise sign industry for its contributions to the success of small businesses on the occasion of its 63rd Annual International Sign Expo; to the Committee on Small Business.

By Mr. PASCRELL:

H. Res. 293. A resolution commending Martin Brodeur of the New Jersey Devils for breaking the National Hockey League all time regular season wins record; to the Committee on Oversight and Government Reform.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. INSLEE introduced a bill (H.R. 1773) for the relief of Valerie Plame Wilson; which was referred to the Committee on Intelligence (Permanent Select).

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mrs. CAPITO.

H.R. 22: Mr. SCHIFF, Mr. LUCAS, Ms. EDWARDS of Maryland, Mr. WELCH, Mr. HOEKSTRA, Mrs. CAPITO, and Mr. BOCCIERI.

H.R. 24: Mr. BILIRAKIS, Mr. SIMPSON, Mr. NEUGEBAUER, Mr. CARTER, Mr. COLE, Mr. BOREN, Mr. SCOTT of Georgia, Mr. FRANKS of Arizona, Mr. PENCE, Mr. PUTNAM, Mr. McKEON, Mr. JACKSON of Illinois, Mr. DUNCAN, Mr. ACKERMAN, Mr. GUTIERREZ, Mr. BACA, Mrs. BACHMANN, Mr. CAMPBELL, Mr. CARDOZA, Mrs. EMERSON, Mr. WATT, Mr. SMITH of New Jersey, Mr. MITCHELL, Mr. LIPINSKI, Mr. YOUNG of Florida, Mr. HASTINGS of Florida, Mr. BERRY, Mr. MANZULLO, Mr. REYES, Mr. LARSON of Connecticut, Mr. MARSHALL, Mr. ELLSWORTH, Mr. POSEY, and Mr. LAMBORN.

H.R. 104: Ms. SLAUGHTER.

H.R. 108: Mr. LoBIONDO.

H.R. 175: Mr. LEVIN.

H.R. 207: Mr. ALEXANDER, Mr. PRICE of North Carolina, Mr. DICKS, Ms. GIFFORDS, and Mr. JOHNSON of Illinois.

H.R. 208: Mr. ROGERS of Alabama, Mr. LATOURETTE, Mr. MORAN of Kansas, Mr. OBERSTAR, Mr. GORDON of Tennessee, Ms. GIFFORDS, Mr. LARSON of Connecticut, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. TEAGUE, and Mr. MARSHALL.

H.R. 226: Mr. DAVIS of Tennessee.

H.R. 233: Mr. ROSS.

H.R. 270: Mr. WOLF.

H.R. 302: Ms. JENKINS and Mr. DEAL of Georgia.

H.R. 303: Mr. KANJORSKI.

H.R. 450: Mrs. BLACKBURN.

H.R. 503: Mr. YARMUTH.

H.R. 517: Mr. LOEBSACK, Mr. CARNEY, Mr. SESTAK, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 557: Mr. NEUGEBAUER and Mr. OLSON.

H.R. 610: Ms. SHEA-PORTER.

H.R. 622: Mr. OBERSTAR and Mr. DUNCAN.

H.R. 716: Ms. WASSERMAN SCHULTZ and Mr. FILNER.

H.R. 744: Mr. FILNER and Ms. HIRONO.

H.R. 764: Mr. WESTMORELAND and Mr. CAMPBELL.

H.R. 816: Mr. GRIFFITH.

H.R. 824: Mr. MOORE of Kansas.

H.R. 836: Mr. HOLDEN, Ms. GINNY BROWN-WAITE of Florida, Mr. CALVERT, Mr. CARNAHAN, Ms. FOXX, Mr. GRAVES, and Mr. REHBERG.

H.R. 847: Mrs. DAHLKEMPER and Mr. ETHERIDGE.

H.R. 855: Mr. ISRAEL, Mr. HOLDEN, Mr. SESTAK, and Mr. WITTMAN.

H.R. 873: Mr. MURPHY of Connecticut.

H.R. 904: Mr. MOORE of Kansas.

H.R. 914: Mr. LEWIS of Georgia, Mr. WILSON of South Carolina, and Mr. THOMPSON of California.

H.R. 917: Mr. WILSON of South Carolina.

H.R. 930: Mr. SESSIONS.

H.R. 933: Mr. DENT.

H.R. 948: Mr. BERRY, Mr. WEXLER, Mr. STARK, Mr. HIMES, and Mr. SPACE.

H.R. 997: Mr. SHADEGG.

H.R. 1021: Mr. BOOZMAN.

H.R. 1023: Mr. COFFMAN of Colorado and Mr. ROONEY.

H.R. 1054: Mr. REHBERG, Mr. WITTMAN, and Mrs. LUMMIS.

H.R. 1055: Mr. WITTMAN.

H.R. 1065: Mr. SHADEGG, Ms. GIFFORDS, Mr. PASTOR of Arizona, and Mr. MITCHELL.

H.R. 1079: Mr. SARBANES, Mr. GORDON of Tennessee, and Mr. LATHAM.

H.R. 1091: Ms. SLAUGHTER, Mr. LYNCH, Mr. NEAL of Massachusetts, Ms. MATSUI, Mr. POLIS, Mr. COHEN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1132: Mr. CARNEY, Mr. COBLE, Mr. MCINTYRE, Mr. WELCH, Mr. BOSWELL, Mr. BACHUS, Mr. RYAN of Ohio, Mr. DEFAZIO, Ms. KAPTUR, Mr. DAVIS of Alabama, Ms. JENKINS, Mr. WILSON of South Carolina, Mr. PITTS, Mr. NYE, and Mr. ADERHOLT.

H.R. 1139: Mr. REICHERT.

H.R. 1158: Mr. MCCARTHY of California and Mr. PERRIELLO.

H.R. 1189: Mr. POSEY.

H.R. 1206: Mr. NEUGEBAUER, Mr. PUTNAM, Mr. MCHENRY, Mrs. SCHMIDT, Mr. FRANKS of Arizona, and Mr. RADANOVICH.

H.R. 1207: Mr. STARK and Mr. CULBERSON.

H.R. 1208: Mr. NEUGEBAUER, Mr. MCHENRY, Mr. PUTNAM, Mr. HASTINGS of Florida, Mrs. BONO MACK, Mr. OLSON, Mr. BARRETT of South Carolina, Mr. COFFMAN of Colorado, Mr. SENSENBRENNER, Mr. GERLACH, and Mr. THOMPSON of Pennsylvania.

H.R. 1209: Mr. REICHERT, Mr. BOOZMAN, Mr. PRICE of Georgia, Mr. PENCE, Mrs. MILLER of Michigan, Mr. TERRY, and Mrs. SCHMIDT.

H.R. 1223: Mr. ROONEY and Mr. YOUNG of Florida.

H.R. 1243: Mr. ABERCROMBIE, Mr. ARCURI, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. BOCCIERI, Mr. BOEHNER, Ms. BORDALLO, Mr. BOYD, Mr. BRALEY of Iowa, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. BUYER, Mr. CALVERT, Mr. CANTOR, Mr. CARNEY, Mr. CASSIDY, Mr. CHANDLER, Ms. CLARKE, Mr. CLAY, Mr. CLYBURN, Mr. COSTA, Mr. COSTELLO, Mr. CRENSHAW, Mr. CUELLAR, Mr. DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DONNELLY of Indiana, Mr. EDWARDS of Texas, Mr. FARR, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANK of Massachusetts, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GERLACH, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of Texas, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HOLDEN, Mr. HONDA, Mr. ISSA, Mr. KAGEN, Mr. KANJORSKI, Ms. KAPTUR, Mr. LARSON of Connecticut, Mr. LUCAS, Mr. LUJÁN, Mrs. LUMMIS, Mr. MCKEON, Mrs. MALONEY, Mr. MOORE of Kansas, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURTHA, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PERLMUTTER, Mr. REYES, Mr. RODRIGUEZ, Mr. SABLAN, Mr. SALAZAR, Mrs. SCHMIDT, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Mr. SHULER, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. STUPAK, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR, Mr. TEAGUE, Mr. TIAHRT, Ms. VELÁZQUEZ, Mr. WAXMAN, Mr. YARMUTH, and Mr. YOUNG of Alaska.

H.R. 1245: Mr. POE of Texas.

H.R. 1247: Mr. SERRANO.

H.R. 1249: Mr. PAUL and Mr. PAYNE.

H.R. 1250: Mr. STUPAK, Mr. GOODLATTE, Mrs. SCHMIDT, and Mr. KILDEE.

H.R. 1255: Mr. GONZALEZ.

H.R. 1256: Mr. HOLDEN and Mr. CARNAHAN.

H.R. 1261: Mr. ETHERIDGE and Mr. PUTNAM.

H.R. 1269: Mr. JORDAN of Ohio.

H.R. 1270: Mr. MCGOVERN.

H.R. 1274: Ms. WOOLSEY.

H.R. 1285: Mr. CONYERS.

H.R. 1296: Mr. ARCURI, Ms. CASTOR of Florida, Mr. COHEN, Mr. HARE, Mr. HEINRICH, Mr. HOLT, Mr. MASSA, Ms. MCCOLLUM, Mr. GEORGE MILLER of California, Mr. PERRIELLO, Mr. SESTAK, Mr. YOUNG of Alaska, and Ms. WOOLSEY.

H.R. 1310: Mr. WELCH and Mr. MOORE of Kansas.

H.R. 1324: Ms. CASTOR of Florida, Mr. GENE GREEN of Texas, Mr. RODRIGUEZ, Mr. BER-

MAN, Ms. FUDGE, Mr. LANGEVIN, Mr. BRALEY of Iowa, Mr. CLEAVER, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. MCINTYRE, and Mr. REYES.

H.R. 1327: Mr. ROE of Tennessee, Mr. HODES, Ms. FALLIN, Mr. SCALISE, Mr. LATHAM, Mr. GRAYSON, Mr. ALEXANDER, Mr. LAMBORN, Mr. CANTOR, Mr. CASSIDY, and Mr. ROTHMAN of New Jersey.

H.R. 1329: Ms. NORTON.

H.R. 1346: Mr. ISRAEL and Mr. ABERCROMBIE.

H.R. 1351: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1375: Mrs. MYRICK.

H.R. 1392: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1398: Mr. PITTS and Mr. HILL.

H.R. 1441: Mr. JONES.

H.R. 1454: Mr. SERRANO and Mr. CONAWAY.

H.R. 1473: Mr. SHIMKUS and Mr. DEAL of Georgia.

H.R. 1499: Mr. STARK.

H.R. 1509: Mr. NYE and Mr. SCHAUER.

H.R. 1513: Ms. GIFFORDS, Mr. SESTAK, Mr. LUJÁN, and Mr. MICHAUD.

H.R. 1521: Mr. DAVIS of Alabama, Ms. GRANGER, Mr. CARNEY, Mr. CULBERSON, and Mr. LUCAS.

H.R. 1547: Mr. MEEK of Florida.

H.R. 1551: Mr. WU, Ms. KILPATRICK of Michigan, and Mr. STARK.

H.R. 1587: Mr. BISHOP of Utah, Mrs. CAPITO, Mr. MURTHA, Mr. BROUN of Georgia, Mr. CHAFFETZ, Mrs. LUMMIS, Mr. BARTLETT, and Mr. CARTER.

H.R. 1618: Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, Mr. DRIEHAUS, and Mr. LANGEVIN.

H.R. 1619: Ms. ESHOO.

H.R. 1620: Mr. BARRETT of South Carolina, Mr. GINGREY of Georgia, Mr. BOUSTANY, Mr. ROGERS of Kentucky, and Mr. MORAN of Kansas.

H.R. 1624: Mr. CHAFFETZ.

H.R. 1625: Mr. OLVER, Ms. BERKLEY, Mr. CHANDLER, Mr. YARMUTH, and Ms. ROSLEHTINEN.

H.R. 1633: Mr. MASSA, Mr. SCHIFF, and Mr. SESTAK.

H.R. 1654: Mr. BURTON of Indiana.

H.R. 1681: Mr. SCHIFF.

H.R. 1691: Mr. BOCCIERI.

H.R. 1696: Mr. DELAHUNT.

H.R. 1707: Mr. ROGERS of Alabama.

H. Con. Res. 49: Mr. DAVIS of Illinois, Mr. BUYER, Mr. WHITFIELD, Mr. UPTON, Mrs. HALVORSON, Mr. ROGERS of Kentucky, Mr. RANGEL, and Mr. LINDER.

H. Con. Res. 60: Mr. CASSIDY and Mr. SIMPSON.

H. Con. Res. 74: Mr. TOWNS.

H. Res. 22: Ms. TITUS.

H. Res. 57: Mr. RODRIGUEZ, Mr. FARR, Mr. ORTIZ, Mr. LYNCH, Mr. GONZALEZ, Mr. WEXLER, Mr. WILSON of Ohio, Mr. PERLMUTTER, Mr. CLAY, Mr. HODES, Mr. MOLLOHAN, Ms. VELÁZQUEZ, Mr. PASTOR of Arizona, Mr. SMITH of Texas, Ms. CASTOR of Florida, Mr. BARROW, Mr. KLEIN of Florida, Mr. PASCRELL, Mr. LOBIONDO, Mr. SPACE, Ms. ROYBAL-ALLARD, Mr. BAIRD, Mr. LEWIS of Georgia, Mr. CROWLEY, Mr. SHULER, Mr. TONKO, Mr. VAN HOLLEN, Ms. SUTTON, Ms. HIRONO, Ms. CLARKE, Mr. ADLER of New Jersey, Mr. SARBANES, Mr. POLIS, Mr. LUJÁN, Mr. PERRIELLO, and Mr. GUTIERREZ.

H. Res. 109: Mr. BRADY of Pennsylvania.

H. Res. 204: Mr. BLUNT, Mr. MINNICK, Mr. EHLERS, Mr. SMITH of Washington, Mr. BURGESS, Mrs. BONO MACK, Ms. GRANGER, and Mr. WALDEN.

H. Res. 209: Mr. STEARNS.

H. Res. 230: Ms. LEE of California, Mr. SERRANO, Mr. GENE GREEN of Texas, and Mr. RUSH.

H. Res. 236: Ms. ROS-LEHTINEN.

H. Res. 238: Mr. PIERLUISI.

H. Res. 247: Mr. RYAN of Ohio and Mr. BOCCIERI.

H. Res. 262: Mr. McDERMOTT.

H. Res. 270: Mr. REHBERG and Mr. WITTMAN.

H. Res. 274: Mr. KANJORSKI, Mr. BACA, Mr. MEEK of Florida, Ms. SUTTON, Ms. LEE of California, Mr. SPACE, Ms. ESHOO, Mr. KILDEE, Mr. MCGOVERN, Mr. MICHAUD, Mr. KIND, Mr. WU, Ms. GIFFORDS, Mr. FILNER, Mr. HALL of Texas, Mr. MARKEY of Massachusetts, Mr. ISRAEL, Ms. NORTON, Mr. HINOJOSA, and Mr. HIGGINS.

H. Res. 282: Mr. BOUSTANY, Mr. HASTINGS of Florida, Mr. BARRETT of South Carolina, Mr. KIRK, Mr. BURGESS, Mr. MCCAUL, Mr. MCCOTTER, Mr. PITTS, Mr. INGLIS, Mr. EHLERS, Mrs. MCMORRIS RODGERS, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. ADERHOLT, Mr. JONES, Mr. SKELTON, Mr. WALZ, Mr. PRICE of North Carolina, Mr. KIND, Mr. WAMP, Mr. MEEKS of New York, Mr. PAYNE, Mr. KILDEE, Mr. FLAKE, and Mr. DINGELL.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1135: Mr. LATTI.

H.R. 1319: Ms. ZOE LOFGREN of California.

H.R. 1427: Mr. HIMES.

**SENATE—Thursday, March 26, 2009**

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the giver of blessings, thank You for Your many gifts. We praise You for the gift of strength for the present duties we must do and for the doors of opportunity You continue to open. We are grateful for the gift of courage to face the future unafraid and to trust You to direct our steps. Lord, we are thankful also for our lawmakers who strive to build a better Nation and world. Bless and keep them. Keep them from being blind to their own faults and from a critical spirit that looks for faults in others. Help them to see and count Your blessings until their lives overflow with ceaseless praise.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 26, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**THE CHAPLAIN**

Mr. REID. Mr. President, while the admiral, the Senate Chaplain, is on the

floor, I wish to take a minute and acknowledge the prayers he offers here every morning. I have the good fortune to be here almost every day, and the thought and preparation he puts into his prayers is meaningful to most all the Senators; I don't know if there is an exception to that. Often, these prayers are directed, it seems, to me; I guess that is what prayers are all about.

I appreciate very much his leadership and the hard work he does not only with individual Senators but with our staffs. He has been a comfort to so many different individuals who work in this huge Capitol complex with their personal tragedies and difficulties. Most of those don't take place as the prayer does in the Capitol before millions of people. They are very private matters. We recognize that, and word comes back to me and others about all the good he does.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for an hour, and Senators will be allowed to speak for up to 10 minutes each during that period of time. The Republicans will control the first 30 minutes. The last half hour will be controlled by the Democrats.

Following morning business, the Senate will resume consideration of the national service legislation.

Cloture was filed last night on the underlying bill. As a result, there is a 1 p.m. filing deadline today for first-degree amendments.

Today will be a very confusing day on the floor. We have the Budget Committee meeting. There will be a series of votes starting at noon and then at 3:30 this afternoon. Those could take a considerable period of time. In addition, there is a White House meeting that I believe is a bipartisan meeting; is that right? Is the Senator going to the White House today?

Mr. McCONNELL. I am not sure I am going to be able to go.

Mr. REID. But it is a bipartisan meeting.

Mr. McCONNELL. Yes.

Mr. REID. The President will brief the bipartisan group of Senators on what is going on in Afghanistan. It is a report that has been completed. I mention that because that takes place at 1 p.m. today. There will be a lot of difficulty in scheduling votes here today.

In addition, there is a 4 p.m. Senators-only briefing with Ambassador Richard Holbrooke to talk about Af-

ghanistan and Pakistan. We are going to try our best to finish this bill, so everyone be patient. I have had extended conversations with Senator HATCH. It is very doubtful whether we will have to try to invoke cloture on this. I think people have had opportunities to offer amendments.

If there are other amendments to be offered today, I hope Senators will do it quickly so we can schedule the debate and votes on those. We have had a good week on this important, truly bipartisan piece of legislation, with heavy bipartisan support.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**PUBLIC FINANCING OF CAMPAIGNS**

Mr. McCONNELL. Mr. President, at the moment, I think it is safe to say that the most important issue for the American people is the state of the economy and the massive amount of taxing, spending, and borrowing that some in Washington are proposing as an antidote to the downturn.

Yet now comes news of another proposal out of Washington that is sure to make most Americans join together in unison and exclaim, "Only in Washington."

Earlier this week, the Washington Post reported on the return of a uniquely bad idea. I am referring to bailouts for politicians or what some people politely refer to as public financing of campaigns.

In recent years, this horrible idea has been championed by some who later abandoned this very system during their own campaigns. Well, it is hard to defend a system that is rejected even by its strongest advocates. It is harder still to justify handouts for politicians at a time of soaring deficits, a shrinking economy, and massive job losses.

At a time when most Americans are outraged that tax dollars have been used to pay million-dollar bonuses to executives at failed financial firms, it's hard to convince anyone that taxpayer dollars should cover the cost of balloons, bunting, and campaign barbeques.

But don't take it from me—every year, Americans register their opposition to the idea of taxpayer-funded campaigns in the largest nationwide poll ever devised. On April 15, Americans are asked on their tax forms whether they support taxpayer-funded



elections. The question is clear and straightforward: Do we want our money to go to soldiers and schools or streamers and stump speeches? Well, more than 90 percent of us vote for the former—and the percentage only seems to get higher every year. In 1980, the percentage of Americans who agreed to divert their tax money from the Treasury to pay for political campaigns reached its high water mark at 28.7 percent. Since then, it's plummeted. In 2007, the last year for which figures are readily available, 8.3 percent of taxpayers thought taxpayer funded elections were a good idea.

America faces many challenges at the moment, and the American taxpayer is justifiably worried about the prospect of what too much spending, too much taxing, and too much borrowing will mean for the future of our country and for our children. Congress should heed the advice of nearly all Americans: Don't use our tax dollars to pay for your political campaigns. Taxpayer-funded campaigns are a bad idea at any time, according to 90 percent of Americans. They are a really bad idea in the middle of a recession.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee is recognized.

#### THE BUDGET

Mr. ALEXANDER. Mr. President, I understand the Senator from North Dakota, the chairman of the Budget Committee, may come to the floor. If he does and wants to speak, I will defer to him.

In the meantime, I will address the President's budget, which the Senate will begin to consider this morning at 10 o'clock. Those of us who have spent a lot of time around schools, children, and education know there is a very good way to get a picture of the future and that is to walk into a first-grade class in Arkansas, Tennessee or anywhere else in America and take a photograph of the first graders. If you do that, you have a picture of that town,

that neighborhood, that community, and our country 10, 15, 20 years out.

The President's budget plan for the next 10 years gives us that kind of photograph of the future of our country. I commend the President for his candor, but I don't like the picture I see. I think, increasingly, our friends around the world and people in this country feel the same way. The Budget Committee chairman, Senator CONRAD, has developed a different budget—some-what different. He says it is about 98 percent similar to the President's budget. What the chairman, Senator CONRAD, does is say let's look 5 years out, not 10 years, as the President has suggested. Senator CONRAD has moved a few "children" out of the picture—the alternative minimum tax "child" is over here during the class photograph, so we will not be seeing that person. I think the "doc fix" to avoid cuts in physician payments, which we are going to spend money on, is over here, so we will not see that "child" during the class picture. The money for the banks—I think we all hope Secretary Geithner's plan to begin to get toxic assets out of the banks will work. If it doesn't, we may have to go to plan B, and we should have the money in reserve if that is necessary. That "child" is also out of the class photograph.

With all respect, the attempt of the chairman of the committee to present a 5-year budget, leaving out items that we know we will be spending money on, doesn't come nearly as close to giving us an accurate picture of what the country would be like 10 years from now with the budget we are acting upon.

The President's photograph of the future is a more accurate picture, one we should pay attention to. But it is a blueprint for America that is a very different kind of America—an America with less freedom, with more Government, with more taxes, with more spending, with more borrowing, and an America that our children and our grandchildren will have difficulty affording. This blueprint that President Obama has laid out for us includes a trillion dollars more in spending for health care on top of the trillion dollars in so-called stimulus money that was spent. It includes more than a trillion dollars in taxes, including a national sales tax on energy in the middle of a recession. It would double the debt in 5 years and nearly triple the national debt in 10 years.

There is nothing in the President's budget that would seriously get to work on something he said he wants to work on, which is out-of-control entitlement spending, which accounts for more than 60 percent of the spending in this budget.

It is important for the American people to know this budget that we begin working on at 10 a.m. this morning is a budget of which 60 percent is out of

Congress' hands. It is on automatic pilot. It is spending for Social Security, Medicare, Medicaid, and it is going up—everyone agrees—at an unsustainable rate, which means we cannot earn enough money to pay at that rate 10, 15, 20 years out; and there is nothing in the budget that would begin to take charge of that problem, such as the commission that Senator GREGG and Senator CONRAD have proposed; whereby, we would, as a Congress, come up with a plan and present the plan for controlling entitlement spending, and we would vote it up or down—much in the same way that we deal with the difficult problem of closing defense bases.

This 10-year picture of America's future is causing concern around the world. In China, where the savings rate is as high as 50 percent, compared to ours of about 1 percent—although it is up temporarily in the recession to about 5 percent. In China, a country that buys many of our dollars, leaders there express extraordinary concern about the value of the dollar and whether they should continue to buy our dollars.

Of course, if people overseas do not find buying our dollar as attractive, the price of our dollar goes down and the cash we are paid when we work is worth less and we can buy less and our standard of living will be less.

We are a very lucky country. Here we are in the middle of this recession where people are hurting, where people are having difficulty finding jobs, and still in this year, we will be producing nearly a quarter of all the money in the world to be distributed among just 5 percent of the people in the world. One way we keep that high standard of living compared with the rest of the world is to make sure the dollars we produce and earn and spend are valuable dollars. If we spend too much and tax too much and borrow too much, they become worth less and China and other countries will not buy those dollars.

Not only is it causing concern in China, we have our European friends expressing concern about the U.S. financial condition. This is a turn of affairs. I have heard a lot of comment on this floor and over in the House of Representatives about: Oh, my goodness, we don't want to be like France, we don't want to be like some European country. We are already worse than that in some ways. In order to be admitted to the European Union, a country's annual deficit has to be less than 3 percent of its gross domestic product. We are already exceeding that. The President's 10-year budget plan would have us settle in, after the recession is over, at about 4 percent. So we would be permanently disqualified from joining the European Union, according to the plan that is laid out before us.

The plan also shows that every year of the 10 years of this budget, our total

gross debt, which is all of the public debt we have—that is, debt that we individuals have when we loan money to our own Government or that we owe to the Chinese when they buy our dollars, or other countries around the world—that debt every year exceeds 90 percent of our gross domestic product, 90 percent of everything we work and earn and produce every year in this country that produces 25 percent of the world's income. We would be at that level for each of the 10 years. That is an alarming number. That is the highest amount of debt compared to our gross domestic product that we have had since the end of World War II. And, of course, during World War II we were just paying no attention to what we spent, what we borrowed, what we taxed because we had to win the war. Still we find ourselves today with that level of debt.

Polls show this not only is causing concern around the world, it is causing concern at home. I normally do not think it is wise for elected officials to rely on public opinion polls when they vote. We are sent here, of course, to respect the views of the people who elected us but also to make some independent judgments.

The Peter G. Peterson Foundation—which is headed by with David Walker, the former Comptroller General of the United States—has done some very important work over the last few years to try to bring to the American people the seriousness of the problem of our debt. Earlier this month, the Peter G. Peterson Foundation released a public opinion survey that was done jointly by Democratic and Republican pollsters. It showed the following: that voters rank the need to address our budget challenges as a top priority for the Obama administration second only to the need to get the economy back on track and get Americans back to work; that Americans see the threat to our future posed by our growing deficit and debt as more grave and more significant than global warming, more grave and more significant than declines in education, more grave and more significant than manufacturing, and more grave and more significant than the prospect of a rogue nation developing a nuclear weapon.

In other words, the American people, like people in the rest of the world, look at our fiscal condition, look at this budget discussion we are beginning at 10 a.m. today—in just a few minutes—and they are concerned about this issue. We are the world leaders. Our dollar is the world's currency by choice. People who buy and people who follow our leadership are concerned.

Another way to think about the importance of the debt is this way: In the 10th year of the President's budget, we will be spending \$800 billion on interest alone. Our credit card will have that big a monthly payment just for inter-

est. That means we will be spending more on interest in the 10th year than we will on national defense, which is \$700 billion. We will be spending eight times as much on interest as we will be spending on education, eight times as much on interest as we will be spending on transportation. Every dollar we spend on interest is a dollar we will not be spending on investments to protect our nation's competitive edge in the future, it is a dollar we will not have in our pocket to spend for our families, it is a dollar the small businessperson will not have in his or her pocket to create a job, and it is a dollar that makes us a little less wealthy.

No one is suggesting that President Obama single-handedly caused these large deficits this year or that he is responsible for the economic mess in which we find ourselves. Our friends on the other side, the Democrats, always like to begin their speeches by blaming whatever they can on President Bush. But I think the American people are ready for a talk about where do we go from here.

President Bush did not cause Hurricane Katrina, but he got in some trouble for how he dealt with the cleanup after Hurricane Katrina. In the same way, President Obama had nothing to do with the economic mess in which we find ourselves today, but he will be judged and his administration will be correctly judged based upon how well they lead us in responding to the economic mess in which we find ourselves today. We would suggest that spending this much, taxing this much, and borrowing this much will not help get us out of our economic mess.

The right way to deal with this is not to increase our debt levels to levels that have not been seen since World War II. The right way to deal with it is not to spend another trillion dollars on health care at a time when we are already spending 17 percent of the gross domestic product, which is that much more than every other industrialized country in the world is spending. The right way to do it is not to put a national energy tax on the American people in the middle of a recession.

There is a better way, and I will be offering an amendment in a few minutes in the Budget Committee to show how we can deal with climate change and clean air without new taxes.

We can do it by starting with conservation, with construction of 100 new nuclear powerplants. That is 70 percent of our carbon-free energy today. We can do it by electrifying half our cars and trucks and plugging them into nuclear plants and to coal plants at night when they have plenty of extra electricity. We do not have to build one new powerplant in the next 20 years for the purpose of charging plug-in electric cars unless we wish to. We need to have aggressive research to make solar power cost competitive, to find a way

to capture the carbon produced by coal plants, to have the safe processing of nuclear waste. We need to be very aggressive on conservation and efficiency, which is the easiest way for us to deal with clean energy.

We need to develop our oil and gas offshore. We can do it 10 miles offshore so we cannot see it, but we need to do it because the natural gas is important for home heating and, to some extent, for electricity. We are going to be using oil even if we do electrify half our cars and trucks, and we should be using our own oil instead of sending billions of dollars overseas and making us hostage to countries that are not always friendly to us.

This is an important day in the Senate. This is a day when we begin to talk about the budget. We Republicans appreciate the fact that the President has given us a photograph of the future, in the same way we would take a photograph of first graders, and imagine what the country would look like in 10 years. We admire and appreciate his honesty in doing that, but we do not like the picture we see—too much spending, too much debt, too much borrowing, levels that concern the world and levels that concern the American people. It is not necessary to do that. It is not a wise way to create jobs in this country and to begin to get us out of this economic mess—but it will give us in that picture of our future a very different kind of country with more Government, more debt, less freedom, and a country that our children and grandchildren will have a difficult time affording.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNIS. Mr. President, I rise today to discuss the coming debate on the budget resolution. I am very concerned about the use of the budget process to pass very complex climate legislation.

When you think about it, cap-and-trade bills are enormous bills. They are complex, they require discussion, thought, debate, and a very careful weighing of the costs and the economic impacts of the legislation. Such a thoughtful, careful approach is simply not possible if we were to choose to move ahead with a cap-and-trade bill through a budget reconciliation process.

I am not alone in believing this. At least 32 of my colleagues agree with me, and I suspect there are more. But these 32 colleagues cosigned a letter

which I circulated together with a man I admire and respect a great deal—the senior Senator from West Virginia—to the Budget Committee. The letter plainly stated that we oppose the use of the budget reconciliation process to consider complex cap-and-trade legislation. Thereafter, the junior Senator from North Dakota, another man I admire and respect, also from the other side of the aisle, sent a letter to the Senate Budget Committee expressing similar concerns.

Some of the cosigners support cap and trade. Yet they also oppose using budget reconciliation to enact it, to make it the law of the land. A group of Democrats in the House recently expressed identical concerns.

Despite this very bipartisan, bicameral expression of clear disapproval, there are some who continue to push the use of the budget reconciliation process for cap and trade. Press reports indicate that the leadership in the Senate and in the House continue to discuss passing cap and trade through the budget reconciliation process. Just this last weekend, administration officials indicated “all options remained on the table.”

Even more troubling to me, yesterday we learned that the House included reconciliation instructions for the Energy and Commerce Committee, directing it to reduce the deficit by \$1 billion by 2014. But don't be deceived by the stated goal of reducing the deficit. The House language, in my opinion, is a Trojan horse.

The fact is, this language opens the door to cap-and-trade legislation at some point in the budget process. It could be set up to bring in \$900 billion in fees and spend only \$899 billion, for example. Authors could claim to have reduced the deficit by \$1 billion, but in reality every American family will have to pay thousands of dollars per year in increased energy costs. The use of such language would clearly serve one purpose: to slip through a piece of legislation that could literally change the economic landscape of this country under the cloak of the budget process.

To be very clear, my comments today are not meant to address the general merits of climate change. I am simply saying no to shortchanging the legislative process and supporting instead a very careful, deliberate, and meaningful review of the legislation. It is troubling that leadership would even consider trying to put it in under the mask of another bill.

When the Senate considered climate legislation last year, the bill set caps on U.S. greenhouse gas emissions through the year 2050. That is 40 years. The cost of such a cap is estimated to be \$900 billion, according to the non-partisan Congressional Budget Office. It would reportedly require 400 additional staff at the Environmental Protection Agency just to set up the pro-

gram and write the rules. What does that mean? It means requiring almost \$1 trillion in permits for the first 10 years, and according to the President's budget director, of course, this will cost consumers.

In Senate testimony last year, the CBO Director at the time noted:

Firms would not ultimately bear most of the cost of the allowances, but instead would pass them along to customers in the form of higher prices.

Under the President's proposal, an average American family would pay \$3,000 a year in increased energy bills. In this day and age, that is a very heavy burden. It simply is not right to contemplate imposing a tax of \$3,000 per family in legislation that is passed under the cloak of another bill.

To summarize, Mr. President, cap and trade is complex. It is as difficult a piece of legislation as we will face this year. It will set limits on economic growth for the next 40 years, it will require a small army of additional Federal employees, and it will require every American family to pay a price. So I urge my colleagues to support a thoughtful, deliberate, transparent effort to address this country's energy challenges. I urge them to oppose the use of the budget to pass cap and trade in any form or fashion.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the two letters I referenced earlier in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 12, 2009.

Hon. KENT CONRAD,  
*Chairman, Committee on the Budget, U.S. Senate, Washington, DC.*

Hon. JUDD GREGG,  
*Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN CONRAD AND RANKING MEMBER GREGG: We oppose using the budget reconciliation process to expedite passage of climate legislation.

Enactment of a cap-and-trade regime is likely to influence nearly every feature of the U.S. economy. Legislation so far-reaching should be fully vetted and given appropriate time for debate, something the budget reconciliation process does not allow. Using this procedure would circumvent normal Senate practice and would be inconsistent with the Administration's stated goals of bipartisanship, cooperation, and openness.

We commend you for holding the recent hearing, entitled “Procedures for Consideration of the Budget Resolution/Reconciliation,” which discussed important recommendations for the upcoming budget debate. Maintaining integrity in the budget process is critical to safeguarding the fiscal health of the United States in these challenging times.

Sincerely,

Mike Johanns; Robert C. Byrd; David Vitter; Blanche L. Lincoln; George V. Voinovich; Carl Levin; Johnny Isakson; Evan Bayh; Christopher S. Bond; Mary Landrieu; James E. Risch; E. Benjamin Nelson; Lamar Alexander; Robert P.

Casey, Jr.; Michael B. Enzi; John McCain; Tom Coburn; Jim Bunning; John Barrasso; John Ensign; Bob Corker; James M. Inhofe; Chuck Grassley; Roger F. Wicker; Mike Crapo; Susan M. Collins; Thad Cochran; Kay Bailey Hutchison; Mark L. Pryor; Lisa Murkowski; Pat Roberts; Saxby Chambliss; Sam Brownback.

U.S. SENATE,

Washington, DC, March 13, 2009.

Hon. KENT CONRAD,  
*Chairman, Senate Budget Committee, Washington, DC.*

Hon. JUDD GREGG,  
*Ranking Member, Senate Budget Committee, Washington, DC.*

DEAR CHAIRMAN CONRAD AND RANKING MEMBER GREGG: Global climate change is a serious problem that demands the full attention of the Congress and the President. However, I believe that the budget reconciliation process is not an appropriate mechanism to expedite passage of climate change legislation. It unnecessarily short circuits Congress's ability to more fully debate this complex and multifaceted public policy issue.

I fully expect that the U.S. will enact mandatory legislation that will reduce greenhouse gas emissions in the near future, and we must do so in a way that balances our energy security, economic development and environmental integrity goals. The far reaching implications of this legislation affect all sectors of the economy and require appropriate time for debate in a number of key standing committees.

I look forward to working with you to review and respond to the Administration's budget request in a way that will allow us to enact innovative policy measures for the future of our nation.

Sincerely,

BYRON L. DORGAN,

*U.S. Senator.*

Mr. JOHANNIS. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE BUDGET

Mr. CASEY. Mr. President, I rise today to speak about the budget that is before the Congress, before the Senate, and before the American people. Like many others in this Chamber, as well as people from across the country, we look forward to working with President Obama to get this budget passed.

When we consider what a budget is, I believe it is a lot of things, of course, but it is not just a series of proposals and policies and numbers and charts and data. I believe a budget is really a reflection of our values. It is a mirror into which we look—at least here in the Federal budget—once a year to make an assessment or a reassessment

of our values and our priorities. I think President Obama understands that. His budget reflects that understanding; that a budget is a set of values and priorities, and in the end it is also about people. It is not just about data and programs, but a budget is about people.

I was thinking this morning about some people with whom I have had contact through correspondence—people who write to our office and talk about their lives—such as Trisha Urban, who wrote to our office not too long ago. She is from Berks County, the county that has the city of Redding in it, on the eastern side of our State.

Trisha has a story about her life, her family, and about health care. Imagine this happening, Mr. President, in the life of one family—in this case Trisha Urban's family. Trisha was pregnant and awaiting the birth of a child, and at the same time her husband dies, literally within the same timeframe. She wrote to me and said:

We were anxiously awaiting the birth of our first child. A half hour later, two ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedic from the other ambulance told me that my husband could not be revived.

This happened all in 1 day, all in 1 hour, literally.

She goes on to say in her letter:

My husband's death may have been prevented. Like many other Americans, we have difficulty with our health insurance. My husband had to leave his job for 1 year to complete an internship requirement to complete his doctorate in psychology. The internship was unpaid; we could not afford COBRA.

COBRA is the extension of health insurance. Continuing to quote her letter:

Because of preexisting conditions, neither my husband's health issues nor my pregnancy would be covered under private insurance.

And she goes on from there to talk about her own predicament. Mr. President, I ask unanimous consent to have printed in the RECORD the full text of this letter that I received from Trisha Urban.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR MR. CASEY, Exactly one week and 7 hours ago, I was frantically trying to revive my husband who was doing some last minute errands before taking me to the hospital. My water had broke the night before, we were anxiously awaiting the birth of our first child. A half-hour later, 2 ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedic from the other ambulance told me that my husband could not be revived.

My husband's death may have been prevented. Like many Americans, we have difficulty with our health insurance. My husband had to leave his job for one year to complete an internship requirement to complete his doctorate in psychology. The internship was unpaid; we could not afford COBRA. Because of pre-existing conditions, neither my husband's health issues nor my

pregnancy would be covered under private insurance. I worked 4 part-time jobs and was not eligible for any health benefits. We ended up with a second rate health insurance plan through my husband's university. When medical bills started to add up, the insurance company decided to drop our coverage stating the internship did not qualify us for the benefits. We were left with close to \$100,000 worth of medical bills. Concerned with the upcoming financial responsibility of the birth of our daughter and the burden of current medical expenses, my husband missed his last doctor's appointment less than one month ago. I am a working class American and do not have the money or the insight to legally fight the health insurance company. We had no life insurance. I will probably lose my home, my car and everything we worked so hard to accumulate in our life will be gone in an instant.

If my story is heard, if legislation can be changed to help other uninsured Americans in a similar situation, I am willing to pay the price of losing everything. I am asking you to share my story with others in Congress and I am willing to speak on behalf of my husband so that his death will not be in vain.—Trisha Urban

MR. CASEY. Mr. President, here is how Trisha Urban concluded her letter. She said:

If my story is heard, if legislation could be changed to help other uninsured Americans in a similar situation, I am willing to pay the price of losing everything. I am asking you to share my story with others in Congress and I am willing to speak on behalf of my husband so that his death will not be in vain.

In this one single letter from a woman in Pennsylvania, a mother and now a widow, is contained all the challenges that we face in this budget, specifically with regard to health care. But I think it speaks to so many other challenges we face as well. So every budget we do, and especially at this time of economic crisis, is about people, and we all have to remember that.

I think President Obama understands this budget is about people—it is about people who are leading lives of struggle and sacrifice and setback. But at the same time he understands the American people, even at this difficult time in our Nation's history, understand we will overcome this. We will pass a budget, and we will get to work on these important priorities—priorities such as health care, the priority of education, and also of making progress on a whole range of energy issues.

As we are passing this budget, we should remind the American people that even as we work on health care, energy, and education, this budget contains plenty of middle-class tax relief, and it is important to talk about that.

Now, I don't want to look in the rear-view mirror and talk about the past too much, but I think it is important to provide a brief assessment of where we are. We can't make progress ahead of us if we don't know where we are and where we have been. Here is where we have been the last couple of years.

The prior administration inherited a \$236 billion surplus. When the prior ad-

ministration ended, it was the exact opposite—record deficits at that time. The Congressional Budget Office projected the surplus—this is back in the early part of this decade—the projection was the surplus would grow at \$710 billion—a surplus of \$710 billion—by 2009. We know that is not the case today.

President Obama and the American people have inherited a deficit of almost \$1.3 trillion. If you look at it in terms of gross debt, it is like looking at the side of a mountain. We went from \$5.8 trillion up to over \$12 trillion in debt. That is what we face. And I think it is important to understand that is where we start.

But President Obama didn't spend a lot of time talking about the problem he inherited, he focused on solutions. So he put before the Congress an open, honest, and accountable budget. This is a budget that will come about because of his work and his leadership as President but also the work that Chairman KENT CONRAD and others in Congress do. I want to commend Chairman CONRAD for the work he has done on this budget. He has a great array of charts we are going to be using in the next couple of days to highlight some of these issues.

But this is an honest budget. It is not perfect, but it is honest, and it focuses on those priorities I mentioned before—health care, energy, education, deficit reduction, and tax relief.

Let me take a couple of moments to talk about health care. The story I told before, encompassing the letter from Trisha Urban, is an unusual story, a graphic and difficult story to tell about tragic events in the life of one family. But the problems that families are having with health care are not all that unusual. For the first time in a decade, we have a budget that tackles one of the biggest problems in the country—the health care crisis. We can't put it off to 2010, 2011, or 2012. We have to deal with this now, this year, with a new President and a new Congress committed to doing that.

Across Pennsylvania this issue comes up all the time when I talk to people in our State. If you look at it in terms of the Nation, there are nearly seven times the number of Americans without health insurance today as there were in 2000. Families USA is an organization that analyzes health care in the country, and then they focus specifically on a particular State. The most recent report of Families USA finds that nearly 3 million Pennsylvanians under the age of 65 were uninsured for some period of time in 2007 and 2008. The overall number of Pennsylvanians without health insurance is growing faster than the nationwide average.

So we have a major challenge on our hands with regard to health care, and the President has been very focused on

making sure health care is a major component of this budget. We are going to be talking about the specifics of that in the days ahead.

The President also made a strong commitment to energy independence. We all know it is important. We know it is an urgent priority, and we have talked a lot about it—year after year of talking and not acting, year after year of explaining the problem instead of putting the solutions into law, into the budget, into the programs we know can work.

Energy independence is not just a nice thing to do, it is not just another way to go about heating our homes and powering our economy. Energy independence is essential for our national security. The more we ignore it, the less safe we are. The more we ignore energy independence, the more the terrorists have an increasing advantage over us. We have to deal with this this year as well. We are dependent for oil on some of the most politically unstable areas of the world. We know that, but we can't just acknowledge that, we have to act on it.

This budget addresses the need for investments in clean energy that will help us combat global warming and create the new green jobs of the future—not just any jobs, the green jobs that will pay wages on which you can sustain a family.

This budget, with regard to energy, builds on the investment we made through the recovery and reinvestment bill we passed not too long ago, for renewable energy, energy efficiency and conservation, electric grid modernization, and low-carbon coal technology, which is so important for our transition to this new energy economy.

I wish to conclude today by addressing the issue of education. We know that the challenge we have with regard to education is a lifetime of challenges, and we have to think about education as a continuum, a continuing series of challenges we have to face as Americans.

We cannot say we want a growing economy or higher GNP growth or a skilled workforce to compete in the world economy—we cannot really say that with any degree of truth or integrity unless we are willing to make investment in children in the dawn of their lives. As Hubert Humphrey said a long time ago—he talked about how the test of government is how we treat those in the dawn of life, the shadows of life, and those in the twilight of life. When he spoke of the dawn of life, of course he was speaking of our children.

The United States of America today has no prekindergarten education policy beyond the important program of Head Start. But we have to not just make the funding commitment to Head Start, which has been so important to our economy and to our children and our families, we have to do more than

Head Start. We need a full commitment to prekindergarten education—early learning. President Obama understands that. He campaigned on it. He promised the American people he was going to work on it, and he put it in his budget. It is so critically important to make this a priority in our budget. But he knows that making sure a child has access to early education and health care and the promise of a bright future will not reach fulfillment unless we invest in higher education as well. Access to higher education and the opportunities it affords is one of the fundamentals of what makes this country strong. I really believe his commitment on higher education is a seminal part of his budget.

But I really believe also that when President Obama talks about education, he is not just talking about it in some abstract form. When he focuses on the needs of our children, it is not an abstraction—not only because he is a husband and a father but because President Obama believes, as I believe, that every child in America, no matter where they live, no matter who they are, no matter who their parents are, every child in America is born with a bright, scintillating light inside them. It is up to us, those of us who are elected officials, who are given power to help people, who are given power to get things right in this country as best we can, it is up to us to make sure that whatever that light is inside a child, it burns ever brighter, that that child's full potential—if it is unlimited or if it is much more limited—whatever that potential is, whatever the brightness of that light is, we have an obligation here to make sure that potential, that light burns brightly. I really believe what President Obama has tried to do on education speaks directly to that obligation we have as Members of the Senate or Members of Congress.

We have a lot more to talk about in the days ahead. We have a lot more challenges to face as we face the challenge not only of passing a budget but of making sure these programs work for people. But in the end, this is about people. It is about Trisha Urban and families who face the impossible challenge of having health care for their family. It is also about a lot of families in Pennsylvania and across the country who lost their homes, may have lost their jobs, and have lost their hopes and their dreams.

I believe with all my heart that this budget is one of the ways we speak to their concerns, one of the ways we do our best to speak to the worries they have about their own future, one of the ways we give integrity to the promise we have when we say we are working here to make sure the families of America can reach their potential: that children's lives will be better than their parents' lives. There are many people worried about that basic feature of American life.

This budget is not perfect. We will continue to work on it. I and others will have amendments, but President Obama has put us on a path to make the investments in health care, education, and energy; to cut the deficit in half; to provide tax relief; and also by making those investments to put us on a path not just to getting our economy out of the ditch and back on the road but making sure we are making the investments to grow our economy in the future—to create jobs, to create opportunity, and to create a future for our families and especially for our children.

We have a long way to go, but I really believe President Obama—working with leaders such as Chairman CONRAD here in the Senate and others in the House as well to make sure we are on that path to fiscal responsibility—is on the path to investing in priorities such as health care, education, and energy. If we work together, we can reestablish the kind of economy we used to have and reestablish and reenergize the priorities the American people elected us to work on. I know we can do that together, but it is not going to be easy. We look forward to the challenge. We look forward to working with President Obama.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call roll.

Mr. ENZI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL SERVICE REAUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1388, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1388) to reauthorize and reform the national service laws.

Pending:

Mikulski amendment No. 687, in the nature of a substitute.

Thune amendment No. 716 (to amendment No. 687), to express the sense of the Senate regarding the Federal income tax deduction for charitable giving.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I rise in support of the Serve America Act. I haven't been here for the debate. Wyoming has been under snow, particularly

the part of Wyoming I happened to be in. I thank the people who made it possible for me to get back as soon as I have. It has kept me from this very important legislation. I am grateful for the leadership of Senator HATCH in the management of this bill and keeping the process moving. He has played a tremendous role in the drafting of this bill, and it is appropriate that he manage the bill and continue to do so.

I also thank Senator MIKULSKI for defending the bipartisan process. I know it has not been easy. I am sorry I missed my friend Senator KENNEDY's appearance on Tuesday evening. I look forward to his quick return to the day-to-day business of the Senate.

Let me turn to the issue of the national service reauthorization before us. My mother always told me service to others is the rent we pay for the space we take up. This bill will help millions of Americans fulfill that rent payment. After 16 years, we finally have the opportunity to take a hard look at the law surrounding national service and making necessary changes to improve accountability, reduce bureaucracy, and ensure we get the maximum return on the investment we are making.

Although the process we took to reach this point was rushed, it was bipartisan throughout. It is not a perfect agreement, but it includes key Republican concepts such as eliminating waste, and it addresses serious concerns about the management and operations of the AmeriCorps program. Senators HATCH and MCCAIN have been stalwarts in keeping us focused on the importance of national service. Each of them has given back to their communities and country through their individual sacrifices and commitment to service. Without their leadership, we would not be here today.

I also congratulate Senator MIKULSKI on the work she has done to ensure this bipartisan process and her willingness to focus on the 80 percent we can agree on to get this bill done. We do need to get it done.

Finally, I cannot proceed without acknowledging our friend and colleague, Senator KENNEDY, and his lifelong commitment to the issue of national service. He is dedicated to making sure everyone who is called to national service has the opportunity to serve in programs that address the needs of their communities. We look forward to his speedy recovery and return to the Senate.

A comprehensive reauthorization of our national service programs is long overdue. Congress has not given these programs a hard look for 16 years. Working across the aisle and with our colleagues in the House, we have been able to identify areas where we can enact reforms, eliminate waste, and expand our national service efforts responsibly. This bill strengthens the

management, oversight, and fiscal accountability of these Federal programs while it expands accessibility and streamlines bureaucracy, which is particularly critical for smaller and rural programs.

As the Senate's only accountant, I am particularly concerned about how these programs have struggled to get their financial house in order. I am pleased that the bill before us strengthens the role of the chief financial officer and the inspector general at the Corporation for National and Community Service and moves to fixed price grants that will streamline these programs. This bill now requires the Corporation's board of directors to review the national service budget submission before it goes to OMB.

Additionally, when the inspector general recovers misspent national service funds, the bill requires that those funds go back into the national service trust. With these changes, I believe we are creating tools that will allow the corporation to better safeguard taxpayer dollars.

I hear from Wyoming constituents about the need to make these programs more responsive to the challenges facing small grantees and rural communities. In this bill, we have taken steps to reduce Federal bureaucracy and improve access for small grantees. By giving the corporation the flexibility to use fixed price grants, we are reducing the significant paperwork and administrative burdens that have plagued these programs in the past. We will really see the impact of streamlining access to these programs as the corporation reaches out to more effectively help Native American communities and tribal governments.

In the past, a significant portion of the 1 percent set-aside for programs serving Native American communities has not been used. Too often, these are communities that experience the most extreme needs for education, health, and workforce services. I am encouraged that the corporation has recently brought on board a strategic adviser for Native American affairs. They are bringing to the table the kind of focused expertise that can help improve the ability of tribes to access the programs in the National and Community Service Act and the Domestic Volunteer Service Act.

These opportunities are critically important. One of the ways youth in Wyoming engage in service is through the Congressional Award Council which connects them to service opportunities and sponsors an award ceremony. In Cheyenne, young people are conducting CPR and first aid classes, improving disaster preparedness training in the community. That is all on a completely volunteer basis. They get a little medal for doing a lot of hours of service. Each year the council sponsors an award ceremony where members of

the congressional delegation award certificates and bronze and silver medals. Gold medal recipients have a special opportunity to travel to Washington, DC, in June to receive their medals.

I am also pleased this bill creates a veterans corps that provides veterans with an opportunity to use their skills and leadership abilities after they leave the military. Participating in this corps is a way for Americans to provide the essential support that military families need while their husbands, wives, sons, and daughters are deployed.

An opportunity corps has been included to address challenges in disadvantaged low-income communities, which is particularly fitting in this time of economic uncertainty. As part of this corps, we have emphasized the need many Americans have for financial literacy education and job placement assistance. I am very supportive of provisions in this bill that build connections to the needs of our workforce.

I thank Senator MIKULSKI for working with me to find a third way to resolve the issue of how best to introduce competition into the senior corps program. In Wyoming, over 1,000 people a year participate as senior companions, foster grandparents, or community volunteers. They perform services such as conducting safety patrols and participating in environmental cleanup projects. The original proposal around competition would have seriously disrupted the important services provided by these programs. In this bill, we have arrived at a workable solution that will improve the good work being done in these programs through technical assistance and responsible competition.

I also thank Dr. COBURN for his thoughtful contribution to the establishment of metrics to be used in evaluating the performance of our national service programs. We reached quick agreement around his proposal between committee markup and today, and we will be able to incorporate his suggestions into this bill.

I want to focus on that a little bit more because this is a committee that has been one of the most contentious and is now one of the most productive because of this working together, working through the process, and then working after the process. Dr. COBURN brought up these important changes that he thought the bill needed. We looked at them. They were good ideas. We were able to get the language right and get it incorporated into this bill so we will have a better idea of how each of these programs is working.

I understand the concern that we are going too far in expanding these programs. I agree it is not a perfect bill. We took out a number of programs and put in some ideas that were important



to Senator HATCH and to Senator KENNEDY. It has held the line and focused on what needs to be done.

By being at the table and working in a bipartisan way, we have been able to limit the number of new programs and control the proposed increases in discretionary spending. We have also added accountability and performance measures at every step of the way for each program.

I also would like to clarify further what this bill does. In exchange for an education award and small stipend, we are supporting Americans who have made a commitment to mobilize their neighbors to address the pressing needs of their communities. We are leveraging the efforts of a few to mobilize millions. I am pleased we have worked in a bipartisan way to negotiate a bill we can support in the Senate. It should receive strong support in the House. The 80 percent we have agreed upon is good policy. It reinforces both Democratic and Republican principles, and it will benefit disadvantaged communities across the country.

I am confident the House will concur with the bill ultimately passed off of the Senate floor. This bill will then reach the President's desk quickly. I do hope we can get finished in an expedited manner. I am pleased with the cooperation and the work that people who were not even on the committee have done. That will make a difference in getting this very important bill to the finish line.

As I mentioned, it has been 16 years since we took a hard look at these programs. The committee, particularly Senator HATCH and Senator MIKULSKI, worked through this bill, along with Senator KENNEDY and myself. We made some very strong improvements that will make this a very workable program and one that we will be proud to move forward.

I ask Members to restrain amendments and help us get this bill finished today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I believe we need to take a moment to recognize the support the Serve America Act has received from leaders and organizations throughout the country.

I actually have in my possession a copy of a letter to the Senate leadership signed by 21 Governors from around the country, including Gov. Haley Barbour from Mississippi, Gov. M. Jodi Rell from Connecticut, and Gov. Arnold Schwarzenegger from Cali-

fornia. In the letter, these State leaders express their support for the Serve America Act and give solid testimony regarding the value of national service, particularly of the States' role in our national service programs.

Madam President, I ask unanimous consent to have the Governors' letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 23, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

Hon. JOHN BOEHNER,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, SPEAKER PELOSI, AND REPRESENTATIVE BOEHNER: We write in support of reauthorizing and expanding AmeriCorps and other national service and volunteer programs that the Corporation for National and Community Service administers. Accordingly, we support the passage of the House Generations Invigorating Volunteerism and Education (GIVE) Act and the Senate Serve America Act. In this difficult time for our country, service remains an enduring American value that brings communities together and reminds us of the strength of our common bond.

As Governors, we witness firsthand the positive effects that national service and volunteerism have in communities throughout our states. Through outstanding state-federal partnerships, we have a unique opportunity to support service and volunteering through Corporation for National and Community Service programs. Additionally, Governor-appointed state commissions oversee and administer AmeriCorps, promote national service and volunteering, and develop innovative volunteer opportunities to meet the needs of our communities and our states.

As Governors, we recognize the value of national and community service as a tool in meeting important needs and addressing pressing challenges, and we request the following provisions in the final reauthorization legislation:

Increase administrative funding to enhance the capacity of state commissions' infrastructure. The proposed legislation will dramatically increase the programming commissions oversee, and additional administrative funding is critical in ensuring appropriate oversight and thoughtful program expansion.

Streamline the AmeriCorps funding allocation, and at the same time, allow Governors and state commissions to set priorities and indicators. Current legislation revises the program funding allocation model to ensure more effective distribution of funds and coordination at the local level. This revised model will assist our efforts to target national service resources to the most pressing needs of our communities.

Fully implement fixed amount grants to reduce the burden on programs. This provision will allow AmeriCorps to become more accessible to smaller organizations, especially small faith-based programs and those in rural parts of the country. Fixed amount

grants will also focus resources on program development, delivery and quality, all while maintaining grantee accountability.

We strongly embrace the effort of both President Obama and a bi-partisan group of Congressional leaders to improve and expand national and community service opportunities. We support the effort to enhance the capacity of state service commissions and ensure that national service is mission-oriented, efficient, and effective. We therefore respectfully request your support for the reauthorization and expansion of these vital national service programs.

Sincerely,

Governor Arnold Schwarzenegger, California; Governor David A. Paterson, New York; Governor Mike Beebe, Arkansas; Governor Bill Ritter, Colorado; Governor M. Jodi Rell, Connecticut; Governor Jack Markell, Delaware; Governor Pat Quinn, Illinois; Governor Chester J. Culver, Iowa; Governor Steven L. Beshear, Kentucky; Governor John E. Baldacci, Maine; Governor Martin O'Malley, Maryland.

Governor Deval Patrick, Massachusetts; Governor Jennifer M. Granholm, Michigan; Governor Jon Corzine, New Jersey; Governor Bill Richardson, New Mexico; Governor Ted Strickland, Ohio; Governor Donald Carcieri, Rhode Island; Governor Christine O. Gregoire, Washington; Governor Joe Manchin III, West Virginia; Governor Jim Doyle, Wisconsin; Governor Haley Barbour, Mississippi.

Mr. HATCH. Madam President, I also have a copy of a letter sent by the ServiceNation coalition. It is signed by 441 nonprofit and charitable organizations—all of which support this legislation. They vary from faith-based groups such as Catholic Charities to local groups such as Volunteer Florida and the Volunteer Center of Kalamazoo. Local United Way and Boys & Girls Club chapters have also signed on, as have a number of colleges and universities. These are the kinds of groups we will be empowering with passage of this legislation. They have built-in connections to their communities and know the needs of the people they serve. The Serve America Act will help them put even more boots on the ground in order to provide much needed services to people all over the country.

Madam President, I ask unanimous consent to have the ServiceNation letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 9, 2009

Hon. HARRY REID,  
Hart Senate Office Building,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Russell Senate Office Building,  
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: Thank you for your leadership as our nation faces unprecedented economic challenges. We are convinced that as the current crisis deepens—intensifying needs in the nation's most economically vulnerable communities and forcing greater and greater numbers of Americans out of their

jobs and homes—it is absolutely crucial that the nation invest in service, social innovation, and the non-profit sector. We strongly support the Serve America Act (S. 277) for precisely this reason.

The Serve America Act, introduced by Sen. Ted Kennedy (D-MA) and Sen. Orrin Hatch (R-UT), features a number of proposals for using service and social innovation to address pressing challenges in areas such as education, public health, poverty, and energy efficiency. It also provides much-needed support for the non-profit sector at a time when the demand for the vital services it provides is rising sharply, even as shrinking revenues decrease capacity and threaten debilitating job losses.

The Act will strengthen the non-profit sector, empowering it to respond to rising needs in communities across the nation. The Serve America Act will:

Create four targeted problem-solving corps that will deploy Americans of all ages to increase access to job training and placement resources, help raise high school graduation and college-going rates, enhance energy efficiency and improve natural resources, and improve access to health care;

Establish Community Solutions Funds to invest in and scale the proven, innovative solutions that are having an impact in communities across our nation. The Fund will promote greater innovation in the social sector and evaluate performance based on results;

Found Youth Engagement Zones to involve in-school and out-of-school youth in high-quality service learning projects and recognize “Campuses of Service,” institutions of higher learning that engage students in service activities, integrate service and learning, and promote service careers;

Draw upon the unique insights and leadership skills of individuals who have completed military and civilian service through Innovation Fellowships. These fellowships will enable such individuals to establish non-profit organizations that respond to local and national needs. The Act will also call upon Baby Boomers to use their talents to address national challenges through Encore Fellowships;

Honor the long-standing tradition of community volunteering by creating a Volunteer Generation Fund to increase the number of Americans who are able to work with community and faith-based organizations to meet growing needs; and

Mobilize skilled Americans to serve in developing countries around the world to tackle urgent problems, such as HIV/AIDS and malaria through Volunteers for Prosperity.

Notably, the Act also emphasizes the importance of results, accountability and transparency, creates indicators of civic health, and requires that federal investments be matched with significant contributions from private, philanthropic, state, and local sources. In these ways, the Serve America Act ensures that the non-profit sector's response will be both effective and cost-efficient. Moreover, the Act promotes collaboration between the non-profit sector, local government actors, and the State Commissions, which have provided leadership with respect to service since their creation, thereby guaranteeing that programs are tailored to meet state and local needs.

Most importantly the Act will, as President Obama noted in his address before Congress, “encourage a renewed spirit of national service for this and future generations.” It will provide Americans of all ages and backgrounds—who are more eager than ever to help shape this nation's future—with

opportunities to confront the challenges facing our country.

Thank you for your public service and your leadership in this time of crisis. We hope that you will enable greater numbers of Americans to serve with you to collectively strengthen our nation by supporting and fully funding the Serve America Act.

Sincerely,

Signed by 441 organizations.

Mr. HATCH. I also have a copy of a letter of support sent by the members of the Campus Compact, a group of 1,100 colleges and universities that promote efforts to create civically engaged campuses. The signees to the letter include the presidents from the great schools of my State, including Utah State University, Salt Lake Community College, Utah Valley University, College of Eastern Utah, Weber State University, Dixie State College, Snow College, Brigham Young University, and the University of Utah. I think the administrators of these schools recognize the value of engaging young people in community and volunteer service. I am proud to see so many schools from Utah on the list, and I am quite certain that when this legislation becomes law, many students from these schools will benefit from it and, in turn, help to benefit others in their communities.

Madam President, I ask unanimous consent to have the Campus Compact letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CAMPUS COMPACT,  
Boston, MA, March 20, 2009.

DEAR MEMBERS OF CONGRESS, as Members of Campus Compact and leaders in higher education, we wish to express our support of the Serve America Act (S 277) introduced by Senator Edward Kennedy and Senator Orrin Hatch. We feel strongly that investment in community service, service-learning, social innovation and the non-profit sector is a winning strategy at this time.

Campus Compact is a 23 year-old coalition of over 1100 college and university presidents that promote the public purposes of higher education through the creation of civically engaged campuses. We have been involved in the evolution of the Serve America Act, serving as one of the original members of the organizing committee for ServiceNation.

We support the participation of Americans of all ages in innovative service programs that leverage federal funding wisely and bring much-needed relief to our country's most economically vulnerable communities. The Serve America Act strengthens existing national service programs as well as creating new initiatives. These programs include: four new volunteer corps, each focusing on a critical issue facing our nation; designation of up to 30 institutions of higher education as “Campuses of Service,” based on their records of student engagement in service and service-learning; and the creation of Youth Engagement Zones to support service-learning partnerships between higher education institutions and local education agencies.

As President Obama said in his speech before Congress on February 24th, the Serve America Act will “encourage a renewed spirit of national service for this and future gen-

erations.” We ask you to support the Serve America Act, and make it possible for millions of Americans to contribute to the rebuilding of our country in the spirit of service.

Sincerely,

National Campus Compact Board Members: John J. DeGioia, President, Georgetown University, Chair of National Campus Compact Board; Toni Murdock, President, Antioch University, Vice Chair of Campus Compact Board; Jane Karas, President, Flathead Valley Community College, Vice Chair of Campus Compact Board; Richard R. Rush, President, California State University Channel Islands, Vice Chair of Campus Compact Board; Louis Albert, President, Pima Community College—West Campus; Lawrence S. Bacow, President, Tufts University; Warrick L. Carter, President, Columbia College Chicago; James B. Dworkin, Chancellor, Purdue University—North Central; David Giunta, President and CEO, Natixis Global Associates; James T. Harris III, President, Widener University; JoAnn Haysbert, President, Langston University; Teresa Iannaconi, Partner, KPMG LLP; Alex Johnson, President, Community College of Allegheny County; John Keating, Chancellor Emeritus, University of Wisconsin—Parkside; Leo Lambert, President, Elon University; John Sirek, Citizenship Program Director, McCormick Foundation; James Votruba, President, Northern Kentucky University.

Campus Compact Members Stan A. Albrecht, President, Utah State University; Charles M. Ambrose, President, Pfeiffer University; Daniel Asquino, President, Mount Wachusett Community College; Carol Ballantyne, President, Garden City Community College; John Bassett, President, Clark University; Michael S. Bassis, President, Westminster College, Utah, Chair of Utah Campus Compact Board; Michael T. Benson, President, Southern Utah University; Carole M. Berotte Joseph, President, Massachusetts Bay Community College; Daniel Bingham, CEO, The University of Montana-Helena; Laura Bingham, President, Peace College; Cynthia A. Bioteau, President, Salt Lake Community College; Robert J. Birgeneau, Chancellor, University of California, Berkeley; Richard H. Brodhead, President, Duke University; Robert Bruininks, President, University of Minnesota; Jim W. Burnett, President, Western Piedmont Community College; Wayne M. Burton, President, North Shore Community College; Bob Caret, President, Towson University; Richard F. Celeste, President, Colorado College; Carol Christ, President, Smith College; Thomas B. Coburn, President, Naropa University; Joan Coley, President, McDaniel College; Robert Coombe, Chancellor, University of Denver; Robert A. Corrigan, President, San Francisco State University; Carol Cowin, President, Middlesex Community College; Steven Curtis, President, Community College of Philadelphia; George Dennison, President, The University of Montana, Chair of Montana Campus Compact Board; Ray Di Pasquale, President, Community College of Rhode Island, Chair of Rhode Island Campus Compact Board; Rick Dorman, President, Westminster College, Pennsylvania.

Lorna Edmundson, President, Wilson College; Tom Flynn, President, Alvernia University; Daniel Mark Fogel, President, University of Vermont; Geoff Gamble, President, Montana State University; Frank Gilmore, Chancellor, Montana Tech of the University of Montana; Alvin Goldfarb, President, Western Illinois University, Chair of Illinois Campus Compact Board; Mary K. Grant, President, Massachusetts College of Liberal Arts;

Rolf Groseth, Chancellor, MSU-Northern; Karen Gross, President, Southern Vermont College; David Hartleb, President, Northern Essex Community College; Robert Hemenway, Chancellor, University of Kansas; Ralph J. Hexter, President, Hampshire College; Stefani Hicswa, President, Miles Community College; Garrett D. Hinshaw, President, Catawba Valley Community College; Elizabeth Hitch, Interim President, Utah Valley University; Jackie Jenkins-Scott, President, Wheelock College; Mike King, Interim President, College of Eastern Utah; Steve Knapp, President, The George Washington University; Karol LaCroix, President, Granite State College, Chair of Campus Compact for New Hampshire; Jay Lemons, President, Susquehanna University, Chair of Pennsylvania Campus Compact Board; Jean MacCormack, Chancellor, University of Massachusetts Dartmouth; Patricia Maguire Meservey, President, Salem State College; Bette Matkowski, President, Johnson & Wales University—Denver Campus, Chair of Colorado Campus Compact Board; Gene McAllister, President, University of Great Falls; Joe McDonald, President, Salish Kootenai College; Allen C. Meadors, Chancellor, The University of North Carolina-Pembroke; W. Richard Merriman, President, Southwestern College, Chair of Kansas Campus Compact Board; William F. Messner, President, Holyoke Community College; Keith Miller, President, Lock Haven University; F. Ann Millner, President, Weber State University; C.D. Mote, Jr., President, University of Maryland.

Brian Murphy, President, De Anza College; Stephen D. Nadauld, Interim President, Dixie State College; Gloria Nemerowicz, President, Pine Manor College; Kay Norton, President, University of Northern Colorado; James L. Oblinger, Chancellor, North Carolina State University; J. Michael Ortiz, President, California State Polytechnic University, Pomona; Eduardo Padron, President, Miami Dade College; Kenneth E. Peacock, Chancellor, Appalachian State University, Chair of North Carolina Campus Compact Board; William S. Pfeiffer, President, Warren Wilson College; Tom Powell, President, Mount St. Mary's University; Stephen A. Privett, S.J., President, University of San Francisco; Nido R. Qubein, President, High Point University; Judith Ramaley, President, Winona State University, Chair of Minnesota Campus Compact Board; J. Lawrence Richards, President, LDS Business College; Rollin C. Richmond, President, Humboldt State University; Cecil O. Samuelson, President, Brigham Young University; John J. Sbrega, President, Bristol Community College; Joe Schaffer, CEO, MSU—Great Falls; Irving Schneider, President, Johnson & Wales University—Providence; Art Scott, President, Northampton Community College; Ronald Sexton, Chancellor MSU—Billings; Harold Shapiro, President, Emeritus Princeton University; Rev. Michael J. Sheeran, S.J., President, Regis University, Denver; Richard Storey, Chancellor, The University of Montana—Western; Michael Taylor, President, Stanly Community College; H. Holden Thorp, Chancellor, The University of North Carolina at Chapel Hill; Steven Timmermans, President, Trinity Christian College; Baird Tipson, President, Washington College; Tom Trebon, President, Carroll College; Sandy Ungar, President, Goucher College; Jeffrey von Arx, S.J., President, Fairfield University, Chair of Connecticut Campus Compact Board; Charles O. Warren, Interim President, Defiance College; Jon Wefald, President, Kansas State

University; Richard L. White, President, Utah College of Applied Technology; A. Hope Williams, President, North Carolina Independent College and Universities; Scott L. Wyatt, President, Snow College; Michael K. Young, President, University of Utah; Tony Zeiss, President, Central Piedmont Community College.

Mr. HATCH. I think these letters show the type of thing we are dealing with here. It is truly a national movement that has gotten behind the bipartisan coalition here in Washington that has been pushing to move this bill forward. Once again, I am proud to be a part of this effort, and I continue to urge my colleagues to support the bill as well.

Madam President, I would like to take a moment to discuss what I think is one of the most important new programs contained in the Serve America Act, the ServeAmerica Fellowship program. The ServeAmerica Fellowships will basically be vouchers, enabling Americans of all ages and interests to work full or part time in service with nonprofit and faith-based groups.

The bill calls for the creation of up to 1,500 fellowships by 2014. Here is how it will work: The Corporation for National and Community Service will make grants to State Service Commissions to allow them to award the ServeAmerica Fellowships. Those receiving the fellowships will work with approved service organizations and nonprofits on projects directed at those areas of national need identified in the bill. Even with these fellowships, we want to make sure our national service efforts are aimed at addressing specific needs and solving specific problems. The ServeAmerica Fellowships will be administered almost entirely at the State level, allowing the States to continue to be 50 State laboratories of innovation for volunteer service programs. The fellowships will be funded by the corporation at 50 percent of the total average annual subsistence allowance provided to VISTA volunteers. The host organizations will contribute the additional funding so that the fellow receives between 70 and 100 percent of the VISTA annual subsistence allowance. Fellows will also receive an educational award identical to that which is awarded to other national service participants.

Now let me explain what we are trying to do with these fellowships. I believe that smaller nonprofit or faith-based organizations lacking large-scale capacity can nonetheless benefit from the efforts and presence of national servicemembers. Indeed, committed individual volunteers at startup nonprofits of faith-based charitable groups can provide the human capital needed to dramatically expand the charities' impact and help them recruit other volunteers. Again, this multiplying effect is the aim of almost every program under the bill. These fellowships will help ensure that faith-based, rural,

grassroots, and other smaller nonprofits will benefit from this multiplying effect by having access to national servicemembers, even if they lack large-scale capacity.

In addition, this program will fulfill one of the main goals we had in drafting this legislation, which is allowing the people the flexibility to choose their own paths of service. The fellows under this program will be chosen for their commitment and ingenuity, and I believe we will see some outstanding new service approaches developed as a result of this program.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 722 TO AMENDMENT NO. 687

Mr. BURR. Madam President, I send an amendment to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 722 to amendment No. 687.

Mr. BURR. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen criminal history checks for participants in national service programs working with vulnerable populations)

On page 213, line 21, strike "Code." and insert the following: "Code."

“(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (b) or any other provision of law, on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except in a case approved for good cause by the Corporation, include—

“(A) a drug test for controlled substances, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

“(B) the searches described in subsection (b)(1) and subparagraph (A) of subsection (b)(2); and

“(C) the background check described in subsection (b)(2)(B).

“(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual who—

“(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

“(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

“(i) children age 17 years or younger;

“(ii) individuals age 60 years or older; or

“(iii) individuals with disabilities.”.

Mr. BURR. Madam President, I thank you, and I thank the managers of this legislation.

It was my hope I could come to the floor with another amendment that was acceptable on both sides, and I am still anxious and optimistic that we can do it because the spirit of this amendment is not for the purpose of a poison pill to the bill. It was the recognition that when we deal with an expansion of these volunteer efforts that we reach out in a much bigger way and cast a much bigger net to Americans.

Let me say this: To offer this amendment is not to imply that those who work in AmeriCorps today in any way are criminals or nefarious individuals; it is to recognize the fact that we are creating an architecture to take care of the American people, and that includes specifically children, individuals over the age of 60 who are in the senior years of their lives, and individuals who are classified as disabled and have some deficiencies, and we owe it to them and we owe it to the general population to take into consideration as we, the Federal Government, allow a funding mechanism for people to come in and to participate.

So let me explain for my colleagues simply what this amendment does. What we do is apply this to individuals who, on a continual basis—a recurring basis; let me make that correction—on a recurring basis work with vulnerable populations: kids, the elderly, and the disabled. The amendment allows a 2-year period to ramp up this program before becoming effective. We understand rulemaking will most likely be needed, and we know it doesn't happen overnight in this town. Three, this legislation retains the good cause exemption language.

Now, let me explain. We are asking that individuals who work with vulnerable populations be fingerprinted. We would like them to go through the FBI check process. We would like to know there is no criminal history, that there is not a reason for us to be suspect if they are with our children, our parents, or with a vulnerable person who is disabled.

The good exception clause is there and very broadly written, and I might go to the language. It says "shall except in a case approved for good cause by the Corporation"—"shall" not "will"; it is not mandatory—"shall go through a fingerprint process, good cause exception, for good cause," very loosely defined. That could be the size of the corporation, no access to FBI fingerprint check, it could be the size of the entity without the financial capabilities to go through it.

Now, I added something overnight to this bill. I didn't want to do it, but I did. I added drug testing. Drug testing is a very applicable thing, I say to my good friend, the manager on the majority side. This is not in stone for me. It wasn't in my original amendment. I think it shows my frustration that I went through last night, not being able

to work out something that made unbelievable common sense to me.

I would think this would be a threshold we would set. I would prefer to do it in a bipartisan way versus just to have a vote because I know today the vote would be on a motion to table, I would lose, and this initiative would not be in place. Although my children aren't old enough, my father is. If, in fact, there was any volunteer who came into the facility he lives in and works with him, I would like to have the comfort of knowing at least somebody said: Let's make sure the individuals, in fact, don't have criminal backgrounds, that they have gone into this with a truly volunteer reason versus for some aspect of criminal intent.

Now, my chief concern and the reason for wanting this is kids, the elderly, and the disabled. It is no more than that. We know a vast majority of folks who work in these programs do it because they believe in it. They want to have an effect, a positive effect on somebody's life, and that is what they have chosen to do. I think it is important for us to realize that it doesn't matter whether it is AmeriCorps for title I schools or childcare centers or an entity that accepts CDBG subsidies. When parents leave their children in the hands of somebody every day while they are at work to look after their kids, they want to know the volunteers who are there meet the threshold, the standard they would expect. We really wouldn't have an investment except we are talking about Federal Government funding, and I think the American people expect us to uphold what their expectations are; and that is, people who shouldn't be there aren't there.

So I say to my colleagues on both sides, it is my hope we can come to an agreement. It is my hope this can be whittled down to FBI checks only. It is my hope we will all understand the full latitude of the clause for the exception and the word "shall" versus "will." It is my hope we can pass the bigger bill with an amendment that resembles what I have offered so we can look at every American family and say: We have looked at those who are the most vulnerable, and to the best of our ability we have tried to make sure somebody who shouldn't be there isn't there.

Now, as every American realizes, even the FBI fingerprint check is not perfect. There is no way for us to look at the population and say nothing can ever happen. But I would suggest today that the standard America holds us to is that we should do something, not nothing; that we should attempt, not just roll over and play dead. If, in fact, we come to the tabling of this, we are going to roll over and play dead. We are not going to take it on. I don't think this requirement chases anybody away except the individuals who shouldn't be in the program to start

with, who might not pass the threshold, who might be found to be in one of those databases, so that we certainly wouldn't want them to participate in this program.

So at this time, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I wish to respond to the amendment of my colleague from North Carolina and reach out a hand to him as well in terms of seeing if we could come up with a consensus.

First of all, I support the goals of what the Senator from North Carolina wishes to achieve. There is no one from our side of the aisle who would want to expose anyone in a vulnerable population—children, the elderly, those with disabilities—to a sexual predator, to a druggie, to a pill head, whatever terms we want to use, because the whole idea of AmeriCorps is to have people who will volunteer their services, and out of that will be able to help to uplift these vulnerable populations. So we are on the same broadband in terms of that.

Actually, remember: This bill has not been reauthorized in more than a decade, and in reauthorizing the bill, we actually examined these situations. The bill before the Senate actually requires that national service programs to run a background check through either a State criminal registry or send fingerprints to the FBI for a background check. It does not deal with drug testing. That is a new concept introduced by our colleague.

I wish to reiterate that the new legislation, the Serve America Act, already requires a criminal background check for programs serving children, the elderly, disabled individuals, or any other vulnerable population. It requires that every employee and every volunteer undergo a criminal history check in order to participate in federally funded programs.

We also want to go the extra mile in our bill by prohibiting sex offenders from serving as volunteers. No registered sex offender can serve as either a foster grandparent, a senior companion, or participate in any activity involved in exposure to children as a school volunteer. Our approach is consistent with the comprehensive rules promulgated by the corporation in 2007 following extensive consultation with the Department of Justice and public comment. So we took what they did through rule-making and we have codified it in this bill exactly to deal with the deep and grave and authentic concerns voiced by the Senator from North Carolina.

So our comments to the Senator from North Carolina are, No. 1, we don't think the amendment is necessary because we think we have dealt with it in the bill. Also, I am going to suggest that he and I confer off the

Senate floor so we can review the bill and see if it accomplishes his objectives and deal with the issue of drug testing which is in the amendment the Senator has offered today.

If staff on our side of the aisle did not respond to the Senator's inquiry, I apologize for that. We are going to have that staff here, supervised by my staff and Senator KENNEDY's staff, to see what we can work out.

I have worked with the Senator from North Carolina on so many issues, including on the Health Committee where he was a stalwart ally in moving the Higher Education Act. We have worked together in the area of intelligence. We do know about bad guys—bad guys and gals over there and possibly bad guys and gals here. We both want to accomplish the same policy objectives. Let's see if we can't have a conversation.

If our failure to respond in some way needlessly triggered an amendment, I again wish to apologize. So what I would like to do is leave the amendment pending, and let's have a conversation and see what we can work out. But I can assure my colleagues on both sides of the aisle that we want to make sure no vulnerable population is exposed to an AmeriCorps volunteer or any other volunteer receiving Federal funds in this bill who in any way would jeopardize their health, their safety, and their well-being.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I thank the Senator from Maryland for her remarks. She is right. I think we can come to a suitable agreement. I can assure her that if I did not think it was necessary to do an amendment, I would not have done it. It might not be the first time I have been wrong, my wife tells me that frequently. But in my understanding of it, the teeth that are in the bill are not the teeth I have in this amendment as it relates to the FBI background check.

Make no mistake about it. I am not married to the drug testing, though I will tell my colleague this: I think a lot of Americans listening to this would probably say: Why not? But I think in the spirit of how I started this negotiation, it is not an area I believe is important to make as a foundation of this amendment. So I accept the Senator's offer. I will bring my staff over immediately, even though I won't be able to stay, and we will both then be briefed by our staffs and know exactly what we are dealing with.

If, in fact, we have misinterpreted what the content of the bill says, and we believe the appropriate protections are in it, I will be the first to ask unanimous consent to withdraw my amendment.

Ms. MIKULSKI. I appreciate that, as we have engaged with each other on so

many other occasions. Therefore, I think that is an excellent way to proceed.

I have only two concerns. One is already in the bill, and the other could be onerous costs to very small agencies. I think we can deal with it and approach it the way we always have—rationally, civilly, and with a commitment to get the job done.

Mr. BURR. I hope the Senator will interpret it the same way I have spelled out the exception clause, and that exception clause could be interpreted, and has been interpreted, to mean the lack of financial capability for a company to engage.

I thank the Senator and yield the floor.

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 716

Mr. BAUCUS. Madam President, the amendment offered by the Senator from South Dakota would state the sense of the Senate that the tax law should not be changed in any way that would discourage taxpayers from making charitable contributions and gifts.

This country has a proud tradition of charitable giving. We are proud of that tradition. We are proud that we give to those in need, and we should encourage people to keep on giving. One of the best ways to do that is through the itemized deduction for charitable giving.

We very much support the itemized deduction for charitable giving. But the Senator's amendment is overbroad. It would put the Senate on record as favoring the preservation of incentives for charitable giving over all other priorities.

Let me talk about a few other priorities the Senate might want to consider.

What about cracking down on tax cheats? What about balancing the budget? What about repealing the so-called death tax? The Senator's amendment could be read as conflicting with each of those other priorities.

Let me explain. Let's say a tax cheat sets up a charity that is really a scam. Should the IRS be able to crack down on that scam? Of course it should. But the Senator's amendment says we should preserve the full income tax deduction.

Let's say we want to repeal the estate tax—some call it the death tax. There is pretty wide agreement that it is a disagreeable tax. But studies have also shown that repeal of that death tax would decrease charitable giving.

Should we not scale back the estate tax anyway? Of course we should. But the Senator's amendment would put the Senate on record that we always want to encourage charitable giving rather than discourage it, which would put a big limitation on reducing the death tax.

What if we reach a bipartisan budget agreement to limit the deficit and help balance the budget? Might we want to consider limiting the ability of upper income taxpayers to take their full deductions?

This is not so farfetched an idea. Under current law, itemized deductions are already limited for high-income givers—taxpayers with more than \$166,800 in income. Congress enacted that change as part of a bipartisan budget agreement, negotiated by OMB Director Dick Darman, and signed into law by the first President Bush. Yet these Americans still give. Americans who itemize deductions, as well as those who don't itemize deductions, continue to give.

According to the CRS, only 30 percent of taxpayers claim a deduction for charitable giving. Yet we know many more give to charity. The group Independent Sector found that 70 percent of households give.

Thankfully, many taxpayers make charitable contributions, even though they are not getting any tax benefit at all. Indeed, one might say the greatest charity is when someone gives from the heart rather than just when it is tax deductible. So we do not need the extreme statement in the Senator's sense-of-the-Senate amendment.

I have offered a side-by-side amendment that emphasizes Congress's continued support of tax incentives for giving. Let's show our support for charitable giving without making the categorical statement in the Thune amendment.

I urge my colleagues to oppose the Thune amendment and support the Baucus amendment.

#### AMENDMENT NO. 721 TO AMENDMENT NO. 687

Mr. BAUCUS. Madam President, I ask unanimous consent that all pending amendments be temporarily laid aside so that I may call up amendment No. 721.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 721 to amendment No. 687.

Mr. BAUCUS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the Federal income tax deduction for charitable giving)

At the appropriate place, insert the following:

**SEC. —. SENSE OF THE SENATE.**

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, “The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition”.

(2) Americans gave more than \$300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or \$229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society’s most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct contributions made to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving.

Mr. BAUCUS. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, if I might, I will speak to the amendment I have filed, which is pending and to which the Senator has now offered a side-by-side.

I want to point out, in terms of the way charitable giving works in the country today, how the deduction applies, if you are in, say, a 35-percent tax bracket, a high-income-tax payer, and if you give \$10,000 to a charity, it is actually only costing you \$6,500. You are getting a 35-percent tax break.

What the administration’s proposed budget would do is reduce the favorable tax treatment an individual who gives to a charitable organization would get in the 35-percent tax bracket down to 28 percent. In other words, if somebody gives \$10,000 to a charity—say a religious organization or some university—the benefit they would derive, in terms of tax treatment, would go from

\$3,500 to \$2,800. In other words, instead of costing them \$6,500 for that charitable contribution of \$10,000, it would cost them \$7,200. So you would see an increase of 10.8 percent in the amount it would cost someone to make a \$10,000 contribution. After the tax treatment is applied, it would cost them \$7,200 under the proposed budget we have seen from the administration.

What my amendment simply does is say we ought to keep current law in place with regard to the tax treatment that is applied to charitable contributions. Here is why it is important—particularly now. We have an economy that is struggling. We have lots of charitable organizations that are noticing a dropoff in their contributions because of the economy. People are seeing a reduction in the values of many of the assets they have had, and people are losing jobs. There are a lot of reasons charitable giving is dropping off, and many of the organizations are faced now with a very difficult challenge in order to be able to keep up and meet the needs they are meeting out there across this great country.

We rely, as a nation, significantly on the good-heartedness of the American people when it comes to contributing to many of these fine organizations that are doing good work. I think we ought to keep that same incentive in place—particularly now more than ever. The timing is critical because you are talking about taking away a tax benefit from people who give to charitable organizations at a time when those organizations are already suffering from a drop off in giving.

So my argument would be—and there is a substantial body of evidence out there that suggests this—that when you reduce the tax benefits for charitable giving, say, by about 10 percent, you get about a 10-percent dropoff in giving. In other words, if you did take the 35 percent that currently would apply—if somebody is in the 30-percent tax bracket and makes a \$10,000 contribution and deducts that on their income taxes, they get a 35-percent benefit on that, which means a \$3,500 savings or, in other words, the actual \$10,000 is only costing them \$6,500.

But if you change the tax treatment, as is being proposed by the administration, and make that a 28-percent tax benefit, you then increase the amount the \$10,000 contribution is costing the giver, the contributor, to \$7,200, which is a 10.8-percent increase in the actual cost of that contribution.

As I said, if the data that is out there is accurate—and I believe it is because I think it is substantial—when you reduce that tax benefit by 10 percent, you also get a 10-percent reduction in the amount that individual would give. I think that is significant, particularly now when you look at the amount the American public gives to charitable organizations. You are talking about

anywhere from \$8 billion to \$16 billion a year in reduced charitable giving in this country. Multiplied over a long period of time—5 to 10 years—you are talking about \$160 billion, and potentially over 10, that would not be going into these charitable organizations that are serving great purposes across this country.

I think it is fitting right now to have this discussion. People say: Why don’t you do this next week on the budget? We probably will because this is a part of the budget proposal. It is also important to talk about this now because we are talking about expanding programs that the government runs right now, which are designed to do good things out there, and to hire volunteers to do charitable work and perform tasks that are contributing to the greater good. Since that debate is focused on what the government can do, I think it is fitting to talk about what people in this country are already doing in the private sector—individuals who have been blessed by this country and are willing to give something back. I think we ought to encourage more of that not take away from the incentive to do that today.

As I said yesterday in my remarks when I offered this amendment, I don’t believe anybody makes a charitable contribution simply because of tax policy. I think people give because they want to give. I do, however, believe tax policy influences the amount of giving an individual makes. The statistics bear that out.

If you have a 10-percent reduction in a tax benefit accorded to somebody who is making a charitable contribution, you are going to see about a 10-percent reduction in the amount of their contribution. That could cost charities significantly all across the country. That is why so many of them have weighed in and suggested that they think it would be a very bad time to go ahead and make this change in tax policy.

My amendment expresses the sense of the Senate—nothing more or less—that puts this body on record saying we ought to keep the full deductibility of charitable contributions as a matter of tax policy in this country.

I think that is a debate that, again, hopefully we will have next week as we debate the President’s budget. But I think the President’s goal in this is to try to find ways to generate revenue to do other things in their budget. I think this is a bad place to get it. I do not think the savings you are achieving as a result of taking away this tax benefit to charitable giving in the long run is going to in any way offset the decrease we are going to see from people across this country who might otherwise make charitable contributions who, because you take away that tax benefit, are going to see the actual cost of those contributions go up and therefore



affect the amount they might otherwise give.

I hope the Senate will go on record. The side-by-side offered by my colleague from Montana affirms the deductibility of charitable contributions from income tax but takes out the word "full." What my amendment does is retains what we have today in terms of tax law, tax policy in its treatment of charitable giving, charitable contributions, and retains the full deductibility of those charitable contributions.

It is important that the sense-of-the-Senate amendment I offered that expresses the view of this body about the deductibility of charitable contributions be the one that we vote on and that we reject the side-by-side that is being offered by the Senator from Montana because it does take away the word "full," which opens the door for changes that will occur in the budget that is going to be offered next week and would reduce the amount—the tax benefit that is accorded to those who make charitable contributions.

I hope when we get to the vote—it does not sound as if it is going to occur until later this afternoon—the Senate will support the Thune amendment, the sense of the Senate affirming support of the Senate for the full deductibility of charitable contributions, and reject the side-by-side offered by the Senator from Montana which does not include the affirmation of full deductibility of that tax benefit. Bear in mind, this is a sense of the Senate. It is not binding, it is not law, but I do think it puts the Senate on record in terms of our full support of full deductibility of charitable contributions.

As I mentioned, timing is important. Right now, with what is happening in the economy and how it is impacting charitable giving to charitable organizations, this is the absolute worst time to be talking about taking away the tax benefit that has produced so much giving and added to the giving people might otherwise do by providing favorable tax treatment. It is an incentive that has worked. It has worked in spades if you look at the amount of giving that occurred in this country in 2007. The number I used in the amendment is \$300 billion—2 percent of the GDP—American people contributed to causes greater than themselves. We ought to encourage it, not discourage it. Adopting my sense-of-the-Senate amendment would do that. I hope my colleagues will support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 705 TO AMENDMENT NO. 687

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 705.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 705 to amendment No. 687.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit ACORN, or organizations affiliated or co-located with ACORN, from receiving assistance under this Act)

On page 128, strike line 6 and insert the following:

“(C) INELIGIBLE ORGANIZATIONS.—

“(1) IN GENERAL.—No assistance provided under this subtitle may be provided (including for the participation under this subtitle of a participant in an approved national service position in activities conducted by such an organization) to—

“(A) an organization described in paragraph (2); or

“(B) to an organization that is co-located on the same premises as an organization described in paragraph (2).

“(2) ORGANIZATIONS.—An organization referred to in paragraph (1) means—

“(A) the Association of Community Organizations for Reform Now (ACORN); or

“(B) an entity that is under the control of such Association, as demonstrated by—

“(i)(I) such Association directly owning or controlling, or holding with power to vote, 25 percent or more the voting shares of such other entity;

“(II) such other entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association; or

“(III) a third entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association and such other entity;

“(ii)(I) such Association controlling, in any manner, a majority of the board of directors of such other entity;

“(II) such other entity controlling, in any manner, a majority of the board of directors of such Association; or

“(III) a third entity controlling, in any manner, a majority of the board of directors of such Association and such other entity;

“(iii) individuals serving in a similar capacity as officers, executives, or staff of both such Association and such other entity;

“(iv) such Association and such other entity sharing office space, supplies, resources, or marketing materials, including communications through the Internet and other forms of public communication; or

“(v) such Association and such other entity exhibiting another indicia of control over, control by, or common control with, such other entity or such Association, respectively, as may be set forth in regulation by the Corporation.

“(d) NONDISPLACEMENT OF EMPLOYED WORKERS

Mr. VITTER. Madam President, my amendment is very simple and straightforward. While it may on the face of it appear narrow, it actually goes to the center of this debate and to a central concern a lot of folks sincerely have about this bill.

What does my amendment do? My amendment simply states that no

money in this program can go to ACORN or any of its affiliate organizations in any way. As I say, on the face of it, that seems like a very specific, very focused amendment, and it is. We are talking about one organization that has done an enormous amount of suspect political activity in the past about which many people in this Chamber—more importantly, many people around the country—have deep reservations.

The amendment also goes to the heart of this debate, and the heart of this debate is whether this new Federal bureaucracy would, in effect, politicize charitable activity around the country, which we certainly do not want. I believe this is a very simple test about that central question, and I encourage all of my colleagues to vote for this amendment—Democrats and Republicans—to pass this simple test and to say: No, this is more proof that we are not going to allow this program to politicize charitable giving and charitable activity around the country.

As I say, this is a very simple, basic test of that question. The proponents of this bill say this is about furthering charitable activity, this is about leveraging charitable activity, expanding that, not politicizing it, not bringing it under Government control. Surely, if we are serious about that, if we are serious about having mainstream consensus support for that, surely ACORN cannot be part of the picture. Surely none of ACORN's affiliate organizations can be part of this funding given recent history.

Some proponents of this bill will immediately jump up and say we don't need this amendment because there cannot be political activity funded in this program. For me, just speaking for myself, that isn't good enough. That assurance does not nearly cover the waterfront of my concerns with regard to ACORN because ACORN has always done both hyperpolitical activity, such as their fraudulent voter registration drives last fall, and has also done what they characterize as pure charitable activity. To fund the latter, to pour millions or even tens of millions of dollars of taxpayer funding into ACORN so-called charitable activity is certainly to underwrite the organization and certainly to support indirectly, if not directly, their very politicized activity with which so many folks in this Chamber and around the country have deep problems.

This is not a theoretical concern. This is proven out in practice that it is a legitimate concern.

First of all, this bill authorizes major Federal spending—\$5.7 billion over 5 years.

Second, we know from practice, from history, from clear concrete example that ACORN is in the business of trying to get lots of taxpayer money to underwrite its activity, including

through so-called nonpolitical projects. ACORN has received significant funding directly from the Federal Government. Their so-called charitable affiliates have received conservatively over \$31 million of taxpayer dollars from 1998 to 2007. In 2008 alone, the next year, ACORN affiliates received almost \$10 million in Federal taxpayer funding. This includes numerous subgrants, indirect funding to ACORN from the Federal Government. Over \$7 million was awarded to the ACORN Housing Corporation, AHC, in 2008, from the National Foreclosure Mitigation Program administered by NeighborWorks America. Almost \$800,000 was awarded to ACORN by the Fannie Mae Foundation from 1992 to 2004. And, of course, these are just two examples. There are many more.

Just speaking for myself, for proponents of the bill to say this is not an issue, this is not a problem because we prohibit political activity in this pot of money, in this Federal program, that is not nearly enough reassurance for me. We have seen from actual practice, from actual history that ACORN can reap millions, tens of millions of taxpayer dollars through their so-called charitable affiliates.

Why do I have a problem with that? Because clearly that money underwrites ACORN in general and supports all of their activities, including their very political and, in many cases, fraudulent voter registration activities.

We all know the stories from the past campaign, the registering of thousands of voters who were either asked to register multiple times by ACORN or who were voters being registered without their knowledge or registering voters who outright did not exist. That was a common and documented practice of this organization. For instance, the St. Petersburg Times in Florida reported that ACORN tried to register Mickey Mouse in that jurisdiction. In July 2008, at least three ACORN workers were convicted of voter fraud in Kansas City. One is awaiting trial. These ACORN workers in Kansas City flooded voter registration rolls with over 35,000 false or questionable registration forms. In March 2008, an ACORN worker was sentenced in Berks County, PA, to 146 days to 23 months for making 29 phony voter registration forms in order to collect a cash bonus. And in Washington, felony charges were filed against several paid employees and supervisors of ACORN. Over 1,700 fraudulent registrations turned in by the employees were revoked in one of the largest instances of voting fraud in the United States. This is documented. This happened. If we caught these instances, if we prevented these instances of fraud, how many more slipped through the cracks and proceeded on to the voter registration rolls?

The question is very simple: Are we going to create this new Federal program, \$5.7 billion of authorization, that could either directly or indirectly fund organizations such as ACORN? Right now, under the current version of this bill, that could absolutely happen. If this bill passes into law, my prediction is it would absolutely happen.

My amendment with regard to ACORN would stop that because it is very simple, it is very direct. There are no ifs, ands, or buts. None of the money could go to ACORN or any of its affiliate organizations. None of the money could support ACORN activities directly or indirectly. That is the reassurance a lot of us need, that this is not an attempt to politicize volunteer activity, this is not an attempt to put the Federal Government and whoever its political masters are at the time in charge of directing volunteer activity across our Nation.

In the 19th century, a Frenchman visited America and wrote a very significant book about it. That was de Tocqueville, and the book was "Democracy in America." The fundamental thing he observed in all of his travels, as documented in that important book, was that America is great because America is good. In saying that, he wasn't talking about Government and he wasn't talking about what we do in Congress or what any level of government does around the country. He was talking about individual citizens banding together in local communities across our land to address real needs to help neighbors, to help feed hungry people, to help meet important community priorities in a purely voluntary way, the civic-mindedness of individual Americans creating these purely voluntary organizations. He said that was the most significant reason for America's greatness, which had to do with the goodness of its people and that activity which is more vital here than in any other country in the world.

I am concerned about putting Government more in charge of that activity. I am concerned about politicizing that aspect of our country which is so fundamental to our historic greatness. My amendment is a very simple but I think important test about whether this bill could threaten that. If we are serious about avoiding that at all costs, then surely a large majority of this body—Democrats and Republicans—will come together, adopt this amendment, and take that threat with regard to ACORN off the table.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise in objection to the Vitter amendment No. 705 to single out ACORN, and actually, inadvertently, target other organizations that have no involvement whatsoever with ACORN.

The Senator's amendment prohibits ACORN or organizations affiliated or

which are colocated with ACORN from receiving assistance under this act. First, I want to address this collocating. For whatever you feel about ACORN—and I believe it is the one organization being singled out—this amendment would prohibit AmeriCorps funds to any organization simply because they rented space in the same building as ACORN.

Well, in my hometown, many nonprofits are often within the same buildings as other organizations. So there might be a building in Baltimore or Baton Rouge or Fargo, ND, or in New Orleans, where in the very same building that ACORN might be located St. Ambrose Housing Counseling Service might also rent a floor; or it might be the community law center renting another floor in that building; or it might also be the St. Franciscan nuns who might have office space for their outreach to the senior community. So when you are in the same building as ACORN, this amendment would mean you could not get AmeriCorps volunteers.

I am so sorry my rebuttal was considered so insignificant, so trivial, that the Senator didn't even stay to hear it, but maybe everybody listening will hear it. The fact is, in the examples I have given—St. Ambrose Housing Counseling Service might be giving very important financial service counseling to people on financial literacy, and also helping them screen what they can afford or not afford; and on another floor the community law center might be working with our new task force organized by the U.S. attorney to go after mortgage fraud; and the community law center might be working with that task force because so many of our poor, in my community, have been a victim of predatory lending, and we are trying to track down the scams and the schemes and the bums to get rid of them—those organizations might have some AmeriCorps volunteers working with the community to help accomplish our public policies. But simply because they share the same building, they are going to be penalized and not have access to AmeriCorps volunteers.

I think that is wrong, I think it is irrational, I think it is harsh, I think it is punitive, and I think this amendment should be defeated.

The other part of the amendment singles out ACORN for exclusion from AmeriCorps. We want to make it clear that the amendment prohibits funding for one single organization. Whatever you think about ACORN, know that they do work in 110 different cities, and they do a variety of other kinds of things—such as weatherization. The gentleman from Louisiana might be interested to know that after Hurricane Katrina, ACORN volunteers—hundreds of them—went to Louisiana to rehabilitate 3,500 homes.

Now, I know the Senator from Louisiana is concerned that money not go to organizations to conduct voter registration, and I understand that. But this is where the amendment is unnecessary: First, ACORN hasn't received any AmeriCorps funds in a decade. Let me repeat: ACORN hasn't received any AmeriCorps funds in a decade. Also, if ACORN does ever in the future participate in AmeriCorps, they will not be able to use AmeriCorps volunteers to conduct voter registration drives or legislative advocacy. But that is not only ACORN. None of our groups can do voter registration or legislative advocacy.

The other point is that ACORN and any other group would become ineligible if they were ever convicted of a Federal crime. As you know, in the last election, ACORN was viewed in a controversial way. There was an indictment against them. And, by the way, that indictment charge was dismissed, so, therefore, ACORN has never, to my knowledge, been convicted of a Federal crime.

So when we look at the amendment offered by the gentleman from Louisiana, it is punitive toward other organizations that might be in the same building as ACORN, even though it might be a totally different organization. It could be health care for the homeless, it could be a hot line for battered women dealing with violence against women. They would be prohibited from getting AmeriCorps volunteers simply because they are in that building.

As I said, this singles out ACORN, yet ACORN hasn't received any AmeriCorps funds in over a decade. And if AmeriCorps should ever get Federal funds, they would be prohibited from doing any of the activities that would give the other side of the aisle pause or concern. We would have that same pause or concern of, No. 1, no national service participants receiving funds can engage in legislative advocacy and, No. 2, an absolute red light would be if anyone applying for AmeriCorps volunteers—any organization applying for AmeriCorps support—would have been convicted of a Federal crime.

So I oppose the Vitter amendment. Later on today, we will be voting on the Vitter amendment. We expect that vote to occur around 2:30, and I ask my colleagues to reject that amendment.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I ask unanimous consent that at 2:30

p.m. today, the Senate resume consideration of amendment No. 721; that upon disposition of that amendment, the Senate resume amendment No. 716; that upon the disposition of that amendment, the Senate then resume amendment No. 705; that prior to a vote in relation to each amendment, there be 2 minutes of debate equally divided and controlled in the usual form; and that no amendments be in order to any of the amendments in this agreement, prior to a vote in relation thereto; that after the first vote in this sequence, the remaining votes be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Ms. MIKULSKI. To put that in plain English, Madam President, it means that we will be voting on Senator THUNE's sense of the Senate on charitable giving. Senator BAUCUS has an alternative, or a side-by-side, and we will be voting on that. We will also be voting on the Vitter amendment related to ACORN. So those will be the three votes.

For the interest of our colleagues and others as to how this bill is progressing, we are doing very well, and we thank our colleagues for coming down and offering amendments and debating them. All amendments need to be filed by 1 p.m. today. Upon getting that list, we hope to then work down those that can be easily disposed of, but we will also be reaching out to colleagues for them to come and offer the amendments on the floor so at such time later on this afternoon we can have substantive votes.

We want to have substantive debate all afternoon. So if our colleagues could file their amendments by 1 p.m., on both sides of the aisle, we will be expeditiously dealing with them, and then we will be inviting colleagues to offer them and then voting on them later on today.

It would be our hope, and the hope, I believe, of the leaders on both sides of the aisle, that we could conclude the debate and the vote on final passage on this bill today. That would be my goal, and I know the goal of Senator KENNEDY. I know the goal is shared by Senators ENZI and HATCH. With the cooperation of colleagues, we will certainly be able to do it, and we thank them already for their excellent cooperation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WEBB and Mr. SPECTER pertaining to the introduction of S. 714 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WEBB. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 717 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. BENNET). The Senator from Arizona is recognized.

#### RECONCILIATION

Mr. KYL. Mr. President, I compliment my colleague from Texas for those remarks, but my reaction is, would that it were so, because I have in mind what is happening now in the Budget Committee—which we will all be focused on tomorrow—namely, the passage of a budget out of the committee that we will be taking up in this body next week.

I know it is usual for us to rotate between Republican and Democrat. If my colleague from New York was waiting to speak, I can advise here I will just be about 3 minutes. Let me just make this point.

There are a lot of Democratic colleagues who have said they oppose using the reconciliation process to enact an energy tax or nationalized health care because they rightly want to reach bipartisan agreement on big issues. They emphasize that the Senate version of the budget does not include reconciliation instructions—and that is correct. But all of those Senators and the American people need to know that the House version of the budget does include reconciliation and even includes a placeholder for Senate reconciliation instructions to be inserted in conference.

The House has only one reason to do this. It does not need reconciliation to pass its legislation because, of course, the House operates on a purely majority-rule principle. The only reason to include it is so that the House Speaker and the Senate Democratic leader can force a national energy tax through the Senate, a tax that could cost every household more than \$3,000 a year.

Unlike the House, the Senate operates with a supermajority principle. That means anything controversial requires 60 votes. But reconciliation is a special rule, never intended to create new energy or health care policy for our country—issues that are so significant that our regular order should prevail. Indeed, that is the only way to have a bipartisan resolution of these issues. Reconciliation would turn these issues into purely partisan exercises.

If any kind of reconciliation instruction is given to either the Finance Committee or the Environment and Public Works Committee, we can be sure that a new national energy tax, a tax that will hit all American families, is the goal. Reconciliation instructions are, in effect, the Trojan horse for a national energy tax. You don't have to take my word for it. Senator REID said yesterday, in a conference call with reporters, that he would be willing to move a national energy tax through the Senate to pay for sweeping Government health care via reconciliation.

It is easy to say these are just arcane budget rules and technicalities, but we should all be crystal clear about the consequences of reconciliation. If the final budget includes reconciliation instructions for the Senate, Senate Republicans will have no recourse for stopping Democrats from enacting this national energy tax or nationalized health care system. We will be forced to deal with the Democratic majority in a partisan way that I thought the President wanted to avoid. The Senate Parliamentarian has confirmed that if the final budget includes the special budget reconciliation provision, it could be used for any tax increase, regardless of what Democratic leadership promises.

Senate Democrats who have expressed concerns about reconciliation should not take any comfort from statements that there is not reconciliation in the Senate budget. Now, after Senator REID's statement, they are on notice that the special rule will be used for a national energy tax.

I hope they would indicate that they would not support a conference report that included reconciliation.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. GILLIBRAND. Mr. President, I rise today to speak in favor of the Serve America Act. This important legislation will engage hundreds of thousands of Americans, from our young people to our seniors, in a new era of public service. This act represents the best in the American tradition.

I have seen the wonderful work it has already done throughout New York. More than 76,000 New Yorkers are working to meet local needs, strengthen and repair communities, and increase civic involvement through 233 national service projects all across New

York. These New Yorkers tutor and mentor children, manage and staff afterschool programs, patrol neighborhoods, provide disaster response, and work to protect our environment and build nonprofit groups all around our communities.

Just yesterday, I met with 30 nuns who came from Long Island to visit with me, and the work they had done in our community was for those who really need the help the most. They were helping our seniors, and they were helping women who have English as a second language who need to learn English, and they were advocating for world peace.

What is so great about this act is it is for all of us who are not nuns. This act brings a new wave of community activism to bear on our country's needs. It inspires me when I think about all the wonderful diversity of people and projects this will deploy to all parts of our country.

The Serve America Act will provide more than 250,000 opportunities nationwide by investing approximately \$6 billion in new service initiatives and existing service programs. These programs include a brandnew national service program to create Youth Engagement Zones to Strengthen Communities program, providing competitive grants to assist programs targeted at high-need, low-income communities and community-based or State entities to engage students and out-of-school youth in service learning and addressing the specific challenges of each of their communities.

The Learn and Serve America Program provides grants to schools, colleges, not-for-profit groups, and it currently engages more than 38,000 New York students in community services linked to academic achievement and the development of civic skills.

Third, we have the Summer of Service Program, which is a national coalition of major youth-serving organizations that is committed to engaging youth in service during summer months.

In this act, we would be allowing our veterans who still want to serve their country the chance to lend a hand in supporting our deployed troops and their families. We also give our seniors, our most experienced citizens, the chance to work with and teach our children. We will improve the opportunities for at-risk urban youth, giving them additional volunteer and educational programs to teach them skills and build their self-confidence. It also gives young people career paths in the professions where we really need their leadership and their time and talents—in math, science, engineering, and health care.

This bill starts a chain reaction of promise, service, achievement, knowledge, and advancement. It is the future of our country.

I have seen so many people in areas around New York where their options are limited. This legislation will provide paths to service and excellence for the young people in these neighborhoods.

Just last month, I was visiting students at Nazareth High School in Brooklyn, NY, and I met with parents who had lost their child to gun violence. I also met with students who lost their classmate. What the students said was: Senator, we have problems with gangs here in our community, and we need an answer to those gangs. We think the best thing you could do is help us with afterschool programming, giving us opportunities to learn new skills, help with our homework, to do arts and crafts, to do sports, to have opportunities to have job training, to learn about public service.

That is exactly what this act does. It authorizes the grants programs that help these kids in these low-income areas to do things after school until their parents come home from work. It gives them the opportunity to work with their seniors, to clean up their neighborhoods, to create new mentoring relationships, to work with YMCAs and girls clubs and faith-based groups. From our urban youth to our most experienced citizens, this legislation will help all of them give more back to their communities.

This legislation helps retirees who are willing to be involved in public service. It will enhance the incentives for our retirees to give a year of service and allow educational awards to be transferred to their children or their grandchildren. It also establishes Encore Fellowships to help our retirees transition to longer term service by helping them work in the not-for-profit sector as a second career.

Our veterans, who have so proudly served this country, also want to continue to give of themselves. This bill allows them to help support our deployed Armed Forces and their families, helping young people at risk, and assists our veterans in developing educational opportunities.

We also are going to fill the needs that are essential for our country's economic future. Everywhere I travel around my State, from Buffalo to Brooklyn, everyone is talking about the need for job creation. This bill allows us to invest in the new areas of renewable fuels, energy independence, technology, and medicine so we can begin to focus our youth on the math, science, engineering, and technology they need to be at the forefront of these new careers. What this act does is provide those opportunities for these students to participate in service projects that help them learn the skills they need in these green jobs and in the health care and technology arenas.

In this time of economic crisis and uncertainty, so many people feel the

need to contribute to the greater good. We will harness these millions of hearts and minds to do exactly that, to allow America to reach its potential. It is a critical step in moving forward the promise of our citizens and of our country as embodied in the Serve America act. I encourage all Senators to support it fully.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 690, AS MODIFIED, TO  
AMENDMENT NO. 687

Ms. MIKULSKI. I now call up the Ensign amendment, No. 690, and I ask that the amendment be modified with the changes at the desk and that the amendment, as modified, be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 690), as modified, was agreed to, as follows:  
(Purpose: To improve the provisions relating to erroneous or incorrect certifications)

On page 145, strike lines 4 through 10 and insert the following:

shall assess against the national service program a charge for the amount of any associated payment or potential payment from the National Service Trust. In assessing the amount of the charge, the Corporation shall consider the full facts and circumstances surrounding the erroneous or incorrect certification.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 721

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 721, offered by the Senator from Montana, Mr. BAUCUS.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senate is about to vote on two amendments on the tax treatment of charitable giving. The first is my amendment. My amendment would put the Senate on record supporting charities.

It says Congress should look for ways to encourage charitable giving. I hope my colleagues can support it.

The second amendment is the Thune amendment. The Thune amendment favors preservation of full taxing incentives for charitable giving, over all other priorities. That is overbroad. That is extreme. I will have more to say about that in a few minutes.

But the first vote is now on my amendment to state that the Senate's strong support for charitable giving. I encourage my colleagues to support that amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BAUCUS. I encourage all time to be yielded back.

Mr. KYL. Mr. President, we will yield back the time on the Republican side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—56

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Sanders
Burris	Kohl	Schumer
Byrd	Landrieu	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NAYS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Specter
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Volnovich
Cornyn	Lugar	Wicker
Crapo	Martinez	

NOT VOTING—2

Dorgan Kennedy

The amendment (No. 721) was agreed to.

AMENDMENT NO. 716

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 716, offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota.

Mr. THUNE. Mr. President, my amendment simply expresses the sense of the Senate that we maintain present law with regard to the deductibility of charitable contributions, that we allow or maintain the current tax treatment practice with regard to charitable contributions, and that is to allow full deductibility. The amendment we just voted on by the Senator from Montana opens the door to something less than full deductibility. I think it is important for the Senate to be on record, particularly in light of the challenges being faced by many charitable organizations these days to keep up with giving.

There was a story in the New York Times this morning that says only 12 percent of charitable organizations expect to end the year with an operating surplus.

Dianne Aviv, president of Independent Sector, a national membership organization of charities, said any decrease in charitable giving caused by Obama's proposal, no matter how small, would be "seen as a stake in the heart."

With all other means of income down, the idea that there will be another potential cut to the income of those nonprofit organizations feels catastrophic. It is utterly unacceptable.

We have an opportunity to make a statement here expressing the view of the Senate confirming the current tax treatment for charitable contributions, full deductibility.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Thune amendment says: Preserve full tax incentives for charitable giving, over all other priorities.

This is a shot at President Obama's proposal to limit deductions for those making more than a quarter of a million dollars a year.

But the Senator's amendment is broader than that. It is overbroad.

Should the tax law be able to crack down on charities that are actually scams? Of course, it should.

But the Thune amendment says: Preserve the full income tax deduction, no matter what.

Should we scale back the estate tax, even if it would decrease charitable giving? Of course, we should.

But the Thune amendment says: Don't discourage charitable giving.

This amendment is overbroad. I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 113 Leg.]

#### YEAS—48

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bayh	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Nelson (NE)
Boxer	Gregg	Risch
Brownback	Hagan	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Webb
Crapo	Lugar	Wicker

#### NAYS—49

Akaka	Gillibrand	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burr	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	McCaskill	Warner
Dodd	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

#### NOT VOTING—2

Dorgan Kennedy

The amendment (No. 716) was rejected.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 705

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 705, offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana.

Mr. VITTER. Madam President, my amendment is very simple. It says no money under this program could go to ACORN or any of its affiliates. Although it is about that one organization, I think the amendment goes to the heart of this debate.

A lot of us are concerned this bill could politicize and put too much Gov-

ernment involvement in charitable work across the country. Some folks may like ACORN, other folks may not, but nobody can argue that ACORN isn't at its core political and ideological. It should not get money under this program. The language in the bill that says you can't do political activity with the money clearly isn't good enough, because ACORN and other very political and ideological groups would simply have charitable offshoots that could accept the money and be underwritten indirectly in that way.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maryland.

Ms. MIKULSKI. Madam President, I vigorously, unabashedly, unreservedly oppose this amendment. This amendment is absolutely not needed.

First, ACORN hasn't received AmeriCorps money in over a decade. Now, we would deny—deny—to groups who happen to be in the same building as ACORN access to AmeriCorps funds. It is harsh, punitive, and I believe makes no sense in terms of being able to deliver a service. It means if the Franciscan nuns had a floor in the building where ACORN operated, they couldn't do outreach to the poor. It means if there is a hotline for battered women to call, and they happen to be in the same building as ACORN, they couldn't get AmeriCorps funds.

I think this is an amendment that has no purpose and has Draconian consequences if passed. I therefore object to this amendment.

Madam President, I yield back my time, and I move to table this Vitter amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from North Dakota (Mr. DORGAN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. BURRIS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 114 Leg.]

#### YEAS—53

Akaka	Boxer	Conrad
Baucus	Brown	Dodd
Bayh	Cantwell	Durbin
Begich	Cardin	Feingold
Bennet	Carper	Feinstein
Bingaman	Casey	Gillibrand

Hagan	Lieberman	Sanders
Harkin	Lincoln	Schumer
Inouye	McCaskill	Shaheen
Johnson	Menendez	Stabenow
Kaufman	Merkley	Tester
Kerry	Mikulski	Udall (CO)
Klobuchar	Murray	Udall (NM)
Kohl	Nelson (FL)	Warner
Landrieu	Pryor	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wyden
Levin	Rockefeller	

#### NAYS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Byrd	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

#### NOT VOTING—3

Burr Dorgan Kennedy

The motion was agreed to.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

#### AMENDMENT NO. 722 WITHDRAWN

Mr. BURR. Madam President, I ask unanimous consent to withdraw amendment No. 722.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

#### AMENDMENT NO. 727 TO AMENDMENT NO. 687

Mr. BURR. Madam President, I send to the desk an amendment that I filed on behalf of myself and Senator MIKULSKI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator in North Carolina [Mr. BURR], for himself and Ms. MIKULSKI, proposes an amendment numbered 727 to Amendment No. 687.

Mr. BURR. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen criminal history checks for individuals working with vulnerable populations and for other purposes)

On page 213, after line 21, insert the following:

#### SEC. 1613. CRIMINAL HISTORY CHECKS FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.

(a) AMENDMENT.—Section 189D, as added by section 1612, is further amended by adding at the end the following:

“(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (b), on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except for an entity described in paragraph (3), include—

“(A) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);



“(B) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; and

“(C) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

“(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual age 18 or older who—

“(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

“(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

“(i) children age 17 years or younger;

“(ii) individuals age 60 years or older; or

“(iii) individuals with disabilities.

“(3) EXCEPTIONS.—The provisions of this subsection shall not apply to an entity—

“(A) where the service provided by individuals serving with the entity to a vulnerable population described in paragraph (2)(B) is episodic in nature or for a 1-day period;

“(B) where the cost to the entity of complying with this subsection is prohibitive;

“(C) where the entity is not authorized, or is otherwise unable, under State law, to access the national criminal history background check system of the Federal Bureau of Investigation; or

“(D) where the entity is not authorized, or is otherwise unable, under Federal law, to access the national criminal history background check system of the Federal Bureau of Investigation; or

“(E) to which the Corporation otherwise provides an exemption from this subsection for good cause.”.

(b) FEASIBILITY STUDY FOR A SYSTEM OF CRIMINAL HISTORY CHECKS FOR EMPLOYEES AND VOLUNTEERS.—

(1) FEASIBILITY STUDY ON EFFICIENCY AND EFFECTIVENESS REGARDING CRIMINAL HISTORY CHECK.—The Attorney General of the United States shall conduct a study that shall examine, to the extent discernible and as of the date of the study, the following:

(A) The state of criminal history checks (including the use of fingerprint collection) at the State and local level, including—

(i) the available infrastructure for conducting criminal history checks;

(ii) the State system capacities to conduct such criminal history checks; and

(iii) the time required for each State to process an individual's fingerprints for a national criminal history background check through the Federal Bureau of Investigation, from the time of fingerprint collection to the submission to the Federal Bureau of Investigation.

(B) The likelihood that each State would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.

(C) The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.

(D) The impact of the national service laws on the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on the work practices and staffing levels of the Federal Bureau of Investigation.

(E) The fees charged by the Federal Bureau of Investigation, States, local agencies, and

private companies to collect and process fingerprints and conduct criminal history checks.

(F) The existence of model or best practice programs regarding conducting criminal history checks that could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing criminal history checks, and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

(J) The extent to which States provide access to nationwide criminal history checks to organizations that serve children.

(K) The extent to which States permit volunteers and other individuals to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) Any privacy concerns that may arise from nationwide criminal background checks for participants.

(M) Any other information determined relevant by the Attorney General.

(2) INTERIM REPORT.—Based on the findings of the study under paragraph (1), the Attorney General shall, not later than 6 months after the date of the enactment of this Act, submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities.

(3) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives, a final report including recommendations regarding criminal history checks for participants under the national service laws, which may include—

(A) a proposal for grants to States to develop or improve programs to collect fingerprints and perform criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities; and

(B) recommendations for amendments to the National Child Protection Act of 1993 and the Volunteers for Children Act so that entities receiving assistance under the national service laws can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

(4) DEFINITIONS.—In this subsection, the terms “authorizing committees”, “participants”, and “national service laws” have the meanings given such terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(c) EFFECTIVE DATE.—Notwithstanding section 6101, subsection (b) shall take effect on the date of enactment of this Act.

Mr. BURR. Madam President, again, I offer this amendment on behalf of

Senator MIKULSKI and myself. We worked diligently over the last several hours to try to fix a previous amendment. We have come to that agreement.

I remind my colleagues that what we have done is clearly targeted at individuals who, on a recurring basis, deal with vulnerable populations, including children, the elderly, and the disabled. We have allowed the 2-year ramp-up to remain in the bill. In addition, we have left the “for good cause” exemption and added specific additional exemptions to the bill.

This is a good piece of legislation. It should give every Member a strong belief that we are doing everything we can to protect those individual populations by making sure those who volunteer, in fact, meet the threshold we think is appropriate.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I rise as an enthusiastic cosponsor of the Burr-Mikulski amendment. I do so because I believe what we have been able to achieve is to ensure that our vulnerable populations will not ever be exposed to people who could jeopardize their health or well-being if they work in the service of America.

Our amendment affirms very clearly that our bill will require criminal history checks on all employees and volunteers participating in these programs. Volunteers will be checked through the national sex offender data base. No sexual predators will participate.

Also, we will be doing, where appropriate, FBI and State database criminal data checking. We agree with Senator BURR there should be mandatory FBI fingerprint background checks of all volunteers working with children, the elderly, and individuals with disabilities.

Our amendment makes our bill even tougher by adding Senator BURR's requirement that volunteer organizations check with that FBI data base so that no criminals are ever working around these populations. We are also making sure there is the opportunity for flexibility of these groups, particularly where the entity is not authorized or is unable under State law to access these national history background checks, and some other technicals.

We are going to go a step further and ask the Attorney General to report back within a year if we need to do more to strengthen these background checks. We will work to get whatever we need to get the job done.

I want to take this opportunity to thank Senator BURR for reaffirming a strong commitment in this area. I have worked with him on his Committee and on the Intelligence Committee. I thank him for his approach in protecting vulnerable populations. I am glad we can

work together to find a sensible center so we can get the job done. It shows if we listen to each other, we can work and govern together and, at the end of the day, the bill is better because of our efforts.

I thank the Senator for his cooperation, his civility, and a very good idea. If the Senator from North Carolina would like, we could move to a voice vote on the amendment.

Mr. BURR. That would be fine.

Ms. MIKULSKI. Madam President, I ask that this amendment be adopted by a voice vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 727) was agreed to.

Ms. MIKULSKI. Madam President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Madam President, I want to report the status. We have concluded action on three amendments by a formal vote. We just completed another matter on a voice vote, as staff continues to iron out modest wrinkles on very few outstanding issues. Besides those issues, I am not aware of any other matter that needs to be considered.

I want Members to be aware the national service train will soon be leaving the station. If any Senator now wishes to offer an amendment or bring something to our attention, now is the time.

I am not in a position to ask unanimous consent for a time for final passage, but I alert our colleagues that after the national security briefings that all Senators will shortly be attending, we would like to be ready to move toward final passage.

Let's continue to work the way we are, and I think we can get the job done.

AMENDMENT NO. 714 TO AMENDMENT NO. 687

Ms. MIKULSKI. Madam President, on behalf of Senator WARNER of Virginia, I ask unanimous consent to call up amendment No. 714, and that once that is reported, the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. WARNER, proposes an amendment numbered 714 to amendment No. 687.

The amendment is as follows:

(Purpose: To conduct a study regarding the establishment of a Volunteer Management Corps program)

On page 235, between lines 9 and 10, insert the following:

**SEC. 1713. VOLUNTEER MANAGEMENT CORPS STUDY.**

(a) FINDINGS.—Congress finds the following:

(1) Many managers seek opportunities to give back to their communities and address the Nation's challenges.

(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and State and local governments create efficiencies and cost savings and develop programs to serve communities in need.

(3) There are currently a large number of businesses and firms who are seeking to identify savings through sabbatical opportunities for senior employees.

(b) STUDY AND PLAN.—Not later than 6 months after the date of enactment of this Act, the Corporation shall—

(1) conduct a study on how best to establish and implement a Volunteer Management Corps program; and

(2) submit a plan regarding the establishment of such program to Congress and to the President.

(c) CONSULTATION.—In carrying out the study described in subsection (b)(1), the Corporation may consult with experts in the private and nonprofit sectors.

(d) EFFECTIVE DATE.—Notwithstanding section 6101, this section shall take effect on the date of enactment of this Act.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to, and the motion to reconsider is considered made and laid on the table.

The amendment (No. 714) was agreed to.

AMENDMENT NO. 728 TO AMENDMENT NO. 687

Ms. MIKULSKI. On behalf of myself and Senator ENZI, I call up an amendment of technical changes, which is at the desk, and I ask unanimous consent that it be considered and agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself and Mr. ENZI, proposes an amendment numbered 728 to amendment No. 687.

Ms. MIKULSKI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 25, strike "for this part" and insert "for this subtitle".

On page 60, line 11, strike "the report" and insert "the report described in subsection (c)".

On page 67, line 15, strike "places" and insert "place".

On page 81, line 4, insert before the semicolon the following: ", and sending care packages to Members of the Armed Forces who are deployed".

On page 92, line 25, strike "health" and insert "health".

On page 103, lines 16 and 17, strike "subtitles B and C" and insert "subtitle B".

On page 272, line 17, strike "be focused" and insert "propose to focus".

On page 272, line 21, strike "be focused" and insert "propose to focus".

On page 276, line 6, strike "the highest" and insert "high".

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to, and the motion to reconsider is considered made and laid on the table.

The amendment (No. 728) was agreed to.

Ms. MIKULSKI. I thank the Chair.

TEACH FOR AMERICA

Mr. ALEXANDER. I would like to commend Senator MIKULSKI for all the hard work that you, Senator KENNEDY, Senator HATCH and Senator ENZI have put into crafting this bipartisan legislation. In a time when we are seeing record numbers of Americans looking to give their time and energy to service, I am pleased that we are strengthening and expanding national service programs to create more opportunities for those willing to serve. I thank the Senator for her work on this effort.

In particular, I am pleased with the creation of the new national service corps, which will address educational, health, veteran, and environmental needs. One professional education corps currently in operation, Teach For America, has been an AmeriCorps program since 1994 and is the Nation's largest professional service corps. Teach For America recruits top-college graduates of all backgrounds and career interests to commit to teach for at least 2 years in our Nation's most underserved classrooms. To date, 20,000 Teach For America corps members have enriched the lives of more than 3 million low income students at our Nation's lowest performing schools. I am very encouraged by the fact that while only 1 in 10 Teach For America corps members initially planned on a career in education, two-thirds of them remain in the field in some capacity. This demonstrates the life-changing impact that this kind of service can have on an individual.

Teach For America is also experiencing remarkable growth as more and more Americans look to give back to their communities. Applications were up 40 percent this year, with 35,000 people applying to serve through Teach For America alone.

However, I am concerned that there may be some confusion about the ability of Teach for America participants to serve in the Education Corps that we are creating with this bill. As I understand it, Teach For America will continue to be eligible under the national service corps description in section 122(c)(1)(D) and that because of that eligibility will be eligible as a program model for service corps for funding under the Education Corps and any of the newly created corps programs under section 122. Is this understanding correct?

Ms. MIKULSKI. I thank the Senator. I appreciate the Senator raising the issue of Teach For America. As the Senator knows, I am a very strong supporter of Teach For America and am

very proud of the successes that its corps members have in the classroom. Teach For America has 240 corps members in Maryland this year, and by next year you will have 140 in Tennessee, which is very exciting. Nationally, over 6100 corps members are enriching the lives of more than 450,000 underserved students in our Nation's lowest performing schools. And with more than 14,000 alumni working in all fields to combat educational inequity, I am confident that the impact of this program and its corps members will only continue to grow.

I am proud to be a longtime supporter of this innovative and dynamic program, and I am pleased to say that they will continue to be eligible to participate in AmeriCorps through the newly created national service corps. Teach For America has demonstrated measurable effectiveness in the classroom, and it is exactly this type of measurable success that we are looking to scale up.

I would like to reiterate it as clearly and simply as I can so that there is no confusion:

Teach For America is eligible to receive funding under this legislation as a program model for service corps.

Participants in the national service corps program models are allowed to serve in the Education Corps—or any of the other corps—that we are allowing for the creation of with the passage of this law, as long as they are focused on improving the appropriate outcomes.

And Teach for America will be eligible to serve in the Education Corps.

#### RETIRED SENIOR VOLUNTEER PROGRAM

Mr. ENZI. I would like to thank Senator MIKULSKI for all the hard work that she, Senator KENNEDY and Senator HATCH have put into crafting this bipartisan legislation. After 16 years we finally have the opportunity to take a hard look at the laws surrounding national service, and we are making necessary changes to improve accountability, reduce bureaucracy, and ensure that we get maximum return on the taxpayer's investment.

Early in this process we recognized that an important challenge we would face in the reauthorization of the Domestic Volunteer Service Act was the desire of many to inject more competition into the SeniorCorps programs.

These programs provide important services in every one of our States. In Wyoming there are more than 1,300 older Americans who are working to meet the needs of their communities in one of three Senior Corps programs: Retired Senior Volunteers, Senior Companion, and Foster Grandparents. In the Retired and Senior Volunteer Program—RSVP—volunteers are working in Casper and Cheyenne to conduct safety patrols, participate in environmental projects, and provide tutoring and mentoring services.

We have included performance indicators throughout the bill that will

help us to evaluate the work of these programs. In the RSVP program, we reached bipartisan agreement to phase in a competitive grant process that provides incentives for organizations to improve their coordination with other community-based organizations, to increase their compliance with program requirements, and to assess their strengths and areas in need of improvement.

We have included requirements that this new process put transparency first. The process by which the Corporation develops regulations and performance measures should be open and inclusive. As the Corporation for National Community Service moves through the regulatory process, we expect them to take seriously the public comments they receive for how best to move forward with greater competition in this program. There is a lot of on-the-ground expertise within the community of RSVP directors, and we expect the Corporation will listen to their recommendations, the recommendations of the National Association of RSVP Directors, and involve representatives from these communities in the peer review process.

Finally, I understand that this new process has the potential for creating some new paperwork and administrative burdens on grantees in the RSVP program. Does the Senator see a way for those concerns to be addressed?

Ms. MIKULSKI. I thank the Senator. I appreciate the Senator raising the issue of competition in the SeniorCorps programs. As the Senator knows, I am a very strong supporter of the work that these programs perform in the communities in my State. More than 7,400 seniors participate in these programs. Our Foster Grandparents serving as tutors and mentors, our Senior Companions are providing services to homebound seniors, and our Retired and Senior Volunteers are working in hundreds of community-based organizations across Maryland.

I believe that the language we have agreed upon provides opportunities to address some of the additional administrative burdens that may present a challenge for some of our small and rural programs. While this bill requires that RSVP programs undergo evaluations to gauge their performance levels, it also includes requirements for the Corporation to provide technical assistance to those programs that are struggling. It is important that as these organizations work to improve their performance they are able to obtain the support that they need from the Corporation to be successful. We have built in sufficient time so that the process is not rushed, and the legislation also ensures that every effort be made to minimize disruption to the volunteers and the communities they serve.

And it is also important to note that we have directed the Corporation to

make available an online resource guide. This resource guide will spell out the Corporation's expectations for high performing programs, provide examples of best practices, and help demystify the meaningful outcome measures that we expect to be applied to these programs. We are charting a path forward that will result in the RSVP volunteers providing better services to the communities in which they serve.

#### ROOSEVELT SCHOLARS

Mr. BINGAMAN. Madam President, I wish to join Senator KENNEDY and Senator VOINOVICH in a colloquy about the importance of government service and the potential of the Roosevelt Scholars program to bring more talented young Americans into the Federal workforce.

The important legislation before us today focuses its attention on volunteerism and community service. I commend Senators KENNEDY, HATCH and of course, my colleague Senator MIKULSKI, who has so ably guided the Senate's consideration of the Serve America Act. I suggest that it would be wise for this body to address the value of government service with the same resolve and bipartisanship with which we have engaged on the volunteer service legislation before us today.

Advancing service legislation without a government service component would be unfortunate in ordinary times, but it is doubly so given the extraordinary demands being placed on our government in a time of national crisis. It is incumbent upon all of us to ensure that we are building new pipelines of talent into the Federal workforce to ensure that our government is able to meet its responsibilities to the American people.

The Roosevelt Scholars Act is a smart and efficient way to add one of these new—and needed—pipelines. The proposal is to create a scholarship program in mission-critical fields in exchange for a Federal service commitment. The Roosevelt Scholars program would provide tuition, support for room and board and a stipend for study in occupations critical to our government's success, including engineering, public health, science, foreign languages, accounting and information technology, to name but a few. In exchange for this support, Roosevelt Scholars would complete an internship in a Federal agency and, upon graduation, would be expected to complete a minimum of three years of Federal service. A Roosevelt Scholars Foundation would be established to administer all aspects of the program.

Mr. VOINOVICH. I thank the Senator from New Mexico. Since my election to the Senate, I have made improving the Federal workforce a priority. I know from 18 years of experience as both a mayor and a Governor that you simply cannot have effective government without the right people to get the job done.

The Oversight of Government Management and the Federal Workforce Subcommittee, which I chaired and of which I am now the ranking member, has held dozens of hearings on issues related to attracting and retaining talented people in government service. Roughly one-third of government's top scientists, engineers, physicians, mathematicians, economists, and other highly specialized professionals will be leaving government service in the next 5 years. The labor needs of government are becoming more professional and specialized than ever before. Unfortunately, the same is true of the overall U.S. labor market and an insufficient number of citizens are pursuing study in high need areas. We need programs like Roosevelt Scholars to help address this shortage of skilled talent.

I am pleased to join the Senator as a cosponsor of the Roosevelt Scholars proposal so more of our talented young people who answer the call to service will have government service as an option.

Mr. BINGAMAN. I appreciate the remarks of my colleague and look to my colleague from the State of Massachusetts, Mr. KENNEDY, for some assurance that he regards government service as public service, as I do, and that the HELP Committee on which we both serve will pursue the Roosevelt Scholars Act as one way to enable more Americans to answer the call to national service.

Mr. KENNEDY. I thank my colleague from New Mexico and also my colleague from Ohio. I certainly agree that government service is public service. I also agree that we need to do more to encourage talented young men and women to serve in the government and make it financially possible for them to do so. We took a significant step to do so in the last Congress, with the public service loan forgiveness program in the College Cost Reduction and Access Act. I would be pleased to work with the Senator and our colleagues in the HELP Committee to see that the proposed Roosevelt Scholars Act and its emphasis on building new pipelines to bring talent into government service receive a full hearing and consideration by the committee.

Mr. LEAHY. Madam President, I am pleased that the Senate is moving forward to vote on final passage of the bipartisan Serve America Act. Practical participation in the goals and ideals of our country through service is a cornerstone of our success as the world's most enduring democracy, and we must continue to work together to promote such volunteerism on a national level. Senator KENNEDY has worked tirelessly to promote national service by authorizing and passing the National and Community Service Trust Act, which created AmeriCorps. Senator KENNEDY's career of public service serves as an example to so many Americans, and I am

proud to have joined alongside him as a cosponsor of this legislation.

For dozens of years, programs aimed at assisting Americans of all ages to participate in year-long service activities have thrived and national service applications are higher than they have ever been. This bill would expand the opportunities for Americans to serve by boosting AmeriCorps programs over 8 years to a goal of 250,000 volunteers, engaging youth and low-income individuals to participate in Summer of Service or Semester of Service programs, making expansions to programs for retirees, and authorizing a program for short-term international service opportunities. These programs have helped thousands engage in their communities and become involved in civic life and we should encourage even greater participation by passing this bill.

In this time of economic hardship, Americans are struggling to pay the high costs of tuition and those who do make it through school are struggling to find ways to pay the bills. Many that may be drawn toward year-of-service programs are unable to commit because they cannot afford to do so. The Serve America Act increases the education award for volunteers to \$5,350 to keep up with education costs and to link it to Pell Grants in order to help it increase in the future.

The dedicated young people who have answered the honorable call to national service contribute enormously to the strength of our communities. Whether they are helping to house the homeless, feed the hungry, or keep disadvantaged youth safe in fun and educational after-school activities, they are often filling a sorely needed gap that the community cannot otherwise fill. Since AmeriCorps' inception in 1994, more than 2,900 Vermonters have qualified for education loans through the program, allowing about 390 Vermont students to serve each year. Additionally, 2,800 Vermont seniors contribute their time to the Senior Corps program by becoming foster grandparents, senior companions for homebound seniors, or by serving in the Retired and Senior Volunteer Program. The expansion of the year-of-service opportunities this bill contains will greatly increase the capacity of Vermonters to join national service programs.

Last week, a large group of volunteers from YouthBuild came to Washington to participate in Green Building Service Day to build an energy efficient home on the National Mall. YouthBuild volunteers have been participating in similar projects for more than 20 years. Several members of YouthBuild Burlington came to Washington to participate in Green Building Service Day and described how the program turned around their lives and how they are inspired to continue pub-

lic service after their time with YouthBuild is completed. National service programs such as YouthBuild are not merely volunteer programs, but programs that invigorate the spirit of national service that will influence volunteers for a lifetime.

We must work to make this vital part of our social safety net in Vermont and across the nation. Service to our country is not only noble, but it enriches the lives of those served as well as the volunteers who commit their time to helping others. I urge support of this bill as the Senate prepares to vote.

Mr. SCHUMER. Madam President, I rise today to express my support for this important bipartisan bill, the Serve America Act.

Voluntarism is at the core of the "American" spirit. It was something that impressed Alexis de Tocqueville when he first visited the new American democracy in the early nineteenth century, and it is a trait that continues to improve the world around us every second of every day.

Now, more than ever, we need to do what we can to keep the flame of public service burning bright in America to give our schools, our churches and temples, and our communities hope that prosperity and economic recovery for all is just around the corner.

This legislation that we are considering today does just that.

The Serve America Act reauthorizes and broadens our national service laws and creates a framework to develop national service programs that will improve American communities and enrich the lives of all of those who answer the call to serve.

Now is the time for us to come together to reach out a helping hand to one another. This is what makes our country great, it is our spirit of community, our willingness to hunker down and help one another.

The Serve America Act creates a continuum of service opportunities for Americans of all ages and walks of life—from middle school kids through seniors enjoying retirement.

Today, I want to highlight a particular provision in this bill, the 9/11 Day of Service and Remembrance.

I thank Senators KENNEDY, MIKULSKI, HATCH and ENZI for including this important provision at my urging.

This provision will create a new national campaign to promote public service and encourage Americans to observe September 11 as a National Day of Service and Remembrance.

This is important not only to all the families and loved ones affected by that terrible tragedy, but also to the next generation of Americans—so that we will never forget what happened on that day, and we will honor those who were killed with our own act of selflessness and public service.

I want to acknowledge several of my fellow New Yorkers who have worked

tirelessly on this issue: Jay Winuk, co-founder and vice president of MyGoodDeed.org and the brother of attorney and 9/11 rescuer Glenn Winuk and David Paine, president and founder of MyGoodDeed.org.

Glenn Winuk is just one of many New Yorkers who this provision will honor. On September 11, 2001, Glenn was working in his law office near the World Trade Center when the first plane hit.

Glenn was a volunteer fire fighter and EMT and he helped evacuate his building, and then headed toward the chaos, grabbing a mask and a pair of gloves on the way. Tragically, Glenn died when the second tower collapsed.

The nonprofit My Good Deed, started by his brother and friend, was founded to transform the anniversary of the attacks of September 11, 2001 into an annually observed national day of service and good deeds.

In 2007, more than 300,000 good deeds were posted on the organization's website by participants from all 50 U.S. states and 150 different countries and territories.

The good deeds come in all forms—large and small.

Giving a homeless woman a blanket on a cold night, donating blood regularly, sending care packages to our troops, and helping friends and neighbors by babysitting.

There is a tremendous story from 2007 of John Feal who founded the Feal Good Foundation. John donated a kidney to a stranger to help a seriously ill 9/11 rescue worker. What a wonderful act of selflessness.

We want to encourage more stories and acts of generosity like this.

Establishing 9/11 as a national service day also has the potential to inspire many people to consider community service for the first time—a key goal of President Obama's administration.

MyGoodDeed.org, the nonprofit that has been leading the eight year effort to designate 9/11 as a national day of service, found that two-thirds of those who have participated in the unofficial 9/11 day of service observance to date—more than three million people a year by its estimates—describe themselves as relatively new or new to volunteering.

Commemorating 9/11 with a good deed to help another American in need will honor great New Yorkers like John Sferazo and his organization "Unsung Heroes Helping Heroes"—who have already stepped up to the plate and volunteered their time to help their fellow countrymen.

John was an ironworker who sacrificed his health at Ground Zero—and he and the Unsung Heroes have been helping out other first responders ever since.

September 11 should not only be a day for mourning—it should be a day to think about our neighbors, our community, and our country.

We can take a tragic day in our Nation's history and turn it into a force for good. We can make it a day on which we can give back in remembrance of those who lost their lives.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DORGAN. Madam President, I am pleased to be a cosponsor of the Serve America Act, and I am glad the Senate is taking up this important bill this week. This legislation will provide better opportunities for all Americans to be involved in their communities. By engaging Americans of all ages in volunteer service opportunities, we can address some of our most pressing national challenges.

In North Dakota, people understand the importance of civic duty and lending a hand to help a neighbor or their community. In fact, as we are debating this legislation on the Senate floor, there is a major volunteer effort going on in North Dakota.

As I described in some detail yesterday, we are facing a major flood threat up and down the Red River Valley as well as in Bismarck and other communities around the state. The Red River is expected to rise to a record level in Fargo on Saturday. The community is working around the clock to fill sandbags, raise dikes and do their best to prepare. We are also facing several ice jams on the Missouri River that, if they break too fast, could flood our capital city of Bismarck in a matter of hours.

Yesterday I met with President Obama, along with Senator CONRAD, Congressman POMEROY, and our two colleagues from Minnesota, Senator KLOBUCHAR and Congressman PETERSON, to brief the President on the situation. The President pledged the full support of the Federal Government and signed an emergency disaster declaration to immediately deliver Federal aid to the region.

I am heading to North Dakota today to meet with Federal, State and local officials as we make the final push to prepare for the flood. I am sorry that I am going to miss the final series of votes on this bill, but I need to be on the ground in North Dakota. •

Mr. CARDIN. Madam President, I rise today in support of S. 277, the Serve America Act. First, let me thank Chairman KENNEDY, Senator MIKULSKI, and Senators HATCH and ENZI, for their leadership and their vision in crafting this bipartisan legislation. I am proud to be an original cosponsor of this bill, because it will foster the best of what it means to be an American—our sense of community and shared responsibility for one another.

This bill helps Americans respond to the call to national service. In the 63 days since President Obama took office, nowhere have we seen a more vibrant example than that set by the

First Lady, Michelle Obama. Just last week, Mrs. Obama brought a diverse group of successful women to the White House—among them an astronaut, musicians, actors, businesswomen, scientists, authors—before dispersing them to Washington, DC, Maryland, and Virginia schools to meet with students and help them to aspire to greatness as well. Three weeks ago, on March 5, she served lunch to homeless men and women at a soup kitchen in downtown Washington. The menu for the day featured fruit salad made with donations from White House employees. Mrs. Obama's message was simple and eloquent—that times are tough and people need a helping hand. She said that those who could not donate food or money should try to donate time instead. These are but two examples of how Mrs. Obama has inspired civic interest and engagement in others. But one need not be First Lady or even a celebrity to serve the community and that is what S. 277, the Serve America Act, is all about.

The Serve America Act promotes public service as one avenue to address the most pressing challenges facing America. Who can help keep our children in school and out of gangs? Mentors provided through Education Corps. How can a single mother without insurance get her children basic dental care? Through oral health access programs offered through Healthy Futures Corps. How can a retiree better afford her heating bills? The Clean Energy Service Corps can weatherize her house to improve energy efficiency. How can a veteran recently returned from Afghanistan readjust to life at home? By working with volunteers at the Veterans Corps to pursue educational opportunities and professional certification. How can a recently laid-off father get gainful employment? Through the job-training and job-placement services and financial literacy programs offered through Opportunity Corps. These are just a few examples of how this legislation builds on the success of AmeriCorps to develop a volunteer base of civic engagement. It would reauthorize the basic AmeriCorps program with the goal of increasing the number of volunteers from 75,000 up to 250,000.

As our recession has spread and deepened, I have talked with many of Maryland's nonprofit service organizations, and the message is the same: our communities' need for services has increased, while donations have decreased. But true to the American spirit, the number of volunteers eager to serve has increased. People are willing to donate their time, even though they might be less able to afford monetary donations. And for many affected by layoffs and cutbacks, time is all they have to give. When I visit with high school and college students, I find they are more enthusiastic than ever about

the notion of public service. S. 277 will harness that enthusiasm and help translate their interest into action.

By promoting the involvement of Americans of all ages, this bill supports a lifetime of service. It strengthens the current Learn and Serve America program to engage middle and high school students in meeting community needs. The bill establishes youth engagement zones—low-income, high-need districts where community based service learning projects can be coordinated for secondary school students. For college students, in addition to AmeriCorps service opportunities, the bill allows institutions of higher education to include service-learning as a component of other curriculae such as nursing and criminal justice. The bill also creates a “Campuses of Service” program, through which up to 25 colleges and universities can receive grants to provide service learning programs, or to share their programs with other institutions.

In addition, the bill provides opportunities for America’s seniors. Our Nation can benefit from seniors’ many years of experience as we confront today’s problems. S. 277 will enhance current Senior Corps programs and offer incentives for service. It will also allow participants to transfer any earned educational benefits to their children or grandchildren.

I want to draw particular attention to the Healthy Futures Corps. This program will provide grants to the states and nonprofit organizations so they can fund national service in low-income communities. Healthy Futures Corps members will address certain health indicators, including chronic diseases, such as diabetes, and other conditions where we know there are socioeconomic, geographic, and racial and ethnic disparities. It will allow us to put into action tools that can help close the gaps in health status—prevention and health promotion. For too long, we have acknowledged health disparities, studied them, written reports about them. This bill will help us eliminate them through community-based interventions. I want to express my deep appreciation to the committee for adding language specifying oral health as an area of focus. Often overlooked when we consider health care, oral health is an essential component of health throughout life. No one can be truly considered healthy if they have untreated cavities, periodontal disease, or other dental problems. Maryland learned that lesson two years ago when 12 year old Prince George’s County resident Deamonte Driver died of a brain infection brought on by an untreated tooth abscess. This measure will help recruit young people to work in the dental profession, where there are severe shortages of providers in many urban and rural areas. It will fund the work of individuals who can

help parents find available oral health services for themselves and their children. It will make a difference in the lives of the Healthy Futures Corps members who work in underserved communities and in the lives and health of those who get access to care, and so I want to thank the committee for this addition to the bill.

I am proud to say that Maryland already has a great track record in public service. The Corporation for National and Community Service reports that more than 170,000 Marylanders now participate through 115 national service projects across our State. But there is always room for more. This legislation gives our State and the Nation additional tools to answer the call to service. I urge my colleagues to support this bill and it is my hope that it will receive the unanimous support of the Senate.

Mr. UDALL of New Mexico. Madam President, I rise today in strong support of the Serve America Act. This bill has broad, bipartisan support—and it should. One of my colleagues said earlier that it combines the best of liberal and conservative. I would say that it appeals to something that transcends political labels—a core belief that if citizens want to serve our country, we should help them.

But there are a few opponents of this bill, and I want to speak briefly to their concerns.

The basic argument against this legislation—as I understand it—is that government should not have to pay for voluntarism. I understand that argument. But I think it represents a basic misunderstanding of what public service is all about.

The AmeriCorps Web site says that that program offers young people an “opportunity” to serve.

And it is true. Community service is an opportunity. We could spend hours listing prominent public careers that started in the public service program. One of our colleagues got his start that way, and I know he appreciated that first opportunity to serve.

Alexis de Tocqueville—probably the most famous observer of American civil society—referred to our volunteer organizations as “schools of democracy.” And they are.

Volunteers learn to be citizens—in the fullest and truest sense of that word. A Teach for America volunteer in Gallup doesn’t just teach his students. He learns a new culture. He learns compassion for a community that is not his own. And he learns how to take responsibility for himself and for others.

Imagine, briefly, if we accepted the idea that the Government should not pay for national service. Incoming AmeriCorps volunteers would be asked if they or their parents can afford to pay for a year’s worth of food, clothes, and housing. Peace Corps volunteers

would need enough money to spend a year abroad with no source of income. Our communities would not be served. And America’s schools of democracy would be closed to all but the wealthiest Americans.

I do not want to live in a country where willing volunteers are denied the opportunity to serve because it is unaffordable.

The Serve America Act reflects the belief that we should encourage all our citizens to serve. We should give them more opportunities to be active citizens. Because a nation of volunteers does not just have better social services—it has a better citizenry and a stronger democracy.

I ask all of my colleagues to join me in supporting the Serve America Act.

Mr. ENZI. Madam President, I am pleased that the Serve America bill was considered through the regular legislative process. We held a hearing and a markup in the HELP Committee and reported it to the floor. Amendments have been offered, debated and dealt with, and we are about to vote to pass the bill. Although we have had to work faster than most of us would have preferred, it has been a bipartisan process every step of the way. While this is not a perfect bill, it is a better bill because we have followed regular order. The result is good policy with bipartisan support.

We have finally taken a hard look at the laws surrounding national service, and made necessary changes to improve accountability, reduce bureaucracy, and ensure that we get maximum return on the investment we’re making. The bill includes key Republican concepts such as eliminating waste, and addressing serious concerns about the management and operations of the AmeriCorps programs. It strengthens the oversight and fiscal accountability of these Federal programs, while it expands accessibility and streamlines bureaucracy, which is particularly critical for smaller and rural programs.

The role of the chief financial officer and the inspector general at the Corporation for National and Community Service are strengthened. Additionally, the Corporation’s board of directors is required to review the national service budget submission before it goes to OMB, and recovered misspent funds must go back to the national service trust.

As the only accountant in the Senate I wanted to make sure that we provided the Corporation with the tools it needs to be on sound financial ground as it moves forward. I believe that with the changes we have made, the Corporation for National and Community Service will be a better steward of the taxpayers’ money, and we will see ever increasing numbers of Americans serving in their communities to address locally determined needs and challenges.



This bill is good for Wyoming because it makes programs more responsive to rural needs. It reduces paperwork and administrative burdens through fixed price grants so that so that programs can work better for small and rural communities.

The impact of streamlining access to these programs will allow the Corporation to reach out more effectively to Native American communities and tribal governments, particularly now that it has brought on board a strategic adviser for Native American Affairs. Often these communities are the ones experiencing the most extreme needs for education, health and workforce services. With these changes I am hopeful that the increased set-aside for programs serving Native American communities will not be underutilized and used more efficiently.

During the course of this debate we have heard about the many other important changes and improvements that we have made to the national service programs. I am glad that we have been able to improve the bill even more through the amendment process.

This bill represents a landmark bipartisan achievement in a time of fierce partisanship. By working in a bipartisan way we have limited the number of new programs and controlled increases in discretionary spending. We have also added accountability and performance measures at every step of the way for each program. This bill will mobilize millions of faith-based organizations, church groups, nonprofits, and individuals to volunteer their time and energy freely to serve their communities. It does not include any mandates of any kind for individuals or groups to volunteer.

I am pleased that this bill creates a Veterans Corps that provides services so important for returning veterans and their families. The bill establishes an Opportunity Corps to address issues in disadvantaged, low income communities, emphasizing financial literacy, education and job placement assistance, which are particularly fitting in this time of economic uncertainty. I am very supportive of provisions in this bill that build connections to the needs of our workforce.

With Senator MIKULSKI I believe that we have found a way to introduce responsible competition into the SeniorCorps programs. The original proposal around competition would have seriously disrupted the important services provided by these programs. Finding a solution was particularly important in Wyoming as over 1,000 people a year participate as senior companions, foster grandparents or community volunteers.

This is a bill that deserves our support, and I encourage my colleagues to vote for it. What we have agreed upon is good policy that reinforces Republican principles and will benefit dis-

advantaged communities across the country. I am confident that the House will concur with what we have done, pass the bill quickly, and send it to the President for his signature.

As debate on this legislation comes to a close it is necessary to thank those who have worked long and hard on this bill. First and foremost I would like to thank Chairman KENNEDY and Senator HATCH for agreeing to work together on designing the Serve America Act. It is a fine example of the importance of working together. I want to further acknowledge our friend and colleague Senator KENNEDY. His is a life of dedication to national service and commitment to the issue of national service. I am sorry that I missed him when he was here earlier this week. However, I know that we all look forward to his complete recovery and return to the Senate.

I also want to thank Senator HATCH for his management and leadership in shepherding this bill over the past few days. He has kept us focused on the importance of national service through his actions and dedication.

And I want to congratulate Senator MIKULSKI for the work she has done to ensure a bipartisan process and her willingness to work round the clock to get this bill done.

I would like to thank everyone on my staff who has worked tirelessly to get us to this point. In particular I would like to thank Frank Macchiarola, Greg Dean, Adam Briddell and Beth Buehlmann. I would also like to thank members of Senator KENNEDY's and Senator MIKULSKI's staff for their hard work—Michael Myers, Portia Wu and Emma Vadehra, and Mario Cardona and Ben Gruenbaum. Thank you also to Senator HATCH's staff, Chris Campbell and Bryan Hickman. I also want to thank Liz King and Kristin Romero, the excellent legislative counsels who worked many long hours to carefully draft bill language. Finally, I thank all of the members of the HELP Committee and their staffs for their hard work.

#### VOTE EXPLANATION

Mr. ENZI. Madam President, I would like to state my position on four votes I missed in the Senate on March 23 to 25, 2009.

I was unable to vote due to being in Gillette, WY, during blizzard conditions.

If in attendance, I would have voted as follows: March 23, 2009—"yea" on vote 108, motion to invoke cloture on the motion to proceed to H.R. 1388; and March 25, 2009—"yea" on vote 109, confirmation of David S. Kris, of Maryland, to be Assistant Attorney General; "yea" on vote 110, motion to waive Congressional Budget Act on the Crapo amendment No. 688; and "nay" on vote 111, motion to table Ensign amendment No. 715.

Mr. KENNEDY. Madam President, today the Senate has taken a significant step toward engaging many more Americans in national and community service. Imagine how much stronger America will be if millions more people of all ages answer this legislation's—and our President's—call to serve.

The challenges facing the Nation are among the most serious in our history. Our families, our businesses, and our communities are suffering from unparalleled economic challenges. Jobs are disappearing. Homes are being foreclosed. Debts are soaring. Our health care system is in crisis. Our schools are in trouble. State and local budgets are being forced to make severe cutbacks.

Each of these challenges is daunting, but all of them can be met more effectively if we devote ourselves to the task together. We must overcome the illusion that America's problems are the responsibilities of others to solve.

Fortunately, there are signs of hope. The excitement generated on both sides of the aisle by last year's Presidential campaign showed that Americans young and old want to be more involved in the world in which they live. President Obama's call to service has inspired new interest in doing so. And if there is any silver lining to the economic crisis, it is the fact that the crisis, for all its harsh effects, has also strengthened Americans' desire to do their part.

The greed and selfishness displayed on Wall Street in recent weeks is not America. This desire to help is America.

Applications to City Year are up 180 percent. Teach for America received 35,000 applications for just 4,000 positions. Online AmeriCorps applications—which don't represent all AmeriCorps applications—are three to four times what they were last year.

As they always do, the American people are stepping up just when we need them most, and this legislation will help them do even more.

For the past year, there has been little to agree on in Washington. Last year's political campaigns led to partisan bickering in Congress and beyond. But throughout the year, Senator HATCH felt it was essential to work on this legislation. We heard from Americans old and young. We received ideas from across the ideological spectrum. It wasn't easy, but we were able to reach agreement on the need to make room for more full-time volunteers to give a year of service, and to help small organizations use more part-time volunteers who are the lifeblood of the service army.

I know some of my colleagues are concerned about any increase in spending because of the growing budget deficits. But at a time when all our communities are struggling, this bill is a responsible investment that will pay itself back many times over—in service, in volunteer hours, in private and

local investments. The cornerstone of our success as a Nation has always been the drive of the American people. Their ingenuity in mastering any challenge; their compassion for those around them; their strength to see us through the hard times. This bill relies on all of these qualities.

The Serve America Act is fundamentally about strengthening our future, but it draws on lessons from the past. In the past two decades, we have learned a great deal about the power of service. We have learned that it can make a dramatic difference in meeting complex challenges—from improving our schools to conserving our precious natural resources. We have learned that it contributes both to the communities in which individuals serve and to the individuals themselves. We have learned that even skilled professionals with established careers and retiring senior citizens with a lifetime of experience are eager to dedicate their skills to giving back to others. They are more than willing to take their skills and their experience and turn them into something useful for our country.

Most of all, we have learned that Americans want to serve and that all we have to do is ask.

Our bill draws on these lessons to establish the next generation of service. It increases the number of AmeriCorps members from the current level of 75,000 to 250,000 over the next 8 years. We know the demand exists among participants and organizations, and we need to make this investment to increase the supply of opportunities. The bill will also focus existing AmeriCorps programs on areas which its members are best equipped to handle, so we can measure the impact these members are having.

An Education Corps will serve disadvantaged youth through tutoring, mentoring, and connecting schools and parents. A Clean Energy Corps will weatherize homes to increase energy efficiency, teach the Nation's youth about energy use, and serve in our national parks. A Healthy Futures Corps will give low-income Americans greater access to health care and improve their health literacy.

As the cost of college has skyrocketed, the Eli Segal Educational Award has remained stagnant for 16 years, at \$4,725. Our bill will finally change that by increasing the award to the same as the maximum Pell grant, \$5,350, and link it to that grant in the future to ensure that it never becomes stagnant again.

For younger Americans, the legislation expands the existing Learn and Serve program, which supports service-learning activities for students that place them on a path to a lifetime of service. Learn and Serve was one of the most important experiments we have undertaken in service in the past, and it is still an important investment.

Last year, 1.1 million students served through Learn and Serve. This legislation will do more, creating Summer of Service positions for middle and high school students, in return for an education award that will remind them of their own ability to go to college. It will also create Youth Engagement Zones to bring more service-learning to low-income communities with high dropout rates, so that more students will stay in school.

As we focus on the very young through Learn and Serve, and on our youth through AmeriCorps, the next generation of service must do more for adults as well. The largest generation in American history—the baby boom generation—is retiring, with the energy and desire to do more for their communities and more for the Nation. This legislation will draw on that desire and on their skills and experience, and direct them to the nonprofit sector through Encore Fellowships to help them make the transition into long term public service.

Further, since the AmeriCorps education award is not a realistic incentive for adults who have completed their education, the bill makes the award transferable to a child or a grandchild. With the cost of college rising, and the award finally increasing, this provision will make a major difference to these families.

In addition, the bill expands and updates the three existing Senior Corps programs—RSVP, Senior Companions, and Foster Grandparents. These programs have been successful for decades, and will continue to be the backbone for service by persons who are 55 or older.

The bill also creates a social innovation fund, to invest in outcome-focused, effective nonprofit organizations. We should never underestimate the power of a committed young person with a good idea. Social entrepreneurs like those who started City Year, Citizen Schools, and YouthBuild are doing remarkable work, and we should help them expand. It is our role to do so.

To help organizations manage the influx of new volunteers and provide a better experience for occasional volunteers, the legislation creates a Volunteer Generation Fund to improve volunteer management and increase capacity in organizations that rely on volunteers.

Finally, the bill authorizes and focuses the Volunteers for Prosperity program created under President Bush in 2003. For decades, the Peace Corps has been demonstrating the potential of international volunteering for solving practical problems and developing the human ties that are the building blocks of diplomacy. Volunteers for Prosperity offers opportunities for skilled professionals to engage in short-term international service in developing countries to address specific

areas of need, from clean water to girls' education.

Much of this bill—and much of what we know about service more broadly—draws on the lessons we have learned from leaders in Massachusetts. City Year began in Boston. Its volunteers show us that they can focus on a specific problem, such as the dropout rate in our schools, and make a real difference.

Last year, almost 2,200 AmeriCorps members served in Massachusetts, in schools, communities, and health centers. This legislation will triple their numbers. It will also support the work of the Massachusetts Service Alliance, which has been an effective leader in coordinating service opportunities across our State.

Service is a cause with champions too numerous to count in Congress and beyond. Invoking the power of service isn't a partisan issue. It is a way to help our country in the current crisis. Leaders on both sides of the aisle agree that part of solving our greatest challenges is to rely on the strength, ingenuity, and compassion of our people to serve their fellow Americans. Nineteen years ago, the original National and Community Service Act was a bipartisan bill, and so is this one.

I commend all of those who have worked on this legislation. We all owe our colleague Senator MIKULSKI immense gratitude for steering this bill across the finish line.

Senator ENZI, as always, has been an amazing partner. His input made the bill stronger, and it made the Corporation for National and Community Service stronger as well, and better able to carry out the new responsibilities we are placing on it.

We also owe an immense debt to Senator HATCH, whose idea this legislation was. I know when we work together, our friends on both sides of the aisle get suspicious, but as always, we came up with a bipartisan product the Senate can be proud of, and we made it stronger by working through our disagreements.

I particularly commend President Obama as well. From his own experiences over the years, he knows the power of service both to the individual and to the community. He has made clear that his own path in life has been shaped by his early service, and for that we can all be grateful.

There are also many staff members who made this legislation possible. Senator HATCH's staff—Chris Campbell, Bryan Hickman, and Jace Johnson—has been invaluable. On Senator ENZI's staff, I particularly thank Beth Buehlmann, Adam Briddell, and Frank Macchiarola. On Senator MIKULSKI's staff, Julia Frifield, Ben Gruenbaum, and Mario Cardona have worked hard to bring this legislation to the Senate and get it through.

I also thank Senate Legislative Counsel Liz King, Kristin Romero, and

Amy Gaynor, and for his technical assistance, the Corporation's General Counsel, Frank Trinity.

Finally, I thank the members of my staff who worked so long and hard and well on this legislation—Sarah Whitton, Thomas Showalter, Brian Carter, Christine Leonard, Charlotte Burrows, Janice Kaguyutan, Melissa Wagoner, Jay McCarthy, Portia Wu and Michael Myers. Most of all, I thank Emma Vadehra, my senior education counsel, who has worked skillfully and tirelessly on this bill since the beginning. Her leadership was indispensable in bringing us to this successful conclusion.

Now the real work begins: to implement this new vision of service and make it as effective as it can be in the years ahead.

It has been 16 long years since Congress last looked fully at these programs. More and more of us believe that the time has come to do much more. And now we will. President Kennedy's call to service still echoes today, and I am proud we have renewed that call for our day and generation by passing this important legislation.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, I thank the Senator from Maryland for the wonderful leadership she has provided on this bill for and on behalf of the majority and, I think, all of us. She is a terrific Senator and somebody for whom I have a great deal of respect. It has been a privilege to stand side by side with her and her staff and work together on this monumental piece of legislation. This is landmark legislation, and it will make a real difference in all of our lives.

As we close out this debate, I can't help but think about the road that has led us here. I know that I have said that this bill is 2 years in the making, but, given the work that many of our colleagues have done in national service, it is probably been longer than that. I am proud to have played a role in this effort and I believe that, with this as we close out this legislation, we are bringing something of real value to the American people.

Once again, my interest in volunteer service began long ago when, as a 20-year-old young man, I spent 2 full years serving as Mormon missionary. That experience was, for me, a pivotal time in my life. It altered my world view and gave a greater understanding of people and of the world around me. I have said numerous times I would not trade my time as a missionary those 2 years with being a Senator. It was that meaningful.

I have to say I learned a great deal from that mission—how to deal with people, how to work with people, how to work with people who had problems, how to consult with people, how to counsel people. I can tell story after

story the ways I grew in those 2 years and the respect I have for my fellow human beings.

Other Members of this Chamber have similar stories to tell about times in their lives when they were able to set aside their own desires to help others in need. We heard many of those stories this week on the Senate floor, including Senator MIKULSKI's experience as a social worker and Senator DODD's time in the Peace Corps. The common thread among all these stories is that each of us was left with a lifelong desire to serve.

As I mentioned, Senator KENNEDY and I have been working on this legislation for nearly 2 years trying to find the right balance of new programs and the best way to expand upon the existing national service system. I have to be honest, I consider him to be among one of my dearest friends. Senator KENNEDY and I do not agree on much. We have found ourselves on opposing sides of some of the toughest battles in modern Senate history, oftentimes in fierce disagreement. But throughout our time together in the Senate, we have also been able to come together on a number of efforts that, in the end, have improved the lives of our fellow citizens. Although there have been numerous legislative efforts to bear the Kennedy-Hatch, Hatch-Kennedy label, depending on who is in the majority, I have never been more pleased with a bill than I am with this one. I know he feels much the same way. I am grateful to have had this opportunity to lock arms with the senior Senator from Massachusetts once again on the Serve America Act. What has made this particularly wonderful for me is being able to lock arms with my distinguished friend from Maryland, Senator MIKULSKI, Senator ENZI, and others who on this floor have expressed how important this legislation is.

There has been a lot of good will on this floor this week. Most of the floor speeches have been supportive, and I have appreciated this. As I have been managing this bill on the floor, I have been directing many of my comments toward those who are not as supportive because, from the outset, it has been my hope that whatever bill we end up passing receives broad, bipartisan support. I think we are going to get that in the vote today—at least I hope so. But I wish to make a few final pitches anyway in case any of my colleagues are still on the fence.

This is a bill that will address many of our Nation's needs during these difficult economic times, but it will do so not by growing the Federal bureaucracy but by powering individuals and private organizations to work in their communities and to recruit others to join in their efforts. All the programs in this bill have been designed with that purpose in mind.

We are not paying people to volunteer, and we are not creating new posi-

tions in Government employment. Over the next 8 years, the bill will expand national service participation to 250,000 participants. That is a significant number to be sure, but in a country of 300 million, it cannot be the measure of our efforts. What matters is what these people will do as they participate in national service.

The participants in these programs will serve as leaders or as anchors for community efforts driven by faith-based and nonprofit organizations. They will recruit, train, and supervise the efforts of millions of traditional volunteers. The model has a proven multiplying effect, leveraging 30 traditional volunteers for every national service participant.

This bill will provide opportunities for people to take the lead in these efforts at all stages of their lives. Everyone from the young adult who wants to make a difference in his or her community and receive some college assistance to the baby boomers and senior citizens wanting to put their skills and experience to good use in all our neighborhoods.

What do these participants receive in return? They get a small living stipend; that is, those who are the 250,000, that puts them below the poverty level, and a modest educational award that will pay only some of the costs of higher education. These are not jobs or careers. People do not go into national service because the pay is good. They do it because they have a desire to give back to their country and to their communities. With this bill, we will be giving more Americans the opportunity to do so.

I have said it many times this week, but I believe it bears repeating. I believe this is a bill that every Member of the Senate can support without reservation. This is not a Democratic bill or a Republican bill, but it is both. The Serve America Act speaks to the best instincts and ideals of both parties. It is a landmark piece of legislation and, once again, I am proud to have been part of this effort.

As we close debate on this legislation, I must express my gratitude to a number of people. Foremost, I wish to, once again, thank Senator KENNEDY. His leadership on this bill has been instrumental. Indeed, the Serve America Act basically embodies everything we know about Senator KENNEDY.

I also thank Senator ENZI, who worked with Senator KENNEDY to make sure that along with the new programs in the Kennedy-Hatch bill, we have reauthorized and reformed the existing national service infrastructure. The Corporation for National and Community Service has not been authorized for over 16 years. It is high time we got around to it. Senator ENZI's efforts have ensured that this, too, was a bipartisan effort.

Of course, we all need to thank Senator MIKULSKI who has been an advocate and architect for national service for more than a decade. She is, indeed, the godmother of national service, and she has led us through the final stages of this effort at the negotiating table, in the HELP Committee, and on the Senate floor. All things considered, the floor debate has gone pretty smoothly this week, and that is because of Senator MIKULSKI's tireless encouragement to keep things moving.

I also wish to pay tribute to the President. President Obama is certainly a very brilliant man. He immediately recognized the importance of this bill. I was pleased he mentioned it during his State of the Union Address. He did not have to mention our names, but the fact of the matter is he did because he knows Senator KENNEDY played a major role.

A number of our staff members need to be mentioned as well. From my own staff, I thank Chris Campbell and Bryan Hickman for their work on this bill. They worked a lot of late nights and early mornings on this legislation. I know about this because they let me hear about it all the time.

Senator KENNEDY's staff has had to pull double and sometimes triple duty in this effort. I wish to single out the efforts of Emma Vadehra, Portia Wu, and Michael Myers—three great staffers. They have carried the breadth of the Herculean load in getting this legislation introduced in committee and ready for passage.

From Senator ENZI's staff, I need to recognize the work of Adam Briddell, Beth Buehlmann, Greg Dean, and Frank Macchiarola. From working on the reauthorization provisions and carrying much of the load on the floor for the Republican side, they have been indispensable.

Of course, Senator MIKULSKI's staff has been wonderful as well, particularly the work of Mario Cardona and Ben Gruenbaum.

I wish to say, again, I am grateful to be part of this legislation, and I am thankful to my colleagues for their support. I know there are many other staff members who deserve credit. I hope they realize what they have done is very important.

I have a feeling we will see a pretty sizable margin in favor of final passage. I hope so. This bill is worth it. I think we can all walk away feeling like we have done something good, in the most bipartisan way we possibly can, at a time when it is difficult to develop bipartisanship and in a time when our Nation needs it the most.

I thank everybody involved who has helped and even those who oppose this bill. I know they have done so out of sincerity. I think they are sincerely wrong but, nevertheless, I respect them for their particular viewpoints.

This is an important body. It is the most important legislative body in the

world today. This body has more freedoms in it than any other body in the world. Even the filibuster rule, which many decry, is a rule for freedom. It protects the minority. We all know when we were in the majority on the Republican side, it was a great protection to Democrats so they could not get run over on everything we wanted to do. And it protects us as Republicans so we cannot get run over on everything the Democrats want to do. Even though sometimes people say: Why do you have all these problems, stopping all these things, sometimes it is good to stop things. Sometimes it is good to stop bad stuff. Sometimes it is just good to see real debate on the floor of the Senate.

In that regard, with this bill, we have had real debate. I think they have been fruitful, they have been helpful, and they have been honest. I thank everybody concerned. I hope that when we vote at approximately 5 o'clock tonight—is what I understand—everybody will consider voting for this bill. It is worth it. It is something that will do an immense amount of good in our society, and it is something we can all walk away and feel pretty good about.

Madam President, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that no further amendments be in order; that the Mikulski and others substitute amendment, as amended, be agreed to, the motion to reconsider be laid upon the table; that the bill be read a third time and the vote on passage of the bill occur at 5 p.m. today, notwithstanding rule XII, paragraph 4; that the vote on passage require an affirmative 60-vote threshold, and if that threshold is achieved, the motion to reconsider be considered made and laid upon the table; that the Hatch title amendment which is at the desk be considered and agreed to, the motion to reconsider be laid on the table; further, that the cloture motions on the substitute amendment and the bill be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I now ask consent that the time until 5 p.m. be equally divided and controlled between the leaders or their designees, that the 10 minutes prior to the vote at 5 p.m. be equally divided and controlled between Senators MIKULSKI and HATCH or their designees, and that Senator DEMINT control 5 minutes prior to the time specified above.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, this will be the last vote for today and this week. We are going to come back Monday. We don't know the time we are going to start. There is a statutory 50 hours on the budget resolution. I would lay on the record, Senator CONRAD has had an extremely difficult time this week, with the burden he has trying to get this bill out of the committee. He is faced with a very difficult situation in the State of North Dakota. They have record snow. The Red River, as I understand it, is 20 feet over crest. That is hard to comprehend. As you know, it is a pretty flat area and that water will run for miles. He is hopefully going to, with the help of Senator GREGG, complete the budget out of the committee today so he can go back to his State. Because of that we don't know exactly what time he can get back. It took Senator ENZI 2 days to get out of Wyoming with the snows that have been occurring there in the last 2 days.

We will start Monday. If Senator CONRAD for some reason can't be here, we will make sure we are able to proceed with that legislation until he can return. But we do have to start using up the time on Monday.

I would further say that I appreciate very much Senator CONRAD's persistence and willingness to be here. He has worked on these budgets for a long time. I don't know what I would do without him. He is very good.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the call of the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. When I asked for the quorum to begin, I should have asked the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 727 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) Without objection, it is so ordered.

#### MIDWEST FLOODS

Ms. LANDRIEU. Madam President, I thought I would take a minute while I was on the floor to speak about a subject you are well aware of, because in North Dakota and Minnesota, people are struggling right now and have been now for several days. There is a lot of fear that is gripping the community, and I wanted to come and show solidarity to the delegation that represents this area.

This picture was quite gripping in the paper this morning and brought back horrible memories of what we in Louisiana experienced almost 4 years ago, with water up to the rooftops of people's homes. The only difference is that the temperature was 105 degrees in Louisiana; here it looks like it is 5 degrees below zero or worse. I do not know whether it is worse to be sweltering from the heat or freezing from the cold. But, in any case, it is not pleasant at all to have your home and everything you own under 14 or 15 or 20 feet of water, it looks like in this case. It is horrible. I wanted to come to the floor to say I hope the work that the Homeland Security Committee has done over the last 2 years—and particularly the work our subcommittee has put into place—provides sharper tools so that when this delegation goes to work with the Governors and mayors and local officials, as that work is going on now with the sandbags, and the sheriffs, and the communication, the strain on the communications system, about where this water is going to go and how people need to evacuate and what shelters are available for them, and what insurance might be available for them, they will know how these communities will be rebuilt, whether they can get a \$2,000 authorized loan or a \$50,000 loan on their home, or what their community is entitled to by virtue of community loans, and when those loans have to be paid back, and whether the SBA can grant them quick access.

I hope a lot of the work we have done will go to help this community. And it may be more rural in nature, it may not be the kind of urban setting that affected literally hundreds of thousands before, but it still is catastrophic and devastating to rural communities. In some cases, I understand it potentially could threaten a town that had not too long ago been completely destroyed or in large measure destroyed.

So let's hope that the system will work better. And if it does not, I want-

ed to say publicly that I am willing to continue to work through our subcommittee and many other subcommittees to make sure the people of North Dakota and Minnesota have what they need to recover in a swift way and to be a great help. Because, in my view, and I will conclude with this, the Federal Government should never again be absent or anemic in situations such as this. And they were in some cases absent and anemic. They need to be bold and muscular and aggressive and work with local governments to get this job done.

These are hard-working, taxpaying American citizens who deserve to have their Government step up. We are not a third world nation. We are not a developing nation. We are a sophisticated nation of governments and law, where people pay insurance, they pay their taxes. This is something beyond the wildest imagination or completely out of control, like ice getting stuck in the river where the ice is—I understand there may be chunks that are as big as an automobile or a truck.

Madam President, this is your area, and the water is backed up because of these ice packs. Again, I would just get this off my chest too. People sometimes on the other side of the aisle say: Let individuals find their own way. Well, there are times when individuals, even collectively, are not strong enough to do what needs to be done and the Government needs to come in and blow up this ice and provide help for these victims of the flooding, along with the private sector, properly, and the nonprofit groups.

So I wanted to come to the floor to speak and to say to you, Madam President, if I or my office can be of any assistance to you, please let me know.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I am excited that we are wrapping up this historic legislation.

We all know that our Nation is facing many challenges. But times of crisis are times of great opportunity. They are the times in which our Nation's character is forged and in which Americans show their mettle. We are a nation of believers. We believe in ourselves, and we believe in our country's ability.

And at such a time of national need, we here in the Congress also know how to come together.

This bill is the result of extensive bipartisan work by Senators KENNEDY and HATCH who have worked for more

than a year on this legislation. They have lived lives that are a testament to the values expressed in this legislation. Thus, it is more than just a bipartisan bill, it is an American bill, and exemplifies everything that is good about our country.

It exemplifies not only their great friendship but their shared passion for service and for giving back and working across the aisle to do get things done. This really shows the Senate acting at its best.

I am no stranger to National Service. In 1989 I introduced the National and Community Service Act with Senators KENNEDY, NUNN, and MCCAIN to establish the Commission on National and Community Service, to oversee and coordinate our national volunteer efforts.

That legislation also created a demonstration program that evolved into AmeriCorps. That program provided vouchers for full and part-time service, to pay for education, job training, and homeownership.

In 1993, we took national service to the next level, by enacting the National and Community Service Trust Act. We worked on that landmark legislation with President Clinton. It created the framework for the programs we are strengthening and expanding today.

National service is not just another social program. We created national service as a social invention. It was created to address two critical questions, a practical question and an idealistic one:

How would young people pay for their education?

How could we reinstall the habits of the heart that made our country great?

And it worked. As our economy struggles, these American habits of the heart are shining through. Americans across the country are also doing their best by signing up to serve their communities and their country. City Year applications are up 180 percent. AmeriCorps applications are up as much as three to four times over last year's levels. Teach for America received 35,000 applications for just 4,000 slots. The help they get with student loans through the educational award is a real incentive for these young people. That worked as well.

This legislation will help us to harness a renewed energy for service to our communities and our country. It increases the number of AmeriCorps volunteers to 250,000 a year over 8 years, from 75,000. This will provide opportunities for more Americans to serve while ensuring the Corporation has time to handle the growth.

This bill isn't just about growth. It is about focusing AmeriCorps on areas of the most pressing national need, and where service can do the most good. That is why we include an education corps, a health futures corps, a clean energy corps, a veterans corps, and an

opportunity corps focusing on poverty. This is why we are focusing our service efforts.

If we are going to do more in service we need to be sure it is done right. That is why this bill contains many vital accountability measures, to measure outcomes for specific service grantees and outcomes for the Corporation itself. And for this we can truly thank our colleague, Senator ENZI, the Ranking Member of the HELP Committee and a vital partner in this bill. He has once again brought his very sound accounting skills to the table, and we came up with a way to, again, ensure value for the taxpayer, value for the community.

One of the things that is so exciting about this bill is what it does to encourage service among young people. We all know that our future lies with the next generation, with America's youth. And we know that young people who learn to serve take those lessons with them for a lifetime. I look at my colleagues—Senator HATCH, Senator DODD, and Senator ROCKEFELLER. Many of them had important service experiences when they were young that encouraged them to embark on a career of public service. Indeed, working on this bill has reminded me of many things that I did in my own life.

When I started my career as a social worker, I wasn't just working in the jobs that paid. I was volunteering with nuns to help women get their lives back on track after getting out of prison. I was working with foster children and children with special needs—our most vulnerable population—to help them get the services and the care they needed. I was a trainer at the very first VISTA training center in Baltimore, making sure that those VISTA members weren't just working to build President Johnson's "Great Society," but that they were doing great work in their communities.

I didn't do all of this because anyone asked me to, I did it because *nobody* asked me to. I saw the compelling human need, and I used my skills as a community organizer to do the best I could in my neighborhood, and my hometown of Baltimore. It led to me fighting to stop a highway, which led to the city council in Baltimore, then to the House of Representatives and, now, to the floor of the U.S. Senate. I didn't know that I would be here when I started my career, but I know that what I did in those early years as a social worker, and volunteer has impacted everything that I've done since.

These experiences that we have when we are young truly shape the habits of a lifetime. That is why it is so important that this legislation makes key investments in our Nation's young people.

The bill will increase service-learning opportunities for students. Working with Senator DODD, who has been

such a leader on these issues, we create "summer of service" opportunities for middle and high school students. In return for spending the summer doing service, students will receive an educational award—which will not only help them pay for college, but will send them a signal that college is within reach. It will also create "youth engagement zones," which provide for coordinated community-wide service learning programs in areas with high dropout rates. Both of these programs provide students with meaningful service experiences and put them on a path to a lifetime of service.

College is where so much of our young people's character and experiences are shaped, and our colleges must do a good job instilling the virtues of service. This bill recognizes those that are going the extra mile by allowing for the designation of 25 "Campuses of Service" across the country, schools which are undertaking activities to help their students engage in service, service-learning, and go on to public service careers.

As I mentioned, this bill will also help students pay for college and decrease student debt for those who serve in AmeriCorps. This was something we thought about very carefully when we created this program. And with college costs rising, it is more important than ever that we reaffirm this commitment. Across AmeriCorps, it will increase the Eli Segal Education Award to \$5,350 for the first time since its creation. We also pegged the award to the Pell grant, to ensure it does not get stuck once again in the future.

This bill also recognizes we must do more to appreciate what older Americans have to give back and more to ask them to do them. The largest generation in American history is retiring, but in many cases they have more to give. Recent surveys show that many older Americans are interested in continuing to do more to help the greater good, and a full 58 percent of the first wave of baby boomers reported that they would consider entering "encore" careers in service.

To help them help us, this bill makes AmeriCorps work better for adults. It allows adults over the age of 55 to transfer their educational award to a child or grandchild, to help such a young person go to college. This keeps the tie between service and educational benefit, but makes it work better for adults.

The legislation also creates encore fellowships to help adults transition to longer-term public service. This is a way to bring in people who have retired and who have incredible skills, such as that retired accountant who can help a nonprofit get its books together and maybe find new grant opportunities.

Finally, the bill updates and expands the Senior Corps programs, RSVP, Senior Companions, and Foster Grand-

parents. These programs have been providing opportunities for seniors across the country for decades, and this bill will ensure they continue to do so.

Some of the most important work this bill does is around supporting social innovation. We don't know ahead of time what these will be, but every generation comes up with a social invention that shapes our nation for years to come.

Often, these ideas come from a young social entrepreneur who has the courage to think they have a new way to solve a tough problem—and they're right. From Teach for America to the Community Health Corps to New Song Urban Ministries' Youth Mentoring Program in Baltimore, they have so much to teach us.

The Social Innovation Fund in this bill will do just that, by creating public-private funds to support the expansion of effective, outcomes-based nonprofits that are meeting real needs.

One of the things that is truly a hallmark of the American character is our willingness to help each other. There is an overwhelming majority of Americans that donate a few hours of their time each week to do just that. Particularly in this time of need, we must continue to focus on these part-time volunteers. To help organizations better recruit and manage these volunteers, this legislation creates a Volunteer Generation Fund to improve volunteer management and increase capacity at small organizations that rely on volunteers.

From part-time volunteers to full-time volunteers, from students to retirees, this bill will help every American at every stage of life give back.

By doing so, it will draw on some of our best attributes as a nation—our strength, our compassion, our ingenuity—to address the challenges we are facing. We all agree there is nothing about our country's current situation that is easy. But there are some easy steps on the path to getting back on our feet. This legislation is one such step.

In a very short time, we will vote on final passage of the Serve America Act. This is going to be a great day for the Senate and a great day for people everywhere who wish to give back to their country. The content of the bill is outstanding. The way the process has worked has been amazing. What is so wonderful about this bill is, it showed that the Congress and the Senate can work together. We can check our party hats at the door and then concentrate on what we need to do to help the American people.

This legislation passed in the House. In the Senate, we have been deliberating on it this week. This bill is the result of extensive bipartisan work by Senators KENNEDY and HATCH who have worked for more than a year on the legislation. They, too, have devoted



their lives to service. Senator KENNEDY's role is well known. For more than 40 years, his steadfast commitment to the Peace Corps, to the VISTA volunteers, to being a founding father of AmeriCorps, he has been there every single time benchmark legislation has passed that has led to the opportunity for greater service.

Senator HATCH brings his wonderful background, his Mormon commitment to service, where he himself went on a service mission and to know how it would change their lives. They have brought extensive work on the bill, and they brought a lifetime of experience.

I am no stranger to national service because in 1989, I introduced the National Community Service Act with Senators KENNEDY, Nunn and McCAIN to establish a commission and a demonstration project to look at national service. We actually wanted to test out ideas.

Then, in 1993, working with President Clinton, we took national service to the next level by enacting the National and Community Service Trust Act. We worked on that landmark legislation with President Clinton. It created the framework for the programs we are strengthening and expanding today.

When we did this in 1993, we did not want national service to be just another social program. We wanted to see this as a social invention that would spark a social movement. At that time in the 1990s, everyone was worried about the me generation, where young people were forgetting the legacy of what this country is, the habits of the heart, of neighbor helping neighbor. We wanted to stimulate a movement from the me generation to the we generation. At the same time we faced the hard reality that access to the American dream, particularly higher education, was slipping away from many young people.

It worked. We found that the framework for AmeriCorps and other important programs that are in the Corporation for National Service did generate exactly what we wanted. Thousands and thousands of people stepped forward to volunteer, people of all ages, young people and not so young people, in AmeriCorps, the foster grandparent corps, the RSVP, and Senior Companions Programs. It absolutely changed their lives.

What is it that we see now? What we see now, as we come into the new century, those habits of the heart continue to burn brightly among our population. We are seeing that as the economy struggles, the American habits of the heart are shining through.

All across America, people want to volunteer, if they have the opportunity to do so. City Year applications are up 180 percent. Teach for America has received 35,000 applicants for 4,000 slots. AmeriCorps applications are three or four times last year's level. That is not

because they don't have a job and they see AmeriCorps or Teach for America as a substitute for a job. They see it as a calling. They see it as an opportunity to take all this talent and put it to work for our society.

We are going to do that. This legislation helps us to harness a renewed energy for service to our communities and our country. It increases the number of AmeriCorps volunteers to 250,000 volunteers a year. But we do it in a well paced way and also in an affordable way. It increases the number of AmeriCorps volunteers to 250,000 a year over 8 years. We will get the job done. It will provide opportunities for more Americans to serve while we ensure that the corporation has time to handle the growth.

Also, we wanted to reform, reinvigorate, and refocus AmeriCorps. In AmeriCorps now we are refocusing it on the areas of the most pressing national need and where service can do the most good. That is why we have included the permissible use of establishing an education corps to work at improving school outcomes for young people, more literacy, more math skills, better attendance. We also have a healthy futures corps which will work to make sure people who are eligible for benefits can get them but also to go into schools to be able to help develop those new healthy habits that will last over a lifetime. We have a clean energy corps that will work on weatherization and helping clean our parks and neighborhoods. We have an opportunity corps to focus on poverty, and a veterans corps to help those families where men and women are deployed. That is why we are focusing our service efforts.

This bill also includes many accountability measures to ensure to not only measure outcomes but to ensure fiscal stewardship. I thank Senator ENZI, the ranking member of the HELP Committee, a vital partner on this bill. He brought his very sound accounting skills to the table. Working together, we found a way to ensure value for the taxpayer and value for the community. That is what I mean about working together, taking the time to listen to one another, to recognize there is not only talent out there in the community, there is talent right here in the Senate.

If we take the time to listen to one another and the ideas we have, sort them through, pay attention to one another, talk with one another—first of all, talk with one another, and do it in a civil way, wow, we can really do some very special things. That is what we did in this bill.

We know our future lies with the next generation. We know young people who learn to serve take those lessons with them for a lifetime. My colleagues HATCH, DODD, and ROCKEFELLER did a year of service. My own work as a social worker had a profound

impact on me. My work as a foster care worker and a child abuse worker will stay with me all of my life, when I think about vulnerable populations and what we need to do. The work I was able to do in my own community, working with women who were in jail, who had no programs to assist them when they came out, to the work in the church I belonged to in the African American community, where they did not have access to credit except to the gougers and scammers and schemers, to work to establish a credit union. And then, of course, as a grassroots volunteer, I helped fight a highway that saved neighborhoods in Baltimore and took me into politics.

In our country, sometimes those of us who are active in those activities raise the dickens, or in dissent, end up in jail. I ended up in the city council, the House of Representatives, and the Senate. I turned my protest signs into amendment and legislative signs. This is what we see today.

Habits last a long time. When we look at what is happening in the healthy futures corps where young people are already working in their community health centers and so on, when they finish their year of service, many of them are going into health careers. They go into medicine, nursing, allied health, or in the great area of public health. Eighty five percent of the people who volunteer in this area want to go into some kind of career that produces improvements in health outcomes. So this is what AmeriCorps is all about.

When I worked in the community, I didn't do this because somebody asked me. I did it because it needed to be done. It is not only about what I did as a young volunteer. It is about what young volunteers are doing now. Sure, President Obama is inviting them to participate. But a lot of young people out there see compelling human need, and they want to make a difference. These experiences are going to shape them for a lifetime. We cannot minimize the impact this will have on communities. In its decade and a half of existence, AmeriCorps has already changed lives and communities.

When we talk to people where our young people have volunteered in public schools, we know that attendance went up, behavioral problems went down, motivation increased. Working with those volunteers, they even took the time to look at what were the opportunities for scholarships and loans and grants that they could go on to higher education.

They make a difference.

When we take a look at what they were able to do working in response to disaster assistance, weren't we proud of what our volunteers were able to do—working side-by-side-down there dealing with Katrina where they helped New Orleans dig out? But not only dig

out, they dug in to help Louisiana and New Orleans move to a better future. Those AmeriCorps young men and women helped clean up after the debris, clean up after the terrible hurricane that hit. They are working with Habitat for Humanity to build housing or to repair housing and also working side-by-side with public school leadership to create a new New Orleans public school system.

This is fantastic. Every community that has been hard hit in many ways enjoys the benefits of these programs. There were other programs we were able to do. One of the things we are especially pleased with was that we were able to increase the education award named after its first founder, Eli Segal, and increased it to \$5,300. There are other programs in here.

When we talk about programs, it sounds so bloodless, so "there they go again." But that is right; here we go again. We are creating an opportunity ladder for people to be able to participate in our society. There is no other country in the world that does this. I am not just talking about bragging rights for the United States, but it is a lesson learned that in our society, we have a public sector and a private sector. But we have a vibrant sector that is really in the nonprofit field where people can get involved and get engaged. It is what we call the intermediary institutions. It is what de Tocqueville called the habits of the heart. It is what sociologists called the little platoons of neighbor helping neighbor. It is what George Bush the elder called the Thousand Points of Light. But whatever you call it, it is called serving America.

Shortly, we will be voting on this bill. I think we have done a very good job. We have created opportunity. We have done it in a way that is affordable. We have built-in, sound accountability measures, and we have governed on a truly bipartisan basis.

I thank Senator KENNEDY and Senator HATCH for being the lead architects on this bill. I also thank Senator ENZI and Senator DODD for their very important contributions in improving this bill.

I thank all of the staff who have participated in this effort: from Senator HATCH's staff, Chris Campbell, Bryan Hickman, and Jace Johnson; from Senator KENNEDY's staff, Christine Leonard, Charlotte Burrows, Janice Kaguyutan, Portia Wu, Michael Myers, and Emma Vadehra; from Senator ENZI's staff, Beth Buehlmann, Adam Briddell, Frank Macchiarola, and Greg Dean; from my own staff, Julia Frifield, Ben Gruenbaum, and Mario Cardona. And the Corporation's general counsel was available to us all the time through Frank Trinity.

So I thank the staff who put in so many hours in helping design the bill but also working with other Senators

to get the best ideas and the best thinking on how we could get the bill done, but to do it in a way that has accountability and outcome measurements.

But also, when the American people hear about what we have done this week, it is such an antidote to last week, when we were talking about AIG and bonuses and "ain't I greedy," and all of those things. What we are talking about here today is about the very best of the American people and how we can draw upon it, and also the very best of the Senate. We do govern best when we work together.

So today we were not a red State, we were not a blue State, we were the United States of America States, and we will be ready to vote on it.

Mr. President, at the appropriate time—or even now—I urge passage of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, Senators are trying to catch planes, so I am just going to say this much: Thanks. Thanks to those who vote for this. Thanks to this wonderful Senator from Maryland, without whom we could not be this far along. Thanks to Senator KENNEDY, Senator ENZI. There are so many people whom I would like to thank, and all the staffers who have worked so hard.

This is going to be a very monumental, landmark bill that should really help this country and help people to get in the mood of being volunteers. I am very pleased we have come this far.

Thank you, Mr. President. I yield the floor, and I hope we can go to a vote.

#### AMENDMENT NO. 687, AS AMENDED

The PRESIDING OFFICER. Under the previous order, amendment No. 687, as amended, is agreed to, and the motion to reconsider is considered made and laid upon the table.

The question is on the engrossment of the amendment, as amended, and third reading of the bill.

The amendment, as amended, was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Ms. MIKULSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) is necessarily absent.

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 115 Leg.]

#### YEAS—79

Akaka	Gillibrand	Merkley
Alexander	Grassley	Mikulski
Baucus	Gregg	Murkowski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Nelson (NE)
Bennett	Hutchison	Pryor
Bingaman	Inouye	Reed
Bond	Isakson	Reid
Boxer	Johanns	Rockefeller
Brown	Johnson	Sanders
Burr	Kaufman	Schumer
Burriss	Kennedy	Shaheen
Byrd	Kerry	Snowe
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Chambliss	Leahy	Udall (NM)
Cochran	Levin	Voinovich
Collins	Lieberman	Warner
Conrad	Lincoln	Webb
Dodd	Lugar	Whitehouse
Durbin	Martinez	Wicker
Enzi	McCain	Wyden
Feingold	McCaskill	
Feinstein	Menendez	

#### NAYS—19

Barrasso	DeMint	Roberts
Brownback	Ensign	Sessions
Bunning	Graham	Shelby
Coburn	Inhofe	Thune
Corker	Kyl	Vitter
Cornyn	McConnell	
Crapo	Risch	

#### NOT VOTING—1

Dorgan

The bill (H.R. 1388), as amended, was passed, as follows:

#### H.R. 1388

*Resolved*, That the bill from the House of Representatives (H.R. 1388) entitled "An Act to reauthorize and reform the national service laws," do pass with the following amendments:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Serve America Act".

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

*Sec. 1. Short title; table of contents.*

#### TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

*Sec. 1001. References.*

*Subtitle A—Amendments to Subtitle A (General Provisions)*

*Sec. 1101. Purposes.*

*Sec. 1102. Definitions.*

*Subtitle B—Amendments to Subtitle B (Learn and Serve America)*

*Sec. 1201. School-based allotments.*

*Sec. 1202. Higher education provisions.*

*Sec. 1203. Campuses of Service.*

*Sec. 1204. Innovative programs and research.*

*Sec. 1205. Service-learning impact study.*

*Subtitle C—Amendments to Subtitle C (National Service Trust Program)*

*Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.*

*Sec. 1302. Eligible national service programs.*

*Sec. 1303. Types of positions.*

*Sec. 1304. Conforming repeal relating to training and technical assistance.*

*Sec. 1305. Assistance to State Commissions; challenge grants.*

*Sec. 1306. Allocation of assistance to States and other eligible entities.*

*Sec. 1307. Additional authority.*

Sec. 1308. State selection of programs.  
 Sec. 1309. National service program assistance requirements.  
 Sec. 1310. Prohibited activities and ineligible organizations.  
 Sec. 1311. Consideration of applications.  
 Sec. 1312. Description of participants.  
 Sec. 1313. Selection of national service participants.  
 Sec. 1314. Terms of service.  
 Sec. 1315. Adjustments to living allowance.  
 Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)  
 Sec. 1401. Availability of funds in the National Service Trust.  
 Sec. 1402. Individuals eligible to receive an educational award from the Trust.  
 Sec. 1403. Certifications.  
 Sec. 1404. Determination of the amount of the educational award.  
 Sec. 1405. Disbursement of educational awards.  
 Sec. 1406. Approval process for approved positions.  
 Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)  
 Sec. 1501. Purpose.  
 Sec. 1502. Program components.  
 Sec. 1503. Eligible participants.  
 Sec. 1504. Summer national service program.  
 Sec. 1505. National Civilian Community Corps.  
 Sec. 1506. Training.  
 Sec. 1507. Consultation with State Commissions.  
 Sec. 1508. Authorized benefits for Corps members.  
 Sec. 1509. Permanent cadre.  
 Sec. 1510. Status of Corps members and Corps personnel under Federal law.  
 Sec. 1511. Contract and grant authority.  
 Sec. 1512. Other departments.  
 Sec. 1513. Advisory Board.  
 Sec. 1514. Evaluations.  
 Sec. 1515. Repeal of funding limitation.  
 Sec. 1516. Definitions.  
 Sec. 1517. Terminology.  
 Subtitle F—Amendments to Subtitle F (Administrative Provisions)  
 Sec. 1601. Family and medical leave.  
 Sec. 1602. Reports.  
 Sec. 1603. Use of funds.  
 Sec. 1604. Notice, hearing, and grievance procedures.  
 Sec. 1605. Resolution of displacement complaints.  
 Sec. 1606. State Commissions on National and Community Service.  
 Sec. 1607. Evaluation and accountability.  
 Sec. 1608. Civic Health Assessment.  
 Sec. 1609. Contingent extension.  
 Sec. 1610. Partnerships with schools.  
 Sec. 1611. Rights of access, examination, and copying.  
 Sec. 1612. Additional administrative provisions.  
 Sec. 1613. Availability of assistance.  
 Sec. 1614. Criminal history checks for individuals working with vulnerable populations.  
 Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)  
 Sec. 1701. Terms of office.  
 Sec. 1702. Board of Directors authorities and duties.  
 Sec. 1703. Chief Executive Officer compensation.  
 Sec. 1704. Authorities and duties of the Chief Executive Officer.  
 Sec. 1705. Chief Financial Officer status.  
 Sec. 1706. Nonvoting members; personal services contracts.  
 Sec. 1707. Donated services.  
 Sec. 1708. Assignment to State Commissions.  
 Sec. 1709. Study of involvement of veterans.

Sec. 1710. Study to examine and increase service programs for displaced workers in services corps and community service and to develop pilot program planning study.  
 Sec. 1711. Study to evaluate the effectiveness of agency coordination.  
 Sec. 1712. Study of program effectiveness.  
 Sec. 1713. Volunteer Management Corps study.  
 Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)  
 Sec. 1801. Technical amendment to subtitle H.  
 Sec. 1802. Additional Corporation activities to support national service.  
 Sec. 1803. Repeals.  
 Sec. 1804. Presidential awards.  
 Sec. 1805. New fellowships.  
 Sec. 1806. National Service Reserve Corps.  
 Sec. 1807. Social Innovation Funds pilot program.  
 Sec. 1808. Clearinghouses.  
 Sec. 1809. Nonprofit Capacity Building Program.  
 Subtitle I—Training and Technical Assistance  
 Sec. 1821. Training and technical assistance.  
 Subtitle J—Repeal of Title III (Points of Light Foundation)  
 Sec. 1831. Repeal.  
 Subtitle K—Amendments to Title V (Authorization of Appropriations)  
 Sec. 1841. Authorization of appropriations.  
 TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973  
 Sec. 2001. References.  
 Sec. 2002. Volunteerism policy.  
 Subtitle A—National Volunteer Antipoverty Programs  
 CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA  
 Sec. 2101. Statement of purpose.  
 Sec. 2102. Selection and assignment of volunteers.  
 Sec. 2103. Support service.  
 Sec. 2104. Repeal.  
 Sec. 2105. Redesignation.  
 CHAPTER 2—UNIVERSITY YEAR FOR VISTA  
 Sec. 2121. University year for VISTA.  
 CHAPTER 3—SPECIAL VOLUNTEER PROGRAMS  
 Sec. 2131. Statement of purpose.  
 Sec. 2132. Literacy challenge grants.  
 Subtitle B—National Senior Service Corps  
 Sec. 2141. Title.  
 Sec. 2142. Statement of purpose.  
 Sec. 2143. Retired and Senior Volunteer Program.  
 Sec. 2144. Foster grandparent program.  
 Sec. 2145. Senior companion program.  
 Sec. 2146. General provisions.  
 Subtitle C—Administration and Coordination  
 Sec. 2151. Special limitations.  
 Sec. 2152. Application of Federal law.  
 Sec. 2153. Evaluation.  
 Sec. 2154. Definitions.  
 Sec. 2155. Protection against improper use.  
 Sec. 2156. Provisions under the National and Community Service Act of 1990.  
 Subtitle D—Authorization of Appropriations  
 Sec. 2161. Authorizations of appropriations.  
 TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS  
 Sec. 3101. Table of contents of the National and Community Service Act of 1990.  
 Sec. 3102. Table of contents of the Domestic Volunteer Service Act of 1973.  
 TITLE IV—AMENDMENTS TO OTHER LAWS  
 Sec. 4101. Inspector General Act of 1978.  
 TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM  
 Sec. 5101. Findings.

Sec. 5102. Definitions.  
 Sec. 5103. Office of Volunteers for Prosperity.  
 Sec. 5104. Authorization of appropriations.

#### TITLE VI—EFFECTIVE DATE

Sec. 6101. Effective date.  
 Sec. 6102. Sense of the Senate.

#### TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

##### SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the amendment or repeal shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

##### Subtitle A—Amendments to Subtitle A (General Provisions)

##### SEC. 1101. PURPOSES.

Section 2(b) (42 U.S.C. 12501(b)) is amended—  
 (1) in paragraph (2), by striking “community throughout” and inserting “community and service throughout the varied and diverse communities of”;

(2) in paragraph (4), by inserting after “income,” the following: “geographic location,”;

(3) in paragraph (6), by inserting after “existing” the following: “national”;

(4) in paragraph (7)—

(A) by striking “programs and agencies” and inserting “programs, agencies, and communities”;

(B) by striking “and” at the end;

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

“(9) expand and strengthen service-learning programs through year-round opportunities, including opportunities during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community for children and youth throughout the United States;

“(10) assist in coordinating and strengthening Federal and other service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

“(11) increase service opportunities for the Nation’s retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions, to improve the education of the Nation’s youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older individuals;

“(12) encourage the continued service of the alumni of the national service programs, including service in times of national need;

“(13) encourage individuals age 55 or older to partake of service opportunities;

“(14) focus national service on the areas of national need such service has the capacity to address, such as improving education, increasing energy conservation, improving the health status of economically disadvantaged individuals, and improving economic opportunity for economically disadvantaged individuals;

“(15) recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in addressing national and local challenges;

“(16) increase public and private investment in nonprofit community organizations that are effectively addressing national and local challenges and encourage such organizations to replicate and expand successful initiatives;

“(17) leverage Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

“(18) support institutions of higher education that engage students in community service activities and provide high-quality service-learning opportunities; and

“(19) recognize the expertise veterans can offer to national service programs, expand the participation of the veterans in the national service programs, and assist the families of veterans and members of the Armed Forces on active duty.”

#### SEC. 1102. DEFINITIONS.

(a) IN GENERAL.—Section 101 (42 U.S.C. 12511) is amended—

(1) in paragraph (3), by striking “described in section 122”;

(2) in paragraph (13), by striking “section 101(a) of the Higher Education Act of 1965” and inserting “sections 101(a) and 102(a)(1) of the Higher Education Act of 1965”;

(3) in paragraph (17)(B), by striking “program in which the participant is enrolled” and inserting “organization receiving assistance under the national service laws through which the participant is engaging in service”;

(4) in paragraph (19)—

(A) by striking “section 111(a)” and inserting “section 112(a)”;

(B) by striking “117A(a),”;

(C) by striking “119(b)(1), or 122(a),” and inserting “118A, or 118(b)(1), or subsection (a), (b), or (c) of section 122,”;

(D) by inserting “section 198B, 198C, 198G, 198H, or 198K,” after “section 152(b),”; and

(E) by striking “198, 198C, or 198D” and inserting “179A, 198, 198O, 198P, or 199N”;

(5) in paragraph (21)(B)—

(A) by striking “602” and inserting “602(3)”;

and

(B) by striking “1401” and inserting “1401(3)”;

(6) in paragraph (24), by striking “section 111” and inserting “section 112”;

(7) in paragraph (26), by striking the second sentence; and

(8) by adding at the end the following:

“(30) ALASKA NATIVE-SERVING INSTITUTION.—The term ‘Alaska Native-serving institution’ has the meaning given the term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

“(31) APPROVED SILVER SCHOLAR POSITION.—The term ‘approved silver scholar position’ means a position, in a program described in section 198C(a), for which the Corporation has approved the provision of a silver scholarship educational award as one of the benefits to be provided for successful service in the position.

“(32) APPROVED SUMMER OF SERVICE POSITION.—The term ‘approved summer of service position’ means a position, in a program described in section 119(c)(8), for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

“(33) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term ‘Asian American and Native American Pacific Islander-serving institution’ has the meaning given the term in section 320(b) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)).

“(34) AUTHORIZING COMMITTEES.—The term ‘authorizing committees’ means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(35) COMMUNITY-BASED ENTITY.—The term ‘community-based entity’ means a public or private nonprofit organization that—

“(A) has experience with meeting unmet human, educational, environmental, or public safety needs; and

“(B) meets other such criteria as the Chief Executive Officer may establish.

“(36) DISADVANTAGED YOUTH.—The term ‘disadvantaged youth’ includes those youth who are economically disadvantaged and 1 or more of the following:

“(A) Who are out-of-school youth, including out-of-school youth who are unemployed.

“(B) Who are in or aging out of foster care.

“(C) Who have limited English proficiency.

“(D) Who are homeless or who have run away from home.

“(E) Who are at-risk to leave secondary school without a diploma.

“(F) Who are former juvenile offenders or at risk of delinquency.

“(G) Who are individuals with disabilities.

“(37) ENCORE SERVICE PROGRAM.—The term ‘encore service program’ means a program, carried out by an eligible entity as described in subsection (a), (b), or (c) of section 122, that—

“(A) involves a significant number of participants age 55 or older in the program; and

“(B) takes advantage of the skills and experience that such participants offer in the design and implementation of the program.

“(38) HISPANIC-SERVING INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given such term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

“(39) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘historically black college or university’ means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

“(40) MEDICALLY UNDERSERVED POPULATION.—The term ‘medically underserved population’ has the meaning given that term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)).

“(41) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term ‘Native American-serving, nontribal institution’ has the meaning given the term in section 319(b) of the Higher Education Act of 1965 (20 U.S.C. 1059f(b)).

“(42) NATIVE HAWAIIAN-SERVING INSTITUTION.—The term ‘Native Hawaiian-serving institution’ has the meaning given the term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

“(43) PREDOMINANTLY BLACK INSTITUTION.—The term ‘Predominantly Black Institution’ has the meaning given the term in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e).

“(44) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term ‘principles of scientific research’ means principles of research that—

“(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to the subject matter involved;

“(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

“(C) include, appropriate to the research being conducted—

“(i) use of systematic, empirical methods that draw on observation or experiment;

“(ii) use of data analyses that are adequate to support the general findings;

“(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

“(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

“(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

“(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

“(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

“(45) QUALIFIED ORGANIZATION.—The term ‘qualified organization’ means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.

“(46) SCIENTIFICALLY VALID RESEARCH.—The term ‘scientifically valid research’ includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

“(47) TERRITORY.—The term ‘territory’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(48) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term ‘tribally controlled college or university’ has the meaning given such term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

“(49) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”

(b) REDESIGNATION.—Section 101 (42 U.S.C. 12511) is amended—

(1) by redesignating paragraphs (1) through (49) as paragraphs (1), (3), (8), (9), (10), (12), (14), (15), (19), (20), (21), (22), (23), (24), (26), (29), (30), (31), (34), (35), (37), (39), (40), (41), (42), (43), (44), (45), (46), (2), (4), (5), (6), (7), (11), (13), (16), (17), (18), (25), (27), (28), (32), (33), (36), (38), (47), (48), and (49); and

(2) so that paragraphs (1) through (49), as so redesignated in paragraph (1), appear in numerical order.

#### Subtitle B—Amendments to Subtitle B (Learn and Serve America)

#### SEC. 1201. SCHOOL-BASED ALLOTMENTS.

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

#### “PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS

##### “SEC. 111. PURPOSE.

“The purpose of this part is to promote service-learning as a strategy to—

“(1) support high-quality service-learning projects that engage students in meeting community needs with demonstrable results, while enhancing students’ academic and civic learning; and

“(2) support efforts to build institutional capacity, including the training of educators, and to strengthen the service infrastructure to expand service opportunities.

##### “SEC. 111A. DEFINITIONS.

“In this part:

“(1) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(2) STATE EDUCATIONAL AGENCY.—The term ‘State educational agency’ means—

“(A) a State educational agency (as defined in section 101) of a State; or

“(B) for a State in which a State educational agency described in subparagraph (A) has designated a statewide entity under section 112(e), that designated statewide entity.

##### “SEC. 112. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.

“(a) ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.—The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, territories, and Indian tribes to pay for the Federal share of—

“(1) planning and building the capacity within the State, territory, or Indian tribe involved to implement service-learning programs that are

based principally in elementary schools and secondary schools, including—

“(A) providing training and professional development for teachers, supervisors, personnel from community-based entities (particularly with regard to the recruitment, utilization, and management of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

“(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including curricula for an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

“(C) forming local partnerships described in paragraph (2) or (4)(D) to develop school-based service-learning programs in accordance with this part;

“(D) devising appropriate methods for research on and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

“(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based entities with demonstrated effectiveness in working with school-age youth in their communities; and

“(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, throughout the territory, or serving the Indian tribe involved with particular attention to schools not making adequate yearly progress for two or more consecutive years under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

“(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to projects operated by local partnerships among—

“(A) local educational agencies; and

“(B) 1 or more community partners that—

“(i) shall include a public or private nonprofit organization that—

“(I) has a demonstrated expertise in the provision of services to meet unmet human, education, environmental, or public safety needs;

“(II) will make projects available for participants, who shall be students; and

“(III) was in existence at least 1 year before the date on which the organization submitted an application under section 113; and

“(ii) may include a private for-profit business, private elementary school or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

“(3) planning of school-based service-learning programs, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

“(A) the salaries and benefits of service-learning coordinators; or

“(B) the recruitment, training and professional development, supervision, and placement of service-learning coordinators who may be participants in a program under subtitle C or receive a national service educational award under subtitle D, who may be participants in a project under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001), or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2);

“(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to—

“(A) local educational agencies;

“(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

“(C) public or private nonprofit organizations; or

“(D) partnerships or combinations of local educational agencies, and entities described in subparagraph (B) or (C); and

“(5) developing, as service-learning programs, civic engagement programs that promote a better understanding of—

“(A) the principles of the Constitution, the heroes of United States history (including military heroes), and the meaning of the Pledge of Allegiance;

“(B) how the Nation's government functions; and

“(C) the importance of service in the Nation's character.

“(b) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local partnership described in subsection (a)(2) or entity described in subsection (a)(3), respectively, that may include—

“(1) providing technical assistance and information to, and facilitating the training of, teachers and assisting in the planning, development, execution, and evaluation of service-learning in their classrooms;

“(2) assisting local partnerships described in subsection (a)(2) in the planning, development, and execution of service-learning projects, including summer of service programs;

“(3) assisting schools and local educational agencies in developing school policies and practices that support the integration of service-learning into the curriculum; and

“(4) carrying out such other duties as the local partnership or entity, respectively, may determine to be appropriate.

“(c) RELATED EXPENSES.—An entity that receives financial assistance under this part from a State, territory, or Indian tribe may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

“(d) SPECIAL RULE.—A State educational agency described in section 111A(2)(A) may designate a statewide entity (which may be a community-based entity) with demonstrated experience in supporting or implementing service-learning programs, to receive the State educational agency's allotment under this part, and carry out the functions of the agency under this part.

“(e) CONSULTATION WITH SECRETARY OF EDUCATION.—The Corporation is authorized to enter into agreements with the Secretary of Education for initiatives (and may use funds authorized under section 501(a)(6) to enter into the agreements if the additional costs of the initiatives are warranted) that may include—

“(1) identification and dissemination of research findings on service-learning and scientifically valid research based practices for service-learning; and

“(2) provision of professional development opportunities that—

“(A) improve the quality of service-learning instruction and delivery for teachers both preservice and in-service, personnel from community-based entities and youth workers; and

“(B) create and sustain effective partnerships for service-learning programs between local educational agencies, community-based entities, businesses, and other stakeholders.

#### “SEC. 112A. ALLOTMENTS.

“(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

“(b) ALLOTMENTS THROUGH STATES.—

“(1) IN GENERAL.—After reserving an amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for the fiscal year as follows:

“(A) ALLOTMENTS BASED ON SCHOOL-AGE YOUTH.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth in all States.

“(B) ALLOTMENTS BASED ON ALLOCATIONS UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) bears to the total of such allocations to all States.

“(2) MINIMUM AMOUNT.—For any fiscal year for which amounts appropriated for this subtitle exceed \$50,000,000, the minimum allotment to each State under paragraph (1) shall be \$75,000.

“(c) REALLOTMENT.—If the Corporation determines that the allotment of a State, territory, or Indian tribe under this section will not be required for a fiscal year because the State, territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 113, the Corporation shall make the allotment for such State, territory, or Indian tribe available for grants to community-based entities to carry out service-learning programs as described in section 112(b) in such State, in such territory, or for such Indian tribe. After community-based entities apply for grants from the allotment, by submitting an application at such time and in such manner as the Corporation requires, and receive approval, the remainder of such allotment shall be available for reallocation to such other States, territories, or Indian tribes with approved applications submitted under section 113 as the Corporation may determine to be appropriate.

#### “SEC. 113. APPLICATIONS.

“(a) APPLICATIONS TO CORPORATION FOR ALLOTMENTS.—

“(1) IN GENERAL.—To be eligible to receive an allotment under section 112A, a State, acting through the State educational agency, territory, or Indian tribe shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

“(2) CONTENTS.—An application for an allotment under section 112 shall include—

“(A) a proposal for a 3-year plan promoting service-learning, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

“(B) information about the criteria the State educational agency, territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (b), including an assurance that the State educational agency, territory, or Indian tribe will comply with the requirement in section 114(a);

“(C) assurances about the applicant’s efforts to—

“(i) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

“(ii) include any opportunities for students, enrolled in schools or programs of education providing elementary or secondary education, to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

“(iii) involve participants in the design and operation of the programs;

“(iv) promote service-learning in areas of greatest need, including low-income or rural areas; and

“(v) otherwise integrate service opportunities into the academic program of the participants; and

“(D) assurances that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the notice, hearing, and grievance procedures required by section 176.

“(b) APPLICATION TO STATE, TERRITORY, OR INDIAN TRIBE FOR ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

“(1) IN GENERAL.—Any—

“(A) qualified organization, Indian tribe, territory, local educational agency, for-profit business, private elementary school or secondary school, or institution of higher education that desires to receive financial assistance under this subpart from a State, territory, or Indian tribe for an activity described in section 112(a)(1);

“(B) partnership described in section 112(a)(2) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 112(a)(2);

“(C) entity described in section 112(a)(3) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section;

“(D) entity or partnership described in section 112(a)(4) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section; and

“(E) entity that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 111(a)(5), shall prepare, submit to the State educational agency for the State, territory, or Indian tribe, and obtain approval of, an application for the program.

“(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, territory, or Indian tribe may reasonably require.

#### “SEC. 114. CONSIDERATION OF APPLICATIONS.

“(a) CRITERIA FOR LOCAL APPLICATIONS.—In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 112A(c) applies) shall consider criteria with respect to sustainability, replicability, innovation, and quality of programs.

“(b) PRIORITY FOR LOCAL APPLICATIONS.—In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 112A(c) applies) shall give priority to entities that submit applications under section 113 with respect to service-learning programs described in section 111 that are in the greatest need of assistance, such as

programs targeting low-income areas or serving economically disadvantaged youth.

“(c) REJECTION OF APPLICATIONS TO CORPORATION.—If the Corporation rejects an application submitted by a State, territory, or Indian tribe under section 113 for an allotment, the Corporation shall promptly notify the State, territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

#### “SEC. 115. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

“(a) IN GENERAL.—To the extent consistent with the number of students in the State, in the territory, or served by the Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary schools and secondary schools, such State, territory, or Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

“(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

“(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

“(b) WAIVER.—If a State, territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers.

#### “SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

“(a) CORPORATION SHARE.—

“(1) IN GENERAL.—The Corporation share of the cost of carrying out a program for which a grant is made from an allotment under this part—

“(A) for new grants may not exceed 80 percent of the total cost of the program for the first year of the grant period, 65 percent for the second year, and 50 percent for each remaining year; and

“(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

“(2) NONCORPORATION CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of such a grant under this part—

“(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services;

“(B) except as provided in subparagraph (C), may provide for such share through Federal, State, or local sources, including private funds or donated services; and

“(C) may not provide for such share through Federal funds made available under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

“(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such pro-

gram for any fiscal year, on a determination that such a waiver would be equitable due to a lack of resources at the local level.

#### “SEC. 117. LIMITATIONS ON USES OF FUNDS.

“Not more than 6 percent of the amount of assistance received by a State, territory, or Indian tribe that is the original recipient of an allotment under this part for a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by that recipient.”

#### SEC. 1202. HIGHER EDUCATION PROVISIONS.

(a) REDESIGNATION.—Section 119 (42 U.S.C. 12561) is redesignated as section 118.

(b) HIGHER EDUCATION INNOVATIVE PROGRAMS.—Section 118 (as so redesignated) is amended—

(1) in subsection (a), by inserting after “community service programs” the following: “through service-learning”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “combination” and inserting “consortium”;

(B) in paragraph (1)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by adding “and” at the end; and

(iii) by adding at the end the following:

“(C) the institution or partnership may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at 1 or more members of the partnership.”; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “teachers at the elementary, secondary, and postsecondary levels” and inserting “institutions of higher education and their faculty”;

(ii) in subparagraph (A), by striking “education of the institution; and” and inserting “curricula of the institution to strengthen the instructional capacity of teachers to provide service-learning at the elementary and secondary levels.”;

(iii) by redesignating subparagraph (B) as subparagraph (C); and

(iv) by inserting after subparagraph (A) the following:

“(B) including service-learning as a component of other curricula or academic programs (other than education curricula or programs), such as curricula or programs relating to nursing, medicine, criminal justice, or public policy; and”;

(3) by striking subsections (c), (d), (e), and (g);

(4) by redesignating subsection (f) as subsection (i); and

(5) by inserting after subsection (b) the following:

“(c) FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.—

“(1) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

“(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant or contract under this part—

“(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

“(ii) may provide for such share through State sources or local sources, including private funds or donated services.

“(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable



due to a lack of available financial resources at the local level.

**“(d) APPLICATION FOR GRANT.—**

**“(1) SUBMISSION.—**To receive a grant or enter into a contract under this part, an institution or partnership shall prepare and submit to the Corporation, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require, and obtain approval of the application. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

**“(2) CONTENTS.—**An application submitted under paragraph (1) shall contain, at a minimum—

**“(A) assurances that—**

**“(i)** prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

**“(ii)** the applicant will comply with the non-duplication and nondisplacement provisions of section 177 and the notice, hearing, and grievance procedures required by section 176; and

**“(B)** such other assurances as the Chief Executive Officer may reasonably require.

**“(e) SPECIAL CONSIDERATION.—**To the extent practicable, in making grants and entering into contracts under subsection (b), the Corporation shall give special consideration to applications submitted by, or applications from partnerships including, institutions serving primarily low-income populations, including—

**“(1)** Alaska Native-serving institutions;

**“(2)** Asian American and Native American Pacific Islander-serving institutions;

**“(3)** Hispanic-serving institutions;

**“(4)** historically black colleges and universities;

**“(5)** Native American-serving, nontribal institutions;

**“(6)** Native Hawaiian-serving institutions;

**“(7)** Predominantly Black Institutions;

**“(8)** tribally controlled colleges and universities; and

**“(9)** community colleges serving predominantly minority populations.

**“(f) CONSIDERATIONS.—**In making grants and entering into contracts under subsection (b), the Corporation shall take into consideration whether the applicants submit applications containing proposals that—

**“(1)** demonstrate the commitment of the institution of higher education involved, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

**“(2)** specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

**“(3)** specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;

**“(4)** describe any partnership that will participate in the community service projects, such as a partnership comprised of—

**“(A)** the institution;

**“(B)(i)** a community-based agency;

**“(ii)** a local government agency; or

**“(iii)** a nonprofit entity that serves or involves school-age youth, older adults, or low-income communities; and

**“(C)(i)** a student organization;

**“(ii)** a department of the institution; or

**“(iii)** a group of faculty comprised of different departments, schools, or colleges at the institution;

**“(5)** demonstrate community involvement in the development of the proposal and the extent to which the proposal will contribute to the goals of the involved community members;

**“(6)** demonstrate a commitment to perform community service projects in underserved urban and rural communities;

**“(7)** describe research on effective strategies and methods to improve service utilized in the design of the projects;

**“(8)** specify that the institution or partnership will use the assistance provided through the grant or contract to strengthen the service infrastructure in institutions of higher education;

**“(9)** with respect to projects involving delivery of services, specify projects that involve leadership development of school-age youth; or

**“(10)** describe the needs that the proposed projects are designed to address, such as housing, economic development, infrastructure, health care, job training, education, crime prevention, urban planning, transportation, information technology, or child welfare.

**“(g) FEDERAL WORK-STUDY.—**To be eligible for assistance under this part, an institution of higher education shall demonstrate that it meets the minimum requirements under section 443(b)(2)(A) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(A)) relating to the participation of students employed under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) (relating to Federal Work-Study programs) in community service activities, or has received a waiver of those requirements from the Secretary of Education.

**“(h) DEFINITION.—**Notwithstanding section 101, as used in this part, the term ‘student’ means an individual who is enrolled in an institution of higher education on a full- or part-time basis.”

**SEC. 1203. CAMPUSES OF SERVICE.**

Subtitle B of title I (42 U.S.C. 12521 et seq.) is amended by inserting after section 118 (as redesignated by section 1202) the following:

**“SEC. 118A. CAMPUSES OF SERVICE.**

**“(a) IN GENERAL.—**The Corporation, after consultation with the Secretary of Education, may annually designate not more than 25 institutions of higher education as Campuses of Service, from among institutions nominated by State Commissions.

**“(b) APPLICATIONS FOR NOMINATION.—**

**“(1) IN GENERAL.—**To be eligible for a nomination to receive designation under subsection (a), and have an opportunity to apply for funds under subsection (d) for a fiscal year, an institution of higher education in a State shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require.

**“(2) CONTENTS.—**At a minimum, the application shall include information specifying—

**“(A)(i)** the number of undergraduate and, if applicable, graduate service-learning courses offered at such institution for the most recent full academic year preceding the fiscal year for which designation is sought; and

**“(ii)** the number and percentage of undergraduate students and, if applicable, the number and percentage of graduate students at such institution who were enrolled in the corresponding courses described in clause (i), for such preceding academic year;

**“(B)** the percentage of undergraduate students engaging in and, if applicable, the percentage of graduate students engaging in activities providing community services, as defined in section 441(c) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)), during such preceding academic year, the quality of such activities, and the average amount of time spent, per student, engaged in such activities;

**“(C)** for such preceding academic year, the percentage of Federal work-study funds made

available to the institution under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) that is used to compensate students employed in providing community services, as so defined, and a description of the efforts the institution undertakes to make available to students opportunities to provide such community services and be compensated through such work-study funds;

**“(D)** at the discretion of the institution, information demonstrating the degree to which recent graduates of the institution, and all graduates of the institution, have obtained full-time public service employment in the nonprofit sector or government, with a private nonprofit organization or a Federal, State, or local public agency; and

**“(E)** any programs the institution has in place to encourage or assist graduates of the institution to pursue careers in public service in the nonprofit sector or government.

**“(c) NOMINATIONS AND DESIGNATION.—**

**“(1) NOMINATION.—**

**“(A) IN GENERAL.—**A State Commission that receives applications from institutions of higher education under subsection (b) may nominate, for designation under subsection (a), not more than 3 such institutions of higher education, consisting of—

**“(i)** not more than one 4-year public institution of higher education;

**“(ii)** not more than one 4-year private institution of higher education; and

**“(iii)** not more than one 2-year institution of higher education.

**“(B) SUBMISSION.—**The State Commission shall submit to the Corporation the name and application of each institution nominated by the State Commission under subparagraph (A).

**“(2) DESIGNATION.—**The Corporation shall designate, under subsection (a), not more than 25 institutions of higher education from among the institutions nominated under paragraph (1). In making the designations, the Corporation shall, if feasible, designate various types of institutions, including institutions from each of the categories of institutions described in clauses (i), (ii), and (iii) of paragraph (1)(A).

**“(d) AWARDS.—**

**“(1) IN GENERAL.—**Using sums reserved under section 501(a)(1)(C) for Campuses of Service, the Corporation shall provide an award of funds to institutions designated under subsection (c), to be used by the institutions to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

**“(2) PLAN.—**To be eligible to receive funds under this subsection, an institution designated under subsection (c) shall submit a plan to the Corporation describing how the institution intends to use the funds to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

**“(3) ALLOCATION.—**The Corporation shall determine how the funds reserved under section 501(a)(1)(C) for Campuses of Service for a fiscal year will be allocated among the institutions submitting acceptable plans under paragraph (2). In determining the amount of funds to be allocated to such an institution, the Corporation shall consider the number of students at the institution, the quality and scope of the plan submitted by the institution under paragraph (2), and the institution's current (as of the date of submission of the plan) strategies to encourage or assist students to pursue public service careers in the nonprofit sector or government.”

**SEC. 1204. INNOVATIVE PROGRAMS AND RESEARCH.**

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1203, is further amended by adding at the end the following:

**"PART III—INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH"**

**"SEC. 119. INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH."**

"(a) DEFINITIONS.—In this part:

"(1) **ELIGIBLE ENTITY.**—The term 'eligible entity' means a State educational agency, a State Commission, a territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including community-based entities), a public or private elementary school or secondary school, a local educational agency, a consortium of such entities, or a consortium of 2 or more such entities and a for-profit organization.

"(2) **ELIGIBLE PARTNERSHIP.**—The term 'eligible partnership' means a partnership that—

"(A) shall include—

"(i) 1 or more community-based entities that have demonstrated records of success in carrying out service-learning programs with economically disadvantaged students, and that meet such criteria as the Chief Executive Officer may establish; and

"(ii) a local educational agency for which—

"(I) a high number or percentage, as determined by the Corporation, of the students served by the agency are economically disadvantaged students; and

"(II) the graduation rate (as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education for the secondary school students served by the agency is less than 70 percent; and

"(B) may also include—

"(i) a local government agency that is not described in subparagraph (A);

"(ii) the office of the chief executive officer of a unit of general local government;

"(iii) an institution of higher education;

"(iv) a State Commission or State educational agency; or

"(v) more than 1 local educational agency described in subclause (I).

"(3) **YOUTH ENGAGEMENT ZONE.**—The term 'youth engagement zone' means the area in which a youth engagement zone program is carried out.

"(4) **YOUTH ENGAGEMENT ZONE PROGRAM.**—The term 'youth engagement zone program' means a service-learning program in which members of an eligible partnership collaborate to provide coordinated school-based or community-based service-learning opportunities—

"(A) in order to address a specific community challenge;

"(B) for an increasing percentage of out-of-school youth and secondary school students served by a local educational agency; and

"(C) in circumstances under which—

"(i) not less than 90 percent of such students participate in service-learning activities as part of the program; or

"(ii) service-learning is a part of the curriculum in all of the secondary schools served by the local educational agency.

"(b) **GENERAL AUTHORITY.**—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants (which may include approved summer of service positions in the case of a grant for a program described in subsection (c)(8)) and fixed-amount grants (in accordance with section 129(l)) to eligible entities or eligible partnerships, as appropriate, for programs and activities described in subsection (c).

"(c) **AUTHORIZED ACTIVITIES.**—Funds under this part may be used to—

"(1) integrate service-learning programs into the science, technology, engineering, and math-

ematics (referred to in this part as 'STEM') curricula at the elementary, secondary, postsecondary, or postbaccalaureate levels in coordination with practicing or retired STEM professionals;

"(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low-income housing and in public spaces;

"(3) involve students in service-learning programs in emergency and disaster preparedness;

"(4) involve students in service-learning programs aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including improving such access for individuals with disabilities, in low-income or rural communities, in senior centers and communities, in schools, in libraries, and in other public spaces;

"(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency and disaster preparedness needs in their community;

"(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

"(7) conduct innovative and creative activities as described in section 112(a);

"(8) establish or implement summer of service programs (giving priority to programs that enroll youth who will be enrolled in any of grades 6 through 9 at the end of the summer concerned) during the summer months (including recruiting, training, and placing service-learning coordinators)—

"(A) for youth who will be enrolled in any of grades 6 through 12 at the end of the summer concerned; and

"(B) for community-based service-learning projects—

"(i) that shall—

"(I) meet unmet human, educational, environmental (including energy conservation and stewardship), and emergency and disaster preparedness and other public safety needs; and

"(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community;

"(ii) that may include the extension of academic year service-learning programs into the summer months; and

"(iii) under which a student who completes 100 hours of service as described in section 146(b)(2), shall be eligible for a summer of service educational award of \$500 or \$750 as described in sections 146(a)(2)(C) and 147(d);

"(9) establish or implement youth engagement zone programs in youth engagement zones, for students in secondary schools served by local educational agencies for which a majority of such students do not participate in service-learning activities that are—

"(A) carried out by eligible partnerships; and

"(B) designed to—

"(i) involve all students in secondary schools served by the local educational agency in service-learning to address a specific community challenge;

"(ii) improve student engagement, including student attendance and student behavior, and student achievement, graduation rates, and college-going rates at secondary schools; and

"(iii) involve an increasing percentage of students in secondary school and out-of-school youth in the community in school-based or community-based service-learning activities each year, with the goal of involving all students in secondary schools served by the local educational agency and involving an increasing

percentage of the out-of-school youth in service-learning activities; and

"(10) conduct semester of service programs that—

"(A) provide opportunities for secondary school students to participate in a semester of coordinated school-based or community-based service-learning opportunities for a minimum of 70 hours (of which at least a third will be spent participating in field-based activities) over a semester, to address specific community challenges;

"(B) engage as participants high percentages or numbers of economically disadvantaged students;

"(C) allow participants to receive academic credit, for the time spent in the classroom and in the field for the program, that is equivalent to the academic credit for any class of equivalent length and with an equivalent time commitment; and

"(D) ensure that the classroom-based instruction component of the program is integrated into the academic program of the local educational agency involved; and

"(11) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

"(d) **APPLICATIONS.**—To be eligible to receive a grant to carry out a program or activity under this part, an entity or partnership, as appropriate, shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

"(e) **PRIORITY.**—In making grants under this part, the Corporation shall give priority to applicants proposing to—

"(1) involve students and community stakeholders in the design and implementation of service-learning programs carried out using funds received under this part;

"(2) implement service-learning programs in low-income or rural communities; and

"(3) utilize adult volunteers, including tapping the resources of retired and retiring adults, in the planning and implementation of service-learning programs.

"(f) **REQUIREMENTS.**—

"(1) **TERM.**—Each program or activity funded under this part shall be carried out over a period of 3 years, which may include 1 planning year. In the case of a program funded under this part, the 3-year period may be extended by 1 year, if the program meets performance levels established in accordance with section 179(k) and any other criteria determined by the Corporation.

"(2) **COLLABORATION ENCOURAGED.**—Each entity carrying out a program or activity funded under this part shall, to the extent practicable, collaborate with entities carrying out programs under this subtitle, subtitle C, and titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001 et seq.).

"(3) **EVALUATION.**—Not later than 4 years after the effective date of the Serve America Act, the Corporation shall conduct an independent evaluation of the programs and activities carried out using funds made available under this part, and determine best practices relating to service-learning and recommendations for improvement of those programs and activities. The Corporation shall widely disseminate the results of the evaluations, and information on the best practices and recommendations to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies."

**SEC. 1205. SERVICE-LEARNING IMPACT STUDY.**

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1204, is further amended by adding at the end the following:

# **"PART IV—SERVICE-LEARNING IMPACT STUDY"**

## **"SEC. 120. STUDY AND REPORT."**

"(a) STUDY.—

"(1) IN GENERAL.—From the sums reserved under section 501(a)(1)(B) for this section, the Corporation shall enter into a contract with an entity that is not otherwise a recipient of financial assistance under this subtitle, to conduct a 10-year longitudinal study on the impact of the activities carried out under this subtitle.

"(2) CONTENTS.—In conducting the study, the entity shall consider the impact of service-learning activities carried out under this subtitle on students participating in such activities, including in particular examining the degree to which the activities—

"(A) improved student academic achievement;

"(B) improved student engagement;

"(C) improved graduation rates, as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education; and

"(D) improved the degree to which the participants in the activities engaged in subsequent national service, volunteering, or other service activities, or pursued careers in public service, in the nonprofit sector or government.

"(3) ANALYSIS.—In carrying out such study, the entity shall examine the impact of the service-learning activities on the 4 factors described in subparagraphs (A) through (D) of paragraph (2), analyzed in terms of how much time participants were engaged in service-learning activities.

"(4) BEST PRACTICES.—The entity shall collect information on best practices concerning using service-learning activities to improve the 4 factors.

"(b) INTERIM REPORTS.—The entity shall periodically submit reports to the Corporation containing the interim results of the study and the information on best practices. The Corporation shall submit such reports to the authorizing committees.

"(c) FINAL REPORT.—The entity shall submit a report to the Corporation containing the results of the study and the information on best practices. The Corporation shall submit such report to the authorizing committees, and shall make such report available to the public on the Corporation's website.

"(d) CONSULTATION AND DISSEMINATION.—On receiving the report described in subsection (c), the Corporation shall consult with the Secretary of Education to review the results of the study, and to identify best practices concerning using service-learning activities to improve the 4 factors described in subparagraphs (A) through (D) of subsection (a)(2). The Corporation shall disseminate information on the identified best practices."

## **Subtitle C—Amendments to Subtitle C (National Service Trust Program)**

## **SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.**

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after "subdivisions of States," the following: "territories,"; and

(B) in paragraphs (1) and (2), by striking "section 122(a)" and inserting "subsection (a), (b), or (c) of section 122";

(2) in subsection (b)—

(A) in the heading, by striking "AGREEMENTS WITH FEDERAL AGENCIES" and inserting "RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES";

(B) by striking paragraph (1) and inserting the following:

"(1) AGREEMENTS AUTHORIZED.—The Corporation may enter into an interagency agreement (other than a grant agreement) with another Federal agency to support a national service program carried out or otherwise supported by the agency. The Corporation, in entering into the interagency agreement may approve positions as approved national service positions for a program carried out or otherwise supported by the agency.";

(C) by striking paragraph (2) and inserting the following:

"(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.";

(D) in paragraph (3)—

(i) by striking "receiving assistance under this subsection" and inserting "carrying out or supporting a national service program"; and

(ii) by striking "using such assistance" and inserting "through that program";

(E) in paragraph (4), by striking "a contract or cooperative agreement" the first place it appears and inserting "an interagency agreement"; and

(F) by adding at the end the following:

"(5) APPLICATION OF REQUIREMENTS.—A requirement under this Act that applies to an entity receiving assistance under section 121 (other than a requirement limited to an entity receiving assistance under section 121(a)) shall be considered to apply to a Federal agency that enters into an interagency agreement under this subsection, even though no Federal agency may receive financial assistance under such an agreement.";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "subsections (a) and (b)," and inserting "subsection (a), and in providing approved national service positions under subsection (b),";

(B) in paragraph (2)(B), by striking "to be provided" and inserting "to be provided or otherwise approved";

(4) in paragraphs (1) and (2) of subsection (d), by striking "or (b)";

(5) in subsection (e)—

(A) in paragraph (1), by striking "Federal share of the cost" and inserting "Corporation share of the cost (including the costs of member living allowances, employment-related taxes, health care coverage, and workers' compensation and other necessary operation costs)"; and

(B) by adding at the end the following:

"(5) OTHER FEDERAL FUNDS.—

"(A) RECIPIENT REPORT.—A recipient of assistance under this section (other than a recipient of assistance through a fixed-amount grant in accordance with section 129(l)) shall report to the Corporation the amount and source of any Federal funds used to carry out the program for which the assistance is made available other than those provided by the Corporation.

"(B) CORPORATION REPORT.—The Corporation shall report to the authorizing committees on an annual basis information regarding each recipient of such assistance that uses Federal funds other than those provided by the Corporation to carry out such a program, including the amounts and sources of the other Federal funds.";

(6) by adding at the end the following:

"(f) PLAN FOR APPROVED NATIONAL SERVICE POSITIONS.—The Corporation shall—

"(1) develop a plan to—

"(A) establish the number of the approved national service positions as 88,000 for fiscal year 2010;

"(B) increase the number of the approved positions to—

"(i) 115,000 for fiscal year 2011;

"(ii) 140,000 for fiscal year 2012;

"(iii) 170,000 for fiscal year 2013;

"(iv) 200,000 for fiscal year 2014;

"(v) 210,000 for fiscal year 2015;

"(vi) 235,000 for fiscal year 2016; and

"(vii) 250,000 for fiscal year 2017;

"(C) ensure that the increases described in subparagraph (B) are achieved through an appropriate balance of full- and part-time service positions;

"(2) not later than 1 year after the date of enactment of the Serve America Act, submit a report to the authorizing committees on the status of the plan described in paragraph (1); and

"(3) subject to the availability of appropriations and quality service opportunities, implement the plan described in paragraph (1)."

## **SEC. 1302. ELIGIBLE NATIONAL SERVICE PROGRAMS.**

Section 122 is amended to read as follows:

## **"SEC. 122. NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE."**

"(a) NATIONAL SERVICE CORPS.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) shall use a portion of the financial assistance or positions involved, directly or through subgrants to other entities, to support or carry out the following national service corps or programs, as full- or part-time corps or programs, to address unmet needs:

"(1) EDUCATION CORPS.—

"(A) IN GENERAL.—The recipient may carry out national service programs through an Education Corps that identifies and meets unmet educational needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

"(B) ACTIVITIES.—An Education Corps described in this paragraph may carry out activities such as—

"(i) tutoring, or providing other academic support to elementary school and secondary school students;

"(ii) improving school climate;

"(iii) mentoring students, including adult or peer mentoring;

"(iv) linking needed integrated services and comprehensive supports with students, their families, and their public schools;

"(v) providing assistance to a school in expanding the school day by strengthening the quality of staff and expanding the academic programming offered in an expanded learning time initiative, a program of a 21st century community learning center (as defined in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171)), or a high-quality after-school program;

"(vi) assisting schools and local educational agencies in improving and expanding high-quality service-learning programs that keep students engaged in schools by carrying out programs that provide specialized training to individuals in service-learning, and place the individuals (after such training) in positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I of subtitle B;

"(vii) assisting students in being prepared for college-level work;

"(viii) involving family members of students in supporting teachers and students;

"(ix) conducting a preprofessional training program in which students enrolled in an institution of higher education—

"(I) receive training (which may include classes containing service-learning) in specified fields including early childhood education and care, elementary and secondary education, and other fields such as those relating to health services, criminal justice, environmental stewardship and conservation, or public safety;

"(II) perform service related to such training outside the classroom during the school term

and during summer or other vacation periods; and

“(III) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training;

“(x) assisting economically disadvantaged students in navigating the college admissions process;

“(xi) providing other activities, addressing unmet educational needs, that the Corporation may designate; or

“(xii) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages.

“(C) EDUCATION CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) student engagement, including student attendance and student behavior;

“(ii) student academic achievement;

“(iii) secondary school graduation rates as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education;

“(iv) rate of college enrollment and continued college enrollment for recipients of a high school diploma;

“(v) any additional indicator relating to improving education for students that the Corporation, in consultation (as appropriate) with the Secretary of Education, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving education for students, that is approved by the Corporation or a State Commission.

“(2) HEALTHY FUTURES CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through a Healthy Futures Corps that identifies and meets unmet health needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Healthy Futures Corps described in this paragraph may carry out activities such as—

“(i) assisting economically disadvantaged individuals in navigating the health services system;

“(ii) assisting individuals in obtaining access to health services, including oral health services, for themselves or their children;

“(iii) educating economically disadvantaged individuals and individuals who are members of medically underserved populations about, and engaging individuals described in this clause in, initiatives regarding navigating the health services system and regarding disease prevention and health promotion, with a particular focus on common health conditions, chronic diseases, and conditions, for which disease prevention and health promotion measures exist and for which socioeconomic, geographic, and racial and ethnic health disparities exist;

“(iv) improving the literacy of patients regarding health, including oral health;

“(v) providing translation services at clinics and in emergency rooms to improve health services;

“(vi) providing services designed to meet the health needs of rural communities, including the recruitment of youth to work in health professions in such communities;

“(vii) assisting in health promotion interventions that improve health status, and helping

people adopt and maintain healthy lifestyles and habits to improve health status;

“(viii) addressing childhood obesity through in-school and after-school physical activities, and providing nutrition education to students, in elementary schools and secondary schools; or

“(ix) providing activities, addressing unmet health needs, that the Corporation may designate.

“(C) HEALTHY FUTURES CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) access to health services among economically disadvantaged individuals and individuals who are members of medically underserved populations;

“(ii) access to health services for uninsured individuals, including such individuals who are economically disadvantaged children;

“(iii) participation, among economically disadvantaged individuals and individuals who are members of medically underserved populations, in disease prevention and health promotion initiatives, particularly those with a focus on addressing common health conditions, addressing chronic diseases, and decreasing health disparities;

“(iv) literacy of patients regarding health;

“(v) any additional indicator, relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that is approved by the Corporation or a State Commission.

“(3) CLEAN ENERGY SERVICE CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service projects through a Clean Energy Service Corps that identifies and meets unmet environmental needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Clean Energy Service Corps described in this paragraph may carry out activities such as—

“(i) weatherizing and retrofitting housing units for low-income households to significantly improve the energy efficiency and reduce carbon emissions of such housing units;

“(ii) building energy-efficient housing units in low-income communities;

“(iii) conducting energy audits for low-income households and recommending ways for the households to improve energy efficiency;

“(iv) providing clean energy-related services designed to meet the needs of rural communities;

“(v) working with schools and youth programs to educate students and youth about ways to reduce home energy use and improve the environment, including conducting service-learning projects to provide such education;

“(vi) assisting in the development of local recycling programs;

“(vii) renewing and rehabilitating national and State parks and forests, city parks, county parks and other public lands, and trails owned or maintained by the Federal Government or a State, including planting trees, carrying out reforestation, carrying out forest health restoration measures, carrying out erosion control measures, fire hazard reduction measures, and rehabilitation and maintenance of historic sites and structures throughout the national park

system, and providing trail enhancements, rehabilitation, and repairs;

“(viii) cleaning and improving rivers maintained by the Federal Government or a State;

“(ix) carrying out projects in partnership with the National Park Service, designed to renew and rehabilitate national park resources and enhance services and learning opportunities for national park visitors, and nearby communities and schools;

“(x) providing service through a full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps program that—

“(I) undertakes meaningful service projects with visible public benefits, including projects involving urban renewal, sustaining natural resources, or improving human services;

“(II) includes as participants youths and young adults who are age 16 through 25, including out-of-school youth and other disadvantaged youth (such as youth who are aging out of foster care, youth who have limited English proficiency, homeless youth, and youth who are individuals with disabilities), who are age 16 through 25; and

“(III) provides those participants who are youth and young adults with—

“(aa) team-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services including mentoring; and

“(bb) the opportunity to develop citizenship values and skills through service to their community and the United States;

“(xi) carrying out other activities, addressing unmet environmental and workforce needs, that the Corporation may designate.

“(C) CLEAN ENERGY SERVICE CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the number of housing units of low-income households weatherized or retrofitted to significantly improve energy efficiency and reduce carbon emissions;

“(ii) annual energy costs (to determine savings in those costs) at facilities where participants have provided service;

“(iii) the number of students and youth receiving education or training in energy-efficient and environmentally conscious practices;

“(iv)(I) the number of acres of national parks, State parks, city parks, county parks, or other public lands, that are cleaned or improved; and

“(II) the number of acres of forest preserves, or miles of trails or rivers, owned or maintained by the Federal Government or a State, that are cleaned or improved;

“(v) any additional indicator relating to clean energy, the reduction of greenhouse gas emissions, or education and skill attainment for clean energy jobs, that the Corporation, in consultation (as appropriate) with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, or the Secretary of Labor, as appropriate, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to clean energy, the reduction of greenhouse gas emissions, or education or skill attainment for clean energy jobs, that is approved by the Corporation or a State Commission.

“(4) VETERANS CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through a Veterans Corps that identifies and meets unmet needs of veterans and members of the Armed Forces who are on active duty through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Veterans Corps described in this paragraph may carry out activities such as—

“(i) promoting community-based efforts to meet the unique needs of military families while a family member is deployed and upon that family member's return home;

“(ii) recruiting veterans, particularly returning veterans, into service opportunities, including opportunities that utilize their military experience;

“(iii) assisting veterans in developing their educational opportunities (including opportunities for professional certification, licensure, or credentials), coordinating activities with and assisting State and local agencies administering veterans education benefits, and coordinating activities with and assisting entities administering veterans programs with internships and fellowships that could lead to employment in the private and public sectors;

“(iv) promoting efforts within a community to serve the needs of veterans and members of the Armed Forces who are on active duty, including helping veterans file benefits claims and assisting Federal agencies in providing services to veterans, and sending care packages to Members of the Armed Forces who are deployed;

“(v) assisting veterans in developing mentoring relationships with economically disadvantaged students;

“(vi) developing projects to assist veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities, including assisting veterans described in this clause with transportation; or

“(vii) other activities, addressing unmet needs of veterans, that the Corporation may designate.

“(C) VETERANS' CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the number of housing units created for veterans;

“(ii) the number of veterans who pursue educational opportunities;

“(iii) the number of veterans receiving professional certification, licensure, or credentials;

“(iv) the number of veterans engaged in service opportunities;

“(v) the number of military families assisted by organizations while a family member is deployed and upon that family member's return home;

“(vi) the number of economically disadvantaged students engaged in mentoring relationships with veterans;

“(vii) the number of projects designed to meet identifiable public needs of veterans, especially veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities;

“(viii) any additional indicator that relates to education or skill attainment that assists in providing veterans with the skills to address identifiable public needs, or that relates to improving the lives of veterans, of members of the Armed Forces on active duty, and of families of the veterans and the members on active duty, and that the Corporation, in consultation (as appropriate) with the Secretary of Veterans Affairs, establishes; or

“(ix) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to the education or skill attainment, or the improvement, described in clause (viii), that is approved by the Corporation or a State Commission.

“(5) OPPORTUNITY CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through an Opportunity Corps that identifies and meets unmet needs relating to economic opportunity for eco-

nomically disadvantaged individuals within communities, through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—An Opportunity Corps described in this paragraph may carry out activities such as—

“(i) providing financial literacy education to economically disadvantaged individuals, including financial literacy education with regard to credit management, financial institutions including banks and credit unions, and utilization of savings plans;

“(ii) assisting in the construction, rehabilitation, or preservation of housing units, including energy efficient homes, for economically disadvantaged individuals;

“(iii) assisting economically disadvantaged individuals, including homeless individuals, in finding placement in and maintaining housing;

“(iv) assisting economically disadvantaged individuals in obtaining access to health services for themselves or their children;

“(v) assisting individuals in obtaining information about Federal, State, local, or private programs or benefits focused on assisting economically disadvantaged individuals, economically disadvantaged children, or low-income families;

“(vi) facilitating enrollment in and completion of job training for economically disadvantaged individuals;

“(vii) assisting economically disadvantaged individuals in obtaining access to job placement assistance;

“(viii) carrying out a program that seeks to eliminate hunger in low-income communities and rural areas through service in projects—

“(I) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

“(II) seeking to address the long-term causes of hunger through education and the delivery of appropriate services;

“(III) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas; or

“(IV) assisting individuals in obtaining information about federally supported nutrition programs;

“(ix) addressing issues faced by homebound citizens, such as needs for food deliveries, legal and medical services, nutrition information, and transportation;

“(x) implementing an E-Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs that seek to increase access to technology and the benefits of technology in such community; and

“(xi) carrying out other activities, addressing unmet needs relating to economic opportunity for economically disadvantaged individuals, that the Corporation may designate.

“(C) OPPORTUNITY CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the degree of financial literacy among economically disadvantaged individuals;

“(ii) the number of housing units built or improved for economically disadvantaged individuals or low-income families;

“(iii) the number of economically disadvantaged individuals with access to job training and other skill enhancement;

“(iv) the number of economically disadvantaged individuals with access to information about job placement services;

“(v) any additional indicator relating to improving economic opportunity for economically disadvantaged individuals that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services, the Sec-

retary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) that is approved by the Corporation or a State Commission.

“(b) NATIONAL SERVICE PROGRAMS.—

“(1) IN GENERAL.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may use the financial assistance or positions involved, directly or through subgrants to other entities, to carry out national service programs and model programs under this subsection that are focused on meeting community needs and improve performance on the indicators described in paragraph (3).

“(2) PROGRAMS.—The programs may include the following types of national service programs:

“(A) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities, including addressing rural poverty, or the need for health services, education, or job training.

“(B) A program—

“(i) that engages participants in public health, emergency and disaster preparedness, and other public safety activities;

“(ii) that may include the recruitment of qualified participants for, and placement of the participants in, positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers; and

“(iii) that may engage Federal, State, and local stakeholders, in collaboration, to organize more effective responses to issues of public health, emergencies and disasters, and other public safety issues.

“(C) A program that seeks to expand the number of mentors for disadvantaged youths and other youths (including by recruiting high school-, and college-age individuals to enter into mentoring relationships), either through—

“(i) provision of direct mentoring services;

“(ii) provision of supportive services to direct mentoring service organizations (in the case of a partnership);

“(iii) the creative utilization of current and emerging technologies to connect youth with mentors; or

“(iv) supporting mentoring partnerships (including statewide and local mentoring partnerships that strengthen direct service mentoring programs) by—

“(I) increasing State resources dedicated to mentoring;

“(II) supporting the creation of statewide and local mentoring partnerships and programs of national scope through collaborative efforts between entities such as local or direct service mentoring partnerships, or units of State or local government; and

“(III) assisting direct service mentoring programs.

“(D) A program—

“(i) in which not less than 75 percent of the participants are disadvantaged youth;

“(ii) that may provide life skills training, employment training, educational counseling, assistance to complete a secondary school diploma or its recognized equivalent, counseling, or a mentoring relationship with an adult volunteer; and

“(iii) for which, in awarding financial assistance and approved national service positions, the Corporation shall give priority to programs that engage retirees to serve as mentors.

“(E) A program—

“(i) that reengages court-involved youth and adults with the goal of reducing recidivism;

“(ii) that may create support systems beginning in correctional facilities; and

“(iii) that may have life skills training, employment training, an education program (including a program to complete a secondary school diploma or its recognized equivalent), educational and career counseling, and post-program placement services.

“(F) A demonstration program—

“(i) that has as 1 of its primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members; and

“(ii) that may serve any purpose otherwise permitted under this Act.

“(G) A program that provides education or job training services that are designed to meet the needs of rural communities.

“(H) A program that seeks to expand the number of mentors for youth in foster care through—

“(i) the provision of direct academic mentoring services for youth in foster care;

“(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

“(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

“(I) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

“(3) INDICATORS.—The indicators for a program described in this subsection are the indicators described in subparagraph (C) of paragraphs (1), (2), (3), (4), or (5) of subsection (a) or any additional local indicator (applicable to a participant or recipient and on which an improvement in performance is needed) relating to meeting unmet community needs, that is approved by the Corporation or a State Commission.

“(c) PROGRAM MODELS FOR SERVICE CORPS.—

“(1) IN GENERAL.—In addition to any activities described in subparagraph (B) of paragraphs (1) through (5) of subsection (a), and subsection (b)(2), a recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may directly or through grants or subgrants to other entities carry out a national service corps program through the following program models:

“(A) A community corps program that meets unmet health, veteran, and other human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

“(B) A service program that—

“(i) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and

“(ii) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

“(C) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

“(i) students who are attending an institution of higher education, including students partici-

pating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

“(ii) teams composed of students described in clause (i); or

“(iii) teams composed of a combination of such students and community residents.

“(D) A professional corps program that recruits and places qualified participants in positions—

“(i) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet human, educational, environmental, or public safety needs in communities with an inadequate number of such professionals; and

“(ii) for which the salary may exceed the maximum living allowance authorized in subsection (a)(2) of section 140, as provided in subsection (c) of such section; and

“(iii) that are sponsored by public or private employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

“(E) A program that provides opportunities for veterans to participate in service projects.

“(F) A program carried out by an intermediary that builds the capacity of local non-profit and faith-based organizations to expand and enhance services to meet local or national needs.

“(G) Such other program models as may be approved by the Corporation or a State Commission, as appropriate.

“(2) PROGRAM MODELS WITHIN CORPS.—A recipient of financial assistance or approved national service positions for a corps program described in subsection (a) may use the assistance or positions to carry out the corps program, in whole or in part, using a program model described in this subsection. The corps program shall meet the applicable requirements of subsection (a) and this subsection.

“(d) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

“(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

“(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of veteran services, and other human, educational, environmental, or public safety services, to communities or persons.

“(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

“(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, disadvantaged youth, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.

“(e) PRIORITIES FOR CERTAIN CORPS.—In awarding financial assistance and approved na-

tional service positions to eligible entities proposed to carry out the corps described in subsection (a)—

“(1) in the case of a corps described in subsection (a)(2)—

“(A) the Corporation may give priority to eligible entities that propose to provide support for participants who, after completing service under this section, will undertake careers to improve performance on health indicators described in subsection (a)(2)(C); and

“(B) the Corporation shall give priority to eligible entities that propose to carry out national service programs in medically underserved areas (as designated individually, by the Secretary of Health and Human Services as an area with a shortage of personal health services); and

“(2) in the case of a corps described in subsection (a)(3), the Corporation shall give priority to eligible entities that propose to recruit individuals for the Clean Energy Service Corps so that significant percentages of participants in the Corps are economically disadvantaged individuals, and provide to such individuals support services and education and training to develop skills needed for clean energy jobs for which there is current demand or projected future demand.

“(f) NATIONAL SERVICE PRIORITIES.—

“(1) ESTABLISHMENT.—

“(A) BY CORPORATION.—In order to concentrate national efforts on meeting human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation, after reviewing the strategic plan approved under section 192A(g)(1), shall establish, and may periodically alter, priorities regarding the types of national service programs and corps to be assisted under section 129 and the purposes for which such assistance may be used.

“(B) BY STATES.—Consistent with paragraph (4), States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(e). The State priorities shall be subject to Corporation review as part of the application process under section 130.

“(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

“(A) a description of any alteration made in the priorities since the previous notice; and

“(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

“(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

“(A) receive funding under this subtitle for multiple years; and

“(B) would be adversely affected by annual revisions in such national service priorities.

“(4) APPLICATION TO SUBGRANTS.—Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

“(g) CONSULTATION ON INDICATORS.—The Corporation shall consult with the Secretary of Education, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Secretary of Energy, the Secretary of Veterans Affairs, the Secretary of the Interior, the Administrator of the



Environmental Protection Agency, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, as appropriate, in developing additional indicators for the corps and programs described in subsections (a) and (b).

**“(h) REQUIREMENTS FOR TUTORS.—**

**“(1) IN GENERAL.—**Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary school or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

**“(A) obtained their high school diplomas; and**

**“(B) successfully completed pre- and in-service training for tutors.**

**“(2) EXCEPTION.—**The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary school or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

**“(i) REQUIREMENTS FOR TUTORING PROGRAMS.—**Each tutoring program that receives assistance under the national service laws shall—

**“(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and**

**“(2) offer high quality, research-based pre- and in-service training for tutors.**

**“(j) CITIZENSHIP TRAINING.—**The Corporation shall establish guidelines for recipients of assistance under the national service laws, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, relating to the promotion of citizenship and civic engagement among participants in approved national service positions and approved summer of service positions, and appropriate to the age, education, and experience of the participants.

**“(k) REPORT.—**Not later than 60 days after the end of each fiscal year for which the Corporation makes grants under section 121(a), the Corporation shall prepare and submit to the authorizing committees a report containing—

**“(1) information describing how the Corporation allocated financial assistance and approved national service positions among eligible entities proposed to carry out corps and national service programs described in this section for that fiscal year;**

**“(2) information describing the amount of financial assistance and the number of approved national service positions the Corporation provided to each corps and national service program described in this section for that fiscal year;**

**“(3) a measure of the extent to which the corps and national service programs improved performance on the corresponding indicators; and**

**“(4) information describing how the Corporation is coordinating—**

**“(A) the national service programs funded under this section; with**

**“(B) applicable programs, as determined by the Corporation, carried out under subtitle B of this title, and part A of title I and parts A and B of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001, 5011) that improve performance on those indicators or otherwise address identified community needs.”.**

**SEC. 1303. TYPES OF POSITIONS.**

Section 123 (42 U.S.C. 12573) is amended—

**(1) in paragraph (1)—**

**(A) by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”; and**

**(B) by striking “or (b)”;**

**(2) in paragraph (2)(A)—**

**(A) by inserting after “subdivision of a State,” the following: “a territory,”; and**

**(B) by striking “Federal agency” and inserting “Federal agency (under an interagency agreement described in section 121(b))”;**

**(3) in paragraph (4), by striking “section 122(a)(3)” and inserting “section 122(a)(1)(B)(vi)”;**

**(4) in paragraph (5), by inserting “National” before “Civilian Community Corps”;**

**(5) by redesignating paragraph (7) as paragraph (8); and**

**(6) by inserting after paragraph (6) the following:**

**“(7) A position involving service in the ServeAmerica Fellowship program carried out under section 198B.”.**

**SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.**

Section 125 (42 U.S.C. 12575) is repealed.

**SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.**

Section 126 (42 U.S.C. 12576) is amended—

**(1) in subsection (a)—**

**(A) in paragraph (1)—**

**(i) by striking “\$125,000 and \$750,000” and inserting “\$250,000 and \$1,000,000”; and**

**(ii) by striking “501(a)(4)” and inserting “501(a)(5)”;** and

**(B) by striking paragraph (2) and inserting the following:**

**“(2) MATCHING REQUIREMENT.—**In making a grant to a State under this subsection, the Corporation shall require the State to agree to provide matching funds from non-Federal sources of not less than \$1 for every \$1 provided by the Corporation through the grant.

**“(3) ALTERNATIVE.—**Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to meet alternative matching requirements for such a grant as follows:

**“(A) FIRST \$100,000.—**For the first \$100,000 of grant funds provided by the Corporation, the State involved shall not be required to provide matching funds.

**“(B) AMOUNTS GREATER THAN \$100,000.—**For grant amounts of more than \$100,000 and not more than \$250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than \$1 for every \$2 provided by the Corporation, in excess of \$100,000.

**“(C) AMOUNTS GREATER THAN \$250,000.—**For grant amounts of more than \$250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than \$1 for every \$1 provided by the Corporation, in excess of \$250,000.”;

**(2) by striking subsection (b) and inserting the following:**

**“(b) DISASTER SERVICE.—**The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), to involve programs that receive assistance under the national service laws in disaster relief efforts, and to support, including through mission assignments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), nonprofit organizations and public agencies responding to the needs of communities experiencing disasters.”; and

**(3) in subsection (c)—**

**(A) in paragraph (1), by striking “to national service programs that receive assistance under section 121” and inserting “to programs supported under the national service laws”; and**

**(B) by striking paragraph (3) and inserting the following:**

**“(3) AMOUNT OF ASSISTANCE.—**A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than \$1 of assistance under this subsection for each \$1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, a grant under this subsection may provide not more than \$1 of assistance under this subsection for each \$2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds under this paragraph in lieu of cash raised from private sources if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.”.

**SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.**

Section 129 (42 U.S.C. 12581) is amended to read as follows:

**“SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.**

**“(a) ONE PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—**Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The Corporation shall allot for a grant to each such territory under this subsection for a fiscal year an amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the territory bears to the total population of all such territories.

**“(b) ALLOTMENT FOR INDIAN TRIBES.—**Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes to be allotted by the Corporation on a competitive basis.

**“(c) RESERVATION OF APPROVED POSITIONS.—**The Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the National Civilian Community Corps Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (d) and (e) for that fiscal year.

**“(d) ALLOTMENT FOR COMPETITIVE GRANTS.—**

**“(1) IN GENERAL.—**Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve not more than 62.7 percent for grants awarded on a competitive basis to States specified in subsection (e)(1) for national service programs, to nonprofit organizations seeking to operate a national service program in 2 or more of those States, and to Indian tribes.

**“(2) EQUITABLE TREATMENT.—**In the consideration of applications for such grants, the Corporation shall ensure the equitable treatment of

applicants from urban areas, applicants from rural areas, applicants of diverse sizes (as measured by the number of participants served), applicants from States, and applicants from national nonprofit organizations.

“(3) **ENCORE SERVICE PROGRAMS.**—In making grants under this subsection for a fiscal year, the Corporation shall make an effort to allocate not less than 10 percent of the financial assistance and approved national service positions provided through the grants for that fiscal year to eligible entities proposing to carry out encore service programs, unless the Corporation does not receive a sufficient number of applications of adequate quality to justify making that percentage available to those eligible entities.

“(4) **CORPS PROGRAMS.**—In making grants under this subsection for a fiscal year, the Corporation—

“(A) shall select 2 or more of the national service corps described in section 122(a) to receive grants under this subsection; and

“(B) may select national service programs described in section 122(b) to receive such grants.

“(e) **ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.**—

“(1) **GRANTS.**—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

“(2) **ALLOTMENTS.**—The Corporation shall allot for a grant to each such State under this subsection for a fiscal year an amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

“(3) **MINIMUM AMOUNT.**—Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year shall be at least \$600,000, or 0.5 percent of the amount allocated for the State formula under this subsection for the fiscal year, whichever is greater.

“(f) **EFFECT OF FAILURE TO APPLY.**—If a State or territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or territory to—

“(1) make grants (and provide approved national service positions in connection with such grants) to other community-based entities under section 121 that propose to carry out national service programs in such State or territory; and

“(2) make reallocations to other States or territories with approved applications submitted under section 130, from the allotment funds not used to make grants as described in paragraph (1).

“(g) **APPLICATION REQUIRED.**—The Corporation shall make an allotment of assistance (including the provision of approved national service positions) to a recipient under this section only pursuant to an application submitted by a State or other applicant under section 130.

“(h) **APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.**—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under

subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

“(i) **SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.**—

“(1) **SPONSORSHIP AUTHORIZED.**—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of those approved national service positions shall be made pursuant to the agreement, and the creation of those positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

“(2) **DEPOSIT OF CONTRIBUTION.**—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

“(j) **RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.**—

“(1) **RESERVATION.**—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and allocated to carry out subtitle C and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under subsections (b) and (c) of section 126.

“(2) **LIMITATION.**—The amount reserved under paragraph (1) for a fiscal year may not exceed \$10,000,000.

“(3) **TIMING.**—The Corporation shall reserve such amount, and any amount reserved under subsection (k) from funds appropriated and allocated to carry out subtitle C, before allocating funds for the provision of assistance under any other provision of this subtitle.

“(k) **RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.**—

“(1) **RESERVATION.**—To make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, and subject to the limitation in paragraph (2), the Chief Executive Officer shall reserve not less than 2 percent from the amounts, appropriated to carry out subtitles C, D, E, and H for each fiscal year.

“(2) **LIMITATION.**—The amount reserved under paragraph (1) for a fiscal year may not exceed \$20,000,000.

“(3) **REMAINDER.**—The Chief Executive Officer may use the funds reserved under paragraph (1), and not distributed to make grants under this subsection for other activities described in section 501(a)(2).

“(l) **AUTHORITY FOR FIXED-AMOUNT GRANTS.**—

“(1) **IN GENERAL.**—

“(A) **AUTHORITY.**—From amounts appropriated for a fiscal year to provide financial assistance under the national service laws, the Corporation may provide assistance in the form of fixed-amount grants in an amount determined by the Corporation under paragraph (2) rather than on the basis of actual costs incurred by a program.

“(B) **LIMITATION.**—Other than fixed-amount grants to support programs described in section 129A, for the 1-year period beginning on the effective date of the Serve America Act, the Corporation may provide assistance in the form of fixed-amount grants to programs that only offer full-time positions.

“(2) **DETERMINATION OF AMOUNT OF FIXED-AMOUNT GRANTS.**—A fixed-amount grant authorized by this subsection shall be in an amount determined by the Corporation that is—

“(A) significantly less than the reasonable and necessary costs of administering the program supported by the grant; and

“(B) based on an amount per individual enrolled in the program receiving the grant, taking into account—

“(i) the capacity of the entity carrying out the program to manage funds and achieve programmatic results;

“(ii) the number of approved national service positions, approved silver scholar positions, or approved summer of service positions for the program, if applicable;

“(iii) the proposed design of the program;

“(iv) whether the program provides service to, or involves the participation of, disadvantaged youth or otherwise would reasonably incur a relatively higher level of costs; and

“(v) such other factors as the Corporation may consider under section 133 in considering applications for assistance.

“(3) **REQUIREMENTS FOR GRANT RECIPIENTS.**—In awarding a fixed-amount grant under this subsection, the Corporation—

“(A) shall require the grant recipient—

“(i) to return a pro rata amount of the grant funds based upon the difference between the number of hours served by a participant and the minimum number of hours for completion of a term of service (as established by the Corporation);

“(ii) to report on the program's performance on standardized measures and performance levels established by the Corporation;

“(iii) to cooperate with any evaluation activities undertaken by the Corporation; and

“(iv) to provide assurances that additional funds will be raised in support of the program, in addition to those received under the national service laws; and

“(B) may adopt other terms and conditions that the Corporation considers necessary or appropriate based on the relative risks (as determined by the Corporation) associated with any application for a fixed-amount grant.

“(4) **OTHER REQUIREMENTS NOT APPLICABLE.**—Limitations on administrative costs and matching fund documentation requirements shall not apply to fixed-amount grants provided in accordance with this subsection.

“(5) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall relieve a grant recipient of the responsibility to comply with the requirements of chapter 75 of title 31, United States Code, or other requirements of Office of Management and Budget Circular A-133.”.

#### **SEC. 1307. ADDITIONAL AUTHORITY.**

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

#### **“SEC. 129A. EDUCATIONAL AWARDS ONLY PROGRAM.**

“(a) **IN GENERAL.**—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with the restriction in subsection (b), the Corporation may, through fixed-amount grants (in accordance with section 129(l)), provide operational support to programs that receive approved national service positions but do not receive funds under section 121(a).

“(b) **LIMIT ON CORPORATION GRANT FUNDS.**—The Corporation may provide the operational support under this section for a program in an amount that is not more than \$800 per individual enrolled in an approved national service position, or not more than \$1,000 per such individual if at least 50 percent of the persons enrolled in the program are disadvantaged youth.

“(c) **INAPPLICABLE PROVISIONS.**—The following provisions shall not apply to programs funded under this section:

“(1) The limitation on administrative costs under section 121(d).  
 “(2) The matching funds requirements under section 121(e).  
 “(3) The living allowance and other benefits under sections 131(e) and 140 (other than individualized support services for participants with disabilities under section 140(f)).”

#### SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by striking “section 121” and inserting “section 121(a)”;

(B) by inserting after “assistance, a State,” the following: “territory.”; and

(C) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(2) in subsection (b)—

(A) in paragraph (9), by striking “section 122(c)” and inserting “section 122(f)”;

(B) in paragraph (12), by inserting “municipalities and governments of counties in which such a community is located,” after “providing services.”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “jobs or positions” and inserting “proposed positions”;

(ii) by striking “, including” and all that follows through the period at the end and inserting a period;

(B) in paragraph (2), by inserting “proposed” before “minimum”;

(C) by adding at the end the following:

“(3) In the case of a nonprofit organization intending to operate programs in 2 or more States, a description of the manner in which and extent to which the organization consulted with the State Commissions of each State in which the organization intends to operate and the nature of the consultation.”;

(4) in subsection (d)(1)—

(A) in subparagraphs (A) and (B), by striking “subsection (a) or (b) of section 121” and inserting “section 121(a)”;

(B) in subparagraph (B), by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”;

(5) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively and inserting after subsection (c) the following:

“(d) **ADDITIONAL REQUIRED APPLICATION INFORMATION.**—An application submitted under subsection (a) for programs described in 122(a) shall also contain—

“(1) measurable goals, to be used for annual measurements of the program’s performance on 1 or more of the corresponding indicators described in section 122;

“(2) information describing how the applicant proposes to utilize funds to improve performance on the corresponding indicators utilizing participants, including describing the activities in which such participants will engage to improve performance on those indicators;

“(3) information identifying the geographical area in which the eligible entity proposing to carry out the program proposes to use funds to improve performance on the corresponding indicators, and demographic information on the students or individuals, as appropriate, in such area, and statistics demonstrating the need to improve such indicators in such area; and

“(4) if applicable, information on how the eligible entity will work with other community-based entities to carry out activities to improve performance on the corresponding indicators using such funds.”;

(6) in paragraph (2)(A) of subsection (f) (as so redesignated), by striking “were selected” and inserting “were or will be selected”;

(7) in subsection (g) (as so redesignated)—

(A) in paragraph (1), by striking “a program applicant” and inserting “an applicant”;

(B) in paragraph (2)—

(i) in the heading, by striking “PROGRAM APPLICANT” and inserting “APPLICANT”;

(ii) in the matter preceding subparagraph (A), by striking “program applicant” and inserting “applicant”;

(iii) in subparagraph (A)—

(I) by inserting after “subdivision of a State,” the following: “territory.”; and

(II) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(iv) in subparagraph (B)—

(I) by inserting after “subdivision of a State,” the following: “territory.”; and

(II) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(8) by amending subsection (h) (as so redesignated) to read as follows:

“(h) **LIMITATION ON SAME PROJECT RECEIVING MULTIPLE GRANTS.**—Unless specifically authorized by law, the Corporation may not provide more than 1 grant under the national service laws for a fiscal year to support the same project under the national service laws.”.

#### SEC. 1309. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c) (42 U.S.C. 12583(c)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

“(A) the community served, the municipality and government of the county (if appropriate) in which the community is located, and potential participants in the program; and”;

(2) by striking paragraph (3) and inserting the following:

“(3) in the case of a program that is not funded through a State (including a national service program that a nonprofit organization seeks to operate in 2 or more States), consult with and coordinate activities with the State Commission for each State in which the program will operate, and the Corporation shall obtain confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State Commission when seeking to operate the program in that State.”.

#### SEC. 1310. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

Subtitle C of title I (42 U.S.C. 12571 et seq.) is amended by inserting after section 132 the following:

#### “SEC. 132A. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

“(a) **PROHIBITED ACTIVITIES.**—An approved national service position under this subtitle may not be used for the following activities:

“(1) Attempting to influence legislation.

“(2) Organizing or engaging in protests, petitions, boycotts, or strikes.

“(3) Assisting, promoting, or deterring union organizing.

“(4) Impairing existing contracts for services or collective bargaining agreements.

“(5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

“(6) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.

“(7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or

worship, or engaging in any form of proselytization, consistent with section 132.

“(8) Consistent with section 132, providing a direct benefit to any—

“(A) business organized for profit;

“(B) labor union;

“(C) partisan political organization;

“(D) nonprofit organization that fails to comply with the restrictions contained in section 501(c) of the Internal Revenue Code of 1986, except that nothing in this paragraph shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

“(E) organization engaged in the religious activities described in paragraph (7), unless the position is not used to support those religious activities.

“(9) Providing abortion services or referrals for receipt of such services.

“(10) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive.

“(11) Carrying out such other activities as the Corporation may prohibit.

“(b) **INELIGIBILITY.**—No assistance provided under this subtitle may be provided to any organization that has violated a Federal criminal statute.

“(c) **NONDISPLACEMENT OF EMPLOYED WORKERS OR OTHER VOLUNTEERS.**—A participant in an approved national service position under this subtitle may not be directed to perform any services or duties, or to engage in any activities, prohibited under the nonduplication, non-displacement, or nonsupplantation requirements relating to employees and volunteers in section 177.”.

#### SEC. 1311. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (b)(2)(B), by striking “jobs or”;

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”;

(II) by striking “section 129(d)(2)” and inserting “section 129(d)”;

(ii) by striking subparagraphs (A) through (G) and inserting the following:

“(A) national service programs that—

“(i) conform to the national service priorities in effect under section 122(f);

“(ii) are innovative; and

“(iii) are well established in 1 or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

“(B) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

“(C) professional corps programs described in section 122(c)(1)(D).”;

(B) in paragraph (3), by striking “section 129(d)(2)” and inserting “section 129(d)”;

(3) in subsection (e), by striking “subsections (a) and (d)(1) of section 129” and inserting “subsections (d) and (e) of section 129”;

(4) in subsection (f)—

(A) in paragraph (1), by striking “section 129(a)(1)” and inserting “section 129(e)”;

(B) in paragraph (3)—

(i) by striking “section 129(a)” and inserting “section 129(e)”;

(ii) by striking “paragraph (3) of such subsection” and inserting “section 129(f)”;

(5) by redesignating subsection (f) as subsection (g); and

(6) by inserting after subsection (e) the following:

“(f) VIEWS OF STATE COMMISSION.—In making competitive awards under section 129(d), the Corporation shall solicit and consider the views of a State Commission regarding any application for assistance to carry out a national service program within the State.”.

#### SEC. 1312. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “section 122(a)(2) or a program described in section 122(a)(9)” and inserting “section 122(a)(3)(B)(x)”;

(B) in paragraph (1), by striking “paragraph (4)” and inserting “paragraph (3)”;

(3) in subsection (c), by striking “(a)(5)” and inserting “(a)(4)”.

#### SEC. 1313. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

Section 138 (42 U.S.C. 12592) is amended—

(1) in subsection (a), by striking “conducted by the State” and all that follows through “or other entity” and inserting “conducted by the entity”;

(2) in subsection (e)(2)(C), by inserting before the semicolon at the end the following: “, particularly those who were considered, at the time of their service, disadvantaged youth”.

#### SEC. 1314. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “not less than 9 months and”;

(B) in paragraph (2), by striking “during a period of—” and all that follows through the period at the end and inserting “during a period of not more than 2 years.”;

(C) by adding at the end the following:

“(4) EXTENSION OF TERM FOR DISASTER PURPOSES.—

“(A) EXTENSION.—An individual in an approved national service position performing service directly related to disaster relief efforts may continue in a term of service for a period of 90 days beyond the period otherwise specified in, as appropriate, this subsection or section 153(d) or in section 104 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954).

“(B) SINGLE TERM OF SERVICE.—A period of service performed by an individual in an originally-agreed to term of service and service performed under this paragraph shall constitute a single term of service for purposes of subsections (b)(1) and (c) of section 146.

“(C) BENEFITS.—An individual performing service under this paragraph may continue to receive a living allowance and other benefits under section 140 but may not receive an additional national service educational award under section 141.”;

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking “as demonstrated by the participant” and inserting “as determined by the organization responsible for granting the release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the term of service”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “provide to the participant that portion of the national service educational award” and inserting “certify the participant’s eligibility for that portion of the national service educational award”;

(ii) in subparagraph (B), by striking “to allow return to the program with which the individual was serving in order”.

#### SEC. 1315. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “paragraph (3)” and inserting “paragraphs (2) and (3)”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2);

(D) by inserting after paragraph (2) (as so redesignated) the following:

“(3) FEDERAL WORK-STUDY STUDENTS.—The living allowance that may be provided under paragraph (1) to an individual whose term of service includes hours for which the individual receives a Federal work-study award under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) shall be reduced by the amount of the individual’s Federal work study award.”;

(E) in paragraph (4), by striking “a reduced term of service under section 139(b)(3)” and inserting “a term of service that is less than 12 months”;

(2) in subsection (b), by striking “shall include an amount sufficient to cover 85 percent of such taxes” and all that follows through the period at the end and inserting “may be used to pay the taxes described in this subsection.”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “section 122(a)(8)” and inserting “section 122(c)(1)(D)”;

(ii) by striking “subsection (a)(3)” and inserting “subsection (a)(2)”;

(B) in paragraph (1), by adding “and” at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2);

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “shall provide” and inserting “shall provide or make available”;

(ii) by striking the second sentence; and

(B) in paragraph (2), by striking “provide from its own funds” and inserting “provide from its own funds or make available”;

(5) by striking subsections (g) and (h).

#### Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

#### SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

(a) SUBTITLE HEADING.—The subtitle heading for subtitle D of title I is amended to read as follows:

#### “Subtitle D—National Service Trust and Provision of Educational Awards”.

(b) ESTABLISHMENT OF TRUST.—Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “pursuant to section 501(a)(2)”;

(ii) in subparagraph (A), by inserting after “national service educational awards” the following: “, summer of service educational awards, and silver scholar educational awards”;

(B) in paragraph (2)—

(i) by striking “pursuant to section 196(a)(2)” and inserting “pursuant to section 196(a)(2), if the terms of such donations direct that the donated amounts be deposited in the National Service Trust”;

(ii) by striking “and” at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

“(3) any amounts recovered by the Corporation pursuant to section 146A; and”;

(2) in subsection (c), by striking “for payments of national service educational awards in accordance with section 148.” and inserting “for—

“(1) payments of national service educational awards, summer of service educational awards, and silver scholar educational awards in accordance with section 148; and

“(2) payments of interest in accordance with section 148(e).”;

(3) in subsection (d)—

(A) in the subsection heading, by striking “CONGRESS” and inserting “THE AUTHORIZING COMMITTEES”;

(B) in the matter preceding paragraph (1), by striking “the Congress” and inserting “the authorizing committees”;

(C) in paragraphs (2), (3), and (4), by inserting “, summer of service educational awards, or silver scholar awards” after “national service educational awards” each place the term appears; and

(D) in paragraph (4)—

(i) by inserting “, additional approved summer of service positions, and additional approved silver scholar positions” after “additional approved national service positions”; and

(ii) by striking “under subtitle C”.

#### SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE AN EDUCATIONAL AWARD FROM THE TRUST.

Section 146 (42 U.S.C. 12602) is amended—

(1) by striking the section heading and inserting the following:

#### “SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE AN EDUCATIONAL AWARD FROM THE TRUST.”;

and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “, summer of service educational award, or silver scholar educational award” after “national service educational award”;

(ii) by striking “if the individual” and inserting “if the organization responsible for the individual’s supervision in a national service program certifies that the individual”;

(B) by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) met the applicable eligibility requirements for the approved national service position, approved silver scholar position, or approved summer of service position, as appropriate, in which the individual served;

“(2)(A) for a full-time or part-time national service educational award, successfully completed the required term of service described in subsection (b)(1) in the approved national service position;

“(B) for a partial educational award in accordance with section 139(c)—

“(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under such section; and

“(ii) completed at least 15 percent of the required term of service described in subsection (b) for the approved national service position;

“(C) for a summer of service educational award, successfully completed the required term of service described in subsection (b)(2) in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f); or

“(D) for a silver scholar educational award, successfully completed the required term of service described in subsection (b)(3) in an approved silver scholar position, as certified through a process determined by the Corporation through regulations consistent with section 138(f); and”.

(C) by redesignating paragraph (4) as paragraph (3);

(3) in subsection (b)—

(A) by striking “The term” and inserting the following:

“(1) APPROVED NATIONAL SERVICE POSITION.—The term”;

(B) by adding at the end the following:

“(2) **APPROVED SUMMER OF SERVICE POSITION.**—The term of service for an approved summer of service position shall not be less than 100 hours of service during the summer months.

“(3) **APPROVED SILVER SCHOLAR POSITION.**—The term of service for an approved silver scholar position shall be not less than 350 hours during a 1-year period.”;

(4) by striking subsection (c) and inserting the following:

“(c) **LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.**—An individual may not receive, through national service educational awards and silver scholar educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of the national service educational awards the individual may receive.”;

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “SEVEN-YEAR REQUIREMENT” and inserting “IN GENERAL”;

(ii) by striking “An” and inserting “Subject to paragraph (2), an”;

(iii) by inserting “or a silver scholar educational award” after “national service educational award”;

(iv) by inserting “or an approved silver scholar position, as applicable,” after “approved national service position”;

(v) by adding at the end the following: “Subject to paragraph (2), an individual eligible to receive a summer of service educational award under this section may not use such award after the end of the 10-year period beginning on the date the individual completes the term of service in an approved summer of service position that is the basis of the award.”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) and in subparagraph (A), by inserting “, summer of service educational award, or silver scholar educational award” after “national service educational award”;

(ii) in subparagraph (A), by inserting “, or 10-year period, as appropriate” after “7-year period”;

(iii) in subparagraph (B), by inserting “, approved summer of service position, or approved silver scholar position” after “approved national service position”;

(C) by adding at the end the following:

“(3) **TERM FOR TRANSFERRED EDUCATIONAL AWARDS.**—For purposes of applying paragraphs (1) and (2)(A) to an individual who is eligible to receive an educational award as a designated individual (as defined in section 148(f)(8)), references to a seven-year period shall be considered to be references to a 10-year period that begins on the date the individual who transferred the educational award to the designated individual completed the term of service in the approved national service position or approved silver scholar position that is the basis of the award.”;

(6) in subsection (e)(1)—

(A) by inserting after “qualifying under this section” the following: “or under section 119(c)(8)”;

(B) by inserting after “to receive a national service educational award” the following: “, a summer of service educational award, or a silver scholar educational award”.

#### **SEC. 1403. CERTIFICATIONS.**

The Act is amended by adding after section 146 (42 U.S.C. 12602) the following:

“**SEC. 146A. CERTIFICATIONS OF SUCCESSFUL COMPLETION OF TERMS OF SERVICE.**

“(a) **CERTIFICATIONS.**—In making any authorized disbursement from the National Service

Trust in regard to an eligible individual (including disbursement for a designated individual, as defined in section 148(f)(8), due to the service of an eligible individual) under section 146 who served in an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation shall rely on a certification. The certification shall be made by the entity that selected the individual for and supervised the individual in the approved national service position in which such individual successfully completed a required term of service, in a national service program.

“(b) **EFFECT OF ERRONEOUS CERTIFICATIONS.**—If the Corporation determines that the certification under subsection (a) is erroneous or incorrect, the Corporation shall assess against the national service program a charge for the amount of any associated payment or potential payment from the National Service Trust. In assessing the amount of the charge, the Corporation shall consider the full facts and circumstances surrounding the erroneous or incorrect certification.”.

#### **SEC. 1404. DETERMINATION OF THE AMOUNT OF THE EDUCATIONAL AWARD.**

Section 147 (42 U.S.C. 12603) is amended—

(1) by striking the section heading and inserting the following:

“**SEC. 147. DETERMINATION OF THE AMOUNT OF THE EDUCATIONAL AWARD.**”;

(2) by amending subsection (a) to read as follows:

“(a) **AMOUNT FOR FULL-TIME NATIONAL SERVICE.**—Except as provided in subsection (c), an individual described in section 146(a) who successfully completes a required term of full-time national service in an approved national service position shall receive a national service educational award having a value equal to the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) that a student eligible for such Grant may receive in the aggregate (without regard to whether the funds are provided through discretionary or mandatory appropriations), for the award year for which the national service position is approved by the Corporation.”;

(3) in subsection (b), by striking “, for each of not more than 2 of such terms of service,”;

(4) by adding at the end the following:

“(d) **AMOUNT FOR SUMMER OF SERVICE.**—An individual described in section 146(a) who successfully completes a required summer of service term shall receive a summer of service educational award having a value, for each of not more than 2 of such terms of service, equal to \$500 (or, at the discretion of the Chief Executive Officer, equal to \$750 in the case of a participant who is economically disadvantaged).

“(e) **AMOUNT FOR SILVER SCHOLARS.**—An individual described in section 146(a) who successfully completes a required silver scholar term shall receive a silver scholar educational award having a value of \$1,000.”.

#### **SEC. 1405. DISBURSEMENT OF EDUCATIONAL AWARDS.**

Section 148 (42 U.S.C. 12604) is amended—

(1) by striking the section heading and inserting the following:

“**SEC. 148. DISBURSEMENT OF EDUCATIONAL AWARDS.**”;

(2) in subsection (a)—

(A) in paragraph (2), by striking “cost of attendance” and inserting “cost of attendance or other educational expenses”;

(B) in paragraph (3), by striking “and”;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

“(4) to pay expenses incurred in enrolling in an educational institution or training establish-

ment that is approved under chapter 36 of title 38, United States Code, or other applicable provisions of law, for offering programs of education, apprenticeship, or on-job training for which educational assistance may be provided by the Secretary of Veterans Affairs; and”;

(3) in subsection (b)—

(A) in paragraph (1), by inserting after “the national service educational award of the individual” the following: “, an eligible individual under section 146(a) who served in a summer of service program and desires to apply that individual’s summer of service educational award, or an eligible individual under section 146(a) who served in a silver scholar program and desires to apply that individual’s silver scholar educational award,”;

(B) in paragraph (2), by inserting after “the national service educational award” the following: “, the summer of service educational award, or the silver scholar educational award, as applicable,”;

(C) in paragraph (5), by inserting after “the national service educational award” the following: “, the summer of service educational award, or the silver scholar educational award, as applicable,”; and

(D) in paragraph (7)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student’s educational expenses and made, insured, or guaranteed by—

“(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

“(ii) the direct student loan program under part D of title IV of such Act (20 U.S.C. 1087a et seq.);

“(iii) a State agency; or

“(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.”;

(4) in subsection (c)—

(A) in paragraph (1), by inserting after “national service educational award” the following: “, an eligible individual under section 146(a) who desires to apply the individual’s summer of service educational award, or an eligible individual under section 146(a) who served in a silver scholar program and desires to apply that individual’s silver scholar educational award,”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting after “national service educational award” the following: “, summer of service educational award, or silver scholar educational award, as applicable,”; and

(ii) in subparagraph (C)(iii), by inserting after “national service educational awards” the following: “, summer of service educational awards, or silver scholar educational awards, as applicable,”;

(C) in paragraph (3), by inserting after “national service educational awards” the following: “summer of service educational awards, or silver scholar educational awards”;

(D) in paragraph (5)—

(i) in the first sentence, by inserting after “national service educational award” the following: “, summer of service educational award, or silver scholar educational award, as applicable,”; and

(ii) in the third sentence, by inserting before the period the following: “, additional approved summer of service positions, and additional approved silver scholar positions”;

(E) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by inserting after “national service educational

award" the following: ", summer of service educational award, or silver scholar educational award";

(ii) in subparagraph (A), by inserting "and other educational expenses" after "cost of attendance"; and

(iii) by striking subparagraph (B) and inserting the following:

"(B) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.).";

(5) in subsection (d), by inserting after "national service educational awards" the following: ", summer of service educational awards, and silver scholar educational awards";

(6) in subsection (e), by striking "subsection (b)(6)" and inserting "subsection (b)(7)";

(7) in subsection (f)—

(A) by striking "Director" and inserting "Chief Executive Officer"; and

(B) by inserting ", summer of service educational award, or silver scholar educational award, as appropriate," after "national service educational award";

(8) by redesignating subsections (f) and (g) as subsections (g) and (h) respectively; and

(9) by inserting after subsection (e) the following:

"(f) TRANSFER OF EDUCATIONAL AWARDS.—

"(1) IN GENERAL.—An individual who is eligible to receive a national service educational award or silver scholar educational award due to service in a program described in paragraph (2) may elect to receive the award (in the amount described in the corresponding provision of section 147) and transfer the award to a designated individual. Subsections (b), (c), and (d) shall apply to the designated individual in lieu of the individual who is eligible to receive the national service educational award or silver scholar educational award, except that amounts refunded to the account under subsection (c)(5) on behalf of a designated individual may be used by the Corporation to fund additional placements in the national service program in which the eligible individual who transferred the national service educational award or silver scholar educational award participated for such award.

"(2) CONDITIONS FOR TRANSFER.—An educational award may be transferred under this subsection if—

"(A)(i) the award is a national service educational award for service in a national service program that receives a grant under subtitle C; and

"(ii) before beginning the term of service involved, the eligible individual is age 55 or older; or

"(B) the award is a silver scholarship educational award under section 198C(a).

"(3) MODIFICATION OR REVOCATION.—

"(A) IN GENERAL.—An individual transferring an educational award under this subsection may, on any date on which a portion of the educational award remains unused, modify or revoke the transfer of the educational award with respect to that portion.

"(B) NOTICE.—A modification or revocation of the transfer of an educational award under this paragraph shall be made by the submission of written notice to the Corporation.

"(4) PROHIBITION ON TREATMENT OF TRANSFERRED AWARD AS MARITAL PROPERTY.—An educational award transferred under this subsection may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

"(5) DEATH OF TRANSFEROR.—The death of an individual transferring an educational award under this subsection shall not affect the use of the educational award by the child, foster child, or grandchild to whom the educational award is

transferred if such educational award is transferred prior to the death of the individual.

"(6) PROCEDURES TO PREVENT WASTE, FRAUD, OR ABUSE.—The Corporation shall establish requirements to prevent waste, fraud, or abuse in connection with the transfer of an educational award and to protect the integrity of the educational award under this subsection.

"(7) TECHNICAL ASSISTANCE.—The Corporation may, as appropriate, provide technical assistance, to individuals and eligible entities carrying out national service programs, concerning carrying out this subsection.

"(8) DEFINITION OF A DESIGNATED INDIVIDUAL.—In this subsection, the term 'designated individual' is an individual—

"(A) whom an individual who is eligible to receive a national service educational award or silver scholar educational award due to service in a program described in paragraph (2) designates to receive the educational award;

"(B) who meets the eligibility requirements of paragraphs (3) and (4) of section 146(a); and

"(C) who is a child, foster child, or grandchild of the individual described in subparagraph (A)."

#### SEC. 1406. APPROVAL PROCESS FOR APPROVED POSITIONS.

(a) IN GENERAL.—Subtitle D of title I (42 U.S.C. 12601 et seq.) is amended by adding at the end the following new section:

#### "SEC. 149. APPROVAL PROCESS FOR APPROVED POSITIONS.

"(a) TIMING AND RECORDING REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding subtitles C, D, and H, and any other provision of law, in approving a position as an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation—

"(A) shall approve the position at the time the Corporation—

"(i) enters into an enforceable agreement with an individual participant to serve in a program carried out under subtitle E of title I of this Act, section 198B or 198C(a), or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), a summer of service program described in section 119(c)(8), or a silver scholarship program described in section 198C(a); or

"(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

"(B) shall record as an obligation an estimate of the net present value of the national service educational award, summer of service educational award, or silver scholar educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards, summer of service educational awards, or silver scholar educational awards, as appropriate, for such a program and remain available.

"(2) FORMULA.—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

"(3) CERTIFICATION REPORT.—The Chief Executive Officer of the Corporation shall annually prepare and submit to the authorizing committees a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

"(4) APPROVAL.—The requirements of this subsection shall apply to each approved national service position, approved summer of service position, or approved silver scholarship position that the Corporation approves—

"(A) during fiscal year 2010; and

"(B) during any subsequent fiscal year.

"(b) RESERVE ACCOUNT.—

"(1) ESTABLISHMENT AND CONTENTS.—

"(A) ESTABLISHMENT.—Notwithstanding subtitles C, D, and H, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

"(B) CONTENTS.—To ensure the availability of adequate funds to support the awards of approved national service positions, approved summer of service positions, and approved silver scholar positions, for each fiscal year, the Corporation shall place in the account—

"(i) during fiscal year 2010, a portion of the funds that were appropriated for fiscal year 2010 or a previous fiscal year under section 501 of this Act or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out subtitle C, D, or E of this title, section 198B or 198C(a), subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 119(c)(8), and remain available; and

"(ii) during fiscal year 2011 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501 of this Act or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out subtitle C, D, or E of this title, section 198B or 198C(a), subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 119(c)(8), and remain available.

"(2) OBLIGATION.—The Corporation shall not obligate the funds in the reserve account until the Corporation—

"(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions, summer of service educational awards associated with previously approved summer of service positions, and silver scholar educational awards associated with previously approved silver scholar positions; or

"(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions, summer of service educational awards for such previously approved summer of service positions, or silver scholar educational awards for such previously approved silver scholar positions, as applicable.

"(c) AUDITS.—The accounts of the Corporation relating to the appropriated funds for approved national service positions, approved summer of service positions, and approved silver scholar positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

"(d) AVAILABILITY OF AMOUNTS.—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards, summer of service educational awards, or silver scholar educational awards under section 148."

(b) CONFORMING REPEAL.—The Strengthen AmeriCorps Program Act (42 U.S.C. 12605) is repealed.



**Subtitle E—Amendments to Subtitle E  
(National Civilian Community Corps)**

**SEC. 1501. PURPOSE.**

Section 151 (42 U.S.C. 12611) is amended to read as follows:

**“SEC. 151. PURPOSE.**

“It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. The needs to be met under such programs include those needs related to—

- “(1) natural and other disasters;
- “(2) infrastructure improvement;
- “(3) environmental stewardship and conservation;
- “(4) energy conservation; and
- “(5) urban and rural development.”.

**SEC. 1502. PROGRAM COMPONENTS.**

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

**“SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.”;**

(2) in subsection (a), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(3) in the matter preceding paragraph (1) of subsection (b)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(B) by striking “a Civilian Community Corps” and inserting “a National Civilian Community Corps”;

(4) by striking subsection (c) and inserting the following:

“(c) **RESIDENTIAL COMPONENTS.**—Both programs referred to in subsection (b) may include a residential component.”.

**SEC. 1503. ELIGIBLE PARTICIPANTS.**

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(B) by striking “on Civilian Community Corps” and inserting “on National Civilian Community Corps”;

(2) in subsection (b), by striking paragraph (1) and inserting the following:

“(1) is, or will be, at least 18 years of age on or before December 31 of the calendar year in which the individual enrolls in the program, but is not more than 24 years of age as of the date the individual begins participating in the program; and”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “BACKGROUNDS” and inserting “BACKGROUND”;

and

(B) by adding at the end the following: “The Director shall take appropriate steps, including through outreach and recruitment activities, to increase the percentage of participants in the program who are disadvantaged youth to 50 percent of all participants by year 2012. The Director shall report to the authorizing committees biennially on such steps, any challenges faced, and the annual participation rates of disadvantaged youth in the program.”;

(4) by striking subsection (d); and

(5) by redesignating subsection (e) as subsection (d).

**SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.**

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(B) by striking “on Civilian Community Corps” and inserting “on National Civilian Community Corps”;

(2) in subsection (b), by striking “shall be” and all that follows through the period at the end and inserting “shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.”.

**SEC. 1505. NATIONAL CIVILIAN COMMUNITY CORPS.**

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

**“SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.”;**

(2) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(B) by striking “the Civilian Community Corps shall” and inserting “the National Civilian Community Corps shall”;

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

**“(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—”;**

(B) in paragraph (1), by inserting “National” before “Civilian Community Corps”;

(C) in paragraph (3)—

(i) by striking “superintendent” and inserting “campus director”;

(ii) by striking “camp” and inserting “campus”;

(D) by adding at the end the following:

**“(4) TEAM LEADERS.—”**

“(A) **IN GENERAL.**—The Director may select individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps, to perform service that includes leading and supervising teams of Corps members. Each team leader shall be selected without regard to the age limitation under section 153(b).”

“(B) **RIGHTS AND BENEFITS.**—A team leader shall be provided the same rights and benefits applicable to other Corps members, except that the Director may increase the limitation on the amount of the living allowance under section 158(b) by not more than 10 percent for a team leader.”;

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

**“(d) CAMPUSES.—”;**

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

**“(1) UNITS TO BE ASSIGNED TO CAMPUSES.—”;**

(ii) by striking “in camps” and inserting “in campuses”;

(iii) by striking “Corps camp” and inserting “Corps campus”;

(iv) by striking “in the camps” and inserting “in the campuses”;

(C) by amending paragraphs (2) and (3) to read as follows:

“(2) **CAMPUS DIRECTOR.**—There shall be a campus director for each campus. The campus director is the head of the campus.”

“(3) **ELIGIBLE SITE FOR CAMPUS.**—A campus shall be cost effective and may, upon the completion of a feasibility study, be located in a facility referred to in section 162(c).”;

(5) in subsection (e)—

(A) by amending the subsection heading to read as follows:

**“(e) DISTRIBUTION OF UNITS AND CAMPUSES.—”;**

(B) by striking “camps are distributed” and inserting “campuses are cost effective and are distributed”;

(C) by striking “rural areas” and all that follows through the period at the end and inserting “rural areas such that each Corps unit in a

region can be easily deployed for disaster and emergency response to such region.”;

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking “superintendent” and inserting “campus director”;

(ii) by striking “camp” both places such term appears and inserting “campus”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “superintendent of a camp” and inserting “campus director of a campus”;

(ii) in subparagraph (A)—

(I) by striking “superintendent” and inserting “campus director”;

(II) by striking “superintendent’s” and inserting “campus director’s”;

(III) by striking “camp” each place such term appears and inserting “campus”;

(iii) in subparagraph (B), by striking “superintendent” and inserting “campus director”;

(C) in paragraph (3), by striking “camp superintendent” and inserting “campus director”.

**SEC. 1506. TRAINING.**

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting “National” before “Civilian Community Corps”;

(B) by adding at the end the following: “The Director shall ensure that, to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.”;

(2) in subsection (b)(1), by inserting before the period at the end the following: “, including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs, as appropriate”;

(3) by amending subsection (c)(2) to read as follows:

“(2) **COORDINATION WITH OTHER ENTITIES.**—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skills described in such subsection.”;

(4) in subsection (d), by striking “section 162(a)(3)” and inserting “section 162(c)”.

**SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.**

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “National” before “Civilian Community Corps”;

(B) in paragraph (1), by inserting before the semicolon the following: “, with specific emphasis on projects in support of infrastructure improvement, energy conservation, and urban and rural development”;

(C) in paragraph (2), by striking “service learning” and inserting “service-learning”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “and the Secretary of Housing and Urban Development” and inserting “the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the Forest Service”;

(ii) in subparagraph (B)—

(I) by inserting “community-based entities and” before “representatives of local communities”;

(II) by striking “camp” both places such term appears and inserting “campus”; and

(B) in paragraph (2), by inserting “State Commissions,” before “and persons involved in other youth service programs.”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “superintendent” both places such term appears and inserting “campus director”; and

(ii) by striking “camp” both places such term appears and inserting “campus”; and

(B) in paragraph (2), by striking “camp superintendents” and inserting “campus directors”.

#### SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a), by inserting “National” before “Civilian Community Corps”; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “National” before “Civilian Community Corps”; and

(ii) by inserting before the colon the following: “, as the Director determines appropriate”; and

(B) in paragraph (6), by striking “Clothing” and inserting “Uniforms”; and

(C) in paragraph (7), by striking “Recreational services and supplies” and inserting “Supplies”.

#### SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) in paragraph (1)—

(i) by inserting “including those” before “recommended”; and

(ii) by inserting “National” before “Civilian Community Corps”; and

(2) in subsection (b)(1), by inserting “National” before “Civilian Community Corps”; and

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting “National” before “Civilian Community Corps”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “The Director shall establish a permanent cadre of” and inserting “The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed”; and

(II) by inserting “National” before “Civilian Community Corps”; and

(iii) in subparagraph (B), by striking “The Director shall appoint the members” and inserting “The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members”; and

(iv) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking “the Director” and inserting “the Chief Executive Officer”; and

(II) in clause (i), by striking “section 162(a)(2)” and inserting “section 162(b)”;

(III) in clause (iii), by striking “and” at the end;

(IV) by redesignating clause (iv) as clause (v); and

(V) by inserting after clause (iii) the following:

“(iv) give consideration to retired and other former law enforcement, fire, rescue, and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and”;

(vi) in subparagraph (E)—

(I) by striking “to members” and inserting “to other members”; and

(II) by inserting after “techniques” the following: “, including techniques for working

with and enhancing the development of disadvantaged youth.”; and

(III) by striking “service learning” and inserting “service-learning”; and

(C) in paragraph (3)—

(i) in the first sentence, by striking “the members” and inserting “other members”; and

(ii) in the third sentence, by striking “section 162(a)(2)(A)” and inserting “162(b)(1)”.

#### SEC. 1510. STATUS OF CORPS MEMBERS AND CORPS PERSONNEL UNDER FEDERAL LAW.

Section 160(a) (42 U.S.C. 12620(a)) is amended by inserting “National” before “Civilian Community Corps”.

#### SEC. 1511. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking “perform any program function under this subtitle” and inserting “carry out the National Civilian Community Corps program”; and

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking “section 162(a)(3)” and inserting “section 162(c)”;

(B) in paragraph (2), by inserting “National” before “Civilian Community Corps”.

#### SEC. 1512. OTHER DEPARTMENTS.

(a) IN GENERAL.—Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “National” before “Civilian Community Corps”; and

(ii) in subparagraph (B)(i), by striking “the registry established by” and all that follows through the semicolon and inserting “the registry established by section 1143a of title 10, United States Code.”;

(B) in paragraph (2)(A), by striking “to be recommended for appointment” and inserting “from which individuals may be selected for appointment by the Director”; and

(C) in paragraph (3), by inserting “National” before “Civilian Community Corps”; and

(2) by striking subsection (b).

(b) TECHNICAL AMENDMENTS.—Section 162 (42 U.S.C. 12622), as amended by subsection (a), is further amended—

(1) in the section heading, by striking “OTHER DEPARTMENTS” and inserting “DEPARTMENT OF DEFENSE”;

(2) by redesignating paragraphs (2), (3), and (4) of subsection (a) as subsections (b), (c), and (d), respectively, and aligning the margins of such subsections with the margins of section 161(a) of the Act;

(3) by striking “(a) SECRETARY” and all that follows through “OFFICE.—” and inserting the following:

“(a) LIAISON OFFICE.—”;

(4) in subsection (a) (as amended by paragraph (3))—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and aligning the margins of such paragraphs with the margins of section 161(b)(1) of the Act; and

(B) by redesignating clauses (i) and (ii) of paragraph (2) (as redesignated by subparagraph (A)) as subparagraphs (A) and (B), respectively, and aligning the margins of such subparagraphs with the margins of section 161(b)(1)(A) of the Act;

(5) in subsection (b) (as redesignated by paragraph (2))—

(A) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and aligning the margins of such paragraphs with the margins of section 161(b)(1) of the Act;

(B) in paragraph (1) (as redesignated by subparagraph (A)), by striking “paragraph (1)” and inserting “subsection (a)”;

(C) in paragraph (2) (as redesignated by subparagraph (A)), by striking “paragraph” and inserting “subsection”; and

(6) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking “this paragraph” and inserting “this subsection”; and

(B) by striking “paragraph (1)” and inserting “subsection (a)”.

#### SEC. 1513. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking “Upon the establishment of the Program, there shall also be” and inserting “There shall be”;

(B) by inserting “National” before “Civilian Community Corps Advisory Board”; and

(C) by striking “to assist” and all that follows through the period at the end and inserting “to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. The Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.”;

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

“(8) The Administrator of the Federal Emergency Management Agency.

“(9) The Secretary of Transportation.

“(10) The Chief of the Forest Service.

“(11) The Administrator of the Environmental Protection Agency.

“(12) The Secretary of Energy.”; and

(C) in paragraph (13), as so redesignated, by striking “industry,” and inserting “public and private organizations.”.

#### SEC. 1514. EVALUATIONS.

Section 164 (42 U.S.C. 12624) is amended—

(1) in the section heading, by striking “ANNUAL EVALUATION” and inserting “EVALUATIONS”;

(2) by striking “an annual evaluation” and inserting “periodic evaluations”; and

(3) by striking “Civilian Community Corps programs” and inserting “National Civilian Community Corps Program”; and

(4) by adding at the end the following: “Upon completing each such evaluation, the Corporation shall transmit to the authorizing committees a report on the evaluation.”.

#### SEC. 1515. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

#### SEC. 1516. DEFINITIONS.

Subtitle E of title I (42 U.S.C. 12611 et seq.), as amended by this subtitle, is further amended—

(1) by redesignating section 166 as 165; and

(2) in section 165 (as redesignated by paragraph (1))—

(A) by striking paragraphs (2), (3), and (9);

(B) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(C) by inserting after paragraph (1) the following:

“(2) CAMPUS DIRECTOR.—The term ‘campus director’, with respect to a Corps campus, means the head of the campus under section 155(d).

“(3) CORPS.—The term ‘Corps’ means the National Civilian Community Corps required under section 155 as part of the National Civilian Community Corps Program.

“(4) CORPS CAMPUS.—The term ‘Corps campus’ means the facility or central location established as the operational headquarters and boarding place for particular Corps units.”;

(D) in paragraph (5) (as so redesignated), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(E) in paragraph (6) (as so redesignated), by inserting “National” before “Civilian Community Corps”;

(F) in paragraph (8) (as so redesignated), by striking “The terms” and all that follows through “Demonstration Program” and inserting “The term ‘Program’ means the National Civilian Community Corps Program”; and

(G) in paragraph (9) (as so redesignated)—

(i) in the paragraph heading, by striking “SERVICE LEARNING” and inserting “SERVICE-LEARNING”; and

(ii) in the matter preceding subparagraph (A), by striking “service learning” and inserting “service-learning”.

#### SEC. 1517. TERMINOLOGY.

Subtitle E of title I (as so amended) (42 U.S.C. 12611 et seq.) is further amended by striking the subtitle heading and inserting the following:

**“Subtitle E—National Civilian Community Corps”.**

**Subtitle F—Amendments to Subtitle F (Administrative Provisions)**

#### SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking “with respect to a project” and inserting “with respect to a project authorized under the national service laws”.

#### SEC. 1602. REPORTS.

Section 172 (42 U.S.C. 12632) is amended—

(1) in subsection (b)(1), by striking “appropriate authorizing and appropriations Committees of Congress” and inserting “authorizing committees, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate”; and

(2) in subsection (c)(2), by striking “the appropriate committees of Congress” and inserting “the authorizing committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate”.

#### SEC. 1603. USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

“(d) REFERRALS FOR FEDERAL ASSISTANCE.—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal Government.”.

#### SEC. 1604. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) in subsection (a)(2)(A), by striking “30 days” and inserting “1 or more periods of 30 days not to exceed a total of 90 days”; and

(2) in subsection (f)—

(A) in paragraph (1), by striking “A State or local applicant” and inserting “An entity”; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking “and”; and

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

“(D) in a case in which the grievance is filed by an individual applicant or participant—

“(i) the applicant’s selection or the participant’s reinstatement, as the case may be; and

“(ii) other changes in the terms and conditions of service applicable to the individual; and”.

#### SEC. 1605. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking “under this title” each place it appears and inserting “under the national service laws”; and

(2) in subsection (b)(1), by striking “employee or position” and inserting “employee, position, or volunteer (other than a participant under the national service laws)”; and

(3) by adding at the end the following:

“(f) PARENTAL INVOLVEMENT.—

“(1) IN GENERAL.—Programs that receive assistance under the national service laws shall

consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

“(2) PARENTAL PERMISSION.—Programs that receive assistance under the national service laws shall, before transporting minor children, provide the children’s parents with the reason for the transportation and obtain the parents’ written permission for such transportation, consistent with State law.”.

#### SEC. 1606. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (a)(2), by striking “sections 117B and 130” and inserting “section 130”; and

(2) in subsection (c)(1)—

(A) in subparagraph (1), by striking “section 122(a)” and all that follows through the period at the end and inserting “subsection (a), (b), or (c) of section 122.”; and

(B) by adding at the end the following:

“(J) A representative of the volunteer sector.”;

(3) in subsection (c)(3), by striking “, unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity”;

(4) in subsection (d)(6)(B), by striking “section 193A(b)(11)” and inserting “section 193A(b)(12)”;

(5) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

“(1) Preparation of a national service plan for the State that—

“(A) is developed, through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from the private sector, organizations, and public agencies, using service and volunteerism as strategies to meet critical community needs, including service through programs funded under the national service laws;

“(B) covers a 3-year period, the beginning of which may be set by the State;

“(C) is subject to approval by the chief executive officer of the State;

“(D) includes measurable goals and outcomes for the State national service programs in the State consistent with the performance levels for national service programs as described in section 179(k);

“(E) ensures outreach to diverse community-based agencies that serve underrepresented populations, through established networks and registries at the State level, or through the development of such networks and registries;

“(F) provides for effective coordination of funding applications submitted by the State and other organizations within the State under the national service laws;

“(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State;

“(H) ensures outreach to, and coordination with, municipalities (including large cities) and county governments regarding the national service laws; and

“(I) contains such information as the State Commission considers to be appropriate or as the Corporation may require.”; and

(B) in paragraph (2), by striking “sections 117B and 130” and inserting “section 130”;

(6) by redesignating subsections (f) through (j) as subsections (h) through (l), respectively; and

(7) by inserting after subsection (e) the following:

“(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive for the State, or specify alternatives for the State to, administrative re-

quirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by the State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State.

“(g) STATE SERVICE PLAN FOR ADULTS AGE 55 OR OLDER.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall work with appropriate State agencies and private entities to develop a comprehensive State service plan for service by adults age 55 or older.

“(2) MATTERS INCLUDED.—The State service plan shall include—

“(A) recommendations for policies to increase service for adults age 55 or older, including how to best use such adults as sources of social capital, and how to utilize their skills and experience to address community needs;

“(B) recommendations to the State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) on—

“(i) a marketing outreach plan to businesses; and

“(ii) outreach to—

“(I) nonprofit organizations;

“(II) the State educational agency;

“(III) institutions of higher education; and

“(IV) other State agencies;

“(C) recommendations for civic engagement and multigenerational activities, such as—

“(i) early childhood education and care, family literacy, and after school programs;

“(ii) respite services for adults age 55 or older and caregivers; and

“(iii) transitions for older adults age 55 or older to purposeful work in their post-career lives; and

“(D) recommendations for encouraging the development of Encore service programs in the State.

“(3) KNOWLEDGE BASE.—The State service plan shall incorporate the current knowledge base (as of the time of the plan) regarding—

“(A) the economic impact of the roles of workers age 55 or older in the economy;

“(B) the social impact of the roles of such workers in the community; and

“(C) the health and social benefits of active engagement for adults age 55 or older.

“(4) PUBLICATION.—The State service plan shall be made available to the public and be transmitted to the Chief Executive Officer.”.

#### SEC. 1607. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

“(1) the effectiveness of programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such programs, including an evaluation of each such program’s performance based on the performance levels established under subsection (k); and

“(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants’ time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost effectiveness and the impact of such programs.”;

(2) in subsection (g)—

(A) in paragraph (3), by striking “National Senior Volunteer Corps” and inserting “National Senior Service Corps”; and

(B) in paragraph (9), by striking “to public service” and all that follows through the period at the end and inserting “to engage in service that benefits the community.”;

(3) in the matter preceding subparagraph (A) of subsection (i)(2), by striking “Congress” and inserting “the authorizing committees”; and

(4) by adding at the end the following:

“(j) **RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.**—Notwithstanding any other provision of law, in addition to amounts appropriated to carry out this section, the Corporation may reserve not more than 1 percent of the total funds appropriated for a fiscal year under section 501 of this Act and sections 501 and 502 of the Domestic Volunteer Service Act of 1973 to support program accountability activities under this section.

“(k) **PERFORMANCE LEVELS.**—The Corporation shall, in consultation with each recipient of assistance under the national service laws, establish performance levels for such recipient to meet during the term of the assistance. The performance levels may include, for each national service program carried out by the recipient, performance levels based on the following performance measures:

“(1) Number of participants enrolled in the program and completing terms of service, as compared to the stated participation and retention goals of the program.

“(2) Number of volunteers recruited from the community in which the program was implemented.

“(3) If applicable based on the program design, the number of individuals receiving or benefiting from the service conducted.

“(4) Number of disadvantaged and underrepresented youth participants.

“(5) Measures of the sustainability of the program and the projects supported by the program, including measures to ascertain the level of community support for the program or projects.

“(6) Measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service.

“(7) Other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance and the Corporation.

“(l) **CORRECTIVE ACTION PLANS.**—

“(1) **IN GENERAL.**—A recipient of assistance under the national service laws that fails, as determined by the Corporation, to meet or exceed the performance levels agreed upon under subsection (k) for a national service program, shall reach an agreement with the Corporation on a corrective action plan to meet such performance levels.

“(2) **ASSISTANCE.**—

“(A) **NEW PROGRAM.**—For a program that has received assistance under the national service laws for less than 3 years and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall—

“(i) provide technical assistance to the recipient to address targeted performance problems relating to the performance levels for the program; and

“(ii) require the recipient to submit quarterly reports on the program’s progress toward meeting the performance levels for the program to the—

“(I) appropriate State, territory, or Indian tribe; and

“(II) the Corporation.

“(B) **ESTABLISHED PROGRAMS.**—For a program that has received assistance under the national service laws for 3 years or more and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall require the recipient to submit quarterly reports on the program’s

progress toward the performance levels for the program to—

“(i) the appropriate State, territory, or Indian tribe; and

“(ii) the Corporation.

“(m) **FAILURE TO MEET PERFORMANCE LEVELS.**—If, after a period for correction as approved by the Corporation in accordance with subsection (l), a recipient of assistance under the national service laws fails to meet or exceed the performance levels for a national service program, the Corporation shall—

“(1) reduce the annual amount of the assistance received by the underperforming recipient by at least 25 percent, for each remaining year of the grant period for that program; or

“(2) terminate assistance to the underperforming recipient for that program, in accordance with section 176(a).

“(n) **REPORTS.**—The Corporation shall submit to the authorizing committees not later than 2 years after the date of enactment of the Serve America Act, and annually thereafter, a report containing information on the number of—

“(1) recipients of assistance under the national service laws implementing corrective action plans under subsection (l)(1);

“(2) recipients for which the Corporation provides technical assistance for a program under subsection (l)(2)(A)(i);

“(3) recipients for which the Corporation terminates assistance for a program under subsection (m);

“(4) entities whose application for assistance under a national service law was rejected; and

“(5) recipients meeting or exceeding their performance levels under subsection (k).”.

#### **SEC. 1608. CIVIC HEALTH ASSESSMENT.**

(a) **IN GENERAL.**—Subtitle F of title I (42 U.S.C. 12631 et seq.), as amended by this subtitle, is further amended by inserting after section 179 the following:

#### **“SEC. 179A. CIVIC HEALTH ASSESSMENT AND VOLUNTEERING RESEARCH AND EVALUATION.**

“(a) **DEFINITION OF PARTNERSHIP.**—In this section, the term “partnership” means the Corporation, acting in conjunction with (consistent with the terms of an agreement entered into between the Corporation and the National Conference) the National Conference on Citizenship referred to in section 150701 of title 36, United States Code, to carry out this section.

“(b) **IN GENERAL.**—The partnership shall facilitate the establishment of a Civic Health Assessment by—

“(1) after identifying public and private sources of civic health data, selecting a set of civic health indicators, in accordance with subsection (c), that shall comprise the Civic Health Assessment;

“(2) obtaining civic health data relating to the Civic Health Assessment, in accordance with subsection (d); and

“(3) conducting related analyses, and reporting the data and analyses, as described in paragraphs (4) and (5) of subsection (d) and subsections (e) and (f).

“(c) **SELECTION OF INDICATORS FOR CIVIC HEALTH ASSESSMENT.**—

“(1) **IDENTIFYING SOURCES.**—The partnership shall select a set of civic health indicators that shall comprise the Civic Health Assessment. In making such selection, the partnership—

“(A) shall identify public and private sources of civic health data;

“(B) shall explore collaborating with other similar efforts to develop national indicators in the civic health domain; and

“(C) may sponsor a panel of experts, such as one convened by the National Academy of Sciences, to recommend civic health indicators and data sources for the Civic Health Assessment.

“(2) **TECHNICAL ADVICE.**—At the request of the partnership, the Director of the Bureau of the Census and the Commissioner of Labor Statistics shall provide technical advice to the partnership on the selection of the indicators for the Civic Health Assessment.

“(3) **UPDATES.**—The partnership shall periodically evaluate and update the Civic Health Assessment, and may expand or modify the indicators described in subsection (d)(1) as necessary to carry out the purposes of this section.

“(d) **DATA ON THE INDICATORS.**—

“(1) **SPONSORED DATA COLLECTION.**—In identifying the civic health indicators for the Civic Health Assessment, and obtaining data for the Assessment, the partnership may sponsor the collection of data for the Assessment or for the various civic health indicators being considered for inclusion in the Assessment, including indicators related to—

“(A) volunteering and community service;

“(B) voting and other forms of political and civic engagement;

“(C) charitable giving;

“(D) connecting to civic groups and faith-based organizations;

“(E) interest in employment, and careers, in public service in the nonprofit sector or government;

“(F) understanding and obtaining knowledge of United States history and government; and

“(G) social enterprise and innovation.

“(2) **DATA FROM STATISTICAL AGENCIES.**—The Director of the Bureau of the Census and the Commissioner of Labor Statistics shall collect annually, to the extent practicable, data to inform the Civic Health Assessment, and shall report data from such collection to the partnership. In determining the data to be collected, the Director and the Commissioner shall examine privacy issues, response rates, and other relevant issues.

“(3) **SOURCES OF DATA.**—To obtain data for the Civic Health Assessment, the partnership shall consider—

“(A) data collected through public and private sources; and

“(B) data collected by the Bureau of the Census, through the Current Population Survey, or by the Bureau of Labor Statistics, in accordance with paragraph (2).

“(4) **DEMOGRAPHIC CHARACTERISTICS.**—The partnership shall seek to obtain data for the Civic Health Assessment that will permit the partnership to analyze the data by age group, race and ethnicity, education level, and other demographic characteristics of the individuals involved.

“(5) **OTHER ISSUES.**—In obtaining data for the Civic Health Assessment, the partnership may also obtain such information as may be necessary to analyze—

“(A) the role of Internet technology in strengthening and inhibiting civic activities;

“(B) the role of specific programs in strengthening civic activities;

“(C) the civic attitudes and activities of new citizens and immigrants; and

“(D) other areas related to civic activities.

“(e) **REPORTING OF DATA.**—

“(1) **IN GENERAL.**—The partnership shall, not less often than once each year, prepare a report containing—

“(A) detailed data obtained under subsection (d), including data on the indicators comprising the Civic Health Assessment; and

“(B) the analyses described in paragraphs (4) and (5) of subsection (d), to the extent practicable based on the data the partnership is able to obtain.

“(2) **AGGREGATION AND PRESENTATION.**—The partnership shall, to the extent practicable, aggregate the data on the civic health indicators comprising the Civic Health Assessment by community, by State, and nationally. The report described in paragraph (1) shall present the aggregated data in a form that enables communities

and States to assess their civic health, as measured on each of the indicators comprising the Civic Health Assessment, and compare those measures with comparable measures of other communities and States.

“(3) **SUBMISSION.**—The partnership shall submit the report to the authorizing committees, and make the report available to the general public on the Corporation’s website.

“(f) **PUBLIC INPUT.**—The partnership shall—

“(1) identify opportunities for public dialogue and input on the Civic Health Assessment; and

“(2) hold conferences and forums to discuss the implications of the data and analyses reported under subsection (e).

“(g) **VOLUNTEERING RESEARCH AND EVALUATION.**—

“(1) **RESEARCH.**—The partnership shall provide for baseline research and tracking of domestic and international volunteering, and baseline research and tracking related to relevant data on the indicators described in subsection (d). In providing for the research and tracking under this subsection, the partnership shall consider data from the Supplements to the Current Populations Surveys conducted by the Bureau of the Census for the Bureau of Labor Statistics, and data from other public and private sources, including other data collected by the Bureau of the Census and the Bureau of Labor Statistics.

“(2) **IMPACT RESEARCH AND EVALUATION.**—The partnership shall sponsor an independent evaluation of the impact of domestic and international volunteering, including an assessment of best practices for such volunteering, and methods of improving such volunteering through enhanced collaboration among—

“(A) entities that recruit, manage, support, and utilize volunteers;

“(B) institutions of higher education; and

“(C) research institutions.

“(h) **DATABASE PROHIBITION.**—Nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals participating in data collection for sources of information under this section.”

#### **SEC. 1609. CONTINGENT EXTENSION.**

Section 181 (42 U.S.C. 12641) is amended by striking “Section 414” and inserting “Section 422”.

#### **SEC. 1610. PARTNERSHIPS WITH SCHOOLS.**

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

“(b) **REPORT.**—

“(1) **FEDERAL AGENCY SUBMISSION.**—The head of each Federal agency and department shall prepare and submit to the Corporation a report concerning the implementation of this section, including an evaluation of the agency or department’s performance on performance goals and benchmarks for each partnership program of the agency or department.

“(2) **REPORT TO CONGRESS.**—The Corporation shall prepare and submit to the authorizing committees a compilation of the information received under paragraph (1).”

#### **SEC. 1611. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.**

Section 183 (42 U.S.C. 12643) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “The” and inserting “Consistent with otherwise applicable law, the”; and

(B) in paragraph (1), by inserting “territory,” after “local government,”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “The” and inserting “Consistent with otherwise applicable law, the”; and

(B) in paragraph (1), by inserting “territory” after “local government,”; and

(3) by adding at the end the following:

“(c) **INSPECTOR GENERAL.**—Consistent with otherwise applicable law, the Inspector General of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

“(1) within the possession or control of the Corporation or any State or local government, territory, Indian tribe, or public or private non-profit organization receiving assistance directly or indirectly under the national service laws; and

“(2) that relates to—

“(A) such assistance; and

“(B) the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).”

#### **SEC. 1612. ADDITIONAL ADMINISTRATIVE PROVISIONS.**

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

#### **“SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.**

“(a) **IN GENERAL.**—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs, projects, and activities funded under the national service laws.

“(b) **REPORT TO CONGRESS.**—Not later than 18 months after the effective date of the Serve America Act, the Corporation shall submit to the authorizing committees a report containing information on the actions taken to consolidate or modify the application procedures and reporting requirements for programs, projects, and activities funded under the national service laws, including a description of the procedures for consultation with recipients of the funding.

#### **“SEC. 186. SUSTAINABILITY.**

“The Corporation, after consultation with State Commissions and recipients of assistance, may set sustainability goals for projects or programs under the national service laws, so that recipients of assistance under the national service laws are carrying out sustainable projects or programs. Such sustainability goals shall be in writing and shall be used—

“(1) to build the capacity of the projects or programs that receive assistance under the national service laws to meet community needs;

“(2) in providing technical assistance to recipients of assistance under the national service laws regarding acquiring and leveraging non-Federal funds for support of the projects or programs that receive such assistance; and

“(3) to determine whether the projects or programs, receiving such assistance, are generating sufficient community support.

#### **“SEC. 187. GRANT PERIODS.**

“Unless otherwise specifically provided, the Corporation has authority to award a grant or contract, or enter into a cooperative agreement, under the national service laws for a period of 3 years.

#### **“SEC. 188. GENERATION OF VOLUNTEERS.**

“In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant’s proposal will increase the involvement of volunteers in meeting community needs. In reviewing the application for this purpose, the Corporation may take into account the mission of the applicant.

#### **“SEC. 189. LIMITATION ON PROGRAM GRANT COSTS.**

“(a) **LIMITATION ON GRANT AMOUNTS.**—Except as otherwise provided by this section, the amount of funds approved by the Corporation for a grant to operate a program authorized under the national service laws, for supporting

individuals serving in approved national service positions, may not exceed \$18,000 per full-time equivalent position.

“(b) **COSTS SUBJECT TO LIMITATION.**—The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall apply to the Corporation’s share of the member support costs, staff costs, and other costs to operate a program authorized under the national service laws incurred, by the recipient of the grant.

“(c) **COSTS NOT SUBJECT TO LIMITATION.**—The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall not apply to expenses under a grant authorized under the national service laws to operate a program that are not included in the grant award for operating the program.

“(d) **ADJUSTMENTS FOR INFLATION.**—The amounts specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

#### **“(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.**

“(1) **WAIVER.**—The Chief Executive Officer may increase the limitation under subsection (a) to not more than \$19,500 per full-time equivalent position if necessary to meet the compelling needs of a particular program, such as—

“(A) exceptional training needs for a program serving disadvantaged youth;

“(B) the need to pay for increased costs relating to the participation of individuals with disabilities;

“(C) the needs of tribal programs or programs located in the territories; and

“(D) the need to pay for start-up costs associated with a first-time recipient of assistance under a program of the national service laws.

“(2) **REPORTS.**—The Chief Executive Officer shall report to the authorizing committees annually on all limitations increased under this subsection, with an explanation of the compelling needs justifying such increases.

#### **“SEC. 189A. MATCHING FUNDS FOR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, a severely economically distressed community that receives assistance from the Corporation for any program under the national service laws shall not be subject to any requirements to provide matching funds for any such program, and the Federal share of such assistance for such a community may be 100 percent.

“(b) **SEVERELY ECONOMICALLY DISTRESSED COMMUNITY.**—For the purposes of this section, the term ‘severely economically distressed community’ means—

“(1) an area that has a mortgage foreclosure rate, home price decline, and unemployment rate all of which are above the national average for such rates or level, for the most recent 12 months for which satisfactory data are available; or

“(2) a residential area that lacks basic living necessities, such as water and sewer systems, electricity, paved roads, and safe, sanitary housing.

#### **“SEC. 189B. AUDITS AND REPORTS.**

“The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note; Public Law 101-576) and chapter 91 of title 31, United States Code (commonly known as the ‘Government Corporation Control Act’). The Corporation shall report to the authorizing committees any failure to comply with such requirements.

#### **“SEC. 189C. RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.**

“(a) **GENERAL PROHIBITION.**—Nothing in the national service laws shall be construed to authorize an officer or employee of the Federal

Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

“(b) **PROHIBITION ON ENDORSEMENT OF CURRICULUM.**—Notwithstanding any other prohibition of Federal law, no funds provided to the Corporation under this Act may be used by the Corporation to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

“(c) **PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION STANDARDS.**—Notwithstanding any other provision of Federal law, not State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

**“SEC. 189D. CRIMINAL HISTORY CHECKS.**

“(a) **IN GENERAL.**—Each entity selecting individuals to serve in a position in which the individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

“(b) **REQUIREMENTS.**—A criminal history check under subsection (a) shall, except in cases approved for good cause by the Corporation, include—

“(1) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

“(2)(A) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

“(B) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

“(c) **ELIGIBILITY PROHIBITION.**—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

“(1) refuses to consent to the criminal history check described in subsection (b);

“(2) makes a false statement in connection with such criminal history check;

“(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.”.

**SEC. 1613. AVAILABILITY OF ASSISTANCE.**

(a) **AMENDMENT.**—Subtitle F of title I is further amended by inserting after section 184 the following:

**“SEC. 184A. AVAILABILITY OF ASSISTANCE.**

“A reference in subtitle C, D, E, or H of title I regarding an entity eligible to receive direct or indirect assistance to carry out a national service program shall include a non-profit organization promoting competitive and non-competitive sporting events involving individuals with disabilities (including the Special Olympics), which enhance the quality of life for individuals with disabilities.”.

**SEC. 1614. CRIMINAL HISTORY CHECKS FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.**

(a) **AMENDMENT.**—Section 189D, as added by section 1612, is further amended by adding at the end the following:

“(d) **SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.**—

“(1) **IN GENERAL.**—Notwithstanding subsection (b), on and after the date that is 2 years after

the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except for an entity described in paragraph (3), include—

“(A) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

“(B) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; and

“(C) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

“(2) **INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.**—An individual described in this paragraph is an individual age 18 or older who—

“(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

“(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

“(i) children age 17 years or younger;

“(ii) individuals age 60 years or older; or

“(iii) individuals with disabilities.

“(3) **EXCEPTIONS.**—The provisions of this subsection shall not apply to an entity—

“(A) where the service provided by individuals serving with the entity to a vulnerable population described in paragraph (2)(B) is episodic in nature or for a 1-day period;

“(B) where the cost to the entity of complying with this subsection is prohibitive;

“(C) where the entity is not authorized, or is otherwise unable, under State law, to access the national criminal history background check system of the Federal Bureau of Investigation;

“(D) where the entity is not authorized, or is otherwise unable, under Federal law, to access the national criminal history background check system of the Federal Bureau of Investigation; or

“(E) to which the Corporation otherwise provides an exemption from this subsection for good cause.”.

(b) **FEASIBILITY STUDY FOR A SYSTEM OF CRIMINAL HISTORY CHECKS FOR EMPLOYEES AND VOLUNTEERS.**—

(1) **FEASIBILITY STUDY ON EFFICIENCY AND EFFECTIVENESS REGARDING CRIMINAL HISTORY CHECK.**—The Attorney General of the United States shall conduct a study that shall examine, to the extent discernible and as of the date of the study, the following:

(A) The state of criminal history checks (including the use of fingerprint collection) at the State and local level, including—

(i) the available infrastructure for conducting criminal history checks;

(ii) the State system capacities to conduct such criminal history checks; and

(iii) the time required for each State to process an individual's fingerprints for a national criminal history background check through the Federal Bureau of Investigation, from the time of fingerprint collection to the submission to the Federal Bureau of Investigation.

(B) The likelihood that each State would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.

(C) The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.

(D) The impact of the national service laws on the Integrated Automated Fingerprint Identifi-

cation System of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on the work practices and staffing levels of the Federal Bureau of Investigation.

(E) The fees charged by the Federal Bureau of Investigation, States, local agencies, and private companies to collect and process fingerprints and conduct criminal history checks.

(F) The existence of model or best practice programs regarding conducting criminal history checks that could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing criminal history checks, and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

(J) The extent to which States provide access to nationwide criminal history checks to organizations that serve children.

(K) The extent to which States permit volunteers and other individuals to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) Any privacy concerns that may arise from nationwide criminal background checks for participants.

(M) Any other information determined relevant by the Attorney General.

(2) **INTERIM REPORT.**—Based on the findings of the study under paragraph (1), the Attorney General shall, not later than 6 months after the date of the enactment of this Act, submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities.

(3) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives, a final report including recommendations regarding criminal history checks for participants under the national service laws, which may include—

(A) a proposal for grants to States to develop or improve programs to collect fingerprints and perform criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities; and

(B) recommendations for amendments to the National Child Protection Act of 1993 and the Volunteers for Children Act so that entities receiving assistance under the national service laws can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

(4) **DEFINITIONS.**—In this subsection, the terms “authorizing committees”, “participants”, and “national service laws” have the meanings given such terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(c) **EFFECTIVE DATE.**—Notwithstanding section 6101, subsection (b) shall take effect on the date of enactment of this Act.



**Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)**

**SEC. 1701. TERMS OF OFFICE.**

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) **TERMS.**—Subject to subsection (e), each appointed member shall serve for a term of 5 years.”; and

(2) by adding at the end the following:

“(e) **SERVICE UNTIL APPOINTMENT OF SUCCESSOR.**—A voting member of the Board whose term has expired may continue to serve on the Board until the date on which the member's successor takes office, which period shall not exceed 1 year.”.

**SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.**

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1), by striking “shall—” and inserting “shall have responsibility for setting overall policy for the Corporation and shall—”;

(2) in paragraph (1), by inserting before the semicolon at the end the following: “, and review the budget proposal in advance of submission to the Office of Management and Budget”;

(3) in paragraph (5)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President.”;

(4) in paragraph (8), by striking “the Congress” each place it appears and inserting “the authorizing committees”;

(5) by striking paragraph (10) and inserting the following:

“(10) notwithstanding any other provision of law—

“(A) make grants to or contracts with Federal and other public departments or agencies, and private nonprofit organizations, for the assignment or referral of volunteers under the provisions of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (except as provided in section 108 of such Act), which may provide that the agency or organization shall pay all or a part of the costs of the program; and

“(B) enter into agreements with other Federal agencies or private nonprofit organizations for the support of programs under the national service laws, which—

“(i) may provide that the agency or organization shall pay all or a part of the costs of the program, except as is provided in section 121(b); and

“(ii) shall provide that the program (including any program operated by another Federal agency) will comply with all requirements related to evaluation, performance, and other goals applicable to similar programs under the national service laws, as determined by the Corporation.”; and

(6) in paragraph (11)—

(A) by striking “Congress” each place it appears and inserting “authorizing committees”;

(B) by striking “section 193A(b)(10)” and inserting “section 193A(b)(11)”;

(C) by striking “September 30, 1995” and inserting “January 1, 2012”.

**SEC. 1703. CHIEF EXECUTIVE OFFICER COMPENSATION.**

Section 193(b) (42 U.S.C. 12651c(b)) is amended by striking the period and inserting “, plus 3 percent.”.

**SEC. 1704. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.**

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “shall—” and inserting “, in collaboration with the State Commissions, shall—”;

(B) in paragraph (1), by inserting after “a strategic plan” the following: “, including a plan for having 50 percent of all approved national service positions be full-time positions by 2012.”;

(C) in paragraph (2)(B), by inserting “, approved summer of service positions, and approved silver scholar positions” after “approved national service positions”;

(D) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively;

(E) by inserting after paragraph (6) the following:

“(7) prepare and submit to the authorizing committees and the Board an annual report on actions taken to achieve the goal of having 50 percent of all approved national service positions be full-time positions by 2012 as described in paragraph (1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal.”;

(F) in the matter preceding subparagraph (A) of paragraph (10) (as so redesignated), by striking “appropriate committees of Congress” and inserting “authorizing committees”;

(G) in paragraph (11) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking “by June 30, 1995,” and inserting “periodically.”;

(ii) in subparagraph (A)(i)—

(I) by striking “described in section 122(c)(1)”;

and

(II) by striking “national priorities designed to meet the” and inserting “national priorities, as described in section 122(f)(1), designed to meet”;

(iii) in subparagraph (B), by striking “and” after a semicolon;

(H) in paragraph (12) (as so redesignated), by striking the period at the end and inserting a semicolon; and

(I) by adding at the end the following:

“(13) bolster the public awareness of and recruitment efforts for the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

“(A) print media;

“(B) the Internet and related emerging technologies;

“(C) television;

“(D) radio;

“(E) presentations at public or private forums;

“(F) other innovative methods of communication; and

“(G) outreach to offices of economic development, State employment security agencies, labor organizations and trade associations, local educational agencies, institutions of higher education, agencies and organizations serving veterans and individuals with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

“(14) identify and implement methods of recruitment to—

“(A) increase the diversity of participants in the programs receiving assistance under the national service laws; and

“(B) increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

“(15) coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

“(16) collaborate with organizations with demonstrated expertise in supporting and ac-

commodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants who are individuals with disabilities in the programs receiving assistance under the national service laws;

“(17) identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

“(18) collaborate with organizations that have established volunteer recruitment programs to increase the recruitment capacity of the Corporation;

“(19) where practicable, provide application materials in languages other than English for individuals with limited English proficiency who wish to participate in a national service program;

“(20) collaborate with the training and technical assistance programs described in subtitle J with respect to the activities described in section 199N(b));

“(21) coordinate the clearinghouses described in section 198O;

“(22) coordinate with entities receiving funds under subtitle C in establishing the National Service Reserve Corps under section 198H, through which alumni of the national service programs and veterans can serve in disasters and emergencies (as such terms are defined in section 198H(a));

“(23) identify and implement strategies to increase awareness among Indian tribes of the types and availability of assistance under the national service laws, increase Native American participation in programs under the national service laws, collect information on challenges facing Native American communities, and designate a Strategic Advisor for Native American Affairs to be responsible for the execution of those activities under the national service laws;

“(24) conduct outreach to ensure the inclusion of economically disadvantaged individuals in national service programs and activities authorized under the national service laws; and

“(25) ensure that outreach, awareness, and recruitment efforts are consistent with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).”;

(2) in subsection (c)—

(A) in paragraph (9)—

(i) by striking “Congress” each place the term occurs and inserting “the authorizing committees”; and

(ii) by striking “and” at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

“(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and”;

(3) in subsection (f)(2)(B), by striking “date specified in subsection (b)(10)” and inserting “the first date that a report is submitted under subsection (b)(11) after the effective date of the Serve America Act”; and

(4) by adding at the end the following:

“(h) **AUTHORITY TO CONTRACT WITH BUSINESSES.**—The Chief Executive Officer may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(13), with priority given to those entities that have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and older adults.

“(i) **CAMPAIGN TO SOLICIT FUNDS.**—The Chief Executive Officer may conduct a campaign to solicit funds to conduct outreach and recruitment campaigns to recruit a diverse population

of service sponsors of, and participants in, programs and projects receiving assistance under the national service laws.”.

**SEC. 1705. CHIEF FINANCIAL OFFICER STATUS.**

Section 194(c) (42 U.S.C. 12651e(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) **IN GENERAL.**—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the Chief Executive Officer pursuant to subsections (a) and (b) of section 195.”; and

(2) by redesignating paragraph (3) as paragraph (2).

**SEC. 1706. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.**

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after “subdivision of a State,” the following: “territory.”; and

(B) in paragraph (3)—

(i) in the heading, by striking “MEMBER” and inserting “NONVOTING MEMBER”; and

(ii) by inserting “nonvoting” before “member”; and

(2) by adding at the end the following new subsection:

“(g) **PERSONAL SERVICES CONTRACTS.**—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.”.

**SEC. 1707. DONATED SERVICES.**

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) **ORGANIZATIONS AND INDIVIDUALS.**—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).”;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “Such a volunteer” and inserting “A person who provides assistance, either individually or as a member of an organization, in accordance with subparagraph (A)”;

(ii) in clause (i), by striking “a volunteer under this subtitle” and inserting “such a person”;

(iii) in clause (ii), by striking “volunteers under this subtitle” and inserting “such persons”; and

(iv) in clause (iii), by striking “such a volunteer” and inserting “such a person”; and

(C) in subparagraph (C)(i), by striking “Such a volunteer” and inserting “Such a person”; and

(2) by striking paragraph (3).

**SEC. 1708. ASSIGNMENT TO STATE COMMISSIONS.**

Subtitle G of title I (42 U.S.C. 12651 et seq.) is further amended by adding at the end the following:

**“SEC. 196B. ASSIGNMENT TO STATE COMMISSIONS.**

“(a) **ASSIGNMENT.**—In accordance with section 193A(c)(1), the Chief Executive Officer may assign to State Commissions specific programmatic functions upon a determination that such an assignment will increase efficiency in the operation or oversight of a program under the national service laws. In carrying out this section, and before executing any assignment of authority, the Corporation shall seek input from and consult Corporation employees, State Commis-

sions, State educational agencies, and other interested stakeholders.

“(b) **REPORT.**—Not later than 2 years after the effective date of the Serve America Act, the Corporation shall submit a report to the authorizing committees describing the consultation process described in subsection (a), including the stakeholders consulted, the recommendation of stakeholders, and any actions taken by the Corporation under this section.”.

**SEC. 1709. STUDY OF INVOLVEMENT OF VETERANS.**

Subtitle G of title I (42 U.S.C. 12651 et seq.) is further amended by adding at the end the following:

**“SEC. 196C. STUDY OF INVOLVEMENT OF VETERANS.**

“(a) **STUDY AND REPORT.**—The Corporation shall conduct a study and submit a report to the authorizing committees, not later than 3 years after the effective date of the Serve America Act, on—

“(1) the number of veterans serving in national service programs historically by year;

“(2) strategies being undertaken to identify the specific areas of need of veterans, including any goals set by the Corporation for veterans participating in the service programs;

“(3) the impact of the strategies described in paragraph (2) and the Veterans Corps on enabling greater participation by veterans in the national service programs carried out under the national service laws;

“(4) how existing programs and activities carried out under the national service laws could be improved to serve veterans, veterans service organizations, families of active-duty military, including gaps in services to veterans;

“(5) the extent to which existing programs and activities carried out under the national service laws are coordinated and recommendations to improve such coordination including the methods for ensuring the efficient financial organization of services directed towards veterans; and

“(6) how to improve utilization of veterans as resources and volunteers.

“(b) **CONSULTATION.**—In conducting the studies and preparing the reports required under this subsection, the Corporation shall consult with veterans’ service organizations, the Secretary of Veterans Affairs, State veterans agencies, the Secretary of Defense, as appropriate, and other individuals and entities the Corporation considers appropriate.”.

**SEC. 1710. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS IN SERVICES CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM PLANNING STUDY.**

(a) **PLANNING STUDY.**—The Corporation shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities (as of the time of the study) carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of displaced workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) **CONSULTATION.**—The study shall be carried out in consultation with the Secretary of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) **REPORT.**—Not later than 1 year after the effective date of this Act, the Corporation shall submit to the authorizing committees a report on the results of the planning study required by subsection (a), together with a plan for imple-

mentation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) **PILOT PROGRAM.**—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings and plan in the report submitted under subsection (c).

(e) **DEFINITIONS.**—In this section, the terms “Corporation”, “authorizing committees”, and “national service laws” have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.

**SEC. 1711. STUDY TO EVALUATE THE EFFECTIVENESS OF AGENCY COORDINATION.**

(a) **STUDY.**—In order to reduce administrative burdens and lower costs for national service programs carried out under the national service laws, the Corporation shall conduct a study to determine the feasibility and effectiveness of implementing a data matching system under which the statements of an individual declaring that such individual is in compliance with the requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3)) shall be verified by the Corporation by comparing information provided by the individual with information relevant to such a declaration in the possession of other Federal agencies. Such study shall—

(1) review the feasibility of—

(A) expanding, and participating in, the data matching conducted by the Department of Education with the Social Security Administration and the Department of Homeland Security, pursuant to section 484(g) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)); or

(B) establishing a comparable system of data matching with the Social Security Administration and the Department of Homeland Security; and

(2) identify—

(A) the costs, for both the Corporation and the other Federal agencies identified in paragraph (1), associated with expanding or establishing such a system of data matching;

(B) the benefits or detriments of such an expanded or comparable system both for the Corporation and for the other Federal agencies so identified;

(C) strategies for ensuring the privacy and security of participant information that is shared between Federal agencies and organizations receiving assistance under the national service laws;

(D) the information that needs to be shared in order to fulfill the eligibility requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3));

(E) an alternative system through which an individual’s compliance with section 146(a)(3) of such Act may be verified, should such an expanded or comparable system fail to verify the individual’s declaration of compliance; and

(F) recommendations for implementation of such an expanded or comparable system.

(b) **CONSULTATION.**—The Corporation shall carry out the study in consultation with the Secretary of Education, the Commissioner of the Social Security Administration, the Secretary of Homeland Security, and other Federal agencies, entities, and individuals that the Corporation considers appropriate.

(c) **REPORT.**—Not later than 9 months after the effective date of this Act, the Corporation shall submit to the authorizing committees a report on the results of the study required by subsection (a) and a plan for implementation of a pilot data matching program using promising

strategies and approaches identified in such study, if the Corporation determines such program to be feasible.

(d) **PILOT PROGRAM.**—From amounts made available to carry out this section, the Corporation may develop and carry out a pilot data matching program based on the report submitted under subsection (c).

(e) **DEFINITIONS.**—In this section, the terms “Corporation”, “authorizing committees”, and “national service laws” have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

#### **SEC. 1712. STUDY OF PROGRAM EFFECTIVENESS.**

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall develop performance measures for each program receiving Federal assistance under the national service laws.

(b) **CONTENTS.**—The performance measures developed under subsection (a) shall—

(1) to the maximum extent practicable draw on research-based, quantitative data;

(2) take into account program purpose and program design;

(3) include criteria to evaluate the cost effectiveness of programs receiving assistance under the national service laws;

(4) include criteria to evaluate the administration and management of programs receiving Federal assistance under the national service laws; and

(5) include criteria to evaluate oversight and accountability of recipients of assistance through such programs under the national service laws.

(c) **REPORT.**—Not later than 2 years after the development of the performance measures under subsection (a), and every 5 years thereafter, the Comptroller General of the United States shall prepare and submit to the authorizing committees and the Corporation’s Board of Directors a report containing an assessment of each such program with respect to the performance measures developed under subsection (a).

(d) **DEFINITIONS.**—In this section:

(1) **IN GENERAL.**—The terms “authorizing committees”, “Corporation”, and “national service laws” have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(2) **PROGRAM.**—The term “program” means an entire program carried out by the Corporation under the national service laws, such as the entire AmeriCorps program carried out under subtitle C.

#### **SEC. 1713. VOLUNTEER MANAGEMENT CORPS STUDY.**

(a) **FINDINGS.**—Congress finds the following:

(1) Many managers seek opportunities to give back to their communities and address the Nation’s challenges.

(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and State and local governments create efficiencies and cost savings and develop programs to serve communities in need.

(3) There are currently a large number of businesses and firms who are seeking to identify savings through sabbatical opportunities for senior employees.

(b) **STUDY AND PLAN.**—Not later than 6 months after the date of enactment of this Act, the Corporation shall—

(1) conduct a study on how best to establish and implement a Volunteer Management Corps program; and

(2) submit a plan regarding the establishment of such program to Congress and to the President.

(c) **CONSULTATION.**—In carrying out the study described in subsection (b)(1), the Corporation

may consult with experts in the private and nonprofit sectors.

(d) **EFFECTIVE DATE.**—Notwithstanding section 6101, this section shall take effect on the date of enactment of this Act.

#### **Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)**

#### **SEC. 1801. TECHNICAL AMENDMENT TO SUBTITLE H.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by inserting after the subtitle heading and before section 198 the following:

#### **“PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE”.**

#### **SEC. 1802. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.**

(a) **TECHNICAL AMENDMENTS.**—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking “subsection (r)” and inserting “subsection (g)”;

(2) in the matter preceding paragraph (1) of subsection (b), by striking “to improve the quality” and all that follows through “including—” and inserting “to address emergent needs through summer programs and other activities, and to support service-learning programs and national service programs, including—”;

(3) by striking subsections (c), (d), (e), (f), (h), (i), (j), (l), (m), and (p) and redesignating subsections (g), (k), (n), (o), (q), (r), and (s) as subsections (c), (d), (e), (f), (g), (h), and (i), respectively.

(b) **GLOBAL YOUTH SERVICE DAYS.**—Section 198 (42 U.S.C. 12653), as amended in subsection (a), is further amended—

(1) in subsection (g) (as redesignated by subsection (a)(3))—

(A) in the subsection heading, by striking “NATIONAL” and inserting “GLOBAL”;

(B) by striking “National Youth” each place it appears and inserting “Global Youth”;

(C) in paragraph (1)—

(i) by striking the first sentence and inserting “April 24, 2009, and April 23, 2010, are each designated as ‘Global Youth Service Days’.”; and

(ii) in the second sentence, by striking “appropriate ceremonies and activities” and inserting “appropriate youth-led community improvement and service-learning activities”;

(D) in paragraph (2)—

(i) by inserting “and other Federal departments and agencies” after “Corporation”; and

(ii) by striking “ceremonies and activities” and inserting “youth-led community improvement and service-learning activities”;

(E) in paragraph (3), by inserting “and other Federal departments and agencies” after “Corporation”.

(c) **CALL TO SERVICE CAMPAIGN AND SEPTEMBER 11TH DAY OF SERVICE.**—Section 198 (42 U.S.C. 12653), as amended by subsection (a), is further amended by adding at the end the following:

“(j) **CALL TO SERVICE CAMPAIGN.**—Not later than 180 days after the date of enactment of the Serve America Act, the Corporation shall conduct a nationwide ‘Call To Service’ campaign, to encourage all people of the United States, regardless of age, race, ethnicity, religion, or economic status, to engage in full- or part-time national service, long- or short-term public service in the nonprofit sector or government, or volunteering. In conducting the campaign, the Corporation may collaborate with other Federal agencies and entities, State Commissions, Governors, nonprofit and faith-based organizations, businesses, institutions of higher education, elementary schools, and secondary schools.

“(k) **SEPTEMBER 11TH DAY OF SERVICE.**—

“(1) **FEDERAL ACTIVITIES.**—The Corporation may organize and carry out appropriate ceremonies and activities, which may include activi-

ties that are part of the broader Call to Service Campaign under subsection (j), in order to observe the September 11th National Day of Service and Remembrance at the Federal level.

“(2) **ACTIVITIES.**—The Corporation may make grants and provide other support to community-based organizations to assist in planning and carrying out appropriate service, charity, and remembrance opportunities in conjunction with the September 11th National Day of Service and Remembrance.

“(3) **CONSULTATION.**—The Corporation may consult with and make grants or provide other forms of support to nonprofit organizations with expertise in representing families of victims of the September 11, 2001 terrorist attacks and other impacted constituencies, and in promoting the establishment of September 11 as an annually recognized National Day of Service and Remembrance.”.

#### **SEC. 1803. REPEALS.**

(a) **REPEALS.**—The following provisions are repealed:

(1) **CLEARINGHOUSES.**—Section 198A (42 U.S.C. 12653a).

(2) **MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.**—Section 198C (42 U.S.C. 12653c).

(3) **SPECIAL DEMONSTRATION PROJECT.**—Section 198D (42 U.S.C. 12653d).

(b) **REDESIGNATION.**—Section 198B (42 U.S.C. 12653b) is redesignated as section 198A.

#### **SEC. 1804. PRESIDENTIAL AWARDS.**

Section 198A(a)(2) (as redesignated by section 1803(b)) (42 U.S.C. 12653b(a)(2)) is further amended by striking “section 101(19)” and inserting “section 101”.

#### **SEC. 1805. NEW FELLOWSHIPS.**

Part I of subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following new sections:

#### **“SEC. 198B. SERVEAMERICA FELLOWSHIPS.**

“(a) **DEFINITIONS.**—In this section:

“(1) **AREA OF NATIONAL NEED.**—The term ‘area of national need’ means an area involved in efforts to—

“(A) improve education in schools for economically disadvantaged students;

“(B) expand and improve access to health care;

“(C) improve energy efficiency and conserve natural resources;

“(D) improve economic opportunities for economically disadvantaged individuals; or

“(E) improve disaster preparedness and response.

“(2) **ELIGIBLE FELLOWSHIP RECIPIENT.**—The term ‘eligible fellowship recipient’ means an individual who is selected by a State Commission under subsection (c) and, as a result of such selection, is eligible for a ServeAmerica Fellowship.

“(3) **FELLOW.**—The term ‘fellow’ means an eligible fellowship recipient who is awarded a ServeAmerica Fellowship and is designated a fellow under subsection (e)(2).

“(4) **SMALL SERVICE SPONSOR ORGANIZATION.**—The term ‘small service sponsor organization’ means a service sponsor organization described in subsection (d)(1) that has not more than 10 full-time employees and 10 part-time employees.

“(b) **GRANTS.**—

“(1) **IN GENERAL.**—From the amounts appropriated under section 501(a)(4)(B) and allotted under paragraph (2)(A), the Corporation shall make grants (including financial assistance and a corresponding allotment of approved national service positions), to the State Commission of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico with an application approved under this section, to enable such State Commissions to award ServeAmerica Fellowships under subsection (e).

“(2) ALLOTMENT; ADMINISTRATIVE COSTS.—

“(A) ALLOTMENT.—The amount allotted to a State Commission for a fiscal year shall be equal to an amount that bears the same ratio to the amount appropriated under section 501(a)(4)(B), as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(B) REALLOTMENT.—If a State Commission does not apply for an allotment under this subsection for any fiscal year, or if the State Commission's application is not approved, the Corporation shall reallocate the amount of the State Commission's allotment to the remaining State Commissions in accordance with subparagraph (A).

“(C) ADMINISTRATIVE COSTS.—Of the amount allotted to a State Commission under subparagraph (A), not more than 1.5 percent of such amount may be used for administrative costs.

“(3) NUMBER OF POSITIONS.—The Corporation shall—

“(A) establish or increase the number of approved national service positions under this subsection during each of fiscal years 2010 through 2014;

“(B) establish the number of approved positions at 500 for fiscal year 2010; and

“(C) increase the number of the approved positions to—

“(i) 750 for fiscal year 2011;

“(ii) 1,000 for fiscal year 2012;

“(iii) 1,250 for fiscal year 2013; and

“(iv) 1,500 for fiscal year 2014.

“(4) USES OF GRANT FUNDS.—

“(A) REQUIRED USES.—A grant awarded under this subsection shall be used to enable fellows to carry out service projects in areas of national need.

“(B) PERMITTED USES.—A grant awarded under this subsection may be used for—

“(i) oversight activities and mechanisms for the service sites of the fellows, as determined necessary by the State Commission or the Corporation, which may include site visits;

“(ii) activities to augment the experience of fellows, including activities to engage the fellows in networking opportunities with other national service participants; and

“(iii) recruitment or training activities for fellows.

“(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State Commission shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including information on the criteria and procedures that the State Commission will use for overseeing ServeAmerica Fellowship placements for service projects, under subsection (e).

“(c) ELIGIBLE FELLOWSHIP RECIPIENTS.—

“(1) APPLICATION.—

“(A) IN GENERAL.—An applicant desiring to become an eligible fellowship recipient shall submit an application to a State Commission that has elected to participate in the program authorized under this section, at such time and in such manner as the Commission may require, and containing the information described in subparagraph (B) and such additional information as the Commission may require. An applicant may submit such application to only 1 State Commission for a fiscal year.

“(B) CONTENTS.—The Corporation shall specify information to be provided in an application submitted under this subsection, which—

“(i) shall include—

“(I) a description of the area of national need that the applicant intends to address in the service project;

“(II) a description of the skills and experience the applicant has to address the area of national need;

“(III) a description of the type of service the applicant plans to provide as a fellow; and

“(IV) information identifying the local area within the State served by the Commission in which the applicant plans to serve for the service project; and

“(ii) may include, if the applicant chooses, the size of the registered service sponsor organization with which the applicant hopes to serve.

“(2) SELECTION.—Each State Commission shall—

“(A) select, from the applications received by the State Commission for a fiscal year, the number of eligible fellowship recipients that may be supported for that fiscal year based on the amount of the grant received by the State Commission under subsection (b); and

“(B) make an effort to award one-third of the fellowships available to the State Commission for a fiscal year, based on the amount of the grant received under subsection (b), to applicants who propose to serve the fellowship with small service sponsor organizations registered under subsection (d).

“(d) SERVICE SPONSOR ORGANIZATIONS.—

“(1) IN GENERAL.—Each service sponsor organization shall—

“(A) be a nonprofit organization;

“(B) satisfy qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight;

“(C) not be a recipient of other assistance, approved national service positions, or approved summer of service positions under the national service laws; and

“(D) at the time of registration with a State Commission, enter into an agreement providing that the service sponsor organization shall—

“(i) abide by all program requirements;

“(ii) provide an amount described in subsection (e)(3)(b) for each fellow serving with the organization through the ServeAmerica Fellowship;

“(iii) be responsible for certifying whether each fellow serving with the organization successfully completed the ServeAmerica Fellowship, and record and certify in a manner specified by the Corporation the number of hours served by a fellow for purposes of determining the fellow's eligibility for benefits; and

“(iv) provide timely access to records relating to the ServeAmerica Fellowship to the State Commission, the Corporation, and the Inspector General of the Corporation.

“(2) REGISTRATION.—

“(A) REQUIREMENT.—No service sponsor organization may receive a fellow under this section until the organization registers with the State Commission.

“(B) CLEARINGHOUSE.—The State Commission shall maintain a list of registered service sponsor organizations on a public website.

“(C) REVOCATION.—If a State Commission determines that a service sponsor organization is in violation of any of the applicable provisions of this section—

“(i) the State Commission shall revoke the registration of the organization;

“(ii) the organization shall not be eligible to receive assistance, approved national service positions, or approved summer of service positions under this title for not less than 5 years; and

“(iii) the State Commission shall have the right to remove a fellow from the organization and relocate the fellow to another site.

“(e) FELLOWS.—

“(1) IN GENERAL.—To be eligible to participate in a service project as a fellow and receive a ServeAmerica Fellowship, an eligible fellowship recipient shall—

“(A) within 3 months after being selected as an eligible fellowship recipient by a State Com-

mission, select a registered service sponsor organization described in subsection (d)—

“(i) with which the recipient is interested in serving under this section; and

“(ii) that is located in the State served by the State Commission;

“(B) enter into an agreement with the organization—

“(i) that specifies the service the recipient will provide if the placement is approved; and

“(ii) in which the recipient agrees to serve for 1 year on a full-time or part-time basis (as determined by the Corporation); and

“(C) submit such agreement to the State Commission.

“(2) AWARD.—Upon receiving the eligible fellowship recipient's agreement under paragraph (1), the State Commission shall award a ServeAmerica Fellowship to the recipient and designate the recipient as a fellow.

“(3) FELLOWSHIP AMOUNT.—

“(A) IN GENERAL.—From amounts received under subsection (b), each State Commission shall award each of the State's fellows a ServeAmerica Fellowship amount that is equal to 50 percent of the amount of the average annual VISTA subsistence allowance.

“(B) AMOUNT FROM SERVICE SPONSOR ORGANIZATION.—

“(i) IN GENERAL.—Except as provided in clause (ii) and subparagraph (E), the service sponsor organization shall award to the fellow serving such organization an amount that will ensure that the total award received by the fellow for service in the service project (consisting of such amount and the ServeAmerica Fellowship amount the fellow receives under subparagraph (A)) is equal to or greater than 70 percent of the average annual VISTA subsistence allowance.

“(ii) SMALL SERVICE SPONSOR ORGANIZATIONS.—In the case of a small service sponsor organization, the small service sponsor organization may decrease the amount of the service sponsor organization award required under clause (i) to not less than an amount that will ensure that the total award received by the fellow for service in the service project (as calculated in clause (i)) is equal to or greater than 60 percent of the average annual VISTA subsistence allowance.

“(C) MAXIMUM LIVING ALLOWANCE.—The total amount that may be provided to a fellow under this subparagraph shall not exceed 100 percent of the average annual VISTA subsistence allowance.

“(D) PRORATION OF AMOUNT.—In the case of a fellow who is authorized to serve a part-time term of service under the agreement described in paragraph (1)(B)(ii), the amount provided to a fellow under this paragraph shall be prorated accordingly.

“(E) WAIVER.—The Corporation may allow a State Commission to waive the amount required under subparagraph (B) from the service sponsor organization for a fellow serving the organization if—

“(i) such requirement is inconsistent with the objectives of the ServeAmerica Fellowship program; and

“(ii) the amount provided to the fellow under subparagraph (A) is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the ServeAmerica Fellowship program is located.

“(F) DEFINITION.—In this paragraph, the term ‘average annual VISTA subsistence allowance’ means the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

“(f) COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.—Service under a ServeAmerica Fellowship shall comply with section 132(a). For

purposes of applying that section to this subsection, a reference to assistance shall be considered to be a reference to assistance provided under this section.

“(g) **REPORTS.**—Each service sponsor organization that receives a fellow under this section shall, on a biweekly basis, report to the Corporation on the number of hours served and the services provided by that fellow. The Corporation shall establish a web portal for the organizations to use in reporting the information.

“(h) **EDUCATIONAL AWARDS.**—A fellow who serves in a service project under this section shall be considered to have served in an approved national service position and, upon meeting the requirements of section 147 for full-time or part-time national service, shall be eligible for a national service educational award described in such section. The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational award for such fellow.

**“SEC. 198C. SILVER SCHOLARSHIPS AND ENCORE FELLOWSHIPS.**

“(a) **SILVER SCHOLARSHIP GRANT PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Corporation may award fixed-amount grants (in accordance with section 129(l)) to community-based entities to carry out a Silver Scholarship Grant Program for individuals age 55 or older, in which such individuals complete not less than 350 hours of service in a year carrying out projects of national need and receive a Silver Scholarship in the form of a \$1,000 national service educational award. Under such a program, the Corporation shall establish criteria for the types of the service required to be performed to receive such award.

“(2) **TERM.**—Each program funded under this subsection shall be carried out over a period of 3 years (which may include 1 planning year), with a 1-year extension possible, if the program meets performance levels developed in accordance with section 179(k) and any other criteria determined by the Corporation.

“(3) **APPLICATIONS.**—To be eligible for a grant under this subsection, a community-based entity shall—

“(A) submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require; and

“(B) be a listed organization as described in subsection (b)(4).

“(4) **COLLABORATION ENCOURAGED.**—A community-based entity awarded a grant under this subsection is encouraged to collaborate with programs funded under title II of the Domestic Volunteer Service Act of 1973 in carrying out this program.

“(5) **ELIGIBILITY FOR FELLOWSHIP.**—An individual is eligible to receive a Silver Scholarship if the community-based entity certifies to the Corporation that the individual has completed not less than 350 hours of service under this section in a 1-year period.

“(6) **TRANSFER TO TRUST.**—The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational award for each silver scholar under this subsection.

“(7) **SUPPORT SERVICES.**—A community-based entity receiving a fixed-amount grant under this subsection may use a portion of the grant to provide transportation services to an eligible individual to allow such individual to participate in a service project.

“(b) **ENCORE FELLOWSHIPS.**—

“(1) **ESTABLISHMENT.**—The Corporation may award 1-year Encore Fellowships to enable individuals age 55 or older to—

“(A) carry out service projects in areas of national need; and

“(B) receive training and development in order to transition to full- or part-time public service in the nonprofit sector or government.

“(2) **PROGRAM.**—In carrying out the program, the Corporation shall—

“(A) maintain a list of eligible organizations for which Encore Fellows may be placed to carry out service projects through the program and shall provide the list to all Fellowship recipients; and

“(B) at the request of a Fellowship recipient—  
“(i) determine whether the requesting recipient is able to meet the service needs of a listed organization, or another organization that the recipient requests in accordance with paragraph (5)(B), for a service project; and

“(ii) upon making a favorable determination under clause (i), award the recipient with an Encore Fellowship, and place the recipient with the organization as an Encore Fellow under paragraph (5)(C).

“(3) **ELIGIBLE RECIPIENTS.**—

“(A) **IN GENERAL.**—An individual desiring to be selected as a Fellowship recipient shall—

“(i) be an individual who—

“(I) is age 55 or older as of the time the individual applies for the program; and

“(II) is not engaged in, but who wishes to engage in, full- or part-time public service in the nonprofit sector or government; and

“(ii) submit an application to the Corporation, at such time, in such manner, and containing such information as the Corporation may require, including—

“(I) a description of the area of national need that the applicant hopes to address through the service project;

“(II) a description of the skills and experience the applicant has to address an area of national need; and

“(III) information identifying the region of the United States in which the applicant wishes to serve.

“(B) **SELECTION BASIS.**—In determining which individuals to select as Fellowship recipients, the Corporation shall—

“(i) select not more than 10 individuals from each State; and

“(ii) give priority to individuals with skills and experience for which there is an ongoing high demand in the nonprofit sector and government.

“(4) **LISTED ORGANIZATIONS.**—To be listed under paragraph (2)(A), an organization shall—

“(A) be a nonprofit organization; and

“(B) submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including—

“(i) a description of—

“(I) the services and activities the organization carries out generally;

“(II) the area of national need that the organization seeks to address through a service project; and

“(III) the services and activities the organization seeks to carry out through the proposed service project;

“(ii) a description of the skills and experience that an eligible Encore Fellowship recipient needs to be placed with the organization as an Encore Fellow for the service project;

“(iii) a description of the training and leadership development the organization shall provide an Encore Fellow placed with the organization to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

“(iv) evidence of the organization's financial stability.

“(5) **PLACEMENT.**—

“(A) **REQUEST FOR PLACEMENT WITH LISTED ORGANIZATIONS.**—To be placed with a listed organization in accordance with paragraph (2)(B) for a service project, an eligible Encore Fellowship recipient shall submit an application for such placement to the Corporation at such time,

in such manner, and containing such information as the Corporation may require.

“(B) **REQUEST FOR PLACEMENT WITH OTHER ORGANIZATION.**—An eligible Encore Fellowship recipient may apply to the Corporation to serve the recipient's Encore Fellowship year with a nonprofit organization that is not a listed organization. Such application shall be submitted to the Corporation at such time, in such manner, and containing such information as the Corporation shall require, and shall include—

“(i) an identification and description of—

“(I) the organization;

“(II) the area of national need the organization seeks to address; and

“(III) the services or activities the organization carries out to address such area of national need;

“(ii) a description of the services the eligible Encore Fellowship recipient shall provide for the organization as an Encore Fellow; and

“(iii) a letter of support from the leader of the organization, including—

“(I) a description of the organization's need for the eligible Encore Fellowship recipient's services;

“(II) evidence that the organization is financially sound;

“(III) an assurance that the organization will provide training and leadership development to the eligible Encore Fellowship recipient if placed with the organization as an Encore Fellow, to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

“(IV) a description of the training and leadership development to be provided to the Encore Fellowship recipient if so placed.

“(C) **PLACEMENT AND AWARD OF FELLOWSHIP.**—If the Corporation determines that the eligible Encore Fellowship recipient is able to meet the service needs (including skills and experience to address an area of national need) of the organization that the eligible fellowship recipient requests under subparagraph (A) or (B), the Corporation shall—

“(i) approve the placement of the eligible Encore Fellowship recipient with the organization;

“(ii) award the eligible Encore Fellowship recipient an Encore Fellowship for a period of 1 year and designate the eligible Encore Fellowship recipient as an Encore Fellow; and

“(iii) in awarding the Encore Fellowship, make a payment, in the amount of \$11,000, to the organization to enable the organization to provide living expenses to the Encore Fellow for the year in which the Encore Fellow agrees to serve.

“(6) **MATCHING FUNDS.**—An organization that receives an Encore Fellow under this subsection shall agree to provide, for the living expenses of the Encore Fellow during the year of service, non-Federal contributions in an amount equal to not less than \$1 for every \$1 of Federal funds provided to the organization for the Encore Fellowship through the Encore Fellowship.

“(7) **TRAINING AND ASSISTANCE.**—Each organization that receives an Encore Fellow under this subsection shall provide training, leadership development, and assistance to the Encore Fellow, and conduct oversight of the service provided by the Encore Fellow.

“(8) **LEADERSHIP DEVELOPMENT.**—Each year, the Corporation shall convene current and former Encore Fellows to discuss the Encore Fellows' experiences related to service under this subsection and discuss strategies for increasing leadership and careers in public service in the nonprofit sector or government.

“(c) **EVALUATIONS.**—The Corporation shall conduct an independent evaluation of the programs authorized under subsections (a) and (b) and widely disseminate the results, including recommendations for improvement, to the service

community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies."

#### **SEC. 1806. NATIONAL SERVICE RESERVE CORPS.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

#### **"PART II—NATIONAL SERVICE RESERVE CORPS"**

##### **"SEC. 198H. NATIONAL SERVICE RESERVE CORPS.**

"(a) DEFINITIONS.—In this section—

"(1) the term 'National Service Reserve Corps member' means an individual who—

"(A) has completed a term of national service or is a veteran;

"(B) has successfully completed training described in subsection (c) within the previous 2 years;

"(C) completes not less than 10 hours of volunteering each year (which may include the training session described in subparagraph (B)); and

"(D) has indicated interest to the Corporation in responding to disasters and emergencies in a timely manner through the National Service Reserve Corps; and

"(2) the term 'term of national service' means a term or period of service under section 123.

"(b) ESTABLISHMENT OF NATIONAL SERVICE RESERVE CORPS.—

"(1) IN GENERAL.—In consultation with the Federal Emergency Management Agency, the Corporation shall establish a National Service Reserve Corps to prepare and deploy National Service Reserve Corps members to respond to disasters and emergencies in support of national service programs and other requesting programs and agencies.

"(2) GRANTS OR CONTRACTS.—In carrying out this section, the Corporation may enter into a grant or contract with an organization experienced in responding to disasters or in coordinating individuals who have completed a term of national service or are veterans, or may directly deploy National Service Reserve Corps members, as the Corporation determines necessary.

"(c) ANNUAL TRAINING.—The Corporation shall conduct or coordinate annual training sessions, consistent with the training requirements of the Federal Emergency Management Agency, for individuals who have completed a term of national service or are veterans, and who wish to join the National Service Reserve Corps.

"(d) DESIGNATION OF ORGANIZATIONS.—

"(1) IN GENERAL.—The Corporation shall designate organizations with demonstrated experience in responding to disasters or emergencies, including through using volunteers, for participation in the program under this section.

"(2) REQUIREMENTS.—The Corporation shall ensure that every designated organization is—

"(A) prepared to respond to disasters or emergencies;

"(B) prepared and able to utilize National Service Reserve Corps members in responding to disasters or emergencies; and

"(C) willing to respond in a timely manner when notified by the Corporation of a disaster or emergency.

"(e) DATABASES.—The Corporation shall develop or contract with an outside organization to develop—

"(1) a database of all National Service Reserve Corps members; and

"(2) a database of all nonprofit organizations that have been designated by the Corporation under subsection (d).

"(f) DEPLOYMENT OF NATIONAL SERVICE RESERVE CORPS.—

"(1) MAJOR DISASTERS OR EMERGENCIES.—If a major disaster or emergency is declared by the President pursuant to section 102 of the Robert T. Stafford Disaster Relief and Assistance Act

(42 U.S.C. 5122), the Administrator of the Federal Emergency Management Agency, in consultation with the Corporation, may task the National Service Reserve Corps to assist in response.

"(2) OTHER DISASTERS OR EMERGENCIES.—For a disaster or emergency that is not declared a major disaster or emergency under section 102 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122), the Corporation may directly, or through a grant or contract, deploy the National Service Reserve Corps.

"(3) DEPLOYMENT.—Under paragraph (1) or (2), the Corporation may—

"(A) deploy interested National Service Reserve Corps members on assignments of not more than 30 days to assist with local needs related to preparing or recovering from the incident in the affected area, either directly or through organizations designated under subsection (d);

"(B) make travel arrangements for the deployed National Service Reserve Corps members to the site of the incident; and

"(C) provide funds to those organizations that are responding to the incident with deployed National Service Reserve Corps members, to enable the organizations to coordinate and provide housing, living stipends, and insurance for those deployed members.

"(4) ALLOWANCE.—Any amounts that are utilized by the Corporation from funds appropriated under section 501(a)(4)(D) to carry out paragraph (1) for a fiscal year shall be kept in a separate fund. Any amounts in such fund that are not used during a fiscal year shall remain available to use to pay National Service Reserve Corps members an allowance, determined by the Corporation, for out-of-pocket expenses.

"(5) INFORMATION.—

"(A) NATIONAL SERVICE PARTICIPANTS.—The Corporation, the State Commissions, and entities receiving financial assistance for programs under subtitle C of this Act, or under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), shall inform participants about the National Service Reserve Corps upon the participants' completion of their term of national service.

"(B) VETERANS.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall inform veterans who are recently discharged, released, or separated from the Armed Forces about the National Service Reserve Corps.

"(6) COORDINATION.—In deploying National Service Reserve Corps members under this subsection, the Corporation shall—

"(A) avoid duplication of activities directed by the Federal Emergency Management Agency; and

"(B) consult and, as appropriate, partner with Citizen Corps programs and other local disaster agencies, including State and local emergency management agencies, voluntary organizations active in disaster, State Commissions, and similar organizations, in the affected area."

#### **SEC. 1807. SOCIAL INNOVATION FUNDS PILOT PROGRAM.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

#### **"PART III—SOCIAL INNOVATION FUNDS PILOT PROGRAM"**

##### **"SEC. 198K. FUNDS.**

"(a) FINDINGS.—Congress finds the following:

"(1) Social entrepreneurs and other nonprofit community organizations are developing innovative and effective solutions to national and local challenges.

"(2) Increased public and private investment in replicating and expanding proven effective solutions, and supporting new solutions, developed by social entrepreneurs and other non-

profit community organizations could allow those entrepreneurs and organizations to replicate and expand proven initiatives, and support new initiatives, in communities.

"(3) A network of Social Innovation Funds could leverage Federal investments to increase State, local, business, and philanthropic resources to replicate and expand proven solutions and invest in supporting new innovations to tackle specific identified community challenges.

"(b) PURPOSES.—The purposes of this section are—

"(1) to recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in tackling national and local challenges;

"(2) to stimulate the development of a network of Social Innovation Funds that will increase private and public investment in nonprofit community organizations that are effectively addressing national and local challenges to allow such organizations to replicate and expand proven initiatives or support new initiatives;

"(3) to assess the effectiveness of such Funds in—

"(A) leveraging Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

"(B) providing resources to replicate and expand effective initiatives; and

"(C) seeding experimental initiatives focused on improving outcomes in the areas described in subsection (f)(3); and

"(4) to strengthen the infrastructure to identify, invest in, replicate, and expand initiatives with effective solutions to national and local challenges.

"(c) DEFINITIONS.—In this section:

"(1) COMMUNITY ORGANIZATION.—The term 'community organization' means a nonprofit organization that carries out innovative, effective initiatives to address community challenges.

"(2) COVERED ENTITY.—The term 'covered entity' means—

"(A) an existing grantmaking institution (existing as of the date on which the institution applies for a grant under this section); or

"(B) a partnership between—

"(i) such an existing grantmaking institution; and

"(ii) an additional grantmaking institution, a State Commission, or a chief executive officer of a unit of general local government.

"(3) ISSUE AREA.—The term 'issue area' means an area described in subsection (f)(3).

"(d) PROGRAM.—From the amounts appropriated to carry out this section that are not reserved under subsections (l) and (m), the Corporation shall establish a Social Innovation Funds grant program to make grants on a competitive basis to eligible entities for Social Innovation Funds.

"(e) PERIODS; AMOUNTS.—The Corporation shall make such grants for periods of 5 years, and may renew the grants for additional periods of 5 years, in amounts of not less than \$1,000,000 and not more than \$10,000,000 per year.

"(f) ELIGIBILITY.—To be eligible to receive a grant under subsection (d), an entity shall—

"(1) be a covered entity;

"(2) propose to focus on—

"(A) serving a specific local geographical area; or

"(B) addressing a specific issue area;

"(3) propose to focus on improving measurable outcomes relating to—

"(A) education for economically disadvantaged elementary or secondary school students;

"(B) child and youth development;

"(C) reductions in poverty or increases in economic opportunity for economically disadvantaged individuals;

"(D) health, including access to health services and health education;



“(E) resource conservation and local environmental quality;

“(F) individual or community energy efficiency;

“(G) civic engagement; or

“(H) reductions in crime;

“(4) have an evidence-based decisionmaking strategy, including—

“(A) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; and

“(B) a well-articulated plan to—

“(i)(I) replicate and expand research-proven initiatives that have been shown to produce sizeable, sustained benefits to participants or society; or

“(II) support new initiatives with a substantial likelihood of significant impact; or

“(ii) partner with a research organization to carry out rigorous evaluations to assess the effectiveness of such initiatives; and

“(5) have appropriate policies, as determined by the Corporation, that protect against conflict of interest, self-dealing, and other improper practices.

“(g) APPLICATION.—To be eligible to receive a grant under subsection (d) for national leveraging capital, an eligible entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may specify, including, at a minimum—

“(1) an assurance that the eligible entity will—

“(A) use the funds received through that capital in order to make subgrants to community organizations that will use the funds to replicate or expand proven initiatives, or support new initiatives, in low-income communities;

“(B) in making decisions about subgrants for communities, consult with a diverse cross section of community representatives in the decisions, including individuals from the public, nonprofit private, and for-profit private sectors; and

“(C) make subgrants of a sufficient size and scope to enable the community organizations to build their capacity to manage initiatives, and sustain replication or expansion of the initiatives;

“(2) an assurance that the eligible entity will not make any subgrants to the parent organizations of the eligible entity, a subsidiary organization of the parent organization, or, if the eligible entity applied for funds under this section as a partnership, any member of the partnership;

“(3) an identification of, as appropriate—

“(A) the specific local geographical area referred to in subsection (f)(2)(A) that the eligible entity is proposing to serve; or

“(B) the issue area referred to in subsection (f)(2)(B) that the eligible entity will address, and the geographical areas that the eligible entity is likely to serve in addressing such issue area;

“(4)(A) information identifying the issue areas in which the eligible entity will work to improve measurable outcomes;

“(B) statistics on the needs related to those issue areas in, as appropriate—

“(i) the specific local geographical area described in paragraph (3)(A); or

“(ii) the geographical areas described in paragraph (3)(B), including statistics demonstrating that those geographical areas have high need in the specific issue area that the eligible entity is proposing to address; and

“(C) information on the specific measurable outcomes related to the issue areas involved that the eligible entity will seek to improve;

“(5) information describing the process by which the eligible entity selected, or will select,

community organizations to receive the subgrants, to ensure that the community organizations—

“(A) are institutions—

“(i) with proven initiatives and a demonstrated track record of achieving specific outcomes related to the measurable outcomes for the eligible entity; or

“(ii) that articulate a new solution with a significant likelihood for substantial impact;

“(B) articulate measurable outcomes for the use of the subgrant funds that are connected to the measurable outcomes for the eligible entity;

“(C) will use the funds to replicate, expand, or support their initiatives;

“(D) provide a well-defined plan for replicating, expanding, or supporting the initiatives funded;

“(E) can sustain the initiatives after the subgrant period concludes through reliable public revenues, earned income, or private sector funding;

“(F) have strong leadership and financial and management systems;

“(G) are committed to the use of data collection and evaluation for improvement of the initiatives;

“(H) will implement and evaluate innovative initiatives, to be important contributors to knowledge in their fields; and

“(I) will meet the requirements for providing matching funds specified in subsection (k);

“(6) information about the eligible entity, including its experience managing collaborative initiatives, or assessing applicants for grants and evaluating the performance of grant recipients for outcome-focused initiatives, and any other relevant information;

“(7) a commitment to meet the requirements of subsection (i) and a plan for meeting the requirements, including information on any funding that the eligible entity has secured to provide the matching funds required under that subsection;

“(8) a description of the eligible entity's plan for providing technical assistance and support, other than financial support, to the community organizations that will increase the ability of the community organizations to achieve their measurable outcomes;

“(9) information on the commitment, institutional capacity, and expertise of the eligible entity concerning—

“(A) collecting and analyzing data required for evaluations, compliance efforts, and other purposes;

“(B) supporting relevant research; and

“(C) submitting regular reports to the Corporation, including information on the initiatives of the community organizations, and the replication or expansion of such initiatives;

“(10) a commitment to use data and evaluations to improve the eligible entity's own model and to improve the initiatives funded by the eligible entity; and

“(11) a commitment to cooperate with any evaluation activities undertaken by the Corporation.

“(h) SELECTION CRITERIA.—In selecting eligible entities to receive grants under subsection (d), the Corporation shall—

“(1) select eligible entities on a competitive basis;

“(2) select eligible entities on the basis of the quality of their selection process, as described in subsection (g)(5), the capacity of the eligible entities to manage Social Innovation Funds, and the potential of the eligible entities to sustain the Funds after the conclusion of the grant period;

“(3) include among the grant recipients eligible entities that propose to provide subgrants to serve communities (such as rural low-income communities) that the eligible entities can dem-

onstrate are significantly philanthropically underserved;

“(4) select a geographically diverse set of eligible entities; and

“(5) take into account broad community perspectives and support.

“(i) MATCHING FUNDS FOR GRANTS.—

“(1) IN GENERAL.—The Corporation may not make a grant to an eligible entity under subsection (d) for a Social Innovation Fund unless the entity agrees that, with respect to the cost described in subsection (d) for that Fund, the entity will make available matching funds in an amount equal to not less than \$1 for every \$1 of funds provided under the grant.

“(2) ADDITIONAL REQUIREMENTS.—

“(A) TYPE AND SOURCES.—The eligible entity shall provide the matching funds in cash. The eligible entity shall provide the matching funds from State, local, or private sources, which may include State or local agencies, businesses, private philanthropic organizations, or individuals.

“(B) ELIGIBLE ENTITIES INCLUDING STATE COMMISSIONS OR LOCAL GOVERNMENT OFFICES.—

“(i) IN GENERAL.—In a case in which a State Commission, a local government office, or both entities are a part of the eligible entity, the State involved, the local government involved, or both entities, respectively, shall contribute not less than 30 percent and not more than 50 percent of the matching funds.

“(ii) LOCAL GOVERNMENT OFFICE.—In this subparagraph, the term ‘local government office’ means the office of the chief executive officer of a unit of general local government.

“(3) REDUCTION.—The Corporation may reduce by 50 percent the matching funds required by paragraph (1) for an eligible entity serving a community (such as a rural low-income community) that the eligible entity can demonstrate is significantly philanthropically underserved.

“(j) SUBGRANTS.—

“(1) SUBGRANTS AUTHORIZED.—An eligible entity receiving a grant under subsection (d) is authorized to use the funds made available through the grant to award, on a competitive basis, subgrants to expand or replicate proven initiatives, or support new initiatives with a substantial likelihood of success, to—

“(A) community organizations serving low-income communities within the specific local geographical area described in the eligible entity's application in accordance with subsection (g)(3)(A); or

“(B) community organizations addressing a specific issue area described in the eligible entity's application in accordance with subsection (g)(3)(B), in low-income communities in the geographical areas described in the application.

“(2) PERIODS; AMOUNTS.—The eligible entity shall make such subgrants for periods of not less than 3 and not more than 5 years, and may renew the subgrants for such periods, in amounts of not less than \$100,000 per year.

“(3) APPLICATIONS.—To be eligible to receive a subgrant from an eligible entity under this section, including receiving a payment for that subgrant each year, a community organization shall submit an application to an eligible entity that serves the specific local geographical area, or geographical areas, that the community organization proposes to serve, at such time, in such manner, and containing such information as the eligible entity may require, including—

“(A) a description of the initiative the community organization carries out and plans to replicate or expand, or of the new initiative the community organization intends to support, using funds received from the eligible entity, and how the initiative relates to the issue areas in which the eligible entity has committed to work in the eligible entity's application, in accordance with subsection (g)(4)(A);

“(B) data on the measurable outcomes the community organization has improved, and information on the measurable outcomes the community organization seeks to improve by replicating or expanding a proven initiative or supporting a new initiative, which shall be among the measurable outcomes that the eligible entity identified in the eligible entity’s application, in accordance with subsection (g)(4)(C);

“(C) an identification of the community in which the community organization proposes to carry out an initiative, which shall be within a local geographical area described in the eligible entity’s application in accordance with subparagraph (A) or (B) of subsection (g)(3), as applicable;

“(D) a description of the evidence-based decisionmaking strategies the community organization uses to improve the measurable outcomes, including—

“(i) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; or

“(ii) a well-articulated plan to conduct, or partner with a research organization to conduct, rigorous evaluations to assess the effectiveness of initiatives addressing national or local challenges;

“(E) a description of how the community organization uses data to analyze and improve its initiatives;

“(F) specific evidence of how the community organization will meet the requirements for providing matching funds specified in subsection (k);

“(G) a description of how the community organization will sustain the replicated or expanded initiative after the conclusion of the subgrant period; and

“(H) any other information the eligible entity may require, including information necessary for the eligible entity to fulfill the requirements of subsection (g)(5).

“(K) MATCHING FUNDS FOR SUBGRANTS.—

“(1) IN GENERAL.—An eligible entity may not make a subgrant to a community organization under this section for an initiative described in subsection (j)(3)(A) unless the organization agrees that, with respect to the cost of carrying out that initiative, the organization will make available, on an annual basis, matching funds in an amount equal to not less than \$1 for every \$1 of funds provided under the subgrant. If the community organization fails to make such matching funds available for a fiscal year, the eligible entity shall not make payments for the remaining fiscal years of the subgrant period, notwithstanding any other provision of this part.

“(2) TYPES AND SOURCES.—The community organization shall provide the matching funds in cash. The community organization shall provide the matching funds from State, local, or private sources, which may include funds from State or local agencies or private sector funding.

“(L) DIRECT SUPPORT.—

“(1) PROGRAM AUTHORIZED.—The Corporation may use not more than 10 percent of the funds appropriated for this section to award grants to community organizations serving low-income communities or addressing a specific issue area in geographical areas that have the highest need in that issue area, to enable such community organizations to replicate or expand proven initiatives or support new initiatives.

“(2) TERMS AND CONDITIONS.—A grant awarded under this subsection shall be subject to the same terms and conditions as a subgrant awarded under subsection (j).

“(3) APPLICATION; MATCHING FUNDS.—Paragraphs (2) and (3) of subsection (j) and subsection (k) shall apply to a community organization receiving or applying for a grant under this

subsection in the same manner as such subsections apply to a community organization receiving or applying for a subgrant under subsection (j), except that references to a subgrant shall mean a grant and references to an eligible entity shall mean the Corporation.

“(M) RESEARCH AND EVALUATION.—

“(1) IN GENERAL.—The Corporation may reserve not more than 5 percent of the funds appropriated for this section for a fiscal year to support, directly or through contract with an independent entity, research and evaluation activities to evaluate the eligible entities and community organizations receiving grants under subsections (d) and (l) and the initiatives supported by the grants.

“(2) RESEARCH AND EVALUATION ACTIVITIES.—

“(A) RESEARCH AND REPORTS.—

“(i) IN GENERAL.—The entity carrying out this subsection shall collect data and conduct or support research with respect to the eligible entities and community organizations receiving grants under subsections (d) and (l), and the initiatives supported by such eligible entities and community organizations, to determine the success of the program carried out under this section in replicating, expanding, and supporting initiatives, including—

“(I) the success of the initiatives in improving measurable outcomes; and

“(II) the success of the program in increasing philanthropic investments in philanthropically underserved communities.

“(ii) REPORTS.—The Corporation shall submit periodic reports to the authorizing committees including—

“(I) the data collected and the results of the research under this subsection;

“(II) information on lessons learned about best practices from the activities carried out under this section, to improve those activities; and

“(III) a list of all eligible entities and community organizations receiving funds under this section.

“(iii) PUBLIC INFORMATION.—The Corporation shall annually post the list described in clause (ii)(III) on the Corporation’s website.

“(B) TECHNICAL ASSISTANCE.—The Corporation shall, directly or through contract, provide technical assistance to the eligible entities and community organizations that receive grants under subsections (d) and (l).

“(C) KNOWLEDGE MANAGEMENT.—The Corporation shall, directly or through contract, maintain a clearinghouse for information on best practices resulting from initiatives supported by the eligible entities and community organizations.

“(D) RESERVATION.—Of the funds appropriated under section 501(a)(4)(E) for a fiscal year, not more than 5 percent may be used to carry out this subsection.”.

**SEC. 1808. CLEARINGHOUSES.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

**“PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSES; VOLUNTEER GENERATION FUND**

**“SEC. 1980. NATIONAL SERVICE PROGRAMS CLEARINGHOUSES.**

“(a) IN GENERAL.—The Corporation shall provide assistance, by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish 1 or more clearinghouses for information regarding the national service laws, which shall include information on service-learning and on service through other programs receiving assistance under the national service laws.

“(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

“(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

“(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws, except that such clearinghouse may not conduct such research and evaluations if the recipient of the grant, contract, or cooperative agreement establishing the clearinghouse under this section is receiving funds for such purpose under part III of subtitle B or under this subtitle (not including this section);

“(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

“(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

“(4) facilitate communication among—

“(A) entities carrying out service-learning programs and programs offered under the national service laws; and

“(B) participants in such programs;

“(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

“(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

“(7) disseminate applications in languages other than English;

“(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to service-learning, and service-learning projects; and

“(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

“(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

“(10) assist organizations in recruiting, screening, and placing a diverse population of service-learning coordinators and program sponsors;

“(11) disseminate effective strategies for working with disadvantaged youth in national service programs, as determined by organizations with an established expertise in working with such youth; and

“(12) carry out such other activities as the Chief Executive Officer determines to be appropriate.

**“SEC. 198P. VOLUNTEER GENERATION FUND.**

“(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations for this section, the Corporation may make grants to State Commissions and nonprofit organizations for the purpose of assisting the State Commissions and nonprofit organizations to—

“(1) develop and carry out volunteer programs described in subsection (c); and

“(2) make subgrants to support and create new local community-based entities that recruit, manage, or support volunteers as described in such subsection.

“(b) APPLICATION.—

“(1) IN GENERAL.—Each State Commission or nonprofit organization desiring a grant under this section shall submit an application to the Corporation at such time, in such manner, and accompanied by such information as the Corporation may reasonably require.

“(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall contain—

“(A)(i) a description of the program that the applicant will provide;

“(B) an assurance that the applicant will annually collect information on—

“(i) the number of volunteers recruited for activities carried out under this section, using funds received under this section, and the type and amount of activities carried out by such volunteers; and

“(ii) the number of volunteers managed or supported using funds received under this section, and the type and amount of activities carried out by such volunteers;

“(C) a description of the outcomes the applicant will use to annually measure and track performance with regard to—

“(i) activities carried out by volunteers; and

“(ii) volunteers recruited, managed, or supported; and

“(D) such additional assurances as the Corporation determines to be essential to ensure compliance with the requirements of this section.

“(c) ELIGIBLE VOLUNTEER PROGRAMS.—A State Commission or nonprofit organization receiving a grant under this section shall use the assistance—

“(1) directly to carry out volunteer programs or to develop and support community-based entities that recruit, manage, or support volunteers, by carrying out activities consistent with the goals of the subgrants described in paragraph (2); or

“(2) through subgrants to community-based entities to carry out volunteer programs or develop and support such entities that recruit, manage, or support volunteers, through 1 or more of the following types of subgrants:

“(A) A subgrant to a community-based entity for activities that are consistent with the priorities set by the State's national service plan as described in section 178(e), or by the Corporation.

“(B) A subgrant to recruit, manage, or support volunteers to a community-based entity such as a volunteer coordinating agency, a nonprofit resource center, a volunteer training clearinghouse, an institution of higher education, or a collaborative partnership of faith-based and community-based organizations.

“(C) A subgrant to a community-based entity that provides technical assistance and support to—

“(i) strengthen the capacity of local volunteer infrastructure organizations;

“(ii) address areas of national need (as defined in section 198B(a)); and

“(iii) expand the number of volunteers nationally.

“(d) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under this section for a fiscal year—

“(A) the Corporation shall use 50 percent of such funds to award grants, on a competitive basis, to State Commissions and nonprofit organizations for such fiscal year; and

“(B) the Corporation shall use 50 percent of such funds make an allotment to the State Commissions of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico based on the formula described in subsections (e) and (f) of section 129, subject to paragraph (2).

“(2) MINIMUM GRANT AMOUNT.—In order to ensure that each State Commission is able to improve efforts to recruit, manage, or support volunteers, the Corporation may determine a minimum grant amount for allotments under paragraph (1)(B).

“(e) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount of any

grant provided under this section for a fiscal year may be used to pay for administrative costs incurred by either the recipient of the grant or any community-based entity receiving assistance or a subgrant under such grant.

“(f) MATCHING FUND REQUIREMENTS.—The Corporation share of the cost of carrying out a program that receives assistance under this section, whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed—

“(1) 80 percent of such cost for the first year in which the recipient receives such assistance;

“(2) 70 percent of such cost for the second year in which the recipient receives such assistance;

“(3) 60 percent of such cost for the third year in which the recipient receives such assistance; and

“(4) 50 percent of such cost for the fourth year in which the recipient receives such assistance and each year thereafter.”.

#### **SEC. 1809. NONPROFIT CAPACITY BUILDING PROGRAM.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by adding at the end the following:

#### **“PART V—NONPROFIT CAPACITY BUILDING PROGRAM**

##### **“SEC. 198S. NONPROFIT CAPACITY BUILDING.**

“(a) DEFINITIONS.—In this section:

“(1) INTERMEDIARY NONPROFIT GRANTEE.—The term ‘intermediary nonprofit grantee’ means an intermediary nonprofit organization that receives a grant under subsection (b).

“(2) INTERMEDIARY NONPROFIT ORGANIZATION.—The term ‘intermediary nonprofit organization’ means an experienced and capable nonprofit entity with meaningful prior experience in providing organizational development assistance, or capacity building assistance, focused on small and midsize nonprofit organizations.

“(3) NONPROFIT.—The term ‘nonprofit’, used with respect to an entity or organization, means—

“(A) an entity or organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

“(B) an entity or organization described in paragraph (1) or (2) of section 170(c) of such Code.

“(4) STATE.—The term ‘State’ means each of the several States, and the District of Columbia.

“(b) GRANTS.—The Corporation shall establish a Nonprofit Capacity Building Program to make grants to intermediary nonprofit organizations to serve as intermediary nonprofit grantees. The Corporation shall make the grants to enable the intermediary nonprofit grantees to pay for the Federal share of the cost of delivering organizational development assistance, including training on best practices, financial planning, grantwriting, and compliance with the applicable tax laws, for small and midsize nonprofit organizations, especially those nonprofit organizations facing resource hardship challenges. Each of the grantees shall match the grant funds by providing a non-Federal share as described in subsection (f).

“(c) AMOUNT.—To the extent practicable, the Corporation shall make such a grant to an intermediary nonprofit organization in each State, and shall make such grant in an amount of not less than \$200,000.

“(d) APPLICATION.—To be eligible to receive a grant under this section, an intermediary nonprofit organization shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require. The intermediary nonprofit organization shall submit in the application information demonstrating that the organization has secured sufficient resources to meet the requirements of subsection (f).

“(e) PREFERENCE AND CONSIDERATIONS.—

“(1) PREFERENCE.—In making such grants, the Corporation shall give preference to intermediary nonprofit organizations seeking to become intermediary nonprofit grantees in areas where nonprofit organizations face significant resource hardship challenges.

“(2) CONSIDERATIONS.—In determining whether to make a grant the Corporation shall consider—

“(A) the number of small and midsize nonprofit organizations that will be served by the grant;

“(B) the degree to which the activities proposed to be provided through the grant will assist a wide number of nonprofit organizations within a State, relative to the proposed amount of the grant; and

“(C) the quality of the organizational development assistance to be delivered by the intermediary nonprofit grantee, including the qualifications of its administrators and representatives, and its record in providing services to small and midsize nonprofit organizations.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost as referenced in subsection (b) shall be 50 percent.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share of the cost as referenced in subsection (b) shall be 50 percent and shall be provided in cash.

“(B) THIRD PARTY CONTRIBUTIONS.—

“(i) IN GENERAL.—Except as provided in clause (ii), an intermediary nonprofit grantee shall provide the non-Federal share of the cost through contributions from third parties. The third parties may include charitable grantmaking entities and grantmaking vehicles within existing organizations, entities of corporate philanthropy, corporations, individual donors, and regional, State, or local government agencies, or other non-Federal sources.

“(ii) EXCEPTION.—If the intermediary nonprofit grantee is a private foundation (as defined in section 509(a) of the Internal Revenue Code of 1986), a donor advised fund (as defined in section 4966(d)(2) of such Code), an organization which is described in section 4966(d)(4)(A)(i) of such Code, or an organization which is described in section 4966(d)(4)(B) of such Code, the grantee shall provide the non-Federal share from within that grantee's own funds.

“(iii) MAINTENANCE OF EFFORT, PRIOR YEAR THIRD-PARTY FUNDING LEVELS.—For purposes of maintaining private sector support levels for the activities specified by this program, a non-Federal share that includes donations by third parties shall be composed in a way that does not decrease prior levels of funding from the same third parties granted to the nonprofit intermediary grantee in the preceding year.

“(g) RESERVATION.—Of the amount authorized to provide financial assistance under this subtitle, there shall be made available to carry out this section \$5,000,000 for each of fiscal years 2010 through 2014.”.

#### **Subtitle I—Training and Technical Assistance**

##### **SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.**

Title I is further amended by adding at the end the following new subtitle:

#### **“Subtitle J—Training and Technical Assistance**

##### **“SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.**

“(a) IN GENERAL.—The Corporation shall, directly or through grants, contracts, or cooperative agreements (including through State Commissions), conduct appropriate training for and provide technical assistance to—

“(1) programs receiving assistance under the national service laws; and

“(2) entities (particularly entities in rural areas and underserved communities) that desire to—

“(A) carry out or establish national service programs; or

“(B) apply for assistance (including subgrants) under the national service laws.

“(b) ACTIVITIES INCLUDED.—Such training and technical assistance activities may include—

“(1) providing technical assistance to entities applying to carry out national service programs or entities carrying out national service programs;

“(2) promoting leadership development in national service programs;

“(3) improving the instructional and programmatic quality of national service programs;

“(4) developing the management and budgetary skills of individuals operating or overseeing national service programs, including developing skills to increase the cost effectiveness of the programs under the national service laws;

“(5) providing for or improving the training provided to the participants in programs under the national service laws;

“(6) facilitating the education of individuals participating in national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

“(7) training individuals operating or overseeing national service programs—

“(A) in volunteer recruitment, management, and retention to improve the abilities of such individuals to use participants and other volunteers in an effective manner, which training results in high-quality service and the desire of participants and volunteers to continue to serve in other capacities after the program is completed;

“(B) in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the national service programs; or

“(C) to effectively accommodate individuals with disabilities to increase the participation of individuals with disabilities in national service programs, which training may utilize funding from the reservation of funds under section 129(k) to increase the participation of individuals with disabilities;

“(8) establishing networks and collaboration among employers, educators, and other key stakeholders in the community to further leverage resources to increase local participation in national service programs, and to coordinate community-wide planning and service with respect to national service programs;

“(9) providing training and technical assistance for the National Senior Service Corps, including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001); and

“(10) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

“(c) PRIORITY.—In carrying out this section, the Corporation shall give priority to programs under the national service laws and entities eligible to establish such programs that seek training or technical assistance and that—

“(1) seek to carry out high-quality programs where the services are needed most;

“(2) seek to carry out high-quality programs where national service programs do not exist or where the programs are too limited to meet community needs;

“(3) seek to carry out high-quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

“(4) seek to assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.”.

#### **Subtitle J—Repeal of Title III (Points of Light Foundation)**

##### **SEC. 1831. REPEAL.**

(a) IN GENERAL.—Title III (42 U.S.C. 12661 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Section 401 (42 U.S.C. 12671) is amended—

(1) in subsection (a), by striking “term” and all that follows through the period and inserting the following: “term ‘administrative organization’ means a nonprofit private organization that enters into an agreement with the Corporation to carry out this section.”; and

(2) by striking “Foundation” each place it appears and inserting “administrative organization”.

#### **Subtitle K—Amendments to Title V (Authorization of Appropriations)**

##### **SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.**

Section 501 (42 U.S.C. 12681) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) TITLE I.—

“(1) SUBTITLE B.—

“(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

“(i) \$97,000,000 for fiscal year 2010; and

“(ii) such sums as may be necessary for each of fiscal years 2011 through 2014.

“(B) PART IV RESERVATION.—Of the amount appropriated under subparagraph (A) for a fiscal year, the Corporation may reserve such sums as may be necessary to carry out part IV of subtitle B of title I.

“(C) SECTION 118A.—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than \$7,000,000 shall be made available for awards to Campuses of Service under section 118A.

“(D) SECTION 119(C)(8).—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than \$10,000,000 shall be made available for summer of service program grants under section 119(c)(8), and not more than \$10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 119(c)(8).

“(E) SECTION 119(C)(9).—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than \$20,000,000 shall be made available for youth engagement zone programs under section 119(c)(9).

“(F) GENERAL PROGRAMS.—Of the amount remaining after the application of subparagraphs (A) through (E) for a fiscal year—

“(i) not more than 60 percent shall be available to provide financial assistance under part I of subtitle B of title I;

“(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

“(iii) not less than 15 percent shall be available to provide financial assistance under part III of such subtitle.

“(2) SUBTITLES C AND D.—There are authorized to be appropriated, for each of fiscal years 2010 through 2014, such sums as may be necessary to provide financial assistance under subtitle C of title I and to provide national service educational awards under subtitle D of title I for the number of participants described in section 121(f)(1) for each such fiscal year.

“(3) SUBTITLE E.—

“(A) IN GENERAL.—There are authorized to be appropriated to operate the National Civilian

Community Corps and provide financial assistance under subtitle E of title I, such sums as may be necessary for each of fiscal years 2010 through 2014.

“(B) PRIORITY.—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in this paragraph, priority shall be given to programs carrying out activities in areas for which the President has declared the existence of a major disaster, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), including a major disaster as a consequence of Hurricane Katrina or Rita.

“(4) SUBTITLE H.—

“(A) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014 to provide financial assistance under subtitle H of title I.

“(B) SECTION 198B.—Of the amount authorized under subparagraph (A) for a fiscal year, such sums as may be necessary shall be made available to provide financial assistance under section 198B and to provide national service educational awards under subtitle D of title I to the number of participants in national service positions established or increased as provided in section 198B(b)(3) for such year.

“(C) SECTION 198C.—Of the amount authorized under subparagraph (A) for a fiscal year, \$12,000,000 shall be made available to provide financial assistance under section 198C.

“(D) SECTION 198H.—Of the amount authorized under subparagraph (A) for a fiscal year, such sums as may be necessary shall be made available to provide financial assistance under section 198H.

“(E) SECTION 198K.—Of the amount authorized under subparagraph (A), there shall be made available to carry out section 198K—

“(i) \$50,000,000 for fiscal year 2010;

“(ii) \$60,000,000 for fiscal year 2011;

“(iii) \$70,000,000 for fiscal year 2012;

“(iv) \$80,000,000 for fiscal year 2013; and

“(v) \$100,000,000 for fiscal year 2014.

“(F) SECTION 198P.—Of the amount authorized under subparagraph (A), there shall be made available to carry out section 198P—

“(i) \$50,000,000 for fiscal year 2010;

“(ii) \$60,000,000 for fiscal year 2011;

“(iii) \$70,000,000 for fiscal year 2012;

“(iv) \$80,000,000 for fiscal year 2013; and

“(v) \$100,000,000 for fiscal year 2014.

“(5) ADMINISTRATION.—

“(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including financial assistance under section 126(a), such sums as may be necessary for each of fiscal years 2010 through 2014.

“(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, a portion shall be made available to provide financial assistance under section 126(a).

“(6) EVALUATION, TRAINING, AND TECHNICAL ASSISTANCE.—Notwithstanding paragraphs (1), (2), and (4) and any other provision of law, of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve not more than 2.5 percent to carry out sections 112(e) and 179A and subtitle J, of which \$1,000,000 shall be used by the Corporation to carry out section 179A. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which the amounts are reserved.”.

(2) by striking subsections (b) and (d); and

(3) by redesignating subsection (c) as subsection (b).

## TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973

### SEC. 2001. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

### SEC. 2002. VOLUNTEERISM POLICY.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking “both young” and all that follows through the period and inserting “individuals of all ages and backgrounds.”; and

(2) in subsection (b), by inserting after “State, and local agencies” the following: “, expand relationships with, and support for, the efforts of civic, community, and educational organizations.”.

#### Subtitle A—National Volunteer Antipoverty Programs

### CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA

#### SEC. 2101. STATEMENT OF PURPOSE.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking “exploit” and all that follows through the period and inserting “increase opportunities for self-advancement by persons affected by such problems.”; and

(2) in the third sentence, by striking “at the local level” and all that follows through the period and inserting “at the local level, to support efforts by local agencies and community organizations to achieve long-term sustainability of projects, and to strengthen local agencies and community organizations to carry out the objectives of this part.”.

#### SEC. 2102. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “the Commonwealth of the Northern Mariana Islands,” after “American Samoa.”;

(B) in paragraph (2), by striking “handicapped individuals” and all that follows through the semicolon and inserting “individuals with disabilities, especially individuals with severe disabilities.”;

(C) in paragraph (3), by striking “the jobless, the hungry,” and inserting “unemployed individuals.”;

(D) in paragraph (4), by striking “prevention, education,” and inserting “through prevention, education, rehabilitation, treatment.”;

(E) in paragraph (5), by striking “chronic and life-threatening illnesses” and inserting “mental illness, chronic and life-threatening illnesses.”;

(F) in paragraph (6)—

(i) by striking “Headstart act” and inserting “Head Start Act”; and

(ii) by striking “and” after the semicolon at the end;

(G) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(H) by adding at the end the following:

“(8) in assisting with the reentry and reintegration of formerly incarcerated youth and adults into society, including providing training and counseling in education, employment, and life skills;

“(9) in developing and carrying out financial literacy, financial planning, budgeting, saving, and reputable credit accessibility programs in low-income communities, including those programs that educate individuals about financing home ownership and higher education;

“(10) in initiating and supporting before-school and after-school programs, serving children in low-income communities, that may en-

gage participants in mentoring, tutoring, life skills and study skills programs, service-learning, physical, nutrition, and health education programs, and other activities addressing the needs of the children;

“(11) in establishing and supporting community economic development initiatives, with a priority on work on such initiatives in rural areas and the other areas where such initiatives are needed most;

“(12) in assisting veterans and their family members through establishing or augmenting programs that assist such persons with access to legal assistance, health care (including mental health care), employment counseling or training, education counseling or training, affordable housing, and other support services; and

“(13) in addressing the health and wellness of individuals in low-income communities and individuals in underserved communities, including programs to increase access to preventive services, insurance, and health services.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “recruitment and placement procedures” and inserting “placement procedures that involve sponsoring organizations and”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “Community Service Trust Act of 1993” and all that follows through the period at the end of the fourth sentence and inserting “Community Service Act of 1990.”;

(ii) in subparagraph (B), by striking “central information system that shall, on request, promptly provide” and inserting “database that provides”;

(iii) in subparagraph (C), in the second sentence, by inserting “and management” after “the recruitment”; and

(C) in paragraph (5)(B), by striking “information system” and inserting “database”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “the Internet and related technologies,” before “radio.”;

(ii) in subparagraph (B), by inserting “Internet and related technologies,” before “print media.”;

(iii) in subparagraph (C), by inserting “State or local offices of economic development, State employment security agencies, employment offices,” before “and other institutions”; and

(iv) in subparagraph (F), by striking “Community Service Trust Act of 1993” and inserting “Community Service Act of 1990”; and

(B) by striking paragraph (4);

(4) in subsection (d), in the second sentence, by striking “private industry council established under the Job Training Partnership Act or”;

(5) in subsection (g), in the first sentence, by striking “, and such” and all that follows through the period and inserting a period; and

(6) by adding at the end the following:

“(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this part.”.

#### SEC. 2103. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended—

(1) by striking the first sentence and inserting the following: “Such stipend shall be set at a rate that is not less than a minimum of \$125 per month and not more than a maximum of \$150 per month, subject to the availability of funds to provide such a maximum rate.”; and

(2) in the second sentence, by striking “stipend of a maximum of \$200 per month” and inserting “stipend set at a rate that is not more than a maximum of \$250 per month”.

#### SEC. 2104. REPEAL.

Section 109 (42 U.S.C. 4959) is repealed.

#### SEC. 2105. REDESIGNATION.

Section 110 (42 U.S.C. 4960) is redesignated as section 109.

### CHAPTER 2—UNIVERSITY YEAR FOR VISTA

#### SEC. 2121. UNIVERSITY YEAR FOR VISTA.

Part B of title I (42 U.S.C. 4971 et seq.) is repealed.

### CHAPTER 3—SPECIAL VOLUNTEER PROGRAMS

#### SEC. 2131. STATEMENT OF PURPOSE.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking “situations” and inserting “organizations”.

#### SEC. 2132. LITERACY CHALLENGE GRANTS.

Section 124 (42 U.S.C. 4995) is repealed.

#### Subtitle B—National Senior Service Corps

#### SEC. 2141. TITLE.

Title II (42 U.S.C. 5000 et seq.) is amended by striking the title heading and inserting the following:

“TITLE II—NATIONAL SENIOR SERVICE CORPS”.

#### SEC. 2142. STATEMENT OF PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

#### “SEC. 200. STATEMENT OF PURPOSE.

“It is the purpose of this title to provide—

“(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency and disaster preparedness, relief, and recovery, health and human needs, and the environment;

“(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs, to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

“(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge, experiences, abilities, and skills for the betterment of their communities and themselves;

“(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need; and

“(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide support services and companionship to other older individuals through volunteer service.”.

#### SEC. 2143. RETIRED AND SENIOR VOLUNTEER PROGRAM.

Section 201 (42 U.S.C. 5001(a)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “avail” and all that follows through “community,” and inserting “share their experiences, abilities, and skills to improve their communities and themselves through service in their communities.”;

(B) in paragraph (2), by striking “, and individuals 60 years of age or older will be given priority for enrollment.”; and

(C) in paragraph (4)—

(i) by striking “established and will be carried out” and inserting “designed and implemented”; and

(ii) by striking “field of service” and all that follows through the period at the end and inserting “field of service to be provided, as well as persons who have expertise in the management of volunteers and the needs of older individuals.”; and

(2) by adding at the end the following:

“(e)(1) Beginning with fiscal year 2013 and for each fiscal year thereafter, each grant or contract awarded under this section, for such a year, shall be—

“(A) awarded for a period of 3 years, with an option for a grant renewal of 3 years if the grantee meets the performance measures established under subsection (g); and

“(B) awarded through a competitive process described in paragraph (2).

“(2)(A) The Corporation shall promulgate regulations establishing the competitive process required under paragraph (1)(B), and make such regulations available to the public, not later than 18 months after the date of the enactment of the Serve America Act. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the competitive process.

“(B) The competitive process required by subparagraph (A) shall—

“(i) include the use of a peer review panel, including members with expertise in senior service and aging, to review applications;

“(ii) include site inspections of programs assisted under this section, as appropriate;

“(iii) in the case of an applicant who has previously received a grant or contract for a program under this section, include an evaluation of the program conducted by a review team, as described in subsection (f);

“(iv) ensure that—

“(I) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle support an aggregate number of volunteer service years for a given geographic service area that is not less than the aggregate number of volunteer service years supported under this section for such service area for the previous grant or contract cycle;

“(II) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle maintain a similar program distribution, as compared to the program distribution for the previous grant or contract cycle; and

“(III) every effort is made to minimize the disruption to volunteers; and

“(v) include the use of performance measures, outcomes, and other criteria established under subsection (g).

“(f)(1) Notwithstanding section 412, and effective beginning 180 days after the date of enactment of the Serve America Act, each grant or contract under this section that expires in fiscal year 2011, 2012, or 2013 shall be subject to an evaluation process conducted by a review team described in paragraph (4). The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2010, 2011, and 2012, respectively.

“(2) The Corporation shall promulgate regulations establishing the evaluation process required under paragraph (1), and make such regulations available to the public, not later than 18 months after the date of enactment of the Serve America Act. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the evaluation process.

“(3) The evaluation process required under paragraph (1) shall—

“(A) include performance measures, outcomes, and other criteria established under subsection (g); and

“(B) evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria through a review of the recipient.

“(4) To the maximum extent practicable, the Corporation shall provide that each evaluation required by this subsection is conducted by a review team that—

“(A) includes individuals who are knowledgeable about programs assisted under this section;

“(B) includes current or former employees of the Corporation who are knowledgeable about programs assisted under this section;

“(C) includes representatives of communities served by volunteers of programs assisted under this section; and

“(D) shall receive periodic training to ensure quality and consistency across evaluations.

“(5) The findings of an evaluation described in this subsection of a program described in paragraph (1) shall—

“(A) be presented to the recipient of the grant or contract for such program in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and

“(B) be used as the basis for program improvement, and for the provision of training and technical assistance.

“(g)(1) The Corporation shall, with particular attention to the different needs of rural and urban programs assisted under this section, develop performance measures, outcomes, and other criteria for programs assisted under this section that—

“(A) include an assessment of the strengths and areas in need of improvement of a program assisted under this section;

“(B) include an assessment of whether such program has adequately addressed population and community-wide needs;

“(C) include an assessment of the efforts of such program to collaborate with other community-based organizations, units of government, and entities providing services to seniors, taking into account barriers to such collaboration that such program may encounter;

“(D) include a protocol for fiscal management that shall be used to assess such program's compliance with the program requirements for the appropriate use of Federal funds;

“(E) include an assessment of whether the program is in conformity with the eligibility, outreach, enrollment, and other requirements for programs assisted under this section; and

“(F) contain other measures of performance developed by the Corporation, in consultation with the review teams described in subsection (f)(4).

“(2)(A) The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with directors of programs under this section, but not earlier than fiscal year 2014.

“(B) For each fiscal year preceding fiscal year 2014, the Corporation may, after consulting with directors of the programs under this section, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with such directors and after notifying the authorizing committees—

“(i) eliminate the use of that performance measure, outcome or criterion; or

“(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

“(3) In the event that a program does not meet one or more of the performance measures, outcome, or criteria established under this subsection, the Corporation shall initiate procedures to terminate the program in accordance with section 412.

“(h) The Chief Executive Officer shall develop procedures by which programs assisted under this section may receive training and technical assistance, which may include regular monitoring visits to assist programs in meeting the performance measures, outcomes, and criteria.

“(i)(1) Notwithstanding subsection (g)(3) or section 412, the Corporation shall continue to

fund a program assisted under this section that has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for not more than 12 months if the competitive process established under subsection (e) does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and the disruption of services.

“(2) In the case where a program is continued under paragraph (1), the Corporation shall conduct outreach regarding the availability of a grant under this section for the area served by such program and establish a new competition for awarding the successor program to the continued program. The recipient operating the continued program shall remain eligible for the new competition.

“(3) The Corporation may monitor the recipient of a grant or contract supporting a program continued under paragraph (1) during this period and may provide training and technical assistance to assist such recipient in meeting the performance measures for such program.

“(j) The Corporation shall develop and disseminate an online resource guide for programs under this section not later than 180 days after the date of enactment of the Serve America Act, which shall include—

“(1) examples of high-performing programs assisted under this section;

“(2) corrective actions for underperforming programs; and

“(3) examples of meaningful outcome-based performance measures, outcomes, and criteria that capture a program's mission and priorities.”

#### SEC. 2144. FOSTER GRANDPARENT PROGRAM.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking “aged sixty” and inserting “age 55”; and

(ii) by striking “children having exceptional needs” and inserting “children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development”; and

(B) in the second sentence—

(i) by striking “any of a variety of”; and

(ii) by striking “children with special or exceptional needs” and inserting “children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “shall have” and all that follows through “(2) of the subsection” and inserting “may determine”;

(ii) in subparagraph (A), by striking “and” after the semicolon at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(C) whether it is in the best interest of the child receiving, and the particular foster grandparent providing, services in such a project, to continue the relationship between the child and the grandparent under this part after the child reaches the age of 21, if such child is an individual with a disability who was receiving such services prior to attaining the age of 21.”; and

(B) by striking paragraph (2) and inserting the following:

“(2) If an assignment of a foster grandparent under this part is suspended or discontinued, the replacement of that foster grandparent shall be determined in a manner consistent with paragraph (3).”;

(3) in subsection (d), by striking “\$2.45 per hour” and all that follows through “five cents, except” and inserting “\$3.00 per hour, except”;



- (4) in subsection (e)—  
 (A) in paragraph (1), by striking “125 per centum” and inserting “200 percent”; and  
 (B) in paragraph (2), by striking “per centum” and inserting “percent”; and  
 (5) in subsection (f)(1)—  
 (A) in subparagraph (A), by striking “subparagraphs (B) and (C)” and inserting “subparagraph (B)”; and  
 (B) by striking subparagraph (C).

#### SEC. 2145. SENIOR COMPANION PROGRAM.

Section 213(a) (42 U.S.C. 5013(a)) is amended by striking “aged 60 or over” and inserting “age 55 or older”.

#### SEC. 2146. GENERAL PROVISIONS.

(a) **PROMOTION OF NATIONAL SENIOR SERVICE CORPS.**—Section 221 (42 U.S.C. 5021) is amended—

- (1) in the section heading, by striking “VOLUNTEER” and inserting “SERVICE”; and  
 (2) in subsection (b)(2), by striking “participation of volunteers” and inserting “participation of volunteers of all ages and backgrounds, living in urban or rural communities”.

(b) **MINORITY POPULATION PARTICIPATION.**—Section 223 (42 U.S.C. 5023) is amended—

- (1) in the section heading, by striking “GROUP” and inserting “POPULATION”; and  
 (2) by striking “sixty years and older from minority groups” and inserting “age 55 years or older from minority populations”.

(c) **USE OF LOCALLY GENERATED CONTRIBUTIONS IN NATIONAL SENIOR SERVICE CORPS.**—Section 224 (42 U.S.C. 5024) is amended—

- (1) in the section heading, by striking “VOLUNTEER” and inserting “SERVICE”; and  
 (2) by striking “Volunteer Corps” and inserting “Service Corps”.

(d) **NATIONAL PROBLEMS OF LOCAL CONCERN.**—Section 225 (42 U.S.C. 5025) is amended—

- (1) in subsection (a)—  
 (A) in paragraph (1)—  
 (i) in subparagraph (B), by striking “(10), (12), (15), and (16)” and inserting “(9), (11), and (14)”; and  
 (ii) in subparagraph (C), by striking “(10)” and inserting “(9)”;  
 (B) by amending paragraph (2) to read as follows:

“(2) An applicant for a grant under paragraph (1) shall determine whether the program to be supported by the grant is a program under part A, B, or C, and shall submit an application as required for such program.”; and  
 (C) by adding at the end the following:

“(4) To the maximum extent practicable, the Director shall ensure that not less than 25 percent of the funds appropriated under this section are used to award grants—

- “(A) to applicants for grants under this section that are not receiving assistance from the Corporation at the time of such grant award; or  
 “(B) to applicants from locations where no programs supported under part A, B, or C are in effect at the time of such grant award.

“(5) Notwithstanding paragraph (4), if, for a fiscal year, less than 25 percent of the applicants for grants under this section are applicants described in paragraph (4), the Director may use an amount that is greater than 75 percent of the funds appropriated under this subsection to award grants to applicants that are already receiving assistance from the Corporation at the time of such grant award.”;

- (2) in subsection (b)—  
 (A) in paragraph (2), by inserting “through education, prevention, treatment, and rehabilitation” before the period at the end;  
 (B) by striking paragraph (4) and inserting the following:

“(4) Programs that establish and support mentoring programs for low-income youth, including mentoring programs that match such youth with mentors and match such youth with employment

and training programs, including apprenticeship programs.”;

(C) in paragraph (5), by inserting “, including literacy programs that serve youth, and adults, with limited English proficiency” before the period at the end;

(D) by striking paragraphs (6) and (7) and inserting the following:

“(6) Programs that provide respite care, including care for elderly individuals and for children and individuals with disabilities or chronic illnesses who are living at home.

“(7) Programs that provide before-school and after-school activities, serving children in low-income communities, that may engage participants in mentoring relationships, tutoring, life skills, and study skills programs, service-learning, physical, nutrition, and health education programs, and other activities addressing the needs of the children in the communities, including children of working parents.”;

(E) by striking paragraph (8);

(F) by redesignating paragraphs (9) through (15) as paragraphs (8) through (14), respectively;  
 (G) in paragraph (10) (as redesignated by subparagraph (F))—

- (i) by striking “educationally disadvantaged children” and inserting “students”; and  
 (ii) by striking “the basic skills of such children” and inserting “the academic achievement of such students”;

(H) by striking paragraph (11) (as redesignated by subparagraph (F)) and inserting the following:

“(11) Programs that engage older individuals with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community, including service relating to conducting energy audits, insulating homes, or conducting other activities to promote energy efficiency.”;

(I) by striking paragraph (14) (as redesignated by subparagraph (F)) and inserting the following:

“(14) Programs in which the grant recipients involved collaborate with criminal justice professionals and organizations in order to provide prevention programs that serve low-income youth or youth reentering society after incarceration and their families, which prevention programs may include mentoring, counseling, or employment counseling.”;

(J) by striking paragraph (16); and

(K) by redesignating paragraphs (17) and (18) as paragraphs (15) and (16), respectively;

(3) in subsection (c)(1), by inserting “and that such applicant has expertise applicable to implementing the proposed program for which the applicant is requesting the grant” before the period at the end; and

(4) in subsection (e), by inserting “widely” after “shall”.

(e) **ACCEPTANCE OF DONATIONS.**—Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end the following:

#### “SEC. 228. ACCEPTANCE OF DONATIONS.

“(a) **IN GENERAL.**—Except as provided in subsection (b), an entity receiving assistance under this title may accept donations, including donations in cash or in kind fairly evaluated, including plant, equipment, or services.

“(b) **EXCEPTION.**—An entity receiving assistance under this title to carry out an activity shall not accept donations from the beneficiaries of the activity.”.

#### Subtitle C—Administration and Coordination

##### SEC. 2151. SPECIAL LIMITATIONS.

Section 404(a) (42 U.S.C. 5044(a)) is amended by inserting “or other volunteers (not including participants under this Act and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.))” after “employed workers” both places such term appears.

##### SEC. 2152. APPLICATION OF FEDERAL LAW.

Section 415 (42 U.S.C. 5055) is amended—

(1) in subsection (c), by inserting “(as such part was in effect on the day before the date of enactment of the Serve America Act)” after “part B”; and

(2) in subsection (e), by inserting “(as such part was in effect on the day before the date of enactment of the Serve America Act)” after “A, B”.

#### SEC. 2153. EVALUATION.

Section 416 (42 U.S.C. 5056) is amended—

(1) in subsection (a), in the first sentence, by striking “(including)” and all that follows through “3 years”;

(2) in subsection (f)(3), by striking “Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate” and inserting “authorizing committees”.

#### SEC. 2154. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting “, the Commonwealth of the Northern Mariana Islands,” after “American Samoa”;

(2) by striking paragraph (7);

(3) in paragraph (13), by striking “Volunteer Corps” and inserting “Service Corps”;

(4) in paragraph (14), by striking “Volunteer Corps” and inserting “Service Corps”;

(5) by redesignating paragraphs (8) through (20) as paragraphs (7) through (19), respectively;

(6) in paragraph (18) (as redesignated by paragraph (5)), by striking “and” after the semicolon at the end;

(7) in paragraph (19) (as redesignated by paragraph (5)), by striking the period at the end and inserting “; and”; and

(8) by adding at the end the following:

“(20) the term ‘authorizing committees’ means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”.

#### SEC. 2155. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended, in the matter following paragraph (2), by striking “Volunteer Corps” and inserting “Service Corps”.

#### SEC. 2156. PROVISIONS UNDER THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Title IV (42 U.S.C. 5043 et seq.) is amended by adding at the end the following:

#### “SEC. 426. PROVISIONS UNDER THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

“The Corporation shall carry out this Act in accordance with the provisions of this Act and the relevant provisions of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), particularly the provisions of section 122 and subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12572, 12631 et seq.) relating to the national service laws.”.

#### Subtitle D—Authorization of Appropriations

##### SEC. 2161. AUTHORIZATIONS OF APPROPRIATIONS.

(a) **NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.**—Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

“(1) **VOLUNTEERS IN SERVICE TO AMERICA.**—There are authorized to be appropriated to carry out part A of title I \$100,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2014.

“(2) **SPECIAL VOLUNTEER PROGRAMS.**—There are authorized to be appropriated to carry out part C of title I such sums as may be necessary for each of fiscal years 2010 through 2014.”; and

(B) by redesignating paragraph (5) as paragraph (3);

(2) in subsection (c), by striking “part B or C” and inserting “part C”; and  
 (3) by striking subsection (e).

(b) NATIONAL SENIOR SERVICE CORPS.—Section 502 (42 U.S.C. 5082) is amended to read as follows:

**“SEC. 502. NATIONAL SENIOR SERVICE CORPS.**

“(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, \$70,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

“(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, \$115,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

“(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, \$55,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

“(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 2010 through 2014.”.

(c) ADMINISTRATION AND COORDINATION.—Section 504 (42 U.S.C. 5084) is amended—

(1) in subsection (a), by striking “fiscal years 1994 through 1996” and inserting “fiscal years 2010 through 2014”; and

(2) in subsection (b), by striking “fiscal years 1994 through 1996” and inserting “fiscal years 2010 through 2014”.

**TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS**

**SEC. 3101. TABLE OF CONTENTS OF THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.**

Section 1(b) of the National and Community Service Act of 1990 is amended to read as follows:

“(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

“Sec. 1. Short title and table of contents.

“Sec. 2. Findings and purpose.

**“TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM**

**“Subtitle A—General Provisions**

“Sec. 101. Definitions.

“Sec. 102. Authority to make State grants.

**“Subtitle B—School-Based and Community-Based Service-Learning Programs**

**“PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS**

“Sec. 111. Purpose.

“Sec. 111A. Definitions.

“Sec. 112. Assistance to States, territories, and Indian tribes.

“Sec. 112A. Allotments.

“Sec. 113. Applications.

“Sec. 114. Consideration of applications.

“Sec. 115. Participation of students and teachers from private schools.

“Sec. 116. Federal, State, and local contributions.

“Sec. 117. Limitations on uses of funds.

**“PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE**

“Sec. 118. Higher education innovative programs for community service.

“Sec. 118A. Campuses of Service.

**“PART III—INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH**

“Sec. 119. Innovative and community-based service-learning programs and research.

**“PART IV—SERVICE-LEARNING IMPACT STUDY**

“Sec. 120. Study and report.

**“Subtitle C—National Service Trust Program**

**“PART I—INVESTMENT IN NATIONAL SERVICE**

“Sec. 121. Authority to provide assistance and approved national service positions.

“Sec. 122. National service programs eligible for program assistance.

“Sec. 123. Types of national service positions eligible for approval for national service educational awards.

“Sec. 124. Types of program assistance.

“Sec. 126. Other special assistance.

**“PART II—APPLICATION AND APPROVAL PROCESS**

“Sec. 129. Provision of assistance and approved national service positions.

“Sec. 129A. Educational awards only program.

“Sec. 130. Application for assistance and approved national service positions.

“Sec. 131. National service program assistance requirements.

“Sec. 132. Ineligible service categories.

“Sec. 132A. Prohibited activities and ineligible organizations.

“Sec. 133. Consideration of applications.

**“PART III—NATIONAL SERVICE PARTICIPANTS**

“Sec. 137. Description of participants.

“Sec. 138. Selection of national service participants.

“Sec. 139. Terms of service.

“Sec. 140. Living allowances for national service participants.

“Sec. 141. National service educational awards.

**“Subtitle D—National Service Trust and Provision of Educational Awards**

“Sec. 145. Establishment of the National Service Trust.

“Sec. 146. Individuals eligible to receive an educational award from the Trust.

“Sec. 146A. Certifications of successful completion of terms of service.

“Sec. 147. Determination of the amount of the educational award.

“Sec. 148. Disbursement of educational awards.

“Sec. 149. Approval process for approved positions.

**“Subtitle E—National Civilian Community Corps**

“Sec. 151. Purpose.

“Sec. 152. Establishment of National Civilian Community Corps Program.

“Sec. 153. National service program.

“Sec. 154. Summer national service program.

“Sec. 155. National Civilian Community Corps.

“Sec. 156. Training.

“Sec. 157. Service projects.

“Sec. 158. Authorized benefits for Corps members.

“Sec. 159. Administrative provisions.

“Sec. 160. Status of Corps members and Corps personnel under Federal law.

“Sec. 161. Contract and grant authority.

“Sec. 162. Responsibilities of Department of Defense.

“Sec. 163. Advisory board.

“Sec. 164. Evaluations.

“Sec. 165. Definitions.

**“Subtitle F—Administrative Provisions**

“Sec. 171. Family and medical leave.

“Sec. 172. Reports.

“Sec. 173. Supplementation.

“Sec. 174. Prohibition on use of funds.

“Sec. 175. Nondiscrimination.

“Sec. 176. Notice, hearing, and grievance procedures.

“Sec. 177. Nonduplication and nondisplacement.

“Sec. 178. State Commissions on National and Community Service.

“Sec. 179. Evaluation.

“Sec. 179A. Civic Health Assessment and volunteering research and evaluation.

“Sec. 180. Engagement of participants.

“Sec. 181. Contingent extension.

“Sec. 182. Partnerships with schools.

“Sec. 183. Rights of access, examination, and copying.

“Sec. 184. Drug-free workplace requirements.

“Sec. 184A. Availability of assistance.

“Sec. 185. Consolidated application and reporting requirements.

“Sec. 186. Sustainability.

“Sec. 187. Grant periods.

“Sec. 188. Generation of volunteers.

“Sec. 189. Limitation on program grant costs.

“Sec. 189A. Matching requirements for severely economically distressed communities.

“Sec. 189B. Audits and reports.

“Sec. 189C. Restrictions on Federal Government and uses of Federal funds.

“Sec. 189D. Criminal history checks.

**“Subtitle G—Corporation for National and Community Service**

“Sec. 191. Corporation for National and Community Service.

“Sec. 192. Board of Directors.

“Sec. 192A. Authorities and duties of the Board of Directors.

“Sec. 193. Chief Executive Officer.

“Sec. 193A. Authorities and duties of the Chief Executive Officer.

“Sec. 194. Officers.

“Sec. 195. Employees, consultants, and other personnel.

“Sec. 196. Administration.

“Sec. 196A. Corporation State offices.

“Sec. 196B. Assignment to State Commissions.

“Sec. 196C. Study of involvement of veterans.

**“Subtitle H—Investment for Quality and Innovation**

**“PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE**

“Sec. 198. Additional corporation activities to support national service.

“Sec. 198A. Presidential awards for service.

“Sec. 198B. ServeAmerica Fellowships.

“Sec. 198C. Silver Scholarships and Encore Fellowships.

**“PART II—NATIONAL SERVICE RESERVE CORPS**

“Sec. 198H. National Service Reserve Corps.

**“PART III—SOCIAL INNOVATION FUNDS PILOT PROGRAM**

“Sec. 198K. Funds.

**“PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSES; VOLUNTEER GENERATION FUND**

“Sec. 198O. National service programs clearinghouses.

“Sec. 198P. Volunteer generation fund.

**“PART V—NONPROFIT CAPACITY BUILDING PROGRAM**

“Sec. 198S. Nonprofit capacity building.

**“Subtitle I—American Conservation and Youth Corps**

“Sec. 199. Short title.

“Sec. 199A. General authority.

“Sec. 199B. Limitation on purchase of capital equipment.

“Sec. 199C. State application.

“Sec. 199D. Focus of programs.

“Sec. 199E. Related programs.

“Sec. 199F. Public lands or Indian lands.

“Sec. 199G. Training and education services.

“Sec. 199H. Preference for certain projects.

“Sec. 199I. Age and citizenship criteria for enrollment.

“Sec. 199J. Use of volunteers.

“Sec. 199K. Living allowance.

“Sec. 199L. Joint programs.

“Sec. 199M. Federal and State employee status.

**“Subtitle J—Training and Technical Assistance**

“Sec. 199N. Training and technical assistance.

**"TITLE II—MODIFICATIONS OF EXISTING PROGRAMS"**

**"Subtitle A—Publication"**

- "Sec. 201. Information for students.  
 "Sec. 202. Exit counseling for borrowers.  
 "Sec. 203. Department information on  
 deferments and cancellations.  
 "Sec. 204. Data on deferments and cancella-  
 tions.

**"Subtitle B—Youthbuild Projects"**

- "Sec. 211. Youthbuild projects.

**"Subtitle C—Amendments to Student Literacy Corps"**

- "Sec. 221. Amendments to Student Literacy  
 Corps.

**"TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS"**

- "Sec. 401. Projects.

**"TITLE V—AUTHORIZATION OF APPROPRIATIONS"**

- "Sec. 501. Authorization of appropriations.

**"TITLE VI—MISCELLANEOUS PROVISIONS"**

- "Sec. 601. Amtrak waste disposal.  
 "Sec. 602. Exchange program with countries in  
 transition from totalitarianism to  
 democracy."

**SEC. 3102. TABLE OF CONTENTS OF THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.**

Section 1(b) of the Domestic Volunteer Service Act of 1973 is amended to read as follows:

"(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- "Sec. 1. Short title; table of contents.  
 "Sec. 2. Volunteerism policy.

**"TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS"**

**"PART A—VOLUNTEERS IN SERVICE TO AMERICA"**

- "Sec. 101. Statement of purpose.  
 "Sec. 102. Authority to operate VISTA program.  
 "Sec. 103. Selection and assignment of volun-  
 teers.  
 "Sec. 104. Terms and periods of service.  
 "Sec. 105. Support service.  
 "Sec. 106. Participation of beneficiaries.  
 "Sec. 107. Participation of younger and older  
 persons.  
 "Sec. 108. Limitation.  
 "Sec. 109. Applications for assistance.

**"PART C—SPECIAL VOLUNTEER PROGRAMS"**

- "Sec. 121. Statement of purpose.  
 "Sec. 122. Authority to establish and operate  
 special volunteer and demonstra-  
 tion programs.  
 "Sec. 123. Technical and financial assistance.

**"TITLE II—NATIONAL SENIOR SERVICE CORPS"**

- "Sec. 200. Statement of purpose.

**"PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM"**

- "Sec. 201. Grants and contracts for volunteer  
 service projects.

**"PART B—FOSTER GRANDPARENT PROGRAM"**

- "Sec. 211. Grants and contracts for volunteer  
 service projects.

**"PART C—SENIOR COMPANION PROGRAM"**

- "Sec. 213. Grants and contracts for volunteer  
 service projects.

**"PART D—GENERAL PROVISIONS"**

- "Sec. 221. Promotion of National Senior Service  
 Corps.  
 "Sec. 222. Payments.  
 "Sec. 223. Minority population participation.  
 "Sec. 224. Use of locally generated contribu-  
 tions in National Senior Service  
 Corps.  
 "Sec. 225. Programs of national significance.

- "Sec. 226. Adjustments to Federal financial as-  
 sistance.

- "Sec. 227. Multiyear grants or contracts.

- "Sec. 228. Acceptance of donations.

**"PART E—DEMONSTRATION PROGRAMS"**

- "Sec. 231. Authority of Director.

**"TITLE IV—ADMINISTRATION AND COORDINATION"**

- "Sec. 403. Political activities.

- "Sec. 404. Special limitations.

- "Sec. 406. Labor standards.

- "Sec. 408. Joint funding.

- "Sec. 409. Prohibition of Federal control.

- "Sec. 410. Coordination with other programs.

- "Sec. 411. Prohibition.

- "Sec. 412. Notice and hearing procedures for  
 suspension and termination of fi-  
 nancial assistance.

- "Sec. 414. Distribution of benefits between rural  
 and urban areas.

- "Sec. 415. Application of Federal law.

- "Sec. 416. Evaluation.

- "Sec. 417. Nondiscrimination provisions.

- "Sec. 418. Eligibility for other benefits.

- "Sec. 419. Legal expenses.

- "Sec. 421. Definitions.

- "Sec. 422. Audit.

- "Sec. 423. Reduction of paperwork.

- "Sec. 424. Review of project renewals.

- "Sec. 425. Protection against improper use.

- "Sec. 426. Provisions under the National and  
 Community Service Act of 1990.

**"TITLE V—AUTHORIZATION OF APPROPRIATIONS"**

- "Sec. 501. National volunteer antipoverty pro-  
 grams.

- "Sec. 502. National Senior Service Corps.

- "Sec. 504. Administration and coordination.

- "Sec. 505. Availability of appropriations.

**"TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS"**

- "Sec. 601. Supersession of Reorganization Plan  
 No. 1 of July 1, 1971.

- "Sec. 602. Creditable service for civil service re-  
 tirement.

- "Sec. 603. Repeal of title VIII of the Economic  
 Opportunity Act.

- "Sec. 604. Repeal of title VI of the Older Ameri-  
 cans Act."

**"TITLE IV—AMENDMENTS TO OTHER LAWS"**

**SEC. 4101. INSPECTOR GENERAL ACT OF 1978.**

Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National and Community Service Trust Act of 1993" and inserting "National and Community Service Act of 1990".

**"TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM"**

**SEC. 5101. FINDINGS.**

Congress makes the following findings:

(1) Americans engaged in international volun-  
 teer service, and the organizations deploying  
 them—

(A) play critical roles in responding to the  
 needs of people living throughout the developing  
 world; and

(B) advance the international public diplo-  
 macy of the United States.

(2) The Volunteers for Prosperity Program has  
 successfully promoted international volunteer  
 service by skilled American professionals.

(3) In its first 4 years, the VFP Program helped  
 to mobilize 74,000 skilled Americans, including  
 doctors, nurses, engineers, businesspeople, and  
 teachers, through a network of 250 nonprofit or-  
 ganizations and companies in the United States,  
 to carry out development and humanitarian ef-  
 forts for those affected by great global chal-  
 lenges in health, the environment, poverty, illit-  
 eracy, financial literacy, disaster relief, and  
 other challenges.

(4) The VFP Program has undertaken activi-  
 ties, including—

(A) direct outreach to leading nonprofit orga-  
 nizations and companies in the United States;

(B) promotion of the work of skilled Ameri-  
 cans and nonprofit organizations and compa-  
 nies in the United States as it relates to inter-  
 national volunteer service;

(C) public recognition of skilled American vol-  
 unteers;

(D) support for organizations that utilize  
 skilled Americans as volunteers;

(E) participation in the development of special  
 initiatives to further opportunities for skilled  
 Americans; and

(F) leadership of an innovative public-private  
 partnership to provide eligible skilled with fi-  
 nancial assistance for volunteer assignments.

**SEC. 5102. DEFINITIONS.**

In this title:

(1) **VFP OFFICE.**—The term "VFP Office"  
 means the Office of Volunteers for Prosperity of  
 the United States Agency for International De-  
 velopment.

(2) **VFP PROGRAM.**—The term "VFP Program"  
 means the Volunteers for Prosperity Program es-  
 tablished through Executive Order 13317.

(3) **VFP SERVE.**—The term "VFP Serve" means a  
 program established by the VFP Office, in co-  
 operation with the USA Freedom Corps, to pro-  
 vide eligible skilled professionals with fixed  
 amount stipends to offset the travel and living  
 costs of volunteering abroad.

**SEC. 5103. OFFICE OF VOLUNTEERS FOR PROSPERITY.**

(a) **FUNCTIONS.**—The VFP Office shall pursue  
 the objectives of the VFP Program described in  
 subsection (b) by—

(1) implementing the VFP Serve Program to  
 provide eligible skilled professionals with match-  
 ing grants to offset the travel and living ex-  
 penses of volunteering abroad with nonprofit  
 organizations;

(2) otherwise promoting short- and long-term  
 international volunteer service by skilled Ameri-  
 can professionals, including connecting such  
 professionals with nonprofit organizations, to  
 achieve such objectives;

(3) helping nonprofit organizations in the  
 United States recruit and effectively manage ad-  
 ditional skilled American professionals for vol-  
 unteer assignments throughout the developing  
 world;

(4) providing recognition for skilled American  
 volunteers and the organizations deploying  
 them;

(5) helping nonprofit organizations and cor-  
 porations in the United States to identify re-  
 sources and opportunities in international vol-  
 unteer service utilizing skilled Americans;

(6) encouraging the establishment of inter-  
 national volunteer programs for employees of  
 United States corporations; and

(7) encouraging international voluntary ser-  
 vice by highly skilled Americans to promote  
 health and prosperity throughout the world.

(b) **VFP PROGRAM OBJECTIVES.**—The objec-  
 tives of the VFP Program should include—

(1) eliminating extreme poverty;

(2) reducing world hunger and malnutrition;

(3) increasing access to safe potable water;

(4) enacting universal education;

(5) reducing child mortality and childhood  
 diseases;

(6) combating the spread of preventable dis-  
 eases, including HIV, malaria, and tuberculosis;

(7) providing educational and work skill sup-  
 port for girls and empowering women to achieve  
 independence;

(8) creating sustainable business and entrepre-  
 neurial opportunities; and

(9) increasing access to information tech-  
 nology.

(c) **VOLUNTEERS FOR PROSPERITY SERVICE IN-  
 CENTIVE PROGRAM.**—

(1) *IN GENERAL.*—The Vfp Office may provide matching grants to offset the travel and living costs of volunteering abroad to any eligible organization that—

(A) has members who possess skills relevant to addressing any objective described in subsection (b); and

(B) provides a dollar-for-dollar match for such grant—

(i) through the organization with which the individual is serving; or

(ii) by raising private funds.

(2) *NONDISCRIMINATION REQUIREMENT.*—The Vfp Office may not provide a stipend to an individual under paragraph (1) unless the nonprofit organization to which the individual is assigned has certified to the Vfp Office that it does not discriminate with respect to any project or activity receiving Federal financial assistance, including a stipend under this title, because of race, religion, color, national origin, sex, political affiliation, or beliefs.

(3) *COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.*—Service carried out by a volunteer receiving funds under this section may not provide a direct benefit to any—

(A) business organized for profit;

(B) labor union;

(C) partisan political organization; or

(D) religious or faith-based organization for the purpose of proselytization, worship or any other explicitly religious activity.

(d) *FUNDING.*—

(1) *IN GENERAL.*—The Administrator of the United States Agency for International Development shall make available the amounts appropriated pursuant to section 5104 to the Vfp Office to pursue the objectives described in subsection (b) by carrying out the functions described in subsection (a).

(2) *USE OF FUNDS.*—Amounts made available under paragraph (1) may be used by the Vfp Office to provide personnel and other resources to develop, manage, and expand the Vfp Program, under the supervision of the United States Agency for International Development.

(e) *COORDINATION.*—The Vfp Office shall coordinate its efforts with other public and private efforts that aim to send skilled professionals to serve in developing nations.

(f) *REPORT.*—The Vfp Office shall submit an annual report to Congress on the activities of the Vfp Office.

#### **SEC. 5104. AUTHORIZATION OF APPROPRIATIONS.**

(a) *IN GENERAL.*—There are authorized to be appropriated to carry out this title \$10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

(b) *ALLOCATION OF FUNDS.*—Not more than 10 percent of the amounts appropriated pursuant to subsection (a) may be expended for the administrative costs of the United States Agency for International Development to manage the Vfp Program.

#### **TITLE VI—EFFECTIVE DATE**

##### **SEC. 6101. EFFECTIVE DATE.**

(a) *IN GENERAL.*—This Act, and the amendments made by this Act, take effect on October 1, 2009.

(b) *REGULATIONS.*—Effective on the date of enactment of this Act, the Chief Executive Officer of the Corporation for National and Community Service may issue such regulations as may be necessary to carry out this Act and the amendments made by this Act.

##### **SEC. 6102. SENSE OF THE SENATE.**

(a) *FINDINGS.*—The Senate finds the following:

(1) President John F. Kennedy said, “The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving volun-

tarily and freely . . . call it what you like, but it is truly a jewel of an American tradition”.

(2) Americans gave more than \$300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or \$229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society’s most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct contributions made to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) *SENSE OF THE SENATE.*—It is the sense of the Senate that Congress should preserve the income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid upon the table.

##### **AMENDMENT NO. 729**

The clerk will report the amendment to the title.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 729.

The amendment is as follows:

(Purpose: To amend the title)

Amend the title so as to read: “Entitled The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.”

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

##### **CHANGE OF VOTE**

Mr. GREGG. Mr. President, on roll-call vote No. 115, I voted “nay.” It was my intention to vote “yea.” I ask unanimous consent that I be permitted to change my vote, which will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, it is a great honor that we have been able to add the name of a distinguished Senator—one of the most distinguished of all time—to this bill. We expect this to multiply into 7 million volunteers. To call it the Edward M. Kennedy bill is a great honor for all of us, even for those who voted against it. It was an overwhelming vote under the circumstances. There were a lot of sincere people on both sides. I am very happy we could name this after our friend and

colleague whom we have served with all these years, who has made such a great difference.

What is great about it is the whole Kennedy family has been a service family. I look at TED’s sister Eunice and what a whirlwind of great achievement and giving she has been all these years. I am sure she is very proud of her brother this evening. I am very pleased we could do this, and I am very grateful to all our colleagues for having participated in this.

It is an honor for all of us to honor our friend, Senator EDWARD M. KENNEDY.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

#### **THE BUDGET**

Ms. STABENOW. Mr. President, I have just come from an all-day session with the Budget Committee. I am very pleased that we have voted it out to the floor, and we will be taking up next week President Obama’s budget, his priorities. Certainly the chairman of the committee, Senator CONRAD, gets tremendous credit for his hard work, as usual, and his expertise, and his staff’s expertise as well.

Particularly, on a personal level, since it is such a difficult time for those Senator CONRAD loves in North Dakota, we know his heart and mind has been there, as well as shepherding this budget through. We appreciate his diligence in this very challenging time.

What was clear from the budget debate not only in the committee yesterday and today but in the comments that have gone on in the last couple of weeks from Republican colleagues is that they have dusted off a 15-year-old set of arguments about the budget, which is in front of us. You could use the headline: GOP Dusts off, Reuses 15-year-old Message of “No.”

We have heard no on equal pay and from too many people around here on health care and on protecting public lands. The issues go on and on—whether it has been slow walking, filibustering, or just plain saying no.

So when we look at what is happening, I think it is important to put it into context. This year, 2009, we saw multiple headlines. One was: “GOP Warns About Budget Hardball.”

We know they are going to come to the floor and play hardball on the budget next week and fight us every step of the way on our priorities and the President’s vision for education,

health care, and energy independence. They clearly have indicated that.

If you roll back the clock, this is not a new message. It is very much recycled. This was a headline in 1995: "GOP Plan For Budget To Take No Prisoners."

They took on President Clinton and his priorities of investing and creating children's health insurance and focusing on jobs and on ways to bring down the deficit, which, by the way, created 22 million jobs in this country.

I can tell you coming from a State with now 12 percent unemployment, we would be happy to have taken the Clinton budget and the era of creating jobs. I know the Presiding Officer comes from a State also hard hit. When we talk about what is best for people, people in this country would love to go back to an era of creating 22 million jobs.

President Obama is focusing on getting us back to that point by moving forward to invest in jobs, invest in the economy and what people care about.

But all we are hearing over and over again is how we are going to have a fight, it is going to be tough. One more time it is no.

1993: "GOP's Politics of No." "One-word vocabulary hobbles GOP." Sound familiar? "Republicans grouse as Senate takes up budget bill." This was back in June 18, 1993. At that time, we had a Democratic President putting forward priorities for the American people—not the wealthiest in the country but middle-class families working hard every day, playing by the rules, who wanted to know their country was focused on them and their families.

We fast forward to today, and in the Budget Committee and on the floor, what do we see? We see a Republican repeat: Same old politics, same old policies that have gotten us to where we are, that have gotten us into this crisis.

The debate in the Budget Committee was very much about going back to the policies that did not work, that have created such financial chaos and job loss in this country. Whether to move us forward, that is what we are talking about, changing course, moving us forward, a different set of values and priorities, a different vision about what is important for America.

The American people have rejected the same old politics and the same old policies. But yet every day we see the same old politics, forcing us to go to 60 votes rather than working together to move legislation forward.

H.R. 1388 is a terrific bill on community service, the national service bill. Rather than being able to move it forward every step of the way together, there was constant effort to force cloture votes, to move in a way that has slowed it down, even though we know the majority of people were supporting it.

So we see the same old politics over and over again and the same old policies. When you listen to Republican colleagues over and over again, their mantra is always about tax cuts for the wealthy, we will solve great problems for everybody else. I can assure you the 11 million-plus people in this country who are unemployed right now are not concerned about another supply-side tax cut. They were waiting a long time, for the last 8 years, for it to trickle down to them, and all that trickled down to them was job loss, home loss, health care costs up, education costs up, energy costs up, food costs up.

This budget goes in a different direction. We reject the same old policies that got us where we are, that got us into this crisis.

Instead, we have put forward under the President's leadership a budget that is investing in America's future, investing in jobs. I am very proud to have led an effort in the committee to make sure we are focused on manufacturing, to focus on jobs in our budget resolution. I know our Presiding Officer shares my deep concern about those issues, and I am proud to partner with him on so many initiatives around manufacturing and jobs.

Health care: to make sure we have put in place the ability to tackle health care costs and health care access. We are in a unique position in health care. It is one of those rare situations where the more people are covered, the more you provide health care, you actually bring the cost down because you have fewer people using emergency rooms inappropriately, fewer people unable to go to the doctor before they get very ill, being able to get preventive care. This budget focuses on health care.

This budget focuses on energy independence. I am very proud to have authored in the bill a clean energy fund. This is based on work we are doing in the Energy Committee. I am so appreciative of the leadership and commitment of the chairman, Senator BINGAMAN, to work with us on manufacturing and energy independence, focusing on green technologies, focusing on a clean energy fund that will help us invest in those technologies and create great new manufacturing jobs. This is a part of the budget, energy efficiency efforts, creating the opportunity for us to work together to address climate change in a way that is responsible and allows us to focus on jobs and creating new opportunities in the green economy.

Finally, and certainly not least, education. In terms of access to college or whether it is preschool and Head Start or whether it is funding our K-12 system, it is critically important that we not forget education and job training for the future. We have a lot of people who are going through transition today from one job to another, and job training is particularly critical.

In the Obama budget, we are investing in America's future: jobs, health care, energy independence, and education.

I am also very proud of the fact that we make a strong commitment again this year. For the last 2 years, with our Democratic majority, we have made veterans a priority, veterans health care a priority. It is so terrific to see the commitment of President Obama and his administration, the commitment they put in the budget that we have sustained a strong commitment to keep the promise of America for our veterans and their families, those who have served us, are serving us now, and come home and expect us to keep our promises as well.

There are many important values reflected in this budget, from focusing on veterans, focusing on jobs, as well as addressing what happens when a plant closes. I am very pleased to have put language in to increase money for communities, where there are closed plants, to create new opportunities for jobs and economic development.

There are a lot of different strategies that are represented and funded in this budget.

Again, it all comes down to how we view America, what are our priorities, what are our values, whom do we represent? Do we have a budget for American families? Do we have a budget for the middle class of this country which, by the way, gets significant tax cuts? We have significant tax cuts in this bill as well. The difference between the tax cuts in this budget and in budgets when our friends on the other side of the aisle were in the majority is these tax cuts go to the middle class. These tax cuts go to working families.

We also in the committee under Senator CARDIN's leadership have increased the dollars going to SBA, for small business, because we understand small business is an engine of this economy.

This budget does reflect jobs, strengthening manufacturing, support for small business, addressing job training, and where we go in the new green economy around jobs and energy independence. It focuses on health care. It focuses on education. We are keeping the promise that has been made by this country to our veterans.

I am very proud of this budget. I am very proud of this President for submitting this budget to us. It is different. We will hear honest disagreements about philosophy and how we stimulate the economy, differences in how we put together a budget and whether we invest in people or whether we continue the ways of the past that have gotten us where we are today.

This budget is a change. This budget is a commitment to the American people, a commitment to families, a commitment to communities, American businesses, keeping our jobs here at

home. That is what this budget is about. Yes, it is different. Frankly, we tried it for 8 years under the philosophy and the direction that came from former President Bush and colleagues on the other side of the aisle, and it did not work. We cannot sustain having the same old politics and the same old policies if we are going to move America forward. We cannot sustain that any longer.

I urge colleagues to come together on a bipartisan basis and stand for the values and the people represented in this budget.

Thank you, Mr. President.

The PRESIDING OFFICER. The senior Senator from Wyoming is recognized.

### BIPARTISANSHIP

Mr. ENZI. Mr. President, I was intending to walk through here on the way back to my office when I saw the sign blaming Republicans for everything—it blames us for the crisis, it blames us for—we keep talking about bipartisanship, but that is not the way you develop bipartisanship.

We did have some bipartisan votes today in the Budget Committee. One of them was to have an investigation into what is happening. I bet you are not going to point the finger at just one party on that. I am betting there is plenty of blame to go around on the situation we are in. Congress has contributed, as well as business, as well as employees. We are going to find out the country has been on a path and is still on a path that is not sustainable. We maxed out our credit cards and that causes a lot of problems. Now we are still trying to figure out how to spend more money.

I was disappointed that we went into a partisan speech right after such a bipartisan effort that happened in this Chamber. We passed a bill this afternoon that is going to provide 7 million volunteers across America, that is going to make a real difference for America.

One of the problems I have with Washington is when something good like that happens, it kind of disappears overnight; when something nasty happens, it is talked about forever. We have to talk more about bipartisanship. We have to stop blaming each other and start working together.

One of the ways that bill got done this afternoon is we have been following an 80-percent rule. We know we can agree on 80 percent of the stuff, and we did. Actually, we went a little further than that because we found some third ways in part of the other 20 percent. That made a bill that both sides could agree on that could get finished. There will be more work to do in that area.

I am glad we got that done this afternoon. I hope it is not a little, tiny

paragraph in the paper. It probably will not be because it was named after the Senator from Massachusetts, Mr. KENNEDY, because he has been such a leader in this effort and worked on this bill for years and certainly deserves to have the bill named after him.

That should not be the only reason we get publicity on something such as this bill. There ought to be people looking at what we achieved and talking about what was achieved and talking about how, on a bipartisan basis, Democrats and Republicans sat down and said: This is what we need. We also said these are programs that are not working; let's replace them. We did that, and we did that in a very fiscally responsible way.

That is what can happen when both sides work together. We need to do more of that. We need to do a little bit less blaming. We are not even close to an election right now. So the blame game does not need to be done.

I certainly hope we can work for some common goals. I think we have some common goals. Next week, we will be talking about the budget, and there are even some common things on that. But I am willing to bet what we talk about on this floor will be the 20 percent we do not agree on, and that is the 20 percent that can ruin America.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Alabama is recognized.

### THE BUDGET

Mr. SESSIONS. Mr. President, there are good examples, as Senator ENZI declared, of bipartisan work in this Senate. We have a lot of those examples. I would point out, however, that a budget is a document that tends to favor an individual party's belief. It tends to point out where they want to take the country. It is a roadmap for the country, and that budget is a vehicle to achieve the goals that party has.

I want to say this about the budget: A budget is not just something an individual has to submit. The President submits one, but the numbers contained in it, the directions contained in it, are the choices made. You can choose to spend less, you can choose to spend more, you can choose to reduce debt, you can choose to increase debt. It might be more popular to spend more and run up more debt today, but it may not be good for the long-term interest of America.

We just left the budget markup, and the Democratic majority passed out of the committee on a straight party-line vote—with no Republicans supporting it—what I believe is the most irresponsible budget in the history of our Nation. It takes our spending, as a percentage of the gross domestic product, to the highest level we have had since World War II, when we were fighting

for our very existence. We had been attacked at Pearl Harbor. We were facing the Nazis and Hitler. The problems we face now are not like that, but that is the level of spending we have now, and it is a very dangerous thing.

Does anybody doubt the conventional wisdom that nothing comes from nothing; that there is no free lunch; that somebody had to produce it; that debts must be paid when incurred; and that if you borrow money, you have to pay interest on it? Does anybody doubt that?

From the beginning of the founding of our Republic until this year, we, the public, have accumulated \$5 trillion in debt. That is the whole founding of our country. That is what we have accumulated. Under the budget that the President has submitted to Congress—in a bound volume, carefully put together—in 5 years alone that \$5 trillion debt will double, and in the following 5 years it will triple. So in 5 years, we would add twice as much debt—according to the President's own numbers he submitted to us—as we have today and three times as much in 10 years. I am not making this up. These numbers are in the book. And it is pretty disturbing to me.

The chairman offered an alternative budget. He got clever. He said: We will do a 5-year budget. We won't do a 10-year budget. We will move some things around and make things look better, and then we can all vote for it. That is basically what happened today. But when you look at it carefully, it is no big change. And the chairman's mark that was passed out of committee today, that mark is disturbing because it was less honest and it was more gimmicked up than the President's budget.

President Obama's budget was pretty honest about two or three big issues. One of them is the alternative minimum tax fix. It costs quite a bit to fix that. We only fix it 1 year at a time, but we fix it every year. President Obama assumed we would fix it. I think he underestimated the cost of a 10-year fix, but he had it in there. It cost hundreds of billions of dollars to do that—\$500 billion. I think it is probably closer to \$700 billion or \$800 billion, but that was in there. That was omitted from the chairman's mark that was voted out. But that is going to be fixed, and when you fix it, you reduce the alternative minimum tax's impact in the country, you lose revenue, and that makes your debt look worse.

Also, every year we have been fixing the doctors' reimbursement rate under the Balanced Budget Act. A decade ago, we required those payments to be cut, and we required them to be cut too much. They can't be cut that much, but that is the current law. They are dropped about 20 percent today. So every year, we come back and we put the money in. We spend the money necessary to keep the doctors with a modest increase in their reimbursement



rate. We don't let them take a 20-percent cut. The chairman's mark assumes we don't fix the doctors' bills. That is not going to happen. That makes his numbers look somewhat better.

But when charted out carefully, the Budget Committee, on the Republican side, put the numbers together and found discretionary spending over 5 years under the chairman's mark was 98.8 percent—the same as President Obama's budget. Total outlays over 5 years was 96.6 percent—the same as the President's budget. And revenue was 99.8 percent—the same. So it is basically the President's budget. But since it was getting so much flak and that budget was so irresponsible, people wanted to pretend that the budget they voted out of the committee was more responsible and deserved more support. But it is just not so, really. There is nothing in it that suggests a confronting of the serious financial situation we are in.

It has an incredible increase in spending, and that is why the debts are so large. It creates these deficits. As I indicated, we go from \$5 trillion to \$10 trillion in debt held by the public in 5 years. Where does that \$5 trillion come from? Where does it come from? It comes from borrowing. And you borrow by going out and offering Treasury bills on the U.S. Treasury. You offer people an opportunity to buy them, and you pay them interest to loan you the money. So they loan you the money, and you pay them interest.

We have been in a time in which the interest rates have been unusually low because people were so scared around the world and other countries were shakier than we were, and so they wanted to buy Treasury bills—because we always pay them, basically. We have historically been a very safe investment. So that is how we get there. We borrow the money.

Now, I want to suggest that costs money. I am not making these numbers up. These are the numbers that the Congressional Budget Office calculated. The Congressional Budget Office is hired by the Congress—both Houses of Congress—though it is controlled by the Democratic majority. They essentially have the final choice on who becomes the head of that office and who can control that office. But CBO takes pride in being nonpartisan and doing the right numbers. We use them a lot. They are the best numbers we can get. This is what they have calculated that interest payments on the debt will be.

People can understand interest. How much are you paying on your credit card in interest? How much are you paying on your house note in interest? When you borrow money, you pay interest. When the United States borrows another \$5 trillion, we pay interest on that 5, plus the 5 we have already bor-

rowed. And when it goes to \$17 trillion, as CBO expects this budget deficit to do based on the budget the President sent us, you would see these kinds of numbers. And these are the President's numbers, but on these numbers, I think he is low. I trust CBO. But we will look at both of them.

According to CBO's estimates, we will spend \$170 billion for interest this year. It goes up slowly. In 2011, \$216 billion; then \$282 billion, \$460 billion, \$601 billion, \$734 billion; and in the 10th year, \$806 billion in interest. One year's interest. How much of that is for foreign countries—China and Saudi Arabia and other countries who bought our Treasury bills? That is \$806 billion.

How much is \$806 billion? My State of Alabama is an average-size State—maybe a little smaller, not much—and we are about one-fiftieth the population of the country. Our entire general fund budget, including our State school spending and teachers, is less than \$10 billion a year. The Government will be paying \$806 billion in interest in 1 year.

The Federal highway program today is \$40 billion. We send that out to the States, where they get an 80–20 or a 90–10 split, and they use it to repair interstates and highways, and they do a lot with that. It is \$40 billion. We're talking about 20 times as much as the highway money.

I am very concerned about that interest number. Can we not understand why this is important? And we are not sure what this number will be because we are not perfectly sure what the interest rates will be.

There are some developments today in the world that cause us quite a bit of concern. In the Washington Post today, there is a report that the President of the European Union blasted U.S. spending. Subheadline: "Czech Premier Calls Obama Administration's Economic Policies 'a Road to Hell.'" The article is talking about the United States urging other countries to borrow more money and spend more money, as we have done. Let me quote from the article:

Some countries, led by Germany, have strongly resisted, predicting that such a path could lead to unsustainable debts and runaway inflation. Luxembourg's prime minister . . . who heads a coordinating body . . . said European countries had already spent enough to jumpstart their economies.

They haven't spent as much as we have, yet we are urging them to spend more.

To further quote from the article:

The European stimulus plans are muscular. They are demanding, they are important in volume and in quality. . . . There was "no question" that the European Union would reject requests from Obama to spend more.

Well, what happens when you do that? What happens when you borrow too much money?

There was an article in today's Washington Times talking about Mr.

Geithner's difficulties in misspeaking and causing the dollar to plunge and the market to plunge, and then rebalance after he corrected himself. The article said:

By afternoon, a poor showing of buyers at a Treasury bond auction sent interest rates sharply higher, raising fears about the U.S. ability to sell a massive load of \$2.5 trillion of debt this year.

It goes on to say:

Buyers may have been spooked by . . . the unveiling of budget plans on Capitol Hill that would double the amount of debt the Treasury has to sell in the next 5 years to nearly \$12 trillion.

The markets are worried about this. So if you are going to buy a Treasury bill and you think the United States is selling too many of them, or there are too many on the market and not enough money out there to buy them, or the interest rates are low and you want higher interest rates, you just don't buy. And then what is going to happen? To sell our bonds, to get people to loan us money, we are going to have to promise to pay them higher interest rates. That is the deal.

The New York Times had an article about this a month ago. Chairman CONRAD, our very able chairman of the Budget Committee, passed it out to our committee members. This is a warning. When you get too much debt and you are demanding that too many people loan you money, countries such as China—which have a fraction of the surplus in their trade account today than they had a number of years ago—are not going to buy as much of our debt, even if they wanted to, because they do not have the money to buy it with. Who is going to buy this? To get enough people to send us their money to finance our spending spree, we are going to end up having to pay higher interest rates. That is a fact.

The article goes on to say:

The mounting worries about the debt also snuffed out a rally in the stock market . . .

He talked about China. You have heard a lot of people talk about China and buying our Treasury bills and our concern about being obligated to them. This is what the article said today:

China and other investors recently have taken to worrying about whether the United States may debase its currency in its drive to address economic problems.

I think the world is worrying about that. Are we going to debase our currency? Are we going to inflate our currency to bail ourselves out and pay back those who loaned us money with dollars worth less than the dollars they loaned to us? If they think that, what they will demand is even higher interest rates. Because then they have to have interest rates that will assure them that even if the money is inflated, they will be paid back in an amount similar to that which they loaned us.

It goes on to say:

But the investors worry about the lingering effects of the legacy of debt and the inflationary impact of the Federal Reserve's program to help finance that debt with \$300 billion of Treasury bond purchases.

So the Federal Reserve is basically printing money and buying these Treasury bills themselves to try to help us out, and that is worrying people because nothing comes from nothing. Debts must be repaid. It goes on to say:

Apprehension about these matters is apparently what led to the Treasury's difficulty in selling \$24 billion of the five-year notes Wednesday afternoon.

That is yesterday afternoon.

To attract buyers, the Treasury had to pay interest rates that were significantly higher than its previous auction, touching off fears about the nation's ability to finance ever bigger loads of debt in the future. It didn't help that Britain on Tuesday experienced its first failed bond auction in nearly seven years—a bad portent since Britain, like the United States, has gone deeply into debt to finance large economic stimulus and bank bailout programs.

The Brits have followed us. The Central Europeans are saying no. The Brits are spending like we are and the other countries are rejecting that. They pushed back and we have urged them to spend like we do and they said: No, we are not going to do it.

I think it is embarrassing. It is mortifying to me, as an American who believes in limited Government, lower taxes, and free enterprise, to be in a position where we are being lectured by the Europeans and told no, when we want to spend more, tax more, and create more debt and they are saying it is irresponsible. We have always believed we were more responsible and we had more honesty in our system and we were more frugal in what we spent and our economy has been more robust than the European economies over the last 15 or 20 years. But now it looks like the situation has shifted. CreditSights—an organization that deals with these kinds of interest issues—CreditSights' Ms. Purtle was quoted in the article. She said that:

... the most serious problem the Treasury faces is a lack of buyers worldwide for its growing mountain of debt. In particular, countries like China and Japan that invested their trillions of dollars in export earnings in the Treasury market have been hit by plummeting exports—

They are not selling as much as they used to.

—which means they have less money to invest in Treasury Bonds, she said.

She concludes by saying:

"... funds simply aren't available to continue the purchases."

That is something I have been talking about for some time. It is pretty obvious, unless you believe something can come from nothing.

Julie Andrews had it right:

Nothing comes from nothing, nothing ever could.

In the course of this debate, a lot of efforts were carried out to try to do something about the stark numbers that are revealed in the President's bound book he sent to us. This chart reflects what is in his book. I didn't make up the numbers. They came right out of the book he wrote, or his staff did, and it reflects the total of the debt held by the public which is the best hard number we have, I think, of what the debt of the country is.

We start out in 2008 with \$5.03 trillion. You can see the deficits, how they increase. By the first 5 years, debt held by the public is \$11.55 trillion, virtually a doubling in 5 years of that debt. Then, in the 10th year, it is \$15.370 trillion, more than three times the amount, about three times the point of the 2008 figure.

The numbers don't lie. Nobody is disputing this. They are saying, you know what, as my colleague said on the floor in a very partisan speech: Well, we are investing. We admit we are in a changed environment. We are trying to do things in a different way, and get over it, you guys, you mossbacks, worrying about debt. Don't worry about debt. Don't worry about spending. We are investing. We are going to spend more in education—like we haven't done that year after year—and we are going to have such an improvement in the quality of our graduates it is going to make America better and we are going to pay all this back. I guess that is what the argument is. But at some point, you just don't have the money. We do not have the money.

It would be nice if we could double every program in the world. Maybe we'll send more as foreign aid. Somebody offered that amendment in the Budget Committee today to spend more on foreign aid. Spend everything more and more and it will all work out.

I do not think that is acceptable, and these numbers represent, I contend, the most irresponsible budget since World War II, and since we were in a life-or-death struggle in World War II, those deficits were necessary.

Well, somebody might say: SESSIONS, we are in a recession. That is why the President's numbers look bad.

But hold your hat: the President's budget says we will have, this year, a negative GDP of 1.2 percent. He projects in this budget, to make the numbers look better, actually—I think, that is the only thing I can say; I hope it would be right—he projects that unemployment would cap out, the highest we would ever have in this recession is 8.1 percent. It is already at 8.1 percent. Wouldn't it be great if it doesn't get any higher? Maybe it won't. I surely hope not, but I suspect it will.

Look at this. This is the projections through 5 years. He doesn't project—the reason we are having these deficits is not because of lack of economic growth. The reason we have these defi-

cits is spending, unprecedented spending. Look, in 2009, this fiscal year ending September 30, they predict a GDP decline of 1.2 percent. The independent, Blue Chip consensus, which is the most respected group, they project it will be worse, at 2.6 percent.

In 2010, that is next year—we are in 2009. In 2010, the President is projecting 3.2 percent growth. That is robust growth. That is not a little growth, that is robust growth. In 2011, it is 4.0; 2012, 4.6; 2013, 4.2.

The point I am trying to make is, the reason the deficits are here in the out-years is not because the President is saying we are going to be in a sustained economic slowdown. President Clinton in his best years in the 1990s, President Reagan in his best years, I think it very rarely broke 4 percent or 5 percent growth. Four percent growth is robust growth. Great Scott, it would be great to have that every year.

We are not having these deficits because we are assuming we are going to be in an economic slowdown or a war. That is not assumed either because the defense budget is one thing that is getting reduced.

Amendments were offered. Senator GREGG offered an amendment, the ranking Republican on the committee—and such a smart and experienced member of the committee. To get into the European Union, you have to commit that your annual deficit will not exceed 3 percent of your GDP and that your total debt will not exceed 60 percent of your gross domestic product, the GDP. This budget, I think, is taking us—this is where we are. In 2009, this year, we are at 55 percent of GDP is our debt. It goes up next year to 61, in 2010, because of the budget, with such huge deficits. That already takes us outside of being admitted in the European Union. The European Union says if you are going to be a member of our economic union, you have to show you have financial discipline in your country. Every new member has to go through this.

But under the President's budget in 2011, it is 64 percent; in 2012, it is 65 percent; 2013, it is 66 percent; and 2014, it is 66 percent. I think it hits about 80 percent. It goes on up in the second 5 years.

This is a troubling trend. So Senator GREGG said: Why don't we at least make it a situation in which at least to pass a budget such as this you have to have 60 votes if we violate the standards of the European Union? It was voted down. Every Democrat voted against that reform, that containment mechanism.

Senator GREGG also offered an amendment dealing with the budget presented by the chairman. I think he had a little humor in him when he offered this. The budget presented by the chairman projected a 7-percent increase in spending this year; 7 percent

over the baseline. But over 5 years, he claimed it only would increase spending by about 2.5 percent. That is pretty good, a 2.5-percent increase. It is not great. I offered an amendment lower than that but 2.5 percent. OK? Then, Senator CRAPO, a Republican member of the committee and a very experienced and knowledgeable person, he said one thing I have learned around here, the budget that counts is the one for this year. You can project anything in your next year's budget and the next year's budget and the fourth and fifth year's budget. You can project any spending level you want because we will be back here next year, sitting in this room, and we will be voting on what this year's increase will be.

In other words, it appeared we were dealing with a gimmick. It appeared we were talking about spending a lot this year in the budget that counts—this fiscal year—and having reductions next year when we will have every opportunity to increase it.

OK. So Senator CRAPO says: OK, you said you are going to keep it at 2 percent. That is what your budget says. I am going to offer an amendment that sets up a budget point of order that takes 60 votes if you go above that. Fair enough, right? So if next year—actually, I think next year they are proposing a 1-percent increase, which is not going to happen, I assure you.

And he proposed we hold them to that 2.5, and we would have a 60-vote point of order if they went over 2.5. Every Democrat voted it down because they knew they were not going to stay at 2.5. Everybody knows it.

I will just say this: No matter what is in the budget that comes out of this Senate, if it is any kind of real reduction from President Obama's budget, and I do not think it will be, but if it is, when it goes to conference and they meet with Speaker PELOSI, they are going to put the money back in. When the bill comes over here, it is going to essentially be the Obama budget. We have seen that is the tone of this discussion.

So that is why he offered that amendment. That is why they voted it down, because they flatly intend not to stick to a 2.5-percent-per-year spending increase in nondefense discretionary spending.

Senator LINDSEY GRAHAM offered an amendment—get this—that would limit each household's share of the debt in America to \$80,000 per household. Our debt today is \$60,000 per household. The Federal debt, if divided out per household, is \$60,000. So Senator GRAHAM said: Well, let's just put a mechanism in here, if you go over \$60,000 and get up to \$80,000, we have a budget point of order; at least it would take two-thirds to pass it.

No. They voted that down because the budget clearly puts us on a track to go well above \$80,000 per household.

It would have the potential to bite and be a potential way to contain this growth of spending.

Senator ALEXANDER offered an amendment that said there would be a budget point of order if the amount of our total debt reached 90 percent of the gross domestic product of our country. I just told you that you cannot get in the European Union if your debt exceeds 60 percent of your GDP. But this budget puts us on track to going beyond 90 percent of GDP, and Senator ALEXANDER offered an amendment. How reasonable is that? And it was voted down, on a straight party-line vote.

Senator CORNYN offered an amendment that would create a 60-vote point of order if we doubled the debt. If we double our debt, we ought to at least have 60 votes to do that. It was voted down, straight party-line vote.

These are troubling instances. We are not making this up. The issue is critical for the future of our Nation. It also says something more than just debt; it says this President meant something when he said: We are going to remake the American economy.

At a point in last year's campaign, many will remember this, when our President met Joe the Plumber, and he said: Well, we are going to take this money and spread it around a little bit, Joe.

People said: Wait a minute. Was that revealing who he really was? Is not that the socialist impulse to take money from people who have it and spend it on people you want to have it? Is not that the socialist impulse?

People talked about President Obama—Senator Obama then—is that the way he really thinks? Is that what he is going to do if he gets elected?

Oh no, they said, we are not socialists. We do not believe in those things. But budgets are not campaign rhetoric. The campaign is over. We are dealing with real books, a proposal to triple the debt in 10 years out of his budget office, with his name on it. I think the name of the budget document is "A New Era of Responsibility." That is what is on it. That is what is right here. Here it is. "A New Era of Responsibility." You tell me how tripling the debt is an era of responsibility. You tell me how raising the interest payment per year from \$170 billion to \$800 billion is responsible, in 10 years. It is not responsible.

We will have this debate next week. The Members will have a chance to speak about it and talk about it. For some people listening out there in the great American countryside, you may think this is just another Republican-Democratic dust-up, just another flim-flam fight, a burning of political hot air about nothing. And why does everybody not get together and just agree and work in a bipartisan way and pass something?

Well, what if they passed something that you think is bad for America, the legislation that has been offered. Every amendment that will make a difference gets voted down on a straight party-line vote, and it is going to be voted out of this Senate with an overwhelming partisan vote. I doubt a single Republican will vote for it.

But because a budget is passed—unlike most legislation—with a simple majority, there are plenty of votes to pass this. So there have been a lot of votes in this Senate, and a lot of times Republicans, I have often thought, have saved our Democratic colleagues from themselves by taking the hard votes by asking: How much is it going to cost? Do we really have the money? And not vote for things that in the long run have not been wise for America.

OK. It is not going to happen this time because the votes are here. Senator REID, the majority leader, has the votes. This budget is going to pass. I suppose it is possible that the American people will have their voices heard and something could change and it could come out better. That would be my hope. But unless something changes in the dynamic, and the only thing that can change this dynamic is if the American people make their voices heard through their representatives and tell them that is not what we intended when we voted for President Obama. Or almost half the people voted for JOHN MCCAIN; that is not what we intended you guys to do. You did not tell us you were going to triple the debt. You did not tell us you were going to do these things.

What about our Member who ran for reelection recently in the last several years? They have been attacking President Bush. They have been attacking President Bush as a profligate spender and saying they were going to do better. This is better? Give me a break.

Let's talk about that. I think a relevant year is 2003, after 9/11, after that recession, the commencement of the war on terrorism, President Bush had a deficit of around \$400 billion. He was savagely criticized for that, and some of that was justified. At the time that was the biggest deficit since World War II.

It dropped for 3 consecutive years. In 2007, the year before last, the budget had dropped to \$161 billion. We were on a good path, and then this recession hit. The President sent out \$150 billion last year, unwisely. That did very little good. All of a sudden the deficit last year, September 30, was \$459 billion.

Well, that was the biggest since World War II. And I think he was rightly criticized for that. I did not vote to send out the checks. Sorry, constituents. I did not think it was going to work. I do not think it has. Most economists say it did not benefit us.

But this year, hold your hats, with the \$800 billion stimulus bill we passed

this year, the deficit for this 1 year will not be \$455 billion, \$600 billion, \$700 billion, \$800 billion, \$1,000 billion. No, it is \$1.8 trillion. It is \$1.8 trillion this fiscal year, and they are scoring the Wall Street bailout all this year. They are scoring Freddie Mac and Fannie Mae this year. There are some one-time things in that score.

But next year it is going to be \$1.1 trillion, according to the Congressional Budget Office. If you look at Congressional Budget Office numbers—here are the President's numbers. He projects, with a robust growing economy, the debt will be \$1.75 trillion in 2009; \$1.1, almost \$1.2 trillion in 2010; almost \$900 billion in 2011; and he goes down. And it starts coming back up in the out-years when he has solid growth and no projections of an economic slowdown. He projects continued growing deficits to \$712 billion. And that is that 1 year. OK. There is not a single year, not a single year in these 10 years of the President's budget that the deficit is as low as the highest deficit President Bush ever had. Not one.

But my staff tells me, let's not forget, that is the President's score. It has been doctored too. It is really worse than that based on the money they plan to spend. Our own Congressional Budget Office, controlled by the majority Members of our body, this is what they have for the deficit. They have this year being \$1.845 trillion, \$1.845 billion; 1.4 the next year; not at \$712 billion but at \$1.2 trillion in the tenth year.

So that is why Senator CONRAD, our Democratic chairman, has said it is unsustainable. You cannot sustain these kind of deficits, even with a healthy economy.

USA Today, when this crisis began to hit us, they wrote an article that said simply this: An economy founded on excessive personal debt, excessive Government debt, and excessive trade deficits is not healthy.

So what we have to do is get off debt and get back to an honest growth economy that we have always been able to have. We have had a clear housing bubble that has burst. It has impacted the financial community significantly.

We have done a lot of things. Some of them are of dubious value. But we have done a lot of things to work our way through, and certainly President Obama projects the economy to bounce back strongly. But we cannot keep spending. We have to control that.

So as we go forward next week, I hope the American people will be alert to the most important issues; that they will make their voices heard; that all of our colleagues will go home, and as they sit down in quiet time, ask themselves: Can I vote for this? Can I go on record as voting for a plan that will increase the annual interest payment of Americans from \$170 billion to \$800 billion? And I am going to triple the debt

in our country in 10 years, put us on a plan that will do that? I think not. I hope not.

I encourage my colleagues to study it carefully and vote no and let us see if we cannot come back with a much better budget. The only way to fix some of these issues is a bipartisan effort because some of those spending programs are tough. They have been growing out of control. It is going to take mature, tough decisionmaking to bring it under control.

Some special interests are going to holler as soon as you try to do it, and you have to listen to them. But you cannot let them set the national policy.

You can't let the person who is getting a benefit from a single program set a policy that adversely impacts everybody else in the country. That is what we are paid to do, to make the tough choices. We are not doing it now. The President's budget is not responsible. I hope we can confront it honestly and make some positive changes.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NEVADA GAMING COMMISSION 50TH ANNIVERSARY

Mr. REID. Mr. President, this month marks the 50th anniversary of one of the most important institutions in the growth and prosperity of the State of Nevada—the Nevada Gaming Commission.

On March 30, 2009, the William S. Boyd School of Law at the University of Nevada, Las Vegas, will mark this anniversary and honor those who have contributed to the stability, integrity, and success of the world's first gaming control system.

The Nevada State Legislature approved the Nevada Control Act in response to Gov. Grant Sawyer's request for gaming reform in his first state of the State address. Governor Grant and others recognized that clearer rules and oversight were necessary to show America that Nevada was serious about fair and ethical gaming.

When Governor Sawyer appointed the first members of the Gaming Commis-

sion in 1959, he said that the key characteristic of his appointees must be integrity. Governors since that time have followed that guideline and ensured 50 years of an ethical Commission.

This 50th anniversary leads me to reflect upon my 4 years as chairman of the commission, from 1977 to 1981. During these 4 years, we transitioned to a new world of gaming where Nevada shared the legal gaming stage with New Jersey. I will always remember the support I received as Commission Chairman from Governors Mike O'Callaghan, Robert List and my fellow commissioners. Over the course of my years in public service, nothing has given me more satisfaction than the progress we made during those years.

The current members of the Gaming Commission—Chairman Peter Bernhard, Arthur Marshall, Sue Wagner, Radha Chanderraj and Tony Alamo—personify the qualities of leadership Nevada expects and deserves.

To all the members of the Nevada Gaming Commission, past and present—and all the support staff who have helped them succeed—I extend my warm congratulations on this 50th anniversary.

#### TRIBUTE TO LOUISVILLE SLUGGER

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a fine Louisville product that is recognizable around the world and to the wonderful company behind it that is still knocking it out of the park after 125 years. Hillerich & Bradsby Co., makers of the famous Louisville Slugger, has made over 100 million bats since 1884.

Legend has it that the company's first bat was made by 17-year-old John A. "Bud" Hillerich in his father, J.F. Hillerich's, woodworking shop, after local baseball star Pete Browning broke his bat. Bud invited him to the shop and handcrafted a new one on a steam-powered lathe.

The next day, after Browning got three hits in three at bats, baseball players from all over the region began to visit the Hillerich shop. From this, the Louisville Slugger was born.

The company has remained family owned for five generations, and in that time has become the most iconic brand in the game of baseball. Players from T-ball to the Major Leagues all have used Louisville Sluggers, including such greats as Lou Gehrig, Joe DiMaggio, Jackie Robinson, and Babe Ruth. Ruth personally gave bat makers at the company specifications for the Louisville Slugger bats he would use to hit his record 60 home runs.

In 1996, after operating elsewhere, Louisville Slugger baseball bats came home to Louisville, as Hillerich & Bradsby Co. placed their executive offices, wood bat plant, and a museum in

downtown Louisville, just 10 blocks away from where Bud Hillerich made the first Louisville Slugger in 1884. The Louisville Slugger Museum & Factory is now one of the major tourist attractions of Louisville, with more than 2 million visitors since its opening.

If any of my colleagues happen to be in Louisville, my hometown, and want to visit the Louisville Slugger Museum & Factory, it is very easy to find. Just look for the 120-foot-long giant Louisville Slugger bat that marks the building's entrance. Every kid in town knows where to find the world's biggest bat and knows it marks the spot where you can tour the factory and actually see a Louisville Slugger being made. Today, Hillerich & Bradsby Co. manufactures more than 1 million wood bats a year, as well as aluminum bats, for professional and amateur use.

For millions of fans, the word "Louisville" will always evoke the satisfying crack of a bat and the celebration of a home run. This is thanks to the Louisville Slugger. The 2009 baseball season marks the Louisville Slugger's 125th anniversary, and I know all my colleagues join me in congratulating Hillerich & Bradsby Co. for 125 years of success in baseball, our national pastime.

#### CREDIT FOR INVESTMENT IN ADVANCED ENERGY FACILITIES

Mr. BINGAMAN. Mr. President, I rise for a colloquy with the chairman of the Finance Committee, Senator BAUCUS, to discuss section 1302 of the American Recovery and Reinvestment Act, ARRA, which the President signed into law on February 19, 2009 (Public Law 111-5). That section establishes a new tax credit, known as the section 48C credit, for investment in advanced energy facilities.

I am very pleased that ARRA establishes this new credit. Because until now, all of our investment tax credits for renewable energy technologies have been concentrated downstream that is, at the commercial or individual consumer level. While those incentives have created some U.S. jobs, such as in installation, most advanced energy technologies that are installed in the United States continue to be manufactured overseas. One major driver for this overseas manufacturing is the significant tax incentives that other countries offer. For instance, Malaysia and the Philippines offer solar photovoltaic manufacturers income tax holidays, for 15 years in the case of Malaysia, while Germany offers them up to 50 percent of investment costs. As a result, the U.S. is far behind, and is falling further behind, in "clean tech" manufacturing. According to one recent study, Japan represents 45 percent of global solar cell production while the United States accounts for just 9 percent. And European manufacturers

now account for more than 85 percent of the global wind component market.

But just as the U.S. is losing ground in advanced energy manufacturing, we can anticipate rapid near- to mid-term growth in domestic demand for renewable energy technologies. This demand will be driven by numerous factors, including last year's extension of the commercial and residential investment tax credits through 2016; extension by ARRA of the production tax credit through 2013–2012 for wind; and declining product costs; anticipated enactment of national requirements for renewable electricity deployment; and anticipated enactment of a market-based system or tax to limit carbon emissions. But under the status quo, the corresponding growth in domestic demand would largely have been satisfied by imports.

For that reason, I worked with my friend from Montana, Senator BAUCUS, to establish in ARRA the first tax credit for investment in advanced energy facilities those that manufacture property that enables Americans to harness renewable resources to generate energy, to make energy efficient improvements, and to reduce greenhouse gas emissions. I thank Senator BAUCUS for sharing my commitment to putting our country on the path to being a leader in advanced energy manufacturing.

Mr. BAUCUS. I thank my colleague from New Mexico, the chairman of the Energy and Natural Resources Committee, for his dedication to this issue. I am pleased to have worked with Senator BINGAMAN, the chairman of the Finance Subcommittee on Energy, Natural Resources, and Infrastructure, on this new incentive. And I wholeheartedly agree with Senator BINGAMAN that we cannot allow the United States to miss the opportunity to add thousands of green manufacturing jobs. This new tax credit for investment in advanced energy facilities will level the playing field so that the U.S. can compete for these jobs, and I was pleased to include it in my chairman's mark when the Finance Committee considered this legislation.

Under section 1302 of ARRA, the Treasury Secretary is authorized to award total credits of up to \$2.3 billion for qualifying projects. Within 180 days of enactment, the Treasury Secretary, in consultation with the Secretary of Energy, is required to establish a program to consider and award certifications for projects that qualify for the credit. The bill enumerates selection criteria that the Treasury Secretary shall take into consideration. The Finance Committee developed these criteria with the Energy and Natural Resources Committee, and through the Chair, I would like to ask Senator BINGAMAN to explain the criteria and clarify how Congress intends the administration to implement this credit.

Mr. BINGAMAN. I thank the Senator. At the outset, I note that this credit is a product of the Senate; it was not included in the preconference legislation that was passed by the House.

Overall, we intend the credit to promote the manufacture of property that, until recently, has not been widely deployed in the United States. In particular, the credit is intended to benefit manufacturers of property (including component parts of property) that (a) harnesses renewable resources to produce energy; (b) enhances the efficient use of energy derived from conventional or renewable resources; or (c) reduces greenhouse gas emissions from energy produced by conventional resources.

Treasury's creation of transparent scoring criteria will be critical for efficient delivery of the allocated credit amount, which, in turn, will drive efficient deployment of private capital.

The new section 48C requires the Treasury Secretary to make awards only to projects for which there is a reasonable expectation of commercial viability. Commercial viability primarily considers readiness for deployment. It also considers capital requirements to reach end-consumers in a cost-effective manner. Projects that have immediate and fungible markets and are positioned to compete in those markets have greater commercial viability than those that will require significant additional market development. Additionally, in determining viability the Secretary should consider the potential scale of market applications, and therefore the project's broader impact.

In allocating credits, section 48C directs the Secretary to consider five additional factors.

First, the Secretary shall consider projects that will provide the greatest domestic job creation, both direct and indirect, during the credit period. Because of their potential to catalyze additional growth, ARRA's stimulus objective will be maximized if the program supports emerging sectors and technologies. Accordingly, the Secretary should consider job creation estimates that include some evaluation of the potential breadth and scale of the property's applications, including job creation potential of the property's supply chain, distribution, installation, and maintenance.

Second, the Secretary shall consider projects that will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases. Emissions from both the manufacturing project's operations and the installed energy property should be considered. Applicant projects should be compared to the existing most-likely alternatives, and also to alternative new competing property. We expect that the Treasury Secretary will consult with the Department of Energy in estimating direct

greenhouse gas emissions on a lifecycle basis for applicant projects. Additionally, the Treasury Secretary shall ensure that any potential project has received all Federal and State environmental authorizations or reviews necessary to commence construction of the project.

Third, the Secretary shall look to projects that have the greatest potential for technological innovation and commercial deployment. This criterion will ensure that tax credits are directed to those projects that have the greatest opportunity to catalyze new technologies, and thus multiply the tax credit's impact. The Secretary might implement this standard by preferring projects that are first- or second-of-a-kind, or that employ significantly improved technologies—i.e., those that will achieve significant improvements in cost or technology performance relative to existing solutions.

Fourth, the Secretary shall prioritize projects that have the lowest leveled cost either of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emissions. Because it takes into account the installed system price and associated costs, such as financing and operation, leveled cost of energy is an accepted and common metric for comparing the cost of generating energy or saving energy across properties. In the case of property that generates or stores energy, the appropriate measure is leveled cost of generated or stored energy, which factors the cost per kilowatt hours of energy generated. In the case of property that conserves or more efficiently deploys energy, such as smart grid and metering technologies, or that reduces greenhouse emissions, the appropriate measure is leveled cost of measured reduction in energy consumption or greenhouse gas emissions, which factors the cost per kilowatt of energy saved or ton of carbon captured. Section 48C mentions the "full supply chain" and, in the case of reductions in energy consumption or greenhouse gas emissions, the Secretary should also consider emissions reductions in other parts of the supply chain that are enabled by the applicant project.

Finally, the legislation directs the Secretary to consider projects that have the shortest project time from certification to completion. ARRA's overarching goal is to create jobs as quickly as possible; the credit is intended to benefit firms that are able to move quickly and with certainty.

Through the Chair, I would like to ask Senator BAUCUS to confirm his agreement with my description of these factors.

Mr. BAUCUS. I most certainly agree with the Senator's description and I thank him for his collaboration in developing this robust new tax credit.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

First of all thank you for all your efforts to help the people of Idaho and the USA.

We have a disabled daughter that lives on a very small income. We subsidize her income monthly and daily. It is all she can do to make ends meet. We are retired and on fixed income. Even before these terrible gas price increases and using "level pay" for heating and cooling all year round, trips to the many doctors and Elks Rehab, it is all but impossible for her to maintain a lifestyle where she can pay all her bills and eat.

How very sad our country has come to this. We seem to be able to help everyone else in the world but not our own citizens.

Everyone in the news keeps saying it will not do any good for years if we start drilling and building refineries. Well, we have to start somewhere and sometime. Foreign countries are virtually taking our oil resources and we are standing by and letting it happen. What is so hard to understand about our dilemma? It affects our source of food and many other vital areas that are urgent to our very survival. Let us bring back our capability to support ourselves by reactivating our nuclear capabilities. We have the technology and even some facilities that were up and running. Why did not we stick with a good thing when we were using it?

As far as drilling and the environmentalists are concerned, since when do the minority control the majority? Granted, we need to protect the environment but we all know it can be done along with doing what we need to do to survive. What good is it to be so radical and prevent every effort to improve our stability if no one is around to enjoy it? Think about it.

SHIRLEY, Boise.

I appreciated your letter and am happy to be able to share how difficult it has become for me, as a single mother who works in Boise, but lives in Middleton. Every day, my salary is reduced because of the additional costs of commuting to work. Additionally, my home and water are heated by propane, so making it thru this past winter was espe-

cially difficult. I had to call on my church leaders for assistance 3-4 times to pay the propane bills. The \$600 stimulus check issued by the government was not even enough to cover the cost for one bill. I had to come up with the additional \$180 shortage on my own. Needless to say, the stimulus check did not "stimulate" much of anything.

We are in a national crisis, and something must be done now. My husband walked away from our family approximately three years ago, leaving me with four children and two mortgages to pay on less than \$25,000 per year income. I cannot afford to file for divorce because my funds are so limited—so I am just stuck. I do not want to lose my home, but that is becoming more of a potential outcome each day. It breaks my heart to see the things I have worked my whole life for slowly dwindle away. So much for the "American Dream".

I feel powerless and frustrated much of the time as I have to choose whether to buy fuel to be able to go to work, or buy food for my family. It is just a vicious circle. Please tell our elected officials that we need their help now!

GRACE, Middleton.

Thank you for your letter. Yes, we are scared at the direction our economy has taken, which all appears to be caused by the horrendous rise in gasoline prices—and who do we blame for this—Congress, of course! How can you sit by and let the oil companies rake in billions of dollars in profits through pure greed. I have never liked overregulation of business, but I think now they need some regulating, as do all those who are profiting by this miserable situation.

We are on a fixed income: Social Security, small pension (that never changes) and a 401K saved while working—which by the way is shrinking due to the stock market problems. The only thing that can be done about our income would be a decent cost-of-living rise in the Social Security next January.

Now, the story of how life has changed since the rise in gasoline—and all other—costs. We no longer: subscribe to a newspaper, buy any non-essential food, feed our pets as much as they used to get, buy clothing, eat out, go to movies, have a TV movie package, take any non-essential trips, and soon will cancel our Medicare supplemental health policy. We have enjoyed having a few horses, but hay prices are double over last year—to \$185/ton. Many people are "dumping" their horses because they can no longer afford to feed them. Our nephew is a long-haul owner-driver. A recent 2-week trip cost him over \$10,000 in fuel & expenses, and he netted only \$400 for himself—for 2 weeks of work!

We have lived a frugal life and thought we had saved enough money to last it out, but now we are afraid this may not be the case. We are not starving, yet, or homeless, but that for the first time in our life, these things now appear possible—if things continue as they are. Every time we go to the pump or the grocery store, or buy anything at all; the prices have been increased.

Yes—please work for the things you state in your letter—increased domestic exploration, production and refining of petroleum; promotion and development of alternative energy sources, lower our dependence on foreign energy sources—and most important—do it now. The only thing that can save us from financial ruin is to get the prices down!

CLARK AND NOLA, Kimberly.

I am a single woman, working two jobs. The home I rent is heated by a furnace that



burns heating oil. Last winter, I could not afford to buy enough heating oil to keep my house warm all winter. Even by keeping the thermostat at 55 degrees, (enough to keep the pipes from freezing, but not enough to really be warm), there were still two months during the winter that I could not run my furnace because I could not afford the oil. I set up two space heaters in either my bedroom or the living room, and that one room was where I spent all my time when I was at home. I got used to wearing my jacket and two pairs of socks in the house all the time. I hated showering because the bathroom was so cold. I would move a heater into the bathroom 15 or 20 minutes before to heat the room up a little bit. In this way, I saved myself money on heating oil, but then my electric bill nearly doubled. That was last year when oil was less than \$3 per gallon. I still have not figured out a way to get heating oil for this year. I just have to trust that God will provide, and give me the strength to cope with whatever situation I am faced with.

I wish the government would open the way for more of our natural resources to be utilized. Living in this beautiful state, I love the environment, the animals, the beauty, but are not the needs of human beings more important than leaving billions of acres untouched and untouchable? We cannot even get out to see these spaces anymore because we cannot afford the gas for our vehicles!

JENNY, *Blackfoot.*

I do not have any great stories about how the gas prices have affected my family, but I can tell you that I sold our 4 Runner last year to save on gas and just put a trailer hitch on my minivan so I can pull our utility trailer to mow lawns at some apartments. I always think I look a little funny driving down Broadway in a minivan pulling a trailer.

I would encourage you to propose legislation and/or vote for legislation that opens up all public lands for drilling for oil. This should include ANWR and all offshore drilling. I oppose states dictating whether or not drilling will take place on federal lands or offshore. States only should have the right to restrict drilling on state owned lands. Any federally owned lands should be under the sole jurisdiction of the federal government. Furthermore, neither the state nor the federal government should restrict drilling on any private lands.

We also need more refinery capacity. Whether this is in the form of new refineries or expanding existing refineries, congress needs to pass legislation to ease environmental restrictions.

Do not let them bully you around when others say that it will take ten years to get any oil out of new wells. Any amount will help and even the realistic forecast of more oil will scare OPEC into lowering prices. We need it now! I work in the automotive industry and in all my conversations at home and throughout the country on sales calls, I have not once found a person who thinks we should drill less and have less refineries.

We also need more nuclear, wind, tidal, hydroelectric, and clean coal power plants. I do not believe government should subsidize any of these, but I believe you should loosen the restrictions for private enterprise to develop such. Rising electricity costs are every bit as detrimental to the well being of our economy as the rising petroleum costs.

CLAY, *Idaho Falls.*

You asked Idahoans to email you how the current high gasoline prices are affecting

them. I do not think listening to the complaints of Idahoans about gas prices contributes to a solution. As I understand it, devaluing of the dollar versus other currencies, among other things, helped the economies of developing countries to where they can afford more energy intensive products such as food and transportation. Increased demand increases prices if supply remains constant. Look at China, for example. Their economy seems to be exploding, increasing their demand for food and energy and consequently driving up costs for others.

Some of the sillier "solutions" proposed by presidential candidates has been to suspend federal gasoline taxes, and raise taxes on oil companies. Environmentalists have long contributed to this developing energy shortage by frightening the public and politicians away from atomic energy. Instead of letting NASA play with \$B probes to Mars, why were they not tasked with solving negatives of atomic plants such as depleted fuel rod disposal?

I am pointing fingers here at past errors because it helps to illustrate how we have gone wrong in the past, and which directions our present thinking should take. But first, let us understand who is supposed to be running this country, and who has the clout to dictate what this country is to do? Our U.S. Congress! But when its present preoccupation (increasing subsidies to already wealthy farmers) is compared with the impact of high fuel prices on our citizens, one ceases to expect any help from our politicians.

Fight against foolish short term fixes for high fuel prices. Call for somebody to assemble experts in relevant fields to get the facts behind the energy prices, publish them to reassure the public something is being done, then work to reduce the problem. Keep it non-political and do it fast.

J. K.

Thank you for the opportunity to respond to you regarding our nation's energy situation. We are indeed in a lamentable situation. I believe that our current state of affairs should be no big surprise to anyone. Have we not seen this coming for a number of years? Why has nothing been done sooner to allow development of more efficient vehicle engines and renewable domestic energy sources? While we cannot change what should have been done years ago, you and your colleagues in Congress now have the opportunity to not wait another day to take action. All of us must take responsibility for the predicament we are in and do something about it. Every American has the responsibility to conserve energy and use our resources wisely, without being wasteful. All of us have a responsibility to make decisions that will assure future generations a clean, healthy environment. Congress can take aggressive action to encourage production of energy efficient vehicles, homes, and businesses. I believe there is much technology available to reduce energy consumption. The biggest challenge is to be able to put that knowledge into mass production. Congress can create tax-breaks or other incentives for the implementation of energy-saving technology both in the business and private sectors. We, as individuals, can make some difference in energy consumption, but in order to make a significant difference, there must be strong incentives for businesses to change the way they are doing things! Those changes will only take place if the result is increased bottom-line profits for them. Otherwise, they will just keep passing along their increased energy costs to their cus-

tomers, further bankrupting our already strained economy. We are seeing stress fractures everywhere in our economy, but we must remember that the time of greatest challenge may also offer the most opportunity to accomplish something truly great. We are looking to you to lead us through these challenging times; please do not let us down!

JEANNE MARIE, *Grace.*

Mr. Crapo, My husband and I are retired and both on Medicare. We live in McCammon, so we have to drive at least 40 miles to get to our doctor, dentist, grocery store, etc. We try to make as few trips as possible and car pool with neighbors many times. We can limit our trips but we are having problems with propane since it is our main source of heat. We are now paying more than \$300 a month for our propane and it looks as if we will be paying more this winter. We need to use our own resources and stop our dependence on foreign oil. I think that we, as Americans, take good care of our country and have consideration for the earth and its resources. We are tired of being led by conservationists that think they know what is best for all. Many of my neighbors and family are worried and angry because no one seems to be doing anything about the situation. We need you to do something. Thank you.

NANCY, *McCammon.*

I am horrified by the prospect of selling my Hummer. I am also considering driving at 55 mph—is not that awful?

It is disgusting that Americans now have to pay almost as much for gasoline for our gas-guzzlers as we do as for bottled water.

Better drill every possible source of oil in the US—that should allow us to continue to use up resources at the highest rates in human history . . . for another year or maybe two.

DEBRA PATLA.

Of course this has affected my wife and myself. We just very recently retired, hoping to do some traveling. We have already canceled a trip that we had so looked forward to simply because of the cost of fuel. We will have to stay very close to home now. Most of our disposable 'fun' income now goes for gasoline.

You know that this happened on your watch. You and your colleagues representing Idaho have been in Washington for a long time. [The public deserves to see more action and less talk on your part.]

LEONARD, *Wilder.*

It is ridiculous that they have let the gas prices get up as far as they have. If we did not have petroleum in the US to make gas it would be different, but we have ways to have gas brought in and it would not take that long. They need to reevaluate this.

DEANNA.

We are small farmers and small business owners. We live 25 miles from town which makes it a 50 mile round trip for everything we do. These rising fuel prices has greatly affected us and has made it hard. We have tried to conserve by buying fuel economy cars, but because of the rising costs we are paying substantially more for fuel than we were a year ago or even six months ago. We believe that what should be done is to use more of our domestic oil, cut environmental red tape on refineries and other things and give incentives for people to conserve. I do

not think that by adding taxes to the oil companies is going to solve anything. It will just be passed on to the consumer, which is something we do not need.

RANDY.

It is my opinion that we need to become independent from Middle Eastern Oil. We need to reduce use, but also we need to build more energy plants, of all kinds, in our own country, including Nuclear, and responsibly drill our own oil. If we are not dependent on foreign oil we are not held hostage; We are not depleting our wealth while contributing to theirs.

Thank you for asking for my opinion. I hope you listen to everybody and I hope that you and your colleagues quit playing politics and get it done. I am very tired of the political drama. I have come to distrust all of you.

JANINE.

I would suggest that the government tell the people who want more drilling that the oil companies should drill the millions of acres they already hold hostage under contract before we give them the rest. As an alternative let wildcatters have the new options rather than more big oil hostage land.

KURT.

I am single. I raised two boys on my own, assuming the role of Mr. Mom for a number of years. Currently I work in industrial sales. I am compensated through straight commission. Year to date, my sales are off 30%. As commissions have shrunk, costs have not. My employer has informed me in September the cost for the company vehicle I use will increase an additional hundred dollars a month. One of my sons is out of work and had nowhere left to turn and is home for the moment working odd jobs. He is a new commercial pilot.

I am speaking in literal terms, not figuratively. I do not know how I am going to pay the bills, put food on the table, and gas in my personal vehicle. I will buy a half a tank of gas for my vehicle payday (cannot use company rig), buy a lot of hamburger, and I will draw on my credit line to cover the bills the paycheck cannot.

Somehow I will make it. Not sure how, but I will. This would be easier to accept what we are experiencing had it been unavoidable. The fact of the matter is our current situation was completely avoidable. Congress has failed at every turn to demonstrate the kind of leadership needed. Both parties are to blame. There is absolutely no excuse what so ever for us importing any oil period!

We need to drill now and drill wherever possible while developing other alternative energy systems.

ROGER, *New Plymouth.*

Thank you for the opportunity to share the affect rising energy prices have on me and my family. I am a single mother who drives a horrendous commute every day to get my son to daycare and then work. It just does not seem right that my gas bill keeps skyrocketing up every day while my paycheck stays the same. What choice do I have but to pay the price? It's getting too expensive to go to work! Is there anything that can be done?

LEAH.

## ADDITIONAL STATEMENTS

### IOLANI SCHOOL REAL WORLD DESIGN CHALLENGE CHAMPIONS

• Mr. AKAKA. Mr. President, I congratulate the six-member team from Iolani School for winning the national title in the U.S. Department of Energy's 2009 Real World Design Challenge, RWDC. The challenge is an annual competition that provides high school students with the opportunity to apply the lessons of the classroom to important energy and environment problems currently encountered in the engineering field. Iolani School's team placed first of 10 teams gathered from across the Nation in the competition finals held on March 21, 2009 at the Smithsonian's National Air and Space Museum. The theme for the 2009 challenge was "Aviation and Fuel Consumption."

I wish to acknowledge the students' diligence, team work, and ingenuity in crafting their winning solution to this year's daunting challenge. Teams were provided detailed specifications and flight capabilities of an actual twin-engine jet aircraft. Teams were then asked to improve the aircraft's fuel efficiency without drastically reducing its load capacity. I wish to acknowledge all team members on their success: Amy Ko, Adeline Li, Anya Liao, Celia Ou, Jessica Lynn Saylor, Julia Zhang. Their parents and families are recognized as well for their commitment, sacrifice, and support that helped to encourage and instill the important values that led to their success.

However, these young women could not have achieved what they have done without the additional support and knowledge of the fundamentals of science given to them by their coach, Dr. Carey Inouye. I commend Dr. Inouye and all of their teachers at Iolani School on their dedication to instructing, nourishing, and inspiring the next generation of scientists and engineers.

I would also like to echo the comments made by U.S. Secretary of Energy Steven Chu, who said that this "competition shows that U.S. students, when challenged to excel, are able to perform at the highest levels in science, math and engineering." I encourage these students to continue to study and follow their passions for science and engineering. I wish nothing but the best for the students, their families, and coach and wish them and the program continued success in future endeavors.●

### OHIO NATIONAL GUARD'S 179TH AIRLIFT WING

• Mr. BROWN. Mr. President, today I commemorate the work of the Ohio National Guard's 179th Airlift Wing of

Mansfield, which has been awarded the General Thomas D. White Environmental Quality Award.

The award recognizes the 179th Airlift Wing's work in environmental quality, restoration, pollution prevention, recycling, and conservation of natural and cultural resources. They were picked for the award from among all 88 Air National Guard Wings, all other Air National Guard installations, and all Air Force Reserve units across the country. It is the highest honor of its kind that can be awarded for environmental work. The 179th Airlift Wing made multiple environmental advances during the period from 2006 to 2008, including consumption reductions, recycling programs, a conversion to bio-diesel fuel, and updated cost-saving environmental plans.

I commemorate the work of the 179th Airlift Wing and congratulate them for receiving this prestigious award. Their dedication to environmental causes and our Nation is an inspiration to us all. I hope you will join me in wishing them the best of luck in their future endeavors.●

### TRIBUTE TO ADIA MATHIES

• Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating Adia Mathies from Iroquois High School, Louisville, KY, for receiving Kentucky's Miss Basketball award. There is only one recipient annually for this award.

Kentucky's Miss Basketball Award is given to students who show excellence in their basketball career. To be eligible for the award, students must show consistent top performance on the court.

Adia Mathies has shown superior basketball skills as a high school senior and throughout her young career. This season alone, she averaged 17.1 points, 11.4 rebounds, 3.9 steals and 3.8 assists, aggressively pushing Iroquois' final record to 33-1 and the win of the State Championship. As a professional athlete, I appreciate the hard work and dedication it takes to perform at a higher level, which she has displayed.

I am impressed by the excellence this student has demonstrated. I am confident that she will have success in greater challenges in the future and perform outstandingly at University of Kentucky.

Mr. President, I would like to thank Adia Mathies for her contributions to the Commonwealth of Kentucky and wish her the best of luck in her future endeavors.●

### TRIBUTE TO DAVID YEPSEN

• Mr. GRASSLEY. Mr. President, I wish to pay tribute to a native son of Iowa as he prepares to leave the nest he has diligently feathered for more than three decades. A journalist who

has earned his keep for 34 years at the Des Moines Register, David Yepsen honed his skills as a fair and balanced reporter upon whom his readers grew to depend to separate the wheat from the chaff.

With a few strokes of the keyboard, David Yepsen cut through layers of political posturing to identify stalemates at the statehouse or expose stonewalling from Terrace Hill. A no-nonsense newspaperman, David built a reputation for his astute understanding of Iowa politics and policymaking on the local, State, and Federal levels of government. From local boards of education to county seats of government, statehouse politics, and the Presidential campaign trail, David Yepsen knew how to boil down an issue and size up a candidate's prospects.

Like most Iowans, pomp and circumstance isn't his style. The genius of his political commentary is his ability to cut off grandstanding and get down to brass tacks. If the political leadership got bogged down in partisan gridlock, David would simply explain to voters in his next column how their elected representatives were baling political hay on the public's dime instead of ironing out the looming State budget deficit.

A shrewd journalist, David Yepsen understood how to cultivate contacts and build a reputation built on trust and truth. Cut from the gold standard cloth of journalism, David exercised independence and discovered that loyalty, like representative government, is a two-way street. No doubt the mutual agreement or lively disagreement with his subjects, readers, and publishers made his job all the more satisfying.

Although schooled decades before the Internet, blogs, and other tools delivered news to our laptops and cell phones, this seasoned reporter embraced the 24-hours news cycle. His profession bears the responsibility and privileges granted by the freedom of the press in American society. He upheld his end of the bargain by holding officeholders, public officials, and candidates accountable to the people. But he didn't fall victim to the "gotcha" style of ambush journalism that adds to public cynicism about the media and politics.

Instead, David fell back on his commitment to fairness and evenhandedness. That is the legacy David Yepsen will leave behind as he pursues the next chapter in his professional career. Next month, he will hang up his press credentials to assume leadership of the Paul Simon Public Policy Institute at Southern Illinois University in Carbondale.

As I mentioned earlier, David Yepsen for more than 30 years has earned his paycheck and served the public as a reporter and political columnist at the Des Moines Register. For more than

three decades, he immersed himself whole hog into politics, issues, and campaigns that have colored Iowa's landscape from the Missouri to the Mississippi Rivers. David earned a scholarly grasp of public policy that will prepare him well for his new position. Hot-button issues in recent times have included regulating hog lots; legalizing gambling; preparing for natural disasters and flood control; consolidating government from the courthouse to the schoolhouse; harmonizing Iowa's production agriculture heritage with sustainable stewardship of our natural resources; investing in renewable energy; bringing 21st century technology to rural areas; developing tourism, parks, and trails; balancing needs of an aging society; addressing Iowa's "brain drain"; handling immigration; and juggling interests of labor and business or rural and urban. Instead of treating these issues as lightning rods that polarize people, David took the opportunity to challenge Iowans, whether newcomers or old-timers, to find common ground that would make our State an even better place to work, raise a family, enjoy a vacation, earn a world-class education, and retire.

David could slice through the debate with a lucid and logical reminder about just why it matters to taxpayers if the gas tax is raised during a recession or why Iowa lawmakers should seize the opportunity to take bold steps to restore and improve crumbling infrastructure projects. He provoked Iowans to think outside the box, choosing flattery or insult when necessary.

David faced the relentless scrutiny of his readers and also enjoyed many personal and professional rewards. Iowa's David Yepsen was often called upon by national news organizations for his respected analysis of Presidential politics. His departure leaves behind a big set of footprints in the fields of Iowa journalism and politics. I will really miss seeing "what Yepsen had to say in the Register" but wish him all the best.●

#### REMEMBERING CHAD MECHEL'S

● Mr. THUNE. Mr. President, today I wish to pay honor to Deputy Sheriff Chad Mechels of Madison, SD, who was killed in the line of duty on Sunday, March 15, 2009, at the age of 32. He is survived by his wife Jamie Mechels and two children, Avery, age 7, and Thomas, age 3.

Chad dedicated his life to a career in law enforcement. He graduated from the South Dakota Law Enforcement Academy in 2005. After graduation, Chad worked with several law enforcement agencies including the Lake County and Kingsbury County Sheriff's Departments. He was currently serving with the Turner County Sheriff's Department when his life was tragically taken.

The sacrifice made by this brave officer is something we should always remember. Everyday heroes, like Chad, are those who keep us all safe. We should all be thankful to our community law enforcement officers who respond to protect the safety of others while sometimes jeopardizing their own.

Deputy Sheriff Chad Mechels paid the ultimate sacrifice in the line of duty, and for that we owe him a debt that can never be repaid. Let us honor Chad and so many other heroes that have made this country great.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, without amendment:

S. 383. An act to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 730. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

H.R. 918. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building".

H.R. 1148. An act to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.

H.R. 1218. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building".

H.R. 1617. An act to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 55. Concurrent resolution recognizing the 30th anniversary of the Taiwan Relations Act.

H. Con. Res. 77. Concurrent resolution recognizing and honoring the signing by President Abraham Lincoln of the legislation authorizing the establishment of collegiate programs at Gallaudet University.

The message also announced that the House agreed to the amendments of the Senate to the bill (H.R. 146) entitled "An Act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes."

At 3:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1404. An act to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 730. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 918. An act to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1148. An act to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security; to the Committee on Commerce, Science, and Transportation.

H.R. 1218. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1404. An act to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the

Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1617. An act to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 55. Concurrent resolution recognizing the 30th anniversary of the Taiwan Relations Act; to the Committee on Foreign Relations.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1137. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC-1138. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs during fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC-1139. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Weatherization Assistance Program for Low-Income Persons" (RIN1904-AB84) received in the Office of the President of the Senate on March 26, 2009; to the Committee on Energy and Natural Resources.

EC-1140. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Drinking Water Infrastructure Needs Survey and Assessment: Fourth Report to Congress"; to the Committee on Environment and Public Works.

EC-1141. A communication from the Chair and Vice Chair, National Surface Transportation Infrastructure Financing Commission, transmitting, pursuant to law, a report entitled "Paving Our Way: A New Framework for Transportation Finance"; to the Committee on Environment and Public Works.

EC-1142. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1143. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of Juvenile Justice and Delinquency Prevention for 2008; to the Committee on the Judiciary.

EC-1144. A communication from the Director, Administrative Office of the United

States Courts, transmitting, pursuant to law, two reports entitled "2008 Annual Report of the Director of the Administrative Office of the U.S. Courts" and "2008 Judicial Business of the United States Courts"; to the Committee on the Judiciary.

EC-1145. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Post-9/11 GI Bill" (RIN2900-AN10) received in the Office of the President of the Senate on March 26, 2009; to the Committee on Veterans' Affairs.

### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-15. A resolution adopted by the House of Representatives of the State of Missouri urging the United States Congress to reject the Freedom of Choice Act; to the Committee on the Judiciary.

#### RESOLUTION

Whereas, the 111th United States Congress is considering the Freedom of Choice Act, which purports to classify abortion as a "fundamental right", equal in stature to the right of free speech and the right to vote—rights that, unlike abortion, are specifically enumerated in the United States Constitution; and

Whereas, the federal Freedom of Choice Act would invalidate any "statute, ordinance, regulation, administrative order, decision, policy, practice, or other action" of any federal, state, or local government or governmental office, or any person acting under governmental authority that would "deny or interfere with a woman's right to choose" abortion, or that would "discriminate against the exercise of the right . . . in the regulation or provision of benefits, facilities, services, or information"; and

Whereas, the federal Freedom of Choice Act would nullify any federal or state law "enacted, adopted, or implemented before, on, or after the date of its enactment" and would effectively prevent the State of Missouri from enacting similar protective measures in the future; and

Whereas, the federal Freedom of Choice Act would invalidate more than 550 federal and state abortion-related laws, laws supported by the majority of the American people; and

Whereas, the federal Freedom of Choice Act would specifically invalidate the following commonsense protective laws properly enacted by the State of Missouri:

(1) A parental consent law for minors seeking an abortion;

(2) A prohibition on government funding or use of public facilities for abortions;

(3) Health and safety regulation for abortion facilities;

(4) A twenty-four-hour waiting period and informed consent law that provides an opportunity to consider the gravity of a decision to abort a child;

(5) A partial birth abortion ban (Infant's Protection Act);

(6) A requirement that only physicians can perform or induce abortions and that such physicians maintain medical malpractice insurance;

(7) Conscience protections for doctors and hospitals not wanting to perform or induce abortions;

(8) A prohibition on performing or inducing abortions in order to use fetal organs or tissue for transplantation or experimentation;

(9) Licensing of most abortion clinics as ambulatory surgical centers to ensure basic health and safety of patients;

(10) Alternatives to abortion programs to encourage and support women who do not want abortions; and

Whereas, the federal Freedom of Choice Act will not make abortion safe or rare, but will instead actively promote and subsidize abortion with federal and state tax dollars and will do nothing to ensure its safety; and Whereas, the federal Freedom of Choice Act will protect and promote the abortion industry, endanger women and their health, promote a political ideology of unregulated abortion-on-demand, and silence the voices of Americans who want to engage in a meaningful public discussion and debate over the availability, safety, and even desirability of abortion: Now, therefore, be it

*Resolved*, That the members of the House of Representatives of the Ninety-fifth General Assembly, hereby strongly oppose the federal Freedom of Choice Act and urge the United States Congress to summarily reject it; and be it further

*Resolved*, That the Missouri House of Representatives strongly opposes the federal Freedom of Choice Act because:

(1) It seeks to circumvent the states' general legislative authority as guaranteed by the 10th Amendment of the United States Constitution;

(2) It seeks to undermine the right and responsibility of the states and the people to debate, vote on, and determine abortion policy;

(3) The protection of women's health through state regulation on abortion is a compelling state interest that should not be nullified by Congress; and

(4) Its enactment would nullify laws in the State of Missouri that the Missouri General Assembly and the people of Missouri strongly support; and be it further

*Resolved*, That the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Barack Obama, President of the United States; the Majority Leader and Minority Leader of the United States Senate; the Majority Leader and Minority Leader of the United States House of Representatives; each member of the Missouri Congressional delegation; and the Clerk of the United States House of Representatives and the Secretary of the United States Senate with a request that the resolution be printed in the Congressional Record.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Tony West, of California, to be an Assistant Attorney General.

Lanny A. Breuer, of the District of Columbia, to be an Assistant Attorney General.

Christine Anne Varney, of the District of Columbia, to be an Assistant Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 712. A bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

By Mr. PRYOR:

S. 713. A bill to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself, Mr. SPECTER, Mr. REID, Mr. LEAHY, Mr. DURBIN, Mr. GRAHAM, Mr. SCHUMER, Mrs. MURRAY, Mr. WYDEN, Mr. BROWN, Mr. WARNER, Mrs. GILLIBRAND, Mr. BURRIS, Mr. KENNEDY, Mr. CARDIN, and Mrs. MCCASKILL):

S. 714. A bill to establish the National Criminal Justice Commission; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, and Mr. SCHUMER):

S. 715. A bill to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 716. A bill to amend title XVIII of the Social Security Act to preserve care for ventilator-dependent patients; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mrs. HUTCHISON, and Mrs. FEINSTEIN):

S. 717. A bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. LEAHY, Mr. CARDIN, Ms. MIKULSKI, Mr. KERRY, Mr. DURBIN, Mr. LAUTENBERG, Mr. MERKLEY, and Mrs. MCCASKILL):

S. 718. A bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER:

S. 719. A bill to direct the Secretary of the Interior to notify surface estate owners in cases in which the leasing of Federal minerals underlying the land are to be used for oil and gas development; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 720. A bill to provide a source of funds to carry out restoration activities on Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 721. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 722. A bill to amend the Internal Revenue Code of 1986 to provide for permanent alternative minimum tax relief, middle class tax relief, and estate tax relief, and to permanently extend certain expiring provisions, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Ms. COLLINS, Mr. DODD, and Mr. CARPER):

S. 723. A bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BARRASSO (for himself and Mr. VITTER):

S. 724. A bill to amend the Endangered Species Act of 1973 to temporarily prohibit the Secretary of the Interior from considering global climate change as a natural or man-made factor in determining whether a species is a threatened or endangered species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 725. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. SCHUMER (for himself, Ms. COLLINS, Mr. BROWN, Mr. VITTER, Ms. STABENOW, Mr. MARTINEZ, and Mrs. SHAHEEN):

S. 726. A bill to amend the Public Health Service Act to provide for the licensing of biosimilar and biogeneric biological products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. ENSIGN, Mr. CARDIN, Mrs. BOXER, Mr. GRAHAM, Ms. COLLINS, Mr. MCCAIN, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LEVIN, Mr. CARPER, Mr. LIEBERMAN, Mr. BYRD, Mr. KERRY, and Mr. LEAHY):

S. 727. A bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 728. A bill to amend title 38, United States Code, to enhance veterans' insurance benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. REID, Mr. MARTINEZ, Mr. LEAHY, Mr. LIEBERMAN, Mr. KENNEDY, and Mr. FEINGOLD):

S. 729. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Ms. CANTWELL, Mr. ROBERTS, Mr. BROWNBACK, Mr. VOINOVICH, Mr. LIEBERMAN, Mrs. MURRAY, Ms. COLLINS, Mr. DEMINT, and Mr. BENNET):

S. 730. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, Mrs. LINCOLN, Mr.

BYRD, Mr. DODD, Mrs. GILLIBRAND, Mr. ISAKSON, Mr. CASEY, Mr. LEAHY, and Mr. ALEXANDER):

S. 731. A bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve; to the Committee on Armed Services.

By Mr. AKAKA (for himself, Mr. SPECTER, Mr. CARDIN, Mr. SCHUMER, Mr. VOINOVICH, Mr. BROWN, and Mr. CASEY):

S. 732. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself and Mr. ISAKSON):

S. 733. A bill to ensure the continued and future availability of life saving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Res. 86. A resolution designating April 18, 2009, as "National Auctioneers Day"; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, and Mr. CARPER):

S. Res. 87. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HAGAN (for herself, Mr. BURR, Mr. KENNEDY, and Mr. SCHUMER):

S. Res. 88. A resolution honoring the life of Dr. John Hope Franklin; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 277

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 355

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr.

BURRIS) was added as a cosponsor of S. 355, a bill to enhance the capacity of the United States to undertake global development activities, and for other purposes.

S. 414

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 456

At the request of Mr. DODD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 468

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 483

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 483, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 524

At the request of Mr. FEINGOLD, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 526

At the request of Mrs. MCCASKILL, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 526, a bill to provide in personam jurisdiction in civil actions against contractors of the United States Government performing contracts abroad with respect to serious bodily injuries of members of the Armed Forces, civilian employees of the United States Government, and United States citizen employees of companies performing work for the United States Government in connection with contractor activities, and for other purposes.

S. 561

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 561, a bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

S. 570

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 570, a bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 599

At the request of Mr. CARPER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY) and the Senator



from California (Mrs. BOXER) were added as cosponsors of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 702

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 702, a bill to amend the Internal Revenue Code of 1986 to allow long-term care insurance to be offered under cafeteria plans and flexible spending arrangements and to provide additional consumer protections for long-term care insurance.

AMENDMENT NO. 687

At the request of Ms. MIKULSKI, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Wyoming (Mr. ENZI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 687 proposed to H.R. 1388, a bill entitled "The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws."

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 712. A bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today, along with my colleague Senator COLLINS from Maine, I am introducing legislation to address the needs of the nearly one-quarter of all Medicare beneficiaries who live in rural America. These beneficiaries are systematically disadvantaged in the Medicare program. The beauty of Medicare is its equity, its universality, and its accessibility. But we have compromised these values by stratifying payments, by under-representing rural voices on the Medicare Payment Advisory Commission, and by continuing to use obsolete payment data that hurts rural America.

First, we must stop indexing physician payments for work based on geographic differences. Rural areas already have a hard enough time recruiting and retaining the Nation's top talent. Currently, even though 25 percent of Medicare beneficiaries live in rural areas, only 10 percent of the nation's physicians serve them. Lower payments to doctors in these areas only perpetuate this dangerous shortage of medical expertise. We should not be discouraging medical school graduates from moving to underserved rural areas by continuing to offer sub-par pay—in fact, we should be providing incentives to encourage them to work in underserved areas. My legislation proposes a project to help rural facilities to host educators and clinical practitioners in clinical rotations.

Lack of dollars to rural health facilities has also prevented communities from investing in vital information technology. The Institute of Medicine published a report in 2005 detailing the ways in which health IT could assist isolated communities. For example, since rural physicians tend to be generalists rather than specialists, virtual libraries within physician offices would provide both doctors and patients with a wider and deeper source of information at their fingertips. Rural residents can also be quite far from health facilities, so technology that allows emergency room physicians to communicate with EMS workers in an ambulance can help patients receive life-saving treatment before they physically reach the hospital. These kinds of technologies will improve both the quality and efficiency of care given in rural areas. My legislation offers funding for quality improvement demonstration projects, to allow isolated communities to invest in this otherwise out of reach technology.

Lastly, this legislation will end the disproportionately low representation of rural interests on the Medicare Payment Advisory Commission. This lack of representation has resulted in policies that hurt rural communities. Those policies have hurt—and continue to hurt—the people of my State of Wisconsin, and they hurt my colleague Senator COLLINS' constituents as well.

For every dollar that Medicare spends on the average beneficiary in the average state in this country, Medicare spends only 82 cents on a beneficiary in Wisconsin. In Maine, Medicare spends only 80 cents per dollar it spends on the average beneficiary.

How is this the case, if beneficiaries in Wisconsin and in Maine pay the same payroll taxes as beneficiaries in other states? Because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and to much of the Upper Midwest. Wisconsinites pay payroll taxes just like every American taxpayer, but the Medicare funds we get in return are lower than those received in many other States.

With the guidance and support of people across my State who are fighting for Medicare fairness, I am introducing this legislation to address Medicare's discrimination against Wisconsin's seniors and health care providers. My bill will decrease some of the inequitable payments that harm rural areas. It will provide rural areas the help they need to grow crucial health information technology infrastructure. It will offer the necessary incentives to help attract the Nation's top medical talent to underserved rural areas. It will mandate rural representation on the Medicare Payment Advisory Commission. Rural seniors are already underserved in their communities; they should not be underrepresented in Washington as well.

Rural Americans have worked hard and paid into the Medicare program all their lives. In return, they deserve full access to the same benefits as seniors throughout the country: their choice of highly skilled physicians, use of the latest technologies, and a strong voice representing their needs in Medicare policy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 712

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Medicare Equity Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Elimination of geographic physician work adjustment factor from geographic indices used to adjust payments under the physician fee schedule.
- Sec. 3. Clinical rotation demonstration project.
- Sec. 4. Medicare rural health care quality improvement demonstration projects.
- Sec. 5. Ensuring proportional representation of interests of rural areas on the Medicare Payment Advisory Commission.

Sec. 6. Implementation of GAO recommendations regarding geographic adjustment indices under the Medicare physician fee schedule.

**SEC. 2. ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR FROM GEOGRAPHIC INDICES USED TO ADJUST PAYMENTS UNDER THE PHYSICIAN FEE SCHEDULE.**

(a) FINDINGS.—Congress finds the following:

(1) Variations in the geographic physician work adjustment factors under section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) result in inequity between localities in payments under the Medicare physician fee schedule.

(2) Beneficiaries under the Medicare program that reside in areas where such adjustment factors are high have relatively more access to services that are paid based on such fee schedule.

(3) There are a number of studies indicating that the market for health care professionals has become nationalized and historically low labor costs in rural and small urban areas have disappeared.

(4) Elimination of the adjustment factors described in paragraph (1) would equalize the reimbursement rate for services reimbursed under the Medicare physician fee schedule while remaining budget-neutral.

(b) ELIMINATION.—Section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) is amended—

(1) in paragraph (1)(A)(iii), by striking “an index” and inserting “for services provided before January 1, 2010, an index”; and

(2) in paragraph (2), by inserting “, for services provided before January 1, 2010,” after “paragraph (4), and”.

(c) BUDGET NEUTRALITY ADJUSTMENT FOR ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended—

(1) in paragraph (1)(A), by striking “The conversion” and inserting “Subject to paragraph (10), the conversion”; and

(2) by adding at the end the following new paragraph:

“(10) BUDGET NEUTRALITY ADJUSTMENT FOR ELIMINATION OF GEOGRAPHIC PHYSICIAN WORK ADJUSTMENT FACTOR.—Before applying an update for a year under this subsection, the Secretary shall (if necessary) provide for an adjustment to the conversion factor for that year to ensure that the aggregate payments under this part in that year shall be equal to aggregate payments that would have been made under such part in that year if the amendments made by section 2(b) of the Rural Medicare Equity Act of 2009 had not been enacted.”.

**SEC. 3. CLINICAL ROTATION DEMONSTRATION PROJECT.**

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a demonstration project that provides for demonstration grants designed to provide financial or other incentives to hospitals to attract educators and clinical practitioners so that hospitals that serve beneficiaries under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who are residents of underserved areas may host clinical rotations.

(b) DURATION OF PROJECT.—The demonstration project shall be conducted over a 5-year period.

(c) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq.

and 1395 et seq.) as may be necessary to conduct the demonstration project under this section.

(d) REPORTS.—The Secretary shall submit to the appropriate committees of Congress interim reports on the demonstration project and a final report on such project within 6 months after the conclusion of the project, together with recommendations for such legislation or administrative action as the Secretary determines to be appropriate.

(e) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section, \$20,000,000.

(f) DEFINITIONS.—In this section:

(1) HOSPITAL.—The term “hospital” means a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) that had indirect or direct costs of medical education during the most recent cost reporting period preceding the date of enactment of this Act.

(2) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(3) UNDERSERVED AREA.—The term “underserved area” means such medically underserved urban areas and medically underserved rural areas as the Secretary may specify.

**SEC. 4. MEDICARE RURAL HEALTH CARE QUALITY IMPROVEMENT DEMONSTRATION PROJECTS.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall establish not more than 10 demonstration projects to provide for improvements, as recommended by the Institute of Medicine, in the quality of health care provided to individuals residing in rural areas.

(2) ACTIVITIES.—Activities under the projects may include public health surveillance, emergency room videoconferencing, virtual libraries, telemedicine, electronic health records, data exchange networks, and any other activities determined appropriate by the Secretary.

(3) CONSULTATION.—The Secretary shall consult with the Office of Rural Health Policy of the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, and the Centers for Medicare & Medicaid Services in carrying out the provisions of this section.

(b) DURATION.—Each demonstration project under this section shall be conducted over a 4-year period.

(c) DEMONSTRATION PROJECT SITES.—The Secretary shall ensure that the demonstration projects under this section are conducted at a variety of sites representing the diversity of rural communities in the United States.

(d) WAIVER.—The Secretary shall waive such provisions of titles XI and XVIII of the Social Security Act (42 U.S.C. 1301 et seq. and 1395 et seq.) as may be necessary to conduct the demonstration projects under this section.

(e) INDEPENDENT EVALUATION.—The Secretary shall enter into an arrangement with an entity that has experience working directly with rural health systems for the conduct of an independent evaluation of the demonstration projects conducted under this section.

(f) REPORTS.—The Secretary shall submit to the appropriate committees of Congress interim reports on each demonstration project and a final report on such project

within 6 months after the conclusion of the project. Such reports shall include recommendations regarding the expansion of the project to other areas and recommendations for such other legislative or administrative action as the Secretary determines appropriate.

(g) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section, \$50,000,000.

**SEC. 5. ENSURING PROPORTIONAL REPRESENTATION OF INTERESTS OF RURAL AREAS ON THE MEDICARE PAYMENT ADVISORY COMMISSION.**

(a) IN GENERAL.—Section 1805(c)(2) of the Social Security Act (42 U.S.C. 1395b-6(c)(2)) is amended—

(1) in subparagraph (A), by inserting “consistent with subparagraph (E)” after “rural representatives”; and

(2) by adding at the end the following new subparagraph:

“(E) PROPORTIONAL REPRESENTATION OF INTERESTS OF RURAL AREAS.—In order to provide a balance between urban and rural representatives under subparagraph (A), the proportion of members who represent the interests of health care providers and Medicare beneficiaries located in rural areas shall be no less than the proportion, of the total number of Medicare beneficiaries, who reside in rural areas.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to appointments made to the Medicare Payment Advisory Commission after the date of the enactment of this Act.

**SEC. 6. IMPLEMENTATION OF GAO RECOMMENDATIONS REGARDING GEOGRAPHIC ADJUSTMENT INDICES UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.**

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall implement the recommendations contained in the March 2005 GAO report 05-119 entitled “Medicare Physician Fees: Geographic Adjustment Indices are Valid in Design, but Data and Methods Need Refinement.”.

By Mr. WEBB (for himself, Mr. SPECTER, Mr. REID, Mr. LEAHY, Mr. DURBIN, Mr. GRAHAM, Mr. SCHUMER, Mrs. MURRAY, Mr. WYDEN, Mr. BROWN, Mr. WARNER, Mrs. GILLIBRAND, Mr. BURRIS, Mr. KENNEDY, Mr. CARDIN, and Mrs. McCASKILL):

S. 714. A bill to establish the National Criminal Justice Commission; to the Committee on the Judiciary.

Mr. WEBB. Today I am pleased to be introducing a piece of legislation designed to establish a national criminal justice commission. I do so with, at the moment, 12 cosponsors, including our majority leader, the chairman and the ranking Republican on the Senate Judiciary Committee, the chairman and the ranking member of the Judiciary Subcommittee on Crime and Drugs, and other members of our leadership. I introduce this bill after more than 2 years of effort here in the Senate that I will explain shortly; also with the prior conferral with Supreme Court Justice Kennedy and having discussed this matter with the President and the Attorney General, both of whom I

think are strongly supportive of this concept.

Our design, our goal in this legislation, is to create a national commission with an 18-month timeline, not to simply talk about the problems that we have in our criminal justice system but actually to look at all of the elements in this system, how they are interrelated in terms of the difficulties that we have in remedying issues of criminal justice in this country, and to deliver us from a situation that has evolved over time where we are putting far too many of the wrong people into prison and we are still not feeling safer in our neighborhoods; we are still not putting in prison or bringing to justice those people who are perpetrating violence and criminality as a way of life.

I would like to say that, although I am not on the Judiciary Committee, I come to this issue as someone who first became interested in criminal justice issues while I was serving as a U.S. marine, serving on a number of courts-martial and thinking about the interrelationship between discipline and fairness; then after that, from having spent time as an attorney at one point representing, pro bono, a young former marine who had been convicted of murder in Vietnam. I represented him for 6 years pro bono. He took his life half-way through this process. I cleared his name 3 years later, but I became painfully aware of how sometimes inequities infect our process.

Prior to joining the Senate, I spent time as a journalist, including a stint 25 years ago as the first American journalist to have been inside the Japanese prison system, where I became aware of the systemic difficulties and challenges we have. At that time, 25 years ago, Japan was half our population, and had only 40,000 sentenced prisoners in jail. We had 480,000. Today, we have 2.38 million prisoners in our criminal justice system and another 5 million involved in the process, either due to probation or parole situations.

This is a system that is very much in need of the right sort of overarching examination. I do note the senior Senator from Pennsylvania has joined me on the Senate floor. I am very gratified he has also joined me as the lead Republican on this measure. I look forward to hearing from him as soon as I am finished with my remarks.

The third thing I would like to say at the outset is, I believe very strongly, even though we are a Federal body, that there is a compelling national interest for us to examine this issue and reshape and reform our criminal justice system at the Federal, State, and local levels. I believe the commission I am going to present would provide us with that opportunity.

I start with a premise I do think not a lot of Americans are aware of. We have 5 percent of the world's population. We have 25 percent of the

world's known prison population. We have an incarceration rate in the United States, the world's greatest democracy, that is five times as high as the incarceration rate in the rest of the world.

There are only two possibilities. Either we have the most evil people on Earth living in the United States or we are doing something dramatically wrong in terms of how we approach the issue of criminal justice. And I would ask my fellow Senators and my fellow citizens to think about the challenges that attend these kind of numbers when we are looking at people who have been released from prison and are reentering American society.

We have hundreds and thousands of American people who are reentering American society without the sort of transition that would allow a great percentage of them to again become productive citizens.

I think we need to look at this in terms of our own history, our own recent history. This is a chart that shows our incarceration rate from 1925 until today. Beginning in about 1980, our incarceration rate started to skyrocket. What has happened since 1980 is not reflective of where our own history has been on this issue. That is another need, why we need to examine it fuller. We also, for a complex set of reasons, are warehousing the mentally ill in our prisons. We now have four times as many mentally ill people in our prisons than we do in mental institutions. There are a complex set of reasons for that, but the main point for all of us to consider is, these people who are in prison are not receiving the kind of treatment they would need in order to remedy the disabilities that have brought them to that situation.

Drug incarceration has sharply increased over the past three decades. In 1980, we had 41,000 drug offenders in prison. Today we have more than 500,000. That is an increase of 112 percent.

Those blue disks represent the numbers in 1980. The red disks represent the numbers in 2007. A significant percent of these individuals are incarcerated for possession or nonviolent drug offenses, and in many cases, criminal offenses that stem from drug addiction and those sorts of related behavioral issues.

African Americans are about 12 percent of our population. Contrary to a lot of thought and rhetoric, their drug use, in terms of frequent drug use rate, is about the same as all other elements of our society, about 14 percent. But they end up being 37 percent of those arrested on drug charges, 59 percent of those convicted, and 74 percent of those sentenced to prison, by the numbers that have been provided to us and to the Joint Economic Committee. This is a disturbing statistic for us. I emphasize to my colleagues and to others

that the issues we face with respect to criminal justice are not overall racial issues. They involve issues, in many cases, of how people are treated based on their ability to have proper counsel and other issues like that. But this is a statistic with respect to drugs that we all must come to terms with.

At the same time, I say we are putting too many of the wrong people in prison, and we are not solving the problems that will bring safety to our communities. Gangs are a hot issue today. I am on the Armed Services Committee. I am on the Foreign Relations Committee. There has been a lot of back and forth in recent months about the transnational gangs that are emanating across the Mexican border. Approximately 1 million gang members are currently in our country today. And I emphasize this is not an issue that is simply existent along the Mexican border. This is an issue that affects every community in the United States, and it is not simply an issue with respect to the Mexican drug cartels, although theirs are the most violent and the most visible today.

The Mexican drug cartels are operating in more than 230 American cities, not simply along the border. The incidents along on the border illuminate the largeness of this problem and of this challenge. Gangs in many areas of the United States commit 80 percent of the crimes. They are heavily involved in drug distribution, but they are involved in other violent activities as well.

There has been some talk over the past few days about how our position toward drugs and our gun policies feed this problem. I would ask my colleagues to think very hard about that. Drugs are a demand-pull problem in the United States, there is no question about that. There are a lot of weapons that are going back and forth across the border. But we should remember the Mexican drug cartels are capable of very sophisticated levels of quasi-military violence.

Many of the members who are brought into the gangs by the drug cartels are former Mexican military. Some of them have been trained by our own special forces, and the weapons they use are not the kind of weapons you are going to buy at a gun show. You do not get automatic weapons, RPGs, and grenades at a gun show.

We have to realize these cartels have a lot of money. By some indications they make profit levels of about \$25 billion a year. They can buy the weapons they want. We have to get on top of this as a national priority. Again, it is not simply the transnational gangs that come out of Mexico. Many of them are Central American.

In Northern Virginia, right across the Potomac River, we have thousands of members who belong to the MS-13

gangs emanating out of Central America, who are very active up the I-95 corridor. There are Asian gangs. We have to get our arms around this problem as we address the other problem of mass incarceration in the United States.

Another piece of this issue I hope we will be able to address with this national criminal justice commission is what happens inside our prisons. When I was looking at the Japanese system many years ago, their model in terms of prison administration was basically designed after a traditional military model. You could not be a warden in a Japanese jail unless you started as a turnkey. They had national examinations. They had a year of preparation, training in psychology, in counseling techniques, before an individual was allowed to be a turnkey in a jail. The promotion systems were internal, like the U.S. military. It provided a quality career path, and it brought highly trained people in at the very beginning.

We do not have that in America. Prisons vary warden to warden; they vary locality to locality. We need to examine a better way to do that in our country.

We also have a situation in this country with respect to prison violence and sexual victimization that is off the charts. We must get our arms around this problem.

We also have many people in our prisons who are among what are called the criminally ill, people who are suffering from hepatitis and HIV who are not getting the sorts of treatment they deserve.

I started, once I arrived in the Senate, working on this issue. I was pleased to be working with Senator SCHUMER on the Joint Economic Committee. He allowed me to chair hearings to try to get our arms around this problem and see what sort of legislative approach might help. I chaired a hearing on mass incarceration in October of 2007. I chaired another hearing last year on the overall impact of illegal drugs from point of origin through the criminal justice system. How does this work in terms of the underground business environment? How does it work in terms of the disparity in treatment of people who end up incarcerated? How does it affect people's long-term lives? What are the costs associated with it?

I was able to work with the George Mason University Law Center to put together a forum bringing people in from across the country to talk about our overall drug policy. Once we started talking about this, particularly over the last year, we started being contacted by people all across the country, people from every different aspect of the political and the philosophical areas that come into play when we talk about incarceration. It is a very emotional issue.

As I said, I heard from Justice Kennedy at the Supreme Court. I have

heard from prosecutors, judges, defense lawyers, former offenders, people in prison, police on the street. All of them are saying we have a mess; we have a mess. We have to get a holistic view of how to solve it. There are many good pieces of legislation that have been introduced in the Congress to deal with different pieces of this issue. But after going through this process over the past year, I have come to the conclusion that the way we should address this is with a national commission that will examine all of these pieces together and make specific findings so we can turn it around.

These are examples of some of the editorial support that we have received. I have written a piece for *Parade* magazine which will be out this weekend to summarize the challenges we have; I hope our fellow citizens will take a look at it.

As to the design of this legislation, we are looking for two things. One is to shape a commission with bipartisan balance: the President nominating the chairman; the majority and minority leaders in the Senate, in consultation with the Judiciary Committee, each nominating two members; the Speaker of the House and the House Minority Leader, in concert with the Judiciary Committee, each nominating two members; and the National Governors Association, Republican and Democrat, each getting one member. The idea is not to have a group of people who are going to sit around and simply remonstrate about the problem. It is to get a group of people with credibility and wide expertise to examine specific findings and to come up with policy recommendations on an 18-month time period.

This commission will be asked to investigate the reasons in our own history that we have seen this incredible increase in incarceration. What do other countries do, particularly countries that have the same basic governmental systems we do? How do they handle comparable types of crime? What should we do about prison administration policies, prison management? How can we bring more quality, stability, and predictability in terms of the prison environment itself? What are the costs of our current incarceration policies, not only in terms of the billions of dollars we spend on building prisons or the billions we spend on housing people in prisons but also in terms of lost opportunities with our post-prison systems, and how we can better manage that area. What is the impact of gang activities, including these transnational gangs, and how should we approach that issue, not simply in terms of incarceration but as a nation that is under duress from not being able to respond properly? Importantly, what are we going to do about drug policy, the whole area of drug policy, and how does that affect sen-

tencing procedures and other alternatives we might look at? We need to examine the policies as they relate to the mentally ill. We should look at the historical role of the military when it comes to how we are approaching these cross-border situations, particularly on the Mexican border. Finally, importantly, any other area the Commission deems relevant.

This is our best effort, after 2 years of coming up with the universe of issues that need to be examined. There are many people, including the senior Senator from Pennsylvania, who have worked on these areas for a number of years. If they have specific findings they believe the Commission should review, we are very happy to accommodate that.

The first step for the commission would be to give us findings, factual findings. From those findings, then give us recommendations for policy changes. The same areas I addressed in terms of findings apply in terms of the policy recommendations: How we can refocus our incarceration policies, work toward properly reducing the incarceration rate in fair, cost-effective ways that still protect communities; how we should address the issue of prison violence in all forms; how we can improve prison administration; how we can establish meaningful reentry programs. I believe with the high volume of people coming out of prisons, we must, on a national level, assist local and State communities in figuring out a way to transition these people so those former offenders who are not going to become recidivists will have a true pathway to get away from the stigma of incarceration and move into a productive future.

Again, importantly, the last category, any other aspect of the system the Commission or the people participating in it determine necessary.

This is our approach. I am gratified to have had as initial cosponsors six members of the Senate Judiciary Committee, including the chairman, Senator LEAHY; the ranking Republican, Senator SPECTER; the chairman of the Subcommittee on Crime and Drugs, Senator DURBIN; the ranking Republican on that subcommittee, Senator GRAHAM; and a number of others, including key Democratic leadership—most importantly, our leader.

I hope we can get this legislation done this year. This is an issue that does not percolate up in the same way. It doesn't have a programmatic element to it in many cases, but it is an issue that threatens every community and begs for the notion of fairness.

I see the senior Senator from Pennsylvania is on the floor. I greatly admire the work he has done in this area over many years, and I appreciate his support on this endeavor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I begin by complimenting my distinguished colleague from Virginia for his initiative in proposing the creation of a national commission to examine criminal justice. There have been many Commissions in recent years, recent decades. But the problems which we are now confronting warrant a fresh look. Senator WEBB has proposed that. This Commission has the potential to be not just another Commission but to make some very significant advances on this very serious problem.

The principal issue on crime is public security, protection from violent criminals. I have long believed the issue could be divided into two parts. One is the violent career criminals. They are defined as someone who has committed three or more serious crimes. One of the first bills which I authored was the armed career criminal bill, which was enacted in 1984, which made it a Federal offense punishable by what is the equivalent of a life sentence under the Federal system, 15 years to life, for anyone caught in possession of a firearm who has committed three or more offenses—a robbery, burglary, rape, arson or the sale of drugs. Statistics show that about 70 percent of violent crimes are committed by career criminals. It is my view, shared by many, that those people ought to be sent to jail for life. They ought to be separated from society. The second category involves those who have been convicted of crimes and who are going to be released. With respect to juveniles, we call that juvenile delinquency, at least in Pennsylvania we do, as opposed to a criminal charge. They are going to be released. First and second offenders are going to be released. The object is, how do we deal with them to, No. 1, protect society and, No. 2, to take them out of the crime cycle so they can have productive, contributing lives in society? We know what to do, but we have never done it. The steps are to work with those who suffer from drug abuse or alcohol abuse. We find that 70 to 80 percent of the people arrested have drug or alcohol problems. They have to be treated, detoxification. Then they need literacy training. So many cannot read or write. Then they need job training so they will have a trade or skill. Then they need to be placed in society.

It is no surprise, when someone who is a functional illiterate, without a trade or skill, gets out of jail, that the odds are high they will go back to jail. There are a number of programs but not enough, not sufficiently carefully thought through, to place people. We have tax credits which will encourage employers to hire people. In the stimulus package for veterans or juvenile offenders, there is a 40-percent tax break on the first \$6,000 of a job which is paid. That is a start. But it doesn't go very far. We have been unwilling to

make the kind of investment to provide that kind of realistic rehabilitation. Therefore, we have recidivism and the revolving door in our jails. The public is the principal loser because these people come out and commit more crimes. Individuals are lost. So both in terms of the individual on rehabilitation, to have a productive role in society, a decent life, and for public safety. Candidly, you don't get too far on legislation looking out for the criminals on rehabilitation. But when you talk about the threat to society from repeat crimes, then people pick up their ears.

There has been a fascinating debate recently about whether we can afford to have a criminal justice system that keeps people in jail and protects the public, whether we can afford to have the death penalty imposed. Is it too expensive to undertake the litigation process for society. I do not think we can make a decision on public safety based upon cost. Security is the basic purpose, fundamental first purpose of Government. National security on the international scene, protection from attacks; now we have a new form of security in terrorism. When we come to the domestic scene, it is a matter of having safety on the streets. There is a debate as to whether we ought to have the death penalty. That is a worthwhile debate. The Supreme Court has been moving in a number of areas to limit the application of the death penalty.

From my experience as district attorney of Philadelphia, I believe the death penalty is a deterrent. I questioned FBI Director Mueller about it yesterday in the Judiciary oversight hearing. Director Mueller thinks the death penalty ought to be retained.

When I was an assistant DA many years ago, I had a case in the Pennsylvania Supreme Court when I was chief of the appeals division. There were three young hoodlums, Williams, Caters, and Rivers. They were 19, 18, and 17. They planned a robbery. The two younger ones, Cater and Rivers, said to Williams, who had a gun: We are not going if you take the gun along. They had IQs under 100 but were smart enough to know that if a gun was taken, there might be a killing. That would be felony murder and they could get the death penalty. Williams said: I won't take the gun. He put it in the drawer, slammed it shut. Then, unbeknownst to Cater and Rivers, he took the gun back, put it in his pocket, went to rob a grocer in north Philadelphia, a tussle ensued. Williams pulled the gun and shot and killed a man named Viner. All three were sentenced to death in the electric chair. Williams actually was executed. This goes back to about 1960. Cater and Rivers got a life sentence.

I argued the case in the State Supreme Court which upheld the death

penalties and then later, when I was district attorney, I joined in the recommendation of a life sentence for Cater and Rivers. The point is that even with a marginal IQ, there was a deterrent effect. The critical factor in my thinking on their not having the death penalty was they didn't want to take the weapon. In the eyes of the law, they were as guilty as Williams. They were coconspirators. When you rob and a killing ensues, a murder ensues, it is murder in the first degree and calls for the death penalty.

The commission which has been proposed here today ought to take a look at white-collar crime, and ought to make an evaluation of the sentencing which has been imposed and whether it is adequate. If you are dealing with a domestic quarrel, a husband-wife dispute—there are many homicides arising in that context—a jail sentence is not a deterrent. If you are dealing with white-collar crime, there is a deterrent.

Today, we have—and I questioned FBI Director Mueller about this yesterday. He said they have many investigations being undertaken as a result of what has happened with corporate fraud, the misrepresentation of assets, leading us to the tremendous economic problems which we face today. There is no doubt about the deterrent effect. I urged Director Mueller to expedite some of the cases.

There is great public concern about whether there will be accountability. I said yesterday—and repeat to—we do not want to send anybody to jail who does not deserve to go to jail, but you do not have to investigate a case for years and bring forth 100 charges, 100 counts of an indictment. It can be done on a much more rapid pace and have an appropriate trial and have a result, and it would be important to show the example and to show the American people there is accountability.

When we talk about the jails, the commission ought to make a determination as to whether there are people in jail who ought not to be in jail. This morning's news has a report about the State of New York reexamining sentencing on drug laws. There is a lot of thought that the drug laws catch too many people, and many people go to jail who ought not to be in jail. Well, that is a question that ought to be examined.

Our whole prison system in Pennsylvania is called a correctional system, which is a misnomer. It does not correct people. It does not have the facilities to correct people. What they do is warehouse.

A related issue that considerable work has been done on recently is the issue of mentoring. We have some 80,000 at-risk youth in the city of Philadelphia, determined by a hearing which was held recently. Those at-risk youth can go one of two ways: They

can move through the education system, if they have proper guidance; or they can be on the streets and turn into criminals, as so many of them do.

Mentoring is a way of providing some guidance. There are so many single-parent homes—a working mother, nobody to give guidance. We have appropriated federally, recently, \$25 million nationally for five target cities, one of which is Philadelphia, but that is a very modest beginning. But to be a surrogate parent, you have an opportunity. That is a subject which a commission ought to undertake.

Those are some of the ideas which are current in this very complex field. In trying to estimate the cost of crime, it is hard to do. My own judgment would be, if you put a billion-dollar price figure on the cost of robberies, burglaries, corporate fraud, automobile thefts, to say nothing about the pain and suffering people have—the anxiety in the middle of the night when there is a loud noise in your house; the consolation you have, to some extent, from an alarm system that does not go too far—but this is a big problem in America, and it is a problem which has largely gone unsolved.

Problems of crime are the same today as they were when I first entered the field as an assistant district attorney decades ago. There are ways to deal with violent crime. There are ways to deal with realistic rehabilitation. There are ways to deal with deterrence on white-collar crime—that it ought not to be only a fine, which turns out to be a license to do business. In the confirmation hearing of the new Assistant Attorney General for the Criminal Division, that point was emphasized.

But what Senator WEBB has had to say today, and the blueprint he has outlined, could be a major advance on a very complex problem, which needs a—I was about to say “solution,” but there is not going to be a solution—but there can be an enormous amelioration if we tackle the problem with the guidance that could be provided by the Webb commission. May I give it the name: The Webb commission? Hearing no objection, so ordered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. I wish to express my appreciation to the senior Senator from Pennsylvania for joining me on this legislation and in this endeavor because it will be an endeavor, as the Senator knows, well beyond the legislative approval of the commission. I think this is going to take years. But I wish to express my appreciation for that, for his comments today, and for all the work he has done in this field.

I wish to emphasize a couple of things, in reaction to what the Senator mentioned. I agree. I do believe we can meaningfully address this problem. And “solution” is perhaps a more illu-

sive word. But we can certainly meaningfully address this problem. I think it is very important to say that it is in the interest of every American we do so.

There are a lot of people who will look at this and talk about specific elements of who has committed a crime and whether you should do the time and these sorts of things, but we do need to sort it out. When we have 5 percent of the world's population and 25 percent of the world's prison population, there are better ways. When we still have public safety issues in every community because of gang violence, and particularly transnational gang violence at this moment, there are better ways.

That is the purpose of having a commission: getting the greatest minds in this area in the country together, with a specific timeline, to bring us specific findings and recommendations for the entire gamut of criminal justice in the country—not simply incarceration, not simply gang violence, not simply re-entry—but all of those and other issues together, so we can have a much needed and long overdue restructuring of how we address the issue of crime in this country.

I ask unanimous consent that Senator KENNEDY be added as an original cosponsor on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. LEVIN (for himself, Ms. SNOWE, Ms. STABENOW, Ms. COLLINS, and Mr. SCHUMER):

S. 715. A bill to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, today, with Senators SNOWE, STABENOW, COLLINS and SCHUMER, I introduce The National Lighthouse Stewardship Act. This legislation creates a three-year competitive grant program at the Department of the Interior that will help to pay for the preservation and rehabilitation of historic lighthouses in Michigan and across the country. The grants will help nonprofit organizations, which serve as caretakers for these historic landmarks, to help them preserve and rehabilitate the historic lighthouses and keep them accessible to the public.

This legislation complements a bill that was enacted in October 2000, the National Historic Lighthouse Preservation Act, which I joined Sen. Frank Murkowski in offering. With the Coast Guard getting out of the lighthouse business, the National Historic Lighthouse Preservation Act helped facilitate the process of transferring historic lighthouses from the government to non-profit historical organizations who would take over the responsibility for their care. It established an expedited

process through the Government Services Agency to help ease lighthouse transfers by helping to cut through the bureaucratic red tape. As a result of the law, 46 lighthouses to date—9 in Michigan—have been transferred to custodians who will preserve them and keep them accessible to the public.

Many of these lighthouse structures are in need of significant repair and rehabilitation, which is now the responsibility of their nonprofit custodians. Unfortunately, after obtaining custody of the lighthouses, many of the nonprofit organizations have struggled to raise the funds to adequately restore and maintain the lighthouses. To address this problem our legislation establishes a pilot program that would enable state and nonprofit groups to apply for competitive grants to help with restoration and maintenance efforts. This pilot program would authorize the secretary to distribute \$20 million a year for 3 years.

Funding for Lighthouse restoration is important to Michigan and to the Nation's historic preservation efforts. There are approximately 740 lighthouses in 31 coastal states. Michigan alone has over 120 lighthouses, more than any other State. They draw thousands of visitors to Michigan and other States each year and create jobs throughout our States. Michigan's and the Nation's lighthouses are national treasures that beautify our shorelines. These historic lighthouses are part of our Nation's rich maritime heritage. The grants are needed to help nonprofit organizations, which serve as caretakers for the historic landmarks, to maintain the beauty of the lighthouses and keep them accessible to the public.

My office worked closely with lighthouse preservation groups in drafting this legislation. The Michigan Lighthouse Fund in my home state was invaluable in providing information on the needs of our Nation's lighthouses. This week in Washington, the American Lighthouse Coordinating Committee is meeting to coincide with the introduction of this act. These funds are desperately needed by these groups who work tirelessly to preserve our Nation's maritime heritage.

This funding would help ensure our lighthouses remain cultural beacons for generations to come. America's lighthouses are national treasures that we cannot let deteriorate to the point beyond repair. I hope my colleagues will support the swift enactment of the National Lighthouse Stewardship Act.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

AMERICAN LIGHTHOUSE  
COORDINATING COMMITTEE,  
Evanston, IL, March 26, 2009.

MEMBERS OF THE UNITED STATES SENATE:  
I'm writing to urge your support of the National Lighthouse Stewardship Act of 2009 as



introduced by Senators Levin and Stabenow (MI), and Snowe (ME).

Since passage of the National Lighthouse Preservation Act of 2000, responsibility for management of many historic lighthouses has been transferred from the US Coast Guard to the public sector. While these facilities remain the property of the federal government, the cost for their preservation and programming is borne by local government and nonprofit organizations with very limited economic resources. As a result, these agencies require assistance in meeting the demands of maintaining historic lighthouses so that they are safe and accessible. The proposed National Lighthouse Stewardship Act of 2009 recognizes the important role of this new generation of administrative organizations in properly managing these facilities. And, it provides a means by which some dedicated funding is made available from the US Government to support projects that will maintain structural integrity.

Since this transfer program began, historic lighthouses still brighten our lives and are now adaptively used for many different purposes that include museums and centers of education for the interpretation of U.S. maritime history; as facilities to aid in environmental research of oceans and Great Lakes; and to promote local and regional tourism. This has resulted in an overwhelmingly positive public response and is testimony to Americans' desire to preserve and use these built resources.

Passage of the National Lighthouse Stewardship Act of 2009 is essential to the continued success of this federal transfer program and mirrors public sentiment for the preservation of historic lighthouse properties to benefit public interests.

The American Lighthouse Coordinating Committee (ALCC) is a consortium of organizations and individuals across the United States that actively engage in the operation of historic lighthouse properties and which strongly supports adoption of this legislation.

Respectfully submitted, this 26th day of March 2009.

DONALD J. TERRAS,  
*President.*

MICHIGAN LIGHTHOUSE ALLIANCE,  
*March 20, 2009.*

Senator CARL LEVIN,  
*Russell Office Building,  
U.S. Senate, Washington, DC.*

DEAR SENATOR LEVIN: We are writing to you in support of your bill to redirect the nominal port fees towards lighthouse restoration grant programs. The amount of money your office has identified that could be coming to those of us on the front lines of the restoration effort would make a huge difference in the quality of our work.

Most lighthouses are located in out of the way places. As such, the number of people living around these remote structures is limited, and thus the local funding available for work is limited. It is difficult to keep the numbers of volunteers and find resources for materials in such a challenging situation.

But to see a large increase in the available grant funds not only in our home state of Michigan, but throughout the US, would surely help us get these wonderful icons of our collective maritime history restored and ready for the next generations to learn from and support as well. Being able to attract the next generations of stewards is a constant subject of conversation in our circles, and having sufficient funding available to make this volunteer effort attractive would really help out.

In addition, MLA would like to make a request. As you know things are very tight in our state budget now, and it would be extremely helpful for us if a small part of our state allocation could go towards a full time MLA staff person who could support the grant program by visiting our members and reaching out with education on how to fill out the grant requests, and other technical support. Right now our Alliance is all volunteer as well, and we love what we do, but often lament the loss of the staff person we had at MI SHPO. As the representative voice now for all of Michigan's lighthouse groups, we can be much more supportive and effective if we had funding for a full time staffer.

Thank you as always for all you have done to advance the lighthouse movement in Michigan and throughout the country. You can count on the MLA and it's dozens of member groups and their volunteers to be behind you on this bill, just ask for what help you need!

Sincerely,

Buzz Hoerr, President, Harbor Beach Lighthouse Preservation;  
Lou Schillinger, Vice President, Port Austin Reef Light Association;  
Sally Frye, Sec'y/Treasurer, Fox Point Lighthouse Association;  
Ann Method Green, De-Tour Reef Light Preservation Society;  
John Gronberg, Holland Harbor Lighthouse Historical Commission;  
Dick Moehl, Great Lakes Lightkeepers Association;  
Jeff Shook, Michigan Lighthouse Conservancy;  
Susan Skibbe, Thunder Bay Island;  
Gail Vander Stoep, Michigan State University.

Ms. SNOWE. Mr. President, I rise in support of the National Lighthouse Stewardship Act, which will create a 3-year competitive grant program to be administered by the Department of the Interior that will help preserve and rehabilitate historic lighthouses across the country.

In my State of Maine, we are lucky to be home to 83 lighthouses. Further, there are approximately 740 lighthouses in 31 other States. The Coast Guard has not traditionally had the resources to maintain the lighthouses which are now being transferred under the National Lighthouse Preservation Act from Federal ownership to non-profit historical societies who have taken on the responsibility. Helping to provide the resources necessary to ensure these lighthouses are not lost would be a boost to both tourism and jobs. Failure to do so would potentially harm not only the existence of an historic emblem of my State and our Nation—but also a key economic catalyst for tourism that is part and parcel of my home State and the livelihood of many of her citizens.

Each lighthouse tells a different story and each one is as integral to the history and narrative of our State as the magnificent landscapes on which they proudly stand. That is why in 1995, I introduced a bill that would later become law to establish the Maine Lights Program. We succeeded in preserving this significant component of American heritage through collaboration among the Federal Government, the State of Maine, local com-

munities, and private organizations, while at the same time, relieving what had become a costly strain on the U.S. Coast Guard.

Across the country, responsibility for the care of our lighthouses has been assumed by non-profit historic societies—many of which are struggling in these uncertain economic times. This bill would authorize \$20 million for a three-year competitive grant pilot program that would provide grants to stewards of historic lighthouses to help them preserve and rehabilitate the lighthouses under their care.

I believe that the essential word in my previous sentence is “stewards”—because the structures are still federally owned property. It is not private property; it is not city or town property, or even state property; but federal property. It is also imperative to note that these lighthouses are operable aids to navigation. Lighthouses may seem a quaint relic of a bygone era, however they are not. Daily, lighthouses lead our nation's mariners and fishermen away from danger.

Given that the maintenance of lighthouses is now being transferred under the National Lighthouse Preservation Act from Federal ownership to non-profit historical societies, the task of providing the required resources to ensure the longevity and viability of these lighthouses would also represent a welcomed economic boost both to tourism and to job creation.

The fact is, tourism has become increasingly crucial to Maine's economy, as manufacturing jobs have fled our State, not to mention our Nation. In fact, in 2006, the most recent year for which statistics are available, approximately 1/5 of State sales tax revenues were attributable to tourism, and, when income and fuel taxes are added, the Maine State government collected \$429 million tourism-related tax dollars in that year.

The Maine State Planning Office, which has quantified more precisely the pivotal role tourism plays in the Maine economy, found that in 2006, tourism generated \$10 billion in sales of goods and services, 140,000 jobs, and \$3 billion in earnings. Tourism accounts for one in five dollars of sales throughout Maine's economy and supported the equivalent of one in six Maine jobs. The planning office also discovered that an estimated 10 million overnight trips and 30 million day trips were taken that year in Maine, with travelers spending nearly \$1 billion on lodging, \$3 billion on food, and \$1 billion on recreational activities.

But those statistics are from 3 years ago . . . before the economy began to unravel at an accelerating rate, and so given these economic times confronting all of us, the financial necessity of our lighthouses, especially to tourism, has grown, not dissipated.

I urge my colleagues to support this bill and send a message not only that

historic preservation of our Nation's prominent buildings and structures—like our lighthouses—continues to be in the national interest, but also that tourism—especially international tourism—is an industry we should be striving to support as a key component of reviving our ailing economy.

By Mr. KENNEDY (for himself, Mrs. HUTCHISON, and Mrs. FEINSTEIN):

S. 717. A bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, 37 years ago, a Republican President and Democratic Congress came together in a new commitment to find a cure for cancer. At the time, a cancer diagnosis meant almost certain death. In 1971, we took action against this deadly disease and passed the National Cancer Act with broad bipartisan support, and it marked the beginning of the War on Cancer.

Since then, significant progress has been made. Amazing scientific research has led to methods to prevent cancer, and treatments that give us more beneficial and humane ways to deal with the illness. The discoveries of basic research, the use of large scale clinical trials, the development of new drugs, and the special focus on prevention and early detection have led to breakthroughs unimaginable only a generation ago.

As a result, cancer today is no longer the automatic death sentence that it was when the war began. But despite the advances we have made against cancer, other changes such as aging of the population, emerging environmental issues, and unhealthy behavior, have allowed cancer to persist. The lives of vast numbers of Americans have been touched by the disease. In 2008, over 1.4 million Americans were diagnosed with some form of cancer, and more than half a million lost their lives to the disease.

The solution is not easy but there are steps we can and must take now, if we hope to see the diagnosis rate decline substantially and the survival rate increase in the years ahead. The immediate challenge we face is to reduce the barriers that obstruct progress in cancer research and treatment by integrating our current fragmented and piecemeal system of addressing the disease.

Last year, my colleague Senator HUTCHISON and I agreed that to build on what the nation has accomplished, we must launch a new and more urgent war on cancer. The 21st Century Cancer ALERT Act we are introducing today will accelerate our progress by using a better approach to fighting this relent-

less disease. Our goal is to break down the many barriers that impede cancer research and prevent patients from obtaining the treatment that can save their lives.

We must do more to prevent cancer, by emphasizing scientifically proven methods such as tobacco cessation, healthy eating, and exercise. Healthy families and communities that have access to nutritious foods and high quality preventive health care will be our best defense against the disease. I am confident that swift action on national health reform will make our vision of a healthier Nation a reality. Obviously, we cannot prevent all cancers, so it is also essential that the cancers that do arise be diagnosed at an initial, curable stage, with all Americans receiving the best possible care to achieve that goal.

We cannot overemphasize the value of the rigorous scientific efforts that have produced the progress we have made so far. To enhance these efforts, our bill invests in two key aspects of cancer research—infrastructure and collaboration of the researchers. We include programs that will bring resources to the types of cancer we least understand. We invest in scientists who are committed to translating basic research into clinical practice, so that new knowledge will be brought to the patients who will most benefit from it.

One of the most promising new breakthroughs is in identifying and monitoring the biomarkers that leave enough evidence in the body to alert clinicians to subtle signs that cancer may be developing. Biomarkers are the new frontier for improving the lives of cancer patients because they can lead to the earliest possible detection of cancer, and the Cancer ALERT Act will support the development of this revolutionary biomarker technology.

In addition, we give new focus to clinical trials, which have been the cornerstones of our progress in treating cancer in recent decades. Only through clinical trials are we able to discover which treatments truly work. Today, however, less than 5 percent of cancer patients currently are enrolled in clinical trials, because of the many barriers exist that prevent both providers and patients from participating in these trials. A primary goal of our bill is to begin removing these barriers and expanding access to clinical trials for many more patients.

Further, since many cancer survivors are now living longer lives, our health systems must be able to accommodate these men and women who are successfully fighting against this deadly disease. It is imperative for health professionals to have the support they need to care for these survivors. To bring good lifelong care to cancer survivors, we must invest more in research to understand the later effects of cancer and how treatments affect survivors' health and the quality of their lives.

We stand today on the threshold of unprecedented new advances in this era of extraordinary discoveries in the life sciences, especially in personalized medicine, early diagnosis of cancer at the molecular level, and astonishing new treatments based on a patient's own DNA. To make the remarkable promise of this new era a reality, we must make sure that patients can take DNA tests, free of the fear that their genetic information will somehow be used to discriminate against them. We took a major step toward unlocking the potential of this new era by approving strong protections against genetic discrimination in health insurance and employment when the Genetic Non-discrimination Act was signed into law last year.

In sum, we need a new model for research, prevention and treatment of cancer, and we are here today to start that debate in Congress. We must move from a magic bullet approach to a broad mosaic of care, in which survivorship is also a key part of our approach to cancer. By doing so, we can take a giant step toward reducing or even eliminating the burden of cancer in our Nation and the world. It is no longer an impossible dream, but a real possibility for the future.

Mr. President, I ask by unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 717

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Cancer ALERT (Access to Life-Saving Early detection, Research and Treatment) Act".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) One in 2 men and one in 3 women are expected to develop cancer in their lifetimes.

(2) Cancer is the leading cause of death for people under the age of 85 and is expected to claim more than 1,500 lives per day in 2008.

(3) At least 30 percent of all cancer deaths and 87 percent of lung cancer deaths are attributed to smoking.

(4) The National Institutes of Health estimates that in 2007 alone, the overall cost of cancer to the United States was more than \$219,000,000,000.

(5) In recent decades, the biomedical research enterprise has made considerable advances in the knowledge required to understand, prevent, diagnose, and treat cancer; however, it still takes 17 years, on average, to translate these discoveries into viable treatment options.

(6) While clinical trials are vital to the discovery and implementation of new preventative, diagnostic, and treatment options, only 3 to 5 percent of the more than 10,000,000 adults with cancer in the United States participate in cancer clinical trials.

(7) Where people reside should not determine whether they live, yet women in rural areas are less likely to obtain preventative cancer screenings than those residing in urban areas.

(8) Two-thirds of childhood cancer survivors are likely to experience at least one late effect from treatment and one-fourth are expected to experience a late effect that is life threatening.

(9) In 1971, there were only 3,000,000 cancer survivors. Today, cancer survivors account for 3 percent of the United States population, approximately 12,000,000.

(10) The National Cancer Act of 1971 (Public Law 92-218) advanced the ability of the United States to develop new scientific leads and help increase the rate of cancer survivorship.

(11) Yet in the 37 years since the national declaration of the War on Cancer, the age-adjusted mortality rate for cancer is still extraordinarily high. Eight forms of cancer have a 5-year survival rate of less than 50 percent (pancreatic, liver, lung, esophageal, stomach, brain, multiple myeloma, and ovarian).

(12) While there have been substantial achievements since the crusade began, we are far from winning the war on cancer.

(13) Many obstacles have hindered our progress in cancer prevention, research, and treatment.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To reauthorize the National Cancer Institute and National Cancer Program in order to enhance and improve the cancer research conducted and supported by the National Cancer Institute and the National Cancer Program in order to benefit cancer patients.

(2) To recognize that with an increased understanding of cancer as more than 200 different diseases with genetic and molecular variations, there is a need for increased coordination and greater flexibility in how cancer research is conducted and coordinated in order to maximize the return the United States receives on its investment in such research.

(3) To prepare for the looming impact of an aging population of the United States and the anticipated financial burden associated with medical treatment and lost productivity, along with the toll of human suffering that accompanies a cancer diagnosis.

(4) To support the National Cancer Institute in establishing relationships and scientific consortia with an emphasis on public-private partnership development, which will further the development of advanced technologies that will improve the prevention, diagnosis, and treatment of cancer.

### SEC. 3. ADVANCEMENT OF THE NATIONAL CANCER PROGRAM.

Section 411 of the Public Health Service Act (42 U.S.C. 285a) is amended to read as follows:

#### “SEC. 411. NATIONAL CANCER PROGRAM.

“(a) IN GENERAL.—There shall be established a National Cancer Program (referred to in this section as the ‘Program’) that shall consist of—

“(1) an expanded, intensified, and coordinated cancer research program encompassing the research programs conducted and supported by the Institute and the related research programs of the other national research institutes, including an expanded and intensified research program for the prevention of cancer caused by occupational or environmental exposure to carcinogens; and

“(2) the other programs and activities of the Institute.

“(b) COLLABORATION.—In carrying out the Program—

“(1) the Secretary and the Director of the Institute shall identify relevant Federal

agencies that shall collaborate with respect to activities conducted under the Program (including the Institute, the other Institutes and Centers of the National Institutes of Health, the Office of the Director of the National Institutes of Health, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Department of Defense, the Department of Energy, the Agency for Healthcare Research and Quality, the Office for Human Research Protections, the Health Resources and Services Administration, and the Office for Human Research Protections); and

“(2) the Secretary shall ensure that the policies related to the promotion of cancer research of all agencies within the Department of Health and Human Services (including the Institute, the Food and Drug Administration, and the Centers for Medicare & Medicaid Services) are harmonized, and shall ensure that such agencies collaborate with regard to cancer research and development.

“(c) TRANSPARENCY AND EFFICIENCY.—

“(1) BUDGETING.—In carrying out the Program, the Director of the Institute shall, in preparing and submitting to the President the annual budget estimate for the Program—

“(A) develop the budgetary needs of the entire Program and submit the budget estimate relating to such needs to the National Cancer Advisory Board for review prior to submitting such estimate to the President; and

“(B) submit such budget estimate to the Committee on the Budget and the Committee on Appropriations of the Senate and the Committee on the Budget and Committee on Appropriations of the House of Representatives at the same time that such estimate is submitted to the President.

“(2) NATIONAL CANCER ADVISORY BOARD.—In establishing the priorities of the Program, the National Cancer Advisory Board shall provide for increased coordination by increasing the participation of representatives (to the extent practicable, representatives who have appropriate decision making authority) of appropriate Federal agencies, including—

“(A) the Centers for Medicare & Medicaid Services;

“(B) the Health Resources and Services Administration;

“(C) the Centers for Disease Control and Prevention; and

“(D) the Agency for Healthcare Research and Quality.

“(d) PROGRAMS TO ENCOURAGE EARLY DETECTION RESEARCH.—The Director of the Institute shall develop a standard process through which Federal agencies, including the Department of Defense, and administrators of federally funded programs may engage in early cancer detection research.

“(e) IDENTIFICATION OF PROMISING TRANSLATIONAL RESEARCH OPPORTUNITIES.—

“(1) IN GENERAL.—The Director of the Institute, acting through the Program and in accordance with the NIH Reform Act of 2007, shall continue to identify promising translational research opportunities across all disease sites, populations, and pathways to clinical goals through a transparent, inclusive process by—

“(A) continuing to support efforts to develop a robust number of public or nonprofit entities to carry out early translational research activities;

“(B) emphasizing the role of the young researcher in the program under this section; and

“(C) modifying guidelines for multiproject, collaborative, early translational research awards to focus research and reward collaborative team science.

“(2) MATCHING FUNDS FOR RESEARCH.—

“(A) IN GENERAL.—The Secretary may provide assistance to eligible entities to match the amount of non-Federal funds made available by such entity for translational research of the type described in paragraph (1) relating to cancer.

“(B) ELIGIBILITY.—To be eligible to receive assistance under subparagraph (A), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(C) RECOMMENDATIONS AND PRIORITIZATION.—In providing assistance under subparagraph (A), the Secretary shall—

“(i) select entities based on the recommendations of—

“(I) the Director of NIH; and

“(II) a peer review process; and

“(ii) give priority to those entities submitting applications under subparagraph (B) that demonstrate that the research involved is high risk or translational research (as determined by the Secretary).

“(D) AMOUNT.—The amount of assistance to be provided to an entity under subparagraph (A) shall be at the discretion of the Secretary but shall not exceed an amount equal to 100 percent of the amount of non-Federal funds (\$1 for each \$2 of non-Federal funds) made available for research described in subparagraph (A).

“(E) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal funds to be matched under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

“(f) BIOLOGICAL RESOURCE COORDINATION AND ADVANCEMENT OF TECHNOLOGIES FOR CANCER RESEARCH.—

“(1) ESTABLISHMENT.—The Director of the Institute, acting through the Program, shall establish an entity within the Institute to augment ongoing efforts to advance new technologies in cancer research, support the national collection of tissues for cancer research purposes, and ensure the quality of tissue collection.

“(2) GOALS.—The entity established under paragraph (1) shall—

“(A) be designed to expand the access of researchers to biospecimens for cancer research purposes;

“(B) establish uniform standards for the handling and preservation of patient tissue specimens by entities participating in the network established under paragraph (3);

“(C) require adequate annotation of all relevant clinical data while assuring patient privacy;

“(D) facilitate the linkage of public and private entities into the national network under paragraph (3);

“(E) provide for the linkage of cancer registries to other administrative Federal Government data sources, including the Centers for Medicare & Medicaid Services, the Social Security Administration, and the Centers for Disease Control and Prevention, with the goal of understanding the determinants of cancer treatment, care, and outcomes by allowing economic, social, genetic, and other factors to be analyzed in an independent manner; and

“(F) develop strategies to ensure patient rights and privacy, including an assessment of the regulations promulgated pursuant to part C of title XI of the Social Security Act and section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) (referred to in this section as the ‘HIPAA Privacy Rule’), while facilitating advances in medical research.

“(3) ADVANCEMENT OF NEW TECHNOLOGIES FOR CANCER RESEARCH AND EXPANSION OF CANCER BIOREPOSITORY NETWORKS.—

“(A) IN GENERAL.—As part of the entity established under paragraph (1), the Director of the Institute shall build upon existing initiatives to establish an interconnected network of biorepositories (referred to in this subsection as the ‘Network’) with consistent, interoperable systems for the collection and storage of tissues and information, the annotation of such information, and the sharing of such information through an interoperable information system.

“(B) GUIDELINES.—A biorepository in the Network that receives Federal funds shall adopt the Institute’s Best Practices for Biospecimen Resources for Institute-supported biospecimen resources (as published by the Institute and including any successor guidelines) for the collection of biospecimens and any accompanying data.

“(C) REPRESENTATION.—The composition of any leadership entity of the Network shall be determined by the Director of the Institute and shall, at a minimum, include a representative of—

“(i) private sector entities and individuals, including cancer researchers and health care providers;

“(ii) the Centers for Disease Control and Prevention;

“(iii) the Agency for Healthcare Research and Quality;

“(iv) the Office of National Coordination of Health Information Technology;

“(v) the National Library of Medicine;

“(vi) the Office for the Protection of Research Subjects; and

“(vii) the National Science Foundation.

“(D) PARTNERSHIPS WITH TISSUE SOURCE SITES.—The Director of the Institute may enter into contracts with tissue source sites to acquire data from such sites. Any such data shall be acquired through the use of protocols and closely monitored, transparent procedures within appropriate ethical and legal frameworks.

“(A) COLLECTION OF DATA.—

“(A) HOSPITALS.—A hospital or ambulatory cancer center that receives Federal funds shall offer patients the opportunity to contribute their biospecimens and clinical data to the entity established under paragraph (1).

“(B) CLINICAL TRIAL DATA.—Clinical trial data relating to cancer care and treatment shall be provided to the entity established under paragraph (1).”

#### SEC. 4. COMPREHENSIVE AND RESPONSIBLE ACCESS TO RESEARCH, DATA, AND OUTCOMES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Office for Human Research Protections shall issue guidance to National Institutes of Health grantees concerning use of the facilitated review process in conjunction with the central institutional review board of the National Cancer Institute as the preferred mechanism to satisfy regulatory requirements to review ethical or scientific issues for all National Cancer Institute-supported translational and clinical research.

(b) IMPROVED PRIVACY STANDARDS IN CLINICAL RESEARCH.—

(1) PERMITTED DISCLOSURE UNDER THE PRIVACY RULE.—For purposes of the Privacy Rule (as referred to in section 411(f)(2)(F) of the Public Health Service Act, as amended by this Act), a covered entity (as defined for purposes of such Rule) shall be in compliance with such Rule relating to the disclosure of de-identified patient information if such disclosure is—

(A) pursuant to a waiver that had been granted by an institutional review board or privacy board relating to such disclosure; and

(B) the entity informs patients when they make first patient contact with the entity that the entity is a research institution that may conduct research using their de-identified medical records.

(2) SYNCHRONIZATION OF STANDARDS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall study the advantages and disadvantages of the synchronization of the standards for research under the Common Rule (under part 46 of title 45, Code of Federal Regulations) and the Privacy Rule (as defined in section 411(f)(2)(F) of the Public Health Service Act, as amended by this Act) in order to determine the appropriate data elements that should be omitted under the strict de-identification standards relating to personal information.

(B) REVIEW OF RECOMMENDATIONS.—In carrying out subparagraph (A), the Secretary of Health and Human Services shall conduct a review of recommendations made by the Advisory Committee on Human Research Protections as well as recommendations from the appropriate leadership of the National Committee on Vital and Health Statistics.

(C) ADDITIONAL AREAS.—In carrying out subparagraph (A), the Secretary of Health and Human Services shall—

(i) make recommendations concerning the conduct of international research to determine the boundaries and applications of extraterritorially under the Privacy Rule (as referred to in section 411(f)(2)(F) of the Public Health Service Act, as amended by this Act); and

(ii) include biorepository storage information when obtaining patient consent.

(D) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committee of Congress, a report concerning the recommendations made under this paragraph.

(3) APPLICATION OF PRIVACY RULE TO EXTERNAL RESEARCHERS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Privacy Rule (as defined in section 411(f)(2)(F) of the Public Health Service Act, as amended by this Act) shall apply to external researchers.

(B) DEFINITION.—

(i) IN GENERAL.—In this paragraph, the term “external researcher” means a researcher who is on the staff of a covered entity (as defined in the Privacy Rule) but who is not actually employed by such covered entity.

(ii) INTERNAL AND EXTERNAL RESEARCHERS.—With respect to determining the distinction of whether or not a researcher has the ability to use protected health information under the provisions of this paragraph, such determination shall be based on whether the covered entity involved exercises effective control over that researcher’s activities. For purposes of the preceding sentence, effective control may include membership and privileges of staff or the ability to terminate staff membership or discipline staff.

(c) LIABILITY.—The Director of the Office of Human Research Protection, the Director

of the National Institutes of Health, and the Director of the National Cancer Institute shall issue guidance for entities awarded grants by such Federal agencies to provide instruction on how such entities may best address concerns or issues relating to the liability that institutions or researchers may incur as a result of using the facilitated review process.

#### SEC. 5. ENHANCED FOCUS AND REPORTING ON CANCER RESEARCH.

Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by inserting after section 417A the following:

##### “SEC. 417B. ENHANCED FOCUS AND REPORTING ON CANCER RESEARCH.

“(a) ANNUAL INDEPENDENT REPORT.—

“(1) IN GENERAL.—The Director of the Institute shall complete an annual independent report that shall be submitted to Congress on the same date that the annual budget estimate described in section 413(b)(9) is submitted to the President.

“(2) CONTENTS OF REPORT.—

“(A) CANCER CATEGORIES.—The report required under paragraph (1) shall address the following categories of cancer:

“(i) Cancers that result in a 5-year survival rate of less than 50 percent.

“(ii) Cancers in which the incidence rate is less than 15 cases per 100,000 people, or fewer than 40,000 new cases per year.

“(B) INFORMATION.—With regard to each of the categories of cancer described in subparagraph (A), the report shall contain information regarding—

“(i) a strategic plan for reducing the mortality rate for the annual year, including specific research areas of interest and budget amounts;

“(ii) identification of any barriers to implementing the strategic plan described in clause (i) for the annual year;

“(iii) if the report for the prior year contained a strategic plan described in clause (i), an assessment of the success of such plan;

“(iv) the total amount of grant funding, including the total dollar amount awarded per grant and per funding year, under—

“(I) the National Cancer Institute; and

“(II) the National Institutes of Health;

“(v) the percentage of grant applications favorably reviewed by the Institute that the Institute funded in the previous annual year;

“(vi) the total number of grant applications, with greater than 50 percent relevance to each of the categories of cancer described in subparagraph (A), received by the Institute for awards in the previous annual year;

“(vii) the total number of grants awarded, with greater than 50 percent relevance to each of the categories of cancer described in subparagraph (A), for the previous annual year and the number of awards per grant type, including the Common Scientific Outline designation specific to each such grant; and

“(viii) the total number of primary investigators that received grants from the Institute for projects with greater than 50 percent relevance to each of the categories of cancer described in paragraph (1), including the total number of awards granted to experienced investigators and the total number of awards granted to investigators receiving their first grant from the National Institutes of Health.

“(3) DEFINITION.—In this section, the term ‘annual year’ means the year for which the strategic plan described in paragraph (2)(B)(i) applies, which shall be the same fiscal year for which the Director of the Institute submits the annual budget estimate described in section 413(b)(9) for that year.

“(b) GRANT PROGRAM.—

“(1) IN GENERAL.—The Director of the Institute, in cooperation with the Director of the Fogarty International Center for Advanced Study in the Health Sciences and the Directors of other Institutes, as appropriate, shall award grants to researchers to conduct research regarding cancers for which—

“(A) the incidence is fewer than 40,000 new cases per year; and

“(B) the 5-year survival rate is less than 50 percent.

“(2) PRIORITIZATION.—In awarding grants for research regarding cancers described in paragraph (1)(A), the Director of the Institute shall give priority to collaborative research projects between adult and pediatric cancer research, with preference for projects building upon existing multi-institutional research infrastructures.

“(3) TISSUE SAMPLES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Director of the Institute shall require each recipient receiving a grant under this subsection to submit tissue samples to designated tumor banks.

“(B) WAIVER.—The Director of the Institute may grant a waiver of the requirement described in subparagraph (A) to a recipient who receives a grant for research described in paragraph (1)(B) and who submits an application for such waiver to the Director of the Institute, in the manner in which such Director may require.”

#### SEC. 6. CONTINUING ACCESS TO CARE FOR PREVENTION AND EARLY DETECTION.

(a) COLORECTAL CANCER SCREENING PROGRAM.—Part B of title III of the Public Health Service Act is amended by inserting after section 317D (42 U.S.C. 247b-5) the following:

##### “SEC. 317D-1. COLORECTAL CANCER SCREENING PROGRAM.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award competitive grants to eligible entities to carry out programs—

“(1) to provide screenings for colorectal cancer to individuals according to screening guidelines set by the United States Preventive Services Task Force;

“(2) to provide appropriate referrals for medical treatment of individuals screened pursuant to paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services and support services such as case management;

“(3) to develop and disseminate public information and education programs for the detection and control of colon cancer;

“(4) to improve the education, training, and skills of health professionals (including allied health professionals) in the detection and control of colon cancer;

“(5) to establish mechanisms through which eligible entities can monitor the quality of screening procedures for colon cancer, including the interpretation of such procedures; and

“(6) to evaluate activities conducted under paragraphs (1) through (5) through appropriate surveillance or program-monitoring activities.

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible to receive a grant under this section an entity shall—

“(A) be—

“(i) a State; or

“(ii) an Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act);

“(B) submit to the Secretary as application, at such time, in such manner, and con-

taining such information as the Secretary may require, including—

“(i) a description of the purposes for which the entity intends to expend amounts under the grant; and

“(ii) a description of the populations, areas, and localities with a need for the services or activities described in clause (i);

“(C) provide matching funds in accordance with paragraph (2);

“(D) provide assurances that the entity will—

“(i) establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of, and accounting for, amounts received under subsection (a);

“(ii) upon request, provide records maintained pursuant to clause (i) to the Secretary or the Comptroller General of the United States for purposes of auditing the expenditures of the grant by the eligible entity; and

“(iii) submit to the Secretary such reports as the Secretary may require with respect to the grant; and

“(E) provide assurances that the entity will comply with the restrictions described in subsection (e).

“(2) MATCHING REQUIREMENT.—

“(A) IN GENERAL.—The Secretary may not award a grant to an eligible entity under this section unless the eligible entity involved agrees, with respect to the costs to be incurred by the eligible entity in carrying out the purpose described in the application under paragraph (1)(B)(i), to make available non-Federal contributions (in cash or in kind under subparagraph (B)) toward such costs in an amount equal to not less than \$1 for each \$3 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities.

“(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

“(i) IN GENERAL.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(ii) MAINTENANCE OF EFFORT.—In making a determination of the amount of non-Federal contributions for purposes of subparagraph (A), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the eligible entity involved toward the purpose described in subsection (a) for the 2-year period preceding the first fiscal year for which the eligible entity is applying to receive a grant under such section.

“(iii) INCLUSION OF RELEVANT NON-FEDERAL CONTRIBUTIONS FOR MEDICAID.—In making a determination of the amount of non-Federal contributions for purposes of subparagraph (A), the Secretary shall, subject to clauses (i) and (ii), include any non-Federal amounts expended pursuant to title XIX of the Social Security Act by the eligible entity involved toward the purpose described in paragraphs (1) and (2) of subsection (a).

“(c) PRIORITIZATION.—

“(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to recipients that are safety-net providers.

“(2) DEFINITION.—In this section, the term ‘safety-net provider’ means a health care provider—

“(A) that by legal mandate or explicitly adopted mission, offers care to individuals without regard to the individual’s ability to pay for such services; or

“(B) for whom a substantial share of the patients are uninsured, receive Medicaid, or are otherwise vulnerable.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—An eligible entity may, subject to paragraphs (2) and (3), expend amounts received under a grant under subsection (a) to carry out the purposes described in such subsection through the awarding of grants to public and nonprofit private entities and through contracts entered into with public and private entities.

“(2) CERTAIN APPLICATION.—If a nonprofit private entity and a private entity that is not a nonprofit entity both submit applications to a grantee under subsection (a) for a grant or contract as provided for in paragraph (1), the grantee may give priority to the application submitted by the nonprofit private entity in any case in which the grantee determines that the quality of such application is equivalent to the quality of the application submitted by the other private entity.

“(3) PAYMENTS FOR SCREENINGS.—The amount paid by a grantee under subsection (a) to an entity under this subsection for a screening procedure as described in subsection (a)(1) may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to an individual enrolled under such part.

“(e) RESTRICTION ON USE OF FUND.—The Secretary may not award a grant to an eligible entity under subsection (a) unless the entity agrees that—

“(1) in providing screenings under subsection (a)(1), the eligible entity will give priority to low-income individuals who lack adequate coverage under health insurance and health plans with respect to screenings for colorectal cancer;

“(2) initially and throughout the period during which amounts are received pursuant to the grant, not less than 60 percent of the grant shall be expended to provide each of the services or activities described in subsections (a)(1) and (a)(2);

“(3) not more than 10 percent of the grant will be expended for administrative expenses with respect to the activities funded under the grant;

“(4) funding received under the grant will supplement, and not supplant, the expenditures of the eligible entity and the value for in-kind contributions for carrying out the activities for which the grant was awarded;

“(5) funding will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

“(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

“(B) by an entity that provides health services on a prepaid basis; and

“(6) funds will not be expended to provide inpatient hospital services for any individual.

“(f) LIMITATION ON IMPOSITION OF FEES FOR SERVICES.—The Secretary may not award a grant to an eligible entity under this section unless the eligible entity involved agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

“(1) will be made according to a schedule of charges that is made available to the public;

“(2) will be adjusted to reflect the income of the individual involved; and

“(3) will not be imposed on any individual with an income of less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

“(g) REQUIREMENT REGARDING MEDICARE.—The Secretary may not award a grant to an eligible entity under this section unless the eligible entity involved provides, as applicable, the following assurances:

“(1) Screenings under subsection (a)(1) will be carried out as preventive health measures in accordance with evidence-based screening guidelines and procedures as specified in section 1861(pp)(1) of the Social Security Act.

“(2) An individual will be considered high risk for purposes of subsection (a)(1) only if the individual is high risk within the meaning of section 1861(pp)(2) of such Act.

“(h) REQUIREMENT REGARDING MEDICAID.—The Secretary may not award a grant to an eligible entity under subsection (a) unless the State plan under title XIX of the Social Security Act for the State includes the screening procedures and referrals specified in subsections (a)(1) and (a)(2) as medical assistance provided under the plan.

“(i) TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

“(1) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of any program funded by a grant under subsection (a). The Secretary may provide such technical assistance directly to eligible entities or through grants to, or contracts with, public and private entities.

“(2) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), upon the request of an eligible entity receiving a grant under subsection (a), the Secretary, for the purpose of aiding the eligible entity to carry out a program under this section—

“(i) may provide supplies, equipment, and services to the eligible entity; and

“(ii) may detail to the eligible entity any officer or employee of the Department of Health and Human Services.

“(B) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request made by an eligible entity under subparagraph (A), the Secretary shall reduce the amount of payments made under the grant under subsection (a) to the eligible entity by an amount equal to the fair market value of any supplies, equipment, or services provided by the Secretary and the costs of detailing personnel (including pay, allowances, and travel expenses) under subparagraph (A). The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

“(j) EVALUATIONS AND REPORT.—

“(1) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to this section. Such evaluations shall include evaluations of the extent to which eligible entities carrying out such programs are in compliance with subsection (a)(2).

“(2) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated to carry out this section, and annually thereafter, submit to Congress, a report summarizing evaluations carried out pursuant to paragraph (1) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this section as the Secretary determines to be appropriate.”.

(b) OPTIONAL MEDICAID COVERAGE OF CERTAIN PERSONS SCREENED AND FOUND TO HAVE COLORECTAL CANCER.—

(1) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(A) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(i) in subclause (XVIII), by striking “or” at the end;

(ii) in subclause (XIX), by adding “or” at the end; and

(iii) by adding at the end the following:

“(XX) who are described in subsection (gg) (relating to certain persons screened and found to need treatment from complications from screening or have colorectal cancer);”.

(B) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

“(gg) Individuals described in this subsection are individuals who—

“(1) are not described in subsection (a)(10)(A)(i);

“(2) have not attained age 65;

“(3) have been screened for colorectal cancer and need treatment for complications due to screening or colorectal cancer; and

“(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act.”.

(C) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(i) by striking “and (XIV)” and inserting “(XIV)”; and

(ii) by inserting “, and (XV) the medical assistance made available to an individual described in subsection (gg) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XX) shall be limited to medical assistance provided during the period in which such an individual requires treatment for complications due to screening or colorectal cancer” before the semicolon.

(D) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (xii), by striking “or” at the end;

(ii) in clause (xiii), by adding “or” at the end; and

(iii) by inserting after clause (xiii) the following:

“(xiv) individuals described in section 1902(gg).”.

(2) PRESUMPTIVE ELIGIBILITY.—

(A) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

“OPTIONAL APPLICATION OF PRESUMPTIVE ELIGIBILITY PROVISIONS FOR CERTAIN PERSONS WITH COLORECTAL CANCER

“SEC. 1920C. A State may elect to apply the provisions of section 1920B to individuals described in section 1902(gg) (relating to certain colorectal cancer patients) in the same manner as such section applies to individuals described in section 1902(aa) (relating to certain breast or cervical cancer patients).”.

(B) CONFORMING AMENDMENTS.—

(i) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended—

(I) by striking “and” after “section 1920” and inserting a comma;

(II) by striking “and” after “with such section” and inserting a comma; and

(III) by inserting before the semicolon at the end the following: “, and provide for making medical assistance available to individuals described in section 1920C during a presumptive eligibility period in accordance with such section”.

(ii) Section 1903(u)(1)(d)(v) of such Act (42 U.S.C. 1396b(u)(1)(d)(v)) is amended—

(I) by striking “or for” and inserting “, for”; and

(II) by inserting before the period the following: “, or for medical assistance provided to an individual described in section 1920C during a presumptive eligibility period under such section”.

(3) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(A) by striking “and” before “(4)”; and

(B) by inserting before the period at the end the following: “, and (5) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided to individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XX)”.

(4) EFFECTIVE DATE.—The amendments made by this subsection apply to medical assistance for items and services furnished on or after the date that is 1 year after the date of enactment of this Act, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

(c) MOBILE MEDICAL VAN GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”), acting through the Administrator of the Health Resources and Services Administration, shall award grants to eligible entities for the development and implementation of a mobile medical van program that shall provide cancer screening services that receive an “A” or “B” recommendation by the U.S. Preventive Services Task Force of the Agency for Healthcare Research and Quality to communities that are underserved and suffer from barriers to access to high quality cancer prevention care.

(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1), and entity shall—

(A) be a consortium of public and private entities (such as academic medical centers, universities, hospitals, and non profit organizations);

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require, including—

(i) a description of the manner in which the applicant intends to use funds received under the grant;

(ii) a description of the manner in which the applicant will evaluate the impact and effectiveness of the health care services provided under the program carried out under the grant;

(iii) a plan for sustaining activities and services funded under the grant after Federal support for the program has ended;

(iv) a plan for the referral of patients to other health care facilities if additional services are needed;



(v) a protocol for the transfer of patients in the event of a medical emergency;

(vi) a plan for advertising the services of the mobile medical van to the communities targeted for health care services; and

(vii) a plan to educate patients about the availability of federally funded medical insurance programs for which such patients, or their children, may qualify; and

(C) agree that amounts under the grant will be used to supplement, and not supplant, other funds (including in-kind contributions) used by the entity to carry out activities for which the grant is awarded.

(3) **USE OF FUNDS.**—An entity shall use amounts received under a grant under this subsection to do any of the following:

(A) Purchase or lease a mobile medical van.

(B) Make repairs and provide maintenance for a mobile medical van.

(C) Purchase or lease telemedicine equipment that is reasonable and necessary to operate the mobile medical van.

(D) Purchase medical supplies and medication that are necessary to provide health care services on the mobile medical van.

(E) Retain medical professionals with expertise and experience in providing cancer screening services to underserved communities to provide health care services on the mobile medical van.

(4) **MATCHING REQUIREMENTS.**—

(A) **IN GENERAL.**—With respect to the costs of a mobile medical van program to be carried out under a grant under this subsection, the grantee shall make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than the amount of the Federal funds provided under this grant.

(B) **DETERMINATION OF AMOUNT CONTRIBUTED.**—Non-Federal contributions required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(C) **WAIVER.**—The Secretary may waive the requirement established in subparagraph (A) if—

(i) the Secretary determines that such waiver is justified; and

(ii) the Secretary publishes the rationale for such waiver in the Federal Register.

(D) **RETURN OF FUNDS.**—An entity that receives a grant under this section that fails to comply with subparagraph (A) shall return to the Secretary an amount equal to the difference between—

(i) the amount provided under the grant; and

(ii) the amount of matching funds actually provided by the grantee.

(5) **CONSIDERATIONS IN MAKING GRANTS.**—In awarding grants under this subsection, the Secretary shall give preference to eligible entities—

(A) that will provide cancer screening services in underserved areas; and

(B) that on the date on which the grant is awarded, have a mobile medical van that is nonfunctioning due to the need for necessary mechanical repairs.

(6) **LIMITATION ON DURATION AND AMOUNT OF GRANT.**—A grant under this subsection shall be for a 2-year period, except that the Secretary may waive such limitation and extend the grant period by an additional year. The amount awarded to an entity under such

grant for a fiscal year shall not exceed \$200,000.

(7) **EVALUATION.**—Not later than 1 year after the date on which a grant awarded to an entity under this subsection expires, the entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the program carried out under the grant.

(8) **REPORT.**—Not later than 18 months after grants are first awarded under this subsection, the Secretary shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the results of activities carried out with amounts received under such grants.

(9) **DEFINITIONS.**—In this section:

(A) **MOBILE MEDICAL VAN.**—The term “mobile medical van” means a mobile vehicle that is equipped to provide non-urgent medical services and health care counseling to patients in underserved areas.

(B) **UNDERSERVED AREA.**—The term “underserved area”, with respect to the location of patients receiving medical treatment, means a “medically underserved community” as defined in section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)).

(d) **ACCESS TO PREVENTION AND EARLY DETECTION FOR CERTAIN CANCERS.**—

(1) **CANCER GENOME ATLAS.**—The Secretary of Health and Human Services, acting through the National Cancer Institute, shall provide for the inclusion of cancers with survival rates of less than 25 percent at 5 years in the Cancer Genome Atlas.

(2) **PHASE IN.**—The Director of the National Cancer Institute shall phase in the participation of cancers described in paragraph (1) in the Cancer Genome Atlas Consortium.

(3) **WORKING GROUPS.**—The Secretary of Health and Human Services, acting through the National Cancer Institute, shall establish formal working groups for cancers with survival rates of less than 25 percent at 5 years within the Early Detection Research Network.

(4) **COMPUTER ASSISTED DIAGNOSTIC, SURGICAL, TREATMENT AND DRUG TESTING INNOVATIONS TO REDUCE MORTALITY FROM CANCERS.**—The Director of the National Institute of Biomedical Imaging and Bioengineering shall ensure that the Quantum Grant Program and the Image Guided Interventions programs expedite the development of computer assisted diagnostic, surgical, treatment and drug testing innovations to reduce mortality from cancers with survival rates of less than 25 percent at 5 years.

## **SEC. 7. EARLY RECOGNITION AND TREATMENT OF CANCER THROUGH USE OF BIOMARKERS.**

(a) **PROMOTION OF THE DISCOVERY AND DEVELOPMENT OF BIOMARKERS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), in consultation with appropriate Federal agencies including the National Institutes of Health, the National Cancer Institute, the Food and Drug Administration, and the National Institute of Standards and Technology, and extramural experts as appropriate, shall establish and coordinate a program to award contracts to eligible entities to support the development of innovative biomarker discovery technologies. All activities under this section shall be consistent with and complement the ongoing efforts of the Oncology Biomarker Qualification Initiative and the Reagan-Udall Foundation of the Food and Drug Administration.

(2) **LEAD AGENCY.**—Not later than 2 years after the date of enactment of this Act, the

Secretary shall designate a lead Federal agency to administer and coordinate the program established under paragraph (1).

(3) **ELIGIBILITY.**—To be eligible to enter into a contract under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such information shall be sufficient to enable the Secretary to—

(A) promote the scientific review of such contracts in a timely fashion; and

(B) contain the capacity to perform the necessary analysis of contract applications, including determinations as to the intellectual expertise of applicants.

(4) **REQUIREMENT.**—In awarding contracts under this subsection, the lead agency shall consider whether the research involved will result in the development of quantifiable biomarkers of cell signaling pathways that will have the broadest applicability across different tumor types or different diseases.

(5) **INTERNATIONAL CONSORTIA.**—The Secretary shall designate one of the Federal entities described in paragraph (1) to establish an international private-public consortia to develop and share methods and precompetitive data on the validation and qualification of cancer biomarkers for specific uses.

(b) **CLINICAL STUDY GUIDELINES.**—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, and the Director of the National Cancer Institute shall jointly develop guidelines for the conduct of clinical studies designed to generate clinical data relating to cancer care and treatment biomarkers that is adequate for review by each such Federal entity. Such guidelines shall be designed to assist in optimizing clinical study design and to strengthen the evidence base for evaluations of studies related to cancer biomarkers.

(c) **DEMONSTRATION PROJECT.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Commissioner of Food and Drugs and the Administrator of the Agency for Healthcare Research and Quality, shall carry out a demonstration project that provides for a limited regional assessment of biomarker tests to facilitate the controlled and limited use of a risk assessment measure with an intervention that may consist of a biomarker test.

(2) **PROCEDURES.**—As a component of the demonstration project under paragraph (1), the Commissioner of Food and Drugs, in consultation with other relevant agencies, shall establish procedures that independent research entities shall follow in conducting high quality assessments of efficacy of biomarker tests.

(d) **POSTMARKET SURVEILLANCE.**—The Food and Drug Administration and the Centers for Medicare & Medicaid Services shall assess quality and accuracy of biomarker tests through appropriate postmarket surveillance and other means, as necessary and appropriate to the mission of each such agency.

(e) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Commissioner of Food and Drugs and the Director of the National Cancer Institute should continue to place high priority upon the identification and use of biomarkers to—

(1) determine the role of genetic polymorphisms on drug activity and toxicity;

(2) establish effective strategies for selecting patients for treatment with specific drugs; and

(3) identify early biomarkers of clinical benefit.

(f) DEFINITION.—In this section, the term “biomarker” means any characteristic that can be objectively measured and evaluated as an indicator of normal biologic processes, pathogenic processes, or pharmacological responses to therapeutic interventions.

#### SEC. 8. CANCER CLINICAL TRIALS.

(a) COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CANCER CLINICAL TRIALS.—

(1) ERISA AMENDMENT.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

##### “SEC. 715. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CANCER CLINICAL TRIALS.

“(a) COVERAGE.—

“(1) IN GENERAL.—If a group health plan (or a health insurance issuer offering health insurance coverage in connection with the plan) provides coverage to a qualified individual (as defined in subsection (b)), the plan or issuer—

“(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

“(B) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

“(C) may not discriminate against the individual on the basis of the individual’s participation in such trial.

“(2) EXCLUSION OF CERTAIN COSTS.—For purposes of paragraph (1)(B), subject to subparagraph (B), routine patient costs include all items and services consistent with the coverage provided in the plan (or coverage) that is typically covered for a qualified individual who is not enrolled in a clinical trial and that was not necessitated solely because of the trial, except—

“(A) the investigational item, device or service, itself; or

“(B) items and services that are provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient.

“(3) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

“(b) QUALIFIED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term ‘qualified individual’ means an individual who is a participant or beneficiary in a group health plan and who meets the following conditions:

“(1)(A) The individual has been diagnosed with cancer.

“(B) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

“(2) Either—

“(A) the referring health care professional is a participating health care provider and has concluded that the individual’s participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

“(B) the participant or beneficiary provides medical and scientific information establishing that the individual’s participation in such trial would be appropriate based

upon the individual meeting the conditions described in paragraph (1).

“(c) LIMITATIONS ON COVERAGE.—This section shall not be construed to require a group health plan, or a health insurance issuer in connection with a group health plan, to provide benefits for routine patient care services provided outside of the plan’s (or coverage’s) health care provider network unless out-of-network benefits are otherwise provided under the plan (or coverage).

“(d) APPROVED CLINICAL TRIAL DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘approved clinical trial’ means a phase I, phase II, phase III, or phase IV clinical trial that relates to the prevention and treatment of cancer (including related symptoms) and is described in any of the following subparagraphs:

“(A) FEDERALLY FUNDED TRIALS.—The study or investigation is approved or funded (which may include funding through in-kind contributions) by one or more of the following:

“(i) The National Institutes of Health.

“(ii) The Centers for Disease Control and Prevention.

“(iii) The Agency for Health Care Research and Quality.

“(iv) The Centers for Medicare & Medicaid Services.

“(v) cooperative group or center of any of the entities described in clauses (i) through (iv) or the Department of Defense or the Department of Veterans Affairs.

“(vi) A qualified non-governmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants.

“(vii) Any of the following if the conditions described in paragraph (2) are met:

“(I) The Department of Veterans Affairs.

“(II) The Department of Defense.

“(III) The Department of Energy.

“(B) The study or investigation is conducted under an investigational new drug application reviewed by the Food and Drug Administration.

“(C) The study or investigation is a drug trial that is exempt from having such an investigational new drug application.

“(2) CONDITIONS FOR DEPARTMENTS.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

“(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

“(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

“(e) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan’s or issuer’s coverage with respect to clinical trials.

“(f) PREEMPTION.—Notwithstanding any other provision of this Act, nothing in this section shall preempt State laws that require a clinical trials policy for State regulated health insurance plans.”

(2) CLERICAL AMENDMENTS.—

(A) Section 732(a) of such Act (29 U.S.C. 1191a(a)) is amended by striking “section 711” and inserting “sections 711 and 715”.

(B) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 714 the following new item:

“Sec. 715. Coverage for individuals participating in approved cancer clinical trials.”

(b) CLINICAL TRIALS.—The Director of the National Cancer Institute shall—

(1) collaborate with the Director of the National Institutes of Health to engage in a campaign to educate the public on the value of clinical trials for oncology patients, which shall be implemented on the local level and focus on patient populations that traditionally are underrepresented in clinical trials;

(2) conduct an educational campaign for health care professionals to educate them to consider clinical trials as treatment options for their patients; and

(3) conduct research to document and demonstrate promising practices in cancer clinical trial recruitment and retention efforts, particularly for patient populations that traditionally are underrepresented in clinical trials.

#### SEC. 9. HEALTH PROFESSIONS WORKFORCE.

(a) INCREASE NURSE FACULTY.—Section 811(f)(2) of the Public Health Service Act (42 U.S.C. 296j(f)(2)) is amended to read as follows:

“(2) BENEFITS FOR RETIRING NURSE OFFICERS QUALIFIED AS FACULTY.—

“(A) IN GENERAL.—The Secretary of Defense shall provide to any individual described in subparagraph (B) the payment of retired or retirement pay without reduction based on receipt of pay or other compensation from the institution of higher education concerned.

“(B) COVERED INDIVIDUALS.—An individual described in this subparagraph is an individual who—

“(i) is retired from the Armed Forces after service as a commissioned officer in the nurse corps of the Armed Forces;

“(ii) holds a graduate degree in nursing; and

“(iii) serves as a part- or full-time faculty member of an accredited school of nursing.

“(C) NURSE CORPS.—Any accredited school of nursing that employs a retired nurse officer as faculty under this paragraph shall agree to provide financial assistance to individuals undertaking an educational program at such school leading to a degree in nursing who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of the Armed Forces.”

(b) ONCOLOGY WORKFORCE.—

(1) STUDY.—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall conduct a study on the current and future cancer care workforce needs in the following areas:

(A) Cancer research.

(B) Care and treatment of cancer patients and survivors.

(C) Quality of life, symptom management, and pain management.

(D) Early detection and diagnosis.

(E) Cancer prevention.

(F) Genetic testing, counseling, and ethical considerations related to such testing.

(G) Diversity and appropriate care for disparity populations.

(H) Palliative and end-of-life care.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study conducted under paragraph (2).

#### SEC. 10. PATIENT NAVIGATOR PROGRAM.

Section 340A of the Public Health Service Act (42 U.S.C. 256a) is amended—

(1) in subsection (e), by adding at the end the following:

“(3) MINIMUM CORE PROFICIENCIES.—The Secretary shall not award a grant to an entity under this section unless such entity provides assurances that patient navigators recruited, assigned, trained, or employed using grant funds meet minimum core proficiencies that are tailored for the main focus or intervention of the navigation program involved.”; and

(2) in subsection (m)—

(A) in paragraph (1), by inserting before the period the following “, and such sums as may be necessary for each of fiscal years 2011 through 2015.”; and

(B) in paragraph (2), by striking “2010” and replacing with “2015.”

#### SEC. 11. CANCER CARE AND COVERAGE UNDER MEDICAID AND MEDICARE.

(a) COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CLINICAL TRIALS UNDER MEDICARE.—

(1) COVERAGE UNDER PART A.—Section 1814 of the Social Security Act (42 U.S.C. 1395f) is amended by adding at the end the following new subsection:

“(m) COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CLINICAL TRIALS.—The Secretary shall not exclude from payment for items and services provided under a clinical trial payment for coverage of routine costs of care (as defined by the Secretary) furnished to an individual entitled to benefits under this part who participates in such a trial to the extent the Secretary provides payment for such costs as of the date of enactment of this subsection.”.

(2) COVERAGE UNDER PART B.—Section 1833(w) of the Social Security Act (42 U.S.C. 1395l(w)), as added by section 184 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended—

(A) by striking “PAYMENT.—The Secretary” and inserting “PAYMENT AND COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CLINICAL TRIALS.—

“(1) METHODS OF PAYMENT.—Subject to paragraph (2), the Secretary”; and

(B) by adding at the end the following new paragraph:

“(2) COVERAGE OF ROUTINE COSTS ASSOCIATED WITH CLINICAL TRIALS.—The Secretary shall not exclude from payment for items and services provided under a clinical trial payment for coverage of routine costs of care (as defined by the Secretary) furnished to an individual enrolled under this part who participates in such a trial to the extent the Secretary provides payment for such costs as of the date of enactment of this subsection.”.

(3) PROVIDER OUTREACH.—The Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall conduct an outreach campaign to providers of services and suppliers under the Medicare program under title XVIII of the Social Security Act regarding coverage of routine costs of care furnished to Medicare beneficiaries participating in clinical trials in accordance with sections 1814(m) and 1833(w)(2) of the Social Security Act (as added by paragraphs (1) and (2), respectively).

(b) DEMONSTRATION PROJECT TO PROVIDE COMPREHENSIVE CANCER CARE PLANNING SERVICES UNDER MEDICARE.—

(1) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall conduct a 3-year demonstration project (referred to in this subsection as the “demonstration project”) under title XVIII of the Social Security Act

(42 U.S.C. 1395 et seq.) under which payment for comprehensive cancer care planning services furnished by eligible entities shall be made.

(2) COMPREHENSIVE CANCER CARE PLANNING SERVICES.—For purposes of this subsection, the term “comprehensive cancer care planning services” means—

(A) with respect to an individual who is diagnosed with cancer, the development of a plan of care that—

(i) details, to the greatest extent practicable, all aspects of the care to be provided to the individual, with respect to the treatment of such cancer, including any curative treatment and comprehensive symptom management (such as palliative care) involved;

(ii) is documented in the patient's medical record and furnished to the individual in person within a period specified by the Secretary that is as soon as practicable after the date on which the individual is so diagnosed;

(iii) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

(iv) is in accordance with standards determined by the Secretary to be appropriate;

(B) with respect to an individual for whom a plan of care has been developed under subparagraph (A), the revision of such plan of care as necessary to account for any substantial change in the condition of the individual, if such revision—

(i) is in accordance with clauses (i) and (iii) of such subparagraph; and

(ii) is documented in the patient's medical record and furnished to the individual within a period specified by the Secretary that is as soon as practicable after the date of such revision;

(C) with respect to an individual who has completed the primary treatment for cancer, as defined by the Secretary (such as completion of chemotherapy or radiation treatment), the development of a follow-up cancer care plan that—

(i) describes the elements of the primary treatment, including symptom management, furnished to such individual;

(ii) provides recommendations for the subsequent care of the individual with respect to the cancer involved;

(iii) identifies, to the greatest extent possible, a healthcare provider to oversee subsequent care and follow-up as needed and to whom the individual may direct questions or concerns;

(iv) is documented in the patient's medical record and furnished to the individual in person within a period specified by the Secretary that is as soon as practicable after the completion of such primary treatment;

(v) is furnished, to the greatest extent practicable, in a form that appropriately takes into account cultural and linguistic needs of the individual in order to make the plan accessible to the individual; and

(vi) is in accordance with standards determined by the Secretary to be appropriate; and

(D) with respect to an individual for whom a follow-up cancer care plan has been developed under subparagraph (C), the revision of such plan as necessary to account for any substantial change in the condition of the individual, if such revision—

(i) is in accordance with clauses (i), (ii), and (iv) of such subparagraph; and

(ii) is documented in the patient's medical record and furnished to the individual within

a period specified by the Secretary that is as soon as practicable after the date of such revision.

(3) QUALIFICATIONS AND SELECTION OF ELIGIBLE ENTITIES.—

(A) QUALIFICATIONS.—For purposes of this subsection, the term “eligible entity” means a physician office, hospital, outpatient department, or community health center. Qualified providers include physicians, nurse practitioners, and other health care professionals who develop or revise a comprehensive cancer care plan.

(B) SELECTION.—The Secretary shall select at least 6 eligible entities to participate in the demonstration project. Such entities shall be selected so that the demonstration project is conducted in different regions across the United States, in urban and rural locations, and across various sites of care.

(4) EVALUATION AND REPORT.—

(A) EVALUATION.—The Secretary shall conduct a comprehensive evaluation of the demonstration project to determine—

(i) the effectiveness of the project in improving patient outcomes and increasing efficiency and reducing error in the delivery of cancer care;

(ii) the cost of providing comprehensive cancer care planning services; and

(iii) the potential savings to the Medicare program demonstrated by the project, including the utility of the demonstration project in reducing duplicative cancer care services and decreasing the use of unnecessary medical services for cancer patients.

(B) REPORT.—

(i) IN GENERAL.—Not later than the date that is 1 year after the date on which the demonstration project concludes, the Secretary shall submit to Congress a report on the evaluation conducted under subparagraph (A).

(ii) PREVENTION OF FRAUDULENT BILLING.—The Secretary shall consult with the Medicare Fraud Task Force in the design of the demonstration project to identify and address concerns about fraudulent billing of comprehensive cancer care planning services. The Secretary's actions on prevention of fraud shall be included in the report under this subparagraph.

(iii) DEMONSTRATION OF SUBSTANTIAL BENEFIT.—If the evaluation conducted under subparagraph (A) indicates substantial benefit from the demonstration project, as measured by improved patient outcomes and more efficient delivery of healthcare services, such report shall include a legislative proposal to Congress for coverage of comprehensive cancer care planning services under the Medicare program, developed on the basis of information from the demonstration project and in consultation with the Administrator of the Agency for Healthcare Research and Quality, the Director of the Institute of Medicine, and the Director of the Centers for Disease Control and Prevention.

(iv) NO SUBSTANTIAL BENEFIT.—If the evaluation conducted under subparagraph (A) does not indicate substantial benefit from the demonstration project, as measured by improved patient outcomes and more efficient delivery of healthcare services, such report shall document, to the extent possible, the reasons why the demonstration project did not result in substantial benefit, and such report—

(I) shall include a legislative proposal for Medicare coverage of comprehensive cancer care planning services in a manner that will lead to substantial benefit; or

(II) shall include recommendations for additional demonstration projects or studies to

evaluate the delivery of comprehensive cancer care planning services in a manner that will lead to substantial benefit and eventual Medicare coverage.

(5) FUNDING.—The Secretary shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act (42 U.S.C. 1395t) of the amount necessary to carry out the demonstration project and report under this subsection.

(c) PROMOTING CESSATION OF TOBACCO USE UNDER MEDICAID.—

(1) SERVICES DESCRIBED.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

“(y)(1) Subject to paragraph (2), for purposes of this title, the term ‘counseling and pharmacotherapy for cessation of tobacco use’ means diagnostic, therapy, and counseling services and pharmacotherapy (including the coverage of prescription and non-prescription tobacco cessation agents approved by the Food and Drug Administration) for cessation of tobacco use for individuals who use tobacco products or who are being treated for tobacco use which are furnished—

“(A) by or under the supervision of a physician; or

“(B) by any other health care professional who—

“(i) is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished; and

“(ii) is authorized to receive payment for other medical assistance under this title or is designated by the Secretary for this purpose.

“(2) Such term is limited to—

“(A) services recommended in ‘Treating Tobacco Use and Dependence: A Clinical Practice Guideline’, published by the Public Health Service in June 2000, or any subsequent modification of such Guideline; and

“(B) such other services that the Secretary recognizes to be effective.”.

(2) DROPPING EXCEPTION FROM MEDICAID PRESCRIPTION DRUG COVERAGE FOR TOBACCO CESSATION MEDICATIONS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)) is amended—

(A) by striking subparagraph (E);

(B) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively; and

(C) in subparagraph (F) (as redesignated by subparagraph (B)), by inserting before the period at the end the following: “, except agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation”.

(3) REQUIRING COVERAGE OF TOBACCO CESSATION COUNSELING AND PHARMACOTHERAPY SERVICES FOR PREGNANT WOMEN.—Section 1905(a)(4) of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended—

(A) by striking “and” before “(C)”;

(B) by inserting before the semicolon at the end the following: “; and (D) counseling and pharmacotherapy for cessation of tobacco use for pregnant women”.

(4) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING AND PHARMACOTHERAPY SERVICES FOR PREGNANT WOMEN.—

(A) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended in each of subsections (a)(2)(B) and (b)(2)(B), by inserting “, and counseling and pharmacotherapy for cessation of tobacco use” after “complicate the pregnancy”.

(B) CONFORMING AMENDMENT.—Section 1916A(b)(3)(B)(iii) of such Act (42 U.S.C. 1396o-1(b)(3)(B)(iii)) is amended by inserting “, and counseling and pharmacotherapy for cessation of tobacco use” after “complicate the pregnancy”.

(5) EFFECTIVE DATE.—The amendments made by this subsection take effect 1 year after the date of enactment of this Act and apply to medical assistance provided under a State Medicaid program on or after that date.

## SEC. 12. CANCER SURVIVORSHIP AND COMPLETE RECOVERY INITIATIVES.

(a) CANCER SURVIVORSHIP PROGRAMS.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.), as amended by subsection (c), is amended by adding at the end the following:

### “SEC. 417E. EXPANSION OF CANCER SURVIVORSHIP ACTIVITIES.

“(a) EXPANSION OF ACTIVITIES.—The Director of the Institute shall coordinate the activities of the National Institutes of Health with respect to cancer survivorship, including childhood cancer survivorship.

“(b) PRIORITY AREAS.—In carrying out subsection (a), the Director of the Institute shall give priority to the following:

“(1) Comprehensive assessment of the prevalence and etiology of late effects of cancer treatment, including physical, neurocognitive, and psychosocial late effects. Such assessment shall include—

“(A) development of a system for patient tracking and analysis;

“(B) establishment of a system of tissue collection, banking, and analysis for childhood cancers, using guidelines from the Office of Biorepositories and Biospecimen Research; and

“(C) coordination of, and resources for, assessment and data collection.

“(2) Identification of risk and protective factors related to the development of late effects of cancer.

“(3) Identification of predictors of neurocognitive and psychosocial outcomes, including quality of life, in cancer survivors and identification of quality of life and other outcomes in family members.

“(4) Development and implementation of intervention studies for cancer survivors and their families, including studies focusing on—

“(A) preventive interventions during treatment;

“(B) interventions to lessen the impact of late effects of cancer treatment;

“(C) rehabilitative or remedial interventions following cancer treatment;

“(D) interventions to promote health behaviors in long-term survivors; and

“(E) interventions to improve health care utilization and access to linguistically and culturally competent long-term follow-up care for childhood cancer survivors in minority and other medically underserved populations.

“(c) GRANTS FOR RESEARCH ON CAUSES OF HEALTH DISPARITIES IN CHILDHOOD CANCER SURVIVORSHIP.—

“(1) GRANTS.—The Director of NIH, acting through the Director of the Institute, shall make grants to entities to conduct research relating to—

“(A) needs and outcomes of pediatric cancer survivors within minority or other medically underserved populations; and

“(B) health disparities in cancer survivorship outcomes within minority or other medically underserved populations.

“(2) BALANCED APPROACH.—In making grants for research under paragraph (1)(A) on

pediatric cancer survivors within minority populations, the Director of NIH shall ensure that such research addresses both the physical and the psychological needs of such survivors.

“(3) HEALTH DISPARITIES.—In making grants for research under paragraph (1)(B) on health disparities in cancer survivorship outcomes within minority populations, the Director of NIH shall ensure that such research examines each of the following:

“(A) Key adverse events after childhood cancer.

“(B) Assessment of health and quality of life in childhood cancer survivors.

“(C) Barriers to follow-up care to childhood cancer survivors.

“(D) Data regarding the type of provider and treatment facility where the patient received cancer treatment and how the provider and treatment facility may impact treatment outcomes and survivorship.

“(d) RESEARCH TO EVALUATE FOLLOW-UP CARE FOR CHILDHOOD CANCER SURVIVORS.—The Director of NIH shall conduct or support research to evaluate systems of follow-up care for childhood cancer survivors, with special emphasis given to—

“(1) transitions in care for childhood cancer survivors;

“(2) those professionals who should be part of care teams for childhood cancer survivors;

“(3) training of professionals to provide linguistically and culturally competent follow-up care to childhood cancer survivors; and

“(4) different models of follow-up care.”.

(b) COMPLETE RECOVERY CARE.—

(1) DEFINITION.—In this subsection, the term “complete recovery care” means care intended to address the secondary effects of cancer and its treatment, including late, psychosocial, neurocognitive, psychiatric, psychological, physical, and other effects associated with cancer and cancer survivorship beyond the impairment of bodily function directly caused by the disease, as described in the report by the Institute of Medicine of the National Academies entitled “Cancer Care for the Whole Patient”.

(2) EXPANSION OF ACTIVITIES.—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall—

(A) coordinate the activities of Federal agencies, including the National Institutes of Health, the National Cancer Institute, the National Institute of Mental Health, the Centers for Medicare and Medicaid Services, the Veterans Health Administration, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Agency for Healthcare Research and Quality, the Office for Human Research Protections, and the Health Resources and Services Administration to improve the provision of complete recovery care in the treatment of cancer; and

(B) solicit input from professional and patient organizations, payors, and other relevant institutions and organizations regarding the status of provision of complete recovery care in the treatment of cancer.

(3) IMPROVING THE COMPLETE RECOVERY CARE WORKFORCE.—

(A) CHRONIC DISEASE WORKFORCE DEVELOPMENT COLLABORATIVE.—The Secretary shall, not later than 1 year after the date of enactment of this Act, convene a Workforce Development Collaborative on Psychosocial Care During Chronic Medical Illness (referred to in this paragraph as the “Collaborative”). The Collaborative shall be a cross-specialty, multidisciplinary group composed

of educators, consumer and family advocates, and providers of psychosocial and biomedical health services.

(B) GOALS AND REPORT.—The Collaborative shall submit to the Secretary a report establishing a plan to meet the following objectives for psychosocial care workforce development:

(i) Identifying, refining, and broadly disseminating to healthcare educators information about workforce competencies, models, and preservices curricula relevant to providing psychosocial services to persons with chronic medical illnesses and their families.

(ii) Adapting curricula for continuing education of the existing workforce using efficient workplace-based learning approaches.

(iii) Developing the skills of faculty and other trainers in teaching psychosocial health care using evidence-based teaching strategies.

(iv) Strengthening the emphasis on psychosocial healthcare in educational accreditation standards and professional licensing and certification exams by recommending revisions to the relevant oversight organizations.

(C) TECHNICAL AMENDMENT.—

(1) IN GENERAL.—Section 3 of the Hematological Cancer Research Investment and Education Act of 2002 (Public Law 107-172; 116 Stat. 541) is amended by striking “section 419C” and inserting “section 417C”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in section 3 of the Hematological Cancer Research Investment and Education Act of 2002 (Public Law 107-172; 116 Stat. 541).

#### SEC. 13. ACTIVITIES OF THE FOOD AND DRUG ADMINISTRATION.

It is the sense of the Senate that the Food and Drug Administration should—

(1) integrate policies and structures to facilitate the concurrent development of drugs and diagnostics for cancer diagnosis, prevention, and therapy;

(2) consider alternatives or surrogates to traditional clinical trial endpoints (for example, other than survival) that are acceptable for regulatory approval as evidence of clinical benefit to patients; and

(3) modernize the Office of Oncology Drug Products by examining and addressing internal barriers that exist within the current organizational structure.

Mrs. HUTCHISON. I rise to talk about legislation that has been introduced today. My colleague and friend, Senator TED KENNEDY, and I and Senator FEINSTEIN are introducing a bill that we hope will help advance America's efforts to find cures for cancer.

We all know that cancer is a relentless disease. It does not discriminate between men and women, wealthy or poor, elderly or young.

In 2008, over 1.4 million Americans were diagnosed with some form of cancer. It may have been you, it may have been a friend, it may have been a co-worker, a parent, a sibling, a spouse or even a child. More than half a million Americans lost their battle with cancer last year.

During the last session of Congress, Senator KENNEDY and I began working on what we would say would be the next generation of the war on cancer. Senator FEINSTEIN has been a leader in this area as well. She is vice chairman of C-Change, which is an organization

that is led by President George Bush—the 41st—and his wife Barbara. DIANNE has been very active in the cancer cause for a long time, having lost her husband to cancer.

All of us have been touched by it. We know very poignantly what happened in our body last year; that Senator KENNEDY himself was diagnosed with a brain tumor. We have watched him valiantly fight off the scourge of this disease. I know in my own family my mother died from a brain tumor, and my brothers have also had cancer. It is such a reminder to all of us, especially when we see one of our own family members or one of our beloved colleagues fighting this disease. ARLEN SPECTER has had amazing feats of living through brain tumors, and he has been so valiant. He, too, is one of the leaders in the cause we are trying to fight today, and that is to win against cancer.

After Senator KENNEDY's diagnosis was announced, I stood on the floor and said I would have an absolute commitment to introduce legislation with him, which we had already been working on for months. We were working with many of the groups that have come together to fight cancer. There are so many in our country that are banding together to try to put all our resources and all our experiences and all of what we have learned to work to do that magic thing that will finally bring about a cure for this disease.

Today, we are keeping the promise we made. We waited, of course, for Senator KENNEDY to go through surgery and to be in treatment before we introduced it, and he is back with us today. He is part of introducing this bill today. So we are calling the bill the 21st Century Cancer ALERT Act. Here is why we must start again and renew our efforts.

Since the war on cancer was declared in 1971, we have amassed a wealth of knowledge, but our success in battling the disease has not been as great as with some of the other health concerns we have faced in our country, such as heart disease. When we adjust the mortality rate of cancer by age, it is still extraordinarily high when compared to mortality from other chronic diseases.

The impact that cancer has on all lives cannot and should not be underestimated. Today, one out of every two men and one out of every three women in our country will develop cancer in their lifetimes. That is an incredible statistic, and it shows how important it is that we get a handle on how we can either find the cure or, the next best thing, to be able to treat it and be able to live with the disease.

Let me tell you about some of the women who have fought with this disease. A woman named Elayne in Corinth, TX, is 44 years old and fighting cancer for the second time in her life. She says:

I would like to see more research and options, especially for people like me who tend to have few options left as a stage 4 cancer patient. I think there is great hope in targeted therapies, and this should be a continued area of research and development.

The Kennedy-Hutchison-Feinstein bill will do several things: It will, first of all, promote cancer diagnosis at an early and more curable stage. We must encourage the discovery and advancement of early recognition and treatment. One promising research method is the use of biomarkers.

Biomarkers leave evidence within the body that alert clinicians to the hidden activity that indicates cancer may be developing. Identifying biomarkers could represent the earliest possible detection of cancer in patients where it might otherwise be a long time before the person would see or feel any symptoms.

However, even if we strengthen our ability to diagnose cancer, impediments remain that prevent many Americans from undergoing routine screening for cancer. With early screening, the chances of catching the disease at a treatable stage are greater and improve the rate of survival.

No. 2, our bill will adopt a cooperative, coordinated approach to cancer research. By establishing a network of biorepositories, we will enable investigators to share information and samples. An integrated approach will accelerate the progress of lifesaving research.

Furthermore, finding cures should be a collaborative goal. Great research is being done by so many researchers who are not aware of advancements in the trials. We have the research that might be concentrated in one area, but people don't have the communication they need to know what is going on in another area that might be helpful in furthering the research going on in a different area.

The culture of isolated career research must shift toward cooperative strides to achieve breakthroughs. We must encourage all the stakeholders in the war on cancer to work in concert. This is perhaps going to be a difficult hurdle, but we must do it. If our researchers are just involved in their own microscope, they are not going to be able to have the full body of knowledge that might contain that one thing that triggers the end to cancer as we know it.

Next, our bill will increase enrollment in clinical trials. Clinical trials expand treatment options for patients while enabling researchers to explore new methods in prevention, diagnosis, and therapy. This is so valuable because these are the experimental stages of treatment where people who sign up—who know there are risks here but are willing to try—can help us learn what works and what might not work. This is essential for us to make real strides in this war on cancer.

One woman who understands the importance of clinical trials is Maria from El Paso. She is participating in a clinical trial, but she says:

Every day we encounter women who are either unaware of the option for clinical trials or who want to participate but do not have access to them. It's not right that some of us have access to the most cutting-edge treatments, while others are shut out and left mired in a web of confusion.

Less than 5 percent of the 10 million adults with cancer in the United States participate in clinical trials. We need to raise awareness about clinical trials so more cancer patients will know they are available and have the full information of what they could do. Disincentives in the health insurance market to enrolling in clinical trials must be eliminated.

Last, as our knowledge of cancer advances and survivors live longer, we must move toward establishing a process of providing comprehensive care planning services. There is great value in arming patients with a treatment plan and a summary of their care once they enter remission. This can help ensure continuity of therapy and prevent costly duplicative or unnecessary services.

Together, Senator KENNEDY, Senator FEINSTEIN, and I hope this will be a bipartisan effort to reinvigorate this fight by enacting these necessary changes through legislation. One of the people who will benefit from our bill is Suzanne. After 10 years of treatment for cancer, at a cost of over \$3 million, Suzanne came to my office this week to show her support for this bill. She said:

I don't want my two daughters to go through what I went through. Screening saves lives and money.

She is right. Another woman who has been in touch with my office is Jodie. At the age of 36, she was diagnosed with cancer. After 5 years of treatment, she said: "It is a gift to be here."

The Kennedy-Hutchison-Feinstein bill, through screening programs, research, and clinical trials, will give people such as Suzanne, Maria, Elayne, Jodie, and many others in our country more time to spend with their loved ones.

This bill we are introducing today is not a finished product. There may need to be changes to this bill. It is not perfect. I already have had some point out the need for us to sit down and try to come up with the absolute right approach. The HELP Committee will be looking at this bill. They will be marking it up. We have already had hearings last year, but there will be more of a look and it will be important that this happen.

We want a bipartisan and resounding victory. We want this to be a victory for all of our country—a victory over this disease. It is the kind of bill that can be bipartisan, that should be bipar-

tisan, and should have overwhelming support from this Congress and from the American people.

I am wearing today the "Live Strong" bracelet. This is from the Lance Armstrong Foundation. We all know Lance Armstrong is a cancer survivor. He is also a hero to many of us because of his wins of the Tour de France. He is the premier bicyclist in the world. Unfortunately, Lance is in the hospital right now—or he might be just getting out. He doesn't have cancer. That is the good news. He broke his collar bone—in about six places, apparently—and because he has insisted he is going back into cycling, he is recovering from that injury.

But we know the grit and determination of this man. After his Tour de France wins, and setting the "straight record" for Tour de France wins, he came home and decided to take on cancer for everyone. He has been a role model in showing us it can be defeated, because after his bout with cancer, he went on to win these grueling bicycle races all over the world. So he has been a role model in that regard, but he has also, through his foundation, been a champion of making sure other people have the same chance for survival that he has had. So while we wish him well on the mending of his collar bone, we already owe him a debt of gratitude, and I am going to wear his bracelet as we introduce the bill today to show what one person can do to defeat cancer.

We can all come together to help Lance get the message out throughout the world that we can defeat cancer, and no one is a better leader in this cause on the Senate floor today than Senator EDWARD KENNEDY. He not only helped craft the legislation—even as he was in treatment he was making edits to this bill—but he also is another person who has shown courage, as Lance Armstrong has, by not giving up, by coming right back to the Senate after his cancer treatments and showing us that he, too, is joining with Lance Armstrong to make sure everyone has the same chance he has for early detection and for a chance to live a full life. That is what we want for every American.

I am very proud to be standing here for Senator KENNEDY to say we are going to fight for this together. We are going to work together, and we are going to try to have a resounding bipartisan victory on this bill. Working with the HELP Committee and utilizing their input, we will win a victory for all Americans. Maybe we will make Americans see that we can work together here in Washington. Maybe that will be the change in how things are done in Washington that we have all been looking for. It would be a change for the better.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. LEAHY, Mr.

CARDIN, Ms. MIKULSKI, Mr. KERRY, Mr. DURBIN, Mr. LAUTENBERG, Mr. MERKLEY, AND MRS. MCCASKILL):

S. 718. A bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes; to the Committee on the Judiciary.

Mr. HARKIN. Mr. President, today, I am proud to introduce the Civil Access to Justice Act of 2009, which will expand and improve vital civil legal services to our most vulnerable Americans.

This is an issue that is very personal with me. Before I was elected to Congress, I practiced law with Polk County legal aid. I know first-hand how crucial legal assistance is to struggling families who have no place else to turn when they have lost a job and are facing a foreclosure. I know the invaluable assistance that legal aid provides to battered women trying to leave abusive marriages while fearing for their safety and the safety of their children. I know that, without access to an attorney, the poor are often powerless against the injustices they suffer. I can honestly say that the work I did with legal aid is some of the most rewarding work of my career.

The type of assistance I was able to provide needy clients in Iowa occurs throughout the country every day. Much of that assistance is the direct result of a commitment the federal government first made over forty years ago. In 1965, the Office of Economic Opportunity created 269 local legal services programs around the country. Ten years later, in 1974, Congress—with bipartisan support, including that of President Nixon—established the Legal Service Corporation, LSC, to be a major source of funding for civil legal aid in this country. LSC is a private, non-profit corporation, funded by Congress, with the mission to ensure equal access to justice under the law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it. LSC distributes 95 percent of its annual Federal appropriations to 137 local legal aid programs, with more than 900 offices serving all 50 states and every congressional district.

These LSC funding programs make a crucial difference to millions of Americans. Recipients help clients secure basic human needs, such as access to wrongly denied benefits including social security, pensions and needed health care. Just in the past decade, families of 9-11 victims, flood victims, and hurricane evacuees have received crucial legal assistance in obtaining permanent housing, unemployment compensation and government benefits. Further, members of our Armed Forces and their families receive help with estate planning, consumer and



landlord/tenant problems and family law.

It is LSC-funded attorneys who help parents obtain and keep custody of their children, help family members obtain guardianship for children without parents, assist parents in enforcing child support payments and help women who are victims of domestic violence. In fact, three out of four legal aid clients are women, and legal aid programs identify domestic violence as one of their top priorities. Recent studies confirm, moreover, that the only public service that reduces domestic abuse in the long term is a woman's access to legal assistance.

Unfortunately, as the economy continues to wane, those needing legal assistance increase. Yet, the Federal commitment to legal services and LSC is not as effective as it needs to be. LSC has not been authorized since 1981, and since 1995 Congress has slashed funding for legal services for the poor, from \$415 million to \$350 million in fiscal year 2008, with only a recent increase to \$390 million for fiscal year 2009. Further, severe restrictions on LSC funded attorneys impede the ability of legal aid attorneys to provide the most meaningful legal representation to low-income Americans. The result is that access to justice and quality representation has become far from a reality for too many of our citizens.

In many parts of the country, more than 80 percent of those who need legal representation are unable to obtain it. Nationally, 50 percent of eligible applicants who request legal assistance from LSC funded programs are turned away largely because such programs lack adequate funding. That translates into over one million eligible cases per year.

Bear in mind, to be eligible for Federal legal assistance, one must live at or below 125 percent Federal poverty level—an income of about \$25,000 a year for a family of four. This means that we are turning away half of the families in America who need and seek civil legal help who make less than \$25,000 a year. That is wrong and it makes a mockery of the principle of equal justice under the law.

Unfortunately, a combination of limited federal funding, state budget cuts and an increased demand for services due to the recession has exacerbated the problem. As the Chief Justice of the Texas Supreme Court recently noted, legal aid programs have reached a "crisis of epic proportions." This year, requests for services have risen by 30 percent or more across the country while cutbacks in staffing are expected to reach 20 percent or more over the coming months. Connecticut Legal Services expects to lose as many as 150 legal positions. Boston's legal aid expects to lay off one-fifth of its lawyers. Two whole offices in New Jersey recently had to shut their doors. When

legal aid lawyers lose their jobs and when offices close, unfortunately it is our most vulnerable citizens who suffer as their legal needs go unmet.

The housing crisis highlights this problem. Today, millions of Americans are struggling to meet their housing needs, including making their mortgage payments, in many cases traceable to predatory lending practices. Foreclosures are at a historic high and continue to soar. As more and more people face the devastating prospect of losing their home—their most prized possession—legal assistance is necessary to help renegotiate terms of loans or enforce truth-in-lending protections in court. The result is that many legal aid offices have seen a drastic increase in those seeking help. Between 2007 and 2008, for example, Iowa Legal Aid saw a 300 percent increase in foreclosure related cases. The Legal Aid Society of San Diego saw a 250 percent increase. Yet, legal aid is too often unavailable. A recent study, for example, revealed that in New Jersey, 99 percent of defendants in housing eviction cases go to court without an attorney.

Given these needs, the Civil Access to Justice Act of 2009, which I am proud to introduce today with Senators KENNEDY, LEAHY, MIKULSKI, CARDIN, KERRY, DURBIN, LAUTENBERG, MCCASKILL and MERKLEY, renews our commitment to equal justice for all Americans and will improve both the quantity and quality of legal assistance in this country.

The bill is supported by, among others, the American Bar Association, Brennan Center for Justice, National Legal Aid & Defender Association, National Organization of Legal Service Workers and United Auto Workers.

First, this bill authorizes funding for LSC at \$750 million, which is approximately the amount appropriated in 1981, adjusted for inflation, the high water mark for LSC funding. That year, Congress allocated \$321.3 million to LSC. At the time, that was seen as the level sufficient to provide a minimum level of access to legal aid in every county. Adjusted for inflation, this "minimum access" level of funding would need to be about \$750 million in 2009 dollars.

Second, this bill lifts many of the restrictions Congress imposed in 1996 on federally funded attorneys. That year, Congress significantly limited whom federally funded attorneys could represent and the types of legal tools these attorneys could use in representing their clients. Proponents of these restrictions argued that LSC funded lawyers had overreached and were using federal funds to pursue what some considered an ideological political agenda through the courts, while neglecting basic legal work for poor Americans.

I vigorously disagreed with this characterization of legal aid attorneys and

opposed the restrictions at the time; and I continue to do so. The restrictions have harmed our neediest Americans and in many instances prevent legal counsel from doing what attorneys are ethically bound to do—provide zealous representation for their clients. Further, the restrictions, by limiting the range of tools that legal aid attorneys can employ compared to other members of the bar, have created a system of second-class legal representation. That is why this legislation lifts limits on the legal tools that LSC-funded attorneys can use to represent their clients—for example, prohibitions on attorneys seeking court-ordered attorneys' fees, lobbying with nonfederal funds or representing clients in class action law suits.

With respect to attorney fees, Congress and state legislatures have recognized that such fees are an important remedy, and are critical in ensuring that civil rights and consumer protection suits are brought. As Congress stated in enacting the Civil Rights Attorneys' Fees Awards Act of 1976, "fee awards have proved an essential remedy if private citizens are to have a meaningful opportunity to vindicate the important Congressional policies which these laws contain." That is why Congress has enacted nearly 200 statutes, and states have enacted approximately 4,000 statutes, that provide for attorney fees. The current restriction preventing LSC-funded attorneys from receiving attorney fees has the effect of weakening the effectiveness of these statutes.

Lifting the restriction on attorney fees makes sense for additional reasons. First, because of the restriction, defendants who otherwise would pay attorney fees are unjustly enriched because they happen to face LSC-funded attorneys as opposed to a private counsel. Second, the potential for attorney fees is important leverage for attorneys as they negotiate settlements, leverage now not available to LSC-funded attorneys. Finally, by prohibiting collecting attorney fees, Congress has needlessly limited potential resources that can be used to provide legal aid to other clients.

The bill also lifts the restriction on LSC-funded attorneys' ability to lobby with non-federal funds for changes in the law that would benefit disadvantaged clients. Legal service attorneys are immersed in the day-to-day legal issues faced by low-income communities and, as a result, are often most knowledgeable about the true impact of state and Federal laws on low income Americans. Yet, LSC-funded attorneys may not participate legislative and administrative efforts unless they are responding to a written request from a legislator or other official.

When legal aid attorneys' input is requested, the results are telling. For example, Maryland Legal Aid Bureau was

recently invited by the legislature to testify on an overhaul of state foreclosure and lending laws. Although the lending, mortgage and banking industries were well represented, the legal aid attorney was the only person there representing borrowers' views. While the attorney's voice was critical in ensuring appropriate consumer protections, it is significant that that voice was only heard because legislators chose to seek input from legal aid. Because of the current restrictions, absent an invitation, the experiences and knowledge of that attorney would be silenced, leaving a one-sided debate.

Let me be clear, I disagree with those who advocated for and enacted the 1996 restrictions. However, in the spirit of compromise and bipartisanship, and with the intent to avoid a repeat of the contentious debates of the 1990s, this legislation does not lift all of the restrictions. Illustrative is the present restriction on LSC-funded attorneys pursuing class action suits. Such cases are often the most efficient and cost-effective lawsuits, not only for clients but for the judicial system. As Congress found in enacting the Class Action Fairness Act in 2005, "class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm."

When the procedural requirements of State or Federal law are met, LSC-funded attorneys and their clients, like all others, should be able to utilize this essential litigation tool. That is why the bill lifts the restriction on the ability of legal aid programs to bring such suits. At the same time, again while I disagree, I acknowledge the concern that led to the restriction—that prior to the restriction some felt that LSC-funded attorneys were using class action suits to "push the envelope" and have courts establish "new law." To allay this concern, the bill permits only class action suits that are grounded in "established" law. This will enable, for example, LSC-funded attorneys to represent as a class multiple families who are victims of predatory lending, but will not permit LSC-funded attorneys to attempt to achieve a novel interpretation of the law that lacks statutory support or judicial precedent.

Moreover, again in the spirit of compromise, the bill maintains many of the limits on who LSC-funded programs can represent, including the current exclusion of illegal immigrants, with limited exceptions, such as victims of domestic violence, prisoners challenging prison conditions, and people charged with illegal drug possession in public housing eviction proceedings. Also, consistent with current law, the

legislation prohibits LSC-funded programs from participating in abortion-related cases.

Third, this legislation lifts all the restrictions, except those related to abortion litigation, on the use of state and local funds and private donations to Federal funded legal services programs that Congress also imposed in 1996. That year, Congress determined that for programs that receive federal funds, the same restrictions applicable to federal funds apply to non-federal funds a program receives.

The result is that millions of dollars in non-federal funds are encumbered by the same restrictions that drastically limit the tools available to legal aid attorneys, to the detriment of their clients. Through direct state and local funding, money from state Interest on Lawyers' Trust Accounts, IOLTA, and private sources, over \$450 million in non-federal funds currently is provided for civil legal assistance. The restrictions place unnecessary and costly hurdles on the use of these non-federal funds. The only way a program and its donors can free themselves from federal restrictions is by diverting non-federal funds into a separate program—with separate staff members, offices and equipment. This is burdensome and wasteful.

Whatever one thinks of placing conditions on the receipt of federal funds, states, cities and private donors should have the ability to determine for themselves how best to spend their money to ensure access to justice for their citizens. It is one thing to attach conditions on the use of the federal funds, but to impose conditions on the use of non-federal funds is wrong.

Fourth, in addition to providing further tools and support for LSC grantees, better corporate governance—something that is critically needed—is a central feature of this legislation. Last year, the Government Accountability Office, GAO, reported on troubling management practices and lack of oversight by LSC. The reports found that there had been questionable expenditures by LSC management and that LSC lacked a "properly implemented governance and accountability structure" needed to prevent problems. GAO included in its report a series of recommendations as to how LSC should address these shortcomings and prevent similar problems in the future.

No one was more upset about the GAO reports than I. That is why I personally made it clear to LSC management, in no uncertain terms, that they needed to act immediately to address the GAO recommendations, and why a central feature of this bill is provisions to ensure better corporate governance. LSC acted quickly to address the issues GAO raised, and both LSC management and its Board of Directors have publicly accepted all of GAO's recommendations and have worked dili-

gently to implement them. Nevertheless, I believe it is important to lock the recommendations into statute.

Finally, the bill authorizes a grant program from the Department of Education to expand law school clinics. A recent study found that students in law school clinics serve approximately 90,000 civil clients every school year, excluding summer semesters, and provide over 1.8 million hours of legal service. These legal clinics are a significant resource for legal services. But they are much more. For many students, these programs are stepping stones towards careers in legal service and public interest law following graduation. Recent studies demonstrate that law students who participate in law school clinics are more likely to work in public service jobs and do more pro bono than their peers who do not.

We need to do all we can to encourage young lawyers to make legal aid a career. One important way of doing this is by exposing them to the challenges, and more importantly the rewards, of representing people who otherwise would not have the legal assistance they deserve.

Our promise of "equal justice under law" rings hollow if those who are most vulnerable are denied access to representation. As former Justice Lewis Powell said, "[e]qual justice under law is not merely a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status." Legal aid attorneys across the country protect the safety, security, and health of low-income citizens. When a senior citizen is the victim of a financial scam, when a family faces the loss of their home, or, all too often, when a woman seeks protection from abuse, legal aid can help—but only if it has the funds and the tools needed to do so.

As our former colleague Senator Domenici once declared: "I do not know what is wrong with the United States of America saying to the needy people of this country that the judicial system is not only for the rich. What is wrong with that? . . . That is what America is all about."

That is the aim of this bill. After years of grossly underfunding this essential program, denying legal representation to millions of low-income citizens, and denying legal aid lawyers the full panoply of tools they need to represent their clients effectively, this bill will fulfill the promise of our Constitution. "Equal Justice Under Law" will be more than an ideal chiseled on a marble façade, it will be a concrete reality for millions of our citizens, who, today, are denied it. I urge my colleagues to support this important bill.

I am proud to join Senator HARKIN, along with Senator KENNEDY, SENATOR

KERRY, Senator MIKULSKI, Senator DURBIN, Senator LAUTENBERG, Senator MCCASKILL, and Senator MERKLEY on this important legislation to reauthorize the Legal Services Corporation, LSC. I thank Senator HARKIN for his hard work and dedication to this issue. Along with reauthorizing the funding for the LSC, the bill also removes several restrictions that have encumbered the efforts of legal services providers around the country.

The funding authorization in this legislation will help ensure that in future years, the Legal Services Corporation, and all of the state legal aid organizations it assists, will continue the critical work they do to help lower-income American citizens who need legal assistance. Similar to the Sixth Amendment's requirement that an indigent criminal defendant be provided counsel, the voice that legal aid attorneys give to the less fortunate among us is an indispensable component of a fair justice system. What Justice Hugo Black called the "noble ideal" of a fair and impartial trial is extended through the work of those around the country who serve their fellow citizens in our courts. This reauthorization will continue the policy of the Federal Government to provide assistance to those who seek access to the courts in civil matters.

As part of this reauthorization, and in an effort to support the integrity of the LSC, the bill codifies recommendations made by the Government Accountability Office, GAO, related to the LSC's corporate governance. The Senate Judiciary Committee held a hearing in May 2008 in part to shed light on these recommendations, and to give the LSC an opportunity to respond about plans to address the problems identified by the GAO. The LSC's leadership has been open and responsive to making improvements, and including these recommendations in the bill will assist the LSC in strengthening its governance practices for the future.

This legislation also takes the long-overdue step of removing several of the restrictions that have hindered legal aid organizations for too long. But I wish to make clear that the restrictions on both state and Federal funds prohibiting litigation involving reproductive rights remain in place. Several restrictions on Federal funds remain: the use of Federal funds for litigation concerning unlawful immigrants, prison conditions, and certain eviction cases involving the sale of illegal drugs in public housing, will remain prohibited. But many of the restrictions this bill finally lifts are the product of an ideology long since rejected by the American people. It is time for Congress to reconsider the usefulness of these restrictions in providing the services that so many Americans desperately need.

All Americans should understand the effects of these restrictions on the provision of legal services for lower-income citizens. Chief among them is the overarching requirement prohibiting the use of non-Federal funds for enumerated purposes when legal aid organizations accept Federal funding from the LSC. Currently, non-federal funds received by legal aid providers that also accept LSC funding are subject to the same restrictions that Federal funds are. This has resulted in a waste of resources that providers can ill afford. For example, a legal aid provider that wishes to use state, foundation, or other private funding as it sees fit must physically segregate its operations so that funds from the two sources are administered separately through duplicated processes. In this era of economic difficulty, the impact of every Federal and state dollar provided to help Americans must be maximized. This requirement has resulted in little more than wasted resources. Legal aid providers are capable of honoring Federal restrictions without the necessity of such an onerous approach.

The legislation also removes restrictions that currently prohibit legal aid attorneys from receiving attorney's fees, as authorized by law, in cases in which they prevail. Contrary to arguments that claim such a practice would cause legal aid attorneys to act unethically or out of an interest divergent from the legitimate needs of their clients, allowing these fees to be retained would help shift the cost of wrongdoing from the Federal Government to the wrongdoer. Moreover, allowing legal aid attorneys to retain these fees when merited would provide increased assistance to the organizations for which they work. In an effort to monitor the effect of removing this restriction, the legislation requires all fees received to be reported to the LSC.

The bill removes restrictions on class action suits by legal aid providers. Contrary to the popular rhetoric, in some cases class action suits can maximize the benefits provided by legal aid organizations by allowing similarly situated plaintiffs to pursue their rights in a single case. The legislation does restrict class action suits to actions based on established law, and thus is intended to discourage truly frivolous suits. Additionally, the legislation removes the restriction prohibiting legal aid providers from lobbying their elected officials. Allowing legal aid providers to advocate on behalf of those they serve will advance civil justice issues and raise the awareness of lawmakers in matters affecting many Americans. And I would remind those who would disparage this practice on the part of legal aid providers that many of the financial institutions that the American taxpayers have recently bailed out continue to lobby extensively in Washington. If banks that

have been bailed out with taxpayer money can freely access their elected officials, so too should those who represent the least politically powerful among us.

I hope all Senators will give serious consideration to reauthorizing the Legal Services Corporation and ending many of the restrictions that have burdened the provision of legal services to so many American citizens. Lawyers across the U.S. have dedicated their lives to helping the least fortunate among us gain access to the courts that serve us all. These lawyers play a critical role in ensuring that justice is carried out in a manner consistent with the Constitution's promise, and when justice is served fairly, it benefits us all. I hope all Senators will join us in support of this legislation.

By Mr. UDALL, of Colorado (for himself and Mr. BENNET):

S. 720. A bill to provide a source of funds to carry out restoration activities on Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I am today introducing a bill to provide additional resources for use by the Federal land-managing agencies to restore lands damaged as a result of legal violations and to promote public education about the use of the Federal lands. This bill is similar to one I introduced in the U.S. House of Representatives in the 110th Congress, H.R. 1463. I would like to thank Sen. BENNET for joining me as a cosponsor.

The large majority of people who use and enjoy our national public lands respect those lands and facilities and do not deliberately damage them. They abide by our laws and regulations that are designed to preserve and protect these lands and facilities for future generations to enjoy and appreciate. Unfortunately, there are some who violate those laws and regulations and in so doing damage the lands and facilities. Violators who are caught can face fines and penalties. This bill would direct the Federal public land agencies to apply the funds collected as fines to help restore the lands and facilities that may have been damaged due to the violations.

The purpose of this bill is to assist the land-managing agencies—the Bureau of Land Management, National Park Service, and the Fish and Wildlife Service in the Interior Department as well as the Forest Service in the Agriculture Department—by allowing the money collected as fines to be used for repairing damage caused by the actions that lead to the fines or by similar actions instead of going to the U.S. Treasury. It would also allow them to use the money to increase public awareness of regulations and other requirements regarding use of Federal

lands. It provides that any of the money not needed for those purposes would be credited to the Crime Victims Fund in the Treasury.

Allowing these funds to be used in this manner will not likely repair the all of the damage caused by illegal activities in most instances, but it will at least provide some assistance.

The genesis for this bill stemmed from a number of illegal activities that created significant damage to Federal public lands and facilities. Let me highlight just a couple of these.

As many may remember, Colorado experienced one of its worst fires in 2002, the Hayman Fire. This fire torched over 130,000 acres in the watershed of the Denver metropolitan area. It also destroyed 133 homes and forced the evacuation of over 5,000 people. After the fire, which was exceedingly hot and fast moving, a major thunderstorm pummeled the then-barren ground and washed debris and sediment into the Strontia Springs Reservoir, a major drinking water supply for Denver, hampering its capacity. Tragically, one person died of a heart attack during this fire, five firefighters were killed in a car crash on the way to the fire, and two people were killed during the subsequent thunderstorm and flooding. It was later learned that the fire was caused by the illegal actions of a former Forest Service employee. That person was later fined and jailed. This bill would allow the Forest Service to apply those fines collected to help restore the lands damaged by this fire.

Other examples involve off-road vehicles. Throughout the west, and especially in Colorado, increased growth and development has resulted in an increase in recreational use of our public lands. These recreational uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such use. As a result, areas of our public lands are being damaged. These impacts can include: damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts on the landscape; loss of quiet and secluded areas of the public lands; and adverse effects on wildlife.

Recreational off-road vehicle use on our public lands should be allowed to continue, but it must be managed to minimize or avoid these problems by appropriate restrictions and putting some sensitive areas off-limits to vehicle use. Again, most vehicle users are responsible—they stay on designated roads and trails, they are respectful of the landscape and they endeavor to tread lightly. However, there are a number of such users who do not obey the rules. Given the nature of this use, large, powerful motorized vehicles that are able to penetrate deeper and deeper

into previously secluded areas, even a relatively few who violate management requirements can create serious damage to public land resources.

For example, in the summer of 2000 two recreational off-road vehicle users ignored closure signs while four-wheel driving on Bureau of Land Management land high above Silverton, Colorado. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain. At first, they abandoned their vehicles. Then, they returned with other vehicles to pull their vehicles out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted in a Denver Post story about this incident, “alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it is helpless against big tires.” The violators at this incident were fined. Again, this bill would allow those fines to be applied to address the specific damage that resulted.

These are but two examples. Regrettably, there have been many more such examples not only in Colorado but also throughout the west. These examples underscore the nature of the problem that this bill would address. This bill would give the Federal public land agencies the ability to apply resources to recover damaged lands from illegal activities.

This is a modest bill but an important one. I think it deserves the support of our colleagues and I will do all I can to achieve its enactment into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 720

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the “Federal Land Restoration, Enhancement, Public Education, and Information Resources Act” or the “Federal Land REPAIR Act”.

(b) FINDINGS.—Congress finds that—

(1) violations of laws (including regulations) applicable to the use of Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture often result in damages to the Federal land that require expenditures for restoration activities to mitigate the damages;

(2) increased public information and education regarding the laws (including regulations) applicable to the use of the Federal land can help to reduce the frequency of unintentional violations; and

(3) it is appropriate that fines and other monetary penalties paid as a result of violations of laws (including regulations) applica-

ble to the use of Federal land be used to defray the costs of the restoration activities and to provide public information and education.

#### SEC. 2. USE OF FINES FROM VIOLATIONS OF LAWS AND REGULATIONS APPLICABLE TO PUBLIC LAND FOR RESTORATION AND INFORMATIONAL ACTIVITIES.

(a) LAND UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 305 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1735) is amended by adding at the end the following:

“(d) USE OF COLLECTED FINES.—

“(1) AVAILABILITY AND AUTHORIZED USE.—Any amounts received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation prescribed under section 303(a) shall be available to the Secretary, without further appropriation and until expended—

“(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on public land rendered necessary by the action that led to the fine or by similar actions; and

“(B) to increase public awareness of regulations and other requirements regarding the use of public land.

“(2) TREATMENT OF EXCESS FUNDS.—Amounts referred to in paragraph (1) that the Secretary determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).”.

(b) NATIONAL PARK SYSTEM LANDS.—Section 3 of the National Park Service Organic Act (16 U.S.C. 3), is amended—

(1) by striking “That the Secretary” the first place it appears and inserting “(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary”;

(2) by striking “He may also” the first place it appears and inserting the following:

“(b) SPECIAL MANAGEMENT AUTHORITIES.—

“(1) IN GENERAL.—The Secretary of the Interior may”;

(3) by striking “He may also” the second place it appears and inserting the following:

“(2) DETRIMENTAL ANIMALS AND PLANTS.—

The Secretary may”;

(4) by striking “No natural,” and inserting the following:

“(c) LEASE AND PERMIT AUTHORITIES.—No natural”;

and

(5) by adding at the end the following:

“(d) USE OF COLLECTED FINES.—

“(1) AVAILABILITY AND AUTHORIZED USE.—Any amounts received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of a rule or regulation prescribed under this section shall be available to the Secretary of the Interior, without further appropriation and until expended—

“(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on the National Park System land rendered necessary by the action that led to the fine or by similar actions; and

“(B) to increase public awareness of rules, regulations, and other requirements regarding the use of National Park System land.

“(2) TREATMENT OF EXCESS FUNDS.—Amounts referred to in paragraph (1) that the Secretary determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).”.

(c) NATIONAL WILDLIFE REFUGE SYSTEM LANDS.—Section 4(f) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(f)) is amended by adding at the end the following:

“(3) USE OF COLLECTED FINES.—Any amounts received by the United States as a result of a fine imposed under section 3571 of title 18, United States Code, for a violation of this Act (including a regulation issued under this Act) shall be available to the Secretary, without further appropriation and until expended—

“(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on System land rendered necessary by the action that led to the fine or by similar actions; and

“(B) to increase public awareness of rules, regulations, and other requirements regarding the use of System land.

“(4) TREATMENT OF EXCESS FUNDS.—Amounts referred to in paragraph (3) that the Secretary determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).”

(d) NATIONAL FOREST SYSTEM LAND.—The eleventh undesignated paragraph under the heading “SURVEYING THE PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

(1) by striking “The Secretary” and inserting the following:

**“SEC. 3. PROTECTION OF NATIONAL FOREST SYSTEM LAND; REGULATIONS.**

“(a) REGULATIONS FOR USE AND PROTECTION OF NATIONAL FOREST SYSTEM.—

“(1) IN GENERAL.—The Secretary”;

(2) by striking “continued; and he may” and inserting the following: “continued.

“(2) REGULATIONS.—The Secretary may”;

(3) by striking “destruction; and any violation” and inserting the following: “destruction.

“(b) VIOLATIONS; PENALTIES.—

“(1) IN GENERAL.—Any violation”;

(4) by striking “Any person” and inserting the following:

“(2) MAGISTRATE JUDGE.—Any person”;

(5) by adding at the end the following:

“(c) USE OF COLLECTED FINES.—

“(1) AVAILABILITY AND AUTHORIZED USE.—Any amounts received by the United States as a result of a collateral payment in lieu of appearance or a fine imposed under section 3571 of title 18, United States Code, for a violation of a regulation issued under subsection (a) shall be available to the Secretary of Agriculture, without further appropriation and until expended—

“(A) to cover the cost to the United States of any improvement, protection, or rehabilitation work on National Forest System land rendered necessary by the action that led to the fine or payment; and

“(B) to increase public awareness of rules, regulations, and other requirements regarding the use of National Forest System land.

“(2) TREATMENT OF EXCESS FUNDS.—Amounts referred to in paragraph (1) that the Secretary of Agriculture determines are in excess of the amounts necessary to carry out the purposes specified in that paragraph shall be transferred to the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).”; and

(6) by moving section 3 (as designated by paragraph (1)) so as to appear at the end of that Act.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 721. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 721

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act”.

**SEC. 2. EXPANSION OF ALPINE LAKES WILDERNESS.**

(a) IN GENERAL.—There is designated as wilderness and as a component of the National Wilderness Preservation System certain Federal land in the Mount Baker-Snoqualmie National Forest in the State of Washington comprising approximately 22,100 acres, as generally depicted on the map entitled “Proposed Alpine Lakes Wilderness Additions” and dated March 23, 2009, which is incorporated in and shall be considered to be a part of the Alpine Lakes Wilderness.

(b) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by subsection (a) shall be administered by the Secretary of Agriculture (referred to in this section as the “Secretary”), in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(2) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by subsection (a) with—

(i) the Committee on Natural Resources of the House of Representatives; and

(ii) the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTEREST.—Any land within the boundary of the land designated as wilderness by subsection (a) that is acquired by the United States shall—

(1) become part of the wilderness area; and

(2) be managed in accordance with subsection (b)(1).

**SEC. 3. WILD AND SCENIC RIVER DESIGNATIONS.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(171) MIDDLE FORK SNOQUALMIE, WASHINGTON.—The 27.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE ¼ sec. 20, T. 24 N., R. 13 E., to the northern boundary of sec. 11, T. 23 N., R. 9 E., to be administered by the Secretary of Agriculture in the following classifications:

“(A) The approximately 6.4-mile segment from the headwaters of the Middle Fork Snoqualmie River near La Bohn Gap in NE ¼ sec. 20, T. 24 N., R. 13 E., to the west section line of sec. 3, T. 23 N., R. 12 E., as a wild river.

“(B) The approximately 21-mile segment from the west section line of sec. 3, T. 23 N., R. 12 E., to the northern boundary of sec. 11, T. 23 N., R. 9 E., as a scenic river.

“(172) PRATT RIVER, WASHINGTON.—The entirety of the Pratt River in the State of Washington, located in the Mount Baker-Snoqualmie National Forest, to be administered by the Secretary of Agriculture as a wild river.”.

By Mr. BAUCUS (for himself, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 722. A bill to amend the Internal Revenue Code of 1986 to provide for permanent alternative minimum tax relief, middle class tax relief, and estate tax relief, and to permanently extend certain expiring provisions, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, there is a storm brewing. This storm is not an act of God. It is man-made. It is coming to a head next year.

The 2001 tax cut law gave much-needed tax relief to families with children. It gave much-needed tax relief to families with college students. It gave much-needed relief to family-owned businesses.

I worked on those tax cuts. I believed in them.

But the provisions in that bill expire on December 31, 2010.

Since the day that we passed that bill, we have passed others. These other bills expanded and enhanced some of the 2001 provisions that help America's families.

Next year, all that we have done disappears. American families are left in a state of uncertainty. This uncertainty undermines confidence in the Government and the future.

That is why, today, I am introducing the Taxpayer Certainty and Relief Act of 2009.

This bill would make permanent several expiring provisions that help families.

This bill would make permanent the tax cuts for the 10 percent, 15 percent, 25 percent, and 25 percent tax brackets. Without this change, taxpayers would experience up to a \$5,000 tax increase. This bill would make permanent the lower capital gains rates for taxpayers in these brackets.

This bill would make permanent the marriage penalty relief enacted in 2001. This would guaranty that married couples would not be penalized when they take their wedding vows.

This bill would also make permanent the \$1,000 child tax credit. It would also make permanent the refundable child tax credit, with a threshold of \$3,000, that was recently passed as part of the American Recovery and Reinvestment Act.

This is important because prior to the 2001 bill, this credit was \$500 and not refundable.

This bill would make permanent the expansion of the earned income tax credit. As a result, married couples would get more relief and families with three or more children would get a larger credit.

The bill would help working men and women by making permanent the changes to the dependent and child care credit. This credit helps cover the increased expenses of providing child care during a time when everyone is struggling to stay employed and weather this economic downturn.

This bill would also make permanent the increased credit for adoption. Giving a child a home and love is expensive. Families that adopt children have a lot of expenses. This bill would continue to give a \$10,000 credit for adoption expenses.

These provisions recognize the increased cost of raising children. Congress values families and wants every family to succeed.

Another problem that Congress has to tackle every year is the Alternative Minimum Tax, or the AMT. This tax creeps up on millions of taxpayers every year. Every year, Congress holds this monster at bay, making sure no new taxpayers pay this horrible tax.

As a result, the number of taxpayers paying the AMT remains at just over 4 million. Without Congress's action, 26 million people would have to pay this tax.

This bill would permanently fix the AMT. It sets the exemption at 2009 levels and indexes it for future years. It also allows the AMT against the non-refundable credits.

Finally, this bill would offer certainty on the estate tax. This is something that I have tried to get done over and over again. The Finance Committee held several hearings discussing this tax. This bill makes permanent current law. This bill would set the exemption at \$3.5 million, or \$7 million for married couples. It would also set the tax rate at 45 percent.

We have also made some other needed fixes. This bill would unify the gift and estate taxes. This bill would also allow a decedent spouse to transfer any unused exemption to the surviving spouse. This is known as portability.

I believe that this bill is just the beginning. I realize there are other tax cuts that need to be made permanent. For example, I hope to address education issues later this year.

But today, let us begin to give working families some shelter from the coming storm.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 722

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Taxpayer Certainty and Relief Act of 2009”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title, etc.

#### TITLE I—PERMANENT ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Exemption amounts made permanent.

Sec. 102. Exemption amounts indexed for inflation.

Sec. 103. Alternative minimum tax relief for nonrefundable credits.

#### TITLE II—PERMANENT MIDDLE CLASS TAX RELIEF

Sec. 201. Permanent reduction in tax rates for lower-income and middle-income individuals.

Sec. 202. Permanent reduction in rates on capital gains for lower-income and middle-income taxpayers.

Sec. 203. Modifications to child tax credit.

Sec. 204. Repeal of sunset on marriage penalty relief.

Sec. 205. Repeal of sunset on expansion of dependent care credit.

Sec. 206. Repeal of sunset on expansion of adoption credit and adoption assistance programs.

Sec. 207. Expansion of earned income tax credit.

#### TITLE III—PERMANENT ESTATE TAX RELIEF

Sec. 301. Permanent extension of estate tax as in effect in 2009.

Sec. 302. Unified credit increased by unused unified credit of deceased spouse.

#### TITLE I—PERMANENT ALTERNATIVE MINIMUM TAX RELIEF

##### SEC. 101. EXEMPTION AMOUNTS MADE PERMANENT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking “\$45,000 (\$70,950 in the case of taxable years beginning in 2009)” in subparagraph (A) and inserting “\$70,950 in the case of”;

(2) by striking “\$33,750 (\$46,700 in the case of taxable years beginning in 2009)” in subparagraph (B) and inserting “\$46,700 in the case of an individual who”, and

(3) by striking “paragraph (1)(A)” in subparagraph (C) and inserting “subparagraph (A)”.

(b) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 701 of such Act (relating to increase in alternative minimum tax exemption).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

##### SEC. 102. EXEMPTION AMOUNTS INDEXED FOR INFLATION.

(a) IN GENERAL.—Subsection (d) of section 55 is amended by adding at the end the following new paragraph:

“(4) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2009, each of the dollar amounts contained in subsection (b)(1)(A)(i) and paragraphs (1)(A), (1)(B), (1)(D), (3)(A), and (3)(B) of this subsection shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—Any increase determined under subparagraph (A) shall be rounded to the nearest multiple of \$100.”.

(b) CONFORMING AMENDMENTS.—

(1) Clause (iii) of section 55(b)(1)(A) is amended by striking “by substituting” and all that follows through “appears.” and inserting “by substituting 50 percent of the dollar amount otherwise applicable under subclause (I) and subclause (II) thereof”.

(2) Paragraph (3) of section 55(d) is amended—

(A) by striking “or (2)” in subparagraph (A),

(B) by striking “and” at the end of subparagraph (B), and

(C) by striking subparagraph (C) and inserting the following new subparagraphs:

“(C) 50 percent of the dollar amount applicable under subparagraph (A) in the case of a taxpayer described in subparagraph (C) or (D) of paragraph (1), and

“(D) \$150,000 in the case of a taxpayer described in paragraph (2).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

##### SEC. 103. ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE CREDITS.

(a) IN GENERAL.—Subsection (a) of section 26 is amended to read as follows:

“(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

“(1) the taxpayer’s regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

“(2) the tax imposed by section 55(a) for the taxable year.”.

(b) CONFORMING AMENDMENTS.—

(1) ADOPTION CREDIT.—

(A) Section 23(b) is amended by striking paragraph (4).

(B) Section 23(c) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(C) Section 23(c) is amended by redesignating paragraph (3) as paragraph (2).

(2) CHILD TAX CREDIT.—

(A) Section 24(b) is amended by striking paragraph (3).



(B) Section 24(d)(1) is amended—

(i) by striking “section 26(a)(2) or subsection (b)(3), as the case may be,” each place it appears in subparagraphs (A) and (B) and inserting “section 26(a)”, and

(ii) by striking “section 26(a)(2) or subsection (b)(3), as the case may be” in the second last sentence and inserting “section 26(a)”.

(3) CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.—Section 25(e)(1)(C) is amended to read as follows:

“(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term ‘applicable tax limit’ means the limitation imposed by section 26(a) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C).”.

(4) SAVERS’ CREDIT.—Section 25B is amended by striking subsection (g).

(5) RESIDENTIAL ENERGY EFFICIENT PROPERTY.—Section 25D(c) is amended to read as follows:

“(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.”.

(6) CERTAIN PLUG-IN ELECTRIC VEHICLES.—Section 30(c)(2) is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(7) ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(g)(2) is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(8) NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.—Section 30D(c)(2) is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(9) CROSS REFERENCES.—Section 55(c)(3) is amended by striking “26(a), 30C(d)(2),” and inserting “30C(d)(2)”.

(10) FOREIGN TAX CREDIT.—Section 904 is amended by striking subsection (i) and by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(11) FIRST-TIME HOME BUYER CREDIT FOR THE DISTRICT OF COLUMBIA.—Section 1400C(d) is amended to read as follows:

“(d) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

## TITLE II—PERMANENT MIDDLE CLASS TAX RELIEF

### SEC. 201. PERMANENT REDUCTION IN TAX RATES FOR LOWER-INCOME AND MIDDLE-INCOME INDIVIDUALS.

(a) IN GENERAL.—Paragraph (2) of section 1(i) is amended to read as follows:

“(2) REDUCTION IN RATES.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) in the case of taxable years beginning after 2008—

“(i) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of clause (ii)), and

“(ii) by substituting ‘28%’ for ‘31%’ each place it appears, and

“(B) in the case of taxable years beginning in 2009 and 2010—

“(i) by substituting ‘33%’ for ‘36%’ each place it appears, and

“(ii) by substituting ‘35%’ for ‘39.6%’ each place it appears.”.

(b) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 101 of such Act (relating to reduction in income tax rates for individuals).

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

### SEC. 202. PERMANENT REDUCTION IN RATES ON CAPITAL GAINS FOR LOWER-INCOME AND MIDDLE-INCOME TAXPAYERS.

(a) IN GENERAL.—

(1) REGULAR TAX.—Section 1(h)(1) is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by striking subparagraph (C) and inserting the following:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess (if any) of—

“(I) amount of taxable income which would (without regard to this paragraph) be taxed at a rate below the second highest tax rate, over

“(II) the greater of the amounts determined under clauses (i) and (ii) of subparagraph (B);

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C);”.

(2) MINIMUM TAX.—Section 55(b)(3) is amended by redesignating subparagraph (D) as subparagraphs (E) and by striking subparagraph (C) and inserting the following:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

“(ii) the excess described in section 1(h)(1)(C)(ii), plus

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus”.

(3) CONFORMING AMENDMENTS.—

(A) The following sections are each amended by striking “15 percent” and inserting “20 percent”:

(i) Section 1445(e)(1).

(ii) The second sentence of section 7518(g)(6)(A).

(iii) Section 5351(f)(2) of title 46, United States Code.

(B) Section 1(h)(1)(B) is amended by striking “5 percent (0 percent in the case of tax-

able years beginning after 2007)” and inserting “0 percent”.

(C) Section 55(b)(3)(B) is amended by striking “5 percent (0 percent in the case of taxable years beginning after 2007)” and inserting “0 percent”.

(D) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) WITHHOLDING.—The amendment made by subsection (a)(3)(A)(i) shall apply to amounts paid on or after January 1, 2011.

(c) REPEAL OF JGTRRA SUNSET.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is repealed.

### SEC. 203. MODIFICATIONS TO CHILD TAX CREDIT.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 201 (relating to modifications to child tax credit) and 203 (relating to refunds disregarded in the administration of federal programs and federally assisted programs) of such Act.

(b) MODIFICATION OF THRESHOLD AMOUNT.—

(1) IN GENERAL.—Clause (i) of section 24(d)(1)(B) is amended by striking “\$10,000” and inserting “\$3,000”.

(2) REPEAL OF INFLATION ADJUSTMENT TO EARNED INCOME BASE.—Subsection (d) of section 24 (relating to portion of credit refundable) is amended by striking paragraph (3).

(3) CONFORMING AMENDMENT.—Section 24(d) is amended by striking paragraph (4).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

### SEC. 204. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

### SEC. 205. REPEAL OF SUNSET ON EXPANSION OF DEPENDENT CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 204 of such Act (relating to dependent care credit).

### SEC. 206. REPEAL OF SUNSET ON EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 202 of such Act (relating to expansion of adoption credit and adoption assistance programs).

### SEC. 207. EXPANSION OF EARNED INCOME TAX CREDIT.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to subsections (b) through (h) of section 303 of such Act (relating to earned income tax credit).

(b) INCREASE IN CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE CHILDREN.—Paragraph (1) of section 32(b) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

“(B) INCREASED CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE QUALIFYING CHILDREN.—In the case of an eligible individual

with 3 or more qualifying children, the table in subparagraph (A) shall be applied by substituting '45' for '40' in the second column thereof."

(c) JOINT RETURNS.—

(1) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended by striking "increased by" and all that follows and inserting "increased by \$5,000."

(2) INFLATION ADJUSTMENTS.—Clause (ii) of section 32(j)(1)(B) is amended—

(A) by striking "\$3,000" and inserting "\$5,000", and

(B) by striking "calendar year 2007" and inserting "calendar year 2008".

(d) CONFORMING AMENDMENT.—Section 32(b) is amended by striking paragraph (3).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

### TITLE III—PERMANENT ESTATE TAX RELIEF

#### SEC. 301. PERMANENT EXTENSION OF ESTATE TAX AS IN EFFECT IN 2009.

(a) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—Paragraph (1) of section 2505(a) (relating to general rule for unified credit against gift tax), after the application of subsection (g), is amended by striking "(determined as if the applicable exclusion amount were \$1,000,000)".

(b) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO \$3,500,000.—Subsection (c) of section 2010 (relating to unified credit against estate tax) is amended to read as follows:

"(c) APPLICABLE CREDIT AMOUNT.—

"(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

"(2) APPLICABLE EXCLUSION AMOUNT.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is \$3,500,000.

"(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000."

(c) MAXIMUM ESTATE TAX RATE EQUAL TO 45 PERCENT.—

(1) IN GENERAL.—Subsection (c) of section 2001 (relating to imposition and rate of tax) is amended—

(A) by striking "but not over \$2,000,000" in the table contained in paragraph (1),

(B) by striking the last 2 items in such table,

(C) by striking "(1) IN GENERAL.—", and

(D) by striking paragraph (2).

(2) CONFORMING AMENDMENT.—Paragraphs (1) and (2) of section 2102(b) are amended to read as follows:

"(1) IN GENERAL.—A credit in an amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were \$60,000 shall be allowed against the tax imposed by section 2101.

"(2) RESIDENTS OF POSSESSIONS OF THE UNITED STATES.—In the case of a decedent

who is considered to be a 'nonresident not a citizen of the United States' under section 2209, the credit allowed under this subsection shall not be less than the proportion of the amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were \$175,000 which the value of that part of the decedent's gross estate which at the time of the decedent's death is situated in the United States bears to the value of the decedent's entire gross estate, wherever situated."

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN UNIFIED CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) (relating to computation of tax) is amended by striking "if the provisions of subsection (c) (as in effect at the decedent's death)" and inserting "if the modifications described in subsection (g)".

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

"(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

"(1) the tax imposed by chapter 12 with respect to such gifts, and

"(2) the credit allowed against such tax under section 2505, including in computing—

"(A) the applicable credit amount under section 2505(a)(1), and

"(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year."

(2) GIFT TAX.—Section 2505(a) (relating to unified credit against gift tax) is amended by adding at the end the following new flush sentence:

"For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods."

(e) INCREASE IN AGGREGATE REDUCTION IN FAIR MARKET VALUE ALLOWED UNDER SPECIAL USE VALUATION.—Section 2032A(a) (relating to value based on use under which property qualifies) is amended—

(1) by striking "\$750,000" in paragraph (2) and inserting "\$3,500,000,

(2) by striking "1998" in paragraph (3) and inserting "2010",

(3) by striking "\$750,000" in paragraph (3) and inserting "\$3,500,000", and

(4) by striking "1997" in paragraph (3) and inserting "2009".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

(g) ADDITIONAL MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments

made by such provisions, are hereby repealed:

(A) Subtitles A and E of title V.

(B) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(C) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521. The Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(2) SUNSET NOT TO APPLY TO TITLE V OF EGTRRA.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(3) REPEAL OF DEADWOOD.—

(A) Sections 2011, 2057, and 2604 are hereby repealed.

(B) The table of sections for part II of subchapter A of chapter 11 is amended by striking the item relating to section 2011.

(C) The table of sections for part IV of subchapter A of chapter 11 is amended by striking the item relating to section 2057.

(D) The table of sections for subchapter A of chapter 13 is amended by striking the item relating to section 2604.

#### SEC. 302. UNIFIED CREDIT INCREASED BY UNDECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c), as amended by section 301(b), is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

"(A) the basic exclusion amount, and

"(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

"(3) BASIC EXCLUSION AMOUNT.—

"(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is \$3,500,000.

"(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.

"(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

"(A) the basic exclusion amount, or

"(B) the sum of the deceased spousal unused exclusion amounts computed with respect to each deceased spouse of the surviving spouse.

"(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2009, the excess (if any) of—

"(A) the basic exclusion amount of the deceased spouse, over

"(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

"(6) SPECIAL RULES.—

“(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

“(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

“(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a), as amended by section 301(a), is amended to read as follows:

“(1) the applicable credit amount in effect under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by”.

(2) Section 2631(c) is amended by striking “the applicable exclusion amount” and inserting “the basic exclusion amount”.

(3) Section 6018(a)(1) is amended by striking “applicable exclusion amount” and inserting “basic exclusion amount”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

By Mr. WYDEN (for himself, Ms. COLLINS, Mr. DODD, and Mr. CARPER):

S. 723. A bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, today, I am joining my colleagues from Maine, Connecticut, and Delaware, in introducing the Protect Children from Dangerous Lighters Act, a ban on novelty cigarette lighters.

Novelty lighters, also known as toy-like lighters, are cigarette lighters that look like small children's toys or regular household items. In the hands of small children they can be very dangerous. Because they are so well disguised as toys, a child could easily pick one up to play with it without realizing that it could be very hazardous.

The result of this mistake can be deadly: In Oregon, two boys were playing with a novelty lighter disguised as a toy dolphin and accidentally started a serious fire, causing the death of one boy and the permanent brain damage of the other. Also in Oregon, a mother suffered third degree burns on her foot

when her child was playing with a novelty lighter shaped like a small toy Christmas tree and set a bed on fire.

Incidents like these happen all over the country. In Maine, a young boy took a miniature baseball bat off a shelf at a convenience store, accidentally ignited a flame and seared his eyebrow. In North Carolina, a boy sustained second degree burns after playing with a novelty lighter that looked like a toy cell phone. In one of the most tragic examples, a 2-year-old and a 15-month-old from Arkansas were killed in a fire they accidentally started while playing with a novelty lighter shaped like a toy motorcycle.

These injuries and deaths cry out to us to take action and remove these dangerous lighters from shelves everywhere.

A ban on novelty lighters would require the Consumer Product Safety Commission to treat novelty lighters as a banned hazardous substance. That means novelty lighters will not be manufactured, imported, sold, or given away as promotional gifts anywhere in this country. This measure will keep novelty lighters out of the hands of children and prevent injuries like those that have already brought tragedy to too many families.

A number of states and cities have taken it upon themselves to ban these dangerous lighters. Oregon and four other States have already enacted such bans, and thirteen other states are currently considering similar measures. It is clear that this is an important safety issue, and it is time for the Federal Government to pass this bill so that children in all states will be protected.

A Federal ban on novelty lighters has widespread, nationwide support. Along with the Oregon Fire Marshal, the National Association of Fire Marshals supports a federal ban on these lighters and has been active in promoting public awareness on this issue. I want to thank the Congressional Fire Services Institute for their leadership in building support for this bill. The cigarette lighter industry, represented by the Lighter Association, is a partner in supporting a ban on novelty lighters. Finally, consumer groups, such as Safe Kids USA and others have endorsed this approach.

Congress should act now to avoid the suffering caused by the senseless deaths and serious injuries that result from novelty lighters being mistaken for toys. Dangerous tools containing flammable fuel should not be dressed up in packages that are attractive to children; especially when young children do not have the capacity to differentiate these lighters from common toys. Please join me in banning dangerous novelty lighters by cosponsoring the Protect Children from Dangerous Lighters Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 723

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect Children from Dangerous Lighters Act of 2009”.

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Lighters are inherently dangerous products containing flammable fuel.

(2) If lighters are used incorrectly or used by children, dangerous and damaging consequences may result.

(3) Novelty lighters are easily mistaken by children and adults as children's toys or as common household items.

(4) Novelty lighters have been the cause of many personal injuries to children and adults and property damage throughout the United States.

#### SEC. 3. NOVELTY LIGHTER DEFINED.

(a) IN GENERAL.—In this Act, the term “novelty lighter” means a device typically used for the igniting or lighting of cigarettes, cigars, or pipes that has a toy-like appearance, has entertaining audio or visual effects, or resembles in any way in form or function an item that is commonly recognized as appealing, attractive, or intended for use by children of 10 years of age or younger, including such a device that takes toy-like physical forms, including toy animals, cartoon characters, cars, boats, airplanes, common household items, weapons, cell phones, batteries, food, beverages, musical instruments, and watches.

(b) EXCLUSION.—Such term does not include standard disposable and refillable lighters that are printed or decorated with logos, labels, decals, artwork, or heat shrinkable sleeves.

#### SEC. 4. BAN ON NOVELTY LIGHTERS.

(a) BANNED HAZARDOUS SUBSTANCE.—A novelty lighter shall be treated as a banned hazardous substance as defined in section 2 of the Federal Hazardous Substances Act (15 U.S.C. 1261) and the prohibitions set out in section 4 of such Act (15 U.S.C. 1263) shall apply to novelty lighters.

(b) APPLICATION.—Subsection (a) applies to a novelty lighter—

(1) manufactured on or after January 1, 1980; and

(2) that is not considered by the Consumer Product Safety Commission to be an antique or an item with significant artistic value.

Ms. COLLINS. Mr. President, I rise to join Senator WYDEN in introducing a bill that will ban the sale of certain novelty lighters that children can mistake for toys, often with tragic consequences for themselves and their families.

In Arkansas in 2007, two boys, ages 15 months and 2 years, died when the toddler accidentally started a fire with a lighter shaped like a motorcycle. In Oregon, in 2000, a fire started with a dolphin-shaped lighter left one child dead and another brain-damaged. In North Carolina, a 6-year-old boy was badly burned by a lighter shaped like a cell phone.

Sadly, the U.S. Fire Administration has other stories of the hazards presented by novelty lighters. When you

learn that one looks like a rubber duck toy, and actually quacks, you can imagine the potential for harm.

As a co-chair of the Congressional Fire Services Caucus, I am proud to note that last year, my home State of Maine became the first State to outlaw the sale of novelty lighters.

Maine's pioneering law stems from a tragic 2007 incident in a Livermore, Maine, grocery store. While his mother was buying sandwiches, 6-year-old Shane St. Pierre picked up what appeared to be a toy flashlight in the form of a baseball bat. When he flicked the switch, a flame shot out and burned his face. Shane's dad, Norm St. Pierre, a fire chief in nearby West Paris, began advocating for the novelty-lighter ban that became Maine law in March 2008.

The Maine State Fire Marshal's office supported that legislation, and a national ban has the support of the Congressional Fire Services Institute, the National State Fire Marshals Association, and the National Volunteer Fire Council.

The bill is straightforward. It treats novelty lighters manufactured after January 1, 1980, as banned hazardous substances unless the Consumer Product Safety Commission determines a particular lighter has antique or significant artistic value. Otherwise, sale of lighters with toy-like appearance, special audio or visual features, or other attributes that would appeal to children under 10 would be banned.

The novelty lighters targeted in this legislation serve no functional need. But they are liable to attract the notice and curiosity of children, whose play can too easily turn into a scene of horror and death. The sale of lighters that look like animals, cartoon characters, food, toys, or other objects is simply irresponsible and an invitation to tragedy.

I urge all of my colleagues to join me in supporting this simple measure that can save children from disfigurement and death.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 725. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today along with Senator HATCH to reintroduce the Equity for Our Nation's Self-Employed Act of 2009. This important legislation corrects an inequity that currently exists in our tax code that forces the self-employed to pay payroll taxes on the funds used to purchase their health insurance while larger businesses do not. Because of this inequity, health insurance is more expensive for the self-employed. At a time when the number of people unin-

sured is growing at an alarming rate, we need to find ways to reduce the cost of health insurance. This legislation is a first logical step.

Under current law, corporations and other business entities are able to deduct health insurance premiums as a business expense and to forego payroll taxes on these costs. However, sole-proprietors are not allowed this same deduction and thus, are required to pay self-employment tax, their payroll tax, on health insurance premiums. The self-employed are the only segment of the business population that is additionally taxed on health insurance. The legislation we are introducing today would stop this inequitable tax treatment and allow sole proprietors to deduct the amount they pay for health insurance from their calculation of payroll taxes, leveling the playing field for the over 20 million self-employed in our Nation.

This problem affects all self-employed who provide health insurance to their families. According to the IRS, there are almost 130,000 sole-proprietors in New Mexico. While we do not know how many of these people in New Mexico have health insurance, we do know that roughly 3.8 million working families in the U.S. paid self-employment tax on their health insurance premiums. Estimates indicate that roughly 60 percent of our Nation's uninsured are either self-employed or work for a small business. According to the Kaiser Family Foundation, self-employed workers spent upwards of \$12,000 per year in 2006 to provide health insurance for their families. Because they cannot deduct this as an ordinary business expense, those that spend this amount will pay a 15.3 percent payroll tax on their premiums, resulting in over \$1,800 of taxes annually.

This problem was identified by the National Taxpayer Advocate in several of her annual reports to Congress and our legislation to correct it is supported by over 40 national and State organizations including the National Association for the Self-Employed, the National Small Business Association, the National Federation of Independent Business, National Association of Realtors, the U.S. Chamber of Commerce, and the U.S. Hispanic Chamber of Commerce. I look forward to working with my colleagues to get this important legislation passed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 725

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Equity for Our Nation's Self Employed Act of 2009".

#### SEC. 2. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Ms. LANDRIEU (for herself, Mr. ENSIGN, Mr. CARDIN, Mrs. BOXER, Mr. GRAHAM, Ms. COLLINS, Mr. MCCAIN, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LEVIN, Mr. CARPER, Mr. LIEBERMAN, Mr. BYRD, Mr. KERRY, and Mr. LEAHY):

S. 727. A bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption; to the Committee on the Judiciary.

Ms. LANDRIEU. I rise today to introduce a piece of legislation that this body has seen before, and actually we have passed a version of it by an overwhelming majority. But we have had difficulty as this bill has left this body and moved across the Capitol, and the efforts to pass this bill have actually been thwarted—not so much on the floors of the Congress or the Senate, but in committee rooms and conference committees—sometimes out of full public view. It has become an issue that must be dealt with on its substance, but also the way that sometimes bills find themselves coming to dead ends, in my view in inappropriate ways.

The record of this subject has been long discussed on the floor. But the bill attempts to end the transport of horses for slaughter to Canada and to Mexico.

This Congress, both Democrats and Republicans, a majority, has gone on record saying that the practice of inhumane slaughter of these majestic and very noble animals has no place in America. We do not use their meat for human consumption. It is no longer used even in our pet foods. This is not true in other parts of the world but it is true here in America. So we want to have a better system to handle the breeding, the raising, and the disposal of horses that are old, infirm, and sick. But taking a perfectly healthy animal and slitting its throat and then cutting it up with hatchets and saws and moving equipment while it is still alive is not what people in America would like to believe is going on. In fact it is—or was until a few years ago, until some of us got together with a great coalition and ended the practice of slaughter in the United States.

There were only three plants operating—two in Texas, one in Illinois. Those State legislators and the leaders in those States stepped up and closed down those plants. But the problem is

now the 100,000 or so horses out of 900,000 that die naturally every year. We have about 9 million horses in America, 900,000 die, approximately, every year. And the great part of this story is that 95 percent of all horses die a natural and humane death because the owners are very good, they are very responsible.

Most people do what is right. That is what happens in most places, on most subjects. But there is always that small group that, for whatever reason, proceeds down a path that is wholly inappropriate, although right now legal—we hope to solve that problem—and inhumanely slaughters horses.

The USDA and our own investigation show that 98 percent of the horses that are inhumanely transported over our borders now to places that are, of course, unregulated by our Government and very modestly regulated, if at all, by the Governments of Canada and Mexico, 94 percent of these animals—92, I am sorry, 92.3 percent of those horses being sent to slaughter are healthy. They are not sick and they are not infirm and they are not old.

People say to me: Well, Senator, do you not think we have to find a way to get rid of horses that are sick or too old? I say: Absolutely. There are humane ways to get rid of horses. But the myth and the lie and the shame of this slaughtering that is going on is that 92 percent of those animals are healthy. Many of them are young. Many of them have a great future. But because there is a loophole in our law right now, they are being treated in this way.

So I am introducing this bill with my good friend and colleague JOHN ENSIGN, Senator ENSIGN from Nevada, the leading cosponsor, also with Senators CARDIN, BOXER, GRAHAM, COLLINS, MCCAIN, LAUTENBERG, MENENDEZ, LEVIN, CARPER, LIEBERMAN, BYRD, KERRY, and LEAHY as cosponsors, original cosponsors of this legislation, entitled the Prevention of Equine Cruelty Act.

The way this bill would be put into place, should it be passed and signed by the President into law, is if a person is found in violation of this act, they are found to knowingly transport or sell or purchase a horse with the intent to slaughter it for human consumption, they will be fined, and there will be criminal penalties associated with this practice. If a defendant is found guilty, he or she could be sentenced up to 1 year of prison if he or she has no prior convictions. If he or she does have prior convictions, the penalty will be increased.

As I have said, although U.S. slaughterhouses have been closed, thousands of horses are inhumanely, every day, 1,500 a week, transported across our borders to this deplorable fate. Sometime horses are shipped as many as 600 miles with limited food and water. I

could show you dozens of pictures. I will spare those who are on the floor and those watching from the horror of some of these pictures. But if you want to see them, there are ample pictures and evidence on the Internet available for what is a mindless and barbaric practice we want to stop.

When people say to me: Senator, how are farmers and ranchers going to afford it? It is expensive to put down a horse. It costs about \$225 to humanely euthanize a horse. It costs \$225 to feed a horse for 1 month. So if you can afford to purchase an animal, if you can afford to maintain an animal, you most certainly can afford the price of putting it down humanely, for the work that is done on your behalf, for the pleasure it has provided you or the transportation it has provided you.

Horses are used in our country for many different and very necessary purposes. I want to say this has been a long battle. It started many years ago. But in September of 2007, the U.S. Court of Appeals upheld the Illinois statute that banned the slaughterhouse from continuing.

In April of that same year, the Senate Commerce Committee voted 15 to 7 to ban slaughter. In 2007, in January, the U.S. Court of Appeals for the Fifth Circuit declared the slaughter of horses for food illegal in Texas, upholding a law that dated back to 1949. And on September 7—you might have still been there—the House passed H.R. 503, the American Horse Slaughter Prevention Act. Unfortunately, that Congress adjourned before the Senate could take it up, and the Senate did, in October, take up this matter in the agriculture appropriations bill, only to have it scuttled again.

So I submit to you that there is a broad base of bipartisan support for this legislation. I submit to you that the practice is cruel and inhumane. I submit to you that I have every court, both at the district and appellate level, that has weighed in has weighed in on the side of our efforts here today. And it is my intention, working with Senator JOHN ENSIGN from Nevada, to finally get this bill passed, so we will have, once and for all, ended inhumane slaughter and created a way for horses to be put down or to die naturally and to be disposed of properly in this country, which we think will be a great testimony to the rising awareness of animal care in this Nation.

Now, when people say: She has gone too far and we are going to do the same thing for cows and goats and chickens—horses are not raised for the same purpose as cows and goats and chickens. They are never raised for slaughter. They are raised for companionship, for partnership, and that is where the line, I hope, will be drawn.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 727

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Prevention of Equine Cruelty Act of 2009”.

#### SEC. 2. SLAUGHTER OF HORSES FOR HUMAN CONSUMPTION.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

##### “§50. Slaughter of horses for human consumption

“(a) Except as provided in subsection (b), whoever knowingly—

“(1) possesses, ships, transports, purchases, sells, delivers, or receives, in or affecting interstate commerce or foreign commerce, any horse with the intent that it is to be slaughtered for human consumption; or

“(2) possesses, ships, transports, purchases, sells, delivers, or receives, in or affecting interstate commerce or foreign commerce, any horse flesh or carcass or part of a carcass, with the intent that it is to be used for human consumption; shall be fined under this title or imprisoned not more than three years or both.

“(b) If—

“(1) the defendant engages in conduct that would otherwise constitute an offense under subsection (a);

“(2) the defendant has no prior conviction under this section; and

“(3) the conduct involves less than five horses or less than 2000 pounds of horse flesh or carcass or part of a carcass; the defendant shall, instead of being punished under that subsection, be fined under this title or imprisoned not more than one year, or both.

“(c) As used in this section, the term ‘horse’ means any member of the family Equidae.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by adding at the end the following new item:

“50. Slaughter of horses for human consumption.”.

By Mr. AKAKA:

S. 728. A bill to amend title 38, United States Code, to enhance veterans’ insurance benefits, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. AKAKA. Mr. President, I am pleased to introduce the Veterans’ Insurance and Benefits Enhancement Act of 2009. This comprehensive legislation, much of which was considered and passed by the Senate in the last Congress, would improve benefits and services for veterans both young and old.

This legislation would make several important improvements in insurance programs for disabled veterans. It would establish a new program of insurance for service-connected disabled veterans that would provide up to a maximum of \$50,000 in level premium term life insurance coverage. This new program would be available to service-connected disabled veterans who are less than 65 years of age at the time of

application. More importantly, unlike VA's Service-Disabled Veterans Insurance program, the premium rates for this program would be based on an updated mortality table, meaning that premiums under this program would be fairer to veterans.

This legislation would also expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers' Group Life Insurance program. This insurance program went into effect on December 1, 2005. All insured servicemembers under SGLI from that point forward are covered by traumatic injury protection regardless of where their injuries occur. However, individuals sustaining traumatic injuries between October 7, 2001, and November 30, 2005, that were not incurred as a direct result of Operations Enduring or Iraqi Freedom are not eligible for a retroactive payment under the traumatic injury protection program. This legislation would expand eligibility to these individuals.

This bill would also increase the maximum amount of Veterans' Mortgage Life Insurance that a service-connected disabled veteran may purchase from the current maximum of \$90,000 up to \$200,000. In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased. The need for this increase is obvious in today's housing market.

In addition, this legislation would increase the amount of supplemental life insurance available to totally disabled veterans from \$20,000 to \$30,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. This legislation would provide these veterans with a reasonable amount of life insurance coverage.

This bill would also increase certain benefits for veterans and their survivors that have not been updated for many years. The minimum benefit rate for low-income parents of children who have died during military service, or as the result of a service-connected disability, has remained at only \$5.00 per month since 1975. This is unacceptable. Therefore, this bill would increase the minimum Parent's DIC benefit to \$100 per month, and also increase the basic benefit for a parent with no income to the same level as that provided to low-income spouses of wartime veterans. In addition, this bill would increase the amount of pension paid to VA pensioners who receive Medicaid benefits from \$90.00 per month, which was set in 1989, to \$100 per month. In addition, all of these benefits and benefits for surviving spouses with children would be adjusted by cost-of-living allowances so that these VA benefits would never again become so outdated.

Another provision included in this bill would reaffirm Congress's intent with regard to who should be eligible

for a special monthly pension. Low income, nondisabled wartime veterans 65 and older qualify for a VA service pension benefit. Those who are totally and permanently disabled are eligible to receive a disability pension with additional monies if they are housebound, blind, or need help in everyday living activities. In a 2006 decision, the U.S. Court of Appeals for Veterans Claims ruled that an older veteran no longer had to have a disability rated permanent and total in order to receive housebound benefits. The legislative history is clear that Congress intended that only those veterans with a permanent and total disability would qualify for housebound benefits. This provision would require VA to provide this benefit as Congress originally intended.

This is not a comprehensive recitation of all the provisions within this important veterans' legislation. However, I hope that I have provided an appropriate overview of the benefits this legislation would provide for America's veterans and servicemembers. I urge our colleagues to support the legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 728

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Insurance and Benefits Enhancement Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Reference to title 38, United States Code.

#### TITLE I—INSURANCE MATTERS

Sec. 101. Level-premium term life insurance for veterans with service-connected disabilities.

Sec. 102. Supplemental insurance for totally disabled veterans.

Sec. 103. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.

Sec. 104. Enhancement of veterans' mortgage life insurance.

Sec. 105. Adjustment of coverage of dependents under Servicemembers' Group Life Insurance.

#### TITLE II—COMPENSATION AND PENSION MATTERS

Sec. 201. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.

Sec. 202. Eligibility of veterans 65 years of age or older for service pension for a period of war.

Sec. 203. Adjustments in amounts of dependency and indemnity compensation payable to disabled surviving spouses and to parents of deceased veterans.

Sec. 204. Increase and annual adjustment in limitation on pension payable to hospitalized veterans and others.

#### TITLE III—BURIAL AND MEMORIAL MATTERS

Sec. 301. Supplemental benefits for veterans for funeral and burial expenses.

Sec. 302. Supplemental plot allowances.

#### TITLE IV—OTHER MATTERS

Sec. 401. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.

Sec. 402. Supplemental assistance for providing automobiles or other conveyances to certain disabled veterans.

#### SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### TITLE I—INSURANCE MATTERS

##### SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Chapter 19 is amended by inserting after section 1922A the following new section:

##### "§ 1922B. Level-premium term life insurance for veterans with service-connected disabilities

"(a) IN GENERAL.—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who seeks such insurance against the death of such veteran occurring while such insurance is in force.

"(b) ELIGIBLE VETERANS.—For purposes of this section, an eligible veteran is any veteran less than 65 years of age who has a service-connected disability.

"(c) AMOUNT OF INSURANCE.—(1) Subject to paragraph (2), the amount of insurance granted an eligible veteran under this section shall be \$50,000 or such lesser amount as the veteran shall elect. The amount of insurance so elected shall be evenly divisible by \$10,000.

"(2) The aggregate amount of insurance of an eligible veteran under this section, section 1922 of this title, and section 1922A of this title may not exceed \$50,000.

"(d) REDUCED AMOUNT FOR VETERANS AGE 70 OR OLDER.—In the case of a veteran insured under this section who turns age 70, the amount of insurance of such veteran under this section after the date such veteran turns age 70 shall be the amount equal to 20 percent of the amount of insurance of the veteran under this section as of the day before such date.

"(e) PREMIUMS.—(1) Premium rates for insurance under this section shall be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 4.5 per centum per annum.

"(2) The amount of the premium charged a veteran for insurance under this section may not increase while such insurance is in force for such veteran.

"(3) The Secretary may not charge a premium for insurance under this section for a veteran as follows:

"(A) A veteran who has a service-connected disability rated as total and is eligible for a waiver of premiums under section 1912 of this title.



“(B) A veteran who is 70 years of age or older.

“(4) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized.

“(5) Administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund.

“(f) APPLICATION REQUIRED.—An eligible veteran seeking insurance under this section shall file with the Secretary an application therefor. Such application shall be filed not later than the earlier of—

“(1) the end of the two-year period beginning on the date on which the Secretary notifies the veteran that the veteran has a service-connected disability; and

“(2) the end of the 10-year period beginning on the date of the separation of the veteran from the Armed Forces, whichever is earlier.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 is amended by inserting after the item related to section 1922A the following new item:

“1922B. Level-premium term life insurance for veterans with service-connected disabilities.”.

(c) EXCHANGE OF SERVICE DISABLED VETERANS’ INSURANCE.—During the one-year period beginning on the effective date of this section under subsection (d), any veteran insured under section 1922 of title 38, United States Code, who is eligible for insurance under section 1922B of such title (as added by subsection (a)), may exchange insurance coverage under such section 1922 for insurance coverage under such section 1922B.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on April 1, 2010.

#### SEC. 102. SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 1922A(a) is amended by striking “\$20,000” and inserting “\$30,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2010.

#### SEC. 103. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans’ Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109-233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking “, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

#### SEC. 104. ENHANCEMENT OF VETERANS’ MORTGAGE LIFE INSURANCE.

Section 2106(b) is amended by striking “\$90,000” and inserting “\$150,000, or \$200,000 after January 1, 2012.”.

#### SEC. 105. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS’ GROUP LIFE INSURANCE.

Clause (ii) of section 1968(a)(5)(B) is amended to read as follows:

“(ii) 120 days after the date of the member’s separation or release from the uniformed services; or”.

#### TITLE II—COMPENSATION AND PENSION MATTERS

#### SEC. 201. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended by adding at the end the following new paragraph:

“(5) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.”.

#### SEC. 202. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.

(a) IN GENERAL.—Section 1513 is amended—

(1) in subsection (a), by striking “by section 1521” and all that follows and inserting “by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased from time to time under section 5312 of this title”; and

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section.”.

(b) APPLICATION.—The amendments made by this section shall apply with respect to claims for pensions filed on or after the date of the enactment of this Act.

#### SEC. 203. ADJUSTMENTS IN AMOUNTS OF DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE TO DISABLED SURVIVING SPOUSES AND TO PARENTS OF DECEASED VETERANS.

(a) INCREASE IN DIC PAYABLE TO DISABLED SURVIVING SPOUSES.—Section 1311 is amended—

(1) in subsection (c), by striking “\$271” and inserting “\$325”; and

(2) in subsection (d), by striking “\$128” and inserting “\$146”.

(b) INCREASE IN CERTAIN DIC AMOUNTS PAYABLE TO PARENTS.—

(1) IN GENERAL.—Section 1315 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking “\$163” and inserting “\$661”; and

(ii) in paragraph (2), by striking “\$5 monthly” and inserting “\$100 monthly, as increased from time to time under section 5312 of this title”; and

(B) in subsection (c)(2), by striking “\$5 monthly” and inserting “\$100 monthly, as in-

creased from time to time under section 5312 of this title”;

(C) in subsection (d)(2), by striking “\$5 monthly” and inserting “\$100 monthly, as increased from time to time under section 5312 of this title”; and

(D) in subsection (g), by striking “\$85” and inserting “\$395”.

(2) ADDITIONAL AMOUNT PAYABLE TO HOUSEBOUND PARENTS.—Such section is further amended by adding at the end the following new subsection:

“(h) The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by \$146, as increased from time to time under section 5312 of this title, if such parent—

“(1) is, by reason of disability, permanently housebound; and

“(2) does not qualify for an increase in dependency and indemnity compensation under subsection (g) of this section.”.

(c) CODIFICATION OF INCREASE IN RATES OF DIC PAYABLE TO PARENTS.—Section 1315 is further amended—

(1) in subsection (b)(3), by striking “\$4,038” and inserting “\$13,456”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “\$115” and inserting “\$412”; and

(B) in paragraph (3), by striking “\$4,038” and inserting “\$13,456”; and

(3) in subsection (d)—

(A) in paragraph (1), by striking “\$109” and inserting “\$387”; and

(B) in paragraph (3), by striking “\$5,430” and inserting “\$18,087”.

(d) TECHNICAL AMENDMENT.—Subsection (f)(1)(A) of such section 1315 is amended by striking “the six-months’ death gratuity” and inserting “death gratuity payments by the Secretary concerned under sections 1475 through 1480 of title 10 (including payments under section 307 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25; 105 Stat. 82; 10 U.S.C. 1478 note))”.

(e) COST-OF-LIVING ADJUSTMENTS.—Section 5312(b)(1) is amended by striking “the monthly rate provided in subsection (g), of section 1315 of this title” and inserting “the monthly rates provided in subsections (g) and (h), of section 1315 of this title, the minimum monthly amounts of dependency and indemnity compensation payable to parents under subsections (b)(2), (c)(2), and (d)(2) of such section.”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to dependency and indemnity compensation payable for months beginning on or after that date.

(2) PROHIBITION ON COLA IN FISCAL YEAR 2010.—No increase shall be made under section 5312(b)(1) of title 38, United States Code, in the minimum monthly amounts of dependency and indemnity compensation payable under subsections (b)(2), (c)(2), and (d)(2) of section 1315 of such title (as amended by subsection (b)(1) of this section) during fiscal year 2010.

#### SEC. 204. INCREASE AND ANNUAL ADJUSTMENT IN LIMITATION ON PENSION PAYABLE TO HOSPITALIZED VETERANS AND OTHERS.

(a) INCREASE AND ANNUAL ADJUSTMENT.—

(1) IN GENERAL.—Section 5503 is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking “\$90 per month” and inserting “\$100 per month, as increased from time to time under section 5312 of this title”; and

(ii) in subparagraphs (B) and (C), by striking “\$90 per month” each place it appears

and inserting "\$100 per month, as so increased,"; and

(B) in subsection (d)(2), by striking "\$90 per month" and inserting "\$100 per month, as increased from time to time under section 5312 of this title,".

(2) ANNUAL ADJUSTMENT.—Section 5312(b)(1) is amended by striking "5507(c)(2)(D) and" and inserting "5503, 5507(c)(2)(D), and".

(b) APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR.—Section 5503(d)(5) is amended—

(1) by inserting "(A)" after "(5)"; and

(2) by adding at the end the following new subparagraph:

"(B) The provisions of this subsection shall also apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2009. However no adjustment shall be made during fiscal year 2010 under section 5312(b)(1) of title 38, United States Code (as amended by subsection (a)(2)), in the limitation under section 5503 of title 38, United States Code (as amended by subsections (a)(1) and (b)), on amounts of pension payable to veterans and others.

### TITLE III—BURIAL AND MEMORIAL MATTERS

#### SEC. 301. SUPPLEMENTAL BENEFITS FOR VETERANS FOR FUNERAL AND BURIAL EXPENSES.

(a) FUNERAL EXPENSES.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2302 the following new section:

##### "§2302A. Funeral expenses: supplemental benefits

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2302(a) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

"(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$900 (as adjusted from time to time under subsection (c)).

"(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2009, the supplemental payment described in subsection (b) shall be equal to the sum of—

"(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

"(2) the sum of the amount described in section 2302(a) of this title and the amount under paragraph (1), multiplied by the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental payments

under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2302 the following new item:

"2302A. Funeral expenses: supplemental benefits."

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) DEATH FROM SERVICE-CONNECTED DISABILITY.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2307 the following new section:

##### "§2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2307(1) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

"(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is \$2,100 (as adjusted from time to time under subsection (c)).

"(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2009, the supplemental payment described in subsection (b) shall be equal to the sum of—

"(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

"(2) the sum of the amount described in section 2307(1) of this title and the amount under paragraph (1), multiplied by the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month

period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

"(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

"(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

"(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

"(3) The dates described in this paragraph are the following:

"(A) April 1 of each year.

"(B) July 1 of each year.

"(C) September 1 of each year.

"(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

"(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

"(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

"2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses."

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2307A of title 38, United States Code (as added by this subsection).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to deaths occurring on or after that date.

#### SEC. 302. SUPPLEMENTAL PLOT ALLOWANCES.

(a) IN GENERAL.—Chapter 23 is amended by inserting after section 2303 the following new section:

##### "§2303A. Supplemental plot allowance

"(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial, as applicable.

"(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

"(b) AMOUNT.—The amount of the supplemental payment required by subsection (a)

for any death is \$445 (as adjusted from time to time under subsection (c)).

“(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2009, the supplemental payment described in subsection (b) shall be equal to the sum of—

“(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

“(2) the sum of the amount described in section 2303(a)(1)(A) of this title and the amount under paragraph (1), multiplied by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental plot allowance payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental plot allowance payments under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2303 the following new item:

“2303A. Supplemental plot allowance.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to deaths occurring on or after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by subsection (a)).

#### TITLE IV—OTHER MATTERS

#### SEC. 401. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “or (iii) below” and inserting “(iii), or (iv)”; and

(B) by adding at the end the following new clause:

“(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).”; and

(2) in subparagraph (B), by striking “or (iii)” and inserting “(iii), or (iv)”.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “means—” and inserting “means the following:”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “any veteran” and inserting “Any veteran”;

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking “or” and inserting a period; and

(C) in subparagraph (B), by striking “any member” and inserting “Any member”.

#### SEC. 402. SUPPLEMENTAL ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Chapter 39 is amended by inserting after section 3902 the following new section:

#### “§3902A. Supplemental assistance for providing automobiles or other conveyances

“(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the purchase of an automobile or other conveyance for an eligible person under section 3902 of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such purchase.

“(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

“(b) AMOUNT OF SUPPLEMENTAL PAYMENT.—Supplemental payment required by subsection (a) is equal to the excess of—

“(1) the payment which would be determined under section 3902 of this title if the amount described in section 3902 of this title were increased to the adjusted amount described in subsection (c), over

“(2) the payment determined under section 3902 of this title without regard to this section.

“(c) ADJUSTED AMOUNT.—The adjusted amount is \$22,484 (as adjusted from time to time under subsection (d)).

“(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the adjusted amount described in subsection (c) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

“(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.

“(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

“(A) the amount of funding that would be necessary to provide supplemental payment

under this section for every eligible person for the remainder of the fiscal year in which such an estimate is made; and

“(B) the amount that Congress would need to appropriate to provide every eligible person with supplemental payment under this section in the next fiscal year.

“(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

“(3) The dates described in this paragraph are the following:

“(A) April 1 of each year.

“(B) July 1 of each year.

“(C) September 1 of each year.

“(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

“(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

“(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 3902 the following new item:

“3902A. Supplemental assistance for providing automobiles or other conveyances.”

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 3902A of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

By Mr. DURBIN (for himself, Mr. LUGAR, Mr. REID, Mr. MARTINEZ, Mr. LEAHY, Mr. LIEBERMAN, Mr. KENNEDY, and Mr. FEINGOLD):

S. 729. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 729

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Development, Relief, and Education for Alien Minors Act of 2009” or the “DREAM Act of 2009”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) **UNIFORMED SERVICES.**—The term “uniformed services” has the meaning given that term in section 101(a) of title 10, United States Code.

**SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.**

(a) **IN GENERAL.**—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) **EFFECTIVE DATE.**—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

**SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**

(a) **SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien had not yet reached the age of 35 years on the date of the enactment of this Act.

(2) **WAIVER.**—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) **PROCEDURES.**—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) **TERMINATION OF CONTINUOUS PERIOD.**—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) **TREATMENT OF CERTAIN BREAKS IN PRESENCE.**—

(1) **IN GENERAL.**—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) **EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.**—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) **EXEMPTION FROM NUMERICAL LIMITATIONS.**—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) **REGULATIONS.**—

(1) **PROPOSED REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) **INTERIM, FINAL REGULATIONS.**—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) **REMOVAL OF ALIEN.**—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

**SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.**

(a) **IN GENERAL.**—

(1) **CONDITIONAL BASIS FOR STATUS.**—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) **NOTICE OF REQUIREMENTS.**—

(A) **AT TIME OF OBTAINING PERMANENT RESIDENCE.**—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) **EFFECT OF FAILURE TO PROVIDE NOTICE.**—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) **TERMINATION OF STATUS.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) **RETURN TO PREVIOUS IMMIGRATION STATUS.**—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) **REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.**—

(1) **IN GENERAL.**—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) **ADJUDICATION OF PETITION TO REMOVE CONDITION.**—

(A) **IN GENERAL.**—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) **REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.**—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) **TERMINATION IF ADVERSE DETERMINATION.**—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) **TIME TO FILE PETITION.**—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) **DETAILS OF PETITION.**—

(1) **CONTENTS OF PETITION.**—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

**(2) HARDSHIP EXCEPTION.—**

(A) **IN GENERAL.**—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) **EXTENSION.**—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(C) **TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.**—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

**SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.**

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

**SEC. 7. EXCLUSIVE JURISDICTION.**

(a) **IN GENERAL.**—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) **STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.**—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) **EMPLOYMENT.**—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) **LIFT OF STAY.**—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

**SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.**

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

**SEC. 9. CONFIDENTIALITY OF INFORMATION.**

(a) **PROHIBITION.**—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) **REQUIRED DISCLOSURE.**—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual

(whether or not such individual is deceased as a result of a crime).

(c) **PENALTY.**—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

**SEC. 10. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.**

Regulations promulgated under this Act shall provide that applications under this Act will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

**SEC. 11. HIGHER EDUCATION ASSISTANCE.**

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

**SEC. 12. GAO REPORT.**

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

Mr. LEAHY. Mr. President, I am pleased to join Senator DURBIN once again to introduce the Development, Relief, and Education for Alien Minors Act, DREAM. This legislation has the potential to change the lives of many young people in an extraordinary and positive way and is an investment in America's future.

The Senate has attempted several times to pass the DREAM Act, but the bitter politics of immigration have stalled our best efforts in the past. I appreciate Senator DURBIN's persistence, and I share his commitment to the young people whose lives this bill would profoundly improve. Those who came to the U.S. as minors under the care of their parents are not guilty of their parents' transgressions. For many, the U.S. is the only home they know. We will further the Federal policy that supports educational opportunity and military service if we exercise the forbearance to defer rigid application of our laws upon those who have the potential to be citizens that will move our country forward. We all recognize the value of higher education

and service to our country. To serve these Federal policy interests by giving legal stability and opportunity to young people caught in the limbo of our laws through no fault of their own is the right thing to do.

As Congress and the administration work through the immediate challenges that lie ahead, and begin to restore the faith of Americans in our economy and our government, I hope Congress will not shy away from other important issues such as immigration reform. When our Federal Government confronts the issue of immigration, I hope we will see not only the opportunity to correct what is wrong, but also to improve and build upon what is good and just about the traditions of welcoming and refuge that define our immigration system. The promise this bill holds for so many young people will reinforce the spirit that underlies the history of American immigration and the diversity that has moved us so far.

I thank Senator DURBIN and hope all Senators will join us in support of this legislation.

By Mr. AKAKA (for himself, Mr. SPECTER, Mr. CARDIN, Mr. SCHUMER, Mr. VOINOVICH, Mr. BROWN, and Mr. CASEY):

S. 732. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

Mr. SPECTER. Mr. President, I seek recognition to comment on my cosponsorship of the Dam Rehabilitation and Repair Act of 2009 and clarify my intent with respect to Davis-Bacon prevailing wage requirements under this bill.

This bill would establish a grant program within the Federal Emergency Management Agency to provide assistance to states for the rehabilitation of publicly-owned dams that fail to meet minimum safety standards. I am cosponsoring this bill because it is my understanding that there are at least 3,040 deficient dams in the United States, including 369 in Pennsylvania. These dams pose an unacceptable level of risk to the public and should be rehabilitated expeditiously.

I cosponsored similar legislation in the 110th Congress, however, I am advised that it was not considered by the Committee on Environment and Public Works due to concerns over language in the bill which would have required that dam repair work funded under the act adhere to Davis-Bacon locally prevailing wage requirements. As a result, this year's version of the bill, as introduced, does not contain Davis-Bacon prevailing wage requirements out of deference to the Ranking Member of the Committee. However, I am a strong supporter of Davis-Bacon, having voted

in favor of preserving it 23 separate times on the Senate floor since 1982. Accordingly, it is my intention to work to reinsert Davis-Bacon requirements into the bill either in committee or on the Senate floor.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 86—DESIGNATING APRIL 18, 2009, AS “NATIONAL AUCTIONEERS DAY”

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

##### S. RES. 86

Whereas auctions have played an important role in the sale and exchange of goods for nearly 2,000 years;

Whereas auctions have been an integral part of the marketplace in the United States and around the world;

Whereas auctioneers sold nearly \$268,400,000,000 in goods and assets in 2008;

Whereas the National Auctioneers Association has 5,000 members and has its headquarters in Overland Park, Kansas;

Whereas, in 2008, members of the National Auctioneers Association raised \$16,000,000,000 for charity through benefit auctions;

Whereas auctions are growing in popularity and are used with increasing frequency in the marketplace;

Whereas, through competitive bidding, auctions demonstrate how the free enterprise system establishes fair market value;

Whereas trained professional auctioneers ensure that auctions are conducted in a manner that is fair to both buyers and sellers;

Whereas, in the past, Federal, State, and local governments have designated days and weeks to celebrate auctioneers; and

Whereas the designation by the Senate of April 18, 2009, as “National Auctioneers Day” will heighten awareness of the contributions made by auctions and auctioneers to the economy, culture, and way of life of the people of the United States: Now, therefore, be it

*Resolved*, That the Senate designates April 18, 2009, as “National Auctioneers Day”.

##### SENATE RESOLUTION 87—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 4 THROUGH 10, 2009

Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

##### S. RES. 87

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

- (1) defend our freedom and advance United States interests around the world;

- (2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

- (3) fight crime and fires;

- (4) ensure equal access to secure, efficient, and affordable mail service;

- (5) deliver social security and medicare benefits;

- (6) fight disease and promote better health;

- (7) protect the environment and the Nation's parks;

- (8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

- (9) defend and secure critical infrastructure;

- (10) help the Nation recover from natural disasters and terrorist attacks;

- (11) teach and work in our schools and libraries;

- (12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

- (13) improve and secure our transportation systems;

- (14) promote economic growth; and

- (15) assist active duty service members and veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 4 through 10, 2009, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and



Whereas Public Service Recognition Week is celebrating its 25th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon all generations to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to recognize America's public servants, who provide the essential services upon which this nation relies. As the chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am honored to introduce a resolution paying tribute to these employees in celebration of Public Service Recognition Week.

This is the 25th anniversary of Public Service Recognition Week, which always takes place the first full week of May. It is a time set aside each year to honor the men and women who serve America as Federal, State, and local government employees, and commend their dedication to serving others.

The contributions of hardworking, talented government employees maintain our quality of life. They protect our borders from drug and weapon trafficking; conduct research to prevent future epidemics; and bring hope to those who live in poverty. Public servants teach our children; protect our homes and communities; secure our public water systems and critical infrastructure; preserve our natural resources; and defend the principles of liberty and freedom that we hold dear.

The men and women who serve in the armed forces, and the civilian employees who support their missions, are prime examples of public service. They embody the spirit of service, characterized by a willingness to defend this nation. Despite the many hardships of serving through long conflicts, these men and women serve with bravery and unwavering devotion. They have sacrificed their lives so that we might continue to be free.

President Obama has called for action to "encourage a renewed spirit of national service for this and future generations." While Public Service Recognition Week provides the opportunity to honor and celebrate the works of federal employees, it also serves as an opportunity for all Americans to explore the various careers in public service. Through job fairs, agency sponsored events, and special exhibits, Public Service Recognition Week

allows the American public to gain a deeper appreciation of the challenging and rewarding work available in the government. It is my hope that through these sponsored events, many young professionals will decide to embrace a career as a public servant.

I encourage my colleagues to recognize the hard work and the services provided by government employees in their states and join in this annual celebration.

#### SENATE RESOLUTION 88—HONORING THE LIFE OF DR. JOHN HOPE FRANKLIN

Mrs. HAGAN (for herself, Mr. BURR, Mr. KENNEDY, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas Dr. John Hope Franklin was born on January 2, 1915 in Rentiesville, Oklahoma, the grandson of a slave and the son of Buck Colbert Franklin, one of the first African-American lawyers in the Oklahoma Indian Territory, and Mollie Parker Franklin, a schoolteacher and community leader;

Whereas in 1936, Dr. Franklin was appointed to the faculty of Fisk University as instructor of history and subsequently served as professor of history at St. Augustine's College, North Carolina College, and Howard University;

Whereas Dr. Franklin taught at the University of Chicago from 1964 to 1982, serving as professor of American history, chairperson of the department of history, John Matthews Manly Distinguished Service Professor, and professor emeritus of history;

Whereas Dr. Franklin was on faculty at Duke University from 1982 until his passing, serving as the James B. Duke Professor of History, professor of legal history at Duke University Law School, and the James B. Duke Professor of History Emeritus, Duke University;

Whereas Dr. Franklin broke numerous racial barriers, serving as the first African-American department chair at a predominantly white institution as chairman of the department of history at Brooklyn College from 1956 to 1964, as the first African-American professor to hold an endowed chair at Duke University, and as the first African-American president of the American Historical Association;

Whereas Dr. Franklin authored "From Slavery to Freedom: A History of Negro Americans" in 1947, widely considered the preeminent history of the African-American experience in the United States, as well as numerous other notable books including his influential autobiography "Mirror to America: The Autobiography of John Hope Franklin";

Whereas the research of Dr. Franklin contributed to the success of Thurgood Marshall and the legal victory of the National Association for the Advancement of Colored People (NAACP) in the landmark Supreme Court case, *Brown v. Board of Education* (347 U.S. 483), which ended the "separate but equal" doctrine in public schools in the United States;

Whereas in 1996, Dr. Franklin was named "Historian of the Century" by Duke University, North Carolina State University, North Carolina Central University, and the University of North Carolina at Chapel Hill;

Whereas Dr. Franklin received the Presidential Medal of Freedom in 1995, and was appointed chairman of the advisory board of President William J. Clinton's Initiative on Race in 1997;

Whereas Dr. Franklin served as the head of the 3 major historical associations in the United States: the Organization of American Historians, the American Historical Association, and the Southern Historical Association;

Whereas Dr. Franklin was inducted into the North Carolina Literary Hall of Fame in 1998;

Whereas Dr. Franklin received the Benjamin Franklin Medal for Distinguished Public Service from the American Philosophical Society in 2007, and a Gold Medal for distinguished achievement in history from the American Academy of Arts and Letters in 2002;

Whereas Dr. Franklin inspired the John Hope Franklin Center for Interdisciplinary and International Studies at Duke University, a consortium of academic programs that encourages creative scholarship, the exchange of ideas, and a variety of perspectives and methodologies to revitalize notions of how knowledge is gained and shared;

Whereas Dr. Franklin was a scholar who helped create the field of African-American history and literature;

Whereas Dr. Franklin described historians as "the conscience of the nation, if honesty and consistency are factors that nurture the conscience", and his contributions to the study of American history fundamentally challenged and changed the manner in which the Nation collectively interprets its past and understands its present;

Whereas generations of young historians have been inspired and personally influenced by Dr. Franklin's keen intellect, graceful humility, and humor in the classroom, and will ensure the endurance of his towering legacy;

Whereas Dr. Franklin passed away on March 25, 2009 in Durham, North Carolina; and

Whereas Dr. John Hope Franklin will be deeply missed but leaves an enduring legacy of public service, scholarship, and perseverance that inspires all Americans: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the life and accomplishments of John Hope Franklin; and

(2) honors the contributions that John Hope Franklin made to United States society.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 721. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled "The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws."

SA 722. Mr. BURR proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, *supra*.

SA 723. Mr. FEINGOLD (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1388, *supra*; which was ordered to lie on the table.

SA 724. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, *supra*; which was ordered to lie on the table.

SA 725. Mr. LAUTENBERG submitted an amendment intended to be proposed by him

to the bill H.R. 1388, *supra*; which was ordered to lie on the table.

SA 726. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, *supra*; which was ordered to lie on the table.

SA 727. Mr. BURR (for himself and Ms. MIKULSKI) proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, *supra*.

SA 728. Ms. MIKULSKI (for herself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, *supra*.

SA 729. Mr. HATCH proposed an amendment to the bill H.R. 1388, *supra*.

## TEXT OF AMENDMENTS

**SA 721.** Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled "The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws."; as follows:

At the appropriate place, insert the following:

### SEC. —. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, "The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition".

(2) Americans gave more than \$300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or \$229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct contributions made to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving.

**SA 722.** Mr. BURR proposed an amendment to amendment SA 687 pro-

posed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled "The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws."; as follows:

On page 213, line 21, strike "Code." and insert the following: "Code.

"(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

"(1) IN GENERAL.—Notwithstanding subsection (b) or any other provision of law, on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except in a case approved for good cause by the Corporation, include—

"(A) a drug test for controlled substances, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(B) the searches described in subsection (b)(1) and subparagraph (A) of subsection (b)(2); and

"(C) the background check described in subsection (b)(2)(B).

"(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual who—

"(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

"(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

"(i) children age 17 years or younger;

"(ii) individuals age 60 years or older; or

"(iii) individuals with disabilities.".

**SA 723.** Mr. FEINGOLD (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 1388, entitled "The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws."; which was ordered to lie on the table; as follows:

Strike title V and insert the following:

## TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM

### SEC. 5101. FINDINGS.

Congress makes the following findings:

(1) Americans engaged in international volunteer service, and the organizations deploying them—

(A) play critical roles in responding to the needs of people living throughout the developing world; and

(B) advance the international public diplomacy of the United States.

(2) In light of the barriers many Americans face to volunteering overseas—

(A) paid fellowships would help reduce financial barriers for Americans otherwise unable to afford volunteer service; and

(B) flexibility in the duration of volunteering opportunities would reduce another barrier, helping to expand the number of Americans able to participate in international volunteering opportunities.

(3) The Volunteers for Prosperity Program has successfully promoted international volunteer service by skilled American professionals.

(4) In its first 4 years, the VFP Program helped to mobilize thousands of skilled Americans, including doctors, nurses, engineers, businesspeople, and teachers, through a network of 250 nonprofit organizations and companies in the United States, to carry out

development and humanitarian efforts for those affected by great global challenges in health, the environment, poverty, illiteracy, financial literacy, disaster relief, and other challenges.

(5) The VFP Program has undertaken activities, including—

(A) direct outreach to leading nonprofit organizations and companies in the United States;

(B) promotion of the work of skilled Americans and nonprofit organizations and companies in the United States as it relates to international volunteer service;

(C) public recognition of skilled American volunteers;

(D) support for organizations that utilize skilled Americans as volunteers;

(E) participation in the development of special initiatives to further opportunities for skilled Americans; and

(F) leadership of an innovative public-private partnership to provide eligible skilled Americans with financial assistance for volunteer assignments.

### SEC. 5102. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) VFP OFFICE.—The term "VFP Office" means the Office of Volunteers for Prosperity of the United States Agency for International Development.

(3) VFP PROGRAM.—The term "VFP Program" means the Volunteers for Prosperity Program established through Executive Order 13317.

(4) VFP SERVE.—The term "VFP Serve" means a program established by the VFP Office, in cooperation with the USA Freedom Corps, to provide eligible skilled professionals with grants to offset the travel, living, and other related costs of volunteering abroad.

(5) VFP LEADERS.—The term "VFP Leaders" means a program established by the VFP Office created for those who wish to apply for grants of up to 80 percent of volunteers' expenses to offset travel, living, and other related costs of volunteering abroad and who commit to sharing their volunteer experiences with their communities when they return. VFP Leaders shall be selected from applicants by the Administrator of the United States Agency for International Development based on criteria developed by the Administrator.

### SEC. 5103. VOLUNTEERS FOR PROSPERITY PROGRAM.

(a) ESTABLISHMENT.—The President is authorized to establish, under the auspices of the United States International Agency for Development, the Volunteers for Prosperity Program, to promote long-term, sustainable, and broad based development by addressing the needs of those living in the poorest areas of the world.

(b) OFFICE OF VOLUNTEERS FOR PROSPERITY.—The President may establish an Office of Volunteers for Prosperity to carry out the purpose of subsection (a).

(c) FUNCTIONS.—The VFP Office shall pursue the objectives of the VFP Program described in subsection (d) by—

(1) implementing the VFP Serve Program to provide eligible skilled professionals with matching grants to offset the travel, living,

and other related costs of volunteering abroad with nonprofit organizations;

(2) implementing the VFP Leaders Program to provide those Americans who are accepted into the program with grants of up to 80 percent of volunteer's expenses to offset travel, living, and other related costs of volunteering abroad;

(3) otherwise encouraging participating nonprofit organizations to promote short- and long-term international volunteer service by skilled American professionals, including connecting such professionals with nonprofit organizations, to achieve such objectives;

(4) helping nonprofit organizations in the United States recruit and effectively manage additional skilled American professionals for volunteer assignments throughout the developing world;

(5) providing recognition for skilled American volunteers and the nonprofit organizations deploying them;

(6) helping nonprofit organizations and corporations in the United States to identify resources and opportunities in international volunteer service utilizing skilled Americans;

(7) encouraging the establishment of international volunteer programs for employees of United States corporations; and

(8) encouraging international voluntary service by highly skilled Americans to further the objectives set forth in subsection (d).

(d) **VFP PROGRAM OBJECTIVES.**—The objectives of the VFP Program should include—

(1) eliminating extreme poverty;

(2) reducing world hunger and malnutrition;

(3) increasing access to safe potable water;

(4) enacting universal education;

(5) reducing child mortality and childhood disease;

(6) combating the spread of preventable diseases, including HIV, malaria, and tuberculosis, as well as providing general medical and dental healthcare and prevention;

(7) providing educational and work skill support for girls and empowering women to achieve independence;

(8) creating sustainable business and entrepreneurial opportunities, including developing global partnerships in the areas of economic growth, microenterprise, asset development, and agricultural and rural development;

(9) increasing access to information technology;

(10) contributing to disaster and humanitarian response efforts; and

(11) promoting cross-cultural exchange, including citizen diplomacy and improving international and intercultural understanding, language education, and conflict management and resolution.

(e) **VOLUNTEERS FOR PROSPERITY SERVE PROGRAM.**—To further carry out the purpose of subsection (a), the President may establish the Volunteers for Prosperity Serve (VFPServe) Program to provide eligible skilled professionals with grants to offset the travel, living, and other related costs while volunteering abroad.

(f) **VOLUNTEER LEADERS PROGRAM.**—To further carry out the purpose of subsection (a), the President may establish the Volunteers for Prosperity Leaders (VFP Leaders) Program to provide eligible individuals who commit to sharing their volunteer experiences with their communities when they return and are selected by the Administrator of the United States Agency for International Development with grants of up to 80

percent of the travel, living, and other related costs while volunteering abroad.

(g) **MANAGEMENT.**—The VFP Program shall be managed by the Administrator of the United States Agency for International Development and shall be operated by employees of the Office of Volunteers for Prosperity and may not be managed on a contracting basis by a nongovernmental entity.

(h) **USE OF FUNDS.**—

(1) **IN GENERAL.**—The VFP Office may provide grants to offset the travel, living, and other related costs of volunteering abroad to any participating nonprofit organization that has members who possess skills relevant to addressing any objective described in subsection (d) and—

(A) provides a dollar-for-dollar match for VFPServe grants —

(i) through the nonprofit organization with which the individual is serving; or

(ii) by raising or providing private funds; or

(B) has been selected to participate in the VFP Leaders Program.

(2) **NONDISCRIMINATION REQUIREMENT.**—The VFP Office may not provide a stipend to an individual under paragraph (1) unless the nonprofit organization to which the individual is assigned has certified to the VFP Office that it does not discriminate with respect to any project or activity receiving Federal financial assistance, including a stipend under this title, because of race, religion, color, national origin, sex, political affiliation, or beliefs.

(3) **COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.**—Service carried out by a volunteer receiving funds under this section may not provide a direct benefit to any—

(A) business organized for profit;

(B) labor union;

(C) partisan political organization; or

(D) religious or faith-based organization for the purpose of proselytization, worship or any other explicitly religious activity.

**SEC. 5104. COORDINATION AND REPORT.**

(a) **COORDINATION.**—The VFP Office shall coordinate its efforts with other United States Government and private efforts that aim to send skilled professionals to serve in developing countries.

(b) **REPORTS.**—

(1) **FISCAL YEAR 2010.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report detailing plans to establish the VFP Program as a program operated under the United States Agency for International Development for the first year of operations in fiscal year 2010.

(2) **FISCAL YEARS 2011 THROUGH 2014.**—Not later than one year after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a report detailing plans to implement the VFP Program for fiscal years 2011 through 2014 and ongoing activities of the program.

(3) **CONTENT OF PLANNING REPORTS.**—The reports required under this subsection shall describe—

(A) the budget needs and expectations for the VFP Program;

(B) the annual objectives for the VFP Program;

(C) the number of volunteers to receive programming services from the VFP Program or grants from VFPServe and VFP Leaders;

(D) a system of financial accountability to ensure that grants provided under VFPServe

and VFP Leaders are provided to volunteers to enable individual volunteer service;

(E) the creation of systems to ensure that each volunteer's activities meet the objectives of the VFP Program identified in section 5103;

(F) the systems of coordination with other Federal agencies; and

(G) the personnel and staff needs for the following fiscal year.

**SEC. 5105. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

(b) **ALLOCATION OF FUNDS.**—Not more than 10 percent of the amounts appropriated pursuant to subsection (a) may be expended for the administrative costs of the United States Agency for International Development to manage the VFP Program, and the remainder shall be divided evenly between VFPServe and VFP Leaders grants.

On page 26, line 25, strike “for this part” and insert “for this subtitle”.

On page 60, line 11, strike “the report” and insert “the report described in subsection (c)”.

On page 67, line 15, strike “places” and insert “place”.

On page 81, line 4, insert before the semicolon the following: “, and sending care packages to Members of the Armed Forces who are deployed”.

On page 92, line 25, strike “heath” and insert “health”.

On page 103, lines 16 and 17, strike “subtitles B and C” and insert “subtitle B”.

On page 272, line 17, strike “be focused” and insert “propose to focus”.

On page 272, line 21, strike “be focused” and insert “propose to focus”.

On page 276, line 6, strike “the highest” and insert “high”.

**SA 724.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.”; which was ordered to lie on the table; as follows:

#### **TITLE VII—MILLIONAIRE EXEMPTION**

##### **SEC. 701. EXEMPTION FOR MILLIONAIRES.**

(a) **IN GENERAL.**—Notwithstanding any other provision of this Act, no wealthy individual who participates in a program under this Act may receive stipend, living allowance, education award, or other compensation by virtue of such participation.

(b) **WEALTHY INDIVIDUAL.**—In this section, the term “wealthy individual” means an individual who is from a family with a taxable annual income of more than \$1,000,000.

**SA 725.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.”; which was ordered to lie on the table; as follows:

Subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12631 et seq.), as amended by section 1612, is further amended by adding at the end the following:

##### **“SEC. 189E. SEX EDUCATION PROGRAMS AND DISTRIBUTION OF MATERIALS.**

“(a) **SEX EDUCATION PROGRAMS.**—Assistance made available under the national service laws to develop or distribute materials,

or operate programs or courses of instruction, related to sex education for young people shall be used for materials, programs, or courses that—

“(1) include education on both abstinence and contraception for the prevention of teenage pregnancy and sexually transmitted infections, including HIV and AIDS; and

“(2)(A) are age appropriate and medically accurate;

“(B) stress the value of abstinence while not ignoring those young people who have had or are having sexual intercourse;

“(C) provide information about the health benefits and side effects of all contraceptive methods (including barrier methods) used—

“(i) as a means to prevent pregnancy; and

“(ii) to reduce the risk of contracting sexually transmitted infections, including HIV and AIDS;

“(D) encourage family communication between a parent and a child about sexuality;

“(E) teach young people the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how to avoid making verbal, physical, and sexual advances that are not wanted by the other party;

“(F) teach young people the skills to develop healthy relationships, including skills to prevent dating violence and sexual violence;

“(G) teach young people how alcohol and drug use can affect responsible decision-making; and

“(H) not teach or promote religion.

“(b) DISTRIBUTION OF MATERIALS.—No assistance made available under the national service laws shall be used to distribute, or aid in the distribution by any organization of, obscene materials to minors on school grounds.”.

**SA 726.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.”; which was ordered to lie on the table; as follows:

On page 1, line 5, strike “Serve America Act” and insert “Edward M. Kennedy Serve America Act”.

On page 57, line 20, insert “Edward M. Kennedy” before “Serve America Act”.

On page 65, line 10, insert “Edward M. Kennedy” before “Serve America Act”.

On page 116, line 14, insert “Edward M. Kennedy” before “Serve America Act”.

On page 196, line 16, insert “Edward M. Kennedy” before “Serve America Act”.

On page 206, line 20, insert “Edward M. Kennedy” before “Serve America Act”.

On page 223, line 9, insert “Edward M. Kennedy” before “Serve”.

On page 227, line 4, insert “Edward M. Kennedy” before “Serve America Act”.

On page 227, line 17, insert “Edward M. Kennedy” before “Serve America Act”.

On page 237, line 24, insert “Edward M. Kennedy” before “Serve America”.

On page 319, line 3, insert “Edward M. Kennedy” before “Serve America Act”.

On page 320, line 16, insert “Edward M. Kennedy” before “Serve America Act”.

On page 321, line 1, insert “Edward M. Kennedy” before “Serve America Act”.

On page 325, line 19, insert “Edward M. Kennedy” before “Serve America Act”.

On page 334, line 24, insert “Edward M. Kennedy” before “Serve America Act”.

On page 335, line 3, insert “Edward M. Kennedy” before “Serve America Act”.

**SA 727.** Mr. BURR (for himself and Ms. MIKULSKI) proposed an amendment to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, and Act to reauthorize and reform the national service laws.”; as follows:

On page 213, after line 21, insert the following:

**SEC. 1613. CRIMINAL HISTORY CHECKS FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.**

(a) AMENDMENT.—Section 189D, as added by section 1612, is further amended by adding at the end the following:

“(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (b), on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except for an entity described in paragraph (3), include—

“(A) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

“(B) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; and

“(C) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

“(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual age 18 or older who—

“(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

“(B) as a result of such individual’s service in such position, has or will have access, on a recurring basis, to—

“(i) children age 17 years or younger;

“(ii) individuals age 60 years or older; or

“(iii) individuals with disabilities.

“(3) EXCEPTIONS.—The provisions of this subsection shall not apply to an entity—

“(A) where the service provided by individuals serving with the entity to a vulnerable population described in paragraph (2)(B) is episodic in nature or for a 1-day period;

“(B) where the cost to the entity of complying with this subsection is prohibitive;

“(C) where the entity is not authorized, or is otherwise unable, under State law, to access the national criminal history background check system of the Federal Bureau of Investigation;

“(D) where the entity is not authorized, or is otherwise unable, under Federal law, to access the national criminal history background check system of the Federal Bureau of Investigation; or

“(E) to which the Corporation otherwise provides an exemption from this subsection for good cause.”.

(b) FEASIBILITY STUDY FOR A SYSTEM OF CRIMINAL HISTORY CHECKS FOR EMPLOYEES AND VOLUNTEERS.—

(1) EFFICIENCY STUDY ON EFFICIENCY AND EFFECTIVENESS REGARDING CRIMINAL HISTORY CHECK.—The Attorney General of the United States shall conduct a study that shall ex-

amine, to the extent discernible and as of the date of the study, the following:

(A) The state of criminal history checks (including the use of fingerprint collection) at the State and local level, including—

(i) the available infrastructure for conducting criminal history checks;

(ii) the State system capacities to conduct such criminal history checks; and

(iii) the time required for each State to process an individual’s fingerprints for a national criminal history background check through the Federal Bureau of Investigation, from the time of fingerprint collection to the submission to the Federal Bureau of Investigation.

(B) The likelihood that each State would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.

(C) The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.

(D) The impact of the national service laws on the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on the work practices and staffing levels of the Federal Bureau of Investigation.

(E) The fees charged by the Federal Bureau of Investigation, States, local agencies, and private companies to collect and process fingerprints and conduct criminal history checks.

(F) The existence of model or best practice programs regarding conducting criminal history checks that could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing criminal history checks, and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

(J) The extent to which States provide access to nationwide criminal history checks to organizations that serve children.

(K) The extent to which States permit volunteers and other individuals to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) Any privacy concerns that may arise from nationwide criminal background checks for participants.

(M) Any other information determined relevant by the Attorney General.

(2) INTERIM REPORT.—Based on the findings of the study under paragraph (1), the Attorney General shall, not later than 6 months after the date of the enactment of this Act, submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities.

(3) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee

on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives, a final report including recommendations regarding criminal history checks for participants under the national service laws, which may include—

(A) a proposal for grants to States to develop or improve programs to collect fingerprints and perform criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities; and

(B) recommendations for amendments to the National Child Protection Act of 1993 and the Volunteers for Children Act so that entities receiving assistance under the national service laws can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

(4) DEFINITIONS.—In this subsection, the terms “authorizing committees”, “participants”, and “national service laws” have the meanings given such terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(c) EFFECTIVE DATE.—Notwithstanding section 6101, subsection (b) shall take effect on the date of enactment of this Act.

**SA 728.** Ms. MIKULSKI (for herself and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 687 proposed by Ms. MIKULSKI (for herself and Mr. ISAKSON) to the bill H.R. 1388, entitled “The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service law.”; as follows:

On page 26, line 25, strike “for this part” and insert “for this subtitle”.

On page 60, line 11, strike “the report” and insert “the report described in subsection (c)”.

On page 67, line 15, strike “places” and insert “place”.

On page 81, line 4, insert before the semicolon the following: “, and sending care packages to Members of the Armed Forces who are deployed”.

On page 92, line 25, strike “heath” and insert “health”.

On page 103, lines 16 and 17, strike “subtitles B and C” and insert “subtitle B”.

On page 272, line 17, strike “be focused” and insert “propose to focus”.

On page 272, line 21, strike “be focused” and insert “propose to focus”.

On page 276, line 6, strike “the highest” and insert “high”.

**SA 729.** Mr. HATCH proposed an amendment to the bill H.R. 1388, “Entitled The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service law.”; as follows:

Amend the title so as to read: Entitled The Edward M. Kennedy Serve America Act, and Act to reauthorize and reform and national service laws.”

#### NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce that the Senate Committee on Energy and Natural Resources will hold a business meeting on Tuesday, March 31, 2009 at 10 a.m., in

room SD-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation and the nomination of Thomas L. Strickland to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 26, 2009 at 9:30 a.m., to conduct a hearing entitled “Enhancing Investor Protection and the Regulation of Securities Markets—Part II.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 10:30 a.m., in room 50 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, March 26, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, March 26, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance will meet on Thursday, March 26, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, March 26, 2009, at 9:30 a.m. in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 26, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON AIRLAND

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 26, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent to grant floor privilege to Brian Carter, a fellow on the Committee on Health, Education, Labor and Pensions for the duration of the debate on H.R. 1388.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CALLING ON BRAZIL TO COMPLY WITH THE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

On Tuesday, March 24, 2009, the Senate agreed to S. Res. 37, as amended, with its preamble, as amended, as follows:

## S. RES. 37

Whereas Sean Goldman is the son of David Goldman and Bruna Goldman, and is a United States citizen and a resident of Tinton Falls, New Jersey;

Whereas Bruna Goldman took Sean Goldman to Brazil on June 16, 2004;

Whereas after Bruna and Sean Goldman arrived in Brazil, Bruna Goldman informed David Goldman that she would remain permanently in Brazil and would not return Sean Goldman to David Goldman in New Jersey;

Whereas on August 26, 2004, the Superior Court of New Jersey issued a ruling awarding David Goldman physical and legal custody of Sean Goldman and ordering that Sean Goldman be immediately returned to the United States;

Whereas David Goldman initiated judicial proceedings in the Federal Court of Rio de Janeiro, under the Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980 (TIAS 11670) (the "Convention"), to which both the United States and Brazil are parties;

Whereas the Convention requires that a child who is a habitual resident of a country that is a party to the Convention, and who has been removed from or retained in a country that is also a party to the Convention in violation of the custodial rights of a parent of that child, be returned to the country of habitual residence;

Whereas despite the petition filed in the Federal Court of Rio de Janeiro by David Goldman for the return of his child, less than one year after Sean Goldman was taken to Brazil, David Goldman was prevented from exercising his legal custody of Sean Goldman by rulings of the Federal Regional Court and the 3rd Chamber of the Superior Court of Justice of Brazil;

Whereas Bruna Goldman passed away in August 2008, and her new husband filed a petition to replace the name of David Goldman with his own name on the birth certificate of Sean Goldman;

Whereas the new husband of Bruna Goldman filed a petition for custody of Sean Goldman with the 2nd Family Court of Brazil on August 28, 2008;

Whereas the 2nd Family Court of Brazil granted temporary custody to the new husband of Bruna Goldman, despite specific provisions in the Convention that prohibit action by a family court while a case brought under the Convention is pending;

Whereas Sean Goldman remains in the temporary custody of the new husband of Bruna Goldman;

Whereas the Convention requires the Government of Brazil to "take all appropriate

measures to secure within [its territory] the implementation of the objects of the Convention" and "to use the most expeditious procedures available";

Whereas the Goldman case has been pending in the courts of Brazil since 2004;

Whereas the Department of State reported in the 2008 report on compliance with the Convention, as required under section 2803 of the Foreign Affairs Reform and Restructuring Act of 1998 (42 U.S.C. 11611), that the judicial authorities of Brazil "continued to demonstrate patterns of noncompliance with the Convention";

Whereas the Special Secretariat for Human Rights of the Presidency of the Republic of Brazil, the central authority for carrying out the Convention in Brazil, wrote to the Office of the Attorney General of Brazil to express concern with the manner in which the 2d Family Court of Brazil conducted the case of Sean Goldman and to state that the issuance of temporary custody rights by the 2d Family Court of Brazil was a violation of the Convention;

Whereas Sean Goldman is being deprived of his rightful opportunity to live with and be raised by his biological father, David Goldman; and

Whereas it is consistent with international law that Sean Goldman be reunited with his father, David Goldman, in New Jersey: Now, therefore, be it

*Resolved*, That the Senate calls on Brazil—

(1) to fulfill its obligations under the Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980 (TIAS 11670); and

(2) to assist in the safe return of Sean Goldman to his father, David Goldman, in the United States.

## CONGRATULATING THE ROCKY MOUNTAIN COLLEGE BATTLIN' BEARS

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 85 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 85) congratulating the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 85) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 85

Whereas, on March 24, 2009, the Rocky Mountain College Battlin' Bears won the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship title with a stunning 77-61 triumph over the Columbia College Cougars;

Whereas Rocky Mountain College, located in Billings, Montana, is one of the premier liberal arts schools in the State of Montana;

Whereas Rocky Mountain College forward Devin Uskoski was named the Most Valuable Player of the National Association of Intercollegiate Athletics men's basketball tournament;

Whereas Devin Uskoski averaged 17.4 points per game and 11 rebounds per game throughout his senior season;

Whereas the Battlin' Bears finished the 2009 season with a record of 30-8 and won 10 of their final 11 games;

Whereas Rocky Mountain College fans across Montana supported and encouraged the Battlin' Bears throughout the basketball season;

Whereas Rocky Mountain College President Michael R. Mace and Athletic Director Robert Beers have shown great leadership in bringing academic and athletic success to Rocky Mountain College; and

Whereas the people of the State of Montana celebrate the success and share the pride of Rocky Mountain College: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Rocky Mountain College Battlin' Bears for winning the 2009 National Association of Intercollegiate Athletics Men's Basketball National Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the Rocky Mountain College Battlin' Bears win the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the President of Rocky Mountain College, Michael R. Mace;

(B) the Athletic Director of Rocky Mountain College, Robert Beers; and

(C) the Head Coach of the Rocky Mountain College basketball team, Bill Dreikosen.

## HONORING THE LIFE OF DR. JOHN HOPE FRANKLIN

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 88.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 88) honoring the life of Dr. John Hope Franklin.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.



The resolution (S. Res. 88) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 88

Whereas Dr. John Hope Franklin was born on January 2, 1915 in Rentiesville, Oklahoma, the grandson of a slave and the son of Buck Colbert Franklin, one of the first African-American lawyers in the Oklahoma Indian Territory, and Mollie Parker Franklin, a schoolteacher and community leader;

Whereas in 1936, Dr. Franklin was appointed to the faculty of Fisk University as instructor of history and subsequently served as professor of history at St. Augustine's College, North Carolina College, and Howard University;

Whereas Dr. Franklin taught at the University of Chicago from 1964 to 1982, serving as professor of American history, chairperson of the department of history, John Matthews Manly Distinguished Service Professor, and professor emeritus of history;

Whereas Dr. Franklin was on faculty at Duke University from 1982 until his passing, serving as the James B. Duke Professor of History, professor of legal history at Duke University Law School, and the James B. Duke Professor of History Emeritus, Duke University;

Whereas Dr. Franklin broke numerous racial barriers, serving as the first African-American department chair at a predominantly white institution as chairman of the department of history at Brooklyn College from 1956 to 1964, as the first African-American professor to hold an endowed chair at Duke University, and as the first African-American president of the American Historical Association;

Whereas Dr. Franklin authored "From Slavery to Freedom: A History of Negro Americans" in 1947, widely considered the preeminent history of the African-American experience in the United States, as well as numerous other notable books including his influential autobiography "Mirror to America: The Autobiography of John Hope Franklin";

Whereas the research of Dr. Franklin contributed to the success of Thurgood Marshall and the legal victory of the National Association for the Advancement of Colored People (NAACP) in the landmark Supreme Court case, *Brown v. Board of Education* (347 U.S. 483), which ended the "separate but equal" doctrine in public schools in the United States;

Whereas in 1996, Dr. Franklin was named "Historian of the Century" by Duke University, North Carolina State University, North Carolina Central University, and the University of North Carolina at Chapel Hill;

Whereas Dr. Franklin received the Presidential Medal of Freedom in 1995, and was appointed chairman of the advisory board of President William J. Clinton's Initiative on Race in 1997;

Whereas Dr. Franklin served as the head of the 3 major historical associations in the United States: the Organization of American Historians, the American Historical Association,

and the Southern Historical Association;

Whereas Dr. Franklin was inducted into the North Carolina Literary Hall of Fame in 1998;

Whereas Dr. Franklin received the Benjamin Franklin Medal for Distinguished Public Service from the American Philosophical Society in 2007, and a Gold Medal for distinguished achievement in history from the American Academy of Arts and Letters in 2002;

Whereas Dr. Franklin inspired the John Hope Franklin Center for Interdisciplinary and International Studies at Duke University, a consortium of academic programs that encourages creative scholarship, the exchange of ideas, and a variety of perspectives and methodologies to revitalize notions of how knowledge is gained and shared;

Whereas Dr. Franklin was a scholar who helped create the field of African-American history and literature;

Whereas Dr. Franklin described historians as "the conscience of the nation, if honesty and consistency are factors that nurture the conscience", and his contributions to the study of American history fundamentally challenged and changed the manner in which the Nation collectively interprets its past and understands its present;

Whereas generations of young historians have been inspired and personally influenced by Dr. Franklin's keen intellect, graceful humility, and humor in the classroom, and will ensure the endurance of his towering legacy;

Whereas Dr. Franklin passed away on March 25, 2009 in Durham, North Carolina; and

Whereas Dr. John Hope Franklin will be deeply missed but leaves an enduring legacy of public service, scholarship, and perseverance that inspires all Americans: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the life and accomplishments of John Hope Franklin; and

(2) honors the contributions that John Hope Franklin made to United States society.

#### BUDGET COMMITTEE PERMISSION TO FILE

Mr. REID. Mr. President, I ask unanimous consent that on Friday, March 27, the Budget Committee be permitted to file the committee-reported concurrent resolution on the budget, and they be allowed to do this between the hours of 11 a.m. and 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR MONDAY, MARCH 30, 2009

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. Monday, March 30; that following the prayer and the

pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin consideration of the budget resolution reported by the Budget Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. As previously announced, there will be no rollcall votes on Monday. However, the Senate will begin consideration of the budget resolution and Senators CONRAD and GREGG will be here on Monday to get debate started on the resolution. All Senators also have the opportunity to make any statements they want regarding this measure.

#### ADJOURNMENT UNTIL MONDAY, MARCH 30, 2009, AT 11 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate this evening, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Monday, March 30, 2009, at 11 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF ENERGY

STEVEN ELLIOT KOONIN, OF CALIFORNIA, TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY, VICE RAYMOND L. ORBACH, RESIGNED.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

YVETTE ROUBIDEAUX, OF ARIZONA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS, VICE ROBERT G. MCSWAIN, RESIGNED.

##### DEPARTMENT OF TRANSPORTATION

JOSEPH C. SZABO, OF ILLINOIS, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION, VICE JOSEPH H. BOARDMAN.

##### DEPARTMENT OF STATE

LUIS C. DE BACA, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH RANK OF AMBASSADOR AT LARGE, VICE MARK P. LAGON, RESIGNED.

##### DEPARTMENT OF LABOR

T. MICHAEL KERR, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE PATRICK PIZZELLA, RESIGNED.

##### NATIONAL MEDIATION BOARD

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2009, VICE READ VAN DE WATER, TERM EXPIRED.

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2012. (REAPPOINTMENT)

## EXTENSIONS OF REMARKS

A TRIBUTE TO CYNTHIA Y.  
CUMMINGS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Cynthia Cummings, Executive Director of Community Parents, Inc. and community activist.

Cynthia Cummings is the Executive Director of Community Parents, Inc. (CPI), a non-profit community based organization, serving 275 children and families in Bedford Stuyvesant and Far Rockaway. Additionally, she presides over the Administration for Children's Services Head Start Training Institute at Berean Baptist Church, offering professional, career and credential programs. Continuing accomplishments include securing and renovating a permanent facility in Far Rockaway.

Immediately following completion of her degree in Human Development and Family Studies at Cornell University in 1975, Ms. Cummings began her career as the Teacher/Director of Moravian Head Start in Harlem, where she developed her administrative skills operating the program now known as Arthur and Thelma Adair Community Centers. She decided to pursue her studies further at New York University in Community Health Education as she worked at SUNY Health Science Center on the National Study on Sickle Cell Disease. Her interest and work in the health industry resulted in her being included in several research publications.

She maintained an important connection with her community as chairperson of Community Parents Head Start, while then employed at Empire Blue Cross and Blue Shield. In 1991, her predecessor passed the torch and Ms. Cummings relinquished the chair of CPI to assume the role of Executive Director. The program grew under her leadership, achieving the NAEYC accreditation and expanding its services into Far Rockaway, Queens. Concurrently, Ms. Cummings has spearheaded many partnerships to improve quality and to enhance services for Head Start children and families. CPI was selected as a promising practices site for the National Head Start Family Literacy Project and was featured in Newsweek Magazine. The organization was featured as one of 14 programs selected by the Administration for Children's Services New York City Head Start Best Practices sites. Most recently, in collaboration with Bank Street College, the agency was selected as an Emotionally Responsive Practices site for continued research on best practices.

Among her professional affiliations are, chairperson of DC 1707 Local 85 Head Start Employees Welfare Fund, representing the interests of approximately 3,000 members. She also is a trustee of The Head Start Manage-

ment Welfare Fund. Additionally, she is an active member of the National, Regional and State Head Start Associations contributing to the development of their respective annual training conferences. Locally, she is Board member of Brooklyn Kindergarten Society and remains active in the Cornell Black Alumni Association and involved in the Decatur-Stuyvesant Block Association. You often will see Cynthia greeting you at the door during the annual Brownstoner's of Bedford-Stuyvesant house tour.

Cynthia has testified before the General Health and Welfare Committee of the New York City Council and was a panelist for the Citizen's Committee on welfare reform. She has presented at The National Center for Family Literacy Conference and at the National Association for the Education of Young Children on the Importance of Family Literacy. As a Johnson and Johnson Management Fellow, she continues her study of organizational management annually at the Anderson School of Business at UCLA. She also continues her activism as a participant in the CORO Leadership NY program.

She is the recipient of Councilmember Annette Robinson's Spirited Leadership Award, was honored by the Mid-Bedford Heights Lions Club and Vanguard Independent Democratic Association and received a proclamation from Councilmember Albert Vann for her civic efforts. An avid horticulturist, one often will see her lovingly tending to her home gardens. Her creative, artistic expression further is nurtured through dance training and performing with Mo' Jazz, a blithe troupe of athletic and creative women over, let's say, forty.

Cynthia is married to her soul mate, Richard Cummings, a pianist and composer, and she remains blessed to have in her life, her mother, Ellen Lewis, who recently celebrated her 99th birthday. Representing the ascending generation are her two daughters, Diarra, a Columbia University graduate, following professional ballet and modern dance associations, and Imani a graduate of The University of Tampa, who now resides in sunny California currently pursuing a second career in acupuncture.

#### TRANSPORTATION CONSTRUCTION UNDER THE RECOVERY ACT

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. OBERSTAR. Madam Speaker, I rise today to report that the American Recovery and Reinvestment Act is getting construction workers off the bench and back on the job.

The Recovery Act provides \$64.1 billion for transportation and infrastructure investments within the jurisdiction of the Committee on

Transportation and Infrastructure. Nearly \$40 billion of those funds have been distributed to States by existing highway, transit, and clean water statutory formulas. Of the \$27 billion provided for highway infrastructure formula funds, in the past three weeks, 33 States have submitted and received approval for nearly 800 projects totaling \$2.9 billion, more than 10 percent of the Recovery Act highway funds.

Construction is underway across the country: Silver Spring, Maryland: \$2.1 million project to resurface and improve safety along a 1.1-mile section of New Hampshire Avenue; Syracuse, Utah: \$15 million project to widen State Highway 108; and Richmond, Vermont: \$1.7 million project to rehabilitate a bridge over the Winooski River.

In addition, the Federal Transit Administration has awarded grants to the Kentucky, Missouri, and Maine State DOTs to purchase more than 500 vehicles, including trolleys, buses, vans, and ferries and construct almost 50 bus shelters.

Amtrak has approved \$938 million of capital improvement projects: including \$105 million project to replace a moveable bridge over the Niantic River; and \$82 million to rehabilitate 68 passenger cars.

The Federal Aviation Administration has identified \$913 million of the \$1.1 billion of airport projects, including runway, taxiway, apron, and terminal improvements.

All across America, the Recovery Act is creating good, family-wage jobs to restore our nation's infrastructure and economy.

#### H.R. 1746, THE PRE-DISASTER MITIGATION ACT OF 2009

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of H.R. 1746, the "Pre-Disaster Mitigation Act of 2009", a bill to reauthorize the Federal Emergency Management Agency's ("FEMA") Pre-Disaster Mitigation ("PDM") program, a program to help communities across the nation protect against natural disasters and other hazards. I thank Ranking Member MICA, and the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Florida (Mr. DIAZ-BALART), Chair and Ranking Member of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, for joining me in sponsoring this bill.

The Pre-Disaster Mitigation program provides technical and financial assistance to state and local governments to reduce injuries, loss of life, and damage to property caused by natural hazards. Examples of mitigation activities include the seismic strengthening of buildings, acquiring repetitively flooded homes, installing shutters and shatter-resistant windows

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in hurricane-prone areas, and building "safe rooms" in houses and buildings to protect people from high winds.

Action on this bill today is crucial because, under current law, the Pre-Disaster Mitigation program will sunset on September 30, 2009. Therefore, Congress must take quick action to continue this vital program.

In 1988, the Committee on Transportation and Infrastructure authorized FEMA's Hazard Mitigation Grant Program. This effective program provides grants to communities to mitigate hazards, but only provides grants to "build better" after a disaster. At the time, no program existed to help communities mitigate risks from all hazards before disaster strikes.

In the 1990s, under the leadership of FEMA Administrator James Lee Witt, FEMA developed a pre-disaster mitigation pilot program known as "Project Impact". Congress appropriated funds for Project Impact in each of fiscal years 1997 through 2001. The Committee on Transportation and Infrastructure first authorized the current Pre-Disaster Mitigation program in the Disaster Mitigation Act of 2000.

The PDM program reduces the risk of natural hazards, which is where the preponderance of risk is in our country. The devastating ice storms that struck the middle of the United States (including Missouri, Tennessee, Oklahoma, Arkansas, and Kentucky) earlier this year and the floods currently on the Red River in the Midwest are examples of the tragic, real impact of natural disasters that occur in our nation every year. Over the last decade, natural disasters have cost our nation an average of nearly \$30 billion per year.

Mitigation has been proven to save money. Studies by the Congressional Budget Office and National Institute of Building Sciences show that for every dollar spent on pre-disaster mitigation projects, future losses are reduced by three to four dollars. In 2005, the Muthazard Mitigation Council, an advisory body of the National Institute of Building Sciences, found "that a dollar spent on mitigation saves society an average of \$4." The Council found that flood mitigation measures yield even greater savings. According to a September 2007 CBO report on the reduction in Federal disaster assistance that is likely to result from the PDM program, "on average, future losses are reduced by about \$3 (measured in discounted present value) for each \$1 spent on those projects, including both federal and nonfederal spending."

While empirical data is critical, perhaps more telling are real-life mitigation "success stories". One of the best examples of mitigation is the town of Valmeyer, Illinois. The town was devastated by the great flood of 1993. With \$45 million in Federal, state, and local funding, the town relocated to bluffs 400 feet above the site of the former town. When faced with floods last year, the residents of that town were out of harm's way, as the Chicago Tribune reported in a story aptly titled "Valmeyer Illinois—Soaked in '93, Town now High and Dry". The June 19, 2008 story quotes an 86-year old resident named Elenora Anderson. Her home was destroyed by the 1993 flood but as she said, "I'm sure glad I don't have to worry now that we're high enough here on the hill."

This month, we have seen the communities of North Dakota and my home state of Min-

nesota damaged by floods. Many of these same communities were devastated by floods in 1997. However, because of mitigation after the 1997 floods, the communities face far less risk. Even before this year's floods, mitigation investments had paid off. For example, in Grand Forks, after the 1997 floods, FEMA spent \$23 million to acquire vulnerable homes in the flood plain. In 2006, a flood came within two feet of the 1997 flood level, and according to FEMA, the 1997 mitigation investment saved \$24.6 million. That investment represents a return of 107 percent after just one flood.

Another success story comes from Story County, Iowa. There, six homes that had been flooded in 1990, 1993, and 1996 were bought out with \$549,662 in FEMA mitigation grants. In 1998 when a flood struck again, FEMA estimates that \$541,900 in damages to the homes was avoided. This mitigation project paid for itself in just one flood, and the estimated savings do not include the costs of warning, rescue, or evacuation.

Mitigation is an investment. It is an investment that not only benefits the Federal Government, but state and local governments as well. Projects funded by the PDM program reduce the damage that would be paid for by the Federal Government and state and local governments in a Major Disaster under the Stafford Act. However, mitigation also reduces the risks from smaller, more frequent, events that state and local governments face every day, as not every storm, fire, or flood warrants the assistance of the Federal Government.

The Pre-Disaster Mitigation program, through property improvements, takes citizens out of harm's way, by elevating a house, or making sure a hospital can survive a hurricane or earthquake. In doing so, it allows first responders to focus on what is unpredictable in a disaster rather than on what is foreseeable and predictable.

H.R. 1746 reauthorizes the PDM program for three years, at a level of \$250 million for each of fiscal years 2010 through 2012. The bill increases the minimum amount that each State can receive under the program from \$500,000 to \$575,000, and codifies the competitive selection process of the program as currently administered by FEMA.

The bill also eliminates the existing sunset in the program. As the evidence clearly shows, this program works well and is cost effective. It should no longer be treated as a pilot program with a sunset. Rather, state and local governments should have the certainty of knowing this program will be available in the future so they can conduct vital longer-term mitigation planning.

Last year, the House passed a virtually identical bill, H.R. 6109, but the other body did not take action on this bill. While a one-year extension was included in the Department of Homeland Security Fiscal Year 2009 Appropriations Act to keep this vital program alive, Congress must act. If we do not, this worthy program will sunset on September 30, 2009.

I urge my colleagues to join me in supporting H.R. 1746, the "Pre-Disaster Mitigation Act of 2009".

## H.R. 1747, THE GREAT LAKES ICEBREAKER REPLACEMENT ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 2009

Mr. OBERSTAR. Madam Speaker, I today introduce H.R. 1747, the "Great Lakes Icebreaker Replacement Act". U.S. industries in the heartland of the United States are totally dependent on Great Lakes icebreakers to keep them supplied with raw materials during the winter months. Without them, steel mills would shut down for want of iron ore and electrical generation would halt for want of the coal necessary to power generators. People could not just lose their jobs—but their lives.

During the 2006–2007 winter season, transportation of 10,400,000 tons of iron ore on the Great Lakes supported 100,000 jobs at Minnesota and Michigan iron ore mines and lower Lakes steel mills and 300,000 jobs at supplier industries. That same winter, 6,400,000 tons of coal were shipped on the Great Lakes to keep the region supplied with electricity. However, we don't have the icebreaking capacity on the Great Lakes that we have had historically. During the spring of 2008, U.S.-flag vessels operating on the Great Lakes suffered more than \$1.3 million in damages to their hulls because the Coast Guard did not have sufficient assets to keep the shipping lanes open.

People who are not from the Great Lakes region probably do not realize that there is ice on the Lakes and their interconnecting channels from early December until April. Some years, the Coast Guard has been breaking ice in the St. Mary's river until mid-May. Think of these icebreakers as the snow plows for Great Lakes shipping. It is the Federal Government's responsibility to keep these marine highways open so the needs of the public can be met.

In 2006, the Coast Guard took delivery of the new icebreaker MACKINAW. Unlike the old MACKINAW, this vessel is a combined buoytender-icebreaker so that it can execute Coast Guard missions year-round. Five of the Coast Guard's icebreakers on the Lakes are close to the end of their useful lives. Further, the buoytenders on the Lakes are having difficulty breaking ice of the thickness that is commonly found on the Lakes.

The \$153 million authorized in H.R. 1747 authorizes the funding to build a sister ship to the MACKINAW. The design of the MACKINAW is proven and the vessel has shown that it is up to the job of breaking ice on the Lakes during the winter and tending buoys during the spring, summer and fall months. Not only will this funding ensure that our nation's vital industries are supplied during the winter—construction of this icebreaker will create jobs at U.S. shipyards and the related supplier industries at a time when job creation is so vital to an economy losing some 600,000 jobs per month.

For all of these reasons, it is critically important that we provide the Coast Guard with the resources necessary to build a replacement icebreaker for the Great Lakes region.

## TRANSPORTATION BUDGET AUTHORITY IN THE FY 2010 BUDGET RESOLUTION

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. OBERSTAR. Madam Speaker, the Budget Resolution, as ordered reported last night by the House Committee on the Budget, provides a solid foundation for the surface transportation authorization act. I thank Chairman SPRATT and the Committee on the Budget for their leadership and vigorous support for transportation and infrastructure programs.

If the Budget Resolution is applied over the six-year period from fiscal years 2010 to 2015, the Resolution assumes a base allocation of \$324 billion for highway, highway safety, and transit programs, including \$312 billion of contract authority. Importantly, this allocation restores \$82 billion over the six-year period of highway contract authority that had been cut from the Congressional Budget Office baseline, which assumed fiscal year 2009 rescissions would recur in all future years.

In addition, the Resolution establishes a Reserve Fund to allow this base allocation of \$324 billion to be adjusted upward as necessary to accommodate higher funding levels to the extent they can be supported by the Highway Trust Fund.

The Resolution also assumes the Airport Improvement Program is funded at \$4.0 billion in FY 2010, \$4.1 billion in FY 2011, and \$4.2 billion in FY 2012, consistent with H.R. 915, the FAA Reauthorization Act of 2009, as ordered reported by the Committee on Transportation and Infrastructure on March 5, 2009. This is an increase of \$840 million over the baseline funding level for this program over the three-year period from FY 2010–2012.

The Resolution rejects the Office of Management and Budget's proposal to change how programs funded by contract authority are treated for budget scoring purposes. This proposal, had it been adopted, would have converted the mandatory contract authority that currently funds our highway, highway safety, transit and airport grant programs to a simple authorization of appropriations for budget scoring purposes. I am pleased that the Budget Resolution continues to recognize the unique nature of trust-funded programs by rejecting this ill-advised proposal.

## A TRIBUTE TO HUMENA BUTE

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Humena Bute, an educator and youth advocate.

Ms. Humena Bute worked for the NYC Department of Education from 1970 until her early retirement in 1995. While employed with the Department of Education she advanced to Special Education Records Manager in School District 19. She received her Bachelor of

Science degree in Community and Human Services from Empire State College in 1997. She applied for and received a per-diem substitute teacher certificate in 1998, and has worked in various NYC schools in Brooklyn to present.

In 2000, Ms. Bute became a member of the Brooklyn Club of the National Association of Negro Business and Professional Women's Club Inc (NANBPWC). She became a Life Member in 2005. During the past eight years Ms. Bute has held the office of Recording Secretary, Vice President (Membership Chair) and has voluntarily served on the Battered Women's Shelter project, the Thanksgiving Basket Committee and the Founders Day Celebration Committees from 2003–2005. Ms. Bute received an Appreciation Award from The Brooklyn Club president in 2002. In 2007 Ms. Bute received the Membership Chair of the Year Award from National Director of Membership of NANBPWC Inc. She has recently been appointed to serve as Membership Director of the Northeast District of NANBPWC Inc.

From 1997 to 2000 Ms. Bute was given the opportunity to work with at-risk youths as an Educational Specialist for Mental Health Juvenile Justice Diversion project in Brooklyn N.Y. She was also a recruiter for Hugh O'Brian Youth Leadership Program in various High Schools in Brooklyn N.Y.

In 2004, Ms. Bute became a member of the Stuyvesant Heights Lions Club and in 2006 she received the Lion of the Year award from the club president. In 2007 Ms. Bute was nominated as Club President and still holds that title to this day. She is also a Board Member of the Bridge Street Child Development Day Care in Brooklyn NY. Ms. Bute has recently joined the American College of Counselors.

Ms. Bute is a mother of two children, Felicia Allen and the late Gregory Bute and three loving grandchildren Jason Allen, Geninne Allen and Shanay Bute. Ms. Bute regards her many accomplishments and children as gifts from God.

## PERSONAL EXPLANATION

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Ms. WOOLSEY. Madam Speaker, on March 25, 2009, I was unavoidably detained and was not able to record my vote for Rollcall No. 151.

Had I been present I would have voted:

Rollcall No. 151—"yes"—Providing for the consideration of the Senate amendments to H.R. 146, the Omnibus Public Land Management Act.

## A TRIBUTE TO LINDA BRADLEY

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Linda Bradley, a champion of Nursing and health and wellness promotion.

Linda Bradley was born in Brooklyn, New York to Lola Balance and the late Jerry Balance. Linda is the oldest of four siblings, her brother and sisters are Denise, Michelle and Jerry, Jr. She is wife of Calvin Bradley, mother of four children Nicole, Calvin III, Michael and Johnathan and grandmother of Amir. Linda was always a curious child and now is very active in her community.

After graduation from Canarsie H.S., Linda indulged her desire for inquiry and obtained a degree in Medical Laboratory Technology in Applied Science from N.Y.C Community College. Linda went on to obtain an A.A.S. and a B.S.N. in Nursing. Linda continued her education and earned a dual degree; she earned a Master's of Science in Nursing and a Masters of Public Health and received the Outstanding Community Leadership Award from Hunter College.

She is a member of Sigma Theta Tau, International Honor Society, American Public Health Association and Public Health Association of NYC. She held P.T.A. positions in her children's school, is an active member of A.C.O.R.N. and was one of three women who were instrumental in the development of a Kwanzaa community event. She has held positions as Director of Nursing at a licensed agency, Patient Service Manager at Hillside Manor LTHHCP and a staff nurse and then a community outreach nurse for St. Johns Episcopal Hospital. Linda currently works at the Visiting Nurse Service of New York Lombardi Program as a Manager of Clinical Support Services in the boroughs of Brooklyn and Queens. Linda has been an NYU adjunct clinical faculty for the clinical rotation in the Community Health course since 2007. Linda has dedicated her life to nursing, health and wellness which shows through her professional and community activities.

Linda believes that through faith in God and healthy choices people can prevent a multitude of diseases. In her promotion of the profession of nursing, and belief that there are young, intelligent and vibrant minds within her community, she has participated in a community career day, appeared on a Brooklyn cable show and mentored two young women who are now R.N.'s. Linda is the current Health Ministry Director at Solid Rock S.D.A. church, who promotes ongoing health emphasis activities. Linda has assisted in the administration of NIH/Loma Linda Health Study II surveys from 2004–2007 at Solid Rock Church. She has taught as a Sabbath School teacher in the youth division for more than 20 years and is active with the Adventurer's and youth at the church and in the community.

Linda believes that she is a living testimony of God's blessing and healing power and is very committed to nurturing the spirit, mind and body of every person she comes in contact with. Linda believes in excellence and that

knowledge is power and whatever knowledge she has is to be shared. Linda has often described the essence of her being as "one who shares" in every aspect of her life.

#### INTRODUCTION OF THE BORDER SECURITY SEARCH ACCOUNTABILITY ACT OF 2009

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Ms. LORETTA SANCHEZ of California. Madam Speaker, I come to the floor today to call attention to the Border Security Search Accountability Act of 2009, which I will be introducing in the House today.

With the support of 16 bipartisan, original cosponsors, the bill will call on the Department of Homeland Security to establish strict guidelines for Customs and Border Patrol, and Immigration and Customs Enforcement's electronic device seizure policy.

It is important to ensure that Customs and Border agents have the tools necessary to go after potential terrorists.

This bill allows for the appropriate search, review, retention and sharing of information on an individual's electronic device as it is necessary for security purposes.

Equally important is the need to protect the rights of travelers, and especially American citizens.

My legislation ensures that when an individual's property is seized at a point of entry, there is a well-defined procedure in place that will protect their privacy and electronic data, especially the doctor-patient and attorney-client privileges.

This legislation also requires the Department of Homeland Security to post information about individuals' rights related to border searches in visible areas near the search points, so that individuals will understand their rights if their property is seized.

I urge my colleagues to support this important legislation.

#### IN RECOGNITION OF MEADOWLARK LEMON

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. WILSON of South Carolina. Madam Speaker, born in Lexington, South Carolina, Meadowlark Lemon came from humble beginnings only to follow his love of basketball and entertaining to tremendous success as a member of the widely popular Harlem Globetrotters. The "Clown Prince of Basketball" as he is known has given of his time to not only entertain on the court but to serve his community off the court. Through his ministry program, Meadowlark Lemon is helping young people prepare for their future, learn the tools necessary to get a job, and have the confidence to compete and be successful in their own lives.

Role-models like Meadowlark Lemon play a vital role in our community because they embody the can-do spirit of the American Dream. They show the youth of today that no matter the circumstances, their lives are precious and filled with potential to make their hopes a reality. Meadowlark Lemon's story is a perfect example of someone who did just that and has chosen to give back to others.

I am grateful for his service and commend Meadowlark Lemon on his lifetime of success.

#### RECOGNIZING THE IMPORTANCE OF THE WORLD WILDLIFE FUND EARTH HOUR MOVEMENT

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize the importance of Earth Hour 2009, sponsored by the World Wildlife Fund (WWF). The WWF has been a major advocate for our earth and addressing the environmental threats we face. Earth Hour 2009 is an opportunity for individuals all across globe to join together in responding to the rapid deterioration of our earth's climate. On March 28, 2009 at 8:30 pm (EST), the world will come together to participate in the first global vote for action on climate change. With their light switch as their ballot, hundreds of millions of people in more than 75 countries will cast a powerful, visual vote for action by turning off their lights for one hour.

Earth Hour was first celebrated two years ago in Sydney, Australia in partnership with the WWF, when 2.2 million people and thousands of businesses turned off their lights for one hour. In March 2008, Earth Hour went global with more than 50 million people in over 400 cities participating, including an estimated 36 million Americans.

Earth hour 2009 has expanded its reach with the support of nearly 1,000 cities around the world, including U.S. cities Atlanta, Chicago, Dallas, Denver, Detroit, Houston, Las Vegas, Los Angeles, Miami, Nashville, New York, Pittsburgh, San Francisco, St. Louis, and Washington, DC. Additionally, international cities committed to the cause include Beijing, Copenhagen, Dubai, Hong Kong, London, Moscow, and Paris.

Madam Speaker, by participating in Earth Hour here in the U.S., it sends a message that Americans care about climate change and stand with the rest of the world in raising awareness about this escalating crisis. With every flick of a light-switch, a vote is cast for meaningful action. I urge my colleagues take part in this historic event by turning off their lights and taking a stand for our environment on March 28.

#### A TRIBUTE TO LOTTIE DOBSON-SHANNON

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Lottie Dobson-Shannon.

Lottie Dobson-Shannon is an educator with the Department of Education, Office for Family Engagement and Advocacy. She was born in North Carolina and moved to New York at the age of nine. She was raised in Bedford-Stuyvesant, in Brooklyn, New York.

Shannon began her career in 1972 at the Department of Education and worked her way to a management position. In 1987, she became the Project Director of the New York City Board of Education Mentoring Program, where she is still a mentor in the Women in Government Mentoring Program. She involved corporate, government, and cultural institutions in mentoring young high school students throughout New York City. The program thrived under her leadership and became the prototype for Matilda Cuomo's statewide mentoring program.

In 1990, Shannon became the Executive Director for the Parent Advocacy Center of Medgar Evers College. She coordinated staff, raised funds and developed and conducted an award winning Parent Training Institute that was directed at teaching parents skills in advocating for their children in the city public schools. The program received recognition throughout the state, and from the former Commissioner Tom Sobol, New York State Education Department. The Parent Training Institute became a model for the development of parent participation in programs in Mount Vernon and Hempstead New York.

Shannon returned to the Department of Education in 1996 as the Borough Deputy to the Chancellor (Rudy Crews). She was responsible for the development and implementation of projects and assisting the Superintendents and Principals in obtaining resources for their schools.

In 2002, Shannon became the Parent Support Officer for District 17, Region 6 where she empowered parents, trained them in how to advocate for their children, and to learn how to navigate the school system. In 2007, Shannon became the District Family Advocate for District 22, where she continues to empower parents to become parent leaders and partners in their children's education. She also conducts professional development trainings, seminars and conferences that will develop the skills of the parents to become successful leaders in their schools.

Shannon is also the host/producer of the award winning show, "Keeping It Real with Shannon", a talk show and entertainment that began in 1998. The show has aired on Brooklyn Community Access Television (BCAT) and various networks for ten years. "Keeping it Real With Shannon" reflects on a wide variety of topics such as Domestic Violence, Police Brutality, Education, Male/Female Relationships, Health and Community issues. The show addresses the issues of the growing community and promotes local artists as well

as professional artists. Past guests have included Terrie M. Williams, Publicist/Author, Bad Boy Michael Baisden, KISS FM Radio Personality Dominic Carter, NY1 News Reporter Colleen Babb and Frank Laghezza from the District Attorneys' office, legendary R&B singers the late Isaac Hayes and Maxine Brown, Baby Washington, The Ink Spots and renowned gospel singer Vicki Winan.

"Keeping it Real With Shannon" is the 2002 winner of the National Hometown Video Festival Award. It won first place for best in public access programming for talk show and entertainment. She was recognized for her award winning show with a Proclamation from Brooklyn Borough President Mary Markowitz.

Shannon personifies the qualities of intelligence, endurance, compassion, and a strong faith that characterize black foremothers who held the family, church, and community together through all adversities. Shannon is a woman of distinction who has accomplished great professional and educational victories, while maintaining a household and rearing a daughter who is a graduate of Morgan State University. She strongly believes that Christian fellowship should be practiced in all aspects of life. Shannon attended college and obtained three degrees, including a Masters.

Shannon served on the Board of Directors for several Corporate and Community Based Organizations. She has won numerous awards and citations from national and local organizations including being recognized by DA Charles Hynes, the Brooklyn Borough President and NYS Governor Mario Cuomo. She was featured on (ABC) "Like it Is" with Gil Nobles, "Metro Magazine" (WYNE), "The Hotline Show" (Channel 31), "McCreary Report" (Channel 5), Fox 5-Dayside with Linda Vester and in the publications Caribbean Life, Daily News, Brooklyn Paper, New York Newsday and Medgar Evers Radio Station.

#### HONORING RECIPIENTS OF THE IGOR I. SIKORSKY AWARD FOR HUMANITARIAN SERVICE

##### HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 2009

Mr. GRIJALVA. Madam Speaker, I rise today to honor the recipients of the 2009 Igor I. Sikorsky Award for Humanitarian Service. The recipients of this award have exhibited bravery in the face of grave danger during an event in my home state of Arizona.

Last August, during the summer monsoon season in Arizona, Havasu Canyon suddenly flash flooded, and as the canyon flooded, nearly 400 people had to be evacuated from the area. Havasu Canyon, which leads into the Grand Canyon, is a popular daytime stop-over site for rafters floating the Colorado River. At that time, sixteen boaters on a private rafting trip became stranded on a ledge above the raging floodwaters.

The rescue team, consisting of a Grand Canyon National Park ranger, five members of the helitack crew, and a pilot from the Papillon Grand Canyon Helicopters, using a special short-haul technique, transported the stranded

boaters to the Colorado River bank where they could be airlifted to a rescue center.

The Igor I. Sikorsky Award for Humanitarian Service is sponsored each year by Sikorsky Aircraft in honor of its founder and is presented to those who best demonstrate the value of civil rotorcraft to society by saving lives, protecting property and aiding those in distress. The award can be made for a particular mission, or for a consistently outstanding manner for a period of time.

I commend the recipients of the award this year for their tremendous bravery in the face of an extremely dangerous situation. I know that those who were rescued that day, along with their families, will be grateful to them forever for their actions that day.

The recipients of the award were: Jay Lusher, John Yurcik, Sean Naylor, Nate Becker, Ali Ulwelling, Brandon Torres, and Bryce Barnett.

#### ANNOUNCING THE BID ON CULTURE BANNER PROJECT UNVEILING IN CELEBRATION OF WOMEN'S HISTORY MONTH

##### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 2009

Mr. RANGEL. Madam Speaker, I rise today to recognize the Artists whose designs were selected through the BID on Culture banner design competition. The banner designs for BID on Culture will be displayed in March 2009 as part of Women's History Month, celebrating the contributions of women to Harlem and to communities of color, in the fields of government, arts and culture, business, education, and religion.

BID on Culture is a new initiative developed through the partnership between the 125th Street Business Improvement District and the Harlem Arts Alliance to help build a community-based vision of Harlem's heritage, its role as a vibrant cultural center, and to promote the continued revitalization of 125th Street as the commercial and artistic heart of Harlem.

BID on Culture Banners will extend the brand of 125th Street as the center of culture in Harlem, a diverse community with an unparalleled history of contribution to the nation in all fields of human endeavor. Let me recognize the five selected artists whose banner designs will be displayed on the 125th Street Corridor.

Andrea Arroyo, a Mexican born, New York-based artist whose work has been exhibited in twenty-four individual and more than eighty group shows in galleries and museums. Andrea is in the public collections of The Smithsonian Institution, National Museum of American History, The Library of Congress, the Mexican Museum in Chicago and numerous private collections in the US, Mexico, Europe and Japan. Her public art projects include commissions for the Metropolitan Transportation Authority of New York, the New York School Construction Authority, City Arts and the Florida Art in State Buildings Program.

Laura Gadson is a native New Yorker raised in Jamaica Queens. A graduate of Fiorella

LaGuardia High School of Music and Art, she received her Bachelor of Fine Arts degree from the City College of New York. She has been a teaching artist since age 14 for a variety of public and private New York City institutions. Ms. Gadson's craftwork is in the private collections of Susan Taylor, Iyanla Vanzant and other collectors. Her work has been exhibited in the New York State Museum in Albany, The Cork Gallery at Lincoln Center, Columbia University and she currently has two quilts on a National Tour until 2010. A Harlem brownstone has been her home studio and personal gallery since 1993.

Obatola Wilhelmina Grant, a native New Yorker and resident of Harlem is an assemblage artist, creating pieces from discarded objects. Obatola was formerly the Director of Programs and Administration at the National Jazz Museum in Harlem and before that the Director of Community Outreach for SHARE, Self-Help for Women with Breast or Ovarian Cancer. She has a Bachelor of Arts in English Language Arts from Hunter College and expects to graduate in June from Hunter with a Masters of Science in Urban Affairs. She has exhibited at Bank Street College, Union Theological Seminary, the Simmons Gallery and the New York Public Library.

Sharon Lewis, a graphic designer, originally from Detroit, Michigan, now based in New Rochelle, New York, Sharon is a Production Associate at DMD Insight, a boutique agency specializing in integrated marketing for arts and culture, architecture, design, philanthropic and financial services clients. She has a BFA in Industrial Design from Columbus College of Art and Design and her career focus has been print design in the fields of publishing, advertising and law.

Shimoda, a Harlem-based artist, whose work has been featured on television on The Cosby Show, HGTV—Crafting Coast to Coast, in the magazines Essence, Braids and Beauty, and YSP, and the book *Jumping the Broom: The African American Wedding Planner*, among others. Shimoda's exhibit and presentation schedule includes Bank Street College, The National Black Arts Festival, The Mt. Vernon Library, Mt. Vernon NY, the Center for Book Arts, and the Donnell Library in New York City. She serves on the crafts panel for the Artists' Fellowships of the NY Foundation for the Arts, has taught beading at Brooklyn Academy of Music and Harlem School of the Arts, assisted Sonya Clark and Joyce Scott at Penland School of Crafts, NC and Ralph Lauren with his 1998 beaded jewelry collection.

The 125th Street Business Improvement District (BID) is a non-profit organization funded primarily from an additional tax assessment collected from the property owners within the defined boundaries. Organized in compliance with state and city laws, the property and business owners determine the services and programs needed for the district. The BID will utilize the competition to bring visibility to its streetscape improvement efforts and to enliven the community's central business district.

The Harlem Arts Alliance (HAA) is a non-profit membership service organization committed to nurturing the artistic growth and organizational development of artists and arts organizations primarily in Harlem and its surrounding communities. Comprised of over 400



individual artists and arts organizations, HAA is the only service organization of its kind in Harlem and plays an essential role by helping to build the resources, network and capacity of its richly diverse membership. Counted among its members are young emerging artists as well as established and internationally recognized artists. Also represented are small grassroots organizations and major cultural institutions in Harlem and beyond. Major funding for HAA is provided by the Upper Manhattan Empowerment Zone Corporation, the New York City Department of Cultural Affairs, and the New York City Council.

Barbara Askins, President of the 125th Street BID says the BID on Culture project "seeks to maximize the value of the 125th Street corridor by initiating efforts to secure the future of cultural presentation and production in Harlem and to encourage the ongoing revitalization of 125th Street as a premier arts and cultural entertainment destination."

Michael Unthank, HAA Executive Director, says that "over the past 10 to 15 years,

125th Street Corridor has emerged as a major destination anchored by not just local and national chain retail outlets but also by major cultural institutions such as the Studio Museum in Harlem and the Apollo Theater."

#### TRIBUTE TO JOHN McNAMARA

##### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. BISHOP of New York. Madam Speaker, I rise today to bring to the attention of my colleagues and the entire nation the service and sacrifice of firefighter and 9/11 first responder John McNamara.

A 10-year veteran of the New York Fire Department, John is currently assigned to Engine Co. 234 in Crown Heights, Brooklyn. He is a first responder who not only assisted during the search and rescue efforts following September 11th, 2001, but also assisted the New Orleans Fire Department and the citizens of Louisiana during the aftermath of Hurricane Katrina.

Formerly a resident of Bay Ridge, Brooklyn, and currently a resident of Blue Point, Long Island, John is valiantly struggling to survive a nearly three-year battle with Stage 4, metastatic colon cancer. John, age 43, and his wife Jennifer have a 2½ year old son named Jack.

In the firefighting tradition of "leaving no man behind," John's friends and fellow firefighters at Engine 234 / Ladder 123, Engine 220 / Ladder 122, the Blue Point Volunteer Fire Department and the New York City Firefighter Brotherhood Foundation are working hard to see that John and his family are supported as his battle grows more difficult.

Like John, many of the brave first responders who served at Ground Zero are now struggling with debilitating diseases as a result of their courageous efforts. As a nation, we made a promise to help all those who suffered as a result of the heinous acts of September 11th. We must keep that promise. We must ensure that those brave first responders receive the medical care and other support they need.

Today, we in Congress honor John McNamara for his service to New York and to our nation.

#### A TRIBUTE TO MARSHA T. DUPONT

##### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Marsha T. DuPont.

Marsha was born in Brooklyn, NY, to Deacon Clyde Tarrant, Sr. and the Late Catherine Britt Tarrant. She is the only girl child out of three children born; her siblings are Clyde Tarrant Jr., and the Late Bruce Tarrant.

She received her education from Public School 11 and Rothchild Junior High School both of Brooklyn, New York. Marsha received a scholarship from Fashion Industries Vocational High School, where she graduated valedictorian and Female Athlete of the Year, class of 1972. She continued her education attending and graduating from LaGuardia Community College and Fashion Institute of Technology where she majored in pattern making and fashion design. She later changed her career and attended and graduated from the Grace Downs Vocational Air Career and Hotel Management College in Glen Cove, Long Island. Marsha was employed by the Inter-Continental Hotel for 10 years as Reservations Manager. She changed employment to the Drake Swissotel Hotel in New York City where she also worked as Reservations Manager for 17 years. She received numerous awards and departmental training certificates and she was also cited as Employee of the Month and Manager of the Year. Marsha was loved and respected by her staff and fellow co-workers; she was always giving career opportunities to others.

Marsha's love and flare for fashion and decorating encouraged her to form a company "Duchess Unlimited" where she worked as a Wedding Coordinator and coordinated anniversaries and other types of social events at cost.

Marsha joined the Mt. Ollie Baptist Church in 1959 under the leadership of the late Rev. R.D. Brown. She sang in the Junior Choir, was an original member of the Buds of Promise, a member of the Junior Usher Board and later joined the Young Adult Choir. Rev. Brown appointed Marsha to the Senior Trustee Board to "observe." She was the youngest female trustee. This was a major accomplishment for Marsha, for little did she know that God was preparing her for the future. In 1989 she was elected as the first female Chairperson of the Board and is still serving in that capacity today. She has given 20 years of service to the trustee board.

At present Marsha works as the Director of Housing/Food & Beverage for the Office of Conventions and Meetings for the National Baptist Convention USA, Inc. She was appointed to this position by the President of the Convention in 1995. She is a member of the religious Conference Management Association and Coalition of Black Meeting Planners. She is also a member of the National Council of Negro Women.

Marsha began her work as a member of the Brooklyn District of the New York State Chapter of the Gospel Music Workshop of America, Inc. in the 1970's under the leadership of Bishop Albert L. Jamison, Sr. as Chapter representative. Marsha gave great support and dedication to the late Brother Larry Brown and the late Minister Allen D. Jamison as Borough Presidents of the Brooklyn District. After their passing she then was appointed Borough President. The Brooklyn District took on new life and direction under her leadership.

Marsha is also a Charter Member of the famous Tri-boro Mass Choir of which she credits the choir's annual prayer and fasting shut-in as her introduction to her spiritual growth and her enhancement to her personal relationship with God.

Marsha was appointed by Bishop Jamison as his Executive Director to the Chairman of the Board for the Gospel Music Workshop of America, Inc. also she is the Administrative Assistant to the New York State Chapter.

Her love for her church family and retired Pastor and his wife, Rev. Dr./Mrs. Spurgeon E. Crayton is consistently enthusiastic; the bond between them has always been a positive one.

Her love and dedication for church work is untiring. Her motto: "If I can help somebody as I pass along then my living shall not be in vain."

#### OTTOMAN EMPIRE DOCUMENTS ARMENIAN GENOCIDE

##### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. PALLONE. Madam Speaker, recently, the New York Times reported on a recently published book *The Remaining Documents of Talat Pasha* by Turkish author Murat Bardakci. The book details Pasha's methodical reordering of the disappearance of nearly 1 million Armenians in a 2-year period. Pasha served as interior minister to the Ottoman Empire and helped orchestrate the Armenian Genocide. Like the Nazis, Pasha kept detailed population figures of the Ottoman Empire's Christian ethnic minority, the Armenians.

Before 1915, 1.2 million Armenians lived in what today is modern Turkey. By 1917, the number was down to 284,000 Armenians. Bardakci received these original lists of population figures from Pasha's wife, Hayriye Talat, in 1983. However, he waited to include them in his book until he felt Turkey was ready to receive them.

As the New York Times reported in November of 1920, Talat Pasha used to say, "the only way to dispose of the Armenia question is to kill the Armenians." As Ambassador to the Ottoman Empire, Henry Morgenthau made many courageous efforts to stop the ethnic cleansing of the Armenians, as well as alert Americans to the genocide that was taking place. Morgenthau, who dealt with Talat in Istanbul, believed strongly that Pasha was fully responsible for the killings of the Armenians.

These figures in Bardakci's book provide further evidence that those who masterminded

the genocide against the Armenians were obsessed with exterminating all the Armenian people. Talat Pasha's meticulous figures bring to mind the Nazis who kept records of 17 million victims, including the Jews who were exterminated during the holocaust. In aggregate, the Nazis kept 50 million pages of documents now available for the families of those who lost loved ones, scholars, and the public.

Unfortunately, Bardakci does not believe that the Armenian Genocide took place. Like his government, he is an outspoken denier. However, he believes that Turkish people should be exposed to historical documents. Bardakci is correct that Turkey needs documents. This week's Times article astutely notes the chilling silence that swept over Turkey in response to these figures. Turkey needs to come to terms with its past.

It is with sadness that it may take the figures of the man who orchestrated the genocide to convince the Turkish government and the Turkish people that 90 years ago the Ottoman Empire committed genocide against the Armenians. I am hopeful that Turkey will soon unclench its hold on its people's memory and openly discuss the Armenian genocide; instead of using words like "alleged" or funding a multi-million dollar lobby in the United States to distort fact.

It has taken a while, but Americans look back constantly on our own history. We question why we enslaved millions of Africans. We question why we slaughtered millions of Native Americans. We discuss it in our schools. We reflect on our history. Doing this helps our nation deal with its past and enables us to learn and heal.

Not only does Turkey deny the Armenian Genocide, it asks Americans to deny it as well. It asks the United States Congress not to honor the victims of the genocide. The Armenian Diaspora exists today because of the genocide. Why should Armenian-American voices be silenced? Why are the voices of those who want to end the vicious cycle of genocide being hushed? Why do we allow ourselves year after year to be threatened by Turkey?

These are our constituents who lost loved ones in the Genocide. We must honor their memory and not be bullied by Turkey.

#### IN RECOGNITION OF MATILDA M. GARCIA IN HONOR OF WOMEN'S HISTORY MONTH

### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 2009

Ms. CASTOR of Florida. Madam Speaker, in recognition of Women's History Month, I rise today to honor Matilda Martinez Garcia, a devoted advocate for Hispanic Americans in Florida. Ms. Garcia exemplifies the power of women to make a difference in their communities.

Ms. Garcia is a third generation Floridian whose grandfather came from Spain to Tampa via Cuba. Ms. Garcia serves as a liaison between the Tampa government and the Hispanic community as a council member of the

Mayor's Hispanic Advisory Council. She also serves on several boards including the Mayor's Hispanic Advisory Council, LULAC and the University of Florida's Mental Health Institute.

Ms. Garcia is a member of the Tampa Hispanic Heritage Board of Directors, which is comprised of Hispanic Americans with varied roots who share pride in being Hispanic. The organization serves to share rich Spanish language, culture, and traditions with the community during Tampa's Hispanic Heritage Celebration.

Ms. Garcia served as the Former State Director of The League of United Latin American Citizens. LULAC's mission is to advance the economic condition, educational attainment, political influence, health and civil rights of the Hispanic population of the United States. In 2007, Ms. Garcia spoke at a LULAC convention seminar on the historic and ongoing contributions that Latina leaders have made to the civil rights struggle in the U.S. and the development of LULAC as a civil rights organization. Women's leadership has long been a cornerstone of the Latino community.

As a member of the Florida Institute for Community Studies (FICS) Board of Directors, Ms. Garcia speaks to children about her life growing up in Tampa as the child of Spanish immigrants and the challenges facing the Hispanic community.

In 2001 the Department of Child and Family Studies created the Matilda Garcia Initiative, or "Latin American Research Scholars Exchange," to ensure continued collaboration between the Department of Child and Family Studies and Latin American researchers and practitioners. The Matilda Garcia Initiative provides the Institute with a means for strengthening the level of exchange with Latin America through the funding of these and other activities. Ms. Garcia's support has encouraged a new vision of future collaboration between the Department of Child and Family Studies at FMHI and a wide variety of Latin American academic institutions and organizations.

In 2002, The Community of Tampa Bay proudly awarded Ms. Garcia the Silver Medalion Humanitarian Award. This award is given to members of the community who have helped to promote dialogue and respect among cultures, religions, and races.

At the age of 89, Ms. Garcia attended the 2008 Democratic National Convention as Florida's oldest delegate. At the convention Ms. Garcia inspired Florida's delegates with her youthful sense of humor and her passion about changing American politics.

Madam Speaker, Matilda Garcia is a highly regarded woman who has touched the lives of many in Tampa. I am proud to call her my neighbor, and I join many others to applaud her lifelong contribution to the Tampa Bay community.

#### INTRODUCING THE ENERGY EFFICIENT AND ENVIRONMENTALLY FRIENDLY AUTOMOBILE TAX CREDIT ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 2009

Mr. PAUL. Madam Speaker, I rise today to introduce the Energy Efficient and Environmentally Friendly Automobile Tax Credit Act, legislation that will help Americans reduce pollution and the amount they pay for gas. My legislation accomplishes these important goals by providing Americans a tax credit of up to \$2,000 when they sell or trade in a car and obtain a vehicle that has at least a 20% higher average fuel economy than the sold or traded-in car. The bill also creates a federal tax deduction for any state or local taxes paid on the purchase of the more fuel-efficient automobile and makes interest on loans to purchase the more fuel-efficient automobile tax deductible.

This legislation will help Americans reduce the amount they pay to fill up their cars by making it easier for them to obtain more fuel-efficient cars. I hope my colleagues would agree that Congress should provide free market incentives to make it easier for Americans to exchange their current cars for cars that create less pollution.

Providing tax deductions and tax credits to make it easier for Americans to purchase fuel-efficient automobiles is a win for American consumers, a win for the environment, and a win for those of us who favor free market solutions to pollution and high gas prices. I urge my colleagues to support this legislation.

#### A TRIBUTE TO NATALIE ADDISON

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Natalie Addison, the Assistant Manager of Collections at Starrett City and resident of Brooklyn.

Natalie, a native of Queens, was raised in the Queensbridge Housing Projects. She attended and graduated, with a concentration in business subjects, from Washington Irving High School in Manhattan. Pursuing her interest in the field of business after high school graduation, Natalie excelled at the Berk Business School. Natalie was a high achiever who graduated with the honor of Valedictorian for Accounting and Business Management.

Continuing to advance on her employment path, Natalie worked for the Equitable Life Insurance Company. Always interested to expand the application of her knowledge, she transferred to the New York City Board of Education and was assigned to the Community District 19 office located in the East New York section of Brooklyn.

Currently, Natalie is employed by Starrett City at Spring Creek. As the Assistant Manager of Collections, Natalie interacts daily with Starrett's legal department. And when life appears to throw tenants a financial curve ball,

Natalie's ability to aide people with finding a method of paying their rent becomes paramount.

Her compassion and concern for her constituents demonstrated though her patience and efforts on their behalf immediately make the tenants realize the necessity to become more responsible for the well-being of their families. She makes an official matter understandable by providing a caring voice.

As the "First Lady" of the Alpha Riders MC, Inc., located in East New York, Natalie was challenged by a motorcycle accident that left her seriously injured and hospitalized for four months. She attributes her rapid recovery to God and a dedicated staff at the Wartburg Lutheran Home For The Aging, where she and the Alpha Riders still today volunteer their time each month to others in need of love and assistance.

Natalie has been married to Barry "Mr. B" Addison for thirty-one years and they are the proud parents of Ebony, Barry II and very proud grandparents of Lil Andre.

#### TRIBUTE TO SALLY GORDON

##### HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. SMITH of Nebraska. Madam Speaker, I rise today in honor of a wonderful lady and a true Nebraska treasure. Today, Sally Gordon will be celebrating her 100th birthday in a place which has come to know and love her—The Nebraska State Capitol.

Sally was the Nebraska Legislature's first female Sergeant-at-Arms when she was first hired in 1983—and she has been putting Nebraska lawmakers in their place ever since.

In this day and age, such dedication to public service is rare and her amazing stamina has put many of her colleagues to shame over the years.

She truly exemplifies the word "elegant" and I have been blessed to have had the opportunity to work with her during my time in the Nebraska Unicameral.

Sally, may your force never diminish and your voice never fade.

Happy Birthday.

#### HONORING WASHINGTON COUNTY HISTORICAL SOCIETY'S 75TH ANNIVERSARY

##### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mrs. BACHMANN. Madam Speaker, I rise to honor the Washington County Historical Society and their dedicated preservation of the history of Washington County and Minnesota.

Founded on April 11th, 1934, the Society has grown from 75 members meeting in the public library to more than 700 members operating four buildings, two museums and a growing research library.

In 1941, the Society purchased the Warden's House Museum and today it is one of

Minnesota's oldest buildings and the second oldest continuously operating house museum. The Society purchased the Boutwell Cemetery and the Hay Lake School in 1978 and shortly thereafter the school's neighbor, the Johannes Erickson Log House, was donated for the Society's care and restoration. All three buildings are on the National Register of Historic Places.

The Society provides educational programs and historical expertise with the ultimate goal of collaborating with the community, facilitating historical discussion and providing an opportunity for all Washington County residents to learn and enjoy their area's history. Minnesota is so rich with history, heritage, and tradition. This work is such a tremendous service to us all.

Madam Speaker, it is my honor to recognize and congratulate the Washington County Historical Society on their 75th Anniversary. Their efforts have demonstrated the importance of historical preservation and resulted in a strong sense of community heritage throughout Washington County.

#### INTRODUCING A RESOLUTION RECOGNIZING THE CRUCIAL ROLE OF ASSISTANCE DOGS IN HELPING WOUNDED VETERANS LIVE MORE INDEPENDENT LIVES, AND SUPPORTING THE GOALS AND IDEALS OF CREATING A TOWER OF HOPE DAY

##### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution that acknowledges the admirable role of assistance dogs in helping our wounded veterans live more independent lives, expresses gratitude to the Tower of Hope, and supports the goals and ideals of creating a Tower of Hope Day.

We currently have over 170,000 troops deployed in Iraq and Afghanistan. Thousands of those brave service men and women have been seriously wounded in combat. Many of these courageous soldiers suffer from brain injuries, single and double amputations, and other traumatic wounds. As a result, they are required to spend weeks, months, and years in hospitals recovering from their injuries.

Madam Speaker, we must not forget that these brave men and women are still in genuine need of assistance to continue their recovery. Assistance dogs will help to empower veterans in need of assistance to live a more comfortable and independent life.

The Tower of Hope is dedicated to providing wounded soldiers with service dogs. The Tower of Hope was created following the September 11th terrorist attacks in an effort to bring about hope and happiness to our wounded veterans. Among other things, these dogs assist wounded veterans with the necessary everyday tasks such as using the stairs, retrieving items, pulling wheelchairs, and even turning lights on and off. In addition to these essential life tasks, service animals offer priceless companionship and unconditional love.

Madam Speaker, we are at a point in our history where the demand for our troops is high and the nature of their work puts them in grave danger on a daily basis. We must not overlook the great sacrifices that our soldiers make each and every day in the name of freedom. It is unacceptable that fewer than 75 veterans from Iraq and Afghanistan have service dogs because they cannot afford them or are unaware of their benefits. Currently, such brave men and women have to wait up to two years to receive an assistance animal. Our soldiers deserve nothing less than our steadfast support and access to services that improve their quality of life.

The Tower of Hope has been dedicated to substantially improving the lives of veterans. Through tireless and devoted work, the Tower of Hope has raised funds for training assistance dogs and labored to educate people about the benefits of such animals. Most of all, the Tower of Hope has been able to award grants to veterans, allowing them to enjoy these dogs' services at no cost. This resolution lauds the outstanding work of the Tower of Hope and expresses gratitude to all the volunteers and donors who have made these programs possible through their generosity. Additionally, this resolution supports the goals and ideals of creating a Tower of Hope Day.

Madam Speaker, throughout the years, this great nation has been shaped by our willingness to help our neighbors in their greatest time of need. This giving spirit that defines our country is embodied in the Tower of Hope. We owe it to our veterans and the history of this country to support the development of a program that inspires hope and strengthens our tradition of compassion to those who need it most.

I urge my colleagues to extend a helping hand to America's veterans by supporting this resolution.

#### INTRODUCTION OF THE OUTDOOR LIGHTING EFFICIENCY ACT

##### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Ms. HARMAN. Madam Speaker, in 2007, Congressman UPTON and I introduced legislation—which became law as part of the Energy Independence and Security Act—that will revolutionize the way Americans light their homes.

Our legislation bans the famously inefficient 100-watt incandescent light bulb by 2012, phases out remaining inefficient light bulbs by 2014, and requires that light bulbs be at least three times as efficient as today's 100-watt incandescent bulb by 2020.

That bill was the product of bipartisan and bicameral efforts to forge a consensus between industry and environmental groups. The result was not only broadly accepted, it was groundbreaking. The Alliance to Save Energy estimates that the provisions will eventually save \$18 billion in energy costs every year, and prevent the emission of 100 million tons of carbon dioxide annually by 2030. That's the equivalent of taking 20 million cars off the road.

Today, we will introduce legislation that builds on this success by setting efficiency standards for outdoor lighting.

Outdoor lighting currently consumes approximately 4.4% of all the electricity produced in the United States. Most of this lighting is currently provided by outdated and inefficient technologies.

Our bill sets efficiency standards to phase out these inefficient technologies (which include incandescent and halogen lights), paving the way for more efficient and cost-effective lights (such as super-efficient light emitting diodes, or LEDs). The first standard will be set in 2011, the second in 2013, and the last in 2015. The Department of Energy would then have the authority to set rules that raise efficiency standards even further.

The bill also requires outdoor lights to come with bi-level controls, which permit users to alter the amount of light emitted. You don't need the same level of brightness at dusk as you do in the middle of the night. This is important, because these controls will give cities, counties, and other users more control over their own energy usage, empowering them to maximize their own energy conservation efforts.

Finally, like in 2007, we protect the efforts of early innovators such as California, which has already passed an outdoor lighting standard. Our bill allows California to fully implement its law before imposing nationwide preemption.

The energy savings that will flow from these efficiency improvements are stunning. A leading industry group estimates that this bill could eventually reduce energy usage from outdoor lighting by more than 25%, saving more than \$6 billion in electricity costs every year. That's the equivalent of more than 50 coal fired power stations.

And like our 2007 legislation, we are proud that this bill is a bipartisan, consensus effort forged after extensive discussions between leading environmental and industry groups.

The United States will not be able to get its arms around the twin, daunting challenges of global climate change and dependence on oil until we pursue efficiency and energy conservation wherever it is technologically feasible.

We believe that this bill, like its 2007 counterpart, is a vital and necessary piece of the solution. We urge its swift passage.

HONORING DEBBIE WASSERMAN  
SCHULTZ AND ILEANA ROS-  
LEHTINEN

**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor the work and lives of two remarkable colleagues from the South Florida Delegation, Congresswoman DEBBIE WASSERMAN SCHULTZ and Congresswoman ILEANA ROS-LEHTINEN. With unprecedented courage, a love of family and a strong commitment to service, these women have made history in our community, our state and our nation. Today I take the time to honor their work and thank them.

I had the pleasure of serving with DEBBIE WASSERMAN SCHULTZ in the Florida State Legislature, where she made history as the youngest woman ever elected to the Florida House at the age of 26, and later the Florida Senate. I was proud when she joined me in Congress in 2005 as the first Jewish Congresswoman ever elected from Florida. DEBBIE works tirelessly for the people of South Florida and has dedicated her life to public service. In just four short years, she has made herself known on Capitol Hill as a leader on the House Committee on Appropriations and the Committee on the Judiciary and as a Chief Deputy Whip for her party.

DEBBIE takes special interest in ensuring that Americans and people around the world are treated fairly and with respect. She is a leader in the Jewish Community, an advocate of human rights and has introduced and passed key legislation protecting Florida's working families, women and children. Despite many legislative victories throughout the year, DEBBIE's greatest accomplishment is her family. Aside from prioritizing the needs of her constituents, she also makes life at home a priority as a loving wife to Steve Schultz, her husband of 17 years, and an exceptional mother of twins Jake and Rebecca and youngest daughter Shelby.

We recently learned that DEBBIE successfully battled breast cancer after finding a lump during a routine self-examination last year. In an effort to create awareness of breast cancer among young women she has shared her story and introduced the EARLY Act, legislation that develops and implements a national education campaign to increase awareness of the threats posed by breast cancer in young women of all ethnic and cultural backgrounds. DEBBIE's story is an inspiration to women across the nation and she represents what can be accomplished through hard work, dedication and perseverance. She is undoubtedly one of the most influential Members of Congress and I know that a bright future lies ahead.

ILEANA ROS-LEHTINEN has been a public servant for more than two decades and this year marks her 20th in the United States Congress. In 1989, she was the first Hispanic woman and first Cuban-American elected to the House of Representatives. She began her career as an educator in Miami, FL and was elected to the Florida State Legislature in 1982, becoming the first Hispanic woman in the Florida House. She later served in the Florida Senate.

ILEANA's list of accomplishments runs long, but she is best known for ensuring that the needs of the diverse community she represents are met. She takes a particular interest in education, safety for Florida's families and protecting our environment. In her role as the Ranking Member on the House Committee on Foreign Affairs she has worked to advance democracy around the world, promote human rights and improve our nation's relationships abroad. She continues to be a strong voice for the oppressed people of Cuba and an advocate for peace in the Middle East. In 2008 ILEANA's work was recognized by the State of Florida when she was inducted into the Florida Women's Hall of Fame, a great honor in our state.

Alongside a successful 25 year career in public service, has been Ileana's dedication to her family. She is a loving wife to husband Dexter Lehtinen, mother of Amanda Michelle and Patricia Marie and stepmother of Katharine and Douglas. By her side each day are her parents, Enrique and Amanda Ros, who left Castro's communist regime in search of freedom, when Ileana was just seven years old, so that their daughter could take advantage of the opportunities this country has to offer.

Although DEBBIE and ILEANA come from different backgrounds and different political parties, they share a common goal and that is to improve the lives of South Floridians. They seize all opportunities to work together with the rest of the South Florida Delegation for the best interest of the diverse community which we represent. They truly are an inspiration to woman of all ages.

It is an honor and a privilege to call these outstanding women my friends and serve with them in Congress. As we celebrate Women's History Month, I ask you to join me in congratulating our colleagues Congresswomen DEBBIE WASSERMAN SCHULTZ and ILEANA ROS-LEHTINEN on their invaluable contributions to our nation and their remarkable achievements.

TRIBUTE TO FIRE ENGINEER  
WILLIAM "BILLY" D. PINE

**HON. JOHN T. SALAZAR**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. SALAZAR. Madam Speaker, I rise today to honor the memory of fire engineer William "Billy" D. Pine, an American hero who touched the lives of many. Born on July 3, 1979 in Yuma, Colorado, Mr. Pine lived a brave and courageous life putting out fires in his community.

Known as the lovable firehouse prankster with an infectious smile and contagious laugh, Mr. Pine was both admired and respected by his fellow firefighters. After joining the Pueblo Fire Department in 2004, he quickly became active in the Union and planned firehouse activities. Mr. Pine was a "firefighter's firefighter" and his coworkers quickly became his second family.

Mr. Pine was committed to both his work and his family. He met his wife, Janice, shortly after moving to Pueblo in 2003. The two were set up on a lunch date by a mutual friend and immediately became inseparable. They married in July 2005 and, the following April, welcomed the birth of their daughter, Sydney Taylor. Mr. Pine loved being a father and was dedicated to providing a good life for his family.

However, on October 4, 2006, when Sydney was only 6 months old and he only 27, the unexpected happened. When Mr. Pine rolled over in bed to help his wife with her homework, a tumor burst, causing his intestine to erupt. After being rushed to the hospital, Mr. Pine was diagnosed with stage 4 colon cancer and immediately began chemotherapy. While his family and friends struggled with the shocking news, Mr. Pine stayed strong.

Throughout chemotherapy, Mr. Pine remained dedicated to the fire department. On good days, he would go in to work. On bad days, his coworkers would cover his shifts and send him the paycheck. In April 2008, Mr. Pine was able to return to work full-time and fought in one last fire. When a deadly brushfire swept through Olney Springs on April 15, Mr. Pine responded to the call. When he got there, two of his fellow firefighters were stuck behind a downed power line. Although, as a trained fire engineer, Mr. Pine was required to stay at the controls of his pumper truck, he went into the blaze and saved the two men. He was their hero.

Mr. Pine showed amazing strength and courage until the very end. Tragically, he lost his battle with cancer on August 19, 2008 at age 29. I send my deepest condolences to the family and friends of Mr. Pine and am proud to announce that his name will be added to the Fallen Firefighter Memorial in Colorado Springs on September 19, 2009. Mr. Pine was a kind, loyal and genuine man who inspired those around him. May he be remembered along with the other heroes in Colorado who have given their lives protecting this country.

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IN HONOR OF FRANKLIN CENTRAL  
HIGH SCHOOL FOR THEIR OUT-  
STANDING PUBLIC SERVICE

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**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. CARSON of Indiana. Madam Speaker, today I rise to honor the faculty and students of Franklin Central High School for their dedication as dynamic and sharing members of their community. Earlier this month, FCHS students raised over \$24,000 for Riley Hospital for Children in Indianapolis, Indiana. The students raised the money at their inaugural dance marathon.

This program was a six hour event with 325 students participating. In addition to the dancing, the dance marathon included a dodge ball tournament and a girl's basketball free throw contest that raised \$6,000. The faculty and staff set an excellent example by raising an additional \$3,500 to contribute to their students' efforts. All in all, the inaugural dance marathon was an extremely successful program that surpassed its intended goal of \$15,000.

The Riley dance program was originally established in 1991 in memory of Ryan White, an AIDS activist and Riley patient. Since the program's inception, thousands of Indiana's high school and college students have committed themselves to raising funds for Riley. It is a program that Riley has come to depend on to facilitate research and provide treatment to children in need of vital health services.

I urge my colleagues to join me in thanking Franklin Central High School for their dedicated public service.

RECOGNIZING THE 90TH BIRTHDAY  
OF MR. FRED A. CURLS

**HON. EMANUEL CLEAVER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the 90th birthday of Mr. Fred Curls, a pioneer for civil and political rights and a resident of the Fifth District of Missouri, which I am honored to represent. On March 31, 2009, Mr. Curls will be 90 years young. This weekend on March 26th and 27th, he is to be honored in Kansas City, Missouri by family, friends, and acquaintances. I am privileged to be a part of this ceremony.

Mr. Curls is one of the original Founders of Freedom Incorporated, an African-American political organization which at one time could generate nearly 70,000 votes. Freedom Inc. was and has been very influential in delivering votes for a candidate or a cause. The organization has been at the forefront in serving as a catalyst for change in civil rights, public accommodations, and the election of candidates at all levels of government. Freedom Inc.'s office has been visited by City Councilpersons, Jackson County Executives, Mayors, Missouri State Senators and Representatives, Governors, Congresspersons, Senators, Presidents, and those who have Presidential aspirations.

For nearly fifty years, Mr. Curls has dedicated his life to the Greater Kansas City community, promoting and improving political empowerment and the civil rights of people of color. His children, grandchildren, and great grandchildren have followed in his footsteps in acknowledging their responsibility of giving back to the community. His son, State Senator Phil B. Curls, Sr. was the President of Freedom Inc. when I was Chairman. It was a period when Freedom Inc. was recognized as one of the most potent political organizations in the United States and brought about the election of the first African-American Congressman from the Fifth District of Missouri, U.S. Representative Alan Wheat.

The "kids" have also held many public offices. Two of them were and one is presently a Missouri State Representative, one was a city councilwoman, and two have been School Board members in the Metropolitan Kansas City area.

Since the mid-1950s, Mr. Curls has been involved in real estate sales and appraisals, most notably in the African-American community of Kansas City. He fought against "restrictive covenants" whereby residential homes could not be sold in certain areas to minorities. He was part of a class action lawsuit which resulted in the United States Supreme Court outlawing such covenants.

In all of his activities, Mr. Curls demonstrates his dedication and commitment to the greater good of others. He is actively involved with his high school graduating class, the "Class of 1937," which has been very close to this day. He was honored by Jackson County, Missouri as one of its "Legacy Award-ees" for its 175th anniversary as a political subdivision. He also has been honored by fellow Missourian U.S. Representative WILLIAM

LACY CLAY of St. Louis and myself as an awardee of the "Missouri Walk of Fame" designation, as one of the pioneers of Kansas City's African-American political struggle.

Throughout his life, he has believed in the saying "make it happen." He has put his principles into practice, and the effects of his efforts have "made it happen" throughout the Kansas City metropolitan area. He has had broad shoulders all his life and has held us on those shoulders all these years to promote equality in all walks of life.

For those reasons and more, it is indeed an honor and a privilege to recognize Mr. Fred Curls on his 90th Birthday celebration. Madam Speaker, please join me in expressing our appreciation to Mr. Fred Curls and his endless commitment to serving the residents of Kansas City and the State of Missouri. Whatever we, as African-Americans, may attain in the political arena, Fred Curls and those who labored to act on our behalf as political pioneers have helped to change the course of history with the election of our first African-American President, Barack Obama. He is a true role model not just to the African-American community in Missouri, but to the entire community at large.

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THE OVERSEAS VOTING  
PRACTICAL AMENDMENTS ACT

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**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mrs. MALONEY. Madam Speaker, I rise today along with Congressman MICHAEL M. HONDA (D-CA) to re-introduce the Overseas Voting Practical Amendments Act which would protect the voting rights of the millions of American citizens currently living overseas. The Overseas Citizens Voting Act of 1975 guaranteed the right to vote for military personnel and U.S. citizens living overseas. However, a quarter of our men and women in the armed forces stationed overseas didn't even receive a ballot for November's election. More than half of overseas Americans that tried but could not vote, were unable to because their ballots were late or did not arrive.

Right now, far too many overseas Americans are being disenfranchised by a tangle of bureaucratic red tape. The problems are many, including delivery issues, general lack of awareness of available voter assistance programs, and archaic state voting laws. Our bill proposes simple, inexpensive fixes that will help ensure the votes of every overseas American are counted.

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TRIBUTE TO ST. MARGARET'S  
EPISCOPAL SCHOOL, CALIFORNIA  
FOOTBALL CHAMPIONS

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**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a school in my

congressional district, St. Margaret's Episcopal School, that not only excels in academics but is also distinguished on the football field. The St. Margaret's football team won the 2008 California Interscholastic Federation (CIF) Small Schools State Championship. In the championship game, St. Margaret's defeated Hamilton Union (Hamilton City) 59 to 7.

The football team is an outstanding example of hard work, determination and perseverance. They were undefeated in the 2008 season and have earned the title "Champions." The members of the winning football team include:

Team Co-Captains Jeremy Baileys, Alex Brolick, David Mothander, and Chase Smith along with teammates John Murayama, Matthew Duenes, Conner Edgcomb, Michael Schmall, Austin Holden, Brennan Smith, Kent Iizuka, Chris Adams, James Murayama, Travis Anderson, Davis Edwards, JT Carpenter, Adam Miyawaki, Justin Oh, Leo Garcia, Jeff Askin, Colfax Selby, Alfredo Valencia, Will Findiesen, Connor McClure, Max Carpenter, Brett Nicholas and Mack Santora.

The team is led by Head Coach Harry Welch; Assistants Rod Baltau, Chris Colaw, Mark Davidson, Jay Noonan, Mel Taylor, Fr. Reggie Payne-Wiens, Brent Ward, and Butch Ward; Athletic Trainer Dave Tomlinson; and Team Managers Kira Cahill, Anna Maria Carabini, Emily Furman, and Valerie Wu.

It is an honor to represent such a fine group of young people with a strong dedication to team work and academics. I know each one of them will treasure the memories of their championship season and I commend them, and the entire St. Margaret's community, for this truly great achievement.

#### INTRODUCTION OF THE WIND INCENTIVES FOR A NEW DECADE ENERGY ACT OF 2009

##### HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. MCCARTHY of California. Madam Speaker, I am pleased to introduce the Wind Incentives for a New Decade (WIND) Energy Act of 2009, which would extend the production tax credit (PTC) over the next decade to demonstrate that we are committed to powering our nation with more alternative and clean electricity.

Electricity prices have soared more than 26 percent nationally since 2000. Wind energy and other renewable energy resources are a crucial component to ensuring that Americans have access to clean, reliable, diversified, and affordable electricity. According to the U.S. Energy Information Administration, wind energy today accounts for approximately 3 percent of electricity produced in the United States. However, wind energy capacity has the potential to significantly increase in the United States in the future—but only if we have a stable investment climate.

A clean, reliable, and renewable energy source, wind-generated electricity produces no carbon dioxide or greenhouse gas emissions. In fact, in 2007, the American Wind Energy Association (AWEA) estimated that wind en-

ergy displaced more than 28 million tons of carbon dioxide from being released into the atmosphere. A 2007 report compiled by the American Solar Energy Society indicates that widespread use of wind has the potential to displace up to 1,780 million metric tons of carbon dioxide by 2030.

By extending the PTC through 2020, my bill would create long-term fiscal stability primarily in the wind energy market. This certainty is vital to wind energy project planning and development. By providing a long-term credit, wind energy developers can attract investors and plan out schedules for project development, thereby creating an efficient and cost-effective process for allocating resources and encouraging investment in this industry. This alone has the potential to reduce the costs associated with many of these projects thereby making wind-generated electricity more competitive with other types of electricity that is generated.

The wind energy industry currently employs over 85,000 individuals and indirectly employs tens of thousands more in industry-related support services. With a current national unemployment rate of 8.1 percent, which is higher in the construction sector (21.4 percent) and manufacturing sector (11.5 percent), providing long term stability in the tax code for the PTC would help create sustainable, good-paying jobs. In fact, in 2008, AWEA estimates the wind industry invested over \$7.8 billion in wind turbines, primarily made of steel, which translated into purchases of more than \$3 billion of steel and cast iron components.

Additionally, a report published in 2007 by the U.S. Department of Energy's Lawrence Berkeley National Laboratory found that a 5- to 10-year extension of the PTC, relative to one- or two-year extensions, could reduce the cost of wind projects by up to 15 percent, result in better transmission line planning, enhance private research and development spending, and significantly increase domestic manufacturing of wind equipment thereby, creating American jobs. In addition, this report goes on to indicate that by extending the PTC through 2020, wind energy has the potential to increase in the United States from about 3 percent to 17 percent of our electricity supply by 2030.

Unfortunately, since its creation in 1992, the PTC has been allowed to expire three times, only to be retroactively renewed and extended. In addition, Congress has very nearly allowed this credit to expire many times, but then has passed 11th hour extensions of the provision. The 3-year extension of the PTC included in the recently-enacted stimulus bill is a good start; however, given the history of extending this credit, such uncertainty in this process is a major disincentive to long-term wind and renewable energy development. This situation has led to a boom-bust cycle in wind energy rather than a consistent, longterm investment in one of our nation's limitless green energy resources. For instance, information compiled by AWEA shows that each time the PTC was allowed to expire but then was reactively renewed and extended, the subsequent year wind energy installations decreased 73 percent—93 percent compared to the prior year.

Kern County, which I represent, is a model of renewable energy resources, and

Tehachapi, California, is a leader in wind energy development. In fact, the Tehachapi Wind Resources Area, located in the Tehachapi Mountains of eastern Kern, has attracted wind energy developers because, if you have ever been there, the wind blows nearly all the time through the mountain tops and valleys. Under-scoring the vast wind energy potential in this area, over 3,500 wind turbines have already been installed, which produce electricity to power more than 250,000 homes and create more than 650 jobs (both directly and indirectly) in the local communities. In addition, Kern County produces over 30 percent of the total wind-generated power in California, and accounts for about 5 percent of the total wind power generated in the United States. Even with all of this, it is my understanding there is still opportunity for significant expansion of wind power in the Kern-Tehachapi area, which some estimates put as high as bringing an additional 6,000 megawatts of wind-generated electricity online. A long-term extension of the PTC would help ensure that the Tehachapi Wind Resources Area, as well as the United States', vast potential for wind energy can be developed in a reliable and timely manner, which not only benefits Kern County, but California and the United States.

It is time for Congress to take decisive action to help ensure that Americans have reliable and affordable renewable electricity. A long-term extension of the PTC would help ensure that we can maximize the potential of our American renewable energy resources, such as wind, and create thousands of new, skilled jobs, both in manufacturing and engineering in this country.

#### VIOLENCE IN NORTHERN IRELAND

##### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. PALLONE. Madam Speaker, I rise this evening to join political leaders of Northern Ireland in condemning the recent murders of two British soldiers and a British police officer in Northern Ireland.

Two dissonant republican groups, the Continuity I.R.A. and the Real I.R.A., have claimed responsibility for the attacks. The first, on a Saturday evening, occurred when two British soldiers guarding a base outside of Antrim were gunned down. Two pizza delivery workers were also tragically injured in the attack. The second attack came on a recent Monday when gunmen shot a member of the Police Service of Northern Ireland on duty near Belfast.

This small group of political dissidents is not representative of the overall peace and unity that so many have worked so hard for since the Good Friday Agreement was signed in 1998. They should not be allowed to return us to the days of the Troubles.

I call on anyone with information on those who perpetrated these attacks to come forward so that justice can be served. Foolish attacks such as these will not put a stop to the peace process that has been gaining momentum over the last ten years in Northern Ireland.



With the news that three political dissidents were arrested this past weekend, I hope all can work towards bringing justice to these senseless murders. The arrests stirred riots by those supportive of the individuals being prosecuted. No matter what their political allegiance, these rioters should allow the police to do what is necessary to charge those that committed these crimes.

Since the power-sharing government was reinstated in May 2007, the political process has taken great strides forward. The people of Northern Ireland must pull together and ensure that the cowards who committed these crimes aren't successful in allowing their wrongs to be a political statement. After years of aggression, peace has clearly prevailed over violence in Northern Ireland and these heinous attacks will not change that.

I stand in solidarity with those who silently protested these murders last Wednesday in Belfast. These thousands of protesters across the province demonstrate that no amount of senseless violence will fracture the unity of the people in the North of Ireland.

Furthermore, it is important that violence not beget violence. Retaliation by those in the Protestant community will only exacerbate this disgraceful spell of terrorism. Peace will ultimately prevail in Northern Ireland.

With the mutual condemnation of these attacks from both sides of the political spectrum, I am hopeful that Martin McGuinness and Peter Robinson will take the lead in reinforcing their commitment to peace in the province.

Events like these recent attacks represent the past in the North of Ireland. We must be focused on developing the economy in the North of Ireland, educating children, and training workers—not reverting to the bloody violence of the past.

Madam Speaker, I hope my colleagues will join me in denouncing this recent disturbing and senseless violence in Northern Ireland. With all of the progress made since the Good Friday Agreement in 1998, the people of Northern Ireland will only accept peace as the answer. We must not allow these murderers to be successful in disrupting that goal.

#### HUNTINGTON BEACH 100TH ANNIVERSARY

#### HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. ROHRABACHER. Madam Speaker, I rise today to congratulate the City of Huntington Beach on its one hundredth anniversary. One of the most beautiful, comfortable, successful, clean, and vibrant cities of America has transformed itself from a tiny oil-producing and cow-grazing piece of land, into the vibrant metropolis it is today. The home to nearly 200,000 people, Huntington Beach, CA has become a great example of what cities across America should strive to be.

Anybody who has ever strolled along the boardwalk, played volleyball in the sand, surfed the waves, trekked out over the pier and watched the sun set know that they are experiencing something special. But leisure is

not the only thing valued in Surf City, USA. The city has established a commitment to education with 35 elementary schools, five high schools, as well as two community colleges within the city's limits. The people of Huntington Beach are also very hard workers who have labored to contribute a great deal to their city, state, country, and world. The city plays host to a diverse range of industry, from low-tech to high-tech aerospace, among them The Boeing Company. The city is also home to part of the upper stage of the Saturn V rocket, which was engineered and built by Douglas Aircraft (later McDonnell Douglas), which took the first American flights to the moon.

I must point out another aspect to this city that is near and dear to my heart, as the Chairman of the unofficial, yet powerful, House Surfers Caucus. Visit Huntington Beach, and within a short distance of each other, you will find the International Surfing Museum, the Surfing Hall of Fame, the Surfing Walk of Fame, Quicksilver, and my personal favorite, Jack's Surfboards. Every year, thousands gather on its beaches for the yearly U.S. Open of Surfing Contest. Although I'm not a competitor, it does not prevent me from getting up early in the morning, whenever I can, to join other surfers in the area, beyond the breakline, and hopefully catch a wave or two. Surfing adds a unique and important flavor to the local culture, and Huntington Beach has indeed earned its designation as Surf City, USA.

Yes, Huntington Beach has much to be proud of. The city has so much to offer that people from every corner of the world have traveled to visit or settle in this beautiful city. And who can blame them? Huntington Beach boasts one of the most beautiful coastlines in the country, amazing weather, and friendly and innovative people. Several times, the FBI has cited the city as being one of the safest communities in the United States.

Huntington Beach continues its quest for offering a great quality of life and advocating the advancement of freedom, fun, and human progress. Establishments such as Central Park, the Huntington Harbour, the Bolsa Chica Ecological Preserve, among others, are a testimony to this dedication. As this great city, Surf City, USA, celebrates its centennial, let us look to its example and work to emulate its success. I congratulate Huntington Beach on its centennial. I'm sure the next hundred will be just as grand.

#### FAREWELL, BEST WISHES, AND THANKS TO AMY SCHICK

#### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. OLVER. Madam Speaker, the Transportation, Housing and Urban Development Appropriations Subcommittee bid farewell earlier this week to Amy Schick who has served as the Subcommittee's Congressional Fellow over the past year. Ms. Schick returned to the Office of Occupant Protection and Impaired Driving at the National Highway Traffic Safety

Administration, where she will have her next assignment as part of the Presidential Management Fellow program.

The Transportation Subcommittee was fortunate to have Amy as a part of the Subcommittee team. She did a superb job researching a variety of transportation issues; preparing hearing and briefing materials; and, managing the thousands of project requests that were submitted to the Subcommittee during the fiscal year 2009 appropriations process. In addition, Amy had lead staff responsibility for oversight of the budgets of the Surface Transportation Board and the Architectural and Transportation Barriers Compliance Board.

Amy's organizational skills and unwavering positive attitude set a high standard for the Subcommittee. Her outstanding commitment to public service was evident not only in how she performed her duties on the Subcommittee but also through her dedication and brave service in the United States Army Reserves.

I am profoundly grateful for Amy's service to the Subcommittee over the past twelve months and I am confident that she will go on to achieve great things at the Department of Transportation. I, along with my Subcommittee staff, wish Amy all the best in her future endeavors.

#### PERSONAL EXPLANATION

#### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. SMITH of Washington. Madam Speaker, I mistakenly missed the vote on rollcall No. 162: On passage of H.R. 1404, the Federal Land Assistance, Management and Enhancement Act. Had I been present, I would have voted "yes."

Rollcall No. 125, On motion to suspend the rules and pass H.R. 987. Had I been present, I would have voted "yes."

Rollcall No. 126: On motion to suspend the rules and pass H.R. 1217. Had I been present, I would have voted "yes."

Rollcall No. 127: On motion to suspend the rules and pass H.R. 1284. Had I been present, I would have voted "yes."

#### TRIBUTE TO STUDENT ATHLETES

#### HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. MAFFEI. Madam Speaker, I rise today to talk about some great achievements by student athletes in my district.

This past weekend Jamesville-DeWitt boys' varsity basketball team, which is my hometown, defeated Peekskill 77-75 in Overtime to win the Class A Boys' High School basketball championship.

The 25th congressional district winning ways continue at the New York Public schools championship with Bishop Kearney boys' varsity basketball team defeating Seton Catholic

65–48 to bring home the Class B Boy's High School basketball championship.

And the women of the 25th district got into the act when Newark girls varsity basketball team defeated Albertus Magnus 75–68 to take the Girls' Class A basketball championship.

Coach McKenney at Jamesville-Dewitt, Coach Boon at Bishop Kerney, Coach Kirnie at Newark and all of the student athletes are to be congratulated on these great achievements. I wish them all the best of luck as they move on to the New York State Federation Championships this weekend in Glens Falls.

Last, but certainly not least, I am proud to say that the Syracuse Orange men's basketball team won both of their NCAA tournament games this past weekend and have advanced to the sweet 16 this weekend. To coach Boenheim, and all of the players, I can't tell you how many people come up to me in halls of Congress to talk about how great you are. I will be cheering for you as you compete for a berth in the Final Four.

All of the student athletes that compete bring my district and the whole United States great pride and I applaud you on your efforts. Keep up the good work, and Go Orange!

#### HONORING THE LIFE OF FRANK RAFLO

#### HON. FRANK R. WOLF OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 2009

Mr. WOLF. Madam Speaker, I want to share with our colleagues today the recent passing of Frank Raflo of Leesburg, Virginia. He died on March 15, 2009, at the age of 89.

A long-time resident of Leesburg, Frank was a giant in his community who made public service a priority. He was a member of the town council for several years, as well as serving as mayor for two years. During his tenure as mayor, Frank oversaw the effort to build an airport in Leesburg. He was also a member of the Loudoun County Board of Supervisors for 14 years, including a year as chairman in 1985.

Frank served his community in unelected positions as well. He was one of the charter members of the Leesburg Kiwanis Club in 1957. The club holds the annual Kiwanis Halloween Parade that local children look forward to year after year. With his wife Frances, Frank championed parks and outdoor spaces in Loudoun County. They were influential in the creation of the W&OD Trail in Leesburg, and a park along the trail was subsequently dedicated for them. In more recent years, Frank wrote a column in the local paper, the Leesburg Today.

The town of Leesburg and the Commonwealth of Virginia will greatly miss the service of their friend, Frank Raflo. His legacy will not soon be forgotten.

I would like to share an in memoriam of Frank Raflo that ran in the Leesburg Today on March 18, 2009:

[From the Leesburg Today, Mar. 18, 2009]

FRANK RAFLO: IN MEMORIAM, 1919–2009

(By Margaret Morton)

Small in physical stature, but towering in intelligence, integrity and love of commu-

nity, Frank Raflo, who died Sunday at age 89, was one of the pantheon of legendary Loudoun leaders during the second half of the 20th century.

All this week, tributes poured in for a man whose breadth of interests was phenomenal. A generous dispenser of advice for others making their way in the world, Raflo retained all his long life a curiosity into what made people and institutions tick.

Blessed with a sharp brain, with a penetrating eye for fiscal detail and a consuming interest in all that went on around him, Raflo lived an extraordinary life in which he had a number of careers—businessman, journalist and columnist, author, radio commentator and local elected government representative.

In his later years, Raflo's column, Just Being Frank, in Leesburg Today, in which he dispensed his particular brand of down-home wisdom, had a loyal following. Readers were drawn to his often whimsical but always knowledgeable observations on a variety of subjects, ranging from the quirks of human beings, government malfeasance, the price of coffee, hemlines going up or down, how to find good tomatoes or a good shovel, whether a sale price was a true sale or not, and so on. In addition, Raflo wrote a number of books detailing Leesburg's and Loudoun's history, among the best known being Within The Iron Gate.

Serving on both the Leesburg Town Council and the Board of Supervisors, Raflo's love of both was remarkable. Director of the Loudoun Office of Transportation Services Terrie Laycock, who started work with county government in 1977 as an aide to board members, worked closely with Raflo, who served on the county board from 1972 to 1986, including as chairman in 1985. "You never questioned that his motives were anything other than for the good of Loudoun County: No politics, no personal advancement, it was always from his perspective for what he felt was best for the county," she said.

He was a dedicated Democrat and an equally dedicated Kiwanian, a charter member of the Leesburg Kiwanis Club, and founder of the Kiwanis Halloween Parade in Leesburg.

Growing up in Leesburg, Raflo attended Leesburg High School where he always was at, or near, the top of his class. That keen intellect led to his being accepted into the College of William and Mary in Williamsburg, from which he graduated as a Phi Beta Kappa student.

As a businessman, Raflo and his wife, Frances, operated a women's dress shop on South King Street, a characteristic partnership in all his endeavors that that lasted until Raflo's death. Loudoun Museum Executive Director Karen Quanbeck remembered her days on The Fashion Board at Loudoun County High School.

Raflo created the group, comprised of junior and senior girls who would model fashions from his store at charity fashion shows, typically on weekends, Quanbeck recalled. "It takes a lot to get teenage girls out of bed at 6 a.m. on weekends, and make it fun." She recalled Raflo as "very jolly and very supportive of the girls on the board. He was always interested in us and what we were going to do with our lives."

A strong believer that local government was the most effective form of public service to be found, Raflo served two terms on the Leesburg Town Council from 1949–1951 and 1953–1955, as well as serving as mayor from 1961–1963.

Whether or not people agreed with him, "they always knew where he stood," his son

Alan said this week, recalling the tales of many battles that came home with his father during his years of public service.

Raflo enjoyed a long working partnership with the late B. Powell Harrison, who, while never an elected official, shared many similar ideas about the future of Leesburg and the county. Harrison's widow, Agnes Harrison, recalled the long partnership between the two men, who worked together on many projects to better both the town and the county. Their offices were next door to each other, and, both being notable talkers, "they would meet on the street on the corner and discuss many, many things," she said. "If everyone who lived in Leesburg were as public minded as Frank Raflo it would be an even better place than it is," she said.

Alan Raflo similarly recalled his father talking to everybody he met on the street in his retirement. When once he asked him whom he was waving to, his father replied, "Oh, I wave to everybody."

Both Agnes Harrison and longtime friend Mac Brownell recalled the courage shown by both Raflos in the face of family tragedy, having lost two of their children in car accidents. "They suffered serious sadness and disappointment, but they kept going. They were a brave couple," Harrison said.

"I always had great respect for Frank. I saw a side of him that so touching, that people didn't often see, particularly the way he spoke about children. He had a very tender heart," Brownell said.

Laycock also spoke of Raflo's interest in those who were less fortunate, whether from a financial standpoint, or if they had physical or mental disabilities. "He was always looking out for those who often don't have opportunity," Raflo felt that whenever possible patient should be brought out of mental institutions, "deinstitutionalizing" them and returning them to their communities. "He felt strongly that if people could stay near their families or where they'd grown up, they would have a better quality of life," Laycock recalled.

Among the many awards and honors Raflo received in his lifetime was one he received in 2003 and treasured highly—the highest award granted by the Kiwanis Club. Neatly suited during his government days, Raflo would always wear his Kiwanis button on his lapel.

The lifelong public service of Frank and Frances Raflo also was recognized by the Town of Leesburg in the naming of the park along Harrison Street at the W&OD Trail in their honor.

Former Farmwell Middle School principal Rocky Fera called him "Mr. Kiwanian." Fera accompanied Raflo on a 1992 Kiwanis trip to Lithuania, from whence Raflo's family originated.

Describing Raflo as "a bit of gadfly, with his fingers in everything and as smart as can be," Fera joined the Kiwanis in the 1970s and got to know Raflo well.

When Lithuania broke away from the Soviet Union, "Frank pitched to the club: 'We need to take the notion of service clubs to this new nation.'" Fera's responsibility on the trip was to "take care of Frank, keep him out of trouble, and not let him go off on some tangent."

It was a great trip, Fera said, saying he thought of Raflo as a father figure. "He was just a fine man. I looked up to him."

Raflo's love of his hometown was deep. A scrappy fighter, he was "such a fierce defender of Leesburg on all levels, pulling no punches to make sure the town's position got protected," Loudoun attorney Liz Whitling recalled.

Leesburg Realtor Tom Jewell, owner of Carter Braxton Real Estate Company and a longtime admirer, said Raflo "brought Leesburg out of the Dark Ages" and was the most important county leader during the second half of the last century. "He always had his facts together. He never went into a meeting unprepared."

One of Raflo's signal victories was construction of Leesburg Airport at Godfrey Field. As mayor, Raflo presided over the controversial effort to build the airport, in partnership with council members George Hammerly and Stanley Caulkins. Although the faction supporting the airport was defeated by future Mayor Kenny Rollins and his supporters in May 1963, the airport did get built-just.

"Leesburg got within one day of not having an airport," Caulkins recalled with a chuckle. "We signed the contract with Earthwork Construction and the FAA, and the next day we were voted out of office." It was after that ousting, and before the new council took office, that "we decided the town had to have a manager and could not elect a whole new slate at once," Caulkins said. The new structure, in place today, consisted of electing mayors every two years and council members for four, staggered, terms.

Caulkins praised Raflo as being "very, very dedicated, and community spirited," noting he was responsible for getting \$50,000 for the new wing of Loudoun Memorial Hospital, introduced the first two-way radios in Loudoun, and the first ambulance in Loudoun—"a big old Cadillac."

In addition, Raflo was the first town businessman to permit the use of credit cards in his store, Caulkins said, recalling the almost universal derision then greeting the innovation.

After serving on the Leesburg Town Council, Raflo ran for the Board of Supervisors, where he served from 1972 to 1986. He also served on the Virginia Commission for Local Government for many years, having been appointed by both Democratic and Republican governors to that post, where his experience in local government planning and budgets aided other communities around the Commonwealth.

Raflo's son recalled his father was a firm believer in "planning for growth," and his earlier work in Leesburg would "culminate in his years serving on the Board of Supervisors in the 1970s and 1980s. He was an early advocate of capital improvements and adequate public facilities planning to service growth, particularly water and sewer, as well as ensuring quality and sufficiency of water."

"He worried about approving houses if the infrastructure were not there," according to his son. Several colleagues agreed, citing his frequent comments on community planning that "you will grow to the capacity of your toilets" and "if you can't flush, you can't build it"—highlighting the essential role in utility service in community development. His interest in being prepared to manage growth responsibly led him to join other county leaders on a trip to England to look at planning progress there in 1972. The trip was organized by Powell Harrison, founder of the Piedmont Environmental Council.

Raflo's interest in tying adequate infrastructure to housing approvals presaged repeated efforts by county boards into the 1990s to seek state enabling legislation to adopt the local growth controls, each meeting without success.

Among the champions of that effort was Supervisor Jim Burton (I-Blue Ridge). "We

had many good conversations about it," Burton said. "I had a lot of respect for him."

Burton recalled the deliberations of the Leesburg Restaurant lunch group, of which Raflo was a member, as the town's political, judicial and business leaders met each day at the diner's large table, "solving the problems of the world."

In her years providing assistance to board members, Laycock recalled Raflo's frustration with constant comments by staff members that the board had to have studies and analyses before they could decide on various topics. Raflo's response was to "come into the board meeting, pulling a kid's wagon behind him, with a stack of studies in it. He loved to do theatrics to prove his point."

Jim Brownell, who served on the county board for 30 years called Raflo "such an interesting fellow" and "the hardest working member of the board in my time."

"He was always real good with figures, and very intense with it. He always wanted to be right," Brownell laughed as he recalled Raflo's constant visits to then Director of Finance Kirby M. Bowers for information.

Bowers, who will retire as county administrator April 1, Tuesday recalled Raflo as a tough budget reviewer. "Men I was budget manager he was in my office almost every day."

"Frank would go to see him and find out what was going on, so often, that Kirby finally had to go to [then] County Administrator Phil Bolen and say, 'Mr. Raflo's always here. I can't get my work done!' That led to a resolution that no one supervisor should go to see a department head 'about anything,'" Brownell said.

Former Loudoun Supervisor and, later, State Senator Charles Waddell recalled Raflo used to do the same with Bolen, constantly going to him with "big ideas" on policy change. "Phil's standard reply was, 'Frank, do you have five votes?'" He rarely did, Waddell said.

"He was as honest as the day was long. He had no hidden agendas. He was very hard working and if anyone was 'government,' he was it," Brownell recalled. "I always thought of him as my best friend," Brownell said, laughing, as he recalled a common description of the two colleagues as "Frank as the bantam rooster and me as the old setting hen."

Hard working as he was, Raflo always had time to help others. Waddell first met Raflo in 1963 several years after coming to live in the county. That year, he became chairman of the Loudoun County Democratic Committee. In 1967, Waddell ran successfully for the Board of Supervisors, joining Brownell as freshmen members. "He was a great help to me in my campaign as Democratic chairman and also as a member of the board."

Raflo's assistance did not stop there, as Waddell recalled he helped him in his initial campaign for the state senate and afterward.

Waddell said he recalled to Raflo years later going to the dress shop on King Street for help on speeches or statements, and Raflo would say, "Charlie, come on downstairs to my office," then proceed to translate Waddell's ideas into correct prose on his trusty Underwood typewriter.

"He was a detail man on the budget, which was his specialty. He always said, 'It must be necessities, not niceties,'" Waddell remembered. Describing Raflo as a "brilliant man," who could be a little abrasive and controversial at times, "there was a lot of substance in what he did," Waddell said. A favorite saying of Raflo's was "hold on to your tax bills, they'll never get any smaller."

"He cut out a niche for himself, he made a difference in the last half of the 20th century."

It's not widely known that Raflo was instrumental in the creation of the W&OD Trail and securing parks for Loudoun County, including Algonkian Park.

Purcellville Councilman and longtime member of the Northern Virginia Regional Park Authority Board of Directors Jim Wiley recalled he and Raflo were the first two appointed members from Loudoun to that board.

"He was the father of regional parks in Loudoun," Wiley said, noting that Raflo and Brownell were responsible in 1972 for NVRPA coming to the county.

Wiley was then chairman of the county's advisory board for parks and recreation. "The supervisors kept promising us \$100,000 per year for parks, but it never came through," Wiley said. Then, the park authority offered to do regional parks for the county. To Wiley's frustration, the supervisors turn down that offer, too.

"So, in a huge fury I publicly resigned," Wiley recalled. The next day, he got a call from Brownell. "I met with him and with Frank. They had decided it was a good idea after all, and we both got appointed to the [NVRPA] board." That was in 1973. Raflo became a "great park advocate," Wiley said, and the governmental spokesman for Loudoun until his resignation in 1986.

Raflo was very much involved with both land purchases—for the W&OD and Algonkian Park.

"We had some great conversations, we rode back and forth together to NVRPA meetings," Wiley said. "He was extremely effective, a great communicator, who got along with everyone, and always meant what he said."

As dear to his heart as parks became, Democratic politics was a true avocation.

Longtime Democratic activist and former member of the Loudoun Electoral Board Til Bennie termed Raflo "a true Democrat, who stuck by his principles, never bent, even when under pressure to do so." She recalled that the Young Turks of the party sometimes would "poo poo his ideas," and showed irritation with Raflo's tendency to tell stories.

"They'd strum their hands on the table and dismiss him because it was all so whimsical, but he was so often proved true."

Raflo would say that the Democratic Party was sliding down the tube in Virginia, "and it did," Bennie said, recalling that Raflo kept telling the party it would have to do things differently if it were to succeed.

"He was always looking into the future, and had enormous experience. And he was often right."

Raflo was the son of Joseph Raflo and Fannie Bulitsky Raflo. He was predeceased also by his daughter Joe Raflo; son Philip Raflo; and brother Harry Raflo. He is survived by his wife Frances Atwell Raflo; sons Paul Raflo of Stevensville, MD, and Alan Raflo of Blacksburg; grandson John-Paul Raflo; and great-grandchildren Josephine, Luke, and Delaney. Funeral services were held at 11 a.m. Thursday at Congregation Sha'are Shalom in Leesburg, followed by interment at Union Cemetery. Memorial contributions may be made to be sent to Leesburg Kiwanis, PO Box 445, Leesburg, VA 20178; Attention Bob Wright; Leesburg Volunteer Fire Company, PO Box 70, Leesburg, VA 20178; or Capital Hospice, 209 Gibson St. NW, Suite 202, Leesburg, VA 20176.

THE INTRODUCTION OF THE  
AMERICAN DREAM ACT OF 2009

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. BERMAN. Madam Speaker, I rise this afternoon to talk about the American Dream Act, a bill that I have introduced today with my long-time partners in this endeavor, Representatives LUCILLE ROYBAL-ALLARD and LINCOLN DIAZ-BALART. We are joined in our effort by a bipartisan group of dedicated original co-sponsors. I believe that all of us have come to this effort for the same reason—to keep our country from squandering the promise of thousands of young people who have been raised here, worked hard in school, and would like to pursue higher education or serve their country in the military. These students face tremendous obstacles in reaching their potential because, through no fault of their own, they exist in a legal limbo with no way to adjust their immigration status.

In America, we value every young person. We reward hard work and good moral character. We value the drive to continue one's education, and we don't penalize children for the misdeeds of their parents. But current federal law punishes many children for the decision that their parents made to bring them to this country. Now, when these young people finish high school, their choices are few: they can try to find work illegally in order to support themselves or they can hope to somehow continue their education while under a legal cloud. They consider themselves Americans because this country is the only home they've ever really known, but their lives are filled with uncertainty and their future is limited so long as they have no legal status.

This is a travesty. It means that their communities—the communities that they have grown up in and call home—will never fully reap the benefits of their abilities. We have set up obstacles to their success at every turn, and our goal here today is to find a way to ensure that we don't waste their potential.

My own interest in this issue was intensified when a family near my district wrote to me asking for help for a young undocumented student. This young woman was brought to the United States by her mother when she was a small child. She attended public schools in California, where she was an honors student in high school, received awards for her outstanding community service, and graduated with a near perfect grade point average. When it came time for her to go to college, she found that she was ineligible not just for federal financial aid, but for in-state tuition as well. But this young woman was one of the rare undocumented students in this country fortunate enough to get help from a private source. She participated in a community mentoring program through which she met a couple who came to consider her a part of their family after working with her for many years. They couldn't bear to see this young woman give up her dreams simply because the federal government wanted to punish her for the decision her mother made to bring her to this country illegally. This young woman, with the

help of her community and friends, was able to go to college in California and graduated with honors. She was then admitted to graduate school, but was unable to attend because the program to which she was admitted could not give her the tuition waiver it customarily offers to students of her caliber. This young woman was extraordinarily lucky to get the help she did in paying for her undergraduate education, but in the end, she was in the same place she was before she entered school. She was undocumented and had no reasonable means to adjust her status.

Shortly before I encountered this young woman's family, an outstanding young man in my district was brought to my attention because he wanted very much to get an appointment to one of the military academies and serve his country. He was a successful high school student and would have made an excellent appointment. But shortly into the process, it was determined that though he had lived in the United States for most of his life, he was undocumented and wouldn't have been able to accept the nomination. A few weeks after this occurred, I was at a dinner where I happened to be seated next to the Secretary of the Army. I related the situation to the Secretary over dinner, and we discussed what a waste it was to have to turn away a young man with such promise and dedication. A few days later I got a letter from the Secretary expressing interest in finding a way to let young people like my constituent who feel the call to serve their country, do so.

These are the young people who motivated me to introduce this bill, and there are students like them in nearly every congressional district in the country. Every year I see private bills that Members have introduced for constituents in this same situation because there is no other relief available to them in our broken immigration laws. I could have done the same for my constituents too, but I quickly came to realize that there was a much bigger issue to address. I would ask my colleagues who introduce these private bills to broaden their focus. Instead of seeking to help just one young person, we should fix the underlying problem.

It is almost a mantra in this country. Parents tell their children: work hard, get your education, and you will succeed. For undocumented immigrant children, this turns out to be a cruel hoax. These young people are in many ways, first generation Americans. They were raised here by immigrant parents. They don't remember their parents' country of origin or feel any tie to it any more than first-generation American citizens do. When we first introduced this legislation, I frequently received letters from students who told me that they grew up believing they were U.S. citizens. They had no knowledge that they'd been brought here illegally until they applied for federal financial aid for college and they were turned down because their social security number doesn't match their name. Their parents never told them.

We are not the only ones who see the need to act. The plight of these students has been addressed by several state legislatures around the country. More than a dozen states have enacted laws to provide in-state tuition at public colleges and universities for students who

have attended high school in their state. In the absence of federal action, they've done what they can to help students in their communities.

We've heard from guidance counselors and teachers who work with undocumented students and they tell us that once these students learn that they are, for all purposes, barred from attending college, their academic performance begins to slip, and their drive to excel devolves into disinterest. This is the time when dropout rates begin to soar, and it is the time that we should step in and ensure that these students reach their potential to become productive citizens of our country.

It makes no sense to me that we maintain a system that brings in thousands of highly-skilled foreign guestworkers each year to fill a gap in our domestic workforce, and at the same time do nothing to provide an opportunity to kids who have grown up here, gone to school here, and want to prepare themselves for these jobs or serve their country in the military. This is the illogical outcome of our current immigration laws that the Dream Act will fix. I encourage my colleagues to join us in this effort.

Finally, Madam Speaker, I want to add that the issues addressed in the American Dream Act are just a fraction of the problems in our immigration system. The Dream Act came about because our immigration laws are, and have been for some time, broken. It is very important that we pass this piece of legislation this year. But it is my fondest hope that we will put together a comprehensive immigration reform package that includes the Dream Act as it was introduced today, and it is my intention to work for and pass that comprehensive immigration reform package this year.

CRIMINAL CODE MODERNIZATION  
AND SIMPLIFICATION ACT OF 2009

**HON. F. JAMES SENSENBRENNER, JR.**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. SENSENBRENNER. Madam Speaker, the Criminal Code Modernization and Simplification Act revises the criminal code to update, simplify and consolidate many of the criminal provisions in Title 18 of the United States Code. It has been over 50 years since the criminal code was last revised. The existing criminal code is riddled with provisions that are either outdated or simply inconsistent with more recent modifications to reflect today's modern world. I introduced this Act in both the 109th and 110th Congresses. This new version incorporates criminal laws enacted during 2007 and 2008.

This measure is intended to continue the dialogue and process for rewriting the criminal code, with the hope that other Members, the Senate, the judiciary, the Justice Department, criminal law professors, and other interested professionals will provide input and seek to develop a more comprehensive re-write.

With the increasing federalization of local crimes, there is a need to review and revise Title 18 to ensure that such federalization is minimized and tailored to appropriate crimes where State and local prosecutions may not

adequately serve the public interest. Federal prosecutions constitute only seven percent of the criminal prosecutions nationwide. We need to ensure that the federal role continues to be limited and that the State and local offenses are not subsumed within an ever-expanding criminal code.

Through the years, the criminal code has grown with more and more criminal provisions, some of which are antiquated or redundant, some of which are poorly drafted, some of which have not been used in the last 30 years, and some of which are unnecessary since the crime is already covered by existing criminal provisions.

This bill cuts over 1/3 of the existing criminal code; reorganizes the criminal code to make it more user-friendly; and consolidates criminal offenses from other titles so that title 18 includes all major criminal provisions (e.g. drug crimes in title 21, aviation offenses and hijacking in title 49).

To the extent possible, and for the most part, I applied a policy-neutral intent, meaning that changes were made to streamline the code in an effort to assist policymakers, practitioners (judges, prosecutors, probation officers) and other persons who rely on the code to implement criminal law enforcement and compliance. However, two general policy changes were made: (1) attempts and conspiracies to commit criminal offenses are generally punished in the same manner as the substantive offense unless specifically stated otherwise; and (2) criminal and civil forfeiture and restitution provisions were consolidated unless a more specific policy was adopted for a crime.

Creating a Uniform Set of Definitions for the Entire Title—In reviewing the code, there were instances where terms were defined differently. In most cases there was no evident policy basis for different definitions. To eliminate this problem, a common set of definitions was established in the first section of the revised code.

Revising the Intent Requirements—The Supreme Court has consistently criticized Congress for imprecise drafting of intent requirements for criminal offenses. In numerous occasions, improper drafting has led to confusion in the courts, requiring further modifications to clarify Congress' intent.

Courts and commentators alike have denounced the use of "willful" in statutes because of the word's inherent ambiguity. The term "willful" can have different meanings in different contexts and thus is a vague term defying uniform definition. Therefore, because the Government has a duty to provide clear notice to the public regarding what behavior constitutes a crime, use of the "willful" language in statutes should be avoided.

The U.S. Supreme Court explained that the term "willful . . . is a word of many meanings, its construction often being influenced by its context." *Spies v. United States*, 317 U.S. 492, 497 (1943). See also *United States v. Murdock*, 290 U.S. 389, 395 (1933) ("Aid in arriving at the meaning of the word 'willfully' may be afforded by the context in which it is used."). The looseness of the definition is demonstrated in the many different interpretations of the word "willful" in federal statutes.

Courts have described "willful" as meaning a high degree of culpability, such as a bad or

evil motive. E.g., *United States v. Harris*, 185 F.3d 999, 1006 (9th Cir. 1999) ("[T]he act to be criminal must be willful, which means an act done with a fraudulent intent or a bad purpose or an evil motive."). But cf., e.g., *Nabob Oil Co. v. United States*, 190 F.2d 478, 480 (10th Cir. 1951) (holding that "such an evil purpose of criminal intent need not exist" for a "willful" violation). The term can mean that a person must have actual knowledge that his actions were prohibited by the statute. E.g., *Ratzlaf v. United States*, 510 U.S. 135, 141–42 (1994) (interpreting "willful" to require "both 'knowledge of the reporting requirement' and a 'specific intent to commit the crime,' i.e., 'a purpose to disobey the law.'")

Courts and commentators have decried the confusion that follows use of the word "willful" in statutes. The lower courts repeatedly cite the fluctuating meaning of the term "willfully," which has "defied any consistent interpretation by the courts." *United States v. Granda*, 565 F.2d 922, 924 (5th Cir. 1978). Judge Learned Hand criticized use of the term "willful" in statutes: "It's an awful word! It is one of the most troublesome words in a statute that I know. If I were to have the index purged, 'willful' would lead all the rest in spite of its being at the end of the alphabet." Model Penal Code and Commentaries, §2.02, at 249 n.47 (Official Draft and Revised Comments 1985) (citing A.L.I. Proc. 160 (1955)). Indeed, the drafters of the Model Penal Code, for example, deliberately excluded the term "willfully" in the definition of crimes, stating that the term "is unusually ambiguous standing alone." Model Penal Code §2.02 explanatory note at 228 (Official Draft and Revised Comments 2005).

The revised criminal code employs a straight-forward approach—where possible, the term "knowingly" is used to define the requisite intent for every crime, except for those criminal offenses that require some additional, and more specific, intent. Each offense starts with "knowingly" and then adds, if necessary, some additional intent requirement (e.g. specific intent crime).

The term "knowingly," means that the act was done voluntarily and intentionally and not because of mistake or accident. It would be incorrect to suggest that the term means that the actor must realize that the act was wrongful. See e.g., *Bryan v. United States*, 524 U.S. 184 (1998), the Court explained: [T]he term "knowingly" does not necessarily have any reference to a culpable state of mind or to knowledge of the law. As Justice Jackson correctly observed, "the knowledge requisite to knowing violation of a statute is factual knowledge as distinguished from knowledge of the law;" *United States v. Udofot*, 711 F.2d 831, 835–37 (8th Cir. 1983); *United States v. Gravenmeir*, 121 F.3d 526, 529–30 (9th Cir. 1997); *United States v. Tracy*, 36 F.3d 187, 194–95 (1st Cir. 1994), cert. denied, 115 S. Ct. 1717 (1995).

Under the doctrine of "willful blindness," a defendant may have knowledge of a fact if the defendant deliberately closed his eyes to what would otherwise have been obvious to him. *United States v. Hauert*, 40 F.3d 197, 203 (7th Cir. 1994), cert. denied, 115 S.Ct. 1822 (1995) (ruling that the older "ostrich" instruction is not error, but not preferred); *United States v. Ramsey*, 785 F.2d 184, 190 (7th Cir.), cert.

denied, 476 U.S. 1186 (1986); *United States v. Arambasich*, 597 F.2d 609, 612 (7th Cir. 1979); *United States v. Gabriel*, 597 F.2d 95, 100 (7th Cir.), cert. denied, 444 U.S. 858 (1979). *United States v. Dockter*, 58 F.3d 1284 (8th Cir. 1995).

Eliminated Criminal Offenses that Have Not Been Used in Last 30 Years or Are Subsumed by Other Criminal Offenses—As described below and for each section, the revised code eliminated sections that had not been used by the Justice Department. Even in the absence of any significant use, some offenses were kept even if they were not used but for policy reasons need to be maintained to deter the commission of the crime (e.g. Assassination of a Supreme Court Justice).

Also, in reviewing the existing code, there were many specific crimes that were already covered by more general provisions. Typically, the more specific provisions were added to the code after the general provision was enacted, and there was no substantive difference in the newer and more specific offense.

This project required significant resources and assistance from the Legislative Counsel's Office, and in particular, Doug Bellis, the Deputy Counsel of that Office, and Caroline Lynch, Chief Republican Counsel, Subcommittee on Crime, Terrorism and Homeland Security, both of whom devoted substantial efforts to preparing this bill and should be commended for their extraordinary efforts.

#### HONORING KARIN BROWN

#### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a very special lady from the State of Florida, Karin Brown. She has dedicated her life to being an exceptional educator, community activist and fighter for Florida's children.

Karin currently serves as the President of the Florida Parent Teacher Association, an organization to which she has dedicated many years of service at both the local and state level. A wife to Bill Brown for nearly 40 years, mother of five and grandmother of three, she has made it her life mission to create a healthy relationship between students, parents and teachers and ensuring a stable environment in the classroom and at home for children. Her civic involvement includes serving on various community advisory boards, governing boards, task forces and as a liaison to organizations all focusing on child development, education and well being.

During my years in the Florida State Senate, I worked closely with Karin when she was Vice President of Protect America's Children in passing the Jennifer Act. This legislation, which I sponsored and became law in 1997, makes any credible threat or attempted assault of a minor 16 years of age and under a third degree felony.

In 1982 Karin and her husband found out that they were expecting their fifth child. The doctors also handed Karin a life-threatening diagnosis of Arterial Vicious Malformation on

the left side of her brain. Karin and her son survived and one year after giving birth, she successfully overcame more than nine hours of brain surgery. She does not see her handicap as an ailment; on the contrary, it motivates her to continue serving the community and working for children.

As we celebrate Women's History Month, I ask you to join me in congratulating Karin Brown, a woman who lives her life with courage, a will to live, and a genuine passion to serve others.

#### EARMARK DECLARATION

### HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009:

Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Department of Education, National Projects; Innovation and Improvement

Entity Requesting: Reading Is Fundamental, Inc., 1825 Connecticut Avenue, N.W., Suite 400, Washington, DC 20009

Description of Earmark: \$26 million is provided to Reading Is Fundamental, Inc. (RIF). RIF is one of our nation's oldest and largest children's literacy organizations. RIF partners with thousands of schools, public agencies, nonprofit organizations and corporations throughout our country and provides millions of underserved children with free books and reading encouragement from over 20,000 locations. Over the past 4 decades, RIF has provided books to more than 300 million children. RIF encourages reading both inside and outside of school by allowing youngsters to select books to keep at home.

RIF's Inexpensive Book Distribution Program: This program provides books for low-income children and youths from infancy to high school age and supports activities to motivate them to read, through aid to local nonprofit groups and volunteer organizations.

Spending Plan: Nearly 89 percent of RIF's 2007 federal funds were used to purchase books and RIF was able to use this as leverage to raise an additional \$8.6 million from local communities to support book ownership. With the help of Congress, RIF was able to provide more than 16 million books to 4.6 children last year.

#### A TRIBUTE TO TRACYE RAWLS-MARTIN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Tracey Rawls-Martin.

Tracey Rawls-Martin, proud daughter of Henry Sr. and Shirley M. Rawls, wife of Arnold V "Woody" Martin, stepmother to Brittney D. Clarence and "Nana T" to Woody's oldest daughters' son, Charles Lovell 3rd.

Tracey Rawls-Martin, MS ATC is a Certified Athletic Trainer and one of 5 African American Athletic Training Education Program Directors in the United States. She is "mother," advisor and professor to more than 16 Athletic Training Students within the BS/MS Degree Program in Athletic Training & Sports Sciences at Long Island University Brooklyn Campus. She began her academic career as a Dance Education major and progressed to a Pre-Physical Therapy major and finally fell in love with an Athletic Training major. After completing two semesters in the Pre-Physical Therapy program at Kingsborough Community College, she decided it was time to move on to a more exciting and productive field—the field of Athletic Training and Sports Sciences. The field of Athletic Trainers was made for her because it is designed for Health Care Professionals who specialize in prevention, assessment, treatment and rehabilitation of injuries and illnesses that occur to athletes and the physically active. All Certified Athletic Trainers must have at least a bachelor's degree in athletic training, which is an allied health profession, must pass a comprehensive exam before earning the ATC credential, must keep knowledge and skills current by participating in continuing education and must adhere to standards of professional practice set by a national certifying agency.

The combination of dance education & athletic performance was a winning combination for her personality because she loves helping people, teaching, watching and participating in sports. In addition to nurturing her students through academic requirements for the program, she has had the honor and privilege of working with over 1000 athletes worldwide; high school, junior college, division one collegiate athletes, semiprofessional and professional. Her current responsibilities as Director of Athletic Training Education Programs at Long Island University, Brooklyn Campus include teaching (18 credit hours teaching a variety of sports medicine topics which include risk management, injury prevention, orthopedic examination & diagnosis, medical conditions and disabilities, acute care of injuries and illnesses, therapeutic modalities, conditioning, rehabilitation exercise and pharmacology, psychosocial intervention and referral, nutritional aspect of injuries and illnesses and health care administration), administrative (direct and administer BS/MS Degree Program and Advanced Master's Degree program in Athletic Training and Sports Sciences, maintain guidelines and standards set forth by the accrediting agency, work with the Clinical Coordinator to establish and maintain affiliations, conduct and publish research/scholarly activities in areas of expertise, advise students, develop and implement internal/external marketing strategies for the Athletic Training Education Programs, assist in the recruitment of faculty, continue to encourage good citizenship and professional conduct among all students and faculty so as to promote the best interest of athletic trainers, maintain continuing education credits, participate/coordinate and

conduct committees within the Division, School of Health Professions, the University and the Brooklyn Committee), service (active member with the local, regional and national athletic training organizations, Athletic Training Students Club/Members and Faculty noted on national website, Instructor for American Heart Association, Book Reviewer for Lippincott Williams and Wilkin publishing company, participant in several health events for children, i.e. TEAM L.I.U.-Teenagers Educated About Asthma Management).

In addition, Tracey Rawls-Martin is an entrepreneur and a top executive for one of the world's largest direct selling telecommunications providers. On a part time basis she has reached the first earned executive position in the company. She is well on her way to helping hundreds and thousands of individuals achieve financial freedom and continue to live out their life long dreams whether it is to have more time with their families or to explore the beaches of the world.

Tracey will continue to pursue her passions and would like to contribute her success to the Lord, her family and her students. She will not rest until she has fulfilled her life's long mission—to take care of children of all ages, to feed them, clothe them, teach them and love them; in the end to develop a place they can call home and a place they can always return to a "University for Children."

#### A TRIBUTE TO MR. JITEN SHAH

### HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. GUTHRIE. Madam Speaker, I rise today to honor Mr. Jiten Shah for his service to western Kentucky. He has effectively served as the Executive Director of the Green River Area Development District (GRADD) since 1987, where he has worked to create economic opportunity for this mostly rural region.

Recently, Federal Computer Week recognized Mr. Shah as one of the magazine's Federal 100 of 2009. This award recognizes the top executives from government, industry, and academia who had the greatest impact on the government information systems community in 2008.

Mr. Shah was the driving force for the creation of ConnectGRADD, Inc., a regional broadband internet network. This extraordinary enterprise brought affordable, high-speed wireless Internet to a rural seven county region, which is larger than the state of Delaware. Mr. Shah developed the plan and built the coalition of support to make this project a reality.

By providing a united vision and strong advocacy, Mr. Shah helped level the playing field for the 212,000 residents of these seven counties. Now, this region is in a better position to spur economic development and entrepreneurship among its residents.

Mr. Shah's outstanding effort is an example for all Kentuckians to follow. I thank Mr. Shah for his commitment to the people of western Kentucky.



## TRIBUTE TO LEROY BROOKS

**HON. TRAVIS W. CHILDERS**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. CHILDERS. Madam Speaker, I rise today to recognize Supervisor Leroy Brooks from my home state of Mississippi. Supervisor Brooks will be celebrating 25 exceptional years of committed public service.

Mr. Brooks has served as a Supervisor in Lowndes County, Mississippi for the past 25 years. During that time he has dedicated his efforts to improve the quality of life for the people of Lowndes County. He is the longest serving Supervisor in Lowndes County history, and I wish to thank him for his career and dedication to our great state of Mississippi and the Lowndes County community. Please join me in congratulating Mr. Brooks for this accomplishment.

## PAYING TRIBUTE TO SULLIVAN COUNTY, NEW YORK

**HON. MAURICE D. HINCHEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. HINCHEY. Madam Speaker, I rise today to honor and pay tribute to the County of Sullivan in New York State on the occasion of its Bicentennial. I am delighted to add my voice to those recognizing this milestone, and I am proud to join the residents of Sullivan County in commemorating this significant anniversary.

Created from neighboring Ulster County on March 27, 1809, Sullivan County was named in honor of American Revolutionary War leader, Major General John Sullivan. Since that time, Sullivan County's natural beauty and abundance have greatly influenced its development. Early settlers focused their efforts on tapping the generous natural resources of the region and building vibrant timber, bluestone, and tanning industries. These early commercial activities were replaced by growing agriculture and tourism sectors starting in the mid-Nineteenth Century. Sullivan County also served as an important transportation corridor and link between the Hudson and Delaware Rivers. Transportation projects such as the Newburgh-Cochection Turnpike, the Delaware & Hudson Canal, and the New York & Erie Railroad helped to develop the region and fuel the expansion of metropolitan New York seventy miles to the County's south.

The first of Sullivan County's grand hotels was constructed in 1846 and over the next century, hundreds of additional hotels, camps, bungalow colonies, and resorts were constructed. During the peak decades of Sullivan County's resort industry, the communities in the Catskills surged each summer with an influx of families looking to enjoy Sullivan County's tremendous beauty and many offerings. The County became increasingly popular as a vacation destination for Jewish families, who helped to build up the entertainment and hos-

pitality industry that came to define the Catskill region. Sullivan County became widely known as part of the Borscht Belt, and its resorts and hotels helped to launch the careers of many of this country's most beloved comedians and entertainers in the decades following the Second World War.

Sullivan County is renowned for its profound beauty and tremendous natural assets, including the picturesque Catskill and Shawangunk Mountains and Delaware River Valley. The Delaware River Valley in Sullivan County is designated by the National Park Service as part of the Upper Delaware Scenic and Recreational River and recognized for its incredible recreational, historic and cultural resources. This River corridor, located in close proximity to the New York metropolitan area, continues to attract many thousands of visitors who are drawn by the area's fishing, hunting, boating, golfing, and other activities.

Tourism remains a vital part of the economy for Sullivan County today. As the birthplace of fly-fishing, the County continues to attract sportsmen from around the world to the area's famous trout streams. The Town of Bethel in Sullivan County, once the site of the legendary Woodstock Music Festival in August 1969, now hosts the stately Bethel Woods Center for the Arts, which attracts nationally renowned performers. Sullivan County has worked diligently to build upon its historic legacy and its impressive surroundings and revitalize its economy with new industries, including green technology and a new generation of hospitality businesses.

Madam Speaker, I am delighted to offer my congratulations and best wishes to the residents and businesses of Sullivan County as they celebrate this Bicentennial and as they continue to build upon the region's rich history to ensure that Sullivan County remains an extraordinary place to live and to visit.

## HONORING COLONEL MARY BETH BEDELL

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Mr. GRAVES. Madam Speaker, I rise today to recognize U.S. Army Colonel Mary Beth Bedell. Colonel Bedell is from Willow Springs, Missouri and has served our country with dedication and valor for 37 years. Colonel Bedell has served tours in Vietnam, Operation Desert Storm, Operation Enduring Freedom, and Operation Iraqi Freedom. Her other postings include Fort Sam Houston, in San Antonio, Texas in 1972, Fort San Francisco, Leighton Barracks, Wuerzburg, Germany from 1991 to 1994, Fort Leonard Wood, Missouri from 1994 to 1997, Fort Drum, New York from 1997 to 2000, Walter Reed, Washington D.C. from 2000 to 2004, and Fort Sam Houston, San Antonio, Texas from 2004 to 2009.

During this time, her husband, Dennis Bedell, and their children, Kergin, Carl, and Brian, supported her as she served the Army without hesitation. The people of Missouri and

the United States thank Colonel Bedell and her family for their mutual service and sacrifices.

Madam Speaker, I proudly ask all my colleagues to join me in commending the career of Colonel Mary Beth Bedell, who has exemplified the qualities of dedication, leadership, and service throughout her tenure with the US Military.

## INTRODUCTION OF THE AMERICAN DREAM ACT

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 26, 2009*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to join my colleague Representative HOWARD BERMAN in introducing the American Dream Act, a bill that would enable thousands of ambitious young people to attend college and fulfill their God-given potential.

The Act is the product of Congressman BERMAN's tireless efforts on behalf of undocumented students. Recognizing the senselessness of wasting their promise, we worked together to craft this crucial legislation, which stands as a testament to his commitment to fighting for the most vulnerable Americans. I commend him for his leadership on this important issue and thank him for his friendship.

The Act's premise is simple and just: Undocumented students deserve the same opportunities as the 2.8 million others who graduate from this country's high schools every year. We cannot afford to waste our investments in these talented, motivated young people who are products of our schools and our communities. Indeed, in this era of globalization, America will struggle to maintain its competitive advantage if we continue to deprive some of our most promising students the chance to earn a college education.

The American Dream Act offers a prudent, equitable solution to the challenges that undocumented students face in attempting to gain admission to our colleges and universities. First, it provides a path to legalization and citizenship to students who entered the U.S. before the age of 16, have lived here for 5 years, and have completed two years of higher education or military service. Second, because they often face severe economic hardships, the bill also eliminates a federal provision that discourages states from allowing undocumented students to pay in-state tuition.

The fight to fix a policy that squanders the intellectual gifts of so many is part of a much wider struggle. Our immigration system is broken. It divides families, enables the persecution of workers and denies immigrants basic legal protections. The American Dream Act is a critical component of comprehensive immigration reform. As we work with President Obama's administration over the coming months to overhaul our immigration system, we should ensure that The American Dream Act is a critical component of our plans.

*March 26, 2009*

EXTENSIONS OF REMARKS, Vol. 155, Pt. 7

**8987**

The millions of high school students who comprise the Class of 2009 are mere months away from graduation. Among them are thousands of kids who have the potential to become doctors, lawyers and even members of Congress but face insurmountable legal obstacles. We have a moral obligation to remove these impediments so that all of our young people can accomplish their goals. Moreover, this nation cannot afford to waste the investment we have already made in these young people and inhibit their potential by denying them the opportunity to earn a college degree. Please join me in supporting the American Dream Act.

## SENATE—Monday, March 30, 2009

The Senate met at 11 a.m. and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, the fountain of wisdom, today help our lawmakers to be wise enough to ask for Your guidance and humble enough to receive it. Give them the ability to hear Your voice and follow Your leading. Lord, lead them to be as kind to others as they want people to be to them. As they faithfully work for freedom, remind them that they are living in Your sacred presence. Give them the wisdom to avoid the paths that bring regret, remorse, and shame. At all times, keep their thoughts pure, their words true, and their actions honorable. Cultivate within them the grace of gratitude, integrity, discipline, and kindness.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CARL LEVIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 30, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to the budget resolution. Under the statute that governs this legislation, we have 50 hours of debate. There will be no rollcall votes today. There should be a lot of votes in the next few days after today.

### THE ECONOMY

Mr. REID. Mr. President, 8 years ago, President Bush inherited from President Clinton a prosperous and a very strong nation with a tremendously powerful, growing economy. Our unemployment rate was at an exceptionally low rate of just over 4 percent. We had a budget surplus of about \$130 billion. We were actually paying down the debt. For 3 years, we paid down the debt by about half a trillion dollars.

President Bush and congressional Republicans inherited an economy that was growing and lifting all Americans along with the growing economy. Then Bush, Cheney, and the congressional Republicans set about dismantling the foundation of prosperity that built up over the years. They slashed taxes for the super-rich based on the long-discredited theory that these dollars would trickle down to the middle class and poor. They repealed or ignored oversight laws meant to protect our financial markets from manipulation and excess. They borrowed hundreds of billions of dollars to fight a war in Iraq marred by waste, fraud, and abuse. It took all of their 8 years in power, but George Bush, Dick Cheney, and Republican allies here not only reversed the prosperity they inherited but set us on the course of the worst economic crisis since the Great Depression.

This January, President Obama inherited from President Bush an unemployment rate above 7 percent, and climbing, a Republican deficit of nearly \$500 billion, and a national debt twice the level it was when he took office. In the first weeks of his term, President Obama has shown exactly why our country entrusted him with the Presidency during this hour of crisis. We inherited a Republican deficit of half a trillion dollars. But with calm and determined leadership, President Obama proposed an economic recovery plan that is now beginning to stem the tide of job loss—especially jobs—and create new opportunity for workers and small businesses in every corner of our country. He proposed a budget that focuses on long-term prosperity, in addition to near-term recovery, by lowering taxes for working people, laying

the groundwork for cutting the Republican deficit in half, and investing in renewable energy, health care, and education.

Over the past weeks, Members of Congress have taken a close look at the President's budget and considered their own proposals to strengthen it further. As usual, Chairman CONRAD has done an outstanding job. He has brought Democrats and Republicans into the budget process and considered all proposals with equal weight. That is how we will approach this week ahead.

A piece of legislation this important to America's future requires us to move forward in a serious, productive, and inclusive manner. Democrats have maintained all year that the best solutions to the challenges we face come when both parties seek and find common ground. The minority can play a major role in this process but only if they offer solutions, not sound bites.

We all recognize that reversing 8 years of Republican deficits and fiscal irresponsibility will take time. It will not happen overnight. We may not know exactly when the recession will end, but I am confident that passing the budget will hasten the day when recovery begins.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of S. Con. Res. 13, which the clerk will report.

The assistant legislative clerk read as follows:

A Senate concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I have spoken to the two managers of the bill. As soon as Senator MCCONNELL comes to the floor, they will turn the floor over to him. He is coming, but he was detained on the way. So if the two managers will go ahead and start the bill, and when Senator MCCONNELL gets to the floor, he has a statement he wants to make, and that will start the time counting.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, Americans have serious concerns about this budget and the massive amount of spending, taxing, and borrowing it calls for right in the middle of a recession. They are also increasingly concerned that Democratic leaders in Washington seem to be less and less straightforward about what we are actually doing here on Capitol Hill.

Americans were upset to learn that a provision was quietly dropped from the stimulus bill that would have kept taxpayer dollars from going to executives at failed financial firms. But they were equally upset at how those bonuses came about—the language blocking them was quietly stripped from the bill in a closed conference room somewhere in the Capitol without anybody looking.

A few days after that, openness took another holiday on Capitol Hill when Democratic leaders announced new budget gimmicks that had the effect of concealing the true long-term costs of the administration's \$3.6 trillion budget. And now questions about diminishing transparency relate to the budget itself—a budget that almost makes the trillion-dollar stimulus bill look fiscally responsible by comparison.

Everyone knows that the national debt is already too high and that this budget would cause that debt to balloon even more—doubling in 5 years and tripling in 10. Yet, even with all that borrowing, the administration still will not have enough money to pay for the massive expansion of Government outlined in this budget. In order to cover the cost, they propose two things: a tax on income that hits small business very hard and a new national energy tax that would hit every American household and business.

But the Democratic budget writers had a problem: This new energy tax is deeply unpopular, and it is a serious job killer. According to some estimates, this tax could cost every American household up to \$3,100 a year just for doing the same things people have always done, such as turning on the lights and doing the laundry. It is also a tax on all economic activity, from factory floors to front offices. This tax won't just hit American households, it will cost us jobs.

Another problem was that virtually all Republicans and a lot of Democrats

agree with most Americans that this new national energy tax is a terrible idea and that we can't afford it. Yet, without this tax, there is just no other way for Democratic leaders to pay for all the new Government programs the administration wants. The solution to the problem was this: Democratic budget writers decided to use a rule that allows them to fast track legislation down the road, including potentially the new energy tax, without any input from Democrats and Republicans who either have serious concerns about this tax or who oppose it altogether.

The chairman of the Budget Committee argues that this version of the budget resolution doesn't allow this avenue for fast tracking legislation on an energy tax, and that may be so. But we also know two things: First, the language House budget writers have used in their budget resolution leaves the door wide open to include the energy tax, and the Democrats need this tax as a slush fund to pay for all the new programs the budget creates.

Some still argue that this fast-track process won't be used for the energy tax. They must not be paying attention to the administration's budget director, who says fast tracking the energy tax isn't off the table. And they must not have been paying attention to our friend the majority leader, who, to his credit, has been quite candid about the fact that the amount of money the administration needs for its health care proposals is almost exactly what the administration says it can raise from a national energy tax. Americans don't need another \$3,100 added to their tax bill.

And just as worrisome is the method being used to ram this tax through Congress: lay the groundwork, keep it quiet, and rush it through with as little transparency and as little debate as possible.

If there is anything we have learned over the past few weeks, it is that the American people want more people watching the store, not fewer. If the bonuses taught us anything at all, it is that Americans think we should take more time, not less, when considering how to spend their money. If Democratic leaders intend to pay for all the administration's programs with a new energy tax, they should say so now, bring it to the full Senate, and let the people decide. Anything less on a policy shift of this magnitude betrays a troubling lack of straightforwardness about the Democrats' plan for imposing a massive new tax on the American people and American businesses.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that the use of calculators be permitted on the floor during consideration of the budget resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I know my colleague, Senator GREGG, the ranking member, has a statement he would like to make, and so I will withhold for his statement.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the courtesy of the Senator from North Dakota, who is always extraordinarily courteous, professional, and generous. Before we begin the specific debate on the issue of the budget, which obviously we both have to be here for—and I know he has a lot of things going on in North Dakota with the flooding—I would like to make a few remarks off topic.

(The further remarks of Mr. GREGG and Mr. CONRAD are printed in today's RECORD under "Morning Business.")

Mr. CONRAD. Mr. President, I speak to the matter now before us on the floor of the Senate, the budget.

I would like to start by pointing out what this President has inherited because this President, who has only been in office a few months, has inherited a series of crises almost unparalleled in our country's history. You think about it. Not only does he have a fiscal crisis, he has a housing crisis, he has a financial crisis, he has two wars, and he has a legacy of debt that is truly stunning.

The debt more than doubled in the previous 8 years, the foreign holdings of U.S. debt tripled in the previous 8 years, and the President inherited an economy in recession for more than a year, an economy which contracted by more than 6 percent in the last quarter of last year. Of course, when that happens, deficit and debt soar. That is precisely what has happened. In the last years, the deficit and debt have skyrocketed. So this President walks into a very challenging situation.

This shows what happened to just the Federal debt in the past years. It went from \$5.8 trillion to over \$12 trillion. The way we do it, we don't hold Presidents responsible for their first year because they are inheriting a situation. We don't hold George Bush responsible for the first year he was in office. He was working off the previous President's budget. And we do not hold this President responsible for the first year because he inherits the previous President's budget. But this is what happened in the previous 8 years: more than doubling of the debt. Perhaps

even more alarming, there was a tripling of foreign-held debt.

President Bush, as we can see by this chart—it took 42 Presidents 224 years to build up \$1 trillion of foreign-held debt. President Bush, during his period, ran up more than \$2 trillion of foreign holdings of U.S. debt. Last year alone when we went to finance our debt, 68 percent of the funding came from foreign entities.

Some say that is a sign of strength. I don't share that view. To have the Chinese be our biggest financier, to have Japan be No. 2, to have them financing 68 percent of our newly issued debt—I don't think that is a sign of strength. I think it is a sign of vulnerability.

Not only did President Obama inherit those very tough fiscal situations, he also inherited a country facing very dire economic conditions, with over 3.3 million private sector jobs lost in the last 6 months alone.

You can see, going back to September, 300,000 jobs were lost. That jumped up to almost 400,000 in October of 2008; in November of 2008, over 600,000 jobs lost. Then it approached almost 700,000 in December of 2008. In January of 2009 there were nearly 700,000 jobs lost; in February of 2009, another almost 700,000 jobs lost.

We see the unemployment rate rose very dramatically, starting back in March of 2007, when it was just at about 4.4 percent. Then it started skyrocketing back in March of 2008. You can see it took off at a very rapid rate to a level of 8.1 percent in February of 2009.

This is much more than numbers on a poster. These are real people losing their jobs—meaning their ability to hold on to their homes was threatened, meaning their ability to provide for their families was diminished. These people are wondering what comes next for them; what are we going to do that is going to make a difference in their lives.

We also see economic growth contracted very dramatically from the third quarter of 2008, when there was a negative one-half of 1 percent of growth, to the fourth quarter of 2008 where the economy contracted at a rate of over 6 percent. That is the worst economic performance in decades.

That is the situation this President inherited. But it is more than that. He is inheriting record deficits; a doubling of the national debt; the worst recession since the Great Depression; financial market and housing crises, as I indicated; 3.3 million jobs lost in the last 6 months; and on top of that, ongoing wars in Iraq and Afghanistan.

I have often thought of the crushing responsibility on the shoulders of this President, but he is equal to it. I can say, in meeting after meeting I have had with him, one of the things that has always appealed to me about

Barack Obama, now President Obama—not only is he a very smart person, but he is remarkably calm.

Even in the face of great crisis, this President maintains a coolness under fire. I find it very appealing and very reassuring that with all of these crises he is absolutely calm and he is very clear thinking. That is what we need at this time.

So when the President came with major priorities in his budget, I think many across America thought, those are exactly the right priorities. He is talking about reducing our dependence on foreign energy, one of his three key priorities; excellence in education. If we do not have the best education in the world, we are not going to be the strongest country in the world; for very large major health care reform, because I think everyone understands that is the 800-pound gorilla. That is the thing that could swamp the boat, because we are spending \$1 of every \$6 in this economy on health care, and we are headed for more than \$1 of every \$3 in this economy going to health care if we stay on the current trend line. Clearly that is unsustainable and the President has called for major health care reform.

A continuation of middle-class tax cuts, the 2001 and 2003 tax cuts. The President added additional middle-class tax cuts in his budget. All the while the President called for these major initiatives, but to do it and cut the deficit in half over the 5 years. We have tried our level best to meet the President's major priorities, understanding that we were going to have to make some changes, because the Congressional Budget Office, who did their forecast of revenue available, had done their forecast several months after the President's forecast was done. In the meantime, the situation, as I have already shown, had deteriorated. So we were left with a circumstance in which we had \$2.3 trillion less to write a budget than did the President when he wrote his.

When I say \$2.3 trillion, I want to emphasize that. I am not talking about "million," I am not talking about "billion," I am talking about "trillions" of dollars. Trillions of dollars. A trillion dollars is 1,000 billion dollars; 1,000 billion dollars.

So when we say \$2.3 trillion was lost in the forecast of revenue available, that is a big deal. I was given the responsibility of telling the President that we were faced with that very changed circumstance, because the Congressional Budget Office does not report to the President, it reports to the Congress. So when we learned of this very significant change, I and Chairman SPRATT, the chairman of the Budget Committee in the House, were given the responsibility to meet with the President and to inform him of these very significant changes.

As you can imagine, the President was not very happy. But I can tell you he is a realist, and he understood immediately the implications. He understood immediately that we would have to make some changes in his budget. But he asked us to preserve his key priorities, and that is what we have attempted to do.

Again, we need to reduce our dependence on foreign energy. I think everyone knows, or nearly everyone, that this is one of the major fundamental threats to the United States. Our dependence on foreign energy, back in 1985, we imported 27 percent of the oil we use. By 2008, that had increased to 57 percent of the oil we are using being imported from abroad, much of it from unstable parts of the world, some of them not very friendly to the United States.

So this poses a fundamental long-term economic and security threat to our country. The President has rightly identified, even though the pressure is off right now because oil prices are way down, that this is something we have got to face up to if we are going to have a strong America in the future.

So in this budget we have responded with a reserve fund that reduces dependence on foreign energy, creates green jobs, helps preserve the environment, and helps with high home energy costs. We do it through a reserve fund to accommodate legislation, to invest in clean energy, and address global climate change.

We also provide the President's level of discretionary funding for the Department of Energy for the year. We build on the economic recovery package investments in renewable energy, efficiency, and conservation, low-carbon coal technology, and modernizing the electric grid. That process had been started in the economic recovery package. It is in the budget; critically important to the economic future of the country.

In terms of a focus on excellence in education, there are lots of warning signs out there that we are starting to lose the battle to be the best educated people in the world. But what are the indications? Here is just one. We are now dramatically lagging China in producing engineers. You can see, in 1985, each of our countries produced about the same number of engineers. We produced, each of us, about 75,000 engineers.

But look at what has happened since in the United States. The number of engineers we are producing has declined to about 65,000. Look at what has happened in China. They have increased from about 75,000 to more than 440,000 engineers. Now, why is that important? I think we know it is important because you have got to have engineers if you are going to be building a strong infrastructure. If you do not have a strong infrastructure, you do

not have a strong base for competition in this globalized world economy.

We have done everything we can to capture the President's priority of emphasizing excellence in education. We generate economic growth and jobs, prepare the workforce to meet the global economy, make college more affordable, and improve student achievement. We do it with a higher education reserve fund.

To facilitate the President's student aid increases, we extend the simplified college tax credit providing up to \$2,500 a year, and we also focus on the President's requested level of \$5,550 for Pell grants and fully fund his education priorities, such as early education.

Now, I was raised by my grandparents. My grandmother was a schoolteacher. She was five feet tall. We called her Little Chief. We called her Little Chief because she commanded respect. And in our family, she would tell us there are three priorities: Education is No. 1. Education is No. 2. And education is No. 3.

I tell you, we got the message, my generation. I have 13 cousins. Every one got advanced degrees. We were not a family of any special means, a middle-class family. But we understood that education was the way to secure a better future. She made it very clear to us that was the expectation. We need to reemphasize excellence in education in this country.

But we also face an enormous challenge in health care. As I indicated in my opening remarks, \$1 in every \$6 in this economy is going for health care. This chart shows 16 percent of our GDP, and we have just gotten updated numbers that show now we are over 17 percent of our gross domestic product going to health care. If we stay on the current trend line, by 2050, 37 percent of our gross domestic product will be going for health care. That is utterly unsustainable. It is the biggest threat to our long-term deficits and debt. It is the biggest threat to our economic competitive position. It is the biggest threat to the economic viabilities of families and companies and communities. So this is something that must be addressed.

President Obama has called for major health care reform, and we have sought to preserve that priority in the budget resolution. We invest in health care in an attempt to bend the health care cost curve to save money, reduce long-term costs, reduce the buildup of deficits and debt, also to improve health, to expand coverage, to increase research, and promote food and drug safety.

We do it in three fundamental ways. First, a reserve fund to accommodate the President's initiative to reform the health care system. What does a reserve fund mean? It means simply this: The committees of jurisdiction are given full flexibility to write legisla-

tion to accomplish the President's goals. But they have certain requirements, and the requirement is that they pay for what they produce, that it be deficit neutral.

The administration has said all along, that is their intention, and we try to match that intention in this budget. The reserve fund also addresses Medicare physician payments. It is already scheduled in law that doctors will take very significant reductions. We do not want to see that happen. So, again, we are saying to the committees of jurisdiction: Fix it and pay for it. Fix it and pay for it, because we cannot add to the deficit and debt to do it.

Finally, we continue to invest in key health care programs such as the National Institutes of Health and the Food and Drug Administration.

On defense, which is always of great interest in terms of a budget resolution, we actually provided \$45 billion more in funding for defense than President Bush's final defense plan. You can see the final defense plan of President Bush is this red block. The hatch lines here are the additional funding we have provided over the years 2010 to 2013, because that is as far as the Bush defense plan goes. We provided \$45 billion more. Frankly, President Obama came forward and said: Look, let us more honestly account for war costs than has previously been done. In the previous administration, all too often they did not put in the budget funding for war. This President did, and we do in the budget resolution.

Now, the President also gave us a charge to cut the deficit by more than half over the 5 years of the budget resolution. You can see that we have done, that this year we project the deficit at \$1.7 trillion under this budget resolution, and we step it down every year. We will reduce it by \$500 billion the first year, by \$300 billion the second year, by another \$300 billion the third year, by a little bit the fourth year, and by another about \$60 billion the final year, to get down to \$508 billion. That is a reduction of more than two-thirds over the 5 years, as a share of gross domestic product, which is what the economists like to look at, because that takes out the effect of inflation.

You can see we are reducing the deficits from 12.2 percent of gross domestic product in 2009, down to less than 3 percent in 2014. That is the magic goal, less than 3 percent of gross domestic product. Because at that level the economists tell us you stabilize the growth of the debt. That is the goal the President set, getting down to 3 percent of GDP or less in a deficit in the fifth year, and we beat that goal by a little bit.

There has been a lot of talk about the spending in this budget resolution. I want to make clear here is what happens. The spending again is a share of gross domestic product. Again the

economists say that is the most fair comparison over time because it takes out the effect of inflation. You can see in 2009, we are spending 27.6 percent of GDP in this budget. That is a very high level historically. And, of course, the reason for it is the tremendous economic downturn, the need to provide stimulus to the economy, to provide lift. So spending is at a high level as a share of the gross domestic product in 2009.

You can see each and every year we step it down until 2012, and then basically it stays at that level for 2013, 2014, at about 22 percent of GDP. So we are going from 27.6 percent of GDP this year to 24.5 percent in 2010, down to 23.3 in 2011, and then basically stabilize at 22 percent of GDP through 2014, again getting down to our target of a deficit of less than 3 percent of GDP in the fifth year.

Again, on spending, to go into some additional detail, breaking down discretionary spending, as you know, in the budget we have mandatory spending, things such as Social Security and Medicare. Those are mandatory programs, mandatory in the sense that if you qualify, the Federal Government pays for what you have coming. Discretionary programs are programs that are open for the Appropriations Committee to adjust every year. If we look at the discretionary side of our budget, we can see, on defense, we are providing the full request by the President, a 3.8-percent increase. Internationally, we are not providing the President's full request because of the diminished resources available to us. So we cut the President's request by \$4 billion. We are still providing an increase of almost 18 percent. Why are we giving such a large increase to international accounts? The reason is quite simple. We are engaged in two wars.

The Secretary of State called me the weekend before this weekend at home. The Secretary of Defense called me at home. Both delivered the same message. They were a little unhappy, disappointed that I was cutting international accounts by \$4 billion from the President's request. They emphasized the importance of these increases because what has been done before is to make supplemental requests outside the budget. This President said no more of that. We are going to be direct. We are going to be open in the money we are requesting. These funds are needed to deal with Iraq and Afghanistan and Pakistan and other threats we are facing around the world.

Interestingly, I have never before, in my 22 years in the Budget Committee, had the Secretary of Defense call me to support the budget for the State Department. Why would the Secretary of Defense call me and ask me to increase what I have provided for in the international accounts? He told me: There is a lot that is being spent out of the



Defense Department budget that should be spent out of the State Department budget for activities in Afghanistan and Iraq. President Obama has put those categories of spending where they belong, and it ought to be supported. Of course, I have great respect for them both. I had to tell them: When you lose \$2.3 trillion, you have to make a lot of changes to make it add up. So I felt compelled to reduce these accounts from the President's request.

Domestic spending, we increase by 6 percent. The President asked for more in that category. Again, we simply could not make the numbers work without making reductions.

So the total in this area, \$1.03 trillion, is from last year. This year it is \$1.08 trillion, for a combined increase in discretionary spending of 5.3 percent. We can see on nondefense discretionary, that combines international and domestic, we are giving a 7-percent increase. The President asked for over 10 percent. Again, I know there are people who are disappointed. I am sorry, but my responsibility is to deal with the reality with which I am presented. The reality I was presented with was \$2.3 trillion less in revenue. I have had to make reductions in the discretionary accounts. I have had to make reductions in mandatory accounts. I have had to make changes on the tax side of the ledger in order to get the deficit down to a sustainable level.

Revenue changes in the budget resolution: I have heard some say we have all these tax increases. That is not what the Congressional Budget Office says, when they look at my budget and look at all the proposals and compare it to current law. They conclude that I am providing \$825 billion of tax reduction. That is a different story than we hear coming from some quarters. That is not my claim. This is what the Congressional Budget Office finds when they look at my budget and compare it to current law. Why the difference? First, we have extended all the middle-class tax relief provided in 2001 and 2003; specifically, the 10-percent bracket, the child tax credit, the marriage penalty relief. All that is continued in this budget, as well as education incentives. On top of that, alternative minimum tax reform costs \$216 billion to prevent 24 million Americans from being subjected to the alternative minimum tax. We also have estate tax reform; estate tax reform at \$3.5 million an individual, \$7 million a couple. Those people who have estates of less than that amount will pay zero in estate tax. Over 99 percent of the estates in America will pay zero, nothing, not a penny. That is a reform that needed to be made. It is included in this budget. The President called for it, and we have adopted it.

We also have a series of business provisions and the so-called tax extenders,

things that need to be adjusted every year. We do it in this budget for a subtotal of tax relief of \$958 billion. We have an offset to that, certain loophole closures, shutting down abusive tax havens, abusive tax shelters, offshore tax dodges that will raise \$133 billion for total tax cuts of \$825 billion.

In the President's budget, he has recommended that we not continue all the tax relief contained in the 2001 and 2003 acts for people earning over \$250,000 a year. We have adopted that recommendation in this budget. All of the middle-class tax relief from 2001 and 2003 is here. It is funded. It is provided for.

In addition, the President called for additional tax reductions for middle-class people, the so-called make work pay provisions. Two years of that is already funded in the economic recovery package. So that will continue for the next 2 years. The President wanted to make that program permanent. Again, we could not do that in light of the new forecast. So we have provided that those make work pay provisions can be extended, if they are paid for. They will continue for the next 2 years, but after that, if they were to be extended, they would have to be paid for.

We also provide for important budget enforcement in the budget resolution. We have discretionary caps for 2009 and 2010. We maintain a strong pay-go rule. We have a point of order against long-term deficit increases, a point of order against short-term deficit increases. We allow reconciliation for deficit reduction only, which was the original purpose of reconciliation. We provide a point of order against mandatory spending on an appropriations bill; no backdoor stuff that used to go on, people raiding the Federal Treasury by coming in here and changing mandatory spending on an appropriations bill.

The budget resolution also addresses our long-term fiscal challenges in these ways. No. 1, we have the health reform reserve fund. That is absolutely the key element to dealing with our long-term buildup of deficits and debt. That is the part of our spending that is absolutely out of control. The only way to get it back under control is fundamental health care reform which is provided for in this budget on a deficit-neutral basis. We also have program integrity initiatives to crack down on waste, fraud and abuse and a long-term deficit increase point of order to require 60 votes to increase the deficit long term.

President Obama has said this about the need for further work on our long-term fiscal situation. Let me be clear: The first 5 years—this budget is a 5-year budget—we do quite a good job, a credible job of getting the deficit down. We reduce it by more than two-thirds. We get it down to less than 3 percent of GDP. But the second 5 years of the

President's plan, even if we extended our budget for 5 years, is going to require much more effort. We are on an unsustainable course for the long term. In the next 5 years, I think we have done a credible job of moving in the right direction, reducing the deficit by two-thirds. But beyond the 5 years, we have big problems on the horizon.

The start in this budget to deal with it is health care reform because it is the 800-pound gorilla. But it is going to take more than that. It is also going to take tax reform because we have a tax system that is hemorrhaging to these offshore tax havens, abusive tax shelters and, frankly, a system that is very inefficient at collecting the revenue that is due. If we collected the money that is due under the current Tax Code, we would have no structural deficit. We wouldn't need any tax increase. If we just collected the money that is due under the current tax levels, we would have no structural deficit. The problem is, we aren't collecting the money that is due under the current code. We are only collecting about 75 percent of what is due. A big reason for that is the explosion of offshore tax havens, abusive tax shelters, the tax gap. All those things are rendering the tax system very ineffective.

The President recognizes the need for further action to address the long-term fiscal imbalance as well. He said:

Now, I want to be very clear. While we are making important progress towards fiscal responsibility this year, in this budget, this is just the beginning. In the coming years, we'll be forced to make more tough choices, and do much more to address our long-term challenges.

That is the truth. We are going to have to do much more in those years beyond the 5 years of this budget.

Finally, I would like to address the question of a 5-year budget versus a 10-year budget. The President sent us a 10-year budget. We have written a 5-year budget. Some have said that is an attempt to conceal the effect of the second 5 years. The President sent us a 10-year budget. It has been fully scored by the Congressional Budget Office. There is no hiding of anything. The President provided us a 10-year budget. I was critical of the previous administration for not providing a 10-year budget because I was concerned they were hiding the effect of their tax cuts in the second 5 years. This President has made no attempt to conceal his 10-year plan. He sent it to us. It has been scored by the Congressional Budget Office. We know what it is.

But Congress, when it writes budgets, has almost always written a 5-year budget. In fact, of the 34 budgets Congress has written under the Budget Act, 30 have been 5-year budgets. Why? Because the projections for year 6 through year 10, the projections for revenues and expenditures for years 6 through 10, have been woefully inaccurate. They have been notoriously unreliable. But never have I seen them

more unreliable than right now. That's because of the extraordinary uncertainty we're facing in the near term. Inaccuracies in the forecasts for the next several years will compound into huge differences in years 6 through 10.

So we wrote a 5-year budget that fully discloses the spending and revenue for the 5 years. We did not write a 10-year budget. Congress almost never has. But the President did. And the President's 10-year plan is fully disclosed.

We have done our level best to make changes that were necessary in what the President sent us in order to address his key priorities and at the same time to reduce the deficit in the way that he called for and to reach a deficit that was less than 3 percent of GDP in the fifth year.

I am proud of what we have done. Is it a perfect document? The work of men and women is never perfect. We are flawed. I will confess to that. To me, the greatest flaw is we still have not fully coped with the long-term deficit and debt challenge to this country. Much more will have to be done.

Senator GREGG and I have one proposal. We have a proposal for a task force that would require Members of Congress and the administration—16 of them—to be given a responsibility to come up with a plan to get our long-term deficit and debt condition in order. If 12 of the 16 could agree, that plan would come to Congress for a vote.

I believe it is going to take some special effort, some special structure to deal with these long-term deficits and debt threats. I want to say for myself, I do believe the long-term debt accumulation does fundamentally threaten the economic security of America. While we have a good start in this first 5 years, much more must be done.

Mr. President, I thank you for this time.

I will yield the floor.

Before I do it, I thank Senator GREGG, the ranking member of the Budget Committee. There are many policy issues that divide us. There are some where we are joined at the hip. But Senator GREGG has been a thorough professional in all of the work of the Budget Committee this year. His staff is outstanding as well. I recognize Senator GREGG as somebody who has credibility. He may say some things that are somewhat uncharitable about the budget I am presenting today. I understand that. That is his job. He has strong feelings, and I applaud him for them because that is what we need. If everybody in the room thinks the same thing, nobody is thinking very much. I will tell you one thing, Senator GREGG is thinking. He cares deeply about the economic future of this country, and he is doing his level best to get us on a path that makes more sense. I applaud him for it. But I would be remiss if I

did not recognize the professionalism and leadership he has exhibited in the work of the Budget Committee this year. In no way does that mean he endorses this plan. He will make very clear he does not. He strongly disagrees, as is his right. But I do want to recognize the very good working relationship we enjoy.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from North Dakota, Mr. CONRAD, yields the floor.

The Senator from New Hampshire is recognized.

Mr. GREGG. Thank you, Mr. President.

Let me first thank the chairman for his generous comments, and let me second those relative to himself and his staff.

We obviously have a deep difference of opinion as to the best way to proceed relative to shepherding the financial house of our Nation, and especially specifically relative to this budget that has been sent to us by this President. But I have an immense amount of respect for him and his staff, who are professional and extremely courteous, and we have a great personal and working relationship, which actually makes the job much more enjoyable as a result of that.

And, of course, we send to North Dakota our deep concerns about what they are going through with the floods. I know the Senator was out there this weekend supporting the folks who are working so hard to try to protect their communities—an amazing story: 80,000 volunteers in a town of 90,000. It is very impressive. Let's hope the waters recede before they do any more damage.

I should mention that UNH beat North Dakota in the hockey game this weekend in the NCAA. I noticed my colleague from North Dakota did not actually mention that.

Mr. CONRAD. Mr. President, if I could say, our hockey team lost to his hockey team in the last one-tenth of 1 second. I say to the Senator, our Congressman in North Dakota said: We don't want the flood fight to have the same outcome.

Mr. GREGG. Nor do we.

Mr. CONRAD. We don't want to have won this right to the end and then lose it at the end. So even the hockey game has provided inspiration for the flood fight. We wish we had won the hockey game, but it is most important that we win the flood fight.

Mr. GREGG. It was an exciting game, and North Dakota played extraordinarily well.

Mr. President, we do differ on this budget. The budget that has been proposed by the President of the United States has essentially been given its stamp of approval by what has been brought forward by the Senator from North Dakota. There are virtually no differences. As Director Orszag said,

they are 98 percent the same, and they are.

This budget, in our opinion, represents a clear and present danger to the financial health of our Nation and to the financial security of our children. It is a budget which spends far too much money, taxes far too much, and borrows an extraordinary amount—it is clearly far too much. It basically repeals the essential laws of common sense—the essential laws of common sense—that say you cannot simply keep spending at a rate that you cannot afford to pay for forever and not have to suffer as a society, and suffer significantly.

Margaret Thatcher sort of captured the tempo of this budget. To paraphrase her, she might have said about this budget: The problem with the Obama budget is that at some point you run out of money.

If you follow the proposals of this budget, you are going to run out of money sooner rather than later. In order to understand this budget, you have to understand the dramatic nature of this budget. Historically, when we have debated budgets in this body, they have been important because they obviously represent guideposts for our Congress, but they have not been a philosophical document that has redirected the Nation fundamentally.

On the part of the President—I give him credit that he is not trying to hide this—his budget openly attempts to redirect the Government of the United States and move it significantly, dramatically to the left, expanding the role of the Government in all sorts of areas, expanding the cost of Government in a historic way, and expanding the burden of the Government in the area of taxes and in the area of borrowing in a way which we have never contemplated as a nation.

To try to put it into perspective, under the budget prepared by the President and sent up here—and it is essentially the same as the budget we are receiving from the Senate Democrats today—the President's budget doubles the national debt in 5 years. That is pretty bad. Then it triples the national debt in 10 years. And that is intolerable.

Now, I have tried to figure out how you explain to people what \$1 trillion or what \$15 trillion is or what \$17 trillion is. It is very hard. Conceptually, it is extraordinarily difficult to get your hands around what \$1 trillion is.

As you can see, I had this chart made up when the original estimate was \$15 trillion—it went up to \$17 trillion—to show the number of zeros here. It is a staggering amount of money that is being added to the Federal debt. You have to ask yourself: Who is going to pay all this money? This is real money. It has been spent on programs the President wants. Who is going to pay it all? Who is going to pay \$15 trillion—with all of these zeros?

Well, unfortunately, our children and our children's children get that debt. It gets put on their backs. At the end of the President's budget, the average household in this country will owe \$130,000 in debt for the Federal Government—\$130,000. They will have an interest payment on this debt—the average household—of over \$6,000. So the debt they are getting may actually exceed the value of their house.

Put another way—which was first coined by my esteemed chairman—he designed this wall of debt. This is the wall of debt, as shown on this chart. This is what the Federal debt does over the period of the Obama budget. It goes straight up. It is a massive wall of debt, which is an incredible burden on our Nation, and really an unacceptable burden if you are going to be accurate about it.

To try to put it in a more understandable term, as shown on this chart: This is a picture of President Obama, of course, on the right side of the chart. On the left side of the chart are pictures of all the Presidents we have had in our Nation since our Nation began 232 years ago, starting with George Washington and going through George W. Bush.

In that period, from George Washington through people such as Madison, Adams, Lincoln, Grant, Hayes, Wilson, Roosevelt the first, Roosevelt the second, Truman—in this period from George Washington all the way through George W. Bush, we have accumulated about \$5.8 trillion of national debt. That is how much those Presidents added to our national debt.

Within the first 5 years of this Presidency, President Obama will add more debt on the backs of our people and our Nation than all these Presidents put together. Within 5 years, he will have taken the total debt put on the backs of Americans and doubled it since the country began—a staggering fact.

Now, does this have to happen, the addition of all this debt because of the fact that he has inherited a terrible situation? And he has, and we all admit to that; this economy is in a very difficult way. No, it does not. Yes, in the short term there has to be a government that is run at a deficit in a very significant way in order to try to get the economy going because we all understand the Federal Government is, right now, the only liquid entity around here. So the money is being pumped into the economy to try to give it some lift.

But this recession is not going to go on forever. We are a resilient nation. We will recover from this recession. It will be over hopefully sooner rather than later. But it certainly is not going to run that much longer in the terms of this Presidency. Certainly, by the midterm of this Presidency, we should be out of this recession.

So you would presume—you would presume—at that point, say, in 2011 or

2012 at the latest, the spending of the Government and the deficit of the Government would start to come under control, that there would be some attempts to bring it down and manage it in a more historic way.

Unfortunately, that does not happen under this budget. What the President is proposing is that we continue to grow the size of Government at an extraordinary rate, independent of whether we are in a recession. The average deficit over the term of this President's budget is \$1 trillion a year—\$1 trillion a year. That is a staggering number. To put it in a historical context, that adds up to about 5 to 6 percent of gross domestic product, and historically the deficit has been about 2 percent of gross domestic product. At the end of this Presidency, the public debt, which is what people own outside the Government, will be 80 percent of the productivity of the country—80 percent of the productivity of the country. What does that mean, 80 percent of the productivity of the country? Well, historically, the public debt has been about 40 percent of the productivity of the country, but under this President, he is going to take that public debt very quickly up to 60 percent, then to 70 percent, and then, by the end of the period of the budget proposed, it will be at 80 percent. That is such a high number, when you couple it with the deficits of \$1 trillion a year, that you get to a point where it is simply not sustainable. That is why this budget is a clear and present danger to the fiscal health of this Nation and to the opportunities of our children. In fact, ironically, if the United States were to try to seek membership into the European Union—which, of course, we have no interest in doing, but those are all industrialized nations and they do have a standard for operating their governments in a responsible way. The standard of the European Union is, public debt can't exceed 60 percent of Gross Domestic Product, that deficits can't exceed 3 percent of GDP. We will be twice that number, and it is not sustainable.

Now, did this have to happen? Did the President have to run up these debts? If we had stayed on a pure glidepath and done nothing—in other words, operated the Government as it is—as it is—this blue line would be the cost of the Government. We would actually almost be in balance by the year 2018. That is current law. Now, CBO uses very arcane rules as to how it builds a baseline, but it is the baseline that we determine as a Congress to use. I wouldn't accept that baseline as a recipe for future policy because there are some tax increases in there I don't like, but even if you were to factor out the tax increases, the line would come in the middle here. The reason this goes up so significantly, the reason President Obama's budget goes up so

significantly in its deficits is because they propose a radical increase in spending. It is pretty much that simple. It is not about economics or taxes; it is about spending. Essentially, the President's proposal is to incredibly increase the size of the Federal Government and the amount it spends, not only in the short run, which we all accept is necessary—although it has been poorly handled relative to the stimulus bill; worse than poorly handled, it has been a waste of money relative to the stimulus bill—but this is the spike in spending to reflect the deficit and the attempt to address it through the stimulus bill. But look here: After we are out of the recession in the year 2011, the line keeps on going way up—way up—to 25 percent of GDP by the end of this budget.

Well, you say, what does that mean, 25 percent of GDP. Well, how big a government is relative to the productivity of the economy defines how productive the economy will be. You can't have a productive economy if the Government is taking out all the money. It doesn't work very well. Historically, we as a country have tried to keep—and this is the black line here, and you will see it has been very level ever since the year 1958—this is the average, this black line, of how much spending the Government has done. It is around 20 percent of GDP, the product of the United States. Under the Obama years, as proposed by President Obama, that is going to be increased at a staggering rate—huge increases in spending.

President Obama is not trying to hide this. He has not tried to be—he has been very open about it. He said, to paraphrase him, essentially: I believe we create more prosperity by expanding the size of Government in a number of areas. In fact, if you listen to the Senator from North Dakota, he listed all these areas they are going to explode the size of Government in, moving it dramatically to the left, and increasing it at an incredible rate. In the budget document he sent, he said exactly that. He said: At this particular moment, Government must lead the way in providing the short-term boost necessary to lift us from a recession that is severe and lay the foundation for prosperity.

He went on to say he intended to do this by spending a great deal of money on his priorities, which were clean energy, education, health care, and new infrastructure. However, he doesn't stop spending the money after this recessionary period; he keeps it going into the outyears at a rate which is not sustainable. It is simply not sustainable. You can't take the money from the productive side—from the people who are working and producing jobs and taking risks and going out there and actually producing wealth for this Nation, in the sense that they are actually producing something we have to

sell and use in trade and basically create jobs as a result of that—you can't take the money from them and move it over to the Government at a rate that exceeds the historical norm at this level and expect you are going to be able to maintain prosperity for the years to come. It doesn't work. It does not work. As Margaret Thatcher says, you eventually run out of money.

The effect of this massive increase in spending is a massive increase in debt. This is the national debt, publicly held debt, which I discussed before, as a percentage of GDP. It averages about 36 percent since 1958. That is the black line right here. It has been up, it has been down, but that is the average. Under President Obama's plan, it goes straight through the roof, and this, I say to my colleagues, is the threat. This is the threat. This is the clear and present danger to our people, to our Nation, and to our children's future, because when you get debt up to that level, you are not able to function as a government. People get concerned about buying your bonds and buying your dollars and using your currency.

You don't have to listen to me to find out that is the case. The Chinese Government has made that very clear, and they happen to be the biggest holder of our dollars. In fact, the chairman is always talking about how outrageous it is that the Chinese own so much of our debt. Well, they own it because they considered it to be a good investment, and if they didn't own it, we would be paying a lot more in interest payments and in taxes in this country and our dollar would be less valuable. But Mr. Zhou, the governor of the central bank in China, has said he is getting concerned about this crisis and about the value of our dollar. The Premier of China said: "We lent such huge funds to the United States and, of course, we are concerned about the security of our assets."

Well, it is disconcerting and obviously not very nice to find out for us as a nation—one that has always considered itself to be a reasonably independent and strong Nation, the most independent and strongest in the world—that the Premier of China, who owns most of our debt outside the United States, is worried about it.

Why is he worried about it? Why are the Chinese worried about it? Why are the other nations which buy our debt worried about it? Because they look at this line, they look at this budget. This isn't done in a vacuum. They know what this budget proposes. The President's budget proposes massive increases in spending but absolutely no fiscal discipline. It has discretionary spending jumping by \$1.4 trillion—trillion—it has mandatory spending, a net mandatory spending increase, as it was sent up here, of \$1.1 trillion, and it has zero savings in the core accounts, which are mandatory accounts. That leads to these massive debts.

It also has, interestingly enough, \$1.5 trillion in new taxes. Now, that is a pretty staggering figure in and of itself, \$1.5 trillion. I was entertained to hear my colleague from North Dakota say: Well, actually, we get a tax cut in this bill. That is going to come as a real surprise to all the people whose taxes are going to go up very significantly as a result of this budget. For small business people, taxes are going to go up dramatically as a result of this budget. People who take charitable deductions and homeowner deductions in the higher brackets, their taxes are going to go up, which will probably affect charitable giving under this bill.

But the most insidious tax proposed in this budget is something euphemistically called a carbon tax. Well, what is a carbon tax? That is a way to bury a term so you never understand what they are doing.

A carbon tax is literally a new national sales tax on your electric bills, a brand new national sales tax. We don't have a national sales tax in this country. What is being proposed in this budget by this President is a brand new national sales tax on your electric bill. So every time you hit your light switch in your house, you are going to get hit with a new tax—a sales tax—and it is a big one. It is a big one. The White House sent this specious estimate of it. They said it was \$646 billion, but that was low-balling the number. MIT, which doesn't have a dog in this fight, took a look at a similar proposal, along with a number of other groups, and they said it would actually generate over \$300 billion in new taxes every year. It works out to about \$3,000 per household. So everybody living in America today who has an electric bill or other energy bills, as a result of this new national sales tax, if the President gets what he wants, is going to pay \$3,000 more in taxes a year, on average, for their energy bills. That is a huge tax, and it is an incredibly regressive tax. I saw this chart that the chairman brought up, saying we are going to create green jobs. That is all about this energy tax, by the way. That is akin to calling it a carbon tax; they are going to call it creating green jobs. What are they going to call the jobs they are sending overseas? Because industries in this country, which have to use a lot of electricity—those are the hard-core industries that we still have in this country—can no longer compete because they got hit with this massive increase in taxes on their energy production and use. What are they going to call those jobs? Green jobs sent overseas? The simple fact is, this type of tax increase is incredibly regressive. Sales taxes are regressive by definition, but a sales tax that is targeted on the productive side of the ledger, as this one is, is exceptionally regressive, as is the dramatic increases in taxes on small businesses in this country.

Now, my colleague has said a number of things about how their budget is different from the President's. It is a little bit different, but it is 98 percent the same, and that is the score. I think I have a chart which reflects that. This is the difference between the two budgets. They are identical on discretionary for all intents and purposes, identical on outlays, identical on revenues. Interestingly enough, however, CBO came back and gave us—CBO is the Congressional Budget Office—an honest evaluation of the President's budget, and some of the things they said, which hopefully scared a few people around here, were that the President's budget increased deficit spending by \$9.2 trillion over 10 years, \$2.3 trillion more than what the President had told us; that on an annual basis, it averages out to a budget deficit of about \$1 trillion a year, and that the percent of public debt jumps, as I have mentioned, but it needs to be reemphasized that it jumps from what it is today to 80 percent of GDP. The deficits jump to 5 or 6 percent of GDP.

The administration has had both the Treasury Secretary and the OMB Director up here over the years—the OMB Director has been coming up here for years but the Treasury Secretary just recently—testifying that the deficits in excess of 3 percent weren't sustainable. They said that; we didn't say that.

So when CBO honestly evaluated their budget and did things such as actually calculate the fact that there was 8.1 percent unemployment, and it is probably going to go up and, as the President said, the top rate would be 8.1 percent, but we weren't there yet—when CBO put the real numbers onto the President's numbers and got these massive increases in spending and in debt, well, these folks decided that we cannot have that. They wanted to get that back down to 3 percent. Did they do it by reducing spending or reducing any of the President's spending initiatives? No. Zero. Do you know how they did it? They did it by playing the old-fashioned games around here of smoke and mirrors and hiding the ball, saying one thing but meaning another.

The President, to his credit, and to the credit of Mr. Orszag, was forthright in their budget, which was probably as close to an honest statement—with exception of the defense number—of what was really happening here relative to spending and what was going to happen as we have had in a long time. I congratulated them for that and still do. But we went backward with this proposal from the Democratic leadership. So that they could get it below 3 percent as a percentage of GDP and get their deficit and debt numbers down, they left out of their budget \$1.1 trillion of spending and taxes that President Obama had in his. They are not different, so it is just games. They didn't score their budget correctly or

honestly or straightforward. Their budget becomes the "tax too much, spend too much, borrow too much, and now hide too much" budget. At least the President's budget wasn't a "hide too much" budget, although his defense number has serious problems with it. At least he didn't take \$1.1 trillion in very illusory action, moving the shell around so that you cannot find the real numbers, claiming they made real savings in those accounts. It is actually just pretty ridiculous to take that step backward.

Of course, they now claim that they cut the deficit in half. Now, that is where we depart from common sense. There are a lot of things on which they tried to repeal the law of common sense in their budget, but this is the most outrageous. First, they increased the deficit fivefold and then they reduce it back to half of that and then claim they are cutting the deficit in half. That is like taking six steps back, three steps forward, and saying you are making progress. You are not making any progress. They are so far out of whack with what has been the historical norm that it is not even acceptable. The deficit they ended up with after taking six steps back and three steps forward is still in the 4-percent range. It is still throwing debt on the books at a rate you cannot afford, and it is absurd to claim that is fiscally responsible.

Well, before I get into what we would do, I will mention a couple of gimmicks that are played here because they are beyond the shell game gimmick, which is pretty outrageous—moving around \$1.1 trillion so they don't have to put it on the budget. They take it off budget, essentially, so they can look as if they are doing better than the President, even though they have the exact same policies and numbers as the President, for all intents and purposes.

They do a couple other things. They have reserve funds—lots of them. This is a way to make like you are doing something that is fiscally responsible by saying: You cannot spend this money unless you can pay for it. The only problem is that they make the reserve funds in the most critical area—specifically, health care, which we all know we are going to want to address this year. They create this incredible activity. They put into place a health care reserve fund, which means they are going to rewrite the policy of health care for this country. Every part of this Nation is going to be affected.

You heard the chairman say that 17 percent of the gross domestic product in this country is involved in health care. The purpose of this proposal—the health care reserve fund—is to address that 17 percent. There is virtually nothing in this country that isn't affected by that. Either everyone is di-

rectly affected or a member of their family is or their job is.

There is a rule here called pay-go, which has become the mantra of the other side of the aisle about how they are going to be fiscally disciplined. I never heard anyone from the Democratic party or the Congress, including the President when he was running for President and running for Senate, fail to talk about how they were going to use pay-go to discipline the Federal Government because it implies that they are going to pay for what they are doing. It is a great term, by the way. The only problem is, they don't ever use it. They claim they are going to do it, but they never do. I call it "Swiss cheese-go" because there are so many holes in it. In the last 3 years, when the Democrats ran the Congress, they avoided pay-go in the amount of \$341 billion in spending.

This health care trust fund is a brazen act of putting a hole in pay-go. Up front, they say we are not going to apply pay-go to health care reform. Pay-go has a rule that says that in the first 6 years you have to meet it, and the second 5 years you have to meet it. No, we are not going to do that; we are going to be able to spend it over 11 years before you have to meet the pay-go rules. Why don't you just give it up and say we are not going to discipline ourselves. There is no pay-go rule, and it is a problem.

The second gimmick that really concerns me—it is more than a gimmick—is a big-time exercise of threatening the prerogative of the Senate and the constitutional purpose of the Senate, which is the use of reconciliation. This is a term of art, and nobody outside the Congress really understands it. Essentially, reconciliation was put into the budget process when the budget was created for the purpose of making sure that what the budget said should be spent or should be taxed actually occurs, so that there was a procedure to reconcile—to say to committees if they exceeded a certain amount of spending and it wasn't inside the budget: You must change that spending; if your tax policy created more of a deficit, you must change that tax policy. It is a procedure which, over the years, has evolved. It has been used aggressively by both President Clinton and President Bush to pursue policies that already exist or to adjust policies that already exist—whether it happens to be already existing laws on welfare or existing laws on tax policy. Yes, it has been used effectively and aggressively in those areas. But it has never been used to create a brand new policy on something that has as dramatic and all-encompassing and pervasive effect on the American public as to change the entire health care system or something like that. It has never been used to create out of whole cloth, *ab initio*, a brand new major tax system, such as

a national sales tax on electric bills, and its use is solely a purpose of the Senate. The House doesn't need reconciliation.

How does reconciliation work? It basically eliminates the prerogative of the Senate to amend the bill. The greatest prerogative of the Senate is that we have the right to debate, to discuss, and to amend legislation. The House doesn't have that right. The House has something called a Rules Committee, and it is under the control of the Speaker. The membership of the Rules Committee is made up 2 to 1, plus 1, so the Speaker could never lose a vote in the Rules Committee. The Rules Committee sets out for the House of Representatives when a bill comes to the floor—no matter the policy of the bill—and that you will have this many hours of debate and they will allow this many amendments and here is what they are. They can run through a bill in a half hour if they want. That is the way the House has functioned for years. It is the way the House was supposed to function when it was set up constitutionally. The Senate, on the other hand, has no such rule. When a bill is brought to the floor of the Senate, it is open for debate, discussion, and amendment. If you can get 60 votes, you can get it off the floor.

The budget sets up a process to allow the Senate to function more like the House. The budget is on the floor for 50 hours of debate. Amendments are allowed—any amendment, really, but at some point people run out of energy and stop offering amendments—and there has to be a vote.

In order to reconcile parts of the budget, the reconciliation system was set up where there is 20 hours of debate and virtually no amendments because they would have to be germane, and that is a high standard to meet here.

So the reconciliation situation is that it allows you to basically ram through the Senate—as you would through the House—a bill without amendment, discussion, debate, or amendments. It is a huge weapon. If used incorrectly, it fundamentally undermines the constitutional purpose of the Senate. It turns the Senate into the House of Representatives and makes us a body in which amendments are not allowed and debate doesn't occur, of any significance. It has a truly debilitating effect on the idea that you will have a body in this constitutionally structured Government of economics and balances where debate occurs vociferously and aggressively and where problems can be aired out in a more timely and orderly manner than occurs in the House of Representatives. So it should never be used to *ab initio* create a massive, new program, such as a tax on everyone's electric bill. It should never be used for the purpose of undertaking a major policy event, such as rewriting the health

care of the United States, which will affect everybody.

To the chairman's credit, he doesn't have it in this bill. He understands that. He has spoken out fairly effectively on this point—probably more concisely and effectively than I have spoken on it. But the House of Representatives has put reconciliation instructions in. What earthly reason could there be for the House of Representatives to put reconciliation instructions in their bill? They don't need it; they have a Rules Committee.

It is obvious. This is a game, a very dangerous game. The House puts in reconciliation instructions but the Senate doesn't put it in because the leadership knows that maybe it cannot get that across the floor and doesn't want a vote on such a thing. So they can take it to conference and, much to nobody's surprise, the conference budget comes back with reconciliation instructions, which control activities on the Senate floor.

It is totally inappropriate that the House should be dictating to the Senate how we are going to legislate and structure our debate system here on the floor and try to make us into the House of Representatives. It is unconscionable in the context of the constitutional structure of our Government. Yet that is the game that is being played here, and it is a cynical game. It is totally wrong. If for no other reason, everyone in this body should not vote for a budget that has reconciliation in it.

On our side of the aisle, we think we can do better. I have talked at some length about the clear and present danger this budget represents to our children because of the massive increase in debt. We don't think that has to be the course of action. You don't have to run the spending of the United States up to 23 percent of GDP, which this chart reflects, way above 25 actually, way above the historical norm. That is not necessary. Short-term spending may be necessary for this significant problem we have with the recession, but you do not have to take the Government and expand it radically, move it to the left, and spend money on what these groups are and constituencies are at this rate. The Government should live within the basic historic norm of 20 percent of GDP as part of its spending. That is where we part ways philosophically.

The President genuinely believes, and the party passing this budget, the Democratic Party, generally believes you create prosperity—and the President said it; he used those terms—you create prosperity by expanding the Government significantly in these different areas of social interest. You do not if you are spending up those areas so much that people cannot afford it.

It does not happen that way. The way you create prosperity is by keeping Government at an affordable level,

doing what it is supposed to do while you give individuals the ability to go out and be productive, take risks, and create jobs. That is a difference of philosophy here.

When the President proposed in his budget the way he is going to address health care, where we presently spend 17 percent of our gross national product on health care right now—that is 5 to 6 percentage points more than the next closest industrialized nation, so there is a huge amount of money being spent on health care—he proposes we explode that spending by another \$1.2 trillion. We don't have to. We can get every American insurance, and good insurance, without radically increasing the amount we are spending on health care. We can do it by more effectively spending the money we already have in the health care system.

If you are spending 17 percent of the gross domestic product on health care, you do not have to take it up to 18, 19, 20 percent. In fact, if you do, you are probably not getting much efficiency out of it. Rather, spend more efficiently the money you are already spending.

We believe as a party that everybody has a right to decent health care insurance, and we also believe as a party we can do that within the context of the money that is already available by being more efficient, by giving people more choices, and by not putting the Government between patients and their doctors. We do not believe in nationalizing the health care system, which is basically what these numbers are, the stalking horse for, that the President is proposing.

In the area of energy, the President's answer to energy is that you put in place a new national sales tax, as I have mentioned before, on every electric bill in this country, everybody's electric bill, so that when you turn on your light switch you get hit with a new sales tax. That is probably not going to produce a whole lot of energy. It is going to probably undermine the productivity of our economy, and it certainly is going to ship a lot of jobs offshore.

The way to produce a better energy policy is to look in an environmentally sound way for more American supply and you can conserve more energy. So we drill, and we can drill in an environmentally sound way in identified offshore areas and produce more American energy. You create more powerplants through using nuclear power, a totally clean form of energy from the standpoint of pollution to our air. You use wind, solar, and other alternatives, but you acknowledge the fact that you cannot possibly get to the goal we have to get to, which is enough energy to continue to maintain our international competitiveness as a nation and continue our prosperity as a nation, if we are just using solar and wind.

Solar and wind make up 2 percent of our national energy supply. If you triple it, you only get 6 percent, and tripling it would be a little difficult because there are a lot of people who do not want windmills in front of their houses, whereas nuclear can be expanded, whereas we can drill and find more American energy more effectively, whereas we can use oil shale, which we have more of than Saudi Arabia has oil, to produce energy more effectively, and we can be more conservation minded, and there is agreement on that, obviously, on both sides of the aisle. But you do not accomplish this by sticking the American people with a brand new national sales tax.

In the area of cost discipline, clearly we do not have to run up spending at these rates. We should bring them back down, and the way you bring them back down is by addressing entitlement spending.

This budget that was sent up by the President of the United States, who claims he is interested in fiscal responsibility—although, obviously, it is sorely tested by the numbers in this budget, these trillions of dollars of new debt—does not, on net, reduce the entitlement accounts. He does suggest that Part D premiums be paid for in part by wealthy people. I agree with that. We have actually offered that amendment on our side of the aisle for the last 2 years under this Democratic Congress and were beaten every year on that proposal. I am glad the President is on our side this time. Maybe we will be able to adopt it. It is called the Ensign amendment.

The fact is, unless you have a comprehensive approach to disciplining entitlement spending so it is affordable, and we continue to deliver reasonably good quality care and support to senior citizens, we are not going to get these spending issues under control. You cannot kick this can down the road, as the President has said. You have to start, and the President has not started now. This budget has nothing in it to that effect.

In one other area where we would do something significantly different is defense. This budget basically assumes a declining funding of defense for the next 10 years that is significantly less than what is presently funded as a percentage of GDP.

We are at war. I wish al-Qaida was going to go away. I wish these folks who represent such a huge and immediate threat to us, especially if they get their hands on a weapon of mass destruction, did not exist, but they do. They do exist, and they are a threat—a very significant threat. We cannot confront them through goodwill because they are not interested in goodwill. We have to confront them with a military that is properly funded, properly cared for, and properly armed. That, unfortunately, takes money.



The first obligation, the first absolutely most important obligation of the Federal Government is national defense. Yet this budget, first, does not include sufficient funding for the President's war costs and, second, as a practical matter, it simply assumes that you can run the military on the cheap, I guess, and that is a big mistake.

We do have differences, as Chairman CONRAD has said, over how this budget is structured. They come back to this very core issue of debt, of what we are leaving our children, what we are passing on to our children. It is simply not right for one generation to give another generation less than what we received from our parents.

We, as a nation, have always—always—had the older generation pass to the younger generation a better, stronger, and more prosperous nation. Yet we are now on a pathway, if this budget is followed forward, where the debt and the deficits will be so high that our children will not be able to have as good a life as we have had. The cost of maintaining this Government will so burden them their ability to finance a home, buy a home, send their kids to college, or just live a lifestyle that is something of the level and enjoyment and prosperity that we have had will be seriously—seriously—threatened. It is not fair to do that, not fair for one generation to do that to another generation. Yet the numbers do not lie.

I understand the Democrats did not want to show us the second 5 years of the budget. They hid it, along with a lot of other things they hid, in this budget, but the President showed us the second 5 years of the budget. Every American should take pause because when you see the debt go up by \$9.2 trillion, when you see the public debt ratio to GDP go to 80 percent, when you see deficits annually of \$1 trillion a year on average for as far as you can see, when you see a deficit rate of 5 to 6 percent of GDP, you are talking about a country which is headed toward a fiscal crisis the likes of which we probably have not seen since the Great Depression. It is a country which cannot afford its Government. It is a nation that will be passing on to its children significantly less than was passed on to us.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that for the remainder of this debate on the budget over the next 50 hours, the time be equally divided under a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I would like to come back to the argument I continue to hear advanced—that because we have gone from the 10-year budget the President proposed to a 5-year budget, something is being hidden. I don't believe anything is being hidden from anyone.

Of the 34 budgets the Congress of the United States has done since the Budget Act, 30 of them were 5-year budgets—30 of the 34. Only four were 10-year budgets. The reason Congress has tended to do 5-year budgets—not just tended to but overwhelmingly has done 5-year budgets—is that the outyear forecasts are notoriously unreliable; notoriously.

Some have said I criticized the previous administration for not doing a 10-year budget. Indeed, I did—because I believed they were trying to hide the effect of their tax cuts in the second 5 years. But this administration did not do a 5-year budget. This administration did a 10-year budget. There is nothing hidden. It is all out there for anybody to see. The Congressional Budget Office has scored the President's 10-year budget. Some of us have expressed concern about the second 5 years.

People get in a habit around here and they get used to doing something a certain way, they get used to criticizing budgets a certain way so they keep doing it. It was legitimate to criticize the previous administration for not doing a 10-year budget. It was legitimate to suggest they might have something to hide. But this administration did a 10-year budget. We in Congress—remember, ultimately the budget is a congressional act. The President does not have to sign it. It does not become law. Congress has almost always done a 5-year budget; 30 of the 34 budgets written under the Budget Act have been 5-year budgets, including the last 5, including 2 in which Senator GREGG was the chairman. Again, it has been done that way, number one, because the out-year forecasts have been notoriously unreliable and, number two, because we do a budget every year.

In fact, there is some question whether a 5-year budget is required because we are going to do a new budget every year. So what matters the most in any budget is the first year.

But I did wish to address that because I see this criticism. I saw it in the David Broder column. I have im-

mense respect for him. I saw it in the David Rogers column. I have immense respect for him. But I don't think the criticism applies in this particular situation. Nobody has been more clear, publicly or privately, than I have that the second 5 years of the Obama budget raises a real concern about the sustainability of our fiscal direction.

Let me just say, if you took my budget, which is a 5-year budget, the budget that came out of the Budget Committee, and extended it for 10 years, you would see dramatically lower deficits and debt than in the President's budget. In fact, I believe the first 5 years we have saved \$600 billion from the President's proposal. In the second 5 years the total savings—for the 10 years, if we extended our budget 5 years, would be over \$2 trillion. That is just in the nature of the beast. You know, the savings grow over time. We have put in \$600 billion of savings in the first 5 years.

With respect to the question of spending, we are only increasing domestic spending—and that includes defense, that includes international, and that includes domestic spending in the appropriated accounts—5.3 percent. That is a modest number. Some of our friends on the other side want to absolutely freeze spending. I say to them I think that would be a serious mistake in an economic downturn, to absolutely freeze spending. In this situation, where the economy is contracting sharply, consumers cannot fill in the gap. They are tapped out, and they are worrying about losing their jobs. Companies cannot fill in the gap because they, too, are threatened. The only entity with resources to step in, to fill the breach, is the Federal Government.

One of the things we learned in the Great Depression was that profound mistake that was made was not necessarily on the fiscal policy side—although that didn't help—but the biggest mistake was on the monetary policy side controlled by the Federal Reserve. They did not expand the money supply. They did not provide liquidity to prevent the contraction from deepening, from growing, and from becoming far more destructive.

Thank goodness we have learned. That is not what is happening here. The Federal Reserve is providing liquidity, and that is on the monetary side. On the fiscal policy side, we did pass a large stimulus package—as imperfect as it was. We provided a large stimulus package to help fill in some of the gap between where the economy should be and where it is, the gap that was exacerbated by a more than 6-percent contraction in the economy in the fourth quarter of last year.

I believe we are doing many of the right things—again, however imperfectly. If I were able to design the stimulus package, I must say it would have been much different. I would have put

much more money into infrastructure. I believe that would have been a better way to stimulate the economy. Even so, there was substantial infrastructure in the stimulus package. Not as much as I would have preferred but, nonetheless, a significant amount. Additionally, I think the Federal Reserve is going in the right direction with respect to the policies it is pursuing in terms of providing liquidity and credit.

When we talk about Hoover economics that our colleagues on the other side of the aisle embraced back in the 1930s, the fundamental assumption was that markets were self correcting. That is what Hoover economics was founded upon, the notion that the Federal Reserve did not need to take countercyclical action and that the Federal Government did not need to take countercyclical actions in terms of helping people who were unemployed. Hoover opposed providing that kind of Federal Government assistance.

Today we know that such assistance actually one of the most stimulative things you can do because that money gets into the economic bloodstream very quickly. It gives lift to the economy, it reduces the size of the contraction, it reduces job loss, it reduces more and more homes going into foreclosure because people can't pay their mortgage, it reduces the vicious cycle that can suck down an economy.

I just wish to be clear. When we have been critical of their stance against stimulus, their stance against doing the things that are being done by the Fed, they have this mantra they chant. Too much spending—let me look at our budget in terms of spending. In the short term, yes, spending increases because you are countering the cycle of the economy, so we are up to 27 percent of GDP in spending this year. But then we step it down to 22 percent of GDP, of gross domestic product, by the fifth year. So that is going in the right direction—even for our friends on the other side.

They say too much taxes. Let me remind them, in the President's proposal, on a net basis, according to the Congressional Budget Office, his budget cuts taxes \$2.2 trillion. That is a 10-year budget. Our budget on a 5-year basis cuts taxes \$825 billion, on a net basis. Yes, there are some tax increases on those of us who are high-income earners. Yes, we have our taxes increased somewhat. But on an overall basis, the President's budget has significant tax cuts from current law, as does the budget that is before us now.

Third, they say too much debt. Look, I am in agreement with them. But where were they in the good times during the Bush administration, when they doubled the debt of this country? They doubled the debt of this country when economic times were relatively good—until the end of the Bush administration when the economy collapsed.

That is what this President inherited. He inherited an economy that was in full collapse: It declined 6 percent in the last quarter of last year; an economy that was in free fall; an economy with a housing crisis, a financial crisis, a banking crisis, and a fiscal crisis.

I say to my friends on the other side, it was their policies that put us in the soup. It was their policies of doubling the debt, of tripling foreign holdings of U.S. debt, that put us in this ditch. Now this President has to try to clean up the mess and part of cleaning up the mess is higher deficits and debt in the short term. That is unavoidable. That was already happening in a very dramatic way before this President ever took office. He inherited a deficit. If he had done nothing, he would have inherited a deficit this year of \$1.3 trillion. That is after our friends on other side had already doubled the debt over the previous 8 years, and, worse, tripled foreign holdings of U.S. debt. Now we have China as the biggest creditor and our friends here say: Gee, China might not continue to finance our debt.

My friends, where were you? I warned about that starting in 2001. Anybody can review the record. You can go back and look at what I said on the public record over and over and over, that we were headed for big problems financing our debt. The party on the other side did not seem to respond.

Now, all of a sudden, they are concerned about the debt they have passed on to this President. That is not fair. I am plenty willing to say, as I have said publicly, the second 5 years of the Obama budget needs a lot more work. We are going to have to do a lot more to keep the deficit going down. But the first 5 years is a good start for the President's budget and ours is even somewhat better. In fairness to him, we had to make additional adjustments in his budget because the Congressional Budget Office said we lost \$2.3 trillion in revenue—\$2.3 trillion from the forecast the President was working off of that was made some time earlier.

I hope, in this debate, we do not try to lay at the desk of this President, who has been in office less than 3 months, disasters he inherited. No. No, we are not going to let that happen. That is not going to go unchallenged because that is not fair. This President walked into more crises than I can think of confronting any President, going back to Franklin Delano Roosevelt—a housing crisis deeply underway before he ever took office, a banking crisis deeply underway before he ever took office, a financial crisis deeply underway before he ever took office. So let us be fair in this debate and discussion about where responsibility lies.

Barack Obama, President Obama did not create any of these problems. He has been asked to clean up the mess and an incredible mess it is.

One other point I wish to make, and a place where I do strongly agree with

Senator GREGG, is the need to do much more for the long term. That is why he and I have proposed a 16-member task force given the responsibility and the authority to come up with a plan. If 12 of the 16 could agree, that plan would come to the floor for a vote because I do not believe we are going to get through this without special measures and special procedures and a process to take on this long-term debt bomb that overhangs our country. But let's be fair about who is responsible for building the foundation of this mess. It does not lie at the feet of President Obama.

I see the Senator from Alaska. Is the Senator seeking time?

Ms. MURKOWSKI. I am, in morning business.

Mr. CONRAD. This would be a perfect time. I would be happy to yield the floor and give her an opportunity. While the Senator is getting ready, she has, as the Chair knows, had a skiing accident. We are glad to see she is up and ambulatory and here at work. We are delighted she is back.

I yield the floor.

The PRESIDING OFFICER. I think we will soon see that the Senator from Alaska is not only ambulatory but her vocabulary is working quite well.

The Chair recognizes the Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MOUNT REDOUBT ERUPTION

Ms. MURKOWSKI. Mr. President, today I am rising to talk about an issue that has captivated my constituents in the State of Alaska. We have got a mountain that is erupting. Mount Redoubt, which is located about 150 miles southwest of Anchorage, our largest community, has been more than active in the past week or so generating a great deal of press, a great deal of interest, and a considerable amount of impact in my State. So I wanted to take a few minutes this afternoon to talk about what is happening up North, talk a little bit about the importance of volcano monitoring.

I think we are all aware that there have been some recent comments made about Federal spending for volcano monitoring, and the suggestion that perhaps this might be wasteful money in that we do not have any need to be monitoring volcanos.

I can assure you that monitoring volcanos is critically important to the Nation, to the world, and particularly to Alaska right now, where, as I say, we are being held hostage by a volcano.

A little bit of a personal note here. This afternoon—my boys' spring break concluded last evening. We have been up in the State enjoying spring skiing. And they are grounded by Mount Redoubt. They may be home Wednesday evening. Now, others might think this

is a bad thing, but for these young pages here this morning, when you are 17 and you are shut out of school for an additional 3 days after spring break concludes, and you have to stay in Alaska and keep skiing, maybe the volcano is not a bad thing.

But there is a very serious aspect to what we are talking about. Mount Redoubt has erupted 17 times now since March 22. And when it was initially under watch, you would see the steam and the haze coming off the volcano. But then we started to see some pretty significant eruptions, eruptions that would go 65,000 feet up into the air.

This is a picture of Mount Redoubt. This was actually taken back in 1989, the last time Mount Redoubt was active. But what happens is these plumes go straight up into the air, get caught by the jet stream at 40- or 65,000 feet, and then that ash is dispersed throughout the State.

What we have been seeing up North this week, and actually for about the past 10 days, is the cancellation of air flights, complete closure of the Anchorage International Airport over the weekend. Alaska Airlines alone has canceled about 230 flights. It has affected about 10,000 passengers, including my boys.

What is happening as a result of this volcano does become quite personal. We have school districts down in the southern part of the State where they have experienced the ash fall-out, where the students have dust masks, respirator masks so they are not breathing the ash that is coming through.

Home Depot made a point of staying open 24 hours a day so people could get the masks, the ventilator masks, get tape to put around their windows, around the doors, because this ash, this particulate is so fine that it comes underneath and into your home, it gums up your computers, it clogs your car engine.

It is most worrisome, most threatening, though, with airplane engines, the ash itself, this particulate that is like ground-up stone and has this very debilitating effect of messing up your engine. So what is happening is at the airports, the engines of the airplanes, if they are not inside, which we do not have the capacity for, are being wrapped in Saran Wrap—more sophisticated than Saran Wrap but having to be wrapped. Our military at Elmendorf and Ft. Richardson is looking to relocate their assets, so that these very fine precision aircraft are not in harm's way.

A lot is happening as a result of this volcano and the series of eruptions. The volcanoes in Alaska make up well over three-quarters of U.S. volcanoes that have erupted in the last 200 years. About 50 volcanic eruptions occur around the world every year. This is according to USGS. It seems like a

high number, but most of them are not eruptions that make much in terms of headlines.

The United States ranks third, behind Indonesia and Japan, in the number of historically active volcanoes. That is why it is so very important to fund volcano monitoring, which in Alaska is through the Alaska Volcano Observatory. The AVO, as I call it, is one of five volcano observatories in the United States. It is a joint program of the USGS, the United States Geologic Service, the Geophysical Institute of the University of Alaska-Fairbanks, and the State of Alaska Division of Geological and Geophysical Surveys. The AVO is unique in the United States, and probably in the world, in that it is a thoroughly collaborative undertaking of Federal scientists, State scientists, university faculty, and students.

AVO was formed in 1988, after an eruption of Mt. Augustine, and uses Federal, State, and university resources to monitor and study Alaska's hazardous volcanoes, to predict, to give that early warning, and record eruptive activity, and also to mitigate volcanic hazards to life and property.

Alaska has over 30 active volcanoes that are currently being monitored by the AVO. There is no other observatory in the world that even comes close to that. The AVO also analyzes available satellite data twice daily from thermal anomalies and ash plumes at about 80 volcanoes in the North Pacific. Russian volcanoes frequently put ash into areas where the United States has aviation safety responsibilities. Alaska's active volcanoes also offer superb opportunities for basic scientific investigation of volcanic processes. An important component of AVO's program is to conduct research at selected volcanic centers.

Now, I mentioned the hazard to air traffic. I think it is important for people to understand that when we are talking about volcanic ash being in the air and being distributed, it is not just something that is dirty and an annoyance, but it has the potential to be life threatening and absolutely deadly. If the jet engines ingest the volcanic ash, the potential for catastrophe is very real.

Back in 1989, December 15 of 1989, there was a Boeing 747 flying about 150 miles northeast of Anchorage and it went through the ash plume that had erupted from the Redoubt volcano. It was flying at night so they could not see they were flying into an ash cloud.

We did not have the monitoring process, so the pilots were flying on through and it sucked in the ash at—I am not entirely certain what altitude they were flying when they first encountered the ash—but the plane, with 231 passengers aboard, lost more than 10,000 feet elevation. All four engines lost power. And they went down 10,000 feet. That is about 2 miles.

Now, we do a lot of flying around here. Next time you are up in that airplane, look down and think about losing all of the power in your 747 and falling out of the sky almost 2 miles before these incredibly skilled pilots are able to restart the engines.

They were able to land the airplane safely, no lives lost, but I cannot imagine what it would have been like to have been a passenger on that jet aircraft. The airplane suffered about \$80 million in damage. All four of those engines were shot. And, again, the good news out of the story is that there was no loss of life.

The FAA estimates, based on information provided by the FAA, that more than 80,000 large aircraft per year and 30,000 people per day are in the skies over and potentially downwind of many of Alaska's volcanoes, mostly on the heavily traveled great circle routes between Europe and North America and Asia. It is along this route, which coincidentally follows the northern portion of the Pacific Ring of Fire, that there are over 100 volcanoes capable of depositing ash into the flight path. Some are in Japan, many are in Russia, but about half of them are in Alaska. And by analyzing the satellite imagery and working with the National Weather Service to predict where the winds will carry the ash, AVO assists the FAA in warning aircraft of areas to avoid.

Volcanic eruptions from Cook Inlet volcanoes—these are right around the south central area: Spurr, Redoubt, Iliamna, and Augustine—can have severe impacts, as these volcanoes are nearest Anchorage, which is obviously our largest population center.

Back in 1989, when Redoubt blew before, I was working in an office, and essentially we were shut down because the ventilation system needed to be turned off, computers needed to be turned off and covered. The impacts economically and in all ways are very real.

The last major series of eruptions of Mt. Redoubt were in 1989 and 1990. These eruptions totaled 23. So right now with Redoubt we are already up to 17. The 23 that took place in 1989 occurred over a 6-month period. We are seeing 17 eruptions over a period of about 10 days.

These eruptions seriously affected the population, commerce, and oil production throughout Cook Inlet and air traffic about as far away as the State of Texas. Total estimated economic costs were about \$160 million, making this eruption of Redoubt the second most costly in U.S. history after Mount St. Helens. It had significant impact on the aviation and oil industries as well as on the people of the Kenai Peninsula.

As mentioned, this volcanic ash is fine bits of abrasive glass that can damage lungs, it can damage vehicles,

electronic equipment. Right now, as we speak, in the area just outside of Anchorage, at Mount Alyeska, where I was a couple of weeks ago, we are hosting the U.S. National Ski Championships. We have got some of the country's finest athletes who are performing on that hill. They cannot race if they are breathing in this volcanic particulate.

The Redoubt eruption also damaged five commercial jetliners. This was again back in 1989. It caused several days' worth of airport closures and airline cancellations in Anchorage and on the Kenai Peninsula. Drifting ash clouds disrupted air traffic as far away as Texas.

International volcano monitoring is also a role of the Federal Government. It helped, very likely, to save many lives, and significant money, in the case of the 1991 eruption of Mount Pinatubo in the Philippines, where the United States had military bases at the time.

The eruption back in 1991 lasted more than 10 hours and sent a cloud of ash as high as 22 miles into the area that grew to more than 300 miles across.

The USGS spent less than \$1.5 million monitoring the volcano and was able to warn of the impending eruption which allowed the authorities to evacuate residents, as well as aircraft and other equipment from U.S. bases there. The USGS estimates that the efforts saved thousands of lives and prevented property losses of at least \$250 million.

It is not enough, though, to justify a program by identifying a danger. The more important question is whether something can be done to reduce the impact of a volcanic eruption in terms of property damage and loss of life. That means getting people out of harm's way by providing advanced warning. That is exactly what the USGS Volcano Hazards Program seeks to do through the existing volcano observatories in the United States. Some may say there is an abundance of caution going on right now by shutting down the airport, by cancelling flights, by diverting flights. But as a mother whose sons are there and going to be relying on air travel, I want to make sure that we err on the side of caution.

I want to make sure we are using those scientists who will tell us exactly when it is safe to be back up flying.

The advances made in monitoring can now provide much more accurate and timely predictions of eruptions. Back in 1989, AVO was only able to provide a few days' warning before Mount Redoubt erupted. This year, they began to detect activity and notified the public a couple months before it eventually erupted. The biggest challenge remains finding an adequate and stable source of funding. The USGS Volcano Hazards Program has been constantly underfunded. Both USGS and the FAA provide funding, but it is not enough to

manage all of the observatories or provide for an expansion of the system to cover increased monitoring and volcano research.

It is because of inadequate funding and the critical importance of this program that I intend to introduce a bill that will provide funding stability volcano monitoring needs. This program shows that with a modest investment, a very large benefit can be produced in reducing the impacts of catastrophic events. My legislation will establish a national volcano early warning and monitoring system within the United States Geological Survey to monitor, warn, and protect citizens from undue and avoidable harm from volcanic activity. USGS will coordinate a management plan with other relevant Federal departments, including the Department of Transportation, FAA, the National Oceanic and Atmospheric Administration, the Department of Homeland Security, and the Federal Emergency Management Agency. The legislation authorizes appropriations annually to the Department of Interior to carry out the act.

I appreciate the attention given me on this issue this afternoon. As I mentioned, all eyes are upon the State of Alaska right now as we watch this volcano, but this is not the only one we are actively monitoring and watching. We want to make sure that not only the residents of the State of Alaska are provided a level of safety through monitoring and warning but any of those who may be endangered because of Mother Nature doing what Mother Nature does on a very unpredictable trajectory. So what we are attempting by introduction of legislation to establish the national volcano early warning and monitoring system is good, and I look forward to having the support of my colleagues on this very important matter.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I wish to go back for a moment to the question of a 10-year budget versus a 5-year budget, because I have heard so many questions raised about why we did a 5-year budget rather than a 10.

Again, the Congress has done 34 budgets under the Budget Act, 30 of which have been 5-year budgets. A key reason has been that the longer term forecasts are notoriously unreliable. CBO said the current forecast "has greater than normal uncertainty."

CBO's current forecast, particularly for the near term, is subject to a greater than

normal degree of uncertainty . . . Both the magnitude of the contractionary forces operating in the economy and the magnitude of the government's actions to stabilize the financial system and stimulate economic growth are outside the range of recent experience.

The Federal Reserve Chairman, Mr. Bernanke, said the economic outlook is subject to considerable uncertainty.

This outlook for economic activity is subject to considerable uncertainty . . . One risk arises from the global nature of the slowdown.

He went on to say:

If actions taken by the Administration, the Congress, and the Federal Reserve are successful in restoring some measure of financial stability—and only if that is the case—there is a reasonable prospect the current recession will end in 2009 and that 2010 will be a year of recovery.

Again, very small differences have very big effects over time.

Senator GREGG himself said in March of this year:

Ten-year forecasts are very much a guess . . .

That is why almost every time the Congress does a 5-year budget rather than a 10-year budget. In fact, the last five budgets done by Congress, including three under Republican chairmen, have been 5-year budgets.

Now, there has been some suggestion by columnists that doing a 5-year budget suggests you are hiding something. Again, I want to emphasize, President Obama came forward with a 10-year budget that has been fully scored. Nothing is being hidden from anybody. That score is out there. It is available. It is public. So there is nothing being hidden. And Congress has almost always done 5-year budgets just because of the extraordinary uncertainty of those outyears.

I also want to say, for a moment, those who argue that this budget has too much spending are up against the factual record. The factual record is that in this year, the spending will be 28 percent of gross domestic product. We bring that down very sharply in the first 3 years. We get it down to 22 percent of GDP by 2012. Again, there is a deficit in the fifth year of less than 3 percent of GDP, which the economists tell us is critical to having a sustainable debt.

Let me say my own view. I believe we have to do better than that. I believe we have to do better than that. I believe the outyears under any of the budgets are unsustainable. I believe we have to have some special process such as the one Senator GREGG and I have proposed, and I am completely open to other suggestions about how we deal with the entitlement reform and the tax reform we so badly need.

I see our colleague, Senator MCCAIN, is now in the Chamber. We advised his office we would like to get him in at about this hour, so I would be happy to take a break and give Senator MCCAIN a shot at this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank my friend from North Dakota, and I thank him for his hard work under very difficult circumstances.

Obviously, the debate begins on the budget resolution for fiscal year 2010. Like the President's plan, the measure offered amounts, in all candor, to generational theft. It increases spending by \$225 billion over current levels, raises at least \$361 billion in taxes, and borrows \$1.1 trillion more than what we expect to borrow under current law.

But unlike the President's plan, the resolution budgets for 5 years. Now, I would like to say, in deference to my friend from North Dakota and members of the Budget Committee, I am aware that in previous years a 5-year budget process has been generally the way to do business. There are years where we have used 10 years. The President's budget was 10 years. In these difficult times, given the circumstances under which we are laboring, I think we do a disservice to not do a 10-year budget. So budgeting for only a 5-year period in many respects hides the costly expansion of Government that is sure to take place after 2014.

As we go through this debate—and I notice the Senator from North Dakota has many charts—I will be bringing forward some charts that show the dramatic expansion in cost for a whole variety of reasons, including demographics and more and more baby boomers retiring, which, as the President's chief budget person, Mr. Orszag, has stated, is "not sustainable."

The Senate owes it to the American taxpayer, in my view, to produce a 10-year budget that shows the unsustainable fiscal path we are on and the terrible burden we are passing on to future generations because of the explosive debt it produces.

The Senator from North Dakota, the distinguished chairman of the Budget Committee, just mentioned a proposal for a commission for reform of Social Security and Medicare, and I agree with him. But I would also argue that on the issue of Social Security we could all sit down in a matter of hours and address the issue of Social Security. We know the factors that are involved. We know what the costs are. We know the fixes that basically are necessary. And it would have to be done in the spirit of compromise, as Tip O'Neill and former President Reagan did way back in 1983, the last time there was any significant reform to Social Security. Medicare and Medicaid and health care is obviously a much more complicated issue.

In an op-ed entitled "Hiding a Mountain Of Debt" from yesterday's Washington Post, David Broder, who, in my view, is perhaps the most respected columnist in America in many ways, and certainly the most experienced, wrote:

[T]he Democratic Congress is about to perform a cover-up on the most serious threat to America's economic future. . . .

The Congressional Budget Office sketched the dimensions of the problem on March 20, and Congress reacted with shock. The CBO said that over the next 10 years, current policies would add a staggering \$9.3 trillion to the national debt—one-third more than President Obama had estimated by using much more optimistic assumptions about future economic growth. . . .

The ever-growing national debt will require ever-larger annual interest payments, with much of that money going overseas to China, Japan and other countries that have been buying our bonds.

Reacting to this scary prospect, the House and Senate budget committees took the paring knife to some of Obama's spending proposals and tax cuts last week. But many of the proposed savings look more like book-keeping gimmicks than realistic cutbacks. . . .

But the main device the Democratic budgeters employed was simply to shrink the budget "window" from 10 years to five. Instantly, \$5 trillion in debt disappeared from view, along with the worry that long after the recession is past, the structural deficit would continue to blight the future of young working families.

Mr. President, I ask unanimous consent to have the David Broder column that appeared in the Washington Post yesterday printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 27, 2009]

#### HIDING A MOUNTAIN OF DEBT

(By David S. Broder)

With a bit of bookkeeping legerdemain borrowed from the Bush administration, the Democratic Congress is about to perform a cover-up on the most serious threat to America's economic future.

That threat is not the severe recession, tough as that is for the families and businesses struggling to make ends meet. In time, the recession will end, and last week's stock market performance hinted that we may not have to wait years for the recovery to begin.

The real threat is the monstrous debt resulting from the slump in revenue and the staggering sums being committed by Washington to rescuing embattled banks and homeowners—and the absence of any serious strategy for paying it all back.

The Congressional Budget Office sketched the dimensions of the problem on March 20, and Congress reacted with shock. The CBO said that over the next 10 years, current policies would add a staggering \$9.3 trillion to the national debt—one-third more than President Obama had estimated by using much more optimistic assumptions about future economic growth.

As far as the eye could see, the CBO said, the debt would continue to grow by about \$1 trillion a year because of a structural deficit between the spending rate, averaging 23 percent of gross domestic product, and federal revenue at 19 percent.

The ever-growing national debt will require ever-larger annual interest payments, with much of that money going overseas to China, Japan and other countries that have been buying our bonds.

Reacting to this scary prospect, the House and Senate budget committees took the par-

ing knife to some of Obama's spending proposals and tax cuts last week. But many of the proposed savings look more like book-keeping gimmicks than realistic cutbacks. The budget resolutions assume, for example, that no more money will be needed this year to bail out foundering businesses or pump up consumer demand, even though estimates of those needs start at \$250 billion and go up by giant steps.

Republicans on the budget committees offered cuts that were larger and, in some but not all instances, more realistic.

But the main device the Democratic budgeters employed was simply to shrink the budget "window" from 10 years to five. Instantly, \$5 trillion in debt disappeared from view, along with the worry that long after the recession is past, the structural deficit would continue to blight the future of young working families.

The Democrats did not invent this gimmick. They borrowed it from George W. Bush, who turned to it as soon as his inherited budget surpluses withered with the tax cuts and recession of 2001–02. But Obama had promised a more honest budget and said that this meant looking at the long-term consequences of today's tax and spending decisions.

There are plenty of people in Congress for whom the CBO report was no surprise, and some of them have proposed a solution that would confront this reality. Kent Conrad, the chairman of the Senate Budget Committee, and Judd Gregg, its ranking Republican, have offered a bill to create a bipartisan commission to examine every aspect of the budget—taxes, defense and domestic spending, and, especially, Medicare, Medicaid and Social Security. Congress would be required to vote promptly, up or down, on its recommendations, or come up with an alternative that would achieve at least as much in savings.

In the House, Democrat Jim Cooper of Tennessee and Republican Frank Wolf of Virginia have been pressing a similar proposal but have been regularly thwarted.

The roadblock in chief is Nancy Pelosi, the speaker of the House. She has made it clear that her main goal is to protect Social Security and Medicare from any significant reforms. Pelosi has not forgotten how Democrats benefited from the 2005–06 fight against Bush's effort to change Social Security. Her party, which had lost elections in 2000, 2002 and 2004, found its voice and its rallying cry to "Save Social Security," and Pelosi is not about to allow any bipartisan commission to take that issue away from her control.

The price for her obduracy is being paid in the rigging of the budget process. The larger price will be paid by your children and grandchildren, who will inherit a future-blighting mountain of debt.

Mr. McCAIN. What does the President's budget do? It doubles the public debt in 5 years and nearly triples it in 10 years. As a consequence, beginning in 2019, the Government will spend more on interest than on the defense of our Nation. That is \$806 billion on interest, \$720 billion on defense. That is eight times more than we will spend on education and eight times more than we will spend on transportation. The budget proposals offered by the President and the Senate Democrats put us on an unsustainable fiscal path and will pass on to future generations an unprecedented level of debt they will never be able to afford.

We should not take lightly the significant impact our mounting debt has on our future financial stability and security. Currently, China owns nearly \$2 trillion of our debt, and because of the global economic downturn, the Chinese are now focused on pumping their money into their own economy. I believe one of my colleagues said it best when he warned: "The only thing worse than China holding so much of our debt, is China declining to finance any more of our debt."

Buying our national debt is no longer a very attractive investment for the Chinese and, given the explosion of debt currently envisioned in the President's budget, an even less inviting one in the future. We see evidence of this approaching predicament brought on by their well-founded concerns about the dollar's declining value and in China's recent suggestion that the world should consider a new international currency to replace the dollar.

Here are some cold, hard facts: Our current national debt is \$10.7 trillion. The projected deficit for 2009 is \$1.7 trillion. The total cost of the stimulus bill enacted last month is over \$1.1 trillion. We gave the Troubled Asset Relief Program, known as TARP, \$700 billion, but everyone expects the administration will request up to an additional \$750 billion or more. President Obama recently signed an Omnibus appropriations bill totaling \$410 billion. The Federal Reserve recently pumped another \$1.2 trillion into our markets, and the President has submitted a budget request of \$3.6 trillion.

Just today, we have decided we will keep General Motors and Chrysler alive, when General Motors and Chrysler should go to a prepackaged bankruptcy. They could enter bankruptcy, change the parameters on which they are doing business, and emerge as more competitive and efficient automobile manufacturing corporations that could compete with automobile manufacturing here in the United States, only they are not located in Michigan, they are located in other States. So instead of sending General Motors and Chrysler into the prepackaged bankruptcy they deserve, we now have taken the unprecedented step of firing the CEO of General Motors—a remarkable move by the Federal Government, I think unprecedented in the history of this country. What does the signal send to other corporations and financial institutions about whether the Federal Government will decide to fire them as well?

But the fundamental issue here is, who is too big to fail? Who is too big to fail in America? And what do I tell the businessperson in Phoenix, AZ, who is about to have to close their doors because they do not have the financing and they have not been bailed out? Who is too big to fail and who is too small to survive? That is why we have seen an outpouring and outrage over

the bonuses paid to executives of financial institutions that they neither deserve nor warrant.

The President's budget numbers are simply staggering. On average, he adds \$1 trillion to the debt every year for the next 10 years. He produces deficits totaling \$9.2 trillion over this period, taking spending from 20 percent of GDP up to 25 percent of GDP. The deficit for fiscal year 2009 will be more than three times the previous record of the biggest deficit. The President's budget also contains \$1.4 trillion in tax increases. It resurrects the death tax and, even at this critical time, discourages investment in our economy by raising the top rate on capital gains and dividends by one-third.

If the CBO-projected deficits in the budget's outyears prove close to accurate, by 2019 Americans would owe a debt that is over 80 percent of our gross domestic product—the highest level since 1948—and double our debt's current share of gross domestic product. It would create more debt than under every President from George Washington to George W. Bush combined. As others have already warned, the Nation would be bankrupt, and the America our children and grandchildren inherit would be, for the first time in history, a land of limited opportunities.

Beyond the serious ramifications of the budget numbers, we also need to be concerned about the very real fight we face over reconciliation. The House has included reconciliation instructions for both health care and education. The administration has been clear that it wants climate change added to the reconciliation measures.

I recently read where the administration is considering declaring greenhouse gases a health risk. Just 2 weeks ago, the EPA delivered documents to the White House stating findings that global warming threatens both public health and welfare. If this declaration is made, none of us should be surprised to see changes to environmental law used as an opening to fund universal health care.

I fully recognize that Republicans have in the past engaged in using reconciliation to further the party's agenda. It was wrong then. I wish it had not been done. And I hope and I wish it would not be done now. But the groundwork has been laid. I think this would be a grave mistake. We should be working on the most pressing issues in a bipartisan, thoughtful manner.

We are in the midst of a severe recession. The U.S. Labor Department announced that employers cut another 651,000 jobs in February, raising the unemployment rate to 8.1 percent, the highest since 1983. These statistics are dire and argue for Government's intervention to stimulate the economy. However, it would be an appalling dereliction of duty to use the crisis caused by the global credit crunch, as some

members of the administration have suggested, to excuse profligate spending that would not hasten economic growth and that puts the United States on an accelerated path to bankruptcy.

I believe the President's budget has fallen prey to the siren song of short-term expediency. It is bad economics. The antiquated U.S. Code has driven an increasing number of businesses—especially small, dynamic startup ventures—to file their taxes as individuals. Nearly one-half of Americans work in businesses with fewer than 50 employees, and we should focus on keeping those jobs and creating more of them. While the administration argues that a minuscule number of businesses are affected by its proposed tax increases, a majority of small business income will be hit by them. Jobs are where the money is, and increasing taxes on jobs endangers the recovery.

It is a misguided policy toward fairness. Rising inequality is a 30-year process with its roots in skills and education—not tax policy.

Lastly, insulating 95 percent of voters from the consequences of their electoral decisions is dangerous for a democracy. It is also misleading. Does anyone really believe we can expand all nondefense spending to a record share of GDP, reform the health care system that is one-sixth of the economy, reinvent the energy portfolio that powers our lives, and drive next-generation broadband to every home, while cutting taxes for 95 percent of Americans? It doesn't add up, it won't add up, and it won't last.

I fully recognize tough choices need to be made in order to get our country back on course. It is like the old saying, "Everyone wants to go to heaven, but no one wants to die." Except in Washington, it would be, everyone wants fiscal prosperity, but no one wants to force the belt tightening.

For two centuries, Americans have worked hard so their children could have better lives and greater opportunity. Do we really want to reverse that order by having our children work hard so we don't have to make hard economic choices now?

The Federal budget must address the most pressing issues facing our Nation. Among those priorities are keeping Americans safe and the Nation secure, enhancing economic growth and raising standards of living, reducing the burden of debt for the next generation, reforming our health care system, and shifting to a cleaner, more secure energy portfolio. The budget must also ensure that taxpayers' dollars are managed in the most fiscally responsible manner by targeting resources to priorities, spending no more than needed, eliminating waste and special interest projects, and holding the Government accountable to the taxpayer.

We are obviously living in perilous economic times, but with resolute action and clarity of vision, we can



emerge from this period with strong job growth, rising incomes, restored confidence, and the ability to meet our patriotic obligation of passing to the next generation the opportunity to make their lives safer, more prosperous, and more enriching than our own. We are in a financial crisis, a housing crisis, and a consumer-led recession. Why, then, does the President's budget envision borrowing trillions of dollars for new initiatives in education and health care, energy, the environment, transportation, and technology without any spending discipline or offsets?

Of course, those programs sound appealing, but whether you support or oppose those long-term goals, addressing our most important and immediate problems should be our urgent priority. We have not devoted resources to the right problems. We have left our principles behind as we deliver check after Treasury check, and we will not be able to continue down this road.

I hope again that we, on both sides of the aisle, can sit down together for a change and work out a bipartisan agreement. I believe with the right kind of preparation and the right kind of work, we could have come up with a budget proposal that took into consideration the concerns of those of us on this side of the aisle. As with the stimulus package, as with the omnibus bill, as with SCHIP, and with other issues that have come before this body, there has not been what the American people want so badly for us to do, and that is to sit down and work together and come up with a common recipe for the common challenges we face that affect all Americans, whether they be Republican or Democrat.

Again, I regret that this budget, after our usual national—well, I won't go into it, but the budget vote-arama, that this budget will go down, will be passed largely on party lines. I regret that. We will have time in the future, as we are facing other issues such as health care reform, issues of climate change and others—energy independence—that we should be able to sit down together. So far we haven't. I wish we had.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator for his observations on the budget. I do wish to indicate the budget before us is different than the budget the President sent us. First of all, the Senator mentioned reconciliation instructions. We have no reconciliation instructions in this budget—not on health care, not on climate change, not on education. My own belief is that was never the purpose of reconciliation. Reconciliation was really designed to be for deficit—

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. MCCAIN. Does the Senator really believe that reconciliation will not be part of the final budget resolution?

Mr. CONRAD. Well, I would say this to the Senator: I don't know, but I know it is not part of this resolution, and that was rather intense debate, as my colleague can imagine. I have said publicly and privately what I believe. I don't believe reconciliation was ever intended for the purpose of writing this kind of substantive reform legislation such as health care reform, such as climate change.

As people get into how reconciliation actually works, I think they are going to be a lot less eager to pursue it. If I could just give two examples.

Mr. MCCAIN. Mr. President, would the Senator yield for another question?

Mr. CONRAD. I am happy to yield.

Mr. MCCAIN. I am sure one of the things my distinguished colleague is referring to is that after 10 years, whatever the reconciliation would then expire. But I also would again question whether the Senator is aware that it is accepted as common knowledge that there will be reconciliation in this budget resolution when it is finally passed, whether it contains health care reform, education reform, and/or climate change.

I do acknowledge, again, before my friend answers, that Republicans began this, and it was the wrong thing to do. It was the wrong thing to do. Sometimes you reap what you sow. So I fully acknowledge that.

However, I think to address an issue as serious as health care reform in America, to put it on a budget resolution would be a very serious breach of the customary way the Senate addresses these issues. I thank the distinguished chairman of the Budget Committee for his hard work on this issue for many years.

Mr. CONRAD. I thank the Senator. I would just say I am going to argue strenuously against it in conference committee. The Senator asked me what will be the result. I don't know. Am I going to be able to prevail in the conference committee on this matter? I don't know. But I really do think—I hope colleagues who think reconciliation is the answer will think very carefully about how it actually works.

Anything in reconciliation, first of all, is subject to the Byrd rule. The Byrd rule says any legislative proposal that does not score, that doesn't cost money or save money, is subject to automatic strike. Any provision that the score is only incidental to the policy change is subject to automatic strike.

Our distinguished Parliamentarian has said, if you try to write major legislation in reconciliation, you will be left with Swiss cheese. So I hope people are thinking about that. I know there are attractive features of reconcili-

ation, and it is true I think Republicans abused it in writing the tax reductions because I deeply believe reconciliation was only intended for deficit reduction. So I think it was wrong to have been applied solely for tax reduction during the years the Republicans were in control. I don't think two wrongs make a right. I don't think we should do it for substantive legislation that is really not deficit reduction legislation.

One other thing I wish to say—and I hope people are thinking very carefully about this. The way reconciliation works is there is only one instruction for revenue, one instruction for spending, one instruction for debt in a year. So if you are going to put all of these provisions together, you are going to have education, you are going to have health care reform. You may well have to do those in one bill—in one bill. Now, are we really going to do that? Are we going to have education reform and health care reform put in one legislative vehicle? I think we better think very carefully about that. So I thank the Senator from Arizona for his observations.

I do wish to stress that the budget we have before us is substantially different than the budget the President sent, and there is a simple reason for that. We have \$2.3 trillion less over 10 years to write this budget. This is a 5-year budget, so we made \$608 billion in changes. In spending alone on the discretionary side, we have reduced discretionary spending over 5 years by \$160 billion—\$160 billion. We have changed the mandatory side of the equation by \$240 billion. We have changed the revenue line by almost \$160 billion. So I hope as people look at this budget, they will recognize substantial changes have been made in light of the new forecast. We have attempted to be responsible, and we have gotten the deficit down by two-thirds by the fifth year and less than 3 percent of GDP, which is what all the economists say is necessary to stabilize the debt.

My own strong belief is we need to do even better than that in the second 5 years in light of the retirement of the baby boomers and in light of this enormous debt that has been stacked up. Again, that did not happen—it was not the fault of President Barack Obama. He inherited a colossal debt. He inherited a colossal fiscal crisis, financial crisis, housing crisis. It wasn't his fault. He didn't create it. He is in on the cleanup crew.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The minority whip is recognized.

Mr. KYL. Mr. President, first, let me say the job the chairman of the Budget Committee has is very difficult. I think I can speak for virtually everybody on our side of the aisle when I say there is a lot of respect for the way he has approached this job, especially this year.

I, for one, appreciate the comments about the difficulty with the deficits and with the application of reconciliation. I think the chairman is exactly right. There are a lot of issues with reconciliation, and if it is to be used for the purpose as he identified it, if what Republicans did was wrong, then as lawyers say: a fortiori, this would be wrong, meaning it is even more the case because this would be policy that doesn't even relate specifically to taxes, except indirectly.

So I certainly hope the chairman can be successful in his efforts to remove or to ensure that reconciliation instructions are not included as a part of this budget. From my standpoint, primarily because that would effectively take Republicans out of the ball game in terms of helping to write new health care and environmental and energy and education policy, that should better be done on a bipartisan basis, or at least to the extent possible on a bipartisan basis. That would be very difficult to do if reconciliation got involved. So I appreciate his efforts in that regard.

I wish to begin by quoting a statement that President Obama made at a recent press conference:

The best way to bring our deficit down in the long run is . . . with a budget that leads to economic growth by moving from an era of borrow and spend to one where we save and invest.

That is true. I think it is too bad that the President's budget doesn't meet the test he laid out. It borrows and spends more than any previous budget, and its new taxes will retard economic growth, especially at a time when the stock markets are unsteady, consumers are wary, and unemployment continues to rise, the President's budget should not propose unprecedented spending increases, huge tax increases on individuals, businesses, and families, and deficits as far as the eye can see.

This is not an era of new responsibility. Simply put, the budget spends too much, it taxes too much, and it borrows too much.

First, with regard to spending, we need to remember that middle-class families and small businesses are making sacrifices and tradeoffs in their own budgets every day. But not in Washington. The Federal Government continues to spend trillions of taxpayer dollars on bailouts and new Government programs. This \$3.9 trillion budget continues business as usual, making no hard choices about how to rein in out-of-control Government spending. It also marks a nearly 20-percent growth in nondefense Federal spending since the end of 2008. This budget is so big that, according to the Heritage Foundation estimates, 250,000 new Federal bureaucrats may be required to spend it all.

Nor is there any intention of cutting back. This budget does not con-

template one-time investments followed by years of reduced spending. Instead, billions in new outlays will continue indefinitely. So it is not just about massive spending but about the permanent accrual of power in Washington. As the Wall Street Journal recently editorialized:

With [his] fiscal 2010 budget proposal, President Obama is attempting not merely to expand the role of the Federal Government, but to put it in such a dominant position that its power can never be rolled back.

Don't be fooled by the word "investments." The lion's share of this new spending is not what a well-run business or IRS would count as an "investment," such as equipment or other tangible assets. Most of the new spending would be for services where long-term value is difficult to measure.

Going to the item of taxes, President Obama said he will cut taxes for 95 percent of Americans. But his budget would raise taxes by \$1.4 trillion over 10 years. It not only lets some of the existing tax cuts expire—thus raising taxes—but it implements a new \$646 billion energy tax that will impact every American household, regardless of income, and is estimated to increase energy costs for every family by \$3,168 annually. It is described as a "down-payment," meaning there is more to come.

This tax is touted as a way to curb greenhouse gas emissions, but there is no way around the fact that it will be a tax on virtually all economic activity, since almost every aspect of our daily lives requires energy from fossil fuels. I recall candidate Obama telling the San Francisco Chronicle that "under my plan of a cap and trade system, electricity rates would necessarily skyrocket." Is this what we need or want—especially in a time of recession?

It is also important to understand that existing expiring income tax relief for individuals is not a new tax cut. When an Arizona family thinks of a tax cut, it assumes it will pay less in taxes from one year to the next. The administration claims that if you don't pay more in taxes, you are receiving a tax cut. This difference, to borrow a phrase from Mark Twain, is like the difference between lightning and a lightning bug.

The budget also increases taxes on half of small businesses with 20 or more employees. So far, during this recession, small businesses have created all of the net new jobs. Why is this tax a good idea?

We are straying too far from the principle that the purpose of taxes is to pay for the costs of Government in a way that does the least damage to the economy. Hippocrates' oath for his medical students to "first, do no harm" should also apply to fiscal policy. This budget will not lead to economic recovery. What, in these times, could be more important?

Finally, as to borrowing, there is the deficit. Last year, the deficit was \$459 billion. The Congressional Budget Office now projects a \$1.669 trillion deficit in 2009. In 5 years, this budget will double the public debt. In 10 years, it will triple the public debt. After bottoming out at \$658 billion in 2012—a level still more than 40 percent above the highest deficit during George W. Bush's Presidency—the Congressional Budget Office projects the deficit to increase to \$9.2 trillion in 2019, an astounding 82.4 percent of GDP. It also creates more debt than the combined debt under every President since George Washington. Think of that. That is not sustainable, as even the President's OMB Director, Peter Orszag, has said.

Let's not forget the finance charges. Beginning in 2012, and every year thereafter, the Government will spend more than \$1 billion per day on finance charges to holders of U.S. debt. How will this impact the average American family? Federal spending on finance charges for our Government's debt will be about \$1,500 per household for 2009. Under President Obama's budget, this number soars to nearly \$5,700 per household by 2019. What happened to his plan to "spend wisely"?

This excessive borrowing increases our dependence on creditors in countries such as China and Japan. These two countries now hold more than a third of our foreign debt. Other countries hold more than half of America's total publicly held debt. When other countries hold a large amount of our debt, they also have leverage to influence our currency, trade, and even our national security policies.

The final point I want to make relates to what I regard as class warfare. I am struck by the language of the budget, starting this class warfare in America. Page 5 of the budget reads:

While middle-class families have been playing by the rules, living up to their responsibilities as neighbors and citizens, those at the commanding heights of our economy have not.

Is this true? Is it true that everyone in the upper brackets has not lived up to their responsibilities or played by the rules? Many of your family physicians, for example, fall into the category of top earners—after years of training and mountains of debt from student loans and round-the-clock work hours, on call for you and me. Are they guilty of not living up to their responsibilities or playing by the rules? That is what the President's budget says.

Most high-income people work pretty hard. They contribute to the economy, give to charity, and pay a lot in taxes. The budget complains that the top 1 percent of earners now holds 22 percent of the Nation's income. But it fails to recognize that they also pay 40 percent of all Federal income taxes.

As Daniel Heninger recently wrote in the Wall Street Journal:

What is becoming clearer as [President Obama's] presidency unfolds is that something deeper is underway here than merely using higher taxes to fund his policy goals in health, education, and energy . . . . The rancorous language used to describe these taxpayers makes it clear that they will be made to "pay for" the fact of their wealth—no matter how many of them have worked honestly and honorably to produce it. No Democratic President in 60 years has been this explicit.

Republicans want to work with the President to get the economy back on track. But the massive amounts of spending, taxing, and borrowing in this budget will hinder an economic recovery. In times such as these, we have to focus on growing our economy, not growing the Government.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, let's see what we start with when we start to draw a budget. In this current fiscal year, there is going to be a deficit of \$1.7 trillion; that is, Federal revenues are going to be less than Federal expenditures by \$1.7 trillion.

Why did that occur? It occurred for a number of reasons over the last several years and budgets that were developed that caused the Federal Government to have a huge deficit. On top of that, you have a declining economy with the tax receipts of the Federal Government, because of the declining economy going south. As a result, what you have is an ever-expanding deficit because expenditures are going up in times of a down economy, particularly with regard to the stimulus bill and with regard to the completion of the appropriations bill for this current fiscal year. All of that spending, with the declining revenues, based on past practices, has brought us to this point. So we inherit a deep hole from which we start.

The question is, how do we get out of that hole and, at the same time, how do we stimulate the economy in order that we can get our economic engine running again and get America moving again? I think the chairman of the committee, Senator CONRAD, has done a magnificent job in his mark that takes this present \$1.7 trillion deficit in this year, 2009, downward, or increasing the margin to a narrow margin by which the Federal revenues are exceeded by the Federal expenditures and puts that on a path to where you bring the Federal deficit down to less than 3 percent of gross domestic product 5 years out.

What this budget document does is take us from a position of \$1.7 trillion in this year, and then, over the next 5 years, takes it down to a position that is about \$500 billion—still a huge deficit, but when you compare it to \$1.7 trillion or compare it to the fact that all of the economists will testify that any deficit within the range of 3 percent is an acceptable deficit to keep the economy going and, in fact, the

deficit 5 years away is less than 3 percent—it is 2.9 percent—then you should have a budget document that puts us on a path for economic recovery.

I have heard all of these comments about how this budget is spend, spend, spend, and how this is going to run us into bankruptcy, and all that. Well, consider a few facts. First, there is a series of reserve funds for necessary legislation that we want to achieve, such as reforming the health care system. Unless we can get a health care reform enacted into law, we will have very little chance of getting our arms around an exploding budget in the future, because you have to rein in these health care costs. So a series of reserve funds is set up in the budget.

Some would say that is budgetary sleight of hand, until you get into the details of the budget and find out that these reserve funds have to be fiscally or financially neutral and, if they are not, the budget law of the velvet hammer is enacted to come down that any exceeding of a budget-neutral reserve fund has the consequence that the expenditures in that reserve fund have to be paid for.

In other words, the hammer is there if you are not going to produce—in this case we are talking about health care reform—a package over 5 years—and in this case I think it is 10 years—then the hammer of the Budget Act comes down and says not only is that not allowed, you have to bring up a tax revenue in order to pay for whatever the expenditures in that reserve fund are.

Other reserve funds have to be budget neutral. Clean energy and preserving the environment, higher education, child nutrition, and Women, Infants, and Children, infrastructure investments, economic stabilization and growth, America's veterans and the wounded servicemembers, the judge-ships, reforming defense acquisition, investments in local governments, and strengthening the Food and Drug Administration—each one of them is a reserve fund that has to be paid for. They have to be budget neutral under this budget we are going to pass. If they are not, the hammer of the budget law comes down on them so that not only can you not enact that particular reserve legislation, but, in fact, if you go over it, you have to provide for the Federal revenues that will pay for it. I think we have an enforceable document.

I will make one other point and that is that out of this 5-year budget, this document slashes some \$800 billion of spending and tax relief, tax cuts from the President's budget—\$800 billion. Most of that is slashing spending. Some of that is an elimination of some of the President's tax cuts.

The net effect is, it has, over 5 years, a reduction of the deficit by \$800 billion. That is moving in a conservative fiscal direction. People are wondering:

Did the Budget Committee do anything with the President's budget? Mr. President, \$800 billion is a significant amount. But that is 5 years. When we project this budget out over 10 years, how much is slashed? It is a whopping \$2.7 trillion in the President's 10-year budget projections.

I think it is clear by these numbers that this is a much more moderate or conservative approach to spending and tax policy, and with the hammer, the enforcement mechanism of the budget law governing these different trust funds—important legislation that we want to enact—we have a manageable way to take us from fiscal recklessness, where we are now with a \$1.7 trillion deficit, to a manageable 2.9 percent of GDP 5 years from now and a deficit that is approximately \$500 billion.

It would be nice if, over the course of those 5 years, we could move back into balance. It would have been nice, 8 years ago when we had a surplus, had we not enacted the budgets that were enacted back then that took us from a position of surplus, to have used that surplus to pay down the national debt. Instead, a course of action was enacted that took us to huge budget deficits, where we find ourselves today. Therefore, we have a situation that is very difficult.

To maintain the amount of stimulus in the economy to keep us on a stabilized economic road to the future, this budget is about the best we can have. Concurrently, if proposals by the Treasury Department to get the banks lending again are starting to work in the economy with a stabilized and moderate approach to budgeting, then we will start to see our economy come back to life. It is my hope that this is the commonsense kind of budget blueprint we need going forth for the next 5 years.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, we have heard a lot of concern this afternoon about deficits and debt and spending from our colleagues on the other side. I wish to remind them of a little of the history of what brought us here. This is what happened with spending when they were in charge—spending about doubled in the Bush administration. Of course, we know the debt more than doubled, and we are left with an ocean of red ink.

That is what this administration inherited. This wasn't President Obama's doing. This is what he walked into.

Here is what happened to the debt and the deficit under the previous administration. They actually inherited substantial surpluses, which they rapidly turned into record deficits and then plunged the thing right off the cliff. If we are going to be fair about how we got here, I think the other side is going to have to accept an awful lot of responsibility. Here is what happened to the debt—it more than doubled, from \$5.8 trillion in 2001 to \$12.1 trillion in 2009.

Senator GREGG, the ranking Republican on the committee, said: I am willing to accept this short-term deficit number, not debate it, because we are in a recession and it is necessary for the Government to step in and be aggressive, and the Government is the last source of liquidity. So you can argue that this number, although horribly large, is something we will simply have to live with.

That is the ranking member of the Budget Committee. Look, I think he is entirely right. The hard reality is we have no choice but to accept, in the short-term, these large deficits as the Government seeks to provide liquidity to prevent an all-out collapse. But over time, this budget brings the spending down. I am not talking about the President's budget now. I am talking about the budget I have presented here. We take the budget—total discretionary spending—from 9.5 percent of GDP in 2010 down to 7.3 percent of GDP in the fifth year.

When you distinguish between defense and nondefense discretionary, what you see is that I am bringing them both down at about an equivalent rate. So defense, in 2010, will be 4.8 percent of GDP; at the end of the 5 years of this budget, it will be down to 3.7 percent of GDP. Similarly, nondefense discretionary will be 4.7 percent of GDP in 2010, and we take that to 3.6 percent of GDP in 2014.

On the discretionary accounts, which is about one-third of all Federal spending, on the discretionary accounts, both defense and nondefense, I am bringing them both down as a share of our national income and doing it in about the same proportion.

We are doing that because, look, we don't have a lot of options. When the President wrote his budget, he had \$2.3 trillion more in revenue than we have. Now, he did his budget some time earlier, and the forecasts were more robust. Once CBO did their more recent forecast, \$2.3 trillion was gone. That requires a response, if we are also going to answer the President's charge to dramatically bring down the deficit, and we have also done that—from \$1.7 trillion in 2009 to just over \$500 billion in 2014. That is a reduction of more than two-thirds in the deficit of the United States.

Of course, economists like to measure it in terms of a percentage of gross

domestic product rather than dollar terms because that adjusts for inflation. But look what we have done in that way: We have gone from 12.2 percent of GDP in 2009 to less than 3 percent as a deficit and share of the economy in 2014—again, more than a two-thirds reduction—and we get below the magic 3 percent, which is where most economists say we stabilize the growth of the debt.

I am quite proud of what this budget has accomplished in the 5 years of its term. I am the first to acknowledge that when Senator GREGG stands and says we are not doing enough about the second 5 years, sign me up. I agree with him entirely. Certainly, the President's budget has far more debt and deficit in the second 5 years than ours, if you extended our policies. But I would say that either one of them doesn't do enough for the second 5 years. We have to do much more. That is why Senator GREGG and I have proposed a special procedure to give 16 Members the responsibility to come up with a plan, and if 12 of the 16 agree, then that plan would come to Congress for a vote.

Now, we changed the President's budget over the first 5 years by \$608 billion. That is a lot of money. Madam President, 30 percent of it is on the revenue side, 31 percent on the discretionary spending. In other words, we reduced the President's spending by \$167 billion over the next 5 years. Anybody who doesn't think that is a big deal, come to my office and listen to the phone calls.

The mandatory spending we reduced by 39 percent of the total \$608 billion we changed from the President's budget. So we distributed the pain about equally. We did it on a proportionate basis.

Mandatory spending is the biggest part of the budget, so they took more of the reduction. Discretionary spending and revenue were done of about equal proportion. We tried to be fair. We didn't go to just one committee of jurisdiction, or two committees, and say: You take the whole burden of making these changes. We went to everybody, and we said, you know, we have to share the pain and we have to share it equally.

Again, on the question of spending in the budget that is before us—I am not talking about the President's budget. The President's budget is not before us; the budget the Budget Committee has is before this body, the budget that we are going to vote on, which nobody, it seems, wants to talk about. They want to talk about some other budget. But they don't have a budget of their own.

If our budget is so bad, where is their budget? They don't even have a budget. So if our budget is so bad, where is their budget? We don't see their budget. I just say this: On nondefense discretionary the average annual increase under the budget resolution is 2.5 per-

cent. Some say we ought to just freeze it. I don't think that would be very wise to do. That wouldn't even offset inflation. But this is a pretty tough budget that is before us. I want my colleagues to know, nondefense discretionary spending is increased over the life of this budget on average 2.5 percent.

Let's go to that final slide, if we could.

Where are the increases in the non-defense discretionary accounts under this budget resolution? You can see, here is where they are. The biggest chunk is defense. More than one-third of the increase is in national defense. That is in part because the President, instead of hiding the costs of the war, has put the costs of the war in the budget. That is what we have done. So if you look at the nondefense discretionary increase under the budget resolution, one-third is defense.

Madam President, 14 percent is international and 10 percent is for our veterans. We have given the biggest increase for veterans health care ever—and deservedly so. They have suffered the wounds of war and they deserve to have those wounds treated and they deserve to be treated with respect when they come home. So 10 percent of the increase is there. Ten percent is education, 10 percent is income security, 8 percent is the census.

One-twelfth of the increase is the census that has to be done every 10 years. That is an extraordinary expense, but here it is. We have to deal with it and we do. Natural resources and environment are 6 percent, transportation is 3 percent, and "other" is 2 percent.

The discretionary increase comes in those categories. I hope my colleagues, as they discuss the budget, deal with the budget that is before us. It is substantially different than the budget the President sent us because, again, when the President wrote his budget he had \$2.3 trillion more in revenue over 10 years than we do under the new scoring that was done just before we concluded work on this budget.

I think the American people would expect us to make changes when the facts change. When the revenue changes dramatically I think they would expect us to make adjustments, and that is what we have tried to do.

I am quite proud of this budget document that we have produced, this outline for the country, because we have done our level best to keep faith with the priorities established by the President. He said to me, when I told him we were going to lose \$2 trillion—he said: Look, do everything you can to preserve my priorities. He said, No. 1: Please do everything you can to make sure we can reduce our dependence on foreign energy. That is not just the President's priority, that is the priority of the American people.

No. 2, he said: Do your level best to preserve my priority by focusing on excellence in education because if we are not the best educated, we are not going to be the strongest country on Earth very long—and we have done that in this budget.

No. 3, he said: Please preserve my priority on major health care reform because that is the place that is going to take us over the cliff, in terms of our long-term economic future. That is the thing that is burdening families and businesses and taxpayers, so please do everything you can to preserve my key priorities, and do it in the context of dramatically reducing the budget deficit.

We have done that in this budget. We have preserved his priorities on reducing dependence on foreign energy, on excellence in education, on major health care reform. We provided reserve funds, deficit neutral reserve funds for each one of those categories, and we have reduced the deficit by two-thirds. We have gotten it down to 3 percent of GDP, which was his charge to us. We have done it all, even though we faced a dramatic reduction in revenue available to us.

Does that mean we could just copy the President's budget? Obviously not. We had to make adjustments, and we made \$608 billion of adjustments over the first 5 years. I believe that was necessary and appropriate and prudent, and I hope we can hold onto those changes as we go through the markup. I am already hearing there are people who want to come here and increase the spending. I have already heard people are going to offer amendments to take away some of these adjustments. I am told Republicans and Democrats are meeting right now, this afternoon, to figure out how to come in and change this budget, to raise the spending. I am told there are a lot of Members represented at this meeting.

Let me send a word to them: Change this at your peril. We have carefully crafted this package to be able to win majority support. I think you better think very carefully about changing what we have brought to the floor because you might move it in your direction—more spending—only to wind up with a defeat on final passage of this budget. I hope those who are meeting will think very carefully about coming to the floor and trying to increase the spending in this resolution.

I yield the floor.

Mr. GREGG. Madam President, we are awaiting a speaker, but while we await the speaker, who is on his way—I think Senator SPECTER is coming—I want to respond to a couple of points by the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from New Hampshire is recognizing.

Mr. GREGG. He quoted me, with a huge chart—I always appreciate that,

get my name out there; my eloquence is once again reestablished—but it is regrettable that he didn't continue the quote. The point I made in that was that in the short term there is a necessity to spend money because the Government is the last source of liquidity right now, and we need that in order to try to get the economy going. But what is inexcusable about this budget is that in the years 2011, 2012, and beyond spending continues. It goes down from 28 percent to 23 percent and then it starts to go back up to 23, 24, 25 percent of gross domestic product. It is spending done entirely by deficits—an average of trillion-dollar deficits over the next 10 years under the President's budget.

The point is, of course, you may have to spend now. We do have to spend now. The spending is not done that well. It was a total misappropriation of money. The stimulus bill was just walking around money for different interest groups in which the appropriators happen to have a vested interest. Legitimate. Most of them were very nice groups. But most of them didn't stimulate the economy. But after the stimulus event is over and the recession has abated, to continue this level of spending is unconscionable. It creates a debt that our children will have to bear, a debt that is unfair to pass on to them.

My point, of course, is, as we move into the out-years we have to try to rein in spending, try to control spending because the issue is spending. That is the bottom line. The problem is spending.

So you have this budget that has been proposed which is dramatically increasing the size of the Government intentionally. The President said he wants to do that. He said: I intend to create prosperity by expanding the size of the Government. He does it through creating a massive amount of debt—\$9.2 trillion of new debt over the next 10 years, running the size of the debt as a burden on our economy up to 80 percent of gross domestic product—which is not sustainable and which will basically throw us into a situation where our children will not be able to afford the Government that is being passed on to them.

So when the Senator quotes me—and I appreciate him quoting me—I wish he would continue the sentence or continue the paragraph or the thought because it is the rest of the thought where the issue lies. The issue doesn't lie in the short term; the issue lies in the long term. The issue lies in what we are passing on to our children. The issue lies in the fact that under this budget, as brought to us, the debt and the deficit are exploding at a rate that no country can support. None. It creates financial hardship for this Nation if we continue down this path.

On another point, the Senator from North Dakota continues to bring up

these charts about how they are bringing their deficit down below 3 percent, and the President has his up at 4.5 percent. The 4.5 percent is not sustainable. Everybody agrees with that. And 3 percent of the gross domestic product is barely sustainable.

How do they get there? They get there by simply using the old-fashioned shell game around here, which has been used for years, which is not putting on the budget that which we absolutely know is going to occur. At least the President had the decency and forthrightness to put into his budget these things we absolutely know are going to be spent on.

They claim with these reserve funds: "Oh, we are responsible by doing reserve funds." That is a totally disingenuous statement. The President knows these reserve funds are not legitimate, and that is why he didn't use them. He put it in the doctor's fix and scored it. They put in a doctor's fix and don't score \$90 billion, approximately. It is a significant amount.

The President said we are not going to have AMT; we are going to have a permanent fix on AMT. For 3 years this budget that is brought to us doesn't score AMT as revenues, but for the last 2 years it scores it as revenues. Why do they take these revenues even though we know we are not going to get them? So they can make their numbers look better, get below this 3 percent level, which is just a game.

Health care: The President in his budget says health care in his reform is going to cost about \$400 billion over these first 5 years. Is any of that in this budget? None of it. A reserve fund, which is not even subject to pay-go, is used in order to mask that number. That helps to get below the 3 percent.

I mean, it is the use of the old gimmicks, the things which we at least respect the President for having come forward and saying: They are gimmicks, and therefore I am not going to use them. So just lay the President's numbers over this budget, and you get the exact same budget. When Peter Orszag, Director of the OMB, said there is 98 percent identity between these budgets, he was right and the practical effect was right.

The budget that was brought to the Senate floor is a profligate budget. It is a budget which basically goes out and spends at a level of 22 percent of gross domestic product for as far as the eye can see and generates revenues of 18 percent, 18.5 percent if they are lucky. That is after they raise taxes on the alleged wealthy—the small businesspeople of this country, the people who create the jobs—after they have hammered the small businesspeople who create jobs with a \$1.4 trillion tax increase, hit us with a national sales tax on our electric bills, taking all that money and not using it to reduce the deficit at all, just use it to expand

spending—after they have done all that, they have this huge gap which runs up debt, debt which is going to be unsustainable and unaffordable for our children.

It is certainly not appropriate. But at least the President was honest about it and straightforward and did not use a bunch of gimmicks to try to hide it so we could have an open and fair debate about it.

Unfortunately, that is not the case in the budget that is brought forward here. It is a budget which uses these games. Games which for a long time, have been used too often. I probably used a few of them when I was chairman.

But it is about time, since we have a President who is willing to come forward and say: This is the way it should be done, that we follow his lead and at least have the integrity to say he was right when he was transparent.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, let me be very clear. I absolutely reject the notion that the budget the Budget Committee has brought before this body has gimmicks or is misleading in any way.

I tell you what we do. We say things have to be paid for. Let's talk about the reserve funds that were just criticized. The reserve funds for health care, for energy, and education have a condition attached. The condition is, if the committees of jurisdiction come forward with legislation, they have to pay for them. That is the gimmick.

In Washington, things are so screwed up they think if you require something to be paid for, it is a gimmick. I do not think it is a gimmick to require things to be paid for. We should have been doing that a long time ago.

No. 2, he referenced the docs fix. The docs fix is this. Under current law, doctors who treat Medicare patients are going to have a cut. The President said: No, they are not going to have a cut. We will put it in the budget. But he had no offset for it. We are saying: No, we do not want the docs who treat Medicare patients to get a cut either. But, committees, if you produce the savings necessary to do that, we will not have the docs cut. You know what. That is what we have been doing.

I am on the Finance Committee. We have been assuring that the doctors who treat Medicare patients do not take the cuts that are in the law. But we have paid for it. That is what this budget does. It says to the Finance Committee: Do not cut the docs, but pay for it. Do not just put it on the budget, and do not worry about sticking it on the debt.

I am proud of that. That is exactly what we should have done.

On the alternative minimum tax, we say, for the next 3 years, when we are

in a time of economic weakness and vulnerability, you can fix the alternative minimum tax that will otherwise affect 24 million Americans up from 4 million today. We say: No, do not let them get hit with more taxes at a time of economic weakness. But beyond the 3 years, if we are going to fix the alternative minimum tax—and indeed we should—pay for it. Pay for it.

That is what this budget says. That is no gimmick. That is being responsible.

On health care, the reserve fund says: Yes, we should have major health care reform. But pay for it. So the administration has said, it is their intention to pay for it. That is the intention in this budget, that it be paid for.

Let me be clear. These reserve funds, the ones triggered in the legislation are paid for. They call that a gimmick. I call it responsible. I know it is a new concept in this town.

Most people here, I have to tell you, our friends on the other side, their record is not pretty. When they were in charge, they doubled the debt. They were for every tax cut and every spending initiative. The result is they exploded the debt, doubled the debt of this country, tripled foreign holdings of debt. We are saying: No, we are not going to continue on that path. We insist on a trajectory that dramatically brings down the deficit. That means we have to insist that all these good things get offset, get paid for.

Now, the argument on the other side is, it will not happen. Not going to happen. We are not going to pay for things. Well, shame on us. Shame on us if we do not. Shame on us if we do not pay for the doc fix. We have been paying for it. Why all of a sudden do we say we cannot?

The alternative minimum tax. I will be the first one to say we have not been paying for that, against my votes, because I do not want the alternative minimum tax to be imposed. But it ought to be offset so it does not add to the deficit.

The same is true on energy. We should have significant energy legislation to reduce our dependence on foreign oil. But we ought to pay for it. I was part of a group called the Gang of 10—5 Democrats, 5 Republicans—who became the Group of 20—10 Democrats and 10 Republicans.

We came forward with major energy legislation to reduce our dependence on foreign energy, but we paid for it. We provided the offsets so it did not add to the deficit or the debt. I hope very much that is the principle we adopt.

I yield the floor and look forward to my able colleague's rejoinder.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Not to belabor the point, but if they are so devoid of gimmicks, why did they waive their own pay-go rule in the health care reserve

fund? I mean, on the face of it, they lost the argument. It is their budget. It takes the pay-go rule and emasculates it, and it is their pay-go rule. They are not making them subject to their own rules of fiscal enforcement in their own budget.

So, yes, gimmicks are replete. That is just one of them. The alternative minimum tax, that is a gimmick. They know they are not going to get the revenues from AMT. They score the revenue numbers from AMT in the last 2 years. That is a total gimmick. Everybody knows that is a gimmick here. We do not account for TARP II. Now, maybe they are not going to support their President on TARP II. They do not account for it, so I guess they figure the President does not need any more money for assisting the financial stress the country is under; the President does. We do not account for it.

Disaster costs. How do you eliminate disaster costs in the budget and claim it is not a gimmick? We all know there are disasters to fund. My goodness gracious. Clearly, there are disasters that are going to require significant funding. In an attempt to be forthright on that, the President put in a number. Taken out of this budget. Why? Because they wanted to get under this number, 3 percent.

Nothing to do with whether disasters are going to occur or not occur over the next 5 years or whether we are going to spend money on them over the next 5 years. It was purely an accounting gimmick, nothing more, nothing less than an accounting gimmick.

Health care reform. The President's own budget scores it at \$372 billion. Do you think this Congress is going to step up and say to the President: Oh, we are going to pay for this, even though you do not think we should pay for it. I doubt that. I mean, another gimmick. The President was at least forthright and said it was going to cost \$372 billion, and he put it in his budget. Why are they not paying for it on the other side, not because they do not think it is not going to be there, this cost, but because they want to get under this 3 percent.

Interest. My goodness. How do you gimmick interest? Well, they did it. They are not accounting for the interest, which these expenditures obviously incur. Interest is a pretty stable number. You are either going to get it and have to pay for it or you are not. The fact is, the goal was to look better than the President, even when you were doing exactly what the President wanted you to do.

It is pretty hard to come here with a straight face and claim your number is significantly different than the President's. It would be nice if it were. I wish it were. I wish it were. But it is not. What it all leads to is a massive amount of debt—a massive amount of debt. Even 3 percent is not sustainable.



But, certainly, the real number, which is 4 to 5 percent, is clearly not sustainable. Even 60 percent, is not sustainable, which is the number they claim they get to. I mean, that is not sustainable. That is not an acceptable number, and, in fact, would not even get you into the European Union, it is so unsustainable.

But it is not the real number, 80 percent is the number, 80 percent of public debt to GDP. That is the projected number.

So these numbers are staggering. They should give everyone pause and cause them to say: What are we doing here? What are we doing to our kids? To our Nation? Are we going to hand them off to a country that is so deeply in debt, that is running up debt at such a significant rate, or are we going to try to kid our kids and say: Oh, well, you know, we—those numbers are not real. You are not going to get stuck with these numbers and this amount of debt.

We know we are going to stick them with these numbers and this amount of debt. I hear all about this—we have all heard this almost interminably now: Well, the last administration did this, and the last administration did that. I would point out that this Congress was controlled by the Democratic Party for the last 2 years.

So it was not just the Republican President, it was the Democratic Congress that was spending money. I have never been one to be very—to have defended the last President on the issue of spending because I thought the Presidency did not do a very good job on spending. I voted against most of the things that were passed around here that spent money.

The Part D premium, which was the worst example, \$8 trillion unfunded liability. The agriculture bill, massive expansion, inappropriate. Done. Highway bill. Massive expenditure, \$26 billion dollars of earmarks.

So, yes, there was failure to discipline the budget on the spending side of the ledger in the last Presidency. But there was an accomplice around here. It was called the Democratic Congress. Now, regrettably, we have a President who said very openly, he is going to spend money, and a lot of it, to promote prosperity by expanding the size of Government on all these different accounts which he deems to be worthy.

I imagine they are worthy. The only problem is we cannot afford them as a culture or as a government because the cost to our children will be a debt they cannot bear. You can try to pass a budget that covers that up through games and darts and gimmicks and shell games and various little exercises in redoing the accounting rules, such as changing pay-go.

But in the end, we all know what it is going to lead to, which is a deficit

and a debt that is not sustainable and a nation put at risk as a result of that.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, again, there are not gimmicks here. There are requirements to pay for things. I know that seems like a gimmick to some because they are not used to paying for anything in this town. But that is what this budget says ought to be the operative principle: You start paying for things. If you want to have the doc fix, and I do, you pay for it.

That is what we have been doing in the Finance Committee. We have been paying for it. The President sent a budget that says you don't have to. But then we lost \$2.3 trillion. So we are back to saying: Yes, you have to pay for it.

The alternative minimum tax for 3 years, when the economy is down, we say: No, do not raise revenues some other place to offset that because that would not make good economic sense at a time of weakness.

But when the economy recovers, offset the costs. That is exactly what we are going to have to do to get the books back in balance around here. The President put into his budget over \$200 billion for disasters over the next 10 years.

The Congressional Budget Office would not score it. They say it is too speculative. Nobody at this point can tell you what the disasters are going to be. Look, I am especially sensitive to this. I have a major disaster going on in my State right now. I would love to put the money in. But there is not a soul on Earth who can tell you how much it is going to be at this point in time. We do not know if the levees are going to hold or if they are going to break.

To put in a number that has no relationship to any reality, that is honest accounting? I appreciate the President's attempt, but the Congressional Budget Office would not score one thin dime of it because they said it is too speculative.

I find it so curious. The other side complains all the time about "too much spending, too much debt." You do something to reduce spending in the budget I have offered—we cut the President's budget on domestic discretionary spending by over \$160 billion—and now they complain about that.

I do not know how you ever get to the end without insisting that things get paid for and reducing spending and trying to get in place an overall fiscal condition that puts you on the right glidepath.

Now, the gentleman says you do not get to 3 percent of GDP because you have these reserve funds.

The reserve funds require, before anything happens, that the reserve funds be deficit neutral. That is a con-

dition, a requirement. So, yes, you do get to 3 percent of GDP on the deficit, because we are not going to release those reserve funds, and I am the one who has been given the responsibility to decide whether they are released. We have put in a condition, and I can't release them if they are not paid for. Hallelujah, let's start paying for things around here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to comment on the issue of reconciliation which may, according to some speculation, seek to deal with substantive legislative proposals such as health care or perhaps even education or perhaps even global warming. I believe any such effort would be a colossal mistake, to try to change Senate procedures to deal with such substantive measures on a legislative vehicle which will take 51 votes instead of allowing for the customary Senate debate which could be cut off only by 60 votes.

In this Chamber, we had a fierce debate in 2005, where the Democrats were lined up on filibustering President Bush's nominees for the Federal courts. Republicans were threatening a so-called nuclear or constitutional option. At that time the Democrats were utilizing the time-honored process of continuing the debate unless Republicans had 60 votes to invoke cloture and cut off debate, which Republicans did not have. The partisan feelings got so high that there was a plan devised where the system could be short cut, have a ruling of the Chair and have a motion to overrule the ruling of the Chair, have it decided by 51 votes. Fortunately, that did not occur.

Historically, as I spoke at some length on the issue at that time, the filibuster, the extended debate in the Senate, had guaranteed judicial independence in the impeachment proceeding of Justice Chase in about 1805, and saved the independence of the Presidency in the impeachment of Andrew Johnson in 1868. So that issue was avoided.

Now we have what may well be an effort to circumvent the 60-vote rule. The unique feature of the Senate, which has frequently been called the world's greatest deliberative body, is that any Senator can offer virtually any amendment on virtually any bill at virtually any time. That plus extended debate gives this Chamber the opportunity to acquaint people with serious problems and to build up public demand one way or another. That is an expression of speech and persuasion in a setting where there is opportunity to advance the public good. If we start to shortcut that procedure and undertake major legislative change on items such as health care or global warming or education, we will destroy a most precious aspect of Senate procedure.

According to the Congressional Research Service, reconciliation “was created as part of the Congressional Budget Act of 1974 as a way to assure compliance with the direct spending revenue and the debt limit levels set forth in the budget resolution agreed to by Congress.”

The rules governing consideration in the Senate limit debate to 20 hours and, when all amendments are considered, the bill then moves on to a final vote. The House Resolution this year instructs the Energy and Commerce Committee and the Committee on Ways and Means to produce legislation on “Health Care Reform” and for the Education and Labor Committee to produce legislation on “Investing in Education.” These committees could produce legislation on other subjects within their jurisdiction, including climate change.

Senator BYRD, in a speech on February 12, 2009, at hearings entitled “Senate Procedures for Consideration of the Budget Resolution/Reconciliation,” had this to say—and we all know and prize Senator BYRD’s erudition as the leading Senate scholar and spokesman and also the author of the Budget Act of 1974. This is what Senator BYRD said:

I can say with confidence that the process the Senate utilizes today hardly resembles the process envisioned in 1974. Today the reconciliation process serves as a reminder of how well-intentioned changes to the Senate rules can threaten the institution in unforeseen ways. Reconciliation can be used by a determined majority to circumvent the regular rules of the Senate in order to advance partisan legislation.

Senator BYRD decried and protested loudly and effectively against that process. Earlier this month, March 12, 33 Senators, including 8 Democrats led by Senator BYRD, wrote to the Budget Committee Chairman and Ranking Member to “oppose using the budget reconciliation process to expedite passage of climate legislation.”

The letter stated:

Legislation so far-reaching should be fully vetted and give appropriate time for debate, something the budget resolution process does not allow. Using this procedure would circumvent normal Senate practice and be inconsistent with the Administration’s stated goals of bipartisanship, cooperation, and openness.

I think it worthwhile to focus for a moment on what President Obama has emphasized in an effort to get bipartisanship, cooperation, and openness. There are those of us on this side of the aisle who have cooperated. I think it fair to say that to misuse the reconciliation process would be a very strong blow against bipartisanship and cooperation. Obviously, it would impede future activity by the Obama administration in reaching across the aisle to get necessary Republican votes.

Senator BYRD went on to say:

I was one of the authors of the legislation that created the budget reconciliation proc-

ess in 1974, and I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

Pretty strong words, “freight train” and “outrage.”

There are eight Senators on the letter to the Chairman and Ranking Member. I ask unanimous consent that the full text of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 12, 2009.

Hon. KENT CONRAD,  
Chairman, Committee on Budget, U.S. Senate,  
Washington, DC

Hon. JUDD GREGG,  
Ranking Member, Committee on Budget, U.S.  
Senate, Washington, DC

DEAR CHAIRMAN CONRAD AND RANKING MEMBER GREGG: We oppose using the budget reconciliation process to expedite passage of climate legislation.

Enactment of a cap-and-trade regime is likely to influence nearly every feature of the U.S. economy. Legislation so far-reaching should be fully vetted and given appropriate time for debate, something the budget reconciliation process does not allow. Using this procedure would circumvent normal Senate practice and would be inconsistent with the Administration’s stated goals of bipartisanship, cooperation, and openness.

We commend you for holding the recent hearing, entitled “Procedures for Consideration of the Budget Resolution/Reconciliation,” which discussed important recommendations for the upcoming budget debate. Maintaining integrity in the budget process is critical to safeguarding the fiscal health of the United States in these challenging times.

Sincerely,

Mike Johanns; Robert C. Byrd; David Vitter; Blanche L. Lincoln; George V. Voinovich; Carl Levin; Johnny Isakson; Evan Bayh; Kit Bond; Mary Landrieu; James E. Risch; E. Benjamin Nelson; Lamar Alexander; Bob Casey, Jr.; Michael B. Enzi; John McCain.

Tom A. Coburn; Jim Bunning; John Barrasso; John Ensign; Bob Corker; James M. Inhofe; Chuck Grassley; Roger Wicker; Mike Crapo; Susan M. Collins; Thad Cochran; Kay Bailey Hutchison; Mark Pryor; Lisa Murkowski; Pat Roberts; Saxby Chambliss; Sam Brownback.

Mr. SPECTER. One other Senator has been quoted, one other Democratic Senator, in Politico last Tuesday, March 24, as warning that the circumvention of regular order could do “serious damage to our bipartisan effort.”

We have the statement of Chairman CONRAD in the March 26 article in the New York Times stating:

I don’t believe reconciliation was ever intended for this purpose. It doesn’t work well for writing major, substantive legislation.

Senator BAUCUS, chairman of the Finance Committee, has been very outspoken in his opposition. I will quote him as follows from the Hill on March 26:

“Reconciliation would hurt healthcare reform, it would make it partisan, it would

hurt, it would stymie it, it would make it very partisan.” The reconciliation route is not designed to deal with measures such as health care. “Healthcare reform is so large, you’re going to have many provisions that are not directly related to revenue or directly related to spending.”

The article goes on to point out that Senator BAUCUS also said that putting health care reform under budget reconciliation would require that it be sunset after 5 years. Senator BAUCUS said:

It has to be term-limited five years; that’s nuts.

Those are his words. Senator BAUCUS also said that the only way to pass “sustainable” health care reform would be to attract Republican support with which reconciliation protection would not be necessary.

Taking the eight Senators who signed the letter of March 12, adding the Senator identified in Politico from which I quoted, plus Senator BAUCUS and Senator CONRAD, adding those to the 41 Republican Senators who would likely be against misusing the reconciliation process—I don’t speak for all of the other 40, but I think that is a fair inference—would be 52. That would present finding 50 Senators, plus the Vice President, if he chose to cast the 51st vote, so that the reconciliation process would not be possible.

It is important that all colleagues focus on this issue institutionally and how important it is. Whenever you cite numbers, there will always be slippage, but when you have the kind of strong language I have referred to today, there is strong reason that we should not have 51 votes somehow created in this body to misuse the reconciliation process.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Thank you, Madam President.

I thank the chairman for his excellent presentation today on the budget. I have been listening to a lot of this debate, and one of the things we all know is that a budget reflects our values. The President and the chairman of the Budget Committee have talked about how the four major things we are trying to do in this budget are health care, education, energy, and global warming, and also reducing the deficit.

I have seen over the years the chairman work on deficit reduction, and I know this bill is a very serious bill in terms of moving us toward that goal, as the President has said, over 4 years to try to get this budget under control. I certainly appreciate his hard work.

Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. UDALL of New Mexico pertaining to the introduction of S. 743 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. UDALL of New Mexico. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, from Senator GREGG's time, I yield 15 minutes to the distinguished Senator from Utah, Mr. HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I rise today to express my deep concern about the tax increases—both explicit and hidden—in President Obama's budget and in the Democratic budget resolution before us today.

Erwin Griswold, the former Solicitor General under President Lyndon Baines Johnson, and also President Richard M. Nixon, once said:

We have long had death and taxes as the two standards of inevitability. But there are those who believe that death is the preferable of the two. At least, as one man said, there's one advantage about death; it doesn't get worse every time Congress meets.

Unfortunately, this budget would lead to taxes getting worse. In fact, they would get much worse, and not just for the so-called well-off and well-connected, as the budget refers to those who are targeted for explicit tax increases.

The title of President Obama's budget is "An Era of Responsibility—Renewing America's Promise." However, this budget is irresponsible as to its implications for the next generations.

As I have mentioned before many times on this floor, I have 6 children, 23 grandchildren, and 3 great-grandchildren, and I am very concerned about their future and the future of all of our families throughout America, just as all of our colleagues are concerned about their posterity as well.

When I think about responsibility and the promise of America, I think about these next generations, both in my family and in the families of my constituents, and others, of course. This is why I am so concerned about this budget, and especially the tax burden this budget would place on the next generations of my fellow Utahans and all Americans.

This budget includes a number of tax increases, but I want to focus on just three of the major ones that would particularly affect these next generations.

Now, the Obama "tax-orama." There will be a tax hike on America's industrial output and energy, a tax hike on America's job creation, and a tax hike on America's competitiveness.

During his address to Congress last month, President Obama promised:

[I]f your family earns less than \$250,000 a year, you will not see your taxes increased a single dime. I repeat: not one single dime.

That is what he said. We have heard this promise before. However, from his first days in office, the President has proposed raising taxes and the cost of living on lower income wage earners, as well as on all Americans.

Now, how? Through the trillion-dollar-plus cap-and-trade climate change legislation that President Obama is proposing. This proposal, if enacted, would force energy and industrial companies throughout America to either pass these gargantuan costs on to their customers and employees or go out of business.

This tax on America's industrial output and energy is not even called a tax in the President's budget. Instead, it is referred to as "climate revenues." However, we should not let that fool us. As the old saying goes: If it walks like a duck and quacks like a duck, it is a duck. This tax, estimated to total between \$1.2 trillion and \$1.9 trillion over the next 10 years, would be by far the largest tax increase in the history of the world.

It is true these new taxes might not be paid directly to the IRS or be withheld from workers' paychecks. Instead, they would be much more insidious. They would show up in the form of higher utility bills, higher costs for consumer goods, lost jobs, and a lower standard of living for everyone.

This tax hike on America's industrial output and energy—just think about it, called cap and trade—they refer to as "climate revenues." Potentially, it is a \$1.9 trillion tax on energy costs and an increase in the cost of living.

Well, the nasty thing about them is the American family may not even know how much they are paying—just that their standard of living has gone down.

The administration tries to tell us lower income Americans will be held harmless because the revenues from this new tax will be used to compensate them. Now, we have seen this type of compensation already from this administration, particularly in the stimulus bill.

If you look back to last year, before a Senate Finance Committee hearing, Peter Orszag, then CBO Director and now President Obama's Director of the Office of Management and Budget, admitted:

Under a cap-and-trade program, firms would not ultimately bear most of the costs of the allowances but instead would pass them along to their customers in the form of higher prices.

That was before the Senate Finance Committee on which I sit, on April 28, 2008. That is what OMB Director Orszag said about cap and trade.

Well, passing these costs on to consumers is bad enough and will cause a great deal of hardship to families and to the economy, but my question is, what happens if the firms are not able to pass these costs on to their cus-

tomers? The answer is, they will go out of business and jobs will be lost. Either way the American family loses under this proposal.

As I mentioned, the President's budget says Americans will be compensated for these higher prices. However, I think a better word for the kind of compensation this budget has in mind is "income redistribution." Let's take from those who have and give to those who have not. It is the same philosophy that brought us tax cuts for people who do not pay taxes.

Well, I suggest in the name of responsibility that if we want to raise taxes on Americans, let's do it in a straightforward way, where it is visible and does less damage. Raising taxes on anyone at this time of extreme economic vulnerability is a mistake, but this proposal does exactly what the President promised never to do and then excuses it by saying this is not a tax. Now, that is a bunch of hooey.

This new tax on America's industrial output and energy would be a colossal error and could cripple the ability of the next generations to reach, let alone exceed, the standard of living we now enjoy. This would be a tragedy because seeing our children and grandchildren do better than we have done is the real promise of America.

If this new tax on our industrial output and energy were the extent of the tax increases the President's budget proposes, it would be bad enough. Unfortunately, there is more bad news. The budget goes so far as to undermine and weaken the so-called stimulus bill enacted in February by calling for an increase in taxes that will affect job creation.

As we all know, the goal of all of our colleagues is to save or create millions of jobs. The explicit tax increases called for in the budget, however, would take away the very means for the private sector to perform this job creation. It would do this through increases in taxes on capital gains taxes, dividends, carried interest, and by raising the top individual rates where most small business income is taxed.

Just ask any small business owner who reports his or her business income on their own tax returns, as most do, and they will tell you if you increase taxes for the top two rates, then they will be forced to either reduce salaries or put a freeze on new hires. With nearly 200,000 small businesses in Utah, I do not think Utah can generate substantial job growth if small businesses face these tax increases. The same is true for other States. Two-thirds of jobs and small businesses are in firms with employees numbering between 20 and 499. These small businesses are the ones owned by individuals and taxed as individuals who would be targeted by President Obama's tax increases. The Small Business Administration tells us that 70 percent of new jobs each year

are created by small businesses. Why in the world would we want to harm the ability of America's job-creation engine—small businesses—to help us create or save the jobs we so badly need right now? This is sheer folly.

Time and time again, research has shown that decreasing taxes on small businesses increases employment and raises wages. On the other hand, increasing taxes on small businesses hinders investment, including employment. Research by the Tax Foundation shows that raising the marginal tax rate by 5 percentage points reduces the percentage of entrepreneurs who invest by 10.4 percent and lowers their average investment by 9.9 percent. Reducing the tax rate from 39.6 percent to 33.2 percent increases the likelihood of hiring by 12 percent and raises the median wage for those hired employees by 3.2 percent.

These tax increases, which target the so-called wealthy, will miss the mark and hurt everyone, particularly those who lose their jobs or who do not get the job that might have been. The tax hike on America's job creation: two-thirds of small business jobs are targeted by President Obama's tax increases. Seventy percent of all new jobs each year are created by small businesses. These tax increases are going to hinder job growth.

Tragically, there is even more in this budget that would attack our ability to create jobs. The third leg of this assault is on America's competitiveness in a global economy. Beyond strengthening job growth for small businesses, we must also create an environment that encourages companies to invest in the United States as well as to expand worldwide to meet growing opportunities. Academic scholarship has shown that domestic companies that invest overseas strengthen their employment at home.

Unfortunately, we are moving in the wrong direction already. According to last year's listings of the world's largest companies, the so-called Global 500, only 8 of the top 25 corporations in the world were headquartered in the United States. Forty years ago, almost all of the top 25 were headquartered in America and were American firms.

This trend has a significant impact on jobs and the economy in the United States. Just this past month, several energy companies have announced plans to move to Switzerland because of that country's low corporate tax. To be frank, after looking at President Obama's budget proposal, I do not blame them. Such a move could become a matter of corporate survival if we are not careful. In fact, our system of worldwide taxation, coupled with one of the highest tax rates in the world, is enough to cause any firm to think twice about locating its worldwide headquarters here. And this is before the changes included in the Obama

budget, which make the business landscape far less friendly.

How are we supposed to be globally competitive when we have the second highest corporate tax rate in the world? Our corporate tax rate is currently at 35 percent, second only to Japan's, with the average global corporate tax rate around 26 percent. It is no wonder that many companies in the United States are looking elsewhere. These are tax hikes on America's global competitiveness. Think about that. Domestic companies that invest overseas strengthen their employment at home. The United States is one of the few major nations to tax companies on worldwide income. The average global corporate tax rate here is 35 percent. We are the second highest in the world, second only to Japan.

The President believes our Tax Code includes incentives for U.S. businesses to ship jobs overseas, and the budget includes vaguely defined proposals that would supposedly put an end to this practice. However, the evidence shows that our tax laws do not lead to U.S. job loss but to increases in U.S. employment when companies invest overseas.

In summary, the Obama budget for fiscal year 2010, along with the budget resolution before us today, is a three-pronged assault on American job creation through new taxes on America's industrial output and energy, tax increases on America's job creation for small businesses, and tax increases on America's competitiveness. This assault is a huge contradiction to the stated goals of the President to create or save 4 million jobs. I know he is sincere and believes he can do that, but not with this budget. While it is true that most of these tax increases will not hit until 2011, this is likely to be just as dangerous a time for these job-killing tax hikes as 2009 would be. Most economists believe that if we are lucky, we will just be beginning to recover from this ugly recession in 2011. Instead of these antigrowth policies, we should be enacting policies of support, investment, and growth.

The great American satirist Ambrose Bierce once described responsibility as:

A detachable burden easily shifted to the shoulders of God, Fate, Fortune, Luck, or one's neighbor. In the days of astrology it was customary to unload responsibility upon a star.

In President Obama's budget titled the "Era of Responsibility," President Obama is attempting to unload responsibility on future generations. This is the wrong way to go. I hope we can make some changes to the budget this week that will help us grow the economy instead of growing the size of the Government. A stronger economy is the best legacy we can leave to the next generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, just one part of what the Senator has said do I wish to seek to clarify, and that is that while the United States does have the second highest stated corporate rate, we have one of the lowest effective corporate rates in the industrialized world. The reason for the difference is all the exemptions and exclusions that exist in our code for corporate rates. So while we do have the second highest published or nominal rate for corporate taxes, if you look at all of the industrialized countries in the world and what their effective corporate tax rate is, you find that ours is well below average.

Now, that doesn't mean we shouldn't have tax reform because many of us believe we need thoroughgoing tax reform, but I think there is a certain amount of confusion about the difference between our statutory rates and our effective rates.

Mr. HATCH. Madam President, if the Senator will yield on that.

Mr. CONRAD. I am happy to.

Mr. HATCH. I understand the nominal rate argument. The problem is that we are talking about taxing the corporate profits that are earned overseas. No other major industrialized nation in the world does that. If they do that, they make us globally uncompetitive.

In just the last couple of weeks, I have been trying to raise money for the National Republican Senatorial Committee. As I have called around, it is amazing to me how many corporate executives have said to me: We love this country. We want our companies to grow in this country. We want to be able to stay here.

Some of them are second-generation folks. But I have had a number of them say that if we do some of the corporate tax changes and some of the tax expenses that are assessed in this bill, they will move. One in particular said: I am going to have to move my company to Switzerland because we will not be competitive if that particular budget passes.

Now, I believe we can make arguments that the nominal rate may be something that must be considered, and I think it should, but I don't think you can argue against the fact that we are doing some very stupid things in this budget. Frankly, in the end, we might wind up having a lot more difficulty and we may lose even more of our major businesses because to be competitive they will move, and a lot of them have already moved.

So let's wake up around here and let's realize that—look, I respect the distinguished Senator from North Dakota. He has one of the tougher jobs—he and our colleague, the Senator from New Hampshire, JUDD GREGG, have one of the tougher jobs in the history of the country. Doing these budgets is very difficult with some of the problems we have. But I have listed three

things that are going to sock corporate America like you can't believe. Frankly, one of them is the third point on the prong, and that is taxing corporate profits overseas. It is just a matter of reality that if we do this, we are going to reap the whirlwind. It is just that simple.

Mr. DORGAN. Madam President, if my colleague from North Dakota would yield for a question on this subject.

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Our colleague from Utah, Senator HATCH, if he would just observe, this issue is not a new one. I know Senator GRASSLEY, who is on the Finance Committee, is here, and there has been a lot of discussion about this: Do we have an extraordinarily high rate of taxation on corporations or don't we? We just heard on the floor that we rank I think the second highest in tax rates on corporations. Well, this is not some arcane discussion between people who can't understand exactly what is happening. We rank, I believe, third from the bottom in the rate of taxes paid by corporations of all of the OECD countries—30-some countries, we rank third from the bottom, not from the top.

So they come out here and say: Well, we have a high rate. Our statutory rate is high, toward the top, no question about that, but that is not what corporations are paying. They are not paying the rate, they are paying the rate minus all of the deductions and loopholes. The fact is, the corporate tax burden in this country is right close to the bottom of all of the other industrialized countries. Now, this ought not be debatable. We can easily find out what the facts are. So are we competitive with respect to the corporate income tax? The answer is yes.

I understand why the Chamber of Commerce and others want to perpetuate this notion that somehow we overtax corporations, but, in fact, the taxes paid by American corporations rank right near the bottom of all of the 30 or so OECD countries, the industrialized countries—right toward the bottom, not the top. That is what they, in fact, pay. If we are going to debate public policy, let's debate it with a set of facts so that we all understand what the facts are. The fact that people are talking about this in the context of what is the tax burden on corporations? The answer is, we are toward the bottom of all of the OECD countries. Those are the facts.

Mr. CONRAD. Madam President, the Senator is correct. I am on the Finance Committee, and I have this responsibility on the Budget Committee. It is very clear, while we do have a high nominal rate—I think we are second highest in the industrialized world—the effective rate that companies actually pay, we are near the bottom.

At this point, I wish to yield 25 minutes to my colleague from North Dakota.

Mr. DORGAN. Madam President, I know this is a very important debate, this issue of the budget. This is: What are our priorities? I have said often that 100 years from now, we will all be dead and the only evidence of what our value system was right here, right now, will be evaluated by historians. Historians will be alive, and they will look back and say: What did that country believe in? What was their value system? What did they think was important? What did they invest in? So take a look at all of this and then make judgments.

We will have a debate all this week on this issue: What is important for the country? What do we believe represents our highest set of values? Kids? I have always said I know what might be in second, third, or fourth place in people's lives, but I certainly know what is in first place—their kids, right? So what about our budget with respect to health care for kids, just as an example. When we establish the priorities of what is important in our country, this is where we do it: in the budget. We debate it, we think about it, and then we say: This is what our country believes to be important. Here is what we should invest in to make this a better place in which to live.

I came to the floor to say something about the financial crisis and the financial meltdown in our country because that has a profound impact on this debate on the budget. This financial meltdown has begun to dry up the Federal revenues on the tax side. It has pushed up dramatically the expenditure side because we have what are called stabilizers in our economy. When people lose their jobs, they get unemployment checks. So we have these economic stabilizers that increase spending, even during this financial crisis when you see decreased revenue. That has a huge impact on this budget.

If this financial crisis has this kind of an impact on the budget, then we have a right to know what has caused all of this to happen, and what can we do to make sure it never happens again.

Last week, the Secretary of the Treasury announced a number of steps for financial regulatory reform, and those are a move in the right direction. He says we are going to regulate hedge funds, we are going to require the oversight of what are unregulated derivatives—these fancy, exotic financial products these days—we are going to require many of them to be regulated, although not fully. He needs to go further. But the Secretary is moving in the right direction to regulate hedge funds, to get rid of this dark money and bring derivatives and CDOs and credit default swaps and so on into the daylight. Then he talks about a powerful regulator that would be able to take a look at systemic risks and so

on. I think all of that advances the ball and is in the right direction.

But this doesn't yet answer the larger question we have to answer with respect to this financial crisis and this meltdown. That larger question, using an automobile metaphor, is this: Is it time for a tuneup or is it time for a complete overhaul of the system? I come down on the side that you have to overhaul the entire system if you are going to provide the confidence needed in the American people going forward.

Now, let me explain how I see what has gone on. For the last 15, 20 years, we have had a bunch of people who were worshipping at the altar of this new type of finance—new financial instruments, new larger financial institutions, securitized credit, and selling the risk forward so that someone giving a home loan to a prospective homebuyer doesn't have to underwrite it or care so much about the risk, because they can sell that risk to an investment bank or a hedge fund, and sell it several times—these fancy, complex financial products.

I mentioned credit default swaps. There also has been a dramatic expansion of debt and leverage with almost every part of our financial enterprise in this country. Congress repealed the protections that used to exist for banks called the Glass-Steagall Act. Congress not only repealed these protections that used to protect banks so they could not invest in real estate and securities, and so on, but then allowed for the creation of the very large holding companies so they could get involved in one big financial swap—one-stop shopping. Gramm-Leach-Bliley did this, supported by the Clinton administration, I might say. These are all new-fashioned ideas. They got rid of the old-fashioned ideas, such as Glass-Steagall—just deregulate the market and don't worry about them.

Alan Greenspan chimed in, saying: I want to make a nice sound with all of this deregulation that is going on in Congress and I believe in self-regulation. We don't have to regulate. The Chairman of the Federal Reserve Board, Mr. Greenspan, said that would work. The lending terms and the incomes were from outer space; the incomes were unbelievable in all of these areas. And then the lending terms were completely unsupportable, and I will describe a few of those today.

We need to overhaul all this. What do we do to overhaul this? We have to get rid of this too-big-to-fail notion. We are now allowing banks that are too big to fail to merge with troubled banks, making them, apparently, too much bigger to fail, which is bizarre. We need to get rid of the holding companies, which never should have been allowed to happen in the first place. We need to go back to Glass-Steagall and create a portion of that to separate

banking from the other risk enterprises.

Until we do that and address those fundamental questions, I think it is going to be very hard to instill the kind of confidence we want to instill in the American people. The New York Times asked the question in their editorial on Sunday of this week: What is it we are trying to fix? What caused the meltdown?

If you go back to the mid-1990s, I wrote an article in the Washington Monthly Magazine that was a cover story in 1994, I believe. The title was "Very Risky Business." I wrote about derivatives, and I wrote that about tens of billions in derivatives that then existed. I introduced four pieces of regulation to regulate derivatives trading. None of it was acceptable because those involved in the new, modern approach to finance felt that you don't regulate these things. They will self-regulate and everything will be fine.

Of course, it was not fine and we had not only the notion of too big to fail, but the repeal of Glass-Steagall. We had the deregulation of all of this and the fusing of banking with riskier enterprises in holding companies. Regulators came to town boasting about the fact that we were willing to be blind. We had products developed that were hard to understand for even those engaged in trading them. Coupled with that, we had an unbelievable culture of greed, and the result was a financial meltdown.

The question is, what has caused, as the New York Times said, this house of cards? What is the cause? Do we know? Well, the fact is we need to know in order to move forward. The American people need to know. There needs to be a narrative that says here is what happened. We understand a portion of what happened, and it has been a calamity. Nobody understands all of it. The Attorney General of New York is doing some investigations here and there, but there is no comprehensive investigation. I believe there ought to be a select committee of the Senate, and I have introduced such legislation, with Senator McCAIN as a cosponsor. I believe we must do a select committee of the Senate to address these issues. I believe we also ought to have a financial crimes task force at the Justice Department to prosecute that which is discovered is illegal—a whole series of things.

We need to reconnect Glass-Steagall and decide that too big to fail is a doctrine that itself is old-fashioned, and we have to run our banks through a banking "carwash" of sorts, where you get rid of the bad assets and keep the good and rename them, if necessary. We need a banking system that is a circulatory system of our economy. But we cannot ignore what happened. We have to understand what happened and we have to fix it.

Let me go back to 1999, if I might, during the debate over the repeal of Glass-Steagall and passage of a bill called Gramm-Leach-Bliley. I was one of eight Senators who voted against it. On May 6, 1999, I said this bill will, in my judgment, raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation of mergers in the banking and financial services. I said that 10 years ago. I felt that would happen if we decided to let the big banks get bigger, without regulatory involvement. I said during that debate that we will, in 10 years time, look back and say we should not have done that repeal of Glass-Steagall, because we forgot the lessons of the past.

I wish this didn't happen, but it did. I wish to talk about what we do now. There are four steps. One, investigation. We need to find out what happened here. The New York Times has said—and I agree—in their questions on reform—in Sunday's editorial, it says that without an investigation, the reform effort will be, at best, hit or miss and, at worst, a charade.

Congress should start now to gear up for an investigation, using as its model the 1930s Pecora inquiry into the stock market crash, or the Watergate hearings of the 1970s. Here is a picture of Mr. Pecora, whom I described. Mr. Ferdinand Pecora was chief counsel of the Senate Banking Committee during the 1930s investigating the Wall Street banking and stock brokerage practices. He was involved in an investigation that I think was a very important one with respect to the cause and effect of the Great Depression. A real investigation is necessary and it will at least give those people who are furious about what happened an understanding and an outlet to understand and be a part of knowing what happened.

Now, I want to talk about the roots of some of this and why I think it is scandalous. The trigger of this financial crisis, I think, was the subprime scandal. Under the subprime scandal, there was so much debt and leverage that it was nearly unbelievable. We need something such as that to develop the narrative of what happened.

Let me describe the triggering mechanism with respect to the subprime lending. I went to the Internet today, and I will read a couple of invitations on the Internet. This is from [speedybadcreditloans.com](http://speedybadcreditloans.com):

Do you want your loan approved on the terms you desire, with easy credit and no credit check? This is the smartest and fastest way to get the money you need for a home loan. Bad credit, no credit, bankruptcy, you have been declined before? Don't worry at Speedy Bad Credit Loans we have lenders dealing with all kinds of credit loans. You will get the money you need, and fast.

That is today. They are willing to loan on those terms today.

You can go to the Internet and find a dozen of these. In fact, I will show you this. Leading up to this crash, this fi-

nancial crisis, Zoom Credit said this in their advertisement:

Credit approval is seconds away. Get on the fast track, and at the speed of light they will approve you. Even if your credit is in the tank, Zoom Credit is like money in the bank. We specialize in credit repair and debt consolidation. Bankruptcy, slow credit, no credit, who cares?

Is it a surprise that a financial system that allows this nonsense to go on somehow, at some point, collapses? That is not a surprise to me.

Here is Millenium Mortgage's advertisement:

Twelve months, no mortgage payment. That's right, we will make your payments for the first 12 months. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you to make no payments for the first 12 months. Call us today.

Countrywide, the single largest mortgage company in America—by the way, its CEO was able to get out of this with around \$140 million, or so, I am told. They said:

Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us. Are you a bad risk? Call us, we will lend you some money.

What did the biggest mortgage company in our country do? It made all these mortgages and then wrapped them up into securities—they securitized them. I have described it like the making of sausage, when they used to pack them with sawdust as filler. They packed these securities with good loans, bad loans, subprime loans, and conventional loans, and sold them to an investment bank, or a hedge fund—and, by the way, when you read about the toxic assets in the bowels of these institutions, these are the toxic assets.

Is it a surprise? This is bad business. They all made big money. They were like hogs at a trough, with unbelievable greed. They made massive amounts of money. Yet they were able to sell the risk forward, and the people in the hedge funds made money, and the people in the investment banks made money. The amount of money they made is unbelievable. Bear Stearns went belly up. Alan Schwartz, the CEO of Bear Stearns the 5 years prior, made \$117 million. Jimmy Cane, the previous CEO, 5 years prior, made \$128 million. At Lehman Brothers, Dick Fuld, 5 years prior to him going bankrupt, made \$350 million. This was a carnival of greed. Everyone was doing well, except the economy, with this unbelievable avalanche of debt and leverage that all completely collapsed.

Now, we have a situation today where we have the American people trying to figure out what happened. I described the subprime loan scandal, which was at its roots. They were all making a lot of money by victimizing the American people. I should say some of the people were not victims. Some of



these folks were willing victims because they wanted to buy a house with a special deal and flip it and make money. They got caught. They are not really victims. They were trying to profiteer. A lot of other folks were victims of this sort of scam.

I mentioned that these big investment banks took on all these assets and then got bailed out, and we now think there is \$9 trillion of American taxpayers' money at risk going out through the back door of the Federal Reserve Board, Treasury, and the FDIC—\$9 trillion. There has never been a hearing about that. No one has been able to get the Federal Reserve Board before a hearing to tell us where those trillions of dollars are pledged, who got the money, and how much money did they get. You cannot find out. The information we do have is pried out of the Federal Reserve Board. Bloomberg News corporation filed a lawsuit to get some of this information. That is unbelievable.

I mentioned these big financial firms that got all these bailouts. About \$45 billion in TARP funds have gone to Bank of America. Bank of America got \$30 billion in January of this year. Bank of America, last September, was urged to buy Merrill Lynch, a failed investment bank, by the then-Treasury Secretary Paulson. So what happened was the marriage was arranged by the Treasury Secretary and was going to be consummated in January. It turns out that in December, Merrill Lynch, which lost \$27 billion in 2008, paid \$3.6 billion in bonuses to their employees.

Let me say that again. An investment bank called Merrill Lynch that lost \$27 billion—\$15 billion in the fourth quarter alone—paid \$3.6 billion in bonuses in December just prior to being taken over by Bank of America. Then Bank of America received \$20 billion in TARP funds from the American taxpayers—in addition to \$10 billion it had just been paid, which was initially allocated to Merrill Lynch. Pretty unbelievable.

Here are the Merrill Lynch bonuses, \$3.6 billion. The top four executives got \$121 million. This is for a company that lost \$27 billion last year and was a failing company. Madam President, 694 executives got more than \$1 million each. These are bonuses that would normally have been paid in January. They were paid in December, and my suspicion is they were paid by arrangement with Bank of America to be paid before the end of the year and before \$30 billion went from the American taxpayers to Bank of America that just took over Merrill Lynch. That means, in my judgment, the American taxpayers paid bonuses to those who worked for a company that lost \$27 billion in a year.

Do people have a right to be furious about this situation? You bet they do, and they should.

There are a lot of needs we have in this country to try to find a way to fix

this situation so it never happens again. But as I have indicated, the first step, it seems to me, always is to try to understand what has happened and what to do about it.

The Washington Post had a story recently. In fact, I believe it was an editorial. They talked about the fact that hedge funds were not a part of the problem in this financial meltdown. I don't know about that. Let me show some examples of incomes at the hedge fund level. This is a man named James Simons. There is no implication here about being right or wrong, legal or illegal. My point is about the spectacular amount of income, what I call incomes from outer space. Mr. Simons made \$2.5 billion last year—\$2.5 billion. It is interesting. He runs a hedge fund.

Here is a man named John Paulson, who also runs a hedge fund. He made \$2 billion last year. It seems to me he is probably profoundly disappointed because the year before, John made \$3.7 billion. And, oh, by the way, my best guess is that each of them probably pays a 15-percent income tax rate, something called carried interest. But that is another story for another day. They pay income tax rates, in most cases, that would be below the marginal tax rate paid by their receptionist in their office. That is not their fault. That is the fault of the Tax Code and the fault of this Congress for not changing it.

John Paulson last year made \$3.7 billion. He has a reason probably to come home and say: Honey, we need to tighten our belt here. Madam President, \$3.7 billion—by the way, that is \$10 million a day. In 2007, he made in 4 minutes what the average worker works for a year to make. Incomes from outer space, big old hedge funds—they play a role in this collapse. The Washington Post said they have played no role. Oh, really? Really? Where are they in the food chain of derivatives, credit default swaps, CDOs? Does the Washington Post know? Of course, it doesn't. It doesn't have the foggiest idea what role hedge funds may have played in this situation.

What we do know is there is a lot of dark money out there traded off the exchanges. Nobody knows what risk you have. That is why you have had all these big-shot bankers walking around acting like they are in some sort of seizure because nobody knows how much risk has been taken on. Every time we turn around it is more. It is billions, hundreds of billions, then trillions of dollars.

As I said earlier, we need to create a select committee in the Senate and soon. It is this body's job. We are the ones who send the money out. We are the ones who have said we are going to provide \$700 billion of TARP funds. It is our responsibility to track it and to understand what has caused its need.

Second, I think there is a substantial reason—by the way, there are some at-

torneys general of this country, including Mr. Cuomo in New York, who are doing first-rate work in investigating. But I think there is substantial reason to believe there is a need for a national financial crimes prosecution task force.

Do I think all of this is criminal? Not at all. I think some of it is born of ignorance, some of it is born of greed, some of it is born of deliberate, willful blindness. But there are some, in my judgment, who desperately deserve to be investigated and, if necessary, prosecuted.

Finally, real reform. Real reform exists when we have real regulators, when we revisit 1999 and restore a portion of Glass-Steagall, when we decide to take down the ceilings and walls of these large holding companies, when we decide we are going to restore, once again, trust in banks.

Let me also say that in my home State, I visit with a lot of community bankers. They are not at risk. They did not do this. They did not invest in these assets. Most of them did banking the old-fashioned way. They took deposits and made loans. When they made loans, they underwrote the loans. That is the way banking ought to be done. We need to revisit that with respect to some of the largest banking and financial enterprises in our country.

I am convinced we can fix all of this. I understand there is great anxiety. None of us have been here before. No one quite knows what is the medicine to try to address this economic illness. I understand. There is reason to be anxious. But I am also convinced we can and we will find the opportunity to put this back on track and fix what is wrong in this country. We will not fix what is wrong unless we understand the core and root cause of what has happened.

There is nothing I see—nothing I see—that is going to give us that answer. It is our responsibility. If we are required to put up the money, to try to find a way to invest in future health and so on, it is our responsibility to find out what happened and make sure it cannot happen again.

Steps are being taken in the right direction. I applaud those steps by the Treasury Secretary and others. But we are not nearly there with the giant steps that are necessary to fix that which has been existing now and growing for a decade or two.

Finally, I was telling a group the other day about Ray Charles, who used to sing that great song "America the Beautiful," when he sang "... spacious skies, For amber waves of grain, For purple mountains majesties. ..." The interesting thing about Ray Charles, who sang that song unlike anybody else could sing it, was he was blind. Somehow, to me, it always meant it wasn't so much someone

being able to see this as it was to experience what the idea of America is. America is an idea. Part of this idea, born over two centuries now, is we have the capability to do almost anything if we get together and decide to work together. We can do that now. We can put this country back on track. This is a financial collapse of significant proportions, perhaps the greatest crisis we have faced since the Great Depression. But I am not despondent about that if we can begin to take the steps—not the baby steps but the big steps—in the right direction to decide to fix what went wrong. The first step to do that always is to understand what went wrong and then join together and say: We can make this right; we can make a better future happen if we decide to link arms and come up with the answers.

I am going to speak, at some point later, on the budget as well. But nothing impacts this budget in a more profound way than the financial collapse and meltdown which we have seen. It dramatically increases the need for funding for economic stabilizers, unemployment and so on and it substantially reduces the revenue. It has caused a substantial increase in deficits. Even as we debate this budget going forward for 2 years, 5 years, 10 years, the fact is we have to get this right. We have to put this economy on track, and I believe we can do that if we make the right decisions very soon.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, at this point, I yield to the Senator from Iowa, and I ask unanimous consent that upon completion of his statement, unless the Democratic membership has a speaker to intercede, the next speaker be the Senator from South Dakota, who will be recognized to offer the first amendment, which I understand on our side is going to be acceptable.

Mr. DORGAN. Mr. President, reserving the right to object, and I will not object, the point is following the next Democratic speaker, if there is one?

Mr. GREGG. Yes.

Mr. DORGAN. I do not have an objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today the Senate begins consideration of whether we should apply more or less budget discipline to record debts and deficits that my President, President Obama, inherited when he came into office January 20 of this year.

Last week, we heard a lot of revisionist fiscal history or it might best be described as heavy editing of recent budget history. Our President has alluded to it several times. I agree with the President there is a lot of revisionism in this debate. The revisionist history basically boils down to two conclusions: The first is that all the good fiscal history of the 1990s was derived somehow from a partisan tax increase bill that passed in 1993; and that, two, all the bad fiscal history of this decade to date is attributable to the bipartisan tax relief plans of 2001 and later.

Not surprisingly, nearly all the revisionists who speak generally oppose tax relief and support tax increases. The same crew generally supports spending increases and opposes spending cuts.

In the debate so far, many on this side of the aisle have pointed out some key and undeniable facts. It might surprise you, but we happen to agree with President Obama on one key fact. This President did inherit a big deficit and a lot of debt.

During the last quarter of 2008, the antirecessionary spending, together with lower tax receipts because of the recession, and the TARP activities has set a fiscal table of a deficit of \$1.2 trillion. That was, in fact, on the President's desk when he took over the Oval Office on January 20 of this year. That is the highest deficit as a percentage of the economy in post-World War II history inherited by any of the Presidents since World War II.

Quite obviously, this is not a pretty fiscal picture. I have a chart that shows the history of that fiscal time, through the last administration and the big deficit at this point about which President Obama speaks.

As predicted a couple months ago, that fiscal picture got a lot uglier with the stimulus bill. For the folks who saw that bill as an opportunity to recover America, with Government taking a larger share of the economy over the long term, I say congratulations because you got what you wanted. For those Senators who voted for the stimulus bill, those Senators put us on a path to a bigger role in Government.

So let me make it clear. Those Senators who voted for the stimulus bill, you put us on a path to a bigger role in Government. Over a trillion dollars of new deficit spending was hidden in that bill. It caused some of the extra ink on this chart for the year we are in. This is what was inherited by January 20, but legislation passed since January 20 adds that much. Supporters of that bill, then, as far as I am concerned, need to own up to the fiscal course that has been charted by actions of this Congress and this President since January 20.

Now, to be sure, after the other side pushed through the stimulus bill and

the second \$350 billion of TARP money, the Congressional Budget Office reestimated the baseline. A portion of this new red ink upfront is due to that reestimate. The bottom line, however, is that the reestimate occurred several weeks after the President and a robust Democratic majority took over the Government. Decisions were made, and the fiscal consequences followed. Those fiscal consequences are in these red figures, above what would have been if Bush's budget had stayed in place during this period of time. That is where we would be.

Some on the other side raise this point about the March CBO reestimate. Of course, that is fine, but if they were to be consistent and intellectually honest, then they would have to acknowledge the CBO reestimate that occurred in 2001, after President Bush took office. The surplus went south because of what? Because of economic conditions. The \$5.6 trillion number—so often quoted by those on the other side—was illusory. And I will say more about that in just a few minutes.

Here is where the revisionist history comes from. It is a strategy to divert, through a twisted blame game, from the facts before us. How is the history revisionist? Well, I would like to take each conclusion one by one.

The first conclusion is that all of the good fiscal history was derived from the 1993 tax increase. To knock down that falsehood, all you have to do is take a look at this chart. And this chart is not produced by data I accumulated but data from the Clinton administration. So here we have a history put forth with data from the Clinton administration about the tax increase of 1993 and whether it did a lot of good or not so much good.

Much of the ballyhooed partisan 1993 tax increase accounts for just 13 percent—just 13 percent—of the deficit reduction that took place during all of the 1990s—again, just 13 percent.

Now let's look at what are the biggest sources of deficit reduction, because obviously it is not the tax increase.

Thirty-five percent came from a reduction in defense expenditures. Of course, that fiscal benefit originated from President Reagan, who stared down the Communist regime in Russia. The same folks on that side who opposed President Reagan's buildup somehow want to take credit for the fiscal benefit of the peace dividend—that 35 percent.

The next biggest source of deficit reduction—32 percent—came from other revenue. Basically, this was the fiscal benefit from progrowth policies, such as the bipartisan capital gains tax cut of 1997 and, of course, the free-trade agreements President Clinton, with Republican votes, established. That is the 32 percent that reduced the deficit from that point of view.

The savings from the policies that I earlier mentioned translated, obviously, into interest savings, and that interest savings is this 15 percent right here.

Now, for all the chest thumping about the 1990s, the chest thumpers who pushed for big social spending didn't bring much to the deficit reduction table of 1990. That amounted to a mere 5 percent.

What is more, the fiscal revisionists in this body tend to forget who the players were. They are correct that there was a Democratic President in the White House, but they conveniently forget that the Republicans controlled the Congress for the period where the deficit came down and turned to surplus. They tend to forget that they fought the principle of balanced budgets, which was the centerpiece of the Republican fiscal policy that led, over a 4-year period of time in the late 1990s, to paying down \$570 billion on the national debt.

Now, you may remember the Government shutdowns of late 1995. Remember what that was all about? It was about a plan to balance the budget. Republicans paid a pretty high political price for forcing that issue. But in 1997, President Clinton agreed. You may recall all through the 1990s what those yearend battles were all about. On one side were congressional Democrats and the Clinton administration pushing for more spending, and on this side of the aisle congressional Republicans were pushing for tax relief. Well, what happens when you have that extreme—more spending on the one end, less spending and tax decreases on the other? Both sides end up compromising. That is the real fiscal history of the 1990s.

So now let's turn to the other conclusion of the fiscal revisionists. That conclusion happens to be that in this decade, since the year 2000, all fiscal problems are attributable to the widespread tax relief enacted in 2001, 2003, 2004, and 2006. In 2001, President Bush came into office. He inherited an economy that was careening downhill. You know, NASDAQ lost 50 percent of its value in the year 2000, not in the year 2001. That bubble burst. You may remember that starting in February 2000, we started on a 46-month decline in manufacturing, so we had a manufacturing recession already set in place. Then, of course, came the economic shock of the 9/11 terrorist attacks. And, of course, you have to add in corporate scandals to that economic environment. You will remember Enron.

It is true—very true—that as fiscal year 2001 came to a close, the projected surplus turned into a deficit, and the chart shows that right here in 2001. In just the right time, though, the 2001 tax relief plan kicked in. As the tax relief hit its full force in 2003, the deficit grew smaller. This pattern continued from 2003 through 2007.

If my comments were meant to be a partisan shot, I could say that this favorable fiscal path from 2003 to 2007 was the only period—aside from the 6 months in 2001—where Republicans controlled the White House and the Congress. But, unlike fiscal history revisionists, I am not trying to make any partisan points. I am just trying to get to the fiscal facts.

I have another chart that compares the tax receipts for 4 years after the much-ballyhooed 1993 tax increase and the 4-year period after the 2003 tax cuts. Observe this chart. On a year-to-year basis, this chart compares the change in revenues as a percentage of GDP. In 1993, the Clinton tax increase brought in more revenue as compared to the 2003 tax cut. You can see here, compared to here. That trend does reverse, as you see here, as both policies moved along. You can see how the extra revenue went up over time relative to the flat line of the 1993 tax increase.

This is the 1993 tax increase bringing in revenue and then pretty much flatlining out over a long period of time; whereas you can see the tax relief bill of 2001 went down and then very dramatically increased in revenue. This ought to disabuse people who think that every time you increase tax rates you bring in more revenue and when you decrease tax rates you bring in less revenue. This chart shows that you can decrease tax rates and bring in more revenue.

So let's get the fiscal history right. The progrowth tax and trade policies of the 1990s, along with the peace dividend, had a lot more to do with deficit reduction in the 1990s than the 1993 tax increase. In this decade, deficits went down after tax relief plans were put into full effect.

Now that is the past. We need to make sure we understand it. You have to understand the past because the past is going to be brought up the next 4 days of this week as we are on this budget resolution. And, by golly, people ought to be accurate when they state what the impact is of the 1993 tax increase versus all the blame that is given on this side of the aisle for actions taken in 2001 and beyond with those tax reductions.

What is most important is the future. People in our States send us here to deal with future policy. This budget debate should not be about Democrats flogging Republicans and vice versa. The people don't send us here to flog one another like partisan cartoon cut-out characters, and do it over past policies. They do not send us here to endlessly point fingers of blame. Let's focus on the fiscal consequences of the budget that is before the Senate over the next 4 days.

President Obama rightly focused us on the future with his eloquence during his campaign. I would like to para-

phrase a quote from the President's nomination acceptance speech:

We need a President who can face the threats of the future, not grasping at the ideas of the past.

Well, President Obama was right. We need a President—and I would add Congressmen and Senators—who can face the threats of the future. This budget as currently written poses considerable threats to the fiscal future. It taxes too much, it spends too much, and it borrows too much. Grasping at ideas of the past, or playing the partisan blame game, will not deal with the threats to our fiscal future.

Let's face the honest fiscal facts. Let's not revise fiscal history as we start this critical debate about the fiscal choices ahead of us. The people who send us here have a right to expect nothing less of us.

As I noted in remarks just completed a shorttime ago, a portion of the new deficits to the Congressional Budget Office March re-estimate. CBO revised the deficit downward by \$1.3 trillion over 10 years. The revision is attributable to much worse economic conditions. The bottomline, however, is that re-estimate occurred several weeks after the President and robust Democratic majorities took over the government. Decisions were made and the fiscal consequences followed.

Some on the other side raise this point about the March CBO re-estimate. That's fine, but, if they were to be consistent and intellectually honest, then they would have to acknowledge the CBO re-estimate that occurred in 2001 after President Bush took office. The surplus went South because of economic conditions and new spending needed to deal with the consequences of the 9/11 terrorist attacks. The \$5.6 trillion number so often quoted by those on the other side was revised within a year of President George W. Bush's presidency.

In January 2002, CBO revised the \$5.6 trillion number downward to \$1.6 trillion. To listen to folks on the other side, you would think all of that \$4 trillion downward adjustment was attributable to the bipartisan tax relief of 2001.

In fact, the tax relief accounted for 40 percent of the adjustment. Most of the balance, \$2.6 trillion, was due to factors that had nothing to do with the tax relief. I am talking about the reduced revenues, increased spending for the war on terror and homeland security and other factors.

So, if folks on the other side want to be intellectually honest about the budget and fiscal history, they need to be consistent on how the CBO re-estimates are treated. If you are going to give President Obama \$1.3 trillion for the post-January 20, 2009 re-estimates, then you have to give President George W. Bush credit for twice as much, \$2.6

trillion. That's what CBO said in January 2002. We can't have different standards for different people and be intellectually honest.

One other point that came up was the comparative corporate tax rates. As Senator HATCH pointed out, the U.S. statutory corporate rate is very high. The Chairman of the Budget Committee agreed but then stated that the U.S. effective corporate rate is relatively low. Business taxation occurs in corporate and non-corporate form, through S corporations, partnerships, and proprietorships. If you want to compare U.S. taxation with the rest of the developed world, it is best to look at comparative business tax rates on investment. If you do so, you will find the U.S. has a higher rate than the G-7 group of comparative economies. You will find this data in an analysis prepared by former Senior Treasury Economist Robert Carroll.

This analysis is contained in an August 2008, Tax Foundation paper entitled "Fiscal Fact Comparing International Corporate Tax Rates: U.S. Corporate Tax Rate Increasingly Out of Line by Various Measures."

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, this week the Senate focuses on the Federal budget and folks at home are going to hear a lot about reserve funds and reconciliation and a lot of other technical budget lingo. A reserve fund, for example, is not some kind of checking account where you can go get a bunch of money to spend on Government programs. It is more like a work plan that is used to structure how difficult policy judgments are made on important issues.

Budget reconciliation is perhaps even more incomprehensible to folks. That is why I want to spend a few minutes this afternoon talking about what it means, particularly in terms of health care reform, which we all understand is a particularly pressing domestic concern. Budget reconciliation, strictly speaking, means reconciling Government policy with budget targets. If you were to pursue health care reform using budget reconciliation, you would, under the Senate rules, need only a majority vote here in the Senate as opposed to 60 votes, which is often needed in the Senate to cut off debate. So Senators now find themselves being buttonholed by reporters for something of a health care interrogation. The question invariably is, is a Senator in favor of using reconciliation for health care reform?

The theory, I gather, is if a Senator is in favor of using budget reconciliation, the Senator is just in favor of bullying health care reform through the Senate with a narrow majority. And somehow, if a Senator is not for using reconciliation on health care reform, that Senator is not sympathetic

to the cause of fixing the American health care system.

It is my view that, like most of these kinds of issues, this is vastly oversimplifying the case. In my view, I have spent more than 5 years trying to make the issue of reconciliation on health care irrelevant. Senator BENNETT and I, for example, have teamed up, now joined by 14 colleagues of both political parties, evenly divided, because we believe it is critically important to address this issue of health care reform in a bipartisan way.

Every time we talk about this issue, we talk about our desire to work with the chairman of the Finance Committee. I see the ranking minority member on the floor, Senator GRASSLEY. It is our desire to work with Chairman BAUCUS and Senator GRASSLEY and Chairman KENNEDY and our colleague from Wyoming, Senator ENZI. Everything we have worked toward in this area of health care reform has been pointed toward the goal of making reconciliation irrelevant because we wish to be part of an effort, working with Chairman BAUCUS and Senator GRASSLEY and Chairman KENNEDY and Senator ENZI, on a path to getting 68 to 70 votes here in the Senate so we can have an enduring and bipartisan coalition in place to fix American health care.

I will tell you, on the basis of visiting most of our colleagues in their office to listen to them on the issue of health care reform, I think it is possible to find a path to 60 to 70 votes on this critical domestic question. I think there is a growing consensus here in the Senate that both political parties have been right on major concerns they have about American health care. I think there is a growing awareness that our party, the Democratic Party, has been right on the issue of ensuring that all Americans have good quality, affordable coverage. If you don't do that, what happens is the people who are uninsured shift their bills to the insured and they shift the most expensive bills. So you cannot fix this system unless you get all Americans good quality, affordable coverage.

I think Republicans have had a very valid point with respect to giving flexibility to the private sector on the issue of health care. It is important, so as to not freeze innovation, to make sure there are not price controls, there are not global budgets so there are plenty of private sector choices, the way Members have with respect to this issue. It is something of a philosophical truce. Democrats have been right on the issue of making sure that you expand coverage to stop the cost shifting and deal with the question of holding down costs which is so important to American business and tough global financial markets. And Republicans have had a valid point with respect to the role of the private sector.

I think there is a growing consensus about how, if you are going to contain costs in American health care, you have to go to areas that change the incentives, that drive the behavior in American health care. Right now, most individuals don't even have a choice with respect to their health care. If they are lucky enough to have employer-based coverage, they don't get a choice. So they are already in a position, in my view, that is not fair and certainly is not in sync in a way that works for the Members of the Senate. The distinguished President of the Senate and every other Member come here and get plenty of private sector choices for their health care, and I think there is a growing sense here in the Senate that those kinds of choices ought to be available to all Americans. Fourteen Senators are behind legislation that would do that. I point out the very fine white paper offered on American health care by the distinguished chairman of the Finance Committee envisions Americans having more choices for their coverage, the way Members of Congress have.

We are going to talk about a lot of issues this week with respect to the budget. You are going to hear a lot about reserve funds and reconciliation. I hope that as colleagues go through this topic and issues related to it, the rules with respect to how you are going to pay for American health care, I hope there will be a recognition that a lot of Senators wish to make the issue of reconciliation on health care irrelevant.

Senator BENNETT and I, for example, have received a report from the Congressional Budget Office—it is on my Web site—making it clear that our proposal is revenue neutral 2 years in and in the third year starts bending the cost curve downward. The way we get those savings, in most particulars, is through approaches that Chairman BAUCUS has advocated in the white paper I have mentioned here on the floor.

There are plenty of opportunities for finding common ground on this budget, on bringing Democrats and Republicans together on key issues such as health care, on making the whole question of reconciliation go by the boards because Democrats and Republicans have come together.

I want to close by commending Chairman CONRAD for the approach he has taken with respect to the budget and for his desire, particularly, to work in the health care area of the budget in a bipartisan way. He worked with me, for example, on the issue of suggesting in the budget that periodic reports would have to be made with respect to health cost containment. That sends a strong message that the Senate is not going to wait around for 10 years or so to see if there are any savings. Chairman CONRAD has added language to make it clear that on an ongoing basis

there should be an effort to wring out savings from the existing \$2.5 trillion being spent on American health care this year. Chairman CONRAD does not want to sit around and wait for 10 or 12 or 15 years to see if anybody can save some money on American health care. He has picked up, as the Congressional Budget Office said in their report to Senator BENNETT and me and our colleagues, there are savings that can be made over the next few years.

There is enough money being spent on American health care today. It is not being spent in the right places. This year we will spend \$2.5 trillion on health care. There are 305 million of us. If you divide 305 million into \$2.5 trillion, you can go out and hire a doctor for every seven families in the United States. You could hire a doctor for every family in the State of Virginia or Oregon or elsewhere, pay the doctor \$225,000 a year, and invariably when I bring this up to physicians, they say: Where can I go to get my 7 families?

We spend enough on health care. We don't spend it in the right places. Chairman CONRAD, by approaching the health care issue as he has in this budget, allows us to first focus on the savings that can be produced out of the existing \$2.5 trillion. I commend Chairman CONRAD for working with us in that fashion.

I also commend the ranking minority member for his work on health care as well. He is a cosponsor of the Healthy Americans Act and has made it very clear that he wants to work with Chairman BAUCUS and Senator GRASSLEY and Chairman KENNEDY and Senator ENZI so that we bring the Senate together in a bipartisan fashion.

There is much to work with here. As Senators do get buttonholed by reporters with respect to the issue of whether they are in favor of using reconciliation for health reform, I hope Senators will see that this is not a yes or no answer but that there is a large and bipartisan group of us who want to pass health care reform this year on President Obama's timetable—this year—but we want to do it by bringing Democrats and Republicans together and making the issue of reconciliation on the issue of health care reform irrelevant.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. On a number of previous speakers, I am afraid I had to be away from the floor to deal with some of the challenges back home with flooding. Some of the previous speak-

ers have referenced tax increases as part of the budget I have offered my colleagues in the Senate.

Let me indicate very clearly, the budget resolution that is before us has net tax cuts, net tax cuts of \$825 billion. The other assertions directed at the President's budget about tax increases—and there are tax increases in the President's budget and in my budget, but they are completely dwarfed by the tax cuts that are in our budget.

In the President's budget, over 10 years, he has \$2.4 trillion of net tax cuts. In other words, if you take the tax raises that are in the President's budget and you stack them up against the tax cuts in the President's budget, he has a net of \$2.4 trillion of tax cuts over 10 years.

In the budget I have offered my colleagues that has come from the Budget Committee, that is a 5-year budget instead of a 10-year budget of the President, we have net tax cuts of \$825 billion.

Here is why that is so. Middle-class tax relief from 2001 and 2003 is all extended in this budget. That means the 10-percent tax, the child tax credit, the marriage penalty relief, the education incentives, all those things are extended in this budget for those earning less than \$250,000 a year.

The net effect of that change alone is \$601 billion tax relief. In addition, we provided relief from the alternative minimum tax for 3 years. That costs \$216 billion. We have estate tax reform that takes the level of exemption to \$3.5 million per person, \$7 million per family. That means 99.8 percent of the people in this country will pay no estate tax. None. Zero. That costs \$72 billion.

We have business tax provisions and extenders, those provisions that periodically have to be extended. They are incentives to the business community. That costs \$69 billion. That is a total of \$958 billion of tax reductions over 5 years. And then if you look at the offsets, the loophole closers, going after the offshore tax havens, the abusive tax shelters, that raises \$133 billion for net tax reduction over 5 years of \$825 billion, most of it for the middle class.

I see Senator THUNE here now. If he is ready to go, we would be ready for him to go. How much time does the Senator seek?

Mr. THUNE. Probably 15 minutes.

Mr. CONRAD. I yield 15 minutes of Senator GREGG's time to Senator THUNE.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 731

Mr. THUNE. I thank the Senator from North Dakota for yielding. I call up an amendment I have filed at the desk and ask unanimous consent that it be made pending.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 731.

Mr. THUNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 731) is as follows:

(Purpose: To amend the deficit-neutral reserve fund for climate change legislation to require that such legislation does not increase electricity or gasoline prices)

On page 33, line 21, after "economy," insert "without increasing electricity or gasoline prices,".

Mr. THUNE. The Senate is in the process of an important fiscal debate which will set the Federal budget for the next 5 years. The budget process is particularly important as our Nation faces a prolonged recession and an ongoing financial crisis.

I think there are two primary questions facing the Congress at this time. One is, how do we help the middle class cope with the current recession. Secondly, how do we create jobs and investments that will lead us out of this recession?

The Democratically led Congress, I believe, missed a major opportunity to address the economic recession during the debate of the stimulus bill. Rather than providing significant tax relief for middle-class families and small businesses, Congress poured billions of taxpayer dollars into Government programs and pet projects.

The middle class was largely left behind in the stimulus bill. In return for an \$800 billion stimulus bill, the average taxpayer gets a temporary tax break of roughly \$8 per week, not even enough, in most places, to buy a cup of coffee each day.

Unfortunately, the administration's budget proposal is another missed opportunity to address the fundamental issues that are plaguing our economy. Not only does the administration's budget increase taxes on families and small business owners, it calls for a massive national sales tax on energy as well.

This sales tax, which is implemented in the name of global warming, will dramatically increase energy costs for all consumers. I wish to point out something that President Obama said with regard to that energy cap-and-trade plan. He said:

Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.

This regressive national sales tax on energy will hit lower and middle-income households at a time when they can least afford it. Now, incidentally, the architect of the President's budget, Peter Orszag, who is the Director of the Office of Management and Budget, agrees that the President's energy tax

will have a significant impact on energy prices, and lower income families will bear a greater burden on account of this tax.

Orszag testified before Congress that a cap-and-trade program would increase energy costs which will immediately be passed on to the consumer. During a House of Representatives Budget Committee hearing in 2007, Mr. Orszag stated:

Under a cap-and-trade program, firms would not ultimately bear most of the cost of the allowances, but instead would pass them along to their customers in the form of higher prices for products such as electricity and gasoline.

Orszag is also on record saying:

The higher prices caused by the cap would lower real wages and real returns on capital, which would be equivalent to raising marginal tax rates on those sources of income.

In September of 2008, Mr. Orszag testified before the House Committee on Ways and Means.

The rise in prices for energy and energy-intensive goods and services would impose a larger burden relative to income on low-income households than on high-income households.

Both Mr. Orszag and President Obama, they are not the only ones who believe higher energy prices on account of climate change legislation will have a greater negative impact on low-income families.

I quote from the Wall Street Journal on March 9 of this year:

Cap-and-trade, in other words, is a scheme to redistribute income and wealth, but in a very curious way. It takes from the working class and gives to the affluent; takes from Miami, Ohio, and gives to Miami, Florida; and takes from an industrial America that is already struggling and gives to rich Silicon Valley and Wall Street "green-tech" investors who know how to leverage the political class.

I would also quote from Warren Buffett.

That tax [the cap-and-trade tax] is probably going to be pretty regressive. If you put a cost on putting carbon into the atmosphere . . . it's going to be borne by customers. And it's a tax like anything else.

Now is not the right time to place another burden on families who are struggling to make ends meet during the current recession. Many two-income families are now reduced to one. One-income families are trying to make do with reduced wages or fewer hours. Mortgage payments have become a burden too great for millions of families. In light of the unprecedented challenges that are facing the middle class, I find it unconscionable that President Obama and the Democrats in Congress want to place an indirect tax on these families through increased energy costs.

In April of 2007, MIT conducted an economic study of the Sanders-Boxer climate change bill. Interestingly enough, at that time, 2007, then-Senator Obama was a cosponsor of that

bill. The proposal he has put in front of us very closely resembles that proposal.

MIT concluded in their analysis of that particular piece of legislation that the Federal Government would take in an additional \$366 billion in revenue each year, which is equivalent to over \$3,128 per household. That is in the year 2015.

Having said that, if you think about \$366 billion coming in in additional revenue to the Federal Government, that means someone in this country is paying that tax. As I mentioned earlier, many have concluded it is not going to be the utilities, those taxes are going to be passed on and borne by power consumers, electric, fuel consumers in this country.

If the MIT study is correct, that would be equivalent to over \$3,100 per household. So I think it is important to note that President Obama's cap-and-trade tax is even more stringent than the Sanders-Boxer climate change bill, which I alluded to, which the MIT study makes reference to, which would only increase the national sales tax on energy prices.

In other words, President Obama's cap-and-trade proposal is even more stringent than the one that was analyzed by researchers at MIT who concluded, again, it would cost the average household in this country over \$3,100 per year.

President Obama wants to take some of the proceeds from the carbon tax revenue and give it back to families through the Making Work Pay tax credit. The Making Work Pay tax credit totals about \$400 per individual and about \$800 per married couple. This credit barely covers a fourth of the household costs of the energy cap-and-trade tax of \$3,100 per household.

The President's message to the middle class is: Don't worry about paying the additional \$3,100 each year in higher energy costs because the Government is going to refund \$800 of that total in the form of the making-work-pay tax credit. That comes out to about a quarter of what the tax is going to be, the energy tax that each family will be faced with, if this particular proposal were to become law.

Additionally, a significant number of individuals and married couples making less than \$250,000 a year are not going to be eligible for the making-work-pay tax credit and are still going to be hit by the national sales tax on energy. The national energy sales tax is a direct contradiction to President Obama's campaign pledge not to increase taxes on those making less than \$250,000 a year. The making-work-pay tax credit does not apply to a lot of people who make under that amount. The energy tax will apply to all of the people in this country to the tune of about \$3,100 a year, according to the MIT analysis.

According to a recent Washington Times article, the Obama cap-and-trade proposal could be far more costly than the estimated figures in the Obama budget blueprint. According to this article, President Obama's climate plan could cost close to \$2 trillion, which would inevitably be passed on to consumers in the form of higher electricity, gas, and heating oil, as well as higher prices for other goods and services affected by higher energy costs. That is a bad deal for hard-working, taxpaying Americans, and it is the wrong solution to our economic problems.

Like many Midwest States, South Dakota is heavily dependent upon coal power to meet our energy needs. One public power utility in South Dakota analyzed what little details are available on the President's national sales tax on energy and determined that their power costs would increase by \$107 million per year by 2015. That represents a 65-percent increase in annual power costs. One of the largest municipal power customers would see their annual costs go up by \$13 million for a rural community of just over 20,000 residents. That community is Watertown, SD. One of the largest industrial customers of a municipal power provider would see their electric bill increase by \$2 million per year.

Like many other States, South Dakota is trying to deal with the economic recession and is looking for ways to create jobs and help businesses grow. The President's proposal to tax energy will result in a new annual tax of \$2 million on just one business in my State. It will kill jobs and stifle economic growth, and it should not be included in the fiscal year 2010 budget resolution.

In the words of the CEO of this South Dakota-based power public power provider:

In plain English, [the President's climate change proposal] represents a perpetual tax increase on our electric consumers.

I want to show another power company in South Dakota, Black Hills Corporation, a diversified energy company serving customers in South Dakota, Colorado, Wyoming, Kansas, Nebraska, and Iowa. They have provided some generic examples of how a cap-and-trade proposal would impact the monthly electric bills of various types of customers. The first chart is at \$50 per ton of carbon dioxide, a monthly residential bill increases from \$94 to \$154. That is your average residential bill. A small commercial customer would see their monthly bill increase from \$4,500 to \$7,500 per month. You probably can't see, because this is fairly small print, that increase, but if you look at what the estimate is, the current cost being \$4,500 for a small commercial customer bill, under the proposed climate change tax, if enacted, that would go up to about \$7,500 per month.



So we are looking at about a 67-percent increase per month. When you start multiplying that out, it becomes a staggering amount of money on an annual basis.

A school customer would see their electric bill—this is the same power company, same statistics that apply to this, about \$50 per ton of carbon dioxide—if they had a typical bill today of \$15,000, under this particular plan they could see that electric bill go from \$15,000 a month to \$30,000 a month. Again, you probably can't see the small print, but essentially what it is telling us is that a current \$15,000-per-month cost for electricity for a typical school in South Dakota would virtually double on a monthly basis. If you annualized that, that is \$180,000 a year additional cost for a school in South Dakota which, in most cases, is struggling to provide school supplies and pay teachers fair salaries.

Finally, take a look at a large industrial customer bill, the current monthly cost for power. With the energy tax that is under consideration in the President's proposal, that would go up to about \$234,000 per month under the cap-and-trade proposal.

I guess my point is, when you start looking at the kinds of costs this imposes on industries—and I used these examples from my State and information that was furnished to us by utility companies there—if you take a large industrial customer who is going to see their energy costs increase by \$110,000 each month and you annualize that, you are looking at an additional \$1.4 million each year on account of this proposal.

The bottom line is, the amendment I have offered would amend the reserve fund included in a future climate cap-and-trade proposal. I know several of my colleagues, Republican colleagues, will be offering amendments to strike or lessen the impact of the President's national sales tax on energy as part of the budget process.

What my amendment does is ensure that any cap-and-trade proposal drafted under this deficit-neutral reserve fund would not increase gasoline prices or electricity rates for consumers. I believe this amendment is the very least we can do for consumers dealing with the economic downturn and businesses struggling to make it through a prolonged recession.

I encourage colleagues to support the amendment. I hope we will not include, in any budget resolution or reconciliation instructions coming back from the House or wherever that might occur, any language that would in any way implement the cap-and-trade proposal. This amendment ensures that doesn't happen in a way that would increase gasoline and electricity rates for customers.

I ask that when we get to the vote, my colleagues will support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. CONRAD. I thank the Senator from South Dakota for his amendment and indicate clearly that this budget resolution does not prejudice in any way the climate change debate. It does not assume that there will be cap and trade or that there will not be. It leaves to the committees of jurisdiction the responsibility to come up with the best possible plan and to do it in a deficit-neutral way. That is the trigger. That is the condition. Whatever plan they devise must be deficit neutral and will have to go through the legislative process.

I yield 7 minutes from Senator GREGG's time to Senator JOHANNIS.

The PRESIDING OFFICER. The Senator from Nebraska.

#### AMENDMENT NO. 735

Mr. JOHANNIS. Mr. President, I call up amendment No. 735 which is at the desk.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mr. CONRAD. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report:

The bill clerk read as follows.

The Senator from Nebraska [Mr. JOHANNIS] proposes an amendment numbered 735.

Mr. JOHANNIS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of reconciliation in the Senate for climate change legislation involving a cap and trade system)

Section 202 is amended by inserting at the end the following: "(c) The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974."

Mr. JOHANNIS. I rise to offer an amendment to the budget resolution. The amendment is simple. It inserts language that would bar the use of budget reconciliation for climate legislation. Budget reconciliation essentially fast tracks legislation. It limits debate. It circumvents normal Senate procedure and requires only a simple majority for passage.

For weeks, the House leadership, the Senate leadership, and the administration have been pushing the Senate to use reconciliation to pass cap-and-trade legislation. They certainly have not taken it off the table. This is a mistake. Members on both sides of the aisle and on both sides of the Capitol agree with me.

The Senate resolution before us does not include reconciliation instructions. That is noteworthy. It is commendable.

However, it is the conference report that concerns me. It should raise a red flag for all Senators.

Let me step back for a minute and review where we are. We now know that the House budget has included reconciliation instructions to the Committee on Energy and Commerce and two other committees. Why would the House include instructions at all? The House has a Rules Committee that sets rules for debate and amendments. Reconciliation instructions in the House budget are therefore meaningless except for one purpose: to open the door to cap-and-trade policy in the final budget resolution that emerges from the conference process.

Now that we have reached the heart of the matter, let me say again: The House language is there to dictate how the Senate conducts its business. The House language is a placeholder, a Trojan horse to limit debate, amendment, transparency, and a thoughtful consideration in the Senate on cap and trade.

We know that the leadership in the Senate is already planning how it will spend the cap-and-trade revenues. How do I know this? The Senate majority leader said last week that the collection of revenues from cap and trade would be useful for other governmental spending down to the very last penny.

Budget reconciliation is actually about lowering spending and controlling the debt. So let's take a closer look at the House language. After all, that language might set the rules for debate in the Senate, unless my amendment is adopted.

The House instructions call for a savings of \$3 billion. The key, though, is this: The committees could raise hundreds of billions of dollars in new taxes and fees, including cap and trade, so long as new spending is \$3 billion below the total revenues collected. Cap-and-trade legislation is expected to generate almost a trillion dollars in revenues—a lot of spending. I make this point to illustrate the significance of taxing and spending that could be passed under the guise of reconciliation.

Finally, I see that the House language even provides a placeholder in the text for Senate reconciliation instructions. Section 202 provides the following:

Senate reconciliation instructions to be supplied by the Senate.

I suggest we adopt my amendment and send a clear, bipartisan message opposing the use of reconciliation for cap and trade. Cap and trade is simply too large, too significant, and too important and costly to pass under the cloak of another bill.

The senior Senator from West Virginia, a man I admire immensely, said it eloquently:

Putting climate change legislation on a freight train through Congress is an outrage that must be resisted.

Quoting again:

It is an abdication of the constitutional role of the Senate.

I cannot say it better.

Before closing, I would like to discuss the economic impacts of this cap-and-trade freight train for a moment. The President's climate proposal could cost an American family an additional \$3,000 per year or about \$250 a month. Most families will see much of this extra expense show up in their electric bill, especially if the family is from a State where significant amounts of electricity are generated by coal.

That is right, everyone with a light switch will see the pain of this policy.

The rest of the additional costs could show up in all sorts of bills families struggle to pay. If a family uses natural gas to heat their home, cook or fuel their small business, the bill will go up. Higher natural gas prices drive fertilizer costs up. When these increases are coupled with higher gasoline and diesel fuel prices, the costs to our farmers in terms of production go up. That means the costs of dairy, beef, pork, and chicken producers are bound to increase. Some of those higher costs will be seen at the grocery store. Because steel and cement manufacturing would be affected, even the cost of heavy construction goes up, and that impacts our infrastructure.

Americans are on the hook for all of this, while China gains a competitive advantage.

I could go on and on, but I think I have said enough. Aren't these economic impacts significant enough to warrant an open discussion, a transparent debate? Not some parliamentary maneuver hatched in a late-night conference committee?

Well, I think they are. Our constituents deserve to understand the true impact of the decisions we debate on this floor.

To sum up, cap-and-trade legislation is complex and costly. Americans deserve, and the issue demands, a thoughtful, deliberate approach. I urge my colleagues to support this amendment.

I yield the floor and yield the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator JOHANNES for offering his amendment early on like this. I think this is the way we ought to function on a budget resolution. Let's get these amendments up and debate them and have a chance for people to get votes early in the process.

Mr. President, on our list, Senator BOND was to be next.

Mr. BOND. I am ready.

Mr. CONRAD. I ask the Senator, how much time does he need?

Mr. BOND. About 6 minutes, I would think.

Mr. GREGG. Mr. President, I yield the Senator 6 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the managers giving me time.

We are all concerned about our struggling families and workers during this time of economic pain. We know too many families are struggling to make ends meet, unable to pay their mortgages, bills or debts. They are struggling, out of a job or failing to find work that can support a family.

We should not impose an energy tax on our families and workers, as President Obama proposes through his budget cap-and-trade plan that will cause pain for our families and workers for years and decades to come.

While the President and his supporters say this is a cap-and-trade scheme to cut carbon, it will result in higher costs for makers and users of energy. Those higher energy prices will be passed straight to the consumer, who will feel like they are paying a new energy tax, and that is what it will be. Under the Obama energy tax, Americans would pay more for every time we turn on a light, put gas in our cars or heat our homes.

They also did not include the President's energy tax in their budget, the Democrats will claim. But the leadership keeps reminding us they are prepared to impose an energy tax through the budget reconciliation process. Therefore, it is important we confront what this will mean for our families and workers who would have to pay more for everything from power bills to grocery bills if their budget energy tax plan succeeds.

Higher energy prices will mean many must make a decision between heat or eat. I have in the Chamber this photo of a young girl in a newspaper ad for a low-income housing assistance program. Her family cannot afford the heating bills, thus, the caption: "I have two coats. One for outside and one for inside."

For too many families such as this girl's, higher heating bills from President Obama's energy tax will force them to decide between paying heating bills or food bills—heat or eat.

Seniors will face a tough choice too. They already pay too much for prescription drug medicines. Tragically, we know many seniors die during heat waves because they lack air-conditioning.

Higher electricity bills will force seniors on fixed incomes to choose between buying their lifesaving prescription drugs or paying for their lifesaving air-conditioning.

This is a direct impact on senior citizens throughout the Nation.

Many workers will not have a choice when they are told they are losing their family-supporting job. President Obama's energy tax will hit blue-collar workers particularly hard. Many of them depend upon energy-intensive

manufacturing to support their middle class way of life. This will be a particularly heavy burden on the Midwest and the South.

Higher energy costs will kill jobs in energy-intensive manufacturing—steel, aluminum, cement, chemicals, plastics, fertilizers, and the pharmaceutical industry.

Green jobs are held out as a solution for some. But far too many will see their future go from blue collars to burgers under the Obama energy tax.

All of us will face more pain at the pump. Higher energy costs imposed on our oil refiners will translate straight to higher gasoline and diesel prices. Families who depend on affordable gas will suffer, truckers who depend on affordable diesel will suffer, farmers who depend on affordable fuel will suffer, and workers who depend on affordable commutes will suffer from an energy tax.

How bad will things be? The President was only willing to admit to the \$646 billion he put in his budget. But administration officials in meetings with staff are admitting costs "two to three" times that amount or \$1.3 trillion to \$1.9 trillion to be paid by average citizens.

We have to remember this is only an 8-year total. The President wants his program to run through at least 2050, so the total new energy taxes imposed on families and workers will be much higher and continue.

Sponsors of the cap-and-trade bill we debated and defeated in the Senate last year said it would impose \$6.7 trillion in higher energy costs over its lifetime. Mr. President, \$6.7 trillion was an outrageous amount of money to impose on families and workers, and the Senate rightfully defeated the proposal. However, we can expect President Obama's energy tax will be even more expensive than \$6.7 trillion because of his planned stricter requirements and use of price maximizing auctions.

The \$6.7 trillion Lieberman-Warner bill the Senate defeated proposed to cut energy emissions by 70 percent. The President proposes an 80-percent cut.

The \$6.7 trillion Lieberman-Warner bill, defeated here, required participation with a mix of no-cost approaches and auctions. On the other hand, the President is proposing a 100 percent use of auctions to set program prices.

What is an action about, after all, but a method to maximize prices? Thus, President Obama's budget energy tax will maximize higher energy prices from climate legislation. That means President Obama will force families and workers to pay even more than \$6.7 trillion in higher energy bills.

President Obama's budget energy tax will drive gasoline prices even higher than the \$1.40 per gallon EPA predicted for the bill we defeated, the Warner-Lieberman proposal at the \$6.7 trillion number.

President Obama's budget energy tax will force electricity bills even higher than the 44-percent increase EPA predicted for the Lieberman-Warner proposal.

President Obama's budget energy tax will cost the average household even more than the \$4,377 per year predicted for the Lieberman-Warner bill.

President Obama's budget will cut even more than the 3 million jobs the American Council for Capital Formation predicted for the defeated Lieberman-Warner proposal.

While I think no time is a good time to debate imposing at least \$6.7 trillion in new energy taxes, we certainly should not do so now.

That is why I am filing three amendments. My first amendment will require that any climate legislation passed by the Senate does not cause significant job losses, especially in the Midwest, Great Plains, and the South. My second amendment will ensure that any climate legislation does not increase residential electricity, natural gas or fuel oil bills for homeowners. The last amendment would protect farmers from higher fertilizer and fuel prices.

Senator THUNE has filed an amendment to prevent climate legislation from raising electricity or gasoline prices. I strongly support this amendment.

I hope we can protect our families, farmers, and workers by refusing higher energy taxes, and I ask my colleagues for their support.

I thank the Chair and I thank my colleagues.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator BOND for the time he has given to the budget discussion tonight.

I ask Senator SESSIONS, how much time would he like?

Mr. SESSIONS. Mr. President, I would ask to be notified at 7 minutes.

Mr. CONRAD. All right.

Mr. President, I yield from Senator GREGG's time 7 minutes to the Senator, who is a member of the Budget Committee, and a very active and valued member of the committee, Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the chairman of the Budget Committee. I say to the Senator, it is a pleasure to work with you. You do a great job in an exceedingly difficult situation.

But the net result so far is a budget that is thunderously irresponsible, and we cannot and should not pass it. We must not pass this budget. I think it would send a signal that we are not serious about our financial future, that the world may think, as the President of the European Union said in Europe recently, from the Czech Republic, that

the United States fiscal policy is on the road to hell. That was his direct quote in the newspaper.

So this is a serious matter.

A President's budget states what the President believes in, and what he wants to see accomplished over a period of time. A 10-year budget—which he submitted—is good. Sometimes we do 5 years. It could be 5 years. Senator CONRAD and the Democratic members of the Budget Committee, unhappy with the numbers of the 10-year budget, submitted a 5-year budget, and just did not talk about the second 5 years. But there is a grim second 5 years also.

So this budget is a plan, a direction, a list of priorities of the President. What we can see with absolute certainty is that financial responsibility is not a priority for the President. It is not. In fact, the title of his budget is "A New Era of Responsibility"—and the numbers I am going to be talking about are either numbers that come right out of his budget called "A New Era of Responsibility," from the Office of Management and Budget, and it has explicit numbers about what it intends to spend, how much debt will be created and how much taxes will be imposed and how it all will play out over a 10-year period.

So the Senate Budget Committee's budget suggests it is better or at least it does not spend as much money. But I do not think that is sustainable. I think the real analysis came from the Director of the Office of Management and Budget, Mr. Peter Orszag, the President's budget manager, who said it is 98 percent of what President Obama asked for.

Because there are some gimmicks in the Senate budget. And there are flaws in it that make it look better, such as not fully accounting for the cost of fixing the alternative minimum tax or the doctor fix or TARP II or some of the other things we know we are going to be spending money on.

Let me just sum up the situation with regard to the CBO analysis, the Congressional Budget Office analysis. Our Congressional Budget Office analyzes the President's budget and attempts to explain what it is. They calculate numbers just like the President did. But very truly their analysis is more realistic and more likely to be true than the President's because he took some gimmicks too—not as many, I have to admit, as some have taken, but he has quite a number of gimmicks in it. Without the gimmicks, our Congressional Budget Office gives us a reliable analysis. They work both Houses of Congress, their leadership is selected by the Democrats, and it is certainly not a Republican institution. They are proud of their nonpartisanship and their accuracy and their figures.

So this is what would happen to the debt held by the public if this budget passes and becomes reality. In 2008,

debt held by the public was \$5.8 trillion. That represents the entire debt of the United States of America since its founding. Under the proposed budget of President Obama, by 2013 that debt will double to \$11.8 trillion. In 5 years, it will do that. In 2019, 5 more years later, it triples to \$17.3 trillion. I do not believe those numbers are challengeable in any significant way.

If you take the President's budget, you make sure that the figures, calculated with legitimate expectations of the future as CBO has done—this is what they come up with. The President's proposal assumes more favorable numbers—instead of \$17.3 trillion, \$15-plus trillion, which is almost virtually three times the \$5.8 trillion we have today. He admits that is what his budget does, with his own numbers. So that is a big question.

Here is an example of where we are with the debt. My colleagues savaged President Bush for excessive spending, and the debt held by the public did go up during his time in office, to over \$5 trillion, but this is not an exaggeration, colleagues. This is what the numbers show. It is going to go up to \$17 trillion.

So my first point to my colleagues and to those who might be listening is these numbers are not political numbers ginned up out of thin air; these are numbers that have been calculated from the President's own budget, entitled "A New Era of Responsibility," according to the Congressional Budget Office, and that is when they score the situation to be 10 years from now.

So you say: Well, we are in an economic disaster area. We have very bad problems in the economy.

Well, maybe we do, but the President, in his expectation of income to the Government, other than this year being a year of negative growth, assumes we will have positive growth in the future.

Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. So according to his budget, in year 3, we will have 4 percent growth for 3 consecutive years and never have a recession and have good growth all 10 years, except for this year, where we will have 1.2 percent negative growth. Well, I think that is probably too optimistic. If it is too optimistic, then this figure is going to be worse. It could be far worse.

So what does that mean? Does the debt make a difference?

This is today's Wall Street Journal, an article by Mr. Mark Whitehouse in which he states that countries with mounting debt burdens will:

Ultimately face a growing temptation to allow inflation to accelerate more than they typically would—a move that would slash the value of their debts as the prices of everything else rose.

He points out that poor demand at a U.S. Government bond auction and the failure of a separate auction in the UK added to unease about the market's willingness to support the country's heavy borrowing. So we have now not only our country going in debt, we have the UK going into debt, causing the European Union folks to get very nervous.

So who is going to buy this debt? When we go into debt, it doesn't just happen; somebody has to loan us the money. Right now, we sell Treasury bills. China has bought a whole lot of them, as well as Saudi Arabia and other countries. We are talking about selling twice as many in 5 years, three times as many in 10, and at the same time other countries are going into debt. Who is going to buy this, and what does it mean to the economy?

Mr. Whitehouse quotes Mr. Kenneth Rogoff, an economics professor at Harvard and a former chief economist of the International Monetary Fund. This is what he said in today's paper. Mr. Rogoff says annual inflation could go as high as 8 to 10 percent within 3 to 5 years in the United States and sooner in the UK. He projects eight to ten percent inflation in 3 to 5 years, based on what we are doing today. He notes that the average inflation rate in 1 month in this country has gone up 25 percent, the projected rate of inflation.

Debt matters. There are no free lunches. Nothing comes from nothing. Debts have to be repaid—not only repaid; we have to pay interest on it, and the interest on this debt will go, according to the Congressional Budget Office, from \$170 billion this year—that is what we pay out of our whole \$3 trillion budget—\$170 billion is the interest on the public debt—this \$5 trillion. CBO is projecting that 10 years from now, we will pay in interest \$800 billion—\$806 billion, to be exact. We spend \$100 billion on education, so we will have interest payments in just 10 years 8 times as large as the amount of money we spend on education. Our highway spending, \$40 billion a year today—it will go up some, but we will be spending 20 times as much in interest. So future generations in America will be paying an incredible burden of interest, denying them money to spend on education and highways and other good things because we irresponsibly spent it now.

It is not right. It is wrong. It should not occur. We really need to have a national discussion about this and try to fix this problem.

I thank the Chair and yield the floor.

Mr. GREGG. Mr. President, I wish to congratulate the Senator from Alabama, who has always succinctly and effectively described what we are confronting here, which is a wall of debt, a massive wall of debt, which will overwhelm our children. So I thank him for his statement.

At this point, I think the chairman had some comments on proceeding.

Mr. CONRAD. Mr. President, I ask unanimous consent that on Tuesday, March 31, when the Senate resumes consideration of the budget resolution, the statutory time remaining be 40 hours, each side controlling 20 hours.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I further ask unanimous consent that we come in at 10 a.m. and go to the budget resolution, with Senator PATTY MURRAY being recognized for 15 minutes; at the conclusion of her remarks, that Senator GREGG or his designee be recognized for the purpose of offering an amendment with 1 hour equally divided; that at the conclusion of that debate, Senator BOXER be recognized to offer an amendment in relationship to the Thune amendment and that there be 1 hour equally divided; also, at the end of that period, that I be recognized, or my designee, for a possible side-by-side to the Johans amendment. We may not need that, but we may, and so I ask unanimous consent that that time be reserved as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. With that, we are ready to stand in recess for the day. I think we are ready to go to closing.

#### MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NORTH DAKOTA FLOODING

Mr. CONRAD. Mr. President, I rise on a matter of personal privilege to talk about what is going on in my State. I was just there this past Friday morning and through the weekend. As the country knows, we are facing record floods across the entire State of North Dakota. These are crests we have never seen before on river after river in North Dakota. The great Missouri was bogged down with ice dams and nearly flooded the capital city last week, but that was prevented by a demolition team that came in and set charges and blew a channel in the ice.

I was in Fargo, ND, on Friday and Saturday and Sunday—which everyone has been watching—and it is truly inspirational to see what is happening there. It is a town of 90,000, and the mayor told us yesterday that of those 90,000 people, they have 80,000 volunteers because everybody knows that everything is on the line. You go into the FARGODOME, which is a giant sports facility where NDSU plays its games,

and they have thousands of volunteers, with rock music blaring. They made 3 million sandbags in 7 days. Think about that—3 million sandbags in 7 days, working 24 hours a day, around the clock. They are fully staffed around the clock, and they are doing everything that is humanly possible to save that city.

This was the headline yesterday in the Fargo Forum: "Holding Steady." It shows a picture of National Guardsmen and the Coast Guard rescuing people, and you can see these massive ice chunks and the flood.

Today, we got the news that we can now anticipate another major winter storm beginning tonight, with 6, 7, or 8 inches of snow. Of greater concern, however, are the higher winds because we have miles and miles of dike—at least 38 miles of main dike. These dikes, of course, for the most part are clay dikes, and in many places those are topped over with sandbags to raise the level. Because the weather service raised the forecast level right at the end on us, we had to build the dikes up even further.

While the good news is that the river is dropping slightly—from just under 41 feet to now just over 39 feet—we know there is a wall of water headed for that river.

There is a most incredible snow wall—three times normal—out in the watershed, and all that water is headed for this river. So while we are cautiously optimistic, we all know the dikes can breach. That happened the night before last in the early hours, and we lost an entire high school campus in the middle of the night. The good thing is the contingency dikes that have been built right behind the main dikes held—and I can tell you it is an impressive site.

Remember, this river is 22 feet above flood stage. So these massive dikes that have been built all along the river, and then these contingency dikes behind them, are in preparation for a breach.

I attended early morning meetings with the city leadership. They have this organized. They have rapid strike teams, rapid response teams, they have 24-hour patrols trying to make certain the dikes don't breach, that they are not seeping. If they get a report, the report goes in, and they have four different types of rapid response teams ready to go to fill the breach. If there were ever a case of an extraordinary outpouring, this is it.

This is a picture of what I was talking about in the FARGODOME. Look at this. This is thousands and thousands of people with sand, filling bags. This is what you see throughout that facility. This is just a small part of it. It is an absolute beehive of human activity working to defend that town and to save their homes.

So far we have been remarkably successful. There has been tragedy—2

deaths, 50 injuries as of yesterday. But this has so far averted a much bigger crisis.

This is a picture of a home out in the county. You can see they have diking around that home, and you can see there is not much freeboard there. We are hoping it holds.

This is another picture that shows response of our National Guard. This is one of the rapid response teams that moved to fill a place where the levee needed to be built up. There was some seepage. So this is one of the rapid response teams that has moved in to try to prevent that dike from breaching. These guys have been absolutely heroic.

One of the things that has been interesting, there is a great rivalry between the University of North Dakota and North Dakota State. North Dakota State is in Fargo; UND is in Grand Forks. In 1997, the great flood hit Grand Forks. So this year all the sports teams from UND are down at NDSU with their rivals working together to defend these dikes.

This is a picture from yesterday. That is a 1-ton sandbag being lifted by a helicopter. They are going to put it in place to try to divert the flow of the river. The river has tremendous force behind it. Of course that force is hitting the dikes. In order to divert at a vulnerable position, yesterday they dropped about a dozen of these 1-ton sandbags to change the direction of the river.

This is a picture of what you can see all throughout Fargo, ND. They have Neighborhood Watch groups to patrol to make sure there is no seepage. If there is a place that needs to be built up, they put out a call and people turn up just like this. You can see hundreds of people here working to sandbag to try to defend their homes and defend their neighborhoods.

The thing that has kind of escaped the attention of the national media but which is so striking is, this flood threat is all across North Dakota, from the far western part of the State all across to eastern North Dakota and the Red River Valley. The Red River Valley gets most of the attention, but we landed in Valley City on Friday and in Valley City—no, this was on Saturday—the snow around the airport was 10 feet high. That is the Cheyenne River Valley. The Cheyenne River Valley will crest later than the Red. But they are anticipating record crest levels.

Again, we went to a place where they have the Winter Show, in Valley City, ND. It is a big structure. There are hundreds of volunteers there working around the clock. This is from my hometown, the Bismarck Tribune, Bismarck, ND, with the headline, simply "Battered," "Area Hit Hard by a 1-2 Punch." That was flooding and a blizzard; 12 to 18 inches of snow hit my hometown last week.

Last night we got another major winter storm. I am told more than 10 inches of snow hit last night. We were faced with an immediate threat of flooding.

Here you can see two guys wading. This is ice. They have broken through the ice in their hip waders, and this is all water. They are going to check on the home of a couple to make sure they are safe.

This is the kind of flooding that was in my hometown. Here is a canoe, people going from one house to another in a canoe.

It is hard to fully appreciate the magnitude of this. We have had massive snowfall in places in the State, three times average, of course leading to these record floods. We have never seen the Red River at this height before in recorded history. Never before in recorded history has it been this high.

I want to say to people who are watching, it is inspirational to see these communities come together, to work together in an all-out effort to save their homes, to save their communities. I could not be more proud of the people of North Dakota. Boy, faced with threat, they have absolutely demonstrated what I think are heroic qualities.

I was pleased the President acknowledged this in his weekend address and talked about what this demonstrates about the human spirit. Honestly, you have to be there to fully appreciate what I am talking about.

We are thinking about our friends and neighbors and families back home, wishing them the very best as this flood fight continues. The great news is the river is going down, at least the Red is going down. But we have to contend with this major winter storm that is going to hit tonight, and we also have to contend with something nobody can predict—how fast things will warm up. If it warms up too fast that water out there is going to head for the river. We know we ought to keep up our guard, and that is what everybody intends to do.

I also want to acknowledge the local leadership: Mayor Walaker, Deputy Mayor Tim Mahoney—what outstanding leadership they are providing in that community. These guys are not working any 8-hour days. It is round the clock and it could not be better. They are out there urging their citizenry on. They have said: If we go down, we are going to go down swinging.

I tell you, I don't think they are going to go down. I think they are going to win.

#### HONORING OUR ARMED FORCES

CORPORAL MICHAEL OUELLETTE

Mr. GREGG. I rise this morning on behalf of Kathy and myself to express

our deepest sympathies to the family of CPL Michael Ouellette. Corporal Ouellette died in Afghanistan last week, and his funeral is today. I have spoken with his mother, and, of course, he was an exceptional individual. These young men who serve us in the military are all exceptional. He served two tours of duty in Iraq, was decorated, and then went to Afghanistan to serve again.

On behalf of the people of New Hampshire and our Nation, I thank his parents for having raised such an extraordinary child. We appreciate and thank them for the service he has given this Nation, and we obviously express our deepest concern during this extremely difficult period.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to say on behalf of the people I represent that we, too, send our condolences to the family of the soldier who was lost. My State has suffered many losses in Iraq and Afghanistan, and we understand the extraordinary sacrifice these families make. We wish to say to the people of New Hampshire, and especially the family of the soldier, that our thoughts and prayers are with them as well.

#### AMENDMENTS TO REGULATIONS ADOPTED BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to inform all Senators that on Friday, March 27, 2009, the Committee on Rules and Administration adopted amendments to the following regulations:

Regulations Governing Allocation and Acquisition of Equipment for Senators, Committees, Officers, and Employees of the United States Senate;

Smoking Policy—Rule X, Rules for Regulation of Senate Wing;

Ticket Preparation Fees—Senate Travel Regulations;

Regulations Governing Rates Payable to Commercial Reporting Firms for Preparation of Transcripts of Hearings in the Senate;

Signature/Documentation Provisions—Regulations Governing Senators' Official Personnel and Office Expense Accounts; and Advance Payment Regulations.

These regulations as amended are effective immediately.

Mr. President, I ask unanimous consent that a document summarizing these updates and the text of the regulations as amended be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SUMMARIES OF PROPOSED AMENDED REGULATIONS

(1) Regulations Governing Allocation and Acquisition of Equipment for Senators, Committees, Officers, and Employees of the United States Senate

The updated regulations change the manner by which offices are provided computer

and office equipment. Offices will be given a single economic allocation to purchase supported computer and office equipment. This will ensure that offices are better equipped in a manner that is "revenue neutral" to the Senate. The regulations ensure that each employee or detailee gets one workstation and access to appropriate office equipment.

(2) Smoking Policy—Rule X, Rules for Regulation of Senate Wing

The limited exception of approved indoor smoking space in the Senate Wing of the Capitol and the Senate Office Buildings has been removed due to the closing of all indoor smoking rooms under the control of the Rules Committee. The proposed text of Rule X deletes the exception for smoking rooms in the Senate that no longer exist.

(3) Ticket Preparation Fees—Senate Travel Regulations

The proposed amendment removes the dollar amount from the Senate Travel Regulations and authorizes the Rules Committee to set a rate for ticket preparation fees. This will permit the periodic adjustment of the fee by the Rules Committee without necessitating a change in the regulations.

(4) Regulations Governing Rates Payable to Commercial Reporting Firms for Preparation of Transcripts of Hearings in the Senate

These regulations were last updated in 1990 and include reimbursement to transcription companies that are well below market rate. The proposed amended regulations authorize the Rules Committee to publish and periodically update a schedule of reimbursement rates for transcription services.

(5) Signature/Documentation Provisions—Regulations Governing Senators' Official Personnel and Office Expense Accounts

The provisions for authorized signature(s) were originally adopted in 1979 and amended in 1992 to permit a designated staff member to certify vouchers and the Senator to approve them. An amendment in 2003 increased the threshold of the receipt amount to \$50. However, the 2003 amendment used the 1979 version of the regulations instead of the 1992 updated version. The proposed change will update the signature/documentation provisions to include the 1979, 1992, and 2003 amendments, in accordance with the current practices used throughout the Senate. If approved, this regulation will be reprinted in the Senate Travel Regulations for the sake of convenience.

(6) Advance Payment Regulations

Language is being added at the request of Senate office managers to clarify the obligation of funds at the end of a fiscal year. There has been confusion over the years regarding which funding period should be used for certain types of expenses. The new language provides the necessary explanation and is in accordance with the practices used throughout the Senate. The regulation will also be amended to permit Senate Officers to make advance payments.

#### APPENDIX II—A: REGULATIONS GOVERNING ALLOCATION AND ACQUISITION OF EQUIPMENT FOR SENATORS, COMMITTEES, OFFICERS, AND EMPLOYEES OF THE UNITED STATES SENATE

##### SEC. 1. GENERAL PROVISIONS

(This section shall be effective March 27, 2009.)

The Economic Allocation Fund shall be established and maintained by the Senate Sergeant at Arms with the approval of the Committee on Rules and Administration.

The Sergeant at Arms of the Senate is authorized and directed to furnish to Senators, committees, and officials of the Senate equipment in quantities not to exceed the allowance in their economic allocation fund.

Equipment shall be furnished upon written request of the Senator, Chairman of a committee, or Senate official. Equipment accountability and inventory control will be governed by the Regulations on Equipment Accountability issued by the Committee on Rules and Administration. Equipment provided will be charged, in the case of a Senator, to either his/her economic allocation fund or those funds within the official office expense accounts for other official expenses (10 percent discretionary funds). In the case of a committee or official, charges will be made to economic allocation funds of the committee or official.

The Sergeant at Arms is authorized to evaluate and test equipment which he deems to be best suited to the needs of the Senate and shall notify the Rules Committee of any changes in the authorized office equipment list. To the extent possible, the Sergeant at Arms shall standardize or limit variety of office equipment to provide for greater utilization and interchange between offices, and ease of maintenance of equipment. Specialized equipment not included in these regulations shall be furnished only upon the recommendation of the Sergeant at Arms and with the prior approval of the Committee on Rules and Administration.

Acquisition of equipment is to be conducted according to the Procurement Regulations of the United States Senate. The Sergeant at Arms shall have the authority to either purchase or lease equipment in the best interests of economical procurement.

Equipment presently assigned to offices which is deemed in excess of their needs shall revert to the control of the Sergeant at Arms for reassignment.

The Committee chairman shall ensure that each full-time employee and full-time, authorized detailee on the committee is provided with a workstation and have appropriate access to related office equipment.

##### SEC. 2. GENERAL OFFICE EQUIPMENT

(This section shall be effective March 27, 2009.)

(a) All general office equipment used in Senate offices shall be issued and maintained by the Sergeant at Arms of the Senate. The Sergeant at Arms shall maintain a schedule in which available equipment is identified according to the classes set forth below:

TABLE 11-1: CLASS OF EQUIPMENT AND MINIMUM LIFE

Class	Description	Minimum Life
I .....	Letter Folder Letter Insertor. Letter Sealer. Paper Cutter w/stand. Signature Signing Machine.	10 Years
II .....	Typewriters—Electric .....	10 Years
III .....	Calculators—Desk or Hand-held Copy Holders. Noise Suppressors. Pencil Sharpeners (Electric). Recorders and Transcribers—Desk. Combination or Portable. Staplers (Electric). Tape Recorders. Time Recorders.	6 Years

##### Allocations

Sec. 2. (b) The Sergeant at Arms is authorized to issue general office equipment upon receipt of requests from Senators, committee chairmen, and heads of Senate offices, up to the limits set forth by the availability of their economic allocation funds.

Sec. 2. (c)(1) The Sergeant at Arms may sell to a Senator who is leaving office or otherwise ceasing to be a Senator (except by expulsion) any item of office equipment located in such Senator's Washington, DC or state offices, subject to the restrictions set forth in paragraph (2).

Sec. 2. (c)(2) Paragraph (1) of this subsection shall apply to equipment which has reached its expected useful life and has been declared surplus to the needs of the Senate. Such sales may be made only when such Senator submits a written request to the Sergeant at Arms, at least thirty days prior to leaving office, setting forth the item or items he or she desires to purchase. Whenever compliance with a provision of this paragraph would create an undue hardship or would not be in the public interest, such provision may be waived by the Sergeant at Arms.

##### SEC. 3. PHOTOCOPIERS AND DUPLICATING EQUIPMENT

(This section shall be effective March 27, 2009)

Section 3(a) amended January 12, 1983, to increase collating capacity on Class IIB copiers from 15 to 20 bins. Sections 3(c)(2)(B) and (C) deleted March 18, 1983, to eliminate plate making charges for printed work and the per copy costs for photocopy work in the central reproduction facility. Section 3(c)(2) amended September 26, 1984, to be effective October 1, 1984, to provide a graduated "extra copy" charge for Senators' offices based on population.)

Sec. 3. (a) All copying equipment used in Senate offices shall be issued and maintained by the Sergeant at Arms of the Senate. All copier locations must meet manufacturers' space and electrical requirements. The Sergeant at Arms shall maintain a schedule in which available copy machines are classified according to the classes set forth below:

TABLE 11-2: CLASSES OF COPY MACHINES AND DESCRIPTIONS

Class	Class description	Copier description
I .....	Low volume convenience w/document feeders.	Personal convenience copiers are table top machines with low operating speeds.
II .....	Office convenience .....	Office convenience copiers are floor model or table top.
III .....	Committee convenience	Committee convenience copiers are higher volume machines and have faster operating speeds than Class II copiers and have finishing capabilities.

##### Allocations

Sec. 3. (b) The Sergeant at Arms is authorized to issue copy equipment upon receipt of requests from Senators, committee chairmen, and heads of Senate offices, up to the limits set forth by the availability of their economic allocation funds.

##### Washington offices

(1) The recommended levels for copy machines in Senators' offices in Washington, DC are:

(A) For those Senators whose state population is 7 million or more (based on the most recent census figures), one Class IIA and two Class I, or one Class IIB and one Class I copier in the principal suite assigned to the Senator, or;

for those Senators whose state population is less than 7 million (based on 1980 census figures, revised to 1987), one Class IIA and one Class I, or one Class IIB copier in the principal suite assigned to the Senator.

(B) One class I copier in one additional location assigned to the Senator provided:

(i) the location is in another building, or is in the same building but not adjacent to another location containing a copier assigned to the Senator; and

(ii) the location is not in an annex building.

##### State offices

(2) The recommended levels for copy machines in Senators' offices in their home



states are one class II copier in each of two principal state offices and one class I copier in each of five other state offices, except that a class II copier may be provided in lieu of a class I copier to a third office located in a state with a population greater than 21 million.

#### *Committee offices*

(3) The recommended levels for copy machines in committee offices are:

(A) One class II or class III copier in the principal suite assigned to the committee, as determined by the Sergeant at Arms based on a requirements analysis. The requirements analysis shall consider (but shall not be limited to) the nature of the work of the office, the size of the office, and the proximity of alternate copy facilities.

(B) One class I or class IIA copier in each additional location assigned to the committee provided:

(i) the location is in another building, or is in the same building but not adjacent to another location containing a copier assigned to the committee; and

(ii) the location is not in an annex building.

#### *Leadership offices, policy committees, and administrative offices*

(4) The recommended levels for copy machines in leadership offices, policy committees, and administrative offices are one or more class I, II, or III copiers, as determined by the Sergeant at Arms based on a requirements analysis. The requirements analysis shall consider (but shall not be limited to) the nature of the work of the office, the size of the office, and the proximity of alternate copy facilities.

#### *Cost distribution*

Sec. 3. (c)(1) The Sergeant at Arms shall pay the monthly maintenance fee for owned equipment and the rental for rented equipment. Offices shall pay for the supplies (paper, toner, developer, etc.) used with assigned copiers.

(2) Offices shall reimburse the Sergeant at Arms for extra copy costs on convenience copiers, whether owned by the Senate or rented, at the rate of 2 cents per copy for copies in excess of the amounts set forth in the following table, except that Senators will not be charged a copy cost on Senate owned Class IIA machines that were installed in such Senators' Washington offices on May 1, 1981:

TABLE 11-3: FREE COPIES PER MONTH (IN THOUSANDS)  
(Senators representing States in the following population ranges (in millions))

Class	Under 4	4 to 7	7 to 12	12 to 21	Over 21	Other offices
I .....	2	2	3	4	5	2
II .....	11	12	14	15	16	11
III .....	n/a	n/a	n/a	n/a	n/a	20

#### *Copy Centers*

Sec. 3. (d) The Sergeant at Arms is authorized to establish, maintain, and operate copy centers when demand for the establishment of a center is justifiable on a cost basis.

The Sergeant at Arms is authorized, if he deems appropriate, to install devices on copy machines in copy centers and in the central reproduction center which automatically record the number of copies made for each user at the time copies are prepared, and the activation of which are necessary for the operation of copy machines.

#### SECTION 4. MICROGRAPHIC EQUIPMENT (Effective March 27, 2009)

Sec. 4. (a) All micrographic equipment used in Senate offices shall be issued and maintained by the Sergeant at Arms of the Senate. All micrographic equipment locations must meet manufacturers' space and electrical requirements.

#### *Classes of Equipment*

Sec. 4. (b) Micrographic equipment is classified in three groups:

(1) Cartridge/Cassette Roll Film Viewers/Printers

(2) Microfiche Viewers/Printers

(3) Microfiche Viewers

The Sergeant at Arms shall maintain a schedule in which micrographic equipment that meets the performance requirements of the Senate is classified according to the classes set forth above and from which users may make specific selections.

#### *Allocations*

Sec. 4. (c) The Sergeant at Arms is authorized to issue micrographic equipment upon receipt of requests from Senators, committee chairmen, and heads of Senate offices, up to the limits set forth by the availability of their economic allocation funds.

#### *Replacement*

Sec. 4. (d) Microfilm equipment anticipated expectancies are:

TABLE II-4: MICROFILM EQUIPMENT LIFE EXPECTANCY

Class	Years
Cartridge/Cassette Viewers/Printers .....	8
Microfiche Viewers/Printers .....	8
Microfiche Viewers .....	10

#### SEC. 5. ALLOCATION OF TELECOPIER AND FACSIMILE EQUIPMENT TO SENATE OFFICES (Effective March 27, 2009)

Sec. 5 (a) All facsimile equipment within the funding levels contained in these regulations used in Senate offices shall be issued and maintained by the Sergeant at Arms of the Senate. All equipment locations must meet manufacturers' space and electrical requirements. The Sergeant at Arms shall maintain a list of machines of equivalent capacity that meet Senate cost and performance standards from which users may select a specific machine.

Sec 5(b) The Sergeant at Arms is authorized to issue equipment upon receipt of requests from Senators, committee chairmen, and heads of Senate offices, up to the limits set forth by the availability of their economic allocation funds.

#### RULES FOR REGULATION OF SENATE WING

##### RULE X

##### SMOKING POLICY

(Adopted March 27, 2009)

Smoking is prohibited in all public places and unassigned space within the Senate Wing of the Capitol and the Senate Office Buildings. Senators and Chairmen of Committees in consultation with the Ranking Member may each establish smoking policies for office space assigned to them in the Senate Wing of the Capitol and the Senate Office Buildings.

#### U.S. SENATE TRAVEL REGULATIONS

##### SECTION II—TRANSPORTATION EXPENSES, SUBSECTION I-D, TICKET PREPARATION FEES (HANDBOOK, APPENDIX IV-D, PAGE IV-65)

D. Ticket Preparation Fees: Each Chairman, Senator, or Officer of the Senate may, at his/her discretion, authorize in extenuating circumstances the reimbursement of

penalty fees associated with the cancellation of through fares, special fares, commutation fares, excursion, reduced-rate round trip fares and fees for travel arrangements, provided that reimbursement of such fees does not exceed the rates prescribed by the Committee on Rules and Administration.

#### REGULATIONS GOVERNING RATES PAYABLE TO COMMERCIAL REPORTING FIRMS FOR PREPARATION OF TRANSCRIPTS OF HEARINGS IN THE SENATE

Adopted—January 23, 1990

Amended and Adopted—March 27, 2009.

Pursuant to the authority vested in it by the act of June 27, 1956 (70 Stat. 360; 2 U.S.C. 68c), the Committee on Rules and Administration approves the following revised regulations, effective March XX, 2009, governing payment from the contingent fund of the Senate to commercial reporting firms for the preparation of verbatim transcripts of hearings, markups, and related meetings held before Senate committees, subcommittees, and certain joint committees.

#### I. GENERAL PROVISIONS

These regulations establish the technical and procedural requirements for commercial reporting firms providing and receiving reimbursement for verbatim transcripts of hearings, markups, and related meetings held before Senate committees, subcommittees, and certain joint committees.

Each transcript shall be provided electronically to the requesting committee in accordance with Section II of these regulations.

Except as provided in Section III of these regulations, all vouchers shall be supported and accompanied by a Secretary of the Senate page count. Each electronic transcript submitted must contain only one day or one session of a hearing. The Secretary of the Senate will include a separate count for material inserted in the transcript.

The Secretary of the Senate page count shall be considered final and conclusive on all parties, and shall be calculated through the following process:

1. Determine total number of characters in transcript.

a. A character is a key stroke. It includes any alpha-numeric and word processing command.

2. Divide total number of characters by 1,300.

3. The result in Step 2 rounded to the next whole number shall be the number of pages in the transcript.

To assist the Secretary of the Senate in conducting accurate page counts, commercial reporting firms shall utilize software tools provided by the Secretary of the Senate.

Hard copy transcripts will be supplied only upon agreement between committees and vendors and subject to the requirements of Section II.

Fifth Business day copy (transcripts delivered within five business days) will be supplied unless same day, next day, or second business day copy is specifically requested by the chairman of the committee.

#### II. FORMAT OF TRANSCRIPTS

Electronic—All electronic transcripts must conform to the technical specifications established by the Committee on Rules and Administration. Electronic transcripts supplied shall contain 25 lines of characters to the page. The lines must be double spaced and contain 10 letters to the inch. The paging of the transcript shall be in a single series of consecutive numbering, exclusive of

inserted material. Committees and vendors shall agree in advance upon the file type, or types, to be provided (ex. Word, Word Perfect, PDF, E-Transcript, ASCII, etc. . . ).

The following technical specifications will be used by reporting companies when supplying electronic hearing transcripts for committees of the Senate:

1. The media and data must be unblocked and the electronic transcript shall contain the full verbatim record.

2. The electronic file must contain the following identifying information in the document's meta-data:

Reporting Company name

Company Representative

Phone number

The words "U.S. Senate"

The Committee and/or Subcommittee for whom the tape is produced

Title of Meeting

Date(s) of Meeting

Hard copy—All hard copy transcripts shall be an original letter quality produced on 20-lb. white writing paper or equivalent white paper, one side only, in a size of 8.5 11 inches with margin of 1.75 inches at the left side. All pages shall contain 25 lines of type-writing to the page. The lines must be double spaced and contain 10 letters to the inch. The paging of the transcript shall be in a single series of consecutive numbering, exclusive of inserted material.

The entire hard copy record shall be drilled or punched with three holes, 4.25 inches center to center on the left side, fastened with heavy paper of good quality. A cover sheet containing the following identifying information shall be included with the hard copy transcript:

Reporting Company name

Company Representative

Phone number

The words "U.S. Senate"

The Committee and/or Subcommittee for whom the tape is produced

Title of Meeting

Date(s) of Meeting

### III. EXCEPTION TO PAGE COUNT REQUIREMENT

In cases where, for reasons of security, the committee chairman determines a copy of the transcript shall not be forwarded to the Secretary of the Senate for a page count, a voucher will be honored if supported on its face by an affidavit by an official of the commercial reporting firm, setting forth the page count and including a statement by the committee chairman to the effect that no page count is desired for reasons of security.

### IV. REIMBURSEMENT RATES

The Senate Committee on Rules and Administration will publish, and periodically update, a schedule of reimbursement rates for transcription services. The amounts in the schedule shall represent the maximum reimbursement rates for the listed services.

### V. PRIOR REGULATIONS FOR REPORTORIAL SERVICES RESCINDED

All previous rules and regulations of the Committee on Rules and Administration governing rates payable to commercial reporting firms for preparation of transcripts of hearings in the Senate are hereby canceled and rescinded.

### VI. EFFECTIVE DATE OF THESE REGULATIONS

These regulations are effective on March 27, 2009.

### REGULATIONS GOVERNING SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNTS

(Adopted by the Committee on Rules and Administration Pursuant to Senate Resolution 170 agreed to September 19, 1979, as amended May 22, 1992, further amended November 3, 2003, further amended March 27, 2009.)

Section 1. For the purposes of these regulations, the following definitions shall apply:

a. Documentation means invoices, bills, statements, receipts, or other evidence of expenses incurred, approved by the Committee on Rules and Administration.

b. Official expenses means ordinary and necessary business expenses in support of the Senators' official and representational duties.

Section 2. No reimbursement will be made from the contingent fund of the Senate for any official expenses incurred under a Senator's Official Personnel and Office Expense Account, in excess of \$50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Senator.

Section 3. Official expenses of \$50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. Items of a similar nature may be grouped together in one total on a voucher, but must be itemized individually on a supporting itemization sheet.

Section 4. Travel expenses shall be subject to the same documentation requirements as other official expenses, with the following exceptions:

a. Hotel bills or other evidence of lodging costs will be considered necessary in support of per diem.

b. Documentation will not be required for reimbursement of official travel in a privately owned vehicle.

Section 5. No documentation will be required for reimbursement of the following classes of expenses, as these are billed and paid directly through the Sergeant at Arms and Doorkeeper:

a. Official telegrams and long distance calls and related services;

b. Stationery and other office supplies procured through the Senate Stationery Room for use for official business.

Section 6. The Committee on Rules and Administration may require documentation for expenses incurred of \$50 or less, or authorize payment of expenses incurred in excess of \$50 without documentation, in special circumstances.

Section 7. Vouchers for the reimbursement of official travel expenses to a Senator, employee, detailee pursuant to section 503(b)(3) of PL 96-465, or individual serving on a nominee recommendation panel pursuant to 2 USC 58(h) shall be accompanied by an "Expense Summary Report—Travel" signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report—Non-Travel" signed by such person.

### CHANGES TO THE SENATE TRAVEL REGULATIONS TO REFLECT CHANGES WITHIN THE UPDATED SIGNATURE REGULATIONS

II. Regulations Governing Senators' Official Personnel and Office Expense Accounts Adopted by the Committee on Rules and Administration Pursuant to Senate Resolution 170 agreed to September 19, 1979, as amended.

Section 1. For the purposes of these regulations, the following definitions shall apply:

a. Documentation means invoices, bills, statements, receipts, or other evidence of expenses incurred, approved by the Committee on Rules and Administration.

b. Official expenses means ordinary and necessary business expenses in support of the Senators' official and representational duties.

Section 2. No reimbursement will be made from the contingent fund of the Senate for any official expenses incurred under a Senator's Official Personnel and Office Expense Account, in excess of \$50, unless the voucher submitted for such expenses is accompanied by documentation, and the voucher is certified by the properly designated staff member and approved by the Senator.

Section 3. Official expenses of \$50 or less must either be documented or must be itemized in sufficient detail so as to leave no doubt of the identity of, and the amount spent for, each item. Items of a similar nature may be grouped together in one total on a voucher, but must be itemized individually on a supporting itemization sheet.

Section 4. Travel expenses shall be subject to the same documentation requirements as other official expenses, with the following exceptions:

c. Hotel bills or other evidence of lodging costs will be considered necessary in support of per diem.

d. Documentation will not be required for reimbursement of official travel in a privately owned vehicle.

Section 5. No documentation will be required for reimbursement of the following classes of expenses, as these are billed and paid directly through the Sergeant at Arms and Doorkeeper:

e. Official telegrams and long distance calls and related services;

f. Stationery and other office supplies procured through the Senate Stationery Room for use for official business.

Section 6. The Committee on Rules and Administration may require documentation for expenses incurred of \$50 or less, or authorize payment of expenses incurred in excess of \$50 without documentation, in special circumstances.

Section 7. Vouchers for the reimbursement of official travel expenses to a Senator, employee, detailee pursuant to section 503(b)(3) of PL 96-465, or individual serving on a nominee recommendation panel pursuant to 2 USC 58(h) shall be accompanied by an "Expense Summary Report—Travel" signed by such person. Vouchers for the reimbursement to any such individual for official expenses other than travel expenses shall be accompanied by an "Expense Summary Report—Non-Travel" signed by such person.

The proposed update specifies that the obligation date on a voucher is the transaction date on a third party vendor (Visa Card) monthly statement or invoice. The current regulations will be amended by the addition of the highlighted language.

### COMMITTEE REGULATIONS GOVERNING ADVANCE PAYMENT

(Adopted by the Committee on Rules and Administration, October 30, 1997, Amended on September 30, 1998, Further Amended on March 27, 2009)

Under the authority granted by Sec. 1(b) for P.L. 105-55, the FY98 Legislative Branch Appropriations bill and using these regulations—

The term "advance payment" means any expense authorized, by the Committee on Rules and Administration, pursuant to P.L. 105-55.

By the above definition of advance payment and following the enactment of the FY98 Legislative Branch Appropriations bill, in addition to subscriptions, the following items are for advance payment:

- a) Rental of water coolers (cooler units only/not for water)
- b) Monthly maintenance on equipment that is either non-standard and/or above the \$500 limit
- c) Cable TV services (including basic satellite service where needed)
- d) Online services (for official use by the Senator only)
- e) Rental booths at State Fairs, rent for space to be used during town hall meetings and associated costs (not to include insurance)
- f) Conference and seminar fees (not to include meals charged separately)
- g) Payments on leased equipment
- h) Paging service
- i) Clipping services
- j) Yellow page listings (not to include the classified yellow pages)
- k) State office rents, up to 1 year in advance
- l) Metro subsidy, one week in advance of the new month
- m) Pre-paid cellular and telephone communications

The date of transaction will determine the fiscal year for payments of government authorized charge cards or reimbursements to Members and staff. Additionally, for a charge card statement that crosses fiscal years, the transaction dates will be used to determine the fiscal year, which could require submitting two separate vouchers for one statement. If an office has documentation proving the transaction took place in a different fiscal year than the statement stipulates, that documentation will determine the fiscal year.

All Senate Offices (Member Offices, Committees, and Officers of the Senate) are authorized to voucher the initiation or renewal of subscriptions (print and digital) based on the obligation or transaction date.

With respect to charges for on-line services, paging services, clipping services, and equipment maintenance, advance payment shall only be made in the cases of "flat fee services."

Also, no advance payment will be allowed in instances where cancellation fees may be incurred. Time limitation on the obligation of funds is restricted to a Member's six-year term of office and a Committee's biennial funding period, or for Officers of the Senate, the term of a Congress.

#### COMPREHENSIVE APPROACH TO GUN VIOLENCE

Mr. LEVIN. Mr. President, earlier this month, the Brady Center to Prevent Gun Violence released a report, "Exporting Gun Violence," that documents how Mexican drug gangs are exploiting weak U.S. gun laws and corrupt gun sellers in the U.S. to amass arsenals of high powered guns. These guns have been used to kill thousands in Mexico and pose an increasingly grave security threat to both Mexico and the United States.

Mexican law enforcement officials are increasingly being outgunned by drug gangs bearing military-style assault weapons, .50 caliber sniper rifles and other high powered weapons that

originate from the United States. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, more than 7,770 guns recovered from crime scenes in Mexico were traced back to gun dealers in the U.S. during 2008, up from 3,300 in 2007. The ATF has warned that an "iron river of guns is streaming across the border at such a pace that some are being recovered in Mexico within days after their purchase in the U.S."

According to the U.S. Department of State's latest International Narcotics Control Strategy report, "U.S.-purchased or stolen firearms account for an estimated 95 percent of Mexico's drug related killings." Unlike Mexico's tougher gun laws, unlicensed sellers in the U.S. are allowed to sell guns without a background check, civilians are permitted to purchase military-style assault weapons, and there are no limits on the quantity of guns that can be sold at any given time. In the U.S., a trafficker can purchase as many guns they want from an unlicensed seller, no questions asked.

On March 17, 2009, both ADM James Stavridis, commander of the U.S. Southern Command, and GEN Gene Renaut, commander of the U.S. Northern Command, testified during a Senate Armed Services Committee hearing, which I chaired, that the large flow of guns into Mexico and Central America from the U.S. is having a destabilizing impact in those countries. Many believe this destabilization could pose a significant national security threat to the U.S. According to the report, Mexican Attorney General Medina Mora has stated that, before the assault weapons ban in the U.S. was allowed to expire, only 21 percent of the weapons seized from traffickers were assault rifles, while today, it is more than half.

President Obama has called for a comprehensive approach to the growing level of violence in Mexico. However, unless existing gun laws are strengthened, drug cartels and criminals in Mexico and the United States will continue to build their arsenals. We must act to close the gun show loophole, reinstate the assault weapons ban and enact other commonsense gun safety legislation.

#### OMNIBUS PUBLIC LANDS ACT

Mr. AKAKA. Mr. President, I was pleased to attend today's Presidential signing ceremony for the Omnibus Public Lands Management Act of 2009, H.R. 146. In signing the act into law, President Obama underscored the Nation's commitment to serve as a responsible steward of our public lands and cultural and natural resources.

As a bipartisan package of more than 160 individual bills, the enactment of this act culminates many hours of congressional hearings, deliberation, and

debate. As the former chairman of the Senate Energy and Natural Resources Subcommittee on National Parks, I was proud to have chaired hearings on individual measures in the act and to have worked with my colleagues in the House and Senate to put together a public lands package that confirms our Nation's desire to ensure that future generations will enjoy and benefit from the preservation of natural resources and historic sites.

I join those who have praised this momentous act for setting aside more than 2 million acres of land as protected wilderness and more than 1,000 miles of wild and scenic rivers. It is important to note that this act also is invaluable in protecting, preserving, and memorializing our country's cultural heritage and natural resources. This act contains four provisions that I sponsored during the 110th Congress which acknowledge the historical contributions made by Native Hawaiians as well as the need to preserve Hawaii's unique heritage and biodiversity for future generations: H.R. 3332, the Kalaupapa Memorial Act; S. 1728, the Na Hoa Pili O Kaloko-Honokohau Advisory Commission Reauthorization Act; S. 2220, the Outdoor Recreation Act of 1963 Amendments Act; and S. 320, the Paleontological Resource Preservation Act, which preserves fossils across the Nation. In addition, it includes a bill that I cosponsored, S. 1680, the Izembek and Alaska Peninsula Refuge Enhancement Act of 2008, which addresses the needs of a rural and indigenous Alaska Native community.

Section 7108 authorizes a memorial to be established at Kalaupapa National Historical Park, which is located on a remote peninsula on the island of Molokai. This long overdue memorial will honor and perpetuate the memory of those Hansen's disease patients who were forcibly relocated to the Kalaupapa community, many of whom were buried with no marked grave. This measure authorizes a nonprofit organization, Ka 'Ohana O Kalaupapa, consisting of the remaining Kalaupapa residents and the family and friends of current and past residents, to establish a memorial at a suitable location in the Park for the 8,000 residents who lived at the Kalaupapa and Kalawao communities. This monument empowers the people of Kalaupapa to share their story and the lessons learned as the community came together to overcome their hardships. Previously only recognized as a place of isolation, this monument will transform Kalaupapa into a place of healing, education, and contemplation connecting families to their ancestors.

The Na Hoa Pili O Kaloko-Honokohau Advisory Commission Reauthorization Act, section 7401, extends the authorization for the National Park's advisory commission through 2018. Located on the western coast of

the island of Hawaii, Kaloko-Honokohau National Historical Park was established in 1978 to provide for the preservation, interpretation, and perpetuation of the Park's cultural and natural features. The Advisory Commission has played an integral role in advising the National Park Service to provide for the education, enjoyment, and appreciation of traditional Native Hawaiian activities and culture within the Park.

The Kaloko-Honokohau Park is a unique part of the Hawaii National Park System as it is home to two types of fish ponds, as well as the 'Ai 'opio fish trap, a 1.7-acre pond comprised of a manmade stone and coral wall along the naturally curving shoreline. These are treasured sites not only from a cultural stand point demonstrating the ingenuity of Native Hawaiians in engineering these fishponds but also from a resource management perspective on how in the 21st century we can utilize such traditional knowledge to enhance our understanding and shape our management practices today.

Recognizing the importance of the 'Ai 'opio fish trap, in 2008 the National Park Service Save America's Treasure program awarded a \$350,000 grant to Project Ola 'Ai 'opio, a Park Service initiative to restore the fish trap. Ocean waves and erosion have endangered the structural integrity of the trap and the grant will be used to methodically stabilize the kuapa—fish trap walls—over a 12-month period. This award not only aids in preservation of the fish trap but also ensures that visitors will be able to appreciate Hawaii's unique historical and cultural heritage into the future.

Section 13006 of the act contains my bill to authorize appropriations for fiscal years 2008 through 2017 in the amount of \$5 million for the operation and maintenance of the National Tropical Botanical Garden. A congressional charter established the National Tropical Botanical Garden in 1964 to foster horticultural research, education, and plant preservation. This authorization enables the National Tropical Botanical Garden to meet its Federal mandate and preserve unique species found only in Hawaii for the benefit of future generations. The National Tropical Botanical Garden has proven itself to be a significant national and international resource. The tranquil beauty offered by its gardens, collection of rare and endangered plant life, focused library and herbarium collections, scientific research, conservation initiatives, and education programs have all benefited the United States.

The National Tropical Botanical Garden is expressly mandated to foster and encourage research of tropical flora in agriculture, forestry, horticulture, medicine, and other sciences for the benefit of all the people in the United States. It is a national resource for bio-

logical science. Most recently, in 2008, it discovered Bilirubin, an animal pigment, in plants. This important discovery documented for the first time that an animal pigment is naturally occurring in the seed of the white bird of paradise tree.

The National Tropical Botanical Garden is a national resource for education and career development. Over four decades, it has developed a full spectrum of educational offerings that provide opportunities for the next generation of scientists. Over 5,000 school-aged children are educated each year in conservation principles and practices. The Horticultural Internship Program trains undergraduates in horticulture, botany, and conservation.

In addition, the National Tropical Botanical Garden is a national resource for medical research. Its researchers have developed and hold patents on a potential anti-HIV drug called Prostratin that is currently going through clinical trials and are also working to find the cause for Alzheimer's and Parkinson's diseases. Once a year, it holds a course accredited by the American Medical Association that provides 16 credits to medical professionals in herbal remedies derived from plants. By enacting this provision into law, I am hopeful that the National Tropical Botanical Garden will be able to continue with its important work for years to come.

The Paleontological Resources Preservation Act, title VI, subtitle D, helps protect and preserve the Nation's important fossil resources that are found on Federal lands for the benefit of our citizens. As a matter of clarification, this bill covers only paleontological remains on Federal lands and in no way affects archaeological or cultural resources under the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Repatriation Act.

The provision to preserve paleontological resources, in its original and amended form, never intended to undermine the current practice of casual collecting that is being enjoyed on Federal lands. Notwithstanding the educational benefits and the major fossil discoveries made by amateur collectors and curio hunters, this title addresses the increasing problem of intentional fossil theft on Federal lands. Vertebrate fossils are rare and important natural resources that have become increasingly endangered due to an increase in the illegal collection of fossil specimens for commercial sale. Recognizing that there was no unified policy regarding the treatment of fossils by Federal land management agencies, I worked to include this provision in the act to help protect and conserve fossil specimen, a valuable scientific resource. This act will provide uniformity to the patchwork of statutes and regulations that previously ex-

isted. Further, it will create a comprehensive national policy for preserving and managing fossils and other artifacts found on Federal land, and will prevent future illegal trade.

Title VI, subtitle E, the Izembek National Wildlife Refuge Land Exchange, addresses the needs of a rural and indigenous Alaska Native community. This subtitle allows developing a road that would provide dependable and safe year-round access for the residents of King Cove in Alaska to the nearby Cold Bay Airport. I believe that the 800 residents of King Cove, most of which are native Aleut, have an absolute right to a reliable means of transport that is accessible under all weather conditions. This provision will help address many of the community's safety, health, and medical concerns. The United States has a responsibility to its indigenous people, and I am proud this provision will enable this community and appropriate State and Federal stakeholders to move forward on this initiative.

Passage of this act was an extensive, challenging, but ultimately fulfilling journey, and I am pleased with today's enactment of the Omnibus Public Lands Management Act of 2009 into law. I am confident this act will promote and strengthen opportunities to preserve Hawaii's and the Nation's environmental and cultural heritage. This landmark Act will serve as a stable foundation for us to continue to build upon.

#### HOUSING AND ECONOMIC RECOVERY ACT

Mr. SPECTER. Mr. President, I have sought recognition to discuss S. 253, a bill introduced by Senator JOHNNY ISAKSON to expand the home buyer tax credit. I support this legislation and have asked to be added as a cosponsor.

A robust home buyer tax credit will spur consumer demand and help to stop the fall in home values, which continues to affect millions of Americans. This decline is destroying the savings and net worth of Americans, whose homes are their most valuable asset. Many now have mortgages that exceed the value of their homes.

The Housing and Economic Recovery Act of 2008 created a tax credit for first-time home buyers of \$7,500 through June of 2009. However, taxpayers were required to repay the tax credit in equal installments over 15 years, which greatly reduced its effectiveness. The 2009 Stimulus bill waived the repayment requirement for purchases made in 2009, increased the value of the credit to \$8,000, and extended eligibility for purchases made through November of 2009.

Further improvements are necessary, in my judgement, to bring about a recovery in the housing market that will ultimately contribute to the turnaround of the broader economy. First,

S. 253 would increase the value of the credit to 10 percent of the home price capped at 3.5 percent of Federal Housing Administration loan limits. These limits are geographically dependent and would yield a credit ranging between approximately \$10,000 and \$22,000.

Second, S. 253 would make the home buyer tax credit available to any individual who purchases a home, not just first-time home buyers. Doing so would stimulate demand for the entire range of homes on the market.

Finally, S. 253 would increase the income eligibility threshold to individuals earning up to \$125,000, or \$250,000 in the case of a joint return. Currently, the credit is reduced for individuals with modified adjusted gross income, AGI, of more than \$75,000–\$150,000 for joint filers—and is zero for those individuals with modified AGI in excess of \$95,000–\$170,000 for joint filers. Again, doing so would stimulate demand for the entire range of homes on the market.

The need for a robust home buyer tax credit is clear. According to the National Association of Realtors, pending home sales hit a record low in January 2009. The pending home sales index, which measures the number of sales contracts signed each month, fell 7.7 percent to 80.4, the lowest mark since 2001 when tracking began.

At the same time, the housing affordability index rose 13.6 percentage points to a record high of 166.8. A value of 100 means that a family with the country's median income has exactly enough income to qualify for a mortgage on a median-priced existing single-family home. The higher the index, the better housing affordability is for buyers.

These two figures, taken together, demonstrate that a robust home buyer tax credit is needed to spur demand from Americans that are hesitant to buy homes for fear that prices will not stabilize.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their

struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The rising cost of fuel along with the slowdown of the housing industry has had a big effect on my family. My husband is a residential contractor who builds homes all over the valley. There are days when he spends more time in his vehicle than at the office. With the housing market slump plus the rising cost of gas we have already had to take pay cuts which will now put us in jeopardy of being able to pay all of our bills. We have also reduced the comfort level (temperature) of our home so that we can continue to pay our electricity and natural gas bills.

The most difficult thing I encounter is to my weekly trips to the grocery store. We have four growing children and it is not cheap to feed them and ourselves. Each week I purchase fewer groceries, yet my food bill does not diminish. Because of the interest in bio-fuels, essentials like vegetable oil, flour, and wheat are skyrocketing. The cost of vegetable oil has more than doubled in the last six months.

My biggest source of frustration is the lack of action the government is taking. It upsets me to no end that as a nation we are paying trillions of dollars every year for oil to nations that would very much like to destroy us. I believe that other methods for fuel need to be looked into, but first we need to be independent from outside oil. Let's use our resources and pay Americans to find, drill, and to refine our own oil! Let's help our economy by keeping the trillions of dollars we are pouring into the Middle East inside our own country. Not only would we keep our money here, but we could employ thousands of Americans as well. I feel like the leaders of this nation have lost sight of what is important to the people. Get rid of the laws that are restricting our prosperity, remember that the well being of human beings is more important than animals, fish, bugs etc. and accomplish something that will bring relief to hard working families.

Thank you for your time and for this opportunity to express my feelings and concerns. I have felt so powerless for so long when it comes to what is happening in this world, and I have prayed to know how I can make a difference. I hope that this will help you and that it will be an answer to my prayers as well. I appreciate the service you give to our State and Country.

SARAH, *Meridian*.

Like all Americans I am disturbed by the current state of affairs in this country that are due to energy costs. There are a number of things I believe the federal government can do to either ease the burden in the short term, or to urge the country forward to a much more independent state.

Short term suggestions:

Let us allow oil exploration in the currently prohibited coastal areas, the Alaska National Wildlife Refuge, the Rocky Mountains etc. A policy which ensures reasonable protections for the environment yet provides the energy the American people need, cannot be beyond the capacity of Congress to develop.

Encourage President Bush to direct all Executive Agencies to allow work shifts of four

10 hour days per week, for as many employees as possible. He and Congress should further encourage all employers in this country to do the same where possible. A 20% reduction in commuting fuel use for employees will help not only them, but reduce congestion, and therefore fuel use, for everyone else as well. Those employers who can shut down their operation for a day per week as well, will save substantially in overhead energy costs. If it is possible to implement an incentive for employers to do this the federal government should provide one.

Longer term suggestions:

The US Postal Service has a very large fleet of vehicles which would benefit from regenerative braking systems. I'm specifically speaking of the Grumman Long Life Vehicles (LLV's). They are on the road six days a week, for a substantial portion of the day, and spend the majority of that day stopping and going repeatedly. Eaton Corporation is currently in partnership with Peterbilt to produce garbage trucks with hydraulic regenerative braking systems ([http://www.greencarcongress.com/2004/10/eaton\\_and\\_peter.html](http://www.greencarcongress.com/2004/10/eaton_and_peter.html)). A group from UCLA has made substantial progress in using compressed air as a storage medium in passenger cars. As the USPS LLVs are all basically the same, a system could be retrofitted to them at a reasonable cost, and it would substantially lessen their fuel consumption. The Eaton system is designed for trucks in excess of 7000 pounds, and UCLA's system is not fully flushed out at this time. Nevertheless, I see this as an area the federal government can take the lead in, assisting in the proving of the technology, and in getting to the necessary economy of scale needed to bring these systems into the mainstream. I believe the USPS will be able to break even on the investment in a short enough period of time to make this viable.

The fleet of vehicles used by most government agencies is diverse. Including a choice for full electric vehicles is appropriate. While clearly a BLM ranger in Idaho won't be able to function with an electric car with a 100 mile range, I'm sure there are a number of applications for that same vehicle in the DC area. GSA's vehicle contracts should bring these vehicles into being within a few years.

We have the Renewable Fuels Standard (RFS), law on the books now, but it is not as good a law as it should be. It is written to reward industry for per gallon production of biofuels. The easiest fuel for them to produce is ethanol, which has about half the energy of gasoline, cannot be run in unmodified engines, and has such an affinity for water that we cannot use the existing fuel pipelines to transport it. (It absorbs any water it encounters so it must be reprocessed to remove that water.) This law should be modified to reward industry for the production of readily usable fuels, and do so on a gasoline energy equivalency scale. This will encourage more production of biodiesel, and butanol. Butanol is a 4 carbon alcohol (ethanol has two carbon atoms), it can be run in unmodified engines in much higher concentrations than ethanol, it is energy density is close to that of gasoline and it has nowhere near the affinity for water that ethanol has. Biodiesel is roughly equal to petroleum based diesel in energy, and requires very little if any modification of standard engines.

My understanding is that part of our gasoline price problem is due to the limited number of refineries in this country. Further the oil companies are not building new ones due to the onerous environmental regulations

which apply to new facilities. (The older ones being grandfathered in with lower requirements.) I'm having difficulty separating the truth from the propaganda on this issue. If the preceding statements are indeed correct, we need to reevaluate the standards which a refinery must meet, and produce legislation which encourages the creation of new facilities. As an example, allow one refinery to be built which meets a lower pollution standard for each two new ones which meet the current requirements. Or allow a new refinery to meet lower standards for the first three years of operation, before it must be brought up to the higher standard. Or allow a new refinery to meet the lower standards, but require it only be built in areas which can tolerate the impact more readily.

The Federal Government needs to initiate an effort on par with the Apollo program or the Manhattan Project to relieve us from dependence on foreign oil. We need research into better batteries, capacitors with higher energy density, hydrogen storage systems with higher energy density, more efficient solar cells, inexpensive cellulase enzyme production, and other technologies which will allow this country to declare our independence again. I wouldn't mind if the financing came by reducing the foreign aid to countries which are not acting as our friends at this time. I sincerely hope that you, and your fellow Senators and Congressmen can help move the country forward from this untenable state.

STEVE, *Boise.*

With the higher energy prices, we are allocating more money for fuel and less to other items which in the long run will slow different parts of the economy...we have less money to use on discretionary items. We are becoming part of a nation that will only be able to work and will no longer be able to enjoy any free time to vacation or buy needed things that wear out because we cannot afford them. Only work and work—nothing else.

(1) I am for opening all aspects of drilling and we have the technology and expertise to drill responsibly. Drill offshore and open all venues to drill for the oil we have.

(2) Suspend production of different blends of fuel, one blend with different octane ratings for gas will free up production. Pick a blend and stay with it throughout the U.S.

(3) Streamline in months not years the application process for nuclear plants.

(4) This should be #1...remove all fuels and food products from the hands of big speculators. These were developed to hedge farm, and oil field production, let us get it back that way and smaller speculators can still supply liquidity to the market.

(5) If #4 does not work, then have safety valves by government intervention in order to keep undue hardship from befalling most Americans from high food and fuel prices?

(6) Urge Mr. Bernanke to raise interest rates to strengthen the dollar.

(7) Use monies sent overseas to other countries to pay off national debt to strengthen dollar.

(8) Raise taxes on people making over \$200,000 to help pay off national debt to strengthen dollar. We paid it off once. Let us do it again the same way. No need to re-invent the wheel; just get it done!

(9) Quit [partisan] bickering. These policies can help everyone; poverty knows no party. We need solutions and we need them now!

(10) Hefty windfall profits tax to companies that are exploiting us and jail time to the people that are making large profits from

things that are necessities of life. Some are not eating, some are not heating their homes, some are dying because of it. Shame on them, and our seniors who are lifelong taxpayers are being shunned and left to die.

JIMMY.

I am a large fish farmer from the Magic Valley. Our energy costs have escalated over the past few years and unfortunately we deal with very perishable food. Our trout must be shipped directly to buyers without changing hands so we must cope with the huge cost of fresh transport across the nation. Idaho is a fabulous place to live and what makes it so nice are the wide open spaces between us all. So, just like having to send fish in a hurry, the citizens of Idaho must travel large distances. I grew up in Iowa, and there is a town every five to ten miles. Here we must travel sometimes 50 to 80 miles between towns. Sometimes farther to purchase items from larger cities.

I think it is wise to look at the bigger picture and try to figure out where we can save fuel and where we cannot. I think that shipping products by rail is one very, very efficient way to use fuel. Unfortunately for most shippers the slow movement of products by rail discourages most of us from using this efficient means of transportation. If our government provided railroads with the funds needed to improve their infrastructure by double, triple, or even quadruple tracking the most efficient corridors, we may divert the thousands of inefficient trucks from using so much diesel fuel. It is possible to move products by rail nearly as fast as trucks can. This may in turn reduce demand and thus reduce the cost of fuel for the average citizens of Idaho.

DIRK.

I think that the oil companies should increase the production because it is putting our nation's truck drivers out of business and without truck drivers who will carry our freight.

CHARLIE, *Boise.*

I am from Burley, but am presently teaching English in Riyadh, Saudi Arabia. I am sure you know that these gasoline prices Americans are now paying have been this high, or generally, much higher, in Europe, Asia, and Africa. We Americans do not have any room to whine, but rather we simply need to learn how to cope, like the rest of the world. Gas is ten bucks a gallon in the UK. Thailand is around the same, as is Japan. I say let us Americans experience what the rest of the world has been experiencing for many years.

BOB.

I am a retired federal employee, after 40 years of federal service as an air traffic controller, and six years military. I feel I have a voice as to what should happen in my retirement. My fuel costs have now exceed my food costs, which means less food. Having a small retirement fixed income means sacrifices in food, medical treatment, and other necessary expenses. The irony of it all is it is not necessary. Stop China's offshore drilling into our oil, authorize ANWR, stop exporting our Alaskan oil, listen intently to the Governor of Alaska and her solutions for some of our energy problems. Get all of our alternative energy systems up and running now, not next year, now. Just because other governments have failed, is it just fashionable that we should cause ours to fail??? Also, we as a people should be very embarrassed, with

the way we have conducted our political fiasco the last few months. It has been a total disgrace.

GENE.

I am sending you this email in response to your questions on how energy prices are affecting me. I have a family of eight. We cannot downsize to a more fuel-efficient vehicle. We will have driven about 5,000 miles this summer just for family vacation, family reunions, and church camps. That is about \$1,300 in gas, assuming it averages \$4.00 per gallon. In addition, we are the kids' taxi for soccer, piano, guitar, dance, scouts, and other activities. Rising energy prices are causing a noticeable rise in the food prices for a family of 8. I am also a small business owner struggling to keep my business going. I have to travel. Airplane and rental car prices have gone up noticeably.

To address this issue, I think first priority is to increase drilling in the Gulf and ANWR and build new domestic refineries. We know how to do that—we can do it relatively quickly. Once our foreign oil sources see that we are serious about domestic production, they will lower the prices to get us to forget about it and be complacent again. It will be a few years before our new oil rigs and refineries come online but the message to the world will be clear. Do not let the government impact big oil with extra taxes or limits. Nuclear and other alternative energy sources are good but will take too long to come online and have an impact. But we need to foster companies to develop those sources. Conservation by getting people to change their behavior is impractical and temporary. Conservation by developing new technologies will help our energy situation. I am helping develop technology with a client, Green Plug ([www.greenplug.us](http://www.greenplug.us)), that will conserve electrical energy. In summary, let big oil and other energy companies flourish. Let capitalism work its wonders.

GARY, *Boise.*

My husband and I returned from Arizona yesterday, after being away from home for six weeks. The reason that we went to Arizona was to visit the Mayo Clinic, since the ailment my husband had was unable to be treated here. We are blessed to have family in the Phoenix area, so we were able to stay with them. The very big expense was the price we had to pay for fuel going and coming back. We live in McCall, and any time we need to see a specialist we have to drive to Boise which is a 100 miles away. Again the price of gas is choking us. It is sad to know that we have oil available in this country, but that Congress does everything to stop us from getting it. We listened to President Bush's speech today, and agree wholeheartedly with what he said. Our view is also that we need to develop nuclear power, and any other means of keeping this country self reliant.

LOUISE, *McCall.*

I am writing concerning the high cost of fuel, and in hopes that you and your fellow Senators will act and do something to give us relief. My husband and I own a small business doing demolition and excavation. We own one tractor truck and several pieces of heavy equipment. We are a "one-man" operation. Just the other day we paid \$4.34 a gallon for off-road diesel. On road diesel is even higher. It takes almost \$1,000 to fill the tanks on the truck. Because of the slowdown in the building market around here, jobs are hard to come by. We can only afford to raise



our rates so much—then we lose the business all together.

On a different note, my mother and sister have both been unemployed for a few months. They both just got jobs in another city about 15 miles away. They both get paid \$9.00 an hour and work about 30 hours a week. We are very excited that they are now able to stop receiving government aid. However, with the price of gasoline over \$4 a gallon in the end they will hardly make enough to pay their rent and other bills. (They work in different places doing one-on-one care for special needs children and are unable to car-pool either.) This, to me, is a sad state of affairs when people should be excited about supporting themselves, but are still unsure of whether they can.

I grew up in Texas during the oil boom in the 80s. Drilling for oil there did not hurt anyone I knew. I am sure that technologies have improved over the past two decades, so any environmental concerns should be taken care of. I do not understand why we are not taking advantage of the resources we have in our own country to provide for ourselves as well as provide much needed jobs for our citizens. Please lift the ban on off-shore exploration, oils shale production, and drilling in ANWR. Also, has the idea of suspending the federal fuel tax for period of time been dismissed? This would provide immediate short-term relief. Please encourage your counterparts to consider the working class of America. We need a break!

SHELLI.

I am very concerned about ever-increasing energy costs. I completely agree with your policy of searching for alternative sources of energy. Also, [I am concerned that Congress is out of touch with regular Americans] Please talk to your peers about doing whatever it takes to get things going on alternative means of energy and increasing exploration and refining facilities for oil.

ROBERTO, *Payette*.

#### REPORTS OF COMMITTEES DURING ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of March 26, 2009, the following reports of committees were submitted on March 27, 2009:

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Con. Res. 13. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS DURING ADJOURNMENT OF THE SENATE

On March 27, 2009, under the authority of the order of the Senate of March 26, 2009, the following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD:

S. Con. Res. 13. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting

forth the appropriate budgetary levels for fiscal years 2011 through 2014; from the Committee on the Budget; placed on the calendar.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself, Mr. BAUCUS, and Mr. BEGICH):

S. 734. A bill to amend title 38, United States Code, to improve the capacity of the Department of Veterans Affairs to recruit and retain physicians in Health Professional Shortage Areas and to improve the provision of health care to veterans in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 735. A bill to ensure States receive adoption payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 736. A bill to provide for improvements in the Federal hiring process and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself and Mr. UDALL of Colorado):

S. 737. A bill to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to conduct research, development, and demonstration to make biofuels more compatible with small nonroad engines, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself, Mr. BOND, Mr. BROWNBACK, Mr. COCHRAN, Mr. JOHNSON, and Mr. ROBERTS):

S. 738. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida (for himself and Ms. LANDRIEU):

S. 739. A bill to require the Consumer Product Safety Commission to study drywall imported from China in 2004 through 2007, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 740. A bill to amend the Internal Revenue Code of 1986 to expand the homebuyer tax credit, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 741. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

By Mr. CHAMBLISS (for himself, Mr. ISAACSON, and Mr. PRYOR):

S. 742. A bill to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of New Mexico:

S. 743. A bill to require air carriers to provide training for flight attendants and gate attendants regarding serving alcohol, recognizing intoxicated passengers, and dealing with disruptive passengers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURR (for himself, Mrs. BOXER, Ms. MURKOWSKI, Mr. HATCH, Mrs. SHAHEEN, Mr. INHOFE, Mr. WICKER, Mr. ROBERTS, and Mr. COCHRAN):

S. Res. 89. A resolution expressing support for designation of a "Welcome Home Vietnam Veterans Day"; considered and agreed to.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. DODD, Mr. MENENDEZ, and Mr. NELSON of Florida):

S. Res. 90. A resolution expressing the sense of the Senate regarding the Fifth Summit of the Americas, held in Port of Spain, Trinidad and Tobago, April 17, 18, and 19, 2009; to the Committee on Foreign Relations.

By Mr. NELSON of Florida (for himself and Ms. LANDRIEU):

S. Res. 91. A resolution calling on the Consumer Product Safety Commission, the Secretary of the Treasury, and the Secretary of Housing and Urban Development to take action on issues relating to drywall imported from China; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN (for herself and Mr. BARRASSO):

S. Con. Res. 14. A concurrent resolution supporting the Local Radio Freedom Act; to the Committee on Commerce, Science, and Transportation.

#### ADDITIONAL COSPONSORS

S. 42

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 42, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 146

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was withdrawn as a cosponsor of S. 146, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

At the request of Mr. KOHL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 146, supra.

S. 148

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 148, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 253

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 253, a bill to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 372

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 372, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 414

At the request of Mr. DODD, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. BENNET) was withdrawn as a co-

sponsor of S. 428, a bill to allow travel between the United States and Cuba.

At the request of Mr. DORGAN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Washington (Ms. CANTWELL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 428, *supra*.

S. 448

At the request of Mr. SPECTER, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 469

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 469, a bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System.

S. 473

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 475

At the request of Mr. BURR, the names of the Senator from Indiana (Mr. BAYH), the Senator from Ohio (Mr. BROWN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 478

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 478, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 486

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 486, a bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs.

S. 496

At the request of Ms. CANTWELL, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 496, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 503

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 503, a bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 599

At the request of Mr. CARPER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Alaska (Mr. BEGICH) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the

Women Airforce Service Pilots ("WASP").

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 643

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 643, a bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions for children in group health plans and health insurance coverage in the group and individual markets.

S. 651

At the request of Mr. BAUCUS, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 651, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive bonuses paid by, and received from, companies receiving Federal emergency economic assistance, to limit the amount of non-qualified deferred compensation that employees of such companies may defer from taxation, and for other purposes.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 677

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 677, a bill to amend title XVIII of the Social Security Act to require wealthy beneficiaries to pay a greater share of their premiums under the Medicare prescription drug program.

S. 708

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 708, a bill to express the policy of the United States regarding

the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes.

S. 714

At the request of Mrs. HAGAN, her name was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

At the request of Mr. WEBB, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 714, supra.

S. 717

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 729

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Delaware (Mr. KAUFMAN), the Senator from California (Mrs. BOXER) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. RES. 9

At the request of Mr. KAUFMAN, his name was added as a cosponsor of S. Res. 9, a resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world.

S. RES. 20

At the request of Mr. VOINOVICH, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 56

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 56, a resolution urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. BAUCUS, and Mr. BEGICH):

S. 734. A bill to amend title 38, United States Code, to improve the capacity of the Department of Veterans Affairs to recruit and retain physicians in Health Professional Shortage Areas and to improve the provision of health care to veterans in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am today introducing legislation to make various improvements to VA rural health care. I am pleased to be joined in this effort by Senators MAX BAUCUS and MARK BEGICH. The legislation is designed to bring more doctors into small communities; promote the use of volunteer counselors to help with mental health issues; expand telemedicine services; and create incentives for VA's community partners to provide high quality services to veterans.

As the drawdown of forces in Iraq begins, VA must be prepared to meet the health care needs of veterans upon their return.

Many veterans live in small towns and communities. This includes a large number of Guard members and Reservists who have served in such an integral role in Iraq and Afghanistan. Members of the Guard and Reserve face challenges that are different than those faced by their active duty counterparts, who return to military bases with the support of their unit and programs geared toward re-acclimating them to life outside of the combat zone. When members of the Guard or Reserves return home, they often are isolated from their units, leaving them to reintegrate back into their communities without a strong VA or DoD presence or support system.

When health care is needed, a rural community may not have providers who offer mental health services, such as group counseling, and may not be familiar with treating combat-related disorders.

I believe strongly that there is an obligation to care for all veterans in need, regardless of where they live. We must ensure that adequate resources are available to serve those who live in rural communities, and that VA works closely with local health care providers to help meet the need for care. It is critical that VA reach out to veterans living in rural communities so that they receive the care they need. Every resource must be united in the effort to care for wounded warriors, whether in a community hospital or VA clinic. When there is no VA presence in a community, VA may need to pay community providers for the reasonable costs of care.

Last month, the Committee on Veterans' Affairs held a hearing on health care for veterans in rural areas. We heard from the chief executive officer of a community hospital, from a former director of a rural health clinic, and from outreach organizations who work to bridge the gap between VA and community health care systems. These witnesses testified about how hard it is for veterans who live in rural areas to find health care in the communities where they live, and about how difficult it is for community hospitals and clinics to provide quality services with the limited resources available to them.

Committee on Veterans' Affairs staff also conducted an oversight visit to Hawaii and saw firsthand the needs of veterans living in rural communities on the neighbor islands. Many of those veterans find it hard to access VA health care because of travel restrictions and a shortage of services in their communities. Committee staff found that technology was not being used to bridge this gap; indeed, the use of telemedicine is actually declining in Hawaii.

The legislation we are introducing today would help address the needs of veterans living in rural communities in a number of ways.

First, the bill would bring more doctors to targeted communities by repaying their student loans while they work for VA. Currently, VA's loan repayment program is capped at an amount that is less than 1/3 the average cost of medical school. This bill would remove the cap, allowing VA to offer full loan repayment so as to provide a much more effective recruitment tool.

In addition, this bill would encourage VA and HHS to use the National Health Service Corps Scholarship Program to recruit physicians for VA facilities located in underserved areas. The National Health Service Corps pays for medical school up front in ex-

change for a doctor's agreement to work in an underserved area after graduation.

To address the shortage of mental health providers in many communities, this legislation would also allow VA to shorten the credentialing and privileging process for licensed volunteer counselors who could provide mental health services to our veterans.

The legislation would also create a pilot program to place VA doctors in community hospitals so as to enable them to provide more continuous care for veterans. Under this pilot, VA doctors working in communities without a VA hospital would be able to follow their patients when admitted to the local hospital. Participating VA doctors would earn additional compensation for assuming these responsibilities, thereby creating financial incentives for doctors to stay within VA. Since many non-VA hospitals do not have mental health providers or other providers experienced in the treatment of conditions such as post-traumatic stress disorder that disproportionately affect veterans, this would also bring needed expertise into other care communities.

This bill would also allow VA to monitor the quality of care provided in non-VA facilities. Currently, there is no way for VA to do such quality assurance in a systematic way. This bill would encourage VA's community partners to participate in quality programs like peer review, or to seek accreditation by an outside organization.

This bill also would bring new technologies to rural communities. By modifying VA's internal mechanism for distributing funds, the legislation would provide incentives for VA hospitals and clinics to use telehealth technologies. VA currently bases the distribution of funds to its facilities on workload and does not currently count all telehealth visits in a facility's workload. By requiring VA to give hospitals and clinics credit for telehealth visits, this bill will promote the natural expansion of these services to our veterans.

Finally, for those veterans who must travel by air to obtain their health care—because of their health status, geography or other barriers—this bill would allow VA to pay beneficiary travel benefits for airfare to those veterans who cannot afford it. In recognition of the cost of airfare, a different income eligibility standard from that used for ground transportation would be used in connection with reimbursement of the costs of air travel.

I urge our colleagues to work with me and the other members of the Veterans' Affairs Committee to improve access to health care for veterans who live in rural areas.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 734

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Veterans Health Care Access and Quality Act of 2009".

#### SEC. 2. ENHANCEMENT OF DEPARTMENT OF VETERANS AFFAIRS EDUCATION DEBT REDUCTION PROGRAM.

(a) ENHANCED MAXIMUM ANNUAL AMOUNT.—Paragraph (1) of section 7683(d) of title 38, United States Code, is amended by striking "\$44,000" and all that follows through "fifth years of participation in the Program" and inserting "the total amount of principle and interest owed by the participant on loans referred to in subsection (a)".

(b) NOTICE TO POTENTIAL EMPLOYEES OF ELIGIBILITY AND SELECTION FOR PARTICIPATION.—Section 7682 of such title is amended by adding at the end the following new subsection:

"(d) NOTICE TO POTENTIAL EMPLOYEES.—In each offer of employment made by the Secretary to an individual who, upon acceptance of such offer would be treated as eligible to participate in the Education Debt Reduction Program, the Secretary shall, to the maximum extent practicable, include the following:

"(1) A notice that the individual will be treated as eligible to participate in the Education Debt Reduction Program upon the individual's acceptance of such offer.

"(2) A notice of the determination of the Secretary whether or not the individual will be selected as a participant in the Education Debt Reduction Program as of the individual's acceptance of such offer."

(c) SELECTION OF EMPLOYEES WHO RECEIVE NOTICE OF SELECTION WITH EMPLOYMENT OFFER.—Section 7683 of such title is further amended by adding at the end the following new subsection:

"(e) SELECTION OF PARTICIPANTS.—(1) The Secretary shall select for participation in the Education Debt Reduction Program each individual eligible for participation in the Education Debt Reduction Program who—

"(A) the Secretary provided notice with an offer of employment under section 7682(d) of this title that indicated the individual would, upon the individual's acceptance of such offer of employment, be—

"(i) eligible to participate in the Education Debt Reduction Program; and

"(ii) selected to participate in the Education Debt Reduction Program; and

"(B) accepts such offer of employment.

"(2) The Secretary may select for participation in the Education Debt Reduction Program an individual eligible for participation in the Education Debt Reduction Program who is not described by subparagraphs (A) and (B) of paragraph (1)."

#### SEC. 3. INCLUSION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES IN LIST OF FACILITIES ELIGIBLE FOR ASSIGNMENT OF PARTICIPANTS IN NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.

The Secretary of Veterans Affairs shall transfer \$20,000,000 from accounts of the Veterans Health Administration to the Secretary of Health and Human Services to include facilities of the Department of Veterans Affairs in the list maintained by the Health Resources and Services Administration of facilities eligible for assignment of

participants in the National Health Service Corps Scholarship Program.

#### SEC. 4. OFFICE OF RURAL HEALTH FIVE-YEAR STRATEGIC PLAN.

(a) STRATEGIC PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Rural Health of the Department of Veterans Affairs shall develop a five-year strategic plan for the Office of Rural Health.

(b) CONTENTS.—The plan required by subsection (a) shall include the following:

(1) Specific goals for the recruitment and retention of health care personnel in rural areas, developed in conjunction with the Director of the Health Care Retention and Recruitment Office of the Department of Veterans Affairs.

(2) Specific goals for ensuring the timeliness and quality of health care delivery in rural communities that are reliant on contract and fee basis care, developed in conjunction with the Director of the Office of Quality and Performance of the Department.

(3) Specific goals for the expansion and implementation of telemedicine services in rural areas, developed in conjunction with the Director of the Office of Care Coordination Services of the Department.

(4) Incremental milestones describing specific actions to be taken for the purpose of achieving the goals specified under paragraphs (1) through (3).

#### SEC. 5. ENHANCEMENT OF VET CENTERS TO MEET NEEDS OF VETERANS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) VOLUNTEER COUNSELORS.—Subsection (c) of section 1712A of title 38, United States Code, is amended—

(1) by striking “The Under Secretary” and inserting “(1) The Under Secretary”;

(2) in paragraph (1), as designated by paragraph (1), by striking “, and, in carrying” and all that follows through “screening activities”;

(3) by adding at the end the following new paragraphs:

“(2) In carrying out this section, the Under Secretary may utilize the services of the following:

“(A) Paraprofessionals, individuals who are volunteers working without compensation, and individuals who are veteran-students (as described in section 3485 of this title) in initial intake and screening activities.

“(B) Eligible volunteer counselors in the provision of counseling and related mental health services.

“(3) For purposes of this subsection, an eligible volunteer counselor is an individual—

“(A) who—

“(i) provides counseling services without compensation at a center;

“(ii) is a licensed psychologist or social worker;

“(iii) has never been named in a malpractice action; and

“(iv) has never had, and has no pending, disciplinary action taken with respect to any license of the individual in any State; or

“(B) who is otherwise credentialed and privileged to perform counseling services by the Secretary.

“(4) Not later than one year after the date of the enactment of the Rural Veterans Health Care Access and Quality Act of 2009, the Secretary shall establish expedited credentialing and privileging procedures for eligible volunteer counselors for the provision of counseling and related mental health services under this section.

“(5) For each application received by the Secretary for credentialing and privileging

of an eligible volunteer counselor under this subsection, the Secretary shall complete the credentialing and privileging process for such volunteer not later than 60 days after receiving such application.”

(b) OUTREACH.—Subsection (e) of such section is amended—

(1) by striking “The Secretary” and inserting “(1) The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) Each center shall develop an outreach plan to ensure that the community served by the center is aware of the services offered by the center.”

#### SEC. 6. TELECONSULTATION AND TELERETINAL IMAGING.

(a) TELECONSULTATION AND TELERETINAL IMAGING.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

##### “§ 1709. Teleconsultation and teleretinal imaging

“(a) TELECONSULTATION.—(1) The Secretary shall carry out a program of teleconsultation for the provision of remote mental health and traumatic brain injury assessments in facilities of the Department that are not otherwise able to provide such assessments without contracting with third party providers or reimbursing providers through a fee basis system.

“(2) The Secretary shall, in consultation with appropriate professional societies, promulgate technical and clinical care standards for the use of teleconsultation services within facilities of the Department.

“(b) TELERETINAL IMAGING.—(1) The Secretary shall carry out a program of teleretinal imaging in each Veterans Integrated Services Network (VISN).

“(2) In each fiscal year beginning with fiscal year 2010 and ending with fiscal year 2015, the Secretary shall increase the number of patients enrolled in each teleretinal imaging program under paragraph (1) by not less than five percent from the number of patients enrolled in each respective program in the previous fiscal year.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘teleconsultation’ means the use by a health care specialist of telecommunications to assist another health care provider in rendering a diagnosis or treatment.

“(2) The term ‘teleretinal imaging’ means the use by a health care specialist of telecommunications, digital retinal imaging, and remote image interpretation to provide eye care.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item related to section 1708 the following new item:

“1709. Teleconsultation and teleretinal imaging.”

(b) TRAINING IN TELEMEDICINE.—The Secretary of Veterans Affairs shall require each Department of Veterans Affairs facility that is involved in the training of medical residents to work with each university concerned to develop an elective rotation in telemedicine for such residents.

(c) ENHANCEMENT OF VERA.—

(1) INCENTIVES FOR PROVISION OF TELECONSULTATION, TELERETINAL IMAGING, TELEMEDICINE, AND TELEHEALTH SERVICES.—The Secretary of Veterans Affairs shall modify the Veterans Equitable Resource Allocation system to provide incentives for the utilization of teleconsultation, teleretinal imaging,

telemedicine, and telehealth coordination services.

(2) INCLUSION OF TELEMEDICINE VISITS IN WORKLOAD REPORTING.—The Secretary shall modify the Veterans Equitable Resource Allocation system to require the inclusion of all telemedicine visits in the calculation of facility workload.

(d) DEFINITIONS.—In this section:

(1) The terms “teleconsultation” and “teleretinal imaging” have the meanings given such terms in section 1720G of title 38, United States Code, as added by subsection (a).

(2) The term “telemedicine” means the use by a health care provider of telecommunications to assist in the diagnosis or treatment of a patient’s medical condition.

(3) The term “telehealth” means the use of telecommunications to collect patient data remotely and send data to a monitoring station for interpretation.

#### SEC. 7. OVERSIGHT OF CONTRACT AND FEE BASIS CARE.

(a) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1703 the following new section:

##### “§ 1703A. Oversight of contract and fee basis care

“(a) CONSOLIDATION OF COMMUNITY BASED OUTPATIENT CLINIC CONTRACTING.—For each Veterans Integrated Services Network (VISN), the Secretary shall, acting through the Under Secretary for Health and to the maximum extent practicable, negotiate with each party that has contracts to provide services at more than one community based outpatient clinic in such Network to consolidate such contracts.

“(b) RURAL OUTREACH COORDINATORS.—The Secretary shall designate a rural outreach coordinator at each Department community based outpatient clinic at which not less than 50 percent of the veterans enrolled at such clinic reside in a highly rural area. The coordinator at a clinic shall be responsible for coordinating care and collaborating with community contract and fee basis providers with respect to the clinic.

“(c) INCENTIVES TO OBTAIN ACCREDITATION OF MEDICAL PRACTICE.—(1) The Secretary shall adjust the fee basis compensation of providers of health care services under the Department to encourage such providers to obtain accreditation of their medical practice from recognized accrediting entities.

“(2) In making adjustments under paragraph (1), the Secretary shall consider the increased overhead costs of accreditation described in paragraph (1) and the costs of achieving and maintaining such accreditation.

“(d) INCENTIVES FOR PARTICIPATION IN PEER REVIEW.—(1) The Secretary shall adjust the fee basis compensation of providers of health care services under the Department that do not provide such services as part of a medical practice accredited by a recognized accrediting entity to encourage such providers to participate in peer review under subsection (e).

“(2) The Secretary shall provide incentives under paragraph (1) to a provider of health care services under the Department in an amount equal to the amount the Secretary would provide to such provider under subsection (c) if such provider provided such services as part of a medical practice accredited by a recognized accrediting entity.

“(e) PEER REVIEW.—(1) The Secretary shall provide for the voluntary peer review of providers of health care services under the Department who provide such services on a fee

basis as part of a medical practice that is not accredited by a recognized accrediting entity.

“(2) Each year, beginning with the first fiscal year beginning after the date of the enactment of this section, the Chief Quality and Performance Officer in each Veterans Integrated Services Network (VISN) shall select a sample of patient records from each participating provider in the Officer’s Veterans Integrated Services Network to be peer reviewed by a facility designated under paragraph (3).

“(3) The Chief Quality and Performance Officer in each Veterans Integrated Services Network shall designate Department facilities in such network for the peer review of patient records submitted under this subsection.

“(4) Each year, beginning with the first fiscal year beginning after the date of the enactment of this section, each provider who elects to participate in the program shall submit the patient records selected under paragraph (2) to a facility selected under paragraph (3) to be peer reviewed by such facility.

“(5) Each Department facility designated under paragraph (3) that receives patient records under paragraph (4) shall—

“(A) peer review such records in accordance with policies and procedures established by the Secretary;

“(B) ensure that peer reviews are evaluated by the Peer Review Committee; and

“(C) develop a mechanism for notifying the Under Secretary for Health of problems identified through such peer review.

“(6) The Under Secretary for Health shall develop a mechanism by which the use of fee basis providers of health care are terminated when quality of care concerns are identified.

“(7) The Chief Quality and Performance Officer in each Veterans Integrated Services Network shall be responsible for the oversight of the program in that network.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item related to section 1703 the following new item:

“1703A. Oversight of contract and fee basis care.”.

#### SEC. 8. TRAVEL BENEFITS FOR BENEFICIARIES IN REMOTE LOCATIONS.

(a) COVERAGE OF COST OF TRANSPORTATION BY AIR.—

(1) IN GENERAL.—Subsection (a) of section 111 of title 38, United States Code, is amended by inserting after the first sentence the following new sentence: “Actual necessary expense of travel includes the reasonable costs of airfare if travel by air is the only practical way to reach a Department facility.”.

(2) ELIMINATION OF LIMITATION BASED ON MAXIMUM ANNUAL RATE OF PENSION.—Subsection (b)(1)(D)(i) of such section is amended by inserting “who is not traveling by air and” before “whose annual”.

(3) DETERMINATION OF PRACTICALITY.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(4) In determining for purposes of subsection (a) whether travel by air is the only practical way for a veteran to reach a Department facility, the Secretary shall consider the medical condition of the veteran and any other impediments to the use of ground transportation by the veteran.”.

(b) MILEAGE REIMBURSEMENT RATE FOR TRAVEL BY AIR.—Subsection (g)(1) of such section is amended by inserting after “is

available)” the following: “or the mileage reimbursement rate for airplanes if travel by airplane is the only practical method of travel”.

#### SEC. 9. PILOT PROGRAM ON INCENTIVES FOR PHYSICIANS WHO ASSUME INPATIENT RESPONSIBILITIES AT COMMUNITY HOSPITALS IN HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of each of the following:

(1) The provision of financial incentives to eligible physicians who obtain and maintain inpatient privileges at community hospitals in health professional shortage areas in order to facilitate the provision by such physicians of primary care and mental health services to veterans at such hospitals.

(2) The collection of payments from third-party providers for care provided by eligible physicians to non-veterans while discharging inpatient responsibilities at community hospitals in the course of exercising the privileges described in paragraph (1).

(b) ELIGIBLE PHYSICIANS.—For purposes of this section, an eligible physician is a primary care or mental health physician employed by the Department of Veterans Affairs on a full-time basis.

(c) DURATION OF PROGRAM.—The pilot program shall be carried out during the three-year period beginning on the date of the commencement of the pilot program.

(d) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at not less than five community hospitals in each of not less than two Veterans Integrated Services Networks (VISNs). The hospitals shall be selected by the Secretary utilizing the results of the survey required under subsection (e).

(2) QUALIFYING COMMUNITY HOSPITALS.—A community hospital may be selected by the Secretary as a location for the pilot program if—

(A) the hospital is located in a health professional shortage area; and

(B) the number of eligible physicians willing to assume inpatient responsibilities at the hospital (as determined utilizing the result of the survey) is sufficient for purposes of the pilot program.

(e) SURVEY OF PHYSICIAN INTEREST IN PARTICIPATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a survey of eligible physicians to determine the extent of the interest of such physicians in participating in the pilot program.

(2) ELEMENTS.—The survey shall disclose the type, amount, and nature of the financial incentives to be provided under subsection (h) to physicians participating in the pilot program.

(f) PHYSICIAN PARTICIPATION.—

(1) IN GENERAL.—The Secretary shall select physicians for participation in the pilot program from among eligible physicians who—

(A) express interest in participating in the pilot program in the survey conducted under subsection (e);

(B) are in good standing with the Department; and

(C) primarily have clinical responsibilities with the Department.

(2) VOLUNTARY PARTICIPATION.—Participation in the pilot program shall be voluntary. Nothing in this section shall be construed to require a physician working for the Department to assume inpatient responsibilities at a community hospital unless otherwise required as a term or condition of employment with the Department.

(g) ASSUMPTION OF INPATIENT PHYSICIAN RESPONSIBILITIES.—

(1) IN GENERAL.—Each eligible physician selected for participation in the pilot program shall assume and maintain inpatient responsibilities, including inpatient responsibilities with respect to non-veterans, at one or more community hospitals selected by the Secretary for participation in the pilot program under subsection (d).

(2) COVERAGE UNDER FEDERAL TORT CLAIMS ACT.—If an eligible physician participating in the pilot program carries out on-call responsibilities at a community hospital where privileges to practice at such hospital are conditioned upon the provision of services to individuals who are not veterans while the physician is on call for such hospital, the provision of such services by the physician shall be considered an action within the scope of the physician’s office or employment for purposes of chapter 171 of title 28, United States Code (commonly referred to as the “Federal Tort Claims Act”).

(h) COMPENSATION.—

(1) IN GENERAL.—The Secretary shall provide each eligible physician participating in the pilot program with such compensation (including pay and other appropriate compensation) as the Secretary considers appropriate to compensate such physician for the discharge of any inpatient responsibilities by such physician at a community hospital for which such physician would not otherwise be compensated by the Department as a full-time employee of the Department.

(2) WRITTEN AGREEMENT.—The amount of any compensation to be provided a physician under the pilot program shall be specified in a written agreement entered into by the Secretary and the physician for purposes of the pilot program.

(3) TREATMENT OF COMPENSATION.—The Secretary shall consult with the Director of the Office of Personnel Management on the inclusion of a provision in the written agreement required under paragraph (2) that describes the treatment under Federal law of any compensation provided a physician under the pilot program, including treatment for purposes of retirement under the civil service laws.

(i) COLLECTIONS FROM THIRD PARTIES.—In carrying out the pilot program for the purpose described in subsection (a)(2), the Secretary shall implement a variety and range of requirements and mechanisms for the collection from third-party payors of amounts to reimburse the Department for health care services provided to non-veterans under the pilot program by eligible physicians discharging inpatient responsibilities under the pilot program.

(j) INPATIENT RESPONSIBILITIES DEFINED.—In this section, the term “inpatient responsibilities” means on-call responsibilities customarily required of a physician by community hospital as a condition of granting privileges to the physician to practice in the hospital.

(k) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the pilot program, including the following:

(1) The findings of the Secretary with respect to the pilot program.

(2) The number of veterans and non-veterans provided inpatient care by physicians participating in the pilot program.

(3) The amounts collected and payable under subsection (i).

(l) HEALTH PROFESSIONAL SHORTAGE AREA DEFINED.—In this section, the term “health



professional shortage area" has the meaning given the term in section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)).

By Mr. AKAKA (for himself and Mr. VOINOVICH):

S. 736. A bill to provide for improvements in the Federal hiring process and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I introduce the Federal Hiring Process Improvement Act to help agencies fix the broken recruitment and hiring process in the Federal Government. I am pleased to be joined by my good friend Senator VOINOVICH in this effort.

The Federal Government is the largest employer in the U.S., but every day talented people interested in Federal service walk away because the hiring process is longer and more complicated than that of other employers. Too many Federal agencies have built entry barriers for new workers, done too little to recruit the right candidates, and invented an evaluation process that discourages qualified candidates.

In the private sector, many employers post job vacancies through a variety of online and other venues and require only a resume and cover letter to apply. Applying to the federal government should be similarly accessible and easy. However, agencies often require substantial essays and other documentation at the initial application stage.

Agencies need to adapt, just as the private sector has, to take advantage of modern technology to boost recruitment efforts and streamline the hiring process to make it more user friendly. Inexpensive outlets such as social networking sites offer agencies an opportunity to expand their profile and post job opportunities without emptying their wallets. It is easier than it was in the past to submit and track application materials during the application process. Agencies should accept candidate-friendly applications such as resumes and cover letters for the initial application and ask for additional information only as needed. Likewise, technology makes it possible to provide automated information to candidates, so candidates should receive timely and informative feedback about the application process.

Additionally, more employees with advanced and technical skills are needed in the modern federal workforce, so more pipelines into colleges and technical schools need to be developed to recruit candidates from diverse backgrounds.

Last year, I chaired a hearing of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, where witnesses testified to the need for reforms in the hiring process. The Government Accountability Office tes-

tified to the broad failures of agencies to address such problems as passive recruitment strategies, unclear job vacancy announcements, and imprecise candidate assessment tools. Witnesses testified that young people are greatly interested in Federal Government service, but agencies need to meet them where they are. Developing broader recruitment strategies, using online resources and streamlining the hiring process are essential to attracting the next generation of Federal employees.

In response to the hearing, the Office of Personnel Management, OPM, developed the End-to-End Hiring Roadmap initiative that provides agencies a streamlined 80-day model from the time a manager seeks to fill a position to the time an offer is made. This initiative addresses strategic workforce planning, targeted recruitment, clear job announcements, and hiring flexibilities. The initiative also advocates accepting resumes and cover letters over the lengthy and onerous knowledge, skills, and abilities essays, KSAs, required for many Federal jobs.

This initiative includes many positive steps, but many agencies are not adopting them. OPM does not have the authority to require agencies to do so. Congress must step in.

The Federal Hiring Process Improvement Act requires agencies to develop strategic workforce plans, including hiring projections and critical skills gaps analyses of the workforce; post brief, clear job announcements in plain writing; Allow submission of resumes and cover letters and no longer require KSAs; provide timely notification to applicants of the status of their application; take no more than 80 days from the time a manager decides to fill a vacancy to the time an offer is made; keep an inventory of all applicants who elect to be considered for other Federal vacancies; and measure the effectiveness of hiring efforts and reforms.

Agencies must make reforming the recruitment and hiring process a top priority, and this bill furthers the discussion. The Federal Hiring Process Improvement Act will require agencies to abandon their stale recruitment and hiring processes and develop streamlined hiring practices that attract high-quality candidates. The future of the Federal workforce is depending on it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 736

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Hiring Process Improvement Act of 2009".

#### SEC. 2. DEFINITION.

In this Act, the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) shall not include the Government Accountability Office.

#### SEC. 3. STRATEGIC WORKFORCE PLAN.

(a) IN GENERAL.—

(1) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of enactment of this Act and in every subsequent year, the head of each agency, in consultation with the Chief Human Capital Officers Council, shall develop a strategic workforce plan as part of the agency performance plan required under section 1115 of title 31, United States Code, to include—

(A) hiring projections, including occupation and grade level;

(B) long-term and short-term strategic human capital planning to address critical skills deficiencies;

(C) recruitment strategies to attract highly qualified candidates from diverse backgrounds; and

(D) streamlining the hiring process to conform with the provisions in this Act.

(2) INCLUSION IN PERFORMANCE PLAN.—Section 1115(a) of title 31, United States Code, is amended—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), by striking the period and inserting "and"; and

(C) by adding at the end the following:

"(7) include the strategic workforce plan developed under section 3 of the Federal Hiring Process Improvement Act of 2009."

(b) HIRING PROJECTIONS.—Agencies shall make hiring projections made under strategic workforce plans available to the public.

(c) SUBMISSION TO THE OFFICE OF PERSONNEL MANAGEMENT.—Each agency strategic workforce plan shall be submitted to the Office of Personnel Management.

#### SEC. 4. FEDERAL JOB VACANCY ANNOUNCEMENTS.

(a) TARGETED ANNOUNCEMENTS.—In consultation with the Chief Human Capital Officers Council, the head of each agency shall—

(1) take steps necessary to target highly qualified applicant pools with diverse backgrounds before posting job announcements;

(2) clearly and prominently display job announcements in strategic locations convenient to such targeted applicant pools; and

(3) seek to develop relationships with targeted applicant pools to develop regular pipelines for high-quality applicants.

(b) PUBLIC NOTICE REQUIREMENTS.—The requirements of subsection (a) shall not supersede public notice requirements.

(c) PLAIN WRITING REQUIREMENT.—

(1) DEFINITION.—In this subsection, the term "plain writing" means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

(2) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, all Federal job announcements for competitive positions shall be written in plain writing.

#### SEC. 5. APPLICATION PROCESS AND NOTIFICATION REQUIREMENTS.

(a) APPLICATION PROCESS.—Not later than 180 days after the date of enactment of this Act and in consultation with the Chief Human Capital Officers Council, the head of each agency shall develop processes to—

(1) ensure that vacancy announcements are open for a reasonable period of time as determined by the head of the agency to allow targeted, highly qualified applicants from diverse backgrounds time to submit an application;

(2) ensure that vacancy announcements include contact information for applicants who seek further information about the announcement;

(3) review and revise the hiring process of the agency to create a streamlined and timely system for hiring decisions;

(4) allow applicants to submit a cover letter, resume, and answers to brief questions, such as questions relating to United States citizenship and veterans status, to complete an application;

(5) allow applicants to submit application materials in a variety of formats, including word processing documents and portable document format;

(6) not require any applicant to provide a Social Security number or any other personal identifying information unnecessary for the initial review of an applicant for a position;

(7) not require lengthy writing requirements such as knowledge, skills, and ability essays as part of an initial application;

(8) not require the submission of additional material in support of an application, such as educational transcript, proof of veterans status, and professional certifications, unless necessary to complete the application process;

(9) ensure that applicants are given a reasonable amount of time after the closing date of the job announcement to provide additional necessary information; and

(10) include the hiring manager in all parts of the application process, including—

- (A) targeted recruitment;
- (B) drafting the job announcement;
- (C) review of the initial applications;
- (D) interviewing the applicants; and
- (E) the final decisionmaking process.

(b) NOTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—In consultation with the Chief Human Capital Officers Council, the head of each agency shall develop mechanisms under which each applicant for a Federal job vacancy shall receive timely notification of the status of their applications or provide the applicant the ability to check on the status of their applications.

(2) CONTENTS OF NOTIFICATION.—A notification to an applicant under this subsection shall include—

(A) notice of receipt of an application not later than 5 business days after the application was received by the employing agency;

(B) an explanation of the hiring process and an estimated timeline of the next actions in the process;

(C) notice the qualification and status of an applicant after all applications for the applicable position have been initially reviewed and ranked;

(D) notice of the qualifications and status of the applicant after all interviews for the applicable position are completed;

(E) for all applicants selected for an interview, notice of the ongoing process if selected, including the process for any needed security clearance or suitability review, not later than the date of the interview; and

(F) notice to nonaccepted applicants that the applicable position is not open not later than 10 business days after the date on which—

(i) the selected candidate has accepted an offer of employment; or

(ii) the job announcement has been cancelled.

#### SEC. 6. APPLICANT INVENTORY.

(a) IN GENERAL.—Section 3330 of title 5, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

“(e)(1) The Office of Personnel Management shall establish and keep current a comprehensive inventory of individuals seeking employment in the Federal Government.

“(2) The inventory under this subsection shall—

“(A) be made available to agencies for use in filling vacancies;

“(B) contain information voluntarily provided by applicants for employment, including—

“(i) the resume and contact information provided by the applicant; and

“(ii) any other information which the Office considers appropriate;

“(C) retain information for no longer than 1 calendar year;

“(D) not include information relating to—

“(i) the application of the applicant for a specific vacancy announcement; or

“(ii) any other information relating to vacancy announcements; and

“(E) shall provide for a mechanism to allow—

“(i) applicants to update resume contact information; and

“(ii) agency officials to search information in the inventory by agency and job classification.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

#### SEC. 7. TRAINING.

Not later than 120 days after the date of enactment of this Act—

(1) in consultation with the Chief Human Capital Officers Council, the Office of Personnel Management shall develop and notify agencies of a training program for human resources professionals to implement the requirements of this Act; and

(2) each agency shall develop and submit to the Office of Personnel Management a plan to implement the training program.

#### SEC. 8. REDUCTION IN THE LENGTH OF THE HIRING PROCESS.

(a) AGENCY PLANS.—In consultation with the Chief Human Capital Officers Council, the head of each agency shall develop a plan to reduce the length of the hiring process.

(b) REQUIREMENTS.—To the extent practical, the plan shall require that each agency fill identified vacancies not later than an average of 80 calendar days after the date of identification of the vacancy.

(c) REPORTS.—Each agency shall submit an annual report to Congress on the period of time required to fill each vacancy, and whether vacancies are cancelled or reopened.

#### SEC. 9. MEASURES OF FEDERAL HIRING EFFECTIVENESS.

(a) IN GENERAL.—Each agency shall measure and collect information on indicators of hiring effectiveness with respect to the following:

(1) RECRUITING AND HIRING.—

(A) Ability to reach and recruit well-qualified talent from diverse talent pools.

(B) Use and impact of special hiring authorities and flexibilities to recruit most qualified applicants.

(C) Use and impact of special hiring authorities and flexibilities to recruit diverse candidates, including veteran, minority, and disabled candidates.

(D) The age, educational level, and source of applicants.

(E) Length of time between the time a position is advertised and the time a first offer of employment is made.

(F) Length of time between the time a first offer of employment for a position is made

and the time a new hire starts in that position.

(G) Number of internal and external applicants for Federal positions.

(2) HIRING MANAGER ASSESSMENT.—

(A) Manager satisfaction with the quality of new hires.

(B) Manager satisfaction with the match between the skills of newly hired individuals and the needs of the agency.

(C) Manager satisfaction with the hiring process and hiring outcomes.

(D) Mission-critical deficiencies closed by new hires and the connection between mission-critical deficiencies and annual agency performance.

(3) APPLICANT ASSESSMENT.—Applicant satisfaction with the hiring process (including clarity of job announcement, reasons for withdrawal of application should that apply, user-friendliness of the application process, communication regarding status of application, and timeliness of hiring decision).

(4) NEW HIRE ASSESSMENT.—

(A) New hire satisfaction with the hiring process (including clarity of job announcement, user-friendliness of the application process, communication regarding status of application, and timeliness of hiring decision).

(B) Satisfaction with the onboarding experience (including timeliness of onboarding after the hiring decision, welcoming and orientation processes, and being provided with timely and useful new employee information and assistance).

(C) New hire attrition.

(D) Investment in training and development for employees during their first year of employment.

(E) Other indicators and measures as required by the Office of Personnel Management.

(b) REPORTS.—

(1) IN GENERAL.—Each agency shall submit an annual report of the information collected under subsection (a) to the Office of Personnel Management.

(2) AVAILABILITY OF RECRUITING AND HIRING INFORMATION.—Each year the Office of Personnel Management shall provide the information under subsection (c)(1) in a consistent format to allow for a comparison of hiring effectiveness and experience across demographic groups and agencies to—

(A) Congress before that information is made publicly available; and

(B) the public on the website of the Office.

(c) REGULATIONS.—Not later than 180 days of the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations directing the methodology, timing, and reporting of the data described in subsection (a).

#### SEC. 10. REGULATIONS.

(a) IN GENERAL.—Except as provided under section 9(c), not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations as necessary to carry out this Act.

(b) CONSULTATION.—The Director of the Office of Personnel Management shall consult the Chief Human Capital Officers Council in the development of regulations under this section.

#### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the Office of Personnel Management to carry out this Act for fiscal year 2009 and for each subsequent fiscal year.

Mr. VOINOVICH. Mr. President, I am pleased to join my good friend and

partner in Federal workforce issues, Senator DANIEL K. AKAKA, to introduce the Federal Hiring Process Improvement Act of 2009.

When we discuss hiring, we discuss a process that affects every individual employed by the government today. Making the right hiring decisions affects the current workforce's ability to continue doing their jobs. It also is the same process these employees must go through when pursuing new opportunities within the Government, including promotions.

Additionally, we need to convey to the thousands of men and women at all stages of their career that the Federal Government is more than just an employer, but a place where Americans can utilize and grow their skills in service to their Nation.

As the old cliché goes, "You never get a second chance to make a first impression." We need to convey to these Americans that the Federal Government wants them. If we do not, someone else will.

The Baby Boomers are retiring at a time when needs and demands on Government continue to grow. The Office of Personnel Management has identified certain areas of critical hiring importance: air traffic controllers, border patrol officers, engineers, food inspectors, human resources specialists, nurses, visa examiners, patent examiners, scientists, veterinarians, accountants, and acquisition professionals. In addition, the Partnership for Public Service has estimated the Federal Government will lose approximately 530,000 employees over the next 5 years, including many mission critical jobs.

We know the challenges confronting the Federal Government. Now we must make sure our processes result in hiring the right person, at the right place, at the right time, to get the job done.

Over and over, we hear of the problems in the Federal hiring process. It takes too long; it is too burdensome, and so forth. The quality of technology has improved, but our processes have not. This does nothing to dispel any preconceived notions that the Federal Government is nothing but a bureaucratic system.

Accordingly, Senator AKAKA and I are introducing legislation to streamline the hiring process. The Federal Hiring Process Improvement Act brings together commonsense solutions to a government-wide management challenge. Our legislation would require job announcements to be written in plain language; guarantee agencies provide feedback to applicants at a minimum of four key points during the process; and ensure individual hiring decisions are made within 80 days or less. In addition, our legislation would require agencies to improve their workforce planning and make hiring projections available to the public.

Too often, we have heard that processes exist for what I believe to be unacceptable reasons, such as, that is how it always has been done. But to be an employer of choice, the government must understand what the competition is doing and adapt to the changing environment. This legislation is an important first step in meeting that goal.

By Ms. COLLINS (for herself and Mr. UDALL of Colorado):

S. 737. A bill to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to conduct research, development, and demonstration to make biofuels more compatible with small nonroad engines, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, today I, along with Senator UDALL of Colorado, am introducing legislation that would amend the Energy Independence and Security Act of 2007 to expand on a research, development, and demonstration program, authorized in that bill, to include efforts to make biofuels more compatible with small non-road engines.

The Energy Independence and Security Act of 2007, directed the Secretary of the Department of Energy, DOE, in coordination with the Secretary of the Department of Transportation, DOT, and in consultation with the Administrator of the Environmental Protection Agency, EPA, to carry out a program of research and development regarding the impact that biofuels, like ethanol, may have on existing fuel storage and delivery infrastructure used for petroleum-based fuels. It is critical that these biofuels also are safe to use in operating small non-road engines. My bill requires these agencies to expand their research program to include small engines such as those in snowmobiles, boats, lawnmowers, and chainsaws.

Previous testing done through DOE shows that increased ethanol content in smaller engines creates a leaner burning mixture, which may increase idle speed on some small engines, creating unanticipated clutch engagement on equipment such as chainsaws and handheld trimmers. Also, ethanol is more corrosive and less efficient than traditional gasoline blends. During these difficult economic times, equipment damage due to ethanol-gasoline fuel blends only adds to the many challenges facing Maine's farmers, fishermen, independent woodsmen, and recreational industry.

As we pursue strategies to lessen our dependence on foreign oil, we must also take action to ensure that ethanol fuel blends are safe and efficient for small engines. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 737

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. BIOFUELS DISTRIBUTION AND ADVANCED BIOFUELS INFRASTRUCTURE.**

Section 248 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17054) is amended—

(1) in subsection (a), by striking "and new alternative distribution infrastructure" and inserting "new alternative distribution infrastructure, and effects on small engines"; and

(2) in subsection (b)—

(A) in paragraph (8), by striking "and" after the semicolon at the end;

(B) by redesignating paragraph (9) as paragraph (10); and

(C) by inserting after paragraph (8) the following:

"(9) problems associated with the use of biofuels in small nonroad engines; and"

By Mr. SPECTER:

S. 740. A bill to amend the Internal Revenue Code of 1986 to expand the homebuyer tax credit, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to further expand the home buyer tax credit.

A robust home buyer tax credit will spur consumer demand and help to stop the fall in home values, which continues to affect millions of Americans. This decline is destroying the savings and net worth of Americans, whose homes are their most valuable asset. Many now have mortgages that exceed the value of their homes.

The Housing and Economic Recovery Act of 2008 created a tax credit for first-time home buyers of \$7,500 through June of 2009. However, taxpayers were required to repay the tax credit in equal installments over 15 years, which greatly reduced its effectiveness. The 2009 Stimulus bill waived the repayment requirement for purchases made in 2009, increased the value of the credit to \$8,000, and extended eligibility for purchases made through November of 2009.

Further improvements are necessary, in my judgment, to bring about a recovery in the housing market that will ultimately contribute to the turnaround of the broader economy. First, this bill would amend the Stimulus bill and raise the value to \$15,000, or 10 percent of the value of the home, whichever is less.

Second, this bill would make the home buyer tax credit available to any individual who purchases a home, not just first-time home buyers. Doing so would stimulate demand for the entire range of homes on the market.

Finally, this bill would remove the income eligibility threshold. Again, doing so would stimulate demand for

the entire range of homes on the market. Currently, the credit is reduced for individuals with modified adjusted gross income, AGI, of more than \$75,000, \$150,000 for joint filers, and is zero for those individuals with modified AGI in excess of \$95,000, \$170,000 for joint filers.

The need for a robust home buyer tax credit is clear. According to the National Association of Realtors, pending home sales hit a record low in January 2009. The Pending Home Sales Index, which measures the number of sales contracts signed each month, fell 7.7 percent to 80.4, the lowest mark since 2001 when tracking began.

At the same time, the housing affordability index rose 13.6 percentage points to a record high of 166.8. A value of 100 means that a family with the country's median income has exactly enough income to qualify for a mortgage on a median-priced existing single-family home. The higher the index, the better housing affordability is for buyers.

These two figures, taken together, demonstrate that a robust home buyer tax credit is needed to spur demand from Americans that are hesitant to buy homes for fear that prices will not stabilize.

Recent reports indicate a 13-month supply of unsold new homes, compared with a 4-month supply under more normal circumstances. Add to that a continually increasing number of foreclosed homes. According to the RealtyTrac 2008 Year-End Foreclosure Market Report, a total of 3.2 million foreclosure filings—default notices, auction sale notices and bank repossession—were reported on 2.3 million U.S. properties during 2008, an 81 percent increase in total properties from 2007 and a 225 percent increase in total properties from 2006.

Jobs across all industries have been lost as a result of the housing crisis. According to a March 2, 2009, op-ed in the Washington Post by Robert J. Samuelson, "Since late 2007, housing-related jobs—carpenters, real estate agents, appraisers—have dropped by 1 million, a quarter of all lost jobs."

I applaud the efforts of Senator JOHN-ny ISAKSON, who has been the leader on this issue in the Senate. I cosponsored his legislation in the 110th Congress to create a home buyer tax credit. In the 111th Congress, I supported his amendment to the Stimulus bill to make improvements to the credit and I have decided to join him as a cosponsor of S. 253, which seeks to make further improvements.

The bill I am introducing is different from S. 253 in three main ways. First, my bill would improve the home buyer credit using the 2009 Stimulus bill as a starting point. Second, my bill would increase the value of the credit to \$15,000, or 10 percent of the home value, whichever is less, whereas S. 253 would

increase the credit amount to 10 percent of the home price capped at 3.5 percent of Federal Housing Administration loan limits. These limits are geographically dependent and would yield a credit ranging between approximately \$10,000 and \$22,000. Finally, my bill would remove income limitations on the credit, whereas S. 253 limits the credit for individuals earning up to \$125,000, or \$250,000 in the case of a joint return.

I believe it is important for both bills to be pending so that additional ideas can be debated. To that end, I look forward to working with Senator ISAKSON to build consensus and support for further improvements. As long as forecasts predict that home prices are falling and that the economy will remain weak, a large fraction of potential homebuyers may choose to remain on the sidelines without a robust tax credit in place.

I urge my colleagues to support this legislation, or the legislation introduced by Senator ISAKSON, to make further improvements to the home buyer tax credit.

By Mr. SPECTER

S. 741. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, American taxpayers face another Federal income tax deadline. The date of April 15 stabs fear, anxiety, and unease into the hearts of millions of Americans. Every year during "tax season," millions of Americans spend their evenings pouring over page after page of IRS instructions, going through their records looking for information and struggling to find and fill out all the appropriate forms on their Federal tax returns. Americans are intimidated by the sheer number of different tax forms and their instructions, many of which they may be unsure whether they need to file. Given the approximately 582 possible forms, not to mention the instructions that accompany them, simply trying to determine which form to file can in itself be a daunting and overwhelming task. According to the 2008 annual report to Congress, released on January 7, 2009 by the National Taxpayer Advocate for the IRS, U.S. taxpayers and businesses spend about 7.6 billion hours a year complying with the filing requirements of the Internal Revenue Code. This figure does not include the millions of additional hours that taxpayers must spend when they are required to respond to an IRS notice or audit. Much of this time is spent burrowing through IRS laws and regulations which fill over 17,000 pages and have grown from 744,000 words in 1955 to 7.1 million words in 2005. By contrast, the Pledge

of Allegiance has only 31 words, the Gettysburg Address has 267 words, the Declaration of Independence has about 1,300 words, and the Bible has only about 1,773,000 words.

The majority of taxpayers still face filing tax forms that are far too complicated and take far too long to complete. According to the IRS's most available data, the average time burden for all taxpayers filing a 1040, 1040A, or 1040EZ in 2006 was 26.4 hours, with an average cost of \$207 per return. Taxpayers filing 1040 forms had an average burden of approximately 34 hours. Moreover, this complexity is getting worse each year. According to the estimated preparation time listed on the forms by the IRS, the 1999 Form 1040 was estimated to take 12 hours and 51 minutes to complete. Thus, the time it now takes to fill out these tax forms has more than doubled over an eight year period.

It is no wonder that more than 80 percent of individual taxpayers pay transaction fees to help file tax returns. Well over half of all taxpayers, 61 percent according to a recent survey, now hire an outside professional to prepare their tax returns for them. However, the fact that only about 35 percent of individuals itemize their deductions shows that a significant percentage of our taxpaying population believes that the tax system is too complex for them to deal with. We all understand that paying taxes will never be something we enjoy, but neither should it be cruel and unusual punishment. Further, the pace of change to the Internal Revenue Code is brisk. Since the beginning of 2001, there have been more than 3,250 changes to the tax code, an average of more than one a day, including more than 500 changes in 2008 alone. And we are far from being finished. Year after year, we continue to ask the same question—isn't there a better way?

My flat tax legislation would make filing a tax return a manageable chore, not a seemingly endless nightmare, for most taxpayers. My flat tax legislation will fundamentally revise the present tax code, with its myriad rates, deductions, and instructions. This legislation would institute a simple, flat 20 percent tax rate for all individuals and businesses. This proposal is not cast in stone, but is intended to move the debate forward by focusing attention on three key principles which are critical to an effective and equitable taxation system: simplicity, fairness, and economic growth.

My flat tax plan would eliminate the kinds of frustrations I have outlined above for millions of taxpayers. This flat tax would enable us to scrap the great majority of the IRS rules, regulations and instructions and delete most of the 7.1 million words in the Internal Revenue Code. Instead of billions of hours of non-productive time spent in

compliance with, or avoidance of, the tax code, taxpayers would spend only the small amount of time necessary to fill out a postcard-sized form. Both business and individual taxpayers would thus find valuable hours freed up to engage in productive business activity or for more time with their families, instead of pouring over tax tables, schedules, and regulations.

My flat tax proposal is dramatic, but so are its advantages: a taxation system that is simple, fair, and designed to maximize prosperity for all Americans. A summary of the key advantages are:

A 10-line postcard filing would replace the myriad forms and attachments currently required, thus saving Americans up to 7.6 billion hours they currently spend every year in tax compliance.

The flat tax would eliminate the lion's share of IRS rules, regulations and requirements, which have grown from 744,000 words in 1955 to 7.1 million words currently. It would also allow us to slash the mammoth IRS bureaucracy of approximately 87,000 employees, creating opportunities to put their expertise to use elsewhere in the government or in private industry.

Economists estimate a growth due to a flat tax of over \$2 trillion in national wealth over 7 years, representing an increase of approximately \$7,500 in personal wealth for every man, woman and child in America. This growth would also lead to the creation of 6 million new jobs.

Investment decisions would be made on the basis of productivity rather than simply for tax avoidance, thus leading to even greater economic expansion.

Economic forecasts indicate that interest rates would fall substantially, by as much as two points, as the flat tax removes many of the current disincentives to savings.

Americans would be able to save or invest the \$265 billion they currently spend every year in tax compliance.

As tax loopholes are eliminated and the tax code is simplified, there will be far less opportunity for tax avoidance and fraud. Currently, the IRS is estimating a tax gap of \$300 billion a year.

Simplification of the tax code will allow us to save significantly on the \$10 billion annual budget currently allocated to the Internal Revenue Service.

The most dramatic way to illustrate the flat tax is to consider that the income tax form for the flat tax is printed on a postcard—it will allow all taxpayers to file their April 15 tax returns on a simple 10-line postcard. This postcard will take 15 minutes to fill out.

This is a win-win situation for America because it lowers the tax burden on the taxpayers in the lower brackets. For example in the 2006 tax year, the standard deduction is \$5,150 for a single

taxpayer, \$7,550 for a head of household and \$10,300 for a married couple filing jointly, while the personal exemption for individuals and dependents is \$3,300. Thus, under the current tax code, a family of four which does not itemize deductions would pay taxes on all income over \$23,500—that is personal exemptions of \$13,200 and a standard deduction of \$10,300. By contrast, under my flat tax bill, that same family would receive a personal exemption of \$30,000, and would pay tax on income over that amount.

The tax loopholes enable write-offs of some \$393 billion a year. What is eliminated under the flat tax are the loopholes, the deductions in this complicated code which can be deciphered, interpreted, and found really only by the \$500-an-hour lawyers. That money is lost to the taxpayers. \$120 billion would be saved by the elimination of fraud because of the simplicity of the Tax Code, the taxpayer being able to find out exactly what they owe.

This bill is modeled after a proposal organized and written by two very distinguished law professors from Stanford University, Professor Hall and Professor Rabushka. Their model was first introduced in the Congress in the fall of 1994 by Majority Leader Richard Armitage. I introduced the flat tax bill—the first one in the Senate—on March 2, 1995, Senate bill 488. On October 27, 1995, I introduced a Sense of the Senate Resolution calling on my colleagues to expedite Congressional adoption of a flat tax. The Resolution, which was introduced as an amendment to pending legislation, was not adopted. I reintroduced my legislation in the 105th Congress with slight modifications to reflect inflation-adjusted increases in the personal allowances and dependent allowances. I re-introduced the bill on April 15, 1999, Tax Day, in a bill denominated as S. 822. I then introduced my flat tax legislation as an amendment to S. 1429, the Tax Reconciliation bill; the amendment was not adopted. During the 108th Congress, I introduced my flat tax legislation once again on April 11, 2003. On May 14, 2003, I offered an amendment to the Tax Reconciliation legislation urging the Senate to hold hearings and consider legislation providing for a flat tax; this amendment passed by a vote of 70 to 30 on May 15, 2003. I then testified on this issue at a subsequent hearing held by the Joint Economic Committee on November 5, 2003. On April 15, 2005 and again on April 10, 2007, I again reintroduced my flat tax legislation in a bill denominated as S. 812 and S. 1081 respectively.

Over the years and prior to my legislative efforts on behalf of flat tax reform, I have devoted considerable time and attention to analyzing our nation's tax code and the policies which underlie it. I began the study of the complexities of the tax code over 40 years ago

as a law student at Yale University. I included some tax law as part of my practice in my early years as an attorney in Philadelphia. In the spring of 1962, I published a law review article in the Villanova Law Review, "Pension and Profit Sharing Plans: Coverage and Operation for Closely Held Corporations and Professional Associations," 7 Villanova L. Rev. 335, which in part focused on the inequity in making tax-exempt retirement benefits available to some kinds of businesses but not others. It was apparent then, as it is now, that the very complexities of the Internal Revenue Code could be used to give unfair advantage to some. Einstein himself is quoted as saying "the hardest thing in the world to understand is the income tax."

The Hall-Rabushka model envisioned a flat tax with no deductions whatsoever. After considerable reflection, I decided to include in the legislation limited deductions for home mortgage interest for up to \$100,000 in borrowing and charitable contributions up to \$2,500. While these modifications undercut the pure principle of the flat tax by continuing the use of tax policy to promote home buying and charitable contributions, I believe that those two deductions are so deeply ingrained in the financial planning of American families that they should be retained as a matter of fairness and public policy—and also political practicality. With those two deductions maintained, passage of a modified flat tax will be difficult, but without them, probably impossible.

In my judgment, an indispensable prerequisite to enactment of a modified flat tax is revenue neutrality. Professor Hall advised that the revenue neutrality of the Hall-Rabushka proposal, which uses a 19 percent rate, is based on a well-documented model founded on reliable governmental statistics. My legislation raises that rate from 19 percent to 20 percent to accommodate retaining limited home mortgage interest and charitable deductions.

This proposal taxes business revenues fully at their source, so that there is no personal taxation on interest, dividends, capital gains, gifts or estates. Restructured in this way, the tax code can become a powerful incentive for savings and investment—which translates into economic growth and expansion, more and better jobs, and raising the standard of living for all Americans.

The key advantages of this flat tax plan are threefold: First, it will dramatically simplify the payment of taxes. Second, it will remove much of the IRS regulatory morass now imposed on individual and corporate taxpayers, and allow those taxpayers to devote more of their energies to productive pursuits. Third, since it is a plan which rewards savings and investment, the flat tax will spur economic

growth in all sectors of the economy as more money flows into investments and savings accounts.

Professors Hall and Rabushka have projected that within seven years of enactment, this type of a flat tax would produce a 6 percent increase in output from increased total work in the U.S. economy and increased capital formation. The economic growth would mean a \$7,500 increase in the personal income of all Americans. No one likes to pay taxes. But Americans will be much more willing to pay their taxes under a system that they believe is fair, a system that they can understand, and a system that they recognize promotes rather than prevents growth and prosperity. My flat tax legislation will afford Americans such a tax system.

Mr. President, I ask unanimous consent that a copy of my flat tax postcard, a variety of specific cases that illustrate the fairness and simplicity of this flat tax, and an example flat tax table be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

## 2008 INDIVIDUAL TAX RETURN

## ARLEN SPECTER FLAT TAX

Form 1—Individual Wage Tax—2008

Your full name with initial (if joint return, also give spouse's name and initial)	Your social security number
Home address (number and street including apartment number or rural route)	Spouse's social security number
City, town, or post office, state, and ZIP code	
1. Wages, salary, pension and retirement benefits	1 _____
2. Personal allowance (enter only one)	2 _____

## ARLEN SPECTER FLAT TAX—Continued

Form 1—Individual Wage Tax—2008

—\$25,000 for married filing jointly	
—\$12,500 for single	
—\$18,750 for single head of household	
3. Number of dependents, not including spouse, multiplied by \$6,250	3 _____
4. Mortgage interest on debt up to \$125,000 for owner-occupied home	4 _____
5. Cash or equivalent charitable contributions (up to \$3,125)	5 _____
6. Total allowances and deductions (lines 2, 3, 4 and 5)	6 _____
7. Taxable compensation (line 1 less line 6, if positive; otherwise zero)	7 _____
8. Tax (20% of line 7)	8 _____
9. Tax withheld by employer	9 _____
10. Tax or refund due (difference between lines 8 and 9)	10 _____

A variety of specific cases illustrate the fairness and simplicity of this flat tax:

CASE #1—Married couple with two children, rents home, yearly income \$35,000:

Under Current Law:

Income .....	\$35,000
Four personal exemptions .....	\$14,000
Standard deduction .....	10,900
Taxable income .....	10,100
Child Tax Credit .....	1,000
Tax due under current rates .....	\$10
Marginal rate .....	10.0%
Effective tax rate .....	.03%

Under Flat Tax:

Personal allowance .....	\$25,000
Two dependents .....	\$12,500
Taxable income .....	\$0
Tax due under flat tax .....	1 \$0
Effective tax rate .....	0%

<sup>1</sup> Decrease of \$10

Case #2—Single individual, rents home, yearly income \$50,000.

Under Current Law:

Income .....	\$50,000
One personal exemption .....	\$3,500

Standard deduction .....	5,450
Taxable income .....	\$41,050
Tax due under current rate .....	\$6,606.25
Marginal rate .....	25.0%
Effective rate .....	13.2%

Under Flat Tax:

Personal allowance .....	\$12,500
Taxable income .....	\$37,500
Tax due under flat tax .....	<sup>1</sup> \$7,500
Effective rate .....	15.0%

<sup>1</sup> Increase of \$893.75

CASE #3—Married couple with no children, \$150,000 mortgage at 9%, yearly income \$75,000:

Under Current Law:

Income .....	\$75,000
Two personal exemptions .....	\$7,000
Home mortgage deduction .....	\$13,500
State & local taxes .....	\$3,000
Charitable deduction .....	\$1,500
Taxable income .....	\$50,000
Tax due under current rates .....	\$6,697.50
Marginal rate .....	15.00%
Effective tax rate .....	8.93%

Under Flat Tax:

Personal allowance .....	\$25,000
Home mortgage deduction .....	\$11,250
Charitable deduction .....	\$1,500
Taxable income .....	\$37,250
Tax due under flat tax .....	\$7,450
Effective tax rate .....	9.93%

<sup>1</sup> Increase of \$752.50

CASE #4—Married couple with three children, \$250,000 mortgage at 9%, yearly income \$125,000:

Under Current Law:

Income .....	\$125,000
Five personal exemptions .....	\$17,500
Home mortgage deduction .....	\$22,500
State & local taxes .....	\$5,000
Retirement fund deductions .....	\$6,000
Charitable deductions .....	\$2,500
Taxable income .....	\$71,500
Child Tax Credit .....	\$2,250

Tax due under current rates .....	\$8,312.50
Marginal rate .....	25.00%
Effective tax rate .....	6.65%

Under Flat Tax:

Personal allowance .....	\$25,000
Three dependents .....	\$18,750
Home mortgage deduction .....	\$11,250
Charitable deduction .....	\$2,500
Taxable income .....	\$67,500

Tax due under flat tax .....	\$13,500
Effective tax rate .....	10.8%

<sup>1</sup> Increase of \$5,187.50\*\*\*

## ANNUAL TAXES UNDER 20% FLAT TAX FOR MARRIED COUPLE WITH TWO CHILDREN FILING JOINTLY

Income	Home mortgage	Deductible mtg interest	Charitable contribution	Personal allowance (w/ children)	Taxable income	Effective tax rate (percent)	Taxes owed
\$30,000					0	0	None
30,000	\$60,000	\$5,400	\$600	\$30,000	0	0	None
40,000	80,000	7,200	800	30,000	\$2,000	1	\$400
40,000	100,000	9,000	1,000	30,000	10,000	4	2,000
50,000	120,000	9,000	1,200	30,000	19,800	6.6	3,960
60,000	140,000	9,000	1,400	30,000	29,600	8.6	5,920
70,000	160,000	9,000	1,600	30,000	39,400	9.9	7,880
80,000	180,000	9,000	1,800	30,000	49,200	10.9	9,840
90,000	200,000	9,000	2,000	30,000	59,000	11.8	11,800
100,000	220,000	9,000	2,200	30,000	68,800	12.8	13,760
125,000	250,000	9,000	2,500	30,000	83,500	13.4	16,700
150,000	300,000	9,000	2,500	30,000	108,500	14.5	21,700
200,000	400,000	9,000	2,500	30,000	158,500	15.9	31,700
250,000	500,000	9,000	2,500	30,000	208,500	16.7	41,700
500,000	1,000,000	9,000	2,500	30,000	458,500	18.3	91,700
1,000,000	2,000,000	9,000	2,500	30,000	958,500	19.2	191,700

\* Assumes home mortgage of twice annual income at a rate of 9% and charitable contributions up to 2% of annual income.

By Mr. UDALL, of New Mexico:  
S. 743. A bill to require air carriers to provide training for flight attendants and gate attendants regarding serving

alcohol, recognizing intoxicated passengers, and dealing with disruptive passengers, and for other purposes; to

the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce the



Airline Personnel Training Enhancement Act of 2009 and to ask for Senators' support for this important measure to improve safety in the air and on the ground.

The story of this legislation begins with a tragedy. On November 11, 2006, Paul and Renee Gonzales were driving back from a soccer tournament with four of their daughters. They were roughly 1 hour from their home in Las Vegas, NM, when they saw Dana Papst's vehicle. Papst had been driving on the wrong side of I-25 for about 5 miles before his car collided with the Gonzales's minivan at 60 to 75 miles per hour. Five of the six members of the Gonzales family were killed. Papst later died at the hospital.

I cannot say for certain whether this tragedy could have been prevented by a change in laws. But I do know this: A few hours before Dana Papst took six lives, including his own, he was flying back to Albuquerque after a business trip. On that flight, he was noticeably intoxicated. Yet he was served alcohol by airline personnel. When his truck collided with the Gonzales's minivan, his blood-alcohol level was four times the legal limit.

When I heard about Dana Papst and the Gonzales family, I began to look for legislation that could prevent tragedies like this in the future. I learned that under existing law, Papst should not have been served alcohol on his flight. In fact, somebody as drunk as Papst never should have been allowed on that flight. But airlines are not required to teach their personnel how to handle an intoxicated passenger.

To address this problem, I introduced the Airline Personnel Training Enhancement Act in the other body during the last Congress. I am introducing it again today.

This legislation requires air carriers to train their employees on recognizing and dealing with drunk or disruptive passengers. This training will help employees make informed decisions when allowing people to board flights, when deciding whether a passenger should be served alcohol, and when dealing with belligerent passengers. Many States require people who serve alcohol in restaurants and bars to be properly trained. This legislation simply closes a large and potentially deadly loophole. I hope it will lead to fewer deaths on our roads.

New Mexico, like so many other States, has too many crosses on its highways, too many stories of loss and regret. Drunk driving claimed 155 New Mexico lives the year Paul and Renee Gonzales were killed. It claimed 188 the year before, and 211 the year before that. We have the power to help reduce these numbers. I hope we will use it.

But my legislation is not just about drunk driving. As I began to study the training of airline personnel, I discovered a large and frightening threat to

the traveling public. Outbursts by belligerent passengers are more and more common. But airline personnel are rarely trained on how to handle these situations.

Incidents of "air rage" increased 400 percent since 2000. There are an estimated 10,000 cases each year in the United States alone. Airline security experts estimate that alcohol is the underlying cause of the majority of incidents. These incidents can pose a serious threat to passengers and personnel. In some cases, flights have been diverted from their destination in order to land where threatening passengers could be arrested.

Airline personnel are on the front line for ensuring flight safety. Gate attendants are in the best position to keep drunk or belligerent passengers off flights. Today, flight attendants are often the only personnel capable of maintaining order in a plane's cabin.

Before 9/11, a flight's captain or copilot would leave the cockpit to assist the flight crew when a passenger made threats or became abusive. Today, the cockpit door is locked for safety. Flight attendants have more responsibility for keeping passengers safe.

Unfortunately, airlines do not have to give their employees the skills to meet their responsibilities. One study found that "the lack of attention paid by the aviation community to the importance of the flight attendant's role in a commercial flight has led to recurring instances of abuse of cabin crew by passengers and the inability of the cabin crew to restrain violent passenger[s]. . . ."

The Airline Personnel Training Enhancement Act will help remedy this unsafe and unacceptable situation. This legislation is supported by the Association of Flight Attendants and Mothers Against Drunk Driving. It is also a commonsense response to a serious problem. It will make our skies and our roads safer. I hope Senators will support it.

#### SUBMITTED RESOLUTIONS DURING ADJOURNMENT OF THE SENATE

#### SENATE CONCURRENT RESOLUTION 13—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010, REVISING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEAR 2009, AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2011 THROUGH 2014

Mr. CONRAD from the Committee on the Budget; submitted the following concurrent resolution, which was placed on the calendar:

S. CON. RES. 13

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

#### TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.  
Sec. 102. Social Security.  
Sec. 103. Postal Service discretionary administrative expenses.

Sec. 104. Major functional categories.

#### TITLE II—RESERVE FUNDS

Sec. 201. Deficit-neutral reserve fund to transform and modernize America's health care system.

Sec. 202. Deficit-neutral reserve fund to invest in clean energy and preserve the environment.

Sec. 203. Deficit-neutral reserve fund for higher education.

Sec. 204. Deficit-neutral reserve fund for child nutrition and WIC.

Sec. 205. Deficit-neutral reserve fund for investments in America's infrastructure.

Sec. 206. Deficit-neutral reserve fund to promote economic stabilization and growth.

Sec. 207. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.

Sec. 208. Deficit-neutral reserve fund for judicial pay and judgeships and postal retiree assistance.

Sec. 209. Deficit-neutral reserve fund for defense acquisition and contracting reform.

Sec. 210. Deficit-neutral reserve fund for investments in our Nation's counties and schools.

Sec. 211. Deficit-neutral reserve fund for the Food and Drug Administration.

Sec. 212. Deficit neutral reserve fund for bipartisan congressional sunset commission.

Sec. 213. Deficit-neutral reserve fund to improve domestic fuels security.

Sec. 214. Deficit-neutral reserve fund for a comprehensive investigation into the current financial crisis.

Sec. 215. Deficit-neutral reserve fund for increased transparency at the Federal Reserve.

#### TITLE III—BUDGET PROCESS

##### Subtitle A—Budget Enforcement

Sec. 301. Discretionary spending limits, program integrity initiatives, and other adjustments.

Sec. 302. Point of order against advance appropriations.

Sec. 303. Emergency legislation.

Sec. 304. Point of order against legislation increasing short-term deficit.

Sec. 305. Point of order against provisions of appropriations legislation that constitute changes in mandatory programs affecting the Crime Victims Fund.

##### Subtitle B—Other Provisions

Sec. 311. Oversight of government performance.

Sec. 312. Budgetary treatment of certain discretionary administrative expenses.

Sec. 313. Application and effect of changes in allocations and aggregates.

Sec. 314. Adjustments to reflect changes in concepts and definitions.

Sec. 315. Debt disclosure requirement.

Sec. 316. Debt disclosures.

Sec. 317. Exercise of rulemaking powers.

# **TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

## **SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$1,506,196,000,000.  
Fiscal year 2010: \$1,620,072,000,000.  
Fiscal year 2011: \$1,918,926,000,000.  
Fiscal year 2012: \$2,123,586,000,000.  
Fiscal year 2013: \$2,286,601,000,000.  
Fiscal year 2014: \$2,489,829,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: -\$26,374,000,000.  
Fiscal year 2010: -\$45,914,000,000.  
Fiscal year 2011: -\$169,705,000,000.  
Fiscal year 2012: -\$236,806,000,000.  
Fiscal year 2013: -\$228,736,000,000.  
Fiscal year 2014: -\$143,829,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,668,049,000,000.  
Fiscal year 2010: \$2,853,966,000,000.  
Fiscal year 2011: \$2,799,858,000,000.  
Fiscal year 2012: \$2,812,313,000,000.  
Fiscal year 2013: \$2,990,082,000,000.  
Fiscal year 2014: \$3,164,644,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,355,533,000,000.  
Fiscal year 2010: \$2,981,026,000,000.  
Fiscal year 2011: \$2,937,215,000,000.  
Fiscal year 2012: \$2,856,956,000,000.  
Fiscal year 2013: \$3,003,162,000,000.  
Fiscal year 2014: \$3,152,972,000,000.

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: \$1,849,337,000,000.  
Fiscal year 2010: \$1,360,954,000,000.  
Fiscal year 2011: \$1,018,289,000,000.  
Fiscal year 2012: \$733,370,000,000.  
Fiscal year 2013: \$716,560,000,000.  
Fiscal year 2014: \$663,142,000,000.

(5) **PUBLIC DEBT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$12,067,919,000,000.  
Fiscal year 2010: \$13,298,235,000,000.  
Fiscal year 2011: \$14,394,517,000,000.  
Fiscal year 2012: \$15,303,842,000,000.  
Fiscal year 2013: \$16,175,508,000,000.  
Fiscal year 2014: \$17,022,970,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,754,355,000,000.  
Fiscal year 2010: \$8,817,043,000,000.  
Fiscal year 2011: \$9,702,393,000,000.  
Fiscal year 2012: \$10,345,439,000,000.  
Fiscal year 2013: \$10,919,379,000,000.  
Fiscal year 2014: \$11,471,742,000,000.

## **SEC. 102. SOCIAL SECURITY.**

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections

302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$653,117,000,000.  
Fiscal year 2010: \$668,208,000,000.  
Fiscal year 2011: \$694,864,000,000.  
Fiscal year 2012: \$726,045,000,000.  
Fiscal year 2013: \$766,065,000,000.  
Fiscal year 2014: \$802,166,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$513,029,000,000.  
Fiscal year 2010: \$544,140,000,000.  
Fiscal year 2011: \$564,523,000,000.  
Fiscal year 2012: \$586,897,000,000.  
Fiscal year 2013: \$612,017,000,000.  
Fiscal year 2014: \$639,054,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2009:  
(A) New budget authority, \$5,296,000,000.  
(B) Outlays, \$4,945,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$6,072,000,000.  
(B) Outlays, \$5,934,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$6,568,000,000.  
(B) Outlays, \$6,433,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$6,895,000,000.  
(B) Outlays, \$6,809,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$7,223,000,000.  
(B) Outlays, \$7,148,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$7,599,000,000.  
(B) Outlays, \$7,517,000,000.

## **SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.**

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2009:  
(A) New budget authority, \$253,000,000.  
(B) Outlays, \$253,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$262,000,000.  
(B) Outlays, \$262,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$267,000,000.  
(B) Outlays, \$267,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$272,000,000.  
(B) Outlays, \$272,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$277,000,000.  
(B) Outlays, \$277,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$283,000,000.  
(B) Outlays, \$283,000,000.

## **SEC. 104. MAJOR FUNCTIONAL CATEGORIES.**

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2014 for each major functional category are:

(1) **National Defense (050):**  
Fiscal year 2009:  
(A) New budget authority, \$693,557,000,000.  
(B) Outlays, \$671,725,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$691,703,000,000.

(B) Outlays, \$695,628,000,000.

Fiscal year 2011:

(A) New budget authority, \$619,767,000,000.

(B) Outlays, \$662,705,000,000.

Fiscal year 2012:

(A) New budget authority, \$628,785,000,000.

(B) Outlays, \$642,223,000,000.

Fiscal year 2013:

(A) New budget authority, \$639,535,000,000.

(B) Outlays, \$641,425,000,000.

Fiscal year 2014:

(A) New budget authority, \$653,458,000,000.

(B) Outlays, \$646,834,000,000.

(2) **International Affairs (150):**

Fiscal year 2009:

(A) New budget authority, \$55,333,000,000.

(B) Outlays, \$38,011,000,000.

Fiscal year 2010:

(A) New budget authority, \$46,670,000,000.

(B) Outlays, \$46,960,000,000.

Fiscal year 2011:

(A) New budget authority, \$48,192,000,000.

(B) Outlays, \$49,936,000,000.

Fiscal year 2012:

(A) New budget authority, \$50,429,000,000.

(B) Outlays, \$51,181,000,000.

Fiscal year 2013:

(A) New budget authority, \$53,332,000,000.

(B) Outlays, \$52,292,000,000.

Fiscal year 2014:

(A) New budget authority, \$55,996,000,000.

(B) Outlays, \$53,111,000,000.

(3) **General Science, Space, and Technology (250):**

Fiscal year 2009:

(A) New budget authority, \$35,389,000,000.

(B) Outlays, \$30,973,000,000.

Fiscal year 2010:

(A) New budget authority, \$31,139,000,000.

(B) Outlays, \$32,467,000,000.

Fiscal year 2011:

(A) New budget authority, \$33,993,000,000.

(B) Outlays, \$33,032,000,000.

Fiscal year 2012:

(A) New budget authority, \$35,008,000,000.

(B) Outlays, \$33,749,000,000.

Fiscal year 2013:

(A) New budget authority, \$35,557,000,000.

(B) Outlays, \$34,971,000,000.

Fiscal year 2014:

(A) New budget authority, \$36,211,000,000.

(B) Outlays, \$36,066,000,000.

(4) **Energy (270):**

Fiscal year 2009:

(A) New budget authority, \$43,919,000,000.

(B) Outlays, \$2,952,000,000.

Fiscal year 2010:

(A) New budget authority, \$4,489,000,000.

(B) Outlays, \$6,210,000,000.

Fiscal year 2011:

(A) New budget authority, \$4,404,000,000.

(B) Outlays, \$8,906,000,000.

Fiscal year 2012:

(A) New budget authority, \$4,427,000,000.

(B) Outlays, \$10,341,000,000.

Fiscal year 2013:

(A) New budget authority, \$4,619,000,000.

(B) Outlays, \$5,613,000,000.

Fiscal year 2014:

(A) New budget authority, \$4,540,000,000.

(B) Outlays, \$484,000,000.

(5) **Natural Resources and Environment (300):**

Fiscal year 2009:

(A) New budget authority, \$56,009,000,000.

(B) Outlays, \$36,834,000,000.

Fiscal year 2010:

(A) New budget authority, \$37,387,000,000.

(B) Outlays, \$40,450,000,000.

Fiscal year 2011:

(A) New budget authority, \$37,914,000,000.

(B) Outlays, \$39,868,000,000.

Fiscal year 2012:

(A) New budget authority, \$38,376,000,000.

- (B) Outlays, \$39,419,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$38,256,000,000.  
(B) Outlays, \$38,883,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$38,602,000,000.  
(B) Outlays, \$38,788,000,000.  
(6) Agriculture (350):  
Fiscal year 2009:  
(A) New budget authority, \$24,974,000,000.  
(B) Outlays, \$23,070,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$23,620,000,000.  
(B) Outlays, \$23,881,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$24,602,000,000.  
(B) Outlays, \$23,914,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$21,500,000,000.  
(B) Outlays, \$17,410,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$22,295,000,000.  
(B) Outlays, \$21,877,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$22,920,000,000.  
(B) Outlays, \$21,906,000,000.  
(7) Commerce and Housing Credit (370):  
Fiscal year 2009:  
(A) New budget authority, \$694,439,000,000.  
(B) Outlays, \$665,437,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$61,113,000,000.  
(B) Outlays, \$85,818,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$25,931,000,000.  
(B) Outlays, \$37,798,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$9,305,000,000.  
(B) Outlays, \$8,400,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$16,985,000,000.  
(B) Outlays, \$5,329,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$10,958,000,000.  
(B) Outlays, -\$2,762,000,000.  
(8) Transportation (400):  
Fiscal year 2009:  
(A) New budget authority, \$122,457,000,000.  
(B) Outlays, \$87,784,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$75,246,000,000.  
(B) Outlays, \$95,695,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$75,301,000,000.  
(B) Outlays, \$96,147,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$75,885,000,000.  
(B) Outlays, \$95,184,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$75,758,000,000.  
(B) Outlays, \$95,017,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$75,642,000,000.  
(B) Outlays, \$94,972,000,000.  
(9) Community and Regional Development (450):  
Fiscal year 2009:  
(A) New budget authority, \$23,811,000,000.  
(B) Outlays, \$29,983,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$16,308,000,000.  
(B) Outlays, \$28,921,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$16,152,000,000.  
(B) Outlays, \$25,563,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$16,194,000,000.  
(B) Outlays, \$22,254,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$16,043,000,000.  
(B) Outlays, \$19,633,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$16,068,000,000.  
(B) Outlays, \$17,870,000,000.  
(10) Education, Training, Employment, and Social Services (500):  
Fiscal year 2009:  
(A) New budget authority, \$164,276,000,000.  
(B) Outlays, \$73,219,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$94,430,000,000.  
(B) Outlays, \$140,624,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$107,858,000,000.  
(B) Outlays, \$141,412,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$117,121,000,000.  
(B) Outlays, \$118,480,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$115,931,000,000.  
(B) Outlays, \$118,911,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$125,788,000,000.  
(B) Outlays, \$120,959,000,000.  
(11) Health (550):  
Fiscal year 2009:  
(A) New budget authority, \$380,158,000,000.  
(B) Outlays, \$354,397,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$383,911,000,000.  
(B) Outlays, \$388,746,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$363,906,000,000.  
(B) Outlays, \$367,276,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$368,156,000,000.  
(B) Outlays, \$367,505,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$387,170,000,000.  
(B) Outlays, \$382,555,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$396,523,000,000.  
(B) Outlays, \$397,351,000,000.  
(12) Medicare (570):  
Fiscal year 2009:  
(A) New budget authority, \$427,076,000,000.  
(B) Outlays, \$426,736,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$442,823,000,000.  
(B) Outlays, \$442,954,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$487,508,000,000.  
(B) Outlays, \$487,326,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$491,844,000,000.  
(B) Outlays, \$491,616,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$539,711,000,000.  
(B) Outlays, \$539,862,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$592,893,000,000.  
(B) Outlays, \$592,733,000,000.  
(13) Income Security (600):  
Fiscal year 2009:  
(A) New budget authority, \$520,123,000,000.  
(B) Outlays, \$503,020,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$534,689,000,000.  
(B) Outlays, \$538,604,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$507,482,000,000.  
(B) Outlays, \$510,762,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$450,081,000,000.  
(B) Outlays, \$450,806,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$454,160,000,000.  
(B) Outlays, \$453,932,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$454,931,000,000.  
(B) Outlays, \$453,726,000,000.  
(14) Social Security (650):  
Fiscal year 2009:  
(A) New budget authority, \$31,820,000,000.  
(B) Outlays, \$31,264,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$20,255,000,000.  
(B) Outlays, \$20,378,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$23,380,000,000.  
(B) Outlays, \$23,513,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$26,478,000,000.  
(B) Outlays, \$26,628,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$29,529,000,000.  
(B) Outlays, \$29,679,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$32,728,000,000.  
(B) Outlays, \$32,728,000,000.  
(15) Veterans Benefits and Services (700):  
Fiscal year 2009:  
(A) New budget authority, \$97,705,000,000.  
(B) Outlays, \$94,831,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$106,357,000,000.  
(B) Outlays, \$105,460,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$112,806,000,000.  
(B) Outlays, \$112,355,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$108,643,000,000.  
(B) Outlays, \$108,048,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$113,722,000,000.  
(B) Outlays, \$113,071,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$115,929,000,000.  
(B) Outlays, \$115,388,000,000.  
(16) Administration of Justice (750):  
Fiscal year 2009:  
(A) New budget authority, \$55,783,000,000.  
(B) Outlays, \$49,853,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$52,857,000,000.  
(B) Outlays, \$51,630,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$52,061,000,000.  
(B) Outlays, \$54,110,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$51,866,000,000.  
(B) Outlays, \$53,726,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$51,651,000,000.  
(B) Outlays, \$52,678,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$51,488,000,000.  
(B) Outlays, \$51,635,000,000.  
(17) General Government (800):  
Fiscal year 2009:  
(A) New budget authority, \$30,405,000,000.  
(B) Outlays, \$24,629,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$22,321,000,000.  
(B) Outlays, \$23,021,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$22,477,000,000.  
(B) Outlays, \$23,322,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$22,707,000,000.  
(B) Outlays, \$23,806,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$22,437,000,000.  
(B) Outlays, \$23,252,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$22,808,000,000.  
(B) Outlays, \$23,109,000,000.  
(18) Net Interest (900):  
Fiscal year 2009:  
(A) New budget authority, \$289,021,000,000.  
(B) Outlays, \$289,021,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$284,558,000,000.  
(B) Outlays, \$284,558,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$323,794,000,000.  
(B) Outlays, \$323,794,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$387,620,000,000.  
(B) Outlays, \$387,620,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$470,073,000,000.

(B) Outlays, \$470,073,000,000.

Fiscal year 2014:

(A) New budget authority, \$557,326,000,000.

(B) Outlays, \$557,326,000,000.

(19) Allowances (920):

Fiscal year 2009:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2010:

(A) New budget authority, -\$7,466,000,000.

(B) Outlays, -\$2,536,000,000.

Fiscal year 2011:

(A) New budget authority, -\$16,016,000,000.

(B) Outlays, -\$12,873,000,000.

Fiscal year 2012:

(A) New budget authority, -\$17,492,000,000.

(B) Outlays, -\$16,820,000,000.

Fiscal year 2013:

(A) New budget authority, -\$19,097,000,000.

(B) Outlays, -\$18,307,000,000.

Fiscal year 2014:

(A) New budget authority, -\$20,674,000,000.

(B) Outlays, -\$19,758,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2009:

(A) New budget authority, -\$78,206,000,000.

(B) Outlays, -\$78,206,000,000.

Fiscal year 2010:

(A) New budget authority, -\$68,444,000,000.

(B) Outlays, -\$68,444,000,000.

Fiscal year 2011:

(A) New budget authority, -\$71,653,000,000.

(B) Outlays, -\$71,653,000,000.

Fiscal year 2012:

(A) New budget authority, -\$74,620,000,000.

(B) Outlays, -\$74,620,000,000.

Fiscal year 2013:

(A) New budget authority, -\$77,585,000,000.

(B) Outlays, -\$77,585,000,000.

Fiscal year 2014:

(A) New budget authority, -\$79,491,000,000.

(B) Outlays, -\$79,491,000,000.

## TITLE II—RESERVE FUNDS

### SEC. 201. DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.

(a) TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution, and make adjustments to the pay-as-you-go ledger that are deficit-neutral over 11 years, for one or more bills, joint resolutions, amendments, motions, or conference reports that are deficit-neutral, reduce excess cost growth in health care spending and are fiscally sustainable over the long term, and—

(1) protect families' financial health including restraining the growth of health premiums and other health-related costs;

(2) make health coverage affordable to businesses, households, and governments, including by reducing wasteful and inefficient spending in the health care system with periodic reports on savings achieved through these efforts, and by moving forward with improvements to the health care delivery system, including Medicare;

(3) aim for universality of health coverage;

(4) provide portability of coverage and assurance of coverage with appropriate consumer protections;

(5) guarantee choice of health plans and health care providers to Americans;

(6) invest in prevention and wellness and address issues of health disparities;

(7) improve patient safety and quality care, including the appropriate use of health information technology and health data, and promote transparency in cost and quality information to Americans; or

(8) maintain long-term fiscal sustainability and pays for itself by reducing health

care cost growth, improving productivity, or dedicating additional sources of revenue; by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2019.

(b) OTHER REVISIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) increase the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that include financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures;

(2) include measures to encourage physicians to train in primary care residencies and ensure an adequate supply of residents and physicians; or

(3) improve the Medicare program for beneficiaries and protect access to outpatient therapy services (including physical therapy, occupational therapy, and speech-language pathology services) through measures such as repealing the current outpatient therapy caps while protecting beneficiaries from associated premium increases; by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

### SEC. 202. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT.

(a) INVESTING IN CLEAN ENERGY AND PRESERVING THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce our Nation's dependence on imported energy, produce green jobs, promote renewable energy development, create a clean energy investment fund, improve electricity transmission, encourage conservation and efficiency, make improvements to the Low Income Home Energy Assistance Program, implement water settlements, or preserve or protect public lands, oceans or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

(b) CLIMATE CHANGE LEGISLATION.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would invest in clean energy technology initiatives, decrease greenhouse gas emissions, or help families, workers, communities, and businesses make the transition to a clean energy economy, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

### SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make higher education more accessible and affordable, which may include legislation to expand and strengthen student aid, such as Pell Grants, or increase college enrollment and completion rates for low-income students, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

### SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD NUTRITION AND WIC.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reauthorize child nutrition programs or the Special Supplemental Nutrition Program for Women, Infants, and Children (the WIC program), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

### SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

(a) INFRASTRUCTURE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust Federal investment in America's infrastructure, which may include projects for public housing, energy, water, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) SURFACE TRANSPORTATION.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide new budget authority for surface transportation programs to the extent such new budget authority is offset by an increase in receipts to the Highway Trust Fund (excluding transfers from the general fund of the Treasury into the Highway Trust Fund not offset by a similar increase in receipts), provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) MULTIMODAL TRANSPORTATION PROJECTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more

bills, joint resolutions, amendments, motions, or conference reports that would authorize multimodal transportation projects that—

(1) provide a set of performance measures; (2) require a cost-benefit analysis be conducted to ensure accountability and overall project goals are met; and

(3) provide flexibility for States, cities, and localities to create strategies that meet the needs of their communities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SEC. 206. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE ECONOMIC STABILIZATION AND GROWTH.**

(a) **MANUFACTURING.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize and strengthen the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal Government, by increasing efforts to train and retrain manufacturing workers, by enhancing workers' technical skills in the use of the new advanced manufacturing technologies to produce competitive energy efficient products, by increasing support for the redevelopment of closed manufacturing plants, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies such as advanced batteries, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **TAX RELIEF.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including but not limited to extensions of expiring and expired tax relief or refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) **TAX REFORM.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reform the Internal Revenue Code to ensure a sustainable revenue base that would lead to a fairer and more efficient tax system and to a more competitive business environment for United States enterprises, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of

the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(d) **FLOOD INSURANCE REFORM.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(e) **TRADE.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to trade by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(f) **HOUSING ASSISTANCE.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance and assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(g) **UNEMPLOYMENT MITIGATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which reduce the unemployment rate or provide assistance to the unemployed, particularly in the states and localities with the highest rates of unemployment, or improve the implementation of the unemployment compensation program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the number of disabled military retirees who receive both disability compensation and retired pay, accelerate the phase-in of concurrent receipt, eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation, or expand veterans' benefits (including for veterans living in rural areas), by the amounts provided in such leg-

islation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS AND POSTAL RETIREE ASSISTANCE.**

(a) **JUDICIAL PAY AND JUDGESHIPS.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States, or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **POSTAL RETIREES.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to adjustments to funding for postal retiree health coverage, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SEC. 209. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND CONTRACTING REFORM.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(2) reduce the use of no-bid and cost-plus contracts; or

(3) reform Department of Defense processes for acquiring weapons systems in order to reduce costs, improve cost and schedule estimation, enhance developmental testing of weapons, or increase the rigor of reviews of programs that experience critical cost growth;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SEC. 210. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN OUR NATION'S COUNTIES AND SCHOOLS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106-393) or make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94-565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SEC. 211. DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION.**

(a) **REGULATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that authorize the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **DRUG IMPORTATION.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that permit the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SEC. 212. DEFICIT NEUTRAL RESERVE FUND FOR BIPARTISAN CONGRESSIONAL SUNSET COMMISSION.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provide for a bipartisan congressional sunset commission, that will review Federal programs, focusing on unauthorized and nonperforming programs;

(2) provide for a process that will help abolish obsolete and duplicative Federal programs;

(3) provide for improved government accountability and greater openness in Government decisionmaking; and

(4) provide for a process that ensures that Congress will consider the commission's reports and recommendations; by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SEC. 213. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE DOMESTIC FUELS SECURITY.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to achieve domestic fuels security by authorizing the Department of Defense to procure alternative fuels from domestic sources under contracts for up to 20 years, provided that such procurement is consistent with section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140) and provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2009

through 2014 or the period of the total of fiscal years 2009 through 2019.

**SEC. 214. DEFICIT-NEUTRAL RESERVE FUND FOR A COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for a comprehensive investigation to determine the cause of the current financial crisis, hold those responsible accountable, and provide recommendations to prevent another financial crisis of this magnitude from occurring again by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SEC. 215. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED TRANSPARENCY AT THE FEDERAL RESERVE.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase transparency at the Federal Reserve System, including audits of the Board of Governors of the Federal Reserve System and the Federal reserve banks and increased public disclosure with respect to the recipients of all loans and other financial assistance it has provided since March 24, 2008, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**TITLE III—BUDGET PROCESS****Subtitle A—Budget Enforcement****SEC. 301. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.**

(a) **SENATE POINT OF ORDER.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

(A) **WAIVER.**—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) **SENATE DISCRETIONARY SPENDING LIMITS.**—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2009, \$1,391,471,000,000 in new budget authority and \$1,220,843,000,000 in outlays; and

(2) for fiscal year 2010, \$1,079,050,000,000 in new budget authority and \$1,268,104,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) **ADJUSTMENTS IN THE SENATE.**—

(1) **IN GENERAL.**—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) **MATTERS DESCRIBED.**—Matters referred to in paragraph (1) are as follows:

(A) **CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$273,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to \$485,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$485,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(B) **INTERNAL REVENUE SERVICE TAX ENFORCEMENT.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$7,100,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to \$890,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$890,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(C) **HEALTH CARE FRAUD AND ABUSE CONTROL.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to \$311,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$311,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(D) **UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.**—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates \$10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an



additional appropriation of up to \$50,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$50,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(E) REDUCING WASTE IN DEFENSE CONTRACTING.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to \$100,000,000 to the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting or to enhance the capability of the defense acquisition or contracting workforce to save taxpayer resources, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed \$100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(3) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS CONTINGENCY OPERATIONS.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports; making appropriations for fiscal year 2010 for overseas contingency operations by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to \$130,000,000,000 in budget authority for fiscal year 2010 and the new outlays flowing therefrom.

(4) REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.—

(A) IN GENERAL.—If after adoption of this resolution by the Congress, the Congressional Budget Office (CBO) re-estimates the President's request for discretionary spending in fiscal year 2010 at an aggregate level different from the CBO preliminary estimate dated March 20, 2009, the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the amount of budget authority and outlays flowing therefrom, to reflect the difference between such re-estimate and the CBO preliminary estimate dated March 20, 2009.

(B) SUBALLOCATIONS.—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

#### SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first becomes available for any fiscal year after 2011.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

#### SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement,

pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 301 and 304 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case

may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **CRITERIA.**—

(1) **IN GENERAL.**—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) **UNFORESEEN.**—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) **INAPPLICABILITY.**—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

**SEC. 304. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of \$10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) **SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.**—

(1) **WAIVER.**—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) **DETERMINATIONS OF BUDGET LEVELS.**—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) **SUNSET.**—This section shall expire on September 30, 2018.

(e) **INAPPLICABILITY.**—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

**SEC. 305. POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS AFFECTING THE CRIME VICTIMS FUND.**

(a) **IN GENERAL.**—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision or provisions affecting the Crime Victims Fund, as defined by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601), which constitutes a change in a mandatory program that would have been estimated as affecting direct spending or receipts under

section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (d) and (e).

(b) **DETERMINATION.**—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) **GENERAL POINT OF ORDER.**—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(e) **FORM OF THE POINT OF ORDER.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

**Subtitle B—Other Provisions**

**SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.**

In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability

Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

**SEC. 312. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.**

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

**SEC. 313. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.**

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

**SEC. 314. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.**

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

**SEC. 315. DEBT DISCLOSURE REQUIREMENT.**

(a) **IN GENERAL.**—It shall not be in order to consider a budget resolution in the Senate unless it contains a debt disclosure section including all, and only, the following disclosures regarding debt:

**“SEC. \_\_. DEBT DISCLOSURES.**

“(a) **IN GENERAL.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by \$\_\_\_\_\_ from the current year, fiscal year 20\_\_\_\_, to the fifth year of the budget window, fiscal year 20\_\_\_\_.

“(b) **PER PERSON.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by \$\_\_\_\_\_ on every United States citizen from the current year, fiscal year 20\_\_\_\_ to the fifth year of the budget window, fiscal year 20\_\_\_\_.

“(c) **SOCIAL SECURITY.**—The levels assumed in this budget resolution project that

\$\_\_\_\_\_ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20\_\_\_\_ through 20\_\_\_\_, on things other than Social Security.”.

(b) **SOCIAL SECURITY.**—If any portion of the Social Security surplus is projected to be spent in any year or the gross Federal debt in the fifth year of the budget window is greater than the gross debt projected for the current year, as described in section 101(5) of this resolution, the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security Trust Fund to be spent on other functions of Government even as the baby boom generation retires, program costs are projected to rise dramatically, the debt owed to Social Security is about to come due, and the Trust Fund is projected to go insolvent.

(c) **DEFINITIONS.**—In this section, the term “gross Federal debt” means the nominal levels of (or changes in the levels of) gross Federal debt (debt subject to limit as set forth in section 101(5) of this resolution) measured at the end of each fiscal year during the period of the budget, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.

#### SEC. 316. DEBT DISCLOSURES.

(a) **IN GENERAL.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by \$4,960,000,000,000 from the current year, fiscal year 2009, to the fifth year of the budget window, fiscal year 2014.

(b) **PER PERSON.**—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by \$16,200 on every United States citizen from the current year, fiscal year 2009, to the fifth year of the budget window, fiscal year 2014.

(c) **SOCIAL SECURITY.**—The levels assumed in this budget resolution project that \$700,000,000,000 of the Social Security surplus will be spent over the 5-year budget window, fiscal years 2010 through 2014, on things other than Social Security.

#### SEC. 317. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 89—EX-PRESSING SUPPORT FOR DESIGNATION OF A “WELCOME HOME VIETNAM VETERANS DAY”

Mr. BURR (for himself, Mrs. BOXER, Ms. MURKOWSKI, Mr. HATCH, Mrs. SHAHEEN, Mr. INHOFE, Mr. WICKER, Mr. ROBERTS, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 89

Whereas the Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with United States Armed Forces and South Vietnam;

Whereas the United States became involved in Vietnam because policy-makers in the United States believed that if the Government of South Vietnam fell to a communist government then communism would spread throughout the rest of Southeast Asia;

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of South Vietnam in 1961;

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which effectively handed over war-making powers to President Johnson until such time as “peace and security” had returned to Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969 a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were caught upon their return home in the crossfire of public debate about the involvement of the United States in the Vietnam War;

Whereas the establishment of a “Welcome Home Vietnam Veterans Day” would be an appropriate way to honor those members of the United States Armed Forces who served in Vietnam during the Vietnam War; and

Whereas March 30, 2009, would be an appropriate day to establish as “Welcome Home Vietnam Veterans Day”: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam; and

(2) encourages the people of the United States to observe “Welcome Home Vietnam Veterans Day” with appropriate ceremonies and activities that promote awareness of the contributions of veterans who served in the United States Armed Forces in Vietnam and the importance of helping such veterans readjust to civilian life.

#### SENATE RESOLUTION 90—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE FIFTH SUMMIT OF THE AMERICAS, HELD IN PORT OF SPAIN, TRINIDAD AND TOBAGO, APRIL 17, 18, AND 19, 2009

Mr. KERRY (for himself, Mr. LUGAR, Mr. DODD, Mr. MENENDEZ, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 90

Whereas the First Summit of the Americas, held in December 1994 in Miami, Florida, resulted in a comprehensive Plan of Action, issued by the region's democracies, which included initiatives on strengthening democracy, promoting human rights, combating corruption, furthering sustainable economic development, encouraging environmental conservation, and committing to access to universal basic education and health care throughout the Americas;

Whereas 3 Summits of the Americas and 2 Special Summits of the Americas have been convened since 1994, resulting in additional initiatives on sustainable development, strengthening democratic practices and good governance, the environment, economic relations, combating HIV/AIDS and other diseases, and numerous other areas of mutual interest and shared responsibility throughout the Western Hemisphere;

Whereas on July 21, 2008, the Draft Declaration of Commitment by the Summit Implementation Review Group proposed an agenda for the Fifth Summit of the Americas to discuss promoting human prosperity, energy security, environmental sustainability, public security, democratic governance, and the Summit's implementation and review process; and

Whereas on February 10, 2009, President Barack Obama stated that he would attend the Fifth Summit of the Americas to “create the kind of partnership based on respect that the people of Latin America are looking for and that will be beneficial to the United States”: Now, therefore, be it

*Resolved*, That it is the sense of the Senate—

(1) to express support for the Fifth Summit of the Americas as an effective multilateral forum, convened in the spirit of cooperation and partnership for the 34 democratically elected heads of state of the region to address shared challenges and foster collaboration throughout the Western Hemisphere;

(2) that the Fifth Summit provides the United States with an early opportunity to reinvigorate and strengthen its engagement with the countries of the Western Hemisphere, especially in—

(A) finding common solutions to the global economic crisis;

(B) promoting energy security; and

(C) combating threats to public and personal security, including threats from terrorism, international narcotics cartels, and organized criminal groups;

(3) that the United States is prepared to work with the countries of the Western Hemisphere on advancing an agenda of human prosperity, including—

(A) encouraging multilateral development institutions to invest in micro- to medium-sized enterprises;

(B) continuing the fight against HIV/AIDS, vector-borne, and noncommunicable diseases;

(C) raising the standard of living of the people in the region who currently live in poverty;

(D) eradicating child labor;

(E) recommitting to the Millennium Development Goals; and

(F) supporting investment in public health and education throughout the Western Hemisphere;

(4) that the United States should use the Fifth Summit of the Americas to strengthen cooperation by working with other nations to formulate and implement a regional energy strategy to promote—

(A) increased technology and information sharing;

(B) regulatory harmonization;

(C) integration; and

(D) renewable and alternative energy sources;

(5) to welcome civil society and nongovernmental organizations at the Fifth Summit, and to encourage their observation and active participation in the Summit's decision-making process to strengthen democratic governance, the rule of law, freedom of the press, and civil society in the Western Hemisphere; and

(6) to set achievable and measurable goals, based on areas of consensus, and to strengthen followup mechanisms to review the implementation, reporting, and progress of Summit initiatives.

#### SENATE RESOLUTION 91—CALLING ON THE CONSUMER PRODUCT SAFETY COMMISSION, THE SECRETARY OF THE TREASURY, AND THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT TO TAKE ACTION ON ISSUES RELATING TO DRYWALL IMPORTED FROM CHINA

Mr. NELSON of Florida (for himself and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

##### S. RES. 91

Whereas between 2006 and late 2007, more than 550,000,000 pounds of drywall and associated building materials were imported from China to the United States;

Whereas not less than 300,000,000 pounds of drywall were imported from China to the State of Florida, enough to build approximately 36,000 homes;

Whereas not less than 60,000,000 pounds of drywall were imported from China to the State of Louisiana, enough to build approximately 7,000 homes;

Whereas media reports indicate that drywall imported from China was also used in homes in no fewer than 10 other States, including Georgia, Mississippi, North Carolina, South Carolina, Texas, and Virginia;

Whereas testing by officials of the State of Florida found that drywall imported from China contains potentially hazardous levels of strontium sulfide, which, when exposed to moisture and humidity, can release hydrogen sulfide into the air;

Whereas emissions from drywall imported from China have caused substantial safety hazards in homes containing such drywall, including corrosion in electrical wiring, which can result in a fire hazard, failure of air conditioning units, and the failure of other household electrical products; and

Whereas preliminary testing shows that the drywall may also be responsible for certain health hazards: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Consumer Product Safety Commission should—

(A) initiate a formal proceeding to investigate drywall imported from China during the period from 2004 through 2007;

(B) prohibit the further importation of drywall and associated building products from China;

(C) order a recall of hazardous Chinese drywall; and

(D) use its existing authority under the Consumer Product Safety Improvement Act of 2008 (Public Law 110-314; 122 Stat. 3016) and the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) to seek civil penalties against the drywall manufacturers in China that produced or distributed hazardous drywall and their subsidiaries in the United States to cover the cost of the recall effort and other associated remediation efforts; and

(2) the Secretary of the Treasury and the Secretary of Housing and Urban Development should—

(A) use all available measures, including civil forfeiture authority, to ensure that the costs of homeowner assistance efforts are borne by the drywall manufacturers in China that produced or distributed hazardous drywall and their subsidiaries in the United States and not by the taxpayers of the United States; and

(B) develop meaningful Federal tax incentives to help offset the expense of costly drywall repairs for struggling homeowners already suffering from depressed home values and negative economic conditions.

#### SENATE CONCURRENT RESOLUTION 14—SUPPORTING THE LOCAL RADIO FREEDOM ACT

Mrs. LINCOLN (for herself and Mr. BARRASSO) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

##### S. CON. RES. 14

Whereas the United States enjoys broadcasting and sound recording industries that are the envy of the world, due to the symbiotic relationship that has existed among these industries for many decades;

Whereas, for more than 80 years, Congress has rejected repeated calls by the recording industry to impose a performance fee on local radio stations for simply playing music on the radio and upsetting the mutually beneficial relationship between local radio and the recording industry;

Whereas local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions, and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise;

Whereas Congress found that “the sale of many sound recordings and the careers of many performers benefited considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting”;

Whereas local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times

of national emergencies and natural disasters, such as September 11th and Hurricanes Katrina and Rita, as well as public affairs programming, sports, and hundreds of millions of dollars of time for public service announcements and local fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee;

Whereas there are many thousands of local radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

Whereas the hardship that would result from a new performance fee would hurt American businesses, and ultimately the American consumers who rely on local radio for news, weather, and entertainment, and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress should not impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over the air, or on any business for such public performance of sound recordings.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 730. Mr. REID (for himself, Mr. ENSIGN, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table.

SA 731. Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 732. Mr. KERRY (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 733. Mr. CRAPO (for himself, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBACK, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 734. Mr. CRAPO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 735. Mr. JOHANNES proposed an amendment to the concurrent resolution S. Con. Res. 13, supra.

SA 736. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 737. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 738. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 730.** Mr. REID (for himself, Mr. ENSIGN, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of Title II, insert the following:  
**SEC. \_\_\_\_ . RESERVE FUND TO PROMOTE TAX EQUITY FOR STATES WITHOUT PERSONAL INCOME TAXES.**

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the permanent extension of the deduction for state and local sales taxes, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 731.** Mr. THUNE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 33, line 21, after "economy," insert "without increasing electricity or gasoline prices,".

**SA 732.** Mr. KERRY (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 10, line 20, increase the amount by \$4,000,000,000.

On page 10, line 21, increase the amount by \$1,896,000,000.

On page 10, line 25, increase the amount by \$1,104,000,000.

On page 11, line 4, increase the amount by \$476,000,000.

On page 11, line 8, increase the amount by \$272,000,000.

On page 11, line 12, increase the amount by \$116,000,000.

On page 27, line 23, decrease the amount by \$4,000,000,000.

On page 27, line 24, decrease the amount by \$1,896,000,000.

On page 28, line 3, decrease the amount by \$1,104,000,000.

On page 28, line 7, decrease the amount by \$476,000,000.

On page 28, line 11, decrease the amount by \$272,000,000.

On page 28, line 15, decrease the amount by \$116,000,000.

**SA 733.** Mr. CRAPO (for himself, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBAC, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2 \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR INNOVATIVE LOAN GUARANTEE PROGRAM OF THE DEPARTMENT OF ENERGY.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes an additional \$50,000,000,000 for use to provide loan guarantees for eligible projects under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 734.** Mr. CRAPO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2 \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR NUCLEAR RESEARCH AND DEVELOPMENT.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes nuclear research and development activities, including the Generation IV program, the Advanced Fuel Cycle Initiative, and the Light Water Reactor Sustainability program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 735.** Mr. JOHANNIS proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the

congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

Section 202 is amended by inserting at the end the following: "(c) The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974."

**SA 736.** Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after "economy," insert "without causing significant job loss in regions of the United States vulnerable to manufacturing or energy-intensive job loss such as the coal-dependent Midwest, Great Plains and South,".

**SA 737.** Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after "economy," insert "without increasing fertilizer, diesel, gasoline, electricity or natural gas prices,".

**SA 738.** Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after "economy," insert "without increasing residential retail electricity, natural gas or home heating oil prices,".

## NOTICE OF HEARING

## COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 2, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on the following bills: S. 313, White Mountain

Apache Tribe Water Right Quantification Act, S. 443, the Hoh Indian Tribe Safe Homelands Act, S. 633, the Tribal Health Promotion and Tribal Colleges and Universities Advancement Act, and H.R. 326, the Cocopah Lands Act.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

#### PRIVILEGES OF THE FLOOR

Mr. CONRAD. Mr. President, I ask unanimous consent that Michael Feldman, a congressional fellow on the Budget Committee, be granted the privilege of the floor for the duration of the consideration of S. Con. Res. 13.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that Democratic Budget Committee staff members John Righter, Steve Posner, Joel Friedman, and Republican Budget Committee staff members Jim Hearn, David Fisher, and Jim Carter be granted floor privileges and floor passes during the consideration of S. Con. Res. 13.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GREENSBURG, KANSAS RECOVERY EXTENSION ACT

Mr. CONRAD. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 681 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 681) to provide for special rules relating to assistance concerning the Greensburg, Kansas tornado.

There being no objection, the Senate proceeded to consider the bill.

Mr. CONRAD. Mr. President, I ask unanimous consent that the bill be read a third time and passed, a motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 681) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 681

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Greensburg, Kansas Recovery Extension Act".

#### SEC. 2. AVAILABILITY OF FUNDS TO ADDRESS GREENSBURG, KANSAS TORNADO.

Notwithstanding any other provision of law, in the case of any national emergency

grant that was made under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to address the effects of the May 4, 2007, Greensburg, Kansas tornado, funds made available for such grant shall remain available for expenditure through June 30, 2010.

#### WELCOME HOME VIETNAM VETERANS DAY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 89 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 89) expressing support for designation of a "Welcome Home Vietnam Veterans Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. CONRAD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 89) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 89

Whereas the Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with United States Armed Forces and South Vietnam;

Whereas the United States became involved in Vietnam because policy-makers in the United States believed that if the Government of South Vietnam fell to a communist government then communism would spread throughout the rest of Southeast Asia;

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of South Vietnam in 1961;

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which effectively handed over war-making powers to President Johnson until such time as "peace and security" had returned to Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969 a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat troops from Vietnam;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were caught upon their return home in the crossfire of public debate about the involvement of the United States in the Vietnam War;

Whereas the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in Vietnam during the Vietnam War; and

Whereas March 30, 2009, would be an appropriate day to establish as "Welcome Home Vietnam Veterans Day": Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam; and

(2) encourages the people of the United States to observe "Welcome Home Vietnam Veterans Day" with appropriate ceremonies and activities that promote awareness of the contributions of veterans who served in the United States Armed Forces in Vietnam and the importance of helping such veterans readjust to civilian life.

#### ORDERS FOR TUESDAY, MARCH 31, 2009

Mr. CONRAD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, March 31; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. Con. Res. 13, the concurrent resolution on the budget, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CONRAD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until Tuesday, March 31, 2009, at 10 a.m.



## HOUSE OF REPRESENTATIVES—Monday, March 30, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 30, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,

*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### LIFE SUSTAINING TREATMENT PREFERENCES ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, as we approach health care reform, there is no area that is more vital for honest discussion and careful analysis than what happens at end of a patient's life. For most of us, we will get the majority of our lifetime health care in that last year. Indeed, for many it is just the last few months of life, we use the most doctor care, the most intervention in terms of medical procedures, the most days in a hospital. This is clearly the time of greatest stress both for the patient and the family as they watch their loved one enter what is often a struggle in these last few months.

The evidence is that this is the hardest period to be able to make those critical decisions. We don't want to force spur-of-the-moment action for families when they are talking about things that have great consequence for the quality of life for not just a "patient" but a family member, the ability to extend the quality of life, and perhaps deal with recovery. This is also

the worst time for people to go on autopilot check out, to have a default option where they just turn decisions over to whatever the local medical activity may be on that site without a thought and consequence to what the individual wishes of the patient and their family may be.

There is strong evidence that in many cases the very intensive activities—the tubes, the procedures, the operations, the ventilators—actually don't prolong life, and they certainly impact in a negative sense the quality of life, the way that the patient may be able to interact with their family and friends in those last few days and their mind-set and their pain level.

This research has sparked action from coast to coast. Many States have developed a new end-of-life care directive called Orders For Life Sustaining Treatment. They are being developed in over 30 States. They help the seriously ill patient identify their treatment preferences using clear, standardized language. It is written as actionable medical orders signed by a physician, and they help communicate patient preferences regarding the intensity of medical intervention, transfers to hospitals, use of antibiotics, artificially administered nutrition and resuscitation.

Members of my family and I have concluded that we don't want those extraordinary measures as our default, and have signed instructions accordingly.

What we find, however, is that too many people don't have access to the counseling and activities for them to be able to make an informed decision. The irony is that the Medicare system will spend thousands and thousands of dollars on intense medical intervention, intense medical activities, but they won't spend a few dollars to pay a doctor to have a conversation with a patient and the family about what they can expect, what their choices are, and to be able to engage with the patient and the family to decide what they want to have happen.

I guess that we don't do it to save money; but the evidence suggests that when people actually have a choice, they choose things that not only improve their quality of life, but actually save money. Why don't we give individual patients and their families that choice under Medicare?

That's why I will be introducing the Life Sustaining Treatment Preferences Act which will provide coverage under Medicare for consultations regarding

end-of-life treatment options. It is time for Medicare to be able to address the needs that will truly reflect the preferences, the wishes, and the quality-of-life choices for Medicare patients and their families. It is the humane, compassionate thing to do. It will help us allocate our health care resources more appropriately to treat what people want, and it will relieve the pressure on the health care system so the default isn't always the most intensive, expensive interventions that often deteriorate the quality of life in those final days.

I would urge my colleagues to look at this option and join me in making sure that we modernize Medicare to meet the needs of patients and their families in their final hours.

### PREFERENTIAL TREATMENT OF AIG

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. Madam Speaker, this country is being treated to Kabuki theater in three acts. In the first act the American people are told, "We feel your anger. We share your anger. You have a right to be angry at AIG and all the others on Wall Street that are bailed out."

But in the second act, Wall Street nitpicks to death any practical proposal that would be adverse to the interests of Wall Street.

And then in the third act, we transfer a trillion dollars to Wall Street on very favorable terms. That is to say, terms that are unfavorable to the taxpayer, terms very favorable to Wall Street.

Now the first act is one in which those of us who are angry are told that we are blinded by our anger and therefore should not participate in the decision-making. Rather, that should be left to those who are blinded by their gullibility for Wall Street's demands and entreaties. We are told that those of us who are angry are stupid peasants with pitchforks and torches. We are told that it is wrong to be angry with the bonuses because that is just the tip of the iceberg, and it is wrong to be angry with the \$170 billion we gave to AIG because that is too complicated to talk about.

The fact is AIG should have been in receivership; that would have voided its employment contracts, and we need to compare AIG to GM in just a second.

The second act is one where we nitpick to death any proposal that

Wall Street disagrees with. We had a proposal to impose taxation on excess compensation, and we are told, "Oh, we can't change the rules after the game." The fact is that this Congress has often passed tax laws a few months into 2009, or any particular tax year, that would affect the 2009 tax year or even prior tax years. We have done it repeatedly. We just never did it to Wall Street.

Finally, we go to the third act where we transfer a trillion dollars to Wall Street as part of this public-private partnership. Now how does that work? Wall Street puts up 6 percent of the money. They get 50 percent of the profits and 100 percent of the control. I would say those are terms very favorable to Wall Street. I am not blinded by my anger; but I am, indeed, angry.

Now let us compare how we have dealt with AIG and how we dealt with General Motors. Both entities need to continue to produce. The AIG insurance companies are relatively safe. They are State-regulated. They weren't part of the big disaster. The big disaster occurred at the parent company where they opened a casino and all of the guys on Wall Street and the powerful interests around the world went to the casino. They placed their bets. They bet against the mortgage market in the United States. They won and they broke the bank. And now they are being paid every penny they are owed, down to the last penny. How can that be done when AIG is bust? Simple, taxpayer money, \$170 billion. Some of it, we put it into AIG, and tens of billions of dollars go to overseas banks within minutes.

How does that compare to the creditors of General Motors? General Motors owes its bondholders. It owes its retirees, and General Motors owes its workers. What is happening to what is owed by General Motors under these contracts? Those contracts are being shrunk. The bondholders are going to have to take about a third of what they are entitled to in cash. The retirees are going to get about half of what they are entitled to in cash, and the UAW has already made substantial changes in their union contract.

So with General Motors, there is either a bankruptcy, and I hope we avoid a formal bankruptcy, or there is, in effect, an informal bankruptcy. What is a bankruptcy? It is a reorganization process in which the company goes forward but its creditors have to take a haircut. They have to lose money. And all of the creditors of General Motors are losing substantial amounts, even people who worked their whole lives expecting retirement benefits and health benefits when they retired. They are taking major haircuts.

What about the rich and powerful that AIG owed money to? They are getting paid every penny. They demand it, and it comes from the American taxpayer. It is time that we respect the

companies like GM that do work and make products. It is time that we not hollow out our manufacturing sector.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Show us Your mercy, Lord. Look upon our weakness and insecurity, and keep us safe.

In the midst of the work this week and among all the Members, grant the fullness of Your peace in all their undertakings. Strengthen this Congress with the renewed resolve of common purpose. Together, both Chambers hold the sacred trust of the people as they face issues disturbing the Nation. May all decisions serve the common resolve of the people and give You the glory both now and forever. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Illinois (Mrs. HALVORSON) come forward and lead the House in the Pledge of Allegiance.

Mrs. HALVORSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### TOUGH CHOICES MUST BE MADE FOR AUTO INDUSTRY'S SURVIVAL

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, today both American families and businesses are struggling to make ends

meet during these tough economic times. Like President Obama, I am optimistic that America can and will build the cars of the future.

When GM and Chrysler are both asking for additional taxpayer dollars, it is only common sense they explore every option to tackle this crisis. Both companies must be pressed to once again lead the world in car manufacturing. Chrysler's best option is to make an alliance with an outside company like Fiat, to make a successful product that can profit and sustain itself for the future. I am optimistic about what a more advanced engine could do for the company and its workers.

The men and women at the Fenton plant in Missouri helped Chrysler survive in the early eighties, and I fully expect them to be an integral part of Chrysler's future survival. It is essential that Chrysler continue at least the same amount of current manufacturing in the U.S. today, and Fiat is committed to do that, and that they continue to grow production in the U.S. as the auto industry rebounds. My constituents, who have helped make the Fenton plant the state-of-the-art facility it is today, rightfully expect their tax-funded assistance to create American jobs.

The auto industry must make tough choices to keep their loyal and hard-working workforce employed and, once again, become the world's leader. And Congress must also make the difficult choices to get out of this economic and fiscal crisis and move America in a new direction.

#### MEDIA IGNORE SUPPORT FOR IMMIGRATION ENFORCEMENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, a Rasmussen poll found that 67 percent of likely voters support worksite enforcement actions to identify and deport illegal workers. That included a majority of Republicans, Democrats, and Independents.

The poll results are no surprise. Enforcement protects jobs for citizens and legal immigrants alike. Also, a long-term study released last week by the Center for Immigration Studies found that wages increased for legal workers after a worksite enforcement operation at a large meatpacker.

But you are unlikely to hear about studies and polls like these from the national media because of their left-wing slant on immigration issues. In fact, not a single major daily newspaper or a single network news program covered either the poll or the study.

Americans need the media to report the facts, not ignore the news.

# H.R. 745, PANCREATIC CANCER RESEARCH AND EDUCATION BILL

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to speak about H.R. 745, the Pancreatic Cancer Research and Education bill, which I introduced together with my colleague, ANNA ESHOO.

I just came from a meeting of the Pancreatic Cancer Network, and they are going to be lobbying on the Hill for additional funding for pancreatic cancer research, which is exactly what this bill does.

Many in this chamber and many in my district know that my husband passed away from pancreatic cancer last August 19. This is a very, very special bill to me, because we will have the kind of funding so that there can be an early warning detection system for those who may have pancreatic cancer. Catching pancreatic cancer in the early stages is absolutely necessary. So, again, that bill is H.R. 745.

I was a little disillusioned to hear one of the people who was at this event today tell me that when they went to their Member of Congress, their Member of Congress said, "Well, I am sorry, but you are a special interest group." Yes, they are a special interest group. They lost a loved one to pancreatic cancer.

I urge my colleagues to please listen to the family members of those who have lost loved ones to pancreatic cancer.

## APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. Pursuant to 46 U.S.C. 51312(b), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Merchant Marine Academy:

Mrs. MCCARTHY, New York  
Mr. KING, New York

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Thursday, March 26, 2009:

H.R. 146, to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 30, 2009.

Hon. NANCY PELOSI,

*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 30, 2009, at 9:38 a.m.:

That the Senate passed with amendments H.R. 1388.

Appointments:

Senate National Security Working Group.

National Council of the Arts.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

## HOMELESS VETERANS REINTEGRATION PROGRAM REAUTHORIZATION ACT OF 2009

Mrs. HALVORSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1171) to amend title 38, United States Code, to reauthorize the Homeless Veterans Reintegration Program for fiscal years 2010 through 2014, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1171

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeless Veterans Reintegration Program Reauthorization Act of 2009".

### SEC. 2. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM.

Section 2021(e)(1)(F) of title 38, United States Code, is amended by striking "2009" and inserting "2014".

### SEC. 3. HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM.

(a) GRANT PROGRAM.—Chapter 20 of title 38, United States Code, is amended by inserting after section 2021 the following new section:

"§2021A. Homeless women veterans and homeless veterans with children reintegration grant program

"(a) GRANTS.—Subject to the availability of appropriations provided for such purpose, the

Secretary of Labor shall make grants to program and facilities that the Secretary determines provide dedicated services for homeless women veterans and homeless veterans with children.

"(b) USE OF FUNDS.—Grants under this section shall be used to provide job training, counseling, placement services (including job readiness and literacy and skills training) and child care services to expedite the reintegration of homeless women veterans and homeless veterans with children into the labor force.

"(c) REQUIREMENT TO MONITOR EXPENDITURES OF FUNDS.—(1) The Secretary of Labor shall collect such information as that Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section. The information shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.

"(2) Information under paragraph (1) shall be furnished in such form and manner as the Secretary of Labor may specify.

"(d) ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans' Employment and Training.

"(e) BIENNIAL REPORT TO CONGRESS.—The Secretary of Labor shall include as part of the report required under section 2021(d) of this title an evaluation of the grant program under this section, which shall include an evaluation of services furnished to veterans under this section and an analysis of the information collected under subsection (c).

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) In addition to any amount authorized to be appropriated to carry out section 2021 of this title, there is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2010 through 2014.

"(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2021 the following new item:

"2021A. Homeless women veterans and homeless veterans with children reintegration grant program."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. HALVORSON) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. HALVORSON. Madam Speaker, I yield myself such time as I may consume.

I would like to thank my distinguished colleague, Congressman JOHN BOOZMAN of Arkansas, for crafting H.R. 1171, the Homeless Veterans Reintegration Program Reauthorization Act of 2009, to help our Nation's veterans overcome the barriers of homelessness. I would also like to thank Chairman BOB FILNER and the Subcommittee on Economic Opportunity Chairwoman STEPHANIE HERSETH SANDLIN of South Dakota for the strong bipartisan leadership she demonstrated in working on this legislation.

H.R. 1171, as amended, would augment current Federal programs by reauthorization of the Labor Department's Homeless Veterans Reintegration Program through fiscal year 2014.

Specifically, this program would allocate grants for State and local workforce investment boards, local public agencies, nonprofit and community organizations to provide employment assistance and supportive services, such as transportation assistance in finding housing and referral for mental health treatment or substance abuse counseling.

Furthermore, this legislation would authorize \$10 million for fiscal years 2010 through 2014 to expand the Homeless Veterans Reintegration Program to address the unique needs of homeless women veterans and veterans with children.

While the exact number of homeless veterans is unknown, the VA estimates that approximately 154,000 veterans were homeless across the country during the last week of January 2007. These homeless veterans will benefit from organizations like the Volunteers of America in Illinois, Medical Professionals for Home Health Care, and the Inner Voice, Incorporated, which currently participate in the homeless veterans reintegration program in my State of Illinois.

Providing these organizations the resources to improve preventive measures and address the unique health and mental illness needs of veterans will help ensure our homeless veterans succeed in life after their service to our country. I urge all of my colleagues to join me in reaffirming our Nation's commitment to care for our servicemembers, veterans, and their dependents by supporting H.R. 1171.

Madam Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1171, as amended, the Homeless Veterans Reintegration Program Reauthorization Act of 2009. This bill would extend the Homeless Veteran Reintegration Program, HVRP, through fiscal year 2014. This bill was introduced by Ranking Member Dr. JOHN BOOZMAN and the Subcommittee on Economic Opportunity, and I am proud to join him as an original cosponsor.

I would also like to thank Chairwoman HERSETH SANDLIN of the Subcommittee on Economic Opportunity and Chairman FILNER and Ranking Member BUYER of the full Committee on Veterans' Affairs for moving this important measure with our first group of authorizing bills.

At the proper time, I will yield to Ranking Member BOOZMAN to describe his bill.

I reserve the balance of my time.

Mrs. HALVORSON. I continue to reserve the balance of my time.

Mr. ROE of Tennessee. I yield 3 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Madam Speaker, I want to first thank the chair of the Economic Opportunity Subcommittee, HERSETH SANDLIN, and the committee chairman, Mr. FILNER, for bringing forth H.R. 1171, as amended, to the House. I am also grateful to Ranking Member BUYER for being an original cosponsor.

Today, VA estimates that 154,000 veterans are homeless, down from 250,000 just a few years ago. While the VA data shows that we are making progress in reducing the number of homeless veterans, there is still a need to get our veterans off the streets and into jobs.

□ 1415

That is why we need to continue the Homeless Veterans Reintegration Program, known as HVRP, administered by the Department of Labor's Veterans Employment and Training Service, or VETS. Madam Speaker, HVRP is being cited by GAO as an example of a successful program designed to put homeless veterans back to work. It is a relatively inexpensive program, authorized at \$50 million per year and funded last year at about \$26 million.

The goal of HVRP is to put homeless veterans back to work. The latest data shows that in fiscal year 2007, HVRP providers served 13,446 homeless veterans and put 9,061 back to work for a placement rate of 67 percent. The average wage was \$13 per hour with a cost per placement of about \$2,407. If you figure a wage of \$26,000 per year, a veteran in the 15 percent tax bracket would pay about \$3,900 in Federal income taxes alone. That is a bargain for taxpayers who have gained another contributor to society.

To be successful in returning veterans to full members of society, it is vital that homeless veterans programs offer more than just shelter and meals. Services such as substance abuse treatment and mental health services are needed to lay the foundation for a return to work whenever possible. It is the ability to make one's way in the world, to contribute rather than just take, that gives us a sense of self-worth and pride.

I am also pleased that the Veterans' Affairs Committee voted unanimously to amend H.R. 1171, as amended, by adding the provisions of Ranking Member BUYER's H.R. 293, a bill that would create a separate program to employ homeless women veterans and veterans with children. Unfortunately, the homeless veteran population is seeing an increase in these two groups, and it is time to incentivize homeless providers to meet the needs of women veterans and veterans with children.

Clearly, HVRP has played an important role in reducing homelessness among veterans, and that is why it is

important to extend the program, which would otherwise expire next September.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROE of Tennessee. I yield the gentleman as much time as he may consume.

Mr. BOOZMAN. H.R. 1171, as amended, would continue the program through 2014. As always, I appreciate the hard work of our staffs, both on the Republican and Democratic side, in regard to this legislation.

Madam Speaker, I would urge each of my colleagues to support H.R. 1171, as amended.

Mrs. HALVORSON. Madam Speaker, I continue to reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, H.R. 1171, as amended, includes an amendment offered by Ranking Member BUYER during our full committee markup session on March 25, 2009. This amendment is similar to language in H.R. 293, the Homeless Women Veterans and Homeless Veterans With Children Act of 2009, or what is also referred to as HVRP-W.

Mr. BUYER's amendment adds the provisions of H.R. 293 to H.R. 1171, as amended, to create a new grant program that complements the current HVRP program with a focus on homeless women veterans and homeless veterans with children.

As amended, H.R. 1171 authorizes a separate appropriation of \$10 million to fund grants to community organizations that provide service to homeless women veterans and homeless veterans with children. Today, VA estimates there are about 154,000 veterans counted among the homeless, and this is indeed a tragedy. As many of you may be aware, women now comprise a larger percentage of our military, and in addition to sexual trauma, women are increasingly exposed to the same stressors and dangers as men, and we are now seeing more women in need of homeless services, including the training and employment services offered through HVRP.

This legislation is critically important to our Nation's veterans, and expanding the program to include additional grant services for homeless women veterans and veterans with dependent children continues our mandate to care for those who fought so bravely for many freedoms which we, as a Nation, enjoy.

Madam Speaker, despite the headway this country has made in reducing the number of homeless veterans, we have much further to go in order to end homelessness among our Nation's heroes. I believe H.R. 1171, as amended, will go a long way towards this goal.

I urge my colleagues to support the bill.

Having no further requests at this time, I yield back the balance of my time.

GENERAL LEAVE

Mrs. HALVORSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1171, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. BUYER. Madam Speaker, I rise today in support of H.R. 1171, as amended, the Homeless Veterans Reintegration Program Reauthorization Act of 2009. Ranking Member JOHN BOOZMAN of the Subcommittee on Economic Opportunity introduced this bill to extend the Homeless Veteran Reintegration Program (HVRP) through fiscal year 2014, and I am proud to join him as an original cosponsor.

I would also like to thank Chairwoman HERSETH SANDLIN of the Subcommittee on Economic Opportunity and Chairman FILNER of the Full Committee on Veterans' Affairs for moving this important measure with our first group of authorizing bills.

Madam Speaker, I am also proud that H.R. 1171, as amended, also includes an amendment that I offered in the full committee markup. My amendment is similar to H.R. 293, The Homeless Women Veterans and Veterans with Children Act of 2009, or what I refer to as HVRP-W.

H.R. 293 was one of several bills I suggested that House Leadership include in the original stimulus package and is part of what I call the Noble Warrior Initiative which has received widespread support from the VSO community. My amendment adds the provisions of H.R. 293 to H.R. 1171, as amended, to create a new grant program that complements the current HVRP program with a focus on homeless women veterans and homeless veterans with children.

As amended, H.R. 1171 authorizes a separate appropriation of \$10 million to fund grants to community organizations that provide services to homeless women veterans and homeless veterans with children.

Today, VA estimates there are about 154,000 veterans counted among the homeless. With women comprising a larger percentage of our military, in addition to sexual trauma, women are increasingly exposed to the same stressors and dangers as the men and we are now seeing more women in need of homeless services including the training and employment services offered through HVRP.

Therefore, I believe we need to add the focus of the HVRP-W to make sure that job skill services are being provided to homeless women veterans and veterans with children. These two groups have separate and unique needs and wants from those of what we think of as the traditional homeless veteran population.

Here are a few facts from VA regarding homeless women veterans and homeless veterans with children:

VA's March 2007 Northeast Program Evaluation Center (NEPEC) contacted 38,667 homeless veterans. About 4 percent were women.

In 2008 VA and communities held 157 Stand Downs and aided 2,347 homeless women veterans and 1,327 children.

Last year VA's community based Homeless Grant and Per Diem program served 19,345 veterans including 1,277 women veterans.

VA's Domiciliary Care for Homeless Veterans treated 5,905 veterans including 242 female veterans.

The HUD-VASH housing voucher program for homeless veterans referred 8,000 veterans of whom 880 were women. 1040 veterans (male and female) housed through HUD-VASH had dependent children.

Madam Speaker as you may know, despite the headway in reducing the number of homeless veterans, there is still much more work ahead of us to end homelessness among our nation's heroes. I believe H.R. 1171, as amended, will go a long way towards this goal and I urge my colleagues to support the bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 1171, "Homeless Veterans Reintegration Program Reauthorization Act of 2009." I want to thank my colleague Congressman JOHN BOOZMAN of Arkansas for introducing this legislation.

I firmly believe that we should celebrate our veterans after every conflict, and I remain committed, as a Member of Congress, to both meeting the needs of veterans of previous wars, and to providing a fitting welcome home to those who are now serving. All too many of our veterans are left without the help and support they need to transition from the horrors they bravely face on the front lines of battle to successful civilian life.

H.R. 1171, "Homeless Veterans Reintegration Program Reauthorization Act of 2009," reauthorizes, through FY2014, the Department of Veterans Affairs homeless veterans reintegration programs such as job training, counseling, and placement services to expedite the reintegration of homeless veterans into the labor force. Furthermore, this bill directs the Secretary of Labor to make grants to programs and facilities that provide dedicated services for homeless women veterans and homeless veterans with children, and requires grant funds to be used to provide job training, counseling, placement services, and child care services to expedite the reintegration of such veterans into the labor force.

Veterans are some of America's most valued members of society. These are people who served our Nation in a time of need, people who risked their lives to protect our own. Yet, many of these same veterans who fought so bravely and risked so much in lands far abroad have come back to their Nation and are now homeless. The problem of homeless veterans is far more prevalent than we would like to believe. About one-third of the entire adult homeless population has served their country in the Armed Services. On any given day, as many as 250,000 veterans, both male and female, are living on the streets or in shelters, and perhaps twice as many experience homelessness at some point during the course of a year. There are approximately 16,000 homeless veterans spread across the state of Texas.

Many other veterans are considered near homeless or at risk because of their poverty, lack of support from family and friends, and

dismal living conditions in cheap hotels or in overcrowded or substandard housing.

This legislation is necessary not only because this problem is so devastating and prevalent, but also because homeless veterans have special needs that are unique from those faced by the rest of the homeless population. Almost all homeless veterans are male, with three percent being female, the vast majority are single, and most come from poor, disadvantaged backgrounds. Homeless veterans tend to be older and more educated than homeless non-veterans. But similar to the general population of homeless adult males, about 45% of homeless veterans suffer from mental illness and slightly more than 70% suffer from alcohol or other drug abuse problems. Roughly 56% are African American or Hispanic.

Madam Speaker, H.R. 1171 helps to address the homeless veteran population by increasing and extending through FY 2014 the authorization of appropriations for homeless assistance to veterans furnished through the Department of Veterans Affairs. The Homeless Veterans Reintegration Program Reauthorization Act of 2009 gives authority to the Department of Veterans Affairs through FY 2014 to make grants to furnish assistance to homeless veterans through: outreach; rehabilitative services; vocational counseling and training; and transitional housing. I hope we will all take the time to show appreciation to those who have answered the call to duty. As Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

I urge my colleagues to support the Homeless Veterans Reintegration Program Reauthorization Act of 2009 because this comprehensive program is needed if we are to fight this scourge that is a blight upon our Nation. Our Nation's veterans did not risk their lives abroad so that they could come home and feel a cold shoulder. We must all have outrage that so many of our Nation's veterans live this way, only then can we find a way to correct this injustice.

Mrs. HALVORSON. Madam Speaker, I urge my colleagues to unanimously support H.R. 1171, as amended.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. HALVORSON) that the House suspend the rules and pass the bill, H.R. 1171, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 38, United States Code, to reauthorize the Homeless Veterans Reintegration Program for fiscal years 2010 through 2014, and for other purposes."

A motion to reconsider was laid on the table.

# EXPANDING VETERAN ELIGIBILITY FOR REIMBURSEMENT IN NON-VA FACILITIES

Mrs. HALVORSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1377) to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1377

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. EXPANSION OF VETERAN ELIGIBILITY FOR REIMBURSEMENT BY SECRETARY OF VETERANS AFFAIRS FOR EMERGENCY TREATMENT FURNISHED IN A NON-DEPARTMENT FACILITY.

(a) EXPANSION OF ELIGIBILITY.—Section 1725 of title 38, United States Code, is amended—

(1) in subsection (b)(3)(C), by striking “or in part”; and

(2) in subsection (f)(2), by striking subparagraph (E).

(b) LIMITATIONS ON REIMBURSEMENT.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

“(4)(A) If the veteran has contractual or legal recourse against a third party that would only, in part, extinguish the veteran’s liability to the provider of the emergency treatment, and payment for the treatment may be made both under subsection (a) and by the third party, the amount payable for such treatment under such subsection shall be the amount by which the costs for the emergency treatment exceed the amount payable or paid by the third party, except that the amount payable may not exceed the maximum amount payable established under paragraph (1)(A).

“(B) In any case in which a third party is financially responsible for part of the veteran’s emergency treatment expenses, the Secretary shall be the secondary payer.

“(C) A payment in the amount payable under subparagraph (A) shall be considered payment in full and shall extinguish the veteran’s liability to the provider.

“(D) The Secretary may not reimburse a veteran under this section for any copayment or similar payment that the veteran owes the third party or for which the veteran is responsible under a health-plan contract.”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, and shall apply with respect to emergency treatment furnished on or after the date of the enactment of this Act.

(2) REIMBURSEMENT FOR TREATMENT PROVIDED BEFORE EFFECTIVE DATE.—The Secretary may provide reimbursement under section 1725 of title 38, United States Code, as amended by subsections (a) and (b), for emergency treatment furnished to a veteran before the date of the enactment of this Act, if the Secretary determines that, under the circumstances applicable with respect to the veteran, it is appropriate to do so.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. HALVORSON) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. HALVORSON. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 1377, as amended, which would expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a nondepartment facility. This legislation would assist veterans who get hurt while they are off duty and require emergency care in a non-VA medical facility.

These veterans do not currently receive any reimbursement from the VA if they have third-party insurance that pays either full or a portion of the emergency care. This creates an inequity that penalizes veterans with insurance, including auto insurance, which is oftentimes mandated by law.

A veteran with an insurance policy which covers any portion of the cost for emergency treatment would be burdened with the remaining amount not covered by insurance. This unfair policy has caused many veterans undue stress and has placed them in unnecessary financial hardship. H.R. 1377, as amended, eliminates this inequity by requiring the VA to pay for emergency care in a non-VA facility, even if the veteran holds a policy that will pay for any portion of their care.

Madam Speaker, I would like to thank Ranking Member BUYER and the Health Subcommittee chairman, Mr. MICHAUD, for their contributions to this bill as well as the staff.

I urge your support in passing H.R. 1377, as amended.

Madam Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1377, as amended, to amend title 38, United States Code, to expand VA’s authority to reimburse veterans for the cost of emergency care provided in a nondepartment facility. I want to thank the chairman for introducing this bill, which would provide financial protections for veterans in need of emergency care.

Current law allows VA to reimburse a veteran for emergency treatment obtained in a non-VA facility only if the veteran does not have any other entitlement to pay from a private party. As a result, a veteran with a policy that covers only a small part of the emergency care costs could be personally liable for substantial out-of-pocket expenses.

H.R. 1377, as amended, would change current law to authorize VA to cover additional expenses in cases where a veteran receives only partial payment from a third party. However, the legislation does make it clear that VA would be the secondary payer and that payment would be limited to the difference between the amount paid by

the private insurance and the VA authorized rate. It also ensures that VA payment fully absolves a veteran from any liability to that provider.

In addition to providing prospective protection for veterans, H.R. 1377 was amended to allow the Secretary of Veterans Affairs to retroactively apply this law on a discretionary basis for a veteran who may have incurred a medical debt for emergency treatment prior to the date of enactment.

Madam Speaker, the chairman has talked about the need for this discretionary authority. As such, Ranking Member BUYER requested during our markup last week that the bill report make it clear that it is the committee’s intention for the Secretary to use this authority and take into consideration the facts and circumstances of each veteran’s situation. A veteran should not be discouraged from seeking emergency care at the closest community hospital for fear of financial uncertainty.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mrs. HALVORSON. I continue to reserve the balance of my time.

Mr. ROE of Tennessee. I yield 2 minutes to the gentlewoman from Florida, Congresswoman BROWN-WAITE.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I thank the gentleman for yielding.

I rise today in support of H.R. 1377, a commonsense bill to reimburse veterans for emergency treatment in non-VA facilities. Our first Commander in Chief, George Washington, once said that the willingness with which our young people are likely to serve in any war, no matter how justified, will be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their country. Taking care of those who have sacrificed for our Nation is truly our sacred duty. It is a national promise that goes back to Presidents Washington and Lincoln. Yet a couple of weeks ago, President Obama proposed billing veterans for treatment of combat-related injuries. Although the President announced that he was rescinding this proposal, it is nonetheless alarming to our veteran population.

The courageous Americans who have served our country should know that all of us recognize their sacrifice, and this bill by Representative FILNER will go a long way in doing just that.

Back in Florida, I represent over 110,000 veterans, the second highest number of any Member of Congress. Many of these brave men and women are disabled either in battle or in the course of their service to the United States military. Yet, veterans in my district must frequently travel long distances to obtain care from a VA facility. As a result, those requiring emergency care must seek treatment



in a private or a community-run hospital. Passage of this bill will ensure that veterans are not saddled with massive emergency room bills.

I thank my colleague, Mr. FILNER, for introducing H.R. 1377. And I would hope that all Members of this body can support such a worthy message of support for our veterans.

Mrs. HALVORSON. I continue to reserve the balance of my time, Madam Speaker.

Mr. ROE of Tennessee. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I would like to thank the Subcommittee on Health chairman, MIKE MICHAUD, and Ranking Member HENRY BROWN for their hard work on this legislation and Chairman FILNER and Ranking Member BUYER for moving this bill so quickly through the committee process.

I urge my colleagues to support this legislation.

I yield back the balance of my time.

GENERAL LEAVE

Mrs. HALVORSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1377, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mrs. HALVORSON. Madam Speaker, I also want to thank Chairman FILNER and Ranking Member BUYER for working so hard together to make sure that these wonderful Veterans Affairs issues come before the body. No matter what rumor has ever come up that might come from the administration, the Veterans Committee has always made sure that the veterans are first and foremost in all of our minds.

I urge my colleagues to unanimously support H.R. 1377, as amended.

Ms. JACKSON-LEE of Texas. Madam Speaker, I stand in support of our veterans and in support of H.R. 1377, to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-department facility and for other purposes by my colleague from California, Representative BOB FILNER and the Members of the Veterans' Affairs Committee.

H.R. 1377 would require the Department of Veterans Affairs to pay for emergency care that certain veterans receive at non-VA medical facilities or to reimburse veterans if they have paid for that care. Specifically, veterans with non-service-connected conditions whose third-party insurer does not cover the full cost of care would be reimbursed.

The bill also permits the VA to reimburse veterans for emergency treatment that was provided prior to the date of enactment. Under current federal law, the Department of Veterans Affairs has the authority to reimburse certain veterans or pay for emergency treatment of a non-service connected condition if the VA is the payer of last resort. However,

the VA currently does not pay for emergency treatment for non-service connected conditions in facilities outside the VA system if a veteran has third-party insurance that pays for any portion of the medical cost. H.R. 1377 would make these veterans eligible for reimbursements from the VA.

I have been a strong advocate of supporting our veterans. We are providing for our veterans with legislation such as:

H. Res. 234—which would designate a “Welcome Home Vietnam Veterans Day.”

H. Res. 1054—Honoring the service and achievements of women in the Armed Forces and female veterans (Rep. DAVIS (CA)—Armed Services).

H.R. 2790—To establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health as amended (Rep. HARE—Veterans' Affairs).

H.R. 3889—To require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary (Rep. BOOZMAN—Veterans' Affairs).

H.R. 5554—Veterans Substance Use Disorders Prevention and Treatment Act of 2008 (Rep. MICHAUD—Veterans' Affairs)—Passed.

H.R. 5664—To direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary (Rep. RODRIGUEZ—Veterans' Affairs).

Currently, there are over 25 million veterans in the United States. There are more than 1,633,000 veterans living in Texas. According to the Texas Veterans Commission, there are 197,030 veterans in Harris County. In the 2007 fiscal year health care costs in the 18th district of Texas were over \$80,000.

Madam Speaker, I encourage my colleagues to join me in expanding Title 38 for reimbursement of emergency care in non-department facilities for veterans.

Mrs. HALVORSON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mrs. HALVORSON) that the House suspend the rules and pass the bill, H.R. 1377, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1430

#### VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2009

Mrs. HALVORSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1513) to increase, effective as of December 1, 2009, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity

compensation for survivors of certain service-connected disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1513

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as “Veterans' Compensation Cost-of-Living Adjustment Act of 2009”.

#### SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2009, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2009, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2009, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

#### SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mrs. HALVORSON) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mrs. HALVORSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of passage of the Veterans' Compensation Cost-of-Living Adjustment Act of 2009, H.R. 1513, which was introduced by one of the newer members of the Committee on Veterans' Affairs, and sure to be one of our body's most dynamic Members, Mrs. KIRKPATRICK from Arizona. And I thank you for your leadership on the bill.

I also want to thank the ranking member of the Committee on Veterans' Affairs, Mr. BUYER, who has been supportive of this noncontroversial bill and helped with its unanimous passage from our committee to allow consideration by the full House. The fact that we were able to get this bill to the floor within nearly a month of its introduction shows the House leadership's commitment to our Nation's veterans, their families, and their survivors.

Like it has done since 1976, Congress, through the passage of this measure, would direct the Secretary of Veterans Affairs to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, the DIC, to their survivors and dependents, along with other benefits in order to keep pace with the rising cost of living.

The disability COLA would become effective December 1, 2009, and will be equal to that provided on an annual basis to Social Security recipients. Last year, the COLA was set at 5.8 percent, an increase direly needed, as the financial crush of the recession from the previous administration closed in on many of our disabled veterans' households.

Madam Speaker, this bill will benefit each disabled veteran and their survivors from the World War I era through the current conflicts in Iraq and Afghanistan.

Many of the nearly 3 million veterans who receive these benefits depend upon these tax-free payments, not only to provide for their own basic needs, but for those of their spouses, children and parents as well. Without an annual COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly erode. We would be derelict in our duty if we failed to guarantee that those who sacrifice so much for our country receive benefits and services that keep pace with their needs.

We fund the war. Let's fund the warrior and his family and survivors by ensuring that their benefits keep pace with their living expenses. Let's ensure that their benefits make ends meet at the end of the month.

Madam Speaker, as we approach our country's 141st Memorial Day commemoration, I ask my colleagues to support this bill and send a clear mes-

sage to support our troops. "You will be taken care of when you return. We will not forget your sacrifice."

Just like our military men and women did not hesitate to offer to lay down their lives to defend our freedom and the way of life that we cherish, we will not hesitate to defend the funds they need to support themselves and their families.

I urge my colleagues to support passage of the Veterans' Compensation Cost-of-Living Adjustment Act of 2009, H.R. 1513, without delay. I urge my colleagues to support H.R. 1513.

Madam Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1513, the Veterans' Compensation Cost-of-Living Adjustment Act of 2009.

I would like to thank my colleagues, Mr. HALL of New York and chairman of the Disabilities Assistance and Memorial Affairs Subcommittee, and Mr. LAMBORN of Colorado, the ranking member of the subcommittee, as well as the bill's sponsor, Mrs. KIRKPATRICK of Arizona, for their leadership on this bill.

Madam Speaker, H.R. 1513 would increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities, and the rates of dependents and indemnity compensation for the survivors of certain disabled veterans. The COLA adjustments include veterans disability compensation, additional compensation for dependents, clothing allowance, and dependents and indemnity compensation for surviving spouses and children.

Madam Speaker, this is an important annual authorization which provides much-needed assistance to our Nation's veterans, and I encourage all of my colleagues to support this bill.

I reserve the balance of my time.

Mrs. HALVORSON. Madam Speaker, I continue to reserve the balance of my time.

Mr. ROE of Tennessee. I recognize Congresswoman BROWN-WAITE for as much time as she may consume.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today in support of H.R. 1513, the Veterans' Compensation Cost-of-Living Adjustment Act of 2009. Previously, I served on the Veterans' Committee for 6 years, and I'm very glad to see Chairman FILNER and Ranking Member BUYER doing this fine work this year, as they did in the 2 years that I was on the last time.

While all veterans made sacrifices for our Nation, those men and women who were disabled during their service must receive proper benefits in order to meet their care. Disabled veterans have given their blood, sweat and tears on

battlefields from Germany to Japan, from Korea to Vietnam, from Iraq to Afghanistan.

In this time of economic turmoil, it is vital that Congress preserve the cost-of-living adjustment to help disabled veterans. Indeed, with rising prices and falling home values, it's more important than ever that the needs of veterans be adequately funded.

The cost-of-living adjustment means that veterans will be better armed with the resources that they need to survive in our communities.

As President Lincoln said in his second inaugural address, government's obligation is, and I quote, "to care for him who shall have borne the battle and for his widow and orphan." It is our sacred obligation to care for those injured while in the service.

I thank my colleague from Arizona for introducing this bill. And I urge all of my colleagues to support its passage.

Mrs. HALVORSON. Madam Speaker, I continue to reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I yield myself as much time as I may consume.

Again, I'd like to thank Chairman FILNER, Ranking Member BUYER, Subcommittee Chairman HALL and ranking member of the subcommittee, Mr. LAMBORN, for their leadership in bringing this much-needed legislation to the floor. And I urge my colleagues to support it.

And I'd like to thank the gentlelady from Illinois (Mrs. HALVORSON) for her help today. This is a great piece of legislation, and I urge tonight we vote unanimously for this bill.

I yield back the balance of my time.

GENERAL LEAVE

Mrs. HALVORSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1513.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. HALVORSON. Madam Speaker, I too want to thank my fellow freshman colleague, the gentleman from Tennessee (Mr. ROE) for his help today, as well as Chairman FILNER and Ranking Member BUYER for the wonderful work we've been able to do this year.

Madam Speaker, I urge all my colleagues to unanimously support H.R. 1513.

Ms. KIRKPATRICK of Arizona. Madam Speaker, I thank the Speaker for allowing me the opportunity to address the bill I sponsored—H.R. 1513, "The Veterans' Compensation Cost-of-Living Adjustment Act of 2009."

Many of my constituents in Greater Arizona are hurting, and the Nation's economy, while showing some signs of improvements, still has a long road to a full recovery.

No one feels this pressure or deserves the support of a grateful Nation more than our disabled Veterans.

Our Nation's veterans have made costly sacrifices to ensure the safety of America's families. For that reason, our country provides both compensation payments to service-disabled Veterans and Dependency and Indemnity Compensation benefits to the survivors of servicemembers who die in service to our Nation.

However, without this bill, these payments would not keep up with rising prices for everyday items like gas and groceries.

That's why, on behalf of the over 3 million veterans nationally—including 65,000 in my home state of Arizona—who are currently receiving disability compensation, I am asking you to join me in support of this bill.

This bill keeps the promise to our Nation's veterans to honor the sacrifice that these brave men and women have endured while serving our country in uniform.

Ms. JACKSON-LEE of Texas. Madam Speaker, I stand in support of our veterans and in support of H.R. 1513, the Veterans' Compensation Cost-of-Living Adjustment Act by my colleague from Arizona, Representative ANN KIRKPATRICK, and the Members of the Veterans' Affairs Committee.

Congress annually reviews veterans' service-related disability compensation, and other compensation programs for surviving spouses and dependent children to ensure that such benefits provide reasonable and adequate compensation. This year, the Department of Veterans Affairs estimates that it will provide disability compensation to just over three million veterans with service-related disabilities.

Importantly, H.R. 1513 would increase the amounts paid to veterans for disability compensation and to their survivors for dependency and other compensation by the same cost-of-living adjustment payable to Social Security recipients. The increase would take effect on December 1, 2009.

We, as Members of Congress, must stand together to support our veterans and their families. Our nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of our country. We must be united in seeing that every soldier, sailor, airman, and marine is welcomed back with all the care and compassion this grateful nation can bestow to them and to their supportive families.

I firmly believe that we should celebrate our veterans after every conflict, and I remain committed, as a Member of Congress, to both more than 32,000 veterans living in my Congressional district alone. I hope we will all take the time to show appreciation to those who have answered the call to duty. As the former British Prime Minister Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

Madam Speaker, I encourage my colleagues to join me in supporting our troops of yesteryear and of today, as well as their families, by providing for this cost-of-living increase.

Mrs. HALVORSON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. HALVORSON) that the House suspend the rules and pass the bill, H.R. 1513.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### HONORING PAUL HARVEY

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 223) Honoring the life, achievements, and contributions of Paul Harvey, affectionately known for his signature line, "This is Paul Harvey . . . Good Day," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 223

Whereas Paul Harvey, a son, brother, husband, father, friend, pioneering American, and a cherished voice, passed away on February 28, 2009;

Whereas Paul Harvey Aurandt was born on September 4, 1918, in Tulsa, Oklahoma;

Whereas prefacing a storied career in radio by making radio receivers as a young boy and a fill-in announcer while a student at the University of Tulsa, he epitomized American values and American ideals proving that one can lead a decent life with hard work and solid values;

Whereas Paul Harvey, through open expression, pioneered the format of radio broadcasts that so many now find commonplace;

Whereas Paul Harvey was a blogger before it was a known medium, he just did his blogging on the radio;

Whereas Paul Harvey was elected to the National Association of Broadcasters Radio Hall of Fame and Oklahoma Hall of Fame and appeared on the Gallup poll list of America's most admired men;

Whereas in 2005, Paul Harvey was awarded the Presidential Medal of Freedom, the United States' most prestigious civilian award, by President George W. Bush;

Whereas Paul Harvey's career in radio spanned over 70 years and he is considered one of the United States' most accomplished radio personalities and a trail blazer;

Whereas Paul Harvey was beloved by his family, friends, neighbors, and vast listening audience for his great generosity, good humor, and spirited charm;

Whereas Paul Harvey, the "largest one-man network in the world", was heard on 1,200 radio stations, 400 Armed Forces Network stations around the world, and in 300 newspapers; and

Whereas Paul Harvey's broadcasts and newspaper columns have been reprinted in the Congressional Record more than those of any other commentator: Now, therefore, be it

*Resolved*, That the House of Representatives honors the life and accomplishments of Paul Harvey.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Nebraska (Mr. FOR-

TENBERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is with profound honor that I rise in support of House Resolution 223, which celebrates the life of legendary radio and television personality, Paul Harvey.

I'd first like to thank my colleague from Oklahoma, Congressman JOHN SULLIVAN, for sponsoring this afternoon's condolence measure, which has amassed over 60 cosponsors here in the Congress since being introduced on March 9, 2009.

I'd also like to thank Chairman TOWNS from Brooklyn and my colleagues on the House Oversight and Government Reform Committee for their unanimous support in bringing this resolution to the floor.

We live in an age of unprecedented access to the news. Between the 24-hour cable news networks and the Internet, there's no shortage of sources from which citizens are informed.

Most of us remember a different time when Americans relied on a small number of outlets for each day's events. Before everybody had a blog, we placed our trust in a few individuals to represent the voice of the average citizen. And I am proud to say that Paul Harvey was certainly one of those trusted individuals.

There is no greater testament to Paul Harvey's distinguished career than its longevity. He was no more than a teenager when he first hit the airwaves, reading advertisements and news clips. After studying speech and literature at the University of Tulsa, Oklahoma, Mr. Harvey worked at radio stations across the American heartland.

In 1941, Mr. Harvey sacrificed his personal aspirations in order to defend our country. He was a reporter in Hawaii during the attack on Pearl Harbor, and decided to enlist in the United States Army immediately following.

Upon conclusion of his national service, Paul Harvey set about redefining what it meant to be a radio host by delivering news in his own unique and humble way. Paul Harvey was never afraid of controversy, and he was not one to forfeit his principles. His style was part journalist, part showman and, fortunately for America, part everyman.

As many as 22 million people tuned in daily to hear Mr. Harvey give his

take on the day's news. Perhaps it was his plain-spoken ability to connect with and reassure the American people that made him so popular. Consider this remark, which is as relevant today as it was when first spoken. "In times like these, it helps to recall that there have always been times like these."

Paul Harvey was constantly recognized for his achievements, both as a broadcaster and as an outstanding citizen. He received accolades from the State of Oklahoma, the National Association of Broadcasters, the Salvation Army, the United States Air Force, The Humane Society and the American Legion, just to name a few.

□ 1445

In 2005, he was presented with the Presidential Medal of Freedom, the highest honor available to American civilians.

Throughout his life, Mr. Harvey was rarely without his loving wife, Lynn, whom he called "Angel." Married in 1940, Lynn passed away on May 3, 2008. They are survived by Paul Jr., who followed his parents into broadcasting.

I ask that this body join the American people in celebrating the life of Paul Harvey, whom we lost on February 28, 2009 at the age of 90. We will certainly miss his contributions to the national dialogue. So, Madam Speaker, let us collectively and formally express our appreciation for Paul Harvey's life and career by adopting House Resolution 223.

I now reserve the balance of our time.

Mr. FORTENBERRY. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 223, "Honoring the Life, Achievements and Contributions of Paul Harvey."

Born in 1918 in Tulsa, Oklahoma, Paul Harvey's fascination with radio started at a very young age when he would pick up radio stations on his homemade cigar box crystal set. As a teenager, he worked, sweeping the floors at the station KVOO until the station manager decided to give him a job. The rest, as they say, is radio history.

Mr. Harvey moved from Tulsa to accept a position working at KXOK in St. Louis. While working in St. Louis, Mr. Harvey met his beloved wife of 68 years, who later became the producer of his show.

From St. Louis, the Harveys moved to Chicago, where his daily program for ABC Radio, Paul Harvey News and Comment, became the highest rated radio program in the region. Building on his audiences in Chicago, his show was soon broadcast throughout the entire country. In 1976, Harvey started a second daily radio show, The Rest of the Story, telling anecdotes about famous people or historic incidents, always with a little twist at the end.

Mr. Harvey's upbeat, positive demeanor and the ability to weave together the stories of life in America made him a national treasure. His uncanny ability to find a story, then to give it his own folksy style, delivered in his unique cadence, was remarkably popular. Mr. Harvey never lost sight of the significance of everyday life and of the stories of ordinary people in America.

With well over a half century of broadcasting experience, Mr. Harvey's show reached an estimated 24 million listeners daily. Receiving countless honors over the years for his broadcasts, he received the highest acknowledgment of his career when, in 2005, Mr. Harvey was awarded the Presidential Medal of Freedom from President George W. Bush.

Sadly, after more than 70 years on the air, Mr. Harvey passed away in February at the age of 90. The loss of Paul Harvey is the loss of a symbol of a simpler era in America. Even with the passage of time, his broadcast stories were as timely at the end of his life as they were back in Tulsa, where his career started. As Mr. Harvey would say at the end of each story, at the end of each show, "And now you know the rest of the story."

Madam Speaker, I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, we have no further speakers, but I continue to reserve.

Mr. FORTENBERRY. Madam Speaker, I would like to recognize my distinguished colleague, the gentleman from Oklahoma (Mr. SULLIVAN), the author of this resolution, and yield him as much time as he may consume.

Mr. SULLIVAN. Madam Speaker, today, I rise to honor the life, achievements and contributions of one of Tulsa, Oklahoma's favorite sons and one of America's most cherished voices, Paul Harvey.

Perhaps best known for his signature line "Good Day," Paul Harvey began his storied career in radio in Tulsa, making radio receivers and working as a fill-in announcer while a student at the University of Tulsa. Little did he know then that over the next 70 years he would go on to become one of America's most accomplished and beloved radio personalities of all time.

Referred to as the "largest one-man network in the world," Paul Harvey was heard on 1,200 radio stations and 400 Armed Forces networks around the world. His broadcast and newspaper columns have been reprinted in the CONGRESSIONAL RECORD more than those of any other person. Through the use of free expression, Paul Harvey pioneered the format of radio broadcasts that we now find commonplace. He was a blogger before we knew what that was. He just did his blogging on the radio.

Over the course of his trailblazing career, Mr. Harvey received numerous ac-

colades for his work, including being elected to the National Association of Broadcasters Radio Hall of Fame and the Oklahoma Hall of Fame. He received 11 Freedom Foundation Awards as well as the Horatio Alger Award. In 2005, Paul Harvey was awarded the Presidential Medal of Freedom, our Nation's most distinguished civilian award.

Prior to his passing on February 28, 2009, Paul Harvey was a beloved son, brother, husband, father, and friend. It is with great pride that I stand here today to say, "Good day to you, Paul Harvey."

I ask my colleagues to join me in honoring a man who epitomized American values and ideals. With that, I urge the passing of my resolution, H.R. 223, honoring his life and legacy.

Mr. LYNCH. Madam Speaker, I continue to reserve.

Mr. FORTENBERRY. Madam Speaker, I have no further speakers and would yield back the balance of my time.

Mr. LYNCH. Madam Speaker, in closing, I was introduced to Paul Harvey 30 years ago as an ironworker, working at the Inland Steel Plant in East Chicago, Indiana. Every day, when that lunch whistle would blow, all the ironworkers would gather at the lunchroom or in the trailer where we had lunch, and every ear was glued to that radio set. It was the plain-spoken, moral and commonsense views of Paul Harvey's that I think enlightened us all.

So, with that, I just want to ask all of my colleagues to join with me and with the chief sponsor of this resolution, JOHN SULLIVAN, the gentleman from Oklahoma. I ask that we pass this unanimously in memory of the life of Paul Harvey.

Mr. PENCE. Madam Speaker, I would like to honor a man whose iconic voice forever changed broadcast radio and to whom our Nation will be forever indebted.

As a high school student, Paul Harvey began his storied career in his hometown of Tulsa, Oklahoma. Spending time to help clean the studios of KVOO, Paul was eventually given the opportunity to fill-in on the air. It quickly became clear that Paul Harvey was a gifted broadcaster as he was soon promoted to become the station's program director.

After spending time covering World War II and serving in the United States Army Air Corps, Paul Harvey moved to Chicago where he began broadcasting for ABC. He quickly became a fixture on Chicago's airwaves and on April 1, 1951, 'Paul Harvey News and Comment' debuted. Eventually gathering an audience that spanned 1,200 stations and well over 25 million people, Paul Harvey was often the "largest one-man network in the world."

Madam Speaker, the list of awards and honors to the credit of Paul Harvey is long and distinguished. His election to the National Association of Broadcasters Radio Hall of Fame reflects a career that spanned more than 70 years. In October 2005, Paul Harvey was awarded the Presidential Medal of Freedom,

our nation's most prestigious civilian decoration.

Illustrating the extent to which Paul Harvey captured the American voice, his broadcasts and newspaper columns have been reprinted in the CONGRESSIONAL RECORD more than those of any other commentator.

Because of my time in radio, I am especially thankful for the life and character of Paul Harvey. There is no doubt that every broadcaster has taken inspiration from the unique style and unparalleled legacy of Paul Harvey. Epitomizing the values and ideals of everyday Americans, Paul Harvey was a master of his craft and a pioneer in the format of broadcast radio that many Americans continue to rely on.

Paul Harvey, Good Day.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 223, honoring the life, achievements, and contributions of Paul Harvey, affectionately known for his signature line, 'This is Paul Harvey . . . Good Day.' I want to thank my colleague from Oklahoma, Representative JOHN SULLIVAN for introducing this resolution.

Paul Harvey became a heartland icon, delivering news and commentary with a distinctive Midwestern flavor. "Stand by for news!" he told his listeners. He was credited with inventing or popularizing terms such as "skyjacker," "Reaganomics" and "guesstimate." Mr. Harvey was one of the most gifted and beloved broadcasters in our nation's history.

Radio Pioneer, Legend and Icon, Paul Harvey, famous for his line "and now you know, the rest of the story" passed away on February 28, 2009 at the age of 90. It was a sad day for broadcasters and listeners alike around the world to learn of his passing.

Paul Harvey Aurandt was born September 4, 1918, in Tulsa, Oklahoma. Mr. Harvey's career was launched in 1933 when a speech teacher at Tulsa's Central High School recognized his potential and told a local station radio manager, "This boy needs to be in radio." Harvey worked as an announcer, then as program director at KVOO-AM.

He spent three years as a station manager in Salina, Kansas, followed by a stint as a newscaster in Oklahoma City. He then landed at WXOK-AM in St. Louis, working as a reporter and director of special events.

After marriage, Harvey worked as a reporter in Hawaii and enlisted in the U.S. Army Air Corps after Pearl Harbor. Discharged in 1944, he moved to Chicago at his wife's urging.

On April 1, 1951 the ABC Radio Network debuted Paul Harvey News and Comment "Commentary and analysis of Paul Harvey each weekday at 12 Noon". Harvey's News and Comment was streamed on the World Wide Web twice a day. Paul Harvey News has been called the "largest one-man network in the world," as it was carried on 1,200 radio stations, 400 Armed Forces Network stations around the world and 300 newspapers. His broadcasts and newspaper columns have been reprinted in the CONGRESSIONAL RECORD more than those of any other commentator.

A voice so familiar has been quieted, but life's experiences, as often described by Mr. Harvey, continue in its progressive line of march. The parade, however, will now be described in different ways, as it passes by . . . and, I'm afraid, not as eloquently as Paul Harvey

described it as a . . . "Good Day!" Thank you for this tribute. It was, as life is, moving. Thanks to Mr. Harvey for sharing his life with us for these many, many years. The life he saw through 76 years of broadcast experience was made better, sadder, enthusiastically and quietly at many times . . . times, as described by him, always memorable.

I am honored to have had the opportunity as many of us had, to have listened to him. Americans could always count on him to tell us the rest of the story.

Mr. LYNCH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 223, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### RECOGNIZING 30TH ANNIVERSARY OF EGYPT-ISRAEL PEACE TREATY

Mr. CONNOLLY of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 282) recognizing the 30th anniversary of the peace treaty between Egypt and Israel, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 282

Whereas the peace treaty between Egypt and Israel signed in Washington, DC, on March 26, 1979, set an unprecedented example of reconciliation following decades marked by nearly unremitting tension and confrontation, including the 1948 War of Israeli Independence, the 1956 Suez War, the 1967 Six-Day War, the 1968-70 War of Attrition along the Suez Canal, and the 1973 Yom Kippur War;

Whereas United States diplomatic efforts and initiatives in the aftermath of the 1973 Arab-Israeli War helped build the foundations of a lasting peace between Egypt and Israel;

Whereas pursuant to an invitation by Israeli Prime Minister Menachem Begin, President Anwar al-Sadat became the first Arab leader to visit Israel on November 20, 1977, when he delivered a historic address before Israel's Parliament, the Knesset, calling for Egypt and Israel to ". . . stand together with the . . . boldness of heroes who dedicate themselves to a sublime aim . . . to erect a huge edifice of peace . . . an edifice that . . . serves as a beacon for generations to come";

Whereas Prime Minister Menachem Begin and President Sadat demonstrated remarkable character and courage in their willingness to move beyond decades of hostility, bitterness, and mistrust to launch an unprecedented rapprochement without any guarantee as to the potential outcome of their mutual determination to engage in United States-mediated peace talks;

Whereas successive administrations worked diligently to facilitate intensive discussions in the hope of achieving a historic

diplomatic breakthrough on Middle East peace, and President Jimmy Carter invited the two leaders to Camp David for intensive discussions from September 5-17, 1978;

Whereas, on September 17, 1978, the United States witnessed the signing of two framework agreements between the Governments of Egypt and Israel, "A Framework for Peace in the Middle East" and "A Framework for the Conclusion of a Peace Treaty between Egypt and Israel";

Whereas, on March 26, 1979, President Sadat and Prime Minister Begin signed the first treaty between an Arab nation and Israel;

Whereas the primary features of the peace treaty included the mutual recognition of Egypt and Israel, the end of the state of war between the two nations dating back to the 1948 War of Israeli Independence, the complete withdrawal by Israel of its armed forces and civilians from the Sinai Peninsula, freedom of passage for Israeli ships through the Suez Canal, and recognition of the Strait of Tiran and the Gulf of Aqaba as international waterways;

Whereas United States leadership played a decisive role in enabling Egypt and Israel to set aside longstanding animosities;

Whereas the conclusion of the treaty between Egypt and Israel set a courageous example of statesmanship;

Whereas as a direct result of the peace treaty, the Arab League suspended Egypt from its membership from 1979 until 1989;

Whereas, in 1981, President Sadat was assassinated in Cairo by Egyptian soldiers who belonged to the al-Gama'ah al-Islamiyah (Islamic Group) and Egyptian Islamic Jihad;

Whereas, on October 26, 1994, Israeli Prime Minister Yitzhak Rabin and King Hussein of Jordan followed in the path set by President Sadat and Prime Minister Begin, signing the Israel-Jordan Treaty of Peace;

Whereas, despite the existence of tensions and grievances, the peace treaty between Egypt and Israel continues to challenge pre-suppositions about the intractability of conflict in the Middle East and provides an enduring framework for facilitating dialogue; and

Whereas Egypt and Israel continue to collaborate in ongoing efforts to address regional difficulties despite the security challenges facing both nations: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the 30th anniversary of the peace treaty between Egypt and Israel, celebrates the treaty's strength and endurance, and commends the extraordinary diplomatic achievement that the treaty exemplifies;

(2) recalls the historic sacrifices sustained by Egypt and Israel in the cause of peace and commends the steadfast determination of both nations to sustain their mutual commitment to peace;

(3) calls for the strengthening of economic, diplomatic, and cultural relations between Egypt and Israel;

(4) urges the Governments of Egypt and Israel to strengthen the spirit of cooperation that emerged in 1979 as the Middle East faces new challenges;

(5) seeks to encourage continued United States efforts to foster constructive initiatives to resolve existing conflicts and mitigate current and emerging threats to a just and lasting Middle East peace; and

(6) calls for recognition of the peace treaty between Egypt and Israel as a model mechanism upon which partner nations may build to overcome longstanding barriers to peace and effective cooperation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. CONNOLLY) and the gentleman from Nebraska (Mr. FORTENBERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. CONNOLLY of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONNOLLY of Virginia. I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Resolution 282, "Recognizing the 30th Anniversary of the Peace Treaty between Egypt and Israel," and I commend our good friend Mr. FORTENBERRY for introducing it.

Last week on March 26, we marked the 30th anniversary of the signing of the 1979 peace accord between Israel and Egypt, brokered and witnessed by the United States of America. The signing of that treaty remains one of the most dramatic and strategically important events of our life times.

It culminated a process of peacemaking that Israeli and Egyptian diplomats had begun secretly in Morocco in mid-1977. That process, Madam Speaker, was most memorably punctuated by the stunning visit of Egyptian President Anwar Sadat to Israel in November of 1977 and by the signing, subsequently, of the Camp David Peace Accords in September of 1978, laying the groundwork for the peace treaty signed 6 months later that we celebrate today with this resolution.

The significance of the Egyptian-Israeli peace treaty cannot be overstated. With the signing of the treaty, Egypt became the first Arab State to recognize the state of Israel. More than that, the treaty demonstrated the dream of the Arab-Israeli peace, a dream that most experts at that time put in the "not in my lifetime" category, and it was, indeed, possible.

In 1994, Jordan became the second Arab State to make peace with the state of Israel. Egyptian-Israeli peace has saved countless lives. Between 1948 and 1973, Egypt and Israel fought four fierce land wars, plus the 1968-1970 War of Attrition, resulting in tens of thousands of casualties. Thanks to the 1979 peace treaty, there have been no further Egyptian-Israeli wars nor have there been any wars between Israel and other Arab States since that time. Although, as we all know, Israel continues to be threatened by well-armed, non-state actors like Hamas and Hezbollah, who are used as proxies by states such as Syria and Iran.

The 1979 peace treaty also extended the prospect of superpower conflict over the Arab-Israeli conflict. In 1973, the U.S. and the USSR, at that time, had gone nearly to the brink of war for the sake of their allies, Israel and Egypt respectfully. The peace treaty ensured that would never happen again, and the central diplomatic role played by the United States facilitated Egypt's transition to the pro-Western camp. This was truly the age, as one scholar has called it, of heroic diplomacy in the Middle East.

President Sadat risked his career and, ultimately, his life on his bold action. Many Arab leaders accused him of treason—the Warsaw Pact states as well. Egypt was expelled at that time from the Arab League, and was not welcomed back for a decade. Just 2½ years after signing the peace treaty, Anwar Sadat was dead, the victim of an assassin's bullet. Although his murderers ascribed their actions to other motives, mainly their outlandish claim that Sadat was not a true Muslim, there is little doubt, Madam Speaker, that those who supported the assassins were deeply outraged by his peace treaty with Israel.

Israeli Prime Minister Menachem Begin went against the grain of his own party by leading the fight for total withdrawal from the Sinai, which was the Egyptian price for this peace treaty. When Begin brought the treaty to the Knesset vote, he had to rely on his longtime nemesis of the Israeli left for votes, as many of his Likud Party colleagues refused to support him and the peace treaty at that time.

Both Sadat and Begin richly earned the Nobel Peace Prize they won in 1978, probably the easiest decision the Nobel Peace Prize Committee ever made. President Carter, whose relentless diplomacy was critical for achieving the Camp David Accords and the peace treaty, was unquestionably yet another hero of the Egyptian-Israeli peacemaking process.

When President Sadat spoke before the Knesset on November 20, 1977, he asked, "Why don't we stand together with the courage of men and the boldness of heroes who dedicate themselves to a sublime aim?" Menachem Begin took up that challenge, and 30 years ago, those two leaders achieved the seemingly impossible, and their achievement endures yet today.

Today, we honor their remarkable achievement, and we express the hopes that others in the Middle East who have not yet embraced peace will someday see the wisdom of the path and show the courage of Sadat and Begin. Madam Speaker, I strongly support this important resolution, and I urge all of my colleagues to do likewise.

I reserve the balance of my time.

Mr. FORTENBERRY. I yield myself such time as I may consume.

Madam Speaker, I am very pleased to come before this House today to express support for a resolution I recently introduced to commemorate the 30th anniversary of the peace treaty between Egypt and Israel.

In a world where force and hatred often overcome understanding and reconciliation, where individuals can too easily allow conflict and strife to mute the call of conscience to peace and concord, this treaty stands as an enduring reminder that no conflict can be pervasive enough, no animosity strong enough to triumph over the will of men who turn to one another in a gesture of goodwill and humility to make a decision for peace.

□ 1500

For peace is a choice. Sometimes hard, sometimes costly, and when we look at the recent history of the Middle East, we see layer upon layer of suffering and grievance. Innocent lives needlessly destroyed through relentless and unforgiving cycles of seemingly uncontrollable anger and retribution.

We can choose to believe that these forces are so powerful that no political solution can be brought to bear. Perhaps that is right. Perhaps there is no political solution. Perhaps we are seeking a political solution when only a solution of the human heart can suffice, a solution that recognizes that each person in this world longs for the same things and that the bond of our common humanity is stronger than the hatred that seeks to divide neighbor from neighbor, Muslim from Jew, or Arab from Israeli. A solution that recognizes that peace can only be found in treating others with dignity and respect, and that regardless of the circumstances, this is always possible unless one chooses otherwise.

The choice for true peace does not demand appeasement of tyranny, false sentimentality or warmth that cannot easily be summoned. It is, at its most practical, a commonsense choice for self-preservation, and at its most noble, a choice to build up rather than to tear down, a choice by leaders to bind wounds and heal the past.

Mr. Speaker, as a young man in 1979, I entered the Sinai Peninsula across from the Suez Canal, and in the vastness of the beige sand and desert, I came upon a twisted heap of metal and concrete—a scene all too familiar now throughout the Middle East—and upon that heap of concrete were scrawled in words in both English and Arabic, "Here was the war—here is the peace."

The atmosphere at that time and at that place was one of jubilation and deep abiding respect for the role that the United States played in brokering a compromise for peace.

Because Menachem Begin, the Prime Minister of Israel, and Anwar Sadat, the President of Egypt, at great personal risk to each, chose peace on



March 26, 1979. They opened channels of communication that endure to this day and continue to point towards hope in a war-weary region.

Despite the painful legacy of the 1948 Arab-Israeli War, the Suez Crisis of 1956, the Six-Day War of 1967, the War of Attrition along the Suez Canal, and the Arab-Israeli War of 1973, these leaders stood together to make peace possible. In the poignant words of Prime Minister Begin, "No more wars, no more bloodshed. Peace unto you. Shalom, salaam, forever."

The peace treaty provided for the mutual diplomatic recognition of Egypt and Israel and ended the state of war between the two nations dating back to the 1948 Arab-Israeli war. Mr. Speaker, this was no easy choice. It was a costly choice. The choice these leaders took, to stand together "with the boldness of heroes who dedicate themselves to a sublime aim . . . to erect a huge edifice of peace . . . an edifice that . . . serves as a beacon for generations to come," led to the expulsion of Egypt from the Arab League and to the assassination of President Sadat himself. Yet to this day, the treaty beckons us to "challenge pre-suppositions about the intransigence and inevitability in the Middle East."

Perhaps the Israeli-Egyptian Peace Treaty of 1979 is an example that can be replicated and modeled throughout the region. Perhaps, Mr. Speaker, we will see twisted piles of rubble and concrete from more recent conflicts marked with the poignant words, "Here was the war, here is the peace."

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield 2 minutes to the gentlelady from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished Speaker and the distinguished gentleman from Virginia for his leadership in the management of this bill and Mr. FORTENBERRY for his vision.

As a member of the Foreign Affairs Committee, I cannot imagine a better time to rise to the floor of the House and to speak about long-lasting peace. This Egyptian-Israeli peace treaty as articulated and led by President Jimmy Carter, along with Menachem Begin, and, of course, Anwar Sadat, captures the possibilities of the impossibilities. We can have peace in the Mideast.

Having traveled to Israel any number of times and certainly in the 1980s and now into the 1990s and now in the 21st century, I know the people of Israel love peace. Having met with the present president, President Mubarak of Egypt, speaking directly to him on the issues of peace and the security of the border, I understand the sacrifice that Egyptians have made to ensure that peace may be had.

Therefore, it is a possibility. And as we look at the exact language of the features of the peace treaty, which included the mutual recognition of Egypt and Israel, the end of the state of war between the two nations dating back to the 1948 War of Israeli independence, the complete withdrawal by Israel of its armed forces and civilians from the Sinai Peninsula, the freedom for passage of Israeli ships through the Suez Canal and the recognition of the Strait of Tiran and the Gulf of Aqaba as international waterways, that means major obstacles of peace can be overcome.

And the peace and the question of peace between Palestinians and Israelis are before us. The envoy that has been appointed by this President, President Barack Obama, it is a serious statement in Senator Mitchell's position to know that we mean business, good business, for peace to happen. I thank Secretary Hillary Rodham Clinton and, of course, this new envoy who will capture the peace treaty between Israel and Egypt and understand that the American people believe in strength, believe in integrity and the security of Israel, and they believe in peace. This commemoration of the 30th anniversary of this particular agreement says to us that peace is real.

I thank my colleague for yielding.

Mr. ACKERMAN. Mr. Speaker, about thirty years ago, when diplomacy did not have to be reintroduced as a fresh new approach to our national security, the United States helped bring Egypt and Israel together to make peace.

Israel at the time was anything but a regional power. Though it had survived wars in 1948, 1956, 1967 and, with enormous U.S. aid, in 1973, it was isolated and, frankly, right to be concerned for its continued survival. Egypt, the clear leader among the Arab states, had a new leadership that was prepared to make a sharp and unmistakable break with its past policies and re-align its future toward peace and prosperity.

The wreckage and slaughter of the 1973 Yom Kippur war, unlike all the preceding wars, thus produced fertile ground for American diplomacy. With bold, strong leaders in both Egypt and Israel who were not only ready for peace, but ready to make the sacrifices necessary to achieve it, the Camp David Accords were signed on September 17, 1978.

Since then the Middle East has been a very different place, clearly a much better one for ourselves and, I would argue, even more so for Egypt and for Israel. From our perspective, the peace made at Camp David has linked the two most important militaries in the region to the goodwill of the United States; it has prevented any further Arab-Israeli state-to-state conflicts, though the problem of non-state proxies has grown. And, most importantly, the peace between Israel and Egypt shifted the political center of gravity in the region toward peace with Israel, versus the prior consensus for continual war against the Jewish State.

This point can not be overemphasized. But for the peace between Israel and Egypt we might still be fighting against the Arab

League's "Three No's": no peace with Israel, no recognition of Israel, and no negotiations with Israel. If this policy sounds familiar, it's because it is still the policy of Iran and the terrorist groups it supports, Hamas and Hizballah.

The Camp David Accords not only cemented America's role as the architect of any future Arab-Israeli peace, but obliterated the "Three No's," a defeat that extremists have been struggling to reverse ever since.

For Egypt, the peace made at Camp David freed their nation to pursue economic and social development without the continual intrusion and disruption of war. Israel, which had never before in its entire existence had even one completely peaceful and quiet border, probably gained the most. For ourselves, the total cost of 30 years of peace forged at Camp David is about \$150 billion, which is a lot of money. But, by comparison, that same \$150 billion buys 1¼ years of war in Iraq.

Unfortunately, over time, Americans, Egyptians and Israelis have all lost sight of the singular importance of the peace made at Camp David, and the massive strategic benefits each nation has silently accrued as a consequence every day since. This oversight is more than just a shame, it is a strategic risk.

Each nation has its complaints with the others, and these are not trivial, nor imagined. Over time it is easy for us as human beings to take each other for granted, and the same can be said about the relationships between nations. But in the Middle East today, the risks are too great to allow this pattern to persist in the trilateral relationship. The security of all three nations depends on our re-remembering what made peace so important thirty years ago.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 282, "Recognizing the 30th anniversary of the peace treaty between Egypt and Israel." I want to thank my colleague Congressman JEFF FORTENBERRY of Nebraska for introducing this resolution.

As we near the 30th anniversary of the Camp David Accords, relations between Israel and Egypt, though peaceful, remain cool. In recent days, news headlines have proclaimed positive news for a troubled region. According to reports, rival Lebanese leaders have agreed on steps to end the political crisis which has gripped the country since late 2006.

The Middle East peace process is a complex and multi-faceted issue, requiring the good-faith work and cooperation of a number of countries. Egypt has, historically, been a key player in any effort to establish peace in the region. While relations between Israel and Egypt have been labeled as the "cold peace" and truly difficult points of conflict remain unresolved, the two nations also have areas of common interest. Further, the peace treaty signed in 1979 between Egypt and Israel has remained an important foundation for all subsequent efforts to build a broader peace in the region.

The Arab-Israeli peace process is absolutely vital to achieving security and stability in a crucial region of the world. An Iraq Study Group testified before the Committee on Foreign Affairs, stating that:

"You cannot get anything done in the Middle East without addressing the Arab-Israeli

issue. We want these other countries, especially the Sunni Arab countries, to help us. When we go to talk to them about Iraq, they will want to talk to us about the Arab-Israeli conflict."

Mr. Speaker, the United States has played an active role in creating and maintaining peaceful relations between Egypt and Israel. In 1978, the U.S. played an integral role in the Camp David negotiations, helping Israel and Egypt take the risks necessary to sign a peace treaty in 1979. Since that time, the peace has been maintained, due in no small part to the high amounts of economic and military aid that the United States continues to give to both nations. Between FY 1979 and FY 2008, the United States provided a total of \$89.73 billion to Israel, and \$62.36 billion to Egypt.

While the peace established in 1979 has been maintained, close diplomatic, political, and economic ties between the two neighboring nations have never been achieved. Despite some specific initiatives, including energy and economic cooperation agreements, relations have never truly warmed between Egypt and Israel.

Part of any successful negotiation between Israel and Egypt must be the question of Hamas, a group which poses a threat to the entire region. Hamas is an Islamic fundamentalist organization formed in late 1987 as an outgrowth of the Palestinian branch of the Muslim Brotherhood, which became active in the early stages of the intifada, operating primarily in the Gaza District. Various Hamas elements have used both political and violent means to pursue the goal of establishing an Islamic Palestinian state in place of Israel. Loosely structured, with some elements working clandestinely and others working openly through mosques and social service institutions to recruit members, raise money, organize activities, and distribute propaganda.

Particularly since Hamas's 2007 takeover of Gaza, there is a growing need for the Egyptian government to take a strong stand against Hamas. In the tense climate of today's Middle East, Egyptian silence on this issue will be viewed as tacit approval, and will stand in the way of any attempts for lasting peace with Israel.

Mr. Speaker, the successful resolution of the Israeli-Palestinian peace process is essential to any effort to build a positive relationship between Israel and Egypt. Currently, decades of mistrust coupled with ongoing regional violence are at odds with any attempt to secure improved relations.

President Obama recently stated that the peace agreement between Egypt and Israel shows that "peace is always possible" even in the harshest of conflicts.

Mr. Speaker, I continue to believe in strong diplomacy and multilateralism. The United States has a history of concerted leadership on the development of Israeli-Egyptian relations, and I believe that we have the opportunity now to continue this legacy.

I urge my colleagues to support this resolution to commemorate this reach for peace.

Mr. PAUL. Mr. Speaker, I rise in reluctant opposition to this resolution. I do so not because I oppose our recognizing peace as preferable to, and more productive than, war. On

the contrary, too seldom do we celebrate and encourage the end of violence and warfare on this Floor so I welcome any such endorsement of peace in international relations. However, I cannot agree with the final "resolved" clause of this resolution, which states that:

... the House of Representatives calls for recognition of the peace treaty between Egypt and Israel as a model mechanism upon which partner nations may build to overcome longstanding barriers to peace and effective mutual cooperation.

What the resolution fails to mention, and the reason we should not endorse the treaty as a model, is that at the time the peace was being negotiated at Camp David the United States committed itself to an enormous financial aid package to both Egypt and Israel in exchange for their accession to the treaty. Over the past thirty years, the United States taxpayer has transferred to—some might say "bribed"—Israel and Egypt more well over \$100 billion as a payoff for their leaders' signature on the treaty. Particularly in this time of economic hardship, where so many Americans are out of work and facing great financial challenges, I hardly believe we should be celebrating that which increases the strain on taxpayers. I believe we should cease all foreign aid to all countries, as it is a counterproductive and unconstitutional transfer of wealth from U.S. taxpayers to governments overseas.

I do believe we should, where possible and without meddling, encourage nations and regions at war or in conflict to work toward peace. But I also believe we should lead by example: that we should demonstrate by our actions the benefits of friendly relations and trade with all nations which seek the same. I strongly oppose the idea that we should bribe the rest of the world to do what we demand. Therefore, while I celebrate the achievement of peace between Egypt and Israel, I do not believe this "model" to be productive or in the best interests of the United States. I urge my colleagues to reject this resolution.

Mr. FORTENBERRY. Mr. Speaker, I have no further speakers.

I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I have no further requests for time at this time.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The question is on the motion offered by the gentleman from Virginia (Mr. CONNOLLY) that the House suspend the rules and agree to the resolution, H. Res. 282, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FORTENBERRY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## MAINTAINING COMMITMENT TO NATO

Mr. CONNOLLY of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 152) expressing the sense of the House of Representatives that the United States remains committed to the North Atlantic Treaty Organization (NATO), as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 152

Whereas for 60 years the North Atlantic Treaty Organization (NATO) has served as the preeminent organization to defend the territories of its member states against all external threats;

Whereas NATO, founded on the principles of democracy, individual liberty, and the rule of law, has proved an indispensable instrument for forging a transatlantic community of nations working together to safeguard the freedom and common heritage of its peoples, and promoting stability in the North Atlantic area;

Whereas NATO has acted to address new risks emerging from outside the treaty area in the interests of preserving peace and security in the Euro-Atlantic area, and maintains a unique collective capability to address these new challenges which may affect Allied interests and values;

Whereas such challenges to NATO Allied interests and values include the potential for the re-emergence of unresolved historical disputes confronting Europe, rogue states and non-state actors possessing nuclear, biological, or chemical weapons and their means of delivery, transnational terrorism and disruption of the flow of energy resources, and conflicts outside the treaty area that affect vital security interests;

Whereas the security of NATO member states is inseparably linked to that of the whole of Europe, and the consolidation and strengthening of democratic and free societies on the entire continent, in accordance with the principles and commitments of the Organization for Security and Cooperation in Europe, is of direct and material concern to the NATO Alliance and its partners;

Whereas NATO enhances the security of the United States by providing an integrated military structure and a framework for consultations on political and security concerns of any member state;

Whereas NATO remains the embodiment of United States engagement in Europe and therefore membership in NATO remains a vital national security interest of the United States;

Whereas the impending membership of Albania and Croatia will add to NATO's ability to perform the full range of NATO missions and bolster its capability to integrate former communist countries into a community of democracies;

Whereas the organization of NATO national parliamentarians, the NATO Parliamentary Assembly (NATO PA), serves as a unique transatlantic forum for generating and maintaining legislative and public support for the Alliance, and has played a key role in initiating constructive dialogue between NATO parliamentarians and parliamentarians in associate and observer states;

Whereas NATO PA activities, such as the Rose-Roth program, have played a pioneering role in promoting democratic institutions and encouraging adherence with the principles of the rule of law; and

Whereas the 60th anniversary NATO summit meeting, to be held on April 4, 2009, in Strasbourg, France, and Kehl, Germany, offers the historic opportunity to chart a course for NATO for the next decade: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) the North Atlantic Treaty Organization (NATO) is to be commended for its pivotal role in preserving transatlantic peace and stability;

(2) NATO continues to be the premier institution that promotes a uniquely transatlantic perspective and approach to issues concerning the interests and security of North America and Europe;

(3) the NATO allies, at the Summit meeting to be held in Strasbourg, France, and Kehl, Germany, in April 2009, should articulate a concrete vision for the Alliance in the 21st century, clearly setting out the continued importance of NATO for the citizens of the Allied nations;

(4) the Alliance should begin considering a new strategic concept that takes into account the changing international security environment, reaffirms the Alliance's functional and symbolic purposes, and outlines how to develop its military capabilities accordingly;

(5) the Alliance, while maintaining collective defense as its core function, should, as a fundamental Alliance task, continue to identify and address new areas where it can provide added value in tackling future threats outside the NATO treaty area, based on case-by-case consensual Alliance decision;

(6) the Alliance should make clear commitments to remedy shortfalls in areas such as logistics, command, control, communications, intelligence, ground surveillance, readiness, deployability, mobility, sustainability, survivability, armaments cooperation, and effective engagement;

(7) the Alliance must ensure equitable sharing of contributions to the NATO operations, common budgets, and overall defense expenditure and capability building;

(8) the Alliance must recognize and act upon the threat posed by the proliferation of weapons of mass destruction and terrorism by intensifying consultations among political and military leaders, and consider alternative capabilities to counter these threats to the international community;

(9) the Alliance should pace the process of NATO enlargement and remain prepared to extend invitations for accession negotiations to any appropriate European democracy meeting the criteria for NATO membership as established in the Alliance's 1995 Study on NATO Enlargement; and

(10) the Alliance should fully support the NATO PA's activities in continuing to deepen cooperation within the Alliance to forge strong links with associate and observer nations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. CONNOLLY) and the gentleman from Nebraska (Mr. FORTENBERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. CONNOLLY of Virginia. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of H. Res. 152 to reaffirm American commitment to the values and aspirations of the North Atlantic Treaty Organization.

Mr. Speaker, I want to particularly thank our colleague, JOHN TANNER, our good friend from Tennessee and president of the NATO Parliamentary Assembly, for introducing this resolution. I commend him for his leadership in ensuring that the voices of legislators are heard in the decision-making process of the Alliance.

The NATO PA serves as a unique transatlantic forum for generating public support for Alliance activities, as well as in facilitating dialogue between parliamentarians of member, associate and observer states.

On April 3 and 4, NATO will hold its 60th anniversary summit in Strasbourg, France, and Kehl, Germany. The joint hosting of this meeting by two former adversaries poignantly symbolizes NATO's successful role in contributing to the reconstruction and stabilization of Europe following the devastation of World War II.

By serving as a reminder of the peaceful prosperity that has spread across the continent since the bloody battles of the earliest 20th century, this historic summit should bolster the Alliance's commitment to confronting the new challenges that affect NATO interests values.

In addition, Mr. Speaker, the world is a very different place than it was when the North Atlantic Treaty was signed in Washington, DC, on April 4, 1949, with the chief aim of deferring then-Soviet aggression. In the 20 years since the fall of the Berlin Wall, NATO has sought to aid the democratization and Euro-Atlantic integration of former Warsaw Pact foes as well as to develop more cooperative relations with the Russian Federation.

NATO looks forward to welcoming the newest members of the Alliance, Albania and Croatia, at the upcoming summit. While pacing the process of enlargement, NATO remains prepared to extend invitations for accession negotiations to other European democracies meeting membership criteria.

In the last decade, NATO had increasingly sought to address new risks emerging from outside the treaty area itself that can threaten Euro-Atlantic peace and security. Such challenges include terrorism, weapons of mass destruction, and disruption in the flow of emergency resources. The Alliance

should begin considering a new strategic concept that takes into account the changing international security environment and outlines how to develop military capabilities accordingly.

NATO's first and most significant out-of-area mission has been in Afghanistan, where the Alliance is engaged in stabilization and reconstruction efforts amidst ongoing combat operations against the Taliban. We are now embarking on a new chapter of the U.S. and NATO missions to Afghanistan, one centered around the national election for President and on defeating al Qaeda and its Taliban allies.

NATO's role continues to be critical to the future success in Afghanistan, and achieving that success remains a considerable test, Mr. Speaker, of the Alliance's political will and military capabilities. It is crucial that allies remain committed to the mission, remedy shortfalls in all areas affecting successful engagement, and ensure equitable sharing of responsibilities.

Mr. Speaker, the North Atlantic Treaty Organization is to be commended for its pivotal role of preserving transatlantic peace and stability over the last 60 years. I strongly support this resolution and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. FORTENBERRY. Mr. Speaker, I yield myself such time as I may consume.

I rise here today, Mr. Speaker, in support of House Resolution 152, which expresses the sense of the House that the United States remains committed to the NATO Alliance.

For over half a century, NATO has played a vital role in preserving transatlantic peace and security and in safeguarding freedom and democracy. NATO has contributed to the security of the United States and continues to serve as an important component of our broader national security framework. Although the Cold War is over, the Alliance has and must continue to transform itself to better address new challenges confronting NATO member nations.

The job of the Alliance is not over as the security of NATO member states continues to be threatened by those who seek to spread destruction, oppression and instability. Addressing these challenges will not be easy, and much needs to be done to strengthen the strategic capabilities of the Alliance.

The upcoming summit in Strasbourg, France, and Kehl, Germany, in April serves as an opportunity not only to reaffirm NATO's fundamental purpose but also to articulate a concrete vision for the Alliance in the 21st century.

I would like to thank our distinguished colleague, Congressman TANNER, for introducing this important resolution. I would also like to express particular support for the language in the resolution that states that NATO

must ensure equitable sharing of contributions to NATO operations by its members, encourages the Alliance to begin considering a new strategic concept that would take into account the challenging security environment, and calls on NATO to recognize and help address the threat posed by the proliferation of weapons of mass destruction and by terrorism.

Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield 3 minutes to our friend from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I rise today to express my strong support for this very important resolution. The North Atlantic Treaty Organization's principal objective is to foster mutual understanding among Alliance parliamentarians of the key security challenges facing the transatlantic partnership. This organization provides a critical forum for international dialogue on an array of security, political and economic matters.

I am honored to represent the United States as a member of the NATO Parliamentary Assembly, a group of bipartisan lawmakers representing all NATO countries who regularly meet to discuss matters of crucial importance, I believe it's crucial and critical to the United States' interests at home and abroad to maintain a solid line of communication with our neighbors in the global community.

That's why, Mr. Speaker, I am honored to be part of our country's NATO Parliamentary Assembly delegation, and I will continue to do my part to foster greater communications and cooperation. Now more than ever, we must support efforts to build relationships between nations so that we can work together to address the issues that affect our entire world.

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Mr. FORTENBERRY. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I have no further requests for time at this time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. CONNOLLY) that the House suspend the rules and agree to the resolution, H. Res. 152, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### EARLY HEARING DETECTION AND INTERVENTION ACT OF 2009

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1246) to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1246

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Hearing Detection and Intervention Act of 2009".

#### SEC. 2. EARLY DETECTION, DIAGNOSIS, AND TREATMENT OF HEARING LOSS.

Section 399M of the Public Health Service Act (42 U.S.C. 280g-1) is amended—

(1) in the section heading, by striking "infants" and inserting "newborns and infants";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "screening, evaluation and intervention programs and systems" and inserting "screening, evaluation, diagnosis, and intervention programs and systems, and to assist in the recruitment, retention, education, and training of qualified personnel and health care providers,";

(B) by amending paragraph (1) to read as follows:

"(1) To develop and monitor the efficacy of statewide programs and systems for hearing screening of newborns and infants; prompt evaluation and diagnosis of children referred from screening programs; and appropriate educational, audiological, and medical interventions for children identified with hearing loss. Early intervention includes referral to and delivery of information and services by schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children. Programs and systems under this paragraph shall establish and foster family-to-family support mechanisms that are critical in the first months after a child is identified with hearing loss.";

(C) by adding at the end the following:

"(3) To develop efficient models to ensure that newborns and infants who are identified with a hearing loss through screening receive follow-up by a qualified health care provider. These models shall be evaluated for their effectiveness, and State agencies shall be encouraged to adopt models that effectively increase the rate of occurrence of such follow-up.

"(4) To ensure an adequate supply of qualified personnel to meet the screening, evaluation, diagnosis, and early intervention needs of children.";

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking "hearing loss screening, evaluation, and intervention programs" and inserting "hearing loss screening, evaluation, diagnosis, and intervention programs"; and

(B) in paragraph (2)—

(i) by striking "for purposes of this section, continue" and insert the following: "for purposes of this section—

"(A) continue";

(ii) by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(B) establish a postdoctoral fellowship program to foster research and development in the area of early hearing detection and intervention.";

(4) in paragraphs (2) and (3) of subsection (c), by striking the term "hearing screening, evaluation and intervention programs" each place such term appears and inserting "hearing screening, evaluation, diagnosis, and intervention programs";

(5) in subsection (e)—

(A) in paragraph (3), by striking "ensuring that families of the child" and all that follows and inserting "ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, and language and communication options and are given the opportunity to consider and obtain the full range of such appropriate services, educational and program placements, and other options for their child from highly qualified providers.";

(B) in paragraph (6), by striking ", after re-screening,"; and

(6) in subsection (f)—

(A) in paragraph (1), by striking "fiscal year 2002" and inserting "fiscal years 2010 through 2015";

(B) in paragraph (2), by striking "fiscal year 2002" and inserting "fiscal years 2010 through 2015"; and

(C) in paragraph (3), by striking "fiscal year 2002" and inserting "fiscal years 2010 through 2015".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. FORTENBERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is Public Health Week. Tomorrow, my subcommittee, that is, the Health Subcommittee of Energy and Commerce, will be holding a hearing on the role of public health and health care reform. We'll be exploring the role of public health systems and policies and improving the health status of all Americans.

We have before us today a bipartisan set of bills that exemplify this. The bills make a range of policy and program changes designed to keep Americans safer, help them access needed services, and support research into important health problems.

These bills have been introduced and cosponsored by Members on both sides of the aisle. They all passed the House under suspension in the last Congress. They were passed unanimously from committee this year, and I urge you to join me and the broad set of cosponsors in supporting these bills.

The first one, Mr. Speaker, is H.R. 1246, the Early Hearing Detection Intervention Act. I rise obviously in support of that.

Every year, more than 12,000 babies are born with hearing loss. Often, their

condition goes undetected for years, and many of these children end up experiencing delays in speech, language, and cognitive development. However, if the hearing loss is detected early, many of these delays can be mitigated or even prevented. For that reason, early detection is critical to improving outcomes for these children.

The Early Hearing Detection and Intervention Act would improve services for screening, diagnosing, and treating hearing loss in children by amending the Public Health Service Act to reauthorize the Early Hearing Detection and Intervention Program which was first enacted in 2000.

The Early Hearing Detection and Intervention Program provides grants and cooperative agreements for statewide newborn and infant hearing services. These programs focus on screening, evaluation, diagnosis, and early intervention.

I do want to particularly thank my colleague, Representative CAPPS, for her hard work on this very important issue. I obviously urge us passing this bill.

I reserve the balance of my time.

Mr. FORTENBERRY. Mr. Speaker, I ask unanimous consent to yield my time to the gentleman from Louisiana (Mr. SCALISE).

The SPEAKER pro tempore. Without objection, the gentleman from Louisiana (Mr. SCALISE) is recognized for 20 minutes.

There was no objection.

Mr. SCALISE. I want to thank the Speaker and the gentleman from Nebraska.

I rise in support of H.R. 1246, the Early Hearing Detection and Intervention Act of 2009. This legislation was introduced by Representative LOIS CAPPS and was passed by the House last Congress. The bill reforms the Public Health Service Act and reauthorizes the newborns and infants hearing loss program.

Not only does the Early Hearing Detection and Intervention Act reach out to cover more children, but it also provides the Secretary of Health and Human Services the ability to assist in recruitment, retention, education, and training of qualified personal and health care providers. These qualified health care providers will provide children, who have been identified with hearing loss through screening and detection, with adequate follow-up care.

In an effort to foster research and development in the area of early hearing detection and intervention, H.R. 1246 requires the director of the National Institutes of Health to establish a post-doctoral fellowship program. This program is intended to provide more information on how to better the lives of children through early intervention.

I urge my colleagues to support H.R. 1246.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS), the sponsor of this legislation, and I don't need to tell anyone how hard she works on this and so many health bills. She is the vice chair of our Health Subcommittee.

Mrs. CAPPS. Mr. Speaker, I thank the chairman of our subcommittee, Mr. PALLONE, for giving me time to speak. Of course, I'm speaking in strong support of H.R. 1246, the Early Hearing Detection and Intervention Act. I am very proud to have introduced this bill with my colleague, Congresswoman JO ANN EMERSON of Missouri.

I want to commend the leadership of the Hearing Health Caucus, Congressman VERN EHLERS and Congresswoman CAROLYN MCCARTHY, our leaders of this caucus now, and I must also mention the work of former Congressman Jim Walsh of New York who had championed this issue for many years before his retirement.

As our chairman mentioned, each year more than 12,000 infants are born with hearing loss. If left undetected, this condition impairs speech development, language development, and cognitive development. Back in 2000, we developed the early hearing detection program, thanks to the hard work of the Hearing Health Caucus, and since that time, we've seen a tremendous increase in the number of newborns who are now being screened for hearing loss.

Back in 2000, only 44 percent of newborns were being screened for hearing loss. That's less than half of the babies born. Now, we're screening newborns at a rate of over 93 percent. So this legislation has had an impact. Again, I commend the work of those made it happen and all of the hard work of our colleagues here in Congress and the Senate and the signing into law.

But we know now that our work is not done. According to the Centers for Disease Control, almost half of the newborns who fail initial screening of their hearing do not go on to receive appropriate follow-up care, and we need to train more health professionals with the skills necessary to provide effective intervention.

As a school nurse for over 20 years, I had a lot of interaction with students who were lagging behind their classmates, failing in class due to undiagnosed or untreated hearing loss. We can prevent more children from suffering in the classroom and really suffering throughout their lives through better investment in follow-up intervention as a part of the successful hearing screening program for newborns and infants.

I urge our colleagues to join in voting in favor of H.R. 1246.

Mr. SCALISE. I have no speakers for this legislation, so I would yield the balance of my time.

Mr. PALLONE. Mr. Speaker, I would also yield back the balance of my time and urge passage of the legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1246.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## NATIONAL PAIN CARE POLICY ACT OF 2009

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 756) to amend the Public Health Service Act with respect to pain care, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 756

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Pain Care Policy Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Institute of Medicine Conference on Pain.
- Sec. 3. Pain research at National Institutes of Health.
- Sec. 4. Pain care education and training.
- Sec. 5. Public awareness campaign on pain management.

### SEC. 2. INSTITUTE OF MEDICINE CONFERENCE ON PAIN.

(a) CONVENING.—Not later than June 30, 2010, the Secretary of Health and Human Services shall seek to enter into an agreement with the Institute of Medicine of the National Academies to convene a Conference on Pain (in this section referred to as "the Conference").

(b) PURPOSES.—The purposes of the Conference shall be to—

- (1) increase the recognition of pain as a significant public health problem in the United States;
- (2) evaluate the adequacy of assessment, diagnosis, treatment, and management of acute and chronic pain in the general population, and in identified racial, ethnic, gender, age, and other demographic groups that may be disproportionately affected by inadequacies in the assessment, diagnosis, treatment, and management of pain;
- (3) identify barriers to appropriate pain care, including—

(A) lack of understanding and education among employers, patients, health care providers, regulators, and third-party payors;

(B) barriers to access to care at the primary, specialty, and tertiary care levels, including barriers—

(i) specific to those populations that are disproportionately undertreated for pain;

(ii) related to physician concerns over regulatory and law enforcement policies applicable to some pain therapies; and

(iii) attributable to benefit, coverage, and payment policies in both the public and private sectors; and

(C) gaps in basic and clinical research on the symptoms and causes of pain, and potential assessment methods and new treatments to improve pain care; and

(4) establish an agenda for action in both the public and private sectors that will reduce such barriers and significantly improve the state of pain care research, education, and clinical care in the United States.

(c) OTHER APPROPRIATE ENTITY.—If the Institute of Medicine declines to enter into an agreement under subsection (a), the Secretary of Health and Human Services may enter into such agreement with another appropriate entity.

(d) REPORT.—A report summarizing the Conference's findings and recommendations shall be submitted to the Congress not later than June 30, 2011.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$500,000 for each of fiscal years 2010 and 2011.

### SEC. 3. PAIN RESEARCH AT NATIONAL INSTITUTES OF HEALTH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

#### “SEC. 409J. PAIN RESEARCH.

“(a) RESEARCH INITIATIVES.—

“(1) IN GENERAL.—The Director of NIH is encouraged to continue and expand, through the Pain Consortium, an aggressive program of basic and clinical research on the causes of and potential treatments for pain.

“(2) ANNUAL RECOMMENDATIONS.—Not less than annually, the Pain Consortium, in consultation with the Division of Program Coordination, Planning, and Strategic Initiatives, shall develop and submit to the Director of NIH recommendations on appropriate pain research initiatives that could be undertaken with funds reserved under section 402A(c)(1) for the Common Fund or otherwise available for such initiatives.

“(3) DEFINITION.—In this subsection, the term ‘Pain Consortium’ means the Pain Consortium of the National Institutes of Health or a similar trans-National Institutes of Health coordinating entity designated by the Secretary for purposes of this subsection.

“(b) INTERAGENCY PAIN RESEARCH COORDINATING COMMITTEE.—

“(1) ESTABLISHMENT.—The Secretary shall establish not later than 1 year after the date of the enactment of this section and as necessary maintain a committee, to be known as the Interagency Pain Research Coordinating Committee (in this section referred to as the ‘Committee’), to coordinate all efforts within the Department of Health and Human Services and other Federal agencies that relate to pain research.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Committee shall be composed of the following voting members:

“(i) Not more than 7 voting Federal representatives as follows:

“(I) The Director of the Centers for Disease Control and Prevention.

“(II) The Director of the National Institutes of Health and the directors of such national research institutes and national centers as the Secretary determines appropriate.

“(III) The heads of such other agencies of the Department of Health and Human Services as the Secretary determines appropriate.

“(IV) Representatives of other Federal agencies that conduct or support pain care research and treatment, including the Department of Defense and the Department of Veterans Affairs.

“(ii) 12 additional voting members appointed under subparagraph (B).

“(B) ADDITIONAL MEMBERS.—The Committee shall include additional voting members appointed by the Secretary as follows:

“(i) 6 members shall be appointed from among scientists, physicians, and other health professionals, who—

“(I) are not officers or employees of the United States;

“(II) represent multiple disciplines, including clinical, basic, and public health sciences;

“(III) represent different geographical regions of the United States; and

“(IV) are from practice settings, academia, manufacturers or other research settings; and

“(ii) 6 members shall be appointed from members of the general public, who are representatives of leading research, advocacy, and service organizations for individuals with pain-related conditions.

“(C) NONVOTING MEMBERS.—The Committee shall include such nonvoting members as the Secretary determines to be appropriate.

“(3) CHAIRPERSON.—The voting members of the Committee shall select a chairperson from among such members. The selection of a chairperson shall be subject to the approval of the Director of NIH.

“(4) MEETINGS.—The Committee shall meet at the call of the chairperson of the Committee or upon the request of the Director of NIH, but in no case less often than once each year.

“(5) DUTIES.—The Committee shall—

“(A) develop a summary of advances in pain care research supported or conducted by the Federal agencies relevant to the diagnosis, prevention, and treatment of pain and diseases and disorders associated with pain;

“(B) identify critical gaps in basic and clinical research on the symptoms and causes of pain;

“(C) make recommendations to ensure that the activities of the National Institutes of Health and other Federal agencies, including the Department of Defense and the Department of Veteran Affairs, are free of unnecessary duplication of effort;

“(D) make recommendations on how best to disseminate information on pain care; and

“(E) make recommendations on how to expand partnerships between public entities, including Federal agencies, and private entities to expand collaborative, cross-cutting research.

“(6) REVIEW.—The Secretary shall review the necessity of the Committee at least once every 2 years.”

### SEC. 4. PAIN CARE EDUCATION AND TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following new section:

#### “SEC. 759. PROGRAM FOR EDUCATION AND TRAINING IN PAIN CARE.

“(a) IN GENERAL.—The Secretary may make awards of grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in pain care.

“(b) PRIORITIES.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.

“(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program carried out with the award will include information and education on—

“(1) recognized means for assessing, diagnosing, treating, and managing pain and related signs and symptoms, including the medically appropriate use of controlled substances;

“(2) applicable laws, regulations, rules, and policies on controlled substances, including the degree to which misconceptions and concerns regarding such laws, regulations, rules, and policies, or the enforcement thereof, may create barriers to patient access to appropriate and effective pain care;

“(3) interdisciplinary approaches to the delivery of pain care, including delivery through specialized centers providing comprehensive pain care treatment expertise;

“(4) cultural, linguistic, literacy, geographic, and other barriers to care in underserved populations; and

“(5) recent findings, developments, and improvements in the provision of pain care.

“(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs, and other graduate programs in the health professions; entities that provide continuing education in medicine, pain management, dentistry, psychology, social work, nursing, and pharmacy; hospices; and such other programs or sites as the Secretary determines to be appropriate.

“(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice of pain care.

“(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes individuals with expertise and experience in pain care.

“(g) PAIN CARE DEFINED.—For purposes of this section the term ‘pain care’ means the assessment, diagnosis, treatment, or management of acute or chronic pain regardless of causation or body location.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$5,000,000 for each of the fiscal years 2010 through 2012. Amounts appropriated under this subsection shall remain available until expended.”

### SEC. 5. PUBLIC AWARENESS CAMPAIGN ON PAIN MANAGEMENT.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following:

#### “SEC. 249. NATIONAL EDUCATION OUTREACH AND AWARENESS CAMPAIGN ON PAIN MANAGEMENT.

“(a) ESTABLISHMENT.—Not later than June 30, 2010, the Secretary shall establish and implement a national pain care education outreach and awareness campaign described in subsection (b).

“(b) REQUIREMENTS.—The Secretary shall design the public awareness campaign under this section to educate consumers, patients, their families, and other caregivers with respect to—

“(1) the incidence and importance of pain as a national public health problem;

“(2) the adverse physical, psychological, emotional, societal, and financial consequences that can result if pain is not appropriately assessed, diagnosed, treated, or managed;

“(3) the availability, benefits, and risks of all pain treatment and management options;

“(4) having pain promptly assessed, appropriately diagnosed, treated, and managed,



and regularly reassessed with treatment adjusted as needed;

“(5) the role of credentialed pain management specialists and subspecialists, and of comprehensive interdisciplinary centers of treatment expertise;

“(6) the availability in the public, non-profit, and private sectors of pain management-related information, services, and resources for consumers, employers, third-party payors, patients, their families, and caregivers, including information on—

“(A) appropriate assessment, diagnosis, treatment, and management options for all types of pain and pain-related symptoms; and

“(B) conditions for which no treatment options are yet recognized; and

“(7) other issues the Secretary deems appropriate.

“(c) CONSULTATION.—In designing and implementing the public awareness campaign required by this section, the Secretary shall consult with organizations representing patients in pain and other consumers, employers, physicians including physicians specializing in pain care, other pain management professionals, medical device manufacturers, and pharmaceutical companies.

“(d) COORDINATION.—

“(1) LEAD OFFICIAL.—The Secretary shall designate one official in the Department of Health and Human Services to oversee the campaign established under this section.

“(2) AGENCY COORDINATION.—The Secretary shall ensure the involvement in the public awareness campaign under this section of the Surgeon General of the Public Health Service, the Director of the Centers for Disease Control and Prevention, and such other representatives of offices and agencies of the Department of Health and Human Services as the Secretary determines appropriate.

“(e) UNDERSERVED AREAS AND POPULATIONS.—In designing the public awareness campaign under this section, the Secretary shall—

“(1) take into account the special needs of geographic areas and racial, ethnic, gender, age, and other demographic groups that are currently underserved; and

“(2) provide resources that will reduce disparities in access to appropriate diagnosis, assessment, and treatment.

“(f) GRANTS AND CONTRACTS.—The Secretary may make awards of grants, cooperative agreements, and contracts to public agencies and private nonprofit organizations to assist with the development and implementation of the public awareness campaign under this section.

“(g) EVALUATION AND REPORT.—Not later than the end of fiscal year 2012, the Secretary shall prepare and submit to the Congress a report evaluating the effectiveness of the public awareness campaign under this section in educating the general public with respect to the matters described in subsection (b).

“(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated \$2,000,000 for fiscal year 2010 and \$4,000,000 for each of fiscal years 2011 and 2012.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 756, the National Pain Care Policy Act of 2009.

Pain is the most common reason Americans access the health care system and is a leading cause of disability. It is also a major contributor to health care costs. National Center for Health Statistics estimates that 76.2 million, or one in four, Americans have suffered from pain that lasts longer than 24 hours. Millions more Americans suffer from acute pain. While untreated pain can seriously impact every aspect of daily living, most painful conditions can be relieved through treatment.

This bill will expand research on the causes and treatments of pain, award grants for pain care education and training programs for health professionals, and establish and implement a national pain care education outreach and awareness campaign.

Once again, I'd like to thank my colleague, Representative CAPPS, for sponsoring this bill and for her hard work on the bill. I urge my colleagues to pass this very important bill.

I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise in support of H.R. 756, the National Pain Care Policy Act of 2009. I want to commend Congresswoman LOIS CAPPS and Congressman MIKE ROGERS for their bipartisan work on this bill.

The National Center for Health Statistics estimates that 76.2 million Americans have suffered pain that lasts longer than 24 hours. Most painful conditions can be relieved with proper treatment and adequate pain management. This bill creates an interagency coordinating committee to coordinate all efforts within HHS and other Federal agencies related to pain research. This effort, along with efforts at the NIH via the pain consortium, will go a long way towards increasing research and awareness of chronic pain.

Mr. Speaker, I urge Members to support this legislation.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, once again, I yield 3 minutes to the gentleman from California (Mrs. CAPPS), the sponsor of the legislation.

Mrs. CAPPS. Mr. Speaker, again, I thank our chairman of our subcommittee for giving me this time to speak in strong support of H.R. 756, the National Pain Care Policy Act.

I want to thank our colleague from Michigan, MIKE ROGERS, for his tireless advocacy on behalf of pain care. It's been several years that we've been working together, and we have a great deal of gratitude for the vast coalition

of organizations who have been supporting this legislation and working so hard on behalf of people with pain who suffer every single day.

Most Americans would be surprised if they understood that the leading cause of disability in the United States is pain and that its treatment and management is straining our health care system. Americans suffering from chronic pain, or from pain as a symptom of another illness, face so many barriers to achieving relief. Fortunately, we don't have to remain debilitated by pain because we can take several steps in this legislation to improve the way we research, diagnose, and treat pain.

This legislation takes a multifaceted approach to addressing pain. First, it calls on the Institute of Medicine to convene a conference on pain. The bill will also enable coordination and improvement of pain research at the National Institutes of Health.

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This information will then be disseminated to the health community. H.R. 756 will also create a grant program in order to improve training for health professionals in recognizing and treating pain effectively.

Finally, through this legislation we will initiate a public health awareness campaign so that patients know they do not need to suffer from pain, but rather they can seek available treatment options.

It is my hope that passage of this bill in the House today will spur the Senate to act soon so we can see this bill signed into law before the end of the year.

Most of us have either suffered from pain ourselves—and chronic pain, as our colleague from the other side said, is pain that doesn't go away for at least 24 hours. That's awfully miserable. Either we have experienced that ourselves or we have some family member or loved one that we can think of who would be very much affected in a positive way by passing this legislation.

So the sooner we get to work on improving pain care, the sooner we can see relief for the millions of Americans who are suffering from pain every day.

Again, I urge my colleagues to vote “yes” on H.R. 756.

Mr. SCALISE. I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 756, the “National Pain Care Policy Act of 2009.” I would like to thank Congresswoman LOIS CAPPS from California for this important health care legislation.

BACKGROUND

This legislation requires the Secretary of Health and Human Services to seek an agreement with the Institute of Medicine to convene a Conference on Pain that:

(1) Increases the recognition of pain as a significant public health problem in the United States;

(2) Evaluates the adequacy of assessment, diagnosis, treatment, and management of acute and chronic pain;

(3) Identifies barriers to appropriate pain care; and

(4) Establishes an agenda to reduce such barriers and significantly improve the state of pain care research, education, and clinical care in the United States by allowing the Secretary to enter into an agreement with another appropriate entity if the Institute of Medicine declines.

This legislation will also amend the Public Health Service Act to require the Director of the National Institutes of Health (NIH) to continue and expand, through the Pain Consortium, an aggressive program of basic and clinical research on the causes of and potential treatments for pain.

The Secretary will be required to establish the Interagency Pain Research Coordinating Committee to:

(1) Develop a summary of advances in federal pain care research relevant to the diagnosis, prevention, and treatment of pain and diseases and disorders associated with pain; and

(2) Identify critical gaps in basic and clinical research on the symptoms and causes of pain.

Most importantly, it allows the Secretary to provide for education and training to health care professionals in pain care including the requirement to establish and implement a national pain care education outreach and awareness campaign to educate consumers, patients, their families, and other caregivers.

#### GENERAL

The American Pain Foundation provides its members and the public with several tips to dealing with pain relief, they advise pain sufferers to be active in their pain management.

Sufferers should not be afraid to speak up. Only you know the extent of your pain and how it affects your quality of life.

Knowledge is power. There are a variety of drug and non-drug therapies (e.g., physical therapy, yoga, meditation) available to effectively control pain; these are typically used in combination. People need to ask their healthcare providers about ways to relax and cope with pain.

Tell your provider what over-the-counter medications, vitamins and supplements you take, at what dose and how often. Also let him or her know about other personal health habits (e.g., smoking tobacco, alcohol use), which can interfere with some pain treatments and increase pain levels.

Write down questions you have before each appointment, and tell your provider(s) if there is something you don't understand and bring a relative or friend to the appointments for support.

It is often the little things that make all the difference in pain management. I urge my colleagues to remember that everyday persistent pain can interfere with people's enjoyment of life. It can make it hard to sleep, work, socialize with friends and family and accomplish everyday tasks. When your ability to function is limited, you may become less productive. People find themselves avoiding hobbies and other activities that normally bring them happiness in order to prevent further injury or pain.

Ongoing pain can cause you to lose your appetite, feel weak and depressed. This legislation provides more resources to manage their pain and reclaim their life.

Mr. PALLONE. Mr. Speaker, I urge passage of this bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 756, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### MELANIE BLOCKER STOKES MOM'S OPPORTUNITY TO ACCESS HEALTH, EDUCATION, RESEARCH, AND SUPPORT FOR POSTPARTUM DEPRESSION ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 20) to provide for research on, and services for individuals with, postpartum depression and psychosis, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 20

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Melanie Blocker Stokes Mom's Opportunity to Access Health, Education, Research, and Support for Postpartum Depression Act" or the "Melanie Blocker Stokes MOTHERS Act".*

#### SEC. 2. DEFINITIONS.

*For purposes of this Act—*

(1) the term "postpartum condition" means postpartum depression or postpartum psychosis; and

(2) the term "Secretary" means the Secretary of Health and Human Services.

#### TITLE I—RESEARCH ON POSTPARTUM CONDITIONS

##### SEC. 101. EXPANSION AND INTENSIFICATION OF ACTIVITIES.

(a) *CONTINUATION OF ACTIVITIES.*—The Secretary is encouraged to continue activities on postpartum conditions.

(b) *PROGRAMS FOR POSTPARTUM CONDITIONS.*—In carrying out subsection (a), the Secretary is encouraged to continue research to expand the understanding of the causes of, and treatments for, postpartum conditions. Activities under such subsection shall include conducting and supporting the following:

(1) *Basic research concerning the etiology and causes of the conditions.*

(2) *Epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions.*

(3) *The development of improved screening and diagnostic techniques.*

(4) *Clinical research for the development and evaluation of new treatments.*

(5) *Information and education programs for health care professionals and the public, which may include a coordinated national campaign to*

*increase the awareness and knowledge of postpartum conditions. Activities under such a national campaign may—*

(A) *include public service announcements through television, radio, and other means; and*

(B) *focus on—*

(i) *raising awareness about screening;*

(ii) *educating new mothers and their families about postpartum conditions to promote earlier diagnosis and treatment; and*

(iii) *ensuring that such education includes complete information concerning postpartum conditions, including its symptoms, methods of coping with the illness, and treatment resources.*

#### SEC. 102. SENSE OF CONGRESS REGARDING LONGITUDINAL STUDY OF RELATIVE MENTAL HEALTH CONSEQUENCES FOR WOMEN OF RESOLVING A PREGNANCY.

(a) *SENSE OF CONGRESS.*—It is the sense of Congress that the Director of the National Institute of Mental Health may conduct a nationally representative longitudinal study (during the period of fiscal years 2009 through 2018) of the relative mental health consequences for women of resolving a pregnancy (intended and unintended) in various ways, including carrying the pregnancy to term and parenting the child, carrying the pregnancy to term and placing the child for adoption, miscarriage, and having an abortion. This study may assess the incidence, timing, magnitude, and duration of the immediate and long-term mental health consequences (positive or negative) of these pregnancy outcomes.

(b) *REPORT.*—Beginning not later than 3 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study, such Director may prepare and submit to the Congress reports on the findings of the study.

#### TITLE II—DELIVERY OF SERVICES REGARDING POSTPARTUM CONDITIONS

##### SEC. 201. ESTABLISHMENT OF GRANT PROGRAM.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after section 330G the following:

#### "SEC. 330G-1. SERVICES TO INDIVIDUALS WITH A POSTPARTUM CONDITION AND THEIR FAMILIES.

"(a) *IN GENERAL.*—The Secretary may make grants to eligible entities for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with a postpartum condition and their families.

"(b) *CERTAIN ACTIVITIES.*—To the extent practicable and appropriate, the Secretary shall ensure that projects funded under subsection (a) provide education and services with respect to the diagnosis and management of postpartum conditions. The Secretary may allow such projects to include the following:

"(1) *Delivering or enhancing outpatient and home-based health and support services, including case management and comprehensive treatment services for individuals with or at risk for postpartum conditions, and delivering or enhancing support services for their families.*

"(2) *Delivering or enhancing inpatient care management services that ensure the well-being of the mother and family and the future development of the infant.*

"(3) *Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance) for individuals with a postpartum condition and support services for their families.*

"(4) *Providing education to new mothers and, as appropriate, their families about postpartum*

conditions to promote earlier diagnosis and treatment. Such education may include—

“(A) providing complete information on postpartum conditions, symptoms, methods of coping with the illness, and treatment resources; and

“(B) in the case of a grantee that is a State, hospital, or birthing facility—

“(i) providing education to new mothers and fathers, and other family members as appropriate, concerning postpartum conditions before new mothers leave the health facility; and

“(ii) ensuring that training programs regarding such education are carried out at the health facility.

“(C) **INTEGRATION WITH OTHER PROGRAMS.**—To the extent practicable and appropriate, the Secretary may integrate the grant program under this section with other grant programs carried out by the Secretary, including the program under section 330.

“(d) **CERTAIN REQUIREMENTS.**—A grant may be made under this section only if the applicant involved makes the following agreements:

“(1) Not more than 5 percent of the grant will be used for administration, accounting, reporting, and program oversight functions.

“(2) The grant will be used to supplement and not supplant funds from other sources related to the treatment of postpartum conditions.

“(3) The applicant will abide by any limitations deemed appropriate by the Secretary on any charges to individuals receiving services pursuant to the grant. As deemed appropriate by the Secretary, such limitations on charges may vary based on the financial circumstances of the individual receiving services.

“(4) The grant will not be expended to make payment for services authorized under subsection (a) to the extent that payment has been made, or can reasonably be expected to be made, with respect to such services—

“(A) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

“(B) by an entity that provides health services on a prepaid basis.

“(5) The applicant will, at each site at which the applicant provides services funded under subsection (a), post a conspicuous notice informing individuals who receive the services of any Federal policies that apply to the applicant with respect to the imposition of charges on such individuals.

“(6) For each grant period, the applicant will submit to the Secretary a report that describes how grant funds were used during such period.

“(e) **TECHNICAL ASSISTANCE.**—The Secretary may provide technical assistance to entities seeking a grant under this section in order to assist such entities in complying with the requirements of this section.

“(f) **DEFINITIONS.**—In this section:

“(1) The term ‘eligible entity’ means a public or nonprofit private entity, which may include a State or local government; a public or nonprofit private recipient of a grant under section 330H (relating to the Healthy Start Initiative), public-private partnership, hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, public housing primary care center, or homeless health center; or any other appropriate public or nonprofit private entity.

“(2) The term ‘postpartum condition’ means postpartum depression or postpartum psychosis.”.

### TITLE III—GENERAL PROVISIONS

#### SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act and the amendment made by section 201, there are authorized to be appropriated, in addition to such other sums as may be available for such purpose—

(1) \$3,000,000 for fiscal year 2010; and

(2) such sums as may be necessary for fiscal years 2011 and 2012.

#### SEC. 302. REPORT BY THE SECRETARY.

(a) **STUDY.**—The Secretary shall conduct a study on the benefits of screening for postpartum conditions.

(b) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete the study required by subsection (a) and submit a report to the Congress on the results of such study.

#### SEC. 303. LIMITATION.

Notwithstanding any other provision of this Act or the amendment made by section 201, the Secretary may not utilize amounts made available under this Act or such amendment to carry out activities or programs that are duplicative of activities or programs that are already being carried out through the Department of Health and Human Services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, once again, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 20, the Melanie Blocker Stokes Mom's Opportunity to Access Health, Education, Research, and Support for Postpartum Depression Act.

Postpartum depression occurs after 10 to 15 percent of all deliveries, and the majority of patients suffer from this illness for more than 6 months. In its most severe form, postpartum psychosis, women may actually suffer from hallucinations and delusions that can put them and their babies at risk.

The bill before us today amends the Public Health Service Act to include a new section that authorizes the Secretary of Health and Human Services to make grants for services related to postpartum depression and postpartum psychosis.

It would encourage continued research into the causes of and treatments for these conditions and would give the Secretary the authority to provide grants to deliver services to women with these conditions and their families.

I want to thank my colleague, Representative BOBBY RUSH, for his work in raising this important issue. He is the sponsor of this bill and has worked hard on it for a long time.

I also want to thank Mary Jo Codey, who is the wife of former Governor Codey from my home State of New Jersey. She came and testified before our subcommittee on this bill and has been

outspoken on the issue of postpartum depression.

I urge my colleagues to pass this bill. I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 20, the Melanie Blocker Stokes MOTHERS Act. Last Congress, the Energy and Commerce Committee held hearings on this issue that were deeply emotional, especially when testimony was presented by Melanie Blocker Stokes' mother. This bill highlights the need to increase awareness of postpartum depression and expand the knowledge of its terrible effects.

It is important to note that as many as 80 percent of women experience some mood disturbances after pregnancy. For most women, the symptoms are mild and go away on their own. But 10 to 20 percent of women develop a more disabling form of mood disorder called postpartum depression.

This legislation encourages the continuation of research being done by Federal agencies to determine the causes of postpartum depression and how it can better be treated. I stand in support of this legislation and hope that my colleagues will join me.

I reserve the balance of my time.

Mr. PALLONE. I yield 3 minutes to someone who has been such a leader on so many health care issues, including this one, the gentleman from Rhode Island (Mr. KENNEDY.)

Mr. KENNEDY. I thank the gentleman from New Jersey and thank him for his leadership on this issue and many others regarding mental health. I just want to concur with him and Mr. RUSH from Illinois that this issue of mental health and postpartum depression I'm glad to see is on the agenda for health care. We are in the year of health care reform, and it's so vital that the issue of the total health of our people makes its way into health care reform.

We find that so many in our country seek help in our health care system and yet don't receive it because our health care system does not respond to the total health of a person. It responds to the physical part of the person but it does not respond to the emotional—the sympathetic part of the person; the psychological, which is the mental health part of the person; the spiritual, which is the sense of purpose that a person has for their life.

We have done such a good job in this country in training our doctors to take care of a person as if they were a machine, and we could fix a person if they had a broken bone or if they had something that we could show on an x-ray or we could test through a blood test, but if we can't show it on an x-ray or a blood test, then we really don't know what to do.

My friends, the fact of the matter is we are much more than just the sum of

our parts. Really, a much bigger part of this is the mental health and emotional health of our people. That is why we need to do a lot more to address this if we are going to address people's health in this country.

Frankly, mental illnesses are the second leading cause of lost days in our country. It's quite surprising that even given that statistic, our health care system doesn't respond to this challenge.

So I'm glad to see that this legislation calls on greater research into this area because, frankly, there is a physical element to this. The body does change as a result of mental health problems. We now know, thanks to the new x-ray machines, that we can actually see biochemical changes in the brain. We can see these biochemical changes in the brain, thanks to these new functional magnetic resonance imaging exams.

Furthermore, I think it's so important for people to know that we want a vibrant and a productive people, and we want them to feel active and alive. The best way to do that is to make sure that we give them all the support that they need in this country.

So, to do that, we need to make sure that they get all of the support and get their checkup from their neck up, just as they get their checkup everywhere else. So I'm glad that this proposal is going forward.

Mr. SCALISE. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding. Mr. Speaker, I'm a physician. I've dealt with anxiety and depression in patients throughout my medical career. Depression is an extremely debilitating disease.

What really concerns me at this point is Americans today are getting very, very depressed because of this steamroller of socialism that's being forced down their throats, this steamroller of socialism of bigger and bigger government that is taking money away from small business, it's taking money away from families. They are struggling.

We need to do something about the economy. Americans are hurting. We need to do something about it now. But greater spending and bigger government is not the solution.

In fact, we're going to be taking up a budget this week that is a budget that should cause people great angst here in America. It's a budget that's going to create a tremendous amount of anxiety and depression.

More people are going to see their doctors and ask for antidepressants and nerve pills because of this budget that we're going to see this week that's being presented by the Democratic majority. We've got to stop it.

Republicans have offered alternative after alternative, but the leadership of

this House won't even consider them. The leadership of this House has said that Republicans are the "Party of No," and that is absolutely not factual. Republicans have offered many alternatives, but they just won't be considered.

The American people need to wake up and understand that they're going to become more depressed, they're going to become more anxious, they're going to have greater strife within their families, we're going to have more marriages break up because of the budget, in my opinion, that we are going to be presented in this House—and undoubtedly this House will pass it. But it's going to wreck our economy.

America is bankrupt today because of the great spending that's been coming down through the latter part of the Bush administration and now in this administration. We've got to stop it.

The American people need to wake up and demand that we have a responsible government so that they won't be depressed, so they won't be anxious, so that we can have a good economy.

Republicans are offering solutions—commonsense, market-based solutions based on the private sector. It's absolutely critical that we find those solutions; that we work together, Democrats and Republicans alike, to find economic solutions to put this country back on the right course.

We're spending too much, we're taxing too much, we're borrowing too much, and we're bankrupting America—not only the government, but individuals and small businesses—and it has to stop. I call on the American people to write their Congressman, write their Senators, and say "no."

We've got to have a better alternative than this budget that's going to be presented this week.

Mr. RUSH. Mr. Speaker, today I rise in strong support of the Melanie Blocker Stokes Mom's Opportunity to Access Health, Education, Research, and Support for Postpartum Depression Act of 2009.

I would like to thank Chairman WAXMAN, Ranking Member BARTON, my colleague Congressman FRANK PALLONE, and the Members of the Energy and Commerce Committee who unanimously supported this legislation's passage out of the committee.

After eight long years, today marks an important step forward in the journey for Congress to fully recognize postpartum depression as a national women's health priority. This bill comes to the floor today with strong, bipartisan support. No longer will postpartum depression be dismissed as mere "baby blues."

Mr. Speaker, today, 60 to 80 percent of new mothers experience symptoms of postpartum depression while the more serious condition, postpartum psychosis, affects up to 20 percent of women who have recently given birth. Experts in the field of women's health like Susan Stone, Chair of the President's Advisory Council of Postpartum Support International, says that these statistics do not include mothers

whose babies are stillborn, who miscarry, or who are vulnerable to these devastating disorders which raises those at risk into the millions. The most extreme form, postpartum psychosis, is exhibited in about one percent of all new mothers.

At what should be the happiest time in a woman's life these mood disorders result in feelings of despondency, tearfulness, inequity, guilt and fatigue. In the worst case scenario, if left untreated or not treated properly, postpartum depression and postpartum psychosis has resulted in suicide and infanticide. The consequences of untreated maternal depression in the mother range from chronic disability to death of the infant as well as learning and behavioral disabilities that can negatively impact a child's development.

In light of all these sobering facts, sadly, I was finally compelled to author H.R. 20 in December 2007 after watching the news accounts of the missing Melanie Blocker Stokes. This bright, vibrant woman who loved life was a first time mother, a successful business woman and my constituent. Despite her family's valiant interventions, Melanie's psychosis was so severe that she slipped away and ended her life in solitary agony.

As news of her death swept throughout Chicago, I reached out to Melanie's mother, Carol Blocker, who told me her daughter's diagnosis and suicide was the result of postpartum psychosis.

And, sometime later, Dr. Nada Stotland of the American Psychiatric Association, also a constituent of mine, also reached out to me. Dr. Stotland detailed the value of additional research and discussed the under-reporting and misdiagnosis of postpartum depression and psychosis in our country.

There is no denying the fact that the need for resources to combat postpartum depression grows more and more each and every year. Here are the facts: H.R. 20 will finally put significant money and attention into research, screening, treatment and education for mothers suffering from this disease. Research indicates that some form of postpartum depression affects approximately 1 in 1,000 new mothers, or up to 800,000 new cases annually. This data does not include the additional cases of women who may be vulnerable to these illnesses even after they've miscarried or who deliver stillborn infants.

Of the new postpartum cases this year, less than 15 percent of mothers will receive treatment and even fewer will receive adequate treatment; however, with treatment over 90 percent of these mothers could overcome their depression. Every 50 seconds a new mother will begin struggling with the effects of mental illness.

Mr. Speaker, these facts are profound and, in the words of Carol Blocker, "... hundreds of thousands of women, who have suffered from postpartum depression and psychosis are still waiting for Congress to act eight years after legislation was first introduced." Mr. Speaker, thank you for this day because, today, Mrs. Blocker and hundreds of thousands of mothers will not have to wait any longer for Congress to act! By passage of H.R. 20, today, we will put mothers first.

When this bill becomes law, my legislation will:

Encourage the Secretary of Health and Human Services to continue: (1) activities on postpartum depression; and (2) research to expand the understanding of the causes of, and treatments for, postpartum conditions.

Express the sense of Congress that the Director of the National Institute of Mental Health may conduct a nationally representative longitudinal study of the relative mental health consequences for women of resolving a pregnancy in various ways.

Amend the Public Health Service Act to authorize the Secretary to make grants for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with a postpartum condition and their families.

Direct the Secretary to ensure that such projects provide education and services with respect to the diagnosis and management of postpartum conditions.

Moreover, this bill is an affordable approach to research and services. This is good policy, good politics and a good public health bill.

Before I close, I'd like to take a moment to remember and honor the hundreds of thousands of women—women who have lost either their ability to “mother” or, in far too many cases, their lives to postpartum depression.

Mr. Speaker, this bill, this day and this moment would not be a reality had it not been for a beautiful, young Chicago native, the late Melanie Blocker Stokes, and the valiant effort her husband and her family made to save her life but to no avail. And, even though Melanie did not survive her battle with postpartum psychosis, Melanie's battle and her ultimate sacrifice will never be forgotten because of our efforts, here, today.

I would like to thank Carol Blocker, my friend, constituent and fellow activist, who with grace and dignity found a way for her daughter's memory to live on.

I would also like to thank all the groups who support this legislation. Groups like, Postpartum Support International, the Family Mental Health Foundation, the American Psychological Association, the American Psychiatric Association and the American College of Obstetricians and Gynecologists.

I'd also like to acknowledge the tremendous work of groups like the Children's Defense Fund, the Melanie Blocker Stokes Foundation, Suicide Prevention Action Network, Planned Parenthood Federation of America, Depression and Bipolar Support Alliance, Mental Health America, NARAL, National Alliance for Mental Illness, Community Behavioral Healthcare, the March of Dimes, The National Association of Social Workers, National Organization for Women and North American Society for Psychosocial Obstetrics and Gynecology.

I thank these groups and various activists for their relentless efforts to address this issue including calling their congressional representatives and mailing or faxing letters in support of H.R. 20. Our work will not be done until this bill is signed by the President. And, the good news is, this time we have a friend and fellow Chicagoan in the White House.

And, finally, let me once again thank the hundreds of thousands of unsung women, and their families, who have battled postpartum

depression in silence or isolation, in some form, for far too long. To those women and their families I say, you will never suffer in silence again. And, with that, I proudly urge my colleagues to vote “yes” on H.R. 20.

Mr. SCALISE. I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I ask that the bill be passed, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 20, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### WAKEFIELD ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 479) to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 479

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Wakefield Act”.*

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) There are 31,000,000 child and adolescent visits to the Nation's emergency departments every year.

(2) Over 90 percent of children requiring emergency care are seen in general hospitals, not in free-standing children's hospitals, with one-quarter to one-third of the patients being children in the typical general hospital emergency department.

(3) Severe asthma and respiratory distress are the most common emergencies for pediatric patients, representing nearly one-third of all hospitalizations among children under the age of 15 years, while seizures, shock, and airway obstruction are other common pediatric emergencies, followed by cardiac arrest and severe trauma.

(4) Up to 20 percent of children needing emergency care have underlying medical conditions such as asthma, diabetes, sickle-cell disease, low birth weight, and bronchopulmonary dysplasia.

(5) Significant gaps remain in emergency medical care delivered to children. Only about 6 percent of hospitals have available all the pediatric supplies deemed essential by the American Academy of Pediatrics and the American College of Emergency Physicians for managing pediatric emergencies, while about half of hospitals have at least 85 percent of those supplies.

(6) Providers must be educated and trained to manage children's unique physical and psychological needs in emergency situations, and emergency systems must be equipped with the resources needed to care for this especially vulnerable population.

(7) Systems of care must be continually maintained, updated, and improved to ensure that research is translated into practice, best practices are adopted, training is current, and standards and protocols are appropriate.

(8) The Emergency Medical Services for Children (EMSC) Program under section 1910 of the Public Health Service Act (42 U.S.C. 300w-9) is the only Federal program that focuses specifically on improving the pediatric components of emergency medical care.

(9) The EMSC Program promotes the nationwide exchange of pediatric emergency medical care knowledge and collaboration by those with an interest in such care and is depended upon by Federal agencies and national organizations to ensure that this exchange of knowledge and collaboration takes place.

(10) The EMSC Program also supports a multi-institutional network for research in pediatric emergency medicine, thus allowing providers to rely on evidence rather than anecdotal experience when treating ill or injured children.

(11) The Institute of Medicine stated in its 2006 report, “Emergency Care for Children: Growing Pains”, that the EMSC Program “boasts many accomplishments . . . and the work of the program continues to be relevant and vital”.

(12) The EMSC Program is celebrating its 25th anniversary, marking a quarter-century of driving key improvements in emergency medical services to children, and should continue its mission to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical and emergency surgical care children receive.

(b) PURPOSE.—It is the purpose of this Act to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive.

#### SEC. 3. REAUTHORIZATION OF EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w-9) is amended—

(1) in subsection (a), by striking “3-year period (with an optional 4th year)” and inserting “4-year period (with an optional 5th year)”;

(2) in subsection (d)—

(A) by striking “and such sums” and inserting “such sums”; and

(B) by inserting before the period the following: “, \$25,000,000 for fiscal year 2010, \$26,250,000 for fiscal year 2011, \$27,562,500 for fiscal year 2012, \$28,940,625 for fiscal year 2013, and \$30,387,656 for fiscal year 2014”;

(3) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(4) by inserting after subsection (a) the following:

“(b)(1) The purpose of the program established under this section is to reduce child and youth morbidity and mortality by supporting improvements in the quality of all emergency medical care children receive, through the promotion of projects focused on the expansion and improvement of such services, including those in rural areas and those for children with special health care needs. In carrying out this purpose, the Secretary shall support emergency medical services for children by supporting projects that—

“(A) develop and present scientific evidence;

“(B) promote existing and innovative technologies appropriate for the care of children; or

“(C) provide information on health outcomes and effectiveness and cost-effectiveness.

"(2) The program established under this section shall—

"(A) strive to enhance the pediatric capability of emergency medical service systems originally designed primarily for adults; and

"(B) in order to avoid duplication and ensure that Federal resources are used efficiently and effectively, be coordinated with all research, evaluations, and awards related to emergency medical services for children undertaken and supported by the Federal Government."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, again, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 479, the Wakefield Act. Every year, more children between the ages of 1 and 19 die due to injury than all other forms of illness. Though we have made huge advances in our system to provide rapid interventions and transport for adults, there has been only limited focus on the specialized needs of children.

Recognizing this gap in knowledge, Congress created the Emergency Medical Services for Children grant program in 1984, which is designed to ensure state-of-the-art emergency medical care for ill or injured children and adolescents.

The bill before us today reauthorizes this vital public health care program that covers the entire spectrum of emergency medical care. It also allows grants awarded under the EMSC program to be 4 years, with an optional fifth year, which is an increase of 1 year over current law.

□ 1545

I would like to thank my colleague from Utah, Representative MATHESON, for his hard work on this issue. We passed this bill out of the House of Representatives last Congress, and I urge us to pass it again this year.

Mr. Speaker, I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise in support of H.R. 479, the Wakefield Act.

This legislation was introduced by Representative JIM MATHESON, and was passed by the House last Congress. The bill reforms the Public Health Service Act to improve emergency medicine services for children.

The Wakefield Act would authorize grants to States and medical schools to purchase equipment for children re-

quiring trauma or critical care. About 31 million children and adolescents visit emergency rooms every year, and more than 90 percent of them are seen in general hospitals, not in children's hospitals that are best equipped to treat them.

The bill also requires the Secretary of Health and Human Services to support projects that are based on scientific evidence, promote innovative technology, and provide information on health outcomes, including cost effectiveness. I urge my colleagues to support H.R. 479.

Mr. MATHESON. Mr. Speaker, I am pleased to rise today in support of my legislation. H.R. 479, the Wakefield Act, which seeks to reauthorize the Emergency Medical Services for Children (EMSC) program.

Unfortunately, today the hospital emergency department has become the fundamental source of our health care delivery system for both primary and emergency care. Due to this trend, it's easy to forget that emergency medicine is actually a relatively new specialty. Emergency rooms were first established in the 1970s as medical personnel returning from the Vietnam War sought to put to use the battlefield medicine they had learned. Skills initially developed to save wounded soldiers were translated to saving victims of car crashes and trauma.

That genesis in battlefield medicine, however, failed to account for the very different physical, developmental, and physiological traits of children. By the early 1980s, doctors were seeing marked disparities in survival rates among adults and children with similar injuries.

Created in 1984, the EMSC program sought to address those disparities in children's emergency care. The program has driven fundamental changes in America's emergency medical system and brought vital resources and attention to a neglected population. Since it was established, child injury death rates have dropped 40 percent. With the aid of research and attention from the EMSC program and others, pediatric emergency medicine was developed, and was ultimately established as a separate medical subspecialty in 1992.

This year we are proud to celebrate the 25th anniversary of the EMSC program. The EMSC program provides seed money to every state and territory to carry out activities designed to improve children's emergency care. States may use those funds to ensure that hospitals and ambulances are stocked with appropriate equipment and supplies; to provide pediatric training to paramedics; to improve systems, such as transfer agreements among facilities; and much more. The program also supports the National EMSC Resource Center, an information clearinghouse that provides materials and technical support to states and institutions. The Pediatric Emergency Care Applied Research Network links pediatric emergency providers across the nation to perform research on injury and illness among children. The National EMSC Data Analysis Resource Center—based in my district at the University of Utah—assists states to collect, analyze, and utilize EMSC data.

The EMSC program's authorization expired in September 2005. In summer 2006, the Insti-

tutes of Medicine released a report entitled, "Emergency Care for Children: Growing Pains," which documented both the value of the EMSC program and the gaps that remain in providing quality emergency care for all children. The report found that, although children represent 27 percent of all emergency department visits, only about 6 percent of emergency departments have all of the supplies deemed essential for managing pediatric emergencies, and only half of hospitals have at least 85 percent of those supplies. The report described the EMSC program as "well positioned to assume [a] leadership role" in addressing deficiencies in emergency care for children and recommended funding the program at \$37.5 million per year.

H.R. 479, the Wakefield Act, has bipartisan, bicameral support. The bill is also endorsed by over 50 organizations, including the American Academy of Pediatrics, the American College of Emergency Physicians, the American Medical Association, the Emergency Nurses Association, and many more. I would like to thank Energy and Commerce Committee Chairman WAXMAN and his staff for working with me and my staff to move this legislation forward.

Last year, the House passed this bill on a vote of 390–1. I urge every Member to support this important legislation once again—together, we can work to ensure that our nation's children have the best possible medical care during emergencies.

Mr. KING of New York. Mr. Speaker, today I rise in strong support of H.R. 479, the Wakefield Act, which will reauthorize the Emergency Medical Services for Children program for an additional four years.

Since its establishment in 1985, the Emergency Medical Services for Children program, also known as EMSC, has provided grants to all fifty states, the District of Columbia, and five U.S. territories to ensure that every child in America has access to quality, appropriate care in a health emergency. The EMSC program has improved the availability of child-appropriate equipment in ambulances and emergency departments, supported hundreds of programs to prevent injuries, and provided thousands of hours of training to EMTs, paramedics, and other emergency medical care providers.

In my home state, New York's EMSC program is working to provide ongoing assessment and improvement of medical care for critically ill or injured children. The state EMSC Advisory Committee continually meets to discuss plans for designating health care resources to optimally serve the needs of critically ill or injured pediatric patients. This Committee is currently designing a road map of resources, standards, and roles for hospitals within the state and for the statewide EMS system as a whole. The plan will improve the state's ability to bring children to the hospitals that are best equipped to treat them as well as establish a general set of interfacility guidelines.

Kids are not just small adults. Methods to treat children in emergencies vary greatly from methods used with adults in the same situations. The EMSC program is an integral part of preparing our nation's healthcare providers and giving them the tools they need to treat children in an emergency. This is especially



significant at a time in our history that disaster preparedness, both due to natural disasters as well as potential terrorist attacks, is so important.

I would like to thank Representative MATHE-SON for his leadership on this issue, as well as Representatives CASTOR and REICHERT for their continued support. I urge my colleagues on both sides of the aisle to support this imperative bill.

Mr. SCALISE. Mr. Speaker, I have no speakers. I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time, and ask for passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 479, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### DEXTROMETHORPHAN DISTRIBUTION ACT OF 2009

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1259) to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1259

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dextromethorphan Distribution Act of 2009".

#### SEC. 2. RESTRICTIONS ON DISTRIBUTION OF BULK DEXTROMETHORPHAN.

The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) is amended—

(1) in section 501, by inserting at the end the following:

"(j) If it is unfinished dextromethorphan and is possessed, received, or distributed in violation of section 506D."; and

(2) by inserting after section 506C the following:

#### "SEC. 506D. RESTRICTIONS ON DISTRIBUTION OF BULK DEXTROMETHORPHAN.

"(a) RESTRICTIONS.—No person shall—

"(1) possess or receive unfinished dextromethorphan, unless the person is registered under section 510 or otherwise registered, licensed, or approved pursuant to Federal or State law to engage in the practice of pharmacy, pharmaceutical production, or manufacture or distribution of drug ingredients; or

"(2) distribute unfinished dextromethorphan to any person other than a person registered under section 510 or otherwise registered, licensed, or approved pursuant to Federal or State law to engage in the practice of pharmacy, pharmaceutical production, or manufacture or distribution of drug ingredients.

"(b) EXCEPTION FOR COMMON CARRIERS.—This section does not apply to a common carrier that possesses, receives, or distributes unfinished dextromethorphan for purposes of distributing such unfinished dextromethorphan between persons described in subsection (a) as registered, licensed, or approved.

"(c) DEFINITIONS.—In this section:

"(1) The term 'common carrier' means any person that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

"(2) The term 'unfinished dextromethorphan' means dextromethorphan that is not contained in a drug that is in finished dosage form.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1259, the Dextromethorphan Distribution Act. This bill addresses the problem of abuse of this drug, particularly by teenagers and young adults.

DXM, as it is called, is an ingredient commonly found in over-the-counter cough medications. When taken as directed, there are hardly any side effects. However, this ingredient is often abused, particularly by teenagers and young adults, and can result in devastating health effects.

The bill amends the Food, Drug and Cosmetic Act to restrict the distribution, possession, and receipt of unfinished DXM to entities registered with the Secretary of Health and Human Services.

I want to thank my colleague Representative UPTON for his work on this important bill, and I urge us to pass this bill.

I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise in favor of H.R. 1259, and I would like to thank Mr. UPTON of Michigan and Mr. LARSEN of Washington for their work on this important legislation.

Dextromethorphan, or DXM as it is sometimes called, is an ingredient found in cough medicine. This ingredient relieves the coughing associated with a cold or the flu. Cough medicines containing this drug are common and can be obtained without a prescription.

While this drug can be safe and effective if used as directed, it can also be dangerous if taken improperly. The abuse of this drug can cause death as well as other serious adverse effects such as brain damage, seizure, loss of consciousness, and irregular heartbeat.

This legislation would allow the Secretary of Health and Human Services to prohibit the distribution of DXM that is in bulk form to any person not registered with the FDA. It is hoped that these restrictions on the distribution of DXM will lower the potential for its abuse while at the same time protecting access to these needed medications.

Mr. Speaker, I yield 3 minutes to my friend from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I too rise in strong support of this legislation, the Dextromethorphan Distribution Act of 2009, which I introduced to restrict the distribution of this product to entities registered with the Food and Drug Administration.

I want to thank the House leadership for scheduling this bill. I particularly want to thank Mr. PALLONE, who has helped shepherd this legislation a couple of times as we have passed it in the House, and yet the other body, the Senate, has not taken it up in the same form. We hope that the third time is the charm. I also want to thank the chairman of the full committee and my good friend and colleague from Washington (Mr. LARSEN) for cosponsoring this again with me.

We know that DXM can be and is a safe and effective non-narcotic cough suppressant used in many over-the-counter cough and cold medicines. However safely and effectively that these might be used by literally millions of Americans every year, taken in extremely large quantities it does produce a hallucinogenic high and it can cause brain damage, seizures, and even death.

Currently, there are no restrictions on the distribution of this raw bulk DXM. This bill ensures that DXM is used only for legitimate purposes and stays out of the hands of drug dealers and adolescents. The FDA would have the authority to seize bulk DXM if found in the possession of anyone not authorized to have it. This measures would cut off the supply chain of unfinished DXM to those purchasing it on the Internet to get high or sell it as a street drug.

I would note that this act is endorsed by the American Pharmacists Association, the Consumers Healthcare Products Association, and the Partnership for a Drug-Free America. And, I would

note that it is my understanding that the Partnership for a Drug-Free America believes that perhaps there are hundreds of thousands of young Americans misusing this DXM. So it is important that we pass this legislation.

I am the father of two. I am alarmed at the growing trend of teens abusing cough syrup, particularly this one, to get high. Our kids are engaging in a game of Russian roulette each time they get high off DXM, and sooner or later someone will die. That is why this is bipartisan legislation to try to get it enacted, and I would urge a "yes" vote.

Mr. SCALISE. I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I also yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1259.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HEALTH INSURANCE RESTRICTIONS AND LIMITATIONS CLARIFICATION ACT OF 2009

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1253) to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1253

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Insurance Restrictions and Limitations Clarification Act of 2009".

#### SEC. 2. DISCLOSURE REQUIREMENTS.

(a) ERISA.—Section 702(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(2)(B)) is amended by inserting before the period at the end the following: "so long as—

"(i) such limitations and restrictions are explicit and clear;

"(ii) in the case of such limitations and restrictions in health insurance coverage offered in connection with the group health plan, such limitations and restrictions have been disclosed in writing to the plan sponsor in advance of the point of sale to the plan;

"(iii) the plan sponsor of the health insurance coverage provide, to participants and beneficiaries in the plan in advance of the point of their enrollment under the plan, a description of such limitations and restrictions in a form that is easily understandable by such participants and beneficiaries; and

"(iv) the plan sponsor and the issuer of the coverage provide such description to participants and beneficiaries upon their enrollment under the plan at the earliest opportunity that other materials are provided."

(b) PHSA.—Section 2702(a)(2)(B) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(2)(B)) is amended by inserting before the period at the end the following: "so long as—

"(i) such limitations and restrictions are explicit and clear;

"(ii) in the case of such limitations and restrictions in health insurance coverage offered in connection with the group health plan, such limitations and restrictions have been disclosed in writing to the plan sponsor in advance of the point of sale to the plan;

"(iii) the plan sponsor and the issuer of the group health insurance coverage make available, to participants and beneficiaries in the plan in advance of the point of their enrollment under the plan, a description of such limitations and restrictions in a form that is easily understandable by such participants and beneficiaries; and

"(iv) the plan sponsor and the issuer of the coverage provides such description to participants and beneficiaries upon their enrollment under the plan at the earliest opportunity that other materials are provided."

(c) INTERNAL REVENUE CODE.—Section 9802(a)(2)(B) of the Internal Revenue Code of 1986 is amended by inserting before the period at the end the following: "so long as—

"(i) such limitations and restrictions are explicit and clear;

"(ii) the group health plan makes available, to participants and beneficiaries in the plan in advance of the point of their enrollment under the plan, a description of such limitations and restrictions in a form that is easily understandable by such participants and beneficiaries; and

"(iii) the plan provides such description to participants and beneficiaries upon their enrollment under the plan at the earliest opportunity that other materials are provided."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after 1 year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I include for the CONGRESSIONAL RECORD an exchange of letters on this bill between the chairmen of the Committee on Energy and Commerce and the Committee on Education and Labor.

COMMITTEE ON EDUCATION AND LABOR,

HOUSE OF REPRESENTATIVES,

Washington, DC, March 25, 2009.

Hon. HENRY A. WAXMAN,  
Chairman, Committee on Energy and Commerce,  
Washington, DC.

DEAR CHAIRMAN WAXMAN: I am writing to confirm our mutual understanding regarding consideration of H.R. 1253, the Health Insurance Restrictions and Limitations Clarification Act of 2009. As you know, this bill was referred to the Committee on Education and Labor which has a jurisdictional interest in several provisions in the bill.

Given the importance of moving this bill forward promptly, I do not intend to exercise this Committee's jurisdiction by conducting further proceedings on H.R. 1253. I do so, however, only with the understanding that this procedural route should not be construed to prejudice this Committee's jurisdictional interests and prerogatives on this or similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Education and Labor in the future. In addition, should this bill or similar legislation be considered in a conference with the Senate, I would expect members of the Committee on Education and Labor to be appointed to the conference committee.

Finally, I ask that you include a copy of our exchange of letters be included in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

GEORGE MILLER,  
Chairman.

HOUSE OF REPRESENTATIVES,

COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, March 26, 2009.

Hon. GEORGE MILLER,  
Chairman, House Committee on Education and Labor, Washington, DC.

DEAR CHAIRMAN MILLER: Thank you for your letter regarding H.R. 1253, the "Health Insurance Restrictions and Limitations Clarification Act of 2009." The letter noted that certain provisions of the bill are within the jurisdiction of the Committee on Education and Labor under rule X of the Rules of the House.

The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Education and Labor in these provisions. We appreciate your agreement to forgo action on the bill, and I concur that the agreement does not in any way prejudice the Committee on Education and Labor with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I will include our letters in the Congressional Record during consideration of the bill on the House floor. Again I appreciate your cooperation regarding this important legislation.

Sincerely,

HENRY A. WAXMAN,  
Chairman.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1253, the Health Insurance Restrictions and Limitations Clarification Act.

This bill amends the Employee Retirement Income Security Act, the Public Health Services Act, and the Internal Revenue Code to require that

limitations on benefits in group health plans are explicit and disclosed to the plan's sponsor, and that that plan's sponsor disclose those limitations to the plan participants and beneficiaries in a timely manner.

This legislation would ensure that plan beneficiaries who engage in activities such as riding motorcycles, horses, or snowmobiles, or any other legal activity that may result in injury, understand if their health plan won't cover those injuries. I would like to thank my colleagues, both Dr. BURGESS as well Mr. STUPAK, for their work on this issue. I ask my colleagues to support the bill.

I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise in support of H.R. 1253, the Health Insurance Restrictions and Limitations Clarification Act of 2009.

This bill will allow purchasers of health insurance to better understand what they are buying. At its core, this bill is about transparency for the consumer. And that is a good thing.

This bill does not in any way alter current insurance requirements or limitations. This bill merely says that if an insurer wants to restrict or limit benefits, it must inform their enrollee prior to enrollment that it may so restrict or limit benefits.

I wish to commend Congressmen BURGESS and STUPAK for their work on this bill. Mr. Speaker, I urge Members to support this legislation.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I have no speakers, but I believe that my colleague from Louisiana does.

Mr. SCALISE. Mr. Speaker, I yield such time as he may consume to Mr. BURGESS of Texas.

Mr. BURGESS. I thank the gentleman for yielding.

Mr. Speaker, in January 2001, the Department of Labor, the Internal Revenue Service, and the Health Care Finance Administration issued a rule in accordance with the Health Insurance Portability and Accountability Act, better known as HIPAA, of 1996 that was designed to guard against discrimination in coverage in the group health market. While addressing the issue of discrimination based upon participation in certain activities, these rules allowed continued discrimination in the form of nonpayment based upon the source of the injury.

So, in other words, you could have an employer-sponsored health insurance, which many of us do, have your premiums deducted from your paycheck, and yet be responsible for paying your own medical treatment if you were harmed. Trip and fall at home, no problem. Trip and fall while skiing on vacation with the family, and you get the bill. This is simply unfair.

People are led to believe that care for a broken arm, for example, is the same regardless of how the injury happened, but in fact that is not the case.

The lack of clarity underlying these exclusions has created a confusing situation for individuals that may ride motorcycles, horses, snowmobiles, or participate in other activities that could result in an injury. Millions of Americans enjoy these activities safely every year within the framework of State laws and utilizing proper safety precautions. The bill we are voting on today will take away the ambiguity and make certain that people are aware of any such restrictions in their coverage.

Again, this is not a bill that would require anything new to be done other than people be told up front and in plain language if there are limitations on their health care policy.

We are going to stand up and shine the light on these exclusions so that Americans will not be caught off guard by exclusions buried deep within an insurance plan.

H.R. 1253, the Health Insurance Source of Injury Clarification Act, is identical to legislation passed by the House last session and will, first, require any limitations and restrictions on health plan benefits be explicit and clear; second, require that they be disclosed to the sponsor of the group health plan in advance of the sale; and, thirdly, require that the issuer in an easy-to-understand way provide participants and beneficiaries a description of the limitations and restrictions as soon as they enroll.

For those who are concerned about the potential cost of the bill, I do have a score from the Congressional Budget Office. Their cost estimate is that H.R. 1253 would have no significant impact upon the Federal budget. Further, they go on to say that making the information more easily understood would generate only negligible cost. H.R. 1253 contains no intergovernmental mandates as defined.

Mr. Speaker, I again want to thank Representative BART STUPAK from Michigan for his steadfast help in this bill. It has been a long process to get this passed. I certainly want to thank Chairman WAXMAN for his participation, and a special recognition to former Chairman JOHN DINGELL who helped us get this bill passed in the last Congress. We passed it late in the last Congress; the Senate did not get the work finished. We are passing it early in this Congress to allow the other body ample time to see this bill become law.

Mr. SCALISE. Mr. Speaker, I yield back the balance of my time.

Mr. STUPAK. Mr. Speaker, this legislation does one simple thing, Mr. Speaker—it requires health insurance companies to be upfront and honest with their policy holders when they place limitations and restrictions on benefits prior to selling them an insurance policy.

Currently, the way insurance regulations are set, many Americans are unaware that their health insurance may not cover injuries result-

ing from certain recreational activities because their policy is unclear or very broad.

This lack of clarity has created a confusing situation for individuals that may ride motorcycles, horses, snowmobiles, or participate in other recreational activities.

While millions of Americans enjoy these activities safely every year, when an individual is injured, they often find that their insurance will not cover their medical expenses.

H.R. 1253 would require that any limitations and restrictions on insurance benefits be explicit and clear. Insurance companies would be required to make available to participants and beneficiaries in an easily understandable manner a description of the limitations and restrictions included in the policy.

By passing this straightforward legislation, we will protect our constituents that ride motorcycles, horses, snowmobiles, or participate in other recreational activities from being caught by surprise when they thought that their policy covered any possible injuries from their accident.

I encourage all of my colleagues to vote in support of this legislation.

I want to thank Congressman BURGESS for his work on this legislation as well as Chairman WAXMAN, DINGELL and BARTON.

Mr. PALLONE. I yield back the balance of my time and urge passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1253.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

#### SUPPORTING COLORECTAL CANCER AWARENESS

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 60) supporting the observance of Colorectal Cancer Awareness Month, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 60

Whereas this year marks the 10th anniversary of the first designation of March as Colorectal Cancer Awareness Month;

Whereas colorectal cancer is the second most common cause of cancer deaths for men and women in the United States;

Whereas colorectal cancer affects men and women equally;

Whereas more than 148,810 people in the United States will be diagnosed with colon cancer this year;

Whereas over 49,960 people in the United States will die from colon cancer this year;

Whereas every 3.5 minutes, someone is diagnosed with colorectal cancer and every 10 minutes someone dies from colorectal cancer;

Whereas every 5 seconds someone who should be screened for colorectal cancer is not;

Whereas the vast majority of colon cancer deaths can be prevented through proper screening and early detection;

Whereas the survival rate of individuals who have colorectal cancer is 90 percent when detected in the early stages versus only a 10 percent survival rate when colorectal cancer is diagnosed after it has spread to distant organs;

Whereas only 39 percent of colorectal cancer patients have their cancers detected at an early stage;

Whereas uninsured Americans are more likely to be diagnosed with late stage colon cancer than patients with private insurance;

Whereas only 14.9 percent of those without health coverage in the United States have currently been properly screened for colorectal cancer;

Whereas if the majority of Americans age 50 or older were screened regularly for colorectal cancer, the death rate from this disease could plummet by up to 80 percent;

Whereas regular colorectal cancer screening has been ranked as one of the most cost effective screening interventions available, with the potential to save 40,000 lives a year;

Whereas treatment costs for colorectal cancer are extremely high, estimated at \$8,400,000,000 for 2004;

Whereas colorectal cancer is preventable, treatable, and beatable in most cases;

Whereas increasing the number of people between the ages of 50 years and 64 years of age who are regularly screened in the United States, would provide significant savings in tens of billions of dollars to the Medicare program from cancer prevention and treatment costs;

Whereas the Prevent Cancer Foundation launched the National Colorectal Cancer Awareness Month partnership in 1999 to raise awareness about colorectal cancer and how to prevent the disease through screening;

Whereas along with their national Super Colon and Buddy Bracelet campaign, Prevent Cancer Foundation has worked alongside their partners to improve awareness and reduce incidence and mortality from colorectal cancer;

Whereas the Blue Star, developed by the Members of the National Colorectal Cancer Roundtable, the American Cancer Society, the Colon Cancer Alliance, and C3: Colorectal Cancer Coalition represents the collective fight against colon cancer, the eternal memory of the people whose lives have already been lost to the disease, and the shining hope for a future free of colon cancer;

Whereas C3 created the Cover Your Butt campaign to build support at the grassroots level and help shape policy decisions so the most effective colorectal cancer prevention and treatment are available to all Americans;

Whereas Coaches vs. Cancer (a partnership between the American Cancer Society and the National Association of Basketball Coaches), the Colon Cancer Alliance, and Ethicon Endo-Surgery have created "Earn a Blue Star Day" as a means for individuals and corporations to raise awareness of the importance of screening for colon cancer;

Whereas greater awareness of this cancer and the means to prevent it could save the

lives of tens of thousands of Americans each year; and

Whereas observing a Colorectal Cancer Awareness Month during the month of March would provide a special opportunity to offer education on the importance of early detection and screening: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) supports the observance of Colorectal Cancer Awareness Month in order to provide a special opportunity to offer education on the importance of early detection and screening;

(2) recognizes and applauds the national and community organizations for their work in promoting awareness about colorectal cancer, providing information on the importance of prevention and early detection through regular screening, and facilitating access to treatment for its sufferers; and

(3) urges organizations and health practitioners to "earn a Blue Star" by using this opportunity to promote awareness about colorectal cancer and to support early identification and removal of pre-cancerous polyps, detectable only through colorectal cancer screenings.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 60, "Supporting the Observance of Colorectal Cancer Awareness Month". This year marks the 10th anniversary of the designation of March as Colorectal Cancer Awareness Month. Colorectal cancer is the second most common cause of cancer death in the United States and affects men and women equally. This deadly disease, however, can be prevented through early identification. When found at its early stage, colorectal cancer has a 90 percent survival rate. When detected late, that survival rate drops to only 10 percent. Unfortunately, less than 40 percent of colorectal cancers are detected at an early stage, and because of this, there is a higher mortality rate for this disease than there should be.

The resolution before us today supports education about this disease and recognizes national and community organizations for their work in promoting awareness about colorectal cancer. Hopefully, we can build on the good work currently being done to promote awareness and encourage screening to improve early detection of this disease.

I would like to thank my colleague, Representative GRANGER, for her work

in raising this important issue. I know this issue is close to her heart, and I want to express my gratitude to her.

And I urge us to pass this resolution.

I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise in proud support of H. Con. Res. 60, sponsored by Representative GRANGER from the State of Texas. March is National Colorectal Cancer Awareness Month, and we need to do more and move in a direction that ends societal taboos that are associated with the screening process of a disease that is a threat to many Americans, and especially to those over the age of 50.

This is the second-to-last day for the month of March, but the need for colorectal cancer awareness and education should continue throughout the entire year. Awareness is a leading cause in the annual decline in deaths from colorectal cancer. The survival rate of individuals who have colorectal cancer is 90 percent when detected in the early stages versus only a 10 percent survival rate when colorectal cancer is diagnosed after it has spread to other organs. It is because of successful programs such as National Colorectal Cancer Awareness Month that encourage early diagnosis so Americans can lead full and active lives. By supporting the observance of March as Colorectal Cancer Awareness Month, we have the opportunity to encourage men and women to educate themselves about the disease and the screening methods that are used.

Mr. Speaker, I urge Members to support this resolution.

I reserve the balance of my time.

Mr. PALLONE. I have no speakers. I don't know if the gentleman does.

I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, at this time, I would like to recognize Ms. GRANGER of Texas for as much time as she may consume.

Ms. GRANGER. Mr. Speaker, I rise today in support of the resolution recognizing the 10th anniversary of the first designation of March as Colorectal Cancer Awareness Month. House Concurrent Resolution 60 also recognizes the importance of celebrating March as Colorectal Cancer Awareness Month. I would like to thank my colleague, PATRICK KENNEDY of Rhode Island, for his support of this resolution and for his efforts in the fight against colorectal cancer.

Ten years ago, colorectal cancer was a disease that not many people talked about. In November 1999, a resolution passed the Senate designating March as Colorectal Cancer Awareness Month. The House passed a supporting resolution in March, 2000. In the years since, advocacy groups have increased awareness about colorectal cancer, and thousands of Americans have been screened. This year an estimated 149,000 new cases of colorectal cancer will be diagnosed, and an estimated 50,000 deaths

will be caused by colorectal cancer. The real tragedy is that many of these cancer cases and deaths occurred needlessly because the vast majority of colorectal cancer deaths can be prevented through proper screening and early detection.

Colorectal cancer is the third most commonly diagnosed cancer and the second most common cause of cancer deaths in the United States. Every 3½ minutes, someone is diagnosed with colorectal cancer. Every 9 minutes, someone dies from colorectal cancer. This is a disease that affects men and women equally. The more we talk about this disease and the more we encourage our family, our friends and our neighbors to get screened, the more lives we save. It is that simple.

Unfortunately, less than half of those who should be screened for colon cancer are screened. Not only do we need to increase awareness about colorectal cancer but we also need to increase Federal funding for early detection and screening. Along with my colleague from Rhode Island, PATRICK KENNEDY, I have introduced a bill that would authorize funding for early detection screenings and make preventive care a priority. Specifically, the Colorectal Cancer Detection, Early Detection, and Treatment Act, H.R. 1189, would establish a national screening program for colorectal cancer for individuals over 50 years of age or who are at high risk. It also authorizes State funding for those screenings and creates a public awareness and education campaign on colorectal cancer.

Despite scientific evidence supporting the benefits of screening, screenings for this disease in the U.S. remain low. Every 5 seconds, someone who should be screened for cancer is not. When it is diagnosed late, the survival rate for colorectal cancer is only 10 percent, but when it is diagnosed early, before it spreads to the lymph nodes and other organs, the survival rate is 90 percent.

Early detection and screening saves lives. If everyone over 50 years of age were screened regularly for colorectal cancer, the death rate for this disease could plummet by 80 percent. In addition to saving lives, early detection and screening saves money. Treatment costs for colorectal cancer are extremely high and could be greatly reduced if mass screenings occurred. Colorectal treatment costs totaled roughly \$8.4 billion for new cases in 2004. The cost of two-thirds of these colorectal cancer cases are borne by the Medicare program.

The Lewin Group recently conducted a comprehensive study of the potential cost savings to Medicare and found that every 10 years, a colorectal screening program will result in savings of about 1.5 years worth of Medicare expenditures. If screenings were increased among people 50 years of age

and older in the United States, it would save billions of dollars in Medicare expenditures, and it would also save thousands of lives.

The Colorectal Cancer Screening Prevention, Early Detection, and Treatment Act ensures that people who are screened will get the full continuum of cancer care, including the appropriate follow-up for abnormal tests, diagnostic and therapeutic services, and treatment for detected cancers.

If you have not already, I urge you to cosponsor the Colorectal Cancer Prevention, Early Detection, and Treatment Act, and join me in observing Colorectal Cancer Awareness Month. Observing Colorectal Cancer Awareness Month provides us with the opportunity to discuss the importance of early detection screenings. And it also gives recognition to all the groups who have helped in this, groups like the American Cancer Society, the Prevent Cancer Foundation, the Colon Cancer Alliance and C3: Colorectal Cancer Coalition. These groups have created "Earn a Blue Star Day" as a way for individuals and corporations to raise awareness of the importance of screening.

Mr. SCALISE. I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island, who has also been a champion on this issue, Mr. KENNEDY.

Mr. KENNEDY. Mr. Speaker, I would like to congratulate Representative GRANGER for her leadership on this issue and thank her very much for her outgoing efforts to bring this issue to the floor.

This is simply a matter of public awareness. And like so many issues, it is a matter of getting the word out. Screening is what it is about. Obviously, with respect to colorectal cancer, it is the stigma. No one wants to talk about it. So as a result, no one gets screened. And when people finally get screened, it is too late and they die. That is the reason it is the second leading cause of cancer death in this country.

And while the rates of death may be about the same for men and women, there is an enormous, an enormous disparity in the rates of death between minorities and whites in this country. The reason for that is that there are huge disparities in the access to health care between minority populations and the rest of the general population. And that shows among the greatest disparities in health disparity outcomes in this country.

So for the African American community, this is an enormous issue, this is an enormous issue because it is affecting the death and mortality rates for the African American community and the Hispanic community over and above the general population by an enormous amount. So colorectal cancer

is something that everybody needs to pay attention to and wake up to.

Now, why is it so important that we have the screening and we pay for the screening? Because there is no health insurance out there. That's why we need health insurance reform. And that is why KAY GRANGER is such a champion, because she stepped up to the plate and signed on to legislation saying, it is good to talk about it, but unless we start talking about paying for it, it's not going to do us a lot of good. That is what we need. We need to pay for screening. And as she pointed out, the evidence backs us up. If we screen, we save Medicare money, because you can imagine trying to take care of someone with cancer is a very costly, costly thing.

Now, first of all, we should do it because we don't want to see someone suffer. That should be good enough for all of us in Congress to want to pass this screening effort. But if it is not good enough for everybody to want to save a family the suffering of having to go through cancer treatment, then maybe we should want to do it because it saves dollars. And the Lewin group and others have said this saves dollars because when you detect it early, you don't have to spend all that money treating people for chemotherapy, radiation and all that expensive acute care treatment.

We have a sick care system, not a health care system. And we can do better in this country by taking care of people before they get sick if we screen them. And that is what we should do with colorectal cancer, screen people.

Sign on to H.R. 1189.

Mr. SCALISE. Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 60, supporting the observance of Colorectal Cancer Awareness Month. I want to thank my colleague from Texas, Representative KAY GRANGER.

This important legislation recognizes the devastating effects of colorectal cancer, which kills 49,960 Americans each year, and raises awareness regarding the realities and severities of this disease.

Colorectal cancer includes both colon and rectal cancer and is the second most common cause of cancer deaths for both men and women within the United States. This form of cancer does not discriminate between men and women, race and ethnicity, while the rates of diagnoses are slightly higher among the African America community.

The survival rate of those who have colorectal cancer is 90 percent when detected in its early stages while that rate dramatically drops to only 10 percent when colorectal cancer is detected after it has spread to distant organs. However, colorectal cancer is very preventable. If Americans age 50 or older were screened regularly for colorectal cancer, the rate of those affected by the cancer will be cut tremendously.

It is not surprising to note that uninsured Americans are more likely to be diagnosed

with late stage colon cancer. Only 18.8 percent of Americans without health coverage in the United States have currently been properly screened for colorectal cancer.

Regular colorectal cancer screening makes economic sense because it has been ranked as one of the most cost effective screening interventions available, with the potential to save more than 30,000 lives a year. Treatment costs for colorectal cancer are extremely high and are estimated at \$8,400,000,000 for 2004. Although the treatment costs for colorectal cancer is high the risks associated with non-treatment are even higher.

Colorectal cancer awareness is important year round, but should definitely be emphasized during the month of March. The potential deadly effects of colorectal cancer should encourage Americans from all walks of life to be tested and treated by their doctors. Colorectal cancer is the third most common form of cancer and the second leading cause of cancer-related death in the Western world. Colorectal cancer causes 655,000 deaths worldwide per year. This month should also raise public awareness for the need of colorectal cancer testing for those Americans who are unable to afford such testing. It is imperative that Congress find a way to ensure every American at risk is tested and treated in the early stages to prevent an even higher death rate. March is an important month and should be recognized by all Americans to focus on the special opportunity to offer education on the importance of early detection and screening.

Today, I support the observance of March as Colorectal Cancer Awareness Month. For these reasons, I strongly support H. Con. Res. 60 and urge all members to do the same.

Mr. PALLONE. I yield back the balance of my time, Mr. Speaker, and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 60.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### VISION CARE FOR KIDS ACT OF 2009

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 577) to establish a grant program to provide vision care to children, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 577

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Vision Care for Kids Act of 2009".*

#### SEC. 2. GRANTS REGARDING VISION CARE FOR CHILDREN.

*Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:*

#### "SEC. 399Z-1. GRANTS REGARDING VISION CARE FOR CHILDREN.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to States on the basis of an established review process for the purpose of complementing existing State efforts for—

"(1) providing comprehensive eye examinations (as defined in subsection (i)) by a licensed optometrist or ophthalmologist for eligible children (as defined in subsection (b)) who have been previously identified through a vision screening or eye examination by a licensed health care provider or vision screener as needing such services, with priority given to children who are under the age of 9 years;

"(2) providing treatment or services to such children, subsequent to the examinations described in paragraph (1), that are necessary to correct vision problems; and

"(3) developing and disseminating, to parents, teachers, and health care practitioners, educational materials on recognizing signs of visual impairment in children.

"(b) ELIGIBLE CHILDREN.—

"(1) IN GENERAL.—For purposes of this section, the term 'eligible child' means, with respect to an examination described in paragraph (1) of subsection (a) or a treatment or service described in paragraph (2) of such subsection and with respect to a State, a child who is a low-income child (as defined by the State) and who—

"(A) is not eligible for medical assistance under the State plan under title XIX of such Act;

"(B) subject to paragraph (2)(A), is not eligible for child health assistance under the State child health plan under title XXI of the Social Security Act;

"(C) subject to paragraph (2)(B), does not have health insurance coverage (as defined in section 2791) in the group market or in the individual market (as such terms are defined in such section) and is not a beneficiary or participant under a group health plan (as defined in such section); and

"(D) is not receiving assistance under any State health compensation program or under any other Federal or State health benefits program for such examination, treatment, or service, respectively.

"(2) INCLUSION OF CERTAIN LOW-INCOME CHILDREN WITH HEALTH BENEFITS.—With respect to an examination described in paragraph (1) of subsection (a) or a treatment or service described in paragraph (2) of such subsection and with respect to a State—

"(A) paragraph (1)(B) shall not apply to a child who is eligible for child health assistance under the State child health plan under title XXI of the Social Security Act (whether or not such child is enrolled under such plan), if such plan does not provide for coverage of such examination, treatment, or service, respectively; and

"(B) paragraph (1)(C) shall not apply to a child described in such paragraph if no amount is payable under the coverage or plan described in such paragraph for such examination, treatment, or service, respectively.

"(c) CRITERIA.—The Secretary, in consultation with appropriate professional and patient organizations including individuals with knowledge of age appropriate vision services, shall develop criteria—

"(1) governing the operation of the grant program under subsection (a); and

"(2) for the collection of data related to vision assessment and the utilization of follow-up services.

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application in such form, made in such manner, and containing such in-

formation as the Secretary may require, including—

"(1) information on existing Federal, Federal-State, or State-funded children's vision programs;

"(2) a plan for the use of grant funds, including how funds will be used to complement existing State efforts (including possible partnerships with non-profit entities);

"(3) a plan to determine if an eligible child has been identified as provided for in subsection (a);

"(4) an assurance that funds will be used consistent with this section;

"(5) a description of how funds will be used to provide examinations, treatments, and services, consistent with this section; and

"(6) an assurance that, in providing examinations, treatments, and services through use of such grant, the State will give priority to eligible children with the lowest income.

"(e) EVALUATIONS.—To be eligible to receive a grant under subsection (a), a State shall agree that, not later than 1 year after the date on which amounts under the grant are first received by the State, and annually thereafter while receiving amounts under the grant, the State will submit to the Secretary an evaluation of the operations and activities carried out under the grant, including—

"(1) an assessment of the utilization of vision services and the status of children receiving these services as a result of the activities carried out under the grant;

"(2) the collection, analysis, and reporting of children's vision data according to guidelines prescribed by the Secretary; and

"(3) such other information as the Secretary may require.

"(f) LIMITATIONS IN EXPENDITURE OF GRANT.—A grant may be made under subsection (a) only if the State involved agrees that the State will expend amounts received under such grant as follows:

"(1) The State will expend at least 80 percent of such amounts for the purposes described in paragraphs (1) and (2) of such subsection.

"(2) The State will not expend more than 10 percent of such amounts to carry out the purpose described in paragraph (3) of such subsection.

"(3) The State will not expend more than 10 percent of such amounts for administrative purposes.

"(g) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs of the activities to be carried out with a grant under subsection (a), a condition for the receipt of the grant is that the State involved agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(h) SUPPLEMENT NOT SUPPLANT.—A State that receives a grant under this section shall ensure that amounts received under such grant will be used to supplement, and not supplant, any other Federal, State, or local funds available to carry out activities of the type carried out under the grant.

"(i) DEFINITIONS.—For purposes of this section:

"(1) CHILD.—The term 'child' means an individual who—

"(A) has not attained 18 years of age; or



“(B) has not attained 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).”

“(2) COMPREHENSIVE EYE EXAMINATION.—The term ‘comprehensive eye examination’ includes an assessment of a patient’s history, general medical observation, external and ophthalmoscopic examination, visual acuity, ocular alignment and motility, refraction, and as appropriate, binocular vision or gross visual fields, performed by an optometrist or an ophthalmologist.

“(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated—

“(1) \$10,000,000 for fiscal year 2010;

“(2) \$13,000,000 for fiscal year 2011; and

“(3) \$14,000,000 for each of the fiscal years 2012 through 2014.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Louisiana (Mr. SCALISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

I rise in support of H.R. 577, the Vision Care for Kids Act of 2009. Vision problems are particularly challenging for children because they can cause developmental struggles which can lead to physical, emotional and social consequences. Vision impairment can cause a child to miss learning opportunities, for example, and vision-impaired children often have an inability to understand nonverbal cues, leading to difficulties with social interactions.

Correcting vision problems at a young age, however, can improve outcomes. The Vision Care for Kids Act would address these problems by improving access to vision services for children. The bill amends the Public Health Services Act to give the Secretary of Health and Human Services the authority to award grants to States for first, comprehensive eye examinations for children previously identified as needing these services, second, treatment or services to correct vision problems, and third, development and dissemination of educational materials on recognizing signs of visual impairment.

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I'd like to thank my colleague, Representative GREEN, for his sponsorship and again his hard work on this issue.

I ask my colleagues to support the bill, and I reserve the balance of my time.

Mr. SCALISE. Mr. Speaker, I rise today in support of H.R. 577, the Vision

Care for Kids Act. This bipartisan legislation provides eye examinations and follow-up care for children who have been identified as needing vision care services. This legislation builds on State programs currently in place with a focus on helping low-income children.

Undiagnosed and untreated vision problems can pose learning problems for children. Vision problems can have effects on a child's emotional, educational and physical development.

A majority of children entering school never have received a vision test and, for those who do receive a vision test and do not pass, many do not receive the recommended follow-up care. This legislation will enable more children to receive testing and the follow-up care, if necessary.

We need to continue to work towards a system by which roadblocks to a formative education for our children are eliminated. I stand in support of this legislation, and hope that my colleagues will join in.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 5 minutes to the sponsor, Mr. GENE GREEN of Texas.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague, the Chair of our Health Subcommittee, for yielding to me.

I rise in support of H.R. 577, the Vision Care for Kids Act. The Vision Care For Kids Act creates a much needed grant program to provide follow-up vision care for children with vision disorders who do not have access to these services.

States have taken steps to identify children for potential vision disorders through mandatory vision screenings. However, most States do not mandate follow-up eye exams or treatment for children who fail these vision screenings.

Of the 36 States that require vision screenings, 26 of them do not require children who failed the screening to receive a follow-up exam. This lack of vision care jeopardizes a child's development and can, unfortunately, lead to lifelong vision impairment.

The Vision Care for Kids Act seeks to remedy this problem by authorizing a new grant program to complement State efforts to provide comprehensive eye exams for children who have been identified, through vision screenings or other eye exams, as having a potential vision disorder. The grant funding authorized under this bill can be used for specific treatments and services to correct the vision disorders identified through the eye exams.

Unless caught early and appropriately treated, vision disorders can lead to irreversible damage that can hinder a child's normal growth, development and opportunity to succeed. These children deserve a healthy start to their educational and social develop-

ment. Yet the reality is that nearly two out of three children entering elementary school have never received preventive vision care.

Unfortunately, lack of health insurance presents a barrier to the delivery of appropriate vision care in this country. And for many children who are lucky to have health insurance for medical care, their policy doesn't cover vision coverage. This is precisely why this bill is necessary.

By targeting the program towards children who are school-aged, who do not have vision coverage for the services they require, and are at risk for vision disorders, the bill is designed to spend scarce health care dollars in the wisest manner.

A portion of the grant funds may also be used to increase education awareness of vision disorders, so that warning signs can be recognized and any problems can be detected in a timely fashion.

This bill has been crafted in a bipartisan manner with my colleague from Oklahoma (Mr. SULLIVAN), our leader on the Republican side. And I'd also like to thank Representative ELIOT ENGEL, Representative BILL PASCRELL and Representative ROS-LEHTINEN for their continued support of this legislation.

I'd also like to thank the Congressional Vision Caucus for their support of the legislation. In 2003 I was joined by our colleagues, Congressman PRICE, Congresswoman ROS-LEHTINEN and Congressman TIBERI, in establishing the Congressional Vision Caucus. As a founding member of the Caucus, I'm particularly pleased to see this bill on the floor today, and consider it a milestone for our young caucus.

Today the Vision Caucus is comprised of more than 100 Members of Congress, both Republicans and Democrats, House Members and Senators. While our initial goal was to raise the awareness of vision disorders in Congress, the Caucus has developed and endorsed key pieces of vision legislation, including this bill, the Vision Care for Kids Act before us today.

I'd also like to thank Chairman WAXMAN, Ranking Member BARTON of the Energy and Commerce Committee, as well as the Chair and ranking member of the Health Subcommittee, Mr. PALLONE and Mr. DEAL, for their support.

With that, I encourage my colleagues to join me in passing this important bill to improve vision care for America's children.

Mr. SCALISE. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong support of H.R. 577, the Vision Care for Kids Act of 2009. I want to thank my colleague, Congressman GENE GREEN, the lead sponsor of this important legislation, and I am proud to be the lead Energy and Commerce Committee Republican on this bill.

This legislation will help complement existing State efforts by providing grants for eye examinations and follow-up treatment for uninsured children who fail a vision screening. It does this by authorizing \$65 million over 5 years in Federal grant funds.

Millions of children in the United States suffer from vision problems, many of which go undetected because of lack of access to affordable and proper eye care. This legislation will bridge a chief gap in vision care, children who face undetected vision problems versus children who are able to receive treatment for their vision problems before it's too late.

Vision problems in children range from common conditions, such as lazy eye and cross eye, to more serious conditions such as infantile cataracts. Also, many serious eye conditions are treatable if identified in preschool and early school-aged years. Early detection provides the best opportunity for effective treatment and lower public health care costs for the future.

According to the Center for Disease Control and Prevention, approximately 1.8 million children under the age of 18 are blind or have some form of visual impairment. Also, nearly two in three children do not receive any preventive vision care before starting elementary school. Children who have undiagnosed vision problems can have difficulties in school and be wrongly labeled with learning disorders. The Vision Care for Kids Act seeks to change that, and provide all kids the vision care they need.

Again, I encourage quick adoption of this bill today.

Mr. PALLONE. I have no additional speakers. I don't know if my colleague does.

Mr. SCALISE. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I'm a very proud supporter of H.R. 577, the Vision Care for Kids Act of 2009. I want to commend Representative GREEN from Texas and Representative SULLIVAN from Oklahoma for bringing forward this bill.

The reason why I'm here, Mr. Speaker, speaking on this issue as a physician Member of the House, is because it's very personal to me.

My granddaughters, my oldest grandchildren, are now 11 years old. They are identical twin girls, Ali and Hannah Manning. And, Mr. Speaker, they were born prematurely. In fact, they were born immaturely, so premature at 26 weeks, that each of them weighed 1 pound, 12 ounces. And I thank God, Mr. Speaker, for the blessing, the double miracles of life and health. And really, they've done fine, except they had problems with vision. And that's because these young, premature, immature infants, need, Mr. Speaker, to receive so much oxygen therapy in their

first weeks of life that it can damage the retina, and, in fact, that's what happened with our twin granddaughters. And they had to have multiple surgeries, laser surgeries. In fact, little Ali learned how to put a contact lens in her eye when she was only 5 years old. She could put it in and take it out.

And again, we are so blessed. Their parents are blessed. My daughter and son-in-law, and the grandparents, the Mannings, and we Gingreys are so thankful.

But we think every day about other children who cannot afford the care, maybe cannot afford to have vision screening. And if they do, Mr. Speaker, and if they're found to have limited vision, Mr. SULLIVAN talked about all the difficulties in school, both emotionally and physically and educationally that they have. If they can't afford then to have something done about their visual problem, what a shame that is.

So, for us to have a bill, a program where Federal grants are given through the CDC, working with the States to make sure that each and every child, not just those privileged few that happen to have good coverage, could get the care that they need so they could become good, strong students and healthy and happy adults. So this is a wonderful program.

Again, I commend the committee, Energy and Commerce Committee. I commend Mr. GREEN, Mr. SULLIVAN, Mr. PALLONE, Mr. DEAL.

I recommend that all my colleagues, of course, support H.R. 577.

Mr. PASCRELL. I was pleased to introduce the Vision Care for Kids Act with my colleagues Congressmen GREEN, SULLIVAN, and ENGEL and Congresswoman ROS-LEHTINEN in both this Congress and in the previous Congress. This important legislation will establish a federal grant program to provide for timely diagnostic examination, treatment, and follow-up vision care for children, which will complement existing State programs and allow eye exams for a vulnerable pediatric population that do not qualify for Medicaid or SCHIP and do not have access to private health insurance.

This issue has long been near to my heart. In fact, in 2003, I first championed legislation to create a grant program to provide comprehensive eye exams and necessary follow-up care for children whose families do not have the resources for or access to such care. Preventive vision care is critically important to avoid vision loss, and even blindness, in our nation's children, which can affect a child's physical, emotional, and intellectual development.

The CDC states that approximately 1.8 million children under the age of 18 are blind or have some form of visual impairment. Fortunately, in most cases, vision loss can be avoided with early diagnosis and treatment. Eye health has a direct impact on learning and achievement, and unfortunately, many visual deficits are caught only after they have impaired a child's early and most critical edu-

cation. Consequently, it is a national disgrace that only one in three children receive preventive vision care before they are enrolled in elementary school.

This essential legislation will provide the tools to significantly mitigate the effects of visual impairment. In fact, H.R. 577 has the potential to open up a new world of academic and social opportunity for approximately half a million of our youngest children nationwide. As Congress continues its work to improve the health care and educational opportunities available to children in this country, the need to remove outside impediments to learning must be addressed to achieve long-term success.

I would like to thank Chairman WAXMAN and Chairman PALLONE, for their thoughtful consideration and support for preventive vision care for children, and I urge my colleagues to vote in favor of the Vision Care for Kids Act. Finally, I encourage the Senate to expeditiously consider this essential legislation to provide necessary vision care to our nation's most vulnerable children.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 577 "Vision Care for Kids Act of 2009." I want to thank my colleague Congressman GENE GREEN of Texas for introducing this legislation.

Mr. Speaker, I rise today to tell my colleagues that our nation's children are our future. They should be the center of all of our legislative efforts to improve the lives of all Americans.

The Vision Care for Kids Act of 2009 is a necessary grant program aimed at bolstering children's vision initiatives in the states and encouraging new community-based children's vision partnerships. This legislation amends the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention (CDC), to award matching grants to states to complement existing state efforts to: (1) provide comprehensive eye examinations from a licensed optometrist or ophthalmologist for children who have been previously identified through a vision screening or eye examination by a licensed health care provider or vision screener as needing such services, who do not otherwise have coverage for vision services, and who are low-income children, with priority given to children who are under the age of nine years; (2) provide treatment or services as necessary to correct identified vision problems; and (3) develop and disseminate to parents, teachers, and health care practitioners educational materials on recognizing signs of visual impairment in children.

We used to hold our child's hands when our child takes their first step. However, not many help our children to learn how to use their eyes properly, how to see properly, and how to relax their eyes and protect their vision. Today's education system requires our children to give close attention, read many books, add or subtract numbers or operate a computer for hours. Therefore, it is important to learn to guide our children to attain good child vision health at various stages of their development.

Ten million children suffer from vision disorders, according to the National Parent Teacher Association. Vision disorders are considered the fourth most common disability in

the United States, and they are one of the most prevalent handicapping conditions in childhood. According to data from the Making the Grade: An analysis of state and federal children's vision care policy research study, 32 states require vision screenings for students, but 29 of them do not require children who fail the screening to have a comprehensive eye examination. Because up to two-thirds of children who fail vision screenings do not comply with recommended eye exams, many children enter school with uncorrected vision problems. Undetected and untreated vision deficiencies, particularly in children, can take a large toll. Studies have shown that the costs associated with adult vision problems in the U.S. are at \$51.4 billion.

Undiagnosed and untreated vision problems for children are serious issues. Vision problems can affect a child's cognitive, emotional, neurological and physical development. While vision disorders are considered the fourth most common disability in the United States, two-thirds of all children entering school have never received a vision test. For the one-third of children who do receive a vision test, approximately 40–67 percent who fail the test do not receive the recommended follow-up care.

I urge my colleagues to support the Vision Care for Kids Act of 2009 so that we can protect our children of America.

Mr. SCALISE. Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. I also yield back and ask for passage, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 577, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 279, PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF HOUSE OF REPRESENTATIVES IN 111TH CONGRESS

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-63) on the resolution (H. Res. 294) providing for consideration of the resolution (H. Res. 279) providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress, which was referred to the House Calendar and ordered to be printed.

#### HIGHER EDUCATION TECHNICAL CORRECTIONS

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1777) to make technical corrections to the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1777

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

Sec. 2. References.

Sec. 3. Effective date.

#### TITLE I—GENERAL PROVISIONS

Sec. 101. General provisions.

#### TITLE II—TEACHER QUALITY ENHANCEMENT

Sec. 201. Teacher quality enhancement.

#### TITLE III—INSTITUTIONAL AID

Sec. 301. Institutional aid.

Sec. 302. Multiagency study of minority science programs.

#### TITLE IV—STUDENT ASSISTANCE

Sec. 401. Grants to students in attendance at institutions of higher education.

Sec. 402. Federal Family Education Loan Program.

Sec. 403. Federal work-study programs.

Sec. 404. Federal Direct Loan Program.

Sec. 405. Federal Perkins Loans.

Sec. 406. Need analysis.

Sec. 407. General provisions of title IV.

Sec. 408. Program integrity.

Sec. 409. PLUS loan auction extension.

#### TITLE V—DEVELOPING INSTITUTIONS

Sec. 501. Developing institutions.

#### TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Sec. 601. International education programs.

#### TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT

Sec. 701. Graduate and postsecondary improvement programs.

#### TITLE VIII—ADDITIONAL PROGRAMS

Sec. 801. Additional programs.

Sec. 802. Amendments to other higher education Acts.

#### SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

#### SEC. 3. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if enacted on the date of the enactment of the Higher Education Opportunity Act (Public Law 110-315).

#### TITLE I—GENERAL PROVISIONS

##### SEC. 101. GENERAL PROVISIONS.

(a) HIGHER EDUCATION OPPORTUNITY ACT.—Section 101(b) of Higher Education Opportunity Act (Public Law 110-315) is amended by striking “July 1, 2010” and inserting “the date of the enactment of this Act”.

(b) HIGHER EDUCATION ACT OF 1965.—

(1) AMENDMENTS.—Title I (20 U.S.C. 1001 et seq.) is amended—

(A) in section 102(a)(2)(A)(iii) (20 U.S.C. 1002(a)(2)(A)(iii)), as added by section 102(a)(1)(D) of the Higher Education Opportunity Act (Public Law 110-315), in the matter preceding subclause (I), by striking “States—” and inserting “States (other than a public or private nonprofit nursing school located outside of the United States that was participating in the program under part B of title IV on August 13, 2008)—”;

(B) in section 102(a)(2)(D) (20 U.S.C. 1002(a)(2)(D)), by striking “under part B” and inserting “under part B of title IV”;

(C) in section 111(b) (20 U.S.C. 1011(b)), by striking “With” and inserting “with”;

(D) in section 131(a)(3)(A)(iii)(I) (20 U.S.C. 1015(a)(3)(A)(iii)(I)), by striking “section 428(a)(2)(C)(i)” and inserting “section 428(a)(2)(C)(ii)”;

(E) in section 136(d)(1) (20 U.S.C. 1015e(d)(1)), by striking “(Family Educational Rights and Privacy Act of 1974)” and inserting “(commonly known as the ‘Family Educational Rights and Privacy Act of 1974’)”;

(F) in section 141 (20 U.S.C. 1018)—

(i) in the matter preceding subparagraph (A) of subsection (c)(3), by striking “under this title” and inserting “under title IV”;

and

(ii) in subsection (d)(3), by striking “appropriate committees of Congress” and inserting “authorizing committees”; and

(G) in section 153(a)(1)(B)(iii)(V) (20 U.S.C. 1019b(a)(1)(B)(iii)(V)), by striking “borrowers who take out loans under” each place the term appears and inserting “borrowers of loans made under”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) of subsection (b) shall be effective as if enacted as part of the amendment in section 102(a)(1)(D) of the Higher Education Opportunity Act (Public Law 110-315), and shall take effect on July 1, 2010.

#### TITLE II—TEACHER QUALITY ENHANCEMENT

##### SEC. 201. TEACHER QUALITY ENHANCEMENT.

Title II (20 U.S.C. 1021 et seq.) is amended—

(1) in section 202 (20 U.S.C. 1022a)—

(A) in subsection (b)(6)(E)(ii), by striking “section 1111(b)(2)” and inserting “section 1111(b)(1)”; and

(B) in subsection (i)(3), by striking “consent of” and inserting “consent to”; and

(2) in section 231(a)(1) (20 U.S.C. 1032(a)(1)), by striking “serve graduate” and inserting “assist in the graduation of”.

#### TITLE III—INSTITUTIONAL AID

##### SEC. 301. INSTITUTIONAL AID.

Title III (20 U.S.C. 1051 et seq.) is amended—

(1) in section 316 (20 U.S.C. 1059c)—

(A) in subsection (a), by striking “Indian Tribal” and inserting “Tribal”;

(B) in subsection (b)—

(i) in paragraph (1), by striking “the Tribally Controlled College or University Assistance Act of 1978” and inserting “the Tribally Controlled Colleges and Universities Assistance Act of 1978”;

(ii) in paragraph (2), by striking “the Tribally Controlled College or University Assistance Act of 1978” and inserting “the Tribally Controlled Colleges and Universities Assistance Act of 1978”;

(iii) in paragraph (3)(A), by striking “the Navajo Community College Assistance Act of 1978” and inserting “the Navajo Community College Act”; and

(C) in subsection (d)(4)(A), by striking “part B” and inserting “part B of this title”;

(2) in section 318 (20 U.S.C. 1059e)—

(A) by amending subsection (b)(1)(F) to read as follows:

“(F) is not receiving assistance under—

“(i) part B of this title;

“(ii) part A of title V; or

“(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).”; and

(B) in subsection (i), by striking “part B, or” and inserting “part B of this title, or”;

(3) in section 319(d)(3)(A) (20 U.S.C. 1059f(d)(3)(A)), by striking “part B, or” and inserting “part B of this title, or”;

(4) in section 320(d)(3)(A) (20 U.S.C. 1059g(d)(3)(A)), by striking “part B, or” and inserting “part B of this title, or”;

(5) in section 323(a) (20 U.S.C. 1062(a)), by striking “in any fiscal year” and inserting “for any fiscal year”;

(6) in section 324(d) (20 U.S.C. 1063(d))—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking “Notwithstanding subsections (a)” and inserting “(1) Notwithstanding subsections (a)”; and

(C) by adding at the end the following:

“(2) If the amount appropriated pursuant to section 399(a)(2)(A) for any fiscal year is not sufficient to pay the minimum allotment required by paragraph (1) of this subsection to all part B institutions, the amount of such minimum allotments shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocations shall be increased on the same basis as the basis on which they were reduced (until the amount allotted equals the minimum allotment required by paragraph (1)).”;

(7) in section 351(a) (20 U.S.C. 1067a(a))—

(A) by striking “section 304(a)(1)” and inserting “section 303(a)(1)”; and

(B) by striking “of 1979”;

(8) in section 355(a) (20 U.S.C. 1067e(a)), by striking “302” and inserting “312”;

(9) in section 371(c) (20 U.S.C. 1067q(c))—

(A) in paragraph (3)(D), by striking “402A(g)” and inserting “402A(h)”;

(B) in paragraph (4), by striking “402A(g)” and inserting “402A(h)”; and

(C) in paragraph (9)—

(i) in subparagraph (C)(iii), by striking “402A(g)” and inserting “402A(h)”; and

(ii) by amending subparagraph (F) to read as follows:

“(F) is not receiving assistance under—

“(i) part B of this title;

“(ii) part A of title V; or

“(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).”; and

(10) in section 392(a)(6) (20 U.S.C. 1068a(a)(6)), by striking “College or University” and inserting “Colleges and Universities”.

#### SEC. 302. MULTIAGENCY STUDY OF MINORITY SCIENCE PROGRAMS.

Section 1024 (20 U.S.C. 1067d) is repealed.

#### TITLE IV—STUDENT ASSISTANCE

#### SEC. 401. GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS.—Part A of title IV (20 U.S.C. 1070 et seq.) is amended—

(1) in section 400(b) (20 U.S.C. 1070(b)), by striking “1 through 8” and inserting “1 through 9”;

(2) in section 401 (20 U.S.C. 1070a)—

(A) in the second sentence of subsection (a)(1), by striking “manner,” and inserting “manner,”;

(B) in subsection (b)(1), by striking “section 401” and inserting “this section”; and

(C) in subsection (b)(9)(A)—

(i) in clause (vi), by striking “\$105,000,000” and inserting “\$140,000,000”; and

(ii) in clause (viii), by striking “\$4,400,000,000” and inserting “\$4,470,000,000”;

(3) by striking paragraph (4) of section 401(f) (20 U.S.C. 1070a(f)), as added by section 401(c) of the Higher Education Opportunity Act (Public Law 110-315);

(4) in section 402A (20 U.S.C. 1070a-11)—

(A) in subsection (b)(1), by striking “organizations including” and inserting “organizations, including”; and

(B) in subsection (c)(8)(C)(iv)(I), by inserting “to be” after “determined”;

(5) in section 402E(d)(2)(C) (20 U.S.C. 1070a-15(d)(2)(C)), by striking “320.” and inserting “320”;

(6) in section 419C(b)(1) (20 U.S.C. 1070d-33(b)(1)), by inserting “and” after the semicolon at the end; and

(7) in section 419D(d) (20 U.S.C. 1070d-34(d)), by striking “1134” and inserting “134”.

(b) HIGHER EDUCATION OPPORTUNITY ACT.—Section 404 of the Higher Education Opportunity Act (Public Law 110-315) is amended by adding at the end the following new subsection:

“(1) EFFECTIVE DATE.—The amendments made by subsection (e) of this section shall apply only with respect to grant awards made on or after the date of enactment of this Act.”.

#### SEC. 402. FEDERAL FAMILY EDUCATION LOAN PROGRAM.

(a) AMENDMENT TO PROVISION AMENDED BY THE COLLEGE COST REDUCTION AND ACCESS ACT.—

(1) IN GENERAL.—Section 428(b)(1)(G)(i) (20 U.S.C. 1078(b)(1)(G)(i)), as amended by section 303 of the College Cost Reduction and Access Act (Public Law 110-84), is amended by striking “or 439(q)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendment in section 303(a) of the College Cost Reduction and Access Act (Public Law 110-84), and shall take effect on October 1, 2012, and apply with respect to loans made on or after such date.

(b) ENTRANCE COUNSELING FUNCTIONS.—

(1) GUARANTY AGENCIES.—Section 428(b)(3) (20 U.S.C. 1078(b)(3)) is amended—

(A) in subparagraph (C), by inserting “or 485(1)” after “section 485(b)”; and

(B) in subparagraph (D), by inserting “or 485(1)” after “section 485(b)”.

(2) ELIGIBLE LENDERS.—Section 435(d)(5) (20 U.S.C. 1085(d)(5)) is amended—

(A) in subparagraph (E), by inserting “or 485(1)” after “section 485(b)”; and

(B) in subparagraph (F), by inserting “or 485(1)” after “section 485(b)”.

(c) AMENDMENT TO PROVISION AMENDED BY THE HIGHER EDUCATION OPPORTUNITY ACT.—

(1) IN GENERAL.—Section 428C(c)(3)(A) (20 U.S.C. 1078-3(c)(3)(A)), as amended by section 425 of the Higher Education Opportunity Act (Public Law 110-315), is amended by striking “section 493C” and inserting “section 493C.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendment in section 425(d)(1) of the Higher Education Opportunity Act (Public Law 110-315), and shall take effect on July 1, 2009.

(d) REHABILITATION OF STUDENT LOANS.—

(1) Section 428F (20 U.S.C. 1078-6) is amended—

(A) in subsection (a)—

(i) by amending paragraph (1) to read as follows:

“(1) SALE OR ASSIGNMENT OF LOAN.—

“(A) IN GENERAL.—Each guaranty agency, upon securing 9 payments made within 20 days of the due date during 10 consecutive months of amounts owed on a loan for which

the Secretary has made a payment under paragraph (1) of section 428(c), shall—

“(i) if practicable, sell the loan to an eligible lender; or

“(ii) on or before September 30, 2011, assign the loan to the Secretary if—

“(I) the Secretary has determined that market conditions unduly limit a guaranty agency’s ability to sell loans under clause (i); and

“(II) the guaranty agency has been unable to sell loans under clause (i).

“(B) MONTHLY PAYMENTS.—Neither the guaranty agency nor the Secretary shall demand from a borrower as monthly payments amounts described in subparagraph (A) more than is reasonable and affordable based on the borrower’s total financial circumstances.

“(C) CONSUMER REPORTING AGENCIES.—

“(i) NOTICE OF SALE OR ASSIGNMENT.—Upon the sale or assignment of a loan under this paragraph, the guaranty agency or other holder of the loan shall report that sale or assignment to any consumer reporting agency to which the guaranty agency or other holder reported the default of the loan, and request that the record of default be removed from the borrower’s credit history.

“(ii) REMOVAL FROM CREDIT REPORTS.—Notwithstanding paragraphs (4) and (5) of section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)(4) and (5)) and section 430A(f) of this Act, no consumer reporting agency shall include adverse information on any loan sold or assigned under this paragraph (or any defaulted loan held by the Secretary, on which the borrower has made 9 payments within 20 days of the due date during 10 consecutive months of amounts owed on the defaulted loan), in a report regarding a borrower whose loan is reported sold or assigned by the guaranty agency (or a borrower of a defaulted loan who is reported by the Secretary as having made such payments). The consumer reporting agency shall, within 10 days of receiving such notice from the guaranty agency (or the Secretary, as the case may be) of such sale or assignment, exclude such adverse information from any reports.

“(D) DUTIES UPON SALE.—With respect to a loan sold under subparagraph (A)(i)—

“(i) the guaranty agency—

“(I) shall repay the Secretary 81.5 percent of the amount of the principal balance outstanding at the time of such sale, multiplied by the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan; and

“(II) may, in order to defray collection costs—

“(aa) charge to the borrower an amount of not to exceed 18.5 percent of the outstanding principal and interest at the time of the loan sale; and

“(bb) retain such amount from the proceeds of the loan sale; and

“(ii) the Secretary shall reinstate the Secretary’s obligation to—

“(I) reimburse the guaranty agency for the amount that the agency may, in the future, expend to discharge its guaranty obligation; and

“(II) pay to the holder of such loan a special allowance pursuant to section 438.

“(E) DUTIES UPON ASSIGNMENT.—With respect to a loan assigned under subparagraph (A)(ii)—

“(i) the guaranty agency shall add to the principal and interest outstanding at the time of the assignment of such loan an amount equal to the amount described in subparagraph (D)(i)(II); and

“(ii) the Secretary shall pay the guaranty agency, for deposit in the agency’s Operating

Fund established pursuant to section 422B, an amount equal to the amount added to the principal and interest outstanding at the time of the assignment in accordance with clause (i).

“(F) ELIGIBLE LENDER LIMITATION.—A loan shall not be sold to an eligible lender under subparagraph (A)(i) if such lender has been found by the guaranty agency or the Secretary to have substantially failed to exercise the due diligence required of lenders under this part.

“(G) DEFAULT DUE TO ERROR.—A loan that does not meet the requirements of subparagraph (A) may also be eligible for sale or assignment under this paragraph upon a determination that the loan was in default due to clerical or data processing error and would not, in the absence of such error, be in a delinquent status.”;

(i) in paragraph (2)—

(I) by striking “paragraph (1) of this subsection” and inserting “paragraph (1)(A)(i)”;

and

(II) by striking “paragraph (1)(B)(ii) of this subsection” and inserting “paragraph (1)(D)(ii)(I)”;

(iii) in paragraph (3)—

(I) by striking “sold under paragraph (2)” and inserting “sold or assigned under paragraph (1)(A)”;

and

(II) by striking “sale.” and inserting “sale or assignment.”;

(iv) in paragraph (4), by striking “which is sold under paragraph (1) of this subsection” and inserting “that is sold or assigned under paragraph (1)”;

and

(v) in paragraph (5), by inserting “(whether by loan sale or assignment)” after “rehabilitating a loan”;

(B) in subsection (b), in the first sentence, by inserting “or assigned to the Secretary” after “sold to an eligible lender”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective on the date of enactment of this Act, and shall apply to any loan on which monthly payments described in section 428F(a)(1)(A) were paid before, on, or after such date of enactment.

(e) REPAYMENT IN FULL FOR DEATH AND DISABILITY.—

(1) IN GENERAL.—Section 437(a)(1) (20 U.S.C. 1087(a)(1)), as amended by section 437 of the Higher Education Opportunity Act (Public Law 110-315), is amended—

(A) in the matter preceding subparagraph (A), by striking “Secretary,” or if” and inserting “Secretary,” or if”;

(B) in subparagraph (B), by inserting “the reinstatement and resumption to be” after “determines”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if enacted as part of the amendments in section 437(a) of the Higher Education Opportunity Act (Public Law 110-315), and shall take effect on July 1, 2010.

(f) OTHER AMENDMENTS.—Part B of title IV (20 U.S.C. 1071 et seq.) is further amended—

(1) in section 428 (20 U.S.C. 1078)—

(A) in subsection (a)(2)(A)(i)(II), by striking “and” after the semicolon at the end;

(B) in subsection (b)—

(i) in the matter following subclause (II) of paragraph (1)(M)(i), by inserting “section” before “428B”;

(ii) in paragraph (3)(A)(i), by striking “any institution of higher education or the employees of an institution of higher education” and inserting “any institution of higher education, any employee of an institution of higher education, or any individual or entity”;

(iii) in paragraph (4), by striking “For the purpose of paragraph (1)(M)(i)(III) of this subsection,” and inserting “With respect to the graduate fellowship program referred to in paragraph (1)(M)(i)(II),”;

(iv) in paragraph (7)—

(I) in subparagraph (B), by striking “clause (i) or (ii) of”;

(II) in subparagraph (D), by striking “subparagraph (A)(i)” and inserting “subparagraph (A)”;

(C) in subsection (c)(9)(K), by striking “3 months” and inserting “6 months”;

(2) in section 428B(e) (20 U.S.C. 1078-2(e))—

(A) in paragraph (3)(B), by striking “subsection (c)(5)(B)” and inserting “subsection (d)(5)(B)”;

(B) by repealing paragraph (5);

(3) in section 428C (20 U.S.C. 1078-3)—

(A) in subsection (a)(4)(E), by striking “subpart II of part B” and inserting “part E”;

(B) in subsection (c)(2), by striking “subsection (b)(2)(F)” and inserting “subsection (b)(2)”;

(C) in subsection (d)(3)(D), by striking “loan insurance fund” and inserting “loan insurance account”;

(D) in subsection (f)(3), by striking “subsection (a)” and inserting “this subsection”;

(4) in section 428G(c) (20 U.S.C. 1078-7(c))—

(A) in paragraph (1), by striking “section 428(a)(2)(A)(i)(III)” and inserting “section 428(a)(2)(A)(i)(II)”;

(B) by striking paragraph (3) and inserting the following:

“(3) notwithstanding subsection (a)(2), may, with the permission of the borrower, be disbursed by the lender on a weekly or monthly basis, provided that the proceeds of the loan are disbursed by the lender in substantially equal weekly or monthly installments, as the case may be, over the period of enrollment for which the loan is made.”;

(5) in section 428H (20 U.S.C. 1078-8)—

(A) in subsection (d), by amending the text of the header of paragraph (2) to read as follows: “LIMITS FOR GRADUATE, PROFESSIONAL, AND INDEPENDENT POSTBACCALAUREATE STUDENTS”;

(B) by amending paragraph (6) to read as follows:

“(6) REPAYMENT PERIOD.—For purposes of calculating the repayment period under section 428(b)(9), such period shall commence at the time the first payment of principal is due from the borrower.”;

(6) in section 428J (20 U.S.C. 1078-10)—

(A) in subsection (c)(1), by adding at the end the following: “No borrower may receive a reduction of loan obligations under both this section and section 460.”;

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting “or” after the semicolon at the end;

(ii) by striking subparagraph (C);

(iii) by redesignating subparagraph (D) as subparagraph (C);

(iv) in subparagraph (C), as redesignated by clause (iii), by striking “12571” and inserting “12601”;

(7) in section 428K(g)(9)(B) (20 U.S.C. 1078-11(g)(9)(B)), by striking “under subsection (1)(3) of such section (42 U.S.C. 1395x(1)(3))” and inserting “under subsection (1)(4) of such section (42 U.S.C. 1395x(1)(4))”;

(8) in section 430A(f) (20 U.S.C. 1080A(f)), by striking “(6)” each place it appears and inserting “(5)”;

(9) in section 432 (20 U.S.C. 1082)—

(A) in subsection (b), by striking “section 1078 of this title” and inserting “section 428”;

(B) in subsection (m)(1)(B)—

(i) in clause (i), by inserting “and” after the semicolon at the end; and

(ii) in clause (ii), by striking “; and” and inserting a period;

(10) in section 435 (20 U.S.C. 1085)—

(A) in subsection (a)(2)(C)(ii), by striking “a tribally controlled community college within the meaning of section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978” and inserting “a tribally controlled college or university, as defined in section 2(a)(4) of the Tribally Controlled Colleges and Universities Assistance Act of 1978”;

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(ii)(III), by striking “section 501(1) of such Code” and inserting “section 501(a) of such Code”;

(II) in subparagraph (G), by striking “sections 428A(d), 428B(d), and 428C,” and inserting “sections 428B(d) and 428C,”;

(ii) in paragraph (2)(A)(vi), by striking “section 435(m)” and inserting “subsection (m)”;

(iii) in paragraph (3), by striking “section 435(m)” and inserting “subsection (m)”;

(iv) in paragraph (5)(A), by striking “to

any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part” and inserting “to any institution of higher education, any employee of an institution of higher education, or any individual or entity in order to secure applicants for loans under this part”;

(C) in subsection (o)(1)(A)(ii), by striking “Service” and inserting “Services”;

(D) in subsection (p)(1), by striking “section 771” and inserting “section 781”;

(11) in section 438(b)(2) (20 U.S.C. 1087-1(b)(2))—

(A) in the second sentence of subparagraph (A), by striking “427A(f)” and inserting “427A(i)”;

(B) in the first sentence of subparagraph (B)(i), by striking “1954” and inserting “1986”;

(C) in the second sentence of subparagraph (F), by striking “427A(f)” and inserting “427A(i)”;

(12) in section 439(r)(2)(A)(i) (20 U.S.C. 1087-2(r)(2)(A)(i)), by striking “appoint” and all that follows through “to conduct” and inserting “appoint and fix the compensation of such auditors and examiners as may be necessary to conduct”.

#### SEC. 403. FEDERAL WORK-STUDY PROGRAMS.

Section 443 (42 U.S.C. 2753) is amended—

(1) in subsection (b)(2), by striking “section 443” and inserting “this section”;

(2) in subsection (d)(1), by striking “subsection (b)(2)(B)” and inserting “subsection (b)(2)(A)”;

(3) in subsection (e)(1), by striking “in accordance with such subsection”.

#### SEC. 404. FEDERAL DIRECT LOAN PROGRAM.

(a) TEMPORARY AUTHORITY TO PURCHASE LOANS.—Section 459A (20 U.S.C. 1087i-1) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking “purchase of loans under this section” and inserting “purchase of loans under paragraph (1)”;

(B) by inserting after paragraph (2) the following new paragraph:

“(3) TEMPORARY AUTHORITY TO PURCHASE REHABILITATED LOANS.—

“(A) AUTHORITY.—In addition to the authority described in paragraph (1), the Secretary, in consultation with the Secretary of the Treasury, is authorized to purchase, or

enter into forward commitments to purchase, from any eligible lender (as defined in section 435(d)(1)), loans that such lender purchased under section 428F on or after October 1, 2003, and before July 1, 2010, and that are not in default, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interest of the United States, except that any purchase under this section shall not result in any net cost to the Federal Government (including the cost of servicing the loans purchased), as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

“(B) **FEDERAL REGISTER NOTICE.**—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall jointly publish a notice in the Federal Register prior to any purchase of loans under this paragraph that—

“(i) establishes the terms and conditions governing the purchases authorized by this paragraph;

“(ii) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, will jointly consider in evaluating the price at which to purchase loans rehabilitated pursuant to section 428F(a); and

“(iii) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).”; and

(2) by amending subsection (b) to read as follows:

“(b) **PROCEEDS.**—The Secretary shall require, as a condition of any purchase under subsection (a), that the funds paid by the Secretary to any eligible lender under this section shall be used—

“(1) to ensure continued participation of such lender in the Federal student loan programs authorized under part B of this title; and

“(2)(A) in the case of loans purchased pursuant to subsection (a)(1), to originate new Federal loans to students, as authorized under part B of this title; or

“(B) in the case of loans purchased pursuant to subsection (a)(3), to originate such new Federal loans to students, or to purchase loans in accordance with section 428F(a).”.

(b) **OTHER AMENDMENTS.**—Part D of title IV (20 U.S.C. 1087a et seq.) is amended—

(1) by repealing paragraph (3) of section 453(c) (20 U.S.C. 1087c(c));

(2) in section 455 (20 U.S.C. 1087e)—  
(A) in subsection (d)(1)(C), by striking “428(b)(9)(A)(v)” and inserting “428(b)(9)(A)(iv)”;  
(B) in subsection (h), by striking “(except as authorized under section 457(a)(1))”; and  
(C) in subsection (k)(1)(B), by striking “, or in a notice under section 457(a)(1),”;  
(3) by repealing section 457 (20 U.S.C. 1087g); and  
(4) in section 460 (20 U.S.C. 1087j)—

(A) in subsection (c)(1), by adding at the end the following: “No borrower may receive a reduction of loan obligations under both this section and section 428J.”; and  
(B) in subsection (g)(2)—

(i) by striking subparagraph (A);  
(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (C), as redesignated by clause (ii), by striking “12571” and inserting “12601”.

#### SEC. 405. FEDERAL PERKINS LOANS.

Part E of title IV (20 U.S.C. 1087aa et seq.) is amended—

(1) in section 462(a)(1) (20 U.S.C. 1087bb(a)(1)), by striking subparagraph (A) and inserting the following:

“(A) 100 percent of the amount received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year), multiplied by”;  
(2) in section 463(c) (20 U.S.C. 1087cc(c))—

(A) in paragraph (2)—  
(i) by moving the margins of subparagraph (A) 2 ems to the left; and  
(ii) by striking subparagraph (B) and inserting the following:

“(B) information concerning the repayment and collection of any such loan, including information concerning the status of such loan; and”; and  
(B) in paragraph (3), by striking “(6)” each place it appears and inserting “(5)”;  
(3) in the first sentence of the matter preceding paragraph (1) of section 463A(a) (20 U.S.C. 1087cc-1(a)), by striking “, in order to carry out the provisions of section 463(a)(8),”;  
(4) in section 464 (20 U.S.C. 1087dd)—

(A) in subsection (c)—  
(i) in paragraph (1)(D)—  
(I) by striking “(I)” and inserting “(i)”; and  
(II) by striking “(II)” and inserting “(ii)”; and  
(ii) in paragraph (2)(A)(iii)—

(I) by aligning the margin of the matter preceding subclause (I) with the margins of clause (ii);  
(II) by aligning the margins of subclauses (I) and (II) with the margins of clause (i)(I); and  
(III) by aligning the margins of the matter following subclause (ii) with the margins of the matter following subclause (II) of clause (i); and  
(B) in subsection (g)(5), by striking “credit bureaus” and inserting “consumer reporting agencies”;  
(5) in section 465(a)(6) (20 U.S.C. 1087ee(a)(6)), by striking “12571” and inserting “12601”;  
(6) in section 467(b) (20 U.S.C. 1087gg(b)), by striking “paragraph (5)(A), (5)(B)(i), or (6)” and inserting “paragraph (4) or (5)”; and  
(7) in section 469(c) (20 U.S.C. 1087ii(c)), by striking “and the term” and all that follows through the period at the end and inserting “and the term ‘early intervention services’ has the meaning given the term in section 632 of such Act.”.

(B) in subsection (c) (as amended by such section 602)—  
(i) in paragraph (1)(A), by amending clause (iii) to read as follows:

“(iii) include at least one parent who is a dislocated worker; or”;  
(ii) in paragraph (1)(B)(i), by amending subclause (III) to read as follows:

“(III) is a dislocated worker or is married to a dislocated worker; or”; and  
(B) in subsection (c) (as amended by such section 602)—  
(i) in paragraph (1)(A), by amending clause (iii) to read as follows:

“(iii) include at least one parent who is a dislocated worker; or”; and  
(ii) in paragraph (2)(A), by amending clause (iii) to read as follows:

“(iii) is a dislocated worker or is married to a dislocated worker; or”;  
(5) in section 479C (20 U.S.C. 1087uu-1)—  
(A) in paragraph (1), by striking “under” and all that follows through “; and” and inserting “under Public Law 98-64 (25 U.S.C. 11a et seq.; 97 Stat. 365) (commonly known as the ‘Per Capita Act’ or Public Law 93-134 (25 U.S.C. 1401 et seq.; 87 Stat. 466) (commonly known as the ‘Indian Tribal Judgement Funds Use or Distribution Act’); and”; and  
(B) in paragraph (2)—  
(i) by striking “Alaskan” and inserting “Alaska”;  
(ii) by inserting “(43 U.S.C. 1601 et seq.)” before “or the”; and  
(iii) by inserting “of 1980 (25 U.S.C. 1721 et seq.)” after “Maine Indian Claims Settlement Act”;  
(6) in section 480(a)(2) (20 U.S.C. 1087vv(a)(2)), by striking “12571” and inserting “12511”;  
(7) in section 480(c)(2) (20 U.S.C. 1087vv(c)(2))—  
(A) in the matter preceding subparagraph (A), by striking “the following” and inserting “benefits under the following provisions of law”; and  
(B) by striking subparagraphs (A) through (J) and inserting the following:

“(A) Chapter 103 of title 10, United States Code (Senior Reserve Officers’ Training Corps).  
(B) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(C) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(D) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(E) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(F) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(G) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(H) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(I) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(J) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(K) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(L) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(M) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(N) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(O) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(P) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(Q) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(R) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(S) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(T) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(U) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(V) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(W) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(X) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(Y) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(Z) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

for academic year 2009–2010 and succeeding academic years—

“(A) who is eligible to receive a Federal Pell Grant for the academic year for which the determination is made;

“(B) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and  
(C) who, at the time of the parent or guardian’s death, was—  
(i) less than 24 years of age; or  
(ii) was enrolled at an institution of higher education on not less than a part-time basis.

“(3) **INFORMATION.**—Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense, as appropriate, shall provide the Secretary of Education with information necessary to determine which students meet the requirements of paragraph (2).”;  
(2) in section 475(c)(5)(B) (20 U.S.C. 1087oo(c)(5)(B)), by inserting “of 1986” after “Code”;  
(3) in section 477(b)(5)(B) (20 U.S.C. 1087qq(b)(5)(B)), by inserting “of 1986” after “Code”;  
(4) in section 479 (20 U.S.C. 1087ss)—  
(A) in subsection (b) (as amended by section 602 of the College Cost Reduction and Access Act (110–84))—  
(i) in paragraph (1)(A)(i), by amending subclause (III) to read as follows:

“(III) include at least one parent who is a dislocated worker; or”;  
(ii) in paragraph (1)(B)(i), by amending subclause (III) to read as follows:

“(III) is a dislocated worker or is married to a dislocated worker; or”; and  
(B) in subsection (c) (as amended by such section 602)—  
(i) in paragraph (1)(A), by amending clause (iii) to read as follows:

“(iii) include at least one parent who is a dislocated worker; or”; and  
(ii) in paragraph (2)(A), by amending clause (iii) to read as follows:

“(iii) is a dislocated worker or is married to a dislocated worker; or”;  
(5) in section 479C (20 U.S.C. 1087uu-1)—  
(A) in paragraph (1), by striking “under” and all that follows through “; and” and inserting “under Public Law 98-64 (25 U.S.C. 11a et seq.; 97 Stat. 365) (commonly known as the ‘Per Capita Act’ or Public Law 93-134 (25 U.S.C. 1401 et seq.; 87 Stat. 466) (commonly known as the ‘Indian Tribal Judgement Funds Use or Distribution Act’); and”; and  
(B) in paragraph (2)—  
(i) by striking “Alaskan” and inserting “Alaska”;  
(ii) by inserting “(43 U.S.C. 1601 et seq.)” before “or the”; and  
(iii) by inserting “of 1980 (25 U.S.C. 1721 et seq.)” after “Maine Indian Claims Settlement Act”;  
(6) in section 480(a)(2) (20 U.S.C. 1087vv(a)(2)), by striking “12571” and inserting “12511”;  
(7) in section 480(c)(2) (20 U.S.C. 1087vv(c)(2))—  
(A) in the matter preceding subparagraph (A), by striking “the following” and inserting “benefits under the following provisions of law”; and  
(B) by striking subparagraphs (A) through (J) and inserting the following:

“(A) Chapter 103 of title 10, United States Code (Senior Reserve Officers’ Training Corps).  
(B) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(C) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(D) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(E) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(F) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(G) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(H) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(I) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(J) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(K) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(L) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(M) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(N) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(O) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(P) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(Q) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(R) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(S) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(T) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(U) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(V) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(W) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(X) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(Y) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

“(Z) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).



“(C) Chapter 1607 of title 10, United States Code (Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Certain Other Operations).

“(D) Chapter 30 of title 38, United States Code (All-Volunteer Force Educational Assistance Program, also known as the ‘Montgomery GI Bill—active duty’).

“(E) Chapter 31 of title 38, United States Code (Training and Rehabilitation for Veterans with Service-Connected Disabilities).

“(F) Chapter 32 of title 38, United States Code (Post-Vietnam Era Veterans’ Educational Assistance Program).

“(G) Chapter 33 of title 38, United States Code (post-9/11 educational assistance).

“(H) Chapter 35 of title 38, United States Code (Survivors’ and Dependents Educational Assistance Program).

“(I) Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) (Educational Assistance Pilot Program).

“(J) Section 156(b) of the ‘Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes’ (42 U.S.C. 402 note) (Restored Entitlement Program for Survivors, also known as ‘Quayle benefits’).”; and

(8) in section 480(j)(1) (20 U.S.C. 1087vv(j)(1)), by striking “12571” and inserting “12511”.

(b) **EFFECTIVE DATE.**—The amendments made by paragraph (1)(B) of subsection (a) shall take effect on July 1, 2009, and the amendments made by paragraph (4) of such subsection shall be effective as if enacted as part of the amendments in section 602(a) of the College Cost Reduction and Access Act (Public Law 110-84).

(c) **HIGHER EDUCATION OPPORTUNITY ACT.**—Section 473(f) of the Higher Education Opportunity Act (Public Law 110-315) is amended by inserting “, except that the amendments made in subsection (e) shall take effect on July 1, 2009” before the period at the end.

#### SEC. 407. GENERAL PROVISIONS OF TITLE IV.

(a) **DELAYED IMPLEMENTATION OF E2 FAFSA.**—Notwithstanding any other provision of law, the Secretary of Education shall be required to carry out the requirements under the following provisions of section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) only for academic year 2010-2011 and subsequent academic years:

(1) In subsection (a) of such section—

(A) subparagraphs (A)(i) and (B) of paragraph (2);

(B) in paragraph (3)—

(i) the second sentence of subparagraph (A);

(ii) clauses (i) and (ii) of subparagraph (B); and

(iii) subparagraph (C);

(C) paragraph (4)(A)(iv); and

(D) paragraph (5)(E).

(2) Subsection (h) of such section.

(b) **OTHER AMENDMENTS.**—Part G of title IV (20 U.S.C. 1088 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 481(c) (20 U.S.C. 1088(c)), by striking “or any State, or private, profit or nonprofit organization” and inserting “any State, or any private, for-profit or nonprofit organization,”;

(2) in section 482(b) (20 U.S.C. 1089(b)), by striking “413D(e), 442(e), or 462(j)” and inserting “413D(d), 442(d), or 462(i)”;

(3) in section 483 (20 U.S.C. 1090)—

(A) in subsection (a)(3)(C), by inserting “that” after “except”; and

(B) in subsection (e)(8)(A), by striking “identify” and inserting “determine”;

(4) in section 484 (20 U.S.C. 1091)—

(A) in the matter preceding subparagraph (A) of subsection (a)(4), by striking “certification,” and inserting “certification,”;

(B) in subsection (b)(1)(B)—

(i) by striking “have (A)” and inserting “have (i)”; and

(ii) by striking “and (B)” and inserting “and (ii)”;

(C) in subsection (f)(1), by striking “part B” and all that follows through “part E” in each place that the phrase occurs and inserting “part B, part D, or part E”;

(D) in subsection (h)—

(i) in paragraph (2), by striking “(h)(4)(A)(i)” and inserting “(g)(4)(A)(i)”; and

(ii) in paragraph (3), by striking “(h)(4)(B)(i)” and inserting “(g)(4)(B)(i)”; and

(E) in subsection (n), by striking “section 1113 of Public Law 97-252” and inserting “section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f))”;

(5) in section 485 (20 U.S.C. 1092)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) the matter preceding subparagraph (A), by striking “also referred to as the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”; and

(II) in subparagraph (I), by striking “handicapped students” and inserting “students with disabilities”;

(ii) in paragraph (4)(B), by inserting “during which” after “time period”; and

(iii) in the matter preceding subclause (I) of paragraph (7)(B)(iv), by inserting “education” after “higher”;

(B) in subsection (e)(3)(B), by inserting “during which” after “time period”;

(C) in subsection (f)—

(i) in the matter preceding subparagraph (A) of paragraph (1), by inserting “of” after “foreign institution”; and

(ii) in paragraphs (3), (4)(A), (5), and (8)(A), by striking “under this title” each place it appears and inserting “under this title, other than a foreign institution of higher education,”;

(D) in subsection (g)(2), by striking “subparagraph (G)” and inserting “paragraph (1)(G)”;

(E) in subsection (i)—

(i) in paragraph (2), by striking “eligible institution participating in any program under this title” and inserting “institution described in paragraph (1)”;

(ii) in paragraph (3), in the matter preceding subparagraph (A), by striking “eligible institution participating in any program under this title” and inserting “institution described in paragraph (1)”;

(iii) in paragraph (5)(B), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”;

(F) in subsection (k)(2), by inserting “section” before “484(r)(1)”;

(G) in the matter preceding clause (i) of subsection (l)(1)(A), by striking “subparagraph (B)” and inserting “paragraph (2)”;

(6) in section 485A (20 U.S.C. 1092a)—

(A) in subsection (a)—

(i) by striking “or defined in subpart I of part C of title VII of the Public Health Service Act” and inserting “or an eligible lender as defined in section 719 of the Public Health Service Act (42 U.S.C. 292o)”;

(ii) by striking “under subpart I of part C of title VII of the Public Health Service Act (known as Health Education Assistance Loans)” and inserting “under part A of title

VII of the Public Health Service Act (42 U.S.C. 292 et seq.)”;

(B) in subsection (b), by striking “subpart I of part C of title VII of the Public Health Service Act” and inserting “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)”;

(C) in subsection (e)—

(i) by striking “Health Education Assistance Loan” and inserting “loan under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)”; and

(ii) in paragraph (2), by striking “733(e)(3)” and inserting “707(e)(3)”; and

(D) in subsection (f)—

(i) in paragraph (1)—

(I) in the second sentence, by striking “subpart I of part C of title VII of the Public Health Service Act” and inserting “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)”; and

(II) in the fourth sentence, by striking “728(a)” and inserting “710”; and

(ii) in paragraph (2), by striking “subpart I of part C of title VII of the Public Health Service Act” and inserting “part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)”;

(7) in section 485B (20 U.S.C. 1092b)—

(A) in subsection (a)(5), by striking “)” and inserting “)”;

(B) in subsection (d)(3)(D), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”;

(8) in section 487 (20 U.S.C. 1094)—

(A) in subsection (a)(23)(A), by inserting “of 1993” after “Registration Act”;

(B) in subsection (c)(1)—

(i) in subparagraph (A)(i), by striking “students receives” and inserting “students receive”;

(ii) in subparagraph (F), by striking “paragraph (2)(B)” and inserting “paragraph (3)(B)”;

(iii) in subparagraph (H), by striking “paragraph (2)(B)” and inserting “paragraph (3)(B)”;

(C) in subsection (f)(1), by striking “496(c)(4)” and inserting “496(c)(6)”;

(D) in subsection (g)(1), by striking “subsection (f)(2)” and inserting “subsection (e)(2)”;

(9) in section 489(a) (20 U.S.C. 1096(a))—

(A) in the third sentence, by striking “has agreed to assign under section 463(a)(6)(B)” and inserting “has referred under section 463(a)(4)(B)”;

(B) in the fourth sentence, by striking “484(h)” and inserting “484(g)”;

(10) in section 491(l)(2)(A) (20 U.S.C. 1098(l)(2)(A)), by inserting “the” after “enactment of”; and

(11) in section 492(a) (20 U.S.C. 1098a(a))—

(A) in paragraph (1), by striking “regulations” and all that follows through “The” and inserting “regulations for this title. The”;

(B) in paragraph (2), by striking “ISSUES” and all that follows through “provide” and inserting “ISSUES.—The Secretary shall provide”.

#### SEC. 408. PROGRAM INTEGRITY.

Part H of title IV (20 U.S.C. 1099a et seq.) is amended—

(1) in section 496(a)(6)(G) (20 U.S.C. 1099b(a)(6)(G)), by striking the period at the end and inserting a semicolon; and

(2) in section 498(c)(2) (20 U.S.C. 1099c(c)(2)), by striking “for profit” and inserting “for-profit”.

**SEC. 409. PLUS LOAN AUCTION EXTENSION.**

(a) EXTENSION.—Section 499 (20 U.S.C. 1099d) is amended by striking “2009” each place it appears and inserting “2010”.

(b) TECHNICAL AMENDMENT.—Section 499(b)(1) (20 U.S.C. 1099d(b)(1)) is amended by striking “Communication” and inserting “Communications”.

(c) TIMING OF REPORTS.—Section 499(d)(1) (20 U.S.C. 1099d(d)(1)) is amended—

(1) in subparagraph (A), by striking “2010” and inserting “2011”;

(2) in subparagraph (B), by striking “2012” and inserting “2013”; and

(3) in subparagraph (C), by striking “2013” and inserting “2014”.

**TITLE V—DEVELOPING INSTITUTIONS****SEC. 501. DEVELOPING INSTITUTIONS.**

Section 502(b)(2) (20 U.S.C. 1101a(b)(2)) is amended by striking “which determination” and inserting “which the determination”.

**TITLE VI—INTERNATIONAL EDUCATION PROGRAMS****SEC. 601. INTERNATIONAL EDUCATION PROGRAMS.**

(a) HIGHER EDUCATION ACT OF 1965.—Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) in section 604(a) (20 U.S.C. 1124(a))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by inserting “the” before “Federal”; and

(B) in paragraph (7)(D), by striking “institution, combination” and inserting “applicant, consortium.”; and

(2) in section 622(a) (20 U.S.C. 1131–1(a)), by inserting a period after “title”.

(b) HIGHER EDUCATION OPPORTUNITY ACT.—The matter preceding paragraph (1) of section 621 of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking “Section 631 (20 U.S.C. 1132)” and inserting “Section 631(a) (20 U.S.C. 1132(a))”.

**TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT****SEC. 701. GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS.**

Title VII (20 U.S.C. 1133 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 721(d) (20 U.S.C. 1136(d)), by striking “services through” and all that follows through “resource centers” and inserting “services through pre-college programs, undergraduate prelaw information resource centers”;

(2) in section 723(b)(1)(P) (20 U.S.C. 1136a(b)(1)(P)), by striking “State” and inserting “State”;

(3) in section 744(c)(6)(C) (20 U.S.C. 1138c(c)(6)(C)), by inserting “of the National Academies” after “Institute of Medicine”;

(4) in section 760(1)(D) (20 U.S.C. 1140(1)(D)), by inserting “with nondisabled students” after “disabilities to participate”;

(5) in section 772 (20 U.S.C. 11401)—

(A) in subsection (a)(2)(A), by striking “with in” and inserting “with”; and

(B) in the matter preceding subclause (I) of subsection (b)(1)(C)(ii), by striking “subparagraph (C)” and inserting “clause (i)”;

(6) in section 781 (20 U.S.C. 1141)—

(A) in subsection (c)(1), by striking “Service” each place the term appears and inserting “Services”;

(B) in the matter preceding paragraph (1) of subsection (e)—

(i) by striking “(as defined)” and all that follows through “this Act)” and inserting “(as described in section 435(p))”; and

(ii) by striking “435(j)” and inserting “428(b)”;

(C) in subsection (g)(2), by striking “Service” and inserting “Services”; and

(D) in subsection (i)—

(i) in paragraph (1)(D), by striking “consortia” and inserting “consortium”; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking “CONSORTIA” and inserting “CONSORTIUM”; and

(II) by striking “consortia” each place the term appears and inserting “consortium”.

**TITLE VIII—ADDITIONAL PROGRAMS****SEC. 801. ADDITIONAL PROGRAMS.**

Title VIII (20 U.S.C. 1161a et seq.) is amended—

(1) in section 802(d)(2)(D) (20 U.S.C. 1161b(d)(2)(D)), by striking “regulation” and inserting “regulations”;

(2) in section 804(d) (20 U.S.C. 1161d(d)(2))—

(A) in the heading, by striking “DEFINITION” and inserting “DEFINITIONS”; and

(B) by striking paragraph (2) and inserting the following:

“(2) PUBLIC HEALTH SERVICE ACT.—The terms ‘accredited’ and ‘school of nursing’ have the meanings given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).”;

(3) in section 808(a)(1) (20 U.S.C. 1161h(a)(1)), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “section 444 of the General Education Provisions Act (commonly known as the ‘Family Educational Rights and Privacy Act of 1974’)”;

(4) in section 819(b)(3) (20 U.S.C. 1161j(b)(3)), by inserting a period after “101(a)”;

(5) in section 820 (20 U.S.C. 1161k)—

(A) in subsection (d)(5), by inserting “the” before “grant”;

(B) in subsection (f)(2), by striking “subpart” each place the term appears and inserting “section”; and

(C) in subsection (h), by striking “use” and inserting “used”;

(6) in section 821 (20 U.S.C. 1161l)—

(A) in subsection (a)(1), by striking “subsection (g)” and inserting “subsection (f)”;

(B) in subsection (c)(1)(B), by striking “within” and inserting “in”;

(7) in section 824(f)(3) (20 U.S.C. 1161l–3(f)(3))—

(A) in subparagraph (A), by inserting “a” after “submitting”; and

(B) in subparagraph (C), by striking “pursing” and inserting “pursuing”;

(8) in section 825(a) (20 U.S.C. 1161l–4(a)), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”;

(9) in section 826(3) (20 U.S.C. 1161l–5(3)), by striking “the Family Educational Rights and Privacy Act of 1974” and inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”;

(10) in section 830(a)(1)(B) (20 U.S.C. 1161m(a)(1)(B)), by striking “of for” and inserting “of”;

(11) in section 833(e)(1) (20 U.S.C. 1161n–2(e)(1))—

(A) in the matter preceding subparagraph (A), by striking “because of” and inserting “based on”; and

(B) in subparagraph (D), by striking “section” and inserting “part”;

(12) in section 841(c)(1) (20 U.S.C. 1161o(c)(1)), by striking “486A(d)” and inserting “486A(b)(1)”;

(13) in section 851(j) (20 U.S.C. 1161p(j)), by inserting “to be appropriated” after “authorized”; and

(14) in section 894(b)(2) (20 U.S.C. 1161y(b)(2)), by striking “the Family Educational Rights and Privacy Act of 1974” and

inserting “commonly known as the ‘Family Educational Rights and Privacy Act of 1974’”.

**SEC. 802. AMENDMENTS TO OTHER HIGHER EDUCATION ACTS.**

(a) HIGHER EDUCATION AMENDMENTS OF 1998.—Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by inserting “this section” after “to carry out”.

(b) EDUCATION OF THE DEAF ACT OF 1986.—Section 203(b)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(2)) is amended by striking “and subsections (b) and (c) of section 209.” and inserting “and subsections (a), (b), and (c) of section 209.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. HINOJOSA).

**GENERAL LEAVE**

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 1777 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 1777, a bill to make technical corrections to the Higher Education Act.

Last year we enacted the first reauthorization of the Higher Education Act in 10 years. As the administration has moved swiftly to implement the new law, embarking on a new round of negotiated rulemaking, we have identified areas of the law needing technical corrections or clarifications that require our action today.

While many of the provisions of this bill make minor corrections, there are several amendments included in H.R. 1777 that are of particular importance because of the profound impact that they will have on students and families.

□ 1630

I would like to highlight three areas that deserve special attention, Mr. Speaker.

First, H.R. 1777 will head off a looming logjam in the PLUS Loan Program for parents. The College Cost Reduction and Access Act included a program to pilot using an auction mechanism for setting the rate of return for lenders in the PLUS Loan Program for parents. The auction is scheduled to go into effect this year. Given our fiscal climate, there is concern that there will not be enough bidders to hold the auction. This means that families accepting parent loans in their financial aid packages cannot complete the applications until the lenders are identified through the auction process. H.R.

1777 will delay the auction for another year, thereby ensuring that parents face no delay in the application process for PLUS Loans due to the uncertainty surrounding bids.

H.R. 1777 also makes two important changes to ensure that veterans get the full amount of educational assistance that Congress intended. This legislation clarifies that GI Bill benefits are to be exempted for consideration in calculating eligibility for student financial aid. Additionally, it ensures that this exemption is in place for the upcoming academic year.

Finally, H.R. 1777 will ensure that the Federal Government keeps its promise to borrowers who seek to rehabilitate their student loans. In the Higher Education Act, Congress provided an avenue for borrowers who have defaulted on their student loans to restore their credit and to rehabilitate their defaulted loans.

After nine on-time payments, a borrower in default may rehabilitate the loan and may clean up his credit rating. This policy is a win-win. It helps borrowers establish regular payment histories, and it restores their credit while helping the Federal Government collect unpaid student loans.

Guaranty agencies, such as the Texas Guaranty Student Loan Corporation in my own home State of Texas, have been working diligently with defaulted borrowers to help them restore their credit and to return their loans to good standing. Unfortunately, the last step in the rehabilitation process occurs when the guaranty agency sells the rehabilitated loan to a lender. Because of our financial crisis, there are no buyers for these loans. This means that, despite doing everything that was required of them, borrowers cannot get the benefit of rehabilitating their loans.

This legislation will fix that problem by allowing guaranty agencies to assign or to sell loans that meet the rehabilitation requirements to the Department of Education. This bill also ensures that the record of default is removed from the borrower's credit rating.

According to the Department of Education, without this change this year, approximately 160,000 borrowers will be denied the rehabilitation benefits that they have earned. Last month alone, Texas estimates that over 4,500 borrowers met the rehabilitation requirements but could not complete the process because of the lack of a lender. Today, 19 of the 35 guaranty agencies report having no lender willing or able to buy rehabilitation loans. These include our largest agencies that serve Texas, that serve California, New York, Florida, Illinois, and many other States.

We made a commitment to these borrowers, telling them that, if they stepped up and made the on-time pay-

ments, the Federal Government would help them restore their credit. We must keep that commitment by passing H.R. 1777.

In closing, Mr. Speaker, I would like to thank our committee chairman, Representative GEORGE MILLER, and our good friend and colleague, Ranking Member BUCK McKEON, along with our ranking member on the subcommittee, my friend and colleague, Representative BRETT GUTHRIE of Kentucky, for expediting this legislation and for helping us make these needed corrections in a bipartisan manner. I urge all of my colleagues to vote "yes" on H.R. 1777.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I rise in support of this legislation, and I yield to the gentleman from California as much time as he may consume.

Mr. McKEON. Mr. Speaker, I rise in support of this legislation, and I thank Ranking Member GUTHRIE for yielding the time.

Last August, President Bush signed into law the first comprehensive renewal in a decade of the Federal higher education programs. That legislation was a product of years of effort by both Republicans and Democrats. It was and is a good product, but as the implementation of the law has gone forward, it has become clear that minor technical changes are needed to ensure a smooth transition process. We are making those changes today. As we address these minor changes, we also need to act quickly to correct two major challenges in the Federal student loan programs.

The first challenge is a byproduct of the global credit crisis. Student loan borrowers, like many Americans in this struggling economy, can sometimes fall behind on their bills. Before they fall behind, the Higher Education Act helps borrowers through loan deferments, forbearances and income-contingent or income-based repayment. For those borrowers who have defaulted, it provides a process for loan rehabilitation. Student loan borrowers who have defaulted can rebuild their credit and can get their loans back in good standing by making nine on-time payments. At the end of the process, the loan is sold to a lender, and a borrower's credit is wiped clean. Unfortunately, the global credit crunch has prevented many student loan lenders from being able to repurchase these rehabilitated loans, and when these loans are not purchased, the borrower's credit is not restored.

With this legislation, we are incorporating rehabilitated loans into the emergency student loan liquidity measures enacted last year. It is a simple fix that will get credit flowing and that will help borrowers who are doing their best to get their credit back in good standing and make good on the loans they owe. These borrowers have

done the right thing by getting themselves back on track. They should not be denied an opportunity to clean up their credit simply because of the current economic situation.

The second change we are making is just as urgent, and truth be told, it is one that could have been avoided. I am speaking not of a byproduct of a short-circuited credit market but, rather, of the inevitable product of shortsighted policy. Two-and-half years ago, the majority wrung billions from the Federal student loan program in order to make good on a campaign promise of higher Pell Grant funding and of lower student loan interest rates. These were laudable goals, to be sure, but those of us who have been here for a long time know that a good sound bite does not always make for good policy. Such is the case here.

In order to pay for these particular campaign promises, at least temporarily, for parents of college students, the majority replaced a functioning lending system with an untested, highly controversial auction scheme. At the time, we warned that an auction would undercut loan accessibility for parents. We warned that the U.S. Department of Education was ill-equipped to implement such a complex and convoluted system. We warned that lenders were unlikely to participate in such a system and that, if they did, only a few were likely to bid, giving them near-monopoly control of the market. I wish it were not the case, but unfortunately, our worst predictions are coming true.

Several large lenders are choosing not to participate in this troubled initiative. The National Association of Student Financial Aid Administrators has weighed in with serious concerns. Financial aid administrators will soon be assembling financial aid packages for the coming academic year, and NASFAA warns that current economic conditions could cause the pilot program to harm parent borrowers.

If the Department were to move forward, the few willing participants would be a virtual monopoly, and with so few participants, they may not be able to handle all of the loan volume necessary to ensure that all parents who are eligible for loans actually receive them. We cannot allow this to happen, so we are postponing the auction for 1 year in order to ensure that parents will not fall victim to the shortsighted policy that was enacted just 2½ years ago.

I support this legislation because the changes are necessary, but I hope this will serve as a lesson in going forward. Undercutting a successful, long-standing student loan program in order to achieve political goals was not a good idea in 2006, and it is not a good idea today.

Mr. HINOJOSA. Mr. Speaker, I would like to ask the gentleman from Kentucky if he has any further speakers.

Mr. GUTHRIE. Mr. Speaker, I do not have any further speakers.

Mr. HINOJOSA. In that case, Mr. Speaker, I yield back the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself the balance of my time.

I support this legislation, and I urge my colleagues to do the same. We have worked with the majority to address pressing matters that impact students and families. This bill will ensure the smooth implementation of the bipartisan higher education reforms enacted last year. It will help student loan borrowers who have fallen behind to rebuild their damaged credit, and it will postpone a student loan auction that, whether or not it was a good idea 2½ years ago, simply does not make sense in the current economic climate.

I thank the majority for working with us. I have particularly enjoyed working with my colleague, Mr. HINOJOSA from Texas, and I appreciate him for working on these important matters and timely changes. I urge my colleagues to join me in voting "yes."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 1777.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1845

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Ross) at 6 o'clock and 45 minutes p.m.

#### RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 295

Whereas, The Hill reported that a prominent lobbying firm specializing in obtaining defense earmarks for its clients, the subject

of a "federal investigation into potentially corrupt political contributions," has given \$3.4 million in political donations to no less than 284 members of Congress.

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to "straw man" contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees of the firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill."

Whereas, CQ Today specifically noted a Member getting "\$25,000 in campaign contribution money from [the founder of the firm] and his relatives right after his subcommittee approved its spending bill in 2005."

Whereas, the Associated Press noted that Members received campaign contributions from employees of the firm "around the time they requested" earmarks for companies represented by the firm.

Whereas, the Associated Press highlighted the "huge amounts of political donations" from the firm and its clients to select members and noted that "those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests."

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, the Associated Press reported that "the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash."

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Now, therefore, be it: *Resolved*, that (a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. The resolution qualifies.

#### MOTION TO TABLE

Mr. GEORGE MILLER of California. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on laying House Resolution 295 on the table will be followed by 5-minute votes on suspending the rules and passing H.R. 20 and H.R. 479.

Remaining postponed votes will be taken later in the week.

The vote was taken by electronic device, and there were—yeas 210, nays 173, answered "present" 13, not voting 35, as follows:

[Roll No. 163]

YEAS—210

Abercrombie	Etheridge	McGovern
Ackerman	Farr	McMahon
Adler (NJ)	Fattah	Meek (FL)
Altmire	Filner	Meeks (NY)
Andrews	Fudge	Michaud
Arcuri	Gonzalez	Miller (NC)
Baca	Gordon (TN)	Miller, George
Baird	Green, Al	Mollohan
Baldwin	Green, Gene	Moore (KS)
Barrow	Griffith	Moore (WI)
Becerra	Grijalva	Murphy (CT)
Berman	Gutierrez	Murphy, Patrick
Berry	Hall (NY)	Murphy, Tim
Bishop (GA)	Hare	Murtha
Bishop (NY)	Harman	Nadler (NY)
Blumenauer	Hastings (FL)	Napolitano
Boren	Heinrich	Nye
Boswell	Higgins	Oberstar
Boucher	Hinojosa	Obey
Boyd	Hirono	Olver
Brady (PA)	Holden	Ortiz
Braley (IA)	Holt	Pallone
Capps	Honda	Pastor (AZ)
Capuano	Hoyer	Payne
Cardoza	Inslee	Perlmutter
Carnahan	Israel	Peters
Carney	Jackson (IL)	Peterson
Carson (IN)	Jackson-Lee	Pingree (ME)
Childers	(TX)	Polis (CO)
Clarke	Johnson (GA)	Price (NC)
Clay	Johnson, E. B.	Rahall
Cleaver	Jones	Rangel
Clyburn	Kagen	Richardson
Cohen	Kanjorski	Rodriguez
Connolly (VA)	Kaptur	Rohrabacher
Conyers	Kennedy	Ross
Cooper	Kildee	Rothman (NJ)
Costa	Kilpatrick (MI)	Roybal-Allard
Costello	Kilroy	Ruppersberger
Courtney	Kissell	Rush
Crowley	Klein (FL)	Salazar
Cuellar	Kratovil	Sanchez, Linda
Cummings	Kucinich	T.
Dahlkemper	Langevin	Sanchez, Loretta
Davis (AL)	Larson (CT)	Sarbanes
Davis (CA)	Lee (CA)	Schakowsky
Davis (IL)	Levin	Schauer
Davis (TN)	Lewis (GA)	Schiff
DeFazio	Lipinski	Schrader
Delahunt	Lowey	Schwartz
DeLauro	Lujan	Scott (GA)
Dicks	Lynch	Scott (VA)
Dingell	Maffei	Serrano
Doggett	Markey (CO)	Sestak
Doyle	Markey (MA)	Shea-Porter
Driehaus	Marshall	Sherman
Edwards (MD)	Massa	Shuler
Edwards (TX)	Matheson	Sires
Ellison	Matsui	Skelton
Engel	McCarthy (NY)	Slaughter
Eshoo	McDermott	Snyder

Space	Tierney	Watson
Spratt	Titus	Watt
Stark	Tonko	Waxman
Stupak	Towns	Weiner
Sutton	Tsongas	Wexler
Tanner	Van Hollen	Wilson (OH)
Tauscher	Velázquez	Woolsey
Taylor	Wasserman	Wu
Thompson (CA)	Schultz	Yarmuth
Thompson (MS)	Waters	Young (AK)

## NAYS—173

Aderholt	Frelinghuysen	Minnick
Akin	Galleghy	Mitchell
Alexander	Garrett (NJ)	Neugebauer
Austria	Gerlach	Nunes
Bachmann	Giffords	Olson
Bachus	Gingrey (GA)	Paul
Bartlett	Goodlatte	Paulsen
Barton (TX)	Granger	Pence
Bean	Graves	Perriello
Biggert	Guthrie	Petri
Bilbray	Hall (TX)	Pitts
Bilirakis	Halvorson	Platts
Bishop (UT)	Harper	Posey
Blackburn	Herger	Price (GA)
Boccheri	Herseth Sandlin	Putnam
Boehner	Hill	Radanovich
Bono Mack	Himes	Rehberg
Boozman	Hodes	Reichert
Boustany	Hunter	Roe (TN)
Brady (TX)	Inglis	Rogers (AL)
Bright	Issa	Rogers (KY)
Broun (GA)	Jenkins	Rogers (MI)
Brown (SC)	Johnson, Sam	Rooney
Brown-Waite,	Jordan (OH)	Ros-Lehtinen
Ginny	Kind	Roskam
Buchanan	King (IA)	Royce
Burgess	King (NY)	Ryan (WI)
Burton (IN)	Kirk	Scalise
Buyer	Kirkpatrick (AZ)	Schmidt
Calvert	Kosmas	Schock
Camp	Lamborn	Sensenbrenner
Cantor	Lance	Shadegg
Cao	LaTourette	Shimkus
Capito	Latta	Shuster
Cassidy	Lee (NY)	Simpson
Castle	Lewis (CA)	Smith (NE)
Chaffetz	LoBiondo	Smith (NJ)
Coble	Loeb sack	Smith (TX)
Coffman (CO)	Lucas	Smith (WA)
Cole	Luetkemeyer	Souder
Crenshaw	Lummis	Stearns
Culberson	Lungren, Daniel	Sullivan
Davis (KY)	E.	Teague
Deal (GA)	Mack	Terry
Diaz-Balart, M.	Manzullo	Thompson (PA)
Donnelly (IN)	McCarthy (CA)	Thornberry
Dreier	McCaul	Tiahrt
Duncan	McClintock	Tiberi
Ehlers	McCotter	Turner
Ellsworth	McHenry	Upton
Emerson	McHugh	Visclosky
Fallin	McIntyre	Walz
Flake	McKeon	Wamp
Fleming	McMorris	Whitfield
Forbes	Rodgers	Wilson (SC)
Fortenberry	McNerney	Wittman
Foster	Mica	Wolf
Foxx	Miller (FL)	Young (FL)
Franks (AZ)	Miller (MI)	

## ANSWERED “PRESENT”—13

Bonner	Diaz-Balart, L.	Poe (TX)
Castor (FL)	Kline (MN)	Walden
Chandler	Latham	Welch
Conaway	Lofgren, Zoe	
Dent	Myrick	

## NOT VOTING—35

Barrett (SC)	Heller	Miller, Gary
Berkley	Hensarling	Moran (KS)
Blunt	Hinche	Moran (VA)
Brown, Corrine	Hoekstra	Neal (MA)
Butterfield	Johnson (IL)	Pascarell
Campbell	Kingston	Pomeroy
Carter	Larsen (WA)	Reyes
DeGette	Linder	Ryan (OH)
Frank (MA)	Maloney	Sessions
Gohmert	Marchant	Speier
Grayson	McCollum	Westmoreland
Hastings (WA)	Melancon	

□ 1911

Mr. COOPER changed his vote from “nay” to yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### MELANIE BLOCKER STOKES MOM'S OPPORTUNITY TO ACCESS HEALTH, EDUCATION, RESEARCH, AND SUPPORT FOR POSTPARTUM DEPRESSION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 20, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 20, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 8, not voting 32, as follows:

[Roll No. 164]

YEAS—391

Abercrombie	Camp	Doyle
Ackerman	Cantor	Dreier
Aderholt	Cao	Driedhaus
Adler (NJ)	Capito	Duncan
Akin	Capps	Edwards (MD)
Alexander	Capuano	Edwards (TX)
Altmire	Cardoza	Ehlers
Andrews	Carnahan	Ellison
Arcuri	Carney	Ellsworth
Austria	Carson (IN)	Emerson
Baca	Cassidy	Engel
Bachmann	Castle	Eshoo
Bachus	Castor (FL)	Etheridge
Baird	Chaffetz	Fallin
Baldwin	Chandler	Farr
Barrow	Childers	Fattah
Bartlett	Clarke	Filner
Barton (TX)	Clay	Fleming
Bean	Cleaver	Forbes
Becerra	Clyburn	Fortenberry
Berman	Coble	Foster
Berry	Coffman (CO)	Foxx
Biggert	Cohen	Frank (MA)
Bilbray	Cole	Franks (AZ)
Bilirakis	Conaway	Frelinghuysen
Bishop (GA)	Connolly (VA)	Fudge
Bishop (NY)	Conyers	Galleghy
Bishop (UT)	Cooper	Garrett (NJ)
Blackburn	Costa	Gerlach
Blumenauer	Costello	Giffords
Boccheri	Courtney	Gingrey (GA)
Boehner	Crenshaw	Gonzalez
Bonner	Crowley	Goodlatte
Bono Mack	Cuellar	Gordon (TN)
Boozman	Cummings	Granger
Boren	Dahlkemper	Graves
Boswell	Davis (AL)	Green, Al
Boucher	Davis (CA)	Green, Gene
Boustany	Davis (IL)	Griffith
Boyd	Davis (KY)	Grijalva
Brady (PA)	Davis (TN)	Guthrie
Brady (TX)	Deal (GA)	Gutierrez
Braley (IA)	DeFazio	Hall (NY)
Bright	Delahunt	Hall (TX)
Brown (SC)	DeLauro	Halvorson
Brown-Waite,	Dent	Hare
Ginny	Diaz-Balart, L.	Harman
Buchanan	Diaz-Balart, M.	Harper
Burgess	Dicks	Hastings (FL)
Burton (IN)	Dingell	Heinrich
Buyer	Doggett	Herger
Calvert	Donnelly (IN)	Herseth Sandlin

Higgins	McGovern	Sanchez, Loretta
Hill	McHenry	Sarbantes
Himes	McHugh	Scalise
Hinojosa	McIntyre	Schakowsky
Hirono	McKeon	Schauer
Hodes	McMahon	Schiff
Holden	McMorris	Schmidt
Holt	Rodgers	Schock
Honda	McNerney	Schrader
Hoyer	Meek (FL)	Schwartz
Hunter	Meeks (NY)	Scott (GA)
Inglis	Mica	Scott (VA)
Inslee	Michaud	Serrano
Israel	Miller (FL)	Sestak
Issa	Miller (MI)	Shea-Porter
Jackson (IL)	Miller (NC)	Sherman
Jackson-Lee	Miller, George	Shimkus
(TX)	Minnick	Shuler
Jenkins	Mitchell	Shuster
Johnson (GA)	Mollohan	Simpson
Johnson, E. B.	Moore (KS)	Sires
Johnson, Sam	Moore (WI)	Skelton
Jones	Murphy (CT)	Slaughter
Jordan (OH)	Murphy, Patrick	Smith (NE)
Kagen	Murphy, Tim	Smith (NJ)
Kanjorski	Murtha	Smith (TX)
Kaptur	Myrick	Smith (WA)
Kennedy	Nadler (NY)	Snyder
Kildee	Napolitano	Souder
Kilpatrick (MI)	Neugebauer	Space
Kilroy	Nunes	Spratt
Kind	Nye	Stark
King (IA)	Oberstar	Stearns
King (NY)	Obey	Stupak
Kirk	Olson	Sullivan
Kirkpatrick (AZ)	Olver	Sutton
Kissell	Ortiz	Tanner
Klein (FL)	Pallone	Tauscher
Kline (MN)	Pastor (AZ)	Taylor
Kosmas	Paulsen	Teague
Kratovil	Payne	Terry
Kucinich	Pence	Thompson (CA)
Lamborn	Perlmutter	Thompson (MS)
Lance	Perriello	Thompson (PA)
Langevin	Peters	Thornberry
Larson (CT)	Peterson	Tiahrt
Latham	Petri	Tiberi
LaTourette	Pingree (ME)	Tierney
Latta	Pitts	Titus
Lee (CA)	Platts	Tonko
Lee (NY)	Pollis (CO)	Towns
Levin	Posey	Tsongas
Lewis (CA)	Price (GA)	Turner
Lewis (GA)	Price (NC)	Upton
Lipinski	Putnam	Van Hollen
LoBiondo	Radanovich	Velázquez
Loeb sack	Rahall	Walden
Lofgren, Zoe	Rangel	Walz
Lowey	Rehberg	Wamp
Lucas	Reichert	Wasserman
Luetkemeyer	Richardson	Schultz
Luján	Rodriguez	Waters
Lummis	Roe (TN)	Watson
Lungren, Daniel	Rogers (AL)	Watt
E.	Rogers (KY)	Waxman
Lynch	Rogers (MI)	Weiner
Mack	Rohrabacher	Welch
Maffei	Rooney	Wexler
Manzullo	Ros-Lehtinen	Whitfield
Markey (CO)	Roskam	Wilson (OH)
Markey (MA)	Ross	Wilson (SC)
Marshall	Rothman (NJ)	Wittman
Massa	Roybal-Allard	Wolf
Matheson	Royce	Woolsey
Matsui	Ruppersberger	Wu
McCarthy (CA)	Rush	Yarmuth
McCarthy (NY)	Ryan (OH)	Young (AK)
McCaul	Ryan (WI)	Young (FL)
McCollum	Salazar	
McCotter	Sánchez, Linda	
McDermott	T.	

## NAYS—8

Broun (GA)	McClintock	Sensenbrenner
Culberson	Paul	Shadegg
Flake	Poe (TX)	

## NOT VOTING—32

Barrett (SC)	DeGette	Hoekstra
Berkley	Gohmert	Johnson (IL)
Blunt	Grayson	Kingston
Brown, Corrine	Hastings (WA)	Larsen (WA)
Butterfield	Heller	Linder
Campbell	Hensarling	Maloney
Carter	Hinche	Marchant

Melancon	Neal (MA)	Sessions
Miller, Gary	Pascarell	Speier
Moran (KS)	Pomeroy	Westmoreland
Moran (VA)	Reyes	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. TITUS) (during the vote). Members are advised that there are less than 2 minutes remaining in this vote.

□ 1920

Mr. CULBERSON changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## WAKEFIELD ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 479, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 479, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 6, not voting 35, as follows:

[Roll No. 165]

YEAS—390

Abercrombie	Bright	Cummings
Ackerman	Brown (SC)	Dahlkemper
Aderholt	Brown-Waite,	Davis (AL)
Adler (NJ)	Ginny	Davis (CA)
Akin	Buchanan	Davis (IL)
Alexander	Burgess	Davis (KY)
Altmire	Burton (IN)	Davis (TN)
Andrews	Buyer	Deal (GA)
Arcuri	Calvert	DeFazio
Austria	Camp	Delahunt
Baca	Cantor	DeLauro
Bachmann	Cao	Dent
Bachus	Capito	Diaz-Balart, L.
Baird	Capps	Diaz-Balart, M.
Baldwin	Capuano	Dicks
Barrow	Cardoza	Dingell
Bartlett	Carnahan	Doggett
Barton (TX)	Carney	Donnelly (IN)
Bean	Carson (IN)	Doyle
Becerra	Cassidy	Dreier
Berman	Castle	Driehaus
Berry	Castor (FL)	Duncan
Biggert	Chaffetz	Edwards (MD)
Bilbray	Childers	Edwards (TX)
Bilirakis	Clarke	Ehlers
Bishop (GA)	Clay	Ellison
Bishop (NY)	Cleaver	Ellsworth
Bishop (UT)	Clyburn	Emerson
Blackburn	Coble	Engel
Blumenauer	Coffman (CO)	Eshoo
Bocchieri	Cohen	Etheridge
Boehner	Cole	Fallin
Bonner	Conaway	Farr
Bono Mack	Connolly (VA)	Fattah
Boozman	Conyers	Filner
Boren	Cooper	Fleming
Boswell	Costa	Forbes
Boucher	Costello	Fortenberry
Boustany	Courtney	Foster
Boyd	Crenshaw	Fox
Brady (PA)	Crowley	Frank (MA)
Brady (TX)	Cuellar	Franks (AZ)
Braley (IA)	Culbertson	Frelinghuysen

Fudge	Lynch	Roybal-Allard
Gallegly	Mack	Royce
Garrett (NJ)	Maffei	Ruppersberger
Gerlach	Manzullo	Rush
Giffords	Markey (CO)	Ryan (OH)
Gingrey (GA)	Markey (MA)	Ryan (WI)
Gonzalez	Marshall	Salazar
Goodlatte	Massa	Sanchez, Linda
Granger	Matheson	T.
Graves	Matsui	Sanchez, Loretta
Green, Al	McCarthy (CA)	Sarbanes
Green, Gene	McCarthy (NY)	Scalise
Griffith	McCaul	Schakowsky
Guthrie	McCollum	Schauer
Gutierrez	McCotter	Schiff
Hall (NY)	McDermott	Schmidt
Hall (TX)	McGovern	Schock
Halvorson	McHenry	Schrader
Hare	McHugh	Schwartz
Harman	McIntyre	Scott (GA)
Harper	McKeon	Scott (VA)
Hastings (FL)	McMahon	Serrano
Heinrich	McMorris	Sestak
Herger	Rodgers	Shadegg
Herse	McNerney	Shea-Porter
Herseth Sandlin	Meek (FL)	Sherman
Higgins	Meeks (NY)	Shimkus
Hill	Mica	Shuler
Himes	Michaud	Shuster
Hinojosa	Miller (FL)	Simpson
Hirono	Miller (MI)	Sires
Hodes	Miller (NC)	Skelton
Holden	Miller, George	Slaughter
Holt	Minnick	Smith (NE)
Honda	Mitchell	Smith (NJ)
Hoyer	Mollohan	Smith (TX)
Hunter	Moore (KS)	Smith (WA)
Inglis	Moore (WI)	Snyder
Inslee	Murphy (CT)	Souder
Israel	Murphy, Patrick	Space
Issa	Murphy, Tim	Spratt
Jackson (IL)	Murtha	Stark
Jackson-Lee	Myrick	Stearns
(TX)	Nadler (NY)	Stupak
Jenkins	Napolitano	Sullivan
Johnson (GA)	Neugebauer	Sutton
Johnson, E. B.	Nunes	Tanner
Johnson, Sam	Nye	Tauscher
Jones	Oberstar	Taylor
Jordan (OH)	Obey	Teague
Kagen	Olson	Terry
Kanjorski	Oliver	Thompson (CA)
Kaptur	Ortiz	Thompson (MS)
Kennedy	Pallone	Thompson (PA)
Kildee	Pastor (AZ)	Thornberry
Kilpatrick (MI)	Paulsen	Tiahrt
Kilroy	Payne	Tiberi
Kind	Pence	Tierney
King (IA)	Perlmutter	Titus
King (NY)	Perriello	Tonko
Kirk	Peters	Towns
Kirkpatrick (AZ)	Peterson	Tsongas
Kissell	Petri	Turner
Klein (FL)	Pingree (ME)	Upton
Kline (MN)	Pitts	Van Hollen
Kosmas	Platts	Velázquez
Kratovil	Poe (TX)	Visclosky
Kucinich	Polis (CO)	Walden
Lamborn	Posey	Walz
Lance	Price (GA)	Wamp
Langevin	Price (NC)	Wasserman
Larson (CT)	Putnam	Schultz
Latham	Radanovich	Waters
LaTourette	Rahall	Watson
Latta	Rangel	Watt
Lee (CA)	Rehberg	Waxman
Lee (NY)	Reichert	Weiner
Levin	Richardson	Welch
Lewis (CA)	Rodriguez	Wexler
Lewis (GA)	Roe (TN)	Whitfield
Lipinski	Rogers (AL)	Wilson (OH)
LoBiondo	Rogers (KY)	Wilson (SC)
Loeb	Rogers (MI)	Wittman
Loeb	Rohrabacher	Wolf
Lofgren, Zoe	Rooney	Woolsey
Lowey	Ros-Lehtinen	Wu
Lucas	Ross	Yarmuth
Luetkemeyer	Rothman (NJ)	Young (AK)
Lujan		Young (FL)
Lungren, Daniel		
E.		

NAYS—6

Broun (GA)	Lummis	Paul
Flake	McClintock	Sensenbrenner

## NOT VOTING—35

Barrett (SC)	Grijalva	Melancon
Berkley	Hastings (WA)	Miller, Gary
Blunt	Heller	Moran (KS)
Brown, Corrine	Hensarling	Moran (VA)
Butterfield	Hinchey	Neal (MA)
Campbell	Hoekstra	Pascarell
Carter	Johnson (IL)	Pomeroy
Chandler	Kingston	Reyes
DeGette	Larsen (WA)	Sessions
Gohmert	Linder	Speier
Gordon (TN)	Maloney	Westmoreland
Grayson	Marchant	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1928

Mr. ROHRBACHER changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 111

Mr. DEAL of Georgia. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Res. 111.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

□ 1930

## NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a “federal investigation into potentially corrupt political contributions,” has given \$3.4 million in political donations to no less than 284 members of Congress.

Whereas, the New York Times noted that Mr. Magliocchetti “set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmark contracts back to his clients.”

Whereas, a guest columnist recently highlighted in Roll Call that “. . . what [the firm’s] example reveals most clearly is the potentially corrupting link between campaign contributions



and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system."

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to "straw man" contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees of the firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill."

Whereas, the Associated Press highlighted the "huge amounts of political donations" from the firm and its clients to select members and noted that "those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests."

Whereas, clients of the firm received at least \$300 million worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, the Associated Press reported that "the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash."

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Now, therefore, be it: *Resolved*, that (a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

#### HONORING JOHN HOPE FRANKLIN, A WARRIOR, A HERO, A STORYTELLER

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, thank you very much for your leadership. I would like to associate myself with the 1 hour of the Congressional Black Caucus in honoring John Hope Franklin, and I want to thank the leadership of the gentlelady from Ohio and the chairwoman of the Congressional Black Caucus.

John Hope Franklin was, in essence, a storyteller that was long awaited for by the United States of America. His "From Slavery to Freedom" indicated the broadness of the history of African Americans in the United States. It was a singular treatise that everyone had to read to find out about themselves, about America, and about the question of race and racism. His work on the President's Race Commission was without comparison. And he was the only one, I believe, that could have taken the helm with the President's appointment, appointed by President William Jefferson Clinton.

His easy hand, his comfort level with race and racism, of where we had come from and where we were going, helped us tell the story and balanced the role and responsibility of this commission. We lost a warrior, a hero, a storyteller, one that could only be told by him, a scholar.

We thank you. And may you rest in peace.

#### REPUBLICAN BUDGET RESPECTS SMALL BUSINESSES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, our Democrat colleagues have a budget which borrows too much, spends too much, and taxes

too much. The Republican budget will do the opposite. It will curb government spending, create jobs, and control debt.

Our Republican budget sends a clear message to the American people that we understand the concerns with jobs we are all facing. We will share in those challenges and take responsibility for how we spend their tax dollars. When we find ourselves in a time of fiscal crisis, we are looking for ways to cut wasteful spending, pay off debt and secure future fiscal sanity.

Republicans are offering a budget that reflects, respects and supports the small businesses of America, one that makes the tough choices and keeps more tax dollars in the pockets of American families.

The Democrat budget is the philosophy of massive borrowing and spending that threatens inflation and devaluation of Social Security.

In conclusion, God bless our troops, and we will never forget September the 11th.

#### NATIONALIZATION OF THE AUTO INDUSTRY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the nationalization of the auto industry continues. The President has announced the Federal Government is going to exercise more forced control over American car companies. The President fired the CEO of General Motors and wants more automotive restructuring the Federal way.

General Motors and Chrysler have already received billions in taxpayer bailout money and are poised to win favor with the White House for even more money.

Madam Speaker, unfortunately, General Motors and Chrysler have already failed. Why should taxpayers continue to subsidize these failures? Why? Because the almighty Federal Government forces taxpayers to pay off these special interest groups. The government ought not to pick who wins and who loses in the business world. The free market should decide.

General Motors and Chrysler should not receive any taxpayer money and should restructure under bankruptcy like other failed businesses do. But the socialization of the American economy continues.

By the way, Madam Speaker, if you like the way the Federal Government runs other government businesses like the post office, Fannie Mae, Freddie Mac, FEMA and the IRS, you will love the new federalized auto industry.

And that's just the way it is.

#### FISCAL RESPONSIBILITY RESTS WITH THE MAJORITY

(Mr. ENGEL asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ENGEL. Madam Speaker, I applaud the President of the United States for making his priorities health care, education, and energy, and putting them right in his budget.

I listened to my friends on the other side of the aisle, and I think that they are in no position to lecture us about fiscal responsibility given the fact that this President inherited trillions of dollars of debt. In the last 8 years we were going way beyond our means in our budget. We were spending and spending. So give me a break about fiscal responsibility.

I think the fiscal responsibility rests with the majority here and the President, who is trying to do something, trying to make his needs the American people's needs and making his budget shape the American people's budget.

So I want to applaud the President and our majority because we want to help with education, we want to help with health care, and we want to make America energy independent. That is what we are doing. I'm glad we are not the Party of No. I'm glad we are the Party of Yes and the future.

#### HONORING THE WHITEFIELD ACADEMY BOYS BASKETBALL TEAM ON WINNING THE GHSA STATE CHAMPIONSHIP

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute.)

Mr. GINGREY of Georgia. Madam Speaker, with the NCAA Basketball Tournament now down to the Final Four, I want to recognize a very talented group of high school student athletes from Smyrna, Georgia, near my home in Cobb County. In this year's Georgia High School Association State final, the Whitefield Academy Boys Basketball team, or the Wolf Pack, upset number one ranked Turner County 69-53 to claim the class A State title.

The game was all tied up at the half, but Whitefield opened the second half with a 16-2 run, and they never looked back. Madam Speaker, in the end it was discipline and determination that allowed Coach Tyrone Johnson and the Whitefield Academy Wolf Pack to hand Turner County their very first loss of 2009 and claim the school's second class A boys' State Championship.

Madam Speaker, I ask that my colleagues join me in congratulating Whitefield Academy on their State championship as well as all of the hard work that got them there.

#### APPOINTMENT AS MEMBER TO HIT POLICY COMMITTEE

The SPEAKER pro tempore. Pursuant to section 13101 of the HITECH Act (P.L. 111-5), and the order of the House

of January 6, 2009, the Chair announces the Speaker's appointment of the following member to the HIT Policy Committee for a term of 3 years:

Mr. Paul Egerman, Weston, Massachusetts

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### THE PRESIDENT IS RIGHT TO EMPHASIZE ECONOMIC AID IN AFGHANISTAN AND PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, President Obama announced his strategy for Afghanistan and Pakistan on Friday. I personally am encouraged by much of what he had to say, but I remain concerned by other parts of his approach to the problems in that region.

The President said that "a campaign against extremism will not succeed with bullets and bombs alone" and that a big change from the last administration's approach is absolutely necessary. And I will tell you it is a very welcome change. President Obama called for a package of assistance that will help Pakistan to build schools, roads and hospitals. He also called for a "civilian surge" in Afghanistan. He wants to send agricultural specialists, educators and engineers to help develop the Afghan economy.

The President said that "these foreign assistance programs relieve the burden on our troops. It is better to help a farmer seed a crop than it is to send our troops to fight tour after tour with no transition to Afghan responsibility."

Madam Speaker, I wholeheartedly support these economic assistance efforts. I have said for a long time that the best way to fight terrorism is to give people real hope for a better future so that they don't become terrorists in the first place.

□ 1945

I'm also heartened by the President's clarification of the roles of NATO, the U.N. and other international partners. He is asking them to help with the civilian effort, and he's asking the United Nations to bring all the nations of the region together, including Iran, to help stabilize the region.

I recently joined my colleagues, Congresswoman Barbara Lee and Congresswoman MAXINE WATERS, in sending a letter to the President asking him for such clarification because I remain concerned about other parts of the ad-

ministration's approach, including the decision to send 17,000 more combat troops to Afghanistan.

Madam Speaker, history makes it clear that the Afghan people do not look kindly on foreign armies. The press is already reporting that the decision to send more troops is encouraging Taliban leaders in Afghanistan and Pakistan to unite to fight us.

I'm also concerned about the cost of sending more troops, the cost in both lives and treasure. It will require a 60 percent increase in military spending at a time when our economy right here at home is suffering so badly.

That's why, Madam Speaker, now is the time to take a deep breath. Now is the time to pause to consider whether there are other alternatives to sending our troops to Afghanistan. To help with this, the Congressional Progressive Caucus has put together a series of forums on Afghanistan and Pakistan. The purpose of these forums is to engage Members of the House in discussions about our policy options. The forums feature leading experts on Central Asia. In fact, the first forum was last week, and it examined the history and cultures of the Afghan people.

The upcoming forums will examine American strategic interests in Afghanistan and the northwest border of Pakistan, the role and goals of our military in that region, the problems that a comprehensive strategy of Afghanistan should address, our policies toward Afghanistan in the context of Pakistan, and the development of an international diplomatic strategy for the region.

I invite all Members of the House to attend these forums. They are non-partisan. They're nonideological, and they offer different perspectives and different ideas, because now is the time to explore our choices in Central Asia and to work with the administration to develop the most effective policies. That is what the American people expect us to do, and that is what we must do in the days ahead.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1388, SERVE AMERICA ACT

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-67) on the resolution (H. Res. 296) providing for consideration of the Senate amendments to the bill (H.R. 1388) to reauthorize and reform the national service laws, which was referred to the House Calendar and ordered to be printed.

#### HOPE FOR ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. ING-LIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, today I read another one of these hopeful statements. It's the hope from some folks that say we want energy independence with increased development of all of our natural resources, including renewable energy sources such as wind and solar.

What I trust my colleagues here are beginning to notice is that hope is not a strategy. And when you hear somebody, or a group of us, or outside group saying that we hope we can get to renewable energy resources, what we really need to say to them is, so how do you get there? What is the strategy? What is the strategy beyond just hope?

Well, for me, the path is laid out in sound economic principles. If you have a price signal that causes entrepreneurs and investors to see how they might get married along some point of a projection of cost, such that they could see where it is that they could take out the incumbent technology, then you have a strategy. Up until then, you just have some hope.

So, Madam Speaker, the thing that I hope we see is that, if we take the incumbent technology, in the case of transportation, which is gasoline, and start attaching its externalities to it, basically internalizing the externals and saying, okay, gasoline, bear the full weight of your cost; in other words, bear the weight of the national security risks that we're running by being dependent on a region of the world that doesn't like us very much. Bear the environmental consequences, and then let's compare to some other possibilities.

Today I had the opportunity to meet with some folks that are looking at electric vehicles. Those are fairly attractive in today's market, but not as attractive as they were at \$4 a gallon. Today gas is somewhere around two. But I'm here to predict for my colleagues that we will be dealing with \$4 a gallon gasoline before too much longer. Within the next couple of years, as the economy takes off, I think we can expect to be back at \$4 a gallon. At that point, of course, this electric car company will be far more competitive.

So we could just wait and be jerked around, essentially, by OPEC and the problems of a constrained supply and an increasing demand, which means that the price may gyrate very rapidly. Or we can plan our way toward energy security with a solid plan that's an actual strategy rather than just a hope. And that hope, that strategy that I hope we will pursue to basically say, get something better than cap-and-trade. Cap-and-trade, by itself, is an enormous tax increase in the midst of a recession. It's also trusting Wall Street to do maybe derivatives in carbon credits when they didn't do so well with derivatives in home mortgages.

So, rather than doing that, what if we reduce taxes somewhere else, say, in

payroll, and then increase taxes or, for the first time, placed a tax on carbon dioxide?

The result would be no net increase to government, no increase in taxation but, rather, a swap of taxation, moving from one source of taxes, payroll, to another, carbon dioxide. If we do that, and lay it out on a curve where entrepreneurs and investors can see the price signals that are being sent, then we can have a real strategy, one that's not based on hope, but one that's based on sound economics.

Madam Speaker, I hope that's what we get to in this debate.

#### INCIDENT IN THE WEST BANK INVOLVING TRISTAN ANDERSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Madam Speaker, I rise to express my sympathies, first of all, for one of my constituents, Tristan Anderson of Oakland, California who lies gravely injured in a Tel Aviv hospital, and to express my concern regarding the incident that put him there.

On Friday, March 13, Mr. Tristan Anderson, an American citizen and resident of the 9th Congressional District of California, was critically injured when he was hit in the head by a tear gas canister fired by Israeli troops during a rally protesting the extension of Israel's separation barrier in the West bank village of Ni'ilin. Media accounts indicate that Israeli troops may have intentionally fired tear gas canisters at the protesters like the one that struck Mr. Anderson, who was apparently engaging in nonviolent, peaceful protest and was an innocent victim.

Clearly, something went horribly wrong in the village of Ni'ilin, and I am determined to get to the bottom of it. To this end, I have asked the State Department to report back to me on the status of any investigations into this tragic incident, and to advise me as to when the investigation will be completed, and also, that the report be made public.

The report should also document the actions that were taken to determine culpability, if any, and to take appropriate corrective actions against those responsible for Mr. Anderson's injuries. Those responsible for this tragedy, whether through negligence or intentional misconduct, must be held accountable.

Lastly, I have asked the State Department to advise me of the actions, if any, which it has taken to ensure that Mr. Anderson is provided relief for the injuries that he has sustained.

But most of all, Madam Speaker, I wish Tristan Anderson a speedy and full recovery, and for his family and loved ones to know that he is in the

thoughts and prayers of the people of the 9th Congressional District of California.

#### CAP-AND-TAX ON AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, even though the alarmist global warming crowd claim humans are the evil CO<sub>2</sub> pollutants of earth, the jury is still out on the theory of global warming.

At a recent meeting of the International Conference on Climate Change, as reported by the Heritage Foundation, 31,072 American scientists subscribe to this statement: "There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the earth's atmosphere and disruption of the earth's climate."

Madam Speaker, how can this be? We're all told that global warming is a fact, and don't even argue this issue.

Even though global warming is still a theory, it hasn't stopped the Federal Government from presuming it to be an absolute fact, and it now has an energy policy based upon the global warming theory. It proposes an energy consumption tax called the cap-and-trade, or the cap and tax on all Americans and all businesses that use any form of energy.

Here's the plan. Every person and business that uses energy will be taxed for the use of that energy. For example, if a homeowner turns on the lights in their home, they will be taxed for the use of the electricity in that house.

If a person wants hot water in their house and they turn on the hot water, coming from the hot water heater that's usually heated by natural gas, they'll be taxed for that use of that hot water because they're using the energy of natural gas.

If you turn on the furnace in the winter in the Northeast, you'll be taxed because you're using home heating oil. All of these taxes are called the cap-and-trade, or cap-and-tax, as I call them.

What this means is that it will increase the taxes of individual homeowners in this country, about 50 percent a year. And of course, it will raise taxes on businesses. Businesses, as they normally do, will send that tax on down to the consumer, and the consumer will have to pay for that tax.

How much are we talking about? Individuals will have to pay an additional \$1,800 a year for this new energy tax, this new cap-and-tax that will be placed on Americans.

Madam Speaker, Americans don't need or want any more taxes for any reason. Supposedly, this money's going

to be used to subsidize green energy products. Now we're learning that so-called renewable energy may be more expensive than the use of nuclear power and fossil energy.

Madam Speaker, remember how we were all told that ethanol was going to save us all; how it's not going to pollute like crude oil; how it's going to be cheap renewable energy? Now we're learning something opposite.

We learned that it costs too much to produce ethanol without a Federal subsidy. It caused a food shortage not only in the United States but throughout the world, because we had the idea that we should burn corn for energy.

And we also learned that ethanol was, in fact, a pollutant. Now people don't talk so much about the benefits of ethanol, although the Federal Government has spent millions and millions of dollars with the ethanol program.

Madam Speaker, no question about it. We need to explore all types of energy, solar, hydrogen, wind and nuclear. But we should also use the resources we have, like clean coal and crude. We need them to provide energy for Americans.

Madam Speaker, America's the only country that doesn't use its own natural resources for its energy, and that includes the fact that we should drill offshore because that will bring jobs to America. It will keep money in America, instead of going overseas. And that lease revenue that the oil companies pay will go to the Federal Treasury. We need to do all of the above until we can move to alternative energy.

And that's just the way it is.

□ 2000

#### H.R. 1701: PTSD/TBI GUARANTEED REVIEW FOR HEROES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, almost 2 million American servicemembers have served our Nation in Iraq and Afghanistan. Unfortunately, many of these men and women are returning home with symptoms of post-traumatic stress disorder, PTSD, and other mental health challenges.

In April of 2008, a study by the RAND Corporation found that nearly 20 percent of Iraq and Afghanistan veterans have symptoms of PTSD or major depression. The study also found that many servicemembers do not seek treatment for psychological illnesses because they fear it will harm their careers. Of those who do seek help for PTSD or for major depression, the study found that only about half receive treatment that research has considered minimally adequate for their illnesses. If our government and the

military fail to address problems associated with PTSD, the situation will only grow worse in future years.

A sad reality is that, in many cases, these servicemembers self-medicate with drugs or alcohol, and they get into trouble. One marine stationed at Camp Lejeune, in my district, has unfortunately fallen victim to this problem, and he is pending involuntary administrative separation due to misconduct. The fitness reports for this lance corporal prove that he was an outstanding marine prior to his deployments—two tours in Iraq and one in Afghanistan.

His medical board report states, "His service in the Marine Corps caused his PTSD and, indirectly, his incidents/legal problems. The Marine Corps' failure to treat him in the past and treat him appropriately . . . has done nothing but worsen the problem." That is a quote from the medical review board.

Madam Speaker, it will be difficult for this marine to succeed in life if he is administratively separated from service. One, he will not be eligible for TRICARE benefits. Two, he will have difficulties obtaining a job. Thirdly, it is unlikely that a university will accept him as a student. This is a story of one marine, but this is not an isolated problem.

As part of addressing this problem associated with PTSD, I have introduced H.R. 1701, the PTSD/TBI Guaranteed Review for Heroes Act. The legislation creates a special review board at the Department of Defense level for servicemembers who were less than honorably discharged. Separated servicemembers would be permitted to seek a review of their discharge if their PTSD/TBI were not taken into consideration. The board would then have the authority to change the characterization of their discharge to "honorable."

For active duty servicemembers, the legislation would mandate a physical examination board before an administrative separation proceeding if the servicemember has been diagnosed with PTSD or TBI by a medical authority. If the servicemember is found unfit for duty, then the servicemember would be retired and given a disability rating. Otherwise, the separation board must consider the effects of PTSD and TBI on the servicemember's conduct.

Madam Speaker, too many times, the same men and women who left this country as good soldiers and marines return with serious wounds, both physical and mental, and their lives are not the same. The culture within our branches of Service must change to recognize that PTSD is a real concern that must be addressed.

I am grateful to have Representative GENE TAYLOR as an original cosponsor of H.R. 1701, and I hope that many of my colleagues will join us in supporting this bill and this legislation.

Madam Speaker, before I close, I ask God to please bless our men and women

in uniform and their families. I ask God to please bless the wounded and their families and to bless the families who have given a child who has died for freedom in Afghanistan and Iraq, and three times, God, I ask God to please bless our men and women in uniform, and please, God, continue to bless America.

#### HONORING THE GALBUT FAMILY AND THE HEBREW ACADEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, it is with great pride that I stand here tonight in honor of Bessie, Ronalee and Russell Galbut, an institution in South Florida. I want to recognize them for their work on behalf of the Hebrew Academy of Miami Beach and for all that they have done to promote the Jewish heritage in my area of South Florida.

The Hebrew Academy of Miami Beach is among the finest institutions, both academically and in terms of philanthropy as well. It is dedicated to educating children regardless of their financial means and to instilling in them the timeless values of Judaism so that they may remain steadfast in their faith.

The Hebrew Academy and the Galbut family have been intertwined for many years. At the young age of 17, Bessie met Hymie, a 19-year-old student at Tulane. Hymie had enlisted in the Navy and would not return for 7 years.

The newly wed Galbuts then moved to Miami Beach, and immediately became active in the Jewish community in our area. They devoted their time to the Jewish Learning Center and to the Jewish Community Center, and played integral roles in the building of the mikvah in the community. Hymie checked the lighting and planted the trees and the flowers with his own hands.

Their home quickly filled with four beautiful children—Robert, David, Aib, and Russell—challenging Bessie to keep the family's roots firmly planted in the principles of the Torah. She and Hymie worked tirelessly to send their four children to the Hebrew Academy.

Years later at the Hebrew Academy, the youngest Galbut, Russell, was educated alongside a young lady named Ronalee Eisenberg. During and after her time at the academy, Ronalee traveled the world, spending a year in Israel and earning a degree from Boston University, not realizing that what she had been looking for all of her life was right in her own backyard. Shortly after her return to Miami Beach, she married Russell Galbut.

Ronalee and Russell have continued in these time-honored family traditions by assuming roles of leadership in

the Jewish community of Miami Beach and by sending their own two children, Marisa and Jenna, to the Hebrew Academy. Both have taken it upon themselves to give of the many blessings that have been bestowed upon them. They have consistently supported various charities and organizations, including the Hebrew homes, the Greater Miami Jewish Federation, the Jewish Community Center, and the Simon Wiesenthal Center.

Three generations later, the Galbut family legacy endures as children, grandchildren and great grandchildren become graduates of the Hebrew Academy. Even the greatest of success cannot compare to the joy and pride of the many fruits produced from the dedication, from the service and from the giving spirit of this loving family. The laborer is worthy of his wages, and the fortuitous life of the Galbut family acts as a testimony of the treasures that abound from a life dedicated toward giving.

The Galbut family, on behalf of all South Floridians and the United States Congress, thank you very much for your life of selfless giving.

#### AMERICA'S PATH TO SOCIALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, my good friend Mr. POE of Texas and I are down here almost every night, talking about our concerns about the country, and tonight is no exception. I want to compliment my colleague for his learned comments. I really appreciate his being down here with me. Sometimes it gets lonely.

I think the thing that concerns me the most, which is the reason I am here tonight, is that I think America is heading toward a socialist-type government, and it really worries me because, throughout our history, we have been a free enterprise government, a free enterprise society, and we have done very, very well. This country has been the greatest economic country in the history of the world because of free enterprise, and now we see, day in and day out, a movement toward more and more government control over the private sector.

We have seen the huge bailout of AIG and of other financial institutions. Trillions of dollars are being put into these institutions along with government control, and that is not what this country is all about. These companies that are failing should go through the bankruptcy procedure, as has been the case throughout history, and because of this procedure, this legal procedure, the free enterprise system has had its ups and downs, but it has flourished year in and year out, decade in and decade out because the system works.

Now we see they are moving toward the control of the health industry. In the budget that we are going to be discussing this week, we are going to have about \$680 billion as a down payment on a socialized medicine system, and that, once again, is government control over the health care of this country. Government control over, as my colleague said tonight, Fannie Mae and Freddie Mac and other institutions, really has not proven to be too successful, and yet we are going to have the government taking over and socializing medicine in this country. It has not worked in Europe. It has not worked in other parts of the world. It is not going to work here. It is going to end up rationing health care, and the people who are going to be hurt the most are senior citizens in this country, who will be put at the back of the line.

So it has not worked in the private sector as far as financial institutions are concerned. It has not worked throughout the world when we have socialized medicine, and now we see that the government is moving toward control over the automobile industry. They are forcing the people out of leadership positions, like the president of General Motors. Now, maybe he should have been replaced, but we certainly do not need the government coming in and telling the private sector, the automobile industry, how to run itself. They should have gone through Chapter 11 in the first place, General Motors and Chrysler, instead of the government of this country and the administration putting \$14 billion to \$15 billion into those companies which were failing. If they had gone through the bankruptcy procedure, we would not be facing right now another \$20 billion or \$30 billion of taxpayers' money that is going to have to be put into those institutions.

So, tonight, I would just like to protest once again, one Member of Congress talking about the movement toward government control over every part of our lives. Socialism does not work. It is a repressive form of government, and it is something that is going to hurt everybody in this country, that plus the inflation that is going to be caused by these trillions of dollars that we are printing, these moneys that we are printing. It is going to hurt the future generations of this country.

I listen to Sean Hannity and I listen to Rush Limbaugh and I listen to Mr. Beck, the so-called conservative right-wing radicals. In my opinion, they are the ones who really understand the direction this country is heading.

I just hope the American people, Madam Speaker, would listen and pay attention, because I think they don't realize how quickly we are moving toward complete government control over our lives. It is something that we ought to all be concerned about. I am concerned about it, and I hope my col-

leagues who may be paying attention back in their offices are concerned about it as well.

#### HONORING THE LIFE AND LEGACY OF PROFESSOR JOHN HOPE FRANKLIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

Ms. FUDGE. Madam Speaker, good evening.

#### GENERAL LEAVE

Ms. FUDGE. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert supplementary materials on the topic of my Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. The Congressional Black Caucus, the CBC, is proud to anchor this hour. Currently, the CBC is chaired by the Honorable BARBARA LEE from the 9th Congressional District of California. My name is Congresswoman MARCIA FUDGE, and I represent the 11th Congressional District of Ohio.

CBC members are advocates for families nationally and internationally, and we have played a significant role as local and regional activists. We continue to work diligently to be the conscience of the Congress, but understanding that all politics are not local, we provide dedicated and focused service to the citizens and to the congressional districts we serve.

During this Special Order, we have the honor of speaking about the life and legacy of a great man—Professor John Hope Franklin. It is with sadness and pride that the CBC members are here this evening to commemorate the passing of Professor Franklin, who was a great historian and a true conscience of the Nation.

During this month of March, we are also privileged to celebrate Women's History Month. Members of the CBC will join with me on the floor and will offer their reflections on women trailblazers and the impact women have had on this Nation as a whole.

Madam Speaker, I would now like to yield to our Chair, the Honorable BARBARA LEE.

Ms. LEE of California. First, let me, as always, thank Congresswoman MARCIA FUDGE and also Congresswoman DONNA CHRISTENSEN and their staffs for working with the staff of the Congressional Black Caucus to organize the Congressional Black Caucus Special Orders every Monday night.

□ 2015

You provide such a valuable service not only to members of the Congressional Black Caucus but to the entire

Nation as a whole. Each Monday, when we're in session, we take our positions very seriously here and Congresswoman FUDGE is here each and every Monday night to make sure that we have the opportunity to express our views on issues before this body or issues that we believe ought to be brought before this body.

Tonight, of course, as Congresswoman FUDGE indicated, we're here to honor a great American who died last week but whose contributions to our Nation will live on for many, many years to come. When noted historian Dr. John Hope Franklin died, our Nation lost a mighty scholar and a soldier for justice. We mourn the loss and we celebrate his life as we remember Dr. Franklin's trailblazing achievements in a variety of fields.

A native of Oklahoma, Dr. Franklin received his undergraduate degree from one of the finest black colleges and universities, Fisk University, in Nashville, Tennessee. He received his doctorate in history from Harvard University. His distinguished academic career we could talk about all night, actually, but let me talk a little bit about part of his career.

He actually began his career at Howard University, and then he would go on to teach at Fisk University at St. Augustine's College and at North Carolina Central University. In 1956, Dr. Franklin became chairman of the department of history at Brooklyn College, the first African American to lead a department at a predominately white institution.

Eight years later in 1964, Dr. Franklin joined the faculty of the University of Chicago serving as Chair of the department of history from 1967 to 1970. At Chicago, he was the John Matthews Manly Distinguished Service Professor from 1969 to 1982 when he became professor emeritus.

Dr. Franklin is perhaps best known for his prolific writings including "The Emancipation Proclamation," "The Militant South," "The Free Negro in North Carolina," "Reconstruction After the Civil War," and "A Southern Odyssey: Travelers in the Antebellum North." For many African Americans and I, our first introduction to black history was through Dr. Franklin's book "From Slavery to Freedom." In its pages we found—and some of us for the very first time—found an account of American history that really did affirm the dignity of black people and nobility of our struggle.

Dr. Franklin was not only a noted historian but also living history himself. His accomplishments are as many as they are great. He was active in numerous professor and educational organizations including serving as President of the following organizations: The American Studies Association, the Southern Historical Association, The United Chapters of Phi Beta Kappa and the American Historical Association.

One of Dr. Franklin's earliest and most important contributions was as a member of the team of scholars who worked with Thurgood Marshall to win the landmark school desegregation case *Brown v. Board of Education*.

Madam Speaker, also just let me just say as I close, Dr. Franklin served recently as Chair of President Clinton's Race Initiative Advisory Board. And while we have made many, many strides and many accomplishments, as we witness the great historic election of President Obama, we still know, and Dr. Franklin reminded us, that race is still a factor. And he brought his intelligence, his wisdom, and his commitment to make America the place that we all know it should be as a result of his work on President Clinton's Race Initiative Advisory Board.

So as we mourn his passing and we really—the loss of his wise counsel is something that we will greatly miss, but we will forever thank him and be grateful. And really, we do owe him a debt of gratitude for his lasting contributions which give us really a richer understanding of who we are as a people as African Americans, but also who we are as Americans and our journey as a people.

Thank you, Congresswoman FUDGE, for, once again, leading the Special Order.

Ms. FUDGE. I would again like to thank the gentlewoman from California for her leadership and for her vision for the Congressional Black Caucus.

Madam Speaker, I would now like to yield to the gentleman from North Carolina, Mr. WATT.

Mr. WATT. Madam Speaker, I want to thank the gentlelady from Ohio for organizing this Special Order for an extremely special person who actually spent most of his time in North Carolina even though he was born in Ohio. So we all claim ownership of John Hope Franklin.

I will be brief because we have other colleagues here who are anxious to express themselves about their memories and our memories of John Hope Franklin. And because the Congressional Black Caucus will be introducing a resolution, which I hope to have the opportunity to speak on, and because in conjunction with the Senator from North Carolina, Senator HAGAN, who has dropped a resolution on the Senate side, and Representative DAVID PRICE on the House side, we have dropped or are in the process of introducing another resolution to honor John Hope Franklin.

It, perhaps, would be best stated in this way, my reaction, when on Friday of last week, a proposed wording of a resolution that was planning to be introduced by my colleague, Representative DAVID PRICE of North Carolina, honoring the life of John Hope Franklin, was forwarded to me in North

Carolina for my review and approval. And I wrote back this to the person who sent it to me on my staff: I said, "No words could ever do justice to the greatness of this man." And that's kind of the way we all feel about John Hope Franklin.

Among all of his wonderful accomplishments and his education and mentorship of all of us in our community—not only African Americans but for the Nation as a whole—to make them understand that the history of African Americans is an integral part of the American history that we should honor and cherish.

Among all of those accolades, he was first and foremost a wonderful, wonderful friend to me and to my wife and family. And we had the wonderful pleasure of spending time with him and just sitting and talking to him on occasion. You could get mesmerized in those conversations because there was not a single thing in history that he didn't already understand all of the historical trappings and connections that went with it. But then he would break it down and give you his own personal relationships to it and how he interpreted it in today's modern times, the implications that it had, the significance for young people, the significance for older people. He would just mesmerize you with his conversation.

No words could ever do justice to the greatness of this man.

We will miss him. We honor his memory. And the thing that I am constantly consoled of is that he died at age 94 and there was not a single day that he cheated life. I mean, he used every single day of it contributing wonderful things to our history, to our humanity, to others, and to me to a friendship that I will always cherish.

I thank the gentlelady for reserving this time and for yielding me the time to express my sentiments this evening.

Ms. FUDGE. Madam Speaker, I thank the gentleman from North Carolina for his remarks.

At this time, I would like to yield to the gentleman from Virginia, Mr. SCOTT.

Mr. SCOTT of Virginia. Thank you.

Madam Speaker, I rise today to join in the tributes of a truly great American. Dr. John Hope Franklin lived an extraordinary life. Throughout his 94 years, he was both a trailblazer in the history of black America, but at the same time he was the preeminent chronicler of that history. His groundbreaking work as an historian had influences on the academic world and the Nation as a whole.

John Hope Franklin was born on January 2, 1915, in Oklahoma, the son of a successful attorney father and a school teacher mother. Despite being raised by two professionals, John's life was not immune from the pervasive racism of the time. His family lost everything in the Tulsa race riot of 1921 when the



black section of Tulsa was burned and over 30 people murdered after a young black man was wrongfully accused of assaulting a white woman. There has been a campaign to provide reparations to the survivors of that riot. And tomorrow in the Judiciary Committee, we will be marking up a bill on this very issue that now bears the name of John Hope Franklin.

Despite the hardships of his youth, Dr. Franklin excelled in school and after graduating valedictorian of his high school class, he attended Fisk University. At Fisk, he was a student leader and was also president of the campus chapter of both his and my fraternity, Alpha Phi Alpha. While at Fisk, he originally intended to study law, but at the suggestion of one of his professors, he took up history as his concentration. The suggestion took root and Dr. Franklin graduated from Fisk with a bachelor's degree in history in 1935. He then attended Harvard University where he received his master's in 1936 and Ph.D. in 1941.

Dr. Franklin was first and foremost a teacher. He began his academic career with instruction duties at Fisk, St. Augustine's College, and North Carolina Central College. In 1945, he was asked to write a book on black history, and that book was published in 1947. His signature book "From Slavery to Freedom: A history of American Negroes." It has been reissued eight times, translated into five languages and still is considered the cornerstone work on black history used in colleges and universities today.

That same year, Dr. Franklin accepted a teaching position at Howard University. It was there that his work as a scholar and his interest in law intersected. Dr. Franklin provided research that Thurgood Marshall and the lawyers of the NAACP Legal Defense Fund used in the crafting of their legal arguments in the case of *Brown v. Board of Education*. He would later lend his scholarly weight to the civil rights movement, even marching with Martin Luther King in Montgomery, Alabama, in 1965.

Dr. Franklin was among the first black scholars in America to earn a prominent post at a predominantly white college or university. In 1956, he broke the color barrier at Brooklyn College where he was the first black man appointed to chair a history department at a predominately white institution. Dr. Franklin's accomplishment was tinged with the acknowledgment of how far race relations still needed to come in America because despite his credentials, he was denied service by banks and realtors in his quest to purchase a home near Brooklyn College. Real estate officials tried to redline him into African American-only neighborhoods. It took him nearly as long to find a home near his school as it did to write "From Slavery to Freedom."

Dr. Franklin continued his teaching career at other prestigious schools—Harvard, the University of Chicago—and finally settling at Duke University as the James B. Duke Professor Emeritus of History, the first African American to hold an endowed chair at that institution.

The title of his autobiography, "Mirrors to America," is a perfect description of his life and work. With deep knowledge of American history, Dr. Franklin was able to reflect on the root causes of many of the problems of the day. In 1997, there was national recognition of Dr. Franklin's knowledge of race when Bill Clinton tapped him to chair the President's Initiative on Race in America.

Dr. Franklin received over 100 honorary degrees, the NAACP's Spingarn Award and the Presidential Medal of Freedom, the Nation's highest civilian award.

□ 2030

On a personal note, Madam Speaker, my parents were long-time friends of Dr. Franklin. In fact, he participated in their wedding in 1942.

Madam Speaker, America has lost a truly great thinker, a preeminent scholar, a dear friend of liberty and freedom. I know we will continue to learn from his work for years to come. I thank you.

Ms. FUDGE. Madam Speaker, I thank the gentleman from Virginia for his remarks and would now like to yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Let me thank the gentlelady from Ohio for her continued leadership in the Congressional Black Caucus' weekly address to the Nation.

As you may recall, last week we talked about the activities in Africa and problems in our Caribbean neighborhood of Haiti, the problems in Darfur and Sudan and the Congo to show that the Congressional Black Caucus is universal. We are the conscience of the Congress, not only for domestic issues but issues worldwide where people are in need.

And so this evening, Madam Speaker, I rise to pay tribute to a great historian, and let me thank, as I mentioned before, Representative FUDGE for her consistent support for our debates and discussions on Monday, but let me just speak about Dr. John Hope Franklin.

As you've heard several of our previous speakers, he was just a great American. As a former teacher and a strong advocate for the inclusion of African American history in the school curriculum for all students, I place enormous value on the work of Dr. Franklin, the extraordinary man whose loss we mourn and whose life we celebrate.

As a professional historian, he worked tirelessly to ensure the accurate sharing of American history—of

course, as we know, history was distorted, and it took Dr. Franklin to lay it out properly—with its tragedies, as well as its triumphs, at a time when there were few voices willing to listen, to explore the painful legacy of enslaved people.

In forging the inclusion of the African American experience, Dr. John Hope Franklin was instrumental in championing civil rights issues and breaking color barriers. He was engaged in the most pressing issues of the past and present.

As the Chair of President Clinton's Initiative on Race, which he served with the former Governor of New Jersey, Tom Kean, who talked about how great Dr. Franklin was and how difficult it really was to get Americans to speak about race. People just wanted to avoid it, but it's something that Dr. Franklin and Tom Kean, in their responsibilities on the commission, attempted to have an honest dialogue.

Dr. Franklin offered recommendations on ways to eliminate racial disparities. Dr. Franklin was quoted in the *Emerge Magazine* in 1994 as saying, "I think knowing one's history leads one to act in a more enlightened fashion. I cannot imagine how knowing one's history would not urge one to be an activist," John Hope Franklin said. And he lived for nearly a century, and during that time, his scholarship inspired many activists.

The permanent impact of Dr. John Hope Franklin's public service has cultivated a richer understanding and greater appreciation of African American history. He was a man of immense strength, courage and wisdom, and his contributions to American society are invaluable.

As we celebrate the life of this great historian, we also mark this evening the important contributions of women of our Nation's rich history. As we are commemorating Women's History Month, we pause to remember the women who laid the groundwork, often at great personal risk, for rewards that future generations would reap.

We remember a great woman in history, Harriet Tubman, who secretly guided 300 enslaved people to freedom on the Underground Railroad, the network of safe houses that enslaved people followed during the Civil War era. Many records still exist which document the dangerous journeys to freedom. Interestingly, because enslaved people were forbidden to read or write, many created quilts in order to leave messages and pass down stories about their lives.

During Women's History Month, we also recall the great debt of gratitude we owe to strong women of the past like Sojourner Truth, the abolitionist and orator who risked her life to speak out against slavery. She even refused to sit in the back of a trolley car way back when she lived here in Washington, D.C. She defied the law.

In most recent times, we have seen women trailblazers in all professions. The first African woman to join a space mission, Dr. Mae Jemison, traveled aboard the space shuttle *Endeavor* on September 12, 1992. Dr. Jemison is a chemical engineer, scientist, physician, and astronaut who worked as a Peace Corps medical officer in Sierra Leone and in Liberia in West Africa.

Of course, we now have a wonderful role model in the White House for our daughters and our granddaughters in Michelle Obama, our First Lady, who graduated cum laude from Princeton University in my State of New Jersey and went on to earn her law degree from Harvard before taking a position at a Chicago law firm.

I would also like to remember a good friend and colleague, one that our Representative has replaced, a wonderful woman whom we lost last year, Representative Stephanie Tubbs Jones, a true pioneer who was the first African American woman elected to Congress from Ohio. A former county prosecutor and a former judge in the Cleveland municipal court, she went on to break another glass ceiling when she successfully sought and won a seat on the powerful Ways and Means Committee, which no other African American woman had ever achieved before that time.

In my congressional district, we are fortunate to have many accomplished women who are working actively every day for the betterment of their communities. The executive director of the Newark Day Center, Trish Morris-Yamba of South Orange, has worked tirelessly to provide services for local seniors and to send young children to summer camps through the Greater Newark Fresh Air Fund. She has been active in many organizations, including the Newark Public Library, where she served as board president. Prior to that, she ran an organization called CHEN, which was one of the very innovative day care centers in our City of Newark.

Another dedicated community volunteer, a woman I have known and admired for many years, is Blanche Hooper, who has given generously of her time to serve as a senior citizen's commissioner and, up until 2007, served as the director of the Nellie Grier Senior Citizen Center in the south ward of Newark. In addition, she is active in Mt. Zion Baptist Church, vice chairman of the South Ward Democratic Committee, and has been the recipient of an award for living the legacy of Dr. Martin Luther King.

Barbara Bell Coleman has given her considerable energy and intelligence to a number of important causes in New Jersey. Barbara Bell Coleman, during the 1990s, served as the president of the Amelior Foundation, established by Newark philanthropist Ray Chambers to support urban education and other

programs. As chairman of the board of the Boys and Girls Clubs of Newark, she helped to coordinate youth development programs for thousands of young people in the City of Newark. She is the recipient of a United Way award for her outstanding work with youth.

And last week, I had the pleasure of attending a retirement ceremony for a woman who has touched many, many lives in the course of her career, Dorothy Knauer, executive director of the Community Agencies Corporation of New Jersey. Over the past three decades, this remarkable woman has devoted her life to community service, notably through programs like Project Babies, the James Street Neighborhood House, Reading is Fundamental, and Community Partners for Youth. She has been honored by New Jersey's Office of Volunteerism and was recognized as a woman of distinction by the United Nations League.

Madam Speaker, I know that my colleagues here in the United States House of Representatives join me in expressing gratitude to these women and the countless others who are contributing their time and talents each and every day towards making our communities a better place for all of us to live and to work.

Ms. FUDGE. Thank you. Madam Speaker, I would like to thank the gentleman from New Jersey for his continued participation in our CBC hours, our Special Orders on Mondays, and I would now like to yield to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I thank Congresswoman FUDGE and thank you again for hosting this very special hour this evening.

Madam Speaker, tonight I'm pleased to join my colleagues to pay tribute to a highly esteemed American, who was both a historian and a history maker. Dr. John Hope Franklin passed away last week but left us with a rich legacy of scholarship that has strengthened generations of people, young and old, who have sought to understand race and racism, our country and our place in the world.

A prolific and important writer, as you have heard, Dr. Franklin was most well-known for his landmark 1947 publication, "From Slavery to Freedom: A History of American Negroes," which has been credited with "altering the ways in which the American narrative was studied." In a New York Times article yesterday, one of his colleagues pointed out that the book "empowered a whole new field of study" as the story of the marginalized became part of the mainstream.

The article also pointed out that Dr. Franklin and his scholarship became an important part of the movement for civil rights as he advised Thurgood Marshall and his team of lawyers dur-

ing the *Brown v. Board of Education* case. In this, as well as his participation in the march on Selma led by the Reverend Dr. Martin Luther King, Jr., the writer pointedly notes that he was a part of the history he so effectively brought to the forefront, and in doing so, he changed it as well.

It was one of the highest privileges afforded me since coming to Congress to meet and be able to converse with Dr. Franklin at a small dinner hosted by Congresswoman MAXINE WATERS in my early years in Congress and when he was chairing President Clinton's Initiative on Race. I was also privileged to be present as he was honored by the Library of Congress a few years ago, one of many, many deserved honors. Dr. Franklin was a historian in the tradition of the African griot, the memory keepers who captured the important moments of time that contribute to the identity and culture of a people and the advancement of a country.

In my district of the U.S. Virgin Islands, our historians, such as Dr. Gilbert Sprauve, Dr. Patricia Murphy, Dr. Gene Emanuel, Gerard Emanuel, Richard Shrader, Robert Johnson, Bill Cissell, George Tyson, Karen Thurland, Myron Jackson, Dr. Charles Turnbull, Ruth Moolenaar, Edgar Lake and many, many more work to preserve and retell our part of the Caribbean American story.

Dr. John Hope Franklin left us with a rich legacy of writings which continue to inform our journey in these United States of America. We thank him for his scholarship and his dedication to truth telling and extend our condolences to his family and friends.

Madam Speaker, as you have heard, March has also been designated as Women's History Month, and the Congressional Black Caucus is pleased to salute the role that women have played throughout our history in all endeavors, many of whom have never been recognized.

Tonight, I would like to say a few words about two women with Virgin Islands ties who made valuable contributions to the historic tapestry that is the U.S. Virgin Islands, as well as the United States, but who are little known to current generations.

The first is Rebecca Protten, whose life has been documented in the book "Rebecca's Revival: Creating Black Christianity in the Atlantic World." She was born a slave, the child of European and African parentage. She lived in the 18th century and, remarkably for a black woman of that time, traveled between Europe, the Caribbean and Africa bringing the word of God to enslaved Africans and Europeans alike. She spent a lot of time in St. Thomas, U.S. Virgin Islands, gathering the enslaved to the faith and was even imprisoned for her work in assisting them in their needs.

According to historian and biographer Jon Sensbach, "She was a preacher and a mentor, a provocateur and a profit, determined to take what she regarded as the Bible's liberating grace to people of African descent."

□ 2045

A member of the Moravian faith, a church to which I also belong, which is credited with creating an educational system for enslaved Africans and their children in my home district, which was then the Danish West Indies, Rebecca may have been one of the first ordained black women and, according to her biographer, she "stood where the three currents of the 18th century black Atlantic world flowed together: The dramatic expansion of the slave trade, the Afro-Atlantic freedom struggle, and the rise of black Christianity."

Another Virgin Islands woman, Nella Larsen Imes, is known as the "mystery woman" of the Harlem Renaissance and wrote two novels, *Quicksand* and *Passing*, which explored the difficulty of being a black woman in a society that marginalized both African Americans and women.

While details about her life are vague, according to biographer Thadious M. Davis, Larsen, according to her own admission, was the "daughter of a Danish lady and a Negro from the Virgin Islands, formerly the Danish West Indies."

Madam Speaker and colleagues, both of these women defied the odds and expressed the causes dear to their souls, despite the difficulties of being black women in harrowing times. Their lives and history are worth further exploration by students of history as we take a fresh look at Women's History Month.

I thank you again for yielding this time to me and for allowing me to share in this Special Hour this evening.

Ms. FUDGE. I'd like to again thank the gentlelady from the Virgin Islands, who has really been of such help to me as I continue to anchor these hours. I thank you again.

I would like to close, Madam Speaker, by talking about some special women to me as we celebrate Women's History Month. I would talk about those who are on the rolls of this very House, people that I have followed over the years. I'd like to begin with the Honorable Shirley Chisholm.

Shirley Chisholm was the first African American woman elected to Congress. She was the first African American and the first female to run as a major party candidate for President of the United States in 1972.

Chisholm was born in Brooklyn, New York, of immigrant parents in 1924. She earned her BA from Brooklyn College in 1946 and later earned her master's from Columbia University in elementary education in 1952.

From 1953 to 1959, she was director of the Hamilton-Madison Child Care Cen-

ter. From 1959 to 1964, she was an educational consultant for the Division of Day Care.

In 1964, Chisholm ran for and was elected to the New York State legislature. In 1968, she ran as the Democratic candidate for New York's 12th District congressional seat and was elected to the House of Representatives. Defeating Republican candidate James Farmer, Chisholm became the first black woman elected to the Congress of the United States. Chisholm joined the Congressional Black Caucus in 1969 as one of its founding members.

As a freshman, Chisholm was assigned to the House Agricultural Committee. Given her urban district, she felt the placement was irrelevant to her constituents, and shocked many by asking for reassignment. She was then placed on the Veterans' Affairs Committee. Soon after, she was assigned to the Education and Labor Committee, which was her preferred committee. She was the third highest ranking member of this committee when she retired from Congress.

All those Chisholm hired for her office were women—half of them black. Chisholm said that during her New York legislative career she had faced much more discrimination because she was a woman than because she was black.

In the 1972 U.S. Presidential election, she made a bid for the Democratic Party's Presidential nomination. Chisholm's base of support was ethnically diverse and included the National Organization for Women. Chisholm said she ran for the office "in spite of hopeless odds to demonstrate the sheer will and refusal to accept the status quo."

Among the volunteers who were inspired by her campaign was BARBARA LEE, chairman of the Congressional Black Caucus, who continued to be politically active and was elected as a Congresswoman 25 years later. Betty Friedman and Gloria Steinem attempted to run as Chisholm delegates in New York.

From 1977 to 1981, during the 95th Congress and 96th Congress, Chisholm was elected to a position in the House Democratic leadership as Secretary of the House Democratic caucus.

Throughout her tenure in Congress, Chisholm worked to improve opportunity for inner-city children. She was a vocal opponent of the draft and supported spending increases for education, health care and other social services, and reductions in military spending.

She announced her retirement from Congress in 1982. After leaving Congress, Chisholm was named as the Purington Chair at Mount Holyoke College. Today, her portrait hangs in a very prominent place—a place of honor in the U.S. Capitol.

Barbara Jordan. Barbara Jordan was a congressional Member from Texas's

18th Congressional District from 1973 to 1979. Jordan campaigned for the Texas House of Representatives in 1962 and 1964. Her persistence won her a seat in the Texas Senate in 1966, becoming the first African American State Senator since 1883, and the first black woman to serve in that body. She served until 1972.

She was the first African American female to serve as president pro tem of the Senate, and served for 1 day as acting Governor of Texas in 1972.

In 1972, she was elected to the United States House of Representatives, becoming the first black woman from a southern State to serve in the House. She received extensive support from former President Lyndon Johnson, who helped her secure a position on the House Judiciary Committee.

In 1974, she made an influential televised speech before the House Judiciary Committee supporting the impeachment of President Richard Nixon.

Jordan was mentioned as a possible running mate to Jimmy Carter in 1976, and that year she became the first African American woman to deliver the keynote address at the Democratic National Convention. Her speech in New York that summer was ranked fifth in a list of Top 100 American Speeches of the 20th Century.

Jordan retired from politics in 1979 and became an adjunct professor at the University of Texas at Austin's Lyndon B. Johnson School of Public Affairs. She again was a keynote speaker at the Democratic National Convention in 1992.

In 1995, Jordan chaired a congressional commission that advocated increased restriction of immigration and increased penalties on employers that violated U.S. immigration regulations. President Clinton endorsed the Jordan Commission's proposals.

She supported the Community Reinvestment Act of 1977, legislation that required banks to lend and make services available to underserved poor and minority communities. She supported the renewal of the Voting Rights Act of 1965 and expansion of that act to cover other ethnic minorities.

Jordan was awarded the Presidential Medal of Freedom in 1994. It was only one of many honors given to her, including election into both the Texas and National Women's Hall of Fame. In 1995, she was awarded the prestigious United States Military Academy's Sylvanus Thayer Award, becoming only the second female awardee.

Upon her death on January 17, 1996, Jordan lay in state at the LBJ Library on the campus of the University of Texas at Austin. She was buried in the Texas State Cemetery in Austin, and was the first black woman interred there.

The main terminal at Austin-Bergstrom International Airport is named after her, as are a middle school in Texas and a high school in Houston.

The Kaiser Family Foundation currently operates the Barbara Jordan Health Policy Scholars. This fellowship is for people of color who are college juniors, seniors, and recent graduates, and it is designed to provide them with a summer experience working in a congressional office.

Carrie Meek. She is a former U.S. Congresswoman from Florida's 17th Congressional District from 1993 to 2003. She was the first African American elected to Congress from Florida since Reconstruction. Meek was born on April 29, 1926, in Tallahassee, Florida. The granddaughter of a slave and the daughter of a former sharecropper, she spent her childhood in segregated Tallahassee.

Meek graduated from Florida A&M University in 1946. At this time, African Americans could not attend graduate school in Florida, so Meek traveled north to continue her studies, and graduated from the University of Michigan with an MS in 1948.

After graduation, Meek was hired as a teacher at Bethune Cookman College in Daytona Beach, Florida, and then at her alma mater, Florida A&M University.

Meek moved to Miami in 1961 to serve as special assistant to the vice president of Miami-Dade Community College. The school was desegregated in 1963 and Meek played a central role in pushing for integration. Throughout her years as an educator, Meek was also active in community projects in the Miami area.

Elected as Florida State representative in 1969, Meek was the first African American female elected to the Florida State Senate in 1982. As a State Senator, Meek served on the Education Appropriations Subcommittee. Her efforts in the legislature led to the construction of thousands of affordable rental housing units.

In 1992, Meek was elected to the U.S. House of Representatives from Florida's 17th Congressional District. This made her the first black lawmaker elected to represent Florida in Congress since Reconstruction.

Meek has received numerous awards and honors. She is the recipient of honorary doctor of law degrees from the University of Miami, Florida A&M University, Barry University, Florida Atlantic University, and Rollins University.

Meek was a member of the powerful House Appropriations Committee, in addition to serving on the Subcommittee of Treasury, Postal Service, and General Government and the Subcommittee on VA, HUD, and independent agencies.

Stephanie Tubbs Jones. She was a U.S. congressional Member from Ohio's 11th Congressional District; the first black woman to represent Ohio in the House; former chairman of the House Ethics Committee since 2007; first

black woman to serve on the House Ways and Means Committee.

Born in Cleveland, Ohio, in 1949, Tubbs Jones graduated from the city's public schools. She earned a degree in social work from Flora Stone Mather College of Case Western Reserve University in 1971. In 1974, she earned a JD from the Case Western Reserve University School of Law.

Tubbs Jones was elected a judge of the Cleveland Municipal Court in 1981, and subsequently served on the Court of Common Pleas of Cuyahoga County from 1983 to 1991. She then served as the Cuyahoga County prosecutor from 1991 until resigning early in 1999 to take her seat in Congress.

In 1998, Tubbs Jones won the Democratic nomination for the 11th District after 30-year incumbent Louis Stokes announced his retirement. She was re-elected four times.

Tubbs Jones was a cochairman of the Democratic National Committee. She opposed the Iraq war, voting in 2002 against the use of military force. Despite representing a heavily unionized district, she was a strong proponent of free trade. Tubbs Jones most recently took a lead role in the fight to pass the U.S.-Peru Trade Promotion Agreement in November, 2007.

In 2004, she served as the chairwoman of the platform committee at the Democratic National Convention and as a member of the Ohio delegation. She strongly supported Senator JOHN KERRY in his campaign to become President of the United States.

On January 6, 2005, she joined U.S. Senator BARBARA BOXER in objecting to the certification of the 2004 U.S. Presidential election results for Ohio. As the sponsor, she was one of 31 House Members who refused to count the electoral votes from the Ohio House in the 2004 election.

She was selected by Speaker NANCY PELOSI as chairperson of the House Ethics Committee to watch over the standards of ethical conduct for Members of the House.

Tubbs Jones was popular in her district and was routinely reelected against nominal Republican opposition.

□ 2100

She received 83 percent of the vote in her final general election in 2006 against Republican Lindsey String. She faced no opposition in the 2008 Ohio Democratic primary.

I want to say that all the women I have recognized today are certainly people that I have a great deal of respect for. I have followed them to this House. And I want you also to know that they are all my sorority sisters.

With that, Mr. Speaker, that would close this hour of the CBC Special Order, and we hope to see you again on next Monday as we continue our work in being the conscience of the Congress.

Mr. MEEKS of New York. Mr. Speaker, Dr. John Hope Franklin was one of the most important Americans of the 20th century. He was a citizen of the world, a towering intellectual giant and scholar who ceaselessly endeavored, as one of the preeminent historians in our nation's history, to ensure that the contributions of African-Americans would not be relegated to the status of a footnote. Rather, through dedicated scholarship, he brought to light the rich contributions African-Americans have made to the United States of America.

As he once said so eloquently, "My challenge was to weave into the fabric of American history enough of the presence of blacks so that the story of the United States could be told adequately and fairly." He understood intimately that the story of the greatest country on earth, the United States of America cannot be told without telling the story of African-American history and that in fact, they are one and the same.

Dr. John Hope Franklin was considered the Dean of African American historians. John Hope Franklin was born on January 2, 1915 in Rentiesville, Oklahoma. His family relocated to Tulsa, Oklahoma shortly after the Tulsa Disaster of 1921. Franklin's mother, Mollie, was a teacher and his father, B.C. Franklin, was an attorney who handled lawsuits precipitated by the famous Tulsa Race Riot. Graduating from Booker T. Washington High School in 1931, Franklin received an A.B. degree from Fisk University in 1935 and went on to attend Harvard University, where he received his A.M. and Ph.D. degrees in history.

Franklin began his teaching career at Fisk University before moving on to St. Augustine's College. It was at North Carolina Central University, in 1945, with a \$500 advance from Alfred A. Knopf, and help from his wife, Aurelia, that Franklin began writing the classic African American history text, *From Slavery to Freedom*. The book, co-authored by Alfred A. Moss, Jr., has been published in several different languages.

In the early 1950s, Franklin served on the NAACP Legal Defense Fund team led by Thurgood Marshall that helped develop the sociological case for *Brown v. Board of Education*. This led to the 1954 United States Supreme Court decision ending the legal segregation of black and white children in public schools.

Dr. Franklin taught at Howard University for nine years, before becoming the first black to chair the History Department at Brooklyn College in 1956. He was then hired by the University of Chicago in 1964 and chaired the History Department from 1967 to 1970. There, he served as the John Matthews Manly Distinguished Service Professor from 1969 to 1982, when he was made Professor Emeritus. In 1982, Franklin joined the faculty at Duke University as the James B. Duke Professor Emeritus of History.

Dr. Franklin was a member of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans. He was an early beneficiary of the fraternity's Foundation Publishers, which provides financial support and fellowship for writers addressing African-American issues.

Active in professional organizations, Franklin served as president of the Southern Historical

Society, the Organization of American Historians and the American Historical Association. He was a life-long member of the Association for the Study of African American Life and History, where he served on the editorial board of the *Journal of Negro History*. In 1997, he was appointed by Former President Bill Clinton as chairman of the advisory board for One America, the President's Initiative on Race.

Dr. Franklin wrote hundreds of articles and at least 15 books. His recent works include *Runaway Slaves: Rebels on the Plantations* with Loren Schweninger, *George Washington Williams: A Biography* and a book about his father *My Life and an Era: the Autobiography of Buck Colbert Franklin* as well as his own autobiography, *The Vintage Years*. In 1978 *Who's Who in America* selected Franklin as one of eight Americans who have made significant contributions to society. Among his many other awards are the Organization of American Historians Award for Outstanding Achievement and the Presidential Medal of Freedom, the nation's highest civilian honor.

Dr. Franklin was the personification of academic excellence, dignity, self empowerment and faith. He was the scribe of a generation of African-Americans who advocated, persevered, and helped to uplift our country to live up to its creed as the land of equal opportunity. On March 25, 2009, the world lost the beacon of light that was Dr. John Hope Franklin. To his family, I offer my deepest sympathies and condolences for their loss. And while our nation has lost one of its best and brightest, I know that his legacy is one that will surely endure.

Ms. WATERS. Mr. Speaker, I'd like to first thank my colleagues in the Congressional Black Caucus for organizing tonight's Special Order to recognize the contributions of Dr. John Hope Franklin. CBC Chairwoman BARBARA LEE appointed Congresswoman MARCIA FUDGE and Delegate DONNA CHRISTIAN-CHRISTENSEN to lead our CBC message team and they have done an outstanding job of helping to inform our colleagues in Congress and our constituents at home about some of the important work being done by the Congressional Black Caucus.

Throughout his long life, John Hope Franklin wrote prolifically about history—more than 60 years after its publication, one of his books, *From Slavery to Freedom*, is considered a core text on the African-American experience. Dr. Franklin not only wrote about history, he lived it. Franklin worked on the *Brown v. Board of Education* case in 1954, he joined protestors in a 1965 march led by Martin Luther King, Jr. in Montgomery, Alabama and he headed President Clinton's 1997 national advisory board on race. Franklin accumulated many honors during his long career, including the Presidential Medal of Freedom, the nation's highest civilian honor. He shared the John W. Kluge Award for lifetime achievement in the humanities and a similar honor from the American Academy of Arts and Sciences and the American Philosophical Society, the nation's two oldest learned societies. He also was revered as a "moral leader" of the historical profession for his engagement in the pressing issues of the day, his unflinching advocacy of civil rights, and his gracious and courtly demeanor.

Dr. John Hope Franklin was described in the *Washington Post* recently as a man who "lived what he taught." I don't think there are many higher accolades. For those of us who knew him and called him friend, it feels as though collectively we've lost a grandfather—a very wise and generous teacher and mentor. For those who don't know about the contributions of Dr. John Hope Franklin, I wanted to come to the floor tonight to add my voice of appreciation and to highlight some of his contributions that I believe are important.

John Hope Franklin, the grandson of a slave, was born on January 2, 1915, in Rentiesville, Oklahoma, a small black community. His parents, Buck Colbert Franklin and Mollie Parker Franklin named their son after John Hope, the President of Atlanta University. His mother was a school teacher and his father was a community leader and they recognized the importance of education.

The realities of racism hit Franklin at an early age. He said he vividly remembered the humiliating experience of being put off the train with his mother because she refused to move to a segregated compartment for a six-mile trip to the next town. He was six years old. With his parents, he lived through the Tulsa Race Riots in 1921, believed to be the single worst incident of racial violence in American history. Later, although an academic star at Booker T. Washington High School and valedictorian of his class, the state would not allow him to study at the University of Oklahoma because he was black. So instead, in 1931 Franklin enrolled at Fisk University, a historically black college in Nashville, Tennessee, intending to study law.

However, a history professor, Theodore Currier, persuaded him to change his mind and his major and he received his bachelor's degree in history in 1935. Currier, who was white, became a close friend and mentor, and when Franklin's money ran out, Currier loaned the young student \$500 to attend graduate school at Harvard University, where he received his master's in 1936 and doctorate five years later. He began his career as an instructor at Fisk in 1936 and taught at St. Augustine's and North Carolina College for Negroes (now North Carolina Central University), both historically black colleges.

In 1945, Alfred A. Knopf approached him about writing a book on African-American history—originally titled *From Slavery to Freedom: A History of American Negroes*—and he spent 13 months writing it. Then in 1947, he took a post as professor at Howard University in Washington, DC, where, in the early 1950s, he traveled from campus to Thurgood Marshall's law office to help prepare the brief that led to the historic *Brown v. Board of Education* decision.

In 1956 he became chairman of the previously all-white history department at Brooklyn College. Despite his position, he had to visit 35 real estate agents before he was able to buy a house for his young family and no New York bank would lend him the money.

Later, while at the University of Chicago, he accompanied the Rev. Martin Luther King Jr. on the march from Selma to Montgomery, Ala. in 1965. He spent 16 years at the University of Chicago and then joined the faculty of Duke University in 1982. He retired from Duke's his-

tory department in 1985, then spent seven years as professor of legal history at the Duke Law School. Franklin will be honored with a newly endowed chair at Duke Law School.

Franklin was a prolific writer, with books including *The Emancipation Proclamation*, *The Militant South*, *The Free Negro in North Carolina*, *George Washington Williams: A Biography* and *A Southern Odyssey: Travelers in the Antebellum North*. He also edited many works, including a book about his father called *My Life and an Era: The Autobiography of Buck Colbert Franklin*, with his son, John Whittington Franklin. Franklin completed his autobiography in 2005, which was reviewed favorably in many media outlets across the country.

He received more than 130 honorary degrees and served as president of the Phi Beta Kappa Society, the American Studies Association, the Southern Historical Association, the Organization of American Historians and the American Historical Association.

Franklin's best-known accomplishment in his later years was in 1997, when he was appointed chairman of the advisory board for President Clinton's One America: The President's Initiative on Race. The seven-member panel was charged with directing a national conversation on race relations. When he was named to the post, Franklin remarked, "I am not sure this is an honor. It may be a burden." The panel did provoke criticism, both from conservatives who pressured the panel to hear from opponents of racial preference and others who said it did not make enough progress. Franklin himself acknowledged in an interview with *USA Today* in 1997 that the group could not solve the nation's racial problems. But Franklin said the effort was still worth it.

And, in 2001, Duke University opened the John Hope Franklin Center for Interdisciplinary and International Studies, where scholars, artists and members of the community have the opportunity to engage in public discourse on a variety of issues, including race, social equity and globalization. At the heart of its mission is the Franklin Humanities Institute, which sponsors public events and hosts the Franklin Seminar, a residential fellowship program for Duke faculty and graduate students.

In a statement to the American Academy of Arts and Letters in 2002, Franklin summed up his own career:

"More than 60 years ago, I began the task of trying to write a new kind of Southern History. It would be broad in its reach, tolerant in its judgments of Southerners, and comprehensive in its inclusion of everyone who lived in the region . . . the long, tragic history of the continuing black-white conflict compelled me to focus on the struggle that has affected the lives of the vast majority of people in the United States. . . . Looking back, I can plead guilty of having provided only a sketch of the work I laid out for myself."

In 2007, John Hope Franklin lent his formidable effort to the issue of reparations for African Americans. Franklin returned to Oklahoma to testify in a hearing urging Congress to pass legislation that would clear the way for survivors of the Tulsa Race Riots of 1921, one of the nation's worst race riots, to sue for reparations.

For Franklin, who continued his scholarly work and public appearances well into his 90s, the work he began in the 1940s still was not finished. He was interviewed earlier this year, when President Barack Obama was inaugurated, and he noted that he never thought he would live to see the first African American President of the United States, but he was so very glad that he did.

Mr. Speaker, I am so very glad that John Hope Franklin shared his life and his work so generously. He taught us about our lost history, and in the process, he set a sterling example of living what he tried to teach that will inspire many generations to come.

Ms. FUDGE. I yield back the balance of my time.

#### PRESIDENT OBAMA'S BUDGET SPENDS TOO MUCH, TAXES TOO MUCH, AND BORROWS TOO MUCH

THE SPEAKER pro tempore (Mr. HEINRICH). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BACHMANN. Mr. Speaker, I thank you for that privilege. Thank you for the opportunity to be able to be here this evening and the opportunity to be able to address the American people.

We had a rather extraordinary day yesterday and today with what we have seen happening in our Nation that has really been extraordinary throughout 2009. We have seen such tremendous differences take place.

The American people are very concerned, and rightly so, about our economy. They are wondering how the economy will turn around, when it will turn around, when their own personal fortunes will change; and they have seen some extraordinary things take place, Mr. Speaker.

The American people have seen the stimulus plan that came through, which was about \$1.1 trillion in spending that was passed by this body, signed by the President of the United States, an extraordinary historic level of spending that we have never seen before just to goose our economy, get it going so that we can get back to where we need to be, to get job creation. That is what people want to see. We all the want to see that. But we all held our breath.

I voted against the stimulus bill. We held our breath thinking, how in the world would we ever begin to replace all of that money that we are about to spend? Because, as everyone knows, there is no vault here in Washington, D.C., that holds \$1.1 trillion that we can just send out to the American people. There is no money there. We have to go somewhere to get that money. We either have to tax it from the American people and bring it to Washington, D.C., and then spread it around so that other people can have it, or we have to

borrow it from other countries like China, for instance, who, quite recently, has said to our President that China is very concerned.

The specter of the Chinese communists lecturing the United States on whether or not they feel comfortable about their investment here in the United States is really quite a first. And now, we have seen the European socialists also lecture the United States saying they are worried. As a matter of fact, we saw the Premier from Czechoslovakia say that the road the United States is taking, in his words, is the road to hell. He doesn't want to see the European socialists go down that road as well.

So as the G-20 is about to come together in London to meet and talk about this global economic meltdown, we have seen quite a specter occur. We have seen the Prime Minister from England come here to the United States, as a matter of fact, stand here in this body and address a joint session of Congress and essentially call for a global cooperation to have a global answer to this stimulus. That makes a lot of Americans quite nervous when we hear that kind of rhetoric.

Then, just recently we heard also from a leader down in the Latin American countries say that it is people with blonde hair and blue eyes that have caused this economic meltdown. Of course, that is an outrage to make a statement like that.

All of these things the American people have been seeing, and they have been thinking about them, wondering, what does all of this mean? And they saw again this body spend \$1.1 trillion, and then shortly after that spend \$410 billion in a budget spending bill that will just spend through this year of 2009. But in that bill, they saw almost 9,000 earmarks in that bill.

And the American people said: Now, wait a minute. I can't spend that kind of money. As a matter of fact, the American people said: Look, I saved 5 percent of my income in January, a historic high of savings for Americans.

Just a year ago or so, Americans had a negative savings rate of .1 percent. Now, Americans have been doing just the reverse. They have been doing what most normal people do when they are in an economic situation of fear. They decide to pull back on their spending, they pull in, and they say, I had better think twice before I buy that fancy cup of coffee. I had better think twice before I decide to plunk down money and buy a new car. They think twice about what they are going to do about changing their home environment and their situation, because they are worried. They are worried about whether they will have a job next week or next month or next year.

So it is very difficult right now, Mr. Speaker, for the American people to make financial commitments when

they look at the level of spending that is going on around them. So what are they doing? They are saving.

Just this last month we saw that the American people in the month of February were saving at a rate of 4.5 percent. That is a good thing. I think it is a good thing the American people are showing the example for the United States Congress and for the President to say, this is what we need to do.

Instead of spending money we don't have on a personal level, on a Federal level, on a State level, on a local level, the American people are living through their own lifestyles and their own choices what they wish their government would replicate, and that is this: Start pulling back on the spending.

And what has this government done? What has the Obama presidency done, Mr. Speaker? What has this body done, Mr. Speaker, the House and the Senate? We have done just the opposite of what the American people are doing. The Democrat-controlled Congress and the President have made an unprecedented decision to spend money hand over fist, \$1.1 trillion on stimulus spending money, \$410 billion on budget spending for the rest of the year, along with all of the other money that has been going out the door.

Now, this week we have the President asking the House of Representatives, led by Speaker NANCY PELOSI, to spend, get this, \$4 trillion; commit the American people to spending \$4 trillion in the upcoming budget. This is almost beyond comprehension, \$4 trillion.

What does that work out to? For 300 million Americans, that is an immediate debt burden of \$13,000 per American. Every man, woman, and child in America would have that immediate debt burden placed on their shoulders when they can't begin to afford what the Congress has already been spending, historic levels of spending. \$4 trillion?

And it isn't just the spending alone; it is what is being spent on. We are looking at socialized medicine for the first time in the United States, socialized medicine coming in through this bill. And in one vote, the Speaker of the House and the President are asking this body, the people's House, the United States House of Representatives to spend \$4 trillion of their money for socialized medicine. So serious is socialized medicine that we need to spend some time on that issue, we need to spend some serious time.

Mr. Speaker, I just downloaded off of the Internet today stories about just two countries where socialized medicine was passed into the law and implemented, in the United Kingdom in England and Scotland and Wales, and also in Canada. I have just this many stories chronicling just the last year or so of headlines of what socialized medicine has looked like in those English-speaking neighbors of ours, in Canada



to the north and in the United Kingdom.

I think it is instructive for the United States Congress to take a look at what the experience has been of other countries, and I hope we have time to get into some of these stories about what socialized medicine has looked like in these other English-speaking Nations.

Well, that isn't all, Mr. Speaker, socialized medicine and the grand leap forward into socialism. We are also looking at the specter of tremendous new taxes, punishing new taxes, not just for some, not just for 5 percent as President Obama had promised, but for 100 percent of the American people.

When the President of the United States stood here in this body, stood right there at the lectern looking out at the joint session of Congress where Cabinet members were present and where the American people watched in a historic number, 40 million Americans watched, heard the President of the United States say quite clearly to them in a straightforward manner he would not increase taxes on 95 percent of the American people. And in the same evening and in the same address to the American people, the President contradicted himself, Mr. Speaker, with these words when he said he was committed to putting into place the cap-and-trade system, the new global warming energy tax, which will now be a tax on 100 percent of all Americans.

And how is that? It will be felt in the form of our energy bills. Whether we have electric bills every month that we pay or whether we have gas bills that we pay every month, those bills in many parts of the country will in fact double.

I come from the State of Minnesota. Tonight, Mr. Speaker, we are expected to have 12 inches of snow in Minnesota. We have had quite a week. We had a horrible flood situation up in the Fargo-Moorhead region. Thank God, we saw that recede a little bit. It wasn't as bad as we thought it was going to be. People's prayers were answered. On the front page this morning of the Twin Cities newspaper we saw a beautiful picture of the Assemblies of God Church up in the Fargo-Moorhead region; they had been praying all week-end that God would withhold the waters. And God clearly answered those prayers, Mr. Speaker. Those cities have not been devastated as much as we once thought they would be.

But the devastation that we are looking at now again is in this area of taxing. And in Minnesota, as I said, we are seeing 12 inches of snow in the Twin Cities area and in southern Minnesota in particular, maybe 10 inches in northern Minnesota.

But in Minnesota, Mr. Speaker, the people don't have a choice. Just like in many regions across the United States, the people don't have a choice. They

have to turn on their air conditioning in the summer and they have to turn on their furnaces in the winter; otherwise, life is simply unbearable. And what will President Obama and the Democrat's budget look like here in this Chamber?

Well, this week, Mr. Speaker, President Obama and the Democrats that control the House and the Senate are forcing a vote on this body that would mandate that we would have increases in everyone's electric bills. And whether it comes in this budget bill or in a separate bill, President Obama made it clear; he made it very clear last week when he had his press conference, Mr. Speaker, when he said this: It is not negotiable to leave out this energy tax. He is insisting that the American people pay the energy tax. And in Minnesota, we are calculated to see a doubling in our energy bills. A doubling, Mr. Speaker. This is unheard of.

I don't know where people in Minnesota will go. We are experiencing very high, unusual rates of unemployment. Minnesota is a diversified economy. We are such a great State with awesome employers, but for the first time in perhaps 25 years we have seen unemployment in a State as diverse as Minnesota spike.

In one of my largest cities, Mr. Speaker, I was told last week by one of my constituents that, in my largest city, that we are seeing unemployment now at 9.8 percent. In one of my counties, Mr. Speaker, I was told that one of my counties has unemployment now reaching 10 percent.

Where are these people going to go, Mr. Speaker, when this body decides to pass a budget that will tax them \$4 trillion, that will impose out a doubling on their energy bills? What are families going to do?

My husband and I are in a couple's Bible study, Mr. Speaker. And I was so sad to learn this winter in this couple's Bible study that another couple in one of the family members' churches was turning their heat down to 55 degrees. That is cold, Mr. Speaker. They have little children in their home. And this couple told us their daughter didn't want to go over after school and play in this family's home because it was going to be too cold for her. The last time she had been there visiting her girlfriend, the house was set so cold she was uncomfortable. But this family didn't know what to do. They were worried, they were afraid, they were scared because the husband had lost his job and the wife had lost their job, and they were trying to keep their kids warm. But they had a very difficult time doing it, so they were turning their heat down.

Can you imagine, Mr. Speaker, if I have to go back to the sixth district of Minnesota and tell the people in my district that President Obama and the Democrats that run this Chamber have

asked me to vote on a bill that would double their energy tax bill? They are at home now, Mr. Speaker, with 55 degrees just trying to keep their kids warm, figuring out some way to get through this very long winter, and now I have to go home and tell them that this body wants to impose a burden on them that would double their tax bill? I can't do that.

□ 2115

And I won't do that. I won't vote for a measure like that. It won't happen. And my bet is that a lot of other Members are going to see it that way too. My bet is, Mr. Speaker, that when we go home after this week and talk to our constituents, they are going to look at us, Mr. Speaker, and they are going to say, are you crazy? Were you crazy in this economic climate to heap yet one more burden on me?

It reminds me of that Biblical story, Mr. Speaker, where Pharaoh said to the Hebrew children, who were slaves in Egypt, when he said to them, tell them to make bricks, but don't give them straw. Let them find their own straw to make bricks. That's what it seems like President Obama and the Democrats that are running the House and the Senate are doing to the American people right now, heaping burdens on them to such an extent that now they are being told that they must find their own straw to make their bricks, when they already are turning their thermostats down so that they can just survive and get through the winter. This is not the United States of America that we grew up in. We don't do this, Mr. Speaker, to our people.

I see that I have two colleagues that have joined me this evening. I would like to defer now to my marvelous colleague from New Jersey, Mr. SCOTT GARRETT. He serves with me, Mr. Speaker, on the Financial Services Committee. He hails from New Jersey and he is doing a wonderful job on behalf of his constituents working so hard to ensure that this Congress doesn't spend too much, doesn't tax too much and certainly doesn't borrow too much so that those who are yet unborn and without jobs will have to be laboring away to be able to pay for these profligate spending bills.

I defer now to the gentleman from New Jersey, Mr. SCOTT GARRETT.

Mr. GARRETT of New Jersey. And I thank the gentlelady for allowing me to say a few words. And I see also that we are joined on the floor by the gentleman from Georgia as well. And so maybe I will go back and forth and just make some points.

I come to the floor because I heard your remarks just a few moments ago, and I thought they were quite eloquent in trying to put in perspective exactly what is occurring here on the floor of the House and what is occurring here

in Washington, D.C., our Nation's capital, as Congress goes about its business of formulating and passing a budget and how we can talk sometimes here in Washington in these global terms and esoteric terms, but at the end of the day it is the American public who actually has to foot the bill. They have to reach into their proverbial pocket and see if—oh, there is a couple bucks here—they can pull dollars out and send them to Washington.

Mrs. BACHMANN. The gentleman may want to hide those couple of dollars. Uncle Sam is looking for a few more.

Mr. GARRETT of New Jersey. Since I'm in Washington, there may be a hand out trying to reach into my pocket to try and grab those dollars. Absolutely. But you make the point that we are, in this country right now, and globally as well, in difficult economic times. Whether you are trying to put a few bucks away for your kid's education and now you realize, gee, at the end of the week when you write your checks, you just don't have that money to put aside, or if your kids are already in college and you say, how am going to make this month's or this quarter's college bill that is due? You just don't know how you're going to do it.

I was just talking on the phone before I came here to the floor, honestly, to folks in Upstate New York. And I said, how is the weather up there? They said, it is cold. And you're thinking, well, they have their heat ratcheted up and they are trying to warm their homes and they are paying the fuel costs. Thank goodness that rates have come down a little bit, but not by that much. But the young lady that I was talking to, she was concerned about how she is going to pay her heating bill for the house or the gas to cook the food or the other things they need for her kids around the house. And so we talk about things in global terms, in large terms. And as you know, I serve on the Budget Committee. I have had the honor now to serve on that committee for all 6 years that I have been in Congress. This year, when I served on the committee, this past week we had markup, which as you well know is the process where the Democrats present their budget to us, give us the opportunity to make some amendments to it, make some improvements, and have some give and take.

I have to tell you that both the time when I was in the majority and the time that now I'm in the minority as well, this was the most distressing, this was the most frustrating, most unfulfilling process that we had in that committee ever. I recall in both scenarios in the past years that there was a give and take, there was an ability to have some discussion on it. Somebody would say, well, you might have an idea on this area and we have an idea on this area, let's come together and

try to reach some accommodation on that. Let's see where there is some agreement where we can work together for the American public.

You just didn't see that at all. The meeting started I think around a little after 9 in the morning. We were done there around midnight. So you can count up the number of hours that we were there. We started with somewhere up to 30-some-odd amendments I believe that we had, that Republicans were presenting to the Democrats. And we would say, here is our little slice of our suggestions. And it is not just coming from me. And it is not just coming from the staff. These ideas are coming from our constituents, from Americans across all 50 States, on how to make this budget, this Obama budget, a better budget for America. But not one of those substantive amendments passed. They would not vote for a single amendment that we proposed. They would not vote for a single change, a single alteration, a single—what is that expression, changing a jot or a tittle—they would not allow ne'er a one of those.

Mrs. BACHMANN. What happened to the era of bipartisanship, if I can ask the gentleman?

Mr. GARRETT of New Jersey. Well, there's the rub, isn't it? So many people went into this past election this past November and said we want a new era of bipartisanship. We want to work together. And my gosh, so do I. I want to be able to extend my hand across the aisle and say, here are our ideas. What are your ideas?

You didn't see it at all. And it was very frustrating. But larger than that, larger than the frustration is the irony of it all. The Office of Management and Budget from this administration puts out this blue book. And you have to scratch your head and laugh because if you didn't laugh you would be upset. It's called, this is looking at the budget and what have you, it is called "A New Era of Responsibility." "A New Era of Responsibility." And as I looked at that multitrillion dollar—

Mrs. BACHMANN. How big was that budget deficit, did you say, Mr. GARRETT?

Mr. GARRETT of New Jersey. That multitrillion-dollar budget.

Mrs. BACHMANN. And this was responsibility, that new era of responsibility?

Mr. GARRETT of New Jersey. You don't see it in Washington. And the reason I came to the floor is because you were making the point just as I left the office, the administration is asking it from the American people. The American people have to be responsible in trying to figure out how are they going to live within their means? You were citing the examples of cutting back in various facets of a life. And you were also pointing out the fact that the American people are

actually doing a very good thing, and that is increasing their rate of savings. Boy, you don't see that aspect of responsibility here in this budget.

And my last point, and then I will yield the floor back to you or to the gentleman from Georgia, is my first point, is that we here in Washington sometimes get into Washington and speak on these things and the global sort of terms on it. And if you're watching that budget meeting, you sort of get the same sense of it. We talk about the fact that now as you look at all the wealth of this country, the GDP, the gross domestic product of this country, you can see the numbers in this budget, meaning that over a quarter of it, up to around 27 percent is basically being sucked throughout all 50 States and sent here right to Washington, D.C., as the GDP, the amount of government spending will be equated to around 27 percent of the gross domestic product.

Mrs. BACHMANN. So that means out of a dollar, Mr. GARRETT, that 27 cents of every dollar that is spent in the United States is spent by government?

Mr. GARRETT of New Jersey. Yes. And that is a historically high figure. And this is the other funny—I say "funny," but it is not funny. This new administration was always rife for criticizing our past administration for spending too much money, too high of a percentage. But historically, we have been around the 20, 22-some odd percent. And we were around that number in this past administration.

Now we are going through the roof on this. But those are esoteric numbers. Those are larger numbers. You can't get your arms around that. But it is the numbers when you talk about your family, when you talk about the cap and tax, \$634 billion roughly of that amount, what does that relate to me or to you, your average family?

Mrs. BACHMANN. And now that has been amended to \$2 trillion because the President's chief deputy on this issue, Jason, I can't remember his last name, his senior aide on the issue of the new global warming energy tax, cap and tax, made the statement last week that it isn't \$646 billion that the place marker is at. It is actually \$2 trillion in new taxes.

Mr. GARRETT of New Jersey. And it is from \$634 of the \$2 trillion in taxes, which is hard enough because that is money out of your pocket. But we also heard the reports today that it could be even more difficult for the American family, the American worker. It could mean American jobs. And they were talking about the fact that one of two things are going to happen here. The first is that the energy secretary made this first observation was something to the effect of this cap and tax will have the effect of having jobs leave this country because the jobs will go to where the manufacturing and the cost

of doing business is cheaper. That makes sense. That means your constituents and mine who have a job right now tomorrow will find out that their job just went overseas as well. And later on this week the secretary made the observation, well, one of the responses that we could do, and not that he was suggesting it I don't believe, was new tariffs.

Mrs. BACHMANN. Actually, that was in the Wall Street Journal today and also in Investor's Business Daily, the Energy Secretary, Mr. Chu, had made that comment about tariffs.

Now this is incredible, because if you look back in history to the time of Franklin Delano Roosevelt, one of the biggest problems that led to prolonged depression was the Smoot-Hawley Tariff Act. Now this is something that is being suggested by our Energy Secretary, Mr. Chu, new tariffs. And what he is suggesting is that if other countries don't participate in this new cap-and-tax system, then the United States would charge tariffs equal to what those countries would have to pay in cap-and-tax systems. So we are looking at erecting profound new tariffs that will completely change the United States economy.

Mr. GARRETT of New Jersey. And what will that do in the short term and the long term? Well, in the short term they will say, don't worry. That means that you will keep the jobs here in the United States because they won't go overseas because of the tariffs that we created. That is the short term.

Obviously, the long-term effect is, as you indicate, barriers will be made in all the other countries, as well, which means when you and I go down to the store and buy products which are imported into this country, manufactured from other places, what is going to happen to the price? It is going to go through the roof.

Mrs. BACHMANN. They will jack up.

Mr. GARRETT of New Jersey. How are we going to be hit here? Several ways. First, we are going to be hit potentially by losing our jobs. Secondly, we are going to be hit with the new taxes, several thousand dollars on the families for new taxes, if you have a job. And thirdly, the expenses at the store, if you do have a job, and you still have some money in your pocket after your taxes and you're able to go to the store and do some shopping, what are you going to find? You will find that prices are going to be going through the roof. So one, two, three, we are going to be hit in three separate ways because of this budget. Those are the practical aspects.

I see the gentleman from Georgia here is nodding.

Mrs. BACHMANN. I appreciate the gentleman's remarks from New Jersey (Mr. GARRETT) because in Investor's Business Daily today, they had a chart that perfectly illustrated what you

were saying with the Great Depression. If you look at the skyrocketing prices that we will see under a tariff-based system and the skyrocketing taxes and the job losses, those three together are the great indicators of another Great Depression.

We are not here fear-mongering. That is not what we are interested in doing. But what we are doing is laying the table for the Obama administration's budget. The Democrats control the House and Senate. They are laying out the budget this week for this body to take a vote on. And the specter of having leakage, which is massive outsourcing of jobs, high taxes and high prices, that is not what the American people are asking for.

We are joined this evening by Dr. PHIL GINGREY, a gentleman from Georgia who is a tremendous advocate for free markets and for free markets and health care who is down here on the floor helping us frequently on these measures.

And Dr. GINGREY, I now yield to you so we can go back and forth. We would love to hear what you have to say on this subject of the budget.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentlelady from Minnesota for yielding and also my colleague from New Jersey, my classmate, Representative SCOTT GARRETT. This is the week that we take up the budget, Mr. Speaker, as all of our colleagues know, and we are going to have, we have the Obama version that came over from OMB, the Office of Management and Budget, which crunched the numbers for the President. And it is a budget that calls for, well, I have the numbers right here, Mr. Speaker. And it sort of has a side-by-side comparison of the Obama budget, the House version, which we will take up in this Chamber, and the Senate version.

□ 2130

I just noticed, I can't help but just be absolutely astounded, Mr. Speaker, by these numbers. But in the President's budget, he calls for spending \$3.67 trillion, \$3.67 trillion. That's the 2010 Fiscal Year budget.

Now, when the Congressional Budget Office, the bipartisan number crunchers for the Congress, for the House and the Senate, when they looked at the Obama budget, they said, you know, instead of creating something like \$7 trillion worth of debt over 10 years, it's going to be \$9 trillion worth of debt over 10 years.

And we heard on television, Mr. Speaker, immediately, the concern expressed by the Democratic chairman of the Budget Committee, Senator KENT CONRAD from North Dakota and also the concern, even, you could see it in his face, the concerned expression on the face of the chairman of the House Budget Committee, JOHN SPRATT, our friend from South Carolina, that, good-

ness gracious, based on these Congressional Budget Office estimates, non-partisan, that this presidential budget of \$3.67 trillion was not sustainable.

I think, Mr. Speaker, that's what the Congressional Budget Office said. This level of spending is not sustainable.

So I really expected some significant cuts in the budget proposed by the House and proposed by the Senate. And yet, when you look at these side by side, as I said at the outset, the President Obama budget \$3.67 trillion, the House budget which Mr. SPRATT will present to us in the next couple of 3 days, \$3.55 trillion, the Senate version, \$3.53 trillion. Well, to my surprise, there is not much cutting here. 3.67 trillion versus 3.55, the House version, or 3.53, the Senate version, my colleagues, that is a lot of spending and very little cut.

I have to do the quick math, and I would say that we're talking about one one-hundredth of a percent, or maybe it's close to one one-thousandth of a percent of cut. So you can posture, you can use a lot of rhetoric about what you're doing in regard to being fiscally responsible. But you'd have to say, and hearing those numbers, well, gee, I guess what the Democratic Congress, who enjoys the majority, the majority party, basically makes some tweaking around the edges posturing, I think, to some extent, but there's no significant difference in the President's budget and what we're going to have to vote on here in the House and also over in the Senate.

So I think, to suggest is very, very misleading to suggest that this body, or this Congress, both chambers, is exercising fiscal responsibility. I think these budgets are not sustainable, just as the President's budget is not sustainable.

And if my colleague from Minnesota will continue to yield, I've got a slide or two that I want to show, because, Mr. Speaker, I hear so much, and I watched some of the Sunday morning cable programs and network news, where most of the time it's the Senators that are getting interviewed, or the administration. Of course, Geithner was on this weekend, as he's been on a lot with this, what he's doing with the Treasury Department and the recommendations for getting us back on the road to fiscal recovery.

But I heard him say, the Treasury Secretary, "well, you know, we inherited a bad situation."

Mr. Speaker, I know you've heard it. My colleagues, Mrs. BACHMANN, I know you've heard it, you know, this creating a straw man and saying, you know, well, we inherited this mess, talking about the budget or indeed talking about the situation in Afghanistan or Iraq. We inherited this bad policy.

But, in regard to the budget, that's where I really wanted to focus my attention. They keep saying that this

deficit for the Fiscal Year 2009, which now is approaching 1.8, 1.7, \$1.8 trillion, I mean, that's four times as large as any deficit under the Bush administration. Go back and look at 2004 or 2005, 2006. Our deficits were coming down.

And the Democrats have been in control, Mr. Speaker, since January of 2007. So you know, when you say that you inherited, well, what party was it that refused to pass nine spending bills in the Fiscal Year 2009? Which party was that? Well, it was the majority party. And the reason that they did not want to pass those bills is because the President, the former President simply said, this is too much spending, and if you send those to my desk, I will veto them.

So the Democratic majority, Mr. Speaker, just held back on those spending bills, and we had these continuing resolutions to fund the government because they knew when they got the presidency, which most polls suggested at that point, that they would, and they did, and then brought forward, in the first part of this year, those nine bills that increased spending by 8 percent.

If you add the money that was put in the so-called economic recovery spendulus package to the 8 percent, it turns out that on those nine bills we increased the spending by 80 percent. Eighty percent. And so, you can't blame the previous administration for a \$1.7 trillion deficit. You know, you can say, well, some of that we voted on in regard to the TARP money, the \$700 billion, that vote occurring in October/November time frame of 2008. And you say, well, yes, that added to this deficit.

But who was it that voted for that and approved that in the House and the Senate? The Democratic majority. They're the ones that voted for it. A few Republicans, sure. But it was the Democrats that—they could have stopped it. They could have stopped every dime of that \$700 billion TARP, Toxic Asset Relief Program which, as it turned out, was never even spent for that.

So as we look at what's going on in the future, just as the Congressional Budget Office did, over the next 10 years, you see what we're talking about, these deficits that go out into the future as far as the eye can see. And so at the end of 10 years, our debt is increased—well, real quickly, just another slide to show that. In 2019, that 10-year budget window, we're going from something like almost \$6 trillion of debt to 14, almost \$15 trillion of public debt by the year 2019. Man, if anything is unsustainable, that is unsustainable.

And to show it in a pictorial form, and I think we can bring this home to our colleagues so much with this next poster, Mr. Speaker. President Obama would more than double the Federal

debt to \$14.5 trillion, with a T. It took 43 presidents, here's their pictures, 43 presidents, 232 years to build up \$5.8 trillion in publicly held Federal debt. Under President Obama's proposed budget, over the next 6 years, we're going to add \$8.7 trillion to that.

These are staggering numbers and, as the CBO says, Mr. Speaker, unsustainable. I just wanted to make sure my colleagues understood what we're talking about here and the magnitude and the significance of this.

I'm going to yield back to the gentlelady from Minnesota who controls the time. I know we have other colleagues here that want to speak. And I will enjoy continuing the colloquy during this hour.

Mrs. BACHMANN. Thank you so much, Mr. GINGREY.

We have several other things to talk about that occurred today, one of which was talked about, I think, in almost every paper across the United States, as well as every media outlet. On the Wall Street Journal today the headline today was "Government Forces Out Wagoner at GM." This reality is unprecedented.

And Mr. Speaker, I just need to read the first opening paragraph. It says, "The Obama administration used the threat of withholding more bailout money to force out General Motors Corporation chief executives, which marked one of the most dramatic government interventions in private industry since the economic crisis began last year."

Now, this is in the United States. We have the presidency, under some authority, pushing out a CEO, the head of the largest car manufacturer in the United States.

This goes on to say, "The government has demanded the ouster of the head of AIG, American International Group, but only as it took a majority shareholder position." In this case, in GM, the administration has ousted a major CEO as part of an ongoing restructuring.

When we thought we couldn't be outraged any more, when we thought we wouldn't see anything more audacious, we see it yet again. Here is a company, Mr. Speaker, where we have the President deciding who's going to lead the company and who isn't going to lead the company.

And I was so curious today, I listened to President Obama's remarks that he made. This is from the White House. I encourage all Americans to go and read these remarks for themselves. It's remarks by the President on the American automotive industry. I don't think we've ever seen anything quite like this. It's emblematic of where this administration is taking the American taxpayer in this budget.

Now we're seeing the President and the Democrat-controlled Congress wanting to run virtually every aspect

of American's lives, from health care, every aspect of health care, which is 18 percent of our economy, to running the banking system, to running the largest insurance company in the United States, to running the secondary mortgage market, and now to running the largest automobile company in America and the second largest automobile company in America.

Today, President Obama said, "We cannot and must not, we will not let our auto industry vanish," which is great. And I'm wondering how he'll do it. With cutting taxes? I've read his speech. There's nothing here about cutting taxes. With cutting regulations maybe. That might help Detroit. There's nothing in here about cutting regulations.

How about cheaper energy? Wasn't that a big problem last July when gas prices were soaring over \$4 a gallon on their way to 6, 8, who knows what? Maybe cheaper energy. Maybe we'll be able to start getting that oil, the shale oil out of the Western Rocky area. Maybe cheaper oil. No, there's nothing in these remarks about cheaper American oil. Nothing at all. In fact, what we see is just the opposite.

We see the President of the United States intervening personally to topple the head of GM. And then we see the President intervening personally to take a hand at rewriting the restructuring of these two once great American car companies.

And as a matter of fact, he goes on to say that he's made a decision to have these car companies become, telling them what they're going to produce with their products with the new clean car companies. And, in fact, he goes on to say that the car industry isn't moving in the right direction. He's going to decide what that direction is. And it's not moving fast enough. The President is going to decide how fast it's going to move. He goes on to say, the United States government has no interest in running GM. But then in the next line he says, but we're going to give GM an opportunity to finally make those much-needed changes.

He goes on to say that General Motors, which I think now we'll have to call Government Motors after this move, that the new General Motors is going to have to work together with the Obama administration to clean up their balance sheets, consolidate unprofitable brands, and figure out what future investments they're going to make.

But then he goes on to Chrysler, and the President says this. "The situation at Chrysler is more challenging. It's with deep reluctance that we've determined, after careful review, that Chrysler needs a partner to remain viable." And we find out that the President has already worked with an international car manufacturer, Fiat Motors, and he wants Fiat Motors to come

in, merge with Chrysler. And then, upon a successful merger, under President Obama's plan, then the American taxpayer will be good enough, Mr. Speaker, to come in with \$6 billion. And now the company will be owned by Fiat, a foreign company, located in the United States, but with \$6 billion in American taxpayer money.

□ 2145

Mr. Speaker, the President's remarks today are nothing more than industrial policy that you would see in Eastern bloc nations. I urge every American to download the President's comments that he made today. This is the future that we are looking at in the United States. It is not good enough to have the Federal Government just take over banks, to just take over insurance companies, to just take over secondary mortgage markets, to just bankrupt our country, and to punish with new energy tax increases.

Now the American Government is thinking it is smarter than car companies, and they are going to approve plans, decide which product, and then the American people are going to come in and buy the cars—buy fleets for bureaucrats. That is in President Obama's remarks. American people will be buying new cars for bureaucrats. That is how we are going to bail out Detroit. Now, this would be humorous if it were not so serious. This is all part of President Obama's plan.

Mr. Speaker, make no mistake: this has absolutely nothing to do with free markets. Nothing. That is why the Chinese Communists are very nervous right now about the American economy, because they kind of like the way our free markets work. Otherwise, they would have invested in Communist countries; they would have invested in socialist countries, but they chose to invest in a free market country, but now the Chinese Communists are nervous, and they are telling President Obama, we're not too sure about your investments, and European socialists are saying the same thing: We're not too sure about your investments, because what is it that the President now, Mr. Speaker, is embracing? He is embarking upon an industrial policy that this country was smart enough to have nothing to do with.

I encourage the American people: you need to download President Obama's remarks today that he made from the White House on the United States essentially taking over and running roughshod over GM and Chrysler.

With that, I would like to hand it back to my colleague from Georgia.

Mr. GINGREY of Georgia. I thank my colleague for yielding. She brings up such a good point.

Mr. Speaker, I don't stand here and say that President Obama is deliberately trying to destroy markets, but as my colleague points out, this, in ef-

fect, is exactly what is happening. What will be the result? I hasten to say that what we are talking about here in regard to General Motors and Chrysler and the speech that the President made in regard to what he is doing sounds so much like what was done in this body last week in regard to these bonuses that were paid legally and legitimately. Although, public outrage suggests that the recipients of those bonuses from AIG—because we, the taxpayers, had bailed them out to the tune of \$170 trillion—clearly, should voluntarily give those bonuses back.

It isn't for us to trample all over the Constitution and to have a trial by legislation of these recipients of the bonuses. A bill of attainment is what article I of the Constitution calls it, or violating the takings clause of the fifth amendment, and we knew that. Every Member of this body, I think, knew exactly that they were voting for something that was unconstitutional, just to sort of show, oh, gosh, you know, we are the fiscally responsible ones. The bonuses amounted to 1/1,000th of the amount of money that this Democratic majority and that even the previous administration had bestowed on this company like it was the only insurance company that existed in the United States of America.

I don't get my life insurance from AIG, and here we come along with this plan of telling the CEO of General Motors that he has got to step down. Do you know what I fear, Mr. Speaker? I fear that, once again, this is just posturing to set us up for another bailout. They want more money. General Motors wants more money. I am sure Chrysler does, too. So we hear this plan of, Oh, we're going to really crack the whip and crack down on these egregious folks, like the chairman and CEO of General Motors, and make him step down. I would really like to know—and hopefully, some good investigative reporter, Mr. Speaker, will find out—what kind of golden parachute he gets as he steps down.

Mrs. BACHMANN. If the gentleman would yield, I think it is even more than just taking a look at another bailout. There is certainly another bailout on the horizon. The President even indicated as much in his remarks today. He has already told these companies what it is going to be. Chrysler would get \$6 billion if Chrysler, essentially, goes away and lets Fiat buy them out. That is what is going to happen. The American people need to realize this. Under President Obama's plan, Chrysler will be history, and Fiat will come in. A foreign company will come into the United States, will purchase Chrysler, and then we taxpayers are expected to pony up \$6 billion to a foreign company to give them the capital that they need. Just so the American people know, these are President Obama's words today:

He said, "But just in case there's still nagging doubts, let me say it as plainly as I can. If you buy a car from Chrysler or General Motors, you'll be able to get your car serviced and repaired just like always. Your warranty will be safe. In fact, it will be safer than it has ever been because, starting today, the United States Government will stand behind your warranty."

So how do you like them apples? Here we have, Mr. Speaker, the United States of America standing up almost like a used car dealer, saying, "Don't you worry. The United States Government is going to back the car warranty on your car. So go down to the GM. Buy yourself an Impala because the United States Government is going to stand by your 3-year warranty, and if you're really good, maybe it will be a 5-year warranty."

So here you have the United States Government intervening, not only like the Wall Street Journal said—by lopping off the head of the CEO of General Motors, now called Government Motors—but now we have the Federal Government deciding it's going to be the pitchman, and it's going to back your warranty.

In fact, not only that, but President Obama said, "We recognize there's a weakness in our economy." He said, "To support demand for car sales in this period, I am directing my team to take several steps. Here is the first one: We're going to take money from the stimulus to purchase government cars as quick as we can for Federal bureaucrats." So this is going to give a lot of aid and comfort to the American people in knowing that their bureaucrat is going to be driving a brand new car, purchased at government expense. So their taxes are going to have to go up to buy cars for bureaucrats.

"Number 2: We're going to accelerate our efforts through the Treasury Department." Now, I thought the Treasury Department had quite a bit on its plate right now. They're not even able to fill positions in their office, but now they're going to open up a brand new consumer lending department rather than have the car companies', like GM's auto finance. They are gone. The Treasury Department, which is the new investment bank in the United States, is now the new consumer and business lending initiative. Our Treasury Secretary, who, apparently, doesn't have enough to do is now going to be the new loan officer for the cars in the United States, but it gets better.

Third, the IRS, which is now our new friend under President Obama, will be the new marketing arm of the Federal Government because they are going to launch a campaign to alert consumers of a new tax benefit for car purchases made between February 16 and the end of this year. If this doesn't sound like an ad you would see on late night TV: If you buy a car this year, we will deduct the cost of sales and excise taxes.

In fact, we think we will sell 100,000 new cars.

Mr. Speaker, Detroit sells millions of cars every year. So we are going to have the Federal Government take over these two car manufacturers so they can sell 100,000 new cars? That would be a bad day for Detroit if that's what they would all sell, but that's not the end of it.

Then the President went on to say today, "Several Members of Congress have proposed an even more ambitious incentive program to increase car sales while modernizing our fleet." That is really going to comfort the American people in knowing that Congress has come up with a plan to sell cars to the American people, and such fleet modernization programs will provide generous credit to consumers who turn in old, less fuel-efficient cars and who purchase cleaner cars.

Again, I say to you, Mr. Speaker, this is so pathetic to think that now Congress is going to come up with a way to sell cars better than the private markets and that we are going to have bureaucrats driving new cars while the American people are limping along in their old cars. They cannot afford to buy cars. This is unbelievable.

I urge the American people to download the President's remarks from today. This has very little to do with the free market. It has everything to do with failed Eastern European industrialized policy. This is not what the American people want. They want their taxes cut. They want jobs in the United States, and they want to be able to have less burdens on their backs from regulations.

I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. Well, the gentlelady from Minnesota, I think, put it so well, and I think you and my colleagues would almost have to agree that this sounds so socialistic.

Mrs. BACHMANN. Perhaps because it is.

Mr. GINGREY of Georgia. There are worse terms you could apply to it, and the gentlelady may have one that she wants to express.

You know, as to this Government Motors business of, look, we have to do this so that people will be confident in the company and will buy these automobiles because now they feel secure in their 3- to 5-year warranty, listen, I would feel so much better with the chapter 11 option and if General Motors had to restructure under the bankruptcy code. Then nobody would lose their jobs. Maybe there would have to be a little cut in pay, and the vendors would take a little haircut, but this company would continue to be viable.

I want to just very quickly tell my colleagues about a company that is very important in my district, the 11th Congressional District of Georgia. We have a lot of poultry industry in north-

west Georgia, and the big name that you hear about when you think about poultry processing—across the country, in fact, certainly not just in Georgia—is a company called Pilgrim's Pride. People know about Pilgrim's Pride. Well, they're financially struggling, and had to lay off literally thousands of workers and temporarily shut down for about 3 months until they made the tough decision to go into a bankruptcy reorganization under chapter 11.

I talked to some of the company executives within the last week when I went back into the district, and they said, Congressman, we're doing fine. Everybody is back to work. We're going to work our way out of this, and we're going to end up being a much stronger company in the long run. That is the magic of the free market, Mr. Speaker, and that is exactly what we are talking about here tonight.

I commend MICHELE BACHMANN for her wisdom in presenting this, and I yield back to the gentlelady.

Mrs. BACHMANN. If the gentleman would yield, what you're talking about with Pilgrim's Pride, the great chicken producer in your district, that could have been done by our car manufacturers here in the United States without one dime of taxpayer money going into the auto industry.

I sit on the Financial Services Committee. We had the Big Three automakers in front of our committee, and I asked that question when the gentlemen were there. I asked, "Wouldn't bankruptcy protection be your best friend? It would shield your company from further legal liability, and it would allow you the freedom to restructure your contracts and to restructure your organization." That would have been a great tool that would not have cost any money.

Unfortunately, our President has made a decision to take the most expensive and the deepest government intervention route that we have ever seen in the history of our country. My fear, Mr. Speaker, is we will never again see a free car manufacturer, an American-made car manufacturer, in the United States. Is there any industry that thinks, once the government gets its fingers at the level where it approves your business plan and then backs up the warranty of your product and decides what your product will be and who the purchasers of your product will be, that the government will ever get out of the car business? At that point, what are we going to have left to buy—pogo sticks?

We are not going to have much of a car industry left once the United States Government gets done with it. It's kind of like free health care. We will never see more expensive health care than when the Federal Government gets involved.

Mr. GINGREY of Georgia. Well, if the gentlelady will yield, she kind of

perked my interest a little bit there as she was starting to talk about health care.

Mr. Speaker, you know I am one of the physician Members of this body, and have practiced a long time—delivering babies in Marietta and in surrounding counties—and I am so glad that health care has been brought up tonight because the President just feels like government-run programs work better than the free market. We are on the verge of seeing Hillarycare all over again. I don't want to totally shift gears here on this subject, but it is such an important point, Mr. Speaker.

We don't necessarily try to say that the free market system of health care is perfect or that we don't need to do some things to try to get the 47 million or so who are uninsured in this country health care that is accessible and affordable and portable, that they own, where they can control their own destiny and where we can encourage them to adopt wellness policies regarding their own health.

□ 2200

That is a subject maybe for another hour, and I will yield back to the gentlelady from Minnesota.

But clearly, we Republicans, the minority party, feel that the marketplace is the best place to solve these problems. And I don't want, Representative BACHMANN doesn't want, and nobody in this Chamber should want government motors.

Mrs. BACHMANN. I thank the gentleman and thank you for this time.

We yield back. Thank you.

#### REPUBLICAN CONGRESSIONAL HEALTH CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I am coming to the floor of the House tonight to talk about health care. We had the occasion this morning over in the Library of Congress to have the first forum from the Republican Health Policy Caucus. This will be the first of several that we will do over the coming months. Obviously, health care is going to be a subject that receives a lot of discussion and a lot of debate, as it should. It's an important topic, and it is going to occupy a great deal of Congressional attention.

Let me just speak a little bit about the Caucus, and then I want to talk about the event that occurred this morning.

The Congressional Health Caucus was founded at the beginning of this Congress, the 111th Congress, and it was formed with several purposes in mind. It is a caucus on the Republican side, it is to educate members and their staff



on the issues surrounding health care policy, and certainly, Mr. Speaker, the purpose of the caucus is to equip those same members with the resources for fostering debate and, of course, ultimately serving the American people with the most effective policy. It is designed to help members and their staffs communicate effectively, and we do welcome debate. It is not a closed-end caucus. Certainly we welcome a variety of members.

And perhaps one of the most important things that this caucus can do, this is an inclusive caucus. It does include members, is open to any member on the Republican side—I actually thought about the possibility of a bipartisan caucus but there wasn't much interest in that. But nevertheless, from our side of the aisle—and certainly we've had discussions with members of the other body as to whether they might be interested—but the idea is to have an inclusive discussion on the things surrounding health care reform.

But perhaps one of the most important things that I envision—one of the most important roles that I envision for this caucus is to take the discussion beyond the Capitol, beyond Washington, beyond the Beltway, the Potomac and all of the accoutrements and all things that are Washingtonian and speak to those patients, those doctors, those nurses, those hospital administrators who are actually doing the work in the trenches day in and day out and are actually looking toward Washington and wondering just what it is that we're up to now because, of course, some of them have seen this before. And it caused a great deal of disruption within the medical community some 15 years ago. They didn't see much that changed that was positive. Perhaps we allowed HMOs to get a more greater foothold in many markets across the country after the failure of the plans of health care reform 15 years ago.

So there is a great deal of interest but also a great deal of skepticism as people who work in the field—again, the doctors, the nurses, certainly the patients and their families, certainly the hospital administrators, people who work day in and day out delivering health care to our patients, our seniors, our youth, our families—there is a great deal of skepticism about what they see going on in Washington right now.

Well, in pursuit of those goals that I outlined, the events and resources provided by the caucus will be designed to prepare members to engage intelligently and effectively during this debate that we're going to see over the next several months and then beyond that. Whatever policies are arrived at or not arrived at, it will be the implementation of those policies, it will be the forward activity that occurs as a result of enactment of sweeping health care reform or the failure thereof.

Remember back in 1993 and 1994 when the bills did not get out of the—the bills did not become law, what was the focus then of the United States Congress on health care going forward? What type of attention was paid? It will be the purpose of this caucus that regardless of what happens, whether reform is enacted or not, that we will not take our eyes off the ball, and we will continue to be vigilant for the sake of the American people.

Now, Mr. Speaker, for reasons that I don't quite understand, I was invited down to the White House a couple of weeks ago to participate in the White House forum on health care reform, the White House Health Care Summit, and the President, in his remarks to us as the afternoon was concluding, was that it was his job to offer guideposts and guidelines, but principally he was there that day to try to find out what works. And to that end, I applaud the President for having an open mind and having a willingness to listen to a variety of points of view. And I intend to be a resource. I intend to help him find out what works.

Yes, I have some ideas. They may not be mainstream Democratic ideas, but nevertheless, certainly they deserve some consideration. And many Members on both sides of the aisle have ideas, and we saw this very much in evidence in the break-out session that I attended.

One of the concerns I had with going down to the White House that day—was I just another pretty face to be down at the White House? Had this reform bill, in fact, already been written, was it just basking up in the Speaker's office awaiting for the correct time to be visited here upon the House floor and then we would all vote on it—much as the children's health insurance program bill, the reauthorization for that bill, came forward in August of 2007?

Well, is this bill already done? The President assured us it was not, that this would go through regular order, that he would look to the congressional committees and subcommittees to hold hearings to do the work to draft the legislation, to mark up the bills and do so under so-called regular order.

So I take the President at his word that—in fact, we're having a number of hearings in my subcommittee on health in the Energy and Commerce Committee, and I welcome that because I think these are important discussions for us to have.

But the American people also feel that Congress should do its work in the appropriate way and not just simply allow a bill to be crafted out of the public domain and arrive fully formed from the Speaker's office and come to the House floor. But the public expects us to have the debate, to have the discussion, to work on this bill in a bipartisan fashion.

Congress, in undertaking this project, must focus on solutions and not politics, and that's going to be very difficult for some of us to do. And, in fact, the later it gets in the 2-year cycle that the House lives with, the more difficult it is to separate politics from solutions. But still, we need to rise above that and work on those solutions, long overdue solutions, and focus on what is good for the American people.

We need to keep the idea of patients and not payments uppermost in our mind.

Now, the membership in the Republican Health Care Caucus is open to all members of the House Republican conference and their staff. We will host regular briefings and forums for members and staff as well as providing timely resources. This was the first today, the first policy forum that the caucus will host, and we were very fortunate. We were joined by three wonderful panelists whose ideas were not necessarily in concert with mine. Some I agreed with, some I disagreed with, but it was food for thought and very thought provoking; and I certainly learned some things as a result of the conference that we held today.

There will be a follow-up document that will be posted on the caucus Web site. It's actually a tab that can be accessed through my official congressional House Web site that's BurgessHouse.Gov, and there is a health care caucus tab that's pretty easy to see when you first go to the page and, in fact, by clicking on that page, there is the opportunity to visit a—we simulcast this on the Web and the archive of that simulcast is now available on the Web site.

In fact, we did—to show that we were well into the 21st century, we took some questions from the audience and we took some that were sent to us over the new media phenomenon known as Twitter. So people outside the Beltway were able to send in questions which could then be posted to the panel. And I think that made for, again, a pretty lively question-and-answer period after the presenters did their formal preparation. We left about half the time for question and answer and again, not all of it came from the audience—or the physical audience—some came from the virtual audience that was watching on the web and sent their comments or questions in through the phenomenon known as Twitter.

So we came together actually in response to President Obama's desire to learn about what works. And with our assurances from the majority party that they are willing to work with Republicans as long as we negotiate in good faith, okay, great, and we wanted to get some ideas on the table, and I think we accomplished that this morning.

We had several questions that we put forth as we started the forum. We

wanted to hear about what is being talked about as a so-called public health insurance option, the so-called government-run option, what the President's proposal for a government-run option could mean for health care in the future, what effect would this have on patients, what effect would this have on doctors, what effect would this have on the private market; and indeed, what effect would this have on those already-existing public programs such as Medicare, Medicaid, and SCHIP.

We heard testimony relating to what is called a National Insurance Exchange, a so-called insurance connector that can bring people and insurance policies together, and what are the good things about an insurance connector and perhaps what are some of the drawbacks of an insurance connector.

And we did hear discussion about what has been proposed as a national health board, a Federal-type of Federal Reserve board that would apply to health care and would this board have—how much power would it have, how much ability would it have to direct medical spending and medical decisions. All very important concepts that are all outlined or have been part of the discussion as far as what might be contained within the President's plan.

Just off the subject for a moment. During the fall, I had an opportunity to hear about the President's plan in a variety of cities across the country in a series of debates that were held during the presidential election, and I got fairly familiar with what was being talked about on the other side as far as the concepts embraced by then-presidential candidate Barack Obama as far as what his ideas were for health care reform.

It is interesting, now that we're out of the campaign and into the legislation part, some of the things that we heard a great deal about during the fall, we don't hear about so much any more. And in fact, some of the things that were vilified on the other side are now perhaps being embraced as ideas that are worthy of study and worthy of merit.

Specifically, during the fall we heard a great deal about a mandate for children, all children should be covered. I never could get a definition of what is a child. Is that a person who is under the age of 18, 19, 25, or 30? And I heard all four ages mentioned at some point during the debates.

Well, the mandate for children seems to have gotten lost in the translation. We expanded the State Children's Health Insurance Program in January. So I guess the assumption is that that box is checked and we have moved on to other things.

The National Health Board received a lot of attention during the fall. It re-

mains to be seen how big a role that will play in whatever legislation is going to be written, and certainly the concept of a public option was one that was out there and discussed at great length during the presidential debates of last fall.

The public option plan, I can recall several statements that this would be a plan for people who right now lack health insurance, the so-called 40 or 45 million of individuals in this country who lack the benefit of health insurance, and that everyone should be given a plan just as good as a Member of Congress. So that would be the Federal employee health benefit plan option, which is a fairly expensive way to approach that.

Now, faced with the reality of what are some very significant budget deficits stretching ahead of us before we even get to anything beyond the preliminary discussions of health care reform, perhaps that is going to be, of necessity, be scaled back just a little bit and perhaps that public option, that government option, is going to look more like Medicare or perhaps even more like Medicaid going further into the discussion.

□ 2215

But it remains to be seen because that part of the story has not been written, but I bring it up because it's significant and it behooves people to pay attention to what those discussions are because it makes some difference.

We have had multiple hearings, as I mentioned, in our Subcommittee on Health in the Committee on Energy and Commerce. We have multiple panels who will come and discuss various aspects of health care reform. We have Democratic witnesses. We have Republican witnesses. And out of perhaps somewhere between 10 and 15 witnesses that we have had come before our committee, I've only found one witness who would be willing to exchange their health insurance that they have today for a program such as Medicaid if that were to be the government-run option. Almost every other panelist who's come before us, whether it be Republican or Democrat who's presenting to the panel, has no interest in substituting their health insurance for a Medicaid-type program.

Mr. Speaker, in fact, during the debate on the rule in Rules Committee leading up to the State Children's Health Insurance Program expansion, I offered an amendment in Rules Committee to allow Members of Congress the option for signing up for Medicaid as opposed to some of the other insurance products on the Federal Employee Health Benefits plan. Needless to say, that amendment was not adopted and received very little interest when I brought that up to the Rules Committee.

But it brings up the point, if we're not willing as Members of Congress or the people who testify before our committees are not willing to take on a public option program, a government-run program like Medicaid for their health insurance, well, what does that say about what we are making available then to people who currently are covered under Medicaid and people who are currently uninsured who may be offered a government-run program if it is made to look very much like Medicaid looks today?

I think we have a long way to go to fix some of those programs. Certainly, both Medicare and Medicaid have some significant problems. There are significant problems with finding providers. There's a significant problem that the funding for those programs falls far short of what it needs to be, and as a consequence, the private insurance in this country subsidizes or cross-subsidizes the Medicare and Medicaid programs to a significant degree, such that if you lost the option for private health insurance in this country it might be very very difficult indeed to pay for those public, government-run programs that are in place today.

But I have gotten a little far afield. Let me bring it back to the things that we had before us in the forum this morning.

We heard testimony on ways that our current system, public-private hybrid system, of insurance can be improved, and we heard about lessons from the States, lessons that we might look at very closely when we're formulating public policy. After all, in medicine we're always told you need to practice evidence-based medicine. You need to look at randomized clinical controlled, clinical trials before you make a decision about what to do.

Well, if that's good for America's physicians and America's patients, might that not also be good for America's policy-makers? Should we not also ask ourselves what is the evidence for the best policy? In other words, can we practice evidence-based policy here in the House of Representatives, the same as we ask our physicians to practice evidence-based medicine?

So, we are fortunate the States function as laboratories, as the Founding Fathers envisioned, and we did hear some testimony on lessons from the States.

And then finally we heard about proposals for a consumer-driven, market-based approach to reform that really may hold out a great deal of promise as being the most affordable of all of the options that were out there.

Our first presenter this morning was Dr. Karen Davis from the Commonwealth Fund, which is a private foundation that aims to promote a high-performing health care system that achieves better access, improves quality and greater efficiency. Dr. Davis

has a Ph.D. from Rice University, the recipient of many accolades, the author of many books, and we were very, very fortunate that she was willing to come down from New York and participate in the forum this morning.

Dr. Davis talked a good deal about some of the problems that we have in our current system, and she spent a good deal of time discussing payment reform as a component of health care reform. Payment reform might reflect a new concept. The Medical Payment Advisory Commission, MedPAC, has talked about a concept called bundling, where we don't actually pay for individual treatments but that we bundle these services, doctor, hospital, laboratory, and there is a payment for an episode of care rather than a doctor billing for the doctor services, the hospital billing for the hospital services, the laboratory billing for the laboratory services. So there's more of a global fee, if you will, but bundling is even perhaps one step more than a global fee.

And one of the concepts embodied therein is that perhaps there would be a payment for an episode of care that would comprise a period for as long as a month, because some of the really difficult payment difficulties we get into, in Medicare in particular, result from patients who have to come back into the hospital after being released, and those rehospitalizations tend to be very expensive. And so this was a way to bring that type of expenditure under control.

Another concept that was discussed was a concept called gain-sharing; that is, if a medical group, hospital and doctor group could devise a method of delivering care in a more economic way, that part of the savings that that doctor group and hospital was able to demonstrate, part of that savings then could be shared with the medical group, the hospital that was involved in that episode of care.

These are concepts that are—they have been tried in some demonstration projects. To be sure, there's some difficulties. Emotionally, I have some difficulties when we talk about bundling a doctor's payment with a hospital payment. Quite honestly, doctors don't trust hospitals and hospitals don't trust doctors, so there are some barriers to overcome there.

The concept of gain-sharing, certainly if we're going to ask physician friends to do things smarter, cheaper, faster, perhaps we can include them in whatever benefit accrues to the government, i.e., the Medicare system. Perhaps we can include them in the distributional aspects of that.

Dr. Davis did talk some about the concept of a health care connector or an insurance exchange, the advantages there that you bring together the patient and the insurance policy. Particularly for someone who doesn't have

employer-sponsored insurance, it can be a confusing array of products that are out there, particularly now if we're going to have a government-run option out there. A public plan, a public government-run plan out there, perhaps an insurance exchange may be a way to bring together the patient and the insurance company.

So, to be sure, there's some people are skeptical of exchanges. The current experiment going on in the State of Massachusetts points out some of the benefits but also some of the pitfalls for insurance connectors and insurance exchanges.

Part of the difficulty that has been discussed about is, is there an inherent conflict of interest having an umpire also play for the home team, and therein is the problem with the combination of a public, government-run plan and an insurance connector. The insurance exchange is going to set the rules by which coverage must be sold. It's going to set the rules as far as pricing is concerned, and oh, yes, it's also a competitor because the government-run option is going to also be part of that exchange.

But nevertheless, all of these are ideas that are worthy of discussion because the concepts going forward, we need to have the discussion on these. We can't just accept them as good ideas because someone else thought of them, and it's a way out of our conundrum with the uninsured and it's a way perhaps to control costs, but certainly, these philosophies need to be fully vetted.

We were then very fortunate to be joined by Dr. Merrill Matthews, who's the director for the Council of Affordable Health Insurance, and this is a Washington, DC-based research and advocacy organization promoting free market health insurance reform. Dr. Matthews earned his Ph.D. in philosophy and humanities from the University of Texas at Dallas.

Now, Dr. Matthews had a very interesting discussion for us. He focused more on what was happening with the role of the States and brought to us current examples of six States that are doing things. Some are working well, some not so much, but nevertheless, the President did, in his charge to us as he finished up that day at the White House, he said, I want to learn from what works. And Dr. Matthews brought to our policy discussion this morning six examples of things that are going on in States around the country and how those might deliver to us ideas that may be worthy of study or ideas that perhaps deserve a great deal of scrutiny because they've already been tried somewhere and they're not working so well.

The first State that Dr. Matthews mentioned was the State of Georgia. Georgia, of course, has a State income tax, and he highlighted the role of the

tax system in providing for health care for the citizens of Georgia. A State tax credit for qualifying employers that offered health savings accounts and high deductible health plans was available. So an employer could get a tax credit off of their State income tax for offering a high deductible health plan or a health savings account, and for individuals, also, there was a State tax deductible for individuals purchasing health insurance, which begins to remove a little bit of the discrimination against an individual holding an insurance policy. But apparently, the preliminary results of Georgia are encouraging, and certainly that points the way to some discussion of some changes within our Federal tax code that may be more applicable to the national stage.

The State of North Carolina really highlights the need and the benefits of having a robust safety net for patients who have a preexisting medical condition. This is always a great fear that people have, what if I lose my employer-sponsored health insurance, I can't keep up with the COBRA payments, I'm diagnosed with some serious illness in the meantime, and then I am thereafter uninsurable and will remain uninsured until I can get taken on a Federal program such as Medicaid or Medicare. North Carolina has now a program to deal with those individuals who, because of the condition of medical fragility, are uninsurable by really fine-tuning the State high-risk pools.

This requires an assessment from the health plans that sell in the State. So each of the private entities are asked to contribute to the overall maintenance of this high-risk pool. To be sure, there is a sliding scale, Federal subsidy, State subsidy that can be made available, but it certainly shows with a little bit of planning and a little bit of willingness to work between the public and private sector that individuals with preexisting conditions do not need to be shut out of the health insurance system. There is a way, indeed, to provide insurance and bring people back into the fold.

Dr. Matthews talked about the State of New Jersey and how New Jersey has some of the highest health insurance premiums because of various requirements on policies in New Jersey and how just across the State line in Pennsylvania the health insurance premiums are significantly lower. So, within the State of New Jersey, legislation has been introduced to allow individuals to purchase insurance in adjoining States, insurance that is under the control of the insurance commissioner in those States, that has been fully evaluated and vetted, but at the same time has relief from some of the mandates that drive the cost up so very high within that individual's home State.

□ 2230

Certainly, this is a concept that is worth exploring. And it will be interesting to see if this legislation is indeed enacted in New Jersey and, if it is, how does it fare for allowing more people to use their own money to purchase insurance when the cost is not set arbitrarily so high that it is beyond their ability to pay.

Dr. Matthews also talked a little bit about what's going on in the State of Florida. Florida also highlights the issue of cost. They have required from the insurance companies within the States to sell insurance to anyone—the so-called guarantee issue—but it does focus on catastrophic coverage that is the high-deductible, low-premium type of insurance.

Again, it will be interesting to see if this does indeed bring more people into a condition of coverage and remove those individuals from the ranks of the uninsured.

Tennessee had an example with TennCare where virtually everything was offered to everybody for almost nothing. It really put severe financial constraint upon the State. So the Governor has now outlined a new plan—it's called Cover Tenn, which is a much more limited benefits plan. The premium is \$150, which is split three ways—the individual, the employer, and the State all paying a share. There is a significant focus on preventive care and routine screenings.

Somewhat controversial, there is a benefit cap. Benefits are capped at \$25,000 dollars, which may seem like this is not providing enough care but, in actuality, only four out of several thousand people covered under this program have actually hit that ceiling.

Clearly, this is a work in progress and this will have to be monitored. But it certainly shows we always talk about we need more preventive care, we need more disease management, we need medical homes so those so-called low dollar-expenditures you can make in health care perhaps, perhaps can deliver a significant benefit and prevent some of the high expenditure situations that people encounter.

Finally, Dr. Matthews talked about what's going on in the State of Arizona where a State initiative has been in place that sort of deals with the issue of personal freedom. You can choose to have insurance or you can choose not to. It is important. It is not forcing someone to pay something that they don't want or feel they don't need.

Now that initiative was put forward in the Arizona legislature. The initiative failed. But it's likely to see some additional activity in the coming legislative session.

So those were the ideas brought to us by Dr. Merrill Matthews, who is, again, from the Council for Affordable Health Insurance, and certainly showed how the States can function as laboratories

in the concept of creating new ideas in the arena of health reform.

Finally, we heard from Dr. Grace-Marie Turner, the president of the Galen Institute, a public policy organization that promotes an informed debate over free-market ideas for health reform. Perhaps one of the most impressive statistics that Grace-Marie Turner has brought to the discussion is the percentage increase—the cost increase for regular indemnity insurance, the cost increase for PPOs, the cost increase for Medicare and Medicaid has all been 6 to 7 percent a year, well ahead of inflation, and it is that cost driver that is pushing the affordability of insurance past the reach of many patients.

With so-called consumer-directed health plans or consumer-directed options, high-deductible health plans, the actual rate of increase is 2½ percent. So about one-third of what it is for the public plans and the indemnity plans and the PPO plans.

If indeed we want to find out what works and if indeed affordability is an issue, and I believe that it is because affordability is what is preventing many people from actually being able to afford or buy insurance, then why wouldn't we look at this type of data and why wouldn't we look at expanding, as Florida has done, as Arizona discussed doing, why wouldn't we look at expanding these so-called consumer-directed options that clearly the price goes up at a level much more in line with inflation and the consumer price index and not two to three times that level.

So certainly Grace-Marie Turner brought some good ideas to the forefront. She did talk about there being a climate for innovation that is pervasive and the fact that everyone is talking about health care, everyone is talking about how do we reform and improve the system. So that climate for innovation is one that we should embrace and capture and utilize, not for political advantage, but for the advantage of, after all, the person who should be at the center of all of this is not an insurance executive, it's not the Secretary of Health and Human Services. The person at the center of all of this, ultimately, is the patient and their family.

Now, Mr. Speaker, just to depart for a moment, I've spent a lifetime in health care and I know very well that you look at this vast machine that we call the American health care system and what is it that we produce, what is the widget that the American health care machine churns out at the other end?

Well, the widget is the interaction that takes place between the doctor and the patient in the treatment room. It may very well be the operating room or the emergency room or the delivery room. But it is that fundamental ac-

tion that occurs between doctor and patient.

So when I think of things that deal with changing health care and how it's delivered in this country and how doctors are paid and how patients are cared for and how insurance companies are structured, you have to look at that fundamental interaction between the doctor and patient in the treatment room and does this change that we're talking about, does it bring value to that interaction or is it perhaps somehow injurious to that interaction.

If it brings value then it really doesn't matter to me which side of the aisle the idea came from; it is one that is worthy of merit, it's worthy of study, it's one that perhaps is worthy of inclusion in whatever we eventually do in health care reform.

On the contrary, if what we are proposing to do detracts from the level of value of that fundamental interaction between doctor and patient in the treatment room, then we have got to be very, very critical, very, very serious about how we look at that because, after all, if we devalue the interaction between the doctor and patient in the treatment room, ultimately we devalue the experience for the patient and ultimately we are causing more stress and more harm to the system.

As we've talked about a number of things this evening and when Dr. Matthews was talking about his experience with the several States, I couldn't help but think of what has gone on in my own home State of Texas in the past 5 years since September of 2003, when the State passed what was then a very innovative, very forward leaning, extensive medical liability reform that really has been a game changer back home in Texas.

When I ran for Congress in 2002, Texas was in the middle of a very serious medical liability crisis. We were losing medical liability insurers. They were leaving the State because the State's environment was so hostile. They were losing money so they left the State. We went from 17 insurers down to two in a very short period of time. I promise you—you don't get many competitive influences when you have only got two insurers out there writing medical liability insurance.

Medical liability insurance was going up and up and up. Even for physicians who didn't have a claims history, just because you were practicing medicine in Texas, you were a significant risk to that insurance company. As a consequence, doctors all across the State saw their premiums go up, and some doctors simply could not find insurance at all, at any price.

I talked to a number of doctors that year I was running in 2002 who had just simply left practice or never were able to start their practice and were just out of school and unable to set up their practice in their home State of Texas

because the medical liability climate was so severe that insurers were not willing to write them insurance policies at any price.

The whole trauma network in the Dallas-Fort Worth area was brought down by the fact that one of the neurosurgeons got his premium bill to re-up his medical liability premium, looked at the six-digit figure and said, That's it. I can't do it any more. I can't earn enough money to pay this bill, and I will have to leave the State.

When that happened, about 50 percent of the neurosurgeons then were gone from the trauma system, the trauma network in north Texas, putting that trauma network in serious jeopardy. How were they going to provide neurosurgical services 7 days a week, 24 hours a day, when they had but one physician remaining to provide those services?

So we were under extreme stress in the State of Texas in the fall of 2003. Then the State legislature passed a very forward leaning medical liability reform. It was a cap on noneconomic damages. It was a cap similar to the Medical Injury Compensation Reform Act of 1974, which has done such a good job in California, but perhaps modernized a little bit for the 21st century.

The cap was trifurcated; that is, there was a \$250,000 cap on the physician, a \$250,000 cap on the hospital; and a second \$250,000 cap on a secondary hospital or nursing home if one was involved.

So an aggregate cap of \$750,000 for pain and suffering. Actual damages, medical damages were not capped in any way. In fact, punitive damages, if gross negligence could be demonstrated, punitive damages were not capped.

What this has done in the State of Texas has been nothing short of phenomenal. We have doctors coming to the State, a State that was losing doctors in 2002, is now seeing more and more doctors coming to the State. In fact, one of the bigger problems we have today is not the inability to find medical liability insurance; one of the bigger problems today is the State Board of Medical Examiners finds itself short-staffed and is having difficulty keeping up with the volume of applications for State licenses that are coming in from other States.

As a consequence, Texas has gone from a situation where we were in fact getting into difficulty. We were in quite a fragile condition from the standpoint of providers. And now we find that that situation has been reversed.

This is such a commonsense application of previous legislation, again, that was enacted out in California over 25 to 30 years ago, that now is working today in its modern iteration in the State of Texas. I've introduced a similar bill in Congress because I feel this is so im-

portant to be able to offer this same type of protection to other doctors in the country.

There's no question that the concept of defensive medicine is a real one. When people look at the cost, escalating cost of medical care, one of the problems is that as a doctor you feel like you have got to do every test and every study so that if something goes wrong and you're called into court and that chart is put on the stand with you, that chart is going to be an A-plus and you've done every possible test right down the line and there can be no second-guessing. That's the onus, that's the burden that doctors practice with today in this medical liability climate.

So the idea of being able to relieve some of that pressure from defensive medicine, it won't happen overnight. This will take a significant amount of time to reverse some of these work patterns and thought processes. But, as they say, the journey of a thousand miles starts with the first step. And this Texas legislation is a very, very good place to start.

The legislation in fact saves money. As estimated by the Congressional Budget Office, it saves \$3.8 billion, almost \$4 billion over 5 years. I know that's not an enormous sum of money when you've got Congress writing a blank check for \$787 billion in one weekend. I know a paltry little \$5 billion doesn't look like much. But we are up in budget time and every little billion dollars adds up.

So I have, with no thought to any personal aggrandizement, I have offered this concept to both sides in their budgetary process. I'm willing to give up my \$5 billion to the cause. And I would like to see us seriously take on some type of meaningful medical liability reform.

That brings up another issue. We've got 47 million people who are uninsured and we have got various proposals to bring more and more of those individuals into the ranks of the insured. You look at some of the graphs and people will talk about, "well, we've got this plan, we've got that plan."

And look how the number of the uninsured just drops precipitously. But, unfortunately, the other line on that graph that no one ever pays any attention to is the number of doctors out there who are capable and willing and able to see patients. That's a relatively stable number.

So what is the essential effect of bringing many, many more people into the ranks of the insured if we haven't impacted the physician workforce at the same time. No question we are going to put additional stress on the system.

Now I do work on issues dealing with the physician workforce because I think that is so important. In the Health Care Caucus that will be the

subject of one of our future forums because I do feel this is so important.

Certainly, at the end of the scale that deals with the young person getting out of college and contemplating a career in health care, cost—the barrier to entry right now—is a huge barrier to entry. No one wants to end up with 8 or 12 years of professional education with a loan repayment plan that is structured such that it's almost impossible to repay.

□ 2245

We have got to pay attention to that. We have got to make more help available to those, the best and brightest of our young people who may be contemplating a career in health care.

We passed a bill on the floor of this House just a couple of weeks ago that came through our Energy and Commerce Subcommittee on Health that dealt with the number of residencies out there for primary care physicians, pediatricians, OB/GYNs, family practice, internal medicine, general surgeons, the type of doctors that are going to be needed on the front lines of delivering care for generations to come. We are not making enough of them, and many communities just simply cannot attract a doctor.

One of the things that we found in Texas, a study done by the Texas Medical Association, is that a lot of doctors, maybe it is because they don't have much imagination, but they tend to practice close to where they train. I am a very good example of that; I trained in Dallas and I practiced in Louisville, Texas, about 15 miles away. We tend not to go very far away from where it was that we took our training.

As a consequence, if you can develop residencies in more communities where the actual need is high, those medically underserved areas, and you can develop residencies in those programs, pediatrics, general surgery, OB/GYN, family practice, internal medicine, if you can develop those residencies in hospitals or in those communities, you might be able to keep some of those physicians in the area, and that would be an innovative or a different way of trying to bring doctors or keep doctors in those communities.

Now, there was a bill very similar to that that passed out of Energy and Commerce. It passed on the floor of the House here a couple of weeks ago. It is now over in the other body. We in fact passed it last year as well, and it made it over to the other body, but it didn't quite make it out of the other body. And it was late in the year and I understand that. It is certainly no criticism to our good friends in the other body. But this year we passed it relatively early in the 111th Congress. We want to give them plenty of time to scrutinize it, plenty of time for the guys down at Office of Management and Budget and the White House to scrutinize it. But

ultimately I think they will see that this is a good program, and it is not an enormous program.

The money that is going to be used for this will be a self-replenishing loan program, so that as the program matures the money will constantly be repaid. But it removes some of the barriers to entry for a hospital that right now is not offering a residency program in a medium-sized community, in a smaller community, perhaps a rural community that has got a hospital with sufficient clinical material that can be accredited by the American Council of Graduate Medical Education but at the same time right now does not have a residency. This can help eliminate one of the barriers to entry for that hospital being able to set up a residency program and, ultimately, can bring more physicians to those communities that right now are medically underserved, particularly in the primary care specialties.

Then, finally, and I talk about this frequently, we are going to talk about it I suspect many times this week because of the ongoing budget debate. But a formula that is used to calculate physician reimbursement for patient services in the Medicare program, the so-called sustainable growth rate formula which has programmed into it payment cuts for physicians, reimbursement reductions for physicians for years to come is a significant onerous burden on our physician community, and we do need to correct that problem.

We did a temporary fix in July of last year, about 9 months ago; it was an 18-month fix. It expires December 31 of this year. And Members of Congress who are not paying attention to this may find themselves very unpleasantly surprised when they go home sometime after the August recess and their physician community is up in arms because Congress hasn't done anything about this 20 percent reimbursement reduction that they are facing New Year's eve of this year. This is a problem that is barreling down the pike at us, and so far this year we haven't spent a great deal of time or energy dealing with that.

Now, to the President's credit he talked about dealing with that in some way in the budget, and indeed there was a line item in the budget that the President put forward, but it didn't really solve the problem. It extended this cliff that we fall off of every 6 months, 12 months, or 18 months. It extended it out for 10 years, but the cliff will be every bit very in evidence and in fact all that steeper because it is a 10-year cliff as opposed to a 2-year cliff. We really need to fundamentally change that formula, pay doctors under what the Medicare Payment Advisory Commission has called the Medicare Economic Index. That is a cost of living adjustment for paying Medicare

physicians that basically says if the cost of doing business increases, we are going to increase the amount of reimbursement. It is the same thing we do for hospitals, it is the same thing we do for drug companies, it is the same thing we do for HMOs. We ought to do the same thing for America's physicians; because if we don't, we are going to wake up some morning and find ourselves with an absolute lack of physicians that is going to be almost impossible to overcome, and then Congress will be left scrambling on how to fill that gap. Do we just simply ordain people as doctors and tell them to go to work? Do we open the borders and bring people and steal doctors from some other country? Who knows what the position of a future Congress might be.

It is incumbent upon us to face that problem this year. It is important enough that we take care of it, that we not leave it for a future Congress, that we not postpone it 10 years, as was outlined in the President's budget. We just simply need to change this formula, and do it now. This is something that doctors are looking at the Congress and saying, well, you are talking about a public option government-run plan, you are talking about expanding Medicare, you are talking about all these things that you are going to do. But, Mister Member of Congress, when the only lever you have to pull to reduce cost is to restrain provider payments, that is going to make it pretty painful for those of us out here who are trying to earn a living taking care of your patients, the patients you asked us to take care of, the country's Medicare patients, arguably some of the most fragile and difficult patients to manage, and you are telling us you are going to cut our pay every year as far as the eye can see by 4 percent, 5 percent, 6 percent per year. This year, in fact, the aggregate will be a 20 percent reduction if we don't do something.

Well, we have got to maintain our physician workforce, and those three areas, paying attention to the health profession scholarships, loans, and bringing that up into the 21st century, perhaps we can talk about additional tax benefits for people who are willing to go into the health professions, certainly looking at residency programs in areas that are currently in medically underserved areas with high-need specialties; and then finally fix, once and for all, this cockamammy idea of a sustainable growth rate formula which pays physicians under a formula that is clearly, clear unsustainable and it is unjust.

Here is the secret about the sustainable growth rate formula. We talk about the fact, oh, it is so difficult to repeal because it costs so much. Guess what. That money that it supposedly costs is money that we have already spent. That is not money that is sitting

in an earning account in some Federal T-bond somewhere. It is money we have already spent. It went out the door in 2001. We paid it out in 2005. Doctors were reimbursed that money in 2007. We just never accounted for it on the books. We sound like AIG.

This is nuts. We have got to stop this. End the SGR formula. Be up front about it. If the Congressional Budget Office needs to be instructed through legislation to do directed scoring to wipe that debt off the books, and then going forward we play this game straight with our country's physicians, then that is what we have to do. I intend to be introducing a bill; I have done so every Congress that I have been here, and I intend to introduce a bill that will do just that, and I will be back on the floor to talk more about that when that time comes.

We will hear some talk about mandates. When you hear the talk about the public option and mandates, you have got to ask yourself, what are we trying to do here?

Now, with mandates you tell everyone that you have got to buy insurance. We either do it as an individual mandate or an employer mandate. Well, employers look at that as a tax that you are going to put on jobs for health insurance. And if we put a tax on jobs while we are trying to recover from a recession and we want jobs to be created and we are going to tax them, so the small business community will come to us and tell us: Don't put a tax on jobs with an employer mandate in health insurance.

Now, an individual mandate says that everyone out there has the responsibility to have an insurance policy. The trouble with individual mandates is people don't always take them seriously. Look at the IRS, a pretty serious mandate, a pretty serious penalty if you don't comply. And what is our compliance rate with the IRS? About 85 percent. What is our compliance rate with voluntary health insurance right now? It is about 85 percent. So you don't get a lot of bang for your buck by putting in mandates.

Now, mandates are great for insurance companies, because everyone has to have insurance so they like that. Everyone is going to buy their product. Yea, we all make money. Put a public option plan on the table, and then the insurance companies are not so happy because now that mandate may be satisfied by a public option. But now we are forcing our insurance companies to compete with insurance that we are putting on the table at the Federal Government. It is hard to compete with the Federal Government. We can write a check for any amount of money. We never go broke, we never run out of money, we just simply print more money when we need it. Well, the large health insurers in this country don't have that option. It is very, very



difficult for them to compete with a government option or a government-run plan because they don't have the option of just simply printing more money when the time requires it.

So we do have to be careful with how we institute, if that is the direction we are going to go. And certainly all through the campaign I heard President Candidate Obama say that, surely if you like what you have got, you are going to be able to keep it. Well, that is true, unless we run them all out of business, in which case it will be hard for you to keep what you have got in your employer-sponsored insurance, and the only option will be a public.

Now, there are lots of moving parts to this debate. We are going to be back here frequently over the next several months. We are in the budgetary cycle now. As I understand, late in the night in the Budget Committee, the House Budget Committee, the House-passed budget did contain so-called language for reconciliation, which means that over on the Senate side they will only need 50 votes to pass whatever they want to pass.

The way forward is set for almost any change the Democratic majority and the Democratic President want to make in health insurance. I hope they are going to make the right decisions. I take the President at his word that he wants to learn from what works. I think we have talked about some of those things this evening, what we have seen working as far as State plans are concerned, what we have seen working as far as the affordability concept in the consumer directed plans. Certainly we need to learn from what works as far as connectors, because we have a State, Massachusetts, that is currently using a connector, and we need to see what the effect has been on the cost and availability of insurance; and, are people in fact conforming with the individual mandate that the State of Massachusetts has imposed?

If we look at all of these things in aggregate, we may not always make the right decision, but we will come closer to making that right decision than if we all just sit in a windowless room, as we all want to do here in the United States Congress. We love to do that down. We sit in a little windowless room down in the basement of the Capitol, we all talk about the things that matter to us. We never listen to anyone else's ideas. And is it any wonder that everything always looks the same when it comes out of the United States Congress?

Let's do things differently this time. Let's listen to each other. Let's take the President at his word. Let's practice evidence-based policy, let's figure out what works, and then let's get on with it.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Mr. HOYER) for today.

Mr. REYES (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today, March 31 and April 1 on account of illness.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. LEE of California, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, April 3.

Mr. POE of Texas, for 5 minutes, April 3.

Mr. JONES, for 5 minutes, April 3.

Ms. ROS-LEHTINEN, for 5 minutes, today and March 31.

Mr. FLAKE, for 5 minutes, April 1, 2 and 3.

Mr. MORAN of Kansas, for 5 minutes, March 31, April 1 and 2.

#### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 146. An act to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

#### BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 24, 2009 she presented to the President of the United States, for his approval, the following bill:

H.R. 1512. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

#### ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 31, 2009, at 10:30 a.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1078. A letter from the OSD Federal Register Liaison Officer, DoD, Department of Defense, transmitting the Department's "Major" final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/ TRICARE: Inclusion of TRICARE Retail Pharmacy Program in Federal Procurement of Pharmaceuticals [DoD-2008-HA-0029; 0720-AB22] received March 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1079. A letter from the Vice Chair and First Vice President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1080. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's "Major" final rule — Power Reactor Security Requirements [NRC-2008-0019] (RIN: 3150-AG63) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1081. A letter from the Director, International Cooperation, Department of Defense, transmitting the Department's intent to sign Amendment One to Supplement 3 to the Program Memorandum of Understanding among France, Germany, Italy, Spain and the United States for Cooperative Production of the Multifunctional Information Distribution System Low Volume Terminal, dated October 4, 1991 (Transmittal No. 03-09), pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958; to the Committee on Foreign Affairs.

1082. A letter from the Chairman, International Fund For Ireland, transmitting the Fund's Annual Report for 2008; to the Committee on Foreign Affairs.

1083. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1084. A letter from the Public Printer, Government Printing Office, transmitting the Office's annual report for fiscal year 2008; to the Committee on House Administration.

1085. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model DHC-6-1, DHC-6-100, DHC-6-200, and DHC-6-300 Airplanes [Docket No.: FAA-2008-1267; Directorate Identifier 2008-CE-069-AD; Amendment 39-15815; AD 2009-04-09] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1086. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG, BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines [Docket No.: FAA-2007-0169; Directorate Identifier 2007-NE-45-AD; Amendment 39-15819; AD 2009-04-13] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1087. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes Equipped with Rolls-Royce Model RB211-TRENT 800 Series Engines [Docket No.: FAA-2009-0199; Directorate Identifier 2009-NM-017-AD; Amendment 39-15835; AD 2009-05-11] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1088. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30657; Amdt. No. 3313] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1089. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-215-6B11 (CL-215T Variant) and CL-215-6B11 (CL-415 Variant) Airplanes [Docket No.: FAA-2009-0159; Directorate Identifier 2008-NM-175-AD; Amendment 39-15828; AD 2009-05-04] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1090. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No.: FAA-2009-0034; Directorate Identifier 2007-NM-082-AD; Amendment 39-15797; AD 2009-02-07] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1091. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHART GROB LUFT — UND RAUMFAHRT GmbH & Co KG G103 Series Gliders [Docket No.: FAA-2008-1078 Directorate Identifier 2008-CE-051-AD; Amendment 39-15814; AD 2009-04-08] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1092. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80A, CF6-80C2, and CF6-80E1 Series Turbofan Engines [Docket No.: FAA-2008-0952; Directorate Identifier 98-ANE-49-AD; Amendment 39-15816; AD 2009-04-10] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1093. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PW206A, PW206B, PW206B2, PW206C,

PW206E, PW207C, PW207D, and PW207E Turbofan Engines [Docket No.: FAA-2007-0219; Directorate Identifier 2007-NE-46-AD; Amendment 39-15806; AD 2009-03-05] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1094. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Models Arriel 1E2, 1S, and 1S1 Turbofan Engines [Docket No.: FAA-2008-0681; Directorate Identifier 2008-NE-13-AD; Amendment 39-15805; AD 2009-03-04] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1095. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 182Q and 182R Airplanes [Docket No.: FAA-2008-1205; Directorate Identifier 2008-CE-062-AD; Amendment 39-15811; AD 2009-04-05] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1096. A letter from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting the Trust's annual management report on its operations and financial condition, pursuant to Section 105 of the Railroad Retirement and Survivors' Improvement Act of 2001; to the Committee on Transportation and Infrastructure.

1097. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's "Major" final rule — Post-9/11 GI Bill (RIN: 2900-AN10) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1098. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Implementation of Omnibus Homeland Security Act: D.C. Government Needs to Sharpen Its Focus on Homeland Defense"; jointly to the Committees on Oversight and Government Reform and Homeland Security.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and referenced to the proper calendar, as follows:

*[Omitted from the Record of March 26, 2009]*

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1256. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products (Rept. 111-58 Pt. 1). Ordered to be printed.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1256. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; with amendments (Rept. 111-58 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

*[Filed March 27, 2009]*

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 279. Resolution providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress; with an amendment (Rept. 111-59). Referred to the House Calendar.

Mr. SPRATT: Committee on the Budget. House Concurrent Resolution 85. Resolution setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014 (Rept. 111-60). Referred to the Committee of the Whole House on the state of the Union.

*[Submitted on March 30, 2009]*

Mr. CONYERS: Committee on the Judiciary. H.R. 985. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media (Rept. 111-61). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1253. A bill to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable (Rept. 111-62 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 294. A resolution providing for consideration of the resolution (House Resolution 279) providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress (Rept. 111-63). Referred to the House Calendar.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 1664. A bill to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards; with an amendment (Rept. 111-64). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 151. A bill to establish the Daniel Webster Congressional Clerkship Program (Rept. 111-65). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 1299. A bill to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes (Rept. 111-66). Referred to the Committee of the Whole House on the state of the Union.

Mr. MATSUI: Committee on Rules. House Resolution 296. Resolution providing for consideration of the Senate amendments to the bill (H.R. 1388) to reauthorize and reform the national service laws (Rept. 111-67). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committees on Education and Labor and Ways and Means discharged from further consideration. H.R. 1253 referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCNERNEY:

H.R. 1774. A bill to incorporate smart grid capability into the Energy Star Program, to

reduce peak electric demand, to reauthorize energy efficiency public information program to include Smart Grid information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCNERNEY:

H.R. 1775. A bill to provide support to develop career and technical education programs of study and facilities in the areas of renewable energy; to the Committee on Education and Labor.

By Mr. ALTMIRE:

H.R. 1776. A bill to amend title XVIII of the Social Security Act to expand the development of quality measures for inpatient hospital services, to implement a performance-based payment methodology for the provision of such services under the Medicare Program, and for other purposes; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. MCKEON, Mr. HINOJOSA, and Mr. GUTHRIE):

H.R. 1777. A bill to make technical corrections to the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor; considered and passed.

By Mr. WELCH (for himself, Mr. VAN HOLLEN, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. MALONEY, Mr. HONDA, Ms. KILPATRICK of Michigan, Mr. CARSON of Indiana, Mrs. DAHLKEMPER, Mr. PALLONE, Mr. ISRAEL, Mr. COHEN, Mr. CUMMINGS, Mr. LANGEVIN, Mr. ELLISON, Mr. HINCHEY, Mr. TONKO, Mr. BLUMENAUER, Ms. SHEA-PORTER, Mrs. CHRISTENSEN, Mr. BRALEY of Iowa, Mr. GEORGE MILLER of California, Mr. TEAGUE, Mr. DELAHUNT, Mr. INSLEE, Mr. COURTNEY, Mr. HEINRICH, Mr. CARNAHAN, Mr. HIMES, Mr. PERLMUTTER, Mrs. CAPPS, Mr. MASSA, and Mr. POLIS of Colorado):

H.R. 1778. A bill to provide for the establishment of national energy and environmental building retrofit policies for both residential and commercial buildings, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia:

H.R. 1779. A bill to provide for resources for the investigation and prosecution of financial crimes, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI:

H.R. 1780. A bill to amend the Clean Air Act to achieve greenhouse gas emissions reductions through transportation efficiency; to the Committee on Energy and Commerce.

By Mr. SPACE:

H.R. 1781. A bill to direct the Secretary of Labor to carry out a sustainability workforce training and education program; to the Committee on Education and Labor.

By Mr. ELLISON:

H.R. 1782. A bill to amend the Truth in Lending Act to protect consumers from certain practices in connection with the origination of consumer credit transactions secured by the consumer's principal dwelling, and for other purposes; to the Committee on Financial Services.

By Mr. POLIS of Colorado:

H.R. 1783. A bill to amend the Internal Revenue Code of 1986 to encourage investment in

certain industries by providing an exclusion from tax on certain gains; to the Committee on Ways and Means.

By Mr. POLIS of Colorado:

H.R. 1784. A bill to amend the Internal Revenue Code of 1986 to encourage the purchase of residential property by providing an exclusion from tax on certain gains; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. DANIEL E. LUNGREN of California, Mr. NADLER of New York, Mr. MCCAUL, Mr. SCHIFF, Mrs. BLACKBURN, Mr. COBLE, Mr. WEINER, and Ms. LINDA T. SANCHEZ of California):

H.R. 1785. A bill to expedite adjudication of employer petitions for aliens of extraordinary artistic ability; to the Committee on the Judiciary.

By Ms. HARMAN:

H.R. 1786. A bill to establish a Best-in-Class Appliances Deployment Program; to the Committee on Energy and Commerce.

By Mr. INSLEE:

H.R. 1787. A bill to amend the Clean Air Act regarding transportation fuels and establishment of a low carbon fuel standard; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself, Mr. SENBRENNER, Mr. DANIEL E. LUNGREN of California, Mr. CONYERS, and Mr. COHEN):

H.R. 1788. A bill to amend the provisions of title 31, United States Code, relating to false claims to clarify and make technical amendments to those provisions, and for other purposes; to the Committee on the Judiciary.

By Ms. CORRINE BROWN of Florida:

H.R. 1789. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity; to the Committee on Ways and Means.

By Mr. ENGEL:

H.R. 1790. A bill to reduce global greenhouse gas emissions resulting from land conversion and deforestation in developing countries, to provide incentives for developing countries to increase forest carbon stocks, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 1791. A bill to amend the Immigration and Nationality Act to authorize certain aliens who have earned a Ph.D. degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence and to be exempted from the numerical limitations on H-1B non-immigrants; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. PASCRELL, Mr. CROWLEY, and Mr. SHULER):

H.R. 1792. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. SMITH of Texas):

H.R. 1793. A bill to amend title 18, United States Code, with respect to money laundering; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. COSTA):

H.R. 1794. A bill to provide incentives to reduce dependence on foreign oil; to the Committee on Ways and Means, and in addition to the Committees on Science and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 1795. A bill to provide for the establishment of an Offsets Integrity Advisory Board, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 1796. A bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MEEKS of New York:

H.R. 1797. A bill to reform certain provisions of section 404 of the Sarbanes-Oxley Act of 2002 to make compliance with that section more efficient, with the goal of maintaining United States capital market global competitiveness; to the Committee on Financial Services.

By Mr. MEEKS of New York:

H.R. 1798. A bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself and Mrs. SCHMIDT):

H.R. 1799. A bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER of New York (for himself, Mr. FLAKE, Mr. DELAHUNT, Mr. PAUL, Mr. SCOTT of Virginia, Ms. JACKSON-LEE of Texas, Mr. HOLT, Mrs. MALONEY, Mr. GRIJALVA, Mr. FARR, Mr. GUTIERREZ, Mr. STARK, Ms. WOOLSEY, Mr. CARSON of Indiana, Ms. SHEA-PORTER, Mr. MCDERMOTT, Ms. LEE of California, and Mr. HINCHEY):

H.R. 1800. A bill to establish reasonable procedural protections for the use of national security letters, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Ms. KAPTUR, Mr. FILNER, Mr. KUCINICH, and Mr. DEFAZIO):

H.R. 1801. A bill to amend the Internal Revenue Code of 1986 to impose a 70 percent tax on certain compensation received from certain companies receiving Federal bailout funds; to the Committee on Ways and Means.

By Mr. TIAHRT:

H.R. 1802. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 86. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth; to the Committee on House Administration.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. PENCE, Mr. BILIRAKIS, Mr. INGLIS, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 87. Concurrent resolution observing the 15th anniversary of the Rwandan genocide and calling on all responsible nations to uphold the principles of the Convention on the Prevention and Punishment of the Crime of Genocide; to the Committee on Foreign Affairs.

By Mr. STUPAK:

H. Con. Res. 88. Concurrent resolution urging local tax assessors, in light of the current housing market and economic struggles of people in the United States, to more frequently reassess the property values used to determine property taxes for primary residences, and encouraging local governments to provide property tax relief to those whose home values have declined; to the Committee on Financial Services.

By Mr. WEXLER (for himself, Mr. BERMAN, Mr. GALLEGLY, Mr. HASTINGS of Florida, Mr. MCMAHON, Mr. SMITH of New Jersey, and Mr. WAXMAN):

H. Con. Res. 89. Concurrent resolution supporting the goals and objectives of the Prague Conference on Holocaust Era Assets; to the Committee on Foreign Affairs.

By Mr. FLAKE:

H. Res. 295. A resolution raising a question of the privileges of the House.

By Mrs. BIGGERT (for herself, Mr. WOLF, Mr. STUPAK, Ms. ZOE LOFGREN of California, and Mr. ROONEY):

H. Res. 297. A resolution recognizing May 25, 2009, as National Missing Children's Day; to the Committee on Education and Labor.

By Mr. KING of Iowa (for himself, Ms. HERSETH SANDLIN, and Mr. BOREN):

H. Res. 298. A resolution congratulating the on-premise sign industry for its contributions to the success of small businesses; to the Committee on Small Business.

By Mr. LYNCH (for himself, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. CONNOLLY of Virginia, Mr. CUMMINGS, and Ms. EDWARDS of Maryland):

H. Res. 299. A resolution expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009, and throughout the year; to the Committee on Oversight and Government Reform.

By Mr. McHUGH:

H. Res. 300. A resolution congratulating Camp Dudley YMCA of Westport, New York, on the occasion of its 125th anniversary; to the Committee on Education and Labor.

By Mr. PRICE of North Carolina (for himself, Mr. WATT, Mr. BUTTERFIELD,

Mr. MILLER of North Carolina, Mr. KISSELL, Mr. MCINTYRE, Mr. SHULER, Ms. FOXX, Mr. ETHERIDGE, Mr. JONES, Mrs. MYRICK, Mr. MCHENRY, and Mr. COBLE):

H. Res. 301. A resolution honoring the life of Dr. John Hope Franklin; to the Committee on Oversight and Government Reform.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. ENGEL, Mr. REICHERT, Mr. JONES, Mr. GARRETT of New Jersey, Mr. MOLLOHAN, Mr. CHAFFETZ, Mr. POLIS of Colorado, Mr. MARKEY of Massachusetts, Mr. BOUCHER, Ms. GRANGER, Mr. CALVERT, Mrs. TAUSCHER, Mr. SMITH of Nebraska, Mr. SARBANES, Mr. SCOTT of Georgia, Mr. WU, and Mr. PUTNAM.

H.R. 24: Mr. WESTMORELAND, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, Mrs. DAHLKEMPER, Mr. COHEN, Mr. RUPPERSBERGER, Mr. TIAHRT, Mr. TIBERI, Mr. KAGEN, Mr. HOLDEN, Mr. KANJORSKI, Mr. PRICE of North Carolina, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. ADERHOLT, Mr. RADANOVICH, and Mr. BOEHNER.

H.R. 27: Ms. GINNY BROWN-WAITE of Florida.

H.R. 83: Mr. MARIO DIAZ-BALART of Florida.

H.R. 97: Mr. HOLT.

H.R. 103: Mr. HOLT.

H.R. 155: Mrs. McMORRIS RODGERS.

H.R. 197: Mr. BISHOP of Utah and Mr. SCHOCK.

H.R. 205: Mr. BACHUS.

H.R. 275: Mr. SCHOCK, Mrs. BLACKBURN, and Mrs. BACHMANN.

H.R. 302: Mr. COURTNEY and Mr. TERRY.

H.R. 388: Mr. SESTAK.

H.R. 403: Mr. VAN HOLLEN, Ms. GIFFORDS, Mr. CONYERS, Mr. STARK, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. SCHAKOWSKY, and Mr. MCMAHON.

H.R. 422: Mr. YOUNG of Alaska, Mr. LARSON of Connecticut, and Mr. SESTAK.

H.R. 442: Mr. CALVERT and Mr. BROWN of South Carolina.

H.R. 444: Mr. KISSELL, Ms. LEE of California, and Mr. SARBANES.

H.R. 498: Mr. YOUNG of Alaska.

H.R. 521: Mr. MOORE of Kansas.

H.R. 528: Ms. MOORE of Wisconsin.

H.R. 558: Mr. ROSS.

H.R. 610: Mr. MEEKS of New York and Mr. HINCHEY.

H.R. 613: Mr. WOLF, Ms. GIFFORDS, Mr. SPRATT, Mr. LOBIONDO, Mr. MASSA, and Mr. PAUL.

H.R. 620: Mr. LAMBORN.

H.R. 621: Mr. SPACE.

H.R. 626: Ms. CLARKE and Mr. RUSH.

H.R. 627: Mr. WAXMAN, Mr. BACA, and Mr. HONDA.

H.R. 634: Mr. MOLLOHAN and Mr. SULLIVAN.

H.R. 644: Mr. HONDA.

H.R. 666: Ms. KILPATRICK of Michigan and Mr. LAMBORN.

H.R. 667: Mr. TIM MURPHY of Pennsylvania and Mr. LUJÁN.

H.R. 669: Mr. HINCHEY.

H.R. 676: Ms. ROYBAL-ALLARD.

H.R. 707: Mr. BAIRD, Mrs. BLACKBURN, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mr. KRATOVIL, Mr. VISCLOSKEY, and Mr. CAMPBELL.

H.R. 729: Mr. PAYNE, Mr. PALLONE, Mr. SHERMAN, Mr. MEEKS of New York, and Mr. SIRE.

H.R. 731: Mrs. MYRICK.

H.R. 745: Ms. WASSERMAN SCHULTZ, Mr. SERRANO, Mrs. NAPOLITANO, and Mr. BURTON of Indiana.

H.R. 805: Mr. TONKO.

H.R. 848: Mr. CLEAVER and Mr. THOMPSON of Mississippi.

H.R. 864: Mr. HARE.

H.R. 868: Mr. FORTENBERRY, Mr. GORDON of Tennessee, Mr. SESTAK, Mr. MICHAUD, and Mr. WOLF.

H.R. 874: Mr. DOYLE, Mr. BERRY, Mr. SERRANO, Mr. WALZ, Ms. BALDWIN, Mr. CAPUANO, Ms. WOOLSEY, Mr. OBERSTAR, Mr. MOORE of Kansas, Mr. DAVIS of Tennessee, Mr. SNYDER, Mr. FILNER, Mr. WAXMAN, Ms. NORTON, Mr. ROSS, Mr. ABERCROMBIE, Mr. NADLER of New York, Mrs. CAPPS, Mr. HINCHEY, Mr. TANNER, Mr. BOOZMAN, Mrs. TAUSCHER, Ms. SCHWARTZ, Ms. JACKSON-LEE of Texas, Mr. GEORGE MILLER of California, Mr. COSTELLO, Mr. NEAL of Massachusetts, Mr. COHEN, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. CLAY, Mr. GRIJALVA, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of South Carolina, Mr. MORAN of Virginia, Mr. MEEKS of New York, Mr. GORDON of Tennessee, Ms. SCHAKOWSKY, Ms. WATSON, Mr. COOPER, Mr. FATTAH, Mr. KIND, Mrs. BIGGERT, Ms. HARMAN, Ms. MCCOLLUM, Mr. VAN HOLLEN, Mr. CUMMINGS, Mr. BISHOP of New York, Mr. SMITH of Washington, Mr. ETHERIDGE, Mr. PAYNE, Mr. THOMPSON of California, Ms. WATERS, Mr. OLVER, Mr. WELCH, Mr. BOSWELL, Ms. CLARKE, Mr. KUCINICH, Mr. MICHAUD, Mr. CONYERS, Ms. PIN-GREE of Maine, Mr. CLEAVER, Mr. KAGEN, Mr. CROWLEY, Mrs. LOWEY, Mr. JOHNSON of Georgia, Mrs. LUMMIS, Ms. MOORE of Wisconsin, Mr. PASTOR of Arizona, Mr. RANGEL, Mr. GONZALEZ, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. JACKSON of Illinois, Mr. BLUMENAUER, Mr. MATHESON, Ms. KILPATRICK of Michigan, Mr. DEFazio, Mr. RYAN of Ohio, Mr. FRANK of Massachusetts, Mrs. MCCARTHY of New York, Mr. LARSEN of Washington, Ms. ESHOO, Mr. BAIRD, Ms. KILROY, Mr. PRICE of North Carolina, Mr. ORTIZ, Mr. TIERNEY, Mr. LYNCH, Mrs. MALONEY, Mr. ISRAEL, Mr. POLIS of Colorado, Ms. SLAUGHTER, Mr. YARMUTH, Mr. MOLLOHAN, Mr. PETERSON, Mr. CHAFFETZ, Ms. ZOE LOFGREN of California, Mr. ELLISON, Mr. EHLERS, Ms. KAPTUR, Mr. DOGGETT, Mr. THOMPSON of Mississippi, Ms. MATSUI, Mr. COURTNEY, Mr. McDERMOTT, Mr. MARKEY of Massachusetts, Mr. JOHNSON of Illinois, Mr. BRADY of Pennsylvania, Ms. LORETTA SANCHEZ of California, Mr. STARK, and Mr. COSTA.

H.R. 930: Mrs. NAPOLITANO.

H.R. 932: Ms. FUDGE, Mr. DINGELL, and Mr. BOCCIERI.

H.R. 936: Ms. KILPATRICK of Michigan.

H.R. 959: Mr. HOLDEN, Mr. SESTAK, Mr. GERLACH, and Mr. ALTMIRE.

H.R. 968: Mr. SESSIONS.

H.R. 1029: Mr. SMITH of Texas.

H.R. 1098: Mr. MCNERNEY, Mr. REYES, and Mr. GRAYSON.

H.R. 1134: Mr. MARKEY of Massachusetts.

H.R. 1171: Ms. HARMAN and Mrs. HALVORSON.

H.R. 1179: Mr. HINCHEY, Mr. MURPHY of Connecticut, Mr. HALL of New York, Mr. GENE GREEN of Texas, Mr. DELAHUNT, Mr. LATHAM, Mr. GERLACH, Mr. GORDON of Tennessee, Mr. NADLER of New York, and Mrs. DAVIS of California.

H.R. 1189: Mr. OBERSTAR.

H.R. 1190: Mrs. McMORRIS RODGERS.

H.R. 1203: Ms. HERSETH SANDLIN, Mr. POSEY, Mr. PAUL, Mr. SPACE, Mr. BROUN of Georgia, Mr. KANJORSKI, Mr. SESTAK, Mr. OBERSTAR, Mr. GARRETT of New Jersey, Mr. DAVIS of Kentucky, and Mr. CLAY.

H.R. 1204: Mr. REHBERG.  
 H.R. 1205: Mr. OLSON, Mr. BOOZMAN, Mrs. SCHMIDT, and Mr. DAVIS of Kentucky.  
 H.R. 1207: Mr. PAULSEN, Mr. GINGREY of Georgia, and Mr. TERRY.  
 H.R. 1214: Ms. LORETTA SANCHEZ of California.  
 H.R. 1220: Mr. KANJORSKI.  
 H.R. 1238: Mr. SAM JOHNSON of Texas.  
 H.R. 1240: Mr. SMITH of Washington and Mr. SESTAK.  
 H.R. 1242: Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 1255: Mr. STARK.  
 H.R. 1261: Mr. PERRIELLO, Mr. MILLER of North Carolina, and Mr. BRIGHT.  
 H.R. 1305: Mr. ALTMIRE.  
 H.R. 1310: Mr. GORDON of Tennessee and Mr. BAIRD.  
 H.R. 1327: Mr. MCCLINTOCK, Mr. FLEMING, Mrs. BIGGERT, Mr. SCHOCK, Mr. MCCOTTER, Mr. RUPPERSBERGER, Mr. MELANCON, and Ms. LORETTA SANCHEZ of California.  
 H.R. 1362: Mr. SESTAK, Mr. RUSH, Mr. SPACE, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mrs. SCHMIDT, Mr. GERLACH, Mr. CLEAVER, Mr. HARE, Mr. LEE of New York, and Ms. FUDGE.  
 H.R. 1384: Mr. YOUNG of Alaska, Mr. AKIN, Mr. MILLER of Florida, and Mr. WILSON of South Carolina.  
 H.R. 1402: Mr. GORDON of Tennessee, Mr. WELCH, and Mr. NYE.  
 H.R. 1403: Mr. YOUNG of Alaska, Mr. MANZULLO, and Mr. EDWARDS of Texas.  
 H.R. 1405: Mr. FILNER and Mr. DRIEHAUS.  
 H.R. 1452: Mr. BOUCHER.  
 H.R. 1454: Mr. ABERCROMBIE and Mr. CALVERT.  
 H.R. 1456: Mr. CAPUANO.  
 H.R. 1458: Mr. SCHIFF.  
 H.R. 1466: Mr. FRANK of Massachusetts.  
 H.R. 1476: Mr. BARROW.  
 H.R. 1499: Mr. CARNAHAN and Mr. McDERMOTT.  
 H.R. 1505: Mr. JOHNSON of Georgia.  
 H.R. 1509: Mr. LAMBORN, Mr. MASSA, and Mr. GENE GREEN of Texas.  
 H.R. 1551: Mr. RUSH, Ms. WOOLSEY, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. FILNER, Mr. GUTIERREZ, Ms. TITUS, and Mr. TIERNEY.  
 H.R. 1552: Mr. DRIEHAUS, Mr. MASSA, Ms. GIFFORDS, Ms. KOSMAS, and Mr. SCHRADER.  
 H.R. 1558: Mr. GEORGE MILLER of California, Mr. LOEBSACK, Ms. EDWARDS of Maryland, Mr. KENNEDY, and Mr. TOWNS.  
 H.R. 1566: Mr. PAULSEN.  
 H.R. 1571: Mr. STARK and Mr. CARNAHAN.  
 H.R. 1587: Mr. COBLE, Mr. McHUGH, and Mr. GINGREY of Georgia.

H.R. 1588: Mrs. MYRICK, Mr. PITTS, Mr. BOOZMAN, and Mr. CAMPBELL.  
 H.R. 1590: Mr. LAMBORN, Mr. HASTINGS of Florida, Mr. WEINER, and Mr. WEXLER.  
 H.R. 1615: Mrs. BONO MACK, Mr. LEE of New York, and Mr. TERRY.  
 H.R. 1646: Mr. SENSENBRENNER.  
 H.R. 1664: Ms. FUDGE.  
 H.R. 1670: Mr. PERLMUTTER, Mr. GORDON of Tennessee, Mr. MURTHA, Mr. CUMMINGS, Mr. BONNER, and Mr. PLATTS.  
 H.R. 1681: Ms. BORDALLO, Mr. ROSS, and Mr. BLUMENAUER.  
 H.R. 1685: Mr. STARK and Mr. BLUMENAUER.  
 H.R. 1691: Mr. NEAL of Massachusetts, Mr. GRAYSON, and Mr. SCHAUER.  
 H.R. 1692: Mr. BURGESS.  
 H.R. 1696: Mr. STARK and Mr. PAYNE.  
 H.R. 1700: Mr. MASSA.  
 H.R. 1708: Mr. SMITH of New Jersey, Mr. DEFazio, Mrs. BONO MACK, Ms. KILROY, Mr. LEWIS of Georgia, Mr. FRELINGHUYSEN, Mr. OLVER, Mr. PAUL, Mr. RYAN of Ohio, Mr. BISHOP of Georgia, Mr. KENNEDY, Mr. DOYLE, Mr. McDERMOTT, and Ms. DeLAURO.  
 H.R. 1715: Mr. DOGGETT and Mr. BURGESS.  
 H.R. 1725: Ms. EDWARDS of Maryland and Mr. SARBANES.  
 H.R. 1731: Mr. SHULER.  
 H.R. 1740: Mr. CONNOLLY of Virginia, Ms. GIFFORDS, Mr. POLIS of Colorado, Mr. GRAYSON, Ms. BERKLEY, Ms. JENKINS, Mr. PASCRELL, Mr. DINGELL, Mr. MCNERNEY, Mr. GORDON of Tennessee, Ms. CORRINE BROWN of Florida, Mr. BOUCHER, Mr. MINNICK, Mr. JOHNSON of Georgia, Mr. ACKERMAN, Mr. ROTHMAN of New Jersey, Mr. HINOJOSA, Mr. SALAZAR, Mr. FARR, Mr. SARBANES, Mr. LEWIS of Georgia, Mr. PIERLUISI, Mr. DRIEHAUS, Mr. ABERCROMBIE, Mrs. NAPOLITANO, Mr. HOLT, Mr. LEVIN, Mr. CARSON of Indiana, Mr. HARE, Mr. FILNER, Mr. SCOTT of Virginia, Mr. PETERS, Ms. WATSON, Mr. GRIFFITH, Mr. SCHRADER, Ms. TSONGAS, Ms. PINGREE of Maine, Mr. HILL, Mr. ALTMIRE, Ms. ESHOO, Mr. GEORGE MILLER of California, Mr. COURTNEY, Mr. ETHERIDGE, Mr. MARKEY of Massachusetts, Mr. GUTIERREZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARSHALL, Mr. TANNER, Mr. WU, Mr. KISSELL, Ms. GRANGER, Mr. BRADY of Pennsylvania, Mr. ISRAEL, Mr. BERRY, Mr. MILLER of North Carolina, Mr. STARK, Mr. SMITH of Washington, Mr. SNYDER, Mr. LYNCH, Mr. DELAHUNT, Mr. MOLLOHAN, Mrs. MILLER of Michigan, and Mr. DEFazio.  
 H.R. 1750: Mrs. MYRICK.  
 H.R. 1753: Mr. BARTLETT.  
 H.R. 1761: Mr. CARNEY and Ms. KILPATRICK of Michigan.  
 H.R. 1770: Ms. BERKLEY, Mr. WILSON of Ohio, and Mr. LOBIONDO.

H.J. Res. 41: Mr. MCCOTTER and Mr. BACHUS.  
 H. Con. Res. 29: Mr. LINDER and Mr. GINGREY of Georgia.  
 H. Con. Res. 36: Mr. WEINER.  
 H. Con. Res. 60: Ms. CORRINE BROWN of Florida, Mr. MILLER of North Carolina, Mr. AL GREEN of Texas, Mr. DAVIS of Kentucky, Mr. RAHALL, and Ms. WASSERMAN SCHULTZ.  
 H. Con. Res. 70: Mr. LANCE, Mr. ADERHOLT, Mr. PITTS, Mrs. BACHMANN, and Mr. SOUDER.  
 H. Con. Res. 74: Ms. MCCOLLUM.  
 H. Con. Res. 78: Mrs. TAUSCHER.  
 H. Res. 111: Mr. INGLIS and Mr. PUTNAM.  
 H. Res. 130: Mr. PALLONE and Ms. JACKSON-LEE of Texas.  
 H. Res. 170: Mr. INSLEE, Mrs. McMORRIS RODGERS, Mr. DICKS, Mr. REICHERT, Mr. RAHALL, Mr. WALZ, Mr. STARK, Ms. RICHARDSON, and Mr. HOLDEN.  
 H. Res. 197: Mr. BROWN of South Carolina.  
 H. Res. 209: Mr. WEXLER and Ms. LEE of California.  
 H. Res. 243: Ms. BERKLEY.  
 H. Res. 244: Mrs. MYRICK.  
 H. Res. 247: Mr. CONNOLLY of Virginia.  
 H. Res. 249: Mr. LAMBORN, Mr. SHADEGG, and Mr. MANZULLO.  
 H. Res. 251: Mr. McCAUL and Mr. WAMP.  
 H. Res. 254: Mr. COSTELLO, Mr. GARRETT of New Jersey, and Mr. WEINER.  
 H. Res. 266: Mr. MCCOTTER.  
 H. Res. 271: Mr. NADLER of New York, Mr. CLEAVER, Ms. NORTON, and Ms. KILPATRICK of Michigan.  
 H. Res. 274: Mr. MATHESON, Mr. BOUSTANY, Mr. KIRK, Mrs. BLACKBURN, Ms. KAPTUR, Ms. HARMAN, Mr. WHITFIELD, Mr. HOLDEN, Mr. OBERSTAR, Mr. MASSA, Ms. MCCOLLUM, Ms. WASSERMAN SCHULTZ, Mr. HARE, Mr. INSLEE, Mr. ENGEL, Mr. ROSS, Mr. SKELTON, Mr. McDERMOTT, Mr. KENNEDY, Mr. BLUMENAUER, Mr. RUSH, Mr. CLEAVER, Mr. MOORE of Kansas, Mr. COHEN, Ms. EDWARDS of Maryland, Mr. HASTINGS of Florida, Ms. MATSUI, Mr. PUTNAM, Mr. WELCH, and Mr. WOLF.  
 H. Res. 282: Ms. ROS-LEHTINEN.  
 H. Res. 290: Mr. BILBRAY, Mr. ROYCE, Mr. McKEON, Mrs. BONO MACK, Mr. HERGER, Mr. MCCARTHY of California, Mr. HUNTER, Mr. NUNES, Mr. MCCLINTOCK, and Mr. GALLEGLY.

#### DELETION OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 111: Mr. DEAL of Georgia.

## EXTENSIONS OF REMARKS

HONORING VERN MOSS

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Vern Moss upon his being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. Mr. Moss was honored on Saturday, January 31, 2009.

Vern Moss was born on September 2, 1939 in Yuba City, California. He spent much of his childhood on his uncle's dairy farm in Madera, California. After school, on the weekends and during the summers, Mr. Moss worked in the fields picking cotton, cutting grapes and bucking bales. He attended Pershing School, was a member of the first graduating class at Jefferson Junior High School and attended Madera High School. At age seventeen he left home to live with his aunt and uncle in San Jose; he graduated from San Jose High School in 1958. Upon graduation he moved to Visalia, attended College of the Sequoias, and worked at the Visalia Times-Delta.

In 1963 Mr. Moss received word that he would be drafted, so he immediately joined the U.S. Air Force. He went to Lackland Air Force Base for basic training, followed by technical school at Greenville Air Force Base, Mississippi. His next assignment was Mountain Home Air Force Base, Idaho. While in Idaho, he attended college courses in the evening. After meeting the necessary requirements, Mr. Moss attended Park College and earned his Bachelor's of Arts degree. Upon returning to Mountain Home, he applied for Officer Training School and was accepted. He was commissioned a Second Lieutenant on February 6, 1967 and directed to report to the 666 Radar Squadron, Mid Valley, California. He served as Administrative Officer, with numerous duties including Chief and Battle Staff Security Control. He was soon sent to Lowry Air Force Base, Colorado for further training.

In October 1968, Mr. Moss was sworn into the U.S. Army at Fort Ord, California; he and his family were quickly transferred to Germany. Upon arriving at HQ TASCOR in Germany, he was made Deputy Commander, 5th Replacement Detachment and Deputy Chief, Personnel Management Branch. Soon after arriving, he was promoted to Unit Commander and Chief PMB. In January 1970, he moved his family back to the states before leaving for Vietnam. He first arrived in Cam Ranh Bay then was told to report to Saigon where he was assigned as the MACV J-6, Executive Officer. During this tour, he was awarded the Bronze Star, Joint Service Commendation Medal, Vietnam Campaign Medal with three stars, Vietnam Service Medal and the Vietnam Signal Corp devise (a foreign award).

Upon returning to the United States Mr. Moss attended six months of school at Fort

Benjamin Harrison, Indiana. He served as the Division Postal Officer and then was promoted to Chief, Personnel Management Division in the Division's Adjunct Generals Office at the 4th Infantry Division at Fort Carson, Colorado. An opportunity arose for him to take command of a unit, and he took it; the 4th Infantry Division's Headquarters Company Administrative Command, a unit with over nine hundred service members assigned to it. It was a short lived assignment; he was then reassigned to Germany.

Shortly after arriving, he took command of one of the worst units in Germany. With the Inspector General due to arrive within one week, he assisted the unit as much as he could, but they failed all but two areas during the inspection. After the inspection he was determined to clean up his unit. He sent soldiers to Leavenworth Military Disciplinary Barrack and gave sixty-three expeditious discharges. Six months after taking control of the unit, a Commanding General and the Command Sergeant Major visited the unit; they passed the inspection with all areas satisfactory and with four commendable areas. From there, Mr. Moss became a Major and was selected to Command and General Staff College. He was given the opportunity to start a new unit at Wiesbaden to support the deploying Brigade 75.

In 1976, Mr. Moss attended the ten month program at Command and General Staff College; he graduated in June 1977. His next position was to advise the New York National Guard and United States Army Reserve throughout New York State. After three years, he was nominated and selected to serve in the Organization of the Joint Chiefs of Staff in the Pentagon. His final position in the Army was at Fort Irwin where he was assigned to the Army's National Training Center and served as the Deputy Chief of Staff for Personnel and Community Activities and finally as the Installation Adjunct General.

Mr. Moss retired from the military on October 1, 1983. Afterward, he and his family moved to Idaho; he obtained a position as a Bank Manager in Los Gatos, California. He moved up through different banks and finally ended in Chowchilla, California in 1985. He has been part of the Chowchilla community since; including serving on the City Council, County Supervisor, President of the Chowchilla Chamber of Commerce, President of Chowchilla Rotary and President of the San Joaquin Valley Rail Commission. Mr. Moss is also a life member of the Veterans of Foreign Wars, Post 9896, member of the American Legion and Trinity Pregnancy Resource Center Board (President).

Madam Speaker, I rise today to commend and congratulate Vern Moss upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Moss many years of continued success.

TRIBUTE TO SERGEANT TED WADE, AN AMERICAN HERO

**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. MURTHA. Madam Speaker, I rise today to pay tribute to the valor and determination of Army Sergeant Ted Wade and his wife Sarah.

An American hero, Ted served his country in Afghanistan with the 82nd Airborne in 2002, and later deployed to Iraq with his unit in July of 2003. On February 14, 2004, the Humvee Ted was riding in hit an improvised explosive device (IED), throwing Ted from the vehicle, severing his right arm, and causing significant traumatic brain injury.

Ted, unconscious and in a coma, was evacuated to the Landstuhl Regional Army Medical Center in Germany and later transferred to a civilian hospital in Germany that specialized in the care he needed. On March 2, 2004, Ted and Sarah came back to the states for recovery at Walter Reed Army Medical Center.

I first met Ted and Sarah while visiting with our wounded soldiers recovering at Walter Reed. Years later I sat with them at the 2007 Capitol Memorial Day Concert, where I learned of Ted's ongoing recovery and Sarah's fight to ensure that he receives the best possible treatment and care.

You see, military and VA doctors said that because of Ted's injuries, he would have little chance of ever walking and talking again. He was shuffled back and forth between doctors at VA facilities in North Carolina and doctors at Walter Reed. Sarah fought through the bureaucratic red tape and forced the VA to allow Ted to see one of the nation's premier traumatic brain injury specialists.

Sarah never gave up on Ted's recovery, and Ted was determined to prove his doctors wrong. Ted has achieved incredible results through his ongoing rehabilitation. He's beaten the odds for recovery, and he's proven that through persistence and perseverance individuals can overcome insurmountable odds in confronting their injuries.

Today, Ted and Sarah continue to press lawmakers and military leaders for better health care for our wounded warriors and for additional funds for the research and treatment of traumatic brain injury (TBI). Through their work, Congress has appropriated over \$1.2 billion in just the past two years for TBI programs. Sarah also works closely with the Defense Center of Excellence for Psychological Health-Traumatic Brain Injury to ensure that other wounded service members with Ted's injuries have access to the utmost care.

Madam Speaker, Ted and Sarah Wade are an inspiration to us all. Their courage, commitment, and extraordinary story have shown us the spirit that exemplifies our military families.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



A TRIBUTE TO THE MILWAUKEE  
AREA LABOR COUNCIL

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to the Milwaukee Area Labor Council. The Milwaukee Area Labor Council is the largest central labor council in Wisconsin. On April 1, 2009, the Milwaukee Area Labor Council will celebrate its 50th anniversary as it continues to work for the betterment of the workers in their three county jurisdiction.

The MALC is not only comprised of AFL-CIO member unions but includes dues paying unions in federations such as Change to Win. Further, MALC has strived to include other unions outside these federations as active supporters, encouraging the membership of federal unions. The MALC works closely with community, retiree, and religious groups in collaboration with such AFL-CIO initiatives as Working America.

The primary mission of the MALC is to support and energize their AFL-CIO affiliated unions in their efforts to organize. Organizing is one of the most important duties they perform and is the engine through which they build strength through membership. However, organizing is not the only function of the MALC. They are politically active in federal, state, city and county initiatives to promote both strong communities and social justice. They research, monitor, meet and support candidates that support working families. The MALC informs and mobilizes their members and strives to support candidates and elected officials who truly help working families. Finally, the MALC publishes the Milwaukee Labor Press, providing important news and motivating labor perspectives to working families.

MALC participates in issues that are important to our community such as working cooperatively with the United Way. The MALC is deeply involved in the annual campaign contributing both strategies and legwork to elevate workplace giving and volunteerism. Union councils and their locals also provide direct help through treasury gifts, volunteer efforts and special charitable support.

MALC also initiates charitable campaigns like the Spring Health and Hygiene Drive. The drive has been so successful in providing health and hygiene products for Milwaukee's homeless shelters that the shelters could reallocate funds for this purpose to other clients needs.

Madam Speaker, I am proud to say the Milwaukee Area Labor Council provides a critical service to the people in the 4th Congressional District. The MALC takes a leading role in charities, legislative work, and social action. The breadth of their membership recognizes the importance of solidarity for all workers and is reflected by the diversity and reach of MALC.

CONGRATULATING THE MID-OHIO  
REGIONAL PLANNING COMMISSION  
ON ITS 40TH ANNIVERSARY

**HON. MARY JO KILROY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Ms. KILROY. Madam Speaker, I rise today to congratulate the Mid-Ohio Regional Planning Commission (MORPC) on its 40th anniversary. MORPC has been vital in assisting local governments of Central Ohio to address challenges and opportunities associated with growth and development in the region.

Solving important issues such as transportation, economic development, and energy conservation are vital to our country's success in the 21st century. Central Ohio is grateful to have a long lasting partnership with an organization that tackles these issues and works to solve problems.

The Mid-Ohio Regional Planning Commission partners with over 40 local governments who represent all sectors of central Ohio. Each of these organizations in conjunction with MORPC seeks to improve the quality of life in central Ohio.

Just one of the many examples where MORPC has supported local governments is its work with the state's Clean Ohio Fund. MORPC is assisting the state in restoring and connecting Ohio's natural and urban places by preserving green space farmland, cleaning up brown fields, and improving recreational trails. We have already seen the effects of the Clean Ohio Fund with redevelopment and job creation in central Ohio.

I want to thank MORPC for working with the 44 local partners to ensure prosperity and growth for their communities. I would like to congratulate the leadership of MORPC including Executive Director Chester Jourdan, Chair Dean Ringle, Vice Chair Derrick Clay and Secretary Marilyn Brown.

I acknowledge this historic day with our friends at the Mid-Ohio Regional Planning Commission and celebrate our continued support for their mission. I ask that my colleagues join me in congratulating them.

INTRODUCTION OF THE DAIRY  
AND SHEEP H-2A VISA ENHANCEMENT  
ACT (H.R. 1660)

**HON. JOHN M. McHUGH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. McHUGH. Madam Speaker, on March 23, 2009, the Gentleman from New York, Mr. ARCURI, the Gentleman from California, Mr. NUNES, the Gentleman from Utah, Mr. BISHOP, and I introduced legislation, the Dairy and Sheep H-2A Visa Enhancement Act (H.R. 1660). This measure would allow dairy farmers to access the H-2A visa program and codify longstanding regulatory practices used by sheepherders and thus provide certainty to these two industries, which collectively accounted for over \$141 billion in economic activity in 2007.

In New York's 23rd District, which I have the privilege of representing, dairy is an integral component of the economy, with approximately 2,000 dairy farms with some 190,000 milk cows dispersed across the 11 counties that comprise the region. Dairy farmers have long overcome natural disasters and wide farm price fluctuations, such as the current nearly 50 percent decline in the price of milk from just one year ago. However, these difficulties are exacerbated by current labor shortages, which cause farms to either remain static in size, shrink, or make a decision to end a way of life and go out of business. Whether in New York or California, with a herd large or small, dairies need sufficiently trained and skilled labor.

Dairy work is demanding and must be done around the clock, 365 days a year. During the past decade, dairy farms throughout the nation have increasingly experienced difficulty in hiring local workers to meet their needs and, as a result, are ever more reliant upon immigrant labor. The tremendous uncertainty regarding that labor supply has a profound impact on their ability to plan for the future and make sound business decisions.

Under the H-2A program, employers may hire foreign workers to perform full-time, temporary or seasonal agricultural work. However, the H-2A program does not work effectively for dairy because the program requires both the worker and the job to be seasonal and temporary. Thus, the Dairy and Sheep H-2A Visa Enhancement Act would allow dairy farmers to legally hire foreign workers through the program for an initial period of three years with additional terms of three years thereafter without requiring intervening periods of absence.

The bill would also allow sheep ranchers to hire foreign workers through the program on the same terms and codify those existing regulatory practices benefitting American sheep ranchers that have proven to be extremely successful. For more than 60 years, the American sheep industry has been able to utilize the H-2A program to employ foreign sheepherders.

This legislation is currently supported by the following entities: Agri-Mark, Inc.; American AgCredit; American Sheep Industry Association; California Wool Growers Association; CoBank; Colorado Wool Growers Association; Dairy Farmers of America; DairyLea Cooperative Inc.; Farm Credit Services Southwest; Farm Credit of Western New York; Farm Credit West; Federal Land Bank Association of Kingsburg; First Pioneer Farm Credit; Idaho ACA; Idaho Wool Growers Association; Maryland & Virginia Milk Producers; Montana Wool Growers Association; National Milk Producers Federation; Nevada Wool Growers Association; New York Farm Bureau; Northeast Dairy Farmers Cooperatives; Northeast States Association for Agricultural Stewardship; Northwest Farm Credit Services; Oregon Sheep Growers Association; St. Albans Cooperative Creamery; South East Farmers Association; United Dairymen of Arizona; Upstate-Niagara Cooperative; Utah Wool Growers Association; Washington State Sheep Producers; Western Range Association; Western United Dairymen; Wyoming Wool Growers Association; Yankee Farm Credit; and Yosemite Farm Credit.

As I have previously stated, American dairy farmers and sheep ranchers deserve and need access to a stable source of legal workers. Accordingly, Congress should enact the Dairy and Sheep H-2A Visa Enhancement Act without undue delay.

#### TRIBUTE TO RICK KAPLAN

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. CONYERS. Madam Speaker, on behalf of myself and the Committee on the Judiciary, I would like to take this opportunity to recognize Rick Kaplan, who just recently left the House to take a position with the Federal Communications Commission. Mr. Kaplan served in the Office of the General Counsel for 14 months as an Assistant Counsel. We will miss him.

Mr. Kaplan provided invaluable legal advice and representation to our Committee, particularly in connection with a landmark lawsuit that resulted in a decision recognizing the judicial enforceability of congressional subpoenas to executive branch officials. I and my staff relied on his expertise and guidance both in connection with the many tactical and strategic decisions we were required to make in the course of this important case, and in drafting the legal briefs that were filed in court setting forth the Committee's positions.

Mr. Kaplan played a significant role in safeguarding the legal and institutional interests of the House of Representatives. He served the House with great distinction, and we know he will serve the Federal Communications Commission with that same level of distinction. On behalf of the Committee on the Judiciary, we thank him for his service to the House and extend to him our very best wishes for his continued success.

#### HONORING MR. MICHAEL H. DAVIS

#### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the life of Mr. Michael H. Davis, a man I was honored to work with for many years serving the people of Baltimore County. A brilliant strategist, respected advisor, trusted friend and esteemed attorney, Mike's intellect and passion made a strong impression on everyone he met.

Born and raised in Baltimore, Maryland, Mike always strived to better himself and the world around him. His mother, a homemaker, and father, a Baltimore police officer, instilled in him a great sense of civic duty and a conviction to never forget about the little guy.

Mike was someone who believed in the power of education and discipline. Until his graduation in 1978, he attended The Gilman School on Roland Avenue on scholarship. It was there he met Nick Schloeder, a tough coach and brilliant teacher, who spurred his

passion and early interest in the political process. Mike went on to attend Harvard University, a true testament to his academic discipline, graduating with a Bachelor's degree in Economics and Political Science in 1982. From there, he returned to Baltimore to attend the University of Maryland Law School, while simultaneously working on Mayor William Donald Schaefer's reelection campaign.

Mike soon began his career as a lawyer with Smith, Sommerville & Case, and then with Venable LLP. His extraordinary work ethic and knack for problem solving soon earned him the position of Partner at Venable. Though he was leading a successful law career, Mike never strayed far from local politics. He worked on three of Senator Paul Sarbanes' successful campaigns in 1988, 1994 and 2000.

Shortly after my election to the office of Baltimore County Executive in 1994, Mike became my Executive Officer. Mike was instrumental in countless accomplishments for Baltimore County and was a gifted advisor. One award Baltimore County was especially proud to receive was Governing Magazine's selection of Baltimore County as one of the Top Four Best Managed Counties out of 3,000 counties nationally. He was also responsible for helping Baltimore County secure three Triple A Bond ratings during my term. A strong proponent of education, he was responsible for developing a volunteer program partnering county employees with elementary schools, and the School Resource Officers program. Mike's priorities and values were obvious in his work ethic and his accomplishments. After leaving my office, Mike went back to work for Venable, but remained active in politics, advising and sharing his wisdom.

Michael Davis achieved much in his short life but his greatest pride was his family. His wife, Ann, of 24 years was the love of his life and an incredible source of strength. His son, Robert, and daughters, Jessica and Blair, are a tribute to the values he cherished, and the type of father he was. Madam Speaker, I ask that you join with me today to honor the life of Michael H. Davis. His legacy as a brilliant political advisor will be matched only by the memory of his devotion to his friends and family. Even though Mike has passed from this life, the memory of his friendship will remain eternally in the minds and hearts of those he knew and the lives he touched.

#### EARMARK DECLARATION

#### HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. TURNER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105.

1. Project—Lynchburg Police Department Police Equipment Replacement and Modernization

Requesting Member: MICHAEL R. TURNER

Bill Number: H.R. 1105 Division B

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Village of Lynchburg

Address of Requesting Entity: 155 South Main Street, Lynchburg, Ohio 45142

Description of Project: Funding will go toward the replacement of outdated police cruisers and will support the inclusion of necessary, modern equipment that will support law enforcement in this community.

2. Project—Employment Training for Reentering Offenders—Turning Point Applied Learning Center

Requesting Member: MICHAEL R. TURNER

Bill Number: H.R. 1105 Division B

Account: OJP-Byrne Discretionary Grants

Legal Name of Requesting Entity: Turning Point Applied Learning Center, Inc.

Address of Requesting Entity: Turning Point Applied Learning Center, Inc., 110 Homestead Ave., Hillsboro, OH 45133

Description of Project: Funds for this project will go toward the workforce retraining of ex-offenders in rural Ohio who lack a GED and are seeking basic employment skills and documented work history.

3. Project—Holes Creek, West Carrollton, OH

Requesting Member: MICHAEL R. TURNER

Bill Number: H.R. 1105 Division C

Account: Construction

Legal Name of Requesting Entity: Miami Conservancy District

Address of Requesting Entity: 38 E. Monument Ave., Dayton, Ohio 45402

Description of Project: Funds will go toward the construction of a levee and floodwall to protect 13 commercial and industrial properties north of the creek, and purchase three flood prone properties south of the creek and remove the structures, completing this flood protection project.

4. Project—Ohio Environmental Infrastructure, OH, City of Hillsboro, OH

Requesting Member: MICHAEL R. TURNER

Bill Number: H.R. 1105 Division C

Account: Construction

Legal Name of Requesting Entity: City of Hillsboro, Ohio,

Address of Requesting Entity: 130 N. High St., Hillsboro, Ohio 44133

Description of Project: The funds requested would be used by Hillsboro, Ohio, located in rural Highland County for the construction of needed improvements to their wastewater treatment plant and the installation of additional equalization basins. Funds will also be used to upgrade aging water infrastructure for the treatment of waste.

5. Project—Ohio Environmental Infrastructure, OH, City of Dayton, OH

Requesting Member: MICHAEL R. TURNER

Bill Number: H.R. 1105 Division C

Account: Construction

Legal Name of Requesting Entity: CityWide Development Corporation

Address of Requesting Entity: 8 N. Main St., Dayton, Ohio 45402

Description of Project: These funds, authorized by the 2007 WRDA, will provide additional water, sanitary and storm sewer infrastructure to the Tech Town Campus in Dayton, OH. This property is a former brownfield being remediated for future use.

6. Project—Ohio Environmental Infrastructure, OH, Fairview Commons, Dayton, OH

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division C  
 Account: Construction  
 Legal Name of Requesting Entity: CityWide Development Corporation

Address of Requesting Entity: 8 N. Main St., Dayton, Ohio 45402

Description of Project: These funds will provide water and sewer infrastructure to neighborhood revitalization efforts underway in low-income neighborhoods in Northwest Dayton.

7. Project—Miamisburg Mound, OU-1 (OH)  
 Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division C  
 Account: Defense Environmental Cleanup go.

Legal Name of Requesting Entity: City of Miamisburg, Ohio

Address of Requesting Entity: 10 N. First Street, Miamisburg, OH 45342

Description of Project: Funds for this project will go toward the final cleanup of a non-designed toxic waste landfill, the cleanup of which will allow for the full redevelopment of this former Department of Energy Nuclear Weapons Site.

8. Project—Dietary Intervention, Ohio  
 Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105, Division A  
 Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Ohio State University

Address of Requesting Entity: Dr. William Ravlin 1680 Madison Ave. Wooster, OH

Description of Request: The funding would be used to continue ongoing clinical trials to evaluate new treatments for the prevention of colorectal cancer in conjunction with the cancer research centers within Ohio State University.

9. Project—Children's Medical Center of Dayton, Dayton, OH for facilities and equipment for the Pediatric Trauma Unit and Emergency Center

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division F  
 Account: HRSA—Health Facilities and Services

Legal Name of Requesting Entity: The Children's Medical Center of Dayton  
 Address of Requesting Entity: One Children's Plaza, Dayton, Ohio 45404

Description of Project: Funds for this project will go toward Children's Medical Center's renovation of their Pediatric Trauma and Emergency Center.

10. Project—Clinton Memorial Hospital Regional Health System for Facilities and Equipment

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division F  
 Account: HRSA—Health Facilities and Services

Legal Name of Requesting Entity: Clinton Memorial Hospital/dba CMH Regional Health System/Clinton Memorial Hospital

Address of Requesting Entity: PO Box 600, 610 W. Main Street, Wilmington, Ohio 45177

Description of Project: Funds will be used to stabilize an historic structure on hospital grounds, and to renovate this facility for viable hospital use.

11. Project—Premier Health Campus, Franklin, OH, For Facilities and Equipment

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division F  
 Account: HRSA—Health Facilities and Services

Legal Name of Requesting Entity: Premier Health Campus—Middletown

Address of Requesting Entity: 1 Medical Center Drive, Franklin, Ohio 45005

Description of Project: Funds will go toward the expansion of the health and health education facilities at Atrium Medical Center in Southwest Ohio.

12. Project—Montgomery County, Dayton, OH for training services for displaced automotive and manufacturing workers

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division F

Account: Employment and Training Administration (ETA)-Training & Employment Services (TES)

Legal Name of Requesting Entity: Montgomery County, Ohio

Address of Requesting Entity: 451 West Third Street, Dayton, Ohio 45422

Description of Project: Funds for this program will provide for the training and development of displaced automotive and manufacturing workers to fill jobs in the advanced manufacturing, tooling and machine sectors.

13. Project—Aviation Heritage Foundation, Inc., Dayton, OH for exhibit upgrades and purchase of equipment

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division F

Account: Museums & Libraries  
 Legal Name of Requesting Entity: Aviation Trail, Inc.

Address of Requesting Entity: P.O. Box 633, Dayton, Ohio 45409

Description of Project: Funds will be used to complete interactive and visual exhibits at the museum, which is a regional asset celebrating the Wright Brothers and the history of aviation.

14. Project—Dayton Society of Natural History, Dayton, OH for Exhibits and Purchase of Equipment

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division F  
 Account: Museums and Libraries

Legal Name of Requesting Entity: Dayton Society of Natural History

Address of Requesting Entity: 2600 DeWeese Parkway, Dayton, Ohio 45414

Description of Project: Funds will provide new interactive space science exhibits, and for new museum equipment at the Boonshoft Museum in Dayton, Ohio.

15. Project—Greater Dayton RTA Bus Replacement, OH

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division I  
 Account: Bus and Bus Facilities

Legal Name of Requesting Entity: Greater Dayton Regional Transit Authority

Address of Requesting Entity: 4 South Main Street, Dayton, OH 45402

Description of Project: Funds will go toward the replacement of 78 diesel buses between the years of 2008 and 2012.

16. Project—I-75 at South Dixie Drive/Central Avenue Interchange Improvements, OH

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division I

Account: Interstate Maintenance, Discretionary

Legal Name of Requesting Entity: City of West Carrollton, Ohio

Address of Requesting Entity: 300 E. Central Ave, West Carrollton, Ohio 45449

Description of Project: Funds will go toward constructing the four missing movements at exit 47 on I-75.

17. Project—Great Miami Boulevard Extension, Dayton, OH

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division I

Account: Surface Transportation Priorities  
 Legal Name of Requesting Entity: Montgomery County, Ohio

Address of Requesting Entity: 451 West Third Street, 10th Floor, Dayton, Ohio 45422

Description of Project: Funds will go toward rebuilding Great Miami Boulevard from Riverside Drive to Shaw Avenue and extending Great Miami Boulevard from Shaw Avenue to Forest Avenue.

18. Project—For Acquisition and Demolition of Blighted, Vacant Properties and Buildings in Order to Revitalize the Area

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division I

Account: Economic Development Initiatives  
 Legal Name of Requesting Entity: Montgomery County, Ohio

Address of Requesting Entity: 451 West Third Street, Dayton, Ohio 45422

Description of Project: Funds for the Brown Warren Redevelopment Project will go toward acquisition and demolition of blighted, vacant properties and buildings in Dayton, OH in order to revitalize this neighborhood.

19. Project—For Build-out of Approximately 3 Historic Buildings to Make them Tenant Ready for Business Occupancy

Requesting Member: MICHAEL R. TURNER  
 Bill Number: H.R. 1105 Division I

Account: Economic Development Initiatives  
 Legal Name of Requesting Entity: Wright Dunbar, Inc.

Address of Requesting Entity: 1105 W. Third St. Dayton, OH 45402

Description of Project: Funds will provide build out of approximately three historic buildings (25,000 square feet) in the Wright-Dunbar historic neighborhood in Dayton, OH, to make them tenant ready for business occupancy.

20. Project—Ohio Hub Cleveland—Columbus Rail Corridor, OH

H.R. 1105 incorrectly named me as a requestor of the "Ohio Hub Cleveland—Columbus Rail Corridor, OH" project in the Research and Development Account of the Federal Rail Administration. I did not request this project.

IN RECOGNITION OF JANICE KAMINIS PLATT IN HONOR OF WOMEN'S HISTORY MONTH

**HON. KATHY CASTOR**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 2009

Ms. CASTOR of Florida. Madam Speaker, in recognition of Women's History Month, I rise today to honor Janice Kamini Platt, a devoted advocate for our natural environment, high ethical standards, and education in the Tampa Bay area. Ms. Platt's life is an example of true integrity in public service.

Ms. Platt was born in St. Petersburg, Florida and is a 1958 graduate of Florida State University where she was the Vice-President of the student body, President of the Student Council and was a member of Phi Beta Kappa and Phi Kappa Phi, Mortar Board, and Hall of Fame. Later in life, from 2004–2006, Ms. Platt returned to her roots, serving as the Chair of the Tampa Bay Phi Beta Kappa Alumni Association.

Ms. Platt's love of Tampa Bay's natural environment formed her strong advocacy for growth management and environmental protections. She was never afraid to say "no" to special interests who sought unwise or untimely permission to promote development or environmental harm.

Ms. Platt was elected to serve on the Tampa City Council from 1974–1978 and then elected to serve as a commissioner on the Hillsborough Board of County Commissioners from 1978–1994 and from 1996–2004. She also served as chair of the commission several times during her tenure.

Ms. Platt was named as a member of the American Library Association's "Freedom to Read Honor Roll" and received the "Best Friend of the Year" award from the Friends of the Library of Hillsborough County, Inc. in 1999. In honor of her committed work with libraries and education, the Jan Kaminis Platt Regional Library was dedicated to her on December 11, 2000. Hillsborough Head Start is viewed as a model among other institutions nationwide because of Jan Platt's guiding hand over many years.

Her extensive list of awards and achievements is remarkable. She has received more than fifty, demonstrating how much time and energy she devotes to truly making a difference. Her awards include: the Florida State University Distinguished Alumna for the College of Social Sciences Award, The University of Tampa Ethics Award, the Mortar Board Distinguished Lifetime Member Award, and the Don Hansen Conservationist of the Year Award.

In her lifetime as a public servant Ms. Platt has been a member of more than 40 community Boards and has served as chair of more than 20 of these organizations. Ms. Platt was also a distinguished member of the Constitutional Revision Commission.

Madam Speaker, Jan Platt is an incredible woman who has dedicated her life to improving reading education in Tampa. I was proud to call her a colleague. She served as one of my most important role models of what a public servant should be. I join many others to applaud her lifelong contribution to the Tampa Bay community.

INTRODUCTION OF A BILL EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT PUBLIC SERVANTS BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 4 THROUGH MAY 10, 2009

### HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. LYNCH. Madam Speaker, the week of May 4 through May 10, 2009 marks the 25th anniversary of Public Service Recognition Week (PSRW). PSRW is a week set aside to commemorate the hard work, dedication, and sacrifice made by our Nation's Federal, State and local government employees. As Chairman of the Federal Workforce, Postal Service, and the District of Columbia Subcommittee, I am proud to introduce this resolution honoring public service and public servants.

PSRW offers an opportunity for all Americans to both recognize and learn about the significant contributions public sector employees make on a daily basis to our local communities, states, and country. Whether fighting crime, educating future generations, or serving on the front line to protect our nation, public servants touch every aspect of our lives.

While Public Service Week lasts only seven days, I believe that the contributions and sacrifices of public servants ought to be recognized and appreciated throughout the entire year. By honoring public servants we show younger generations the importance of public service and inspire them to consider entering the field, whether on the federal, State, or local level of government.

We, as a nation, have a responsibility to honor the commitment of government employees and to recognize that our country runs on their diligence and hard work. The commemoration of Public Service Recognition Week stands as a reminder to every citizen that the sacrifices and contributions made by American public employees is what makes our country a more perfect union and our government one that is truly of the people, for the people and by the people.

CONGRATULATING THE MADISON COUNTY, OHIO CHAMBER OF COMMERCE ON ITS 50TH ANNIVERSARY

### HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Ms. KILROY. Madam Speaker, today I rise to congratulate the Madison County Chamber of Commerce on the celebration of its 50th anniversary. The Chamber of Commerce has been extremely important in building and growing hundreds of businesses in Madison County. At this significant moment in time, with much volatility and uncertainty in our economy, it is important to recognize the role that local chambers of commerce play.

The Madison County Chamber of Commerce's purpose is to serve the businesses and entrepreneurs in the local community. The Chamber plays an integral role in bringing new ideas and jobs to the area while sustaining small businesses and working on their behalf. Small businesses are the backbone of our economy. They have continued to employ American workers through some of the toughest times in history. These businesses stay true to their employees and do everything they can to positively impact their local community.

The Madison County Chamber of Commerce is working hard to ensure jobs stay at home in Central Ohio. Just last week the Chamber of Commerce announced nearly 15,000 jobs are available in Madison County. These competitive jobs require high levels of training; with my support and the support of the Chamber of Commerce, we are committed to providing the proper resources to equip our workforce with the tools they need to prosper in the 21st Century work environment.

Madam Speaker, I wish that our work here in Washington did not cause me to miss tonight's gathering. As the Madison County Chamber of Commerce begins its anniversary celebration, I am reminded of the importance of Main St. in our national economy and dedicate my efforts to continuing a partnership that benefits central Ohio.

I want to thank all of the businesses that contribute so much to Madison County and Central Ohio. I want to specifically acknowledge the Chamber's current leadership: Executive Director Sean Hughes, President of the Board of Directors Tim Suter, 1st Vice President Brenda Adams, 2nd Vice President Joan Denes, 3rd Vice President Pamela Peterman and Secretary-Treasurer Sarah Hankins-Miller. May the next 50 years be prosperous and successful. I ask that my colleagues join me to acknowledge and celebrate this milestone with my friends at the Madison Chamber of Commerce.

RECOGNIZING THE CONTRIBUTIONS OF ELLIE RICKER TO THE SCOTTSDALE SISTER CITIES ASSOCIATION

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to honor Ellie Ricker for the many significant contributions she has made to the Scottsdale Sister Cities Association. She has spent the last 30 years of her life working with Scottsdale's sister cities of Alamos, Mexico; Cairns, Australia; Kingston, Canada; and Interlaken, Switzerland.

Ellie, who is now retiring, was recently honored by Scottsdale Sister Cities for her three decades of loyal, dedicated work for the association and the people who benefit from their labor. She has served as secretary and representative to Cairns and chair of the Alamos and Kingston home-stay committees. Her passionate activism has ranged from organizing trips to welcoming exchange students into her home.

Last fall, Ellie, along with volunteers from Scottsdale, helped mobilize relief efforts when Alamos, Mexico was struck by a devastating hurricane. She helped provide clothing, food, and relief funds to the residents of Alamos in their mission to rebuild their town.

Ellie and her husband John have had the privilege of traveling all over the world in support of Sister Cities' programs, forming long-standing relationships along their way. Her incredible commitment has raised the bar for all of our citizens and has already inspired many to follow in her path.

Madam Speaker, please join me in recognizing Ellie Ricker's 30 years of work and dedication to Scottsdale Sister Cities and the peoples' lives she has touched.

IN HONOR OF WOODROW WILSON  
HIGH SCHOOL CELEBRATING ITS  
80TH ANNIVERSARY

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. SESSIONS. Madam Speaker, I rise today to recognize Woodrow Wilson High School which will celebrate its eightieth anniversary on April 25, 2009.

Since its founding, Woodrow has always been a special part of Dallas. This historic high school was designed by famed Dallas architect Mark Lemmon. To honor its namesake, the school's cornerstone included a piece of wedding cake from Jesse Wilson Sayre, President Woodrow Wilson's daughter. Over the course of its history, Woodrow has educated thousands of bright individuals, nurturing their talent while providing them with a wonderful learning environment as well as many fond memories. In 2006 and 2008, Woodrow made it to Newsweek's list of America's Top Public High Schools.

It is also the only public high school in the United States proudly hailed as the alma maters of two Heisman Trophy winners: Davey O'Brien and Tim Brown. Other notable alumni include legendary real estate developer Trammell Crow, Congressman SAM JOHNSON, Congressman Jim Collins, Texas Attorney General Jim Maddox, Chief Justice Tom Phillips of the Texas Supreme Court, civic leader Ruth Sharp Altshuler, and seven Dallas area mayors. As Woodrow celebrates eighty years, I know it will continue to be a beacon of academic excellence in Dallas.

I ask my colleagues to join me in offering our heartiest congratulations to the faculty, staff, students, and alumni of Woodrow Wilson High School.

HONORING RON LAWSON

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Ron Lawson upon being named as a "Distinguished Life Member" by

the Veterans of Foreign Wars, Post 9896. Mr. Lawson was honored on Saturday, January 31, 2009.

Mr. Lawson was born in Los Angeles and attended high school in Bell, California. At seventeen he enlisted in the United States Army. He completed basic training at Fort Ord, California and was on his way to Korea. Once in Korea, he joined the First Cavalry for thirteen months, serving with a heavy weapons infantry unit with duties along the Demilitarized Zone (DMZ). He was then transferred to Germany where he served for five years with the First ARB 46th Infantry and with the 24th Infantry Division. He had duty in Berlin along the wall at Checkpoint Charlie. Upon his return to the U.S. he was assigned as a weapons instructor at Fort Polk, Louisiana.

He was at Fort Polk for a short amount of time before returning to Korea for a second tour. He served in the 7th Cavalry with the 2nd Infantry Division. When he returned to the U.S., he was selected as an instructor at the Drill Sergeant Academy at Fort Leonard Wood, Missouri. After completion of the academy, he served as a drill sergeant for new recruits, readying them for advanced training and deployment to Vietnam. In 1970, Mr. Lawson was deployed to Southeast Asia and joined the Military Assistance Command, Vietnam. He was assigned to Team 25 and Mobile Advisory Team 97; Team 25 worked with South Vietnamese Regional Forces in the Central Highlands of II Corps. He provided expert advice to the regional soldiers in tactics while accompanying them on operations against Viet Cong and NVA forces in heavy jungle canopy and rugged mountain terrain. His units also worked with and fought alongside native Montagnard tribesmen. Mr. Lawson was awarded the Bronze Star Medal for his actions while serving with Team 25 and the Vietnam Cross of Gallantry for action with Mobile Team 97.

After completing twelve months in Vietnam, Mr. Lawson returned to Fort Ord and reassumed duties as a drill sergeant. He was reassigned to Germany and joined the 1st Armored Division as Operations Sergeant. He returned to Fort Ord to serve as a first sergeant for the 7th Light Infantry Division until he retired.

During Mr. Lawson's time in the Army he completed many training courses including German Language School, the 24th division NCO Academy, Instructor Preparation Course, Pre-commissioning Course at Fort Benning, Officer Leadership at Fort Ord, Infantry Armor NCO Advanced Course at Fort Benning, the NCO Republic of Vietnam Orientation Course and Drill Sergeant Academy. For his service he was awarded the Bronze Star, the Army Meritorious Service Medal, four Army Commendation Medals, Vietnam Cross of Gallantry with a Gold Star, Vietnam Service Medal, Vietnam Campaign Medal with Device, the Army Occupation award, the Armed Forces Expeditionary Medal (Berlin and Korea), Korean Defense Medal, National Defense Service Medal and the Combat Infantry Badge. Mr. Lawson received six letters of commendation and was honored as Fort Ord Drill Sergeant of the Year.

After Mr. Lawson retired he and his family moved to Chowchilla, California and he was

employed as a maintenance supervisor. He is a member of the Young Men's Institute, Saint Columba Church and has served as a member of the City of Chowchilla Planning Commission for twenty-one years. He is a life member of the Chowchilla Veterans of Foreign Wars, Post 9896 and member of the American Legion Post 148. He is also the Past Commander of Post 9896 and has held the position of Post Quartermaster for several years. Mr. Lawson currently resides in Chowchilla with his wife Mathilda, they have two children and two grandchildren.

Madam Speaker, I rise today to commend and congratulate Ron Lawson upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Lawson many years of continued success.

PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mrs. MCCARTHY of New York. Madam Speaker, during rollcall 161 on the amendment offered by Representative GOODLATTE to H.R. 1404, the Federal Land Assistance, Management and Enhancement Act, I recorded a "yes" vote. This was in error; I intended to vote "no."

This amendment would create a new contract authority for the Secretary of the Agriculture to enter into contracts with states regarding projects on National Forest System lands. I, and many of my colleagues, were concerned that these new contracts might not be subject to Davis-Bacon protections or other relevant federal laws that provide wage protections for workers.

I have been a strong and consistent supporter of Davis-Bacon and of ensuring that America's workers are paid a fair wage. Recently, I voted "no" on an amendment to H.R. 1262, the Water Quality Investment Act, that would have removed all Davis-Bacon prevailing wage provisions from the bill.

I regret the error and am pleased that the Goodlatte amendment did not pass.

TRIBUTE TO RON SILVER

**HON. MARY BONO MACK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mrs. BONO MACK. Madam Speaker, I rise today to celebrate the life of Ron Silver and mourn his untimely passing.

Ron Silver's talent and passion as an artist was evident on the screen, television and the stage. He received numerous awards and accolades from his peers for his memorable performances and his ability to entertain audiences. He cared about his craft and was beloved by the people who had the good fortune to work with him.

It's rare that an individual can successfully navigate through the personalities and politics

of both Hollywood and Washington, but Ron Silver was able to master both and gain the respect of all he touched along the way. Ron's good nature and principled patriotism led him to be accepted and trusted by Republicans, Democrats and Independents alike. He was able to accomplish this because no matter what side of the issues you were on, Ron did not question one's patriotism—he believed that all Americans were united by a common bond and love of country—even if they stood on opposite sides of an issue. That fact in and of itself says a lot about the man.

In Washington, Ron Silver understood the importance of taking the time to study the issues he championed and to Ron that included taking into account all points of view. As a fierce independent, he knew that criticism could come from all sides. Ron knew that it was important not only to understand the policy and politics but also to respect the process and nuances of Washington that too many overlook and, as a result, find themselves facing a more difficult and challenging path to achieve their goals.

Ron Silver's abilities were illustrated in his work as a founder of the Creative Coalition, a collection of artists and entertainers from across the political spectrum who work to educate people about issues ranging from arts funding to First Amendment Rights to fighting poverty. Ron earned immense respect for his tireless work with the Coalition. It wasn't Ron Silver's nature to simply write a column or cut a check—although he was able to do both—he simply had too much energy and too much of an interest in making the lives of others better to limit his advocacy. That was the Ron Silver way—always striving to make a difference and contribute to building a stronger and more secure America.

Ron Silver leaves behind a grateful nation and a loving family. Our nation would be enriched if more of us exercised the same sense of country, level of thoughtfulness and aptly placed priorities as Ron Silver. At the top of such order was his family, who graciously shared their devoted husband and father with the rest of us. Our condolences are with each of you. Please find solace in the memories of the time and special moments you shared and the knowledge that your loved one was the embodiment of all that Thomas Jefferson valued in his countrymen—a citizen who never shied from his responsibilities to make his country a better place. He will be sorely missed.

Thank you, Ron Silver.  
May God bless you and grant you peace.

**THE WORLD'S WORST  
PERSECUTORS**

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. WOLF. Madam Speaker, the right to worship according to the dictates of your conscience is among the most precious freedoms.

Tragically this basic freedom has not been realized for millions around the globe. On January 16, the State Department designated the

annual "Countries of Particular Concern." This notorious distinction is given to countries deemed particularly severe violators of religious freedom. This year the list included Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Uzbekistan.

Oftentimes the most powerful testimony of the repressive nature of these governments is found in the accounts of their own people.

Take the words of a 23-year-old Burmese monk: "We did not expect that the junta would crush down a peaceful demonstration but when they raided the monasteries, shot and arrested the monks. I was so surprised and unbelievable that I could not express how my feelings were. All my beliefs were also destroyed."

Or the reflections of a Chinese house church leader: "First, when they arrest you, they try to convince you to give up your faith. And when you surrender to them they will offer you an office in a position such as community member or a position in the Three Self church. If you do not deny your faith and surrender to them, then they will attack you. First they put you into a small place, isolate you, and they let you starve to convince you."

Or these insights from North Korea: "North Korea is a prison without bars. The reason why the North Korean system still exists is because of the strict surveillance system. When we provide the information like 'this family believes in a religion from their grandfather's generation,' the National Security Agency will arrest each family member. That is why entire families are scared of one another. Everyone is supposed to be watching one another like this . . ."

With the 1998 passage of the International Religious Freedom Act, legislation which I authored, the promotion of religious freedom became official U.S. foreign policy. Sadly, 10 years later, the fight for this "first freedom" has never been more necessary. We must commit ourselves anew to standing with persecuted people of faith around the world who against all odds, in the face of fear, intimidation, imprisonment, torture and worse gather secretly to worship as their conscience demands.

**CONGRATULATING DR. JIM  
JACOBS**

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. LEVIN. Madam Speaker, I rise today to congratulate my good friend, Dr. Jim Jacobs, as he is inaugurated as the Fifth President of Macomb Community College. Jim has the creative intelligence, passion, in-depth knowledge of the challenges facing Michigan, and collaborative energy to lead this fine institution through these next vital years of economic transformation for our State's businesses, workers and communities.

Jim Jacobs has more than 40 years of experience at Macomb Community College. He began teaching economics in 1967 and continued teaching both economics and political science for sixteen years before leading efforts

to establish both the Tech Prep and Machinist Training institutes.

Jim Jacobs has a vast array of expertise in the areas of occupational change and technology, suburban economic development, occupational education, retraining of displaced workers and needs assessment of occupational programs. He has played a significant role in these areas at the national, state and local level, both conducting and publishing research and developing programs.

Jim Jacobs is the past president of the National Council for Workforce Education, a national post-secondary organization of occupational education and workforce development specialists. He served on the team that assisted the Michigan Department of Labor and Economic Growth in the development of Reshaping Michigan's Workforce: An Action Plan of the Michigan Department of Labor and Economic Growth. He was also part of the research staff and a report writer for Lt. Governor John Cherry's Commission on Higher Education & Economic Growth.

At the local level, Jim Jacobs is viewed by many as the authoritative voice on the economic climate in Macomb County. Each January for the past 23 years, Jim Jacobs has presented his economic forecast for Macomb County to an often sell-out crowd of business, government and civic leaders. He has also served on a number of community boards, including Peoples State Bank, Macomb Inter-Faith Action Center, United Way and St. John Hospital, and is a member of the board of directors of the Community College Research Center, New York.

I have had the pleasure of working with Jim Jacobs on numerous projects over the years. Including, school-to-work efforts, the redevelopment of the Tank Plant property (the local committee was co-chaired by Jim), worker retraining, and the impact of trade and monetary policies. On a whole range of issues, Jim is always available with wise and thoughtful insights and the economic statistics to make his case.

Madam Speaker, I ask my colleagues to join me in congratulating Dr. Jim Jacobs as he assumes this important position. With his immense skills and masterful understanding of the local area he and the community college will play a key role in continuing efforts to revolutionize the work force in Macomb County to prosper in this new economy.

**IN HONOR OF THE STUDENTS AT  
ANOKA HIGH SCHOOL, MN**

**HON. MICHELE BACHMANN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mrs. BACHMANN. Madam Speaker, I rise today to recognize the students at Anoka High School. These students are taking their talents to the next level and joining with the Juvenile Diabetes Research Foundation to help fellow students that are afflicted by this lifelong disease.

Using the Tony Award-winning musical, Aida, as well as their reputation as one of Minnesota's best high school musical theater programs, students at Anoka High School are



learning more than choreography and stage cues. They'll be raising money and awareness for juvenile diabetes. Through the "Kids Showing They Care" program, teens are able to be involved in a larger cause that affects their community and have the opportunity to use their talents and skills to help others. They can also see the growing impact of their seemingly small efforts and understand the importance of a collective effort in a successful production.

I rise today to honor the students at Anoka High School who have taken on an ambitious endeavor today, producing a school musical, that will have a lifelong impact on themselves and others. I commend them for their desire to help others in need and their very mature sense of community.

#### EARMARK DECLARATION

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. BURGESS. Madam Speaker, pursuant to the U.S. House of Representatives Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

(1.) Denton Regional Public Safety Training Facility, Denton, TX—\$500,000—Byrne Discretionary/COPS Technology—Congressman MICHAEL C. BURGESS

The purpose of this project is to provide the new Denton Public Safety Training Facility with equipment and technology. The requested funding will help equip the facility, including fire simulation equipment, computerized firearm targeting systems, classroom-based virtual reality simulation equipment and administrative/classroom multimedia equipment. The total project cost is \$19,260,000—\$4,452,000 federal and \$14,808,000 City of Denton. The City of Denton has paid \$2.03 million for the 88-acre site of the facility, \$205,000 on the master plan for the facility and the City Council has approved \$12,600,000 to construct the facility.

City of Denton is located at 215 East McKinney, Denton, TX 76201

(2.) Central City, Trinity River Water District—\$6 million—MRT Construction—Congressman MICHAEL C. BURGESS

The United States Army Corps of Engineers (USACE) is currently sponsoring a flood control project in the Central City area of Fort Worth, TX. The aging levee system in the Central City area is no longer adequate to provide protection to an 800 acre area adjacent to downtown Fort Worth. The infrastructure required for the flood control project is a 1.5 mile bypass channel (used to divert waters during a flood event) and related roads and bridges to span the channel. By providing flood control via a bypass channel, the aging industrial area adjacent to downtown can be revitalized into a vibrant waterfront community. The USACE recommended course of action, as set forth in the Final Environmental Impact Statement, combines solutions to flood control, transportation, environmental restoration and commu-

nity redevelopment in an integrated, comprehensive plan with multiple partners (state, local and federal) collaborating on implementation and funding.

Army Corps of Engineers, Fort Worth District, located at 819 Taylor Street Fort Worth, Texas 76102

(3.) Upper Trinity River Basin, (USACE)—\$382,000—Investigations—Congressman MICHAEL C. BURGESS

The FY 2009 request would be used to complete the Big Fossil Creek Watershed Interim Feasibility Study and Regional Resource Inventory and initiate two new interim feasibility studies on the Irving Northwest Levee and Elm Fork of the Trinity River by developing existing conditions for ecologic, engineering, real estate, cultural, and hydrologic and hydraulic modeling.

Army Corps of Engineers, Fort Worth District, located at 819 Taylor Street Fort Worth, Texas 76102

(4.) Grapevine Lake, USACE, Fort Worth District—\$2.692 million—O&M—Congressman MICHAEL C. BURGESS

Grapevine Lake is located in Denton and Tarrant Counties, at river mile 11.7 on Denton Creek, Trinity River Basin, near the city of Grapevine. The funds in this project request would be used for scheduled operations and maintenance, including Murrell Park and Rockledge modernization, habitat restoration, repair erosion in downstream outlet channel and removal of vegetation.

Army Corps of Engineers, Fort Worth District, located at 819 Taylor Street Fort Worth, Texas 76102

(5.) Lewisville Dam, USACE, Fort Worth District—\$3.81 million—O&M—Congressman MICHAEL C. BURGESS

This project request and Congressional add is for infrastructure repairs. Non-routine maintenance includes repair and expand seepage collector system and repair gates, frames and liners. This project would also fund scheduled operations and maintenance activities.

Army Corps of Engineers, Fort Worth District, located at 819 Taylor Street Fort Worth, Texas 76102

(6.) Ray Roberts Lake, USACE, Fort Worth District—\$1.35 million—O&M—Congressman MICHAEL C. BURGESS

Ray Roberts is located in Denton, Cook and Grayson Counties, near the city of Denton, Texas. The project consists of an earth fill dam, a 100 foot uncontrolled spillway, and a 13 foot diameter gated conduit through the dam with two sluice gates. The proposed use of this funding would be for schedule operations and maintenance activities including repair service on gate, frames, and liners, repair and expand seepage collector system and maintenance of shoreline erosion control.

Army Corps of Engineers, Fort Worth District, located at 819 Taylor Street Fort Worth, Texas 76102

(7.) Center for Advanced Science and Computer Assisted Modeling (CASCAM), University of North Texas—\$700,304—Science—Congressman MICHAEL C. BURGESS

CASCAM uses computing and modeling to conduct and predict advanced scientific laboratory outcomes at reduced cost (chemicals, time) and increased safety (reduces need to expose workers to toxic chemicals, radioactive

materials). Scientific computing allows determination of the probability of whether or not two chemicals will explode, become a viable pharmaceutical, the next new nanomaterial, or tomorrow's new alternate fuel source.

University of North Texas, located at 1500 Chestnut Street, Denton, TX 76203

(8.) Lewisville Lake, Frisco, Texas, USACE, Fort Worth District—Section 1135—Congressman MICHAEL C. BURGESS

FY 2009 funds would be used to execute the Project Cooperation Agreement and fully fund project design and implementation. The recommended plan consists of the reforestation of approximately 57 acres providing linkage among existing riparian and bottomland hardwood habitat and the construction of a series of wetland cells comprising a total of approximately 39 acres. The total project cost would be shared between the Federal Government and the city of Frisco.

Army Corps of Engineers, Fort Worth District, located at 819 Taylor Street Fort Worth, Texas 76102

(9.) Alliance Airport Runway Extension—\$1.75 million—Airport Improvement Program—Congressman MICHAEL C. BURGESS

The Runway Extension Project at Alliance Airport in Denton County will lengthen the runways to 11,000 feet and will allow for greater utilization of the airfield and provide greater capacity as a reliever for DFW International Airport. It will also allow for the cargo carriers to safely maximize their loads and not have to compromise fuel, cargo or both. The increased growth of the airfield will provide many jobs and economic activity. The runway extension project has local, regional and national significance and impacts the infrastructure around the airport. In addition to the runway extension the project will open up the west side of the airport for more airside development and improve access to the Alliance Intermodal facility, which has already proven economic growth benefits to the entire North Texas area. With the advantages of a longer runway at Alliance the nation benefits from this premier intermodal industrial facility that can serve the world. Total Estimated Project Cost (2007 dollars) \$216,161,603. Funding for the project has come from a variety of sources, primarily from FAA, AIP discretionary grants. City of Fort Worth matching funds have come from land credits valued at over \$15 million. Other funding has been obtained for FM 156, specifically, a \$6.5 million priority project in the 2005 Transportation Authorization (TEA-LU) bill and \$5.1 in the 2006 Tarrant County Bond Fund.

Alliance Airport, 2221 Alliance Boulevard, Suite 100, Fort Worth, TX 76177-4300

(10.) City of Denton, Denton Municipal Airport Improvements—\$570,000—Airport Improvement Program—Congressman MICHAEL C. BURGESS

The Denton Municipal Airport plays an important role in the regional economy, serving as a general aviation hub for North Texas. The City of Denton and the Texas Department of Transportation, Aviation, have made substantial capital improvements in the Denton Airport in the past five years and as a result considerable private development is being realized at this field. The City is requesting discretionary funding for security enhancements at the Denton Airport. These improvements include security fencing and controlled access

points to increase airport security and wildlife control. This project is recognized in the current Airport Master Plan. FAA personnel have identified the lack of security fencing as a weakness that needs to be addressed. The installation of the security fencing will further facilitate the current growth trend on the facility as more and more corporate aircraft operators will only utilize secured facilities. The total project cost is \$1.1 million; the City of Denton will provide a local match of \$110,000.

City of Denton is located at 215 East McKinney, Denton, TX 76201

(11.) Denton County Transportation Authority (DCTA)—\$475,000—Buses and Bus Facilities—Congressman MICHAEL C. BURGESS

The DCTA is a county transportation authority, and their mission is to provide safe, customer-focused, and efficient mobility solutions for Denton County, which is a rapidly growing metropolitan area of North Texas. The funds will be used to purchase 16 low-emission replacement buses, as well as to purchase transit system security and resource protection technology and operations and maintenance facility equipment. All of these improvements are needed to enhance DCTA's bus transit service to meet current and future demands. This project is vitally important to meeting their goals to improve mobility and air quality, reduce congestion and enhance the safety, security, reliability and cost-effectiveness of public transportation in Denton County. The finance plan is to match all federal dollars with DCTA local funds on an 80-20 basis and to complete all purchases in FY 2009.

Denton County Transportation Authority is located at 1660 S. Stemmons, Suite 250, Lewisville, TX 75067

(12.) Fort Worth Transportation Authority, Fleet Replacement and Expansions—\$1.425 million—Buses and Bus Facilities—Congressman MICHAEL C. BURGESS

The Fort Worth Transportation Authority ("The T") is seeking federal funding to purchase 20 Compressed Natural Gas (CNG) coaches to replace the oldest vehicles in The T's fleet. Approximately 20,000 passengers travel on The T's bus system each weekday and they ride a fleet of vehicles that accumulate over 1 million revenue miles per year. Wear and tear on each bus is substantial which leads to the need for timely replacement to avoid service interruptions and increasing maintenance and repair costs. This bus replacement purchase is consistent with The T's plan for fleet upgrades. The buses purchased will be wheel chair accessible and fueled with clean-burning CNG. The buses will also be installed with cameras for improved passenger and driver security.

The Fort Worth Transportation Authority is located at 1600 E Lancaster Ave., Fort Worth, TX 76102

(13.) City of Fort Worth, Interstate 35 Improvement Act—\$1.8 million—Interstate Maintenance Discretionary—Congressman MICHAEL C. BURGESS

This funding will provide for the design and environmental work of the initial phase of the improvement of this section of I-35W to provide congestion and air quality relief. I-35 impacts the transportation needs, both personal and commercial, of the entire central United States. The improvement and expansion of I-

35W from downtown Fort Worth to its intersection with I-35E in Denton will serve to significantly enhance private and commercial access to the important central city renewal work of the Trinity River Vision project.

The City of Fort Worth is located at 1000 Throckmorton Street, Fort Worth, TX 76102

(14.) Texas Wesleyan University, Fort Worth, TX—\$142,000—Economic Development Initiatives—Congressman MICHAEL C. BURGESS

This request is the second phase of the Rosedale Plan which calls for renovation and reconstruction of the historic Dillow House, long a part of Texas Wesleyan life through its history as classrooms, housing, offices, and an alumni center. The University will use this facility as the permanent house for its Business Incubation Center sponsored and supported by its School of Business, and also as a meeting place for alumni and community. Additional funding will be used for student housing to be built along Rosedale, which will provide much needed housing for students and their families. Funding will also be used to create green spaces that will provide parks for the community and the University. The University will create attractive fencing to help define the neighborhood borders and will provide security for this designated area through its on-campus security force.

TEXAS WESLEYAN UNIVERSITY ROSEDALE AVENUE  
REDEVELOPMENT INITIATIVE 2009-2010  
PROJECT BUDGET

A. Historic Dillow House Renovation	
Asbestos abatement ....	\$75,000
Renovation and code compliance .....	800,000
Technology and access/parking .....	125,000
	1,000,000
B. Additional Student Housing—Family Housing (20 units)	
Architecture, fees, permits .....	150,000
Construction .....	2,400,000
Amenities and site work .....	350,000
	\$2,900,000
C. Park Creation, Fencing, Outdoor Meeting Spaces	
Construction .....	300,000
Complete Project .....	4,200,000

Texas Wesleyan University (TWU) is located at 1201 Wesleyan St., Fort Worth, TX 76105

(15.) Stop Six Community Go Center, Fort Worth ISD and Fort Worth Metropolitan Black Chamber of Commerce—\$95,000—Elementary and Secondary Education (FIE)—Congressman MICHAEL C. BURGESS

The Stop Six Community Go Center provides a safe environment in which students can explore higher education and career options, financial aid resources, apply for scholarships and receive counseling services to assist in facilitating a seamless transition from high school to college. This funding will help the Go Center hire another academic advisor and a security guard.

Total project costs equate to \$134,600. That will be monetary or in-kind contributions.

Fort Worth Chamber of Commerce .....	\$5,000
Fort Worth Independent School District (FWISD) .....	5,000
University of North Texas Health Science Center (UNTHSC) .....	18,000
Department of Defense, (donated computers) .....	5,000
AB Christian Learning Center, Cash on hand .....	5,000
	38,000

AB Christian Learning Center, (Stop Six Community Go Center) is located at 5009 Brentwood Stair Rd., Suite #101, Fort Worth, TX 76112; mailing address: P.O. Box 54456, Hurst, TX 76054

(16.) City of Fort Worth, Early Childhood Development Program—\$285,000—Administration for Children and Families (ACF)—Social Services—Congressman MICHAEL C. BURGESS

The City of Fort Worth, Texas seeks \$900,000 to support key projects that will significantly advance the Early Childhood Matters Initiative. Early Childhood Matters, a community initiative led by the City that impacts the entire region, will help coordinate resources and programs to benefit children up to 5 years of age. Training and materials from Early Childhood Resource Centers will be used by parents and child care providers. The funds will be used to continue two existing early childhood resource centers and start up two new locations in facilities in high-need neighborhoods. Each neighborhood resource center provides training, support, educational materials and leadership development for parents, children, and child care staff. Together, the 4 resource centers will reach 500 parents, 280 child care staff, and 1,200 children under five years old. Each \$1 expended for early childhood training will result in savings of \$7 per child due to children not being retained a year at school, taking special education classes, or dropping out of school. A multi-goal Community Action Plan for Early Childhood was approved by City Council in October 2004 and has been endorsed by more than 30 community partners, including the Fort Worth Independent School District (FWISD). Initially, a Health and Human Services Early Learning Opportunities Act grant for \$687,000 along with the additional sum of \$125,000 in local matching funds and in-kind contributions enabled this program to establish base of operation. Upon receipt of the funding, 1,100 neighborhood families and 80 child care center employees would participate within the first 12 months.

The City of Fort Worth is located at 1000 Throckmorton St., Fort Worth, TX 76102

(17.) Texas Wesleyan University (TWU) Doctorate in Nurse Anesthesia Practice Initiative—\$247,000—Health Resources and Services Administration (HRSA)—Health Facilities and Services—Congressman MICHAEL C. BURGESS

This project will support TWU's new doctorate program of nurse anesthesia practice—the second doctoral program of its kind in the United States, and the only program to be offered 100 percent online—originating from the main campus of Texas Wesleyan University. The objective is to develop a distance learning program that will provide extended education

to full-time employed Certified Registered Nurse Anesthetists who are located in rural or metropolitan areas of the United States. This project provides education via new technologies, including distance learning methodologies, and addresses the Health People 2010 goal set by HHS to eliminate health disparities. The total project cost is \$1.86 million; \$1.5 federal/\$360,000 private.

Texas Wesleyan University (TWU) is located at 1201 Wesleyan St., Fort Worth, TX 76105

#### HONORING NIS NISSEN

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Nis Nissen upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. Mr. Nissen was honored on Saturday, January 31, 2009.

Mr. Nissen was born in Santa Monica, California in October 1948. He graduated from Mira Costa High School and enlisted in the U.S. Navy in July 1968. He completed Navy boot camp in San Diego. After a brief training period, he was designated as an engineman and was sent to join thousands of American service members fighting the North Vietnamese. He was assigned to the USS *Tutuila*, a 442-foot length, Luzon Internal Combustion Engine Repair Shop. The USS *Tutuila* functioned as a repair ship for the hundreds of small armed craft, or swift boats, used by the U.S. Navy and their South Vietnamese counterparts in patrolling the numerous inland and coastal waterways. Mr. Nissen and his fellow sailors worked around the clock to keep the swift boats functioning. They were often responsible for towing boats out of hostile areas and transporting wounded sailors to safety.

During his service on the USS *Tutuila*, Mr. Nissen became interested in the work of the medical staff and became a "striker" for a rating as a dental technician. He served fifteen months in Vietnam and upon his return to the U.S. he completed training for a dental technician. After dental school he was assigned to the medical facility at the Naval Air Station at Lemoore, California. He was later transferred to Naval Air Station at Kodiak Island, Alaska. He completed his active duty service in 1972.

Upon discharge, Mr. Nissen served as a civilian employee at the U.S. Air Force radar tracking station on Kodiak Island where they tracked Soviet aircraft and missiles. He received an honorable discharge as a Dental Technician third class. He was awarded the National Defense Service Medal, the Vietnam Service Medal with three stars and the Vietnam Campaign with Device. Today, Mr. Nissen is the owner-broker of Old West Realty in Chowchilla. He has served as a charter member of the City of Chowchilla Historical Preservation Commission, is a life member of Chowchilla Veterans of Foreign Wars Post, 9896 and is a member of the Masons.

Madam Speaker, I rise today to commend and congratulate Nis Nissen upon being

named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Nissen many years of continued success.

#### RECOGNIZING SUNY CORTLAND MEN'S CROSS COUNTRY TEAM

### HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. ARCURI. Madam Speaker, I rise today in recognition of the State University of New York (SUNY) Cortland Men's Cross Country Team, which won its first ever national title on November 22, 2008. During the NCAA Division III Championships at Hanover College in Hanover, Indiana, the Cortland Red Dragons beat 31 competitors with a score of 80 points. The team solidly outpaced the second and third place finishers who scored 115 and 129 points, respectively, and improved on their previous finishes of fourth in 2006 and third in 2007 to win this year's title.

Four of the team's runners earned All-America honors by finishing in the top 35 competitors over the 8,000-meter course. Junior Seth DuBois of Altamont, New York finished seventh; senior Shamus Nally of Burnt Hills, New York, 11th; senior Josh Henry of Truxton, New York, 15th; and junior Justin Wager of Guilderland, New York, 28th.

The team was led by first year head coach Steve Patrick of Batavia, New York and assistant coaches Kathryn Wagner and Jacob Smith. Coach Patrick was named the 2008 Division III Men's Cross Country National Coach of the Year by the United States Track & Field and Cross Country Coaches Association (USTFCCCA).

Overall, the win marks SUNY Cortland's 22nd national team title, including 16 NCAA crowns in seven different sports.

Madam Speaker, I am honored to represent such skilled and hard-working athletes in my district. Please join me in congratulating the team and wishing them the best of luck in their future athletic and scholarly pursuits.

#### WOMEN'S HISTORY MONTH

### HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. GRAYSON. Madam Speaker, I rise today in honor of Women's History Month.

As March comes to a close, I would like to commemorate Women's History Month on the House Floor by highlighting the accomplishments of the many courageous women who, throughout history, have worked to improve the lives of all of the citizens of our great nation.

Madam Speaker, I wish to recognize those women whose hard work and dedication have directly impacted the state of Florida, and to commend them for their accomplishments. I would also like to recognize the Florida Women's Hall of Fame, whose mission it is to high-

light and preserve the legacies of such women.

A native Floridian, Representative Carrie Meek paved the way for both women and African Americans in Florida by serving in the state House from 1979 to 1982. She was then elected as the first African-American woman in the State Senate, and in 1992 she went on to become the first black woman elected to Congress from Florida.

A champion of gender and racial equality throughout her career, Representative Meek sponsored legislation that created the Florida Commission on the Status of Women, which is tasked with identifying and studying issues that affect women. The Commission also maintains and facilitates the permanent Florida Women's Hall of Fame display, in the State Capitol.

Madam Speaker, another Florida-born trailblazer is former U.S. Attorney General Janet Reno. Ms. Reno has achieved many firsts, and done much for women in her storied career.

She was named staff director of the Judiciary Committee of the Florida House of Representatives in 1971, and is credited with helping to reform the Florida court system during her time there. In 1978, she was appointed as the first female Dade County State Attorney, a position to which she was elected six consecutive times. During her tenure as State Attorney, she developed programs for drug courts and domestic violence.

Following her time serving the State of Florida and as a result of her leadership in the area of criminal justice, Janet Reno was appointed the first female Attorney General of the United States in 1993—a position she held until 2001.

Madam Speaker, another pioneering woman with Florida roots is Ms. Zora Neal Hurston.

In the 1930s anthropologist, folklorist, and writer Zora Neale Hurston collected information on Florida folk life while working for the WPA's Federal Writers Project. As a result of her extensive anthropological research, her writings have become invaluable sources on African American life during the Harlem Renaissance. In all, Hurston wrote four novels and more than 50 published short stories, plays, and essays, and she is best known for her 1937 novel "Their Eyes Were Watching God."

Madam Speaker, I would also like to recognize Dr. Gladys Pumariaga Soler. Dr. Soler was born in Cuba in 1930 and earned a medical degree from Havana University in 1955. In 1961, Dr. Soler moved to the United States and devoted her career to caring for indigent children in Jacksonville, Florida. Because of her role as director of the Pediatric Clinic at the University Medical Center from 1964 to 1992, for over 25 years Dr. Soler was widely known as "the Pediatrician."

These women have dedicated their lives to improving the status of women, and have encouraged people of all genders, races, and ages to reach higher and dream bigger.

As a son, husband, and father, it is a great honor and privilege for me to stand before you and recognize just a few of the many great women throughout history that have contributed their lives to better the lives not only of their peers, but of future generations, as well.

It is important that we continue to honor such women, not just during Women's History

Month, but throughout the year, because they have done so much to improve the lives of women and the United States of America.

TRIBUTE TO THOMAS F.  
McCORMICK

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. BRADY of Pennsylvania. Madam Speaker, as Chairman of the Joint Committee on Printing, I wish to note the passing of Thomas F. McCormick, of Niskayuna, New York. Mr. McCormick died March 19, 2009, at age 80. From 1973 until 1977, he served as America's Public Printer, the head of the Government Printing Office (GPO).

Before his appointment as Public Printer by President Nixon, and following active and reserve duty in the Navy, Tom McCormick had a successful career at the General Electric Company. He joined GE's financial management program, and in 1967 he became president and general manager of The Maqua Company, a 420-person printing subsidiary of GE. Thereafter he headed strategic planning for GE's power generation business group in New York City. He took office as Public Printer in March 1973, at that time becoming the youngest person ever appointed to the post.

Tom McCormick served as Public Printer under Presidents Nixon and Ford and he held that position until succeeded by President Carter's appointee. During his term he automated GPO's business systems, expanded management training, and established program performance measures for GPO's operations. He continued GPO's program of replacing hot metal typesetting with electronic photocomposition technology and advocated standardizing print products to achieve savings. He promoted individualized service provision for customer agencies and giving them more leeway to handle small job orders. He also called for relocating GPO to a new facility at a site in northeast Washington, D.C.

For the library and Government information communities, Tom McCormick supported the fledgling Government Documents Round Table of the American Library Association, and oversaw automating the Monthly Catalog of Government Publications and related measures that helped the lay the groundwork for future electronic dissemination measures. He worked closely with the printing industry and its various organizations and associations nationwide. His service was recognized by numerous industry service awards and distinctions, including an honorary Doctor of Engineering degree from Lehigh University in my own state of Pennsylvania.

Madam Speaker, although Tom McCormick led the GPO long before I came to Congress, I am told that he was an energetic and articulate spokesman for the value of GPO and was an outspoken supporter of the men and women who work there. I commend Tom McCormick's record of service to the Nation and offer the condolences of the Joint Committee on Printing to Beverly, his wife of 55 years, and to their children and their families.

A TRIBUTE TO RICHARD S. UDOFF

**HON. C.A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mr. Richard S. Udoff, the Joint Veterans Committee of Maryland 2009 Veteran of the Year. His years of service and dedication to our Nation and its Veterans are both admirable and inspiring to all.

Richard enlisted in the U.S. Air Force in August of 1950, soon after the breakout of the Korean War. Upon completion of basic training, he spent 26 weeks training at the Aircraft and Engine School. After graduation he reported to Germany as a member of the 41st Troop Carrier Squadron of the 317th Troop Carrier Wing as a Flight Engineer on a C-119 Flying Box Car. As a result of his military service Richard received the following awards and decorations; Army Good Conduct Medal; Army of Occupation Medal; National Defense Service Medal; Air Crew Wings and two Presidential Unit Citations.

Richard and his twin sister were born in Medford, Massachusetts, along with another brother and sister. He followed his family to Baltimore in 1948, and graduated from Forest Park High School in 1950 where he played baseball, hockey, basketball and ran track. When the Korean War started Richard decided to enlist and serve his Country. Richard returned home in August 1954 receiving an Honorable Discharge with the rank of Staff Sergeant and soon started civilian life working in the insurance business until 1967.

Later in life, Richard began his service organization career with dual membership in the American Legion and the Veterans of Foreign Wars (VFW). He entered VFW Post 521 in Owings Mills, Maryland where his leadership skills were recognized and he was elected as Post Commander. He excelled with an All State Post Commander his first year and received numerous first and second place awards for VFW programs.

Richard then became District 7 Commander, a position he held for three years. Because of his leadership skills, he was the Captain of the District Commanders All State Commanders Team for two years. Among other accomplishments, Richard was instrumental in setting up a group of VFW members who met men and women serving in Iraq and Afghanistan as they entered and departed from BWI Airport.

In his next role, Richard was the Chief of Staff for VFW State Commander Ron Dickens. He was responsible for heading a committee that provided catered lunches and dinners for the wounded veterans, their families and hospital staff at Bethesda Naval Hospital, Walter Reed Army Hospital and the Malone House. He was appointed a member of the Garrison Forest Veterans Cemetery Advisory Committee and eventually became its Chairman. Richard was the VFW State Junior and Senior Vice Commander and was elected as the VFW State Commander 2007-08 and became an All-American State Commander. He was elected as the Vice Chairman of the JVC and ran a very successful Veteran of the Year

Banquet for George Creighton. Richard was elected as the Chairman of the JVC for the 2007-08 term. He received "The Legion of Honor Bronze Medallion" presented by the Chapel of Four Chaplains. This past October, he was recently honored and inducted into the "Maryland Senior Citizens Hall of Fame, Inc. of Baltimore County". He is a life member of the VFW, the American Legion, Jewish War Veterans, AMVETS, DAV, and a member of the Military Order of the Cooties. Richard has been Captain of the National VFW Honor Guard for the past four years.

Richard and his wife of 52 years, Shirley, reside in Owings Mills, Maryland. They have two children and four grandchildren. Madam Speaker, I ask that you join with me today to recognize Richard S. Udoff for his dedication and loyalty as a Veteran of the United States Armed Forces, and as an advocate and a leader in the Veterans of Foreign Wars.

A TRIBUTE TO JOHN W. DANIELS

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to John W. Daniels, a graduate of Harvard Law School and a practicing attorney for over 35 years. Mr. Daniels is the Chairman of Quarles & Brady LLP, located in the 4th Congressional District of Wisconsin.

Mr. Daniels has extensive experience in serving national, regional, local and governmental owners and investors in real estate. He has significant involvement and experience in complex real estate redevelopment, including representing the largest property owner in connection with the redevelopment of both the Bradley Sports Center and the Midwest Airlines Center. He serves as national real estate counsel for Philip Morris Capital Corporation and has represented a number of major corporations on their real estate developments, including General Electric Capital Corporation, Xerox Corporation and Kraft Foods. Finally, he has worked on major public/private ventures with higher education, including serving as a lead advisor to the University of Wisconsin—Milwaukee in connection with a redevelopment of a several hundred thousand square foot project.

Mr. Daniels is very involved in the community and serves on the Board of Directors for the following corporations or agencies; Aurora Health Care, M&I Bank, Zilber Corporation, and the Greater Milwaukee Committee Foundation. The most recent honor to be conferred upon Daniels was his induction into the National Black Lawyers Student's Association Hall of Fame on March 21, 2009. In the following publications, Mr. Daniels was recognized one of the 100 Managing Partners You Need to Know by "Lawdragon" and one of the 50 Most Influential Minority Lawyers in America by the "National Law Journal." Additionally, in 2008, Mr. Daniels received the National Bar Association's Leadership Award and he and his wife, Irma, were honored with the St. Francis Children's Center's Humanitarian Award.

Madam Speaker, I congratulate Mr. John W. Daniels on his well deserved recognition. I am pleased that he continues to lend his expertise and knowledge to the people of my district and the greater Milwaukee area. I salute him for his numerous achievements.

#### HONORING PHIL LYBARGER

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Phil Lybarger upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. Mr. Lybarger was honored on Saturday, January 31, 2009.

Mr. Lybarger was born in Merced and raised in Chowchilla, California; he graduated from Chowchilla High School in 1960. He worked in manufacturing in the San Jose area before enlisting in the United States Army. After completion of basic training at Fort Ord, he reported for training at the Medical Training Specialist School at Fort Sam Houston in Texas. He was then sent for airborne training at Fort Benning, Georgia. He made five jumps from a C-19 to earn the silver wings of a paratrooper. After airborne training, he received orders to join the 173rd Airborne Brigade. Mr. Lybarger reported to the Oakland Navy Terminal and boarded the USS *Billy Mitchell* and headed for Okinawa. Once the ship arrived in Okinawa he participated in numerous field exercises including off-island exercises to Formosa (now Taiwan) and training sessions with Nationalist Chinese troops. He attended jungle warfare/Assault training and participated in an exercise assaulting the East China Sea island of Irimote.

Upon completion of his tour to Southeast Asia, Mr. Lybarger was assigned to the 18th Airborne Corps, 82nd Airborne Division at Fort Bragg, North Carolina. At about the same time, the Dominican Republic was in the beginning of civil war. Former President Lyndon Johnson ordered the U.S. military to restore order, and Mr. Lybarger was deployed along with 42,000 Marines and soldiers to the Dominican Republic. He was deployed with the first wave of troops and remained on the island for as a platoon medic for seven months.

Mr. Lybarger returned to the U.S. and was discharged as a Private First Class. During his service he was designated as an expert marksman with the M-1, M-14 and M-16 rifles. He was awarded Army parachutists wings and made twenty-two jumps including three night jumps. For his service, he was awarded the Armed Forces Expeditionary Medal and the National Defense Service Medal.

After life in the military, Mr. Lybarger attended Fresno City College, De Anze College, San Joaquin Valley College and the University of Maryland (Extension) on the G.I. Bill and was employed in manufacturing management. He is a member of the First Church of Religious Science of the Mind and volunteers as an Ombudsman for the State of California Department of Aging. He is a Life Member of Chowchilla Veterans of Foreign War Post

9896, Past Junior Vice Commander of the 11th Veterans of Foreign War District and Past Commander of Post 9896. He is a member of the 82nd Airborne Association and the 173rd Airborne Society. Mr. Lybarger and his wife Virginia continue to live in Chowchilla; they have three children and nine grandchildren.

Madam Speaker, I rise today to commend and congratulate Phil Lybarger upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Lybarger many years of continued success.

#### EXTENDING DED

#### HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Ms. EDWARDS of Maryland. Madam Speaker, I want to applaud President Obama for extending DED until March 31, 2010, enabling many Liberian families to remain together in the United States for 12 months beyond the original March 31, 2009 expiration of DED. However, I urge the Administration to create a permanent path to citizenship for Liberians who have called the United States home for over a decade.

Temporary Protected Status (TPS) was established in 1991 to allow Liberians fleeing political turmoil to stay in the United States without fear of deportation. Since arriving in the United States in the early 1990s, Liberians under TPS have built lives in this country; they have established careers, paid taxes, and bought property. TPS ended in 2007 and President Bush deferred the enforced departure of Liberians who were originally granted TPS. TPS is meant to provide a temporary safe haven in times of political turmoil or natural disaster. It was not contemplated that the political turmoil in Liberia would persist for so many years, but it did.

Since coming to this country, many Liberians have married and had American-born children. Many have attained United States citizenship themselves. However, according to The New York Times, many of the approximately 3,600 Liberians residing lawfully under DED have applied for legal citizenship, including one of my constituents, Janvier Richards, but the process has been delayed for well over ten years for her and many others. If DED expires before Ms. Richards and other Liberians under DED are granted citizenship, their only legal option is to return to Liberia, which many no longer consider home.

Tremendous strides have been made by Liberian President Ellen Johnson Sirleaf, and I commend her leadership. Unfortunately, Liberia still has many political and economic challenges to overcome. Liberia has an unemployment rate of about 85 percent and, if Liberians under DED are forced to return to Liberia before economic and political stability are fully established, they may be unable to support themselves and their families.

Again, I applaud President Obama for extending DED for Liberians until 2010, averting the separation of families and the splintering

of communities that surely would have occurred had departure been enforced on March 31, 2009. I am hopeful that we will be able to reverse the policies of earlier Administrations and forge a permanent path to citizenship for Liberians under DED.

#### HILANDER WRESTLERS SET STATE TITLE WINNING STREAK

#### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, March 30, 2009*

Mr. WALDEN. Madam Speaker, I rise today to draw my colleagues' attention to a remarkable and historic athletic feat achieved by the Burns High School Hilanders wrestling teams of Harney County, Oregon.

On February 28, the Hilanders captured their eighth consecutive 3A state wrestling championship. The streak is unprecedented in the state and mark the first time in any sport, at any level, such an accomplishment has been achieved. These eight teams, their coaches, and their families are testament to the commitment to hard work that is pervasive throughout eastern Oregon.

The streak began way back in 2002. Since then, the Hilanders have captured 22 individual state titles, and some have won multiple championships, including Talon Hofman (2001 to 2004), Ben Cate (2003 to 2005), Abe Jacobs (2003 and 2004), and Joe Drinkwater (2008 and 2009).

In 2007, the Hilanders set a new team scoring record for all classifications when they scored 269.5 points at the state championship.

All athletic programs that enjoy longevity of success do so only with the guidance of good leaders. Bill Winn, Mark Hofman, Jeff Kloetzer, and Ray Cate have been tremendous coaches throughout the eight-year run.

Green Bay Packers coaching legend Vince Lombardi once said, "Individual commitment to a group effort—that is what makes a team work, a company work, a society work, a civilization work."

No doubt, the young men of the Hilanders wrestling program sacrificed more than others in exchange for their committed pursuit of such lofty goals. These wrestlers have spent untold hours running laps around the gymnasium, doing "up-downs" until they thought their lungs couldn't take anymore, challenging each other in thousands of take-down drills, and critiquing each other's "first move off the bottom."

They spent thousands of miles sitting on busses headed for the next contest. They watched their weight but made sure they were physically strong when the time came. They practiced, and practiced, and practiced again until the moves became automatic. Their many titles are proof of their devotion and sacrifice.

But titles aside, the lessons they learned about what it takes to be the very best are the keepsakes that will serve them well for the rest of their lives. The hardware they've earned for their success is, as they say, the icing on the cake.

Madam Speaker, I ask my colleagues to join me in honoring the Hilanders wrestling program and the Harney County community for

their remarkable achievement. Their unprecedented streak is a reminder to us all of the value of dedication, perseverance, and good old fashioned hard work.

# HONORING A RETIRED SOCIAL SECURITY ADMINISTRATION OFFICIAL

## HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 2009

Mr. PUTNAM. Madam Speaker, today I rise to honor a longstanding civil servant in the Social Security Administration (SSA). Mr. Gregory Alan Elkins was a Title XVI SSI Office Supervisor with the SSA. He worked for the SSA for over 35 years.

Mr. Elkins was hired as a Claims Representative in Lima, Ohio, in October of 1973 and continued to work there until February of 1979. Keeping the same title, he then moved to the Tampa District office. He stayed in the Tampa office until it moved its location to Plant City, where he stayed until September of 1991.

He moved within the agency to become a Field Representative at the Lakeland office and stayed there until June of 1999. He then earned a promotion to the position of Public Affairs Specialist, the first to take that title in the state of Florida. He stayed in that position until November of 2007 when he took his current position as a Title XVI SSI Office Supervisor. Mr. Elkins is due to retire from this position in March of this year.

On a personal note, Mr. Elkins has a long history of working with the staff in my district office. His knowledge of SSA rules and regulations has been an incomparable boon in helping constituents in my district with their claims. He has spoken at many Medicare Seminars that our office has held to advise our seniors with regards to Social Security, retirement, disability, survivors' benefits, and more. I wish to congratulate Mr. Elkins for a long, successful career and I wish him well in retirement.

# INTRODUCTION OF RESIDENTIAL CARBON MONOXIDE POISONING PREVENTION ACT

## HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 2009

Mr. MATHESON. Madam Speaker, today I introduced the "Residential Carbon Monoxide Poisoning Prevention Act" in the House of Representatives. Carbon monoxide is the leading cause of accidental poisoning deaths in America. Nearly all carbon monoxide poisonings can be prevented by simply placing a carbon monoxide detector in one's home. Carbon monoxide poisoning kills 500 people each year in the U.S. and hospitalizes an additional 20,000 people, according to the Centers for Disease Control. Poisonings occur from several sources, including leaky furnaces that aren't properly serviced, water heaters,

stoves, and portable generators that are used inside or in an area with poor ventilation. Carbon monoxide poisonings occur everywhere across the U.S., from cold weather states in which furnaces frequently run to hurricane-prone areas in which residents lose electricity and use portable generators inside.

This is a commonsense bill that incentivizes states to encourage citizens to place carbon monoxide detectors in their homes by establishing grant programs for detectors for which states can apply. This commonsense legislation is supported by both consumer protection groups and national retailers.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 31, 2009 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### APRIL 1

Time to be announced

Environment and Public Works

Business meeting to consider the nomination of Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

Room to be announced

9:30 a.m.

Armed Services

To hold hearings to examine United States policy toward Afghanistan and Pakistan, with the possibility of a closed session following in SR-222.

SD-106

Foreign Relations

Business meeting to consider pending calendar business.

SD-419

Foreign Relations

International Development and Foreign Assistance, Economic Affairs and International Environmental Protection Subcommittee

To hold hearings to examine United States Agency for International Development (USAID) in the 21st Century.

SD-419

Small Business and Entrepreneurship

To hold hearings to examine the nomination of Karen Gordon Mills, of Maine, to be Administrator of the Small Business Administration.

SR-428A

10 a.m.

Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

To hold an oversight hearing to examine the Environmental Protection Agency's renewable fuel standard.

SD-406

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-430

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine assistance for civilian casualties of war.

SD-138

Veterans' Affairs

To hold hearings to examine the nomination of W. Scott Gould, of the District of Columbia, to be Deputy Secretary of Veterans Affairs.

SR-418

2 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Joe Leonard, Jr., of the District of Columbia, to be an Assistant Secretary of Agriculture for Civil Rights, Kathleen A. Merrigan, of Massachusetts, to be Deputy Secretary, James W. Miller, of Virginia, to be Under Secretary for Farm and Foreign Agricultural Services, and Dallas P. Tonsager, of South Dakota, to be Under Secretary for Rural Development, all of Department of Agriculture.

SR-328A

2:30 p.m.

Homeland Security and Governmental Affairs

Business meeting to consider H.R. 35, to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records, S. 599, to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty, S. 469, to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System, S. 615, to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction, S. 507, to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, S. 713, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactures housing units stored by the Federal Government around the country at taxpayer expense, S. 574, to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, S. Res. 87, expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4



through 10, 2009, and the nominations of Jane Holl Lute, of New York, to be Deputy Secretary of Homeland Security, and John Berry, of the District of Columbia, to be Director of the Office of Personnel Management.

SD-342

## Judiciary

To hold hearings to examine the nominations of David F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, and Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General, Department of Justice.

SD-226

## Armed Services

## Personnel Subcommittee

To hold hearings to examine the implementation of Wounded Warrior policies and programs.

SD-106

3 p.m.

## Foreign Relations

To hold hearings to examine enhanced partnership with Pakistan.

SD-419

3:30 p.m.

## Armed Services

## Strategic Forces Subcommittee

## Emerging Threats and Capabilities Subcommittee

To receive a joint closed briefing to examine nuclear terrorism.

SVC-217

APRIL 2

9 a.m.

## Armed Services

Business meeting to markup S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems.

SD-106

10 a.m.

## Environment and Public Works

To hold hearings to examine the nomination of Regina McCarthy, of Massachu-

setts, to be an Assistant Administrator, Office of Air and Radiation, of the Environmental Protection Agency.

SD-406

## Finance

To hold hearings to examine the nomination of Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services.

SD-215

## Homeland Security and Governmental Affairs

To hold hearings to examine recovery and reinvestment spending.

SD-342

## Judiciary

Business meeting to consider S. 515, to amend title 35, United States Code, to provide for patent reform.

SD-226

## Appropriations

## Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine the role of the Federal Housing Administration (FHA) in addressing the housing crisis.

SD-138

2:15 p.m.

## Indian Affairs

To hold hearings to examine S. 313, to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, S. 443, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, S. 633, to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and H.R. 326, to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as

part of the reservation of the Cocopah Tribe of Arizona.

SD-628

APRIL 3

9:30 a.m.

## Joint Economic Committee

To hold hearings to examine the employment situation for March 2009.

SD-106

APRIL 22

10 a.m.

## Armed Services

## Readiness and Management Support Subcommittee

To hold hearings to examine the current readiness of United States ground forces.

SR-222

2:30 p.m.

## Veterans' Affairs

To hold hearings to examine pending health related legislation.

SR-418

MAY 6

9:30 a.m.

## Veterans' Affairs

To hold hearings to examine pending benefits related legislation.

SR-418

MAY 21

9:30 a.m.

## Veterans' Affairs

Business meeting to markup pending legislation.

SR-418

## CANCELLATIONS

APRIL 2

2:30 p.m.

## Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

## HOUSE OF REPRESENTATIVES—Tuesday, March 31, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
March 31, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,  
Speaker of the House of Representatives.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### “CARS” BILL A PRESCRIPTION FOR IMPROVED AUTO SALES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER) for 3 minutes.

Mrs. MILLER of Michigan. Madam Speaker, yesterday was a very, very tough medicine, I would say that is an understatement, tough medicine for the people of Michigan, as President Obama put down very quick timelines for General Motors and Chrysler to complete the restructuring plans that will make them viable both in the short term, and long-term viability as well.

At that same time, the President indicated his support for the industry, which we took to heart, and we find that very, very encouraging, and the President indicated his desire to work with the Congress to produce an incentive to get customers in the showroom. And this is key: How can we incent people to actually purchase an automobile in these economic times?

Madam Speaker, recently I was very proud to join with my Democratic colleagues, BETTY SUTTON of Ohio and BRUCE BRALEY of Iowa, to sponsor H.R. 1550, which we call the Consumer Assistance to Recycle and Save Act of

2009, or the CARS Act, or as it is now commonly being referred to as the Cash for Clunkers bill.

This bill, Madam Speaker, would provide consumers with up to a \$7,500 incentive to trade in an older, less fuel-efficient vehicle for a new, more fuel-efficient vehicle. And we know this is an idea that will work because it already has.

In this case, consumers actually get the immediacy at the point of sale, not later on in the year when they might be doing their tax returns to get a credit or something, but when they are purchasing a car they would get a voucher for this. And the good thing is as well that dealers don't actually have to take that trade-in and have it sitting on the lot, either. That car would be scrapped. But, as I say, we know it would work because we have seen what has happened.

Recently, the German Government introduced a similar incentive, and in February German car sales were up 22 percent, as sales fell, as we all are painfully aware, around the rest of the world.

There was an op-ed in today's USA Today by Bill Ford, and it is titled, “Cash in Old Cars for New Ones. Economy, Consumers, Automakers Would All Benefit.” This is written by Bill Ford of the Ford Motor Company. And I will also say that this bill is supported by all of the Big Three, General Motors, and Chrysler, as well as supported by the UAW.

I submit for printing in the RECORD this op-ed.

#### CASH IN OLD CARS FOR NEW ONES (By Bill Ford)

In spite of the many challenges our country faces, I strongly believe the government stimulus and other steps to thaw credit markets will be effective in driving economic growth over time.

But we still face an immediate and serious challenge. Last week, President Obama observed that U.S. auto sales have seen a huge drop-off, starkly noting “every automaker is getting killed right now.” In just one year, U.S. auto sales have fallen by nearly 50%. And March's sales numbers promise to be sobering for foreign and domestic automakers.

This unprecedented trend is sustainable for neither the industry nor the economy. We urgently need to draw reluctant consumers back into the marketplace. The good news is that there is a proven initiative, outlined by the president on Monday, that can help consumers overcome their fear. The plan also would help the environment and increase energy security. It has been called a “fleet modernization” or a “scrappage” program. Whatever the name—it works.

In January, the German government enacted a consumer incentive equivalent to

\$3,200 to scrap automobiles that are at least 9 years old and buy new, more environmentally advanced vehicles. By February, sales of new vehicles jumped 21% over the same month a year before. Countries such as Japan, France, Italy, South Korea and others are considering or already have similar programs.

This model can work in the U.S., too. President Obama said that he would like to use parts of the economic stimulus package to fund a program that would give consumers a “generous credit” when they replace an older car with a new, more fuel-efficient car.

President Obama has rightly emphasized the importance of vehicle fuel-efficiency gains and expressed concern about shrinking U.S. auto sales and the risk it poses to the economy. This program could help the environment and jobs.

#### HOW THE PROGRAM WOULD WORK

Here's how one bipartisan proposal before Congress would work to stimulate new vehicle purchases. The program would provide vouchers to consumers for vehicles at least 9 years old. The vouchers likely would be worth more than the current value of their vehicle. For example, a consumer who turns in an older car could get a voucher ranging from \$4,000 to \$5,000 to use as a down payment on a \$20,000 car that exceeds 27 miles per gallon. Combined with current auto sales incentives, consumers likely will get unprecedented deals on more fuel-efficient cars.

An independent analyst, Barclays Capital, estimates that this proposal could boost sales by 2.5 million units if 2% of eligible vehicles were traded in. This surge in sales would help preserve American jobs in communities across the country.

Taxpayers are rightly concerned about the federal deficit given the significant spending on the economic stimulus. Let me clarify, Ford is in a different position and is not seeking emergency taxpayer assistance. Nonetheless, Congress needs to spur consumer demand for autos—the largest purchase a family makes after a home.

This vehicle modernization idea would require additional investment by taxpayers. Its cost would be dependent on how Congress structures the incentive and its duration. The alternative, however, if sales do not rebound quickly, is more job losses, more home foreclosures, and less revenue for governments that must provide more jobless and health care benefits.

In addition to its consumer benefits, this initiative would help reduce our carbon footprint. Automakers are accelerating efforts to reduce greenhouse gases, but the latest fuel-economy rules apply only to new cars. This proposal would help America get greener faster by retiring a portion of the 240 million vehicles on the road. It could reduce our CO<sub>2</sub> emissions by millions of metric tons per year.

#### FUEL EFFICIENCY MEANS LOWER COSTS

The program also would help contribute to greater energy independence. Replacing an older car with a new, more fuel-efficient one drives down gas consumption. That helps consumers, too. In fact, the Department of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Energy estimates a family could save \$780 per year by moving from a vehicle with 18 miles per gallon to one with 30 mpg.

The auto industry, both foreign and domestic, needs to work together to do our part in turning the economy around. But we also need to use the tools that our government possesses, and routinely deploys in so many other ways, to help move the economy more swiftly to a better place.

Improved auto sales will be one of the key indicators that America is on the road to economic recovery. As Congress weighs a national energy policy, climate change or even more stimulus measures, we urge lawmakers to consider this market-based consumer incentive. This fleet modernization idea would be a win-win-win for the consumer, the economy, the environment.

This is a bipartisan piece of legislation. It is very important to say this. This is bipartisan legislation, and it accomplishes two very important goals: First, it gets customers into the showrooms by buying vehicles and, of course, to help keep people working, as well as getting more fuel-efficient cars on the roads and reducing our dependence on foreign oil. So it is a win-win all the way around.

I believe that this is a prescription that our auto industry needs. I think it is a critical component, Madam Speaker, of the road forward for the auto industry and our Nation, and I would urge all of my colleagues to join us to help preserve jobs, to help consumers, and to reduce our dependence on foreign oil and protect this vital industry.

#### THE BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, the budget is the most important challenge that every Congress faces year in and year out. It reflects our priorities, it shows how we deal with war and peace, the economy, education, and the environment, who pays, and who benefits.

Under the Constitution, this is a uniquely congressional responsibility. The power of the purse is reserved to the United States Congress.

I have been disturbed lately to find one political party being AWOL. In fact, Republican Leader BOEHNER famously announced earlier this month that he wanted the people that he leads in the Republican Conference not to be legislators but just communicators, not be involved in the give and take of the legislative process. And as if to drive the point home, the Republicans last week released a budget proposal that the Associated Press summarized as, and I quote, "a glossy pamphlet, short on details, and long on campaign-style talking points."

There wasn't any substance there. There were no hard numbers talking about what they would do to reduce the deficits and what the deficit would be,

what programs they were going to cut. Very, very disappointing to see a pamphlet that basically recycled the policies of the last 8 years of the Bush administration and Republican leadership that drove us into the economic ditch. They proposed their same old tax cuts for people who need them least, and offered an alternative that would provide 25 percent less in tax reduction for lower income Americans than is proposed by President Obama and would run up the deficit even higher than it already is.

We are going to have a week that is dominated by budget discussion. We Democrats are going to bring our budget to the floor on Thursday that builds on the President's challenge: Health care for all Americans; education reform, investing in the needs of education for our children and for people that have lost their jobs or need to change their career track; investing in reducing carbon pollution, climate change, and energy independence to create green-collar jobs that will be sustainable and provide value to the economy while we protect the planet. Our budget is serious about deficit reduction, after President Obama inherited from the Bush administration the largest deficit in United States history.

It is ironic, because when the Bush administration took office, they were facing a projected \$5.2 trillion budget surplus, and Republicans had control of all of the levers of power here in Washington, D.C. Their control created economic problems, the budget deficit exploded, and taxes were cut for people who needed it the very least.

Ours is, I must emphasize, a budget outline that will enable Congress, at least those who want to be legislators and not merely talk about it, to roll up their sleeves and deliver on the challenges that the President made in health care, education, climate, deficit reduction, and tax reform.

There are no specific policy decisions made in the budget outline. That is not what a budget is for. Rather, it is to provide the framework. Budget decisions will be made by the people here who decide to be legislators over the next 6 months. There is still time for people on the other side of the aisle to reject their leadership, roll up their sleeves, and work with us to deal with specifics on carbon pollution, on health care, on education.

It was a little disorienting to hear at the Budget Committee late into the night last Wednesday Republicans talking about objecting to the President's proposal to reform student loans because they were afraid it would cost some bankers some jobs. I did the math. According to their figures, those jobs were at the expense of \$133,000 each, money that the Democrats and the President think ought to be loaned to students, not to subsidize bankers.

We look forward to a spirited debate this week.

#### TAXPAYER EMPOWERMENT AND ADVOCACY ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. BARRETT) for 5 minutes.

Mr. BARRETT of South Carolina. Madam Speaker, we are facing serious economic challenges. In my home State of South Carolina, the unemployment rate is right at 11 percent. We all know someone who has been personally affected by these tough times, a friend, a neighbor, a family member. We have all seen the "going out of business" signs hanging in the front doors of local shops and stores.

The people we represent are looking to Congress for answers, Madam Speaker. But the so-called solutions coming from the Washington Democrats call for more spending, more borrowing, and more taxing. The President's budget increases taxes by nearly \$2 trillion, doubles the national debt in less than 6 years, and spends \$4 trillion alone this year. And, of course, who can forget all of the wasteful spending in the stimulus bill: \$50 million for the National Endowment for the Arts, \$300 million for green golf carts, and \$30 million to protect a mouse in San Francisco. And that is just to name a few.

Taxpayers have had enough. Across our State and across this country, they are gathering together to voice their outrage. Inspired by our Nation's early patriots, thousands of taxpayers are gathering at hundreds of modern-day tea parties to protest Washington's wasteful spending, the Democrat-written stimulus package, the housing bailout, and President Obama's budget. A recent tea party in Greenville, South Carolina, attracted more than 2,000 participants, and a similar rally in Cincinnati drew more than 4,000 dissatisfied taxpayers.

I want to let the people know that I hear what they are saying, and, Madam Speaker, I am doing something about it. Today I am introducing the Taxpayer Empowerment and Advocacy Act, the TEA Act.

Over the next 5 years, the TEA Act will save taxpayers over one-half trillion dollars by reducing spending, restricting the growth of government, and strengthening the definition of emergency spending to close loopholes and prevent abuse.

Across South Carolina, around kitchen tables and behind the small business counters, individuals are making tough decisions about their budgets. But Congress has refused to do the same, and it is time for that to change. I believe the TEA Act is a start to setting Congress on a new, more accountable course, and to protect the taxpayers' best interest. Enough is enough.

I ask my colleagues to join me in supporting this bill and protecting the American taxpayer.

## THE BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Well, the Republicans are at it again. It would be funny if we weren't in such dire financial straits as the government is, thanks to a number of years of Republican rule.

During the Bush era, George Bush inherited a balanced budget, he inherited projections of a surplus for years to come, and paying down the debt of the United States substantially. Well, he went to work busily, and using restrictive legislative rules the Republicans passed massive tax cuts favoring the wealthiest of us. Those with estates over \$5 million, those who earn over \$250,000 a year got huge largess from the Republican Party.

Now, in a time of surplus, it didn't hurt too much. But then, George Bush launched an unnecessary war in Iraq and decided to pay for it off the books; i.e., he did not score it in the budget, and just every year declared it as an emergency as much as it might cost. So far, close to \$700 billion has been spent on George Bush's war in Iraq.

□ 1045

Of course George Bush's tax cuts and his off-the-books spending and a massive expansion of government under total Republican rule, took us from a time of surplus to a time of massive deficits. George Bush set record after record with deficits during his Presidency, and he managed in 8 short years to double the debt that it had taken us more than 200 years to accumulate as a Nation. And the Republicans were all for it.

But now they would have us believe that their born-again fiscal conservatives, with a 19-page document with no specifics—and guess what it contains, this is how we are going to balance the budget, folks—more tax cuts for rich people. Oh, what a surprise. That will solve everything. They do have this cockamamie theory, and it is that if we give all of the money to the rich people, the rich people will go out and invest that money. When they invest that money, the little people will get jobs, and the little people will pay taxes because the rich people shouldn't. That is their budget, plain and simple.

Eliminate the estate tax. That would mean that if Bill Gates died tomorrow, and God forbid, I hope he is healthy and he won't, but if he did, the unrealized capital gains of his stock would then become nontaxable. No taxes would have ever been paid on that stock, passed on to his kids. If his kids invest it for a living under the Republican plan, they would earn capital gains and under their plan investors don't pay taxes. So you can have multi-generations of people accumulating more and more wealth who

haven't paid a penny in taxes. But don't worry, the Republicans tell us, they will invest that money in America and put the little people to work. Well, no, maybe they will invest that money in China where labor is cheaper, or Mexico where labor is cheaper, or who knows where. Who knows how they will waste it. Who knows what new, speculative instruments they will come up with. Their so-called alternative would be funny if it wasn't so serious. But this is deadly serious.

President Obama is trying to dig us out of an incredibly deep hole and a very difficult time in the American economy. The radical deregulation of the Bush years and all of that wealth creation on Wall Street, which has now tanked, many people's pensions and their 401(k)s, it is killing jobs, we are trying to fix that, and we are trying to re-install a sense of fiscal responsibility here in Washington, DC. It will not be easy. And particularly it won't be easy if the Republicans continue to play the clown on their side of the aisle and say eliminating taxes for rich people will solve all of the problems confronting the American people. Maybe it will provide them health care; I'm not sure how that works. Maybe it will help educate their kids in public schools; I don't quite get that part. Maybe it will rebuild our infrastructure; hmm, it won't do that, either. But it will make the rich richer, and that's all they are about.

## DEMOCRATS REWRITING HISTORY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, it is very interesting to come and listen to my colleagues on the other side of the aisle. It is clear they are living the book "1984" by George Orwell because they are constantly rewriting history to suit their purposes. I want to say that if there is anybody out there who hasn't read "1984" by George Orwell, or hasn't read it in a long time, I strongly urge you to do so because we are obviously living through what Orwell predicted. We are just a few years later than he suggested it would be.

I love the attitude of my colleagues, too, who say we are going to give all of the money to the rich. It displays their approach to our country. Their attitude is that the government owns all of the money and if money is not taken from citizens, then it is being given to them by the government.

Our country is the greatest country in the world, founded on capitalism and founded on Judeo-Christian beliefs, and founded on the rule of law. The money doesn't belong to the government, it belongs to the hardworking people who earned it. I think that in a nutshell sums up their attitude: The govern-

ment should be in charge of absolutely everything, and we are seeing that play out with the proposals coming out of this administration and out of this Congress. Again, they are doing their best to make excuses for it by rewriting history.

Our economy was doing very well under the Bush administration until January 2007 when the Democrats took control of the Congress. They like to ignore those 2 years they were in control of Congress and President Bush was still President. We had 55 straight months of job creation. Suddenly that ended in January 2007 when they took over. Gas prices started going up, and they reached their peak under this Democratically controlled Congress. And I think it is very, very important that people be reminded of that.

They have said that President Bush created the largest deficit in our Nation's history. That simply is not true, and it isn't true that President Obama has inherited the largest deficit in history. But we are going to do our best to straighten out that issue.

They also like to say that the Republicans have no alternatives to what the Democrats are proposing. That also is not true. We have always had alternatives. This session in particular we have brought forth very specific alternatives. Last week we presented a 16-page document primarily of principles. This week we are releasing our balanced budget resolution, and we will have a balanced budget and it does the kinds of things that the American people expect to be done. It will be balanced, unlike the Obama budget which puts us greater and greater into debt and creates a deficit. Our budget improves every single year and achieves a surplus in 2019 which is when the Obama budget has a huge deficit and a huge debt.

Under our budget, the national debt will decline by more than \$6 trillion, compared to the President's budget which averages deficits of more than a trillion dollars a year. It is true that we give tax relief, but that is important. Again, we want the American people who earn their money to keep more of their money rather than turning it over to the government under duress and allowing bureaucrats to spend that money.

We will also fully fund defense which is the number one role of the Federal Government. Our colleagues on the other side of the aisle constantly forget to talk about that. The Federal Government is the only government in our country that can provide for our defense. We suffered a terrible situation on September 11, 2001, and we have not had another episode since then because the administration kept us safe.

We also create a zero-growth baseline for nondefense spending, and we assume repeal of most of the provisions in the so-called stimulus bill. We make

no changes in Social Security, Medicare and Medicaid. However, we do clamp down on wasteful and low-priority mandatory spending. We are also going to assume savings from an earmark moratorium, something that the American people desperately want to see.

#### PRESIDENT OBAMA'S BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. PERLMUTTER) for 5 minutes.

Mr. PERLMUTTER. Madam Speaker, I was just listening to my good friend from North Carolina, and she and I are friends. We serve on committees together. We agree on a lot of things, but we couldn't disagree more on how we got into this place and what it is going to take to get out.

We had an administration and a Republican Congress that said America, it's okay to give tax cuts to the wealthiest people in the country and have wars in Iraq and Afghanistan and go into debt.

Well, it turned our country from a very prosperous Nation into one that was borrowing money from all across the globe, something that can't go on forever. And it finally came home to roost about 6 or 7 months ago when the banks had trouble, the automakers had trouble, everybody saw our economy just crunch like we hadn't seen it in generations. That's what we are faced with today, ladies and gentlemen. That's what we are faced with today, Madam Speaker.

So what are we going to do about it? Well, in the past month we passed the stimulus bill which is designed to do at least five things to get our country back on track.

First, it rebuilds our infrastructure, our roads, bridges and waterways. It builds a new energy grid so we can get power throughout our Nation in a cheaper and more efficient way.

Second, it creates a new energy economy. If we want to keep sending tons and tons of money across the waters to the Middle East, then we should do nothing, keep the status quo. That's what our friends on the Republican side of the aisle would like us to do, just vote no, we like the status quo. But I don't like the status quo. I don't like sending our hard-earned dollars to the Middle East year after year after year, and we are creating a new energy economy within the stimulus bill.

We are helping our States which have found themselves to have lost lots of revenue over the last 6 months, so they can continue to employ teachers and firefighters and policemen. So we are helping our States continue to provide the services that we so desperately need right now.

There are tax cuts within the stimulus bill and within the budget for al-

most every American, but not the wealthiest 5 percent, so that each one of us gets a little bit of a break, but we are not giving it to the top people who have had the break for the last 8 years.

The last thing it does is it provides assistance to people who have been laid off and need assistance with unemployment or with their COBRA health insurance so they don't just run into a wall, to get us through this difficult period.

President Obama inherited a budget deficit that was \$1.3 trillion. It is a lot of money. It is more than any of us can comprehend being in the red. When President Clinton left office, we had a budget surplus. We were paying off the debt, and we got just the opposite when President Bush left office.

We are doing three things in particular to get us out of this predicament. First is to provide a new energy economy, similar to the stimulus, but the budget moves this forward another 4 years.

Second, it deals with health care which is something that everybody has talked about for years but really little has been done. And for each company out there, for each individual, we have seen our health care costs going up. We have to come at it a whole different way, and that is what the budget proposes.

The third thing is to make sure that our education system, our kindergarten through 12th grade, and then our higher education system is the best in the world so we continue to be able to compete globally, so that business comes here and stays here and doesn't go overseas like it has been doing.

It is a very ambitious agenda, but it is one that is going to take us into the 21st century, something we didn't do during the last eight years of a Republican Administration. We just lived on borrowed time and borrowed money. And now it is time to move forward. The budget that has been proposed reflects those particular values. At the same time, it maintains for middle America, for 95 percent of Americans, smaller taxes. But it is a difficult predicament we are in now. This President has provided to the Congress a budget that is going to get us out of this ditch, and it is going to take the work of each and every one of us to move forward.

#### BUDGET DECIDES AMONG PRIORITIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Madam Speaker, this week the House will consider the budget resolution for fiscal year 2010. As with any budget, whether it is a household budget or the U.S. Government, the process involves deciding among priorities. And in the case of

the Federal Government, it is deciding among priorities, all of which have legitimate public benefits.

Last week, the Budget Committee marked up the resolution. One of the amendments offered by our colleagues on the other side of the aisle proposed one of those decisions. Mr. HENSARLING and Mr. MCHENRY proposed to strip \$50 million of funding for the National Endowment for the Arts and direct those funds to be spent for veterans' health care facilities. I applaud them very much for their interest in veterans' health care.

And I am happy to remind them and everyone else who is watching that over the past 3 years, the Democratic Congress increased funding for veterans' health care by \$17 billion. And that is following 6 years under their party's rule where the number of vets actually receiving care declined.

□ 1100

Unfortunately, the debate on their amendment the other night left a lot to be desired as it actually became an opportunity for somebody to take cheap shots at arts funding that are not borne out by logic or facts. We just heard a little earlier the gentleman from South Carolina say arts funding is wasteful spending. Well, this day by fortuitous coincidence is Arts Advocacy Day, and I'd like to make the case for NEA funding, because, although that amendment was defeated in the Budget Committee, it may rear its head this week as well.

Mr. HENSARLING supported his amendment by juxtaposing the health care needs of one of his constituents, a legitimate American military hero from Palestine, Texas, against funding for the arts. He implied that he didn't represent constituents who would benefit from arts funding. Well, I represent some legitimate American heroes as well, but I also represent Actors Theater of Louisville, a world-renowned institution; the Louisville Ballet; the Louisville Orchestra; the Kentucky Opera and dozens of other arts groups; 7,700 employees of arts groups; and 1,500 arts-related businesses. I represent Ken von Roenn, a glass artist whose work decorates Reagan National Airport. He created an institution called Glassworks which has brought hundreds and thousands of people to Louisville, made it a national center for glass art and has provided a great economic generator in Louisville.

In total, the arts contribute in my district alone more than \$250 million annually, including \$100 million on arts-related spending like restaurants and hotels and so forth. All told last year, 5 million people attended arts events and cultural events in my district and they paid \$5.6 million in local taxes.

Now I don't know a lot about Mr. HENSARLING's district or Mr.

McHENRY's district, but I do know this: I know in Mr. HENSARLING's district there are 1,317 arts businesses employing 3,229 people. The economic impact of the arts in Dallas, which he represents part of, was \$550 million in 2006. In Mr. McHENRY's district there are 947 arts-related businesses employing 3,043 people. In North Carolina, there are 17,000 businesses employing 159,000 people. Nationally, the impact of the arts is \$166 billion, 5.7 million jobs, \$104 billion in household income, \$7.9 billion in local taxes, \$9.1 billion in State taxes and \$12.6 billion in Federal taxes. Now somebody may say that that's not an economic benefit, but I believe the facts are contrary to that. And listen to what the Chicago Tribune wrote in an editorial back in February talking about the stimulus funding for the arts:

After all, the argument that the labor-intensive arts are not job-creation engines is patently absurd; they just fuel different kinds of struggling workers, workers unaccustomed to bonuses. Their role in generating billions of dollars in ancillary economic activity for stores, restaurants and the travel business has been proven in bucketloads of surveys and analyses.

Let's think about the arts funding in another way. Fifty million dollars as a percentage of this year's budget is one seventy-thousandths of the budget. For someone who's trying to decide how to spend \$35,000 in annual income, their personal budget, it's 50 cents. That's the equivalent amount. I don't know one American probably who hasn't bought a CD, hasn't gone to a movie, hasn't gone to a concert or gone to a play and spent a lot more than 50 cents.

Mr. HENSARLING offered the contrast of one piece of sculpture—a selective one at that—to a veterans clinic, but I would offer another picture: a picture of an F-22 jet fighter, \$143 million for one jet fighter plane.

This is about priorities and the arts are an important priority for this country.

#### FISCAL YEAR 2010 BUDGET

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. I thank the Speaker.

Madam Speaker, listening to some of our friends on the other side, I am struck sometimes with the idea of—have you no shame? The crowd that brought us from record surpluses in 8 brief years to record deficits—have you no shame? The crowd that rode this economy, a healthy economy that was growing jobs, into the economic ditch—have you no shame? The crowd that oversaw the dismantling of strict enforcement of regulation and prevented regulation of the financial services in-

dustry to any great degree when it came to complicated financial instruments and then is surprised at the results—have you no shame?

Madam Speaker, today I rise to discuss the fiscal year 2010 budget and its critical importance to our Nation's future. The latest estimate of our 2008 fourth quarter GDP decline is now 6.3 percent. After a record job loss of 681,000 in December, January and February losses both topped 650,000. Almost 2 million Americans have lost their jobs in just the last 3 months. The Federal Reserve has estimated that GDP for the entirety of this year will decline between 0.5 percent and 1.3 percent, which underscores the dire need for action. Every further contraction in our economy represents additional Americans who lose their jobs.

President Obama has set a bold agenda to heal our ailing economy. While no one action will instantly fix the economic troubles we have been left by the Bush administration, the President and this Congress have taken a number of steps to put us on the path to recovery. Like many of my colleagues, I have already seen positive effects of the American Recovery and Reinvestment Act in my district:

A community health center at risk of closing its doors received funding and is treating patients today.

Local small businesses that were laying off workers are now rehiring them to complete transportation projects.

But there's more to accomplish. President Obama's vision is transformative and provides for the critical investments in America that have been neglected for far too long. Deficit reduction, middle-income tax relief, health care reform, education and energy independence are the linchpins of the President's plan.

Under President Obama's plan, at the end of 4 years, we will have cut the current year's deficit of \$1.8 trillion, most of it inherited from President Bush, by two-thirds, to \$586 billion. The fiscal year 2010 concurrent resolution on the budget reduces nondefense discretionary spending over the next 10 years to its lowest level as a percentage of GDP in almost 50 years. This Congress expects similar fiscal responsibility from the private sector and that is why the Budget Committee cut \$250 billion reserved for future financial sector bailouts.

The President's vision supports the middle class by expanding the child tax credit, maintaining the elimination of the marriage tax penalty, carrying forward the Making Work Pay tax credit, maintaining the estate tax and capital gains tax reductions, and ensuring that the alternative minimum tax does not hit the millions of working Americans in danger of being affected. There are \$1.5 trillion of tax cuts in this budget.

The President's vision supports meaningful health care reform as well.

Even as overall health care costs rose over the last 8 years, the number of Americans without health insurance increased from 13.7 percent of the population to 15.3 percent. Under the President's proposal, we will be able to offer health care to the 46 million Americans currently without coverage.

The President's vision invests in energy independence and promotes a clean energy economy that creates jobs. For too long, a sustainable and clean energy policy has been ignored and our dependence on foreign oil has grown. Increasing our investment in energy efficiency and renewable energy technologies will promote America's energy independence and safeguard our environment through a reduction in greenhouse gas production.

In recognition of the critical role that education plays in our economic productivity, the President's budget builds upon the classroom support provided in the Recovery Act. From enhancing Head Start and early childhood learning opportunities to making college more affordable through expanding Pell Grants, this budget will prepare our children to become productive, contributing members of the global economy.

In addition, the President's vision places national defense on a sustainable course, including a 4 percent increase in defense spending for fiscal year 2010. It includes enhanced support for our veterans, finally fulfilling the duty this country owes for the service they have given.

The President's vision prepares for the reauthorization of the transportation funding bill that will invest in transit and infrastructure projects throughout the country.

Now I would like to confirm what is not in the concurrent resolution on the budget. Much has been made of the potential funding sources the President has listed in his blueprint. Madam Speaker, I would point out, the concurrent budget resolution that is scheduled to come before the full House does not increase taxes. In fact, it would reduce them. It simply lays the foundation for fulfilling President Obama's vision and making the critical investments in America's future. Specific tax policies will be pursued by the tax-writing committees of the Congress where I expect further modifications and hope to see elimination of the proposed caps on mortgage interest and charitable deductions.

Madam Speaker, I look forward to supporting the President's budget.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 9 minutes a.m.), the House stood in recess until noon.



□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Let all the Nations be judged before You, Lord, You alone can touch all the world with a holy fear. Before You every nation is revealed. Each is only a collection of people.

Let humanity reign! Let all the nations see their souls in the eyes of each other. Speak to minds and hearts, O Lord. Lift the lines of demarcation just enough for them to witness their common concerns, their ground for hope, and a united course of action.

Before You alone they stand humbled, yet together You can strengthen them in their resolve to free the future for all Your people. Let all the nations be judged before you, O Lord.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 681. An act to provide for special rules relating to assistance concerning the Greensburg, Kansas tornado.

## HONORING THE LIFE OF LUCILLE DOTSON FRANCOIS

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute.)

Ms. RICHARDSON. Mr. Speaker, I rise to honor the life of Lucille Dotson Francois. I rise in honor of this incredible lady because, although I had not met her in person, but because of the

lives that she has left behind, particularly in her daughter, Yvonne Wheeler.

Ms. Francois recently passed after living 85 fulfilling years. She was a devoted public servant. She grew up in Baton Rouge, Louisiana, the same area where my own grandmother grew up.

She served in the East Baton Rouge School System until she retired, raising our young people and creating a new generation—one that I think all of us would agree is something we should not take lightly. After that, she extended her services working in the community, enjoying coordinating various events. But most of all what she loved was building young people and building family.

She was a devoted wife, mother, grandmother, and great grandmother. I'd like to personally acknowledge the incredible work that all of her family has done, and particularly that of her daughter, who has led an incredible life and assisted us in California.

May her family be blessed. Please join me, Mr. Speaker, as we acknowledge the life of Lucille Dotson Francois.

## REPUBLICAN BUDGET PROMOTES AMERICAN FAMILIES AND SMALL BUSINESSES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Republicans are offering a budget that will move our country in a new direction of fiscal responsibility. It provides commonsense support for small businesses, which create the majority of jobs in America. It provides relief for American families. It keeps our promise to future generations by addressing entitlement spending so we do not go bankrupt in the future.

The Democrat budget, on the other hand, is a Washington-as-usual borrow and spending spree. It is no change. It raises taxes on American families and small businesses \$1.4 trillion. It produces record spending levels and, not surprising, record borrowing.

Republicans are offering a smarter way forward, one where we limit spending, help small businesses create jobs, and control the debt that threatens the solvency of the dollar and Social Security.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

## INTERNET FREEDOM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Today, I, along with several of my colleagues, will be sending a letter

to major Internet service providers, including Google, Microsoft, and Yahoo, expressing our concern regarding the worsening Internet restrictions in Vietnam.

It has come to our attention that the Vietnamese Government intends to further restrict Internet access by asking major Internet service providers to assist them in policing the Internet.

The letter strongly urges the Internet service providers to protect the Vietnamese people's freedom of speech and expression by providing technologies in a manner that respects individuals' rights and their privacy.

The Internet has become a major source of communication and information for the Vietnamese citizens. As Members of Congress, we must continue to advocate for Vietnamese citizens' freedom of speech and their freedom of expression. Upholding these freedoms is a corporate social responsibility, and Internet service providers must do everything they can to provide Internet freedom for the people of Vietnam, despite the pressure that is coming from the Vietnamese Government.

## GM: GOVERNMENT MOTORS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Federal Government has gotten into the business of picking winners and losers in the automobile industry. The government has decided that GM is a winner and Chrysler is a loser unless—Chrysler obeys the Federal Government and partners with Italian carmaker Fiat to begin producing Chrysler Fiat as automobiles. No telling what those cars will look like.

Since when, Mr. Speaker, did the Federal Government get the authority to fire CEOs of private companies and take over their businesses?

Well, the Feds did just that by taking control of GM and Chrysler. Now we should change the name of both companies to "Government Motors."

If you like the way Uncle Sam runs government businesses like Fannie Mae, Freddie Mac, the Post Office, FEMA, and the IRS, you will love the new Government Motors automobiles.

The Federal Government is picking winners in the auto industry with taxpayer bailout money. We don't need any more bailouts. The government spends too much, borrows too much, taxes too much. The government needs to stop cutting deals with special interest groups and start cutting taxes for Americans.

And that's just the way it is.

## CONGRATULATING EISENHOWER HIGH SCHOOL

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I rise today to congratulate the boy's basketball team from Eisenhower High School—in my hometown of Rialto, California—for winning the CIF State title this past Friday.

With their 73-61 victory over the Rocklin Thunder—from Sacramento, California—the Eagles captured the first ever State title for a school from San Bernardino County.

The win was the 23rd consecutive victory to end the season for the Eagles, and came after tough playoff wins over State powerhouses Loyola and Leuzinger from Lawndale, California.

Everyone said they were too small, but led by head coach Steve Johnson, the undersized Eagles used speed and a tenacious defense to beat Rocklin.

On behalf of my family—Barbara, Joe Baca, Jr., Jeremy, Natalie, and Jennifer Baca—I want to thank the players, coaches, parents, and school administrators, who all contributed so much to Eisenhower's historic run.

On Saturday, April 11th, their courage and relentless efforts will be recognized with a ticker-tape parade in Rialto. I thank Eisenhower for the hope this achievement has brought to our inland communities during this time of economic difficulty.

#### TAKE A SERIOUS LOOK

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, we've all heard about the out-of-control spending, the borrowing, the increase in taxes, the bailouts, the AIG bonuses, the stock market drop, the job losses, more foreclosures, government-run health care, increased gas prices, the credit crisis, more jobs lost, the President firing the CEO of General Motors, and more jobs lost—and this only in the first 2 months of this Congress.

Now we face a budget this week that will increase taxes, increase spending, increase borrowing more than ever before in the history of this country. We are also poised to make serious cuts in military spending in uncertain times.

We need to take a serious look in the eyes of our children and ask ourselves if they deserve the future we are giving them.

#### FINANCIAL-AUTO INDUSTRY DOUBLE STANDARD

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, I rise today to express my disappointment in President Obama's decision regarding General Motors and Chrysler. Personally, I feel that Rick Wagoner was treated shabbily.

Financial institutions were provided with hundreds of billions of dollars—

significantly more than the recent GM and Chrysler requests for new loans totaling \$21.6 billion, at most.

The people primarily affected by yesterday's decision in the auto industry are those whose greatest daily concerns are their mortgage payments, their children's college tuition, and medical bills. Financial executives are concerned primarily with their own bonuses, awarded for what can only be described as massive failure.

The President has joined the chorus of caustic critics of the automobile industry while only giving faint praise to the high-quality vehicles produced by the American manufacturers like the Buick LaCrosse, which this year matched the Jaguar in J.D. Powers and Associates' rating for the world's most reliable car.

This double standard is offensive, Mr. Speaker.

#### PROTECT AMERICAN DEMOCRACY

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I rise today to speak in opposition to the Employee Free Choice Act, the title of which betrays the true nature of this bill. It represents nothing resembling "free choice."

This "card check" legislation is un-American and would strip workers of their fundamental democratic right to a secret ballot. Without the protection of the secret ballot, workers are likely to be exposed to pressure and coercion from union bosses and organizers.

My question to those who support this bill is: Why are you afraid of a secret ballot? Can't we give workers credit for making the right decision for themselves?

In addition, a recent study has shown that increases in union workers under card check rules will likely lead to an increase in unemployment due to making their businesses less competitive.

At a time when we should be focusing on job creation, the majority is pushing through legislation that will put millions of American jobs at risk while simultaneously eliminating a cornerstone of American democracy—the secret ballot.

As a small business owner myself, I can tell you that this legislation is a poison pill for the economy. I urge my colleagues to vote against this leftist, socialist legislation.

#### SUSTAINABLE ENERGY AND ENVIRONMENT COALITION

(Mrs. HALVORSON asked and was given permission to address the House for 1 minute.)

Mrs. HALVORSON. Mr. Speaker, the Sustainable Energy and Environment Coalition is committed to the adoption of policies that will put our Nation on

a path towards energy independence and a prosperous clean energy economy. With legislation to encourage environmentally friendly energy production, we can finally achieve this goal. We can turn our American ingenuity towards a new and vibrant clean industry that will create millions of new jobs.

We cannot ignore the facts of climate change. We have to act now to ensure that our children and their children will enjoy the same Earth on which we live today.

Solar, wind, biofuels, natural gas, advanced coal technology, and others are not just the fuels of the future. They are the fuels of today. They are ready for large-scale use in the global economy.

American companies are ready to lead the way, but Congress must first take action. As a member of SEEC and as cochair of the New Dem Energy Task Force, I encourage my colleagues to participate in the debate for a stronger energy-efficient America.

□ 1215

#### THE VOTE ON THE BUDGET

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, we will vote on a budget this week, we will discuss spending and taxing, but we will not discuss how our kids will eventually pay these debts.

The Bureau of the Public Debt will now undertake a massive borrowing campaign. We used to borrow from about 45 major lenders, but that has now dropped to 16. Our biggest lender used to be China, but they are now reducing.

To fund the stimulus, the Bureau tells the Congress that we have to borrow at a rate of \$160 billion a week. And, last month Germany and the United Kingdom both failed to auction their debt because no one wanted to lend these governments more money. Each week, at four auctions a week, the United States will now risk the same fate.

What happens when this Congress runs out of other people's money?

#### LONG-TERM ECONOMIC PLAN BEGINS GROWING JOBS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, the fallout from the failed policies of the last 8 years will take time to turn around.

The Bush administration inherited a record surplus of \$5.6 trillion, and turned it into a record deficit of \$5.8

trillion. President Obama's budget is a long-term plan to turn the economy around and transform it for future prosperity, with targeted investments in health care, energy, and education.

The plan takes steps to reduce health care costs, one of the largest contributors to the deficit and a growing burden on American businesses like the auto industry. The budget includes \$2 trillion worth of savings, ending the war in Iraq, cutting programs that are not effective, and ending tax breaks for corporations that ship jobs overseas.

My constituents who are struggling to make ends meet continue to urge me to support this budget. The American people understand this commonsense blueprint for change is exactly what we need for these challenging times. They understand it cuts taxes for 95 percent of Americans, cuts wasteful spending, cuts the deficit in half over 4 years. What this budget grows is jobs. We can't afford to wait.

#### SMALL BUSINESS

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Mr. Speaker, small businesses created over 80 percent of the jobs in this country in the past decade, yet Washington continues to apply erroneous legislation that hurts and dampens the entrepreneurial spirit we have in this country.

Whether it is health care costs, high taxes, or promoting legislation which opens businesses up to more frivolous lawsuits, Washington is making it very difficult on hardworking Americans when we ask them to shoulder more burdens which they continually face.

That is what I heard yesterday when I conducted a small business roundtable in my district. One of these small business owners said, "We don't want to depend on the government for anything, but they can help us by understanding that the burdens they are placing are trickling down and breaking the backs of small business."

We can start to change that by passing H.R. 1552, legislation I have introduced with my colleague from Maryland, FRANK KRATOVIL, that will give a boost to new small businesses by increasing the maximum tax deduction on their startup costs from \$5,000 to \$20,000. This bipartisan initiative will provide firms with the much-needed resources they need.

#### ENERGY

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, I rise this afternoon for 1 minute, 60 seconds, during which this great Nation will send \$200,000 abroad to pay for foreign oil, each of those dollars hard earned in

one of our factories, small businesses, or offices.

My colleagues, we have failed to act on energy for far too long, we, who represent a Nation who has always taken the hard choices and done the right thing to invest in our future.

Much is said in this House about our children. Now the eyes of those children are on us, and they have one question, and that question is: When all the work, when all the world, and when all of us stood waiting for you to do the right thing to act on our behalf, to change the way we use and get energy, did you act? Did you act for us, or did you just kick the can down the road one more time?

#### REAUTHORIZE THE PATRIOT ACT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, FBI Director Mueller in his recent testimony before the Senate Judiciary Committee urged Congress to renew what he called exceptional intelligence-gathering tools. Earlier this month, I introduced legislation to do just that.

The Safe and Secure America Act extends for 10 years the sunset on two expiring PATRIOT Act provisions: Roving wiretaps, and Foreign Intelligence Surveillance Act business records.

Director Mueller reports that obtaining business records "has been exceptionally helpful in our national security investigations."

And the roving wiretap authority means that agents are no longer required to obtain a separate warrant for each phone, cell phone, or device a suspect uses.

I hope Director Mueller and the administration will ensure that these critical national security tools are reauthorized and kept in place.

#### THE BUDGET

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in support of House Democrats' budget resolution.

At long last, we have an honest budget that will mark another significant step forward on the road to recovery. This budget reverses 8 years of absolutely failed policies under the Bush administration which led to record deficits, a doubling of the national debt, and loss of 4.4 million jobs since the end of 2007.

Mr. Speaker, this budget makes necessary investments to lead the country toward a future of economic prosperity, creating good-paying American jobs by investing to reform our health care system, developing and manufac-

turing clean energy economy, and upgrading our educational system so our children can compete in the 21st century global economy. The budget returns fairness and fiscal responsibility by cutting taxes for the middle class.

Now, Mr. Speaker, this budget is clear. It is a clear choice to invest in our country's future, and I urge my colleagues this week to vote "yes" on this budget resolution to support House Democrats and to end 8 years of failed Bush policy.

#### TAX, TAX, TAX . . . SPEND, SPEND, SPEND

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Tax, tax, tax, spend, spend, spend. Sounds like the movie Groundhog Day. Doesn't it? Well, actually, that would be an insult to my most famous constituent, Punxsutawney Phil. It is the Democratic budget.

Mr. Speaker, as the budget comes to the floor this week, the American people deserve to know the truth. This budget will increase taxes on every single American. This budget will stifle economic growth. And, this budget will increase the tax burden on small businesses, the very segment of the economy that is best equipped to get us back on track.

Mr. Speaker, this is not the change the American people voted for in November. At the current pace, the 111th Congress is going to leave one legacy for which it will be remembered, and that is a legacy of debt for future generations, \$9.3 trillion in debt over the next 10 years, if the President's budget is rubber-stamped by this Congress.

It is time for the American people to hear the truth. This budget taxes too much, spends too much, and borrows too much.

#### BUDGET FACT CHECK: RESPONSIBLE SPENDING TO GROW AMERICA'S ECONOMY

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, the President's budget includes \$2 trillion worth of budget savings through ending the Iraq war, cutting programs that are not effective, ending tax breaks for corporations that ship goods overseas, and asking those who make over \$250,000 per year and have had huge tax cuts over the past 8 years to pay a little more. It includes key integrity initiatives to protect taxpayers' money by rooting out any waste, fraud, and abuse.

The President's budget also contains critical investments that will grow the

economy. It makes critical investments in the modernization of our Nation's infrastructure, and it helps small business and innovative companies grow their bottom line by eliminating the capital gains tax on small business. It improves opportunities for future generations. It makes the \$2,500 American opportunity tax credit.

Let's make a difference. Vote for the budget.

### THE BUDGET

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, after leading our Nation to the brink of financial disaster through their reckless economic policies, our Republican colleagues now have the audacity to launch attacks on the budget proposed by President Obama and the Democratic majority in Congress.

After taking the healthy budget surplus left by the Clinton administration and turning it into the most disastrous deficit in history, Republicans are actually attacking a budget proposal which cuts the deficit by nearly two-thirds by the year 2013, cuts taxes for middle-income families by \$1.5 trillion, creates jobs with investment and reforms in health care, clean energy, education, and reduces nondefense discretionary spending to its lowest level as a percentage of the economy in nearly half a century.

By contrast, the Republicans have put forth a so-called budget which, unbelievably, contains no numbers. None. What their budget does is propose more of the same failed policies that got our country into this deep financial economic crisis.

### CLEAN CAR REBATE ACT OF 2009

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, in our budget vote this week we need to do three things: We need to get Americans back to work; we need to get them spending money again; and we need to get them to reduce their dependence on oil. Today, I will introduce a bill to address all three of these concerns.

The Clean Car Rebate Act of 2009 will provide a direct consumer rebate check to anyone buying a fuel-efficient vehicle, beginning at \$1,000 for a 2009 car getting 28 miles to the gallon, that is any car, foreign or domestic; and, increasing for more efficient vehicles, topping out at \$2,500 for cars getting 33 miles to a gallon.

The Clean Car Rebate Act is good for jobs, it is good for the American car industry, and it is great for our environment.

### OUR BUDGET VOTE

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, President Barack Obama assumed the presidency with the United States in a condition worse than any President in the history of our Republic. He came in with problems on every single front, not the least of which was our budget.

I am very pleased to be supporting the President's budget. It includes over \$2 trillion worth of budget savings through ending what at one point cost us more than \$10 billion a month, which was the war in Iraq; we are ending the tax breaks for corporations that ship their jobs overseas; and, asking those who make more than \$250,000 a year and have had huge tax cuts over the past 8 years to pay just a little bit more.

This budget cuts taxes for 95 percent of American workers, it cuts the deficit in half in over 4 years, and ends an era of irresponsibility and budget gimmicks. So I am proud, Mr. Speaker, to support the President's budget.

### PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1388, EDWARD M. KENNEDY SERVE AMERICA ACT

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 296

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1388) to reauthorize and reform the national service laws, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Education and Labor or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

SEC. 2. House Resolution 289 is laid on the table.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my good friend, Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

### GENERAL LEAVE

Ms. MATSUI. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 296.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 296 provides for consideration of Senate amendments to the bill H.R. 1388. The rule makes in order a motion by the chairman on the Committee on Education and Labor to concur in Senate amendments to H.R. 1388. The rule provides 1 hour of debate on the motion controlled by the Committee on Education and Labor.

□ 1230

Mr. Speaker, I rise today in support of a vital piece of bipartisan legislation, legislation that directly affects all of our communities and the lives of millions of Americans, legislation that has seen broad support in both this House and by our colleagues in the Senate. This legislation strengthens our communities, helps educate future generations, teaches our youth to prepare for and respond to natural disasters, and fosters a growth of respect and compassion throughout our entire society.

The Senator Edward M. Kennedy Serve America Act will help launch a new era of American service and volunteerism. The bill answers President Obama's call for Americans of all generations to help get the country through the economic crisis by serving and volunteering in their communities.

The bill has been named after the "lion in the Senate," EDWARD KENNEDY, to recognize his lifetime commitment to national service and to making America a stronger, more collective nation. The Edward M. Kennedy Serve America Act reauthorizes for the first time in 15 years our country's investment in community service and volunteerism. As a cochair of the National Service Caucus, it is a pleasure to call attention to the tremendous work of those involved at every level and in every program of the corporation.

Mr. Speaker, service and volunteerism are the bedrock of our emergency preparedness and national security. In times of strife, the American people have always shown a spirit of service and ingenuity. Investing in service and volunteer programs prepares us to handle any crisis.

We saw firsthand the importance of having trained volunteers in the wake of the 2005 hurricanes Katrina and Rita. Following the devastation in the gulf coast, more than 92,000 national service volunteers contributed over 3.5 million hours of work to the recovery effort. They repaired homes, neighborhoods and lives.

The assistance from trained volunteers following the devastating storms represents only one example of the many accomplishments that our service volunteers achieve every single day. Since September of 2005, over 4,070 National Civilian Community Corps, or as we call it NCCC, members have served more than 2.1 million hours in the gulf coast on over 830 relief and recovery projects.

Last year, NCCC members from my hometown of Sacramento served thousands of hours to help fight the fires that devastated the lives and livelihoods of thousands of Californians, and in doing so helped protect thousands more. AmeriCorps NCCC members are disaster-trained and available for immediate deployment in the event of a natural disaster anywhere within the United States, just as they were in the gulf coast and in California.

Through programs such as AmeriCorps State and national, Volunteers in Service to America, or VISTA, and NCCC, service members address critical needs in our communities. In fact, these programs continually put back more into the community than we put into them. The Serve America Act shows Congress' support for their heroic and continued efforts and ensures these programs continue for years to come.

The Edward M. Kennedy Serve America Act will expand these opportunities as well as health care access, provide seniors with help living independently, enhance services for veterans and help build a green, energy-efficient economy.

Mr. Speaker, in 2007, more than 61 million Americans spent over 8 billion hours volunteering. Overall, about 27 percent of Americans volunteer, and the number of volunteers increased by 1 million from 2002 to 2007. Additionally, with increased numbers of Americans losing jobs, many are turning to service as a way to contribute to their communities and learn new skills. Now is precisely the time when we should make national service more accessible to the millions of Americans who want to serve their country by contributing to their communities.

As a result, I hope that my colleagues will support the rule and the underlying legislation. I look forward to the passage of this bill and the historic moment when President Obama signs this into law.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank my friend, the distinguished gentlewoman from California (Ms. MATSUI), for the time, and I yield myself such time as I may consume.

Mr. Speaker, I expected to come to the floor today to speak about the good of volunteerism and to support the underlying legislation, the Edward M.

Kennedy Serve America Act. However, I must now oppose the legislation because of the removal of important provisions that were supported, by the way, by an overwhelming majority of the House on both sides of the aisle, including a majority of Democrats.

When the House voted to approve the underlying legislation earlier in the month, it included the Republican motion to recommit. The provisions in the Republican motion made organizations that are co-located with those that promote or provide abortions, as well as political parties and lobbyists, ineligible from receiving funds provided through the legislation. It also prohibited funds from going to organizations that have been indicted on voter fraud charges.

However, the version of the legislation before the House today was stripped of those protections, even though those very provisions passed the House by a bipartisan vote of 318-105. I really don't understand why the majority leadership would force the House to consider legislation that will allow organizations that have been indicted on voter fraud charges to receive taxpayer funds, especially when the House overwhelmingly voted to forbid the use of taxpayer funds for such organizations.

It is my sincere belief that if those provisions would have been kept in the legislation, over two-thirds of the House would have voted to pass the legislation today, legislation that, yes, otherwise does help communities by recruiting 250,000 volunteers for AmeriCorps. But we will never know if I'm right because the majority is rushing to get this bill passed and is prohibiting Members on both sides of the aisle from introducing amendments to once again include the commonsense bipartisan provisions that passed previously in the House.

Mr. Speaker, I would remind the majority leadership of the events 2 weeks ago, when we learned that legislation that the majority also rushed to the floor without proper review included a provision that allowed AIG executives to receive multimillion-dollar bonuses with taxpayer funds. I know the majority will say that we are trying to obstruct important legislation today. That is far from the truth. Many of us in the minority were ready to support the legislation and, in fact, many of us did so before.

What we in the minority are saying today, what we are trying to do, is to prevent the majority from once again wasting taxpayer dollars and embarrassing Congress.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of H.R. 1388, the Edward M. Kennedy Serve

America Act. And I want to thank the leadership of my colleague for offering me this opportunity to speak. I want to also thank Chairman MILLER for his leadership and dedication to national service after moving this important bill towards passage. I would also like to thank the full committee ranking member, Mr. McKEON, and the ranking member on my subcommittee, Mr. PLATTS, and I would like to thank all the staff that have worked so hard on this.

I am pleased that the Senate has moved this bill so quickly and that we are getting closer to being able to send it to President Obama for his signature. I'm also glad to see that we have renamed the bill in honor of Senator EDWARD KENNEDY, a man who has demonstrated a lifelong commitment to public service.

Last month President Obama stood in this Chamber and called on Congress to pass legislation that would inspire a new generation of service and volunteerism in our Nation. This bill answers that call. Since the bill was passed in this body 2 weeks ago, there has been a public outpouring and interest in public service and volunteerism from citizens throughout this Nation.

Public service and volunteerism provide the means through which Americans can give back to their communities while gaining the tools that they need to achieve their own goals. The Serve America Act will create a framework to help develop national service programs that will improve their communities and enrich the lives of all those who answer the call to serve.

I am pleased to see that in this compromised version of the bill before us that we retain the competition provisions in the Senior Corps program. I'm also pleased this bill permits our Silver Scholars to transfer their education awards to their children, foster children or grandchildren. The Serve America Act contains important provisions that will help strengthen communities and provide real opportunities for Americans to serve in meaningful ways.

I am proud of the focus that the bill places in providing opportunities for disadvantaged youth, strengthening mentoring programs, increasing service opportunities in cities and urban centers, vets and people with disabilities. Under the Serve America Act, volunteer and service opportunities are made available to people of all ages. This will give thousands of older Americans the opportunity to share their knowledge and skills for the benefit of their communities while offering young people guidance and support.

I am proud that this bill contains an important focus on disadvantaged youth. By providing the right types of outlets, young people coming from difficult circumstances will have a chance to lift themselves up through service.

The Serve America Act will build a national infrastructure for service and volunteerism and makes an historical investment in the way our service programs are administered.

The bill focuses on building our national service participation while providing much-needed streamlining to reduce administrative burdens. This bill requires States to ensure outreach to local government such as cities and counties when preparing national service plans. Better outreach will result in being able to target program funds to where local folks think they need to go.

I'm also pleased that this bill includes an investment in mentoring partnerships. I would like to thank SUSAN DAVIS for her hard work on this issue. Mr. Chairman, this is a good bill, and I certainly hope we can pass it.

Mr. LINCOLN DIAZ-BALART of Florida. I have no further requests for time at this time, and I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, this reauthorization, the first in 15 years, takes programs and infrastructure that have touched so many lives and builds off its foundation to greatly increase the quality and improve the quantity and quality of service that we as a Nation work to provide.

National service is a proven return on our investment. With this bill, we will broaden those involved in service across the country, and in doing so, foster the value of civic engagement and duty that can change a life in a community.

This bipartisan legislation is truly a win-win for all those involved and for our country. It makes excellent improvements in an already successful Corporation for National and Community Service. It improves access and support for organizations and grant applicants, and most importantly, reassures our valued servicemembers that Congress supports them and their work in our communities.

I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

# PROVIDING FOR CONSIDERATION OF H. RES. 279, PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF HOUSE OF REPRESENTATIVES IN 111TH CONGRESS

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 294 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 294

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 279) providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the resolution shall be considered as adopted. The resolution, as amended, shall be considered as read. The previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration; and (2) one motion to recommit which may not contain instructions.

□ 1245

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. For the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman, my friend from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

## GENERAL LEAVE

Mr. HASTINGS of Florida. I also ask, Mr. Speaker, unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 294.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, H. Res. 294 provides for consideration of the 111th Congress committee funding resolution. As my colleagues may know, clause 7 of rule X provides for the interim committee funding until the permanent funding resolution is in place. That temporary funding expires today. Therefore, it is very important that we consider and pass this rule and the underlying resolution today.

The committee funding resolution before us is the result of a bipartisan effort between Chairman BRADY and Ranking Member LUNGREN of the Committee on House Administration. It was reported from the committee by a

voice vote, and included an amendment by the ranking member to help increase transparency and accountability in the committee funding process.

This is a very fair and modest funding resolution which seeks to keep costs down, but still allow committees to fulfill their duties. This resolution recommends to the House an authorization to expend approximately \$149.6 million in the first session and \$154.9 million in the second session. This totals approximately \$12.4 million below the combined levels requested by each of the committees.

It further reflects the commitment of Democrats to fairness and bipartisanship. The resolution incorporates an amendment by Ranking Member LUNGREN and carries forward the "one-third" rule in which a third of committee resources are used to support the work of the minority.

Rather than blindly tying committee funding to inflation or some other arbitrary number, this resolution is tailored to meet the unique challenges and circumstances facing this Congress.

As we work to implement the sweeping agenda of Democratic leadership and the new Democratic administration while simultaneously addressing seemingly unprecedented challenges, this resolution sensibly provides targeted increases to the Committees on Energy and Commerce, Financial Services, Small Business, and Standards of Official Conduct, among others.

The 12 percent increase recommended for the Committee on Financial Services is vital, considering the committee's stewardship of our Nation's financial recovery. It ensures that the committee not only has the resources to develop the legislation necessary to further our economic recovery, but also ensures that the committee has the capacity to adequately oversee the execution of these policies.

This increase, as well as the increase in funding for the Committee on Small Business, will help ensure that hard-earned taxpayer dollars are going into the right hands and helping the right people.

Additionally, with health care reform a priority for this Congress and our new President, H. Res. 279 provides an increase of 11 percent for the Committee on Energy and Commerce so we can continue our efforts to provide health care for every single American, in addition to working to finally achieve energy independence.

And while Congress continues to take on the task of overseeing our Nation's financial industry and the execution of our recovery initiatives, this body is ever-more scrutinized by the watchful eye of the American public. In order to ensure public trust in Congress, this resolution provides for an increase of 10 percent for the Committee on Standards of Official Conduct.



This resolution provides a pragmatic, fiscally prudent approach to committee funding, increasing total funding in 2009 by less than 5 percent, an amount within the D.C. cost of living adjustment.

Further, it provides a 3.9-percent increase in 2010, to accommodate the increased legislative and oversight work load typically seen in the second session.

It also assures adequate oversight by requiring committee chairs and ranking members to return to the Committee on House Administration by February of 2010 to report on committee spending.

This funding resolution strikes a responsible balance between the expanded oversight duties of the 111th Congress and the realities of our current economic climate. It will help this Congress adequately meet our economy's pressing needs, while working toward implementing the policies that will drive our Nation into the 21st century.

Mr. Speaker, I urge passage of this rule and of the resolution, and I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by expressing my appreciation to my very good friend from Fort Lauderdale, my Rules Committee colleague, Mr. HASTINGS, for yielding me the customary 30 minutes.

And let me say that the American people are hurting. We know that. And Mr. HASTINGS has alluded to some of the challenges that we have. We're dealing with one of the most serious economic challenges that we've faced in modern history.

And while the American people are facing their economic challenges, I think it's very important for us as an institution, especially as the body of the people, to realize that it's incumbent upon us to set an example.

We all know that the Federal Government is filled, riddled with tremendous waste, fraud and abuse. It's a high level of frustration for Americans. And regardless of political party, people regularly talk about the challenge of dealing with waste, fraud and abuse.

And I will say that one of our important responsibilities that too often is forgotten is our responsibility for oversight. We have to oversee the multifarious programs that have been put forward and established by this Congress.

Now, from my perspective, we have way too many programs. The reach of the Federal Government is far beyond what it should be. And as we look at the budget which we're going to be debating later this week, the notion of having this dramatic increase in spending as a percentage of our gross domestic product is something that I find to be extraordinarily troubling. And we

need to get our economy back on track. We need to make sure that we have in place an economic policy that will do that.

And so the American people are clearly looking to this institution, they're looking to Washington, to make sure that we set policies that will allow them to, once again, keep their homes, meet the obligation of paying tuition for their children who are going to college, to pay their other bills. That is something that, on a regular basis, we as Members of Congress hear from the American people. So this issue of committee funding is an important one.

And I will say that there is some concern that has been voiced on this side of the aisle. My California colleague, the ranking member of the Oversight Committee, is troubled over the fact that there have been increases in a number of other committees, and yet the Oversight and Government Reform Committee has not had the kind of increase that he believes is important.

I also want to say that we should take our hats off to the chairman of the Administration Committee, Mr. BRADY of Philadelphia, as well as my California colleague, Mr. LUNGREN, the gentleman from Sacramento, who is the ranking member. We have seen chairmen and ranking members of all of the committees go before their committee, and they have been deliberative and very thoughtful in this package that they have put together. But I do believe that there are, again, concerns that have been voiced by a number of our colleagues.

I want to say that if we look at what has happened in the last couple of months, one particular entity that I think needs to have very, very, very close scrutiny paid to it when it comes to this issue of oversight is the Department of the Treasury. We know there have been programs that began last fall with the Troubled Asset Relief Program, the so-called TARP program, and since that period of time we've had the 1,100-page stimulus bill, which we know has been flawed.

And I think it was demonstrated when, the week before last, we had the issue of trying to deal with the \$167 million in bonuses that have been provided in the stimulus package for the executives of AIG. And so we have unintended consequences that stem from a dramatic expansion of the Federal Government. And everyone acknowledges that that's the case. And that's why we, on our side, are regularly trying to, again, limit that reach because no one knows exactly what the unintended consequences will be.

Now, Mr. LUNGREN, the ranking member, informed me yesterday that we are going to, in this resolution, have a scrutiny over the action of every committee when it comes to the issue of oversight. And I do congratu-

late the members of the Administration Committee for ensuring that we do have more scrutiny put into place.

I also want to mention an item that is included in this measure that is, I think, very, very important, and that is funding for a commission which I was privileged to found when we were in the majority, and now serve as the ranking member under our colleague, DAVID PRICE, the gentleman from North Carolina, who has chaired this commission. It's known as the House Democracy Assistance Commission. And our commission has basically taken the challenge of building democratic institutions in new and re-emerging democracies around the world and worked to share our example of the United States Congress with these new and re-emerging democracies. I mean, we are in Afghanistan, Timor-Leste, Indonesia, Haiti, Colombia, Lebanon, Liberia, Kenya, Macedonia, Georgia, and Ukraine. I mean, we have worked closely with the parliaments to try and, again, share our example of the work of the United States Congress.

And I regularly argue, Mr. Speaker, that we clearly don't have the answer, because we know that democracy is a work in progress. And I've often quipped that if some of these countries see the United States Congress in operation they may want to go back to totalitarianism. But the fact is we do have a 220-year example to which we can point as our work in progress. And this commission is, I believe, making great strides in trying to help build the parliaments in these countries so that, as we pursue economic growth and the rule of law in those countries, this commission is going to remain on the cutting edge of that very important work.

So I will say that, again, there are concerns that have been voiced about the level of funding, and I think that there are a number of issues that we still do want to ensure that we address.

But as the American people deal with the economic downturn that we're facing today, I think it is imperative that we, as an institution, do all that we can, Mr. Speaker, all that we can to ensure that we utilize those taxpayer dollars just as cost effectively as possible and, at the same time, redouble our efforts when it comes to overseeing this massive expansion of the Federal Government that has taken place.

I reserve the balance of my time, Mr. Speaker.

□ 1300

Mr. HASTINGS of Florida. Mr. Speaker, I inquire of my good friend from California if he has any remaining speakers?

Mr. DREIER. If the gentleman would yield, I would say to my friend, if he would like me to talk for another 15 or 20 minutes, I would be more than happy to.

Mr. HASTINGS of Florida. I am the last speaker for this side, so I will reserve my time until the gentleman has closed for his side and has yielded back his time.

Mr. DREIER. Mr. Speaker, with that, I will yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I would like to address one of the concerns that my good friend raised with reference to Oversight and Government Reform.

It remains the second best-funded committee in the House with the second largest staff, and Oversight and Government Reform did not use \$700,000 of their funding last year, showing that they have a good cushion of additional funding to use this year.

Mr. Speaker, H. Res. 297 is a practical resolution that reflects the new pressing priorities of the 111th Congress. The funding levels authorized in this resolution will provide our committees with the resources necessary to carry out Congress' increase in oversight responsibilities and to implement the sweeping legislative initiatives of the President's and Democrats' in Congress, referencing yet one more item raised by my good friend as he references the things that are being done.

When people tell me that we are trying to do too much, I always ask: What is it that they would leave out that we should not be doing? Would they leave out education? Do they think that energy independence is not particularly critical? Is there anyone in this body or anywhere in this country who does not understand the critical need for health insurance for all Americans?

One thing is certain: When we are talking about the economy, we are talking about health care, and if we do not do things with reference to health care, then we are not going to be able to solve our economic crisis.

Mr. DREIER. Would the gentleman yield?

Mr. HASTINGS of Florida. Of course, I will yield.

Mr. DREIER. I thank my good friend for yielding.

Mr. Speaker, I would simply say that I completely concur with my friend on those two issues that he has just mentioned. Ensuring that we have access to quality health care in this country is, I believe, a right that needs to be pursued, number 1.

Number 2, education is going to be critical. As we deal with our emergence from this economic downturn, the United States of America must remain on the cutting edge. The argument that one would get is regarding the exact role the Federal Government should play in every one of these things—in dramatically expanding the number of programs to deal with it or, in fact, in incentivizing those in the private sector. Do we do everything we can to, again, encourage greater access

to health care and to quality education?

I thank my friend for yielding.

Mr. HASTINGS of Florida. Reclaiming my time, I am putting a question to my colleague, and I will then reference time for him.

When you said we should incentivize the private sector, who is the "we" that you are talking about?

Mr. DREIER. Will my friend yield?

Mr. HASTINGS of Florida. Yes.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me just say, by incentivizing, I believe that we as an institution, through tax policy, can do everything that we possibly can.

For example, in the area of health care, just to touch on that, I believe that a dramatic expansion of medical savings accounts—of which we have been on the cutting edge—of encouraging people to put dollars aside and to save and plan for their health care needs is a better way to go rather than dramatically expanding a government program to deal with it. That is the response, I would say, as far as incentivizing.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Reclaiming my time, it is still the government as an institution that you refer to that is going to do these things. It is just that somehow or another, I guess, ideologically, my good friend and I are opposites when it comes, not only to health care, but to a variety of issues of major consequence.

If this Nation does not face up to its responsibilities having to do with Social Security, if we do not significantly address the issues of Medicare and Medicaid, then somehow or another, I think we are leaving the least of us out of this process. It is one thing to believe that if we incentivize the Tax Code that it is going to solve the problem, but that is not going to reach those persons at the very bottom.

For example, I hope that this budget addresses community health facilities. I believe this resolution represents the vital first step toward adequately addressing health care reform, energy policy and climate change, financial regulation and oversight, job growth and the recovery and long-term stability of our Nation's economy.

Now, in spite of the criticism from our friends on the other side, if they feel about this rule that it is unfair, perhaps unprecedented, our only intention today is to ensure that this resolution is considered in a timely manner so that our committees may be adequately funded and so that we may continue to do the work of the American people.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of H. Res. 296, by the yeas and nays;

Motion to suspend the rules and pass the bill, H.R. 1259, by the yeas and nays;

Motion to suspend the rules and agree to the resolution, H. Res. 282, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1388, EDWARD M. KENNEDY SERVE AMERICA ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 296, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 240, nays 173, not voting 18, as follows:

[Roll No. 166]

YEAS—240

Abercrombie	Clay	Foster
Ackerman	Cleaver	Frank (MA)
Adler (NJ)	Clyburn	Fudge
Altmire	Cohen	Giffords
Andrews	Connolly (VA)	Gonzalez
Arcuri	Cooper	Gordon (TN)
Baca	Costa	Grayson
Baird	Costello	Green, Al
Baldwin	Courtney	Green, Gene
Barrow	Crowley	Griffith
Bean	Cuellar	Grijalva
Becerra	Cummings	Gutierrez
Berkley	Dahlkemper	Hall (NY)
Berman	Davis (AL)	Halvorson
Berry	Davis (CA)	Hare
Bishop (GA)	Davis (IL)	Harman
Bishop (NY)	Davis (TN)	Hastings (FL)
Blumenauer	DeFazio	Heinrich
Bocieri	DeGette	Herseth Sandlin
Boren	Delahunt	Higgins
Boswell	DeLauro	Hill
Boyd	Dicks	Himes
Brady (PA)	Dingell	Hinchee
Braley (IA)	Doggett	Hinojosa
Bright	Donnelly (IN)	Hirono
Butterfield	Doyle	Hodes
Capps	Driehaus	Holden
Capuano	Edwards (MD)	Holt
Cardoza	Edwards (TX)	Honda
Carnahan	Ellison	Hoyer
Carney	Ellsworth	Inslee
Carson (IN)	Engel	Israel
Castor (FL)	Eshoo	Jackson (IL)
Chandler	Etheridge	Jackson-Lee
Childers	Farr	(TX)
Clarke	Filner	Johnson (GA)

Schmitt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shirkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space

Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry

Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp

Wasserman  
Schultz  
Waters  
Waxman  
Weiner  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NAYS—8

Broun (GA)  
Campbell  
Flake

McClintock  
Paul  
Poe (TX)

Rohrabacher  
Royce

## NOT VOTING—16

Brady (TX)  
Brown, Corrine  
Franks (AZ)  
Green, Gene  
Hensarling  
Johnson (GA)

Lewis (GA)  
Miller, Gary  
Olson  
Pascarell  
Pomeroy  
Rangel

Watson  
Watt  
Welch  
Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1342

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 167, had I been present, I would have voted "yea."

Mr. OLSON. Mr. Speaker, I was unavoidably detained. If I had been present I would have voted "yea."

## RECOGNIZING 30TH ANNIVERSARY OF EGYPT-ISRAEL PEACE TREATY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 282, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. CONNOLLY) that the House suspend the rules and agree to the resolution, H. Res. 282, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 418, noes 1, not voting 12, as follows:

[Roll No. 168]

## AYES—418

Abercrombie  
Ackerman  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boccieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar

Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa

Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan

Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Sessions  
Platts  
Poe (TX)  
Polis (CO)  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)

Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space

## NOES—1

Paul

## NOT VOTING—12

Brown, Corrine  
Davis (TN)  
Hensarling  
Lewis (GA)

Miller, Gary  
Murphy (CT)  
Pascarell  
Pomeroy

Watson  
Watt  
Welch  
Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1351

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## EDWARD M. KENNEDY SERVE AMERICA ACT

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 296, I move to take from the Speaker's table the bill (H.R. 1388) to reauthorize and reform the national service laws, with the Senate amendments thereto, and I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the title of the bill, designate the Senate amendments and designate the motion.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) *SHORT TITLE*.—This Act may be cited as the “Serve America Act”.

(b) *TABLE OF CONTENTS*.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990**

Sec. 1001. References.

**Subtitle A—Amendments to Subtitle A (General Provisions)**

Sec. 1101. Purposes.

Sec. 1102. Definitions.

**Subtitle B—Amendments to Subtitle B (Learn and Serve America)**

Sec. 1201. School-based allotments.

Sec. 1202. Higher education provisions.

Sec. 1203. Campuses of Service.

Sec. 1204. Innovative programs and research.

Sec. 1205. Service-learning impact study.

**Subtitle C—Amendments to Subtitle C (National Service Trust Program)**

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.

Sec. 1302. Eligible national service programs.

Sec. 1303. Types of positions.

Sec. 1304. Conforming repeal relating to training and technical assistance.

Sec. 1305. Assistance to State Commissions; challenge grants.

Sec. 1306. Allocation of assistance to States and other eligible entities.

Sec. 1307. Additional authority.

Sec. 1308. State selection of programs.

Sec. 1309. National service program assistance requirements.

Sec. 1310. Prohibited activities and ineligible organizations.

Sec. 1311. Consideration of applications.

Sec. 1312. Description of participants.

Sec. 1313. Selection of national service participants.

Sec. 1314. Terms of service.

Sec. 1315. Adjustments to living allowance.

**Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)**

Sec. 1401. Availability of funds in the National Service Trust.

Sec. 1402. Individuals eligible to receive an educational award from the Trust.

Sec. 1403. Certifications.

Sec. 1404. Determination of the amount of the educational award.

Sec. 1405. Disbursement of educational awards.

Sec. 1406. Approval process for approved positions.

**Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)**

Sec. 1501. Purpose.

Sec. 1502. Program components.

Sec. 1503. Eligible participants.

Sec. 1504. Summer national service program.

Sec. 1505. National Civilian Community Corps.

Sec. 1506. Training.

Sec. 1507. Consultation with State Commissions.

Sec. 1508. Authorized benefits for Corps members.

Sec. 1509. Permanent cadre.

Sec. 1510. Status of Corps members and Corps personnel under Federal law.

Sec. 1511. Contract and grant authority.

Sec. 1512. Other departments.

Sec. 1513. Advisory Board.

Sec. 1514. Evaluations.

Sec. 1515. Repeal of funding limitation.

Sec. 1516. Definitions.

Sec. 1517. Terminology.

**Subtitle F—Amendments to Subtitle F (Administrative Provisions)**

Sec. 1601. Family and medical leave.

Sec. 1602. Reports.

Sec. 1603. Use of funds.

Sec. 1604. Notice, hearing, and grievance procedures.

Sec. 1605. Resolution of displacement complaints.

Sec. 1606. State Commissions on National and Community Service.

Sec. 1607. Evaluation and accountability.

Sec. 1608. Civic Health Assessment.

Sec. 1609. Contingent extension.

Sec. 1610. Partnerships with schools.

Sec. 1611. Rights of access, examination, and copying.

Sec. 1612. Additional administrative provisions.

Sec. 1613. Availability of assistance.

Sec. 1614. Criminal history checks for individuals working with vulnerable populations.

**Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)**

Sec. 1701. Terms of office.

Sec. 1702. Board of Directors authorities and duties.

Sec. 1703. Chief Executive Officer compensation.

Sec. 1704. Authorities and duties of the Chief Executive Officer.

Sec. 1705. Chief Financial Officer status.

Sec. 1706. Nonvoting members; personal services contracts.

Sec. 1707. Donated services.

Sec. 1708. Assignment to State Commissions.

Sec. 1709. Study of involvement of veterans.

Sec. 1710. Study to examine and increase service programs for displaced workers in services corps and community service and to develop pilot program planning study.

Sec. 1711. Study to evaluate the effectiveness of agency coordination.

Sec. 1712. Study of program effectiveness.

Sec. 1713. Volunteer Management Corps study.

**Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)**

Sec. 1801. Technical amendment to subtitle H.

Sec. 1802. Additional Corporation activities to support national service.

Sec. 1803. Repeals.

Sec. 1804. Presidential awards.

Sec. 1805. New fellowships.

Sec. 1806. National Service Reserve Corps.

Sec. 1807. Social Innovation Funds pilot program.

Sec. 1808. Clearinghouses.

Sec. 1809. Nonprofit Capacity Building Program.

**Subtitle I—Training and Technical Assistance**

Sec. 1821. Training and technical assistance.

**Subtitle J—Repeal of Title III (Points of Light Foundation)**

Sec. 1831. Repeal.

**Subtitle K—Amendments to Title V (Authorization of Appropriations)**

Sec. 1841. Authorization of appropriations.

**TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973**

Sec. 2001. References.

Sec. 2002. Volunteerism policy.

**Subtitle A—National Volunteer Antipoverty Programs**

**CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA**

Sec. 2101. Statement of purpose.

Sec. 2102. Selection and assignment of volunteers.

Sec. 2103. Support service.

Sec. 2104. Repeal.

Sec. 2105. Redesignation.

**CHAPTER 2—UNIVERSITY YEAR FOR VISTA**

Sec. 2121. University year for VISTA.

**CHAPTER 3—SPECIAL VOLUNTEER PROGRAMS**

Sec. 2131. Statement of purpose.

Sec. 2132. Literacy challenge grants.

**Subtitle B—National Senior Service Corps**

Sec. 2141. Title.

Sec. 2142. Statement of purpose.

Sec. 2143. Retired and Senior Volunteer Program.

Sec. 2144. Foster grandparent program.

Sec. 2145. Senior companion program.

Sec. 2146. General provisions.

**Subtitle C—Administration and Coordination**

Sec. 2151. Special limitations.

Sec. 2152. Application of Federal law.

Sec. 2153. Evaluation.

Sec. 2154. Definitions.

Sec. 2155. Protection against improper use.

Sec. 2156. Provisions under the National and Community Service Act of 1990.

**Subtitle D—Authorization of Appropriations**

Sec. 2161. Authorizations of appropriations.

**TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS**

Sec. 3101. Table of contents of the National and Community Service Act of 1990.

Sec. 3102. Table of contents of the Domestic Volunteer Service Act of 1973.

**TITLE IV—AMENDMENTS TO OTHER LAWS**

Sec. 4101. Inspector General Act of 1978.

**TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM**

Sec. 5101. Findings.

Sec. 5102. Definitions.

Sec. 5103. Office of Volunteers for Prosperity.

Sec. 5104. Authorization of appropriations.

**TITLE VI—EFFECTIVE DATE**

Sec. 6101. Effective date.

Sec. 6102. Sense of the Senate.

**TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990**

**SEC. 1001. REFERENCES.**

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the amendment or repeal shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

**Subtitle A—Amendments to Subtitle A (General Provisions)**

**SEC. 1101. PURPOSES.**

Section 2(b) (42 U.S.C. 12501(b)) is amended—  
(1) in paragraph (2), by striking “community throughout” and inserting “community and service throughout the varied and diverse communities of”;

(2) in paragraph (4), by inserting after “income,” the following: “geographic location,”;

(3) in paragraph (6), by inserting after “existing” the following: “national”;

(4) in paragraph (7)—

(A) by striking “programs and agencies” and inserting “programs, agencies, and communities”; and

(B) by striking “and” at the end;

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

“(9) expand and strengthen service-learning programs through year-round opportunities, including opportunities during the summer months, to improve the education of children

and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community for children and youth throughout the United States;

“(10) assist in coordinating and strengthening Federal and other service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

“(11) increase service opportunities for the Nation’s retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions, to improve the education of the Nation’s youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older individuals;

“(12) encourage the continued service of the alumni of the national service programs, including service in times of national need;

“(13) encourage individuals age 55 or older to partake of service opportunities;

“(14) focus national service on the areas of national need such service has the capacity to address, such as improving education, increasing energy conservation, improving the health status of economically disadvantaged individuals, and improving economic opportunity for economically disadvantaged individuals;

“(15) recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in addressing national and local challenges;

“(16) increase public and private investment in nonprofit community organizations that are effectively addressing national and local challenges and encourage such organizations to replicate and expand successful initiatives;

“(17) leverage Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

“(18) support institutions of higher education that engage students in community service activities and provide high-quality service-learning opportunities; and

“(19) recognize the expertise veterans can offer to national service programs, expand the participation of the veterans in the national service programs, and assist the families of veterans and members of the Armed Forces on active duty.”

#### SEC. 1102. DEFINITIONS.

(a) IN GENERAL.—Section 101 (42 U.S.C. 12511) is amended—

(1) in paragraph (3), by striking “described in section 122”;

(2) in paragraph (13), by striking “section 101(a) of the Higher Education Act of 1965” and inserting “sections 101(a) and 102(a)(1) of the Higher Education Act of 1965”;

(3) in paragraph (17)(B), by striking “program in which the participant is enrolled” and inserting “organization receiving assistance under the national service laws through which the participant is engaging in service”;

(4) in paragraph (19)—

(A) by striking “section 111(a)” and inserting “section 112(a)”;

(B) by striking “117A(a),”;

(C) by striking “119(b)(1), or 122(a),” and inserting “118A, or 118(b)(1), or subsection (a), (b), or (c) of section 122,”;

(D) by inserting “section 198B, 198C, 198G, 198H, or 198K,” after “section 152(b),”;

(E) by striking “198, 198C, or 198D” and inserting “179A, 198, 198O, 198P, or 199N”;

(5) in paragraph (21)(B)—

(A) by striking “602” and inserting “602(3)”;

(B) by striking “1401” and inserting “1401(3)”;

(6) in paragraph (24), by striking “section 111” and inserting “section 112”;

(7) in paragraph (26), by striking the second sentence; and

(8) by adding at the end the following:

“(30) ALASKA NATIVE-SERVING INSTITUTION.—The term ‘Alaska Native-serving institution’ has the meaning given the term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

“(31) APPROVED SILVER SCHOLAR POSITION.—The term ‘approved silver scholar position’ means a position, in a program described in section 198C(a), for which the Corporation has approved the provision of a silver scholarship educational award as one of the benefits to be provided for successful service in the position.

“(32) APPROVED SUMMER OF SERVICE POSITION.—The term ‘approved summer of service position’ means a position, in a program described in section 119(c)(8), for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

“(33) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term ‘Asian American and Native American Pacific Islander-serving institution’ has the meaning given the term in section 320(b) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)).

“(34) AUTHORIZING COMMITTEES.—The term ‘authorizing committees’ means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(35) COMMUNITY-BASED ENTITY.—The term ‘community-based entity’ means a public or private nonprofit organization that—

“(A) has experience with meeting unmet human, educational, environmental, or public safety needs; and

“(B) meets other such criteria as the Chief Executive Officer may establish.

“(36) DISADVANTAGED YOUTH.—The term ‘disadvantaged youth’ includes those youth who are economically disadvantaged and 1 or more of the following:

“(A) Who are out-of-school youth, including out-of-school youth who are unemployed.

“(B) Who are in or aging out of foster care.

“(C) Who have limited English proficiency.

“(D) Who are homeless or who have run away from home.

“(E) Who are at-risk to leave secondary school without a diploma.

“(F) Who are former juvenile offenders or at risk of delinquency.

“(G) Who are individuals with disabilities.

“(37) ENCORE SERVICE PROGRAM.—The term ‘encore service program’ means a program, carried out by an eligible entity as described in subsection (a), (b), or (c) of section 122, that—

“(A) involves a significant number of participants age 55 or older in the program; and

“(B) takes advantage of the skills and experience that such participants offer in the design and implementation of the program.

“(38) HISPANIC-SERVING INSTITUTION.—The term ‘Hispanic-serving institution’ has the meaning given such term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

“(39) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘historically black college or university’ means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

“(40) MEDICALLY UNDERSERVED POPULATION.—The term ‘medically underserved population’ has the meaning given that term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)).

“(41) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term ‘Native American-serving, nontribal institution’ has the meaning

given the term in section 319(b) of the Higher Education Act of 1965 (20 U.S.C. 1059f(b)).

“(42) NATIVE HAWAIIAN-SERVING INSTITUTION.—The term ‘Native Hawaiian-serving institution’ has the meaning given the term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

“(43) PREDOMINANTLY BLACK INSTITUTION.—The term ‘Predominantly Black Institution’ has the meaning given the term in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e).

“(44) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term ‘principles of scientific research’ means principles of research that—

“(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to the subject matter involved;

“(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

“(C) include, appropriate to the research being conducted—

“(i) use of systematic, empirical methods that draw on observation or experiment;

“(ii) use of data analyses that are adequate to support the general findings;

“(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

“(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

“(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

“(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

“(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

“(45) QUALIFIED ORGANIZATION.—The term ‘qualified organization’ means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.

“(46) SCIENTIFICALLY VALID RESEARCH.—The term ‘scientifically valid research’ includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

“(47) TERRITORY.—The term ‘territory’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(48) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term ‘tribally controlled college or university’ has the meaning given such term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

“(49) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”

(b) REDESIGNATION.—Section 101 (42 U.S.C. 12511) is amended—

(1) by redesignating paragraphs (1) through (49) as paragraphs (1), (3), (8), (9), (10), (12), (14), (15), (19), (20), (21), (22), (23), (24), (26), (29), (30), (31), (34), (35), (37), (39), (40), (41), (42), (43), (44), (45), (46), (2), (4), (5), (6), (7), (11), (13), (16), (17), (18), (25), (27), (28), (32), (33), (36), (38), (47), (48), and (49); and

(2) so that paragraphs (1) through (49), as so redesignated in paragraph (1), appear in numerical order.



**Subtitle B—Amendments to Subtitle B (Learn and Serve America)**

**SEC. 1201. SCHOOL-BASED ALLOTMENTS.**

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

**“PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS**

**“SEC. 111. PURPOSE.**

“The purpose of this part is to promote service-learning as a strategy to—

“(1) support high-quality service-learning projects that engage students in meeting community needs with demonstrable results, while enhancing students’ academic and civic learning; and

“(2) support efforts to build institutional capacity, including the training of educators, and to strengthen the service infrastructure to expand service opportunities.

**“SEC. 111A. DEFINITIONS.**

“In this part:

“(1) **STATE.**—The term ‘State’ means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(2) **STATE EDUCATIONAL AGENCY.**—The term ‘State educational agency’ means—

“(A) a State educational agency (as defined in section 101) of a State; or

“(B) for a State in which a State educational agency described in subparagraph (A) has designated a statewide entity under section 112(e), that designated statewide entity.

**“SEC. 112. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.**

“(a) **ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.**—The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, territories, and Indian tribes to pay for the Federal share of—

“(1) planning and building the capacity within the State, territory, or Indian tribe involved to implement service-learning programs that are based principally in elementary schools and secondary schools, including—

“(A) providing training and professional development for teachers, supervisors, personnel from community-based entities (particularly with regard to the recruitment, utilization, and management of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

“(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including curricula for an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

“(C) forming local partnerships described in paragraph (2) or (4)(D) to develop school-based service-learning programs in accordance with this part;

“(D) devising appropriate methods for research on and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

“(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based entities with demonstrated effectiveness in working with school-age youth in their communities; and

“(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, throughout the territory, or serving the Indian tribe involved with particular attention to schools not making adequate yearly progress for two or more consecutive years under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

“(2) implementing, operating, or expanding school-based service-learning programs, which

may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to projects operated by local partnerships among—

“(A) local educational agencies; and

“(B) 1 or more community partners that—

“(i) shall include a public or private nonprofit organization that—

“(I) has a demonstrated expertise in the provision of services to meet unmet human, educational, environmental, or public safety needs;

“(II) will make projects available for participants, who shall be students; and

“(III) was in existence at least 1 year before the date on which the organization submitted an application under section 113; and

“(ii) may include a private for-profit business, private elementary school or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

“(3) planning of school-based service-learning programs, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

“(A) the salaries and benefits of service-learning coordinators; or

“(B) the recruitment, training and professional development, supervision, and placement of service-learning coordinators who may be participants in a program under subtitle C or receive a national service educational award under subtitle D, who may be participants in a project under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001), or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2);

“(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to—

“(A) local educational agencies;

“(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

“(C) public or private nonprofit organizations; or

“(D) partnerships or combinations of local educational agencies, and entities described in subparagraph (B) or (C); and

“(5) developing, as service-learning programs, civic engagement programs that promote a better understanding of—

“(A) the principles of the Constitution, the heroes of United States history (including military heroes), and the meaning of the Pledge of Allegiance;

“(B) how the Nation’s government functions; and

“(C) the importance of service in the Nation’s character.

“(b) **DUTIES OF SERVICE-LEARNING COORDINATOR.**—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local partnership described in subsection (a)(2) or entity described in subsection (a)(3), respectively, that may include—

“(1) providing technical assistance and information to, and facilitating the training of,

teachers and assisting in the planning, development, execution, and evaluation of service-learning in their classrooms;

“(2) assisting local partnerships described in subsection (a)(2) in the planning, development, and execution of service-learning projects, including summer of service programs;

“(3) assisting schools and local educational agencies in developing school policies and practices that support the integration of service-learning into the curriculum; and

“(4) carrying out such other duties as the local partnership or entity, respectively, may determine to be appropriate.

“(c) **RELATED EXPENSES.**—An entity that receives financial assistance under this part from a State, territory, or Indian tribe may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

“(d) **SPECIAL RULE.**—A State educational agency described in section 111A(2)(A) may designate a statewide entity (which may be a community-based entity) with demonstrated experience in supporting or implementing service-learning programs, to receive the State educational agency’s allotment under this part, and carry out the functions of the agency under this part.

“(e) **CONSULTATION WITH SECRETARY OF EDUCATION.**—The Corporation is authorized to enter into agreements with the Secretary of Education for initiatives (and may use funds authorized under section 501(a)(6) to enter into the agreements if the additional costs of the initiatives are warranted) that may include—

“(1) identification and dissemination of research findings on service-learning and scientifically valid research based practices for service-learning; and

“(2) provision of professional development opportunities that—

“(A) improve the quality of service-learning instruction and delivery for teachers both preservice and in-service, personnel from community-based entities and youth workers; and

“(B) create and sustain effective partnerships for service-learning programs between local educational agencies, community-based entities, businesses, and other stakeholders.

**“SEC. 112A. ALLOTMENTS.**

“(a) **INDIAN TRIBES AND TERRITORIES.**—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

“(b) **ALLOTMENTS THROUGH STATES.**—

“(1) **IN GENERAL.**—After reserving an amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for the fiscal year as follows:

“(A) **ALLOTMENTS BASED ON SCHOOL-AGE YOUTH.**—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth in all States.

“(B) **ALLOTMENTS BASED ON ALLOCATIONS UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of

1965 (20 U.S.C. 6301 et seq.) bears to the total of such allocations to all States.

“(2) MINIMUM AMOUNT.—For any fiscal year for which amounts appropriated for this subtitle exceed \$50,000,000, the minimum allotment to each State under paragraph (1) shall be \$75,000.

“(c) REALLOTMENT.—If the Corporation determines that the allotment of a State, territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 113, the Corporation shall make the allotment for such State, territory, or Indian tribe available for grants to community-based entities to carry out service-learning programs as described in section 112(b) in such State, in such territory, or for such Indian tribe. After community-based entities apply for grants from the allotment, by submitting an application at such time and in such manner as the Corporation requires, and receive approval, the remainder of such allotment shall be available for reallocation to such other States, territories, or Indian tribes with approved applications submitted under section 113 as the Corporation may determine to be appropriate.

#### “SEC. 113. APPLICATIONS.

“(a) APPLICATIONS TO CORPORATION FOR ALLOTMENTS.—

“(1) IN GENERAL.—To be eligible to receive an allotment under section 112A, a State, acting through the State educational agency, territory, or Indian tribe shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

“(2) CONTENTS.—An application for an allotment under section 112 shall include—

“(A) a proposal for a 3-year plan promoting service-learning, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

“(B) information about the criteria the State educational agency, territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (b), including an assurance that the State educational agency, territory, or Indian tribe will comply with the requirement in section 114(a);

“(C) assurances about the applicant's efforts to—

“(i) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

“(ii) include any opportunities for students, enrolled in schools or programs of education providing elementary or secondary education, to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

“(iii) involve participants in the design and operation of the programs;

“(iv) promote service-learning in areas of greatest need, including low-income or rural areas; and

“(v) otherwise integrate service opportunities into the academic program of the participants; and

“(D) assurances that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the notice, hearing, and grievance procedures required by section 176.

“(b) APPLICATION TO STATE, TERRITORY, OR INDIAN TRIBE FOR ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

“(1) IN GENERAL.—Any—

“(A) qualified organization, Indian tribe, territory, local educational agency, for-profit busi-

ness, private elementary school or secondary school, or institution of higher education that desires to receive financial assistance under this subpart from a State, territory, or Indian tribe for an activity described in section 112(a)(1);

“(B) partnership described in section 112(a)(2) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 112(a)(2);

“(C) entity described in section 112(a)(3) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section;

“(D) entity or partnership described in section 112(a)(4) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section; and

“(E) entity that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 111(a)(5), shall prepare, submit to the State educational agency for the State, territory, or Indian tribe, and obtain approval of, an application for the program.

“(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, territory, or Indian tribe may reasonably require.

#### “SEC. 114. CONSIDERATION OF APPLICATIONS.

“(a) CRITERIA FOR LOCAL APPLICATIONS.—In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 112A(c) applies) shall consider criteria with respect to sustainability, replicability, innovation, and quality of programs.

“(b) PRIORITY FOR LOCAL APPLICATIONS.—In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 112A(c) applies) shall give priority to entities that submit applications under section 113 with respect to service-learning programs described in section 111 that are in the greatest need of assistance, such as programs targeting low-income areas or serving economically disadvantaged youth.

“(c) REJECTION OF APPLICATIONS TO CORPORATION.—If the Corporation rejects an application submitted by a State, territory, or Indian tribe under section 113 for an allotment, the Corporation shall promptly notify the State, territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

#### “SEC. 115. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

“(a) IN GENERAL.—To the extent consistent with the number of students in the State, in the territory, or served by the Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary schools and secondary schools, such State, territory, or Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

“(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

“(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

“(b) WAIVER.—If a State, territory, Indian tribe, or local educational agency is prohibited

by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers.

#### “SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

“(a) CORPORATION SHARE.—

“(1) IN GENERAL.—The Corporation share of the cost of carrying out a program for which a grant is made from an allotment under this part—

“(A) for new grants may not exceed 80 percent of the total cost of the program for the first year of the grant period, 65 percent for the second year, and 50 percent for each remaining year; and

“(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

“(2) NONCORPORATION CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of such a grant under this part—

“(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services;

“(B) except as provided in subparagraph (C), may provide for such share through Federal, State, or local sources, including private funds or donated services; and

“(C) may not provide for such share through Federal funds made available under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

“(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year, on a determination that such a waiver would be equitable due to a lack of resources at the local level.

#### “SEC. 117. LIMITATIONS ON USES OF FUNDS.

“Not more than 6 percent of the amount of assistance received by a State, territory, or Indian tribe that is the original recipient of an allotment under this part for a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by that recipient.”

#### SEC. 1202. HIGHER EDUCATION PROVISIONS.

(a) REDESIGNATION.—Section 119 (42 U.S.C. 12561) is redesignated as section 118.

(b) HIGHER EDUCATION INNOVATIVE PROGRAMS.—Section 118 (as so redesignated) is amended—

(1) in subsection (a), by inserting after “community service programs” the following: “through service-learning”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “combination” and inserting “consortium”;

(B) in paragraph (1)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by adding “and” at the end; and

(iii) by adding at the end the following:

“(C) the institution or partnership may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at 1 or more members of the partnership.”; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking “teachers at the elementary, secondary, and postsecondary levels” and inserting “institutions of higher education and their faculty”;

(ii) in subparagraph (A), by striking “education of the institution; and” and inserting “curricula of the institution to strengthen the instructional capacity of teachers to provide service-learning at the elementary and secondary levels;”;

(iii) by redesignating subparagraph (B) as subparagraph (C); and

(iv) by inserting after subparagraph (A) the following:

“(B) including service-learning as a component of other curricula or academic programs (other than education curricula or programs), such as curricula or programs relating to nursing, medicine, criminal justice, or public policy; and”;

(3) by striking subsections (c), (d), (e), and (g);

(4) by redesignating subsection (f) as subsection (i); and

(5) by inserting after subsection (b) the following:

“(c) FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.—

“(1) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

“(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant or contract under this part—

“(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

“(ii) may provide for such share through State sources or local sources, including private funds or donated services.

“(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

“(d) APPLICATION FOR GRANT.—

“(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership shall prepare and submit to the Corporation, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require, and obtain approval of the application. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

“(2) CONTENTS.—An application submitted under paragraph (1) shall contain, at a minimum—

“(A) assurances that—

“(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

“(ii) the applicant will comply with the non-duplication and nondisplacement provisions of section 177 and the notice, hearing, and grievance procedures required by section 176; and

“(B) such other assurances as the Chief Executive Officer may reasonably require.

“(e) SPECIAL CONSIDERATION.—To the extent practicable, in making grants and entering into contracts under subsection (b), the Corporation shall give special consideration to applications submitted by, or applications from partnerships including, institutions serving primarily low-income populations, including—

“(1) Alaska Native-serving institutions;

“(2) Asian American and Native American Pacific Islander-serving institutions;

“(3) Hispanic-serving institutions;

“(4) historically black colleges and universities;

“(5) Native American-serving, nontribal institutions;

“(6) Native Hawaiian-serving institutions;

“(7) Predominantly Black Institutions;

“(8) tribally controlled colleges and universities; and

“(9) community colleges serving predominantly minority populations.

“(f) CONSIDERATIONS.—In making grants and entering into contracts under subsection (b), the Corporation shall take into consideration whether the applicants submit applications containing proposals that—

“(1) demonstrate the commitment of the institution of higher education involved, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

“(2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

“(3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;

“(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

“(A) the institution;

“(B)(i) a community-based agency;

“(ii) a local government agency; or

“(iii) a nonprofit entity that serves or involves school-age youth, older adults, or low-income communities; and

“(C)(i) a student organization;

“(ii) a department of the institution; or

“(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;

“(5) demonstrate community involvement in the development of the proposal and the extent to which the proposal will contribute to the goals of the involved community members;

“(6) demonstrate a commitment to perform community service projects in underserved urban and rural communities;

“(7) describe research on effective strategies and methods to improve service utilized in the design of the projects;

“(8) specify that the institution or partnership will use the assistance provided through the grant or contract to strengthen the service infrastructure in institutions of higher education;

“(9) with respect to projects involving delivery of services, specify projects that involve leadership development of school-age youth; or

“(10) describe the needs that the proposed projects are designed to address, such as housing, economic development, infrastructure, health care, job training, education, crime prevention, urban planning, transportation, information technology, or child welfare.

“(g) FEDERAL WORK-STUDY.—To be eligible for assistance under this part, an institution of higher education shall demonstrate that it meets the minimum requirements under section 443(b)(2)(A) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(A)) relating to the participation of students employed under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) (relating to Federal Work-Study programs) in community service activities, or has received a waiver of those requirements from the Secretary of Education.

“(h) DEFINITION.—Notwithstanding section 101, as used in this part, the term ‘student’ means an individual who is enrolled in an institution of higher education on a full- or part-time basis.”.

#### SEC. 1203. CAMPUSES OF SERVICE.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is amended by inserting after section 118 (as redesignated by section 1202) the following:

#### “SEC. 118A. CAMPUSES OF SERVICE.

“(a) IN GENERAL.—The Corporation, after consultation with the Secretary of Education, may annually designate not more than 25 institutions of higher education as Campuses of Service, from among institutions nominated by State Commissions.

“(b) APPLICATIONS FOR NOMINATION.—

“(1) IN GENERAL.—To be eligible for a nomination to receive designation under subsection (a), and have an opportunity to apply for funds under subsection (d) for a fiscal year, an institution of higher education in a State shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require.

“(2) CONTENTS.—At a minimum, the application shall include information specifying—

“(A)(i) the number of undergraduate and, if applicable, graduate service-learning courses offered at such institution for the most recent full academic year preceding the fiscal year for which designation is sought; and

“(ii) the number and percentage of undergraduate students and, if applicable, the number and percentage of graduate students at such institution who were enrolled in the corresponding courses described in clause (i), for such preceding academic year;

“(B) the percentage of undergraduate students engaging in and, if applicable, the percentage of graduate students engaging in activities providing community services, as defined in section 441(c) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)), during such preceding academic year, the quality of such activities, and the average amount of time spent, per student, engaged in such activities;

“(C) for such preceding academic year, the percentage of Federal work-study funds made available to the institution under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) that is used to compensate students employed in providing community services, as so defined, and a description of the efforts the institution undertakes to make available to students opportunities to provide such community services and be compensated through such work-study funds;

“(D) at the discretion of the institution, information demonstrating the degree to which recent graduates of the institution, and all graduates of the institution, have obtained full-time public service employment in the nonprofit sector or government, with a private nonprofit organization or a Federal, State, or local public agency; and

“(E) any programs the institution has in place to encourage or assist graduates of the institution to pursue careers in public service in the nonprofit sector or government.

“(c) NOMINATIONS AND DESIGNATION.—

“(1) NOMINATION.—

“(A) IN GENERAL.—A State Commission that receives applications from institutions of higher education under subsection (b) may nominate, for designation under subsection (a), not more than 3 such institutions of higher education, consisting of—

“(i) not more than one 4-year public institution of higher education;

“(ii) not more than one 4-year private institution of higher education; and

“(iii) not more than one 2-year institution of higher education.

“(B) SUBMISSION.—The State Commission shall submit to the Corporation the name and application of each institution nominated by the State Commission under subparagraph (A).

“(2) **DESIGNATION.**—The Corporation shall designate, under subsection (a), not more than 25 institutions of higher education from among the institutions nominated under paragraph (1). In making the designations, the Corporation shall, if feasible, designate various types of institutions, including institutions from each of the categories of institutions described in clauses (i), (ii), and (iii) of paragraph (1)(A).

“(d) **AWARDS.**—

“(1) **IN GENERAL.**—Using sums reserved under section 501(a)(1)(C) for Campuses of Service, the Corporation shall provide an award of funds to institutions designated under subsection (c), to be used by the institutions to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

“(2) **PLAN.**—To be eligible to receive funds under this subsection, an institution designated under subsection (c) shall submit a plan to the Corporation describing how the institution intends to use the funds to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

“(3) **ALLOCATION.**—The Corporation shall determine how the funds reserved under section 501(a)(1)(C) for Campuses of Service for a fiscal year will be allocated among the institutions submitting acceptable plans under paragraph (2). In determining the amount of funds to be allocated to such an institution, the Corporation shall consider the number of students at the institution, the quality and scope of the plan submitted by the institution under paragraph (2), and the institution's current (as of the date of submission of the plan) strategies to encourage or assist students to pursue public service careers in the nonprofit sector or government.”.

#### **SEC. 1204. INNOVATIVE PROGRAMS AND RESEARCH.**

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1203, is further amended by adding at the end the following:

#### **“PART III—INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH**

##### **“SEC. 119. INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH.**

“(a) **DEFINITIONS.**—In this part:

“(1) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a State educational agency, a State Commission, a territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including community-based entities), a public or private elementary school or secondary school, a local educational agency, a consortium of such entities, or a consortium of 2 or more such entities and a for-profit organization.

“(2) **ELIGIBLE PARTNERSHIP.**—The term ‘eligible partnership’ means a partnership that—

“(A) shall include—

“(i) 1 or more community-based entities that have demonstrated records of success in carrying out service-learning programs with economically disadvantaged students, and that meet such criteria as the Chief Executive Officer may establish; and

“(ii) a local educational agency for which—

“(I) a high number or percentage, as determined by the Corporation, of the students served by the agency are economically disadvantaged students; and

“(II) the graduation rate (as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education for the secondary school students served by the agency is less than 70 percent; and

“(B) may also include—

“(i) a local government agency that is not described in subparagraph (A);

“(ii) the office of the chief executive officer of a unit of general local government;

“(iii) an institution of higher education;

“(iv) a State Commission or State educational agency; or

“(v) more than 1 local educational agency described in subclause (I).

“(3) **YOUTH ENGAGEMENT ZONE.**—The term ‘youth engagement zone’ means the area in which a youth engagement zone program is carried out.

“(4) **YOUTH ENGAGEMENT ZONE PROGRAM.**—The term ‘youth engagement zone program’ means a service-learning program in which members of an eligible partnership collaborate to provide coordinated school-based or community-based service-learning opportunities—

“(A) in order to address a specific community challenge;

“(B) for an increasing percentage of out-of-school youth and secondary school students served by a local educational agency; and

“(C) in circumstances under which—

“(i) not less than 90 percent of such students participate in service-learning activities as part of the program; or

“(ii) service-learning is a part of the curriculum in all of the secondary schools served by the local educational agency.

“(b) **GENERAL AUTHORITY.**—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants (which may include approved summer of service positions in the case of a grant for a program described in subsection (c)(8)) and fixed-amount grants (in accordance with section 129(l)) to eligible entities or eligible partnerships, as appropriate, for programs and activities described in subsection (c).

“(c) **AUTHORIZED ACTIVITIES.**—Funds under this part may be used to—

“(1) integrate service-learning programs into the science, technology, engineering, and mathematics (referred to in this part as ‘STEM’) curricula at the elementary, secondary, postsecondary, or postbaccalaureate levels in coordination with practicing or retired STEM professionals;

“(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low-income housing and in public spaces;

“(3) involve students in service-learning programs in emergency and disaster preparedness;

“(4) involve students in service-learning programs aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including improving such access for individuals with disabilities, in low-income or rural communities, in senior centers and communities, in schools, in libraries, and in other public spaces;

“(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency and disaster preparedness needs in their community;

“(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

“(7) conduct innovative and creative activities as described in section 112(a);

“(8) establish or implement summer of service programs (giving priority to programs that enroll youth who will be enrolled in any of grades 6 through 9 at the end of the summer concerned) during the summer months (including recruiting, training, and placing service-learning coordinators)—

“(A) for youth who will be enrolled in any of grades 6 through 12 at the end of the summer concerned; and

“(B) for community-based service-learning projects—

“(i) that shall—

“(I) meet unmet human, educational, environmental (including energy conservation and stewardship), and emergency and disaster preparedness and other public safety needs; and

“(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community;

“(ii) that may include the extension of academic year service-learning programs into the summer months; and

“(iii) under which a student who completes 100 hours of service as described in section 146(b)(2), shall be eligible for a summer of service educational award of \$500 or \$750 as described in sections 146(a)(2)(C) and 147(d);

“(9) establish or implement youth engagement zone programs in youth engagement zones, for students in secondary schools served by local educational agencies for which a majority of such students do not participate in service-learning activities that are—

“(A) carried out by eligible partnerships; and

“(B) designed to—

“(i) involve all students in secondary schools served by the local educational agency in service-learning to address a specific community challenge;

“(ii) improve student engagement, including student attendance and student behavior, and student achievement, graduation rates, and college-going rates at secondary schools; and

“(iii) involve an increasing percentage of students in secondary school and out-of-school youth in the community in school-based or community-based service-learning activities each year, with the goal of involving all students in secondary schools served by the local educational agency and involving an increasing percentage of the out-of-school youth in service-learning activities; and

“(10) conduct semester of service programs that—

“(A) provide opportunities for secondary school students to participate in a semester of coordinated school-based or community-based service-learning opportunities for a minimum of 70 hours (of which at least a third will be spent participating in field-based activities) over a semester, to address specific community challenges;

“(B) engage as participants high percentages or numbers of economically disadvantaged students;

“(C) allow participants to receive academic credit, for the time spent in the classroom and in the field for the program, that is equivalent to the academic credit for any class of equivalent length and with an equivalent time commitment; and

“(D) ensure that the classroom-based instruction component of the program is integrated into the academic program of the local educational agency involved; and

“(11) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

“(d) **APPLICATIONS.**—To be eligible to receive a grant to carry out a program or activity under this part, an entity or partnership, as appropriate, shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

“(e) **PRIORITY.**—In making grants under this part, the Corporation shall give priority to applicants proposing to—

“(1) involve students and community stakeholders in the design and implementation of

service-learning programs carried out using funds received under this part;

“(2) implement service-learning programs in low-income or rural communities; and

“(3) utilize adult volunteers, including tapping the resources of retired and retiring adults, in the planning and implementation of service-learning programs.

“(f) REQUIREMENTS.—

“(1) TERM.—Each program or activity funded under this part shall be carried out over a period of 3 years, which may include 1 planning year. In the case of a program funded under this part, the 3-year period may be extended by 1 year, if the program meets performance levels established in accordance with section 179(k) and any other criteria determined by the Corporation.

“(2) COLLABORATION ENCOURAGED.—Each entity carrying out a program or activity funded under this part shall, to the extent practicable, collaborate with entities carrying out programs under this subtitle, subtitle C, and titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001 et seq.).

“(3) EVALUATION.—Not later than 4 years after the effective date of the Serve America Act, the Corporation shall conduct an independent evaluation of the programs and activities carried out using funds made available under this part, and determine best practices relating to service-learning and recommendations for improvement of those programs and activities. The Corporation shall widely disseminate the results of the evaluations, and information on the best practices and recommendations to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies.”.

#### SEC. 1205. SERVICE-LEARNING IMPACT STUDY.

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1204, is further amended by adding at the end the following:

#### “PART IV—SERVICE-LEARNING IMPACT STUDY

##### “SEC. 120. STUDY AND REPORT.

“(a) STUDY.—

“(1) IN GENERAL.—From the sums reserved under section 501(a)(1)(B) for this section, the Corporation shall enter into a contract with an entity that is not otherwise a recipient of financial assistance under this subtitle, to conduct a 10-year longitudinal study on the impact of the activities carried out under this subtitle.

“(2) CONTENTS.—In conducting the study, the entity shall consider the impact of service-learning activities carried out under this subtitle on students participating in such activities, including in particular examining the degree to which the activities—

“(A) improved student academic achievement;

“(B) improved student engagement;

“(C) improved graduation rates, as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education; and

“(D) improved the degree to which the participants in the activities engaged in subsequent national service, volunteering, or other service activities, or pursued careers in public service, in the nonprofit sector or government.

“(3) ANALYSIS.—In carrying out such study, the entity shall examine the impact of the service-learning activities on the 4 factors described in subparagraphs (A) through (D) of paragraph (2), analyzed in terms of how much time participants were engaged in service-learning activities.

“(4) BEST PRACTICES.—The entity shall collect information on best practices concerning using service-learning activities to improve the 4 factors.

“(b) INTERIM REPORTS.—The entity shall periodically submit reports to the Corporation containing the interim results of the study and the information on best practices. The Corporation shall submit such reports to the authorizing committees.

“(c) FINAL REPORT.—The entity shall submit a report to the Corporation containing the results of the study and the information on best practices. The Corporation shall submit such report to the authorizing committees, and shall make such report available to the public on the Corporation's website.

“(d) CONSULTATION AND DISSEMINATION.—On receiving the report described in subsection (c), the Corporation shall consult with the Secretary of Education to review the results of the study, and to identify best practices concerning using service-learning activities to improve the 4 factors described in subparagraphs (A) through (D) of subsection (a)(2). The Corporation shall disseminate information on the identified best practices.”.

#### Subtitle C—Amendments to Subtitle C (National Service Trust Program)

#### SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after “subdivisions of States,” the following: “territories,”; and

(B) in paragraphs (1) and (2), by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”;

(2) in subsection (b)—

(A) in the heading, by striking “AGREEMENTS WITH FEDERAL AGENCIES” and inserting “RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES”;

(B) by striking paragraph (1) and inserting the following:

“(1) AGREEMENTS AUTHORIZED.—The Corporation may enter into an interagency agreement (other than a grant agreement) with another Federal agency to support a national service program carried out or otherwise supported by the agency. The Corporation, in entering into the interagency agreement may approve positions as approved national service positions for a program carried out or otherwise supported by the agency.”;

(C) by striking paragraph (2) and inserting the following:

“(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.”;

(D) in paragraph (3)—

(i) by striking “receiving assistance under this subsection” and inserting “carrying out or supporting a national service program”; and

(ii) by striking “using such assistance” and inserting “through that program”;

(E) in paragraph (4), by striking “a contract or cooperative agreement” the first place it appears and inserting “an interagency agreement”;

(F) by adding at the end the following:

“(5) APPLICATION OF REQUIREMENTS.—A requirement under this Act that applies to an entity receiving assistance under section 121 (other than a requirement limited to an entity receiving assistance under section 121(a)) shall be considered to apply to a Federal agency that enters into an interagency agreement under this subsection, even though no Federal agency may receive financial assistance under such an agreement.”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “subsections (a) and (b),” and inserting “subsection (a), and in providing approved national service positions under subsection (b),”; and

(B) in paragraph (2)(B), by striking “to be provided” and inserting “to be provided or otherwise approved”;

(4) in paragraphs (1) and (2) of subsection (d), by striking “or (b)”;

(5) in subsection (e)—

(A) in paragraph (1), by striking “Federal share of the cost” and inserting “Corporation share of the cost (including the costs of member living allowances, employment-related taxes, health care coverage, and workers' compensation and other necessary operation costs)”;

(B) by adding at the end the following:

“(5) OTHER FEDERAL FUNDS.—

“(A) RECIPIENT REPORT.—A recipient of assistance under this section (other than a recipient of assistance through a fixed-amount grant in accordance with section 129(l)) shall report to the Corporation the amount and source of any Federal funds used to carry out the program for which the assistance is made available other than those provided by the Corporation.

“(B) CORPORATION REPORT.—The Corporation shall report to the authorizing committees on an annual basis information regarding each recipient of such assistance that uses Federal funds other than those provided by the Corporation to carry out such a program, including the amounts and sources of the other Federal funds.”; and

(6) by adding at the end the following:

“(f) PLAN FOR APPROVED NATIONAL SERVICE POSITIONS.—The Corporation shall—

“(1) develop a plan to—

“(A) establish the number of the approved national service positions as 88,000 for fiscal year 2010;

“(B) increase the number of the approved positions to—

“(i) 115,000 for fiscal year 2011;

“(ii) 140,000 for fiscal year 2012;

“(iii) 170,000 for fiscal year 2013;

“(iv) 200,000 for fiscal year 2014;

“(v) 210,000 for fiscal year 2015;

“(vi) 235,000 for fiscal year 2016; and

“(vii) 250,000 for fiscal year 2017;

“(C) ensure that the increases described in subparagraph (B) are achieved through an appropriate balance of full- and part-time service positions;

“(2) not later than 1 year after the date of enactment of the Serve America Act, submit a report to the authorizing committees on the status of the plan described in paragraph (1); and

“(3) subject to the availability of appropriations and quality service opportunities, implement the plan described in paragraph (1).”.

#### SEC. 1302. ELIGIBLE NATIONAL SERVICE PROGRAMS.

Section 122 is amended to read as follows:

#### “SEC. 122. NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

“(a) NATIONAL SERVICE CORPS.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) shall use a portion of the financial assistance or positions involved, directly or through subgrants to other entities, to support or carry out the following national service corps or programs, as full- or part-time corps or programs, to address unmet needs:

“(1) EDUCATION CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through an Education Corps that identifies and meets unmet educational needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—An Education Corps described in this paragraph may carry out activities such as—

“(i) tutoring, or providing other academic support to elementary school and secondary school students;

“(ii) improving school climate;  
“(iii) mentoring students, including adult or peer mentoring;

“(iv) linking needed integrated services and comprehensive supports with students, their families, and their public schools;

“(v) providing assistance to a school in expanding the school day by strengthening the quality of staff and expanding the academic programming offered in an expanded learning time initiative, a program of a 21st century community learning center (as defined in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171)), or a high-quality after-school program;

“(vi) assisting schools and local educational agencies in improving and expanding high-quality service-learning programs that keep students engaged in schools by carrying out programs that provide specialized training to individuals in service-learning, and place the individuals (after such training) in positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I of subtitle B;

“(vii) assisting students in being prepared for college-level work;

“(viii) involving family members of students in supporting teachers and students;

“(ix) conducting a preprofessional training program in which students enrolled in an institution of higher education—

“(I) receive training (which may include classes containing service-learning) in specified fields including early childhood education and care, elementary and secondary education, and other fields such as those relating to health services, criminal justice, environmental stewardship and conservation, or public safety;

“(II) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

“(III) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training;

“(x) assisting economically disadvantaged students in navigating the college admissions process;

“(xi) providing other activities, addressing unmet educational needs, that the Corporation may designate; or

“(xii) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages.

“(C) EDUCATION CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) student engagement, including student attendance and student behavior;

“(ii) student academic achievement;

“(iii) secondary school graduation rates as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education;

“(iv) rate of college enrollment and continued college enrollment for recipients of a high school diploma;

“(v) any additional indicator relating to improving education for students that the Corporation, in consultation (as appropriate) with the Secretary of Education, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving education for students, that is approved by the Corporation or a State Commission.

“(2) HEALTHY FUTURES CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through a Healthy Futures Corps that identifies and meets unmet health needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Healthy Futures Corps described in this paragraph may carry out activities such as—

“(i) assisting economically disadvantaged individuals in navigating the health services system;

“(ii) assisting individuals in obtaining access to health services, including oral health services, for themselves or their children;

“(iii) educating economically disadvantaged individuals and individuals who are members of medically underserved populations about, and engaging individuals described in this clause in, initiatives regarding navigating the health services system and regarding disease prevention and health promotion, with a particular focus on common health conditions, chronic diseases, and conditions, for which disease prevention and health promotion measures exist and for which socioeconomic, geographic, and racial and ethnic health disparities exist;

“(iv) improving the literacy of patients regarding health, including oral health;

“(v) providing translation services at clinics and in emergency rooms to improve health services;

“(vi) providing services designed to meet the health needs of rural communities, including the recruitment of youth to work in health professions in such communities;

“(vii) assisting in health promotion interventions that improve health status, and helping people adopt and maintain healthy lifestyles and habits to improve health status;

“(viii) addressing childhood obesity through in-school and after-school physical activities, and providing nutrition education to students, in elementary schools and secondary schools; or

“(ix) providing activities, addressing unmet health needs, that the Corporation may designate.

“(C) HEALTHY FUTURES CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) access to health services among economically disadvantaged individuals and individuals who are members of medically underserved populations;

“(ii) access to health services for uninsured individuals, including such individuals who are economically disadvantaged children;

“(iii) participation, among economically disadvantaged individuals and individuals who are members of medically underserved populations, in disease prevention and health promotion initiatives, particularly those with a focus on addressing common health conditions, addressing chronic diseases, and decreasing health disparities;

“(iv) literacy of patients regarding health;

“(v) any additional indicator, relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that is approved by the Corporation or a State Commission.

“(3) CLEAN ENERGY SERVICE CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service projects through a Clean Energy Service Corps that identifies and meets unmet environmental needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Clean Energy Service Corps described in this paragraph may carry out activities such as—

“(i) weatherizing and retrofitting housing units for low-income households to significantly improve the energy efficiency and reduce carbon emissions of such housing units;

“(ii) building energy-efficient housing units in low-income communities;

“(iii) conducting energy audits for low-income households and recommending ways for the households to improve energy efficiency;

“(iv) providing clean energy-related services designed to meet the needs of rural communities;

“(v) working with schools and youth programs to educate students and youth about ways to reduce home energy use and improve the environment, including conducting service-learning projects to provide such education;

“(vi) assisting in the development of local recycling programs;

“(vii) renewing and rehabilitating national and State parks and forests, city parks, county parks and other public lands, and trails owned or maintained by the Federal Government or a State, including planting trees, carrying out reforestation, carrying out forest health restoration measures, carrying out erosion control measures, fire hazard reduction measures, and rehabilitation and maintenance of historic sites and structures throughout the national park system, and providing trail enhancements, rehabilitation, and repairs;

“(viii) cleaning and improving rivers maintained by the Federal Government or a State;

“(ix) carrying out projects in partnership with the National Park Service, designed to renew and rehabilitate national park resources and enhance services and learning opportunities for national park visitors, and nearby communities and schools;

“(x) providing service through a full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps program that—

“(I) undertakes meaningful service projects with visible public benefits, including projects involving urban renewal, sustaining natural resources, or improving human services;

“(II) includes as participants youths and young adults who are age 16 through 25, including out-of-school youth and other disadvantaged youth (such as youth who are aging out of foster care, youth who have limited English proficiency, homeless youth, and youth who are individuals with disabilities), who are age 16 through 25; and

“(III) provides those participants who are youth and young adults with—

“(aa) team-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services including mentoring; and

“(bb) the opportunity to develop citizenship values and skills through service to their community and the United States;

“(xi) carrying out other activities, addressing unmet environmental and workforce needs, that the Corporation may designate.

“(C) CLEAN ENERGY SERVICE CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the number of housing units of low-income households weatherized or retrofitted to



significantly improve energy efficiency and reduce carbon emissions;

“(ii) annual energy costs (to determine savings in those costs) at facilities where participants have provided service;

“(iii) the number of students and youth receiving education or training in energy-efficient and environmentally conscious practices;

“(iv)(I) the number of acres of national parks, State parks, city parks, county parks, or other public lands, that are cleaned or improved; and

“(II) the number of acres of forest preserves, or miles of trails or rivers, owned or maintained by the Federal Government or a State, that are cleaned or improved;

“(v) any additional indicator relating to clean energy, the reduction of greenhouse gas emissions, or education and skill attainment for clean energy jobs, that the Corporation, in consultation (as appropriate) with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, or the Secretary of Labor, as appropriate, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to clean energy, the reduction of greenhouse gas emissions, or education or skill attainment for clean energy jobs, that is approved by the Corporation or a State Commission.

#### “(4) VETERANS CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through a Veterans Corps that identifies and meets unmet needs of veterans and members of the Armed Forces who are on active duty through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—A Veterans Corps described in this paragraph may carry out activities such as—

“(i) promoting community-based efforts to meet the unique needs of military families while a family member is deployed and upon that family member's return home;

“(ii) recruiting veterans, particularly returning veterans, into service opportunities, including opportunities that utilize their military experience;

“(iii) assisting veterans in developing their educational opportunities (including opportunities for professional certification, licensure, or credentials), coordinating activities with and assisting State and local agencies administering veterans education benefits, and coordinating activities with and assisting entities administering veterans programs with internships and fellowships that could lead to employment in the private and public sectors;

“(iv) promoting efforts within a community to serve the needs of veterans and members of the Armed Forces who are on active duty, including helping veterans file benefits claims and assisting Federal agencies in providing services to veterans, and sending care packages to Members of the Armed Forces who are deployed;

“(v) assisting veterans in developing mentoring relationships with economically disadvantaged students;

“(vi) developing projects to assist veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities, including assisting veterans described in this clause with transportation; or

“(vii) other activities, addressing unmet needs of veterans, that the Corporation may designate.

“(C) VETERANS' CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the number of housing units created for veterans;

“(ii) the number of veterans who pursue educational opportunities;

“(iii) the number of veterans receiving professional certification, licensure, or credentials;

“(iv) the number of veterans engaged in service opportunities;

“(v) the number of military families assisted by organizations while a family member is deployed and upon that family member's return home;

“(vi) the number of economically disadvantaged students engaged in mentoring relationships with veterans;

“(vii) the number of projects designed to meet identifiable public needs of veterans, especially veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities;

“(viii) any additional indicator that relates to education or skill attainment that assists in providing veterans with the skills to address identifiable public needs, or that relates to improving the lives of veterans, or members of the Armed Forces on active duty, and of families of the veterans and the members on active duty, and that the Corporation, in consultation (as appropriate) with the Secretary of Veterans Affairs, establishes; or

“(ix) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to the education or skill attainment, or the improvement, described in clause (viii), that is approved by the Corporation or a State Commission.

#### “(5) OPPORTUNITY CORPS.—

“(A) IN GENERAL.—The recipient may carry out national service programs through an Opportunity Corps that identifies and meets unmet needs relating to economic opportunity for economically disadvantaged individuals within communities, through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

“(B) ACTIVITIES.—An Opportunity Corps described in this paragraph may carry out activities such as—

“(i) providing financial literacy education to economically disadvantaged individuals, including financial literacy education with regard to credit management, financial institutions including banks and credit unions, and utilization of savings plans;

“(ii) assisting in the construction, rehabilitation, or preservation of housing units, including energy efficient homes, for economically disadvantaged individuals;

“(iii) assisting economically disadvantaged individuals, including homeless individuals, in finding placement in and maintaining housing;

“(iv) assisting economically disadvantaged individuals in obtaining access to health services for themselves or their children;

“(v) assisting individuals in obtaining information about Federal, State, local, or private programs or benefits focused on assisting economically disadvantaged individuals, economically disadvantaged children, or low-income families;

“(vi) facilitating enrollment in and completion of job training for economically disadvantaged individuals;

“(vii) assisting economically disadvantaged individuals in obtaining access to job placement assistance;

“(viii) carrying out a program that seeks to eliminate hunger in low-income communities and rural areas through service in projects—

“(I) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

“(II) seeking to address the long-term causes of hunger through education and the delivery of appropriate services;

“(III) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas; or

“(IV) assisting individuals in obtaining information about federally supported nutrition programs;

“(ix) addressing issues faced by homebound citizens, such as needs for food deliveries, legal and medical services, nutrition information, and transportation;

“(x) implementing an E-Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs that seek to increase access to technology and the benefits of technology in such community; and

“(xi) carrying out other activities, addressing unmet needs relating to economic opportunity for economically disadvantaged individuals, that the Corporation may designate.

“(C) OPPORTUNITY CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

“(i) the degree of financial literacy among economically disadvantaged individuals;

“(ii) the number of housing units built or improved for economically disadvantaged individuals or low-income families;

“(iii) the number of economically disadvantaged individuals with access to job training and other skill enhancement;

“(iv) the number of economically disadvantaged individuals with access to information about job placement services;

“(v) any additional indicator relating to improving economic opportunity for economically disadvantaged individuals that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, establishes; or

“(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) that is approved by the Corporation or a State Commission.

#### “(b) NATIONAL SERVICE PROGRAMS.—

“(1) IN GENERAL.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may use the financial assistance or positions involved, directly or through subgrants to other entities, to carry out national service programs and model programs under this subsection that are focused on meeting community needs and improve performance on the indicators described in paragraph (3).

“(2) PROGRAMS.—The programs may include the following types of national service programs:

“(A) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities, including addressing rural poverty, or the need for health services, education, or job training.

#### “(B) A program—

“(i) that engages participants in public health, emergency and disaster preparedness, and other public safety activities;

“(ii) that may include the recruitment of qualified participants for, and placement of the participants in, positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers; and

“(iii) that may engage Federal, State, and local stakeholders, in collaboration, to organize more effective responses to issues of public health, emergencies and disasters, and other public safety issues.

“(C) A program that seeks to expand the number of mentors for disadvantaged youths and other youths (including by recruiting high

school-, and college-age individuals to enter into mentoring relationships), either through—

- “(i) provision of direct mentoring services;
  - “(ii) provision of supportive services to direct mentoring service organizations (in the case of a partnership);
  - “(iii) the creative utilization of current and emerging technologies to connect youth with mentors; or
  - “(iv) supporting mentoring partnerships (including statewide and local mentoring partnerships that strengthen direct service mentoring programs) by—
- “(I) increasing State resources dedicated to mentoring;
  - “(II) supporting the creation of statewide and local mentoring partnerships and programs of national scope through collaborative efforts between entities such as local or direct service mentoring partnerships, or units of State or local government; and
  - “(III) assisting direct service mentoring programs.
- “(D) A program—
- “(i) in which not less than 75 percent of the participants are disadvantaged youth;
  - “(ii) that may provide life skills training, employment training, educational counseling, assistance to complete a secondary school diploma or its recognized equivalent, counseling, or a mentoring relationship with an adult volunteer; and
  - “(iii) for which, in awarding financial assistance and approved national service positions, the Corporation shall give priority to programs that engage retirees to serve as mentors.
- “(E) A program—
- “(i) that reengages court-involved youth and adults with the goal of reducing recidivism;
  - “(ii) that may create support systems beginning in correctional facilities; and
  - “(iii) that may have life skills training, employment training, an education program (including a program to complete a secondary school diploma or its recognized equivalent), educational and career counseling, and post-program placement services.
- “(F) A demonstration program—
- “(i) that has as 1 of its primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members; and
  - “(ii) that may serve any purpose otherwise permitted under this Act.
- “(G) A program that provides education or job training services that are designed to meet the needs of rural communities.
- “(H) A program that seeks to expand the number of mentors for youth in foster care through—
- “(i) the provision of direct academic mentoring services for youth in foster care;
  - “(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or
  - “(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.
- “(I) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.
- “(3) INDICATORS.—The indicators for a program described in this subsection are the indicators described in subparagraph (C) of paragraphs (1), (2), (3), (4), or (5) of subsection (a) or any additional local indicator (applicable to a participant or recipient and on which an improvement in performance is needed) relating to

meeting unmet community needs, that is approved by the Corporation or a State Commission.

“(c) PROGRAM MODELS FOR SERVICE CORPS.—

“(1) IN GENERAL.—In addition to any activities described in subparagraph (B) of paragraphs (1) through (5) of subsection (a), and subsection (b)(2), a recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may directly or through grants or subgrants to other entities carry out a national service corps program through the following program models:

“(A) A community corps program that meets unmet health, veteran, and other human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

“(B) A service program that—

- “(i) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions in which the participants can meet such unmet needs; and
- “(ii) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

“(C) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

- “(i) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);
- “(ii) teams composed of students described in clause (i); or
- “(iii) teams composed of a combination of such students and community residents.

“(D) A professional corps program that recruits and places qualified participants in positions—

- “(i) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet human, educational, environmental, or public safety needs in communities with an inadequate number of such professionals;

- “(ii) for which the salary may exceed the maximum living allowance authorized in subsection (a)(2) of section 140, as provided in subsection (c) of such section; and
- “(iii) that are sponsored by public or private employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

“(E) A program that provides opportunities for veterans to participate in service projects.

“(F) A program carried out by an intermediary that builds the capacity of local nonprofit and faith-based organizations to expand and enhance services to meet local or national needs.

“(G) Such other program models as may be approved by the Corporation or a State Commission, as appropriate.

“(2) PROGRAM MODELS WITHIN CORPS.—A recipient of financial assistance or approved national service positions for a corps program described in subsection (a) may use the assistance or positions to carry out the corps program, in whole or in part, using a program model described in this subsection. The corps program shall meet the applicable requirements of subsection (a) and this subsection.

“(E) A program that provides opportunities for veterans to participate in service projects.

“(F) A program carried out by an intermediary that builds the capacity of local nonprofit and faith-based organizations to expand and enhance services to meet local or national needs.

“(G) Such other program models as may be approved by the Corporation or a State Commission, as appropriate.

“(2) PROGRAM MODELS WITHIN CORPS.—A recipient of financial assistance or approved national service positions for a corps program described in subsection (a) may use the assistance or positions to carry out the corps program, in whole or in part, using a program model described in this subsection. The corps program shall meet the applicable requirements of subsection (a) and this subsection.

“(d) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

“(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

“(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of veteran services, and other human, educational, environmental, or public safety services, to communities or persons.

“(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

“(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, disadvantaged youth, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.

“(e) PRIORITIES FOR CERTAIN CORPS.—In awarding financial assistance and approved national service positions to eligible entities proposed to carry out the corps described in subsection (a)—

“(1) in the case of a corps described in subsection (a)(2)—

“(A) the Corporation may give priority to eligible entities that propose to provide support for participants who, after completing service under this section, will undertake careers to improve performance on health indicators described in subsection (a)(2)(C); and

“(B) the Corporation shall give priority to eligible entities that propose to carry out national service programs in medically underserved areas (as designated individually, by the Secretary of Health and Human Services as an area with a shortage of personal health services); and

“(2) in the case of a corps described in subsection (a)(3), the Corporation shall give priority to eligible entities that propose to recruit individuals for the Clean Energy Service Corps so that significant percentages of participants in the Corps are economically disadvantaged individuals, and provide to such individuals support services and education and training to develop skills needed for clean energy jobs for which there is current demand or projected future demand.

“(f) NATIONAL SERVICE PRIORITIES.—

“(1) ESTABLISHMENT.—

“(A) BY CORPORATION.—In order to concentrate national efforts on meeting human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation, after reviewing the strategic plan approved under section 192A(g)(1), shall establish, and may periodically alter, priorities regarding the types of national service programs and corps to be assisted under section 129 and the purposes for which such assistance may be used.

“(B) BY STATES.—Consistent with paragraph (4), States shall establish, and through the national service plan process described in section

178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(e). The State priorities shall be subject to Corporation review as part of the application process under section 130.

“(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

“(A) a description of any alteration made in the priorities since the previous notice; and

“(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

“(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

“(A) receive funding under this subtitle for multiple years; and

“(B) would be adversely affected by annual revisions in such national service priorities.

“(4) APPLICATION TO SUBGRANTS.—Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

“(g) CONSULTATION ON INDICATORS.—The Corporation shall consult with the Secretary of Education, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Secretary of Energy, the Secretary of Veterans Affairs, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, as appropriate, in developing additional indicators for the corps and programs described in subsections (a) and (b).

“(h) REQUIREMENTS FOR TUTORS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary school or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

“(A) obtained their high school diplomas; and

“(B) successfully completed pre- and in-service training for tutors.

“(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary school or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

“(i) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

“(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

“(2) offer high quality, research-based pre- and in-service training for tutors.

“(j) CITIZENSHIP TRAINING.—The Corporation shall establish guidelines for recipients of assistance under the national service laws, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, relating to

the promotion of citizenship and civic engagement among participants in approved national service positions and approved summer of service positions, and appropriate to the age, education, and experience of the participants.

“(k) REPORT.—Not later than 60 days after the end of each fiscal year for which the Corporation makes grants under section 121(a), the Corporation shall prepare and submit to the authorizing committees a report containing—

“(1) information describing how the Corporation allocated financial assistance and approved national service positions among eligible entities proposed to carry out corps and national service programs described in this section for that fiscal year;

“(2) information describing the amount of financial assistance and the number of approved national service positions the Corporation provided to each corps and national service program described in this section for that fiscal year;

“(3) a measure of the extent to which the corps and national service programs improved performance on the corresponding indicators; and

“(4) information describing how the Corporation is coordinating—

“(A) the national service programs funded under this section; with

“(B) applicable programs, as determined by the Corporation, carried out under subtitle B of this title, and part A of title I and parts A and B of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001, 5011) that improve performance on those indicators or otherwise address identified community needs.”.

#### SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (1)—

(A) by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”; and

(B) by striking “or (b)”;

(2) in paragraph (2)(A)—

(A) by inserting after “subdivision of a State,” the following: “a territory,”; and

(B) by striking “Federal agency” and inserting “Federal agency (under an interagency agreement described in section 121(b))”;

(3) in paragraph (4), by striking “section 122(a)(3)” and inserting “section 122(a)(1)(B)(vi)”;

(4) in paragraph (5), by inserting “National” before “Civilian Community Corps”;

(5) by redesignating paragraph (7) as paragraph (8); and

(6) by inserting after paragraph (6) the following:

“(7) A position involving service in the ServeAmerica Fellowship program carried out under section 198B.”.

#### SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 12575) is repealed.

#### SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “\$125,000 and \$750,000” and inserting “\$250,000 and \$1,000,000”; and

(ii) by striking “501(a)(4)” and inserting “501(a)(5)”;

(B) by striking paragraph (2) and inserting the following:

“(2) MATCHING REQUIREMENT.—In making a grant to a State under this subsection, the Corporation shall require the State to agree to provide matching funds from non-Federal sources of not less than \$1 for every \$1 provided by the Corporation through the grant.

“(3) ALTERNATIVE.—Notwithstanding paragraph (2), the Chief Executive Officer may per-

mit a State that demonstrates hardship or a new State Commission to meet alternative matching requirements for such a grant as follows:

“(A) FIRST \$100,000.—For the first \$100,000 of grant funds provided by the Corporation, the State involved shall not be required to provide matching funds.

“(B) AMOUNTS GREATER THAN \$100,000.—For grant amounts of more than \$100,000 and not more than \$250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than \$1 for every \$2 provided by the Corporation, in excess of \$100,000.

“(C) AMOUNTS GREATER THAN \$250,000.—For grant amounts of more than \$250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than \$1 for every \$1 provided by the Corporation, in excess of \$250,000.”;

(2) by striking subsection (b) and inserting the following:

“(b) DISASTER SERVICE.—The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), to involve programs that receive assistance under the national service laws in disaster relief efforts, and to support, including through mission assignments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), nonprofit organizations and public agencies responding to the needs of communities experiencing disasters.”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “to national service programs that receive assistance under section 121” and inserting “to programs supported under the national service laws”; and

(B) by striking paragraph (3) and inserting the following:

“(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than \$1 of assistance under this subsection for each \$1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, a grant under this subsection may provide not more than \$1 of assistance under this subsection for each \$2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds under this paragraph in lieu of cash raised from private sources if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.”.

#### SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

#### “SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

“(a) ONE PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The Corporation shall allot for a grant to each such territory under this subsection for a fiscal

year an amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the territory bears to the total population of all such territories.

“(b) ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes to be allotted by the Corporation on a competitive basis.

“(c) RESERVATION OF APPROVED POSITIONS.—The Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the National Civilian Community Corps Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (d) and (e) for that fiscal year.

“(d) ALLOTMENT FOR COMPETITIVE GRANTS.—

“(1) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve not more than 62.7 percent for grants awarded on a competitive basis to States specified in subsection (e)(1) for national service programs, to nonprofit organizations seeking to operate a national service program in 2 or more of those States, and to Indian tribes.

“(2) EQUITABLE TREATMENT.—In the consideration of applications for such grants, the Corporation shall ensure the equitable treatment of applicants from urban areas, applicants from rural areas, applicants of diverse sizes (as measured by the number of participants served), applicants from States, and applicants from national nonprofit organizations.

“(3) ENCORE SERVICE PROGRAMS.—In making grants under this subsection for a fiscal year, the Corporation shall make an effort to allocate not less than 10 percent of the financial assistance and approved national service positions provided through the grants for that fiscal year to eligible entities proposing to carry out encore service programs, unless the Corporation does not receive a sufficient number of applications of adequate quality to justify making that percentage available to those eligible entities.

“(4) CORPS PROGRAMS.—In making grants under this subsection for a fiscal year, the Corporation—

“(A) shall select 2 or more of the national service corps described in section 122(a) to receive grants under this subsection; and

“(B) may select national service programs described in section 122(b) to receive such grants.

“(e) ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.—

“(1) GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

“(2) ALLOTMENTS.—The Corporation shall allot for a grant to each such State under this subsection for a fiscal year an amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

“(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made avail-

able to each State approved by the Corporation under paragraph (1) for each fiscal year shall be at least \$600,000, or 0.5 percent of the amount allocated for the State formula under this subsection for the fiscal year, whichever is greater.

“(f) EFFECT OF FAILURE TO APPLY.—If a State or territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or territory to—

“(1) make grants (and provide approved national service positions in connection with such grants) to other community-based entities under section 121 that propose to carry out national service programs in such State or territory; and

“(2) make reallocations to other States or territories with approved applications submitted under section 130, from the allotment funds not used to make grants as described in paragraph (1).

“(g) APPLICATION REQUIRED.—The Corporation shall make an allotment of assistance (including the provision of approved national service positions) to a recipient under this section only pursuant to an application submitted by a State or other applicant under section 130.

“(h) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

“(i) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

“(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of those approved national service positions shall be made pursuant to the agreement, and the creation of those positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

“(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

“(j) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—

“(1) RESERVATION.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and allocated to carry out subtitle C and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under subsections (b) and (c) of section 126.

“(2) LIMITATION.—The amount reserved under paragraph (1) for a fiscal year may not exceed \$10,000,000.

“(3) TIMING.—The Corporation shall reserve such amount, and any amount reserved under subsection (k) from funds appropriated and allocated to carry out subtitle C, before allocating

funds for the provision of assistance under any other provision of this subtitle.

“(k) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—

“(1) RESERVATION.—To make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, and subject to the limitation in paragraph (2), the Chief Executive Officer shall reserve not less than 2 percent from the amounts, appropriated to carry out subtitles C, D, E, and H for each fiscal year.

“(2) LIMITATION.—The amount reserved under paragraph (1) for a fiscal year may not exceed \$20,000,000.

“(3) REMAINDER.—The Chief Executive Officer may use the funds reserved under paragraph (1), and not distributed to make grants under this subsection for other activities described in section 501(a)(2).

“(l) AUTHORITY FOR FIXED-AMOUNT GRANTS.—

“(1) IN GENERAL.—

“(A) AUTHORITY.—From amounts appropriated for a fiscal year to provide financial assistance under the national service laws, the Corporation may provide assistance in the form of fixed-amount grants in an amount determined by the Corporation under paragraph (2) rather than on the basis of actual costs incurred by a program.

“(B) LIMITATION.—Other than fixed-amount grants to support programs described in section 129A, for the 1-year period beginning on the effective date of the Serve America Act, the Corporation may provide assistance in the form of fixed-amount grants to programs that only offer full-time positions.

“(2) DETERMINATION OF AMOUNT OF FIXED-AMOUNT GRANTS.—A fixed-amount grant authorized by this subsection shall be in an amount determined by the Corporation that is—

“(A) significantly less than the reasonable and necessary costs of administering the program supported by the grant; and

“(B) based on an amount per individual enrolled in the program receiving the grant, taking into account—

“(i) the capacity of the entity carrying out the program to manage funds and achieve programmatic results;

“(ii) the number of approved national service positions, approved silver scholar positions, or approved summer of service positions for the program, if applicable;

“(iii) the proposed design of the program;

“(iv) whether the program provides service to, or involves the participation of, disadvantaged youth or otherwise would reasonably incur a relatively higher level of costs; and

“(v) such other factors as the Corporation may consider under section 133 in considering applications for assistance.

“(3) REQUIREMENTS FOR GRANT RECIPIENTS.—In awarding a fixed-amount grant under this subsection, the Corporation—

“(A) shall require the grant recipient—

“(i) to return a pro rata amount of the grant funds based upon the difference between the number of hours served by a participant and the minimum number of hours for completion of a term of service (as established by the Corporation);

“(ii) to report on the program's performance on standardized measures and performance levels established by the Corporation;

“(iii) to cooperate with any evaluation activities undertaken by the Corporation; and

“(iv) to provide assurances that additional funds will be raised in support of the program, in addition to those received under the national service laws; and

“(B) may adopt other terms and conditions that the Corporation considers necessary or appropriate based on the relative risks (as determined by the Corporation) associated with any application for a fixed-amount grant.”

“(4) **OTHER REQUIREMENTS NOT APPLICABLE.**—Limitations on administrative costs and matching fund documentation requirements shall not apply to fixed-amount grants provided in accordance with this subsection.

“(5) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall relieve a grant recipient of the responsibility to comply with the requirements of chapter 75 of title 31, United States Code, or other requirements of Office of Management and Budget Circular A-133.”

#### SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

#### “SEC. 129A. EDUCATIONAL AWARDS ONLY PROGRAM.

“(a) **IN GENERAL.**—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with the restriction in subsection (b), the Corporation may, through fixed-amount grants (in accordance with section 129(l)), provide operational support to programs that receive approved national service positions but do not receive funds under section 121(a).

“(b) **LIMIT ON CORPORATION GRANT FUNDS.**—The Corporation may provide the operational support under this section for a program in an amount that is not more than \$800 per individual enrolled in an approved national service position, or not more than \$1,000 per such individual if at least 50 percent of the persons enrolled in the program are disadvantaged youth.

“(c) **INAPPLICABLE PROVISIONS.**—The following provisions shall not apply to programs funded under this section:

“(1) The limitation on administrative costs under section 121(d).

“(2) The matching funds requirements under section 121(e).

“(3) The living allowance and other benefits under sections 131(e) and 140 (other than individualized support services for participants with disabilities under section 140(f)).”

#### SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by striking “section 121” and inserting “section 121(a)”;

(B) by inserting after “assistance, a State,” the following: “territory,”; and

(C) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(2) in subsection (b)—

(A) in paragraph (9), by striking “section 122(c)” and inserting “section 122(f)”;

(B) in paragraph (12), by inserting “municipalities and governments of counties in which such a community is located,” after “providing services,”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “jobs or positions” and inserting “proposed positions”; and

(ii) by striking “, including” and all that follows through the period at the end and inserting a period;

(B) in paragraph (2), by inserting “proposed” before “minimum”; and

(C) by adding at the end the following:

“(3) In the case of a nonprofit organization intending to operate programs in 2 or more States, a description of the manner in which and extent to which the organization consulted with the State Commissions of each State in which the organization intends to operate and the nature of the consultation.”;

(4) in subsection (d)(1)—

(A) in subparagraphs (A) and (B), by striking “subsection (a) or (b) of section 121” and inserting “section 121(a)”;

(B) in subparagraph (B), by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”;

(5) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively and inserting after subsection (c) the following:

“(d) **ADDITIONAL REQUIRED APPLICATION INFORMATION.**—An application submitted under subsection (a) for programs described in 122(a) shall also contain—

“(1) measurable goals, to be used for annual measurements of the program’s performance on 1 or more of the corresponding indicators described in section 122;

“(2) information describing how the applicant proposes to utilize funds to improve performance on the corresponding indicators utilizing participants, including describing the activities in which such participants will engage to improve performance on those indicators;

“(3) information identifying the geographical area in which the eligible entity proposing to carry out the program proposes to use funds to improve performance on the corresponding indicators, and demographic information on the students or individuals, as appropriate, in such area, and statistics demonstrating the need to improve such indicators in such area; and

“(4) if applicable, information on how the eligible entity will work with other community-based entities to carry out activities to improve performance on the corresponding indicators using such funds.”;

(6) in paragraph (2)(A) of subsection (f) (as so redesignated), by striking “were selected” and inserting “were or will be selected”;

(7) in subsection (g) (as so redesignated)—

(A) in paragraph (1), by striking “a program applicant” and inserting “an applicant”; and

(B) in paragraph (2)—

(i) in the heading, by striking “PROGRAM APPLICANT” and inserting “APPLICANT”;

(ii) in the matter preceding subparagraph (A), by striking “program applicant” and inserting “applicant”;

(iii) in subparagraph (A)—

(I) by inserting after “subdivision of a State,” the following: “territory,”; and

(II) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(iv) in subparagraph (B)—

(I) by inserting after “subdivision of a State,” the following: “territory,”; and

(II) by striking “institution of higher education, or Federal agency” and inserting “or institution of higher education”;

(8) by amending subsection (h) (as so redesignated) to read as follows:

“(h) **LIMITATION ON SAME PROJECT RECEIVING MULTIPLE GRANTS.**—Unless specifically authorized by law, the Corporation may not provide more than 1 grant under the national service laws for a fiscal year to support the same project under the national service laws.”.

#### SEC. 1309. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c) (42 U.S.C. 12583(c)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

“(A) the community served, the municipality and government of the county (if appropriate) in which the community is located, and potential participants in the program; and”;

(2) by striking paragraph (3) and inserting the following:

“(3) in the case of a program that is not funded through a State (including a national service program that a nonprofit organization seeks to

operate in 2 or more States), consult with and coordinate activities with the State Commission for each State in which the program will operate, and the Corporation shall obtain confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State Commission when seeking to operate the program in that State.”.

#### SEC. 1310. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

Subtitle C of title I (42 U.S.C. 12571 et seq.) is amended by inserting after section 132 the following:

#### “SEC. 132A. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

“(a) **PROHIBITED ACTIVITIES.**—An approved national service position under this subtitle may not be used for the following activities:

“(1) Attempting to influence legislation.

“(2) Organizing or engaging in protests, petitions, boycotts, or strikes.

“(3) Assisting, promoting, or deterring union organizing.

“(4) Impairing existing contracts for services or collective bargaining agreements.

“(5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

“(6) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.

“(7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of proselytization, consistent with section 132.

“(8) Consistent with section 132, providing a direct benefit to any—

“(A) business organized for profit;

“(B) labor union;

“(C) partisan political organization;

“(D) nonprofit organization that fails to comply with the restrictions contained in section 501(c) of the Internal Revenue Code of 1986, except that nothing in this paragraph shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

“(E) organization engaged in the religious activities described in paragraph (7), unless the position is not used to support those religious activities.

“(9) Providing abortion services or referrals for receipt of such services.

“(10) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive.

“(11) Carrying out such other activities as the Corporation may prohibit.

“(b) **INELIGIBILITY.**—No assistance provided under this subtitle may be provided to any organization that has violated a Federal criminal statute.

“(c) **NONDISPLACEMENT OF EMPLOYED WORKERS OR OTHER VOLUNTEERS.**—A participant in an approved national service position under this subtitle may not be directed to perform any services or duties, or to engage in any activities, prohibited under the nonduplication, non-displacement, or nonsupplantation requirements relating to employees and volunteers in section 177.”.

#### SEC. 1311. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (b)(2)(B), by striking “jobs or”;

(2) in subsection (d)—  
(A) in paragraph (2)—  
(i) in the matter preceding subparagraph (A)—

(I) by striking “section 122(a)” and inserting “subsection (a), (b), or (c) of section 122”; and  
(II) by striking “section 129(d)(2)” and inserting “section 129(d)”;

(ii) by striking subparagraphs (A) through (G) and inserting the following:

“(A) national service programs that—  
“(i) conform to the national service priorities in effect under section 122(f);  
“(ii) are innovative; and  
“(iii) are well established in 1 or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

“(B) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and  
“(C) professional corps programs described in section 122(c)(1)(D).”; and  
(B) in paragraph (3), by striking “section 129(d)(2)” and inserting “section 129(d)”;

(3) in subsection (e), by striking “subsections (a) and (d)(1) of section 129” and inserting “subsections (d) and (e) of section 129”;

(4) in subsection (f)—  
(A) in paragraph (1), by striking “section 129(a)(1)” and inserting “section 129(e)”;

(B) in paragraph (3)—  
(i) by striking “section 129(a)” and inserting “section 129(e)”; and  
(ii) by striking “paragraph (3) of such subsection” and inserting “section 129(f)”;

(5) by redesignating subsection (f) as subsection (g); and  
(6) by inserting after subsection (e) the following:

“(f) **VIEWS OF STATE COMMISSION.**—In making competitive awards under section 129(d), the Corporation shall solicit and consider the views of a State Commission regarding any application for assistance to carry out a national service program within the State.”.

#### SEC. 1312. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—  
(A) by striking paragraph (3); and  
(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;  
(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “section 122(a)(2) or a program described in section 122(a)(9)” and inserting “section 122(a)(3)(B)(x)”; and  
(B) in paragraph (1), by striking “paragraph (4)” and inserting “paragraph (3)”; and  
(3) in subsection (c), by striking “(a)(5)” and inserting “(a)(4)”.

**SEC. 1313. SELECTION OF NATIONAL SERVICE PARTICIPANTS.**  
Section 138 (42 U.S.C. 12592) is amended—  
(1) in subsection (a), by striking “conducted by the State” and all that follows through “or other entity” and inserting “conducted by the entity”; and  
(2) in subsection (e)(2)(C), by inserting before the semicolon at the end the following: “, particularly those who were considered, at the time of their service, disadvantaged youth”.

#### SEC. 1314. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)—  
(A) in paragraph (1), by striking “not less than 9 months and”;

(B) in paragraph (2), by striking “during a period of—” and all that follows through the period at the end and inserting “during a period of not more than 2 years.”; and  
(C) by adding at the end the following:

“(C) by adding at the end the following:

“(4) **EXTENSION OF TERM FOR DISASTER PURPOSES.**—

“(A) **EXTENSION.**—An individual in an approved national service position performing service directly related to disaster relief efforts may continue in a term of service for a period of 90 days beyond the period otherwise specified in, as appropriate, this subsection or section 153(d) or in section 104 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954).  
“(B) **SINGLE TERM OF SERVICE.**—A period of service performed by an individual in an originally-agreed to term of service and service performed under this paragraph shall constitute a single term of service for purposes of subsections (b)(1) and (c) of section 146.  
“(C) **BENEFITS.**—An individual performing service under this paragraph may continue to receive a living allowance and other benefits under section 140 but may not receive an additional national service educational award under section 141.”; and  
(2) in subsection (c)—

(A) in paragraph (1)(A), by striking “as demonstrated by the participant” and inserting “as determined by the organization responsible for granting the release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the term of service”; and  
(B) in paragraph (2)—  
(i) in subparagraph (A), by striking “provide to the participant that portion of the national service educational award” and inserting “certify the participant’s eligibility for that portion of the national service educational award”; and  
(ii) in subparagraph (B), by striking “to allow return to the program with which the individual was serving in order”.

**SEC. 1315. ADJUSTMENTS TO LIVING ALLOWANCE.**  
Section 140 (42 U.S.C. 12594) is amended—  
(1) in subsection (a)—  
(A) in paragraph (1), by striking “paragraph (3)” and inserting “paragraphs (2) and (3)”;

(B) by striking paragraph (2);  
(C) by redesignating paragraph (3) as paragraph (2);  
(D) by inserting after paragraph (2) (as so redesignated) the following:

“(3) **FEDERAL WORK-STUDY STUDENTS.**—The living allowance that may be provided under paragraph (1) to an individual whose term of service includes hours for which the individual receives a Federal work-study award under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) shall be reduced by the amount of the individual’s Federal work study award.”; and  
(E) in paragraph (4), by striking “a reduced term of service under section 139(b)(3)” and inserting “a term of service that is less than 12 months”;

(2) in subsection (b), by striking “shall include an amount sufficient to cover 85 percent of such taxes” and all that follows through the period at the end and inserting “may be used to pay the taxes described in this subsection.”;

(3) in subsection (c)—  
(A) in the matter preceding paragraph (1)—  
(i) by striking “section 122(a)(8)” and inserting “section 122(c)(1)(D)”; and  
(ii) by striking “subsection (a)(3)” and inserting “subsection (a)(2)”;

(B) in paragraph (1), by adding “and” at the end;  
(C) by striking paragraph (2); and  
(D) by redesignating paragraph (3) as paragraph (2);  
(4) in subsection (d)—  
(A) in paragraph (1)—  
(i) by striking “shall provide” and inserting “shall provide or make available”; and  
(ii) by striking the second sentence; and  
(B) in paragraph (2), by striking “provide from its own funds” and inserting “provide from its own funds or make available”; and  
(5) by striking subsections (g) and (h).

(B) in paragraph (2), by striking “provide from its own funds” and inserting “provide from its own funds or make available”; and  
(5) by striking subsections (g) and (h).

#### **Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)**

#### **SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.**

(a) **SUBTITLE HEADING.**—The subtitle heading for subtitle D of title I is amended to read as follows:

#### **“Subtitle D—National Service Trust and Provision of Educational Awards”.**

(b) **ESTABLISHMENT OF TRUST.**—Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—  
(A) in paragraph (1)—  
(i) in the matter preceding subparagraph (A), by striking “pursuant to section 501(a)(2)”; and  
(ii) in subparagraph (A), by inserting after “national service educational awards” the following: “, summer of service educational awards, and silver scholar educational awards”;

(B) in paragraph (2)—  
(i) by striking “pursuant to section 196(a)(2)” and inserting “pursuant to section 196(a)(2), if the terms of such donations direct that the donated amounts be deposited in the National Service Trust”; and  
(ii) by striking “and” at the end;

(C) by redesignating paragraph (3) as paragraph (4); and  
(D) by inserting after paragraph (2) the following:

“(3) any amounts recovered by the Corporation pursuant to section 146A; and”;

(2) in subsection (c), by striking “for payments of national service educational awards in accordance with section 148.” and inserting “for—

“(1) payments of national service educational awards, summer of service educational awards, and silver scholar educational awards in accordance with section 148; and  
“(2) payments of interest in accordance with section 148(e).”; and  
(3) in subsection (d)—  
(A) in the subsection heading, by striking “CONGRESS” and inserting “THE AUTHORIZING COMMITTEES”;

(B) in the matter preceding paragraph (1), by striking “the Congress” and inserting “the authorizing committees”;

(C) in paragraphs (2), (3), and (4), by inserting “, summer of service educational awards, or silver scholar awards” after “national service educational awards” each place the term appears; and  
(D) in paragraph (4)—  
(i) by inserting “, additional approved summer of service positions, and additional approved silver scholar positions” after “additional approved national service positions”; and  
(ii) by striking “under subtitle C”.

**SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE AN EDUCATIONAL AWARD FROM THE TRUST.**

Section 146 (42 U.S.C. 12602) is amended—  
(1) by striking the section heading and inserting the following:

#### **“SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE AN EDUCATIONAL AWARD FROM THE TRUST.”; and**

(2) in subsection (a)—  
(A) in the matter preceding paragraph (1)—  
(i) by inserting “, summer of service educational award, or silver scholar educational award” after “national service educational award”; and  
(ii) by striking “if the individual” and inserting “if the organization responsible for the individual’s supervision in a national service program certifies that the individual”;



(B) by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) met the applicable eligibility requirements for the approved national service position, approved silver scholar position, or approved summer of service position, as appropriate, in which the individual served;

“(2)(A) for a full-time or part-time national service educational award, successfully completed the required term of service described in subsection (b)(1) in the approved national service position;

“(B) for a partial educational award in accordance with section 139(c)—

“(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under such section; and

“(ii) completed at least 15 percent of the required term of service described in subsection (b) for the approved national service position;

“(C) for a summer of service educational award, successfully completed the required term of service described in subsection (b)(2) in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f); or

“(D) for a silver scholar educational award, successfully completed the required term of service described in subsection (b)(3) in an approved silver scholar position, as certified through a process determined by the Corporation through regulations consistent with section 138(f); and”.

(C) by redesignating paragraph (4) as paragraph (3);

(3) in subsection (b)—

(A) by striking “The term” and inserting the following:

“(1) APPROVED NATIONAL SERVICE POSITION.—The term”; and

(B) by adding at the end the following:

“(2) APPROVED SUMMER OF SERVICE POSITION.—The term of service for an approved summer of service position shall not be less than 100 hours of service during the summer months.

“(3) APPROVED SILVER SCHOLAR POSITION.—The term of service for an approved silver scholar position shall be not less than 350 hours during a 1-year period.”;

(4) by striking subsection (c) and inserting the following:

“(c) LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.—An individual may not receive, through national service educational awards and silver scholar educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of the national service educational awards the individual may receive.”;

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “SEVEN-YEAR REQUIREMENT” and inserting “IN GENERAL”;

(ii) by striking “An” and inserting “Subject to paragraph (2), an”;

(iii) by inserting “or a silver scholar educational award” after “national service educational award”;

(iv) by inserting “or an approved silver scholar position, as applicable,” after “approved national service position”; and

(v) by adding at the end the following: “Subject to paragraph (2), an individual eligible to receive a summer of service educational award under this section may not use such award after the end of the 10-year period beginning on the date the individual completes the term of service in an approved summer of service position that is the basis of the award.”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) and in subparagraph (A), by inserting “, sum-

mer of service educational award, or silver scholar educational award” after “national service educational award”;

(ii) in subparagraph (A), by inserting “, or 10-year period, as appropriate” after “7-year period”; and

(iii) in subparagraph (B), by inserting “, approved summer of service position, or approved silver scholar position” after “approved national service position”; and

(C) by adding at the end the following:

“(3) TERM FOR TRANSFERRED EDUCATIONAL AWARDS.—For purposes of applying paragraphs (1) and (2)(A) to an individual who is eligible to receive an educational award as a designated individual (as defined in section 148(f)(8)), references to a seven-year period shall be considered to be references to a 10-year period that begins on the date the individual who transferred the educational award to the designated individual completed the term of service in the approved national service position or approved silver scholar position that is the basis of the award.”; and

(6) in subsection (e)(1)—

(A) by inserting after “qualifying under this section” the following: “or under section 119(c)(8)”;

(B) by inserting after “to receive a national service educational award” the following: “, a summer of service educational award, or a silver scholar educational award”.

#### SEC. 1403. CERTIFICATIONS.

The Act is amended by adding after section 146 (42 U.S.C. 12602) the following:

#### “SEC. 146A. CERTIFICATIONS OF SUCCESSFUL COMPLETION OF TERMS OF SERVICE.

“(a) CERTIFICATIONS.—In making any authorized disbursement from the National Service Trust in regard to an eligible individual (including disbursement for a designated individual, as defined in section 148(f)(8), due to the service of an eligible individual) under section 146 who served in an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation shall rely on a certification. The certification shall be made by the entity that selected the individual for and supervised the individual in the approved national service position in which such individual successfully completed a required term of service, in a national service program.

“(b) EFFECT OF ERRONEOUS CERTIFICATIONS.—If the Corporation determines that the certification under subsection (a) is erroneous or incorrect, the Corporation shall assess against the national service program a charge for the amount of any associated payment or potential payment from the National Service Trust. In assessing the amount of the charge, the Corporation shall consider the full facts and circumstances surrounding the erroneous or incorrect certification.”.

#### SEC. 1404. DETERMINATION OF THE AMOUNT OF THE EDUCATIONAL AWARD.

Section 147 (42 U.S.C. 12603) is amended—

(1) by striking the section heading and inserting the following:

#### “SEC. 147. DETERMINATION OF THE AMOUNT OF THE EDUCATIONAL AWARD.”; and

(2) by amending subsection (a) to read as follows:

“(a) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—Except as provided in subsection (c), an individual described in section 146(a) who successfully completes a required term of full-time national service in an approved national service position shall receive a national service educational award having a value equal to the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) that a student eligible for such

Grant may receive in the aggregate (without regard to whether the funds are provided through discretionary or mandatory appropriations), for the award year for which the national service position is approved by the Corporation.”;

(3) in subsection (b), by striking “, for each of not more than 2 of such terms of service,”; and

(4) by adding at the end the following:

“(d) AMOUNT FOR SUMMER OF SERVICE.—An individual described in section 146(a) who successfully completes a required summer of service term shall receive a summer of service educational award having a value, for each of not more than 2 of such terms of service, equal to \$500 (or, at the discretion of the Chief Executive Officer, equal to \$750 in the case of a participant who is economically disadvantaged).

“(e) AMOUNT FOR SILVER SCHOLARS.—An individual described in section 146(a) who successfully completes a required silver scholar term shall receive a silver scholar educational award having a value of \$1,000.”.

#### SEC. 1405. DISBURSEMENT OF EDUCATIONAL AWARDS.

Section 148 (42 U.S.C. 12604) is amended—

(1) by striking the section heading and inserting the following:

#### “SEC. 148. DISBURSEMENT OF EDUCATIONAL AWARDS.”;

(2) in subsection (a)—

(A) in paragraph (2), by striking “cost of attendance” and inserting “cost of attendance or other educational expenses”;

(B) in paragraph (3), by striking “and”;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

“(4) to pay expenses incurred in enrolling in an educational institution or training establishment that is approved under chapter 36 of title 38, United States Code, or other applicable provisions of law, for offering programs of education, apprenticeship, or on-job training for which educational assistance may be provided by the Secretary of Veterans Affairs; and”;

(3) in subsection (b)—

(A) in paragraph (1), by inserting after “the national service educational award of the individual” the following: “, an eligible individual under section 146(a) who served in a summer of service program and desires to apply that individual’s summer of service educational award, or an eligible individual under section 146(a) who served in a silver scholar program and desires to apply that individual’s silver scholar educational award.”;

(B) in paragraph (2), by inserting after “the national service educational award” the following: “, the summer of service educational award, or the silver scholar educational award, as applicable.”;

(C) in paragraph (5), by inserting after “the national service educational award” the following: “, the summer of service educational award, or the silver scholar educational award, as applicable”;

(D) in paragraph (7)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student’s educational expenses and made, insured, or guaranteed by—

“(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

“(ii) the direct student loan program under part D of title IV of such Act (20 U.S.C. 1087a et seq.);

“(iii) a State agency; or

“(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.”;

(4) in subsection (c)—

(A) in paragraph (1), by inserting after “national service educational award” the following: “, an eligible individual under section 146(a) who desires to apply the individual’s summer of service educational award, or an eligible individual under section 146(a) who served in a silver scholar program and desires to apply that individual’s silver scholar educational award,”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting after “national service educational award” the following: “, summer of service educational award, or silver scholar educational award, as applicable,”; and

(ii) in subparagraph (C)(iii), by inserting after “national service educational awards” the following: “, summer of service educational awards, or silver scholar educational awards, as applicable,”;

(C) in paragraph (3), by inserting after “national service educational awards” the following: “summer of service educational awards, or silver scholar educational awards”;

(D) in paragraph (5)—

(i) in the first sentence, by inserting after “national service educational award” the following: “, summer of service educational award, or silver scholar educational award, as applicable,”; and

(ii) in the third sentence, by inserting before the period the following: “, additional approved summer of service positions, and additional approved silver scholar positions”;

(E) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by inserting after “national service educational award” the following: “, summer of service educational award, or silver scholar educational award”;

(ii) in subparagraph (A), by inserting “and other educational expenses” after “cost of attendance”; and

(iii) by striking subparagraph (B) and inserting the following:

“(B) the student’s estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.).”;

(5) in subsection (d), by inserting after “national service educational awards” the following: “, summer of service educational awards, and silver scholar educational awards”;

(6) in subsection (e), by striking “subsection (b)(6)” and inserting “subsection (b)(7)”;

(7) in subsection (f)—

(A) by striking “Director” and inserting “Chief Executive Officer”; and

(B) by inserting “, summer of service educational award, or silver scholar educational award, as appropriate,” after “national service educational award”;

(8) by redesignating subsections (f) and (g) as subsections (g) and (h) respectively; and

(9) by inserting after subsection (e) the following:

“(f) TRANSFER OF EDUCATIONAL AWARDS.—

“(1) IN GENERAL.—An individual who is eligible to receive a national service educational award or silver scholar educational award due to service in a program described in paragraph (2) may elect to receive the award (in the amount described in the corresponding provision of section 147) and transfer the award to a designated individual. Subsections (b), (c), and (d) shall apply to the designated individual in lieu of the individual who is eligible to receive the national service educational award or silver scholar educational award, except that amounts refunded to the account under subsection (c)(5)

on behalf of a designated individual may be used by the Corporation to fund additional placements in the national service program in which the eligible individual who transferred the national service educational award or silver scholar educational award participated for such award.

“(2) CONDITIONS FOR TRANSFER.—An educational award may be transferred under this subsection if—

“(A)(i) the award is a national service educational award for service in a national service program that receives a grant under subtitle C; and

“(ii) before beginning the term of service involved, the eligible individual is age 55 or older; or

“(B) the award is a silver scholarship educational award under section 198C(a).”

“(3) MODIFICATION OR REVOCATION.—

“(A) IN GENERAL.—An individual transferring an educational award under this subsection may, on any date on which a portion of the educational award remains unused, modify or revoke the transfer of the educational award with respect to that portion.

“(B) NOTICE.—A modification or revocation of the transfer of an educational award under this paragraph shall be made by the submission of written notice to the Corporation.

“(4) PROHIBITION ON TREATMENT OF TRANSFERRED AWARD AS MARITAL PROPERTY.—An educational award transferred under this subsection may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

“(5) DEATH OF TRANSFEROR.—The death of an individual transferring an educational award under this subsection shall not affect the use of the educational award by the child, foster child, or grandchild to whom the educational award is transferred if such educational award is transferred prior to the death of the individual.

“(6) PROCEDURES TO PREVENT WASTE, FRAUD, OR ABUSE.—The Corporation shall establish requirements to prevent waste, fraud, or abuse in connection with the transfer of an educational award and to protect the integrity of the educational award under this subsection.

“(7) TECHNICAL ASSISTANCE.—The Corporation may, as appropriate, provide technical assistance, to individuals and eligible entities carrying out national service programs, concerning carrying out this subsection.

“(8) DEFINITION OF A DESIGNATED INDIVIDUAL.—In this subsection, the term ‘designated individual’ is an individual—

“(A) whom an individual who is eligible to receive a national service educational award or silver scholar educational award due to service in a program described in paragraph (2) designates to receive the educational award;

“(B) who meets the eligibility requirements of paragraphs (3) and (4) of section 146(a); and

“(C) who is a child, foster child, or grandchild of the individual described in subparagraph (A).”

#### SEC. 1406. APPROVAL PROCESS FOR APPROVED POSITIONS.

(a) IN GENERAL.—Subtitle D of title I (42 U.S.C. 12601 et seq.) is amended by adding at the end the following new section:

#### “SEC. 149. APPROVAL PROCESS FOR APPROVED POSITIONS.

“(a) TIMING AND RECORDING REQUIREMENTS.—

“(1) IN GENERAL.—Notwithstanding subtitles C, D, and H, and any other provision of law, in approving a position as an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation—

“(A) shall approve the position at the time the Corporation—

“(i) enters into an enforceable agreement with an individual participant to serve in a program

carried out under subtitle E of title I of this Act, section 198B or 198C(a), or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), a summer of service program described in section 119(c)(8), or a silver scholarship program described in section 198C(a); or

“(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

“(B) shall record as an obligation an estimate of the net present value of the national service educational award, summer of service educational award, or silver scholar educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards, summer of service educational awards, or silver scholar educational awards, as appropriate, for such a program and remain available.

“(2) FORMULA.—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

“(3) CERTIFICATION REPORT.—The Chief Executive Officer of the Corporation shall annually prepare and submit to the authorizing committees a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

“(4) APPROVAL.—The requirements of this subsection shall apply to each approved national service position, approved summer of service position, or approved silver scholarship position that the Corporation approves—

“(A) during fiscal year 2010; and

“(B) during any subsequent fiscal year.

“(b) RESERVE ACCOUNT.—

“(1) ESTABLISHMENT AND CONTENTS.—

“(A) ESTABLISHMENT.—Notwithstanding subtitles C, D, and H, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

“(B) CONTENTS.—To ensure the availability of adequate funds to support the awards of approved national service positions, approved summer of service positions, and approved silver scholar positions, for each fiscal year, the Corporation shall place in the account—

“(i) during fiscal year 2010, a portion of the funds that were appropriated for fiscal year 2010 or a previous fiscal year under section 501 of this Act or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out subtitle C, D, or E of this title, section 198B or 198C(a), subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 119(c)(8), and remain available; and

“(ii) during fiscal year 2011 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501 of this Act or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out subtitle C, D, or E of this title, section 198B or 198C(a), subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 119(c)(8), and remain available.

“(2) OBLIGATION.—The Corporation shall not obligate the funds in the reserve account until the Corporation—

“(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions, summer of service educational awards associated with previously approved summer of service positions, and silver scholar educational awards associated with previously approved silver scholar positions; or

“(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions, summer of service educational awards for such previously approved summer of service positions, or silver scholar educational awards for such previously approved silver scholar positions, as applicable.

“(c) AUDITS.—The accounts of the Corporation relating to the appropriated funds for approved national service positions, approved summer of service positions, and approved silver scholar positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

“(d) AVAILABILITY OF AMOUNTS.—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards, summer of service educational awards, or silver scholar educational awards under section 148.”.

(b) CONFORMING REPEAL.—The Strengthen AmeriCorps Program Act (42 U.S.C. 12605) is repealed.

#### **Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)**

##### **SEC. 1501. PURPOSE.**

Section 151 (42 U.S.C. 12611) is amended to read as follows:

##### **“SEC. 151. PURPOSE.**

“It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. The needs to be met under such programs include those needs related to—

- “(1) natural and other disasters;
- “(2) infrastructure improvement;
- “(3) environmental stewardship and conservation;
- “(4) energy conservation; and
- “(5) urban and rural development.”.

##### **SEC. 1502. PROGRAM COMPONENTS.**

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

##### **“SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.”;**

(2) in subsection (a), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”;

(3) in the matter preceding paragraph (1) of subsection (b)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) by striking “a Civilian Community Corps” and inserting “a National Civilian Community Corps”; and

(4) by striking subsection (c) and inserting the following:

“(c) RESIDENTIAL COMPONENTS.—Both programs referred to in subsection (b) may include a residential component.”.

##### **SEC. 1503. ELIGIBLE PARTICIPANTS.**

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) by striking “on Civilian Community Corps” and inserting “on National Civilian Community Corps”;

(2) in subsection (b), by striking paragraph (1) and inserting the following:

“(1) is, or will be, at least 18 years of age on or before December 31 of the calendar year in which the individual enrolls in the program, but is not more than 24 years of age as of the date the individual begins participating in the program; and”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “BACKGROUNDS” and inserting “BACKGROUNDS”; and

(B) by adding at the end the following: “The Director shall take appropriate steps, including through outreach and recruitment activities, to increase the percentage of participants in the program who are disadvantaged youth to 50 percent of all participants by year 2012. The Director shall report to the authorizing committees biennially on such steps, any challenges faced, and the annual participation rates of disadvantaged youth in the program.”;

(4) by striking subsection (d); and

(5) by redesignating subsection (e) as subsection (d).

##### **SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.**

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) by striking “on Civilian Community Corps” and inserting “on National Civilian Community Corps”;

(2) in subsection (b), by striking “shall be” and all that follows through the period at the end and inserting “shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.”.

##### **SEC. 1505. NATIONAL CIVILIAN COMMUNITY CORPS.**

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

##### **“SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.”;**

(2) in subsection (a)—

(A) by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) by striking “the Civilian Community Corps shall” and inserting “the National Civilian Community Corps shall”;

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

##### **“(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—”;**

(B) in paragraph (1), by inserting “National” before “Civilian Community Corps”;

(C) in paragraph (3)—

(i) by striking “superintendent” and inserting “campus director”; and

(ii) by striking “camp” and inserting “campus”; and

(D) by adding at the end the following:

##### **“(4) TEAM LEADERS.—**

“(A) IN GENERAL.—The Director may select individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps, to perform service that includes leading and supervising teams of Corps members. Each team leader shall be selected without regard to the age limitation under section 153(b).

“(B) RIGHTS AND BENEFITS.—A team leader shall be provided the same rights and benefits applicable to other Corps members, except that the Director may increase the limitation on the amount of the living allowance under section

158(b) by not more than 10 percent for a team leader.”;

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

##### **“(d) CAMPUSES.—”;**

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

##### **“(1) UNITS TO BE ASSIGNED TO CAMPUSES.—”;**

(ii) by striking “in camps” and inserting “in campuses”;

(iii) by striking “Corps camp” and inserting “Corps campus”; and

(iv) by striking “in the camps” and inserting “in the campuses”;

(C) by amending paragraphs (2) and (3) to read as follows:

“(2) CAMPUS DIRECTOR.—There shall be a campus director for each campus. The campus director is the head of the campus.

“(3) ELIGIBLE SITE FOR CAMPUS.—A campus shall be cost effective and may, upon the completion of a feasibility study, be located in a facility referred to in section 162(c).”;

(5) in subsection (e)—

(A) by amending the subsection heading to read as follows:

##### **“(e) DISTRIBUTION OF UNITS AND CAMPUSES.—”;**

(B) by striking “camps are distributed” and inserting “campuses are cost effective and are distributed”; and

(C) by striking “rural areas” and all that follows through the period at the end and inserting “rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.”;

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking “superintendent” and inserting “campus director”; and

(ii) by striking “camp” both places such term appears and inserting “campus”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “superintendent of a camp” and inserting “campus director of a campus”;

(ii) in subparagraph (A)—

(I) by striking “superintendent” and inserting “campus director”;

(II) by striking “superintendent’s” and inserting “campus director’s”; and

(III) by striking “camp” each place such term appears and inserting “campus”; and

(iii) in subparagraph (B), by striking “superintendent” and inserting “campus director”; and

(C) in paragraph (3), by striking “camp superintendent” and inserting “campus director”.

##### **SEC. 1506. TRAINING.**

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting “National” before “Civilian Community Corps”; and

(B) by adding at the end the following: “The Director shall ensure that, to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.”;

(2) in subsection (b)(1), by inserting before the period at the end the following: “, including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs, as appropriate”;

(3) by amending subsection (c)(2) to read as follows:

“(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth

service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skills described in such subsection.”; and

(4) in subsection (d), by striking “section 162(a)(3)” and inserting “section 162(c)”.

#### SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “National” before “Civilian Community Corps”;

(B) in paragraph (1), by inserting before the semicolon the following: “, with specific emphasis on projects in support of infrastructure improvement, energy conservation, and urban and rural development”;

(C) in paragraph (2), by striking “service learning” and inserting “service-learning”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “and the Secretary of Housing and Urban Development” and inserting “the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the Forest Service”;

(ii) in subparagraph (B)—

(I) by inserting “community-based entities and” before “representatives of local communities”; and

(II) by striking “camp” both places such term appears and inserting “campus”;

(B) in paragraph (2), by inserting “State Commissions,” before “and persons involved in other youth service programs.”; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “superintendent” both places such term appears and inserting “campus director”;

(ii) by striking “camp” both places such term appears and inserting “campus”;

(B) in paragraph (2), by striking “camp superintendents” and inserting “campus directors”.

#### SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a), by inserting “National” before “Civilian Community Corps”; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “National” before “Civilian Community Corps”; and

(ii) by inserting before the colon the following: “, as the Director determines appropriate”;

(B) in paragraph (6), by striking “Clothing” and inserting “Uniforms”; and

(C) in paragraph (7), by striking “Recreational services and supplies” and inserting “Supplies”.

#### SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Civilian Community Corps Demonstration Program” and inserting “National Civilian Community Corps Program”; and

(B) in paragraph (1)—

(i) by inserting “including those” before “recommended”;

(ii) by inserting “National” before “Civilian Community Corps”;

(2) in subsection (b)(1), by inserting “National” before “Civilian Community Corps”;

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting “National” before “Civilian Community Corps”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(1) by striking “The Director shall establish a permanent cadre of” and inserting “The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed”; and

(II) by inserting “National” before “Civilian Community Corps”;

(ii) in subparagraph (B), by striking “The Director shall appoint the members” and inserting “The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members”;

(iii) in subparagraph (C)—

(1) in the matter preceding clause (i), by striking “the Director” and inserting “the Chief Executive Officer”;

(II) in clause (i), by striking “section 162(a)(2)” and inserting “section 162(b)”;

(III) in clause (iii), by striking “and” at the end;

(IV) by redesignating clause (iv) as clause (v); and

(V) by inserting after clause (iii) the following:

“(iv) give consideration to retired and other former law enforcement, fire, rescue, and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and”;

(iv) in subparagraph (E)—

(I) by striking “to members” and inserting “to other members”;

(II) by inserting after “techniques” the following: “, including techniques for working with and enhancing the development of disadvantaged youth.”;

(III) by striking “service learning” and inserting “service-learning”;

(C) in paragraph (3)—

(i) in the first sentence, by striking “the members” and inserting “other members”;

(ii) in the third sentence, by striking “section 162(a)(2)(A)” and inserting “162(b)(1)”.

#### SEC. 1510. STATUS OF CORPS MEMBERS AND CORPS PERSONNEL UNDER FEDERAL LAW.

Section 160(a) (42 U.S.C. 12620(a)) is amended by inserting “National” before “Civilian Community Corps”.

#### SEC. 1511. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking “perform any program function under this subtitle” and inserting “carry out the National Civilian Community Corps program”; and

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking “section 162(a)(3)” and inserting “section 162(c)”;

(B) in paragraph (2), by inserting “National” before “Civilian Community Corps”.

#### SEC. 1512. OTHER DEPARTMENTS.

(a) IN GENERAL.—Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “National” before “Civilian Community Corps”;

and

(ii) in subparagraph (B)(i), by striking “the registry established by” and all that follows through the semicolon and inserting “the registry established by section 1143a of title 10, United States Code.”;

(B) in paragraph (2)(A), by striking “to be recommended for appointment” and inserting “from which individuals may be selected for appointment by the Director”;

(C) in paragraph (3), by inserting “National” before “Civilian Community Corps”;

(2) by striking subsection (b).

(b) TECHNICAL AMENDMENTS.—Section 162 (42 U.S.C. 12622), as amended by subsection (a), is further amended—

(1) in the section heading, by striking “OTHER DEPARTMENTS” and inserting “DEPARTMENT OF DEFENSE”;

(2) by redesignating paragraphs (2), (3), and (4) of subsection (a) as subsections (b), (c), and (d), respectively, and aligning the margins of such subsections with the margins of section 161(a) of the Act;

(3) by striking “(a) SECRETARY” and all that follows through “OFFICE.” and inserting the following:

“(a) LIAISON OFFICE.”;

(4) in subsection (a) (as amended by paragraph (3))—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and aligning the margins of such paragraphs with the margins of section 161(b)(1) of the Act; and

(B) by redesignating clauses (i) and (ii) of paragraph (2) (as redesignated by subparagraph (A)) as subparagraphs (A) and (B), respectively, and aligning the margins of such subparagraphs with the margins of section 161(b)(1)(A) of the Act;

(5) in subsection (b) (as redesignated by paragraph (2))—

(A) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and aligning the margins of such paragraphs with the margins of section 161(b)(1) of the Act;

(B) in paragraph (1) (as redesignated by subparagraph (A)), by striking “paragraph (1)” and inserting “subsection (a)”;

(C) in paragraph (2) (as redesignated by subparagraph (A)), by striking “paragraph” and inserting “subsection”;

(6) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking “this paragraph” and inserting “this subsection”;

(B) by striking “paragraph (1)” and inserting “subsection (a)”.

#### SEC. 1513. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking “Upon the establishment of the Program, there shall also be” and inserting “There shall be”;

(B) by inserting “National” before “Civilian Community Corps Advisory Board”;

(C) by striking “to assist” and all that follows through the period at the end and inserting “to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. The Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.”;

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

“(8) The Administrator of the Federal Emergency Management Agency.

“(9) The Secretary of Transportation.

“(10) The Chief of the Forest Service.

“(11) The Administrator of the Environmental Protection Agency.

“(12) The Secretary of Energy.”;

(C) in paragraph (13), as so redesignated, by striking “industry,” and inserting “public and private organizations.”.

#### SEC. 1514. EVALUATIONS.

Section 164 (42 U.S.C. 12624) is amended—

(1) in the section heading, by striking “ANNUAL EVALUATION” and inserting “EVALUATIONS”;

(2) by striking “an annual evaluation” and inserting “periodic evaluations”;

(3) by striking “Civilian Community Corps programs” and inserting “National Civilian Community Corps Program”;

(4) by adding at the end the following: "Upon completing each such evaluation, the Corporation shall transmit to the authorizing committees a report on the evaluation."

#### SEC. 1515. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

#### SEC. 1516. DEFINITIONS.

Subtitle E of title I (42 U.S.C. 12611 et seq.), as amended by this subtitle, is further amended—

- (1) by redesignating section 166 as 165; and
- (2) in section 165 (as redesignated by paragraph (1))—

(A) by striking paragraphs (2), (3), and (9);

(B) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(C) by inserting after paragraph (1) the following:

"(2) **CAMPUS DIRECTOR.**—The term 'campus director', with respect to a Corps campus, means the head of the campus under section 155(d).

"(3) **CORPS.**—The term 'Corps' means the National Civilian Community Corps required under section 155 as part of the National Civilian Community Corps Program.

"(4) **CORPS CAMPUS.**—The term 'Corps campus' means the facility or central location established as the operational headquarters and boarding place for particular Corps units."

(D) in paragraph (5) (as so redesignated), by striking "Civilian Community Corps Demonstration Program" and inserting "National Civilian Community Corps Program";

(E) in paragraph (6) (as so redesignated), by inserting "National" before "Civilian Community Corps";

(F) in paragraph (8) (as so redesignated), by striking "The terms" and all that follows through "Demonstration Program" and inserting "The term 'Program' means the National Civilian Community Corps Program"; and

(G) in paragraph (9) (as so redesignated)—

(i) in the paragraph heading, by striking "SERVICE LEARNING" and inserting "SERVICE-LEARNING"; and

(ii) in the matter preceding subparagraph (A), by striking "service learning" and inserting "service-learning".

#### SEC. 1517. TERMINOLOGY.

Subtitle E of title I (as so amended) (42 U.S.C. 12611 et seq.) is further amended by striking the subtitle heading and inserting the following:

**"Subtitle E—National Civilian Community Corps".**

**Subtitle F—Amendments to Subtitle F (Administrative Provisions)**

#### SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking "with respect to a project" and inserting "with respect to a project authorized under the national service laws".

#### SEC. 1602. REPORTS.

Section 172 (42 U.S.C. 12632) is amended—

(1) in subsection (b)(1), by striking "appropriate authorizing and appropriations Committees of Congress" and inserting "authorizing committees, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate"; and

(2) in subsection (c)(2), by striking "the appropriate committees of Congress" and inserting "the authorizing committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate".

#### SEC. 1603. USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

"(d) **REFERRALS FOR FEDERAL ASSISTANCE.**—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal Government."

#### SEC. 1604. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) in subsection (a)(2)(A), by striking "30 days" and inserting "1 or more periods of 30 days not to exceed a total of 90 days"; and

(2) in subsection (f)—

(A) in paragraph (1), by striking "A State or local applicant" and inserting "An entity"; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking "and";

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

"(D) in a case in which the grievance is filed by an individual applicant or participant—

"(i) the applicant's selection or the participant's reinstatement, as the case may be; and

"(ii) other changes in the terms and conditions of service applicable to the individual; and"

#### SEC. 1605. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking "under this title" each place it appears and inserting "under the national service laws";

(2) in subsection (b)(1), by striking "employee or position" and inserting "employee, position, or volunteer (other than a participant under the national service laws)"; and

(3) by adding at the end the following:

"(f) **PARENTAL INVOLVEMENT.**—

"(1) **IN GENERAL.**—Programs that receive assistance under the national service laws shall consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

"(2) **PARENTAL PERMISSION.**—Programs that receive assistance under the national service laws shall, before transporting minor children, provide the children's parents with the reason for the transportation and obtain the parents' written permission for such transportation, consistent with State law."

"(3) **PARENTAL PERMISSION.**—Programs that receive assistance under the national service laws shall, before transporting minor children, provide the children's parents with the reason for the transportation and obtain the parents' written permission for such transportation, consistent with State law."

#### SEC. 1606. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (a)(2), by striking "sections 117B and 130" and inserting "section 130";

(2) in subsection (c)(1)—

(A) in subparagraph (1), by striking "section 122(a)" and all that follows through the period at the end and inserting "subsection (a), (b), or (c) of section 122."; and

(B) by adding at the end the following:

"(J) A representative of the volunteer sector.";

(3) in subsection (c)(3), by striking "unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity";

(4) in subsection (d)(6)(B), by striking "section 193A(b)(11)" and inserting "section 193A(b)(12)";

(5) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

"(1) Preparation of a national service plan for the State that—

"(A) is developed, through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from the private sector, organizations, and public agencies, using service and volunteerism as strategies to meet critical community needs, including service through programs funded under the national service laws;

"(B) covers a 3-year period, the beginning of which may be set by the State;

"(C) is subject to approval by the chief executive officer of the State;

"(D) includes measurable goals and outcomes for the State national service programs in the

State consistent with the performance levels for national service programs as described in section 179(k);

"(E) ensures outreach to diverse community-based agencies that serve underrepresented populations, through established networks and registries at the State level, or through the development of such networks and registries;

"(F) provides for effective coordination of funding applications submitted by the State and other organizations within the State under the national service laws;

"(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State;

"(H) ensures outreach to, and coordination with, municipalities (including large cities) and county governments regarding the national service laws; and

"(I) contains such information as the State Commission considers to be appropriate or as the Corporation may require."; and

(B) in paragraph (2), by striking "sections 117B and 130" and inserting "section 130";

(6) by redesignating subsections (f) through (j) as subsections (h) through (l), respectively; and

(7) by inserting after subsection (e) the following:

"(f) **RELIEF FROM ADMINISTRATIVE REQUIREMENTS.**—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive for the State, or specify alternatives for the State to, administrative requirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by the State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State.

"(g) **STATE SERVICE PLAN FOR ADULTS AGE 55 OR OLDER.**—

"(1) **IN GENERAL.**—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall work with appropriate State agencies and private entities to develop a comprehensive State service plan for service by adults age 55 or older.

"(2) **MATTERS INCLUDED.**—The State service plan shall include—

"(A) recommendations for policies to increase service for adults age 55 or older, including how to best use such adults as sources of social capital, and how to utilize their skills and experience to address community needs;

"(B) recommendations to the State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) on—

"(i) a marketing outreach plan to businesses; and

"(ii) outreach to—

"(I) nonprofit organizations;

"(II) the State educational agency;

"(III) institutions of higher education; and

"(IV) other State agencies;

"(C) recommendations for civic engagement and multigenerational activities, such as—

"(i) early childhood education and care, family literacy, and after school programs;

"(ii) respite services for adults age 55 or older and caregivers; and

"(iii) transitions for older adults age 55 or older to purposeful work in their post-career lives; and

"(D) recommendations for encouraging the development of Encore service programs in the State.

"(3) **KNOWLEDGE BASE.**—The State service plan shall incorporate the current knowledge base (as of the time of the plan) regarding—

“(A) the economic impact of the roles of workers age 55 or older in the economy;

“(B) the social impact of the roles of such workers in the community; and

“(C) the health and social benefits of active engagement for adults age 55 or older.

“(4) PUBLICATION.—The State service plan shall be made available to the public and be transmitted to the Chief Executive Officer.”.

#### SEC. 1607. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

“(1) the effectiveness of programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such programs, including an evaluation of each such program’s performance based on the performance levels established under subsection (k); and

“(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants’ time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost effectiveness and the impact of such programs.”;

(2) in subsection (g)—

(A) in paragraph (3), by striking “National Senior Volunteer Corps” and inserting “National Senior Service Corps”; and

(B) in paragraph (9), by striking “to public service” and all that follows through the period at the end and inserting “to engage in service that benefits the community.”;

(3) in the matter preceding subparagraph (A) of subsection (i)(2), by striking “Congress” and inserting “the authorizing committees”; and

(4) by adding at the end the following:

“(j) RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.—Notwithstanding any other provision of law, in addition to amounts appropriated to carry out this section, the Corporation may reserve not more than 1 percent of the total funds appropriated for a fiscal year under section 501 of this Act and sections 501 and 502 of the Domestic Volunteer Service Act of 1973 to support program accountability activities under this section.

“(k) PERFORMANCE LEVELS.—The Corporation shall, in consultation with each recipient of assistance under the national service laws, establish performance levels for such recipient to meet during the term of the assistance. The performance levels may include, for each national service program carried out by the recipient, performance levels based on the following performance measures:

“(1) Number of participants enrolled in the program and completing terms of service, as compared to the stated participation and retention goals of the program.

“(2) Number of volunteers recruited from the community in which the program was implemented.

“(3) If applicable based on the program design, the number of individuals receiving or benefiting from the service conducted.

“(4) Number of disadvantaged and underrepresented youth participants.

“(5) Measures of the sustainability of the program and the projects supported by the program, including measures to ascertain the level of community support for the program or projects.

“(6) Measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service.

“(7) Other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance and the Corporation.

“(l) CORRECTIVE ACTION PLANS.—

“(1) IN GENERAL.—A recipient of assistance under the national service laws that fails, as determined by the Corporation, to meet or exceed the performance levels agreed upon under subsection (k) for a national service program, shall reach an agreement with the Corporation on a corrective action plan to meet such performance levels.

“(2) ASSISTANCE.—

“(A) NEW PROGRAM.—For a program that has received assistance under the national service laws for less than 3 years and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall—

“(i) provide technical assistance to the recipient to address targeted performance problems relating to the performance levels for the program; and

“(ii) require the recipient to submit quarterly reports on the program’s progress toward meeting the performance levels for the program to the—

“(I) appropriate State, territory, or Indian tribe; and

“(II) the Corporation.

“(B) ESTABLISHED PROGRAMS.—For a program that has received assistance under the national service laws for 3 years or more and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall require the recipient to submit quarterly reports on the program’s progress toward the performance levels for the program to—

“(i) the appropriate State, territory, or Indian tribe; and

“(ii) the Corporation.

“(m) FAILURE TO MEET PERFORMANCE LEVELS.—If, after a period for correction as approved by the Corporation in accordance with subsection (l), a recipient of assistance under the national service laws fails to meet or exceed the performance levels for a national service program, the Corporation shall—

“(1) reduce the annual amount of the assistance received by the underperforming recipient by at least 25 percent, for each remaining year of the grant period for that program; or

“(2) terminate assistance to the underperforming recipient for that program, in accordance with section 176(a).

“(n) REPORTS.—The Corporation shall submit to the authorizing committees not later than 2 years after the date of enactment of the Serve America Act, and annually thereafter, a report containing information on the number of—

“(1) recipients of assistance under the national service laws implementing corrective action plans under subsection (l)(1);

“(2) recipients for which the Corporation provides technical assistance for a program under subsection (l)(2)(A)(i);

“(3) recipients for which the Corporation terminates assistance for a program under subsection (m);

“(4) entities whose application for assistance under a national service law was rejected; and

“(5) recipients meeting or exceeding their performance levels under subsection (k).”.

#### SEC. 1608. CIVIC HEALTH ASSESSMENT.

(a) IN GENERAL.—Subtitle F of title I (42 U.S.C. 12631 et seq.), as amended by this subtitle, is further amended by inserting after section 179 the following:

#### “SEC. 179A. CIVIC HEALTH ASSESSMENT AND VOLUNTEERING RESEARCH AND EVALUATION.

“(a) DEFINITION OF PARTNERSHIP.—In this section, the term ‘partnership’ means the Cor-

poration, acting in conjunction with (consistent with the terms of an agreement entered into between the Corporation and the National Conference) the National Conference on Citizenship referred to in section 150701 of title 36, United States Code, to carry out this section.

“(b) IN GENERAL.—The partnership shall facilitate the establishment of a Civic Health Assessment by—

“(1) after identifying public and private sources of civic health data, selecting a set of civic health indicators, in accordance with subsection (c), that shall comprise the Civic Health Assessment;

“(2) obtaining civic health data relating to the Civic Health Assessment, in accordance with subsection (d); and

“(3) conducting related analyses, and reporting the data and analyses, as described in paragraphs (4) and (5) of subsection (d) and subsections (e) and (f).

“(c) SELECTION OF INDICATORS FOR CIVIC HEALTH ASSESSMENT.—

“(1) IDENTIFYING SOURCES.—The partnership shall select a set of civic health indicators that shall comprise the Civic Health Assessment. In making such selection, the partnership—

“(A) shall identify public and private sources of civic health data;

“(B) shall explore collaborating with other similar efforts to develop national indicators in the civic health domain; and

“(C) may sponsor a panel of experts, such as one convened by the National Academy of Sciences, to recommend civic health indicators and data sources for the Civic Health Assessment.

“(2) TECHNICAL ADVICE.—At the request of the partnership, the Director of the Bureau of the Census and the Commissioner of Labor Statistics shall provide technical advice to the partnership on the selection of the indicators for the Civic Health Assessment.

“(3) UPDATES.—The partnership shall periodically evaluate and update the Civic Health Assessment, and may expand or modify the indicators described in subsection (d)(1) as necessary to carry out the purposes of this section.

“(d) DATA ON THE INDICATORS.—

“(1) SPONSORED DATA COLLECTION.—In identifying the civic health indicators for the Civic Health Assessment, and obtaining data for the Assessment, the partnership may sponsor the collection of data for the Assessment or for the various civic health indicators being considered for inclusion in the Assessment, including indicators related to—

“(A) volunteering and community service;

“(B) voting and other forms of political and civic engagement;

“(C) charitable giving;

“(D) connecting to civic groups and faith-based organizations;

“(E) interest in employment, and careers, in public service in the nonprofit sector or government;

“(F) understanding and obtaining knowledge of United States history and government; and

“(G) social enterprise and innovation.

“(2) DATA FROM STATISTICAL AGENCIES.—The Director of the Bureau of the Census and the Commissioner of Labor Statistics shall collect annually, to the extent practicable, data to inform the Civic Health Assessment, and shall report data from such collection to the partnership. In determining the data to be collected, the Director and the Commissioner shall examine privacy issues, response rates, and other relevant issues.

“(3) SOURCES OF DATA.—To obtain data for the Civic Health Assessment, the partnership shall consider—

“(A) data collected through public and private sources; and



“(B) data collected by the Bureau of the Census, through the Current Population Survey, or by the Bureau of Labor Statistics, in accordance with paragraph (2).

“(4) **DEMOGRAPHIC CHARACTERISTICS.**—The partnership shall seek to obtain data for the Civic Health Assessment that will permit the partnership to analyze the data by age group, race and ethnicity, education level, and other demographic characteristics of the individuals involved.

“(5) **OTHER ISSUES.**—In obtaining data for the Civic Health Assessment, the partnership may also obtain such information as may be necessary to analyze—

“(A) the role of Internet technology in strengthening and inhibiting civic activities;

“(B) the role of specific programs in strengthening civic activities;

“(C) the civic attitudes and activities of new citizens and immigrants; and

“(D) other areas related to civic activities.

“(e) **REPORTING OF DATA.**—

“(1) **IN GENERAL.**—The partnership shall, not less often than once each year, prepare a report containing—

“(A) detailed data obtained under subsection (d), including data on the indicators comprising the Civic Health Assessment; and

“(B) the analyses described in paragraphs (4) and (5) of subsection (d), to the extent practicable based on the data the partnership is able to obtain.

“(2) **AGGREGATION AND PRESENTATION.**—The partnership shall, to the extent practicable, aggregate the data on the civic health indicators comprising the Civic Health Assessment by community, by State, and nationally. The report described in paragraph (1) shall present the aggregated data in a form that enables communities and States to assess their civic health, as measured on each of the indicators comprising the Civic Health Assessment, and compare those measures with comparable measures of other communities and States.

“(3) **SUBMISSION.**—The partnership shall submit the report to the authorizing committees, and make the report available to the general public on the Corporation's website.

“(f) **PUBLIC INPUT.**—The partnership shall—

“(1) identify opportunities for public dialogue and input on the Civic Health Assessment; and

“(2) hold conferences and forums to discuss the implications of the data and analyses reported under subsection (e).

“(g) **VOLUNTEERING RESEARCH AND EVALUATION.**—

“(1) **RESEARCH.**—The partnership shall provide for baseline research and tracking of domestic and international volunteering, and baseline research and tracking related to relevant data on the indicators described in subsection (d). In providing for the research and tracking under this subsection, the partnership shall consider data from the Supplements to the Current Populations Surveys conducted by the Bureau of the Census for the Bureau of Labor Statistics, and data from other public and private sources, including other data collected by the Bureau of the Census and the Bureau of Labor Statistics.

“(2) **IMPACT RESEARCH AND EVALUATION.**—The partnership shall sponsor an independent evaluation of the impact of domestic and international volunteering, including an assessment of best practices for such volunteering, and methods of improving such volunteering through enhanced collaboration among—

“(A) entities that recruit, manage, support, and utilize volunteers;

“(B) institutions of higher education; and

“(C) research institutions.

“(h) **DATABASE PROHIBITION.**—Nothing in this Act shall be construed to authorize the develop-

ment, implementation, or maintenance of a Federal database of personally identifiable information on individuals participating in data collection for sources of information under this section.”

#### **SEC. 1609. CONTINGENT EXTENSION.**

Section 181 (42 U.S.C. 12641) is amended by striking “Section 414” and inserting “Section 422”.

#### **SEC. 1610. PARTNERSHIPS WITH SCHOOLS.**

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

“(b) **REPORT.**—

“(1) **FEDERAL AGENCY SUBMISSION.**—The head of each Federal agency and department shall prepare and submit to the Corporation a report concerning the implementation of this section, including an evaluation of the agency or department's performance on performance goals and benchmarks for each partnership program of the agency or department.

“(2) **REPORT TO CONGRESS.**—The Corporation shall prepare and submit to the authorizing committees a compilation of the information received under paragraph (1).”

#### **SEC. 1611. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.**

Section 183 (42 U.S.C. 12643) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “The” and inserting “Consistent with otherwise applicable law, the”; and

(B) in paragraph (1), by inserting “territory,” after “local government,”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “The” and inserting “Consistent with otherwise applicable law, the”; and

(B) in paragraph (1), by inserting “territory” after “local government,”; and

(3) by adding at the end the following:

“(c) **INSPECTOR GENERAL.**—Consistent with otherwise applicable law, the Inspector General of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

“(1) within the possession or control of the Corporation or any State or local government, territory, Indian tribe, or public or private non-profit organization receiving assistance directly or indirectly under the national service laws; and

“(2) that relates to—

“(A) such assistance; and

“(B) the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).”

#### **SEC. 1612. ADDITIONAL ADMINISTRATIVE PROVISIONS.**

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

#### **“SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.**

“(a) **IN GENERAL.**—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs, projects, and activities funded under the national service laws.

“(b) **REPORT TO CONGRESS.**—Not later than 18 months after the effective date of the Serve America Act, the Corporation shall submit to the authorizing committees a report containing information on the actions taken to consolidate or modify the application procedures and reporting requirements for programs, projects, and activities funded under the national service laws, including a description of the procedures for consultation with recipients of the funding.

#### **“SEC. 186. SUSTAINABILITY.**

“The Corporation, after consultation with State Commissions and recipients of assistance,

may set sustainability goals for projects or programs under the national service laws, so that recipients of assistance under the national service laws are carrying out sustainable projects or programs. Such sustainability goals shall be in writing and shall be used—

“(1) to build the capacity of the projects or programs that receive assistance under the national service laws to meet community needs;

“(2) in providing technical assistance to recipients of assistance under the national service laws regarding acquiring and leveraging non-Federal funds for support of the projects or programs that receive such assistance; and

“(3) to determine whether the projects or programs, receiving such assistance, are generating sufficient community support.

#### **“SEC. 187. GRANT PERIODS.**

“Unless otherwise specifically provided, the Corporation has authority to award a grant or contract, or enter into a cooperative agreement, under the national service laws for a period of 3 years.

#### **“SEC. 188. GENERATION OF VOLUNTEERS.**

“In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant's proposal will increase the involvement of volunteers in meeting community needs. In reviewing the application for this purpose, the Corporation may take into account the mission of the applicant.

#### **“SEC. 189. LIMITATION ON PROGRAM GRANT COSTS.**

“(a) **LIMITATION ON GRANT AMOUNTS.**—Except as otherwise provided by this section, the amount of funds approved by the Corporation for a grant to operate a program authorized under the national service laws, for supporting individuals serving in approved national service positions, may not exceed \$18,000 per full-time equivalent position.

“(b) **COSTS SUBJECT TO LIMITATION.**—The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall apply to the Corporation's share of the member support costs, staff costs, and other costs to operate a program authorized under the national service laws incurred, by the recipient of the grant.

“(c) **COSTS NOT SUBJECT TO LIMITATION.**—The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall not apply to expenses under a grant authorized under the national service laws to operate a program that are not included in the grant award for operating the program.

“(d) **ADJUSTMENTS FOR INFLATION.**—The amounts specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

“(e) **WAIVER AUTHORITY AND REPORTING REQUIREMENT.**—

“(1) **WAIVER.**—The Chief Executive Officer may increase the limitation under subsection (a) to not more than \$19,500 per full-time equivalent position if necessary to meet the compelling needs of a particular program, such as—

“(A) exceptional training needs for a program serving disadvantaged youth;

“(B) the need to pay for increased costs relating to the participation of individuals with disabilities;

“(C) the needs of tribal programs or programs located in the territories; and

“(D) the need to pay for start-up costs associated with a first-time recipient of assistance under a program of the national service laws.

“(2) **REPORTS.**—The Chief Executive Officer shall report to the authorizing committees annually on all limitations increased under this subsection, with an explanation of the compelling needs justifying such increases.

**"SEC. 189A. MATCHING FUNDS FOR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.**

"(a) **IN GENERAL.**—Notwithstanding any other provision of law, a severely economically distressed community that receives assistance from the Corporation for any program under the national service laws shall not be subject to any requirements to provide matching funds for any such program, and the Federal share of such assistance for such a community may be 100 percent.

"(b) **SEVERELY ECONOMICALLY DISTRESSED COMMUNITY.**—For the purposes of this section, the term 'severely economically distressed community' means—

"(1) an area that has a mortgage foreclosure rate, home price decline, and unemployment rate all of which are above the national average for such rates or level, for the most recent 12 months for which satisfactory data are available; or

"(2) a residential area that lacks basic living necessities, such as water and sewer systems, electricity, paved roads, and safe, sanitary housing.

**"SEC. 189B. AUDITS AND REPORTS.**

"The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note; Public Law 101-576) and chapter 91 of title 31, United States Code (commonly known as the 'Government Corporation Control Act'). The Corporation shall report to the authorizing committees any failure to comply with such requirements.

**"SEC. 189C. RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.**

"(a) **GENERAL PROHIBITION.**—Nothing in the national service laws shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"(b) **PROHIBITION ON ENDORSEMENT OF CURRICULUM.**—Notwithstanding any other prohibition of Federal law, no funds provided to the Corporation under this Act may be used by the Corporation to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

"(c) **PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION STANDARDS.**—Notwithstanding any other provision of Federal law, not State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

**"SEC. 189D. CRIMINAL HISTORY CHECKS.**

"(a) **IN GENERAL.**—Each entity selecting individuals to serve in a position in which the individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

"(b) **REQUIREMENTS.**—A criminal history check under subsection (a) shall, except in cases approved for good cause by the Corporation, include—

"(1) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

"(2)(A) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

"(B) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

"(c) **ELIGIBILITY PROHIBITION.**—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

"(1) refuses to consent to the criminal history check described in subsection (b);

"(2) makes a false statement in connection with such criminal history check;

"(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

"(4) has been convicted of murder, as described in section 1111 of title 18, United States Code."

**SEC. 1613. AVAILABILITY OF ASSISTANCE.**

(a) **AMENDMENT.**—Subtitle F of title I is further amended by inserting after section 184 the following:

**"SEC. 184A. AVAILABILITY OF ASSISTANCE.**

"A reference in subtitle C, D, E, or H of title I regarding an entity eligible to receive direct or indirect assistance to carry out a national service program shall include a non-profit organization promoting competitive and non-competitive sporting events involving individuals with disabilities (including the Special Olympics), which enhance the quality of life for individuals with disabilities."

**SEC. 1614. CRIMINAL HISTORY CHECKS FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.**

(a) **AMENDMENT.**—Section 189D, as added by section 1612, is further amended by adding at the end the following:

"(d) **SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.**—

"(1) **IN GENERAL.**—Notwithstanding subsection (b), on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except for an entity described in paragraph (3), include—

"(A) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

"(B) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; and

"(C) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

"(2) **INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.**—An individual described in this paragraph is an individual age 18 or older who—

"(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

"(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

"(i) children age 17 years or younger;

"(ii) individuals age 60 years or older; or

"(iii) individuals with disabilities.

"(3) **EXCEPTIONS.**—The provisions of this subsection shall not apply to an entity—

"(A) where the service provided by individuals serving with the entity to a vulnerable population described in paragraph (2)(B) is episodic in nature or for a 1-day period;

"(B) where the cost to the entity of complying with this subsection is prohibitive;

"(C) where the entity is not authorized, or is otherwise unable, under State law, to access the national criminal history background check system of the Federal Bureau of Investigation;

"(D) where the entity is not authorized, or is otherwise unable, under Federal law, to access the national criminal history background check system of the Federal Bureau of Investigation; or

"(E) to which the Corporation otherwise provides an exemption from this subsection for good cause."

(b) **FEASIBILITY STUDY FOR A SYSTEM OF CRIMINAL HISTORY CHECKS FOR EMPLOYEES AND VOLUNTEERS.**—

(1) **FEASIBILITY STUDY ON EFFICIENCY AND EFFECTIVENESS REGARDING CRIMINAL HISTORY CHECK.**—The Attorney General of the United States shall conduct a study that shall examine, to the extent discernible and as of the date of the study, the following:

(A) The state of criminal history checks (including the use of fingerprint collection) at the State and local level, including—

(i) the available infrastructure for conducting criminal history checks;

(ii) the State system capacities to conduct such criminal history checks; and

(iii) the time required for each State to process an individual's fingerprints for a national criminal history background check through the Federal Bureau of Investigation, from the time of fingerprint collection to the submission to the Federal Bureau of Investigation.

(B) The likelihood that each State would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.

(C) The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.

(D) The impact of the national service laws on the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on the work practices and staffing levels of the Federal Bureau of Investigation.

(E) The fees charged by the Federal Bureau of Investigation, States, local agencies, and private companies to collect and process fingerprints and conduct criminal history checks.

(F) The existence of model or best practice programs regarding conducting criminal history checks that could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing criminal history checks, and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

(J) The extent to which States provide access to nationwide criminal history checks to organizations that serve children.

(K) The extent to which States permit volunteers and other individuals to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) Any privacy concerns that may arise from nationwide criminal background checks for participants.

(M) Any other information determined relevant by the Attorney General.

(2) **INTERIM REPORT.**—Based on the findings of the study under paragraph (1), the Attorney General shall, not later than 6 months after the

date of the enactment of this Act, submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities.

(3) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives, a final report including recommendations regarding criminal history checks for participants under the national service laws, which may include—

(A) a proposal for grants to States to develop or improve programs to collect fingerprints and perform criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities; and

(B) recommendations for amendments to the National Child Protection Act of 1993 and the Volunteers for Children Act so that entities receiving assistance under the national service laws can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

(4) **DEFINITIONS.**—In this subsection, the terms “authorizing committees”, “participants”, and “national service laws” have the meanings given such terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(c) **EFFECTIVE DATE.**—Notwithstanding section 6101, subsection (b) shall take effect on the date of enactment of this Act.

#### **Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)**

##### **SEC. 1701. TERMS OF OFFICE.**

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) **TERMS.**—Subject to subsection (e), each appointed member shall serve for a term of 5 years.”; and

(2) by adding at the end the following:

“(e) **SERVICE UNTIL APPOINTMENT OF SUCCESSOR.**—A voting member of the Board whose term has expired may continue to serve on the Board until the date on which the member’s successor takes office, which period shall not exceed 1 year.”.

##### **SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.**

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1), by striking “shall—” and inserting “shall have responsibility for setting overall policy for the Corporation and shall—”;

(2) in paragraph (1), by inserting before the semicolon at the end the following: “, and review the budget proposal in advance of submission to the Office of Management and Budget”;

(3) in paragraph (5)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President.”;

(4) in paragraph (8), by striking “the Congress” each place it appears and inserting “the authorizing committees”;

(5) by striking paragraph (10) and inserting the following:

“(10) notwithstanding any other provision of law—

“(A) make grants to or contracts with Federal and other public departments or agencies, and private nonprofit organizations, for the assignment or referral of volunteers under the provisions of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (except as provided in section 108 of such Act), which may provide that the agency or organization shall pay all or a part of the costs of the program; and

“(B) enter into agreements with other Federal agencies or private nonprofit organizations for the support of programs under the national service laws, which—

“(i) may provide that the agency or organization shall pay all or a part of the costs of the program, except as is provided in section 121(b); and

“(ii) shall provide that the program (including any program operated by another Federal agency) will comply with all requirements related to evaluation, performance, and other goals applicable to similar programs under the national service laws, as determined by the Corporation.”; and

(6) in paragraph (11)—

(A) by striking “Congress” each place it appears and inserting “authorizing committees”;

(B) by striking “section 193A(b)(10)” and inserting “section 193A(b)(11)”;

(C) by striking “September 30, 1995” and inserting “January 1, 2012”.

##### **SEC. 1703. CHIEF EXECUTIVE OFFICER COMPENSATION.**

Section 193(b) (42 U.S.C. 12651c(b)) is amended by striking the period and inserting “, plus 3 percent.”.

##### **SEC. 1704. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.**

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “shall—” and inserting “, in collaboration with the State Commissions, shall—”;

(B) in paragraph (1), by inserting after “a strategic plan” the following: “, including a plan for having 50 percent of all approved national service positions be full-time positions by 2012.”;

(C) in paragraph (2)(B), by inserting “, approved summer of service positions, and approved silver scholar positions” after “approved national service positions”;

(D) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively;

(E) by inserting after paragraph (6) the following:

“(7) prepare and submit to the authorizing committees and the Board an annual report on actions taken to achieve the goal of having 50 percent of all approved national service positions be full-time positions by 2012 as described in paragraph (1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal.”;

(F) in the matter preceding subparagraph (A) of paragraph (10) (as so redesignated), by striking “appropriate committees of Congress” and inserting “authorizing committees”;

(G) in paragraph (11) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking “by June 30, 1995,” and inserting “periodically.”;

(ii) in subparagraph (A)(i)—

(I) by striking “described in section 122(c)(1)”;

(II) by striking “national priorities designed to meet the” and inserting “national priorities, as described in section 122(f)(1), designed to meet”;

(iii) in subparagraph (B), by striking “and” after a semicolon;

(H) in paragraph (12) (as so redesignated), by striking the period at the end and inserting a semicolon; and

(I) by adding at the end the following:

“(13) bolster the public awareness of and recruitment efforts for the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

“(A) print media;

“(B) the Internet and related emerging technologies;

“(C) television;

“(D) radio;

“(E) presentations at public or private forums;

“(F) other innovative methods of communication; and

“(G) outreach to offices of economic development, State employment security agencies, labor organizations and trade associations, local educational agencies, institutions of higher education, agencies and organizations serving veterans and individuals with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

“(14) identify and implement methods of recruitment to—

“(A) increase the diversity of participants in the programs receiving assistance under the national service laws; and

“(B) increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

“(15) coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

“(16) collaborate with organizations with demonstrated expertise in supporting and accommodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants who are individuals with disabilities in the programs receiving assistance under the national service laws;

“(17) identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

“(18) collaborate with organizations that have established volunteer recruitment programs to increase the recruitment capacity of the Corporation;

“(19) where practicable, provide application materials in languages other than English for individuals with limited English proficiency who wish to participate in a national service program;

“(20) collaborate with the training and technical assistance programs described in subtitle J with respect to the activities described in section 199N(b);

“(21) coordinate the clearinghouses described in section 198O;

“(22) coordinate with entities receiving funds under subtitle C in establishing the National Service Reserve Corps under section 198H, through which alumni of the national service programs and veterans can serve in disasters and emergencies (as such terms are defined in section 198H(a));

“(23) identify and implement strategies to increase awareness among Indian tribes of the types and availability of assistance under the national service laws, increase Native American participation in programs under the national service laws, collect information on challenges facing Native American communities, and designate a Strategic Advisor for Native American Affairs to be responsible for the execution of those activities under the national service laws;

“(24) conduct outreach to ensure the inclusion of economically disadvantaged individuals in

national service programs and activities authorized under the national service laws; and

“(25) ensure that outreach, awareness, and recruitment efforts are consistent with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).”;

(2) in subsection (c)—

(A) in paragraph (9)—

(i) by striking “Congress” each place the term occurs and inserting “the authorizing committees”; and

(ii) by striking “and” at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

“(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and”;

(3) in subsection (f)(2)(B), by striking “date specified in subsection (b)(10)” and inserting “the first date that a report is submitted under subsection (b)(11) after the effective date of the Serve America Act”; and

(4) by adding at the end the following:

“(h) **AUTHORITY TO CONTRACT WITH BUSINESSES.**—The Chief Executive Officer may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(13), with priority given to those entities that have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and older adults.

“(i) **CAMPAIGN TO SOLICIT FUNDS.**—The Chief Executive Officer may conduct a campaign to solicit funds to conduct outreach and recruitment campaigns to recruit a diverse population of service sponsors of, and participants in, programs and projects receiving assistance under the national service laws.”.

#### **SEC. 1705. CHIEF FINANCIAL OFFICER STATUS.**

Section 194(c) (42 U.S.C. 12651e(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) **IN GENERAL.**—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the Chief Executive Officer pursuant to subsections (a) and (b) of section 195.”; and

(2) by redesignating paragraph (3) as paragraph (2).

#### **SEC. 1706. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.**

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after “subdivision of a State,” the following: “territory.”; and

(B) in paragraph (3)—

(i) in the heading, by striking “MEMBER” and inserting “NONVOTING MEMBER”; and

(ii) by inserting “nonvoting” before “member”; and

(2) by adding at the end the following new subsection:

“(g) **PERSONAL SERVICES CONTRACTS.**—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.”.

#### **SEC. 1707. DONATED SERVICES.**

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) **ORGANIZATIONS AND INDIVIDUALS.**—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Cor-

poration under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).”;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “Such a volunteer” and inserting “A person who provides assistance, either individually or as a member of an organization, in accordance with subparagraph (A)”;

(ii) in clause (i), by striking “a volunteer under this subtitle” and inserting “such a person”;

(iii) in clause (ii), by striking “volunteers under this subtitle” and inserting “such persons”; and

(iv) in clause (iii), by striking “such a volunteer” and inserting “such a person”; and

(C) in subparagraph (C)(i), by striking “Such a volunteer” and inserting “Such a person”; and

(2) by striking paragraph (3).

#### **SEC. 1708. ASSIGNMENT TO STATE COMMISSIONS.**

Subtitle G of title I (42 U.S.C. 12651 et seq.) is further amended by adding at the end the following:

#### **“SEC. 196B. ASSIGNMENT TO STATE COMMISSIONS.**

“(a) **ASSIGNMENT.**—In accordance with section 193A(c)(1), the Chief Executive Officer may assign to State Commissions specific programmatic functions upon a determination that such an assignment will increase efficiency in the operation or oversight of a program under the national service laws. In carrying out this section, and before executing any assignment of authority, the Corporation shall seek input from and consult Corporation employees, State Commissions, State educational agencies, and other interested stakeholders.

“(b) **REPORT.**—Not later than 2 years after the effective date of the Serve America Act, the Corporation shall submit a report to the authorizing committees describing the consultation process described in subsection (a), including the stakeholders consulted, the recommendation of stakeholders, and any actions taken by the Corporation under this section.”.

#### **SEC. 1709. STUDY OF INVOLVEMENT OF VETERANS.**

Subtitle G of title I (42 U.S.C. 12651 et seq.) is further amended by adding at the end the following:

#### **“SEC. 196C. STUDY OF INVOLVEMENT OF VETERANS.**

“(a) **STUDY AND REPORT.**—The Corporation shall conduct a study and submit a report to the authorizing committees, not later than 3 years after the effective date of the Serve America Act, on—

“(1) the number of veterans serving in national service programs historically by year;

“(2) strategies being undertaken to identify the specific areas of need of veterans, including any goals set by the Corporation for veterans participating in the service programs;

“(3) the impact of the strategies described in paragraph (2) and the Veterans Corps on enabling greater participation by veterans in the national service programs carried out under the national service laws;

“(4) how existing programs and activities carried out under the national service laws could be improved to serve veterans, veterans service organizations, families of active-duty military, including gaps in services to veterans;

“(5) the extent to which existing programs and activities carried out under the national service laws are coordinated and recommendations to improve such coordination including the methods for ensuring the efficient financial organization of services directed towards veterans; and

“(6) how to improve utilization of veterans as resources and volunteers.

“(b) **CONSULTATION.**—In conducting the studies and preparing the reports required under this subsection, the Corporation shall consult with veterans' service organizations, the Secretary of Veterans Affairs, State veterans agencies, the Secretary of Defense, as appropriate, and other individuals and entities the Corporation considers appropriate.”.

#### **SEC. 1710. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS IN SERVICES CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM PLANNING STUDY.**

(a) **PLANNING STUDY.**—The Corporation shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities (as of the time of the study) carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of displaced workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) **CONSULTATION.**—The study shall be carried out in consultation with the Secretary of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) **REPORT.**—Not later than 1 year after the effective date of this Act, the Corporation shall submit to the authorizing committees a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) **PILOT PROGRAM.**—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings and plan in the report submitted under subsection (c).

(e) **DEFINITIONS.**—In this section, the terms “Corporation”, “authorizing committees”, and “national service laws” have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.

#### **SEC. 1711. STUDY TO EVALUATE THE EFFECTIVENESS OF AGENCY COORDINATION.**

(a) **STUDY.**—In order to reduce administrative burdens and lower costs for national service programs carried out under the national service laws, the Corporation shall conduct a study to determine the feasibility and effectiveness of implementing a data matching system under which the statements of an individual declaring that such individual is in compliance with the requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3)) shall be verified by the Corporation by comparing information provided by the individual with information relevant to such a declaration in the possession of other Federal agencies. Such study shall—

(1) review the feasibility of—

(A) expanding, and participating in, the data matching conducted by the Department of Education with the Social Security Administration and the Department of Homeland Security, pursuant to section 484(g) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)); or

(B) establishing a comparable system of data matching with the Social Security Administration and the Department of Homeland Security; and

(2) identify—

(A) the costs, for both the Corporation and the other Federal agencies identified in paragraph (1), associated with expanding or establishing such a system of data matching;

(B) the benefits or detriments of such an expanded or comparable system both for the Corporation and for the other Federal agencies so identified;

(C) strategies for ensuring the privacy and security of participant information that is shared between Federal agencies and organizations receiving assistance under the national service laws;

(D) the information that needs to be shared in order to fulfill the eligibility requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3));

(E) an alternative system through which an individual's compliance with section 146(a)(3) of such Act may be verified, should such an expanded or comparable system fail to verify the individual's declaration of compliance; and

(F) recommendations for implementation of such an expanded or comparable system.

(b) **CONSULTATION.**—The Corporation shall carry out the study in consultation with the Secretary of Education, the Commissioner of the Social Security Administration, the Secretary of Homeland Security, and other Federal agencies, entities, and individuals that the Corporation considers appropriate.

(c) **REPORT.**—Not later than 9 months after the effective date of this Act, the Corporation shall submit to the authorizing committees a report on the results of the study required by subsection (a) and a plan for implementation of a pilot data matching program using promising strategies and approaches identified in such study, if the Corporation determines such program to be feasible.

(d) **PILOT PROGRAM.**—From amounts made available to carry out this section, the Corporation may develop and carry out a pilot data matching program based on the report submitted under subsection (c).

(e) **DEFINITIONS.**—In this section, the terms “Corporation”, “authorizing committees”, and “national service laws” have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

#### **SEC. 1712. STUDY OF PROGRAM EFFECTIVENESS.**

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall develop performance measures for each program receiving Federal assistance under the national service laws.

(b) **CONTENTS.**—The performance measures developed under subsection (a) shall—

(1) to the maximum extent practicable draw on research-based, quantitative data;

(2) take into account program purpose and program design;

(3) include criteria to evaluate the cost effectiveness of programs receiving assistance under the national service laws;

(4) include criteria to evaluate the administration and management of programs receiving Federal assistance under the national service laws; and

(5) include criteria to evaluate oversight and accountability of recipients of assistance through such programs under the national service laws.

(c) **REPORT.**—Not later than 2 years after the development of the performance measures under subsection (a), and every 5 years thereafter, the Comptroller General of the United States shall prepare and submit to the authorizing committees and the Corporation's Board of Directors a report containing an assessment of each such program with respect to the performance measures developed under subsection (a).

(d) **DEFINITIONS.**—In this section:

(1) **IN GENERAL.**—The terms “authorizing committees”, “Corporation”, and “national service laws” have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(2) **PROGRAM.**—The term “program” means an entire program carried out by the Corporation under the national service laws, such as the entire AmeriCorps program carried out under subtitle C.

#### **SEC. 1713. VOLUNTEER MANAGEMENT CORPS STUDY.**

(a) **FINDINGS.**—Congress finds the following:

(1) Many managers seek opportunities to give back to their communities and address the Nation's challenges.

(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and State and local governments create efficiencies and cost savings and develop programs to serve communities in need.

(3) There are currently a large number of businesses and firms who are seeking to identify savings through sabbatical opportunities for senior employees.

(b) **STUDY AND PLAN.**—Not later than 6 months after the date of enactment of this Act, the Corporation shall—

(1) conduct a study on how best to establish and implement a Volunteer Management Corps program; and

(2) submit a plan regarding the establishment of such program to Congress and to the President.

(c) **CONSULTATION.**—In carrying out the study described in subsection (b)(1), the Corporation may consult with experts in the private and nonprofit sectors.

(d) **EFFECTIVE DATE.**—Notwithstanding section 6101, this section shall take effect on the date of enactment of this Act.

#### **Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)**

#### **SEC. 1801. TECHNICAL AMENDMENT TO SUBTITLE H.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by inserting after the subtitle heading and before section 198 the following:

#### **“PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE”.**

#### **SEC. 1802. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.**

(a) **TECHNICAL AMENDMENTS.**—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking “subsection (r)” and inserting “subsection (g)”;

(2) in the matter preceding paragraph (1) of subsection (b), by striking “to improve the quality” and all that follows through “including—” and inserting “to address emergent needs through summer programs and other activities, and to support service-learning programs and national service programs, including—”;

(3) by striking subsections (c), (d), (e), (f), (h), (i), (j), (l), (m), and (p) and redesignating subsections (g), (k), (n), (o), (q), (r), and (s) as subsections (c), (d), (e), (f), (g), (h), and (i), respectively.

(b) **GLOBAL YOUTH SERVICE DAYS.**—Section 198 (42 U.S.C. 12653), as amended in subsection (a), is further amended—

(1) in subsection (g) (as redesignated by subsection (a)(3))—

(A) in the subsection heading, by striking “NATIONAL” and inserting “GLOBAL”;

(B) by striking “National Youth” each place it appears and inserting “Global Youth”;

(C) in paragraph (1)—

(i) by striking the first sentence and inserting “April 24, 2009, and April 23, 2010, are each designated as ‘Global Youth Service Days’.”; and

(ii) in the second sentence, by striking “appropriate ceremonies and activities” and inserting “appropriate youth-led community improvement and service-learning activities”;

(D) in paragraph (2)—

(i) by inserting “and other Federal departments and agencies” after “Corporation”; and

(ii) by striking “ceremonies and activities” and inserting “youth-led community improvement and service-learning activities”; and

(E) in paragraph (3), by inserting “and other Federal departments and agencies” after “Corporation”.

(c) **CALL TO SERVICE CAMPAIGN AND SEPTEMBER 11TH DAY OF SERVICE.**—Section 198 (42 U.S.C. 12653), as amended by subsection (a), is further amended by adding at the end the following:

“(j) **CALL TO SERVICE CAMPAIGN.**—Not later than 180 days after the date of enactment of the Serve America Act, the Corporation shall conduct a nationwide ‘Call To Service’ campaign, to encourage all people of the United States, regardless of age, race, ethnicity, religion, or economic status, to engage in full- or part-time national service, long- or short-term public service in the nonprofit sector or government, or volunteering. In conducting the campaign, the Corporation may collaborate with other Federal agencies and entities, State Commissions, Governors, nonprofit and faith-based organizations, businesses, institutions of higher education, elementary schools, and secondary schools.

“(k) **SEPTEMBER 11TH DAY OF SERVICE.**—

“(1) **FEDERAL ACTIVITIES.**—The Corporation may organize and carry out appropriate ceremonies and activities, which may include activities that are part of the broader Call to Service Campaign under subsection (j), in order to observe the September 11th National Day of Service and Remembrance at the Federal level.

“(2) **ACTIVITIES.**—The Corporation may make grants and provide other support to community-based organizations to assist in planning and carrying out appropriate service, charity, and remembrance opportunities in conjunction with the September 11th National Day of Service and Remembrance.

“(3) **CONSULTATION.**—The Corporation may consult with and make grants or provide other forms of support to nonprofit organizations with expertise in representing families of victims of the September 11, 2001 terrorist attacks and other impacted constituencies, and in promoting the establishment of September 11 as an annually recognized National Day of Service and Remembrance.”.

#### **SEC. 1803. REPEALS.**

(a) **REPEALS.**—The following provisions are repealed:

(1) **CLEARINGHOUSES.**—Section 198A (42 U.S.C. 12653a).

(2) **MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.**—Section 198C (42 U.S.C. 12653c).

(3) **SPECIAL DEMONSTRATION PROJECT.**—Section 198D (42 U.S.C. 12653d).

(b) **REDESIGNATION.**—Section 198B (42 U.S.C. 12653b) is redesignated as section 198A.

#### **SEC. 1804. PRESIDENTIAL AWARDS.**

Section 198A(a)(2) (as redesignated by section 1803(b)) (42 U.S.C. 12653b(a)(2)) is further amended by striking “section 101(19)” and inserting “section 101”.

#### **SEC. 1805. NEW FELLOWSHIPS.**

Part I of subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following new sections:

#### **“SEC. 198B. SERVEAMERICA FELLOWSHIPS.**

“(a) **DEFINITIONS.**—In this section:

“(1) **AREA OF NATIONAL NEED.**—The term ‘area of national need’ means an area involved in efforts to—

“(A) improve education in schools for economically disadvantaged students;

“(B) expand and improve access to health care;

“(C) improve energy efficiency and conserve natural resources;

“(D) improve economic opportunities for economically disadvantaged individuals; or

“(E) improve disaster preparedness and response.

“(2) **ELIGIBLE FELLOWSHIP RECIPIENT.**—The term ‘eligible fellowship recipient’ means an individual who is selected by a State Commission under subsection (c) and, as a result of such selection, is eligible for a ServeAmerica Fellowship.

“(3) **FELLOW.**—The term ‘fellow’ means an eligible fellowship recipient who is awarded a ServeAmerica Fellowship and is designated a fellow under subsection (e)(2).

“(4) **SMALL SERVICE SPONSOR ORGANIZATION.**—The term ‘small service sponsor organization’ means a service sponsor organization described in subsection (d)(1) that has not more than 10 full-time employees and 10 part-time employees.

“(b) **GRANTS.**—

“(1) **IN GENERAL.**—From the amounts appropriated under section 501(a)(4)(B) and allotted under paragraph (2)(A), the Corporation shall make grants (including financial assistance and a corresponding allotment of approved national service positions), to the State Commission of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico with an application approved under this section, to enable such State Commissions to award ServeAmerica Fellowships under subsection (e).

“(2) **ALLOTMENT; ADMINISTRATIVE COSTS.**—

“(A) **ALLOTMENT.**—The amount allotted to a State Commission for a fiscal year shall be equal to an amount that bears the same ratio to the amount appropriated under section 501(a)(4)(B), as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(B) **REALLOTMENT.**—If a State Commission does not apply for an allotment under this subsection for any fiscal year, or if the State Commission’s application is not approved, the Corporation shall reallocate the amount of the State Commission’s allotment to the remaining State Commissions in accordance with subparagraph (A).

“(C) **ADMINISTRATIVE COSTS.**—Of the amount allotted to a State Commission under subparagraph (A), not more than 1.5 percent of such amount may be used for administrative costs.

“(3) **NUMBER OF POSITIONS.**—The Corporation shall—

“(A) establish or increase the number of approved national service positions under this subsection during each of fiscal years 2010 through 2014;

“(B) establish the number of approved positions at 500 for fiscal year 2010; and

“(C) increase the number of the approved positions to—

“(i) 750 for fiscal year 2011;

“(ii) 1,000 for fiscal year 2012;

“(iii) 1,250 for fiscal year 2013; and

“(iv) 1,500 for fiscal year 2014.

“(4) **USES OF GRANT FUNDS.**—

“(A) **REQUIRED USES.**—A grant awarded under this subsection shall be used to enable fellows to carry out service projects in areas of national need.

“(B) **PERMITTED USES.**—A grant awarded under this subsection may be used for—

“(i) oversight activities and mechanisms for the service sites of the fellows, as determined necessary by the State Commission or the Corporation, which may include site visits;

“(ii) activities to augment the experience of fellows, including activities to engage the fel-

lows in networking opportunities with other national service participants; and

“(iii) recruitment or training activities for fellows.

“(5) **APPLICATIONS.**—To be eligible to receive a grant under this subsection, a State Commission shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including information on the criteria and procedures that the State Commission will use for overseeing ServeAmerica Fellowship placements for service projects, under subsection (e).

“(c) **ELIGIBLE FELLOWSHIP RECIPIENTS.**—

“(1) **APPLICATION.**—

“(A) **IN GENERAL.**—An applicant desiring to become an eligible fellowship recipient shall submit an application to a State Commission that has elected to participate in the program authorized under this section, at such time and in such manner as the Commission may require, and containing the information described in subparagraph (B) and such additional information as the Commission may require. An applicant may submit such application to only 1 State Commission for a fiscal year.

“(B) **CONTENTS.**—The Corporation shall specify information to be provided in an application submitted under this subsection, which—

“(i) shall include—

“(I) a description of the area of national need that the applicant intends to address in the service project;

“(II) a description of the skills and experience the applicant has to address the area of national need;

“(III) a description of the type of service the applicant plans to provide as a fellow; and

“(IV) information identifying the local area within the State served by the Commission in which the applicant plans to serve for the service project; and

“(ii) may include, if the applicant chooses, the size of the registered service sponsor organization with which the applicant hopes to serve.

“(2) **SELECTION.**—Each State Commission shall—

“(A) select, from the applications received by the State Commission for a fiscal year, the number of eligible fellowship recipients that may be supported for that fiscal year based on the amount of the grant received by the State Commission under subsection (b); and

“(B) make an effort to award one-third of the fellowships available to the State Commission for a fiscal year, based on the amount of the grant received under subsection (b), to applicants who propose to serve the fellowship with small service sponsor organizations registered under subsection (d).

“(d) **SERVICE SPONSOR ORGANIZATIONS.**—

“(1) **IN GENERAL.**—Each service sponsor organization shall—

“(A) be a nonprofit organization;

“(B) satisfy qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight;

“(C) not be a recipient of other assistance, approved national service positions, or approved summer of service positions under the national service laws; and

“(D) at the time of registration with a State Commission, enter into an agreement providing that the service sponsor organization shall—

“(i) abide by all program requirements;

“(ii) provide an amount described in subsection (e)(3)(b) for each fellow serving with the organization through the ServeAmerica Fellowship;

“(iii) be responsible for certifying whether each fellow serving with the organization successfully completed the ServeAmerica Fellow-

ship, and record and certify in a manner specified by the Corporation the number of hours served by a fellow for purposes of determining the fellow’s eligibility for benefits; and

“(iv) provide timely access to records relating to the ServeAmerica Fellowship to the State Commission, the Corporation, and the Inspector General of the Corporation.

“(2) **REGISTRATION.**—

“(A) **REQUIREMENT.**—No service sponsor organization may receive a fellow under this section until the organization registers with the State Commission.

“(B) **CLEARINGHOUSE.**—The State Commission shall maintain a list of registered service sponsor organizations on a public website.

“(C) **REVOCATION.**—If a State Commission determines that a service sponsor organization is in violation of any of the applicable provisions of this section—

“(i) the State Commission shall revoke the registration of the organization;

“(ii) the organization shall not be eligible to receive assistance, approved national service positions, or approved summer of service positions under this title for not less than 5 years; and

“(iii) the State Commission shall have the right to remove a fellow from the organization and relocate the fellow to another site.

“(e) **FELLOWS.**—

“(1) **IN GENERAL.**—To be eligible to participate in a service project as a fellow and receive a ServeAmerica Fellowship, an eligible fellowship recipient shall—

“(A) within 3 months after being selected as an eligible fellowship recipient by a State Commission, select a registered service sponsor organization described in subsection (d)—

“(i) with which the recipient is interested in serving under this section; and

“(ii) that is located in the State served by the State Commission;

“(B) enter into an agreement with the organization—

“(i) that specifies the service the recipient will provide if the placement is approved; and

“(ii) in which the recipient agrees to serve for 1 year on a full-time or part-time basis (as determined by the Corporation); and

“(C) submit such agreement to the State Commission.

“(2) **AWARD.**—Upon receiving the eligible fellowship recipient’s agreement under paragraph (1), the State Commission shall award a ServeAmerica Fellowship to the recipient and designate the recipient as a fellow.

“(3) **FELLOWSHIP AMOUNT.**—

“(A) **IN GENERAL.**—From amounts received under subsection (b), each State Commission shall award each of the State’s fellows a ServeAmerica Fellowship amount that is equal to 50 percent of the amount of the average annual VISTA subsistence allowance.

“(B) **AMOUNT FROM SERVICE SPONSOR ORGANIZATION.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii) and subparagraph (E), the service sponsor organization shall award to the fellow serving such organization an amount that will ensure that the total award received by the fellow for service in the service project (consisting of such amount and the ServeAmerica Fellowship amount the fellow receives under subparagraph (A)) is equal to or greater than 70 percent of the average annual VISTA subsistence allowance.

“(ii) **SMALL SERVICE SPONSOR ORGANIZATIONS.**—In the case of a small service sponsor organization, the small service sponsor organization may decrease the amount of the service sponsor organization award required under clause (i) to not less than an amount that will ensure that the total award received by the fellow for service in the service project (as calculated in clause (i)) is equal to or greater than



60 percent of the average annual VISTA subsistence allowance.

“(C) **MAXIMUM LIVING ALLOWANCE.**—The total amount that may be provided to a fellow under this subparagraph shall not exceed 100 percent of the average annual VISTA subsistence allowance.

“(D) **PRORATION OF AMOUNT.**—In the case of a fellow who is authorized to serve a part-time term of service under the agreement described in paragraph (1)(B)(ii), the amount provided to a fellow under this paragraph shall be prorated accordingly.

“(E) **WAIVER.**—The Corporation may allow a State Commission to waive the amount required under subparagraph (B) from the service sponsor organization for a fellow serving the organization if—

“(i) such requirement is inconsistent with the objectives of the ServeAmerica Fellowship program; and

“(ii) the amount provided to the fellow under subparagraph (A) is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the ServeAmerica Fellowship program is located.

“(F) **DEFINITION.**—In this paragraph, the term ‘average annual VISTA subsistence allowance’ means the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

“(f) **COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.**—Service under a ServeAmerica Fellowship shall comply with section 132(a). For purposes of applying that section to this subsection, a reference to assistance shall be considered to be a reference to assistance provided under this section.

“(g) **REPORTS.**—Each service sponsor organization that receives a fellow under this section shall, on a biweekly basis, report to the Corporation on the number of hours served and the services provided by that fellow. The Corporation shall establish a web portal for the organizations to use in reporting the information.

“(h) **EDUCATIONAL AWARDS.**—A fellow who serves in a service project under this section shall be considered to have served in an approved national service position and, upon meeting the requirements of section 147 for full-time or part-time national service, shall be eligible for a national service educational award described in such section. The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational award for such fellow.

#### “SEC. 198C. SILVER SCHOLARSHIPS AND ENCORE FELLOWSHIPS.

“(a) **SILVER SCHOLARSHIP GRANT PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Corporation may award fixed-amount grants (in accordance with section 129(l)) to community-based entities to carry out a Silver Scholarship Grant Program for individuals age 55 or older, in which such individuals complete not less than 350 hours of service in a year carrying out projects of national need and receive a Silver Scholarship in the form of a \$1,000 national service educational award. Under such a program, the Corporation shall establish criteria for the types of the service required to be performed to receive such award.

“(2) **TERM.**—Each program funded under this subsection shall be carried out over a period of 3 years (which may include 1 planning year), with a 1-year extension possible, if the program meets performance levels developed in accordance with section 179(k) and any other criteria determined by the Corporation.

“(3) **APPLICATIONS.**—To be eligible for a grant under this subsection, a community-based entity shall—

“(A) submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require; and

“(B) be a listed organization as described in subsection (b)(4).

“(4) **COLLABORATION ENCOURAGED.**—A community-based entity awarded a grant under this subsection is encouraged to collaborate with programs funded under title II of the Domestic Volunteer Service Act of 1973 in carrying out this program.

“(5) **ELIGIBILITY FOR FELLOWSHIP.**—An individual is eligible to receive a Silver Scholarship if the community-based entity certifies to the Corporation that the individual has completed not less than 350 hours of service under this section in a 1-year period.

“(6) **TRANSFER TO TRUST.**—The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational award for each silver scholar under this subsection.

“(7) **SUPPORT SERVICES.**—A community-based entity receiving a fixed-amount grant under this subsection may use a portion of the grant to provide transportation services to an eligible individual to allow such individual to participate in a service project.

“(b) **ENCORE FELLOWSHIPS.**—

“(1) **ESTABLISHMENT.**—The Corporation may award 1-year Encore Fellowships to enable individuals age 55 or older to—

“(A) carry out service projects in areas of national need; and

“(B) receive training and development in order to transition to full- or part-time public service in the nonprofit sector or government.

“(2) **PROGRAM.**—In carrying out the program, the Corporation shall—

“(A) maintain a list of eligible organizations for which Encore Fellows may be placed to carry out service projects through the program and shall provide the list to all Fellowship recipients; and

“(B) at the request of a Fellowship recipient—

“(i) determine whether the requesting recipient is able to meet the service needs of a listed organization, or another organization that the recipient requests in accordance with paragraph (5)(B), for a service project; and

“(ii) upon making a favorable determination under clause (i), award the recipient with an Encore Fellowship, and place the recipient with the organization as an Encore Fellow under paragraph (5)(C).

“(3) **ELIGIBLE RECIPIENTS.**—

“(A) **IN GENERAL.**—An individual desiring to be selected as a Fellowship recipient shall—

“(i) be an individual who—

“(I) is age 55 or older as of the time the individual applies for the program; and

“(II) is not engaged in, but who wishes to engage in, full- or part-time public service in the nonprofit sector or government; and

“(ii) submit an application to the Corporation, at such time, in such manner, and containing such information as the Corporation may require, including—

“(I) a description of the area of national need that the applicant hopes to address through the service project;

“(II) a description of the skills and experience the applicant has to address an area of national need; and

“(III) information identifying the region of the United States in which the applicant wishes to serve.

“(B) **SELECTION BASIS.**—In determining which individuals to select as Fellowship recipients, the Corporation shall—

“(i) select not more than 10 individuals from each State; and

“(ii) give priority to individuals with skills and experience for which there is an ongoing

high demand in the nonprofit sector and government.

“(4) **LISTED ORGANIZATIONS.**—To be listed under paragraph (2)(A), an organization shall—

“(A) be a nonprofit organization; and

“(B) submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including—

“(i) a description of—

“(I) the services and activities the organization carries out generally;

“(II) the area of national need that the organization seeks to address through a service project; and

“(III) the services and activities the organization seeks to carry out through the proposed service project;

“(ii) a description of the skills and experience that an eligible Encore Fellowship recipient needs to be placed with the organization as an Encore Fellow for the service project;

“(iii) a description of the training and leadership development the organization shall provide an Encore Fellow placed with the organization to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

“(iv) evidence of the organization's financial stability.

“(5) **PLACEMENT.**—

“(A) **REQUEST FOR PLACEMENT WITH LISTED ORGANIZATIONS.**—To be placed with a listed organization in accordance with paragraph (2)(B) for a service project, an eligible Encore Fellowship recipient shall submit an application for such placement to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

“(B) **REQUEST FOR PLACEMENT WITH OTHER ORGANIZATION.**—An eligible Encore Fellowship recipient may apply to the Corporation to serve the recipient's Encore Fellowship year with a nonprofit organization that is not a listed organization. Such application shall be submitted to the Corporation at such time, in such manner, and containing such information as the Corporation shall require, and shall include—

“(i) an identification and description of—

“(I) the organization;

“(II) the area of national need the organization seeks to address; and

“(III) the services or activities the organization carries out to address such area of national need;

“(ii) a description of the services the eligible Encore Fellowship recipient shall provide for the organization as an Encore Fellow; and

“(iii) a letter of support from the leader of the organization, including—

“(I) a description of the organization's need for the eligible Encore Fellowship recipient's services;

“(II) evidence that the organization is financially sound;

“(III) an assurance that the organization will provide training and leadership development to the eligible Encore Fellowship recipient if placed with the organization as an Encore Fellow, to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

“(IV) a description of the training and leadership development to be provided to the Encore Fellowship recipient if so placed.

“(C) **PLACEMENT AND AWARD OF FELLOWSHIP.**—If the Corporation determines that the eligible Encore Fellowship recipient is able to meet the service needs (including skills and experience to address an area of national need) of the organization that the eligible fellowship recipient requests under subparagraph (A) or (B), the Corporation shall—

“(i) approve the placement of the eligible Encore Fellowship recipient with the organization;

“(ii) award the eligible Encore Fellowship recipient an Encore Fellowship for a period of 1 year and designate the eligible Encore Fellowship recipient as an Encore Fellow; and

“(iii) in awarding the Encore Fellowship, make a payment, in the amount of \$11,000, to the organization to enable the organization to provide living expenses to the Encore Fellow for the year in which the Encore Fellow agrees to serve.

“(6) **MATCHING FUNDS.**—An organization that receives an Encore Fellow under this subsection shall agree to provide, for the living expenses of the Encore Fellow during the year of service, non-Federal contributions in an amount equal to not less than \$1 for every \$1 of Federal funds provided to the organization for the Encore Fellow through the Encore Fellowship.

“(7) **TRAINING AND ASSISTANCE.**—Each organization that receives an Encore Fellow under this subsection shall provide training, leadership development, and assistance to the Encore Fellow, and conduct oversight of the service provided by the Encore Fellow.

“(8) **LEADERSHIP DEVELOPMENT.**—Each year, the Corporation shall convene current and former Encore Fellows to discuss the Encore Fellows’ experiences related to service under this subsection and discuss strategies for increasing leadership and careers in public service in the nonprofit sector or government.

“(c) **EVALUATIONS.**—The Corporation shall conduct an independent evaluation of the programs authorized under subsections (a) and (b) and widely disseminate the results, including recommendations for improvement, to the service community through multiple channels, including the Corporation’s Resource Center or a clearinghouse of effective strategies.”.

#### **SEC. 1806. NATIONAL SERVICE RESERVE CORPS.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

##### **“PART II—NATIONAL SERVICE RESERVE CORPS**

#### **“SEC. 198H. NATIONAL SERVICE RESERVE CORPS.**

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘National Service Reserve Corps member’ means an individual who—

“(A) has completed a term of national service or is a veteran;

“(B) has successfully completed training described in subsection (c) within the previous 2 years;

“(C) completes not less than 10 hours of volunteering each year (which may include the training session described in subparagraph (B)); and

“(D) has indicated interest to the Corporation in responding to disasters and emergencies in a timely manner through the National Service Reserve Corps; and

“(2) the term ‘term of national service’ means a term or period of service under section 123.

“(b) **ESTABLISHMENT OF NATIONAL SERVICE RESERVE CORPS.**—

“(1) **IN GENERAL.**—In consultation with the Federal Emergency Management Agency, the Corporation shall establish a National Service Reserve Corps to prepare and deploy National Service Reserve Corps members to respond to disasters and emergencies in support of national service programs and other requesting programs and agencies.

“(2) **GRANTS OR CONTRACTS.**—In carrying out this section, the Corporation may enter into a grant or contract with an organization experienced in responding to disasters or in coordinating individuals who have completed a term of national service or are veterans, or may directly deploy National Service Reserve Corps members, as the Corporation determines necessary.

“(c) **ANNUAL TRAINING.**—The Corporation shall conduct or coordinate annual training ses-

sions, consistent with the training requirements of the Federal Emergency Management Agency, for individuals who have completed a term of national service or are veterans, and who wish to join the National Service Reserve Corps.

“(d) **DESIGNATION OF ORGANIZATIONS.**—

“(1) **IN GENERAL.**—The Corporation shall designate organizations with demonstrated experience in responding to disasters or emergencies, including through using volunteers, for participation in the program under this section.

“(2) **REQUIREMENTS.**—The Corporation shall ensure that every designated organization is—

“(A) prepared to respond to disasters or emergencies;

“(B) prepared and able to utilize National Service Reserve Corps members in responding to disasters or emergencies; and

“(C) willing to respond in a timely manner when notified by the Corporation of a disaster or emergency.

“(e) **DATABASES.**—The Corporation shall develop or contract with an outside organization to develop—

“(1) a database of all National Service Reserve Corps members; and

“(2) a database of all nonprofit organizations that have been designated by the Corporation under subsection (d).

“(f) **DEPLOYMENT OF NATIONAL SERVICE RESERVE CORPS.**—

“(1) **MAJOR DISASTERS OR EMERGENCIES.**—If a major disaster or emergency is declared by the President pursuant to section 102 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122), the Administrator of the Federal Emergency Management Agency, in consultation with the Corporation, may task the National Service Reserve Corps to assist in response.

“(2) **OTHER DISASTERS OR EMERGENCIES.**—For a disaster or emergency that is not declared a major disaster or emergency under section 102 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122), the Corporation may directly, or through a grant or contract, deploy the National Service Reserve Corps.

“(3) **DEPLOYMENT.**—Under paragraph (1) or (2), the Corporation may—

“(A) deploy interested National Service Reserve Corps members on assignments of not more than 30 days to assist with local needs related to preparing or recovering from the incident in the affected area, either directly or through organizations designated under subsection (d);

“(B) make travel arrangements for the deployed National Service Reserve Corps members to the site of the incident; and

“(C) provide funds to those organizations that are responding to the incident with deployed National Service Reserve Corps members, to enable the organizations to coordinate and provide housing, living stipends, and insurance for those deployed members.

“(4) **ALLOWANCE.**—Any amounts that are utilized by the Corporation from funds appropriated under section 501(a)(4)(D) to carry out paragraph (1) for a fiscal year shall be kept in a separate fund. Any amounts in such fund that are not used during a fiscal year shall remain available to use to pay National Service Reserve Corps members an allowance, determined by the Corporation, for out-of-pocket expenses.

“(5) **INFORMATION.**—

“(A) **NATIONAL SERVICE PARTICIPANTS.**—The Corporation, the State Commissions, and entities receiving financial assistance for programs under subtitle C of this Act, or under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), shall inform participants about the National Service Reserve Corps upon the participants’ completion of their term of national service.

“(B) **VETERANS.**—The Secretary of Veterans Affairs, in consultation with the Secretary of

Defense, shall inform veterans who are recently discharged, released, or separated from the Armed Forces about the National Service Reserve Corps.

“(6) **COORDINATION.**—In deploying National Service Reserve Corps members under this subsection, the Corporation shall—

“(A) avoid duplication of activities directed by the Federal Emergency Management Agency; and

“(B) consult and, as appropriate, partner with Citizen Corps programs and other local disaster agencies, including State and local emergency management agencies, voluntary organizations active in disaster, State Commissions, and similar organizations, in the affected area.”.

#### **SEC. 1807. SOCIAL INNOVATION FUNDS PILOT PROGRAM.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

##### **“PART III—SOCIAL INNOVATION FUNDS PILOT PROGRAM**

#### **“SEC. 198K. FUNDS.**

“(a) **FINDINGS.**—Congress finds the following:

“(1) Social entrepreneurs and other nonprofit community organizations are developing innovative and effective solutions to national and local challenges.

“(2) Increased public and private investment in replicating and expanding proven effective solutions, and supporting new solutions, developed by social entrepreneurs and other nonprofit community organizations could allow those entrepreneurs and organizations to replicate and expand proven initiatives, and support new initiatives, in communities.

“(3) A network of Social Innovation Funds could leverage Federal investments to increase State, local, business, and philanthropic resources to replicate and expand proven solutions and invest in supporting new innovations to tackle specific identified community challenges.

“(b) **PURPOSES.**—The purposes of this section are—

“(1) to recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in tackling national and local challenges;

“(2) to stimulate the development of a network of Social Innovation Funds that will increase private and public investment in nonprofit community organizations that are effectively addressing national and local challenges to allow such organizations to replicate and expand proven initiatives or support new initiatives;

“(3) to assess the effectiveness of such Funds in—

“(A) leveraging Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

“(B) providing resources to replicate and expand effective initiatives; and

“(C) seeding experimental initiatives focused on improving outcomes in the areas described in subsection (f)(3); and

“(4) to strengthen the infrastructure to identify, invest in, replicate, and expand initiatives with effective solutions to national and local challenges.

“(c) **DEFINITIONS.**—In this section:

“(1) **COMMUNITY ORGANIZATION.**—The term ‘community organization’ means a nonprofit organization that carries out innovative, effective initiatives to address community challenges.

“(2) **COVERED ENTITY.**—The term ‘covered entity’ means—

“(A) an existing grantmaking institution (existing as of the date on which the institution applies for a grant under this section); or

“(B) a partnership between—

“(i) such an existing grantmaking institution; and

“(ii) an additional grantmaking institution, a State Commission, or a chief executive officer of a unit of general local government.

“(3) **ISSUE AREA.**—The term ‘issue area’ means an area described in subsection (f)(3).

“(d) **PROGRAM.**—From the amounts appropriated to carry out this section that are not reserved under subsections (l) and (m), the Corporation shall establish a Social Innovation Funds grant program to make grants on a competitive basis to eligible entities for Social Innovation Funds.

“(e) **PERIODS; AMOUNTS.**—The Corporation shall make such grants for periods of 5 years, and may renew the grants for additional periods of 5 years, in amounts of not less than \$1,000,000 and not more than \$10,000,000 per year.

“(f) **ELIGIBILITY.**—To be eligible to receive a grant under subsection (d), an entity shall—

“(1) be a covered entity;

“(2) propose to focus on—

“(A) serving a specific local geographical area; or

“(B) addressing a specific issue area;

“(3) propose to focus on improving measurable outcomes relating to—

“(A) education for economically disadvantaged elementary or secondary school students;

“(B) child and youth development;

“(C) reductions in poverty or increases in economic opportunity for economically disadvantaged individuals;

“(D) health, including access to health services and health education;

“(E) resource conservation and local environmental quality;

“(F) individual or community energy efficiency;

“(G) civic engagement; or

“(H) reductions in crime;

“(4) have an evidence-based decisionmaking strategy, including—

“(A) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; and

“(B) a well-articulated plan to—

“(i) replicate and expand research-proven initiatives that have been shown to produce sizeable, sustained benefits to participants or society; or

“(ii) support new initiatives with a substantial likelihood of significant impact; or

“(5) partner with a research organization to carry out rigorous evaluations to assess the effectiveness of such initiatives; and

“(6) have appropriate policies, as determined by the Corporation, that protect against conflict of interest, self-dealing, and other improper practices.

“(g) **APPLICATION.**—To be eligible to receive a grant under subsection (d) for national leveraging capital, an eligible entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may specify, including, at a minimum—

“(1) an assurance that the eligible entity will—

“(A) use the funds received through that capital in order to make subgrants to community organizations that will use the funds to replicate or expand proven initiatives, or support new initiatives, in low-income communities;

“(B) in making decisions about subgrants for communities, consult with a diverse cross section of community representatives in the decisions, including individuals from the public, nonprofit private, and for-profit private sectors; and

“(C) make subgrants of a sufficient size and scope to enable the community organizations to build their capacity to manage initiatives, and sustain replication or expansion of the initiatives;

“(2) an assurance that the eligible entity will not make any subgrants to the parent organizations of the eligible entity, a subsidiary organization of the parent organization, or, if the eligible entity applied for funds under this section as a partnership, any member of the partnership;

“(3) an identification of, as appropriate—

“(A) the specific local geographical area referred to in subsection (f)(2)(A) that the eligible entity is proposing to serve; or

“(B) the issue area referred to in subsection (f)(2)(B) that the eligible entity will address, and the geographical areas that the eligible entity is likely to serve in addressing such issue area;

“(4)(A) information identifying the issue areas in which the eligible entity will work to improve measurable outcomes;

“(B) statistics on the needs related to those issue areas in, as appropriate—

“(i) the specific local geographical area described in paragraph (3)(A); or

“(ii) the geographical areas described in paragraph (3)(B), including statistics demonstrating that those geographical areas have high need in the specific issue area that the eligible entity is proposing to address; and

“(C) information on the specific measurable outcomes related to the issue areas involved that the eligible entity will seek to improve;

“(5) information describing the process by which the eligible entity selected, or will select, community organizations to receive the subgrants, to ensure that the community organizations—

“(A) are institutions—

“(i) with proven initiatives and a demonstrated track record of achieving specific outcomes related to the measurable outcomes for the eligible entity; or

“(ii) that articulate a new solution with a significant likelihood for substantial impact;

“(B) articulate measurable outcomes for the use of the subgrant funds that are connected to the measurable outcomes for the eligible entity;

“(C) will use the funds to replicate, expand, or support their initiatives;

“(D) provide a well-defined plan for replicating, expanding, or supporting the initiatives funded;

“(E) can sustain the initiatives after the subgrant period concludes through reliable public revenues, earned income, or private sector funding;

“(F) have strong leadership and financial and management systems;

“(G) are committed to the use of data collection and evaluation for improvement of the initiatives;

“(H) will implement and evaluate innovative initiatives, to be important contributors to knowledge in their fields; and

“(I) will meet the requirements for providing matching funds specified in subsection (k);

“(6) information about the eligible entity, including its experience managing collaborative initiatives, or assessing applicants for grants and evaluating the performance of grant recipients for outcome-focused initiatives, and any other relevant information;

“(7) a commitment to meet the requirements of subsection (i) and a plan for meeting the requirements, including information on any funding that the eligible entity has secured to provide the matching funds required under that subsection;

“(8) a description of the eligible entity’s plan for providing technical assistance and support, other than financial support, to the community organizations that will increase the ability of the community organizations to achieve their measurable outcomes;

“(9) information on the commitment, institutional capacity, and expertise of the eligible entity concerning—

“(A) collecting and analyzing data required for evaluations, compliance efforts, and other purposes;

“(B) supporting relevant research; and

“(C) submitting regular reports to the Corporation, including information on the initiatives of the community organizations, and the replication or expansion of such initiatives;

“(10) a commitment to use data and evaluations to improve the eligible entity’s own model and to improve the initiatives funded by the eligible entity; and

“(11) a commitment to cooperate with any evaluation activities undertaken by the Corporation.

“(h) **SELECTION CRITERIA.**—In selecting eligible entities to receive grants under subsection (d), the Corporation shall—

“(1) select eligible entities on a competitive basis;

“(2) select eligible entities on the basis of the quality of their selection process, as described in subsection (g)(5), the capacity of the eligible entities to manage Social Innovation Funds, and the potential of the eligible entities to sustain the Funds after the conclusion of the grant period;

“(3) include among the grant recipients eligible entities that propose to provide subgrants to serve communities (such as rural low-income communities) that the eligible entities can demonstrate are significantly philanthropically underserved;

“(4) select a geographically diverse set of eligible entities; and

“(5) take into account broad community perspectives and support.

“(i) **MATCHING FUNDS FOR GRANTS.**—

“(1) **IN GENERAL.**—The Corporation may not make a grant to an eligible entity under subsection (d) for a Social Innovation Fund unless the entity agrees that, with respect to the cost described in subsection (d) for that Fund, the entity will make available matching funds in an amount equal to not less than \$1 for every \$1 of funds provided under the grant.

“(2) **ADDITIONAL REQUIREMENTS.**—

“(A) **TYPE AND SOURCES.**—The eligible entity shall provide the matching funds in cash. The eligible entity shall provide the matching funds from State, local, or private sources, which may include State or local agencies, businesses, private philanthropic organizations, or individuals.

“(B) **ELIGIBLE ENTITIES INCLUDING STATE COMMISSIONS OR LOCAL GOVERNMENT OFFICES.**—

“(i) **IN GENERAL.**—In a case in which a State Commission, a local government office, or both entities are a part of the eligible entity, the State involved, the local government involved, or both entities, respectively, shall contribute not less than 30 percent and not more than 50 percent of the matching funds.

“(ii) **LOCAL GOVERNMENT OFFICE.**—In this subparagraph, the term ‘local government office’ means the office of the chief executive officer of a unit of general local government.

“(3) **REDUCTION.**—The Corporation may reduce by 50 percent the matching funds required by paragraph (1) for an eligible entity serving a community (such as a rural low-income community) that the eligible entity can demonstrate is significantly philanthropically underserved.

“(j) **SUBGRANTS.**—

“(1) **SUBGRANTS AUTHORIZED.**—An eligible entity receiving a grant under subsection (d) is authorized to use the funds made available through the grant to award, on a competitive basis, subgrants to expand or replicate proven initiatives, or support new initiatives with a substantial likelihood of success, to—

“(A) community organizations serving low-income communities within the specific local geographical area described in the eligible entity’s

application in accordance with subsection (g)(3)(A); or

“(B) community organizations addressing a specific issue area described in the eligible entity’s application in accordance with subsection (g)(3)(B), in low-income communities in the geographical areas described in the application.

“(2) PERIODS; AMOUNTS.—The eligible entity shall make such subgrants for periods of not less than 3 and not more than 5 years, and may renew the subgrants for such periods, in amounts of not less than \$100,000 per year.

“(3) APPLICATIONS.—To be eligible to receive a subgrant from an eligible entity under this section, including receiving a payment for that subgrant each year, a community organization shall submit an application to an eligible entity that serves the specific local geographical area, or geographical areas, that the community organization proposes to serve, at such time, in such manner, and containing such information as the eligible entity may require, including—

“(A) a description of the initiative the community organization carries out and plans to replicate or expand, or of the new initiative the community organization intends to support, using funds received from the eligible entity, and how the initiative relates to the issue areas in which the eligible entity has committed to work in the eligible entity’s application, in accordance with subsection (g)(4)(A);

“(B) data on the measurable outcomes the community organization has improved, and information on the measurable outcomes the community organization seeks to improve by replicating or expanding a proven initiative or supporting a new initiative, which shall be among the measurable outcomes that the eligible entity identified in the eligible entity’s application, in accordance with subsection (g)(4)(C);

“(C) an identification of the community in which the community organization proposes to carry out an initiative, which shall be within a local geographical area described in the eligible entity’s application in accordance with subparagraph (A) or (B) of subsection (g)(3), as applicable;

“(D) a description of the evidence-based decisionmaking strategies the community organization uses to improve the measurable outcomes, including—

“(i) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; or

“(ii) a well-articulated plan to conduct, or partner with a research organization to conduct, rigorous evaluations to assess the effectiveness of initiatives addressing national or local challenges;

“(E) a description of how the community organization uses data to analyze and improve its initiatives;

“(F) specific evidence of how the community organization will meet the requirements for providing matching funds specified in subsection (k);

“(G) a description of how the community organization will sustain the replicated or expanded initiative after the conclusion of the subgrant period; and

“(H) any other information the eligible entity may require, including information necessary for the eligible entity to fulfill the requirements of subsection (g)(5).

“(k) MATCHING FUNDS FOR SUBGRANTS.—

“(1) IN GENERAL.—An eligible entity may not make a subgrant to a community organization under this section for an initiative described in subsection (j)(3)(A) unless the organization agrees that, with respect to the cost of carrying out that initiative, the organization will make available, on an annual basis, matching funds in an amount equal to not less than \$1 for every

\$1 of funds provided under the subgrant. If the community organization fails to make such matching funds available for a fiscal year, the eligible entity shall not make payments for the remaining fiscal years of the subgrant period, notwithstanding any other provision of this part.

“(2) TYPES AND SOURCES.—The community organization shall provide the matching funds in cash. The community organization shall provide the matching funds from State, local, or private sources, which may include funds from State or local agencies or private sector funding.

“(1) DIRECT SUPPORT.—

“(1) PROGRAM AUTHORIZED.—The Corporation may use not more than 10 percent of the funds appropriated for this section to award grants to community organizations serving low-income communities or addressing a specific issue area in geographical areas that have the highest need in that issue area, to enable such community organizations to replicate or expand proven initiatives or support new initiatives.

“(2) TERMS AND CONDITIONS.—A grant awarded under this subsection shall be subject to the same terms and conditions as a subgrant awarded under subsection (j).

“(3) APPLICATION; MATCHING FUNDS.—Paragraphs (2) and (3) of subsection (j) and subsection (k) shall apply to a community organization receiving or applying for a grant under this subsection in the same manner as such subsections apply to a community organization receiving or applying for a subgrant under subsection (j), except that references to a subgrant shall mean a grant and references to an eligible entity shall mean the Corporation.

“(m) RESEARCH AND EVALUATION.—

“(1) IN GENERAL.—The Corporation may reserve not more than 5 percent of the funds appropriated for this section for a fiscal year to support, directly or through contract with an independent entity, research and evaluation activities to evaluate the eligible entities and community organizations receiving grants under subsections (d) and (l) and the initiatives supported by the grants.

“(2) RESEARCH AND EVALUATION ACTIVITIES.—

“(A) RESEARCH AND REPORTS.—

“(i) IN GENERAL.—The entity carrying out this subsection shall collect data and conduct or support research with respect to the eligible entities and community organizations receiving grants under subsections (d) and (l), and the initiatives supported by such eligible entities and community organizations, to determine the success of the program carried out under this section in replicating, expanding, and supporting initiatives, including—

“(I) the success of the initiatives in improving measurable outcomes; and

“(II) the success of the program in increasing philanthropic investments in philanthropically underserved communities.

“(ii) REPORTS.—The Corporation shall submit periodic reports to the authorizing committees including—

“(I) the data collected and the results of the research under this subsection;

“(II) information on lessons learned about best practices from the activities carried out under this section, to improve those activities; and

“(III) a list of all eligible entities and community organizations receiving funds under this section.

“(iii) PUBLIC INFORMATION.—The Corporation shall annually post the list described in clause (ii)(III) on the Corporation’s website.

“(B) TECHNICAL ASSISTANCE.—The Corporation shall, directly or through contract, provide technical assistance to the eligible entities and community organizations that receive grants under subsections (d) and (l).

“(C) KNOWLEDGE MANAGEMENT.—The Corporation shall, directly or through contract, maintain a clearinghouse for information on best practices resulting from initiatives supported by the eligible entities and community organizations.

“(D) RESERVATION.—Of the funds appropriated under section 501(a)(4)(E) for a fiscal year, not more than 5 percent may be used to carry out this subsection.”

#### SEC. 1808. CLEARINGHOUSES.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

#### “PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSES; VOLUNTEER GENERATION FUND

##### “SEC. 1980. NATIONAL SERVICE PROGRAMS CLEARINGHOUSES.

“(a) IN GENERAL.—The Corporation shall provide assistance, by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish 1 or more clearinghouses for information regarding the national service laws, which shall include information on service-learning and on service through other programs receiving assistance under the national service laws.

“(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

“(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

“(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws, except that such clearinghouse may not conduct such research and evaluations if the recipient of the grant, contract, or cooperative agreement establishing the clearinghouse under this section is receiving funds for such purpose under part III of subtitle B or under this subtitle (not including this section);

“(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

“(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

“(4) facilitate communication among—

“(A) entities carrying out service-learning programs and programs offered under the national service laws; and

“(B) participants in such programs;

“(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

“(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

“(7) disseminate applications in languages other than English;

“(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to service-learning, and service-learning projects; and

“(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

“(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

“(10) assist organizations in recruiting, screening, and placing a diverse population of

service-learning coordinators and program sponsors;

“(11) disseminate effective strategies for working with disadvantaged youth in national service programs, as determined by organizations with an established expertise in working with such youth; and

“(12) carry out such other activities as the Chief Executive Officer determines to be appropriate.

**“SEC. 198P. VOLUNTEER GENERATION FUND.**

“(a) **GRANTS AUTHORIZED.**—Subject to the availability of appropriations for this section, the Corporation may make grants to State Commissions and nonprofit organizations for the purpose of assisting the State Commissions and nonprofit organizations to—

“(1) develop and carry out volunteer programs described in subsection (c); and

“(2) make subgrants to support and create new local community-based entities that recruit, manage, or support volunteers as described in such subsection.

“(b) **APPLICATION.**—

“(1) **IN GENERAL.**—Each State Commission or nonprofit organization desiring a grant under this section shall submit an application to the Corporation at such time, in such manner, and accompanied by such information as the Corporation may reasonably require.

“(2) **CONTENTS.**—Each application submitted pursuant to paragraph (1) shall contain—

“(A)(i) a description of the program that the applicant will provide;

“(B) an assurance that the applicant will annually collect information on—

“(i) the number of volunteers recruited for activities carried out under this section, using funds received under this section, and the type and amount of activities carried out by such volunteers; and

“(ii) the number of volunteers managed or supported using funds received under this section, and the type and amount of activities carried out by such volunteers;

“(C) a description of the outcomes the applicant will use to annually measure and track performance with regard to—

“(i) activities carried out by volunteers; and

“(ii) volunteers recruited, managed, or supported; and

“(D) such additional assurances as the Corporation determines to be essential to ensure compliance with the requirements of this section.

“(c) **ELIGIBLE VOLUNTEER PROGRAMS.**—A State Commission or nonprofit organization receiving a grant under this section shall use the assistance—

“(1) directly to carry out volunteer programs or to develop and support community-based entities that recruit, manage, or support volunteers, by carrying out activities consistent with the goals of the subgrants described in paragraph (2); or

“(2) through subgrants to community-based entities to carry out volunteer programs or develop and support such entities that recruit, manage, or support volunteers, through 1 or more of the following types of subgrants:

“(A) A subgrant to a community-based entity for activities that are consistent with the priorities set by the State's national service plan as described in section 178(e), or by the Corporation.

“(B) A subgrant to recruit, manage, or support volunteers to a community-based entity such as a volunteer coordinating agency, a nonprofit resource center, a volunteer training clearinghouse, an institution of higher education, or a collaborative partnership of faith-based and community-based organizations.

“(C) A subgrant to a community-based entity that provides technical assistance and support to—

“(i) strengthen the capacity of local volunteer infrastructure organizations;

“(ii) address areas of national need (as defined in section 198B(a)); and

“(iii) expand the number of volunteers nationally.

“(d) **ALLOCATION OF FUNDS.**—

“(1) **IN GENERAL.**—Of the funds allocated by the Corporation for provision of assistance under this section for a fiscal year—

“(A) the Corporation shall use 50 percent of such funds to award grants, on a competitive basis, to State Commissions and nonprofit organizations for such fiscal year; and

“(B) the Corporation shall use 50 percent of such funds make an allotment to the State Commissions of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico based on the formula described in subsections (e) and (f) of section 129, subject to paragraph (2).

“(2) **MINIMUM GRANT AMOUNT.**—In order to ensure that each State Commission is able to improve efforts to recruit, manage, or support volunteers, the Corporation may determine a minimum grant amount for allotments under paragraph (1)(B).

“(e) **LIMITATION ON ADMINISTRATIVE COSTS.**—Not more than 5 percent of the amount of any grant provided under this section for a fiscal year may be used to pay for administrative costs incurred by either the recipient of the grant or any community-based entity receiving assistance or a subgrant under such grant.

“(f) **MATCHING FUND REQUIREMENTS.**—The Corporation share of the cost of carrying out a program that receives assistance under this section, whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed—

“(1) 80 percent of such cost for the first year in which the recipient receives such assistance;

“(2) 70 percent of such cost for the second year in which the recipient receives such assistance;

“(3) 60 percent of such cost for the third year in which the recipient receives such assistance; and

“(4) 50 percent of such cost for the fourth year in which the recipient receives such assistance and each year thereafter.”.

**SEC. 1809. NONPROFIT CAPACITY BUILDING PROGRAM.**

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by adding at the end the following:

**“PART V—NONPROFIT CAPACITY BUILDING PROGRAM**

**“SEC. 198S. NONPROFIT CAPACITY BUILDING.**

“(a) **DEFINITIONS.**—In this section:

“(1) **INTERMEDIARY NONPROFIT GRANTEE.**—The term ‘intermediary nonprofit grantee’ means an intermediary nonprofit organization that receives a grant under subsection (b).

“(2) **INTERMEDIARY NONPROFIT ORGANIZATION.**—The term ‘intermediary nonprofit organization’ means an experienced and capable nonprofit entity with meaningful prior experience in providing organizational development assistance, or capacity building assistance, focused on small and midsize nonprofit organizations.

“(3) **NONPROFIT.**—The term ‘nonprofit’, used with respect to an entity or organization, means—

“(A) an entity or organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

“(B) an entity or organization described in paragraph (1) or (2) of section 170(c) of such Code.

“(4) **STATE.**—The term ‘State’ means each of the several States, and the District of Columbia.

“(b) **GRANTS.**—The Corporation shall establish a Nonprofit Capacity Building Program to make

grants to intermediary nonprofit organizations to serve as intermediary nonprofit grantees. The Corporation shall make the grants to enable the intermediary nonprofit grantees to pay for the Federal share of the cost of delivering organizational development assistance, including training on best practices, financial planning, grantwriting, and compliance with the applicable tax laws, for small and midsize nonprofit organizations, especially those nonprofit organizations facing resource hardship challenges. Each of the grantees shall match the grant funds by providing a non-Federal share as described in subsection (f).

“(c) **AMOUNT.**—To the extent practicable, the Corporation shall make such a grant to an intermediary nonprofit organization in each State, and shall make such grant in an amount of not less than \$200,000.

“(d) **APPLICATION.**—To be eligible to receive a grant under this section, an intermediary nonprofit organization shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require. The intermediary nonprofit organization shall submit in the application information demonstrating that the organization has secured sufficient resources to meet the requirements of subsection (f).

“(e) **PREFERENCE AND CONSIDERATIONS.**—

“(1) **PREFERENCE.**—In making such grants, the Corporation shall give preference to intermediary nonprofit organizations seeking to become intermediary nonprofit grantees in areas where nonprofit organizations face significant resource hardship challenges.

“(2) **CONSIDERATIONS.**—In determining whether to make a grant the Corporation shall consider—

“(A) the number of small and midsize nonprofit organizations that will be served by the grant;

“(B) the degree to which the activities proposed to be provided through the grant will assist a wide number of nonprofit organizations within a State, relative to the proposed amount of the grant; and

“(C) the quality of the organizational development assistance to be delivered by the intermediary nonprofit grantee, including the qualifications of its administrators and representatives, and its record in providing services to small and midsize nonprofit organizations.

“(f) **FEDERAL SHARE.**—

“(1) **IN GENERAL.**—The Federal share of the cost as referenced in subsection (b) shall be 50 percent.

“(2) **NON-FEDERAL SHARE.**—

“(A) **IN GENERAL.**—The non-Federal share of the cost as referenced in subsection (b) shall be 50 percent and shall be provided in cash.

“(B) **THIRD PARTY CONTRIBUTIONS.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), an intermediary nonprofit grantee shall provide the non-Federal share of the cost through contributions from third parties. The third parties may include charitable grantmaking entities and grantmaking vehicles within existing organizations, entities of corporate philanthropy, corporations, individual donors, and regional, State, or local government agencies, or other non-Federal sources.

“(ii) **EXCEPTION.**—If the intermediary nonprofit grantee is a private foundation (as defined in section 509(a) of the Internal Revenue Code of 1986), a donor advised fund (as defined in section 4966(d)(2) of such Code), an organization which is described in section 4966(d)(4)(A)(i) of such Code, or an organization which is described in section 4966(d)(4)(B) of such Code, the grantee shall provide the non-Federal share from within that grantee's own funds.

“(iii) **MAINTENANCE OF EFFORT, PRIOR YEAR THIRD-PARTY FUNDING LEVELS.**—For purposes of

maintaining private sector support levels for the activities specified by this program, a non-Federal share that includes donations by third parties shall be composed in a way that does not decrease prior levels of funding from the same third parties granted to the nonprofit intermediary grantee in the preceding year.

“(g) **RESERVATION.**—Of the amount authorized to provide financial assistance under this subtitle, there shall be made available to carry out this section \$5,000,000 for each of fiscal years 2010 through 2014.”.

#### **Subtitle I—Training and Technical Assistance**

#### **SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.**

Title I is further amended by adding at the end the following new subtitle:

#### **“Subtitle J—Training and Technical Assistance**

#### **“SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.**

“(a) **IN GENERAL.**—The Corporation shall, directly or through grants, contracts, or cooperative agreements (including through State Commissions), conduct appropriate training for and provide technical assistance to—

“(1) programs receiving assistance under the national service laws; and

“(2) entities (particularly entities in rural areas and underserved communities) that desire to—

“(A) carry out or establish national service programs; or

“(B) apply for assistance (including subgrants) under the national service laws.

“(b) **ACTIVITIES INCLUDED.**—Such training and technical assistance activities may include—

“(1) providing technical assistance to entities applying to carry out national service programs or entities carrying out national service programs;

“(2) promoting leadership development in national service programs;

“(3) improving the instructional and programmatic quality of national service programs;

“(4) developing the management and budgetary skills of individuals operating or overseeing national service programs, including developing skills to increase the cost effectiveness of the programs under the national service laws;

“(5) providing for or improving the training provided to the participants in programs under the national service laws;

“(6) facilitating the education of individuals participating in national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

“(7) training individuals operating or overseeing national service programs—

“(A) in volunteer recruitment, management, and retention to improve the abilities of such individuals to use participants and other volunteers in an effective manner, which training results in high-quality service and the desire of participants and volunteers to continue to serve in other capacities after the program is completed;

“(B) in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the national service programs; or

“(C) to effectively accommodate individuals with disabilities to increase the participation of individuals with disabilities in national service programs, which training may utilize funding from the reservation of funds under section 129(k) to increase the participation of individuals with disabilities;

“(8) establishing networks and collaboration among employers, educators, and other key

stakeholders in the community to further leverage resources to increase local participation in national service programs, and to coordinate community-wide planning and service with respect to national service programs;

“(9) providing training and technical assistance for the National Senior Service Corps, including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001); and

“(10) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

“(c) **PRIORITY.**—In carrying out this section, the Corporation shall give priority to programs under the national service laws and entities eligible to establish such programs that seek training or technical assistance and that—

“(1) seek to carry out high-quality programs where the services are needed most;

“(2) seek to carry out high-quality programs where national service programs do not exist or where the programs are too limited to meet community needs;

“(3) seek to carry out high-quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

“(4) seek to assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.”.

#### **Subtitle J—Repeal of Title III (Points of Light Foundation)**

#### **SEC. 1831. REPEAL.**

(a) **IN GENERAL.**—Title III (42 U.S.C. 12661 et seq.) is repealed.

(b) **CONFORMING AMENDMENTS.**—Section 401 (42 U.S.C. 12671) is amended—

(1) in subsection (a), by striking “term” and all that follows through the period and inserting the following: “term ‘administrative organization’ means a nonprofit private organization that enters into an agreement with the Corporation to carry out this section.”; and

(2) by striking “Foundation” each place it appears and inserting “administrative organization”.

#### **Subtitle K—Amendments to Title V (Authorization of Appropriations)**

#### **SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.**

Section 501 (42 U.S.C. 12681) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **TITLE I.**—

“(1) **SUBTITLE B.**—

“(A) **IN GENERAL.**—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

“(i) \$97,000,000 for fiscal year 2010; and

“(ii) such sums as may be necessary for each of fiscal years 2011 through 2014.

“(B) **PART IV RESERVATION.**—Of the amount appropriated under subparagraph (A) for a fiscal year, the Corporation may reserve such sums as may be necessary to carry out part IV of subtitle B of title I.

“(C) **SECTION 118A.**—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than \$7,000,000 shall be made available for awards to Campuses of Service under section 118A.

“(D) **SECTION 119(C)(8).**—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than \$10,000,000 shall be made available for summer of service program grants under section 119(c)(8), and not more than \$10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 119(c)(8).

“(E) **SECTION 119(C)(9).**—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than \$20,000,000 shall be made available for youth engagement zone programs under section 119(c)(9).

“(F) **GENERAL PROGRAMS.**—Of the amount remaining after the application of subparagraphs (A) through (E) for a fiscal year—

“(i) not more than 60 percent shall be available to provide financial assistance under part I of subtitle B of title I;

“(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

“(iii) not less than 15 percent shall be available to provide financial assistance under part III of such subtitle.

“(2) **SUBTITLES C AND D.**—There are authorized to be appropriated, for each of fiscal years 2010 through 2014, such sums as may be necessary to provide financial assistance under subtitle C of title I and to provide national service educational awards under subtitle D of title I for the number of participants described in section 121(f)(1) for each such fiscal year.

“(3) **SUBTITLE E.**—

“(A) **IN GENERAL.**—There are authorized to be appropriated to operate the National Civilian Community Corps and provide financial assistance under subtitle E of title I, such sums as may be necessary for each of fiscal years 2010 through 2014.

“(B) **PRIORITY.**—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in this paragraph, priority shall be given to programs carrying out activities in areas for which the President has declared the existence of a major disaster, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), including a major disaster as a consequence of Hurricane Katrina or Rita.

“(4) **SUBTITLE H.**—

“(A) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014 to provide financial assistance under subtitle H of title I.

“(B) **SECTION 198B.**—Of the amount authorized under subparagraph (A) for a fiscal year, such sums as may be necessary shall be made available to provide financial assistance under section 198B and to provide national service educational awards under subtitle D of title I to the number of participants in national service positions established or increased as provided in section 198B(b)(3) for such year.

“(C) **SECTION 198C.**—Of the amount authorized under subparagraph (A) for a fiscal year, \$12,000,000 shall be made available to provide financial assistance under section 198C.

“(D) **SECTION 198H.**—Of the amount authorized under subparagraph (A) for a fiscal year, such sums as may be necessary shall be made available to provide financial assistance under section 198H.

“(E) **SECTION 198K.**—Of the amount authorized under subparagraph (A), there shall be made available to carry out section 198K—

“(i) \$50,000,000 for fiscal year 2010;

“(ii) \$60,000,000 for fiscal year 2011;

“(iii) \$70,000,000 for fiscal year 2012;

“(iv) \$80,000,000 for fiscal year 2013; and

“(v) \$100,000,000 for fiscal year 2014.

“(F) **SECTION 198P.**—Of the amount authorized under subparagraph (A), there shall be made available to carry out section 198P—

“(i) \$50,000,000 for fiscal year 2010;

“(ii) \$60,000,000 for fiscal year 2011;

“(iii) \$70,000,000 for fiscal year 2012;

“(iv) \$80,000,000 for fiscal year 2013; and

“(v) \$100,000,000 for fiscal year 2014.



“(5) ADMINISTRATION.—

“(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including financial assistance under section 126(a), such sums as may be necessary for each of fiscal years 2010 through 2014.

“(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, a portion shall be made available to provide financial assistance under section 126(a).

“(6) EVALUATION, TRAINING, AND TECHNICAL ASSISTANCE.—Notwithstanding paragraphs (1), (2), and (4) and any other provision of law, of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve not more than 2.5 percent to carry out sections 112(e) and 179A and subtitle J, of which \$1,000,000 shall be used by the Corporation to carry out section 179A. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which the amounts are reserved.”;

(2) by striking subsections (b) and (d); and

(3) by redesignating subsection (c) as subsection (b).

## TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973

### SEC. 2001. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

### SEC. 2002. VOLUNTEERISM POLICY.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking “both young” and all that follows through the period and inserting “individuals of all ages and backgrounds.”; and

(2) in subsection (b), by inserting after “State, and local agencies” the following: “, expand relationships with, and support for, the efforts of civic, community, and educational organizations.”;

### Subtitle A—National Volunteer Antipoverty Programs

## CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA

### SEC. 2101. STATEMENT OF PURPOSE.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking “exploit” and all that follows through the period and inserting “increase opportunities for self-advancement by persons affected by such problems.”; and

(2) in the third sentence, by striking “at the local level” and all that follows through the period and inserting “at the local level, to support efforts by local agencies and community organizations to achieve long-term sustainability of projects, and to strengthen local agencies and community organizations to carry out the objectives of this part.”.

### SEC. 2102. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “the Commonwealth of the Northern Mariana Islands,” after “American Samoa.”;

(B) in paragraph (2), by striking “handicapped individuals” and all that follows through the semicolon and inserting “individuals with disabilities, especially individuals with severe disabilities.”;

(C) in paragraph (3), by striking “the jobless, the hungry,” and inserting “unemployed individuals.”;

(D) in paragraph (4), by striking “prevention, education,” and inserting “through prevention, education, rehabilitation, treatment.”;

(E) in paragraph (5), by striking “chronic and life-threatening illnesses” and inserting “mental illness, chronic and life-threatening illnesses.”;

(F) in paragraph (6)—

(i) by striking “Headstart act” and inserting “Head Start Act”; and

(ii) by striking “and” after the semicolon at the end;

(G) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(H) by adding at the end the following:

“(8) in assisting with the reentry and reintegration of formerly incarcerated youth and adults into society, including providing training and counseling in education, employment, and life skills;

“(9) in developing and carrying out financial literacy, financial planning, budgeting, saving, and reputable credit accessibility programs in low-income communities, including those programs that educate individuals about financing home ownership and higher education;

“(10) in initiating and supporting before-school and after-school programs, serving children in low-income communities, that may engage participants in mentoring, tutoring, life skills and study skills programs, service-learning, physical, nutrition, and health education programs, and other activities addressing the needs of the children;

“(11) in establishing and supporting community economic development initiatives, with a priority on work on such initiatives in rural areas and the other areas where such initiatives are needed most;

“(12) in assisting veterans and their family members through establishing or augmenting programs that assist such persons with access to legal assistance, health care (including mental health care), employment counseling or training, education counseling or training, affordable housing, and other support services; and

“(13) in addressing the health and wellness of individuals in low-income communities and individuals in underserved communities, including programs to increase access to preventive services, insurance, and health services.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “recruitment and placement procedures” and inserting “placement procedures that involve sponsoring organizations and”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “Community Service Trust Act of 1993” and all that follows through the period at the end of the fourth sentence and inserting “Community Service Act of 1990.”;

(ii) in subparagraph (B), by striking “central information system that shall, on request, promptly provide” and inserting “database that provides”;

(iii) in subparagraph (C), in the second sentence, by inserting “and management” after “the recruitment”;

(C) in paragraph (5)(B), by striking “information system” and inserting “database”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “the Internet and related technologies,” before “radio.”;

(ii) in subparagraph (B), by inserting “Internet and related technologies,” before “print media.”;

(iii) in subparagraph (C), by inserting “State or local offices of economic development, State employment security agencies, employment offices,” before “and other institutions”;

(iv) in subparagraph (F), by striking “Community Service Trust Act of 1993” and inserting “Community Service Act of 1990”; and

(B) by striking paragraph (4);

(4) in subsection (d), in the second sentence, by striking “private industry council established under the Job Training Partnership Act or”;

(5) in subsection (g), in the first sentence, by striking “, and such” and all that follows through the period and inserting a period; and

(6) by adding at the end the following:

“(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this part.”.

### SEC. 2103. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended—

(1) by striking the first sentence and inserting the following: “Such stipend shall be set at a rate that is not less than a minimum of \$125 per month and not more than a maximum of \$150 per month, subject to the availability of funds to provide such a maximum rate.”; and

(2) in the second sentence, by striking “stipend of a maximum of \$200 per month” and inserting “stipend set at a rate that is not more than a maximum of \$250 per month”.

### SEC. 2104. REPEAL.

Section 109 (42 U.S.C. 4959) is repealed.

### SEC. 2105. REDESIGNATION.

Section 110 (42 U.S.C. 4960) is redesignated as section 109.

## CHAPTER 2—UNIVERSITY YEAR FOR VISTA

### SEC. 2121. UNIVERSITY YEAR FOR VISTA.

Part B of title I (42 U.S.C. 4971 et seq.) is repealed.

## CHAPTER 3—SPECIAL VOLUNTEER PROGRAMS

### SEC. 2131. STATEMENT OF PURPOSE.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking “situations” and inserting “organizations”.

### SEC. 2132. LITERACY CHALLENGE GRANTS.

Section 124 (42 U.S.C. 4995) is repealed.

### Subtitle B—National Senior Service Corps

### SEC. 2141. TITLE.

Title II (42 U.S.C. 5000 et seq.) is amended by striking the title heading and inserting the following:

## “TITLE II—NATIONAL SENIOR SERVICE CORPS”.

### SEC. 2142. STATEMENT OF PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

### “SEC. 200. STATEMENT OF PURPOSE.

“It is the purpose of this title to provide—

“(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency and disaster preparedness, relief, and recovery, health and human needs, and the environment;

“(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs, to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

“(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge, experiences, abilities, and skills for the betterment of their communities and themselves;

“(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need; and

“(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide support services and companionship to other older individuals through volunteer service.”.

### SEC. 2143. RETIRED AND SENIOR VOLUNTEER PROGRAM.

Section 201 (42 U.S.C. 5001(a)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “avail” and all that follows through “community,” and inserting “share their experiences, abilities, and skills to improve their communities and themselves through service in their communities.”;

(B) in paragraph (2), by striking “, and individuals 60 years of age or older will be given priority for enrollment.”; and

(C) in paragraph (4)—

(i) by striking “established and will be carried out” and inserting “designed and implemented”; and

(ii) by striking “field of service” and all that follows through the period at the end and inserting “field of service to be provided, as well as persons who have expertise in the management of volunteers and the needs of older individuals.”; and

(2) by adding at the end the following:

“(e)(1) Beginning with fiscal year 2013 and for each fiscal year thereafter, each grant or contract awarded under this section, for such a year, shall be—

“(A) awarded for a period of 3 years, with an option for a grant renewal of 3 years if the grantee meets the performance measures established under subsection (g); and

“(B) awarded through a competitive process described in paragraph (2).

“(2)(A) The Corporation shall promulgate regulations establishing the competitive process required under paragraph (1)(B), and make such regulations available to the public, not later than 18 months after the date of the enactment of the Serve America Act. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the competitive process.

“(B) The competitive process required by subparagraph (A) shall—

“(i) include the use of a peer review panel, including members with expertise in senior service and aging, to review applications;

“(ii) include site inspections of programs assisted under this section, as appropriate;

“(iii) in the case of an applicant who has previously received a grant or contract for a program under this section, include an evaluation of the program conducted by a review team, as described in subsection (f);

“(iv) ensure that—

“(I) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle support an aggregate number of volunteer service years for a given geographic service area that is not less than the aggregate number of volunteer service years supported under this section for such service area for the previous grant or contract cycle;

“(II) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle maintain a similar program distribution, as compared to the program distribution for the previous grant or contract cycle; and

“(III) every effort is made to minimize the disruption to volunteers; and

“(v) include the use of performance measures, outcomes, and other criteria established under subsection (g).

“(f)(1) Notwithstanding section 412, and effective beginning 180 days after the date of enactment of the Serve America Act, each grant or contract under this section that expires in fiscal year 2011, 2012, or 2013 shall be subject to an evaluation process conducted by a review team described in paragraph (4). The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2010, 2011, and 2012, respectively.

“(2) The Corporation shall promulgate regulations establishing the evaluation process re-

quired under paragraph (1), and make such regulations available to the public, not later than 18 months after the date of enactment of the Serve America Act. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the evaluation process.

“(3) The evaluation process required under paragraph (1) shall—

“(A) include performance measures, outcomes, and other criteria established under subsection (g); and

“(B) evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria through a review of the recipient.

“(4) To the maximum extent practicable, the Corporation shall provide that each evaluation required by this subsection is conducted by a review team that—

“(A) includes individuals who are knowledgeable about programs assisted under this section;

“(B) includes current or former employees of the Corporation who are knowledgeable about programs assisted under this section;

“(C) includes representatives of communities served by volunteers of programs assisted under this section; and

“(D) shall receive periodic training to ensure quality and consistency across evaluations.

“(5) The findings of an evaluation described in this subsection of a program described in paragraph (1) shall—

“(A) be presented to the recipient of the grant or contract for such program in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and

“(B) be used as the basis for program improvement, and for the provision of training and technical assistance.

“(g)(1) The Corporation shall, with particular attention to the different needs of rural and urban programs assisted under this section, develop performance measures, outcomes, and other criteria for programs assisted under this section that—

“(A) include an assessment of the strengths and areas in need of improvement of a program assisted under this section;

“(B) include an assessment of whether such program has adequately addressed population and community-wide needs;

“(C) include an assessment of the efforts of such program to collaborate with other community-based organizations, units of government, and entities providing services to seniors, taking into account barriers to such collaboration that such program may encounter;

“(D) include a protocol for fiscal management that shall be used to assess such program's compliance with the program requirements for the appropriate use of Federal funds;

“(E) include an assessment of whether the program is in conformity with the eligibility, outreach, enrollment, and other requirements for programs assisted under this section; and

“(F) contain other measures of performance developed by the Corporation, in consultation with the review teams described in subsection (f)(4).

“(2)(A) The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with directors of programs under this section, but not earlier than fiscal year 2014.

“(B) For each fiscal year preceding fiscal year 2014, the Corporation may, after consulting with directors of the programs under this section, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in con-

sultation with such directors and after notifying the authorizing committees—

“(i) eliminate the use of that performance measure, outcome or criterion; or

“(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

“(3) In the event that a program does not meet one or more of the performance measures, outcome, or criteria established under this subsection, the Corporation shall initiate procedures to terminate the program in accordance with section 412.

“(h) The Chief Executive Officer shall develop procedures by which programs assisted under this section may receive training and technical assistance, which may include regular monitoring visits to assist programs in meeting the performance measures, outcomes, and criteria.

“(i)(1) Notwithstanding subsection (g)(3) or section 412, the Corporation shall continue to fund a program assisted under this section that has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for not more than 12 months if the competitive process established under subsection (e) does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and the disruption of services.

“(2) In the case where a program is continued under paragraph (1), the Corporation shall conduct outreach regarding the availability of a grant under this section for the area served by such program and establish a new competition for awarding the successor program to the continued program. The recipient operating the continued program shall remain eligible for the new competition.

“(3) The Corporation may monitor the recipient of a grant or contract supporting a program continued under paragraph (1) during this period and may provide training and technical assistance to assist such recipient in meeting the performance measures for such program.

“(j) The Corporation shall develop and disseminate an online resource guide for programs under this section not later than 180 days after the date of enactment of the Serve America Act, which shall include—

“(1) examples of high-performing programs assisted under this section;

“(2) corrective actions for underperforming programs; and

“(3) examples of meaningful outcome-based performance measures, outcomes, and criteria that capture a program's mission and priorities.”.

#### SEC. 2144. FOSTER GRANDPARENT PROGRAM.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking “aged sixty” and inserting “age 55”; and

(ii) by striking “children having exceptional needs” and inserting “children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development”; and

(B) in the second sentence—

(i) by striking “any of a variety of”; and

(ii) by striking “children with special or exceptional needs” and inserting “children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “shall have” and all that follows through “(2) of the subsection” and inserting “may determine”;

(ii) in subparagraph (A), by striking “and” after the semicolon at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting “; and”; and  
(iv) by adding at the end the following:

“(C) whether it is in the best interest of the child receiving, and the particular foster grandparent providing, services in such a project, to continue the relationship between the child and the grandparent under this part after the child reaches the age of 21, if such child is an individual with a disability who was receiving such services prior to attaining the age of 21.”; and  
(B) by striking paragraph (2) and inserting the following:

“(2) If an assignment of a foster grandparent under this part is suspended or discontinued, the replacement of that foster grandparent shall be determined in a manner consistent with paragraph (3).”;

(3) in subsection (d), by striking “\$2.45 per hour” and all that follows through “five cents, except” and inserting “\$3.00 per hour, except”;

(4) in subsection (e)—

(A) in paragraph (1), by striking “125 per centum” and inserting “200 percent”; and

(B) in paragraph (2), by striking “per centum” and inserting “percent”; and

(5) in subsection (f)(1)—

(A) in subparagraph (A), by striking “subparagraphs (B) and (C)” and inserting “subparagraph (B)”; and

(B) by striking subparagraph (C).

#### SEC. 2145. SENIOR COMPANION PROGRAM.

Section 213(a) (42 U.S.C. 5013(a)) is amended by striking “aged 60 or over” and inserting “age 55 or older”.

#### SEC. 2146. GENERAL PROVISIONS.

(a) PROMOTION OF NATIONAL SENIOR SERVICE CORPS.—Section 221 (42 U.S.C. 5021) is amended—

(1) in the section heading, by striking “VOLUNTEER” and inserting “SERVICE”; and

(2) in subsection (b)(2), by striking “participation of volunteers” and inserting “participation of volunteers of all ages and backgrounds, living in urban or rural communities”.

(b) MINORITY POPULATION PARTICIPATION.—Section 223 (42 U.S.C. 5023) is amended—

(1) in the section heading, by striking “GROUP” and inserting “POPULATION”; and

(2) by striking “sixty years and older from minority groups” and inserting “age 55 years or older from minority populations”.

(c) USE OF LOCALLY GENERATED CONTRIBUTIONS IN NATIONAL SENIOR SERVICE CORPS.—Section 224 (42 U.S.C. 5024) is amended—

(1) in the section heading, by striking “VOLUNTEER” and inserting “SERVICE”; and

(2) by striking “Volunteer Corps” and inserting “Service Corps”.

(d) NATIONAL PROBLEMS OF LOCAL CONCERN.—Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “(10), (12), (15), and (16)” and inserting “(9), (11), and (14)”; and

(ii) in subparagraph (C), by striking “(10)” and inserting “(9)”; and

(B) by amending paragraph (2) to read as follows:

“(2) An applicant for a grant under paragraph (1) shall determine whether the program to be supported by the grant is a program under part A, B, or C, and shall submit an application as required for such program.”; and

(C) by adding at the end the following:

“(4) To the maximum extent practicable, the Director shall ensure that not less than 25 percent of the funds appropriated under this section are used to award grants—

“(A) to applicants for grants under this section that are not receiving assistance from the Corporation at the time of such grant award; or

“(B) to applicants from locations where no programs supported under part A, B, or C are in effect at the time of such grant award.

“(5) Notwithstanding paragraph (4), if, for a fiscal year, less than 25 percent of the applicants for grants under this section are applicants described in paragraph (4), the Director may use an amount that is greater than 75 percent of the funds appropriated under this subsection to award grants to applicants that are already receiving assistance from the Corporation at the time of such grant award.”;

(2) in subsection (b)—

(A) in paragraph (2), by inserting “through education, prevention, treatment, and rehabilitation” before the period at the end;

(B) by striking paragraph (4) and inserting the following:

“(4) Programs that establish and support mentoring programs for low-income youth, including mentoring programs that match such youth with mentors and match such youth with employment and training programs, including apprenticeship programs.”;

(C) in paragraph (5), by inserting “, including literacy programs that serve youth, and adults, with limited English proficiency” before the period at the end;

(D) by striking paragraphs (6) and (7) and inserting the following:

“(6) Programs that provide respite care, including care for elderly individuals and for children and individuals with disabilities or chronic illnesses who are living at home.

“(7) Programs that provide before-school and after-school activities, serving children in low-income communities, that may engage participants in mentoring relationships, tutoring, life skills, and study skills programs, service-learning, physical, nutrition, and health education programs, and other activities addressing the needs of the children in the communities, including children of working parents.”;

(E) by striking paragraph (8);

(F) by redesignating paragraphs (9) through (15) as paragraphs (8) through (14), respectively;

(G) in paragraph (10) (as redesignated by subparagraph (F))—

(i) by striking “educationally disadvantaged children” and inserting “students”; and

(ii) by striking “the basic skills of such children” and inserting “the academic achievement of such students”;

(H) by striking paragraph (11) (as redesignated by subparagraph (F)) and inserting the following:

“(11) Programs that engage older individuals with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community, including service relating to conducting energy audits, insulating homes, or conducting other activities to promote energy efficiency.”;

(I) by striking paragraph (14) (as redesignated by subparagraph (F)) and inserting the following:

“(14) Programs in which the grant recipients involved collaborate with criminal justice professionals and organizations in order to provide prevention programs that serve low-income youth or youth reentering society after incarceration and their families, which prevention programs may include mentoring, counseling, or employment counseling.”;

(J) by striking paragraph (16); and

(K) by redesignating paragraphs (17) and (18) as paragraphs (15) and (16), respectively;

(3) in subsection (c)(1), by inserting “and that such applicant has expertise applicable to implementing the proposed program for which the applicant is requesting the grant” before the period at the end; and

(4) in subsection (e), by inserting “widely” after “shall”.

(e) ACCEPTANCE OF DONATIONS.—Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end the following:

#### “SEC. 228. ACCEPTANCE OF DONATIONS.

“(a) IN GENERAL.—Except as provided in subsection (b), an entity receiving assistance under this title may accept donations, including donations in cash or in kind fairly evaluated, including plant, equipment, or services.

“(b) EXCEPTION.—An entity receiving assistance under this title to carry out an activity shall not accept donations from the beneficiaries of the activity.”.

#### Subtitle C—Administration and Coordination

#### SEC. 2151. SPECIAL LIMITATIONS.

Section 404(a) (42 U.S.C. 5044(a)) is amended by inserting “or other volunteers (not including participants under this Act and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.))” after “employed workers” both places such term appears.

#### SEC. 2152. APPLICATION OF FEDERAL LAW.

Section 415 (42 U.S.C. 5055) is amended—

(1) in subsection (c), by inserting “(as such part was in effect on the day before the date of enactment of the Serve America Act)” after “part B”; and

(2) in subsection (e), by inserting “(as such part was in effect on the day before the date of enactment of the Serve America Act)” after “A, B”.

#### SEC. 2153. EVALUATION.

Section 416 (42 U.S.C. 5056) is amended—

(1) in subsection (a), in the first sentence, by striking “(including)” and all that follows through “3 years”); and

(2) in subsection (f)(3), by striking “Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate” and inserting “authorizing committees”.

#### SEC. 2154. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting “, the Commonwealth of the Northern Mariana Islands,” after “American Samoa”;

(2) by striking paragraph (7);

(3) in paragraph (13), by striking “Volunteer Corps” and inserting “Service Corps”;

(4) in paragraph (14), by striking “Volunteer Corps” and inserting “Service Corps”;

(5) by redesignating paragraphs (8) through (20) as paragraphs (7) through (19), respectively;

(6) in paragraph (18) (as redesignated by paragraph (5)), by striking “and” after the semicolon at the end;

(7) in paragraph (19) (as redesignated by paragraph (5)), by striking the period at the end and inserting “; and”; and

(8) by adding at the end the following:

“(20) the term ‘authorizing committees’ means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”.

#### SEC. 2155. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended, in the matter following paragraph (2), by striking “Volunteer Corps” and inserting “Service Corps”.

#### SEC. 2156. PROVISIONS UNDER THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Title IV (42 U.S.C. 5043 et seq.) is amended by adding at the end the following:

#### “SEC. 426. PROVISIONS UNDER THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

“The Corporation shall carry out this Act in accordance with the provisions of this Act and the relevant provisions of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), particularly the provisions of section 122 and subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12572, 12631 et seq.) relating to the national service laws.”.

**Subtitle D—Authorization of Appropriations****SEC. 2161. AUTHORIZATIONS OF APPROPRIATIONS.**

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

“(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I \$100,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2014.”

“(2) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I such sums as may be necessary for each of fiscal years 2010 through 2014.”; and

(B) by redesignating paragraph (5) as paragraph (3);

(2) in subsection (c), by striking “part B or C” and inserting “part C”; and

(3) by striking subsection (e).

(b) NATIONAL SENIOR SERVICE CORPS.—Section 502 (42 U.S.C. 5082) is amended to read as follows:

**“SEC. 502. NATIONAL SENIOR SERVICE CORPS.**

“(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, \$70,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.”

“(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, \$115,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.”

“(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, \$55,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.”

“(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 2010 through 2014.”.

(c) ADMINISTRATION AND COORDINATION.—Section 504 (42 U.S.C. 5084) is amended—

(1) in subsection (a), by striking “fiscal years 1994 through 1996” and inserting “fiscal years 2010 through 2014”; and

(2) in subsection (b), by striking “fiscal years 1994 through 1996” and inserting “fiscal years 2010 through 2014”.

**TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS****SEC. 3101. TABLE OF CONTENTS OF THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.**

Section 1(b) of the National and Community Service Act of 1990 is amended to read as follows:

“(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

“Sec. 1. Short title and table of contents.

“Sec. 2. Findings and purpose.

**“TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM****“Subtitle A—General Provisions**

“Sec. 101. Definitions.

“Sec. 102. Authority to make State grants.

**“Subtitle B—School-Based and Community-Based Service-Learning Programs****“PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS**

“Sec. 111. Purpose.

“Sec. 111A. Definitions.

“Sec. 112. Assistance to States, territories, and Indian tribes.

“Sec. 112A. Allotments.

“Sec. 113. Applications.

“Sec. 114. Consideration of applications.

“Sec. 115. Participation of students and teachers from private schools.

“Sec. 116. Federal, State, and local contributions.

“Sec. 117. Limitations on uses of funds.

**“PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE**

“Sec. 118. Higher education innovative programs for community service.

“Sec. 118A. Campuses of Service.

**“PART III—INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH**

“Sec. 119. Innovative and community-based service-learning programs and research.

**“PART IV—SERVICE-LEARNING IMPACT STUDY**

“Sec. 120. Study and report.

**“Subtitle C—National Service Trust Program****“PART I—INVESTMENT IN NATIONAL SERVICE**

“Sec. 121. Authority to provide assistance and approved national service positions.

“Sec. 122. National service programs eligible for program assistance.

“Sec. 123. Types of national service positions eligible for approval for national service educational awards.

“Sec. 124. Types of program assistance.

“Sec. 126. Other special assistance.

**“PART II—APPLICATION AND APPROVAL PROCESS**

“Sec. 129. Provision of assistance and approved national service positions.

“Sec. 129A. Educational awards only program.

“Sec. 130. Application for assistance and approved national service positions.

“Sec. 131. National service program assistance requirements.

“Sec. 132. Ineligible service categories.

“Sec. 132A. Prohibited activities and ineligible organizations.

“Sec. 133. Consideration of applications.

**“PART III—NATIONAL SERVICE PARTICIPANTS**

“Sec. 137. Description of participants.

“Sec. 138. Selection of national service participants.

“Sec. 139. Terms of service.

“Sec. 140. Living allowances for national service participants.

“Sec. 141. National service educational awards.

**“Subtitle D—National Service Trust and Provision of Educational Awards**

“Sec. 145. Establishment of the National Service Trust.

“Sec. 146. Individuals eligible to receive an educational award from the Trust.

“Sec. 146A. Certifications of successful completion of terms of service.

“Sec. 147. Determination of the amount of the educational award.

“Sec. 148. Disbursement of educational awards.

“Sec. 149. Approval process for approved positions.

**“Subtitle E—National Civilian Community Corps**

“Sec. 151. Purpose.

“Sec. 152. Establishment of National Civilian Community Corps Program.

“Sec. 153. National service program.

“Sec. 154. Summer national service program.

“Sec. 155. National Civilian Community Corps.

“Sec. 156. Training.

“Sec. 157. Service projects.

“Sec. 158. Authorized benefits for Corps members.

“Sec. 159. Administrative provisions.

“Sec. 160. Status of Corps members and Corps personnel under Federal law.

“Sec. 161. Contract and grant authority.

“Sec. 162. Responsibilities of Department of Defense.

“Sec. 163. Advisory board.

“Sec. 164. Evaluations.

“Sec. 165. Definitions.

**“Subtitle F—Administrative Provisions**

“Sec. 171. Family and medical leave.

“Sec. 172. Reports.

“Sec. 173. Supplementation.

“Sec. 174. Prohibition on use of funds.

“Sec. 175. Nondiscrimination.

“Sec. 176. Notice, hearing, and grievance procedures.

“Sec. 177. Nonduplication and nondisplacement.

“Sec. 178. State Commissions on National and Community Service.

“Sec. 179. Evaluation.

“Sec. 179A. Civic Health Assessment and volunteering research and evaluation.

“Sec. 180. Engagement of participants.

“Sec. 181. Contingent extension.

“Sec. 182. Partnerships with schools.

“Sec. 183. Rights of access, examination, and copying.

“Sec. 184. Drug-free workplace requirements.

“Sec. 184A. Availability of assistance.

“Sec. 185. Consolidated application and reporting requirements.

“Sec. 186. Sustainability.

“Sec. 187. Grant periods.

“Sec. 188. Generation of volunteers.

“Sec. 189. Limitation on program grant costs.

“Sec. 189A. Matching requirements for severely economically distressed communities.

“Sec. 189B. Audits and reports.

“Sec. 189C. Restrictions on Federal Government and uses of Federal funds.

“Sec. 189D. Criminal history checks.

**“Subtitle G—Corporation for National and Community Service**

“Sec. 191. Corporation for National and Community Service.

“Sec. 192. Board of Directors.

“Sec. 192A. Authorities and duties of the Board of Directors.

“Sec. 193. Chief Executive Officer.

“Sec. 193A. Authorities and duties of the Chief Executive Officer.

“Sec. 194. Officers.

“Sec. 195. Employees, consultants, and other personnel.

“Sec. 196. Administration.

“Sec. 196A. Corporation State offices.

“Sec. 196B. Assignment to State Commissions.

“Sec. 196C. Study of involvement of veterans.

**“Subtitle H—Investment for Quality and Innovation****“PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE**

“Sec. 198. Additional corporation activities to support national service.

“Sec. 198A. Presidential awards for service.

“Sec. 198B. ServeAmerica Fellowships.

“Sec. 198C. Silver Scholarships and Encore Fellowships.

**“PART II—NATIONAL SERVICE RESERVE CORPS**

“Sec. 198H. National Service Reserve Corps.

**“PART III—SOCIAL INNOVATION FUNDS PILOT PROGRAM**

“Sec. 198K. Funds.

**“PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSES; VOLUNTEER GENERATION FUND**

“Sec. 198O. National service programs clearinghouses.

“Sec. 198P. Volunteer generation fund.

**“PART V—NONPROFIT CAPACITY BUILDING PROGRAM**

“Sec. 198S. Nonprofit capacity building.

**“Subtitle I—American Conservation and Youth Corps**

“Sec. 199. Short title.

"Sec. 199A. General authority.  
 "Sec. 199B. Limitation on purchase of capital equipment.  
 "Sec. 199C. State application.  
 "Sec. 199D. Focus of programs.  
 "Sec. 199E. Related programs.  
 "Sec. 199F. Public lands or Indian lands.  
 "Sec. 199G. Training and education services.  
 "Sec. 199H. Preference for certain projects.  
 "Sec. 199I. Age and citizenship criteria for enrollment.  
 "Sec. 199J. Use of volunteers.  
 "Sec. 199K. Living allowance.  
 "Sec. 199L. Joint programs.  
 "Sec. 199M. Federal and State employee status.  
 "Subtitle J—Training and Technical Assistance  
 "Sec. 199N. Training and technical assistance.  
 "TITLE II—MODIFICATIONS OF EXISTING PROGRAMS  
 "Subtitle A—Publication  
 "Sec. 201. Information for students.  
 "Sec. 202. Exit counseling for borrowers.  
 "Sec. 203. Department information on deferments and cancellations.  
 "Sec. 204. Data on deferments and cancellations.  
 "Subtitle B—Youthbuild Projects  
 "Sec. 211. Youthbuild projects.  
 "Subtitle C—Amendments to Student Literacy Corps  
 "Sec. 221. Amendments to Student Literacy Corps.  
 "TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS  
 "Sec. 401. Projects.  
 "TITLE V—AUTHORIZATION OF APPROPRIATIONS  
 "Sec. 501. Authorization of appropriations.  
 "TITLE VI—MISCELLANEOUS PROVISIONS  
 "Sec. 601. Amtrak waste disposal.  
 "Sec. 602. Exchange program with countries in transition from totalitarianism to democracy."  
**SEC. 3102. TABLE OF CONTENTS OF THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.**  
 Section 1(b) of the Domestic Volunteer Service Act of 1973 is amended to read as follows:  
 "(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:  
 "Sec. 1. Short title; table of contents.  
 "Sec. 2. Volunteerism policy.  
 "TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS  
 "PART A—VOLUNTEERS IN SERVICE TO AMERICA  
 "Sec. 101. Statement of purpose.  
 "Sec. 102. Authority to operate VISTA program.  
 "Sec. 103. Selection and assignment of volunteers.  
 "Sec. 104. Terms and periods of service.  
 "Sec. 105. Support service.  
 "Sec. 106. Participation of beneficiaries.  
 "Sec. 107. Participation of younger and older persons.  
 "Sec. 108. Limitation.  
 "Sec. 109. Applications for assistance.  
 "PART C—SPECIAL VOLUNTEER PROGRAMS  
 "Sec. 121. Statement of purpose.  
 "Sec. 122. Authority to establish and operate special volunteer and demonstration programs.  
 "Sec. 123. Technical and financial assistance.  
 "TITLE II—NATIONAL SENIOR SERVICE CORPS  
 "Sec. 200. Statement of purpose.  
 "PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM  
 "Sec. 201. Grants and contracts for volunteer service projects.

"PART B—FOSTER GRANDPARENT PROGRAM  
 "Sec. 211. Grants and contracts for volunteer service projects.  
 "PART C—SENIOR COMPANION PROGRAM  
 "Sec. 213. Grants and contracts for volunteer service projects.  
 "PART D—GENERAL PROVISIONS  
 "Sec. 221. Promotion of National Senior Service Corps.  
 "Sec. 222. Payments.  
 "Sec. 223. Minority population participation.  
 "Sec. 224. Use of locally generated contributions in National Senior Service Corps.  
 "Sec. 225. Programs of national significance.  
 "Sec. 226. Adjustments to Federal financial assistance.  
 "Sec. 227. Multiyear grants or contracts.  
 "Sec. 228. Acceptance of donations.  
 "PART E—DEMONSTRATION PROGRAMS  
 "Sec. 231. Authority of Director.  
 "TITLE IV—ADMINISTRATION AND COORDINATION  
 "Sec. 403. Political activities.  
 "Sec. 404. Special limitations.  
 "Sec. 406. Labor standards.  
 "Sec. 408. Joint funding.  
 "Sec. 409. Prohibition of Federal control.  
 "Sec. 410. Coordination with other programs.  
 "Sec. 411. Prohibition.  
 "Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.  
 "Sec. 414. Distribution of benefits between rural and urban areas.  
 "Sec. 415. Application of Federal law.  
 "Sec. 416. Evaluation.  
 "Sec. 417. Nondiscrimination provisions.  
 "Sec. 418. Eligibility for other benefits.  
 "Sec. 419. Legal expenses.  
 "Sec. 421. Definitions.  
 "Sec. 422. Audit.  
 "Sec. 423. Reduction of paperwork.  
 "Sec. 424. Review of project renewals.  
 "Sec. 425. Protection against improper use.  
 "Sec. 426. Provisions under the National and Community Service Act of 1990.  
 "TITLE V—AUTHORIZATION OF APPROPRIATIONS  
 "Sec. 501. National volunteer antipoverty programs.  
 "Sec. 502. National Senior Service Corps.  
 "Sec. 504. Administration and coordination.  
 "Sec. 505. Availability of appropriations.  
 "TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS  
 "Sec. 601. Superseding of Reorganization Plan No. 1 of July 1, 1971.  
 "Sec. 602. Creditable service for civil service retirement.  
 "Sec. 603. Repeal of title VIII of the Economic Opportunity Act.  
 "Sec. 604. Repeal of title VI of the Older Americans Act."

**TITLE IV—AMENDMENTS TO OTHER LAWS**  
**SEC. 4101. INSPECTOR GENERAL ACT OF 1978.**  
 Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National and Community Service Trust Act of 1993" and inserting "National and Community Service Act of 1990".  
**TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM**  
**SEC. 5101. FINDINGS.**  
 Congress makes the following findings:  
 (1) Americans engaged in international volunteer service, and the organizations deploying them—  
 (A) play critical roles in responding to the needs of people living throughout the developing world; and

(B) advance the international public diplomacy of the United States.

(2) The Volunteers for Prosperity Program has successfully promoted international volunteer service by skilled American professionals.

(3) In its first 4 years, the VfP Program helped to mobilize 74,000 skilled Americans, including doctors, nurses, engineers, businesspeople, and teachers, through a network of 250 nonprofit organizations and companies in the United States, to carry out development and humanitarian efforts for those affected by great global challenges in health, the environment, poverty, illiteracy, financial literacy, disaster relief, and other challenges.

(4) The VfP Program has undertaken activities, including—

(A) direct outreach to leading nonprofit organizations and companies in the United States;

(B) promotion of the work of skilled Americans and nonprofit organizations and companies in the United States as it relates to international volunteer service;

(C) public recognition of skilled American volunteers;

(D) support for organizations that utilize skilled Americans as volunteers;

(E) participation in the development of special initiatives to further opportunities for skilled Americans; and

(F) leadership of an innovative public-private partnership to provide eligible skilled with financial assistance for volunteer assignments.

#### **SEC. 5102. DEFINITIONS.**

In this title:

(1) **VFP OFFICE.**—The term "VfP Office" means the Office of Volunteers for Prosperity of the United States Agency for International Development.

(2) **VFP PROGRAM.**—The term "VfP Program" means the Volunteers for Prosperity Program established through Executive Order 13317.

(3) **VFP SERVE.**—The term "VfPServe" means a program established by the VfP Office, in cooperation with the USA Freedom Corps, to provide eligible skilled professionals with fixed amount stipends to offset the travel and living costs of volunteering abroad.

#### **SEC. 5103. OFFICE OF VOLUNTEERS FOR PROSPERITY.**

(a) **FUNCTIONS.**—The VfP Office shall pursue the objectives of the VfP Program described in subsection (b) by—

(1) implementing the VfPServe Program to provide eligible skilled professionals with matching grants to offset the travel and living expenses of volunteering abroad with nonprofit organizations;

(2) otherwise promoting short- and long-term international volunteer service by skilled American professionals, including connecting such professionals with nonprofit organizations, to achieve such objectives;

(3) helping nonprofit organizations in the United States recruit and effectively manage additional skilled American professionals for volunteer assignments throughout the developing world;

(4) providing recognition for skilled American volunteers and the organizations deploying them;

(5) helping nonprofit organizations and corporations in the United States to identify resources and opportunities in international volunteer service utilizing skilled Americans;

(6) encouraging the establishment of international volunteer programs for employees of United States corporations; and

(7) encouraging international voluntary service by highly skilled Americans to promote health and prosperity throughout the world.

(b) **VFP PROGRAM OBJECTIVES.**—The objectives of the VfP Program should include—

(1) eliminating extreme poverty;

(2) reducing world hunger and malnutrition;  
 (3) increasing access to safe potable water;  
 (4) enacting universal education;  
 (5) reducing child mortality and childhood diseases;

(6) combating the spread of preventable diseases, including HIV, malaria, and tuberculosis;  
 (7) providing educational and work skill support for girls and empowering women to achieve independence;

(8) creating sustainable business and entrepreneurial opportunities; and  
 (9) increasing access to information technology.

(c) **VOLUNTEERS FOR PROSPERITY SERVICE INCENTIVE PROGRAM.**—

(1) **IN GENERAL.**—The VfP Office may provide matching grants to offset the travel and living costs of volunteering abroad to any eligible organization that—

(A) has members who possess skills relevant to addressing any objective described in subsection (b); and

(B) provides a dollar-for-dollar match for such grant—

(i) through the organization with which the individual is serving; or

(ii) by raising private funds.

(2) **NONDISCRIMINATION REQUIREMENT.**—The VfP Office may not provide a stipend to an individual under paragraph (1) unless the nonprofit organization to which the individual is assigned has certified to the VfP Office that it does not discriminate with respect to any project or activity receiving Federal financial assistance, including a stipend under this title, because of race, religion, color, national origin, sex, political affiliation, or beliefs.

(3) **COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.**—Service carried out by a volunteer receiving funds under this section may not provide a direct benefit to any—

(A) business organized for profit;

(B) labor union;

(C) partisan political organization; or

(D) religious or faith-based organization for the purpose of proselytization, worship or any other explicitly religious activity.

(d) **FUNDING.**—

(1) **IN GENERAL.**—The Administrator of the United States Agency for International Development shall make available the amounts appropriated pursuant to section 5104 to the VfP Office to pursue the objectives described in subsection (b) by carrying out the functions described in subsection (a).

(2) **USE OF FUNDS.**—Amounts made available under paragraph (1) may be used by the VfP Office to provide personnel and other resources to develop, manage, and expand the VfP Program, under the supervision of the United States Agency for International Development.

(e) **COORDINATION.**—The VfP Office shall coordinate its efforts with other public and private efforts that aim to send skilled professionals to serve in developing nations.

(f) **REPORT.**—The VfP Office shall submit an annual report to Congress on the activities of the VfP Office.

**SEC. 5104. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

(b) **ALLOCATION OF FUNDS.**—Not more than 10 percent of the amounts appropriated pursuant to subsection (a) may be expended for the administrative costs of the United States Agency for International Development to manage the VfP Program.

#### TITLE VI—EFFECTIVE DATE

**SEC. 6101. EFFECTIVE DATE.**

(a) **IN GENERAL.**—This Act, and the amendments made by this Act, take effect on October 1, 2009.

(b) **REGULATIONS.**—Effective on the date of enactment of this Act, the Chief Executive Officer of the Corporation for National and Community Service may issue such regulations as may be necessary to carry out this Act and the amendments made by this Act.

**SEC. 6102. SENSE OF THE SENATE.**

(a) **FINDINGS.**—The Senate finds the following:  
 (1) President John F. Kennedy said, “The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition”.

(2) Americans gave more than \$300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or \$229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society’s most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct contributions made to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that Congress should preserve the income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving.

Amend the title so as to read: “Entitled The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws”.

MOTION OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The text of the motion is as follows:

Mr. GEORGE MILLER of California moves to concur in the Senate amendments.

The SPEAKER pro tempore. Pursuant to House Resolution 296, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on Education and Labor.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the matter under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, we are here today to vote on a bill that proudly bears the name of a champion and true advocate of national service. The bill is aptly named the Edward M. Kennedy Serve America Act, and will provide the most significant expansion of national service since Senator KENNEDY’s brother, President John F. Kennedy, issued his call to serve almost 50 years ago.

This bipartisan legislation is needed now more than ever. It will give Americans of all ages, from middle school students through retirement, the chance to be part of the solution to our greatest challenges—health care, education, and energy—and help us emerge from this crisis stronger.

It will put Americans to work in their communities—in classrooms and churches and homeless shelters, and beyond. It will help Americans engage in projects that matter—feeding the hungry, helping seniors live independently, cleaning up trails and building bridges, and providing for the infrastructure of this country and our public lands.

History has shown that in times of crisis, Americans turn to service and volunteering for healing, for rebuilding, and for hope. The spirit of generosity in the American people is one of the greatest assets of our Nation. We see this every single day.

In the past week, North and South Dakota have been in a state of emergency, with communities facing severe flooding as the snow melts. As they have in so many other times of disaster, Americans showed up to help.

Officials estimate that there are tens of thousands of volunteers who have already been on the ground for days, lining the shores of the river with over 1.5 million sandbags to help stop the flooding. In Fargo, a city with a population of 90,000, 80,000 volunteers showed up to help.

They’ve driven through treacherous conditions from Minnesota, Michigan, Illinois, and beyond, ready to serve and ready to help. Today, we are acting to help them.

This bill recognizes that service is an American value. It builds upon what Americans are already doing in their communities and across the country.

We all know the urgency of this crisis—workers are losing their jobs, families are losing their income, our public infrastructure is crumbling. Communities are losing revenues and vital services.

Our public needs are growing while our resources for meeting them are disappearing. This bill will help meet some of those very urgent needs. President Obama has recognized this. He has made national service a top priority, in part because he knows it can help meet his three key priorities: Health care, energy, and education. He has asked us



to usher in a new era of service, to launch a 21st century generation of volunteers and to structure a new economy for the future and sustainable growth.

He knows that volunteers play many roles. They can teach in our classrooms, they can green our communities and our schools, they can rebuild and weatherize our homes, help the uninsured find treatment in health clinics, and more. All the while, they learn valuable skills that will help them in schools and jobs throughout their lives.

Just 2 weeks ago on the steps of the Capitol I was lucky enough to meet retired Army Captain Scott Quilty, who proudly served our country in Iraq. He told us that the Service had saved his life twice—the first while in Iraq when he suffered an explosion and lost his right arm and right leg. His fellow soldiers carried him to safety and saved his life.

The second time was during his recovery at a military medical center where he relearned how to walk and how to continue on with his life. As he says, his body was shattered but his eagerness to serve remained unshaken.

Service is Captain Scott Quilty. Service is the volunteers in North Dakota and South Dakota. Service is the Americans who volunteered after 9/11, after Katrina, after Rita, and the fires and the earthquakes and the floods of California.

It is the church groups, the retired, the college students, and displaced workers all coming together to respond to the need in this country, no matter what their personal plight is. Service is giving without looking back. It's the American community. It dots our entire landscape. The Edward M. Kennedy Serve America Act is just what this country needs at this pivotal moment in our history.

Just like any volunteer who can't do it alone, this bill could not have happened without the tireless efforts of our staff. With that, I would like to thank Denise Forte, Alex Ceja, Sarah Dyson, Stephanie Moore, Kim Zarish-Becknell, Margaret Young, Adrienne Dunbar, Fred Jones, Rachel Racuhson, Melissa Salmanowitz, and Jessica Kahawneck, and all the people from Mr. McKEON's staff. I want to thank Amy Jones, Susan Ross, Rob Borden, and James Berjeron.

I also want to thank Mr. McKEON for all of his support as the senior Republican on this committee. This has been an effort that we've worked on over the last couple of years in a bipartisan fashion.

I would also like to thank Frank Trinity, the General Counsel at the Corporation for National Service, and the staff of Senator KENNEDY, Senator HATCH, and Senator ENZI.

I am so proud that this bill has already received overwhelming bipartisan support in this Chamber and in

the Senate. It's because we all recognize that it isn't a Republican or Democratic issue, it's not a black or white or gray or blue or red issue. It's an American issue. I urge my colleagues to stand with me on the right side of history and support this legislation.

The Edward M. Kennedy Serve America Act establishes four new corps, including the Clean Energy Corps, to address key needs in low-income communities. The goal of the Clean Energy Corps is to encourage energy efficiency and conservation through activities such as building energy-efficient housing units in low-income communities; providing clean energy-related services designed to meet the needs of rural communities; and working with schools and youth programs to educate students and youth about ways to reduce home energy use and improve the environment.

The Clean Energy Corps also builds upon Congress' commitment to supporting America's National Parks. The bill allows for projects carried out in partnership with the National Park Service and supports projects to renew and rehabilitate national parks, like the Presidio Trust in San Francisco. Presidio is a former military base that is now a national park and has long been a site for public and community service. The Serve America Act recognizes that national parks, like the Presidio Trust, provide opportunities to not only inspire individuals through community service, but also to preserve natural treasures.

I reserve the balance of my time.

Mr. McKEON. I rise in support of H.R. 1388, and yield myself such time as I may consume.

Mr. Speaker, this bill is largely the same as the GIVE Act, a bipartisan bill that this Chamber passed overwhelmingly 2 weeks ago. The other Chamber took up our version of the bill and made a few minor changes, including some that significantly improved the bill.

I would like to address a few of the key Republican provisions that were in the House bill and still remain in this bill. Additionally, I will discuss those improvements made by the Senate.

First, this bill still encourages the spirit of volunteerism—that great American trait—by updating decades-old national service programs for the 21st century. We know that national service programs can work. In fact, in the last 3 years, more than 4 million service hours have been spent helping gulf coast communities recover and rebuild after Hurricanes Katrina and Rita. That's 4 million hours of service made possible by the organizations and the individuals who choose to participate in national service.

□ 1400

But we also know these programs can be made stronger. The House bill started us down the road by ensuring that taxpayer dollars are being used effectively and efficiently. This is important, because national service programs are an investment in America's future.

By design, the service and giving by individuals and organizations over time will be worth much more than the cost of the bill today. However, despite the great returns on this investment, the system must be held accountable, and it will be through regular evaluations and audits.

Another Republican priority reflected in this legislation is the creation of a new Veterans' Corps. This new corps gives former soldiers, sailors, airmen, and marines a chance to serve this Nation once again, and it gives us a chance to serve them.

Of course, Republicans are directly responsible for many of the most critical parts of this legislation before us today. Last week, we offered a motion to recommit to amend this bill. We did it in such a way that would ensure taxpayer dollars would not be used for activities that we and many Americans find objectionable. We won that vote, and as we negotiated with the other chamber we insisted that the heart of these safeguards remain in place. Because of those negotiations, I can say that no Federal money will be used to perform or promote abortions; no money will go to for-profit companies, campaigns, or lobbyists; no money will be used to support voter registration drives; and, no national service participants will replace employed workers or private volunteers working on a particular project.

The Senate also strengthened the motion to recommit from the 110th Congress through an amendment offered by Senator RICHARD BURR. That motion required criminal background checks for participants in the national service programs. Senator BURR's proposal strengthened this provision by requiring mandatory FBI fingerprinting for certain national service participants.

The MTR approved by the House also prohibited recipients of funding under this act from co-locating with organizations that engage in prohibited activities. This was a thoughtful and well-intentioned provision intended to ensure that organizations that would otherwise be ineligible for funding would not be able to set up dummy nonprofits in order to apply for funding.

Unfortunately, that provision would have had harmful, unintended consequences on small charities and faith-based organizations that rely on larger, unaffiliated entities for office space. Our intent was not to discriminate against small nonprofits, faith-based organizations, or charities. That is why we have revised the language to ensure that funding will never be used for the objectionable activities we have identified; but, at the same time, smaller and faith-based organizations will not be cut out of these programs simply because of where their offices are located.

Finally, the other chamber included one more change. It added a sense of

Congress that calls on us to preserve the income tax deduction for charitable contributions. The national service programs depend upon substantial support from the private sector in order to work.

On top of that, if we are trying to inspire a spirit of volunteerism beyond this bill, we must provide incentives for corporations to keep up their charitable giving in these tough economic times.

Mr. Speaker, I support this bill because Americans who step forward and say "I want to help" should be given the opportunity to do so. This bill is largely the same as the bill this chamber overwhelmingly supported a few weeks ago. Republican ideas have been adopted in this legislation in both the House and the Senate, and the bill, H.R. 1388, is stronger because of it.

I thank Chairman MILLER for working together on this and making this a good bill we can all be proud of.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Iowa (Mr. LOEBSACK), a member of the committee.

Mr. LOEBSACK. Mr. Speaker, as my colleagues all know, Iowa experienced severe flooding last June. From the day we heard the floodwaters were coming, AmeriCorps, VISTA and thousands of volunteers were there.

I know firsthand the importance of volunteers, which is why I believe this legislation is so important. I am especially glad that the bill maintained my amendment for the Volunteer Generation Fund, which builds capacity and access for millions of new volunteers and will likely leverage billions of dollars in volunteer services to some of the country's neediest citizens.

I especially want to thank Chairman MILLER, Subcommittee Chairwoman MCCARTHY, Ranking Member MCKEON, and Subcommittee Ranking Member PLATTS, and their staffs, for their work on this legislation. I also want to thank in particular Senator KENNEDY and his staff for their work with me on the Volunteer Generation Fund.

I urge my colleagues to support this important legislation.

Mr. MCKEON. Mr. Speaker, I yield to the subcommittee ranking member on the Healthy Families and Communities Subcommittee, the gentleman from Pennsylvania (Mr. PLATTS), such time as he may consume.

Mr. PLATTS. Mr. Speaker, I thank the gentleman for yielding.

I am pleased to rise in support of H.R. 1388, the Edward M. Kennedy Serve America Act, previously known as the Generations Invigorating Volunteering and Education Act, the GIVE Act.

This legislation strengthens and reauthorizes our Nation's national community service programs. I am not only pleased with the bipartisan work

that took place to craft this bill, and I certainly want to recognize our full committee chairman, Chairman MILLER, and Ranking Member MCKEON, along with their staffs, and my subcommittee chairwoman, Congresswoman MCCARTHY from New York for her efforts as well, but I am also pleased with the work of our colleagues in the Senate, working with the House Members and negotiating for a very strong final product. It is because of this collective effort, this collaborative effort that we have such a good piece of legislation before us.

I believe this bill makes common-sense improvements to our Nation's national service programs. Not only does it provide increased flexibility for the States, but it also increases accountability and efficiency within the administration of the programs. It also reduces barriers for small and faith-based organizations to participate in these programs.

H.R. 1388 strengthens existing community and national service programs by providing year-round service opportunities for students and elderly alike and further encourages volunteer involvement by disadvantaged youth. This legislation also expands eligibility requirements for senior serving programs, such as foster grandparents, and the senior companion program, ensuring that individuals with an interest in serving have options available to them.

Finally, I am pleased that the legislation reorganizes AmeriCorps activities into several different corps focusing on national areas of need, such as education, health care, clean energy, and veterans.

I believe that the amendments made by the Senate further strengthen this legislation. A provision that was included on behalf of Senator RICHARD BURR would require the FBI to conduct criminal backgrounds checks for grant applicants that work with children, the elderly, or disabled individuals. In addition, the bill now includes a sense of the Senate that Congress should preserve the full income tax deduction for charitable contributions and seeks out additional ways to encourage charitable giving.

The recent floods in Fargo, North Dakota, and Moorhead, Minnesota, have further showcased the importance of AmeriCorps and NCCC volunteers. Over the weekend, 21 such volunteers were deployed through the American Red Cross and have been working to support area shelters. In addition, all Fargo Senior Corps staff and volunteers have been assisting with flood response efforts. In Moorhead, 10 NCCC members are scheduled to arrive this Thursday to help with recovery efforts there.

I am proud to have been part of this effort to strengthen national service programs and ensure that participants

can continue to aid disadvantaged and needy populations.

Mr. Speaker, I hope that all of our colleagues will join us in supporting this legislation, the Edward M. Kennedy Serve America Act.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the Speaker, and I thank Mr. MILLER and his committee.

I think it is important to note that this Congress and the leadership of this government has allegedly or in numbers been only in office less than 4 months. And the good that has been done is one that should be recognized.

Alongside of the stimulus package now, as we move forward to frame how taxpayer dollars we spend to help Americans are moving forward in the appropriations process to restore hard-working Americans, now we come to address the passion and the love of America.

I want to thank Mr. MILLER. I would like to thank our good friend on the Senate side, Mr. KENNEDY, my good friend CAROLYN MCCARTHY from New York, and I want to thank them for allowing me to contribute language that allows the outreach to be broad and widespread throughout our historically and Hispanic-serving institutions of higher learning.

I was just a few days ago in an elementary class, and I was talking about what the government does. I was speaking on behalf of Teach for America. It is great fun. I love the work that our teachers do, and I was so honored for them to allow me just a small amount of time to teach those beautiful kids. We should pay tribute to our teachers.

But when I asked the question, how many of them would like to work for their country, serve their country, clean up, help people who are suffering in the Dakotas, suffering from floods, or help the Katrina victims or Hurricane Ike victims, or be able to help, God forbid, in some tragic incident facing America, and those children raised their hands. That is what America is about.

So I rise to support this legislation, H.R. 1388, that will help improve or expand AmeriCorps, Learn and Serve America, VISTA, National Civilian Community Corps and Senior Corps. It will give the opportunity for green jobs. It will have America feeling good about herself because we will be out serving and improving the conservation of energy and environmental protection.

I am also very pleased that language was added in the Senate to give the opportunity to youngsters in foster care. I have worked for them. I used to be the cochair of foster care in Harris County along with a former Member of Congress, my good friend, Mike Andrews. And our job was to bolster up

foster care parents and to be able to give them comfort in the care of young foster care children. Now, again, we add status to them by allowing them to further participate along with those who have disabilities.

This is a critical step for America. Every year more than 70,000 Americans participate in the AmeriCorps program alone, which provides relief to cities during national disasters and reinvigorates communities.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. I thank the gentleman.

Over 50 million American volunteers build homes, organize food drives, and improve schools through national service programs. The GIVE Act will broaden the opportunities for students and activists.

Mr. Speaker, Mr. MILLER, this is a great day for America. It only gives them the infrastructure of what they have been crying out to do, the very question we raised with the past administration: Where there is benefit, there must be sacrifice, there must be burden. And we now have an opportunity, no matter who we are, what our capabilities, what our intellect, what our physical capabilities are, to give back to America. This is a good thing that is happening in this country, a good thing that is happening today. I rise to support H.R. 1388.

Mr. Speaker, I rise today in strong support of H.R. 1388, the "Generations of Invigorating Volunteerism and Education Act or the 'GIVE Act'." I would like to thank my colleague Congresswoman MCCARTHY for introducing this important legislation, as well as the Chairman of the Committee on Education and Labor, Congressman GEORGE MILLER, for his leadership in bringing this bill to the floor today.

Mr. Speaker, this legislation will expand the already highly successful volunteer programs that empower community activists and improve the education and economic conditions of cities throughout the United States. It supports and increases funding for key community services programs, including AmeriCorps, Learn and Serve America, VISTA, National Civilian Community Corps, and Senior Corps.

The GIVE Act creates opportunities for green jobs that will contribute to energy conservation and environmental protection. It will create critical educational opportunities for disadvantaged youth and will create incentives for students to improve their communities.

Every year, more than 70,000 Americans participate in the AmeriCorps program alone, which provides relief to cities during natural disasters and reinvigorates communities. Over 50 million American volunteers build homes, organize food-drives, and improve schools through national service programs. The GIVE Act will broaden the opportunities for students and activists to participate in national service via education rewards that keep up with soaring costs of universities and Summer Service

programs. After Ike and Katrina, thousands of local students worked to help rebuild communities and provide necessary services to distressed families. The GIVE Act is the critical linchpin in sustaining this civic activism.

The Senate Amendments to the GIVE Act would expand opportunities for youth in foster care; and allow for more participation for persons with disabilities. The GIVE Act will provide job opportunities for Volunteers in Service to America, or VISTA, to re-integrate youth into society, increase literacy in communities through teaching opportunities in before and after-school programs, and to provide health and social services to low-income communities. VISTA is a critical step toward poverty alleviation, and the GIVE Act will equip it with the resources to fulfill its obligations.

The Senate's additions would require the Corporation for National and Community Service, to enter into a contract with an entity that is not a recipient of Learn and Serve funding to conduct a 10-year longitudinal study on the impact of the service-learning activities. The entity would submit a final report to the Corporation containing the results of the study and information on best practices. The Corporation would submit the report to the authorizing committees, and would make the report available to the public on the Corporation's Web site. This provides greater transparency and accountability in the administration of these important programs.

I am pleased to see that the GIVE Act will create 4 new service opportunities including a Clean Energy Corps, an Education Corps, a Healthy Futures Corps, and a Veteran Service Corps. These volunteer opportunities will further improve environmental protection, health-care access, and services for veterans. These new service corps will address critical concerns in low-income communities. I am very happy that the revised legislation aids veterans in their pursuit of education and professional opportunities, and help veterans with the claims process, and assist rural, disabled, and unemployed veterans with transportation needs. Moreover, the GIVE Act will recognize colleges and universities that are strongly engaged in service through grants and rewards that will in turn improve educational access in the United States.

I am pleased to see the Retention of my Language from the 110th Congress that gives special consideration to historically Black colleges and universities, Hispanic-serving institutions, Tribal universities, and colleges serving predominantly minority populations.

The GIVE Act will create a Campuses of Service Program that will encourage and assist students in pursuing public service careers. It will also focus on recruiting scientists and engineers to keep America competitive for years to come. The Act will expand the Senior Corps as a way to keep Older Americans including seniors engaged in public service, and will create a Youth Engagement Zone to increase the number of young students in volunteer services.

Moreover, it expands the focus of The National Civilian Community Corps to include disaster relief efforts and infrastructure improvement to allow quicker and more effective responses to disasters like Katrina and Ike that devastated numerous communities in the

United States. Finally, the GIVE Act will launch a nation-wide Call to Service Campaign that encourages all Americans to engage in national service and to recognize September 11th as a National Day of Service and Remembrance.

I am honored to cosponsor this legislation that will add service before self to America's future leaders. I urge my colleagues to join me in supporting this legislation.

Mr. McKEON. Mr. Speaker, I yield myself the balance of my time.

Dedicating one's time to helping others is an American trait, and a great one at that. As we said the last time this bill was before us, H.R. 1388 helps people who would like to contribute their time to help others. When these individuals see a problem or injustice, they don't look away, they step forward and say, "I want to help."

As their representatives, we should help these people participate in the national service programs as well, and that is why I am voting for this bill. Once again, I want to thank Chairman MILLER and Chairwoman MCCARTHY for ensuring such an open, bipartisan process in crafting this legislation. I would also like to recognize senior Republican PLATTS of the subcommittee and Representative HOEKSTRA for their leadership. Finally, I want to recognize the hardworking staff on both sides of the aisle.

□ 1415

In particular I would like to thank Amy Jones, Mandy Schaumburg and Susan Ross on my staff for their efforts.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my chairman for yielding.

I would like to congratulate our leadership, both of our chairmen and our senior Republican member on both sides and the staffs on both sides and Mrs. MCCARTHY as well and Mr. PLATTS for their diligent work on this bill. I'm pleased to rise in support of the bill.

The glue that holds our country together is the voluntary efforts of quiet but determined Americans who do the important work of our community and our society. As we meet here this afternoon, there is a senior citizen volunteering to teach a child how to read. There is a high school student who is working in an eldercare facility, perhaps reading books to a senior who cannot see. There are people out cleaning parks. There are people out teaching people a new job skill. There are those who are working with our most at-risk youth to prevent them from self-destructive behavior and instead turning them toward behavior that realizes their full potential. We are fortunate in our country that although we have professionals who perform those services on a paid basis and do so very,

very well, but the efforts of those paid individuals are more than supplemented by gifts of time and effort from Americans who volunteer.

The wisdom of this bill is it takes a relatively modest amount of money and leverages countless hours of volunteer service and millions of acts of contributions to our community. The reach of this legislation will go far beyond the pages on which it is written. It will touch the lives of those who are often forgotten about, most vulnerable and most in need of help in our communities. But more important, it will enrich the lives of those who are doing the volunteer work. There are few things in life more satisfying than doing a good job for someone because it is the right thing to do. And I think that this bill will create such an experience for a countless number of Americans.

Finally, this is a means of extending educational opportunity to many Americans who today presently do not have it. It is a commonsense solution that in exchange for doing valuable work for one's own community today, one can earn valuable credit toward paying for one's higher education tomorrow.

Our country's future hinges upon our ability to compete in the global economy. That future is impacted so positively by this bill because of the lives that will be touched by volunteerism and the lives that will be enriched by further education.

I again would like to thank our leadership in both parties. We look forward to the President's prompt signature on this bill. I urge a "yes" vote.

Mr. GEORGE MILLER of California. I yield myself the remainder of my time.

I want to again thank all of those who participated in the drafting, the support, the writing and the negotiations for this act.

As my colleagues have said on both sides of the aisle, this is a very important piece of legislation. It is about American values. It is about the spirit of this country. It is about our communities. And it is going to provide, with the expansion that is provided for in this legislation and supported by this administration, it is going to provide a continuum of opportunities to volunteer, to participate in community activities, to support our communities and to help those in need in so many different situations. It is going to provide them that opportunity from middle school all the way to retirement and after retirement where we are encouraging the alumni, people who participated in AmeriCorps in the past and now have picked up a lifetime of skills, talents and experience that they can, once again, turn back into service for America.

It is going to provide an opportunity for young people to not only help those

in our communities but to be able to explore the career opportunities in clean energy, in green jobs, in health care, in teaching, in mentoring and social services and all of the various occupations that are available in our community where additional assistance and volunteerism has been a tradition but also needs to be expanded.

So we think this is a very rich expansion of the American values, of the volunteer system in the country. It is as old as the country, and it is as new as the future, as occupations change and opportunities change within our economy. I want to thank Carolyn McCarthy for her leadership in offering this legislation and to all of those who have supported it.

Finally, I just once again would like to say how proud I am that this legislation is named for EDWARD KENNEDY, Senator KENNEDY, not only Senator KENNEDY but a family name that screams out "service" across this country, across generations, for the benefit, so many times over and over again, of the citizens of America.

I'm very proud to have participated in the legislative shepherding of this legislation. And I hope that all of our colleagues will join us on both sides of the aisle in support of this legislation.

Mr. GRIJALVA. Mr. Speaker, I rise today to honor Cesar E. Chavez. I have the honor of representing the district where he was born and where he gave his final breath.

I am proud to say I was influenced by the work of Cesar E. Chavez, a man who believed that one should not rest on his laurels. Cesar is best known for co-founding the United Farm Workers union; however, that recognition is just one part of what he accomplished in his lifetime.

Cesar inspired a generation to believe in the impossible (*¡Si Se Puede!*), to work toward justice and to never stop fighting for the voiceless.

Cesar also influenced, and continues to influence, future generations. He challenged all of us to care, advocate and organize.

It is fitting that today, on what would have been Cesar's 82nd birthday, we passed and sent the GIVE Act to the President, a bill that encourages volunteering and investment in one's community and country.

To pass the GIVE Act is to continue Cesar's vision and inspiration of service to one's community, commitment to a better future for all and leaving this country better than how we inherited it.

Mr. Speaker, I encourage my colleagues and constituents to follow in the footsteps of Cesar E. Chavez and his commitment to service, helping others and selflessness in every day actions. *¡Si se puede!*

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I wish to provide further remarks on the Senate Amendments to H.R. 1388, the Generations Invigorating Volunteerism and Education, GIVE, Act. While I support the goal of the underlying legislation, to provide voluntary service opportunities for Americans to give back to their communities, I oppose the Senate's removal of important taxpayer pro-

tections which were intentionally included by the House of Representatives.

The Motion to Recommit, which I supported on March 18, 2009 and which passed the House by a vote of 318 to 105, prohibited taxpayer funds being funneled through programs authorized in this legislation to organizations that have been indicted for voter fraud. Additionally, organizations that provide or promote abortion services, including referral for such services or any organizations that co-locate with such organizations would be ineligible to receive funds through this legislation.

Unfortunately, the Senate removed these protections. If this bill were to be signed into law as it is written today, taxpayer dollars could be used to fund organizations like the Association of Community Organizations for Reform Now, ACORN, which has a record of carrying out unethical practices aimed at undermining the legitimacy of democratic elections in our nation.

For these reasons, I oppose the passage of this legislation.

Mrs. BACHMANN. Mr. Speaker, I rise today in opposition to the Senate Amendments to H.R. 1388, the GIVE Act. I cannot vote for a bill that authorizes millions of dollars to programs which the Office of Management and Budget deems as "Not Performing: Results Not Demonstrated" and "Not Performing: Ineffective." But I would like to recognize some of the positive programs that are caught up in this bad mix, especially the Foster Grandparent Program and mentoring programs for foster youth.

The Foster Grandparent Program provides a great service to children who may not have a cohesive family to provide them with reliable mentors. The participants in this program give their time to mentor, tutor, and share experiences with children who need a positive adult figure in their life.

I commend Senator MARY LANDRIEU for drawing attention to a worthy program to mentor foster youth with her amendment. As with the Foster Grandparent Program, it is essential for young people to have a consistent outlet and source of advice in their life.

My husband and I were foster parents for 23 troubled teens. These programs provide a great service to children who may not otherwise have a consistent guide in their lives. I would be amiss to not acknowledge the positive, effective programs included in this bill. Regrettably, the good is far outweighed by the bad and I must oppose this misguided legislation.

Mr. TIAHRT. Mr. Speaker, Americans have a long history of volunteerism to better their communities and help their fellow citizens. Benjamin Franklin created one of the first volunteer fire departments in Philadelphia in 1736. In 1881, Clara Barton created the American Red Cross to provide assistance in response to disasters. Six years later, the first United Way was created in Denver to help plan and coordinate local charitable services. In each case, people sacrificed their time and money for a cause in which they believed. This model has not only served our nation well for over 250 years, but has also taught generations of Americans the value of sacrificial actions. The vast majority of charitable programs still operate with great success using unpaid volunteers.

After centuries, some now believe that government should take over this practice and pay people to "volunteer." In 1993, AmeriCorps was created, implementing this backwards notion. Today's bill, H.R. 1388, the Generations Invigorating Volunteerism and Education Act, continues this failed policy of "paid volunteerism."

I oppose H.R. 1388. When the government pays "volunteers" and determines which programs will benefit, this sends the wrong message. "Paid volunteerism" cheapens the honest efforts of millions of people who volunteer at their local church, food bank, or after-school program. It teaches future generations that volunteerism should result in material reward. The basic principles of volunteerism are lost.

"Paid volunteerism" also picks winners and losers among charities—allowing the government, instead of the American people, to determine which charities hold value in our society. H.R. 1388 allows politically motivated liberal organizations, such as Planned Parenthood, Legal Services Association, and ACORN, to receive "paid volunteers" to advance their radical agenda.

Not only does H.R. 1388 distort the value of volunteerism, but it proposes spending \$6 billion over five years to expand and authorize programs that have been audited and considered ineffective by the Office of Management and Budget. In a time of spiraling deficits, I believe we must look for ways to cut the deficit—not increase it with wasteful programs.

I am proud that America is the most compassionate and generous nation in the world. Our shared value of giving back to our communities has made this nation great. Encouraging volunteerism is a wonderful thing for our people and society. H.R. 1388, unfortunately, does the opposite. Therefore, I ask all my colleagues to join with me in opposing this legislation and upholding the principles of charity.

Mr. REYES. Mr. Speaker, today I rise in support of H.R. 1388, the Generations Invigorating Volunteerism Education (GIVE) Act of 2009, also known as the Edward M. Kennedy Serve America Act.

The GIVE Act is designed to support and encourage community service across the country in fields such as education and healthcare. This Act empowers more Americans to take an active role in their communities through public service. Civic participation has the power to not only build confidence in the individual but simultaneously prepare our nation for the future.

The GIVE Act creates 175,000 new service opportunities, increasing the number of participants in programs such as AmeriCorps and establishes new service programs such as the Clean Energy Corps, Education Corps, Healthy Futures Corps, and a Veterans Service Corps. One goal of the Act will be to strengthen and coordinate disaster relief efforts through the National Civilian Community Corps (NCCC) to provide relief for communities that have suffered natural disasters and emergencies.

Despite the economic challenges that our country currently faces, it is particularly encouraging that young Americans are serving in record numbers. Volunteerism among college students is especially high, with the percentage of college students who volunteer each

year exceeding 30%. The GIVE Act will not only support existing volunteers but will also give younger students the opportunity to serve even before they enter college. The Summer of Service and Campus of Service Programs focus on encouraging middle and high school students to participate in volunteer activities and also assist college students with an interest in public service careers. These programs will place the prospect of a college education within the reach of many students by offering monetary assistance for college. Specifically, it increases the full-time education award that servicemembers can receive to \$5,350.

It is important to acknowledge that students are not the only ones taking the initiative to rebuild our country. Currently, Senior Corps consists of roughly 475,000 volunteers who collectively contribute 116 million hours of service each year. The GIVE Act will increase these figures by creating Silver Scholarships and Encore Fellowships to offer all Americans over the age of 55 the chance to transition into service after retirement.

I believe that service is key to building character and instilling values in our young people. Even before taking office, President Obama consistently called on all Americans to serve, and I believe his life exemplifies the power of public service. I am proud that Congress has answered his call for service through this legislation.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUMMINGS). All time for debate has expired.

Pursuant to House Resolution 296, the previous question is ordered.

The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on concurring in the Senate amendments to H.R. 1388 will be followed by 5-minute votes on suspending the rules and passing H.R. 577 and H.R. 1253.

The vote was taken by electronic device, and there were—yeas 275, nays 149, not voting 8, as follows:

[Roll No. 169]

YEAS—275

Abercrombie  
Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert

Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocchieri  
Bono Mack  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Bright  
Brown, Corrine  
Buchanan  
Butterfield  
Camp

Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Cassidy  
Castle  
Castor (FL)  
Chandler  
Childers  
Clarke  
Clay  
Cleaver

Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy

Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Lee (NY)  
Levin  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Platts  
Polis (CO)

Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

NAYS—149

Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Campbell  
Cantor  
Carter  
Chaffetz  
Coble

Coffman (CO)  
Cole  
Conaway  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Emerson  
Fallin  
Flake  
Fleming  
Forbes

Fortenberry  
 Foxx  
 Franks (AZ)  
 Frelinghuysen  
 Gallegly  
 Garrett (NJ)  
 Gerlach  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Granger  
 Graves  
 Guthrie  
 Hall (TX)  
 Harper  
 Hastings (WA)  
 Heller  
 Herger  
 Hoekstra  
 Hunter  
 Inglis  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 King (IA)  
 Kingston  
 Kline (MN)  
 Lamborn  
 Latham  
 LaTourette  
 Latta  
 Lewis (CA)

## NOT VOTING—8

Hare  
 Hensarling  
 Israel

Linder  
 Lucas  
 Luetkemeyer  
 Lummis  
 Lungren, Daniel  
 E.  
 Mack  
 Manzullo  
 Marchant  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McCotter  
 McHenry  
 McMorris  
 Rodgers  
 Mica  
 Miller (FL)  
 Moran (KS)  
 Murphy, Tim  
 Myrick  
 Neugebauer  
 Nunes  
 Olson  
 Paul  
 Paulsen  
 Pence  
 Petri  
 Pitts  
 Poe (TX)  
 Posey  
 Price (GA)  
 Putnam  
 Radanovich  
 Rehberg

Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Royce  
 Ryan (WI)  
 Scalise  
 Schmidt  
 Schock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shimkus  
 Shuster  
 Simpson  
 Smith (NE)  
 Smith (TX)  
 Stearns  
 Sullivan  
 Thornberry  
 Tiahrt  
 Tiberi  
 Walden  
 Wamp  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf  
 Young (AK)  
 Young (FL)

Andrews  
 Arcuri  
 Austria  
 Baca  
 Bachmann  
 Bachus  
 Baird  
 Baldwin  
 Barrett (SC)  
 Barrow  
 Bartlett  
 Barton (TX)  
 Bean  
 Becerra  
 Berkeley  
 Berman  
 Berry  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Blackburn  
 Blumenauer  
 Blunt  
 Boccieri  
 Boehner  
 Bonner  
 Bono Mack  
 Boozman  
 Boren  
 Boswell  
 Boucher  
 Boustany  
 Boyd  
 Brady (PA)  
 Brady (TX)  
 Braley (IA)  
 Bright  
 Brown (SC)  
 Brown, Corrine  
 Brown-Waite,  
 Ginny  
 Buchanan  
 Burgess  
 Burton (IN)  
 Butterfield  
 Buyer  
 Calvert  
 Camp  
 Cantor  
 Cao  
 Capito  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carney  
 Carson (IN)  
 Carter  
 Cassidy  
 Castle  
 Castor (FL)  
 Chandler  
 Childers  
 Clarke  
 Clay  
 Cleaver  
 Clyburn  
 Coble  
 Coffman (CO)  
 Cohen  
 Cole  
 Conaway  
 Connolly (VA)  
 Conyers  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Crenshaw  
 Crowley  
 Cuellar  
 Culberson  
 Cummings  
 Dahlkemper  
 Davis (AL)  
 Davis (CA)  
 Davis (IL)  
 Davis (KY)  
 Davis (TN)  
 Deal (GA)  
 DeFazio  
 DeGette  
 Delahunt

DeLauro  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Dingell  
 Doggett  
 Donnelly (IN)  
 Doyle  
 Dreier  
 Driehaus  
 Duncan  
 Edwards (MD)  
 Edwards (TX)  
 Ehlers  
 Ellison  
 Ellsworth  
 Emerson  
 Engel  
 Eshoo  
 Etheridge  
 Fallin  
 Farr  
 Fattah  
 Filner  
 Fleming  
 Forbes  
 Fortenberry  
 Foster  
 Frank (MA)  
 Franks (AZ)  
 Luján  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Manzullo  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
 Griffith  
 Grijalva  
 Guthrie  
 Gutierrez  
 Hall (NY)  
 Hall (TX)  
 Halvorson  
 Harman  
 Harper  
 Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Heller  
 Herger  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Hoekstra  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inslee  
 Israel  
 Issa  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind

King (NY)  
 Kirk  
 Kirkpatrick (AZ)  
 Kissell  
 Klein (FL)  
 Kline (MN)  
 Kosmas  
 Kratovil  
 Kucinich  
 Lamborn  
 Lance  
 Langevin  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Lee (NY)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Linder  
 Lipinski  
 LoBiondo  
 Loeback  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Franks (AZ)  
 Luján  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Maffei  
 Maloney  
 Manzullo  
 Markey (CO)  
 Markey (MA)  
 Marshall  
 Massa  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
 Griffith  
 Grijalva  
 Guthrie  
 Gutierrez  
 Hall (NY)  
 Hall (TX)  
 Halvorson  
 Harman  
 Harper  
 Hastings (FL)  
 Hastings (WA)  
 Heinrich  
 Heller  
 Herger  
 Herseth Sandlin  
 Higgins  
 Hill  
 Himes  
 Hinchey  
 Hinojosa  
 Hirono  
 Hodes  
 Hoekstra  
 Holden  
 Holt  
 Honda  
 Hoyer  
 Hunter  
 Inslee  
 Israel  
 Issa  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones  
 Jordan (OH)  
 Kagen  
 Kanjorski  
 Kaptur  
 Kennedy  
 Kildee  
 Kilpatrick (MI)  
 Kilroy  
 Kind

Perriello  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Platts  
 Polis (CO)  
 Pomeroy  
 Posey  
 Price (GA)  
 Price (NC)  
 Putnam  
 Radanovich  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Richardson  
 Rodriguez  
 Roe (TN)  
 Rogers (AL)  
 Rogers (NY)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Salazar  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes

Scalise  
 Schakowsky  
 Schauer  
 Schiff  
 Schmidt  
 Schock  
 Schrader  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Serrano  
 Sessions  
 Sestak  
 Shea-Porter  
 Sherman  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Sires  
 Skelton  
 Slaughter  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Souder  
 Space  
 Speier  
 Spratt  
 Stark  
 Stupak  
 Sullivan  
 Sutton  
 Tanner  
 Tauscher  
 Taylor  
 Teague

Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Turner  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden  
 Walz  
 Wamp  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wexler  
 Whitfield  
 Wilson (OH)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Woolsey  
 Wu  
 Yarmuth  
 Young (AK)  
 Young (FL)

## NAYS—17

Akin  
 Broun (GA)  
 Campbell  
 Chaffetz  
 Flake  
 Foxx

Inglis  
 King (IA)  
 Kingston  
 Lummis  
 McClintock  
 Paul

Poe (TX)  
 Royce  
 Sensenbrenner  
 Shadegg  
 Stearns

## NOT VOTING—10

Hare  
 Hensarling  
 Marchant  
 Miller, Gary

Obey  
 Pascrell  
 Pitts  
 Ross

Tiahrt  
 Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain.

## □ 1455

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 170, I was unavoidably detained. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. HARE. Mr. Speaker, today March 31, 2009, I was unavoidably detained in a Water Resources Subcommittee meeting. Had I been present, I would have voted as follows: On rollcall No. 169, On Motion To Concur in the Senate Amendments to the Generations Invigorating Volunteerism and Education (GIVE) Act, I would have voted "yea;" on rollcall No. 170, On Motion to Suspend the Rules and Pass, as Amended the Vision Care for Kids Act of 2009, I would have voted "yea."

## □ 1448

Messrs. HALL of Texas, YOUNG of Florida, BILIRAKIS, and Ms. GINNY BROWN-WAITE of Florida changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MORAN of Virginia. Mr. Speaker, on rollcall No. 169, I was inadvertently delayed from making the vote. Had I been present, I would have voted "yea."

Mr. LEWIS of Georgia. Mr. Speaker, on rollcall No. 169, had I been present, I would have voted "yea."

## VISION CARE FOR KIDS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 577, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 577, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 17, not voting 10, as follows:

[Roll No. 170]

YEAS—404

Abercrombie  
 Ackerman

Aderholt  
 Adler (NJ)

Alexander  
 Altmire



# HEALTH INSURANCE RESTRICTIONS AND LIMITATIONS CLARIFICATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1253, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1253.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 3, not voting 6, as follows:

[Roll No. 171]

YEAS—422

Abercrombie	Cassidy	Frelinghuysen
Ackerman	Castle	Fudge
Aderholt	Castor (FL)	Gallegly
Adler (NJ)	Chaffetz	Garrett (NJ)
Akin	Chandler	Gerlach
Alexander	Childers	Giffords
Altmire	Clarke	Gingrey (GA)
Andrews	Clay	Gohmert
Arcuri	Cleaver	Gonzalez
Austria	Clyburn	Goodlatte
Baca	Coble	Gordon (TN)
Bachmann	Coffman (CO)	Granger
Bachus	Cohen	Graves
Baird	Cole	Grayson
Baldwin	Conaway	Green, Al
Barrett (SC)	Connolly (VA)	Green, Gene
Barrow	Conyers	Griffith
Bartlett	Cooper	Grijalva
Barton (TX)	Costa	Guthrie
Bean	Costello	Gutierrez
Becerra	Courtney	Hall (NY)
Berkley	Crenshaw	Hall (TX)
Berman	Crowley	Halvorson
Berry	Cuellar	Hare
Biggert	Culberson	Harman
Bilbray	Cummings	Harper
Bilirakis	Dahlkemper	Hastings (FL)
Bishop (GA)	Davis (AL)	Hastings (WA)
Bishop (NY)	Davis (CA)	Heinrich
Bishop (UT)	Davis (IL)	Heller
Blackburn	Davis (KY)	Hergert
Blumenauer	Davis (TN)	Herseth Sandlin
Blunt	Deal (GA)	Higgins
Bocieri	DeFazio	Hill
Boehner	DeGette	Himes
Bonner	Delahunt	Hinche
Bono Mack	DeLauro	Hirono
Boozman	Dent	Hodes
Boren	Diaz-Balart, L.	Hoekstra
Boswell	Diaz-Balart, M.	Holden
Boucher	Dicks	Holt
Boustany	Dingell	Honda
Boyd	Doggett	Hoyer
Brady (PA)	Donnelly (IN)	Hunter
Brady (TX)	Doyle	Inglis
Braley (IA)	Dreier	Inslee
Bright	Driehaus	Israel
Brown (SC)	Duncan	Issa
Brown, Corrine	Edwards (MD)	Jackson (IL)
Brown-Waite,	Edwards (TX)	Jackson-Lee
Ginny	Ehlers	(TX)
Buchanan	Ellison	Jenkins
Burgess	Ellsworth	Johnson (GA)
Burton (IN)	Emerson	Johnson (IL)
Butterfield	Engel	Johnson, E. B.
Buyer	Eshoo	Johnson, Sam
Calvert	Etheridge	Jones
Camp	Fallin	Jordan (OH)
Campbell	Farr	Kanjorski
Cantor	Fattah	Kaptur
Cao	Filner	Kennedy
Capito	Flake	Kildee
Capps	Fleming	Kilpatrick (MI)
Capuano	Forbes	Kilroy
Cardoza	Fortenberry	Kind
Carnahan	Foster	King (IA)
Carney	Fox	King (NY)
Carson (IN)	Frank (MA)	Kingston
Carter	Franks (AZ)	Kirk

Kirkpatrick (AZ)	Moran (KS)	Scott (GA)
Kissell	Moran (VA)	Scott (VA)
Klein (FL)	Murphy (CT)	Sensenbrenner
Kline (MN)	Murphy, Patrick	Serrano
Kosmas	Murphy, Tim	Sessions
Kratovil	Murtha	Sestak
Kucinich	Myrick	Shadegg
Lamborn	Nadler (NY)	Shea-Porter
Lance	Napolitano	Sherman
Langevin	Neal (MA)	Shimkus
Larsen (WA)	Neugebauer	Shuler
Larson (CT)	Nunes	Shuster
Latham	Nye	Simpson
LaTourette	Oberstar	Sires
Latta	Obey	Skelton
Lee (CA)	Olson	Slaughter
Lee (NY)	Olver	Smith (NE)
Levin	Ortiz	Smith (NJ)
Lewis (CA)	Pallone	Smith (TX)
Lewis (GA)	Pastor (AZ)	Smith (WA)
Linder	Paulsen	Snyder
Lipinski	Payne	Souder
LoBlundo	Pence	Space
Loeb sack	Perlmutter	Speier
Lofgren, Zoe	Perriello	Spratt
Lowey	Peters	Stark
Lucas	Peterson	Stearns
Luetkemeyer	Petri	Stupak
Lujan	Pingree (ME)	Sullivan
Lummis	Pitts	Sutton
Lungren, Daniel	Platts	Tanner
E.	Poe (TX)	Tauscher
Lynch	Polis	Taylor
Mack	Pomeroy	Teague
Maffei	Posey	Terry
Maloney	Price (GA)	Thompson (CA)
Manzullo	Price (NC)	Thompson (MS)
Marchant	Putnam	Thompson (PA)
Markey (CO)	Radanovich	Thornberry
Markey (MA)	Rahall	Tiahrt
Marshall	Rangel	Tiberi
Massa	Rehberg	Tierney
Matheson	Reichert	Titus
Matsui	Reyes	Tonko
McCarthy (CA)	Richardson	Towns
McCarthy (NY)	Rodriguez	Tsongas
McCaul	Roe (TN)	Turner
McClintock	Rogers (AL)	Upton
McCollum	Rogers (KY)	Van Hollen
McCotter	Rogers (MI)	Velázquez
McDermott	Rohrabacher	Visclosky
McGovern	Rooney	Walden
McHenry	Ros-Lehtinen	Walz
McHugh	Roskam	Wamp
McIntyre	Ross	Wasserman
McKeon	Rothman (NJ)	Schultz
McMahon	Roybal-Allard	Waters
McMorris	Royce	Watson
Rodgers	Ruppersberger	Watt
McNerney	Ryan (OH)	Waxman
Meek (FL)	Ryan (WI)	Weiner
Meeks (NY)	Salazar	Welch
Melancon	Sánchez, Linda	Wexler
Mica	T.	Whitfield
Michaud	Sanchez, Loretta	Wilson (OH)
Miller (FL)	Sarbanes	Wilson (SC)
Miller (MI)	Scalise	Wittman
Miller (NC)	Schakowsky	Wolf
Miller, George	Schauer	Woolsey
Minnick	Schiff	Wu
Mitchell	Schmidt	Yarmuth
Mollohan	Schock	Young (AK)
Moore (KS)	Schrader	Young (FL)
Moore (WI)	Schwartz	

NAYS—3

NOT VOTING—6

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1504

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## AUTHORIZING USE OF CAPITOL ROTUNDA FOR HOLOCAUST COMMEMORATION

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 54) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 54

*Resolved by the House of Representatives (the Senate concurring),*

## SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The Rotunda of the Capitol is authorized to be used on April 23, 2009, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this concurrent resolution provides for the use of the Capitol Rotunda on April 23, 2009, as part of the commemoration to honor the memory of the victims of the Holocaust. I support the resolution and thank the gentleman from California (Mr. WAXMAN) for sponsoring it.

Mr. Speaker, the Holocaust is one of the most shameful and horrifying events of human history. It is imperative that we honor the memory of those who died so senselessly and provide them their due recognition.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 54, which would, as the chairman has said, authorize use of the Capitol Rotunda on April 23, 2009, for a ceremony as a part of the commemoration of the Days of Remembrance of the Victims of the Holocaust.

For descendants of the approximately 6 million Jews who were killed during the Holocaust, the atrocities that their loved ones suffered at the hands of Nazi Germany are with them each day. As a Nation, it's important that all Americans take the time to reflect upon the effects of the horrors inflicted during the Holocaust, one of the darkest days or hours of our humanity. Those who would seek to destroy an entire people based on their religious heritage committed the most heinous acts imaginable upon their brethren. By remembering the victims of these unspeakable acts, we ensure that the flame of life that the forces of evil tried so hard to extinguish will never be forgotten and that we shall never allow this to happen again.

Mr. Speaker, at this time I would like to mention that there is a wonderful statue in our Rotunda of a great American, his name is Dwight D. Eisenhower. He's remembered as President of the United States. He was also the Supreme Allied Commander of all of those allied troops in Europe.

When his troops and he came upon the reality of the Holocaust, when they came upon the concentration camps, then-General Eisenhower commanded that his troops take pictures, see the evidence, gather the proof. He required that German residents, German citizens of the surrounding communities, be brought forward and have to see what had taken place; and then he required those individuals to actually be part of the burial committees that buried the bodies of those who had been destroyed.

When asked why he did this, President Eisenhower, then-General Eisenhower, said, "I do this to gather this evidence, to get this proof, to get these photos, because some day in the future, some"—and I will use the initials—"some silly SOB will claim this never happened."

There are some who claim this never happened. Because a remarkable man with tremendous foresight, General Eisenhower, later President Eisenhower, because he required that proof be made, those perpetrators of that fallacy cannot be successful.

In order to make this time of reflection an official event shared by all Americans, Congress established the Days of Remembrance as our Nation's annual commemoration of the victims of the Holocaust and created the United States Holocaust Memorial Museum as a permanent living memorial to these victims. Since 1982, the Holocaust Museum has organized and led the national Days of Remembrance ceremony in the U.S. Capitol Rotunda, a ceremony that includes Holocaust survivors, their families, liberators, and Members of Congress.

So I urge my colleagues to support this bill so that we may continue to use the Capitol Rotunda to pay tribute to those lives that were lost in the Holocaust during this shared time of solemn remembrance throughout the world.

Mr. WAXMAN. Mr. Speaker, it is an honor to be the sponsor of this resolution to authorize the use of the Capitol Rotunda on April 23, 2009 for the annual congressional ceremony to commemorate the Holocaust.

This year marks the 30th anniversary of the United States adoption of a national day for Holocaust commemoration. I take great pride that we are one of the only nations to join the State of Israel in observing Yom Hashoah, Holocaust Heroes and Remembrance Day, on the Hebrew anniversary of the Warsaw Ghetto uprising.

Each year, the ceremony here in Washington serves as a centerpiece for similar events observed in communities throughout the United States to memorialize the millions who perished and honor the courage of those who survived. This year's theme "Never Again: What You Do Matters" highlights the power of individual actions to stand against genocide and our individual responsibility to relay the history of the Holocaust as its last survivors are now passing on.

I would like to thank the Committee on House Administration for its work on this resolution. I encourage all of my colleagues to participate in the ceremony in the Rotunda.

Mr. DANIEL E. LUNGREN of California. I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 54.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### DANIEL WEBSTER CONGRESSIONAL CLERKSHIP ACT OF 2009

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 151) to establish

the Daniel Webster Congressional Clerkship Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 151

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Daniel Webster Congressional Clerkship Act of 2009".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Each year, many of the most talented law school graduates in the country begin their legal careers as judicial law clerks.

(2) The judicial clerkship program has given the judiciary access to a pool of exceptional young lawyers at a relatively low cost.

(3) These same lawyers then go on to become leaders of their profession, where they serve a critical role in helping to educate the public about the judiciary and the judicial process.

(4) The White House, the administrative agencies of the Executive Branch, the Administrative Office of the United States Courts, the Federal Judicial Center, and the United States Sentencing Commission, all operate analogous programs for talented young professionals at the outset of their careers.

(5) The Congress is without a similar program.

(6) At a time when our Nation faces considerable challenges, the Congress and the public would benefit immeasurably from a program, modeled after the judicial clerkship program, that engages the brightest young lawyers in the Nation in the legislative process.

(7) Accordingly, the Congress herein creates the Daniel Webster Congressional Clerkship Program, named after one of the most admired and distinguished lawyer-legislators ever to serve in the Congress, to improve the business of the Congress and increase the understanding of its work by the public.

#### SEC. 3. DANIEL WEBSTER CONGRESSIONAL CLERKSHIP PROGRAM.

(a) SELECTION COMMITTEES.—As used in this Act, the term "Selection Committees" means—

(1) the Committee on Rules and Administration of the Senate; and

(2) the Committee on House Administration of the House of Representatives.

(b) ESTABLISHMENT OF PROGRAM.—There is hereby established the Daniel Webster Congressional Clerkship Program for the appointment of individuals who are graduates of accredited law schools to serve as Congressional Clerks in the Senate or House of Representatives.

(c) SELECTION OF CLERKS.—Subject to the availability of appropriations, the Selection Committees shall select Congressional Clerks in the following manner:

(1) The Committee on Rules and Administration of the Senate shall select not less than 6 Congressional Clerks each year to serve as employees of the Senate for a 1-year period.

(2) The Committee on House Administration of the House of Representatives shall select not less than 6 Congressional Clerks each year to serve as employees of the House of Representatives for a 1-year period.

(d) SELECTION CRITERIA.—In carrying out subsection (c), the Selection Committees shall select Congressional Clerks consistent with the following criteria:

(1) Each Congressional Clerk selected shall be a graduate of an accredited law school as of the starting date of his or her clerkship.

(2) Each Congressional Clerk selected shall possess—

(A) an excellent academic record;

(B) a strong record of achievement in extracurricular activities;

(C) a demonstrated commitment to public service; and

(D) outstanding analytic, writing, and oral communication skills.

(e) **PROCESS.**—After a Congressional Clerk is selected under this section, such Congressional Clerk shall then interview for a position in an office as follows:

(1) For a Congressional Clerk selected under subsection (c)(1), the Congressional Clerk shall interview for a position with any office of any Committee of the Senate, including any Joint Committee or Select and Special Committee, or any office of any individual member of the Senate.

(2) For a Congressional Clerk selected under subsection (c)(2), the Congressional Clerk shall interview for a position with any office of any Committee of the House of Representatives, including any Joint Committee or Select and Special Committee, or any office of any individual Member of the House of Representatives.

(f) **PLACEMENT REQUIREMENTS.**—The Selection Committees shall ensure that Congressional Clerks selected under this section are apportioned equally between majority party and minority party offices.

(g) **COMPENSATION OF CONGRESSIONAL CLERKS.**—Each Congressional Clerk selected under this section shall receive the same compensation as would, and comparable benefits to, an individual who holds the position of a judicial clerkship for the United States District Court for the District of Columbia within 3 months of graduating from law school.

(h) **REQUIRED ADHERENCE TO RULES.**—Each Congressional Clerk selected under this section shall be subject to all laws, regulations, and rules in the same manner and to the same extent as any other employee of the Senate or House of Representatives.

(i) **EXCLUSION FROM LIMIT ON NUMBER OF POSITIONS.**—A Congressional Clerk shall be excluded in determining the number of employees of the office that employs the Clerk for purposes of—

(1) in the case of the office of a Member of the House of Representatives, section 104 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 92); or

(2) in the case of any other office, any applicable provision of law or any rule or regulation which imposes a limit on the number of employees of the office.

(j) **RULES.**—The Selection Committees shall develop and promulgate rules regarding the administration of the Congressional Clerkship program established under this section.

(k) **MEMBER DEFINED.**—In this section, the term “Member of the House of Representatives” includes a Delegate or Resident Commissioner to the Congress.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2010 and each succeeding fiscal year from the applicable accounts of the House of Representatives and the contingent fund of the Senate such sums as necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gen-

tleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill and include extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support H.R. 151, which would establish the Daniel Webster Congressional Clerkship Program. This program would bring the most talented law school graduates across the country to Washington, D.C., and offer them an opportunity to be employed as congressional clerks in the House of Representatives or the Senate.

This program is modeled after the judicial clerkships offered in the Federal courts. H.R. 151 would offer no fewer than six 1-year clerkships in each Chamber. The clerks would be apportioned equally between majority and minority offices within each Chamber. H.R. 151 would give recent law grads invaluable insight into the functions and operations of the Federal legislature, and I urge my colleagues to support this program.

Mr. Speaker, at this time, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 151. For the last several years, I have joined my colleague, Ms. LOFGREN from California, in sponsoring this bill. This is a bill which would create a congressional clerkship program to qualified law school graduates to serve for temporary 1-year terms in offices in the House and the Senate.

The genesis of this actually was the dean of the Stanford Law School, when he came on a visit back here and spoke to Ms. LOFGREN and myself and others and explained that he thought that with the prominence that judicial clerkships are given, that most aspiring outstanding law students look to the judicial branch—and even with the clerkships that are available and fellowships that are available in the executive branch—look to those two branches of government as somehow the epitome of government service. And in a sense, what that does is it confers a sense of importance on those two branches of government, at least in my judgment, to the exclusion of the legislative branch.

The way our system works, many outstanding young people who serve

clerkships to judges go on to be judges themselves.

□ 1515

The idea of the dean of Stanford Law School was that if we had a similar-type program in the legislative branch, perhaps we would have some of those people who are outstanding members of the legal profession who would go on to receive judgeships, but they would have a better understanding of the importance of the legislative branch.

Currently, as I said, both the judicial and executive branches have clerkship programs that attract these highly talented law school graduates. Judicial clerkships, in particular, offer both prestige and practical legal experience for such graduates. Should this bill pass, initially 12 clerks per Congress would be selected to serve in the offices of various committee chairs and ranking members. It would be on a competitive basis. It would be on a bipartisan basis. It would be on a bicameral basis.

Not only would congressional clerks gain invaluable experience and knowledge about the legislative process, but they would then move into other leadership positions, not only with the courts but with the major law firms around the country and in other positions, bringing that understanding of the workings of Congress to bear on those careers.

I thank Chairman BRADY for considering this bill and the expeditious way in which it was handled. I thank the Speaker for scheduling it so quickly, and I believe that this will truly provide an opportunity for some of the most gifted, young, legal minds to serve in Congress and, thereby, increase the understanding of its work by the public.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. ZOE LOFGREN), my colleague.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would like to thank my colleague, fellow attorney, my fellow Californian, the former attorney general for California, Congressman DAN LUNGREN, for joining with me in introducing this bill first in the 109th Congress, then again working to get the bill on the floor in the 110th, and now, once again, in the 111th Congress. And I am grateful to Chairman BRADY for moving this bill so promptly. I think starting this early perhaps we'll get this all the way through the Senate and over to the President and accomplish something that's really quite important for the legislative branch.

As has been mentioned, top law graduates in the top law schools in the Nation seek clerkships in the judicial branch and sometimes in the executive branch, but we don't have that here in the legislative branch, and he's right,

we do owe some gratitude to Dean Larry Kramer for proposing this idea.

Here's what Dean Kramer said: "This bill will serve an important role by educating young lawyers and future leaders of the profession about the legislative process. It will be enormously beneficial for both the profession and the public if some of the Nation's brightest young lawyers begin their careers in the legislature and so develop and can convey to the public an appreciation of Congress and the legislative process equal to that lawyers have shown for courts and the judicial process."

This really isn't about getting work out of these bright, young lawyers. It's about starting off on the right course and having the respect for Article I that we hope that they will get by working with us here in the Congress.

We believe that this bipartisan bill, that will be bicameral, bipartisan, will make a difference not today, not tomorrow, but 10 years from now, 20 years from now, 30 years from now, to make sure that Article I is elevated as it should be.

I would urge my colleagues to support this legislation. Again, I thank the chairman. I thank Congressman LUNGREN, and I thank the dean of the Stanford Law School, Larry Kramer.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I urge all Members to vote for this, and I would yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I also urge all Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 151.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BRADY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1299) to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1299

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Capitol Police Administrative Technical Corrections Act of 2009".

#### SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

(1) CHIEF ADMINISTRATIVE OFFICER.—Section 108(a) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)) is amended to read as follows:

"(a) CHIEF ADMINISTRATIVE OFFICER.—

"(1) ESTABLISHMENT.—There shall be within the Capitol Police an Office of Administrative Officer, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

"(2) APPOINTMENT.—The Chief Administrative Officer shall be appointed by the Chief of the Capitol Police, after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

"(3) COMPENSATION.—The annual rate of pay for the Chief Administrative Officer shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police."

(2) ADMINISTRATIVE PROVISIONS.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsection (c).

(3) CERTIFYING OFFICERS.—Section 107 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1904) is amended—

(A) in subsection (a), by striking "the Capitol Police Board" and inserting "the Chief of the Capitol Police"; and

(B) in subsection (b)(1), by striking "the Capitol Police Board" and inserting "the Chief of the Capitol Police".

(4) PERSONNEL ACTIONS OF THE CHIEF OF THE CAPITOL POLICE.—

(A) IN GENERAL.—Section 1018(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)) is amended by striking paragraph (1) and inserting the following:

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, suspend with or without pay, discipline, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

"(B) SPECIAL RULE FOR TERMINATIONS.—The Chief may terminate an officer, member, or employee only after the Chief has provided notice of the termination to the Capitol Police Board (in such manner as the Board may from time to time require) and the Board has approved the termination, except that if the Board has not disapproved the termination prior to the expiration of the 30-day period which begins on the date the Board receives the notice, the Board shall be deemed to have approved the termination.

"(C) NOTICE OR APPROVAL.—The Chief of the Capitol Police shall provide notice or receive approval, as required by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, as each Committee determines appropriate for—

"(i) the exercise of any authority under subparagraph (A); or

"(ii) the establishment of any new position for officers, members, or employees of the Capitol Police, for reclassification of existing positions, for reorganization plans, or for hiring, termination, or promotion for officers, members, or employees of the Capitol Police."

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) SUSPENSION AUTHORITY.—Section 1823 of the Revised Statutes of the United States (2 U.S.C. 1928) is repealed.

(ii) PAY OF MEMBERS UNDER SUSPENSION.—The proviso in the Act of Mar. 3, 1875 (ch. 129; 18 Stat. 345), popularly known as the "Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876", which is codified at section 1929 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(5) CONFORMING APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(A) IN GENERAL.—Section 101(9)(D) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)(D)) is amended by striking "the Capitol Police Board," and inserting "the United States Capitol Police,".

(B) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by subparagraph (A) may be construed to affect any procedure initiated under title IV of the Congressional Accountability Act of 1995 prior to the date of the enactment of this Act.

(6) NO EFFECT ON CURRENT PERSONNEL.—Nothing in the amendments made by this subsection may be construed to affect the status of any individual serving as an officer or employee of the United States Capitol Police as of the date of the enactment of this Act.

(b) DEPOSIT OF REIMBURSEMENTS FOR LAW ENFORCEMENT ASSISTANCE.—

(1) IN GENERAL.—Section 2802 of the Supplemental Appropriations Act, 2001 (2 U.S.C. 1905) is amended—

(A) in subsection (a)(1), by striking "Capitol Police Board" each place it appears and inserting "United States Capitol Police"; and

(B) in subsection (a)(2), by striking "Capitol Police Board" and inserting "Chief of the United States Capitol Police".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2001.

(c) PRIOR NOTICE TO AUTHORIZING COMMITTEES OF DEPLOYMENT OUTSIDE JURISDICTION.—Section 1007(a)(1) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1978(a)(1)) is amended by striking "prior notification to" and inserting the following: "prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and".

(d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERVICES.—

(1) IN GENERAL.—Section 1002 of the Legislative Branch Appropriations Act, 2008 (Public Law 110-161; 2 U.S.C. 1981) is amended by inserting "the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate" after "the Senate,".

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 30 days after the date of enactment of this Act and apply to payments made on or after that effective date.

#### SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.

(a) APPOINTMENT AND SERVICE.—

(1) IN GENERAL.—There shall be within the United States Capitol Police the General

Counsel to the Chief of Police and the United States Capitol Police (in this subsection referred to as the "General Counsel").

(2) **APPOINTMENT.**—The General Counsel shall be appointed by the Chief of the Capitol Police in accordance with section 1018(e)(1) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)) (as amended by section 2(a)(4)), without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(3) **COMPENSATION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the annual rate of pay for the General Counsel shall be fixed by the Chief of the Capitol Police.

(B) **LIMITATION.**—The annual rate of pay for the General Counsel may not exceed an annual rate equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(4) **TECHNICAL AND CONFORMING AMENDMENT.**—House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 1901 note) is repealed.

(5) **NO EFFECT ON CURRENT GENERAL COUNSEL.**—Nothing in this subsection or the amendments made by this subsection may be construed to affect the status of the individual serving as the General Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

(b) **LEGAL REPRESENTATION AUTHORITY.**—

(1) **IN GENERAL.**—Section 1002(a)(2)(A) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(A)) is amended by striking "the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police" and inserting "the General Counsel to the Chief of Police and the United States Capitol Police".

(2) **NO EFFECT ON CURRENT PROCEEDINGS.**—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

#### **SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.**

(a) **LEGAL REPRESENTATION AUTHORITY.**—

(1) **IN GENERAL.**—Section 1002(a)(2)(B) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(B)) is amended by striking "the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police" and inserting "the Employment Counsel to the Chief of Police and the United States Capitol Police".

(2) **NO EFFECT ON CURRENT PROCEEDINGS.**—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

(b) **NO EFFECT ON CURRENT EMPLOYMENT COUNSEL.**—Nothing in this section or the amendments made by this section may be construed to affect the status of the individual serving as the Employment Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

#### **SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CERTAIN PERSONNEL BENEFITS.**

(a) **NO LUMP-SUM PAYMENT PERMITTED FOR UNUSED COMPENSATORY TIME.**—

(1) **IN GENERAL.**—No officer or employee of the United States Capitol Police whose service with the United States Capitol Police is terminated may receive any lump-sum payment with respect to accrued compensatory time off, except to the extent permitted under section 203(c)(4) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(c)(4)).

(2) **REPEAL OF RELATED OBSOLETE PROVISIONS.**—

(A) **OVERTIME PAY DISBURSED BY HOUSE.**—Section 3 of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (85 Stat. 636) (2 U.S.C. 1924), together with any other provision of law which relates to compensatory time for the Capitol Police which is codified at section 1924 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(B) **OVERTIME PAY DISBURSED BY SENATE.**—The last full paragraph under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is repealed.

(b) **OVERTIME COMPENSATION FOR OFFICERS AND EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS ACT OF 1938.**—

(1) **CRITERIA UNDER WHICH COMPENSATION PERMITTED.**—The Chief of the Capitol Police may provide for the compensation of overtime work of exempt individuals which is performed on or after the date of the enactment of this Act, in the form of additional pay or compensatory time off, only if—

(A) the overtime work is carried out in connection with special circumstances, as determined by the Chief;

(B) the Chief has established a monetary value for the overtime work performed by such individual; and

(C) the sum of the total amount of the compensation paid to the individual for the overtime work (as determined on the basis of the monetary value established under subparagraph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

(2) **EXEMPT INDIVIDUALS DEFINED.**—In this subsection, an "exempt individual" is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or

(B) whose annual rate of pay is not established specifically under any law.

(3) **CONFORMING AMENDMENT.**—

(A) **IN GENERAL.**—Section 1009 of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 359) is repealed.

(B) **EFFECTIVE DATE.**—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that the amendment shall not apply with respect to any overtime work performed prior to the date of the enactment of this Act.

#### **SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORRECTIONS.**

(a) **REPEAL OF OBSOLETE PROCEDURES FOR INITIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER.**—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).

(b) **REPEAL OF REQUIREMENT THAT OFFICERS PURCHASE OWN UNIFORMS.**—Section 1825 of the Revised Statutes of the United States (2 U.S.C. 1943) is repealed.

(c) **REPEAL OF REFERENCES TO OFFICERS AND PRIVATES IN AUTHORITIES RELATING TO HOUSE AND SENATE OFFICE BUILDINGS.**—

(1) **HOUSE OFFICE BUILDINGS.**—The item relating to "House of Representatives Office Building" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes", approved March 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended by striking "other than officers and privates of the Capitol police" each place it appears and inserting "other than the United States Capitol Police".

(2) **SENATE OFFICE BUILDINGS.**—The item relating to "Senate Office Building" in the Legislative Branch Appropriation Act, 1943 (56 Stat. 343; 2 U.S.C. 2023) is amended by striking "other than for officers and privates of the Capitol Police" each place it appears and inserting "other than for the United States Capitol Police".

(d) **CLARIFICATION OF APPLICABILITY OF U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007.**—

(1) **REPEAL OF DUPLICATE PROVISIONS.**—Effective as if included in the enactment of the Legislative Branch Appropriations Act, 2008 (Public Law 110-161), section 1004 of such Act is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law.

(2) **NO EFFECT ON OTHER ACT.**—Nothing in paragraph (1) may be construed to prevent the enactment or implementation of any provision of the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Public Law 110-178), including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).

(e) **AUTHORITY OF CHIEF OF POLICE.**—

(1) **REPEAL OF CERTAIN PROVISIONS CODIFIED IN TITLE 2, UNITED STATES CODE.**—The provisions appearing in the first paragraph under the heading "Capitol Police" in the Act of April 28, 1902 (ch. 594; 32 Stat. 124), and the provisions appearing in the first paragraph under the heading "Capitol Police" in title I of the Legislative and Judiciary Appropriation Act, 1944 (ch. 173; 57 Stat. 230), insofar as all of those provisions are related to the sentence "The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.", which appears in 2 U.S.C. 1901 (2000 Edition, Supp. V), are repealed.

(2) **RESTORATION OF REPEALED PROVISION.**—Section 1018(h)(1) of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7, div. H, title I, 117 Stat. 368) is repealed, and the sentence "The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at

the pleasure of the Board.”, which was repealed by such section, is restored to appear at the end of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901).

(3) CONFORMING AMENDMENT.—The first sentence of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking “, the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

I am pleased to present the Capitol Police Administrative Technical Corrections Act of 2009.

As its title suggests, H.R. 1299 is not intended to make substantive policy changes for the Capitol Police. It corrects drafting errors, modernizes outdated terms, and repeals redundant and inconsistent provisions already on the books. My favorite correction is the long overdue repeal of the 1868 law requiring Capitol Police officers to buy their own uniforms. Congress decided years ago to provide the uniforms but has never repealed the 1868 law.

Chief Phillip Morse requested most of these corrections; the committee found others. The bill has the support of Chief Morse and our House Sergeant-at-Arms Wilson Livingood. The House passed a similar bill last fall, which failed to pass the Senate before final adjournment.

It was a pleasure to work with the gentleman from California (Mr. DANIEL E. LUNGREN) and his staff on this measure, and I urge an “aye” vote.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1299, known as the United States Capitol Police Technical Corrections Act.

I am pleased to join Chairman BRADY in sponsoring this bill, which will create a stronger operational framework for the police, allowing them to better

accomplish their mission by providing much-needed clarity and eliminating unnecessary or conflicting provisions of existing law.

The technical corrections in this bill provide the chief of the Capitol Police with the appropriate authority and responsibility related to his role as head of the agency. This bill also clarifies important reporting and notification processes for personnel, administrative, and operational actions.

So I am pleased that the chairman has taken up this issue. I am confident that the work of the full committee, in addition to that of the Subcommittee on Capitol Security, will create a stronger law enforcement organization and, therefore, a safer and more secure Capitol complex.

I would urge that all Members support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an “aye” vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 1299.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRADY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### DISMISSING THE ELECTION CONTEST RELATING TO THE OFFICE OF REPRESENTATIVE FROM THE FIRST CONGRESSIONAL DISTRICT OF HAWAII

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted a privileged report (Rept. No. 111-68) on the resolution (H. Res. 303) dismissing the election contest relating to the office of Representative from the First Congressional District of Hawaii, which was referred to the House Calendar and ordered to be printed.

Mr. BRADY of Pennsylvania. Mr. Speaker, I call up House Resolution 303 and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the resolution is as follows:

H. RES. 303

*Resolved*, That the election contest relating to the office of Representative from the First

Congressional District of Hawaii is dismissed.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### ELECTING MEMBERS TO THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. BRADY of Pennsylvania. Mr. Speaker, I send a resolution to the desk and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the resolution is as follows:

H. RES. 304

*Resolved*,

#### SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.

(a) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

- (1) Mr. Capuano.
- (2) Mrs. Davis of California.
- (3) Mr. Daniel E. Lungren of California.
- (4) Mr. McCarthy of California.

(b) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration:

- (1) Ms. Zoe Lofgren of California.
- (2) Mr. Daniel E. Lungren of California.
- (3) Mr. Harper.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF HOUSE OF REPRESENTATIVES IN 111TH CONGRESS

Mr. BRADY of Pennsylvania. Mr. Speaker, pursuant to House Resolution 294, I call up House Resolution 279 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 294, the amendment in the nature of a substitute printed in the resolution is adopted and the resolution, as amended, is considered read.

The text of the resolution, as amended, is as follows:

H. RES. 279

*Resolved*,

#### SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED ELEVENTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Eleventh Congress, there shall be paid out of the applicable accounts of the House of



Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in such subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, \$12,878,997; Committee on Armed Services, \$15,842,663; Committee on the Budget, \$12,701,442; Committee on Education and Labor, \$17,571,062; Committee on Energy and Commerce, \$23,589,560; Select Committee on Energy Independence and Global Warming, \$4,167,500; Committee on Financial Services, \$18,315,034; Committee on Foreign Affairs, \$18,847,305; Committee on Homeland Security, \$17,776,261; Committee on House Administration, \$11,069,489; Permanent Select Committee on Intelligence, \$10,850,000; Committee on the Judiciary, \$18,837,171; Committee on Natural Resources, \$16,567,929; Committee on Oversight and Government Reform, \$22,343,273; Committee on Rules, \$7,141,021; Committee on Science and Technology, \$14,048,942; Committee on Small Business, \$7,236,082; Committee on Standards of Official Conduct, \$5,577,169; Committee on Transportation and Infrastructure, \$20,874,154; Committee on Veterans' Affairs, \$7,668,691; and Committee on Ways and Means, \$20,634,454.

#### SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2009, and ending immediately before noon on January 3, 2010.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, \$6,316,330; Committee on Armed Services, \$7,769,820; Committee on the Budget, \$6,350,721; Committee on Education and Labor, \$8,617,490; Committee on Energy and Commerce, \$11,569,181; Select Committee on Energy Independence and Global Warming, \$2,096,900; Committee on Financial Services, \$8,982,361; Committee on Foreign Affairs, \$9,243,406; Committee on Homeland Security, \$8,718,127; Committee on House Administration, \$5,428,881; Permanent Select Committee on Intelligence, \$5,387,500; Committee on the Judiciary, \$9,238,436; Committee on Natural Resources, \$8,125,517; Committee on Oversight and Government Reform, \$10,957,956; Committee on Rules, \$3,538,663; Committee on Science and Technology, \$6,890,114; Committee on Small Business, \$3,548,839; Committee on Standards of Official Conduct, \$2,735,247; Committee on Transportation and Infrastructure, \$10,237,447; Committee on Veterans' Affairs, \$3,761,006; and Committee on Ways and Means, \$10,119,889.

#### SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2010, and ending immediately before noon on January 3, 2011.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, \$6,562,667; Committee on Armed Services, \$8,072,843; Committee on the Budget, \$6,350,721; Committee on Education and Labor, \$8,953,572; Committee on Energy and Commerce, \$12,020,379; Select Committee on Energy Independence and Global Warming, \$2,070,600; Committee on Financial Services, \$9,332,673; Committee on Foreign Affairs, \$9,603,899; Committee on Homeland Security, \$9,058,134; Committee on House Administration, \$5,640,608; Permanent Select Committee on Intelligence, \$5,462,500; Committee on the Judiciary,

\$9,598,735; Committee on Natural Resources, \$8,442,412; Committee on Oversight and Government Reform, \$11,385,317; Committee on Rules, \$3,602,358; Committee on Science and Technology, \$7,158,828; Committee on Small Business, \$3,687,243; Committee on Standards of Official Conduct, \$2,841,922; Committee on Transportation and Infrastructure, \$10,636,707; Committee on Veterans' Affairs, \$3,907,685; and Committee on Ways and Means, \$10,514,565.

(c) REVIEW OF USE OF FUNDS IN FIRST SESSION.—None of the amounts provided for in section 1 for a committee named in subsection (b) may be available for expenses of the committee after February 3, 2010, unless the chair or ranking minority member of the committee appears and presents testimony at a hearing of the Committee on House Administration held prior to such date to review the committee's use of the amounts provided for in section 1 during the first session of the One Hundred Eleventh Congress and to determine whether the amount specified in subsection (b) with respect to the committee should be updated on the basis of the review.

#### SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

#### SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on House Resolution 279.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

House Resolution 279 is the primary expense resolution to fund the standing and select committees of the House for the 111th Congress.

Every 2 years, Congress must decide how much money its committees will spend. The Committee on House Administration holds hearings on the needs of the committees for the entire Congress. We then write a resolution to authorize funding for those committees. During our hearings on February 11 and 25, we heard from all the chairmen and most of the ranking members from other committees.

Let me describe what we have done with this amendment to the funding resolution. Over the last Congress, the committees of the House conducted far more hearings and did far more work than in recent years. They did all this without an increase in funding. Last

Congress we were not even able to keep up with inflation. All of the committees have been struggling to operate on limited funds, and they have even more work to do in this Congress because of the challenges of our economic situation and other legislative priorities.

At the same time, we know that the economic status of the Nation means that we must do more with less. So we are not going to be able to give the committees all the funds they have requested, the amounts stated in the resolution as introduced.

In general, this substitute gives each committee for 2009 the lower of either the amount they requested, or an increase of 4.78 percent over their funding in 2008. That percent equals the cost-of-living increase for Federal employees in D.C. for 2009.

There are a few exceptions in this substitute. First, we have provided additional funds to the Judiciary Committee to undertake its mandated inquiry into judicial impeachment, which is not an ordinary cost of that committee. Next, the Energy and Commerce Committee, the Financial Services Committee, and the Small Business Committee have each undertaken extra responsibilities this Congress. These three committees have special legislative duties to deal with our financial situation, our health care, and our energy policy.

The Committee on Standards of Official Conduct will receive additional money as well, reflecting their request and our commitment to ethics oversight.

Finally, we have not increased funding over 2008 for the Oversight and Government Reform Committee. That committee had substantial funds left over in 2008. In addition, we have already expanded the oversight work of all committees in this Congress by amending the House rules in H. Res. 40.

When you add it all up, this keeps the total committee funding for 2009 at just 4.78 percent over the total funding from 2008.

□ 1530

In 2010, the committees will receive an across-the-board increase of 3.9 percent which, in our estimation, an inflationary increase is needed to keep staffs paid in the coming year.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 279. It does provide funding for committees for the 111th Congress so that we might do the work that we're constitutionally required to do.

I'd like to begin by thanking Chairman BRADY and his staff for truly engaging in a collaborative process as we work towards our common goal of providing adequate and appropriate funding for committees. It is my belief the

legislation before us today does allow the Congress—the House—to carry out both its legislative and oversight functions while balancing those needs with the responsibility placed on us by the American people to spend their tax dollars wisely.

During these difficult economic times we have a shared interest in making sure we're frugal and wise stewards of the taxpayers' dollars. However, this commitment to tighten our collective fiscal belts cannot come at the expense of our constitutionally mandated role of providing oversight over the Federal coffers.

There's one complaint I've had about the Congress when I served here before—some two decades ago—and while I was gone and when I first returned, was that I think there was not the commitment to oversight that was necessary on both sides of the Congress and both sides of the aisle. I think there are many that have done a good job, but we can always do better.

As we have seen recently with the reports of questionable uses of TARP funds, the potential for waste, fraud, and abuse is real, requiring us to be ever vigilant in performing effective oversight and making sure that that's done in a timely fashion.

Just as these committees have a responsibility to conduct effective oversight over the matters under their jurisdiction, the House Administration Committee must ensure that expenses of the House are being used in a manner that prevents waste, fraud, and abuse as well.

So I was extremely pleased that our committee's majority adopted our proposed amendment to have the chairs and ranking members of all committees appear before our committee after the first session to provide an update regarding the funding requests and operations of each respective committee.

One of the things that we should understand is that the rules that we've adopted for the operation of the House in this Congress require that all authorizing committees take the responsibility to provide the vital oversight for those operations of the executive branch that are under their jurisdiction. I believe that we have made progress on that.

The majority has worked with us to move towards the goal of making monthly committee reports available online. These reports are already required, but we will get them in a timely fashion. We will establish a template so that those committees will report and then we will move to make those available online so that we can in fact in the House of Representatives move further to transparency, as we are requiring transparency in the executive branch.

The public can take a look at our work. It's all out there for them to see. They can see the work that we're

doing. They can see the oversight that we're providing. They can see, most importantly, how their dollars are being spent in this, their House of Representatives.

In addition to determining appropriate funding levels and ensuring that transparency in committee operations, one of my chief concerns during the committee funding process was that the precedent of allocating one-third of each committee's resources to the minority party was upheld.

When Republicans assumed the majority in 1995, we started what has been an ongoing tradition of ensuring the minority party receives at least one-third of the committees resources, an amount I believe necessary to carry out the minority's responsibilities as the party of "loyal opposition."

I'm therefore pleased, Mr. Speaker, that Chairman BRADY has not only honored this commitment, but has made very strong statements in the committee, on the RECORD, that he will be diligent to address any complaints raised by ranking minority members in this regard. For that, I thank him. I think this sets an excellent precedent for the future for all of us.

I believe that both sides have worked well to improve this committee funding process. As the chairman has said, there were just a couple of exceptions where we did not grant the request made by the chairmen and ranking members for the increases as they came forward. We did give increases, but not in the numbers they talked about.

When I look over the numbers, it looks to me like we cut in half the requests for increases that were asked for. I happen to think that that is a good thing here. We can go through the committees one-by-one. Luckily, my staff has printed it large enough so that I can read it now. When I was here 25 years ago, I did not need this large print. I was able to use smaller notes. That just shows the progress that we have made, Mr. Speaker.

I would thank the chairman for working with me to advance this funding process. I would say that we brought this forward in as expeditious a fashion as we were able to.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I'd like to just tell my dear friend from California that I don't need glasses either. I just need longer arms.

I'd like to recognize for such time as she may consume the chairwoman of the Standards of Official Conduct Committee, the gentlelady from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Thank you, Chairman BRADY, for yielding. As vice chair of the Committee on House Administration, as well as chair of the Committee on Standards of Official Conduct, I find myself in kind of a unique position of dealing with this

funding resolution both as a member of House Administration, where we heard the testimony of every chair and ranking member, read the budgets of every single committee, but also as chair of the Committee on Standards, I, along with the ranking member, Congressman BONNER, gave testimony and made a budget request.

So I am pleased to note that the committee funding resolution today is not just about how much money a committee receives, it's about resources necessary to meet and fulfill duties and obligations.

Now when it comes to the so-called Ethics Committee, obviously, we know—and this is bipartisan—we have a very strong responsibility to ensure that the House adheres to and upholds the highest standards of ethics.

To that end, the Ethics Committee annually produces thousands of written advisory opinions and informal opinions; it educates Members and staff and other employees of the House; it reviews annual financial disclosure filings; and, when necessary, conducts investigations into possible violations of the House rules.

In the last Congress, the House greatly expanded the duties and responsibilities of the Ethics Committee. It has required that the committee conduct mandatory annual ethics training for every officer and employee of the House. That means we must train roughly 10,000 employees each year.

The House also requires that the committee review all staff and Member travel requests that are privately funded, which I can tell you is a voluminous task. In addition, the House voted to establish the Office of Congressional Ethics, which we expect will increase our workload.

As you can see, the committee's mandate has grown significantly. The resolution before us does provide some additional funding for additional staff and for the adoption of new technologies to allow us to fulfill our expanded mandates.

I very much support the resolution, not only for the Ethics Committee, but for the other committees. This is a tight budget. It's not everything that everyone wanted, but these are tough times as well.

I think the chairman and the ranking member have done a marvelous job. I, for one, would like to thank them for listening to the plea of the Ethics Committee and our increased responsibilities.

Mr. DANIEL E. LUNGREN of California. At this time, I yield 5 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. There's no words that can express how disappointed I was to see that the notable bottom of the funding once again went to Government Oversight and Reform.

When Republicans took over the Congress in 1994, they dramatically reduced the size of Government Oversight. The following Congress, they did a 48 percent increase, which essentially put it back close to where it was. But not quite. After that time, increases under Republicans have been paltry—in some cases, negative.

President Obama told us it was going to be different, Speaker PELOSI told us it was going to be different. They both said oversight was important.

Now I come from a manufacturing background, and I understand what quality control is. Quality control is not in fact asking the worker if they did a good job. It's somebody independently checking, and when they find mistakes, failures, imperfections, design flaws, pointing them out and giving those on the line the opportunity to repair or to change in a way that gives real quality.

There's only one committee in the Congress that has that task. It's not Energy and Commerce—the most-funded committee; it's not Financial Services—one of the other most-funded committees. It's not even the Rules Committee. It is in fact Government Oversight and Reform.

With over 3,200 GAO individuals and hundreds of millions of dollars being spent there; with \$800 billion in the stimulus package and one IG with a \$450 million budget; with a \$7 billion, and soon to be more, TARP, with virtually no rules and real questions about how much has already been lost, the very idea that, after President Obama includes in his inaugural address oversight, accountability, to defund that committee effectively by flatlining once again—something that, I must admit, I can see the record, and it's been done under both types of administrations, under both Congresses—clearly makes the statement that is the antithesis of what was claimed.

There will be not be transparency in the Obama administration if in fact Government Oversight isn't properly funded to do its job.

Now when I came with Chairman TOWNS before the committee, Chairman TOWNS made the request for the dollars. I didn't. Although I felt his request was modest and reasonable. I added while I was there the request for 30 more slots. Not more money, but more personnel. Because I was confident that America's volunteerism would include people wanting to come to our committees for just a stipend if we could give them a slot—an authorized-to-work-here position—and that we would find people within a limited budget. We'd be able to work within the small increase that Chairman TOWNS asked for.

We didn't get those additional slots. And, notably, we are the only committee I can find that effectively asked for more and didn't get it.

I'm sad to see that, because I think it is in fact an accountability of Speaker PELOSI for not keeping President Obama's promise and commitment to the American people.

I appreciate the chairman of this committee doing what he can within the funds, but I realize he does not make the actual decision. He clearly couldn't be making this decision unless he made a decision that oversight was not important. And I don't believe he did.

So someone, somewhere in this Congress has decided that oversight is in fact not important. That accountability of this bureaucracy—not of this President, as some would have you believe—but of the bureaucracy that we, the Congress, have created and maintained and fund at \$3.8 trillion, and growing, is in fact what we're charged to do.

The very idea that chairmen of other committees will in fact do their legislation and then check their legislation flies in the face of experience. It takes a second set of eyes and a second set of hands that have no prejudice toward the original creation of the law.

Mr. Speaker, in closing, I would remind people that Oversight has no fundamental jurisdiction that is by any means broad. We don't. We take care of the post offices and we oversee Federal workers. What we do is research into waste, fraud, and abuse in the Federal Government.

We are highly limited by the lack of personnel and the lack of dollars to do it over a \$3-plus trillion market and countless billions of dollars that have already been wasted under the last administration and continue to be wasted under this administration.

I join with Chairman TOWNS in believing that you could have done better, you should have done better. It's not too late. Please consider doing better.

Mr. BRADY of Pennsylvania. I yield such time as he may consume to a colleague on the Committee of House Administration, the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Thank you, Mr. Chairman, for yielding. Mr. Speaker, I rise to respond to some of the things that have been said about Oversight and Government Reform. First of all, I want to make it very clear I think they do a great job. I think they've done a great job for years, even though, in my opinion, for a long time with the Bush administration there was virtually no oversight of any significant nature whatsoever, which is, I think, one of the reasons we are in some of the problems we're in now economically.

□ 1545

Be that as it may, people have to understand that, first of all, there is a limited amount of money. We are all trying to cut ends here and there. And

in this particular case, this particular committee is still the second largest funded committee in Congress at almost, I think, \$11 million or \$12 million, if I remember correctly. And that is fine.

On top of that, the committee turned back several hundred thousand dollars last year for reasons that are up to them, I assume it is sufficiency, but it just says that the budget should be sufficient.

The most important thing that I want to comment on is the suggestion that somehow if this money isn't given, if the gun to our head is not answered appropriately, then oversight won't happen in this term. Well, that is patently ludicrous. And it is, because very simply the Speaker of the House, Ms. PELOSI, has specifically asked each and every one of the 20 standing committees to do more oversight on their own. Every one of those committees, to my knowledge, has submitted detailed plans on what they plan on doing this year. I myself am on three of those committees, and I can tell you from personal experience all of those committees are already doing more oversight this term than they have done in the past.

Now, I understand that if there was no other oversight going on, I would be up here advocating the exact same thing. But if you have got 20 other committees stepping up to the plate, doing more work—and I do disagree strongly that those committees somehow aren't capable of overseeing the administration, because that is effectively what we do. We are not overseeing Congress, that is what the Ethics Committee does, we are overseeing the administration. And to suggest that Members of Congress somehow can't read the laws that they are required to write and read and enforce, I find that a little bit insulting and a little bit difficult to believe.

Of course, the Financial Services Committee is the best committee to oversee financial services matters. They understand the issues. They ask the right questions. They know the right people to talk to.

I understand and accept and appreciate the fact that Oversight and Government Reform fills in the holes and does oversight of some of that oversight. I appreciate that, and I agree. That is why they still have the second largest funding of all the committees; otherwise, we wouldn't need them at all. We could just get rid of them. I don't think we should. I think they have a valuable part to play.

I think the Speaker has an important and thoughtful and rightful approach to have everybody in Congress participate in oversight. I think that is the appropriate way to go.

This particular authorization bill recognizes that, accepts that, and suggests that not just a few Members of

Congress can do oversight, but that every Member of Congress is responsible for some degree of oversight. That is why there will be over 200 additional hearings this year by various committees. Again, the committees I am on have already had some that have never had them before. I think the Speaker's approach is correct, and I think in the long run it will prove that every Member of Congress has a role to play, and every Member of Congress will participate, rightfully.

And, I believe that the Committee on Oversight and Government Reform, number one, will continue to do a good job, will continue to fill in the holes that the other committees can't do, do the broader oversight that they have been so good at; and, I think in the final analysis the taxpayers will get more bang for their dollar, and I think they will be better served.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. There was one thing in the previous statement that I have to take some umbrage over. I only know about the minority of Government Reform. We returned \$32,000, slightly less.

Now, we returned it not because we couldn't use it, but because every committee has the reality that you can't spend the last penny. Also, because you are not allowed to go over. So the fact is we fully spent ours.

I don't know if that \$700,000 statement that is made includes our \$32,000 or not. I don't even know if it is accurate. My understanding is that number can't even be asserted, really, yet, because in fact there is still spending going on.

I would hope that the committee would make available the returns of all the other committees, because I rather doubt that Chairman WAXMAN failed to use his money. I can tell you that Ranking Member TOM DAVIS would have loved to have been able to do more investigation, more independent work than we already did.

In closing, I would just mention that we have added in the last two Congresses over \$4 million just for global warming, the junket committee. We clearly have enough money. I ask you to reconsider.

Mr. BRADY of Pennsylvania. I recognize the gentlelady from New York, the chairwoman of the Small Business Committee, Ms. VELÁZQUEZ, for such time as she may consume.

Ms. VELÁZQUEZ. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this resolution.

Today, the House is considering a resolution that many consider to be routine business with little effect outside of this Chamber. However, I believe this resolution will provide Congress with the resources we need to do the people's work.

As we get to work, our main concerns need to be creating jobs and turning the economy around. An important component of this will be meeting the needs of small businesses so they can stay afloat, grow, and contribute to economic recovery.

In good times, as well as bad, small businesses are the backbone of our economy. They create 60 to 80 percent of all new jobs. During economic downturns, like the one we are in now, they are even more important. Small firms generate the innovative ideas and new services that spur job growth. For example, following the recession of the mid-1990s, small firms created 3.8 million new jobs. During economic downswings, many Americans venture out and start their own small businesses. For instance, in the 1990s, 25 percent of laid-off managers over the age of 40 went on to start their own firms.

This kind of determination is the hallmark of the American entrepreneurial spirit. It has led us out of previous recessions, and it will lead us out of this one as well. However, for that to happen, we need to make the needs of our small businesses a priority.

The resolution that we are voting on today will provide Congress the resources to undertake important work on behalf of small businesses. One of our first steps needs to be unfreezing the credit market so small firms can access the capital they need to expand, grow, and create jobs. We must also ensure small businesses receive investments that allow them to remain technological pioneers. Startup entrepreneurs often produce the new ideas that spark job growth and can even launch a whole new industry.

Small firms will also play a key role in rebuilding our Nation's infrastructure. The Economic Recovery Act that was enacted earlier this year will mean an explosion of new public work projects. Small businesses are well positioned to do this work, but only if we ensure that they can compete for their fair share of these new contracts.

Finally, a host of kitchen table issues very directly affect small business owners. As our Nation takes up matters like tax policy, health care, and energy, the needs of entrepreneurs must be part of the discussion.

Mr. Speaker, since this economic downturn started, our committee has heard from a flood of small businesses calling for assistance to help them weather the current storm. This resolution will mean that we will have the ability to help as many entrepreneurs as possible. I am confident that, given the right tools, these same entrepreneurs will once again lead our Nation's recovery, creating opportunity in the face of adversity.

For that reason, I urge a "yes" vote.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have spoken in support of this resolution, and I continue to do so.

I would just say with respect to the statements made about the Small Business Committee, it received the single largest increase of all the committees of the House of Representatives.

I might say we actually managed for the Budget Committee to come in with no increase whatsoever. We had the Intelligence Committee come in with a 1.5 percent increase below inflation.

I remember when we asked them why they were coming in for such a small request, they said: Well, we had to increase some of our things last year. We were moving into a new SCIF, we had a new meeting place, we had to have new computers. But we made those expenditures last year; we don't need them this year. It was refreshing to actually hear that sort of thing. And there is no indication that, by virtue of the fact that we are giving them but a 1.5 percent increase, that we are trying to short them in any way, form, or fashion.

The Rules Committee also came in below 2 percent. And, again, they talked about the fact that they were trying to keep themselves within those limits.

I would just say, however, with respect to some things that have been said on the floor, I just wish that in the stimulus package we passed it would have had as much in it for small business as we have for the Small Business Committee in this particular resolution relative to other things. I think we could have done far better than that, and particularly with the tax consequences of the President's proposal.

Mr. Speaker, because of some of the questions brought up by Mr. ISSA and others, we and our committee fought and we brought this up on our side of the aisle, it was supported by the chairman, that we would try and increase the transparency of the committees of jurisdiction so that in fact people could make judgments as to whether they were carrying out the oversight function, and we do it in two ways. Let me just underscore that.

One is, there is already an existing requirement that every committee report on a monthly basis as to what they are doing. If you look at those reports now, sometimes they are kind of difficult to decipher. So trying to make it much more clear for both the committee and the public, we are working on a template so that information can be presented and easily accessible. We also are working then to put that on the committee Web site so that people can see and make judgments for themselves. That is one way in which we are trying to ensure that we in the Congress in our committees do the oversight, as well as the legislative work, that we are supposed to do.

The second way we did it was to request—and it is part of this resolution—that the chairpersons and the ranking members of each committee come back to us at the end of the year. And it's not that we are going to question the subject matter that they are dealing with or question how they handle things, but rather we are going to just have some inquiries, looking at those reports, and seeing how what they are doing matched up with their budget request. One of the areas in which we are required to provide oversight of this House is to make sure that oversight is being done.

So I think we have tried to answer the question of whether or not real oversight is going to be done by the way that we made these changes contained in this resolution. I would hope that people understand that I take oversight responsibility very, very seriously; the chairman has indicated that he does as well; and, this committee will do its work to ensure that the American public can make their judgments. It seems to me that is what we are supposed to be doing. If all we are is a rubber-stamp committee, the public can say we are not doing our job.

Mr. Speaker, I do not think we are a rubber-stamp committee with this chairman, and I am certainly going to work with him to ensure that is not the case. We are going to make sure that we do the people's work and that all the committees do as well. If, at the end of the year we can't prove it to ourselves, we are not going to be able to prove it to the public, and then it is on us. And I would hope that we will step up to the plate, take the responsibility, and do the job that we are sent here to do not only as individual Members but as the collective work of Members in committee.

And if the chairman has no other speakers, I would say that we ought to support this resolution, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, this is a tough bill. None of us on either side of the aisle want to tell our colleagues "no," and we also have to have the responsibility of making sure that we can tighten our belt and let the citizens of the United States of America know that we are not out there just spending freely. It is a tough bill to calculate, it is a tough bill to come up with the right, proper figures that we need to make all our committees' work viable and do the job that they need to do. They do a tremendous job, and much more work than they had in the past Congress due to the economy of the United States of America that we are in right now.

But we wouldn't be up here and be able to do this without cooperation, so I would like to thank my ranking member, my friend from California, for all the cooperation that he has given. It wasn't easy. It wasn't an easy fight.

We do converse back and forth. We do talk. We don't always agree, but we are not disagreeable, and we made that pact and we are going to keep that pact. And not only with my colleague on the other side of the aisle, the ranking member, Mr. LUNGREN from California, but his staff and our staff.

It is a tough thing to do, tough to crunch these numbers. Every time they show them to me, without a doubt when I am done looking at them I get a headache, and I give them back to them to give them more headaches, on our side of the aisle and on their side of the aisle.

□ 1600

It's a tough bill to do, but we had to do it. And we had to do it by today, or tomorrow it would really be April Fools for all of us because we would be out of business in our committees, which would essentially shut this House down.

So, Mr. Speaker, again, I thank my colleague for his support and his cooperation, and I am looking forward to continued support and cooperation.

I urge all Members to vote in favor of this resolution so the committees can continue to do the essential work of the Congress.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 294, the previous question is ordered on the resolution, as amended.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 279 will be followed by 5-minute votes on motions to suspend the rules on H.R. 151 and H.R. 1299.

The vote was taken by electronic device, and there were—yeas 288, nays 136, not voting 7, as follows:

[Roll No. 172]

YEAS—288

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Barton (TX)  
Bean  
Becerra

Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bocciari  
Bonner  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)

Braley (IA)  
Brown, Corrine  
Butterfield  
Buyer  
Camp  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Childers

Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Diaz-Balart, L.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Fleming  
Foster  
Frank (MA)  
Fudge  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Heinrich  
Heller  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)

Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (NY)  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebbeck  
Lofgren, Zoe  
Lowey  
Lucas  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Pitts  
Polis (CO)

Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Lofgren, Zoe  
Schradner  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Whitfield  
Wilson (OH)  
Woolsey  
Yarmuth  
Young (AK)  
Young (FL)

NAYS—136

Blackburn  
Blunt  
Boehner  
Bono Mack  
Boozman  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Calvert  
Campbell  
Cantor  
Cao  
Carter  
Cassidy  
Castle

Chaffetz  
Coble  
Coffman (CO)  
Conaway  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, M.  
Duncan  
Emerson  
Fallin  
Flake  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones

## NOT VOTING—7

Cole  
Hastings (WA)  
Hensarling

□ 1625

Mr. SENSENBRENNER, Mrs. MYRICK, Mrs. BACHMANN, Messrs. OLSON, GERLACH, ROGERS of Kentucky, SCHOCK and BILIRAKIS changed their vote from “yea” to “nay.”

Mr. ADERHOLT changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## DANIEL WEBSTER CONGRESSIONAL CLERKSHIP ACT OF 2009

The SPEAKER pro tempore (Mr. SERRANO). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 151, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 151.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 42, not voting 8, as follows:

[Roll No. 173]

YEAS—381

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Alexander  
Altmire  
Andrews

Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin

Barrett (SC)  
Barrow  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman

Petri  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Souder  
Stearns  
Sullivan  
Taylor  
Thornberry  
Tiahrt  
Tiberi  
Upton  
Walden  
Wamp  
Wilson (SC)  
Wittman  
Wolf

Berry  
Biggert  
Biliray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Blunt  
Boccieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Castle  
Castor (FL)  
Chandler  
Childers  
Clarke  
Clay  
Cleaver  
Clyburn  
Coffman (CO)  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo

Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Fleming  
Forbes  
Fortenberry  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Gerlach  
Giffords  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Heinrich  
Heller  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinche  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
Cohen  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larsen (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb  
Loeb, Zoe  
Lowey  
Lucas

Luetkemeyer  
Lujan  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McCollum  
McCotter  
McDermott  
McGovern  
Shimkus  
Shuler  
McHugh  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Hall (NY)  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Radanovich  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush

Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (NE)

## NAYS—42

Hunter  
Inglis  
Issa  
Jones  
Jordan (OH)  
Kingston  
Lamborn  
Linder  
Lummis  
Mack  
Manzullo  
McClintock  
Neugebauer  
Nunes

## NOT VOTING—8

Blackburn  
Hastings (WA)  
Hensarling

Miller, Gary  
Pascarella  
Sanchez, Loretta

Simpson  
Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1634

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1299, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 1299.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 14, as follows:

[Roll No. 174]

YEAS—416

Abercrombie  
Ackerman

Aderholt  
Adler (NJ)

Akin  
Alexander



Altmire	DeLauro	Kilroy	Pallone	Ryan (OH)	Tauscher
Andrews	Dent	Kind	Pastor (AZ)	Ryan (WI)	Taylor
Arcuri	Diaz-Balart, L.	King (IA)	Paul	Salazar	Teague
Austria	Diaz-Balart, M.	King (NY)	Paulsen	Sánchez, Linda	Terry
Baca	Dicks	Kingston	Payne	T.	Thompson (CA)
Bachmann	Dingell	Kirk	Pence	Sarbanes	Thompson (MS)
Bachus	Doggett	Kirkpatrick (AZ)	Perlmutter	Scalise	Thompson (PA)
Baird	Donnelly (IN)	Kissell	Perriello	Schakowsky	Thornberry
Baldwin	Doyle	Klein (FL)	Peters	Schauer	Tiahrt
Barrow	Dreier	Kline (MN)	Peterson	Schiff	Tiberi
Bartlett	Driehaus	Kosmas	Petri	Schmidt	Tierney
Barton (TX)	Duncan	Kratovil	Pingree (ME)	Schock	Titus
Bean	Edwards (MD)	Kucinich	Pitts	Schrader	Tonko
Becerra	Edwards (TX)	Lamborn	Platts	Schwartz	Towns
Berkley	Ehlers	Lance	Poe (TX)	Scott (GA)	Tsongas
Berman	Ellison	Langevin	Polis (CO)	Scott (VA)	Turner
Berry	Ellsworth	Larsen (WA)	Pomeroy	Sensenbrenner	Upton
Biggert	Emerson	Larson (CT)	Posey	Serrano	Van Hollen
Bilbray	Engel	Latham	Price (GA)	Sessions	Velázquez
Bilirakis	Eshoo	LaTourette	Price (NC)	Sestak	Visclosky
Bishop (GA)	Etheridge	Latta	Putnam	Shadegg	Walden
Bishop (NY)	Fallin	Lee (CA)	Radanovich	Shea-Porter	Walz
Bishop (UT)	Farr	Lee (NY)	Rahall	Sherman	Wamp
Blumenauer	Fattah	Levin	Rangel	Shinkus	Wasserman
Blunt	Filner	Lewis (CA)	Rehberg	Shuler	Schultz
Boccheri	Flake	Lewis (GA)	Reichert	Shuster	Waters
Boehner	Fleming	Linder	Reyes	Sires	Watson
Bonner	Forbes	Lipinski	Richardson	Skelton	Watt
Bono Mack	Fortenberry	LoBiondo	Rodriguez	Slaughter	Waxman
Boozman	Foster	Loeb sack	Roe (TN)	Smith (NE)	Weiner
Boren	Fox	Lofgren, Zoe	Rogers (AL)	Smith (NJ)	Welch
Boswell	Frank (MA)	Lowe	Rogers (KY)	Smith (WA)	Wexler
Boucher	Franks (AZ)	Lucas	Rogers (MI)	Snyder	Whitfield
Boustany	Frelinghuysen	Luetkemeyer	Rohrabacher	Souder	Wilson (OH)
Boyd	Fudge	Lujan	Rooney	Space	Wilson (SC)
Brady (PA)	Galleghy	Lummis	Ros-Lehtinen	Speier	Wittman
Brady (TX)	Garrett (NJ)	Lungren, Daniel	Roskam	Spratt	Wolf
Braley (IA)	Gerlach	E.	Ross	Stark	Woolsey
Bright	Giffords	Lynch	Rothman (NJ)	Stearns	Wu
Broun (GA)	Gingrey (GA)	Mack	Roybal-Allard	Stupak	Yarmuth
Brown (SC)	Gohmert	Maffei	Royce	Sullivan	Young (AK)
Brown, Corrine	Gonzalez	Maloney	Ruppersberger	Sutton	Young (FL)
Brown-Waite,	Goodlatte	Manzullo	Rush	Tanner	
Ginny	Gordon (TN)	Marchant			
Buchanan	Granger	Markey (CO)			
Burgess	Graves	Markey (MA)			
Burton (IN)	Grayson	Marshall			
Butterfield	Green, Al	Massa			
Buyer	Green, Gene	Matheson			
Calvert	Griffith	Matsui	Barrett (SC)	Hensarling	Sanchez, Loretta
Camp	Grijalva	McCarthy (CA)	Blackburn	Hill	Simpson
Campbell	Guthrie	McCarthy (NY)	Cardoza	McDermott	Smith (TX)
Cantor	Gutierrez	McCaul	Castor (FL)	Miller, Gary	Westmoreland
Cao	Hall (NY)	McClintock	Hastings (WA)	Pascrell	
Capito	Hall (TX)	McCollum			
Capps	Halvorson	McCotter			
Capuano	Hare	McGovern			
Carnahan	Harman	McHenry			
Carney	Harper	McHugh			
Carson (IN)	Hastings (FL)	McIntyre			
Carter	Heinrich	McKeon			
Cassidy	Heller	McMahon			
Castle	Herger	McMorris			
Chaffetz	Herseth Sandlin	Rodgers			
Chandler	Higgins	McNerney			
Childers	Himes	Meek (FL)			
Clarke	Hinche	Meeks (NY)			
Clay	Hinojosa	Melancon			
Cleaver	Hirono	Mica			
Clyburn	Hodes	Michaud			
Coble	Hoekstra	Miller (FL)			
Coffman (CO)	Holden	Miller (MI)			
Cohen	Holt	Miller (NC)			
Cole	Honda	Miller, George			
Conaway	Hoyer	Mitchell			
Connolly (VA)	Hunter	Mollohan			
Conyers	Inglis	Moore (KS)			
Cooper	Inslee	Moore (WI)			
Costa	Israel	Moran (KS)			
Costello	Issa	Moran (VA)			
Courtney	Jackson (IL)	Murphy (CT)			
Crenshaw	Jackson-Lee	Murphy, Patrick			
Crowley	(TX)	Murphy, Tim			
Cuellar	Jenkins	Murtha			
Culberson	Johnson (GA)	Myrick			
Cummings	Johnson (IL)	Nadler (NY)			
Dahlkemper	Johnson, E. B.	Napolitano			
Davis (AL)	Johnson, Sam	Neal (MA)			
Davis (CA)	Jones	Neugebauer			
Davis (IL)	Jordan (OH)	Nunes			
Davis (KY)	Kagen	Nye			
Davis (TN)	Kanjorski	Oberstar			
Deal (GA)	Kaptur	Obey			
DeFazio	Kennedy	Olson			
DeGette	Kildee	Oliver			
Delahunt	Kilpatrick (MI)	Ortiz			

## NAYS—1

Minnick  
NOT VOTING—14

Barrett (SC)	Hensarling	Sanchez, Loretta
Blackburn	Hill	Simpson
Cardoza	McDermott	Smith (TX)
Castor (FL)	Miller, Gary	Westmoreland
Hastings (WA)	Pascrell	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. FUDGE) (during the vote). Less than 2 minutes remain in this vote.

□ 1642

Mr. MINNICK changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Texas. Madam Speaker on rollcall No. 174, I was unavoidably detained. Had I been present, I would have voted “yea.”

## PERSONAL EXPLANATION

Mr. PASCARELL. Madam Speaker, today, March 31st, I was detained in my district and therefore missed the 9 rollcall votes of the day.

Had I been present I would have voted “yea” on rollcall vote No. 166 on Agreeing to the Resolution H. Res. 296—on Providing for the consideration of the Senate amendments to H.R. 1388.

Had I been present I would have voted “yea” on rollcall vote No. 167 on the Motion

to Suspend the Rules and Pass, as Amended H.R. 1259—Dextromethorphan Distribution Act.

Had I been present I would have voted “aye” on rollcall vote No. 168 on the Motion to Suspend the Rules and Pass, as Amended H. Res. 282—Recognizing the 30th anniversary of the peace treaty between Egypt and Israel.

Had I been present I would have voted “yea” on rollcall vote No. 169 on the On Motion To Concur in the Senate Amendments to H.R. 1388—Generations Invigorating Volunteerism and Education (GIVE) Act.

Had I been present I would have voted “yea” on rollcall vote No. 170 on the On Motion to Suspend the Rules and Pass, as Amended H.R. 577—Vision Care for Kids Act of 2009.

Had I been present I would have voted “yea” on rollcall vote No. 171 on the Motion to Suspend the Rules and Pass H.R. 1253—Health Insurance Restrictions and Limitations Clarification Act.

Had I been present I would have voted “yea” on rollcall vote No. 172 On Agreeing to the Resolution H. Res. 279—Providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress.

Had I been present I would have voted “yea” on rollcall vote No. 173 on the Motion to Suspend the Rules and Pass H.R. 151—To establish the Daniel Webster Congressional Clerkship Program.

Lastly, had I been present I would have voted “yea” on rollcall vote No. 174 on the Motion to Suspend the Rules and Pass H.R. 1299—Capitol Police Administrative Technical Corrections Act of 2009.

COMMUNICATION FROM THE  
REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 31, 2009.

Hon. NANCY PELOSI,  
Speaker, U.S. Capitol,  
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 13101 of the HITECH Act (P.L. 111-5), I am pleased to appoint Mrs. Gayle Harrell of Stuart, Florida to the HIT Policy Committee.

Mrs. Harrell has expressed interest in serving in this capacity and I am pleased to fulfill her request.

Sincerely,

JOHN A. BOEHNER,  
Republican Leader.

□ 1645

HONORING FOUR SLAIN OAKLAND  
POLICE OFFICERS

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 290) honoring the lives, and mourning the loss, of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege, members of the Oakland Police Department in California who were brutally slain in the line of duty.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 290

Whereas, since May 17, 1792, when Deputy Sheriff Isaac Smith of the New York City Sheriffs Office was killed, more than 18,270 Federal, State, and local law enforcement officers have died in the line of duty;

Whereas, on Saturday, March 21, 2009, in Oakland, California, Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Dan Sakai, and Officer John Hege, all of the Oakland Police Department, were killed by gunfire while serving in the line of duty;

Whereas the senseless slaying of Sergeants Dunakin, Romans, and Sakai, and Officer Hege represents the first multiple-fatality shooting incident of law enforcement officers in the United States in more than a year, and the first time in more than 15 years that 4 law enforcement officers were killed by gunfire in the line of duty in a single incident;

Whereas the killing of Sergeants Dunakin, Romans, and Sakai, and Officer Hege represents the deadliest incident involving California public safety officers since the infamous "Newhall Incident" occurred nearly 40 years ago in Los Angeles County on April 6, 1970, when 4 California highway patrolmen were killed in a gun battle with 2 heavily armed suspects, an incident so traumatic and shocking to the Nation that it galvanized the movement to reform police training procedures, firearms use, and arrest techniques;

Whereas the slaying of Sergeants Dunakin, Romans, and Sakai, and Officer Hege serve as a reminder that the risks assumed by police officers daily in serving and protecting their communities continue to be enormous, ever present, and lethal, even as the number of law enforcement officers killed by gunfire in the United States has steadily declined over the last 20 years;

Whereas the bravery, devotion to duty, and love of community of these fallen heroes has forever earned them a place in the hearts and memories of the citizens they willingly risked their lives to protect, an honor that comes at enormous cost to the people who knew them best, loved them most, and remember them simply as husbands, fathers, brothers, sons, and friends;

Whereas Sergeant Mark Dunakin of Tracy, California, was an 18-year veteran of the Oakland Police Department, a graduate of Chabot College in Hayward, California, an experienced homicide investigator, and according to his captain, "a cop's cop," who was "absolutely committed to anything that he leads" and absolutely devoted to his wife Angela and their 3 children;

Whereas Sergeant Ervin "Erv" Romans of Danville, California, was a 13-year veteran of the Oakland Police Department, one of the most capable members of the Oakland Police SWAT Team, and highly respected for his work in the Narcotics Division of the Department, where he was responsible for solving several major drug cases;

Whereas Sergeant Daniel Sakai of Castro Valley, California, was considered by his peers and supervisors as a rising star on the Oakland Police SWAT Team, where he served as leader of the entry team and was beloved for his dedication to serving others, as evidenced by his previous work as a community service officer at University of California, Berkeley, escorting students around campus at night, and his tenure as an

English teacher in Japan, but most of all by his devotion to his wife Jennifer and their young daughter;

Whereas Officer John Hege of Concord, California, was a 10-year veteran of the Oakland Police Department who graduated from St. Mary's College of California, taught at Tennyson High School in Hayward, California, loved both his dog and umpiring high school baseball games, and knew the incredible joy of realizing his cherished dream of becoming a motorcycle cop, and who could always be counted on by his colleagues to be one of the first to respond to requests for assistance or to cheerfully volunteer to help on departmental projects; and

Whereas in the face of this horrible loss, the people of Oakland, California, have come together and rededicated themselves to making Oakland the safe and peaceful community that Sergeants Dunakin, Romans, and Sakai, and Officer Hege sacrificed their lives to preserve and defend: Now, therefore, be it

*Resolved*, That the House of Representatives extends its condolences to the families and loved ones of Oakland Police Department Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege and stands in solidarity with the people of Oakland, California, their neighbors in the East Bay, and entire Bay Area community, as they celebrate the lives, and mourn the loss, of these 4 remarkable and selfless heroes who represented the best of their community and the future the people of Oakland are determined to create for their children, grandchildren, and generations to come.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

This resolution honors the lives and mourns the loss of four Oakland, California, police department officers. These honorable and brave officers were viciously slain by gunfire in the line of duty on Saturday, March 21, 2009. By way of this resolution, the House of Representatives extends its condolences to the families and loved ones of those police officers, and we join with the City of Oakland and the entire Bay Area in grieving the deaths of these exemplary public servants who gave their lives to protect the Oakland community.

I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution, H. Res. 290. This resolu-

tion honors the lives of Oakland Police Department's Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege.

Madam Speaker, just a little over 2 weeks ago on March 21, these peace officers were brutally slain while in the line of duty protecting the people of the State of California. These officers were valuable members of their police department, they were community leaders, and they were family men. They risked their lives every day to protect their fellow Californians, and at the end of the day, they were all killed for doing so.

Sergeant Mark Dunakin was an 18-year veteran of the Oakland Police Department and resided in Tracy, California. According to his captain, the experienced homicide investigator was absolutely committed to every investigation he led. He leaves behind his wife Angela and their three small children.

Sergeant Ervin Romans, "Erv" to his friends, was from Danville, California. He gave 13 years of service to the Oakland Police Department. He was a member of the police SWAT team and highly regarded for his work with the narcotics division in solving several complex drug cases in California.

Sergeant Daniel Sakai of Castro Valley, California, was also a member of the police SWAT team. While he's remembered for his outstanding work on the SWAT team, he's also remembered and respected for his love of serving other people, most notably during his time as a community officer at the University of California in Berkeley. And he also taught English in Japan.

He was a devoted husband and father to his wife Jennifer and their young daughter.

Officer John Hege of Concord, California, was a 10-year veteran of the Oakland Police Department and was known by his colleagues for his willingness to help out with any department projects. Before joining the force, Officer Hege was a high school teacher and spent his free time umpiring high school baseball games.

Madam Speaker, almost 40 years ago, four California Highway Patrolmen lost their lives in the line of duty in a single incident. Since that time, our Nation's law enforcement officers have made a considerable effort to reform police safety training programs and procedures. And because of that dedicated work over the past 20 years, we've seen a decrease in the number of police officers killed by gunfire.

Although there has been great progress in protecting the safety of these men and women who wear the uniform, the death of these four officers serve as a reminder to the whole country that our Nation's law enforcement officials still face dangerous and potentially deadly situations every day. When a peace officer puts on a

uniform in the morning, they represent everything that is good and right about our country.

Today, we honor the lives and the commitment to protecting our community of these four peace officers.

I urge the adoption of this resolution. I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am proud now to yield to the author of this resolution, the distinguished gentlelady from Oakland, California, the chair of the Congressional Black Caucus, Ms. BARBARA LEE, for as much time as she may consume.

Ms. LEE of California. First, Chairman CONYERS, let me thank you for your leadership and for helping to expedite the consideration of this resolution before us today. And let me commend the work of our staff—Danielle Brown, Karas Patterson of the Judiciary Committee, and Christos Tsentas and Gregory Berry of my office—for their excellent work on this resolution.

Also, I want to express my gratitude to Speaker PELOSI and Majority Leader HOYER and all of those who were able to make sure that we were able to honor our fallen police officers today.

I must say, the lives of four police officers who we lost were honored and were mourned at a memorial last week, and this memorial was so big—20,000 people—that we had to have the memorial service in the Oracle Arena in Oakland, California.

It's really with a very heavy heart that I introduce this resolution honoring their lives and mourning the losses of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege. All were officers of the Oakland police force. They were brutally slain in the line of duty 10 days ago.

Madam Speaker, the death of any law enforcement officer or first responder in the line of duty is a loss felt by so many people in so many communities. The tragic deaths of the heroes we honor in this resolution is no different. These wonderful men may have served and protected the people of Oakland, California, in my congressional district, but off duty they devoted their lives to improving the neighboring East Bay communities where they lived: Castro Valley, Danville, Tracy, and Concord, California. This resolution is cosponsored by the entire California Congressional Delegation, including Speaker PELOSI.

So I just want to thank them all for their support, especially Congresswoman TAUSCHER and Congressman MCNERNEY, each of whom represented one of the officers we honor today and with whom I worked very closely on this resolution.

As I said earlier, the number of persons seeking to pay their respects to the fallen officers was so great, more than 20,000, that the memorial service was held at Oracle Arena. Among those

in attendance were Governor Schwarzenegger, Senator FEINSTEIN, and Senator BOXER, Oakland Mayor Ron Dellums and California Attorney General Jerry Brown. They were joined by thousands of fellow police officers and elected officials from around the country. President Obama also sent his condolences.

This is a small but fitting tribute, Madam Speaker, to four good men who routinely performed great deeds and who gave their lives in service to the people of Oakland, California. Their sacrifice increases by four the number of law enforcement officers who have died in the line of duty since May 17, 1792, when Deputy Sheriff Isaac Smith of the New York City Sheriff's Office was killed.

According to the National Law Enforcement Officer's Memorial Fund—an invaluable source, I might say, of historical and statistical information—that roll of honor now lists more than 18,270 names, each of which is engraved on the National Law Enforcement Officer's Memorial located in Washington, D.C.

In May, 2010, the names of Sergeant Mark Dunakin, Ervin Romans, Daniel Sakai and Officer John Hege will be added to those of their fallen brothers and sisters.

The senseless slayings of these officers represents the first multiple-fatality shooting incident in more than 1 year and the first time in more than 15 years that four law enforcement officers were killed by gunfire in the line of duty in a single incident.

Madam Speaker, this tragedy also represents the deadliest incident involving California public safety officers since the infamous Newhall Incident, which occurred nearly 40 years ago in Los Angeles County on April 6, 1970, when four California Highway Patrolmen were killed in a gun battle with two heavily armed suspects. The Newhall Incident so traumatized and shocked the Nation that it galvanized the movement that led to the reform of police training procedures, firearms use, and arrest techniques.

The slayings of these four officers remind us that the risks assumed by police officers daily in serving and protecting their communities continue to be enormous, ever-present, and, often times, lethal.

Their deaths also challenge us to redouble our efforts to ensure that law enforcement personnel have the training, the resources, and assistance and support needed to make our community safer, not only for the people who live there, but also for the people who serve those communities.

So, Madam Speaker, let me just say that the bravery, the devotion to duty, and the love of community of these fallen heroes has forever earned them a place in the hearts and memories of the citizens they willingly risked their lives to protect.

But that honor comes at an enormous cost to the people who knew them best, who loved them most, and remember them simply as husbands, fathers, brothers, sons, and friends.

Sergeant Dunakin of Tracy, California, was an 18-year veteran of the Oakland Police Department, a graduate of Chabot College in Hayward, an experienced homicide investigator. According to his captain, he was a "cop's cop," one who was "absolutely committed to anything that he leads" and absolutely devoted to his wife, Angela, and their three children.

Sergeant Ervin Romans of Danville, California, a decorated former Marine Corps drill sergeant, was a 13-year veteran of the Oakland Police Department. He was also one of the ablest members of the Oakland Police SWAT Team, and was highly respected for his work in the narcotics division, where he was responsible for solving several major drug cases.

In 1999, he was awarded the Oakland Police Department's highest honor, the Medal of Valor, for helping to save residents in a West Oakland fire. Sergeant Romans is survived by his widow and his three children.

Sergeant Sakai of Castro Valley, California, was considered by his peers and supervisors as a rising star on the Oakland Police SWAT Team, where he served as leader of the entry team. He was beloved for his dedication to serving others, as evidenced by his previous work as a community service officer at the University of California, Berkeley, escorting students around campus at night, and by his tenure as an English teacher in Japan. He leaves to cherish his memory a wife and a young daughter.

And then there is Officer John Hege of Concord, California. John was a 10-year veteran of the Oakland Police Department and a graduate of St. Mary's College in California. Before joining the department, he taught at Tennyson High School in Hayward. And how he loved both his dog and umpiring high school baseball teams was remarkable. Those who knew him well knew how happy he was to realize his dream of becoming a motorcycle cop.

Officer Hege could always be counted on by his colleagues to be one of the first to respond to requests for assistance or to cheerfully volunteer to help on departmental projects. He will be greatly missed.

Madam Speaker, in the face of this horrible loss and for the people of Oakland, California, we stand together in our resolve to make our city safer and peaceful, and we resolve that Sergeants Dunakin, Romans, Sakai, and Officer Hege, who sacrificed their lives, will be remembered and honored as those who really loved the community and did protect and defend it. Only by achieving our goals of peace, nonviolence, and resolutions of conflicts by peaceful

means will we be able to achieve a truly peaceful community, and then repay the debt that we owe to these four remarkable human beings who made the supreme sacrifice to keep us safe.

Let me close with a passage from President Obama's statement on the tragic loss of our police officers.

□ 1700

He said, "Our Nation is grateful for the men and women of law enforcement who work tirelessly to ensure the safety of our citizens and our neighborhoods. They risk their lives each day on our behalf and ask little in return. And although the danger of their work is well-known, words still fail to explain the senseless violence that claims so many of them.

"As we honor their memories, I hope each of you will take comfort in knowing that their commitment to their fellow man will never be forgotten. We will always carry them in our hearts, and their legacy of service will inspire us as we work together toward a better Oakland, a better world."

Thank you, Chairman CONYERS, for your assistance with this resolution.

THE WHITE HOUSE,  
Washington, DC, March 27, 2009.

I was deeply saddened to learn of the tragic loss of Sgt. Mark Dunakin, Officer John Hege, Sgt. Ervin Romans, and Sgt. Daniel Sakai. Michelle and I hold their families and your community in our thoughts and prayers.

Our Nation is grateful for the men and women of law enforcement who work tirelessly to ensure the safety of our citizens and our neighborhoods. They risk their lives each day on our behalf and ask little in return. And although the danger of their work is well known, words still fail to explain the senseless violence that claims so many of them.

Sgt. Dunakin, Officer Hege, Sgt. Romans and Sgt. Sakai were taken from us far too soon, and their loss reminds us that the work to which they dedicated their lives remains undone.

As we honor their memories, I hope each of you will take comfort in knowing that their commitment to their fellow man will never be forgotten. We will always carry them in our hearts, and their legacy of service will inspire us as we work together toward a better Oakland, a better world.

Michelle and I offer our heartfelt sympathy. May their sacrifices be rewarded with eternal peace.

BARACK OBAMA.

Mr. CONYERS. Madam Speaker, I'm honored now to yield 1 minute to the distinguished Speaker of the House, NANCY PELOSI, the gentlewoman from California.

Ms. PELOSI. Madam Speaker, I thank the distinguished chairman for yielding, as I join my colleagues in commemorating and honoring the memory of the Oakland, California, police officers who were senselessly murdered while on duty. I associate myself with the remarks of Congresswoman BARBARA LEE, author of this resolution,

and join Congresswoman TAUSCHER and Congressman MCNERNEY in again remembering these brave heroes.

Madam Speaker, our colleague, Congresswoman LEE, spelled it out so very well, the senselessness of these deaths, the heroism of these police officers, and the quality of their lives. As elected officials, our first responsibility is to protect the American people, whether in their homes, their neighborhoods and communities, or to protect our country as a Nation. This is not possible without the heroic courage of our public safety officers in our country.

Every day when they leave for work, they risk not coming home. I hope that their families don't think of that every day, but on a day in March, this fact was driven home very brutally to four families.

Madam Speaker, a giant pall hangs over the Bay Area in California. These deaths have hit people very, very hard, as you would expect, and I think you can feel some of that in this Chamber this afternoon because of these personal losses and individuals who were killed, and also because of the threat that this is to every public safety officer in our country.

I'm so proud to be able to speak about this resolution honoring the lives and mourning the deaths of four Oakland, California, Police Department officers. Their names have been mentioned, but I think they deserve being mentioned over and over again: Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege.

I hope that it's a comfort to their families and to their friends that so many people throughout our country, starting with the President of the United States, the dignitaries that Congresswoman LEE said were at the service, and spoke, some of them, at the service. But probably more important than all of that are all of the people, the everyday people in the country, in Oakland, and the Bay Area, who feel this loss very, very personally.

In our resolution that has been put forth by the committee, we talk about these four brave officers and that "the senseless slayings of Sergeants Dunakin, Romans, and Sakai, and Officer Hege represents the first multiple-fatality shooting of law enforcement officers in the United States in more than a year." And, "whereas the killing of" these gentlemen represents the deadliest incident in California public safety since the Newhall Incident, which was referenced by Congresswoman LEE. That was a long time ago, 40 years ago, and these senseless killings "serve as a reminder that the risks assumed by police officers daily in serving and protecting their communities continues to be enormous."

It recognizes the bravery, the devotion to duty, and the love of community of these fallen heroes, and that

they have forever earned a place in the hearts and memories of the citizens they willingly risked their lives for.

Congresswoman LEE went into the personal stories of Sergeant Dunakin, Sergeant Romans, Sergeant Sakai and Officer Hege. So I won't repeat that except to take pride in their personal lives, as well as their professional execution of their duties.

And whereas, in this resolution, we say, "in the face of this horrible loss, the people of Oakland, California, have come together and rededicated themselves to making Oakland" a better place as the Congresswoman referenced, I also want her to know that our entire State feels their pain, prays for the families of those who were lost, and also extends our sympathy to all of them.

I think I can say that without any fear of contradiction that, as Speaker of the House, I speak for all of us here when I say to those families, thank you, we're sorry, we're praying for you, and your loved ones will always have a place in our hearts and in history as heroes for our people.

Mr. POE of Texas. I reserve the balance of my time.

Mr. CONYERS. I'm pleased now to yield as much time as he may consume to the gentleman from California (Mr. MCNERNEY), a cosponsor.

Mr. MCNERNEY. Thank you, Mr. Chairman.

Madam Speaker, I rise in support of H. Res. 290, a resolution honoring the lives, and mourning the loss, of four Oakland police officers who made the ultimate sacrifice in the line of duty.

Madam Speaker, these were men of flesh and blood, with dreams and hopes and families, and their lives were cut short by senseless violence this month. I just want to say a few words about each one of them in honor of their sacrifice.

Sergeant Mark Dunakin lived in my district and served in Oakland for 18 years as a police officer, the last 10 of which as a sergeant in the criminal investigation division. His work investigating homicides made our streets safer and more secure. Sergeant Dunakin, from Tracy, California, leaves behind a wife and three children.

Sergeant Ervin Romans, who was also a resident in my district, was considered one of the most skillful and knowledgeable members of the Oakland Police Department's SWAT team. Sergeant Romans, a former Marine, made a number of high-profile drug arrests during his tenure in the narcotics department. He was known for his dedication and work ethic. Sergeant Romans, a resident of Danville, also leaves behind a wife and three children.

Sergeant Daniel Sakai, only 35 years young, studied forestry at UC Berkeley, where he also served as a campus community service officer. He began his dedication in service to community

as a Boy Scout, eventually obtaining the rank of Eagle Scout. He leaves behind a wife and a young daughter who will miss him dearly.

Officer John Hege recently achieved his dream of joining the department's motorcycle unit before that fateful Saturday. Before he joined the force, he was a teacher in Hayward. He continued to work with teens even after he became a police officer, serving as a high school baseball umpire. He was known for his cheerful attitude, friendly nature, and his eagerness to help those in need.

Madam Speaker, these officers represented the best our society has to offer. They will be sorely missed, but their dedication to duty is an example for all of us. I join all of northern California, and the Nation, in mourning their loss and honoring these heroes.

Mr. POE of Texas. I continue to reserve my time.

Mr. CONYERS. Madam Speaker, I'm pleased to yield as much time as he may consume to the gentleman from Michigan (Mr. STUPAK), who represents the Upper Peninsula and is a former law enforcement person himself.

Mr. STUPAK. Madam Speaker, I thank the chairman for yielding to me.

I rise in support of this resolution and to pay tribute to the four Oakland Police Department officers who were fatally shot in the line of duty on March 21.

Sergeants Mark Dunakin, Ervin Romans, Daniel Sakai, and motorcycle officer John Hege were brutally murdered on a Saturday afternoon during the course of what began as a routine traffic stop and resulted in a massive manhunt.

The shootings were the deadliest incident for U.S. law enforcement since 9/11 and the deadliest in California in 40 years. Although these tragic events occurred more than 2,000 miles from my district, the people of northern Michigan join Oakland, California, and the Nation in paying tribute to these true heroes.

Sergeant Ervin Romans, who died of gunshot wounds in the second of the two shooting incidents on that day, was the son of Chester and Sueko Romans of Ironwood Township in Michigan's Upper Peninsula.

Family and friends in Ironwood and across the Upper Peninsula have, in recent days, shared fond memories of Sergeant Romans. Although he was living and working in California as a SWAT team leader for the Oakland Police Department, Sergeant Romans grew up in Ironwood, where he graduated from Luther L. Wright High School in 1983 before leaving to become a decorated Marine.

After his service to our Nation in the Marine Corps and as an Oakland Housing Authority police officer, Romans dreamed of joining the Oakland Police Department. That dream came true in

1996. In 1999, Romans received the department's highest honor, the Medal of Valor, for helping save residents in a West Oakland fire.

He was promoted to sergeant in 2005 and worked narcotics cases and on the crime-reduction team, which was worked to combat street-level narcotics problems and associated violence. Ervin Romans was also a firing range master sergeant.

Sergeant Romans was one of the SWAT team members who on March 21 stormed the apartment where parolee and suspect Lovelle Mixon was hiding in a closet. Sergeant Romans was shot inside the apartment and died of gunshot wounds later that day.

Ervin, or Erv to his family and friends, was a son, husband and father of three. He lived in Danville, California, with his wife, Laura, and three children, Kristina, Justin and Kayla.

Childhood friends and family remaining in the Ironwood area will pay tribute to Sergeant Romans at a funeral service in Ironwood on April 4.

As a former Escanaba City Police Officer and Michigan State Police Trooper, the loss of a law enforcement officer is especially painful. When I came to Congress, I founded the Law Enforcement Caucus, which exists to advocate for police officers and their families all across our country. This shooting reminds us how men and women in law enforcement face unknown dangers every day to keep us safe and our families safer.

Like so many law enforcement officers across our country, Sergeants Romans, Dunakin, Sakai, and Officer Hege dedicated their lives to our safety. Madam Speaker, I join Congresswoman LEE and all of my colleagues in honoring these men for their service and sacrifice, and in offering the condolences of the U.S. House of Representatives to their families and friends.

I thank the gentleman.

Mr. POE of Texas. I continue to reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, not a day goes by that law enforcement officers do not face danger in the mission to keep us safe from crime, acts of violence, and even terrorism.

As founder and a co-chairman of the Congressional Victims Rights Caucus, I know unfortunately peace officers are also often victims of criminal conduct. After all, they are the last strand of wire in the fence between the law and the lawless.

Over my years as a prosecutor and a judge, I have known several police officers who gave their lives for the rest of us. Today, we are grateful for the fami-

lies and to the officers of California who selflessly gave their lives while protecting the rest of us: Sergeant Dunakin, Sergeant Romans, Sergeant Daniel Sakai, and Officer John Hege.

Madam Speaker, on May 15, on the West side of the Capitol grounds, we honor all peace officers that have been killed in the line of duty in the United States. There will be thousands of peace officers from all over the United States, and the families of the slain will be not far from where we are today to honor those. This year we will honor four more from Oakland, California.

I would like to thank my colleague, the gentlewoman from California (Ms. LEE) for introducing this resolution and the chairman for expediting this legislation to the House.

Mr. HONDA. Madam Speaker, today, the House of Representatives considered H. Res. 290, a resolution honoring the lives and mourning the tragic loss of four Oakland police officers who were killed in the line of duty. I commend the valor of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege. These men were not just police officers, but fathers, sons, brothers, husbands, and friends. My heart goes out to those closest to them, that they may find comfort and peace in their friends and families.

Police officers risk their lives every day to keep Americans safe, and their heroic deeds do not go unnoticed by their communities. Candlelight vigils and prayer ceremonies throughout California as well as the huge swell of public emotion at the passing of these four brave police officers show that Americans understand and value the sacrifices made by police officers.

I stand in solidarity with these supporters, and vow that we will not forget these four brave men. We will keep them in our hearts as we strive to make cities and communities safer and bring crime rates down. We will keep them in our minds as we attempt to do a better job of reforming convicts and rehabilitating parolees. As we consider this resolution today, let us rededicate ourselves to the protection of our communities and our law enforcement, so that the deaths of these four men will not have been in vain.

Mr. STARK. Madam Speaker, I rise today in support of H. Res. 290: Honoring the lives and mourning the loss of Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege, members of the Oakland, California Police Department.

On March 21, 2009, Sergeants Dunakin, Romans, Sakai, and Officer Hege were shot and killed in the line of duty, giving their lives to protect our community. This tragedy serves as a reminder of the great sacrifices police officers make to protect us, and underscores the need to end violent crime in our nation.

I extend my deepest gratitude for the service of Sergeants Dunakin, Romans, Sakai, and Officer Hege to the Oakland Police Department and my heartfelt condolences to their families, friends, and our community. I ask my colleagues to join me in supporting this resolution.

Mrs. TAUSCHER. Madam Speaker, I want to thank my good friend from Oakland, Ms.

BARBARA LEE, for her tireless service and for introducing this resolution.

I rise today to honor the lives of four Oakland Police Officers, who were tragically killed in the line of duty on March 21, 2009. Officer John R. Hege, Sergeant Mark Dunakin, SWAT Sergeant Ervin Romans, and Sergeant Daniel Sakai.

I want to take a few moments to honor Officer Hege, a resident of Concord and California's Tenth Congressional district.

Throughout his life, John nurtured a love of sports and the outdoors. To his friends, he was "outgoing and friendly, an honest and fair-minded man." The Contra Costa Times described him "as a good-natured sports fan with a hearty laugh, nonstop energy and a heart of gold."

John was foremost a public servant. He attended Piedmont schools growing up, achieved the rank of Eagle Scout, and graduated from Saint Mary's College in Moraga in 1990. He began his career as a high school teacher, coaching and officiating basketball and football. He joined the Oakland Police Department Reserves in 1993 and became a full-time officer in 1999.

He continued his passion for teaching as a police cadet instructor. Officer Hege's lifetime of service continued until the final moments of his life. He underwent surgery to donate his organs to save the lives of four others. He is survived by his parents, John and Tamra Hege.

The brazen assault on the Oakland Police Officers is a tragic reminder of the lengths our police officers go to keep our families and communities safe. I ask all Americans to join us in honoring the life and achievements of Officer John R. Hege and his fellow officers.

Mr. POE of Texas. I yield back the remainder of my time and urge the adoption of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 290.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1715

## FREE FLOW OF INFORMATION ACT OF 2009

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 985) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 985

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Free Flow of Information Act of 2009".

### SEC. 2. COMPELLED DISCLOSURE FROM COVERED PERSONS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—In any matter arising under Federal law, a Federal entity may not compel a covered person to provide testimony or produce any document related to information obtained or created by such covered person as part of engaging in journalism, unless a court determines by a preponderance of the evidence, after providing notice and an opportunity to be heard to such covered person—

(1) that the party seeking to compel production of such testimony or document has exhausted all reasonable alternative sources (other than the covered person) of the testimony or document;

(2) that—

(A) in a criminal investigation or prosecution, based on information obtained from a person other than the covered person—

(i) there are reasonable grounds to believe that a crime has occurred; and

(ii) the testimony or document sought is critical to the investigation or prosecution or to the defense against the prosecution; or

(B) in a matter other than a criminal investigation or prosecution, based on information obtained from a person other than the covered person, the testimony or document sought is critical to the successful completion of the matter;

(3) in the case that the testimony or document sought could reveal the identity of a source of information or include any information that could reasonably be expected to lead to the discovery of the identity of such a source, that—

(A) disclosure of the identity of such a source is necessary to prevent, or to identify any perpetrator of, an act of terrorism against the United States or its allies or other significant and specified harm to national security with the objective to prevent such harm;

(B) disclosure of the identity of such a source is necessary to prevent imminent death or significant bodily harm with the objective to prevent such death or harm, respectively;

(C) disclosure of the identity of such a source is necessary to identify a person who has disclosed—

(i) a trade secret, actionable under section 1831 or 1832 of title 18, United States Code;

(ii) individually identifiable health information, as such term is defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), actionable under Federal law; or

(iii) nonpublic personal information, as such term is defined in section 509(4) of the Gramm-Leach-Bliley Act (15 U.S.C. 6809(4)), of any consumer actionable under Federal law; or

(D)(i) disclosure of the identity of such a source is essential to identify in a criminal investigation or prosecution a person who without authorization disclosed properly classified information and who at the time of such disclosure had authorized access to such information; and

(ii) such unauthorized disclosure has caused or will cause significant and

articulable harm to the national security; and

(4) that the public interest in compelling disclosure of the information or document involved outweighs the public interest in gathering or disseminating news or information.

(b) AUTHORITY TO CONSIDER NATIONAL SECURITY INTEREST.—For purposes of making a determination under subsection (a)(4), a court may consider the extent of any harm to national security.

(c) LIMITATIONS ON CONTENT OF INFORMATION.—The content of any testimony or document that is compelled under subsection (a) shall—

(1) not be overbroad, unreasonable, or oppressive and, as appropriate, be limited to the purpose of verifying published information or describing any surrounding circumstances relevant to the accuracy of such published information; and

(2) be narrowly tailored in subject matter and period of time covered so as to avoid compelling production of peripheral, non-essential, or speculative information.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as applying to civil defamation, slander, or libel claims or defenses under State law, regardless of whether or not such claims or defenses, respectively, are raised in a State or Federal court.

(e) EXCEPTION RELATING TO CRIMINAL OR TORTIOUS CONDUCT.—The provisions of this section shall not prohibit or otherwise limit a Federal entity in any matter arising under Federal law from compelling a covered person to disclose any information, record, document, or item obtained as the result of the eyewitness observation by the covered person of alleged criminal conduct or as the result of the commission of alleged criminal or tortious conduct by the covered person, including any physical evidence or visual or audio recording of the conduct, if a Federal court determines that the party seeking to compel such disclosure has exhausted all other reasonable efforts to obtain the information, record, document, or item, respectively, from alternative sources. The previous sentence shall not apply, and subsections (a) and (b) shall apply, in the case that the alleged criminal conduct observed by the covered person or the alleged criminal or tortious conduct committed by the covered person is the act of transmitting or communicating the information, record, document, or item sought for disclosure.

### SEC. 3. COMPELLED DISCLOSURE FROM COMMUNICATIONS SERVICE PROVIDERS.

(a) CONDITIONS FOR COMPELLED DISCLOSURE.—With respect to testimony or any document consisting of any record, information, or other communication that relates to a business transaction between a communications service provider and a covered person, section 2 shall apply to such testimony or document if sought from the communications service provider in the same manner that such section applies to any testimony or document sought from a covered person.

(b) NOTICE AND OPPORTUNITY PROVIDED TO COVERED PERSONS.—A court may compel the testimony or disclosure of a document under this section only after the party seeking such a document provides the covered person who is a party to the business transaction described in subsection (a)—

(1) notice of the subpoena or other compulsory request for such testimony or disclosure from the communications service provider not later than the time at which such subpoena or request is issued to the communications service provider; and



(2) an opportunity to be heard before the court before the time at which the testimony or disclosure is compelled.

(c) EXCEPTION TO NOTICE REQUIREMENT.—Notice under subsection (b)(1) may be delayed only if the court involved determines by clear and convincing evidence that such notice would pose a substantial threat to the integrity of a criminal investigation.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) COMMUNICATIONS SERVICE PROVIDER.—The term “communications service provider” —

(A) means any person that transmits information of the customer's choosing by electronic means; and

(B) includes a telecommunications carrier, an information service provider, an interactive computer service provider, and an information content provider (as such terms are defined in sections 3 and 230 of the Communications Act of 1934 (47 U.S.C. 153, 230)).

(2) COVERED PERSON.—The term “covered person” means a person who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public for a substantial portion of the person's livelihood or for substantial financial gain and includes a supervisor, employer, parent, subsidiary, or affiliate of such covered person. Such term shall not include—

(A) any person who is a foreign power or an agent of a foreign power, as such terms are defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(B) any organization designated by the Secretary of State as a foreign terrorist organization in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(C) any person included on the Annex to Executive Order No. 13224, of September 23, 2001, and any other person identified under section 1 of that Executive order whose property and interests in property are blocked by that section;

(D) any person who is a specially designated terrorist, as that term is defined in section 595.311 of title 31, Code of Federal Regulations (or any successor thereto); or

(E) any terrorist organization, as that term is defined in section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II)).

(3) DOCUMENT.—The term “document” means writings, recordings, and photographs, as those terms are defined by Federal Rule of Evidence 1001 (28 U.S.C. App.).

(4) FEDERAL ENTITY.—The term “Federal entity” means an entity or employee of the judicial or executive branch or an administrative agency of the Federal Government with the power to issue a subpoena or issue other compulsory process.

(5) JOURNALISM.—The term “journalism” means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. I ask unanimous consent to revise and extend my remarks and that all Members have 5 legislative days to revise and extend their remarks as well and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Members of the House, the Free Flow of Information Act creates a qualified privilege to protect journalists from being compelled to disclose confidential sources or other than nonpublic information that they have collected in the course of their reporting.

This is a very important and sensitive matter. I want to point out that the gentleman from Virginia, a senior member of the Judiciary Committee, has worked on and authored this bill for a number of years. It has been modified and brought before us. I think that it's of critical importance and continues to deserve the overwhelming support of this body, which it has received.

Right at this moment, a Pulitzer Prize-winning reporter from the Detroit Free Press, David Ashenfelter, faces possible contempt charges for refusing to disclose sources who exposed serious prosecutorial misconduct. The bill has been carefully tailored, as will be explained.

There's one other person I would like to single out for their excellent testimony in the last Congress, and that is Pulitzer Prize winner William Safire, who gave some very important insights into the scope and significance of this bill.

We think that this is critical. It's supported by editorial boards, media companies, organizations, associations, News Corp, and all broadcast networks. We urge that this measure be given the careful consideration that it is due.

I would also like to single out the gentleman from Indiana, MIKE PENCE, a distinguished member of the committee, and BOB GOODLATTE of Virginia, whose efforts were vitally important in strengthening the bill and ensuring that it is a truly bipartisan measure that comes before the House today.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the United States has enjoyed a free press for over 200 years because it is guaranteed to us in the Constitution. Our Founders understood that a free press protects and perpetuates our democracy.

There has been no Federal media shield law to protect journalists'

sources because there has been no evidence of a need. No more than 17 journalists during the past 25 years have been jailed for refusing to testify before a grand jury. They were not singled out for punishment. Every American called to testify before a grand jury must cooperate or face this very same consequence.

Nor is there any evidence that potential sources have withheld critical information from reporters because of a fear of being identified. Just look at the scandals that are regularly uncovered—from Watergate to the recent mistreatment of soldiers at Walter Reed Medical Center.

In the 37 years since the Supreme Court ruled that the first amendment does not shield a reporter from testifying in a grand jury proceeding, the media have had no problem exposing corruption and injustice.

Unfortunately, this bill raises serious law enforcement and national security concerns. However well-intentioned, H.R. 985 will compromise the work of the Justice Department and other Federal agencies charged with crime-fighting, intelligence-gathering, and national security matters.

The bill we are considering today creates a press “privilege” under which courts cannot compel reporters to provide information they need to fight crime.

Protecting anonymous sources should never be more important than protecting the American people or solving crimes that can save lives. While confidentiality is vital to the work of a reporter, national security is essential to the preservation of a free nation.

For example, the exception to the privilege in this bill—to prevent a terrorist attack or imminent bodily harm—will not help in investigations after the attack has already occurred.

Under the bill, law enforcement officials could have obtained information identifying a reporter's source on September 10, 2001, for example, to prevent the terrorist attacks, but could not have acquired that same information on September 12 to track down the terrorists.

Similarly, officials could acquire information regarding a reporter's source to prevent the molestation of a child, but they could not get that same information to bring a sexual predator to justice after the assault.

Concerning classified information leaks, former Attorney General Michael Mukasey wrote in an editorial following the House vote in 2007: “Leaking classified information is itself a crime, but in order for the government to get source information from a journalist in a leak investigation, it must show that the leak caused significant articulable harm to national security, that the information was properly classified, and the person

who leaked it was authorized to have it.

"Thus, a would-be leaker of classified information could simply give it to someone not authorized to have it, urge that person to leak it, and thereby prevent the government from investigating the crime.

"This bill effectively cripples the government's ability to identify and prosecute leakers of classified information. Ironically, a bill styled as a 'reporter's shield' would have the perverse effect of shielding would-be leakers."

Look at the range of crimes where a reporter would be able to hide his source: Corporate and financial crimes—very relevant these days; human trafficking, gun and drug trafficking; gang activity; and other criminal activity that might not result in a direct risk of imminent death or significant bodily harm, even though we all have a strong interest in preventing such crimes.

H.R. 985 creates a privilege that allows reporters to avoid a civic duty. The bill goes beyond promoting a free press. It confers on the press a privileged position. It exempts journalists from the same responsibilities that all others have in a criminal investigation. This new privilege has no precedent in American legal history.

This bill is not about protecting the public's right to know about corruption or malfeasance that already exists. It's about giving a reporter a special privilege at the expense of our national crime-fighting efforts.

To quote a high-ranking official from the Office of the Director of National Security during last Congress' debate, the media shield bill "makes it very difficult to enforce criminal laws involving the unauthorized disclosure of classified information and could seriously impede other national security investigations and prosecutions, including terrorism prosecutions."

As a former reporter, I sympathize with journalists not wanting to reveal their sources. But as a Member of Congress I have a responsibility to see that law enforcement and intelligence officials who keep us safe can do their jobs. This bill creates serious law enforcement and national security problems without sufficient justification.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia will control the time of the gentleman from Michigan.

There was no objection.

Mr. BOUCHER. Madam Speaker, I yield myself 6 minutes.

I want to begin by extending my personal appreciation to the chairman of the House Judiciary Committee, the gentleman from Michigan (Mr. CONYERS) for his determined effort to bring the Free Flow of Information Act to the floor of the House today and for the

strong support in the last Congress and again in this Congress that he and his outstanding staff are providing to protect the public's right to know.

The bill that is before the House today is identical to the bill that passed the House in the last Congress by a vote of 398-21. It is a bipartisan measure which, this year, as in the previous Congress, I was pleased to introduce and partner with our Republican colleague, the gentleman from Indiana (Mr. PENCE), and 49 other cosponsors in the House.

I want to acknowledge Mr. PENCE's leadership and his deep commitment to protecting freedom of the press. It has been a tremendous privilege to have this opportunity to work with him toward the passage of this needed measure.

I also want to thank our Virginia colleague, BOB GOODLATTE, for his leadership and his strong support of the bill in this Congress. Mr. GOODLATTE and I have worked together to promote a range of national policies. We cochair, for example, the Congressional Internet Caucus. It is also a pleasure to work with him in this Congress in order to promote passage of the Free Flow of Information Act.

I want to comment for a moment today on the fact that in 2007 on this floor this bill received the outstanding vote of 398-21. That sweeping majority occurred by virtue of the careful work that was done by the House Judiciary Committee 2 years ago when the committee considered this legislation.

Members on both sides of the aisle participated. They offered good suggestions for improving the legislation—for the addition of circumstances when disclosure of information could be compelled, including numerous provisions of compelled disclosure for the purpose of protecting the national security. Those national security protections are deeply embedded in the bill that we are considering today.

It was an excellent committee process, rewarded on this House floor by a vote of 398-21 in favor. The measure was not considered on the Senate floor in the last Congress and so we begin the process again today with House consideration.

The Free Flow of Information Act protects the public's right to know. This is really not about protecting journalists, as my friend from Texas would suggest. The privilege is conferred upon journalists, but it is for the purpose of protecting the public's right to know.

The bill promotes the flow of information to the public about matters of large public interest where public disclosure is needed so that corrective action can be taken in order to prevent or correct a deep harm to society, so that legislation can be introduced to correct that harm, so that a lawsuit can be filed or a criminal prosecution

be launched once the public is apprised of what in fact is happening that constitutes a harm to society.

□ 1730

Journalists serve as public watchdogs, bringing sensitive matters to light, and the bill before us enables them to do a better job of it.

Often, the best information that can be obtained about matters of large public interest that involve corruption in government or misdeeds in a large organization like a corporation or a large public charity will come from a person on the inside of that organization who knows what is happening, who knows about the harm to the public interest that is occurring, and feels a public responsibility to pick up a telephone and call a reporter and bring that critical information to public scrutiny. But that person has a lot of lose.

If his or her identity becomes known, that person can become punished, often by the individual who is responsible for the wrongdoing inside that organization. And so, in the absence of the ability of reporters to extend a pledge of confidentiality to protect the identity of that person on the inside, that information will never come to public light, and there will never be an opportunity for the public to take corrective action.

This is why we call our bill the Free Flow of Information Act. Passing this measure, conferring upon journalists a limited privilege to refrain from revealing confidential source information, will ensure that that vital information flows freely to the public so that corrective action in this Congress or in other legislative forums or in the courts can thereafter be taken.

The measure extends in Federal court proceedings a qualified privilege for reporters to refrain from testifying or producing documents, and a qualified privilege to refrain from revealing the identity of confidential sources.

Throughout the bill, there are provisions protecting the national security; and where it is appropriate to protect national security, disclosure of information can be compelled, disclosure of source information can be required, and reporters can in fact be required to testify in Federal court proceedings. The bill very carefully balances the need to protect the national security with the need to assure the free flow of information.

Madam Speaker, it is a carefully written measure which strengthens freedom of the press and protects the public's right to know. I strongly urge its approval today by the House.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. Madam Speaker, I thank the gentleman for yielding and for his leadership on this issue.

This is one of those issues that has a lot of support across the country because there are a lot of reporters across the country that are interested in making sure they have the last full measure of protection they can possibly have for their particular profession. And all of us, in whatever profession we are, see ourselves as the consummate professionals without regard to competing professions.

I would ask the question, what are we trying to fix here? What is the problem that this legislation seeks to address? And one of those is the lack of conformity between the States; I recognize that. But we only have, in the last 25 years, 17 incidents of reporters that have been incarcerated for their refusal to divulge their sources. The most public of those would be the case of Judith Miller in the Scooter Libby investigations that were conducted by the Special Prosecutor, Patrick Fitzgerald, Madam Speaker. And I asked myself during that entire investigation, why didn't they just ask Robert Novak? That would have answered the question.

And if I ask the question today, what was truth and what was fiction in all that? That may be a matter of record, but it is not a matter of public knowledge, even among us here. So it turned out it was Richard Armitage and not Scooter Libby. Scooter Libby was still prosecuted and convicted. I think that Judith Miller's 85 days in jail, if she had that to do over again, she still testified and she still had her agreement with her source.

This goes on and on, 200-plus years, and now we have journalists that have to have special protection without having at least a breadth of statistical data that would support this advocacy that is part of this bill.

And I will tell you, as one who has been in the public eye for some time today, Madam Speaker, that I don't think I am treated objectively by all of the media. I don't think I need to bring a law to this Congress and ask that, for example, to give a Member of Congress a cause of action to bring litigation against a journalist if they happen to be unethical or inaccurate or untruthful. We just go ahead and take that, because that is part of being in the public eye.

The protections are there. There is already sufficient judicial restraint on moving to bring to cause these journalists who speak. Their sources are protected substantially by the tradition and the effects of the court.

And I will submit also another argument, Madam Speaker, and that is that special professional protection is preserved by the States for certain professions. Priests and pastors, for example. They are considered to have a certain privilege with the people that they counsel and minister to, and we try not to crack into that source. And there will be other examples.

For example, a medical doctor or any type of a doctor who has patients. The patient and the doctor relationship is protected in confidentiality. And we have attorney-client relations, too, that we are very well familiar with in this Congress. All of those are professional relationships. All of those are relationships with people who are skilled.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 2 minutes.

Mr. KING of Iowa. I thank the gentleman from Texas.

Madam Speaker, all of those professions that I mentioned are professions where we have people that are trained, that are essentially certified, whether it is by their denomination, by their education, or by their licensing, and those privileges are preserved for clear reasons. This is a privilege that is preserved for the sake of protecting the journalist only, and without an abuse of that confidentiality at this point, without a judicial abuse.

Seventeen cases in 25 years, I would make the argument that this is a solution in search of a problem. It is something that I think sends a message out to the journalistic world. And maybe those of us who will stand up against it will be subject to a certain amount of public criticism. I can face that. I have faced a lot of it. It is part of the price of being in the public eye. Part of the price of being a journalist then is to on a rare occasion, out of the thousands of journalists, 17 in a quarter of a century have been brought forward and said it is in the interests of the court that you go ahead and divulge your source, or at least divulge the information.

And I know that there has been an effort made to tighten this legislation up a little bit, and I appreciate the gentleman's work and due diligence on this. One of the words that was added to the definition of a covered person is the word a person who regularly, the word "regularly" gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information.

This definition of a covered person is tightened up because they have to be regular rather than irregular in their behavior; but I think this covers about anybody that is a journalist, unless they are listed in the exemptions rather than the definition of the bill, Madam Speaker.

So I will submit that the level of professionalism that has been demonstrated, although there are many high-quality professionals in the journalistic business, has not risen to the level where I am willing to give that kind of professional special protection, especially because we have had national secrets that have been divulged into the national and international media arena, done so out of this pos-

turing of it is a public service to divulge national secrets. And I will submit, Madam Speaker, that that is not in our national interest, and I oppose this bill.

Mr. BOUCHER. Madam Speaker, this is a deeply bipartisan measure with bipartisan participation in the construction, committee consideration and drafting of the legislation.

I am pleased now to recognize for 5 minutes the principal Republican sponsor of the measure, who has long been committed to freedom of the press and promoting the public's right to know, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Madam Speaker, I come to the floor today in support of the Free Flow of Information Act of 2009. I do so with a profound sense of humility and with a sense of privilege about being able to come to the floor today in support of this thoughtful and bipartisan measure that may, may well, be a lasting contribution to the vitality of liberty in this Nation.

The Constitution of the United States provides: Congress shall make no law abridging the freedom of speech or of the press. Not since those words were adopted has this body needed to legislate to ensure the freedom of the press. Not until today. We do so because, sadly, the free and independent press in this country is under fire. In recent years, more than 30 journalists have been subpoenaed, questioned, or held in contempt for failure to reveal their confidential sources.

For a journalist, maintaining the assurance of confidentiality of a source is sometimes the only way to bring forward news of great consequence to the Nation. Being forced to reveal sources chills the reporting of the news and restricts the free flow of information to the public.

As a conservative who believes in limited government, I believe the only check on government power in real-time is a free and independent press. A free press ensures the flow of information to the public. And, let me say, during a time when the role of the government in our lives and in our enterprises seems to grow every day, ensuring the vitality of a free and independent press is more important than ever.

In order to maintain this charge, I coauthored the Free Flow of Information Act with my colleague from Virginia, Congressman RICK BOUCHER. I would like to take a moment to thank my partner in this legislation. He is truly the gentleman from Virginia. For over 4 years, we have worked on this issue in a spirit of bipartisanship. RICK BOUCHER is a champion of the first amendment. It has been my great privilege to work with him.

I also want to commend the chairman of this committee, Chairman CONYERS, Vice Ranking Member BOB GOODLATTE, and Representatives COBLE and BLUNT, without whose efforts in the last Congress the bipartisan compromise in this bill would not have been possible.

The bill is known as the Federal Media Shield. It provides a qualified privilege of confidential sources to journalists, enabling them to shield sources in most instances from disclosure. But the bill is not about protecting journalists; it is about protecting the public's right to know.

It received wide bipartisan support in the last Congress, and I hope in this, because we addressed the very real and legitimate concerns about how a privilege for journalists could impact security at the national level. The Federal Government, we acknowledge, is tasked with the tremendous responsibility of protecting our country, and we must also keep national security concerns in the forefront. I submit, the Free Flow of Information Act does just that.

Many Americans will assume that the fining and imprisonment of journalists is something confined to tyrannical regimes in far corners of the world. They might be surprised to learn that the United States does not have a Federal law on the books that prevents that from occurring. More than three-fourths of State Attorneys General have written Congress in support of this legislation. In fact, 49 States and the District of Columbia had already recognized a journalist's privilege to protect confidential sources.

It is important to emphasize, this bill only provides a qualified privilege; meaning, the disclosure of a source's identity may be required in certain situations, as described by my colleague from Virginia.

With this I close: Long ago, Thomas Jefferson warned, "Our liberty cannot be guarded but by the freedom of the press nor that limited without danger of losing it." Jefferson's words ring into this chamber today.

The passage of the Free Flow of Information Act I believe is necessary and consistent with that charge to not only explicitly and fully provide for the freedom of the press in our Nation but protect the liberty of future generations.

With the bipartisan support of my colleagues and Congress and this new administration, let us seize this opportunity to put a stitch in this tear in the first amendment, freedom of the press, and let us do our part to ensure the vitality of a free and independent press for ourselves and our posterity.

I urge my colleagues to join me and our bipartisan support for the Free Flow of Information Act of 2009.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman

from Texas (Mr. POE), who is also a member of the Judiciary Committee and a member of the Crime Subcommittee. And I am yielding him 2 minutes in the hopes that he will reconsider his position.

Mr. POE of Texas. I thank the gentleman for yielding. I have the greatest respect for the ranking member, my friend, Mr. SMITH from Texas, and I appreciate his legal analysis of this legislation. But I do rise in support of the Free Flow of Information Act.

This act is a Federal shield law that would protect the identities of reporters' confidential sources. By protecting the sources of reporters, we protect the public interest and the free flow of information to the public. Forty-nine States and D.C. have some form of protection for reporters' confidential sources, but there is no Federal standard in place. This lack of consistency actually weakens State shield laws.

Madam Speaker, if reporters back in Texas are worried about reporting the whole story to the public because someone might slap a subpoena in their face, the public suffers. Whistleblowers and other potential sources are more hesitant to come forward with information.

Even though I am a former prosecutor, prosecutors should not make their criminal cases based upon confidential information that is given to reporters by forcing those reporters before grand juries to reveal the names of those sources.

This bill protects the first amendment; in fact, it encourages the first amendment, while making appropriate exceptions for some serious criminal investigations.

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I want to thank my colleague from Virginia for introducing this important piece of legislation that supports the first amendment provision of a free press and encourages free speech by citizens. Therefore I urge the adoption of this legislation.

Mr. BOUCHER. Madam Speaker, at this time, I'm pleased to yield 3 minutes to the vice ranking member of the House Judiciary Committee, a distinguished Republican Member of this House and a good friend with whom I'm pleased to serve in the Virginia delegation, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding.

Madam Speaker, I rise in support of H.R. 985, the Free Flow of Information Act, which will encourage whistleblowers by protecting journalists' confidential sources. This bipartisan bill will bolster the free press as a very important check on government power.

I had concerns with this legislation last year when we considered it in the Judiciary Committee, and I worked with my good friends, Representatives

BOUCHER and PENCE, to have many of these items addressed before it reached the House floor.

For example, the bill now requires that in order to receive the protections of the media shield law, a journalist must be engaged in the "regular" practice of journalism for "a substantial portion of the person's livelihood" or "for substantial financial gain." This will help ensure that an individual who has no journalistic experience cannot attempt to protect himself by creating a blog overnight.

In addition, the bill contains a broader exception that allows compelled disclosure of information when national security is at stake, when there are leaks of classified information, and when the journalist was an eyewitness to a criminal act or tort.

This legislation will enhance the freedom of the press and thus provide for a more informed and engaged citizenry. In addition, the improvements to the bill will help ensure that the interests of justice and national security are protected.

It is for these reasons that I support the Free Flow of Information Act and urge my colleagues to support it as well. I want to thank all those who have worked on this measure on both sides of the issue. I think we have created an improved bill and one that I am very pleased and proud to support.

Mr. SMITH of Texas. Madam Speaker, we just have one more speaker on this side, so I will reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, at this time, I'm pleased to yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Thank you for yielding. And I want to congratulate my friend, Mr. BOUCHER and also Mr. PENCE for this terrific piece of legislation.

Madam Speaker, I rise as a proud member of the Society of Professional Journalists in strong support of the Free Flow of Information Act.

As a former journalist, I have seen the assurance of anonymity put a frightened insider at ease and turn a reluctant source into an eye-opening wealth of information.

In my hometown of Louisville, we witnessed what happens when a source's identity is not protected. There, Jeffrey Wigand, the famous tobacco whistleblower, was victimized by threats and intimidation, ultimately losing his job, his family and his home. His selfless efforts are largely seen as heroic, but for many, the lesson is: If you have sensitive information that would benefit the American public, keep it to yourself.

We also know that if it had not been for the confidence of sources that they wouldn't be revealed that the incident at the Watergate and the more recent scandals at Walter Reed Hospital might never have come to light.

In a time when we have seen how the inner workings of corporations and government can have catastrophic effects on our country as a whole, it is as important as ever to protect this conduit to information, the anonymous source. Until we can guarantee that security, good journalists will be jailed, conscience-driven and law-abiding Americans will be silenced, and information that is critical to all of our lives will be locked away from the American people.

I would like to respond quickly to two things that were said by my colleague from Iowa (Mr. KING). One is that there is no need to give special protection to the media. As Mr. PENCE pointed out, the Founding Fathers decided to give special protection to the media. They granted them freedom of the press. And there is no freedom of the press without the ability to protect your sources. And secondly, there was a question raised as to whether there was an abundance of information that would demonstrate a need. We don't know how many thousands of potential sources have been silenced by fear that they might be revealed in the press. It is kind of like saying "we haven't been attacked since 9/11." We don't know. But we do know, as in the case of Jeffrey Wigand, what happens when a source is revealed.

So once again, as someone who has spent many years as a writer and editor in the United States and who is very grateful for the protections of the first amendment, I strongly urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, Congress should not legislate in the absence of a problem. And here, there is no problem. The Supreme Court ruled in 1972 that no reporter's privilege is found in the Constitution or the common law.

In the past 37 years, thousands of stories about malfeasance and scandals have been reported by local, national and international news outlets in the United States. These stories have covered a variety of subjects, many with the participation of anonymous sources.

Yet the premise of H.R. 985 is contradicted by the facts. These stories were written despite no Federal shield bill. In fact, let's examine a real-world example illustrating how the media might use this privilege. Supporters of H.R. 985 often cite the so-called "BALCO case" as a justification for the bill. But what really happened? BALCO was an organization involved in the illegal distribution of steroids to professional athletes. Reporters for the San Francisco Chronicle wrote more than 100 stories on the case without benefit of illegally leaked grand jury testimony. But an attorney for one of

the defendants eventually leaked testimony, which the reporters used in other stories.

During an investigation, the lawyer stated under oath that he had not leaked information. In fact, he claimed the government leaked it, thereby creating a pretext for him to request that the court dismiss the case against his client. He was eventually exposed and prosecuted. Nothing was done to the reporters who refused to identify their source. In other words, the BALCO reporters used illegally-leaked information they didn't need to report on the case, all the while protecting a disreputable attorney who perjured himself before a Federal Court. Yet this case is cited as a modern-day justification for a shield bill to protect reporters and "the public's right to know."

But what happened in BALCO pales in comparison to what may happen to crime-fighting and national security if this bill becomes law. The Justice Department has developed internal guidelines that govern how they interact with reporters during investigations. For example, these guidelines require U.S. Attorneys to obtain information through alternative sources when possible. But the biggest difference between the guidelines and the bill is that the guidelines are administered flexibly. In an age of terrorism when the timely acquisition of information is indispensable to crime-fighting, U.S. Attorneys should not have to spend time satisfying the multipart test of H.R. 985.

The entire structure of the bill inflexibly requires the Department of Justice to meet certain threshold requirements before they can acquire some information. Exceptions in the bill to provide greater access to such information are limited and do not cover a wide range of Federal criminal investigations. And the prospective nature of some of the exceptions, to prevent a terrorist attack or imminent bodily harm, will not help in investigations after an attack has already occurred.

We have seen time and time again in the last few weeks where rushing legislation through without benefit of a hearing or expert testimony has led to unintended consequences. Regarding this bill, we still haven't heard what the Attorney General or the Director of National Intelligence thinks about it. We do know that in the last administration, all these individuals opposed it.

Today, only 20 minutes are allowed in opposition to this bill. Yet it might well lead to heinous crimes that could have been prevented or solved. Terrorism hasn't gone away since the election. Neither has domestic crime. The primary function of government is to protect people. And this bill greatly complicates the ability of the government to prevent and solve crime. The

press doesn't need H.R. 985 to do its job. And the public can't afford to have the government make it easier for terrorists and other criminals.

Madam Speaker, I hope my colleagues will oppose this well-intentioned but ultimately misguided piece of legislation.

With that, I will yield back the balance of my time.

Mr. BOUCHER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I strongly urge the passage of the Free Flow of Information Act. It is legislation which confers upon reporters a privilege either to refrain from testifying in certain circumstances or to refrain from revealing confidential information sources. But the purpose of our legislation is not to protect reporters. It is to protect the public's right to know, to ensure that sensitive information that can only come from an inside source reporting on something that is happening to the disadvantage of government, because of corruption in a bureau or agency, or a harm to society that is occurring because of misdeeds in a large organization like a corporation or a large public charity can, because of an act of conscience by that inside person, come to public scrutiny in a way that the public can then take corrective action by passing a statute, by initiating a lawsuit, or by initiating a criminal prosecution. And if that inside person is not assured confidentiality, if there is an opportunity for that person's identity to be exposed, that person is going to be very reluctant to share information with a reporter to bring that information to public light. That person has a tremendous amount to lose if his or her identity is revealed. That person can be punished by firing from his or her job or through more subtle means.

So, in the absence of the ability of the reporter to extend the pledge of confidentiality, there is the very real risk that that vital information will never come to public light.

This legislation is carefully balanced. It has protections for the national security which are deeply embedded within the measure. And those were placed there through the careful bipartisan work of the House Judiciary Committee when we had our extensive markup of this measure 2 years ago. The bill before us today is identical to that measure. It passed the House 2 years ago by a vote of 398-21. And it is deserving today of the same strong support by the House of Representatives.

So, Madam Speaker, I strongly encourage the passage of the Free Flow of Information Act. I thank the bipartisan cosponsors and all of those who have participated with us as this measure has been written.

Ms. PELOSI. Madam Speaker, I rise today in strong support of legislation that helps to

ensure freedom of the press. This right is a cornerstone of our democracy, and a principle that we cherish and promote around the world.

Arthur Hays Sulzberger once said, "Freedom of the press . . . belongs to everyone—to the citizen as well as the publisher . . . The crux is not the publisher's 'freedom to print'; it is, rather, the citizen's 'right to know.'"

The right to know, as provided by a free press, keeps our nation informed and holds those of us in government accountable.

It is appropriate that we debate media shield legislation in the same week that we will debate the federal budget. Because this legislation will make clear to confidential sources that they will be protected in most circumstances when they bring forward public evidence of waste, fraud and abuse in government and in the private sector.

News organizations are facing serious economic challenges across the country. Our policies should enable our news organizations to thrive and engage in the news gathering and analysis the American people expect.

Essential to this effort is the media shield law we debate today.

Nearly all states have recognized the importance of a free press with some form of a press shield protecting the confidentiality of journalists' sources. However, that protection is lacking at the federal level and in federal courts.

This has hampered the essential work of the press. In recent years, more than 40 reporters have been subpoenaed for the identities of confidential sources in nearly a dozen cases.

The federal government's policies and actions should protect and preserve the press's ability to speak truth to power. This legislation does so with appropriate national security safeguards, striking a careful balance between liberty and security.

Freedom of the press has long been an issue of importance to many of us in this body. When I was Ranking Member of the Intelligence Committee, I encouraged President Clinton to veto an Intelligence Authorization bill that would have made it easier to prosecute journalists. We fixed those provisions and passed a bill that both protected our nation and protected our fundamental freedoms.

Madam Speaker, today we have an opportunity to strengthen and protect the freedom of the press that has served our nation so well and to protect all journalists.

As we protect and defend our nation, we must now protect and defend the Constitution by enabling our press to be free, as our Founders envisioned. I urge my colleagues to give this legislation the strong bipartisan vote it deserves.

Mr. WU. Madam Speaker, I rise today in strong support of the Free Flow of Information Act, and I thank the chairman for his work on this important legislation.

Madam Speaker, our nation's founders understood that a free and independent press is the lifeblood of a functioning democracy.

Confidential sources supply journalists with critical information on matters of public importance. The freedom of the press to cultivate relationships with confidential sources facilitates this vital exchange.

These relationships should be protected, because it is fundamentally in the interest of our

republic that the free exchange of ideas and information remain unadulterated.

We must never silence those who inform our democracy.

I urge my colleagues to join me in supporting this important legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, thank you for allowing me to rise in support of this bill. I would also like to thank Chairman CONYERS for helping to bring this bill, H.R. 985, Free Flow of Information Act of 2009, to the floor. I also would like to thank the author of this bill, Representative BOUCHER for this thoughtful legislation.

This bill is popularly known as the "press shield law." I urge my colleagues to support it.

H.R. 985, protects the public's right to know by protecting the identities of reporters' confidential sources. The bill is identical to the one that passed the House in the 110th Congress by an overwhelming bipartisan vote of 398 to 21.

H.R. 985 creates a balancing test that would determine when the federal government may compel journalists to disclose information that they have gathered. This balancing test protects journalists from being compelled to disclose information that the government may obtain through other available means. The bill gives substantial protection to journalists' confidential sources, allowing compelled disclosure where doing so would protect national security or serve the public interest.

This legislation is necessary because it responds to a real and on-going problem. Since 2001, five journalists have been sentenced or jailed for refusing to reveal their confidential sources in federal court. Two reporters were sentenced to 18 months in prison and one reporter faced up to \$5,000 a day in fines.

A 2006 study estimated that in that year alone, 67 federal subpoenas sought confidential material from reporters. Of those, 41 subpoenas sought the name confidential sources.

This bill establishes reasonable and well-balanced grounds for when a reporter can be compelled to testify about confidential sources. Reporters would not receive protection if information is needed to prevent or investigate an act of terrorism or other significant harm to national security, to prevent death or substantial bodily harm, to investigate a leak of properly classified information or private health or financial information, and to furnish eyewitness observation of a crime.

Forty-nine states and the District of Columbia have various statutes or judicial decisions that protect reporters from being compelled to testify or disclose sources and information in court. H.R. 985 would set national standards similar to those that are in effect in the states.

This bill has relevance to Texas. One of my constituents, Vanessa Leggett, served maximum jail time in case. She was not the defendant—she was a reporter whose first amendment right was under siege.

I worked extensively on this issue. Ms. Leggett spent four years researching the 1997 murder of Doris Angleton for a book she was writing. When she refused to give in to threats and intimidation by an overzealous prosecution seeking her work product she was found in contempt and jailed.

Because of this injustice, I wrote letters to then-Attorney General John Ashcroft request-

ing that Leggett be permitted to assert her journalist privilege. I also requested that she be freed from incarceration. Despite my ardent efforts, Leggett remained jailed. The facts and outcome in this case were absurd. Surely, the law could not have intended for the result that transpired in the Leggett case. The present bill if enacted would address such anomalies.

When a federal grand jury was convened to investigate the possibility of filing federal murder charges against Houstonian Robert Angleton, the city braced itself for a media frenzy. In 1998, Robert Angleton had been acquitted in state court of murdering his wife, a well-known Houstonian, Doris Angleton, who was found shot to death on April 16, 1997, in her River Oaks home. The state court had been a media circus.

However, the person who received the most attention was not directly involved in the murder. Vanessa Leggett, a part-time college instructor and aspiring true crime writer, stole the limelight when she refused to turn over to the federal grand jury information that she had gathered during her four-year investigation. On July 19, 2001, Leggett was held in civil contempt under 28 U.S.C. sec. 1826 as a recalcitrant witness. She went to jail the next day and was not released until January 4, 2002, when the grand jury ended its Angleton investigation without handing down a single indictment.

Leggett was incarcerated longer than any reporter in U.S. history up to that time for refusing to disclose research collected in the course of newsgathering. Texas is one of the states that had and presently has no shield law. Leggett was forced to serve the maximum term for contempt of court, which was the shorter of either the duration of the grand jury investigation or eighteen months.

But the most disconcerting aspect of the Leggett case is that no court in Texas adequately investigated the actions of the U.S. Department of Justice or balanced the interests of the First Amendment against the government's need for Leggett's research. Indeed, there may have been no need for her information at all. On January 8, 2002, four days after Leggett's release, the U.S. attorney empaneled another grand jury to investigate Robert Angleton. It was able to hand down an indictment in sixteen days without subpoenaing Leggett or her records.

This bill is sound. The bill will address the situation that was present in the Leggett case. It adds balance and protection to journalists in the course of their vocation. I urge my colleagues to support this bill.

Mr. CONYERS. Madam Speaker, H.R. 985, the Free Flow of Information Act of 2009, creates a qualified privilege to protect journalists from being compelled by Federal authorities to disclose confidential sources or other non-public information they have collected in the course of their reporting.

A court could still compel disclosure when the public interest justifies it—in cases of terrorism or other significant national security threats, for example, or to prevent imminent death or significant bodily harm, or in pursuit of individuals who have illegally revealed confidential private information or sensitive national security secrets.

In this way, the bill strikes a careful balance between the public's right to know and the



needs of law enforcement, national security, and the fair administration of justice.

The protections of this bill have never been more crucial to a free press and an informed public. In recent years, the press has been under assault, as reporters are increasingly being subpoenaed—and in some cases imprisoned—for refusing to open their notebooks and disclose their confidential sources.

Right now, for example, a Pulitzer Prize-winning reporter for the Detroit Free Press named David Ashenfelter faces possible contempt charges for refusing to disclose sources who exposed serious prosecutorial misconduct. In the last Congress, Pulitzer Prize-winner Bill Safire and others testified on the importance of this bill. President Bush's Solicitor General Ted Olson also strongly supports press shield legislation.

H.R. 985 has been carefully tailored through the legislative process and represents a well-considered, bipartisan, consensus approach. The bill was significantly revised and amended during the proceedings of the last Congress to address concerns of Members and the Executive Branch that it strike a more sensitive balance in the areas of terrorism, national security, and other critical areas. These changes and revisions markedly strengthened the bill, and it passed the House by an overwhelming bipartisan vote of 398 to 21.

This legislation has the strong support of members on both sides of the aisle. It is also supported by more than 100 editorial boards, and a diverse group of over 50 media companies and organizations, including the Newspaper Association of America, the Associated Press, the National Association of Broadcasters, News Corp., as well as CNN and all the broadcast networks. This broad and bipartisan support only underscores the importance of this measure.

Even a bill with such strong support is still open to improvement, however, and I would like to identify one aspect of the revisions introduced during the last Congress that may have some unwelcome and unintended consequences. At that time, we appropriately revised the definition of a "covered person" to include the requirement that the person be "regularly" engaged in journalism. That limitation ensures that a person cannot claim the protections of the Act by simply putting up a Web site and claiming to be a reporter after receiving a Federal subpoena.

At the same time, however, we also added a requirement that, to be covered by the Act, a person must earn a "substantial portion of the person's livelihood" or "substantial financial gain" from reporting activities. I appreciate the effort to strike a careful balance reflected in this change, but I have some concern that, as media evolves and online reporting and citizen journalism become more and more prominent, this definition may deny credible, responsible reporters and commentators the protection of the Act, which I do not believe is Congress's intent.

Furthermore, in an era of mass layoffs in the news business, some displaced journalists may elect to continue their reporting on a part-time or freelance basis, or may simply carry on their work in the public interest on their own time even if they obtain other employment outside the professional press. To my

mind, such persons should retain the protection of the Act, but the language may be ambiguous in this type of situation.

Finally, while I appreciate that the current definition of "covered person" will cover many responsible, established bloggers, more and more good and significant reporting is being done by small, local blogs or by true volunteers who engage in journalism on their own time, but do so with credibility, professionalism, and integrity. Not all bloggers meet these standards, of course, but many do, and I would hope they will be entitled to the protections of the Act in its final form. Indeed, given the sensationalistic quality of a good deal of modern professional "journalism," it strikes me as somewhat arbitrary to exclude serious political reporters and commentators from coverage simply because of the technology they use or the price they charge.

I note that the Senate version of this legislation uses a more functional test to define a "covered person," focusing on the nature and regularity of the person's activities rather than the financial compensation that they earn. Such an approach appears to strike a thoughtful balance between covering people who have the earned the right to be considered journalists, but denying coverage in situations where it is more likely to be inappropriate or exploited. I am hopeful that as this bill continues through the legislative process, we will look closely at the Senate language and consider adopting it into the final law.

I would like to commend my Judiciary Committee colleague RICK BOUCHER of Virginia, the lead sponsor of this bill, for his tireless work on this issue.

I would also like to recognize MIKE PENCE of Indiana and BOB GOODLATTE of Virginia for their efforts in strengthening the bill and ensuring that we could bring a truly bipartisan measure to the House.

Mr. BOUCHER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 985.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ALIEN SMUGGLING AND TERRORISM PREVENTION ACT OF 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1029) to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1029

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Alien Smuggling and Terrorism Prevention Act of 2009".

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Alien smuggling by land, air and sea is a transnational crime that violates the integrity of United States borders, compromises our Nation's sovereignty, places the country at risk of terrorist activity, and contravenes the rule of law.

(2) Aggressive enforcement activity against alien smuggling is needed to protect our borders and ensure the security of our Nation. The border security and anti-smuggling efforts of the men and women on the Nation's front line of defense are to be commended. Special recognition is due the Department of Homeland Security through the United States Border Patrol, United States Coast Guard, Customs and Border Protection, and Immigration and Customs Enforcement, and the Department of Justice through the Federal Bureau of Investigation.

(3) The law enforcement community must be given the statutory tools necessary to address this security threat. Only through effective alien smuggling statutes can the Justice Department, through the United States Attorneys' Offices and the Domestic Security Section of the Criminal Division, prosecute these cases successfully.

(4) Alien smuggling has a destabilizing effect on border communities. State and local law enforcement, medical personnel, social service providers, and the faith community play important roles in combating smuggling and responding to its effects.

(5) Existing penalties for alien smuggling are insufficient to provide appropriate punishment for alien smugglers.

(6) Existing alien smuggling laws often fail to reach the conduct of alien smugglers, transporters, recruiters, guides, and boat captains.

(7) Existing laws concerning failure to heave to are insufficient to appropriately punish boat operators and crew who engage in the reckless transportation of aliens on the high seas and seek to evade capture.

(8) Much of the conduct in alien smuggling rings occurs outside of the United States. Extraterritorial jurisdiction is needed to ensure that smuggling rings can be brought to justice for recruiting, sending, and facilitating the movement of those who seek to enter the United States without lawful authority.

(9) Alien smuggling can include unsafe or recklessly dangerous conditions that expose individuals to particularly high risk of injury or death.

#### SEC. 3. CHECKS AGAINST TERRORIST WATCHLIST.

The Secretary of Homeland Security shall, to the extent practicable, check against all available terrorist watchlists those persons suspected of alien smuggling and smuggled individuals who are interdicted at the land, air, and sea borders of the United States.

#### SEC. 4. STRENGTHENING PROSECUTION AND PUNISHMENT OF ALIEN SMUGGLERS.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) by amending the subsection heading to read as follows: "BRINGING IN, HARBORING, AND SMUGGLING OF UNLAWFUL AND TERRORIST ALIENS.—";

(2) by amending paragraphs (1) through (2) to read as follows:

"(1)(A) Whoever, knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to,

enter, or reside in the United States, knowingly—

“(i) brings that individual to the United States in any manner whatsoever regardless of any future official action which may be taken with respect to such individual;

“(ii) recruits, encourages, or induces that individual to come to, enter, or reside in the United States;

“(iii) transports or moves that individual in the United States, in furtherance of their unlawful presence; or

“(iv) harbors, conceals, or shields from detection the individual in any place in the United States, including any building or any means of transportation;

or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

“(B) Whoever, knowing that an individual is an alien, brings that individual to the United States in any manner whatsoever at a place, other than a designated port of entry or place designated by the Secretary of Homeland Security, regardless of whether such individual has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such individual, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

“(C) Whoever commits an offense under this paragraph shall, for each individual in respect to whom such a violation occurs—

“(i) if the offense results in the death of any person, be fined under title 18, United States Code, and subject to the penalty of death or imprisonment for any term of years or for life;

“(ii) if the offense involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 of title 18, United States Code, without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under title 18, United States Code, or imprisoned for any term of years or life, or both;

“(iii) if the offense involves an individual who the defendant knew was engaged in or intended to engage in terrorist activity (as defined in section 212(a)(3)(B)), be fined under title 18, United States Code, or imprisoned not more than 30 years, or both;

“(iv) if the offense results in serious bodily injury (as defined in section 1365 of title 18, United States Code) or places in jeopardy the life of any person, be fined under title 18, United States Code, or imprisoned not more than 20 years, or both;

“(v) if the offense is a violation of paragraph (1)(A)(i) and was committed for the purpose of profit, commercial advantage, or private financial gain, or if the offense was committed with the intent or reason to believe that the individual unlawfully brought into the United States will commit an offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under title 18, United States Code, and imprisoned, in the case of a first or second violation, not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years;

“(vi) if the offense is a violation of paragraphs (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and was committed for the purpose of profit, commercial advantage, or private financial gain, be fined under title 18, United States Code, or imprisoned not more than 10 years, or both;

“(vii) if the offense involves the transit of the defendant's spouse, child, sibling, parent, grandparent, or niece or nephew, and the of-

fense is not described in any of clauses (i) through (vi), be fined under title 18, United States Code, or imprisoned not more than 1 year, or both; and

“(viii) in any other case, be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

“(2)(A) There is extraterritorial jurisdiction over the offenses described in paragraph (1).

“(B) In a prosecution for a violation of, or an attempt or conspiracy to violate, subsection (a)(1)(A)(i), (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas, no defense based on necessity can be raised unless the defendant—

“(i) as soon as practicable, reported to the Coast Guard the circumstances of the necessity, and if a rescue is claimed, the name, description, registry number, and location of the vessel engaging in the rescue; and

“(ii) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement set forth in clause (i) is satisfied by notifying the Coast Guard as soon as practicable after delivering the alien to emergency medical or law enforcement personnel ashore.

“(C) It is not a violation of, or an attempt or conspiracy to violate, clause (iii) or (iv) of paragraph (1)(A), or paragraph (1)(A)(ii) (except if a person recruits, encourages, or induces an alien to come to or enter the United States), for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officer of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

“(D) For purposes of this paragraph and paragraph (1)—

“(i) the term ‘United States’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

“(ii) the term ‘lawful authority’ means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed under those laws and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.”.

#### SEC. 5. MARITIME LAW ENFORCEMENT.

(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

“(b) Whoever intentionally violates this section shall—

“(1) if the offense results in death or involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such title or imprisoned for any term of years or life, or both;

“(2) if the offense results in serious bodily injury (as defined in section 1365 of this title) or transportation under inhumane conditions, be fined under this title, imprisoned not more than 15 years, or both;

“(3) if the offense is committed in the course of a violation of section 274 of the Immigration and Nationality Act (alien smuggling); chapter 77 (peonage, slavery, and trafficking in persons), section 111 (shipping), 111A (interference with vessels), 113 (stolen property), or 117 (transportation for illegal sexual activity) of this title; chapter 705 (maritime drug law enforcement) of title 46, or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), be fined under this title or imprisoned for not more than 10 years, or both; and

“(4) in any other case, be fined under this title or imprisoned for not more than 5 years, or both.”.

(b) LIMITATION ON NECESSITY DEFENSE.—Section 2237(c) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(c)”;

(2) by adding at the end the following:

“(2) In a prosecution for a violation of this section, no defense based on necessity can be raised unless the defendant—

“(A) as soon as practicable upon reaching shore, delivered the person with respect to which the necessity arose to emergency medical or law enforcement personnel;

“(B) as soon as practicable, reported to the Coast Guard the circumstances of the necessity resulting giving rise to the defense; and

“(C) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien, as that term is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(3)), into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement of subparagraph (B) is satisfied by notifying the Coast Guard as soon as practicable after delivering that person to emergency medical or law enforcement personnel ashore.”.

(c) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) the term ‘transportation under inhumane conditions’ means the transportation of persons in an engine compartment, storage compartment, or other confined space, transportation at an excessive speed, transportation of a number of persons in excess of the rated capacity of the means of transportation, or intentionally grounding a vessel in which persons are being transported.”.

#### SEC. 6. AMENDMENT TO THE SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of alien smuggling offenses and criminal failure to heave to or obstruction of boarding.

(b) CONSIDERATIONS.—In carrying out this section, the Sentencing Commission, shall—

(1) consider providing sentencing enhancements or stiffening existing enhancements for those convicted of offenses described in subsection (a) that—

(A) involve a pattern of continued and flagrant violations;

(B) are part of an ongoing commercial organization or enterprise;

(C) involve aliens who were transported in groups of 10 or more;

(D) involve the transportation or abandonment of aliens in a manner that endangered their lives; or

(E) involve the facilitation of terrorist activity; and

(2) consider cross-references to the guidelines for Criminal Sexual Abuse and Attempted Murder.

(c) EXPEDITED PROCEDURES.—The Commission may promulgate the guidelines or amendments under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

□ 1800

#### GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. I yield myself such time as I may consume.

Madam Speaker, this legislation, sponsored by BARON HILL of Indiana, is particularly important to Texas, and I want to congratulate the gentleman for his foresight and his leadership. Maybe in his research he knows that just a few short years ago we lost a number of individuals, obviously smuggled for wrong reasons into Texas, who died in an overheated 18-wheeler. And so this is a legislative initiative that is long overdue.

The legislation gives Federal prosecutors and agents stronger enforcement weapons against human smuggling in all its forms, including human trafficking and slavery, smuggling related to terrorism or espionage, and smuggling that involves kidnapping, rape, serious injury or death.

The previous version of this bill passed the House in the last Congress 412-0.

As I noted, in Texas, we see these losses regularly, including in our sister States, individuals dying who have been trafficked or smuggled, dying in the desert out of desperation and thirst. And as I indicated, the particular case that was so egregious in Texas, people smothered to death in an 18-wheeler in the heat of the summer.

Like the previous bill, H.R. 1029 amends the alien smuggling provisions in the Immigration and Nationality Act, as well as the criminal provision

for failure to "heave to," to provide for extraterritorial jurisdiction, to increase maximum penalties for serious offenses, and to clarify the necessity defense that applies to legitimate maritime rescues.

The bill also establishes for the first time in Federal law that it is a serious felony to transport persons under inhumane conditions, such as in an engine or storage compartment, or to intentionally run vessels ashore at high speed to escape apprehension. Those kinds of inhumane practices have resulted in death or serious injury to numerous alien passengers.

The bill directs the Department of Homeland Security to check against all available terrorist watch lists those who are suspected of smuggling, as well as smuggled individuals who are interdicted at U.S. land, air and sea borders.

I want to thank the gentleman for his foresight. As a member of the Homeland Security Committee as well, and a member of the committee, the chairperson of the committee that has oversight over the watch list, I know how important an act this is, that it further ensures the security of America.

It provides tough penalties for the kind of serious smuggling offenses I have just described, while distinguishing those offenses from family reunification or humanitarian efforts, for which the penalties are appropriately severe.

While strengthening the current offense language, the bill preserves important case law. For instance, it will remain a violation of Federal law not only to bring illegal aliens to the United States, but to bring any alien across the border through places other than those designated as official entry ports.

This is especially critical as Congress mandates that the Department of Homeland Security institute biometric entry and exit systems. For an orderly and fair immigration system to work, people must come in through the designated sites. And certainly, I agree with the gentleman as we look toward fixing that broken system.

Finally, the bill directs the Sentencing Commission to consider providing sentencing enhancements for particularly egregious offenses, smuggling aliens in a life-threatening manner, abandoning them in the desert or on a spit of land that will be submerged at high tide, or smuggling aliens to facilitate acts of terrorism.

I commend BARON HILL for his leadership and his persistence on this bill. And I commend Chairman JOHN CONYERS and Ranking Member LAMAR SMITH of the Judiciary Committee, and Chairman BENNIE THOMPSON and Ranking Member PETER KING of the Homeland Security Committee for their work in improving this bill and making it a consensus, bipartisan measure.

I would like to include in the RECORD at this point an exchange of letters between our two committees.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, March 27, 2009.

Hon. JOHN CONYERS, Jr.,  
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 1029, the "Alien Smuggling and Terrorism Prevention Act of 2009," introduced on February 12, 2009, by Congressman Baron P. Hill. This legislation was initially referred to the Committee on the Judiciary and, in addition, to the Committee on Homeland Security.

I recognize and appreciate your desire to bring this bill before the House in an expeditious manner. Accordingly, I am willing to waive further consideration of H.R. 1029. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over H.R. 1029.

Further, I request your support for the appointment of Committee on Homeland Security conferees during any House-Senate conference convened on this or similar legislation. Finally, I request that a copy of this letter be included in the Congressional Record during floor consideration of H.R. 1029. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, D.C., March 26, 2008.

Hon. BENNIE G. THOMPSON,  
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 1029, the Alien Smuggling and Terrorism Prevention Act of 2009.

I appreciate your willingness to support expediting floor consideration of this important legislation. I acknowledge that H.R. 1029 contains provisions under the jurisdiction of the Committee on Homeland Security. I understand and agree that your willingness to waive further consideration of the bill is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,  
Chairman.

I urge my colleagues to support this important legislation.

Mr. Speaker, this legislation, sponsored by BARON HILL of Indiana, gives Federal prosecutors and agents stronger enforcement weapons against human smuggling in all its forms, including human trafficking and slavery; smuggling related to terrorism or espionage; and smuggling that involves kidnapping, rape, serious injury, or death.

The previous version of this bill passed the House in the last Congress unanimously, 412 to 0.

Like the previous bill, H.R. 1029 amends the alien smuggling provisions in the Immigration and Nationality Act, as well as the criminal provision for failure to "heave to," to provide for extraterritorial jurisdiction, to increase maximum penalties for serious offenses, and to clarify the necessity defense that applies to legitimate maritime rescues.

The bill also establishes for the first time in Federal law that it is a serious felony to transport persons under inhumane conditions, such as in an engine or storage compartment, or to intentionally run vessels ashore at high speed to escape apprehension. Those kinds of inhumane practices have resulted in death or serious injury to numerous alien passengers.

The bill directs the Department of Homeland Security to check against all available terrorist watch lists those who are suspected of smuggling, as well as smuggled individuals, who are interdicted at U.S. land, air, and sea borders.

It provides tough penalties for the kind of serious smuggling offenses I've just described, while distinguishing those offenses from family reunification or humanitarian efforts, for which the penalties are appropriately less severe.

While strengthening the current offense language, the bill preserves important case law. For instance, it will remain a violation of federal law not only to bring illegal aliens to the United States, but to bring any alien across the border through places other than those designated as official entry ports.

This is especially critical as Congress mandates that the Department of Homeland Security institute biometric entry and exit systems. For an orderly and fair immigration system to work, people must come in through the designated sites.

Finally, the bill directs the Sentencing Commission to consider providing sentencing enhancements for particularly egregious offenses—smuggling aliens in a life-threatening manner, abandoning them in the desert or on a spit of land that will be submerged at high tide, or smuggling aliens to facilitate acts of terrorism.

I commend BARON HILL for his leadership and persistence on this bill. And I commend Chairman JOHN CONYERS and Ranking Member LAMAR SMITH of the Judiciary Committee, and Chairman BENNIE THOMPSON and Ranking Member PETER KING of the Homeland Security Committee, for their work in improving this bill and making it a consensus, bipartisan measure.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. HILL introduced H.R. 1029, the Alien Smuggling and Terrorism Prevention Act of 2009, which improves the Federal Government's ability to combat alien smuggling. I am a cosponsor of this legislation.

But alien smuggling defines a group of crimes that involve the recruiting, transportation or harboring of an alien who does not have the lawful authority to be in the United States of America.

This legislation is a direct response to the increasing concern of Federal prosecutors that the current alien smuggling statute is inadequate in the face of rampant alien smuggling and human trafficking by organized criminal syndicates.

The current statute is a patchwork of amendments that does not provide the tough penalties necessary to punish these dangerous criminals and to deter the criminal organizations that dominate the smuggling world today. These organizations are increasingly sophisticated, international, profitable, and their means are ruthless and inhumane.

For example, the recent media reports indicate kidnappings on the rise in Phoenix, Arizona. There were almost 370 reported kidnappings for ransom there last year. However, it is difficult to know how many kidnappings actually occurred because many kidnappings were not reported to law enforcement officials.

Most of the kidnappings involve drug smugglers and human traffickers preying on one another. The kidnap victims are typically drug or alien smugglers or their family members who are taken by fellow criminals and held for ransom. These victims are inviting targets because they often have a lot of money, or can raise large sums of cash on short notice, and are unlikely to go to law enforcement.

It may only be a matter of time before the kidnappers start targeting law-abiding citizens, so we must do more to deter, identify and arrest these alien smugglers.

H.R. 1029 directs the Department of Homeland Security to check the names of alien smuggling suspects who have been interdicted at a land, air or sea border against all available terrorist watch lists.

The bill also creates enhanced penalties for alien smuggling, including tough sentences for smuggling that results in serious bodily injury or death. Any person convicted of kidnapping, aggravated sexual abuse or an attempt to kill as part of an alien smuggling scheme will now face life in prison.

H.R. 1029 imposes a penalty of up to 30 years imprisonment for smugglers who know that the alien they bring to the United States intends to engage in terrorist activities.

Lastly, the bill amends the criminal statutes to add penalties for maritime offenses committed in the course of smuggling, trafficking, shipping, stolen property or drug trafficking.

H.R. 1029 will help Federal law enforcement and prosecutors put alien smugglers behind bars and send a clear message that these criminal syndicates and the violence they pose to innocent civilians will not be tolerated.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to now yield to the distinguished sponsor of the legislation, Mr. BARON HILL of Indiana, for such time as he might consume.

Mr. HILL. Mr. Speaker, in the year 2007, I introduced the Alien Smuggling and Terrorism Prevention Act. And as has already been mentioned, it passed this House without any opposition, and it has bipartisan support.

When I came to Congress, back to Congress, I should say, in the year 2006, immigration was a very hot issue, and so I wanted to look at ways that we could provide Americans some relief. And one of the shocking things that I learned was the fact that if you smuggle an illegal alien in here, either against their will or willfully, it is only a misdemeanor, with a prison term for under 1 year and a small fine; and I didn't think that that was justified.

As has already been mentioned here by Congresswoman JACKSON-LEE, it passed overwhelmingly without opposition, and this year it does have, again, bipartisan support. The bill failed in the Senate. For whatever reason, the Senate did not pass it. That is the reason why I have introduced it again, and have bipartisan support.

I'm glad that Representative CHAFFETZ is on the bill, and also the ranking member of the Judiciary Committee, Representative LAMAR SMITH.

My bill, as has already been said, would significantly increase penalties against human smugglers and traffickers, raising the crime from a misdemeanor to a felony.

Smugglers would see increased prison time if convicted of smuggling persons under inhumane conditions, or for the purpose of criminal exploitation, or in the event that they are smuggling someone into the United States with the intent to carry out acts of terror.

In the case of serious bodily injury, rape or murder, the smuggler or trafficker could face upwards of life in prison.

This bill serves two important goals. First, it holds those who smuggle and traffic persons into the United States responsible for their crimes. It is estimated that over 17,000 people are smuggled into the United States each year. These are people who are forced into awful situations against their will. Those found trafficking for those purposes deserve a fitting punishment, and my bill works to ensure that justice is served.

Second, H.R. 1029 works to stem the flow of illegal immigration. I believe this bill will act as a deterrent for illegal alien smugglers and, therefore, greatly cut down on illegal immigration.

I believe that we need to ensure that our Border Patrol and Coast Guard have the tools they need to keep our borders safe.

This bill is critical in bolstering our economic and national security and,

therefore, I strongly urge the passage of H.R. 1029.

Mr. CHAFFETZ. Mr. Speaker, I would just inquire as to how many more speakers.

Ms. JACKSON-LEE of Texas. I have the right to close. I believe there are no more speakers.

Mr. CHAFFETZ. I have no more speakers as well. I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, again, I'd like to congratulate the gentleman from Indiana (Mr. HILL) for his leadership on this issue. This is a legislative initiative that really is long overdue. And I'd like to respond as well to the point that he made that was very, very succinct but also very, very potent about the need for comprehensive reform. He is right. As he returned to the United States Congress, it was an enormously vigorous debate. I believe some of the satellite hearings might have wound up in Indiana that were held by the U.S. House of Representatives.

If we are to complement this legislation, we also need to engage in comprehensive immigration reform so there are laws that will govern the ingress and egress of individuals here in the United States. That is a very important statement and challenge that we have. And, therefore, as we move this legislation along and give a firm response of intolerance to those who would human traffic or engage in trafficking slaves, or to cause the loss of life or the dastardly treatment of individuals, we are making the statement that we will take it seriously and that they will be punished.

In addition, I think it's very important that we complement this legislation with strong response to the violence at the border that has occurred due to drug cartels. I look forward to having the opportunity to present to our Judiciary Committee legislation that I will introduce on this issue of providing more resources for the, if you will, inhibiting and prohibiting the kind of dastardly violence that is occurring and providing the resources for DEA and ATF that I think are so very necessary.

Mr. Speaker, again I want to congratulate Mr. HILL on this legislation, and I would enthusiastically urge my colleagues to support this important legislation.

Mr. Speaker, I rise in support of H.R. 1029, "Alien Smuggling and Terrorism Prevention Act of 2009." I want to thank my colleague Congressman BARON HILL of Indiana for introducing this resolution.

Mr. Speaker, as a Member of the Committee on Homeland Security, and as a Member of the Subcommittee on Immigration, I have long been an outspoken leader on this issue. Alien smuggling is not only a threat to our national security, but it also diminishes the value of human lives, and as the world's moral leader we must take a tough stance against

these horrific practices. In fact as part of the Save America Act, immigration legislation that I introduced, I address this very issue. My legislation would create a special class of aliens who act as informants to assist U.S. authorities in the prosecution and apprehension of alien smugglers. In special cases these individuals would receive permanent resident status if the information substantially led to a successful prosecution and apprehension of those involved in alien smuggling.

A few years ago in Texas, prosecutors indicted 14 people who allegedly organized or facilitated the smuggling incident when a crowded trailer was found abandoned at a truck stop in Victoria, 100 miles southwest of Houston, Texas. The 14 were charged with various counts of conspiracy to conceal or transport immigrants. Twelve could face the death penalty if prosecutors decide to pursue it. More than 70 immigrants from Mexico, Central America, and the Dominican Republic were crammed into the tractor-trailer. Among the dead was a 5-year-old boy from Mexico. Seventeen immigrants died at the scene, and 2 others died later.

My preference is to provide the Border Patrol with the additional agents, equipment, and resources it needs to secure the border. I have introduced legislation that would meet these needs by providing critical resources and support for the men and women who enforce our immigration, customs, and other laws. This would include adding 15,000 Border Patrol agents over the next five years, increasing the number of agents from 11,000 to 26,000. It would require the Secretary of Homeland Security to respond rapidly to border crises by deploying up to 1,000 additional Border Patrol agents to a State when a border security emergency is declared by the Governor. It would add 100,000 more detention beds to ensure that those who are apprehended entering the United States unlawfully are sent home instead of being released into our communities. And, it would provide critical equipment and infrastructure improvements, including additional helicopters, power boats, police-type vehicles, portable computers, reliable radio communications, hand-held GPS devices, body armor, and night-vision equipment.

Mr. Speaker, I rise in strong support of this legislation for the following reasons. This bill makes a strong statement against alien smuggling while maintaining core Democratic principles. It is a tough yet fair approach to border security. It is a holistic anti-smuggling regime that reaches those who recruit aliens in their home countries, smuggle aliens across the land borders, or transport or harbor aliens in the United States.

This legislation ensures border security. It recognizes the contribution of the Border Patrol, Coast Guard, Customs & Border Protection, Immigration & Customs Enforcement, FBI, Assistant United States Attorneys, and Department of Justice prosecutors who are on the front lines of interdiction and investigation of alien smugglers. It gives agents and prosecutors tools to address alien smuggling and terrorism by re-structuring the Alien Smuggling statutes.

This legislation is tough on crime. It brings in new penalties of up to life in prison for rape,

kidnapping, or attempted murder in the course of alien smuggling. H.R. 1029 revises the current statutes to provide stiff sentences for those who commit alien smuggling that facilitates terrorist activity, or those whose smuggling results in serious bodily injury or placing the life of another in jeopardy. It creates the first federal crime that recognizes transportation in inhumane conditions as a ground for an increased sentence.

The Act recognizes the needs of the Coast Guard for effective maritime anti-smuggling tools, including tough penalties for those who do not heave to, and risk their passengers' lives by intentionally beaching their vessels at high speed in an attempt to discharge their human cargo. It directs the Sentencing Guidelines Commission to put "teeth" into the statute by adopting sentencing enhancements for terrorism, moving large groups of aliens, or abandoning aliens in harsh conditions such as the desert or at sea. It maintains the current sentencing structure in which smuggling for profit or to facilitate a crime results in mandatory minimum sentences, and maintains the current sentencing structure in capital cases.

Alien smuggling will not stop until we establish an immigration policy that substantially reduces the need for illegal entry into the United States.

I urge my colleagues to support this legislation.

I yield back my time.

The SPEAKER pro tempore (Mr. LUJÁN). The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 1029, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 85, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-70) on the resolution (H. Res. 305) providing for consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014, which was referred to the House Calendar and ordered to be printed.

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#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1664, PAY FOR PERFORMANCE ACT

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-71) on the resolution (H. Res. 306) providing for

consideration of the bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1256, FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-72) on the resolution (H. Res. 307) providing for consideration of the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, which was referred to the House Calendar and ordered to be printed.

□ 1815

#### MIAMI DADE COLLEGE LAND CONVEYANCE ACT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 838) to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 838

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Miami Dade College Land Conveyance Act".

#### SEC. 2. CONVEYANCE OF BUREAU OF PRISONS LAND TO MIAMI DADE COUNTY, FLORIDA.

(a) CONVEYANCE REQUIRED.—The Attorney General shall convey to Miami Dade College of Miami Dade County, Florida (in this section referred to as the "College"), all right, title, and interest of the United States in and to a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, consisting of a parking lot approximately 47,500 square feet and located at 35 NE 2 Street, for the purpose of permitting the College to use the parcel as a site for a new educational building that includes a parking area, of which not less than 118 secure parking spaces shall be designated for use by the Bureau of Prisons of the Department of Justice.

(b) REVERSIONARY INTEREST.—If the Attorney General determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and

to the property shall revert, at the option of the Attorney General, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Attorney General under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If the Attorney General considers it necessary, the Attorney General may have the exact acreage or square footage and legal description of the land to be conveyed under subsection (a) determined by a survey satisfactory to the Attorney General. The College shall bear the cost of the survey.

(d) EXEMPTION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply to the conveyance of land under subsection (a).

The SPEAKER pro tempore (Mr. LUJÁN). Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

#### GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. I yield myself such time as I may consume.

Mr. Speaker, H.R. 838, the Miami Dade College Land Conveyance Act, introduced by Representative ILEANA ROS-LEHTINEN, will authorize the Department of Justice's Bureau of Prisons to convey a parcel of land to Miami Dade College in Miami, Florida.

Currently, the BOP's Miami Federal Detention Center's satellite parking lot occupies the land. Miami Dade College plans on building an educational facility on this land, which will include covered and secured ground floor parking for BOP employees at no cost to the agency.

The Bureau of Prisons does not have the authority to transfer this parcel of land to the college. However, this bill, which the agency supports, would permit the transfer to take place.

The college will make good use of the 47,500-square-foot area of land while also providing as many as 118 Bureau of Prisons parking spaces. This, obviously, is a good, collegiate way to work with an institution of higher education and our need for detention facilities, and this legislation allows that decision and that action to go forward. I urge all of my colleagues to support this helpful legislation.

H.R. 838, the Miami Dade College Land Conveyance Act, introduced by Representative ILEANA ROS-LEHTINEN, will authorize the Department of Justice's Bureau of Prisons to convey a parcel of land to Miami Dade College in Miami, Florida.

Currently, the BOP's Miami Federal Detention Center's satellite parking lot occupies the land. Miami Dade College plans on building an educational facility on this land, which will include covered and secured ground floor parking for BOP employees at no cost to the agency.

The Bureau of Prisons does not have the authority to transfer this parcel of land to the college. However, this bill, which the agency supports, would permit the transfer to take place.

The college will make good use of the 47,500 square foot area of land, while also providing as many as 118 BOP parking spaces.

I urge all of my colleagues to support this helpful legislation.

I reserve the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 838, the Miami Dade College Land Conveyance Act. This bill was introduced by the gentlewoman from Florida (Ms. ROS-LEHTINEN). The act would convey a parcel of land held by the Bureau of Prisons to the Miami Dade College, which is adjacent to the Bureau of Prisons facility. The parcel of land is now used as a parking lot by the Bureau of Prisons facility.

As a result of this act, the college will be permitted to use the parcel as a site for the new building that will include a garage parking area. That parking area will contain 118 secured parking spaces that will be designated for use by the Bureau of Prisons.

This conveyance outlined in this bill will benefit both the Bureau of Prisons and the Miami Dade College. The Department of Justice has reviewed the bill, and does not oppose its enactment. I urge my colleagues to support H.R. 838.

I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I would like to yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to see that the Miami Dade College Land Conveyance Act is before the House today. This is a great example of Federal-local partnerships truly benefiting both Miami Dade College and the Bureau of Prisons. This bill will facilitate the construction of a new educational facility in downtown Miami as well as provide secured parking for the Bureau of Prisons.

Miami Dade College has been an essential institution in South Florida for over half a century. It was born of the idea that anyone with a desire to get a college degree should be given that opportunity.

By 1967, the college was the largest institution of higher education in our great State of Florida. Today, it has built upon that position, and is now the largest institution of higher education



in the United States, serving over 160,000 students last year, all the while maintaining an affordable and exceptional course of study.

Miami Dade College has been instrumental in the development and success of thousands of students, and I am proud to say that my father, my brother and I are all graduates of this fine institution. It serves our community with fine distinction. In fact, 96 percent of the students enrolled at Miami Dade College are residents from our local area. Just 2 years ago, the college reached a truly incredible milestone. It welcomed its 1.5 millionth student. We are only a community of 2.3 million, so the sheer amount of lives that the college has influenced is astonishing.

When I say that Miami Dade College is central to the educational, social and cultural fabric of South Florida, know that this is no exaggeration. The college also embodies the essence of diversity. Almost 80 percent of its students come from a minority background. It enrolls more minorities than any other college or university in the United States, and in Florida, 33 percent of all minority students attending community colleges are attending Miami Dade College.

This bill will allow for the much needed expansion of the facilities in downtown Miami, and it will allow the college to offer more courses to more students. All this has been made possible by the stellar performance, leadership and guidance of the college president, Dr. Eduardo J. Padron, himself an alum of Miami Dade College. He is a man of unyielding strength and a passion for education. He has spent his entire career making sure that all students have the tools and the opportunities to succeed. His time at Miami Dade College has been defined by growth and greater academic accreditation. He has truly made a positive difference in the lives of countless individuals, and I commend him for all that he continues to do in support of our college.

I thank the Speaker; I thank the Members who have given me this opportunity, and I urge all Members to vote in favor of this legislation, supporting a fine institution of higher learning and the many wonderful students who will benefit from this expansion.

I thank the gentleman for his time, and I thank my good friend from Texas (Ms. JACKSON-LEE) for her time as well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me congratulate the gentlewoman for not only providing this facilitation for this institution of higher learning but for helping out the Bureau of Prisons, which is the Judiciary Committee's jurisdiction.

As I close, let me just acknowledge the legislation, H. Res. 290, that Congresswoman BARBARA LEE offered today and add my sympathy to the

people of California. I thank Congresswoman LEE for bringing forward legislation that honors the lives that were lost—Sergeant Mark Dunakin, Sergeant Ervin Romans, Sergeant Daniel Sakai, and Officer John Hege, who were members of the Oakland Police Department in California.

In the month of May, we will be honoring law enforcement officers who have fallen across America. We have done that every year since I have been in the United States Congress. Tragically and sadly, we will do it again, even honoring those who have come from Texas and Houston. So H. Res. 290 has my sympathy as well. Before I closed, I wanted to acknowledge that.

Let me now close on this legislation, H.R. 838, and indicate my support and ask my colleagues to support this legislation.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 838, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 6968(a), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Naval Academy:

Mr. RUPPERSBERGER, Maryland  
Mr. CUMMINGS, Maryland  
Mr. KLINE, Minnesota  
Mr. FRELINGHUYSEN, New Jersey

#### THE ECONOMIC CRISIS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, tomorrow and for the rest of the week, this body will engage in a very important, principled debate that really responds to the calamity that we have been facing over the last 6 to 8 months, and that is the economic crisis.

The administration has put forward its initiative that addresses the principles of a budget. This Congress, along with several caucuses, has offered budgets to be able to address the pain of the American people.

What I am so proud of and the reason I am standing here today is that Democrats have come together around prin-

ciples that will help to heal the economy: the infusion of dollars into education, into health care, a continued commitment to energy reform, and the review of energy opportunities across, if you will, the spectrum of resources. Certainly, we recognize the needs of our veterans and of our soldiers across the land.

I hope we will have a vigorous debate on behalf of the American people.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### HONORING THE LIFE, SERVICE AND HEROISM OF ARMY SERGEANT SCOTT B. STREAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. GUTHRIE) is recognized for 5 minutes.

Mr. GUTHRIE. Mr. Speaker, while recent weeks have brought about serious challenges here at home, we must not allow them to distract our thoughts and prayers from the brave men and women fighting the war on terrorism around the world. These men and women are proudly serving our country, and are facing challenges far greater than most of us could ever imagine.

I rise today to pay tribute to Sergeant Scott B. Stream, 39. Sergeant Stream was killed on February 24, 2009, in Kandahar, Afghanistan, in support of Operation Enduring Freedom.

I had the honor of attending the funeral for Sergeant Stream. As I walked in, they handed me a program of events for the funeral. Inside was an insert of an e-mail that Sergeant Stream had sent home to his family on December 31, 2008.

As I sat there, waiting for the funeral to begin, I read it over and over, and I decided that I needed to share this with our grateful Nation because it says a lot about Sergeant Stream. Also, I think it says a lot about the men and women we have serving us overseas. I would like to read this e-mail and enter it into the RECORD.

This is Sergeant Stream's e-mail:

"When I think about what surrounds me—the institutional corruption, the random violence, the fear and desperation—I feel the reasons why I'm here more and more sharply.

"As we grow in our soldier skills, surviving by finding the hidden dangers, seeing the secret motives in the shifting politics, we grow a set of skills that is unique and powerful in this situation.

"We also see what you cannot see in the States. You are surrounded by the love of Christ and faith in freedom and

humanity. Like a fish, you think water is a 'puff of air' because it is always there. You do not notice it. We who are out of water look back and see the world we love surrounded by enemies, poison and envy, that wants to fall on you like a storm of ruin. We who joined with vague notions of protecting our country see how desperate the peril, how hungry the enemy and how frail the security we have for you.

"The more I love and long for home the more right I feel here on the front lines standing between you and the seething madness that wants to suck the life and love out of our land. Does that mean I cannot go home? I hope not, because I want this just to be the postponement of the joy of life, not the sacrifice of mine. If it costs me my life to protect our land and people then that is a small thing. I just hope that fate lets me return to the promised land and remind people just how great our land is.

"War is a young man's game, and I am getting an old man's head. It's a strange thing. I just hope that I am not changed so that I cannot take joy in the land inside the wire when I make it home. I want to be with you all again and let my gun sit in the rack and float on my back in a tube down a lazy river."

Sergeant Stream didn't make it home, but he left behind a family. And I would like to read their names and let him know that we're all praying for him: His wife Rasa, his daughters Megan and Laura, his parents Sherman and Gayle Stream, his siblings and their mates, Shawn and Michelle Stream, and Shannon and Michael Pape and his grandmother Vera.

When I read that e-mail, it so reminded me of the dedication and the love that these young men and women had for this country. Their willingness to fight, their willingness to sacrifice. And what struck me the most he says, "If this cost me my life, that is a small gift." That is someone of maturity. That is someone of patriotism. And that is a hero.

□ 1830

#### ELMO D. ROEBUCK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, this week in my district, the U.S. Virgin Islands, the people are gathering to bid farewell to one of our native sons, the honorable Elmo D. Roebuck. After having lived a life of public service, community activism, and cultural promotion, Roebuck passed away last week at the age of 74.

A political mover and shaker, Roebuck was one of the men who led and

molded the U.S. Virgin Islands in its formative years. He, along with others, was responsible for the early successes of the territory on its road to self-governance. He was a mentor, a strategist, and a fervent fighter for the cause of the people of the Virgin Islands.

He was born in 1934 to Ector and Nathalia Roebuck and graduated valedictorian of the class of 1952 at the Charlotte Amalie High School in St. Thomas, U.S. Virgin Islands. In 1956, he graduated from what is now Hampton University in Virginia with a bachelor of arts degree in business administration. Returning to the Virgin Islands, Roebuck taught at the Charlotte Amalie High School and held several government posts before becoming the youngest Virgin Islander to hold a Cabinet-level post in 1964, when he was named by the late Governor Ralph Paiewonsky to head the Department of Housing and Community Renewal.

He later joined the Unity Party and then became one of the organizers of the new Democratic Party of the Virgin Islands in the 1970s, running as a candidate for Lieutenant Governor with the late Alexander Farrelly. The team lost that election, but he entered politics once again in 1972, becoming the highest vote-getter in the St. Thomas-St. John district in the race for a seat in the Virgin Islands Legislature.

Roebuck went on to serve six consecutive terms in that body, becoming chair of the finance committee in the 10th and 14th legislatures, and the President of that body in the 11th, 12th and 15th legislatures.

Mr. Roebuck is most remembered for his leadership in transforming housing in the territory. As commissioner of Housing Community Renewal, he was responsible for the formulation of an aggressive plan that provided a safe, decent home for every Virgin Islander. He oversaw the clearance of blighted, slum areas and the creation of modern neighborhoods across the Virgin Islands.

In 2005 in an interview with the on-line newspaper the VI Source, Mr. Roebuck recounted that his biggest accomplishment was the "shepherding through of the Coastal Zone Management Commission," the body that oversees the development and preservation of one of the Virgin Islands most treasured resources, its coastal areas.

During his tenure in the VI Legislature, he was responsible for the creation of the Post Audit Division, which improved that body's ability to track government finances and advise senators on critical issues before that body.

Roebuck was also a Virgin Islands tradition bearer. Having learned the art of telling folktales with music and humor from his father Ector, he would share them with schoolchildren and anyone who wanted to enjoy the rich

history and culture of the Virgin Islands people.

Mr. Speaker, the people of the U.S. Virgin Islands are saddened by the loss of Elmo Roebuck, whose community spirit was well noted in his legislative and administrative accomplishments; his service to his church and service organizations; and his sharing of Virgin Islands stories with young and old.

During his lifetime, he was knighted by the Queen of Denmark and honored by the Virgin Islands Legislature in 2003. This week he is being remembered for his cultural contributions with a storytelling wake at the Virgin Islands Legislature, and on Thursday, he will be laid to rest in a final goodbye by the people who served and loved him well.

I would like to express my condolences to his wife and his children and grandchildren. May they be comforted at this difficult time with the knowledge that his life was a life well lived.

#### THE DEBT ON OUR CHILDREN'S GENERATION

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute.)

Mr. GUTHRIE. Mr. Speaker, last year when I began deciding whether or not I wanted to serve in Congress or run for Congress, my wife and I were talking quite a bit about it, and our big concern was our children. I have a 15, 13, and 11-year-old girl/boy/girl, and our biggest concern was, what would campaigning and being in Washington and commuting do to our children? And as my wife and I began discussing that even further, it wasn't even what this was going to do to our children but what could our service or my service do here in Washington for our children and our children's generation.

And that has been the concern as we go into this week, and we are beginning to look at the budget that's being proposed, the debt that we're going to put on our children. That's what drove me to run for office. And I was really concerned about the debt that was going to be moving forward, the debt that we had and here we are increasing and increasing the debt and the burden on our children. And that is a concern that I have.

I have a great love for my children and their generation. I believe that we need to be very careful about any debt that we put on our children or their generation.

#### OUR AUTO INDUSTRY NEEDS HELP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, these are daunting times for communities in the Great Lake States. Our region's communities have served as production

platforms for our Nation for generations—for the generations when America built a solid middle class. Our region did not simply trade wealth, as do Wall Street and other mega-banking centers. We made it.

Our Nation's economy and, frankly, our defense industrial base depend on production platforms such as the motor vehicle industry for jobs, for industrial might, and for real wealth creation for the Republic. One of every seven jobs in our country is tied to the motor vehicle industry. Over half of semiconductors are used in auto production, nearly half of the carpeting, as well as plastics, glass, metals, electric wiring, machine tools, and the list goes on.

In my district and throughout the industrial Midwest, the Big Three and their suppliers still form the bedrock of our economy. And although elite opinion makers try to deny it, the reality remains that as the motor vehicle and auto industry go, so goes the economy of the United States. And that economy isn't looking too good these days.

President Obama is correct in saying that we cannot and must not and will not let our auto industry vanish. Those of us in our Nation's heartland have always known that. America cannot lead the global economy unless it leads in the global auto and truck center. No modern industrial power has ever survived without a thriving domestic motor vehicle industry whose capabilities undergird its defense industrial base. Japan understands that. China understands that. India understands that. Germany understands that. Do we understand that?

Now, we can take a look at the severe challenges facing this industry today. The most important reason that this industry is facing difficulties at the moment is because of the credit crunch and the inability of Wall Street to reach Main Street despite billions, hundreds of billions of dollars put into the TARP that isn't working. Any sales-dependent industry, like the automotive industry, must have credit lines open to the dealerships and to consumers who want to buy those cars.

So that TARP bailout overrides everything else happening. We need to see it. Straightening out what is being done by the U.S. Treasury, aided and abetted by the somnambulant Federal Deposit Insurance Corporation and the Securities Exchange Commission, is essential to righting our economic ship of state. And the failure of those agencies to monitor, let alone regulate, has created today's financial wreckage.

Mark-to-market accounting is killing more value inside this economy than the bailout can possibly replace. And as Treasury and Wall Street still fiddle, Main Streets across this country implode, including those where the automotive sector is predominant.

I am glad the President talked about the pain that is felt across our auto industry. Let me just say, look at the hands and the faces and the legs of autoworkers. They know their work is hard. The predicament we're in isn't their fault. It is a crisis of leadership, as the President has said, starting right here in this city.

Thomas Friedman, a writer, is wrong. He says the world is flat. Well, it's not. It has mountains and has huge valleys, and our auto industry has had to compete on a very unlevel playing field. Take this fact: over half the vehicles sold in this country actually come from other places in the world. In Japan's market, the second largest market in the world, only 3 percent of their cars come from any place else in the world.

Whose market is open? Whose market is closed?

Mr. Speaker, tax policy operates against this industry, and if we look at the number of cars, including the new Buick LaCrosse that was rated No. 1 by J.D. Power, we have an industry ready to compete. Let's give it a chance.

MOM, APPLE PIE, AND HYUNDAI?

THE AUTO INDUSTRY HAS BEEN A BULWARK OF THE AMERICAN MIDDLE CLASS. IF WALL STREET WARRANTS A BAILOUT, WHY NOT DETROIT?

(By Pat Choate)

In those happy days of the 1950s, my friends and I anxiously awaited the moment when the local auto dealers began displaying their new car models. My uncle was a Chrysler-Plymouth dealer, and we always began our tours there. Then we would go from one showroom to another, collecting the brochures, sitting behind the wheels of the new Corvettes, Chrysler 300s, Plymouth Sport Furies, and Thunderbirds, opening the hoods and admiring the powerful engines. Rare was the teenager of that era who did not know the specifications of virtually every model produced by General Motors, Ford, and Chrysler.

"Car people" such as Lee Iacocca, then at Ford, were in charge of America's Big Three automakers. They loved their cars as much as their customers did. The carmakers and their suppliers produced an ever changing set of engines, transmissions, accessories, and gadgets that made buying a car a family treat unlike any other. So many different types of hubcaps were produced that there were hubcap stores in all the major cities. In Texas, stealing them was a state pastime for teenaged boys.

The differentiated line of cars produced by General Motors was also a measure of social and economic status. A Chevrolet was for those starting out. A Cadillac was for those who had arrived. Pontiacs, Oldsmobiles, and Buicks were stop-offs for those on the way up or down. A jump from a Chevrolet to a Buick was an event noticed and commented upon by neighbors as a measure of success—or of someone acting above himself.

In that postwar period, Americans were on the go, and though Charlie Wilson was ridiculed for commenting, "What's good for General Motors is good for America," he was right. The Great Depression and World War II were memories, people had well-paying jobs, credit was easy, and a new car could be bought with a small downpayment. GM and

the auto industry were a major part of the economy and an important contributor to that prosperity.

The Big Three autos, coupled with the construction of the 42,500 mile Interstate Highway System and the establishment of a vast network of safe and inexpensive motels such as Holiday Inns, opened the continent for inexpensive family vacations. Dinah Shore's perky signature song captures the essence of America's love affair with its cars: "See the USA in your Chevrolet. America is asking you to call. America is the greatest land of all."

But success bred complacency and hubris in the industry. By the mid-1960s and early 1970s, management of the Big Three had shifted from the car people to "numbers guys," who were more interested in squeezing every possible penny of profit from the vehicles. To avoid costly worker strikes, Big Three management made major concessions to labor on pensions, healthcare, and vacations, costs it then passed on to consumers. Meanwhile, quality slipped. Designs were unimaginative. Buyers would ask whether a car was produced on a Monday or Friday, fearing that either the workers were too exhausted and hungover after the weekends to do a good job or too anxious to leave on Friday to care.

By the late 1960s, the Big Three had become an easy target for Japanese and European competitors. In 1980, Chrysler faced bankruptcy, and General Motors' management seriously considered exiting the auto business altogether. As part of that strategy, GM bought Hughes Electronics and Ross Perot's EDS.

Perot and the GM management quickly soured on each other. He wanted to manufacture the best cars in the world, and they wanted to enter into businesses in which they were inexperienced. One of the more interesting business lectures captured by the Harvard Business School in its case studies is Perot's speech to the GM board on the day he concluded his sale of stock back to the company. He ticked off what he thought was wrong with GM and what it needed to do to assure its prosperity in the auto industry. The essence of his message was to treat workers well, be innovative, settle for nothing less than making the best cars in the world, and sell them at the lowest possible price. His advice was ignored, of course, and GM continued to lose position in its domestic market.

Eventually, GM, Ford, and Chrysler's plodding efforts to build better vehicles began to pay off in the early and mid-1990s. Quality improved, styling began to matter once again, and the Big Three produced the kinds of vehicles Americans wanted—big, comfortable, powerful, and safe. Easy credit and cheap gas made owning the behemoths inexpensive, and Detroit seized control of the market for full-size pickups, vans, and SUVs.

A key moment for the Big Three and UAW came after their signing of the 1996 labor contract. GM thought it had bought three years of labor peace. But the union unexpectedly staged a series of local strikes in facilities that produced strategic parts, the shortage of which could stop all GM production. These snap strikes closed GM for part of 1997 and cost the company billions of dollars. For whatever advantage the union may have gotten, its actions enraged GM management, which accelerated its investment in duplicative plants in other parts of the world, staffed with nonunion workers.

In 1999, GM spun Delphi, its parts division, into a new corporation that entered Chapter

11 reorganization in 2005. The UAW contract was broken, and the workers were left with \$14 per hour jobs, no healthcare, and no defined-benefit pensions. President Lyndon Johnson was once asked if half a loaf of bread was better than none. He replied, "A slice is better than none." The Delphi workers got a slice.

Over the past two decades, each of the Big Three has been through extensive management changes, downsizing, and layoffs. Chrysler even became part of the German company Daimler, which could not make the acquisition profitable and eventually sold 80 percent of its interest to Cerberus, a private investment fund.

It is difficult to teach an elephant to waltz, but it can be done. While the Big Three have been slow to change, they have adapted well enough that they still hold half the U.S. market share. It is an amazing turnaround.

Consider quality. In 2007, Ford won 102 quality awards, including AutoPacific's Best in Class for three models and Germany's largest auto magazine's Auto 1 of Europe Award for its S-MAX. Forbes awarded the 2008 Chrysler 300 "the highest-quality car in the near-luxury category" over the Audi A4, BMW 3 Series, Lexus IS, and Mercedes-Benz C Class. Of the 15 global finalists for the 2008 Motor Trend Car of the Year Award, the Big Three manufactured nine, the Japanese four, and the Europeans two. The 2008 winner was GM's Cadillac CTS, which Motor Trend described as "proof that Detroit can still build a world-class sedan."

As for innovation, General Motors, Ford, and Chrysler invest almost \$12 billion annually on R&D, making them a major source of technology development. In 2007, the U.S. Patent and Trademark Office granted these three corporations 1,030 patents.

James E. Malackowski, CEO of Ocean Tomo LLC, a merchant bank that specializes in intellectual property products and services, recently compared four of the green, clean, and energy efficient patent portfolios held by the Top 15 global automakers—emission control, catalytic converters, and related chemistry; fuel cells; hybrid/electric vehicles, mostly motor and battery innovation; and emerging related technologies, including solar, wind, and other green inventions.

GM has higher average quality and newer green technology and patents than the other 14 auto manufacturers combined. Together with Ford it holds approximately one-third of all green-technology patents and the related value. Moreover, GM has 70 percent of the patents in the emerging-technology category. This domestic share increases to 85 percent if Ford is added. Finally, Ford owns 30 percent of all patents with a similar related-value measure in emission-control innovation. These Big Three technologies have great potential for stimulating overall U.S. economic and job growth and creating a greener and more fuel-efficient world.

There is much of value to be saved in this vital industry, but relief has been slow in coming. When Wall Street recklessly gambled with borrowed monies and lost, federal aid was characterized as a "bailout." The present auto crisis was created by powerful economic forces, many beyond Detroit's control. Federal efforts to save the U.S. auto industry would constitute a "rescue."

The primary causes of the current U.S. auto-industry crisis are threefold: a financial freeze in which even well-qualified borrowers are denied credit to buy vehicles; fluctuating oil prices that have driven the price of gasoline from less than \$2 per gallon to more

than \$4 and then back to \$2, all in less than 10 months; and a consumer panic that has cut retail sales to 15-year lows.

The failure of the U.S. Treasury Department and Securities and Exchange Commission to monitor, let alone regulate, Wall Street has created today's financial wreckage and the resulting consumer panic. And despite the obvious need for a far-sighted energy policy, the last four presidents and Congress have done little but encourage more drilling.

The longer-term inability of America's auto industry to export competitive products has its origins in U.S. trade policies that accept closed foreign auto markets and the payments of massive export rebates by other governments to their automakers. How can U.S. automakers be expected to compete in a world where German producers get a 19 percent export subsidy on every vehicle sold in the United States, China undervalues its currency by up to 50 percent, Japan keeps its auto market tightly closed, and the U.S. government allows South Korean automakers to sell more than 700,000 subsidized vehicles in this market annually, but tolerates Korea's restriction of U.S. imports so tightly that fewer than 7,000 American-made vehicles are sold there each year? The Big Three and the UAW are not at fault for these distortions of competition.

The three overarching questions that President-elect Obama and the 111th Congress face are: what will happen if the Big Three are not saved, how much will it cost, and what is the best way to execute the rescue?

As to the first question, federal inaction would be costly and destructive in ways America has not experienced since the Great Depression. The Center for Automotive Research—appropriately, CAR—projects that a 100 percent closedown of the Big Three auto producers would result in the loss of almost 3 million U.S. jobs in the first year. The majority of those losses would be Main Street jobs distributed across the country that depend on spending by the Big Three—steel, glass, and rubber producers and the 20,000 dealers, who are major purchasers of advertising in local newspapers, radio, television, and other small business services provided by lawyers, accountants, real estate contractors, and landscapers.

A 50 percent reduction in the Big Three's operations would be almost as costly. CAR estimates that 2.47 million jobs would be lost in the first year, 1.5 would still be unfilled in year two, and slightly more than 1 million in year three. The lost revenues from either scenario would devastate federal, state, and local budgets, creating further economic upheavals. CAR estimates that a 100 percent shutdown would cost \$156 billion in lost tax receipts and increased transfer payments. A 50 percent shutdown would cost \$108 billion.

Job loss is only part of the risk. The U.S. defense industrial base would be greatly weakened if the Big Three failed. The collection of machine tools, robots, production lines, and skilled workers of the auto industry gives the United States the capacity to shift quickly from domestic production to the manufacture of tanks, airplanes, and other war materiel as happened in World Wars I and II. The foreign auto transplants are not a substitute, for they are mostly facilities for putting together kits manufactured abroad.

As for the cost of the auto rescue, it is impossible to estimate the final number. Certainly, \$38 billion for an operational bridge loan is too little and will require supple-

ments. GM alone has a cash-burn rate of \$2 billion per month, and will use its portion of the first loans within months. Yet the earliest that GM says that it can produce its new line of vehicles is 2010. Inevitably, the automakers will be back for more, much like the banks and insurance companies.

As CAR has documented, however, the costs of inaction will also be great. Its estimates of a collapse, moreover, do not include the costs of shifting more than \$100 billion of Big Three pension liabilities to the Pension Benefit Guaranty Corporation, which is currently operating with a \$10 billion deficit. Only about a quarter to a third of the Obama administration's proposed stimulus of massive investment infrastructure expenditures will be felt in 2009, half in 2010, and the remainder thereafter. As presently defined, it will have little effect on the Big Three.

They need more sales now. The fastest and surest way to stimulate such activity is for the federal government to give a massive one-to-three-year tax deduction for sales of U.S. vehicles with a high U.S. or North American content, such as 70 percent. This would help clear the dealer backlog and immediately put people to work. It also would allow taxpayers to get great bargains on new vehicles.

Some have suggested that Chapter 11 is the only viable option for the Big Three. But it would create an economic avalanche in which dozens, if not hundreds, of suppliers and dealers would be forced into bankruptcy. No institution other than the federal government is now able to provide the billions of dollars necessary for the industry to operate during reorganization. And at the very moment that these auto giants need to act quickly and be flexible, they would be constrained by a federal judge and trustees to get approval for even the most basic decisions. Those who advocate bankruptcy need only look at the cumbersome and costly Delphi experience, which is now in its fourth year.

But rescuing the American auto industry will require more than vast sums of public monies. Basic policy changes in trade and tax laws are essential. One of the most difficult, but unavoidable, challenges will be to end the Value Added Tax discrimination faced by the Big Three in both their domestic and foreign markets. Soon after World War II ended, U.S. trade negotiators agreed to allow the rebate of Value Added Taxes on their exports and the imposition of VAT equivalents on their imports of U.S. goods and services. Europe was rebuilt decades ago, but 153 nations now have a VAT, and its average rate is 15.5 percent. Japan has a 5 percent VAT, China's is 17 percent, Germany's is 19 percent, and France imposes 19.6 percent. The economic consequences to the Big Three and other U.S.-based manufacturers have been devastating.

When a German automaker exports a vehicle into the U.S. that costs \$50,000, for instance, it receives from the German government a 19 percent VAT export rebate, worth about \$9,500. But when one of the Big Three exports a \$50,000 vehicle to Germany, it must pay the German government a 19 percent, \$9,500 VAT-equivalent tax at the dock. Thus the Big Three products are price disadvantaged in both markets. Moreover, these discriminatory VAT rules provide a powerful incentive to outsource production from the United States. In the Tokyo, Uruguay, and Doha trade negotiations, the U.S. Congress instructed American trade negotiators to eliminate this tax disadvantage, but other governments refused to discuss the issue.

In addition to pressing for the adoption of new global trade rules to end VAT discrimination against U.S. manufacturers, the incoming administration should focus on eliminating the many protectionist national tariff and non-tariff trade barriers crippling the Big Three. India, for example, imposes a 100 percent tariff on imported U.S. vehicles. China's tariff rate is 25 percent. Korea has long-run national anti-import campaigns that include targeting for tax audits anyone who buys a foreign car. Unless foreign economic protectionism is confronted immediately and at the highest levels of the U.S. government, the American auto industry cannot survive.

Three other principles are essential to the rescue. First, taxpayers should receive substantial equity in these ventures, plus long-term warrants, whose purchase price is set at today's stock values. After all, we are taking the risk. When any public loans are repaid, the terms and conditions should require a sale of those stocks, hopefully at a substantial public profit. Taxpayers made almost a 30 percent profit on the Chrysler loans three decades ago.

Second, demands for a reduction in worker pay should be eschewed. The UAW and its members have already made massive wage and benefit concessions in recent negotiations. Delphi is only one example. Almost a century ago, Henry Ford paid his workers a then unheard of \$5 per day so they could buy the products they were making, and the auto industry led the way in creating an American middle class. This rescue should not undermine broader efforts to provide secure jobs and benefits, nor should it allow the pitting of well-paid American workers against the penny-wage labor of other countries.

Without question, the UAW has often been smug, arrogant, and inflexible. But rather than punishing it by requiring reduction in its members' pay, we should expect the union to contribute to the rescue. It should enter into a no-strike agreement until the federal loans are paid and invest its \$1 billion "rainy day" reserve, commonly called its "strike fund," in the preferred stock of the Big Three until the loans are satisfied. The rainy day has come, and if taxpayers are putting up money to save UAW jobs, so should the union.

While U.S. antitrust laws allowed the UAW to target one company at a time, those same laws prevented the Big Three from negotiating together on an industry-wide contract. Any rescue should permit the Big Three and UAW to negotiate an industry wage and benefit package.

Third, executive pay at the Big Three should be capped at some simple multiple of the average annual pay of Big Three workers, such as 10 or 15 to 1, with any bonuses being provided in corporate stock, at least until any federal loans are paid off. Also, the Big Three executive pension funds should be required to have at least a majority of its capital invested in Big Three stock. The goal, of course, is to create a common incentive for labor and management to work together.

As of mid-November 2008, the U.S. Treasury and the Federal Reserve had advanced \$2 trillion to salvage the financial wreck created by Wall Street. In late November, the FDIC announced that it was ready to loan another \$1.4 trillion to stabilize the banks. The Bush administration and Congress seem to have no limits to their concern about Wall Street.

The Big Three automakers, their suppliers, and dealers are on Main Street. They employ

millions of workers and provide essential goods for American consumers. If the Big Three fail, an economic tsunami will quickly roll across the United States, destroying jobs, incomes, and national confidence at historic levels. The challenges faced by the new administration at that point would be similar not to those faced by Franklin Roosevelt, but to those that confronted Herbert Hoover in the first years of the Great Depression.

In this instance, what is good for General Motors is good for America.

#### THE ECONOMIC SITUATION WE NOW FACE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, I come here this evening to the floor to talk about a subject that is arresting the attention of Americans everywhere. It arrests their attention because it very much involves their futures, their future hopes, and the hopes of their children and grandchildren: that is, the economics and the economic situation that we now face.

Over the past, we have, over the past 6 and 7 years, heard repeatedly in our media the tremendous cost, particularly of the war in Iraq. We were told every day not only of people that were dying there but also of how it's just draining and siphoning money from the American economy.

And so, we come today in a curious situation. If you were to add all of the money that was spent in Iraq in the war there, add it all up for 6 years, and then take the money that was spent in the war in Afghanistan, add it up for 7 years, and you put those two sums of money together, you would come up with less money than this U.S. Congress spent in the first 5 weeks that we were in session when we passed the supposedly stimulus bill.

That, perhaps, casts a certain amount of light and helps to put in perspective what \$840 billion in taxes that we actually don't have, but \$840 billion dollars in spending that we approved here on this House floor.

□ 1845

What has happened since that time is we have spent other money, and there have been other large chunks of change, and I think it gets a little bit confusing in people's minds exactly how much is the Congress spending.

And so I have here immediately to my left a chart that talks a little bit about some of the money that we have spent in the past, and we do this on the eve of the fact that we have the new budget coming up which will be discussed and debated tomorrow. That budget is a whopper of a budget, but first, let's put it into context.

First of all, in the fall of last year, as Wall Street was becoming weaker and as there were demands for money to bail out Wall Street, the Congress approved \$700 billion for the Wall Street bailout. The first \$350 billion were spent last year, with an additional \$350 billion this year.

Theoretically, this money was supposedly offered with transparency, so we could know what it was going to be used for and how we were getting something good from it. However, in spite of the fact that we spent the first \$350 billion, we saw the stock market sliding and sliding. Then we spent the second \$350 billion, and people continued to ask whether this money was really an effective tool.

As we asked many questions, even last fall on this subject, what we found was that particularly some people that worked on the savings and loan crisis some more than 10 years ago said that there was a way to help deal with our financial crisis, and particularly the toxic mortgage and bad loans that had been made, there was a way to deal with that without spending a lot of money. In fact, during the savings and loan crisis, we did not spend any of this kind of money, even though the situation was not dissimilar. That involved things like mark-to-market and other accounting kinds of principles that could have been followed rather than going into the American taxpayers' pocket for \$700 billion.

Well, this year we spent \$350 billion of that. Moving forward to this economic stimulus—I call it the porkulus bill—we spent another \$787 billion. Let's put that into perspective. In an area that I work, which is on the sea force committee, sea power committee, and one of the big ticket items that we deal with are aircraft carriers. People that know something about the Navy know that aircraft carriers are expensive, and we protect them by putting other ships around them. We only have 11 of them currently in service, and they average about \$3 billion historically. That's what we paid for them.

And so if you were to divide the \$3 billion into this \$787 billion, what you'd find out is that you have got, you know, over 200 aircraft carriers. Picture 200 aircraft carriers tied end-to-end. That's a whole lot of money that we're spending that we don't have. Or if you want to put it another way, just the interest and the debt service on this money that we don't have that we're spending would be enough to buy nine new aircraft carriers every single year.

And what is there in this economic stimulus package that's so important? Well, as it turns out, it isn't even the good old Keynesian, the good old FDR, "government spend its way out of trouble" kind of package. It doesn't have those kinds of things in it. You'd think it would have in there hard manufacturing kinds of jobs, building ships,

pouring concrete to make hydroelectric plants or nuclear power plants. You would think it might have a lot of money for roads, something for small businesses to get them going. It turns out it's not. It turns out what it is, it's a whole lot of spending on items that are just budgetary items of the Federal Government. It's just a whole lot of spending on social programs.

It does include some money to protect an endangered mouse in Speaker PELOSI's district. It contains things about education for HIV. It has some money for ACORN and things like that. These are regular old social government programs, but nothing that's really stimulative particularly.

And so this tremendous amount of money added to the debt is something that has very much captured people's attention, but we haven't stopped there unfortunately. We have seen no sign in the economy or in the stock market that this money is doing any particular good. In fact, all of the evidence economically would suggest that it won't. In fact, when you take a good look at the people that came up with this whole idea of stimulating the economy by government spending money, it doesn't even make much common sense.

Think about your average American family. Hey, we've got hard trouble with the budget this year, what are we going to do? Oh, let's go buy a brand new car and spend a whole lot of money. Nobody's that dumb in our country except for the Federal Government, and of course, we want to spend a lot of money. There isn't any economic justification. In fact, Henry Morgenthau, who was the Secretary of the Treasury under FDR, after they did this lovely theory of spending tons and tons of money—and this is all through the 1930s and 1939—Secretary Morgenthau comes before the House Ways and Means Committee. He said, We have tried spending a whole lot of money and it doesn't work. He's pretty straightforward. It doesn't work. Our unemployment is as bad as it's ever been, and we have a tremendous amount of debt to boot.

So, so much for little Lord Keynes' theory. It was tried by the Japanese back in the 1990s, and the Japanese economy was sick because they just kept spending more and more government money, and it didn't help their economy at all.

So, so much for the theory of a whole lot of government spending is going to make the economy go well. Actually, considering the number of trillion dollars in debt, if the government spending was what made things went well, why we would all be millionaires ourselves if that theory worked. Of course, it doesn't work, and this of course, does not work.

Then we have the appropriations for 2009 which was another \$410 billion, and

you start putting this together, and it starts to add up to real money. And now we have the new budget that has been proposed, a \$3.6 trillion budget, and that includes some different, interesting items.

One that I think is of significance, the President promised us while he was in this very Chamber, he promised us that if you were making under \$250,000 you didn't need to worry about taxes because he wasn't going to raise your taxes any. I thought, I'm glad because I don't make \$250,000 a year, so I don't need to worry about tax increases.

Well, you better hang on to your wallet in Washington, D.C., because what is this cap-and-tax? This is a tax on electricity and heating fuel, propane, natural gas, things like that. And what's that going to mean? Well, some economists took a look at what that was going to cost, and this is a very credible organization. I believe it was MIT. I forget which university it was. Their estimate was \$3,100 for every household in America. So, so much for the \$250,000. Sure, we're going to tax those guys that own small businesses, but we're going to tax every household in America on an average of \$3,100 every year.

I see a good friend of mine from Indiana, a very respected statesman on this floor, and I would yield to my good friend, Congressman BURTON.

Mr. BURTON of Indiana. Well, I really appreciate you saying that, and I just hope everybody in my district in Indiana heard you say that because I want to make sure they appreciate me. So thank you very much for saying those nice things.

The thing that I wanted to mention is you're absolutely right. The amount of money that this is going to cost the average homeowner is just unbelievable, and it's going to be a tax increase that's going to be borne by every single person in this country.

But in addition to that, the inflationary pressure that's going to be created by all this printing of all this money is unbelievable. They're talking about something like over the next decade 7, 8, 9 trillion dollars in spending, and that's going to result in a tremendous amount of printing presses being run over at the Treasury Department. And when that money gets into circulation, it's going to cause a tremendous amount of pressure as far as inflation is concerned.

As a matter of fact, I know my colleague knows this, but just in the last couple of weeks we found out that the money supply in this country has been almost tripled in the last couple of years. And because of that, we already have a built-in inflationary pressure that will be taking place I think in the next couple of years. So I think there's going to be a spike in inflation.

But I'd just like to add one more thing.

Mr. AKIN. If I could reclaim my time, you talk pretty fancy words about how this is going to create all this inflation and stuff. I want to just see if that connects to what I'm saying.

Back in my district, the poor people are investing in lead, and the more well-to-do people are investing in gold. The poor one, it's the lead shells for different types of rifles, pistols and shotguns; the other one is gold coins. Maybe they're thinking along the same lines as you are, with inflation, you have got to do something to protect yourself, and the government is just running the printing presses.

Mr. BURTON of Indiana. If the gentleman will yield, there's no question that the inflationary pressure is very real, and the taxation that people are going to face is very real, and it's not something that we're just making up for political purposes. It's going to happen, and it's going to happen very quickly on the tax issue, and the inflation issue is going to come in just the next couple of years, in my opinion.

But one of the things I wanted to mention—and I appreciate my colleague taking this time—and that is, that there's a book out called "The Forgotten Man," and it's a book that I hope everybody who's interested in what happened during the Great Depression and how that correlates to what's happening today, if they're interested in that, they really ought to read it because there's tremendous parallels between what happened between 1929 and 1941 with what's going on here today. And that depression that we went through in this country lasted for over 10 years, and that's something that we don't want to see happen in the United States.

Mr. AKIN. Reclaiming my time, I have heard great things about that book. My own father read it, and he just said it's something you can read on an airplane. It's fascinating.

Mr. BURTON of Indiana. Well, I do read it on the airplane.

Mr. AKIN. Fascinating. So I appreciate you mentioning it. "The Forgotten Man"?

Mr. BURTON of Indiana. Yeah, but the thing about it that's important is we're making the same basic mistakes we've made in the past during the 1920s and the 1930s that led to the Great Depression and caused a tremendous amount of unemployment and heartache for the people of this country.

And the thing that really bothers me is that we went through a very large recession back in the late 1970s. When Ronald Reagan, your hero and my hero, came into office in 1980, he immediately moved to cut taxes across the board, and because of that, even though that economic problem we faced back then was worse than it is now, we came out of that and had the longest period of economic growth that we've had in my memory, and that's



because he cut taxes. He didn't raise spending like this. He cut taxes so people and businesses had disposable income that they could use to invest and buy things. That's what we need to be doing today.

Mr. AKIN. Just reclaiming my time, what you're talking about, Ronald Reagan, a lot of times people say that Republicans, well, all we do is say "no," we don't have any answers. But the fact of the matter is that this idea that Keynes had and Morgenthau had about the government spending lots of money to fix the economy, it doesn't work, it's never worked. So we vote "no" on what doesn't work.

But what does work? Well, what you're saying is, one, you want the government to spend less money, but the other thing is certain types of tax cuts, not every tax cut, but certain types, particularly the tax cuts that put liquidity into the pocket of those small businessmen—that's 70 percent of the jobs in this country are created by these entrepreneurs, these investors, the small businessmen that get their things going. So that's what Ronald Reagan did, and boy, did it work. He wasn't the only one that did it. JFK did it, didn't he?

Mr. BURTON of Indiana. That's right. He did it, and Reagan did it. Reagan cut taxes for business, as well as for individuals, and today, if we cut the capital gains tax in half or cut it out all together for maybe a year and if we cut the income tax out for just two or three months, that would cost a great deal less than we're spending, and I have no doubt that it would stimulate a real rapid growth in the economy of this country.

So I'd just like to say to my colleague and my other colleague that just showed up on the floor, I want to thank you both for taking this Special Order. The American people really ought to appreciate what you're doing by explaining what in the Dickens is going on around this place, and I'm very happy that you're doing that.

Mr. AKIN. Just reclaiming my time for a minute, let me ask you: on this chart this is the historic budget in balance. Everything below this line, we spent more money than we had. Anything above the line, we spent less than we had. Every single bar is a year going back to the 1980s and 1990s. You come across here. Does it strike you as being a little bit odd that in 2009 we have this tremendous level of spending? Does that look like a good sign to you? You know something about economics. I yield.

Mr. BURTON of Indiana. There's just no question in my mind that the tremendous amount of spending that we're doing right now is going to be very bad, not only for us but for the future generations. The kids and the grandkids that we're going to be having are going to be bearing the burden

of higher taxes and inflation, and it's not necessary if we did the right thing today by cutting taxes across the board.

And I see both my colleagues are here, and I really appreciate. And I'd just like to say one more thing before I yield the floor to my colleague, and that is, everybody ought to take a hard look at what happened in the Great Depression and what happened in the 1970s and the 1980s with Ronald Reagan. And you will see a real contrast between trying to spend our way out of a problem instead of cutting taxes and let the American people spend the money the way they want to spend it and the way business wants to spend it. Because if the American people have more money to spend and if business has more money to invest, then they're going to start doing the things that will stimulate economic growth and make the economy work; whereas, government trying to control everything and trying to spend our way out of these problems we're facing, it only leads to disaster.

It did in the 1920s. It did in the 1970s, and they will do it again right now if we don't get real and start cutting taxes instead of increasing spending across the board.

□ 1900

With that, let me yield to my colleague, and I really appreciate you taking the time tonight to do this.

Mr. AKIN. I sure appreciate my colleague from Indiana and his wisdom. He's been in the Chamber for some number of years, keeps an eye on these things, and Congressman BURTON is a great leader down here.

Mr. Speaker, Congressman SCALISE is somebody who hasn't been here as long but is readily and rapidly earning the respect of his colleagues on the floor, particularly for the fact that he is paying immediate attention to the number one top priority, which is what's going on fiscally.

Mr. Speaker, I'm going to yield the remaining time for this hour and would hope that Congressman SCALISE could then pick that up.

The SPEAKER pro tempore. Without objection, the gentleman from Louisiana will control the balance of the time.

There was no objection.

Mr. SCALISE. Thank you, Mr. Speaker. I thank my friend from Missouri for participating in helping lead this hour-long debate on the issue that is right now most important facing our country, and that is not only how to get out of this economic crisis that we're in, but how to sustain and get our country back on footing in terms of budget policy.

In many ways, we've got problems in our financial systems, but we've got big problems here in Washington as it relates to spending and borrowing and taxing.

This week, we're going to be voting on the President's budget. His budget resolution is on the floor later this week. It's a budget that causes us great concern because of its record levels of spending, record levels of borrowing, and record levels of taxing not only small businesses but every family in this country that uses energy on the energy cap-and-trade plan that just got filed yesterday—the President's cap-and-trade policy that adds a \$646 billion tax increase which will fall on the backs of every American family.

So when we talk about all of these policies, let's look graphically at just what this means in terms of spending as it's relating to the past decades in our current national debt.

Right now, if you look at the trend over the last few years, the budget deficit was actually going down. It was still too high. For those of us who do not support deficit spending, it was still too high, but at least it was trending down towards getting back to a balanced budget.

Unfortunately, the first budget that President Obama filed increases deficit spending—actually, record levels. Next year would be a \$1.9 trillion national deficit added to a record level of debt.

When we talk about the level of debt—and I think you're seeing across the country this budget has got a lot of people concerned, not only for what it does in the first year of spending, but this comes on top of the stimulus bill, that massive spending bill, over \$800 billion of deficit spending that the President signed in his first few weeks in office. But then this budget thrown on top of that, when we look at what this means to future generations, this is where the real concern comes in.

This is a chart that actually shows since the history of our country since 1789, when George Washington took the oath of office, through the period of time that George W. Bush left the White House in January of this year. This country accumulated \$10 trillion of national debt.

Now it's a level that I'm not comfortable with and many people are not comfortable with. But when you compare that with President Obama's budget, he mushrooms the national debt from \$10 trillion, which is the national debt he inherited, to \$23 trillion, when his budget that is going to be voted on late this week is taking effect.

Now, obviously you see graphically why so many of us oppose this record level of spending and borrowing. The fact that one President in just one budget resolution can double the national debt to do what it took 43 other Presidents to do in 220 years of our country's history, this President will double that number, to go from \$10 trillion in national debt that all 43 previous Presidents accumulated, to going up to \$23 trillion when President

Obama's budget is fully implemented—if it's fully implemented.

That's what brings us here tonight—the fact that this budget resolution has not passed yet. It's a proposal. It's a proposal by the President that I don't support, that many of us don't support, and I'm not sure that a majority of us don't support it, because we will have a vote and there is a chance that this budget will pass. That's why we're trying to lay out these facts.

These are facts. These haven't been disputed. These are verified by the Office of Management and Budget, the Congressional Budget Office. Everybody that's looked at this has confirmed that the President's budget will more than double the national debt. Yet, we are presented with this vote later this week.

Those of us on the Republican side have presented an alternative budget. In fact, we've laid out a plan to get us back to surpluses; a plan that pays down, goes down on deficits—brings our deficits back down to where we're only spending as much money as we're taking in.

Just like American families across the country during these tough economic times—they are cutting back, they are making do with what they have—this Congress should do the same. This President should do the same. The Republican budget that we have laid out now will do just that.

It doesn't add new taxes. In fact, it cuts taxes so that small businesses can go out and hire more people. But then it responsibly spends to a level where we will finally have a balanced budget, something that is critical—for our country to spend within our means.

So my friend from Missouri I know has been talking about this same thing. I want to yield back to him some time so that he can further expound on it.

Mr. AKIN. I appreciate the gentleman yielding. There are a couple of things. In spite of how deadly serious this is and the tremendous impact it's having in terms of lost jobs and just hammering people's pensions and people struggling with their payments, one of the things that is so odd about what we do in the government sector is we pass these laws and they have unintended consequences.

I'm just thinking about. Here we go again. We're just about to pass another silly law. And I'm thinking about how are my people in the great State of Missouri going to react.

We've got this cap-and-tax tax increase that you're talking about. That tax increase is going to be not on people over \$250,000, but what this is going to be is a tax increase on the use of energy—of electricity, natural gas, propane, or whatever you're heating your house with.

So just think about it a minute. This has been estimated to be \$3,100 per fam-

ily in America per year. That is a pretty big tax increase. That is like my entire property taxes on the house that I have now.

So I'm picturing, Congressman, if you think about it a little bit, and all of a sudden your energy is going up at such a tremendous rate and you're having to pay \$3,000 more in taxes, what in the world are you going to do?

Well, people in my State are going to get that steel chain saw out, they're going to be cutting up firewood, they're going to get themselves a wood-burning stove, and they're going to start burning firewood instead of natural gas. What's the effect of that going to be? Well, not as complete and clean a combustion.

So we're going to put more CO<sub>2</sub> and other types of gasses in the air by passing this bill and it's going to have the exact opposite effect of what it's supposed to do.

It's like when some brilliant genius put this MTBE in our gasoline to make the air cleaner and people figured out that it was ruining the water and the water table because it was washing out of gasoline that was spilled and poisoning the water. So we do something that is supposed to be making the environment better—and we make it worse.

Here we go. We're going to tax everybody's use of home energy. And what's going to happen? They're just going to get wood-burning stoves. It's going to smell nice like a barbecue going on all the time. But this is just another really bad idea, particularly in these hard times, to be laying one more heavy tax burden.

Now we heard a lot about President Bush spending too much money. As a Republican, I voted against some of those proposals. But let's do a comparison here of exactly where we are because you talk about trillions and billions of dollars, it makes my head spin. But I can do a simple comparison.

Here the average annual deficit under President Bush is \$300 billion, and what is being proposed by the current President is \$600 billion. I can understand the difference. There's twice as much spending going on here as there was under Bush.

Here's the highest deficit. George W. Bush, when the Democrats ran the House, that was when there was the most spending going through—\$459 billion. Under President Obama, he's looking at \$1.2 trillion. That's two times more deficit spending.

Increase in the national debt. Under all of the years of President Bush, \$2.5 trillion. Well, that's not good. Again, President Obama has got him beat two to one.

So I think it's helpful to try and put numbers in perspective. What we are talking about is unprecedented spending—and guess what the result of that is going to be? You guessed it. Something that none of us like. Jobs lost. That's what's happening.

When you start spending too much money, taxing too much, borrowing too much, you start to lose jobs. Small businesses shrink down. The guy that made \$250,000, now he's getting taxed and not putting that money back in his business.

It's making all Americans across our country hurt. This is something we can talk about numbers. But we're also talking about people, Congressman.

I appreciate your yielding some time here because this isn't the way we should be going. What we should be doing is tightening the belt in government like everybody else is tightening their belt.

Understand that this is not government money, this is hard-earned dollars not of ours, not of our children. It's our grandchildren's hard-earned dollars that are being spent. We just can't allow this to go on.

I'm going to stand here, I know you're going to stand here, and we're going to fight until every American understands what is at stake. I believe when America wakes up to what's happening here, they're going to say: No more spending, no more taxes. Back off, Washington, D.C., and let us do what we have always done so well and that is let America free enterprise and the American Dream pull us out of this mess.

I yield back.

Mr. SCALISE. Reclaiming my time, I want to thank my colleague and friend from Missouri for laying out not only the stark realities but the optimistic tone that this is not something that has happened yet. This is an issue that the American people are recognizing when they see the concerns that they have, which are the same concerns that we have, that the President's budget spend too much, taxes too much, and borrows from our children and grandchildren—money that we don't have.

So why is this bad? Because the numbers that you showed, the numbers that we show right here on this chart, the fact that President Obama is doubling the national debt, something that took over 220 years and 43 Presidents to accumulate. He is more than doubling that with his record level of spending.

What's interesting is right now, just today, they started a summit in Europe. The President went to Europe today and he is going to be meeting with other world leaders in Europe.

Just last week, European leaders—now we're seeing American people all across the country speaking out against this record level of spending, recognizing the problems and dangers that it's going to pose not only to them in terms of higher interest rates, lost jobs, inflation, but also in terms of what we will be leaving to our children and grandchildren. All of this debt that would be saddled on the backs of future generations.

So Europe is actually taking notice. In fact, the Czech prime minister and

the current European Union President, Mirek Topolanek, said last week that “the biggest success of last week’s EU summit was its refusal to copy the U.S. example. We need to read the history books and the lessons of history. And the biggest success of the EU is the refusal to go this way.”

You had the head of the European Union telling the President that he’s spending too much money and that he’s concerned about President Obama’s spending. It’s almost like when Otis, the town drunk, tells you he’s concerned about your drinking problem.

I think you need to take notice when leaders in Europe are telling the United States that this President is spending too much money. I think that’s very riveting. In fact, it’s a major concern that a lot of us have.

That’s why those of us on the Republican side and we invite our Democrats to join us in a bipartisan way to join with our budget resolution, not a budget that spends too much, borrows too much, and taxes too much, but a budget that actually balances the Federal budget, that does not raise taxes that will actually create jobs.

We filed this bill in a bipartisan way. We’re reaching out to our Democratic colleagues to reject the path of doubling the national debt. So, hopefully, they’ll join with us.

Somebody that is joining with us is my friend from Ohio, Mr. JORDAN, who’s on the Budget Committee and has been participating in some of these discussions and helping draft this alternative plan. So I yield time.

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Mr. JORDAN of Ohio. I thank the gentleman from Louisiana and our colleague from Missouri for this Special Order hour, and appreciate the chance to be with you.

You know, you hear “tax and spend” politicians. I would argue it is actually the opposite, it is spend and tax. Spending always drives the equation. Spending requires the increase in taxes. Spending requires the increase in borrowing. Spending is what hurts the future of our kids and our grandkids. And I know this has been pointed out because I see the chart that the gentleman from Louisiana has displayed.

This budget, the Obama Democratic budget in the next 6 years adds more to the national debt than it took the previous 43 Presidents to accumulate. So, from George to George, from Washington to Bush, we didn’t pile up as much debt as this administration is going to do in the next 6 years. And I would argue this: When you pile up that much debt, when you borrow and spend and spend and borrow and spend and tax that much, it is actually an attack on freedom.

When you tax that much, it is obviously an attack on the freedom of tax-

payers today, because we no longer have as much money, as much purchasing power, as much of our income to use on the goals and dreams and those objectives that we have as individuals and families. But probably more importantly, when you spend and tax and spend and borrow as much as this budget does, it is an attack on the future freedom, the freedom of future generations of Americans.

And I read this in Budget Committee last week, Congressman, and it I think captures what is at stake here and why this is actually a moral question, in my mind. About 2 weeks ago in our district, Andrew and Emily Beck from Carey, Ohio gave birth to their first child, their son, Olen, nine pounds, three ounces, 19½ inches long, named after his grandfather. Little does Baby Olen know, but he already owes more than \$30,000 in debt; and, if this majority’s budget is passed, that debt will go to \$70,000 by the time he is able to write his name. I mean, Baby Olen already with that kind of debt, and in just a few years it will reach \$70,000 that every single person in this country is going to owe when you think about the amount of spending, the amount of taxing, the amount of borrowing that takes place in the majority’s budget.

Americans get it. I know the gentleman from Louisiana, my friend and colleague, was talking about the optimism that we heard from our friend from Missouri as well. Americans get it. It is why you are seeing all across the country these taxpayer tea parties, where people are showing up and expressing their outrage at this kind of spending, this kind of behavior from their government, their Congress.

In fact, we had just 3 weeks ago in Ohio, on the first nice spring Sunday afternoon in Cincinnati, Ohio, we had over 4,000 people show up in Cincinnati to say: Enough is enough. Stop the craziness, stop the insanity, stop this ridiculous level of spending. Exercise a little discipline, exercise a little fiscal restraint. Make those tough decisions that we sent you to Washington to make.

And it is always easy, I think I related this story another time on the floor. I had a coach in high school who talked about discipline every single day in practice. He talked about it in the classroom, he taught chemistry and physics, he would talk about it in the wrestling room, he talked about it every day: Self-discipline is the key. You have got to have self-discipline. He would talk about it all the time. And he had a great definition. I got sick of hearing him talk about it, as many teenagers would, but I am glad he did. He had a great definition. He said: Discipline is doing what you don’t want to do when you don’t want to do it. Basically, that meant doing things his way when you would rather do them your

own way. It meant doing things the right way when you would rather do them the convenient way.

And that is what we need around here. The easiest thing in the world for politicians to do is to get ahold of the taxpayer wallet and spend the money. The tough thing to do is usually the right thing to do, and that is to say, you know what, we are going to have to prioritize. We can’t spend and spend and spend. We are going to have to slow down this spending, quit borrowing, quit mortgaging the future of Baby Olen and other kids around this country and say we are going to do the right thing, which is get spending under control.

That is why this budget is wrong. That is why we will have an alternative that will have some fiscal restraint, will lower taxes on the American families that are already overtaxed, and do those things that we think will help improve the future economic situation of this country.

With that, I yield back to my colleague. And I appreciate, again, his hard work on this Special Order hour and this hard work in the Congress, along with our colleague from Missouri.

Mr. SCALISE. I want to thank my friend from Ohio. And when he talks about the hard work and doing the hard work, doing the right thing even when the easy way out might be more appealing, he has got a little bit of humility but he did that hard work and was a two-time national champion wrestler. So, somebody who has been wrestling with the budget. But he has got some good experience, and he speaks I think some very poignant words.

And when my friend from Ohio talked about those tea parties that are going on, when we talk about tea parties nowadays, it is not a couple people sitting around in sun dresses drinking hot tea; it is something that harkens back to the days of our Revolution, the founding of our country when the Boston Tea Party was that symbol, that tipping point that many people had where they said enough is enough. And then they revolted against taxation.

What we are seeing today in the country is a similar revolt against the spending, not just the taxing, but the spending and the borrowing, where thousands of people—and these are events that are organized not by community organizers, not by government institutions. It is just regular citizens on their own, in many cases without much media attention, that are saying: We want to speak out against this spending. And thousands of people show up at these rallies.

In fact, on April 15, on tax day, which for many of us is not our most pleasant day we look forward to, but on that

day we have got two of those tea parties in my district, in Covington, Louisiana, and in Metairie, Louisiana, because citizen activists said we want to speak out against this spending that is being proposed in Washington, D.C.

And I think the real sign of encouragement that they have is that since much of this hasn't happened, some of it has happened but much of this debt hasn't been added yet to the rolls; and before it does, they want to speak out so that we here in these halls in Congress hear those voices.

And we are hearing them here, and we are proposing an alternative. It is not just a matter of being opposed to something that we think is bad; we proposed an alternative and a balanced budget, a budget resolution that, unlike the President's, brings us down a road to increased national debt, doubling of the national debt, higher taxes. We actually have a budget that has no taxes, that actually cuts taxes for small businesses to create good middle-class jobs at a time when we need to be creating jobs, and actually gets spending under control, brings us to a balanced budget. That is something that we should all support, Democrats and Republicans.

And this is what the two proposals look like right here. President Obama's budget is in red, and you can see the graph continuing to go up in record spending and debt that is going to be increasing. And then you can see the Republican Budget, actually getting the spending under control and bringing it back down, bringing us to a balanced budget.

With that, I yield back to my friend from Missouri (Mr. AKIN).

Mr. AKIN. I appreciate the gentleman yielding. It has been such a beautiful day here, we have got the cherry blossoms in full bloom in Washington, D.C., and yet we are talking about a very, very serious and very difficult problem with a government that is really out of control in spending. And I appreciate the gentleman from Ohio, Congressman JORDAN, talking about the discipline. We don't have the discipline.

But, you know, part of it is that we have forgotten some of the lessons that the founders that came to this country understood. And I have thought back a little bit, how is it that we got off track? And if you will allow me to just wax a little bit philosophical.

This country was put together, and unlike any other country in the world America is a Nation that was founded on a creed. There are many things that are distinctive about America. We have the oldest Constitution. We have won a number of wars and ceded no territory. We have named no emperors, crowned no kings. And what we did was we taxed ourselves to rebuild.

America is a very unique place, and there are many reasons why Americans

could be proud of this country. But America also is a Nation that has, if you will, a political or religious creed, and that is stated in our own Declaration of Independence, why we went to war. And the sentence says: We hold these truths to be self-evident that all men are endowed by their Creator with certain inalienable rights. And it goes on to say: Among these is life, liberty, and the pursuit of happiness. Earlier versions of Jefferson's documents were life, liberty, and property.

And then it goes on to say: Governments are instituted among men, deriving their just powers essentially to do, what? To protect life, liberty, property; life, liberty, pursuit of happiness.

So if you take a look at that formula, what it is saying in simple terms is, there is a God. God grants all human beings certain basic rights, and the job of the government is to protect those rights now.

Now, fast forward from 1776 to 1944, to the inaugural address by FDR. He said, well, that first Bill of Rights—which wasn't a Bill of Rights; it was a Declaration of Independence, life, liberty, pursuit of happiness—was okay for a while. But it wouldn't be any good if Americans are hungry or if an American needs a coat, or if some American is not secure. So we propose a second Bill of Rights, and that is that the government should give you jobs and education and health care and things like that.

You note the clever twist here. The first rights are things that naturally occur to all people under God, the right to free speech, the right not to be killed, the right to own some property. These other kinds of things we are talking about now have a strange, strange parallel.

We laughed some years ago in my past when we watched the Berlin Wall fall down and we said, we knew those commies or the USSR, that system would never work, communism, socialism. It won't work. Why was that? Well, because the government is going to give you your health care, the government is going to give you your food and your housing, the government is going to provide a job, the government is going to provide an education. And don't talk about God, because if you talk about God then you know you have natural rights from God, not rights that come from a government.

So what we are doing in America with this kind of budget? What we are doing in America is the government is going to give you health care, the government is going to give you a job, the government is going to give you food and a place to live. The government is going to give you an education. How are we so different from the system we just watched fail?

That is why the Europeans are laughing in their beers, looking at us and saying, has America been smoking

those funny cigarettes or what? What are we doing? And I think that is the question we are trying to raise.

I don't mean to be too philosophical, but where did we get off track? We got off track on the road to socialism, to the idea that the government is going to be all things to all people. And it does a lousy job of doing that.

What we should be doing, quite simply, is protecting life and protecting people's basic liberties. And what are we talking about doing? We are talking about saying we are going to have a bureaucrat in D.C. to monitor what you put on your radio program. We are going to call that The Fairness Doctrine.

We are going to take away your right to be able to vote without being compelled or feeling pressure, because we are going to get rid of the secret ballot election when it comes to joining a union or not.

We are talking about taking away people's freedom to own a piece of property because some local government wants to take it and turn it into a strip mall so you don't have any private property rights.

I mean, what is going on? How come we are giving up freedom? I don't think we are on the right track.

I appreciate the gentleman with this hour, and I just felt like it was important to get back to what is basic in America, which is limited government that provides and protects our life, our liberty, and our property, instead of doing this institutionalized theft.

Mr. SCALISE. Again, I thank my friend from Missouri. And when you talk about the Founding Fathers and that great document, the U.S. Constitution, which I would argue is the second most important document ever written, next to the Bible. And when the Founding Fathers really talked about and articulated the foundation of our country when they were forming it, they really did believe in those things, and they sacrificed tremendously for that liberty, for that freedom, to create what has been the greatest experiment in democracy in the history of the world. And we still are that great democracy. And the reason we are here tonight is because we want to preserve that democracy, not just for ourselves, but for our children and for our grandchildren.

Every generation in this country has a fine tradition of passing on a better Nation than the one that they inherited. And many of us feel that if we go down this road, we would be in jeopardy of leaving a worse Nation behind. And so it is well worth fighting for those principles that our Founding Fathers talked about are critically important. It is why we were elected. It is why we took the oath of office here in this Chamber in January, to uphold the principles that that document articulates.

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And when you look at this budget, when you look at the contrast, go back to World War II, and you will see this massive spike in public debt held as a percentage of GDP. And of course we were fighting a world war. We won World War II. And it was expensive. And as soon as World War II was over, we came out of it, and we got back to a regular level of spending. Then you see this massive spike, this red spike, which is representative of President Obama's budget contrasted by this green line, which is the Republican alternative.

This bill, this is an alternative budget resolution that we filed. Too often we hear, and some of our friends on the other side like to reinvent history and they say, "the Republicans have no alternatives. They are just against the President's budget." I guess they don't know how to read this document. We have copies right here on the House floor, and we are distributing to them to anybody who wants to see it. In fact, it is on the Internet. You can go and look it up on the Internet and read the details of what we propose. And that is a budget that is balanced. That is an interesting concept here in Washington, D.C. these days. But it is a budget that we actually balance.

We don't raise taxes. In fact, we cut taxes for middle-class families and for small businesses to create jobs, to get our economy back on track, and so we can get control again on this runaway spending that so many people are speaking out about.

One of the other points that this budget does that concerns many of us is it borrows from Social Security. So what do these policies, what does "deficit spending" really mean? Well, first of all, last week when the Treasury Department went out to sell debt—on occasion, a few times a week, the Treasury Department actually goes out and sells debt. And last week they had a hiccup. There was a problem because some people weren't buying the debt at the levels they were expecting. And you saw the stock market tank that day. Unfortunately these days, we see a lot of tanks in the stock market as reactions to some of the things happening here where you have the Federal Government, literally the government trying to tell private companies like GM whom to hire as their corporate CEO. These are not healthy signs for our country. But that debt had a cost.

Another cost to that borrowing and deficit spending is that in just the first 4 years, in President Obama's first term, he will actually raid the Social Security trust fund of \$910 billion taken away from Social Security. That is a cost of this deficit spending. That is why so many of us are speaking up against this deficit spending, because senior citizens out there who are on

fixed incomes expect that obligation to be met by the Federal Government. Young people that are working today are paying in, paying those Social Security taxes. Some may be cynical and think they are not going to get anything for it. But it is an obligation that is made to them because they pay taxes into that system for that system to be there for them. And how is that system going to be there for them if this President in just 4 years raids the Social Security trust fund of \$910 billion? These are real consequences to this runaway spending.

So as we talk about these things, I'm going to yield back to my friend from Ohio to share his thoughts.

Mr. JORDAN of Ohio. I appreciate the gentleman yielding.

Mr. Speaker I wanted to talk about the point we were on earlier, the greatness of this country and the freedom that we have enjoyed for over two centuries. My friend from Louisiana made the point about one of the things that makes us special, that makes us the greatest nation in history, is this idea that parents make sacrifices for their kids so they can have life a little better than they did. And then that generation in turn, when they become parents, does the same thing for the next. And it has been that continuation that has led to the amazing standard of living we enjoy in this country and prosperity and wealth over the years. It is a fascinating principle that parents make the sacrifices to help their next generation. Unfortunately, what you see in this budget is exactly the opposite. We are taxing and spending and borrowing and mortgaging the future of our children and our grandchildren in exactly the wrong direction that we need to proceed.

Our colleague from Missouri talked about the loss of freedom. And if you think about this budget, I want to just talk about four things. There is an attack on liberty. There's an assault on freedom, as our friend from Missouri pointed out. The tax increases contained in this budget, when you tax people more and take more of their money, you are taking away their ability to go after their goals and dreams, to pursue those objectives and those initiatives that have meaning and significance to them and to their kids and their family and their small business. When you increase spending at this rate, we talked about this before, when you have this kind of spending and this kind of debt piled up, you limit the liberty and freedom of future generations of Americans. And when you impose in this budget, which is in the document, this tax on energy that we have called the cap and trade or cap and tax, this cap-and-trade concept which places a tax on all the energy in our economy, when you do that, you limit the freedom of the entrepreneur and the small business owner out there to get the en-

ergy he or she needs to grow their business and help our economy improve. It is a direct attack on freedom for small businesses owners.

Probably the one that gets Americans the most is this idea that in this budget we are going to create this national health board which is going to be in the business of determining what kind of health care you and your family get. Instead of you and your doctor and your family sitting down and figuring out what kind of health care treatment you're going to get, we are going to have this national board. Money is set aside in this budget to pursue this advancement of nationalized health care. I think, just what we need, the Federal Government determining how we get our health care. That is a direct attack on freedom for families across this country.

One of the things I know about Americans for sure, it is just part of who we are as a people, we hate being told what to do. We hate this concept. Our colleague from Missouri was talking about the folks who settled this place. They came here because they wanted to practice their faith in the way they felt was most appropriate. They didn't like the idea they were told what they were going to be taxed and what they were going to do and didn't have representation. Americans hate being told what to do. My friend from Louisiana may have heard the old line, for most Americans when they are traveling down the highway and they see the sign that says "55," for most Americans that is not the limit. That is the challenge. That is just the way we are. It is part of being an American. And this budget tells so many Americans, "we are going to take away your freedom. We are going to tell you how things are going to be. We are going to take more of your money. We are going to mortgage your kids' future. We are going to impose a cap and trade on this economy which is going to hurt the ability of our economy to recover and make it tougher for business owners to get the energy they need to grow their business and improve and create jobs. And we are going to tell you and your family what kind of health care treatment you're going to get."

Americans aren't going to stand for it. Again, we keep coming back to this. But consistent with the American tradition, it is great to see families and Americans and taxpayers all over this country, and they are all going to do it again on April 15 at these taxpayer tea parties, they are going to stand up and say "do you know what? We are not going to take it." Just like we have done for over 200 years, we are going to tell our elected officials, we are going to tell the government, we are going to tell the Congress that we don't want our liberties attacked, and we want things done right. And it is great to see that again.

I appreciate the leadership of our colleague and friend from Louisiana and our friend and colleague from Missouri for making these points and letting me join them this evening. I yield back to our friend from Louisiana.

Mr. SCALISE. I thank my friend from Ohio for joining us tonight. And the things he said are so true, that great entrepreneurial spirit that makes this the greatest country in the world where people literally envision the American Dream, where industrialists like Henry Ford revolutionized the auto industry and the manufacturing industry with the assembly line and changed the way Americans can get around and can see the country, people like Bill Gates who dropped out of college to pursue a dream and change the way all of us communicate, literally, our day-to-day lives. That entrepreneurial spirit is still out there. But people don't want it taken away by government literally coming in and trying to control all of these areas of our life with this cap-and-trade energy tax which would put a \$600 billion tax on the production of energy in the United States, which would equate, by most estimates, to more than \$3,000 per American family in higher energy costs.

That is part of this budget that we are talking about that spends too much, taxes too much and borrows too much. It is why we are opposing it. It is why we are proposing an alternative budget, a budget that actually balances the Federal budget, that cuts taxes and that gets Americans back to work. We actually have this online. It is at [gop.gov](http://gop.gov). We put it out there so that people can go see the details and compare it to what President Obama has proposed, which is a doubling of the national debt.

We have just a few minutes left. I want to have a final word shared with us by my friend from Missouri.

Mr. AKIN. Well, I thank you very much. And I appreciate your calling attention to the fact that we are on the wrong track financially here. It is true that doing the wrong thing financially impacts our freedom in America. And particularly it impacts something that is precious to every red-blooded American, and that is the American Dream. If you think back in the beginning of our country there were all these crazy people that came to America, starting with a group called the Pilgrims. They came to this land, and they had the idea of building an entirely new civilization on a different set of principles. And after they had been here about a month, half of them died. And the captain of the Mayflower comes to them and says, "Things haven't gone too well. Maybe it is time for you to go back to jolly old England with me." So he gives the commands. The boatswain squares the yardarms, the anchor cable is wound up from Plymouth Harbor, at

first large and then small, that Mayflower sails out and beyond sight. And here on the shore, with the wind blowing across the pine trees, is a little group of 50-plus people that had a dream of a new country based on new principles.

It has been that way all the way along. There have been these crazy people that came to America with some crazy idea, and then it became maybe a vague possibility. And then they wrote something down, and eventually it became actually reality. And it happened so often that we gave it the name the "American Dream." But it happened because there was a rarified environment of freedom in America where people could succeed. But they could also fail. They understood that there was a discipline that the gentleman from Ohio was talking about. Congressman JORDAN understands discipline. There is a discipline. If you want to have freedom, you also have to have responsibility. And that is part of the American Dream. And that is being stomped out by this budget.

We won't take it. And I appreciate your taking the leadership and scheduling this hour and particularly your leadership financially here on this floor, Congressman. Thank you.

Mr. SCALISE. Thank you, again. I appreciate my friend from Missouri joining us in this hour debating and talking about what is at stake with this budget, the President's budget, that will be voted on here in this House Chamber later this week. The fact that one President with one budget, one 10-year budget proposal, can double the national debt what it took 43 Presidents in over 220 years in our country's history to rack up \$10 trillion in debt, this President, one President with one budget proposal will more than double that. That is what is at stake here. That is why we are joining in this debate. That is why American people all across the country are going to these rallies, these tea parties, to speak up.

We all understand that there is a role government must play. But it has to be a limited role. It has to be a role that is based in fiscal responsibility, not just for us, but for future generations, for our children and grandchildren who want the same things, who want a better life. And that is why people come to this great country.

Again, when we talk about what is happening in Europe right now, the President is over there, it is very ironic that the Czech leader, the head of the European Union last week was lashing out, lashing out at the President on his spending proposal, expressing concern. And it must say a lot when leaders in Europe are concerned about the spending that is going on here.

But it is not just leaders in Europe. It is people all across this country. And some people have talked about the fiscal irresponsibility of Congresses past,

both Republicans and Democrats, those of us who weren't there back then, those of us who didn't vote for those budgets. A lot of us came up here to fix those problems because we don't think it is responsible to spend money we don't have.

That is why I am the cosponsor of a balanced budget amendment to our Constitution so that we can force fiscal discipline in a place where unfortunately it doesn't exist right now. But it is not too late because this budget resolution hasn't passed yet. The vote will occur on this House floor later this week. And everybody will have to take a position. I know I will be voting against that budget because of what it does, not only to our generation, to our freedoms, but to future generations. And that is why I'm supporting the alternative, which is a budget that is balanced, a budget that actually cuts taxes to help get our economy back on track. These are proven principles. These are things that have not been tried and failed before. The only thing that we know that has been tried and failed in the past is massive spending. And you can go back to the Great Depression in the 1940s when the Federal Government spent and spent and spent. And even the Treasury Secretary under FDR said the spending didn't work, 8 years of spending, and there was higher unemployment.

Ultimately, we can fix this problem. But it starts with this vote on this budget resolution that we are trying to defeat later this week.

I yield back. Thank you, Mr. Speaker.

#### THE POPULIST CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. BRALEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. BRALEY of Iowa. Mr. Speaker, I'm excited to be here tonight to talk about the Populist Caucus and to spend some time with members of that caucus talking about issues that are important to the people of America.

One of the things that I think is important to talk about is why we decided to start this caucus and what it is going to do. So it is important for people to understand that populism is not a bunch of people walking around with pitchforks. It is people who care about middle-class economic values and how those values are translated into public policy that is set here in Congress and at the White House.

And to give a brief history lesson, this is not the first Populist Caucus that has ever been organized in Congress. In fact, the very first Populist Caucus that we have been able to identify was formed in February of 1983. And I think it is striking because of



some of the members who were part of that first Populist Caucus. Most of these members were Midwest Democrats. They included my Senator from Iowa who was a representative at the time, TOM HARKIN. It also included Berkley Bedell, an entrepreneur from Spirit Lake, Iowa, my friend Lane Evans from Rock Island, Illinois, former Senate majority leader Tom Daschle, former Vice President Al Gore, Senator BYRON DORGAN from North Dakota, our good friend JIM OBERSTAR from Minnesota, who is Chair of the House Transportation and Infrastructure Committee, and the current Governor of New Mexico, Bill Richardson.

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Now, one of the things that drew these members together, back in 1983, was an economic crisis that was having a profound impact in farm country out in the Midwest. And the first Chair of the Populist Caucus was TOM HARKIN. And the caucus was organized to fight for economic goals like fairer tax structures, lower interest rates and cheaper energy, because we were experiencing an energy crisis in 1983. And one of the first things that that Populist Caucus did was ask constituents from their districts to mail them their gas receipts to show the rising price of gas and how it was affecting their ability to take care of their families.

Even though the new Populist Caucus is organized on a very broad coalition, with members from all over the country, with representatives of the Blue Dogs, the New Democrats, and the Progressive Caucus, with members from the Congressional Black Caucus, the Congressional Asian Caucus and the Congressional Hispanic Caucus, we wanted to bring a laser beam focus to the types of economic issues that affect middle class Americans and people struggling to get into the middle class. And one of the reasons we chose to do that is because we know that this country has been strongest when it is focused on promoting values through public policy that are going to protect and expand the middle class. And that's why we were very excited when we formed the caucus this year.

I'm going to be introducing some of my friends tonight who are members of the caucus, including some of the vice chairs. But let's talk about why now is the time and now is the place for this caucus.

We know that the middle class is the economic engine that drives America's growth. We know that when policies in Washington reflect middle class values, it does more to expand economic opportunity throughout this country. And we know that when there are gross disparities in income between the middle class and the upper class, which we've seen played out over and over in this current economic crisis, it creates

conflict that divides us as a country, rather than bring us together.

And so what we're going to be talking about tonight is some of the values that we think are critical for the American people to be focused on in this economic crisis, values that our members reflect every day back in their district, values that their constituents live every day back in their districts.

And one of the things that I want to do is talk briefly about how we take this philosophy of strengthening and expanding the middle class, and translate it into action.

One of the first things we did as a caucus was talk about what our founding principles were going to be. And again, we wanted to go back to these shared values that reflect the entire diversity of our Democratic Caucus and how that is translated into the people we represent in diverse districts all over America. And some common themes kept coming back to us, and those themes are, good jobs, middle class tax cuts, affordable health care, quality education, fair trade agreements, and consumer protection and corporate accountability.

Now, we've heard a lot lately about corporate accountability. We're going to be spending some time talking tonight about how corporate accountability isn't just a restriction on how corporations operate, but it's part of their fundamental compact they make with the American people to be responsible stewards of their investors' assets and to provide value to all Americans, not just to their shareholders, in the way they conduct their business, the way they hold themselves out, and the way they lived responsibly under the protections and legal opportunities that they are allowed to operate under in each State of the United States.

So I'm going to start now by introducing one of the vice chairs of the caucus, my good friend from the State of New York, and his name is MIKE ARCURI. And MIKE is going to talk a little bit about what motivated him to be one of the founding members of the Populist Caucus, and where he sees this caucus moving in the future as we focus with a laser beam on these economic values to help our constituents.

Mr. ARCURI. I want to thank my good friend for yielding, and I want to thank him for having the idea and for bringing this to fruition. It's taken, certainly, a lot of work and a lot of effort, not only on your part, but on the part of your staff, to bring this together, and I want to thank you for that, because, I thank you on behalf of, not just my constituents in New York State, but for constituents and middle class throughout the country.

The things that I think the Populist Caucus stands for are the issues that are important to middle class. And also, I think it's critically important

that there is a grain of truth that the middle class gets. They need to have someone out there defending them, looking out for their interests and, most importantly, telling them the truth.

And you know, I was listening with interest, as I know you were, just a couple of moments ago to my colleagues on the other side of the aisle talk about some of the budget proposals of President Obama, and some of the points that I think we'll probably end up talking about at some point during the evening. But they talk about the fact that the numbers in the budget are the largest that they've seen, that there has been in years.

The thing that they don't tell you about that, however, is the fact that, for the first time in our history, the cost of the war is actually put on the books so that the American people get the truth. They actually know how much is being spent. In past administrations that was never on there. We just borrowed the money as we went along and, as we say it, funded the wars off the books. So the American people never knew actually how much it was costing for our war, how much all of these things were costing. This is an honest, this is a true budget.

But the thing about it, and I think the thing that's most important is this is really not just a budget. This is a long-term plan for the future of America, for the future of America's middle class.

And I listen to my colleagues, and I hear them talk, and I hear them criticize, but I did not hear a single alternative proposal with respect to what they were proposing to make the life of the middle class, to make the life of Americans better, to help Americans find jobs, to help Americans improve their quality of life. That's what we're looking for. That's what we, I think, as populists, look for and try to promote.

During the height of the Depression, Franklin Roosevelt once said some words that now adorn the monument to him that's located just a short distance from where we are right now. And those words are as powerful today as they were when he said them so many years ago. "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little." Very profound words then, and very profound words today.

However, over the past 8 years, the Republican White House and Congress have largely ignored the fundamental truth in favor of the policies that focused on a top-down economic and social policies that benefit, frankly, big business, the wealthy and the well-connected, and don't look out for America's middle class. And that's why we're here.

As a result, the middle class families that have always been the true engines

for our national economy, the center of our culture, and the foundation for our national security, have been left behind with the devastating results of our entire Nation. And now we're all paying the price.

The mission of the Populist Caucus is to re-establish the core middle class American values that made this country great as the guiding principles of our political discourse and our government here in Washington.

As history has repeatedly demonstrated, a prosperous middle class means a more prosperous America. A vibrant growing middle class has been the hallmark of our strength as a Nation over the past 70 years.

The Populist Caucus will aggressively fight for the passage of common-sense legislation focusing on the expansion and prosperity of the American middle class.

You mentioned just a little earlier, of late we've been hearing a lot in the media of the so-called populist rage and the anger of the middle class at the AIGs of the world.

Now, we are not here to incite or stir this populist rage, nor to promote class warfare in any way, shape, fashion or form. But we are here to see to it that the issues and interests of the middle class are protected and promoted at all costs.

Specifically, the caucus will focus on legislation that invests in working Americans, improves access to quality education for our children, creates jobs for the middle class that will bolster our economy, increase access to health care for all Americans, ensure that trade is not just free trade, but is fair trade, that the food you eat and the toys that your children play with are safe, and that we promote fiscal responsibility, accountability and discipline, and create a government that actually works for, not just the richest Americans, but for all Americans.

These are the fundamental building blocks that will create a strong foundation for sustained long-term economic recovery and growth in this country. In fact, these priorities are the only proven and time-tested blueprint for long-term economic growth in America. Enacting these reforms represent our best chance at restoring the American Dream here at home, as well as continuing our role as the beacon of freedom and hope for the rest of the world.

I'd again like to thank you for inviting me to be here tonight, for organizing this, and I look forward to a very enjoyable discussion this evening.

Mr. BRALEY of Iowa. I thank my friend for those profound and insightful comments. And I just want to respond to one of the comments you made before I yield to my friend from Ohio.

You talked about how important it is to the populist values and middle class values to be open and candid with the American people. And I think that's

one of the things about the President's budget proposal and the proposal we're voting on here that is lost in all of this chatter you hear on cable TV and on talk radio; is that, for the first 2 years that the three of us served in the House, all of these costs associated with the war in Iraq, the war in Afghanistan, were put into supplemental appropriations bills that were outside the normal budget process, and they were enormously expensive. And yet they were never part of the total numbers associated with President Bush's budget proposal to Congress. And the American people were being misled to believe that the budget numbers in the President's budget were an accurate reflection of their tax burden to support those ongoing efforts.

In fact, I introduced an amendment to the Defense Authorization bill that went even beyond that and said, we need to be truthful in disclosing to the American people the true cost of the war in Iraq and Afghanistan.

And all of us had prior professional experiences where we dealt with people who would place a long-term economic calculation on someone's loss of life, what their cost was for restitution, if you're prosecuting someone for committing a crime for the injury they caused to somebody. And you can hire economists that take the life expectancy of an individual, what their medical needs are going to be, especially if you consider the signature injuries in Iraq, which are post-traumatic stress disorder, traumatic brain injury and amputations.

And yet, we were getting nothing from the Department of Defense and the Bush administration about those defined, long-term costs that we owe to the veterans of this country who sacrificed honorably to protect and defend us. And yet, that is a huge component of the cost of the war that we have been prosecuting.

So I think you made an excellent point about what's really in this budget message is we're going to be honest with you; we're in a difficult time economically, but it's time for the American people to hear the plain truth about what it costs to run this government and put us back on a positive track. And I thank you for that.

And with that, I'm going to yield to my good friend from Ohio, BETTY SUTTON, who's been a strong advocate for middle class values, for populist messages and for the working trade group. And I would like you to share with us some of the reasons why you decided to join the Populist Caucus, and where you see this adventure going in the future.

Ms. SUTTON. Well, I thank my friend. And I too want to just extend our appreciation for your vision in organizing, not only this evening and all that we're here to do by way of introducing the Populist Caucus, but for

forming the caucus in the first instance, because it is so critical that the people across this country know that their voices matter. And we are going to be a part of expressing those voices within the halls of this Congress, putting a face on the statistics that we so often rely on here. And sometimes it kind of gets away from some that those statistics actually refer to people and to families and what is happening to them.

□ 2000

So I am very, very proud to be a member of the Populist Caucus and to be a part of bringing Members together who believe in investing in the middle class as well as in those who aspire to being middle class, because we know that that is what is vital for the strength of America.

As a caucus, we are committed to restoring, as my friend from New York has said and as you have said, Mr. Chairman, the core middle class values that made this country great, and we are committed to ensuring that our government's policies are in line with those values. A vibrant, growing middle class has been the hallmark of the strength of this country. It was the middle class that built this great Nation. A strong America depends on a strong middle class. Without a strong middle class, our country does not achieve as much as we all know it is worthy of. The middle class is the heart of this Nation. It is the engine that drives productivity.

Reflecting back on my youth, I grew up in a blue-collar community in Ohio, a community by the name of Barberton. I was the youngest of six kids—the proud daughter of a man who worked in a boilermaker factory. My mom worked at the city library. Because of their hard work, our family of eight had a good chance; we had food on the table, and we had the promise of the middle class before us and of all the opportunity that it delivered, and we took advantage of it, but that was a time when people could depend upon a good job. Oftentimes, those good jobs were manufacturing jobs, and you could rely upon them and sometimes work, as my dad did, in the same place for many years.

Now it is much more difficult. With health care costs rising, with insurance not available to all, with pensions a little shaky out there, to say the least, and with many things that we, as young people, had the benefit of that are now at risk in this country, the promise of the middle class is slipping away from far too many. After 8 years of failed Bush policies, the middle class, frankly, and the country have been sorely hit.

They pushed through economic policies that benefited the wealthy and the well-connected. It is not just that. They did so at the expense of the rest

of us. They allowed the banks and Wall Street to have seats at the table, often leaving working families left outside. They watched as millions lost their jobs, lost their health care, lost their homes, and sadly, lost their dreams.

The national unemployment rate has risen to a staggering 8.1 percent. In Ohio, it is at 9.4 percent. These are statistics that I'm talking about, but attached to those statistics are families, families who are going without even though all they want is a chance to make a living. They don't want things handed to them. They just want to have the opportunity in this great country to have a job where they can go to work, and they want to provide the things that we all had the great benefit of having as young people. The economic recession continues to challenge the resolve of the middle class as they strive to pay for life's basic necessities.

Now, here with this caucus and with our colleagues in this Congress, we are called on to chart a new path, one that is in line with the needs of the middle class, one that is in line with the hopes and the dreams of those who aspire to get there. That is the reason I was proud to join this caucus—to help find the road back to middle class values and to ensure that that dream becomes a reality again.

The needs of the middle class have been ignored for far too long, and it just has to end. We, the members of the Populist Caucus, will focus on the policies, as you have laid out here, that strengthen and improve the lives of American families, not policies that leave them behind. We must make the promise of the middle class in the 21st century what it once was—the moral and economic backbone of our Nation.

I think that the comments that you and Representative ARCURI have made, Representative BRALEY, are so on point, because, when we talk about the moral and economic backbone of our Nation, frankly, nothing reflects that any more than the budget. So your points about the budget, about what is contained in the budget and about the honesty of the budget are all critical to our government operating in a way that is worthy of the people whom we represent.

With that, I will yield back.

Mr. BRALEY of Iowa. Well, I think you've made some excellent points.

You know, one of the things that happens every day to every Member of Congress is we have constituents from our districts who come out and visit us. Many times these constituents will say to me, "Congressman, what can we do to help you deal with this important issue that we have come here, all the way to Washington, D.C., to share with you?"

My answer is always the same: "By helping put a human face on the public policies we are setting, you give me the

best arguments to make on why this policy is worthwhile."

I think you made a very good point when you talked about the fact that we have 25 members of our Populist Caucus now, and I think every one of us grew up in a middle class home, and every one of us has our own, unique life story that explains why these values are so important to us. I just want to share a story from my own family experience.

When I was 2 years old, my father was working at a grain elevator in my small Iowa town, Brooklyn—a small town of 1,500 people, a little farming community. There were four kids in my family at the time, and my mom had left her teaching career to raise a family. My father was taking a lid up to the top of this grain bin, and he was about 30-35 feet in the air when he fell and shattered his leg. It changed his life. He was fortunate there was a safety net in place to help take care of our family needs because, without it, we would not have survived as a family, but he had to completely change his career and do something else with his life.

Without affordable health care, people placed in that situation fall between the cracks. The statistics show us that more and more bankruptcies every year are due to the fact that middle class families can no longer afford to pay their medical bills or their insurance premiums.

Then, as a result of that injury, my mother ended up going back to school to get her 4-year teaching degree because she had had a 2-year teaching certificate. She drove 26,000 miles. Without that education she was able to get, she would not have been able to have been a valuable breadwinner for our family during that period of time.

When we were much younger, many of us worked from an early age to help pay for our college educations, and we had the benefit of very low interest, federally insured student loans and work study programs. We know, because this is based on pure economic theory and analysis, that the more educational opportunities you have, the higher your standard of living is going to be over your lifetime. There is a direct relationship. So all of these things that are up here are reflected in our own life histories and in the people whom we represent, and that is why they are so important to us.

So I am going to yield back to my friend from New York so he can talk a little bit about his life experiences, the people he represents and about some of these individual values that bring us here tonight.

Mr. ARCURI. Well, thank you for yielding.

There are a couple of points that I would like to make and just touch on. I think you touched upon health care, and I think health care is so important.

One of the things that the President talks about and what I think our budget will reflect—I even hesitate calling it a "budget" because I feel like it is more of a blueprint, again, as to the future of how we see the country moving forward over the next several years. One of the things about it is, for the first time, we actually have a budget. It is taking into consideration funding for health care for all Americans. I mean think about that—and I think you did. I certainly did when I ran for office the first time. One of the main reasons that I decided to run was the fact that I could not understand why there were 47 million Americans who did not have health care in this, the richest country in the world, one of only two industrialized countries that does not have any form of universal health care, and we do not have health care.

This proposal, this budget, will have in it for the first time—how shall I say?—a sketch, an outline, of how we will go forward and of how we will pay for health care for all Americans. That is critical. In contrast to what my colleagues said earlier, it is not about dictating to Americans what they need to do, what they have to do. It is about giving them the tools, about giving them access to quality, affordable health care just like the rest of the world has. One of the bills that I have been working on and that I hope to introduce in the near future deals with that, and that has a lot to do with where I'm from.

One of the things that I have found that people do not understand is, when someone's children go to a 4-year college or to a 2-year college, they generally are covered under their parents' health care. However, there is a gap, and there are millions of children who go to technical schools to get certifications who are not covered under their parents' plans. There is no coverage for health care. That is very unfortunate. I mean those are middle class families who have children who want to go, who maybe are not going to go to college to be engineers or who are not going to go to college to be teachers but who are going to go to college to get a very important degree, a very important certification in a technical trade. We need to do that. We need to promote that. That is a middle class value. That is something that we should be helping families do, not hindering it by not giving them insurance. That is one of the things that, I think, populists do. They ensure that all Americans have the ability not only to get health care but to improve their stations.

As my colleague from Ohio said, the ability to aspire to the middle class—to make better of themselves, to do better for themselves than their parents were able to do—is what, I think, we as populists advocate and work for on behalf

of the middle class. So I am really proud to be able to be a part of that.

I look back over what working people have accomplished in their lives, and I see it a lot in my district in Upstate New York—in the Mohawk Valley—in the Utica-Rome area and in Auburn. One of the things that I find most interesting is when looking at the productivity of our workers. I tour plants and facilities all over my district, as I know you do. What is the thing that you always hear from the people who own the plants? “The productivity of our workers is great.” The productivity of American workers has dramatically, dramatically increased over the past 20 years. Yet, in that 20-year period when the productivity has gone through the roof for American workers—in fact, they are one of the most productive workforces in the world—the real wages of that workforce have decreased. So we have individuals who are doing more for the people for whom they work, who actually are far more productive and who are allowing the people who own their factories and who own their small businesses to do better, to produce more, which is a good thing. However, they are not earning more than they earned 10 or 20 years ago.

You know, we sometimes hear people say, “Oh, the problem with the American people is that they charge too much.” Well, the fact of the matter is you don’t charge too much because you want to. When your son or your daughter comes home from school and says, “Mom and Dad, I need a new pair of sneakers. I’m trying out for basketball tomorrow, and my sneakers don’t fit me, and the coach says I need a new pair of sneakers,” if you don’t have the money, you go and you charge it because that is something you do as a parent, but if you’re making less than you made 10 years ago or 20 years ago, you don’t have that money. That’s the kind of thing that, I think, we stand for as populists, the kinds of things that we want to make sure of.

Hey, if the productivity of American workers goes up, then the salaries and the wages that American workers earn should go up as well. It is the fair thing. It is the right thing. It is the American thing. It is what has made America great. Those are things that, to me, are most important in our caucus, and they are the things that, I think, are most important for me as a populist.

Again, I am so pleased to be able to be here to talk about these issues and to bring them to the forefront and to let the American people know that there are many of us here in Congress who are working hard to see to it that the middle class prospers, continues to prosper and achieves all that they can possibly achieve.

Thank you. I yield back.

Mr. BRALEY of Iowa. Thank you, my friend.

Also, I just want to point out how the description you just provided us is a perfect example of why having good jobs is a core populist, middle class value. Think back to the way things were. Some of our friends in the preceding hour were talking about Franklin Delano Roosevelt and about how his policies drove us towards, as they described it, socialism. Think about it:

Before Franklin Delano Roosevelt, a college education was a rare thing for anyone in this country to have, and it was not until World War II when men and women from all over this country, but primarily from middle class families, met together and served their country with honor and distinction in the Pacific theater, in the European theater, in Africa, and in Asia. It was a great melting pot experience, introducing people from different regions, people who never thought they had anything in common but who learned they really did have a lot of common values. When they came home, we did something remarkable, an incredible populist piece of legislation. It was called the GI Bill.

□ 2015

And we saw an explosion in admissions to colleges all across the country. And the GI Bill wasn’t just an educational bill, it was also a home-buying program, because low-interest loans were provided to veterans, and it exploded, the homeownership and the house building market in this country. It put people to work, it created something called suburbs, which now are a prevalent thing in every district in this country.

But those are examples of what we’re talking about here, which is how the Federal Government reflecting populist values can be a motivating factor in driving economic policy in a positive way that benefits all Americans.

And I want to come back and talk about some of these other issues.

Mr. ARCURI. Would the gentleman yield for just a minute?

Mr. BRALEY of Iowa. Absolutely.

Mr. ARCURI. I am glad you mentioned that, and I didn’t want to let the moment go by without commenting on it.

I consider myself a direct recipient of the GI Bill—of the World War II GI Bill because my dad was a poor kid from the east side of Utica who would never have had an opportunity to attend college, but he served his country in the military, came back, and he was able to go to Cornell University, and as a result of which, he insisted that—my sisters and myself—that we attend college.

So it isn’t just a single generation but multigenerational. It is really, as you say, probably the greatest populist piece of legislation that this country ever passed.

And I thank you for bringing that forward and for yielding to me.

Mr. BRALEY of Iowa. That is a perfect example of the human drama that every one of us has as part of our life experience that is a reflection of these values.

And now I want to introduce one of our other new Members of Congress, a rising star from the Old Dominion of Virginia, TOM PERRIELLO. And TOM is going to talk about some of the reasons that motivated him to join the Populist Caucus and some of these core values that are reflected in the people that he represents in Virginia.

And with that, I will yield to my friend from Virginia.

Mr. PERRIELLO. Thank you.

This is, indeed, a desperately needed caucus because we have not had enough of a voice from either party standing up for the middle class and these basic values.

I spent the weekend meeting with workers who had recently been laid off as another factory had closed down and gone overseas. These are people who worked for 20, 30 years at a time. I talk constantly, also, to people who have just recently gone through college, everything we’re supposed to be encouraging right now in our society in order to compete in this global economy, but they come out shackled with so much debt with the cost of college that they can’t serve their community in the way that they had hoped to, people that wanted to become teachers and come back to rural communities, like the ones in my district, but simply cannot afford to do it.

And we have gone from investing in a future middle class to crushing the current middle class because we started a cycle of debt. Instead of coming out of college with that opportunity in the world before you, you come out already in that kind of debt from college. And instead of those years that we used to spend saving money for a down payment to buy that first home, that next great step for middle class families, you spend those years, instead, spending all of your savings to get out of those loans. So by the time you go to purchase that home, you may have zero down on that house, and we all know how that story ends.

We aren’t giving people that opportunity to do the very things we need them to do: to save, to invest, to educate, to prepare themselves to compete in the global workforce. And the cycle of debt continues.

Then we have credit card companies and predatory lenders coming out so that people continue to try to eke by month by month living from debt cycle to debt cycle. This is the new story of yesterday’s middle class.

It is time, once again, to have the kind of values in this country that reward work and good behavior, reward the people who are saving and doing everything right to play by the rules instead of investing—instead of shifting

our priorities too often away from the very people that are at the backbone of this country.

So I believe this is a much-needed effort to restore the middle class. And one great place to begin is by making college affordable. And I am proud that we have already put forward a \$2,500 tuition tax credit to help middle class families afford that dream. But we know that's not enough to go forward to make college affordable.

But it's also something that is helping our displaced workers be able to go back and maybe pick up a community college course, move into the health care sector or another field where they can earn a living wage to support their family. But they say to me, "That's a 2-year program. What am I going to do during those 2 years when I have just lost my job?"

We are not in an economy that reflects—we are not supporting policies that reflect the economy we now face. We no longer have an economy where people have one job for 30 years and that company takes care of them.

And last of all, I just want to mention, why is it that through this recent economic crisis our community banks have remained rock solid in most of our communities, good Main Street values, Main Street capitalism that has continued to make good loans to good people that still believe in the honesty of a handshake and looking somebody in the eye. This has remained solid while the speculators and others have played poker with our pension funds and our future. It's time to start getting support back to those people who are the bedrock of our community, Main Street and the middle class. And I look forward to working with you on that.

Mr. BRALEY of Iowa. I thank the gentleman for those important observations, and it brought to mind some of the issues that we have been talking about in our Populist Caucus meetings.

And one of the things that we frequently talk about is the whole issue of corporate accountability. And one of the things that has come to light in recent years is how corporations have gone away from an employment philosophy that many of us, when we entered the workforce, were very proud of. And that was there was a sense that if you come and work for a company, there will be job security. In fact, employers marketed this. When they tried to hire employees, they would show the number of long-term employees who had worked for them, and they said, "If you come and work for us, you're going to have these types of benefits. We will take care of you. When you complete your employment career with us, you're going to have a retirement savings build-up that's going to allow you to enjoy your life and be a proper reflection as a reward for the sacrifice you have made to help us and make us a profitable company."

And in the last 20 years, we have seen that whole concept of job security disappear from the workforce. And it is a rare employer now that rewards longevity and even promotes that concept. And we see a lot of transfer among employment as people move from job to job. And if you ask most employers in the workforce, employees in the workforce today, what their understanding of their job security was, they would say there is none.

So one of the things that we've talked about tonight is how the policies that you implement are reflected in the values that American consumers have, that American homeowners have, that American employers have, and that's why one of the things we need to do a better job of in this Congress is acknowledging the people who do it right and who are responsible corporate citizens and use that as a motivation to get others to aspire to behave like them.

And a good example of that came out last week during our food safety hearings in the Energy and Commerce Committee. And we heard a lot about the peanut butter hazard coming out of the Georgia peanut butter plant. And one of the things that came out in those hearings is that some companies were using an independent inspection group that was giving them certifications that their product was not contaminated even though they had tests that showed it was contaminated.

I happened to be fortunate enough to have a company, Nestle Corporation, that has a plant in my district in Waverly, Iowa. And when Nestle was faced with that very same choice, they decided to send one of their own independent auditors there to give them the straight scoop on what was going on in that plant. And their auditor came back and said, "We should not be a part of this deal," and they refused to participate.

So one of the things we're trying to do by promoting these middle class values is get back to a point where people are responsible to each other, both as employees and employers, and to create that type of environment where they both benefit from the increased productivity that my friend from New York was talking about earlier.

And with that, I am going to yield back to my friend from New York, and I would like to talk a little bit about some of the things that we have been dealing with recently in terms of corporate accountability.

Obviously, the whole issue with AIG has been a paramount issue, but it's much deeper than just AIG and the way it conducted its affairs. It's part of this whole culture that we have seen on Wall Street that does not reflect the values on Main Street that most of us grew up with.

Mr. ARCURI. I thank the gentleman for yielding.

I would like to talk a little bit about the corporate accountability and also a little bit about consumer protection.

But first, with respect to corporate accountability, as you know, I am on the Rules Committee, and today we had a hearing with respect to the bill which I anticipate will be on the floor tomorrow with respect to—and you and I discussed it a little bit earlier—with respect to putting limitations on the amount of compensation that executives can get for companies that receive TARP funding.

And I guess I look at it this way. And I listened to the argument and the debate today in detail. And, you know, there is a great deal of dissatisfaction with AIG, and certainly I can understand that. We all can understand that people are critical of what happened at AIG. I am. We all are. And I listen to my colleagues on the other side of the aisle, and I can understand that some of them are critical with the legislation that we will be considering tomorrow which puts limitations on compensations for executives.

The thing I can't understand is how people can be critical of both of those because if you are unhappy with what happened at AIG, then you really have to support the legislation, if you're a Member of Congress, that we're putting forward tomorrow because that legislation will enable Congress to help put the kind of limitations on and do the kind of oversight that we were all sent to Congress to do.

So I think that if there is dissatisfaction within this House with respect to AIG and what happened there, then we should support and we should vote for the bill that will be on the floor tomorrow because that does give Congress the ability to, again, do what Congress is supposed to do. And that is regulate.

You know, you look back at how it is that we have been and how we are put in this place that we are, and the common denominator, the answer that you keep getting is the lack of regulation.

And I tell the story this way. It was funny because when all of these things were happening with the stock market, with the banks, my daughter called me from home and she said—she plays soccer, and she was telling me about her soccer game, and as most children do, she was complaining about the referees. They lost the game, and she was blaming the referees.

And I listened to her, as most parents do, and it came to me—and I said goodnight to her, goodbye. And it came to me later on that night. And I said to her the next day, I said, "I know that you feel that you didn't get a fair shake from the referees, but can you imagine what that game would have been like if the referees were off the field?"

Well, that is what has happened over the past 10 years. We have taken the referees off the field. We have done

away with the kind of regulation that is necessary. The SEC has fallen on its face and has not done the kinds of things—and we end up with scandals like the Madoff scandal. Those are the kinds of things that we need to put back in. We need to put the regulation back in.

People talk about regulation like it is a bad thing. They don't understand that that's exactly what people elect us to Congress to do, and this is to ensure that the referees stay on the field and they keep an eye on things, and they keep the playing field level.

With that, I yield back.

Mr. BRALEY of Iowa. I think you have raised a very important point, and that is the populist values do not reflect that more regulation should be just burying people in red tape, because I don't know anybody on either side of the aisle who thinks that burying people in mindless paperwork and keeping people occupied processing paper is effective regulation. But there is a big difference between that and completely giving up the regulatory field, as we did with the credit default swaps when we had a chance to place them under some type of regulatory oversight in 2000 and failed to do it. And that led to a \$55–63 trillion problem that nobody can get a handle on now.

So we have learned some lessons, and part of our responsibility to the American public is to apply these values in effective, meaningful, minimal oversight that accomplishes the results that we want to see happen.

I want to yield now to my friend from Virginia because he was the one who had the brilliant idea to add this corporate accountability value to our Populus Caucus themes.

And I would like you to talk a little bit about why this is such an important value and how it reflects on the middle class and their ability to go ahead and to have a productive and meaningful life.

Mr. PERRIELLO. I thank the gentleman for yielding.

I want to pick up on the point that you just raised which is the idea that accountability is anti-Wall Street.

The money managers that I know are looking for certainty. One of the worst things we can say to the market is to introduce the uncertainty of not knowing what the rules are, because the fact is one of the middle class values you discussed is basic responsibility. When we reward responsibility, that is a good thing for the middle class. There were many, many investment firms and others on Wall Street who knew the mortgage-backed securities were out there who could have taken—had much better quarters in the short-term, but they chose not to engage in these very high-risk speculative investments.

□ 2030

What we did instead was we have now bailed out some of the least respon-

sible, most speculative agencies, and not rewarded the responsible ones, and we see the same things on Main Street.

And you talked about no extra paperwork. It is so important that we draw a distinction between our community banks, who have been responsible through all this, and the megabanks, who have been driving the problem, so that we don't respond by punishing the responsible actors in our community who have really held things together when we've been right on the brink of a depression.

Mr. BRALEY of Iowa. Just a personal observation, this is one of the things that drives me crazy about how our policy shifts back and forth, depending upon a boom or bust economy.

But I have a very clear memory of buying my second house. It was probably about 1992, and I had bought my first house in 1984. I had completely renovated it myself with my wife. We sold it for a small profit and moved to another neighborhood where we bought a house that was less expensive than the one we were selling, and this is right after the savings and loan debacle that led to a tightening of credit restrictions in the lending market.

I will never forget when I was applying for this loan, the bank officer said, you have to fill out an affidavit explaining to us why you're buying a home that's less expensive than the one you're selling. And I thought to myself, what is wrong with this picture? Because growing up in a small Iowa town, with parents who grew up in the Depression, I was always taught that you don't spend beyond your means; you're supposed to be out there trying to be good stewards of what you have and share it with other people. And yet you're having to justify making a responsible purchasing decision.

We've gone from that era to one where you're getting zero percent interest, no money down, take as much as you want, and I think one of the things we want to see is we want to come back to some commonsense lending values and commonsense purchasing values, and these values are a two-way street. Let's be honest. We want to promote responsible decision-making across the board, and that's why I think that your point was so on target.

And I yield back.

Mr. PERRIELLO. I would say Madoff wasn't the only one running a Ponzi scheme. In many of these lending institutions it was the same thing. When you start getting debt equity ratios of 10:1, 30:1, 100:1, that is not an accountable system. And we found people who are trying to find every loophole they can push through with huge amounts of capital to do high risk. And they want all the upsides during the good years, and then they don't want to have to face the downsides in a bad cycle.

Now, we're all in this together. The President's been very clear about that,

and he's right to speak to that. But the fact is, part of how we're in this together is to make sure that those people who made horrible mistakes are held accountable.

I think we need to look seriously at issues of fraud, fraud in many of these institutions and elsewhere, and even continuing to see the way that some of the markets are fluctuating based on reporting in January and February versus March as we head to the end of the quarter.

We need to have basic accountability so that the average middle class investor has some guarantee that when they are looking at the market they're getting accurate information; if they're being responsible enough to save and have a 401(k), that they're not going to see that disappear just because of Ponzi schemes being run on Wall Street.

And our job is to make sure that the common good is protected, and when we put basic rules in place, not paperwork, but basic rules of accountability that reflect these middle class values, then the market flourishes. We have entrepreneurship that is unmatched anywhere else in the world. We have capital in this country, and we have workers ready to work. We can and must still out-compete the rest of the world. We do that by creating a system that allows people to have a certainty to make those investments, to start that business, and we need to make sure that we are encouraging that kind of innovation.

I come from a part of the country that has been hit hard by global trade over recent years. We've been devastated as furniture factories, textile mills, and tobacco jobs have all gone overseas. We have an opportunity now to turn yesterday's tobacco area into tomorrow's green energy area, but part of how we do that is get private capital moving investing in these areas and creating the kind of small businesses and middle class jobs of the next generation. But we can only do that if we have a system of accountability in place that can give people the certainty that they need.

You talked about the importance of deferred gratification as a middle class value, not spending the money that you haven't yet saved. Well, we have instead seen a culture of instant gratification, whether it's the greed is good mentality that we've seen by some on Wall Street, to the get rich or die trying attitude that you see in hip-hop. This goes from pop culture to the elites and across the board.

What we need to do is get back to that idea of basic personal responsibility and rewarding responsibility, and that's an environment I think in which entrepreneurship and hard work will flourish.

Mr. BRALEY of Iowa. I want to thank you for making an important



connection between a couple of the middle class values that we've been talking about all night, and that is, corporate accountability and how it affects fair trade. And one of the things that we know is that there are still some lingering so-called free trade agreements that have been negotiated by the Bush administration that are still on the table and are going to be considered in some way, shape or form in the future.

And one of the trade agreements that's still outstanding is President Bush's Panama Free Trade Agreement, and this is where we get into some of these values issues on corporate accountability because the GAO recently did a study identifying Panama as one of eight countries, and the only current country and prospective trading partner, that was listed on all of the major tax haven watchdog lists. In fact, Panama has been a key target of the Organization for Economic Cooperation and Development for resisting international norms in combating tax evasion and money laundering.

And now to tie this all into one big bow, we've learned that AIG, arrogance, incompetence, greed, has sued the U.S. Government demanding more than \$306 million in taxes it paid, twice the amount of what it paid in the now infamous executive bonuses.

Here is what AIG is claiming. AIG is claiming it overpaid taxes related to the activities of its AIG-linked Panamanian corporation, Star International Company, which is chartered in the tax haven of Panama. And if President Bush's Panama Free Trade Agreement is ratified, AIG's largest shareholder, which is this derivative in Panama and other offshore companies, would have expansive new rights to challenge U.S. tax laws.

In fact, there are currently 350,000 foreign firms that are registered in Panama where there are zero to low regulations and taxing restrictions. So we know that, if this treaty is ratified, these policies will inhibit the ability to protect the American people, crack down on money laundering and tax cheating and shady financial deals.

So one of the things that we've learned is that there is linkage between the important concept of corporate accountability, fair trade policies, and I want to yield to my friend from New York to talk a little bit about how those issues combine and how they affect the people that he represents in upstate New York.

Mr. ARCURI. Well, first off, I would like to say thank you and commend my colleague from Virginia for his well-thought-out and very articulate presentation with respect to corporate accountability. We certainly can use that kind of passion here in Congress, and I thank you for that, what you said, and what you talked about.

You know, one of the things that I'd like to talk about just for a moment is

something we haven't touched on yet tonight but is a very important part of the populist values, as articulated by you earlier, and that's with respect to consumer protection.

You and I took a trip down to the Port of Nogales last year to work with and get a firsthand view of some of the things we're seeing with respect to the border patrol. But one of the things we did see is the fact that the Port of Nogales is one of the largest ports for bringing fruits and vegetables into this country, many of which are from Mexico. And one of the things that I think is very important is that we need to ensure that the fruits, the vegetables, the food that we eat, the toys that our children play with are high quality. They need to be safe.

We put these strict standards on domestically produced food, on the kind of fertilizers that our farmers can use, on the kind of pesticides they can use, to ensure that the food that they produce is safe. And yet, we have these free trade agreements and we have the ability of some other countries to bring products into our country that don't follow the same kind of protections and don't have the same kind of laws that we have here, which I think jeopardizes the quality of the food we get and certainly the products that we get.

So that's something that's so important to us, to the people that I represent back home and I think the people all through America.

So it's an important thing, and I know we're running out of time here, but I think it's something that we need to discuss more and we need to spend a great deal of time on here in Congress because there's nothing more important than keeping the food that we eat and the goods that our family uses as safe as possible.

Before I yield back, I would just like to say one last thing. You know, I want to quote another Roosevelt. I started off quoting Franklin Roosevelt. I want to finish by quoting Teddy Roosevelt, and he said, The welfare of each of us is dependent fundamentally upon the welfare of all of us. That sounds an awful lot like what President Obama is saying, that we're all in this together. We can't forget that whether you're a corporate executive or you're a worker on the line, what is good for the executive is good for the worker, and what is good for the worker is good for the executive.

We are all in this together, and as my colleague from Virginia said, it is important that we remember the things that we do affect each and every American, regardless of where you are or where you work.

So, with that, I would again like to thank my friend for organizing this today.

Mr. BRALEY of Iowa. I thank you, and before I yield to my friend from Virginia for a closing comment, I just

want to point out that the Populist Caucus is not anti-trade. We are not protectionist, but we want American companies and American employees and American consumers to be on a level playing field with their competitors. And when you have trade agreements that don't have the same level of commitment to enforceability, then you don't have a level playing field, and that's why fair trade agreements are important to protect all interests in the United States.

And with that, I want to yield back to my young friend from Virginia for some closing comments and want to thank him for the important contributions and voice he has added to our caucus.

Mr. PERRIELLO. Thank you for yielding. I just want to take a moment on this issue of trade.

I think there's an attitude among the elites and among the mainstream media that assumes anything other than blind, free trade is somehow idiotic, and there's a concern that this populism is about mob rule. Well, populist values aren't about pitchforks. They're about pragmatic results.

And I think for every model someone can show me on free trade, I can show you reality and empirics. This is not about a theory cooked up in academia about trade. It's about the reality of how the tiger economies and others have competed. It has not been some blind march to trade liberalization. It has been smart, strategic decisions by each of those countries to play to their comparative advantages.

I think that we have been negotiating from a position of weakness in these trade deals instead of negotiating from strength, and I think it's cost the middle class and the working class jobs. I think sometimes there's an incredibly naive attitude by those who would look down their noses at those who would engage in middle class and populist values, when in fact I think the empirics are on our side.

So I think what's important in this, again, is not that we pick up the pitchforks but that we produce results. I think what we're about is looking at pragmatic solutions that take back some of the raw deals that the middle class has gotten for the last 20 years, particularly the last few years, and starts to stand up for those middle-class families and working class families who are getting up every morning and working hard and playing by the rules and suddenly being asked to bear the brunt of everyone else's mistakes.

□ 2045

#### THE SANCTITY OF HUMAN LIFE

The SPEAKER pro tempore (Mr. KRATOVIL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized here tonight. Before my colleagues leave the floor, I hope they can hear a little bit of an alternative viewpoint, that being that this news flash, for especially my colleague from Iowa, corporations don't pay taxes, Mr. Speaker. Corporations collect those taxes from end users, consumers, retail people, and then they aggregate the taxes from the consumers and they pass them on to the Federal Government or State government or whatever the tax collecting body might be.

For that reason, no matter what the circumstances are, we are not going to be able to chase these corporations. We're not going to be able to chase these corporations around the world and collect that taxes from them because they will always find another way to pay taxes or, of course, the obligation they have it to pass it onto the consumer.

This is a fundamental principle when it comes to holding this economy together and how we're going to build the economy in this country and how we're going to compete with the rest of the world. If we get that wrong, if we get it wrong and we think that we can somehow squeeze this capital out of these corporations that have lost about 40 percent of their asset value over the last year or so if you just simply look at the Dow, you'll find out that you can drive this free-market economy into oblivion and the free world will not make progress.

So we need to get that fundamental principle correct. We can't simply get corporations to pay taxes without them passing it on to consumers. And that is the bottom line, Mr. Speaker.

I didn't come to talk about that, but as I listened to my colleagues from the Populist Caucus—I discovered a new caucus here in the House of Representatives, Mr. Speaker—I raise another issue, the very vague and undefinable position of being for fair trade.

If someone stands up and says they're for fair trade, that means they're not for free trade. They can be for free trade and for smart trade, but you can't be for fair trade and also be for free trade.

Now that might seem like a little bit of alliteration gobbledegook, Mr. Speaker, but the truth is that there is no such thing as fair. Anyone who has raised more than one child—two or more children, I might further define—understands there's no such thing as fair. A three-year old can figure out that their four-year old brother or sister got an extra benefit along the way. They'll argue: That's not fair. As soon as they argue that, of course its subjective.

There's no such thing as fair when it comes to raising children, there's no such thing as fair when it comes to trade, because another country will

have a different view on what is fair trade compared to what we will here in the United States.

Those are the fundamental principles. If we go down this path of this nice feeling rhetoric of fair trade as opposed to having justice and equity and balance and free marketing, if we go down this path of seeking to tax corporations and punish them, then we will continually be frustrated by trying to shape a policy that will never be achieved.

And that would be my comments to the gentleman who I think gave a heartfelt presentation here over the last hour, Mr. Speaker.

I didn't come, as I said, to talk about that. I came here to the floor of the House of Representatives tonight to talk about an issue that has to do with innocent unborn human life and these timeless values of the sacredness of the unborn child and the sacredness of all human life.

I have often made this case, especially to our high school and our middle school students, but also across this country, that we have these rights that come from God, and they are delineated in the Declaration of Independence, Mr. Speaker.

What our Founders drafted in the Declaration of Independence are the right to life and liberty and the pursuit of happiness. That was not a random stream from the quill of Thomas Jefferson, Mr. Speaker. That was very specific, very carefully thought out, very prosaic designed phrase—the right to life, liberty, and the pursuit of happiness. Prioritized rights, Mr. Speaker. That right to life—the right to life is paramount to anyone's liberty. And the right to liberty is paramount to pursuit of happiness.

So let me say that in my pursuit of happiness, if I should encroach upon someone's liberty, my pursuit of happiness loses its right out of deference to a higher priority right of liberty trumps pursuit of happiness. In pursuit of liberty, if I were to choose a pursuit of liberty that would violate someone's right to life, the right to life trumps anyone's pursuit of liberty.

So our Founders understood these are prioritized rights. There's a right to life. That human life is sacred in all of its forms and we have to choose a time, we have to choose an instant when life begins because we simply cannot err. So I choose that instant at conception. Today, it's conception/fertilization. When that happens, we have the biological beginning of life.

I believe that's the moment that God puts the soul in that little child. From that instant on, they're a unique individual. There will never be another one identical to that unique individual. And they are all the solutions to the problems in the world, aside from those that come from above, come from those little children that are coming into this world.

They have a right to life. We need to guarantee that right to life. That right to life trumps anyone's right to liberty, as much as the right to liberty trumps anyone else's pursuit of happiness.

I can continue to give these examples, Mr. Speaker, but I think where we are at this point is, having laid the foundation, I recognize I have the gentleman here from New Jersey, who has, I think, put together a very strong and compelling case here in this Congress; someone who I can count on every time to be with us every day as we stand up for the innocent unborn human life. He's someone who brings a passion to the scholarship, the conviction, the faith, the core principles to this cause, an individual I get to count as a friend and a colleague and someone who it's an honor for me to be serve with.

I'd yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend and colleague, Mr. KING, for his leadership, for his consistency in promoting human rights, and for bringing to this floor tonight another opportunity for us to affirm the dignity and the value of all human life, including that of the unborn.

Mr. Speaker, last week, Secretary of State Hillary Clinton visited the Catholic Basilica of Our Lady of Guadalupe in Mexico City, presented bouquet of flowers on behalf of the American people—a very nice gesture—and then went on to Houston, Texas, to receive the Margaret Sanger Award from Planned Parenthood.

In her remarks, Secretary Clinton said she was “in awe”—I repeat, “in awe”—of Margaret Sanger, the founder of Planned Parenthood. To our distinguished Secretary of State, I respectfully ask: Are you kidding? In “awe” of Margaret Sanger, who said in 1921, “Eugenics is the most adequate and thorough avenue to the solution of racial, political, and social problems.” And who also said in 1922, “The most merciful thing that a family does to one of its infant members is to kill it.”

Later, in 1939, Sanger wrote, “We should hire three or four colored ministers, preferably with social service backgrounds and with engaging personalities.” She wrote, “The most successful educational approach to the Negro is through a religious appeal. We don't want the word to go out that we want to exterminate the Negro population,” she goes on, “and the minister is the man who can straighten out that idea if it ever occurs to any of their more rebellious members.”

Secretary Clinton in her speech said that Margaret Sanger's life and leadership was “one of the most transformational in the entire history of the human race.” Mr. Speaker, transformational, yes. But not for the better if one happens to be poor, disenfranchised, weak, a person of

color, vulnerable, or among the many so-called undesirables who Sanger would exclude and exterminate from the human race.

To me, and to many, including my distinguished colleague in the well, the juxtaposition of the last week's two very public events in Mexico City and in Houston bring into sharp focus two huge and irreconcilable world views.

On the one hand, the miracle of Our Lady of Guadalupe has for five centuries brought a message of hope, faith, peace, reconciliation and protection for the weakest, most vulnerable among us. On the other hand, each year, Margaret Sanger's Planned Parenthood kills approximately 300,000 unborn baby girls and boys in their abortion clinics scattered throughout the United States.

Worldwide, the loss of innocent human life at the hands of Planned Parenthood is in the millions. Planned Parenthood even supports the hideous brain-sucking method of abortion called partial birth abortion.

On a visit to the Basilica in Mexico City in 1999, Pope John Paul II publicly entrusted protection of all at-risk human life, including especially unborn children and their mothers, to Our Lady of Guadalupe because the miracle she wrought 500 years ago resulted in an end to the barbaric practice of human sacrifice to a serpent God that claimed anywhere between 20,000 and 50,000 victims a year.

Indeed, the miraculous story of Our Lady of Guadalupe, known so well especially in Latin America, but really around the world, has been extraordinarily compelling and inspirational for centuries.

In 1531, the Blessed Mother appeared to Juan Diego, a native American at Tepeyac, near Mexico City, and asked that a church be built on the site of the apparition. The Catholic bishop was skeptical and asked for a sign. At the behest of the Blessed Mother, and despite the fact it was winter, Juan Diego gathered roses from the site into his tilma for presentation to the Bishop.

When Juan Diego met with Bishop Juan de Zumarraga with the roses tucked under his apron, a miraculous image suddenly appeared on the cloth. The Bishop was stunned, and he believed. The image of the Blessed Mother wasn't painted. There are no brush strokes. To this day, the image defies all scientific explanation as to its origin.

Within a few years of the miracle, more than 9 million Aztecs converted to Christianity and a strong devotion to Our Lady of Guadalupe began that continues to this day. Each year, some 18 million to 20 million pilgrims visit the miraculous image in Mexico City.

Last Thursday, Hillary Clinton visited the shrine. On Friday, she paid homage to Planned Parenthood and to Margaret Sanger.

Margaret Sanger is the founder of Planned Parenthood. She was a self-described pro-abortionist eugenicist and a racist who considered charity care for impoverished, disenfranchised women, including women of color, especially pregnant women, to be "cruel."

In her book, "The Pivot of Civilization," Margaret Sanger devoted an entire chapter that she entitled: "The Cruelty of Charity," to her inhumane case for not helping—and I repeat that—not helping poor pregnant women with prenatal and maternal care.

Sanger said in the book—and I read her book—"We are paying for and even submitting to the dictates of an ever increasing, unceasingly spawning class of human beings who never should have been born at all."

In chapter 5—again, chapter 5 is called: "The Cruelty of Charity"—she writes, "Organized charity itself is the symptom of a malignant social disease." Sanger writes, "Those vast, complex, interrelated organizations aiming to control and diminish the spread of misery and destruction and all the menacing evils that spring out of this sinisterly fertile soil are the surest sign that our civilization has bred, is breeding, and is perpetuating constantly increasing numbers of defectives, delinquents, and dependents." That's Margaret Sanger, founder of Planned Parenthood.

She continues, "My criticism therefore is not directed at the failure of philanthropy but rather at its success." Sanger goes on to say, "There's a special type of philanthropy or benevolence now widely advertised and advocated both as a Federal program and as worthy of private endowment, which strikes me," that is to say Sanger, "as being more insidiously injurious than any other. This concerns itself directly with the function of maternity and aims to supply gratis medical and nursing facilities to slum mothers."

"Such women are to be visited by nurses and receive instruction in the hygiene of pregnancy, to be guided in making arrangements for confinement, to be invited to come to the doctors' clinics for examination and supervision. They are, we are informed, to receive adequate care during pregnancy, at confinement, and for 1 month afterwards. Thus, are mothers and babies to be saved, childbearing is to be made safe."

Construing to demean the generosity of pregnancy care centers, Margaret Sanger goes on to say, "The work of the maternity centers in the various American cities, which they have already been established and in which they are supported by private contributions and endowment, it is hardly necessary to point out is carried out among the poor and the most docile section of the city, among mothers

least able, through poverty and ignorance, to afford the care and attention necessary for successful maternity."

"The effect of maternity endowments of maternity centers supported by private philanthropy would have perhaps already have had exactly the most dysgenic tendency. The new government program would facilitate the function of maternity among the very classes in which the absolute necessity is to discourage it."

"Such benevolence," she goes on to say, "is not merely superficial and nearsighted." Sanger continues, "It conceals a stupid cruelty. Aside from the question of the unfitness of many women to become mothers, aside from the very definite deterioration in the human stock that such programs would inevitably hasten, we may question its value even through the unfortunate mother."

□ 2100

Simon concludes, "The most serious charge that can be brought against modern benevolence is that it encourages"—and I say this again—"the perpetuation of defectives, delinquents, and dependents." Such audacity, such an inhumane view of human life.

Mr. Speaker, in her speech at the Planned Parenthood gala accepting the Margaret Sanger award—and I have many other quotes from Sanger that I will put into the RECORD, and I invite Members and the American people to look at those quotes, and there is so much more.

But in her speech last Friday, Secretary Clinton said she admired Sanger for her vision, was in awe of her, and that Margaret Sanger's work here and in the United States and certainly across the globe is not done.

Translated, "not done" means more abortions here in the United States, in Latin America, Africa, and Asia, the world. Planned Parenthood's mission statement, documents, and work in the field make it absolutely clear that they seek a global unfettered right to commit violence against unborn children at all stages of development. Planned Parenthood seeks integration of all health care with abortion, with no conscience rights whatsoever for medical practitioners, no parental consent or notification whatsoever for minors. And all of this paid for by the United States taxpayer.

Which begs the question, Mr. Speaker. Is our Secretary of State unaware of Margaret Sanger's inhumane beliefs? Was she not briefed on Margaret Sanger's cruel and reckless disregard for poor, pregnant women? Respectfully, Secretary Clinton should at a minimum return the Sanger award.

More importantly, Congress and the White House must at long last take a long, hard, second look at the multi-million, almost billion, dollar corporation called Planned Parenthood, Child Abuse Incorporated.

Let's be honest, Mr. Speaker. Abortion is violence against children. It dismembers and chemically poisons a child to death. It hurts women physically, psychologically, and spiritually. There is nothing whatsoever compassionate, benevolent, ennobling, benign, or empowering about abortion. It is a violation of a child's fundamental human rights.

Rather than partnering with Planned Parenthood and like-minded NGOs to promote abortion worldwide with hundreds of millions of taxpayer dollars, the United States should affirm the inherent value, dignity, worth of both victims of abortion, mother and child. We need to promote nonviolent, life-affirming solutions to women both here as well as abroad. Women deserve better than abortion. We should always and in every way affirm the precious lives of both. And on that score, Margaret Sanger and far too many others would disagree.

I strongly urge my colleagues to take that second look at Planned Parenthood. It is time to respect the value and the dignity of all human life.

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Sanger said in the book, "We are paying for and even submitting to the dictates of an ever increasing, unceasingly spawning class of human beings who never should have been born at all." In Chapter 5 of that book Sanger writes:

" . . . Organized charity itself is the symptom of a malignant social disease.

"Those vast, complex, interrelated organizations aiming to control and to diminish the spread of misery and destitution and all the menacing evils that spring out of this sinisterly fertile soil, are the surest sign that our civilization has bred, is breeding and is perpetuating

constantly increasing numbers of defectives, delinquents and dependents."

Sanger continues, "My criticism, therefore, is not directed at the 'failure' of philanthropy, but rather at its success. . . ."

Sanger goes on to say, "there is a special type of philanthropy or benevolence, now widely advertised and advocated, both as a federal program and as worthy of private endowment, which strikes me (Sanger) as being more insidiously injurious than any other. This concerns itself directly with the function of maternity, and aims to supply gratis medical and nursing facilities to slum mothers. Such women are to be visited by nurses and to receive instruction in the "hygiene of pregnancy"; to be guided in making arrangements for confinements; to be invited to come to the doctors' clinics for examination and supervision. They are, we are informed, to "receive adequate care during pregnancy, at confinement, and for one month afterward. Thus are mothers and babies to be saved, 'Childbearing is to be made safe.'"

Construing to demean the generosity of pregnancy centers Sanger continues, "the work of the maternity centers in the various American cities in which they have already been established and in which they are supported by private contributions and endowment, it is hardly necessary to point out, is carried on among the poor and more docile sections of the city, among mothers least able, through poverty and ignorance, to afford the care and attention necessary for successful maternity. . . . The effect of maternity endowments and maternity centers supported by private philanthropy would have, perhaps already have had, exactly the most dysgenic tendency. The new government program would facilitate the function of maternity among the very classes in which the absolute necessity is to discourage it."

Such "benevolence" is not merely superficial and nearsighted.

Sanger continues to write: "it conceals a stupid cruelty . . . Aside from the question of the unfitness of many women to become mothers, aside from the very definite deterioration in the human stock that such programs would inevitable hasten, we may question its value even to the normal though unfortunate mother."

Sanger concludes, "the most serious charge that can be brought against modern 'benevolence' is that it encourages the perpetuation of defectives, delinquents and dependents."

Sanger also said:

"The most merciful thing that a family does to one of its infant members is to kill it."

"Birth control must lead ultimately to a cleaner race."

Margaret Sanger, *Woman, Morality, and Birth Control*. New York: New York Publishing Company, 1922. Page 12.

"We should hire three or four colored ministers, preferably with social-service backgrounds, and with engaging personalities. The most successful education approach to the Negro is through a religious appeal. We don't want the word to go out that we want to exterminate the Negro population and the minister is the man who can straighten out that idea if it ever occurs to any of their more rebellious members."

Margaret Sanger's December 19, 1939 letter to Dr. Clarence Gamble, 255 Adams Street, Milton, Massachusetts. Original source: Sophia Smith Collection, Smith College, North Hampton, Massachusetts. Also described in Linda Gordon's *Woman's Body, Woman's Right: A Social History of Birth Control in America*. New York: Grossman Publishers, 1976.

"Eugenic sterilization is an urgent need . . . We must prevent multiplication of this bad stock."

Margaret Sanger, April 1933 *Birth Control Review*.

"Eugenics is . . . the most adequate and thorough avenue to the solution of racial, political and social problems.

Margaret Sanger. "The Eugenic Value of Birth Control Propaganda." *Birth Control Review*, October 1921, page 5.

"As an advocate of birth control I wish . . . to point out that the unbalance between the birth rate of the 'unfit' and the 'fit,' admittedly the greatest present menace to civilization, can never be rectified by the inauguration of a cradle competition between these two classes. In this matter, the example of the inferior classes, the fertility of the feeble-minded, the mentally defective, the poverty-stricken classes, should not be held up for emulation . . .

"On the contrary, the most urgent problem today is how to limit and discourage the overfertility of the mentally and physically defective."

Margaret Sanger. "The Eugenic Value of Birth Control Propaganda." *Birth Control Review*, October 1921, page 5.

"The campaign for birth control is not merely of eugenic value, but is practically identical with the final aims of eugenics."

Margaret Sanger. "The Eugenic Value of Birth Control Propaganda." *Birth Control Review*, October 1921, page 5.

"Our failure to segregate morons who are increasing and multiplying . . . demonstrates our foolhardy and extravagant sentimentalism . . . [Philanthropists] encourage the healthier and more normal sections of the world to shoulder the burden of unthinking and indiscriminate fecundity of others; which brings with it, as I think the reader must agree, a dead weight of human waste. Instead of decreasing and aiming to eliminate the stocks that are most detrimental to the future of the race and the world, it tends to render them to a menacing degree dominant . . . We are paying for, and even submitting to, the dictates of an ever-increasing, unceasingly spawning class of human beings who never should have been born at all."

Margaret Sanger. *The Pivot of Civilization*, 1922. Chapter on "The Cruelty of Charity," pages 116, 122, and 189. Swarthmore College Library edition.

"The undeniably feeble-minded should, indeed, not only be discouraged but prevented from propagating their kind."

Margaret Sanger, quoted in Charles Valenza. "Was Margaret Sanger a Racist?" *Family Planning Perspectives*, January–February 1985, page 44.

"The third group [of society] are those irresponsible and reckless ones having little regard for the consequences of their acts, or whose religious scruples prevent their exer-

cising control over their numbers. Many of this group are diseased, feeble-minded, and are of the pauper element dependent upon the normal and fit members of society for their support. There is no doubt in the minds of all thinking people that the procreation of this group should be stopped."

Margaret Sanger. Speech quoted in *Birth Control: What It Is, How It Works, What It Will Do*. The Proceedings of the First American Birth Control Conference. Held at the Hotel Plaza, New York City, November 11–12, 1921. Published by the *Birth Control Review*, Gothic Press, pages 172 and 174.

"The marriage bed is the most degenerative influence in the social order . . ."

Margaret Sanger (editor). *The Woman Rebel*, Volume I, Number 1. Reprinted in *Woman and the New Race*. New York: Brentanos Publishers, 1922.

"[Our objective is] unlimited sexual gratification without the burden of unwanted children . . ."

Margaret Sanger (editor). *The Woman Rebel*, Volume I, Number 1. Reprinted in *Woman and the New Race*. New York: Brentanos Publishers, 1922.

"Give dysgenic groups [people with 'bad genes'] in our population their choice of segregation or [compulsory] sterilization."

Margaret Sanger, April 1932 *Birth Control Review*.

In her speech at the Planned Parenthood Gala, accepting the Margaret Sanger award, Secretary Clinton said she admired Sanger for her "vision," was in "awe of her" and that "Margaret Sanger's work here in the United States and certainly across the globe is not done."

Translated, "not done" means more abortions here in the United States, in Latin America, Africa, Asia—the world. Planned Parenthood's mission statement, documents, and work in the field make it absolutely clear that they seek a global unfettered right to commit violence against unborn children at all stages of development. Planned Parenthood seeks integration of all health care with abortion, with no conscience rights whatsoever for medical practitioners, no parental consent or notification for minors, and all paid for by the taxpayers.

Which begs the question: is our Secretary of State unaware of Margaret Sanger's unhumane beliefs? Was she not briefed on Margaret Sanger's cruel and reckless disregard for poor pregnant women? Respectfully, Secretary Clinton should at a minimum return the Sanger award. More importantly, Congress and the White House must, at long last take a long hard second look at the multi-million corporation Planned Parenthood—Child Abuse Inc.

Let's be honest, Mr. Speaker. Abortion is violence against children. It dismembers and chemically poisons a child to death. It hurts women physically and psychologically and spiritually. There is nothing whatsoever compassionate, benevolent, ennobling, benign or empowering about abortion. It is a violation of a child's fundamental human rights.

Rather than partnering with Planned Parenthood and like minded NGOs to promote abortion worldwide, with hundreds of millions of taxpayer dollars, the United States should af-

firm the inherent value, dignity and worth of both victims of abortion—mother and child. We need to promote both at home and abroad. We should always and in every way affirm the precious lives of both. On that score, Margaret Sanger and far too many others would disagree.

I thank my good friend and yield back to him.

Mr. KING of Iowa. I thank the gentleman from New Jersey. And I appreciate the privilege to stand here and hear those words, the nonviolent, life-affirming philosophy that we are here and that we join together in, and the question that was presented, that is this question: Did Hillary Clinton understand? Did the Secretary of State understand the cruel, racist, elitist philosophy of Margaret Sanger in whose name she accepted the award? Did she understand the implications that come with such an award?

And I don't know the answer to that, Mr. Speaker. But I have to believe that someone who has been engaged in public policy all of her life, even as an undergraduate at Yale, this is not something that has not crossed her mind. I cannot believe that the Secretary of State would be ignorant of the philosophy of Margaret Sanger. I cannot believe that. If that were the case, then I would suspect that she is ignorant of many other things, and I don't buy that. I think this is a well-educated, very astute lady, a smart lady.

And as I listened to the gentleman from New Jersey's presentation, I think about something that takes us even to another level here, and this is a statement where we have an individual that has been nominated into this administration in a confirmation, a Senate confirmation position, Office of Legal Counsel, who actually is even more of an advocate of abortion and someone who even takes the position of Margaret Sanger to another level, and that is Dawn Johnsen, Office of Legal Counsel. And I have a quote.

Now, Dawn Johnsen has been appointed, Mr. Speaker, to head up the Office of Legal Counsel. This is the most influential, most powerful position that you have never heard of if you are an average, regular person in America.

The Office of Legal Counsel provides opinions on the constitutionality of the activities of the entire administration, and gives advice to the President of the United States.

The Office of Legal Counsel, the person who heads that up, this would be Dawn Johnsen, should she be confirmed by the United States Senate, has the opportunity to whisper into the President's ear over and over again Constitutional recommendations, which are actually considered to be binding precedent unless it happens to be overturned by the courts, so very seriously taken, and the opportunity to advocate for policy.

This is Dawn Johnsen, who says that: Abortion should not be rare. And actually went so far as to take issue with Hillary Clinton whom, in the presidential campaign, who said abortion should be safe, legal, and rare. At least rare is the right direction to go, and legal is another question. But here is Dawn Johnsen's statement:

The notion of legal restrictions as some kind of reasonable compromise, perhaps to help make abortion safe, legal, and rare, thus proves nonsensical.

In other words, she even took issue with Hillary Clinton's position that abortion should at least be rare. I will give Hillary Clinton that, Mr. Speaker, that she has at least made the statement, whether she has followed through on it or not. And she has accepted the Margaret Sanger award, which would actually contradict this statement about abortion being rare.

Margaret Sanger's philosophy was very elitist, very racist, very much focused on the idea of eugenics, and that we could perfect the species of *Homo sapiens* by selective breeding processes and by selective abortions. And data shows that in the African American community, as much as 50 percent of the African American babies conceived in the United States of America meet their death by abortion. Half of the population that would be here, that could laugh, live, love, play, contribute to this society, be part of this whole America, could enjoy a right to life and the right to fulfillment of that life lose that right to life in the abortion clinics.

And if I listened right to the gentleman from New Jersey, 300,000 altogether meet their end annually here in the United States of America at the hands of Planned Parenthood and their abortion clinics, 300,000 out of perhaps a number that is around 4,000 a day, multiplied across every day here in the United States. And this is just the United States of America.

Then we have the Advocacy for International Abortion, which comes continually here. Every year we deal with that debate.

Mr. Speaker, I remember this debate that we had on the floor here where we stand. It was the first debate on the Mexico City policy that took place in the 110th Congress, the first debate on Mexico City policy that fell underneath the gavel of Speaker PELOSI.

And I remember those of us who stand up for innocent, unborn human life lost that debate and lost that vote here. And I will never forget looking across over on this side, Mr. Speaker, where I saw the advocates that thought that they wanted to compel American taxpayers to fund abortions in foreign lands clapping, cheering, jumping up and down, hugging each other, maybe even in tears of joy, for compelling Americans to fund abortions in foreign

lands, something that is abhorrent to I believe a majority of Americans. And yet, the cheer came up over here, Mr. Speaker. Nearly impossible to understand.

I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I thank the gentleman for bringing that up.

Back in 1984, when President Reagan first announced the Mexico City policy, it was designed to separate abortion from family planning. It got its name, as I know the gentleman knows, Mexico City policy because it was at a U.N. conference that the venue was in Mexico City; hence, its name. But it was a very well calibrated, very thoughtful policy which said that there ought to be a very bright line of demarcation between family planning and abortion, and that we would only fund those foreign nongovernmental organizations that divested themselves of lobbying, promoting, and performing abortions as a method of family planning.

It was a policy that worked. NGOs got funding. We are the largest provider of family planning in the world. But now, the organizations that will receive those funds, and we are talking about over one-half billion dollars per year of taxpayer funding, will be used to promote abortions in Africa, in Latin America, in Asia, Europe, everywhere where the law still protects and safeguards the sanctity of human life.

Most of the African countries, most of the countries in Latin America protect the lives of their innocent unborn children as a matter of human rights. Now, abortion organizations, backed with huge subsidies from the Federal Government—and President Obama was the one who signed the executive order that reversed the Mexico City policy. And, as the gentleman said, and I offered the amendment on the floor that he was talking about that regrettably failed, the misguided cheers and happiness about giving money to an organization that completely targets innocent babies in the womb for destruction.

We live in 2009. As the gentleman knows, ultrasound technology, prenatal surgeries have shattered the myth that an unborn child is human and alive. Of course they are. A child in utero may need a blood transfusion or microsurgery or some other intervention, medically speaking, to abate or mitigate some anomaly before birth. I chair the Spina Bifida Caucus. Some of the early interventions for spina bifida children can have a marvelous quality of life impact later on, from birth on. But you do it before birth.

Bernard Nathanson, as my distinguished colleague knows, was the leading abortionist in the seventies. He founded, along with Betty Friedan and Lawrence Lader, NARAL, one of the biggest pro-abortion organizations in this country. He changed positions

after he was doing surgeries and looking at the unborn child as a patient at St. Luke's Hospital in New York. He ran an abortion clinic, was a big activist for years, and then became a pro-lifer. And he wrote in the *New England Journal of Medicine*, and I quote, "I have come to the agonizing conclusion that I have presided over 60,000 deaths." And then he became a pro-lifer. And now he has spoken out for many years on behalf of the human rights of the unborn, and that the women are injured, the babies are victimized and killed, and that this death and destruction to our offspring and to our women and to mothers must cease.

We now are exporting. We don't export enough. We certainly don't export enough commodities. Our economy has been hurting for a number of months now and even years. What we are exporting, tragically, is abortion, and the taxpayers of America are the ones who are subsidizing that, enabling that promotion of abortion in Africa and Latin America and elsewhere.

There was a famous movie years ago, and my friend and colleague from Iowa probably saw it, *The Ugly American*. You know, I love what we can do foreign policy-wise to help and to ennoble and to make healthier people around the world, whether it be on AIDS treatments and all the other things that occur internationally, hunger alleviation, clean water, safe blood.

□ 2115

But abortion takes all that. It tells people in the developing world, just like the vision of Margaret Sanger that we don't want you. That your children are not—are dehumanized and are expendable. As the great Henry Hyde used to say, liable to extermination. You can terminate the innocent and inconvenient with such ease. Who is to speak out for them? They can't speak for themselves because of their immaturity and their dependency.

So I congratulate the gentleman because the time has come, the time has truly come for America to begin a great awakening when it comes to the value, the dignity and the sanctity of human life. Abortion is violence against children. Despite all of the platitudes, all of the cheap sophistry that routinely is employed to cover up abortion, it is violence. Dismembering a child, chemically poisoning a child, inducing a miscarriage whereby the child then dies very early because of the inability to cope after being separated from the mother, all of these methods of abortion have one goal in mind, the killing of the unborn child.

Recently I watched and read a statement that Father Pavone, a priest for life actually put together. And he talked about Dr. Haskell, who is the man who came up with the partial-birth abortion method. And one of the main reasons why, and maybe the primary reason why that method was



crafted, where a baby is half born, his or her brain is pierced in the back of the head and the brains are literally sucked out, was to ensure that the abortion didn't produce a live birth. Years ago, the Philadelphia Inquirer, which is just south of my district, had a big story called "The Dreaded Complication" and spoke about the fact that every year something on the order of 500 children survived later-term abortions only to die maybe a day later, several hours later, but some went on to be adopted. For the abortionist, this was a complication, a dreaded one. So Haskell and others decided to do away with that possibility by completely collapsing the brain cavity and sucking the brains out of a child. We get accused of inflammatory rhetoric by the pro-abortion side when we describe what it is that they do in abortion clinics. It is violence. It hurts women.

And finally, as Dr. Elvita King has said so eloquently—the niece of Dr. Martin Luther King, a woman who used to be on the other side of this issue, who had two abortions herself, and has spoken out on behalf of the unborn child and his or her mother—abortion is the ultimate civil rights movement of our day. She is the niece of Martin Luther King. She knows a thing or two about human rights and civil rights. And she says that as a society, it is time to look carefully, get rid of the platitudes, get rid of the euphemisms that have stifled true debate, words like "choice." Choice to do what? To destroy an unborn child in a very vicious way. We need to protect both.

One of the most beautiful things of the group that she is a part of called "Silent No More," made up exclusively of women who have had abortions, is that they reach out to women who are in crisis, who have the post-traumatic stress disorder, have grave misgivings, not right away, but maybe a couple years later, maybe several years later, and say there is a path to reconciliation and peace. That is what the pro-life movement is all about. We have never been about judgment. We have always been about enfranchisement. Protect the baby. Protect the mother in the first place. And for those who have already had abortions, who like Martin Luther King's niece, Elvita King in Silent No More and other women who have bravely spoken out on behalf of the unborn and their mothers, there are two victims, one is killed, one is injured. They need our help, our love and our compassion.

Unfortunately, they don't get that from the other side. It is called "empowerment." There is nothing empowering about destroying an unborn child. And it is time—and I would hope, as the gentleman would hope, that there would be a campaign that men and women in America, Members of

Congress, who have for a long time voted the pro-abortion side, would take a second look, look at Planned Parenthood this second time. To look at, as you pointed out, what Dawn Johnson has said when she says "Women are not fetal containers," that degrades the beauty and the magnificence of procreation and of life and the way we all came into this world.

So I thank the gentleman for this time and hope that there will be a new, a re-evaluation, a new reappraisal of what the culture of death has done. Fifty million unborn children have been killed since 1973, a staggering loss of human life. And as you have pointed out previously, Mr. KING, there has been a very suspicious disproportionality when it comes to how many African Americans have been killed. And many, including Dr. King and others, are more than suspicious, especially given Margaret Sanger's and others' viewpoint about who is desirable and who is undesirable. So I strongly urge this re-evaluation. It needs to take place now.

Finally, and I said "finally" before, but this will be final, President Obama sadly and tragically, with the enormous support and the wellspring of goodwill that is being afforded him, is the abortion President. Every move he has made, whether it be the reversal of Mexico City, his embrace of the Freedom of Choice Act, which may come up on this floor some time, we don't know when, the move to get rid of conscience protections that men and women in the medical profession absolutely need so they are not complicit in killing innocent human life, taxpayer funding for abortion, the embrace of embryonic stem-cell research at a time when induced pluripotent stem cells, which are embryo like but do not require the killing of an embryo and can come right off your skin and mine and be manipulated in a way that will be lifesaving, cord blood, all the adult stem cells, the alternatives to embryonic work, embryonic has not worked, and yet with great fanfare he has embraced that at every turn. And the one that the gentleman brings to the floor tonight, Dawn Johnson, in what is truly an outrageous view, an inhumane view, a tragic view towards the sanctity of life, people of her kind and people with her perspective are embedded all over the Obama administration and will daily be promoting and proffering policies, very often in a stealthy way, that will promote the culture of death.

And to our friends in Africa, Latin America and elsewhere, watch out. The abortionists are coming. And they are coming from the Obama administration. I thank my friend.

Mr. KING of Iowa. I thank the gentleman from New Jersey. And I would hope that he can stand by. I have a couple of questions I would like to present that way and first make a

statement. And that is, Mr. Speaker, with regard to partial-birth abortion, it has occurred to me that if an abortionist can go in and turn that child around so the baby is born breech, that being feet first, and bring that baby to delivery for everything but the head and in fact, part of the head, and then, hold the baby there so that the baby isn't fully born and then take a scalpel and insert that into the back of the skull and put some scissors in there and open up the hole and suck the brains out of that child while that child struggles for life and struggles for mercy, it occurs to me as I picked up the film, "Silent Screams" years ago when our children were about 10 or 12 years old and showed that to them one time, and one time was enough, that silent scream, the word of that movie that showed the violence of abortion, it occurs to me that this society can't abide the screams of the innocent. And so they had to devise a means of abortion that would stop the life of that innocent child an inch before that child could fill its lungs full of free air and scream for its own mercy. That, I think, is the psychology behind this. Even the abortionists couldn't stand the sound of the scream of the child screaming for its own mercy. And I think that is how partial-birth abortion was devised.

I would pose this question to the gentleman from New Jersey, and having been the individual that offered the amendment to preserve the Mexico City policy and having lost that debate and lost that vote on this floor, and having seen the display of glee and joy and hugging and clapping and cheering and perhaps even tears of joy on this side of the aisle, Mr. Speaker, the joy that they were going to compel the American taxpayers to fund abortions in foreign lands, what kind of a person, the sons and daughters, the grandsons and granddaughters of Margaret Sanger, the mother of abortion, the mother of "family planning" in quotes, the eugenic idea of producing a more perfect race, Hitlerian idea, what could cause a person to be so full of joy about compelling you or me or the people who agree with us to fund abortions in foreign lands? I can't understand that, Mr. SMITH. And I would be very interested in your analysis.

Mr. SMITH of New Jersey. I say to my good friend, Mr. KING, I have been offering the Mexico City Policy since 1984. I have been here for 29 years, and I offered it the first time. And I remember members on the other side of the aisle saying that none of the family planning NGOs will take the money with that kind of conditionality. They were so focused and filled with their wanting to provide abortions.

That didn't happen. NGOs lined up. The money went out the door. And we had that line of demarcation between abortion and family planning for years.

Bill Clinton reversed it, and during the course of his presidency, we fought hard to restore it. And in the end, for the last 2 years of the Clinton administration, we had first a modified and then the full Mexico City Policy back. President Bush, by executive order, re-established it, and family planning moneys flowed, but without abortion promotion or performance.

And then, President Obama, like I said, just a couple of days after being sworn in, re-established, or reversed I should say, the Mexico City Policy with more money now flowing to those organizations. Why the joy and the happiness on the side of those who promote abortion? It is bewildering in the extreme. Father Pavone's Web site, and I encourage people to check it out, he talks about a meeting when this Dr. Haskell, the man who devised this child-abuse method called partial-birth abortion, as you pointed out where the baby's brains are literally sucked out, he presented that method, as Father Pavone points out in one of his speeches, it actually has much about what happened in this conference, and the conference was filled with abortionists. And when the baby actually died, it was being killed, because he had it all on film, they broke into applause at the demise, at the death of that child.

That is pathetic. It is beyond tragic. I said during the debate, and remember Bill Clinton vetoed partial-birth abortion not once but twice, that when my young girls, and we have two girls, four children totally, but when they were young, if they were to play "doctor," the girls, and take their dolls as they had when they were 5 and 6, turn them around and pierce the back of their skulls and then suck their brains out, we would seek, as would any parent, immediate counseling. Something would be wrong. When someone embraces the death of a child, something is very, very dangerously wrong.

I have seen on this floor time and again—and I would say we won the debate, I would say to my friend, but lost the vote on Mexico City Policy. And when we have lost fights on partial-birth abortion, for example, not in vote count, but in vetoes by the previous administration, it never ceases to amaze me that one could be joyous over allowing, facilitating and enabling more death to children and more wounding of their mothers.

That is what this is all about. I believe passionately, and I have been in Congress 29 years, and I spend much of my time working on human rights issues, humanitarian issues around the world, whether it be in Africa working on human trafficking or on trying to mitigate and stop terrible things like torture. I wrote four torture victims relief acts—laws—they are not bills, they are laws, and many, many other laws, microcredit financing for the developing world, three human traf-

ficking laws beginning with the Trafficking Victims Protection Act of 2000. I believe passionately in human rights. But birth is not the beginning of a person's life. We need to see it as an event that happens to each and every one of us, and that those children in utero are no less human and alive than you and me. They are definitely dependent. They are immature, as is a newborn, as is a 1 year old. And a compassionate and sane society would seek to enfranchise, not disenfranchise.

So when they expressed on the other side, and a few on our side of the aisle, happiness over the loss of the Mexico City policy, it was very clear to me. I had nothing but sorrow because there is one predictable consequence, more dead babies and more wounded mothers.

I yield back.

□ 2130

Mr. KING of Iowa. I thank the gentleman from New Jersey. And as I listened to that description of the audience breaking into applause at a video of a baby who has been a victim of partial birth abortion, had its brain sucked out and stopped struggling, it became apparent that the baby was dead, that they would cheer, break into applause, that indexes to the cheer and the applause and the hugging that went on here when the Mexico City Policy was defeated on the floor of the House of Representatives, Mr. Speaker.

And I understood it differently. And I think it was because of a gap in the knowledge and experience that's been filled in by Mr. SMITH from New Jersey. I explained that emotion over here as not being a rational, logical emotion, but an emotion that simply divorced itself from the sacred nature of human life, and was simply cheering because they had scored a victory over our side.

And how could anyone go through life and think they had accomplished something by compelling others to fund abortions in foreign lands? That's a psychology that I cannot connect with, Mr. Speaker. And so I could only rationalize it on the part that they know we hold innocent life dear. We hold all human life dear. And we believe that it's sacred in all of its forms, from the instant at conception and fertilization to natural death.

And Mr. SMITH, among others, have been one of the stalwarts in leading and defending innocent human life, especially in this Congress. And I thought that that cheer was for having scored points against the value system, the core value system of those of us on this side.

Mr. Speaker, I'm not sure of that, because the people sitting inside that room who were watching that film of that partial birth abortion, the struggling child who ceased to struggle when it's obvious that the baby was dead, that broke into a cheer, they

didn't do that because they scored points on the other side. That doesn't relate over here to a political contest which should always transcend our fundamental, timeless values. However I might try to rationalize their emotions, when you tie the two of them together, it's almost unexplainable. I can't explain an emotion or thought process that would want to end innocent human life and consider it to be a right, a fundamental right.

So I ask this question, and I ask this question continually in our public schools and our parochial schools across the land when I have the chance. And I say, especially to young people, you'll be called upon to make a profound moral decision in this society and this civilization; if you're 14, 15, 16, 18 years old, 19, 20 years old, you will, or you will be among those who will have to make that profound decision, the moral decision.

And you ask only two questions. It's very simple, and it's this simple. The first question is, do you believe in the sanctity of human life? Is human life sacred in all of its forms? Is your life sacred? Is the person next to you, is their life sacred, people on either side, are their lives sacred? And it becomes almost a universal yes. I've actually never had a student say, no, I don't think so. I don't think my life is sacred and I shouldn't be treated in a sacred fashion. I've never had that happen. They nod their heads. It's universal that we believe that life, human life is sacred in all of its forms.

So once we establish the answer, yes, to the first question, is human life sacred, the only question to follow that up with is, then at what instant does life begin? You have to choose an instant. And I describe it this way. You can't guess at it. What if somebody came by the gymnasium or the auditorium and stuck a gun in the door and turned their head the other way and pulled the trigger and ran down the hallway without looking back. If they were captured outside the building, you could ask them, did you kill somebody or didn't you? And their answer might be, I don't know. But we know that if the gymnasium emptied and there's someone in there who's dead, with a bullet hole in them, yes, the answer is, he did kill somebody.

And if it results in a dead baby, someone was killed. And you cannot guess when it comes to life. You can't err when it comes to life. You must choose that instant that life begins. It can't be a first trimester, a second trimester, a third trimester; it can't be viability outside the womb. We know it goes up beyond 24 weeks or below 24 weeks for viability today. There's no baby that's born, now, 9 months, full-term that really is viable without being nurtured by its mother and by its parents. And they've got to be nurtured. And so whether it's the instant

before they're born or the instant after, when does life begin?

I remember asking that question when this first little miracle, that firstborn of our family, was put into my hands. And I looked at that child and I was struck by the awe of the miracle. And I don't remember that I thought this through on that day, but I remember going to work the next day and I was sitting there thinking this through. And I still believe there's a certain aura about that firstborn child.

And I asked myself, here's this miracle that's been in my arms within the last hours. This little child, this miracle, could someone take his life today? And of course the answer is no. Could they have taken his life yesterday, the day he was born? No. Could they do so the minute after he was born? No. The minute before he was born? No. What about 10 minutes before or 2 hours before or a day or a week or a month before he was born? The answer is no, no and no, Mr. Speaker. And so if you can't do that, if it's abhorrent to us to think about the idea of ending the life of our unborn child a day, a week or a month before they're born, just as we couldn't think of that a day a week or a month after they're born, then we've got to take this back to an instant, an instant that their life begins. And it's that simple.

And this has become a political argument that's destroyed the lives of 50 million babies, to the point where we argue that this civilization has a hole in it, in the generation.

I remember standing down on the Mall, this would be, I believe, a year ago, January 22, on the March for Life. And if you looked out across that Mall, there were over 100,000 there that day. This year there was a far bigger number in the March for Life, many, many young people.

And I made the point that if you are under 30 years old, and you're standing next to somebody that's under 30 years old, look at each other. And the ghost of one-third of your generation stands between you. That's the aborted generation, the generation that didn't have that opportunity for life, the generation that are the victims of Margaret Sanger, the victims of a political agenda, the victims of a lack of belief in the sanctity of human life, the people that would argue that babies are inconvenient, that an abortion should never be rare, the people like Dawn Johnsen who would argue that mothers are fetal containers. My mother a fetal container? CHRIS SMITH's mother a fetal container? That the only emotion you feel—this is Dawn Johnsen again—the only emotion you feel when you have an abortion is relief, not trauma; that it never comes back to you; that it's simply off one's conscience.

We know that that has motivated—that women deserve better—the organization that CHRIS SMITH talked about.

Dawn Johnsen spoke that women who get pregnant are simply the losers in the contraceptive lottery, and that they no more consent to pregnancy than pedestrians consent to being struck by drunk drivers.

And yet, I'm standing in my kitchen on Sunday, talking with my daughter-in-law, who's the mother of our third grandchild. And I told her that I'm jealous because I'll never get to be a mom. And yet, no matter what she wants to do with her career, some of that career is going to be slowed down because she's busy being a mom.

And she looked at me and she said, I know you're jealous. You've told me that before. You'll never be a mom. And I think being a mom is worth the tradeoff of slowing down my career because I think it's great being a mom.

And that's the love that flows. That lady is not a fetal container. She's a mother, a mother that's brought love to each of the children that God's gifted this family with, just like the millions and millions of mothers across the planet who have done so, done so out of love, out of faith, out of conviction.

And I can't understand the people that would cheer and celebrate the tax dollars of American people going to any place that provides abortion services and counseling.

That is what happens, Mr. Speaker. And I know the gentleman from New Jersey has a few more words.

MR. SMITH of New Jersey. Just a couple of final comments. And I again thank my friend and colleague for his leadership on this fundamental human rights issue of protecting the unborn child.

You know, the most persecuted minority in the world today are unborn children. The acceptable bias today is abortion. To be prejudiced against unborn children is somehow acceptable. It's certainly legal in this country. And that is a very significant tragedy for our society.

It is time we called it for what it is. It is child abuse, abortion. It is violence against children. It is prejudice. And I would hope that Members—you know, I've heard some of our finest leaders in the pro-life movement say over the years that Americans won't stop abortion until they see it. We have to push away the euphemisms that have cloaked this for the last three decades and figure it out, not figure it out, just simply spend some time focusing on what it is that the abortionist does. It is violence against children. It actually engenders pain for the unborn child.

My friend and colleague will know that 3 years ago, 4 years ago I offered legislation on this floor called the Unborn Child Pain Awareness Act. We got 250 votes, bipartisan votes for at least advising a woman that, from at least the 20th week on, her child might feel

significant pain. The evidence clearly suggests that a child who is killed by dismemberment or some other hideous method of abortion, feels pain that is up to four times more excruciating than a newborn or an older child because the nerve endings are so close to the skin, and the ability of the body to dampen pain has not matured sufficiently.

There's a method of abortion known as the D&E. The method literally involves hacking off the arms and the legs of an unborn child, decapitation, takes upwards of 30 minutes for that method to effectuate its kill. And at least in the beginning moments of that abortion, the child feels excruciating pain.

Today, because of the great work of people like Dr. Anand and others, when prenatal surgeries are performed and the child needs to be surgically opened up to do some procedure that is benign and life-affirming, he or she gets anesthesia. An unborn child gets no such consideration. We treat animals with more benevolence and in a more caring way in terms of pain mitigation than we do unborn children.

That legislation should be on this floor. A child should not only not suffer the cruelty of being killed, but also the pain that goes along with it. Most Americans are woefully unaware. Some of my colleagues, our colleagues are probably woefully unaware as well that pain is real for these children as they die a death due to abortion.

I yield back.

MR. KING of Iowa. And I very much thank the gentleman from New Jersey. And it brings to mind an image that many of us have seen of an in-utero surgery where that—not only does that little unborn child feel the pain, but that little child reached up out of the incision and grasped the finger of the surgeon. I'll never forget that image. And it was something that floated around the Internet for a long time, and I think it would be worth bringing to this floor. Very, very human.

And as I listened to Mr. SMITH, the gentleman from New Jersey, I have to reflect back on our dear departed friend and colleague, Henry Hyde, who was a stalwart on the life issue. And I wrote this down from the back of the program at his funeral in Chicago that day. His last day on this Earth was November 29, 2007. And I think it's a good place, Mr. Speaker, to close this special order with a quote from Henry Hyde. And he said this:

"When the time comes, as it surely will, when we face that awesome moment, the final judgment, I've often thought, as Fulton Sheen wrote, that it's a terrible moment of loneliness. You have no advocates. You are there alone, standing before God. And a terror will rip through your soul like nothing you can imagine. But I really think that those in the pro-life movement will not be alone. I think there

will be a chorus of voices that are not heard in this world that will be heard in the next, beautifully and clearly. And they will plead for everyone who has been in this movement, they will say to God, spare him because he loved us, and God will look at you and say not did you succeed, but did you try."

Mr. Speaker, I will yield back.

□ 2145

#### THE CONCERN OF AMERICA'S FUTURE DIRECTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Utah (Mr. CHAFFETZ) is recognized for 60 minutes.

Mr. CHAFFETZ. Thank you. I appreciate the impassioned gentlemen and their commitment to a pro-life agenda. I truly do.

I stand tonight and rise because of my concern about the direction of this country. I was elected here as a freshman. I did not create this problem in Washington, D.C., but I am here to help clean it up. We have the greatest opportunities ahead of us. The United States of America is the single greatest country on the face of the planet, and every time we are faced with a challenge, we overcome the obstacles that are thrown ahead of us. I would like to see our government get out of the way and stop being an impediment. I want to make sure that it is the American entrepreneur who is emboldened. It has always been the American entrepreneur who has driven this country forward.

As I rise today, my concern is that often what we hear and see in Washington, D.C., is not a reflection of the reality. The rhetoric has been very strong, but with all due respect to our President, of whom I have the greatest admiration—he is a great success story—what I hear and what I see tend to be two different things. There has been some good work done by Phil Kerpen of the Americans for Prosperity. I appreciate the work that he has done. I want to touch on a few points that I have great concern about.

We were promised by this administration and by the Speaker of the House, Mr. Speaker, that we would have this sunlight before signing things. In this body right here, the House Republicans and Democrats unanimously passed a resolution that said we would have 48 hours to review a bill before we would sign it. Yet, shortly thereafter, the single largest spending bill in the history of the United States passed out of the Rules Committee. It was just around midnight when we got the final copy of the bill, the so-called "stimulus bill." Just over 13 hours later, we had to vote on it. That is absolutely the wrong direction.

Then candidate Barack Obama said, "Too often, bills are rushed through Congress and to the President before the public has the opportunity to review them. As President, Obama will not sign any nonemergency bill without giving the American public an opportunity to review and comment on the White House Web site for 5 days." That does not happen on a regular basis, and it is wrong. It needs to change. We need to live up to those campaign commitments. They are not happening now.

The American people were promised that lobbyists would not be participants in this administration. On the Barack Obama Web site, it says, "No political appointees in an Obama-Biden administration will be permitted to work on regulations or contracts directly and substantially related to their prior employer for 2 years, and no political appointee will be able to lobby the executive branch after leaving government service during the remainder of the administration." That is not happening. That is not happening.

During the campaign, we talked about there being no tax hikes on the poor. On September 12, 2008, in Dover, New Hampshire, the President said, "I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase—not your income tax, not your payroll tax, not your capital gains tax, not any of your taxes." What was one of the first bills that the President signed? A tax increase. It was the SCHIP bill. It was under the disguise that we were going to help children with their health care insurance. He raised the taxes on cigarettes. That affects a host of Americans. Now, I don't smoke; I don't advocate smoking, but the reality is there are a whole lot of smokers who make less than \$250,000 a year. That was a tax increase. That was in opposition to what the President said he would do. There are other examples.

We were encouraged by the President to pass in this body legislation free of earmarks. We were promised earmark reform. The statement on earmarks that came out on March 10: "The system is broken. We can no longer accept a process that doles out earmarks based on a Member of Congress' seniority rather than the merit of the project. We can no longer accept an earmarks process that has become so complicated to navigate that a municipality or nonprofit group has to hire high-priced D.C. lobbyists to do it, and we can no longer accept an earmarks process in which many of the projects being funded fail to address the real needs of our country."

When the President addressed the joint session of Congress, I was sitting right there in the seventh row. The President said he wanted no earmarks.

The very next day, the United States Congress, despite a lot of us who voted "no" against it, passed a \$410 billion appropriation with no less than 8,500 earmarks. The President signed it.

Big government: In the joint address to Congress, the President said, "Not because I believe in bigger government—I don't." Now, I want to believe the President when he says he doesn't believe in big government, but we have the single largest expansion of government in the history of the United States happening, one of the largest tax increases in the history of the United States of America.

So, when I look at the President's budget, when I look at what NANCY PELOSI is proposing as the Speaker of the House, Mr. Speaker, I have serious questions and reservations because I believe that this budget that I am looking at and that we are going to be asked to vote on very soon spends far too much money; it taxes us on too much money, and it borrows too much money. We are fundamentally compromising our future.

You know, I have worked for big companies. I have worked for small companies. I have owned my own company. I have spent 16-plus years in the local business community. I have hired people in the past, and there is a fundamental thing that I look for. I just want to hire people who will do what they say they are going to do. I think the American people should demand that with regard to what is happening in Washington, D.C. I think we should demand that at every level of government.

Earlier today, we saw the next nominee for the Secretary of Health and Human Services admitting that she had failed to pay taxes. Shouldn't there be a standard, a level, that says, "You know what? If you can't figure out how to pay your taxes accurately or if you can't hire the right person to get your taxes done properly, then you're probably disqualified for being a secretary-level person in this United States Government?" It is so disappointing. It is so disappointing.

We have great hurdles, great opportunities ahead of us. There is probably nothing stronger in this country and more fundamental to what we should be doing in this government than our national security. I am joined today by somebody who is passionate about national defense, about the great work that men and women are doing all across the world to help us, to protect us.

During my campaign, I had an opportunity to meet a number of soldiers who did not come home to this same kind of welcoming that they thought they would. They were injured. They came back to families who were so concerned because the breadwinners in their families could no longer win the bread. These were brave men and

women, soldiers, who fought and sacrificed for our country. I fundamentally do not believe we are taking as good of care of them as we should be. These are people who are giving so much. It is not welfare. It is not a handout for us to take care of the men and women who are taking care of us.

So, as I look at all of these broken promises, at all of these things that we are supposed to be doing—basic, fundamental things within our government—I find that one of the true, proper roles of government and that one of the things we really should be doing is making sure we are taking care of our military.

So I would like to take a moment, if I could, and yield for a time to my friend, the gentleman from California, Mr. DUNCAN HUNTER.

Mr. HUNTER. I thank the gentleman from Utah. Thank you for your leadership and for your courage in telling the American people and in telling the Members of Congress what is really going on and what the money is being spent on that the President is asking for and that the Democrats are asking for. Thank you for your kind words as well.

I have been to Iraq twice as a United States marine, and I have been to Afghanistan once. We are probably at the biggest tipping point that we have ever seen since World War II when it comes to national defense and to national security. We have more violence along our border region than we have ever had in this country. Right now, with those two, large, pressing issues, we are spending a pittance on those two issues—the national security issues that involve the border and that involve Iraq and Afghanistan and China and North Korea and Russia—compared to what we are spending in giving money to the failed companies run into the ground by their executives who have been ruled by greed. I would like to go over some of those shortfalls in the President's defense budget coming up.

First off, in fiscal year 2010, the President's budget is \$30 billion less than what the Joint Chiefs of Staff asked for. The Joint Chiefs of Staff are the ones who are the experts on the military and on what the American military needs to sustain itself and to fight future threats and future enemies. We are \$30 billion short. They asked for \$584 billion for fiscal year 2010. The President is only going to give them \$533 billion. This is a 10 percent decrease over what the joint chiefs asked for over 10 years. That is a \$1.3 trillion deficit for the U.S. military at a time when we are fighting in Iraq and Afghanistan and when we are prosecuting terrorists around the world for our security here at home.

We have veterans returning home, and we have people coming home who have given that ultimate sacrifice,

those who have paid that ultimate price, who have given that final measure of devotion. We are going to cut spending for them. We are going to cut their benefits here at home. We are going to cut the money that goes towards their armor and their bullets and their food and their medicine. We are going to cut that right now. In this time of gluttonous spending, we are going to choose to cut spending for our U.S. military.

Our Navy fleet has declined from 568 ships in the late 1980s to 276 ships now. We need over 300. The average age of the airplanes in the Air Force has risen from 9 years in 1973 to 24 years old. I mean the average age of each of the Air Force's airplanes is over 27 years old. They used to have 37 fighter wing equivalents in the '80s. Now they have only 20. This past year alone, ship maintenance funding is \$417 million short. That is not what I would call putting America's security first. That is putting America's security last.

When I hear the President talking about national security or when I hear the Democrats giving a moment of silence in this room for our military, it seems insincere to me that they would do that on one hand and tell the American people that they are helping out and that they are doing everything that they can do for national security's sake while, at the same time, they are going to cut defense spending. JFK spent more on defense than we are spending now. Ronald Reagan spent more on defense than we are spending now. While in the middle of two wars, we need to increase, if anything, defense spending and keep it at 4 percent of our GDP to keep America safe. We have more threats now than we have ever had.

I would like to yield back to the gentleman from Utah.

Mr. CHAFFETZ. Well, thank you, and thank you for your personal service to this country. I know that you have served and have served with honor, and I know that your father has served in this body. He was a great inspiration to me and to a lot of Americans, and I appreciate your commitment to making sure that our United States military is taken care of.

You know, when we passed the stimulus bill, I did not vote for it. In fact, 100 percent of the Republicans did not vote for it. It took \$1 trillion and sprinkled it over 106 Federal programs and grew government. The loser in this budget, in addition to the American people with the debt that they are saddled with and the overspending that is there and the borrowing that has to happen, is the military. We are in the middle of armed conflicts, and the United States of America can never, ever be second. It can never, ever be close to somebody else.

We have to have the very best intelligence. We have to have the very best

equipment. We have the best men and women, but we are not taking care of those men and women. I wish this budget that we are looking at would take care of those men and women and would take care of the weapons systems and things that we need to do to keep this country safe and to keep the world safe. The sacrifice that those men and women give and that the families give is just unparalleled. It is absolutely amazing.

I want to tell a quick story here—a little perspective if I could—of a man who served in Vietnam. He happens to be my brother Alex's father-in-law. His father-in-law is named Bob Johnson. You know, when I think about this budget and about what is happening, I think about Bob. I think: What about Bob? You know, what about Bob? Because Bob is just a great American. He is working hard. He is doing exactly what we want him to do. Yet this budget and this administration seem to want to punish success and reward failure.

□ 2200

It is exactly the opposite of what I think we ought to be doing.

And on March 16 of 2009, the President said—I want to read a quote from an address he gave related to small business, and I am extracting one paragraph, but I would encourage everybody to go back and read it for themselves.

In one paragraph, he said, "Small businesses are the heart of the American economy. They are responsible for half of all private sector jobs—and they create roughly 70 percent of all new jobs in the past decade. So small businesses are not only job generators, they are also the heart of the American dream. After all, these are businesses born in family meetings around kitchen tables. They're born when a worker takes a chance on her desire to be her own boss. They are born when a part-time inventor becomes a full-time entrepreneur, or when somebody sees a product that could be better or a service that could be smarter, and they think, 'Well, why not me? Let me try it. Let me take a shot.'"

The President delivers it a little bit better than I do. I understand that. He's the President of the United States.

I agree with everything that he said in that paragraph. But as I look at this budget, it fundamentally does not help the small businessman. Because it extends spending, it increases taxes, and puts borrowing at record levels. Literally double.

Let me tell a really quick brief story here about Bob Johnson, what about Bob, in Topeka, Kansas.

Bob has lived his whole life in Kansas. He was raised on a farm with six brothers and sisters. After high school, Bob joined the Marines. He wanted a

better life for himself. He served in Vietnam and was honorably discharged.

He went back home to Kansas, married his high school sweetheart, Janet. Together they raised a daughter, Christy. Bob spent his days and nights learning a trade, and when he mastered that trade, he opened up his own transmission shop in Topeka, Kansas. And for the past 30 years, Bob Johnson has worked his tail off to make sure that the Topeka Transmission Service is the most successful, most disciplined, cleanest-run shop in town. People who know Bob know they are going to get good service, and a lot of people in town know Bob. He's using the skills he learned as a farmer and a marine to teach his employees that character, skill, and hard work are the formula for success. And Bob has undoubtedly been successful.

His daughter was the first in their family to graduate from college, the University of Kansas, the Jayhawks. His business has been successful. His employees have earned their paychecks. Bob cares about their success and his customers being happy. And Bob's business pays their taxes so this Congress has resources to spend.

So I ask what have we done to support Bob lately? Bob is the heart and engine of the United States. He's the heart and soul of the dream. It's what drives this country forward.

Well, lately he's probably seen his savings get obliterated like the rest of the hardworking Americans. As a small business owner, he appears to be the target for a tax increase. That's Bob's reward. Work hard for 30 years, do everything right, and now suddenly we're going to tax him more, we're going to spend more and we're going to leave his family and his grandkids, Jake and Taylor, a legacy of debt.

So what do you think Bob's choices will be? Do you think he will be in a position to give his employees a raise? Do you think he will be in a position to hire more people? Or do you think Bob Johnson will get more protective of what he has and worry more about how he's going to meet his payroll and how he's going to keep the employees he has and the savings he's worked so hard for over the last 30 years?

I don't think we're doing him any favors with this budget. There is nothing in the stimulus, there is nothing in the bailouts, there is nothing in our tax policy that rewards Bob Johnson. And yet Bob Johnson—I agree with the President—he's the heart and soul of what is going to drive this country forward representing 70 percent of the new jobs.

The Obama budget spends at record levels, it taxes at record levels and doubles our national debt by spending, taxing and borrowing too much. That's what we're doing to destroy the American dream.

I have another colleague here who is also a freshman. He didn't create any challenges, but like me, he's here to help clean it up.

I would like to yield some time to my friend from Ohio, Mr. AUSTRIA.

Mr. AUSTRIA. I thank the gentleman from Utah. I thank you for the great work you are doing for the State of Utah and our country as a freshman. Thank you for putting this on today.

I want to thank my other colleague from California. Thank you for your service to our country. Thank you for putting things in perspective for our military.

And I want to add one thing. We had an opportunity to change some of this budget, and another freshman—it seems like the freshmen now are taking the lead role on some of this stuff, which is good—Congressman HARPER from Mississippi and myself cosponsored an amendment in the budget that would put the troops' increase, their pay increase where it should be at 3.4 percent where it has been lowered and marked down in this budget to 2.9, which is the minimal amount required by statute.

When we have troops that are now fighting in two wars, we're increasing the number of troops in Afghanistan—I have had an opportunity, I represent the largest single site employer in the State of Ohio Wright Patterson Air Force Base. I have four military facilities in my district. I have had an opportunity to attend a number of deployments for men and women in the military. And I have to say, they are the greatest people I have had an opportunity to meet, and I would go so far as to say it's the next greatest generation that's serving our country today.

And when these—we're asking these men and women to serve and the deployments are lengthier than what was expected, more often than what was expected. There are tremendous sacrifices that are being made by their families, by our troops. I think that the least we can do in this budget is not cut what was expected as far as their pay but give them the increase that they deserve, and in my opinion earned. They are doing a spectacular job in protecting us, and we thank them for their sacrifices to protect our freedom.

But unfortunately, that amendment was shot down and was voted down in Budget by the other side of the aisle. And so we had an opportunity to try to fix some of that, and we didn't do that in the Budget Committee, and I hope that we can get our priorities straight on that.

Let me build off of my colleague from Utah. Let me talk about Ohio because you two are out west and some of the things that you talked about—the difficult times that small businesses are going through, families are going

through out west—we are experiencing these things in the midwest.

I represent the State of Ohio, the heart of the midwest. And I can tell you we have over 900,000 small businesses in the State of Ohio. And within the last few weeks, in particular, our phones in the district offices have been ringing. Business have been calling us, families have been calling us. They are going through very difficult times right now. They are making sacrifices for our country. Small businesses are calling us, and they are having difficulty getting the financing, the credit that they need to be able to meet their payroll, to be able to save the jobs that are out there, much less create new jobs and sustain those jobs in the long term.

The Bob Johnsons that you just talked about. We have a lot of Bob Johnsons, those types of businesses in Ohio, and they are the economic engine of our State and this country. As you mentioned, they create 60 to 80 percent of the jobs across this country. And I think here in Congress we can do better.

As freshmen, we've been in Congress now for less than 100 days, and we have been faced with a \$700 billion TARP financial market bailout that has not worked, in my opinion. It has been a disaster because there's been no—there hasn't been the accountability needed, there hasn't been the transparency as to how that money has been in place. There is no plan in place.

The Treasury Department did not have a plan in place. We had Secretary Geithner come into the Budget Committee, and we asked him about the financial bailout, the market bailout. And he could not give us specific answers as to how the money that has been spent has been spent and how their plans on the future dollars on how they were going to be spent.

And then we had the stimulus package, \$791 billion spending package, I call it, \$1.1 trillion over the next 10 years of taxpayers' dollars. In that stimulus package was a paragraph in there on a bill that not one Member of Congress had an opportunity to read completely before we voted on that, said, You know what? We can now take your tax dollars, we can use it as a bailout, give it to a company like AIG, and they can pay out \$165 million in bonuses, 73 of those being over \$1-million bonuses. One lucky guy got a \$1.64 million bonus, and twelve of them don't even work for the company.

These are hardworking American taxpayers' dollars that are paying out these bonuses. As the public begins to understand what is happening here in D.C., they are outraged. They are outraged by this stuff, and it shouldn't be happening. We can do better than that.

Now we have a \$3.9 trillion budget before us. And guess what is in this budget? We're now going to tell you how



we're going to pay for the historical amount of debt that we just built up. We're going to start taxing the American people.

In this bill, there is nearly a \$2 trillion tax hike over the next decade: \$2 trillion of taxes. That's going to further weaken America's prospects with sustained economic growth and job creation well into the future. And let me tell you who's going to be paying for this. It is going to be many of our small business owners that are struggling to make paycheck to paycheck, that are struggling to not just save jobs but create jobs and be able to sustain those jobs. Now they know they have a tax increase coming at them. I mean, is that how we're going to expand and create new jobs?

American families, 95 to 100 percent of the American families across this country, we're now going to hit you with higher costs on energy, taxes. This little thing that's stuck in the budget—and I appreciate your chart up there because I think it helps put things in perspective as to how we're paying for this debt. We're going to stick this proposal in there that's cap-and-trade. It sounds harmless. It is not harmless. We're talking about \$629 billion of tax increases on families, families that are making sacrifices right now that are struggling to make it paycheck to paycheck.

Anyone who uses natural gas, who turns on your light switch, who uses electricity, heats their home, fills up their gasoline tank, you know what we're going to do now in this budget we're going to raise the cost of energy on you for the average American family of about \$1,600 per household.

So everybody's electricity rates—anybody that uses any type of CO<sub>2</sub> or carbon, your energy costs are now going up.

And then this tax is also—this is what worries me in Ohio because we have a lot of manufacturing in Ohio. It's the number one industry with agriculture. It's going to further erode the job growth in the U.S. manufacturing sector. It's going to put American companies at an even greater competitive disadvantage with China and other companies—or other countries. I apologize. It's late tonight.

And this is what is supposed to be turning our economy around creating jobs, this cap-and-trade proposal, which should be called a cap-and-tax proposal. We can do better. We should be doing better. And let me tell you, the reality is that all of this infusion of spending in government and expanding government, the reality is we are serving our constituents in our district, and we have constituents that are out there that are asking for our help right now. They don't know where to go. This is not good for them. They can't get the financing, they can't get the credit to help save and create new jobs.

And we can do better. We should be targeted on our small businesses, on those families that are struggling.

And I know both in your States, Utah and California, and across this country, they are going through the same thing.

So I thank the gentleman for yielding. I will yield back. I know you've been wanting to jump in on this.

Mr. CHAFFETZ. Thank you. The people in Ohio, so much like what is happening in California and which is what is happening in Utah.

I look at the State budget in the State of Utah for the entire State. Everything they need to do is roughly \$11 billion. And here this Federal budget is going to be nearly \$4 trillion. It's a number so big we can't even fathom how big it is.

I heard this great stat that is just mind boggling. It says if you spend \$1 million a day every day, it would take you nearly 3,000 years to get to \$1 trillion. And we're going to spend 4? The numbers are so astronomical.

I really believe the heart and soul of what we've got to do is get back to the proper role of government. The former Secretary of Agriculture wrote a great talk that's turned into this pamphlet. It talks about the proper role of government. And the essence of it is we can't be all things to all people. The government is there to provide some very basic needs and services to protect the community.

But it is not there to be all things to all people. We vote on a regular basis in the United States Congress for things we, as a Federal Government, have no business doing. And when we have men and women, businesses that are struggling, how can we look at a budget and look at this chart here, where based on the President's own numbers, his scenario, that we will double the debt? How can you look at—look. We cannot run this government on a credit card. We've been doing it. Too many people in the United States have been doing it. But it just gets you further and further into trouble.

I feel a duty and obligation to leave this country better than how we found it. When you have a budget that spends this much and taxes to the degree it does and it borrows at these record levels, I just don't think that we can sustain that. And certainly for my kids it is not going to leave the world a better place.

Nearly 30 cents in this budget, nearly 30 cents of every dollar. Think about that. Nearly 30 percent, 30 cents of every dollar will be spent by the Federal Government.

What about Bob? Who do you think is better to run Bob's transmission shop? Bob or Washington, D.C.? The Federal Government? It's Bob. And that's fundamentally what I have challenges with.

I would like to yield some time to the gentleman from California, DUNCAN HUNTER.

□ 2215

Mr. HUNTER. I thank the gentleman.

You know, as freshmen, we can honestly say that we're not responsible for what's going on right now, but we are trying to fix it.

We came into this Congress in January with President Obama; and, frankly, I believe what he said when he was campaigning. When he talked about making tough choices, when he talked about not spending so much, when he talked about tax cuts for the middle class, when he talked about our foreign debt and the money that we owe China and money that we owe the rest of the world, I believed him, along with majority of the American people.

But it turns out that those tax cuts and that spending reduction and that reduction in debt and that reduction in borrowing were simply campaign talking points because they don't exist in the administration's budget as it exists now.

I would like to know where those tough choices are. Where are those cuts? Where is Bob's tax cut? First, how are we going to pay for all of this spending? For that chart that shows that debt, how are we going to pay for it?

As my colleague from Ohio mentioned, we're going to raise taxes on people who use electricity. I have news for the administration; this is everybody. Everybody uses electricity. We're going to put a \$640 billion tax on Americans who use electricity. For every small business that uses electricity, that has carbon emissions, this cap-and-trade tax is going to kill American business. We're going to raise taxes on small businesses. We're going to raise taxes on the middle class. Bob's tax cut isn't there.

You know, we talk about energy right now. I would encourage my colleagues to be extremely skeptical over any talking points that talk about energy in this country and becoming self-sufficient on energy when it doesn't mention nuclear. If you don't mention nuclear, then it is not a real alternative to using oil that we get from foreign countries, especially when we are going to tax the American people for using electricity.

It's hard to trust the administration when they talk about fixing the economy, but they want to tax small businesses and the middle class, and we maintain record trade deficits with countries around the world.

We're not talking about trade right now. No one is talking about fixing our trade relations with China so that American companies and American manufacturing firms are punished right now for making American goods and trying to ship them overseas. They're being punished, but we're not talking about helping them out. We're going to tax them more.

When we talk about national security, the administration wants us to

think that they're going to be good on national security while at the same time cutting defense. Where are these hard choices?

Right now, every man, woman, and child in this country owes \$35,000 in debt that you show on that chart. With the President's plan, that's going to increase to \$70,000 in 8 years. Every man, woman, and child is going to owe \$70,000. I have three children, too. Each one of them is going to owe \$70,000 in 8 years if the administration budget goes through.

I would like to say to my colleagues and to the President; we don't need anymore stimulus. We don't need any more TARP, no energy tax, no small business tax raise, no tax raise on the middle class. The President is spending, taxing, and borrowing into oblivion. It is time that he put the checkbook down.

Mr. CHAFFETZ. I thank the gentleman from California. You're exactly right. I mean, just look at this chart. You look at the spending, and yet, didn't we all hear in the campaign from the President that we were going to rein in spending? How many times did we hear during the campaign, "a debt we inherited"?

Well, I ran against it. I ran against the Republicans. I'm a Republican and I ran against it. I said, look, they had the House and Senate and the Presidency and they blew it, they overspent, but somehow we were going to change. That change under this budget represents a doubling of the debt and all-time record-high expenditures.

No matter which financial statistic you want to do, this is the biggest, especially if you look at it as a percentage of the gross domestic product, nearly 30 cents of every dollar.

Mr. AUSTRIA. If the gentleman would yield for just a moment, because I think what these tax hikes are doing, they're giving the illusion that they're not really increasing the deficit or the debt as much as they really are. And the fact is, without any spending restraints—and you have got your chart up there—that this illusion is only going to last so long, because even with all these tax increases, the budget's spending growth is so explosive that it outpaces the revenue for the entire budget. I mean, the entire budget period, you know, the spending outpaces the revenue that even these huge tax hikes can bring in.

And I think it's a feel-good thing. I think it's one of those where the Federal Government right now thinks that they can just spend all they want for as long as they want, just continue to borrow, and now they're going to start taxing families and all so that they can keep this feel-good spending going on. And I think the Americans, as they begin to realize what's going on here in D.C., are becoming more and more outraged, and businesses are already very

concerned on how they're going to be able to continue to survive.

I thank you for yielding.  
Mr. CHAFFETZ. Again, September 12, 2008, in Dover, New Hampshire, Barack Obama said, "I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase. Not your income tax, not your payroll tax, not your capital gains tax, not any of your taxes."

One of the very first bills he signed, tax increase on cigarettes. That affects Americans across the board. This energy tax, the so-called cap-and-trade, will affect 100 percent of Americans. Every single American's going to have to pay this tax because those energy needs affect every single industry, every single product, and every single household.

This is not the time to be raising taxes, and I think there's something to be said about self-restraint, self-responsibility, personal responsibility.

You know, you look at Wall Street and you look at some of these big fat cats, and you see this greed and it makes you mad. It makes you mad, especially when you know that the government went into everybody's pockets—I mean, this is what I try to tell my staff, my kids, myself. When we have an expenditure before the United States Congress, what you really need to ask yourself is, is it right for the government to reach into the people's pockets, everybody's pockets, and pull out money and give it to somebody else over here? Is that right? I mean, that's the prism by which I think we should be asking are these expenditures proper, are they right, and is this what we should be doing.

And yet, as I look at that, I just think, my goodness, we cannot keep pulling money out of people's pockets. We just can't keep doing that. There's no way for the American entrepreneur to thrive if you continue to do that. What about the Bobs of the world? How are they going to grow their business?

So I look at that, and I get so infuriated because we have such great opportunities. We're the greatest country on the face of the planet, but as I look at this idea of personal responsibility, you know, cable television in this country is not a right. It's not a right. You have to get out there and earn it. You've got to go take care of it, take care of yourself, take care of your family. We're turning into this nanny State.

People get all uppity when I say we're turning into this socialist Nation. How can you look at the definition of that and say, no, that we're going in the opposite—we're just not going in the right direction. We seem to have this socialist mentality that we've got to take care of everyone and everything, and yet this country was founded on the idea of the right to life, liberty, the pursuit of happiness.

Remember when President Kennedy said those famous words, probably some of the most famous words ever uttered by a President of the United States: Ask not what your country can do for you but what you can do for your country? And yet look at where we are today. Everybody's got their hand out, and it just feels so wrong and so wrong that our government just wants to pull more out. They want to spend more, and if they don't have the revenue, well, they just keep borrowing more.

So we have to have I think a gut-check and a realization in this country that we can't be all things to all people. We're going to have to make some hard decisions. The President campaigned on that. I campaigned on it. I think you gentlemen campaigned on that. We've got to make some hard decisions around here. We can't be all things to all people.

With that, I'd like to yield a moment to my friend, DUNCAN HUNTER from California.

Mr. HUNTER. I thank the gentleman from Utah for yielding, and you're absolutely right.

Whoever thinks that we can spur this economy back into action by taking money out of the American people's pockets is delusional. Whoever thinks that we can bring this economy, the greatest economy in the world still, put it back on its feet by taxing people for using electricity is delusional. Whoever thinks that by increasing the per capita debt for each man, woman, and child in this country from \$35,000 to \$70,000 in 8 years, that that's going to help the country out, they're delusional.

I'd like to read a letter here from a small business owner in my district in eastern San Diego: "President Obama has unleashed his massive grassroots army in an attempt to sway Members of Congress to support his bloated \$3.55 trillion budget." I think it's actually higher now. It was 3.55 when this letter was written.

"I urge you to resist such attempts, and oppose his irresponsible budget plan that would usher in massive tax hikes, including the imposition of a global warming carbon tax, a doubling of the publicly held national debt, and a permanent expansion of the Federal Government.

"There is no measure of fiscal responsibility and accountability with this budget. Instead we are merely breaking the backs of hardworking taxpayers and passing the buck on to our children.

"Any budget that doesn't have the best interests of the American people at heart must be opposed."

And that's the key to this budget. It does not have the best interests of the American people at heart. What it has at heart is the biggest government Federal grab of power that this country has ever seen. From our founding—

the gentleman from Utah is absolutely right—it's been about rugged individualism and individual responsibility, people taking responsibility for their actions.

Right now, we're punishing those people that take responsibility for their actions, punishing those people that pay their mortgages, punishing those people that actually can get out there and start businesses and hire people. And we're doing it so we can help out those who maybe don't want to help themselves, who look to us here in this Congress as their savior.

When this stimulus bill was passed, one of our Democrat colleagues from Florida actually said that this stimulus bill will heal the sick, feed the hungry, and house the homeless. The stimulus bill was not the Messiah. I have news for him: it was not the Messiah. It will not do any of those things.

What it will make happen is make the American people more dependent on a failing Federal bureaucracy that's growing at an unprecedented rate.

I thank the gentleman from Utah and the gentleman from Ohio for their leadership in this and for pointing out to our colleagues in Congress and to the American people the evils that are about to befall us in this country if we have unrestrained spending, unrestrained taxing, and unrestrained borrowing, which is exactly what the President's budget gives us.

Mr. CHAFFETZ. Thank you. I think you're exactly right. Somebody has to pay the bill. You know, you can't just take and take and take and not actually produce things.

I worry that this country has this mentality that manufacturing's bad. Manufacturing's good. We have to remember in this country, we succeeded when we created things, and that manufacturing is so critical and important to our future. We actually have to create and invent and get up out of our seats. When the going gets tough, we ought to get going.

And I would expect that people take on their own personal responsibility, that they set greed aside, that they remember the words of John F. Kennedy: Ask not what your country can do for you but what you can do for your country? Great words. The reason we learned them in school is because they're so profound and they withstand the test of time.

And so I still have the greatest optimism about the United States of America. The reason we spend time away, all of us, from our families night after night to serve in the United States Congress—it's a great honor, it's a great privilege—but the reason I think we fight and have that passion and we're fired up about the United States of America is we want it to go the right direction.

□ 2230

I, too, was elected. I think if we can get back to those core principles of fis-

cal discipline, limited government, and a strong national defense, that will empower the Bob Johnsons of the world to be that entrepreneur, be the best they can be, provide for their family, get up off their tush and actually get out there and make things happen.

I know that the gentleman from Ohio shares those same values. I want to yield my time.

Mr. AUSTRIA. Let me tell you, it has been an honor tonight to stand up here with my colleagues, all of us being new Members here. Congressman CHAFFETZ from Utah, you are doing an outstanding job in representing your great State; to have a Member who's served in our military, and we thank you for your service, Congressman DUNCAN from California; two of my outstanding colleagues that I have had the honor to come in with in this class. There's 22, I think, Republicans, and 34 Democrats, if I'm not mistaken. Just outstanding talent. And to join the two of you.

I also have a family at home. I have three sons. When I came to Congress, I came to Congress because I thought I could make a positive change. I thought we had opportunities to change the direction this country was going and to really move in the right direction to help our small businesses, to help strengthen our economy, to help those families that were out there that are suffering right now going through difficult times.

Let me tell you, I did not come up here to run up the deficit, to create historic amounts of debt for my three sons at home, for our children and our grandchildren that will have to pay for this in years to come.

We have a budget that we will be debating this week and voting on this week that's now going to, all of a sudden, start taxing. This is how we are going to all of a sudden start paying down some of this debt and start taxes American families, as we have talked about tonight, by hitting them at home where it hurts most, we know, with heating their homes, filling their cars with gasoline, and electricity, as we mentioned multiple times.

It's not the way to go. I think we can do better. I think the American people expected better last November. They expected us to work in a bipartisan manner to move good public policy forward. Quite frankly, I haven't seen that in my first 100 days. What I've seen is business as usual here in Washington, D.C. It's been partisan politics, it has been legislation decided by a small group on one side of the aisle only that has been pushing this stuff through.

I think the American people know, as they are beginning to realize what is going on—and many of them have gotten their quarterly statements. Their retirement accounts are down significantly. Their children's education funds are down significantly. Their

savings accounts are down significantly.

It's starting to sink in what is really happening here. The concern is tremendous. We have a responsibility to be accountable for those hardworking Americans tax dollars. That's our responsibility in Congress, is to ensure that there's accountability, there's transparency, and that we do have a plan to turn this country around.

So, again, I thank my two colleagues for allowing me to join them tonight. Every day I walk into my office, I take off my coat, roll up my sleeves. I've got a wonderful intern by the name of Louis who comes in and says, Congressman, what fight do we have today?

I can tell you, we're not going to give up that fight. We're going to keep fighting and fighting for the hardworking Americans out there and hardworking taxpayers out there and being accountable for their tax dollars. Thank you for yielding.

Mr. CHAFFETZ. Thank you. It really is about personal accountability, about getting up, whatever your situation in life is and, believe me, people are hurting. We know that. The question is how do we best move forward. There's some that would argue that only government, only government, can solve these problems. I don't think so. I beg to differ.

I think it's the American entrepreneur, it's the American families, it's the strength of the individuals collectively within this country that, given the right set of freedoms, the right set of liberties, that can pursue their own happiness. That's what makes this country great. That's what makes this country so strong.

It's also the right and the opportunity to vote and participate. I've got concerns about another big initiative that's being slammed down the Americans' throats, and that is card check. I recognize the right of people if they want to gather together and join a union. But how we do that—if we don't get the process right, we can't ever get good results.

I look at the way we look at things in the United States Congress. When the single-largest single spending bill in the history of the United States came before this body and we just over 13 hours to review it, there was not one Member of the United States Congress able to read it. It's physically impossible to go through the 1,400 pages of a \$1 trillion bill, the single largest bill in the history of the United States, and actually try to consume that.

So if you don't get the process right, it's really hard to get a good result.

Mr. GOHMERT's here with us from Texas. I'd appreciate it if he would join us. I'd like to yield to him because I'm really concerned about this card check and what it's going to do to the American way of life.

Mr. GOHMERT. I appreciate my friend for yielding. He knows about

scoring points—going back to school—but this is outrageous.

Here, the economy is hurting. And, as my friend so eloquently put it, the government doesn't do things better than business. Business always does a better job than government. Yet, here we are. We are piling on.

I don't know if most people are aware, but virtually every week we are putting more of our energy resources off limits. So we are going to run up the price of energy as we approach the summer—and the prices are already going up on their own. And then you have got this ridiculous spending that's going crazy. Begging the Chinese to keep loaning us money. We're going to print money. Inflation is going to hit it.

On top of that, we're going to really hammer free enterprise by saying, in effect—you guys wouldn't know this, but my elementary school teachers, who I think were all Democrats, were liars. Because they told me growing up in school that you cannot have a free society, a Democratic country, if you don't have a secret ballot. That's what they told me. And I believed them. I still believe them.

Yet, here is this bill, they call it card check, but it's the anti-secret ballot initiative by the Democratic leaders. Obviously, it's being pushed by the people they owe a great deal to.

But Fox News had a story on about the Dana Corporation Auto Parts in Albion, Indiana, and they said that the card check process has nearly torn the 50-person plant apart after harassment and intimidation from the United Auto Workers Union forced them to a secret ballot vote.

The union organizer, they said, came to the plant 2 years ago, asking employees to join the UAW because the company had signed a neutrality agreement with the union. The meeting didn't go well.

One of the people interviewed, Larry Guest, said, "He was using real rough language—cursing. It didn't go over well with the women at all. There were a couple that just got up and left."

So employees said the union representatives approached them in the break room, at the plant doors, and even followed them to their cars and just harassed them and even followed them home—and the employees verified this—and they said, "We're in a little town. We're in a plant of 50 some people. The last thing you need is to have a union come to your door saying: I want your name."

But that's all it took under the card check process. They didn't get a secret ballot. All they needed was their name. So if it meant following them home, following them to their car, going to their kids' baseball games, whatever it took until they finally got them to sign just to get them off their backs.

As one employee said, Jamie Oliver, "When they approach you every day,

every day, every day, after a while it's like 'Okay. Fine. I'll sign the card.'"

The UAW collected the necessary signatures but plant employees appealed to the NLRB—the employees appealed. Then they finally got it overturned. The card check didn't make their life better, it made it more miserable. So here you have got companies struggling to stay afloat.

Now I have had private businesses in my district say: I'm barely staying afloat. If this card check bill passes, I'm going to have to let everybody go. I'm too old to keep putting up with it. I've heard this from a number of people. We're going to let them go. And the card check will put a bunch more people out of business.

Here, at a time when the economy is already struggling, and I think my friend is so right—my friend from Utah nailed it—the American people are what makes this country great.

I was visiting with some students here from the Big Twelve. We have A&M, Baylor. They're still here, but the House rules say you can't acknowledge people in the gallery, so I won't. But we have some from Missouri, from Texas Tech. From around the Big Twelve. They get it. They know that the American people are the real strength of this country. And for the government to try to cram this stuff down on them and say, We do it better, is really outrageous.

So I appreciate all of my friends here today making that point to the American people.

Mr. CHAFFETZ. Thank you. Thank you for your service. It's an honor to serve with you. We're on a committee together.

I want to talk about another bill that recently passed the United States Congress—something that I voted against. It's the so-called GIVE Act. Now think about this. Again, I think the way we ought to be looking at whether we ought to be spending money is to say: Is it right, is it proper to put the government's hand in everybody's pockets and pull money out and give it to somebody else. If the answer is yes, so be it.

National defense? Absolutely. It's in the Constitution, it's in all of our best interests. We have to have it in order to survive. Yet, that is the place that the President is trying to cut the budget. That's a proper role of government.

The so-called GIVE Act was going to be a program for paid volunteers. Now, to me, that is an oxymoron. It doesn't seem right. We are going to pay and compensate volunteers. It's just amazing to me.

PETE ROSKAM pulled out these quotes—a colleague of ours here in the House—the President said, "The question we ask today is not whether our government is too big or too small, but whether it works." Moments later, he said, "Where the answer is yes, we in-

tend to move forward. Where the answer is no, the programs will end."

I also remember the President said "we go line-by-line through the budget." Line-by-line. Have you heard anything that we're going to cut, other than national defense, one of the key cornerstones of things that has to happen in this country? I haven't heard that.

Where is that middle-class tax cut. I haven't seen it. To think you're going to get an extra \$10. You can barely get through Quiznos to do that.

Yet, they pass this GIVE Act—over \$5 billion in new money. There's a great Web site out there called ExpectMore.gov. It's put out by the Office of Management and Budget. There are over 1,100 Federal programs. Go to that Web site—ExpectMore.gov. You can look it up for yourself.

One of the things that was funded in the GIVE Act was Learn and Serve. According to the Office of Management and Budget, it is described as, "not performing; results not demonstrated."

It also funds AmeriCorps, the National Civilian Community Corps, which the OMB described as, "not performing. Ineffective." Yet, they just got a huge funding increase. And the President promised us, "Where the answer is yes, we intend to move forward. Where the answer is no, the programs will end."

I hope partly what I can do, Mr. Speaker, in my career, leaving at whatever point I do, that I can leave some mark at some point to say that we shrunk the size and scope of government, because we can no longer be all things to all people. We cannot take 30 cents of every dollar in this economy and spend it through the Federal Government. That is not the way to prosperity, that is not the way to pursue life, liberty, and the pursuit of happiness.

It's the American entrepreneur, it's the American family, it's the American businesswoman, it's my 16-year-old son who's getting ready to go in the world. And look at the debt. Governments going to do everything. No, it's not. And until the American people get fed up, they stand up, they call their representatives. There are a good number of people here on both sides of the aisle.

But we cannot be all things to all people. We have to say "no." You do it in your life, business does it every day. And this government and this President fails to do it every day.

Get fired up. Get all a hold of your representatives. We cannot have a budget that spends this much, that taxes this much, and that borrows this much. You're going to double your debt. Would you let that happen in your family? No. Would you let that happen to your business? No. Your government's doing it right now.

Please, stand up and get involved. Mr. AUSTRIA from Ohio, Mr. HUNTER

from California, a host of other people, they are passionate about this. We can't do it ourselves.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. GUTHRIE) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today and April 1.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 681. An act to provide for special rules relating to assistance concerning the Greensburg, Kansas tornado, to the Committee on Education and Labor.

#### ADJOURNMENT

Mr. CHAFFETZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 1, 2009, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1099. A letter from the Undersecretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on the demonstration project notices, amendments, and changes requested by the Science and Technology Reinvention Laboratories during calendar year 2008, pursuant to Public Law 110-181, section 1107(d); to the Committee on Armed Services.

1100. A letter from the Principal Deputy, Department of Defense, transmitting authorization of 2 officers to wear the authorized insignia of the grade of major general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

1101. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's Office of Justice Programs' Office of Juvenile Justice and Delinquency Prevention Annual Report for

2008, pursuant to 42 U.S.C. 5617, section 207; to the Committee on Education and Labor.

1102. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Enterovirus Nucleic Acid Assay [Docket No. FDA-2008-N-0517] received January 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1103. A letter from the Acting Chairman, Federal Energy Regulatory Commission, transmitting the Commission's 88th Annual Report covering the fiscal year from October 1, 2007 through September 30, 2008; to the Committee on Energy and Commerce.

1104. A letter from the Secretary, Department of Defense, transmitting the Department's fifteenth report, pursuant to Public Law 110-252, section 9204; to the Committee on Foreign Affairs.

1105. A letter from the Secretary General, Inter-Parliamentary Union, transmitting notification that the Parliamentary Conference on the Global Economic Crisis will take place in Geneva at the United Nations European Headquarters — the Palais des Nations — on May 7 and 8, 2009; to the Committee on Foreign Affairs.

1106. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-37, "Records Access Temporary Amendment Act of 2009," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1107. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-36, "SOME, Inc. Tax Exemption Temporary Amendment Act of 2009," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1108. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-35, "Randall School Development Project Tax Exemption Temporary Act of 2009," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

1109. A letter from the Acting Chairman, Consumer Product Safety Commission, transmitting the Commission's Notification and Federal Employees Antidiscrimination and Retaliation Act of 2002 Annual Report for fiscal year 2008; to the Committee on Oversight and Government Reform.

1110. A letter from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1111. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's fourth Annual No FEAR Report to Congress for Fiscal Year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1112. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Fiscal Year 2008 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1113. A letter from the Chairman, Merit Systems Protection Board, transmitting draft legislation to reauthorize the U.S. Merit Systems Protection Board for a period

of five years; to the Committee on Oversight and Government Reform.

1114. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2008-0271; Directorate Identifier 2007-NM-267-AD; Amendment 39-15784; AD 2009-01-05] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1115. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Net Operating Loss Carryback Election Under Section 1211 of American Recovery and Reinvestment Tax Act of 2009 (Rev. Proc. 2009-19) received March 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 303. Resolution dismissing the election contest relating to the office of Representative from the First Congressional District of Hawaii (Rept. 111-68). Referred to the House Calendar.

Mr. TOWNS: Committee on Oversight and Government Reform. Oversight Plans for All House Committees (Rept. 111-69). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 305. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014 (Rept. 111-70). Referred to the House Calendar.

Mr. PERLMUTTER: Committee on Rules. House Resolution 306. Resolution providing for consideration of the bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards (Rept. 111-71). Referred to the House Calendar.

Mr. POLIS: Committee on Rules. House Resolution 307. Resolution providing for consideration of the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products (Rept. 111-72). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NYE:

H.R. 1803. A bill to amend the Small Business Act to establish a Veterans Business Center program, and for other purposes; to the Committee on Small Business.

By Mr. TOWNS (for himself, Mr. SKELTON, Mr. WAXMAN, Mr. LYNCH, and Mrs. DAVIS of California):

H.R. 1804. A bill to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP:

H.R. 1805. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for State and local sales tax, the deduction for qualified tuition and related expenses, and the deduction for mortgage interest premiums, and to modify to the homebuyer credit; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 1806. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity; to the Committee on Ways and Means.

By Mr. THOMPSON of Pennsylvania:

H.R. 1807. A bill to provide distance learning to potential and existing entrepreneurs, and for other purposes; to the Committee on Small Business.

By Ms. SPEIER (for herself and Mr. THOMPSON of California):

H.R. 1808. A bill to amend the Internal Revenue Code of 1986 to provide for consumer rebates for purchases of certain new passenger motor vehicles; to the Committee on Ways and Means.

By Mr. PIERLUISI (for himself and Ms. BORDALLO):

H.R. 1809. A bill to amend title 10, United States Code, to expand the geographical coverage of TRICARE Prime to include Puerto Rico and Guam; to the Committee on Armed Services.

By Mrs. BACHMANN:

H.R. 1810. A bill to open Federal Bureau of Land Management and National Forest lands to leasing for exploration, development, and production of oil shale resources, and for other purposes; to the Committee on Natural Resources.

By Mrs. BACHMANN:

H.R. 1811. A bill to authorize the President to review and approve oil and gas exploration, development, and production projects under existing Federal oil and gas leases, both onshore and offshore, and to limit administrative and judicial proceedings with respect to such projects, upon finding that such a project complies with all applicable Federal laws, and for other purposes; to the Committee on Natural Resources.

By Mrs. BACHMANN (for herself, Mr. PAUL, and Mrs. SCHMIDT):

H.R. 1812. A bill to amend the Internal Revenue Code of 1986 to reduce the recovery periods for certain energy production and distribution facilities; to the Committee on Ways and Means.

By Mrs. BACHMANN (for herself and Mr. MCHENRY):

H.R. 1813. A bill to terminate or provide for suspension of the application of Federal laws that restrict exploration, development, or production of oil, gas, or oil shale, to facilitate the construction of new crude oil refineries, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of South Carolina (for himself, Mr. INGLIS, Mr. PAUL, Mr. WESTMORELAND, Mr. AKIN, and Mrs. BACHMANN):

H.R. 1814. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2014, to extend paygo for direct spending, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mrs. BLACKBURN, Mr. SESSIONS, Mr. WHITFIELD, Mrs. MYRICK, Mr. BLUNT, Mr. GALLEGLY, Mr. GINGREY of Georgia, Mr. SULLIVAN, Mr. BARTLETT, Mr. PUTNAM, Mr. TERRY, Mr. STEARNS, Mr. PITTS, and Mr. THORNBERRY):

H.R. 1815. A bill to clarify the applicability of certain provisions in the Consumer Product Safety Improvement Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself, Mr. HALL of Texas, Ms. BORDALLO, Ms. LEE of California, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. McDERMOTT, Mr. BOUCHER, Mr. KING of New York, Mr. GENE GREEN of Texas, Mr. WOLF, Ms. KILROY, Mr. BURTON of Indiana, Mr. ISRAEL, Mr. HINCHEY, Mr. SESTAK, Ms. DELAURO, Ms. SHEA-PORTER, Mrs. MALONEY, Mr. MCMAHON, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Mr. SERRANO, Mr. FARR, and Ms. EDWARDS of Maryland):

H.R. 1816. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Energy and Commerce.

By Mrs. BLACKBURN (for herself, Mr. COHEN, and Mr. DAVIS of Tennessee):

H.R. 1817. A bill to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. BURTON of Indiana (for himself, Mrs. MILLER of Michigan, Mr. LOBIONDO, Mr. ROHRBACHER, Mr. COURTNEY, Mr. RODRIGUEZ, Mr. LATTI, and Mrs. McMORRIS RODGERS):

H.R. 1818. A bill to amend title 10, United States Code, to extend military commissary and exchange store privileges to veterans with a compensable service-connected disability and to their dependents; to the Committee on Armed Services.

By Mr. CAO:

H.R. 1819. A bill to amend the Digital Television Transition and Public Safety Act of 2005 to extend the interoperable emergency communications grant program through fiscal year 2012; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. WAXMAN, Mr. BERMAN, Mr. FILNER, Mr. COSTA, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, Ms. MAT-

SUI, Mr. BECERRA, Mrs. TAUSCHER, Mr. BACA, Mr. MCNERNEY, Mr. HONDA, and Mr. STARK):

H.R. 1820. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office"; to the Committee on Oversight and Government Reform.

By Mr. FILNER:

H.R. 1821. A bill to amend chapter 31 of title 38, United States Code, to increase vocational rehabilitation and employment assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRANKS of Arizona (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. COLE, Mr. CONAWAY, Mr. FORBES, Mr. FORTENBERRY, Mr. GARRETT of New Jersey, Mr. HUNTER, Mr. KING of Iowa, Mr. LAMBORN, Mr. LATTI, Mr. LINDER, Mr. LIPINSKI, Mr. MCCOTTER, Mr. MCHENRY, Mr. PENCE, Mr. SCALISE, Mrs. SCHMIDT, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. TAYLOR, and Mr. WILSON of South Carolina):

H.R. 1822. A bill to prohibit discrimination against the unborn on the basis of sex or race, and for other purposes; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 1823. A bill to amend the Immigration and Nationality Act to improve communication between the Secretary of Homeland Security and State and local law enforcement officials regarding the treatment of aliens who have been ordered removed and also charged with an aggravated felony under State law; to the Committee on the Judiciary.

By Mr. HOYER (for himself and Mr. BLUNT):

H.R. 1824. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Education and Labor.

By Mr. JORDAN of Ohio (for himself and Mr. ELLSWORTH):

H.R. 1825. A bill to amend title 18, United States Code, to deter public corruption; to the Committee on the Judiciary.

By Mr. LARSON of Connecticut (for himself, Mr. NADLER of New York, Ms. PINGREE of Maine, Mr. JONES, Mr. PLATTS, Mr. COOPER, Mr. HOLT, Mr. COHEN, Mr. HEINRICH, Mr. POLIS of Colorado, Ms. EDWARDS of Maryland, Mr. CAPUANO, and Mr. DOYLE):

H.R. 1826. A bill to reform the financing of House elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI:

H.R. 1827. A bill to amend title 49, United States Code, to provide for the establishment of a flexibility incentive grant program; to the Committee on Transportation and Infrastructure.

By Mr. POLIS of Colorado (for himself, Mr. PERLMUTTER, Ms. DEGETTE, Mr. SALAZAR, and Mr. COFFMAN of Colorado):

H.R. 1828. A bill to amend the Energy Employees Occupational Illness Compensation



Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mr. TIM MURPHY of Pennsylvania, Ms. BALDWIN, Ms. DELAURO, Mr. RUPERSBERGER, Mr. ROSS, Mr. OLVER, Mr. TURNER, Mr. FARR, Mr. KIRK, Mr. PITTS, Mr. GERLACH, Mr. HIGGINS, Mr. CHANDLER, Mr. MORAN of Kansas, Mr. ROGERS of Kentucky, Mr. INSLEE, Mr. GRAVES, Mr. SHUSTER, Mr. CONAWAY, Mr. MICHAUD, Mr. PAUL, Mr. LANGEVIN, Mr. HINCHEY, Mr. BISHOP of Utah, Mr. PLATTS, Mrs. EMERSON, Mr. BLUMENAUER, Mr. MEEK of Florida, Mr. SESTAK, Mr. NEAL of Massachusetts, Mr. SHIMKUS, Mr. WILSON of South Carolina, Mr. PUTNAM, Mr. MCGOVERN, Mr. BUTTERFIELD, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DEFazio, Mr. ISRAEL, Mr. BISHOP of Georgia, Mr. TIERNEY, Mr. ROHRABACHER, Mrs. CAPPS, Mr. LOEBBACH, Mr. GRIJALVA, Mr. ROGERS of Alabama, Mr. ELLISON, Mr. OBERSTAR, Mr. WU, Mr. FRANKS of Arizona, Mrs. MALONEY, Mr. JONES, Mr. GARY G. MILLER of California, Mr. YOUNG of Alaska, Mr. GENE GREEN of Texas, Mr. KILDEE, and Mr. ALTMIRE):

H.R. 1829. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER (for herself and Mr. SPRATT):

H.R. 1830. A bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; to the Committee on Armed Services.

By Mr. THOMPSON of California (for himself, Mr. CANTOR, Mr. BLUMENAUER, Mr. BRADY of Texas, Mr. DAVIS of Alabama, Mr. DOGGETT, Mr. ETHERIDGE, Mr. HIGGINS, Mr. KIND, Mr. LARSON of Connecticut, Mr. ROSKAM, Ms. SCHWARTZ, Mr. YARMUTH, Mr. ALTMIRE, Mr. BACHUS, Ms. BALDWIN, Mr. BISHOP of New York, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. BURTON of Indiana, Mrs. CAPPS, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Mr. CHANDLER, Mr. CONAWAY, Mr. CONNOLLY of Virginia, Mr. COSTA, Mr. COURTNEY, Mrs. DAHLKEMPER, Mr. DELAHUNT, Ms. DELAURO, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DINGELL, Mr. EHLERS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FORTENBERRY, Mr. FRELINGHUYSEN, Mr. GERLACH, Ms. GIFFORDS, Mr. GOODLATTE, Mr. HALL of New York, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. KAGEN, Mr. KENNEDY, Mr. KILDEE, Mr. KING of New York,

Mr. KISSELL, Mr. KRATOVIL, Mr. LANGEVIN, Mrs. LOWEY, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mrs. MALONEY, Ms. MARKEY of Colorado, Mr. MCCOTTER, Mr. MCINTYRE, Mr. MCNERNEY, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. OLVER, Mr. PAULSEN, Mr. PERRIELLO, Ms. PINGREE of Maine, Mr. PITTS, Mr. POLIS of Colorado, Mr. PRICE of North Carolina, Mr. PUTNAM, Mr. PAUL, Mr. ROSS, Mr. SALAZAR, Mr. SCHAUER, Mr. SCHIFF, Mr. SESTAK, Mr. SHULER, Mrs. TAUSCHER, Mr. THORNBERRY, Mr. WAXMAN, Mr. WEINER, Mr. WITTMAN, Mr. WOLF, and Ms. WOOLSEY):

H.R. 1831. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Ways and Means.

By Mr. WEXLER (for himself and Ms. KAPTUR):

H.R. 1832. A bill to amend part D of title XVIII of the Social Security Act to limit the increase in premium costs for beneficiaries under the Medicare prescription drug program to no more than the Social Security cost-of-living adjustment, and to direct the Secretary of Health and Human Services to negotiate lower prescription drug prices on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA (for himself, Mr. WOLF, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BOOZMAN, Mr. BROWN of Georgia, Mr. BROWN of South Carolina, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. CAMP, Mr. CAMPBELL, Mr. CANTOR, Mr. CARTER, Mr. COLE, Mr. CONAWAY, Mr. DAVIS of Kentucky, Mr. DEAL of Georgia, Ms. FALLIN, Mr. FLEMING, Mr. FORTENBERRY, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GUTHRIE, Mr. HARPER, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. JORDAN of Ohio, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTA, Mr. LUCAS, Mrs. LUMMIS, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCKEON, Mr. MORAN of Kansas, Mr. NEUGEBAUER, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. ROE of Tennessee, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SOUDER, Mr. SULLIVAN, Mr. TERRY, Mr. TIAHRT, Mr. WAMP, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, and Mr. WITTMAN):

H.J. Res. 42. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H. Con. Res. 90. Concurrent resolution expressing the sense of the Congress regarding

the removal from the United States of aliens charged under State law with aggravated felonies; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. HASTINGS of Florida, Mr. SULIVAN, Ms. FUDGE, Mr. WATT, Mr. SCOTT of Virginia, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. ELLISON, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Ms. WATSON, Ms. WATERS, Ms. JACKSON-LEE of Texas, Mr. MEEK of Florida, Mr. RANGEL, Mr. JOHNSON of Georgia, Mr. CUMMINGS, Mr. SPRATT, Mr. CLYBURN, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Alabama, Mr. FATTAH, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Ms. MOORE of Wisconsin, Mr. CARSON of Indiana, Ms. NORTON, Mr. RUSH, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. CLEAVER, Ms. EDWARDS of Maryland, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Ms. CLARKE, Mr. CLAY, Ms. RICHARDSON, and Mr. SCOTT of Georgia):

H. Res. 302. A resolution honoring and recognizing the life and achievements of John Hope Franklin, one of the Nation's most distinguished scholars; to the Committee on Oversight and Government Reform.

By Mr. BRADY of Pennsylvania:

H. Res. 303. A resolution dismissing the election contest relating to the office of Representative from the First Congressional District of Hawaii; considered and agreed to.

By Mr. BRADY of Pennsylvania (for himself and Mr. DANIEL E. LUNGREN of California):

H. Res. 304. A resolution electing Members to the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

By Mr. HASTINGS of Florida (for himself, Ms. ROS-LEHTINEN, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. MEEKS of New York, Mr. POLIS of Colorado, Ms. WATSON, Mrs. CAPPS, Ms. BALDWIN, Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, Ms. CORRINE BROWN of Florida, and Ms. LEE of California):

H. Res. 308. A resolution honoring the life, legacy, and memory of Pedro Pablo Zamora y Diaz, an extraordinary educator and activist, and a pioneer in the battle against the HIV/AIDS epidemic; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. MEEKS of New York, Ms. ROS-LEHTINEN, Ms. BORDALLO, Mr. BURTON of Indiana, Mr. TOWNS, Mr. GARRETT of New Jersey, Mr. COURTNEY, and Ms. WATSON):

H. Res. 309. A resolution expressing the sense of the House of Representatives that North Korea should immediately stop any hostile rhetoric and activity towards the Republic of Korea and engage in mutual dialogue to enhance inter-Korean relations; to the Committee on Foreign Affairs.

By Mr. SHULER (for himself, Mr. BUTTERFIELD, Mr. COBLE, Mr. ETHERIDGE, Ms. FOXX, Mr. JONES, Mr. KISSELL, Mr. MCHENRY, Mr. MCINTYRE, Mr. MILLER of North Carolina, Mrs. MYRICK, Mr. PRICE of North Carolina, and Mr. WATT):

H. Res. 310. A resolution honoring the life of Coach Kay Yow in remembrance of her passing, and recognizing her dedication to the sport of basketball, her commitment to

women and women's health, and her contributions to the State of North Carolina; to the Committee on Education and Labor.

By Ms. WATSON (for herself, Mr. MICHAUD, Ms. BORDALLO, Ms. LORETTA SANCHEZ of California, Ms. MATSUI, Mr. CAO, Mrs. McMORRIS RODGERS, Ms. KILPATRICK of Michigan, Ms. JACKSON-LEE of Texas, Mr. STUPAK, and Mr. BISHOP of Georgia):

H. Res. 311. A resolution expressing the support of the House of Representatives for the goals and ideals of Red Cross Month; to the Committee on Foreign Affairs.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. DELAHUNT and Mr. BISHOP of Georgia.

H.R. 23: Ms. SUTTON, Mr. KANJORSKI, Ms. BERKLEY, Mr. YOUNG of Alaska, Mr. GUTIERREZ, Mr. ROHRABACHER, Ms. SHEA-PORTER, and Mrs. MALONEY.

H.R. 179: Mr. COHEN.

H.R. 182: Mr. ACKERMAN.

H.R. 197: Mr. PERRIELLO, Mr. LATTI, and Mr. BARRETT of South Carolina.

H.R. 211: Mr. YOUNG of Florida, Mr. HASTINGS of Florida, and Ms. WATSON.

H.R. 233: Mr. ELLISON and Mr. FLEMING.

H.R. 235: Mr. BOCCIERI, Mr. HINOJOSA, Mr. MITCHELL, Mr. CLEAVER, Ms. LEE of California, Mr. LARSEN of Washington, and Mr. POLIS of Colorado.

H.R. 391: Mr. BROUN of Georgia.

H.R. 444: Mr. GORDON of Tennessee.

H.R. 509: Mr. SESTAK.

H.R. 510: Mr. BRIGHT and Mr. BROWN of South Carolina.

H.R. 557: Mr. BONNER and Mr. SCALISE.

H.R. 564: Mr. DICKS and Ms. VELÁZQUEZ.

H.R. 574: Mr. PITTS and Mr. PAUL.

H.R. 673: Mr. KING of New York and Mr. HUNTER.

H.R. 676: Mr. TOWNS.

H.R. 678: Mr. ISSA, Mr. MORAN of Virginia, and Mr. CONNOLLY of Virginia.

H.R. 690: Mr. SESSIONS.

H.R. 731: Mr. MARSHALL.

H.R. 745: Mr. SNYDER.

H.R. 775: Mrs. EMERSON, Mr. CANTOR, Mr. BISHOP of Utah, Mr. POLIS, Mr. WEXLER, Mr. ETHERIDGE, and Mr. HEINRICH.

H.R. 847: Mr. CONYERS.

H.R. 873: Mr. FRANK of Massachusetts.

H.R. 879: Mr. THORNBERRY.

H.R. 919: Mr. FILNER and Mr. KAGEN.

H.R. 949: Ms. BERKLEY.

H.R. 982: Mr. BUYER, Ms. FALLIN, Mr. MORAN of Kansas, Mr. MARIO DIAZ-BALART of Florida, and Mr. SMITH of New Jersey.

H.R. 1016: Mr. LUJÁN, Mr. TIAHRT, Mr. CONNOLLY of Virginia, and Mr. PETERS.

H.R. 1029: Mr. CHAFFETZ.

H.R. 1050: Ms. JENKINS.

H.R. 1151: Mr. SIREs.

H.R. 1152: Mr. SIREs.

H.R. 1153: Mr. SIREs.

H.R. 1154: Mr. SIREs.

H.R. 1157: Mr. ROTHMAN of New Jersey.

H.R. 1158: Mr. HARE.

H.R. 1182: Mr. BURGESS, Mrs. McMORRIS RODGERS, Ms. BORDALLO, Mr. MOORE of Kansas, Mr. WILSON of South Carolina, Mr. BACHUS, Mr. ALTMIRE, Mr. LATTI, Mr. SPRATT, and Mr. GOODLATTE.

H.R. 1189: Mr. WALDEN, Mr. WITTMAN, and Mr. FRANK of Massachusetts.

H.R. 1196: Mr. CONNOLLY of Virginia.

H.R. 1204: Mr. THORNBERRY.

H.R. 1206: Mr. TIAHRT.

H.R. 1207: Mr. CARTER.

H.R. 1208: Mr. SHADEGG, Mr. SESSIONS, and Mr. YOUNG of Florida.

H.R. 1209: Mr. DEAL of Georgia, Mr. PAULSEN, and Mr. TIBERI.

H.R. 1210: Mr. ROGERS of Alabama.

H.R. 1211: Mr. GORDON of Tennessee and Mr. FILNER.

H.R. 1214: Mr. COSTA, Mr. STARK, Mr. WALZ, Mr. POLIS of Colorado, and Ms. KILPATRICK of Michigan.

H.R. 1220: Mr. COLE, Mr. SMITH of Nebraska, Mr. SULLIVAN, Mr. WESTMORELAND, Mr. ROSS, and Mr. PLATTS.

H.R. 1261: Mr. TURNER, and Ms. GRANGER.

H.R. 1277: Mr. BOEHNER, and Mr. ADERHOLT.

H.R. 1302: Ms. TITUS.

H.R. 1330: Mr. BISHOP of Georgia.

H.R. 1382: Mr. ABERCROMBIE.

H.R. 1386: Mr. BILBRAY.

H.R. 1425: Mr. MEEKS of New York and Mr. ROSKAM.

H.R. 1428: Mr. LUJÁN and Mr. RODRIGUEZ.

H.R. 1449: Mr. KISSELL.

H.R. 1454: Mr. SABLAN.

H.R. 1519: Ms. FOX.

H.R. 1521: Mr. CARTER, Mr. SESSIONS, Mr. McCAUL, Mr. McMAHON, Mr. PALLONE, Mrs. BACHMANN, and Mr. UPTON.

H.R. 1547: Mr. COURTNEY and Mr. SESTAK.

H.R. 1549: Mr. CUMMINGS.

H.R. 1550: Mr. CARNAHAN, Mr. SARBANES, and Mr. SCHAUER.

H.R. 1587: Mr. TIAHRT, Mr. SOUDER, Mr. SKELTON, Mr. WESTMORELAND, and Mr. LINDER.

H.R. 1616: Mrs. MALONEY, Ms. CASTOR of Florida, Mr. PAYNE, Mr. McDERMOTT, and Mr. LEWIS of Georgia.

H.R. 1623: Mr. LATOURETTE.

H.R. 1624: Mr. LATTI.

H.R. 1625: Mr. LEE of New York, Ms. HIRONO, Ms. WASSERMAN SCHULTZ, and Mr. CHAFFETZ.

H.R. 1640: Mr. STARK, Mr. POLIS and Mr. HONDA.

H.R. 1670: Mr. KENNEDY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. GERLACH, and Mr. MASSA.

H.R. 1705: Ms. SCHAKOWSKY, Mr. ELLISON, Mr. TIERNEY, Mr. GEORGE MILLER of California, and Mr. WELCH.

H.R. 1708: Mr. ABERCROMBIE, Ms. KILPATRICK of Michigan, Ms. BALDWIN, Mr. KAGEN, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. YARMUTH, Mr. CASTLE, Mr. MURPHY of Connecticut, Mr. PLATTS, Mr. BOUCHER, Mr. BRALEY of Iowa, Mr. ENGEL, and Mr. FRANK of Massachusetts.

H.R. 1712: Mr. CHAFFETZ and Mr. LAMBORN.

H.R. 1717: Mrs. MYRICK and Mr. OLSON.

H.R. 1740: Mr. MCGOVERN, Mr. MCHENRY, Mr. LARSEN of Washington, Mr. ADLER of New Jersey, Mr. HOLDEN, and Mr. CARDOZA.

H.R. 1751: Mrs. CAPPS, Mr. GRIJALVA, Mr. HINOJOSA, Ms. LINDA T. SANCHEZ of California, Mr. FARR, Mr. GONZALEZ, Mr. ACKERMAN, Mr. CAPUANO, Mr. ENGEL, Mr. FILNER, and Mrs. MCCARTHY of New York.

H.R. 1760: Mr. CARNAHAN and Ms. McCOLLUM.

H.R. 1770: Mr. GERLACH.

H.R. 1786: Mr. ROGERS of Michigan.

H.R. 1788: Ms. LINDA T. SANCHEZ of California.

H. Con. Res. 28: Ms. GIFFORDS.

H. Con. Res. 50: Mr. CLAY.

H. Con. Res. 78: Mr. SOUDER, Mr. CONAWAY, and Mr. WESTMORELAND.

H. Con. Res. 81: Mr. BERMAN, Mr. ISSA, Mr. FLAKE, Mr. ROTHMAN of New Jersey, Mrs. EMERSON, Mr. YOUNG of Alaska, Mr. GRAVES, Mr. DELAHUNT, Mr. KUCINICH, Mr. GINGREY of Georgia, Mr. YOUNG of Florida, Mr. FRELINGHUYSEN, Mr. OBEY, Mr. PETRI, Mr. ANDREWS, Mr. CAPUANO, Mr. ROHRABACHER, Mr. SKELTON, Mr. MINNICK, Mr. MORAN of Virginia, Mrs. MALONEY, Mr. DEFazio, Mr. BARROW, Mr. KILDEE, Mr. KAGEN, Mr. HONDA, Mr. HASTINGS of Florida, Mr. SPRATT, Mr. DINGELL, and Mr. HILL.

H. Con. Res. 83: Mrs. KIRKPATRICK of Arizona.

H. Res. 20: Mr. PITTS.

H. Res. 22: Mr. WHITFIELD.

H. Res. 42: Mr. LANCE, Mr. NEUGEBAUER, Mr. BUYER, Mr. FRANKS of Arizona, and Mr. McCAUL.

H. Res. 191: Mr. MCNERNEY, Ms. BORDALLO, and Mr. FRANK of Massachusetts.

H. Res. 230: Mr. SIREs, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BURTON of Indiana.

H. Res. 236: Mr. PAYNE and Mr. ROSKAM.

H. Res. 260: Mr. SERRANO, Mr. CONYERS, Mr. MOORE of Kansas, and Mr. YARMUTH.

H. Res. 267: Mr. CARSON of Indiana.

H. Res. 290: Mr. GARY G. MILLER of California.

H. Res. 301: Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. MORAN of Virginia, Mr. TIERNEY, Mr. SNYDER, Mr. JACKSON of Illinois, Ms. DELAURO, Mrs. MALONEY, Mr. PAYNE, Mr. RUSH, Mr. CLYBURN, Mr. OLVER, Mr. LEVIN, Mr. SCOTT of Virginia, Mr. ROSS, Mr. SERRANO, Ms. MOORE of Wisconsin, Ms. CASTOR of Florida, Mr. BLUMENAUER, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. WELCH, Mr. KIRK, Ms. DEGETTE, Mr. OBERSTAR, Mr. POMEROY, Mrs. CAPPS, Ms. MATSUI, Mr. HOYER, Mr. COOPER, Ms. BALDWIN, Mr. Perriello, Mr. CARSON of Indiana, Ms. FUDGE, Ms. CLARKE, Ms. WATSON, Mr. JOHNSON of Georgia, Mr. BECERRA, Ms. ROYBAL-ALLARD, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. FATTAH, Mr. WEXLER, Mr. DELAHUNT, Mr. ROTHMAN of New Jersey, Mr. ELLISON, Ms. EDWARDS of Maryland, Ms. RICHARDSON, Mr. DAVIS of Illinois, Mr. CLAY, Ms. JACKSON-LEE of Texas, Mr. EDWARDS of Texas, and Mrs. NAPOLITANO.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FRANK of Massachusetts, or a designee, to H.R. 1664, to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## SENATE—Tuesday, March 31, 2009

The Senate met at 10 a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, in whom we live and move and have our being, make our Senators aware of Your presence as they look to You for guidance and strength. Lord, refresh them with Your Spirit by energizing their thoughts and reinforcing their judgment. Show them what is noble in our heritage, that they may conserve and strengthen it. Teach them what needs to be changed and give them the courage and wisdom to do it. In all their labors, empower them to yield themselves to Your will, that this legislative body may fulfill Your purposes for our Nation and world.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 31, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume

consideration of S. Con. Res. 13, the concurrent resolution on the budget. Under an agreement reached last night, 40 hours of the statutory time remains, with the time equally divided between the majority and the Republicans. Under the agreement, when the Senate resumes consideration of the budget resolution, Senator MURRAY will be recognized to speak for up to 15 minutes. Following her remarks, Senator GREGG or his designee will be recognized to offer an amendment. That amendment will be limited to 1 hour of debate equally divided. Then Senator BOXER will be recognized to offer an amendment in relation to the Thune amendment No. 731. Debate on that amendment will also be limited to 1 hour equally divided. Following debate on the Boxer amendment, Senator CONRAD or his designee will be recognized to offer a side-by-side amendment to the Johanns amendment No. 735.

I will say, Mr. President, we have on this side a number of Senators who want to speak on the budget. They want to talk about the merits of the budget. We will try to the best of our ability to work them in between amendments. We recognize anyone can grab the floor anytime they want. Senator CONRAD and Senator GREGG are going to do their best to try to make this an orderly process, and we will cooperate in any way we can to have that be the case.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

### CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. Con. Res. 13, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

Pending:

Thune amendment No. 731, to amend the deficit-neutral reserve fund for climate change legislation to require that such legislation does not increase electricity or gasoline prices.

Johanns amendment No. 735, to prohibit the use of reconciliation in the Senate for climate change legislation involving a cap-and-trade system.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, let me start this morning by commending Chairman KENT CONRAD for his leadership of our Budget Committee and especially for the hundreds of hours he and his staff have dedicated to getting this budget done and accommodating both the priorities and concerns of so many of us in this body. Putting together a budget is never an easy process, but I believe our chairman has achieved a good balance that will set us on a course to both reducing our deficit and investing in the areas that we know will make us stronger in the future—energy, health care, and education.

I know that in addition to his work on this budget, this is a particularly difficult time for the State of North Dakota and the families and businesses there. I want to say to Chairman KENT CONRAD, who will be on the floor shortly, that all of our hearts go out to him and his State as they struggle with these horrific storms that are going through his area.

A budget is a statement of priorities. Ours is very clear: We put the middle class first, and we get our country back on track by investing in our future.

To be clear, we have inherited some very great challenges. We now face the worst economic crisis in generations. Since December 2007, we have lost 4.4 million jobs, including 2.6 million of those in the past 4 months. So before we consider where we are going, it is important to talk a little bit about where we have been.

For weeks now, my friends on the other side of the aisle have been bemoaning deficits and debt with not a moment of consideration for their own record on those issues. Back in 2001, Republicans controlled the full power of our Government. Under the leadership of President Bush and Republicans in Congress, record surpluses created under President Clinton became record deficits. These Republican deficits grew and grew and now today add up to trillions of dollars in new debt that is going to be shouldered by future generations of Americans.

With this perspective, I hope our Republican friends will start acknowledging and owning up to the fact that we now have two choices. Choice 1 is to continue down the Republican deficit path, no investments in our future, a widening gap between the rich and the

middle class, and more massive deficits. Choice 2 is represented in the budget before us today: improve the economy by investing in energy, education, and health reform so that we as a country are stronger in the future; cut taxes for our middle class and address the deficit so that our children do not bear the burden of bad decisions today.

After 8 years of the Bush administration's shortsighted budgets and misplaced priorities, we are now working with President Obama to invest in our needs and to chart a new course for America. We are choosing a new path.

The American people deserve an economic plan that works for everyone in this country. Our budget makes responsible choices that will help get this country's economy rolling again. I came to the floor today to talk about a few of those priorities and choices we have made.

We face pressing transportation needs across our country, and maintaining and creating new infrastructure is key to this country's economic strength.

Just a couple of months ago, the American Society of Civil Engineers issued its annual report card on the condition of America's infrastructure, and the results were very dismal. The leading experts on the state of our Nation's infrastructure have reduced the grade point average of our entire system of roads and bridges and mass transit to a D—that is "D" as in dog. Our Nation's roads also got a D-minus since a third of our major roads are considered to be in poor and mediocre condition, and more than a third of our urban highways are congested. American families today spend about 4.2 billion hours a year stuck in traffic, and that is costing our economy almost \$80 billion in lost productivity each and every year. These roads are in every one of our States. It is time to fix them.

As we are all aware, the available funding balance in the highway trust fund is falling rapidly. Thankfully, in our budget the transportation reserve fund will provide the mechanism that will allow us to reform our transportation financing system and provide the kinds of spending levels in the upcoming Transportation authorization bill that are going to be necessary to maintain our highways and our transit systems. Fixing our transportation is about getting our economy strong, but it is about safety as well. I think all of us remember when that Minnesota bridge went down. We do not want to see that again. It is time to fix our roads and our transportation. This budget takes a major step forward.

Second, education. We all know and we all say that education is the key to our future strength. In this new global economy we exist in, a good education is no longer just a pathway to oppor-

tunity; it is a requirement for success. We will not recover and be strong in the long term unless we both create jobs and make sure America's workers have the education and skills to fill those jobs we create. So this budget invests strongly in education and in ensuring that American students do not fall behind as they make their way into this global marketplace.

This budget helps retrain America's workers for careers in high-growth and emerging industries such as health care or renewable energy or energy-efficient construction so that those workers can stay in the middle class. We increase Pell grants and make tax credits for tuition permanent. We want all students to achieve a postsecondary education, whether it is through a registered apprenticeship or through a community college or university, and this budget helps take us in that direction.

As a nation, we have to change the way we think about preparing young people for careers today, starting with making education work better. This current economic crisis has cost us dearly.

Every weekend I go home to Washington State, I hear about another business closing, another family who has lost their job, another senior citizen who does not know how they are going to make it. So we all know that if we make changes and we make smart investments, that is how we are going to move our country forward again and give confidence back to the American people that we are a strong country. Investing in education is one of those smart investments. We do that in this budget.

Our health care system—something we all talk about—is broken. We know it needs real reform. Today, we have a historic opportunity to finally tackle that challenge. These investments we make in health care are not luxuries; they are essential to our future strength. That is why we need to prioritize the health profession's workforce and access to quality health care in our rural areas, and we have to ensure that preventive measures are given priorities so that American families are not left with giant bills for expensive care down the road.

Some critics of this budget argue that now is not the time to tackle health care reform. I believe that is very shortsighted reasoning. There is a direct connection between our Nation's long-term prosperity and developing health care policies that stem the chronic bleeding in business and in our State and national budgets across the country.

Mr. President, there was a recent editorial in the Everett Herald, a hometown newspaper in my State, that made this point, and I want to read it to you. It says:

Yes, the economy is the most urgent challenge. But our broken health care system

and addiction to oil threaten to become our long-term undoing.

They're all intertwined. Failing to find solutions to our long-term problems will likely stunt future economic expansions, creating longer and deeper downturns.

That is not something any one of us wants to see, which brings me to our next investment. As we are all aware, energy issues are some of the most pressing facing our Nation today. Our dependence on foreign oil has left us beholden to other nations as middle-class families have paid the price at the pump. By making renewable energy a priority in this budget, we can reduce our dependence on foreign sources of energy in the future and help create green jobs here at home and leave a cleaner environment for future generations. These are smart investments in this budget.

In an issue near and dear to my heart, I commend both the committee and President Obama for finally making our veterans a priority in this budget process. Our men and women in uniform and their families have served and sacrificed for our Nation. After years of being underfunded and overshadowed, this budget finally does right by them. I again commend Senator CONRAD, the budget chairman, and President Obama for putting this issue forward.

This budget is finally honest with the American people about the cost of war, not just by paying for veterans care but by paying for the wars in Iraq and Afghanistan, on budget, for the first time since they started—over 6 years ago.

I also wish to note that this budget meets our commitment to nuclear waste cleanup in my State and across the country. Workers at Hanford Nuclear Reservation and residents of that community sacrificed many years ago to help our Nation win World War II. Hanford and those other sites are now home to millions of gallons of waste. Our Government needs to live up to its promise to clean them up, and this budget rightfully does that.

Let me talk a minute about agriculture because agricultural production is the largest industry for many States across the country, as it is in my State, with farming and ranching. Protecting our agricultural sector is critical to our economy, to our environment, and to our quality of life. We need to work to keep our rural communities strong and to ensure a bright future for all our farm families. Production agriculture—such as Washington State's wheat farming—is a very volatile business and a workable safety net, such as in the farm bill, is vital to the security of our family farms.

I have long supported the Market Access Program, which provides funds for our producers to promote their products overseas and expanding international markets. These are critical for our agricultural communities today

as they try to compete in a global economy. Especially in these difficult economic times, when our foreign competitors are trying to limit our market access with high tariffs, the last thing we should be doing is cutting programs such as the Market Access Program, which will help our growers in a competitive global marketplace. As we work to get our country back on track, I am going to continue to find ways to support one of the staples of our economy and that is our agricultural community.

America has paid dearly for the Bush administration's failure over the last 8 years to invest in our country and to invest in our people. We don't have to tell that to the American people today. They are waking up every single day and seeing rising health care costs, pink slips, a crumbling infrastructure and bills and mortgages they can't afford to pay. We tried it the other way for the last 8 years. Now it is time to invest in America again. It is time to give our middle class a break and it is time for honesty and it is time for bold decisions.

This budget that Senator CONRAD and the Budget Committee have brought to all of us to consider today isn't perfect, of course—no budget is—but what it does do is extremely important. It invests in our future—our future, America's future—and puts this country back on track.

I wish to thank Senator CONRAD, again, and his committee for working so hard to bring this budget forward to us, and I look forward to supporting it when we pass it later this week.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### AUTO BAILOUT PLAN

Mr. MCCONNELL. Mr. President, the significance of the U.S. auto industry as the symbol of American creativity, industriousness, and prosperity is hard to overstate. So is the importance of its continued survival to millions of American workers who design, build or sell our cars here and around the world. This is precisely why many of us have been insisting for years that management and labor take the tough but necessary steps to keep these companies viable not only in a recession but also in good times.

Unfortunately, many of these tough decisions have been put off time and again, and the day of reckoning has come for two of the big three automakers. Yesterday, the administration announced that GM and Chrysler had failed to come up with viable plans for survival, despite tens of billions of dollars in taxpayer bailouts aimed at avoiding this very situation.

The immediate result of this failure on the part of the automakers was the administration's decision to fire GM'S CEO and the promise of even more bail-

out money if these companies take the same kinds of steps Republicans have been demanding, literally, for years. Last fall, when the recession took hold, Republicans said emergency support was justifiable for entities whose failure threatened to paralyze the Nation's entire economy. Taxpayer support for individual industries was not. Our reasoning was, taxpayers should understand an effort to save an entire credit system—literally the lifeblood of the Main Street economy—but they wouldn't support the Government picking winners and losers based on political or regional calculations.

While no one takes pleasure in the continued struggles of the automakers, those warnings and that principle appear to have been vindicated by recent events. If our proposal had prevailed last fall, these two companies would have been forced to make the serious structural changes that billions of dollars in taxpayer money since then have not been able to produce. Republicans said the expectation of bailouts disincentivizes reform, and it appears we were absolutely right.

In early December, I said a tentative compromise between labor and management didn't go nearly far enough; what was needed was a firm commitment on the part of these companies to reform either in or out of bankruptcy, get their benefit costs under control, make wages competitive with foreign automobile makers immediately, and end the practice of paying workers who don't work. I also said automakers had to rationalize dealer networks in response to the market.

The previous administration took a different view. It said an emergency infusion of taxpayer money would be enough to force these companies and labor leaders to act. The current administration agreed with that assessment, and last month, when the automakers came back again for more money, the current administration complied with an additional \$5 billion infusion of taxpayer dollars. The latest infusion appears to have had little or no effect.

Yesterday, we got the verdict: 4 months and \$25 billion taxpayer dollars after Republicans called for tough but needed reform, the automakers are no further along than they were in December. As a result, the current administration has decided the bailouts can't go on forever, although they are still putting the cutoff date well into the future. The taxpayer regret for this bailout is that it could have cost a lot less than \$25 billion. The answer to this problem was obvious months ago.

Throughout this debate, some have tried to propagate the falsehood that this is a regional issue; certain Senators oppose bailout because domestic automakers don't operate in their States. If that were true, I certainly wouldn't be standing here. Thousands

of Kentuckians work at Ford assembly plants in Louisville, thousands more work for domestic suppliers throughout Kentucky, and for more than 30 years, every Corvette in America has rolled off a production line in Bowling Green, KY.

Those of us who oppose unlimited bailouts for struggling automakers don't want these companies to fail. We want them to succeed. If our proposals had been adopted, we believe they would be in a much better position to do so.

Hard-working autoworkers at places such as Ford and GM in Kentucky have suffered because of the past decisions of unions and management. It is not their fault labor and management made the decisions that put them in this mess. It is no coincidence that Ford—the only U.S. automaker that has refused taxpayer bailout money to date—is also the most viable, even after the financing arm of one of its bailed-out competitors used taxpayer funds to provide its customers with better financing deals. Companies that make the tough choices and steer their own ship are better off in the short and the long term.

Everyone wants the domestic automakers to get through the current troubles and to thrive. But it is going to take more than tough talk after the fact or the firing of CEOs. It is encouraging to see the administration is coming around to our point of view. It is a shame the taxpayers had to put up \$25 billion to get to this point.

Mr. President, I would like to speak briefly on two of the amendments we will be considering today on the budget. One protects Americans from a new national energy tax in the form of an increase in electricity and gasoline prices at a time when they can least afford it, and one brings transparency to the budget process.

The first amendment we will consider, sponsored by the junior Senator from South Dakota, says the reserve fund in the budget resolution for climate change cannot be used for legislation that would increase electricity or gasoline prices for American consumers.

An increase in electricity and gas prices would disproportionately affect people at the lower end of the economic ladder, and American families cannot afford a tax increase at a time when many are struggling to make ends meet. Passing this amendment would protect them from the additional burden of the new national energy tax included in the administration's budget.

The second amendment, sponsored by the junior Senator from Nebraska, bars the use of reconciliation when considering climate change legislation, thus assuring an open, bipartisan debate on this job-killing and far-reaching proposal.

Democratic budget writers who support reconciliation know their plans

for a new national energy tax are unpopular with both Republicans and Democrats. That is why they are trying to fast-track this legislation down the road and prevent its critics from having their say. The strategy of the reconciliation advocates is clear: Lay the groundwork for a new national energy tax that could cost American households up to \$3,100 a year, keep it quiet, then rush it through Congress, leaving transparency and debate in its wake.

Americans deserve better. They expect a full and open debate, particularly on a piece of legislation as far-reaching as this. The proposal by the junior Senator from Nebraska would ensure that.

Here are two Republican ideas Americans support. I would urge my colleagues to do the same by voting in favor of both the Johanns and the Thune amendments.

I yield the floor.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I understand I now have the right to offer an amendment, but prior to offering the amendment, I wish to make a couple comments.

I have watched this debate develop, and it develops with a certain tempo every year. One of the comments that has been made in the paper by the chairman—and it was also made by the President, interestingly enough—is that if we disagree with the budget as brought forward by the President, we should offer our own budget. Historically, the way this has happened is that the party in the minority has not offered a budget. Traditionally, the party in the minority has offered a series of amendments to try to improve the majority's budget.

That is the tack we have taken this year. That seems like a more logical tack to me because it is a more bipartisan approach. We are simply trying to reach out to the majority and say: Hey, listen. If you accept this amendment and this amendment and this amendment, your product—the budget you have brought forward—is going to be a much better product. For example, if you reduce the amount of spending in your bill because your bill spends too much; if you reduce the amount of taxes in your bill because your bill taxes too much; and if you reduce the amount of borrowing in your bill because your bill definitely borrows too much, then the amendments which we

offer to accomplish those three points would significantly improve your bill.

In addition, we are going to offer amendments which address positive policy initiatives. For example, we will offer an amendment to try to improve the energy policy of our Nation by allowing Americans to produce more American energy rather than buy it overseas, and to conserve more American energy—which is the approach we should take. We will allow Americans to produce more American energy by allowing more drilling in an environmentally safe way, by allowing more nuclear plants, by allowing more wind and solar energy, at the same time conserving. We will offer that amendment.

We will offer an amendment to improve the budget by offering a positive policy on health care where every American could be insured but where we do not add another \$1 trillion in spending and don't step off on the course of nationalizing our health care system. We will offer amendments which will try to get under control the real threat we have as a nation, from the fiscal policy standpoint, which is the out-year debt, the fact we will be passing on to our children debts which are not sustainable, debts of a trillion dollars a year as far as the eye can see. That is not sustainable. So we will offer policies in that area, relative to trying to have a more balanced approach toward spending around here rather than a profligate approach toward spending.

That is the approach we take to improve this budget by amendment. It is a bipartisan approach. We are not going to set up our budget versus their budget and have a partisan debate. We are going to suggest they change their budget and make it a more positive document and more bipartisan document. Interestingly enough, this is exactly the same approach taken by the chairman when he was in the minority and I happened to be the chairman, and I respected that approach and I did, on occasion, ask where is your budget and he came back with his statements, which were eloquently and brilliantly presented, that said he would do it by amendment. In fact, they were so eloquently and brilliantly stated I brought some of the statements here so other Members can see the eloquence of our chairman on the subject.

March 10, 2006, when I offered a budget and I asked: Where is your budget, Senator? And he said:

We will offer a series of alternatives by amendment.

Concise. People are concise from North Dakota. Sort of like New Hampshire. That is why we like each other. Then he made another statement when I asked the question where is your budget, Mr. Chairman, and said, on March 14—a more expansive statement:

Mr. President, the chairman says we have offered no budget.

I did say that.

The chairman well knows the majority has the responsibility to offer a budget. Our responsibility is to critique that budget.

We have great admiration for the chairman. I listened to his words when I was chairman. We are following that course of action. So I hope that as we move down the road with this discussion that we have no more statements in the newspaper to the effect there is no budget being offered by the Republican side.

On another subject, I heard—and I listened to what the President said on the issue of this auto bailout issue. I have deep reservations about this. I have been a strong supporter of the initiatives that this administration has taken trying to stabilize our financial industry. The financial industry is the core systemic element of our economic well-being as a nation. The availability of credit at a reasonable price, reasonably easy to obtain, is the essence of a strong and vibrant capitalist system. It goes to the core question of Main Street and how you make Main Street work.

If you think of us as a body, a nation as a body, the financial system is the blood system, it is the arteries, it is what moves the blood through the system. So it is critical that we have a viable financial system. I have been very supportive of the administration's initiatives in this area. I have been very supportive of Secretary Geithner's initiatives and I have been very supportive of Secretary Geithner. But this idea that we should step in to underwrite the automobile industry is something with which I have real problems. I had problems when the prior administration did it at the end, in the final days, and I have problems with it now. It is an important industry—no question. But, remember, cars are produced in this country that are not necessarily produced by these two companies, GM and Chrysler. There are also cars produced by Ford, Toyota, Honda, BMW. A variety of companies have manufacturing facilities in this country, so it is not as though the entire system is threatened relative to employment of the people in the auto industry. It is these specific companies that are having problems and they are important but they are not systemic.

Equally significant is the fact that these companies have had problems for a long time in the production of a product that is competitive. Before we start putting tax dollars into these companies, there has to be a very specific plan that shows they will be viable, that these tax dollars will not be good dollars chasing bad dollars, and that means there has to be a plan, No. 1, to produce products people want to buy; and, No. 2, reduces significantly the debt so the bondholders actually take a fairly significant haircut; and, No. 3, brings their employment contracts in



line with the employment contracts of their competitors. None of that has happened so far. It is very hard to justify putting money into this industry in this present climate and under the failure of proposals to come forward to accomplish that.

Something else the President said has raised a question to me. That is, he is saying that the Government is going to insure the warranties of these automobile manufacturers, specifically GM. Because if Chrysler affiliates with Fiat, that would not be necessary, I presume. That is a fairly significant step for the U.S. Government to take, that we are going to insure the warranties on cars. Is that the business of the Government? Is that the purpose of the Government? Does that mean we put a new telephone line in my office in Portsmouth for people who have problems with their transmissions? That they are supposed to call me?

Let's be honest about this. This is probably not a course of action that makes a whole lot of sense, that the Government is going to get into the business of underwriting the warranties of a manufacturer.

I have deep reservations about the course of action here. I do hope before we put any more money into this—in fact, I hope we will not put anymore money into it, but if there is more money going into it, there is at least a clear and defined plan that shows these companies will be viable, which means they have to put on the table a plan that shows they are going to make products we support, that people want to buy, bondholders are taking a fairly significant hit, and their union contract and the legacy contracts are adjusted to be more in line with the competition.

#### AMENDMENT NO. 739

On the specifics of the amendment which I am offering at this point, I ask the clerk to report my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 739.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the consideration of any budget resolution, or amendment thereto, or conference report thereon, that shows an increase in the public debt, for the period of the current fiscal year through the next 10 years, equal to or greater than the debt accumulated from 1789 to January 20, 2009)

On page 68, after line 4, insert the following:

#### SEC. \_\_\_\_ . LIMITATION ON BUDGET RESOLUTIONS INCREASING THE PUBLIC DEBT.

(a) POINT OF ORDER.—In the Senate, it shall not be in order to consider any budget

resolution, or amendment thereto, or conference report thereon, that shows an increase in the public debt, for the period of the current fiscal year through the next 10 years, equal to or greater than the debt accumulated from 1789 to January 20, 2009.

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(f) SUNSET.—This section shall expire on September 30, 2010.

Mr. GREGG. This is a pretty simple amendment. It comes about as a result of one of the elements that I see as the core of the problem with the President's budget, and that is that we, under the budget as proposed by the President, are going to pass on to our children an unsustainable Government and a debt which will essentially put them in a position where their quality of life will be dramatically reduced because of the burden of the debt they have to pay relative to the Federal deficits that have been run up. The President's budget doubles—you have heard this before—doubles the national debt in 5 years, triples it in 10 years. These are massive expansions in debt. It is hard to put these numbers into context, but they represent the fact that every household in America, by the year 2019, will have \$130,000 debt on its back added as a result of this Presidency, and \$6,000 of interest payments that they will bear as a result of this Presidency.

That means the debt added to their backs and the interest added to their backs probably will exceed their mortgage payments—to pay for the Federal Government. So it doubles it in 5 years, triples it in 10 years. The burden will be extraordinary on our children because they are the ones who will have to pay the cost of this. It will lead to a decrease in the quality of life of our Nation because the burden of paying this will lead to one of two options: Either we inflate the currency, thus reducing the value of the dollar—and inflation is a dangerous thing for society to have happen to it; it makes everybody's work less valuable and it makes the products they produce more expensive—or, alternatively, the tax burden to pay for this will have to go so high on all Americans—this is not just the wealthy; the wealthy already are going to be taxed under this budget—it will go so high on all Americans that their discretionary income which they might use to buy a house, which

they might use to send their children to college, which they might use to buy a car, to live a better lifestyle, will be eliminated or significantly reduced, anyway, because they will have to go through the burden of paying taxes to cover the debt that we are running up now. We are, our generation, running it up and we are handing it on to the next generation. It is very wrong for one generation to do this to another generation.

We will be creating under this budget, or the President is proposing to create under his budget, a wall of debt which goes up and up, a wall of debt which will be sitting on top of the American economy and the people of this country. The American people are not going to be able to get over this wall of debt. They will run right into it and the economy is going to run right into it, and it is going to have a devastating impact on us.

Other countries are going to be worried about this. Other countries that buy our debt and support our ability to function as a nation are going to be worried about the size of this debt. In fact, the Premier of China has already said—and he is the largest holder of American debt instruments outside of the United States—has already said that he is concerned about this. If China or other nations start to get concerned and are not willing to buy our debt, then that puts us in a difficult position because if we are going to run up all this debt and we have nobody who can buy the debt, that is when you hit inflation. That is when serious things happen.

We do not have to look too far to see it already happening in other nations. Ireland. Ireland got its debt so out of kilter it just had its credit rating reduced. A whole nation, which is considered to be a pretty vibrant nation and which for a period was considered to be the most vibrant economy in Europe, had its credit rating reduced. That is a huge event for Ireland and it reflects the fear that the Irish economy will not be able to support the deficits and the debt that are being run up.

How large was the Irish debt and deficit that led to this credit rating—credit downgrade? Their deficit was 12.4 percent of GDP. You say that is pretty darn high, no wonder the credit rating agencies said the Irish debt may not be sound or as sound as other nations.

How high is our deficit going to be? Under this budget resolution, this year it is already going to be 12.2 percent. We are closing in. Under the President's budget proposal, it will exceed 13 percent this year if the proposals in his budget are enacted. We are closing in on the Irish situation. We are spending a lot of money we do not have and we are running up a lot of debt we can not afford. In fact, stated another way, if you look at all the debts, all the deficit and all the debt run up on the United

States since the beginning of our country—1789, when we began running up debt, that is when George Washington was President—this is a picture of all the Presidents here. If you look at all the debt they ran up on our Nation from George Washington through people such as Buchanan, Polk, Lincoln, of course, Grant, Garfield, Wilson, Harding, Franklin Roosevelt, Truman, right up through George W. Bush—all the debt run up by all these people, all these Presidents throughout all their administrations, the President of the United States, President Obama, is suggesting that he, under his budget, we should double that—double this cumulative debt run up on our country since 1789 in about the first 5 years of his Presidency.

That is incredible. That is an incredible explosion in debt. It gets back to this chart I held up that says we are going to double the debt in 5 years under this Obama proposal—President Obama's proposal—and triple it in 10 years. It is incredible.

I do not think that is affordable. I don't think our Nation can do that. So I have offered the amendment I call the 1789 amendment. We are going to refer to it as the 1789 amendment. Actually it says there will be a point of order against a budget that proposes that the debt of this Nation should be doubled during the period of that budget—that if that debt would double, that a budget which would propose that debt would double the amount of debt run up since 1789 through January 20, 2009—if a budget comes to this floor which doubles the debt of the United States, which has been run up since 1789, through 2009—run up under all the Presidents of the United States prior to President Obama, there would be a point of order against that budget.

Does a point of order mean the budget can't be passed? No. The budget can be passed. It is just going to take 60 people to pass it rather than 51. That seems reasonable, that if you are going to leave our children with a doubling of the debt in 5 years and a tripling of the debt in 10 years, that you ought to be willing to get 60 votes to do that.

The reason for this, of course, is to highlight and make it clear to the American public what we are doing to ourselves. I do not expect to win the point of order very often—especially if my colleagues on the other side of the aisle have 58 votes. But that point should be made so the American people see in a very clear way what is happening to them. That is what this is about—making it very clear to the American people that if the deficits are going to go up in this way, that if a President proposes to run a \$1-trillion-a-year deficit for 10 straight years on average—\$1 trillion, think about that for a moment, a \$1 trillion a year deficit for 10 straight years on average—wow. We used to get concerned around

here, and rightly so, whether we were running a deficit in the range of \$200 billion.

We are now talking about \$1 trillion a year under this President's budget, as the deficit that is proposed. Five to 6 percent of the gross national product will be deficit spending, with the practical implication that it adds to the debt almost \$9.3 trillion, tripling the debt, taking the debt as a percentage of GDP up past 80 percent, which is an unsustainable number. It is so unsustainable, in fact, that we wouldn't even be able to get into the European Union if we wanted to because they don't allow countries in that have that amount of debt. Can you imagine that? We are worse off than all the countries in Europe that are part of the European Union because of the level of debt being proposed in this budget.

Nobody wants to use Europe as an example, but that is a pretty significant benchmark. We will be headed toward a situation where the value of our currency is at risk, where our ability to sell debt will be limited or affected, where we have a potential for massive inflation, and where we essentially will pass on to our children a country they cannot afford because the tax burden to support the government will be so overwhelming. We should not do that. I don't think we should do it.

The history of this Nation is that every generation passes to the next generation a better and more prosperous country. The implications of this budget are that we will be unable to pass to the next generation a better and more prosperous country. This amendment, which we call the 1789 amendment, says, if we want to pass a budget that doubles the debt over all the debts that have been run up in this Nation since 1789, we need to get 60 votes rather than 51. We have to get nine more people to agree. That seems a reasonable threshold and, hopefully, a transparent event that will make it clear as to what the budget is doing to the next generation.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the distinguished ranking member for his use of my previous quotes. I am delighted to see my name up there on those wonderful charts.

Mr. GREGG. I was going to put them in lights, but they don't allow that as part of the rules.

Mr. CONRAD. That would be an even nicer touch.

The one thing I would say that was left out was when there was a new administration and a complete change in direction in 2001, I did offer a complete alternative. My colleague is very unhappy with the President's budget. This is their opportunity, if they are as

unhappy as they say, to offer an alternative. But they don't have one. They don't have an alternative. They don't have an alternative budget. They don't have an alternative vision. All they want to do is say no. They want to say no to the President's budget. They want to say no to the budget that has come from the Budget Committee. They say no to their even offering an alternative.

When the situation was reversed, a new President in 2001, with a radically different vision, we offered a full alternative. I am proud we did.

When I hear the other side talk about the growth of debt, I have to ask, where were they the last 8 years? Where were they? Where were they when the previous administration doubled the debt of the country? In fact, they more than doubled it. Where were they when the previous administration tripled foreign holdings of U.S. debt?

As this chart shows, it took 224 years and 42 Presidents to run up \$1 trillion of U.S. debt held abroad, and the previous President ran that up by more than \$2 trillion. He tripled the amount of U.S. debt held abroad. We have become increasingly dependent on the kindness of strangers.

Last year, under their administration, 68 percent of the new debt of this country was financed by foreign entities. Where were they when that was happening?

This President inherits the colossal mess left behind by the previous administration, a debt that had more than doubled, foreign holdings of U.S. debt more than tripled, and the worst economic slowdown since the Great Depression. This President has been in office 3 months. Under the terms of the amendment they are now offering, they act as though he is responsible for debt runup during the previous administration. Please. That has zero credibility. They are saying that debt runup in the last quarter of the last administration is attributed to this administration. They say the budget that this President is inheriting for this year is the responsibility of this President. I don't think so. That is not the way I ever did the calculations.

When their administration was in power, I always held their administration harmless for the first year since they were inheriting the budget of the previous administration and the economics of the previous administration. Now they want to try to stick President Obama with the failures of the last administration and say debt runup in the previous administration is his debt. I don't think so. That is not fair. That is not going to sell.

Here is what happened when they were in charge. We now have China as the No. 1 financier of U.S. debt. We owe them \$740 billion. Japan is not far behind. We owe them \$635 billion. Where were they when this debt was being run

up? I will tell you where they were. They were in full lockstep support of the previous administration. They voted for every dollar of the debt that was run up.

One place I will agree with them is that it is dangerous to have run up that debt. Unfortunately, with this economic slowdown, we are going to have a lot more debt, a lot more deficits, until we are able to lift out of this and then pivot and get back to a more sustainable course.

China is worried about the U.S. debt. They were worried about it before this administration, they were worried about it in the previous administration, and well they should be. If we look at any analysis of the debt we have from 2001 to 2014, who is responsible for the debt buildup?

This red bar is what the Bush administration will have been responsible for. The green is the recession and interest on inherited debt. The contribution of this budget is the small yellow piece because we have the Titanic of debt coming at us. It is a result of the policies inherited by this administration, the result of the economic collapse inherited by this administration. That is the reason we have the circumstance we face today.

Let me quote Senator GREGG. He was kind enough to quote me. I would like to quote him. This is what he said on March 11. He was quoting me from 2006. I stand by those quotes. This is March 11, Senator GREGG:

I'm willing to accept this [short-term debt deficit] number and not debate it, because we are in a recession, and it's necessary for the government to step in and be aggressive, and the government is the last source of liquidity. And so you can argue that this number, although horribly large, is something we have to live with.

He was right on March 11—by the way, my daughter's birthday, and the day before my birthday. Usually he gives me a gift on my birthday. No gift this year. I am very hurt by this. I don't know why Senator GREGG absolutely forgot my birthday. He remembers my quotes, but no remembrance of my birthday. That is OK. I still like him very much. He is a very nice person. But the place where he and I absolutely agree is the second 5 years. We have to do a lot more to get the debt under control under the President's budget, even my budget, which dramatically reduces the deficit and debt. The truth is, we have to do more. It is in the country's interest that we do.

Let's talk a minute about what we are accomplishing in the budget before us. We are dramatically reducing the deficit, from \$1.7 trillion this year, an all-time record, because of the dramatic economic slowdown. That means less revenue, more expenditure, exploding deficit, and \$1.3 trillion of this \$1.7 trillion is exclusively the responsibility of the previous President.

A new President walks into a situation. He didn't construct the condi-

tions for this year. That is the previous administration. So \$1.3 trillion of this year's deficit reflects the policies of the previous administration. We hold President Obama responsible for \$400 billion of the deficit this year because that is the effect of his stimulus package and other legislation that passed.

So, yes, he has a responsibility for some of this deficit this year, but it is about one-fourth of what we will experience this year. Then we are dramatically reducing the deficit by \$500 billion for the next year. The next year we bring it down another \$300 billion, the next year another \$300 billion, and, by 2014, we take it down to \$508 billion, a more than two-thirds reduction in the 5 years of this budget as a share of gross domestic product, which is what economists say ought to be the comparison.

Why do they say it? Because if you look at it in dollar terms, that does not take account of inflation. If you do it as a share of gross domestic product, that takes account of inflation. You can see we are even more dramatically reducing the deficit under that metric, from 12.2 percent of gross domestic product today down to less than 3 percent in the fifth year, which economists all say is what we need to do to stabilize the growth of the debt. We need to get to 3 percent of GDP or less. We do that in the fifth year and bring down the deficit as a share of GDP each and every year of the 5 years of the budget.

My colleagues on the other side have offered an amendment that says—and I hope colleagues are listening because we are going to vote on this, and we will be voting pretty soon on this proposal—if the debt is at a certain level, it will require 60 votes to write a budget resolution.

Let's think about that. Let's think of the implications of what they are offering. They say, if the debt is not below a certain level, you cannot write a budget resolution unless you get a supermajority vote. Do we want to do that? I would say to my colleagues, the budget resolution is the vehicle that has all the budget disciplines in it, all the supermajority points of order against spending, and they would jeopardize those very disciplines that can help us hold down deficits and debt.

What sense does that make? I ask my colleagues, does it make any sense at all to be saying we are going to make it harder to write a budget resolution that provides the disciplines to hold down spending, that provides all those supermajority points of order against additional spending? I say to my colleagues, the cure they are offering is worse than the disease. Please, colleagues, let's not go with that idea.

I will tell you, in the committee, they actually offered—which I thought was the most bizarre; and I have been on the Budget Committee 22 years—in

the committee they actually offered a proposal to tie our standards on deficits and debt to Europe. So we are going to adopt the European Union model under the amendment they offered in the committee. Could you imagine?

Now the question of what our fiscal policy should be would be tied to France, would be tied to Italy, would be tied to Spain, would be tied to Germany, would be tied to Belgium.

This is America. This is an American budget for the American people. We ought not to be tying ourselves to the French, the Italians. I love the Italians. My wife is Italian. But, my goodness, they are talking about tying our budget standards to the European Union? I do not think so.

I say to my colleagues, this amendment they are offering—well intended, absolutely well intended; I do not question their motivation at all, but I do question very much the specifics of the proposal they have offered.

Mr. President, I would ask to have an update on how much time remains on the budget resolution and what is the time between the sides?

The PRESIDING OFFICER. At the beginning of consideration of the pending amendment, the majority controlled 19 hours 47 minutes, the minority controlled 19 hours 40 minutes.

Mr. CONRAD. And we are at just after 11 o'clock.

What is the order that was entered last night?

The PRESIDING OFFICER. After the consideration of the pending Gregg amendment, Mrs. BOXER of California is to be recognized. She will be offering an amendment. Then, Senator, you will be recognized to offer an amendment or your designee to offer an amendment.

Mr. CONRAD. All right.

Mr. President, I say to Senator SESSIONS, are you seeking time on the Gregg amendment?

Mr. SESSIONS. Yes.

Mr. CONRAD. We still have time remaining.

Mr. President, how much time remains on the Gregg amendment?

The PRESIDING OFFICER. The sponsor has 19 minutes, and the Senator from North Dakota has 14 minutes.

Mr. CONRAD. I ask Senator SESSIONS, how much time would he seek?

Mr. SESSIONS. Mr. President, I ask for 5 minutes.

Mr. CONRAD. Mr. President, I yield 5 minutes off the time of the minority to Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, might I say, after Senator SESSIONS has used that time, or whatever additional time he might require, our intention would be to go to Senator BOXER. We cannot lock that in because Senator GREGG is not here, and we have an agreement we

do not take advantage of each other in a procedural way. So I would not seek to, in any way, alter the time that remains.

I yield to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I support the Gregg amendment because it at least requires us to focus on the enormity of the wrong we are now committing.

This chart I have in the Chamber—you have seen a lot of charts and a lot of obfuscation and numbers thrown around—this chart is not disputable. These numbers come directly from the Congressional Budget Office's analysis of the Obama 10-year budget. That budget says that today our debt is \$5.8 trillion—\$5,800 billion since the founding of the Republic. It will double, in 5 years, to \$11.8 trillion—\$11,800 billion in 5 years. It will, in 5 more years, triple to \$17 trillion of debt. We all know that nothing comes from nothing.

We have to pay interest on that debt. CBO has calculated that. We are currently paying \$170 billion a year in interest—\$170 billion. My home State of Alabama's entire budget is under \$10 billion. The federal government spends \$40 billion a year on highways. We spend \$100 billion on education. We are currently spending \$170 billion just on interest on our debt. When this budget gets through, in calculating the interest rate, with some increases—because these debt levels are going to require higher interest to get people to loan us money—it will be \$800 billion in interest at the 10th year, which is bigger than the defense budget, bigger than education, bigger than anything else in our account.

I know the chairman has the budget on the floor and has said it is a 5-year budget, but the House has a 10-year budget. Director Orszag, the President's Director of the Office of Management and Budget, has said the Senate's budget is 98 percent of the President's budget. So it is not a fundamental change. It is, essentially, the President's budget. This is what the President's budget does. I would contend it is, essentially, indisputable that this is what he calls for. He made choices. He could have cut spending in some other places, but he increased spending.

I will add this: He does not project these deficits arising from slow economic growth. Under the President's budget, he projects robust growth, good growth. The only negative year is this year. Next year, he projects solid growth. The next year, I think, 4 percent; 3 years in a row of over 4 percent growth, which is very robust. No recession is projected in this 10-year period. So we have good years, fat times, and all the while we are increasing our debt, tripling it.

Senator GREGG is saying, let's at least have a vote that requires 60 votes

of the Senate, such as we do on any other important piece of legislation, as to whether we will exceed doubling the debt.

Let me tell you the consequences of this. Last week we had difficulty selling our debt. The Brits' debt auction failed. The British are following our model of huge spending increases and surging debt. That idea is being rejected by Central Europe, Germany, France, the Czech Republic, and others. They reject that. They have refused the mortifying request of our own Secretary of Treasury that they go further into debt, spend more money as part of this wild plan to stimulate the economy with unprecedented debt. They have said no. It is irresponsible. In fact, the EU President said it is the road to hell.

The idea is, we have to pay this. This has a cost to the future. Yes, it gets money into our economy today, and in the short run there has to be some benefit, although Nobel Prize laureate Gary Becker says it is so poorly drafted—this money we are spending—that we are not going to get nearly as much financial stimulus as we should be getting from it.

And you would say: Well, we will soon begin to pay this debt down. The President says he is worried about it. We are going to pay the debt down. But the debt is not going down. The annual deficit, in the last 4 years, surges until CBO scores the 10th-year deficit, in 1 year, at \$1.2 trillion. The highest deficit we have ever had prior to this year was \$455 billion, and in good economic times, they are projecting a \$1.2 trillion deficit. That is the annual deficit, adding to these numbers, as shown on the chart. That is why it triples. They keep going up, up, up.

There is no constraint in spending whatsoever. There is no plan to control the entitlement surge, no plan to control spending.

Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. In fact, the President's budget, this year, proposes to increase domestic discretionary non-defense spending by 11.5 percent. We passed, a few weeks ago, a stimulus plan to spend \$800 billion—the largest single appropriations in the history of America; \$800 billion—every penny of it going to the debt. Now we are going to have an 11-percent increase this year in discretionary spending on top of that? You know the rule of 7. It states that at 7-percent growth, your money doubles in 10 years. At 11.5-percent growth, our spending would double in 7 years. The entire spending of the discretionary account would double in 7 years if we maintained this incredible, colossal spending path we are on.

I think Senator GREGG is exactly right. Let's at least slow down and let's

at least have the 60 votes we would normally have to pass an important piece of legislation if and when—and we certainly are heading to a point where this debt doubles—so at least to go to tripling, we ought to have another vote and slow down and ask ourselves: What in the world are we doing to our children? They are going to be carrying—at this year, as shown on the chart—\$800 billion in interest that year. That assumes the interest rate is mainstream. But the truth is, with this much borrowing in these many countries around the world, we could have interest rates higher than that. If the interest rates go up, the \$800 billion could become \$1 trillion a year easily, and above, if the debt continues to surge.

I support the amendment. I am very worried. The numbers we are talking about on the floor are not a political dustup. This is about the future of America. The financial integrity of our country is at stake. We have never spent like this before, except in World War II when we were in a life-and-death struggle. It is not the right thing to do, and I support the amendment.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, it will be our intention, as I am able to reach Senator GREGG, that we yield back the time on the Gregg amendment—I have 13 minutes remaining, he has 11 minutes remaining—and that we go to the Boxer amendment. I ask Senator BOXER, when she is available, to come to the floor.

Let me very briefly respond to Senator SESSIONS. Let me first say that I appreciate his concern about the long-term debt, but I have to go back to the questions I was asking earlier. Where were they? Where were they when the debt was deemed doubled in the previous administration? Where were they? They were right there supporting every policy which led to that explosion of debt and which ultimately led to the sharp economic collapse we are still experiencing. This collapse is responsible for record deficits. What happens when there is a collapse? The revenue evaporates, the expenditures skyrocket, because you have more people unemployed, you have more people who need food stamps, you have more need for a stimulus package to try to give lift to the economy.

So I would just say to my colleagues, I have been concerned about debt for 22 years. I have been concerned about

what it would mean to the economic security of America for 22 years. I have led fight after fight after fight on this floor, whether it was Democratic administrations or Republican administrations, to keep deficits and debt down because I believe they threaten the long-term economic security of the country. Never is it more evident than now, when we financed 68 percent of our increased debt last year through foreign entities. Some say that is a sign of strength that they are willing to loan us all this money. I don't think it is a sign of strength; I think it is a vulnerability. When we are dependent on the Chinese to bankroll us, the Japanese to bankroll us, that gives them an extraordinary influence over us because if they decide to not show up at the bond auction one week, what would we have to do? We would either have to dramatically increase interest rates to attract capital or we would have to radically cut spending or dramatically raise taxes. All of those alternatives would be bad for the economic position of the United States for the long term.

Mr. President, I ask unanimous consent that we preserve the time remaining on the Gregg amendment—whatever time Senator GREGG still has and the time I still have—and that we set that aside and go to the Boxer amendment, and that it be in order to return to the Gregg amendment after we complete the time on the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. With that, we will momentarily go to the Boxer amendment.

I thank the Chair, yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I ask unanimous consent that the Senate stand in recess today from 12:30 to 2:15, that the time during the recess count against the time on the budget resolution, and that it be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I wish to make clear that we had that agreement between the two sides. Although Senator GREGG is not present on the floor, we had the understanding that this is how we would proceed.

With that, I note that Senator BOXER is here now and prepared to proceed on her amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 749

Mrs. BOXER. Mr. President, I really take to the floor, first of all, under the

order to call up an amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 749.

Mrs. BOXER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that certain legislation relating to clean energy technologies not increase electricity or gasoline prices or increase the overall burden on consumers)

On page 33, line 21, after "economy," insert "without increasing electricity or gasoline prices or increasing the overall burden on consumers, through the use of revenues and policies provided in such legislation."

Mrs. BOXER. Mr. President, this is an amendment I have decided to offer to our colleagues as a supplement to an amendment offered by Senator THUNE.

Senator THUNE makes the point that global warming legislation should not increase electricity prices. It is very interesting because I didn't hear the concern from the other side of the aisle—it also refers to gasoline prices—when gasoline prices hit almost \$5 a gallon in our home States. We didn't hear an outcry. There was no global warming legislation. It had nothing to do with it; it had to do with manipulation. We didn't hear any outcry about that.

I think Senator THUNE doesn't go far enough because we believe that revenues from a climate bill, should we pass one—and I certainly hope we will—would be used to offset any kind of an increase in electricity and gasoline prices, and we would have the revenues from a cap-and-trade system to do just that. So I think Senator THUNE's amendment doesn't go far enough. We not only don't want to see an increase in prices, we want to have the revenues coming in through cap-and-trade legislation to make consumers whole.

In his argument for his very narrow legislation, which I will be voting for—I don't have a problem with it—Senator THUNE cited a study by MIT to argue that climate legislation is a tax. In fact, the MIT study actually shows why it is important to capture the overall picture because the MIT study actually points out that the monetary value of allowances under a cap-and-trade program is something that Congress would have the option of using to give a family of four a tax rebate—a tax rebate—that could be as high as \$4,500 per year by the middle of the next decade.

So I find it amazing that my Republican friends who oppose taking any action on global warming suddenly have discovered the consumer and they are

worried that the consumer would pay high prices when we fight global warming when, in fact, a well-designed program—and I say to the Chair, as he is a proud member of our committee—a well-designed program, as he knows, will give us the ability to refund money to consumers and make sure they are healthy and kept whole.

So this legislation simply says that we will ensure that our legislation relating to clean energy does not increase electricity or gas prices or does not increase the overall burden on consumers, and that is the key. So it is going to be a boon for consumers.

So we will be voting for the Thune legislation and hopefully for the Boxer legislation so that we cover all of our bases and we know that global warming legislation is not going to hurt consumers but actually keep them whole and clean up their environment; it is going to create green jobs and all the rest.

I wish to spend a couple of minutes talking about this budget, and I wish to start off by thanking members of the Budget Committee. Again, my colleague in the chair is a member of the Budget Committee. They worked very hard under the leadership of Senator CONRAD to come up with a product that keeps President Obama's priorities intact, that does more for deficit reduction, and I am very pleased about it.

I wish to say that I am very pleased the American people have not fallen for the same old, same old policies of the Republicans as they try to demolish this new President and they try to destroy his reputation and try to bring him down. We don't have the charts that talk about the same old policies, so if we could get those. There is a series of charts.

I have taken to the floor before to talk about the comments of my Republican friends during the debate on the Clinton budget, and we all know—here is the message. We all know the Republicans repeat the same old politics, the same old policies that got us into this crisis.

I wish to take you back to 1993. The Republicans came to this floor, and they tried to demolish the Clinton budget. Not one of them voted for it. The Democrats had taken over from George Bush's dad. Things were in very bad shape.

This is what the Republicans said about the Clinton budget in 1993:

It is just a mockery. It is just a mockery, said Committee chairman Pete Domenici.

Senator HATCH: Make no mistake. These higher rates will cost jobs.

Phil Gramm said: I believe hundreds of thousands of people are going to lose their jobs as a result of this program—including Bill Clinton, he predicted, would lose his reelection.

Connie Mack: This bill will cost American jobs.

What happened as a result of the Clinton budget? Twenty-three million jobs were created. It was the best record ever in peacetime—the best record ever in peacetime.

Senator Roth of the other side: It will flatten the economy. It is bad policy.

And on and on and on.

Now here we have today—this is years later, more than 10 years later—the same old politics, the same old policies. Just listen to my Republican friends trashing Barack Obama's budget: disaster, disastrous, terrible, deficits as far as the eye can see. That is what they said about the Clinton budget too—deficits forever. Guess what. Guess what. Not only did we have a balanced budget under Bill Clinton by the end of his term, we had a surplus.

So as our Republican friends come to the microphone, I want my colleagues to listen carefully to their words. I am proud of the American people for seeing through this. They understand what got us into this mess. Clearly, what we can see is the same old, same old, same old; the party of nope: Nope, we can't change. Nope, nope. I, frankly, would rather be in the party of hope than the party of nope, and hope is what the American people want.

In this budget, we recover from the Republican deficit. It is true in the short-term we are going to see deficits go up. But as shown to us by Senator CONRAD, who is the biggest deficit hawk in this Senate—I challenge anyone to be more of a deficit hawk—we see we are beginning to turn these deficits back down to sustainable numbers.

We know why the American people support President Obama and the Congress right now—because they saw that George Bush took record surpluses and turned them into record deficits. The national debt increased by 85 percent. The foreign-held debt more than tripled. This is the Republican deficit we are dealing with now, and we don't like it. But we are going to fix it as we did under Bill Clinton. We fixed it then, we will fix it now. The people are smart. When Republicans come to the floor and they fight President Obama, the people in this country—Democrats, Republicans, and Independents alike—are saying give this new President a chance. He inherited this mess.

Let's look at the rest of the deficit that happened with our families. Health insurance premiums have risen, energy prices increased, college costs skyrocketed, and the gap between the wealthy and the middle class widens. That is the part of the deficit this President was left with. We are losing the middle class in this country. That is very clear. It is very clear. All you have to do is look at income levels. That is why when my Republican friends come to the floor to trash the President and the budget, they understand what has happened. It is not a mystery.

This is not a theoretical argument about who is right and who is wrong. We now know what happened in the Clinton years: the best economy in peacetime, 23 million jobs, surpluses, debt on the way down. We know what happened. When George Bush took the keys to the Oval Office, he turned it around into the Republican deficit. We know that happened. The people are smart; they get it. That is why they support this.

Let's look further. I said before when George Bush took the keys to the Oval Office, there was a surplus of \$5.6 trillion. That was the projected surplus. They turned it into a deficit of \$10.6 trillion. That is what happened under the Republicans. Why should we listen to what they are saying now? They are saying the same old thing. GOP, SOP, same old policies.

Now, what our President is saying is that we are going to have a road to change. That road to change is going to be paved with a few simple things. One is energy independence; two, making college affordable; three, lowering health care costs; four, middle-class tax cuts; five, cutting the deficit in half in the next several years. Let me repeat them. Energy independence, making college affordable, lowering health care costs, middle-class tax cuts, and deficit reduction.

What do my Republican friends stand for? The same old policies, the same old thing—no investment, no imagination, no realization that until we get off of foreign oil, and we lead the way on global warming, and we lead the way on lowering health care costs, we are going to be stuck in the same old place. That is why this budget is so crucial and important, because it is a roadmap of our Nation's priorities.

The President ran on these issues. He is doing what he promised he would do—everything. The American people are saying that we know times are tough, but this President is trying, this Congress is trying. That is better than the status quo. If you read anything about the years of the Great Depression, you realize that what our people wanted then was what our people want now; they want us to try. They want us to shake things up, to invest in our people, and to create the jobs that will come along with these important policies.

There are a lot of middle-class tax cuts in this budget. The President extends the child tax credit, eliminates the marriage penalty, and increases education benefits. These are important for our people. So this budget, all told, makes a lot of sense for our country.

Senator THUNE has offered an amendment in which he says electricity and gas prices should not rise as we pass global warming legislation. We agree with that. We don't think his amendment goes far enough, because what we

want to see is global warming legislation that passes that uses the revenues to help consumers, that uses the revenues to invest in new technologies, that uses the revenues to create jobs, to build transportation systems, to make sure our forests continue to act as carbon sinks, taking carbon out of the air.

Mr. President, how much time do I have remaining at this point?

The PRESIDING OFFICER. Fourteen minutes.

Mrs. BOXER. Mr. President, I ask if the Chair will let me know when I have 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. BOXER. Mr. President, I said before that when my Republican friends come to the floor, the American people should be wary. That is because they trashed the Clinton budget, and they were wrong then. Now they are trashing the Obama budget, and they are going to be wrong again. Even more than that, let's see what they said about the Bush budget—the Bush budget that led us into this mess.

Senator GREGG I have a lot of respect for, but he was wrong on the Bush budget. He said the Bush budget would drive the deficit down and produce a surplus in 2012. It is hard to believe that was the prediction. We had deficits as far as the eye could see under George Bush. The leader of the Republicans on this predicted there would be a surplus under the Bush budget. As a matter of fact, we are in the biggest economic mess since the Great Depression that this new President has to lead us out of. We need to help him. We really need to help him. It is very important that we do.

I thank the Budget Committee for including in the budget a reserve fund that will be able to make global warming legislation a reality. In other words, the committee is saying this may happen and they have set aside a reserve fund. It is important. It sets the stage for legislation. I guess the message I want to give to my colleagues who oppose any legislation—and there are a lot of them—I have bad news for them. Whether they support it or not, action on global warming has already begun. The train has left the station. The Supreme Court—this Supreme Court—voted 5 to 4 that the Clean Air Act actually does cover carbon emissions, greenhouse gas emissions and, therefore, the EPA has the power to say to our businesses: Clean up your act for the good of society.

Frankly, as far as I am concerned, knowing what I know about the consensus of scientists, I think it is urgent that the EPA act. But I also know it would be far better if this Congress acted, because if we acted, we could set up a cap-and-trade system. The EPA cannot do that without legislation. That cap-and-trade system will bring



in revenues to help our businesses, help our consumers. I think at the end of the day it will lead us to millions of green jobs, a new economy, and lead us down the path of energy independence.

Let me say to my friends who will oppose the legislation when it comes—and it is coming—here is your choice: You can fight it tooth and nail and stop it any way you want. You can even say never use reconciliation, even though you supported it 17 times in the past. If that is what you want to say, say it. We already have the New England States which have come together and they are doing a cap-and-trade system. The western States have gotten together and they are doing a cap-and-trade system. We have the Midwest involved with Canada doing a cap-and-trade system. We have the EPA having to act because of the Supreme Court. We have the California waiver out there.

So we are acting on global warming. The question is: Will we do it in a way that turns this challenge into an enormous economic opportunity—and, of course, that is what I want to do. That is why so many businesses, and now more and more labor unions, are supporting the passage of climate change legislation. Look, we know, because our own scientists have told us here at home, there are risks to public health if we don't act: more heat-related deaths, water-borne diseases from degraded water quality, more cases of respiratory disease, including lung disease, from increased smog, and children and the elderly are vulnerable. We know what the future will be like. We would never, ever, take our kids in an automobile and park it in the sunlight next to a supermarket, lock all the windows, and go inside and leave them alone. We would never do that. Well, as legislators, we cannot do that to our constituents.

The fact is we know what is happening. The IPCC, Intergovernmental Panel on Climate Change, warned us that unchecked global warming would lead to reduced snowpack in the western mountains, critically reducing access to water. We are already seeing insect invasions damaging our forests. We know that every State in this great Union will be impacted, and some are already impacted. We know that. In New York, a report predicts that northeastern cities could be hit the hardest as sea levels rise, including flooding of their subway system. We know Florida is another very vulnerable place. A huge population is exposed. New Orleans and Virginia Beach are ranked in the top 20.

It doesn't matter where you are in this country, you are going to be impacted. Your agricultural sector will be impacted, your tourism sector will be impacted, your fishing industries will be impacted.

So here is the deal: Either we pass legislation that turns this challenge

into a great opportunity, gives us the resources to get us on the path to energy independence, gives us resources to create millions of green jobs, or we allow the States to do what they want to do, and that is fine. I support that. There will be various States doing their own cap-and-trade system. The whole world will do it. But Members of the Senate will think, oh, if that is what they choose to do, that is their choice. But we will fight global warming, and we already are. It is just that we are not doing it in a way that is beneficial to our working people, our families, and our children.

I have to tell you a story. We had yet another hearing in the Environment Committee on the latest science on global warming. We heard what we expected to hear—the predictions are getting more and more dire. The Republicans invited a witness, and I think the occupant of the chair will remember this. He was a very good witness. But at the end of his remarks he lost his way. This is what he said:

I don't know why everybody is so worried about high levels of CO<sub>2</sub>. We have had levels that have hit a thousand parts per million before, and everything was just fine.

I asked him:

Sir, you are an expert. When was it?

He said:

Eighty million years ago.

I said:

Who lived then?

He said:

The dinosaurs.

I have to say that is not an answer I am going to give to my grandkids—that in order for them to live in the future, they are going to have to become dinosaurs or they won't make it. This is ridiculous.

The Senate is the last place to get the message. We are going to do everything we can to bring legislation later. I know what the Budget Committee did was a sound decision. They said we are not getting into it, but if the committees do act, we will set aside a reserve fund, so they can make sure there will be an order when they do act.

I am very happy to say that my House colleagues are working on legislation. The prospects are looking very good over there. We will be ready to go. But let me say this: The choice is between a livable world and one that is not livable. If my colleagues cannot understand this, then I am very sorry. But in any case, we are going to fight global warming. We will do it in the right way.

We are going to have an amendment that goes beyond what Senator THUNE has done. I am going to tell my colleagues to support the Thune amendment and the Boxer amendment so that we make sure our consumers are kept whole as we move forward with legislation.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Alabama.

Mr. SESSIONS. Mr. President, I see the chairman.

Mr. CONRAD. Will the Senator yield for just a moment?

Mr. SESSIONS. I will be delighted to.

Mr. CONRAD. If I might inquire of the Parliamentarian, how much time remains on the Boxer amendment?

The PRESIDING OFFICER. The sponsor has 3 minutes 49 seconds. The time has just begun for the opposition.

Mr. CONRAD. Mr. President, I say to Senator SESSIONS, does he wish to use time in opposition to this amendment?

Mr. SESSIONS. Yes.

Mr. CONRAD. We will yield whatever time the Senator might consume in opposition on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, as we get into this debate—

Mr. CONRAD. Mr. President, if the Senator will withhold, I can see there is a little consternation. We are yielding off Senator GREGG's time to Senator SESSIONS.

Mr. SESSIONS. And, Mr. President, how much time is left on the Boxer amendment?

The PRESIDING OFFICER. The opposition has 28½ minutes.

Mr. SESSIONS. Mr. President, first, I want to repeat the situation in which we find ourselves. My colleagues are quick to say President Bush spent us into bankruptcy, that he did all this reckless spending and that is the problem we have today. President Bush, in my opinion, did spend too much money and the debt was too high during his 8 years in office.

Last spring, I voted against sending out \$160 billion in checks. I didn't think that was a good policy. The Democratic majority here supported that steadfastly, overwhelmingly. Spend, spend, spend is what we have been seeing over there over the years and, in fact, with this big majority they have, and on the budget, Republicans are not able to take the heat, Republicans are not able to say to my colleagues, they have the votes, they can pass whatever budget they want.

What I do want to say is that these are some accurate figures about the Bush budget: His worst deficit in 2003 was after 9/11, after he inherited an economic slowdown. The tech bubble had burst. When he took office, the day he took office, the Nasdaq had already collapsed and lost half its value. We were in a recession. Then we were attacked 9 months later, and the money got spent. At one point we ended up with a \$412 billion deficit. We thought it was horrible. But in 3 years, that deficit was reduced until fiscal year 2007, when we had a deficit of \$161 billion. We worked it down and were heading in the right direction. Then last

year he sent out those checks and we had an economic slowdown and both Houses, controlled by the Democrats, voted overwhelmingly to spend another \$160 billion to stimulate the economy. It didn't work, and we ended up with a \$455 billion deficit.

In the third year of the Democratic majority in the Congress and in the Presidency of Barack Obama and not all of this money can be traced to him, but much of it can—our deficit this year will not be \$455 billion. It will not be \$800 billion. It will not be \$1 trillion. It will not be \$1.4 trillion. It will be \$1.8 trillion this year. Nothing has ever been seen like this before, ever. Next year, it will be over \$1 trillion. In the outyears of the President's 10-year budget, it will be increasing the annual deficit \$1 trillion. In fact, in the 10th year of his budget, according to our own Congressional Budget Office, basically hired by the Democratic majority here, they are scoring the deficit that year to be \$1.2 trillion, added to the other. That is why this irrefutable chart shows that the debt goes from \$5 trillion to \$11 trillion, doubling, and then tripling in 10 years. That is not sustainable, as our Budget chairman has said.

Mr. President, I see my colleagues are on the floor. I will be pleased to have a discussion with them about the reconciliation process. Let me just say this: In a time of economic hardship, when families are struggling to pay their bills and businesses are laying off people in order to survive, the last thing we need are major tax increases. Raising taxes hurts the family budget and kills jobs. Yet the President's budget contains the largest tax increase in American history, \$1.5 trillion over the next 10 years.

Again, I note that the deficit is not because we are not increasing taxes. We are increasing taxes. The spending is so great it still triples the debt.

Mr. ENSIGN. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. I will be pleased to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Was the Senator aware that the President's budget proposes a new national energy tax that will be paid by every person who turns on a light switch, heats their home, or puts gasoline in their car?

Mr. SESSIONS. That is correct. Under the President's plan, the average American family will see their energy bills increase up to \$3,128 each year. Not over 10 years, but each year. That is how much it will go up.

In a candid moment when he was still a candidate, President Obama admitted:

Under my plan of a cap-and-trade system, electric rates would necessarily skyrocket.

Mr. THUNE. Mr. President, will the Senator from Alabama yield for a further question?

Mr. SESSIONS. I will be pleased to yield to Senator THUNE from South Dakota.

Mr. THUNE. Mr. President, is the Senator from Alabama aware that the President's Director of the Office of Management and Budget admitted the same thing last year when he was the Director of the Congressional Budget Office? Peter Orszag said:

Under a cap-and-trade program, firms would not ultimately bear most of the costs . . . but instead would pass them along to their customers in the form of higher prices . . . price increases would be essential to the success of a cap-and-trade program.

Mr. SESSIONS. Not only did he say that, last Wednesday OMB Director Orszag said that jamming a new national energy tax through the Senate with very limited debate and ability to amend under the reconciliation is, and I quote—

not off the table.

In fact, the House of Representatives is very clear about this plan. Section 202 of the House of Representatives budget resolution states:

reconciliation in the Senate. (Senate reconciliation instructions to be supplied by the Senate.)

Since the House has a Rules Committee, which allows them to pass bills with minimal debate, this is clearly intended, not to affect their procedures, but to make sure that the conference on the budget adds this provision so it can be jammed through the Senate.

Mr. ENSIGN. Mr. President, will the Senator from Alabama yield for a further question?

Mr. SESSIONS. I will be pleased to yield to Senator ENSIGN from Nevada.

Mr. ENSIGN. Mr. President, is the Senator aware of what one of the authors of the Budget Act, the esteemed Senator from West Virginia, has to say about this? He said:

Americans have an inalienable right to a careful examination of proposals that dramatically affect their lives. I was one of the authors of the legislation that created the budget reconciliation process in 1974, and I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

Does the Senator agree with this view?

Mr. SESSIONS. Mr. President, I fully agree, I say to Senator ENSIGN, with Senator BYRD's view. Senator BYRD wrote this legislation. He also wrote the book, literally, on Senate rules. He is our conscience of the Senate in terms of the great historic role of the American Senate.

Senator BYRD has also said this:

Using the reconciliation process to enact major legislation prevents an open debate about critical issues in the full view of the public. Health reform and climate change are issues that, in one way or another, touch every American family. Their resolution carries serious economic and emotional consequences. The misuse of the arcane process

of reconciliation . . . to enact substantive policy changes is an undemocratic disservice to our people and to the Senate's institutional role.

Mr. President, I ask unanimous consent that it not be in order in the Senate to consider any conference report or House amendment on the fiscal year 2010 budget resolution which contains reconciliation instructions for the Senate.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, what I am concerned about is, according to MIT, if we did a cap-and-trade system and we did it right, a family of four would get a tax rebate of \$4,500. What is happening here is they are trying to make it more difficult for us to get a cap-and-trade system, get the revenues, and return \$4,500 per family. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. SESSIONS. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from Alabama does still have the floor.

Mr. SESSIONS. I will be glad to yield for a question. I have another request to offer.

Mr. CONRAD. I am happy to have the Senator proceed.

Mr. SESSIONS. Mr. President, I say to Senator BOXER, we will have more in-depth discussion of the cost of this program, but it is not without cost. The President and the Director of the Office of Management and Budget have admitted clearly there will be costs of very large amounts passed forward to our constituents.

No. 2, and since it is such an incredibly monumental, colossal intervention and tax on the American economy, it certainly needs more debate than the limited hours that would be given under the budget process. That is what we were asking, that it be treated in the normal order of business and not expedited with a simple majority vote and a limited number of hours of debate. That is what the objection is to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Will the Senator yield for a question?

Mr. SESSIONS. I will yield to the Senator, our chairman.

Mr. CONRAD. In the budget resolution that is before us that came out of the committee, the committee on which the Senator serves, are there any reconciliation instructions for any purpose?

Mr. SESSIONS. That is a good question, and I will be pleased to answer our chairman. No, it did not, and I think that was the chairman's preference, his stated preference, and other Democrats on the committee did not want this reconciliation language in

the Senate budget. But the language is in the House budget.

Senator HARRY REID, the majority leader, has said it is not off the table, as you know, that this might be included in the final conference package. And as you know, since it is in the House language, Senator REID will appoint the conferees, a majority of the conferees. And if he so says, the language will be in the final package that could come before the Senate, which terrifies people who believe in the great historic role of the Senate. That is what our concern is today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, if I could further inquire of my colleague—and I thank him for his response—has not the Speaker of the House indicated there is no intention of including a reconciliation instruction with respect to climate change in the House provisions?

Mr. SESSIONS. I am not aware of that. Maybe some of my colleagues might have heard that, but my understanding is that our leader says it might be included. In fact, he went so far as to say the revenue that would surge into the Treasury from the cap-and-trade could be used to finance health care. So that is a matter that is important to us.

If the Senator shares my concern, I find it odd that he would object—or Senator BOXER would object to language in this resolution calling on us not to accept it.

Mr. CONRAD. Might I further inquire, Mr. President, of my colleague: Wouldn't it be logical for me to object if my conclusion is that there is not going to be any reconciliation instruction with respect to cap and trade?

We don't have it in the Senate resolution before us. The Speaker of the House has made clear they are not going to have a reconciliation instruction to be used in the House with respect to climate change legislation. I must say, I understand the concern, but I don't think there is a basis for it. I don't think there is a prospect that there is going to be the use of reconciliation for the purpose of climate change resolution coming back from the conference committee. It is not in the Senate, the Speaker has made clear they do not intend to use it on the House side, so I would just say to my colleagues that I understand the concern, I understand making the point—that is fully legitimate—but I don't think it is a concern that is based on what is going to happen.

There are plans on the House side to use reconciliation for health care and for education. That clearly is part of their resolution. Not part of ours; but part of theirs. So I have to say to my colleagues, I don't think there is a basis for concern that the reconciliation process is going to be used for climate change legislation.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. Mr. President, I have the floor, and I would be pleased to yield for a question from the Senator from New Hampshire.

Mr. GREGG. Mr. President, is it not true that under the rules of reconciliation, an instruction to the House Energy and Commerce committee that is contemplated for purposes of health care, for example, would not prevent that committee's ability to use the reconciliation process for the purposes of climate change legislation because a reconciliation instruction cannot specifically state which matters within its jurisdiction a committee should address to comply with its reconciliation instruction, which is only a dollar number?

Mr. SESSIONS. I think the distinguished ranking member of the Budget Committee is correct. Having read the House language on reconciliation, it appears to me, quite clearly, that if it is accepted in final passage of the bill, after conference, it would give the Senate the power to enact cap-and-trade or health care legislation without the normal processes of the Senate.

Would the ranking member not agree?

Mr. GREGG. Mr. President, I would agree, and I am wondering why we would need reconciliation instructions. I ask the Senator this question: Why would the House need reconciliation instructions? Do they not have a Rules Committee? Would not the only purpose of reconciliation instructions in a House bill be to have a conference report approve a reconciliation instruction, which would tie the hands of the Senate? It certainly wouldn't tie the hands of the House, would it? In tying the hands of the Senate, it would allow Senate committees to reconcile the issue of a cap-and-trade bill and create a carbon tax—or a national sales tax—every time somebody turns on a light switch in America; and there would be no way to limit that once there is a reconciliation instruction in a conference report.

Mr. SESSIONS. I believe the Senator is absolutely correct. In other words, the House can pass anything on a simple majority, and Speaker PELOSI has a pretty good machine over there. They can pass whatever they want to pass. They do not need reconciliation. Why did they put reconciliation in their bill? They put it in there because it could be accepted in the final conference report and give the power to the Senate to use it to deny the historic debate rules of our Senate. Wouldn't that be a logical conclusion?

Mr. GREGG. I think the Senator from Alabama is absolutely right; that could be the only conclusion. Is there any other conclusion that can be reached? I don't believe there is. The only purpose of a reconciliation in-

struction in a House bill is for the purposes of controlling the floor of the Senate—not the floor of the House—and set up the possibility of passing it in a conference report.

Mr. SESSIONS. I would agree.

Mr. THUNE. Would the Senator from Alabama yield for a further question?

Mr. SESSIONS. I would be pleased to yield to the Senator from South Dakota.

Mr. THUNE. Mr. President, I appreciate very much the observation that was made about the purpose of reconciliation and the Rules Committee in the House. The House very clearly has the power to regulate what comes to the floor and what amendments are made in order. Reconciliation instructions in the House bill are clearly directed at a House-Senate conference and reserving the opportunity—the option—to actually do something with respect to these other issues.

I wish to point out, too—and I wish to ask a question of the Senator from Alabama regarding the conference committee—even though I believe the best intentions of the Senator from North Dakota and I believe he is sincere when he says he doesn't want to use reconciliation to do cap and trade and to do other types of policy through the budget process—there is a statement from the majority leader talking about the novel proposal for redoing the Nation's health care system, suggesting that using \$646 billion that would be collected under a controversial Obama proposal to auction off greenhouse gas pollution allowances. The exact quote is: "That's exactly how much we need for the first phase of health care reform."

My question to my colleague from Alabama is: If, in fact, you get into a conference setting and you want to do health care reform—which clearly they have indicated they would like to do through reconciliation—it has to be paid for somehow, does it not? It is suggested here, I think from at least the majority leader, that the revenues available through cap and trade might, in fact, be used for that.

Would it not be possible in a conference committee setting—despite the best intentions of the Senator from North Dakota—for the members of that conference to decide to use that reconciliation process to create revenues through a cap-and-trade program that might be used to accomplish the financing of health care reform through that bill?

Mr. SESSIONS. I agree with my colleague, Senator THUNE.

Look, we are all grownups here. We know how the Senate works. We know how things are handled. We offered an amendment to put E-Verify in the stimulus bill in order to check the citizenship of people before they get jobs under the stimulus package. It was in the House bill, but we were not able

not to have a vote in the Senate. The majority party knew exactly what they intended to do. When it went to conference, they took out the language, but everybody in the House could say they voted for it.

This is the same kind of situation. The language is now in the House bill, which they do not need. They do not need that language to pass anything in the House. But if it were to be accepted by the Senate, and Senator REID has indicated he might do that, if they accept it in conference, then cap-and-trade or health care reform could be passed without the classical historic debate this Senate is used to having. That is why our conscience of the Senate, Senator ROBERT BYRD, has said this is bad, it should not happen, and it demeans the Senate. He used very clear language.

Mr. REID. Mr. President, would my friend yield for a unanimous consent request?

Mr. SESSIONS. Reserving the right to retain the floor, I yield to the majority leader.

Mr. REID. Mr. President, I ask unanimous consent that at 2:30 p.m. today, the Senate proceed to vote in relation to the following amendments in the order listed; and that no intervening amendments be in order to any of the amendments covered in this agreement; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the following form; that after the first vote in this sequence, the vote time be limited to 10 minutes each; and that all time utilized during the votes count against the time on the budget resolution: Boxer No. 749, Thune No. 731, and Gregg No. 739.

Those are the three amendments.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Mr. President, I extend my appreciation to my friend from Alabama.

Mr. SESSIONS. Mr. President, we know this is a big deal—a very, very, very big deal that we are discussing. If my friend, Senator CONRAD, is correct, and he didn't put it in his committee report, when we try to make it a clear statement that the Senate would not accept this language if it came out of conference, why would Senator BOXER object? We have seen these maneuvers before.

Without this language, we would be in a position in which the leadership of the Senate could move forward with legislation that would use reconciliation to pass other bills. So I would make another unanimous consent request, Mr. President.

I ask unanimous consent that it not be in order in the Senate to consider any conference report or House amendment on the fiscal year 2010 budget resolution which reconciles any of the following Senate committees: The Com-

mittee on Environment and Public Works, the Committee on Finance, and the Committee on Energy.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object. It is hard for me to believe that three or four Senators come to the floor to try to control the agenda of the various committees, which we are very proud to serve on.

I also wish to say that 19 times since 1980 has reconciliation been used, and by far and away more times by the Republicans—namely, 13 times they used it. They never came here and complained. They used it. I have the record.

Mr. President, I ask unanimous consent to have printed in the RECORD the number of times Republicans have used reconciliation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### RECONCILIATION MEASURES ENACTED INTO LAW, 1980 TO THE PRESENT

##### 1. OMNIBUS RECONCILIATION ACT OF 1980 P.L. 96-499 (December 5, 1980)

This act, signed into law by President Jimmy Carter, was the first reconciliation bill to pass the House and Senate. It was estimated to reduce the FY 1981 deficit by \$8.276 billion, including \$4.631 billion in outlay reductions and \$3.645 billion in revenue increases.

Major spending changes affected such areas as child nutrition subsidies; interest rates for student loans; "look back" COLA benefit provisions for retiring federal employees; highway obligational authority; railroad rehabilitation, airport development, planning, and noise control grants; veterans' burial allowances; disaster loans; Medicare and Medicaid; unemployment compensation; and Social Security.

Major revenue changes affected such areas as mortgage subsidy bonds; payment of estimated corporate taxes; capital gains on foreign real estate investments; payroll taxes paid by employers; telephone excise taxes; and the alcohol import duty.

[1980 Congressional Quarterly Almanac, pp. 124-130]

##### 2. OMNIBUS BUDGET RECONCILIATION ACT OF 1981 P.L. 97-35 (August 13, 1981)

President Ronald Reagan used this act, along with a non-reconciliation bill, the Economic Recovery Tax Act of 1981 (P.L. 97-34), to advance much of his agenda in his first year in office. OBRA of 1981 was estimated to reduce the deficit by \$130.6 billion over three years, covering FY1982-FY1984.

Major spending changes affected such areas as health program block grants; Medicaid; television and radio licenses; Food Stamps; dairy price supports; energy assistance; Conrail; education program block grants; Impact Aid and the Title I compensatory education program for disadvantaged children; student loans; and the Social Security minimum benefit.

[1981 Congressional Quarterly Almanac, pp. 256-266]

##### 3. TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

P.L. 97-248 (September 3, 1982)

This act, one of two reconciliation measures signed by President Reagan in 1982, was

estimated to increase revenues by \$98.3 billion and reduce outlays by \$17.5 billion over three years, covering FY1983-FY1985.

Major spending changes affected such areas as Medicare, Medicaid, aid to families with dependent children (AFDC), child support enforcement (CSE), supplemental security income (SSI), unemployment compensation, and interest payments on U.S. savings bonds.

Major revenue changes affected such areas as the alternative minimum tax, medical and casualty deductions, pension contribution deductions, federal employee payment of the FICA tax for Medicare coverage, accelerated depreciation and investment tax credits, corporate tax payments, foreign oil and gas income, corporate tax preferences, construction deductions, insurance tax breaks, "safe-harbor leasing," corporate mergers, withholding on interest and dividends, aviation excise taxes, unemployment insurance, telephone and cigarette excise taxes, and industrial development bonds.

[1982 Congressional Quarterly Almanac, pp. 29-39 and 199-204]

##### 4. OMNIBUS BUDGET RECONCILIATION ACT OF 1982 P.L. 97-253 (September 8, 1982)

This act, the second of two reconciliation measures signed by President Reagan in 1982, was estimated to reduce outlays by \$13.3 billion over three years, covering FY1983-FY1985.

Major spending changes affected such areas as payments to farmers, dairy price supports, Food Stamps, inflation adjustments for federal retirees, lump-sum premiums for FHA housing insurance, user fees on Veterans Administration-backed home loans, veterans' compensation and benefits, and reduction in the membership of the Federal Communications Commission and the Interstate Commerce Commission.

[1982 Congressional Quarterly Almanac, pp. 199-204]

##### 5. OMNIBUS BUDGET RECONCILIATION ACT OF 1983 P.L. 98-270 (April 18, 1984)

Initial consideration of this act occurred in 1983, but final action did not occur until 1984. It was estimated to reduce the deficit by \$8.2 billion over four years, covering FY1984-FY1987.

Major spending changes affected such areas as limitation and delay of federal civilian employee pay raises, delay of federal civilian and military retirement and disability COLAs, delay of veterans' compensation COLAs, and disaster loans for farmers.

[1983 Congressional Quarterly Almanac, pp. 231-239, and 1984 Congressional Quarterly Almanac, p. 160]

##### 6. CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985

P.L. 99-272 (April 7, 1986)

Initial consideration of this act occurred in 1985, but final action did not occur until 1986. The act was estimated to reduce the deficit by \$18.2 billion over three years, covering FY1986-FY1988.

Major spending changes affected such areas as student loans, highway spending, veterans' medical care, Medicare, Medicaid, and trade adjustment assistance.

Major revenue changes affected such areas as the cigarette tax, excise taxes supporting the Black Lung Trust Fund, unemployment tax exemptions, taxation of railroad retirement benefits, airline employee income subject to taxation, and the deduction of research expenses of multinational firms.

[1986 Congressional Quarterly Almanac, p. 521 and pp. 555-559]

7. OMNIBUS BUDGET RECONCILIATION ACT OF 1986  
P.L. 99-509 (October 21, 1986)

The act was a three-year reconciliation measure, covering FY1987–FY1989. An estimated \$11.7 billion in deficit reduction contributed to the avoidance of a sequester (i.e., across-the-board spending cuts in non-exempt programs to eliminate a violation of the applicable deficit target under the Gramm-Rudman-Hollings Act) for FY 1987.

Major spending changes affected such areas as Medicare, Medicaid, agricultural income support payments, loan asset sales, federal employee retirement programs, federal subsidy for reduced-rate postage, federal financing for fishing vessels or facilities, retirement age limits, and elimination of the trigger for Social Security COLAs.

Major revenue changes affected such areas as the tax treatment of the sale of the federal share of Conrail, commercial merchandise import fee, increased penalty for untimely payment of withheld taxes, denial of certain foreign tax credits, and the oil-spill liability trust fund.

[1986 Congressional Quarterly Almanac, pp. 559–576]

8. OMNIBUS BUDGET RECONCILIATION ACT OF 1987  
P.L. 100-203 (December 22, 1987)

The act, a three-year reconciliation measure, covering FY1988–FY1990, was the final reconciliation measure signed by President Reagan. Together with an omnibus appropriations act (P.L. 100-202), the reconciliation act implemented the \$76 billion in deficit reduction over FY1988 and FY1989 called for in a budget summit agreement reached after a sharp decline in the stock market in October.

Major spending changes affected such areas as Medicare, Medicaid, agricultural target prices, farm income support payments, deferral of lump-sum retirement payments to federal employees, Postal Service payments into retirement and health benefit funds, the Guaranteed Student Loan program, Nuclear Regulatory Commission license fees, and National Park user fees.

Major revenue changes affected such areas as home mortgage interest deduction, deduction of mutual fund expenses, “completed contract” method of accounting, repeal of installment-sales accounting, “master-limited” partnerships, and accelerated payments of corporate estimated taxes.

[1987 Congressional Quarterly Almanac, pp. 615–627]

9. OMNIBUS BUDGET RECONCILIATION ACT OF 1989  
P.L. 101-239 (December 19, 1989)

The act, signed into law by President George H.W. Bush, reflected one-year reconciliation directives in the Senate (for FY1990) and two-year directives in the House (for FY1990 and FY1991). It was estimated to contain \$14.7 billion in deficit reduction, which represented about half of the deficit reduction envisioned in a budget summit agreement reached earlier in the year (the remaining savings were expected to occur largely in annual appropriations acts).

Major spending changes affected such areas as Medicare, Medicaid, veterans’ housing loans, agricultural deficiency payments and dairy price supports, the Supplemental Loans for Students (SLS) program, Federal Communications Commission and Nuclear Regulatory Commission fees, vaccine injury compensation amendments, and the Maternal and Child Health Block Grant program.

Major revenue changes affected such areas as the exclusion for employer-provided education assistance, targeted-jobs tax credit,

mortgage revenue bonds, self-employed health insurance, low-income housing credit, treatment of junk bonds, and research and experimentation credits.

[1989 Congressional Quarterly Almanac, pp. 92–113]

10. OMNIBUS BUDGET RECONCILIATION ACT OF 1990  
P.L. 101-508 (November 5, 1990)

This five-year reconciliation act, covering FY1991–FY1995, implemented a large portion of the deficit reduction required by an agreement reached during a lengthy budget summit held at Andrews Air Force Base. According to the Senate Budget Committee, the act was estimated to reduce the deficit by \$482 billion over 5 years, including \$158 billion in revenue increases and \$324 billion in spending cuts and debt service savings.

Major spending changes affected such areas as Medicare, Medicaid, agricultural loans, acreage reduction, deposit insurance premiums, mortgage insurance premiums, collection of delinquent student loans, OSHA penalties, aid to families with dependent children (AFDC), child support enforcement (CSE), supplemental security income (SSI), unemployment compensation, child welfare and foster care, Social Security, abandoned mines, Environmental Protection Agency, federal employee retirement and health benefits, veterans’ compensation and disability payments, airport ticket fees, customs user fees, and tonnage duties.

Major revenue changes affected such areas as individual income tax rates, the alternative minimum tax, limitation on itemized deductions, excise taxes on alcoholic beverages and tobacco products, motor fuel excise taxes, and Superfund tax extension.

The public debt limit was increased from \$3.123 trillion to \$4.145 trillion.

[1990 Congressional Quarterly Almanac, pp. 138–173]

11. OMNIBUS BUDGET RECONCILIATION ACT OF 1993  
P.L. 103-66 (August 10, 1993)

This five-year reconciliation act, covering FY1994–FY1998, was signed by President Bill Clinton in the first year of his Administration. According to the Senate Budget Committee, the act reduced the deficit by \$496 billion over five years, including \$241 billion in revenue increases and \$255 billion in spending cuts and debt service savings.

Major spending changes affected such areas as Medicare, Medicaid, Food Stamps, auction of the radio spectrum, student loan programs, veterans’ benefits, agricultural price supports, crop insurance, liabilities of the Postal Service, and Nuclear Regulatory Commission fees.

Major revenue changes affected such areas as a fuels tax increase, maximum individual income tax rates, maximum corporate income tax rate, small business tax incentives, empowerment zones, and unemployment insurance surtax.

The public debt limit was increased from \$4.145 trillion to \$4.9 trillion.

[1993 Congressional Quarterly Almanac, pp. 107–139]

12. PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996  
P.L. 104-193 (August 22, 1996)

This six-year reconciliation act, covering FY1997–FY2002, was estimated to reduce the deficit by \$54.6 billion over that period.

Major spending changes affected such areas as temporary assistance for needy families (TANF), work requirements, supplemental security income (SSI), child support enforce-

ment (CSE), restrictions on benefits for illegal aliens, Child Care and Development Block Grant, child nutrition, Food Stamps, teenage pregnancies, and abstinence education.

[1996 Congressional Quarterly Almanac, pp. 6-3 through 6-24]

13. BALANCED BUDGET ACT OF 1997  
P.L. 105-33 (August 5, 1997)

This five-year reconciliation act, covering FY1998–FY2002, was one of two reconciliation acts signed by President Clinton in 1997 and largely contained spending provisions. According to the Senate Budget Committee, the two acts together reduced the deficit by \$118 billion over five years, including spending cuts and debt service savings of \$198 billion and \$80 billion in revenue reductions.

Major spending changes affected such areas as Medicare, Medicaid, children’s health initiative, electromagnetic spectrum auction, Food Stamps, temporary assistance to needy families (TANF), supplemental security income (SSI), increased contributions to the Civil Service Retirement System, subsidized housing, and veterans’ housing.

The public debt limit was increased from \$5.5 trillion to \$5.95 trillion.

[1997 Congressional Quarterly Almanac, pp. 2-27 through 2-30 and pp. 2-47 through 2-61]

14. TAXPAYER RELIEF ACT OF 1997  
P.L. 105-34 (August 5, 1997)

The second of the two reconciliation measures enacted in 1997, this five-year reconciliation act, covering FY1998–FY2002, largely included revenue provisions.

Major revenue changes affected such areas as a child tax credit, education tax incentives (including the HOPE tax credit, the lifetime learning credit, and education savings accounts), home office deductions, capital gains tax cut, the “Roth IRA,” gift and estate tax exemptions, corporate alternative minimum tax repeal, renewal of the work opportunity tax credit, and the airline ticket tax.

[1997 Congressional Quarterly Almanac, pp. 2-27 through 2-46]

15. ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001  
P.L. 107-16 (June 7, 2001)

This 11-year reconciliation act, covering FY2001–2011, advanced President George W. Bush’s tax-cut agenda during the first year of his Administration. According to the Senate Budget Committee, revenue reductions, together with outlay increases for refundable tax credits, reduced the projected surplus by \$1.349 trillion over FY2001–FY2011. The tax cuts were scheduled to sunset in ten years in order to comply with the Senate’s “Byrd rule” against extraneous matter in reconciliation legislation (Section 313 of the Congressional Budget Act of 1974).

Major revenue changes affected such areas as individual income tax rates, the “marriage penalty,” child tax credit, estate and gift taxes, individual retirement accounts and pensions, charitable contributions, education incentives, health insurance tax credit, flexible spending accounts, research and experimentation tax credit, and adoption tax credit and employer adoption assistance programs.

[CRS Report RL30973, 2001 Tax Cut: Description, Analysis, and Background, by David L. Brumbaugh, Bob Lyke, Jane G. Gravelle, Louis Alan Talley, and Steven Maguire]

16. JOBS AND GROWTH TAX RELIEF  
RECONCILIATION ACT OF 2003

P.L. 108-27 (May 28, 2003)

This 11-year reconciliation act, covering FY2003-2013, was estimated to reduce revenues by \$349.667 billion over that period.

Major revenue changes affected such areas as the acceleration of certain previously-enacted tax reductions (including expansion of the child tax credit and the 10% bracket), increased bonus depreciation and section 179 expensing, taxes on dividends and capital gains, the Temporary State Fiscal Relief Fund, and special estimated tax rules for certain corporate estimated tax payments.

[Joint Committee on Taxation, Estimated Budget Effects of the Conference Agreement for H.R. 2, The "Jobs and Growth Tax Relief Reconciliation Act of 2003," JCX-55-03, May 22, 2003]

17. DEFICIT REDUCTION ACT OF 2005

P.L. 109-171 (February 8, 2006)

This five-year reconciliation act, covering FY2006-FY2010, was one of two reconciliation acts signed by President George W. Bush in 2006 (initial consideration of both measures occurred in 2005). This act, the spending reconciliation bill, was estimated to reduce the deficit over the five-year period by \$38.810 billion.

Major spending changes affected such areas as Medicare, Medicaid, State Children's Health Insurance Program (SCHIP), student loan interest rates and lenders' yields, electromagnetic spectrum auction, digital television conversion, grants for interoperable radios for first responders, low-income home energy assistance program (LIHEAP), Federal Deposit Insurance Corporation premium collections, agricultural conservation programs, Katrina health care relief, and Pension Benefit Guarantee Corporation (PBGC) premiums.

[CRS Report RL33132, Budget Reconciliation Legislation in 2005-2006 Under the FY2006 Budget Resolution, by Robert Keith]

18. TAX INCREASE PREVENTION AND  
RECONCILIATION ACT OF 2005

P.L. 109-222 (May 17, 2006)

This act, the second of two reconciliation bills enacted in 2006, was the revenue reconciliation bill. It was estimated to increase the deficit over the five-year period covering FY2006-FY2010 by \$69.960 billion.

Major revenue changes affected such areas as tax rates on dividends and capital gains, the alternative minimum tax for individuals, delay in payment date for corporate estimated taxes, controlled foreign corporations, FSC/ETI binding contract relief, elimination of the income limitations on Roth IRA conversions, and withholding on government payments for property and services.

[CRS Report RL33132, Budget Reconciliation Legislation in 2005-2006 Under the FY2006 Budget Resolution, by Robert Keith]

19. COLLEGE COST REDUCTION AND ACCESS ACT  
OF 2007

P.L. 110-84 (September 27, 2007)

This six-year reconciliation act, covering FY2007-FY2012, was estimated to reduce the deficit over that period by \$752 million.

Major spending changes affected provisions relating to lenders and borrowers involved with the Federal Family Education Loan program and the William D. Ford Direct Loan program.

[CRS Report RL34077, Student Loans, Student Aid, and FY2008 Budget Reconciliation, by Adam Stoll, David P. Smole, and Charmaine Mercer]

Mrs. BOXER. I object to the Senator's unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, that clearly states where we are headed.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. SESSIONS. I yield to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I would ask the Senator from Alabama this: The Senator from California has correctly stated that reconciliation has been used often in this body before. It was used by President Clinton, since I have been here. It was used by President Bush. I voted for most of the different reconciliation bills. But is it not true that reconciliation, when it has been used before—even though used for significant events—has always been used for already existing policy; whether it is changing the rates of taxes, whether it is changing the way the welfare system was adjusted relative to who was covered or whether it was changing the way we deal with student loans?

It was always used on existing policy that had been pretty well aired on the floor of the Senate. It has never been used for the purpose of creating, *ab initio*, a brand new major tax, which would essentially tax every American every time they turn on their light switch—a national sales tax—which would introduce industrial policy and which would affect virtually every American as to their jobs—sending many of them overseas—and as to the ability to be competitive. Has it ever been used for such a broad, extensive public policy event of creating massive new taxes that don't exist today—a national sales tax—and massive new industrial policy?

It would mean that policy and those taxes would come across this floor without amendment, with 20 hours of debate, and an up-or-down vote. Has it ever been used in that context in the Senate?

Mr. SESSIONS. No. In fact, few pieces of legislation this Senate has ever considered will have as much broad-based complexity and impact on our economy as a cap-and-trade system, period. That is why Senator BYRD, the conscience of the rules of the Senate, said:

Using the reconciliation process to enact major legislation prevents an open debate about the critical issues in full view of the public. Health reform and climate change are issues that in one way or another touch every American family. Their resolution carries serious economic and emotional consequences. The misuse of the arcane process of reconciliation . . . to enact substantive policy change is an undemocratic disservice to our people and to the Senate's institutional role.

That is what Senator BYRD, the Democratic Senator who wrote the reconciliation bill and who has written a book on the rules of the Senate, has stated.

Mr. President, I have one more unanimous consent request. I ask unanimous consent that it shall not be in order to consider any reconciliation bill in the Senate that raises energy prices.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the problem with this—and I could support it if it were made clearer—is it doesn't take into account that we could have some very important new programs that actually result in consumers getting rebate checks. So you may have an increase temporarily, before we get free of foreign oil, in an energy cost that is totally offset by a refund and a rebate. So this would hamper the committees from doing what MIT says we should do, which is, when we do tackle this issue of energy independence, make sure we have the revenues to rebate funds back to the American people.

I do not want to block the possibility of that so I am going to object in a moment. But I have to respond to Senator GREGG. This is the first time I saw the Reagan revolution be so downplayed by my Republican friends. "Oh, nothing new was done by reconciliation."

It was the Reagan revolution. It was Bill Clinton changing welfare as we know it. I have it all here. So let's not say now, oh, the 13 times the Republicans supported reconciliation it wasn't anything major; it was little minor things.

The record is replete with what reconciliation did. Why are they so afraid of reconciliation? They embraced it time after time. Don't be so fearful of the rules of the Senate. Reconciliation is a rule allowed by the Senate. Let's not say we could never do it again, never look at it again. It doesn't make any sense.

I am going to object to this because I think in the end it could cost consumers more.

The PRESIDING OFFICER. Objection is heard. The time of the opposition has expired.

Mr. SESSIONS. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The time in opposition has expired.

Mr. CONRAD. The time on both sides has expired.

The PRESIDING OFFICER. Two minutes is remaining under Senator BOXER's time on Senator BOXER's amendment.

The Senator from North Dakota is recognized.

Mr. CONRAD. I must say when the assertion is made reconciliation has not been used for significant things in the past, that is not so. Welfare re-



Mr. GREGG. Will the Senator yield on that point?

Mr. CONRAD. No, I am going to complete my thought and then I will be happy to yield. Welfare reform was not a significant policy change? Absolutely it was. That was during the Clinton administration.

The tax changes that were made during the Bush administration were made under reconciliation. That to me was an absolute, total abuse of reconciliation. Reconciliation was designed for deficit reduction. The place where I would agree with the Senator is, I don't believe reconciliation was ever intended to write major substantive legislation. But to suggest that has not been done in the past is not so.

Our Republican friends were leading the way in abusing what reconciliation is about. That is a fact. To suggest it has not been used for major changes is not so.

I want to say something else. I have said repeatedly, publicly and privately, that I do not think reconciliation is the appropriate way to do climate change legislation or to do health care reform or other major substantive legislation if it is not deficit reduction. That is the position I have taken.

The fact is, in this resolution before us, there is no use of reconciliation for any purpose. I want the public to be very clear. In this resolution there is no reconciliation instruction for any purpose.

In the House, the Speaker has made very clear reconciliation would not be used for climate change legislation.

Is it technically possible in conference that there could be an instruction that would allow cap-and-trade revenue? Yes, it is. It is possible. But let me say again, there is no reconciliation instruction in the Senate budget resolution. I have argued against it for the purposes that have been talked about and I have argued against it publicly and privately.

On the House side, with respect to climate change, the Speaker has said reconciliation would not be used for climate change legislation. I take the Speaker at her word. In the conference committee I will say to my colleagues: I will strongly resist—strongly resist—any attempt to report out of the conference committee a reconciliation instruction for the purpose of climate change legislation. I don't know how I could be more clear on that point.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, first I appreciate the Senator arguing for our case, which is that we should not use reconciliation in the Senate for the purposes of pursuing a vehicle such as a massive new sales tax on all Americans on their electric bills, and specifically whenever they turn on their light switch they are going to get hit with

this tax. I would point out as an aside, he may have misrepresented what I said. I didn't say we hadn't used it for significant things; we have used it for significant things. But we have never used it for creating, *ab initio*, a national sales tax or any tax, for that matter, *ab initio*, and that is where the rubber meets the road.

I do believe strongly, listening to the Senator, that he has basically admitted a conference report could carry in it reconciliation instructions which would allow for reconciliation to be used to create a new national sales tax on everybody's electric bill. So it seems perfectly reasonable that what the Senator from Alabama has requested should be agreed to here. Because he essentially is asking for what the Senator from North Dakota has suggested he supports, which is that reconciliation will not be used that way after the Senator from North Dakota has said the reconciliation may be able to be used that way.

There is no reason for the House of Representatives to put reconciliation in their bill. It is a touch cynical for the other side to represent that, because the bill before us today doesn't have reconciliation in it, that reconciliation is not being considered as a vehicle before this body because the only reason the House of Representatives has put reconciliation in their vehicle—because they don't need it, they have a Rules Committee—is because they can bring it out of conference and stick it to the Senate and put it into the Senate procedure here.

It means, on a purely procedural event, that the House of Representatives is actually going to be controlling the floor of the Senate. How outrageous is that? But independent of that there is a procedural point—which affronts me as a Senator and I think would affront the tradition and history of the Senate—there is the more substantive issue that reconciliation should never be used to create a brand new national sales tax. And that, of course, is what the Senator from North Dakota has said is true, it should not be used in that way.

So why do they object to the fairly benign request here of the Senator from Alabama, which is to ask unanimous consent that we not use reconciliation on the floor of the Senate for the purposes of creating a national sales tax, or what is euphemistically called a carbon tax? I don't understand the opposition myself. It seems very strange. Under the bill—

Mr. SESSIONS. Will the Senator yield?

Mr. GREGG. I yield for a question.

Mr. SESSIONS. The unanimous consent request would be in harmony with the budget resolution that came out of committee and in harmony with Senator CONRAD's expressed personal views, would it not?

Mr. GREGG. It seems as though the Senator from Alabama is expressing through his unanimous consent request the exact thought process of the chairman of the committee as stated here on the floor.

Mr. President, I know Senator THUNE wishes to speak off the bill. I see the assistant leader is here. I wish to sort of line up time so everybody gets time before we go into adjournment.

Mr. DURBIN. Six minutes.

Mr. THUNE. If I might ask the Chair how much time do we have before we break?

Mr. GREGG. We can go until you finish.

The PRESIDING OFFICER. The Senate is scheduled to recess at 12:30.

Mr. GREGG. I ask unanimous consent to change that. How much time does the Senator need?

Mr. THUNE. If I could have 5 minutes?

Mr. GREGG. I ask unanimous consent the Senate continue to debate this issue under the bill until 12:40, and that the 10 minutes from 12:30 to 12:40 be allocated to the Senator from South Dakota and the Senator from Oklahoma, and the time from now until 12:30 be for the Senator from Michigan.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, do I not control the floor?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GREGG. I yield my time off the bill to the Senator.

Mr. CONRAD. There was a unanimous consent. Mr. President, parliamentary inquiry: There was a unanimous consent request that was objected to.

Mr. GREGG. I have the right, do I not?

Mr. CONRAD. In terms of division of time. Look, we can sort this out.

Mr. GREGG. Let's sort it out. That is a better approach.

Mr. CONRAD. Let's do it amicably so we sort it out. I ask unanimous consent that the time from 12:35 to 12:40—no—12:25 to 12:30 be for Senator DURBIN. Then we come back to this side. How much time did Senator THUNE ask for?

Mr. THUNE. I say to the Senator from North Dakota that the Senator from California has offered a side-by-side amendment to the amendment I laid down yesterday. She spoke to that this morning. I wish to at least make some remarks with regard to my amendment. So 5 or 10 minutes would be what I would need to do that.

Mr. CONRAD. Would it be acceptable to the Senator to go from 12:30 to 12:35 or 12:36?

Mr. THUNE. That would be fine.

Mr. CONRAD. And then would Senator BOXER like to have time?

Mrs. BOXER. About 3 minutes, if I could.

Mr. CONRAD. From 12:36 to 12:39. Then to come back to Senator INHOFE? Would the Senator like time?

Mr. INHOFE. I would like the same time my chairman has. I am ranking member on the committee and I have some specific thoughts.

Mr. CONRAD. We could go from 12:39 to 12:42 with Senator INHOFE. Would that be acceptable? I ask unanimous consent: Senator DURBIN from 12:25 to 12:30; Senator THUNE from 12:30 to 12:36; Senator BOXER 12:36 to 12:39; Senator INHOFE from 12:39 to 12:42.

Mr. DURBIN. Mr. President, reserving the right to object, your wonderful construction here has eaten into the 5 minutes. I think there is 3 minutes left.

Mr. CONRAD. Five minutes—

Mr. GREGG. Give 5 minutes to everybody in sequence until they finish.

Mr. CONRAD. Five minutes for each Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I may be expressing a minority point of view, but I want to express it on the floor of the Senate. I happen to disagree with both sides on this. Do you think climate change is a problem? Do you think global warming is changing the planet we live on? Do you think there is a chance when our kids, 20 or 30 years from now, take a look at it, they are going to say: Where were you, Senator, in 2009, when you had a chance to do something about it, when you had a chance to try to take control of the mess that is being created in this environment? What happened to you that day, Senator?

Some Senators will be able to say: Oh, I was embroiled in a procedural fight on the floor of the Senate where we used words such as reconciliation and conference instructions, and at the end of the day we did nothing. Nothing—the same thing that has been done over and over again when we tackled big issues on the floor of the Senate. We find a way to twist ourselves in knots, we throw up scare tactics of sales taxes that are going to be unmanageable, and guess what. Another year under our belt, we will come back and see you next year, we will have another debate. In the meantime all of these Senators will be going to school-children and people around America saying: We have to do something about global warming. We have to do something about climate change. I wish the Senate had the will. That is what this talk was all about.

These Republican Senators came to the floor, objecting to using a procedure that would bring us to a debate on global warming. They don't want to

talk about it because there are a lot of people who will have to come up to the counter and be honest about whether we have a problem not just in this Nation but in this world. They don't want to face it honestly. They want to ignore it, and they want to scare the living blazes out of the people across America about the possibilities: We could have a national sales tax here and a tax here and a tax there. That is how you inject fear into the debate. That is what it is all about.

I think it is sad. Were we elected to do this, to find another excuse for another year to go by with doing nothing for my grandson, for kids across America and around the world, that this Nation will do nothing? Last November 4 we had an election and a big change in this town, and a majority of the American people said they are tired of a Congress that does nothing. They want us to tackle health care. They want us to tackle energy issues. They want us to face global warming. They want us to create schools for the 21st century.

There is always an excuse: Maybe we can get to it later in the year, maybe next year, maybe after the next election.

That is what this was all about. It is whether we are going to honestly address this issue. The budget resolution before the Senate doesn't take us to that debate. That has been pretty clearly stated. But we could get to that debate, if the House says they want us to, through what is called reconciliation. But we saw these Republican Senators, many of whom think they are green and environmentally sensitive, stand up and try to put every blockade in the road to stop us from debating and passing legislation to deal with climate change and global warming. Shame on the Senate. Shame on the Senate for finding some reason, some excuse not to tackle this tough issue.

Will it be easy? Will it be popular? No way. It is going to be hard. But isn't that why we were elected, on both sides of the aisle, to face these hard and difficult issues? Somebody may lose an election over it, but isn't that what the democratic process is all about?

Republican Senators who got up, one after another, objecting to considering global warming as an issue under reconciliation, know that lessens the chances that any bill is going to be passed. They know this issue will be kicked down the road for the next year, for the next Congress, for the next generation. Can America afford to wait? Can this world afford to wait? Can't we see the ominous elements coming at us under the circumstances, the change in climate, the change in global warming that is bringing to this planet?

We know the reality. Unfortunately, we are going to ignore it today. But we better face it. We better face it, if we want to face our children.

I yield the floor.

The PRESIDING OFFICER (Mr. INOUE.) The Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that when we return at 2:15, after Senators who have the right to speak have completed their statements, the time between 2:15 and 2:30 be divided between the Senator from South Dakota and the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

AMENDMENT NO. 731

Mr. THUNE. Mr. President, I would like to speak to an amendment I laid down yesterday on which there has been a side-by-side amendment offered by the Senator from California. In response to the comments of my colleague from Illinois, there aren't any Republicans who aren't prepared to debate the issue of climate change or energy policy. We just think it ought to be debated in regular order; that when the Senate does take on big consequential items such as this, it ought to be handled in the normal routine, in the way the Senate deals with big consequential issues such as the issue of climate change because it would have a profound impact on the American economy and on American households and families.

There isn't any resistance on this side to that. All we are saying is, it should not be used as a part of the budget process where you expedite this and sort of circumvent the normal rules and procedures of the Senate that would apply to big pieces of legislation. We want to debate that.

Frankly, there are lots of Republicans who are happy to have the debate on climate change, on cap and trade, but also want to make a part of the debate the cost. It is very easy to talk about throwing out different solutions to this issue or talking about the general issue of climate change, but when you start reducing the argument on cap and trade, it has profound economic consequences on the American economy. That is a part of the debate.

If we look at the question of whether climate change is occurring, if one answers that yes, and if human activity is contributing to it, and one answers that yes, we still have to get to the question, if those two points are true: What do we do about it and at what cost? We think that ought to be part of the debate.

The Senator from California has offered a side-by-side amendment to mine. I assume she concedes the point that it would increase electricity and gasoline prices. She adds to that the language "or increasing the overall burden on consumers through the use of revenues and policies provided in such legislation," suggesting there would be some offsets that families who are affected by higher energy costs would benefit from.

If there are going to be additional revenues, they are coming from somewhere. This isn't an imaginary world. This stuff just doesn't appear. We are talking about real costs, real revenues.

I want to point out what the President himself said over a year ago about his cap-and-trade plan:

Under my plan of a cap and trade system, electricity rates would necessarily skyrocket.

We cannot assume for a minute that there are not going to be enormous costs associated with the proposal of the Senator from California and the cap-and-trade proposal she put forward in the last Congress, of which the President was a cosponsor.

She referred earlier to MIT. Researchers there scored it at \$366 billion a year or a cost of \$3,128 to the average household. This has an economic cost. It has an impact on our broader economy, an impact specifically on American families and households and American small businesses.

I used data yesterday I had received from utility companies in my State about how this would affect their cost of doing business with regard to residential customers, small business customers, and large industrial users. We would see costs go up as much as 65 percent in some cases.

They used a typical school district. It would on an annual basis double their cost for electricity. These things have costs. That needs to be part of the debate because the American people deserve to know these things have costs.

We need to have a debate about climate change, but we ought to do it in a way that is in regular order, that allows committees to do their work and that contemplates what the costs and consequences of these policies are going to entail for the average person.

This is an amendment provided to give something for the Senator from California and Members on the other side to vote for. The fact is, a cap-and-trade policy will increase electricity and gasoline prices. Nobody disputes that. The question is how much. I happen to believe—as do many others—that the President understates it in his budget, \$646 billion in revenue. There are those who believe it would be two or three times that amount. The President himself has said:

Under my plan of a cap and trade system, electricity rates would necessarily skyrocket.

His OMB Director, Peter Orszag, has said this would all be passed on to consumers. Utility companies will not bear the cost. Corporate America will not. It will be passed on to customers in places such as South Dakota where a higher energy cost is the thing they can least afford these days when we have a bad economy to start with.

I hope when Senators come to vote on these amendments, they will bear in mind these votes have consequences. If

they vote against my amendment, they are essentially saying that we are open to, and OK with, a reserve fund created under the budget, a climate change reserve fund that would lead to a lot higher electricity and gasoline prices. All my amendment says is, those gas and electricity prices cannot go up under a cap-and-trade proposal that might be adopted by the Congress and might be included in some reconciliation instruction that comes from a conference committee with the House.

Mr. INHOFE. Parliamentary inquiry.

The PRESIDING OFFICER. State your inquiry.

Mr. INHOFE. There was some confusion with the last unanimous consent request. I know I get 3 minutes. I ask the Chair, is that correct, and when will that happen?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am so pleased to have these 5 minutes to correct the record. First, Senator GREGG takes the floor and says he opposes a national sales tax; that is what cap and trade is. I defy Senator GREGG to show me where there is a national sales tax.

This is what is so interesting. A cap-and-trade system was invented in America to fight acid rain. It has been one of the most successful programs. For acid rain, we used the cap-and-trade system, and it has worked. By the way, it has worked in the State of Senator GREGG.

The other thing I want to put in the record is, Senator GREGG made a statement to my committee in January 2007. He said:

I believe Congress must take action to limit the emissions of greenhouse gases from a variety of sources. The overwhelming scientific data and other evidence about climate change cannot be ignored. It is for this reason I have been a strong advocate for mandatory limits on greenhouse gases.

I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FULL COMMITTEE: "SENATORS' PERSPECTIVES ON GLOBAL WARMING"

(By Senator Judd Gregg (submitted written testimony, Jan. 30, 2007))

Climate change is one of the most serious environmental problems facing our planet. It touches nearly everything we do. Our climate is inextricably linked to our economy and heritage of our nation. Climate change affects where we live, where our food is grown, the severity and frequency of storms and disease, and many of our industries, including tourism, forestry, and agriculture. In New Hampshire, folks are already concerned with its impact on skiing, forestry, maple production, tourism, and outdoor recreation. In fact, the state was the first in the nation to pass a law in 2002 requiring carbon dioxide emissions reductions from power plants. Today, approximately 50 towns in New

Hampshire are poised to vote in March on a resolution seeking the establishment of a national greenhouse gas reduction program and additional research into sustainable energy technologies.

States alone can not solve this problem. I believe Congress must take action to limit the emissions of greenhouse gases from a variety of sources. The overwhelming scientific data and other evidence about climate change cannot be ignored. It is for this reason that I have been a strong advocate for mandatory limits on greenhouse gases, and I will continue working with my Senate colleagues on legislation.

For the last four years, I have worked with Senators Carper and Alexander and others, on legislation which would reduce carbon dioxide and other emissions from power plants. The Clean Air Planning Act, which I have cosponsored, would address our nation's critical air pollution problems in a way that curbs greenhouse gas emissions, enhances air quality, protects human health, and facilitates a growing economy. This legislation reduces the four primary emissions from power plants: sulfur dioxide (a contributing factor in lung and heart disease) by 80 percent; nitrogen oxide (associated with acid rain and regional haze) by 69 percent; mercury emissions (associated with fish contamination and birth defects) by 80 percent; and carbon dioxide emissions (linked to climate change) by establishing mandatory caps. This bill would protect the quality of air we breathe and the climate we live in, while simultaneously stimulating the economy and protecting human health. I hope to reintroduce this bill with my colleagues in the coming weeks.

However, power plants are just part of the solution. That is why I have supported economy-wide, market-based approaches, such as the Climate Stewardship Act's "cap and trade" system, as reasonable ways to rein in carbon dioxide without undue harm to the U.S. economy. I also believe we need to re-examine the issue of vehicle emissions, a substantial contributor to the global carbon budget, and consider increasing the corporate average fuel economy standards for motor vehicles.

I appreciate the Committee's attention to this issue and I look forward to working with my colleagues on both sides of the aisle to draft climate change legislation which protects our environment and stimulates our economy.

Mrs. BOXER. Now he is here trying to do everything he can to block us from taking action to reduce greenhouse gas emissions.

Then we have Senator THUNE arguing that we are going to see taxpayers take a huge hit, consumers take a huge hit, if we pass global warming legislation. Where was Senator THUNE when gasoline prices in my State reached almost \$5 a gallon? That wasn't because there was cap and trade. We had no cap and trade. What happened? We saw gas prices go from \$1.50 to \$5. We saw the biggest increase in history under George Bush as President on gas prices.

Was it about cap and trade? Obviously not. We had no cap and trade. It was speculation in the market. Where was my friend Senator THUNE with all kinds of amendments? He wasn't here. Where was my friend Senator THUNE and my friends on the Republican side

when Enron was speculating and price fixing and saying they didn't care if old ladies went broke? Nowhere. That had nothing to do with cap and trade.

I am going to list some of the corporations that support a cap-and-trade system: Alcoa, BP America, Caterpillar, Chrysler, Conoco, Deere, Dow, Duke Energy, DuPont, Ford Motors, General Electric, Johnson & Johnson, PepisoCo, and so on. Even Shell Oil understands if we want to have a future, we better stand up and be counted.

Here is the point: My colleagues are doing everything they can to narrow our options on how we deal with climate change. As chairman of the Environment Committee, I want all the options at my fingertips. If colleagues don't want to do it, I understand it because, guess what. Game over. We are already fighting back. EPA is getting ready because the Supreme Court told them they had to make sure greenhouse gas emissions were reduced under the Clean Air Act. They were sued. The Bush administration said: No, greenhouse gases aren't covered under the Clean Air Act. Wrong. So the EPA is off and running. They have to be or they will be sued again. They are already working to see that greenhouse gas emissions are reduced.

Are States? A majority of States are involved. A lot of States have their own cap-and-trade system. The Northeast corridor, the west coast, they are working with Canada, Europe, and everybody else.

If my Republican friends want to put their head in the sand and have the Senate be the only place in the world that isn't taking action on global warming, be my guest. The train has left the station. The EPA is doing its work. California and 19 other States are working to get a waiver so they can cut back on greenhouse gases in terms of motor vehicles. In New England, they have their own cap-and-trade system. The Midwest is working with Canada.

If my friends want to stand around and listen to the minority witness who said: Don't worry about it. There were times in history when carbon was 1,000 parts per million, and everything was fine. But when we pressed him, he admitted the only life on Earth then was dinosaurs. I knew the people who are against this were looking backward, but I didn't realize they were going back that many years when only dinosaurs roamed the Earth.

I will fight hard to keep all our options on the table. We are fighting back, and we will eventually be victorious because mankind is depending on us.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I appreciate the fact that I will have 5 minutes. However, I have to say, after listening to my counterpart, the

chairman of the Environment and Public Works Committee, I have rewritten my speech.

First of all, let me make a couple comments about her comments. When gasoline was \$5 a gallon, or approaching that, out in California, there was a reason for that, a reasonable justification at that time. It is that old thing most of us who are in earshot right now learned years ago; it is called supply and demand. Our problem is, the Democrats have restricted our ability to exploit our own natural resources. We have a moratorium on offshore drilling to make it more and more difficult. So as they restrict our ability to produce oil and gas, obviously, it is a supply and demand thing, and the demand is going to go up and the price is going to go up. It is a very simple principle.

I think it is also interesting to talk a little bit about the cap-and-trade thing. We keep hearing that for acid rain, cap and trade worked. For acid rain, there were two differences. First of all, there was a technology that was workable at that time. We had a technology that said: We know how we can restrict it. Of course, there is no technology in terms of greenhouse gases in using cap and trade. The second thing is, in the acid rain situation, there were about approximately, at most, 1,000 sources. Here, there are literally millions of sources. So there is no way we can actually get involved in this and understand just how many sources there are out there. It would be life-changing for virtually everyone in our country.

The third thing, when the Senator from California was talking about the national sales tax, that it is not a national sales tax, we hang around Washington so long that we lose sight of the fact that if you are a poor person out there and you are spending half of your expendable income on driving your car and heating your home, and all of a sudden they double the cost of that, that is a tax increase; when you increase the cost of energy in America, it is not only an increase in a tax, but it is also regressive because those who have the least income are going to be spending a greater amount of their income on the purchase of energy.

The Senator from Illinois talked about global warming and all this and about the science. I will not get into the science thing because even though the science is mixed on this, even though there are quite a number of scientists who say there is not that relationship, that anthropogenic gases, CO<sub>2</sub>, methane, are not the major cause of global warming—or if global warming really exists—explain that to the people in Oklahoma. We had the largest snowstorm in the history of March 3 days ago. But nonetheless, we will go ahead and say: Well, for the sake of the debate on global warming, we could

concede the science, even though the science is not there. The reason we can do that is we want people not to be distracted from the economics of this thing, what it really costs. This is one of the problems I have now.

The administration has talked about all the expenditures that are going on. We talked about the \$700 billion bailout. We talked about the \$787 billion stimulus plan. One thing about that is those are one-shot deals. The problem with this is, once you impose this cap-and-trade tax on the American people, this is every year. This is something that is not going to be just one time. I can remember arguing against the \$700 billion bailout. I said: If you take the number of families who file a tax return and do your math, it comes to \$5,000 a family. That is huge. But at least it is only once. This would be, as the Senator from South Dakota said, \$3,000 a family every year. That is what we are talking about now.

When the administration came out and said it was \$646 billion, that is probably understated about 1 to 4. The amount of money we know it is going to be in terms of all the studying that has taken place is around \$6.7 trillion between now and 2050—\$6.7 trillion. We had the other two bills up—when we had the McCain-Lieberman bill, that range was somewhere around \$300 billion a year. When we had the Lieberman-Warner bill, that was a little bit more. When we had the Sanders-Boxer bill, that was about \$366 billion a year. So the price tag goes up and up.

If we were to allow this to happen, this would be the largest single tax increase in the history of America. We cannot let that happen without going through the procedures, the normal procedures the Senate has provided.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:50 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

## CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—Continued

Mr. AKAKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 731

Mrs. BOXER. What is the order right now?

The PRESIDING OFFICER. The time until 2:30 is equally divided.

Mrs. BOXER. I am happy to yield to my friend if he would like to, and then I will close the debate.

Mr. THUNE. How much time do we have equally divided right now?

Mrs. BOXER. Six minutes.

The PRESIDING OFFICER. Three minutes 30 seconds.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, we are going to have a vote in just a few minutes on an amendment I offered yesterday, and now there is a side-by-side offered by the Senator from California which tries to modify my amendment in a way that gives folks who want to be able to vote for something, something to vote for when, in fact, my amendment is the one that is very simple and straightforward. That is, if we have a reserve fund created for climate change, the revenues coming into that fund obviously are going to be significant: \$646 billion, if the President's budget is accurate, and much more than that by many other analyses that have been done. It simply says that cannot be used to increase electricity rates or gasoline taxes on the American consumer.

So what I would hope that my colleagues will bear in mind when we vote is that any cap-and-trade system that is put in place is going to have a significant increase in energy costs in this country. You can call it what you want—a lightbulb tax, a national energy tax—but it is pretty clear that is going to be the case. The President, a year ago, even made the same argument: “Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.” That is a direct quote.

All of the studies that have been done have suggested that this could cost anywhere from, as CBO said, \$50 billion a year to \$300 billion a year; MIT said \$366 billion a year. An enormous amount of money is going to come into the Federal Treasury by any form of cap-and-trade bill that is passed here in the Congress. It just depends on how rigid or how restrictive the caps are as to what that cost is going to be, and there are several other bills that are out there.

What I wish to point out, however, is that the Senator from California—her bill, S. 309 from the last session of Congress, actually designates seven different funds that the revenue would go into. What her amendment would say is that a lot of these revenues would go back in the form of some assistance to consumers in this country, but, in fact, if you look at her legislation, there are seven different funds that it goes into. Essentially, what her bill would do is

take all of these revenues that are going to come into the Federal Treasury and distribute them through Government agencies to all of these different areas, including the climate change worker training fund; the adaptation fund, whatever that is; the climate change and national security fund; the Bureau of Land Management emergency firefighting fund; the Forest Service emergency firefighting fund; and the Climate Security Act management fund. Those are six of the funds that are listed in her bill as uses of revenues that would be derived from a cap-and-trade and national energy tax that would be imposed upon the American consumers. Again, I point out that MIT, in their analysis of her bill, said it would cost the average household in this country an additional \$3,128 annually in energy costs.

The President himself has said: “Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.” Nobody disputes the fact that rates are going to go up. What we are saying is that shouldn't happen; we can't do that, particularly now at a time when the American economy is struggling and most Americans are having to tighten their belts already. To impose a huge national energy sales tax on American consumers would be very ill-timed.

Frankly, I don't believe for a minute that any of the revenues that come in as a result of the imposition of that national energy tax are going to be used to refund the American consumers. There is a \$400 and \$800 tax credit the President has put in place, but that is a fraction—a fraction—of the amount of the revenue that is going to come in.

So I hope my colleagues will support my amendment and vote against the side-by-side that is being offered by my colleague from California. I don't think there is any question but this is going to raise taxes, energy taxes in the form of a national sales tax on energy for consumers in this country. My amendment would make it very clear that cannot be the case.

I yield back the remainder of my time.

Mrs. BOXER. Mr. President, Senator THUNE makes it sound as if a cap-and-trade regime that we hope we will be able to put in place to fight global warming is going to be bad for the economy. The fact is, we have hundreds and hundreds of business leaders and union members, working people, the Conference of Mayors, and Governors of both parties strongly supporting global warming legislation because it will create millions of green jobs.

My friend argues it will raise prices on consumers, and he cites Barack Obama's comments taken out of context because here is the thing: We all know there will be revenues coming into the Government which we use to soften the blow to consumers. As a

matter of fact, my friend cites the MIT study, but he forgets the conclusion of the MIT study, which is that a family of four could get a rebate as high as \$4,500 per year. That is more than the increase in costs that are predicted.

So my friend is a pessimist, and he is standing here saying: The sky is falling, the sky is falling. Where was he when gas prices reached almost \$5 a gallon without any global warming legislation but because of speculators? I didn't hear my friend complain. Where was my friend?

Mr. THUNE. Will the Senator yield for a question?

Mrs. BOXER. Where was my friend when Enron had a scandal—and I won't yield; I don't have time to yield—where was my friend when Enron had a scandal in which it raised prices? I didn't hear him coming down here and complaining about it. But because we are contemplating a way to solve a major crisis that is facing the American people—and by the way, in the course of that crisis of fighting global warming, we will generate revenues that we can give back to consumers—suddenly—if I might ask for order. If I might ask for order.

The PRESIDING OFFICER. The Senate will be in order.

Mrs. BOXER. Suddenly, my friend is upset that consumers won't be made whole.

Well, I hope my colleagues will support my amendment because my amendment says that, in fact, consumers will be made whole by the policies in the bill, by the revenues in the bill.

We embrace what he is doing with his amendment. We hope he will embrace what we are doing in our amendment, which is to say that consumers will do well in any cap-and-trade system. They will not be hit. They will have rebates. They will be made whole. The fact is, the very same MIT study he cites proves our point.

Our friends on the other side are nervous and excited now because there are studies that say gasoline could go up by 10 cents over 10 years—a penny a year. They are getting very exercised about that. None of us want that. But they weren't exercised over it when there was manipulation going on by the oil companies, the traders, and the rest of it. What we are saying in our amendment is—

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Vote aye on the Boxer amendment and vote aye on the Thune amendment.

AMENDMENT NO. 749

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, on the Boxer amendment.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I say to my friend from California that when

gas prices were going up last summer, many of us were trying to put together a plan that would increase production in this country. We had a simple strategy: find more and use less.

Many of us were working constructively to try to come up with an energy solution that would increase domestic supply so we can drive down the cost of energy. I was engaged in that with a number of colleagues from the other side of the aisle.

But that has nothing to do with this debate. This deals strictly with a cap-and-trade proposal—a national energy tax proposal that is being contemplated in this budget. My amendment also was straightforward and simple. It says any reserve funds created as a result of this budget that would call for climate change legislation cannot raise electricity rates or gasoline prices for American consumers. That is a tax on American consumers when they need it the least.

I hope my colleagues will support my amendment and reject the Boxer amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, there is no national energy tax proposal. Nobody I know has ever proposed it. If the purpose of this amendment is to fight a national energy tax proposal, then it is very interesting because there is no such proposal.

The fact is, we have a cap-and-trade system in place for acid rain. I never heard one Republican come to the floor and call that a tax. It is not a tax.

My friend is very concerned that energy prices will go up. I share his concern. He should vote for my amendment. As a matter of fact, I think it would be stunning if my friend didn't because I said any kind of a cap-and-trade system that comes forward will not increase electricity or gas prices or increase the overall burden on consumers.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. He will have a lot of explaining to do to his constituents. I urge an "aye" vote on Boxer and on Thune.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 749.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 116 Leg.]

#### YEAS—54

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Nelson (NE)
Begich	Johnson	Pryor
Bennet	Kaufman	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Burris	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Dodd	Lincoln	Udall (NM)
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

#### NAYS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bingaman	Enzi	Risch
Bond	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Byrd	Hutchison	Specter
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Wicker
Corker	Lugar	
Cornyn	Martinez	

#### NOT VOTING—2

Gillibrand Kennedy

The amendment (No. 749) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 731

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 731 offered by the Senator from South Dakota, Mr. THUNE.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, if you honestly believe the trillions of dollars that are going to come in from a cap-and-trade proposal—what is essentially a national energy sales tax—that those revenues are going to be distributed back to the American people, then voting for the Boxer amendment was the correct vote.

If you believe, as I do, that the trillions of dollars that come in through a cap-and-trade proposal are, in fact, not going to be rebated to the American people, that they are going to fund programs in Washington, DC, then you should vote for my amendment because my amendment prevents any program that is created—a cap-and-trade program—from increasing electricity rates or gasoline prices for American consumers.

This is a national energy tax on the American people, on American con-

sumers. If you want to vote against that, then voting for my amendment is the correct vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I think Members should feel free to vote for the Thune amendment because the Boxer amendment was adopted, which means that if there is any increase in gasoline prices, in electricity prices, because the Boxer amendment was adopted, we said we can rebate, we can take the funds that have come in from a cap-and-trade system and keep consumers whole. So I have no problem at all with the Thune amendment now that we have passed Boxer. So feel very free to do that.

I will say that my friends on the other side are so desperate to kill cap and trade that they call it a national sales tax. They never called the cap-and-trade system for acid rain a national sales tax. So they are inventing a new vocabulary just to kill any chance at addressing global warming in the way that most businesses want us to address it—through a cap-and-trade system.

But I feel comfortable voting for the Thune amendment because the Boxer amendment passed, and we will have the ability to keep consumers whole.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 731. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 117 Leg.]

#### YEAS—89

Akaka	Cantwell	Graham
Alexander	Carper	Grassley
Barrasso	Casey	Gregg
Baucus	Chambliss	Hagan
Bayh	Coburn	Harkin
Begich	Cochran	Hatch
Bennet	Collins	Hutchison
Bennett	Conrad	Inhofe
Bond	Cornyn	Inouye
Boxer	Crapo	Isakson
Brown	DeMint	Johanns
Brownback	Dodd	Johnson
Bunning	Dorgan	Kaufman
Burr	Ensign	Kerry
Burris	Enzi	Klobuchar
Byrd	Feingold	Kohl



Kyl	Murkowski	Shelby
Landrieu	Murray	Snowe
Lautenberg	Nelson (FL)	Specter
Leahy	Nelson (NE)	Stabenow
Levin	Pryor	Tester
Lieberman	Reed	Thune
Lincoln	Reid	Udall (CO)
Lugar	Risch	Vitter
Martinez	Roberts	Voinovich
McCain	Rockefeller	Warner
McCaskill	Sanders	Webb
McConnell	Schumer	Wicker
Merkley	Sessions	Wyden
Mikulski	Shaheen	

## NAYS—8

Bingaman	Durbin	Udall (NM)
Cardin	Feinstein	Whitehouse
Corker	Menendez	

## NOT VOTING—2

Gillibrand	Kennedy
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The amendment (No. 731) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 739

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 739 offered by the Senator from New Hampshire, Mr. GREGG.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I call this the 1789 amendment because it simply says that if there is a budget brought forward after January 2009 that raises the debt of this country more than all the debt added up by all the Presidents since 1789, starting with George Washington, Thomas Jefferson, Franklin Pierce—to remind a few of you folks—Franklin Roosevelt, all the Presidents since 1789, all the debt they added to this Nation—if there is a budget that brings forward more debt than that in one 5-year period, as regrettably President Obama's budget does—it doubles the debt in 5 years and triples it in 10 years—then there will be a point of order against that budget so it will take 60 votes in this body to pass that budget rather than 51. It is a reasonable request.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. Mr. President, one has to wonder where the Senator was when they were doubling the debt over the last 8 years. But this solution is the most curious offered yet. What it says is we would make getting a budget resolution—which is the only prospect of disciplining the process—even more difficult. The cure is worse than the disease.

I urge my colleagues to oppose this wrongheaded amendment.

Mr. GREGG. Mr. President, I ask unanimous consent that if the Senator wishes to make this retroactive, we will accept it.

Mr. CONRAD. We already have the problems that President Obama has inherited. We are stuck with that.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 739.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 118 Leg.]

## YEAS—43

Alexander	Ensign	Murkowski
Barrasso	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Tester
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	Lugar	Voinovich
Cornyn	Martinez	Wicker
Crapo	McCain	
DeMint	McConnell	

## NAYS—54

Akaka	Feingold	Merkley
Baucus	Feinstein	Mikulski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burr	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden

## NOT VOTING—2

Gillibrand	Kennedy
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The amendment (No. 739) was rejected.

Mr. CONRAD. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 763

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment in order is the Lieberman-Collins amendment. We have a 30-minute time agreement equally divided on the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from North Dakota, chairman of the Budget Committee. I call up the amendment that has been filed by Senator COLLINS and me recently.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Ms. COLLINS, Mr. BENNET, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KYL, Mr. PRYOR, and Mr. UDALL of New Mexico, proposes an amendment numbered 763.

Mr. LIEBERMAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the American people from potential spillover violence from Mexico by providing \$550 million in additional funding for the Department of Homeland Security and the Department of Justice and supporting the Administration's efforts to combat drug, gun, and cash smuggling by the cartels, by providing: \$260 million for Customs and Border Protection to hire, train, equip, and deploy additional officers and canines and conduct exit inspections for weapons and cash; \$130 million for Immigration and Customs Enforcement to hire, train, equip, and deploy additional investigators; \$50 million to Alcohol, Tobacco, Firearms, and Explosives to hire, train, equip, and deploy additional agents and inspectors; \$20 million for the Human Smuggling and Trafficking Center; \$10 million for the Office of International Affairs and the Management Directorate at DHS for oversight of the Merida Initiative; \$30 million for Operation Stonegarden; \$10 million to the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas program, to support state and local law enforcement participation in the HIDTA program along the southern border; \$20 million to DHS for tactical radio communications; and \$20 million for upgrading the Traveler Enforcement Communications System)

On page 17, line 22, increase the amount by \$30,000,000.

On page 17, line 23, increase the amount by \$3,000,000.

On page 18, line 3, increase the amount by \$11,000,000.

On page 18, line 7, increase the amount by \$9,000,000.

On page 18, line 11, increase the amount by \$7,000,000.

On page 24, line 24, increase the amount by \$520,000,000.

On page 24, line 25, increase the amount by \$406,000,000.

On page 25, line 4, increase the amount by \$62,000,000.

On page 25, line 8, increase the amount by \$52,000,000.

On page 27, line 23, decrease the amount by \$550,000,000.

On page 27, line 24, decrease the amount by \$409,000,000.

On page 28, line 3, decrease the amount by \$73,000,000.

On page 28, line 7, decrease the amount by \$61,000,000.

On page 28, line 11, decrease the amount by \$7,000,000.

Mr. LIEBERMAN. Mr. President, the reporting of the amendment mentioned

my name and others. I rise with Senator COLLINS, representing the bipartisan leadership amendment of the Senate Homeland Security Committee, to offer this bipartisan amendment to the fiscal year 2010 budget resolution to strengthen Federal law enforcement efforts on our southern border. Our amendment would provide an additional \$550 million to increase the number of Federal agents, investigators, and resources on the border to staunch the flow of guns and money southward into Mexico and the flow of drugs and violent drug dealers northward into America.

The increasing competition among the Mexican drug cartels caused by the initiative by President Philippe Calderon has touched off a bloody war that has claimed over 7,200 lives in Mexico since the start of 2008. This violence is supported by guns flowing south from the United States, along with billions of dollars of ill-gotten money earned from drug sales in the United States which allows the cartels, among other things, to corrupt officials in Mexico but also some in the United States as well. President Calderon has taken unprecedented steps to challenge the cartels. He has deployed the Mexican military to assist in the fight and has acted aggressively to root out corruption in government and law enforcement agencies in Mexico. But he needs our help and more of it, and we need to help him succeed in defeating the Mexican drug cartels which create such havoc in the United States through the drugs they sell but whose violence has begun to spill over the Mexican border into the United States. We cannot sit idly by while the streets in Mexico run with blood, nor can we wait until the cartels' brutal violence further invades our own cities.

The Department of Justice testified before the Senate Homeland Security Committee on this subject a week or so ago that the Mexican drug cartels are today the No. 1 organized crime threat in our country. They operate in 230 of our cities, bringing their deadly drugs and violence with them. In Phoenix, AZ, alone, the cartels have been involved in kidnappings that numbered 700 in the last 2 years. That makes Phoenix second only to Mexico City in the number of kidnappings in any city in the world. That is a direct overflow result of the Mexican drug cartel violence and competition in Mexico. This lawlessness must be stopped before it spreads.

Last week, the Obama administration announced it was redeploying investigators and other law enforcement officers from the Departments of Homeland Security and Justice to the southern border to expand our Government's efforts to investigate and interdict the cartels' activities in the United States. This was a real step for-

ward. Department of Homeland Security Secretary Napolitano said at her hearing before the committee last Wednesday that the plan she had put into effect the day before was budget neutral. I know we want everything we do to be budget neutral, but this is an urgent crisis.

The Mexican drug cartels are a clear and present danger not only to the people of Mexico but to the people of the United States. That fact, Senator COLLINS and I believe, compels us to provide our Federal law enforcement agencies with additional funding to ensure that the redeployment of forces that Secretary Napolitano announced last week is sustainable, that it does not take personnel away from other sections of our country where they are needed for law enforcement purposes, and that we provide the substantial additional resources that we conclude, as the leaders of the Homeland Security Committee, are necessary to effectively combat the cartels.

Secretary Napolitano announced the redeployment of 350 personnel within her Department. We need to do more. The Secretary also said she had to play with the hand she was dealt. This amendment would dramatically improve that hand, and I urge my fellow Senators to support our Secretary and the amendment and the security of the American people by supporting it.

I wish to briefly speak now about what the amendment does. It provides \$260 million additional for Customs and Border Protection to hire, train, and equip 1,600 new officers and 400 canine teams to be sent to the border to significantly increase the number of inspections there, particularly exit inspections, which we do not do routinely. The funding would also cover costs related to temporary infrastructure to ensure that the officers are protected from both the elements and those who would evade inspection to come across the border. CBP would also receive \$20 million to modernize its border-screening database to better identify potential criminals and stop suspicious loads—truckloads or carloads—at ports of entry.

The Department of Homeland Security would receive an additional \$20 million to improve the tactical communications in the field for Customs and Border Protection and Immigration and Customs Enforcement to ensure that our law enforcement officers have the ability to call for help when they are confronted by dangerous situations and to better communicate with State and local law enforcement who must be part of this anti-Mexican drug cartel campaign.

Increasing inspections is just one part of a comprehensive strategy which this amendment would enable. We also need to ensure that the Department of Homeland Security and the Department of Justice have the resources—

people—they need to investigate the cartels. That is why our amendment provides \$130 million to ICE—Immigration and Customs Enforcement—for 350 full-time investigators to work on firearms-trafficking and money-laundering investigations.

We would also double the number of border enforcement security teams along the southwest border. These teams create fusion centers that bring together all the Federal agencies with State and local governments to combat the cartels' activities. The fact is, many State and local law enforcement agencies, particularly along our southern border, simply cannot afford to detail the necessary additional resources and personnel to these fusion centers. So this amendment would provide \$30 million for Operation Stonegarden to reimburse State and local law enforcement for their participation in these programs.

We would also add \$10 million in the Department of Justice competitive grants for local, State, and tribal law enforcement agencies located along the southern border and in high-intensity drug-trafficking areas across our country.

There is \$50 million here for the Alcohol, Tobacco, and Firearms agency to better support an existing program called Project Gunrunner. It would enable the hiring of an additional 150 agents and 50 inspectors to investigate illegal firearms trafficking near or across the Mexican border, and \$20 million for the Human Smuggling and Trafficking Center at the Department of Homeland Security to better coordinate investigations between Federal, State, and local law enforcement.

Finally, we appropriate an additional \$10 million so the Department of Homeland Security can oversee the implementation of its part of the Merida Initiative, most of which has funds flowing through the Department of State. If I may borrow a phrase from another conflict, this amendment enables a real surge in America's joint war with the Government of Mexico against the Mexican drug cartels to occur.

The cartels are now presenting a genuine and very unique security threat to our homeland. Our Federal law enforcement officers and investigators are doing the best they can, but there are simply not enough of them with enough resources to take on the threat the cartels pose to America's security and the security of our friend and ally nation to the south, Mexico. Additional resources provided by this amendment would improve our ability to break the grip of the cartels and ensure that the drug-related violence from Mexico does not further encroach on America's communities and people.

Mr. President, I thank the Chair, and I now am proud to yield to the ranking member of our committee, Senator COLLINS of Maine.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join with my friend and colleague, the distinguished chairman of the Homeland Security Committee, in offering this bipartisan amendment to provide urgently needed resources to confront a major and growing threat to our homeland security.

Since the beginning of 2008, more than 7,000 people have been killed in drug-related violence in Mexico, including 522 military and law enforcement officials. The Mexican drug cartels have become increasingly brazen and violent, targeting police and journalists and using graphic displays of violence to intimidate communities. The drug cartels also have been able to corrupt some local law enforcement officials, who then have turned a blind eye to or are complicit in illegal drug production and trafficking.

Compounding the danger of the situation, Mexico's drug cartels have, in recent years, acquired increasingly sophisticated and powerful weaponry. Smuggling equips the cartels with large numbers of firearms, as well as items such as night vision goggles and electronic intercept and encrypted communications capabilities. Police in Mexico are often ill-equipped to confront such well-armed and trained forces.

This growing violence poses a significant danger to the security of our country, particularly to border States. Drug-related violence has already spilled over our borders. Kidnappings, assaults, murders, and home invasions related to the Mexican drug cartels are on the rise, particularly in the State of Arizona. Tucson and Phoenix have created special task forces to investigate a rash of kidnappings and home invasions directly related to these Mexican drug cartels. Authorities estimate, as the chairman has indicated, that more than 230 cities, as far away as Anchorage, AK, and Boston, MA, have distribution networks related to the Mexican cartels. This number is up from just 100 cities 3 years ago. As the drugs come north from Mexico, these distribution networks use the revenues from their sales to send cash and weapons back to the traffickers in Mexico.

The U.S. Government has invested significant resources in preventing drugs from entering our country. But until very recently, the Federal Government has focused only very limited resources on the supply of money and weapons going south—south to fuel the drug war. In our own country, some local and State law enforcement agencies simply do not have the capabilities to fully counter the increasingly complex operations and sophisticated weapons of the Mexican cartels' distribution networks.

The amendment Senator LIEBERMAN and I are offering would provide abso-

lutely critical resources to supplement those efforts underway on our southwest border to combat drug, gun, and cash smuggling by the drug cartels in Mexico. These resources represent a more substantial commitment to address the threat than the administration announced last week when it moved some personnel from other parts of the country to the southwest border. Those steps were good ones, they are needed, but they simply are not sufficient, and they risk leaving other borders not fully staffed, particularly the northern borders.

Our amendment, as Senator LIEBERMAN has indicated, provides additional funding for Customs and Border Protection to deploy 1,600 additional officers at ports of entry without robbing other ports of entry. It would also provide funding for 400 new canine teams. Many of these new officers and teams will be deployed to the southwest border to conduct inspections, exit inspections of southbound traffic to Mexico so we can interdict the illegal export of weapons and cash that again fuel that cartel-related violence in Mexico.

To investigate and dismantle the networks involved in smuggling the drugs, the weapons, and the cash, our amendment provides \$130 million for Immigration and Customs Enforcement to hire and train 350 new investigators. That will help ensure that the number of border enforcement security teams along the southwest border doubles. These teams have been highly successful in coordinating with Mexican officials to combat cross-border smuggling, but they are simply overwhelmed by the extent of the threat.

As Senator LIEBERMAN has described, our amendment also provides \$50 million in additional funding to hire, train, and deploy an additional 100 investigators working on Project Gunrunner. This will help expand investigations of armed smuggling.

The amendment sets aside an additional \$30 million for a highly successful cooperative program known as Operation Stonegarden. This program has been a big success in my own State, so I know how helpful it can be in combating this emerging and growing threat.

Finally, this amendment provides \$40 million for important technology upgrades to make CBP officers and Border Patrol agents along the border, and indeed across the country, more effective in identifying potential smugglers and in communicating with each other and with State and local law enforcement. This will make a real difference.

What we have done is put together a carefully crafted amendment that will help to fill the real gaps that exist at the Federal level and, in cooperation with State and local law enforcement, to help us counter this extraordinary rise in violence that has spilled over the border from Mexico that is threat-

ening the security particularly in those border States, such as Arizona, but also poses a threat to States throughout our country because of these distribution networks the drug cartels are using.

This amendment is essential to the security of our country. The violence the cartels originate in Mexico—and certainly we have to be concerned about the violence in a neighboring country, but this affects American citizens directly. I am convinced, based on the hearings our committee has held and the investigations we have conducted, that this amendment is essential to countering this growing threat to our homeland security. I urge support for the amendment, and I am very pleased to work with my chairman to bring this issue before the Senate.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I first wish to thank my colleague from Maine for her excellent statement as well as for the spirit of bipartisanship that has blessed and characterized our relationship. I am very pleased we have been able to bring this amendment forward quickly in response to testimony we have heard and an investigation our staff has done. This is an urgent problem that concerns people particularly along our southern border but also in cities around America, 230 cities where the Mexican drug cartels are operating, and they are all over the country. This is a business that by varying estimates returns between \$16 billion and \$38 billion a year. It takes \$16 billion to \$38 billion a year out of the United States and sends it back to the drug cartel kingpins in Mexico. If that was a business, it would be one of the larger businesses in our country today.

We just have to help President Calderon, who has had the guts to take on the Mexican drug cartels at tremendous risk to himself and his government and deployed his military. We are helping him through the merit initiative. This is a way to beef up our own response and our own partnership on this side of the border. I thank Senator COLLINS for her statement and for her support.

I do wish to indicate for the RECORD that also original cosponsors of this amendment are Senator BENNET from Colorado, Senator BINGAMAN from New Mexico, Senator FEINSTEIN from California, Senator HUTCHISON from Texas, Senator KYL from Arizona, Senator PRYOR from Arkansas, Senator UDALL from Colorado, and Senator UDALL from New Mexico, a truly bipartisan group of cosponsors. We are going to ask for a rollcall vote on this amendment. I know there is a lot of interest in it from Members on both sides of the aisle throughout the Senate and throughout the country, and we hope we can vote on it as soon as possible.

With that, I thank the Chair, and I yield back the remaining time that we have been allotted on this amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

AMENDMENT NO. 747

Mr. ALEXANDER. Mr. President, I was just making my entrance at the time the Senator from Connecticut concluded.

I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I call up amendment No. 747 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 747.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To create runaway debt point of order against consideration of a budget resolution that projects the ratio of the public debt to GDP for any fiscal year in excess of 90 percent to ensure the continued viability of U.S. dollar and prevent doubling or tripling the debt burden on future generations)

On page 68, after line 4, insert the following:

**SEC. . LIMIT ON PUBLIC DEBT.**

(a) FEDERAL SPENDING LIMIT POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any budget resolution, bill, joint resolution, amendment, or conference report that would exceed the limit on public debt for any fiscal year covered therein.

(2) WAIVER OR SUSPENSION.—This subsection may be waived or suspended in the Senate only by the affirmative roll call vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(4) FORM OF POINT OF ORDER.—A point of order under this subsection may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(b) DEFINITIONS.—In this section:

(1) LIMIT ON PUBLIC DEBT.—The term “limit on public debt” means a level of public debt for a fiscal year in the resolution where the ratio of the public debt to GDP is 90 percent.

(2) GDP.—The term “GDP” means the gross domestic product for the relevant fiscal year.

Mr. ALEXANDER. Mr. President, I see the Senator from New Hampshire is

here, and the Senator from Arizona, the assistant Republican leader, will be here in a few minutes, I believe. Senator GREGG earlier offered an amendment which essentially would say that the projected debt under President Obama's budget couldn't go up more than all of the debt that has been accumulated by all of the Presidents from George Washington to President Bush. That is one way of saying to the American people and to the Senate that the debt that is proposed by these budgets is so staggeringly high that we need to find some way to put a limit on it.

I am offering with my amendment another way to put some limit on the debt. I call it a runaway debt point of order. This is not a matter of not letting the horse get out of the barn; this recognizes that the horse is already out of the barn and we are trying to put a fence around him before he gets into the next county or even into the next country.

This amendment would create a new point of order against considering any budget resolution that estimates gross Federal debt—our total debt, total amount of obligations—exceeding 90 percent of gross domestic product in any year covered by the budget. To put that in a little plainer English, what it means is the Senate would be forced to come up with 60 votes if the public debt in any year goes beyond 90 percent of the estimated gross domestic product.

The gross domestic product is what all of us produce in the United States every year. Despite the fact we are in an economic slowdown, we are a very privileged country. We make up only about 5 percent of the world population—those of us who live in the United States—but year in and year out we produce about \$1 out of every \$4 of wealth produced in the world. So 22, 23, 25, 26 percent of all of the wealth, all of the money produced each year in the world is produced in the United States for distribution among primarily the 5 percent of us who live here. We are a very privileged country. This amendment says if we intend in any year to increase the debt above 90 percent of all of that production in any year, that 60 Senators have to agree with it.

When was the last time the United States had a debt, a national debt, that exceeded 90 percent of the gross domestic product? It was when we were fighting in World War II and as we were coming out of World War II. Of course, during that time, it didn't matter what we spent. It didn't matter what we taxed. We were in a fight for our lives, and we did whatever we could think of to do, spent whatever we could think of to spend, and ran up any debt we needed to to win the war. And we did win that war.

Right after World War II, our national debt was about 90 percent of the annual gross domestic product of the

United States. More recently, it has been about 40 percent.

So here is what happens now—the Senator from New Hampshire went into this to some degree. We talked about deficits and we need to make a clear distinction between deficits and debt. Deficits adds to the debt each year. We talked about the fact that the deficit is going up this year and next year during the recession, and we understand that is necessary to some degree. But then the deficit comes back down to approximately 4 percent of gross domestic product, and it stays at a little over 4 percent in President Obama's budget. That is also the Conrad budget, which OMB Director for President Obama said, is about 98 percent of the Obama budget. This proposes an annual deficit as compared with GDP that is worse than the following countries: Guatemala, the Philippines, Aruba, Cuba, Nigeria.

This amendment I'm offering, however, seeks to talk about the debt. For example, the President's proposal is to double the debt in 5 years and to almost triple it in almost 10 years. So we start out with debt held by the public at about 40 percent of gross domestic product. But by 2014, we are at 66.5 percent of gross domestic product under Senator CONRAD's budget. President Obama proposed a 10-year budget—which is a picture of America's future in the same way that a photograph of a first grade class would be a picture of a community's future 10 years out—that actually presented a very honest picture of our future as he sees it. I respect him greatly for that. I just don't like the picture he has presented because that picture, as I mentioned, doubles the debt in 5 years and nearly triples it in 10 years. So we go from a level of debt held by the public equaling about 40 percent of gross domestic product to 82 percent of gross domestic product.

Under President Bush—and we hear a lot of talking about President Bush, we had lower deficits. I was listening to the radio yesterday morning, and they said: How can you Republicans be talking about debt when under President Bush you ran up the debt? True, true. But Senator GREGG offered an amendment that gives us a chance to deal with that because he points out that President Obama would increase the debt more than, not just President Bush, but than all of the Presidents put together, going back to George Washington. That is a very sobering fact. So President Bush may have made some mistakes, but he was not judged on whether he caused Hurricane Katrina. He was judged on how he reacted to it. President Obama certainly didn't create the economic mess we are in, and he won't be judged by that, but he will be judged—and the majority party will be judged—by how they react to it. I

don't believe doubling the debt and tripling the debt is the way to grow the economy or restore good jobs.

I see the Senator from New Hampshire here, and I would like to ask him about these gross domestic product discussions—90 percent of this and 20 percent of that and a trillion of this—all of that makes the case, but it is hard to fathom.

Through the Chair, I would ask the Senator from New Hampshire how would he put it in terms that the average family can deal with, what it means to double the debt in 5 years and nearly triple it in 10 years, as the President's budget would do.

Mr. GREGG. Mr. President, if the Senator would yield for the purposes of a question, I will try to make it rhetorical. First off, I congratulate the Senator for his amendment because it is a serious amendment addressing what I consider to be the most serious problem with the President's budget, which is that the amount of debt that is being put on the books by this budget is a result of incredible expansion of the size of the Government and the spending of the Government. It is going to put us in a situation where, as the Senator noted, we will probably not be able to sustain the payment of that debt or we will be forced into a position similar to some of the countries the Senator mentioned, which is serious inflation or an inability to borrow money because people will worry about the ability to be able to pay it back and our concern about the devaluation of the dollar.

It is hard, I think, and inappropriate for one generation to put that much debt on the back of another generation.

So what the Senator is proposing is—not that you can't pass a budget, but when you do pass a budget that raises the public debt and grows debt, in this case up to 90 percent of GDP, at a level of countries such as Cuba and Aruba—what were the other countries?

Mr. ALEXANDER. Guatemala, the Philippines, Aruba.

Mr. President, I ask unanimous consent that the Senator from New Hampshire and I be allowed to engage in a colloquy for the remaining minutes we have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Guatemala, the Philippines, Cuba, Nigeria, and Aruba are countries that have an annual deficit level lower than we will have.

Mr. GREGG. And the debt level, too, I suspect. In fact, we could not get into the European Union at the debt level of 90 percent of GDP. They would not even allow us in.

Mr. ALEXANDER. Lots of times Members of Congress sort of make fun of Europe and make fun of France and say: Well, that is French. We don't want to be French. It is embarrassing to stand here and say the situation exists where, if the United States were

applying to be a member of the European Union, our annual deficit level would be too high to be admitted. We would be unable to qualify for the entire 10 years projected in this budget if we were to choose to do that.

Mr. GREGG. That is correct, as a result of this budget proposed by the President, because the budget proposal is a dramatic expansion in spending—an expansion of spending up to levels we have not seen since World War II in terms of gross national product. Huge numbers.

The Senator asked how can this—these huge numbers, which nobody can understand, \$1 trillion or 90 percent of GDP—how does that translate to the person who lives on Main Street? Well, basically it means at the end of this budget, every household in America will have an obligation relative to the Federal debt that is owed of \$133,000. That is probably going to exceed a lot of mortgages they have. So not only do you have your mortgage on your house, but you are going to have a Federal debt which you are responsible for of \$130,000. The service on that debt—in other words, the interest costs to pay for that debt—will be \$6,200 a year.

Mr. ALEXANDER. Mr. President, if I may ask the Senator from New Hampshire, who will be the mortgage holder on that debt in 20 or 30 or 40 years?

Mr. GREGG. Well, China regrettably. They are the primary mortgage holder, although other nations also hold our debt. Russia owns a lot of it, and Middle Eastern countries, such as oil-producing emirates and Saudi Arabia. Obviously, America also owns some of its debt. But the countries outside our Nation, regrettably, have raised their level of ownership of our debt. It has actually been good for us because some people have been able to borrow from us; we have borrowed from people who lent us money—primarily, China, Russia, and other countries in the Middle East have been lending us money.

When we pay back this debt, which is going to be run up dramatically—doubled in 5 years and tripled in 10 years by this budget—we are basically going to be sending hard-earned money from Americans to these other nations.

Mr. ALEXANDER. If the mortgage holders around the world—China, the Middle East, and other countries—worry about our ability to pay it back, I suppose they could simply stop buying our dollars or ask us to pay them more or pay a higher interest rate for our mortgage debt.

Mr. GREGG. That is absolutely right. That comes out of every American's ability to have a better lifestyle here. It means Americans will have to pay higher taxes, and they will not have as much discretionary money to spend on buying a house, sending their children to college, buying a car, and doing things Americans like to do in order to enjoy a good life. So much of the in-

come of America will have to be poured into paying off the debt, which will be run up by this budget.

There is an interesting fact that I know the Senator is aware of: By the time we get through the 10-year period proposed in the budget, the amount of money that we as a nation will pay in interest—just interest—on the Federal debt will be over \$800 billion, or almost a trillion dollars. That is interest annually. That will be more money than we spend on defending America, on our national defense.

Mr. ALEXANDER. We have been worrying about sending billions of dollars overseas to buy oil. So we should be worried about sending half of that money overseas to pay interest on the debt.

The Senator from New Hampshire was Governor of New Hampshire, as I was Governor of Tennessee, and we used to have a friendly competition about which had the most conservative fiscal policies. Of course, Tennessee did, but one thing we always tried to do was keep our debt low because that meant we had more money for schools and for State parks and for hospitals. What happens when we run the debt so high that we are paying \$800 billion in interest, which I believe is 8 times more than the Federal Government spends on education each year and 8 times more than the Federal Government spends on transportation each year. We are taking away the money that we would invest to make this a better country in the future.

Mr. GREGG. The Senator is absolutely correct. We will spend this money for the purpose of paying interest and, as the Senator points out, maybe more than half the interest payment will go to the people in China, Russia or in the Middle Eastern countries, rather than spending it here to build better schools or basically make sure our national defense is adequate, which is the primary responsibility of the Government, or to build better roads or invest in energy. That seems to be a very bad policy to me.

Mr. ALEXANDER. How much time do we have, Mr. President?

The PRESIDING OFFICER. The Senator used 16 minutes. There is 44 minutes left in support of the amendment.

Mr. GREGG. Mr. President, I believe we had an agreement that, under this amendment, our side would have 25 minutes and the other side would have 25 minutes.

I ask unanimous consent that we be able to have another 5 minutes on our side, and then we will go to the other 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I see the Senator from North Dakota here. We have been talking about Senator GREGG's amendment, which would try to put some limit on the size of the

debt. And we have been talking about my proposal, the runaway debt point of order, which would say debt is not where it should be, so let's say whoa out there and let ourselves and the American people know when we reach a debt level of 90 percent of GDP and that we should not have a budget in any year that does that.

I know the chairman, Senator CONRAD, has said in committee he didn't think that was a very effective way to do things. I wonder why that is true because it seems to me it would be extremely effective to shine a big spotlight on the Senate and say you have proposed a budget where debt exceeds 90 percent of the gross domestic product of this country for a year. You cannot do that, unless a bipartisan group of 60 of you agree to do it.

I wonder whether Senator GREGG believes these kinds of limits or spotlights would be a helpful tool in beginning to reduce the staggering debt these budgets propose.

Mr. GREGG. I think they would be. First off, we are not barring the ability to bring a budget to the floor. We are simply saying any budget that anticipates the debt of the United States, which in this budget potentially is occurring or which would occur under this budget as proposed from the President, that has a general debt of over 90 percent of GDP, gross national product, requires 60 votes. Why shouldn't it? If you are going to do that and step off down the road of basically banana republicanism—is that a word?—you ought to have a major vote to do that, a supermajority to accomplish that.

I don't want to be like some of these nations listed by the Senator from Tennessee. I would rather not find myself in a situation where we basically cannot afford our debt and we are passing on to our children a nation which has been so profligate in its spending that it ran up a debt to make it impossible for our kids to have such a life as good as the one we have had.

Mr. ALEXANDER. Mr. President, I believe our time has expired. I ask unanimous consent to allow a couple more minutes because I see Senator KYL from Arizona who wishes to speak briefly.

Mr. CONRAD. Mr. President, I yield 2 minutes off my time to Senator KYL. I do that not because I am eager to hear from Senator KYL but because I would like to maintain the overall time constraint we have put into place, given all the other demands. I am happy to yield to the Senator.

Mr. KYL. Mr. President, I am appreciative and chagrined at the same time. I appreciate very much the courtesy. The only point I wished to briefly make—and I don't know whether it was made before with specificity—is that there is a reason why the debt and the deficits matter. It is because so much of it is held by other countries. Those

other countries are becoming very concerned about the debt they hold in America.

We don't have an unlimited ability to continue to sell this debt to other countries. I just got these statistics. The Chinese specifically hold \$727 billion or about 23.6 percent of all foreign holdings of U.S. debt. The Japanese hold \$626 billion or 20 percent. Others are held by Persian Gulf countries. When they hold this debt, they both have a very large indirect stake in the kinds of policies we can pursue as a nation, and they also, obviously, would affect our future ability to borrow by their assessment of the quality of the debt and of the value of the dollar.

To this point, the Chinese Premier, in response to a question at a news conference, said:

We have lent huge amounts of money to the United States. Of course we are concerned about the safety of our assets.

My only point is, it is not just a matter that there is more debt in this budget than the entire history of the United States combined—there is a reason to be concerned about that debt beyond the fact that our kids and grandkids are going to have to pay it back—but today and tomorrow how that debt is viewed by the holders of the debt in other countries. Therefore, I think we ignore that at our peril.

I appreciate the willingness of the chairman to lend me a couple minutes to make that point.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, look, I believe that, over the first 5 years, this budget resolution takes us in the right direction. The resolution dramatically reduces our deficits, reduces them by more than two-thirds, it reduces our deficit as a share of gross domestic product from 12.2 percent this year down to less than 3 percent in the fifth year.

The place where I would actually agree with my colleagues is in the second 5 years of either the President's budget or, frankly, mine, although mine would have substantially less debt than would the second 5 years of the President's. My own belief is getting down to 3 percent of GDP is not enough. Why is it not enough? Because at 3 percent of GDP, you stabilize the debt. That is why it is so critical to get there. At least that is what the economists tell us.

The problem with that, I believe, is I don't think stabilizing the debt at those high levels is an acceptable outcome. I think when the Senator talks about the Chinese Premier—when Senator KYL talks about the Chinese Premier sending a warning shot, we had better take that very seriously. I think that when we see the U.S. gross debt approaching 100 percent of GDP—gross debt as distinguished from the publicly held debt—that is a real warning flag.

I understand that Japan's debt is about 180 percent of their GDP and rising. I don't think it is healthy for them or for us to have public debt so high relative to GDP once the immediate crisis has passed.

Look, the problem I have with the Alexander amendment is not the sentiment behind it; it is the specifics of the amendment because what does it provide? The amendment says you are going to have a 60-vote point of order against the budget resolution when you are at those debt levels. Senator ALEXANDER said it himself moments ago—we would not do a budget when we get to those debt levels. I don't think that is what he meant because that is not what his amendment provides. The amendment provides a 60-vote point of order against the budget resolution at those levels. I just don't get how that is the solution to the buildup of debt.

I think one of the last things you would want to do is make a budget resolution more difficult because the budget resolution actually has the disciplines, the points of order, and the supermajority points of order that help discipline the budget process, which makes it easier to prevent more appropriated spending.

Let me say this. I have been through this exercise of cutting \$160 billion over 5 years from the President's discretionary proposal. I have the scars to prove it. I will tell you, if you want an intense experience around here, cut domestic discretionary spending. That is what this budget does. There are a lot of people who are not happy about it—very much not happy. I don't know what else you do when you are faced with losing \$2 trillion in revenue.

I say to my colleagues that I agree very much with the sentiment that Senator ALEXANDER has expressed about the dangers of debt. I have said many times on the floor of the Senate that debt is the threat. The debt is the threat. I will just say this: In the previous administration, we never heard the word "debt" leave the mouths of the President or Vice President of the United States. Never did you hear them talk about the debt of the United States. Do you know why? Because they doubled the debt during their time. Our colleagues were complicit in that activity. They stood and voted with them to endorse the policies that doubled the debt of the United States. That was during good economic times.

In the final year of the Bush administration, the economy plunged into the worst condition since the Great Depression. That is true. But in the early days of that administration—well, the early days were recession, too. They began in recession and they ended in a very severe recession. But in between, we had a number of years of economic growth, but that growth was propelled by writing trillions of dollars of hot checks. That is what was being done



during the Bush administration. The result is right here. This is what they did to the debt. They doubled it. That is the Bush legacy—doubling the debt of the United States and, again, during relatively good times. Our friends on the other side of the aisle were with them every step of the way as they took us right over the cliff.

Why did we wind up in this devastating economic downturn? I personally believe it was the result of four factors: No. 1, a very loose fiscal policy under the control of the Congress and the President of the United States. And I fought it every step of the way. I opposed this massive buildup of debt because I thought it would fundamentally threaten the economic security of the country.

No. 2, a loose monetary policy under the control of the Federal Reserve. After 9/11, the Federal Reserve kept interest rates low. So we had a combination—very unusual in economic history—of very loose fiscal policy and loose monetary policy. On top of that, we had a dysfunctional trade policy with trade deficits running well above \$700 billion a year, meaning we were consuming substantially more than we could produce. We were sending vast sums of money to other countries to buy their energy, to buy their goods and to, in effect, make them our bankers, because guess what? We financed our budget deficits largely through foreign borrowing.

No. 4, we had a very loose regulatory climate in which nobody was watching these derivative instruments, these other exotic investment tools, the mortgage-backed securities that were created by people who lent money and did not care if they got repaid because as soon as they made the mortgage, they packaged it in these collateralized debt obligations and they took those packages and sold them around the world and got huge fees from it, made a lot of money from it, didn't care if the people who had the underlying mortgages paid them back or ever had any prospect of paying them back because they were not there to collect. They had shuffled it off to somebody else. They didn't shuffle it off just to American banks, they shuffled it off to banks all around the world, precipitating this crisis.

On top of it all, we had investment banks going from 11-to-1 leverage to 30 to 1. These guys were no fools. They thought to themselves: This is going to be great, we go from 11-to-1 leverage to 30-to-1 leverage. What does that mean? Let's say you bet on the price of oil and the price of oil goes up a buck. You make \$11 if you have 11-to-1 leverage. If you have 30-to-1 leverage, you don't make \$1, you make \$30. But leverage works both ways. It works very well when things are going up. It does not work so well when things are going down.

What did these guys figure out? They figured out: Let's see if we can't find somebody to sell us insurance against the downside risk of the debt we are incurring, against the downside risk of the deals we are entering. So, in case the complicated packages of loans we're holding as assets begin to default, we will be covered.

That leads us to AIG, doesn't it? Because AIG, which had been a very strong insurance company, a highly respected company worldwide, had this little skunk works over in England, about 300 people, who started writing these exotic insurance policies called credit default swaps which insured owners of debt securities against default on the underlying loans. AIG sold that insurance at very high premiums and earned huge profits on those insurance sales. The buyers paid those premiums because having the insurance from AIG insulated them from downside risk. Or so they thought.

So what went wrong? What went wrong was that AIG never took any steps to cover their potential insurance obligations in case things went bad. They did not have the capital to back up the insurance agreements they entered into. So when things, in fact, did go bad, they could not come up with the money to provide the insurance that others had paid in expensive premiums to purchase.

It reminded me of the guy—remember back in the World Series when it was in San Francisco and they had the earthquake? We are watching the World Series and all of a sudden, the stadium starts shaking. I heard about a guy out in the Bay area who, after that, came up with a scheme to sell earthquake insurance. His earthquake insurance idea was that he would get you a helicopter within 15 minutes of the next earthquake to rescue your family, or rescue your top executives. He goes around and starts selling insurance to have a helicopter rescue you within 15 minutes, he starts collecting premiums. The problem is he did not have any helicopters.

That is basically what AIG was doing with their bogus debt insurance—insuring the debt of already heavily leveraged banks and investment banks against defaults on their debt securities. When it was revealed that AIG had not covered its bets, could not cover its bets, credit markets seized worldwide.

Shame on them. Shame on all of them. They put the world's economy at risk, and we are reaping the whirlwind today.

If I am right about this analysis that the seedbed for all of this is created by very loose fiscal policy, massive runup in debt, loose monetary policy by the Federal Reserve, irresponsible trade policy, and almost no regulatory oversight—that is the seedbed for the current precipitous decline. That is what I believe.

Senator, if you believe that, why are you writing a budget that has more debt? Very simply because when you are in a steep contraction, a steep decline, the only entity big enough to provide the liquidity to prevent a complete collapse is the Federal Government. Consumers cannot do it. They are tapped out. Companies cannot do it. They are tapped out. The only one left to do it is the Federal Government.

If we do not do it—if we did not do it—the precipitous decline we are already in could become a deflationary spiral that would suck this economy down, like the Great Depression.

Let's remember, we have 8.1 percent unemployment today. In the Great Depression, they had 25 percent unemployment. Ninety percent of the stock market's value was lost in the Great Depression. It took them decades to recover. We think we have problems now? Don't pursue the right policy options, don't have the Government provide liquidity, don't have the Government provide things such as guarantees to money market funds. I tell you, I was in the room with the previous Secretary of Treasury and the head of the Federal Reserve when they came one night to tell us—not to consult us, to tell us—they were taking over AIG the next morning. Leaders of Congress were there, the chairmen of the Banking Committees were there, the chairmen of the Budget Committees were there, and the ranking members of the House and Senate were there. We were told in no uncertain terms by the Secretary of the Treasury—not this one, the previous one—and the Chairman of the Federal Reserve that if they did not take over AIG the next morning, there would be a global financial collapse. That is what they told us. And they did not just use those words; they provided a lot of specifics of the companies that would be on the brink of going under within 1 week if we did not provide the assistance required and if they did not make the decision to take over AIG.

Again, they were not there to consult us. They were not there to ask us. They were there to tell us what they were doing.

If this analysis is correct—and I believe it is—then our current economic circumstance is the result of an overly loose fiscal policy, overly loose monetary policy, dysfunctional trade policy, coupled with deregulation that provided no oversight.

These deals by AIG, those derivative deals—nobody even has a list of what these deals were around the world. There is not even a list because there was no requirement for any governmental agency anywhere to oversee it.

There are real consequences to policy failures. In the short term, there is no question in my mind we have to take on additional deficits and debt in order to give lift to this economy and provide

liquidity to prevent a much greater collapse.

As this economy strengthens and recovers—and it will—we then have to pivot to get back to a more sustainable long-term policy. But honestly, I don't think the answer is the Alexander amendment. I think the answer is something much more like what Senator GREGG and I proposed, which is a special task force with everything on the table made up of 16 Members of Congress, members of the administration, everybody with some responsibility to come up with a plan to dig out. That is what I believe is the appropriate response.

Again, I would resist the Alexander amendment because I think it could in a strange way actually make things worse. Not to have a budget resolution, not to have the disciplines that are provided for in a budget resolution I think would be a big mistake because in a budget resolution, there is a whole series of points of order against additional spending, against excessive spending, 60-vote hurdles. Without a budget resolution, we would be left with simple majority votes.

Anybody who has been here, if we get an appropriations bill out on this floor and not have any of the budget protections that are in the Budget Act in a budget resolution—it is open checkbook, open checkbook. That is what would happen.

I have enormous respect for Senator ALEXANDER and for Senator GREGG. They are well motivated. They are serious about this country's economic future. But I believe this particular solution, as I said earlier—this is a circumstance in which the cure is worse than the disease. I hope my colleagues will resist it.

I ask the Chair, how much time is remaining on the Alexander amendment?

The PRESIDING OFFICER. The Senator has 43 minutes remaining.

Mr. CONRAD. No, I think not. They are counting the official 2 hours. That is not the agreement we are operating under. Maybe we should clarify. If we are at 60 minutes equally divided, including the time already used, would there be any time remaining on this amendment?

The PRESIDING OFFICER. The Senator would have 14 minutes remaining. Senator ALEXANDER would have no time remaining.

Mr. CONRAD. Mr. President, I ask unanimous consent that following the use or yielding back of time on the Lieberman-Collins amendment, the next amendments to be debated are the following: the Alexander amendment regarding debt, with 60 minutes equally divided, including the time already used, and we will come back to the disposition of the remaining time on that amendment; the Sessions amendment regarding a discretionary freeze, 45 minutes equally divided, with Senator

INOUE in control of 10 minutes in opposition; that upon the use or yielding back of time on the amendments, the amendments be set aside and the Senate proceed to a period of debate only with the following order: Senator CARDIN recognized for 15 minutes; Republican members of the Joint Economic Committee recognized for 30 minutes; myself or my designee for 30 minutes; following the remarks of Senator CONRAD or his designee, the Senate continue for debate only for Senators to speak for up to 10 minutes each on the resolution or on amendments they intend to offer at a later time; further, that speakers alternate between the two sides; finally, that the previous order with respect to Senator CONRAD or his designee to offer a side-by-side amendment to amendment No. 735 remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that all time remaining on the Alexander amendment be yielded back.

Mr. CONRAD. There is no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, that would take us, if I am not mistaken, to the Sessions amendment, and we understand he will be here shortly, so that leaves some time.

Mr. President, I can announce on behalf of the leader that as a result of this agreement there will be no further rollcall votes today. It will be our intention to try to stack votes at approximately 11 a.m. tomorrow. I think we will need to finalize and formalize that and announce it later in the evening, but that will be our intent.

Are we in agreement on that, I ask Senator GREGG?

Mr. GREGG. Yes.

Mr. CONRAD. With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, one part of the unanimous consent request was that at the end of today, at the end of all the speakers and when we have exhausted all the time today, we will have 20 hours left on the resolution to be equally divided. Mr. President, one other caveat I would like to have as an understanding is with respect to Senator INOUE. If he is somewhat late because of other responsibilities, he would still have his full 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. CONRAD. I thank the ranking member, and we thank Senator SESSIONS for being not only on time but ahead of time. He sets a very good example for our colleagues. We appreciate very much Senator SESSIONS being here early.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 772

Mr. SESSIONS. Mr. President, I have filed and call up amendment No. 772 and ask that it be the pending business.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 772.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore the budget discipline of the Federal Government by freezing non-defense discretionary spending for fiscal years 2010 and 2011, and limiting the growth of nondefense discretionary spending to one percent annually for fiscal years 2012, 2013, and 2014)

On page 4, line 14, decrease the amount by \$34,170,000,000.

On page 4, line 15, decrease the amount by \$38,847,000,000.

On page 4, line 16, decrease the amount by \$45,300,000,000.

On page 4, line 17, decrease the amount by \$50,655,000,000.

On page 4, line 18, decrease the amount by \$57,729,000,000.

On page 4, line 23, decrease the amount by \$23,170,000,000.

On page 4, line 24, decrease the amount by \$37,847,000,000.

On page 4, line 25, decrease the amount by \$43,300,000,000.

On page 5, line 1, decrease the amount by \$49,655,000,000.

On page 5, line 2, decrease the amount by \$56,729,000,000,000.

On page 5, line 7, decrease the amount by \$23,170,000,000.

On page 5, line 8, decrease the amount by \$37,847,000,000.

On page 5, line 9, decrease the amount by \$43,300,000,000.

On page 5, line 10, decrease the amount by \$49,655,000,000.

On page 5, line 11, decrease the amount by \$56,729,000,000,000.

On page 5, line 17, decrease the amount by \$23,170,000,000.

On page 5, line 18, decrease the amount by \$61,018,000,000.

On page 5, line 19, decrease the amount by \$104,317,000,000.

On page 5, line 20, decrease the amount by \$153,972,000,000.

On page 5, line 21, decrease the amount by \$210,701,000,000.

On page 5, line 25, decrease the amount by \$23,170,000,000.

On page 6, line 1, decrease the amount by \$61,018,000,000.

On page 6, line 2, decrease the amount by \$104,317,000,000.

On page 6, line 3, decrease the amount by \$153,972,000,000.

On page 6, line 4, decrease the amount by \$210,701,000,000.

On page 26, line 24, decrease the amount by \$170,000,000.

On page 26, line 25, decrease the amount by \$170,000,000.

On page 27, line 3, decrease the amount by \$847,000,000.

On page 27, line 4, decrease the amount by \$847,000,000.

On page 27, line 7, decrease the amount by \$2,300,000,000.

On page 27, line 8, decrease the amount by \$2,300,000,000.

On page 27, line 11, decrease the amount by \$4,655,000,000.

On page 27, line 12, decrease the amount by \$4,655,000,000.

On page 27, line 15, decrease the amount by \$7,729,000,000.

On page 27, line 16, decrease the amount by \$7,729,000,000.

On page 27, line 23, decrease the amount by \$34,000,000,000.

On page 27, line 24, decrease the amount by \$23,000,000,000.

On page 28, line 2, decrease the amount by \$38,000,000,000.

On page 28, line 3, decrease the amount by \$37,000,000,000.

On page 28, line 6, decrease the amount by \$43,000,000,000.

On page 28, line 7, decrease the amount by \$41,000,000,000.

On page 28, line 10, decrease the amount by \$46,000,000,000.

On page 28, line 11, decrease the amount by \$45,000,000,000.

On page 28, line 14, decrease the amount by \$50,000,000,000.

On page 28, line 15, decrease the amount by \$49,000,000,000.

On page 50, line 13, decrease the amount by \$34,000,000,000.

On page 50, line 14, decrease the amount by \$23,000,000,000.

Mr. SESSIONS. Mr. President, as so often has been said, we are on an unsustainable path of taxing and spending and borrowing. The numbers are larger than anything we have ever seen before in the history of our country. We have dueling charts and different views and obfuscation and spin and talk and all that kind of thing, but the bottom line is that our debt is surging under this budget—President Obama's budget and the Senate budget and the House budget—to a degree we have never seen before. I think that much is not disputable.

President Bush had a \$412 billion deficit at the time of the recession he inherited and the war in which we found ourselves. Then it dropped until 2007 to \$161 billion. This Congress, responding to the President's requests—without my vote—added another \$150 billion and sent out the checks last spring, which did nothing good for the economy, although everybody was glad to get the free money from Washington. That caused us to reach \$455 billion in deficits for that year—the largest in the history of the Republic outside of World War II. This year, the deficit will be \$1,800 billion—four times that. Next year, we will be over a trillion.

The Congressional Budget Office scores President Obama's 10-year budget as averaging over \$900 billion in deficit each year—almost \$1 trillion in deficit each year—with no plan to bring that down. In fact, it surges in the 10th year to \$1.2 trillion, according to the Congressional Budget Office. The CBO is our group, a bipartisan office, though the Democratic majority hires them. But basically we have a good group, and they are honest numbers. So that is what we are looking at.

To say President Bush's \$455 billion deficit he had in his last year—which every dime of that was appropriated by the Democratically controlled Congress—somehow excuses the path we are on today is unbelievable. The year before last, he had \$161 billion. They are going to average \$900 billion.

What does it mean in terms of interest? Most people can understand this. When you borrow money—and we have to borrow the money. That is where we get the money. It doesn't drop out of the sky. If we print it, it debases the value of the currency. So we are borrowing. That is what we plan to do, to borrow the money and pay interest. This year, interest on our over \$5 trillion debt is \$170 billion.

This chart shows the trend of the interest this Government will pay each year on the debt we are now adding to each year in unprecedented record numbers. It goes from \$170 billion in 10 years to \$806 billion. This is a thunderous alteration of our financial situation. This is not politics; this is the President's budget as scored by the Congressional Budget Office. These are not my numbers but CBO's numbers.

I know the budget we have today on the floor is a 5-year budget. They didn't like the looks of the President's 10-year budget, so my colleagues cut it to a 5-year budget. There is nothing in this 5-year budget that suggests there is any effort to contain the surging deficit in the outyears, which continues to surge. There is nothing in the budget that suggests we are going to control entitlements or any other spending. In fact, Mr. Orszag, who used to be CBO Director but who is now the President's Director of the Office of Management and Budget, says the Senate budget is essentially "98 percent of what the President wanted." So it is essentially the same budget. It puts us on the same path. You can spin it any way you want to, but that is true. Those of us here in the body know that. Anyone who is sophisticated about it understands what is happening, and it is very troubling.

The President proposed an 11½-percent increase in domestic nondefense discretionary spending this year. That is a thunderous number, particularly in light of the fact that we just passed, a few weeks ago, a stimulus package that added \$800 billion in spending on top of all of the fundamental baseline spend-

ing we have. Scored over 10 years, that is \$1.2 trillion based on the interest to it.

So our colleagues in the Senate Budget Committee thought that didn't look good and it was easier, I think, to just propose a 5-year budget so they wouldn't have to deal with these numbers out here. No changes were made that would have actually created any real reduction in those numbers. They propose, instead of an 11-percent increase in domestic discretionary spending, a 7-percent increase. That is on top of the stimulus package. Surely we all know that every penny of that stimulus package was paid for by increased debt. We are already in deficits, so when you add another \$800 billion, where do you get it? You borrow it.

You know the House is not outside of this game. They are in the game too. What does their budget do on non-defense discretionary spending? Their budget projects an 11½- to 12-percent increase in discretionary spending. They passed their budget. So if we go to conference with this bill, the Senate will be at 7, the House will be at 11 or 12, the President is at 11 or 12, and I suspect we will come out with a budget that increases by about 10. Let me just note that an 11½-percent increase over 7 years doubles your money. You know the rule of 7: If you have 7 percent on your money, in 10 years it doubles.

Here we are talking about a rate of increase that will double nondefense discretionary spending in 10 years—probably considerably less than that. That is why the baseline funding is important.

I have to note, in all frankness, that our Senate budget is less honest—I will use that word for lack of a better one—than the President's. The President scored the cost of fixing the alternative minimum tax for 10 years, which he says will be about \$600 billion.

The President also scored the cost of fixing our doctors' medical payments that, if we do not put money in, will drop down 20 percent. Our Senate budget doesn't fix that. So that is maybe how they make the numbers look a little better. But I want to say these numbers are huge.

Madam President, what is the status of our time?

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator has used 9 minutes 27 seconds.

Mr. SESSIONS. I wish to be notified when I have 6 minutes remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. SESSIONS. Madam President, this is a dangerous exercise we are in. I want to say a couple of things. The surging of debt and interest payments is not due to an expectation by the Senate or the President that we will be in a recession or in an economic slowdown. This is the only year they are scoring us as having negative growth.

The President expects 3 percent next year and 4 percent the next and 3 years which is robust growth. Those are the kinds of numbers that President Reagan and President Clinton had in their best years. So that is not why we are going deeper and deeper in debt with a \$1 trillion 1-year debt in the 10th year. It is because of spending.

States are facing financial crisis. This year States are expected to reduce their spending by 4.1 percent. Are they going to disappear from the face of the Earth? No, they are making some tough decisions. They are wrestling with costs, fraud, accountability, efficiency, productivity. We need to be doing that instead of throwing money at this problem.

I suggest that, with the huge surge of stimulus funding, we ought to keep the baseline level for 2 years. We will be spending huge amounts of money—65 percent more nondefense discretionary budget authority in the first 2 years with the stimulus money pouring into the system. So I suggest we could achieve a significant improvement in our long-term fiscal situation by saying during this time of stimulus spending we will have a 2-year freeze and then we will go up to a 1-percent increase.

Flat spending does not require us to savage anybody's budget. The power is given to our appropriators to work out exactly how some programs might take more than others. Others could still get an increase. But fundamentally we need to set here, as a principle, we are going to have a budget that actually contains baseline spending and it will save \$226 billion over 5 years. I project it would save at least that much in the second 5, maybe more because the baseline of our budget would not have gone up so much.

What about this interest on the increasing debt? It amounts, today, in 2009, that every household is paying to the Federal Government \$1,435, just to pay the \$170 billion in interest. That number in 5 years, 2014, will increase to \$3,433 per household, to pay the interest on the debt. With interest rates increasing as we expect—unfortunately as they are going to be doing with this inflationary budget—the number may well be twice that in 10 years. That is an unsustainable path.

I propose we take this step. It is a rational step in light of the huge stimulus package we passed—without any cutting of total expenditures but an unprecedented increase in our expenditures would still occur with flat funding, level funding for 2 years and 1 percent for 3 years. I think this is a rational approach we could be proud of.

Yesterday the Wall Street Journal noted that nations such as the United States and the United Kingdom will be tempted to use inflation to pay their massive debts. Households in the United States are among the most in-

debted in the world. People on fixed incomes would be most hurt by inflationary rates. Other nations might also continue to borrow, creating more nations seeking to borrow more and more money, therefore having to raise interest rates to get people to buy their debt, which could mean that the estimate that in 2019 we would be paying 5.5 percent on our Treasury bills would probably be low. In fact, it could be much higher.

Indeed, Mr. Rogov was quoted in the Wall Street Journal. He is at Harvard. He was the chief economist for the International Monetary Fund. He predicted—hold your hat. This is something new. He predicted that inflation in the United States could hit up to 10 percent in the next 3 to 5 years, all because of this incredible spending spree we are on.

Let me say this to my colleagues. This country is going to come out of this economic problem. We don't have to spend irresponsibly now. We have already spent an incredible amount of money in the stimulus package. Our baseline budget needs to start getting frugal, to challenge us to get more for less in the Federal Government. The best way the U.S. Government can help the American people and the American economy is to use every dollar our Government gets wisely, to get the best possible return for it. You will not get that kind of return throwing money around as rapidly as we are throwing it today. In fact, I think it is a general acknowledgment that the surge in spending under the stimulus package, plus 7, 8, 12 percent increase in general spending, will throw so much money so fast that our Presiding Officer, who doesn't like waste, fraud, and abuse, is going to have a lot to do to watch out for it because, like her, we have been prosecutors and we know that you have dangers out there in spending money unwisely.

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. SESSIONS. I believe the issues we are talking about today are not insignificant. They represent the direction the President of the United States wants this country to go—which is huge spending without compensating cuts, with tax increases but not enough to cover it—and that this is an unsustainable path. This amendment would be a significant step in the right direction. With the stimulus package that has already been passed this year, we will still have sizable increases in discretionary spending across the board, and we will be able to carry on all requirements of our Government without having to spend this much of our children's money.

Maybe we won't have to pay \$806 billion a year in interest, when our education and highway budgets will each be about \$100 billion. The education budget and the State general fund

budget in Alabama, for the teachers and schools and highways and police and the Governor and the legislature—all of that is less than \$10 billion a year and we are talking about \$806 billion in interest? It is not responsible.

I thank my colleagues for giving this amendment their serious consideration. I believe it is the right step and the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, when I hear the other side all of a sudden concerned about debt, it raises the question in my mind: Where were they? Where were they over the last 8 years when their administration doubled spending, doubled the debt as is shown in this chart, and they were voting for all of the policies that led to these results? Now they come and all of a sudden they are very concerned about debt. I have been concerned about debt the entire 22 years I have been here. But I also recognize that when you are in the sharpest economic downturn since the Great Depression, trying to freeze spending or trying to cut spending or raise taxes doesn't make a whole lot of sense. That would make the downturn only worse.

Senator GREGG, who is the ranking member on the committee, recognized that in a floor statement on March 11. I referred to this earlier today. March 11 is riveted in my mind because it is my daughter's birthday. My birthday is the next day. And this year—you know, typically Senator GREGG and I exchange birthday gifts. This year I got no present. I didn't even get a card. I did get this statement—which is very helpful. So I will take this as my gift. He said:

I'm willing to accept this short-term deficit and not debate it because we are in a recession, and it's necessary for the Government to step in and be aggressive and the Government is the last source of liquidity. And so you can argue that this number, although horribly large, is something we will simply have to live with.

He was right then. I say it is very clear, if we are going to have any kind of rational economic policy, we have to be taking the steps necessary to prevent a much steeper slide. That is the near term. In the longer term we have to pivot and get this debt under control. That is critically important. This budget seeks to do that by cutting the deficit by two-thirds by 2014.

Under the budget resolution we go from \$1.7 trillion of deficit this year—most of which is a responsibility of the previous administration because we are living off their last budget.

Then we are going to cut the deficit \$500 billion in this resolution before us, the next year cut it another \$300 billion, the next year cut it another \$300 billion and get it down to \$508 billion by the fifth year, a more than two-thirds reduction. If you measure it the

way economists prefer, we are reducing the deficit from 12.2 percent of GDP in 2009 down to 2.9 percent in 2014. That is a very substantial reduction, a reduction of more than three-quarters over the 5 years of this budget.

With respect to the question of spending, let me be clear what this budget does. On discretionary spending, both defense and nondefense, we bring the spending down as a share of GDP in both categories and by about the same amount. For example, defense in 2010 is 4.8 percent of GDP. At the end of the budget period, we will have reduced it to 3.7 percent of GDP. Nondefense discretionary this year is 4.7 percent of GDP. By 2014, we will have reduced it to 3.6 percent of GDP, a roughly proportionate reduction in both defense and nondefense discretionary spending.

On domestic discretionary spending, the percent of the GDP under the budget resolution is reduced from 4.3 percent in 2010 to 3.2 percent in 2014. On total domestic discretionary spending—and this excludes international—we bring it down from 4.3 percent of GDP to 3.2 percent of GDP.

Let me be clear: The average annual increase in nondefense discretionary spending under this budget resolution is 2.5 percent. That is a pretty tough budget. Anybody who doesn't think it is a tough budget, come and join me in my office for the next 2 hours and see the phone calls I am getting from colleagues and others who say: Won't you add a little more here or a little more there. I have to say: No, no, no. Why? Because we have to get on a more sustainable budget course.

The increases we do have, where do they go? Where does the money go? Thirty-seven percent of the increase in discretionary goes for regular defense funding. International is the next biggest increase, 14 percent; that is, 14 percent of the increase that we have provided in total discretionary goes for international funding. Why did we do that? Because, again, in the previous administration, they kept hiding money. They kept it out of the budget, and they kept putting it into supplemental appropriations bills in order to try to hide the ball. We are not hiding the ball. We are laying it right out there.

I had both the Secretary of Defense and the Secretary of State call me the weekend before last, asking me to do more for international funding. It is very rare. I have never had the Secretary of Defense on any budget call me and ask me to have more funding for international accounts. Why did he do that? He made it very clear that we have been funding in the defense budget things that more properly belong in the State Department budget. I had to tell the Secretary of State and the Secretary of Defense I was having to cut that line by \$4 billion from the Presi-

dent's request, still providing an increase but reducing the amount the President requested by \$4 billion. Why did I do that? I did that because we lost \$2 trillion from the revenue forecast. When you lose \$2 trillion, guess what. You have to make some changes. Ten percent of the discretionary increase is for veterans. We have given veterans the biggest increase in the history of the Senate Budget Committee. We have done it because we recognize these vets are coming home, and they deserve the best health care we can provide. Ten percent of the increase is in education. Ten percent is in income security; 8 percent for the census. We have to do a census every 10 years. It costs money. So 8 percent of the increase was for the census. Six percent is for natural resources, to try to reduce our dependence on foreign oil; 3 percent for transportation; 2 percent is other. That is where the money has gone.

Again, I emphasize, here is the amount of spending increase for nondefense discretionary spending over the 5 years of this budget. It averages 2.5 percent a year. That is one of the most conservative budgets anybody has brought to this floor in a very long time. It is a response to the need to get back to more sustainable deficit numbers. We have done it, reducing the deficit by two-thirds over the next 5 years.

How much time remains on my side? I note the Senator from Texas is here, and we would like to accommodate her.

The PRESIDING OFFICER. The Senator has 12½ minutes remaining.

Mr. CONRAD. How much does Senator SESSIONS have?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. CONRAD. How much time would the Senator from Texas like?

Mrs. HUTCHISON. Five minutes.

Mr. CONRAD. I yield the remaining 3½ minutes of Senator SESSIONS' and a minute and a half of my time so the Senator from Texas has 5 minutes.

Mrs. HUTCHISON. Is that going to take away anything you need from your side? Are you saying there is only 3½ minutes left on our side on this?

Mr. CONRAD. On this amendment. But I am happy to yield the Senator a minute and a half of my time.

Mrs. HUTCHISON. I thank the chairman of the Budget Committee because I know he has tried very hard to do something better than the budget delivered by President Obama and tried to cut back on the deficit. In fact, they have cut back on the deficit. But they have only cut back on the deficit because they made it a 5-year bill instead of a 10-year bill. That is a problem. Because if you take this 5-year bill and extend it 10 years, it is still going to have the same impact. The impact is, this budget is going to double the national debt in 5 years, and it will triple

the national debt when it is taken out to its 10-year maximum. In fact, I am hoping we can do some amending on this bill. I am hoping there will be enough time for us to talk about the principles in this bill. This is going to set our country on a course, the likes of which we haven't seen since World War II.

In fact, the Obama budget creates more debt than under every President from George Washington to George W. Bush combined. That is the 100-year budget put forward by the administration. By 2019, under this proposal, the public debt would exceed 80 percent of GDP. That is more than twice the historic average and the highest since World War II.

We have looked, since we have been in this financial crisis, at the models of the past, when we have been in recessions and even looking at the Depression. There are people who have taken the Roosevelt model. When we have looked at historians' viewpoints of the New Deal, in 1941, Federal debt was only about 40 percent of the GDP. Today the national debt is at 57 percent of GDP. I think we are looking at a very slippery slope. In fact, it was said on March 20 by the nonpartisan Congressional Budget Office that the dimensions of the debt problem in the President's budget are that it is one-third more—actually, it would add \$9.3 trillion, about a trillion every year—than the Obama administration had estimated when it sent the budget over.

We need to look at some of the bipartisan, nonpartisan economists and organizations looking at this budget. I hope we can have a reality check. We are getting ready to take a step that is continuing what has happened in the last 2 months. We passed a \$1 trillion stimulus package and then a \$1 trillion Omnibus appropriations bill within a 2-week period. Now we are looking at a \$1 trillion deficit, adding to the debt every single year.

On Sunday, March 29, David Broder said in his column:

The Democratic Congress is about to perform a cover-up on the most serious threat to America's economic future. The real threat is the monstrous debt resulting from the slump in revenue and the staggering sums being committed by Washington to rescuing embattled banks and homeowners in the absence of any serious strategy for paying it back.

In 10 years, the President's budget will spend more on interest payments than on education, energy, and transportation combined. Under the President's budget, the debt per household for fiscal year 2010 would be \$78,000. Every household in America would have a debt of \$78,000. This ever-growing national debt is going to require larger annual interest payments, with much of that money going overseas, as we know, because foreign entities own 25 percent of our public debt. The Chinese Government already owns about

\$1 trillion in U.S. debt. What is going to be their answer when they see this debt continuing to go up? Many of us are concerned that they are going to either say: We are not going to buy any more debt. Then we would be in a downward spiral from which I don't see a recovery plan. Or they may say: The risk is greater and, therefore, we are going to charge a higher interest rate. What is that going to do in these very fragile economic times?

I appreciate the time given by the majority. There will be amendments offered and there will be substitutes. I hope we can have some bipartisanship so we could have a budget that maybe all of us would agree is the right path for the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I would like to correct a statement of the Senator from Texas. She said the only change we made to reduce deficits from what the President has proposed was, we went from a 10-year budget to a 5-year budget. That is not the case. We did go from a 10-year to a 5-year budget, because in the 34 times Congress has done a budget, 30 of those 34 times it has been a 5-year budget. The reason for that change is the second 5 years of forecasts are notoriously unreliable—notoriously unreliable.

The reason we have substantial savings from the President's budget over the 5 years of our budget—in fact, we have \$608 billion of savings from the President's budget, comparing his 5 years to our 5 years—is because we cut spending, not only discretionary spending, but we cut mandatory spending, and we had revenue changes. The combined result is a savings of \$608 billion over 5 years. So we have \$608 billion less of deficits and debt. That is the fact.

I see the very distinguished chairman of the Appropriations Committee. Is he seeking time or would he prefer to—the chairman has asked to defer for a couple minutes until he is prepared to discuss this amendment.

Madam President, could I ask, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. CONRAD. Nine minutes. Then the chairman of the Appropriations Committee still has 10 minutes?

The PRESIDING OFFICER. Nine minutes total left on the amendment.

Mr. CONRAD. All right. I thought there were 10 minutes, under the order, reserved for the chairman of the Appropriations Committee.

The PRESIDING OFFICER. The Senator from North Dakota has used part of that time.

Mr. CONRAD. Well, Madam President, I do not know how that would occur without my being notified, but let me ask unanimous consent that the

chairman of the Appropriations Committee be given the 10 minutes that was intended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUE. Madam President, the budget resolution we are considering now proposes to increase discretionary nondefense spending by \$35 billion from the level approved in fiscal year 2009. My colleagues should all understand that this is \$15 billion less than was requested by President Obama.

As chairman of the Appropriations Committee, I am not particularly pleased that the resolution has cut the President's request by \$15 billion. We on the Appropriations Committee know that in order to meet the level proposed by the Budget Committee, we will have to make real cuts in the budget proposed by President Obama.

But I must say that I am surprised that we are now facing an amendment which would seek to cut discretionary spending even more. As I stand here, I find myself somewhat at a disadvantage to explain all the impacts that would occur if further cuts are made.

While we know the overall parameters of the President's budget, we do not yet have most of the details on the thousands of programs which will be reviewed in detail by the Appropriations Committee. That information is not available to the Congress at this moment. So we really do not know which programs that have been supported by the Senate in years past will be proposed for cuts or elimination. We do not know which fees or offsetting collections might be buried in the President's request that the Congress is likely to insist on eliminating, adding to the unfunded costs in the budget. We also know that nearly all of our colleagues will be asking for items that will not be included in the request. We know that many of you will be writing our various subcommittees urging that we adopt new programs and initiatives that might be incorporated in this budget. And we know this for sure: The committee will face a much larger burden than just identifying \$15 billion that can be reduced by the President's request.

With the few details we have already received about the budget request, there are a few things that we know would result by freezing nondefense discretionary spending.

First, my colleagues should all be advised that the largest single increase in the domestic spending budget for fiscal year 2010 will be for the census. A \$4.5 billion increase is necessary to meet our constitutional responsibility. This amount is needed in fiscal year 2010. It cannot be delayed. The timeliness and accuracy of the census will be in jeopardy if we do not fund this amount.

Second, we are advised that the budget will include a \$3.5 billion increase

for the Veterans' Administration to cover the cost of medical care inflation, as well as projected increases in VA enrollment, and new initiatives such as the proposal to expand VA health care to over 500,000 modest-income veterans.

Increased veterans health care services and specialty care services targeted at the growing population of Iraq and Afghanistan veterans include prosthetics, traumatic brain injury, and spinal cord injury, which would have to be curtailed if we freeze spending. Surely, the sponsors of this amendment do not want us to cut these needed increases for our veterans.

Madam President, if I may be personal at this juncture—and this is not in my prepared text—I had the privilege and honor of serving in the Army of the United States during World War II. I was literally a young boy. I was 18 when I got in. But I know a few things about that war.

My regiment, the 442nd Regimental Combat Team, has been declared to be the most decorated unit of its size in World War II. It also had one of the highest casualty numbers of any war.

We began our battles in Italy in June of 1944, and the war ended in May of 1945. In those 11 months, we began our service with 5,000 men, infantry men. At the end of 11 months, over 12,000 had gone through the ranks, all brought about because of the necessity of replacements to replace those who had been wounded in action. So when our men got involved in a major battle—I remember one battle that lasted 5 days. At the end of the battle, our casualty rate was 800, and of that number 250 dead. When you see these numbers, somehow Iraq becomes inconsequential: four today, three tomorrow. But at that time, times were a little different. For example, if I had been wounded in Baghdad, I would have been evacuated from that site of battle to the hospital within 30 minutes by helicopter.

On my last battle, when I received three wounds—my arm, my gut, my leg—I had to be evacuated by stretcher. Evacuation began at 3 o'clock in the afternoon. I got to the hospital at midnight—9 hours. So it sounds unbelievable, but with all the casualties we have had, not one double-amputee survived the war. And we had dozens of them, but they bled to death because of the long evacuation. Not one brain injury case survived because of the long evacuation. Not one spinal injury case survived because of the long evacuation. Today, they are all surviving, and this amount will cut it out. Help for them will disappear.

On a final note, I think about this and I chuckle. When I was taken to the hospital at midnight, we were put into a tent about half the size of this Chamber. Hundreds were lined up on stretchers, and teams of doctors and nurses



would go down the line, look at the medical card, and whisper among themselves—and you could hear—“No. 1,” “No. 2,” “No. 3.” By the time it got to me—I sensed that “No. 1” meant: Send him immediately to the operating room; “No. 2” meant: Oh, his injury is not that serious, he can wait; “No. 3” was: You have done a good job for us. Thank you. So people would see the Chaplain going to all the No. 3’s.

The Chaplain came to me. I did not know, but I was designated a No. 3, and the Chaplain said: Son, God loves you.

I looked at the Chaplain, and I said: Chaplain, I know God loves me, but I am not ready to see Him yet.

So here I am.

What I am trying to say, is that in that war, seriously injured soldiers did not survive. And maybe in a sense, it is God’s gift. I would hate to think of myself lying in bed the rest of my life looking at the ceiling.

But they survived, and I think it is our responsibility. This amendment would cut that out.

If I may proceed further, third, we know that the budget will include a \$250 million increase to cut down on overpayments in Social Security. We know this from experience, that for every \$1 we spend, we save \$10 in inappropriate payments. Isn’t that a good investment? By spending \$250 million, we are going to save billions. I thought the business was not in spending but in saving. We would lose more than \$2 billion in mandatory savings by freezing discretionary funds.

Fourth, we have an amount of \$183 million, which would be cut out. We are told by the Department of Agriculture that an additional \$183.5 million will be needed simply to maintain existing rental assistance agreements. This assistance provides subsidies to maintain affordable rent and utility costs for very low-income rural residents. Without this increase, 41,705 households will face substantial rent increases forcing many to leave, be evicted from their homes.

I know the sponsors are not seeking to force the poor from their homes.

Madam President, as you preside and as I speak, we should keep in mind that many of our fellow citizens are sweating out each day, not knowing whether he or she has a job tomorrow or whether they can keep up the payments on the mortgage or whether they can pay for health care or whether they can pay the rent. Without this, all hope is gone. The least we can do is to let them know we are here to help them get through this crisis.

Yes, there is another one.

Fifth, we know about potential accidents at airports. We know we do not have enough trained air traffic controllers. This resolution provides funds for that purpose, to train them so we may have safer traveling.

When I travel, which is not often enough, I go to Hawaii. It takes, just in

flying time, 11 hours. I feel safe because I have confidence in our air traffic controllers. But many of them are now on the verge of retiring. We need a new crew. This budget resolution provides the funds for training them.

The FAA faces a crisis in maintaining an adequate workforce of trained air traffic controllers with a freeze in nondefense discretionary spending for 2010, the FAA would be forced to freeze or reduce the number of new air traffic controllers the agency can bring on board and train—worsening the experience shortage we already have in our air traffic control towers. With a freeze in funding, the FAA also would be unable to settle an ongoing dispute over the terms of its contract with its air traffic controllers. This dispute has hurt the agency’s productivity and its ability to retain experienced controllers, who are essential to training the agency’s newly hired controllers.

Sixth, the section 8 tenant-based account provides critical resources to help the Nation’s most vulnerable families find and maintain safe and affordable housing in the private market. Congress provides annual funding adjustments for this program to cover housing cost increases, so that all families served by the program can maintain their housing. If nondefense discretionary spending were frozen in fiscal year 2010, housing agencies wouldn’t have the necessary resources to cover these increased costs. As a result, tens of thousands of families could be at risk of losing their housing.

Seventh, we know that because of high food costs and other factors, the overall cost of the WIC program has already increased dramatically. In fiscal year 2009, \$760,000,000 above the budget request was required to keep people from losing WIC benefits. A freeze on spending could cause no new participation, waitlists, and could potentially cause some people to lose benefits.

As I noted earlier, we simply do not have all the details of the budget to be able to explain to our colleagues all the harm that a freeze on discretionary spending will do.

Nonetheless, I believe from the information that we have already received that I just listed it is clear that we simply cannot sustain additional cuts in the request.

These economic times are tough. But in tough times our people count on the Federal Government for more services.

Each day as more wage earners lose their jobs, more of them become eligible for many of the assistance programs which I have highlighted. Many of these programs are designed to help people in need during difficult economic times.

Our efforts to reduce spending here will result in an even greater reliance on mandatory programs such as welfare rolls, food stamps, and public assistance.

For these reasons I must oppose the amendment from the Senator from Alabama, and I would urge my colleagues to oppose it as well.

Madam President, as I said, I am going to vote against this amendment. It is a bad amendment. It is not American.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. INOUE. Thank you very much, Madam President.

I yield my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I take this time to urge my colleagues to support the budget resolution that came out of the Budget Committee. I am proud to serve on the Budget Committee. I congratulate Senator CONRAD for his extraordinary work in bringing out a well-balanced budget resolution during extremely difficult times. I think we all know the economic crisis we are in, and Senator CONRAD’s budget does what a budget should do. It is the blueprint of our Nation’s priorities. President Obama brought forward a budget that gives new hope for America’s future. Then Senator CONRAD had to fit those priorities into the realities of our revenues.

We all know we have the new Congressional Budget Office numbers. It shows the economy is a lot weaker than when President Obama submitted his budget. But Senator CONRAD’s budget fits the priorities of President Obama into the realities of our projected revenues. I thank Senator CONRAD for bringing forward this budget.

President Obama inherited an economic mess. That is worth repeating. Take a look at the mess the President inherited. The Congressional Budget Office shows it is more severe than President Obama thought when he first took office.

The deficit in 2000, when President Bush took office, was not a deficit. It was a surplus of \$236 billion. Congress worked hard during those years to balance the Federal budget. In 2009, we are now projecting a deficit of \$1.75 trillion. How did we get there? There has been a lot of time spent going over the mistakes that have been made over the last 8 years. But we had tax cuts we did not pay for. We had spending we did not pay for. We had a war in Iraq we never budgeted for correctly. And we ignored the underlying problems of our economy.

The Bush administration took our health care system, which had 40 million people without health insurance from when President Bush took office, to a health care system that now has 47 million people without health insurance. Health costs in America grew during those years to be twice any other industrial nation’s spending on health care. We do not have the results to reflect that type of economic expenditures.

We found that the Bush administration wanted to privatize our health care system. As a result, we spent more money—more money on prescription drugs because we only used a private insurance option; more money for private insurance within Medicare, paying those who enroll in private insurance more than the Government would pay if they stayed in traditional Medicare. This past administration did everything it could to privatize even if it cost more public money.

In energy, the Bush administration never dealt with the energy problems of our country. We became more dependent rather than less dependent upon imported energy sources. This prior administration subsidized the oil industry, even knowing full well that the energy we imported very much affected our national security and the moneys we had to spend on national security.

We now have these large deficits. We cannot do anything about that. President Obama inherited these deficits. He also inherited a governmental system that failed to deal with the underlying problems of our economy.

President Obama says there is a different course. If we take the same type of budget and do that for our future and try to address the deficits today, we are going to have the deficits of tomorrow. We need to deal with the underlying problems.

President Obama has submitted a very open and honest budget. He is actually budgeting for the costs of government rather than saying, Well, we will pay for it after the fact. He has tackled the tough problems of our time, and he is prepared to make difficult choices to meet tomorrow's challenges.

The first issue this budget deals with is the economic problems of our Nation. We need to make that our top priority. The budget allows for investment in job creation. We are losing over 500,000 jobs a month in America today—about 600,000. We have been doing that now for the last several months because of the economic crisis. This budget allows us to invest in job creation so we can provide new jobs for Americans. It provides money in the hands of consumers. Middle-class tax cuts are extended. The AMT—alternative minimum tax—relief is provided. We extend the marriage penalty provisions to avoid the marriage penalty. There are credits for savers. The estate tax issue is accommodated in the budget. So the budget provides for the realities of a recession that consumers need to have more money in their family budgets in order to help stimulate our economy.

The budget Senator CONRAD has brought forward protects critical programs for Americans to meet economic challenges, whether it is unemployment insurance, health care, veterans,

transportation, job training, research, education, or small business issues. I wish to mention for 1 minute the SBA, the Small Business Administration. We all know if we are going to get out of this recession, we need to create jobs, and we create jobs mainly through small businesses. Over 99 percent of America's businesses are small businesses, and they are particularly vulnerable today. Most of our job growth comes from small companies. The President has brought forward initiatives that allow for the SBA loan programs—the 7(a) program and the 504 program—to be less costly to small business. He has also instructed Treasury to go out and help with the secondary markets to make money available for small business loans. We need a Small Business Administration that can provide the services to small businesses. During the Bush years, the SBA budget was decimated. This will allow the SBA to have the resources necessary not only to administer these programs but to provide counseling and mentoring to small businesses and to oversee what other Federal agencies do to make sure that small businesses get their fair share of government procurement contracts. I particularly appreciate the fact that the Budget Committee passed an amendment I offered that increased the SBA's budget to \$880 million, up from \$700 million. That money is going to be used for the right reasons.

This budget also deals with fiscal responsibility. It deals with the economic crisis but also with fiscal responsibility. The President's goal was to halve the budget deficit in 5 years. Well, it has gone beyond that. The budget Senator CONRAD has brought to the floor will take the budget deficit from \$1.7 trillion this year to 5 years from now a budget deficit of \$508 billion. We want to see it lower than that, but reducing it by two-thirds over that period of time is certainly moving in the right direction. That is fiscal responsibility. That is making the tough decisions. It also allows us, when we get out of this recession, to deal with the underlying problems in our economy.

We deal with energy in this budget by allowing a cap-and-trade system so we can become energy independent for the sake of our national security; so we can create good jobs for the sake of our economy; so we can reduce carbon emissions for the sake of our environment. Global climate change is a real problem, and this budget allows us to deal with it by creating jobs and reducing the deficit, while also dealing with energy independence.

It deals with the underlying problems in our health care system by allowing our committees to bring out legislation that will provide for universal health coverage for the 47 million Americans who don't have health insurance; by

moving forward with preventive health care which we know will save money; by improving health information technology which will save money; by investing in research which will give us the answers to how to deal with the health challenges of tomorrow; by improving our Medicare system to deal with physician reimbursement rates, and an amendment I offered that deals with the outpatient therapy caps. So our committees will be able to deal with the health care issues that will, if we don't deal with them, add to the budget deficits of the future.

We invest in education, from Head Start to making college affordable. The 1979 Pell grants covered 70 percent of the tuition and fees of public 4-year colleges. Today, it is less than one-third. We need to do better in making college affordable. The Obama budget does that. The Conrad budget does that. It invests in America's future so we can meet the challenges of the future so we will have an easier time, not only balancing our budgets in the future, but having the type of economic growth this Nation needs.

I wish to deal with one last issue on which there is disagreement in our caucus, and that is reconciliation instructions. I regret that the budget does not bring forward reconciliation instructions, particularly on the energy issue. I know there is a bad taste among my colleagues on the use of reconciliation, considering how it has been used in the past with the Republican leadership to bring about tax cuts. It is supposed to be used to reduce the deficit. In fact, they increased the deficit and that was wrong, but the proper use of reconciliation instructions can help us reduce the Federal deficit and avoid the misuse by the minority of filibusters. Does anyone here believe that the right number of filibusters has been used by the minority over the last years? Of course not. It has been used way too often.

So what proper budget reconciliation instructions will allow us to do is have an up-or-down vote on a critical issue that is important to reducing the deficit. Why do I say that? Because the cap and trade will produce \$237 billion of revenue over the next 5 years. Some of that revenue will be used for direct—direct—deficit reduction. If we do the cap-and-trade system right, if we become energy independent—we all know the secondary impact of becoming energy independent, of not having to bring our energy in from foreign sources—it will help us balance our budgets in the future. We also know if we do it right and use the market forces, as a cap-and-trade system will do, we will create good green jobs here in America, using American technology, keeping jobs here. That will also help us balance the budget in the future.

So I hope we will get back in time to the proper use of reconciliation instructions. That was part of budget reform, and that should be included in our budget document.

However, today we have a choice on the resolution that is before us. I strongly support the budget resolution that came out of the committee. We have a choice. We can continue down the same path we have in the past, which is not dealing with the underlying problems of our country—and I dare say we will have a much more difficult time balancing our budgets in the future, and certainly being competitive internationally, as we need to be for the sake of growth of our economy—or we can choose a different direction for our economy; one that embraces fiscal responsibility; one that provides an opportunity to reform our health care system; one that allows us to have an energy policy that not only brings about energy independence but does it in a way that will reduce greenhouse gases and deal with the international issue of global climate change; and one that will invest in the critical investments for America's future, including education. That choice is the one offered by the budget brought out by the Budget Committee.

I urge my colleagues to support the budget resolution so we can change the direction of America, so we can invest in our future, so we not only deal with the economic crisis we are in today, we not only deal with the budget deficits we are facing, but we deal with the underlying problems and invest in America's future. I urge my colleagues to support the budget resolution.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I wish to speak on the economics of this issue and talk about it from the Joint Economic Committee perspective, as I am ranking member on that committee. There are a lot of problems within this budget as far as what it does to the overall economy, and I think we are going to see some of it as we go through a few of these charts.

The problem I see overall and one of the things we have to watch the most, as far as its impact on the overall economy, is what the percent of the Federal Government is of the overall economy. The problem with this budget and the deficits and the financing that takes place in future years is we are going to start moving this government from being roughly and normally somewhere below 20 percent of the economy as far as intake—the taking of taxes—to somewhere north of there, probably around 23 percent. We normally average around 18 percent of the economy being taken by the Federal Government in taxes. This budget moves us, over a period of years, to 23 percent.

That is completely unsustainable. It is harmful. We have been somewhere close to that. We haven't been that high. We have been somewhere close to that in the past. Whenever we have been, it has had significantly bad economic consequences for our overall economy.

That is just the take. I am afraid what we have going on is too much a philosophy of “spend it and the taxes will come,” so that we go ahead and spend this money into the economy and taxes will build up and increase so that over a period of years we spend it in deficit form and start financing the taxes, so we edge up that percentage from 18 percent of what the Federal Government takes to 23 percent over a period of years, while we get people hooked to the spending early on and say, isn't this a great program? We have spent it on school buildings, and on this program, and on that program. Don't you love that? Isn't that great? Yes. We have to build the taxes up now to pay for it. We get a wholly unsustainable situation for the Federal economy. And that is not anything about the State or local share of it, which adds to it, and then people are working half of the year for the Government and not working enough of the year for themselves. That doesn't work.

I hope we can back up, philosophically, for a little bit and think where we want to be as a government. I think it is important that we look at it. Thomas Jefferson, in the first inaugural address he gave—he is one of the greatest minds ever to be in this country and one of the great public policy thinkers. He said this:

A wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government. . . .

So it is the limited focus of Government that everybody recognizes, which Jefferson said it should be, one of our country's great minds. It is this limited view of Government and a maximum view of personal responsibility and opportunity that has produced this vibrant, active, growth-oriented country for 200-plus years. Do we want to move away from that to an economy that is much more stagnant, more Government driven, rather than individual driven? Certainly we need to do things in particular areas, such as in the financial market structure, no question about that. But do you want to fundamentally move away from this idea Jefferson spoke of regarding what Government is to be about: “A wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuit of industry and improvement, and shall not

take from the mouth of labor the bread it has earned. This is the sum of good government. . . .”

Jefferson then warned about the perils of excess taxation, excess spending, and excess debt, all three of which are present in this budget. He warned that “We must not let our rulers load us with perpetual debt.” We are getting close to that with this budget. “We must make our selection between economic and liberty or profusion and servitude.” He was saying, look, we either move forward as a free economy or there is going to be servitude in the process. His warning was that big Government, with its excessive spending and taxation, inevitably strips its citizens of their liberties. Yet here we are today, heeding the notion “spend and the money will come.” Spend it and people will attach it to a government program, and the taxes will flow thereafter. It doesn't comport with what Jefferson said. It won't work.

I believe it is a fatal error to assume that higher spending today will generate higher future tax revenues. The proposed budget amounts to an ever-increasing size of Government, and at some point we will have to face up to the massive Government we have created through massive tax increases, which will chip away at economic growth and threaten the principles of freedom and the pursuit of happiness on which our Nation was founded and has thus far prospered.

On top of this, you have this demographic nightmare coming of the full-scale retirement of the baby boomer generation. So you are upscaling your Government spending and your taxes, and then you are going to have a bunch of people getting into the retirement system, getting Medicare, Social Security, all of which they have paid for and earned, but adding more to the growth of government, more to the demand for more tax increases, and taking away more from the liberty of individuals.

More than any budget debate during the time I have been in Congress, this debate isn't simply about the spending priorities of the next 5 years; it is a debate about what kind of economy we will leave not just to the next generation but generations to come. It is a debate about whether we believe that what made America great will keep America great. It is a philosophical debate. It is about the proper role of Government. Do we believe that the strength of America lies in its Government and its political leaders or that the strength of America lies with the American people? That is a fundamental question. Is it better for the Government to decide who runs GM or is it better for GM to decide who runs it?

Do we believe that the best opportunity to rebuild this economy is a free enterprise system that encourages investment, encourages entrepreneurs to

start new businesses, and empowers our citizens to pursue their dreams and aspirations or do we believe the Government should act as head of a household, determining what is in the best interest of our families? How we answer that question will determine if we begin the inexorable slide toward an America where the Government tells you how much you can earn or who will be deemed "acceptable" to run the Nation's enterprises. How we answer that question will determine whether we are willing to accept mediocrity and condemn future generations to an America with fewer economic liberties and opportunities. Make no mistake, as our economic liberties disappear, not just our children but our grandchildren and their children will see their political liberties slip further away. Government will become the master of the people, not their servant.

Unfortunately, the spending, taxes, and debt contained in the budget outline submitted by the President and the one reported by the Budget Committee represent a statement that Government knows best, and that we should trust in Government before we trust in a free people.

I will talk about the budget suggested by the President and reported by the Budget Committee interchangeably because they are essentially the same. The only true differences come from the use of budget gimmicks and sleights of hand that attempt to make this budget look more "responsible" than the one the President has put forward. They are almost identical. I have a chart that points that out where they are on discretionary outlays and total outlays. They are the same.

The American people deserve an honest discussion of the budget and the spending and taxes it contemplates. They deserve to know that the policies contemplated by this budget will add more to the national debt over the next 10 years than in all the years from the founding of this Nation until 2008. In fact, according to CBO's estimates, the publicly held debt of the United States will triple over the next 10 years under this budget.

It is not simply the dollar amount of the debt that should concern us, it is the size of the publicly held debt in relation to the size of the economy. According to CBO's estimate, the publicly held debt will rise to more than 82 percent of GDP by 2019. That is a level seen only once in our Nation's history—in the extraordinary time of World War II. Yet this comparably massive-sized deficit will come with a significant reduction in defense spending. We did that spending in World War II to pay for war. This has a cut in defense spending.

As bad as these numbers are, I am concerned that the situation this budget will put us in is likely to be worse, not better, to the overall economy. Not

only were the economic assumptions used by the President overly optimistic, I am concerned that those used by the CBO in creating the baseline are too optimistic.

I want to talk about this chart. We talk too much about taxes and too much spending, and it goes too much in debt. This tells a lot of that situation. You can see about debt held by the public as a percent of GDP. This is the average—about 35 percent for a long period of time. You can see that at times, we dipped below that at different points, and then you can see what happens in 2008 and that this shoots up in a dramatic way—not to pay for war. What that debt number shoots up to is dramatic.

The point is that this is "spend it and the taxes will come." What are you going to do if you cannot sustain the amount of debt? You are going to raise taxes to pay for that.

While CBO projects a larger decline in GDP during fiscal year 2009 than the blue chip consensus, CBO projects a brighter outlook going forward through 2015. CBO also projects lower inflation, interest rates, and unemployment than the private forecasters. I don't think that is probably likely assumptions to actually happen. For instance, these different assumptions result in significantly higher deficits than forecast by the administration. You can see on the chart of the Obama budget deficit what is projected. These are budget deficits under blue chip assumptions. Even that big number of deficit increases probably—it masks the true picture, which is much worse than that. It results in about \$2 trillion more in publicly held debt by 2019 than projected by the administration. You can see these dollar numbers. You can see the side bar being trillions instead of billions and millions. You can see it goes from \$8 trillion up to nearly \$18 trillion. That is the likely scenario, actually, versus what the Obama administration is saying, around \$15 billion, which it would be by 2019. That is \$2 trillion more.

This budget spends too much. There are many important priorities that may have to be delayed. It is no different than what American families do when things get difficult. They figure out what the priorities are and they go with it.

Suggesting that the new administration's budget reflects a "new era of responsibility" is like bestowing claims of prudence and reliability on the mortgage brokers who contributed to the housing bubble and ensuing economic crisis by carelessly selling unscrupulous and inferior loans. It is neither responsible budget nor fair nor efficient to use the current economic crisis as a means to expand Government spending to unsustainable levels financed entirely through deficit spending and ultimately higher taxes on in-

dividuals. The Government is effectively charging its excessive consumption to the taxpayers' credit card, except that the beneficiaries of that consumption will not be the ones who pay off the debt. Rather, today's young workers and future generations will bear the burden of this Government's undisciplined spending. We are essentially forcing upon our young workers, our children, and grandchildren a massive credit card debt—if you can imagine that—resulting from our inability to live within our means. Would any of us do that to our children? Of course not. But that is what this budget does.

This budget contemplates permanently increasing the size of Government to unsustainable levels—especially when you consider the demographic-driven entitlement tsunami that is waiting to overwhelm the American economy. Under this budget, Federal spending as a percentage of GDP will be 28 percent of GDP in this fiscal year. Only 3 times since 1930 has the Government spent a greater share of the Nation's domestic output—1943, 1944, and 1945.

More disturbing than this year's spending is the escalating spending that this budget entails. Even if you give the President and the Budget Committee the benefit of the doubt for this fiscal year, since much of that money has already been appropriated, spending as a percent of GDP will average 23.7 percent over the 2010 to 2019 period. We will average a greater percentage of GDP over those years than we have spent in any single year, except the 1942 to 1945 timeframe. So you have a permanent growth in Government spending, not paying for war, paying for the excesses in our spending that we want to do.

We are going to have to pay that at some point or, more correctly, our children and grandchildren will. I have asked the staff to put together a quick estimate of how high marginal tax rates might have to rise if we are going to balance these budgets. You cannot sustain this amount of debt, and you have spent it, and "there is nothing so permanent as a temporary Government program," as President Ronald Reagan observed. So you have started these on a temporary basis. They are going to balloon up and people get attached. So now you have to raise taxes to pay for it, because you cannot sustain that level of debt.

Here are the answers they came up with: projected tax rates that will have to go up, particularly on our top brackets because the President is saying we are going to tax the top brackets to do that. We are looking at a 65-, 69-percent marginal tax rate.

We have been there before as a country. We have had marginal tax rates up this high. It has never worked. It was economically stagnant for us as a country. People did not invest money,

and basically the Government took this money and gave it to the Government instead of having it in productive sectors in the economy. We were looking at rates of 65, 69 percent.

Who is going to work and pay taxes at that rate? People working say: This is not worth it to me. We have been here before. This is a failed policy model. We have done this before. It has failed. We do not want to go back to that failed policy of the past.

Then there is the talk that we will do cap and trade, we will have an energy tax that will help pay for some of these programs. Consumers might not pay it directly, but they will certainly pay it at a rate of more than \$3,000 per American family with an energy tax. The cost of living will rise, American industry will become less competitive, unemployment will rise, and the American people will suffer. We do not want that.

Particularly troubling was the suggestion of the majority leader that this is the right time to start health care reform and the same old Government game, trying to tell people: Look at this wonderful thing Government is providing you, and you are going to get it for free.

The reality of economics is that individuals pay corporate taxes in the form of higher taxes. That is simply a fact of life.

Equally troubling is the administration's desire to tax corporations that ship jobs overseas. It is nice rhetoric, but the policy is exactly opposite the one we should be pursuing. We should be pursuing incentives for multinational corporations to repatriate their earnings from abroad. One estimate put the amount of capital that could be repatriated if we instituted a 1-year tax rate of 5 percent on repatriated earnings. We could bring back as much as \$500 billion into the U.S. economy.

Instead, the administration is going exactly the other way. We are going to raise these taxes, and instead of bringing that money home, we are going to drive it overseas. That is what is going to take place. That is what has happened to date.

Over the last several years, many of us have tried working on another issue and put a great deal of effort into eliminating the so-called marriage penalty. I am concerned that the President's proposal and this budget will serve to create economic disincentives for family formation.

I have another chart to show this situation of the rate increases on increasing the marriage penalty that is going to take place under the President's proposed budget. A marriage penalty already exists in present law, and it gets worse under these policies.

The marriage penalty will nearly double in this particular wage earner's case from \$2,900 to nearly \$5,000. Is that

the policy signal we want to send; that if you are going to get married, we are going to double your taxes? That is not a wise way for us to go, and our families are already stressed out the way it is now.

I know the President is calling for limiting deductions for higher income taxpayers. What no one on the other side of the aisle is saying, however, is that these limitations are a backdoor method of expanding the reach and scope of the alternative minimum tax.

Our economy cannot afford the kind of taxation that this budget is requiring in the future. The all-time high for the Government's take in revenue is 20.9 percent. That is the all-time high of the percentage we have taken of the economy, 20.9 percent. That has occurred twice; again, once during World War II and in 2000. The postwar average is 17.9 percent. Normally, we are taking under 18 percent of the economy, and that is high.

Since the spending under this budget and the President's budget is permanent, revenues will have to rise and be sustained at a level of 6 percent of GDP higher than the historical average in order to bring the budget into balance. That is a share of GDP, more than a third higher than the historic average. The historic average is 18 percent. This is going to be 23 percent. We have never been that high before. It is not sustainable. It is harmful to the economy. If you think the economy is in tough shape now, wait until you see the stagnation, the inflation, the unemployment this budget proposal will bring us at 23 percent taxation rates for the overall economy.

This is a bold new vision for America. Yet it is a vision that tries to deny the fundamental laws of economics. It is the same denial of risk on the part of financial institutions that put people in houses they could not afford and encouraged them to run up massive amounts of credit card and other consumer debt and led those sophisticated institutions to take on massive amounts of leverage that even the smallest of losses could not survive.

We are in the situation we are in because of excessive spending by Government and excessive risk-taking by institutions that were allowed to become too big to fail. It is time to face the facts. Too big has failed. This economy simply cannot afford this budget. The American people cannot afford this budget. Future generations cannot afford this budget. This budget asks the American people to buy into a Ponzi scheme based on the promise of returns that we will never be able to pay, while we divert massive sums in an attempt to socially reengineer the economy and the Nation.

Let us heed Thomas Jefferson's warning that I read at the outset and refuse to go down a road that enslaves our descendants for generations to come in

the shackles of a mountain of debt, high taxes, and a government that has destroyed any vestige of economic freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, we have heard all week long about this budget, President Obama's budget, and the mantra that it spends too much, it taxes too much, and it borrows too much. I agree with that. But I wish to bring up some other points about this budget that, quite frankly, are counterintuitive to what we have been told by the administration.

The President has said repeatedly in the last 2 weeks, in talking about the American recovery, that his vision for the American recovery is founded in this budget document. I wish to talk about some of the things that have been talked about in this budget document as they relate to the recovery we so desperately need in this country.

For example, I think everyone agrees—Democrats, Republicans, Independents—that what led us into this difficulty is the housing market. Sure, the subprime mortgages were a part of it, but it is the loss of equity that homeowners have all over this country, a decline in value, an escalating foreclosure rate, and a massive amount of short selling and foreclosing that is going on.

It would seem at a time when that is going on, when that is the major cause of the crisis with which we are confronted, you would have policies for home ownership so buyers would come back to the market, they would buy the homes that are distressed and troubled, stabilize the values, and begin to build the equity of the average American family. But this budget portends we would drop the tax deductibility for a first mortgage on a family home that they occupy. So you take away a tax preference that for history and for years the American Government has granted to homeowners to encourage home ownership and you take it away from them at the very time home ownership is under the greatest stress in its history. It is counterintuitive and it is wrong.

The Senator from Kansas made a reference to charity. I just came from a congressional awards reception downstairs where we gave golden awards to young people around this country for the volunteer service they have given to help their fellow man. That is a gift of charity itself.

At that reception were four major corporations that make charitable contributions to the Gold Medal Award Program to encourage these young people to volunteer their time. If you reduce the ability of corporations or high-income wage earners or high-income earners to deduct the charitable donation, you are actually motivating

at a time of need less charity on behalf of your people and in turn putting more burden on the back of the Government.

We saw earlier today, with the vote on the Thune amendment, that there is one idea the entire Congress almost appears not to like about this budget, and that is part of this budget portends that we would pay for some of the increased spending by taxing utilities.

The Thune amendment made the statement that the Senate does not believe that is right, and 88 Members of the Senate voted for the Thune amendment. Obviously, that policy is misdirected.

And then we are at a time when values in equities have declined, when American investment is declining, when corporate America is finding great difficulties, and at a time when all those things are going on, this budget portends that we would raise the capital gains tax by 33 percent and, further, that we would raise the dividend tax at the highest marginal rate by three times what it is right now. Penalizing people for investing in stocks that pay dividends at a time when the market is depressed does not make sense to me.

Further, they are saying, for those who have assets or have a profit built in, they are going to raise that tax by 33 percent at a time when the economy is suffering. I think it is, at best, counterintuitive.

I do not like politicians who get up and talk about how bad something is without offering some solutions. We have a responsibility—every Member in this body—to offer some proposals. So if I think these policies driven by this budget proposal are going in the wrong direction, what is the right direction?

I have an amendment that will be offered at the appropriate time. It is amendment No. 762. It is an amendment that creates a placeholder, a deficit-neutral placeholder in this budget proposal for a \$15,000 tax credit for any family who buys a home and occupies it as their residence in the next 12-month period following the passage of that amendment.

What will it do? Quite frankly, the Senate unanimously adopted that amendment a few weeks ago on the stimulus, only to find it taken out by the House of Representatives. Why do we need to stimulate home ownership right now? Because it is the single largest asset of the average American family. It is the basis on which most credit is extended to families. It is fundamentally the foundation of consumer confidence in the United States of America. And right now there isn't any, and there isn't any because the housing market basically collapsed, values have depreciated in some areas by as much as a third, and one in every five houses in America is actually underwater, meaning the debt exceeds the value.

This tax credit is not an original idea by me as a Member of the Senate. In fact, in 1974, when we had the last major housing crisis in America, the Congress—Democratically controlled and a Republican President, Gerald Ford—passed a \$2,000 tax credit for the purchase of any standing vacant home in 1975. This country took a declining housing market, with a 3-year supply of houses on the market, back to stability and equilibrium in 12 months, all with the motivation of the tax credit.

I first offered this tax credit in January of last year when we began to see the downward spiral in our economy. It is scored at \$34.2 billion. I was told last January that is too much. So we then spent \$700 billion in October on the TARP, and the Federal Reserve has spent almost \$14 trillion. We are considering spending more, and \$34 billion to me does not sound like very much. In fact, economic estimates by experts—not by me—have estimated that the tax credit, if passed by the Congress, would create 700,000 home sales in the first 12 months and 587,000 jobs. I don't know about you, but both of those are awfully good numbers that we certainly would like to be seeing reported on Wall Street and on Main Street.

When I offer this amendment, what I will merely be asking the Senate to do is send a signal. Instead of discouraging home ownership, we want to encourage it because it is the foundation of our recovery. Instead of having a tax policy that is punitive to investment, we want to have a tax policy that is positive to investment, and understanding home ownership and the value of it is still the fundamental key, the economic stability of the American family.

It is my hope the Senate will adopt this amendment and send the message so we can come back after the recess, pass the tax credit, make it effective, and return investment to the housing market and stability to the U.S. economy. So instead of taxing too much, spending too much, and borrowing too much, it is time we encourage investment in the American dream, which always has been and remains the home in which people raise their families, live, and retire.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, tomorrow, I intend to call up an amendment which will be cosponsored by Senators BUNNING, FEINGOLD, and MENENDEZ. This is a very simple amendment,

couldn't be simpler. What the amendment is about is that when taxpayers of this country, the American citizenry, put at risk trillions of dollars which go to large financial institutions, they have a right to know who is receiving that money. That is about it, not more complicated.

Earlier this year, Doug Elmendorf, the Director of the Congressional Budget Office, told the Budget Committee that the Federal Reserve has committed nearly \$2.3 trillion in taxpayer dollars to deal with the financial crisis. You have no clue, I have no clue, and nobody in America has any clue where that money went, who got it.

It seems to me that right here on the floor of the Senate I have been involved in long, heated debates about whether we spend \$20 million on this and \$30 million on that. These debates go on forever. Yet when we are prepared to place at risk through the Fed \$2.3 trillion, I guess the American people don't have a right to know who is getting that money.

Interestingly, if you go to your computer and you go to the appropriate Web site, you can find out, appropriately enough, which financial institutions and other corporations have received TARP funds. I voted against those bailouts, but the truth is, if you want to know how much Citigroup has gotten, if you want to know how much Bank of America has gotten, there it is. It is in black and white, as it should be. But you will not know and you do not know which institutions received \$2.3 trillion.

Earlier this month, I had an opportunity to ask Ben Bernanke, the Chairman of the Fed, about this issue when he testified before the committee. At this hearing, the Chairman told the Budget Committee that since the start of the financial crisis, the Fed has provided loans to "hundreds and hundreds of banks." But Mr. Bernanke declined to name any of these banks, how much assistance they provided to each bank, or what those banks are doing with this money. What the Federal Reserve needs to understand is that this money does not belong to them, it belongs to the American people. It is literally mind-blowing that trillions of dollars have been placed at risk—by whom, for what, going to whom? We don't know.

I hope we have strong bipartisan support for this amendment which simply begins the process of asking for transparency at the Fed, which is probably the most secretive institution in Government.

During the markup of the budget resolution last week, I offered an amendment with Senators BUNNING, FEINGOLD, and MENENDEZ—all of whom serve with me on the Budget Committee—to create a deficit-neutral reserve fund to provide increased transparency at the Federal Reserve. Due to



some concerns raised by the Parliamentarian, this amendment was modified and passed the Budget Committee by a voice vote.

The amendment I will be calling up tomorrow is more specific in terms of what type of transparency the Fed should be providing. The Sanders-Bunning-Feingold-Menendez amendment simply puts the Senate on record that the Federal Reserve should publish on its Web site—just as the Treasury Department does with TARP funding—comprehensive information about all of the financial assistance it has provided under the lending facilities it created to deal with the financial crisis since March 24, 2008. What we ask specifically is—and believe me, I don't think the taxpayers in this country are asking too much when they get this information—No. 1, the identity of each business, individual, or entity that the Fed has provided financial assistance to; No. 2, the type of financial assistance provided to that business, individual, or entity; No. 3, the value or amount of that financial assistance; No. 4, the date on which the financial assistance was provided; No. 5, the specific terms of any repayment expected; No. 6, the specific rationale for providing that assistance; and No. 7, what that business, individual, or entity is doing with this financial assistance.

In addition, this amendment also puts the Senate on record in support of providing the GAO with the tools and authority it needs to conduct an independent audit of the Federal Reserve—something I know Senator BUNNING, among others, has been trying to accomplish for several years.

This is a very simple amendment. It is a very important amendment. Anyone who believes in transparency in Government should be supporting it. I hope and expect we are going to have support from both sides of the aisle—from progressives, from conservatives. This really is a commonsense amendment that the American people deserve to see passed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, for those who are following the action of the Senate, the debate over the budget resolution, this is an annual event that involves planning ahead for our spending for the next fiscal year, which starts October 1, and beyond. Presidents come forward and suggest what they would like to see us do with the submission of the budget. Then it is up to the Congress to decide, within the

confines of the President's budget request, what to do with the money—how to raise it, how to spend it. Naturally, it is a contentious process because there are a lot of different opinions on where money should be spent—how much should be given to this agency or how much should be in tax cuts.

President Obama came to this assignment with a very difficult set of circumstances—the worst economy in 75 years; a nation in recession; the need for us to put money into the economy to create and save jobs, good-paying jobs right here in America, which he did with his Recovery and Reinvestment Act; and then the question about what will our priorities be as a nation as we try to bring ourselves out of this recession and plan ahead.

This week, the Senate is going to vote on its version of the budget resolution for the fiscal year 2010, starting October 1, 2009. We are going to make fundamental decisions about what our economy and the prosperity of our country will be. Of course, those decisions will impact the direction of our Nation, not only next year but beyond.

We need to face facts. This is the hardest budget we have faced in a long time. Because of the deficit which the President inherited from President Bush—the largest in history—we are trying our best to spend our money wisely but not make the debt any worse in the long term. We have taken an important step with the economic recovery package, but there is a lot more we have to do to put the economy back on track.

Now we need to pass a budget that is smart and fair and responsible, one that helps our economy work again and invest in things that will pay off over the long run. The Senate budget resolution reported by Chairman KENT CONRAD of North Dakota would allow us to do that. I certainly do not agree with all of the specifics in his budget resolution. I would write it differently. Every Member of the Senate can say that. But when I look, on balance, I believe this budget resolution really addresses the realities of what we face and the challenge of what lies ahead. It restores fairness for middle-class families, working families across America, it reestablishes responsibility in the budgeting process, and it makes some smart investments in America's future.

The Budget Committee followed the principles laid out in President Obama's proposal to Congress. It sets a path to regain balance that our country once enjoyed—careful investments in our future while creating opportunity for working families who have lost a lot of ground over the last 10 years. It provides the flexibility to authorizing committees to tackle our toughest challenges, and it starts to repair years of neglect and make critical investments in health care, education, energy.

Let's speak to the health care issue for a moment. Our Nation spends more than any other industrialized nation on health care. Yet the United States is the only industrialized nation that does not offer health care coverage to all of its citizens. We can't just throw money at this problem and hope everybody gets good health care. Instead, the President's budget identified specific changes in the current system to improve efficiency. The savings from those changes would then be applied to Congress's efforts at reforming health care. That is smart, it is fair, and it is responsible.

To implement the President's request, the Senate budget resolution includes a deficit-neutral reserve fund that allows the committees here in the Senate to take on the challenge of health care reform. We need to spend our health care dollars more sensibly, and we need to provide quality health care for all Americans.

Let me tell you about one program that kind of tells the story about the debate we have been engaged in over the last several years. President Obama has said we need to take a closer look at the Medicare Advantage program. He said it is time for us to end excessive payments to private insurance companies that administer that program.

From the beginning, Medicare Advantage was sold to Members of Congress as the private sector alternative to Medicare which will prove, as they argued, that if you let the private insurance companies do the Medicare Program, they are going to save the Government money. Those who argued for it started with the premise that when the Government bureaucrats get their hands on it, they are going to make a mess of it, it will cost too much, have too much redtape, and at the end of the day, if you just left it to the market forces and the private sector, you would come out with a much better and cheaper result. Taxpayers would save money if you took away the Government program and replaced it with a private sector program. That was the premise behind Medicare Advantage.

It was a good theory: The competition among private insurance companies would bring down the costs of traditional Medicare. But it turns out to be wrong. Congress passed legislation in 2003 and agreed to pay for-profit insurance companies 12 percent more per beneficiary than regular Medicare would spend to cover the same people. So the premise that private insurance companies would save us money was defeated from the beginning. We started off subsidizing private insurance companies to offer as much coverage as Medicare offered.

We gave them a 12-percent subsidy to prove that the free market works. Today, research from the Medicare

Payment Advisory Commission, our official experts on Medicare payments, showed that Government pays private fee-for-service programs 119 percent of the average cost for beneficiaries in traditional Medicare.

If they were setting out to prove that they could do the job of Medicare with competition and private insurance cheaper, they failed, failed by 19 percent. What is it costing us? Last year, a report from the Congressional Budget Office said payments to private health plans in Medicare Advantage rose from \$40 billion in 2004 to \$56 billion in 2006, \$75 billion in 2007.

Federal payments to these private insurance companies are expected to reach \$194 billion by 2017. So for 10 years, from 2007 to 2017, the Federal Government is on the hook for \$1.5 trillion in an experiment that was supposed to save us money. The share of Medicare spending for Medicare Advantage Plans will increase from 17 percent in 2006 to 27 percent in 2017.

So they end up proving, year after year, that they can reach into and grab more and more Medicare beneficiaries, lure them into private plans that cost the taxpayers more money, when they were supposed to be proving they could save us money.

Insurers claim they are paid more because they offer more than Government-sponsored Medicare. It is true that many plans do offer things that the original Medicare plan did not offer. But in a report issued last year, the Government Accountability Office noted that only a small share of the money that the Government will pay Medicare Advantage Plans over the next 4 years goes to extra benefits; only 11 percent.

It turns out there is much more in profitability and in offering services that do not benefit Medicare beneficiaries. Most of the rest of it goes to out-of-pocket spending, reducing out-of-pocket spending and copays.

Sounds good until you realize that to pay for this reduction, we are now charging higher premiums for the 35 million Medicare beneficiaries who enrolled in traditional Medicare. Follow it? Private companies that are going to show they can run rings around traditional Medicare, offer the same benefits at a lower cost, it turns out, were wrong, and we are paying 19 percent more for private insurance companies to offer Medicare Programs than if traditional Medicare offered it, and the 19 percent is being paid by the seniors in traditional Medicare. They are paying for the subsidy for the private insurance companies.

Each beneficiary enrolled in traditional Medicare sees their premiums increase \$3 a month to pay for the reductions in out-of-pocket spending for beneficiaries enrolled in Medicare Advantage. Worse, we do not even know if this program is working. In 2007, CBO

Director Peter Orszag, now head of OMB, pointed out in testimony before the Senate Finance Committee that little information is available on the degree to which plans generate better health outcomes than traditional Medicare.

Now, you want to know why and how we are wasting money? Here is one good example. If we are going to bring down the cost of care and maintain its quality, we cannot afford subsidizing private insurance companies that charge us more than traditional Medicare and cannot prove that the outcomes are any better.

The President's budget proposes to cut Federal payments to insurers that run plans by requiring them to competitively bid to offer coverage in a given geographic area. Insurers will be paid according to the average of the bids. If they are as good as they say they are, let's have them compete.

This process will save us \$177 billion over 10 years. It is a sacred cow. I recall an alderman from Chicago, a friend of mine, a Hispanic alderman, called me and said: Senator, I have to see you. I just have to see you.

I said: OK. We will set it up. I said: I am coming out of meeting over here in a hotel. If you can meet me in the lobby, I would be glad to talk.

And he did. We sat down and he said: Senator, you just have to save the Medicare Advantage program.

I said to my friend, the alderman: Why in the world did you come to lobby me on this?

Well, he said, it turns out, one of the major insurance companies called me and said that my people liked this plan. And they gave me the names of some people who liked this plan.

I said to the alderman: Do you know this plan costs more than traditional Medicare and your people are not getting anything more for it?

No, I did not know that, he said.

But they went to the lengths, the insurance company, of sending this alderman in, a nice fellow, trying to do the right thing for people he represents, trying to sell an idea that, frankly, costs the Federal Government more money.

That is how you get into the mess we are in with health care in America today. This \$177 billion we could save by taking an honest look at Medicare Advantage we can use to expand health insurance protection to the 48 million uninsured people in this country. We can expand and build community health centers. God bless them. These are people who do great work in primary care all across America.

I tell you, I visit these centers, clinics, all across Chicago. Erie Health Clinic is one of my favorites, Alivio Health Clinic. I walk in there and I say to these doctors, face to face, eye to eye: If I were sick, I would be happy to walk through the door of your clinic

and have your doctors and nurses see me. They are fine, quality care. And many of the people whom they serve are poor people, uninsured people, folks who have no coverage, no insurance. They are doing great work, and we need to have more of them providing primary care, keeping people out of emergency rooms.

The money we have spent and we have been spending to subsidize Medicare Advantage is money that is wasted, money that, in fact, goes to private health insurance companies. Well, President Obama said: The free ride is over. If you cannot compete and get your prices down to a reasonable level, we are going to stop this subsidy. You set out to prove to us how good the private sector was and how good the free market worked and then you are demanding a subsidy of the Government to keep offering your Medicare Advantage program.

I have a friend of mine, Doug Mayol in Springfield, IL, who knows too well the difficulty this economy can create for someone on their health care. I have a picture of Doug here. I want him to be seen on C-SPAN back in Springfield, IL, or wherever he is watching.

Doug, since 1988, has operated a small business in downtown Springfield selling cards, gifts, knickknacks. And as you can imagine, a self-insured businessman, his profits, many times, are at the mercy of the rising costs of health care. He is fortunate that his only employee in his little shop is over 65 years of age and qualifies for Medicare and also receives spousal benefits from her late husband. If that were not the situation, Doug does not think he could help her pay for her health insurance.

In terms of his own insurance, Douglas has a challenge. Doug has a pre-existing condition and fears the possibility of becoming uninsured. Some 30 years ago, Doug was diagnosed with a congenital heart valve defect. He has no symptoms, but without regular health care, he is at the risk of developing a serious problem.

Like most Americans, his health care premiums have risen over the years. But recently it has been shocking. In 2001, Doug paid \$200 a month for health insurance. By 2005, it had doubled to \$400 a month. When Doug turned 50 years of age in 2006, the monthly rate went up to \$750 a month for his health insurance. He tried to work within the system. He chose a smaller network of providers and a higher deductible and brought the monthly premium down from \$750 to \$650.

Unfortunately, last year, that premium for this small business owner in Springfield, IL, went to \$1,037 a month. Only by taking the highest deductible allowed, \$2,500, was he able to bring it down to \$888 a month. He knows and we know the numbers are going to keep going up.

Because of his high deductible, Doug thought he should open a health savings account, but he could not set aside the \$200 a month on top of the \$888 premium every month, found it impossible to do.

You know what. He is not a sick person or costly patient. With his high deductible, the insurance does not even pay out, as Doug has never made a claim for an illness or injury except for routine primary care. Yet more affordable insurance carriers reject him because of his preexisting condition, the possibility of high expenditures in the future for things such as surgery.

This condition, or burden you can say, severely limits his choices when it comes to insurance. But he cannot afford not to have health insurance either. With his heart condition, antibiotics are needed before undergoing even a visit to the dentist. Although he should see a cardiologist periodically, Doug avoids it. He fears it would add another red flag to his already tainted medical record in the eyes of the insurance companies.

What kind of system are we operating in America that even those with coverage are delaying care because it costs and the way insurance is structured? Americans need peace of mind of knowing that health insurance companies will not be able to pick and choose whom they cover. We deserve the highest quality care our country has to offer, and President Obama has made a commitment to reach that goal.

This budget resolution lays the foundation for making that commitment a reality. Doug is living his American dream. He has his own business. Having health insurance should not destroy that dream. Doug should not be forced to choose between keeping the shop doors open and paying his insurance premium.

The budget resolution also offers a promising vision for education in America, closely following the President's proposals. The budget fully funds the President's request for a smart, fair, responsible investment in education and training and improves chances to learn.

First, the budget dramatically expands access to quality early childhood education programs. I listened on the floor while Republicans came and criticized the Senate budget resolution for spending too much money.

The major investment and expenditures in this resolution, in terms of new expenditures, are three. We put more money into veterans care because a lot of soldiers are coming back hurt; they need help. They need to have the clinics and hospitals and medical professionals that we promised them we would give them. We put the money in this budget resolution to keep that promise.

The second thing we do is pay for the census. This comes up every 10 years.

We have to prepare for it. We cannot escape it. It is required. Let's do it right. We are doing what others have done in the past. That is one of the new areas of spending.

Third is education. This budget dramatically expands access to quality early childhood education. I believe and think most parents understand that the earlier you start teaching a child, the better chance that child has in school or to succeed. Unfortunately, a lot of kids come to kindergarten well behind the other kids in the class. This is especially true for kids from homes where families struggle economically.

That is why early childhood education programs such as Head Start can make a big difference. After a year or two in a preschool setting, these kids start kindergarten ready to learn. If you listen to the stories from Head Start teachers, you will understand how important these programs can be. I do not have a chart here, but I will tell you that Vamyah is a child in Chicago who began in a class taught by Ms. Hardy, as a tearful, timid little girl.

After 2 years in Head Start, Vamyah is singing and playing with the other kids and even attempting to write her name at the writing table. She has progressed so far, she is now helping other kids write letters, numbers, and puzzles. Ms. Hardy reports that when Vamyah goes to kindergarten in the fall, she is going to be missed. But she has a better future ahead of her because of the experience she has had at Head Start.

This budget will give other kids the opportunity to grow and learn before even entering school. Once they begin their schooling, the budget asks us to invest in teachers and innovative programs so all children can succeed in the classroom. We improve student assessments, teacher training, principal preparation, and programs that reward strong teacher performance.

These are initiatives we want to see in our kid's schools and every school. The budget will help us build the education system to compete in the challenging 21st century. Once these kids move on to higher education, the budget would help them afford the high cost of tuition by raising the maximum Pell grant award and streamlining student loan programs.

The cost of college keeps going up. Everyone knows it. This morning, NPR reported that record numbers of kids are enrolled in community colleges. It is the affordable alternative. But as the costs go up, we have to give a helping hand because otherwise these kids will end up with a mountain of debt, pushing them into jobs they may not aspire to.

If a young person wants to be a teacher, we ought to give them a helping hand. Making the Pell grant larger each year will reduce the ultimate debt

they face. Financial aid has not kept up with costs. Some 30 years ago, a Pell grant covered 77 percent of public college costs. Now it covers less than half that amount. To fill in the gap, more students have taken out student loans to afford college.

In the early 1990s, fewer than one-third of college graduates had loan debt. Now that number has doubled, more than doubled, to 70 percent, to an average of \$20,000 debt per student. This budget increases Pell grants to \$5,550.

It currently helps 7 million American kids stay in college.

One of the students who will be helped is Kendra Walker at Southern Illinois University in Edwardsville. She grew up in St. Louis and had a difficult childhood. She and her brother were raised by a single mom who was a crack addict for 12 years. Kendra had to grow up pretty fast, taking care of a little brother and often taking care of her mom. Her mom eventually went to rehab, but things were still pretty tough at home. Kendra worked all through high school to pay the bills and buy groceries when the family needed them. Even as she struggled, she thought: I can do better in my life. She knew her future had to include college. She worked hard in school. She was on the honor roll and graduated fourth in her class from high school. She believed her hard work had paid off when she was accepted at Howard University.

Then reality set in and Kendra knew she would not be able to go because she just didn't have the money. Instead, she started college at St. Louis Community College with plans to transfer to a university.

When her mother passed away suddenly in July of 2007, she had to redouble her efforts. She enrolled at SIU Edwardsville and moved into student housing. Today she is a junior studying criminal justice and political science. She is still struggling to pay the cost of her education, and she has nobody to help her.

As Kendra says: It is just me and the Financial Aid Office.

She has Pell grants, work-study funds, a few scholarships, and too many student loans. It is becoming harder for Kendra to make ends meet. Paying the bills and keeping food on the table is pretty tough. She almost didn't start school because her Pell grant didn't cover all the cost. She was forced to take out even more student loans. She worries about the debt she is piling up, but she knows to quit now without a bachelor's degree is to end up with debt and no diploma. When she graduates next year, Kendra plans to become a probation officer for teenagers so she can help them turn their lives around. She also dreams of attending graduate school, maybe someday going to law school and becoming

a defense attorney. What a remarkable young lady.

Look at what she has been through at this point in her life. If a budget talks about a nation's values, this budget shows that we care about students like Kendra. Our budget reflects it.

In her words:

Without federal financial aid I would just be another statistic. With the help of programs like the Pell Grant, me and others like me can obtain our goals and have bright futures.

We need to help people such as Kendra achieve their college dreams by increasing help through the Pell grant. This budget will do that.

The Republicans come and criticize it: Why are we spending more money? It is another one of those overspending budgets.

We are spending more money to provide more Pell grants so Kendra Walker can finish college, get a job, and contribute back to society. Is that a good investment? I think it is one of the best.

This budget also provides a downpayment on weaning America from foreign energy sources. We know we have to cut back on foreign energy that generates greenhouse gases and makes us dependent on foreign countries. This budget proposes we spend less money heating and cooling with old, inefficient systems in Federal buildings and more money developing smarter ways to use power. It proposes we spend less burning conventional fuels and more money developing cleaner energy sources.

If this budget had already passed and this funding was already available, Lee Celske of Alito, IL, might have been able to put a small portion of that funding to good use.

In this budget, Lee Celske can be helped. Lee is an interesting and entrepreneurial fellow. He has figured out how to create greenhouses out of recycled glass. They can be framed for \$30,000, quick to assemble, and a good option for communities. They are energy efficient, can withstand a category 5 hurricane. The factory that makes the houses would employ 30 high-tech, high-paying green-collar workers.

Over the past 14 months, Lee has presold nearly \$2 million worth of houses, relying on loan guarantees from the bank that would underwrite the factory once sufficient sales were in place. But then the bank pulled the financing. Lee hasn't done anything wrong. His small company is ahead of schedule on growth targets, and it will create good jobs. Yet his progress has been stopped cold by the freeze in the credit markets. This budget will help finance entrepreneurs such as Lee in Alito, IL.

It contains a deficit-neutral reserve fund to advance the President's goal of

expanding renewable energy use, ensuring 10 percent of our electricity comes from renewable sources by 2012 and 25 percent by 2025. There is also money in this budget to green Federal buildings.

Three weeks ago I was a visitor to what was then the Sears Tower, the tallest office building in America. It is now the Willis Tower. I was shown a demonstration where they are about to take this 35-year-old building and make it energy efficient. It starts with replacing 16,000 single-pane windows, energy-inefficient windows, with triple-paned windows, putting in new brackets to sustain the new weight on the building, changing the heating and air-conditioning system, generating electricity with the over 130 elevators that move up and down the old Sears Tower, now the Willis Tower. They will make this investment.

We need to look at our Federal buildings the same way and realize that sticking with old energy-inefficient buildings is draining money from taxpayers' pockets. Money spent now creating good jobs, making these buildings energy efficient is money well invested. It will reduce the cost in the future of these buildings. Weatherization of homes and office buildings is a critical part of the energy agenda. Mr. President, 60 percent—some say 40 percent, but whatever it is—is a substantial portion of the pollution. It comes from buildings we live in, and we can reduce that pollution if we start dealing with these energy issues honestly.

I listened to the debate on the Senate floor as my colleagues on the Republican side criticized this budget. I will say, in their defense, that writing a budget is not easy. It is hard. There were years when we were in the loyal opposition and couldn't do it, couldn't write it. It diminished our ability to criticize because, frankly, we couldn't put a budget on the table. We just couldn't do it.

Well, the Republicans can't do it this year. They can't produce a budget. They certainly can't produce one to meet the goals they say they want in this budget. So there they stand, emptyhanded, criticizing our work effort, our budget resolution. It does detract from their credibility, if they can't produce their own budget. As I have said, it is hard. There have been times in the past where we in the loyal opposition couldn't.

I encourage colleagues to take a close look at this budget. It makes smart investments in the future. It is fair, particularly to working families. It is responsible. We put on line the actual cost of two wars which the previous President wouldn't even put in his regular budget. We are going to let the American people know what they cost and make sure we make allotments and allocations for them.

I hope when this comes up for a final vote, we can have the support of a suf-

ficient number to pass this budget resolution and move America forward again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I have listened with interest to my friend from Illinois where everything works, every proposal makes sense, every Federal appropriation is carefully handled, and every citizen of the State of Illinois personally prospers. That would be a great world. I hope we can get to it. I don't think this budget takes us there.

I rise to discuss another aspect of this budget, to discuss amendment No. 759, which I have submitted.

I ask unanimous consent that Senators THUNE and ENSIGN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. This amendment has to do with the tax treatment of charitable contributions. The budget the Senator from Illinois discussed has to be paid for. One of the ways President Obama has proposed that it be paid for is to change the tax treatment of charitable contributions for those evil people in America who earn more than \$250,000 a year. I say "evil" in a sardonic sense because, in fact, we all recognize they are essential to the economy. Without them, we would not have the tremendous amount of income tax revenue we do have. We understand that they are paying the lion's share of the income tax. We should not demonize them. But some people have in their response to this and say they earn too much, and we should not allow them to accumulate too much.

One way we are going to make sure they don't accumulate too much is to see to it that they are not allowed to deduct the same percentage of their income taxes for charitable contributions that other people are.

Let's talk about this for a moment. Taxpayers with incomes in excess of \$250,000 contributed \$81 billion to charities, according to the IRS. That is an average contribution of \$22,000. The people with incomes below that have made an average contribution of \$2,700, nearly 10 times less. So the charitable contributions made in this country clearly come in the bulk from those who earn over \$250,000 who would see the tax benefit from making that contribution go down if President Obama has his way.

I have two interesting personal comments to make about that, one from my son who was having a debate with one of his liberal friends. His liberal friend said to him: Jim, you don't earn over \$250,000 so this would not affect you. Why are you so concerned?

He responded: I work for a nonprofit. If their contributions are cut as a result of this, it will affect me. More importantly, it will affect those people whom this nonprofit serves.

I take my son Jim as an example. The nonprofits in this country employ 10.2 million people. When we talk about this budget saving jobs, we have to ask: How many of that 10.2 million people will lose their jobs as they see the contributions go down as a result of this change in tax treatment?

President Obama says: You should make the contribution regardless of the tax treatment. The tax treatment should not stand in the way of your doing good work.

I agree with that. But if the tax treatment holds down the amount of money you have available to do good work, it will impact it.

George Washington made this comment with respect to charitable contributions:

Let your heart feel for affliction and distress of everyone and let your hand give in proportion to your purse.

What is happening is that President Obama is suggesting that the proportion of your purse will go down as a result of Federal action.

Now I go to the second personal experience that comes out of this. I have long been known as one who is a strong supporter of the arts. I supported the arts when some members of my party wanted to eliminate them, particularly the National Endowment for the Arts. I was here on this floor to argue in favor of that and have been happy to see the arts amount go up each year since we saved it as a result of the action we did in the Senate. Our friends in the other body had zeroed it out in their budget, and we did our best and succeeded in saving it.

A group of arts people have been to see me this week, thanked me for the work I have done—and I thanked them for that—and then described their problem. Their problem is, of course, that their contributions are down. Why? Because the economy is down. So they are having to lay people off. They are saying: Can't we get an even bigger Federal contribution to make up for the fact that the private contributions are down?

Step back from those two comments and see how ironic it is. The President is saying: We are going to change the tax treatment so there will be less incentive for private contributions. The people who live on the basis of these contributions are saying: Our contributions are down. Will you please increase the tax contribution so we can make up the difference?

The President's proposal sets up a situation which takes away with one hand and then presumably gives with another. There is a proposal in this deficit for more money for the arts.

I support that proposal, as I say, because I have always been in favor of some money for the arts, but not for enough money from the Federal taxpayer to make up the amount that will be lost if we follow President Obama's

proposal. My amendment will deal with that.

Over one-third of the charitable contributions that are paid go to faith-based organizations, to churches. We have always recognized the importance of religion in this country. Freedom of religion is the first item mentioned in the first amendment. The Founding Fathers thought that freedom of religion and saying that Congress shall in no way interfere with religions was the most important thing they could say in the first amendment. It is there ahead of freedom of speech, ahead of freedom of the press, ahead of the right to petition the Government for a redress of your grievances.

We are going to say to those faith-based organizations, all right, the large donors who make the contributions to the church universities or to the major church activities, they are going to be discouraged by virtue of this tax treatment President Obama has proposed. Yes, you can still pass the plate for the small parishioners. And I do not wish in any way to denigrate the importance of the widow's mite, but anyone who has ever run a major fundraising organization knows that you start out with the big contributions first, and then you try to add to those the smaller contributions and get everybody involved.

I come from a constituency that has a long history of faith-based contributions and that has used those contributions for tremendously valuable purposes. Originally, to bring people to Utah, they organized what was known as the Perpetual Emigration Fund. People of means put money into that fund so people who could not afford to come to Utah could borrow from it; and then, when they were there, they would pay it back. That is why it was called the Perpetual Emigration Fund. We do not need that anymore.

We now have what is known as the Perpetual Education Fund. People of means put substantial amounts into this fund, which then makes loans to those who cannot get an education otherwise. We heard the Senator from Illinois talk about the importance of educational loans and the importance of Pell grants. This is a fund that makes loans of all kinds, primarily to people at the bottom of the economic ladder, to give them a trade, to help them get the skills they need to support their families—mainly young people who do not have families yet and may not be starting families because they are afraid they cannot afford it.

The large contributors who contribute to this fund are now being told: Well, we still need your money. We still need this effort for all of these young people who need this benefit. But the Federal Government is going to take a little more off the top than they used to.

For those who say: Well, I have only so much to give, and I have to reduce

it in order to be able to pay the extra tax, it is the Perpetual Education Fund that will pay the price.

So we have submitted this amendment that would make it clear that nothing in this budget could be used to put in place the President's proposal, and I hope when the time comes, all of my Senators will vote for it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, we are discussing and debating all week on the budget resolution. I stand before the Senate tonight to talk about some amendments I am offering. But this is a budget that President Obama has worked very hard on, as well as Chairman KENT CONRAD, the chairman of our Budget Committee. That work done by the President and his team, as well as by the Budget Committee, has resulted in a series of proposals that focuses on a whole range of issues.

But one of the most important parts about this resolution is that it keeps its focus on recovery for the short term, but long term it focuses on issues we all are concerned about and need to spend a lot of time on—issues such as health care, education, and energy. This budget also cuts the deficit in half over the next couple of years and cuts taxes for working families.

We need to focus on all of those issues, and more, because of what has happened to our economy. Since December of 2007, we have lost 4.4 million jobs. In my home State of Pennsylvania, in February of this year, it was reported we had lost 41,000 jobs—the largest single month job loss for the State in 13 years.

These numbers reveal that not only is the economic downturn ongoing but the pace of job loss is not slowing down. In response to the economic crisis, many of our communities in Pennsylvania have community colleges that have offered at least one semester of free tuition to workers who have lost their jobs as a result of the economic downturn.

The first amendment I am offering creates a deficit-neutral reserve fund to establish a tuition assistance program in the Department of Labor. Voluntary participation in this program will not only help workers in need of skills and training for future employment, it will also strengthen qualifying educational institutions and reinforce their role in workforce development in our complex economy.

It makes perfect sense that when people are losing their jobs because of the economy, because of the recession, they be offered an opportunity for further education. This amendment makes all the sense in the world in light of that reality.

The second amendment I am offering sets forth a fund for accelerated carbon capture and storage and advanced coal technologies. This amendment creates

a fund to accelerate the research, development, demonstration, and deployment of advanced carbon capture and storage, known by the acronym CCS, and coal power generation technologies.

Today, coal provides over half of the Nation's electricity and supplies more than 40 percent—40 percent—of worldwide electricity demand. Any domestic program to meet the challenge of climate change must include carbon capture and sequestration. We know coal helps build our businesses, helps keep American homes, factories, airports, schools, and hospitals humming. It creates millions of good-paying jobs across the economy.

We know in addition to addressing our greenhouse gas responsibilities, this amendment I am offering will make the United States a leader in the development and export—and that word is very important: “export”—of advanced coal technologies to those countries such as China and India that also rely upon coal as their dominant energy source.

I am proud to be joined in this amendment by Senators ROCKEFELLER, BAYH, and STABENOW.

Finally, I have a third amendment which would create a deficit-neutral fund for long-term stability and housing for victims of violence. This would be an amendment that speaks directly to a program authorized under the Violence Against Women Act—a great piece of legislation passed to protect women in America.

I am offering this amendment because I want to highlight two very serious problems in this country and the relationship between the two: domestic violence, on the one hand, and its impact on women and children.

In particular, women and children in high numbers fleeing abusive situations often become homeless. There are many very harmful consequences of homelessness for children, which I will mention in a moment. But first I want to emphasize the nexus between domestic violence, on the one hand, and homelessness on the other. That is the reason I am offering this amendment.

One of the things the National Center on Family Homelessness highlighted in its recent report is how frequently domestic violence is a direct avenue to homelessness for women and children. This is supported by other data from the National Network to End Domestic Violence and many other policy groups and researchers.

Several national and State reports show that between 22 and 57 percent of homeless women report that domestic violence was the immediate cause of their homelessness. Research on domestic violence is well documented that batterers commonly sabotage a woman's economic stability, making abused women more vulnerable to homelessness. This program I am offer-

ing an amendment to build on collaboration between domestic violence service providers and housing providers and developers to leverage existing resources and create housing solutions that meet victims' needs for long-term housing. Helping victims remain safe and stable over time is critical. Victims of domestic violence often return to their abuser because they cannot find long-term housing.

Just to give one example of a real person, a real story from my home county, Lackawanna County, PA: Jean is a 43-year-old survivor who experienced severe domestic violence during her 10-year marriage. She filed for divorce from her abuser in an attempt to find a better life for her and her 2 children, a 4-year-old son and 14-year-old daughter. Unfortunately, as often happens when the victim tries to end the relationship, the violence escalated as her husband stalked her, broke into her home, and severely beat her with a crowbar as her son watched in horror. Her husband was arrested and sentenced to 1 to 4 years.

Following the arrest of her estranged husband, Jean turned to the Women's Resource Center in Scranton, PA. There, she received free and confidential counseling and became an active participant in support groups. Her children joined the children's group at the center, and with legal representation from the center, Jean was able to successfully fight her ex-husband's petition for custody while he was in prison.

Jean's family resided in transitional housing offered by the center while she got back on her feet financially after the divorce. She returned to school, and this past Mother's Day she graduated with a bachelor's degree in social work. She completed an internship at the center and now works as relief staff member at the center as she prepares to finish graduate school this fall.

Jean says the center is:

The wind beneath her wings. Everything I've done, I've done because of their help, their encouragement and their empowerment. I am where I am and who I am today only through their incredible support.

So said Jean, a real person living a life of horror that most of us can only imagine.

Her story illustrates the kind of vital help victims of domestic violence and their children can get and need to get. We have a responsibility, every one of us here has a responsibility to victims of domestic violence and to children to keep these programs and services going with the funding they need. These programs save money and literally save lives. As did Jean, victims of domestic violence and their children can become survivors and go on to live successful, happy lives, free of abuse and free of fear. If we do anything in this budget this year, we should speak directly to those victims who are able to survive horrors that I can't even begin to

imagine and go on to lead productive lives.

So with these three amendments, I hope to improve upon what I think is a very good product already—a budget that focuses on our priorities, our fiscal priorities, health care, education, and energy.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, while we are getting set up, I would first ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, this week we are laying out a blueprint for the part Congress will play in America's economic recovery.

Our budget isn't just a list of revenues and expenditures; it is a balance sheet of priorities and values. The line of numbers come together to form a bigger picture, laying out a vision for where we plan to lead the Nation. On a practical level, it gives us a chance to plan how we are going to create jobs, reform health care, make college more affordable, and end our dependence on foreign oil. This is President Obama's vision, and it is a mission we share and seek to make a reality with this budget.

Considering the current state of the economy, the times demand a bold strategy to give immediate help to those damaged by the crisis and create the conditions for recovery in the long term. But as we are moving forward with clarity and confidence, let's not forget how we got where we are today.

We would all prefer not to have the Government run a deficit and a debt. There is no question about that. Unfortunately, my colleagues on the other side of the aisle are a little late in coming to that conclusion. Republican policies were tried in the last Presidency over the last 8 years and were tried in Congress for 10 years. They took a record surplus to a record deficit. They added trillions of dollars in debt, trading away our fiscal health in exchange for subsidies to big oil companies and tax breaks for the wealthy. They rubberstamped a \$1 trillion war in Iraq without even accounting for it in the budget.

For those who are proclaiming themselves guardians of fiscal responsibility, where were they when Dick Cheney declared that “deficits don't matter”? Deficits don't matter.

So let's be very clear: It is a Republican deficit that we are inheriting and that the President inherited. Even if he did absolutely nothing, he would have well over a \$1 trillion deficit.

Republican policies got us into the red. As President Obama has made very clear, over the next few years we are going to bring down that deficit he inherited because our long-term financial



health depends on it. But right now, there is a bigger question. The question isn't just how do we cut the Republican deficit the Nation inherited; the question is, What kind of country do we want our children to inherit? Do we want them to inherit a country where foreign workers are better trained and better prepared to compete in the global economy or a country where Americans are, bar none, hands-down the best educated, best trained innovators in the world? Should the country they grow up in be one where they stay up at night worrying because one serious illness or injury can drive their family into bankruptcy or one where everybody can sleep soundly, knowing their whole family has health coverage? Is this going to be a nation that is forced to send hundreds of billions of dollars a year to foreign governments to pay for oil or a leader in the development of clean, cheap energy, creating jobs that can't be outsourced in exporting our technologies around the world?

Those are the choices we face, and in this budget we have chosen our path with confidence. We are making health care more affordable for the middle class, investing in clean energy to create jobs that can't be outsourced, helping more middle-class Americans get a college education, and cutting taxes for middle-class Americans. That is the kind of country President Obama has promised to help us build, and it is the kind of country we are choosing to build in this budget. In a sense, if we want to get our economy moving again, we don't really have a choice but to make these investments.

Since this recession began, more than 4 million Americans have lost their jobs, 600,000 people are losing their jobs every month and often their health insurance along with it. The housing market, the epicenter of this crisis, is still unstable. A tsunami of foreclosures is still devastating our neighborhoods and leaving families on the rocks, while homeowners have seen their homes lose a staggering collective \$6.1 trillion in value since 2006. While paychecks are shrinking, Americans continue to send hundreds of billions of dollars every year to foreign countries to pay for their oil.

So I don't think there is any doubt that investing in a better future isn't a luxury; it is a necessity. It is time for the kind of reinvestment this country needs to recover our economic dynamism and strengthen the 21st century economy, and that is what this budget does.

Let me talk about middle-class tax relief.

First, this budget brings immediate tax relief to middle-class families. It brings tax relief to married couples, an expanded child tax credit, and a patch for the alternative minimum tax. That tax, the alternative minimum tax, was originally designed to keep the

wealthiest Americans from using creative accounting to avoid all taxes, but it was never intended to hit the middle class as hard as it is hitting them right now.

I am proud to have introduced the amendment earlier this year in the stimulus package that passed that saves, for example, in my home State of New Jersey, over a million New Jersey families up to \$5,600 a year, and this budget makes a commitment to those taxpayers that they will not be subjected to higher taxes under the alternative minimum tax for the next several years. That is why collectively all of the tax cut benefits—the revenue changes in this budget—are about \$825 billion in tax cuts over the next 5 years. That is the kind of relief we need to put money back into people's pockets and give families who are being squeezed some financial breathing room. If you are a middle-class family, there is no doubt that this budget is good for you.

Our budget also makes a strong investment in education. There are few instruments and investments we can make that are as important because it is no secret how closely tied our economic success is to success in the classroom. The country that out-teaches us today out-competes us tomorrow. So if we are going to stay at the apex of the curve of intellect and innovation, we need to invest in human capital and give our young people the skills to thrive in a 21st century economy.

I know what that means personally. I know what Pell grants and other assistance for higher education means for students and their families. I was raised in a tenement—poor, the son of immigrants, the first in my family to go to college. I know I wouldn't be standing here today as one of 100 Senators in a country of 300 million people if it weren't for the Federal Government's support for higher education. So I am proud that this budget commits to making college more affordable. It boosts Pell grants to \$5,550, and it provides a \$2,500 credit for higher education through the American opportunity tax credit. That amounts to almost half of tuition at a State college or research university and full tuition at a community college. That is the kind of investment we need to help workers damaged by this crisis as well as to prepare younger people for a brighter future.

Our family budgets, our economic competitiveness, the stability of our climate, and our national security all depend on ending our dependence on foreign oil. The budget builds on the economic recovery package, supporting investments in renewable energy, efficiency and conservation, and modernizing the electric grid. I am proud to have authored provisions that bring funding to our communities to help

save energy in the most efficient ways they know. The more we assist our hometowns in energy-efficiency projects, the more it creates jobs, brings down our electric and heating bills, and fights the global warming that threatens our very way of life.

The budget also takes a major step toward making health care more accessible and affordable. It expands coverage, saves on costs by implementing new technologies, puts a stronger emphasis on prevention and wellness, and supports the kind of research that can find a cure for my mom's Alzheimer's. For years, the administration neglected key areas of the Federal health system. This budget restores them to their rightful importance.

We are going to have a National Institutes of Health which will save lives with their innovations. We are going to have an FDA that has the resources to keep the food we put on the table safe to eat and make sure we fully know the risks and rewards of the drugs that come into the market. A larger health care reform is on the way, but up until that happens, our message is very clear: We will not rest until, in this great Nation of ours, no one goes to sleep at night without access to affordable health care.

Let me conclude. There is one thing all economic crises have in common: They all end. While history has shown that government can play a constructive role, a recovery can't come from government alone. The jobs of the 21st century are going to be created by the free market within a regulatory structure that prevents it from collapsing on itself. With the kinds of investments we make in this budget, we are paving the way for the private sector to create jobs and start us on the road to economic recovery.

The budget sends tax relief where it should go: to working middle-class families. It moves us away from the mistakes of the past by accounting for the costs of the war in Iraq until we withdraw in 2010. It makes health care more affordable and brings a college education within reach for millions of young people. It makes the investments to begin to end our dependence on foreign oil that will keep money in our pockets and create jobs here in America. And it will cut the deficit President Bush left us before the end of President Obama's term.

To sum it all up, we put forth a plan to invest in our future and get our economy moving again. It is a plan that puts forth a basic idea about what America should be. It should be a country where anyone willing to work hard can get an education and a job, a country where everyone has access to the medical services that keep them healthy, a country where a lifetime of hard work guarantees the right to retire with dignity, a country that knows its past and cares about its future.

We have a lot of work to do. I am tired of hearing just a chorus of noes, the same old politics, the same old Republican policies that got us to where we are today. As President Obama and we try to move forward in a much better direction for the country, what we hear is no, no, and no. This is about saying yes to a brighter future. This is about saying yes to the fulfillment of the opportunities that each and every American should have. This is about saying yes to a new set of policies, and it is about an opportunity to change the direction of our country.

I have great faith that we will meet these challenges. This is a country that went to war twice in Europe to beat nazism and fascism and did so. This is a country that put a man on the Moon and created a scientific revolution as a result of it. It is a country that cured diseases that were once thought incurable. It started a technological revolution that still is the envy of the world. And with this budget and working with this President, it is a country that, once again, will lead both at home and abroad.

With that, Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I rise today to speak in support of the underlying budget resolution we are considering this week. I first want to thank Chairman CONRAD for all of his leadership and for the good work he and his staff have put into developing this budget resolution.

In November, the American people chose a new direction. That is what President Obama and this 111th Congress are working to deliver. I am proud of what we have been able to accomplish so far: an economic recovery package that is already putting Americans back to work and investing in our communities; a children's health insurance bill that expands access to health insurance to 4 million children who will now be able to receive health care services no matter what the circumstances their families face; the Lilly Ledbetter Fair Pay Act, which ensures that all Americans are paid the same regardless of age, gender, race, or ethnicity; a national service bill that taps into the strong desire of Americans to do their part to help our country recover and prosper through voluntarism; a public lands bill, which is the most significant conservation legislation passed by Congress in 15 years.

We are off to a good start, but we all know we still have a lot of challenges to tackle. We have inherited the worst

economic crisis in generations, and we need to get our economy back on track. That means finally addressing challenges that have been ignored for far too long. We have the opportunity to begin this process now by passing a comprehensive and sensible budget to guide our next year.

I support the priorities that President Obama has set out for the budget. Like the President, I believe we must reform our health care system. We must move our country toward energy independence. We must expand the promise of education. We must cut our national deficit in half over the next 4 years.

Right now, we spend 16 percent of the national gross domestic product on a health care system that is broken. This is the time—especially now—when we need to reform health care to bring down costs, expand coverage, and improve the quality of the health care coverage that we all receive.

Our Nation can save billions of dollars through health information technology. I am pleased this budget that we are considering builds on the funding in the economic recovery package that has been dedicated to modernizing health care through the use of electronic medical records.

This budget also makes a significant investment in comparative effectiveness research. It is a long name, but what it essentially means is that we need to look at what is working in health care for the least cost, the research on which Dartmouth College in my home State of New Hampshire has been working hard. The Dartmouth Atlas Project has done some of the best research into looking at what is most effective for health care procedures and remedies in the country.

On energy, we all know our national energy strategy has been on an unsustainable course for a very long time. We are overly dependent on foreign oil, and we must begin to address the threats of climate change.

These challenges call for a paradigm shift in the way we produce and use energy. I am pleased the budget we are considering makes investments in clean energy technology, energy efficiency, and recognizes that we have to modernize our energy infrastructure. I believe these investments in clean energy will create new green-collar jobs at home that will save consumers money.

We also have to invest in education so our children can compete in this global economy. Senator MENENDEZ talked about that very eloquently a little while ago when he talked about his experiences.

I am one of those kids, too, who, without a public system of higher education, would not have been able to go to college. That is why I am pleased the budget resolution we are considering expands opportunities for stu-

dents to go to college—to go to college and to graduate—because it increases Pell grants to \$5,550 per student and provides education tax incentives for families.

This budget also recognizes the critical importance of the early years in a child's life by providing significant support for early childhood education and title I programs. The long-term strength of our economy is dependent on each of these issues—education, health care, and energy policy. We need to act now to make critical investments to stimulate the economy in the short term. But we also have to do this in a fiscally responsible way that puts us on a path toward reducing our deficit. The budget deficit has been growing for 8 years. This President and this Congress inherited a debt and deficit that are at record highs. We are not going to erase these deficits and debt overnight. But we can work toward significantly cutting the deficit over the next few years. The budget that has been laid out by Senator CONRAD and the Budget Committee puts us on an aggressive course toward a balanced budget.

Spending nearly doubled under the previous administration, and revenues have now fallen to the lowest level as a share of our economy since 1950. The Obama administration inherited these record deficits and a national debt that doubled during the 8 years of the Bush administration.

This Congress, this President, and this budget are reversing course and putting our country back on a path to a balanced budget. This budget cuts the deficit by two-thirds by 2014. At the same time, it makes wise investments that will lead to economic growth in the future.

As a former Governor, I understand how important and difficult it is to balance the budget. It takes a lot of hard work, patience, and compromise.

I never expected the New Hampshire State Legislature to rubberstamp my budget when I submitted it. I knew it would change to reflect the interests and priorities of legislators, and that is exactly what is happening in Congress. But I also understand this Congress is going to send a budget back to the President that I believe will contain those priorities that the President supports and that we support as Members of Congress.

Mr. President, I also want to speak about an amendment I intend to offer this week. My amendment is No. 776. It is simple and straightforward. It would establish a deficit-neutral reserve fund to monitor FHA-approved loans. We have to remember that one of the things that got us into this economic mess is what happened in the housing market. Unfortunately, we need to make sure that doesn't continue to happen going forward.

The Federal Housing Administration is playing an increasingly critical role

in promoting home ownership during these tough economic times. The FHA now insures about one-third of all new mortgages.

In the runup to the subprime crisis, many fraudulent lenders pushed borrowers into mortgages and refinancing that they could not afford just to collect commissions and fees. We need to make sure we prevent that from migrating now to federally insured loans, which would put taxpayers at risk of footing the bill for another bailout.

The amendment I am going to offer addresses the need for HUD—Housing and Urban Development—to be able to properly investigate and remove fraudulent lenders from the program whenever they deem it appropriate.

As I said, I am confident that we will be able to pass a budget that invests in the future of America. I am hopeful all of our colleagues will join in that effort because I think it is important to strengthen the middle class, restore fiscal discipline, and make the investments that we need to make to ensure that this country is going to continue to be strong and competitive in the future.

I urge my colleagues to support the 2010 budget resolution, and I hope they will also support the amendment I am offering to address potential fraud in the FHA housing market.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

STAFF SERGEANT TIMOTHY BOWLES

Mr. UDALL of New Mexico. Mr. President, on March 15, Air Force SSG Timothy Bowles decided to help a fellow soldier. A friend was scheduled to visit a school near Kot, Afghanistan, as part of his provincial reconstruction duties, but he was feeling sick. Timothy offered to take his place.

He never returned from that trip. Timothy Bowles was killed when his vehicle was destroyed by a roadside bomb. He was 24.

We all celebrate the remarkable bravery of our men and women in uni-

form. But Timothy was not just a brave soldier; he was a deeply kind and caring man. He displayed not just the martial virtues of the soldier, but the simple kindness that we all hope to find in our friends, our families, our fellow citizens.

Timothy grew up in the Air Force. His dad, Air Force Msgrt Louis Bowles, fought in the first gulf war. As a child, Timothy moved from base to base while his dad served our country. He knew the hardships that the military can bring. But when he turned 18, he quickly signed up to serve.

We tend to think of that decision as one of physical bravery. Every soldier accepts the risk of injury or death. They commit themselves to challenges that many Americans will never know. And they put in the effort that will transform them from civilians into soldiers—the effort that makes the U.S. military the finest fighting force in the world.

But the decision to become a soldier is also an extension of values that we all share. It is the act of a good neighbor pledging to help keep the neighborhood safe. Of a good father telling his family they can count on him. Of a good citizen who puts his community before himself.

Please join me in honoring Timothy Bowles and extending our sympathies to his father Louis, his mother Lisa, his sister Heather, and all of the Bowles family.

Timothy was a good soldier and a good friend—to his fellow soldiers, and to all of us.

#### AMERICAN RED CROSS MONTH

Mr. BROWNBACK. Mr. President, “America the Beautiful” is perhaps one of the most moving anthems that captures the very essence of our Nation. In the fourth verse, Miss Katherine Lee Bates wrote, “O beautiful for patriot dream that sees beyond the years, thine alabaster cities gleam Undimmed by human tears! America! America! God shed his grace on thee and crown thy good with brotherhood from sea to shining sea!” From the inception of our Nation, the strength of America has been our unwavering sense of honor, an unshakable belief that we are all created equal “under God” and our unrestrained sense of global humanity.

This is the embodiment of the American Red Cross and of the vision articulated by Clara Barton, founder of this wonderful organization that has helped countless individuals in times of crisis whether comforting a wounded soldier during battle, assisting those who are recovering from a natural disaster, or administering life-saving blood to a sick patient. It is indeed the legacy of this organization to go and serve those in most need—even to the endangerment of the volunteer. Clara Barton once elaborated on importance

of service to others, “I may be compelled to face danger, but never fear it, and while our soldiers can stand and fight, I can stand and feed and nurse them.” Though the focus of the Red Cross has grown over the years the tenacity to help those in need and who face grave danger has never wavered.

Since 1943, every President of the United States has proclaimed March as American Red Cross Month and in turn, the organization uses this month to promote the services provided to the public each and every day. Communities depend on the Red Cross in times of need and the Red Cross depends on the support of the public to achieve its mission.

I am pleased to join with the Red Cross and highlight the courageous work that this organization accomplishes year after year and celebrate March as American Red Cross Month. As one of the best known humanitarian organizations, the Red Cross has been at the forefront of providing aid to soldiers during times of war and peace and helping individuals and families prevent, prepare for and respond to large and small scale disasters for more than 127 years.

I am very pleased of the work that the Kansas Red Cross has achieved over the years and am especially delighted to highlight the work of the Kansas Capital Area Chapter for their involvement in the creation of the “Holiday Mail for Heroes.” This program is a partnership between the Red Cross, Pitney Bowes, and the American people. Holiday Mail for Heroes distributes holiday cards to military veterans and active duty personnel throughout the world. This past year, over 1 million cards were received and sorted by hundreds of Red Cross volunteers. Pitney Bowes boxed and shipped them to different distribution sites—the Kansas Capital Area Chapter being one of them—and I am proud to report, shipped more than 1,000 cards.

In addition, to the focus on veterans, the Red Cross also provides programs that promote health and safety services as well. These vital services help to save lives and strengthen communities through education, training and products that enable people to prevent, prepare for and respond to disasters and other life-threatening emergencies. I know that I am profoundly grateful for the services that the Red Cross has given to my state during our times of challenges with natural disasters.

Last year alone, more than 5 million people took advantage of such educational opportunities, attending Red Cross first aid, cardiopulmonary resuscitation—CPR—and automated external defibrillation—AED—training classes. I know that I am profoundly grateful for the services that the Red Cross has given to my State during our times of challenges with natural disasters.

Other educational programs and services include Aquatics, such as basic swimming lessons, lifeguarding and water safety, care-giving, and HIV/AIDS education.

The American Red Cross has been able to provide services because of the tireless and dedicated work of volunteers, often known as "Red Crossers." Many of these "Red Crossers" have been involved in their communities for 10, 20 or even 80 years.

Mr. President, it is very fitting that we celebrate March as American Red Cross Month and continue to advance the principles of this very essential organization.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Our family is being greatly affected by the rising energy prices, especially gasoline; we are average middle income America here and we do not have a lot of extra money to keep up with the rising gas prices. If something could be done such as more development of domestic oil, fossil fuels, nuclear research or anything else, besides depending on OPEC prices, that would be a really boon for our Nation as a whole and help with our correct recession. Have a blessed day.

BRENT and CHARLENE.

My wife Suzanne and I are Idaho natives of 33 years. We have three children who are approaching the teen years. I earn a modest income as a police officer in Caldwell. From the time of our marriage over 13 years ago until last year, Suzanne had served our family as a homemaker and educator of our children. Part of curriculum Suzanne employed involved music lessons, sports, and dance, which required many miles per week of driving from our home to each event. Even though we operate a fuel-efficient vehicle getting over 30 mpg, the transportation costs have always been substantial. Last fall, we made the decision to enroll our children in a

local charter school focusing on our children's talents in music. I am proud to say that they tested into the school a grade level above their age and have all received high honors in their first year. This is a testament to Suzanne's hard work and skill as a teacher.

Since Suzanne and I enrolled our children into school, she decided to take a part-time job in Meridian to help our income. At about the same time Suzanne entered the work force, fuel prices began to rise and have never stopped. Now we still have travel for music lessons, sports, and dance, as well as Suzanne's commute to work. Despite our efforts to conserve, Suzanne's income is completely used up and then some paying for higher fuel prices. Each year over the past 5 years or so, I have made more money, but we have had a continually harder time providing for our family's needs. I believe that this is due in large part to the price of fuel.

I hope that this recent fuel price increase will prompt the members of Congress to act and the citizens of our country not to accept less than the best solution to the problem. I am in favor of allowing the free market to solve the energy problem with innovation. I do not support the intrusion of the Federal Government with taxes and regulations. I think the ideas of windfall profits taxes for corporations' amount to no less than theft and would serve only to severely damage our Nation's long-term productivity and morale. I would like to see the following things happen ASAP and believe if implemented that they would solve the fuel shortage very soon, as well as stabilize the market for decades to come without any compromise to the environment:

Build nuclear reactors to produce a clean, long-term supply for electricity. Retire all dams on the Snake River in Idaho and Washington once nuclear reactors are online.

Lift the drilling restrictions on domestic petroleum exploration.

Allow for the construction of enough oil refineries and infrastructure to handle the projected increase in demand and oil production.

Immediately stop production and government subsidy of ethanol. It is not efficient and cannot support itself. Corn is best used for food.

Stop refining so many different grades of gasoline. Refine only 92 octane gasoline and #2 diesel fuel. This will provide fuel for all cars currently in use while increasing current refinery production capacity through consolidation.

Offer tax incentives to auto makers to produce vehicles that get good mpg (35+ for cars, 25+ for trucks). Allowing the free market to solve the problem, which they are already trying to do, is the best and quickest way to get it done.

I hope this letter finds its way to those who can help effect the change necessary to keep our country secure and prosperous. Thank you for time.

SCOTT, Middleton.

Fuel is a necessity in our country, just as milk and eggs cannot be traded in futures markets oil should not be speculated on. I work in the transportation industry. Currently, due to high fuel prices, business is poor, reducing my income. There is little or no public transportation available to me so my costs have increased dramatically in spite of my efforts to travel less. I cannot continue on this path much longer without painful sacrifices or perhaps an additional job. Meanwhile it is business as usual in

Washington, [partisan arguing without any solutions from people who may be in higher income brackets than the majority of Americans]. We have the resources we need in this country. Let us have access to what rightfully belongs to the American people. Maybe it takes 10 years for this to have an effect. Where will we be 10 years from now if we do nothing now? New technologies need to be developed, but in the meantime we should use some of the resources that we have available to us, if we do not, those countries who are using the resources available to them (China? Venezuela? Brazil?) will own us. Our government and special interest groups have made it so that we cannot use our own steel, coal, oil, timber, and many other natural resources; we are being regulated back to the days of the horse and buggy. The way I see it, not only is this fuel crisis an economic threat; it is a threat to our national security.

Please share my sentiments with your peers. Better yet, how about having some of us from the middle class come and talk some sense to them. As a regular citizen I do not have the capability to make an "emergency appropriation" to cover my shortfalls. Inaction on the part of Congress and the Senate will have serious consequences in the near and long term.

JOHN, Idaho Falls.

I appreciate the opportunity to send you my thoughts on the "Energy Crisis". Like many Americans our age, my wife and I had dreamed and planned of the time we would retire. While never rich, we were always comfortable. When we retired we had sufficient for our needs and a little to spare.

We have five (5) children and 23 grandchildren. As our children were growing, one of the many happy memories they had of their grandparents was each summer knowing they would come with their 5th wheel trailer and spend time with us. Sometimes we camped with them, other times they just parked in front, or alongside our home and used their trailer as their home away from home. They were then in the same position we are now. Their children had moved from the area seeking jobs and opportunities not found were our parents lived.

For years we planned to be able to live a similar life. Spending time with each of our children and grandchildren building memories and connections of love that would help knit our family into a family similar to the one we shared with our parents.

About 5 years before my retirement, we purchased a modest 5th wheel trailer and a pick-up truck to pull it. We wanted to have everything paid for prior to my retirement. The trailer will never be used as we had planned because the cost to pull it is greater than we feel we can afford. We have one son who lives here in Idaho Falls, and we are able to enjoy his family on an ongoing basis. Our son who with his family lives in Oklahoma will get to see us for a few days once a year. Even driving our car which does get quite good mileage makes the cost for multiple trips per year out of the question. Our daughter and her family who live in the Seattle, WA, area similarly will be able to enjoy an annual visit (again driving our car). Our other daughter and son live in Utah, and because of the relatively close proximity, we are able to visit several times per year.

We had dreamed of being able to take our grandchildren at various times to see some of the wonderful sights of our country, such as Yellowstone Park, Mount Rushmore, Zion National Park and other such areas. With

our truck and trailer it would have been a wonderful adventure. By car with the costs of lodging, meals, and especially fuel even that is not a viable option.

Do we suffer with insufficient food, power, or other necessities of life? The answer is no. Do we long to be able to share with our loved ones the time and experiences that our children enjoyed with their grandparents? The answer is definitely yes.

The impact of our situation will influence negatively not only my wife and I but future generations as well. Traditions that were important in our lives will be lost. The connection from one generation to the next and the generations that follow will be weakened.

We feel blessed that we presently have sufficient for our daily needs, and a little to spare, but we also feel betrayed by a series of decisions and events that have taken from us our dreams.

Thank you for allowing me to provide this to you.

ORVILLE and RHEA, *Idaho Falls.*

I work at the INL, and my wife has a painting and decorating business. I ride the bus to work, and my wife has two employees for the summer; they are college students. We have had to use our home equity line of credit to cover the extra cost of fuel and everything it has caused the price to increase on. People we come into contact with at the INL or through the painting business are saying the same thing. People have less money to spend because the cost of everything is going up, due to the fact that the price of oil affects everything, just not driving. With less money to spend, people are doing less, putting off home repairs, vehicle repairs, skipping a visit to the doctor or dentist, the effects are being felt by everyone.

Drilling for oil off our coasts, in Alaska, oil shale and other areas should be a No. 1 priority. The technology exists to do it safely and environmentally friendly. Yes, there should be windmills, ethanol, biodiesel and other alternatives, but those alone will not solve the problem. More oil is being used worldwide, so more needs to be produced. Oil is used in so many things that it will always be in demand. I would rather see my money go to the oil companies, than to the Arab countries. If we are drilling in America, then the money stays in America. I am tired of the lies to the American public that it will take time to drill, how long will it take to get other technologies online. Or the lie that the oil companies have millions of acres of leases. Tell these people to stop the smoke and mirrors game, they were sent to Washington to represent the people, not play games. If they were working for my wife painting, they would have been fired for not getting the job done they were hired to do.

BRIAN.

As a family, we are finding the increase in gasoline prices in Idaho especially difficult as we try to continue our regular activities. We rely so much on our transportation needs as we attempt to take advantage of the many opportunities afforded to us here and serve throughout the community. The costs are beginning to have a negative impact and limit so many of our friends as well, as so often, we are all living with tight budgets each month. Raising a family is expensive and getting much more so as the gas prices are passed on to food, clothing, and other costs.

Our ancestors saw the need to be self-sufficient, to use and re-use and make do with what they had. This is the best and most ef-

fective way to be good stewards of our land and happened long before the trend to go "green". Indeed, much of the "green" activity today borders on the ridiculous. We would really like to see our Nation become self-sufficient, as well by drilling in our own country, eliminating our dependence on foreign oil. Our lands are special to all of us, especially those of us in remoter areas that are still beautiful and pristine, such as Idaho and Alaska. But if we act responsibly, we can continue to preserve our lands and provide for our own people.

We would also like to see some alternative fuel innovations encouraged with incentives to use them.

Thank you for all you do for our State. We know that it is hard work, especially working with a Congress that is often unwilling or unable to see the obvious solutions many in the public can see so clearly.

CHRIS and SHAWNA, *Boise.*

The unacceptable rises in every facet of living is really beginning to affect the quality of life for both myself and my fiancé. We have really noticed the strain on our pocket books despite having paid off several debts thus freeing up more of our money. Because of the prices in gas, we are forced to restrict our more frivolous pursuits. We find it hard to partake in dining out and spending money on entertainment. Travel, which we enjoy doing often, is almost out of the question completely. Our spending habits are becoming more and more conservative and only the necessities are being purchased. I know we are not alone in this, for all of our friends and relatives are cutting back and struggling to make ends meet.

It cannot be good for the American economy when we are forced to spend most of our money on just getting by. We work hard for our money and resent having it stolen from us at the pumps, the grocery store, and at home while using everyday appliances. While oil companies are enjoying record profits, (Exxon making \$40.6 billion in 2007; according to US News), Americans are paying record prices for a gallon of gas. Is there any question as to why gas prices are so high?

This madness has to stop. We must pursue other fuel alternatives and fast! Not in 5 or 10 years but today. Our country is heading into a depression and printing more money is not going to solve it. Let us put our Americans to work by making fuels here, at home. It is time we become self-sufficient once again.

ROMA, *Boise.*

Thank you for the fine job you do for Idahoans. We realize current energy prices are wreaking havoc because the cost of transportation impacts prices for everything we buy including food and clothing. Those hardest hit, are the poor, elderly and our working families. My grown children and their kids are pinching every penny to try to make ends meet. It is getting much harder.

In the short term, I would like our country to utilize safe offshore drilling. (I heard the rigs in the Gulf Coast withstood Katrina very well.) At the same time, we need to understand and utilize "best practices" with renewable energy. When we were in Europe a few weeks ago, my husband and I learned they use nuclear power. An electrical engineer we met in our travel group tried to help me understand that nuclear power is safe. I would like to believe that is true, but my only concern is that we not leave a mess for our grandchildren and their grandchildren to solve.

Our citizens need to do our part by not buying the gas guzzlers our auto makers so happily design. We can also get off our duffs and walk more and use bicycles. When we were in Holland, my husband and I were amazed at how many people, old and young, use bikes. Kid do not ride school buses; they ride their bikes to school. For that to work here, we need safe bike paths. I would be terrified to let my grandkids use the bike path on our Emerald Connector overpass in Boise. Thank you and God bless you.

MARJEAN, *Boise.*

I thank you for your efforts concerning the energy problems we face. We live in the very rural area of Salmon. Public transportation is not an option. Most home sites are within a 10-mile radius of town; however, public trails and non-motorized travel is not an option either. Our family is suffering from the increase in energy costs to the degree that we have had to alter an already modest lifestyle. We live in an area where pickups and SUVs are a way of life. We use our truck to mend fences, irrigate, transport lumber and haul equipment. We have reduced the insurance on this vehicle to liability and only drive it now when we have to. We have purchased a small 1989 "beater" car that gets 25 mpg to travel to town. We would purchase a more economical vehicle if we could, in particular, one that utilizes hybrid technology. However, our family cannot afford a \$30,000 vehicle; this is a "luxury" afforded to the wealthier classes.

On visiting Sun Valley recently, we saw a beautiful trail system, a bus system and pedestrians/bikes everywhere. Their community is unique in Idaho. They have the economic foundation to provide alternatives to their citizens that lessen the burden. It is not safe to travel on bike or scooter along US Hwy 93 and 28 into the town of Salmon. Our populous is too small to support a bus system. We would like to see more support for the development of alternative transportation, in particular, non-motorized travel such as a beltway that would connect the rural outskirts to the center of town. As Salmon grows, we are also seeing more children traveling along these narrow and inadequate strips of highway. We would also be providing a safe means for them to access community services such as the library and swimming pool.

Many of us are already car pooling and we have limited our trips to town as much as possible. Please help us find other means to lessen the burden of living in rural Idaho.

MICHELLE, *Salmon.*

I have been riding a bike to work this is great; however, I am financially strapped to the point where I will not spend any money for anything other than food, gas. We are not traveling; our kids are not entering into sports. We are staying close to home. I am only buying gold and silver for retirement because I suspect Congress and the Senate will never fix the problem of inflation. If the situation worsens, I will become another bankruptcy casualty.

1. Remove the Federal reserve or get us on a two tiered gold standard and a path back to financial responsibility.

2. Bring our troops home no foreign spending on anything but American-A nationalistic view.

3. Incentives for companies to return to America.

4. Drill, drill, drill, blue collar workers state we are being lied to about the amount of oil off of Alaska.

STEVEN, *Nampa.*

## ADDITIONAL STATEMENTS

## REMEMBERING CURT MENARD

• Mr. BEGICH. Mr. President, I wish to commemorate the life of a very special resident of my home State of Alaska, Curt Menard.

Mayor Curt Menard passed away March 3, 2009, after a long battle with myeloma.

Mayor Menard was the embodiment of a true Alaskan. Honorably serving in our Nation's Air Force took him to our State where he left his mark. Curt and his wife Linda purchased one of the original homesteads in the Matanuska-Susitna—Mat-Su—valley and Curt became one of the first dentists in the area. He devoted his life to the people of the Mat-Su, and for that we are all grateful to this remarkable man.

On behalf of his family and his many friends, I ask today we honor Curt Menard's memory. I ask that his obituary, published March 5, 2009, in the Mat-Su Valley Frontiersman, be printed in the RECORD.

The information follows:

[From the Mat-Su Valley Frontiersman, Mar. 3, 2009]

Curtis Delbert Menard, 64, died March 3 at Mat-Su Regional Medical Center, from complications of multiple myeloma.

A funeral service will be held at 1 p.m. Saturday at Wasilla High School with Pastor Larry Kroon of Wasilla Bible Church officiating. The following are pallbearers: Curtis C. Menard, Larry, Sgt. Maj. Ret. Ritchie, Nancy, Jim, Gabrielle, Tanner, Harrison, Sullivan, Brock, Grant, Jack, Alexandra, Jane and Charles Menard, and Lewis Bradley. Burial will take place later in the spring at the Menard homestead.

Dr. Menard was born June 16, 1944, in Detroit. He graduated from L'Anse High School in 1962, received his undergraduate degree at Marquette University in Milwaukee, Wis., and graduated from Marquette University School of Dentistry Class of 1968.

He had served with Habitat for Humanity, The Alaska Railroad Board, American Legion, Salvation Army Board, and as chairman of the Multi-Use Sports Complex, and was a member of Wasilla Bible Church. He was an honorary member of the Wasilla Rotary Club, was the Wasilla Chamber of Commerce Citizen of the Year, and the Frontiersman Mat-Su Dentist of the year. He enjoyed fishing, hunting, flying, marathons, farming, coaching, politics, and well wishing.

His family wrote, "Curt Menard was raised in L'Anse, Mich., born to June and Curtis Menard. At 15 years old he met the love of his life, Linda. Linda and Curt moved to Milwaukee, to pursue his life-long dream of becoming a dentist. In 1968 he graduated as class president from Marquette University School of Dentistry. He joined the United States Air Force and was stationed at Elmendorf Air Force Base in Anchorage. He worked exclusively with Vietnam soldiers in preparation for the war. During that time he learned to fly and there his love affair with planes commenced. He flew a 206, Supercub, Citabria and a PA 14. In 1972 he purchased one of the original homesteads in the Mat-Su Valley and built the first professional building and dental office in Wasilla. He especially loved his dental contract in the village

of Togiak. Three years later Curt lost his dominant right arm in an electrical accident. With unsurpassed determination, Curt learned to practice dentistry with his left hand. Sen. Curt Menard's public service began as a school board member. Encouraged by his experience, he ran for office and became a state legislator. By this time, he had two thriving dental offices, Palmer and Wasilla Dental Center, 33 employees, five children, and was a respected community leader and politician. He had a love for farming and not only baled 55 acres of hay every summer, but enjoyed cows, chickens, turkeys, homing pigeons, pigs, horses, a cat and many dogs. In 2001, tragedy again struck the family. Curt's son, Dr. Curtis C. Menard II passed away in a plane crash.

"Curt was diagnosed in 2003 with multiple myeloma, an aggressive and painful cancer of the bone. In 2006, in true Curt fashion, he took on the task of running and being elected Mat-Su Borough Mayor. In 2007 he went through a stem cell transplant at the Seattle Cancer Care Alliance. In a selfless manner he put his community before himself and carried out his mayoral responsibilities until the very end. And if you met 'Doc' today, his hook would not be the first thing you would notice. You'd see the twinkle in his eye, feel his zest for life and compassion for his fellow man, share his love of his countryside and then, maybe, you'd notice the hook. But by then you'd be so hooked on the man, it wouldn't matter."

Survivors are his wife Linda of Wasilla; sons and daughters-in-law, Robert and Gretchen Menard of Milwaukee, Steven Menard of Wasilla, Dr. Dirk and Alicia Menard of Fairbanks; daughter and son-in-law, McKenzie and Jared Boyd of Milwaukee; daughter-in-law, Dr. Carole Menard of Wasilla; grandchildren, Brock, Grant, Jack, Alexandra, Gabrielle, Tanner, Harrison, Sullivan, Jane, and Charles; father, Curtis C. Menard of L'Anse, Mich.; brothers and sisters-in-law, Larry and Virgie Menard of L'Anse, Sgt. Maj. Ret. Ritchie and Maj. Ret. Joyce Menard of L'Anse, and Jim Menard of Nome; and sister, Nancy Menard of Germantown, Wis. He was preceded in death by his mother, June Menard; and son, Curtis C. Menard II. •

## REMEMBERING JOHN HOPE FRANKLIN

• Mrs. BOXER. Mr. President, today I honor the life of a great American, John Hope Franklin, who died last week at the age of 94. Dr. Franklin was a witness, participant and documentarian of the struggle of African Americans for civil rights and the fight to have this country fulfill its promise to become a more perfect union for all of its citizens.

Dr. Franklin once said, "I want to be out there on the firing line, helping, directing or doing something to try to make this a better world, a better place to live." In his life, Dr. Franklin did just that through his work with W. E. B. Du Bois, his efforts on Brown v Board of Education with Thurgood Marshall and by marching from Selma to Montgomery with Dr. Martin Luther King, Jr. How wonderful that this great fighter for civil rights was able to witness the election of Barack Obama as President of the United States.

As a historian and a teacher, Dr. Franklin enriched this Nation by educating us all about race issues. He began his teaching career in 1936 at Fisk and continued teaching over the next six decades, at schools such as Howard University, the University of Chicago, Cambridge University in England, Harvard, Cornell, the University of California Berkeley, Duke, and other institutions. He had a passion for teaching, and I was fortunate enough to sit in on Dr. Franklin's classes at Brooklyn College in the 1960s. Having him there was like having a real star in our midst, and students who were lucky enough to get into his class bragged about him from morning until night.

Dr. Franklin was the author of nearly 20 books, beginning with "The Free Negro in North Carolina, 1790-1860," which explored slaveholders' hatred and fear of the quarter-million free blacks in the antebellum South. His 1947 "From Slavery to Freedom: A History of African-Americans," remains a classic and one of the most definitive explorations of the American Black experience. Dr. Franklin once said, "One might argue that the historian is the conscience of the nation, if honesty and consistency are factors that nurture the conscience." While many of these studies may have been of the past, they inevitably shed light on the struggles we continue to face as a nation.

Dr. Franklin led a life of firsts, and President Clinton awarded him the Medal of Freedom, the Nation's highest civilian honor, in 1995 for his life's work. Today, I honor his life and ask that all Americans join me in remembering this truly great visionary who never stopped working for change. •

## CELEBRATING 100 YEARS OF HIGHER EDUCATION IN ARKANSAS

• Mrs. LINCOLN. Mr. President, tomorrow, April 1, 2009, four Arkansas universities—Arkansas State University in Jonesboro, Arkansas Tech University in Russellville, Southern Arkansas University in Magnolia, and the University of Arkansas at Monticello—will celebrate 100 years of commitment to higher education. On their centennial anniversary, I want to recognize the enormous contributions these institutions have made to Arkansas and our Nation.

In 1909, during the 37th session of the Arkansas General Assembly, Representative J.J. Bellamy of Lawrence County introduced Act 100, a bill to create four agricultural schools in Arkansas, one for each quadrant. The locations of the schools were to be chosen based upon "the nature of the soil, healthfulness of location, general desirability, and other material inducements offered, such as the donation of



buildings, land or money." The legislation was signed on April 1, 1909, by Governor George Donaghey.

The four agriculture schools were to teach agriculture, horticulture, and textile making. Although they were secondary schools in their early days, these schools added additional curriculum to better serve their communities and soon were offering junior college classes. In 1925, the state legislature changed the names of the schools to better reflect their new role and the unique status of each school.

The former First District Agricultural School is known today as Arkansas State University. A farm just east of Jonesboro was selected as the location for the school. With enrollment down due to World War I, the school obtained a Student Army Training Corps—SATC—on its campus. Since only junior colleges could participate in the SATC program, the school added faculty and improved its curriculum. It soon became known as the First District Agriculture and Mechanical College; the school received accreditation as a 2-year junior college and conditional status as a 4-year institution in 1925.

In 1931, the A&M College awarded its first baccalaureate degree, and in 1933, the legislature once again changed the name to Arkansas State College—ASC. In fact, Arkansas's first female U.S. Senator, Hattie Caraway, was awarded the school's first honorary doctorate in recognition of her support. The university continued to grow over the decades, and on January 17, 1967, Arkansas Governor Winthrop Rockefeller signed legislation that gave the school its present-day name, Arkansas State University—ASU.

Today, the ASU system serves approximately 18,900 students and includes campuses at Beebe, Mountain Home, and Newport. It also includes degree centers in Heber Springs and Searcy as part of ASU-Beebe; a technical center in Marked Tree; and instructional sites in Paragould and at Little Rock Air Force Base.

On the occasion of the centennial, ASU Chancellor, Robert L. Potts, offered the following thoughts:

From our origins as an agricultural school serving the First District, we have matured into a comprehensive university offering 42 degrees through the doctoral level in 170 fields of study and ten colleges. Since 1909, we have prepared our students to meet the challenges of their lives by Powering Minds—providing a university experience that educates, enhances, and enriches. We look forward to this Centennial Celebration as a time to focus on our heritage and build upon our successes.

The former Second District Agricultural School is presently called Arkansas Tech University. The location of Russellville was chosen because the town agreed to pledge a minimum of \$40,000 and a site of not less than 200 acres. In addition, it offered free elec-

tricity and water for three years. In 1925, the state legislature changed the school's name to Arkansas Polytechnic College to accurately reflect its move away from an agriculture curriculum to teacher training and the liberal fine arts.

The school was officially accredited as a junior college in 1929 and remained a 2-year college until 1951. The school continued to grow and in 1976, it officially became Arkansas Tech University. It awarded its first graduate degrees 1 year later. Today, Arkansas Tech includes approximately 7,480 students at its Russellville and Ozark campuses.

After 100 years, Arkansas Tech Chancellor, Robert C. Brown, noted:

For the last one hundred years, Arkansas Tech University has educated students and prepared them for a successful future. Today, we are uniquely positioned to continue preparing our students for what lies ahead. Because of our commitment to educational excellence and our emphasis on teaching and learning, we are producing what the state and region need the most—college students ready to shape the future for the next one hundred years.

The Third District Agricultural School is now known as Southern Arkansas University. Local farmers in Columbia County ensured that Magnolia was chosen as the site for the school. It became officially known as Magnolia A&M in 1925 and was fully accredited in 1929 with an emphasis on agriculture and home economics.

In 1950, it became a 4-year institution and was renamed Southern State College—SSC—the following year. For 25 years, the school's enrollment and size increased, and in 1976 it was approved for university status. Renamed Southern Arkansas University, it is now a multicampus system with more than 5,000 students and locations in El Dorado and Camden.

For the 100-year celebration, Southern Arkansas University Chancellor F. David Rankin had this to say:

As the former Third District Agricultural School, Magnolia A&M, and Southern State College, Southern Arkansas University has served its region with a Tradition of Success since 1909. Although our name has changed, our commitment to higher education has not. SAU has roots that run deep in agriculture, but it has grown into a regional, comprehensive, four-year institution with a broad curriculum and a quickly expanding graduate school. As we begin our second century of service, we invite you to be a part of history as we pay tribute to our own.

The final school created by Act 100 was the Fourth District Agricultural School. Monticello was chosen as the site thanks to the donation of land by the William Turner Wells estate. A former plantation, it included 900 fruit trees, a house, and a pond. In 1923, junior college classes were added. It formally changed its name, as the other schools did, in 1925 and became known as the Fourth District Agricultural and Mechanical College. By 1928, it was

fully accredited and became a 4-year institution in 1933.

In 1935, the school began unofficially calling itself Arkansas Agricultural & Mechanical College. It remained Arkansas A&M until 1971 when Governor Dale Bumpers signed legislation merging the school with the University of Arkansas. On July 19, 1971, the University of Arkansas at Monticello—UAM was established. Although it is the smallest school in the University of Arkansas system at nearly 3,000 students, the Monticello campus owns the most land of any UA school with 1,036 acres devoted to forestry research and instruction and 300 acres for agricultural teaching and research. In 2003, UAM added campuses and now includes the College of Technology at McGehee and the College of Technology at Crossett.

University of Arkansas at Monticello Chancellor, H. Jack Lassiter, said the following for the centennial celebration:

As we approach our 100th Anniversary, we are constantly reminded that we have always represented opportunity to generations of people seeking a higher education and a better life. That message resonates as clearly today as it did in 1909. Many of our students are the first in their families to attend college. Others are non-traditional students who have decided to take advantage of the opportunity to change careers or complete a dream that began years ago. The university is constantly exploring and developing new opportunities to help students open doors to a better life. UAM is truly celebrating a century of opportunity.

Mr. President, what wonderful gifts to the people of Arkansas that our legislators bestowed upon us a century ago. As each university celebrates this year, I want to add my voice to the chorus of Arkansans who celebrate this milestone. We have so much of which to be proud. As we move forward in the 21st century, I know that these four institutions will continue to stand ready to prepare our citizens to compete in the global marketplace for the next century.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:38 p.m., a message from the House of Representatives, delivered by

Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 20. An act to provide for research on, and services for individuals with, postpartum depression and psychosis.

H.R. 479. An act to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

H.R. 756. An act to amend the Public Health Service Act with respect to pain care.

H.R. 1171. An act to amend title 38, United States Code, to reauthorize the Homeless Veterans Reintegration Program for fiscal years 2010 through 2014, and for other purposes.

H.R. 1246. An act to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

H.R. 1377. An act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

H.R. 1513. An act to increase, effective as of December 1, 2009, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 1777. An act to make technical corrections to the Higher Education Act of 1965, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 60. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes.

The message further announced that, pursuant to section 1101 of Public Law 111-5, and the order of the House of January 6, 2009, the Speaker appoints the following member on the part of the House of Representatives to the HIT Policy Committee for a term of 3 years: Mr. Paul Egerman of Weston, Massachusetts.

The message also announced that, pursuant to 46 U.S.C. 51312(b), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mrs. MCCARTHY of New York; and Mr. KING of New York.

At 3:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendments of the Senate to the bill (H.R.1388) entitled "An Act to reauthorize and reform the national service laws".

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 20. An act to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor, and Pensions.

H.R. 479. An act to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; to the Committee on Health, Education, Labor, and Pensions.

H.R. 756. An act to amend the Public Health Service Act with respect to pain care; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1171. An act to amend title 38, United States Code, to reauthorize the Homeless Veterans Reintegration Program for fiscal years 2010 through 2014, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1246. An act to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1377. An act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1513. An act to increase, effective as of December 1, 2009, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1777. An act to make technical corrections to the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 60. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1146. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quinoxifen; Pesticide Tolerances" (FRL-8405-2) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1147. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prothioconazole; Pesticide Tolerance" (FRL-8403-9) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1148. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus subtilis MBI 600; Exemption from the Requirement of a Tolerance" (FRL-8408-7) received in the Office of the President of

the Senate on March 27, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1149. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing of Disclosure Documents" (RIN3038-AC67) received in the Office of the President of the Senate on March 28, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1150. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1151. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1152. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1153. A communication from the Acting Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Digital-to-Analog Converter Box Program to Implement the DTV Delay Act" (RIN0660-AA19) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1154. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County" (FRL-8788-8) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Environment and Public Works.

EC-1155. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions" (FRL-8767-5) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Environment and Public Works.

EC-1156. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Variance Determination for Particulate Matter from a Specific Source in the State of New Jersey" (FRL-8775-6) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Environment and Public Works.

EC-1157. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Captan, 2,4-D, Dodine, DCPA, Endothall, Fomesafen, Propyzamide, Ethofumesate,

Permethrin, Dimethipin, and Fenarimol; Technical Amendment" (FRL-8407-2) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Environment and Public Works.

EC-1158. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oil Pollution Prevention; Non-Transportation Related Onshore Facilities; Spill Prevention, Control, and Countermeasure Rule—Final Amendments" (RIN2050-AG16) received in the Office of the President of the Senate on March 27, 2009; to the Committee on Environment and Public Works.

EC-1159. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Battery Chargers and External Power Supplies (Standby Mode and Off Mode)" (RIN1904-AB75) received in the Office of the President of the Senate on March 26, 2009; to the Committee on Energy and Natural Resources.

EC-1160. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Audit Technique Guide for Sections 48A and 48B: Advanced Coal and Gasification Project Credits" (LMSB-4-0209-005) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Finance.

EC-1161. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Announcement 2009-28) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Finance.

EC-1162. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election and Notice Procedures for Multiemployer Plans under Sections 204 and 205 of WRERA" (Notice 2009-31) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Finance.

EC-1163. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2009 Calendar Year Resident Population Estimates" (Notice 2009-21) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Finance.

EC-1164. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Foreign Relations.

EC-1165. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Readiness and Emergency Management for Schools", received in the Office of the President of the Senate on March 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1166. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-32" (RIN9000-AL22) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1167. A communication from the Register of Copyrights, Library of Congress, transmitting, pursuant to law, a report entitled "Analysis and Proposed Copyright Fee Adjustments to Go into Effect on or about August 1, 2009"; to the Committee on the Judiciary.

EC-1168. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1169. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1170. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States; to the Committee on the Judiciary.

EC-1171. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Posttraumatic Stress Disorder" (RIN2900-AN04) received in the Office of the President of the Senate on March 30, 2009; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Special Report entitled "Report on the Activities of the Committee on the Judiciary of the United States Senate During the 110th Congress, Pursuant to Rule XXVI of the Standing Rules of the United States Senate" (Rept. No. 111-11).

By Mr. KERRY, from the Committee on Foreign Relations:

Special Report entitled "Legislative Activities Report" (Rept. No. 111-12).

By Mr. BAUCUS, from the Committee on Finance:

Special Report entitled "Report on the Activities of the Committee on Finance of the United States Senate During the 110th Congress, Pursuant to Rule XXVI of the Standing Rules of the United States Senate" (Rept. No. 111-13).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 9. A resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world.

S. Res. 20. A resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. Res. 56. A resolution urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009.

S. Res. 90. A resolution expressing the sense of the Senate regarding the Fifth Summit of the Americas, held in Port of Spain, Trinidad and Tobago, April 17, 18, and 19, 2009.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife.

By Mr. KERRY for the Committee on Foreign Relations.

\*Timothy F. Geithner, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

\*Richard Rahul Verma, of Maryland, to be an Assistant Secretary of State (Legislative Affairs).

\*Esther Brimmer, of the District of Columbia, to be an Assistant Secretary of State (International Organization Affairs).

\*Philip H. Gordon, of the District of Columbia, to be an Assistant Secretary of State (European and Eurasian Affairs).

\*Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of State (Verification and Compliance).

\*Karl Winfrid Eikenberry, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Nominee: Karl Winfrid Eikenberry.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Karl W. Eikenberry, None.

2. Ching Y. Eikenberry, None.

3. Children and Spouses: Jennifer Yu (Daughter), None; Lawrence D. G. Tang, None; Kelly Yu (Daughter), None; Will Fikry, None.

4. Parents: Harry Eikenberry, Deceased; Mary Eikenberry, None.

5. Grandparents: William Eikenberry, Deceased; Frieda Eikenberry, Deceased; Edward L. Aul, Deceased; Esther P. Aul, Deceased.

6. Brothers and Spouses: N/A, None.

7. Sisters and Spouses: Karen Glaubiger, None; George Glaubiger, \$250, 30 Jan. 08, Elizabeth Dole Committee Inc.; \$500, 21 Oct. 08, Elizabeth Dole Committee Inc.

\*Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador

Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

Nominee: Christopher R. Hill.

Post: Ambassador, Republic of Iraq.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: N/A.

Spouse: Patricia Whitelaw-Hill: \$50, 2008 Obama Presidential Campaign.

Children and Spouses: Nathaniel Hill: N/A; Amelia Hill: N/A; Clara Hill: \$25, 2008 Obama Presidential Campaign.

Parents: Deceased.

Grandparents: Deceased.

Brothers and Spouses: Jonathan Hill: N/A; Nicholas Hill: N/A.

Sisters and Spouses: Elizabeth Hill: N/A; Prudence Hill: N/A.

\*Melanne Verveer, of the District of Columbia, to be Ambassador at Large for Women's Global Issues.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Melanne Verveer

Post: Ambassador-at-large.

Contributions, amount, date, and donee:

1. Self: see addendum.

2. Spouse: see addendum.

3. Children and Spouses: see addendum.

4. Parents: Walter and Mary Starinshak—(deceased)

5. Grandparents: Melanne & Steven Nideroski—(deceased).

6. Brothers and Spouses: Tom Starinshak—(no contributions).

7. Sisters and Spouses: N/A.

1. Self: September 30, 2008—\$1000—Barack Obama; October 13, 2008—800—Barack Obama; July 31, 2008—\$1000—Barack Obama; January 29, 2007—\$4600—Hillary Clinton; March 2, 2005—\$1020—Hillary Clinton; June 17, 2005—\$1000—Hillary Clinton; September 19, 2005—\$950—Hillary Clinton; September 30, 2006—\$250—Judith Feder; September 25, 2007—\$250—Judith Feder; October 23, 2008—\$250—Judith Feder; June 23, 2006—\$250—Donna Edwards; August 10, 2006—\$250—Donna Edwards.

2. Spouse—Philip Verveer: July 31, 2008—\$2300—Barack Obama; September 19, 2008—\$500—Barack Obama; January 24, 2007—\$4600—Hillary Clinton; March 2, 2005—\$950—Hillary Clinton; September 27, 2005—\$2000—Bob Casey; May 24, 2006—\$1000—Russ Feingold; August 8, 2008—\$1000—Russ Feingold; June 15, 2005—\$250—Bill Nelson; September 30, 2005—\$250—Bill Nelson; February 16, 2006—\$1000—Bill Nelson; October 12, 2006—\$500—Ben Cardin; September 25, 2007—\$1000—Al Frankin; September 21, 2008—\$500—Al Frankin; March 11, 2008—\$500—Al Frankin; June 11, 2008—\$250—Al Frankin; May 8, 2008—\$500—Mark Warner; May 30, 2008—\$1000—Leonard Boswell; October 15, 2008—\$250—Jeanne Shaheen; November 8, 2007—\$500—Jeanne Shaheen; March 14, 2005—\$500—Maria Cantwell; February 16, 2005—\$1000—Doris Matsui; July 22, 2008—\$500—Doris Matsui; October 27, 2005—\$1000—Jamie Wall; July 11, 2006—\$250—Jamie Wall; March 29, 2006—\$250—Jamie Wall; December 26, 2007—\$1000—Tom

Udall; May 30, 2008—\$500—Tom Udall; September 17, 2007—\$250—Tom Udall; June 16, 2008—\$500—Mark Udall; September 27, 2007—\$1000—Mark Udall; October 11, 2006—\$250—Jon Tester; September 28, 2006—\$500—Jon Tester; May 28, 2007—\$250—Chris Carney; October 19, 2006—\$250—Chris Carney; October 13, 2008—\$250—Kay Hagan; October 29, 2008—\$250—James Martin; October 11, 2006—\$250—Harold Ford; October 11, 2006—\$250—Claire McCaskill; October 11, 2006—\$250—James Webb; October 11, 2006—\$250—Sheldon Whitehouse; October 11, 2006—\$250—Tammy Duckworth; September 19, 2006—\$1000—John Dingell; February 15, 2005—\$500—John Dingell; September 5, 2006—\$1000—Sherrod Brown; December 6, 2005—\$250—Sherrod Brown; September 26, 2005—\$1000—Ed Markey; April 20, 2005—\$500—Ed Markey; June 13, 2008—\$1000—Ed Markey; April 24, 2007—\$500—Jay Rockefeller; October 10, 2007—\$500—Frank Lautenberg; September 22, 2006—\$500—DSCC July 11, 2007—\$500—Chris Van Hollen; June 1, 2007—\$250—Carl Levin; March 30, 2007—\$2000—DNC Service Corp; March 1, 2006—\$250—Patricia Madrid; September 26, 2007—\$250—Joe Sestak; March 26, 2006—\$250—Paul Aronson; October 6, 2005—\$250—Paul Aronson; August 27, 2006—\$250—Paul Aronson; March 11, 2006—\$250—Lois Herr; June 30, 2007—\$250—Victoria Wulsin; September 21, 2008—\$250—Victoria Wulsin; November 9, 2006—\$500—Progressive Fund; September 20, 2007—\$250—Kirsten Gillibrand; October 13, 2008—\$250—Jeff Merkley.

3. Child—Elaina Verveer: February 11, 2008—\$500—Hillary Clinton; March 15, 2008—\$20.08—Hillary Clinton; March 30, 2008—\$25—Hillary Clinton; April 10, 2008—\$50—Hillary Clinton; April 20, 2008—\$25—Hillary Clinton; April 22, 2008—\$100—Hillary Clinton; May 1, 2008—\$250—Hillary Clinton; May 6, 2008—\$25—Hillary Clinton; May 21, 2008—\$25—Hillary Clinton; August 27, 2008—\$50—Hillary Clinton;

Child—Alexandra Verveer: June 21, 2007—\$1000—Hillary Clinton; September 29, 2007—\$1300—Hillary Clinton; October 21, 2007—\$500—Frank Lautenberg; October 30, 2006—\$500—DCCC; June 29, 2008—\$500—Ed Markey. Son-in-law—Dominic Bianchi: September 5, 2008—\$2300—Barack Obama; November 1, 2008—\$300—Obama Victory Fund; March 20, 2007—\$1000—Hillary Clinton; December 9, 2007—\$1300—Hillary Clinton.

Child—Michael Verveer: March 4, 2007—\$54—Russ Feingold; November 27, 2007—\$80—Hillary Clinton; September 11, 2007—\$2300—Hillary Clinton.

Additional political contributions of Philip L. Verveer:

Kirsten Gillibrand: \$200, 10/17/06.

Heath Shuler: \$200, 10/16/06.

Act Blue: \$100, 10/11/06.

Act Blue: \$100, 10/11/06.

Act Blue: \$100, 10/11/06.

Act Blue: \$200, 10/11/06.

Act Blue: \$110, 10/21/06.

Jack Evans: \$100, 8/6/08.

Carol Schwartz: \$100, 8/5/08.

Beau Biden: \$250, 9/17/06.

Deval Patrick: \$250, 10/24/06.

Diane Denish: \$500, 12/23/07.

Bernard Parks: \$500, 3/26/08.

Bernard Parks: \$100, 10/28/08.

Russ Feingold: \$1,000, 2/25/09.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mr. NELSON of Florida):

S. 744. A bill to amend the Internal Revenue Code of 1986 to exclude from an employee's gross income any employer-provided supplemental instructional services assistance, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 745. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Nebraska (for himself and Mr. JOHANNIS):

S. 746. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery in the Sarpy County region to serve veterans in eastern Nebraska, western Iowa, and northwest Missouri; to the Committee on Veterans' Affairs.

By Mr. NELSON of Nebraska (for himself and Mr. GRAHAM):

S. 747. A bill to amend title 37, United States Code, to authorize travel and transportation allowances for members of the reserve components of the Armed Forces on leave for suspension of training; to the Committee on Armed Services.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 748. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COCHRAN (for himself, Mr. DODD, Mr. ALEXANDER, Mr. AKAKA, Mr. BINGAMAN, Mrs. MURRAY, Mr. WICKER, and Mr. CARDIN):

S. 749. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. COLLINS):

S. 750. A bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 751. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 752. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. SCHUMER (for himself and Mr. FEINGOLD):

S. 753. A bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mr. CORKER, and Mr. KENNEDY):

S. 754. A bill to provide for increased Federal oversight of methadone treatment; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 755. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 756. A bill to provide for prostate cancer imaging research and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, and Mr. UDALL of New Mexico):

S. 757. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. BEGICH, Mr. BURRIS, Mr. REID, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mr. BENNET):

S. Res. 92. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Res. 93. A bill supporting the mission and goals of 2009 National Crime Victim's Rights Week, to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. DODD, Mr. CRAPO, Mr. KENNEDY, Mr. ENZI, Mrs. HAGAN, Mr. CORKER, Mr. LEVIN, Mr. WICKER, Mr. SCHUMER, Mr. INOUE, Mr. MENENDEZ, Mr. DURBIN, Ms. STABENOW, Mr. JOHNSON, Mr. CARDIN, Mr. CARPER, Mrs. LINCOLN, Mrs. MURRAY, Mrs. GILLIBRAND, Mr. COCHRAN, and Mr. BAUCUS):

S. Res. 94. A resolution designating April 2009 as "Financial Literacy Month"; considered and agreed to.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. Res. 95. A resolution congratulating the University of Iowa men's wrestling team for winning the 2009 National Collegiate Athletic Association Division I Wrestling Championship; considered and agreed to.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. Res. 96. A resolution congratulating the Morningside College women's basketball team for winning the 2009 National Association of Intercollegiate Athletics (NAIA) Division II championship; considered and agreed to.

By Mr. PRYOR:

S. Con. Res. 15. A concurrent resolution commending the 39th Infantry Brigade Combat Team of the Arkansas National Guard upon its completion of a second deployment in support of Operation Iraqi Freedom; to the Committee on Armed Services.

#### ADDITIONAL COSPONSORS

S. 245

At the request of Mr. KOHL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 372

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 372, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 405

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 435

At the request of Mr. CASEY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 456

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 468

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 491

At the request of Mr. WEBB, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 496

At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 496, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 540

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 540, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 543

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 543, a bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes.

S. 574

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. BURRIS) was withdrawn as a cosponsor of S. 574, a bill to enhance citizen access to Government information and

services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 574, *supra*.

S. 599

At the request of Mr. CARPER, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 602

At the request of Mr. BROWN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 602, a bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national voluntary consensus standards and any barriers to achieving compliance with such standards, and for other purposes.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 635

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 635, a bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System.

S. 639

At the request of Mr. INHOFE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 639, a bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes.

S. 677

At the request of Mr. ENSIGN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 677, a bill to amend title XVIII of the Social Security Act to require wealthy beneficiaries to pay a greater share of their premiums under the Medicare prescription drug program.

S. 683

At the request of Mr. HARKIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Hawaii (Mr. INOUE) were added

as cosponsors of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 701

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 705

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 705, a bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes.

S. 717

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventive cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 723

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 723, a bill to prohibit the introduction or delivery for introduction into interstate commerce of novelty lighters, and for other purposes.

S. 729

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-pur-

chase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Colorado (Mr. BENNET), the Senator from Alaska (Mr. BEGICH), the Senator from Nevada (Mr. REID), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Hawaii (Mr. INOUE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

S. RES. 9

At the request of Mr. LUGAR, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. Res. 9, a resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world.

S. RES. 20

At the request of Mr. VOINOVICH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

At the request of Mr. LUGAR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 20, *supra*.

S. RES. 56

At the request of Mr. LUGAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 56, a resolution urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009.

AMENDMENT NO. 730

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 730 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 732

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Ohio (Mr. VOINOVICH), the Senator from Illinois (Mr. DURBIN), the Senator from



Delaware (Mr. KAUFMAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. SANDERS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of amendment No. 732 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

#### AMENDMENT NO. 733

At the request of Mr. CRAPO, the names of the Senator from Texas (Mr. CORNYN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. ENZI) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 733 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

#### AMENDMENT NO. 734

At the request of Mr. CRAPO, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 734 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

#### AMENDMENT NO. 735

At the request of Mr. JOHANNIS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Wyoming (Mr. ENZI) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 735 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS ON MARCH 30, 2009

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of S. 740 and S. 741 be printed in the RECORD.

There being no objection, the text of the bills were ordered to be placed in the RECORD, as follows:

#### S. 740

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXPANSION OF THE HOMEBUYER TAX CREDIT.

(a) ELIMINATION OF FIRST-TIME HOMEBUYER REQUIREMENT.—

(1) IN GENERAL.—Subsection (a) of section 36 of the Internal Revenue Code of 1986 is amended by striking “who is a first-time homebuyer of a principal residence” and inserting “who purchases a principal residence”.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 36 of the Internal Revenue Code of 1986 is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Section 36 of such Code is amended by striking “first-time homebuyer credit” in the heading and inserting “home purchase credit”.

(C) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following new item:

“Sec. 36. Home purchase credit.”.

(D) Subparagraph (W) of section 26(b)(2) of such Code is amended by striking “homebuyer credit” and inserting “home purchase credit”.

(b) MODIFICATION OF CREDIT AMOUNT.—Paragraph (1) of section 36(b) of the Internal Revenue Code of 1986, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended—

(1) by striking “\$8,000” each place it appears and inserting “\$15,000”, and

(2) by striking “\$4,000” in subparagraph (B) and inserting “\$7,500”.

(c) ELIMINATION OF INCOME LIMITATION.—Subsection (b) of section 36 of the Internal Revenue Code of 1986, as amended by this section, is amended—

(1) by striking paragraph (2),

(2) by striking “LIMITATIONS” in the heading and inserting “DOLLAR LIMITATION”,

(3) by redesignating subparagraphs (A), (B), and (C) of paragraph (1) as paragraphs (1), (2), and (3), respectively, and

(4) by striking “(1) DOLLAR LIMITATION.—”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after the date of the enactment of this Act.

#### S. 741

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the “Flat Tax Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents; amendment of 1986 Code.

Sec. 2. Flat tax on individual taxable earned income and business taxable income.

Sec. 3. Repeal of estate and gift taxes.

Sec. 4. Additional repeals.

Sec. 5. Effective dates.

(c) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

#### SEC. 2. FLAT TAX ON INDIVIDUAL TAXABLE EARNED INCOME AND BUSINESS TAXABLE INCOME.

(a) IN GENERAL.—Subchapter A of chapter 1 of subtitle A is amended to read as follows:

##### “Subchapter A—Determination of Tax Liability

##### “PART I. TAX ON INDIVIDUALS.

##### “PART II. TAX ON BUSINESS ACTIVITIES.

##### “PART I—TAX ON INDIVIDUALS

“Sec. 1. Tax imposed.

“Sec. 2. Standard deduction.

“Sec. 3. Deduction for cash charitable contributions.

“Sec. 4. Deduction for home acquisition indebtedness.

“Sec. 5. Definitions and special rules.

“Sec. 6. Dependent defined.

“Sec. 7. Inflation adjustment.

##### “SEC. 1. TAX IMPOSED.

“(a) IMPOSITION OF TAX.—There is hereby imposed on every individual a tax equal to 20 percent of the taxable earned income of such individual.

“(b) TAXABLE EARNED INCOME.—For purposes of this section, the term ‘taxable earned income’ means the excess (if any) of—

“(1) the earned income received or accrued during the taxable year, over

“(2) the sum of—

“(A) the standard deduction,

“(B) the deduction for cash charitable contributions, and

“(C) the deduction for home acquisition indebtedness, for such taxable year.

“(c) EARNED INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘earned income’ means wages, salaries, or professional fees, and other amounts received from sources within the United States as compensation for personal services actually rendered, but does not include that part of compensation derived by the taxpayer for personal services rendered by the taxpayer to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered.

“(2) TAXPAYER ENGAGED IN TRADE OR BUSINESS.—In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Secretary, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of the taxpayer’s share of the net profits of such trade or business, shall be considered as earned income.

##### “SEC. 2. STANDARD DEDUCTION.

“(a) IN GENERAL.—For purposes of this subtitle, the term ‘standard deduction’ means the sum of—

“(1) the basic standard deduction, plus

“(2) the additional standard deduction.

“(b) BASIC STANDARD DEDUCTION.—For purposes of subsection (a), the basic standard deduction is—

“(1) 200 percent of the dollar amount in effect under paragraph (3) of the taxable year in the case of—

“(A) a joint return, or

“(B) a surviving spouse (as defined in section 5(a)),

“(2) \$18,750 in the case of a head of household (as defined in section 5(b)), or

“(3) \$12,500 in any other case.

“(C) ADDITIONAL STANDARD DEDUCTION.—For purposes of subsection (a), the additional standard deduction is \$6,250 for each dependent (as defined in section 6)—

“(1) whose earned income for the calendar year in which the taxable year of the taxpayer begins is less than the basic standard deduction specified in subsection (b)(3), or

“(2) who is a child of the taxpayer and who—

“(A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or

“(B) is a student who has not attained the age of 24 at the close of such calendar year.

### “SEC. 3. DEDUCTION FOR CASH CHARITABLE CONTRIBUTIONS.

“(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction any charitable contribution (as defined in subsection (b)) not to exceed \$3,125 (50 percent of such amount in the case of a married individual filing a separate return), payment of which is made within the taxable year.

“(b) CHARITABLE CONTRIBUTION DEFINED.—For purposes of this section, the term ‘charitable contribution’ means a contribution or gift of cash or its equivalent to or for the use of the following:

“(1) A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

“(2) A corporation, trust, or community chest, fund, or foundation—

“(A) created or organized in the United States or in any possession thereof, or under the law of the United States, any State, the District of Columbia, or any possession of the United States,

“(B) organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals,

“(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual, and

“(D) which is not disqualified for tax exemption under section 501(c)(3) by reason of attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

A contribution or gift by a corporation to a trust, chest, fund, or foundation shall be deductible by reason of this paragraph only if it is to be used within the United States or any of its possessions exclusively for purposes specified in subparagraph (B). Rules similar to the rules of section 501(j) shall apply for purposes of this paragraph.

“(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

“(A) organized in the United States or any of its possessions, and

“(B) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

“(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

“(5) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

For purposes of this section, the term ‘charitable contribution’ also means an amount treated under subsection (d) as paid for the use of an organization described in paragraph (2), (3), or (4).

“(c) DISALLOWANCE OF DEDUCTION IN CERTAIN CASES AND SPECIAL RULES.—

“(1) SUBSTANTIATION REQUIREMENT FOR CERTAIN CONTRIBUTIONS.—

“(A) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any contribution of \$250 or more unless the taxpayer substantiates the contribution by a contemporaneous written acknowledgment of the contribution by the donee organization that meets the requirements of subparagraph (B).

“(B) CONTENT OF ACKNOWLEDGMENT.—An acknowledgment meets the requirements of this subparagraph if it includes the following information:

“(i) The amount of cash contributed.

“(ii) Whether the donee organization provided any goods or services in consideration, in whole or in part, for any contribution described in clause (i).

“(iii) A description and good faith estimate of the value of any goods or services referred to in clause (ii) or, if such goods or services consist solely of intangible religious benefits, a statement to that effect.

For purposes of this subparagraph, the term ‘intangible religious benefit’ means any intangible religious benefit which is provided by an organization organized exclusively for religious purposes and which generally is not sold in a commercial transaction outside the donative context.

“(C) CONTEMPORANEOUS.—For purposes of subparagraph (A), an acknowledgment shall be considered to be contemporaneous if the taxpayer obtains the acknowledgment on or before the earlier of—

“(i) the date on which the taxpayer files a return for the taxable year in which the contribution was made, or

“(ii) the due date (including extensions) for filing such return.

“(D) SUBSTANTIATION NOT REQUIRED FOR CONTRIBUTIONS REPORTED BY THE DONEE ORGANIZATION.—Subparagraph (A) shall not apply to a contribution if the donee organization files a return, on such form and in accordance with such regulations as the Secretary may prescribe, which includes the information described in subparagraph (B) with respect to the contribution.

“(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations that may provide that some or all of the requirements of this paragraph do not apply in appropriate cases.

“(2) DENIAL OF DEDUCTION WHERE CONTRIBUTION FOR LOBBYING ACTIVITIES.—No deduction

shall be allowed under this section for a contribution to an organization which conducts activities to which section 11(d)(2)(C)(i) applies on matters of direct financial interest to the donor's trade or business, if a principal purpose of the contribution was to avoid Federal income tax by securing a deduction for such activities under this section which would be disallowed by reason of section 11(d)(2)(C) if the donor had conducted such activities directly. No deduction shall be allowed under section 11(d) for any amount for which a deduction is disallowed under the preceding sentence.

“(d) AMOUNTS PAID TO MAINTAIN CERTAIN STUDENTS AS MEMBERS OF TAXPAYER'S HOUSEHOLD.—

“(1) IN GENERAL.—Subject to the limitations provided by paragraph (2), amounts paid by the taxpayer to maintain an individual (other than a dependent, as defined in section 6, or a relative of the taxpayer) as a member of such taxpayer's household during the period that such individual is—

“(A) a member of the taxpayer's household under a written agreement between the taxpayer and an organization described in paragraph (2), (3), or (4) of subsection (b) to implement a program of the organization to provide educational opportunities for pupils or students in private homes, and

“(B) a full-time pupil or student in the twelfth or any lower grade at an educational organization located in the United States which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, shall be treated as amounts paid for the use of the organization.

“(2) LIMITATIONS.—

“(A) AMOUNT.—Paragraph (1) shall apply to amounts paid within the taxable year only to the extent that such amounts do not exceed \$50 multiplied by the number of full calendar months during the taxable year which fall within the period described in paragraph (1). For purposes of the preceding sentence, if 15 or more days of a calendar month fall within such period such month shall be considered as a full calendar month.

“(B) COMPENSATION OR REIMBURSEMENT.—Paragraph (1) shall not apply to any amount paid by the taxpayer within the taxable year if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the individual in the taxpayer's household during the period described in paragraph (1).

“(3) RELATIVE DEFINED.—For purposes of paragraph (1), the term ‘relative of the taxpayer’ means an individual who, with respect to the taxpayer, bears any of the relationships described in subparagraphs (A) through (G) of section 6(d)(2).

“(4) NO OTHER AMOUNT ALLOWED AS DEDUCTION.—No deduction shall be allowed under subsection (a) for any amount paid by a taxpayer to maintain an individual as a member of the taxpayer's household under a program described in paragraph (1)(A) except as provided in this subsection.

“(e) DENIAL OF DEDUCTION FOR CERTAIN TRAVEL EXPENSES.—No deduction shall be allowed under this section for traveling expenses (including amounts expended for meals and lodging) while away from home, whether paid directly or by reimbursement, unless there is no significant element of personal pleasure, recreation, or vacation in such travel.

“(f) DISALLOWANCE OF DEDUCTIONS IN CERTAIN CASES.—For disallowance of deductions

for contributions to or for the use of Communist controlled organizations, see section 11(a) of the Internal Security Act of 1950 (50 U.S.C. 790).

“(g) TREATMENT OF CERTAIN AMOUNTS PAID TO OR FOR THE BENEFIT OF INSTITUTIONS OF HIGHER EDUCATION.—

“(1) IN GENERAL.—For purposes of this section, 80 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

“(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if—

“(A) the amount is paid by the taxpayer to or for the benefit of an educational organization—

“(i) which is described in subsection (d)(1)(B), and

“(ii) which is an institution of higher education (as defined in section 3304(f)), and

“(B) such amount would be allowable as a deduction under this section but for the fact that the taxpayer receives (directly or indirectly) as a result of paying such amount the right to purchase tickets for seating at an athletic event in an athletic stadium of such institution.

If any portion of a payment is for the purchase of such tickets, such portion and the remaining portion (if any) of such payment shall be treated as separate amounts for purposes of this subsection.

“(h) OTHER CROSS REFERENCES.—

“(1) For treatment of certain organizations providing child care, see section 501(k).

“(2) For charitable contributions of part-ners, see section 702.

“(3) For treatment of gifts for benefit of or use in connection with the Naval Academy as gifts to or for the use of the United States, see section 6973 of title 10, United States Code.

“(4) For treatment of gifts accepted by the Secretary of State, the Director of the International Communication Agency, or the Director of the United States International Development Cooperation Agency, as gifts to or for the use of the United States, see section 25 of the State Department Basic Authorities Act of 1956.

“(5) For treatment of gifts of money accepted by the Attorney General for credit to the ‘Commissary Funds, Federal Prisons’ as gifts to or for the use of the United States, see section 4043 of title 18, United States Code.

“(6) For charitable contributions to or for the use of Indian tribal governments (or subdivisions of such governments), see section 7871.

#### “SEC. 4. DEDUCTION FOR HOME ACQUISITION INDEBTEDNESS.

“(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction all qualified residence interest paid or accrued within the taxable year.

“(b) QUALIFIED RESIDENCE INTEREST DEFINED.—The term ‘qualified residence interest’ means any interest which is paid or accrued during the taxable year on acquisition indebtedness with respect to any qualified residence of the taxpayer. For purposes of the preceding sentence, the determination of whether any property is a qualified residence of the taxpayer shall be made as of the time the interest is accrued.

“(c) ACQUISITION INDEBTEDNESS.—

“(1) IN GENERAL.—The term ‘acquisition indebtedness’ means any indebtedness which—

“(A) is incurred in acquiring, constructing, or substantially improving any qualified residence of the taxpayer, and

“(B) is secured by such residence.

Such term also includes any indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the preceding sentence (or this sentence); but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

“(2) DOLLAR LIMITATION.—The aggregate amount treated as acquisition indebtedness for any period shall not exceed \$125,000 (50 percent of such amount in the case of a married individual filing a separate return).

“(d) TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE OCTOBER 13, 1987.—

“(1) IN GENERAL.—In the case of any pre-October 13, 1987, indebtedness—

“(A) such indebtedness shall be treated as acquisition indebtedness, and

“(B) the limitation of subsection (c)(2) shall not apply.

“(2) REDUCTION IN LIMITATION.—The limitation of subsection (c)(2) shall be reduced (but not below zero) by the aggregate amount of outstanding pre-October 13, 1987, indebtedness.

“(3) PRE-OCTOBER 13, 1987, INDEBTEDNESS.—The term ‘pre-October 13, 1987, indebtedness’ means—

“(A) any indebtedness which was incurred on or before October 13, 1987, and which was secured by a qualified residence on October 13, 1987, and at all times thereafter before the interest is paid or accrued, or

“(B) any indebtedness which is secured by the qualified residence and was incurred after October 13, 1987, to refinance indebtedness described in subparagraph (A) (or refinanced indebtedness meeting the requirements of this subparagraph) to the extent (immediately after the refinancing) the principal amount of the indebtedness resulting from the refinancing does not exceed the principal amount of the refinanced indebtedness (immediately before the refinancing).

“(4) LIMITATION ON PERIOD OF REFINANCING.—Subparagraph (B) of paragraph (3) shall not apply to any indebtedness after—

“(A) the expiration of the term of the indebtedness described in paragraph (3)(A), or

“(B) if the principal of the indebtedness described in paragraph (3)(A) is not amortized over its term, the expiration of the term of the first refinancing of such indebtedness (or if earlier, the date which is 30 years after the date of such first refinancing).

“(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) QUALIFIED RESIDENCE.—For purposes of this subsection—

“(A) IN GENERAL.—Except as provided in subparagraph (C), the term ‘qualified residence’ means the principal residence of the taxpayer.

“(B) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If a married couple does not file a joint return for the taxable year—

“(i) such couple shall be treated as 1 taxpayer for purposes of subparagraph (A), and

“(ii) each individual shall be entitled to take into account ½ of the principal residence unless both individuals consent in writing to 1 individual taking into account the principal residence.

“(C) PRE-OCTOBER 13, 1987, INDEBTEDNESS.—In the case of any pre-October 13, 1987, indebtedness, the term ‘qualified residence’ has the meaning given that term in section 163(h)(4), as in effect on the day before the date of enactment of this subparagraph.

“(2) SPECIAL RULE FOR COOPERATIVE HOUSING CORPORATIONS.—Any indebtedness secured by stock held by the taxpayer as a tenant-stockholder in a cooperative housing

corporation shall be treated as secured by the house or apartment which the taxpayer is entitled to occupy as such a tenant-stockholder. If stock described in the preceding sentence may not be used to secure indebtedness, indebtedness shall be treated as so secured if the taxpayer establishes to the satisfaction of the Secretary that such indebtedness was incurred to acquire such stock.

“(3) UNENFORCEABLE SECURITY INTERESTS.—Indebtedness shall not fail to be treated as secured by any property solely because, under any applicable State or local home-stand or other debtor protection law in effect on August 16, 1986, the security interest is ineffective or the enforceability of the security interest is restricted.

“(4) SPECIAL RULES FOR ESTATES AND TRUSTS.—For purposes of determining whether any interest paid or accrued by an estate or trust is qualified residence interest, any residence held by such estate or trust shall be treated as a qualified residence of such estate or trust if such estate or trust establishes that such residence is a qualified residence of a beneficiary who has a present interest in such estate or trust or an interest in the residuary of such estate or trust.

#### “SEC. 5. DEFINITIONS AND SPECIAL RULES.

“(a) DEFINITION OF SURVIVING SPOUSE.—

“(1) IN GENERAL.—For purposes of this part, the term ‘surviving spouse’ means a taxpayer—

“(A) whose spouse died during either of the taxpayer’s 2 taxable years immediately preceding the taxable year, and

“(B) who maintains as the taxpayer’s home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent—

“(i) who (within the meaning of section 6, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B)) is a son, stepson, daughter, or stepdaughter of the taxpayer, and

“(ii) with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

“(2) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this part a taxpayer shall not be considered to be a surviving spouse—

“(A) if the taxpayer has remarried at any time before the close of the taxable year, or

“(B) unless, for the taxpayer’s taxable year during which the taxpayer’s spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a)(3) thereof).

“(3) SPECIAL RULE WHERE DECEASED SPOUSE WAS IN MISSING STATUS.—If an individual was in a missing status (within the meaning of section 6013(f)(3)) as a result of service in a combat zone and if such individual remains in such status until the date referred to in subparagraph (A) or (B), then, for purposes of paragraph (1)(A), the date on which such individual dies shall be treated as the earlier of the date determined under subparagraph (A) or the date determined under subparagraph (B):

“(A) The date on which the determination is made under section 556 of title 37 of the United States Code or under section 5566 of title 5 of such Code (whichever is applicable) that such individual died while in such missing status.

“(B) Except in the case of the combat zone designated for purposes of the Vietnam conflict, the date which is 2 years after the date designated as the date of termination of combatant activities in that zone.

“(b) DEFINITION OF HEAD OF HOUSEHOLD.—

“(1) IN GENERAL.—For purposes of this part, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of such individual's taxable year, is not a surviving spouse (as defined in subsection (a)), and either—

“(A) maintains as such individual's home a household which constitutes for more than one-half of such taxable year the principal place of abode, as a member of such household, or—

“(i) a qualifying child of the individual (as defined in section 6(c), determined without regard to section 6(e)), but not if such child—

“(I) is married at the close of the taxpayer's taxable year, and

“(II) is not a dependent of such individual by reason of section 6(b)(2) or 6(b)(3), or both, or

“(ii) any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 2, or

“(B) maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

“(2) DETERMINATION OF STATUS.—For purposes of this subsection—

“(A) an individual who is legally separated from such individual's spouse under a decree of divorce or of separate maintenance shall not be considered as married,

“(B) a taxpayer shall be considered as not married at the close of such taxpayer's taxable year if at any time during the taxable year such taxpayer's spouse is a nonresident alien, and

“(C) a taxpayer shall be considered as married at the close of such taxpayer's taxable year if such taxpayer's spouse (other than a spouse described in subparagraph (B)) died during the taxable year.

“(3) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this part, a taxpayer shall not be considered to be a head of a household—

“(A) if at any time during the taxable year the taxpayer is a nonresident alien, or

“(B) by reason of an individual who would not be a dependent for the taxable year but for—

“(i) subparagraph (H) of section 6(d)(2), or

“(ii) paragraph (3) of section 6(d).

“(c) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, an individual shall be treated as not married at the close of the taxable year if such individual is so treated under the provisions of section 7703(b).

#### “SEC. 6. DEPENDENT DEFINED.

“(a) IN GENERAL.—For purposes of this subtitle, the term ‘dependent’ means—

“(1) a qualifying child, or

“(2) a qualifying relative.

“(b) EXCEPTIONS.—For purposes of this section—

“(1) DEPENDENTS INELIGIBLE.—If an individual is a dependent of a taxpayer for any taxable year of such taxpayer beginning in a calendar year, such individual shall be treat-

ed as having no dependents for any taxable year of such individual beginning in such calendar year.

“(2) MARRIED DEPENDENTS.—An individual shall not be treated as a dependent of a taxpayer under subsection (a) if such individual has made a joint return with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

“(3) CITIZENS OR NATIONALS OF OTHER COUNTRIES.—

“(A) IN GENERAL.—The term ‘dependent’ does not include an individual who is not a citizen or national of the United States unless such individual is a resident of the United States or a country contiguous to the United States.

“(B) EXCEPTION FOR ADOPTED CHILD.—Subparagraph (A) shall not exclude any child of a taxpayer (within the meaning of subsection (f)(1)(B)) from the definition of ‘dependent’ if—

“(i) for the taxable year of the taxpayer, the child has the same principal place of abode as the taxpayer and is a member of the taxpayer's household, and

“(ii) the taxpayer is a citizen or national of the United States.

“(c) QUALIFYING CHILD.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualifying child’ means, with respect to any taxpayer for any taxable year, an individual—

“(A) who bears a relationship to the taxpayer described in paragraph (2),

“(B) who has the same principal place of abode as the taxpayer for more than one-half of such taxable year,

“(C) who meets the age requirements of paragraph (3), and

“(D) who has not provided over one-half of such individual's own support for the calendar year in which the taxable year of the taxpayer begins.

“(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if such individual is—

“(A) a child of the taxpayer or a descendant of such a child, or

“(B) a brother, sister, stepbrother, or step-sister of the taxpayer or a descendant of any such relative.

“(3) AGE REQUIREMENTS.—

“(A) IN GENERAL.—For purposes of paragraph (1)(C), an individual meets the requirements of this paragraph if such individual—

“(i) has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins, or

“(ii) is a student who has not attained the age of 24 as of the close of such calendar year.

“(B) SPECIAL RULE FOR DISABLED.—In the case of an individual who is permanently and totally disabled at any time during such calendar year, the requirements of subparagraph (A) shall be treated as met with respect to such individual.

“(4) SPECIAL RULE RELATING TO 2 OR MORE CLAIMING QUALIFYING CHILD.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), if (but for this paragraph) an individual may be and is claimed as a qualifying child by 2 or more taxpayers for a taxable year beginning in the same calendar year, such individual shall be treated as the qualifying child of the taxpayer who is—

“(i) a parent of the individual, or

“(ii) if clause (i) does not apply, the taxpayer with the highest adjusted gross income for such taxable year.

“(B) MORE THAN 1 PARENT CLAIMING QUALIFYING CHILD.—If the parents claiming any

qualifying child do not file a joint return together, such child shall be treated as the qualifying child of—

“(i) the parent with whom the child resided for the longest period of time during the taxable year, or

“(ii) if the child resides with both parents for the same amount of time during such taxable year, the parent with the highest adjusted gross income.

“(d) QUALIFYING RELATIVE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualifying relative’ means, with respect to any taxpayer for any taxable year, an individual—

“(A) who bears a relationship to the taxpayer described in paragraph (2),

“(B) with respect to whom the taxpayer provides over one-half of the individual's support for the calendar year in which such taxable year begins, and

“(C) who is not a qualifying child of such taxpayer or of any other taxpayer for any taxable year beginning in the calendar year in which such taxable year begins.

“(2) RELATIONSHIP.—For purposes of paragraph (1)(A), an individual bears a relationship to the taxpayer described in this paragraph if the individual is any of the following with respect to the taxpayer:

“(A) A child or a descendant of a child.

“(B) A brother, sister, stepbrother, or step-sister.

“(C) The father or mother, or an ancestor of either.

“(D) A stepfather or stepmother.

“(E) A son or daughter of a brother or sister of the taxpayer.

“(F) A brother or sister of the father or mother of the taxpayer.

“(G) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

“(H) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has the same principal place of abode as the taxpayer and is a member of the taxpayer's household.

“(3) SPECIAL RULE RELATING TO MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1)(C), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

“(A) no one person contributed over one-half of such support,

“(B) over one-half of such support was received from 2 or more persons each of whom, but for the fact that any such person alone did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year,

“(C) the taxpayer contributed over 10 percent of such support, and

“(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

“(4) SPECIAL RULE RELATING TO INCOME OF HANDICAPPED DEPENDENTS.—

“(A) IN GENERAL.—For purposes of paragraph (1)(B), the gross income of an individual who is permanently and totally disabled at any time during the taxable year shall not include income attributable to services performed by the individual at a sheltered workshop if—

“(i) the availability of medical care at such workshop is the principal reason for the individual’s presence there, and

“(ii) the income arises solely from activities at such workshop which are incident to such medical care.

“(B) SHELTERED WORKSHOP DEFINED.—For purposes of subparagraph (A), the term ‘sheltered workshop’ means a school—

“(i) which provides special instruction or training designed to alleviate the disability of the individual, and

“(ii) which is operated by an organization described in section 501(c)(3) and exempt from tax under section 501(a), or by a State, a possession of the United States, any political subdivision of any of the foregoing, the United States, or the District of Columbia.

“(5) SPECIAL RULES FOR SUPPORT.—For purposes of this subsection—

“(A) payments to a spouse which are includible in the gross income of such spouse shall not be treated as a payment by the payor spouse for the support of any dependent, and

“(B) in the case of the remarriage of a parent, support of a child received from the parent’s spouse shall be treated as received from the parent.

“(e) SPECIAL RULE FOR DIVORCED PARENTS.—

“(1) IN GENERAL.—Notwithstanding subsection (c)(1)(B), (c)(4), or (d)(1)(C), if—

“(A) a child receives over one-half of the child’s support during the calendar year from the child’s parents—

“(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

“(ii) who are separated under a written separation agreement, or

“(iii) who live apart at all times during the last 6 months of the calendar year, and

“(B) such child is in the custody of 1 or both of the child’s parents for more than one-half of the calendar year, such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) or (3) are met.

“(2) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

“(A) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

“(B) the noncustodial parent attaches such written declaration to the noncustodial parent’s return for the taxable year beginning during such calendar year.

“(3) EXCEPTION FOR CERTAIN PRE-1985 INSTRUMENTS.—

“(A) IN GENERAL.—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

“(i) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, and

“(ii) the noncustodial parent provides at least \$600 for the support of such child during such calendar year.

For purposes of this subparagraph, amounts expended for the support of a child or children shall be treated as received from the

noncustodial parent to the extent that such parent provided amounts for such support.

“(B) QUALIFIED PRE-1985 INSTRUMENT.—For purposes of this paragraph, the term ‘qualified pre-1985 instrument’ means any decree of divorce or separate maintenance or written agreement—

“(i) which is executed before January 1, 1985,

“(ii) which on such date contains the provision described in subparagraph (A)(i), and

“(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

“(4) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

“(A) CUSTODIAL PARENT.—The term ‘custodial parent’ means the parent having custody for the greater portion of the calendar year.

“(B) NONCUSTODIAL PARENT.—The term ‘noncustodial parent’ means the parent who is not the custodial parent.

“(5) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENTS.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

“(6) SPECIAL RULE FOR SUPPORT RECEIVED FROM NEW SPOUSE OF PARENT.—For purposes of this subsection, in the case of the remarriage of a parent, support of a child received from the parent’s spouse shall be treated as received from the parent.

“(f) OTHER DEFINITIONS AND RULES.—For purposes of this section—

“(1) CHILD DEFINED.—

“(A) IN GENERAL.—The term ‘child’ means an individual who is—

“(i) a son, daughter, stepson, or stepdaughter of the taxpayer, or

“(ii) an eligible foster child of the taxpayer.

“(B) ADOPTED CHILD.—In determining whether any of the relationships specified in subparagraph (A)(i) or paragraph (4) exists, a legally adopted individual of the taxpayer, or an individual who is lawfully placed with the taxpayer for legal adoption by the taxpayer, shall be treated as a child of such individual by blood.

“(C) ELIGIBLE FOSTER CHILD.—For purposes of subparagraph (A)(ii), the term ‘eligible foster child’ means an individual who is placed with the taxpayer by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

“(2) STUDENT DEFINED.—The term ‘student’ means an individual who during each of 5 calendar months during the calendar year in which the taxable year of the taxpayer begins—

“(A) is a full-time student at an educational organization described in section 3(d)(1)(B), or

“(B) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in section 3(d)(1)(B) or of a State or political subdivision of a State.

“(3) DETERMINATION OF HOUSEHOLD STATUS.—An individual shall not be treated as a member of the taxpayer’s household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

“(4) BROTHER AND SISTER.—The terms ‘brother’ and ‘sister’ include a brother or sister by the half blood.

“(5) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of subsections (c)(1)(D)

and (d)(1)(C), in the case of an individual who is—

“(A) a child of the taxpayer, and

“(B) a student, amounts received as scholarships for study at an educational organization described in section 3(d)(1)(B) shall not be taken into account.

“(6) TREATMENT OF MISSING CHILDREN.—

“(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

“(i) who is presumed by law enforcement authorities to have been kidnaped by someone who is not a member of the family of such child or the taxpayer, and

“(ii) who had, for the taxable year in which the kidnaping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnaping, shall be treated as meeting the requirement of subsection (c)(1)(B) with respect to a taxpayer for all taxable years ending during the period that the child is kidnaped.

“(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

“(i) the deduction under section 2(c), and

“(ii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 5).

“(C) COMPARABLE TREATMENT OF CERTAIN QUALIFYING RELATIVES.—For purposes of this section, a child of the taxpayer—

“(i) who is presumed by law enforcement authorities to have been kidnaped by someone who is not a member of the family of such child or the taxpayer, and

“(ii) who was (without regard to this paragraph) a qualifying relative of the taxpayer for the portion of the taxable year before the date of the kidnaping, shall be treated as a qualifying relative of the taxpayer for all taxable years ending during the period that the child is kidnaped.

“(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).

#### “SEC. 7. INFLATION ADJUSTMENT.

“(a) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2010, each dollar amount contained in sections 2(b), 2(c), 3(a), and 4(c)(2) shall be increased by an amount equal to—

“(1) such dollar amount, multiplied by

“(2) the cost-of-living adjustment for the calendar year in which the taxable year begins.

“(b) COST-OF-LIVING ADJUSTMENT.—For purposes of subsection (a), the cost-of-living adjustment for any calendar year is the percentage (if any) by which—

“(1) the CPI for the preceding calendar year, exceeds

“(2) the CPI for calendar year 2009.

“(c) CPI FOR ANY CALENDAR YEAR.—For purposes of subsection (b), the CPI for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of such calendar year.

“(d) CONSUMER PRICE INDEX.—For purposes of subsection (c), the term ‘Consumer Price Index’ means the last Consumer Price Index for all-urban consumers published by the Department of Labor. For purposes of the preceding sentence, the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1986 shall be used.

“(e) ROUNDING.—If any increase determined under subsection (a) is not a multiple of \$50,

such amount shall be rounded to the next lowest multiple of \$50.

## **PART II—TAX ON BUSINESS ACTIVITIES**

### **“Sec. 11. Tax imposed on business activities. SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.**

“(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity located in the United States a tax equal to 20 percent of the business taxable income of such person.

“(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

#### **“(c) BUSINESS TAXABLE INCOME.—**

“(1) IN GENERAL.—For purposes of this section, the term ‘business taxable income’ means gross active income reduced by the deductions specified in subsection (d).

“(2) GROSS ACTIVE INCOME.—For purposes of paragraph (1), the term ‘gross active income’ means gross income other than investment income.

#### **“(d) DEDUCTIONS.—**

“(1) IN GENERAL.—The deductions specified in this subsection are—

“(A) the cost of business inputs for the business activity,

“(B) the compensation (including contributions to qualified retirement plans but not including other fringe benefits) paid for employees performing services in such activity, and

“(C) the cost of personal and real property used in such activity.

#### **“(2) BUSINESS INPUTS.—**

“(A) IN GENERAL.—For purposes of paragraph (1)(A), the term ‘cost of business inputs’ means—

“(i) the actual cost of goods, services, and materials, whether or not resold during the taxable year, and

“(ii) the actual cost, if reasonable, of travel and entertainment expenses for business purposes.

“(B) PURCHASES OF GOODS AND SERVICES EXCLUDED.—Such term shall not include purchases of goods and services provided to employees or owners.

“(C) CERTAIN LOBBYING AND POLITICAL EXPENDITURES EXCLUDED.—

“(i) IN GENERAL.—Such term shall not include any amount paid or incurred in connection with—

“(I) influencing legislation,

“(II) participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office,

“(III) any attempt to influence the general public, or segments thereof, with respect to elections, legislative matters, or referendums, or

“(IV) any direct communication with a covered executive branch official in an attempt to influence the official actions or positions of such official.

“(ii) EXCEPTION FOR LOCAL LEGISLATION.—In the case of any legislation of any local council or similar governing body—

“(I) clause (i)(I) shall not apply, and

“(II) such term shall include all ordinary and necessary expenses (including, but not limited to, traveling expenses described in subparagraph (A)(iii) and the cost of preparing testimony) paid or incurred during the taxable year in carrying on any trade or business—

“(aa) in direct connection with appearances before, submission of statements to, or sending communications to the committees, or individual members, of such council or body with respect to legislation or proposed legislation of direct interest to the taxpayer, or

“(bb) in direct connection with communication of information between the taxpayer and an organization of which the taxpayer is a member with respect to any such legislation or proposed legislation which is of direct interest to the taxpayer and to such organization, and that portion of the dues so paid or incurred with respect to any organization of which the taxpayer is a member which is attributable to the expenses of the activities carried on by such organization.

“(iii) APPLICATION TO DUES OF TAX-EXEMPT ORGANIZATIONS.—Such term shall include the portion of dues or other similar amounts paid by the taxpayer to an organization which is exempt from tax under this subtitle which the organization notifies the taxpayer under section 6033(e)(1)(A)(ii) is allocable to expenditures to which clause (i) applies.

“(iv) INFLUENCING LEGISLATION.—For purposes of this subparagraph—

“(I) IN GENERAL.—The term ‘influencing legislation’ means any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation.

“(II) LEGISLATION.—The term ‘legislation’ has the meaning given that term in section 4911(e)(2).

#### **“(v) OTHER SPECIAL RULES.—**

“(I) EXCEPTION FOR CERTAIN TAXPAYERS.—In the case of any taxpayer engaged in the trade or business of conducting activities described in clause (i), clause (i) shall not apply to expenditures of the taxpayer in conducting such activities directly on behalf of another person (but shall apply to payments by such other person to the taxpayer for conducting such activities).

#### **“(II) DE MINIMIS EXCEPTION.—**

“(aa) IN GENERAL.—Clause (i) shall not apply to any in-house expenditures for any taxable year if such expenditures do not exceed \$2,000. In determining whether a taxpayer exceeds the \$2,000 limit, there shall not be taken into account overhead costs otherwise allocable to activities described in subclauses (I) and (IV) of clause (i).

“(bb) IN-HOUSE EXPENDITURES.—For purposes of provision (aa), the term ‘in-house expenditures’ means expenditures described in subclauses (I) and (IV) of clause (i) other than payments by the taxpayer to a person engaged in the trade or business of conducting activities described in clause (i) for the conduct of such activities on behalf of the taxpayer, or dues or other similar amounts paid or incurred by the taxpayer which are allocable to activities described in clause (i).

“(III) EXPENSES INCURRED IN CONNECTION WITH LOBBYING AND POLITICAL ACTIVITIES.—Any amount paid or incurred for research for, or preparation, planning, or coordination of, any activity described in clause (i) shall be treated as paid or incurred in connection with such activity.

“(vi) COVERED EXECUTIVE BRANCH OFFICIAL.—For purposes of this subparagraph, the term ‘covered executive branch official’ means—

“(I) the President,

“(II) the Vice President,

“(III) any officer or employee of the White House Office of the Executive Office of the President, and the 2 most senior level officers of each of the other agencies in such Executive Office, and

“(IV) any individual serving in a position in level I of the Executive Schedule under section 5312 of title 5, United States Code, any other individual designated by the Presi-

dent as having Cabinet level status, and any immediate deputy of such an individual.

“(vii) SPECIAL RULE FOR INDIAN TRIBAL GOVERNMENTS.—For purposes of this subparagraph, an Indian tribal government shall be treated in the same manner as a local council or similar governing body.

“(viii) CROSS REFERENCE.—

“For reporting requirements and alternative taxes related to this subsection, see section 6033(e).

#### **“(e) CARRYOVER OF EXCESS DEDUCTIONS.—**

“(1) IN GENERAL.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the amount of the deductions specified in subsection (d) for the succeeding taxable year (determined without regard to this subsection) shall be increased by the sum of—

“(A) such excess, plus

“(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year.

“(2) 3-MONTH TREASURY RATE.—For purposes of paragraph (1), the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States with remaining periods to maturity of 3 months or less.”

(b) CONFORMING REPEALS AND REDESIGNATIONS.—

(1) REPEALS.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are repealed:

(A) Subchapter B (relating to computation of taxable income).

(B) Subchapter C (relating to corporate distributions and adjustments).

(C) Subchapter D (relating to deferred compensation, etc.).

(D) Subchapter G (relating to corporations used to avoid income tax on shareholders).

(E) Subchapter H (relating to banking institutions).

(F) Subchapter I (relating to natural resources).

(G) Subchapter J (relating to estates, trusts, beneficiaries, and decedents).

(H) Subchapter L (relating to insurance companies).

(I) Subchapter M (relating to regulated investment companies and real estate investment trusts).

(J) Subchapter N (relating to tax based on income from sources within or without the United States).

(K) Subchapter O (relating to gain or loss on disposition of property).

(L) Subchapter P (relating to capital gains and losses).

(M) Subchapter Q (relating to readjustment of tax between years and special limitations).

(N) Subchapter S (relating to tax treatment of S corporations and their shareholders).

(O) Subchapter T (relating to cooperatives and their patrons).

(P) Subchapter U (relating to designation and treatment of empowerment zones, enterprise communities, and rural development investment areas).

(Q) Subchapter V (relating to title 11 cases).

(R) Subchapter W (relating to District of Columbia Enterprise Zone).

(2) REDESIGNATIONS.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the



table of subchapters for such chapter 1 are redesignated:

(A) Subchapter E (relating to accounting periods and methods of accounting) as subchapter B.

(B) Subchapter F (relating to exempt organizations) as subchapter C.

(C) Subchapter K (relating to partners and partnerships) as subchapter D.

### SEC. 3. REPEAL OF ESTATE AND GIFT TAXES.

Subtitle B (relating to estate, gift, and generation-skipping taxes) and the item relating to such subtitle in the table of subtitles is repealed.

### SEC. 4. ADDITIONAL REPEALS.

Subtitles H (relating to financing of presidential election campaigns) and J (relating to coal industry health benefits) and the items relating to such subtitles in the table of subtitles are repealed.

### SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act apply to taxable years beginning after December 31, 2009.

(b) REPEAL OF ESTATE AND GIFT TAXES.—The repeal made by section 3 applies to estates of decedents dying, and transfers made, after December 31, 2009.

(c) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but in any event not later than 90 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. NELSON of Florida):

S. 744. A bill to amend the Internal Revenue Code of 1986 to exclude from an employee's gross income any employer-provided supplemental instructional services assistance, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to reintroduce legislation to increase access for our Nation's children to affordable, quality tutoring. The Affordable Tutoring for Our Children Act would enable middle-class families to purchase supplemental instructional services on a pre-tax basis, ensuring greater utilization of critical educational tools. I would like to thank my good friend, Senator NELSON of Florida, for cosponsoring this bill.

A sound education for every American child is fundamental to the well-being and prosperity of our society, both now and in the future. Yet, as we are all acutely aware, not every child learns at the same pace, nor in the same manner, and some face unique challenges that cannot be overcome simply in a typical classroom setting. Many children require—and greatly benefit from—additional help in academics. Regrettably, our Nation's mid-

dle-class families are increasingly unable to afford this essential ancillary support for their children. Indeed, according to education market research company Eduventure, the average amount spent annually by a family on private tutoring for a student is \$1,110.

Unfortunately, given the considerable and ever-increasing financial strains facing middle-class families, with more and more income going to pay for gasoline, health care, groceries, and a multitude of other expenses, tutoring is often out of reach. In fact, according to a 2007 report from Demos and the Institute on Assets & Social Policy at Brandeis University, more than half of middle-class families have no financial assets, or worse, their debts exceeds their assets.

At present, employees may set aside a portion of their earnings to establish a flexible spending account, or FSA, allowing them to pay for qualified medical or dependent care expenses free from income and payroll taxes. Our legislation would permit employees to use their dependent care FSAs to cover supplemental instructional expenses, thereby saving themselves up to 40 percent of their cost. Critically, this bill is targeted to middle-class families, those who most necessitate our assistance. Indeed, only those employees making \$110,000 or less per year would be able to exclude amounts paid for these services from their taxable income. Additionally, supplemental instructional expenses would be subject to a combined \$5,000 cap with other dependent care expenses.

This bill would help more middle-class children to receive extra assistance for a host of subjects ranging from English and mathematics to science, government, and foreign languages. At a time when graduates who attain a bachelor's degree earn roughly 96 percent more than high school graduates, according to the U.S. Bureau of the Census, it is vital that our Nation's children get the help they need to succeed.

With middle-class families feeling the squeeze from every angle, our legislation would provide essential relief for those parents seeking to ensure that their children have the best educational experience possible. I urge my colleagues to consider the dramatic advantage our children will gain from this crucial bill, and look forward to its passage in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 744

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable Tutoring of Our Children Act".

### SEC. 2. EXCLUSION OF EMPLOYER-PROVIDED SUPPLEMENTAL INSTRUCTIONAL SERVICES ASSISTANCE.

(a) IN GENERAL.—Section 129 of the Internal Revenue Code of 1986 (relating to dependent care assistance programs) is amended—

(1) by inserting "and supplemental instructional services assistance" after "dependent care assistance" each place it appears (except in subsections (d)(4) and (e)(1) thereof), and

(2) by inserting "and supplemental instructional services" after "dependent care services" both places it appears in subsection (a)(2).

(b) SUPPLEMENTAL INSTRUCTIONAL SERVICES ASSISTANCE.—Section 129(e) of the Internal Revenue Code of 1986 (relating to definitions and services) is amended by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) SUPPLEMENTAL INSTRUCTIONAL SERVICES ASSISTANCE.—

"(A) IN GENERAL.—The term 'supplemental instructional services assistance' means the payment of, or provision of, supplemental instructional services to an employee's dependent (as defined in subsection (a)(1) of section 152, determined without regard to subsection (c)(1)(C) thereof) who—

"(i) has attained the age of 5 but not the age of 19 as of the close of the calendar year in which the taxable year of the employee begins, and

"(ii) has not obtained a high school diploma or been awarded a general education degree.

"(B) SUPPLEMENTAL INSTRUCTIONAL SERVICES.—The term 'supplemental instructional services' means instructional or other academic enrichment services which are—

"(i) in addition to instruction provided during the school day,

"(ii) specifically designed to increase the academic achievement of such dependent,

"(iii) in the core academic studies of English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, social studies, and geography, and

"(iv) provided by a State certified instructor or by a State recognized or privately accredited organization."

(c) NO EXCLUSION FOR SUPPLEMENTAL INSTRUCTIONAL SERVICES ASSISTANCE PROVIDED TO HIGHLY COMPENSATED EMPLOYEES.—Section 129(a)(2)(A) of the Internal Revenue Code of 1986 (relating to limitation of exclusion) is amended by inserting "except that no amount may be excluded under paragraph (1) for supplemental instructional services paid or incurred by an employee who is a highly compensated employee (within the meaning of section 414(q))" after "individual)".

(d) CONFORMING AMENDMENTS.—

(1) Section 21(b)(2)(A) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: "Such term shall not include any amount paid for supplemental instructional services (as defined in section 129(e)(2)(B))."

(2) The second sentence of section 21(c) of such Code is amended by inserting "of dependent care assistance" after "aggregate amount".

(3) Section 6051(a)(9) of such Code is amended by inserting "and supplemental instructional services assistance" after "dependent care assistance" both places it appears.

(e) CLERICAL AMENDMENTS.—

(1) The heading for section 129 of the Internal Revenue Code of 1986 is amended by inserting “**AND SUPPLEMENTAL INSTRUCTIONAL SERVICES ASSISTANCE**” after “**ASSISTANCE**”.

(2) The item relating to section 129 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting “and supplemental instructional services assistance” after “assistance”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

By Mr. HATCH:

S. 745. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise to speak today regarding a troubling situation facing Magna Water District in Utah. Magna's drinking water is threatened by contamination from an underground plume of perchlorate which is heading towards its wells. The perchlorate is the result of decades of rocket motor production at a Department of Defense site currently operated by Hercules, ATK Launch Systems. In order to address the threat to its water system, the district plans to implement a unique water reuse and groundwater recharge project that would serve to demonstrate a bio-destruction process combining wastewater with a desalination brine stream to destroy the perchlorate. This new technology would give water districts throughout the country a more effective and more economical method of mitigating perchlorate contamination.

The district has already invested a significant amount of its own funds toward the effort, and it is now seeking a 25 percent match from the Federal Government. This funding would preserve the district's crucial water resources while finding an efficient and beneficial use of treated industrial and domestic wastewater. In addition, this funding is vital in order to provide our Nation with a better way to destroy harmful perchlorate plumes that may threaten community water supplies.

As you know, our Nation's clean water supply is a precious asset to our country. In desert places like Utah, the need for the best use of our available water is critical to preserving the limited amounts of clean water available to us. This water reuse and groundwater recharge technology is crucial to ensure clean drinking water for the citizens of Magna. Not only would this funding benefit the Magna district, but it would provide our Nation with an inexpensive and powerful new tool to clean up contaminated water. This is an investment in our Nation that will be paid back many times over.

I urge my colleagues to lend their support to this important legislation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 748. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the “Cesar E. Chavez Post Office”; to the Committee on Homeland Security and Governmental Affairs.

Mrs. BOXER. Mr. President, today I join Representative SUSAN DAVIS in commemorating Cesar E. Chavez's 82nd birthday by introducing legislation to name a post office in San Diego, CA, after this extraordinary civil rights activist and union leader.

Today we join millions of people across this Nation in honoring Cesar Chavez's legacy as an educator, environmentalist, and a civil rights leader who was committed to providing fair wages, better working conditions, decent housing, and quality education for all. As an activist, Chavez worked to give a voice to the voiceless, and inspire millions of Americans to stand up and say, “Si, Se Puede!”

As a migrant farm worker in his youth, Cesar E. Chavez learned about the struggles of farm workers including poor wages, poor medical coverage, and poor working conditions. When he returned from serving his country in the Navy during World War II, Chavez began to work to improve this situation, first by organizing for the Community Service Organization coordinating voter-registration drives and battling racial and economic discrimination.

In 1962 Cesar Chavez founded the National Farm Workers Association, later to become the United Farm Workers, the largest farm workers union in the country. Using nonviolent tactics, such as boycotts, pickets, and strikes, Chavez raised awareness about the plight of farm workers. Cesar Chavez's unflagging determination made great strides in championing the rights of farm workers, but the struggle for farm workers continues. This year, thousands of workers across California are preparing to march, and continue the fight for their rights.

Cesar Chavez's life and legacy should serve not only as an example but an inspiration to us all as we work to address the growing inequality in our nation, as well as the challenges faced by America's working families, including poverty, health care, and education.

Fifteen years ago, President Clinton awarded Cesar Chavez the Presidential Medal of Freedom, in recognition of his great contributions to our Nation. Today we remember his work not only for the U.S., but also for the communities and people of the State of California.

San Diego is a city with a rich cultural heritage, and a history of community organizing and activism that shares its roots with Cesar Chavez's lifelong struggle for justice and equal-

ity. Cesar Chavez accomplished a great deal to improve living and working conditions for all people, and I ask my colleagues to join me in supporting this bill to recognize his work and his memory.

By Mr. COCHRAN (for himself, Mr. DODD, Mr. ALEXANDER, Mr. AKAKA, Mr. BINGAMAN, Mrs. MURRAY, Mr. WICKER, and Mr. CARDIN):

S. 749. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today, I am introducing the Teaching Geography is Fundamental Act. I am pleased to be joined by my friend from Connecticut, Mr. DODD. The purpose of this bill is to improve geographic literacy among K-12 students in the U.S. by supporting professional development programs for their teachers that are administered in institutions of higher education and other educational institutions. This bill also assists States in measuring the impact of education in geography.

Former Secretary of State Colin Powell said, “To solve most of the major problems facing our country today—from wiping out terrorism, to minimizing global environmental problems, to eliminating the scourge of AIDS—will require every young person to learn more about other regions, cultures, and languages.” We need to do more to ensure that the teachers responsible for the education of our students, from kindergarten through high school graduation, are prepared and trained to teach these critical skills to solve these problems. The Elementary and Secondary Education Act has expressly identified geography as a core academic subject. Yet, when we review No Child Left Behind, geography education is the only subject without a dedicated source of support for educational training and innovation.

This bill prepares students to be good citizens of both our nation and the world. John Fahey, President of the National Geographic Society, stated that “geographic illiteracy impacts our economic well-being, our relationships with other nations and the environment, and isolates us from the world.” When students understand their own environment, they can better understand the differences in other places, and the people who live in them. Knowledge of the diverse cultures, environments, and the relationships between states and countries helps our students to understand national and

international policies, economies, societies, and political structures on a more global scale.

To expect that Americans will be able to work successfully with the other people in this world, we need to be able to communicate and understand each other. We need to prepare our younger generation for global competition and ensure that they have a strong base of understanding to be able to succeed in the global marketplace.

The 2005 publication, *What Works in Geography*, reported that elementary school geography instruction significantly improves student achievement and proved that the integration of geography into the elementary school curriculum improves student literacy achievement an average of 5 percent. That is the good news. However, the 2006 National Geographic-Roper Global Geographic Literacy Survey shows that 69 percent of elementary school principals report a decrease in the time spent teaching geography, and less than a quarter of our nation's high school students take a geography course in high school. This survey shows that many of our high school graduates lack the basic skills needed to navigate our international economy, policies, and relationships. According to statistics from the U.S. Bureau of Economic Analysis, 30 percent of the annual U.S. GDP, that is 4.3 trillion dollars, results from international trade. According to the CIA World Factbook of 2005, U.S. workers need geographic knowledge to compete in this global economy. Geographic knowledge is increasingly needed for U.S. businesses in international markets to understand such factors as physical distance, time zones, language differences, and cultural diversity among project teams.

In addition, geospatial technology is an emerging and innovative career available to people with strong geography education. Professionals in geospatial technology are employed in Federal Government agencies, the private sector, and the non-profit sector. These professionals focus on areas such as agriculture, archeology, ecology, land appraisal, and urban planning and development. According to the National Geospatial Intelligence Agency, the information gathering necessary to protect critical infrastructure has resulted in an enormous increase in the demand for geospatial skills and jobs. A strong geography education system is a necessity for this industry's continued advancement. The U.S. Department of Labor has identified geospatial technologies as one of the most important high-growth industries, with the market growing at an annual rate of 35 percent. These are high-tech, high-wage jobs in which America can and must compete.

It has been both the private and non-profit sectors working to ensure that

the critical skills and knowledge provided by geography education are provided to our schools. Over the last 20 years, the National Geographic Society has awarded more than \$100 million in grants to educators, universities, State geographic alliances, and others for the purposes of advancing and improving the teaching of geography. Their models are successful, and research shows that students who have benefitted from this teaching out-perform other students. In all 50 States, the District of Columbia and Puerto Rico, there are state geographic alliances and partnerships between higher education and K-12 school systems. Thirty States, including Mississippi and the District of Columbia, are endowed by grants from the National Geographic Society. But these efforts alone are not enough. The bill I am introducing establishes a Federal commitment to enhance the education of our teachers, focuses on geography education research, and develops reliable, advanced technology-based classroom resources. A 5 year, \$15,000,000 grant program would be created under the bill to achieve these objectives.

In my State of Mississippi, teachers and university professors are making progress to increase geography education in the schools through additional professional training. To date, there are 555 members of the Mississippi Geographic Alliance who teach geography. Last year, the Mississippi Geographic Alliance conducted a statewide workshop titled *Introductory World Geography* to help prepare teachers to meet the State's new graduation requirement in geography. The Alliance conducted two, week-long residential summer institutes that provided grade-specific geography content and teaching strategies; provided a field-based local Mississippi geography workshop; and conducted two workshops that introduce pre-service teachers to the scope of modern geography and effective geography teaching strategies.

I hope the Senate will consider the serious need to invest in geography, and I invite other Senators to cosponsor the Teaching Geography is Fundamental Act.

By Mrs. BOXER (for herself and Ms. COLLINS):

S. 750. A bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, the need for health care reform is undeniable and we must undertake comprehensive efforts to provide quality care for our Nation's diverse populations, particularly older Americans. Our aging popu-

lation is expected to almost double in number, from 37 million people today to about 72 million by 2030. If we fail to prepare, our Nation will face a crisis in providing care to these older Americans. We must start now if we are going to adequately train the health care workforce to meet the needs of an aging America.

Health care providers with the necessary training to give older Americans the best care are in critically short supply. In its landmark report, *Retooling for an Aging America*, the Institute of Medicine concluded that action must be taken immediately to address the severe workforce shortages in the care of older adults.

According to the Institute of Medicine, only about 7,100 U.S. physicians are certified geriatricians today; 36,000 are needed by 2030. Just 4 percent of social workers and only 3 percent of advance practice nurses specialize in geriatrics. Recruitment and retention of direct care workers is also a looming crisis due to low wages and few benefits, lack of career advancement, and inadequate training.

Preparing our workforce for the job of caring for older Americans is an essential part of ensuring the future health of our nation. Right now, there is a critical shortage of health care providers with the necessary training and skills to provide our seniors with the best possible care. This is a tremendously important issue for American families who are concerned about quality of care and quality of life for their older relatives and friends.

It is clear that there is a need for federal action to address these issues, and that is why Senator COLLINS and I are introducing the Caring for an Aging America Act. This legislation would help attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans by providing them with meaningful loan forgiveness and career advancement opportunities.

Specifically, for health professionals who complete specialty training in geriatrics or gerontology—including physicians, physician assistants, advance practice nurses, social workers, pharmacists and psychologists—the legislation would link educational loan repayment to a service commitment to the aging population, modeled after the successful National Health Services Corps. The bill would also expand loan repayment for registered nurses who complete specialty training in geriatric care and who choose to work in long-term care settings, and expand career advancement opportunities for direct care workers by offering specialty training in long-term care services. Lastly, the legislation would establish a health and long-term care workforce advisory panel for an aging America.

In addition, I was pleased to work with the Alzheimer's Association and

the American Geriatrics Society to ensure that this legislation will also help provide a workforce to meet the needs of older Americans with dementia, Alzheimer's and other cognitive disorders.

Ensuring we have a well-trained health care workforce with the skills to care for our aging population is a critical investment in America's future. This legislation offers a modest but important step toward creating the future health care workforce that our Nation so urgently needs.

I look forward to working with Senator COLLINS and our colleagues to ensure that we meet our obligations to the seniors of our Nation to improve their care.

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 751. A bill to establish a revenue source for fair elections financing of Senate campaigns by providing an excise tax on amounts paid pursuant to contracts with the United States Government; to the Committee on Finance.

Mr. DURBIN. Mr. President, we are facing the worst economic crisis since the great depression. Health care costs are exploding. Our education system is in desperate need of reform. All while we continue to fight two wars on the other side of the globe.

At a time like this, our Nation's leaders need to be singularly focused on the challenges at hand. Yet as Senators and Congressmen we find ourselves spending more and more of our time raising money for our own re-elections. That means we spend less and less time focusing on our Nation's policy challenges.

In the last three election cycles, Senate candidates spent nearly \$1.3 billion on their races. This is simply unsustainable.

Unless you have enough personal wealth to pay for a campaign by yourself, you have little choice but to spend an enormous amount of your time dialing for dollars to keep up with your competitors. If you do not attend the nightly fundraisers and hit the phones during power hours, your campaign message will be drowned out by your opponent's advertising by Election Day. You will stand little chance of being chosen to continue to work on the challenges you came to Washington to solve.

Worse, the system we currently use to finance Federal campaigns makes candidates far too reliant on the ability of wealthy donors to help raise the mountains of money necessary to compete.

The result is a public who rightly questions whether those that win elections in this system are serving ALL of their constituents and not just their wealthy donors.

We need to finance Federal campaigns differently. There has never been a more critical time for change.

That is why today I am reintroducing the bipartisan Fair Elections Now Act with my friend Senator SPECTER. I am pleased that Congressman LARSON is introducing the companion legislation in the House with Republican Congressmen TODD PLATTS of Pennsylvania and WALTER JONES of North Carolina.

The Fair Elections Now Act would help restore public confidence in the Congressional election process by providing qualified candidates for Congress with grants, matching funds, and vouchers from the Fair Elections Fund to replace campaign fundraising that largely relies on lobbyists and other special interests. In return, participating candidates would agree to limit their campaign spending to the amounts raised from small-dollar donors plus the amounts provided from the Fund.

Fair Elections for the Senate would have three stages.

To participate, candidates would first need to prove their viability by raising a minimum number and amount of small-dollar qualifying contributions from in-state donors. Once a candidate qualifies, that candidate must limit the amount raised from each donor to \$100 per election.

For the primary, participants would receive a base grant that would vary in amount based on the population of the state that the candidate seeks to represent. Participants would also receive a 4-to-1 match for small-dollar donations up to a defined matching cap. The candidate could raise an unlimited amount of \$100 contributions if needed to compete against high-spending opponents.

For the general election, qualified candidates would receive an additional grant, further small-dollar matching, and vouchers for purchasing television advertising. The candidate could continue to raise an unlimited amount of \$100 contributions if needed.

Under our plan, candidates will no longer be in the fundraising business. Instead, candidates will be in the constituent business, regardless of whether those constituents have the wealth to attend a fundraiser or to donate more than \$100 per election. Candidates will be in the policy business, regardless of what policies are preferred by wealthy donors.

This is no naïve theory. It is a system that is already at work. Very similar programs exist in Maine, Arizona, and elsewhere. These programs are bringing new faces and ideas into politics and making more races more competitive. Most importantly, candidates spend more time with constituents and in policy debates and less time with wealthy donors.

I know that some will say that the answer to this problem of time constraints is simply to remove individual contribution limits, so that with a few

phone calls to billionaire donors candidates can raise all of the money that they need. I completely disagree. The answer is not to further concentrate influence in the hands of a smaller and smaller group of donors, but rather to remove that source of influence altogether. That is the only way to rebuild the trust of the American people.

Let me be clear: I honestly believe that the overwhelming majority of the people serving in American politics are good, honest people, and I believe that Senators and Congressmen are guided by the best of intentions. But we are nonetheless stuck in a terrible, corrupting system. The perception is that politicians are corrupted by the big money interests . . . and whether that is true or not, that perception and the loss of trust that goes with it makes it incredibly difficult for the Senate to take on tough challenges and have the American public believe that what we are doing is right.

I believe that this problem is fundamental to our democracy, and we must address it. Overwhelming numbers of Americans agree. Recent polling shows that 69 percent of Democrats, 72 percent Republicans, and 60 percent of independents supported a general description of this proposal. The Fair Elections Now Act is supported by several good Government groups, former members of Congress, business leaders, and even lobbyists.

Our Nation's leaders need to be completely focused on getting America back on track. The Fair Elections Now Act will help.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 751

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Elections Revenue Act of 2009".

#### SEC. 2. FAIR ELECTIONS FUND REVENUE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 36 the following new chapter:

#### "CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS

"Sec. 4501. Imposition of tax.

#### "SEC. 4501. IMPOSITION OF TAX.

"(a) TAX IMPOSED.—There is hereby imposed on any payment made to a qualified person pursuant to a qualified contract with the Government of the United States a tax equal to 0.50 percent of the amount paid.

"(b) LIMITATION.—The aggregate amount of tax imposed under subsection (a) for any calendar year shall not exceed \$500,000.

"(c) QUALIFIED PERSON.—For purposes of this section, the term 'qualified person' means any person which—

"(1) is not a State or local government or a foreign nation, and

"(2) has contracts with the Government of the United States with a value in excess of \$10,000,000.

“(d) PAYMENT OF TAX.—The tax imposed by this section shall be paid by the person receiving such payment.

“(e) USE OF REVENUE GENERATED BY TAX.—It is the sense of the Senate that amounts equivalent to the revenue generated by the tax imposed under this chapter should be appropriated for the financing of a Fair Elections Fund and used for the public financing of Senate elections.”.

(b) CONFORMING AMENDMENT.—The table of chapter of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 36 the following:

“CHAPTER 37—TAX ON PAYMENTS PURSUANT TO CERTAIN GOVERNMENT CONTRACTS”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into after the date of the enactment of this Act.

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 752. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 752

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Fair Elections Now Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

### Subtitle A—Fair Elections Financing Program

Sec. 101. Findings and declarations.

Sec. 102. Eligibility requirements and benefits of Fair Elections financing of Senate election campaigns.

## “TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

### “Subtitle A—General Provisions

“Sec. 501. Definitions.

“Sec. 502. Fair Elections Fund.

### “Subtitle B—Eligibility and Certification

“Sec. 511. Eligibility.

“Sec. 512. Qualifying contribution requirement.

“Sec. 513. Contribution and expenditure requirements.

“Sec. 514. Debate requirement.

“Sec. 515. Certification.

### “Subtitle C—Benefits

“Sec. 521. Benefits for participating candidates.

“Sec. 522. Allocations from the Fund.

“Sec. 523. Matching payments for qualified small dollar contributions.

“Sec. 524. Political advertising vouchers.

### “Subtitle D—Administrative Provisions

“Sec. 531. Fair Elections Oversight Board.

“Sec. 532. Administration provisions.

“Sec. 533. Violations and penalties.

Sec. 103. Prohibition on joint fundraising committees.

Sec. 104. Limitation on coordinated expenditures by political party committees with participating candidates.

## TITLE II—IMPROVING VOTER INFORMATION

Sec. 201. Broadcasts relating to all Senate candidates.

Sec. 202. Broadcast rates for participating candidates.

Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.

## TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

Sec. 301. Petition for certiorari.

Sec. 302. Filing by Senate candidates with Commission.

Sec. 303. Electronic filing of FEC reports.

## TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Severability.

Sec. 402. Effective date.

## TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

### Subtitle A—Fair Elections Financing Program

#### SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the United States Senate has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

(1) creating a culture that fosters actual or perceived conflicts of interest by encouraging Senators to accept large campaign contributions from private interests that are directly affected by Federal legislation;

(2) diminishing or appearing to diminish Senators' accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) undermining the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory distortions caused by unequal access to lawmakers for campaign contributors;

(5) making it difficult for some qualified candidates to mount competitive Senate election campaigns;

(6) disadvantaging challengers and discouraging competitive elections, because large campaign contributors tend to donate their money to incumbent Senators, thus causing Senate elections to be less competitive; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING ALLOCATIONS FROM THE FAIR ELECTIONS FUND.—The Senate finds and declares that providing the option of the replacement of large private campaign contributions with allocations from the Fair Elections Fund for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) reducing the actual or perceived conflicts of interest created by fully private financing of the election campaigns of public officials and restoring public confidence in the integrity and fairness of the electoral and legislative processes through a program which allows participating candidates to adhere to substantially lower contribution lim-

its for contributors with an assurance that there will be sufficient funds for such candidates to run viable electoral campaigns;

(2) increasing the public's confidence in the accountability of Senators to the constituents who elect them, which derives from the program's qualifying criteria to participate in the voluntary program and the conclusions that constituents may draw regarding candidates who qualify and participate in the program;

(3) helping to reduce the ability to make large campaign contributions as a determinant of a citizen's influence within the political process by facilitating the expression of support by voters at every level of wealth, encouraging political participation, and incentivizing participation on the part of Senators through the matching of small dollar contributions;

(4) potentially saving taxpayers billions of dollars that may be (or that are perceived to be) currently allocated based upon legislative and regulatory agendas skewed by the influence of campaign contributions;

(5) creating genuine opportunities for all Americans to run for the Senate and encouraging more competitive elections;

(6) encouraging participation in the electoral process by citizens of every level of wealth; and

(7) freeing Senators from the incessant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

#### SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

## “TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

### “Subtitle A—General Provisions

#### “SEC. 501. DEFINITIONS.

“In this title:

“(1) ALLOCATION FROM THE FUND.—The term ‘allocation from the Fund’ means an allocation of money from the Fair Elections Fund to a participating candidate pursuant to section 522.

“(2) BOARD.—The term ‘Board’ means the Fair Elections Oversight Board established under section 531.

“(3) FAIR ELECTIONS QUALIFYING PERIOD.—The term ‘Fair Elections qualifying period’ means, with respect to any candidate for Senator, the period—

“(A) beginning on the date on which the candidate files a statement of intent under section 511(a)(1); and

“(B) ending on the date that is 30 days before—

“(i) the date of the primary election; or

“(ii) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

“(4) FAIR ELECTIONS START DATE.—The term ‘Fair Elections start date’ means, with respect to any candidate, the date that is 180 days before—

“(A) the date of the primary election; or

“(B) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

“(5) FUND.—The term ‘Fund’ means the Fair Elections Fund established by section 502.

“(6) IMMEDIATE FAMILY.—The term ‘immediate family’ means, with respect to any candidate—

“(A) the candidate’s spouse;

“(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate’s spouse; and

“(C) the spouse of any person described in subparagraph (B).

“(7) **MATCHING CONTRIBUTION.**—The term ‘matching contribution’ means a matching payment provided to a participating candidate for qualified small dollar contributions, as provided under section 523.

“(8) **NONPARTICIPATING CANDIDATE.**—The term ‘nonparticipating candidate’ means a candidate for Senator who is not a participating candidate.

“(9) **PARTICIPATING CANDIDATE.**—The term ‘participating candidate’ means a candidate for Senator who is certified under section 515 as being eligible to receive an allocation from the Fund.

“(10) **QUALIFYING CONTRIBUTION.**—The term ‘qualifying contribution’ means, with respect to a candidate, a contribution that—

“(A) is in an amount that is—

“(i) not less than the greater of \$5 or the amount determined by the Commission under section 531; and

“(ii) not more than the greater of \$100 or the amount determined by the Commission under section 531.

“(B) is made by an individual—

“(i) who is a resident of the State in which such Candidate is seeking election; and

“(ii) who is not otherwise prohibited from making a contribution under this Act;

“(C) is made during the Fair Elections qualifying period; and

“(D) meets the requirements of section 512(b).

“(11) **QUALIFIED SMALL DOLLAR CONTRIBUTION.**—The term ‘qualified small dollar contribution’ means, with respect to a candidate, any contribution (or series of contributions)—

“(A) which is not a qualifying contribution (or does not include a qualifying contribution);

“(B) which is made by an individual who is not prohibited from making a contribution under this Act; and

“(C) the aggregate amount of which does not exceed the greater of—

“(i) \$100 per election; or

“(ii) the amount per election determined by the Commission under section 531.

#### **“SEC. 502. FAIR ELECTIONS FUND.**

“(a) **ESTABLISHMENT.**—There is established in the Treasury a fund to be known as the ‘Fair Elections Fund’.

“(b) **AMOUNTS HELD BY FUND.**—The Fund shall consist of the following amounts:

“(1) **APPROPRIATED AMOUNTS.**—

“(A) **IN GENERAL.**—Amounts appropriated to the Fund.

“(B) **SENSE OF THE SENATE REGARDING APPROPRIATIONS.**—It is the sense of the Senate that—

“(i) there should be imposed on any payment made to any person (other than a State or local government or a foreign nation) who has contracts with the Government of the United States in excess of \$10,000,000 a tax equal to 0.50 percent of amount paid pursuant to such contracts, except that the aggregate tax for any person for any taxable year shall not exceed \$500,000; and

“(ii) the revenue from such tax should be appropriated to the Fund.

“(2) **VOLUNTARY CONTRIBUTIONS.**—Voluntary contributions to the Fund.

“(3) **OTHER DEPOSITS.**—Amounts deposited into the Fund under—

“(A) section 513(c) (relating to exceptions to contribution requirements);

“(B) section 521(c) (relating to remittance of allocations from the Fund);

“(C) section 533 (relating to violations); and

“(D) any other section of this Act.

“(4) **INVESTMENT RETURNS.**—Interest on, and the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (c).

“(c) **INVESTMENT.**—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) of the Internal Revenue Code of 1986.

“(d) **USE OF FUND.**—

“(1) **IN GENERAL.**—The sums in the Fund shall be used to provide benefits to participating candidates as provided in subtitle C.

“(2) **INSUFFICIENT AMOUNTS.**—Under regulations established by the Commission, rules similar to the rules of section 9006(c) of the Internal Revenue Code shall apply.

#### **“Subtitle B—Eligibility and Certification**

##### **“SEC. 511. ELIGIBILITY.**

“(a) **IN GENERAL.**—A candidate for Senator is eligible to receive an allocation from the Fund for any election if the candidate meets the following requirements:

“(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate under this title during the period beginning on the Fair Elections start date and ending on the last day of the Fair Elections qualifying period.

“(2) The candidate meets the qualifying contribution requirements of section 512.

“(3) Not later than the last day of the Fair Elections qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate’s principal campaign committee declaring that the candidate—

“(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 513;

“(B) if certified, will comply with the debate requirements of section 514;

“(C) if certified, will not run as a nonparticipating candidate during such year in any election for the office that such candidate is seeking; and

“(D) has either qualified or will take steps to qualify under State law to be on the ballot.

“(b) **GENERAL ELECTION.**—Notwithstanding subsection (a), a candidate shall not be eligible to receive an allocation from the Fund for a general election or a general runoff election unless the candidate’s party nominated the candidate to be placed on the ballot for the general election or the candidate otherwise qualified to be on the ballot under State law.

##### **“SEC. 512. QUALIFYING CONTRIBUTION REQUIREMENT.**

“(a) **IN GENERAL.**—A candidate for Senator meets the requirement of this section if, during the Fair Elections qualifying period, the candidate obtains—

“(1) a number of qualifying contributions equal to the greater of—

“(A) the sum of—

“(i) 2,000; plus

“(ii) 500 for each congressional district in the State with respect to which the candidate is seeking election; or

“(B) the amount determined by the Commission under section 531; and

“(2) a total dollar amount of qualifying contributions equal to the greater of—

“(A) 10 percent of the amount of the allocation such candidate would be entitled to receive for the primary election under sec-

tion 522(c)(1) (determined without regard to paragraph (5) thereof) if such candidate were a participating candidate; or

“(B) the amount determined by the Commission under section 531.

“(b) **REQUIREMENTS RELATING TO RECEIPT OF QUALIFYING CONTRIBUTION.**—Each qualifying contribution—

“(1) may be made by means of a personal check, money order, debit card, credit card, or electronic payment account;

“(2) shall be accompanied by a signed statement containing—

“(A) the contributor’s name and the contributor’s address in the State in which the contributor is registered to vote;

“(B) an oath declaring that the contributor—

“(i) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for Fair Elections financing;

“(ii) is making the contribution in his or her own name and from his or her own funds;

“(iii) has made the contribution willingly; and

“(iv) has not received any thing of value in return for the contribution; and

“(3) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election; and

“(c) **VERIFICATION OF QUALIFYING CONTRIBUTIONS.**—The Commission shall establish procedures for the auditing and verification of qualifying contributions to ensure that such contributions meet the requirements of this section.

##### **“SEC. 513. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.**

“(a) **GENERAL RULE.**—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

“(1) except as provided in subsection (b), accepts no contributions other than—

“(A) qualifying contributions;

“(B) qualified small dollar contributions;

“(C) allocations from the Fund under section 522;

“(D) matching contributions under section 523; and

“(E) vouchers provided to the candidate under section 524;

“(2) makes no expenditures from any amounts other than from—

“(A) qualifying contributions;

“(B) qualified small dollar contributions;

“(C) allocations from the Fund under section 522;

“(D) matching contributions under section 523; and

“(E) vouchers provided to the candidate under section 524; and

“(3) makes no expenditures from personal funds or the funds of any immediate family member (other than funds received through qualified small dollar contributions and qualifying contributions).

For purposes of this subsection, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

“(b) **CONTRIBUTIONS FOR LEADERSHIP PACS, ETC.**—A political committee of a participating candidate which is not an authorized committee of such candidate may accept contributions other than contributions described in subsection (a)(1) from any person if—



“(1) the aggregate contributions from such person for any calendar year do not exceed \$100; and

“(2) no portion of such contributions is disbursed in connection with the campaign of the participating candidate.

“(C) EXCEPTION.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions that are not qualified small dollar contributions, qualifying contributions, or contributions that meet the requirements of subsection (b) and that are accepted before the date the candidate files a statement of intent under section 511(a)(1) are—

“(1) returned to the contributor; or

“(2) submitted to the Commission for deposit in the Fund.

#### **“SEC. 514. DEBATE REQUIREMENT.**

“A candidate for Senator meets the requirements of this section if the candidate participates in at least—

“(1) 1 public debate before the primary election with other participating candidates and other willing candidates from the same party and seeking the same nomination as such candidate; and

“(2) 2 public debates before the general election with other participating candidates and other willing candidates seeking the same office as such candidate.

#### **“SEC. 515. CERTIFICATION.**

“(a) IN GENERAL.—Not later than 5 days after a candidate for Senator files an affidavit under section 511(a)(3), the Commission shall—

“(1) certify whether or not the candidate is a participating candidate; and

“(2) notify the candidate of the Commission's determination.

“(b) REVOCATION OF CERTIFICATION.—

“(1) IN GENERAL.—The Commission may revoke a certification under subsection (a) if—

“(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification; or

“(B) a candidate otherwise fails to comply with the requirements of this title, including any regulatory requirements prescribed by the Commission.

“(2) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (1), the candidate shall repay to the Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received.

#### **“Subtitle C—Benefits**

#### **“SEC. 521. BENEFITS FOR PARTICIPATING CANDIDATES.**

“(a) IN GENERAL.—For each election with respect to which a candidate is certified as a participating candidate, such candidate shall be entitled to—

“(1) an allocation from the Fund to make or obligate to make expenditures with respect to such election, as provided in section 522;

“(2) matching contributions, as provided in section 523; and

“(3) for the general election, vouchers for broadcasts of political advertisements, as provided in section 524.

“(b) RESTRICTION ON USES OF ALLOCATIONS FROM THE FUND.—Allocations from the Fund received by a participating candidate under sections 522 and matching contributions under section 523 may only be used for campaign-related costs.

“(c) REMITTING ALLOCATIONS FROM THE FUND.—

“(1) IN GENERAL.—Not later than the date that is 45 days after an election in which the

participating candidate appeared on the ballot, such participating candidate shall remit to the Commission for deposit in the Fund an amount equal to the lesser of—

“(A) the amount of money in the candidate's campaign account; or

“(B) the sum of the allocations from the Fund received by the candidate under section 522 and the matching contributions received by the candidate under section 523.

“(2) EXCEPTION.—In the case of a candidate who qualifies to be on the ballot for a primary runoff election, a general election, or a general runoff election, the amounts described in paragraph (1) may be retained by the candidate and used in such subsequent election.

#### **“SEC. 522. ALLOCATIONS FROM THE FUND.**

“(a) IN GENERAL.—The Commission shall make allocations from the Fund under section 521(a)(1) to a participating candidate—

“(1) in the case of amounts provided under subsection (c)(1), not later than 48 hours after the date on which such candidate is certified as a participating candidate under section 515;

“(2) in the case of a general election, not later than 48 hours after—

“(A) the date of the certification of the results of the primary election or the primary runoff election; or

“(B) in any case in which there is no primary election, the date the candidate qualifies to be placed on the ballot; and

“(3) in the case of a primary runoff election or a general runoff election, not later than 48 hours after the certification of the results of the primary election or the general election, as the case may be.

“(b) METHOD OF PAYMENT.—The Commission shall distribute funds available to participating candidates under this section through the use of an electronic funds exchange or a debit card.

“(c) AMOUNTS.—

“(1) PRIMARY ELECTION ALLOCATION; INITIAL ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a primary election to a participating candidate in an amount equal to 67 percent of the base amount with respect to such participating candidate.

“(2) PRIMARY RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a primary runoff election to a participating candidate in an amount equal to 25 percent of the amount the participating candidate was eligible to receive under this section for the primary election.

“(3) GENERAL ELECTION ALLOCATION.—Except as provided in paragraph (5), the Commission shall make an allocation from the Fund for a general election to a participating candidate in an amount equal to the base amount with respect to such candidate.

“(4) GENERAL RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a general runoff election to a participating candidate in an amount equal to 25 percent of the base amount with respect to such candidate.

“(5) UNCONTESTED ELECTIONS.—

“(A) IN GENERAL.—In the case of a primary or general election that is an uncontested election, the Commission shall make an allocation from the Fund to a participating candidate for such election in an amount equal to 25 percent of the allocation which such candidate would be entitled to under this section for such election if this paragraph did not apply.

“(B) UNCONTESTED ELECTION DEFINED.—For purposes of this subparagraph, an election is

uncontested if not more than 1 candidate has campaign funds (including payments from the Fund) in an amount equal to or greater than 10 percent of the allocation a participating candidate would be entitled to receive under this section for such election if this paragraph did not apply.

“(d) BASE AMOUNT.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the base amount for any candidate is an amount equal to the greater of—

“(A) the sum of—

“(i) \$750,000; plus

“(ii) \$150,000 for each congressional district in the State with respect to which the candidate is seeking election; or

“(B) the amount determined by the Commission under section 531.

“(2) INDEXING.—In each odd-numbered year after 2012—

“(A) each dollar amount under paragraph (1)(A) shall be increased by the percent difference between the price index (as defined in section 315(c)(2)(A)) for the 12 months preceding the beginning of such calendar year and the price index for calendar year 2011;

“(B) each dollar amount so increased shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

“(C) if any amount after adjustment under subparagraph (A) is not a multiple of \$100, such amount shall be rounded to the nearest multiple of \$100.

#### **“SEC. 523. MATCHING PAYMENTS FOR QUALIFIED SMALL DOLLAR CONTRIBUTIONS.**

“(a) IN GENERAL.—The Commission shall pay to each participating candidate an amount equal to 400 percent of the amount of qualified small dollar contributions received by the candidate from individuals who are residents of the State in which such participating candidate is seeking election after the date on which such candidate is certified under section 515.

“(b) LIMITATION.—The aggregate payments under subsection (a) with respect to any candidate shall not exceed the greater of—

“(1) 200 percent of the allocation such candidate is entitled to receive for such election under section 522 (determined without regard to subsection (c)(5) thereof); or

“(2) the percentage of such allocation determined by the Commission under section 531.

“(c) TIME OF PAYMENT.—The Commission shall make payments under this section not later than 2 business days after the receipt of a report made under subsection (d).

“(d) REPORTS.—

“(1) IN GENERAL.—Each participating candidate shall file reports of receipts of qualified small dollar contributions at such times and in such manner as the Commission may by regulations prescribe.

“(2) CONTENTS OF REPORTS.—Each report under this subsection shall disclose—

“(A) the amount of each qualified small dollar contribution received by the candidate;

“(B) the amount of each qualified small dollar contribution received by the candidate from a resident of the State in which the candidate is seeking election; and

“(C) the name, address, and occupation of each individual who made a qualified small dollar contribution to the candidate.

“(3) FREQUENCY OF REPORTS.—Reports under this subsection shall be made no more frequently than—

“(A) once every month until the date that is 90 days before the date of the election;

“(B) once every week after the period described in subparagraph (A) and until the date that is 21 days before the election; and

“(C) once every day after the period described in subparagraph (B).

“(4) LIMITATION ON REGULATIONS.—The Commission may not prescribe any regulations with respect to reporting under this subsection with respect to any election after the date that is 180 days before the date of such election.

“(e) APPEALS.—The Commission shall provide a written explanation with respect to any denial of any payment under this section and shall provide the opportunity for review and reconsideration within 5 business days of such denial.

#### “SEC. 524. POLITICAL ADVERTISING VOUCHERS.

“(a) IN GENERAL.—The Commission shall establish and administer a voucher program for the purchase of airtime on broadcasting stations for political advertisements in accordance with the provisions of this section.

“(b) CANDIDATES.—The Commission shall only disburse vouchers under the program established under subsection (a) to participants certified pursuant to section 515 who have agreed in writing to keep and furnish to the Commission such records, books, and other information as it may require.

“(c) AMOUNTS.—The Commission shall disburse vouchers to each candidate certified under subsection (b) in an aggregate amount equal to the greater of—

“(1) \$100,000 multiplied by the number of congressional districts in the State with respect to which such candidate is running for office; or

“(2) the amount determined by the Commission under section 531.

“(d) USE.—

“(1) EXCLUSIVE USE.—Vouchers disbursed by the Commission under this section may be used only for the purchase of broadcast airtime for political advertisements relating to a general election for the office of Senate by the participating candidate to which the vouchers were disbursed, except that—

“(A) a candidate may exchange vouchers with a political party under paragraph (2); and

“(B) a political party may use vouchers only to purchase broadcast airtime for political advertisements for generic party advertising (as defined by the Commission in regulations), to support candidates for State or local office in a general election, or to support participating candidates of the party in a general election for Federal office, but only if it discloses the value of the voucher used as an expenditure under section 315(d).

“(2) EXCHANGE WITH POLITICAL PARTY COMMITTEE.—

“(A) IN GENERAL.—A participating candidate who receives a voucher under this section may transfer the right to use all or a portion of the value of the voucher to a committee of the political party of which the individual is a candidate in exchange for money in an amount equal to the cash value of the voucher or portion exchanged.

“(B) CONTINUATION OF CANDIDATE OBLIGATIONS.—The transfer of a voucher, in whole or in part, to a political party committee under this paragraph does not release the candidate from any obligation under the agreement made under subsection (b) or otherwise modify that agreement or its application to that candidate.

“(C) PARTY COMMITTEE OBLIGATIONS.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (A)—

“(i) shall account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

“(ii) may not use the transferred voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

“(D) VOUCHER AS A CONTRIBUTION UNDER FECA.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

“(i) the value of the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee, and from the committee to the candidate, for purposes of sections 302 and 304;

“(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of title III of this Act; and

“(iii) the amount, if identified as a ‘voucher exchange’ shall not be considered a contribution for the purposes of sections 315 and 513.

“(e) VALUE; ACCEPTANCE; REDEMPTION.—

“(1) VOUCHER.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

“(2) ACCEPTANCE.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

“(3) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system.

“(4) EXPIRATION.—

“(A) CANDIDATES.—A voucher may only be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

“(B) EXCEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

“(5) VOUCHER AS EXPENDITURE UNDER FECA.—The use of a voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A).

“(f) DEFINITIONS.—In this section:

“(1) BROADCASTING STATION.—The term ‘broadcasting station’ has the meaning given that term by section 315(f)(1) of the Communications Act of 1934.

“(2) POLITICAL PARTY.—The term ‘political party’ means a major party or a minor party as defined in section 9002(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 9002(3) or (4)).

#### “Subtitle D—Administrative Provisions

#### “SEC. 531. FAIR ELECTIONS OVERSIGHT BOARD.

“(a) ESTABLISHMENT.—There is established within the Federal Election Commission an entity to be known as the ‘Fair Elections Oversight Board’.

“(b) STRUCTURE AND MEMBERSHIP.—

“(1) IN GENERAL.—The Board shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate, of whom—

“(A) 2 shall be appointed after consultation with the Majority Leader of the Senate;

“(B) 2 shall be appointed after consultation with the Minority Leader of the Senate; and

“(C) 1 shall be appointed upon the recommendation of the members appointed under subparagraphs (A) and (B).

“(2) QUALIFICATIONS.—

“(A) IN GENERAL.—The members shall be individuals who are nonpartisan and, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

“(B) PROHIBITION.—No member of the Board may be—

“(i) an employee of the Federal government;

“(ii) a registered lobbyist; or

“(iii) an officer or employee of a political party or political campaign.

“(3) DATE.—Members of the Board shall be appointed not later than 60 days after the date of the enactment of this Act.

“(4) TERMS.—A member of the Board shall be appointed for a term of 5 years.

“(5) VACANCIES.—A vacancy on the Board shall be filled not later than 30 calendar days after the date on which the Board is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

“(6) CHAIRPERSON.—The Board shall designate a Chairperson from among the members of the Board.

“(c) DUTIES AND POWERS.—

“(1) ADMINISTRATION.—

“(A) IN GENERAL.—The Board shall have such duties and powers as the Commission may prescribe, including the power to administer the provisions of this title.

“(2) REVIEW OF FAIR ELECTIONS FINANCING.—

“(A) IN GENERAL.—After each general election for Federal office, the Board shall conduct a comprehensive review of the Fair Elections financing program under this title, including—

“(i) the maximum dollar amount of qualified small dollar contributions under section 501(11);

“(ii) the maximum and minimum dollar amounts for qualifying contributions under section 501(10);

“(iii) the number and value of qualifying contributions a candidate is required to obtain under section 512 to qualify for allocations from the Fund;

“(iv) the amount of allocations from the Fund that candidates may receive under section 522;

“(v) the maximum amount of matching contributions a candidate may receive under section 523;

“(vi) the amount and usage of vouchers under section 524;

“(vii) the overall satisfaction of participating candidates and the American public with the program; and

“(viii) such other matters relating to financing of Senate campaigns as the Board determines are appropriate.

“(B) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Board shall consider the following:

“(i) QUALIFYING CONTRIBUTIONS AND QUALIFIED SMALL DOLLAR CONTRIBUTIONS.—The Board shall consider whether the number and dollar amount of qualifying contributions required and maximum dollar amount

for such qualifying contributions and qualified small dollar contributions strikes a balance regarding the importance of voter involvement, the need to assure adequate incentives for participating, and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Board determines is appropriate.

“(ii) REVIEW OF PROGRAM BENEFITS.—The Board shall consider whether the totality of the amount of funds allowed to be raised by participating candidates (including through qualifying contributions and small dollar contributions), allocations from the Fund under sections 522, matching contributions under section 523, and vouchers under section 524 are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Board determines is appropriate.

“(C) ADJUSTMENT OF AMOUNTS.—

“(i) IN GENERAL.—Based on the review conducted under subparagraph (A), the Board shall provide for the adjustments of the following amounts:

“(I) the maximum dollar amount of qualified small dollar contributions under section 501(11)(C);

“(II) the maximum and minimum dollar amounts for qualifying contributions under section 501(10)(A);

“(III) the number and value of qualifying contributions a candidate is required to obtain under section 512(a)(1);

“(IV) the base amount for candidates under section 522(d);

“(V) the maximum amount of matching contributions a candidate may receive under section 523(b); and

“(VI) the dollar amount for vouchers under section 524(c).

“(ii) REGULATIONS.—The Commission shall promulgate regulations providing for the adjustments made by the Board under clause (i).

“(D) REPORT.—Not later than March 30 following any general election for Federal office, the Board shall submit a report to Congress on the review conducted under paragraph (1). Such report shall contain a detailed statement of the findings, conclusions, and recommendations of the Board based on such review.

“(d) MEETINGS AND HEARINGS.—

“(1) MEETINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this Act.

“(2) QUORUM.—Three members of the Board shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

“(e) REPORTS.—Not later than March 30, 2011, and every 2 years thereafter, the Board shall submit to the Senate Committee on Rules and Administration a report documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

“(f) ADMINISTRATION.—

“(1) COMPENSATION OF MEMBERS.—

“(A) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(B) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) PERSONNEL.—

“(A) DIRECTOR.—The Board shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

“(B) STAFF APPOINTMENT.—With the approval of the Chairperson, the Executive Director may appoint such personnel as the Executive Director and the Board determines to be appropriate.

“(C) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(D) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Board to assist in carrying out the duties of the Board. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

“(E) OTHER RESOURCES.—The Board shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and other agencies of the executive and legislative branches of the Federal Government. The Chairperson of the Board shall make requests for such access in writing when necessary.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subtitle.

#### “SEC. 532. ADMINISTRATION PROVISIONS.

“The Commission shall prescribe regulations to carry out the purposes of this title, including regulations—

“(1) to establish procedures for—

“(A) verifying the amount of valid qualifying contributions with respect to a candidate;

“(B) effectively and efficiently monitoring and enforcing the limits on the raising of qualified small dollar contributions;

“(C) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates;

“(D) monitoring the use of allocations from the Fund and matching contributions under this title through audits or other mechanisms; and

“(E) the administration of the voucher program under section 524; and

“(2) regarding the conduct of debates in a manner consistent with the best practices of States that provide public financing for elections.

#### “SEC. 533. VIOLATIONS AND PENALTIES.

“(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate under section 515(a) accepts a contribution or makes an expenditure that is prohibited under section 513, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Fund.

“(b) REPAYMENT FOR IMPROPER USE OF FAIR ELECTIONS FUND.—

“(1) IN GENERAL.—If the Commission determines that any benefit made available to a participating candidate under this title was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Fund an amount equal to—

“(A) the amount of benefits so used or not remitted, as appropriate; and

“(B) interest on any such amounts (at a rate determined by the Commission).

“(2) OTHER ACTION NOT PRECLUDED.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.”

#### SEC. 103. PROHIBITION ON JOINT FUNDRAISING COMMITTEES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by adding at the end the following new paragraph:

“(6) No authorized committee of a participating candidate (as defined in section 501) may establish a joint fundraising committee with a political committee other than an authorized committee of a candidate.”

#### SEC. 104. LIMITATION ON COORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES WITH PARTICIPATING CANDIDATES.

(a) IN GENERAL.—Section 315(d)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as redesignated by paragraph (1), the following new subparagraph:

“(A) in the case of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), the lesser of—

“(i) 10 percent of the allocation from the Fair Elections Fund that the participating candidate is eligible to receive for the general election under section 522(c); or

“(ii) the amount which would (but for this subparagraph) apply with respect to such candidate under subparagraph (B);”

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 315(d)(3) of such Act, as redesignated by subsection (a), is amended by inserting “who is not a participating candidate (as so defined)” after “office of Senator”.

#### TITLE II—IMPROVING VOTER INFORMATION

#### SEC. 201. BROADCASTS RELATING TO ALL SENATE CANDIDATES.

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking “to such office” in paragraph (1) and inserting “to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign.”; and

(2) by inserting “for pre-emptible use thereof” after “station” in subparagraph (A) of paragraph (1).

(b) PREEMPTION; AUDITS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively and moving them to follow the existing subsection (e);

(2) by redesignating the existing subsection (e) as subsection (c); and

(3) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

“(d) PREEMPTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding the requirements of subsection (b)(1)(A), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Senate who has purchased and paid for such use.

“(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

“(e) AUDITS.—During the 30-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312.”.

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking “or repeated”;

(2) by inserting “or cable system” after “broadcasting station”; and

(3) by striking “his candidacy” and inserting “the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee”.

(d) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking “the” in subsection (f)(1), as redesignated by subsection (b)(1), and inserting “BROADCASTING STATION.—”;

(2) by striking “the” in subsection (f)(2), as redesignated by subsection (b)(1), and inserting “LICENSEE; STATION LICENSEE.—”;

(3) by inserting “REGULATIONS.—” in subsection (g), as redesignated by subsection (b)(1), before “The Commission”.

#### SEC. 202. BROADCAST RATES FOR PARTICIPATING CANDIDATES.

Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by subsection (a), is amended—

(1) in paragraph (1)(A), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following:

“(3) PARTICIPATING CANDIDATES.—In the case of a participating candidate (as defined under section 501(9) of the Federal Election Campaign Act of 1971), the charges made for the use of any broadcasting station for a television broadcast shall not exceed 80 percent of the lowest charge described in paragraph (1)(A) during—

“(A) the 45 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

“(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

“(4) RATE CARDS.—A licensee shall provide to a candidate for Senate a rate card that discloses—

“(A) the rate charged under this subsection; and

“(B) the method that the licensee uses to determine the rate charged under this subsection.”.

#### SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR REPORTING CANDIDATE CAMPAIGN ADS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding to establish a standardized form to be used by broadcasting stations, as defined in section 315(f)(1) of the Communications Act of 1934 (47 U.S.C. 315(f)(1)), to record and report the purchase of advertising time by or on behalf of a candidate for nomination for election, or for election, to Federal elective office.

(b) CONTENTS.—The form prescribed by the Commission under subsection (a) shall require, broadcasting stations to report to the Commission and to the Federal Election Commission, at a minimum—

(1) the station call letters and mailing address;

(2) the name and telephone number of the station's sales manager (or individual with responsibility for advertising sales);

(3) the name of the candidate who purchased the advertising time, or on whose behalf the advertising time was purchased, and the Federal elective office for which he or she is a candidate;

(4) the name, mailing address, and telephone number of the person responsible for purchasing broadcast political advertising for the candidate;

(5) notation as to whether the purchase agreement for which the information is being reported is a draft or final version; and

(6) the following information about the advertisement:

(A) The date and time of the broadcast.

(B) The program in which the advertisement was broadcast.

(C) The length of the broadcast airtime.

(c) INTERNET ACCESS.—In its rulemaking under subsection (a), the Commission shall require any broadcasting station required to file a report under this section that maintains an Internet website to make available a link to such reports on that website.

#### TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

##### SEC. 301. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by inserting “(including a proceeding before the Supreme Court on certiorari)” after “appeal”.

##### SEC. 302. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

“(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.”.

##### SEC. 303. ELECTRONIC FILING OF FEC REPORTS.

Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

(1) in subparagraph (A), by striking “under this Act—” and all that follows and inserting “under this Act shall be required to maintain and file such designation, statement, or report in electronic form accessible by computers.”;

(2) in subparagraph (B), by striking “48 hours” and all that follows through “filed electronically)” and inserting “24 hours”; and

(3) by striking subparagraph (D).

#### TITLE IV—MISCELLANEOUS PROVISIONS

##### SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a pro-

vision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

##### SEC. 402. EFFECTIVE DATE.

Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2011.

By Mr. ROCKEFELLER (for himself, Mr. CORKER, and Mr. KENNEDY):

S. 754. A bill to provide for increased Federal oversight of methadone treatment; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with my colleagues, Senator CORKER and Senator KENNEDY, to introduce the Methadone Treatment and Protection Act, legislation that provides a comprehensive solution to our country's growing problem of methadone-related deaths. In recent years, too many families have come to me with heartbreaking stories of mothers and fathers, sisters and brothers who have been seriously injured or who have died as a result of methadone. My State of West Virginia has been particularly hard-hit by the number of lives lost, with just seven methadone-related deaths in 1999 compared to approximately 120 deaths in 2005. In the face of such stark realities, we can no longer stand by and remain content with the status quo. Now is the time for a comprehensive strategy to address the misuse of methadone and prevent any additional avoidable deaths.

Methadone is an FDA approved, synthetic opioid prescription drug that has been extensively tested and used in the U.S. for more than thirty years. While it was first prescribed for pain management, methadone is also widely used as a part of opioid addiction treatment. The high efficacy and low cost of methadone has resulted in a significant rise in the number of methadone prescriptions, up 700 percent since 1998. However, there has also been a steep increase in the number of methadone-related deaths. In 2005, there were 4,462 methadone deaths, representing a 468 percent increase in the number of deaths since 1999.

Currently, oversight of methadone is fragmented between three federal agencies: the Food and Drug Administration, FDA, the Substances Abuse and Mental Health Services Administration, SAMHSA, and the Drug Enforcement Administration, DEA. Currently, these agencies lack the most effective tools necessary to properly monitor methadone usage and effectively prevent methadone-related deaths. The legislation we are introducing today will address this shortcoming in our public health infrastructure by providing the administrative direction, funding, education, and data necessary

to effectively monitor for the potential misuse of methadone.

The alarming number of accidental methadone-related overdoses indicates that both patients and practitioners do not fully understand the complex nature of this medication. Therefore, the Methadone Treatment and Protection Act will significantly improve patient and provider information about methadone by mandating the creation of a consumer education campaign and requiring additional training for practitioners who prescribe methadone and other opioids.

The bill will also improve Federal oversight of methadone by creating the Controlled Substances Clinical Standards Commission—with membership comprised of the FDA, SAMHSA, and the National Institutes of Health, NIH. This new Commission will establish safe dosage levels for methadone and other opioids, determine appropriate conversion factors when transferring a patient from one opioid to another, and create specific guidelines for initiating pain management treatment with methadone. To curtail the problems of doctor shopping and diversion, this legislation also adequately funds the National All Schedules Prescription Drug Reporting Act, NASPER. Passed and signed into law in 2005, NASPER requires providers to submit prescribing information for all schedule II, III, and IV drugs to State run controlled substance monitoring programs. NASPER also requires States to share this information with one another. Funding NASPER will serve as a deterrent to those who misuse methadone from crossing State lines in order to avoid being detected.

Finally, to improve access to comprehensive data on methadone-related deaths, this legislation mandates the completion of a standard Model Opioid Treatment Program Mortality Report, and requires its submission to a newly created National Opioid Death Registry. Prior to 1999, methadone did not have separate classification from other opiate-related deaths. Therefore, a study released by the Center for Disease Control and Prevention in 2006 was the first opportunity to examine the trends in methadone exclusively. By creating a National Opioid Death Registry, it will be possible to more carefully track—and hopefully prevent—methadone-related deaths.

It is my belief that the multi-pronged approach provided in the Methadone Treatment and Protection Act will lead to a decrease in the number of opioid and methadone-related deaths. This legislation will improve the coordination of resources and information at the local, State and Federal level to stifle the rising death toll, while at the same time make certain methadone and other opioids remain accessible for those who truly need these medications. In light of the facts

and the preventable nature of methadone-related deaths, Congress has a responsibility to the American people to guarantee individuals have access to the treatment they need in a manner that is both safe and effective. The time for action is now, and I urge my colleagues to join us in support of this important bill.

By Mrs. BOXER:

S. 755. A bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we engage in the debate on health care reform, it is critical that we address the need to invest in health research and innovation to spur the development of new treatments and cures for diseases. Today, I am proud to introduce two bills, S. 755 and S. 756, that would direct Federal investment in new programs that would develop tools to detect ovarian and prostate cancers.

We know that early and reliable detection of these cancers can save lives. These bills make sure we have the tools we need to catch these cancers early, when they can be treated thereby significantly increasing survival rates.

First, the Ovarian Cancer Biomarker Research Act provides funding for research directed toward the development of reliable screening techniques for ovarian cancer—a critical investment in the future of any woman who will face ovarian cancer.

Though only one in 72 women will face ovarian cancer in their lifetime, this disease ranks fifth in cancer deaths among women and causes more deaths than any other cancer of the female reproductive system. In the last year alone, the National Cancer Institute, NCI, estimated there were 15,520 deaths from ovarian cancer in the U.S.

For many years, ovarian cancer has been called the “silent killer” because too often women are diagnosed with this disease too late to be saved. But when ovarian cancer is diagnosed early, more than 93 percent of women survive longer than 5 years. Because there is currently no effective screening test available, 4 out of 5 ovarian cancer cases in the U.S. are diagnosed in the later stages, when a woman's chance of surviving more than 5 years drops to 46 percent.

The Ovarian Cancer Biomarker Research Act would authorize NCI to make grants for public or nonprofit entities to establish research centers focused on ovarian cancer biomarkers. Biomarkers are biochemical features within the body that can be used to measure the progress of a disease and

predict the effects of treatment. This legislation also authorizes funding for a national clinical trial that will enroll at-risk women in a study to determine the clinical utility of using these validated ovarian cancer biomarkers.

The Society of Gynecologic Oncologists, the American College of Obstetricians and Gynecologists, the Ovarian Cancer National Alliance, and the American College of Surgeons have all joined together in support of this research developing tools to detect ovarian cancer early, because they know it is critical to improving the rate of survival for women struck by this disease.

The second bill, the Prostate Imaging, Research and Men's Education Act, addresses the urgent need for the development of new technologies to detect and diagnose prostate cancer.

Prostate cancer is the second most common cancer in the U.S., and the second leading cause of cancer related deaths in men—striking 1 in every 6 men. In 2008, it was estimated that more than 186,000 men were diagnosed with prostate cancer, and more than 28,000 men died from the disease.

The Prostate Research, Imaging, and Men's Education Act, or PRIME Act, would mirror the investment the Federal Government made in advanced imaging technologies, which led to life-saving breakthroughs in detection, diagnosis and treatment of breast cancer. This bill directs the Secretary of the Department of Health and Human Services to expand prostate cancer research, and provides the resources to develop innovative advanced imaging technologies for prostate cancer detection, diagnosis, and treatment.

In addition, the PRIME Act would create a national campaign to increase awareness about the need for prostate cancer screening, and works with the Offices of Minority Health at HHS and the Centers for Disease Control and Prevention to ensure that this information reaches the men most at risk from this disease.

The PRIME Act will also promote research that improves prostate cancer screening blood tests. According to a National Cancer Institute study, current blood tests result in false-negative reassurances and numerous false-positive alarms. Some 15 percent of men with normal blood test levels actually have prostate cancer. Even when levels are abnormal, some 88 percent of men end up not having prostate cancer but undergo unnecessary biopsies. Furthermore, the prostate is one of the last organs in a human body where biopsies are performed blindly, which can miss cancer even when multiple samples are taken.

Government initiatives in research and education can be the key to diagnosing prostate or ovarian cancers earlier and more accurately. These two bills would strengthen our efforts to fight these diseases.

These bills are of vital importance to thousands of men and women across our great Nation, and the families and friends who are concerned for their continued health. I look forward to working with my colleagues in the House and Senate to get these bills passed as soon as possible.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, and Mr. UDALL of New Mexico):

S. 757. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Charlie Wolf Nuclear Workers Compensation Act. It is a bill designed to improve a program to compensate Americans who are gravely ill because they were exposed to radiation or other toxins while working in our Cold War-era nuclear weapons complex.

This is an issue that is important to many Coloradans because of the work done at Rocky Flats outside of Denver. The compensation program has a number of serious flaws, and I have worked on solutions for several years now.

The bill I am introducing includes a number of provisions that I introduced last session in the House of Representatives with my Colorado colleague, Representative ED PERLMUTTER. This year, I expanded on those provisions and added others to help these workers finally get the assistance they deserve under this program.

We named the bill for Charlie Wolf, who was one of thousands of workers during the Cold War era, who risked their health in order to build America's nuclear arsenal. And I believe his story illustrates why we should do better by these workers—and why I have introduced this bill.

Charlie worked as an engineer at Rocky Flats—and before that, at the Savannah River Site in South Carolina. He—and the thousands of other workers like him—are Cold War veterans. As controversial as their work often was, they were also patriotic Americans who did more for our country than collect a paycheck.

They believed that their work was keeping the world safe from the Soviet threat—and keeping this country strong. And they were right.

But their work was also dangerous. As a result of radiation and toxins he was exposed to on the job, Charlie developed brain cancer a little over 6 years ago. He was given 6 months to live—but he hung on for 6 years.

During all of those 6 years, he and his family fought with the Federal govern-

ment to get the compensation that he was promised—and that he deserved.

Charlie's struggles were documented by the Rocky Mountain News in a series of stories called "Deadly Denial." That title, unfortunately, has come to symbolize the troubles with this compensation program.

I have heard from many former workers, who—like Charlie and his family—have been subjected to repeated delays, lost records, complex exposure formulas, and other roadblocks.

We simply cannot—and should not—subject these workers—patriotic people who put themselves in harm's way to help secure our nation—through these kinds of obstacles and difficulties.

It is shameful and, frankly, enough is enough.

This Congress recognized that we should compensate our Cold Warriors and certain survivors who put their health and life on the line to serve our Nation during the Cold War. We created the EEOICPA program to carry out that compensation.

I was among those who strongly supported the EEOICPA provisions that were finally enacted into law in 2000.

But the next year brought a new administration that, regrettably, did not advocate for the program as the Clinton administration had.

Simply put, the program is not working the way it was intended.

As a result, while many people have received benefits under the program, too many face inexcusable obstacles as they try—often in old age or while struggling with the effects of cancer or other serious illnesses—to prove they qualify for benefits.

More than 9 years after we enacted EEOICPA, workers have died without receiving the health care or compensation they deserve.

In fact, a combination of missing records and bureaucratic red tape has prevented many workers from accessing any compensation for their serious illnesses.

I now look forward to working with the Obama administration to correct problems with this compensation program.

The bill I am introducing this week is part of that ongoing effort.

The Charlie Wolf Act is designed to expand the category of individuals eligible for compensation, improve the procedures for providing compensation and transparency, and grant the Office of the Ombudsman greater authority to help workers.

I would like to explain a couple of the provisions in a little more detail.

First, it would revise the part of the EEOICPA law that specifies which covered workers are part of what is known as a "special exposure cohort" designation under the law.

The revision would extend this "special exposure cohort" status to Department of Energy employees, Depart-

ment of Energy contractor employees, or atomic weapons employees who worked at a nuclear weapons facility prior to January 1, 2006.

Being included in a special exposure cohort would help make it easier for workers to establish that their radiation-linked cancer was the result of working at one of these facilities.

Second, the bill would change the burden of proving that a radiation-linked cancer was the result of workplace exposure to toxic materials.

As the law now stands, before a worker can receive benefits, they must establish that the cancer is as likely as not to have resulted from on-the-job exposure to radiation.

While that sounds like a reasonable requirement, many workers have learned that we have not adequately documented radiation exposures over the years.

In fact, there were serious shortcomings in the monitoring of nuclear weapons plant workers' radiation exposures and in the necessary record-keeping. Also, the current administrative process for determining links between exposure and employment is terribly slow.

Many worker exposures were unmonitored or under-monitored over a nuclear weapons plant's history. As such, the current law requires these workers to seek "dose reconstructions"—essentially using some extrapolated data modeling to re-create the sorts of exposures experienced.

But "dose reconstructions" are extremely difficult, slow and arduous for the worker and the agency. The process drags out, while workers like Charlie suffer and wait for compensation they need—in some cases, to help them pay for cancer treatments or care for other deadly illnesses.

This is wrong. We owe these workers better than that.

My bill fixes that problem by presuming that a worker with a covered radiation-linked cancer is eligible for compensation. And it puts the burden of proof on the agency.

So, unless the agency can show—by clear and convincing evidence—that their cancer was not caused by exposure while working at a nuclear weapons facility, that worker would be eligible for compensation.

It may seem like this is asking to prove a negative, but I believe that it requires the federal agency to prove that the cancer may have been the result of other factors. I think it is more appropriate to place this burden on the federal government—and not the ill worker.

Third, the bill expands the list of cancers for which individuals are eligible to receive compensation. The current law fails to recognize some cancers that could legitimately be caused by exposure to toxic materials at these sites.



The bill also requires the Department of Labor to pay a claimant's estate should a claimant die after filing their claim—but before receiving payment and leaving no survivors.

Finally, the bill makes a number of other changes that are all designed to make this process more user-friendly and helpful to claimants.

It expands the duties of the Ombudsman's Office, providing greater transparency and communication with claimants, and allowing more time to file legal actions should claims be denied.

It also allows claimants who were previously denied to re-file their claims.

Since early in my tenure in Congress, I have worked to make good on promises of a fairer deal for the nuclear-weapons workers who helped America win the Cold War.

That was why enactment and improvement of the compensation act has been one of my top priorities. This is an important matter for our country. It is literally a life-or-death issue for the Coloradans who are sick today because of their work at Rocky Flats.

The Charlie Wolf Act will not remedy all the shortcomings of the current law, but it will make it better.

I hope to work with my colleagues in the Senate, who have constituents who face situations similar to that of Charlie and his family. I hope for swift action from both Congress and the administration to keep our promises to these workers and their families.

Charlie Wolf and his family deserve better, as do all of the Americans who have made similar sacrifices and been subjected to similar struggles.

Charlie's widow, Kathy, told me this week that Charlie carried on his fight out of principle because he didn't want other workers to have to fight the country they worked so hard to protect.

I am proud to continue to work on behalf of Charlie's family and his memory. I urge my colleagues to cosponsor or support this worthwhile legislation and honor our Cold War heroes.

I would like to thank Senator MICHAEL BENNET of Colorado and Senator TOM UDALL of New Mexico for joining me as original cosponsors of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 757

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Charlie Wolf Nuclear Workers Compensation Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings; purpose.

Sec. 3. Specified disease.

Sec. 4. Definitions for program administration.

Sec. 5. Change in presumption for finding of cancer.

Sec. 6. Distribution of information to claimants and potential claimants.

Sec. 7. Enhancement of site profiles of Department of Energy facilities.

Sec. 8. Clarification of covered illnesses.

Sec. 9. Payment of compensation to survivors and estates of contractor employees.

Sec. 10. Wage loss resulting from exposure.

Sec. 11. Expansion of toxic substance exposure for covered illnesses.

Sec. 12. Extension of statute of limitations for judicial review of contractor employee claims.

Sec. 13. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.

Sec. 14. Payment for transportation and personal care services.

Sec. 15. Enhancement of transparency in claims process.

Sec. 16. Extension of time for claimants to respond to requests for information.

#### SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (referred to in this subsection as the "Act") was enacted to ensure fairness and equity for the civilian men and women who, for more than 50 years, have performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy (including predecessor agencies of the Department of Energy) by establishing a program to provide efficient, uniform, and adequate compensation for—

(A) beryllium-related health conditions; and

(B) heavy metal-, toxic chemical-, and radiation-related health conditions;

(2) the Act (42 U.S.C. 7384 et seq.) provides a process for the consideration of claims for compensation by individuals who were employed at relevant times and at various locations, which includes provisions to designate employees at certain other locations as members of a special exposure cohort the claims of whom are subject to a less-detailed administrative process;

(3) the Act (42 U.S.C. 7384 et seq.) authorizes the President, upon a recommendation by the Advisory Board on Radiation and Worker Health established under section 3624(a)(1) of the Act (42 U.S.C. 7384o(a)(1)), to designate additional classes of employees at facilities under the jurisdiction of the Department of Energy as members of a special exposure cohort if the President determines that—

(A) it is not feasible to estimate with sufficient accuracy the magnitude of the radiation dose that the cohort received; and

(B) there is a reasonable likelihood that the radiation dose may have endangered the health of members of the cohort;

(4) it is not feasible to estimate with sufficient accuracy the magnitude of radiation doses received by employees at facilities under the jurisdiction of the Department of Energy because—

(A) many radiation exposures by employees were unmonitored or were not monitored adequately over the lifetime of each facility, as demonstrated in 2004, when an individual

employed during the 1950's agreed to be scanned under the former radiation worker program of the Department of Energy and was found to have a significant internal deposition of radiation that had been undetected and unrecorded for longer than 50 years;

(B) lung counters used for the detection and measurement of plutonium and americium in the lungs of the employees were not available at some facilities until the late 1960's, thus—

(i) preventing the very insoluble oxide forms of plutonium from being detected; and

(ii) leading to a result in which a large number of employees experienced inhalation exposures that went undetected and unmeasured;

(C) exposure to neutron radiation was not monitored at some facilities until the late 1950's, and most of the measurements taken at the facilities from the period beginning in the late 1950's and ending in 1970 have been found to be in error;

(D) in some areas of the facilities, neutron doses were 2 to 10 times as great as the gamma doses received by employees, although only gamma doses were recorded;

(E) the radiation exposures of many employees at certain facilities were not measured, and in some cases estimated doses were assigned, while some records for doses have been destroyed or lost;

(F) as a result of the practices described in subparagraph (E), the available exposure histories and other data are not adequate to properly determine whether employees qualify for compensation under the Act (42 U.S.C. 7384 et seq.); and

(G) the model that has been used for dose reconstruction by the National Institute for Occupational Safety and Health in determining whether certain workers qualify for compensation under the Act (42 U.S.C. 7384 et seq.) contains errors because—

(i) the default values used for particle size and solubility of internally deposited plutonium in employees are in error; and

(ii) the use of those erroneous default values to calculate internal doses for claimants can result in dose calculations that may be 3 to 10 times below the calculations as indicated by the example of the records and autopsy data of the Rocky Flats Environmental Technology Site of the Department of Energy;

(5) the administrative costs arising from claims have been disproportionately high relative to the number of claims that have been approved;

(6) many employees, despite working with tons of plutonium and having known exposures that have led to serious health effects, have been denied compensation under the Act (42 U.S.C. 7384 et seq.) as a result of—

(A) potentially flawed calculations based on records that are incomplete or in error; and

(B) the use of incorrect models;

(7) the purposes of the Act (42 U.S.C. 7384 et seq.) are more likely to be achieved if claims by the employees described in this subsection are subject to administrative procedures applicable to members of the special exposure cohort;

(8) Charlie Wolf, an employee at the nuclear weapons facilities of the Savannah River Site, the Fernald Site, and the Rocky Flats Environmental Technology Site of the Department of Energy, died in 2009 from complications due to glioblastoma multiform brain tumors;

(9) the difficulties of Mr. Wolf in securing compensation for the illness that he likely

incurred from exposures to toxic and radioactive materials at the nuclear weapons facilities described in paragraph (8) reinforce the need to ensure that the Act (42 U.S.C. 7384 et seq.) will be carried out more efficiently and humanely for employees similar to Mr. Wolf;

(10) Mr. Wolf's first tumor was discovered after he had worked for several years at the Rocky Flats Environmental Technology Site of the Department of Energy, during which he served as the director of buildings numbered 771 (which was once considered the most dangerous nuclear facility in the United States), 774, and 779, 3 facilities at which toxic and radioactive materials were present and handled by employees;

(11) prior to working at the Rocky Flats Environmental Technology Site of the Department of Energy, Mr. Wolf ran plutonium metal production lines at the Savannah River Site of the Department of Energy;

(12) Mr. Wolf and his family spent almost 7 years of their lives seeking compensation under the Act (42 U.S.C. 7384 et seq.) although, due to the requirements of the Act (42 U.S.C. 7384 et seq.) and the manner by which the regulations and procedures were carried out, the claims of Mr. Wolf were subjected to lengthy and repeated delays and complications that resulted from the difficulties associated with establishing the reconstruction of radiation doses;

(13) as a result of the experiences of Mr. Wolf, and many others like him, there is a need to reform the Act (42 U.S.C. 7384 et seq.), and the program carried out in accordance with the Act (42 U.S.C. 7384 et seq.), to improve the processing of claims; and

(14) the reforms established through the amendments made by this Act broaden the list of specified cancers, broaden the membership of the special exposure cohort, and change the presumption of cancer due to work-related exposures to help streamline the claims process and help workers like Mr. Wolf and their survivors.

(b) **PURPOSE.**—The purpose of this Act is to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) to improve the processing of claims for work-related illnesses at facilities under the jurisdiction of the Department of Energy.

#### SEC. 3. SPECIFIED DISEASE.

Section 4(b)(2) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note; Public Law 101-426) is amended—

(1) by striking “(other than chronic lymphocytic leukemia)” and inserting “(including chronic lymphocytic leukemia)”;

(2) by inserting “posterior subcapsular cataracts, nonmalignant thyroid nodular disease, parathyroid adenoma, malignant tumors of the brain and central nervous system, bronchio-alveolar carcinoma, benign neoplasms of the brain and central nervous system,” after “(disease).”; and

(3) by striking “or lung” and inserting “lung, skin, kidney, salivary gland, rectum, pharynx, or prostate”.

#### SEC. 4. DEFINITIONS FOR PROGRAM ADMINISTRATION.

(a) **ATOMIC WEAPONS EMPLOYEE.**—Section 3621(3)(A) of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7384l(3)(A)) is amended by inserting “, or an individual employed by a contractor or subcontractor of an atomic weapons employer,” after “atomic weapons employer”.

(b) **ESTABLISHED CHRONIC BERYLLIUM DISEASE.**—Section 3621 of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7384l) is amended by striking paragraph (13) and inserting the following:

“(13) **ESTABLISHED CHRONIC BERYLLIUM DISEASE.**—The term ‘established chronic beryllium disease’ means chronic beryllium disease, as established by—

“(A) an occupational or environmental history, or epidemiological evidence of beryllium exposure; and

“(B) any 3 of the following criteria:

“(i) Characteristic chest radiographic (or computed tomography) abnormalities.

“(ii) Restrictive or obstructive lung physiology testing or a diffusing lung capacity defect.

“(iii) Lung pathology consistent with chronic beryllium disease.

“(iv) A clinical course consistent with a chronic respiratory disorder.

“(v) An immunologic test demonstrating beryllium sensitivity (with preference given to a skin patch test or a beryllium blood test).”.

(c) **MEMBER OF SPECIAL EXPOSURE COHORT.**—

(1) **IN GENERAL.**—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l(14)) is amended by adding at the end the following:

“(D) The employee—

“(i) is not covered under subparagraph (A), (B), or (C); and

“(ii) was employed by the Department of Energy, or a contractor or subcontractor of the Department of Energy, before January 1, 2006.”.

(2) **REAPPLICATION.**—A claim for which an individual qualifies, by reason of paragraph (14)(D) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l) (as added by paragraph (1)), for compensation or benefits under that Act (42 U.S.C. 7384 et seq.) shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to the individual.

(d) **SPECIFIED CANCERS.**—

(1) **IN GENERAL.**—Section 3621(17) of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7384l(17)) is amended—

(A) in subparagraph (D), by striking “(other than chronic lymphocytic leukemia)”;

(B) by adding at the end the following:

“(E) Basal cell carcinoma.

“(F) Skin cancer.”.

(2) **REAPPLICATION.**—A claim for which an individual qualifies, by reason of subparagraph (E) or (F) of paragraph (17) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l) (as added by paragraph (1)), for compensation or benefits under that Act (42 U.S.C. 7384 et seq.) shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to the individual.

#### SEC. 5. CHANGE IN PRESUMPTION FOR FINDING OF CANCER.

Section 3623(b) of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7384n(b)) is amended by striking “if, and only if, the cancer specified in that subclause was at least as likely as not related to” and inserting “, unless it is determined, by clear and convincing evidence, that such cancer was not sustained as a result of”.

#### SEC. 6. DISTRIBUTION OF INFORMATION TO CLAIMANTS AND POTENTIAL CLAIMANTS.

(a) **INDEPENDENT PHYSICIANS FOR PERFORMANCE OF MEDICAL AND IMPAIRMENT**

**SCREENINGS.**—Section 3631(b)(2) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384v(b)(2)) is amended—

(1) in subparagraph (A), by striking “; and” and inserting a semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) lists that contain descriptions of physicians who are—

“(i) qualified to perform medical and impairment screenings on matters relating to the compensation program; and

“(ii) identified for purposes of this subparagraph by 1 or more independent medical associations, institutions of higher education, or both that are selected by the President for purposes of this subparagraph; and”.

(b) **NOTICE OF AVAILABLE BENEFITS.**—Section 3631 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384v) (as amended by subsection (a)) is amended by adding at the end the following:

“(d) **NOTICE TO CLAIMANTS REGARDING AVAILABLE BENEFITS.**—The President shall provide to an individual who files a claim for compensation under this subtitle or subtitle E a written notice that contains a description of the benefits for which the individual may be eligible under this Act.”.

#### SEC. 7. ENHANCEMENT OF SITE PROFILES OF DEPARTMENT OF ENERGY FACILITIES.

(a) **INCLUSION OF TRADE NAMES OF CHEMICALS IN SITE PROFILES.**—Section 3633 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384w-1) is amended by striking subsection (c) and inserting the following:

“(c) **DEFINITION OF SITE PROFILE.**—In this section, the term ‘site profile’ means an exposure assessment of a facility that—

“(1) identifies the toxic substances or processes that were commonly used in each building or process of the facility, and the time frame during which the potential for exposure to toxic substances existed; and

“(2) includes the trade name (if any) of any substance described in paragraph (1).”.

(b) **PUBLIC ACCESS TO SITE PROFILES AND RELATED INFORMATION.**—Section 3633 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384w-1) (as amended by subsection (a)) is amended by adding at the end the following:

“(e) **PUBLIC ACCESS TO SITE PROFILES AND RELATED INFORMATION.**—The Secretary of Labor shall make available to the public—

“(1) each site profile prepared under subsection (a);

“(2) any other database used by the Secretary of Energy to evaluate claims for compensation under this Act; and

“(3) statistical data regarding the number of claims filed, the illnesses claimed, the number of claims filed for each illness, the number of claimants receiving compensation, and the length of time required to process each claim, as measured from the date on which the claim is filed to the final disposition of the claim.”.

#### SEC. 8. CLARIFICATION OF COVERED ILLNESSES.

(a) **DEFINITION OF COVERED ILLNESS.**—Section 3671 of the Energy Employees Occupational Compensation Program Act of 2000 (42 U.S.C. 7385e) is amended by striking paragraph (2) and inserting the following:

“(2) **COVERED ILLNESS.**—The term ‘covered illness’ means an illness or death resulting from exposure to a toxic substance, including—

“(A) all forms of cancer;

“(B) silicosis;  
 “(C) asbestosis;  
 “(D) mesothelioma;  
 “(E) lung fibrosis;  
 “(F) chronic obstructive pulmonary disease;  
 “(G) chronic renal insufficiency;  
 “(H) peripheral neuropathy;  
 “(I) chronic encephalopathy;  
 “(J) occupational asthma; and  
 “(K) pneumoconiosis.”.

(b) REAPPLICATION.—A claim for which an individual qualifies, by reason of section 3671(2) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(2)) (as amended by subsection (a)), for compensation or benefits under that Act (42 U.S.C. 7384 et seq.) shall be considered for compensation or benefits notwithstanding any denial of any other claim for compensation with respect to the individual.

#### SEC. 9. PAYMENT OF COMPENSATION TO SURVIVORS AND ESTATES OF CONTRACTOR EMPLOYEES.

Section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-1) is amended to read as follows:

##### “SEC. 3672. COMPENSATION.

“(a) CONTRACTOR EMPLOYEES; SURVIVORS.—  
 “(1) CONTRACTOR EMPLOYEES.—

“(A) IN GENERAL.—In accordance with section 3673, a covered contractor employee of the Department of Energy shall receive contractor employee compensation under this subtitle.

“(B) COMPENSATION AFTER DEATH OF CONTRACTOR EMPLOYEE.—Except as provided in paragraph (2)(B), if the death of a contractor employee described in subparagraph (A) occurs after the date on which the contractor employee applies for compensation under this subtitle, but before the date on which such compensation is paid, the amount of compensation that the contractor employee would have received under this paragraph shall be paid to—

“(i) a survivor of the contractor employee in accordance with section 3674; or

“(ii) if, as of the date of the death of the contractor employee, no survivor of the contractor employee exists, the estate of the contractor employee.

“(2) SURVIVORS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a survivor of a covered contractor employee of the Department of Energy shall receive contractor employee compensation under this subtitle in accordance with section 3674.

“(B) ELECTION OF CONTRACTOR EMPLOYEE COMPENSATION OR SURVIVOR COMPENSATION.—A survivor of a contractor employee described in subparagraph (A) who is otherwise eligible to receive compensation pursuant to subparagraph (A) and paragraph (1)(B) shall—

“(i) receive compensation pursuant to subparagraph (A) or paragraph (1)(B), as elected by the survivor of the contractor employee; and

“(ii) not receive compensation pursuant to both subparagraph (A) and paragraph (1)(B).

“(b) APPLICABILITY.—Subsection (a) is subject to each other provision of this subtitle.”.

#### SEC. 10. WAGE LOSS RESULTING FROM EXPOSURE.

Section 3673(a)(2)(A)(i) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-2(a)(2)(A)(i)) is amended by inserting “that contributed to the wage loss of the employee” after “that employee”.

#### SEC. 11. EXPANSION OF TOXIC SUBSTANCE EXPOSURE FOR COVERED ILLNESSES.

Section 3675(c)(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-4(c)(1)) is amended—

(1) in subparagraph (A), by inserting “(including radiation or a combination of a toxic substance, including heavy metals, and radiation)” after “toxic substance”; and

(2) in subparagraph (B), by inserting “(including radiation or a combination of a toxic substance and radiation)” after “toxic substance”.

#### SEC. 12. EXTENSION OF STATUTE OF LIMITATIONS FOR JUDICIAL REVIEW OF CONTRACTOR EMPLOYEE CLAIMS.

Section 3677(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-6(a)) is amended, in the first sentence, by striking “within 60 days” and inserting “not later than 1 year”.

#### SEC. 13. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) DUTIES.—The Office shall—

“(1) assist individuals in making claims under this subtitle and subtitle B;

“(2) provide information regarding—

“(A) the benefits available under this subtitle and subtitle B; and

“(B) the requirements and procedures applicable to the provision of the benefits described in subparagraph (A);

“(3) function as an advocate on behalf of individuals seeking benefits under this subtitle and subtitle B;

“(4) make recommendations to the Secretary regarding the location of centers (to be known as ‘resource centers’) for the acceptance and development of claims for benefits under this subtitle and subtitle B; and

“(5) carry out such other duties as the Secretary may require.”;

(2) in subsection (d), by inserting “and subtitle B” after “this subtitle”;

(3) in subsection (e), by inserting “and subtitle B” after “this subtitle” each place it appears; and

(4) by striking subsection (g) and inserting the following:

“(g) CONTRACT AUTHORITY.—The Ombudsman may enter into 1 or more service contracts with individuals who possess expertise in any matter that the Ombudsman considers appropriate for the performance of the duties of the Office, including matters relating to health physics, medicine, industrial hygiene, and toxicology.”.

#### SEC. 14. PAYMENT FOR TRANSPORTATION AND PERSONAL CARE SERVICES.

(a) DEFINITION OF COVERED INDIVIDUAL.—In this section, the term “covered individual” means an individual who receives medical benefits under section 3629(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384t(a)).

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations to provide for the direct payment to providers of the costs to covered individuals of—

(1) personal care services (as that term is used in section 30.403 of title 20, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act)) authorized pursuant to section 3629 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384t); and

(2) necessary and reasonable transportation expenses incident to securing medical services, appliances, or supplies pursuant to section 3629(c) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384t(c)).

#### SEC. 15. ENHANCEMENT OF TRANSPARENCY IN CLAIMS PROCESS.

(a) INFORMATION PROVIDED ON DENIAL OF CLAIM; REQUIREMENTS RELATING TO CORRESPONDENCE.—Not later than 90 days after the date of enactment of this Act, the President shall promulgate regulations to ensure that—

(1) any notification to an individual making a claim under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) that the claim of the individual has been denied, and all other correspondence with the individual relating to the claim, are written in language that is clear, concise, and easily understandable; and

(2) any notification described in paragraph (1) contains—

(A) an explanation of each reason for the denial of the claim described in that paragraph; and

(B) a description of the information, if any, that the individual could have submitted that could have resulted in approval of the claim.

(b) DOCUMENT RETENTION.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor and the Secretary of Energy shall jointly promulgate regulations to ensure that the Department of Labor and the Department of Energy—

(1) retain each original document in the possession of the Department of Labor or the Department of Energy relating to a facility under the jurisdiction of the Department of Energy if—

(A) any employee of the facility might reasonably be expected to file a claim for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.); and

(B) the document might reasonably be expected to be used by any employee described in subparagraph (A) in making a claim for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.); and

(2) provide each employee described in paragraph (1)(A) with access to each document described in that paragraph.

#### SEC. 16. EXTENSION OF TIME FOR CLAIMANTS TO RESPOND TO REQUESTS FOR INFORMATION.

If the Secretary of Labor submits to an individual who has filed a claim for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) a request for information that relates to the claim for compensation, the individual shall be required to respond to the request by not earlier than 120 days after the date on which the individual receives the request.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 92—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CÉSAR ESTRADA CHÁVEZ

Mr. MENENDEZ (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. BEGICH, Mr. BURRIS, Mr. REID, Mr.

SCHUMER, Mr. UDALL, of New Mexico, and Mr. BENNET) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 92

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona, where he spent his early years on his family's farm;

Whereas at the age of 10, César Estrada Chávez joined the thousands of migrant farm workers laboring in fields and vineyards throughout the Southwest, when his family lost their farm due to a bank foreclosure;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an eighth-grade education, left to work full-time as a farm worker to help support his family;

Whereas at the age of 17, César Estrada Chávez entered the United States Navy and served the Nation with distinction for 2 years;

Whereas in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he met working in the vineyards of central California, and had 8 children;

Whereas as early as 1949, César Estrada Chávez committed himself to organizing farm workers to campaign for safe and fair working conditions, reasonable wages, decent housing, and the outlawing of child labor;

Whereas in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked to coordinate voter registration drives and conduct campaigns against discrimination in East Los Angeles, and later served as the national director of the organization;

Whereas in 1962, César Estrada Chávez left the Community Service Organization to found the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas César Estrada Chávez was a strong believer in the principles of non-violence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas César Estrada Chávez effectively utilized peaceful tactics, such as fasting in 1968 for 25 days, in 1972 for 25 days, and in 1988 for 38 days, to call attention to the terrible working and living conditions of farm workers in the United States;

Whereas under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect;

Whereas through his commitment to non-violence, César Estrada Chávez brought dignity and respect to the farm workers who organized themselves, and became an inspiration and a resource to other people in the United States and people engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for those working to better human rights, to empower workers, and to advance an American Dream that includes all its inhabitants of the United States;

Whereas César Estrada Chávez died on April 23, 1993, in San Luis, Arizona, only miles from his birthplace of 66 years earlier;

Whereas more than 50,000 people attended the funeral services of César Estrada Chávez in Delano, California, and he was laid to rest at the headquarters of the United Farm

Workers of America, known as Nuestra Señora de La Paz, located in the Tehachapi Mountains at Keene, California;

Whereas since his death, schools, parks, streets, libraries, and other public facilities, and awards and scholarships have been named in honor of César Estrada Chávez;

Whereas since his death, 10 States and dozens of communities across the Nation honor the life and legacy of César Estrada Chávez on March 31 of each year, the day of his birth;

Whereas César Estrada Chávez was a recipient of the Martin Luther King, Jr. Peace Prize during his lifetime, and after his death was awarded the Presidential Medal of Freedom on August 8, 1994; and

Whereas the United States should not cease its efforts to ensure equality, justice, and dignity for all people in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the accomplishments and example of a great American hero, César Estrada Chávez;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez, and to always remember his great rallying cry, “*Si, se puede!*”.

**SENATE RESOLUTION 93—A BILL SUPPORTING THE MISSION AND GOALS OF 2009 NATIONAL CRIME VICTIM'S RIGHTS WEEK, TO INCREASE PUBLIC AWARENESS OF THE RIGHTS, NEEDS, AND CONCERNS OF VICTIMS AND SURVIVORS OF CRIME IN THE UNITED STATES, AND TO COMMEMORATE THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE VICTIMS OF CRIME ACT OF 1984.**

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 93

Whereas approximately 25,000,000 individuals in the United States are victims of crime each year, including more than 6,000,000 victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;

Whereas although the Nation has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains;

Whereas the Nation must do more to ensure that services are available for underserved segments of the population, including crime victims with disabilities, with mental illness, teenaged victims, elderly victims, and victims from urban areas, rural areas, and communities of color;

Whereas observing victims' rights and treating victims with dignity and respect serves the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety;

Whereas the people of the United States recognize that homes, neighborhoods, and communities are made safer and stronger by serving victims of crime and ensuring justice for all;

Whereas 2009 marks the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (VOCA) (42 U.S.C. 10601 et seq.), the hallmark of the Federal Government's recognition of its commitment to supporting rights and services for victims of all types of crime that established the Crime Victims Fund, which is paid for through criminal fines and penalties, rather than by taxpayers' dollars;

Whereas since its inception, the Crime Victims Fund has collected more than \$9,000,000,000 from offender fines and penalties to be used exclusively to help victims of crime;

Whereas VOCA supports direct assistance and financial compensation to more than 4,000,000 victims of crime every year;

Whereas VOCA's imaginative transformation of offender fines into programs of victim rehabilitation has inspired similar programs throughout the worldwide crime victims' movement;

Whereas the theme of 2009 National Crime Victims' Rights Week, celebrated April 26, 2009 through May 2, 2009, is “25 Years of Rebuilding Lives: Celebrating the Victims of Crime Act”, which highlights VOCA's significant achievements and contributions in advancing rights and services for all crime victims; and

Whereas National Crime Victims' Rights Week provides an opportunity for the Nation to strive to reach the goal of justice for all by ensuring that all victims are afforded legal rights and provided with assistance to face the financial, physical, spiritual, psychological, and social impact of crime: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the mission and goals of 2009 National Crime Victims' Rights Week to increase public awareness of the impact of crime on victims and survivors, and of the constitutional and statutory rights and needs of victims;

(2) recognizes the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Office for Victims of Crime within the Office of Justice Programs of the Department of Justice.

**SENATE RESOLUTION 94—DESIGNATING APRIL 2009 AS “FINANCIAL LITERACY MONTH”**

Mr. AKAKA (for himself and Mr. DODD, Mr. CRAPO, Mr. KENNEDY, Mr. ENZI, Mrs. HAGAN, Mr. CORKER, Mr. LEVIN, Mr. WICKER, Mr. SCHUMER, Mr. INOUE, Mr. MENENDEZ, Mr. DURBIN, Ms. STABENOW, Mr. JOHNSON, Mr. CARDIN, Mr. CARPER, Mrs. LINCOLN, Mrs. MURRAY, Mrs. GILLIBRAND, Mr. COCHRAN, and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 94

Whereas, in September 2008, consumer bankruptcy filings in the United States increased more than 30 percent from the same period in 2006, according to the Administrative Office of the United States Courts;

Whereas there were more than 1,000,000 personal bankruptcy filings in the United States in 2008, the most since bankruptcy laws were amended in 2005, according to the Administrative Office of the United States Courts;

Whereas, according to a 2008 "Flow of Funds" report by the Federal Reserve, the net worth of households in the United States fell for the 4th consecutive quarter, dropping \$2,800,000,000,000, the largest decline in the 57-year history of the report;

Whereas, according to a 2008 "Flow of Funds" report by the Federal Reserve, household debt in the United States reached \$14,000,000,000;

Whereas the 2008 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that the percentage of workers who were "very confident" about having enough money for a comfortable retirement decreased sharply, from 27 percent in 2007 to 18 percent in 2008, the biggest 1-year decline in the 18-year history of the survey;

Whereas the Department of the Treasury sponsored the 2008 National Financial Literacy Challenge, an examination testing knowledge of high school students of important personal finance concepts;

Whereas the average score on the examination was an "F", only 56 percent;

Whereas the 2007 "Survey of the States" compiled by the Council for Economic Education found that only 22 States require an economics test as a high school graduation requirement, 3 fewer than in 2004;

Whereas many students who graduate from high school lack basic skills in the management of personal financial affairs and are unable to balance a checkbook, according to the Jumpstart Coalition for Personal Financial Literacy;

Whereas, according to the National Foundation for Credit Counseling, fewer than half the people in the United States accessed their credit report in 2008, despite the fact that such report can be obtained for free and contains critically important information for consumers;

Whereas approximately 76,000,000 adults say they do not have any non-retirement savings, according to the National Foundation for Credit Counseling;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108-159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2009 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

#### SENATE RESOLUTION 95—CONGRATULATING THE UNIVERSITY OF IOWA MEN'S WRESTLING TEAM FOR WINNING THE 2009 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WRESTLING CHAMPIONSHIP

Mr. HARKIN (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 95

Whereas on March 21, 2009, in St. Louis, Missouri, the University of Iowa Hawkeyes won the 2009 National Collegiate Athletic Association (NCAA) Division I Wrestling Championship with a total of 96.5 team points;

Whereas the University of Iowa is one of the premier academic institutions in the State of Iowa;

Whereas the University of Iowa men's wrestling team was ranked number 1 in the Nation upon entering the tournament;

Whereas the Hawkeyes are back-to-back champions and have won 22 national wrestling titles in the program's history;

Whereas on March 9, 2009, the Hawkeyes won their second straight Big Ten Championship;

Whereas University of Iowa wrestling head coach Tom Brands has led the team to 2 straight victories in only 3 years as head coach;

Whereas the Hawkeyes finished the regular season undefeated for the 12<sup>th</sup> time in as many years; and

Whereas University of Iowa students, alumni, faculty, and fans are committed to keeping alive the tradition of wrestling in Iowa and bringing pride to the State of Iowa as well as the University of Iowa: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Iowa Hawkeyes for winning the 2009 NCAA Division I Wrestling Championship; and

(2) recognizes the achievements and efforts of the wrestlers, coaches, fans, and staff that helped the team to achieve this significant victory.

#### SENATE RESOLUTION 96—CONGRATULATING THE MORNING-SIDE COLLEGE WOMEN'S BASKETBALL TEAM FOR WINNING THE 2009 NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS (NAIA) DIVISION II CHAMPIONSHIP

Mr. HARKIN (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 96

Whereas on March 17, 2009, at the Tyson Event Center in Sioux City, Iowa, the Morningside College Mustangs won the na-

tional title game for the NAIA Division II women's basketball with a 68-63 win over the Hastings College Broncos;

Whereas Morningside College Mustangs captured the Great Plains Athletic Conference (GPAC) championship title with an 18-0 record;

Whereas Morningside College women's basketball Head Coach Jamie Sale was named NAIA Division II Coach of the Year;

Whereas 7 members of the Morningside College women's basketball team were named 2009 Daktronics-NAIA Scholar-Athletes for maintaining a minimum GPA of 3.50 and having at least a junior academic status: Cara Anderson, Autumn Bartel, Emily Christen, Sarah Culp, Mackenzi Mendlik, Roni Miller, and Brittany Williamson;

Whereas Autumn Bartel, a senior guard for Morningside College, was named Most Valuable Player of the NAIA Division II tournament;

Whereas Dani Gass, a senior guard for Morningside College, was named NAIA Division II Player of the Year;

Whereas the Morningside College women's basketball team was the unanimous number 1 vote in the final NAIA Division II Women's Basketball Coaches' Top 25 Poll, receiving 312 points and all 12 first place votes; and

Whereas the Mustangs finished the 2009 season with an undefeated record of 38-0, and was only the second team in NAIA Division II history to do so: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Morningside College Mustangs for winning the NAIA Division II national championship; and

(2) recognizes the achievements of the players, coaches, and staff whose hard work and dedication helped the Morningside College Mustangs win the championship.

#### SENATE CONCURRENT RESOLUTION 15—COMMENDING THE 39TH INFANTRY BRIGADE COMBAT TEAM OF THE ARKANSAS NATIONAL GUARD UPON ITS COMPLETION OF A SECOND DEPLOYMENT IN SUPPORT OF OPERATION IRAQI FREEDOM

Mr. PRYOR submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 15

Whereas the 39th Infantry Brigade Combat Team, known as the Bowie Brigade, of the Arkansas National Guard is headquartered in Little Rock, Arkansas, and is made up of some 3,200 selfless, brave, and dedicated Arkansans from all 4 congressional districts and every major city of the State;

Whereas the 39th Infantry Brigade Combat Team has a distinguished history of service to the United States, beginning with World War I and continuing through the Hurricane Katrina relief and recovery efforts;

Whereas the 39th Infantry Brigade Combat Team was most recently mobilized in January 2008, and departed for Iraq in March 2008, becoming the first National Guard Brigade Combat Team to be recalled and deployed twice in support of Operation Iraqi Freedom;

Whereas, while deployed, the 39th Infantry Brigade Combat Team logged more than 2,000,000 convoy security miles;

Whereas, while deployed, the 39th Infantry Brigade Combat Team searched more than 2,000,000 vehicles at entry control points;

Whereas the 39th Infantry Brigade lost no members in combat and suffered only 2 casualties, not related to combat;

Whereas the members of the 39th Infantry Brigade Combat Team are now returning to Arkansas to their proud families and to an appreciative and admiring Nation;

Whereas the strength and unflinching support of the families of the members of the 39th Brigade Combat Team have made the United States as strong as it is today; and

Whereas the 39th Brigade Combat Team has served with courage, compassion, and selflessness, and earned the respect, not only of Arkansans, but of all people of the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) commends the members of the 39th Brigade Combat Team of the Arkansas National Guard for their exemplary service to the United States and the completion of their second deployment in support of Operation Iraqi Freedom; and

(2) recognizes the service and sacrifice of the 39th Brigade Combat Team members and their families.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 739. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

SA 740. Mr. VOINOVICH (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 741. Mr. BARRASSO (for himself, Mr. INHOFE, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 742. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 743. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 744. Mr. INHOFE (for himself, Mr. VITTER, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 745. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 746. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 747. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 748. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 749. Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 13, supra.

SA 750. Mr. VITTER submitted an amendment intended to be proposed by him to the

concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 751. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 752. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 753. Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 754. Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 755. Mr. CASEY (for himself, Ms. STABENOW, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 756. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 757. Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. MARTINEZ, Ms. COLLINS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 758. Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 759. Mr. BENNETT (for himself, Mr. THUNE, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 760. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 761. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 762. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 763. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BENNETT, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KYL, Mr. PRYOR, Mr. UDALL, of New Mexico, and Mr. UDALL, of Colorado) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 764. Mr. CARPER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 765. Mr. BARRASSO (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 766. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 767. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 768. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 769. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 770. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 771. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 772. Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra.

SA 773. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 774. Mrs. LINCOLN (for herself, Ms. COLLINS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 775. Mrs. LINCOLN (for herself, Mr. CRAPO, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 776. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 777. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 778. Mr. BENNETT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 779. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 780. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 781. Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 782. Ms. COLLINS (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 783. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 784. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 785. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 786. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 787. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 788. Mr. BARRASSO (for himself, Mr. WYDEN, Mr. CRAPO, Mr. MERKLEY, Mr. KYL, Mr. ENZI, Mr. BENNETT, and Mr. HATCH) submitted an amendment intended to be proposed by him to the concurrent resolution S.



Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 789. Mr. BARRASSO (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 790. Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 791. Mr. CRAPO (for himself, Mr. INHOFE, and Mr. RISCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 792. Mr. ALEXANDER (for himself, Mr. ENZI, Mr. GREGG, Mr. JOHANNES, Mr. BUNNING, Mr. GRAHAM, Mr. ISAKSON, Ms. MURKOWSKI, Mr. CORKER, and Mr. THUNE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 793. Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 794. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 795. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 796. Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 797. Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 798. Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 799. Mr. BENNETT (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 800. Mr. SANDERS (for himself, Mr. BUNNING, Mr. FEINGOLD, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 801. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 802. Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 803. Mr. THUNE (for himself, Mr. BENNETT, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

SA 804. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 739. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010,

revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 68, after line 4, insert the following:

#### SEC. \_\_\_\_\_. LIMITATION ON BUDGET RESOLUTIONS INCREASING THE PUBLIC DEBT.

(a) POINT OF ORDER.—In the Senate, it shall not be in order to consider any budget resolution, or amendment thereto, or conference report thereon, that shows an increase in the public debt, for the period of the current fiscal year through the next 10 years, equal to or greater than the debt accumulated from 1789 to January 20, 2009.

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(f) SUNSET.—This section shall expire on September 30, 2010.

SA 740. Mr. VOINOVICH (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, after line 3, insert the following:

#### SEC. \_\_\_\_\_. DEFICIT NEUTRAL RESERVE FUND FOR A BIPARTISAN PROCESS TO REDUCE THE LONG-TERM FISCAL GAP.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for the creation of a bipartisan commission, task force, or other entity, with a membership that includes sitting Members of Congress, to recommend solutions that Congress will consider under expedited procedures to—

- (1) address the long-term fiscal imbalance;
- (2) increase net national savings to spur investment and growth; and
- (3) improve the budget process to emphasize the long term;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SA 741. Mr. BARRASSO (for himself, Mr. INHOFE, and Mr. BENNETT) sub-

mitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. PROHIBITION ON GENERATION OF REVENUES FROM CERTAIN INDIVIDUALS AND ENTITIES.

Notwithstanding any other provision of this Act, no revenue shall be generated pursuant to this Act from any individual or entity as a result of a tax or fee imposed on the individual or entity under a program to regulate carbon dioxide, nitrogen oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

SA 742. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 57, strike line 23 and insert the following:

casting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Administration, Medical Facilities, and Medical and Prosthetic Research accounts of the Veterans Health Administration.

SA 743. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 1, after "energy," insert "increase domestic energy exploration and production,".

SA 744. Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR MAINTENANCE OF ON-GOING DETAINEE OPERATIONS AT NAVAL STATION GUANTANAMO BAY, CUBA.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide funding of detainee operations at Naval Station Guantanamo Bay, Cuba, and prohibit funding of the transfer of detainees at Naval Station Guantanamo Bay, Cuba, to any facility in the United States or its territories, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 745.** Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, between lines 4 and 5, insert the following:

**SEC. 306. LIMITATIONS ON LEGISLATION THAT WOULD DECREASE DOMESTIC ENERGY EXPLORATION OR PRODUCTION.**

(a) DEFINITION OF LEGISLATION.—In this section, the term “legislation” means a bill, joint resolution, amendment, motion, or conference report.

(b) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, on a point of order being made by any Senator against the legislation, or any part of the legislation, as a result of which a determination described in paragraph (2) is made, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination made by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Federal Government agencies, on the request of a Senator for review of the legislation, that the legislation, or portion of the legislation, would, if enacted, decrease domestic energy exploration or production.

(c) WAIVERS AND APPEALS.—

(1) WAIVERS.—

(A) IN GENERAL.—Before the Presiding Officer rules on a point of order described in subsection (b)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) VOTE.—A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—

(A) IN GENERAL.—After the Presiding Officer rules on a point of order described in subsection (b)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as the ruling applies to all or part of the provisions on which the Presiding Officer ruled.

(B) VOTE.—A ruling of the Presiding Officer on a point of order described in subsection (b)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—

(A) IN GENERAL.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) DIVISION.—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or designees.

**SA 746.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR WILDLAND FIRE MANAGEMENT ACTIVITIES.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow wildland fire management funds for hazardous fuels reduction and hazard mitigation activities in areas at high risk of catastrophic wildfire to be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service; and

(2) provide that no State matching funds are required for the conduct of activities described in paragraph (1).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 747.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 68, after line 4, insert the following:

**SEC. . LIMIT ON PUBLIC DEBT.**

(a) FEDERAL SPENDING LIMIT POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any budget resolution, bill, joint resolution, amendment, or conference report that would exceed the limit on public debt for any fiscal year covered therein.

(2) WAIVER OR SUSPENSION.—This subsection may be waived or suspended in the Senate only by the affirmative roll call vote

of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(4) FORM OF POINT OF ORDER.—A point of order under this subsection may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974

(b) DEFINITIONS.—In this section:

(1) LIMIT ON PUBLIC DEBT.—The term “limit on public debt” means a level of public debt for a fiscal year in the resolution where the ratio of the public debt to GDP is 90 percent.

(2) GDP.—The term “GDP” means the gross domestic product for the relevant fiscal year.

**SA 748.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 4, line 14, decrease the amount by \$4,000,000.

On page 4, line 15, decrease the amount by \$6,000,000.

On page 4, line 16, decrease the amount by \$2,000,000.

On page 4, line 18, increase the amount by \$1,000,000.

On page 4, line 23, decrease the amount by \$587,000,000.

On page 4, line 24, increase the amount by \$409,000,000.

On page 4, line 25, increase the amount by \$132,000,000.

On page 5, line 1, increase the amount by \$34,000,000.

On page 5, line 2, increase the amount by \$1,000,000.

On page 5, line 7, decrease the amount by \$587,000,000.

On page 5, line 8, increase the amount by \$409,000,000.

On page 5, line 9, increase the amount by \$132,000,000.

On page 5, line 10, increase the amount by \$34,000,000.

On page 5, line 11, increase the amount by \$1,000,000.

On page 5, line 17, decrease the amount by \$587,000,000.

On page 5, line 18, decrease the amount by \$178,000,000.

On page 5, line 19, decrease the amount by \$46,000,000.

On page 5, line 20, decrease the amount by \$12,000,000.

On page 5, line 21, decrease the amount by \$11,000,000.

On page 5, line 25, decrease the amount by \$587,000,000.

On page 6, line 1, decrease the amount by \$178,000,000.

On page 6, line 2, decrease the amount by \$46,000,000.

On page 6, line 3, decrease the amount by \$12,000,000.

On page 6, line 4, decrease the amount by \$11,000,000.

On page 18, line 24, increase the amount by \$670,000,000.

On page 18, line 25, increase the amount by \$20,000,000.

On page 19, line 4, increase the amount by \$482,000,000.

On page 19, line 8, increase the amount by \$134,000,000.

On page 19, line 12, increase the amount by \$34,000,000.

On page 24, line 24, decrease the amount by \$670,000,000.

On page 24, line 25, decrease the amount by \$603,000,000.

On page 25, line 3, decrease the amount by \$67,000,000.

On page 26, line 24, decrease the amount by \$4,000,000.

On page 26, line 25, decrease the amount by \$4,000,000.

On page 27, line 3, decrease the amount by \$6,000,000.

On page 27, line 4, decrease the amount by \$6,000,000.

On page 27, line 7, decrease the amount by \$2,000,000.

On page 27, line 8, decrease the amount by \$2,000,000.

On page 27, line 15, increase the amount by \$1,000,000.

On page 27, line 16, increase the amount by \$1,000,000.

**SA 749.** Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 33, line 21, after “economy,” insert “without increasing electricity or gasoline prices or increasing the overall burden on consumers, through the use of revenues and policies provided in such legislation.”.

**SA 750.** Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 32, line 10, after “increases;” insert “or” and the following:

(4) provide for a long-term solution to the Sustainable Growth Rate (SGR) formula under section 1848 of the Social Security Act that will protect patient access and provide a more stable source of funding for physicians;

**SA 751.** Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth

the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 8, after “legislation,” insert the following:

“would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses; and”

**SA 752.** Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR A NONREFUNDABLE TAX CREDIT FOR LONG-TERM CARE INSURANCE PREMIUMS.**

(a) IN GENERAL.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the application of the provisions described in subsection (b), provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) PROVISIONS DESCRIBED.—The provisions described in this subsection include the allowance of a nonrefundable tax credit for 50 percent of so much of the amount of long-term care insurance premiums paid by the taxpayer as does not exceed \$4,000 for—

(1) any dependent beneficiary of the taxpayer, or

(2) any nondependent beneficiary whose adjusted gross income for the taxable year does not exceed 300 percent of the Federal poverty line for such taxable year.

**SA 753.** Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS REGARDING THE SECURE TRANSPORTATION OF FIREARMS ON PASSENGER TRAINS.**

It is the sense of Congress that this resolution assumes that Federal financial assistance will not be provided to Amtrak unless

Amtrak allows its passengers to securely transport firearms in their checked baggage.

**SA 754.** Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR NONREFUNDABLE TAX CREDIT FOR HURRICANE MITIGATION PROPERTY.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for a nonrefundable tax credit for 25 percent of so much of the hurricane mitigation property expenditures on a taxpayer's principal residence as does not exceed \$5,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 755.** Mr. CASEY (for himself, Ms. STABENOW, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2 \_\_\_\_ . DEFICIT NEUTRAL RESERVE FUND TO PROVIDE FOR ACCELERATED CARBON CAPTURE AND STORAGE AND ADVANCED CLEAN COAL POWER GENERATION RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels and limits in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 756.** Mr. GRAHAM submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR CONSTRUCTION OF SPENT NUCLEAR FUEL RECYCLING FACILITIES.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize the construction of 1 or more spent nuclear fuel recycling facilities.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 757.** Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. MARTINEZ, Ms. COLLINS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR REFUNDING OF PAYMENTS MADE FOR DEPOSIT IN NUCLEAR WASTE FUND.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would refund any amount paid by an entity to the Secretary of Energy under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) for deposit in the Nuclear Waste Fund.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 758.** Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 20, line 24, increase the amount by \$5,000,000.

On page 21, line 3, increase the amount by \$10,000,000.

On page 21, line 4, increase the amount by \$5,000,000.

On page 21, line 7, increase the amount by \$10,000,000.

On page 21, line 8, increase the amount by \$15,000,000.

On page 21, line 12, increase the amount by \$25,000,000.

On page 21, line 16, increase the amount by \$20,000,000.

On page 27, line 23, decrease the amount by \$5,000,000.

On page 28, line 2, decrease the amount by \$10,000,000.

On page 28, line 3, decrease the amount by \$5,000,000.

On page 28, line 6, decrease the amount by \$10,000,000.

On page 28, line 7, decrease the amount by \$15,000,000.

On page 28, line 11, decrease the amount by \$25,000,000.

On page 28, line 15, decrease the amount by \$20,000,000.

**SA 759.** Mr. BENNETT (for himself, Mr. THUNE, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, line 9, after “purposes,” insert “provided that such legislation would not result in diminishing a taxpayers’ ability to deduct charitable contributions as an offset to pay for such purposes, and”.

**SA 760.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING FOREIGN OIL DEPENDENCE.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would allow—

(1) the construction of at least 100 new nuclear power plants by calendar year 2030;

(2) the electrification of at least ½ of the cars and trucks in the United States during the 20-year period beginning on the date of approval of this resolution;

(3) making solar power cost-competitive with power from fossil fuels;

(4) the capture and storage of carbon dioxide emissions from coal power plants;

(5) the safe reprocessing and storage of nuclear waste;

(6) making advanced biofuels cost-competitive with gasoline;

(7) the conservation and efficient use of energy by buildings; and

(8) the development of oil and natural gas resources beneath the outer Continental Shelf.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 761.** Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR ASSISTANCE FOR WORKFORCE RECOVERY.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a tuition assistance program for qualifying workers who become unemployed as a result of the recent economic recession to enable those workers to obtain education and training to contribute to the economic recovery, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 762.** Mr. ISAKSON submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING A NONREFUNDABLE FEDERAL INCOME TAX CREDIT FOR THE PURCHASE OF A PRINCIPAL RESIDENCE DURING A 1-YEAR PERIOD.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide a one-time non-refundable Federal income tax credit for the purchase of a principal residence during a 1-year period in the amount of the lesser of \$15,000 or 10 percent of the purchase price of such residence, exclusive of any other credit available for the purchase of a residence,

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 763.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BENNETT, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KYL, Mr. PRYOR, Mr. UDALL of New Mexico, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 17, line 22, increase the amount by \$30,000,000.  
On page 17, line 23, increase the amount by \$3,000,000.  
On page 18, line 3, increase the amount by \$11,000,000.  
On page 18, line 7, increase the amount by \$9,000,000.  
On page 18, line 11, increase the amount by \$7,000,000.  
On page 24, line 24, increase the amount by \$520,000,000.  
On page 24, line 25, increase the amount by \$406,000,000.  
On page 25, line 4, increase the amount by \$62,000,000.  
On page 25, line 8, increase the amount by \$52,000,000.  
On page 27, line 23, decrease the amount by \$550,000,000.  
On page 27, line 24, decrease the amount by \$409,000,000.  
On page 28, line 3, decrease the amount by \$73,000,000.  
On page 28, line 7, decrease the amount by \$61,000,000.  
On page 28, line 11, decrease the amount by \$7,000,000.

**SA 764.** Mr. CARPER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

**SEC. \_\_\_\_\_. DEFICIT-REDUCTION RESERVE FUND FOR THE ELIMINATION AND RECOVERY OF IMPROPER PAYMENTS.**

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that Federal departments and agencies eliminate improper payments and increase the use of the recovery audits and uses such savings to reduce the deficit, by the amount of such savings, provided that such legislation would decrease the deficit.

**SA 765.** Mr. BARRASSO (for himself, Mr. INHOFE, Mr. BENNETT, and Mr.

CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, lines 19 and 20, after "emissions" insert the following: "(without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production)".

**SA 766.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 4, line 14, decrease the amount by \$4,000.  
On page 4, line 15, decrease the amount by \$6,000.  
On page 4, line 16, decrease the amount by \$2,000.  
On page 4, line 18, increase the amount by \$1,000.  
On page 4, line 23, decrease the amount by \$587,000.  
On page 4, line 24, increase the amount by \$409,000.  
On page 4, line 25, increase the amount by \$132,000.  
On page 5, line 1, increase the amount by \$34,000.  
On page 5, line 2, increase the amount by \$1,000.  
On page 5, line 7, decrease the amount by \$587,000.  
On page 5, line 8, increase the amount by \$409,000.  
On page 5, line 9, increase the amount by \$132,000.  
On page 5, line 10, increase the amount by \$34,000.  
On page 5, line 11, increase the amount by \$1,000.  
On page 5, line 17, decrease the amount by \$587,000.  
On page 5, line 18, decrease the amount by \$178,000.  
On page 5, line 19, decrease the amount by \$46,000.  
On page 5, line 20, decrease the amount by \$12,000.  
On page 5, line 21, decrease the amount by \$11,000.  
On page 5, line 25, decrease the amount by \$587,000.  
On page 6, line 1, decrease the amount by \$178,000.  
On page 6, line 2, decrease the amount by \$46,000.  
On page 6, line 3, decrease the amount by \$12,000.  
On page 6, line 4, decrease the amount by \$11,000.  
On page 18, line 24, increase the amount by \$670,000.  
On page 18, line 25, increase the amount by \$20,000.

On page 19, line 4, increase the amount by \$482,000.

On page 19, line 8, increase the amount by \$134,000.

On page 19, line 12, increase the amount by \$34,000.

On page 24, line 24, decrease the amount by \$670,000.

On page 24, line 25, decrease the amount by \$603,000.

On page 25, line 3, decrease the amount by \$67,000.

On page 26, line 24, decrease the amount by \$4,000.

On page 26, line 25, decrease the amount by \$4,000.

On page 27, line 3, decrease the amount by \$6,000.

On page 27, line 4, decrease the amount by \$6,000.

On page 27, line 7, decrease the amount by \$2,000.

On page 27, line 8, decrease the amount by \$2,000.

On page 27, line 15, increase the amount by \$1,000.

On page 27, line 16, increase the amount by \$1,000.

**SA 767.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

Strike all after the resolving clause and insert the following:

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.**

(a) **DECLARATION.**—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2019.

(b) **TABLE OF CONTENTS.**—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Postal Service discretionary administrative expenses.

Sec. 104. Major functional categories.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

**SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for each of fiscal years 2009 through 2019:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$1,506,214,000,000  
Fiscal year 2010: \$1,620,923,000,000  
Fiscal year 2011: \$1,891,235,000,000  
Fiscal year 2012: \$2,191,642,000,000  
Fiscal year 2013: \$2,328,923,000,000  
Fiscal year 2014: \$2,428,728,000,000  
Fiscal year 2015: \$2,553,559,000,000  
Fiscal year 2016: \$2,657,797,000,000

Fiscal year 2017: \$2,772,027,000,000  
 Fiscal year 2018: \$2,875,005,000,000  
 Fiscal year 2019: \$2,981,919,000,000

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: —\$26,356,000,000  
 Fiscal year 2010: —\$45,063,000,000  
 Fiscal year 2011: —\$197,396,000,000  
 Fiscal year 2012: —\$168,750,000,000  
 Fiscal year 2013: —\$186,414,000,000  
 Fiscal year 2014: —\$204,930,000,000  
 Fiscal year 2015: —\$222,393,000,000  
 Fiscal year 2016: —\$239,232,000,000  
 Fiscal year 2017: —\$256,958,000,000  
 Fiscal year 2018: —\$275,802,000,000  
 Fiscal year 2019: —\$297,114,000,000

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,806,249,000,000  
 Fiscal year 2010: \$3,010,132,000,000  
 Fiscal year 2011: \$2,873,802,000,000  
 Fiscal year 2012: \$2,968,495,000,000  
 Fiscal year 2013: \$3,166,721,000,000  
 Fiscal year 2014: \$3,366,006,000,000  
 Fiscal year 2015: \$3,536,722,000,000  
 Fiscal year 2016: \$3,744,651,000,000  
 Fiscal year 2017: \$3,908,438,000,000  
 Fiscal year 2018: \$4,082,775,000,000  
 Fiscal year 2019: \$4,336,528,000,000

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,481,404,000,000  
 Fiscal year 2010: \$3,115,189,000,000  
 Fiscal year 2011: \$2,983,337,000,000  
 Fiscal year 2012: \$2,981,825,000,000  
 Fiscal year 2013: \$3,148,301,000,000  
 Fiscal year 2014: \$3,333,492,000,000  
 Fiscal year 2015: \$3,495,975,000,000  
 Fiscal year 2016: \$3,704,268,000,000  
 Fiscal year 2017: \$3,863,815,000,000  
 Fiscal year 2018: \$4,029,783,000,000  
 Fiscal year 2019: \$4,289,666,000,000

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: —\$1,975,190,000,000  
 Fiscal year 2010: —\$1,494,266,000,000  
 Fiscal year 2011: —\$1,092,102,000,000  
 Fiscal year 2012: —\$790,183,000,000  
 Fiscal year 2013: —\$819,378,000,000  
 Fiscal year 2014: —\$904,764,000,000  
 Fiscal year 2015: —\$942,416,000,000  
 Fiscal year 2016: —\$1,046,471,000,000  
 Fiscal year 2017: —\$1,091,788,000,000  
 Fiscal year 2018: —\$1,154,778,000,000  
 Fiscal year 2019: —\$1,307,747,000,000

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$12,326,613,000,000  
 Fiscal year 2010: \$13,888,337,000,000  
 Fiscal year 2011: \$15,128,912,000,000  
 Fiscal year 2012: \$16,263,504,000,000  
 Fiscal year 2013: \$17,380,767,000,000  
 Fiscal year 2014: \$18,622,494,000,000  
 Fiscal year 2015: \$19,874,761,000,000  
 Fiscal year 2016: \$21,211,167,000,000  
 Fiscal year 2017: \$22,601,575,000,000  
 Fiscal year 2018: \$23,455,122,000,000  
 Fiscal year 2019: \$25,047,452,000,000

(6) DEBT HELD BY THE PUBLIC.—the appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,986,743,000,000  
 Fiscal year 2010: \$9,319,225,000,000  
 Fiscal year 2011: \$10,292,347,000,000  
 Fiscal year 2012: \$11,055,470,000,000  
 Fiscal year 2013: \$11,770,311,000,000

Fiscal year 2014: \$12,627,557,000,000  
 Fiscal year 2015: \$13,508,242,000,000  
 Fiscal year 2016: \$14,490,799,000,000  
 Fiscal year 2017: \$15,522,867,000,000  
 Fiscal year 2018: \$16,012,579,000,000  
 Fiscal year 2019: \$17,277,376,000,000

#### SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$653,117,000,000  
 Fiscal year 2010: \$668,208,000,000  
 Fiscal year 2011: \$694,864,000,000  
 Fiscal year 2012: \$726,045,000,000  
 Fiscal year 2013: \$766,065,000,000  
 Fiscal year 2014: \$802,166,000,000  
 Fiscal year 2015: \$833,660,000,000  
 Fiscal year 2016: \$864,219,000,000  
 Fiscal year 2017: \$897,639,000,000  
 Fiscal year 2018: \$932,416,000,000  
 Fiscal year 2019: \$968,428,000,000

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$513,029,000,000  
 Fiscal year 2010: \$543,632,000,000  
 Fiscal year 2011: \$563,612,000,000  
 Fiscal year 2012: \$585,701,000,000  
 Fiscal year 2013: \$610,568,000,000  
 Fiscal year 2014: \$637,346,000,000  
 Fiscal year 2015: \$667,742,000,000  
 Fiscal year 2016: \$704,079,000,000  
 Fiscal year 2017: \$745,446,000,000  
 Fiscal year 2018: \$790,460,000,000  
 Fiscal year 2019: \$838,736,000,000

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2009:  
 (A) New budget authority, \$ 5,296,000,000  
 (B) Outlays, \$ 4,945,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$ 6,072,000,000  
 (B) Outlays, \$ 5,934,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$ 6,568,000,000  
 (B) Outlays, \$ 6,433,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$ 6,895,000,000  
 (B) Outlays, \$ 6,809,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$ 7,223,000,000  
 (B) Outlays, \$ 7,148,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$7599,000,000.  
 (B) Outlays, \$7,517,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$7,859,000,000.  
 (B) Outlays, \$7,793,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$8,129,000,000.  
 (B) Outlays, \$8,071,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$8,409,000,000.  
 (B) Outlays, \$8,348,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$8,701,000,000.  
 (B) Outlays, \$8,637,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$9,003,000,000.  
 (B) Outlays, \$8,937,000,000.

#### SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal

Service for discretionary administrative expenses are as follows:

Fiscal year 2009:  
 (A) New budget authority, \$253,000,000.  
 (B) Outlays, \$253,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$262,000,000.  
 (B) Outlays, \$262,000,000.  
 Fiscal year 2011:  
 (A) New budget authority, \$267,000,000.  
 (B) Outlays, \$267,000,000.  
 Fiscal year 2012:  
 (A) New budget authority, \$272,000,000  
 (B) Outlays, \$272,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$277,000,000  
 (B) Outlays, \$277,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$283,000,000  
 (B) Outlays, \$283,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$291,000,000  
 (B) Outlays, \$291,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$299,000,000  
 (B) Outlays, \$299,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$309,000,000  
 (B) Outlays, \$309,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$318,000,000  
 (B) Outlays, \$318,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$329,000,000  
 (B) Outlays, \$329,000,000

#### SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2019 for each major functional category are:

(1) National Defense (050):  
 Fiscal year 2009:  
 (A) New budget authority, \$693,557,000,000.  
 (B) Outlays, \$671,725,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$692,033,000,000,  
 (B) Outlays, \$695,958,000,000.  
 Fiscal year 2011:  
 (A) New budget authority, \$620,107,000,000.  
 (B) Outlays, \$663,045,000,000.  
 Fiscal year 2012:  
 (A) New budget authority, \$629,135,000,000.  
 (B) Outlays, \$642,573,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$639,895,000,000.  
 (B) Outlays, \$641,785,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$653,828,000,000.  
 (B) Outlays, \$647,204,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$668,701,000,000.  
 (B) Outlays, \$659,186,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$683,838,000,000.  
 (B) Outlays, \$677,476,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$699,413,000,000.  
 (B) Outlays, \$688,746,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$715,461,000,000.  
 (B) Outlays, \$700,004,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$731,938,000,000.  
 (B) Outlays, \$720,483,000,000.  
 (2) INTERNATIONAL AFFAIRS (150):  
 Fiscal year 2009:  
 (A) New budget authority, \$55,333,000,000.  
 (B) Outlays, \$38,011,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$ 50,670,000,000.  
 (B) Outlays, \$ 48,856,000,000.  
 Fiscal year 2011:  
 (A) New budget authority, \$ 54,536,000,000.  
 (B) Outlays, \$ 54,103,000,000.



<p>Fiscal year 2012:  (A) New budget authority, \$ 59,170,000,000.  (B) Outlays, \$ 57,964,000,000.</p> <p>Fiscal year 2013:  (A) New budget authority, \$ 64,624,000,000.  (B) Outlays, \$ 61,581,000,000.</p> <p>Fiscal year 2014:  (A) New budget authority, \$ 69,909,000,000.  (B) Outlays, \$ 64,942,000,000.</p> <p>Fiscal year 2015:  (A) New budget authority, \$ 75,829,000,000  (B) Outlays, \$ 69,191,000,000.</p> <p>Fiscal year 2016:  (A) New budget authority, \$ 77,429,000,000.  (B) Outlays, \$ 71,890,000,000.</p> <p>Fiscal year 2017:  (A) New budget authority, \$ 79,053,000,000.  (B) Outlays, \$ 73,955,000,000.</p> <p>Fiscal year 2018:  (A) New budget authority, \$ 80,702,000,000.  (B) Outlays, \$ 75,719,000,000.</p> <p>Fiscal year 2019:  (A) New budget authority, \$ 82,386,000,000.  (B) Outlays, \$ 77,394,000,000.</p> <p>(3) GENERAL SCIENCE, SPACE, AND TECHNOLOGY (250):</p> <p>Fiscal year 2009:  (A) New budget authority, \$ 35,389,000,000.  (B) Outlays, \$ 30,973,000,000.</p> <p>Fiscal year 2010:  (A) New budget authority, \$31,139,000,000.  (B) Outlays, \$32,467,000,000.</p> <p>Fiscal year 2011:  (A) New budget authority, \$31,493,000,000.  (B) Outlays, \$32,407,000,000.</p> <p>Fiscal year 2012:  (A) New budget authority, \$33,373,000,000.  (B) Outlays, \$32,465,000,000.</p> <p>Fiscal year 2013:  (A) New budget authority, \$34,419,000,000.  (B) Outlays, \$33,614,000,000.</p> <p>Fiscal year 2014:  (A) New budget authority, \$35,686,000,000.  (B) Outlays, \$34,835,000,000.</p> <p>Fiscal year 2015:  (A) New budget authority, \$37,061,000,000.  (B) Outlays, \$35,852,000,000.</p> <p>Fiscal year 2016:  (A) New budget authority, \$38,516,000,000.  (B) Outlays, \$37,643,000,000.</p> <p>Fiscal year 2017:  (A) New budget authority, \$38,934,000,000.  (B) Outlays, \$38,429,000,000.</p> <p>Fiscal year 2018:  (A) New budget authority, \$39,565,000,000.  (B) Outlays, \$39,063,000,000.</p> <p>Fiscal year 2019:  (A) New budget authority, \$40,210,000,000.  (B) Outlays, \$39,711,000,000.</p> <p>(4) Energy (270):</p> <p>Fiscal year 2009:  (A) New budget authority, \$43,919,000,000.  (B) Outlays, \$2,952,000,000.</p> <p>Fiscal year 2010:  (A) New budget authority, \$4,489,000,000.  (B) Outlays, \$6,258,000,000.</p> <p>Fiscal year 2011:  (A) New budget authority, \$4,404,000,000.  (B) Outlays, \$8,936,000,000.</p> <p>Fiscal year 2012:  (A) New budget authority, \$19,427,000,000.  (B) Outlays, \$12,286,000,000.</p> <p>Fiscal year 2013:  (A) New budget authority, \$19,619,000,000.  (B) Outlays, \$13,746,000,000.</p> <p>Fiscal year 2014:  (A) New budget authority, \$19,540,000,000.  (B) Outlays, \$14,539,000,000.</p> <p>Fiscal year 2015:  (A) New budget authority, \$19,454,000,000.  (B) Outlays, \$13,633,000,000.</p> <p>Fiscal year 2016:  (A) New budget authority, \$19,374,000,000.  (B) Outlays, \$14,857,000,000.</p>	<p>Fiscal year 2017:  (A) New budget authority, \$19,300,000,000.  (B) Outlays, \$17,355,000,000.</p> <p>Fiscal year 2018:  (A) New budget authority, \$18,664,000,000.  (B) Outlays, \$17,643,000,000.</p> <p>Fiscal year 2019:  (A) New budget authority, \$18,096,000,000.  (B) Outlays, \$17,506,000,000.</p> <p>(5) NATURAL RESOURCES AND ENVIRONMENT (300):</p> <p>Fiscal year 2009:  (A) New budget authority, \$56,009,000,000.  (B) Outlays, \$36,834,000,000.</p> <p>Fiscal year 2010:  (A) New budget authority, \$37,293,000,000.  (B) Outlays, \$40,361,000,000.</p> <p>Fiscal year 2011:  (A) New budget authority, \$38,509,000,000.  (B) Outlays, \$40,146,000,000.</p> <p>Fiscal year 2012:  (A) New budget authority, \$39,159,000,000.  (B) Outlays, \$39,968,000,000.</p> <p>Fiscal year 2013:  (A) New budget authority, \$39,257,000,000.  (B) Outlays, \$39,663,000,000.</p> <p>Fiscal year 2014:  (A) New budget authority, \$39,924,000,000.  (B) Outlays, \$39,864,000,000.</p> <p>Fiscal year 2015:  (A) New budget authority, \$40,075,000,000.  (B) Outlays, \$39,889,000,000.</p> <p>Fiscal year 2016:  (A) New budget authority, \$40,843,000,000.  (B) Outlays, \$40,612,000,000.</p> <p>Fiscal year 2017:  (A) New budget authority, \$41,217,000,000.  (B) Outlays, \$41,027,000,000.</p> <p>Fiscal year 2018:  (A) New budget authority, \$42,342,000,000.  (B) Outlays, \$40,973,000,000.</p> <p>Fiscal year 2019:  (A) New budget authority, \$43,007,000,000.  (B) Outlays, \$41,424,000,000.</p> <p>(6) AGRICULTURE (350):</p> <p>Fiscal year 2009:  (A) New budget authority, \$24,974,000,000.  (B) Outlays, \$23,070,000,000.</p> <p>Fiscal year 2010:  (A) New budget authority, \$23,610,000,000.  (B) Outlays, \$23,871,000,000.</p> <p>Fiscal year 2011:  (A) New budget authority, \$23,697,000,000.  (B) Outlays, \$23,534,000,000.</p> <p>Fiscal year 2012:  (A) New budget authority, \$20,494,000,000.  (B) Outlays, \$16,374,000,000.</p> <p>Fiscal year 2013:  (A) New budget authority, \$20,893,000,000.  (B) Outlays, \$20,464,000,000.</p> <p>Fiscal year 2014:  (A) New budget authority, \$21,616,000,000.  (B) Outlays, \$20,603,000,000.</p> <p>Fiscal year 2015:  (A) New budget authority, \$21,016,000,000.  (B) Outlays, \$19,968,000,000.</p> <p>Fiscal year 2016:  (A) New budget authority, \$21,123,000,000.  (B) Outlays, \$20,225,000,000.</p> <p>Fiscal year 2017:  (A) New budget authority, \$21,362,000,000.  (B) Outlays, \$20,412,000,000.</p> <p>Fiscal year 2018:  (A) New budget authority, \$21,967,000,000.  (B) Outlays, \$20,998,000,000.</p> <p>Fiscal year 2019:  (A) New budget authority, \$22,599,000,000.  (B) Outlays, \$21,455,000,000.</p> <p>(7) COMMERCE AND HOUSING CREDIT (370):</p> <p>Fiscal year 2009:  (A) New budget authority, \$819,699,000,000.  (B) Outlays, \$790,671,000,000.</p> <p>Fiscal year 2010:  (A) New budget authority, \$186,483,000,000.</p>	<p>(B) Outlays, \$210,215,000,000.</p> <p>Fiscal year 2011:  (A) New budget authority, \$25,624,000,000.  (B) Outlays, \$37,544,000,000.</p> <p>Fiscal year 2012:  (A) New budget authority, \$8,132,000,000.  (B) Outlays, \$7,478,000,000.</p> <p>Fiscal year 2013:  (A) New budget authority, \$15,716,000,000.  (B) Outlays, \$4,304,000,000.</p> <p>Fiscal year 2014:  (A) New budget authority, \$9,594,000,000.  (B) Outlays, — \$3,892,000,000.</p> <p>Fiscal year 2015:  (A) New budget authority, \$10,013,000,000.  (B) Outlays, — \$5,730,000,000.</p> <p>Fiscal year 2016:  (A) New budget authority, \$9,855,000,000.  (B) Outlays, — \$5,690,000,000.</p> <p>Fiscal year 2017:  (A) New budget authority, \$14,860,000,000.  (B) Outlays, \$27,000,000.</p> <p>Fiscal year 2018:  (A) New budget authority, \$15,379,000,000.  (B) Outlays, — \$1,512,000,000.</p> <p>Fiscal year 2019:  (A) New budget authority, \$17,999,000,000.  (B) Outlays, \$4,842,000,000.</p> <p>(8) TRANSPORTATION (400):</p> <p>Fiscal year 2009:  (A) New budget authority, \$134,760,000,000.  (B) Outlays, \$87,784,000,000.</p> <p>Fiscal year 2010:  (A) New budget authority, \$87,942,000,000.  (B) Outlays, \$95,695,000,000.</p> <p>Fiscal year 2011:  (A) New budget authority, \$89,253,000,000.  (B) Outlays, \$96,474,000,000.</p> <p>Fiscal year 2012:  (A) New budget authority, \$89,643,000,000.  (B) Outlays, \$95,851,000,000.</p> <p>Fiscal year 2013:  (A) New budget authority, \$91,221,000,000.  (B) Outlays, \$96,150,000,000.</p> <p>Fiscal year 2014:  (A) New budget authority, \$92,775,000,000.  (B) Outlays, \$96,793,000,000.</p> <p>Fiscal year 2015:  (A) New budget authority, \$94,696,000,000.  (B) Outlays, \$96,856,000,000.</p> <p>Fiscal year 2016:  (A) New budget authority, \$96,599,000,000.  (B) Outlays, \$96,111,000,000.</p> <p>Fiscal year 2017:  (A) New budget authority, \$98,514,000,000.  (B) Outlays, \$96,420,000,000.</p> <p>Fiscal year 2018:  (A) New budget authority, \$100,492,000,000.  (B) Outlays, \$98,064,000,000.</p> <p>Fiscal year 2019:  (A) New budget authority, \$102,536,000,000.  (B) Outlays, \$99,820,000,000.</p> <p>(9) COMMUNITY AND REGIONAL DEVELOPMENT (450):</p> <p>Fiscal year 2009:  (A) New budget authority, \$ 23,811,000,000.  (B) Outlays, \$29,983,000,000.</p> <p>Fiscal year 2010:  (A) New budget authority, \$21,308,000,000.  (B) Outlays, \$29,876,000,000.</p> <p>Fiscal year 2011:  (A) New budget authority, \$21,232,000,000.  (B) Outlays, \$28,283,000,000.</p> <p>Fiscal year 2012:  (A) New budget authority, \$21,311,000,000.  (B) Outlays, \$26,559,000,000.</p> <p>Fiscal year 2013:  (A) New budget authority, \$21,202,000,000.  (B) Outlays, \$24,599,000,000.</p> <p>Fiscal year 2014:  (A) New budget authority, \$21,270,000,000.  (B) Outlays, \$22,980,000,000.</p> <p>Fiscal year 2015:  (A) New budget authority, \$16,636,000,000.</p>
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(B) Outlays, \$20,935,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$16,971,000,000.  
(B) Outlays, \$19,034,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$17,313,000,000.  
(B) Outlays, \$17,851,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$17,667,000,000.  
(B) Outlays, \$17,433,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$18,021,000,000.  
(B) Outlays, \$17,368,000,000.  
(10) EDUCATION, TRAINING, EMPLOYMENT,  
AND SOCIAL SERVICES (500):  
Fiscal year 2009:  
(A) New budget authority, \$164,276,000,000.  
(B) Outlays, \$73,219,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$84,977,000,000.  
(B) Outlays, \$133,544,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$104,983,000,000.  
(B) Outlays, \$130,791,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$114,521,000,000.  
(B) Outlays, \$114,631,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$122,120,000,000.  
(B) Outlays, \$118,776,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$129,488,000,000.  
(B) Outlays, \$124,931,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$133,201,000,000.  
(B) Outlays, \$131,051,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$139,280,000,000.  
(B) Outlays, \$135,723,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$144,024,000,000.  
(B) Outlays, \$140,644,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$148,225,000,000.  
(B) Outlays, \$145,027,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$152,421,000,000.  
(B) Outlays, \$149,147,000,000.  
(11) HEALTH (550):  
Fiscal year 2009:  
(A) New budget authority, \$380,193,000,000.  
(B) Outlays, \$354,432,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$383,930,000,000.  
(B) Outlays, \$388,765,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$365,072,000,000.  
(B) Outlays, \$367,790,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$370,436,000,000.  
(B) Outlays, \$369,140,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$390,298,000,000.  
(B) Outlays, \$384,938,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$400,972,000,000.  
(B) Outlays, \$400,694,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$424,001,000,000.  
(B) Outlays, \$421,531,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$448,920,000,000.  
(B) Outlays, \$446,380,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$480,597,000,000.  
(B) Outlays, \$477,913,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$511,467,000,000.  
(B) Outlays, \$508,708,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$545,067,000,000.  
(B) Outlays, \$542,020,000,000.  
(12) MEDICARE (570):  
Fiscal year 2009:  
(A) New budget authority, \$427,076,000,000.  
(B) Outlays, \$426,736,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$449,168,000,000.  
(B) Outlays, \$449,663,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$505,060,000,000.  
(B) Outlays, \$505,182,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$513,741,000,000.  
(B) Outlays, \$513,808,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$558,013,000,000.  
(B) Outlays, \$558,459,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$615,870,000,000.  
(B) Outlays, \$616,140,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$646,347,000,000.  
(B) Outlays, \$646,087,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$708,661,000,000.  
(B) Outlays, \$708,707,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$740,700,000,000.  
(B) Outlays, \$740,379,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$769,611,000,000.  
(B) Outlays, \$769,180,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$851,759,000,000.  
(B) Outlays, \$851,275,000,000.  
(13) INCOME SECURITY (600):  
Fiscal year 2009:  
(A) New budget authority, \$520,123,000,000.  
(B) Outlays, \$503,020,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$536,117,000,000.  
(B) Outlays, \$539,829,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$519,481,000,000.  
(B) Outlays, \$522,126,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$515,362,000,000.  
(B) Outlays, \$515,467,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$520,201,000,000.  
(B) Outlays, \$519,445,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$522,447,000,000.  
(B) Outlays, \$520,649,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$527,230,000,000.  
(B) Outlays, \$525,649,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$539,536,000,000.  
(B) Outlays, \$538,059,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$544,442,000,000.  
(B) Outlays, \$542,999,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$549,439,000,000.  
(B) Outlays, \$547,832,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$566,575,000,000.  
(B) Outlays, \$564,691,000,000.  
(14) SOCIAL SECURITY (650):  
Fiscal year 2009:  
(A) New budget authority, \$31,820,000,000.  
(B) Outlays, \$31,264,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$20,255,000,000.  
(B) Outlays, \$20,378,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$23,380,000,000.  
(B) Outlays, \$23,513,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$26,478,000,000.  
(B) Outlays, \$26,628,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$29,529,000,000.  
(B) Outlays, \$29,679,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$32,728,000,000.  
(B) Outlays, \$32,728,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$35,875,000,000.  
(B) Outlays, \$35,875,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$39,021,000,000.  
(B) Outlays, \$39,021,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$42,449,000,000.  
(B) Outlays, \$42,449,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$46,094,000,000.  
(B) Outlays, \$46,094,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$49,994,000,000.  
(B) Outlays, \$49,994,000,000.  
(15) VETERANS BENEFITS AND SERVICES  
(700):  
Fiscal year 2009:  
(A) New budget authority, \$97,705,000,000.  
(B) Outlays, \$94,831,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$105,734,000,000.  
(B) Outlays, \$104,934,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$112,176,000,000.  
(B) Outlays, \$111,750,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$107,991,000,000.  
(B) Outlays, \$107,404,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$113,076,000,000.  
(B) Outlays, \$112,430,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$115,276,000,000.  
(B) Outlays, \$114,740,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$118,103,000,000.  
(B) Outlays, \$117,475,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$124,711,000,000.  
(B) Outlays, \$124,233,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$124,454,000,000.  
(B) Outlays, \$123,967,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$123,935,000,000.  
(B) Outlays, \$123,379,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$132,408,000,000.  
(B) Outlays, \$131,780,000,000.  
(16) ADMINISTRATION OF JUSTICE (750):  
Fiscal year 2009:  
(A) New budget authority, \$55,783,000,000.  
(B) Outlays, \$49,853,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$52,857,000,000.  
(B) Outlays, \$51,630,000,000.  
Fiscal year 2011:  
(A) New budget authority, \$53,892,000,000.  
(B) Outlays, \$55,503,000,000.  
Fiscal year 2012:  
(A) New budget authority, \$53,738,000,000.  
(B) Outlays, \$55,441,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$53,569,000,000.  
(B) Outlays, \$54,526,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$53,452,000,000.  
(B) Outlays, \$53,563,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$54,399,000,000.  
(B) Outlays, \$54,305,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$55,374,000,000.  
(B) Outlays, \$55,217,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$56,374,000,000.  
(B) Outlays, \$56,175,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$59,207,000,000.  
(B) Outlays, \$58,985,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$61,626,000,000.

(B) Outlays, \$61,401,000,000.

(17) GENERAL GOVERNMENT (800):

Fiscal year 2009:

(A) New budget authority, \$30,405,000,000.

(B) Outlays, \$24,629,000,000.

Fiscal year 2010:

(A) New budget authority, \$22,266,000,000.

(B) Outlays, \$23,023,000,000.

Fiscal year 2011:

(A) New budget authority, \$22,500,000,000.

(B) Outlays, \$23,333,000,000.

Fiscal year 2012:

(A) New budget authority, \$22,884,000,000.

(B) Outlays, \$23,940,000,000.

Fiscal year 2013:

(A) New budget authority, \$22,898,000,000.

(B) Outlays, \$23,636,000,000.

Fiscal year 2014:

(A) New budget authority, \$23,565,000,000.

(B) Outlays, \$23,776,000,000.

Fiscal year 2015:

(A) New budget authority, \$25,015,000,000.

(B) Outlays, \$25,029,000,000.

Fiscal year 2016:

(A) New budget authority, \$25,834,000,000.

(B) Outlays, \$25,849,000,000.

Fiscal year 2017:

(A) New budget authority, \$26,706,000,000.

(B) Outlays, \$26,382,000,000.

Fiscal year 2018:

(A) New budget authority, \$27,584,000,000.

(B) Outlays, \$27,200,000,000.

Fiscal year 2019:

(A) New budget authority, \$28,559,000,000.

(B) Outlays, \$27,998,000,000.

(18) NET INTEREST (900):

Fiscal year 2009:

(A) New budget authority, \$289,623,000,000.

(B) Outlays, \$289,623,000,000.

Fiscal year 2010:

(A) New budget authority, \$288,716,000,000.

(B) Outlays, \$288,716,000,000.

Fiscal year 2011:

(A) New budget authority, \$331,507,000,000.

(B) Outlays, \$331,507,000,000.

Fiscal year 2012:

(A) New budget authority, \$399,947,000,000.

(B) Outlays, \$399,947,000,000.

Fiscal year 2013:

(A) New budget authority, \$490,049,000,000.

(B) Outlays, \$490,049,000,000.

Fiscal year 2014:

(A) New budget authority, \$590,257,000,000.

(B) Outlays, \$590,257,000,000.

Fiscal year 2015:

(A) New budget authority, \$673,846,000,000.

(B) Outlays, \$673,846,000,000.

Fiscal year 2016:

(A) New budget authority, \$747,041,000,000.

(B) Outlays, \$747,041,000,000.

Fiscal year 2017:

(A) New budget authority, \$815,463,000,000.

(B) Outlays, \$815,463,000,000.

Fiscal year 2018:

(A) New budget authority, \$896,364,000,000.

(B) Outlays, \$896,364,000,000.

Fiscal year 2019:

(A) New budget authority, \$976,346,000,000.

(B) Outlays, \$976,346,000,000.

(19) ALLOWANCES (920):

Fiscal year 2009:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2010:

(A) New budget authority, -\$11,000,000.

(B) Outlays, -\$6,000,000.

Fiscal year 2011:

(A) New budget authority, -\$1,016,000,000.

(B) Outlays, -\$542,000,000.

Fiscal year 2012:

(A) New budget authority, -\$1,367,000,000.

(B) Outlays, -\$1,019,000,000.

Fiscal year 2013:

(A) New budget authority, -\$1,763,000,000.

(B) Outlays, -\$1,428,000,000.

Fiscal year 2014:

(A) New budget authority, -\$2,040,000,000.

(B) Outlays, -\$1,766,000,000.

Fiscal year 2015:

(A) New budget authority, -\$2,074,000,000.

(B) Outlays, -\$1,951,000,000.

Fiscal year 2016:

(A) New budget authority, -\$2,108,000,000.

(B) Outlays, -\$2,034,000,000.

Fiscal year 2017:

(A) New budget authority, -\$1,943,000,000.

(B) Outlays, -\$1,984,000,000.

Fiscal year 2018:

(A) New budget authority, -\$1,978,000,000.

(B) Outlays, -\$1,969,000,000.

Fiscal year 2019:

(A) New budget authority, -\$2,015,000,000.

(B) Outlays, -\$1,985,000,000.

(20) UNDISTRIBUTED OFFSETTING RECEIPTS (950):

Fiscal year 2009:

(A) New budget authority, -\$78,206,000,000.

(B) Outlays, -\$78,206,000,000.

Fiscal year 2010:

(A) New budget authority, -\$68,844,000,000.

(B) Outlays, -\$68,844,000,000.

Fiscal year 2011:

(A) New budget authority, -\$72,088,000,000.

(B) Outlays, -\$72,088,000,000.

Fiscal year 2012:

(A) New budget authority, -\$75,080,000,000.

(B) Outlays, -\$75,080,000,000.

Fiscal year 2013:

(A) New budget authority, -\$78,115,000,000.

(B) Outlays, -\$78,115,000,000.

Fiscal year 2014:

(A) New budget authority, -\$80,151,000,000.

(B) Outlays, -\$80,151,000,000.

Fiscal year 2015:

(A) New budget authority, -\$82,702,000,000.

(B) Outlays, -\$82,702,000,000.

Fiscal year 2016:

(A) New budget authority, -\$86,167,000,000.

(B) Outlays, -\$86,167,000,000.

Fiscal year 2017:

(A) New budget authority, -\$94,794,000,000.

(B) Outlays, -\$94,794,000,000.

Fiscal year 2018:

(A) New budget authority, -\$99,412,000,000.

(B) Outlays, -\$99,412,000,000.

Fiscal year 2019:

(A) New budget authority, -\$103,004,000,000.

(B) Outlays, -\$103,004,000,000.

**SA 768.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 23, after "purposes," insert "provided that such legislation would not result in a direct or indirect increase in energy prices to individuals with adjusted gross incomes of less than \$200,000 or families with adjusted gross incomes of less than \$250,000, and".

**SA 769.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revis-

ing the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 3, line 14, decrease the amount by \$8,608,000,000.

On page 3, line 15, decrease the amount by \$105,822,000,000.

On page 4, line 8, increase the amount by \$8,608,000,000.

On page 4, line 9, increase the amount by \$105,822,000,000.

On page 4, line 17, increase the amount by \$179,046,000.

On page 4, line 18, increase the amount by \$2,901,367,000.

On page 5, line 1, increase the amount by \$179,046,000.

On page 5, line 2, increase the amount by \$2,901,367,000.

On page 5, line 10, increase the amount by \$8,787,046,000.

On page 5, line 11, increase the amount by \$108,723,367,000.

On page 5, line 20, increase the amount by \$8,787,046,000.

On page 5, line 21, increase the amount by \$117,510,413,000.

On page 6, line 3, increase the amount by \$8,787,046,000.

On page 6, line 4, increase the amount by \$117,510,413,000.

On page 27, line 11, increase the amount by \$179,046,000.

On page 27, line 12, increase the amount by \$179,046,000.

On page 27, line 15, increase the amount by \$2,901,367,000.

On page 27, line 16, increase the amount by \$2,901,367,000.

**SA 770.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR A COMPREHENSIVE INVENTORY OF OUTER CONTINENTAL SHELF OIL AND NATURAL GAS RESOURCES.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow the Secretary of the Interior to conduct the comprehensive inventory of the outer Continental Shelf under section 357 of the Energy Policy Act of 2005 (42 U.S.C. 15912);

(2) provide that the inventory conducted under paragraph (1) would not affect the current 5-year program or the program for 2010-2015 developed under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); and

(3) provide that the Secretary of the Interior shall conduct a lease sale in any prospective area identified through the inventory and analysis conducted under paragraph (1).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 771.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . BORDER FENCE CONSTRUCTION.**

(a) IN GENERAL.—If a bill or joint resolution, which appropriates an amount for fiscal year 2010 that is less than \$2,600,000,000 for activities described in section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), is reported in the Senate, the Chairman of the Committee on the Budget of the Senate shall reduce the discretionary spending limits under section 301, allocations to the Committee on Appropriations of the Senate (pursuant to section 302(a) of the Congressional Budget Act of 1974), and budgetary aggregates by the difference between \$2,600,000,000 and the amount provided in such bill or joint resolution for fiscal year 2010 for such activities.

(b) REVISIONS.—Following any adjustment under subparagraph (a), the Committee on Appropriations of the Senate shall report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out the activities described in section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

**SA 772.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 4, line 14, decrease the amount by \$34,170,000,000.

On page 4, line 15, decrease the amount by \$38,847,000,000.

On page 4, line 16, decrease the amount by \$45,300,000,000.

On page 4, line 17, decrease the amount by \$50,655,000,000.

On page 4, line 18, decrease the amount by \$57,729,000,000.

On page 4, line 23, decrease the amount by \$23,170,000,000.

On page 4, line 24, decrease the amount by \$37,847,000,000.

On page 4, line 25, decrease the amount by \$43,300,000,000.

On page 5, line 1, decrease the amount by \$49,655,000,000.

On page 5, line 2, decrease the amount by \$56,729,000,000,000.

On page 5, line 7, decrease the amount by \$23,170,000,000.

On page 5, line 8, decrease the amount by \$37,847,000,000.

On page 5, line 9, decrease the amount by \$43,300,000,000.

On page 5, line 10, decrease the amount by \$49,655,000,000.

On page 5, line 11, decrease the amount by \$56,729,000,000,000.

On page 5, line 17, decrease the amount by \$23,170,000,000.

On page 5, line 18, decrease the amount by \$61,018,000,000.

On page 5, line 19, decrease the amount by \$104,317,000,000.

On page 5, line 20, decrease the amount by \$153,972,000,000.

On page 5, line 21, decrease the amount by \$210,701,000,000.

On page 5, line 25, decrease the amount by \$23,170,000,000.

On page 6, line 1, decrease the amount by \$61,018,000,000.

On page 6, line 2, decrease the amount by \$104,317,000,000.

On page 6, line 3, decrease the amount by \$153,972,000,000.

On page 6, line 4, decrease the amount by \$210,701,000,000.

On page 26, line 24, decrease the amount by \$170,000,000.

On page 26, line 25, decrease the amount by \$170,000,000.

On page 27, line 3, decrease the amount by \$847,000,000.

On page 27, line 4, decrease the amount by \$847,000,000.

On page 27, line 7, decrease the amount by \$2,300,000,000.

On page 27, line 8, decrease the amount by \$2,300,000,000.

On page 27, line 11, decrease the amount by \$4,655,000,000.

On page 27, line 12, decrease the amount by \$4,655,000,000.

On page 27, line 15, decrease the amount by \$7,729,000,000.

On page 27, line 16, decrease the amount by \$7,729,000,000.

On page 27, line 23, decrease the amount by \$34,000,000,000.

On page 27, line 24, decrease the amount by \$23,000,000,000.

On page 28, line 2, decrease the amount by \$38,000,000,000.

On page 28, line 3, decrease the amount by \$37,000,000,000.

On page 28, line 6, decrease the amount by \$43,000,000,000.

On page 28, line 7, decrease the amount by \$41,000,000,000.

On page 28, line 10, decrease the amount by \$46,000,000,000.

On page 28, line 11, decrease the amount by \$45,000,000,000.

On page 28, line 14, decrease the amount by \$50,000,000,000.

On page 28, line 15, decrease the amount by \$49,000,000,000.

On page 50, line 13, decrease the amount by \$34,000,000,000.

On page 50, line 14, decrease the amount by \$23,000,000,000.

**SA 773.** Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which

was ordered to lie on the table; as follows:

At the end of title II, insert the following:  
**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE FOR THE EXTENSION OF THE TOP INDIVIDUAL TAX RATES FOR SMALL BUSINESSES.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that maintains the rates of tax under section 1 of the Internal Revenue Code of 1986 for the highest two rate brackets at 33 percent and 35 percent, respectively, for individuals who receive more than 50 percent of income from a small business concern (as defined under section 3 of the Small Business Act), by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 774.** Mrs. LINCOLN (for herself, Ms. COLLINS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:  
**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING CHILD WELFARE.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would make improvements to child welfare programs, including strengthening the recruitment and retention of foster families, or make improvements to the child support enforcement program, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 775.** Mrs. LINCOLN (for herself, Mr. CRAPO, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 41, line 24, insert after "Indemnity Compensation," the following: "enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition,".

**SA 776.** Mrs. SHAHEEN submitted an amendment intended to be proposed by

her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:  
**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR MONITORING OF FHA-INSURED LENDING.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase the capacity of the Inspector General of the Department of Housing and Urban Development to investigate cases of mortgage fraud of Federal Housing Administration loans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 777.** Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LIMITATIONS ON LEGISLATION THAT WOULD PERMIT THE SECRETARY OF VETERANS AFFAIRS TO RECOVER FROM A PRIVATE HEALTH INSURER OF A DISABLED VETERAN AMOUNTS PAID FOR TREATMENT OF SUCH DISABILITY.**

(a) POINT OF ORDER.—If the Senate is considering legislation, upon a point of order being made by any Senator against the legislation, or any part of the legislation, that the legislation, if enacted, would result in providing authority to the Secretary of Veterans Affairs to recover from a private health insurer of a veteran with a service-connected disability amounts paid by the Secretary for the furnishing of care or treatment for such disability, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—

(A) IN GENERAL.—Before the Presiding Officer rules on a point of order described in subsection (a), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) VOTE.—A point of order described in subsection (a) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—

(A) IN GENERAL.—After the Presiding Officer rules on a point of order described in subsection (a), any Senator may appeal the rul-

ing of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(B) VOTE.—A ruling of the Presiding Officer on a point of order described in subsection (a) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—

(A) IN GENERAL.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) DIVISION.—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

(C) LEGISLATION DEFINED.—In this section, the term “legislation” means a bill, joint resolution, amendment, motion, or conference report.

(d) TERMINATION.—The provisions of this section shall terminate on December 31, 2012.

**SA 778.** Mr. BENNETT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . TARP OFFSET.**

(a) IN GENERAL.—It shall not be in order in the Senate to consider a bill, resolution, amendment, or conference report that provides additional funding for the TARP program unless the measure provides an offsetting reduction in the discretionary spending caps set forth in section 301 of this resolution.

(b) MATTER STRICKEN.—If the point of order prevails under subsection (a), the provision shall be stricken in accordance with the procedures provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVERS AND APPEALS.—

(1) WAIVER OR SUSPENSION.—This section may be waived or suspended in the Senate only by the affirmative rollcall vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 779.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF THE SENATE REGARDING UNWARRANTED TAXPAYER FUNDED BONUSES.**

(a) FINDINGS.—The Senate finds the following:

(1) Taxpayers are outraged that American International Group Inc. (AIG), the insurer bailed out with \$182.5 billion from the United States Government, awarded \$165 million of bonuses to the Financial Products unit, which nearly bankrupted the company. The bonuses were paid less than 2 weeks after AIG reported a \$61.7 billion loss for the fourth quarter, the largest in United States corporate history.

(2) The \$165 million of bonuses paid to AIG employees is dwarfed by the billions of dollars of bonuses paid out to Federal contractors and senior government officials responsible for projects and programs that were over budget or failed to meet basic performance requirements.

(3) The Department of Defense paid \$8 billion in unwarranted bonuses to contractors for weapons programs that had severe cost overruns, performance problems, and delays between 1999 and 2004.

(4) The Centers for Medicare and Medicaid Services pays more than \$312 million per year in quality-of-care bonuses to nursing homes that provide below average care and have past violations of health-and-safety regulations.

(5) The National Aeronautics and Space Administration (NASA) paid Boeing a bonus of \$425.3 million for work on the space station that ran 8 years late and cost more than twice what was expected. Boeing estimates that it will incur an additional \$76 million in overruns by the time the contract is completed.

(6) NASA paid Raytheon a \$103.2 million bonus for the Earth Observing System Data and Information System despite the project costing \$430 million more and taking 2 years longer to complete than expected.

(7) Lockheed collected a \$17 million bonus from NASA for the Landsat-7 satellite even though the project was delayed 9 months even and the costs rose 20 percent to \$409.6 million.

(8) The Department of Commerce selected Northrop Grumman in 2002 to build a \$6.5 billion satellite system that would conduct both weather surveillance and military reconnaissance that was supposed to save the Federal Government \$1.6 billion. The first launch was scheduled for 2008 but hasn't happened, the project's budget has doubled to \$13.1 billion, and Northrop's performance has been deemed unsatisfactory. Yet, from 2002 to 2005, the Federal Government awarded Northrop \$123 million worth of bonuses.

(9) In 2007, Harris Corp. developed a handheld device to collect data for the 2010 Census that failed to work properly and was \$198 million over budget. Despite this costly failure that could cause delays in preparing for the nationwide head count, the Department of Commerce's Census Bureau awarded Harris \$14.2 million in bonuses.

(10) The Federal National Mortgage Association, a government sponsored mortgage enterprise better known as Fannie Mae, suffered \$59 billion in losses last year and has requested \$15 billion in taxpayer assistance. Yet it plans to pay \$4.4 million or more in bonuses to its top executives. Fannie Mae's Chief Operating Officer is expected to receive a \$1.3 million bonus, the Deputy Chief Financial Officer is slated for \$1.1 million, and 2 executive vice presidents are each in line for \$1 million each.

(11) In 2006, more than \$3.8 million in bonuses were paid out to senior officials at the Department of Veterans Affairs months after a \$1 billion budget shortfall threatened to imperil the care of thousands of injured veterans returning from combat in Iraq and Afghanistan. Among those receiving bonuses were some who crafted the VA's flawed budget that was based on misleading accounting and the Deputy Undersecretary for Benefits, who helped manage a disability claims system that had a backlog of cases and delays averaging 177 days in getting benefits to injured veterans. The bonuses were awarded after Federal Government investigators had determined the VA repeatedly miscalculated, if not deliberately misled, taxpayers with questionable budgeting.

(12) In 2006, the Department of Treasury abandoned a \$14.7 million computer project intended to help detect terrorist money laundering. The failed project was 65 percent over its original budget, but the vendor, Electronic Data Systems Corp., was awarded a \$638,126 bonus.

(13) The repair and restart a Tennessee Valley Authority (TVA) nuclear reactor cost \$90 million more than what the Federal utility budgeted, but TVA paid the primary contractors on the project, Bechtel Power Corp. and Stone and Webster Construction Inc., an extra \$42 million in bonuses and other fees last year.

(14) In 2008, the San Diego Unified school district spent more than \$3 million in Federal funding for low-income students, child nutrition, and other Department of Education programs on bonuses for employees leaving the school district.

(15) In 2008, the Department of Education paid nearly \$1.7 million in bonuses to Denver Public Schools principals and assistant principals, including those at some of the lowest-performing schools in the city and 6 schools that have been closed because of poor performance.

(16) The United States Postal Service is expecting a deficit of \$6 billion in 2009, following deficits of \$2.8 billion in 2008 and \$5.1 billion in 2007 and, as a result, may increase the price of first-class mail stamps by 2 cents and end mail delivery 1 day a week. The Postmaster General, however, was paid a \$135,000 bonus in 2008.

(17) In 2008, 3 top executives in the Office of the Inspector General of the Department of Defense each received a cash bonus of \$30,000 for outstanding leadership even though their agency has a history of weak management and strained relations between employees and supervisors.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that Congress and the President should enact legislation that would save the taxpayers billions of dollars every year by—

(1) ensuring that all new contracts using award fees and bonuses link such fees and bonuses to acquisition outcomes, which should be defined in terms of program cost, schedule, performance, and outcome;

(2) ensuring that no award fee or bonus is paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract or significantly exceeds the original cost estimate;

(3) providing that all award fees and bonuses are posted on a public website which would include an itemized, searchable databases of such award fees and bonuses, the amount of each, to whom the award fees and bonuses were paid, the reasons for the awards, and the name of the Department and agency that paid each such award;

(4) prohibiting bonuses from being paid to agency and department managers and grant recipients overseeing a program with performance or over budget costs; and

(5) directing the bipartisan congressional sunset commission established via a deficit-neutral reserve fund under section 212 of the fiscal year 2010 concurrent budget resolution to examine the number and total cost of unwarranted bonuses and award fees paid to contractors and Federal Government executives as part of the panel's review of nonperforming government programs.

**SA 780.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **SENSE OF THE SENATE REGARDING PERFORMANCE MEASURES.**

(a) **FINDINGS.**—Congress finds the following:

(1) The fiscal year 2010 budget funds all Federal Government functions, including every program administered by each Federal department or agency across the country.

(2) The Catalogue of Federal Domestic Assistance lists over 1,800 Federal Government subsidy programs across 63 departments and agencies.

(3) The number of Federal Government subsidy programs has grown by 54 percent since 1990.

(4) President Barack Obama stated, "The Federal Government has an overriding obligation to American taxpayers. It should perform its functions efficiently and effectively while ensuring that its actions result in the best value for the taxpayers."

(5) President Barack Obama has proposed opening up the insular performance measurement process to the public, Congress, and outside experts.

(6) President Barack Obama has proposed creating the position of Chief Performance Officer to improve results and outcomes for Federal Government programs while eliminating waste and inefficiency.

(7) President Barack Obama has proposed working with Congress to address Federal Government efficiency by creating performance teams to reform programs, replacing existing management at Federal agencies, demanding improvement action plans, and cutting program budgets or eliminating programs entirely.

(8) In national polls, less than 1/4, or only 27 percent, of Americans gave a positive rating of the performance of Federal departments and agencies.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) research-based, quantifiable performance measures are necessary to evaluate program effectiveness;

(2) each Federal department and agency should develop performance measures for all programs receiving Federal assistance under its jurisdiction; and

(3) the performance measures developed under paragraph (2) should—

(A) to the maximum extent practicable, draw on research-based, quantitative data;

(B) take into account program purpose and program design;

(C) include criteria to evaluate the cost effectiveness of programs;

(D) include criteria to evaluate the administration and management of programs; and

(E) include criteria to evaluate oversight and accountability of recipients of assistance under such programs.

**SA 781.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** **SENSE OF THE SENATE ON COMPETITIVE BIDDING.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Last year, then-candidate Barack Obama stated that "for too long, Washington politicians have wasted billions on no-bid contracts" and promised to "end abusive no-bid contracts." As part of his "Blueprint for Change," candidate Obama pledged to "ensure that Federal contracts over \$25,000 are competitively bid".

(2) According to the most recent figures compiled by the Federal Government, Federal agencies annually award over \$1,000,000,000,000 in financial assistance alone, with \$496,000,000,000 in grants awarded in fiscal year 2008 and \$518,000,000,000 in contracts and \$29,000,000,000 in direct loans awarded in fiscal year 2007.

(3) A non-competitive grant or contract is Federal funding that is provided directly to an entity, bypassing the standard process for awarding Federal funding in which competing bids are solicited in order to select the most cost-efficient and qualified entity to perform a service.

(4) The volume of non-competitive contracts awarded using Federal funds has risen from \$49,000,000,000 in 2000 to \$134,000,000,000 in 2008, an increase of 176 percent.

(5) The Senate voted 97 to zero in support of competitive bidding for contracts and grants in a Senate-passed amendment to H.R. 1, the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(6) The competitive process helps ensure that the Federal Government receives the highest-quality products for the least amount of money.

(7) This resolution includes a deficit-neutral reserve fund for Defense acquisition and contracting reform and a deficit-neutral reserve fund for a comprehensive investigation into the current financial crisis.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that all Senators support President Obama's pledge to end abusive no-bid contracts by requiring all Federal contracts to be competitively bid.

**SA 782.** Ms. COLLINS (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the



appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, line 13, insert “by investing in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.)” after “students”.

**SA 783.** Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:  
**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO FULLY FUND THE LONG-TERM STABILITY/HOUSING FOR VICTIMS PROGRAM.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fully fund the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act which builds collaborations between domestic violence service providers and housing providers and developers to leverage existing resources and create housing solutions that meet victims' need for long-term housing at the authorized level, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 784.** Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after “economy,” insert “without causing significant job loss in regions of the United States vulnerable to manufacturing or energy-intensive job loss such as the coal-dependent Midwest, Great Plains and South.”.

**SA 785.** Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which

was ordered to lie on the table; as follows:

On page 33, line 21, after “economy,” insert “without increasing fertilizer, diesel, gasoline, electricity or natural gas prices.”.

**SA 786.** Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 21, after “economy,” insert “without increasing residential retail electricity, natural gas or home heating oil prices.”.

**SA 787.** Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 4, line 13, decrease the amount by \$116,626,400,000.

On page 4, line 14, decrease the amount by \$23,103,200,000.

On page 4, line 15, decrease the amount by \$4,939,200,000.

On page 4, line 16, decrease the amount by \$7,053,600,000.

On page 4, line 17, decrease the amount by \$9,575,200,000.

On page 4, line 18 decrease the amount by \$12,156,800,000.

On page 4, line 22, decrease the amount by \$116,626,400,000.

On page 4, line 23, decrease the amount by \$23,103,200,000.

On page 4, line 24, decrease the amount by \$4,939,200,000.

On page 4, line 25 decrease the amount by \$7,053,600,000.

On page 5, line 1, decrease the amount by \$9,575,200,000.

On page 5, line 2, decrease the amount by \$12,156,800,000.

On page 5, line 6, decrease the amount by \$116,626,400,000.

On page 5, line 7, decrease the amount by \$23,103,200,000.

On page 5, line 8, decrease the amount by \$4,939,200,000.

On page 5, line 9, decrease the amount by \$7,053,600,000.

On page 5, line 10, decrease the amount by \$9,575,200,000.

On page 5, line 11, decrease the amount by \$12,156,800,000.

On page 5, line 16, decrease the amount by \$116,626,400,000.

On page 5, line 17, decrease the amount by \$139,729,600,000.

On page 5, line 18, decrease the amount by \$144,668,800,000.

On page 5, line 19, decrease the amount by \$151,722,400,000.

On page 5, line 20, decrease the amount by \$161,297,600,000.

On page 5, line 21, decrease the amount by \$173,454,400,000.

On page 5, line 24, decrease the amount by \$116,626,400,000.

On page 5, line 25, decrease the amount by \$139,729,600,000.

On page 6, line 1, decrease the amount by \$144,668,800,000.

On page 6, line 2, decrease the amount by \$151,722,400,000.

On page 6, line 3, decrease the amount by \$161,297,600,000.

On page 6, line 4, decrease the amount by \$173,454,400,000.

On page 15, line 17, decrease the amount by \$116,000,000,000.

On page 15, line 18, decrease the amount by \$116,000,000,000.

On page 15, line 21, decrease the amount by \$20,000,000,000.

On page 15, line 22, decrease the amount by \$20,000,000,000.

On page 26, line 20, decrease the amount by \$626,400,000.

On page 26, line 21, decrease the amount by \$626,400,000.

On page 26, line 24, decrease the amount by \$3,103,200,000.

On page 26, line 25, decrease the amount by \$3,103,200,000.

On page 27, line 3, decrease the amount by \$4,939,200,000.

On page 27, line 4, decrease the amount by \$4,939,200,000.

On page 27, line 7, decrease the amount by \$7,053,600,000.

On page 27, line 8, decrease the amount by \$7,053,600,000.

On page 27, line 11, decrease the amount by \$9,575,200,000.

On page 25, line 12, decrease the amount by \$9,575,200,000.

On page 27, line 15, decrease the amount by \$12,156,800,000.

On page 27, line 16, decrease the amount by \$12,156,800,000.

**SA 788.** Mr. BARRASSO (for himself, Mr. WYDEN, Mr. CRAPO, Mr. MERKLEY, Mr. KYL, Mr. ENZI, Mr. BENNETT, and Mr. HATCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 13, line 21, increase the amount by \$200,000,000.

On page 13, line 22, increase the amount by \$140,000,000.

On page 14, line 1, increase the amount by \$60,000,000.

On page 27, line 23, decrease the amount by \$200,000,000.

On page 27, line 24, decrease the amount by \$140,000,000.

On page 28, line 3, decrease the amount by \$60,000,000.

**SA 789.** Mr. BARRASSO (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal

year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 13, line 17, increase the amount by \$50,000,000.

On page 13, line 18, increase the amount by \$50,000,000.

On page 27, line 19, decrease the amount by \$50,000,000.

On page 27, line 20, decrease the amount by \$50,000,000.

**SA 790.** Mr. VITTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_.** DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED INSPECTION OF IMPORTED SEAFOOD AND ENFORCEMENT OF OUR TRADE LAWS REGARDING IMPORTED SEAFOOD.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for bills, joint resolutions, amendments, motions, or conference reports that would—

(1) require tougher inspection and testing requirements for imported seafood products to ensure that imported seafood products do not contain chemicals, antibiotics, or any substances that are banned in the United States;

(2) end the practice of “port shopping,” which is used by many seafood importers seeking to avoid the safety standards required of domestic seafood producers, by ensuring that shipments of seafood rejected for any safety violation be clearly mark as rejected and that other U.S. ports are promptly notified of the rejected shipment; or

(3) increase the enforcement of our trade laws and address the problem of (anti-dumping duties that are owed but are not collected, especially on imported seafood products from China;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

**SA 791.** Mr. CRAPO (for himself, Mr. INHOFE, and Mr. RISCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 12, line 21, strike “\$4,489,000,000” and insert “\$4,939,000,000”.

On page 12, line 22, strike “\$6,210,000,000” and insert “\$6,650,000,000”.

On page 12, line 25, strike “\$4,404,000,000” and insert “\$4,844,000,000”.

On page 13, line 1, strike “\$8,906,000,000” and insert “\$8,346,000,000”.

On page 13, line 4, strike “\$4,427,000,000” and insert “\$4,346,000,000”.

On page 13, line 5, strike “\$10,341,000,000” and insert “\$10,781,000,000”.

On page 13, line 8, strike “\$4,619,000,000” and insert “\$5,059,000,000”.

On page 13, line 9, strike “\$5,613,000,000” and insert “\$6,053,300,000”.

On page 13, line 12, strike “\$4,540,000,000” and insert “\$4,980,000,000”.

On page 13, line 13, strike “\$484,000,000” and insert “\$924,000,000”.

On page 25, line 24, strike “\$22,321,000,000” and insert “\$21,871,000,000”.

On page 25, line 25, strike “\$23,021,000,000” and insert “\$22,773,000,000”.

On page 26, line 3, strike “\$22,477,000,000” and insert “\$22,037,000,000”.

On page 26, line 4, strike “\$23,322,000,000” and insert “\$22,882,000,000”.

On page 26, line 7, strike “\$22,707,000,000” and insert “\$22,267,000,000”.

On page 26, line 8, strike “\$23,806,000,000” and insert “\$23,366,000,000”.

On page 26, line 11, strike “\$22,437,000,000” and insert “\$21,997,000,000”.

On page 26, line 12, strike “\$23,252,000,000” and insert “\$22,812,000,000”.

On page 26, line 15, strike “\$22,808,000,000” and insert “\$22,368,000,000”.

On page 26, line 16, strike “\$23,109,000,000” and insert “\$22,669,000,000”.

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** CONTINUATION OF REQUIRED LICENSING ACTIVITIES TO SUPPORT FINAL DISPOSAL OF CERTAIN MATERIALS AT YUCCA MOUNTAIN REPOSITORY.

Notwithstanding any other provision of law, for each of fiscal years 2010 through 2014, there is authorized to be appropriated to the Secretary of Energy and the Chairperson of the Nuclear Regulatory Commission for the continuation of required licensing activities to support the final disposal at the Yucca Mountain Repository of spent nuclear fuel and high-level radioactive waste an amount equal to the increase in amounts made available under Function 270 by the modifications made by this amendment.

**SA 792.** Mr. ALEXANDER (for himself, Mr. ENZI, Mr. GREGG, Mr. JOHANNIS, Mr. BUNNING, Mr. GRAHAM, Mr. ISAKSON, Ms. MURKOWSKI, and Mr. CORKER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, line 10, strike “affordable,” and insert “affordable while maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services.”.

**SA 793.** Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution S.

Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, line 9, insert “does not curb growth in health care spending by using data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs, ensures that comparative effectiveness research accounts for advancements in genomics and personalized medicine, the unique needs of health disparity populations, and differences in the treatment response and the treatment preferences of patients, and” after legislation.

**SA 794.** Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

**SEC. \_\_\_\_.** DEFICIT-NEUTRAL RESERVE FUNDS TO ENHANCE DRUG-CONTROL EFFORTS WITHIN OUR COMMUNITIES AND ALONG OUR BORDERS.

(a) **HIDTA.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase the number of counties designated as High Intensity Drug Trafficking Areas to provide coordination, equipment, technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) **DRUG SMUGGLING.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase drug interdiction funding at the Department of Homeland Security to combat drug smuggling across international borders by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 795.** Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States

Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 37, between lines 8 and 9, insert the following:

(d) **FLOOD CONTROL PROJECTS.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for levee modernization, maintenance, repair, and improvement, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 796.** Mr. CASEY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

**SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR PREKINDERGARTEN OPPORTUNITIES.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that augment or establish a Federal program that provides—

(1) assistance to States that—

(A) offer not less than 1 year of free prekindergarten to children of families who meet the low-income criteria established by the program; and

(B) offer not less than 1 year of subsidized prekindergarten to children of families who meet any other income criteria established by the program; and

(2) as much flexibility as is practicable to the States in carrying out the prekindergarten programs described in paragraph (1), within a construct of incentives and requirements that each such prekindergarten program shall include a strong pre-academic curriculum, employ qualified prekindergarten teachers, and provide for strong program accountability measures,

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 797.** Mr. BURR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels

for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by \$850,000,000.

On page 19, line 25, increase the amount by \$170,000,000.

On page 20, line 4, increase the amount by \$476,000,000.

On page 20, line 8, increase the amount by \$136,000,000.

On page 20, line 12, increase the amount by \$51,000,000.

On page 20, line 16, increase the amount by \$17,000,000.

On page 27, line 23, decrease the amount by \$850,000,000.

On page 27, line 24, decrease the amount by \$170,000,000.

On page 28, line 3, decrease the amount by \$476,000,000.

On page 28, line 7, decrease the amount by \$136,000,000.

On page 28, line 11, decrease the amount by \$51,000,000.

On page 28, line 15, decrease the amount by \$17,000,000.

**SA 798.** Mr. WICKER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 37, between lines 8 and 9, insert the following:

(d) **ALLOWING AMTRAK PASSENGERS TO SECURELY TRANSPORT FIREARMS ON PASSENGER TRAINS.**—None of amounts made available in the reserve fund authorized under this section may be used to provide financial assistance for the National Railroad Passenger Corporation (Amtrak) unless Amtrak passengers are allowed to securely transport firearms in their checked baggage.

**SA 799.** Mr. BENNET (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. . DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS THE SYSTEMIC INEQUITIES OF MEDICARE AND MEDICAID REIMBURSEMENT THAT LEAD TO ACCESS PROBLEMS IN RURAL AREAS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address the systemic in-

equities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 800.** Mr. SANDERS (for himself, Mr. BUNNING, Mr. FEINGOLD, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE TO INCREASE TRANSPARENCY OF THE FEDERAL RESERVE SYSTEM.**

(a) **FINDINGS.**—The Senate finds that—

(1) on January 28, 2009, Doug Elmendorf, the Director of the Congressional Budget Office, provided testimony to the Committee on the Budget of the Senate, that the Board of Governors of the Federal Reserve System (in this section referred to as the “Board”) has committed nearly \$2,300,000,000,000, more than 3 times the cost of the Troubled Asset Relief Program, to programs it created to deal with the financial crisis, with the potential for such taxpayer assistance to grow to at least \$4,500,000,000,000;

(2) on March 7, 2009, Bloomberg News reported that “Government loans, spending or guarantees to rescue the country’s financial system total more than \$11.7 trillion since the international credit crisis began in August 2007.”;

(3) unlike the Troubled Asset Relief Program, the American public does not know the names of the recipients of more than \$2,200,000,000,000 in taxpayer assistance provided by the Board since the beginning of the current United States financial crisis;

(4) while Congress has spent numerous hours of debate on the merits of Federal investments totaling less than \$1,000,000,000, not one significant debate has been held on the floor of the Senate or the House of Representatives in Congress on whether the Board should be exposing American taxpayers to more than \$2,200,000,000,000 in risk;

(5) on March 3, 2009, Chairman of the Board, Ben Bernanke, told the Committee on the Budget of the Senate that since the start of the financial crisis, the Board had provided assistance to “hundreds and hundreds of banks,” but would not name the banks, how much assistance they have received, what they are doing with the taxpayer assistance, or what the specific terms of the assistance were;

(6) the American people have a right to know to whom the Board is lending over \$2,200,000,000,000 taxpayer dollars, how much they are receiving, and what the Board is asking in return for such money;

(7) since the creation of the Federal Reserve System in 1913, there has not been a single, comprehensive independent audit of the Federal Reserve System or the Federal Reserve banks; and

(8) during the worst financial crisis in our nation's history since the Great Depression, a crisis which has led to the largest taxpayer bailout ever, the Board has a responsibility to the American people to explain what they are doing with their hard-earned taxpayer dollars.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Comptroller General of the United States should be provided with the resources and authority necessary to conduct a comprehensive audit of the Board and the Federal reserve banks; and

(2) the Board should publish on its website, with respect to all lending and financial assistance facilities it has created to address the financial crisis since March 24, 2008—

(A) the identity of each business, individual, or entity to which the Board has provided such assistance;

(B) the type of financial assistance provided to that business, individual, or entity;

(C) the value or amount of that financial assistance;

(D) the date on which the financial assistance was provided;

(E) the specific terms of any repayment expected, including the repayment time period, interest charges, collateral, limitations on executive compensation or dividends, and other material terms;

(F) the specific rationale for providing assistance in each instance; and

(G) what that business, individual, or entity is doing with such financial assistance.

**SA 801.** Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, after line 3, insert the following:

**SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND FOR THE UNITED STATES ARMY AND UNITED STATES MARINE CORPS TO REPLACE AND RESET EQUIPMENT.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) establish a balanced process that systematically restores deployed Army and Marine Corps units to a level or personnel and equipment readiness that permits the resumption of training for future missions;

(2) ensure procurement of new equipment to replace battle losses, wash outs, and critical equipment deployed and left in theater;

(3) rebuild or repair equipment to a level commensurate with required performance specifications; and

(4) accomplish reset repair for sustainment and field maintenance to a desired field-level environment for combat capability appropriate with a unit's readiness and future missions;

by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 802.** Mr. PRYOR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHCARE PROFESSIONALS FOR THE VETERANS HEALTH ADMINISTRATION.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) increase the number of healthcare professionals in the Veterans Health Administration to meet the needs of the expanding number of veterans and to fill healthcare professional positions in the Veterans Health Administration that are currently vacant; and

(2) provide enhanced incentives for healthcare professionals of the Veterans Health Administration who serve in rural areas;

by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

**SA 803.** Mr. THUNE (for himself, Mr. BENNET, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

**SEC. \_\_\_\_ POINT OF ORDER ON LEGISLATION THAT INCREASES REVENUE ABOVE THE LEVELS ESTABLISHED IN THE BUDGET RESOLUTION.**

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause revenues to be more than the level of the revenues set forth, prior to any adjustment made pursuant under any reserve fund, for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and

sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 804.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

**SEC. \_\_\_\_ POINT OF ORDER AGAINST LEGISLATION THAT RAISES TAXES ON MIDDLE-INCOME TAXPAYERS.**

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974; and

(2) includes a Federal tax increase which would have widespread applicability on middle-income taxpayers.

(b) DEFINITIONS.—In this subsection:

(1) MIDDLE-INCOME TAXPAYERS.—The term “middle-income taxpayers” means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) WIDESPREAD APPLICABILITY.—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022 (b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) FEDERAL TAX INCREASE.—The term “Federal tax increase” means—

(A) any amendment to the Internal Revenue Code of 1986 that, directly or indirectly, increases the amount of Federal tax; or

(B) any legislation that the Congressional Budget Office would score as an increase in Federal revenues.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, March 31, 2009 at 9:30 a.m. in room 328A of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 31, 2009 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 31, 2009 at 2:30 p.m. to conduct an Economic Policy Subcommittee hearing entitled "Lessons from the New Deal."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 10:15 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Tuesday, March 31, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 10 a.m. in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate to continue on Tuesday, March 31, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 31, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, be authorized to meet during the session of the Senate on Tuesday, March 31, 2009, at 10 a.m. to conduct a hearing entitled, "Stability through Scandal—a Review of the Office of the Chief Financial Officer."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, March 31, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "EPA's Role in Promoting Water Use Efficiency."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CASEY. Mr. President, I ask unanimous consent that Tom Feeley of my staff be granted floor privileges for the remainder of the consideration of the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that Lea Anderson,

a detailee with the Environment and Public Works Committee, be granted the privilege of the floor during consideration of Senate Concurrent Resolution 13.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AUCTIONEERS DAY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 86.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 86) designating April 18, 2009, as "National Auctioneers Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 86) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 86

Whereas auctions have played an important role in the sale and exchange of goods for nearly 2,000 years;

Whereas auctions have been an integral part of the marketplace in the United States and around the world;

Whereas auctioneers sold nearly \$268,400,000 in goods and assets in 2008;

Whereas the National Auctioneers Association has 5,000 members and has its headquarters in Overland Park, Kansas;

Whereas, in 2008, members of the National Auctioneers Association raised \$16,000,000,000 for charity through benefit auctions;

Whereas auctions are growing in popularity and are used with increasing frequency in the marketplace;

Whereas, through competitive bidding, auctions demonstrate how the free enterprise system establishes fair market value;

Whereas trained professional auctioneers ensure that auctions are conducted in a manner that is fair to both buyers and sellers;

Whereas, in the past, Federal, State, and local governments have designated days and weeks to celebrate auctioneers; and

Whereas the designation by the Senate of April 18, 2009, as "National Auctioneers Day" will heighten awareness of the contributions made by auctions and auctioneers to the economy, culture, and way of life of the people of the United States: Now, therefore, be it

*Resolved*, That the Senate designates April 18, 2009, as "National Auctioneers Day".

FINANCIAL LITERACY MONTH

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 94, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 94) designating April 2009 as "Financial Literacy Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, I rise in support of a resolution to designate April as Financial Literacy Month. First, I would like to thank my cosponsors, Senators DODD, CRAPO, KENNEDY, ENZI, HAGAN, CORKER, LEVIN, WICKER, SCHUMER, INOUE, MENENDEZ, DURBIN, STABENOW, JOHNSON, CARDIN, CARPER, LINCOLN, MURRAY, and GILLIBRAND. As in past years, I am once again pleased to work with my colleagues on both sides of the aisle to promote financial literacy for people of all ages across America.

This resolution highlights the need to promote financial literacy in our homes, schools, workplaces, and communities. Education in personal finance means empowerment, because it can provide people with the tools they need for sound decision-making and future economic opportunities. Unfortunately, many individuals do not understand even the basics of our increasingly complex economic system. Although much continues to be done to provide Americans with an education in personal finance and economics, a number of troubling indicators show that many people are not equipped to negotiate financial choices.

For instance, according to the JumpStart Coalition for Personal Financial Literacy, many students who graduate from high school lack basic skills in the management of personal finances such as the ability to effectively balance their checking account. The average score of high school students in the Department of the Treasury sponsored 2008 National Financial Literacy Challenge was a 56 percent—an "F." While some States have begun to recognize the need for economic or personal finance in their curriculum, according to a 2007 "Survey of the States" compiled by the Council for Economic Education only 22 States require an economics test as a high school graduation requirement. We must do more to invest in financial literacy now for our young men and women in order to ensure a knowledgeable, prosperous generation of future American leaders.

On the other end of the spectrum, the 2008 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that the percentage of workers who were "very confident" about having enough money for a comfortable retirement decreased sharply, from 27 percent in 2007 to 18 percent in 2008. This is the biggest 1-year decline in the 18-year history of the survey. To further illustrate this problem, approximately 76 million

adults say they do not have any non-retirement savings, according to the National Foundation for Credit Counseling. These findings suggest a serious problem exacerbated by the fact that most workers have not calculated how much they need to save for retirement, even if they believe they are behind schedule in their retirement savings.

Increased financial and economic literacy can help people navigate around the countless pitfalls that confront working families. In September 2008, consumer bankruptcy filings in the United States increased more than 30 percent from the same period in 2006, and there were more than 1,000,000 personal bankruptcy filings in the United States in 2008, according to the Administrative Office of the United States Courts. This was the highest personal bankruptcy mark since bankruptcy laws were amended in 2005. The current market turmoil underscores the critical need for improved financial literacy in the United States.

As leaders and policymakers, we need to champion financial literacy efforts year round. However, identifying April as Financial Literacy Month will allow us to focus our attention on this critical issue. We must continue to address financial literacy by educating Americans of all ages throughout their lifetime to better protect consumers and expand access to economic empowerment opportunities. Once again, I thank my colleagues for their support of this resolution.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 94

Whereas, in September 2008, consumer bankruptcy filings in the United States increased more than 30 percent from the same period in 2006, according to the Administrative Office of the United States Courts;

Whereas there were more than 1,000,000 personal bankruptcy filings in the United States in 2008, the most since bankruptcy laws were amended in 2005, according to the Administrative Office of the United States Courts;

Whereas, according to a 2008 "Flow of Funds" report by the Federal Reserve, the net worth of households in the United States fell for the 4th consecutive quarter, dropping \$2,800,000,000,000, the largest decline in the 57-year history of the report;

Whereas, according to a 2008 "Flow of Funds" report by the Federal Reserve, household debt in the United States reached \$14,000,000,000;

Whereas the 2008 Retirement Confidence Survey conducted by the Employee Benefit

Research Institute found that the percentage of workers who were "very confident" about having enough money for a comfortable retirement decreased sharply, from 27 percent in 2007 to 18 percent in 2008, the biggest 1-year decline in the 18-year history of the survey;

Whereas the Department of the Treasury sponsored the 2008 National Financial Literacy Challenge, an examination testing knowledge of high school students of important personal finance concepts;

Whereas the average score on the examination was an "F", only 56 percent;

Whereas the 2007 "Survey of the States" compiled by the Council for Economic Education found that only 22 States require an economics test as a high school graduation requirement, 3 fewer than in 2004;

Whereas many students who graduate from high school lack basic skills in the management of personal financial affairs and are unable to balance a checkbook, according to the JumpStart Coalition for Personal Financial Literacy;

Whereas, according to the National Foundation for Credit Counseling, fewer than half the people in the United States accessed their credit report in 2008, despite the fact that such report can be obtained for free and contains critically important information for consumers;

Whereas approximately 76,000,000 adults say they do not have any non-retirement savings, according to the National Foundation for Credit Counseling;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108-159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2009 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.



# CONGRATULATING THE UNIVERSITY OF IOWA MEN'S WRESTLING TEAM

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 95, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 95) congratulating the University of Iowa men's wrestling team for winning the 2009 National Collegiate Athletic Association Division I Wrestling Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I rise today to congratulate the University of Iowa wrestling team for their national championship victory two weekends ago.

On March 21, 2009 wrestling fans all across the country were treated to an exceptional match in St. Louis, MO, while watching the University of Iowa clinch the NCAA Division I Wrestling Championship. Throughout the year, the Hawkeyes maintained an overall No. 1 ranking in the Nation.

This year's wrestling team finished the season with a perfect record for the 12th time in the school's history. The outstanding grapplers and coaches produced a great season, winning numerous awards and praise throughout the country. I also want to take a special moment and congratulate the University of Iowa wrestling head coach Tom Brands, who has led the team to two straight national championships in only 3 years at the helm of the Hawkeye wrestling team.

The University of Iowa students, alumni, faculty and fans are committed to keeping alive the tradition of wrestling in Iowa and bringing pride to the state, as well as the University of Iowa. I want to congratulate the University of Iowa Hawkeyes for winning the 2009 NCAA Division I Wrestling Championship and recognize the achievements and efforts of the wrestlers, coaches, fans and staff who helped the team achieve this significant victory.

I also want to speak to congratulate the Morningside College women's basketball team for winning the 2009 National Association of Intercollegiate Athletics—NAIA—Division II national championship.

On March 27, 2009, the Morningside College Mustangs won the national title game over the Hastings College Broncos in Sioux City. Just a day before, the Mustangs captured the Great Plains Athletic Conference—GPAC—championship title and finished with a perfect 18–0 record.

A couple of individual congratulations are in order here today also. Head Coach Jamie Sale was named NAIA Di-

vision II National Coach of the Year, senior Autumn Bartel was named Most Valuable Player (MVP) of the NAIA Division II national championship, and senior Dani Gass was also named NAIA Division II Player of the Year.

Of special recognition are the seven members of the Mustangs team who were named 2009 Daktronics-NAIA Scholar-Athletes for maintaining a minimum grade point average of 3.5. These members included Cara Anderson, Autumn Bartel, Emily Christen, Sarah Culp, Mackenzi Mendlik, Roni Miller, and Brittany Williamson.

The Morningside College Mustangs received a unanimous number one ranking in the final NAIA Division II Women's Basketball Coaches' Top 25 Poll while finishing the season with a perfect 38–0 record, only the second team in NAIA Division II women's basketball history to do so.

I want to congratulate these athletes on demonstrating exceptional accomplishments both in the classroom and on the court.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 95) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 95

Whereas on March 21, 2009, in St. Louis, Missouri, the University of Iowa Hawkeyes won the 2009 National Collegiate Athletic Association (NCAA) Division I Wrestling Championship with a total of 96.5 team points;

Whereas the University of Iowa is one of the premier academic institutions in the State of Iowa;

Whereas the University of Iowa men's wrestling team was ranked number 1 in the Nation upon entering the tournament;

Whereas the Hawkeyes are back-to-back champions and have won 22 national wrestling titles in the program's history;

Whereas on March 9, 2009, the Hawkeyes won their second straight Big Ten Championship;

Whereas University of Iowa wrestling head coach Tom Brands has led the team to 2 straight victories in only 3 years as head coach;

Whereas the Hawkeyes finished the regular season undefeated for the 12th time in as many years; and

Whereas University of Iowa students, alumni, faculty, and fans are committed to keeping alive the tradition of wrestling in Iowa and bringing pride to the State of Iowa as well as the University of Iowa: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Iowa Hawkeyes for winning the 2009 NCAA Division I Wrestling Championship; and

(2) recognizes the achievements and efforts of the wrestlers, coaches, fans, and staff that

helped the team to achieve this significant victory.

# CONGRATULATING MORNINGSIDE COLLEGE WOMEN'S BASKETBALL TEAM

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 96, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read the resolution as follows:

A resolution (S. Res. 96) congratulating the Morningside College women's basketball team for winning the 2009 National Association of Intercollegiate Athletics (NAIA) Division II championship.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 96) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 96

Whereas on March 17, 2009, at the Tyson Event Center in Sioux City, Iowa, the Morningside College Mustangs won the national title game for the NAIA Division II women's basketball with a 68–63 win over the Hastings College Broncos;

Whereas Morningside College Mustangs captured the Great Plains Athletic Conference (GPAC) championship title with an 18–0 record;

Whereas Morningside College women's basketball Head Coach Jamie Sale was named NAIA Division II Coach of the Year;

Whereas 7 members of the Morningside College women's basketball team were named 2009 Daktronics-NAIA Scholar-Athletes for maintaining a minimum GPA of 3.50 and having at least a junior academic status: Cara Anderson, Autumn Bartel, Emily Christen, Sarah Culp, Mackenzi Mendlik, Roni Miller, and Brittany Williamson;

Whereas Autumn Bartel, a senior guard for Morningside College, was named Most Valuable Player of the NAIA Division II tournament;

Whereas Dani Gass, a senior guard for Morningside College, was named NAIA Division II Player of the Year;

Whereas the Morningside College women's basketball team was the unanimous number 1 vote in the final NAIA Division II Women's Basketball Coaches' Top 25 Poll, receiving 312 points and all 12 first place votes; and

Whereas the Mustangs finished the 2009 season with an undefeated record of 38–0, and was only the second team in NAIA Division II history to do so: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Morningside College Mustangs for winning the NAIA Division II national championship; and

(2) recognizes the achievements of the players, coaches, and staff whose hard work and dedication helped the Morningside College Mustangs win the championship.

#### ORDERS FOR WEDNESDAY, APRIL 1, 2009

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, April 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. Con. Res. 13, the concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mrs. SHAHEEN. Mr. President, under an agreement reached earlier today, when the Senate resumes consideration of the budget resolution tomorrow, 20 hours of the statutory time remains, with each side controlling 10 hours.

#### ORDER FOR ADJOURNMENT

Mrs. SHAHEEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of Senator CARPER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE BUDGET

Mr. CARPER. Mr. President, I rise this evening to address, as others have today, the fiscal year 2010 budget resolution that is currently being considered by this body. We take up this budget under the specter of—some would say gloomy, some would say perilous—economic conditions amidst a credit crisis that threatens long-term damage to our economy—not just to the economy in our country but to economies all over the world. As a result, this budget is very likely probably not the most important vote we cast in the time we serve here but certainly one of the most important we will vote on this year, and maybe in this Congress.

I wish to begin this evening by reminding my colleagues—I know we

have been reminded already today and we will be reminded tomorrow—that our friend, former colleague, Barack Obama, took office just 70 days or so ago. Not since the inauguration of Franklin Delano Roosevelt has an American President inherited such far-reaching economic turmoil and been asked to do so much in such a short period of time.

Over these last 10 weeks, President Obama has become very well acquainted with the economic mess he inherited from the previous administration. On the day his predecessor took office—this was about 8 years ago—our Federal Government enjoyed multibillion-dollar surpluses as far as the eye could see. We were on track, believe it or not, if you recall, on track to actually pay down our national debt, which at the time was a little under \$6 trillion. Since then, sadly, we have seen those surpluses disappear, and they have been replaced instead by the largest budget deficits I think we have witnessed in our country's history. In fact, we ran up as much new debt in the last 28 years as I think we did in the first 220 years of our Nation's history.

When President Bush left office earlier this year, our Nation and the new President were left—and us, here in the Senate and the House—to bear the cost of two wars, tax cuts that tend to favor the wealthiest among us, an increase of more than 50 percent in Government spending, and \$10.6 trillion in debt. Again, that is roughly twice what former President Bush inherited on his first day on the job.

The fact is that our badly damaged credit system, our banking system, along with rising unemployment numbers and a contracting economy, have threatened to reduce future revenues to the point where the burgeoning budget deficits of the last 8 years could become a permanent fixture if we are not careful.

The damage of these potential deficits cannot be overlooked. I believe the deficits matter. I think our Presiding Officer knows the deficit matters—it matters for all of us.

Last year, American taxpayers paid some quarter of a trillion dollars, \$250 billion, in interest payments—not principal, just interest payments—to creditors at home and around the world. I am told each citizen's share of today's debt amounts to more than \$36,000 per person. Beyond our own borders, we now owe some \$740 billion to China. That is almost three-quarters of a trillion dollars. We owe about \$635 billion to Japan. We owe \$133 billion to Brazil. The list goes on and on.

In all likelihood, the large deficits will eventually drive up interest rates for consumers. They will raise prices for goods and services, and they will combine to weaken America's financial competitiveness.

The bigger our deficits become, the fewer resources we have for invest-

ments in energy, education and health care, and we will have fewer resources to help provide tax relief for the middle class and for small businesses that need it the most.

Thankfully, both this President's budget and the Senate Budget Committee's proposed budget for fiscal year 2010, the year that begins this October 1, seek to reverse the trend set in motion by the previous administration. Under both plans, annual deficits will be cut in half over the next 4 years, by 2012.

During his Fiscal Responsibility Summit, which I was fortunate to be able to attend along with Democratic and Republican colleagues, the President said these words:

This will not be easy. It will require us to make difficult decisions.

There is an understatement.

He went on to say we will:

... face challenges we have long neglected.

He went on to add:

But I refuse to leave our children with a debt they cannot repay—and that means taking responsibility right now, in this administration—

And, I might add, in this Congress—for getting our spending under control.

The President is right. Meeting this budget goal will not be easy and will require tough choices and discipline by all of us. Some of these tough choices will come from the spending side, and in a difficult economic times, we have to make sure every dollar we collect from the taxpayers is spent wisely and effectively.

As chairman of the Federal Financial Management Subcommittee of the Homeland Security and Governmental Affairs Committee, I have worked with Senate and House colleagues, including the Presiding Officer, to identify areas of Government spending that are wasteful and in many cases inefficient. One of these areas involves something called improper payments.

According to data reported to the Office of Management and Budget by Federal agencies in their most recent financial statements, the Federal Government made something like \$72 billion last fiscal year in overpayments—actually, improper payments, mostly overpayments. During a series of hearings held by my subcommittee, my colleagues and I learned from GAO that some agencies are not taking seriously their responsibility to properly account for Federal dollars they spend. We also learned that others may not have the resources they need to address their improper payments problem.

Just think about this. This is a big budget. This is a budget that is hundreds of billions of dollars. But \$72 billion was improperly paid, mostly overpayments.

I plan to introduce legislation in the near future that will direct agencies to

focus more of their time and more of their resources on eliminating improper payments—and not just that, but to develop better improper payments remediation plans so they don't continue to make the same mistakes—and finally becoming more aggressive in the use of recovery auditing.

I say to my sons, who are now 19 and 20, there is nothing wrong with making mistakes. We all make mistakes. The only people who don't make mistakes are the people who don't do anything. And if we are doing anything important, a lot of times we make mistakes. But the key here, on improper payments, is to figure out why we are making these mistakes on the improper payments and figure out how not to continue to make the same mistakes and, third, if we made overpayments, to figure out how to go out and recover taxpayers' moneys that have been overpaid.

The proposal we will be introducing with bipartisan support will increase the use of recovery auditing, and the positive impact that recovery auditing will have on Government spending will be measured in billions of dollars.

Even in a day and age where we are looking at a trillion-dollar-plus deficit, billions of dollars still count. A recent test of recovery auditing in just three States' Medicare Programs led to the recovery of \$1 billion.

The Presiding Officer heard me talk about this a time or two, along with the President, when he came to our luncheon last Wednesday here in the Capitol. Three years ago, we started doing I call postaudit recoveries in Medicare to try to identify moneys overpaid in Medicare. We went to three States—California, Texas, Florida—and began to try to recover moneys that were overpaid. The first year, we didn't get much of anything. The second year, we captured a little bit of money. Last year, it was close to \$1 billion in just three States. What I suggested to the President and my colleagues: We should not just be doing this in three States; we should do it in all 50 States and recover real money. The other thing we ought to do is consider the Medicaid Program and see whether there is some way we can do with Medicaid, in terms of recovering misspent moneys, overpayments—we do that, take the same lessons from Medicare and apply them to Medicaid.

I am pleased to see that the Senate budget makes a number of tough choices when it comes to Federal spending. Senator CONRAD has shown great leadership and fiscal discipline in his drafting of this Senate resolution, and his counterpart over in the House, our old friend Congressman JOHN SPRATT from South Carolina, has managed to do the same in the House. The Senate Budget Committee has sent us a lean budget this year, relatively speaking, that increases discretionary

spending, I am told, by about 5 percent over the fiscal 2009 level, despite calls to do much more. Frankly, that is a bit less than was asked for by our President.

While making sure the taxpayer funds are spent wisely is crucial, I would just add that I, for one, reject the philosophy held by some that discretionary spending is the culprit—maybe the major or even the only culprit for our fiscal mess.

Balanced budgets will not come just from reductions in discretionary spending. Fundamental reform of our major entitlement programs, coupled with some changes in our tax codes, must occur if we are to restore fiscal sanity to our Federal budget.

On the entitlement side, the Presiding Officer, among a number of centrist Democrats, met today with our budget director OMB Director Peter Orszag. Among the things we talked about were entitlement programs and entitlement spending.

The entitlement spending on health care consumes an ever-increasing percentage of our GDP, with the U.S. currently spending over \$2 trillion a year on health care. That is about 17 percent of GDP, and we are on a track to get up to about 20 percent in the next several years—20 percent of GDP just for health care.

I am told that if you look at three programs now, three entitlement programs, Social Security, Medicare and Medicaid, if you gather the amounts, they are about 10 percent of our GDP. And we are on a track that in about 25 years, those three programs alone will amount to 25 percent of GDP, and 20 percent of GDP is historically our whole budget—in just three programs. That is obviously not sustainable.

And while we spend a whole ton of money, \$2 trillion a year on health care, a number of folks suggest that about \$700 billion, \$700 billion of that money, that is about 35 percent of it, does not really improve our health outcomes.

We spend more money than any other developed nation for health care and we certainly do not get better results. This cost growth raises the pricetag associated, as I said, with entitlement programs such as Medicaid as well.

And I repeat myself that the current path we are on is clearly not sustainable, both for our fiscal health and for our medical health, and it is not sustainable as far as our being competitive with the rest of the world and our businesses trying to compete, whether building cars or windmills or building electronic equipment. It makes us uncompetitive around the world.

America must reform its health care system. We have responsibility to help do that so we can reverse the rise in health care costs, while we improve the quality of care. We simply cannot afford to continue on this trajectory. As

I have said, and I am sure my colleague presiding has, doing nothing is not an option.

I wanted to commend tonight not only Senator CONRAD, but I wanted to commend the Senate Budget Committee for including a deficit-neutral reserve fund in the Senate budget that will enable us to advance a health care reform bill and reduce Medicare and Medicaid's contribution to our budget deficit.

Now, on the tax side, I am pleased the Senate budget provides middle-class taxpayers with a measure of tax relief. They still have to pay taxes, but in this budget package and this spending plan they receive a measure of tax relief, something of which this President is a champion.

Taxpayers need certainty, though, when it comes to making middle-class tax provisions permanent. Taxpayers need certainty when it comes to the alternative minimum tax. And taxpayers certainly need certainty when it comes to the estate tax.

The idea that we are going to have an estate tax this year, we are not going to have one next year, and then a year later after that we are going to go back to the same estate tax we had in 2001 does not make a whole lot of sense to us and to our constituents. But this budget begins the process of addressing those issues, and I look forward to working with my colleagues, both in the Finance Committee and on the Senate floor, in addressing them.

On the estate tax, this budget includes a proposal that looks a lot like one I introduced a year or two ago. And it would permanently extend the 2009 rate of 45 percent, and an exemption of \$7 million per couple. It would index that amount, that is exempted from taxes by the rate of inflation each year. So it is not going to be \$7 million that is the exempt number forever; it will go up each year by the rate of inflation. And that which is not covered within that exemption is taxed at the rate of 45 percent, which is really right about where we are this year. I think this proposal represents a sensible way to balance our two critical goals, and seems fair and reasonable, is what Fox says.

It helps us to avoid hitting middle-class taxpayers and small businesses. It helps us to avoid the problems we have had with the alternative minimum tax, where we have not indexed it in over 30 years.

Finally middle-class families are finding out they are subject to the alternative minimum tax. And someday the same thing will happen to the estate tax if we do not index it.

In addition to the estate tax provision, this budget extends the previous administration's 2001 and 2003 tax cuts for the middle class. We are not throwing out everything we have done in 2001 and 2003 in the Bush administration if

it is meritorious. And that is an example—those are examples of things we want to preserve. We think that preserving tax relief for the middle class is a high-yield, low-risk investment. It will be the middle class, we think, who lifts the economy out of the recession and ushers us through the decade of innovation and hopefully to prosperity. I believe this extension of these tax cuts will go a long way toward bolstering a resurgence.

While many of these provisions seek to help stimulate growth through revenue modifications, we also need to make some other changes to our current tax policy in order to help increase revenues that will pay down our budget deficit. One way to do this is to close something we call the tax gap, which I am pleased to say is a high priority of this budget resolution. Most Americans, if they knew that something like \$400 billion of taxes that are owed to the Federal Government are not being collected—and most people in this country pay their fair share of taxes—the idea that, gosh, almost a half a trillion is not being collected on an annual basis makes my blood boil, and I suspect makes it boil for a lot of other people.

As it turns out, there are a number of things that we can do to address the tax gap. I am delighted in the budget document that we are seeing, it reflects a whole lot of steps we can take. Through my subcommittee that I chair on the Homeland Security and Governmental Affairs and through my work on the Finance Committee, I have been helped by a bunch of people to enable us to craft legislation—I will be introducing it soon—that helps close the tax gap, and we do it by focusing on improving compliance.

I would say this. You and I, most people, if taxes are withheld from our income, we comply. We have a compliance rate of about 99 percent of paying our fair share of taxes. When our income is reported to the IRS on, say, a 1099, there is about a 90-percent, maybe 95 percent, compliance with paying our fair share of taxes.

When there is not withholding of taxes, where there is not reporting of income, the rate of compliance drops way down—as low as 50 percent, even lower than that.

I am looking forward to working with our new President and my colleagues, Democrats and Republicans, in a nonpartisan way, of putting together a package of proposals to meet the goals that are laid out in this budget, particularly with respect to making sure people pay their fair share of taxes.

While the Senate budget does extend the Bush tax cuts for the middle class beyond fiscal year 2010, it does not do

the same for some of our most affluent Americans. During the previous administration, some of the wealthiest Americans shouldered disproportionately less tax burden than do many members of the middle class.

The budget before us seeks to restore a fairer balance while also providing the revenue needed to close our budget deficits over the next several fiscal years.

Finally, I commend Senator CONRAD and the President for acknowledging that we have to do more to address climate change in this budget—something with which I know our Presiding Officer agrees—keeping open all of our options, including a cap-and-trade system which I have worked on for a number of years for reducing greenhouse gas emissions.

Unfortunately, some of my colleagues have likened a climate cap-and-trade program to a carbon tax. I always find it interesting that people around here seem to embrace the idea or propose the idea of a carbon tax instead of a cap-and-trade approach on climate change. Most of the people that seem to propose and embrace a carbon tax would not vote for one if they had the chance to, which is kind of ironic.

Let me be clear. On a cap-and-trade system—and where we basically say for carbon dioxide emissions, we are going to put a cap on how much can be emitted—over time we are going to bring that cap down, and we are going to give folks, the emitters, the chance to trade as they reduce their emissions, to have an opportunity to trade with other emitters, and find ways to harness economic forces to reduce, in an effective way, an efficient way, our emissions of CO<sub>2</sub>.

But among the advantages of a cap-and-trade system, it is flexible within our economy. It interacts with folks like in Europe who have been doing this cap-and-trade stuff for a while. It ensures that we get the needed pollution reductions.

A great example of a cap-and-trade program is the Acid Rain Program. It was not set up by a Democrat. It was not set up by Bill Clinton. It was set up by former President Bush. George Herbert Walker Bush set it up in 1990.

That cap-and-trade program, the Acid Rain Program, has reduced sulfur dioxide emissions at half the estimated cost and quicker than expected, making it one of the most successful environmental programs in our Nation's history.

I hope my friends here will not forget that cap and trade is a valuable market tool that has been proven to secure air quality improvements at half the cost. It is not a tax.

We have a chance to test this baby, see how it works. We have seen it work very well.

Let me add in closing that this budget resolution puts the brakes on some of the budgetary tactics used in recent budgets and puts our Nation back on a path toward fiscal discipline. While we can't solve all our budget problems in 1 year, this bill represents the opening salvo in a multiyear battle to reduce our deficits and prevent our children from bearing the cost of ever greater deficits.

At the President's first fiscal summit a month or so ago, he noted:

While we are making important progress toward fiscal responsibility this year, in this budget, this is just the beginning. In the coming years, we'll be forced to make more tough choices and do much to address our long-term challenges.

He is right. To paraphrase Robert Frost, we have miles to go before we sleep.

I stand ready to help this President, to work with my colleagues, Republican and Democrat, House and Senate, to make some of those tough choices and to tackle the challenges in the years to come.

I yield the floor.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 8:46 p.m., adjourned until Wednesday, April 1, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF ENERGY

INES R. TRIAY, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL MANAGEMENT), VICE JAMES A. RISPOLI, RESIGNED.

##### DEPARTMENT OF COMMERCE

LAWRENCE E. STRICKLING, OF ILLINOIS, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE JOHN M. R. KNEUER.

##### DEPARTMENT OF THE INTERIOR

HILARY CHANDLER TOMPKINS, OF NEW MEXICO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE DAVID LONGLY BERNHARDT, RESIGNED.

##### DEPARTMENT OF JUSTICE

THOMAS E. PEREZ, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WAN J. KIM.

#### WITHDRAWAL

Executive Message transmitted by the President to the Senate on March 31, 2009 withdrawing from further Senate consideration the following nomination:

JONATHAN Z. CANNON, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MARCUS C. PEACOCK, RESIGNED, WHICH WAS SENT TO THE SENATE ON MARCH 11, 2009.

## EXTENSIONS OF REMARKS

IN MEMORY OF ARCHIE GREEN

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Ms. PELOSI. Madam Speaker, I rise to pay tribute to Archie Green, a distinguished San Franciscan, who died on March 22, 2009.

Born on June 29, 1917, Archie went on to a long and unique career. A scholar-worker, as he called himself, he blended his participation in the Civilian Conservation Corps, his service in the United States Navy during World War II, his experience as a shipwright and union member, his dedication to the study of workers' culture, his responsibilities as a family man, his scholarly training that resulted in a Ph.D. in folklore, his experience as a university professor and, above all, his unwavering dedication to social justice.

Archie Green's contributions are many and I wish to mention a few of the most prominent ones. Archie envisioned a national center that would preserve and present American folklife and spent years lobbying the Congress tirelessly for the passage of federal legislation that would make this a reality. In time, this effort was successful and the American Folklife Preservation Act was unanimously passed by Congress and signed into law by President Ford in 1976. This led to the establishment of the American Folklife Center at the Library of Congress. For this work, Archie was honored in 2007 with the Library of Congress' Living Legend Award.

Archie wrote many books and articles about the diverse traditions of working people and other ordinary Americans. In our city of San Francisco, he worked diligently to draw attention to the contributions of all working people. He was instrumental in the preservation of structures along the waterfront that are a direct link to shipping, longshoring and other maritime occupations that were so important to the city's growth. He was also a leader in the effort to erect plaques identifying other important labor landmarks around the city.

In 2000, he was one of the founders of the nonprofit Fund for Labor Culture & History, a national organization dedicated to promoting a greater understanding of "laborlore," which has convened meetings that bring together activists, trade unionists, scholars, and artists to discuss their various perspectives on workers' culture.

While we mourn the loss of our friend, we celebrate the life of a generous and inspirational person who used his many skills to raise the nation's awareness of the traditions of working people and the indispensable role they have played in forging our personal identities and our national heritage.

I hope it is a comfort to his wife, Louanne Green, his three sons, his sister, his four grandchildren, and to his many family and

friends that so many in our country mourn their loss and are praying for them at this sad time.

HONORING JAMES SABIN

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate James Sabin upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. Mr. Sabin was honored on Saturday, January 31, 2009.

Mr. Sabin graduated from Huntington Beach High School in 1958 and soon after graduation he joined the U.S. Navy. He completed Navy boot camp and was on his way to Norman, Oklahoma for training at the Aviation Fundamental School. Upon completion of training he was designated as an Aviation Mechanic and was sent the Naval Air Station in Corpus Christi, Texas. He served at Corpus Christi for twenty-six months then was assigned to Guantanamo Bay, Cuba. The Soviet Union and Cuba had entered into a close alliance and Soviet Premier Nikita Khrushchev had begun secretly installing Soviet missile sites in Cuba. Conflict was coming and Mr. Sabin found himself on the front line. The Navy sent battle groups into the area while the Army and Marines prepared to send airborne and amphibious units into Cuba.

Mr. Sabin served in Guantanamo Bay for fourteen months, between 1961 and 1962. For his service he was awarded the National Defense Service Medal, the Armed Forces Expeditionary Medal and the Good Conduct Medal. Upon exiting the military he attended junior college and worked as a salesman for a soft drink company. He also became involved with the ministry and in 1981 he became Pastor of the Cathedral of Faith in Chowchilla. He has been involved in the ministry for thirty-seven years. He became a funeral director for the Worden Funeral Chapel in 1992, serving the needs of families at times of great sorrow with sincere compassion.

Mr. Sabin and his wife, Sandra, have two children and four grandchildren. He is a life member of the Chowchilla Veterans of Foreign Wars, Post 9896, where he serves as Post Chaplain and a member of the First Assembly of God Church.

Madam Speaker, I rise today to commend and congratulate James Sabin upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Sabin many years of continued success.

82ND ANNIVERSARY OF THE BIRTH OF CESAR CHAVEZ

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. ORTIZ. Madam Speaker, I rise today to honor the life, work, and 82nd anniversary of the day Cesar Chavez was born.

He was born on March 31, 1927 near Yuma, Arizona. Chavez was a civil rights, Latino, farm worker, and labor leader. To some he was also a religious and spiritual figure; and to all, he was a community servant and a crusader for nonviolent social change. He also spent his time as an environmentalist and consumer advocate. But above all, he was a person who had the strength and courage to fight for what he knew was right and to try and rid the world of injustice.

After spending most of his childhood as a migrant farm worker with his parents, Chavez joined the U.S. Navy in 1946 and served in the Western Pacific just after WWII.

For more than three decades Chavez led the first successful farm workers union in American history, achieving dignity, respect, fair wages, medical coverage, pension benefits, and humane living conditions, as well as countless other rights and protections for hundreds of thousands of farm workers. Against previously insurmountable odds, he led successful strikes and boycotts that resulted in the first industry-wide labor contracts in the history of American agriculture. His union's efforts brought about the passage of the groundbreaking 1975 California Agricultural Labor Relations Act to protect farm workers. Today, it remains the only law in the nation that protects the farm workers' right to unionize. We must continue to protect farm and agricultural workers who are a dedicated labor force and a vital contributor to our economy.

As I reflect on his life and work, I am privileged to be a fellow Veteran of the U.S. Armed Services and a fellow Mexican American. It was my honor to serve the country that we both felt strongly enough to continue to fight for its betterment. Chavez not only fought for Latinos, but he fought for the dignity of this nation, and for that we are forever grateful.

PERSONAL EXPLANATION

**HON. SHELLEY BERKLEY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Ms. BERKLEY. Mr. Speaker, I was unable to vote on rollcall Nos. 163 through 165. Had I been present, I would have voted "yea" on each.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING AAUW OF NAPA  
COUNTY, CALIFORNIA

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. THOMPSON of California. Madam Speaker, I rise today to honor the American Association of University Women of Napa County on the occasion of the 80th anniversary of their founding. AAUW-Napa County has done visionary work to serve the community as well as fulfill their charter of advancing justice and equality for women.

Over 80 years ago, inaugural President Stella Linscott and a band of determined Napans started the AAUW Napa County branch with the goal of promoting equity for women and girls through advocacy, education and research. This organization that began as a response to sexism and discrimination in our society has become a pillar of our community.

Their endless contributions to the Napa Valley over the years include annual scholarships for local women, voter education forums, the Adopt-A-Road program and contributions to AAUW's Legal Advocacy Fund and Educational Foundations. The Napa County Branch of AAUW is an important component of a statewide organization that has played a crucial role in finally achieving gender equity in college enrollment in California.

Madam Speaker, it is appropriate at this time that we thank AAUW-Napa County for the remarkable work they have done for everyone in our County. It is through the hard work and generous contributions of many members of our community that this branch has thrived for the past 80 years, and I know that we will continue to see progress for many years to come.

EARMARK DECLARATION

**HON. ZACH WAMP**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. WAMP. Madam Speaker, as a leader on earmark reform among House Republicans, I am committed to honoring House Republican rules that provide for greater transparency. H.R. 1105 The Fiscal Year 2009 Omnibus Appropriations contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Account: Army Corp of Engineers—Construction

Legal Name of Requesting Entity: United States Army Corp of Engineers—Nashville District

Address: 110 9th Avenue South Nashville, Tennessee 37203-3863

Description of Request: Funding in the amount of \$42 million is required for the U.S. Army Corp of Engineers to replace the Chickamauga Lock. The lock is a major economic engine in the Tennessee Valley region. Commodities passing through the lock have origins and destinations in 17 states in the South, Midwest and Mid-Atlantic regions, traveling an

average 1,400 miles. Over the last several years, 2.5 million tons passed through the lock annually, and the forecasted traffic demand is expected to grow considerably. The U.S. Army Corp of Engineers indicates that replacement of the existing lock is far more economical than continuing costly maintenance and repair.

Distribution of funding:

Construction: 100%

PERSONAL EXPLANATION

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. PASCRELL. Madam Speaker, on March 30th, I was detained in my district and therefore missed the three rollcall votes of the day. Had I been present I would have voted "yea" on rollcall vote No. 163 on the Motion to Table the Privileged Resolution. Had I been present I would have also voted "yea" on rollcall vote No. 164 on the Motion to Suspend the Rules and Pass H.R. 20—Melanie Blocker Stokes Mom's Opportunity to Access Health, Education, Research, and Support for Postpartum Depression Act. Lastly, had I been present I would have voted "yea" on rollcall vote No. 165 on the Motion to Suspend the Rules and Pass H.R. 479—Wakefield Act.

HONORING HANK PITTMAN

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Hank Pittman upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. Mr. Pittman was honored on Saturday, January 31, 2009.

Mr. Pittman was born in Madera, California in September 1947. He was raised in Chowchilla, graduated from Chowchilla High School in 1965 and immediately enlisted in the U.S. Navy. He completed Navy boot camp in San Diego and was designated as a shipfitter. He was assigned to the USS *Long Beach*, a guided missile cruiser, and in 1966 was deployed to the Western Pacific. The cruiser served in the Gulf of Tonkin to detect enemy aircraft attempting to evade identification by hiding among U.S. aircraft returning from missions over North Vietnam. The USS *Long Beach* also provided support for Search and Rescue helicopter units that rescued downed fliers. During this tour, the ship was responsible for downing Soviet-made North Vietnamese An-2 planes attempting to fire on South Vietnamese Navy units. In July 1967 the USS *Long Beach* was re-deployed to the Gulf of Tonkin and shot down two MiG fighters with RIM-8 Talos missiles. Crew members were awarded a Meritorious Unit Commendation for these actions.

Upon returning to the U.S., Mr. Pittman was selected for a two month training course at the Navy Divers' School in San Diego. When he

completed the course he was designated as a Hull Maintenance Technician (Diver). His next duty station was with the USS *Simon Lake*, a submarine tender in Holy Loch, Scotland. During the next eighteen years he completed more courses and steadily progressed in rank while serving on a number of ships, naval air stations and bases.

In 1976, while serving aboard the USS *Holland*, Mr. Pittman received a letter of commendation for superior performance in critical operations repairing the hull of the USS *Batfish*, a nuclear-powered attack submarine. Two years later he successfully completed a seventeen week Deep Sea Diving and Salvage Course at the Washington Navy Yard. Mr. Pittman was promoted to Chief. Throughout his career he served on many ships and at many stations around the U.S., Southeast Pacific, Europe, the Indian Ocean, Australia, the North Atlantic, Africa, Panama and the Caribbean. Chief Pittman retired in February 1987. For his service he was awarded the Navy Achievement Medal, the National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal with Device, three Meritorious Unit Commendations, four awards for the Good Conduct Medal, the Navy Expeditionary Medal, the M-14 Rifle Ribbon, the .45 Pistol Ribbon and the Sea Service Deployment Ribbon.

After retiring from the Navy, Mr. Pittman worked as a security officer, forklift operator and wood cutter. He is a life member of the Veterans of Foreign Wars, Post 9896, where he served six years as Post Commander and attends the Church of Latter Day Saints. He has three children and three grandchildren.

Madam Speaker, I rise today to commend and congratulate Hank Pittman upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Pittman many years of continued success.

REMEMBERING BILL TATUM IN  
THE PAGES OF THE NEW YORK  
CARIB NEWS

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. RANGEL. Madam Speaker, I rise today to submit a New York CARIB News tribute to the late Wilbert Bill Tatum, honoring the journalistic heavyweight for his commitment to his craft, his community, and to social justice and equality. He passed away in late February, ending a decades-long tenure as the owner, chairman, and publisher of the Amsterdam News—a premier and pioneering Black newspaper in the heart of Harlem. He wielded his pen as a sword, holding public servants' feet to the fire and rarely mincing his words in pursuit of truth. A philanthropist of formidable character and impassioned conviction, Tatum lent a powerful voice to the African American community through his words and his inspiration. The following article—"Wilbert Tatum Remembered," published on March 17 and written by Victoria Horsford—details the legacy of the great Bill Tatum.



## WILBERT TATUM REMEMBERED

Wilbert Bill Tatum, Amsterdam News Chairman/CEO and publisher emeritus died, a long way from home, on February 26 in Croatia. The ultimate Fourth Estater, Bill Tatum was equal parts race relations maven, humanist, entrepreneur, and warrior. He left a legacy of integrity and passion in journalism.

Tatum was a face in the proactive Harlem crowd for almost four decades, which predates the \$2.3 million purchase of the Amsterdam News in 1971, by him, Percy Sutton and other business associates. In 1983, Tatum assumes full control of the paper. By 1996, Tatum bought out all of his AmNews partners, became the sole owner and Begins the Tatum Era. Founded on December 4, 1909, the Amsterdam News emerged as one of the most important Black newspapers in the U.S. on par with the Pittsburgh Courier, The Afro-American, and The Chicago Defender. Tatum kept burnishing the paper's image while keeping a watchful eye as events unfolded of special interest to the Amsterdam News readers.

Tatum's editorials railed against inequities vis-à-vis the Black community re: housing, employment, term limits, the NYPD, immigration. No one nor organizations was off limits to the acidic Tatum editorial. He relished a good fight taking on mayors and local corrupt community leaders, businessmen and untoward clergy. For years, he ran acid-tinged "Mayor Ed Koch must go" editorials. In the 90s, he began a long run of "Mayor Rudy Giuliani must go" editorials. He allocated equal editorial space to unsung community heroes and contributed regularly to scores of charities.

Tatum was one of a few publishers who believed in the innocence of the young Black men convicted in the racially marred Central Park jogger rape case. He was best when he was opinionated and tapping into instincts. The AmNews had taken on a new life during his watch. It was the World According to Bill Tatum. And what a delightfully, crazy, unpredictable, diabolical, lovable, plot-rich moral world it was. He ceded control of the paper to his daughter Elinor in 1997. Last Friday, 2/27 during a NY1 TV interview, Elinor said "My dad loved the Amsterdam News," she added. "He was born in North Carolina, was one of 13 children, a descendant of sharecroppers whose granddad started a newspaper. He wanted to make this world a better place for people who looked like him." A Lincoln University and Occidental College alum, Tatum had a master's degree in Urban Studies.

The following are remembrances of Bill Tatum. Governor David Paterson reflects on Tatum "as a decent person who stood out amongst the giants of NYC for his commitment to justice and social equality." Mayor Michael Bloomberg intones. "The paper was really heard across the city...and on many occasions, around the world. He covered issues of concern to African Americans in ways that other media opportunities they might not otherwise have had. He was a real character in the nicest sense of the word!" NYC Comptroller Bill Thompson says. "Bill was a pioneer in publishing...who always stood up for causes he believed in and spoke out against injustice and highlighted issues too often forgotten and ignored. Bill always let you know when he disagreed with you in a genuine forthrightness." Manhattan Borough President Scott Stringer says. "NY lost one of our great citizens. . . . Bill wore many hats at the Amsterdam and its success is due to his dedication and vision."

Reverend Al Sharpton remembers. "Bill Tatum was an iconic and vitally important figure in both journalism and civil rights. We have lost a great advocate, a penetrating writer and unmatched institution builder and for me a great friend and father figure."

Survived by his wife Susan and his daughter Elinor, Bill Tatum's wake was held on Thursday, March 5, at the Provenzano Lanzo Funeral Home at 43 Second Avenue. His funeral was held Friday, March 6 at 10 am at Harlem's Riverside Church at 490 RSD, near 120 Street.

The family requests that you make donations to the Amsterdam News Educational Foundation, 34 East Third Street, NYC 10003.

## PERSONAL EXPLANATION

## HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 2009

Mr. RUPPERSBERGER. Madam Speaker, on Thursday, March 26, 2009, during the debate on the FLAME ACT, I inadvertently voted "aye" on rollcall 161, the Rep. Goodlatte Amendment. I meant to vote "no."

## IN RECOGNITION OF DAVID WARREN

## HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 2009

Mr. WILSON of South Carolina. Madam Speaker, when David Warren came to the Richland County Public Library (RCPL) in Columbia, S.C., in 1979, he brought leadership and vision that would expand and transform the library and reintroduce it to the Richland community. Since that time, the RCPL has grown in size and scope—including the construction of a 242,000-square-foot Main Library, the expansion of five and the construction of 2 new branches, an increase in the circulation of materials to 3.3 million and the library's collection to over 1.3 million pieces.

As executive director of the Richland County Public Library, Warren has been recognized across the country and internationally for his leadership and strength in library management. His reputation as an innovator has led to numerous appointments with local, state, and national organizations. Under Warren's leadership, RCPL was named the National Library of the Year in 2001, bringing positive national attention to the Midlands and South Carolina. His vision and ability to think outside the box has enabled RCPL to set a new standard for public library systems in South Carolina and the Southeast.

Named Librarian of the Year by the South Carolina Library Association in 1991 and Public Administrator of the Year by the South Carolina Chapter of the American Society for Public Administrators for 1992/1993, Warren's leadership and commitment to his community has justly earned him this recognition and much appreciation from those who have benefited from his tremendous efforts.

I congratulate David Warren on his retirement and wish him many more years of success and service.

IN MEMORY OF JOHN WOODWARD, JR.

## HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 2009

Mr. GALLEGLY. Madam Speaker, I rise in memory of John Woodward, Jr., whose very life proved that one could be gentle, kind, civil and honest—and financially successful.

John Woodward became an entrepreneur relatively late in life. After serving in Guam and Okinawa with the U.S. Army during World War II, John was drafted by Chrysler Corporation while he was still a business major at the University of Southern California.

He spent the next few decades working his way up the auto industry corporate ladder, including about a decade traveling around the country establishing dealership franchises. Then, in 1976, John and his wife, Nada, who he had met during World War II when she was an Army nurse, moved their family to Thousand Oaks, California, where he opened Westoaks Chrysler Dodge.

The dealership's motto was, "Where People Care." By all accounts, John made sure the dealership lived up to that motto right up until he sold it last year.

In addition to opening his own dealership, John also was instrumental in starting the Thousand Oaks Auto Mall. As an active member of the Thousand Oaks-Westlake Village Regional Chamber of Commerce, John led the fundraising drive for the Chamber's first building.

But John's civic mindedness did not end with business promotion. He believed in his community and worked tirelessly on its behalf. John was a key donor to the Community Conscience of Conejo Valley and supported a multitude of children's sports teams, civic groups and charitable organizations. Among his many accolades was being named the Chamber's Man of the Year.

My wife, Janice, and I were privileged to call him our friend.

Madam Speaker, John's wife of nearly sixty years died four years ago. Many were touched by their legacy of honesty and civility, but none more than their three children, Ginny, Nancy and John III; and their four grandchildren. I know my colleagues will join Janice and me in offering our condolences to John's family and all who knew him and called him a friend.

Godspeed, John.

## HONORING ALLEN BUSHMAN

## HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Allen Bushman upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. Mr. Bushman was honored on Saturday, January 31, 2009.

Allen Bushman was born in March 1930 in Fairview, Utah, and at age eighteen he enlisted in the newly formed United States Air

Force. He completed his basic training at Lackland Air Force Base in Texas. He went on to serve in a variety of assignments, including an aircraft engineering mechanic for the B-29 and B-36 bombers and the KC-97 Stratotanker. These aircrafts were instrumental during the Korean War, completing missions from Japan and Okinawa to bomb targets in North Korea. After the war, Mr. Bushman completed Aircraft Maintenance Technician School and qualified as an Inflight Air Refueling Boom Operator. The Stratotanker was an aerial refueling tanker; it was vital to the Air Force as the B-47 became the primary bomber for world-wide strategic operations.

During the 1960s, Mr. Bushman completed courses at the USAF Advanced Flying School and was selected for advanced training for the KC-135 and completed the Combat Crew Training Squadron Course. He also completed the Management Course for Air Force Supervisors and the Special Vehicle Repairman Course. Mr. Bushman was assigned as the boom operator on the KC-135 where he flew on missions from Okinawa and Guam, refueling the B-52 and other aircraft flying to and returning from missions over North Vietnam. During his twenty-two years of service he served with a number of wings and squadrons including 22nd Bomb Wing, 98th Bomb Wing, 111th Bomb Wing, 95th Bomb Wing, 90th Air Refueling Squadron, 99th Air Refueling Squadron and 924th Air Refueling Training Squadron.

Master Sergeant Bushman retired from the Air Force at Castle Air Force Base on February 28, 1970. He was awarded with the Air Force Commendation Medal for Meritorious Service, the Air Medal with two Oak Leaf Clusters, the Korean Service Medal, Vietnam Service Medal, Air Force Good Conduct Medal, Air Force Outstanding Unit Award, National Defense Service Medal and the Air Force Longevity Service Award for his service during the Korean War, Vietnam War and the Cold War. Upon his retirement, he completed a two year business management course at Merced College and became a fence contractor. He is a life member of Chowchilla Veterans of Foreign Wars, Post 9896, and a member of the Church of Latter Day Saints. He and his wife, Carla Gene, continue to live in Chowchilla, California; they have nine children, twenty-seven grandchildren and six great-grandchildren.

Madam Speaker, I rise today to commend and congratulate Allen Bushman upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Bushman many years of continued success.

SPREAD THE WORD TO END THE  
WORD CAMPAIGN

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. KENNEDY. Madam Speaker, today I rise to recognize and commend the efforts of the Spread the Word to End the Word Campaign; a grassroots organization founded by

college and high school students toward promoting greater awareness and respect for people with intellectual disabilities.

Created by young people with and without intellectual disabilities, Spread the Word to End the Word promotes the undeniable truth that everyone matters, everyone is accepted and, most importantly, everyone is valued. Today, young activists across the country are leading local efforts to raise awareness and collect pledges from peers and the community to vow not to use the "R-word" and recognize March 31, 2009 as a national awareness day for The Spread the Word to End the Word campaign.

In 1966, speaking at the University of Cape Town in South Africa, my uncle, Robert Kennedy said, "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance." It is with great honor that I am able to speak about this amazing group of young activists who are spreading hope each and every day; not just in their own communities but across the country, to those who suffer from intellectual disabilities and their families.

Too often the power of our words is underestimated and misunderstood. Today marks the culmination of a month long campaign to educate all of us about the positive and negative effects that our words can have. It is with great joy today, that I am able to use my words to support their courage and activism.

Thank you to all who pledge today to think of others before they speak and thank you to all who strive each day to promote universal human dignity.

RECOGNIZING THE CONTRIBUTIONS OF LAREDO FBI SUPERVISORY SENIOR AGENT NORMAN A. TOWNSEND

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. CUELLAR. Madam Speaker, I rise today to recognize Norman A. Townsend for his service to the people of the State of Texas and the nation as a whole. As he prepares to move forward with his career of public service with the FBI, we proudly honor him for his five years of service to the Laredo Resident Agency where he has served as a senior supervisory agent.

Mr. Townsend earned a Bachelor's Degree in Accounting and a Master's in Criminology from Central Oklahoma University in Edmond before he began his career with the FBI on July 5, 1977. He worked as a fingerprint examiner and an accounting technician in Oklahoma City before attending the FBI Academy in Quantico, Virginia in 1984. Later that year he was assigned as a special agent to the Houston Division in Beaumont, Texas where he performed a number of investigations and continued his dedicated service to the bureau.

On August 4, 2003, Mr. Townsend transferred to the San Antonio Division in Laredo, Texas where he worked as a Supervisory Senior Agent. For the past five years, he has served the community, the state, and our country under the Federal Bureau of Investigation in Laredo. He has supervised agents, task force officers, and support personnel as they conducted investigations on public corruption, white collar crime, and joint task force terrorist investigations.

Madam Speaker, please join me in honoring Norman Townsend for his five years of dedicated service to the FBI Laredo Resident Agency and his 31 years of service to the FBI as he prepares to move forward with his career in the bureau.

PERSONAL EXPLANATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, March 30, 2009. Had I been present, I would have voted "Present" on rollcall vote No. 163 (on motion to table H. Res. 295), "yea" on rollcall vote No. 164 (Motion to Suspend the Rules and Agree to H.R. 20), "yea" on rollcall vote No. 165 (Motion to Suspend the Rules and Agree to H.R. 479).

ARKANSAS STATE UNIVERSITY'S  
100TH ANNIVERSARY

**HON. MARION BERRY**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to one of Arkansas's finest educational institutions, Arkansas State University. The University will commemorate its 100th anniversary this month. This achievement is a significant milestone for this school and all who helped shape its history.

On April 1st, 2009, the Jonesboro Community will gather at Arkansas State University to commemorate the 100th anniversary of the passage of Act 100, which established the first four agricultural schools in Arkansas. Over the past several decades, ASU has been the beneficiary of a foundation of excellence, built by the hard work and dedication from faculty, alumni, administrators and the community. Many individuals have invested in ensuring the success of the school, and thanks to their efforts we are also here today to thank them for their service.

To build a great school, time and patience are needed to attract and sustain a great faculty, develop a strong academic program, and foster an alumni network. The process is long and arduous, but Arkansas State University is resilient and continues to produce distinguished alumni and groundbreaking achievements year after year.

Arkansas State University with its first-rate, innovative style of education provides an unparalleled learning experience for their students. The growing strength of the school is demonstrated by the success of its students after they graduate and its world renowned reputation. Most importantly, the ideas and achievements from ASU's alumni will continue to transform and benefit our nation for generations.

I stand here today to ask my colleagues in the United States Congress to join me in congratulating Arkansas State University on this significant milestone. Arkansas State University has been powering the minds of its students for 100 years. The University has come a long way, has much to celebrate, and more successes to anticipate in the years to come.

RECOGNITION OF MICHAEL J. MANGINI'S E-911 INSTITUTE INDUSTRY PROFESSIONAL AWARD

**HON. JAMES P. McGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. McGOVERN. Madam Speaker, a week ago today, I had the privilege of attending the E-911 Institute's 6th Annual Honors Gala Dinner Program to present my constituent, Michael J. Mangini, with the organization's prestigious industry professional award. I am grateful to have had the opportunity to personally recognize the extraordinary contributions Michael has made to public safety during the course of his remarkable career. I respectfully request that my remarks from that evening be printed in the CONGRESSIONAL RECORD as a lasting and enduring tribute to this very special man. Thank you.

Good evening. I'm pleased to be here tonight with my colleagues for this occasion. I am proud to be a member of the E-911 Caucus and am very grateful for the important work that the E-911 Institute does on behalf emergency preparedness all across the country. I am especially honored to have been invited to present your association's prestigious industry professional award this year to one of the true unsung heroes of your profession and a constituent of mine from Hopkinton, Massachusetts, Michael Mangini.

To those of you not from Massachusetts, Hopkinton is best known as the starting place for the Boston Marathon. I can't drive 26 miles never mind run it but I wanted to share that fun fact with all of you nonetheless. Michael is joined here tonight by his wife, Susan; their daughter Christina; and his very proud parents, Mr. & Mrs. Mangini. I also want to point out Michael's friend and colleague at Plant CML, Paul Fahey, who nominated Mike for this award. Paul's parents are also constituents of mine from Worcester, Massachusetts so this is like an episode of "All in the Family" for me tonight.

In all seriousness, Michael Mangini is truly deserving of the honor you bestow on him tonight. He has devoted his entire professional career to improving emergency communications in both the public and private sectors. First, as Director of Technical Services for the City of Boston's Emergency Services Department, Michael earned the respect and admiration of the entire public safety com-

munity. His conscientious commitment to his job, his extraordinary expertise in the field and his unfailing professionalism garnered the attention of no less than the Governor of Massachusetts who asked him to serve as a founding member of the first state-wide emergency telecommunications board in 1991. As Chair of the Board's Standards Committee, Michael was principally responsible for the development and implementation of one of the largest and most successful E-911 programs in the nation. He served on the state's emergency telecommunications board for fully eleven years, and his contributions in that role have undeniably made the Commonwealth of Massachusetts a safer place to live for all of its citizens.

In addition to his service to the state, Michael has been an active member of the Association of Public Communications Officials (APCO) International since 1986 and is a past recipient of its highest honor, the Presidential Award. Michael has also been a member of the National Emergency Number Association (NENA) since 1987 and served as President of the Massachusetts Chapter. Today, Michael serves as Director of Solutions Engineering at Plant CML where he is responsible for leading the company's largest and most complex projects.

Other than the love of family, I don't think there is any greater honor in life than to receive the recognition of your peers in your chosen profession. Michael Mangini is not only a worthy recipient of this industry professional award, he is also owed a debt a gratitude for his service to his community, his Commonwealth and his country. I am very proud to be able to present him with this award.

TRIBUTE TO CÉSAR E. CHÁVEZ

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mrs. DAVIS of California. Madam Speaker, I rise today to honor a great man who stood up for justice and fair treatment for all Americans.

During his life, César E. Chávez was committed to providing fair wages, better working conditions, decent housing, and quality education for all. Mr. Chávez also served the United States proudly in the Navy during World War II. His spirit and his vision are still alive today and I am determined to celebrate what he stood for and his great accomplishments.

Madam Speaker, today, I introduce legislation to rename the post office located at 2777 Logan Avenue in the Barrio Logan section of San Diego as the "César E. Chávez Post Office." This is the least we can do to honor such a great but humble man dedicated to justice. Please join me in giving Mr. Chávez his rightful place in American history.

HONORING THE 25TH ANNIVERSARY OF THE INDIANA CHILDREN'S WISH FUND

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor the Indiana Children's Wish Fund on its 25th anniversary and for its mission of fulfilling the dreams of children suffering from life-threatening illnesses.

Children forced to battle terminal diseases rarely get to experience a normal childhood and are forced to grow up quickly. By granting their wishes, this organization seeks to bring a smile to these children's faces by bringing laughter, joy and normalcy to their lives.

Since 1984, this organization has granted 2,000 wishes to Indiana children between the ages of 3-18. Each year, it assists approximately 140 children, many of whom are referred to the Wish Fund by hospitals, social workers and families from across the state. With the average cost of a wish being \$5500, the Wish Fund would not have been able to provide these services without the generous support of its community.

I ask my colleagues to join me in congratulating the Indiana Children's Wish Fund as it celebrates 25 years of service and for its commitment to helping children realize their dreams.

BEST-IN-CLASS APPLIANCE BILL

**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Ms. HARMAN. Madam Speaker, Congressman MIKE ROGERS of Michigan and I have co-authored H.R. 1786, a bill that will help Americans transition from older, energy-wasting washing machines, refrigerators, and other household appliances to newer, super-efficient versions.

According to the Department of Energy, appliances currently account for about 20 percent of energy bills in a typical household. Many of these "clunkers" are the products of another era—manufactured years (sometimes decades) ago, when technology was antiquated and efficiency a low priority. Removing old, inefficient appliances from circulation will go a long way toward cutting energy consumption and reducing greenhouse gas emissions.

Our bill will task the DOE with creating a "Best-in-Class" appliance program to provide financial "bonuses" to retailers for every Best-in-Class product sold (defined as the top 10 percent of models in the product class, in terms of efficiency), and to manufacturers that mass produce Best-in-Class appliances.

Retailers who participate in the program must provide a government-funded "bounty" (a reduction in price for a new, more efficient appliance) to consumers who surrender old appliances. Experience shows that many consumers hoard old appliances—perhaps moving them from the kitchen to the basement—

eliminating the potential energy savings resulting from the purchase of a newer appliance. This trade-in feature will help take these clunkers completely out of circulation, substantially accelerating our transition to an energy-efficient economy.

This bill is a consensus product, and is endorsed by the NRDC and leading industry groups. We urge its swift passage.

#### PERSONAL EXPLANATION

#### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. JOHNSON of Illinois. Madam Speaker, on March 30, 2009, I was unable to cast my votes on the Motion to Table H. Res. 295, H.R. 20, and H.R. 479 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 163, on the Motion to Table H. Res. 295, Raising a question of the privileges of the House, I would have voted "nay."

Had I been present for rollcall No. 164, on suspending the Rules and passing H.R. 20, the Melanie Blocker Stokes MOTHERS Act, I would have voted "yea."

Had I been present for rollcall No. 165, on suspending the Rules and passing H.R. 479, the Wakefield Act, I would have voted "yea."

#### TRIBUTE TO ALVIN SYKES

#### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. MOORE of Kansas. Madam Speaker, on April 24th, the Olathe, Kansas, Human Rights Commission will pay tribute to Alvin Sykes, a tireless crusader for civil rights within the Kansas City metropolitan region, who recently persuaded the U.S. Congress to approve, and President Bush to sign, legislation establishing a permanent "cold case" unit in the U.S. Department of Justice to review approximately 100 unsolved murders, including the notorious killing of 14 year old Emmett Till in Mississippi in 1955. Both as chairman of the Emmett Till Justice Campaign and as a leader of numerous other struggles for human rights and racial justice in the Kansas City area, Alvin Sykes has received much-deserved national attention for his efforts, as is detailed in two articles from USA Today and wolfsmanproductions.com, which I am including with this tribute. I join with the Olathe Human Rights Commission in paying tribute to this important leader within the Kansas City community and I know that all members of the U.S. House of Representatives join with me in celebrating this tireless activist for social justice.

[From USA Today]

PERSEVERANCE PAYS OFF FOR CIVIL RIGHTS ACTIVIST

(By Laura Parker)

WASHINGTON.—Alvin Sykes holds none of the standard credentials to wield influence in the power corridors of this political city.

He is a 51-year-old high school dropout with no steady job.

Yet senators listen to him. Prosecutors return his calls. As a self-made civil rights activist, Sykes persuaded the Justice Department to re-investigate the 1955 slaying of 14-year-old Emmett Till, and he deserves a fair share of the credit for the department's recent decision to review as many as 100 old murders in 14 states.

Attorney General Alberto Gonzales announced the investigation as Congress prepares to vote on a bill that would set up a permanent cold case unit in the Justice Department to probe those old crimes.

Last year, Sykes, as chairman of the Emmett Till Justice Campaign, persuaded his then-home-state senator, Jim Talent, R-Mo., to introduce the bill. Since then, Sykes and other civil rights leaders have helped sell it. Although Talent lost his seat in last fall's election, the bill—which authorizes \$11.5 million to fund the unit—has new sponsors and has gained momentum in both houses and parties.

"He reflects the spirit of the civil rights movement, where ordinary people found a way to make a difference," says Brenda Jones, spokeswoman for Rep. John Lewis, D-Ga., whose beating during a protest march through Selma, Ala., in 1965 helped propel the Voting Rights Act through Congress. Lewis is sponsoring the House version of the Till bill.

Sykes is described by those who know him as tenacious and informed. "He's a very pragmatic man," says Donald Burger, a retired Justice Department mediator who met Sykes in the 1970s during battles to desegregate Kansas City, Mo., schools.

U.S. Attorney Jim Greenlee of Mississippi's northern district in Oxford had never heard of Sykes when Sykes asked him in 2004 to reopen the Till case.

The case was legendary. Most of the principals were dead or old and in poor health. The statute of limitations on applicable federal laws had expired. Only state charges related to murder or manslaughter remained possible.

Sykes arrived in Oxford armed with a legal argument that laid out why the FBI had jurisdiction to proceed with a new federal probe. "He was extremely informed and very logically presented why it should be looked into," Greenlee says.

Sykes grew up poor and sickly in Kansas City, the product of a 14-year-old mother and a father he never knew. "When I first met him, he was in his casket," Sykes says of his father. "I was 27."

Prone to schoolyard fights, Sykes dropped out of school in the ninth grade. Although he once dreamed of becoming a lawyer, he got most of his education from the public library. To support himself, Sykes found a job managing a local R&B band, Threatening Weather.

After campaigning to desegregate Kansas City schools, he helped persuade Missouri legislators to lower the age of jurors from 21 to 18, thus widening the pool of potential jurors.

He also persuaded the Justice Department to re-investigate the mysterious death of a black teenager in Kansas City in 1985.

Although the report was inconclusive, the federal involvement helped calm local residents, who had been skeptical of the local police investigation, Burger says.

He adds: "That would never have happened if it hadn't been for Alvin."

Sykes' major achievement involved the 1980 murder of a local jazz musician named

Steve Harvey, who was beaten to death with a baseball bat. The man charged with the murder had been acquitted.

Sykes thumbed through library law books and found an obscure federal statute that essentially said a person couldn't be deprived of his use of a public facility because of race. Using contacts he had made at the Justice Department during the school desegregation struggle, Sykes contacted Richard Roberts, the attorney in the civil rights division who was looking into the Harvey case.

"He said, 'Send me everything you've got,'" Sykes says. In 1983, Roberts won the conviction of Raymond Bledsoe on federal civil rights violation charges. He is now serving a life sentence.

"He didn't just call once," says Roberts, now a federal district judge in Washington, D.C. "Ordinarily, people who want to know about a case will go to their local U.S. attorney. I was struck by the fact that Sykes did not rest with that. He pressed forward with more research on his own. His questions to me were pointed and showed someone who had done his homework."

The murder of young Emmett Till, who was killed in Mississippi after whistling at a white woman in a store, galvanized the civil rights movement.

Although Till's killers were known—Roy Bryant and J.W. Milam were acquitted a month after Till's death and later confessed in an interview with *Look* magazine—subsequent investigations centered on whether the men acted alone. Trial testimony suggested that Bryant's then-wife might have been with her husband and brother-in-law when Till was abducted.

Sykes pored over library law books and consulted with his Justice Department contacts. They steered him to a 1976 opinion by Antonin Scalia, then an assistant attorney general and now a Supreme Court justice, that gave the federal government jurisdiction to conduct further investigation into President Kennedy's assassination. The same opinion was used to investigate Martin Luther King Jr.'s murder.

"Even if the statute of limitations had run out, it meant that there could be an investigation for Till," Sykes says.

A Mississippi grand jury last month declined to indict Bryant's ex-wife, Carolyn Bryant Donham.

To Sykes, that doesn't mean the end of the Till case. He says he made that promise to Till's mother, Mamie Till Mobley, before she died in 2003.

The FBI has compiled 8,000 pages of notes and interviews. Now Sykes wants the Justice Department to publish a report of the investigation.

"I made that pledge to Mrs. Mobley before she died that we would get the truth out," he says.

[From wolfsmanproductions.com]

ALVIN SYKES: SELF-MADE CIVIL RIGHTS ACTIVIST

Alvin Sykes holds none of the standard credentials to wield influence in the power corridors of Washington, D.C. He is not a lobbyist or an attorney, nor did he graduate from a prestigious college. In fact, he is a high school dropout.

Yet senators listen to him. Prosecutors return his calls. As a self-made civil rights activist, Sykes persuaded the Justice Department to re-investigate the 1955 slaying of 14-year-old Emmett Till, and he deserves a fair share of the credit for the department's recent decision to review as many as 100 old murders in 14 states.

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## INTRODUCTION OF ILLEGAL IMMIGRANTS AND SENSE OF CONGRESS RESOLUTIONS

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. FRELINGHUYSEN. Madam Speaker, one of the primary responsibilities of each Member of Congress is to protect our nation and our citizens. Representing New Jersey, a "9-11 State," it is an important duty, whether the issue concerns funding for programs designed to protect areas which are prime terrorist targets, or ensuring that our military forces and intelligence agencies are fully supported, or securing our borders and reforming our broken immigration system.

In addition to restoring our economy with an effective stimulus that is targeted, timely and temporary, these are among the most important issues facing the nation today.

But on occasion, serious events develop in a Member's Congressional District that must be brought to the attention of this House and

the nation. My District in northern New Jersey is witnessing developments that cry out for correction.

In April 2008, a 20-year old foreign national was arrested and charged with endangering the welfare of a child and aggravated sexual assault following an alleged attack on a 12-year-old girl. He was remanded to the Morris County, New Jersey jail where he remained until August when he was able to secure his release from Morris County custody by posting \$50,000 bail. Aware that the Department of Homeland Security's Bureau of Immigration and Customs Enforcement (ICE) had a "detainer" on the suspect, the Morris County Sheriffs Department transferred custody of the suspect to ICE.

In September of 2008, the suspect was transferred to an ICE detention center in Louisiana where he appeared before an immigration judge and was ordered deported. Appropriate officials in New Jersey were never informed that this potentially dangerous suspect was about to be or was subsequently deported.

Of course, the suspect failed to appear for his preliminary hearing in November 2008 in New Jersey, prompting a warrant to be issued for his arrest. He has subsequently been indicted on charges related to aggravated sexual assault on a minor.

Of course, the deportation of this suspect will delay, if not prevent, the suspect from ever answering these serious charges in an appropriate U.S. court. As a result, a young New Jersey victim and her family have been denied justice.

Clearly, the interaction between the state criminal code and federal immigration law is multi-layered and complex. In this incident, and another similar case where another foreign national charged with assaulting a nine-year-old girl is facing deportation,

Madam Speaker, today I introduce two measures designed to bring the glare of public attention onto these outrageous situations.

I am introducing legislation that provides an important new tool to states and local judicial officials as they work to bring to trial illegal immigrants charged with a serious crime. Our legislation would allow a state's chief executive or chief law enforcement officer, or that of a political subdivision, to request that the Department of Homeland Security stay the removal of an alien charged with an aggravated felony.

This solution is by no means perfect but it attempts to strike a balance between our national desire to deport as many illegal aliens as possible as quickly as possible and the ability of victims of serious crimes to have their rights protected. Simply put, the federal government needs to think twice before handing the alien suspect in an aggravated felony a "get out of jail free" card. These matters are too important to be put on auto-pilot!

I am also introducing a Sense of Congress resolution which directs DHS and ICE to develop an effective and efficient system of communication that allows state and local law enforcement and prosecutors to know, in a timely manner, when suspects charged in their jurisdictions with aggravated felonies are in the final stages of the deportation process.

My colleagues, these measures are not parochial in their nature. These are not issues

confined to one county in one state. I suspect that if Morris County, New Jersey is grappling with the dueling conflict between state criminal law and federal immigration process, then so are counties in your Congressional District. I urge you to check with your law enforcement and prosecutors back home and then co-sponsor these two measures.

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HONORING THE LIFE OF BISHOP  
THOMAS J. WELSH

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. WOLF. Madam Speaker, I rise today to honor the life of Thomas J. Welsh, the founding bishop of the Catholic Dioceses of Arlington, Virginia. He passed away on February 19 at the age of 87, from pulmonary fibrosis.

Bishop Welsh served as Arlington's bishop from 1974 to 1983. He established six additional area parishes: St. Stephen the Martyr in Middleburg; St. Catherine of Siena in Great Falls; St. John Neumann in Reston; St. Elizabeth Ann Seton in Lake Ridge; Our Lady of the Blue Ridge in Madison; and Holy Martyrs of Vietnam in Arlington County. Bishop Welsh dedicated 11 new churches during his years with the Catholic Dioceses of Arlington.

Other notable achievements in his career as Arlington's bishop include helping to establish Christendom College in Front Royal and Catholic Distance University in Hamilton, both of which are in Virginia's 10th District. He also approved the purchase of the building for Paul VI Catholic High School in Fairfax. Bishop Welsh believed in the importance of Catholic education, both at school and at home. He founded the Arlington Catholic Herald newspaper in 1975 and established the Family Life Bureau in 1977. The Family Life Bureau worked to organize various pro-life activities within the Arlington diocese.

After leaving Arlington in 1983, Bishop Welsh became the second bishop of the diocese of Allentown, Pennsylvania. He retired from Allentown in 1997.

His dedication and ministry will be missed by all who knew and worked with him. In the homily given at his funeral Mass, Msgr. Anthony D. Muntone, pastor of St. Elizabeth Parish in Whitehall, Pennsylvania, quoted one of Bishop Welsh's favorite saints, St. Thomas More, who said: "Pray for me and I will pray for thee that one day we will meet merrily in heaven." I believe Bishop Welsh, as a dedicated believer and servant to the Catholic Church, will indeed be met merrily in heaven. His memory will live on through all the lives he touched and the legacy he left in both Arlington and Allentown.

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HONORING RESURRECTION  
CATHOLIC MIDDLE SCHOOL

**HON. ADAM H. PUTNAM**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. PUTNAM. Madam Speaker, I rise today to congratulate Resurrection Catholic Middle

School in Lakeland, Florida, on winning the Polk County Middle School E-Team Academic Tournament. In addition to winning the overall award, Resurrection Catholic School won the eighth-grade competition. This victory is the first for Resurrection, after taking second place in the previous two years.

Teams of sixth, seventh and eighth graders represented their schools and tested their knowledge of economic terms, language arts, mathematics and social studies. Thirty one schools participated in the competition this year with only six schools advancing on to the final round.

Coleman Cavanah, Alanna Wehle, Andrew Noonan, Tanner Donahoo, Matthew Murphy, Keegan Rand, Zoe Holmquist, Matthew Patterson, Emily Collins, Courtney Krakowski, Justin Lucas, Gabe Tone, Gabby Dilullo, Jarrad Pazda, Andrew Goding, Jacob Murphy, Riley Perrow, and Andreana Paz were all a part of the Resurrection E-Team. These students spent countless hours after school, studying an array of subjects and taking many practice tests over a course of nine weeks. Their dedication truly exemplifies academic excellence.

I would like to recognize Principal Nancy Genzel and Coaches Maryellen Krakowski, Cindy Stanford, and Lisha Fletcher for the positive example they set and for the leadership they provide. Their diligent work properly prepared these students for the competition and led them to this amazing success.

I commend Resurrection Catholic School for leading the way in excellence and for their commitment to empowering young minds. Congratulations on your success!

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HONORING THE WHITE FAMILY

**HON. PATRICK J. MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Thomas B. White Sr. and his family, who have selflessly served our country by enforcing the law in Southeastern Pennsylvania for over 100 years.

Thomas B. White Sr. started his career with the Philadelphia Police Department on March 16th, 1909, and retired in April 1941. He was born in Ireland and immigrated to the United States in 1896, where he worked primarily on the Philadelphia Police Department's foot traffic unit.

James "Bud" White, Tom's son, became employed with the Pennsylvania State Police in 1937 and was there until 1942, when he was transferred to the Philadelphia Police Department. There, Bud served on the patrol, accident investigation, crime scene, and stake out units. He worked in this capacity until 1962, when he joined the Philadelphia School District Police. Bud remained until retirement in 1972.

Joseph P. White, Bud's son, began his career with the Philadelphia Police Department in 1966. He worked on the uniform patrol and juvenile aide/gang control units until 1970, when he joined the detective division. After serving in the major crimes/dignitary protection unit, Joe retired in 1988.

Ann Thomson Wisnewski, Joe's cousin, became employed with the Philadelphia Police Department in 1970, where she served as one of the first female police officers. Ann worked in the juvenile aide division, dignitary protection unit, and stakeout unit, before retiring in 1980 as a sergeant.

Kevin J. O'Rourke, Ann's cousin, started his career in the Philadelphia Police Department in 1973, and worked on the patrol and vice units. He also served in the District Attorney's Office until 1990, where he was promoted to Detective Sergeant in the special investigations and homicide unit. Kevin then went on to serve with the Pennsylvania Office of Inspector General, Pennsylvania Board of Probation and Parole, and Pennsylvania Gaming Commission before retiring in 2008.

Stephen J. White, Kevin's cousin, became employed with the U.S. Capitol Police in 1972, where he served until 1974. The same year, he started working as a patrol officer with the Doylestown Township Police, before being promoted to Sergeant in 1975, Lieutenant in 1978, and then finally Chief of Police in 1988. He continues to serve in this capacity today.

Through multiple generations, the White family has contributed enormously to our communities in Southeastern Pennsylvania. I have the utmost gratitude for their 100 years of dedication and service. Madam Speaker, I am proud to recognize the White family for their extraordinary accomplishments, and am extremely honored to serve as their Congressman.

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AVERY HART HADDOCK MAKES  
HER MARK ON THE WORLD

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate Justin and Sally Haddock on the birth of their daughter, Avery Hart Haddock. Avery was born on Thursday, March 19, 2009. She weighed 7 pounds and 2 ounces and measured 19.5 inches. My wife Faye joins me in wishing Justin and Sally, and Avery's grandparents Tommy and Donna Haddock, great happiness upon this new addition to their family.

As the father of three, I know the joy and pride that Justin and Sally feel at this special time. Children remind us of the incredible miracle of life, and they keep us young-at-heart. Every day they show us a new way to view the world. I know the Haddocks look forward to the changes and challenges that their new daughter will bring to their lives while taking pleasure in the many rewards they are sure to receive as they watch Avery grow.

I welcome young Avery into the world and wish Justin and Sally all the best.



## HONORING DON GWARTNEY

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Don Gwartney upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. Mr. Gwartney was honored on Saturday, January 31, 2009.

Don Gwartney was born in Clinton, Oklahoma during the Great Depression. As a young man his family moved to Chowchilla, California where he attended Chowchilla High School. He graduated from Chowchilla High School in 1956 at the age of seventeen. Upon graduation he wanted to join the United States Navy to "see the world," but at seventeen he had to convince his mother to sign the enlistment form. She agreed, and Mr. Gwartney completed Navy Boot Camp at San Diego and was sent to fire fighting school. He was ordered to Washington and aboard the USS Princeton, an aircraft carrier with a crew of 3,448 officers and men. The ship had completed a conversion to conduct anti-submarine operations in the eastern Pacific and was sent to its home port in Long Beach, California. In July 1957 the USS Princeton completed a seven month mission, making port in Hawaii, Yokasuka, Sasebo, Okinawa, Tokyo, Hong Kong, and the Philippines. In January 1958, they stopped briefly in Singapore and were sent to Ceylon on a humanitarian mission to assist flood victims. The ship returned from a successful mission in February 1958.

With increasing tension between Communist China and the Nationalist Chinese, the United States government began positioning more ships in the region and in July 1959 the USS Princeton sailed to join the fleet of four other battle groups off of the coast of Taiwan. The ship was responsible for launching planes to search for Chinese submarines in the area and crew members were working a stressful six hours on, six hours off schedule throughout the crisis. After several weeks, Communist China suddenly stopped all military operations and the USS Princeton traveled to Subic Bay in the Philippines. From there they sailed to the Bering Sea in pursuit of a Soviet nuclear submarine, which they obtained intelligence on.

In March 1959, the Princeton underwent a new configuration and was designed to serve as an amphibious assault ship for Marines. In September 1959, Mr. Gwartney was released from active duty, but was called back just fifteen months later and was assigned to Naval Air Station Alameda. He was released in October of the same year. Mr. Gwartney has been awarded the Armed Forces Expeditionary Medal, the Good Conduct Medal, National Defense Service Medal, he received 823 Badge of Honor Medals, a commendation from the Republic of China and a letter of appreciation from the Taipei Economic and Cultural Office.

Upon retiring from the Navy, Mr. Gwartney attended college classes; he worked at Yosemite National Park and at Valley Feed and Fuel in Chowchilla. He was employed in the maintenance department at Chowchilla Union

High School in March 1970, and was soon after promoted to Supervisor of Custodians, a position he held until retiring in December 2000. He served as a volunteer fire fighter for five years. He is a member of the Cathedral of Faith, where he was a Royal Ranger Leader for five years and a Sunday school teacher for ten years. He is a life member of the Chowchilla Veterans of Foreign Wars, Post 9896. He is married to Betty Edwards and they have made their home in Chowchilla for forty-three years.

Madam Speaker, I rise today to commend and congratulate Don Gwartney upon being named as a "Distinguished Life Member" by the Veterans of Foreign Wars, Post 9896. I invite my colleagues to join me in wishing Mr. Gwartney many years of continued success.

## THE EDWARD M. KENNEDY SERVE AMERICA ACT

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. KENNEDY. Madam Speaker, I rise today in support of The Edward M. Kennedy Serve America Act, which will renew our nation's commitment to promoting service and volunteerism.

Public service is something my family knows a little bit about. Nearly five decades ago, my uncle, President John F. Kennedy, challenged the nation's youth to serve their country. When he said that famous line, "Ask not what your country can do for you; ask what you can do for your country" he sent a message on the necessity for everyone to take an active role in our society.

It is my hope that with the passage of the Edward M. Kennedy Serve America Act, Congress and President Obama will create a new era of public service that goes beyond any one generation. The bill we are considering today expands opportunities for volunteerism to include disadvantaged youth, seniors and people with disabilities. It is my belief that if we are going to regain a sense of community and shared responsibility in this country, we must encourage national service among all people.

There's an old saying that reads, "The most sacred thing one person can give another, outside of their love, is their labor." That goes to the core of why supporting programs that promote volunteerism and community service is so important. Specifically, today's bill will renew our focus on inclusion by investing \$20 million in programs that encourage participation of people with disabilities.

The Edward M. Kennedy Serve America Act will create new programs like the Clean Energy Corps, to focus on environmental conservation. This new program will work in conjunction with our economy as we forge a new direction in energy. This legislation creates a separate Veteran's Corps designed to help veterans meet the needs of their fellow servicemen and women; such as providing programs that help provide education, mentoring, and job training to fellow veterans.

More than 4,400 seniors in Rhode Island contribute their time and talents in one of

three Senior Corps programs which will be expanded within the Serve America Act. Foster Grandparents in Rhode Island serve more than 3,200 young people who have special needs. I am pleased that this bill authorizes \$115 million to encourage these efforts not only in my state of Rhode Island, but nationwide. In addition, The Edward M. Kennedy Serve America Act will allow seniors to earn a \$1,000 education award for 350 hours of service, that may be passed on to their children, foster child or grandchildren.

I am pleased that this bill provides new incentives for middle and high school students to volunteer in their communities, and will allow them to earn up to \$1,000 in education awards to be used for college. The Edward M. Kennedy Serve America Act will also establish Youth Engagement Zones, a service-learning program to engage low-income high school students and out-of-school youth in volunteer efforts.

In my home state of Rhode Island, programs like YouthBuild Providence will benefit from this important legislation through funding for the recruitment, training and professional development of coordinators for the program. The Edward M. Kennedy Serve America Act will also increase the number of AmeriCorps volunteers and increase the education reward to \$5,350 for 2010, to match the maximum Pell Grant scholarship award.

Currently, more than 14,000 people of all ages and backgrounds are helping to meet local needs, strengthen communities, and increase civic engagement through 53 national service projects across Rhode Island. This year, the Corporation for National and Community Service will commit more than \$7,300,000 to support Rhode Island communities through national service initiatives.

The benefits that this legislation would bring to our struggling communities, across this country, and in my home state of Rhode Island, are endless.

Like its namesake, this bill dedicates itself toward the promotion of solidarity, selflessness and courage. I will be proud to vote in favor of this bill, and I urge my colleagues to do the same.

## HONORING THE VOLUNTEER EFFORTS OF CHEYNE VALENTINE AND PAMELA FAWNS WITH THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD

**HON. DENNY REHBERG**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. REHBERG. Madam Speaker, I rise to congratulate and honor two young students from my district who have achieved national recognition for exemplary volunteer service in their communities. Cheyne Valentine of Bigfork, Montana and Pamela Fawns of Corvallis, Montana, have been named as Montana's top youth volunteers by The 2009 Prudential Spirit of Community Awards program. This is an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Mr. Valentine was nominated by the American Red Cross of Montana in Great Falls, and Pamela was nominated by the Ravalli County 4-H in Hamilton. As State Honorees, each will receive \$1,000, an engraved silver medallion and an all-expenses-paid trip in early May to Washington, D.C., where they will join honorees from each of the other states and District of Columbia for several days of national recognition events. Ten of them will be named America's top youth volunteers for 2009 at that time.

As a member of the American Red Cross of Montana and a senior at Bigfork High School, Cheyne helped spearhead a community campaign that collected \$4,400 to purchase two heart defibrillators for his school and provide CPR training for coaches, after his best friend suffered a heart attack during football practice and later died. When his friend, Jeff, collapsed on the field, Cheyne discovered that school personnel had neither the training nor equipment to deal with such an emergency. "I am certain that if the coach had been trained in CPR and there had been a defibrillator on the field, the outcome for my friend would have been different," he said. Cheyne began seeking donations to pay for two automatic external defibrillators and training for his school's coaches. He and his mother posted 500 fliers, spoke to hundreds of community members and wrote columns and letters to editors of local newspapers. The defibrillators purchased with the donations from the fundraising drive were presented to Bigfork High School in December, 2008. Meanwhile, Cheyne also has begun working to persuade state legislators to pass a law requiring AEDs at all school athletic events and training for all coaches in Montana. "I have started the ball rolling in this community," said Cheyne, "and it will continue until all schools in Montana make these safety changes."

Ms. Fawns, a member of the Ravalli County 4-H and a seventh grader at Valley Oak Academy High School in Corvallis, creates floral arrangements to promote and raise funds for 4-H and other school projects. "I have always had a joy in creating art with flowers because flower arrangements lighten up your mood and can make people feel happy when they are ill or sad," said Pamela, who comes from a long line of horticulturists. To gain more experience in floral design, Pamela persuaded a local florist to let her work as a volunteer intern. After learning first-hand about selecting, processing and arranging flowers, she started to think about ways she could use her skills to raise money for community projects. Through flower sales, Pamela was able to generate funds for a community meal project and new sports equipment for her school. She also realized how effective flowers are in motivating volunteers, so she began making arrangements for adult volunteers in her community. "I recognized that flowers, unlike other gifts, could really have a brightening effect on people's lives," she said.

In light of numerous statistics indicating Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contributions these young citizens have made. People of all ages need to think more about how we, as individual citizens, can

work together at the local level to ensure the health and vitality of our own communities. Young volunteers like Cheyne and Pamela are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young volunteers to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 14 years, the program has become the nation's largest youth recognition effort based solely on community service and has honored more than 80,000 young volunteers at the local, state and national level.

Mr. Valentine and Ms. Fawns should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this year's program. I heartily applaud both of them for their initiative in seeking to make their communities better places to live. Their actions show that young Americans can—and do—play important roles in our communities.

#### HONORING JEANNETTE VARELA

#### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Jeannette Varela, a successful entrepreneur with a commitment to her community.

Born in Barranquilla, Colombia, Jeannette was the second of eight children. At the age of eighteen, Jeannette left her home country with just thirty dollars and a limited grasp of English. She came to the United States seeking a new life in the "land of opportunity." Jeannette found work in various jobs to make ends meet, eventually working in the heavy equipment industry in Miami, Florida.

She has a heart for helping others, has been recognized for her philanthropic endeavors and is a respected community leader.

As we celebrate Women's History Month, I ask you to join me in honoring Jeannette Varela.

#### COMMEMORATING THE LIFE AND LEGACY OF PEDRO ZAMORA, WORLD RENOWNED HIV/AIDS EDUCATOR AND ACTIVIST

#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution that pays tribute to Pedro Zamora, a world renowned educator and activist who moved millions to confront their fears and misconceptions about HIV/AIDS and the Lesbian, Gay, Bisexual, and Transgender (LGBT) community.

Pedro Pablo Zamora y Díaz was born on February 29, 1972, in the outskirts of Havana, Cuba, the eighth and youngest child of a tight-knit family. Like countless others, the Zamora family left Cuba's shores for a better life. And on May 30, 1980, Pedro, his brother, sister, and parents boarded a crowded boat and began the 25-hour treacherous voyage to Hialeah, Florida, a suburb of Miami. Pedro was eight years old.

Five years later, tragedy struck the Zamora family when Pedro lost his beloved mother to skin cancer. The precocious teenager responded by immersing himself in academics and extracurricular activities, becoming an honor student, president of the science club and captain of the cross-country team, and was voted "most intellectual" and "most all around" by his peers.

However, it was Pedro's actions outside of school which changed the course of his life. Struggling with being gay and seeking to fill the void that was created by his mother's death, the 14-year-old honor student began having unprotected sex with multiple men.

Unbeknown to Pedro, the first Surgeon General's report on HIV/AIDS was issued around the same time. At the height of the Reagan era and the "War on Drugs" another war was being waged against a new disease that was killing an alarming number of people in the gay community and beyond.

Ironically, the Surgeon General's report stated that comprehensive sex education was the most powerful weapon against HIV/AIDS and should begin at the lowest grade possible. The report also mentioned the importance of teaching children about healthy heterosexual and homosexual relationships, and acknowledged that HIV/AIDS had a disproportionate effect among Latinos and blacks.

And yet, this lifesaving message failed to trickle down into many classrooms across the country. The sex education that Pedro Zamora received within his Miami school stigmatized HIV/AIDS, portrayed homosexuality as shameful, and failed to provide him and other students with a relevant, factual and thorough understanding of HIV/AIDS.

On November 9, 1989, Pedro Zamora received confirmation that he had contracted the HIV virus. He was 17 years old.

Refusing to let the devastating news dampen his spirit, Zamora joined a Miami-based HIV/AIDS resource center called Body Positive, where he met others who were living with HIV/AIDS. A new desire to educate others about AIDS was ignited, and Pedro decided to devote his talents as a thinker and communicator to a career in AIDS education.

Pedro began raising awareness about HIV/AIDS within the Latino community in South Florida. He lectured at schools from the primary to collegial level, churches, community centers, and other venues around the country. He spoke about the need for evidence-based education for preventing and managing HIV/AIDS, forming healthy relationships, de-stigmatizing HIV/AIDS and combating homophobia.

In mid-1993, Pedro Zamora sent his audition tape to the producers of MTV's television reality series *The Real World*. Out of more than 25,000 applicants, he was chosen to live in front of the camera along with six other

cast-mates in San Francisco for over four months.

In the following year, Zamora made history on *The Real World* as one of the first openly gay men living with HIV/AIDS featured on a television series in the United States. Pedro's activism, charisma, struggles with HIV/AIDS and relationships were captured on film—including a blossoming romance with Sean Sasser, another man of color living with HIV/AIDS. In another historical first, the two pledged their love to each other in a commitment ceremony on the show.

Soon, Pedro's story and efforts received national attention from *The Wall Street Journal*, *Geraldo*, and *Oprah Winfrey*. But, Pedro had his sights set on Washington, D.C. In 1993, Zamora spoke about living with AIDS as a gay man of color at a Capitol Hill reception, and in 1994, he testified during a Congressional hearing on HIV/AIDS prevention. In the following months, President Bill Clinton and Secretary of Health and Human Services Donna Shalala personally recognized and thanked Pedro Zamora for his leadership and work on the AIDS Action Council Board and for humanizing and personalizing those living with HIV/AIDS.

However, this gifted and courageous young man, like many others, was uninsured. And his lack of insurance proved to be as deadly as the virus that was plaguing his body. In August 1994, Pedro Zamora checked into St. Vincent's Hospital in New York City and was diagnosed with a rare and fatal viral inflammation of the brain resulting from a severely suppressed immune system. At the age of 22, Pedro was told that he had three to four months to live.

On November 11, 1994, Pedro Zamora died in the company of his family, partner Sean, and friends. He was buried two days later in Miami Lakes, Florida. Numerous memorial funds and fellowships have been established in Pedro's memory, and in 2008, a film that dramatized his life and legacy was completed.

Madam Speaker, 15 years after Pedro's death, HIV/AIDS has become one of the most serious global health concerns in modern history and has spread to every continent, infecting and affecting people across the lines of race, class, religion, and sexual orientation. Sadly, a quarter of HIV/AIDS infected persons are unaware of their status and less than 30% of HIV-infected persons receive anti-retroviral treatment. Latinos and blacks are still disproportionately contracting and dying from AIDS. My home state of Florida has consistently ranked third in the nation in the number of cases of HIV/AIDS. And, the majority of infected persons reside in South Florida, which also has the highest concentration of uninsured people in the state.

In the absence of a cure, prevention, education, and antiretroviral drugs still remain our best weapons against HIV/AIDS. Culturally competent and age appropriate education about sex, sexually transmitted infections (STI), and treatment and prevention options must be available in our nation's schools, prisons and communities. And, the de-stigmatization of HIV/AIDS, sexual behavior, and sexuality remain no less important today than it was a decade and a half ago.

During his testimony before Congress, 22-year-old Pedro Zamora said, "What we need

is the collective will to care about young people and about people with different backgrounds and make sure that one day people grow up in a world without AIDS." His words are timeless, and challenge us to be diligent in our efforts to stop HIV/AIDS, and the disease of intolerance in this country. I urge my colleagues to support this resolution commemorating the life, sacrifices, and grace of a remarkable man and teacher who has left an enduring memory and legacy that will inspire generations to come.

#### WOMEN ARE IMPORTANT TO OUR ECONOMIC RECOVERY

#### HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. CARNAHAN. Madam Speaker, today, as Women's History Month comes to a close it is a good time to reflect on the many accomplishments women have been part of and to address what needs to be done further to fully carry out equality for all and get our economy back on track.

As we experience the most serious economic crisis since the Great Depression we will need the leadership of all Americans including strong leaders like Speaker NANCY PELOSI who was the first woman chosen as Speaker by her colleagues and Secretary of State Hillary Clinton who ran an historic campaign for the presidency. Both who have broken and shattered the glass ceiling have demonstrated remarkable accomplishment the nation can be confident in during these tough times.

This nation has faced multiple challenges that we have faced with the help of strong women. And today many women face challenges of succeeding in the workplace, caring for their family including their aging parents. I am proud of the work this Congress has done in a short amount of time for American working women.

It is telling that President Barack Obama's first bill signed into law was the Lilly Ledbetter Fair Pay Act that reverses a Supreme Court ruling that made it more difficult for Americans to pursue pay discrimination claims. At a time when too many workers are seeing their jobs and wages slashed, we've got to make sure that all Americans are paid fairly for their hard work.

Congress has also passed significant tax cuts for working women and major investments in health care. To help get us out of this economic mess we also created thousands of jobs where women have new opportunities including contracting opportunities and the availability of small business loans.

Speaker PELOSI said it best: "Women want what men want: an equal opportunity to succeed, a safe and prosperous America, good paying jobs, better access to affordable health care, and the best possible education for our children."

President Obama and this Congress have made progress with all those issues in the American Recovery and Reinvestment Act and will continue to build upon those accomplish-

ments with the passage of the President's budget blueprint, which makes investments in health care, energy and education—all intended to create jobs.

#### EARMARK DECLARATION

#### HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. BUYER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I hereby certify that my Substitute Amendment to H.R. 1256 does not contain any earmarks.

#### BEST BUDDIES EMPOWERMENT FOR PEOPLE WITH INTELLECTUAL DISABILITIES ACT OF 2009

#### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. HOYER. Madam Speaker, I am proud to introduce this bill supporting Best Buddies, an organization dedicated to the social integration of children and adults with intellectual disabilities. Founded in 1989 by Anthony Kennedy Shriver, Best Buddies is the first social and recreational program of its kind in the United States; it has already reached hundreds of thousands of Americans, both with and without disabilities, a total that is set to reach half a million by 2010. Best Buddies fosters and supports friendships and mentorships between participants from kindergartners to adult professionals, sponsoring more than one thousand volunteer-led chapters at schools and workplaces. Not only do volunteers gain valuable leadership training—they learn first-hand about the important contributions made by their fellow-citizens with intellectual disabilities. And participants with disabilities learn that they are valuable members of our communities, capable of forming a wide range of real and lasting friendships.

This legislation authorizes a total of \$10 million for grants, contracts, or cooperative agreements to be distributed to Best Buddies by the Department of Education in Fiscal Year 2010, along with such sums as may be necessary for each of the four succeeding fiscal years. These funds will enable this important organization to reach hundreds of thousands more potential volunteers and participants, promoting the crucial values of shared participation in community and social equality. I want to thank Congressman BLUNT for co-sponsoring this bill, and I urge my colleagues to pass it as soon as possible.

#### HONORING CELIA CRUZ

#### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor the life

and work of Celia Cruz, an icon of Latin culture and Cuban music. Despite her passing in 2003, Celia's contributions continue to shape music and inspire others. She lives on as one of the most successful Cuban performers of the 20th century.

Known around the world as the Queen of Salsa, Celia Cruz dedicated her life to music and the arts. Her 50 year career included 70 albums, countless gold and platinum records, hundreds of awards from prestigious institutions worldwide and three Grammy Awards and four Latin Grammy Awards.

Born in Havana, Cuba, she enrolled in the National Music Conservatory at a young age and studied musical theory, voice and piano. In the 1950s she joined the legendary group La Sonora Matancera and wrote many songs that have come to define Afro-Cuban music. In 1960 she left Cuba in search of freedom and in 1961 came to the U.S. By then she was recognized worldwide and the Salsa phenomenon soon spread across the U.S. and Europe.

In 1987, Celia Cruz was given a star in the Hollywood Walk of Fame, and years later Miami's famed "Calle Ocho" was named "Celia Cruz Way." Among other honors, including Lifetime Achievement Awards, Celia was invited to the White House in 1994 by President Bill Clinton and awarded the National Medal of the Arts, the highest honor our country bestows upon an artist. Most recently, her life and work were featured in ¡Azucar! The Life and Music of Celia Cruz, an exhibit at the Smithsonian's National Museum of American History in D.C.

Celia Cruz is remembered for many things, including her distinct voice and unique style, but her trademark remains the popular word she often chanted: Azucar, Spanish for sugar. Celia added sugar, spice and Latin flare to everything she did in life and never failed to surprise her audience. Despite her many professional accomplishments, many consider her marriage to lifelong partner and husband, Pedro Knight, her biggest success.

Celia Cruz's death on July 16, 2003 brought to an end a life filled with a love for art, culture and music, but her legacy lives on each time her music is played. She has undoubtedly left a footprint on Latin music and her influence will forever be felt through the work of artists around the world. As we celebrate Women's History Month, I ask you to join me in honoring the life, work and music of Celia Cruz, our Queen of Salsa, so that her legacy may live on for generations to come.

**BUD SHUSTER PROMOTES  
WELLNESS**

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, our former colleague, Bud Shuster has taken on a new challenge to promote wellness through his central Pennsylvania region. As a trustee at Saint Francis University in Loretto, PA, he's spearheading the creation of Community Wellness Fairs through the ex-

citing new DiSepio Institute for Rural Health and Wellness located at the university.

The extraordinary story of Bud's survival and recovery from a broken neck and other injuries suffered in a car crash several years ago recently appeared in the Altoona Mirror, and I'm pleased to insert it into the RECORD:

**RUN FOR YOUR LIFE**

(By Congressman Bud Shuster, M.C. (Ret.))

Twenty-seven years ago on my way to a Rotary speech in Altoona a speeding car swerved around the bend on a rain-slicked road and smashed head-on into our car where I was a front seat passenger. The crash broke my neck and six ribs. The neurosurgeon who put me back together said I was less than a millimeter away from being a paraplegic. If I had not been wearing my seatbelt I would have been killed.

He also said if I had not been in shape through my daily running and weightlifting regimen, I might not have survived the multiple, lengthy, and delicate surgeries required.

But within a year I was back running and working out, and now in my seventies, I'm still feeling great, running and working out every day.

So it's probably no surprise that I'm thrilled to participate in a wonderful new opportunity that is being created to promote our health and well-being right here in our region.

The DiSepio Institute for Rural Health and Wellness will be formally dedicated next month at Saint Francis University in Loretto, Pa. as part of the university's Health Sciences Program thanks to the generosity of Joseph and Marguerite DiSepio, with whom I have the privilege of serving on the Board of Trustees.

The multi-million dollar institute, designed by the architectural firm of Celli-Flynn Brennan, and being built by Leonard S. Fiore, Inc., is dedicated to improving medical technology and wellness opportunities, not only on campus, but also throughout the region and across America. It includes a world-class fitness center for training, teaching and research, as well as human performance, cardiovascular-metabolic, and kinesiology/biomechanical labs. A Faculty-Student Practice in health and behavioral sciences, along with a conference center and spiritual wellness center also are included. In short, it will be a premier facility of its kind in America.

The challenge now is to capitalize on this wonderful endeavor by carrying its message to promote a healthy lifestyle throughout the communities of our region.

So, the university in cooperation with private funding is creating "The Bud Shuster Run For Your Life Program" to which I have happily agreed to lend my name and effort.

The purpose will be to take the program into our communities, our schools, service clubs, senior centers, health facilities and other organizations to promote wellness through gatherings and events including running, jogging, walking and other fitness challenges, coupled with health screenings such as blood pressure, asthma, body fat, posture, etc.

But a fitness program is only half the wellness story. Dr. Kenneth Cooper, considered the father of aerobics, writes that no amount of exercising can make up for bad nutrition or obesity. A cholesterol reading of 240 triples your odds of having a heart attack compared to a reading below 200, and a systolic blood pressure of 160 quadruples the chance of a heart attack compared with one

below 120. At his Cooper Clinic in Dallas, Texas, he focuses on a lifetime "Positive Eating Plan" or PEP. There's nothing fancy about it, and the Saint Francis Wellness Program pretty much follows it: limiting animal fats, sugar, alcohol, and paying attention to calories. It's taken me half a lifetime to find, through trial and error, a PEP plan that works for me, and hopefully the Saint Francis Wellness Program can work for you.

We're delighted that the Hollidaysburg Area YMCA, under the leadership of Tom Kopriva, has agreed to team-up with us for the inaugural Community Wellness Fair on Saturday, April 25th at the Hollidaysburg Y.

Starting with the race at 8 AM, it will be a fun-filled day to promote healthy kids and families. Professionals from the university's DiSepio Institute for Rural Health and Wellness will be providing health screenings and sessions including healthy eating, sports injury prevention and physical activity recommendations. A healthy Kids Day will include sports activities led by the university's football, basketball and soccer teams.

I'm thrilled to provide a friendly challenge to young and old alike—to join me on Saturday, April 25th, in running or walking and participating in this exciting Community Wellness Fair. There will be prizes for everyone. But the best prize will be a long and healthy life.

**HONORING REMEDIOS DIAZ-  
OLIVER**

**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 31, 2009*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a true professional, entrepreneur and a woman who has broken barriers in the business world as the only female Floridian to sit on the Board of Directors of three Fortune 500 companies simultaneously, Remedios Diaz-Oliver.

After leaving Cuba in 1961 seeking freedom, Remedios started a new life in the U.S. working during the day and attending school at night. She dedicated her career to learning the business of importing, exporting and trade and later went on to open her own business. In 1991, she founded All American Containers, Inc., a company she built from the ground up. Today she is President and CEO, oversees 167 employees and sales of up to \$105 million, and takes on full administrative and financial responsibilities. Her lifelong partner and husband Fausto Diaz-Oliver stands by her side and serves as COO. Her son, daughter and granddaughter also work in the business.

Remedios has made All American Containers, Inc., a leading supplier of glass, plastic and metal containers with operations in Miami, Tampa, Atlanta, Dallas, Puerto Rico and Mexico and a network spanning across the globe to Central and South America, the Caribbean, Europe, Asia, Africa, Australia and New Zealand. Her clients include companies such as McCormick, Schering, Pepsi Cola, Coca Cola and Seven-Up.

She is a pioneer in the packaging industry and has served on the Board of Directors for Avon Products, Inc. and Barnett Bank (Bank of America). Prior to starting her own business, she was President of the Association of

Exporters, Freight Forwarders and Manufacturers of Greater Miami and of Emmer Importing & Exporting, Inc. She has also been a member of the National Advisory Council of the Small Business Administration and the National Hispanic Leadership Agenda. In 1988 she was appointed as a member of the Advisory Board for Trade Policy, Negotiations and

International Policy for the President of the United States and again in 1992.

Remedios keeps strong ties to the community she serves and her civic involvements include the Round Table, the Cuban Liberty Council, the United Way and the Public Health Trust.

As we celebrate Women's History Month, I ask that you to join me in congratulating Remedios Diaz-Oliver, an exceptional business woman, wife, mother and friend who is proof that in America anything is possible. Many say it's a man's world, but in the words of Remedios herself "it was a man's world."

**SENATE—Wednesday, April 1, 2009**

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our guard and guide, we thank You for this new day with its opportunities for noble service. As our lawmakers open their hearts to You, may they sense that Your presence is as pervasive in statecraft as in religion. Illuminate their finite minds with Your eternal light, giving them wisdom beyond their own. In their daily lives, may they validate the faith of the faithful who have gone before them, as You sustain them by the radiant vision of the ultimate triumph of Your Kingdom. Lord, remind them that some problems You will not solve until they are ready to be used by You in working out the solution.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 1, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the budget resolution. Under an agreement reached last evening, 20 hours of statutory time remains, with the time equally divided between the minority and the majority. Rollcall votes are expected to occur throughout the day. Senators will be notified as soon as votes are scheduled.

As a reminder, when all statutory time expires on the budget resolution, additional amendments can be offered and immediately voted upon. Therefore, Thursday's session could extend into the night.

The two managers of the bill, Senator CONRAD and Senator GREGG, have gone through this process many times. It is my understanding that they have suggested to me and Senator MCCONNELL that we start voting sometime this afternoon. There could be as many as 10 votes at that time. We will continue working with the managers. I will notify and communicate with the Republican leader throughout the day.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**THE BUDGET**

Mr. MCCONNELL. Mr. President, throughout this debate, Republicans have shown that this budget spends too much, taxes too much, and borrows too much. At a time when many are struggling just to get by, Democrats in Congress want to enact the largest tax increase in history, including a national energy tax that could cost every American household up to \$3,100 a year. They want to double the national debt in 5 years and triple it in 10. And they want to increase nondefense spending so much that the Government would have to hire up to 250,000 bureaucrats just to get the money out the door. Let me say that again. The Government would have to hire up to a quarter of a million bureaucrats just to get the money out the door. This is not the type of job creation Americans have been hoping for, and this was not the budget Americans wanted. Rather, they are demanding that Republicans and Democrats work together to craft a budget that lets them keep their hard-earned wages, spend their tax dollars wisely, and does not saddle their

children and grandchildren with mountains of debt.

Republicans have tried to work with Democrats to pass such a budget by offering amendments that reflect the views of most Americans and soon will sponsor a series of amendments to prevent tax increases on individuals, families, and businesses. The junior Senator from Texas, for example, has an amendment that would make it significantly harder to raise taxes on small businesses. The President has noted repeatedly that small businesses are at the heart of the American economy, are responsible for half of all private sector jobs, and have created roughly 70 percent of all new jobs in the past decade. Republicans will propose an amendment by the junior Senator from Nevada which would make it significantly harder to raise taxes on couples making less than \$250,000 a year.

Americans are worried about tax hikes. They are also worried about the colossal amount of debt this budget would leave to our children. This budget proposes to borrow an equivalent amount of money in the next 5 years to all of the money the Government has borrowed from 1789 to January 20, 2009. So the senior Senator from New Hampshire sponsored an amendment to require a supermajority to adopt any budget resolution that would more than double the entire public debt accumulated from 1789 to January 20, 2009. The Democrats rejected that amendment.

In other efforts to control debt and curb Federal spending, Republicans will offer a number of additional amendments, including another amendment from the senior Senator from New Hampshire that would take the first step toward the creation of a bipartisan task force to confront the Nation's long-term deficits; an amendment from the senior Senator from South Carolina that would help to ensure that Social Security remains a self-sustaining, solvent program; an amendment from the senior Senator from Idaho that would take the Democratic spending levels and try to ensure spending does not exceed those levels. Republicans will sponsor further amendments that would correct many of the other problems with this budget.

Additionally, Republicans have resisted efforts to fast track major policy changes through reconciliation. The junior Senator from Nebraska has offered an amendment that would prohibit the use of this rule in connection with a national energy tax. Some Democrats said they do not support



using reconciliation for this legislation. We will insist on having a vote on the Johanns amendment.

These Republican proposals should have the support of Senators on both sides of the aisle. We should all want to cut the massive taxing, borrowing, and spending in this budget.

The budget debate is always one of the most clarifying weeks of the year. Rarely do the American people get to see the differences between the two parties as clearly as they do during this debate. Rarely has the difference been so stark.

#### UNIVERSITY OF LOUISVILLE LADY CARDS

Mr. MCCONNELL. Mr. President, on another subject and admittedly a lighter note, I rise today to pay tribute to a group of young women from the University of Louisville who reached an amazing milestone this week. The U of L Lady Cards made basketball history with their first NCAA Final Four trip.

The Lady Cards, coached by Jeff Walz and led by All-American Angel McCoughtry and senior forward Candyce Bingham, are heading to St. Louis this weekend to play in the women's NCAA Final Four.

Today, I wanted to recognize this history-making team. The Lady Cards had an amazing season, and it is not over yet. On Sunday, they will face Oklahoma, with the winner advancing to the final game on Tuesday.

This has been a fun team to watch this season. Their style of play will inspire future generations of Lady Cardinals. I am sure there are a lot of young athletes in Kentucky who look up to the home team and will be cheering them on to victory this weekend.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the players and coaches.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### UNIVERSITY OF LOUISVILLE WOMEN'S BASKETBALL ROSTER

Gwen Rucker, Becky Burke, Candyce Bingham, Janae Howard, Tiera Stephen, Mary Jackson, Laura Terry, Monique Reid, Angel McCoughtry, Chauntise Wright, Keshia Hines, and Deseree Boyd.

#### UNIVERSITY OF LOUISVILLE WOMEN'S BASKETBALL COACHES

Head Coach Jeff Walz, Assistant Coaches Stephanie Norman, Michelle Clark-Heard and Bethann Shapiro Ord and Director of Basketball Operations, Becky Bonner.

Mr. MCCONNELL. I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 13, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

Pending:

Johanns amendment No. 735, to prohibit the use of reconciliation in the Senate for climate change legislation involving a cap-and-trade system.

Lieberman amendment No. 763, to protect the American people from potential spillover violence from Mexico by providing \$550 million in additional funding for the Department of Homeland Security and the Department of Justice and supporting the administration's efforts to combat drug, gun, and cash smuggling by the cartels, by providing \$260 million for Customs and Border Protection to hire, train, equip, and deploy additional officers and canines and conduct exit inspections for weapons and cash; \$130 million for Immigration and Customs Enforcement to hire, train, equip, and deploy additional investigators; \$50 million to Alcohol, Tobacco, Firearms and Explosives to hire, train, equip, and deploy additional agents and inspectors; \$20 million for the Human Smuggling and Trafficking Center; \$10 million for the Office of International Affairs and the Management Directorate at DHS for oversight of the Merida Initiative; \$30 million for Operation Stonegarden; \$10 million to the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas Program, to support state and local law enforcement participation in the HIDTA Program along the southern border; \$20 million to DHS for tactical radio communications; and \$20 million for upgrading the Traveler Enforcement Communications System.

Alexander amendment No. 747, to create runaway debt point of order against consideration of a budget resolution that projects the ratio of public debt to GDP for any fiscal year in excess of 90 percent to ensure the continued viability of the U.S. dollar and prevent doubling or tripling the debt burden on future generations.

Sessions amendment No. 772, to restore the budget discipline of the Federal Government by freezing nondefense discretionary spending for fiscal years 2010 and 2011, and limiting the growth of nondefense discretionary spending to 1 percent annually for fiscal years 2012, 2013, and 2014.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, in the ongoing debate about the fiscal condition of the country, we have heard once again the finger pointed at President Obama. President Obama did not create this economic collapse. He has only been President about 3 months—less than 3 months. This is not his concoction, nor are the deficits and debt piled up by the previous administration his responsibility.

President Obama inherited a colossal mess—a debt that was doubled during the previous administration, foreign holdings of U.S. debt that were tripled during the previous administration, and an economic collapse unparalleled since the Great Depression. In addition to that, he inherited two wars.

President Obama is striving mightily to get us moving back in the right direction. His budget, especially the first 5 years of his budget, which emphasizes reducing our dependence on foreign energy, a focus on excellence in education, fundamental health care reform, all the while cutting the deficit by more than half and extending the middle-class tax cuts from 2001 and 2003, has exactly the right priorities for the country.

When I hear criticism of President Obama, I must say it is badly misplaced. Our friends on the other side who complain about the fiscal condition of the United States should look in the mirror because they were there as silent sentinels when the previous administration stacked up this record debt, these record deficits, and plunged this country into a deep economic decline. That is their responsibility. President Obama is in on the cleanup crew, and a remarkable job he is doing.

We now are prepared to enter into an order for the next several amendments: Senator CASEY to be recognized for 10 minutes; then Senator GREGG or his designee for 1 minute; Senator ENSIGN for an amendment, 15 minutes on his side, 15 minutes for the chairman of the Budget Committee or his designee; then we will go to an amendment by Senator KERRY, who is seeking 15 minutes and will reserve just 1 minute in opposition or to comment. Is that OK with the Senator from New Hampshire?

Mr. GREGG. Yes.

Mr. CONRAD. I think we are prepared to move forward on those three at this point.

Mr. GREGG. Mr. President, we still have to work on this, but I would like to be recognized to offer an amendment after Senator KERRY completes his amendment.

Mr. CONRAD. It will be our intention—we need to work out times and have a chance to look at the amendment—that Senator GREGG would go after that. Our intention is to have a tranche of votes at 2:30 this afternoon. So far, that would involve a vote on the Alexander amendment offered yesterday, the Lieberman-Collins amendment offered yesterday, and then, of course, the pending amendments—Casey, Ensign, Kerry, a potential for Johanns, and a side-by-side from yesterday. We still have that to resolve. And potentially Senator GREGG as well.

With that, Senator CASEY is up.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

## AMENDMENT NO. 783

Mr. CASEY. Mr. President, I rise for two purposes: the first on an amendment, and then I want to speak on the budget as well.

First, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 783, the Casey amendment on funding the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. CASEY] proposes an amendment numbered 783.

Mr. CASEY. Mr. President, I ask unanimous consent to waive the reading of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund to fully fund the Long-Term Stability/Housing for Victims Program)

At the end of title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO FULLY FUND THE LONG-TERM STABILITY/HOUSING FOR VICTIMS PROGRAM.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fully fund the Long-Term Stability/Housing for Victims Program under the Violence Against Women Act which builds collaborations between domestic violence service providers and housing providers and developers to leverage existing resources and create housing solutions that meet victims' need for long-term housing at the authorized level, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. CASEY. Mr. President, earlier this month I had the honor of chairing the advisory board and participating in the release of a report by the National Center on Family Homelessness that focused on the increasing number of children that are homeless in our country.

The report is titled "America's Youngest Outcasts"—a very appropriate title and a heartbreakingly accurate one.

There are many very harmful consequences of homelessness for children. But first I want to emphasize the nexus between domestic violence and homelessness—and the reason why I am offering this amendment.

Mr. President, this budget amendment creates a deficit-neutral reserve fund for the Long-Term Stability/Housing for Victims Program, which is authorized under the Violence Against

Women Act, and I am offering this amendment because I wanted to highlight two very serious problems in this country. First of all, the relationship between domestic violence and homelessness and the obvious impact that both of these issues have on women and children in America; and in particular the high number of women and children who are fleeing abusive situations who then become homeless.

This program, under the Violence Against Women Act, will help substantially to improve the lives of women and children in America who become both victims of domestic violence and then become victims because they are homeless as a result of that.

I want to defer further review of that for now because I want to move to the second part of my remarks which focus on the budget, and in particular the issue of health care.

As we know from the budget offered by President Obama, these are his priorities in that budget: First of all, the creation of jobs, the focus on health care—which I will speak of in a moment—energy independence, and education. Two items not on that list are deficit reduction, to cut the deficit in half over the next couple of years, and, secondly, tax cuts—over \$800 billion in tax cuts set forth in the resolution that we are considering before the Senate.

At this point I will go to a second chart that very simply puts forth a headline from the Reading Eagle newspaper in Reading, PA, dated February 9 of this year: "Tilden Township Woman Tends To Baby Born Hours After Her Husband's Death," and then there is a very brief introduction:

Just after noon on Thursday, Trisha Urban's husband, Andrew D. Urban, died. Less than nine hours later, she gave birth to their first child, Cora Catherine.

Andrew Urban was just 30 years old, Mr. President. It is hard to describe the situation Trisha Urban was facing that day. Literally, at the same time she was watching her husband die, she was being rushed to the hospital to have their first child.

Let me read one excerpt from a letter she sent to me. Here is how her first paragraph concludes:

Two ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedic from the other ambulance told me that my husband could not be revived.

She goes on to say in the letter:

Because of preexisting conditions, neither my husband's health issues nor my pregnancy would be covered under private insurance. I worked four part-time jobs and was not eligible for health benefits.

Later in the letter she talks about the insurance company dropping the coverage for her family.

We were left with close to \$100,000 worth of medical bills. Concerned with the upcoming financial responsibility of the birth of our daughter and the burden of current medical expenses, my husband missed his last doctor's appointment less than 1 month ago.

And, of course, we know what happened next—her husband died and her baby was born.

Those words and this story tell us all we need to know about the challenge of health care—the challenge that is presented to the Senate, the Congress, and the country. We cannot fail to do something about this issue this year; not 2010, not 2011, or down the road. We have to address this issue this year. I am glad the President has made this a priority, and I am glad that Chairman CONRAD has as well.

I want to read Chairman CONRAD's words, the chairman of our Budget Committee, when he talked about not just the importance of health care but the connection between health care and fiscal responsibility in our budget. When he was releasing the budget resolution, Chairman CONRAD said, in part:

Reforming our Nation's health care system is essential to ensuring our long-term fiscal stability and economic strength, in addition to the well-being of our citizenry. Soaring health care costs are the biggest source of the projected explosion in Federal debt in our long-term budget outlook. Rapidly rising health care costs make it harder for our businesses to compete globally, while putting a tremendous strain on family budgets.

That is the challenge we have from a fiscal point of view if we don't do anything about health care. But let's talk about costs and families—rising costs and struggling families.

This chart is very simple. The orange line, of course, is the rise in health insurance premiums from 1999 to 2008, a very dramatic and unambiguous upward spike. The two lower lines, the light blue and the red, depict workers' earnings, which have been, at best, near flat in that time period. Then overall inflation is at about the same level, so a 34-percent increase in wages at the same time health care premiums are up 119 percent.

Going to the next chart, the insurance status of Americans under the age of 65, you can see from that number we have 86 million Americans, according to a recent report, who at some period of time in 2007 and 2008 had no health insurance. I might add those 86 million people, most of them, almost 70 percent of them, didn't have health care for at least 6 months.

Finally, we go to the employment status of people in Pennsylvania—those who are uninsured. As you can see from this chart, more than three-quarters of the people in Pennsylvania who are uninsured are employed. So we are talking about working families not having health insurance. That won't come as news to people across the country.

This really, when you get down to it, is not about these charts or numbers. In the end, it is about people. It is about Trisha Urban and her family and the horror they faced when her husband, the father of her child, died at the very moment of birth of that child,

but it is also the horror of people who face a health insurance crisis that is literally, in some cases, about life and death and about whether they will survive.

Just consider this: Consider the costs we are talking about in terms of the causes of death. The leading cause of death for Americans between the ages of 55 and 64 are, No. 1, heart disease; No. 2, cancer; but No. 3, in that age category, no insurance—the cause of death, not just a problem, not just a crisis, but literally the third leading cause of death in that age category. So that is what we are talking about.

Finally, when we consider the challenges that families face, this is also about a lot of small businesses. I am noting that in Pennsylvania we have a strong tradition of making sure we support our small businesses. One of the companies our office worked with is Bingaman & Son Lumber Company. They have been in business 40 years, with 250 people employed, and they prided themselves on covering 80 percent of their employees' medical and prescription drug costs. In December, Bingaman & Son Lumber was notified that due to high medical bills the company would have to increase their premiums by 37 percent.

We were able to work with them to provide some relief. But, again, this points to the crisis in families but also the crisis in small businesses—a 37-percent increase in their premiums.

Finally, Mr. President, I want to highlight President Obama's principles for health care reform. They are very simple, and I will go through them quickly. We know what they are: protecting families' financial health, just as we spoke of today; making health care affordable; aiming for universality, or covering everyone, which has to be our objective; portability of coverage, so in the case of the Urban family moving or changing jobs, it would not lead to a problem with health insurance which could have been prevented; guaranteed choice; investment in prevention and wellness, and we know the importance of that; improving patient safety and quality care; and, finally, maintaining long-term fiscal sustainability, or stability, as our chairman has made a major priority of the budget resolution.

In conclusion, Mr. President, I would ask that we stay focused on this issue, not just in this budget resolution but well beyond the debate on the budget. And I want to come back to Trisha Urban. At the end of her letter to me, she said the following:

I am a working class American and do not have the money or the insight to legally fight the insurance company. I will probably lose my home, my car, and everything we worked so hard to accumulate in our life will be gone in an instant. I am willing to pay the price of losing everything.

So, Mr. President, as I conclude, I would ask all of us in the Senate who

are debating this budget and wondering what is going to happen on the issue of health care this question: What price will we be willing to pay to make sure health care reform becomes a reality? The first step in that goal is passing a budget resolution which makes health care a priority.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 804

Mr. ENSIGN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 804, an amendment to protect middle-income taxpayers from tax increases.

The ACTING PRESIDENT pro tempore. Is there any objection?

Hearing no objection, it is so ordered. The clerk will report.

The legislative clerk read as follows: The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 804.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect middle-income taxpayers from tax increases by providing a point of order against legislation that increase taxes on them, including taxes that arise, directly or indirectly, from Federal revenues derived from climate change or similar legislation)

On page 68, after line 4, insert the following:

#### SEC. \_\_\_\_ . POINT OF ORDER AGAINST LEGISLATION THAT RAISES TAXES ON MIDDLE-INCOME TAXPAYERS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) includes a Federal tax increase which would have widespread applicability on middle-income taxpayers.

(b) DEFINITIONS.—In this subsection:

(1) MIDDLE-INCOME TAXPAYERS.—The term “middle-income taxpayers” means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) WIDESPREAD APPLICABILITY.—The term “widespread applicability” includes the defi-

nition with respect to individual income taxpayers in section 4022 (b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) FEDERAL TAX INCREASE.—The term “Federal tax increase” means—

(A) any amendment to the Internal Revenue Code of 1986 that, directly or indirectly, increases the amount of Federal tax; or

(B) any legislation that the Congressional Budget Office would score as an increase in Federal revenues.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CONRAD. Mr. President, through the Chair to the distinguished Senator from Nevada, would he yield for a unanimous consent request?

Mr. ENSIGN. I will, without losing my right to the floor.

Mr. CONRAD. Absolutely.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. CONRAD. I apologize to the Senator. We thought we had entered a unanimous consent request. It was taken as more of a statement of times rather than a unanimous consent request. We need to get that fixed; otherwise, we could have a long delay here.

Mr. President, I ask consent the Ensign amendment we are on now—I ask unanimous consent Senator ENSIGN have 15 minutes and it be 15 minutes for the chairman of the Budget Committee or his designee; then we would go to the Kerry amendment, 15 minutes for Senator KERRY, 5 minutes for time in opposition; then the Cornyn amendment, 15 minutes for Senator CORNYN, 15 minutes for the chairman of the committee or his designee; then the Lincoln amendment on National Guard, 10 minutes for Senator LINCOLN and 5 minutes in opposition; then we would go to the Gregg amendment, 15 minutes for Senator GREGG and 15 minutes for the chairman of the committee or his designee. I ask unanimous consent that we agree to that order.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered. The Senator from Nevada.

Mr. ENSIGN. Mr. President, if I tried to imagine the worst policy we could pursue during this time of economic duress, when jobs are being shed from the economy, the worst policy would be to raise taxes on individuals and businesses.

Every single day, we are buried in the news of our economic turmoil. Thousands more are laid off, home foreclosures are reaching new highs, property values are dipping to new lows, more businesses are shutting their doors, and Americans are struggling to pay for life's essentials. Therefore, what we should be discussing is

extending tax relief for individuals and families, and even going further to encourage savings and investment that generates jobs and security.

Framed within this context, President Obama has promised not to raise taxes on individuals making up to \$200,000 and for families who make up to \$250,000. In his address to Congress, he said:

But let me [be] perfectly clear, . . . if your family earns less than \$250,000 a year, you will not see your taxes increased a single dime. I repeat, not one single dime.

That was the quote from the President of the United States. The President did not say I will not raise income taxes one single dime. He said "taxes," period. He did not define direct, indirect—he said "not one single dime will be raised in taxes."

That promise does not go far enough, in my view because, as we have discussed, many middle-income families could be hit by increased energy costs and other potential tax increases under this budget resolution. Still, the promise was made by the President and by other Democrats that those who make up to \$250,000 will not have their taxes raised, "not one single dime." I will be frank with my Democratic colleagues when I say that many people doubt they will live up to this promise. Many people making less than \$250,000 fear tax increases on them in the immediate future.

I believe we need to take action on this budget resolution that locks in place a commitment that Congress will not raise taxes on middle-income families. My amendment ensures that Congress and the President will keep this promise not to raise taxes on individuals making \$200,000 a year or families making \$250,000. If they decide to violate this promise, then they will be held accountable.

To achieve this objective, my amendment would create a new budget point of order against any legislation that would raise taxes on middle-income taxpayers, those individuals making less than \$200,000, and families making less than \$250,000. If the Democrats mean what they say about not raising taxes on families making up to \$250,000, then they should embrace my amendment as a way of accomplishing it.

I define tax increase broadly because I think families were promised "no tax increases" and they don't care whether those tax increases come directly or indirectly. My amendment would protect taxpayers against indirect tax hikes yet to be forced upon the public.

Under the budget proposals, Americans, even those married couples with incomes under \$250,000 and singles under \$200,000, would see higher electricity, gas, heating oil, and other energy prices. Americans would also see higher prices for other goods and services that are themselves affected by higher energy costs.

This is the Trojan horse—the national sales tax on energy. This is the indirect tax on people making less than \$250,000 a year. A recent MIT study, which modeled a national energy tax regime similar to President Obama's budget proposal, estimated that annual revenues as high as \$366 billion would come to the Federal Government. This equals tax increases of over \$3,100 per household per year in the United States. Higher energy costs under a national energy tax is not speculation. Candidate Obama acknowledged his plan would lead to higher energy prices. He said last year:

Under my plan of a cap and trade system, electricity rates would necessarily skyrocket.

The OMB Director, the President's OMB Director, Director Orszag, said in prepared testimony that "[u]nder a cap-and-trade program, firms would not ultimately bear most of the cost of the allowances but instead would pass them along to their customers in the form of higher prices . . . [T]he price increases would be essential to the success of a cap-and-trade program."

That was a direct quote from President Obama's OMB Director, admitting that these higher prices are going to get passed on to the American consumer. If you are raising cap-and-trade taxes, and that is not an indirect tax, I don't know what is. More than anything else in this budget, an energy tax poses perhaps the greatest risk to our economy and to middle income livelihoods. In addition, this amendment would also protect taxpayers against tax hikes yet to be developed by those who want to expand the role of the Federal Government.

Now is the time to protect middle-income Americans who are at risk from direct and indirect taxes. This amendment would be a good first step in locking the budget into a direction in which middle-income families are protected. Then we should work toward providing new tax relief instead of raising taxes. With the economy in such bad state, we should all be able to agree not to raise taxes. I urge all Members of this body to support this important amendment.

In conclusion, the energy tax that has been proposed, this cap-and-trade system, this national sales tax on energy. We did a hearing on this the other night. What people do not realize is that not only do the electricity rates skyrocket as the President said, but gasoline and diesel prices go up significantly. That means transportation costs on your food go up significantly. That means you have to raise the price of food.

We had the fertilizer companies testifying before our committee. I didn't know that much about fertilizer before the testimony in front of the committee. It is amazing what a world commodity fertilizer is. The energy tax

is going to destroy jobs in the fertilizer industry, but it will also raise prices of fertilizers in the United States. Guess what, to grow food you need fertilizer. If you pay more for fertilizer, you are going to pay more for food. That cost either has to be borne by hard-working farmers and their families or it is going to be borne by the consumer at the end.

The worst part of all this is that a national energy tax is the most regressive form of taxation there is because it hits those in the low- and middle-income categories much more severely as a percentage of their income than it does people at the top.

My amendment is critical for the President to keep his word on not raising taxes on individuals making up to \$200,000 a year or families making up to \$250,000 a year. My amendment will ensure that the President keeps not only his campaign pledge, but also what he pledged in his first address to Congress and to the American people when he took office after Inauguration Day.

I urge adoption of my amendment by all the Senators in this body. Let's move forward and protect middle-class, middle-income taxpayers in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, if I could get the attention of my colleague, I would be willing to take the amendment on a voice vote—oh, I am sorry. I have been advised that because of the way the amendment is structured, it gives specific instructions to the Finance Committee that we cannot do so in a budget resolution or the whole budget resolution is no longer privileged. We went through this last year, you may recall, with the Cornyn amendment. The same thing applies here.

I will be required to raise the defense of germaneness against the amendment. Let me say this, I support the amendment. I think it is the right signal to send. But the Parliamentarian has advised us that if I do not raise the defense of germaneness against the amendment, then the entire privileged nature of the budget resolution is at risk. I hope the Senator understands. It has nothing to do with the message the Senator is trying to send. What it has to do with is, as I understand it, the specific instructions to the Finance Committee that are contained in this amendment. That is beyond the power of the Budget Committee. We don't have the authority to tell the committees of jurisdictions with specificity what they are to do with the allocations they are given. The power of the Budget Committee is to tell the committees what numbers they have to hit. We don't have the ability to tell them how to do it.

It is just like appropriators. We tell them how much money they have to

spend. We do not have the authority to tell them how to spend it.

If I were able to make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. CONRAD. Has the Parliamentarian had a chance to review the Ensign amendment?

The PRESIDING OFFICER. Yes.

Mr. CONRAD. Is this amendment defective in the way that I have described; that is, is it too prescriptive in terms of its language with respect to the Finance Committee and therefore would it put at risk the privileged status of the budget resolution itself?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. Let me inquire further. If I fail to raise the defense of germaneness against this amendment, that would put the budget resolution's privileged status at risk?

The PRESIDING OFFICER. If the amendment were to be adopted, it would put the privileged status at risk.

Mr. CONRAD. So if I raise the defense of germaneness and I were to lose, that would put the privileged status of the budget resolution at risk?

The PRESIDING OFFICER. Will the Senator restate his inquiry.

Mr. CONRAD. Excuse me?

The PRESIDING OFFICER. Would the Senator restate his inquiry.

Mr. CONRAD. If I were to raise a point of order that the amendment is not germane for the reason we have discussed, and I were to lose that point of order, would the resolution be at risk in terms of its privileged status?

The PRESIDING OFFICER. It would.

Mr. GREGG. Only if it passes.

The PRESIDING OFFICER. It would.

Mr. GREGG. Mr. President, it would only be at risk if it passes?

The PRESIDING OFFICER. If the amendment were adopted, it would be at risk.

Mr. CONRAD. So let's be very clear. If I raise—first of all, I have to raise a point of order or the privileged status of the resolution is at risk; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. If I lose the point of order, the privileged status of the resolution is at risk?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Well, only if it is adopted.

Mr. CONRAD. Wait. I have the floor.

I would ask the Senator from Nevada if it would not be possible for us to work together on alternative language that would capture the intent of the Senator from Nevada but that would not put the budget resolution at risk.

Mr. ENSIGN. I would say to the Senator from North Dakota, we have worked on language with the Parliamentarian, trying to overcome this

problem the Chairman is raising. The bottom line is, the intent of what we are trying to do is to make sure taxes are not raised on people making up to \$250,000 a year.

From what we understand from the Parliamentarian, there was not language we could draft that would fit the conforming factor with the budget resolution. So we were going to have to have a vote on waiving the germaneness.

Mr. CONRAD. Well the problem is, if the Senator proceeds, I am required to raise the point of order. If I fail to do so, the entire privileged status of the budget resolution is at risk. If I raise it and I lose, the privileged status of the budget resolution is at risk.

This, in effect—I do not think this is the Senator's intention, to threaten the entire budget resolution.

Mr. GREGG. Would the Senator yield on this point? If I might inquire of the Chair, "at risk" does not mean the resolution has necessarily gone over the level of being—of losing its privileged status?

This is, by the Chair's definition, a corrosive amendment. There would have to be a series of corrosive amendments to meet the point where the bill loses its status as privileged. One single amendment that is corrosive does not necessarily mean the bill has lost its privileged status. It simply means it is moving in the direction of being at risk of losing its privileged status; is that true?

The PRESIDING OFFICER. The Senator is correct with respect to this stage of the proceedings on this matter.

Mr. GREGG. So it is possible this amendment could pass. If passed, it would be—could be deemed corrosive but would not be deemed fatal to the privileged status of the bill?

The PRESIDING OFFICER. During this initial phase of consideration of the resolution, that is correct.

Mr. CONRAD. Mr. President, further parliamentary inquiry: So let's review because at least this Senator is getting a mixed message. Let's revisit this. If I fail to raise a point of order against the Ensign amendment, that threatens the privileged status of the resolution; is that correct?

The PRESIDING OFFICER. The adoption of the Ensign amendment would have a corrosive effect on the privilege of the resolution on the floor at this time. It would have a fatal effect if the language were to be retained in the conference report.

Mr. CONRAD. So let's revisit this once again. If I did not raise the point of order, in fact, supported the Ensign amendment, and it passed, as long as it did not come back from conference committee, the privileged status of the budget resolution would be preserved?

The PRESIDING OFFICER. At this time, it would be corrosive. The cumu-

lative effect of the adoption of such amendments could prove fatal.

Mr. GREGG. Mr. President, if I might inquire. But the amendment itself is not fatal?

The PRESIDING OFFICER. Not if it is adopted to the resolution at this phase.

Mr. KERRY. Mr. President, I wish to try and clarify that now because this has gone back and forth. What I understood you to say is—I wish to have this clear—if it passes now, it has a corrosive effect, but if it does not come back—if it comes back from conference committee, it would be fatal?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. If it does not come back from the conference committee, then the corrosive—whatever effect—is eliminated?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. All right. I think it is clear to all of us. I hope that is clear. Let me make one further parliamentary inquiry because I wish to make certain: If I fail to raise the point of order at this point against Senator ENSIGN's amendment, that has a corrosive effect, potentially corrosive effect, but it is not fatal?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. It would only be fatal if it came back from conference committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. I wish to indicate it would be my intention to support the Ensign amendment. We will have a vote later on it. I would not oppose it. But I wish to make clear to my colleagues this exchange. Senator ENSIGN needs to know, I cannot bring this amendment back from conference because that would be fatal to the privileged status of the budget resolution. The Senator needs to offer this amendment knowing that full well.

I also wish to say to others who might have similarly crafted amendments, and I would ask the Parliamentarian at this time: If there were a series of amendments such as this one that were adopted here but did come back from the conference committee, would just the fact that a series of amendments such as this were adopted be potentially fatal to the privileged status of the budget resolution, even if they did not come back from conference committee?

The PRESIDING OFFICER. It is impossible to predict the ultimate corrosive effect. But there is a theoretical possibility it could exist.

Mr. CONRAD. It is not theoretical in the sense that we have another amendment coming very soon after this one that is the same. The Cornyn amendment, as I understand, has exactly the same flaw. So we are going to have to go through this exercise again.

Mr. ENSIGN. Another parliamentary inquiry: It is true that when you say "fatal," that just requires 60 votes instead of 51 votes?

The PRESIDING OFFICER. If a measure loses its privileged status, when it is considered, it is fully debatable and could require 60 votes to invoke cloture.

Mr. ENSIGN. Further parliamentary inquiry: That would indicate, if they had 60 votes, they could pass the budget resolution even with this amendment in it? So it actually is not fatal, it requires a higher level of support from the Senate to pass it?

The PRESIDING OFFICER. It is fatal to the privileged status.

Mr. ENSIGN. But it does not kill the bill? The bill still could be passed with 60 votes, passing the other hurdles that are in the way; is that not correct?

The PRESIDING OFFICER. The Senator from Nevada is correct.

Mr. CONRAD. Mr. President, what is very clear is it is fatal to the privileged status of the budget resolution. Requiring 60 votes on a budget resolution, that is fatal. Let's be clear. We all know what this means.

I would ask to make a further parliamentary inquiry: Does it make a difference whether I offer the point of order against the Ensign amendment to the risk of the budget resolution, even if it does not come back in conference?

Am I clear? Let me restate this. If the Ensign amendment does not come back from conference committee, does the fact that I raise a point of order make a difference?

The PRESIDING OFFICER. Not if this does not come back from the conference committee.

Mr. CONRAD. Well, I wish to say this to Senator ENSIGN straight from the shoulder. I intend to support the amendment. I ask other colleagues to support the amendment because it is clear to me it will not be fatal to the privileged status of the budget resolution if it does not come back from conference committee.

But let me say this to the Senator very clearly: There is no way it is coming back from conference committee. I am not going to put the entire budget resolution at risk for that.

Mr. ENSIGN. Mr. President, one last comment. We clearly established that even if it was in the budget resolution, coming back from conference it would require 60 votes at that point if somebody raised the question of its privileged status. If that was the case, it would require 60 votes, and there it would require bipartisan participation.

I guess bipartisanship around here means it is fatal.

Mr. CONRAD. Well, I would say this. Let's deal with the reality. The reality is, I do not remember a budget resolution around here that has gotten 60 votes. So to make the privileged status

fatal, to be fatal to the privileged status is to be fatal to a budget resolution. That is the reality.

Mr. GREGG. Mr. President, as an aside, I think it is important to note the chairman has said this will not come back from the conference committee, which is interesting and informative. I think it is fair that he has said that. It reflects the influence the chairman has on the conference committee.

Therefore, I presume, since the chairman has said, relative to reconciliation, it should not occur in the Senate on the issue of health care or the carbon tax, national sales tax, that the chairman will use the same influence to assure us we will not see those matters come out of the conference committee.

In addition, I wish to ask a parliamentary inquiry: I understand there is a wall, not a wall of debt—although that also is involved in this bill—but there is a wall being built of corrosive activity, potentially, with a series of amendments that might be adopted on the floor that the Parliamentarian deems to be corrosive. At some point, there is the theoretical possibility, as the Chair has said, that you might even bring the budget resolution's privilege into issue on the floor.

I guess my question is: Why, if this is just one element of that wall, on the resolution as it reaches the floor, would it be definitive relative to the conference report?

In other words, why doesn't there have to be a series of amendments that are corrosive in order to make the conference report privilege fatal? Why would one amendment make the conference report fatal if it does not make the budget on the floor fatal, if the Chair understands the question?

The PRESIDING OFFICER. The conferees would have the opportunity, upon reflection, to remove corrosive matter from the conference report.

Mr. GREGG. I think my question was, to make it more succinct, if this were the only corrosive matter in the conference report and since it was not fatal to the budget resolution as a single corrosive matter on the floor, why would it be fatal to the conference report? Why isn't the conference report something that is subject to the same test of corrosiveness as the budget resolution is on the floor?

The PRESIDING OFFICER. The conferees would have the ability to reflect on the appropriateness of the matters sent to them.

Mr. GREGG. So is the Chair saying that it is possible—more than theoretical but possible—that this amendment in the conference report would not be fatal to the conference report's privilege but would simply be corrosive of that privilege and that the conference report could retain its privilege with this amendment in it, that that is a possibility?

The PRESIDING OFFICER. A very remote possibility.

Mr. GREGG. But not theoretical?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Is there any possibility that the resolution could be challenged prior to going to conference on the basis of its privilege and that it could lose its privilege prior to going to conference?

The PRESIDING OFFICER. Only on the accumulative effect of corrosive amendments.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague for his confidence in my ability to influence the outcome of the conference committee. I don't think it may extend as far as he may wish or as far as I might wish.

On a matter such as this, I don't see that there is any option. Many of us support the intent of the amendment of the Senator from Nevada. Unfortunately, it is drafted in a way that the Parliamentarian has described to us clearly. If it comes back from conference committee, in all likelihood that is fatal to the privileged status of the budget resolution. That is not a risk we can afford to take as conferees. I am confident the conferees will not permit that. At the same time, I don't want people voting against the amendment of the Senator on a technicality that then is misrepresented as their position on the underlying position contained in this amendment.

With that, we have used as much time as we need on this amendment. Senator KERRY is next.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### AMENDMENT NO. 732

Mr. KERRY. I thank the distinguished Senator.

That was one of the more intriguing half hours we have spent in the Senate in a long time. I might add, it is sort of interesting that we are haggling about an amendment which raises one of those great red herrings on the subject of global climate change and cap and trade because we already have a cap-and-trade system in America. It is not an automatic tax increase. It is not going to, if properly structured, result in a tax increase. We like to tilt against goblins around here sometimes. This is one of those amendments that do that in a very political way.

I ask that amendment No. 732 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. LUGAR, Mr. LEAHY, Mr. VOINOVICH, Mr. DURBIN, Mr. KAUFMAN, Mr. MENENDEZ, Mr. DODD, Mrs. FEINSTEIN, Mr. BROWN, Mr. SANDERS, Mr. LIEBERMAN, Mr. CASEY, and Mr. CORKER, proposes an amendment numbered 732.



Mr. KERRY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore full funding for the President's request for the international affairs budget, in support of development programs in Pakistan and Afghanistan, nuclear nonproliferation, foreign assistance, fighting global AIDS, promoting sustainable development, and other efforts, with an offset)

On page 10, line 20, increase the amount by \$4,000,000,000.

On page 10, line 21, increase the amount by \$1,896,000,000.

On page 10, line 25, increase the amount by \$1,104,000,000.

On page 11, line 4, increase the amount by \$476,000,000.

On page 11, line 8, increase the amount by \$272,000,000.

On page 11, line 12, increase the amount by \$116,000,000.

On page 27, line 23, decrease the amount by \$4,000,000,000.

On page 27, line 24, decrease the amount by \$1,896,000,000.

On page 28, line 3, decrease the amount by \$1,104,000,000.

On page 28, line 7, decrease the amount by \$476,000,000.

On page 28, line 11, decrease the amount by \$272,000,000.

On page 28, line 15, decrease the amount by \$116,000,000.

Mr. KERRY. Mr. President, over the first 9 years of this new century, we have learned a lot about national security. We learned the hard way in 2001. Since then, with two wars, one in Afghanistan and one in Pakistan, and also with the global economic crisis we face today, we understand the degree to which in a globalized world our problems are interconnected. Ultimately, our security is interconnected. We are currently endangered by weak states and failed states as well as by strong states because those weak and failed states become places where terrorism can flourish. We are endangered also by diseases that know no borders, by climate change half a world away. We are endangered when we allow chaos and crisis to create conditions for ideologies of radical hatred and violence to take root.

It is clear to all Members, who are, all of them, no matter what committee on which they serve, forced to think hard about how to protect our country, that it requires a lot more than just a strong military in order to provide that protection. It requires, above all, in this new world in which we live, a strengthened commitment to diplomacy and to development. To put this as simply and as bluntly as possible, that is why passing a robust foreign affairs budget is a matter not only of America's world leadership but also of our practical national security at home.

I call to the attention of my colleagues the words of Secretary of De-

fense Bob Gates spoken almost a year and a half ago in Kansas where he gave a speech while serving as President Bush's Secretary of Defense. What he said there is the following:

What is clear to me is that there is a need for a dramatic increase in spending on the civilian instruments of national security—diplomacy, strategic communication, foreign assistance, civic action, and economic reconstruction and development.

The other day, I was told the story of our National Security Adviser, former Marine Commandant Jim Jones, who was commenting how we have powerful, enormous ships off the shores of Lebanon, but Hezbollah is building schools and building homes and winning the hearts and minds of people in that divided and volatile country by doing so. In effect, he described a situation where, as powerful as our military is, we are not able to win the contest for ideas at the center of security issues today.

Secretary of State Hillary Clinton, our former colleague, testified in her confirmation the following:

The relatively small but important amount of money we do spend on foreign aid is in the best interests of the American people and promotes our national security and advances our interests and reflects our values.

When our soldiers and generals join our top diplomats in demanding increased civilian capacity and increased civilian funding, even in the midst of this economic crisis, that is when you know there is not only a growing consensus, there is a sense of urgency behind the strengthening of our civilian mission.

We just had an elaborate, long period where I think three studies were commissioned by President Bush, and then President Obama recommissioned another evaluation of what is happening in Afghanistan and Pakistan. It is clear that we cannot achieve our objectives unless we have the kind of robust budget in the foreign affairs account President Obama asked for. Regrettably, that is not what the budget resolution currently calls for, even when we add the supplemental budgets to it. It falls about \$4 billion short from the \$53.8 billion the President asked for.

I believe that returning diplomacy and development to their rightful place is not going to be achieved by talking about it. It is going to take money to drive civilian foreign policy. If it keeps us safer, and it is the consensus of our military and our diplomats that it does that, then that is money well spent. Full funding of the President's international affairs budget is a vital step toward greater civilian capacity.

I urge colleagues to support this amendment. Senator LUGAR, Senators LEAHY, VOINOVICH, DURBIN, KAUFMAN, MENENDEZ, DODD, FEINSTEIN, BROWN, SANDERS, LIEBERMAN, CASEY, and CORKER have all joined together to co-sponsor this amendment. We ask for

the approval of the Senate to add \$4 billion worth of funding to the President's fiscal year 2010 international affairs budget request for the function 150 account. There is an offset. The offset that would pay for this transfer would come from the function 920 account.

The reality is that we are just not doing enough today to invest in the vital components of both diplomacy and development. I was recently in the Middle East, in Egypt and Jordan and in the West Bank and Israel and Syria, Lebanon. I saw firsthand the degree to which people we support in many ways are struggling to push back against enormous spending by Iran and other actors who seek to destabilize the region. If the United States talks about democracy and doesn't support people in the same way the people trying to disrupt it do, we lose our credibility and, more importantly, we walk away from people who are literally putting their lives on the line to live up to the standards we have set and the beliefs we have espoused so powerfully.

It is extraordinary to me that the funding for the Department of Defense today, with all of these restraints we see on its ability to achieve our goals, as powerful as we know it is and as much as we admire the sacrifices and the extraordinary capability of our modern military—the fact is, we spent over half a trillion dollars on it. Then in 2008, the Army added about 7,000 soldiers to the total. I supported that. I believed we needed to do that to relieve pressure on the current deployments. But 7,000 soldiers is more people than serve in the entire Foreign Service every year all the time. The fact is, 1,100 Foreign Service officers could be hired for the cost of a single C-17 military cargo plane, and \$4 billion, which is what we are looking for here, is less than 2 percent of what the Government has given to AIG over the course of the last year and a half.

This is a vital context to put this discussion into. We have to decide around here what is really important to us. What really makes a difference to the security and safety of the American people? The President requested \$53.8 billion in this year to fund next year's budget. That is an increase of 8 percent over last year's funding level of 49.8.

Why is this so important? Well, first of all, let me put this in context, if I can. The total request of the President for this entire context of America's security comes to about 1.4 percent of our whole budget. In fact, if you break out the entire national security budget, which is our defense, homeland security, all the components of security, you are only talking about 6.8 percent of the entire national security budget of our country for some of the most important things that prevent people from becoming terrorists or from being able to engage in their terrorist acts with impunity.

Some people try to assert that the President's request has increased 41 percent from last year's total of \$38 billion. Let me say very clearly, right now, that is not accurate. The figure of \$38 billion does not include last year's supplemental appropriations. And those supplemental appropriations raised the total to about \$50 billion.

What President Obama did was break the practice of past Presidents of sending in a phony half budget or a three-quarter budget and then we do the rest of it through the supplementals. He decided the American people ought to see it as it is, they ought to know what we are doing, we ought to make the request we need. So he put in the request for the \$53 billion because that is, in fact, reflecting what we actually spent last year, plus what we need to do for Afghanistan and Pakistan in this year. This is a more straightforward way of doing business, frankly. Rather than hiding the amount of money or massaging the spending figures by tucking extra spending into the supplemental bills, President Obama has been up front and open, and he has put it into one bill and says: Here is what I need. That is why my colleague, the chairman of the Budget Committee, who labors unbelievably hard under these difficult circumstances to make all this work—and I respect him enormously in those efforts—has praised President Obama's approach in this openness.

So the real question is sort of, What is this \$4 billion going to get us? What is the difference it is going to make? First of all, we have a vital new package the President announced yesterday that Senator LUGAR and I will be introducing in a few days to provide additional assistance for Pakistan and Afghanistan. The \$4 billion is going to help build civilian capacity and put our diplomats back on the front lines of American foreign policy. It will provide lifesaving treatment for people with HIV/AIDS and continue the program that was perhaps the single most successful program of the Bush administration, which is the PEPFAR efforts in Africa. This \$4 billion will help make people all over the world safer and in the process help keep America safer.

Ultimately, these kinds of efforts are the key to the strategy in Afghanistan. Our on-the-ground ability to be able to win, hold, and build is the whole strategy to be able to win people back over to us and prevent the Taliban from supplanting or filling the vacuum that currently exists.

We need to reverse years of neglect in those two countries. Pakistan has nuclear weapons. We just saw the other day an attack on police recruits in the heart of Pakistan itself—not out in the Fatah or in Baluchistan or the areas we know are harder to control. So we see that insurgency with a message clearly sent that they can act with im-

punity. So it is critical for the United States to step up and show President Zardari and the Government of Pakistan, who are courageously trying to forge forward with their youthful democracy, that, in fact, we are supportive and we are there to help them.

I ask my colleagues to imagine a nation as populous as Iraq, Afghanistan, and North Korea combined, a nation with a full arsenal of nuclear weapons and ballistic missiles capable of delivering them anywhere in a 1,000-kilometer range. Imagine a nation with a population that is overwhelmingly moderate, overwhelmingly committed to democracy and the rule of law, but deeply suspicious of its leadership and of America's friendship. Imagine a nation in which Osama bin Laden and the leadership of al-Qaida have found sanctuary for the past 7 years—a haven from which they and their confederates have plotted and carried out attacks on their host country, on neighboring countries, and on sites around the globe. That nation can serve as a keystone for a new, cooperative relationship between the Western and Muslim worlds, or, if we do not do our job, it could become an epicenter for radicalism and violence on a cataclysmic scale.

So I believe we are at a critical crossroads, and we need a bold new strategy for Pakistan. Our current path has not brought success, and tinkering around the margins is absolutely guaranteed to fail. That is why President Obama has called on Congress to pass the Enhanced Partnership With Pakistan Act that Senator LUGAR and I will introduce very soon that authorizes up to \$1.5 billion annually in order to help shape this new relationship with Pakistan.

We also might mention again the importance of standing up with respect to Iran. When you look back at what happened in the war with Israel and Lebanon, the southern part of the country of Lebanon was significantly damaged. Iran, using its surrogate Hezbollah, immediately painted flags on the houses—their flags, Hezbollah flags—and essentially asserted: Don't worry, we are here, and we are going to rebuild this.

So last year both parties came together. We had 73 votes to pull together, in addition to the budget, to provide \$48 billion over 5 years. Today, it is imperative that we fund these programs, and I ask my colleagues for their support for this amendment.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, when the Senator approached me about this yesterday, I told him I would strongly oppose this amendment. I told him that because this has been hard to put together, and we have tried to have an equal sharing of sacrifice between all

of the spending elements of a budget. We have tried to do it with respect to domestic spending, defense spending. We have tried to do it with mandatory spending. And international is a component of the discretionary side of the budget, so we thought it would only be fair that they be asked to make a contribution.

When I told the Senator yesterday that I would strongly resist this amendment, I did not know, I was not aware, he had an offset for that amendment, and that does alter the situation. That makes it more palatable because we maintain the same bottom line.

But it does concern me that we are upsetting the balance of what I think is a fair distribution of the pain of the cutbacks we have had to make. I want to be very clear about that. I am concerned that other parts of the budget are being asked to take reductions from the President's request and now international will not. So I want to say I find that troubling.

I understand absolutely the substance of the argument the Senator is making, and he is right to make it. He is chairman of the Foreign Relations Committee. But I do hope colleagues think carefully about kind of the equity of the burden here—the equity of the burden.

The second thing I want to say with respect to this amendment is that it uses a 920 offset. We came out of the committee with about \$7 billion in savings in 920. That is general overhead of all of the agencies; in other words, it is across the board, goes to their travel accounts, goes to their overhead accounts. Could we take somewhat more in 920? Yes, but not much more.

We came out of the committee at \$7 billion. I have always tried to stay at about \$10 billion in 920. This would take us to \$11 billion. So I am troubled by that as well.

With that said, I do not intend to oppose this amendment, but I do find it troubling on those two grounds: One, it does affect the fairness of the distribution of the pain, if you will, of the cutbacks we have had to make; and No. 2, it adds to the section 920 offsets in a way that, to me, takes it a little past the realm of what is reasonable. But with that said, I do not intend to oppose this amendment or ask colleagues to vote against it.

I yield the floor.

Mr. President, Senator CORNYN is next. Senator CORNYN has another one of these corrosive amendments. I told Senator CORNYN, this is the third year he has offered a corrosive amendment, that he is very much in danger of being dubbed "Corrosive CORNYN." I hope he takes that with the good humor it was intended.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the new moniker the distinguished chairman of the Budget Committee is trying to confer on me, but I would say it is not warranted for a number of reasons. The chairman has a great sense of humor, which I appreciate sometimes and not as much on other occasions.

AMENDMENT NO. 806

Mr. President, I ask unanimous consent to set aside the pending amendment and to call up my amendment No. 806 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 806.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect small businesses from higher taxes)

At the end of subtitle A of title III, insert the following:

**SEC. . POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES.**

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which increases Federal income tax rates.

(b) DEFINITION.—In this section, the term “Federal income tax rates” means any rate of tax imposed under subsection (a), (b), (c), (d), or (e) of section 1, 11(b), or 55(b) of the Internal Revenue Code of 1986.

(c) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CORNYN. Mr. President, my colleagues, when they listen to what my amendment does, are going to experience a sense of *deja vu*. As the chairman says, we have been here before. As a matter of fact, 2 years ago, when I offered this amendment, which would create a budget point of order requiring 60 votes for any legislation that would raise taxes on small businesses—a couple years ago—we got 63 votes for that amendment, including these Democrats, as shown on this chart, folks on the other side of the aisle, making this a truly bipartisan proposal. Two years ago, when we had the same amendment offered, we had a little bit different group, but 58 Senators, representing a bipartisan majority of the Senate, believed it was a correct move to limit this Congress’s ability to raise taxes on small businesses.

I know the chairman has raised this issue of corrosive but not fatal to the

privileged status of the budget resolution, and I have some answers. We have corresponded with the Parliamentarian, and he has been good to give us some guidance, and I think there is a pathway for us to move forward for the conference committee to consider this amendment and to perhaps modify it in the conference and yet sustain its viability as a budget point of order for a tax increase on small businesses.

Why are we focusing on small businesses? Well, almost 400,000 small businesses in Texas, my State, employ about 4 million people. Frankly, as the chief job-creation engine of our country, small businesses disproportionately add to the job creation in our country, and I think it would do nothing but destroy or certainly impair their ability to continue to create jobs in this country by raising taxes on small businesses. So I think it is appropriate, before we do, that we have an extra hurdle—at least 60 votes—to waive any budget point of order to make us consider the seriousness of our decision and also the ramifications of any tax increase on small businesses.

Last month, I visited Tyler, TX. That is in East Texas, a midsized city of over 100,000 people, where I had the chance to sit down and visit with local business leaders, community leaders, about how the economy is going, unemployment rates—the things we could do here in Washington to perhaps make those businesses’ job-creation capability a little easier. I met with Don Thedford, who 30 years ago opened a business called Don’s TV and Appliance. He did that 30 years ago with just one other employee; in other words, there were just two of them. Today, Don’s business has 50 employees who sell and service appliances and electronics.

Don was able to grow his business early in this decade in part because of the tax relief we passed in 2001 and 2003. Since 2000, Don has hired eight additional workers to install and deliver appliances, seven more service technicians, six more clerical workers, four more sales people, and two more in management. So this is the kind of job creation we love to see: 30 years ago, two people; now 50 people working productively in this small business. Don has also added a new retirement plan for all of his employees, in addition to the health benefits he has offered to his employees for years.

As have many small businesses in this recession, he has seen his sales fall off. Of course, when families aren’t buying and selling as many homes, there is less demand for appliances and electronics. Higher taxes would force Don, as well as other small businesses, to lay off some employees he has hired and scale back on some of the benefits he has offered, including health care.

We know more than half of the small businesses with 20 or more employees

will get hit with a tax increase under President Obama’s budget proposal. We also know, as I indicated earlier, small businesses create a majority of the net new jobs we have seen over the past decade, and two-thirds of those jobs were created by businesses similar to those that are now threatened by a proposed tax increase. Given the administration’s stated goal and, indeed, our stated goal—I don’t know any Member of the Senate who doesn’t come to the floor and say we need to help our employers create and certainly, at least, retain the jobs they have in this down cycle—I am left wondering why anyone would oppose this budget point of order that would make it harder to raise taxes on small businesses because I know we all appreciate, intuitively and otherwise, that raising taxes on small businesses would be counterproductive to our ultimate goal of job creation.

I have said this every time I have offered this amendment—and now it is the third time—that this point of order is an insurance policy when Congress decides to look at the pocketbook of small business owners such as Don for more money instead of looking for ways to eliminate waste and fraud and abuse in Government programs. We know the Office of Management and Budget has reviewed more than 1,000 Government programs and found 20 percent of them to be nonperforming. Why don’t we look for ways to save money by eliminating that waste and nonperforming programs as opposed to raising taxes on the chief job creators in our economy? Raising taxes before we eliminate wasteful spending or fix the ones that are broken is the wrong signal to our No. 1 job creators.

I share the chairman’s concern, of course, about the debt. In fact, I offered an amendment in the Budget Committee that would have reduced it by more than \$55 billion but, unfortunately, it was defeated by a party-line vote. But with concerns that families and small businesses have about the economy, now is not the time to increase taxes.

As former Chief Justice John Marshall noted, “The power to tax is the power to destroy.” We should not use this power to destroy small businesses such as Don’s.

For this reason, I ask my colleagues once again to sign on to this amendment and to join me in voting with the same sort of bipartisan support that we have enjoyed the past two times this amendment has been offered and pass it as a statement of this body that we are going to be extra careful and take extra precautions and look for alternatives before we end up raising taxes on small businesses because that would be exactly the wrong prescription for what ails this economy.

Finally, let me say I know the concerns the Budget chairman, the bill manager, has on the privileged nature

of this budget resolution. But I suggest to him that this is something that if the amendment is passed, he can take up, and the conference committee can take up and modify the amendment while retaining its essential core principles and eliminate the concerns the Parliamentarian has voiced about this being corrosive, if not fatal, to the privileged nature of the budget resolution.

So it is my hope, when we have an opportunity to vote on this, that we will get a strong bipartisan statement out of the Senate that we are not going to raise taxes on small businesses without at least the deliberation required and the overwhelming vote of 60 Senators to do so because it would be exactly the wrong thing to do in this economic downturn.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, this amendment creates the same issue the previous amendment created, the Ensign amendment, and that is because it is overly prescriptive in terms of the Finance Committee, it puts at risk the privileged status of the budget resolution. So I wish to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. CONRAD. Parliamentary inquiry: If this amendment were adopted but not brought back from conference committee, would the privileged status of the budget resolution remain intact?

The PRESIDING OFFICER. It would.

Mr. CONRAD. I thank the Chair. I thank the Parliamentarian.

Mr. President, we have Senator LINCOLN who will be on her way momentarily, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 775

Mrs. LINCOLN. Mr. President, I will soon call up amendment No. 775, which is one of the amendments I filed on the budget.

This is a simple amendment. It is to ask that we make an investment that would reflect our Nation's commitment to the men and women serving in our Nation's Selected Reserve.

The amendment I offer with Senators CRAPO and KLOBUCHAR would create room in the budget to "enhance future GI Bill benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition."

Since its inception in 1984, the Selected Reserve GI bill has served as an

important tool for recruiting young men and women into the National Guard and Reserves. Those who initially join for 6 years are automatically entitled to these benefits and the current monthly rate of \$329 for full-time study and training.

Unfortunately, however, Selected Reserve GI bill benefit rates are simply not reflective of the critical role guardsmen and reservists play in today's military. Since September 11, 2001, these benefits have increased an average of less than 3 percent each year.

As so many people know, the Guard, Reserve, and Selected Reserve are doing a tremendous duty now that is much different than what it was pre-9/11.

They have also not kept pace with the Active-Duty GI bill benefit increases—plunging in value from the historic benchmark of 48 percent of the Active-Duty GI bill to just 25 percent today.

By failing to make an appropriate investment in the men and women of our National Guard and Reserves, this trend sends a very poor message that the Reserve component is being devalued.

Given the current economic climate, it is imperative we make a greater investment in these fabulous men and women who serve us from each of our States in the Guard and Reserves. The rising price of higher education, increases in the interest rates on student loans, and the limited earnings ability of those with only high school credentials make educational benefits a primary means of investing in our future. During tough economic times, they may also face increased competition for financial aid dollars as our colleges and universities see more applicants.

As we know, an increasingly competitive job market encourages more high school graduates to pursue higher education rather than risk finding stable employment. At the same time, more working adults are going back to school to gain additional skills to make them more marketable. We want to encourage our Guard and Reserves, and we want to encourage our Selected Reservists to take advantage of educational opportunities to further their positions in the Guard and Reserves but also to be able to further their positions in business and in industry and where they are going to be working in our communities.

Last year, Congress made a tremendous investment in our men and women in uniform by passing a 21st century GI bill that greatly expanded GI bill benefits and made college more affordable for servicemembers and veterans.

Senators WEBB, AKAKA, and others deserve our gratitude for their tremendous leadership on that issue.

For Active-Duty servicemembers and Reservists called to Active Duty for

more than 90 days, these benefits will be absolutely critical.

My State of Arkansas has recently welcomed home over 3,000 National Guardsmen from a 1-year tour in Iraq. For many of them, it was their second tour in just 3 years. I am proud we will be providing them with education benefits that are more commensurate with their increased service to our great Nation.

One of the provisions of the newly enhanced GI bill will tie the Active-Duty GI bill rate to the national average cost of tuition.

My amendment would simply create budget room to do the same thing for the Selected Reserve GI bill. Therefore, when the national average cost of tuition increases, Selected Reserve GI bill rates would increase by the same percentage, making sure they keep up as we move forward, as opposed to continually falling behind in their percentage rate toward educational benefits for the Selected Reserve.

This required increase is very modest. Yet it would send a powerful message to the men and women serving in our Nation's Selected Reserve.

Our military simply could not function without them—particularly in today's world. While those who are activated and sent overseas deserve our utmost respect and gratitude, we must also not forget the thousands of men and women at armories and bases all across our States who serve a critical role in making sure other members of their units are qualified and ready to deploy.

They are the police officers, the doctors, the schoolteachers, the mayors, and the neighborhood pharmacists in communities across our Nation.

Providing enhanced Selected Service GI bill benefits makes an investment in these men and women who are not only holding up the economies in our local small communities across the States in this great Nation, but they are also willing to serve in a military fashion that is much needed to back up those men and women who are deployed. It also enhances the GI bill to more effectively serve as a recruitment and retention tool for our Armed Forces.

Ultimately, it enhances our Nation's competitiveness through the development of a more highly educated and productive workforce.

As the daughter of a Korean war veteran, who was an infantryman, I was taught from an early age about the sacrifices our troops have to make to keep our Nation free. I have been grateful all my life, and continue to be, as my colleagues are, for the service of so many of our brave men and women, particularly from Arkansas and certainly across the Nation.

I urge my colleagues to support this amendment. It is the least we can do for those to whom we owe so much and to reassure future generations that a

grateful nation will provide for them should they devote themselves to serving our Nation in uniform.

I appreciate the time I have had today to bring up this amendment. I look forward to being able to talk on other amendments when the time is available.

Mr. President, at this point, under the previous order, I ask unanimous consent that the pending amendment be set aside in order to call up my amendment No. 775.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] on behalf of herself, Mr. CRAPO, and Ms. KLOBUCHAR, proposes an amendment numbered 775.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance future GI Bill benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition)

On page 41, line 24, insert after "Indemnity Compensation," the following: "enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition."

Mrs. LINCOLN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator for her amendment. It is a very well-thought-out amendment. We appreciate her raising it and it will be in order.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I know the Senator from Arkansas has a second amendment. It is not formally in the queue, but she is free to talk about it at this time. I am happy to yield her time to do that—to talk about it at this time but not call it up.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I wish to thank the chairman of the Budget Committee and the ranking member, Senator GREGG, for being so thoughtful in this debate. I continue to especially compliment the chairman on coming up with an incredible balance in the budget, having worked so hard to reflect what so many of us want to see and the President's priorities. I think he has done a remarkable job fo-

cusing on the priorities that many of us and the President feel are very important to focus on now and to do it with such a fiscally responsible as well as a very balanced approach. I think he has reached a tremendous balance. I applaud him and his staff and all those who have worked on this budget. I do believe they have come up with a good, sound proposal, something that reflects so much of what we want to see happening in this great country.

I rise to support an amendment that I will be offering, which is filed, but I will bring it up later. It will be offered on behalf of approximately 500,000 foster children across our Nation, and the foster, kinship, and adoptive parents who play such a crucial role in their lives.

My amendment would create room in the budget for making improvements to our child welfare system and specifically for additional efforts to recruit and retain more foster families.

I am so grateful to be joined in this effort by Senator COLLINS from Maine and Senator LANDRIEU from Louisiana, who have long been tremendous advocates on behalf of our Nation's foster children.

As we all know, our States face ongoing challenges in recruiting and retaining families to care for children in our foster care system. Tragically, while the number of children coming into the system has increased in recent years, the number of foster families has steadily decreased. All anybody has to do is look at the economy around us. Working families are struggling. Unfortunately, those hard-working families, who are the diligent, giving souls who open their homes to foster children to embrace and love them and to give them a home, are struggling as much, if not more than, anybody else, and their ability to open their hearts and homes is being restricted by this economy.

With nearly 25 percent of families leaving the system each year, we simply cannot sustain these losses. In my State of Arkansas, we are grateful for our 1,200 foster families, but we desperately need more to cover the number of children in need.

Given the current economic climate, many of these parents, most of whom are low- to middle-income families, have experienced tremendous difficulties maintaining employment and providing for their families. That makes them even more hesitant to take on the additional responsibilities of caring for a foster child. This problem will only exacerbate unless we do something to stem the tide.

My amendment would allow for initiatives, such as the grant program provided under the Resource Family Recruitment and Retention Act, a bipartisan bill I have introduced with six of my Senate colleagues.

Specifically, this grant program would provide States more opportuni-

ties to develop innovative methods of education and support for resource families.

Among other demonstration projects, it would also allow States to establish peer-to-peer support and mentoring groups; programs to provide foster families with reliable and accessible respite care to help them avoid burnout. We are seeing, as they put more and more of their resources and energies and more and more of their hearts and souls into wanting to reach out to foster children and bring them into their homes, a tremendous amount of burnout. We also want to train them to care for children with special needs, which is, again, a growing need among foster children.

As lawmakers, it is our role to honor the critical role that foster families play in the lives of foster youth and provide them with the services and the support they need. Foster children seek nothing more than a safe, loving, and permanent home, and resource families often help address this need. By strengthening efforts to recruit and retain these families, we also enhance our best tool to recruit other families and retain prospective adoptive resources.

As Members of this body, we have an obligation to do right by those we represent each and every day. We also have a moral obligation to do everything we can on behalf of the most vulnerable in our society.

For the over 500,000 children who are in foster care today, and many more who are headed into the foster care system, the many thousands of families who have provided them with the love and support they desperately need, it is the least we can do.

I call on my colleagues to join me in this effort to make sure we recognize that in these difficult economic times, we have multitudes of good American families, hard-working families who want to do what is right, who want to reach out and help these children who need a loving home. We need to provide the help in order for them to do that.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, before the Senator leaves the floor, we would be amenable to taking both of the Senator's amendments by unanimous consent if she is amenable to that.

Mrs. LINCOLN. Absolutely. How grateful.

Mr. GREGG. Has the Senator called up her second amendment? I suggest she call it up.

AMENDMENT NO. 774

Mrs. LINCOLN. Mr. President, I believe under the previous order I need to also ask unanimous consent that the pending amendment be set aside in order to call up my second amendment, which is amendment No. 774.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Ms. COLLINS, and Ms. LANDRIEU, proposes an amendment numbered 774.

The amendment is as follows:

(Purpose: To provide a deficit-neutral reserve fund for improving child welfare)

At the end of title II, add the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING CHILD WELFARE.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would make improvements to child welfare programs, including strengthening the recruitment and retention of foster families, or make improvements to the child support enforcement program, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. GREGG. Mr. President, I ask unanimous consent that the two amendments recently called up by the Senator from Arkansas be agreed to.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendments are agreed to.

The amendments (Nos. 774 and 775) were agreed to.

Mrs. LINCOLN. I thank my colleagues.

Mr. CONRAD. I thank the Senator. I thank our colleague, the ranking member, as well.

In terms of the unanimous consent agreement, the next amendment is the Gregg amendment?

The ACTING PRESIDENT pro tempore. The Gregg amendment; that is correct.

Mr. CONRAD. Senator GREGG.

Mr. GREGG. Mr. President, just to clarify the procedure, as I understand it, we will go to my amendment which deals with a task force on how we deal with entitlement reform, tax reform, and the amendment after that will be Senator KYL's amendment on health care rationing. Then I think we take a break. I am not sure about that, but I believe there will be a break. Then there will be a series of votes on the pending amendments. After the votes—this is not in the form of a request; it is a statement of where we are—we will be going to Senator MCCAIN, who has an amendment. From there we still have not decided.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I note that we also have a Shaheen amendment after the Kyl amendment.

Mr. GREGG. Correct.

Mr. GREGG. Should we lock that in? Can I get the chairman's attention? Can we lock in that order?

Mr. CONRAD. Mr. President, why doesn't the Senator proceed.

AMENDMENT NO. 835

Mr. GREGG. Mr. President, I ask the clerk to report my amendment. I ask unanimous consent to set aside the pending amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. MCCONNELL, Mr. VOINOVICH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. ENZI, and Mr. LIEBERMAN, proposes an amendment numbered 835.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund to address our Nation's long term fiscal problems)

On page 49, between lines 3 and 4, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS OUR NATION'S LONG TERM FISCAL PROBLEMS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize the creation of a bipartisan task force to examine the long term fiscal imbalances facing our Nation and directs the bipartisan task force to report, with the majority approval of each participating party, legislative recommendations to address those imbalances, and provides legislative fast track procedures to ensure a vote on the legislative recommendations, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. GREGG. Mr. President, this is actually a pretty significant amendment. In fact, it is a very significant amendment if we are able to follow through on its purposes. It is something the chairman and I have worked on a great deal for a number of years. I believe, and I think I speak correctly that the chairman believes, our problems in this Nation relative to the cost of the Government in the years to come, especially as we move into the full retirement of the baby boom population, are extraordinary; that we are facing massive amounts of expenditures to support the baby boom generation in retirement.

As we know, the baby boom generation essentially doubles from 35 million to 70 million. The cost of the entitlement programs that support that generation and others simply overwhelm the ability of the Government to pay those programs and forces us into a situation where the debt of the Government will overwhelm our children.

The discussion on this issue has been broad and extensive in our Nation, carried forward in large part by a number of citizen groups which are totally dedicated to trying to address constructive action in this area, especially the Peterson Group, which is headed by the former Comptroller General, David Walker.

This amendment is an attempt to start addressing that issue sooner rather than later through a task force procedure. But it is not your typical task force. We have all seen commissions and task forces. In fact, on these specific issues—Medicare reform, Social Security reform, and tax reform—we have seen a lot of task forces. This is a little different—substantially very different.

Essentially, what this does is create a task force which is bipartisan so there can be no question about everybody being at the table and everybody having a fair hearing of their views, which involves the players who are involved in the decision process—Members of Congress and members of the administration.

The idea is to set up a procedure where that task force reaches agreements, hopefully, on issues such as reforming Social Security, so we continue to deliver high-quality Social Security benefits to our retirees, reforming Medicare along the same lines so people continue to get high-quality Medicare and health care who are retired, reforming our tax laws so we basically have the opportunity to make sure we have a tax law that works for the Nation and produces the revenues we need.

It moves down the road, coming forward with policy in all those areas so those programs, specifically the entitlement side—Social Security, Medicare, and Medicaid—become either solvent over their actuarial life or move dramatically down the road toward solvency.

The problem we have is those three programs alone—Social Security, Medicare, and Medicaid—presently have an unfunded liability of \$60 trillion over their actuarial life. Mr. President, \$60 trillion is a massive amount. The goal is to try to reduce that unfunded liability in a constructive way that allows the benefits to still be robust and reasonable, while the cost is affordable to the younger generation that has to pay those benefits through their tax burden.

The reason we have chosen this procedure is that we have concluded that if you put policy on the table initially, if you say, OK, we are going to change this element of Social Security or this element of Medicare or this element of tax law, there are constituencies in this city who immediately surround you and start shooting at you for a variety of reasons. Some genuinely disagree with the policy. Much of it is essentially the way Washington works.



There are a lot of constituency groups in the city that basically generate their revenues from the fact that they are able to create concern amongst the people who participate in their group. And as a result of our putting a policy on the table—somebody putting a policy on the table—they try to use that as a mechanism to generate concern and raise money for their organization.

It has never worked. A lot of different people tried putting the policy on the table first. All that happens is everybody goes to their corners and starts shooting away. What we have concluded is we should have a procedure that drives the policy, and it is a procedure that leads to policy action.

So this task force, which will be absolutely bipartisan in its makeup, would be required to report in a way that is absolutely bipartisan, which is what is critical, so their report would be seen and would be actually fair and bipartisan. We would have a series of initiatives, of policies, which would then come to the Congress and have to be voted on with supermajorities. It would have to be voted on what is known as fast track around here, where there is no way to avoid voting on it and where you cannot hide behind amendments. You actually have to vote up or down on the various policies proposed by this task force. Then, of course, it would go to the President. He would have the right to veto it if he did not like it, but it would get to the President because it would be a fast-track event. It would lead to action on these core issues that are really at the essence of our problems as a society relative to going forward and being fiscally sound as a nation and also being able to take care of people who are retired and make sure our children have a nation they can afford and a government they can afford. It is a pretty significant step if we were able to pursue this course.

I congratulate the chairman for being a force on this issue for many years.

That is basically the amendment, which essentially says we want to pursue that course of action. It, unfortunately, does not legally create this event because that type of an action would require legislation, and as those who follow the budget process know, the budget is not signed by the President. It is a resolution; it is not a bill. In order to execute on this, it would require an actual piece of legislation signed by the President. But this amendment makes a fairly definitive statement that this is the course of action we need to get about doing. We do need to get about doing it. We do need to.

I think it is a positive statement on a very critical issue. If we were to do this, if we were to actually pursue this initiative on a task force as the chairman and I have talked about for a

while, my goodness, we would be doing good work for the American people. We really would. We would be taking on what is so critical to making sure we pass on to our kids a better nation.

I hope it will be supported. It has bipartisan support. My primary cosponsors are Senators LIEBERMAN and VOINOVICH. I have been working with the chairman. Hopefully, he is reasonably comfortable with it. As we move down the road, hopefully we can accomplish this.

Mr. President, I ask of my time—not at this point, but at some point down the road that is convenient to the chairman and myself in the debate—that 5 minutes be reserved for the Senator from Ohio, Mr. VOINOVICH, so he can speak on this matter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a painful moment for me because I subscribe to virtually every element of what Senator GREGG is proposing, with one exception. The exception is on page 2, this reference “in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize the creation of a bipartisan task force to examine the long term fiscal imbalances facing our Nation and directs the bipartisan task force to report, with the majority approval of each participating party. . . .”

That is something to which I have not agreed, could not agree. I think that alters in a very significant way the dynamic.

Senator GREGG and I embarked on this effort several years ago. At that point, with Republicans in control of the White House and Democrats in control of the House and the Senate, we agreed to a formulation that the majority in the House would get four Members, the minority three, the same in the Senate, four and three, and there be two representatives of the administration. That is 16 in total, and it would have been eight Democrats and eight Republicans.

The problem that has happened since—and it would take 12 of the 16 to report. That means you could have all the Democrats and half the Republicans or vice versa. You could have all the Republicans and half the Democrats, and with that number, you could bring the matter to the Senate for a vote.

What has happened in the interval? Democrats have captured control of the White House, as well as increased the numbers in the House and the Senate. So now to have a requirement to have a majority approval of each participating party I think is unreasonable. I think it is unreasonable and is not in keeping with the formula to which we had originally agreed.

Why is it unreasonable? Because Republicans don't have a majority in the House or the Senate and don't control the White House, yet all of a sudden it takes a majority of them to agree on a solution for our long-term fiscal problems. That just gives disproportionate power to the minority, and a minority that is not only a minority in the House and the Senate but a party that does not control the White House either. So I could not support that. If that were not part of this, I would have a different view because then it would be very much in line with what we have talked about for several years.

Let me go to the basic concept because the basic concept I do support, the basic concept being that we have to have some special process in order to address these long-term fiscal imbalances. You are never going to do it in a 5-year budget resolution. You can make a downpayment there and you can certainly get going in the right direction, which I think we do in this budget resolution, but Senator GREGG, when he says you have to have a process to get to a policy, I believe, is exactly right. I don't believe anybody who leads with a policy is going to get an answer here. I believe it is going to take a process to get there. But I think it has to be a process that recognizes the political reality of this moment in time. At this moment in time, Democrats are in control of the White House as well as the House and the Senate. So to put in a clause that the bipartisan task force, in order to report, has to have majority approval of each participating party simply goes beyond what I have agreed to in the past or what I could agree to now. So I would be constrained to object to the passage of this proposal as written.

Mr. GREGG. Mr. President, I would just note on this number—because the number is important—that I disagree with the logic here that the chairman has put forth because the purpose is bipartisanship. It is not that one party controls the Government or the other party controls the Government; the whole purpose here is to get bipartisanship so that the American people are confident that whatever this task force reports is fair because this task force is going to have very significant authority and extra legislative authority, and it is not going to work unless people are comfortable.

Regrettably, under the format the chairman is talking about, you would only need two of the six Republicans. There would only be 6 of the 16 who would be Republicans, and only 2 would have to vote with the majority in order to report it, and that means that doesn't work. You don't end up with bipartisanship that way, I don't think. That is why a majority vote means you would have to have four of the six Republicans vote with it, and one presumes that is not going to be the problem. Hopefully, all 6 and all 10—all 16—

will be voting for whatever the proposal is.

You can't create a situation where one side will be viewed as having the capacity to roll the other side within this task force. That is the opposite of the purpose of a task force. That is why we went to this proposal. In fact, the original concept was 16–8 and 8–back when the Democratic Party controlled the Congress and we controlled the administration, and with the 8 and 8 split, it took 4 members of either party—half of either party's membership on the task force—to vote for it. So that concept of having a commitment of the membership from both sides to the bill—at least the majority of both sides—is something we have actually had in the past.

In any event, I would regret it if the chairman opposes this because I think it will undermine our ability to move forward. But I see Senator KYL is here, and he has the next amendment.

Mr. CONRAD. Mr. President, just to review the history, because I don't agree with what was just described, in our original formulation it was 16, and 14 were Members of Congress, with the majority in the Senate getting 4 Members, the minority 3; the same in the House, the majority 4, the minority 3; two representatives of the administration, which was then the Bush administration. That meant 16 in total—8 Democrats and 8 Republicans—and it would take 12 to issue a report, 12 of the 16. That meant, at that time, that you could have all Democrats and half the Republicans or all the Republicans and half the Democrats.

Now fast-forward to this year. In our negotiations, despite the fact that our previous formula, instead of producing an 8–8, would now produce 10–6 Democrats to Republicans because the Democrats have just won the White House and the White House was to have two representatives, I agreed to alter that and to go from 10–6 Democrats to Republicans but still have 12 to report. That would still mean you would have to have at least half of the Republicans. If you had all the Democrats, you would still have to have half of the Republicans. That, to me, is absolutely in keeping with what we had agreed to previously, where there were 16, it would take 12 to report, and since there were 8 Democrats and 8 Republicans, you would have to have at least half the Republicans, or if you had all the Republicans, you would have to have at least half the Democrats.

So I could not agree, and I just think, look, Democrats are never going to agree on a formulation, when they control the Senate, they control the House of Representatives, and they control the White House, Democrats are never going to agree that each party has to have a majority approval. I would never agree to that. I don't think it re-

flects the political reality that exists today. So I would reluctantly oppose it.

Mr. President, I think we are now at the time that we could go to Senator KYL.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. I thank the chairman, and I ask unanimous consent to lay aside the pending amendment for the purpose of offering an amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 793

Mr. KYL. Mr. President, at this time, I call up amendment No. 793, relating to comparative effectiveness research.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 793.

Mr. KYL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in genomics and personalized medicine, the unique needs of health disparity populations, and differences in the treatment response and the treatment preferences of patients)

On page 31, line 9, insert “does not curb growth in health care spending by using data obtained from comparative effectiveness research to deny coverage of items or services under Federal health care programs, ensures that comparative effectiveness research accounts for advancements in genomics and personalized medicine, the unique needs of health disparity populations, and differences in the treatment response and the treatment preferences of patients, and” after legislation.

Mr. KYL. Actually, Mr. President, the amendment is about as long as it took me to say that, but I will describe it nonetheless.

I hope this amendment will receive very strong bipartisan support because the entire essence of it is to ensure that nothing we have done so far here will allow health care in the United States to be rationed by the Federal Government. There is a reason for the concern, and I would like to discuss it.

First, of course, I would note that protecting the doctor-patient relationship and ensuring access to the highest quality medical care is fundamental to any health care reform effort. Comparative effectiveness research can be used to provide patients and doctors with information so that they may make informed health care decisions.

For example, a study might compare a drug versus a surgery and determine that the drug is just as effective or even better at improving a patient's quality of life. But without appropriate safeguards, the Government may misuse comparative effectiveness research as a tool to ration or deny health care, and since private insurers tend to follow the Federal Government's lead, this has significant implications for all patients.

The American Recovery and Reinvestment Act of 2009—more commonly known as the stimulus bill—included \$1.1 billion for comparative effectiveness research, and it created a national board called the Federal Coordinating Council to oversee that research. We all know the stimulus bill was written quickly and passed quickly and unfortunately, because of the phrasing there, we believe, could lead to unintended consequences. For example, nothing in the stimulus bill prevents the Government from using the \$1.1 billion to compare the cost of health care treatments, even though the chairman of the Finance Committee tried to prevent that, nor would it prevent the Secretary of Health and Human Services from using the research to deny coverage of a health care treatment, or reject a one-size-fits-all approach to medicine, or protect advancements in genomics and personalized medicine, or require the Government to consider differences in patient treatment response or preferences, or account for the unique needs of health disparity populations—frequently minority populations.

Some may say: Oh, we will never ration health care in America. Well, don't take my word; take the word of our former colleague, Tom Daschle, who wrote a book. In his book, “Critical: What We Can Do About the Health Care Crisis,” he recommends that the United States follow the lead of other countries and use this cost-based research—the very research funded by the stimulus bill—to limit patients' access to care. And here is what he acknowledges in his book:

Doctors and patients might resent any encroachment on their ability to choose certain treatments, even if they are expensive or ineffective compared to alternatives.

Well, you are darned right they might resent it. Think about this a moment: Do you want Washington bureaucrats, such as those who brought you the AIG mess, making your health care decisions for you and your family? The answer, of course, is no, no rationing of health care.

Well, what is the real issue here? In February, the Wall Street Journal ran a story that chronicled patients' experiences with Canadian health care, which is a good comparison of what happens when government makes these kinds of decisions I am talking about. Let me share one of those stories:

In March 2005, Shona Holmes began losing her vision and experiencing headaches, anxiety attacks, extreme fatigue, and weight gain. An MRI showed that she had a brain tumor. The government told her that she would need to wait months before she could see a specialist about the brain tumor. By June, her vision had deteriorated so severely that she traveled to the Mayo Clinic in Arizona. The doctors told her that she needed immediate surgery to prevent permanent vision loss and potentially death. But the Canadian Government's solution was more doctors' appointments, more tests, more waiting time. Left with very few options, Ms. Holmes traveled back to Arizona and paid for her surgery out of her own pocket and had the necessary surgery.

In the British health care system, we have heard similar stories. They have an entity called NICE, which actually does the rationing, but it is not so nice. Take the word of the British Government Web site that describes the rationale for their rationing of health care:

With the rapid advancements in modern medicine, most people accept that no publicly funded health care system can possibly pay for every new medical treatment which becomes available. The enormous costs involved mean that choices have to be made. It makes sense to focus on treatments that improve the quality and/or length of someone's life and,—

And I stress this part, Mr. President—

at the same time, are an effective use of NHS resources.

That is the national health care service resources. They go on:

Each drug is considered on a case-by-case basis. Generally, however, if a treatment costs more than 20,000 to 30,000 pounds—

And that is an equivalent of 28,000 to 43,000 in U.S. dollars—

per quality adjusted life year, then it would not be considered cost effective.

So in other words, the British Government, not physicians and patients, sets the rules and makes health care decisions. And the British formula, in U.S. dollars, is that an extra year of your life is estimated to be worth no more than \$28,000 to \$43,000. So if the treatment exceeds that, you are out of luck. The Government decides whether your treatment is an effective use of its resources and puts a price tag on what an extra year of your life is worth.

This budget lays the foundation for doing precisely the same thing in the United States. Our view and the public's view is that the Government should not make these decisions. Only patients, in consultation with their physicians, should make these kinds of health care decisions about their lives.

Those decisions should not be dictated by a formula based upon Government research.

I would also just add this point. Cost-based research applied this way can be very shortsighted. It leads to a one-size-fits-all approach to medicine that standardizes care for diverse patients

who may have the same medical condition, which is completely contradictory to the efforts of today's leading scientists. Scientists—for example those at TGen in my home State of Arizona—are exploring exciting advancements in genomics and personalized medicine; in other words, the right drug for the right patient at the right time.

Personalized medicine will offer an entirely new approach to medicine, including more accurate assessments of disease risk, better predictions of response to treatment, and safe, more effective treatments. This research will lead to better health care for all patients and long-term savings in the cost of health care.

Unfortunately, the stimulus bill was written in such a way that it does not incorporate targeting therapies, and it could stall innovation. I believe this is our opportunity to act to ensure that no Washington bureaucrat makes health care decisions for patients or undermines the sacred doctor-patient relationship. Already our own U.S. Government is taking steps toward this result.

Last Thursday, the acting National Institutes of Health Director announced that the NIH may use the stimulus money to compare the cost of health care treatments. In fact, NIH released a list of research topic areas, many of which include a cost component. One of the topics is entitled "Integrating Cost-Effectiveness Analysis into Clinical Research." Here is how the description reads. This should be chilling.

[T]his initiative calls for the inclusion of rigorous cost-effectiveness analysis in the design and testing of new and innovative interventions. . . . Cost-effectiveness research will provide accurate and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic diseases.

The allocation of health resources is, of course, a euphemism for rationing. So this is not hypothetical. This is what our own Government proposes to do with this research. For some of the sickest patients suffering from chronic diseases, the Government wants to decide if their treatment is a good allocation of resources. It is clear that if Congress fails to protect patients, then comparative research will be used as a tool to ration care.

For this reason I have offered this pro-patient amendment that would send a clear message to the administration and clarify the Senate's intent regarding the stimulus funding. My amendment States two principles: No. 1, the Federal Government shall not use the data obtained from comparative effectiveness research to deny coverage of a health care treatment under a Federal health care program—very simple—and, No. 2, the Federal Government shall ensure that such research accounts for advancements in

genomics and personalized medicine, the unique needs of health disparity populations, and differences in the treatment response and treatment preferences of patients.

We all agree with that. My amendment puts patients first. It is a non-partisan issue. I do not know of anyone in this body who wants the Government to ration care or stifle innovation. I believe in the right of every American to choose the doctor, hospital, or health plan of their choice. No Washington bureaucrat should interfere with that right or substitute the Government's judgment for that of a physician.

I hope my colleagues will join me in standing for patients—all of us in America.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Kansas is recognized.

Mr. ROBERTS. Madam President, I rise today as a cosponsor and in support of the amendment offered by my friend from Arizona, Senator KYL. I thank the Senator for introducing the amendment on behalf of health care providers not only in Arizona and Kansas but all across the country, and, as a result, the patients they serve.

I think we all know we have marching orders, if I can describe it that way, from the administration and from others to complete health care reform this year. But the President has been a little vague about what he envisions, stating that he will leave the details to the Congress, and the devil is, indeed, in those details. Senator KYL has certainly pointed out one of the details that has to be fixed.

Let me be clear. I am not opposed to health care reform. I don't know who would be opposed to health care reform. But we must beware of what lurks under the banner of reform. I do support, as do many others, a system of affordable, accessible health care for all Americans. But I do not support a system that replaces the judgment of your doctor with that of a government agency, as described so ably by Senator KYL. For this reason I share the concern of the Senator regarding the implementation of something called comparative effectiveness research. I wish more of my colleagues were in the Chamber to listen to this—listen to the description of what could happen in regards to something called comparative effectiveness research. The acronym for that, by the way, is CER.

This gets in the woods of health care reform. Comparative effectiveness research, or CER, is simply research that compares the effectiveness of two or more health care services or treatments. CER is not necessarily a bad thing. In fact, it has the potential to provide benefits to medical science and also, obviously, to patients. However, with CER policy—again, the devil is in the details. When discussing the details

of comparative effectiveness research, we need to focus on another term, "least costly alternative." This is where comparative effectiveness research has the potential to have a huge and negative impact on patient and doctor choice.

If comparative effectiveness research is used to deem two health care services or treatments to be interchangeable, then CMS, within the Department of Health and Human Services, will be able to invoke the least costly alternative to only reimburse the health care provider based on the cost of the cheapest treatment.

One need not look any further than the Congressional Budget Office's Budget Options, Volume I, Health Care, written under the direction of OMB Director Orszag, to see that the use of least costly alternative authority to restrict doctors' decisions and ration health care is clearly on the table.

Here is a good example. One of the CBO health care budget options discussed the savings that could be realized if CMS applied Medicare's least costly alternative policy to include something called viscosupplements. You use viscosupplements to treat a degenerative joint disease of the knees called osteoarthritis. A lot of Senators have knee problems—not only weak knees but sometimes knees that need a little help. So even though CBO recognizes that there may be justifiable reasons your doctor would choose to provide one viscosupplement over another to help your knees, this option would allow the Government to use least costly alternative authority to interfere with and restrict your doctor's decision. This is very dangerous territory.

Rather than having to depend on the rigorous clinical trials conducted by the Food and Drug Administration, the CMS could use the much lower bar of comparative effectiveness research to declare that the two treatments are interchangeable and thus can be subject to the least costly alternative policy.

This type of Government interference in the doctor-patient decisionmaking process ignores the very large and important differences that exist among people, among patients—I think that should be obvious—in favor of a one-size-fits-all health care solution that could and would lead to rationing of health care.

Let this be a warning to all patients, all doctors, all hospitals, all nurses, all ambulance providers, all pharmacists, all home health care providers—all of the people who provide health care throughout America, rural and urban. You are on notice that this policy combination—comparative effectiveness research and least costly alternative—may be the Holy Grail of cost containment at the expense of patient care. That is what Senator KYL's amendment gets at.

My colleague's amendment prohibits the use of comparative effectiveness research to deny coverage of health care treatments under a Federal health program. It requires that comparative effectiveness research take into account the individuals and their treatment responses and their preferences, and it does protect doctor and patient sovereignty over health care decisions.

For these reasons I urge my colleagues to vote yes on the Kyl amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, when I hear the description of this amendment given by our colleagues on the other side, and then I read it—to me, there is a bit of a disconnect. I don't see comparative effectiveness. I have been involved in writing comparative effectiveness legislation with the chairman of the Finance Committee. I don't see that as having anything to do with rationing. I don't see that has having anything to do with rationing.

Comparative effectiveness research is really to determine what works in health care. It helps ascertain what are the treatment regimes that are most effective at treating different disease states. It is the scientific process.

It is exactly what happened in the revolution of modern medicine at Johns Hopkins back in the early 1900s, in the 19-teens, with respect to the application of the scientific method to medicine, to test what actually works because one of the things we know in medicine today is that we are using many strategies that simply are not effective—and that is in no one's interest. That is certainly not in the patient's interest. It is not in a hospital's interest or a clinic's interest.

What comparative effectiveness research is designed to do, at least that which the chairman of the Finance Committee and I have been involved in, is to get the research done and then get the information in the hands of caregivers and patients so they can make a determination as to what is the best course for treatment. It has nothing to do with our efforts in rationing health care—nothing at all.

The chairman of the Finance Committee is here, and I will yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, we in Congress this year are embarked on major efforts to enact health care reform. It is very much in the President's budget. President Obama very much wants to enact health care reform this year. There are provisions in the budget resolution to encourage us as a body, a Congress, to enact health care reform.

The basic reason is because it is so needed. It is incredibly important that

our Nation enact health care reform this year. I am not going to get into all the details and the various provisions that we must enact in order to get meaningful health care reform. By meaningful health care reform, I mean controlling costs. I remind my colleague, we in America spend about \$2.5, \$2.6 trillion on health care. That is this year. If we do not do anything, those costs are going to almost double in 6 to 8 years.

We can't continue to spend what we do on health care. We spend almost twice as much as the next most expensive country. It is a huge cost of business. It is a very big cost to American business. American companies are becoming less competitive. Why? Because health care costs are too high; business costs are too high.

In addition, look at our Medicare budget. It is going out of sight. If we do nothing, if we don't curb our underlying Medicare budget costs, our budget, along with Medicaid, will probably double in another 8 or 9 or 10 years. That is unsustainable, to say nothing about individual costs to individual Americans, the personal costs, the family costs, the premium costs. We don't have a system in this country. We have a hodgepodge of lots of different functions—doctors, nurses, insurance companies, medical equipment suppliers, PMDs—everything is part of the system, and they are all trying to help supply health care, but because it is so disjointed we have a nonsystem where costs are just rising exponentially. We also have a nonsystem where 46 million Americans don't have health insurance, and about 25 million additional Americans are underinsured. It is ridiculous. This is the only industrialized country without health insurance. What we need is a solution which is uniquely an American solution.

We are not Canada, we are not Great Britain, we are not France, we are not Sweden, we are the United States of America. By "uniquely American," I mean it should be a combination of public and private. That \$2.6 trillion we spend today is divided half in private and half in public. We must find a way to curb costs, to get coverage to Americans retaining that uniquely American approach of private and public coverage.

We are working hard to try to find that solution. Part of the solution is reducing unnecessary costs and waste in our system. There is immense waste in the American health care system—immense waste. Basically, it is because of practice patterns, it is because of the way we reimburse on volume and quantity, not quality.

We have to move much more toward reimbursement; that is, paying doctors and hospitals on the basis of quality, not volume, and concepts such as bundling and medical home and health IT, which is in the budget, so we have information technology assistance to

help, in several years, get to the point where we reduce health care cost.

But another is, frankly, comparative effectiveness. We need to know the comparative effectiveness of drugs, procedures, medical equipment, et cetera, so we get the best, highest quality, and we, therefore, will probably know which ones will tend to cost more than others. Doctors can make choices, patients can make choices, and insurance companies can make choices as to which procedure, which drug makes more sense. Basically, it is up to the doctor to decide which way makes the most sense.

Now, the effect of the Kyl amendment, as I understand, is, frankly, to say that you have to pay for a very costly procedure that somebody deems to be not only ineffective, it may be harmful, and you have to pay for it. That does not make sense. Rather, I think the Senator from Arizona agrees with me, we are trying to figure out a way to use comparative effectiveness to help doctors have more information, and hospitals more information, as to which works better, has higher quality, and works better when compared to something else.

We are going to have to get into issues such as evidence-based medicine to help determine quality. Lots of concepts here that make a lot of sense. But I wished to say that whereas the intention—I somewhat understand the intention of the amendment, somewhat. I do not entirely understand the intention of the amendment.

But the effect of the amendment is to say that a procedure—let me get this straight. The language does not curb growth in health care spending by using data obtained by comparative effectiveness. It says there can be a procedure determined to be totally ineffective or may be harmful, but it has to be used. The doctor has to use it. That does not make sense.

I think it is a doctor's choice as to whether, by looking at the various procedures, what makes more sense compared to something else, using the data we provide by this process. But that is still a doctor's choice. That doctor, he or she, that doctor should decide which of these makes the most sense.

Therefore, I think it makes much more sense, frankly, that this not be approved. It is not necessary. It kind of gets in the way.

Senator HATCH and I and Senators GRASSLEY and ENZI are introducing a comparative effectiveness amendment. It gets to what I think the Senator from Arizona wants us to move toward; that is, comparative effectiveness, where we look at comparative quality of procedures, which is what we are trying to do—not cost but quality.

There was a big dustup in the stimulus debate about comparative effectiveness because somebody thought we were putting a cost-benefit analysis in

it. We are not. We took that out. I must say to my friends, I went to the mat, frankly, to make sure cost was taken out. We took it out. It is just comparing quality.

The bill I hope to introduce—working to get support from Senators GRASSLEY, HATCH, and ENZI—would take cost out. It is just looking at quality. That is what we want to do. It is based on quality.

I think the Senator from Arizona will be very happy with that bill we are going to be introducing because it gets at what I think the Senator wants: Let's compare quality, but let's not put the cost component into it because that would not be appropriate at this time.

Mr. CONRAD. Madam President, if I might, what we would like to do is get a unanimous consent agreement. Would Senator BAUCUS want more time on this matter?

Mr. BAUCUS. No.

Mr. CONRAD. I ask unanimous consent that Senator KYL have an additional minute, that Senator COBURN have an additional 5 minutes. That would take us to close to 1 o'clock. I ask Senator ISAKSON, how much time would he need to call up his amendment? One minute. Then we would go to Senator ISAKSON for 1 minute to call up his amendment. Then we would go to Senator SHAHEEN. Senator SHAHEEN would have 20 minutes equally divided. Then we will make a further determination at that point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. The chairman of the Finance Committee raised two points. I wish to make very clear that nothing in this amendment deals with the question of patient safety. For example, if FDA says a drug is not efficacious, then obviously you do not prescribe the drug. The doctor makes that decision. As the chairman said, it is the doctor's choice. That is precisely where we want to leave it.

The other question was, though: It is not necessary, it will just get in the way, nobody is intending to do that.

There are two responses to that. First of all, if nobody is intending to do it, then there is no problem in saying you cannot do it.

But, secondly, they are intending to do it. Here is a direct quotation from the Acting Director of the NIH less than 1 week ago.

Cost effectiveness research will provide accurate and objective information to guide future policies that support the allocation of health resources for the treatment of acute and chronic diseases.

That is the purpose of it. It is not merely to decide what works, which is the good side of cost-effectiveness research, but to allocate health care re-

sources. Allocating health care resources is another way of saying rationing of health care. If we all agree we do not want that, and we do not think anybody is going to try to do it, then what is the harm in having an amendment that says we are not going to do it?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, as somebody who is still practicing medicine, I wish to tell you, we see comparative effectiveness every day. We cannot even get recertified unless we know comparative effectiveness.

The NIH last year spent \$267 million on comparative effectiveness research, not associated with cost but based on quality outcomes. What is in this bill is a short-term look to say who is going to cookie-cutter cut a way to practice medicine that a bureaucrat will say is the best way, rather than what the science says.

There is no question we have tons of waste. The biggest inhibition for anybody getting into the health care system today is cost. The chairman of the Finance Committee is right, there is tons of waste. The reason there is tons of waste is 61 percent of the health care in this country is controlled by the Government today.

I can document it fully, each component of it, 61 percent. It is designed to create the mess we are in. If you want to change this system to where we get better value for the dollars we put into health care, let's create a clear, transparent, competitive market where you know quality and you know cost before you ever enter it. That is a goal we can all agree on.

We should know what it costs, and we know what the quality parameters should be. What comparative effectiveness as outlined by the acting head of the NIH is, what is the cheapest treatment we can do to get it there? Not what is best for the patient in consideration of that patient's particular needs and what is the best thing the doctor could recommend.

There are conflicts of interest. I do not deny that. Here is the No. 1 thing that comparative effectiveness fails to remember: Everybody thinks we can take the science over here and we can fix everybody. Well, I have news for you. Medicine is 40 percent art. Since we will not pay for physicians and providers to take the time to listen to their patients, to actually know what is going on with them, we have created a system where we spend a ton of money that does not have anything to do with a better outcome for the patients.

Two examples. Two patients in the last 4 years in my own practice, denied, under comparative effectiveness, MRIs; did not have a hard sign at all, had soft signs. Both of them had cancer of the brain. Both insurance companies and

Medicare denied that they needed an MRI because it did not match with the guidelines.

That goes to show you that when you just use guidelines, you are not going to really care for the patients. The art of medicine has to be included. Comparative effectiveness never considers the art of medicine. That is 40 percent of taking care of people and giving them great health care and great outcomes. This amendment is a good amendment. The reason it should be there is we seek comparative effectiveness. You cannot get reboard certified unless you know comparative effectiveness, at every chance, at every corner, for every disease.

Do we need more? Yes. But we are spending billions every year on comparative effectiveness research. We finished a 7-year study on the heart. You know what it told us after we spent \$100 million on that study? We do not have the answer on which is the best. A double-blind, progressive, controlled study, and we do not have the answer. What makes us think some bureaucrats can take less research and come to a better conclusion than the best scientists in this country? What we are looking for is an answer in the wrong place.

The way we fix health care in this country is to truly allow doctor and patient relationships that will take advantage of the scientific advances that are out there and do so in a transparent way, where you know quality and you know price.

It is called performance for pay, rather than pay for performance. If you perform, you get paid more. If you do not perform, you do not. We apply market forces to everything we are doing, much less so since the new administration came in, but if we would apply that, we would have a tremendous advantage in terms of quality outcomes in this country.

I support the amendment and yield back the remainder of time.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 762

Mr. ISAKSON. I ask unanimous consent that the pending amendment be set aside and the clerk report amendment No. 762.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 762.

Mr. ISAKSON. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 762) is as follows:

(Purpose: To provide for a deficit-neutral reserve fund for providing a nonrefundable Federal income tax credit for the purchase of a principal residence during a 1-year period)

At the appropriate place in title II, insert the following:

**SEC. —. DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING A NONREFUNDABLE FEDERAL INCOME TAX CREDIT FOR THE PURCHASE OF A PRINCIPAL RESIDENCE DURING A 1-YEAR PERIOD.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide a one-time nonrefundable Federal income tax credit for the purchase of a principal residence during a 1-year period in the amount of the lesser of \$15,000 or 10 percent of the purchase price of such residence, exclusive of any other credit available for the purchase of a residence, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. ISAKSON. Madam President, I have 1 minute. I spoke last night at length about this amendment, so I will not take the Senate's time again. I know Senator SHAHEEN is about to offer her amendment.

But this is an amendment that carves out a deficit-neutral reserve in the budget in order to fund a \$15,000 tax credit for the purchase of a single-family home in America.

That is an amendment the Senate passed, the House rejected but is a pending bill before the Senate. This would reserve that money in the account, so that if the bill is passed, it can be paid for, and it is a deficit-neutral amount.

At an appropriate time, I will ask for the support of the Members.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 835

Mr. VOINOVICH. Madam President, I rise to support Senator GREGG's amendment to create a deficit-neutral reserve fund for the creation of a task force to address tax entitlement reform and reduce our Nation's long-term fiscal gap.

The amendment would fund a vehicle to examine our tax and entitlement systems and present long-term solutions to place the Senate on a fiscally sustainable course and ensure the solvency of our entitlement programs for future generations.

Senator LIEBERMAN and I have introduced a very similar amendment, and I

understand that Senator LIEBERMAN is going to be willing to support this amendment. I am not going to go into detail. The chairman and the ranking member of the Budget Committee have laid out in very frightening terms where we are in terms of our deficits and our national debt.

Frankly, I have been talking about this since I have come to the Senate in 1999. I said we have to do something about this growing debt that is blossoming. Now we are talking about the possibility of it doubling in the next 5 years. So we have to get at entitlements and tax reform.

The thing that is encouraging to me is, there is legislation I am introducing in the Senate that has been introduced in the House. It is called the SAFE Commission. It is sponsored by 52 House Members, 26 Republicans, 26 Democrats. It has the support of the Business Roundtable, the Heritage Foundation, the Concord Coalition, the Peterson Foundation. They have all voiced support.

What we are trying to do with this amendment to the budget is to have an acknowledgement of the fact that money is set aside to fund a commission that will be set up.

I am hoping my colleagues don't get involved in one of these, "Well, I don't like the language of this," because we haven't gotten to the language yet. I am saying to my colleagues on the other side of the aisle and on my side that we have to negotiate the kind of vehicle we are going to use. Two years ago, the vehicle we had had more Republicans than Democrats because we controlled the Presidency, the House, and the Senate. The new legislation coming out, that I will support, will have more Democrats because the Democrats have the Presidency and the Senate and the House. It does provide that in order to get something, it be fast-tracked. They spend, say, 6 months looking at it and come up with tax and entitlement reform. They send it on an expedited procedure to the House and Senate. Before they do that, they have to have 75 percent of the people supporting it, and you have to have at least two Republicans. That does bring in minority participation.

What I am afraid of is that I have heard Senator CONRAD say: I don't like the idea that it has to be even-steven. The main thing is, I would like the Senate to go on record that we will create a fund that will fund a commission that will finally get to the entitlement problem we have had now for a long time. The bottom line is, we have this avalanche that has hit us. We are in trouble. But at the same time, underlying that, we have the problem of this long-term national debt. Everybody is aware of the challenge.

Recently, Premier Wen pointed out that he is concerned about what we are doing. Europe is concerned about what



we are doing. Canada is worried about it. They are saying: You folks haven't been willing to take on your entitlement and tax reform. What bothers me is that if we don't deal with this and our neighbors start to get leery of what we are doing, we could see interest rates skyrocket because everybody acknowledges that as long as we are getting money from China, Japan, and the OPEC nations, we will be able to borrow money at a cheap rate. But if they lose confidence that we have not been willing to stand and do what we are supposed to, that could change dramatically.

I urge my colleagues to look at this not as we are drafting the legislation. What we are saying is, we acknowledge there is a problem that needs to be dealt with. Peter Orszag understands there is a problem. He was with this effort 2 years ago. Now he has been "I am not sure how we want to do this." All I would like to do is to come in with a bipartisan commission that says: We are willing to tackle this. Give it to the administration and say: If you don't like it, what is better than what we have?

We have to get going on this. We cannot keep putting it under the rug. We need to deal with it.

I have a lot of other words to speak today, but I hope I get the message across to everyone that all we are basically doing is setting aside money to pay for a commission, the complexity of which and the rules of which are something we will have to try and come up with a compromise on. We have an amendment, Senator LIEBERMAN and I, that is less restrictive than Senator GREGG's. Apparently, that language bothers Senator CONRAD. All I know is, I would like us to go on record that we know there is a problem. We know we can't get it done in the regular order doing tax reform and entitlement reform. We need a commission to take it on as we did with Social Security. They took it on. We got together, came back with a recommendation, and got it done.

I urge colleagues to look at the big picture and not get tied in with this is a Republican thing or a Democratic thing. It is a problem for America. It is a Republican and Democratic problem. It is America's problem. We have to do something about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 776

Mrs. SHAHEEN. Madam President, I ask unanimous consent to set aside the pending amendment, call up my amendment No. 776, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mrs. SHAHEEN], for herself, Mr. KAUFMAN, and Ms. MIKULSKI, proposes an amendment numbered 776.

Mrs. SHAHEEN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund for monitoring of FHA-insured lending)

At the end of title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR MONITORING OF FHA-INSURED LENDING.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase the capacity of the Inspector General of the Department of Housing and Urban Development to investigate cases of mortgage fraud of Federal Housing Administration loans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that Senators KAUFMAN and MIKULSKI be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Madam President, my amendment is simple and straightforward. It would establish a deficit-neutral reserve fund to monitor FHA-approved loans. The Federal Housing Administration, the FHA, plays an increasingly critical role in promoting home ownership during these tough economic times. The FHA insures one-third of all new mortgages. The number of FHA-approved lenders has doubled in the past 2 years. However, the Department of Housing and Urban Development has not received additional resources to expand its efforts to investigate claims of fraud.

Recent reports of a rise in borrowers who haven't made even one payment suggest that fraudulent activity has increased among FHA-backed loans. Should that activity continue to increase, FHA and its critical work could be put at risk. As we all know, in the runup to the subprime crisis, many fraudulent lenders pushed borrowers into mortgages and refinancings that they could not afford just to collect the commissions and fees. We need to make sure we prevent that activity from migrating to federally insured loans which would put taxpayers at risk for footing the bill of another bailout. This amendment addresses the need for HUD to properly investigate and remove fraudulent lenders from the program wherever appropriate. It creates a deficit-neutral reserve fund—a deficit-neutral fund—to increase the

capacity of the inspector general of Housing and Urban Development to investigate cases of fraud of FHA loans.

I am hopeful my colleagues will join in this effort and support my amendment. As we all know, at this critical time when we are trying to make sure there are stimulus funds available and that we are doing all we can in Government to support the ability of the private sector to respond to this economic decline we are in, we need to make sure we have the oversight capability to run programs as effectively and efficiently as possible. That is what this amendment would help accomplish.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAPO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 844

Mr. CRAPO. Madam President, in a few moments I am going to send an amendment to the desk. It is on its way over here right now. I would like to speak about it for a few minutes until it arrives, at which point I will ask to set aside the pending amendment and offer the amendment.

The amendment I wish to offer is very critical. We debate budgets every year in Congress, and most of the years I have served here—I was elected in 1993 and served 6 years in the House, and now I am in my second term in the Senate—most of those years we have adopted a budget resolution. Some of those years we were not able to get the necessary votes to adopt one. But as we proceeded and moved forward in the deliberations of these budgets, I noted an interesting thing: Some years we would have a 10-year budget we looked at. We would have the year we were actually working on—and in this case, we are working on the 2010 budget—and then we would project out 9 more years and say: We expect, in the next 10 years following the year we are working on, to see the following budget numbers be honored with regard to defense spending or nondefense discretionary spending or the like. Sometimes we only look out 5 years.

This year, the President submitted a budget that looked out 10 years. The Budget Committee, however, took that budget window and reduced it to 5 years. The reason I point this out is because as we talk about what the budget is going to do and what the fiscal impact of the decisions we are debating today is going to be, we always talk about whether the budget is going to get us on a glide path to balancing our Federal budget, what kinds of deficits are going to mount in the outyears, what kinds of tax increases or tax reductions are going to be accomplished

in the budget. Yet, if you look closely at these budget documents and if you look closely at this budget document, all the tough decisions are always in the outyears. I should not say that is always the case because I have to say that occasionally Congress has stepped up to the plate and has made some tough decisions. But it is not the commonplace occurrence.

Let me give you an example. The amendment I am going to offer would cap the first 3 years of this proposed budget in terms of nondefense discretionary spending. In other words, it would say this budget proposes the following spending in nondefense discretionary categories for 2010, 2011, and 2012, and thereafter, and my amendment would say that the numbers that are proposed in this budget will be binding on Congress. In other words, if we adopt this budget, we will follow it. And I am only saying for 3 years. I am not even saying for the full 5-year window the Budget Committee has put forward or for the full 10-year window the President has put forward.

Why is this so important? Sometimes I jokingly say that during the time I have served in Congress, I have never made it to year 2 of any budget because every time we do a budget—whether it is a 10-year budget or a 5-year budget—we always implement the first year of that budget and then next year, when we come back, we seem to forget about what the budget projections were and what our promises to the American public were, and we start all over again and we do another 5-year budget. And year 1 of the next 5-year budget does not even look like what year 2 of the last budget was.

Let me give you an example. I was going to have some charts ready, but the opportunity to speak came before the charts got here. If I could show you those charts, I would show you that for the 2010 budget year we are working on today, if you had looked at what Congress said it was going to do this year 3 or 4 years ago, and then you looked at what Congress said it was going to do this year 2 years ago, and then you looked at what Congress said it was going to do this year 1 year ago, and then you looked at what Congress is proposing to do this year, they are not at all similar. As you might guess, the proposed spending in this year's budget for this year is far in excess of what the projections were in the previous budgets which we debated and voted on.

Let me put it another way. This year, we are looking at a 5-year window. The increase in nondefense discretionary spending in the first year of this budget we are talking about is approximately 7.3 percent—well over double the rate of the growth of the economy.

Just as a note, last year, the budget that we adopted finally in the Omnibus appropriations bill increased non-

defense discretionary spending by about 10 percent. So in just 2 years, we have seen nondefense discretionary spending increase by about 15 to 17 or maybe even more percent.

Well, back to the budget. The proposed increase in nondefense discretionary spending for this year in this budget is about 7.3 percent. But the promise is: OK, we have to spend that much this year, but we are going to be better in the outyears. So in the second year of this budget, the proposed increase is down, I believe, around 1 percent. In the third year, I believe that proposed increase is about 1.5 to 2 percent.

But my point is, we are not going to get to those years. We never adopt the next year—the second year and the third year and the fourth year and the fifth year in these budgets we debate.

So all my amendment will do is this: If we are telling the American public we have to increase our discretionary spending by 15 to 20 percent over the last 2 years—7 percent alone in this budget year—but that we are going to be fiscally more conservative and responsible in the outyears, let's make that binding. Let's at least say for the next couple of years we have to follow the budget we are debating. All we would need to do in order to accomplish that is to put some caps on that nondefense discretionary spending as we move into it in the outyears.

Every time we look at this, the spending goes up. If you look at the actual rate of growth in our budget, it is unsustainable. What we need to do is to be straightforward with the American people as we approach this. Anything else is just window dressing. All of the numbers we are talking about today and all of the projections we are talking about—how we are going to try to bring the deficit under control or reduce the national debt—are simply window dressing if we do not make them binding, other than the first year of this budget. That is what will really be binding.

I will say it again: The only thing that will really be binding in this budget, if we adopt this budget resolution, is the first year. This amendment would make, in the nondefense discretionary spending portion of the budget, the second and the third year numbers binding. By doing so, Congress would actually be setting some parameters for itself so we could have a firm confidence that as we move forward, we will be able to have the kind of deficit reduction and spending restraint we always talk about.

Madam President, at this time, I send to the desk an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO] proposes an amendment numbered 844.

Mr. CRAPO. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to protect the fiscal discipline on discretionary spending exercised by the reported budget resolution by extending the resolution's discretionary spending limits to exactly the same level as already assumed in the resolution to make sure that debt is not increased further than contemplated by this budget resolution as a result of subsequent budget resolutions or appropriation bills)

On page 50, line 12, strike "and".

On page 50, insert after line 15:

"(3) for fiscal year 2011, \$1,092,921,000 in new budget authority;

(4) for fiscal year 2012, \$1,112,047,000 in new budget authority; and"

On page 49, insert on line 12 after the word "bill":

" , concurrent resolution, ".

Mr. CRAPO. Madam President, as I have said, the amendment is very simple, and it really speaks for itself. It simply says that instead of debating numbers that do not mean anything, let's put some meaning and some authority behind the numbers we are debating. Let's not continue the game Congress continues to play year after year whereby we adopt a budget with no hard decisions in the first year, which is the only binding year, and all the tough decisions in the outyears are not binding and never reached. And let's say we are serious about it.

I have even agreed in my amendment to accept the high numbers in the first year. I personally would prefer to have some restraint now in the first year of this budget, and instead of increasing spending in this Government by 7.3 percent, I would rather reduce it to the rate of the growth of the economy or below that, and let's start catching up a little bit with regard to the spending we are engaged in.

Many people have said on this floor that this budget spends too much, it taxes too much, and it borrows too much. The most significant portion of all of that occurs in this first year. Let's get to some of the restraint that is promised in the second and third years by adopting this amendment, putting the caps on the nondefense discretionary spending categories, and make sure Congress, like the households and businesses across this Nation, tightens its belt and follows a budget.

Madam President, I yield the floor.

Mr. CONRAD. Madam President, first of all, I wish to thank the Senator for his amendment and especially thank him for the contribution he makes on budget issues. He is a thoughtful and responsible Member. I thank him for his service.

With respect to the amendment he has offered, we have a difference on

this issue, and the difference is this: What he said is exactly right in the sense that we have a budget which is really effective for 1 year because we have caps for 1 year. But more than that, we are going to be back doing another budget resolution next year, so, frankly, having outyear caps doesn't mean very much. What matters are the caps for this year, and the caps we have in this budget pertain to this year. The outyear caps he is referencing—we will have another budget next year, and we will deal with that next year.

Unfortunately, what has happened in the past on these caps is people have found a way to game them, and especially in the outyears. How do they do that? They come up with all of these advanced funding schemes to get around the outyear caps. What else do they do? They label as "emergencies" things that are really not. For example, we saw war funding in the third year of the war in Iraq and in the fourth year of the war in Iraq labeled as emergency by the previous administration as if we didn't know the war was still going on.

So I say to our colleagues, the budget resolution before us has a cap for 2010, and the outyear caps, to me, are superfluous because we are going to have another budget resolution next year.

I wish to also point out that the budget that is before us, in fact, has reduced the President's request on domestic spending by over \$160 billion, and \$15 billion in this year alone.

I say to my colleagues, anybody who doesn't understand the magnitude of those cuts, come and join me in my office, or come and join me at the meetings, such as the meeting I had yesterday with certain of my colleagues who were very upset because for the next 5 years, the average annual increase in non-defense discretionary spending is 2.5 percent—2.5 percent. The Senator says, fairly, that you can have a budget that says that, but if it is not enforced by caps, it will be revised.

The truth is, that is the case whether you have outyear caps or not. It is just the reality because we will be doing a budget next year, and more than that, because there is nothing quite so creative as the mind of man.

I will tell my colleagues, in my 22 years on the Budget Committee, I have seen every conceivable dodge to get around caps. I think I have learned them all. I just hope very much that we get about the business of putting together a longer-term plan that deals with reforming the entitlements, reforming the tax structure, so we can get on a much more sustainable, long-term base.

With that, could the Chair inform me how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has used 4 minutes, and the Senator from Idaho has used 2 minutes.

Mr. CONRAD. And how much time remains?

The PRESIDING OFFICER. There is 56 minutes remaining for the Senator from North Dakota and 58 minutes for the Senator from Idaho.

Mr. CRAPO. Madam President, could I just have a couple of minutes before we move on to the next item?

Mr. CONRAD. How much more time would the Senator like on this?

Mr. CRAPO. Two or three minutes is all.

Mr. CONRAD. Madam President, I ask unanimous consent that the Senator from Idaho have an additional 3 minutes, that I have an additional minute on this matter, and then—what is the next order of business?

The PRESIDING OFFICER. There is no amendment to follow.

Mr. CONRAD. OK. I think we have been trying to go back and forth. Senator TESTER, I see, is here. How much time does the Senator seek?

Mr. TESTER. Five or ten minutes. I will probably use 5 minutes.

Mr. CONRAD. OK. Would it be OK if we ask for 7 minutes?

Mr. TESTER. That is perfect.

Mr. CONRAD. Seven minutes for the Senator from Montana, and then who is up next, Senator BUNNING?

Mr. BUNNING. I have about 15 minutes.

Mr. CONRAD. And will the Senator want to offer an amendment?

Mr. BUNNING. I am going to talk about two amendments, but I am going to wait to offer them through the vote-a-rama tomorrow.

Mr. CONRAD. The Senator deserves a special place. What a good example for other colleagues.

So we go to Senator BUNNING, then, for 15 minutes after Senator TESTER. Is Senator ENSIGN seeking time?

Mr. ENSIGN. I need about 10 minutes.

Mr. CONRAD. We have Senator REED coming at 1:45. He would be next for how long? Well, maybe we could allocate 10 minutes to Senator REED, and then Senator ENSIGN, how much time?

Mr. ENSIGN. I would need just 10 minutes. If I could just get my amendment pending then I could speak later in the day.

Mr. CONRAD. We have not seen the amendment.

Mr. ENSIGN. This is the Medicare prescription Part D, means testing amendment.

Mr. CONRAD. If we could then do Senator ENSIGN for 10 minutes.

Mr. ENSIGN. Would you allow me to offer it to get it pending and then I can come back later?

Mr. CONRAD. Yes. Is that acceptable?

Mr. ENSIGN. I am not going to speak now; I just wish to get it pending at this point.

Mr. CONRAD. Well, they have another Senator coming. The problem is,

we have now allocated time that is going to go way past what is in this consent agreement.

If Senator ENSIGN just called up his amendment, would that be—

Mr. ENSIGN. That is all I want to do.

Mr. CONRAD. OK. Let's go then in the order we had. Senator CRAPO had a couple of more minutes, and then I would take some time and then we would go back to Senator TESTER and then to Senator BUNNING.

Mr. CRAPO. Should we let Senator ENSIGN go right now?

Mr. CONRAD. If you would just call it up.

#### AMENDMENT NO. 805

Mr. ENSIGN. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up amendment No. 805.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mrs. FEINSTEIN, Mr. GREGG, Mr. GRAHAM, and Mr. ENZI, proposes an amendment numbered 805.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require certain higher-income beneficiaries enrolled in the Medicare prescription drug benefit to pay higher premiums, as is currently required for physicians' services and outpatient services, and as proposed in the budget of the United States Government most recently submitted by the President)

On page 4, line 15, decrease the amount by \$303,420,000.

On page 4, line 16, decrease the amount by \$475,732,000.

On page 4, line 17, decrease the amount by \$599,908,000.

On page 4, line 18, decrease the amount by \$755,924,000.

On page 4, line 24, decrease the amount by \$303,420,000.

On page 4, line 25, decrease the amount by \$475,732,000.

On page 5, line 1, decrease the amount by \$599,908,000.

On page 5, line 2, decrease the amount by \$755,924,000.

On page 5, line 8, decrease the amount by \$303,420,000.

On page 5, line 9, decrease the amount by \$475,732,000.

On page 5, line 10, decrease the amount by \$599,908,000.

On page 5, line 11, decrease the amount by \$755,924,000.

On page 5, line 18, decrease the amount by \$303,420,000.

On page 5, line 19, decrease the amount by \$779,152,000.

On page 5, line 20, decrease the amount by \$1,379,060,000.

On page 5, line 21, decrease the amount by \$2,134,984,000.

On page 6, line 1, decrease the amount by \$303,420,000.

On page 6, line 2, decrease the amount by \$779,152,000.

On page 6, line 3, decrease the amount by \$1,379,060,000.

On page 6, line 4, decrease the amount by \$2,134,984,000.

On page 21, line 3, decrease the amount by \$300,000,000.

On page 21, line 4, decrease the amount by \$300,000,000.

On page 21, line 7, decrease the amount by \$460,000,000.

On page 21, line 8, decrease the amount by \$460,000,000.

On page 21, line 11, decrease the amount by \$560,000,000.

On page 21, line 12, decrease the amount by \$560,000,000.

On page 21, line 15, decrease the amount by \$680,000,000.

On page 21, line 16, decrease the amount by \$680,000,000.

On page 27, line 3, decrease the amount by \$3,420,000.

On page 27, line 4, decrease the amount by \$3,420,000.

On page 27, line 7, decrease the amount by \$15,732,000.

On page 27, line 8, decrease the amount by \$15,732,000.

On page 27, line 11, decrease the amount by \$39,908,000.

On page 27, line 12, decrease the amount by \$39,908,000.

On page 27, line 15, decrease the amount by \$75,924,000.

On page 27, line 16, decrease the amount by \$75,924,000.

Mr. ENSIGN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I ask unanimous consent that we return to the previous amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 844

Mr. CRAPO. Madam President, I will be brief. I do appreciate Senator CONRAD and the service he provides to us as the chairman of the Budget Committee. He makes some very good points. It is true that Congress can come back at any time and change the caps that we might put on today, but at least the Congress would have to debate that and would have to make a conscious decision that America could watch, and Congress would have to say to America: You know what. We are not going to do what we said we would do. If we don't put caps on this budget, then there is nothing the Congress has to do but adopt another budget resolution.

By the way, I also appreciate the fact that some of the emergency spending and the other games that are used in Congress to get around caps are identified by the chairman as difficult problems. We need to have much less of that gamesmanship and much more following of the rules in our budget so that Americans can truly see how much is spent and how much is being taxed as we move into these budgets.

I wish to give a couple of examples to show what I am talking about before I conclude. If we were to look at the fiscal year budget authority for 2009; that

is, the budget year we have just finished with the Omnibus appropriations bill a few weeks back—in 2006, we said in 2009 we were going to spend \$409-plus billion. In 2007, we didn't get a budget report because we couldn't reach agreement on one. In 2008, we said that number was going to be \$465 billion. In 2009, we actually said it was going to be about \$480 billion—or \$488 billion. The real number ended up being almost \$800 billion.

I realize there was some stimulus package money in there, some TARP spending, and so forth. The point is, it went up from the projection in 2006 of \$409 billion to a reality, even without the TARP and other dollars, of around \$500 billion.

What about this year we are talking about right now? The proposed budget for this year, I think, is around \$525 million for nondefense discretionary spending. That is what we are debating on the floor today. Well, in 2006 when we debated the budget and set our projections, that number was around \$409 billion; in 2008, \$476 billion; in 2009, \$492 billion; now, as we move forward to the final projection, \$525 billion.

The point I make is that every year Congress says this is what we are going to spend in the outyears, and every time we come back to it we never follow those requirements. We should put caps on at least the first 2 outyears so that when Congress comes back to deliberate again, and when the President submits a budget to us next year, there are fiscal caps for nondefense discretionary spending requiring the restraint we are promising Americans we will someday get to.

Congress has a pattern of spending more and more and more every year. As I have indicated, nondefense discretionary spending has gone up 15 to 17 percent the last 2 years. The fact is, it is time for us to adopt this amendment and put caps on the first 3 years of this budget to force some fiscal restraint in Congress.

Thank you, Madam President. I yield the floor.

Mr. CONRAD. Madam President, just briefly, in a way, the Senator makes my point because none of us can foresee what happens 2 and 3 years from now. That is why we do an annual budget resolution. The numbers he just cited—who knew we were going to fall off the edge and have a precipitous decline in the economy?

So what really matters to me is to have a 1-year cap that is enforceable. We will be right back here with a budget resolution next year and can extend enforceable caps at that time.

According to the order that has been entered into, I am happy to yield back my time and go to Senator TESTER for 7 minutes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I thank the Senator from North Dakota.

I rise today to talk more globally about the budget. After 8 long years of failed Federal policies that have driven our economy into the ditch, the Senate this week is finally considering a budget that sets us on the right path—a path that will get us out of the ditch—with balanced priorities for the American people. It is about time.

Last week, more than 5.5 million people filed for unemployment claims in this country. Unfortunately, that is a new record. Overall, the economy declined at an annual rate of 6.3 percent in the fourth quarter of last year, and experts say it is continuing to shrink. We are feeling the effects in Montana in the mining industry, wood products industry, and especially in the construction industry.

In fact, every county in northwestern Montana is suffering from unemployment that is at 10 percent or worse. At last week's annual employment expo in Kalispell, MT, 4,000 Montanans showed up looking for a job. That is an increase of 1,500 from last year; nearly a 40-percent increase. Times are tough.

Some DC politicians say: Don't worry about it; the recession is temporary. But let me tell my colleagues, for folks who have lost their jobs or who fear they will lose their jobs at any time, that kind of attitude is out of touch. We need action now, and this Congress is working with the President to provide that help.

Earlier this year, we passed the American Recovery and Reinvestment Act, which I call the JOBS bill. The JOBS bill is creating and keeping millions of jobs, and it is pumping hundreds of millions of dollars into our State's economy to build roads, water systems, repair our schools, health care facilities, and energy projects. Throughout Montana and across rural America our infrastructure is worn out. This JOBS bill is a first step to rebuild our economy from the ground up by reinvesting in infrastructure and providing tax relief for hard-working Americans. This budget is the next step in that effort.

For far too long in this town budget policies were set by folks whose ideology said "deficits don't matter," as Vice President Cheney famously put it.

That was nonsense then and it is nonsense now. Unfortunately, the legacy of that ideology is a national debt that doubled between 2001 and 2007. I thank the chairman of the Budget Committee, KENT CONRAD. We are cutting those record Republican deficits in half in just 3 years. That cannot be the end of the story, but it is a good start.

Once we get the economy up and running again, we are going to need tough fiscal discipline to pay off the piles of debt run up by the previous administration and its allies in Congress.

Some DC politicians claim the budget mess left to us by the Bush administration is an excuse to do nothing on

urgent priorities such as energy, education, health care, and tax relief for middle-class families and Main Street small businesses. Continuing to accept those excuses would be the worst mistake we could possibly make.

For example, we must take action on comprehensive plans to overhaul our energy policy to make America energy secure once and for all. Our national security depends on us getting that right. Energy security is national security. Ask the Eastern Europeans how it felt when the Russians cut off their natural gas supply in the middle of winter. We need to take aggressive action on energy policy. We cannot wait until gasoline prices push to \$5 a gallon again. We must try to develop a broad-based energy policy, and we must act now.

Instead of a balanced energy policy to ensure our security with renewables and conservation measures, some people want to see us drilling more in our untouched hunting and fishing habitat places, such as the Rocky Mountain Front. This makes no sense. There are places we should drill, and Rocky Mountain Front is not one of them.

Montana has always been an energy resources-producing State, and we always will be. But we need to protect our outdoor heritage and invest in sustainable, renewable sources of energy such as biofuels, wind, solar, and geothermal power.

This budget outline builds on the JOBS bill's investment in renewable energy, efficiency and conservation, low carbon coal technology, and modernizing the electrical grid.

This budget also puts a priority on education. My life tells the story of the power of education and the opportunity it provides. For me, the grandson of dry land homesteaders, to be selected by my friends and neighbors in the State of Montana to serve them in the Senate, that is a story that is only possible because of my education. Smart investments in education generate economic growth and jobs. Education and training prepare our workers to compete in a global economy.

This budget prioritizes education from early childhood initiatives, such as Head Start, all the way up to Pell grants to make college more affordable.

Some on the other side also argue their budget deficits are an excuse not to reform health care in this country, but I believe we cannot afford to wait. We have to rebuild our health care system because it is broken. Too many Americans lack health care. Too many families live every day in fear that one illness could ruin them.

This budget starts us down the road of allowing Congress and the President to work together to reform our Nation's health care system so our families can thrive.

I know this budget process is always a partisan exercise, but it is my hope

that when we start to work out the details of health care reform, we do it in a bipartisan manner. That is an issue that impacts every American family. So I hope we can work together to pass commonsense solutions.

Again, I thank Senator CONRAD and the Budget Committee for producing a budget that continues to support one of my highest priorities since coming to the Senate—honoring the service and commitment of our Nation's veterans and their families.

This budget builds on bipartisan efforts in the last 2 years to boost funding to get the VA into working order. At long last, the quality of care at the VA is starting to improve. We have begun to bring some priority 8 veterans back into the system. This budget provides resources to continue those important steps.

Finally, we need to pass this budget resolution to ensure middle-class tax relief, so ordinary folks can get ahead and our Main Street small businesses can prosper.

This budget resolution is our national mission statement. The mission of this Congress is to work with the President to get us out of the ditch and rebuild our economy from the ground up by cutting the Republican deficit in half and investing in important priorities, such as energy, education, health care, middle-class families, and small businesses.

No budget is perfect, and I look forward to supporting amendments that can improve this one. But this is a responsible budget with balanced priorities. I urge the Senate to pass it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I rise to discuss the fiscal year 2010 budget. I also plan to discuss two amendments—Nos. 817 and 818—which I would like to see considered.

As a member of the Budget Committee, I spoke on this budget last week during the committee consideration. I was unable to support it then, and unless truly major changes are made on the Senate floor this week, I will not be able to support it as it comes up for a vote.

Since the President first gave us a preview of his plan, we have heard a lot about this year's budget. I have found it to be very troubling. The budget proposed by the Obama administration is unworkable, and I think everyone knows that. It spends too much, taxes too much, and borrows too much.

The numbers in the President's proposal were appalling to anyone who believes in any kind of fiscal restraint. It got even worse 2 weeks ago, when the Congressional Budget Office predicted the numbers used by the administration were far too optimistic. The President's proposal would double the publicly held national debt to more than

\$15 trillion. Annual spending would leap from \$24,000 per household to about \$32,000 per household. This plan would also raise taxes by \$1.4 trillion over 10 years. The increase in debt is also staggering. The President's proposal would double the debt held by the public in 5 years and nearly triple it over 10 years.

In fact, the proposal would create more debt than every previous President from George Washington to George W. Bush. With numbers such as that, it is not surprising that the authors of this budget resolution before us today had to make some changes.

While I applaud the efforts of Chairman CONRAD to attempt to rein in some of the worst aspects of the administration's budget proposal, it appears we may only have an "Obama lite" version before us. In fact, Peter Orszag, Director of the Office of Management and Budget, tells us the two versions are 98 percent the same. The budget on the floor still has the same problems and, in some cases, new problems.

President Obama promised a new era of transparency in Government. This is one reason why he submitted a 10-year budget proposal. However, the proposal before us is only a 5-year projection. Also, the President's budget assumed that Congress would continue to patch the alternative minimum tax, which digs deeper and deeper into the middle class each year. This budget assumes it will be fixed for only the first 3 years of this 5-year plan. Everyone here knows we are going to have to take care of those other 2 years, as we should. However, it looks like we still have more tax increase here.

It defies logic that this budget targets tax hikes on the very people who are good at creating jobs. We know that 70 percent of all job growth in the United States—when we had it—came from small business. This budget penalizes the people who are responsible for two-thirds of the small business jobs. One of the most basic economic principles is that if you want less of an activity, you tax it more. Well, we must want less job creation.

Maybe we only want to create jobs for Government bureaucrats who spend other people's money and our grandchildren's money.

As I have outlined, this budget has many other problems. It spends too much, taxes too much, and borrows too much. I urge my colleagues to join me in supporting changes that would make this a responsible and fair piece of legislation.

I also wish to take a few minutes to talk about the two amendments I will be introducing later in the marathon we have tomorrow. The first is especially important for many of our seniors because it deals with taxes on Social Security benefits. The amendment

I will be offering sets up a deficit-neutral reserve fund to repeal the 1993 increase in the income tax on Social Security benefits. I brought this issue before the House and before this Chamber before. In fact, earlier this year on a stimulus bill, I offered an amendment to repeal this unfair tax for just 1 year. That amendment failed.

With this amendment, I am taking a different tack and using a deficit-neutral reserve fund to repeal the 1993 Social Security tax increase completely. This should be familiar to the chairman of the Senate Budget Committee, since he offered a similar amendment using a deficit-neutral reserve fund during the budget consideration last year. I remind my colleagues that his amendment passed last year by a vote of 53 yeas to 46 nays.

When the Social Security program was created, benefits were not taxed at all. However, in 1983, Congress changed the rules of the game by passing legislation to taxing up to 50 percent of a senior's Social Security benefit if their income was over \$25,000 for a single individual or \$32,000 for a couple. In 1993, as I sat on the Ways and Means Committee at the time, Congress felt that taxing 50 percent of benefits wasn't good enough.

That year, Congress passed, and President Clinton signed, a bill that allows 85 percent of a senior's Social Security benefits to be taxed if their income was above \$34,000 for a single taxpayer or \$44,000 for a couple. The additional money this tax raises doesn't even go to help Social Security's solvency. It goes, instead, to the Medicare Part A Program. I opposed this tax increase then, and I oppose it today, because 14 million seniors are hit by an 85-percent tax on their Social Security benefits.

On one hand, we tell seniors to plan and save for retirement; on the other hand, we tax them for doing just that. This amendment puts the Senate on record that this 85-percent tax tier would be eliminated, and the maximum amount of Social Security benefits that could be taxed would be 50 percent.

If Congress passed legislation to do this, millions of seniors would be able to keep more of their Social Security benefits. I hope my colleagues can support this amendment when it comes up for consideration.

I am offering another amendment to pave the way for relieving taxpayers who have suffered devastating capital losses during these troubled economic times. Many taxpayers have been forced to sell their homes, stocks or any kind of capital asset at a loss. Our constituents will be stunned to learn they can only deduct \$3,000 of those losses from their adjusted gross income. The \$3,000 limit was set in 1976, when tax writers seemed to be ignorant about the impact of inflation. That limit is ridiculous in today's dollars.

My amendment creates a deficit-neutral reserve fund for increasing the capital loss deduction. If it helps struggling taxpayers, we have to do it because if we raised that deduction from \$3,000 and adjusted it for inflation, it would be over what I propose—at \$15,000, which you could deduct from your adjusted gross. Prominent economists have noted that by eliminating some of the downside risks of investing, increasing the capital loss deduction will stimulate investment and economic growth.

This amendment is a winner for taxpayers and a winner for our economy at a time when they both need some wins.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise in support of this budget resolution. I particularly commend Senator CONRAD for his extraordinary work.

Later, at the conclusion of my brief remarks, I will call up an amendment.

We have a situation that is unprecedented in the history of the country—extraordinary economic challenges, extraordinary international challenges. This budget resolution is designed to and will, I believe, help get our economy moving again and serve as a catalyst for job creation and for long-term growth. It will also put this Nation on a sustainable path in a fiscal dimension. The budget resolution reflects a commitment to transparency and restores honesty and integrity to the process. The budget incorporates the cost of the wars in Iraq and Afghanistan, which were notably neglected in past budgets. It enhances oversight of Government, including defense procurement spending, to root out waste, fraud, and abuse.

We are in very challenging circumstances, both domestically and internationally, and this budget reflects and faces up to those challenges.

Against these daunting challenges, the priorities reflected in the budget are clear: lower the tax burden on working men and women and small businesses, trim health care costs, invest in education, and reduce our dependency on foreign oil.

For too long, these challenges have undermined our economic vitality, and they will continue to drive down progress unless we take essential steps, as reflected in this budget, to deal with them. These are reasonable and necessary provisions. They represent a way to grow our economy and put more money in the pockets of middle-class Americans.

We are inheriting a weakened fiscal position based on the policies of the last 8 years, marked by an economic ideology that extended significant tax cuts to the very wealthiest, skewing these tax cuts so they benefitted a very few rather than ordinary Americans.

The Obama administration inherited an economic mess, a \$1.3 trillion budget deficit and a near doubling of the public debt, rising from \$3.3 trillion in 2001 to \$5.8 trillion in 2008. This doubling of our debt occurred at a time of macroeconomic prosperity and strong productivity growth. Yet, for middle-class Americans who have been working harder and more innovatively, there is little or no job creation. In fact, family incomes fell \$2,000 between 2000 and 2007. Simply put, most families saw their income fall by \$2,000 in a period of economic boom and prosperity, and we have to reverse that. We have to make an economy that will provide the jobs and the growth of income that Americans depend upon to educate their children, provide for their health care needs, and to contribute to their community.

This budget will provide that path of sustainable economic growth. It will do so by making investments to counter some of the downward spiral we have seen over the last several years.

It will invest in tax reform. This budget provides tax cuts for 95 percent of working Americans. It will close tax loopholes to ensure that we are all paying our fair share. It will eliminate some complicated, sophisticated tax shelters that benefit the wealthy but do not benefit working families.

In addition, it will focus on health care reform, which is necessary not only for our position as citizens but also for our economic future. Despite technological innovation, despite technological advances in medicine, far too many of these basic services are out of reach of Americans. They are simply not affordable or accessible. This budget will set the parameters for significant health care reform.

It will also begin to address the issue of global warming, which has huge implications internationally.

Mr. CONRAD. Mr. President, if I can speak to the Senator through the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. REED. I gladly yield to the Senator.

Mr. CONRAD. In addressing the Chair, first of all, I apologize to the Senator for interrupting. It is important that we get another unanimous consent agreement in effect at this moment.

I ask unanimous consent that at the conclusion of Senator REED's discussion, Senator JOHANNIS be recognized for 12 minutes and that Senator WHITEHOUSE then be recognized for 12 minutes. I make that request.

The PRESIDING OFFICER. Is this for debate only?

Mr. CONRAD. This is for debate only.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Does Senator JOHANNIS have an amendment to offer?



Mr. JOHANNIS. It is not an amendment but a motion. I can provide it to the Senator from North Dakota.

Mr. CONRAD. If the Senator could discuss it but not formally offer it so we get it in the right place in the queue—would that be acceptable to the Senator?

Mr. JOHANNIS. Mr. President, that is acceptable.

Mr. GREGG. Mr. President, I want to make sure the Senator's rights are protected.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. We are going to get a vote on the Senator's amendment prior to the vote-arama?

Mr. CONRAD. Absolutely.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. CONRAD. I ask unanimous consent that Senator REED be able to call up his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. We are doing some quick arithmetic. There is 4 minutes remaining.

Mr. REED. Mr. President, can you remind me or let me know when 1 minute remains?

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mr. REED. Mr. President, we are dealing with a plethora of issues that are absolutely critical to the economic success of the country. I mentioned climate effects. I mentioned investment in reducing our carbon footprint. All of these have been outlined and provided for in this budget resolution.

We are also going a long way to invest in the future of the country through education. I am pleased to see that this proposal includes a deficit-neutral reserve fund for higher education to allow for expanding student aid.

I have worked with Senator COLLINS on an amendment to ensure that this reserve fund may be used for increased investments in the Leveraging Educational Assistance Partnership or LEAP program which provides critical need-based grant aid and support services to low-income students.

This budget also provides for increased spending on Pell Grants, and as such, invests in our greatest resource, the talent and innovation and imagination of America. In that sense, I think this is a very strong step forward.

The budget helps deal with the issues facing small business in terms of providing, for example, \$880 million for the Small Business Administration. It is small businesses, indeed, that create the jobs. Too often in the past, we have talked the talk but not walked the walk. This budget provides real re-

sources for the Small Business Administration.

We have very difficult decisions to make, but we have made them before. I can recall being elected in 1990, beginning in 1991 with a huge deficit. Through the tough decisions we made here, a Democratic Congress following a Democratic Congress, we were able to not only turn the economy around but reduce the deficit. That is something we have to do going forward, and we must do that. I think this budget will position us to do that.

We have a difficult series of choices before us. I believe this budget and the work of Senator CONRAD have positioned us to respond to the crisis of the moment and positioned us to take opportunities of the future.

#### AMENDMENT NO. 836

Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 836, the Reed-Snowe LIHEAP amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. SNOWE, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. SANDERS, Mr. SCHUMER, and Mr. WHITEHOUSE, proposes an amendment numbered 836.

The amendment is as follows:

(Purpose: To increase funding for the Low-Income Home Energy Assist (LIHEAP) by \$1.9 billion in FY 2010)

On page 21, line 24, increase the amount by \$1,900,000,000.

On page 21, line 25, increase the amount by \$1,330,000,000.

On page 22, line 4, increase the amount by \$532,000,000.

On page 22, line 8, increase the amount by \$38,000,000.

On page 27, line 23, decrease the amount by \$1,900,000,000.

On page 27, line 24, decrease the amount by \$1,330,000,000.

On page 28, line 3, decrease the amount by \$532,000,000.

On page 28, line 7, decrease the amount by \$38,000,000.

Mr. REED. Mr. President, very briefly, this amendment would enhance and increase funding for the LIHEAP program. It is a program that is absolutely essential as we see energy prices begin to creep up again. When it hits again next winter, we will need these funds. When heating costs increase this summer in the Southwest and Southeast, we will need these funds.

I am proud to join Senator SNOWE in supporting this amendment. I urge my colleagues to support it when it comes up for a vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, under the consent agreement, I believe Senator JOHANNIS is recognized for 12 minutes, followed by Senator WHITEHOUSE. Then I understand Senator GRAHAM

would like to speak on the Johannis amendment for 5 minutes. I ask unanimous consent that after Senator WHITEHOUSE, Senator GRAHAM be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNIS. Mr. President, just so we are clear on this procedure, I supplied a copy of my motion to the chairman of the Budget Committee. It is being reviewed. I would like the opportunity to speak on it now.

I rise to discuss this motion which I firmly believe would bring a bit of fiscal responsibility back to Washington at a time where I fear spending restraint has gone out the door.

The budget before us increases non-defense discretionary spending by 9 percent. That translates into \$42 billion over last year's levels. My motion would instruct the Budget Committee to take the budget resolution back to the committee and limit the overall increases to CBO's projected rate of inflation. The motion asks that we do this for each of the budget years. The motion would save \$36 billion in 2010 and \$194 billion over the 5-year budget window.

I would like to point out that my motion does not attempt to dictate which programs are prioritized for funding or which are cut back. Instead, my motion ties the aggregate spending to the rate of inflation. It asks the Budget Committee to take a scalpel to the budget line by line, which is exactly what the President has promised to do. Government simply cannot be everything to everyone, and at some point, tough spending decisions do have to be made.

Some may wonder why I chose to limit spending to the rate of inflation. The answer to that is very straightforward. If the average cost of goods and services for folks has increased by a certain percentage, I believe it makes common sense to require the Federal Government to spend within the same range. The American people cut back during tough economic times. Yet their Government is blatantly rejecting that commonsense principle. If you do not have enough money to pay for something, well, you shouldn't buy it. While most American families are planning to spend less this year compared to last year, isn't it eminently sensible that their Government increase spending no more than the rate of inflation?

It is clear that this budget does not have enough revenue to pay for its price tag, \$3.6 trillion, even though it levies a massive tax increase on hard-working Americans to the collective tune of \$1.7 trillion. Instead, the budget piles more debt on more debt, so much so that the debt per household for fiscal year 2010 would be \$74,000. Considering that the average hourly wage in

my home State is about \$17 an hour, it would take most Nebraskans about 4,200 hours to earn that much money. That is an astronomical amount of debt.

But why should people back home worry about the debt the Government continues to amass? Because debt becomes unsustainable. When this occurs, the interest consumes more and more of the revenue, leaving virtually no money left to fund programs. Then you find yourself borrowing more and more to offset the difference. It is not a productive dance—taking one step forward, two steps back, then one forward, three back, year after year, until pretty soon you are not on the dance floor, and if you are not careful, you are not even in the dancehall. We will be so indebted to our creditors, such as China, that we will be watching through the dancehall window as economic engines of other nations carry the world economy.

Consider this sobering thought: If this budget passes, a few years from now we will be spending more on finance charges than on the entire defense budget. Put another way, our finance charges will be eight times the Nation's education budget. The budget before us is comparable to a family running up so much credit card debt that their finance charges are more than the house payment. We have lost our way.

Gone are the days when \$1 million was a significant amount of money to invest in a program. Some think it is a bargain if we just spend \$100 million or even \$1 billion. More and more commonplace are bills that actually spend \$1 trillion. How did we get spending so out of control?

It seems as if every time legislation is passed, we end up by just nonchalantly raising the debt limit. How long do you think our Nation can keep going down this course of unrestrained spending? Not very long.

We have a country that lives on credit, and we are close to maxing it out. Then what? Well, I will tell you what. Our dollar will be worth nothing. No one will want to invest in the United States, and economic growth will stall. I shudder at the thought.

I mentioned China a minute ago. They are the largest foreign holder of our debt. Why do we allow that to happen? I don't know about you, but we need something to change the course. This motion just simply takes a step back from bloated spending and a step forward to fiscal responsibility.

Before I yield the floor, I would like to offer a few short and very straightforward comments about an amendment that I offered on Monday. It has not yet come up for a vote. I hope the delay means my colleagues are thinking long and hard because it is an amendment that stands for the Senate.

It basically says: Don't use reconciliation for climate change legislation.

First, climate change and energy are important enough that the Senate should deliberate these issues carefully. Haste leads to error and consequences. I remind my colleagues that budget reconciliation means far-reaching cap-and-trade legislation would only get 20 hours of debate. That is right. If the leadership keeps the Senate floor open all night long, a \$250-per-month increase in energy bills could pass the Senate in just 1 day.

Second, let's not permit the House to dictate how we do business in the Senate. I tried to suggest to my colleagues that the House budget is a Trojan horse meant to force the Senate's hand. Many of my colleagues understand and know exactly what the House leadership has in mind.

I know the chairman of the Budget Committee has indicated he will resist. I applaud him for that. I thank the chairman. I note also that the chairman has been careful and thoughtful in his comments regarding the use of budget reconciliation. Again, I applaud that. I think my amendment just lays this issue before us and gives us the chance to stand for the Senate.

I would like to emphasize one other point. I have tried to make clear that the merits of climate change are not at issue. This body will thoughtfully consider climate change given the chance. What is uncertain—and the issue before us—is whether we have an open, robust debate and the opportunity to share with our constituents the content of the legislation and the amendments we offer.

I thank most Members on the other side of the aisle for their support and their reasoned approach. In fact, eight Members who are Democrats joined me in a letter to the leadership of the Budget Committee. My amendment directly addresses the concerns in that letter. In reality, the proposed solution in the letter is exactly what my amendment is doing.

Additionally, a man I respect a great deal, another Democratic Senator, the junior Senator from North Dakota, also indicated his opposition in his own letter. My amendment addresses these concerns.

The chairman of the Finance Committee has indicated that using reconciliation "is not a good idea." I could not agree more. House Democrats on the Energy and Commerce Committee urge the use of "hearings, markup and regular order" instead of budget reconciliation.

I could quote on and on from Members on both sides who have stood with me on this issue and have expressed their concern long before I arrived. I thank them for protecting the integrity of the Senate process, and I offered that amendment in that bipartisan spirit.

I yield the floor, and I yield my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, under the order, Senator WHITEHOUSE is next.

If I could just say, Senator WHITEHOUSE is a very valued member of the Senate Budget Committee. He brings a wealth of experience to the committee, especially on health care, and he has been extremely energized on the issue of the use of information technology to reduce cost and improve health care outcomes. He has also been very focused on health care reform and the significant opportunity that is for the country, and, of course, global climate change, protecting the planet, and being concerned about environmental values.

We are very fortunate to have Senator WHITEHOUSE as part of the committee.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished chairman very much for those very kind and gracious remarks, and I am indeed here to discuss the budget, and particularly the health care aspects of the budget.

This is the season. Here we go again, into the annual budget process, and as we have seen today on the Senate floor, our friends across the aisle are doing a great deal of complaining and not a great deal of contributing.

Are their complaints sincere? Well, perhaps. I am sure some are sincere. But in evaluating them, we should bear this in mind: Under George Bush, the difference between the budget projections he inherited from President Clinton and the budget performance he left for President Obama was a negative nearly \$9 trillion—a massive, reckless landslide of fair-weather debt.

Mr. CONRAD. Mr. President, will the Senator yield? Again, I apologize for interrupting.

Mr. WHITEHOUSE. Of course, I will yield.

Mr. CONRAD. Just for a moment, for the purpose of a unanimous consent request.

Mr. President, I ask unanimous consent that after Senator WHITEHOUSE is done, Senator GRAHAM be recognized for 5 minutes and then Senator ENZI for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I apologize for this interruption, but I have to go to another committee to introduce someone who is up for a nomination. So I needed to do it at this moment to make certain there is a good flow.

I thank the Senator very much.

Mr. WHITEHOUSE. I understand perfectly, and I appreciate the chairman's diligence in ensuring a smooth flow of this important legislation.

So we have this litany of complaints from the side that is responsible for the Bush debt of nearly \$9 trillion. Now that President Obama has to dig out from under the Bush economic collapse, now that we are in a deep economic recession, now, in the one time

when Government spending and borrowing is justified to get us through the economic trough we are going through, we are treated to lectures about debt from our free-borrowing friends. The party of "deficits don't matter" wakes up to this concern just in time, coincidentally, to thwart our new President.

The grotesque folly of the Bush debt was that it addressed things such as lowering tax rates for America's billionaires, not the core American priorities we need to address, in a country that is failing to educate its children as well as international competitors do, a country whose energy policy hurts everyone except oil-producing nations and the oil and coal industry, and a country mired in a disastrous health care system. President Obama's budget addresses these priorities.

Indeed, one of the highest priorities in our budget proposal for fiscal year 2010 is a badly needed and long-overdue reform of that broken and dysfunctional health care system. I have spoken on this subject in the Chamber many times because unless something is done soon, health care's massive costs will overwhelm us. Already, the system costs well over \$2 trillion a year, and as our population ages, we face \$35 trillion in unfunded Medicare liabilities, with not a nickel set aside against those liabilities.

No one seriously now questions the need for fundamental health care reform, and it is time to come together to determine what that reform will look like and how we can get it done. That would be a productive thing to talk about with regard to this budget.

An event last Thursday marked an important step forward on health care reform. The American Cancer Society, the American Diabetes Association, the American Heart Association, and Consumers Union came together to issue a joint statement on the vital importance of including health care delivery system reform as part of any comprehensive health care legislation that Congress should move this year. I was proud to join them at their announcement, together with Senator SCHUMER and Senator ROCKEFELLER.

These organizations represent tens of millions of Americans—Americans living with chronic illness, with cancer, with diabetes, with heart disease, and millions more who are consumers of health care in this country. These organizations and their members understand the failures and the tragedies of our health care system. Separate and together, their voices are powerful, and I would like to share some of what they said.

The number of uninsured Americans exceeds 45 million. Health care costs are rising faster than incomes. We spend at least twice as much per capita on health care as our major trading partners, and we rank 37th in the World Health Organization's evaluation of health systems worldwide. The major

chronic diseases—cancer, diabetes, cardiovascular diseases, and stroke—account for three out of every four deaths in the United States, and the estimated total direct and indirect health care costs for these chronic diseases exceeds \$700 billion each year. Much of America's chronic disease burden could be avoided through better coordination of care and by applying known best practices to prevent the onset and progression of these conditions at the primary, secondary, and tertiary levels.

While insurance coverage for all Americans is an important goal, we must give equal weight in the health care reform debate to changes that improve the quality of care, increase and improve the delivery of preventive services, and ensure that individuals always receive care that is safe, efficient, and without unnecessary interventions, tests, and treatment. To achieve these goals we must make structural changes: Improve our health information technology infrastructure; align financial incentives with evidence-based and cost-effective decision making; and develop a reliable process for assessing the health value of new technologies.

That is a part of the joint statement the American Cancer Society, the American Diabetes Association, the American Heart Association, and Consumers Union issued last Thursday.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the joint statement I have just referred to.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WHITEHOUSE. Also, on Thursday, Mr. President, Consumers Union presented new polling data about Americans' experiences with the health care delivery system that confirms the urgent need for delivery system reform. In the poll, 18 percent of respondents reported that either they or an immediate family member contracted an infection following a medical procedure, and more than 60 percent of those reported that the infection was severe or life-threatening. Mr. President, 13 percent of respondents have had their medical record misplaced, and 9 percent have received the wrong prescription from the pharmacist. Only half of adults—only half of adults—receive routine preventive medical tests, and for adults 35 years and younger, only 30 percent even visit a doctor for routine testing.

At our event last week, these organizations emphasized the importance of preventive care. As is so often the case in our health care system, no data or information is as compelling as a personal story, and we were fortunate on Thursday to hear an extraordinary one.

Gina Gavlak is a diabetes center and emergency department nurse and the vice chair of the American Diabetes Association's advocacy committee.

Gina was diagnosed with diabetes at age 10, and has been living with the disease for the last 29 years. She has worn an insulin pump 24 hours a day, 7 days a week, 365 days a year for the past 12

years. Before using the pump, Gina took over 21,000 insulin injections, an average of 6 times a day.

Gina has battled pre-existing condition rules and outrageously high insurance premiums, but her biggest battle has been the daily management of her disease. She has taken on this battle with extraordinary determination and diligence, and with exemplary results.

Through extremely careful monitoring and management, she has had only two hospitalizations and one emergency department visit due to diabetes. She has never missed a day of work because of diabetes. She has had two uncomplicated pregnancies resulting in the birth of her two healthy children.

Gina's story is both poignant and important. It shows the tremendous benefits that come from comprehensive management of chronic disease—both in quality of life and in reduced cost of care. But not everyone has Gina's unique drive and commitment. Many patients will need an interactive, organized, and prevention-focused health care system to effectively manage their care.

Unfortunately, this is not the health care system we have. The Cancer Society, the Diabetes Association, the Heart Association, and Consumers Union wrote:

The promise of . . . delivery system reform measures to lower costs is the most humane avenue to a financially sustainable health care system . . .

Although coverage for all Americans is a vital component of this change—a simultaneous effort aimed at securing high-quality, cost-effective preventive care is equally important . . . the time for comprehensive health care reform has arrived and our organizations will work together to help create a health care system capable of consistently delivering the most effective, patient-centered care.

These efforts will improve the quality of life and health outcomes for millions of people who suffer from a chronic disease, and lead to more efficient use of our nation's health resources.

The time has indeed come, not only for coverage reforms that will bring all Americans the security and stability that health insurance provides, but also for a fundamental overhaul of the way our delivery system provides care. That is a necessary investment this budget makes.

We have to be smart about this. We know how bad the system is; we see its looming catastrophic costs; we must invest the time, the money and the effort to transition to a modern, safe, efficient and healing health care system.

That is why this President's budget matters. That is why President Obama's budget is worth passing; it looks beyond the sorry politics of today and addresses the real problems Americans have to cope with day to day, in their regular lives.

I ask unanimous consent that statements by Dr. Timothy J. Gardner and

Dan Smith, and a Consumer's Union Release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BRIEFING ON HEALTH SYSTEM REFORM

(Prepared Remarks for Dr. Timothy J. Gardner, Mar. 26, 2009)

I am pleased to be here today on behalf of the American Heart Association to highlight the need for health system reforms that will result in the high-quality, cost-effective care that our patients deserve. The Heart Association is very pleased to be joined at today's event by Senators Whitehouse, Rockefeller and Schumer and to be collaborating on the statement we're announcing today with the American Cancer Society, the American Diabetes Association, and the Consumers Union.

Cardiovascular disease, including heart attack and stroke, is the nation's leading cause of death and the most costly disease. Cumulatively, the leading chronic diseases—heart disease, stroke, cancer and diabetes—account for three out of every four deaths in the U.S. and the estimated total cost for these diseases exceeds \$700 billion each year.

The American Heart Association supports reforms that will extend affordable coverage to all Americans. Equally important, the Heart Association supports measures that will improve the value of cardiovascular and other chronic disease prevention and care. Delivery system changes that speed the translation of new knowledge to practitioners and strategies that improve care coordination are essential to reducing mortality and morbidity from heart disease, stroke and other chronic diseases and to improve the value of the care provided.

The reality is that in our country health care remains largely fragmented and uncoordinated, and as a result, we miss many opportunities to both improve the quality of care that patients receive and prevent disease altogether.

Unfortunately, a patient with chronic diseases like heart disease, stroke, cancer or diabetes often serves as the poster-child for these missed opportunities. As a heart surgeon, I have witnessed many such examples—both in the prevention and treatment of patients with cardiovascular disease. I see conditions that could have been prevented or caught at an earlier, more treatable stage if risk factors—such as hypertension or high cholesterol—had been identified and treated appropriately. And I have seen problems that could have been avoided if evidence-based guidelines were followed.

For example, we know that patients who develop a hospital-acquired infection after undergoing coronary artery bypass surgery have worse outcomes and are twice as likely to be readmitted to the hospital compared to those without an infection. We also know that administering an antibiotic before surgery reduces a patient's risk of a post-operative infection 5-fold. And yet studies have shown that correct antibiotic use pre-operatively continues to be uneven, which results in unnecessary complications and re-hospitalizations for some patients.

As a physician, I can also attest to the tremendous challenge that doctors and other healthcare professionals face in staying current on the latest evidence and guidelines. As the Institute of Medicine said in its landmark 2001 report, *Crossing the Quality Chasm*, "[Health care] today is characterized by more to know, more to do, more to manage, more to watch, and more people involved than ever before."

The American Heart Association and other scientific organizations have invested a great deal of time, effort, and money developing evidence-based guidelines and science statements to help healthcare professionals give their patients the highest quality care possible. The Heart Association's Get With The Guidelines quality improvement programs, now being used in over 1600 hospitals around the country, are translating many of our science-based Guidelines into practical systems of care that reflect best practices. Interdisciplinary health professional team training and programs that promote the coordination of acute patient care are helping our health providers manage increasingly complex medical care. For example, the Heart Association launched its Mission: Life-line program, which seeks to decrease critical time to treatment and increase adherence to evidence-based therapies for patients with the deadliest type of heart attack by establishing regional systems of care.

During the briefing session, I shared some of the tools and strategies developed by the American Heart Association that can serve as models of what needs to be done to systematically increase quality of care, with the added benefit of spending healthcare dollars more effectively. By doing so, we will be doing our part to "bend the cost curve" for cardiovascular disease.

We look forward to working with Senators Whitehouse, Rockefeller, Schumer and others in Congress, as well as with our partners in the chronic disease and consumer community, to enact meaningful health reform that not only provides health insurance coverage to all Americans but also makes care more patient-centered, reliable, and efficient. Thank you.

HEALTH CARE DELIVERY SYSTEM REFORM  
PRESS CONFERENCE

(Dan Smith, President, ACS CAN, Mar. 26, 2009)

I want to thank you—Senator Whitehouse, Rockefeller and Schumer for gathering us all here today to talk about the importance of fixing the way we deliver health care in this country. We are encouraged by the work that Congress is already doing in this regard and we look forward to working with you as you move forward.

The American Cancer Society Cancer Action Network, the advocacy affiliate of the American Cancer Society is adding its voice to this discussion because the quality of our nation's health care system will affect our success in the fight against cancer.

Providing all Americans with access to high quality health care will significantly reduce the rates of cancer incidence and mortality and will measurably improve the quality of life for all people with cancer.

I am happy to be standing with my friends from The American Heart Association, The American Diabetes Association, and Consumers Union.

Five years ago, the American Cancer Society, the American Heart Association, and the American Diabetes Association joined forces to create the Preventive Health Partnership.

The Partnership's goal is to reduce the burden of chronic disease by focusing health care policy on prevention. Our organizations all agree that insurance reform by itself is not sufficient. Real reform must include changes in the way we deliver services to people.

We believe all Americans should have access to adequate health care coverage. But coverage is not enough. We must also fun-

damentally transform the health care delivery system.

That is why we must move from a system focused on episodic treatment of disease to one that focuses much more heavily on wellness, disease prevention and early detection.

We must also:

Increase the delivery of prevention services to detect and mitigate the potential harm of serious diseases and conditions;

Enhance knowledge and awareness of how good outcomes can be achieved; and

Reward providers that utilize them.

In fact, by applying proven prevention and early detection strategies that we have available right now up to 3% of all cancers can be prevented.

Investing in these strategies will improve the health of our nation and slow the growth of health care spending.

All four of our organizations are releasing a joint statement today in support of health care delivery system reform.

We all agree that the signs and symptoms of our broken health care system are numerous.

We must address not only coverage and access, but fundamental delivery system reform.

We believe that the time for comprehensive health care reform has arrived. Our organizations stand ready to help create a health care system that delivers effective patient-centered care.

CONSUMER REPORTS POLL: MORE AMERICANS  
ACQUIRING MEDICAL INFECTIONS AND EXPERIENCING MEDICAL ERRORS

WASHINGTON D.C.—A new Consumer Reports poll finds that 18 percent of Americans say they or an immediate family member have acquired a dangerous infection following a medical procedure and more than one-third report that medical errors are common in everyday medical procedures. The new poll, which assessed people's experiences with the health care system, also found that only half of adults participate in routine preventive medical testing.

"Healthcare-acquired infections and medical errors can devastate American families who are already struggling with the cost of health care," said Consumers Union President Jim Guest. "These preventable errors and infections can cost families hundreds—if not thousands—of extra dollars each year, and add tens of billions of dollars to our national health care costs. It is imperative that Congress pass health care reform legislation that includes simple safety provisions to help save lives and fix our broken health care system."

The new poll was released in conjunction with a Congressional briefing on health care delivery system reform with the American Cancer Society, American Diabetes Association and the American Heart Association. The poll was performed March 12–16, 2009, and interviewed more than 2,000 adults on issues such as acquired infections, medical errors, and preventive care.

HEALTHCARE ACQUIRED INFECTIONS

The Center for Disease Control and Prevention (CDC) reports that almost 100,000 people die each year from an infection they contract while in the hospital. Data from the new poll shows that the risks of medical infections continue to be very real.

Nearly one-in-five (18%) reported that they or an immediate family member had acquired an infection owing to a hospital stay or other medical procedure. More than 6 out of 10 reporting an infection told Consumer

Reports the infection was severe or life-threatening.

The risk of an infection increased 45 percent if a patient spent the night in the hospital.

Fifty-three percent of Americans polled said these infections required additional out of pocket expenses to treat the infection.

Sixty-nine percent had to be admitted to a hospital or extend their stay because of the infection.

#### ERRORS IN DIAGNOSTIC TESTING AND TREATMENT

Many Americans told Consumer Reports they regularly encounter errors in routine medical procedures like lab work, CAT scans or blood testing.

More than one-third of Americans polled believe it was very common or somewhat common for an error to occur during a diagnostic procedure.

Thirteen percent have had their medical records lost or misplaced.

Twelve percent have had a diagnostic test that was not done properly.

Nine percent have been given the wrong medicine by a pharmacist when they filled their doctor's prescription

#### EARLY DETECTION TESTING

Early detection testing is the key to fighting many common illnesses. The new poll highlights the number of adults who have not been screened for common diseases.

While 94 percent of consumers felt it was important to have routine tests for diseases, only 59 percent have discussed testing with their doctors and only 55 percent have actually undergone tests.

This behavior increased sharply with age: Among those 65 years and older, 73 percent have visited their doctor for routine testing, but among adults 35 years and younger, that percentage drops to 30 percent.

"The findings of this poll clearly show that we need to make fundamental improvements in the quality of care that is delivered to American families," said Jim Guest. "Consumers are paying to fix bureaucratic errors and medical harm that can easily be avoided. We need to make sure more Americans have access to basic public information on hospitals quality of care and disclosure of infection rates and medical errors."

#### About the poll

The Consumer Reports National Research Center conducted a telephone survey of a nationally representative probability sample of telephone households. A total of 2,005 interviews were completed among adults ages 18+. The margin of error is +/- 2.2% points at a 95% confidence level.

#### EXHIBIT 1

AMERICAN CANCER SOCIETY, AMERICAN DIABETES ASSOCIATION, AMERICAN HEART ASSOCIATION, AMERICAN STROKE ASSOCIATION, CONSUMERS UNION.

#### JOINT STATEMENT ON HEALTH CARE DELIVERY SYSTEM REFORM

Our health care system is in desperate need of reform. The number of uninsured Americans exceeds 45 million; health care costs are rising faster than incomes; health disparities persist; and although we spend at least twice as much per capita on health care as our major trading partners, we rank 37th in the World Health Organization's evaluation of health systems worldwide. The signs and symptoms of a broken health care system are numerous and unmistakable, and we must address not only coverage and access, but fundamental delivery system reform, to truly cure what ails us.

The major chronic diseases—cancer, diabetes, cardiovascular diseases, and stroke—account for three out of every four deaths in the United States and the estimated total direct and indirect health care costs for these chronic disease areas exceed \$700 billion each year. These staggering human and economic costs will increase as our population ages and as risk factors common to cancer, diabetes, and cardiovascular disease rise in prevalence.

For Americans who struggle with a chronic disease, failure of the health care system to provide quality care throughout the life stages compounds the problems of coverage and cost. Much of America's chronic disease burden could be avoided through better coordination of care, and by applying known best practices to prevent the onset and progression of these conditions, at the primary, secondary and tertiary levels.

While insurance coverage for all Americans is an important goal, we must give equal weight in the health care reform debate to changes that improve the quality of care, increase and improve the delivery of preventive services, and ensure that individuals always receive care that is safe, efficient and without unnecessary interventions, tests, and treatment. To achieve these goals, we must make structural changes: improve our health information technology infrastructure; align financial incentives with evidence-based and cost-effective decision making; and develop a reliable process for assessing the health value of new technologies.

The promise of these delivery system reform measures to lower costs is the most humane avenue to a financially sustainable health care system.

The American Cancer Society, the American Diabetes Association, and the American Heart Association, joined by Consumers Union, share a common objective: to reduce the toll of chronic disease on individuals, families, and our nation. Although coverage for all Americans is a vital component of this change—a simultaneous effort aimed at securing high-quality, cost-effective preventive care is equally important.

We believe that the time for comprehensive health care reform has arrived and our organizations will work together to help create a health care system capable of consistently delivering the most effective, patient-centered care. These efforts will improve the quality of life and health outcomes for millions of people who suffer from a chronic disease, and lead to more efficient use of our nation's health resources.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I have been allocated 5 minutes. I ask the Chair to let me know when 1 minute is remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, today is April Fool's Day and the biggest prank I have seen so far is the one proponents of this budget are trying to pull on the American taxpayer.

Proponents of this budget say the plan is transparent, but the authors knowingly hide a stunning explosion in long-term debt by conveniently dropping the last 5 years of their budget.

Proponents of this budget say the plan cuts taxes for low- and middle-in-

come families, but right there on page 32 is the blueprint for a plan that would raise taxes on anyone who drives a car or heats their home that probably includes almost everybody.

Proponents of this budget will say that it cuts spending, but this plan adds nearly \$5 trillion to the public debt in just 5 short years.

Proponents of this budget say this plan is honest because for the first time it extends protections against the tenacious reach of the alternative minimum tax, but revenues from the AMT mysteriously reappear in 2013 and 2014.

Proponents of this budget will say it contains no reconciliation instructions and preserves an important minority privilege. But this budget doesn't preclude reconciliation either, and my colleagues know that our brethren in the House of Representatives are banging on our Chamber doors with a budget that does include reconciliation—which is odd because they don't need it at their end at all. They have a Rules Committee that takes care of all that.

Now I know folks back home in Wyoming are listening to me, scratching their heads and saying "what the heck is reconciliation and why should I care?" Let me sum it up this way: reconciliation is the on-ramp to a national energy tax. Reconciliation will make it impossible for me to protect your family from higher energy prices. Reconciliation will make it impossible for me to protect your community from cost-cutting layoffs. Reconciliation will make it impossible for me to make your voice heard here in Washington, DC.

Reconciliation does not allow for a full and open debate. Reconciliation does not allow a thorough vetting and amendment process. Reconciliation's fast-track nature shuts out members of the minority party and will shut out many centrist Democrats too. Reconciliation is the declaration that any idea other than the majority party idea has no place at the drafting table—just as, so far, there has been no recognition of a Republican idea. I know all the ideas aren't great—but not even one?

As a former committee chairman and the co-author of many successful bipartisan bills, I know firsthand that ramming through reconciliation is not a successful model for good government, and it is certainly counter to the way Senator KENNEDY and I work together on the HELP Committee. Senator KENNEDY and I strive to work together in a bipartisan fashion to achieve legislation that both sides can support. Laws like the Pension Protection Act, the Head Start reauthorization, and the MINER Act were hundreds of pages in length but passed with little dissent in the Senate. The budget resolution we have adopted for the new fiscal year ought to follow a similar bipartisan

model, especially on issues like education and health care which are so important to the future of our Nation.

Misusing the reconciliation process to get a health care bill is not the right approach and it conflicts with the new bipartisan spirit that President Obama has promised. A bill passed without work and agreement by both parties on the front end is more like a shotgun wedding than legislating.

This budget includes a massive tax increase—\$361 billion in explicit tax hikes and \$1.3 trillion embedded in 27 different reserve funds. And despite the “Robin Hood” rhetoric of taxing just the “rich,” the tax increases contained in this budget will hit all Americans. No one is spared: This budget raises taxes on energy. If you drive a car or heat your home, your taxes will go up. That comes under cap and trade, and there is a clever little thing in here which is where they get the tax cut from. They are going to raise your taxes on all the energy you use, then they are going to give it back to you so you can pay for that. But it will not be an equal distribution based on what you are using.

This budget raises taxes on senior citizens who are dependent on dividend and capital gains income for the retirement income.

This budget raises taxes on charitable contributions at a time when we need charity the most.

This budget reinstates the death tax, making it harder to keep the family ranch or family farm or family business in the family.

This budget raises taxes on small business. More than half of all small businesses that employ between 20 and 500 employees will see their tax bills rise and jobs eliminated. Small business is the incubator for entrepreneurship and we should protect it and nurture it, not tax it. That is where the community donations come from.

And most foolish of all, none of this “new” money will help reduce the deficit. Instead, this budget directs all new taxpayer money to the expansion of big Government—more Government programs we can’t afford.

I think a newspaper columnist, Diane Badget from Lovell, WY, said it best when she wrote how her mother would react to what is happening in Washington today. Diane wrote, “Momma always said, ‘If you don’t have enough money to buy a quart of milk you don’t take someone else’s hard-earned cash and buy ice cream.’”

The budget we are debating this week certainly would put us on the hook for a lot of figurative ice cream all right—all kinds of flavors. This budget charts ominous new policy directions for healthcare, education and energy.

I ask unanimous consent her entire article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 2)

Mr. ENZI. Peter Orszag, Director of the Office of Management and Budget, has argued that we need to fix health care in order to address our current economic crisis—a sentiment echoed by many in this Chamber. But this argument misses an important point. If we enact the wrong health care fix, our budget crisis will get even worse. Simply throwing more money at the problem—as this budget suggests—is not a solution.

I am concerned about the direction of energy policy in this budget. This budget leaves open the possibility of putting in place a carbon cap-and-trade system which will lead to higher energy prices for families and small businesses. Enacting such a system is the equivalent of placing a national tax on energy usage. Raising energy prices at a time when families are struggling to make ends meet just doesn’t make sense.

I don’t support Federal policies that will increase energy costs, even in good economic times, but it is especially troubling that the budget lays the framework for this national energy tax when unemployment is above 8 percent and rising.

What we need to do now is prepare for the worst and hope for the best. That is the way to make a better future because in the end this budget isn’t about numbers. It is about people. But this budget doesn’t prepare us for the future. It robs from it.

America, this budget taxes too much, spends too much and borrows too much. I am not fooled by this budget and I hope you are not either.

#### EXHIBIT 2

[From the Lovell Chronicle, Mar. 26, 2009]

IF MA WAS IN CHARGE

(By Diane Badget)

Gee, I wish my mom was in charge in Washington. Things would be a lot different with her up there watching every move. She had eyes in the back of her head and nothing got past her radar.

Ma would have taken one look at the stimulus package and had a fit. “You have one minute to explain to me what you were thinking. Your time started yesterday.”

She would have chewed out our president for spending so many hours each day in front of TV cameras pushing his inflated budget and stimulus package at the expense of everything else. “Barack,” she would scold, “you get out of that TV set right now and let someone else have a turn. For heaven’s sake, you are a President now, not a candidate—start acting like it.”

Boy, she would have let Congress have it! “You kids have until the count of three to stop that arguing and stomping around. Don’t make me come up there or you’ll all be sorry!” There’d be a long pause and then she’d warn, “I don’t CARE who started it—if I have to come up there I know who’ll end it!”

If Ma asked a plain question she’d expect a plain answer, and that would mean accepting responsibility for mistakes immediately. I can hear her now: “Don’t you be blaming this mess on each other. I know when someone is wetting on my leg and telling me it’s a rainstorm.”

Ma didn’t believe in complex ideas. Heck, I’m not even sure she understood them. “If you keep things simple,” she’d be telling the economists, “you don’t have so much to remember and fix later.”

I don’t think the banking executives would get by unscathed, either. “Now, fellas, how much sense does it make to bounce a check and then send the bank another check to cover your overdraft? You know better than that! If you can’t learn how to handle money then we need to rethink your allowances.”

She would have rolled those incredible blue eyes and questioned the experts. “We have to jump start the banks, jump start the auto industry, and jump start the economy? Maybe it’s time to stop jump starting and just replace the stupid battery!”

Throwing good money after bad was a pet peeve of hers, and she’d flat let the politicians hear about it. “Doggone it! If you drop a one dollar bill in the john and are dumb enough to throw a five dollar bill in after it to see what’s gonna happen, don’t whine when someone else comes along and flushes the toilet.”

She wouldn’t have cared that Congress has its own agenda and that it has nothing to do with what she would think was best. She’d hit the hallowed halls of the Capitol Building yelling, “As long as you are under MY roof you’ll do as you’re told.”

Ma didn’t believe in politics. She never voted. With an air of superiority I once made the mistake of telling her that if she didn’t vote she really shouldn’t be complaining about the people who got elected. I don’t remember much after that.

Senators and Representatives wouldn’t stand a chance against her common sense and strong moral fiber. She’d give one of those guaranteed-to-have-you-regret-your-conception looks and pull no punches. “I don’t care what the Speaker of the House said to do. If she told you to jump off a cliff would you do it?” Um, no Ma, not with you at the bottom ready to kick my behind when I landed.

She definitely wouldn’t be happy about the amount of money being discussed. “What in the heck is wrong with you? If you don’t have enough money to buy a quart of milk you don’t take someone else’s hard earned cash and buy ice cream.” And she never would have understood the concept of deficit spending. “You be careful with that money. When it’s gone, it’s gone.”

If she’d known about the way health care reform would be buried in the stimulus package she would I have come uncorked. “Alright, just for that little stunt I’m going to sneak broccoli into everything you eat—and you’ll eat it and be grateful. There are thousands of starving Americans who would be thrilled to have what you have.”

She would have chewed them out for being wasteful and for hoping that waste would somehow make things all better. “Garbage is garbage. No point in giving it a fancy name because it won’t change the smell.”

She’d look at all the palms outstretched waiting for their share of the bailout and just shake her head. “I told you what would happen if you got too big for your britches,” she’d lecture. “You got yourselves into this mess, so now you get yourselves out.”

What Washington needs is a good dose of Ma. She’d get them back on track. I think they’ve forgotten that you can’t fill up the bathtub unless you put the plug in the drain first.

Good Grief! It’s finally happened. I sound just like my mother! Thank you, Lord.

The PRESIDING OFFICER. The Senator from California is recognized.



Mrs. BOXER. Mr. President, what is the order now?

The PRESIDING OFFICER. The current order is for the Senator from South Carolina to speak for 5 minutes, whom I do not see on the floor.

Mrs. BOXER. Since he is not on the floor, I ask the way we would proceed is, Senator BARRASSO wanted to speak in his stead—is that it—for 5 minutes, followed by Senator WHITEHOUSE, followed by me for 5 minutes, if that is OK?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming is recognized.

AMENDMENT NO. 735

Mr. BARRASSO. Mr. President, I rise today in support of Johanns climate change amendment, No. 735. Budget reconciliation was designed to facilitate passage of legislation to reduce the deficit with a simple majority. It was never meant to pass major policy initiatives such as cap and trade.

I was pleased to sign a letter written by both Senator BYRD and Senator JOHANNIS opposing the idea of using budget reconciliation to pass climate change. The letter has broad bipartisan support.

Cap and trade would be one of the most dramatic expansions of Government in American history. It is a trillion-dollar climate bailout scheme. This weekend, Thomas Friedman stated in the New York Times that “we need a climate bailout along with our economic bailout.” I tend to disagree.

The American people, including my constituents in Wyoming, are very skeptical about any bailouts. So how important is climate change in the interest of the American people? The Pew Research Center did a poll and they showed that climate change ranked dead last with the public in terms of what was important to them. The American public is dealing with the reality of an economic meltdown. This is a real and immediate problem. Trillions of taxpayer dollars are being directed to stimulate the economy. Every step Congress takes to spend additional funds is being watched closely, as it should be, by the American public.

We have passed numerous bailout bills over the past 6 months. We have just passed a \$787 billion bailout for an economic plan intended to save or create millions of jobs. The American people deserve the opportunity to have any climate bailout go through the regular order.

Frankly, the American people are demanding the opportunity to have a climate bailout go through regular order. Such legislation should not be enacted using procedures that limit debate and do not otherwise provide the kind of transparency the people of this country want and demand.

I urge Members on both sides of the aisle to support the Johanns amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I want to respond very briefly before I yield to the distinguished chairman of the Environment and Public Works Committee on this question of reconciliation and climate change. One really has to have had their sense of irony surgically removed to keep a straight face on the Senate floor today as the party of reconciliation comes to the floor, over and over again, to complain about the use of reconciliation.

The party of reconciliation is the Republican Party. They have used it 13 times. They used it for George Bush's tax cuts for billionaires. If you have bloody hands from reconciliation, the Republican Party has blood above the elbows from reconciliation. Yet they come to the floor, as innocent as lambs, to say: Oh, my gosh, what a terrible thing it would be if we used reconciliation for something important like protecting the planet from climate change as opposed to just something like, say, our favorite: tax cuts for billionaires.

I think climate change is a little bit too serious for that quality of rhetoric and debate. If the Republican Party in the Senate is willing to stand and say that climate change is not real, then we can have that discussion. But the Senator from Wyoming and the Senator from Idaho and Senators across the other side of the aisle have all had their health directors from their home States come to the Environment and Public Works Committee to say that climate change is real, and it is dangerous for the health of their constituents. I think it is incumbent on us to do something about it. I don't think it is helpful to call it a bailout or to call it a tax. You could unwind the most vigorous rhetoric you like, but it doesn't change the point that we have to do something about climate change.

The fundamental fact that they are defending and the fundamental point that is lurking behind this rhetoric about bailout, rhetoric about a tax, is they want to continue to make it free for industry to pollute our atmosphere with carbon and greenhouse gases.

Behind it all, that is the proposition for which opposition to cap and trade stands. If you are opposed to cap and trade, then what you are saying is, it should be free, it should continue to be free for industry to pollute our atmosphere and warm our planet and compromise the quality of lives of our children. And we, as a party, the Republicans are going to stand and defend that proposition.

Well, of course, they cannot say that. So they instead talk about bailouts and taxes. But I very much hope we will look behind that screen, that we will treat this problem as a serious

one, as it should be treated, and if we need to go to reconciliation to solve it, well, by gosh, this would be a far better use of it than the tax rates for billionaires that was the Republican's favorite use for reconciliation.

I yield the floor to my distinguished Chairman.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I hope America is watching this debate. I think Senator WHITEHOUSE was very on point when he exposed what the Republicans are doing. We all know it is perfectly in order to utilize something called reconciliation, which is a way to get around a filibuster, and it is the way to govern with a majority.

The fact is, as Senator WHITEHOUSE has said, since 1980, reconciliation has been used 19 times, 16 times by my Republican friends who now come to the floor and say: Oh, my God, we should not use it for health care, we should not use it for climate change, we should not use it at all.

They do not want to use it because they want to be able to obstruct progress. Now, the reason I hope America is watching this debate is because they will see the difference in the parties. If you listen to the Republicans, what are they saying?

No. We are not going to do any health care reform of any meaning. We are not going to do education reform of any meaning. We say no—they say no—to global warming legislation. They say no to energy legislation. They are the party of nope, and I am in the party of hope. Here is where we stand. Same old politics.

All they want is tax breaks for billionaires, tax breaks for millionaires. We saw where that led us, along with the war in Iraq, budget deficits as far as the eye could see, a recession that is as close as we have come to the Great Depression.

Same old politics, same old policies that got us into this crisis in the first place. So every time they speak, I urge you, America, to listen. It is no. No. No. No. It is no to this new President who ran on fixing the education system. It is no to this President who ran on fixing the health care system. It is no to this President who ran on doing something about global warming. It is no. No. No. No on energy reform.

This budget is so important to be passed because it is, in fact, brought to us by this new President who had a very strong debate with JOHN MCCAIN, who won a convincing victory, who is off now taking his first foreign trip. I hope that we can make that trip more pleasant for him by rallying around his priorities.

Now, we are going to be facing a slew of amendments that try to undermine and undercut President Barack Obama and the priorities I talked about. We talked a little about reconciliation.

When people listen, they do not get what it means, so I will try and explain it. It is a way you can bring up a bill and avoid a filibuster. It is a way you can bring up a bill and pass it with majority votes instead of a supermajority vote.

That is a very important option for us to have when we are dealing with very important issues. I think it is important to be stated right now, important to be stated right now, that in this Senate budget there are no reconciliation instructions regarding climate change. There are no reconciliation instructions.

But the other side is not happy with that. They want to make sure we can vote on it. So Senator JOHANNIS has a very simple and straightforward resolution that says: Reconciliation will not be used related to climate change. Senator WHITEHOUSE and I have a side by side with that that says: Fine, we will not use it unless the Senate finds that the public health—I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Senator WHITEHOUSE and I, and I think the Presiding Officer will be interested in this, have said: OK, we will not use reconciliation unless the Senate finds that the public health, the economy, and national security are jeopardized by inaction on global warming.

What we are doing is saying: If we find that our people are in danger because of inaction on global warming, and if we find we are facing a filibuster from the Republicans on getting anything done, then we should be able to use reconciliation and get around a filibuster. That is what we are saying.

Why did we put in here economy? It is very clear why we did that. Because we believe if we turn out to be the only Nation in the world, in the industrialized world, that is doing nothing, this could hurt us. Because other nations can say: Well, you know what. Until the United States acts, we are not going to have free trade with the United States. We can find ourselves isolated.

We could learn that as a result of inaction, we are not creating the green jobs that we should create and that business wants to create. We should have that opportunity to come together and, with a majority vote, pass global warming legislation.

We could find out from the FBI, the CIA, our Defense Department that tensions are growing around the world due to global warming. We already see in Darfur—and a lot of experts believe that is what has happened to the climate there and the fight over water there. We could learn that our national security has worsened because of climate change.

We already know it is a major issue with the intelligence community. What

Senator WHITEHOUSE and I are saying in this side by side is, we will not use this procedure unless we find out there is an emergency. We hope colleagues will realize that to take a very legitimate tool off the table is wrong.

The last point I wish to make is my colleagues on the Republican side keep intimating and saying that any bill on climate change will involve a tax. Nothing could be further from the truth. We are going to rebate funds to people. We are going to rebate funds to our families.

We have turned our back on a tax. Although some of my Republican friends said they would rather see a carbon tax, I rejected it. I do not want a tax. I want to model climate change legislation after the acid rain legislation and set up a free market mechanism to put a price on carbon.

So there is no tax. There is going to be a break for people. They are going to get rebates. Our States are going to get funded. So you can stand and call me a Republican. You can call me a Republican morning, noon, and night. I am not a Republican. I am a Democrat. You can call cap and trade a tax morning, noon, and night. It is not a tax. It is the opposite. It is an allowance.

It is a permit. It is a way to cap the amount of carbon going into the air by requiring that people who pollute purchase the allowance to pollute. Those funds will be given out to the people of the United States of America as we transition to a clean energy future.

I did not expect this budget debate would turn into a battle about climate change. But it has. I am here to say that I welcome this debate. I am very proud that over in the other body, in the House, they have begun their work on climate change. I look forward to seeing the progress that is made over there.

In closing, I hope we will see support for the Whitehouse-Boxer alternative to the Johannis amendment. I hope, at the end of the day, we have support for President Obama's very first budget. The people in this country support our President. They support him over party lines. Those who are Independent support him.

This is his first budget, folks, his first chance to show to the American people the priorities he laid out in his campaign and that are in this budget. Let's not forget it. If we support education and health care and action to clean up this environment, if we support deficit reduction—which is part of this package—then let us support this budget and let us defeat some of these nefarious amendments that are meant to undermine our new President and this budget.

I yield back my remaining time and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Earlier, Senator GRAHAM was in a unanimous consent agreement for 5 minutes. Other Senators were here at the time and took the time. It would be appropriate if we allowed Senator GRAHAM 5 minutes at this point. I ask unanimous consent that Senator GRAHAM be allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. GRAHAM. I thank the chairman for the courtesy.

As we talk about different views of the budget, one thing I would like to comment upon to the people of North Dakota, I have been very struck and impressed by the way the people of North Dakota have come together with the flood. It looks like tough going there but a hearty group. We all wish them well. The two Senators from North Dakota represent their State well.

The Johannis amendment is what I would like to talk about a bit. This idea to most people of a debate about reconciliation probably is mind-numbing and not very interesting. But there is a process in the Congress where you can take legislation and basically put it on a fast track. It is subject to 50 votes.

The Senate has served the country well. When you are in the majority, you don't appreciate the minority's role too much. But the one thing about the Senate, it changes hands fairly often.

The AIG legislation in the House where there is going to be a 90-percent tax on bonuses because people are upset—I can understand people being upset about AIG, but that wasn't the right response, creating a retroactive tax on a limited group of people because you are mad. The power to tax somebody is a pretty awesome power. It should be used in a constitutional and lawful way. Our friends in the House are up every 2 years, and sometimes they get carried away in the moment. I guess sometimes the Senate does as well.

The whole idea of the Senate kind of cooling things down has served the country well. In that regard, to end debate you need 60 votes. If 41 Senators are opposed to a piece of legislation, strongly enough to come to the floor every day and talk about it, that legislation doesn't go anywhere. I argue that is probably a good rule. There were times when we were in the majority that we didn't particularly like the rule. But if 41 Senators from one party or a bipartisan group believes that strongly, it is probably worth sitting down and thinking about.

If you took climate change and health care, two very controversial, big-ticket items, and put them on the reconciliation track, you would basically be doing a lot of damage to the role of the Senate in a constitutional democracy.

Senator BYRD, who is one of the smartest people to ever serve in the Senate about rules and parliamentary aspects of the Senate, said that to put climate change and health care reform in reconciliation is like "a freight train through Congress" and is "an outrage that must be resisted."

Senator CONRAD said:

I don't believe reconciliation was ever intended for this purpose.

I think both of them are right. Under the law, you cannot put Social Security into reconciliation because we know how controversial and difficult that is. I come here in support of the Johannis amendment that rejects that idea.

Our majority leader said something a little bit disturbing. He said climate change cap-and-trade revenues could be used to pay for health care. If we put climate change in reconciliation, you have really abused the process and will create a bad climate for the Congress. There is a lot of bipartisan support not to go down that road to abuse reconciliation. From the climate change debate, there are some Democratic and Republican Senators who are opposed to 100 percent auction. We believe climate change is real but do not want to go down the road the administration has charted. I believe manmade emissions are heating up the planet. But if you take the revenue stream from the climate change bill to fund the Government, you will lose a lot of support for climate change. The money that is generated from a cap-and-trade system should go back into the energy sector to allow people to comply with the cost of a cap-and-trade system. The Obama proposal, \$3,000 per family, is a very expensive proposal. There is bipartisan support for climate change legislation with a mix of auctions and credits that could be done in a reasonable way.

The idea of putting climate change or health care in reconciliation will bring the Congress to a halt. It would be everything opposite of what the President ran on in terms of bringing us together. There is a lot of Democratic push back for this idea. I applaud my Democratic colleagues who think it is a bad idea because it is.

I do pledge to work on climate change. Health care will be tough. We will certainly try that. But there is bipartisan support for climate change legislation through the normal process. For those who disagree that it is a problem, they can have their say and we can get the votes necessary to put together a bipartisan climate change bill through the normal process.

Senator JOHANNIS from Nebraska has done the Senate a service by putting

this amendment forward. I urge its adoption and yield the floor.

Mr. CONRAD. Mr. President, I want to indicate for all colleagues what is happening. We are about to go to a series of votes. It is not clear how many in total. I would say it is probably at least nine, perhaps more, rollcall votes. We are waiting for the unanimous consent agreement to be entered into.

When we start this process, we are going to have 2 minutes equally divided before each amendment. We will start with the Lieberman-Collins amendment and then go to the Alexander amendment, then the Sessions amendment—at least this is the understanding at this point—then we will proceed until all of the amendments have been dispensed with. Then, once those are completed, the ranking member and I will work on another series of amendments to have in order.

This evening, there will be an opportunity for Members to present their amendments. We have not yet decided if they would be able to call them up or just speak on them and then call them up tomorrow. This goes to the question of trying to make sure there is some fairness going back and forth between the two sides. We do not have a Sessions modification on which we are waiting.

Mr. COBURN. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. COBURN. I ask if we could bring up some amendments. They would be voted in the vote-arama, and I have no problem with that, not wanting a specific vote before that, but we could get them up and get them pending.

Mr. CONRAD. We can't do that with amendments we have not yet seen.

Mr. COBURN. Every one of them has been filed.

Mr. CONRAD. We have 150 amendments that have been filed. Before we go to somebody to call up an amendment, we need to be able to see it because if we start the debate, we need, for the effective and efficient ordering of the debate, to be able to answer the amendment.

Mr. COBURN. I ask unanimous consent to speak on the budget until the time should come up for the UC and not to exceed 15 minutes.

Mr. CONRAD. I want to make certain that we have a chance to interrupt and go immediately to the votes.

Mr. COBURN. Mr. President, if we have a unanimous consent agreement, I will cease the discussion.

Mr. CONRAD. All right.

So, Mr. President, I ask unanimous consent that Senator COBURN be permitted to talk on the budget generally for up to 15 minutes, but if we have the unanimous consent request ready to go, that he be interrupted so we can get on to votes as quickly as possible because we are already 15 minutes behind schedule.

The PRESIDING OFFICER. Is there objection?

The Senator from California.

Mrs. BOXER. Mr. President, reserving the right to object, I say to the chairman of the Budget Committee, I have no problem with this. I want to do two things. First, I want to make sure the Whitehouse-Boxer amendment is at the desk and would be considered in order when we have another tranche of votes later tonight. Is that done?

Mr. CONRAD. That is in the unanimous consent request we are working on. We have not yet agreed to the whole package, but it is in the proposal to be agreed on next.

Mrs. BOXER. OK. I would ask, if Senator COBURN does use the full 15 minutes, I would like to have 5 minutes when he is done, if we are not voting. And if we are, obviously, I do not need the 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, first off, I thank the chairman for his graciousness.

If you are sitting at home right now and you have a job and you see the tough times that are out there, or you are sitting at home and looking for a job, one of the things you are doing is you are starting to say: Here is what is coming in and here are the mandatory things that have to go out, and you are starting to prioritize.

We have a budget before us that prioritizes two things. It prioritizes growing the Federal Government by a huge amount over the next 10 years. If you were running a business and you were at these times, the last thing you would do is go borrow money to expand a business into a market that is not growing. Yet we have before us the biggest budget in the history of the country—a budget that will, in fact, double the debt that is going to our kids over the next 5 years and triple it over the next 10 years. It does not fit what any of us would do with our own families' budgets or our own businesses' budgets.

Why is it we are afraid to say that what we really need to do is live within our means? Instead, we are going to have a \$1.7 trillion, maybe a \$1.8 trillion, maybe even a \$2 trillion deficit this year and something very close to that next year.

Instead of cutting some of the \$380 billion of documented waste, fraud, and abuse associated with the Federal Government, we are not looking at it at all. When President Obama ran for the office, he said one of the things he was going to do was a line-by-line item analysis of every Department, at every area, to make sure it was effective and efficient at accomplishing the task it was set out to do. We have not seen any of that, and there is none of that in this budget. If, in fact, we were to do

that, here is what we would find. We would find \$50 billion worth of wasted money at the Pentagon. There is no effort to do that in this budget.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, will the Senator yield?

Mr. COBURN. Mr. President, I will be happy to yield.

Mr. CONRAD. Mr. President, I would say to the Senator, we are now prepared to go forward with the unanimous consent request to set up the votes, and if the Senator would permit us to do that, we could get an earlier start on the votes.

Mr. COBURN. Mr. President, I would be happy to. I would like to have 1 minute to wind up the one point.

Mr. CONRAD. Fair enough.

Mr. COBURN. Thank you.

We have \$80 billion worth of fraud in Medicare. Yet we are going to talk about health care, but we are not going to fix the problem with Government-run health care and the fraud that is associated with it. We have \$40 billion in Medicaid. There is no attachment to do that. So what we are doing is we are not trimming spending anywhere, we are going to raise taxes significantly, and we are going to grow the Federal Government in a time when we can least afford to grow it.

The idea that we can have prosperity out of the Government instead of out of our own individual efforts is counterintuitive to everything this country stands for.

With that, I will carry on my debate at a later time, and I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Oklahoma for his courtesy. It is gracious of him, as is typically the case with the Senator from Oklahoma.

Mr. President, I ask unanimous consent that at 3:20 p.m. today, the Senate proceed to vote in relation to the amendments listed below and that prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that after the first vote in this sequence, the succeeding votes be limited to 10 minutes each; that no intervening amendments or motions be in order during this vote sequence prior to a vote in relation to the amendments, except if a point of order is raised and a motion to waive the relevant point of order is made; that all time consumed during the votes be counted against the time remaining on the budget resolution; the order of the amendments is as follows: Lieberman-Collins No. 763, and that the purpose line be changed as noted at the desk; Alexander No. 747; Sessions No. 772, and that the amendment be modified with the changes at the desk; Casey No. 783; Ensign No. 804; Kerry No. 732; Cornyn No. 806; Gregg No. 835;

Isakson No. 762; Shaheen No. 776; Crapo No. 844; Reed No. 836; Johanns No. 735; and Whitehouse-Boxer as a side by side with the Johanns amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, reserving the right to object, traditionally—I think we ought to go back to the usual order on Whitehouse-Boxer. It being a second degree, it would go first.

Mr. CONRAD. Well, that is the typical order. Let's take a quick pause, and we will check with the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I would refine my request to have the Whitehouse-Boxer amendment that is a side by side to Johanns be voted on first, and then Johanns amendment No. 735.

Mr. GREGG. Mr. President, reserving the right to object, how did we decide to deal with Senator KYL's amendment?

Mr. CONRAD. Senator KYL's amendment is awaiting a side by side from Senator BAUCUS.

Mr. KYL. That would be included within this list we have, however, with or without the side by side?

Mr. CONRAD. I have not seen the side by side. Could we do this, could we begin on these?

Mr. KYL. Of course.

Mr. CONRAD. Then we will work diligently to come up with something that is acceptable.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The purpose to amendment No. 763 was changed to read as follows:

(Purpose: To protect the American people from potential spillover violence from Mexico by providing \$550 million in additional funding for the Department of Homeland Security and the Department of Justice and supporting the Administration's efforts to combat drug, gun, and cash smuggling by the cartels by providing: \$260 million for Customs and Border Protection to hire, train, equip, and deploy additional officers and canines and conduct exit inspections for weapons and cash; \$130 million for Immigration and Customs Enforcement to hire, train, equip and deploy additional investigators; \$50 million to Al-

cohol, Tobacco, Firearms, and Explosives to hire, train, equip, and deploy additional agents and inspectors; \$20 million for the Human Smuggling and Trafficking Center, \$10 million for the Office of International Affairs and the Management Directorate at DHS for oversight of the Merida Initiative; \$30 million for Operation Stonegarden; \$10 million to the Department of Justice for competitive grants to support local, State, and Tribal law enforcement agencies located along the southern border and in High Intensity Drug Trafficking Areas to address drug-related criminal activity; \$20 million to DHS for tactical radio communications; and \$20 million for upgrading the Traveler Enforcement Communications System)

The amendment (No. 772), as modified, is as follows:

On page 4, line 14, decrease the amount by \$33,165,000,000.

On page 4, line 15, decrease the amount by \$36,815,000,000.

On page 4, line 16, decrease the amount by \$42,696,000,000.

On page 4, line 17, decrease the amount by \$47,420,000,000.

On page 4, line 18, decrease the amount by \$53,806,000,000.

On page 4, line 23, decrease the amount by \$22,465,000,000.

On page 4, line 24, decrease the amount by \$36,115,000,000.

On page 4, line 25, decrease the amount by \$40,846,000,000.

On page 5, line 1, decrease the amount by \$46,570,000,000.

On page 5, line 2, decrease the amount by \$52,956,000,000.

On page 5, line 7, decrease the amount by \$22,465,000,000.

On page 5, line 8, decrease the amount by \$36,115,000,000.

On page 5, line 9, decrease the amount by \$40,846,000,000.

On page 5, line 10, decrease the amount by \$46,570,000,000.

On page 5, line 11, decrease the amount by \$52,956,000,000.

On page 5, line 17, decrease the amount by \$22,465,000,000.

On page 5, line 18, decrease the amount by \$58,580,000,000.

On page 5, line 19, decrease the amount by \$99,426,000,000.

On page 5, line 20, decrease the amount by \$145,996,000,000.

On page 5, line 21, decrease the amount by \$198,952,000,000.

On page 5, line 25, decrease the amount by \$22,465,000,000.

On page 6, line 1, decrease the amount by \$58,580,000,000.

On page 6, line 2, decrease the amount by \$99,426,000,000.

On page 6, line 3, decrease the amount by \$145,996,000,000.

On page 6, line 4, decrease the amount by \$198,952,000,000.

On page 26, line 24, decrease the amount by \$165,000,000.

On page 26, line 25, decrease the amount by \$165,000,000.

On page 27, line 3, decrease the amount by \$815,000,000.

On page 27, line 4, decrease the amount by \$815,000,000.

On page 27, line 7, decrease the amount by \$2,196,000,000.

On page 27, line 8, decrease the amount by \$2,196,000,000.

On page 27, line 11, decrease the amount by \$4,420,000,000.

On page 27, line 12, decrease the amount by \$4,420,000,000.

On page 27, line 15, decrease the amount by \$7,306,000,000.

On page 27, line 16, decrease the amount by \$7,306,000,000.

On page 27, line 23, decrease the amount by \$33,000,000,000.

On page 27, line 24, decrease the amount by \$22,300,000,000.

On page 28, line 2, decrease the amount by \$36,000,000,000.

On page 28, line 3, decrease the amount by \$35,300,000,000.

On page 28, line 6, decrease the amount by \$40,500,000,000.

On page 28, line 7, decrease the amount by \$38,650,000,000.

On page 28, line 10, decrease the amount by \$43,000,000,000.

On page 28, line 11, decrease the amount by \$42,150,000,000.

On page 28, line 14, decrease the amount by \$46,500,000,000.

On page 28, line 15, decrease the amount by \$45,650,000,000.

On page 50, line 13, decrease the amount by \$33,000,000,000.

On page 50, line 14, decrease the amount by \$22,300,000,000.

#### AMENDMENT NO. 763

The PRESIDING OFFICER. There will now be 2 minutes of debate prior to a vote on the Lieberman-Collins amendment.

Mr. GREGG. Mr. President, we would be willing to take the Lieberman-Collins amendment by unanimous consent.

Mr. CONRAD. There would be no objection on this side to taking Lieberman-Collins by unanimous consent.

Mr. GREGG. Mr. President, I ask unanimous consent that the Lieberman-Collins amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the Lieberman-Collins amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 763) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 747

Mr. CONRAD. Mr. President, next is the Alexander amendment.

May I say to colleagues, if staffs are listening, Members are listening, the Alexander amendment is next in line, then the Sessions amendment, then the Casey amendment, then the Ensign amendment, then the Kerry amendment, then the Cornyn amendment. It is very helpful if Senators are here when their amendments are called up. Also I say to colleagues, after the first vote, we are going to be dealing with 10-minute votes.

So, again, we have done the Lieberman-Collins amendment.

The Alexander amendment is next, and Senator ALEXANDER is here.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Mr. President.

Mr. President, I understand I have 60 seconds.

The PRESIDING OFFICER. That is correct.

Mr. ALEXANDER. Mr. President, this is the runaway debt limit amendment. It says 60 Senators have to agree before a budget can raise our national debt to more than 90 percent of U.S. gross domestic product, which this budget does every single year.

We saw this week the leverage a lender can have over a borrower when the President of the United States fired the president of General Motors. Well, China, Japan, and Middle Eastern oil countries already own \$1.4 trillion of U.S. debt. So vote yes on the runaway debt limit amendment if you do not want China, Japan, and Middle Eastern oil countries telling the United States how to run our business in the same way our Government is telling General Motors how to run its business.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a well-motivated amendment, but I think it is fatally flawed. The cure here is to make it harder to do a budget. If we are serious about reducing deficits and debt, I think all of us would want to do everything we can to encourage a budget resolution because it contains the fundamental disciplines to prevent deficits and debt from growing larger.

So I would say to my colleagues, while I understand the sentiment, and share in it, I think we all have to be concerned about burgeoning debt. To make it harder to get a budget resolution, actually, I think undermines the effort to establish fiscal discipline because you lose all of the disciplines that are provided for in a budget resolution, all of the special points of order, the supermajority votes that are required to increase spending beyond what the budget resolution provides.

So I urge my colleagues to vote no on the Alexander amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 747.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 119 Leg.]

#### YEAS—43

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Collins	Klobuchar	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

#### NAYS—55

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Merkley	
Feingold	Mikulski	

#### NOT VOTING—1

Kennedy

The amendment (No. 747) was rejected.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 772, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 772, as modified, offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, this amendment would call for the level funding of nondefense—my amendment earlier today was nonveteran discretionary spending—by leveling the funding for 2 years and having a 1-percent growth for 3 years.

This is reasonable and responsible, No. 1. No. 2, let me recall to our colleagues the stimulus package that we passed a few weeks ago, which increases nondefense discretionary spending by an average of 30 percent over the next 3 years. We are not cutting our spending for discretionary accounts this year. We are seeing them surge. But in light of the stimulus package, this will be an excellent way to contain spending and save \$200 billion over 5 years.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, freezing domestic spending is a mistake at a

time of sharp economic downturn. You would be freezing education spending, freezing health care and transportation and freezing law enforcement.

Beyond that, the Senator sought earlier to freeze veterans, and then he had an amendment to add back \$1 billion for veterans. The problem is, the additional spending for veterans in the chairman's mark is \$5.5 billion. If you want to cut veterans \$4.5 billion from the chairman's mark, vote for the Sessions amendment. If you want to keep veterans whole, vote no.

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I thank the Chair.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 772, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 120 Leg.]

#### YEAS—40

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Risch
Bennett	Graham	Roberts
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hatch	Snowe
Burr	Hutchison	Specter
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	McCain	

#### NAYS—58

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Nelson (NE)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burr	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Warner
Dodd	Martinez	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

#### NOT VOTING—1

Kennedy

The amendment (No. 772), as modified, was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### AMENDMENTS NOS. 783, 732, 762, AND 776

Mr. GREGG. Mr. President, I ask unanimous consent that we approve the following amendments, agreed to by both sides: Senator CASEY, amendment No. 783; Senator KERRY, amendment No. 732; Senator ISAKSON, amendment No. 762; and Senator SHAHEEN, amendment No. 776.

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senators who agreed to allow us to take their amendments by voice vote. I thank them for their courtesy to their colleagues. Senator CASEY, Senator KERRY, Senator ISAKSON, and Senator SHAHEEN set a very good example for our colleagues and we appreciate it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the distinguished managers of the bill. One of the amendments that was just accepted—and I want to make clear Senator LUGAR is a cosponsor of it, together with Senator CORKER and others on that side of the aisle.

This is an amendment that adds to the function 150 account. I want to make clear to colleagues why that was so important. Secretary Gates, a year and a half ago, while he was still Secretary serving with President Bush, said the following:

What is clear to me is that there is a need for a dramatic increase in spending on the civilian instruments of national security, diplomacy, strategic communications, foreign assistance, civic action, and economic reconstruction and development.

National Security Adviser Jim Jones, just the other day, mentioned that we have huge warships off the coast of Lebanon, but Hezbollah is, in fact, gaining more foothold because they are building schools and building homes and involved on the ground. Our diplomacy and our foreign policy needs to do that. With the acceptance of this amendment, hopefully, we are going to.

I thank the distinguished managers.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I remind our colleagues that these are 10-minute votes. This is sort of like the hors d'oeuvre for tomorrow. Get used to this. Please try to stick around.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator ENSIGN is next.

#### AMENDMENT NO. 804

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 804 offered by the Senator from Nevada, Mr. ENSIGN.

Mr. ENSIGN. Mr. President, this amendment is very simple. The Presi-

dent, during his campaign, as well as during his speech to the Nation—his first major speech to the Nation—promised Americans who made less than \$250,000 as a family that not one dime of their taxes would be raised. Repeatedly he has said it, time and again, and he listed taxes and basically said any taxes. That means direct and indirect taxes.

My amendment makes the Senate and the House keep that promise made by the President.

There is going to be a point made that the Parliamentarian is going to rule that this threatens the nature of the budget resolution being a privileged resolution. We submitted some questions to the Parliamentarian. We asked him:

When was the last budget that lost its privileged status?

Never happened. We also asked:

Has one amendment ever resulted in a budget resolution losing its privileged status?

That has never happened.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ENSIGN. Mr. President, I ask for 30 additional seconds.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, I hope we do not do that because if we start adding time on both sides—

Mr. ENSIGN. Just 30 seconds to explain because we had a big discussion with the Parliamentarian.

Mr. CONRAD. Because of the unusual nature of this, go ahead.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, just to finish, Senator GREGG offered earlier—because the Parliamentarian was saying that one amendment could threaten but not necessarily kill this budget resolution, we asked the Parliamentarian to clarify. He said this has never happened. One amendment has never brought down a budget resolution from a privileged process. So do not make that as an excuse on this budget for stripping this amendment out of the conference report when it comes back, if it is adopted.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I intend to vote for the Ensign amendment. I don't think any of us want to raise taxes on those earning less than \$250,000 a year, and so I intend to vote for the Ensign amendment.

On the question of threatening the special status of the budget resolution, the Parliamentarian made clear this morning in a series of questions that if we brought this matter back from conference, that would threaten the privileged nature of a budget resolution. That would be a very serious matter. But in the Senate, I intend to support the Ensign amendment.



Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 121 Leg.]

#### YEAS—98

Akaka	Ensign	Menendez
Alexander	Enzi	Merkley
Barraso	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (FL)
Bennet	Grassley	Nelson (NE)
Bennett	Gregg	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burriss	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden
Durbin	McConnell	

#### NOT VOTING—1

Kennedy

The amendment (No. 804) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 806

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 806, offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, my amendment creates a 60-vote point of order against legislation that will raise income taxes on small businesses. This is the third year in a row that I have offered this amendment. Previously, it has received as many as 63 votes. Last year, it got 58 votes, but it nevertheless was a strong bipartisan showing.

For my colleagues' information, the National Federation of Independent Business supports this because they recognize what we all know, and that is that small businesses are the economic engine that creates jobs. Particularly in a tough economy, exactly the wrong thing to do is to raise taxes on the job creators, our small businesses.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, colleagues should know that the Parliamentarian has told us that if this amendment comes back from the conference committee, it would endanger the special privilege of a budget resolution. With that said, I intend to vote for it here in the Senate. I encourage colleagues to vote for it, if they are so inclined.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I understand what the chairman, Senator CONRAD, has said. My hope is that the conference committee would not reflexively strip this amendment, if it passes by a large bipartisan majority, from the conference report but perhaps modify it in a way that it not render the budget resolution unprivileged.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that to the end of the list of amendments to be considered in this tranche, we add the Kyl amendment No. 793. That is according to the commitments we had made to colleagues that that would be added to this tranche.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 806.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 122 Leg.]

#### YEAS—82

Akaka	Bunning	Cornyn
Alexander	Burr	Crapo
Barraso	Burriss	DeMint
Baucus	Cantwell	Dodd
Bayh	Carper	Dorgan
Begich	Chambliss	Ensign
Bennet	Coburn	Enzi
Bennett	Cochran	Feinstein
Bond	Collins	Gillibrand
Boxer	Conrad	Graham
Brownback	Corker	Grassley

Gregg	Lincoln	Sessions
Hagan	Lugar	Shaheen
Hatch	Martinez	Shelby
Hutchison	McCain	Snowe
Inhofe	McCaskill	Specter
Inouye	McConnell	Stabenow
Isakson	Menendez	Tester
Johanns	Mikulski	Thune
Johnson	Murkowski	Udall (CO)
Klobuchar	Murray	Udall (NM)
Kohl	Nelson (FL)	Vitter
Kyl	Nelson (NE)	Warner
Landrieu	Pryor	Webb
Lautenberg	Reid	Wicker
Leahy	Risch	Wyden
Levin	Roberts	
Lieberman	Schumer	

#### NAYS—16

Bingaman	Feingold	Rockefeller
Brown	Harkin	Sanders
Byrd	Kaufman	Voinovich
Cardin	Kerry	Whitehouse
Casey	Merkley	
Durbin	Reed	

#### NOT VOTING—1

Kennedy

The amendment (No. 806) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 835

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relationship to amendment No. 835 offered by the Senator from New Hampshire, Mr. GREGG.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that Senator ISAKSON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, this amendment is an attempt to move down the road in resolving what is at the center of the problems which we have as a nation for fiscal policy in the future, which is that we are passing on to our children a country they cannot afford, primarily driven by the cost of entitlement programs. There are \$66 trillion of unfunded entitlements.

This is a proposal to start to address that issue through using a fast-track procedure, with a bipartisan task force. The debate this morning was about how that task force is structured. We believe, I feel strongly, that the task force must be bipartisan or will not be viewed as fair.

In order to be bipartisan, a majority of both the minority members of the task force and the majority members of the task force have to vote for the proposal, whether or not there is going to be a membership which gives the majority a significant number of members more than the minority. But that minority membership has to vote as its group as a majority. It is the only fair way to do this; otherwise, you could end up with a report where, let's say, there are six Republicans on the task

force and only two approve it. That would not work properly. We need bipartisanism in this effort.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is actually a proposal that Senator GREGG and I have made. But this is at variance from our earlier agreement. Let me explain why. We talked about a membership of 16, 8 Democrats and 8 Republicans. But that is when the Republicans controlled the White House; Democrats controlled the House and the Senate.

Now Democrats have more numbers in the House and the Senate and control the White House. Yet the requirement of this task force is that the bipartisan task force, to report, has to have majority approval of each participating party.

That gives our friends who are in the minority an unfair ability to influence the outcome. That does not recognize the political reality of the Senate controlled by Democrats, the House controlled by Democrats, the White House controlled by Democrats.

Absolutely it should be bipartisan. But it should not be something that weights both parties the same. I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mrs. HAGAN.) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 123 Leg.]

#### YEAS—44

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lieberman	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Wicker
DeMint	McCain	

#### NAYS—54

Akaka	Cantwell	Gillibrand
Baucus	Cardin	Hagan
Bayh	Carper	Harkin
Begich	Casey	Inouye
Bennet	Conrad	Johnson
Bingaman	Dodd	Kaufman
Boxer	Dorgan	Kerry
Brown	Durbin	Klobuchar
Burris	Feingold	Kohl
Byrd	Feinstein	Landrieu

Lautenberg	Murray	Shaheen
Leahy	Nelson (FL)	Snowe
Levin	Pryor	Stabenow
Lincoln	Reed	Tester
McCaskill	Reid	Udall (CO)
Menendez	Rockefeller	Udall (NM)
Merkley	Sanders	Whitehouse
Mikulski	Schumer	Wyden

#### NOT VOTING—1

Kennedy

The amendment (No. 835) was rejected.

Mr. CONRAD. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 844

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 844 offered by the Senator from Idaho, Mr. CRAPO.

The Senator from Idaho.

Mr. CRAPO. Madam President, this amendment is straightforward. One of the reasons Congress cannot control its runaway spending is that we always have 5-year budgets, where the tough decisions are made in the outyears, and in the first year of the budget, we don't make any tough decisions. This amendment will put a cap on the nondefense discretionary spending for the first 3 years of this budget using the very numbers of the budget.

Why do we want to do this? Look at the budget. In the first year of this budget, nondefense discretionary spending grows by 7.3 percent. It is true that in the second and third and outyears, that rate of growth is projected to go down to under 2 percent. But we never get to the second year of any of our budgets because next year we will come back and start all over. We will have a budget where all the pain is in the outyears and the first year doesn't make any hard choices. We need to support this effort to put some teeth into the budget, put caps on at least the first 3 years of the numbers this budget proposes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I urge colleagues to vote against this amendment. At this time of extraordinary uncertainty, multiyear caps are especially unwise. Beyond that, we have a 1-year cap. This is a budget that will be revisited next year. A 1-year cap makes sense. Multiyear caps at a time of this uncertainty would be most unwise.

I urge colleagues to vote no.

Mr. CRAPO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 844.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 124 Leg.]

#### YEAS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

#### NAYS—55

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

#### NOT VOTING—1

Kennedy

The amendment (No. 844) was rejected.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 836

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 836, offered by the Senator from Rhode Island, Mr. REED.

The Senator from Rhode Island.

Mr. REED. Mr. President, I am very pleased to offer this amendment with my colleague, Senator SNOWE of Maine. It is a bipartisan amendment that would increase funding for LIHEAP from \$3.2 billion to \$5.1 billion. That \$5.1 billion is the total we spent this year.

This is a program critical to seniors, critical to low-income people. With unemployment rates soaring in double digits, there are more and more people who will qualify. If we do not raise this ceiling, approximately 1.5 million households will lose help with their

heating bills, not only in the winter-time but in the hot months in the areas of the Southwest and Southeast because they, too, benefit from LIHEAP.

Mr. President, I would be prepared to accept a voice vote, hopefully a very positive voice vote. If not, I would ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be approved.

Mr. CONRAD. Without objection.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 836) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

#### AMENDMENT NO. 869

Mr. CONRAD. Mr. President, the next amendment that is in order is the Whitehouse-Boxer amendment.

Senator WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Thank you very much, Mr. President.

Mr. President, this amendment requires the Senate to balance, on the one hand, the newfound concern of our Republican colleagues about the reconciliation procedure they have used no less than 14 times for purposes such as raising the national debt to give America's suffering billionaires a tax cut against, on the other hand, jeopardy to the economy, to the public health or to the national security of the United States.

It allows the reconciliation procedure to be considered if the Senate finds that inaction on climate change will jeopardize the public health, the economy or the national security of the United States.

I urge my colleagues to vote in favor of the economy, the national security, and the public health of the United States. I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for himself and Mrs. BOXER, proposes an amendment numbered 869.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 202 is amended by inserting at the end the following: "(c) The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974," unless, the Senate finds that public health, the economy and national security of the United States are jeopardized by inaction on global warming.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I ask my colleagues to vote against this amendment. I ask them to vote against this amendment because it is important for Senate tradition.

Some weeks ago, a man whom I respect a tremendous amount, Senator BYRD, and I circulated a letter. It was directed to the chairman of the Budget Committee. It simply said: Please don't use reconciliation to pass complex legislation such as climate change. We got over 30 signatures on that—very bipartisan. We had Democrats and we had Republicans join in that.

If we allow this amendment to pass, basically what we are saying is, under the terms of this language, a majority of Senators can arrive and simply take away our ability to have a robust debate, to have the ability to debate this issue the way it deserves, and this is enormously significant legislation.

So I ask my colleagues to vote no on this amendment. It is important to the tradition of the Senate.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, the pending amendment is not germane to the measure now before the Senate. I raise a point of order under section 305(b)2 of the Budget Act.

Mrs. BOXER. Madam President, I ask unanimous consent to waive the point of order.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 125 Leg.]

#### YEAS—42

Akaka	Casey	Kerry
Baucus	Conrad	Klobuchar
Bayh	Dodd	Kohl
Bennet	Durbin	Lautenberg
Bingaman	Feinstein	Leahy
Boxer	Gillibrand	Lieberman
Brown	Harkin	Menendez
Burr	Inouye	Merkley
Cardin	Johnson	Mikulski
Carper	Kaufman	Nelson (FL)

Pryor	Schumer	Udall (NM)
Reed	Shaheen	Warner
Reid	Tester	Whitehouse
Sanders	Udall (CO)	Wyden

#### NAYS—56

Alexander	Ensign	McCaskill
Barrasso	Enzi	McConnell
Begich	Feingold	Murkowski
Bennett	Graham	Murray
Bond	Grassley	Nelson (NE)
Brownback	Gregg	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Sessions
Cantwell	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Specter
Cochran	Kyl	Stabenow
Collins	Landrieu	Thune
Corker	Levin	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Webb
DeMint	Martinez	Wicker
Dorgan	McCain	

#### NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. CONRAD. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 735

The PRESIDING OFFICER. There is now 2 minutes of debate, equally divided, on the JOHANNIS amendment.

Who yields time?

Mr. CONRAD. Senator JOHANNIS has time in support.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNIS. Madam President, let me thank my colleagues for their thoughtful approach to a very important issue.

What this amendment essentially does is say that the budget reconciliation process will not be used to pass climate change legislation. There are many in this body who can talk about this institution and the importance of approaches such as this.

Budget reconciliation was designed to reduce the deficit. It was never designed to pass complex legislation such as climate change. What this amendment does is it very clearly says that. It simply says reconciliation will not be used for that process.

I urge my colleagues to vote yes on this amendment. It is enormously important. I think it is an enormously important statement for this institution.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. I yield the time in opposition to Senator BOXER.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I wish to give you two reasons to vote no on this important, precedent-setting issue. Why would we start down this road taking a legal Senate procedure off the table? Have we ever done this before? We have looked it up and the answer is no.

On the contrary, let me tell you when the Republicans used reconciliation. They used it 14 times in the 19 times it has been used—to cut food stamps, to cut energy assistance, to cut impact aid, to cut title I, to cut dairy price supports, and to cut the Social Security minimum benefit.

Did I ever hear any of them then say: Oh, my goodness, reconciliation should not be used. Oh, no, which brings me to my second reason for voting no on this: hypocrisy and duplicity. Let me tell you what else the Republicans used it for: to cut Federal civilian and military retirement and disability COLAs, to delay and cut disaster loans to farmers. Let's stand tall for what we have a right to have, our rules. Thank you.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 126 Leg.]

#### YEAS—67

Alexander	DeMint	McCaskill
Barrasso	Dorgan	McConnell
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Begich	Feingold	Nelson (NE)
Bennet	Graham	Pryor
Bennett	Grassley	Risch
Bingaman	Gregg	Roberts
Bond	Hagan	Rockefeller
Brownback	Hatch	Sessions
Bunning	Hutchison	Shelby
Burr	Inhofe	Snowe
Byrd	Isakson	Specter
Cantwell	Johanns	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Kyl	Vitter
Cochran	Landrieu	Voinovich
Collins	Levin	Warner
Conrad	Lincoln	Webb
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

#### NAYS—31

Akaka	Gillibrand	Menendez
Boxer	Harkin	Merkley
Brown	Inouye	Mikulski
Burris	Johnson	Nelson (FL)
Cardin	Kaufman	Reed
Carper	Kerry	Reid
Dodd	Lautenberg	Sanders
Durbin	Leahy	
Feinstein	Lieberman	

Schumer	Udall (CO)	Whitehouse
Shaheen	Udall (NM)	Wyden

#### NOT VOTING—1

Kennedy

The amendment (No. 735) was agreed to.

Mr. CARPER. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 793

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on amendment No. 793.

Who yields time? The Senator from Arizona.

Mr. KYL. Madam President, my amendment prohibits Federal rationing of health care. A provision of the stimulus bill has raised a lot of concern. Madam President, \$1.1 billion has been allocated for comparative effectiveness research.

Here is the exact effective language from my amendment:

The Secretary of Health and Human Services shall not use data obtained from the conduct of comparative effectiveness research to deny coverage of an item or service under a Federal health care program.

That is all it does. Some say: Why do you need that? We are never going to do that.

Well, then, we might as well say we are not going to do that. But when it came to Medicare Part D, we wanted to be sure we did not withhold coverage of a prescription drug, and as a result we provided that kind of language.

Just last Thursday, the Acting Director of the NIH talked about research in terms of guiding future policies that support the allocation of health resources for the treatment of acute and chronic diseases. That is deciding what to cover and not cover.

My amendment does not prevent the Secretary from protecting patients from unsafe or ineffective drugs. It is simply about using this kind of research to ration health care.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this is a rather remarkable amendment. It basically says we cannot pay any attention to the fruits of clinical research in making decisions about what is covered under health care reform. I find that pretty amazing.

For example, let's say that clinical research shows a certain procedure is not only not good but it is harmful, such as Vioxx, which caused problems for seniors. This amendment says we cannot use that evidence. We cannot use that information. We can't do that because it might suggest we can't use a certain procedure—Vioxx.

This is an ostrich amendment. This is a head-in-the-sand amendment. We want to have the benefits of clinical research so that doctors can make up their own minds what is the best proce-

dure. We want the fruits and the benefit of clinical research to address the quality of health care.

I urge Members to vote for health care and vote against this amendment.

I might say, too, Madam President, that I misspoke earlier when I said who is a cosponsor of the bill. We are urging Senators ENZI and HATCH to cosponsor the bill. They haven't quite done that yet, but I think it is going to happen.

The PRESIDING OFFICER. Time has expired.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 127 Leg.]

#### YEAS—44

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lieberman	Voinovich
Crapo	Lugar	Wicker
DeMint	Martinez	

#### NAYS—54

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

#### NOT VOTING—1

Kennedy

The amendment (No. 793) was rejected.

Mr. GREGG. Madam President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 806

Mr. GRASSLEY. Madam President, everyone in this body knows that small businesses are an extremely important dynamic part of the U.S. economy. I like to say that small business is the

engine that drives the U.S. economy. President Obama agrees that small businesses have generated 70 percent of net new jobs over the past decade. I was pleased to see that Senator CORNYN's small business amendment passed earlier tonight by an overwhelming vote of 82 to 16.

America's small businesses have been suffering during this recession. Big banks have been cranking down lending to small businesses.

In addition, job losses for small businesses have been staggering. A national employment report released today by Automatic Data Processing shows that 742,000 nonfarm private sector jobs were lost from February to March 2009. Of those 742,000 lost jobs, 614,000, or 83 percent, were from small businesses. Let me repeat that. From February to March, small businesses lost 614,000 jobs, or 83 percent of all nonfarm private sector job losses.

The President's recent efforts to increase lending to the small business sector are commendable. The centerpiece of his small business plan will allow the Federal Government to spend up to \$15 billion to purchase the small-business loans that are now hindering community banks and lenders. However, the positives that will come to small businesses from these loans which will ultimately have to be paid back will be heavily outweighed by the negative impact of the President's proposed tax increases. Helping small businesses get loans just to take that money back in the form of tax hikes is not wise.

The President's Budget proposes to raise the top two marginal rates from 33 percent and 35 percent to 40 percent and 41 percent respectively, when PEP and Pease are fully reinstated. President Obama's marginal rate increase would mean an approximately 20 percent marginal tax rate increase on small business owners in the top two brackets.

Many of my friends on the other side will say that while they agree that successful small businesses are vital to the success of the U.S. economy, the marginal tax increases for the top two brackets will not have a significant negative impact on small businesses.

Proponents of these tax increases seek to minimize their impact by referring to Tax Policy Center data that indicate about 2 percent of small business filers pay taxes in the top two brackets. They argue that a minimal amount of small business activity is affected.

However, there are two faulty assumptions to this small business filer argument.

The first faulty assumption is that the percentage of small business filers is static. In fact, small businesses move in and out of gain and loss status depending on the nature of the business and business cycle. Also, the 2 percent

figure from the Tax Policy Center is well below the percentage actually reported by the Government. For example, a 2007 Treasury study states that, for flow-through businesses in 2006, 7 percent to 9 percent of small business owners paid the top two marginal rates.

The second faulty assumption is that the level of small business activity, including employment, is proportionate to the filer percentage.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20 to 249 workers would fall in the top two brackets. According to the Small Business Administration, about two-thirds of the Nation's small business workers are employed by small businesses with 20 to 500 employees.

Do we really want to raise taxes on these small businesses that create jobs and employ two-thirds of all small business workers? With these small businesses already suffering from the credit crunch, do we really think it is wise to hit them with the double-whammy of a 20-percent increase in their marginal tax rates?

Newly released data from the Joint Committee on Taxation demonstrates that in 2006, the last year for which data is available, 65 percent of the flow-through business income was earned by those making over \$250,000. That flow-through business income will be subject to this budget's tax increases. This is a conservative number because it doesn't include flow-through business owners making between \$200,000 and \$250,000 that will also be hit with the budget's proposed tax hikes.

If the proponents of the marginal rate increase on small business owners agree that a 20 percent tax increase for half of the small businesses that employ two-thirds of all small business workers is not wise, then they should either oppose these tax increases or present data that show a different result.

Madam President, today is April 1. It is known as April Fools Day. It is a day when folks play jokes on one another. But the state of our job-creating machinery, small business America, is no joke.

Sadly, Senators KERRY and SNOWE found out in a Small Business Committee hearing a short time ago that small business is getting the short end of the stick from the big banks. I suspect the treatment is even worse when the big banks getting the bailout money is considered. I put that question to the TARP oversight team the other day in a Finance Committee TARP oversight hearing.

I told one of the witnesses, Professor Warren from Harvard, that we Senators need to stand behind the oversight committee, so that we can get answers from the Treasury.

In any event, it seems to me that we need to step back from the big pieces of recent economic policy and take a look at the big picture. We need to look at what we are doing. The three pieces I am referring to are the TARP program, the stimulus bill, and this budget. All of these efforts involve trillions of taxpayer dollars.

If our goal is doing the best we can to get jobs to every American who wants a job, then we need to recalibrate our actions. We ought to focus, as President Clinton once said, like a laser beam on job creation.

President Obama and all of us agree at least 70 percent of new jobs come from small business. Let's take a look at how each of these three major pieces of legislation affects small business. On TARP, it looks like we need to make sure that the TARP recipients are providing credit to small business. On stimulus, less than one-half of 1 percent of the \$787 billion went to small business tax relief. Less than one-half of 1 percent.

Now, on the budget, 82 Senators, a big bipartisan margin, agreed with Senator CORNYN that we ought to not raise taxes on small business. Senator SNOWE, likewise, will be pressing the case for small business in a separate amendment.

It may be April Fools Day, but this is no joke. We need to keep our eye on the job creation ball. Rather than hitting a foul ball with taxes on small business, we can hit a home run if we leave their taxes low. Future jobs depend on it.

Mr. CONRAD. Madam President, I ask unanimous consent that when the Senate resumes consideration of the budget resolution on Thursday, April 2, there be 90 minutes remaining for debate, equally divided between the chair and ranking member or their designees, with 40 minutes of that time for debate with respect to the McCain substitute amendment, with 20 minutes deducted from each manager, with the time for debate on the McCain amendment equally divided and controlled in the usual form; that for the remainder of today's session, no sense-of-the-Senate amendments be in order to the budget resolution; that for the remainder of this evening, members be permitted to debate amendments they expect to offer during Thursday's session; that on Thursday, with respect to a vote sequence of amendments, the sequence would be established with the chair and ranking members concurring on any order; that during any sequence of votes established, there be 2 minutes of debate prior to a vote, equally divided and controlled in the usual form; that after the first vote in any sequence, the remaining votes would be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, for the information of my colleagues on

my side of the aisle, we intend to proceed, and I will list the speakers that we have this evening who have informed us that they wish to have time. Tomorrow, when we start the voting sequence, their amendments will be in order relative to the sequence that they are speaking here tonight; so the purpose of that being they do not have to call up their amendment tonight to protect their position in the order.

We are going to begin with Senator McCAIN for 15 minutes. It is understood that there will be alternating speakers. On our side: McCAIN, 15 minutes; Senator VITTER, 10 minutes; Senator COBURN for 10 minutes; HUTCHISON for 10 minutes; BENNETT for 10 minutes; Senator BROWBACK for 10 minutes; Senator SNOWE for 10 minutes; Senator BARRASSO for 10 minutes.

That is not a unanimous consent request. That is for the information of my colleagues. Actually, I ask unanimous consent that this evening, as these people arrive, these Senators be granted those times.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, in the morning, after the McCain amendment is disposed of, Senator SANDERS would be the first to be able to offer an amendment on our side.

For the information of Senators, tomorrow will be the so-called vote-arama. That means Senators need to be ready to answer votes every 10 minutes, and we will try to move expeditiously and with dispatch.

We thank all Senators for their cooperation today, and I think next up is Senator McCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 882

(Purpose: In the nature of a substitute)

Mr. McCAIN. Madam President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 882.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. McCAIN. Madam President, tonight I am pleased to be joined by Senators COBURN, GRAHAM, and HUTCHISON to offer an amendment that will serve as an alternative to the 5-year budget offered by the chairman of the Senate Budget Committee and the 10-year budget offered by the President. Except for defense and veterans affairs, our proposal would cap discretionary funding, reduce our Nation's deficit and debt more than the proposals offered

either by the Senate Budget Committee or the President.

This 10-year budget alternative would cap discretionary funding at baseline levels, plus inflation, except for defense and veterans. Defense is increased by \$190 billion above baseline over 5 years. Veterans is increased by \$25 billion above baseline over 5 years, and other discretionary spending, \$62 billion less than the Senate budget proposal over 5 years, \$229 billion less than the President's proposal over 5 years, and \$759 billion less than the President's proposal over 10 years. Mandatory spending is \$373 billion less than the Budget Committee proposal over 5 years, \$922 billion less than the President's proposal over 5 years, and \$3.2 trillion less than the President's proposal over 10 years.

The deficit would be at \$484 billion in 2014, the Conrad budget, the Senate Budget Committee budget deficit would be \$508 billion, the President's would be \$749 billion. It would be \$448 billion by the year 2019, compared with the President's \$1.189 trillion deficit over 10 years, and the Senate Budget Committee proposal is a 5-year budget.

This results in a cumulative deficit reduction of \$369 billion more than the Senate budget proposal, \$977 billion more in reductions than the President's proposal, and \$3.44 trillion—the deficit would be reduced—than the President's budget.

The national debt would be \$767 billion less than the Budget Committee over 5 years, \$2 trillion less than the President's budget over 5 years, and \$3.5 trillion less than the President's over 10 years. In other words, why, why are we offering this alternative? It is simple. Our current national debt is \$10.7 trillion. I know when we throw these numbers around, like \$10.7 trillion, people's eyes glaze over.

But we are talking about numbers that are unprecedented in the history of this country. The projected deficit for 2009 is \$1.7 trillion. The total cost of the stimulus bill enacted last month is \$1.18 trillion. We gave the TARP, the Troubled Asset Relief Program, \$700 billion. Everyone expects the administration will request up to an additional \$75 billion more.

President Obama recently signed an Omnibus appropriations bill totaling \$410 billion. The Federal Reserve recently pumped another \$1.2 trillion into our markets, and the President's budget request totals \$3.6 trillion.

Earlier this week the administration laid out a plan that will provide even more taxpayer dollars to the domestic automakers. The measure offered by the chairman of the Senate Budget Committee increases spending by \$225 billion over current levels and raises at least \$361 billion in taxes and borrows \$1.1 trillion more than what we expect to borrow under current law.

The President's budget doubles the public debt in 5 years and nearly tri-

ples it in 10 years. As a consequence, beginning in 2019, the Government will spend more on interest than on the defense of our Nation: \$806 billion we will be spending on interest, \$720 billion on defense. That is eight times more than we will spend on education, eight times more than we will spend on transportation.

The budget proposals offered by the President and by the Senate Budget Committee put us on an unsustainable fiscal path, and we will pass on to future generations unprecedented levels of debt that they will never be able to afford.

As I said on the floor of the Senate earlier this week, the President's budget numbers are staggering. On average, his budget adds \$1 trillion to the debt every year for the next 10 years and contains \$1.4 trillion in tax increases. It reinstates the death tax, and it discourages investment by raising taxes on capital gains and dividends. It would create more debt than under every President from George Washington to George W. Bush combined. As others have already warned, the Nation would be bankrupt. This is not just generational theft, it is multigenerational theft.

That we are on a dangerous path is not just my opinion, in fact, it has been acknowledged by the President's Director of the Office of Management and Budget. In a recent interview, Peter Orszag was asked to respond to this statement:

What deficit hawks are really saying is that the number is so huge that it is literally going to swarm over us and destroy us if we do not start dealing with it today.

Mr. Orszag replied:

There is no question that we are on an unsustainable fiscal course, and we need to change course.

The Federal budget must address the most pressing issues facing our Nation, and among these priorities are keeping Americans safe and our Nation secure and all of the other issues with which we are familiar.

The budget must also ensure that taxpayers' dollars are managed in the most fiscally responsible manner by targeting resources to priorities, spending no more than needed, and holding their Government accountable to the taxpayer. This is exactly what our alternative will do. Our plan meets America's needs by spending less and reducing the debt faster than the Democrats' proposals. It caps discretionary spending, except for defense and veterans, at baseline, and increases defense spending by \$190 billion. I would point out we are still in two wars.

It also increases veterans spending by \$25 billion over 5 years. It reduces the deficit to \$484 billion by 2014, compared to the Budget Committee's \$508 billion and the President's \$749 billion. It keeps taxes low, and it shaves, by



2014, \$767 billion more off the national debt than Chairman CONRAD's 5-year budget and nearly \$3.5 trillion more than the President's 10-year budget.

Today, the ranking member of the House Budget Committee unveiled the Republican alternative to the House budget resolution. In an op-ed about his plan in today's Wall Street Journal, Representative PAUL RYAN wrote:

House Republicans will offer an alternative plan. This too is no ordinary budget. As the opposition party, we believe this moment must be met by offering the American people a different way forward—one based on our belief that America is an exceptional nation, and we want to keep it that way. Our budget applies our country's enduring first principles to the problems of our day. Rather than attempting to equalize the results of people's lives and micromanaging their affairs, we seek to preserve our system of protecting our natural rights and equalizing opportunity for all.

I agree with Congressman RYAN's assessment, and that is why we are here tonight. My friends on the other side of the aisle have become fond of criticizing Republicans for just saying no and offering no alternatives or specifics.

Well, we offered an alternative on the stimulus package. We offered an alternative on the omnibus bill. And we will continue, as members of the loyal opposition, to propose alternatives, complete with specifics and reflecting our philosophy as fundamentally fiscal responsible. I hope this will put an end once and for all to that argument.

Our proposal budgets for 10 years. It achieves lower deficits than the Democratic plan in every year. By 2019, it yields nearly half the deficit proposed by the President. In doing so, we control Government debt so that under our plan, debt held by the public is \$3.5 trillion less during the budget period. It gives priority to national defense and veterans health care. It addresses our critical energy goals. It takes steps to ensure health and retirement security by making these problems fiscally sustainable while preserving existing Medicare benefits for those beneficiaries age 55 and older. It does not raise taxes and extends the 2001 and 2003 tax laws. The nearly identical proposals of the House and Senate Republicans share the same goals of attaining health and retirement security, controlling our Nation's debt, putting our economy on a path of growth, and preserving the American legacy of leaving the next generation better off.

We obviously are living in perilous economic times, but we will emerge from this period with strong job growth, rising incomes, restored confidence, and the ability to meet our obligation of passing on to the next generation the opportunity to make their lives safer, more prosperous, and more enriching than our own. We are dealing with a financial crisis, a housing crisis, and a consumer-led recession. Why

then does the President's budget envision borrowing trillions of dollars for new initiatives without spending discipline or offsets? Addressing our most important and immediate problems should be our urgent priority. For two centuries, Americans have worked hard so their children could have better lives and greater opportunity. Are we going to reverse that order and force our children to work hard to pay off our debts because we didn't have the courage to make tough economic choices now? That is what this alternative is about—tough but realistic decisions designed to secure the future prosperity of our country. We were promised change, and that is what our proposal offers.

In the op-ed I mentioned earlier, Congressman RYAN also wrote that "America is not the greatest nation on earth by chance. We earned this greatness by rewarding individual achievement, by advancing and protecting natural rights, and by embracing freedom. We (Republicans) intend to continue this uniquely American tradition." The Congressman is exactly right. We have an opportunity to put our Nation back on sound fiscal footing. Let us seize that opportunity. Let us propose, reason, debate and exhaust every means to invest in the future of this country according to our faith in free people and free markets, a faith that has produced more good for more people than ever imagined by our Forefathers. Let us not exploit this crisis for political gain. Let us do what every preceding generation has managed to do—bequeath subsequent American generations a land of unlimited opportunities.

We can, and must do better, I urge my colleagues to support this alternative proposal.

I ask unanimous consent to have printed in the RECORD other provisions in this proposal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Our proposal also includes:

#### RESERVE FUNDS FOR:

BRAC-like Social Security and Medicare & Medicaid Commissions that would provide recommendations to reduce mandatory spending by at least 4 percent over the next 5 years, and 7 percent over the next decade.) For the purposes of this Resolution, for individuals 55 or older, Medicare will not be changed (other than income-relating to the prescription drug benefit).

Sense of the Senate to Protect Seniors. This budget should preserve existing Medicare benefits for those beneficiaries age 55 or older (other than means testing for high-income beneficiaries under the Medicare prescription drug benefit. To make the program sustainable and dependable, those 54 and younger should be able to enroll in a new Medicare Program with health coverage similar to what is now available to Members of Congress and Federal employees. Starting in 2021, seniors should receive support payments based on income, so that low income seniors receive extra support, and high income seniors receive support relative to their incomes.

Comprehensive health reform legislation that reduces the costs, increases access to health insurance, and improves quality of care for Americans.

Enhanced eligibility for disabled military retirees and their survivors to receive retired pay, veterans' disability compensation, and survivor benefit plan annuities.

Energy security activities, including funding for waste storage alternatives, clean energy deployment, refurbishing the transmission grid and increasing the use of nuclear power.

Tax code modernization, including income (includes AMT revenue) and payroll tax reform that makes the tax code fair, more pro-growth, easier to administer, improves compliance, and aids U.S. international competitiveness.

Defense acquisition and contracting reform.

Bipartisan and comprehensive investigation into the underlying causes of the current economic crisis and to recommend ways to avoid another crisis.

#### ENFORCEMENT MECHANISMS:

Point of Order against mandatory spending legislation that increases the deficit until the President submits and legislation is enacted to restore solvency to the Social Security system.

Point of Order against a budget resolution containing a debt held by the public-to-GDP ratio that exceeds 65%.

Point of Order against a budget resolution containing deficit levels exceeding 8% of GDP.

Additional provisions include discretionary spending limits, program integrity initiatives, and points of order against advance appropriations and legislation increasing short-term deficit.

Mr. MCCAIN. We, as the loyal opposition, are required to offer an alternative to the President's budget and that passed by the Senate Budget Committee on a party-line vote. These are tough decisions that have to be made. We must continue to fund defense and take care of our veterans. But we are also going to have to reform entitlement programs, and we all know that. There is no expert or ordinary citizen in America who doesn't agree that we have to reform Medicare, Social Security, and other mandatory spending programs which are consuming a larger part of our budget. We need a bipartisan commission that has the BRAC imperatives, that they meet and we come up with a solution to the burgeoning fiscal problems posed by entitlement programs and other mandatory spending programs.

I was in the other body in 1983, when Ronald Reagan and Tip O'Neill sat down together across the table and negotiated and saved Social Security for decades. That is what we need to do again. After this budget debate is over, why don't we sit down, the President, Republicans, and Democrats, together, and try and solve our Nation's problems. Americans voted for change. Americans want change. That change is to address these compelling and terrible issues that affect this Nation and our future in a bipartisan fashion. It is pretty clear what is going to pass tomorrow night sometime, but wouldn't

it be time for us to sit down together and chart a path for the Nation's future in an environment committed to fiscal responsibility on both sides of the aisle and ensuring our children's future?

We will be discussing this more for a short period of time before the vote tomorrow.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 759

Mr. BENNETT. Madam President, I have listened with interest to the comments of the Senator from Arizona. I would like to point out one fact to fellow Senators and to the country: In this proposed budget, there is roughly \$2.2 trillion worth of revenue. There is also roughly \$2.2 trillion worth of mandatory spending. The mandatory spending eats up all the revenue. That means everything else we spend in a discretionary way—and that includes defense—is going to come out of borrowed money. That is the first time we have ever had that situation outside of wartime. It is a cautionary note. I salute the Senator from Arizona for his remarks.

I rise to comment upon an amendment I have submitted, No. 759. I ask unanimous consent that Senator HATCH be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. This amendment deals with the tax treatment of charitable contributions. In the trillions of dollars we have been talking about today, it may seem a relatively small amount. But to the people who are involved in it, it becomes a very major issue. It is worth focusing on. As I have said before, I have been called upon by arts organizations in the State of Utah that are very concerned that the contributions that keep them alive have dropped off as a result of the slowing down of the economy. They are hoping they might recover some of that drop-off from Federal dollars. Interestingly enough, the President's proposal calls for a reduction in the tax incentive for people to give money to charitable contributions. So the President is proposing something that will hurt the charities, will cause their income to go down in the name of fiscal responsibility and saying we need more Federal money, so let's change the tax treatment so we get more Federal money from those who would otherwise contribute to charitable contributions, and then turns around and watches the charities come in and say: We have to make that up or we will have to start laying off people. The President talks about saving jobs. The nonprofits provide over 10 million jobs. If they cannot get the money from their contributors and they cannot get the money from the Federal Government, they will lose

jobs. It is foolish for us to say: All right, in the name of fiscal responsibility, let's take the money away from the contributors and bring it into the Federal coffers and then, to save the jobs, let's take the money out of the Federal coffers and give it to the charities so the Federal Government becomes the decisionmaker as to which charities get the money rather than the people themselves.

Charitable giving is an almost unique American experience. As we look at other countries around the world, they do not have the level of charitable contributions we have. We contribute an enormous amount to nonprofit organizations, and we do it on the basis of what we want to support. We, unlike European nations, do not have governmental support in the form of expenditures made to churches. You go to churches in other countries, and it is the government that supports them. Their pews are empty by comparison to the religious services held in the United States because people don't take it seriously. Here the Government stays out of funding churches and says: If you want to have a viable church, a viable religious experience, you have to provide sufficient incentive to the people who align themselves with your church that they will support it out of their own pockets.

That is what has made religion so viable and vigorous in America, because people do support it out of their own pockets, and it does not have a direct Government expenditure, but it does have Government approval of those kind of expenditures in the tax treatment of charitable contributions, tax treatment which the President now says he wants to change. That is a foolish thing to do, and that is why I have offered the amendment, along with my cosponsors. I hope the amendment will be voted on in appropriate fashion tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 799

Mr. BENNETT. Madam President, I rise to discuss amendment No. 799 that prioritizes small towns and rural communities in Colorado and all over this Nation at a time when so many there do not have sufficient access to quality, affordable health care. My amendment establishes a reserve fund that addresses inequalities in Medicare and Medicaid reimbursement that fall most harshly on rural areas.

I thank Senator ROBERTS of Kansas for his strong support on this issue. Rural health disparities are truly a bipartisan issue, and I am honored that the distinguished Senator has cosponsored this amendment. I also thank Senator LINCOLN of Arkansas for her cosponsorship. I ask unanimous consent to print letters of support for my amendment in the CONGRESSIONAL RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. The current system disadvantages rural areas in primary care and outpatient services, hospitals, and the supply of providers in the workforce. The problem is truly widespread. In Colorado, almost 75 percent of the counties are considered rural. Health care providers in our rural communities are under enormous pressure to provide broad access to quality health care. They need our help. My amendment can open doors to reducing these disparities. It is important to know that this amendment is written to ensure deficit-neutrality as well. Thus, it is fiscally responsible.

Colorado, like many other States, has a strong backbone of rural communities that work with the limited resources they have. For years, there have been payment disparities between rural and urban areas in Medicare and Medicaid. This imbalance only discourages providers from staying in rural communities and underfunds hospitals that serve as a safety-net for a majority of my population.

Over 90 percent of Colorado counties are considered health professional shortage areas. These areas are severely underserved. They lack an adequate workforce. For example, six counties in Colorado do not have a full-time primary care physician. Fourteen counties do not even have a hospital. We will work hard to ensure that every family has insurance coverage, but this alone will not lead to access to health care services. Small communities need doctors and nurses, along with many other providers. Yet it must be worth their while to take new Medicare and Medicaid patients. Understanding this reality is critical if we are to improve our health care system.

My amendment would highlight that future health care legislation should address rural disparities in a deficit-neutral way. I thank the chairman for all his good work on this budget resolution. I urge support from all my colleagues on this issue and the chairman's thoughtful, important underlying legislation.

I yield the floor.

EXHIBIT 1

COLORADO RURAL HEALTH CENTER,  
Aurora, CO, March 31, 2009.

TO WHOM IT MAY CONCERN: The Colorado Rural Health Center (CRHC) is writing this letter of support for Senator Bennet's proposed amendment, which emphasizes the importance of Medicaid and Medicare reimbursement in accessing healthcare services in rural areas of the United States. Serving as the State Office of Rural Health, representing 29 Critical Access Hospitals and 44 Rural Health Clinics throughout Colorado, CRHC would like to encourage Congress to consider rural clinics and hospitals, when deciding future budgetary actions. CRHC understands these are tough economic times, but it is essential that these rural safety net clinics, hospitals, and other providers are

able to survive since they are often the sole source of healthcare services serving a community or county.

There are a number of primary care clinics across rural Colorado that are not designated as Federally Qualified Health Centers (FQHCs) also known as Community Health Centers. These rural clinics that are not FQHCs are valuable safety net clinics, yet they have not received the same sort of boost in funding from the federal stimulus package nor do they receive the same amount of assistance from the federal government, leaving them to rely more on reimbursement rates from Medicare and Medicaid to remain viable.

In addition to the Rural Health Clinics and Critical Access Hospitals with whom CRHC directly works, there are numerous other non-FQHC clinics that deliver care to rural Coloradans. As stated above, for some of these clinics, it is the Medicaid and/or Medicare reimbursement rates that help keep their doors open. Any substantial cut in Medicaid and/or Medicare provider rates greatly impacts and potentially threatens the viability of healthcare in rural and underserved areas of our state. At current reimbursement rates, it is becoming more and more difficult for providers to continue to accept Medicare and Medicaid patients due to the abysmal reimbursement. Colorado is set to cut provider rates yet again this year, due to the \$1 billion dollar shortfall in our state general funds. Unfortunately, this means the federal government is being looked to in order to help strengthen these vital rural healthcare services.

CRHC understands difficult decisions need to be made in regards to the federal budget. We urge you to please consider and improve rural healthcare services by improving the sustainability of Medicare and Medicaid reimbursement rates. Thank you for your consideration.

LOU ANN WILROY,  
*Executive Director.*

NATIONAL RURAL  
HEALTH ASSOCIATION,  
Kansas City, MO, April 1, 2009.

Hon. MICHAEL BENNET,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BENNET: The National Rural Health Association (NRHA) strongly supports your amendment to S. Con. Res. 13, the Budget Resolution, to improve the health of 62 million rural Americans. Your amendment, which creates a deficit-neutral reserve fund to target the grave inequities in rural areas, will not only protect the fragile rural health care safety net, it will make health care more accessible and affordable for all rural Americans.

Health care reform which will expand health care coverage is necessary and laudable—in fact, rural Americans lack insurance at a higher rate than their urban counterparts—but there is a greater crisis in rural America: access to health care. Coverage does not equate to access. Over 50 million Americans live in areas where there are too few providers to meet their basic primary care needs. Yet these rural patients face the most daunting of health care challenges. Per capita, rural populations are older, poorer and sicker than their urban counterparts, and illnesses associated with poverty, including infant mortality, are much more pronounced in rural populations.

Rural providers struggle, due to grave inequities in Medicare and Medicaid payments, to keep their doors open. Several Medicare

payment provisions, vital to the sustainability of rural providers, are once again set to expire, thereby critically jeopardizing the rural health care safety net providers and seniors' access to care.

Senator, for any health reform to be a success, the health care crisis in rural America must first be resolved—for it does not matter if you have health insurance coverage if you do not have access to a doctor or other health provider. For health reform to be a success, the rural health care safety net must be prevented from crumbling. Three reforms are crucial:

1. Equity in reimbursement must occur;
2. The workforce shortage crisis must be abated;
3. Decaying rural health care infrastructure must be repaired and non-existent infrastructure must be created.

Senator Bennet, the NRHA applauds your efforts and could not support your amendment more. Creating a reserve fund to address the systemic inequities in rural health care and prioritizing eliminating those inequities as a part of health care reform will finally create equity for the 62 million people who call rural America home.

Sincerely,

BETH LANDON,  
*President.*

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NOS. 751 AND 787

Mr. VITTER. Madam President, I rise to present two amendments to the budget resolution. They will be made in order and voted on tomorrow. The first is amendment No. 751. The idea behind that is very simple but important. It is to protect against what many of us fear, which is significant energy tax increases that will hit consumers, manufacturers, farmers, many others in our economy and hurt them as we are trying to recover from this crippling recession.

Specifically, my amendment would add language to what is currently in the budget resolution in the area of the deficit-neutral reserve fund to invest in clean energy and preserve the environment. In that section of the budget resolution, my amendment would simply insert language that it would “not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas, would not increase the cost of energy for American families, would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industry, and would not enhance foreign competitiveness against U.S. businesses.”

No one in this body—in fact, no one across America I know of—has a problem with efforts to invest in clean energy and to preserve the environment.

There is no debate there. What we have a problem with is when we come up to Washington and get in this stale either/or debate—either it is that or it is traditional oil and gas, as if the two have to be at constant loggerheads and as if we do not have to produce under both of those headings very aggres-

sively to get out of the energy deficit we are in. I believe in new alternative renewable energy. I believe in new technology. But I also believe in traditional energy sources as an absolutely necessary bridge to get us to that future.

That gives rise to my amendment. I think it is crucial that we reject those aspects of the Obama budget which would tax traditional energy such as oil and gas, put an enormous burden on those providers in Louisiana and many other places around the country—folks who provide good, reliable energy domestically for our Nation right now—and I believe it would be a similar mistake to adopt whole hog in its present form the President's climate change proposals which would also place heavy taxes and heavy cost increases on energy consumers.

Now, where am I pulling this from? I am pulling it from the President's own budget proposals, his concrete, specific proposals on climate change and taxing domestic energy, and I am pulling it specifically from what he has laid out in terms of movement in that direction.

Perhaps the single clearest expression we have in that regard is a statement the President made about his cap-and-trade proposals in January of 2008 as he was in the midst of his Presidential campaign. He was speaking about cap and trade. He was very straightforward, very clear, and said:

Under my plan of a cap and trade system, electricity rates would necessarily skyrocket regardless of what I say . . . that will cost money. They will pass that money on to consumers.

Electricity costs, energy costs, not just increasing at the margin but skyrocketing. Unfortunately, the President has followed through on that promise with regard to his specific climate change and energy proposals. When you look at his budget, they, in fact, ensure this sort of skyrocketing, both in terms of climate change proposals, which this quote directly refers to, but also in terms of producing traditional energy here in this country in areas of oil and gas.

The President of the United States has laid out significant tax increases on domestic energy. This would cost real jobs here and now. It would be a significant antistimulus, and it would hamper domestic production exactly when we need it the most.

Let me repeat—let me back up and repeat—I support investment in new technology. I support development of new alternative and particularly renewable forms of energy, and I have cast many votes in support, in furtherance of that goal. But it is not either/or. It has to be all of the above because we need to build that new energy future based on new renewable sources and new technology, but we also need to get there, and we also need the

bridge to get there, which includes traditional energy, produced in this country, particularly natural gas, also oil, so we can cross that bridge, get to the future, without bankrupting ourselves in the process.

It is interesting, just as we are still apparently caught up in this stale either/or debate and we are attacking and taxing and burdening domestic oil and gas production, it is interesting that our neighbor to the north, Canada, is doing exactly the opposite. They are doing exactly the positive thing I am talking about by encouraging both—by encouraging new renewable forms of energy and at the same time encouraging domestic production of oil and gas.

Specifically, in early March of this year, March 3, the government of Alberta announced a new three-point incentive program specifically designed to help keep Albertans working in the province's energy sector during the current global economic slowdown. The highlights of the three-point plan include a drilling royalty credit for new conventional oil and natural gas wells; a new well incentive program, which offers a maximum 5-percent royalty rate for the first year of production from new oil or gas wells; and to encourage the cleanup of inactive oil and gas wells, the province will invest \$30 million in a fund committed to abandoning and reclaiming old well sites. Those are exactly the sort of incentives in present law that the President would get rid of. Those are exactly the sort of areas where President Obama proposes moving in the opposite direction with tax increases which are disincentives for much needed domestic production.

To quote the Canadian Energy Minister, Mel Knight, on this announcement of their policy:

While we cannot make up for the impact that global financial markets are having on Alberta, we are doing what we can. This short-term incentive program introduces innovative ways to help spur activity in our energy drilling and service sector during this economic downturn.

That is exactly the sort of approach we should be taking here in this country. Yes, let's invest in new technology. Yes, let's develop new sources of energy, new and renewable. But at the same time, let's maintain and expand the domestic production of oil and gas as that bridge to the future, as that bridge to that new energy future that will take some time to build.

Unfortunately, our President is moving in the opposite direction. He is proposing to levy significant tax increases on domestic oil and gas production. That is bad for our energy security, and it is a major antistimulus which will keep us in recession even longer.

So, again, my amendment No. 751 is very simple. It would simply add to the relevant part of the budget resolution the following language, that it:

would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses. . . .

I commend that amendment to all of my colleagues, Democratic and Republican.

Secondly, Madam President, I will also formally present and have a vote on a second amendment tomorrow, amendment No. 787. Amendment No. 787 has to do with the TARP program, the so-called Troubled Asset Relief Program. Again, it is very simple. It would simply say, except for the TARP money which is already out the door and except for the \$100 billion that is committed to the Treasury's newest plan to buy up toxic assets—which was the original point all along—with those two exceptions, the remainder of the TARP money will be returned to the taxpayer and bring down the debt, will reduce the debt. That is a significant amount of money. The entire TARP program, of course, is \$750 billion. So far, approximately \$371 billion is out the door. It would also create an exception under my amendment for \$100 billion for this newly announced program of troubled assets. The remainder would go to buy down debt, not increase as much this horrendous debt we are on the road to doubling and tripling under this budget. That would save literally hundreds of billions of dollars. I daresay, of all of the myriad dozens and dozens of budget amendments we will be asked to consider and vote on, this probably saves the most money, reduces debt the most. If it is not No. 1, it is very close to that.

CBO says they would expect us to never recoup all of that TARP money we are sending out the door. They are guesstimating we will only recoup half of that. So building that into the formula, this amendment will save hundreds of billions of dollars.

But there is another even more important reason to adopt this amendment; that is, to get back to the original intent of the TARP program and not allow it to continue to be used for a slush fund—first by the Bush administration, now by the Obama administration—for every random idea they develop every other week.

As we know, that is exactly the history of this fund and this program. It was proposed specifically to allow the Treasury to buy up troubled assets, to get those off the books of the troubled banks, and that is how it was sold to the Congress, 100 percent lock, stock, and barrel. In fact, Secretary Paulson, at the time, specifically said he did not want to, did not think it was a good idea to invest directly in troubled institutions and get preferred stock. Con-

gress, without my vote, passed the program.

Then, within a few weeks, literally within a few weeks of that passage, everything changed. The original troubled asset program model was thrown out the window and the Treasury started doing exactly what Secretary Paulson said it should not do, exactly what he had previously rejected by directly infusing capital into banks and taking preferred stock.

Since then, there have been at least five other uses of the TARP program which have been imagined and instituted by, really, executive fiat because the underlying legislation has not changed at all.

Then we finally came around full circle this past month under the new Obama administration. Secretary Geithner said: Gee, why don't we use TARP, the Troubled Asset Relief Program, to actually buy up troubled assets? What a novel idea. It was the original idea. I guess if you go round and round often enough, you will eventually come back to where you started. And that is the new program that the Secretary said would take \$100 billion.

My amendment, again, is simple. It says the money that is out the door is out the door. We cannot do anything about that, unfortunately. And we will reserve the \$100 billion for that newly announced program, which was the original intent, sole intent of TARP. But everything else—everything else that was imagined and that TARP was used and abused to authorize since it was first passed—everything else has to stop. If the new administration thinks some of these things are necessary ideas, great; they should come back to Congress and get real and proper and appropriate authority for that activity, which TARP never was.

In doing so, in adopting this sort of amendment, we will save the taxpayer and reduce the debt several hundred billion dollars, well over \$150 billion by any estimate. If we want to get serious about the debt, if we want to heed the call of the American people to control that runaway deficit and debt, this is the single biggest thing we can do in sight to do that to begin to turn the corner. I urge my colleagues to support this amendment. In contrast, voting against this amendment will essentially be a vote for everything Treasury has done and continues to do outside the original stated intent of the TARP program. I believe that is a very bad vote, both on the substance and in terms of where the American people rightly are.

I commend both of these amendments to all my colleagues. I look forward to further debate and voting on them as we proceed on the budget resolution tomorrow. I thank the Chair.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I wish to speak this evening about an amendment I have filed. Do I understand it is not actually in order to offer amendments at this time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

MICHIGAN STATE IN THE FINAL FOUR

Ms. STABENOW. Madam President, before talking about a very important and serious amendment I will be offering, I wish to take a point of personal privilege to speak about my alma mater, Michigan State University, that is in the final four. I have to say for the record, I knew they would get there. The final four is in Detroit. We are thrilled at Ford Field, a state-of-the-art facility. They play on Saturday night, and I am saying "go State" right now. For all those listening who are Michigan State fans, let's root them on because it is a point of terrific pride for Michigan State University, after a hard-fought year with, I think, the best coach in the league, Tom Izzo, who is now going to represent us in the final four. I appreciate that.

AMENDMENT NO. 879

Madam President, I have an amendment I will be offering that has been filed, amendment No. 879. I will be offering it tomorrow. I wish to read it briefly because I think it is important to read what this is. This is about climate change and it is about being for something and not just against something, and we have had a lot of amendments doing that.

The amendment says we will decrease greenhouse gas emissions with a policy that will invest in energy technologies, reduce greenhouse gases, create new jobs, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply, protect consumers and regions, and include opportunities for agriculture and forestry.

This is the text of the amendment. As I indicated before, my amendment is about what we should be for. We have seen a number of amendments on the floor saying what we shouldn't do and what we can't do. This is about what we can do and what we should do.

This budget is about investing in America's future. Our policy on climate change must do the same thing. As will the budget, if it is done right—and I believe we can do this right—climate change legislation will create new jobs in the great State of Michigan, in the great State of New Hampshire, and all across this country and revolutionize and revitalize our economy if this is done right.

Coming from a Midwestern State where economic troubles are not new—in fact, we now have 12 percent unemployment. I could spend a lot of time, as I have in the past on this floor, talking about what is happening to our families. I understand the risks associ-

ated with poorly designed climate policy, but I also understand that our economy—Michigan's economy, the U.S. economy—cannot go forward with the same old policies, dependent on foreign oil and pollution, that harms both our health and our economic interests. Climate change legislation, if designed right, will be a significant opportunity for new jobs and an economic transformation for our country.

Climate change can and must look out for working families and businesses, whether it be a farmer, a manufacturer or a cleantech engineer. That is why I propose this amendment, so the budget instructs the future of climate policy to be well balanced, so it creates new jobs, strengthens manufacturing, and breaks America of our dangerous addiction to foreign oil.

We can no longer rely on the same old technologies and the same old fuels. With new energy solutions come new jobs and new industries. America has always led the world in innovation and invention, and we can do it again with green energy. With or without a climate policy, energy companies, industries, and entrepreneurs must make investments for the future. This amendment will ensure that a cap-and-trade policy will provide direction for future investments. This amendment will direct us toward a smart climate policy that will protect and strengthen manufacturing.

First, we can ensure a level playing field in the world economy by bringing other countries into an international agreement and ensuring that jobs remain in the United States by preventing rising energy costs from being a factor. Second, new manufacturing opportunities will arise. For example, to meet the needs of new clean energy production, new technologies must be produced. The massive scale of this need will create new markets for American manufacturers.

Recent history has shown what happens when we rely primarily on foreign sources of energy. We subject ourselves to less than friendly international governments that can leverage unstable supplies and higher prices against the people we represent. This amendment will take us steps further to reducing our dangerous addiction to foreign oil.

Furthermore, our domestic energy needs will increase over time, and all sources of clean energy should be added to our portfolio. Good investing, wise investing always requires diversification, so we must bring new clean sources of energy into the mix.

This is a national and international problem, and we have to solve this together. Our President now has been spending time with global leaders talking about issues we know we need to be working together on. As he is reaching out to them, we must do that as well. But we know that through this amendment, we will ensure that all regions

contribute equitably and help each other as America transitions to a clean energy future.

A successful climate policy also has to include all stakeholders. Agriculture and forestry can make significant contributions to greenhouse gas reductions—as much as 20 percent—with the right incentives. This amendment will provide clear and certain opportunities for landowners as to how they can achieve emission reductions and benefit from doing so.

Overall, this amendment is the road map, I believe, to a reasonable, balanced climate policy. With policies that meet these objectives, we can ensure the American public that greater economic opportunity lies ahead. We can do this while meeting the ambitious emission reduction targets set by President Obama.

Instead of arguing about what we can't do, I urge the Senate to embrace what we can do and what we must do to create jobs for the future, to get us off our dependence on foreign oil, and to improve our environment. This is about the future of the country. I ask my colleagues to support this amendment that gives us a road map on how to get there.

Thank you very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Madam President, I wish to spend some time tonight talking about the budget that is before us as well as some good Government things we can do.

If you are a typical American family, husband and wife working and you are bringing home \$3,500 a month, and all of a sudden one of you gets a cut in pay, where now you are bringing \$3,000 a month home, what is the first thing you do? The first thing you do, knowing the kind of economic times we are in, is you start saying: What is necessary and what is not? Where can we make up this difference? What can we not spend money on so that, in fact, we are not using our credit cards to finance a living standard that is less than what we have today? Almost every family in America would do that. They would go through and they would say: Well, utilities are important, food is important, clothing for the kids is important, automobile repair, gasoline is important, but building a new addition onto our house isn't important right now. It needs to wait. Going to the movies may not be important. Going out to eat may not be important, in terms of a list of priorities.

Every family would look at what their expenditures are and say: Where do we cut spending?

This budget does exactly the opposite of that. We have markedly declining revenues, and we are going to increase spending \$1.3 trillion. The net effect of that is not so much that we might want to do good things for people, but it is that we are going to be doing those good things by taking the money—not from us and not even from our kids—but from our grandkids. So within this budget—the real budget, the Obama budget—are the plans for us to grow Government spending over the next 10 years to a level we have never seen before and at a rate of growth we have never seen before.

Why would we do that? We wouldn't do it with our own home and our own family; we certainly wouldn't do that with our own business. Why is it Congress thinks, and this budget purports, that we can borrow our way and spend our way out of financial difficulty? The fact is, we can't. We cannot do that. It is impossible for us to do that.

The dread secondary effect of that is to cripple potential growth in the future. Let me explain how that works. As we go from \$11 trillion in debt to \$30 trillion in debt, what is going to happen to us? How much inflation ultimately will come about because we do that kind of borrowing? Well, what will happen is everything you have and everything you try to buy will cost more and everything you own will be worth less. So what we are doing is we are generationally thieving, stealing money for us today so we don't have as much problem recognizing the pain.

What is called for in our country today is not growing the Government, it is shrinking the Government. Here is what we do know, according to GAO and IG reports that are published and that any American can find: that out of the money we do spend every year, at least \$380 billion of it is lost to fraud, duplication or waste. Nowhere in this budget is there any attention to any of that; not one place is there attention to it. My friend, President Obama, campaigned on the fact that the first thing he was going to do was a line-by-line analysis of every department of every program and get rid of the things that don't work and the things that work marginally, make them better. Well, that comes up to \$380 billion. That is what it comes up to.

Tonight I am going to introduce a series of amendments—I know they can't be called up by the unanimous consent agreement we are operating under, but they will be voted on during our votes tomorrow—that are plain common sense and that we would all do with our own business or with our own family; that we would actually put into place. The first thing we would do is we wouldn't give somebody a bonus who is

repairing our house who didn't repair our house. Yet every year in this country, this Government pays out about \$7 billion to bonuses to people who didn't perform.

We create a reserve fund so we don't do that anymore. Let me give some examples. We have paid \$8 billion to contractors for nonperformance bonuses—they didn't perform but got paid bonuses anyhow—in the Defense Department. Why would we continue to do that? I will put into the RECORD throughout the evening the line-by-line areas associated with that.

The first amendment says we are going to quit paying for performance that we didn't get, so we will save \$8 billion a year, or \$80 billion over the next 10 years. It will get voted on, and everybody will vote for it, but then in conference it will get stripped out. That is the game we are playing in the Senate this week. Anything that passes, and we put it in, we will take it out in conference. Why would we continue to pay extra money for something that didn't perform the way it was supposed to? I am not talking about not paying the bills—that is a totally different question—and about absolutely not meeting the contract.

I will give you an example. The Census Department had a contract—a no-bid contract with Harris Corporation—for hand-held recorder devices for the census. Oversight hearings were done in the Senate, and we said: What is your plan B if it doesn't work? They said it is going to work, no problem. Now we have spent \$700 billion and paid \$26 million in bonuses for something that doesn't work and will not be used by the census.

Why would we do that and allow that to continue to happen? The Government is rife with that. So why would we not put a prohibition into the budget that has teeth, which says we are not going to pay bonuses for work that didn't meet performance standards? Yet we will vote on it, and it will get jerked right out when it goes to conference because of the connectedness of the elite in this country.

The second thing I have an amendment for creates a reserve fund so we will do exactly what President Obama said we would do and that is a line-by-line analysis of every Government program: Does it work? Is it accomplishing what it is supposed to? If it is not, we should be eliminating it or fixing it. That may or may not pass. But it will get pulled out, even though that was a campaign promise—not only in the campaign, but in his inaugural statement, as well as in his statement to the Nation. He has embraced the very idea that we need to do that. Everybody knows we need to do that. If you are running a business and have hard times, you go through what is not working and get rid of it. But we don't do that in the Federal Government.

One of the other amendments we will have says we will apply metrics to every program we have. In other words, we will say here is the goal, and we will put in measurements as to whether we are achieving the goal. Then we can, for sure, tell what we are doing. The fact is that 50 percent of the programs aren't living up; 12 programs, specifically, have been on the warning list by the GAO for 10 years, and Congress has done nothing about that. The reason is because they don't want to put a metric system in because they don't know what it is. It might cause them to lose a vote with somebody if, in fact, it is not an effective program.

The third amendment is to offer a reserve fund to set up metrics, so that when we do that and see that things aren't working, we can get rid of them.

The fourth amendment we will offer is another one President Obama advocated. He said this time after time and he believes it and I believe it. The question is whether we will do it. There ought not to be any no-bid contracts for anything above \$25 million. We mandate that there has to be competitive bidding.

It is interesting that when we passed the stimulus, we all voted for it, but when it came out of conference, there was no competitive bidding requirement in the over \$870 billion worth of spending. What does that mean to the average taxpayer? That means you are not going to get good value for the money we are spending. So there is no mandate, even though that is a commitment that was made, and we should live up to it.

So we will have an amendment that says no bonuses if you don't earn it; No. 2, line-by-line going through the budget; No. 3, metrics performance measurements; No. 4, competitive bidding.

Then, finally, an amendment I will offer is something that will make a real difference in people's lives today. The Senator from Texas and I worked on that during the stimulus. What it says is that if you have an IRA or 401(k) and you are underwater on your mortgage and you have money in that 401(k) or IRA and you want to take that money and apply it to your primary residence mortgage, where you are underwater, you can do that without a 10-percent penalty. In other words, we are not going to penalize you for taking out money you have saved to get yourself out of trouble today.

That will be a controversial amendment, I am sure. The fact is, that is something that would make a big difference for families because they have money locked up, but we have such a harsh penalty for them to take it out; they have to give the Government 10 percent so they can use it to get themselves out of trouble on their mortgage.

There will be two other amendments I will offer. One will be with Senator



MCCAIN on an alternative budget, which describes what we should do, and it will save over \$3.5 trillion, compared to this budget, which shrinks the size of the Federal Government and doesn't allow it to grow in terms of nondiscretionary spending, except for defense and veterans. It puts a cap on how fast it can grow. It doesn't raise taxes like this budget does.

The last thing we should be doing—we know the history of what we did wrong in the 1930s and at other times—is raising taxes on individuals and corporations at a time when we are in a deep recession. That is exactly the wrong tax policy to create jobs. So we will be offering all those amendments come tomorrow.

The draft budget increases the veterans spending by \$25 billion over 5 years to take care of the commitments we have made to our veterans. It increases the defense spending, which we need to do rather than decrease it, in terms of real dollars, \$190 billion. It decreases some of our real problems, which is our mandatory spending in Medicaid, Medicare, and Social Security, by \$3.2 trillion less than what the President's budget and this budget will portend. It doesn't play any games with AMT, as far as paying for it. It doesn't raise taxes. It will reduce the cumulative deficit, over the next 10 years, by \$3.5 trillion. It also will give us \$3.5 trillion less debt. It is a budget that reflects a family's budget, that reflects the real times we are in, and it is a budget that says we recognize that if we are going to do something for our kids and grandkids, some sacrifice has to come now. Will people peel at it and shoot at it? You bet.

The fact is, we have a way too big Federal Government. It is highly inefficient. It wastes at least 10 percent of everything it does every year—at least. That is a very conservative estimate. What we are going to put forward is a budget that doesn't do any of those things. When we waste \$80 billion a year through fraud in Medicare, think what that means. That means 20 percent of the money spent in Medicare is defrauded. Our biggest problem is we are not going to be able to keep up with Medicare. Yet we have 20 percent of it that we are not doing a thing about in getting rid of fraud and improper payments. We have at least \$40 billion in terms of Medicaid. We have a Medicaid Program here and a health care program that will save the States \$880 billion over the next 10 years, and the Federal Government \$400 billion over the next 10 years. That is \$1.3 trillion. It will cover everybody at a level, where every doctor—no matter who they are—will take their insurance and will take the stamp of being a Medicaid patient right off their forehead, and nobody will ever know they are a Medicaid patient because they will have an insurance card just like everybody else.

We can buy for them something better than they have and also save \$1.3 trillion.

Why wouldn't we want to do that? That is in our budget. Why wouldn't we want to do that? Why wouldn't we want to create the opportunity so people will have an option? Instead of going to a nursing home, they can have a program that gives them in-home care, and we can still save money.

Going back to what we were talking about on bonuses, do you realize that CMS paid out \$322 million last year to nursing homes that were also on their list as substandard nursing homes? Think about that. We paid out in excess of \$300 million in bonuses to nursing homes that had significant problems in terms of giving the care and meeting Medicare standards in the first place, but we still paid it. Why? Why wouldn't we fix that? We don't want to. It is hard to fix—except our budget would fix that. This budget will cause us to not waste as much money.

This budget recognizes that we have real problems in our country, and the way to get out of it is not to borrow more money and spend more money. It is to be frugal and learn what we were taught by our grandmothers: If you have a penny, spend it wisely. If you have a dollar, don't spend it all. If you get fortunate enough to get more than a dollar, make sure you are saving something for the future.

We all know that is right, but we don't apply it to the Federal Government. Consequently, what will happen is the standard of living of our grandchildren will erode. We are in a seminal moment in this country, where we are going to become on an equal basis with Europe. What does that mean? That means the standard of living in this country is getting ready to drop 30 percent, both by what we spend and the printed money that will come after that in terms of the inflation that will devalue everybody else's assets in this country.

There are a lot of ways to run this Government, but the way we are running it now wouldn't pass muster anywhere in anybody's household. Nobody would throw 10 percent of their money away every year. Nobody would give bonuses to people who didn't deserve it. Nobody would not make measurements about what they are doing to see if it was working. We need a change. The seminal moment is coming. We may not win the budget battle but, in fact, if we don't win the budget battle, the problems are just going to be that much more severe.

The debt load we will carry with this President's budget will shackle the next two generations in this country for their entire lifetime.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. I would like to discuss amendments I intend to offer tomorrow.

I thank the Senator from Texas for allowing me to speak briefly. The first amendment is No. 898, which is a point of order against new mandatory spending if the Social Security trust fund dips below \$5 billion.

There is talk about this economy and the effects of a recession, and they are real. But one of the things we found out a couple of days ago is the Social Security trust fund spent more than it took in, in February. The projections for next year are to have a \$3 billion surplus, so the day of reckoning that Senator COBURN was talking about, when it comes to Social Security, is upon us even quicker than we thought. Everybody thought it would be 2018 when we would pay out more benefits than we collect in taxes.

If this trend continues, that will be accelerated by several years. That means the longer we delay in finding a fix for Social Security, the harder the mountain will be to climb. If we put this off one Congress after the next, the solutions that will get us to solvency are going to be too draconian and will hurt people. We need to act now because this problem is getting bigger faster than anybody anticipated.

If we do responsible things about readjusting the benefits for upper income Americans and for Senators, where if we took \$10 less a month when we retire, it would bring about 70 percent of the solvency needed to get Social Security back in balance. Do something on the age that is prospective, that realizes we all live longer. Do something on modernizing the program, so you could have savings on top of the Social Security. There are ways to get there. Increase revenues by raising the cap to have a transition. Let's make sure that people who live past 80—the fastest growing demographic in America—do not outlive their 401(k) plans.

So we have a challenge and an opportunity, and this amendment says that there will be a budget point of order against any budget when there is not a \$5 billion surplus in Social Security.

The second one would be a point of order against any bill that would impose a national energy tax on middle-income Americans. The reason we talk about this is cap and trade. We have to be smart about how we deal with climate change. If we don't watch it, we will create a cap-and-trade system that will be a huge burden on average, everyday Americans. Every time they flip on a light switch, there will be a sales tax. So this point of order is against an energy tax on middle-income Americans.

Madam President, with that, I yield the floor, and I look forward to discussing these amendments when I offer them tomorrow. And I thank the Senator from Texas for allowing me to speak.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Texas is recognized.

AMENDMENTS NOS. 866, 868, AND 867

Mrs. HUTCHISON. Mr. President, I am pleased the Senator from South Carolina is going to have amendments that will try to bring this budget, which is going to increase the debt in our country, down to a level that can sustain our future generations. So I am proud to work with him to try to do that.

I rise to discuss three amendments I will offer tomorrow as well. I truly believe we have made some progress today because some of the amendments that have passed will have an effect that I think will be positive on this budget.

Anywhere I go in my State, or anywhere I go in this country, people are talking about the mounting debt. It is almost breathtaking because we have never seen this kind of debt. This debt, juxtaposed against our gross domestic product, is the highest we have seen since World War II. We know that World War II and the Great Depression before that were extraordinary times. Clearly, these, too, are extraordinary times, but we have a responsibility to our country and to the hard-working people of our country, and the people who have lost their jobs in our country, to act responsibly.

We have already passed a trillion-dollar stimulus package. We passed another trillion dollars in spending just for this year, much of which was duplicative with the stimulus package. So that is \$2 trillion we have obligated in the first 2 months of this year. Now we are looking at a budget that, over a 10-year period, is going to increase the debt by another \$9 trillion. That is not sustainable. We are coming to a tipping point in which we will not be able to sell our debt because there will be a fear that we cannot repay it. That will be a financial crisis for sure.

So I am offering three amendments, and I would like to start with amendment No. 866. It would provide permanent marriage penalty relief. My amendment would establish a point of order against any legislation that would impose or increase a marriage penalty, which is the most egregious antifamily action in our Tax Code.

One of my highest priorities in the Senate has been to relieve American taxpayers of this punitive burden. The marriage penalty pushes married couples into a higher tax bracket than two single earners earning the same combined income. After years of fighting this issue of equity, the 2001 and 2003 tax cuts made a great stride toward eliminating the marriage penalty by lowering tax rates, doubling the standard deduction, and simplifying other elements of the Tax Code. Prior to the Bush tax cuts, an estimated 25 million couples paid a penalty for being married in 1999, amounting to approximately \$1,400 per couple.

Enacting marriage penalty relief was a giant step for tax fairness. But we

may lose it. Even as married couples use the money they now save to put food on the table, buy clothes for their children, or send them to college, the budget that has been proposed by the President would raise taxes on the top two income brackets, both of which still include a marriage penalty. As a result of increasing the tax rates on this bracket, the President further exacerbates the marriage penalty for married couples in those brackets, effectively reversing the progress we have made in ensuring that marriage would not be a taxable event.

The benefits of marriage are well-established. Yet, without marriage penalty relief, the Tax Code gives a disincentive for people to become married. My amendment would affirm this body's commitment to the institution of marriage by creating a point of order against any legislation that would impose or increase a marriage penalty. We should be celebrating marriage. Marriage and families are the core of our society. We should not be penalizing it.

Amendment No. 868 enacts a permanent deduction for State and local sales taxes. I have worked, since I came to the Senate, to rectify a tax inequity that plagues eight States. They are the eight States that have a sales tax but not an income tax.

Before 1986, taxpayers in these States—Texas, Washington, Nevada, Wyoming, South Dakota, Alaska, Florida, and Tennessee—had the ability to deduct their sales taxes, like every tax-paying citizen from States that impose income taxes. Unfortunately, citizens of some States were treated differently after 1986 when the deduction for State and local taxes—sales taxes, that is—was eliminated.

Together, the eight States that impose sales taxes in lieu of income taxes fought to correct this injustice from 1986 until 2004, when we finally did correct it. Since then, we have provided extensions every few years, with the current extension set to expire at the end of this year. While the budget before us assumes an extension of that valuable relief for an additional 2 years—through 2011—what we really need is to make this relief permanent.

The majority leader has an amendment, which I have cosponsored, to accomplish this goal. I support his effort, and I welcome his leadership on the issue because it is an initiative that we must accomplish to ensure fairness for our constituents. He certainly was one of the leaders in correcting the inequity in 2004, and I appreciate that.

While I support his effort—I am not opposed to the approach he is taking—I do today rise to offer an alternative approach that ensures a permanent sales tax extension by actually accounting for it directly in the budget.

There is a key distinction between our amendments. The majority leader's

amendment requires our States' tax equity to be paid for by other changes in the budget, whether it is spending cuts or other tax increases. I disagree that our States should have to pay for tax relief that not only pays for itself but is granted to taxpayers who do not have sales taxes but do have income taxes, or maybe they have sales taxes and income taxes. It is a fundamental issue of fairness.

While I will support any measure that makes the sales tax deduction permanent, I think we should not have to be held to a higher standard than other States when we are dealing with tax relief that really pays for itself. We should be equal in this country. The Federal Government should not be giving breaks to people who have income taxes but not the same breaks to people who have sales taxes. All the States collect taxes. They do it in different ways. The Federal Government should not pick winners and losers.

The amendment I am offering today will permanently end the discrimination suffered by the eight States that have no income tax but do have a sales tax and don't have the option of that deduction. There should be a deduction, and you should be able to choose. People in income tax States should be able to choose that as their deduction; or if they would prefer, they could also deduct sales taxes. But the people in sales tax States that don't have an income tax should have the same rights.

So I urge the adoption of amendment No. 868 when it is brought forward tomorrow.

Mr. President, I have a third amendment, No. 867. This is the Outer Continental Shelf expansion budget resolution amendment. I wish to speak in support of the amendment I have filed with my colleagues, Senators BOND, VITTER, and MURKOWSKI, which ensures that we will expand domestic offshore energy production on the Outer Continental Shelf.

Section 202 of the budget resolution directs that we reduce our dependence on foreign sources of energy by producing green jobs, promoting renewable energy development, establishing a clean energy investment fund, and encouraging conservation and efficiency. While I support these initiatives, which will play a role in making our country more energy independent, we cannot overlook our own domestic oil and gas resources in the Outer Continental Shelf, which this budget before us does.

The goal of reducing our Nation's dependence on foreign sources of oil is one on which both sides of the aisle should be able to agree. Our President has said we must reduce our Nation's imports of oil. It is irresponsible to put our economic and national security in the hands of unstable and unfriendly regimes. Today, we import over 60 percent of our energy needs, and too much

of it comes from unstable and unfriendly regimes, such as Venezuela and parts of the Middle East. In 2008 alone, we spent close to \$475 billion on imported oil.

This amendment I have will reduce America's dependence on foreign sources of energy, minimize future increases in gasoline prices, and help reduce the debt with new lease revenue. We must reduce our dependence on dictators, such as Hugo Chavez, who control our energy supplies. Increased domestic oil and gas production right here at home, in the waters off our shores, will help us reduce our foreign dependency and make us more energy independent, and we can do it in an environmentally safe manner.

Expanded energy production off U.S. shores will also help us minimize future price increases. With a lack of supply that could force up energy prices, increasing supply will certainly bring it back down. Some will say: Well, oil prices are low now. Why should we drill?

That is exactly the kind of attitude that will ensure that prices go up. We could sit back and wait for oil prices to go back up and then act, but we have more responsibility and hopefully more leadership in the Senate than to wait because we know that if supplies dwindle, prices will go up.

We have oil right here off our own shores. We need to use it. We are the only Nation in the world that has an abundance of energy supplies yet refuses to use them. Other nations either don't have energy supplies or they are trying very hard to get some kind of energy in their own countries. We have the capability to provide for our energy independence and we are not doing it. And we are letting down the people of our country if we don't.

So I urge support for amendment No. 867 when we vote tomorrow.

Mr. President, I just want to end by saying that I am a cosponsor of Senator McCain's amendment that would be a substitute for this budget. I hope to be able to talk on the floor tomorrow about his substitute. I believe we must produce an alternative to this budget. We have certainly criticized how big it is and how much we have to borrow to pay for it and the taxes that would have to be raised. The budget currently before us spends too much, borrows too much, and taxes too much. We can do better in this country. The substitute of Senator McCain and myself and other cosponsors will certainly do more in the area of bringing our budget down to a sustainable size and doing what is right for this country.

It basically freezes spending and adds as the rate of inflation, so the programs in place right now would be able to grow with inflation, but it will show the American people that we mean to cut back in the outyears of this spending so we will not increase the debt. In

fact, the McCain substitute will lower the debt that is envisioned in this Obama budget by \$3.9 trillion. This would be our first step toward fiscal responsibility and doing what the Senate ought to do.

I hope to talk more about the McCain substitute of which I am a cosponsor because I think it is the responsible approach and I think it is our responsibility to provide an alternative.

I ask unanimous consent to add Senator BROWNBACK as a cosponsor of marriage penalty amendment No. 866.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I urge my colleagues to support these amendments when they come up, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 808

Mr. BROWN. Mr. President, I rise to discuss amendment No. 808, an amendment I will offer tomorrow that will protect seniors from identity theft. Every day, some 44 million Americans are at risk of having their identity stolen—simply because they are Medicare beneficiaries. Why is that? We have talked in Congress for years now about removing Social Security numbers from Medicare cards. I think it is time to demonstrate that we are serious about taking action on something that, when you get right down to it, is pretty simple.

It is common sense that Americans should avoid carrying their Social Security number around with them because of identity theft. In fact, the Social Security Administration itself insists citizens should not "routinely carry . . . documents that display [their Social Security number]." Yet Medicare cards clearly display the Medicare beneficiary's health insurance claim number, which is the Social Security number followed by a letter. So anyone interested in identity theft when stealing a purse or billfold containing a Medicare card gets the Social Security number and can then have a Social Security number and can exploit having that Social Security number.

What is worse, on the back of each card, beneficiaries are told to "carry your card with you when you are away from home." Medicare says you should carry your card with you, Social Security says don't carry your Social Security number with you.

Something needs to change. It is not acceptable for the Government to be

unnecessarily putting millions of Americans at risk of identity theft. That is why I will offer amendment No. 808, which will give the budget authority to make this change.

Medicare thought, back in 2005—we don't have the numbers since—that identity theft costs the country \$1.5 billion in 1 year. That is a conservative estimate.

The Congressional Budget Office says, for whatever reason, it will cost \$25 million to remove Social Security numbers from all future cards, so that is the amount we have raised under pay-go in this. It is a downpayment on fully addressing this problem. We owe it to seniors to include the language in our budget. I am confident we can find the \$25 million in savings by reducing waste, fraud, and abuse. That is why this amendment has the support of the Consumers Union and AARP. They both endorsed it. That is how the amendment is paid for. It is budget neutral. Let's demonstrate we are committed to protecting seniors from identity theft.

To recap, Medicare suggests to seniors they should carry their Medicare card with them at all times. Medicare has made a decision to put a Social Security number on the Medicare card. Social Security says: Don't carry your Social Security number with you because if it is stolen, whatever you have with you and that number is stolen, then you can be a victim of identity theft.

We just want a commonsense solution. We want seniors to carry their Medicare card, but we don't want seniors to be victims of identity theft, so we want to take the Social Security number off the card. Medicare could use another identification that protects seniors' confidentiality, protects privacy, and protects the public from anyone interested in identity theft from being able to get access to that Social Security number.

It is a simple amendment. I urge my colleagues to support amendment No. 808.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

#### AMENDMENT NO. 840

Mr. BROWNBACK. Mr. President, I will be calling up amendment No. 840 tomorrow. It is an amendment I put forward before. It is an amendment that passed this body last year in the budget debate. We talked about it. I think it is one of the things we need to do to try to be efficient with Government programs, and effective, and to make sure that if we have waste, fraud, and abuse or duplicative programs, they get eliminated.

I draw the attention of my colleagues to a report card. I don't know if they know this, but the Federal Government itself does a report card on itself as to whether its programs are meeting the

design of the programs they put forward, are meeting the criteria of the program that was put forward by the Congress, and then this is scored by the Federal Government itself and it gets a report card.

I am not very pleased to note to my colleagues and to the public that the Federal Government, giving itself a grade on this card—if you did it in A, B, C, D, you would see that the Federal Government's GPA is 1.14. A 1.14 GPA is what the Federal Government has for its own programs, whether they pass or fail this test of whether the program is duplicative, whether the program has accomplished its purpose, whether the program is effective at all.

You can go down through here and you can see—the State Department actually has the highest score that the Government grades for its programs that were reviewed, whether they are hitting the targets the program was designed to do—the highest score. They get a C-plus. You see down here we have the Labor Department, HUD, Education, all with failing scores, and D-minuses at EPA, Homeland Security; a D at Interior, HHS, Agriculture, and Justice.

This is a bad report card. It is never seen as having much significance because nothing happens at the end of the report card, unlike when I was going to school or when my kids now are in school. There is a consequence to not getting a good grade, and you try to improve it. On this one, there is kind of no consequence to it: OK. We got an F. So what? Because there is no consequence.

What I want to do is put a consequence into a Federal program failing to meet its target. And that is this amendment. It is called the Commission on Budgetary Accountability and Review of Federal Agencies; it is called CARFA. It would basically create a commission. Every 4 years, each Federal program would be reviewed. That program would be scored. If the program receives an F, it would be put in the groups of Federal programs that all get failing scores and then be required to be voted on by this body, by the House, whether the program is continued or not. So all the bundled 500 programs—however many there are—those that fail, we would have to vote whether to continue those programs or discontinue those programs altogether, no amendment, limited time period for debate, deal or no deal. Do we eliminate the wasteful programs that have failed? Do we keep them?

This is a process we have done on military bases—it has worked—on consolidating bases to ones from lower priority to higher priority ones. It has not cut military spending, but it has made it more efficient and effective. That is what we should at least be looking at in the Federal Government, to make the Federal programs more efficient

and more effective. That is what this amendment would do.

I had a group of college students in today. They were talking about the need to be able to do work programs abroad, study-abroad programs, all which I think are great. They say it has a price tag of about \$3 billion. Look at the deficit we are looking at. That is just way too high. But what if you said: OK, that is a good idea, or, we want to declare war on cancer—that is one I think we ought to uptick on this, saying we want to get a country where within a decade there are no longer deaths by cancer in the United States. If you decide to take care of yourself, the right treatments, this is treated as a chronic disease, not as a death sentence. That is something worth investing in.

Typically, what we do here is say: OK, let's just put it in the stack and we will see if we can get at it. It goes along with all the other programs, even though these programs are failing, and we just try to add it on. What if we said we are going to take out the failing programs within these agencies we are going to eliminate them and take that money and put it on higher priority programs like a war on cancer, like maybe it is work experience abroad. I don't know if that is it or maybe it is green jobs and new energy, a big energy project. We want to get more energy production from the United States. Great, let's eliminate those that have not worked and take that money and spend it on programs that are higher priority.

Maybe these are programs that have accomplished their purposes. We don't need them anymore. It is a novel notion that maybe the Federal Government started a program and it actually accomplished its purposes and we don't need it anymore, so we should move on past it. Yet the way the budget process so often works, the appropriations process works, once it gets in, it never leaves. It just continues on and on rather than us reappraising it or saying it is really meeting the need or is it not meeting the need. This is the way we get at waste, fraud, and abuse, duplication, and programs that have accomplished their purposes.

Everybody here in this body would declare themselves against waste, fraud, and abuse in the Federal Government and say we are going to get to the bottom of this program and we are going to make sure it is efficient and effective. We have heard that from President Obama. Frankly, we hear it from every President who gets into office, that they are going to get at the bottom of this and they are going to make sure these programs are working, efficient and working. Yet the Federal Government, giving itself its own scorecard after President after President said this—and we have a 1.14 grade average, most of the programs failing

to be able to do that—they say: Well, so? What are you going to do about it? We are going to continue to get our funding next year anyway.

This is conservative Presidents, this is liberal Presidents who come in. We are always going to create and make a better system and we are going to stop this wastefulness, and it just doesn't happen. This would get added by putting a procedure in place, a required procedure that would cause these programs to be effective or face the consequences. This is sensible, bipartisan, good-government, an efficient way to move forward. It will work, and it is something we need to do.

In closing, I ask that my colleagues would look at this program, and if we get it passed again this year—not strip it out in the conference report, that we would actually do something like this—it would send a notice of credibility to the American public that we are actually going to go at programs, and if they don't work, we are actually going to pull them out. Right now, the public does not believe we will do that. This creates a mechanism, a culling process that we eliminate those, and we could have some credibility with the public that we are going to eliminate programs that don't work, that have waste, fraud, and abuse within them. We have had good bipartisan support of this idea and this proposal in the past. I hope we could have it again in this budget proposal.

Overall on the budget, I still think we are going seriously the wrong way. I did a townhall meeting, tele-townhall meeting last night in my State, talking about the budget. People are not satisfied at all with this process. They think there is way too much deficit spending in it. They think it is failing to hit the mark. They are very upset about a lot of the payouts for big entities. They are saying: What about us? Who is taking care of us? They look at those deficit numbers and the tax increases that are probably going to come behind them, and they just don't like it. They do not agree with it, and they do not think that is a way to move forward as a country; that what we ought to do is really get our house in order.

I am pleased to see people putting forward other options for how they can deal with the budget and with the deficit. I urge my colleagues to vote against this one, and let's start over. Let's get one where we can have bipartisan agreement. Let's get one that cuts back on that deficit. Let's get one that doesn't raise taxes on Americans. Let's get one that can really help us move forward in this crisis we are in today rather than this one that is highly partisan, deficit oriented, tax increase oriented, and is not supported by the vast majority of the American public.

I yield the floor.

Mr. DURBIN. Mr. President, I am pleased to support the Kerry/Lugar amendment that restores the full amount of the President's request for the international affairs budget.

The Budget Committee has recommended a cut of \$15 billion out of \$540 billion from total nondefense discretionary spending—a reduction of 2.8 percent. But it has recommended a \$4 billion cut out of \$53.8 billion from the international affairs account—a reduction of more than 7 percent.

The foreign affairs account, already relatively small in the overall budget, is being asked to carry more than double the percentage spending cut than the rest of nondefense discretionary spending.

Furthermore, the small investment in our overseas engagement is barely 1.5 percent of the entire proposed Federal budget and only 6.8 percent of the national security budget, which includes defense and homeland security. Even at this level of spending, the international affairs budget represents only 0.35 percent of GDP.

Our foreign affairs account is modest compared to what many other similarly wealthy nations spend on such programs.

As we take stock of America's image in the world, it is clear that we need to do more to improve the lives of the world's poor and help stabilize fragile governments and economies.

America's generosity and ability to help other countries are becoming more important to the effectiveness of our foreign policy. In many cases our own security depends on the stability of far-flung places beyond our borders.

With this relatively small account, the international affairs budget funds programs that: reduce tensions with other nations through diplomacy and engagement; lift millions out of poverty through educational, health, and economic programs; bring clean water and sanitation to the world's poor; strengthen fragile democracies and weak states; help with humanitarian, refugee and peacekeeping needs; and send some of the most talented Americans to work in some of the most difficult corners of the planet.

At a time when the need for such engagement is stark, we haven't made the investment we need in these critical foreign policy tools.

For example, America's lead development agency, the U.S. Agency for International Development, at one point in its history had more than 5,000 full time Foreign Service officers working on health, education, agricultural, and political development around the world.

Today, while engaged in a global war of ideas and values, USAID has just over 1,000 Foreign Service officers. Its budget in real dollars has been cut by almost a quarter from a high in the 1980s.

Similarly, the Peace Corps, one of our most successful programs at both sharing American values and assistance while also exposing our young people to the people and cultures of other worlds, has seen its budget in real dollars cut by almost 40 percent since its inception in 1967.

At a time when more failed states are in need of international peacekeeping missions, the United States is millions of dollars in arrears in U.N. peacekeeping dues.

This budget is an essential component of our national security. Defense Secretary Gates has said:

The problem is that the civil side of our government—the Foreign Service and foreign-policy side, including our aid for international development—[has] been systematically starved of resources for a quarter of a century or more . . . We have not provided the resources necessary, first of all, for our diplomacy around the world; and second, for communicating to the rest of the world what we are about and who we are as a people.

Secretary of State Hillary Clinton echoed,

The relatively small but important amount of money we do spend on foreign aid is in the best interests of the American people and “promotes our national security and advances our interests and reflects our values.

The 2006 National Security Strategy, the Quadrennial Defense Review, and the 9/11 Commission all support increased investment in America's diplomatic and development capabilities.

As the Obama administration works to address multiple difficult and dangerous international problems, we have to fully fund the basic tools needed for such engagement.

Last year, 73 Senators, including 24 Republicans, voted for an amendment to restore the international affairs budget to the level requested by the President. The bipartisan message was clear we must continue to invest in our country's international affairs programs.

America's international affairs programs are as important foreign policy tools as diplomacy and defense. Let's make sure they are funded as such.

Mr. KYL. Mr. President, last fall, in a debate with my Arizona colleague, Senator McCain, President Obama decried the “orgy of spending and enormous deficits” that occurred under President Bush.

At a recent press conference, the President told us that America must shun the “borrow and spend” policies of the past and embrace plans to “save and invest.” I agree that we have to curtail Government spending now to protect future generations from historic debt.

So why, after denouncing deficit spending, is President Obama proposing to borrow and spend more than any President ever? His budget is not only the biggest in history; it also creates more debt than the combined debt

under every President since George Washington.

Senator McCain told us during the campaign that spending and deficits are two sides of the same coin, that President Obama's spending promises would raise deficits to unsustainable levels; and that huge tax hikes—and not just for the wealthy—would be required to pay for it all.

Now, the President's own Office of Management and Budget Director Peter Orzag has confirmed what Senator McCain said all along, that: the budget will lead to “rising debt-to-gross domestic product ratios in a manner that would ultimately not be sustainable.”

Let's consider some numbers to put that into perspective.

Last year we had a \$459 billion deficit. The Congressional Budget Office now projects it will more than triple this year, to \$1.669 trillion deficit. This budget will double the public debt in 5 years and triple it in 10. This budget does not contemplate one-time investments followed by years of reduced spending. Instead, billions in new outlays will continue indefinitely. So it is not just about massive spending, but about the permanent accrual of power in Washington.

After bottoming out at \$658 billion in 2012—a level still more than 40 percent above the highest deficit during the Bush administration—the Congressional Budget Office projects the total debt to increase to \$9.2 trillion in 2019, or 82.4 percent of GDP! The Washington Post recently editorialized, “President Obama's budget plan would have the government spending more than 23 percent of gross domestic product throughout the second half of the this decade while collecting less than 19 percent in revenue.”

Is this the legacy we want to leave for the next generation? Unprecedented debt?

And let's not forget the finance charges. Beginning in 2012 and every year thereafter, the Government will spend more than \$1 billion per day paying finance charges to holders of U.S. debt.

What does this mean for the average American family? Federal spending on finance charges for our Government's debt will be about \$1,500 per household for 2009. Under President Obama's budget, this number would soar to nearly \$5,700 per household by 2019. The interest on the national debt would be so big that it would be the largest single expenditure item in the budget by 2019.

Then there are the tax increases this budget contemplates. President Obama said he will cut taxes for 95 percent of Americans. But his budget would raise taxes by \$1.4 trillion over 10 years. It not only lets some of the existing tax rates expire—thus raising taxes—but implements a new \$646 billion energy

tax that will impact every American household—regardless of income—and is estimated to increase energy costs for every family by \$3,168 annually. And it's described as a "down payment," meaning there is more to come.

What about President Obama's suggestion that this deficit spending constitutes "investments" for the future? Most of us would agree that short-term deficits are sometimes necessary to help finance future prosperity. As Stephen Moore writes in the latest *Weekly Standard*, "The 1980s deficits were probably one of the highest-return investments in American history. We bought a victory over the Evil Empire in the Cold War and borrowed to finance reductions in tax rates that launched America's greatest period of wealth and prosperity: 1982–2007."

But much of the new spending in this year's budget is not what the IRS or a well-run business would classify as an investment. Most of it is earmarked for services whose long-term value is difficult to measure.

I'll quote Stephen Moore's article again: "The debt we are now incurring is paying for windmills . . . new cars for federal employees, weatherizing homes, high-speed trains to nowhere, and the like. It buys almost nothing of long-term economic benefit."

Senator MCCAIN was right. President Obama has promised to spend so much that we are looking at record deficits and tax increases on everyone just to start paying for it all. We need to get a handle on this budget before it is too late.

Mr. BYRD. Mr. President, I thank the chairman of the Budget Committee and his staff for their hard work on this year's budget resolution.

I regret, however, that the discretionary spending level is less than President Obama's request. The Obama administration, to its great credit, recognizes the serious consequences of the previous administration's lack of investment in American infrastructure. I will continue to support President Obama's full discretionary budget request. I look forward to working with the chairman of the Budget Committee on this matter as the resolution moves forward.

I also compliment the chairman for making the right decision to forego reconciliation instructions in this budget. Unfortunately, the House budget resolution does include reconciliation instructions, and that should be of concern to every Senator.

The House provisions open the door in conference to language requiring as many as five Senate committees to report reconciliation legislation—the Commerce, Science, and Transportation Committee, the Energy and Natural Resources Committee, the Finance Committee, the Environment and Public Works Committee, and the Health, Education, Labor, and Pensions Com-

mittee. While the House reconciliation instructions are ostensibly for health reform and education bills, they could also be used to report other bills under the jurisdictions of those committees—including climate legislation—as long as the bill complies with the budget's net deficit reduction instructions. Whatever legislation those committees decide to report, their bills would require only 51 votes for Senate passage. Under the Budget Act, debate is limited to 20 hours, and amendments are sharply curtailed.

I am one of the authors of the reconciliation process. Its purpose is to adjust revenue and spending levels in order to reduce deficits. It was not designed to cut taxes. It was not designed to create a new climate and energy regime, and certainly not to restructure the entire health care system. The ironclad parliamentary rules are stacked against a partisan minority, and also against dissenting views within the majority caucus. It is such a dangerous process that in the 1980s, the then-Republican majority and then-Democratic minority adopted language, now codified as the Byrd Rule, intended to prohibit extraneous matter from being attached to these fast-track measures. The budget reconciliation process will not air dissenting views about health and climate legislation. It will not allow for feedback from the people or amendments that might improve the original proposals.

If there are rules—such as the Byrd Rule—that frustrate Senators, I hope that they will take the time to understand that those rules exist for a reason. They protect every Senator, regardless of whether they are in the majority or minority party, because even a Democrat in the majority today may have a viewpoint in the minority tomorrow.

I understand the White House and congressional leadership want to enact their legislative agenda. I support a lot of that agenda, but I hope it will not require using the reconciliation process. Again, I commend the chairman of the Budget Committee for excluding reconciliation instructions, and look forward to working with him to ensure those instructions are not included in conference.

Mr. LEAHY. Mr. President, I am in strong support of the amendment offered by Senators KERRY and LUGAR which I and many other Senators on both sides of the aisle have cosponsored to restore \$4 billion to the international affairs function of the budget.

This amendment would not have any effect on the top line for nondiscretionary spending. It is budget neutral.

We have two choices. Cut \$4 billion from the President's Fiscal year 2010 budget for national security and diplomacy programs as the budget resolution would do, or restore those funds,

as the Kerry-Lugar-Leahy-Durbin amendment would do, and which both the Secretary of State and the Secretary of Defense have said is vital.

This \$4 billion is an insignificant amount when it comes to having an appreciable effect on the deficit over the long term, but it will pay immediate dividends in restoring United States influence around the world where it is desperately needed.

The difference we are talking about is whether to freeze funding for international assistance programs at the 2009 level, or to step up to the plate and fund the initiatives President Obama, and Members of Congress of both parties, have recognized are urgently needed.

These funds will be used to put the United States back in the driver's seat on climate change. They will support the increases for Pakistan and Afghanistan that the Secretary of Defense says are critical elements of our counterterrorism strategy there. It is not just a military strategy. It is also a diplomatic and development strategy.

These are the funds to support that. They will support treatment for millions of people infected with HIV/AIDS. Lifesaving drugs that represent the best of America.

Years from now, countries in Africa, South Asia, the Middle East, and Central Asia will remember what we do today. China is expanding its influence around the globe. We can step back and watch that happen, or we can show once again that the United States is going to lead by example.

Not very long ago we had that chance with Russia. But rather than look for ways to put past hostilities and distrust behind us and embark on a new relationship, we sought to take advantage in ways that exacerbated that distrust.

Today the relationship is a far cry from what it could and should be, and it will require significant investments in diplomacy to rebuild it.

We can lead in the world, we can build new alliances and work to solve conflicts, promote stability and develop new markets, or we can turn inward. That is the choice we face with this amendment. We are part of a global economy. We face grave challenges, from al-Qaida in Pakistan to drug cartels in Mexico. Climate change threatens the survival of species in ways that may profoundly affect our own survival not fifty million years from now, but within the lifetimes of our children and grandchildren.

This is no time to trifle with the need for American leadership. I thank all Senators for supporting this amendment.

Ms. SNOWE. Mr. President, I rise today in support of the passage of a truly bipartisan amendment to the budget resolution that Senator CARDIN and I are introducing. This vital



amendment would address the Government Accountability Office's, GAO, recent recommendations to improve the Small Business Administration's, SBA, management and oversight of the Historically Underutilized Business Zone, HUBZone Program and ensure that only eligible firms participate in this crucial program.

As former chair and now ranking member of the Senate Committee on Small Business and Entrepreneurship, I have long championed critical small business programs such as the HUBZone Program, which provides Federal contracting assistance to small firms located in economically distressed areas, with the intent of stimulating economic development and job creation. According to the GAO, as of February 2008, 12,986 certified businesses have participated in the HUBZone Program, since its inception in 1997. And in fiscal year 2007 alone, over 4,200 HUBZone firms obtained approximately \$8.5 billion in Federal contracts. During these troubling financial times, the HUBZone Program is an essential tool in helping small businesses drive our national economic recovery.

Unfortunately, the GAO recently found in its three reports—Small Business Administration: Additional Actions Are Needed to Certify and Monitor HUBZone Businesses and Assess Program Results, GAO-08-643; HUBZone Program: SBA's Control Weaknesses Exposed the Government to Fraud and Abuse, GAO-08-964T; and HUBZone Program: SBA's Control Weaknesses Exposed the Government to Fraud and Abuse, GAO-08-964T—that the mechanisms that the SBA uses to certify and monitor HUBZone firms provide limited assurance that only eligible firms participate in the program. The GAO report found that of 125 applications submitted in September of 2007, the SBA only requested supporting documentation, which helps to clarify the eligibility of the business, for 36 percent of the applications and only conducted a single site visit for all 125 applicants. While the SBA's policies and procedures require program examinations, the agency only conducts them on 5 percent of certified HUBZone firms each year. This is a glaring lack of oversight that must be rectified.

The amendment we introduce today would take immediate steps to correct the lack of effective administrative oversight by incorporating all recommendations that GAO provided for improving the HUBZone Program. This measure would require more routine and consistent supporting documentation during the program's application process. In its report, the GAO found that the SBA relies on Federal law to identify qualified HUBZone areas, but the map it uses to publicize HUBZone areas is inaccurate, and the economic characteristics of designated areas

vary widely. Our amendment would require that the SBA take immediate steps to correct and update the map that the SBA uses to identify HUBZone areas and implement procedures to ensure that the map is accurately updated with the most recently available data on a more frequent basis.

The GAO also found that the mechanisms that the SBA uses to certify and monitor firms provide limited assurance that only eligible firms participate in the program. It reported that more than 4,600 firms that had been in the program for at least 3 years went unmonitored. This amendment would require the SBA to develop and implement guidance to more routinely and consistently obtain supporting documentation and conduct more frequent site visits, as appropriate, to ensure that firms applying for certification are indeed eligible. These common-sense, achievable steps would help to eliminate participant fraud and misrepresentation and ensure that firms applying for HUBZone certification are truly lawful and eligible businesses.

In its reports, the GAO illustrates the SBA lack of a formal policy on how quickly it needs to make a final determination on decertifying firms that may no longer be eligible for the HUBZone Program. According to the GAO, of the more than 3,600 firms proposed for decertification in fiscal years 2006 and 2007, more than 1,400 were not processed within 60 days—the SBA's targeted timeline. As a result of these weaknesses, there is an increased risk that ineligible firms have participated in the program and had opportunities to receive Federal contracts based on their HUBZone certification. This failure in oversight hurts new and deserving firms in their quest to receive assistance through the HUBZone Program, which is the last thing we need during these challenging and perilous economic times. Our amendment would require the SBA to formalize and adhere to a specific timeframe for processing firms proposed for decertification in the future, as well as require further developed measures in assessing the effectiveness of the HUBZone Program.

Moreover, the Federal Government must strive to continue to provide additional contracting opportunities to those who are legitimate HUBZone firms. I am dismayed by the myriad ways that Government agencies have time and again egregiously failed to meet most of their small business contracting goals. I am alarmed that only one Federal small business contracting program—the Small Disadvantaged Business Program—has met its statutory goal and that the three other small business goaling programs have all fallen drastically short. For example, in fiscal year 2007, the HUBZone Program met only 2.2 percent of its 3 percent Government-wide goal. The

Federal Government can and must provide more to our country's hard-working small businesses, and I am confident that this amendment will pave the way for more qualified firms to receive HUBZone assistance. In my home State of Maine, only 127 of 41,026 small businesses are qualified HUBZone businesses. HUBZones represent a tremendous tool for replacing lost jobs across all industry sectors in distressed geographic areas—clearly, this program should be better utilized.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LAS VEGAS CONVENTION CENTER 50TH ANNIVERSARY

Mr. REID. Mr. President, 50 years ago—April 12, 1959—the Las Vegas Convention Center opened its doors for the first time. The first event at the new convention center was the World Congress of Flight's air and space show. Attracting 7,500 attendees, this was the first-ever international air show in American history, attracting the participation of 51 foreign nations. Originally 1.5 million square feet, the convention center has grown over the years to accommodate its popularity to a current size of 3 million square feet.

Today, the Las Vegas Convention Center is a major part of Nevada's culture and a force for job creation and economic growth. More than 46,000 jobs are directly related to the meetings and conventions industry in southern Nevada. Aside from the jobs directly within the building, the Las Vegas Convention Center also contributes to the success of the dozens of small businesses that serve and supply the trade show industry. This includes florists, office supply stores, caterers and transportation services, just to name a few.

The Las Vegas Convention Center has contributed to Las Vegas growing into the No. 1 trade show destination in America. Clark County hosts more than 22,000 meetings, conventions, and trade shows every year. The convention center has also been home to many of our Nation's most historic product announcements—including the VCR, the DVD player and high-definition television.

By hosting concerts by the Beatles, heavyweight fights featuring Muhammed Ali, events with Presidents Kennedy, Johnson, Ford, Reagan and Bush, the Las Vegas Convention Center has for 50 years played a central role in the fabric of our national culture.

The Las Vegas Convention Center is an example of private industry and

public agencies working collaboratively for the benefit of the community. I congratulate the Las Vegas Convention Center—and all those who make it a success—on 50 outstanding years of creating opportunity for the people of Nevada and capturing the imagination of people throughout America.

#### HELSINKI COMMISSION ACTIVITIES

Mr. CARDIN. Mr. President, I would like to report to my colleagues on the work of the U.S. delegation to the eighth Winter Meeting of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe. This meeting was held on February 19 and 20 in Vienna, Austria. Prior to attending the Winter Meeting, the delegation traveled to Israel and Syria to ascertain the prospects for the Middle East peace process at this critical time.

I had the honor to lead this delegation as chairman of the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission.

Joining me as delegation leader in Vienna was my Helsinki Commission Cochair, Representative ALCEE L. HASTINGS. Three Senate colleagues on the Commission—Senator ROGER WICKER, Senator SHELDON WHITEHOUSE, and Senator TOM UDALL—also joined the delegation for the entire trip, as did fellow Commission member Representative MIKE MCINTYRE. Although not a member of the Helsinki Commission, Representative GWEN MOORE also joined the delegation.

The delegation first visited Israel. Our arrival came 3 days after that country's parliamentary elections and in the aftermath of the events in Gaza. We met with Israeli President Shimon Peres, Prime Minister Ehud Olmert, Likud leader and now Prime Minister-designate Benjamin Netanyahu and numerous other officials. We also visited Yad Veshem and laid a wreath in memory of the millions lost in the Holocaust.

The delegation met with Palestinian Authority Prime Minister Salam Fayyad in East Jerusalem and Palestinian Authority Chief Negotiator Sa'eb Erakat in the West Bank and in each of these meetings discussed the current situation in Gaza and the West Bank, the potential for reconciliation between Fatah and Hamas, and how the United States can be a constructive partner in facilitating the peace process.

In Damascus, Syria, our delegation had a country team briefing with U.S. Embassy staff, including U.S. Chargé d'Affaires to Syria, Maura Connelly. We also held a constructive meeting with Syrian President Bashar al-Asad and Syrian Foreign Minister Walid Al-Muallim, where the delegation pressed

them on the need to improve human rights in Syria, encouraged them to assist the international community in bringing Iran into compliance with the International Atomic Energy Agency, and promoted restarting peace talks with Israel.

The delegation paid a courtesy visit to the historic Omayyad Mosque as well as visited the only surviving synagogue in Damascus. A briefing on the Iraqi refugee situation by the United Nations High Commissioner for Refugees, UNHCR, Site Director in Damascus was extremely informative. The delegation was particularly moved by its meeting with a group of Iraqi refugees living in Syria. Their stories of hardship and suffering have galvanized our efforts to improve U.S. policies and activities in support of these refugees in Syria and in other surrounding countries.

The delegation's final stop was Vienna for the Winter Meeting. During the first day of the meeting, our delegation was joined by a delegation led by Representative JOHN TANNER that attended a meeting of the NATO Parliamentary Assembly in Brussels earlier in the week.

A meeting of the Standing Committee, composed of the officers and heads of delegation to the OSCE PA, took place prior to the formal opening. As an OSCE PA vice president, I reported on the latest efforts of the Obama administration to close Guantanamo Bay as a detention facility, an issue of continued concern in the Assembly. Our efforts in recent years to be responsive to criticism of U.S. performance have been well received and provide a stronger basis for us to raise concern about the human rights performance of other countries. In addition to detailing the specific policy changes already announced by the Obama administration, I expressed hope that "these measures will help restore faith in the United States as a friend, ally and leader in the global community. If the United States wants to lead, we must lead by example."

Cochairman HASTINGS also made a presentation on his work as the Assembly's Special Representative on Mediterranean Affairs, in particular his travel to Morocco, Algeria, Tunisia, Egypt and Israel—all Mediterranean Partner states—last December. He met with parliamentarians and senior government officials to discuss greater OSCE engagement, the Middle East peace process, regional economic cooperation, the prospects of the Union for the Mediterranean, and the Iraqi refugee crisis.

OSCE PA President Joao Soares, Portugal, opened the Winter Meeting before 250 parliamentarians. The opening plenary was addressed by Barbara Prammer, President of Austria's National Council; Greek Foreign Minister Dora Bakoyannis, who chairs the OSCE

in 2009; French diplomat Marc Perrin de Brichambaut, the OSCE's Secretary General, and by Representative JOHN TANNER in his capacity as President of the NATO Parliamentary Assembly.

Following the opening plenary, additional discussions were held in each of the Assembly's three General Committees: the First Committee, dealing with political affairs and security; the Second Committee, focusing on economic Affairs, science, technology and environment; and the Third Committee, which covers democracy, human rights and humanitarian questions. Rapporteurs and guest speakers discussed current issues and the prospects for OSCE PA work in the coming year. Among the OSCE officials speaking in committee were Knut Vollebaek of Norway, the High Commissioner on National Minorities; Goran Svilanovic of Serbia, Economic and Environmental Coordinator; Miklos Haraszti of Hungary, Representative of Free Media; and Janez Lenarcic of Slovenia, Director of the Office for Democratic Institutions and Human Rights.

Every member of the U.S. delegation was active throughout the committee sessions. In the First Committee, Representative MCINTYRE reported on the delegation's visit to Israel and Syria, and Representative MOORE called attention to the plight of children in armed conflict and especially their use as child soldiers around the globe. In the Second Committee, Senator UDALL discussed the new prospects for U.S. engagement with Europe on climate change, and Senator WHITEHOUSE called for greater transparency regarding extractive industries, where corruption limits economic progress in developing countries. Senator WICKER responded to criticisms of the United States related to the economic crisis and pushed back against calls for greater trade protectionism. In the Third Committee, Senator WICKER stressed the continued need to focus on religious freedom, which is threatened in many countries of the OSCE region, while Cochairman HASTINGS explained the OSCE Parliamentary Assembly's important contribution to election observation in the region.

The Winter Meeting traditionally includes a plenary debate on issues that are particularly relevant and timely. This year, the debate focused on a proposal by Russian President Dmitri Medvedev and supported by French President Nicolas Sarkozy for a new European security architecture. Russian Deputy Foreign Minister Alexander Grushko and senior French Foreign Ministry official Veronique Bujon-Barre made opening presentations. Senators WHITEHOUSE, WICKER, and I each spoke in the debate. We stressed the need to maintain a comprehensive definition of security to include respect for human rights and commitment to democratic governance and,

while not opposing further work, defended the NATO Alliance which some believe the Russian proposal intends to undercut. There was also considerable criticism of Russia's actions against neighboring Georgia in 2008, with considerable opposition to any attempt to legitimize this action in any new security talks.

As the Winter Meeting came to a close, Representative MOORE took the floor during debate on gender issues to announce her intention to introduce a resolution on the issue of maternal mortality, calling for action to reduce the number of women around the world and especially in developing countries who die due to the lack of medical care in response to complications associated with pregnancy and childbirth. A Greek presentation on piracy as a new security threat and presentations on Kazakhstan's preparations to chair the OSCE in 2010, rounded out the closing issues of the meeting.

In addition to the sessions of the Winter Meeting, the congressional delegation was briefed by the OSCE Parliamentary Assembly Secretary General, Spencer Oliver of the United States, and by the Chargé d'Affaires of the U.S. Mission to the OSCE, Kyle Scott. The delegation had bilateral sessions with OSCE Chair-in-Office Bakoyannis and numerous OSCE officials.

The U.S. delegation also held a lengthy bilateral session with the Russian delegation, during which dialogue between the U.S. Congress and the Russian Duma, among other issues, was discussed. While we do not agree on many issues, we did firmly agree on the importance of continued dialogue.

By all accounts, the Winter Meeting was 2 days of robust debate, and the U.S. Delegation was an active part of that debate, engaging European friends and allies on a variety of issues of importance to the United States. I want to thank my colleagues for the active participation throughout the trip.

At the invitation of the Government of Slovakia, I traveled the very short distance from Vienna to Slovakia's capital, Bratislava. My other colleagues remained in Vienna actively engaged in the work of the assembly discussed above.

Immediately upon arrival in Bratislava, I had a substantive and lengthy discussion with Foreign Minister Miroslav Lajčák. As the Minister had taken office just 2 weeks prior to our arrival, I had the privilege of being the first Member of Congress to meet with him in this capacity. Our wide-ranging discussion touched on the global economic crisis, the Middle East peace process, the situation in the Balkans—the Minister was recently the EU Special Representative for Bosnia and Herzegovina—anti-Semitism, and the plight of Slovakia's Roma population.

Following that meeting, Keith Eddins, the U.S. Chargé d'Affaires, hosted a lunch with leading academics and NGO leaders to discuss current events in Slovakia and the state of U.S.-Slovak relations. After lunch, I met with the chief rabbi and the lay leadership of Slovakia's Jewish community. Finally, before heading back to Vienna, I met with a cross-section of Slovakia's Roma community. As Europe's largest ethnic minority group, the Roma have been victims of some of postwar Europe's greatest discrimination. Congress's attention to issues of importance to this community has been inadequate in the past, but I hope to see that change in the future.

The U.S. House and Senate should both take great pride in the unique ability of the Helsinki Commission to represent the views and values of our country abroad, something which I, as chairman, intend to continue at future OSCE Parliamentary Assembly gatherings, including the Annual Session which convenes in Vilnius, Lithuania, in June and July of this year.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fellow Idahoans, the high cost of gas is taking its toll on my family as well. I have very little money left after driving to work and paying rent and insurance, to buy food. After everything is all paid for, I do not have any money to stash away for a rainy day. However, Senator Crapo and others are letting us down and trying to give us simple answers. I have spent countless hours researching alternative technologies for transportation as well as power. Senator Crapo and our other elected officials want to tell us the simple way is to drill for more oil. According to government scientists, drilling in ANWR will not actually have an impact for five

years if we started drilling tomorrow, and it would only lower gas prices by 1 cent and make no mistake when they say domestic drilling this is what they mean. They want to open more nuclear power plants but nobody wants to take the nuclear waste and Senator Crapo has no problem leaving it in Idaho for us to deal with the nuclear waste of the world!!!! And Senator Crapo has no plans for the waste!! Search the MYT engine; it is a great new technology that just disappeared because oil companies do not want that technology out there. Our elected officials are not working for us and they are stuck in the mindset of oil as the only alternative. I demand and so should you that NASA stops wasting our money going to Mars and INL stops wasting money studying nuclear power and works on a way to make solar power and wind power more efficient. Solar thermal is a new type of solar power that is more efficient than solar panels and produces more electricity. Wind power is great and I see more windmills going up all around Idaho. The truth is the technology and the know how are out there, but our elected officials are stuck in the mindset of oil, coal, and nuclear and not willing to look at alternatives; demand that they think outside the box.

STEVEN.

I appreciate your emails and asking how the energy problem is affecting me and my family. I also hope you still have your integrity and that you honestly do what is right for America. In the 1990s, you were my Aunt's attorney in fixing her estate before and after she died. She was very impressed with you and thought you were an honest man. Please do not let us down.

I am a retired/disabled police officer. I am on an income that is pretty much fixed, but my wife is still working though she is 66 years old, and we are both on Medicare and Medicare Part D. I also take care of my 82-year-old father who lives 30 miles from me and he is also on a fixed income. I have to drive that distance two to three times a week to take care of him. We have a small car, but the prices are getting unbearable. We have cut back on most trips to the store and to take care of my dad. We are still doing okay, but the fear of the unknown grows constantly within us. I wish Congress would get off feeling animals (e.g., caribou) are more important than people. The environmental thing has just gone too far. I believe in taking care of the things that God has charged us with, but the citizens of this country are important, too.

We are constantly fearful of Congress doing away with Medicare and Medicare Part D. Please do the right thing and make this country something proud to live in again.

CLIFF.

Many changes have come about in our life as a result of the high gas prices.

1. Our planned 7,000 mile summer trip with our grandchildren has been scaled back to 500 miles.

2. We do not eat out, and non-essential foods have been cut from our food budget.

3. We must combine our shopping trips to the mall, grocery stores, library, doctor appointments etc. in order to conserve.

4. Our fixed income budget demands that we limit family birthday and special occasion gifts.

5. We never drive our 2005 diesel powered pickup—it costs over \$200 to fill the tank—no money for that.

6. We are grateful that we can grow a garden and that we have economical public

transportation that is available to use in getting to some locations in our city.

7. Retirement, which was quite comfortable for several years, is no longer comfortable—we must watch every penny.

Thank you for allowing us to vent. We must go after the resources within our borders and become energy independent!

JACK and PATRICIA, *Pocatello*.

I e-mailed John Boehner and Bill Sali regarding the idea of a new contract with America. I think we need it badly. I recommend it be called "The Freedom Contract with America." Specifically, it could contain the following:

(1) Freedom from foreign oil and high gas and diesel prices—bring up a vote for the "All of the Above" energy bill of the Republicans.

(2) Freedom from high taxes—bring up a vote to make the tax cuts of 2003 permanent.

(3) Freedom from any more illegal immigration—draft, debate, and vote on a plan to complete the securing of our borders and deal with the existing illegal immigrants in this country.

That is it. Three items that would resonate with the American public. Pledge to bring these up for a vote in the first 100 days if a Republican majority is elected to Congress. The left-wing media and the Democrats would mock it and call it desperation. It does not matter. Take a risk. What do we have to lose?

Anyway, I just wanted to mention to you this thought.

DAVID.

You asked for stories on how high gas prices are affecting people's lives. I provide occupational therapy home health services to children with behavioral, cognitive, sensory, and/or physical impairments that affect the development of skills for functional living. I live in southeast Idaho, and we have a shortage of therapists. These high prices are affecting how many clients and which clients I can see. I tend to see the clients in the more rural or hard to get areas. I now pay \$250-\$350 a month in gas, and only see that going up. This is going to affect whether some families receive the services they so desperately need. It may end up being that only those close to town get services.

We have been spoiled as a nation to consume, consume, throw away, and use more energy that affects global warming than all the other nations put together. They are used to paying higher rates, we are not. I understand that; I just want it to somehow be affordable. I do not want to have to change jobs as I love the one I have! I do not think the idea of adding a tax will help as the oil companies will just pass that on to us, the consumers. I think they do need to pay their full income tax (especially since they have been making billions). Nor do I think drilling in the Arctic refuge areas is the answer either—I would rather use someone else's oil as long as possible. I think the answer is in energy alternatives. Electric cars/solar cars have been around since the 1960s—however oil and big money kept the companies from further developing those as a priority. Well, the time is now. Develop incentives and cash breaks for people to buy, try, or rent electric, solar, or hybrid type of vehicles. These need to be developed and made available to consumers at reasonable rates. It is the everyday person that needs those types of vehicles, not just those in the higher income brackets. Possibly offer higher reimbursement consideration at tax time for mileage

usage. (i.e.; instead of 46.5 cents per mile, it may need to be 60 cents per mile)

Please, find a way for us to be able to continue to keep our jobs, buy our groceries, have the occasional vacation, and to provide services to those in need.

AJ.

I wrote an email to you recently about the effects of the energy crisis. My son, living in Alaska, has a different perspective that is well taken. Please consider his position, explained in his e-mail below.

CHERYL.

I have a different view of the gas "crisis." I personally am glad that gas prices are increasing and oppose any type of increased harvest of fossil fuels in Alaska. There is a large amount of stored energy beneath the soil in Alaska but it is finite. Once it is used . . . it is just that. The locations of the proposed drill sites in Alaska are remote. Of course the infrastructure to support the harvest can easily be constructed but who will pay for that? We will. I think in today's economy it is unrealistic to ever expect much of a decrease in gas prices. The oil companies are not going to ever give up their profits for the benefit of the general public, regardless of where they drill. It is like a drug dealer luring his addicts in little by little. Pretty soon we are hooked and feel that we cannot survive without it. We as the American public like the addict have become lazy and see no way to survive without "getting more." In rehab they used the old cliché, "Insanity is continually doing the same thing and expecting different results." We the consumer, like the drug addict, have the power to change our present situation. God has blessed us with the faculties to adapt to change and develop solutions to our problems. The recent energy crisis in Juneau is a good example.

In May, an avalanche destroyed the power line responsible for transporting electrical power from a hydro-electric power plant to Juneau. Diesel generators were used to produce energy for the city of over 30,000 people while repairs could be made. The power company announced that the cost of repairs would result in an increase to the consumer of 500% per kilowatt hour. Neither business nor resident had ever planned on such a drastic and sudden increase. What were we to do? What we did was listen to people who had studied and prepared for such things. Most had previously been touted as, "extreme left wing environmentalists." However, now their experience, ingenuity, advice, and insight was publicized in local newspapers and radio shows. Flyers were sent out in the mail with suggestions on how to go about daily life while drastically cutting power consumption. What happened in the face of financial disaster? We listened, took the direction and embraced change. It was extremely difficult at first, and somewhat bizarre. Million dollar homes had clothes drying on lines in the front yard. Grocery stores and businesses turned off the lights and the neon signs that line the streets. People stopped watching televisions in the evening. We took either fewer showers or cold ones to eliminate the need for water heaters. Meals were prepared for ahead of time and planned so that the use of ovens and microwaves decreased. We bought fewer groceries to eliminate the need for a second refrigerator. We used blankets rather than run the electric furnace. I wore my clothes to 3 and 4 times before washing, unless they became soiled to an unsightly point. The re-

sult was an overall decrease in power consumption by the entire city of over 30%.

The power company took note of that immediately. AEL&P (the power company) had originally planned on taking three months to complete the repairs. That would have resulted in the 500% cost increase to last twelve months. Instead, in large part due to the drastic decrease in energy consumption, AEL&P decided it would be in their best interest to return things back to normal ASAP. The repairs were made in one month with the increase lasting only three months. Guess what? Even though our supply is back, people took note and are still working to conserve. At first everyone panicked, and felt that it was a hopeless situation. Some of the meter readers even got beat up by the residents of the metered houses they read. Those idiots are still addicted to their lazy way of life, and are the ones who are asking the government for help to pay their power bills. Those who were not resistant to change are now on to a better, freer way of life. We do have a choice. That is the American way.

In my opinion it is no different than the message taught by the church in its admonition to store food and supplies. The Boy Scout motto is "Be Prepared." I personally think we should take it to heart and be prepared for anything. I for one do not want to be dependent on anyone . . . especially a for profit corporation that makes billions of dollars in profit each quarter.

In Alaska, the oil and mining industries lobby Native American villages and corporations (which own the land) to support their cause. They pay poor communities big bucks to have their citizens do TV and radio spots in support of the company's agenda. They capitalize on the poverty of the people to help them sell their cause, all in the effort of making another dollar. I guess it could be seen as an even trade until the resource is used up, the people who have been dependent on the money from that resource abandoned and the executives of the oil company sitting on top of a fat fortune.

I do not mind paying more money for gasoline right now because I see it as a catalyst for change. I can choose whether or not to purchase the gas. I live about 15 miles from work. It takes me just under an hour to ride my mountain bike one way. I get fit, have time to think, breath fresh clean air, and do not use gasoline. FYI . . . gas just hit 4.75 here and is expected to top \$5.00 by the end of the week. They're telling us that September will be even worse with prices topping \$6.00.

I live in Alaska. We have the greatest stores of fossil fuels in the country. We also pay more to use those fuels than most places in the country. I am not at all in favor of harvesting the natural resources here, and defacing the last unspoiled place in our country to foster the laziness of the rest of the country. Forget about gas prices. Buy a bike, turn off the television, work in the garden, do more manual labor. Supply meets demand. Demand less and the supply will be greater. Produce more the demand will continue to increase . . . just like dope.

This is just my opinion. I wish all of you could experience Alaska. Not the cruise ship, guided hunt/fishing trip Alaska. Come spend some quiet time with me in the woods where you know that when you walk five miles into the brush, you will not come across another soul walking upright on two legs. I hope this letter did not offend any of you. I will not apologize for my feelings but hope I have remained tactful in expressing them.

SHANE.

You requested a couple of paragraphs about how we are affected by high energy prices so I am responding. My husband and I retired to Kamiah in 1991. We really liked the small community and being close to outdoor activities. Since then, our property taxes have tripled. The town is now considered a retirement community (according to our insurance company), so car insurance has gone up. Every time our Social Security gets a cost of living raise, then Medicare takes most of it.

If we need to buy some reasonably priced clothing or other items, we have to drive 70 miles (one way) to Lewiston. So, it is costing us \$20 plus to go shopping for necessities. Yes, there are towns approximately 30 miles, but on a fixed income the price of clothing and other essentials prevents us from shopping in these towns. The gas stations in this town have finally settled down to the national average, but they were charging 10 cents higher than the national average.

We can no longer afford to go to Lewiston for a nice dinner to celebrate a birthday or special occasion. I do hope you can do something. If nothing else, make sure that Social Security gives us a cost of living raise at the start of next year that includes the high price of gas and groceries, and that Medicare does not take it away.

MARILYN.

The high cost of energy has made me realize that the problems will not be solved by the government. This national crisis has been identified as coming for 30 years with little or nothing to fix it, and most of the time laws are passed that aggravate the energy problem.

Homeowner associations prevent modifications to homes in developments to add solar or wind energy generation appliances to "preserve property values". New housing development companies disregard plot alignment that prompt use of solar energy. Every few developers build homes this smart home technology installed that has been available for 20 years. The added cost of smart home technology would be a tiny fraction of an added cost at construction time and a major cost to retrofit but would pay back in 5 years or less in energy savings when utilized. "Passive Annual Heat Storage" is a technology that would have a major impact on energy savings but will never see any support because it leaves the money saved in the pocket of the homeowner and does not go to some alternate energy conglomerate.

I have personally drawn a circle on the map around my house and anything within one mile I walk to. Anything within three miles I bicycle to and if I have to drive I plan at least three stops or I wait until I have three stops. Any family member that do have to drive are hunting for jobs closer to home and we phone relay to have any one going by a store pick up thing needed so a trip home from work can pick up for a number of family member.

PERRY.

I am writing you this e-mail because of the gas prices. I am a single mom of three boys, and I work a full time job. These three or four years I have not had to get help from the state and was able to make it on my own without the help from the state. But now that the gas prices keep going up I might have to get that help again, just to be able to feed my boys. Life right now is getting too hard when I have to my choice of making sure that I can provide the food for my boys or put gas in my car. So that I can get to

work every day and it has been hard. Plus I think that these gas prices are wrong for the amount we are having to pay, but if we do not pay that amount then we do not have a job and no money to buy food and etc. Something needs to be done and stop the gas prices from going up any more so we as Americans can make it. So please help us.

FELICIA.

#### ADDITIONAL STATEMENTS

##### COMMENDING KAMEHAMEHA SCHOOLS—HAWAII

• Mr. AKAKA. Mr. President, I congratulate the Kamehameha Schools—Hawaii Athletic Department and coaching staff for winning the Positive Coaching Alliance's, PCA, coveted Honoring the Game Award of 2009. The mission of the PCA is to foster a "positive, character-building youth sports environment." The award goes to schools or organizations serving athletes of high school age or younger that embody PCA principles in using sports to teach life lessons. Honoring the Game Award winners will be recognized at the Eighth Annual National Youth Sports Awards Ceremony at Stanford University's Maples Pavilion on April 24, 2009. This year Kamehameha was one of three schools selected to receive this award and the only school noted for multiple sports programs.

I wish to acknowledge Kamehameha Schools—Hawaii's vision, commitment, and diligent efforts to create and uphold a positive athletic environment for its students, coaches, and fans. Kamehameha is the first PCA-partnered school in the State of Hawaii, and it requires all leaders, coaches, parents, and students who want to participate in the school's athletics programs to attend PCA workshops to be eligible. Additionally, it has integrated the school principle of pu'uhonua—sanctuary—into the 22-sport athletics program, ensuring appropriate behavior toward referees and other visitors. I wish to acknowledge all members of the Kamehameha Schools—Hawaii Athletic Department on their noteworthy accomplishment. I wish to give special recognition to athletic director Bob Wagner, headmaster Stan Fortuna, and school principal Ninia Aldrich.

However, this sort of large scale effort cannot be done without the cooperation and support of all of the student-athletes and their families. I commend the entire Kamehameha Schools—Hawaii community for their initiative and understanding in establishing the high level of sportsmanship and respect that has earned this award.

I encourage these coaches and students to continue their dedication to teamwork, character-building and positivity that helps the young athletes of today become the model citizens of tomorrow. I wish nothing but the best for the students, their families, and their

coaches and wish them and the athletic program continued success in future endeavors.●

##### TRIBUTE TO TESSA SHUMWAY

• Mr. BAUCUS. Mr. President, I would like to recognize Tessa Shumway of Terry, MT—this year's winner of the National Disaster Response Preparedness Award from the American Red Cross. Tessa is from Terry, a small town in eastern Montana.

In Montana, we are proud of our open spaces, of our outdoor heritage and our rural landscape. We didn't get the title "Big Sky Country" by filling our land with skyscrapers or high rises or byways. We are hard working, quiet people with the grit to build our lives on some of the most beautiful and rugged land on Earth. We are Montanans.

Of course, living in Montana's rural communities can create some challenges. For folks in places like Ismay or Brockaway, when disaster strikes, the nearest help may be miles away. And that is where Tessa Shumway comes in. Tessa is the face of the Red Cross across 10 counties in eastern Montana. Her territory is larger than the entire State of Indiana.

She is on call 24 hours a day, every day of the week. She is the local disaster chair, disaster instructor, preparedness trainer, volunteer recruiter and statewide disaster committee co-chair. In addition to all this, Tessa holds a regular day job as a bartender at the American Legion in Terry.

Tessa received the Disaster Response Preparedness Award not only for her years spent helping the folks of eastern Montana, but also for the new volunteers and Red Cross workers she has trained. It is impossible to know how many lives she has touched, how many people she has helped, simply by passing her knowledge on to others.

I would like to congratulate Tessa, her husband Zane and two children, Josh and Katrina—as well as the folks of Terry, who have a true hero in their community.

March of 2009 was a difficult month for Montanans. Several tragedies shook our State, from a deadly explosion in Bozeman to the tragic plane crash in Butte. Montana's Red Cross stepped up to help folks recover and rebuild. Tessa herself was on hand to help victims of the fire in Miles City and find shelter for folks displaced by dangerous winter storms.

I believe service is one of the most honorable things a person can do. Whether it is service to one's community, State or country—service is the most noble of all human endeavors. That is why I would like to recognize Tessa Shumway as a Montana hero—a woman who has given so much of herself to her neighbors and to the people of our State. We are lucky to have her under the Big Sky and I am proud to call her a fellow Montanan.●

# TRIBUTE TO PATRICK J. FINNERAN JR.

• Mr. BOND. Mr. President, I wish to honor a fine Missourian, Patrick J. Finneran, Jr., for his distinguished career as well as his record of community activism.

In 1967, Pat graduated from the University of Notre Dame, where he was an ROTC cadet. Upon graduation he was commissioned a second lieutenant in the U.S. Marines and reported to the Officers Basic School. Following successful completion of naval flight officer training, Pat was ordered to Vietnam for combat duty with the First Marine Air Wing.

Having served his country honorably, Pat departed from the U.S. Marine Corps in 1987, with the rank of lieutenant colonel. Though leaving the military, Pat remained involved in national defense. He joined the McDonnell Douglas Corporation, which eventually became the Boeing Company, as manager of business development for the AV-8 Harrier Program and later rose to become the president of Boeing's Support Systems Division, Integrated Defense Systems.

Aside from his professional career, Pat has served the State of Missouri and the Nation as a respected citizen. His love of country has shown itself in Pat's two sons, one a Marine Corps major and another with the Alcohol, Tobacco and Firearms agency.

Pat will retire from Boeing on April 1 of this year. From his honorable service as a lieutenant colonel in the U.S. Marine Corps to his current post with the Boeing Company, Patrick Finneran, Jr. has always worked to inspire those around him with a sense of duty and pride in their country.

I thank Pat and his family for their service to our Nation, and I wish them all the best in their future endeavors.●

## REMEMBERING RON SILVER

• Mr. LIEBERMAN. Mr. President, on March 18, the lights were dimmed by theatres on Broadway in tribute to a talented actor and a passionate patriot. Ron Silver's life was cut short by cancer and, as a result, America lost an individual who was not just a marvelous entertainer, but an engaged and active citizen.

I was proud and privileged to call Ron Silver my friend. Everyone who knew Ron was impressed by his intelligence, his humor, and his passion. He was not the distant celebrity, but rather he was a man of humility who possessed great talent.

Ron's acting ability was recognized in 1988 when he won a Tony Award for his performance in the play "Speed-the-Flow." He was known to millions of Americans for his roles on television in "Rhoda" and more recently as the political operative in the "West Wing."

Ron's had a deep and abiding love for America. He took the responsibilities

of citizenship very seriously and he was active in the public square. Ron was one of the cofounders of the Creative Coalition that advocated for support for the arts. As Ron once said, "I'm an actor by calling but an activist by inclination."

I believe that Ron was a political liberal in the best and truest sense of the term. In the aftermath of the 9/11 attack, Ron recognized that our progressive values and our national security were most threatened by the forces of radical Islamic extremism. He became an eloquent and effective advocate in winning the war on terror and defending our values and country.

Some said Ron Silver changed his political orientation. In reality, he was entirely consistent in his belief that we can never be complacent when the values we cherish are under attack whether at home or abroad.

Although Ron had political differences with some of his old friends, it rarely affected their friendships. He understood that people of good faith could have political differences and still get along. That dynamic is reflected in some of the tributes that I have included at the conclusion of my remarks. We can all learn from Ron's example.

Ron Silver was a passionate patriot who entertained us, moved us and made us think. My prayers and wishes are with his family and many friends. He was an original and will be sorely missed.●

## HONORING ENCHANTMENT WEDDING SERVICES

• Ms. SNOWE. Mr. President, today I wish to recognize Enchantment Wedding Services, a small business in my home State of Maine that is led by an innovative and caring entrepreneur who is using her talents to lighten the burden for those struggling with breast cancer.

Enchantment Wedding Services is the brainchild of Ellie Bowie, a notary public who has been officiating wedding ceremonies for over a decade. She recently opened a shop on Main Street in Lisbon Falls, where she began selling wedding gowns, in addition to offering wedding services. Aside from its dresses, Enchantment Weddings sells tiaras, gloves, and veils, and Ms. Bowie hopes to soon carry bridesmaid dresses at her shop. Enchantment Weddings purchases both new and vintage wedding gowns from the Making Memories Foundation, a group that focuses on granting the wishes of terminal breast cancer patients, as well as providing education about the disease and resources available to these patients. The dresses are all elegant Victorian or Edwardian styles, many of which were donated to the organization by high-end bridal boutiques nationwide.

Committed to helping the Making Memories Foundation in its efforts,

Ms. Bowie returns 5 percent of the price of each gown's sale to the Brides Against Breast Cancer program, an initiative of the Making Memories Foundation that raises money to help breast cancer patients and their families. She was inspired to engage in this partnership by her grandmother, a breast cancer survivor who lived to be 96, as well as a close friend's mother who is fighting the disease.

What makes Ms. Bowie's business all the more impressive is that it is, in essence, her second job. Ms. Bowie works fulltime for a local trucking company, and operates Enchantment Weddings during evenings and weekends. Ms. Bowie's commitment to her business is remarkable, and her passion for making a difference in the lives of the hundreds of thousands suffering with this disease is nothing short of inspiring.

Mr. President, too many women and men will find out this year that they have breast cancer. But fortunately for them, our country has people like Ellie Bowie, who will ensure that America's greatest strengths—its benevolent nature and kindhearted spirit—never fade. I thank Ms. Bowie for her thoughtful, creative, and compassionate efforts, and wish her and her business the best of success.●

## MESSAGE FROM THE HOUSE

At 12:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 151. An act to establish the Daniel Webster Congressional Clerkship Program.

H.R. 577. An act to establish a grant program to provide vision care to children, and for other purposes.

H.R. 838. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

H.R. 985. An act to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

H.R. 1029. An act to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes.

H.R. 1253. An act to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable.

H.R. 1259. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

H.R. 1299. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.



The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 54. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that pursuant to section 13101 of Public Law 111-5, and the order of the House of January 6, 2009, the Republican Leader appoints the following member on the part of the House of Representatives to the HIT Policy Committee: Mrs. Gayle Harrell of Stuart, Florida.

The message also announced that pursuant to 10 U.S.C. 6968(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. RUPPERSBERGER of Maryland, Mr. CUMMINGS of Maryland, Mr. KLINE of Minnesota, and Mr. FRELINGHUYSEN of New Jersey.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 151. An act to establish the Daniel Webster Congressional Clerkship Program; to the Committee on Rules and Administration.

H.R. 577. An act to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 838. An act to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

H.R. 985. An act to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

H.R. 1029. An act to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes; to the Committee on the Judiciary.

H.R. 1253. An act to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1259. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1299. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; to the Committee on Rules and Administration.

#### MEASURES DISCHARGED

The following bill was discharged from the Committee on the Judiciary by unanimous consent, and referred as indicated.

S. 718. A bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*James N. Miller, Jr., of Virginia, to be Deputy Under Secretary of Defense for Policy.

\*Alexander Vershbow, of the District of Columbia, to be an Assistant Secretary of Defense.

\*Ashton B. Carter, of Massachusetts, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

Air Force nomination of Maj. Gen. Michael C. Gould, to be Lieutenant General.

Air Force nomination of Col. Debra A. Scullary, to be Brigadier General.

Air Force nominations beginning with Brigadier General Roger A. Binder and ending with Brigadier General Paul M. Van Sickle, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2009.

Air Force nominations beginning with Colonel William B. Binger and ending with Colonel George F. Williams, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2009.

Army nomination of Brig. Gen. Vincent K. Brooks, to be Major General.

Army nominations beginning with Brig. Gen. James K. Gilman and ending with Brig. Gen. Philip Volpe, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2009.

Army nominations beginning with Col. William B. Gamble and ending with Col. Richard W. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2009.

Marine Corps nominations beginning with Col. Paul W. Brier and ending with Col. Frans J. Coetzee, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 2009.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Kathy L. Fullerton, to be Major.

Air Force nominations beginning with Emil B. Kabban and ending with Stephen H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with Brian D. Anderson and ending with Margaret M. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with Mark T. Allison and ending with Philip T. Wold, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with Tina M. Barbermatthew and ending with Regan J. Patrick, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with James J. Baldock IV and ending with Brenda L. Yi, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with Lisa L. Adams and ending with Richard J. Zavadil, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nominations beginning with Ariel O. Acebal and ending with Steven M. Zubowicz, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Air Force nomination of Jonathon V. Lammers, to be Lieutenant Colonel.

Air Force nominations beginning with Gary A. Foskey and ending with Connie L. Warr, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Air Force nominations beginning with Bryson D. Borg and ending with Dexter W. Love, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Air Force nominations beginning with George B. Gosting and ending with Joseph S. Park, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Richard D. Baker and ending with Gregory B. York, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Jeffrey L. Andrus and ending with Rose M. Wojcik, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Federico C. Aquino, Jr. and ending with Junko Yamamoto, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Joselita M. Abeleda and ending with Gabriel Zimmerer, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Thomas J. Bauer and ending with Stacey E. Zaikoski, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Amanda J. Adams and ending with Don L. Zust, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Air Force nominations beginning with Xavier A. Nguyen and ending with Jennifer A. Tay, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2009.

Air Force nominations beginning with John M. Beene II and ending with Elizaebth

N. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2009.

Air Force nomination of Ryan G. McPherson, to be Major.

Air Force nomination of Mark J. Ivey, to be Colonel.

Air Force nominations beginning with Christopher B. Bennett and ending with David J. Western, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nomination of Peter C. Gould, to be Colonel.

Army nomination of Garrett S. Yee, to be Colonel.

Army nominations beginning with Roy L. Bourne and ending with Stanley W. Sheftall, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Army nomination of Frank Rodriguez, Jr., to be Colonel.

Army nomination of Edward E. Turski, to be Colonel.

Army nomination of Joseph R. Krupa, to be Major.

Army nomination of Kathleen P. Naiman, to be Major.

Army nominations beginning with Juan G. Esteva and ending with Thomas E. Starr, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Robert F. Donnelly and ending with Angelica Reyes, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Richard H. Dahlgren and ending with David A. Stills, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Julie S. Akiyama and ending with Andrew L. Hagemaster, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Michael L. Nippert and ending with John K. Goertmiller, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Martin L. Badegian and ending with Mark J. Hodd, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Debra H. Burton and ending with Lee D. Schnell, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Paul P. Bryant and ending with Christopher R. Ward, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Robert J. Abbott and ending with Patrick J. Woolsey, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Vanessa A. Berry and ending with Scott F. Young, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Efren E. Recto and ending with William A. Wolkstein, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Suzanne D. Adkinson and ending with Brandon S. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Army nominations beginning with Thomas M. Carden, Jr. and ending with Anthony Woods, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Army nomination of Laura K. Lester, to be Major.

Army nomination of Brigitte Belanger, to be Major.

Army nomination of Mitzi A. Rivera, to be Major.

Army nomination of Catherine B. Evans, to be Major.

Army nomination of Victor G. Kelly, to be Major.

Army nomination of Ryan T. Choate, to be Major.

Army nominations beginning with Rafael A. Cabrera and ending with Carl J. Tadaki, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2009.

Army nominations beginning with Robert A. Borcharding and ending with Michael C. Wong, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 2009.

Army nomination of Victor J. Torres-Fernandez, to be Major.

Army nominations beginning with Joseph Angerer and ending with Matthew J. Yandura, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nominations beginning with Ted R. Bates and ending with Peter M. Menicucci, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nominations beginning with John M. Diaz and ending with Lavore L. Richmond, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nominations beginning with Luisa Santiago and ending with Yevgeny S. Vindman, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nominations beginning with Randall W. Cowell and ending with Daniel M. Zerby, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Army nominations beginning with Albert J. Adkinson and ending with William E. Wynns, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Marine Corps nominations beginning with David G. Antonik and ending with Steven D. Peterson, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Marine Corps nominations beginning with Kelly P. Alexander and ending with Anthonie R. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Marine Corps nominations beginning with Derek M. Abbey and ending with Robert B. Zwayer, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Marine Corps nominations beginning with Harald Aagaard and ending with Mark W. Zipsie, which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2009.

Navy nomination of Scott D. Shiver, to be Captain.

Navy nominations beginning with Steven A. Khalil and ending with David B. Rosenberg, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Navy nomination of Miguel Gonzalez, to be Captain.

Navy nomination of David M. Dromsky, to be Commander.

Navy nomination of Jed R. Espiritu, to be Lieutenant Commander.

Navy nominations beginning with Charles C. Adkison and ending with Tricia L. Teas, which nominations were received by the Senate and appeared in the Congressional Record on February 23, 2009.

Navy nominations beginning with Gregory G. Galyo and ending with Oliver C. Minimo, which nominations were received by the Senate and appeared in the Congressional Record on March 10, 2009.

Navy nominations beginning with Christopher G. Cunningham and ending with Christopher A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

Navy nominations beginning with Janet L. Jackson and ending with Todd M. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on March 25, 2009.

By Mrs. BOXER for the Committee on Environment and Public Works.

\*Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

\*Jane Holl Lute, of New York, to be Deputy Secretary of Homeland Security.

\*John Berry, of the District of Columbia, to be Director of the Office of Personnel Management for a term of four years.

By Ms. LANDRIEU for the Committee on Small Business and Entrepreneurship.

\*Karen Gordon Mills, of Maine, to be Administrator of the Small Business Administration.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 758. A bill to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Mr. BENNETT, Mr. UDALL of New Mexico, Mr. KYL, and Mr. HATCH):

S. 759. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

By Mrs. MCCASKILL (for herself and Mr. BOND):

S. 760. A bill to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the "National World War I Memorial"; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mrs. MCCASKILL):

S. 761. A bill to establish the World War I Centennial Commission to ensure a suitable observance of the centennial of World War I, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 762. A bill to promote fire safe communities and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN:

S. 763. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN:

S. 764. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to increase the maximum amount of assistance to individuals and households; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. ROBERTS, Mr. BAYH, Mr. CRAPO, Mr. JOHANNES, and Mr. LUGAR):

S. 765. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 766. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipeline transportation utility systems in non-wilderness areas within the boundary of Denali National Park and Preserve; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself, Mr. DURBIN, Mr. KENNEDY, and Mr. CASEY):

S. 767. A bill to amend the Public Health Service Act to provide grants or contracts for prescription drug education and outreach for healthcare providers and their patients; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. BOND, Mr. INOUE, Mr. KERRY, Mr. LEVIN, Mr. UDALL of Colorado, and Ms. LANDRIEU):

S. 768. A bill to grant the Congressional Gold Medal to the soldiers from the United States who were prisoners of war at Bataan during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. WHITEHOUSE, Ms. STABENOW, and Mrs. FEINSTEIN):

S. 769. A bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 770. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the Medicare program, the Medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 771. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself, Mrs. BOXER, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. SPECTER, Mr. BROWNBACK, Ms. MURKOWSKI, Mrs. MCCASKILL, and Mr. SCHUMER):

S. 772. A bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. NELSON of Florida):

S. 773. A bill to ensure the continued free flow of commerce within the United States and with its global trading partners through secure cyber communications, to provide for the continued development and exploitation of the Internet and intranet communications for such purposes, to provide for the development of a cadre of information technology specialists to improve and maintain effective cybersecurity defenses against disruption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN (for himself and Mr. VOINOVICH):

S. 774. A bill to enhance the energy security of the United States by diversifying energy sources for onroad transport, increasing the supply of energy resources, and strengthening energy infrastructure, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. LEAHY, and Mr. BOND):

S. 775. A bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes; to the Committee on Armed Services.

By Mr. CASEY (for himself, Mr. WICKER, and Mr. MARTINEZ):

S. 776. A bill to assist in creating substantive culture change in long-term residential care by establishing a small house nursing home loan program to provide for the establishment, renovation, and construction of small house nursing homes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself, Ms. SNOWE, and Mrs. MURRAY):

S. 777. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. NELSON of Florida):

S. 778. A bill to establish, within the Executive Office of the President, the Office of National Cybersecurity Advisor; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG:

S. 779. A bill to amend titles 23 and 49, United States Code, to modify provisions re-

lating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself, Mr. CORNYN, Mr. MARTINEZ, and Mr. DODD):

S. 780. A bill to amend the Andean Trade Preference Act to add Paraguay to the list of countries that are eligible to be designated as beneficiary countries and ATPDEA beneficiary countries; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER:

S. Res. 97. A resolution designating June 1, 2009, as "Collector Car Appreciation Day" and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. Con. Res. 16. A concurrent resolution expressing the sense of the Senate that the President of the United States should exercise his constitutional authority to pardon posthumously John Arthur "Jack" Johnson for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 262

At the request of Mr. CASEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 262, a bill to improve and enhance the operations of the reserve components of the Armed Forces, to improve mobilization and demobilization processes for members of the reserve components of the Armed Forces, and for other purposes.

S. 307

At the request of Mr. WYDEN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 400

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 400, a bill to expand the authority and responsibilities of the Oversight Panel of the Troubled Asset Relief Program, and for other purposes.

S. 408

At the request of Mr. INOUE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 408, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 427

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 427, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Idaho (Mr. RISCHE) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 491

At the request of Mr. WEBB, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 526

At the request of Mrs. MCCASKILL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 526, a bill to provide in personam jurisdiction in civil actions against contractors of the United States Government performing contracts abroad with respect to serious bodily injuries of members of the Armed Forces, civilian employees of the United States Government, and United States citizen employees of companies performing work for the United States Government in connection with contractor activities, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who

have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 615

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 615, a bill to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

S. 642

At the request of Mr. BAYH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 642, a bill to require the Secretary of Defense to establish registries of members and former members of the Armed Forces exposed in the line of duty to occupational and environmental health chemical hazards, to amend title 38, United States Code, to provide health care to veterans exposed to such hazards, and for other purposes.

S. 670

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 670, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 683

At the request of Mr. HARKIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 714

At the request of Mr. WEBB, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 714, a bill to establish the National Criminal Justice Commission.

S. CON. RES. 14

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 9

At the request of Mr. DURBIN, his name was added as a cosponsor of S.

Res. 9, a resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 730

At the request of Mr. REID, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Florida (Mr. MARTINEZ) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 730 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 732

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 732 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 735

At the request of Mr. JOHANNES, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 735 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 744

At the request of Mr. INHOFE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 744 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

AMENDMENT NO. 759

At the request of Mr. BENNETT, the name of the Senator from Utah (Mr.

HATCH) was added as a cosponsor of amendment No. 759 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 762

At the request of Mr. ISAKSON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 762 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 763

At the request of Mr. LIEBERMAN, the names of the Senator from California (Mrs. BOXER), the Senator from Texas (Mr. CORNYN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 763 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 763 proposed to S. Con. Res. 13, *supra*.

## AMENDMENT NO. 765

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 765 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 774

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 774 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 775

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 775 proposed to S. Con. Res. 13, an original concurrent resolu-

tion setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 776

At the request of Mrs. SHAHEEN, the names of the Senator from Delaware (Mr. KAUFMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of amendment No. 776 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 783

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of amendment No. 783 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 788

At the request of Mr. BARRASSO, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 788 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 792

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 792 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 793

At the request of Mr. KYL, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 793 proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010,

revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 794

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 794 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 795

At the request of Mr. PRYOR, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 795 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## AMENDMENT NO. 799

At the request of Mr. BENNETT, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 799 intended to be proposed to S. Con. Res. 13, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. BENNETT, Mr. UDALL of New Mexico, Mr. KYL, and Mr. HATCH):

S. 759. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my distinguished colleagues Senators BENNETT, UDALL, KYL, and HATCH to introduce the Indian School Bus Route Safety Reauthorization Act of 2009. This bill continues an important Federal program begun in 1998 that addresses a unique problem with the roads in and around the nation's single largest Indian reservation and the neighboring counties. Through this program, Navajo children who had been prevented from getting to school by roads that were often impassable are

now traveling safely to and from their schools. Because of the unusual nature of this situation, I believe it must continue to be addressed at the Federal level.

I would like to begin with some statistics on this unique problem and why I believe a Federal solution continues to be necessary. The Navajo Nation is by far the Nation's largest Indian Reservation, covering 25,000 square miles. Portions of the Navajo Nation are in three states: Arizona, New Mexico, and Utah. No other reservation comes anywhere close to the size of Navajo. To give you an idea of its size, the State of West Virginia is about 24,000 square miles. In fact, 10 States are smaller in size than the Navajo reservation.

According to the Bureau of Indian Affairs, about 9,700 miles of public roads serve the Navajo nation. Only about one-third of these roads are paved. The remaining 6,500 miles, 67 percent, are dirt roads. Every day school buses use nearly all of these roads to transport Navajo children to and from school.

About 6,200 miles of the roads on the Navajo reservation are BIA roads, and about 3,300 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads are considered part of the Federal Indian Reservation Road System. However, only BIA and tribal roads are eligible for Federal maintenance funding from BIA. Moreover, construction funding and improvement funding from the Federal Lands Highways Program in SAFETEA is generally applied only to BIA or tribal roads. Thus, the States and counties are responsible for maintenance and improvement of their 2,500 miles of roads that serve the reservation.

The counties in the 3 States that include the Navajo reservation are simply not in a position to maintain all of the roads on the reservation that carry children to and from school. Nearly all of the land area in these counties is under Federal or tribal jurisdiction.

For example, in my State of New Mexico,  $\frac{3}{4}$  of McKinley County is either tribal or Federal land, including BLM, Forest Service, and military land. The Indian land area alone comprises 61 percent of McKinley County. Consequently, the county can draw upon only a very limited tax base as a source of revenue for maintenance purposes. Of the nearly 600 miles of county-maintained roads in McKinley County, 512 miles serve Indian land.

In San Juan County, Utah, the Navajo Nation comprises 40 percent of the land area. The county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four pre-schools.

The situation is similar in neighboring San Juan County, New Mexico, and Apache, Navajo, and Coconino Counties, Arizona. In light of the counties' limited resources, I do believe the Federal Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation.

Families living in and around the reservation are no different from families anywhere else; their children are entitled to the same opportunity to get to school safely and to get a good education. However, the many miles of unpaved and deficient roads on the reservation are frequently impassable, especially when they are wet, muddy or snowy. If the school buses do not get through, the kids simply cannot get to school.

These children are literally being left behind.

Because of the vast size of the Navajo reservation, the cost of maintaining the county roads used by the school buses is more than the counties can bear without Federal assistance. I believe it is essential that the Federal Government help these counties deal with this one-of-a-kind situation.

In response to this unique situation, in 1998 Congress began providing direct annual funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. In 2005, the program was reauthorized in SAFETEA through 2009. Under this provision, \$1.8 million is made available each year to be shared equally among the three states. The funding is provided directly to the counties in Arizona, New Mexico, and Utah that contain the Navajo reservation. I want to be very clear: these Federal funds can be used only on roads that are located within or that lead to the reservation, that are on the State or county maintenance system, and that are used by school buses.

This program has been very successful. For the last 12 years, the counties have used the annual funding to help maintain the routes used by school buses to carry children to school and to Headstart programs. I have had an opportunity to see firsthand the importance of this funding when I rode in a school bus over some of the roads that are maintained using funds from this program.

The bill I am introducing today provides a simple 6-year reauthorization of that program, for fiscal years 2010 through 2015, with a modest increase in the annual funding to allow for inflation and for additional roads to be maintained in each of the 3 States.

I believe that continuing this program for 6 more years is fully justified because of the vast area of the Navajo reservation by far the nation's largest and the unique nature of this need that only the Federal Government can deal with effectively.

I do not believe any child wanting to get to and from school should have to risk or tolerate unsafe roads. Kids today, particularly in rural and remote areas, face enough barriers to getting a good education. The Senate already passed this legislation last year. I ask all Senators to join me again this year in assuring that Navajo schoolchildren at least have a chance to get to school safely and get an education.

I look forward to working with Chairman BOXER and Ranking Member INHOFE of the Environment and Public Works Committee, and Chairman BAUCUS and Ranking Member VOINOVICH of the Transportation and Infrastructure Subcommittee, to incorporate this legislation once again into the comprehensive 6-year reauthorization of the surface transportation programs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 759

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian School Bus Route Safety Reauthorization Act of 2009".

#### SEC. 2. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206; 119 Stat. 1460) is amended by striking "\$1,800,000 for each of fiscal years 2005 through 2009" and inserting "\$2,000,000 for each of fiscal years 2010 through 2015".

Mr. BENNETT of Utah. Mr. President, I am pleased to join my colleagues Senators BINGAMAN, HATCH, UDALL of New Mexico and KYL as we introduce the Indian School Bus Route Safety Reauthorization Act of 2009. This legislation reauthorizes an important program that has served the Navajo Nation and specifically Navajo children since 1998. The funding provided in this program is used exclusively to maintain roads that provide bus routes for Navajo children. Two thirds of the 9,700 miles of the Navajo public roads are unpaved, dirt roads. Many of these roads are traveled everyday by children heading to school on the bus. When the rough rains and snows of winter hit, the deficient roads are frequently impassable. Damage caused by winds and rains can create huge holes and gullies that often make the roads unfit for a school bus even in good weather!

This program was started in 1998 to ensure the local governments, working in partnership with the Navajo, are able to maintain the roads and ensure the school bus routes are usable and in good condition. Before children can learn at school, they have to get to school! Congress answered the urgent call for help by providing direct funding to the counties that contain the



Navajo reservation to help ensure that children on the reservation can get to and from their public schools. This program was reauthorized in SAFETEA-LU in 2005 and we urge our colleagues in the Senate to join us in supporting this important project again in 2009.

This bill provides for \$2 million annually to be shared equally among Arizona, New Mexico and Utah. The funding goes directly to the counties that contain the Navajo reservation. These funds can only be used on roads that are located within or that lead to the reservation and that are used by school buses.

I want to take a moment and pay tribute to San Juan County, UT. San Juan County has done a commendable job of working with their Navajo neighbors to ensure a strong working relationship and to truly serve the Navajo members of their community. The Navajo Nation comprises 40 percent of the San Juan County land area and the county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four pre-schools. The funds reauthorized in this bill will allow San Juan County to continue their commitment to ensuring busses can reach the students and thus the students will be safely transported to school.

I am proud to again bring this authorization before the Senate and I look forward to working with my colleagues here and in the House to ensure that this important measure is included in the upcoming transportation authorization. I thank my colleague Mr. BINGAMAN for his strong work on this legislation and look forward to working closely with him as well as Chairman BOXER and Ranking Member INHOFE of the Environment and Public Works Committee, and Chairman BAUCUS and Ranking Member VOINOVICH of the Transportation and Infrastructure Subcommittee to ensure that this legislation is again included in the comprehensive 6-year transportation reauthorization.

By Mrs. FEINSTEIN:

S. 762. A bill to promote fire safe communities and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a series of bills, S. 762, S. 763, and S. 764, designed to better prepare for catastrophic wildfires like the ones that recently devastated Southwestern Australia and that have plagued much of our country for years.

California has seen unprecedented devastation from wildfires in the last 5 years.

Over 10,000 families have lost their homes.

Over 4 million acres have been burned.

In 2007, wildfires in Southern California caused the evacuation of an estimated 750,000 people—the largest evacuation in California history.

In these fires alone, more than a million acres burned, and more than 2,000 homes were destroyed.

These fires killed nine people, and injured 130. Mostly firefighters.

The financial damage is estimated to be in the billions.

Simply put, this was a disaster of epic proportions.

It was not the first. Southern California suffered similar wildfire losses just 5 years ago.

We must face the fact that catastrophic wildfires are in California's future, and the future of other States.

Experts predict that things are only going to get worse in the years to come.

Global warming, extended droughts, dangerous invasive species outbreaks, and years of poor forest and fuel management have all contributed to the explosive conditions that we now face.

The reality is that California and much of the West is tinder-dry. Fires are larger, and they burn hotter and with more intensity.

In early February we saw the tragic consequences of catastrophic wildfire in Australia. Two hundred are dead, a million acres burned, and whole communities were wiped out in a matter of hours.

Here in the U.S. we face that very same possibility, and we must do everything we can to stop a similar tragedy from devastating our neighborhoods.

The problem is that more and more people are living in areas at high risk of wildfire. There are more than 5 million homes in California alone in this high-threat "wildland-urban interface." Across the rest of the country, there are nearly 40 million more homes located in the wildland urban interface.

So the question comes: What can be done?

There is no doubt that we cannot fully eliminate wildfires.

But I believe that we can take steps now to better protect communities, to improve firefighting capabilities, and to improve relief and recovery aid.

The three bills that I am introducing today will get this process started. They are the Fire Safe Communities Act, which would establish new incentives for communities at risk of wildfires to adopt responsible building codes and mitigation practices.

The Mortgage and Rental Disaster Relief Act, to make sure that qualified individuals, displaced by major disasters, are able to make their mortgage and rental payments.

The Disaster Rebuilding Assistance Act, to increase the amount of federal dollars available to homeowners whose

rebuilding costs outstrip their insurance coverage.

The Fire Safe Communities Act will help protect our communities from the catastrophic effects of wildfires.

Most importantly, it does three key things.

It gives incentives to local communities that have adopted responsible fire-mitigation plans by allowing for greater federal reimbursement of firefighting costs during major fires.

It creates a grant program to encourage responsible development practices that meet wildland-urban interface code guidelines.

It allows for the Department of the Interior and the Department of Agriculture to collaboratively work on mitigation projects that will protect homes on State and private lands.

In effect, the Federal Government would become the partner of local governments as they seek to make their communities fire-safe.

As I have said, we can never stop wildfires. But we can take important steps to make these fires less destructive.

This bill starts with the first step, by putting a reliable, unambiguous definition to "Fire Safe" communities.

Current Wildland fire codes, such as those produced by the International Code Council and the National Fire Protection Association, compile a comprehensive set of best practices that can be adopted by communities that are looking to protect themselves from fire damage. If properly implemented, these codes can greatly improve the fire resistance of these communities and their residents.

The fire code guidelines address water supply, construction materials and techniques, defensible space, vegetation management, and infrastructure standards.

The target mitigation measures in fire codes have been proven to be effective. Firefighter groups, insurance companies, and blue ribbon panels have all come to the same conclusions. It is time that we take their advice and start making this important investment.

The bill authorizes a \$25 million per year grant program, administered by the Federal Emergency Management Agency's, FEMA, Office of Grants, and Training.

It will help communities implement these standards, and bring the safest development practices to their neighborhoods.

This grant program will be available to local governments located in the wildland-urban interface, and to high-threat regions that have adopted—or plan to adopt—these responsible firesafe measures.

As further incentive, this bill makes the existing Fire Management Assistance Grants program contingent on the implementation of Firesafe codes, standards and ordinances.

Today under the Fire Management Assistance Grant program, the federal government covers 75 percent of the cost of fighting wildfires.

Under this bill, communities that adopt the firesafe codes would be eligible for Federal reimbursement of up to 90 percent of their firefighting costs.

It is important to note that firesafe building codes, standards and ordinances are not mandatory. The Federal Government should not be in the business of telling local governments how and where to build their buildings.

Instead these are voluntary codes; communities can choose to adopt, or not to adopt, at their discretion.

The bill does not step on the toes of local government. Rather, helps all of us reach a common goal.

I come from local government—I am 9 years a mayor, 9 years a county supervisor—and I recognize that zoning is the province of local government.

But we have a real problem here: We know that development in the wildland-urban interface is accelerating, and it is making fires more costly.

We need to take steps to improve fire safety in these areas.

This bill is an important step toward becoming better prepared.

Now I want to discuss two bills intended to improve recovery aid after disaster strikes.

The Mortgage and Rental Disaster Relief Act will provide much-needed relief to working families hit hard by disasters.

It would authorize FEMA to make mortgage and rental assistance available for qualified individuals in communities designated as disaster areas by the President under the Stafford Act.

It is based on an important point: While catastrophic wildfires and other disasters can destroy homes, they don't relieve people of the financial obligations that come with home ownership or lease agreements.

In most cases, these payments must still be made, even if the residence has been wiped out.

This burden is too much for many working families. They incur additional expenses—such as hotel or lodging costs—that come with being displaced following a major disaster.

FEMA used to provide mortgage and rental assistance. But these types of assistance were eliminated by the Disaster Mitigation Act of 2000.

This bill would re-authorize the program, and make several changes to ensure that assistance is provided only to those most in need.

First, to qualify for assistance applicants must demonstrate that they face significant economic hardships and suffered disaster-related income loss.

The disaster-related income loss must fit into one of the following categories: your employer, or your own

business, must be located in the area declared a major disaster by the President; you lose your job because your employer or business has a significant business relationship with a company located within the Presidentially declared disaster area; or you live in a Presidentially declared disaster area, and have suffered financially due to travel restrictions and road closures post-disaster.

To qualify for this aid, applicants must also provide proof that their employment was discontinued as a result of disaster.

They must also show imminent delinquency, eviction, dispossession, or foreclosure.

Finally, this assistance is available only for up to 18 months, and is subject to income caps.

Only households with adjusted gross incomes of \$100,000 or less, in high-cost states such as California, would be eligible.

Households in lower-cost States could be eligible if their annual adjusted gross incomes do not exceed \$75,000.

In today's market conditions, the federal government needs to make sure that we do everything we can to help families stay in their homes.

The Mortgage and Rental Assistance Act will prevent foreclosures in disaster areas by helping families make their payments on time. Given the state of the housing market, this bill is of the utmost importance and I urge my colleagues to support this legislation.

The Disaster Rebuilding Assistance Act would increase the amount of money FEMA can provide—for rebuilding and temporary housing—in high-cost states such as California.

It is designed to help disaster victims whose rebuilding costs exceed their insurance coverage. Or for low income earners who have no insurance.

Sadly, many Californians hit by wildfires or other disasters learn too late that their insurance coverage is insufficient.

This is a real problem in California. In fact, California Insurance Commissioner Steve Poizner estimates that as many as 25 percent of the victims of the 2007 wildfires were underinsured.

Let me be clear: this bill will not cover the full costs of rebuilding.

But it will help close the gap, for qualified households in areas declared by the President to be disaster areas.

Today, FEMA can provide up to roughly \$28,000 to individuals and households whose rebuilding costs exceed their insurance coverage. This assistance can be used for rebuilding costs, as well as temporary housing.

The Disaster Rebuilding Assistance Act would increase this amount to \$50,000 for individuals who earn less than \$100,000 per year. By increasing the amount of assistance, and tar-

geting the program toward lower-income homeowners, the FEMA Disaster Assistance program will more efficiently help homeowners recover from disasters.

The legislation also gives the President the discretion to increase this cap, if necessary, to cover rebuilding expenses in high-cost states.

I believe this bill will provide an important step toward giving Americans the chance they need to rebuild their lives after suffering through a major disaster.

Catastrophic wildfires are not going away. In fact, the evidence strongly suggests they will occur with greater frequency and ferocity.

But we can take important steps—now—to make our communities safer.

To strengthen our firefighting capabilities.

To ensure that more relief and recovery aid is provided to victims, so they can get back on their feet as soon as possible.

These bills are not a panacea. But they are an important first step. I urge my colleagues to vote for them.

By Ms. MURKOWSKI:

S. 766. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipeline transportation utility systems in non-wilderness areas within the boundary of Denali National Park and Preserve; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that will authorize a right-of-way for Construction of an in-state natural gas pipeline to run along the State's main highway from Fairbanks to Anchorage. This bill would provide a right-of-way for a natural gas pipeline near the shoulder of the Parks Highway for the roughly 7 miles that the highway runs through Denali National Park.

I wish to explain I am introducing the bill now, and why, rather than being an infringement on Alaska's most visited Interior national park, the measure is actually the favored route by many in the environmental community to bring natural gas from the foothills of Alaska's North Slope to Southcentral Alaska.

While many in this body have heard about plans for a large-volume natural gas pipeline to run from the Prudhoe Bay oil fields to the Lower 48—the project for which many in this body voted to approve a loan guarantee, tax credits and permitting improvements in 2004—there is concern that the big pipeline will not be finished in time to get gas to Southcentral Alaska. That is gas that is vital for electric generation in Anchorage, the Mat-Su Borough and Kenai Peninsula. Currently electricity in Alaska's southern Railbelt, as it is called, is often generated by burning natural gas that has been produced

since the 1960s from the gas fields in Cook Inlet, south of Anchorage. But production from Cook Inlet, while the province theoretically holds far more gas, has been falling for years. A major fertilizer plant near Kenai, for example, had to close in 2007 because there was not enough natural gas being produced to allow it to obtain the raw product it needed for urea production.

While there are contract issues involving problems with getting sufficient gas quantities for Railbelt utilities starting as early as next year, there are serious concerns about the ability of the region to produce sufficient gas for electric generation and home heating for Alaska's most populated area as early as 2014.

To provide a new, reliable natural gas supply, one proposal, the so-called "bullet" gas pipeline, is to construct a small diameter natural gas line, 24 inches in size, to run from Alaska's North slope region, pass Fairbanks along the Parks Highway, and terminate near Wasilla, Alaska. This pipeline would tie into existing transmission systems and would bring about 500 million cubic feet of gas a day to Southcentral Alaska. This project would be completed well in advance of when a larger-diameter pipeline might be in service to deliver 4 to 4.5 billion cubic feet a day to Lower 48 markets. Given the pace of planning for construction of the main line, it is unlikely that a larger Alaska natural gas pipeline will be able to deliver gas now until 2018 or 2019, perhaps four or more years too late to aid Southcentral Alaska's growing need for natural gas. Further, any delays in solidifying a new gas supply could permanently end chances to reopen the Agrium fertilizer plant and to continue operations of the Kenai LNG export terminal, both key components of local Kenai Peninsula industry.

There are two potentially competing proposals for a small diameter, in-state gas pipeline. I have just described the "bullet" line proposal. The second proposal is to run a similarly sized pipeline along the Richardson and Glenn Highways to the east, also tying into existing transmission systems near Palmer, Alaska. There are advantages to both routes, the Parks route delivering gas to communities along the Parks Highway and providing clean natural gas to Denali National Park, while the Richardson/Glenn project would help provide economic activity to differing towns, such as Delta and Glennallen to the east.

It is not my desire to prejudge the outcome of which project or route should be selected, since that decision will be made by Alaska state regulators and financial markets. It is my desire, however, to introduce legislation that would clear the lone legal impediment to planning for the Parks route, that being how to get the gas

economically through the mountainous central region of the State past Denali National Park and Preserve.

According to a recent analysis of routing options through this area, there are two feasible routes for a pipeline through or around the roughly 10-mile bottleneck of the Nenana River Canyon and Denali National Park and Preserve. The shortest and most logical route follows the existing highway through this entire area, 7 miles of which passes through Denali National Park. This route causes the least environmental and visual impact due to its location in an existing corridor, and provides a route that is easily accessible for routine pipeline maintenance. The other feasible pipeline route diverts from the highway to stay outside of the national park boundaries, but in so doing skirts across a steep hillside that dominates a park visitor's view to the east. Furthermore, the route that avoids the park will create a new disturbed corridor in a remote location, and will cause pipeline operations and reliability challenges due to the remoteness and the ruggedness of the route. The route that avoids the park is estimated to cost twice as much as the route along the highway and through the park.

Besides being less expensive to construct and operate, the pipeline along the existing, previously disturbed Parks Highway right-of-way, also permits electric generation for the park facilities at Denali to come from natural gas. And for the first time reasonably priced compressed natural gas, CNG, would be available to power park vehicles—another environmental benefit of the Parks Highway route. Currently National Park Service permitted diesel tour buses travel 1 million road miles annually. Converting the buses to operate on CNG would significantly reduce air emissions in the park. A third benefit is that for the pipe to cross the Nenana River, not far from the park's entrance, will require a new bridge to be built that could carry not just the pipe, but provide a new pedestrian access/bicycle path for visitors that today need to walk along the heavily traveled highway rather than on a separated, pedestrian path toward visitors attractions and hotels located just outside of the park's entrance. In all probability the installation work will be conducted in the shoulder seasons to make sure there are no visitor dislocations for tourists visiting the park.

For those reasons and others, a group of eight environmental groups: The National Parks and Conservation Association, the Alaska Conservation Alliance, the Denali Citizens Council, The Wilderness Society, Cook Inlet Keeper, the Alaska Center for the Environment, the Wrangell Mountain Center and the Alaska Wildlife Alliance have formally endorsed the granting of a gas line

right-of-way through Denali Park, along the existing highway right of way.

The granting of a permanent 20-foot easement, and probably a 100-foot construction easement, is not precedent setting. The National Park Service already has granted a permit for an installed fiber-optic cable along the same basic alignment for an Alaska communications company. Obviously the exact right-of-way will have to be delineated to avoid the existing cable and to accommodate park goals, such as routing around a vernal pond viewing area located along the general right-of-way.

I am proposing this bill simply to authorize the right-of-way for a Parks Highway route soon so that the decision on which route is best for the state and its citizens—if the "bullet" line option is chosen—can be made based on greater certainty in the cost estimates for a Parks Highway project. Removing the uncertainty of permitting and regulatory delays will at least permit the Parks Highway route to be on a level playing field with the Richardson and Glenn Highway route when a routing decision is made. Then the decision on which project makes the most sense for all Alaskans can be made without fear that right-of-way acquisition delays could inflate project costs.

If the Parks route is chosen and the project proceeds, then the national park will benefit from the environmental benefits of natural gas and compressed natural gas being available for park activities, cutting air quality concerns, and improving pedestrian access. I truly believe there are no environmental issues with this legislation. I think anyone who has ever traveled on the Parks Highway in Alaska near the park would agree, and I hope it can be considered by Congress relatively soon.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

30 JANUARY 2009.

Re Denali National Park & Preserve Title XI process.

M. COLLEEN STARRING,  
*President, ENSTAR Natural Gas Company, Anchorage AK.*

DEAR MS. STARRING, thank you and your staff for reaching out to the Alaska conservation community early on in your process to obtain permits to build a bullet gas pipeline from either the Foothills or Prudhoe Bay into the existing Southcentral gas pipeline system. In your presentation to us, your identified immediate concern was location of the right-of-way either through or around the Nenana Canyon and Denali National Park & Preserve. We appreciate the two briefings you have provided to the community on the options at Denali.

Based on the information you have provided to us at these two briefings, the apparent logical environmentally preferable

choice for the gas pipeline through Denali National Park & Preserve is the six miles along the Parks Highway. This would seem to make the most sense from both an engineering and an environmental perspective as going around the park would necessitate construction in currently undeveloped lands. While the signers of this letter agree that bringing the gas pipeline along the Parks Highway through Denali seems to be the environmentally preferable alternative, we reserve final judgment until completion of the environmental review.

As mitigation for the pipeline through the park, we were pleased to hear you discuss the opportunity for a pathway constructed atop the pipeline ROW and a new pedestrian bridge across the Nenana River at McKinley Village. We feel this expansion of the existing front-country trail system would be a benefit to park visitors and would link the many visitors at McKinley village into the park entrance area by trail. We strongly encourage continuation of this part of the plan. In addition, we encourage you to work with the Park Service to see if they would benefit from a lateral line into the park to support both the energy needs of the park headquarters complex and also possible use of natural gas for park buses.

Assuming the preferred gas pipeline right-of-way is along the Parks Highway, there will need to be a Title XI review for the six miles through Denali, which we anticipate will be included in your environmental review. Currently the National Park Service is not authorized to issue a right-of-way permit for gas pipelines anywhere in the country, which means final approval of the Title XI permit would need to go to the President and then to Congress. While our preference would be to complete the environmental review and, assuming the Parks Highway route is the best, follow the existing Title XI process, we understand that Enstar is developing legislation to give the National Park Service authority to issue a right-of-way permit for the six miles within Denali IF the environmental review shows it to be the environmentally preferable route.

This would not negate the need for a Title XI review, but it would allow the Park Service to make the decision without any additional review by the administration or Congress. We need to withhold any position on this proposed legislation until we see specific language. In keeping with your pattern of outreach early in the process, we would very much like to be a part of crafting this legislation to ensure that it is specific to this project only and it only provides authority to the Park Service to issue the right-of-way should the environmental review show it is the environmentally preferable alternative.

Furthermore, this letter should not be construed as anything more than an understanding of how to get through the six miles inside the boundaries of Denali National Park & Preserve. There are many unanswered questions about the routing and construction of the pipeline beyond these six miles that remain of interest and concern to many conservation groups in Alaska. We strongly urge you to expand your right-of-way and source of gas discussions with many of these same groups to cover the entire project.

Signed:

JIM STRATTON,  
Alaska Regional Director,  
National Parks Conservation Association.  
KATE TROLL,

Executive Director,  
Alaska Conservation Alliance.

NANCY BALE,  
President, Denali Citizens Council.

ELEANOR HUFFINES,  
Alaska Regional Director  
The Wilderness Society.

TOBY SMITH,  
Executive Director,  
Alaska Center for the Environment.

JEREMY PATAKY,  
Executive Director,  
Wrangell Mountains Center.

BOB SHAVELSON,  
Executive Director  
Cook Inlet Keeper.

JOHN TOPPENBERG,  
Director, Alaska Wildlife Alliance.

By Mr. UDALL, of New Mexico (for himself, Mr. BINGAMAN, Mr. BOND, Mr. INOUE, Mr. KERRY, Mr. LEVIN, Mr. UDALL of Colorado and Ms. LANDRIEU):

S. 768. A bill to grant the Congressional Gold Medal to the soldiers from the United States who were prisoners of war at Bataan during World War II; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce legislation to award the Congressional Gold Medal to some of the bravest soldiers ever to wear this country's uniform—the prisoners of war from the Bataan Death March.

For the thousands of soldiers who were surrendered to enemy forces on April 9, 1942, the years that have passed since have been filled with memories of what occurred that day and in the hundreds of days that followed: starvation, torture, forced work, captivity and death.

But in the 66 years since, the events at Bataan have conjured other ideas for the rest of us: bravery, sacrifice, and an unbreakable demonstration of courage.

“The Battling Bastards of Bataan,” they were christened by Frank Hewlett, one of the last journalists to report on the troops before they were surrendered. For 4 months they fought, battling daily against the enemy, against illness, and against time. And when there was no fight left, when the time for surrender was upon them, they were alone. Neither planes in the skies nor boats in the sea appeared, ready to give the boost of firepower that would turn the tides. Instead, the men at Bataan laid down their weapons and walked into a hell that would last over 3 years.

Many survivors never recovered from their experience. Half died within a few years of returning home. Others lived on in physical and mental pain for the rest of their lives—a daily reminder of the experience they had endured.

But the story of Bataan is not just about surrender or the suffering that followed. By holding off enemy fighters longer than expected, the Bataan forces gave the Allies time to regroup after Pearl Harbor. Their sacrifice allowed Allied commanders to take the fight to the enemy. And they made a future victory possible.

The soldiers of Bataan also gave America something we needed as much as guns or tanks. They gave us an example. Their story inspired American soldiers to fight and committed American commanders to retaking the Pacific. Just as an earlier generation of Americans had remembered the Alamo, our soldiers in World War II remembered Bataan. We should remember it today as a place where America's fighting spirit showed itself to the world.

For those of us from New Mexico, the events at Bataan strike home particularly hard. Eighteen hundred men from New Mexico's 200th and 515th regiments left their homes to fight; half returned. These soldiers earned the honor of being the “first to fire” on the enemy on December 8, 1941—the day after Pearl Harbor. They and their families have spread the story of Bataan to their New Mexico neighbors. We feel the suffering they saw. And we take pride in their heroism.

For six decades, the Western world has enjoyed the freedom that the Bataan veterans helped to win. For six decades, our world has been more peaceful because of the sacrifices they made. And for six decades, those men have not received the honor that is their due.

This failure of memory hits particularly hard because so many of the men who suffered at Bataan were Hispanic. They fought and died in the uniform of a nation that treated them as second class citizens. While in uniform, many faced discrimination if they had Hispanic surnames or were caught speaking Spanish. This legislation will honor American heroes, including those who were asked to sacrifice and then forgotten when the fighting was over.

We must always remember the sacrifice of our soldiers, particularly during times of war. The men and women who risk their lives today must know that America never forgets those who sacrifice in her name. By recognizing the heroes of Bataan, we show our commitment to the heroes of Kabul and Baghdad—and to the heroes of the future.

I thank Senator BOND for joining me as the lead cosponsor of this legislation. His home State of Missouri had hundreds of soldiers at Bataan, including one, John Playter, who passed away recently this year but never stopped telling his story. I also want to thank Senators BINGAMAN, INOUE, LANDRIEU, LEVIN, KERRY, and UDALL for being original cosponsors. I also thank the VFW and AMVETS for their support of this legislation.

I hope you will join them—and so many others—in supporting this legislation.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 770. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote cessation of tobacco use under the Medicare program, the Medicaid program, and the maternal and child health services block grant program; to the Committee on Finance.

Mr. DURBIN. Mr. President, tobacco is responsible for 1 in 5 deaths in the U.S.—that is 438,000 deaths every year. Sadly, another 50,000 Americans die each year from exposure to second hand smoke. Just this year, scientists discovered another danger in “third hand smoke” which describes the chemicals that cling to smokers’ hair and clothing, and linger in cushions and carpeting long after smoke has cleared a room. This residue includes heavy metals, carcinogens and even radioactive materials that young children can get on their hands and ingest, especially if they are crawling or playing on the floor.

Despite the known dangers of tobacco use, more than 45 million adults in the U.S. smoke cigarettes. Approximately 90 percent of those adults started smoking before the age of 14. Every day over 3,500 kids under age 18 try smoking for the first time, and of these, 1,100 will become regular, daily smokers. Between  $\frac{1}{3}$  and  $\frac{1}{2}$  will eventually die as a result of their addiction.

The likelihood of being a smoker varies depending on your ethnicity, socioeconomic status, and even where you live. African-Americans are twice as likely as the general population to smoke, and communities in the South are more likely to be smoker-friendly than other communities in the country. While 22.5 percent of the general adult population in the U.S. currently smokes, the percentage is about 50 percent higher among Medicaid recipients. Thirty-six percent of adults covered by Medicaid smoke.

The costs to our Nation of tobacco use are staggering. Total health costs attributable to tobacco approach \$100 billion annually, and comprise an estimated 14 percent of all Medicaid costs. Our Federal Government pays \$17.6 billion through Medicaid and \$27.4 billion through Medicare for smoking related illnesses. Tobacco use is a leading cause of pregnancy complications, premature birth, and low birth weight.

Despite the fact that nicotine is a highly addictive drug, research has confirmed that smoking cessation strategies that include evidence based counseling and FDA-approved pharmacotherapies are effective. More than 4 in 5 smokers say they want to quit, and each year about 1.3 million smokers do quit. Overcoming an addic-

tion to tobacco is arguably one of the single most important lifestyle changes that a person can make to improve and extend his or her health and life.

Studies have shown that reducing adult smoking through tobacco cessation treatment pays immediate dividends, both in terms of health improvements and cost savings. Shortly after quitting smoking, blood circulation improves, carbon monoxide levels in the blood decrease, the risk of heart attack decreases, lung function and breathing are improved, and coughing decreases. Pregnant women who quit smoking before their second trimester decrease the chances that they will give birth to a low-birth-weight baby. Over the long term, quitting will reduce a person’s risk of heart disease and stroke, improve symptoms of COPD, reduce the risk of developing smoking-caused cancer, and extend life expectancy. Breaking an addiction to nicotine is a very difficult process, and that is why we should make a variety of treatment options available to tobacco users.

I am proud to be joined by my colleagues Senator KENNEDY in introducing the Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2009. This legislation would make it easier for people to access tobacco cessation treatment therapies in three meaningful ways.

First, this bill adds a smoking cessation counseling benefit and coverage of FDA-approved tobacco cessation drugs to Medicare. By 2020, 17 percent of the U.S. population will be 65 years of age or older. It is estimated that Medicare will pay \$800 billion to treat tobacco-related diseases over the next 20 years.

Second, this bill provides coverage for counseling, prescription and non-prescription smoking cessation drugs in the Medicaid program. The bill eliminates the provision in current federal law that allows states to exclude FDA-approved smoking cessation therapies from coverage under Medicaid. Despite the fact that the states have received payments from their successful federal lawsuit against the tobacco industry, less than half the states provide coverage for smoking cessation in their Medicaid program. Even if Medicaid covered cessation products and services exclusively to pregnant women, we would see significant cost savings and health improvements. Children whose mothers smoke during pregnancy are almost twice as likely to develop asthma as those whose mothers did not. Over seven years, reducing smoking prevalence by just one percentage point among pregnant women would prevent 57,200 low birth weight births and save \$572 million in direct medical costs.

Finally, this bill ensures that the Maternal and Child Health Program

recognizes that medications used to promote smoking cessation and the inclusion of anti-tobacco messages in health promotion are considered part of quality maternal and child health services.

As Congress examines more closely the impact of tobacco on our country—considering regulation by the FDA or raising taxes to pay for public health priorities—we must make sure we assist those fighting this deadly addiction. I hope my colleagues will join me in cosponsoring this legislation and taking a stand for the public health of our Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 770

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Medicare, Medicaid, and MCH Tobacco Cessation Promotion Act of 2009”.

#### SEC. 2. MEDICARE COVERAGE OF COUNSELING FOR CESSATION OF TOBACCO USE.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 152(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended—

(1) in subparagraph (DD), by striking “and” at the end;

(2) in subparagraph (EE), by inserting “and” at the end; and

(3) by adding at the end the following new subparagraph:

“(FF) counseling for cessation of tobacco use (as defined in subsection (hhh));”.

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as so amended, is amended by adding at the end the following new subsection:

“(hhh) COUNSELING FOR CESSATION OF TOBACCO USE.—(1)(A) Subject to subparagraph (B), the term ‘counseling for cessation of tobacco use’ means diagnostic, therapy, and counseling services for cessation of tobacco use for individuals who use tobacco products or who are being treated for tobacco use which are furnished—

“(i) by or under the supervision of a physician;

“(ii) by a practitioner described in clause (i), (ii), (iv), (v) or (vi) of section 1842(b)(18)(C); or

“(iii) by a licensed tobacco cessation counselor (as defined in paragraph (2)).

“(B) Such term is limited to—

“(i) services recommended in ‘Treating Tobacco Use and Dependence: A Clinical Practice Guideline’, published by the Public Health Service in May 2008, or any subsequent modification of such Guideline; and

“(ii) such other services that the Secretary recognizes to be effective.

“(2) In this subsection, the term ‘licensed tobacco cessation counselor’ means a tobacco cessation counselor who—

“(A) is licensed as such by the State (or in a State which does not license tobacco cessation counselors as such, is legally authorized to perform the services of a tobacco cessation counselor in the jurisdiction in which the counselor performs such services); and

“(B) meets uniform minimum standards relating to basic knowledge, qualification training, continuing education, and documentation that are established by the Secretary for purposes of this subsection.”.

(C) PAYMENT AND ELIMINATION OF COST-SHARING FOR COUNSELING FOR CESSATION OF TOBACCO USE.—

(1) PAYMENT AND ELIMINATION OF COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking “and” before “(W)”;

(B) by inserting before the semicolon at the end the following: “, and (X) with respect to counseling for cessation of tobacco use (as defined in section 1861(hhh)), the amount paid shall be 100 percent of the lesser of the actual charge for the service or the amount determined by a fee schedule established by the Secretary for purposes of this subparagraph”.

(2) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by striking “and diagnostic mammography” and inserting “, diagnostic mammography, or counseling for cessation of tobacco use (as defined in section 1861(hhh))”.

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking “and” after the semicolon at the end;

(ii) in subparagraph (G)(ii), by striking the comma at the end and inserting “; and”; and

(iii) by inserting after subparagraph (G)(ii) the following new subparagraph:

“(H) with respect to counseling for cessation of tobacco use (as defined in section 1861(hhh)) furnished by an outpatient department of a hospital, the amount determined under paragraph (1)(X).”.

(3) ELIMINATION OF DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(A) by striking “and” before “(9)”;

(B) by inserting before the period the following: “, and (10) such deductible shall not apply with respect to counseling for cessation of tobacco use (as defined in section 1861(hhh))”.

(d) APPLICATION OF LIMITS ON BILLING.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

“(vii) A licensed tobacco cessation counselor (as defined in section 1861(hhh)(2)).”.

(e) INCLUSION AS PART OF INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(ww)(2) of the Social Security Act (42 U.S.C. 1395x(ww)(2)) is amended by adding at the end the following new subparagraph:

“(O) Counseling for cessation of tobacco use (as defined in subsection (hhh)).”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

### SEC. 3. MEDICARE COVERAGE OF TOBACCO CESSATION PHARMACOTHERAPY.

(a) INCLUSION OF TOBACCO CESSATION AGENTS AS COVERED DRUGS.—Section 1860D-2(e)(1) of the Social Security Act (42 U.S.C. 1395w-102(e)(1)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting “; or”;

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) any agent approved by the Food and Drug Administration for purposes of pro-

moting, and when used to promote, tobacco cessation that may be dispensed without a prescription (commonly referred to as an ‘over-the-counter’ drug), but only if such an agent is prescribed by a physician (or other person authorized to prescribe under State law).”.

(b) ESTABLISHMENT OF CATEGORIES AND CLASSES CONSISTING OF TOBACCO CESSATION AGENTS.—Section 1860D-4(b)(3)(C) of the Social Security Act (42 U.S.C. 1395w-104(b)(3)(C)) is amended by adding at the end the following new clause:

“(iv) CATEGORIES AND CLASSES OF TOBACCO CESSATION AGENTS.—There shall be a therapeutic category or class of covered part D drugs consisting of agents approved by the Food and Drug Administration for cessation of tobacco use. Such category or class shall include tobacco cessation agents described in subparagraphs (A) and (C) of section 1860D-2(e)(1).”.

(c) CONFORMING AMENDMENT.—Section 1860D-2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w-102(e)(2)(A)), as amended by section 175 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), is amended by striking “, other than subparagraph (E) of such section (relating to smoking cessation agents).”.

### SEC. 4. PROMOTING CESSATION OF TOBACCO USE UNDER THE MEDICAID PROGRAM.

(a) COVERAGE OF TOBACCO CESSATION COUNSELING SERVICES.—

(1) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) in paragraph (27), by striking “and” after the semicolon at the end;

(B) in paragraph (28), by striking the comma at the end and inserting “; and”; and

(C) by inserting after paragraph (28) the following new paragraph:

“(29) at the option of the State, counseling for cessation of tobacco use (as defined in section 1861(hhh)).”.

(2) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting “or (29)” after “(24)”.

(b) ELIMINATION OF OPTIONAL EXCLUSION FROM MEDICAID PRESCRIPTION DRUG COVERAGE FOR TOBACCO CESSATION MEDICATIONS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively; and

(3) in subparagraph (F) (as redesignated by paragraph (2)), by inserting before the period at the end the following: “, other than agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation”.

(c) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING SERVICES AND MEDICATIONS.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

(1) in subparagraph (D), by striking “or” after the comma at the end;

(2) in subparagraph (E), by striking “; and” and inserting “, or”;

(3) by adding at the end the following new subparagraph:

“(F)(i) counseling for cessation of tobacco use described in section 1905(a)(29); or

“(ii) covered outpatient drugs (as defined in paragraph (2) of section 1927(k), and including nonprescription drugs described in paragraph (4) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation; and”.

(d) INCREASED FMAP FOR TOBACCO CESSATION COUNSELING SERVICES AND MEDICATIONS.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking “and” before “(4)”;

(2) by inserting before the period the following: “, and (5) for purposes of this title, the Federal medical assistance percentage shall be 80 percent with respect to amounts expended as medical assistance for counseling for cessation of tobacco use described in subsection (a)(29) and for covered outpatient drugs (as defined in paragraph (2) of section 1927(k), and including nonprescription drugs described in paragraph (4) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

### SEC. 5. PROMOTING CESSATION OF TOBACCO USE UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) QUALITY MATERNAL AND CHILD HEALTH SERVICES INCLUDES TOBACCO CESSATION COUNSELING AND MEDICATIONS.—Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

“(d) For purposes of this title, quality maternal and child health services include the following:

“(1) Counseling for cessation of tobacco use (as defined in section 1861(hhh)).

“(2) The encouragement of the prescribing and use of agents approved by the Food and Drug Administration for purposes of tobacco cessation.

“(3) The inclusion of messages that discourage tobacco use in health promotion counseling.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

By Mr. DORGAN (for himself and Mr. VOINOVICH):

S. 774. A bill to enhance the energy security of the United States by diversifying energy sources for onroad transport, increasing the supply of energy resources, and strengthening energy infrastructure, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 774

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Energy Security Act of 2009” or the “NESA of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definition of Secretary.

### DIVISION A—TRANSMISSION AND TRANSPORTATION

#### TITLE I—ELECTRICITY TRANSMISSION

Sec. 101. Siting of interstate electric transmission facilities.



Sec. 102. Recovery of costs for smart grid technology and advanced materials.

**TITLE II—TRANSPORTATION SECTOR**  
**Subtitle A—Electrification of Transportation Sector**

Sec. 201. Minimum Federal fleet requirement.  
 Sec. 202. Use of HOV facilities by light-duty plug-in electric drive vehicles.  
 Sec. 203. Recharging infrastructure.  
 Sec. 204. Loan guarantees for advanced battery purchases.  
 Sec. 205. Study of end-of-useful life options for motor vehicle batteries.

**Subtitle B—Medium- and Heavy-Duty Vehicles**

Sec. 211. Maximum weight study.  
 Sec. 212. Fuel economy.

**Subtitle C—Alternative Transportation Technologies**

Sec. 221. Flexible fuel automobiles.  
 Sec. 222. Transportation roadmap study.

**DIVISION B—DOMESTIC PRODUCTION AND WORKFORCE DEVELOPMENT**

**TITLE I—INCREASING SUPPLY**

**Subtitle A—Increasing Production From Domestic Resources**

Sec. 300. Amendment of 1986 Code.

**PART I—INVESTMENT IN RENEWABLE ENERGY**

Sec. 301. Extension of renewable electricity production credit.  
 Sec. 302. Expansion and extension of new clean renewable energy bonds.  
 Sec. 303. Extension of investment tax credit for certain energy property.  
 Sec. 304. Increase in credit for investment in advanced energy facilities.

**PART II—INVESTMENT IN ALTERNATIVE FUEL PROPERTY**

Sec. 311. Extension of credits for alcohol fuels.  
 Sec. 312. Extension of credits for biodiesel and renewable diesel.

**PART III—INVESTMENT IN ELECTRIC DRIVE AND ADVANCED VEHICLES**

Sec. 321. Extension of credit and extension of temporary increase in credit for alternative fuel vehicle refueling property.  
 Sec. 322. Extension and expansion of credit for new qualified plug-in electric drive motor vehicles.  
 Sec. 323. Extension of credit for certain plug-in electric vehicles.  
 Sec. 324. Extension of credit for medium and heavy duty hybrid vehicles.  
 Sec. 325. Credit for heavy duty natural gas vehicles.

**PART IV—LOW CARBON LOAN GUARANTEE PROGRAM**

Sec. 331. Innovative low-carbon loan guarantee programs.

**PART V—INVESTMENT IN ETHANOL**

Sec. 341. Research and development of fungible biofuels.

**PART VI—STUDIES ON MARKET PENETRATION OF RENEWABLE RESOURCES**

Sec. 351. Studies on market penetration of renewable resources.

**Subtitle B—Increasing Production From Fossil Resources**

**PART I—OUTER CONTINENTAL SHELF**

Sec. 361. Inventory of Outer Continental Shelf oil and gas resources.  
 Sec. 362. Leasing of offshore areas estimated to contain commercially recoverable oil or gas resources.

Sec. 363. Environmental stewardship and allowable activities.

Sec. 364. Moratorium of oil and gas leasing in certain areas of the Gulf of Mexico.

Sec. 365. Treatment of revenues.

**PART II—OTHER FOSSIL RESOURCES**

Sec. 371. Authorization of activities and exports involving hydrocarbon resources.

Sec. 372. Travel in connection with authorized hydrocarbon exploration and extraction activities.

Sec. 373. Alaska OCS joint lease and permitting processing office.

Sec. 374. Alaska Natural Gas Pipeline.

**TITLE II—CLEAN ENERGY TECHNOLOGY WORKFORCE DEVELOPMENT**

Sec. 401. Clean energy technology workforce.

**DIVISION C—GLOBAL RISK MANAGEMENT**

Sec. 501. Sense of Congress on geopolitical consequences of oil dependence.

Sec. 502. Study of foreign fuel subsidies.

**SEC. 2. FINDINGS.**

Congress finds that—

(1)(A) high and volatile international oil prices represent an unsustainable threat to the economic and national security of the United States; and

(B) approximately 40 percent of the primary energy demand of the United States is met by petroleum, the price for which is set in a fungible and opaque international market vulnerable to geopolitical instability and increasingly complex barriers to investment;  
 (2)(A) it should be the goal of the United States to reduce the oil intensity (the number of barrels of oil required to generate \$1 of gross domestic product) of the national economy from 2008 levels by at least 50 percent by calendar year 2030 and by at least 80 percent by calendar year 2050; and

(B) reduced oil intensity is a primary means for improving the resilience of the economy to high and volatile international oil prices;

(3) the transportation sector of the United States is critical to breaking the oil dependence of the United States because the transportation sector—

(A) accounts for nearly 70 percent of total national oil consumption;

(B) is 97-percent reliant on petroleum for the delivered energy needs of the sector; and  
 (C) remains an industry of vital national significance and importance;

(4)(A) electrification of short-haul transportation represents a likely pathway to reduced oil dependence;

(B) electrified ground transport—

(i) promotes fuel diversity because the electric power sector uses a diverse range of feedstocks; and  
 (ii) relies on a portfolio of fuels that are largely domestic and have prices that are generally less volatile than oil; and

(C) electricity prices are generally stable relative to oil because the price of fuel in the electric power sector is a small portion of the cost of delivered energy;  
 (5)(A) electrification of transportation will require a more modern, technologically advanced national electric power system that draws on a variety of location-constrained generation sources sited in a range of geographic areas; and

(B) a national transmission system that efficiently delivers power across long distances to load centers should be a high priority;  
 (6)(A) widespread deployment of electric vehicles and supporting infrastructure is a

long-term process that will require a national commitment over many years;

(B) in the interim, steps can be taken to minimize the danger that oil dependence poses to the economic and national security of the United States; and

(C) it is critical to—

(i) support the continued growth of the domestic biofuels industry;

(ii) foster domestic production of conventional fuels for which infrastructure and technology exist; and

(iii) support deployment of additional renewable, cleaner fossil, and nuclear generating capacity for providing the necessary low emissions, reliable, and dispatchable power that is essential for the electricity supply of the United States;

(7)(A) a robust, dynamic, and diverse biofuels industry is an important component of a secure United States liquid fuels system; and

(B) a stable market for biofuels, including widespread deployment of flexible fuel vehicles, can reduce oil consumption as the United States transitions to electrified ground transport;

(8)(A) domestic production of oil and natural gas from the Outer Continental Shelf of the United States is a safe and secure means for increasing energy security in the near-term;

(B) high oil import levels in the United States present an added threat to the economy in addition to general price volatility; and

(C) in 2008, the United States net deficit in petroleum trade amounted to more than \$380,000,000,000, or nearly 60 percent of the total trade deficit;

(9) a highly skilled, well trained, and adaptable workforce is vital to the economic and energy security of the United States; and

(10)(A) addressing the twin challenges of energy security and global climate change now and in the future will require the United States to use all instruments of national power, including the military and diplomatic and intelligence services;

(B) the United States must develop short-term policies and strategies that—

(i) protect key energy infrastructure;

(ii) secure critical geographic transit areas;

(iii) mitigate political instability from energy suppliers; and

(iv) strengthen the domestic industrial base required for the development and widespread implementation of clean energy technologies; and

(C) over the long-term, the United States must focus national security organizations on gaining greater clarity on world reserves of energy and strengthening relationships with certain key nations.

**SEC. 3. DEFINITION OF SECRETARY.**

In this Act, the term “Secretary” means the Secretary of Energy.

**DIVISION A—TRANSMISSION AND TRANSPORTATION**

**TITLE I—ELECTRICITY TRANSMISSION**

**SEC. 101. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.**

Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended—

(1) by striking subsections (a) through (g) and inserting the following:

“(a) **DEFINITIONS.**—In this section:

“(1) **BENEFICIARY.**—The term ‘beneficiary’ means a wholesale or retail customer, market participant, or other entity that benefits from a transmission upgrade, enhancement,

or expansion under a regional transmission plan, including an economic benefit, improvement in service reliability, or reduction in greenhouse gas emissions.

“(2) **CLEAN ENERGY SUPERHIGHWAY.**—The term ‘Clean Energy Superhighway’ means the interstate extra-high voltage transmission grid overlay established under this section.

“(3) **CLEAN ENERGY SUPERHIGHWAY FACILITY.**—The term ‘Clean Energy Superhighway facility’ means an overhead or underground transmission facility of the Clean Energy Superhighway included in a plan certified under subsection (b)(9) (including conductors, cables, towers, manhole duct systems, phase shifting transformers, reactors, capacitors, and any ancillary facilities and equipment necessary for the proper operation of the facility) that—

“(A) operates at or above a voltage of 345 kilovolt alternating current;

“(B) operates at or above a voltage of 400 kilovolts direct current;

“(C) is a renewable feeder line that transmits electricity directly or indirectly to the Clean Energy Superhighway; or

“(D) is a necessary upgrade to an existing transmission facility.

“(4) **GRID-ENABLED VEHICLE.**—The term ‘grid-enabled vehicle’ means an electric drive vehicle, electric hybrid vehicle, or fuel cell vehicle that has the ability to communicate electronically with an electric power provider or localized energy storage system to charge or discharge an on-board energy storage device, such as a battery.

“(5) **INTERCONNECTION.**—The term ‘Interconnection’ has the meaning given the term in section 215(a).

“(6) **LOAD-SERVING ENTITY.**—The term ‘load-serving entity’ means any person, Federal, State, or local agency or instrumentality, public utility, or electric cooperative (including an entity described in section 201(f)) that delivers electric energy to end-use customers.

“(7) **LOCATION-CONSTRAINED RESOURCE.**—

“(A) **IN GENERAL.**—The term ‘location-constrained resource’ means a low-carbon resource used to produce electricity that is geographically constrained such that the resource cannot be relocated to an existing transmission line.

“(B) **INCLUSIONS.**—The term ‘location-constrained resource’ includes the following types of resources described in subparagraph (A):

“(i) Renewable energy.

“(ii) A fossil fuel electricity plant equipped with carbon capture technology that is located at a site that is appropriate for carbon storage or beneficial reuse.

“(8) **RENEWABLE ENERGY.**—The term ‘renewable energy’ means electric energy generated from—

“(A) solar energy, wind, landfill gas, renewable biogas, or geothermal energy;

“(B) new hydroelectric generation capacity achieved from increased efficiency, or an addition of new capacity, at an existing nonhydroelectric project if—

“(i) the hydroelectric project installed on the nonhydroelectric dam—

“(I) is licensed by the Commission; and

“(II) meets all other applicable environmental, licensing, and regulatory requirements, including applicable fish passage requirements;

“(ii) the nonhydroelectric dam—

“(I) was placed in service before the date of enactment of the National Energy Security Act of 2009;

“(II) was operated for flood control, navigation, or water supply purposes; and

“(III) did not produce hydroelectric power as of the date of enactment of the National Energy Security Act of 2009; and

“(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving the environmental quality of the affected waterway, as certified by the Commission;

“(C) hydrokinetic energy, including—

“(i) waves, tides, and currents in oceans, estuaries, and tidal areas;

“(ii) free flowing water in rivers, lakes, and streams;

“(iii) free flowing water in man-made channels, including projects that use non-mechanical structures to accelerate the flow of water for electric power production purposes; or

“(iv) differentials in ocean temperature through ocean thermal energy conversion; or

“(D) electricity that is generated from the combustion of the biogenic portion of municipal solid waste materials from facilities that comply with the maximum pollutant emissions standards established by the Administrator of the Environmental Protection Agency.

“(9) **RENEWABLE FEEDER LINE.**—

“(A) **IN GENERAL.**—The term ‘renewable feeder line’ means an electricity transmission line that—

“(i) operates at or above 100 kilovolts alternating current;

“(ii) connects 1 or more renewable energy generators directly or indirectly to the Clean Energy Superhighway; and

“(iii) is identified in the Clean Energy Superhighway plan certified under subsection (b)(9).

“(B) **INCLUSION.**—The term ‘renewable feeder line’ includes an upgrade to an existing transmission line necessary for interconnection to a new transmission line described in subparagraph (A).

“(10) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Energy.

“(11) **STATE.**—The term ‘State’ means—

“(A) a State; and

“(B) the District of Columbia.

“(b) **PLANNING.**—

“(1) **PURPOSE.**—The purpose of this subsection is to plan for a Clean Energy Superhighway that—

“(A) expands and modernizes the electrical transmission grid of the United States to meet the goals of increasing energy security and protecting the environment;

“(B) integrates location-constrained resources, including renewable and low-carbon electricity generation;

“(C) improves delivery of electricity from location-constrained resources to load centers;

“(D) ensures sufficient transmission capacity for future demand growth, including energy efficiency, distributed generation and storage, and demand response resources;

“(E) integrates smart grid technologies;

“(F) enhances the reliability and efficiency of the electrical transmission grid;

“(G) relieves congestion on the electrical transmission grid;

“(H) plans, to the maximum extent practicable, for at least 50 percent of light-duty vehicles used in the United States by calendar year 2030 to be light-duty grid-enabled vehicles;

“(I) meets any renewable electricity standard established by law; and

“(J) provides the lowest-cost delivered energy to markets.

“(2) **PLANNING REQUIREMENT.**—

“(A) **IN GENERAL.**—

“(i) **REQUIREMENT.**—Not later than 90 days after the date of enactment of the National Energy Security Act of 2009, the Commission shall promulgate regulations consistent with this section for—

“(I) the operation, composition, and selection of the regional planning authorities; and

“(II) the contents of, and certification requirements for, the regional plans produced by regional planning authorities.

“(ii) **REQUIREMENT.**—The Commission shall certify not less than 1, and not more than 4, regional planning authorities for each of the Eastern and Western Interconnections of the United States.

“(iii) **CLEAN ENERGY SUPERHIGHWAY.**—Each regional planning authority certified by the Commission shall participate in the development of the Clean Energy Superhighway.

“(iv) **NUMBER OF REGIONAL PLANNING AUTHORITIES.**—The Commission shall minimize, to the maximum extent practicable, the number of regional planning authorities in the Eastern and Western Interconnections while ensuring that the entire domestic footprint of the Interconnections is covered.

“(B) **CERTIFICATION OF REGIONAL PLANNING AUTHORITIES.**—

“(i) **IN GENERAL.**—To be eligible to be certified as a regional planning authority for a region under this subsection, a regional planning organization shall apply to, and be approved by, the Commission.

“(ii) **REQUEST FOR APPLICATIONS.**—Not later than 90 days after the date of enactment of National Energy Security Act of 2009, the Commission shall issue a request for from entities seeking to be certified as a regional planning authority for the Eastern or Western Interconnection.

“(iii) **ELIGIBILITY.**—

“(I) **IN GENERAL.**—Any group of Regional Transmission Organizations, Independent System Operators, regional entities (as defined in section 215(a)), or other multistate organizations or entities may apply to be certified as a regional planning authority under this subsection.

“(II) **STATE PARTICIPATION.**—An organization that applies for certification under subclause (I) shall invite the Governor or the designee of the Governor from each affected State and a representative from each affected Indian tribe to participate in the organization.

“(III) **MINIMUM SIZE.**—To be certified as a regional planning authority under this subparagraph, an organization shall represent a region that is of sufficient size—

“(aa) to encompass generation resources that are sufficient to meet load requirements in the region, taking into account potential generation from location-constrained resources and projected load growth; and

“(bb) to possess sufficient market scope to produce economic and operational efficiencies.

“(iv) **PLANNING PRINCIPLES.**—The Commission shall establish rules and procedures for the designation of regional planning authorities to ensure that the planning process proposed by an applicant—

“(I) is consistent with the purposes described in paragraph (1);

“(II) is open, transparent, and nondiscriminatory;

“(III) includes consultation with all affected Federal land management agencies, Indian tribes, and States within a region;

“(IV) builds on planning undertaken by States, Indian tribes, Federal transmitting utilities, Regional Transmission Organizations, Independent System Operators, utilities, and others;

“(V) is developed in conformance with Commission requirements for planning using open access transmission tariffs;

“(VI) solicits input from load-serving and wholesale entities, transmission owners and operators, renewable energy developers, environmental organizations, Indian tribes, and other interested parties;

“(VII) includes an interim process to evaluate expeditiously whether new renewable feeder lines should be added to the plan; and

“(VIII) uses the best available information on resources, load, and demand projections.

“(v) CERTIFICATION.—

“(I) IN GENERAL.—Except as provided in subclauses (II) and (III), not later than 90 days after the date on which the Commission issues a request for applications under clause (ii), the Commission shall certify at least 1 regional planning authority for each of the Eastern and Western Interconnections.

“(II) INSUFFICIENT APPLICATION.—Subclause (I) shall not apply if the Commission—

“(aa) has not received an application from any entity in the applicable Interconnection; or

“(bb) has received applications from entities that do not satisfy the criteria established by the Commission for a regional planning authority.

“(III) COMMISSION RESPONSIBILITY.—If the Commission does not receive sufficient applications as described in subclause (II) for any portion of an Interconnection, the Commission shall—

“(aa) assume the responsibilities of a regional planning authority for the uncovered portion of the Interconnection; and

“(bb) submit to Congress written notification of an intent to assume responsibility under this subclause at least 30 days before the date that responsibility is assumed.

“(C) OVERSIGHT OF REGIONAL PLANNING AUTHORITIES.—The Commission shall establish procedures to oversee certified regional planning authorities under this subsection.

“(3) DUTIES OF SECRETARY.—

“(A) RESOURCE ASSESSMENTS.—

“(i) IN GENERAL.—The Secretary shall conduct nationwide assessments to identify areas with a significant potential for the development of location-constrained resources.

“(ii) FORMATS.—The resource assessments shall be made available to the public in multiple formats, including in a Geographical Information System compatible format.

“(iii) TIMING.—The Secretary shall—

“(i) make the initial resource assessment required under this subparagraph not later than 180 days after the date of enactment of the National Energy Security Act of 2009; and

“(ii) refine the resource assessment on a regular basis that is consistent with regional planning cycles.

“(B) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to regional planning authorities, on request, to assist the authorities in carrying out this section.

“(C) CONGESTION STUDIES.—

“(i) IN GENERAL.—The Secretary shall conduct or update a study of electric transmission congestion and report the results of the study to certified regional planning authorities to assist the authorities in carrying out this section.

“(ii) RECENT STUDY.—The Secretary shall ensure that a congestion study that is not

more than 2 years old is available at the time regional planning authorities are certified by the Commission.

“(iii) UPDATES.—The Secretary shall update a congestion study at least once every 2 years, consistent with the planning cycle.

“(4) PLANNING PROCESS.—

“(A) IN GENERAL.—Once certified, a regional planning authority shall establish a regional or Interconnection-wide Clean Energy Superhighway plan that—

“(i) meets the purposes of this subsection; and

“(ii) identifies necessary Clean Energy Superhighway facilities and transmission infrastructure that need to be added or upgraded to achieve the planned Clean Energy Superhighway.

“(B) STAKEHOLDER INVOLVEMENT.—

“(i) IN GENERAL.—In carrying out this section, a regional planning authority shall establish a consultative public process that, to the maximum extent practicable, engages regional stakeholders, including—

“(I) public service commissions and other relevant State agencies;

“(II) load-serving entities and wholesale entities that provide transmission and power supply services;

“(III) representatives of the retail customers of the load-serving entities;

“(IV) transmission owners and operators;

“(V) utilities and merchant generators;

“(VI) renewable energy developers;

“(VII) environmental organizations;

“(VIII) Indian tribes;

“(IX) Federal land use agencies; and

“(X) other interested parties.

“(ii) CRITERIA.—A regional planning authority shall encourage stakeholders, to the maximum extent practicable, to provide input to establish criteria based on paragraphs (1) and (2)(B)(iv) to create a Clean Energy Superhighway plan.

“(iii) PUBLIC MEETINGS.—A regional planning authority shall provide notice and hold public meetings to solicit public input in carrying out this subsection.

“(5) PLANNING.—Not later than 1 year after the certification of a regional planning authority under this subsection, the certified regional planning authority shall submit to the Commission for approval a Clean Energy Superhighway plan that—

“(A) evaluates potential location-constrained resources;

“(B) provides for long-term planning for both the 10 year- and 20 year-horizons, that takes into account future demand growth and reasonable models of future generation growth, including energy efficiency, demand response, and distributed storage and generation;

“(C) establishes (in consultation with Federal and State land agencies, environmental groups, and Indian tribes) appropriate areas to be avoided in siting of Clean Energy Superhighway facilities, to the maximum extent practicable, including—

“(i) national parks, national marine sanctuaries, reserves, recreation areas, and other similar units of the National Park System;

“(ii) designated wilderness, designated wilderness study areas, and other areas managed for wilderness characteristics;

“(iii) national historic sites and historic parks;

“(iv) inventoried roadless areas and significant noninventoried roadless areas within the National Forest System;

“(v) national monuments;

“(vi) national conservation areas;

“(vii) national wildlife refuges and areas of critical environmental concern;

“(viii) national historic and national scenic trails;

“(ix) areas designated as critical habitat;

“(x) national wild, scenic, and recreational rivers;

“(xi) any area in which Federal law prohibits energy development; and

“(xii) any area in which applicable State law or Indian tribal code enacted prior to the date of enactment of the National Energy Security Act of 2009 prohibits transmission development;

“(D) identifies the transmission infrastructure to be included as Clean Energy Superhighway facilities, taking into consideration—

“(i) that, to the maximum extent practicable—

“(I) areas with the potential for the development of location-constrained resources shall be connected to the Clean Energy Superhighway;

“(II) load centers shall be connected to the Clean Energy Superhighway; and

“(III) areas in subparagraph (C) shall be avoided by the Clean Energy Superhighway; and

“(ii) all other relevant factors;

“(E) performs necessary engineering analyses;

“(F) permits persons to propose to the regional planning authority Clean Energy Superhighway facilities to meet the needs identified in the long-term plan of the regional planning authority; and

“(G) considers staging of projects, including the logical order of building and construction timelines.

“(6) ALLOWANCE OF WAIVERS FOR CERTAIN LINES.—A regional planning authority may petition the Commission to allow the inclusion of 230 kilovolt lines in an approved plan if the regional planning authority demonstrates to the Commission that unique regional conditions exist that require a lower voltage line.

“(7) MULTIPLE REGIONAL PLANNING AUTHORITIES.—

“(A) IN GENERAL.—If more than 1 regional planning authority is certified in an Interconnection, the regional planning authorities in the Interconnection shall ensure that the submitted plan integrates with the other plans in the Interconnection.

“(B) MODIFICATION.—The Commission shall modify the plans submitted under paragraph (9)(B), as necessary, to ensure that plans established under this section are integrated.

“(8) COORDINATION.—In the development of a Clean Energy Superhighway plan, a regional planning authority shall coordinate, as appropriate, with planning authorities and other interested parties in Canada, Mexico, the Electric Reliability Council of Texas, and other Interconnections.

“(9) NATIONAL PLAN CERTIFICATION.—

“(A) IN GENERAL.—The Commission shall determine whether the plans submitted by the regional planning authorities under this subsection carry out the purposes of this section.

“(B) ADMINISTRATION.—

“(i) PUBLIC COMMENT.—The Commission shall provide an opportunity for public comment on each plan submitted by a regional planning authority.

“(ii) MODIFICATIONS.—

“(I) IN GENERAL.—The Commission may modify or reject a plan as necessary to achieve the purposes of this section.

“(II) OPINION.—If the Commission modifies or rejects a plan, not later than 60 days after the date the plan is submitted by the regional planning authority, the Commission

shall provide a written opinion to the regional planning authority that contains the facts and reasons supporting the action of the Commission.

“(iii) RESUBMISSION.—Subject to paragraph (10)(A)(iii), if the Commission rejects a plan, the regional planning authority may submit a revised plan within 90 days of the Commission’s rejection.

“(iv) CERTIFICATION.—If the Commission determines that a plan meets the purposes of this section, the Commission shall certify the plan for establishing a Clean Energy Superhighway.

“(10) BEST PRACTICES.—The Commission shall—

“(A) conduct regular reviews of best practices in planning under this subsection; and

“(B) make available and use those best practices in carrying out this subsection.

“(11) TIMING.—

“(A) IMPLEMENTATION.—

“(i) IN GENERAL.—Not later than 1 year after the date of certification by the Commission, a regional planning authority shall complete the planning process required under this section.

“(ii) WITHHOLDING OF PLANNING FUNDS.—If the Commission has not received a plan from a regional planning authority by the date that is 1 year after the date of the certification of the regional planning authority by the Commission, the Commission shall—

“(I) determine the cause for the delay; and

“(II) inform the Secretary, who may withhold future planning funds from the regional planning authority under this subsection, if the Commission determines that the process of the regional planning authority is not sufficiently implementing this subsection.

“(iii) ASSUMPTION OF PLANNING RESPONSIBILITY.—If the Commission has not certified the regional plan for a region by the date that is 18 months after the date of the certification of the regional planning authority by the Commission, the Commission shall assume the responsibility for creating a regional plan for the region consistent with the planning process established under paragraph (4).

“(iv) NOTIFICATION.—The Commission shall submit to Congress written notification of an intent to assume responsibility under clause (iii) at least 30 days before the date that responsibility is assumed.

“(B) UPDATES.—Not later than 2 years after the initial establishment of a plan under this section and every 2 years thereafter, a regional planning authority shall (in accordance with procedures required for the initial establishment of a plan) review and (as necessary) modify the plan established under this section to ensure that the plan promotes the purposes of this section.

“(12) RECOVERY OF COSTS ASSOCIATED WITH INTERCONNECTION-WIDE TRANSMISSION GRID PROJECT PLANNING.—

“(A) IN GENERAL.—A regional planning authority and a participating State shall be permitted to recover prudently incurred costs to carry out the planning activities required under this subsection pursuant to a Federal transmission surcharge that will be established by the Commission for the purposes of carrying out this section.

“(B) SURCHARGE.—A regional planning authority shall—

“(i) establish a Federal transmission surcharge based on a formula rate that is submitted to the Commission for approval; and

“(ii) adjust the formula and surcharge on an annual basis.

“(C) COST RESPONSIBILITY.—Cost responsibility under each surcharge shall be assigned

based on energy usage to all load-serving entities within each regional planning authority.

“(D) LIMITATION.—The total amount of surcharges that may be imposed or collected nationally under this paragraph shall not exceed \$80,000,000 for any calendar year.

“(E) OTHER FUNDS.—Funds made available for transmission planning under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) may be used to carry out this subsection.

“(c) COST ALLOCATION.—

“(1) PURPOSES.—The purposes of this subsection are—

“(A) to ensure that the costs of the Clean Energy Superhighway are borne widely by all beneficiaries of new transmission and are not borne disproportionately by ratepayers or generators in specific areas; and

“(B) to promote the national interest in a Clean Energy Superhighway in accordance with the purposes of this part.

“(2) SUBMISSION.—Not later than 1 year after the date of the certification of the last regional planning authority, all regional planning authorities within an Interconnection may submit jointly a single integrated Interconnection-wide cost allocation proposal to the Commission for allocating the costs of Clean Energy Superhighway facilities under this section.

“(3) ACTION BY COMMISSION.—Not later than 120 days after the date of receipt of a cost-allocation plan submitted under paragraph (2), the Commission shall—

“(A) provide notice and an opportunity for a hearing;

“(B) evaluate the plan; and

“(C)(i) approve the plan if the Commission finds that the plan results in just and reasonable rates that promote the purposes of this section (including this subsection); or

“(ii) reject or modify the plan if the Commission finds that the plan does not result in just and reasonable rates that promote the purposes of this section (including this subsection).

“(4) RESUBMISSION OF PLAN.—

“(A) IN GENERAL.—If the Commission rejects the cost allocation plan under paragraph (3)(C)(ii), the Commission shall give guidance to the regional planning authorities on remediation measures.

“(B) RESUBMISSION.—Not later than 90 days after the date of the rejection, the regional planning authorities may submit to the Commission a revised cost allocation plan for the region under this subsection.

“(C) MODIFICATIONS.—

“(i) IN GENERAL.—Not later than 60 days after the date of resubmission of a cost-allocation plan, the Commission shall approve, modify, or reject the plan as necessary to achieve the purposes of this section.

“(ii) OPINION.—If the Commission modifies or rejects a plan, not later than 60 days after the date the plan is resubmitted by the regional planning authority, the Commission shall provide a written opinion to the regional planning authority that contains the facts and reasons supporting the action of the Commission.

“(5) COMMISSION ALLOCATION OF COSTS.—If the regional planning authorities do not submit an Interconnection-wide cost allocation plan within the time periods specified in paragraphs (2) and (4) or if the Commission does not approve a cost allocation plan submitted by the regional planning authorities for an Interconnection, the Commission shall allocate the costs of new transmission in the region under this section to all of the load-serving entities in the Interconnection on a load-ratio share basis.

“(6) IMPLEMENTATION.—

“(A) IN GENERAL.—The Commission shall adopt such rules, require inclusion of such provisions in transmission tariffs, and take such other actions as are necessary to efficiently—

“(i) collect the costs for development and operation of Clean Energy Superhighway facilities; and

“(ii) distribute the resultant revenues to owners of the facilities.

“(B) TRANSMISSION CUSTOMER.—The rules or tariffs may consider each load-serving entity in an Interconnection to be a transmission customer under 1 or more of the tariffs established for collection of the costs for development and operation of Clean Energy Superhighway facilities.

“(d) SITING.—

“(1) PURPOSES.—The purpose of the integrated siting process provided for in this subsection is to provide an efficient and timely certification process that ensures participation of Federal land management agencies, States, and Indian tribes, and the appropriate protection of resources, in siting applications before the Commission.

“(2) PREFILING.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the National Energy Security Act of 2009, the Commission shall promulgate regulations to implement an integrated prefiling process for the preparation of an application for the certification of a Clean Energy Superhighway facility.

“(B) PREAPPLICATION INFORMATION.—

“(i) IN GENERAL.—The regulations for the prefiling process shall include the appropriate information required for the Commission to determine if the proposed facility is included in the Clean Energy Superhighway plan certified by the Commission under subsection (b)(9).

“(ii) STEPS.—The regulations shall establish a list of steps that shall be completed before submitting an application for a certificate, including the steps required under this subparagraph.

“(iii) NOTICE OF INTENT TO APPLY.—The applicant shall submit to the Commission a notice of intent to apply for a Clean Energy Superhighway certificate that includes a preliminary routing plan.

“(iv) DETERMINATION OF INCLUSION IN PLAN.—The Commission shall determine whether the proposed facility is included in a Clean Energy Superhighway plan certified under subsection (b)(9).

“(v) NOTIFICATION.—The Commission shall provide notice to the public, affected States, Federal land agencies, and Indian tribes of a notice of any intent to apply for a certificate.

“(vi) PREFILING SCHEDULE.—The Commission shall establish a prefiling schedule for the applicant, agencies, and Indian tribes.

“(vii) STATE SITING CONSTRAINTS.—The applicant shall consider the State siting constraints identified under paragraph (3).

“(viii) CONSULTATION.—The applicant shall consult with affected States, Federal land agencies, and Indian tribes in carrying out this subsection.

“(ix) EARLY SCOPING PROCESS.—The Commission shall conduct an early scoping process that is consistent with the terms and conditions of section 5.8 of title 18, Code of Federal Regulations (or a successor section), as determined by the Commission.

“(x) CONSOLIDATED RECORD.—The Commission shall create and maintain a consolidated record for all decisions made or actions taken by the Commission or by a Federal, State, Indian tribe administrative agency, or officer under this subsection.

“(xi) SITING DISPUTE RESOLUTION BOARD.—The Commission shall establish a siting dispute resolution board that is consistent with the terms and conditions of section 5.14 of title 18, Code of Federal Regulations and paragraph (3)(B), as determined by the Commission.

“(C) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—An applicant shall comply with the prefiling process established under this paragraph before filing an application for a certificate of public convenience and necessity with the Commission.

“(3) STATE SITING CONSTRAINTS.—

“(A) STATE AGENCY.—

“(i) IN GENERAL.—The Governor of a State in which a Clean Energy Superhighway facility is proposed pursuant to paragraph (2) shall designate the appropriate State agency to coordinate with the Commission on siting.

“(ii) SITING CONSTRAINTS AND MITIGATION MEASURES.—

“(I) IN GENERAL.—Applicants shall work with affected States in the prefiling process described in paragraph (2).

“(II) DESIGNATED STATE AGENCY.—At the conclusion of the prefiling process, the designated State agency may identify and communicate to the applicant and the Commission information on siting constraints and mitigation measures (including habitat protection, environmental considerations, cultural site protection, or other factors) for a Clean Energy Superhighway facility within the State.

“(B) SITING DISPUTE RESOLUTION BOARD.—

“(i) IN GENERAL.—During the prefiling process for each Clean Energy Superhighway facility application, the Commission shall establish a siting dispute resolution board to ensure appropriate siting within and across the borders of the State.

“(ii) COMPOSITION.—The board for a Clean Energy Superhighway facility shall be composed of—

“(I) 1 representative of the Commission, who is not otherwise involved in the applicable proceeding;

“(II) 1 representative of each affected State, as designated by the Governor, and who is not otherwise involved in the proceeding; and

“(III) 1 independent person with expertise in the area, selected by the other 2 panelists from a preestablished list of individuals who have that expertise (as established by the Commission).

“(iii) APPEALS.—If the applicant does not agree with the siting constraints and mitigation measures proposed by a State, the applicant may appeal the constraints and measures to the appropriate siting dispute resolution board.

“(iv) DECISION.—The board shall—

“(I) make a decision on any appeal made under clause (iii); and

“(II) submit to the Commission a recommendation for final dispute resolution.

“(C) FEDERAL ACTION.—

“(i) IN GENERAL.—The Commission shall incorporate State siting constraints and mitigation measures in the certificate issued under paragraph (9), unless the Commission finds that any recommendation referred to in subparagraph (A) (based on the recommendation of the applicable siting dispute resolution board) is inconsistent with the purposes and requirements of this section or other applicable Federal law.

“(ii) FINDINGS.—If (after any proceedings of a siting dispute resolution board) the Commission does not adopt in whole or in part a recommendation of the State agency, the Commission shall publish (together with a description of the basis for each finding)—

“(I) a finding that adoption of the recommendation of the siting dispute resolution board is inconsistent with the purposes and requirements of this section or with other applicable provisions of Federal law; or

“(II) a finding that adopts the recommendations of the siting dispute resolution board conditions selected by the Commission comply with the State siting constraints and mitigation measures described in subparagraph (A).

“(4) FEDERAL AUTHORITY.—

“(A) IN GENERAL.—Except as otherwise provided in this subsection, the Commission shall have exclusive jurisdiction over the granting of a certificate for the siting of a Clean Energy Superhighway facility.

“(B) RIGHTS OF WAY.—

“(i) IN GENERAL.—The Secretary of the Interior shall provide a route for a Clean Energy Superhighway facility on public land in accordance with the terms and conditions of agency land use plans.

“(ii) INDIAN LAND.—In carrying out this subparagraph, the Secretary of the Interior shall use the process established under the terms and conditions of section 2604 of the Energy Policy Act of 1992 (25 U.S.C. 3504) and the Act of February 5, 1948 (25 U.S.C. 323 et seq.) (including applicable regulations) to establish a right-of-way for a Clean Energy Superhighway on Indian land, as determined by the Secretary of the Interior.

“(iii) CONNECTION OF INDIVIDUAL LINES.—The Commission shall work with the Secretary of the Interior to ensure that the routing of an individual line across public and private land is appropriately connected.

“(5) SCHEDULE.—

“(A) IN GENERAL.—The Commission shall establish a schedule for all Federal authorizations under this subsection.

“(B) ADMINISTRATION.—In establishing the schedule, the Commission shall—

“(i) ensure expeditious completion of all such proceedings; and

“(ii) comply with applicable schedules established by Federal law.

“(6) EXISTING CORRIDORS.—A route for a Clean Energy Superhighway facility shall, to the maximum extent practicable, use existing corridors, including multiuse and highway corridors.

“(7) ENVIRONMENTAL PROTECTION.—

“(A) IN GENERAL.—Except as otherwise specifically provided in this section, nothing in this section affects any requirements of an environmental law of the United States, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) ENVIRONMENTAL REVIEW OF INDIVIDUAL LINES.—In the case of a Clean Energy Superhighway facility, the Commission shall—

“(i) serve as lead agency for the purposes of coordinating the environmental review that is required by law between all relevant Federal agencies;

“(ii) in consultation with the affected Federal and State agencies and Indian tribes, prepare a single environmental review document as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(iii) in the case of a line that traverses Federal land, take any action that is required under the terms and conditions of applicable land use plans.

“(C) DEADLINE.—The environmental reviews described in subparagraph (B) shall be completed not later than 1 year after date of application for a certificate.

“(D) MEMORANDUM OF UNDERSTANDING.—Not later than 1 year after the date of enactment of the National Energy Security Act of

2009, the Commission shall enter into a memorandum of understanding with all applicable Federal land agencies to create a streamlined and consolidated environmental review process to carry out this section.

“(8) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—

“(A) IN GENERAL.—No individual or entity (including States and entities described in subsection (f)) shall construct, acquire, or operate any Clean Energy Superhighway facility, or modify a Clean Energy Superhighway facility for which a certificate was previously issued under this subsection, unless there is in force with respect to the individual or entity a certificate of public convenience and necessity issued by the Commission authorizing such acts or operation.

“(B) APPLICATION FOR CERTIFICATE.—Any individual or entity that seeks to operate, construct, acquire, or modify any Clean Energy Superhighway facility shall—

“(i) complete the prefiling process under paragraph (2);

“(ii) submit to the Commission a written application in such form and containing such information as the Commission may by regulation require; and

“(iii) provide notice of and opportunity for hearing on the application to interested parties in such manner as the Commission shall by regulation require.

“(C) HEARING.—On receipt of an application under this paragraph, the Commission—

“(i) shall—

“(I) provide notice and opportunity to interested persons; and

“(II) include any applicable conditions; and

“(ii) may approve or disapprove the application, in accordance with paragraph (9).

“(9) GRANT OF CERTIFICATE.—

“(A) IN GENERAL.—A certificate shall be issued to a qualified applicant for the certificate authorizing the whole or partial operation, construction, acquisition, or modification covered by the application, only if the Commission determines that—

“(i) the facility is included in the Clean Energy Superhighway plan certified by the Commission;

“(ii) 1 or more applicants are able and willing—

“(I) to carry out the acts and perform the service proposed; and

“(II) to comply with this Act (including regulations); and

“(iii) the proposed operation, construction, acquisition, or modification, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity.

“(B) TERMS AND CONDITIONS.—The Commission shall have the power to attach to the issuance of a certificate under this paragraph and to the exercise of the rights granted under the certificate such reasonable terms and conditions as the public convenience and necessity may require, including (as may be required by applicable law) land use plans or applicable rights-of-way.

“(C) EVALUATION OF ABILITIES OF APPLICANT.—

“(i) IN GENERAL.—In evaluating the ability of 1 or more applicants described in subparagraph (A)(ii), the Commission shall consider whether the financial and technical capabilities of the applicant are adequate to support construction and operation of the project proposed in the application.

“(ii) JOINT OWNERSHIP PROJECTS.—In evaluating applications that feature joint ownership projects by multiple load-serving or wholesale entities, the Commission shall

consider benefits from the greater diversification of financial risk inherent in the applications.

“(D) PUBLIC CONVENIENCE AND NECESSITY.—In making a determination with respect to public convenience and necessity described in subparagraph (A)(iii), the Commission shall presume that there is a public need for a proposed project that is included in the Clean Energy Superhighway plan developed pursuant to this section or that constitutes all of or a portion of a renewable feeder line.

“(10) RIGHT OF EMINENT DOMAIN.—

“(A) IN GENERAL.—If any holder of a certificate issued under paragraph (9) cannot acquire by contract, or is unable to agree with the owner of property on the compensation to be paid for, the right-of-way to construct, operate, and maintain the project to which the certificate relates, and the necessary land or other property necessary to the proper operation of the project, the holder may acquire the right-of-way by the exercise of the right of eminent domain through a proceeding in—

“(i) the United States district court for the district in which the property is located; or

“(ii) a State court, to the extent permitted under State law.

“(B) PRACTICE AND PROCEDURE.—The practice and procedure for any action or proceeding described in subparagraph (A) in a United States district court shall conform, to the maximum extent practicable, to the practice and procedure for similar actions or proceedings in the courts of the State in which the property is located.”;

(2) by striking subsections (i), (j), (k);

(3) by redesignating subsection (h) as subsection (e);

(4) in subsection (e) (as redesignated by paragraph (3))—

(A) in paragraph (2), by striking “Department of Energy” and inserting “Federal Energy Regulatory Commission (referred to in this subsection as the ‘Commission’)”; and

(B) in paragraph (3), by striking “Secretary” and inserting “Commission”; and

(5) by adding at the end the following:

“(f) APPLICABILITY.—This section does not apply to the State of Alaska or Hawaii or to the Electric Reliability Council of Texas, unless the State or the Council voluntarily elects to be covered by this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

## SEC. 102. RECOVERY OF COSTS FOR SMART GRID TECHNOLOGY AND ADVANCED MATERIALS.

Section 219(b)(4) of the Federal Power Act (16 U.S.C. 824s(b)(4)) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(C) all prudently incurred costs relating to the deployment of smart grid technology for transmission infrastructure (within the meaning of title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 et seq.)); and

“(D) all prudently incurred costs relating to the use of advanced materials for the construction of technology transmission facilities if the advanced materials are at least 25 percent more efficient than standard transmission materials.”.

## TITLE II—TRANSPORTATION SECTOR

### Subtitle A—Electrification of Transportation Sector

#### SEC. 201. MINIMUM FEDERAL FLEET REQUIREMENT.

Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following:

“(2) PLUG-IN ELECTRIC DRIVE VEHICLES.—Of the total number of vehicles acquired by a Federal fleet under paragraph (1), at least the following percentage of the vehicles shall be plug-in electric drive vehicles (as defined in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a))):

“(A) 10 percent for fiscal year 2012.

“(B) The applicable percentage for the preceding fiscal year increased by 5 percentage points (but not to exceed a total of 50 percent) for fiscal year 2013 and each subsequent fiscal year.”; and

(C) in paragraph (3) (as redesignated by subparagraph (A)), by inserting “or (2)” after “paragraph (1)”; and

(2) by striking subsection (c) and inserting the following:

“(c) ALLOCATION OF INCREMENTAL COSTS.—Subject to the availability of funds appropriated to carry out this subsection (to remain available until expended), the General Services Administration shall pay the incremental cost of alternative fueled vehicles over the cost of comparable gasoline vehicles for vehicles that the Administration purchased for the use of the Administration or on behalf of other agencies, in a total amount of not to exceed \$300,000,000 for any of fiscal years 2012 through 2016.”;

(3) in subsection (f), by adding at the end the following:

“(4) COMPLIANCE.—Compliance with this subsection shall not relieve the Federal agency of the obligations of the agency under subsection (b).”; and

(4) in subsection (g), by striking “fiscal years 1993 through 1998” and inserting “each fiscal year”.

#### SEC. 202. USE OF HOV FACILITIES BY LIGHT-DUTY PLUG-IN ELECTRIC DRIVE VEHICLES.

Section 166(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking “Before” and inserting “Except as provided in subparagraph (D), before”;

(2) in subparagraph (B), by striking “Before” and inserting “Except as provided in subparagraph (D), before”; and

(3) by adding at the end the following:

“(D) USE BY PLUG-IN ELECTRIC DRIVE VEHICLES.—

“(i) DEFINITION OF PLUG-IN ELECTRIC DRIVE VEHICLE.—In this subparagraph, the term ‘plug-in electric drive vehicle’ has the meaning given the term in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)).

“(ii) USE OF HOV FACILITIES.—A State agency—

“(I) shall permit vehicles that are certified as low emission and energy-efficient vehicles in accordance with subsection (e) that are light-duty plug-in electric drive vehicles, and that are purchased on or before December 31 of the calendar year described in clause (iii), as determined by the Secretary, to use HOV facilities in the State; and

“(II) shall not impose any toll or other charge on such a vehicle for use of a HOV facility in the State.

“(iii) CALENDAR YEAR.—The calendar year referred to in clause (ii)(I) is the calendar year during which, as determined by the Secretary, the aggregate number of plug-in electric drive vehicles sold in the United States during all calendar years exceeds 2,000,000.

“(iv) PETITION.—A State may petition the Secretary to limit or discontinue the use of a HOV facility by plug-in electric drive vehicles if the State demonstrates to the Secretary that the presence of the plug-in electric drive vehicles has degraded the operation of the HOV facility.”.

#### SEC. 203. RECHARGING INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) LOCAL GOVERNMENT.—The term ‘local government’ has the meaning given the term in section 3371 of title 5, United States Code.

(2) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term ‘plug-in electric drive vehicle’ has the meaning given the term in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)).

(3) RANGE EXTENSION INFRASTRUCTURE.—The term ‘range extension infrastructure’ includes equipment, products, or services for recharging plug-in electric drive vehicles that—

(A) are available to retail consumers of electric drive vehicles on a non-discriminatory basis;

(B) provide for extending driving range through battery exchange or rapid recharging; and

(C) are comparable in convenience and price to petroleum-based refueling services.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of—

(A) the number and distribution of recharging facilities, including range extension infrastructure, that will be required for drivers of plug-in electric drive vehicles to reliably recharge the electric drive vehicles;

(B) minimum technical standards for public recharging facilities in coordination with the National Institute of Standards and Technology; and

(C) the concurrent technical and infrastructure investments that electric utilities and electricity providers will be required to make to support widespread deployment of recharging infrastructure and the estimated costs of the investments.

(2) COMPONENTS.—In conducting the study required under this subsection, the Secretary shall analyze—

(A) the variety and density of recharging infrastructure options necessary to power plug-in electric drive vehicles under diverse scenarios, including—

(i) the ratio of residential, commercial, and public recharging infrastructure options necessary to support 10 percent, 20 percent, and 50 percent penetration of plug-in electric vehicles on a city fleet basis;

(ii) the ratio of residential, commercial, and public recharging infrastructure options necessary to support 10 percent, 20 percent, and 50 percent penetration of plug-in electric vehicles on a national fleet basis; and

(iii) the potential impact of fast charging on penetration rates and utility power management requirements;

(B) whether use of parking spots with access to recharging facilities should be limited to plug-in electric drive vehicles;

(C) whether model building codes should be amended to cover recharging facilities; and

(D) such other issues as the Secretary considers appropriate.



(3) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of the study conducted under this subsection, including any recommendations.

(c) **GRANTS AND LOANS TO STATE AND LOCAL GOVERNMENTS FOR RECHARGING INFRASTRUCTURE.**—

(1) **IN GENERAL.**—Effective beginning October 1, 2010, the Secretary shall establish a program under which the Secretary shall provide grants and loans to local governments to assist in the installation of recharging facilities for electric drive vehicles in areas under the jurisdiction of the local governments. The Secretary shall provide funding under this section to State or local governments to pay not more than fifty percent of the recharging infrastructure cost.

(2) **ELIGIBILITY.**—To be eligible to obtain a grant or loan under this subsection, a local government shall—

(A) demonstrate to the Secretary that the applicant has taken into consideration the findings of the report submitted under subsection (b)(3), unless the local government demonstrates to the Secretary that an alternative variety and density of recharging infrastructure options would better meet the purposes of this section; and

(B) agree not to charge a premium for use of a parking space used to recharge an electric drive vehicle other than a charge for electric energy.

(3) **GUIDELINES.**—The Secretary shall establish guidelines for carrying out this subsection that are consistent with the report submitted under subsection (b)(3).

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this subsection a total of \$250,000,000 for grants and a total of \$250,000,000 for loans, to remain available until expended.

#### **SEC. 204. LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES.**

Subtitle B of title I of the Energy and Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

#### **“SEC. 137. LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES.**

“(a) **DEFINITIONS.**—In this section:

“(1) **PLUG-IN ELECTRIC DRIVE VEHICLE.**—The term ‘plug-in electric drive vehicle’ has the meaning given the term in section 131(a).

“(2) **RANGE EXTENSION INFRASTRUCTURE.**—The term ‘range extension infrastructure’ includes equipment, products, or services for recharging plug-in electric drive vehicles that—

“(A) are available to retail consumers of electric drive vehicles on a nondiscriminatory basis;

“(B) provide for extended driving range through battery exchange or rapid recharging; and

“(C) are comparable in convenience and price to petroleum-based refueling services.

“(b) **LOAN GUARANTEES.**—The Secretary shall guarantee loans made to eligible entities for the aggregate purchase by an eligible entity of not less than 5,000 batteries that use advanced battery technology within a calendar year.

“(c) **ELIGIBLE ENTITIES.**—To be eligible to obtain a loan guarantee under this section, an entity shall be—

“(1) an original equipment manufacturer;

“(2) a vehicle manufacturer;

“(3) an electric utility;

“(4) any provider of range extension infrastructure; or

“(5) any other qualified entity, as determined by the Secretary.

“(d) **REGULATIONS.**—The Secretary shall promulgate such regulations as are necessary to carry out this section.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.”

#### **SEC. 205. STUDY OF END-OF-USEFUL LIFE OPTIONS FOR MOTOR VEHICLE BATTERIES.**

(a) **IN GENERAL.**—In combination with the research, demonstration, and deployment activities conducted under section 641(k) of the Energy and Independence and Security Act of 2007 (42 U.S.C. 17231(k)), the Secretary shall conduct a study on the end-of-useful life options for motor vehicle batteries, including recommendations for stationary storage applications and recyclability design specifications.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a), including any recommendations.

#### **Subtitle B—Medium- and Heavy-Duty Vehicles**

#### **SEC. 211. MAXIMUM WEIGHT STUDY.**

(a) **IN GENERAL.**—The Secretary of Transportation, in consultation with the Administrator of the National Highway Traffic Safety Administration, shall conduct a study to investigate whether oil savings goals can be achieved in the trucking industry without adverse safety consequences by determining the safety impacts and other effects of increasing the maximum allowable gross weight for vehicles using the Interstate System to allow for larger, more fuel-efficient tractor-trailers.

(b) **STUDY COMPONENTS.**—In conducting the study under this section, the Secretary of Transportation shall—

(1) determine whether a vehicle with a supplementary sixth axle and a gross weight of up to 97,000 pounds that is traveling at 60 miles per hour is capable of stopping at a distance of 355 feet or less;

(2) determine whether the use of the Interstate System by vehicles described in paragraph (1) would require a fundamental alteration of the vehicle architecture that is commonly used for the transportation of goods as of the day before the date of the enactment of this Act;

(3) analyze the safety impacts of allowing vehicles described in paragraph (1) to use the Interstate System; and

(4) consider the potential impact on highway safety of applying lower speed limits on such vehicles than the speed limits in effect on the day before the date of the enactment of this Act.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress that contains the results of the study conducted under this section, including a determination by the Secretary as to whether permitting vehicles with a supplementary sixth axle and a gross weight of not more than 97,000 pounds to use the Interstate System would have an adverse impact on highway safety.

(d) **DEFINITION.**—In this section, the term “Interstate System” has the meaning given that term in section 101(a) of title 23, United States Code.

#### **SEC. 212. FUEL ECONOMY.**

Section 32912(e)(1) of title 49, United States Code, is amended by inserting “provide

equipment and facilities for the program established under section 32902(k), and to” after “shall be used by the Secretary to”.

#### **Subtitle C—Alternative Transportation Technologies**

#### **SEC. 221. FLEXIBLE FUEL AUTOMOBILES.**

(a) **IN GENERAL.**—Chapter 329 of title 49, United States Code, is amended—

(1) in section 32901(a)—

(A) by redesignating paragraphs (10) through (19) as paragraphs (11) through (20), respectively; and

(B) by inserting after paragraph (9) the following:

“(10) ‘flexible fuel automobile’ means an automobile that has been warranted by the manufacturer of the automobile to operate on gasoline and fuel mixtures containing 15 percent gasoline and 85 percent ethanol or methanol.”; and

(2) by inserting after section 32902 the following:

#### **“§ 32902A. Requirement to manufacture flexible fuel automobiles**

“(a) **IN GENERAL.**—For each model year listed in the following table, each manufacturer shall ensure that the percentage of automobiles manufactured by the manufacturer for sale in the United States that are flexible fuel automobiles is not less than the percentage set forth for that model year in the following table:

Model Year	Percentage
model year 2012	50 percent
model year 2013	60 percent
model year 2014	70 percent
model year 2015	80 percent
model year 2016	90 percent
model year 2017	100 percent

“(b) **AUTOMOBILES EXCLUDED.**—The requirement under subsection (a) shall not apply to any automobile that operates on diesel, natural gas, hydrogen, or electricity.”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

“32902A. Requirement to manufacture flexible fuel automobiles.”

(c) **RULEMAKING.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations to carry out section 32902A of title 49, United States Code, as added by subsection (a).

#### **SEC. 222. TRANSPORTATION ROADMAP STUDY.**

(a) **IN GENERAL.**—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall—

(1) conduct a comprehensive analysis of energy use by automobiles; and

(2) use the analysis to conduct an integrated assessment of the technological options that could lead to reduced petroleum consumption and greenhouse gas emissions.

(b) **COMPONENTS.**—The study required under this section shall—

(1) assess the status of technology options, including—

(A) prospects of future fuels and pathways;

(B) the infrastructure and other barriers for increased market penetration;

(C) potential timing of market adoption;

(D) potential reductions of petroleum consumption and greenhouse gas emissions; and

(E) improvements in and priorities for Federal research and development program activities;

(2) consider issues relating to duty cycles, regional distinctions, and technological development timelines;

(3) build on and integrate applicable research conducted in recent years, including by the Academy;

(4) evaluate technical options and assess the extent to which the United States can employ the options to reduce oil intensity by 80 percent by calendar year 2050 and reduce carbon dioxide emissions at a rate that is consistent with national goals; and

(5) recommend policies to help facilitate the United States to meet national goals.

(c) REPORT.—Not later than 21 months after funds are first made available to carry out this section, the Secretary shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (a), including any recommendations.

(d) UPDATES.—

(1) IN GENERAL.—Not later than 5 years after the initial study is conducted under this section and every 5 years thereafter, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall update the study required under this section.

(2) REPORT.—Not later than 21 months after the date an arrangement is entered into under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report on the results of the updated study conducted under paragraph (1), including any recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,200,000.

## **DIVISION B—DOMESTIC PRODUCTION AND WORKFORCE DEVELOPMENT**

### **TITLE I—INCREASING SUPPLY**

#### **Subtitle A—Increasing Production From Domestic Resources**

##### **SEC. 300. AMENDMENT OF 1986 CODE.**

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

### **PART I—INVESTMENT IN RENEWABLE ENERGY**

##### **SEC. 301. EXTENSION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT.**

(a) IN GENERAL.—Subsection (d) of section 45 is amended—

(1) by striking “January 1, 2013” in paragraph (1) and inserting “January 1, 2015”, and

(2) by striking “January 1, 2014” each place it appears in paragraphs (2), (3), (4), (6), (7), (9), and (11)(B) and inserting “January 1, 2015”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

##### **SEC. 302. EXPANSION AND EXTENSION OF NEW CLEAN RENEWABLE ENERGY BONDS.**

(a) IN GENERAL.—Paragraph (2) of section 54C(c) is amended by inserting “, for calendar years 2011, 2012, 2013, and 2014, an additional \$500,000,000 for each year, and, except as provided in paragraph (5) for years after 2014, zero,” after “\$800,000,000”.

(b) CARRYOVER OF UNUSED LIMITATION.—Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

“(5) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

“(A) the amount allocated under paragraph (2) for such calendar year, exceeds

“(B) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

then the limitation amount under paragraph (2) for the following calendar year shall be increased by the amount of such excess.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2010.

##### **SEC. 303. EXTENSION OF INVESTMENT TAX CREDIT FOR CERTAIN ENERGY PROPERTY.**

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(i) of section 48(a) are each amended by striking “January 1, 2017” and inserting “January 1, 2019”.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Subparagraph (D) of section 48(c)(4) is amended by striking “December 31, 2016” and inserting “December 31, 2018”.

(d) GEOTHERMAL HEAT PUMP SYSTEMS.—Clause (vii) of section 48(a)(3)(A) is amended by striking “January 1, 2017” and inserting “January 1, 2019”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

##### **SEC. 304. INCREASE IN CREDIT FOR INVESTMENT IN ADVANCED ENERGY FACILITIES.**

(a) IN GENERAL.—Subparagraph (B) of section 48C(d)(1) is amended by striking “\$2,300,000,000” and inserting “\$4,000,000,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1302 of the American Recovery and Reinvestment Tax Act of 2009.

### **PART II—INVESTMENT IN ALTERNATIVE FUEL PROPERTY**

##### **SEC. 311. EXTENSION OF CREDITS FOR ALCOHOL FUELS.**

(a) IN GENERAL.—Sections 40, 6426(b)(6), and 6427(e)(6)(A) are amended by striking “2010” each place it appears and inserting “2011”.

(b) CONFORMING AMENDMENT.—Section 40(e)(1)(B) is amended by striking “2011” and inserting “2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and uses after the date of the enactment of this Act.

##### **SEC. 312. EXTENSION OF CREDITS FOR BIO-DIESEL AND RENEWABLE DIESEL.**

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(6)(B) are each amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and uses after the date of the enactment of this Act.

### **PART III—INVESTMENT IN ELECTRIC DRIVE AND ADVANCED VEHICLES**

##### **SEC. 321. EXTENSION OF CREDIT AND EXTENSION OF TEMPORARY INCREASE IN CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**

(a) EXTENSION OF CREDIT.—Subsection (g) of section 30C is amended by striking “service—” and all that follows and inserting “service after December 31, 2018.”.

(b) EXTENSION OF TEMPORARY INCREASE.—Paragraph (6) of section 30C(e) is amended—

(1) by striking “January 1, 2011” and inserting “January 1, 2019”, and

(2) by striking “AND 2010” in the heading and inserting “THROUGH 2018”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

##### **SEC. 322. EXTENSION AND EXPANSION OF CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.**

(a) EXTENSION.—Section 30D is amended by adding at the end the following new subsection:

“(g) TERMINATION.—This section shall not apply to any property purchased after December 31, 2018.”.

(b) RESTORATION OF CREDIT FOR LARGE NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES WEIGHING OVER 14,000 POUNDS.—

(1) IN GENERAL.—The last sentence of section 30D(b)(3) is amended to read as follows: “The amount determined under this paragraph shall not exceed—

“(A) \$5,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 14,000 pounds,

“(B) \$10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

“(C) \$12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.”.

(2) CONFORMING AMENDMENTS.—Paragraph (1) of section 30D(d) is amended by adding “and” at the end of subparagraph (D), by striking subparagraph (E), and by redesignating subparagraph (F) as subparagraph (E).

(c) INCREASE IN PER MANUFACTURER CAP.—Paragraph (2) of section 30D(e) is amended by striking “200,000” and inserting “400,000”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

##### **SEC. 323. EXTENSION OF CREDIT FOR CERTAIN PLUG-IN ELECTRIC VEHICLES.**

(a) IN GENERAL.—Subsection (f) of section 30 is amended by striking “December 31, 2011” and inserting “December 31, 2018”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

##### **SEC. 324. EXTENSION OF CREDIT FOR MEDIUM AND HEAVY DUTY HYBRID VEHICLES.**

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking “December 31, 2009” and inserting “December 31, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

##### **SEC. 325. CREDIT FOR HEAVY DUTY NATURAL GAS VEHICLES.**

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by inserting “(December 31, 2018, in the case of such a vehicle which has a gross vehicle weight rating of more than 26,000 pounds and which operates on compressed natural gas or liquefied natural gas)” after “December 31, 2010”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to vehicles acquired after the date of the enactment of this Act.

### **PART IV—LOW CARBON LOAN GUARANTEE PROGRAM**

##### **SEC. 331. INNOVATIVE LOW-CARBON LOAN GUARANTEE PROGRAMS.**

Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (b), by adding at the end the following:

“(11) Innovative low-carbon technology projects in accordance with subsection (f).”; and

(2) by adding at the end the following:

“(f) INNOVATIVE LOW-CARBON TECHNOLOGY PROJECTS.—

“(1) IN GENERAL.—The Secretary may make guarantees to carry out innovative low-carbon technologies projects.

“(2) FUNDING.—

“(A) IN GENERAL.—Subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the total principal amount of loans guaranteed to carry out projects under this subsection shall not exceed \$50,000,000, to remain available until committed.

“(B) ADDITIONAL AMOUNTS.—Amounts made available to carry out this subsection shall be in addition to any other authority provided for fiscal year 2010 or any previous fiscal year.

“(C) SOURCE OF FUNDS.—

“(i) IN GENERAL.—Amounts made available to carry out this subsection shall be—

“(I) derived from amounts received from borrowers pursuant to section 1702(b)(2) for fiscal year 2010 or any previous fiscal year; and

“(II) collected in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

“(ii) TREATMENT.—The source of payment received from borrowers described in clause (i) shall be not considered a loan or other debt obligation that is guaranteed by the Federal Government.

“(D) SUBSIDY COST.—In accordance with section 1702(b)(2), no appropriations to carry out this subsection shall be available to pay the subsidy cost of guarantees.”.

#### PART V—INVESTMENT IN ETHANOL

##### SEC. 341. RESEARCH AND DEVELOPMENT OF FUNGIBLE BIOFUELS.

There is authorized to be appropriated for advanced biofuels research, development, and demonstration that will create fuels that are fungible in existing infrastructure \$100,000,000.

#### PART VI—STUDIES ON MARKET PENETRATION OF RENEWABLE RESOURCES

##### SEC. 351. STUDIES ON MARKET PENETRATION OF RENEWABLE RESOURCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct—

(1) a study on the quantity of solar energy (including photovoltaic and solar thermal energy) that can reasonably be expected to be deployed in the United States by calendar year 2030 and the requirements and costs associated with that deployment;

(2) a study on the quantity of geothermal energy (including regular and advanced geothermal energy) that can reasonably be expected to be deployed in the United States by calendar year 2030 and the requirements and costs associated with that deployment;

(3) a study on the quantity of hydrokinetic energy that can reasonably be expected to be deployed in the United States by calendar year 2030 and the requirements and costs associated with that deployment; and

(4) in consultation with the Secretary of Agriculture, a study on the quantity of renewable biomass energy that can reasonably be expected to be deployed in the United States by calendar year 2030, including consideration of—

(A) the needs of biofuels, biomass-based electricity, and thermal applications;

(B) the highest efficiency energy use of biomass resources; and

(C) the requirements and costs associated with deployment.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Sec-

retary shall submit to the appropriate committees of Congress, and make publicly available, a report that integrates the results of the studies conducted under subsection (a), and other relevant studies, including an analysis and recommendations on—

(1) the best areas and rates for deployment of solar, geothermal, wind, biomass, and hydrokinetic energy by calendar year 2030 (based on multiple alternative scenarios); and

(2) the levels of market penetration that can be accomplished by calendar year 2030 (based on multiple alternative scenarios).

#### Subtitle B—Increasing Production From Fossil Resources

##### PART I—OUTER CONTINENTAL SHELF

##### SEC. 361. INVENTORY OF OUTER CONTINENTAL SHELF OIL AND GAS RESOURCES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and subject to subsection (b), the Secretary of the Interior (referred to in this subtitle as the “Secretary”) shall complete an inventory of oil and natural gas resources in areas of the Outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) with the greatest potential for containing oil or gas reserves.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall carry out the inventory under subsection (a) in stages, focusing first on areas that the Secretary identifies as having the greatest potential for oil and gas reserves.

(2) PUBLIC COMMENTS.—To assist the Secretary in identifying areas that have the greatest potential for oil and gas reserves under paragraph (1), the Secretary shall, not later than 60 days after the date of enactment of this Act, issue a notice in the Federal Register requesting comments from the public on areas of the Outer Continental Shelf that may contain the most significant oil and gas deposits.

(3) INITIATION OF CERTAIN INVENTORIES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall begin conducting any inventories in the Atlantic and Pacific areas of the Outer Continental Shelf.

(4) BEST AVAILABLE TECHNOLOGY.—In conducting the inventory under subsection (a), the Secretary shall—

(A) use the best technology available to obtain accurate resource estimates; and

(B) include the results of geological and geophysical explorations carried out—

(i) under existing or expired leases; or

(ii) under part 251 of title 30, Code of Federal Regulations (or successor regulations).

(5) REPORTS.—On completion of any independent reports prepared as part of an inventory under this section, the Secretary shall make the independent reports immediately available to the public.

(c) ENVIRONMENTAL STUDIES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete any environmental studies necessary to gather information essential to an accurate inventory, including geological and geophysical explorations under part 251 of title 30, Code of Federal Regulations (or successor regulations).

(d) REPORTS.—

(1) IN GENERAL.—On completion of an inventory under this section, the Secretary shall submit to Congress and the Governors of any affected coastal States a report that describes the results of the inventory.

(2) ASSESSMENT.—A report submitted under paragraph (1) shall include an assessment of

the economic, energy, environmental, and national security impacts on the United States, any affected coastal States, and any affected local units of government if the oil and natural gas resources identified by the inventory were developed and produced, including estimates of any direct and indirect revenues that would be available to the Federal Government, the affected coastal State governments, and units of local government.

(e) EFFECT ON OIL AND GAS LEASING.—No inventory that is conducted under this section or any other Federal law (including regulations) shall restrict, limit, delay, or otherwise adversely affect—

(1) the development of any Outer Continental Shelf leasing program under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); or

(2) any leasing, exploration, development, or production of any Federal offshore oil and gas leases.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary of the Treasury shall make a 1-time transfer to the Secretary, from royalties collected in conjunction with the production of oil and gas, such sums as are necessary to carry out this section, including the completion of environmental studies necessary to conduct geological and geophysical explorations in all of the Outer Continental Shelf areas of the Atlantic and the Pacific under part 251 of title 30, Code of Federal Regulations (or successor regulations).

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(3) LIMITATION.—The amounts transferred under paragraph (1) shall not exceed \$150,000,000.

##### SEC. 362. LEASING OF OFFSHORE AREAS ESTIMATED TO CONTAIN COMMERCIALLY RECOVERABLE OIL OR GAS RESOURCES.

(a) DEFINITION OF POTENTIAL PRODUCING AREA.—In this section, the term “potential producing area” means any area in an Outer Continental Shelf planning area, as defined by the Minerals Management Service, that a seismic survey or other geologic study identifies as exhibiting geologic characteristics similar to the characteristics found in other commercial oil and gas producing regions in the Outer Continental Shelf or other oil and gas producing areas.

(b) LEASING OF POTENTIAL PRODUCING AREAS.—Not later than 1 year after the date of the release of an inventory or report under section 361 that identifies a potential producing area, the Secretary may make the potential producing area available for oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(c) LEASING PLAN.—The omission of a potential producing area from the applicable 5-year plan developed by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) may allow the leasing of a potential producing area under subsection (b).

##### SEC. 363. ENVIRONMENTAL STEWARDSHIP AND ALLOWABLE ACTIVITIES.

(a) IN GENERAL.—The Secretary shall promulgate regulations that establish appropriate environmental safeguards for the exploration and production of oil and natural gas on the Outer Continental Shelf.

(b) MINIMUM REQUIREMENTS.—At a minimum, the regulations shall include—

(1) provisions requiring surety bonds of sufficient value to ensure the mitigation of any

reasonably foreseeable incident that could be directly caused by persons engaged in oil and natural gas development, in accordance with subpart A of part 256 of title 30, Code of Federal Regulations (or successor regulations);

(2) provisions assigning liability to responsible parties of environmental damage to the Outer Continental Shelf to the extent that the damage is not otherwise implicitly or explicitly authorized or permitted by Federal law (including regulations);

(3) provisions no less stringent than the regulations promulgated under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.); and

(4) provisions ensuring that—

(A) no surface facility is installed for the purpose of production of oil or gas resources in any area visible to the unassisted eye from any shore of any coastal State in any areas in the Outer Continental Shelf that have not previously been made available for oil and gas leasing;

(B) only temporary surface facilities are installed for areas that are—

(i) beyond the area described in subparagraph (A); and

(ii) located not more than 25 miles from the shore of any coastal State in any areas in the Outer Continental Shelf that have not previously been made available for oil and gas leasing; and

(C) the impact of offshore production facilities on coastal vistas is otherwise mitigated.

(c) EXCLUSIONS.—No regulations promulgated under this section shall apply to the development, construction, or operation of renewable energy facilities on the Outer Continental Shelf.

(d) CONFORMING AMENDMENT.—Section 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54; 119 Stat. 521) (as amended by section 103(d) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432)) is amended by inserting “and any other area that the Secretary of the Interior may offer for leasing, preleasing, or any related activity under section 104 of that Act” after “2006”).

#### SEC. 364. MORATORIUM OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE GULF OF MEXICO.

(a) MORATORIUM.—Section 104 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432) is amended by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—Effective during the period beginning on the date of enactment of this Act and ending on June 30, 2022, the Secretary shall not offer for leasing, preleasing, or any related activity any area east of 85 degrees, 50 minutes West Longitude in the Eastern Planning Area that is within 45 miles of the coastline of the State of Florida.”

(b) NATIONAL DEFENSE AREA.—Section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)) is amended—

(1) by striking “The United States” and inserting the following:

“(1) IN GENERAL.—The United States”; and

(2) by adding at the end the following:

“(2) REVIEW.—Annually, the Secretary of Defense shall review the areas of the Outer Continental Shelf that have been designated as restricted from exploration and operation to determine whether the areas should remain under restriction.”

(c) LEASING OF MORATORIUM AREAS.—

(1) IN GENERAL.—As soon as practicable, after the date of enactment of this Act, the Secretary shall offer for leasing under the

Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), any areas made available for leasing as a result of the amendment made by subsection (a).

(2) ADMINISTRATION.—Any areas made available for leasing under paragraph (1) shall be offered for lease under this section—

(A) notwithstanding the omission of any of these respective areas from the applicable 5-year plan developed by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344); and

(B) in a manner consistent with section 363.

#### SEC. 365. TREATMENT OF REVENUES.

Section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) is amended—

(1) in paragraph (2), by striking “Notwithstanding” and inserting “Except as provided in paragraph (6), and notwithstanding”; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following:

“(6) RENEWABLE ENERGY RESERVE FUND.—

“(A) DEFINITIONS.—In this paragraph:

“(i) FUND.—The term ‘fund’ means the Renewable Energy Reserve Fund established by subparagraph (B).

“(ii) QUALIFIED LEASE.—The term ‘qualified lease’ means a natural gas or oil lease granted under this Act after the date of enactment of the National Energy Security Act of 2009 for an area that is made available for leasing under part I of subtitle B of title I of division B of that Act.

“(B) ESTABLISHMENT.—There is established in the Treasury of the United States a reserve account, to be known as the ‘Renewable Energy Reserve Account’, consisting of such amounts as are appropriated to the Fund under subparagraph (C).

“(C) TRANSFERS TO FUND.—There are appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, amounts equivalent to amounts received by the United States after September 30, 2009, as bonus bids, royalties, or rentals from, or otherwise collected under, any qualified lease on submerged land made available for leasing under this Act by the National Energy Security Act of 2009 (including any amendment made by that Act).

“(D) USE OF FUND.—Subject to subparagraph (E), amounts in the Fund shall be used to offset the costs of carrying out the National Energy Security Act of 2009.

“(E) TERMINATION OF FUND.—

“(i) IN GENERAL.—The Fund shall terminate on the date on which the Secretary determines that the costs of carrying out the National Energy Security Act of 2009 have been repaid.

“(ii) TRANSFER.—On termination of the Fund under clause (i), the remaining balance in the Fund shall be transferred to the appropriate fund of the Treasury.”

#### PART II—OTHER FOSSIL RESOURCES

#### SEC. 371. AUTHORIZATION OF ACTIVITIES AND EXPORTS INVOLVING HYDROCARBON RESOURCES.

(a) DEFINITION.—In this section, the term “United States person” means—

(1) any United States citizen or alien lawfully admitted for permanent residence in the United States; and

(2) any person other than an individual, if 1 or more individuals described in paragraph (1) own or control at least 51 percent of the securities or other equity interest in the person.

(b) AUTHORIZATION.—Notwithstanding any other provision of law (including a regulation), United States persons (including

agents and affiliates of those United States persons) may—

(1) engage in any transaction necessary for the exploration for and extraction of hydrocarbon resources from any portion of any foreign exclusive economic zone that is contiguous to the exclusive economic zone of the United States; and

(2) export without license authority all equipment necessary for the exploration for or extraction of hydrocarbon resources described in paragraph (1).

#### SEC. 372. TRAVEL IN CONNECTION WITH AUTHORIZED HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by adding at the end the following:

“(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES BY PERSONS ENGAGING IN HYDROCARBON EXPLORATION AND EXTRACTION ACTIVITIES.—

“(1) IN GENERAL.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in section 515.560(c) of title 31, Code of Federal Regulations, for travel to, from, or within Cuba in connection with exploration for and the extraction of hydrocarbon resources in any part of a foreign maritime Exclusive Economic Zone that is contiguous to the United States’ Exclusive Economic Zone.

“(2) PERSONS AUTHORIZED.—Persons authorized to travel to Cuba under this section include full-time employees, executives, agents, and consultants of oil and gas producers, distributors, and shippers.”

#### SEC. 373. ALASKA OCS JOINT LEASE AND PERMITTING PROCESSING OFFICE.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall establish a regional joint Outer Continental Shelf lease and permit processing office for the Alaska Outer Continental Shelf region.

(b) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for the purposes of carrying out this section with—

(1) the Secretary of Commerce;

(2) the Chief of Engineers;

(3) the Administrator of the Environmental Protection Agency; and

(4) any other Federal agency that may have a role in permitting activities.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), each Federal signatory party shall, if appropriate, assign to the office described in subsection (a) an employee who has expertise in the regulatory issues administered by the office in which the employee is employed relating to leasing and the permitting of oil and gas activities on the Outer Continental Shelf.

(2) DUTIES.—An employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the office described in subsection (a);

(B) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(C) participate as part of the team of personnel working on proposed oil and gas leasing and permitting, including planning and environmental analyses.

#### SEC. 374. ALASKA NATURAL GAS PIPELINE.

Section 116(c)(2) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n(c)(2)) is amended

by striking “\$18,000,000,000” and inserting “\$30,000,000,000”.

## TITLE II—CLEAN ENERGY TECHNOLOGY WORKFORCE DEVELOPMENT

### SEC. 401. CLEAN ENERGY TECHNOLOGY WORKFORCE.

#### (a) GRANTS.—

(1) IN GENERAL.—The Secretary shall award competitive, merit-based grants to institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) for the establishment of programs providing training and education for vocational workforce development through centers of excellence for a broad range of clean energy sector needs in the clean energy technology workforce of the United States, as determined by the Secretary.

(2) OTHER INSTITUTIONS.—In carrying out this subsection, the Secretary shall accept proposals for centers from institutions of higher education that have or are prepared to develop a meaningful curriculum and program described in paragraph (1).

#### (b) NATIONAL MERIT SCHOLARSHIP PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a national merit scholarship program that provides scholarships each fiscal year for at least 1,000 undergraduate and 500 graduate students that are studying engineering, geosciences, and other energy-related fields.

(2) ELIGIBILITY.—To be eligible to obtain a scholarship under this subsection, a student shall be enrolled in a program offered by an institution of higher education that provides training and education for a clean energy workforce described in subsection (a)(1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

## DIVISION C—GLOBAL RISK MANAGEMENT

### SEC. 501. SENSE OF CONGRESS ON GEOPOLITICAL CONSEQUENCES OF OIL DEPENDENCE.

#### (a) FINDINGS.—Congress finds that—

(1) it is imperative to the national security, economic prosperity, and environmental integrity of the United States to have reliable, diverse, and affordable energy supplies;

(2)(A) the United States faces a multifaceted and growing threat to energy security;

(B) State-owned energy companies, especially those of adversarial governments, are using the energy supplies of the companies as leverage to promote foreign policies of states; and

(C) politically motivated domestic groups, pirates, and terrorists further present an increasing risk to critical energy infrastructure and key corridors of international energy supplies;

(3) efforts to develop a long-term energy policy for the United States is partially hindered by the lack of consistent and accurate information on world energy reserves;

(4) the United States should develop short-term policies and strategies that—

(A) protect key energy infrastructure;

(B) secure critical geographic transit routes; and

(C) mitigate political instability from energy suppliers;

(5) over the long-term, the United States should focus national security organizations on obtaining better information on world reserves of energy and strengthening relationships with certain key nations;

(6) addressing the challenge of energy security now and in the future will require the

United States to use all instruments of national power, including the military, diplomatic, and intelligence services; and

(7) the United States should make it a priority to engage key developing nations such as China and India on fossil fuel use in order to address global energy security and climate change challenges.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) sufficient resources should be provided to United States national security agencies to enable the agencies to protect tankers and other vessels, critical infrastructure, and supply routes;

(2) the President should work with Congress—

(A) to coordinate efforts between the Department of State and the Department of Justice to bolster programs to train national police and domestic security forces tasked with defending energy infrastructure in key countries;

(B) to promote initiatives by the Department of State and the Department of Defense—

(i) to provide allied nations with the technical expertise to minimize the consequences of an infrastructure accident or attack;

(ii) to engage the North Atlantic Treaty Organization (NATO) and other allies in negotiations on creating a security architecture to protect the strategic terrain; and

(iii) to work with the Coast Guard to strengthen the capacity of local, national, and regional maritime security forces;

(C) to mobilize the Department of Defense and the Department of Energy, in conjunction with the intelligence community, to conduct detailed scenario planning exercises on the repercussions of attacks on critical energy infrastructure; and

(D)(i) to authorize the Department of State to provide the President with diplomatic options, including the imposition of sanctions, for addressing states that use energy as a political weapon; and

(ii) to improve the capacity of the Department of State to provide diplomatic support to resolve conflicts that impact the energy security of the United States; and

(3) the intelligence community should be given an integral role in bolstering United States national energy security interests by—

(A) completing a comprehensive national intelligence estimate on energy security that assesses the most vulnerable aspects of critical energy infrastructure and the future stability of major energy suppliers;

(B) improving warning time to prevent attacks on key energy infrastructure;

(C) expanding the collection of intelligence on national energy companies and the energy reserves of those companies; and

(D) bolstering collection and analysis of potential strategic conflicts that could disrupt key energy supplies.

### SEC. 502. STUDY OF FOREIGN FUEL SUBSIDIES.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study of foreign fuel subsidies, including—

(1) the impact of the subsidies on global energy supplies, global energy demand, and global economic impacts; and

(2) recommendations on actions that should be taken to reduce the impact of the subsidies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that de-

scribes the results of the study conducted under this section, including any recommendations.

By Mr. BROWN (for himself, Ms. SNOWE, and Mrs. MURRAY):

S. 777. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today, Senator SNOWE of Maine, Senator MURRAY of Washington, and I are introducing a workforce development bill—the Strengthening Employment Clusters to Organize Regional Success, or SECTORS Act.

Over the last 2 years, I have held more than 130 roundtable discussions in communities all over Ohio.

One of the themes that has recurred in the roundtables—from workers and employers, business and labor, teachers and professors—is that we need to do a better job connecting workers with the middle and high skills needed for careers that are growing in Ohio.

Today, Ohio has an unemployment rate of 9.4 percent higher than the national average. As many in this chamber are aware, older workers have been hit hard by the economic downturn. The Urban Institute reported that job loss for older workers is at a 31-year high.

Over the past eight years, Ohio lost more than 230,000 manufacturing jobs—a 24 percent drop of employment in a sector so vital to Ohio's economy.

That said, employers throughout the State talk about jobs gone begging, and not being able to fill middle and high skilled positions. There are open jobs in high-tech, healthcare, and even manufacturing that are going unfilled.

A recent report by labor economists Harry Holzer and Robert Lerman found that substantial demand remains in today's labor market for skilled workers. This is particularly true for “middle-skill” jobs that require more than a high school degree but less than a four-year college degree. These jobs make up nearly half of America's labor market and provide good compensation for workers.

Congress needs to focus on skills training now more than ever.

The approach Senator SNOWE, Senator MURRAY, and I take in this bill is to organize training around industry clusters.

Silicon Valley, the Research Triangle in North Carolina, Route 128 around Boston—these are examples of clusters.

But, it is not just high tech jobs either.

Think of tourism in Florida, or insurance in Connecticut, or food packaging in Pennsylvania. These are successful clusters that build around a skilled labor force.

The Ohio Workforce Board has compiled great information about emerging industries and skills programs needed to see people fill these jobs.

Ohio Governor Ted Strickland and Chancellor Eric Fingerhut are giving workforce training a high priority.

This bill provides incentives to employers, labor, educators, and workforce investment boards to model the best skills training approaches happening in Ohio and around the country.

The SECTORS Act focuses on targeted training, with multiple stakeholders in the same industry. The bill right now requires four principal stakeholders to be part of a training program: industry, labor unions, workforce investment boards, and community colleges.

It encourages official economic development organizations, where appropriate, to be partners.

We want to build in a process that makes a training program sustainable and not just a one-time infusion of money. With that in mind, our bill contains a matching funds requirement.

The legislation builds in rigorous evaluation so lawmakers and policymakers know how tax dollars are being spent, something that has not been the cause under President Bush's Department of Labor's training initiatives.

The Government Accountability Office found in May 2008 that the Labor Department's demand-driven workforce training programs have often been awarded through a non-competitive process, and have lacked accountability and evaluation so that Americans know how their tax dollars are being spent.

We need to break clean from this approach.

I plan to work with Senator SNOWE, Senator MURRAY, and colleagues in both chambers to authorize an industry sector skills training program that builds in accountability and sustainability, and helps workers and businesses thrive in Ohio, Maine, Washington, and throughout the country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 777

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Employment Clusters to Organize Regional Success Act of 2009" or the "SECTORS Act of 2009".

#### SEC. 2. INDUSTRY OR SECTOR PARTNERSHIP GRANT.

Subtitle D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2911 et seq.) is amended by inserting after section 173A the following:

##### "SEC. 173B. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM.

"(a) PURPOSE.—It is the purpose of this section to create designated capacity to pro-

mote industry or sector partnerships that lead collaborative planning, resource alignment, and training efforts across multiple firms for a range of workers employed or potentially employed in a targeted industry cluster, in order to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in targeted industry clusters. The activities carried out by the partnerships may include the development of—

"(1) immediate strategies for regions and communities to fulfill pressing skilled workforce needs;

"(2) long-term plans to grow targeted industry clusters with better training and a more productive workforce;

"(3) core competencies and competitive advantages for regions and communities undergoing structural economic redevelopment; and

"(4) skill standards, career ladders, job redefinitions, employer practices, and shared training and support capacities for the targeted industry cluster that facilitate the advancement of workers at all skill levels.

"(b) DEFINITIONS.—In this section:

"(1) CAREER LADDER.—The term 'career ladder' means an identified series of positions, work experiences, and educational benchmarks or credentials that offer occupational and financial advancement within a specified career field or related fields over time.

"(2) ECONOMIC SELF-SUFFICIENCY.—The term 'economic self-sufficiency' means, with respect to a worker, earning a wage sufficient to support a family adequately over time, based on factors such as—

"(A) family size;

"(B) the number and ages of children in the family;

"(C) the cost of living in the worker's community; and

"(D) other factors that may vary by region.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) an industry or sector partnership; or

"(B) an eligible State agency.

"(4) ELIGIBLE STATE AGENCY.—The term 'eligible State agency' means a State agency designated by the Governor of the State for the purposes of the grant program under this section.

"(5) HIGH-PRIORITY OCCUPATION.—The term 'high-priority occupation' means an occupation that—

"(A) has a significant presence in an industry cluster;

"(B) is in demand by employers;

"(C) pays family-sustaining wages that enable workers to achieve economic self-sufficiency, or can reasonably be expected to lead to such wages;

"(D) has a documented career ladder; and

"(E) has a significant impact on a region's economic development strategy.

"(6) INDUSTRY CLUSTER.—The term 'industry cluster' means a concentration of interconnected businesses, suppliers, research and development entities, education and training providers, and associated institutions in a particular field that are linked by common workforce needs.

"(7) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' means a workforce collaborative that—

"(A) organizes key stakeholders in a targeted industry cluster into a working group that focuses on the shared goals and human resources needs of a targeted industry cluster and that includes, at the appropriate stage of development of the partnership—

"(i) representatives (including workers) of multiple firms or employers in a targeted industry cluster, including small- and medium-sized employers when practicable;

"(ii) 1 or more representatives of a recognized State labor organization or central labor council, or other labor representatives as determined appropriate by the Secretary;

"(iii) 1 or more representatives of a local board;

"(iv) 1 or more representatives of a post-secondary educational institution or other training provider; and

"(v) 1 or more representatives of a State workforce agency or other entity providing employment services; and

"(B) may include representatives of—

"(i) State or local government;

"(ii) State or local economic development agencies;

"(iii) other State or local agencies;

"(iv) business or trade associations;

"(v) official economic development organizations;

"(vi) community-based organizations;

"(vii) philanthropic organizations;

"(viii) industry associations; and

"(ix) other organizations, as determined necessary by the members comprising the industry or sector partnership.

"(8) TARGETED INDUSTRY CLUSTER.—The term 'targeted industry cluster' means an industry cluster that has—

"(A) significant current or potential economic impact in a local or regional area;

"(B) immediate workforce development needs; and

"(C) documented opportunities for career advancement.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts appropriated under subsection (i), the Secretary shall award, on a competitive basis, planning grants described in paragraph (3) and implementation grants described in paragraph (4) to eligible entities, to enable the eligible entities to plan and implement, respectively, the eligible entities' strategic objectives in accordance with subsection (f).

"(2) MAXIMUM AMOUNT.—

"(A) PLANNING GRANTS.—A planning grant awarded under paragraph (3) shall not exceed \$250,000.

"(B) IMPLEMENTATION GRANTS.—An implementation grant awarded under paragraph (4)(A) shall not exceed a total of \$2,500,000 for a 3-year period.

"(C) RENEWAL GRANTS.—A renewal grant awarded under paragraph (4)(C) shall not exceed a total of \$1,500,000 for a 3-year period.

"(3) PLANNING GRANTS.—

"(A) IN GENERAL.—The Secretary may award a planning grant under this section to an eligible entity that—

"(i) is a newly formed industry or sector partnership; and

"(ii) has not received a grant under this section.

"(B) DURATION.—A planning grant shall be for a duration of 1 year.

"(4) IMPLEMENTATION GRANTS.—

"(A) IN GENERAL.—The Secretary may award an implementation grant under this section to—

"(i) an eligible entity that has already received a planning grant under this section; or

"(ii) an eligible entity that is an established industry or sector partnership.

"(B) DURATION.—An implementation grant shall be for a duration of not more than 3 years, and may be renewed in accordance with subparagraph (C).

"(C) RENEWAL.—The Secretary may renew an implementation grant for not more than



3 years. A renewal of such grant shall be subject to the requirements of this section, except that the Secretary shall—

“(i) prioritize renewals to eligible entities that can demonstrate the long-term sustainability of an industry or sector partnership funded under this section;

“(ii) as a condition of renewing the grant, and notwithstanding subparagraph (D), decrease the amount of the Federal share and increase the amount of the non-Federal share required for the grant, which must include at least a 25 percent cash match from the State, the industry cluster, or some combination thereof; and

“(iii) require assurances that the eligible entity will leverage, each year, additional funding sources in accordance with subparagraph (D)(ii) than the eligible entity provided for the preceding year of the grant.

“(D) FEDERAL AND NON-FEDERAL SHARE.—

“(i) FEDERAL SHARE.—Except as provided in subparagraph (C)(ii), the Federal share of an implementation grant under this section shall be—

“(I) 90 percent of the costs of the activities described in subsection (f), in the first year of the grant;

“(II) 80 percent of such costs in the second year of the grant; and

“(III) 70 percent of such costs in the third year of the grant.

“(ii) NON-FEDERAL.—The non-Federal share of an implementation grant under this section may be in cash or in-kind, and may come from State, local, philanthropic, private, or other sources.

“(5) FISCAL AGENT.—Each eligible entity receiving a grant under this section that is an industry or sector partnership shall designate an entity in the partnership as the fiscal agent for purposes of this grant.

“(6) USE OF GRANT FUNDS DURING GRANT PERIODS.—An eligible entity receiving grant funds under a planning grant, implementation grant, or a renewal grant under this section shall expend grant funds or obligate grant funds to be expended by the last day of the grant period.

“(d) APPLICATION PROCESS.—

“(1) IDENTIFICATION OF A TARGETED INDUSTRY CLUSTER.—In order to qualify for a grant under this section, an eligible entity shall identify a targeted industry cluster that could benefit from such grant by—

“(A) working with businesses, industry associations and organizations, labor organizations, State boards, local boards, economic development agencies, and other organizations that the eligible entity determines necessary, to identify an appropriate targeted industry cluster based on criteria that include, at a minimum—

“(i) data showing the competitiveness of the industry cluster;

“(ii) the importance of the industry cluster to the economic growth of the area served by the eligible entity;

“(iii) the identification of supply and distribution chains within the industry cluster; and

“(iv) research studies on industry clusters; and

“(B) working with appropriate employment agencies, local boards, economic development agencies, community organizations, and other organizations that the eligible entity determines necessary, to ensure that the targeted industry cluster identified under subparagraph (A) should be targeted for investment, based primarily on the following criteria:

“(i) Demonstrated demand for job growth.

“(ii) Measurable evidence of competitive-

ness.

“(iii) Employment base.

“(iv) Wages and benefits.

“(v) Demonstrated importance of the targeted industry cluster to the area's economy.

“(vi) Workforce development needs of the area surrounding the targeted industry cluster.

“(2) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. An application submitted under this paragraph shall contain, at a minimum, the following:

“(A) A description of the eligible entity, evidence of the eligible entity's capacity to carry out activities in support of the strategic objectives identified in the application under subparagraph (D), and, if the eligible entity is an industry or sector partnership, a description of the expected participation and responsibilities of each of the mandatory partners described in subsection (b)(8)(A).

“(B) A description of the targeted industry cluster for which the eligible entity intends to carry out activities through a grant under this section, and a description of how such targeted industry cluster was identified in accordance with paragraph (1).

“(C) A description of the workers that will be targeted or recruited by the partnership, including an analysis of the existing labor market, a description of potential barriers to employment for targeted workers, and a description of strategies that will be employed to help workers overcome such barriers.

“(D) A description of the strategic objectives that the eligible entity intends to carry out for the targeted industry cluster, which objectives shall include—

“(i) recruiting key stakeholders in the targeted industry cluster, such as businesses and employers, labor organizations, industry associations, local boards, State boards, and education and training providers, and regularly convening the stakeholders in a collaborative structure that supports the sharing of information, ideas, and challenges common to the targeted industry cluster;

“(ii) identifying the shared training needs of multiple businesses, especially skill gaps critical to competitiveness and innovation in the targeted industry cluster;

“(iii) facilitating economies of scale by aggregating training and education needs of multiple employers in the targeted industry cluster;

“(iv) helping postsecondary educational institutions, training institutions, and registered apprenticeship programs align curricula, entrance requirements, and programs to industry demand, particularly for higher skill, high-priority occupations validated by the industry;

“(v) ensuring that the State agency carrying out the State program under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), including staff of the agency that provide services under such Act, shall inform recipients of unemployment insurance and trade adjustment assistance under chapter 2 or 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq., 2401 et seq.) of the job and training opportunities that may result from the implementation of this grant;

“(vi) informing and collaborating with organizations such as youth councils, business-education partnerships, registered apprenticeship programs, secondary schools, and postsecondary educational institutions, and with parents and career counselors, for the purpose of addressing the challenges of con-

necting disadvantaged adults, as defined in section 132(b)(1)(B)(v), and disadvantaged youth, as defined in section 127(b)(2), to careers;

“(vii) helping companies in the targeted industry cluster identify, and work together to address, common organizational and human resources challenges, such as—

“(I) recruiting new workers;

“(II) developing and implementing effective workplace practices;

“(III) retaining dislocated and incumbent workers;

“(IV) implementing a high-performance work organization;

“(V) recruiting and retaining women in nontraditional occupations;

“(VI) adopting new technologies; and

“(VII) fostering experiential and contextualized on-the-job learning;

“(viii) developing and strengthening career ladders within and across companies (in cooperation with labor organizations if the labor organizations represent employees engaged in similar work in the industry cluster), in order to enable dislocated, incumbent and entry-level workers to improve skills and advance to higher-wage jobs;

“(ix) improving job quality through improving wages, benefits, and working conditions;

“(x) helping partner companies in industry or sector partnerships to attract potential employees from a diverse job seeker base, including individuals with barriers to employment (such as job seekers who are low-income, youth, older workers, or individuals who have completed a term of imprisonment), by identifying such barriers through analysis of the existing labor market and implementing strategies to help such workers overcome such barriers; and

“(xi) strengthening connections among businesses in the targeted industry cluster, leading to cooperation beyond workforce issues that will improve competitiveness and job quality, such as joint purchasing, market research, or centers for technology and innovation.

“(E) A description of the manner in which the eligible entity intends to make sustainable progress toward the strategic objectives described in subparagraph (D).

“(F) Performance measures, including quantifiable interim performance benchmarks, for measuring progress toward the strategic objectives. Such measures shall consider, at a minimum, the benefits provided by the grant activities funded under this section for—

“(i) workers employed in the targeted industry cluster, disaggregated by gender and race, including—

“(I) the number of workers receiving portable industry-recognized credentials;

“(II) the number of workers with increased wages, the percentage of workers with increased wages, and the average wage increase; and

“(III) for dislocated or nonincumbent workers, the number of workers placed in sector-related jobs; and

“(ii) firms and industries in the targeted industry cluster, including—

“(I) the creation or updating of an industry plan to meet current and future workforce demand;

“(II) the creation or updating of published industry-wide skill standards or career pathways;

“(III) the creation or updating of portable, industry-recognized credentials, or where there is not such a credential, the creation or updating of a training curriculum that

can lead to the development of such a credential;

“(IV) in the case of an eligible entity that is an industry or sector partnership, the number of firms, and the percentage of the local industry, participating in the industry or sector partnership; and

“(V) the number of firms, and the percentage of the local industry, receiving workers or services through the grant funded under this section.

“(G) A timeline for achieving progress toward the strategic objectives.

“(H) In the case of an eligible entity desiring an implementation grant under this section, an assurance that the eligible entity will leverage other funding sources, in addition to the amount required for the non-Federal share under subsection (c)(4)(D), to provide training or supportive services to workers under the grant program. Such additional funding sources may include—

“(i) funding under this title used for such training and supportive services;

“(ii) funding under the Adult Education and Family Literacy Act of 1998 (20 U.S.C. 9201 et seq.);

“(iii) funding under chapter 2 or 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

“(iv) economic development funding;

“(v) employer contributions to training initiatives; or

“(vi) providing employees with employee release time for such training or supportive services.

“(e) AWARD BASIS.—

“(1) GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this section in a manner to ensure geographic diversity.

“(2) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

“(A) work with employers within a targeted industry cluster to retain and expand employment in high wage, high growth areas;

“(B) focus on helping workers move toward economic self-sufficiency and ensuring the workers have access to adequate supportive services;

“(C) address the needs of firms with limited human resources or in-house training capacity, including small- and medium-sized firms; and

“(D) coordinate with entities carrying out—

“(i) State and local workforce investment activities, including the one-stop delivery system;

“(ii) adult secondary education, career and technical education, and postsecondary education; and

“(iii) economic development activities.

“(f) ACTIVITIES.—

“(1) IN GENERAL.—An eligible entity receiving a grant under this section shall carry out the activities necessary to meet the strategic objectives described in the entity's application in a manner that—

“(A) integrates services and funding sources in a way that enhances the effectiveness of the activities; and

“(B) uses grant funds awarded under this section efficiently.

“(2) ADMINISTRATIVE COSTS.—An eligible entity may retain a portion of a grant awarded under this section for a fiscal year to carry out the administration of this section in an amount not to exceed 10 percent of the grant amount.

“(g) EVALUATION AND PROGRESS REPORTS.—

“(1) ANNUAL ACTIVITY REPORT AND EVALUATION.—Not later than 1 year after receiving a

grant under this section, and annually thereafter for the duration of the grant, an eligible entity shall—

“(A) report to the Secretary, and to the Governor of the State that the eligible entity serves, on the activities funded pursuant to a grant under this section; and

“(B) evaluate the progress the eligible entity has made toward the strategic objectives identified in the application under subsection (d)(2)(D), and measure the progress using the performance measures identified in the application under subsection (d)(2)(F).

“(2) REPORT TO THE SECRETARY.—An eligible entity receiving a grant under this section shall submit to the Secretary a report containing the results of the evaluation described in paragraph (1)(B) at such time and in such manner as the Secretary may require.

“(h) ADMINISTRATION BY THE SECRETARY.—

“(1) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 10 percent of the funds appropriated pursuant to the authorization of appropriations under subsection (i) for each fiscal year to administer this section.

“(2) TECHNICAL ASSISTANCE AND OVERSIGHT.—The Secretary shall provide technical assistance and oversight to assist the eligible State and local agencies or eligible entities in applying for and administering grants awarded under this section. The Secretary shall also provide technical assistance to eligible entities in the form of conferences and through the collection and dissemination of information on best practices developed by eligible partnerships. The Secretary may award a grant or contract to 1 or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of industry cluster partnerships.

“(3) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible entities may use to evaluate the effectiveness of each type of activity in making progress toward the strategic objectives described in subsection (d)(2)(D). Such measures shall consider the benefits of the industry or sector partnership and its activities for workers, firms, industries, and communities.

“(4) DISSEMINATION OF INFORMATION.—The Secretary shall—

“(A) coordinate the annual review of each eligible entity receiving a grant under this section and produce an overview report that, at a minimum, includes—

“(i) the critical learning of each industry or sector partnership, such as—

“(I) the training that was most effective;

“(II) the human resource challenges that were most common;

“(III) how technology is changing the targeted industry cluster; and

“(IV) the changes that may impact the targeted industry cluster over the next 5 years; and

“(ii) a description of what eligible entities serving similar targeted industry clusters consider exemplary practices, such as—

“(I) how to work effectively with postsecondary educational institutions;

“(II) the use of internships;

“(III) coordinating with apprenticeships and cooperative education programs;

“(IV) how to work effectively with schools providing vocational education;

“(V) how to work effectively with adult populations, including—

“(aa) dislocated workers;

“(bb) women in nontraditional occupations; and

“(cc) individuals with barriers to employment, such as job seekers who—

“(AA) are economically disadvantaged;

“(BB) have limited English proficiency;

“(CC) require remedial education;

“(DD) are older workers;

“(EE) are individuals with disabilities;

“(FF) are veterans;

“(GG) are individuals who have completed a sentence for a criminal offense; and

“(HH) have other barriers to employment;

“(VI) employer practices that are most effective;

“(VII) the types of training that are most effective; and

“(VIII) other areas where industry or sector partnerships can assist each other;

“(B) make resource materials, including all reports published and all data collected under this section, available on the Internet; and

“(C) conduct conferences and seminars to—

“(i) disseminate information on best practices developed by eligible entities receiving a grant under this section; and

“(ii) provide information to the communities of eligible entities.

“(5) REPORT.—Not later than 18 months after the date of enactment of the Strengthening Employment Clusters to Organize Regional Success Act of 2009, and annually thereafter, the Secretary shall transmit a report to Congress on the industry or sector partnership grant program established by this section. The report shall include a description of—

“(A) the eligible entities receiving funding;

“(B) the activities carried out by the eligible entities;

“(C) how the eligible entities were selected to receive funding under this section; and

“(D) an assessment of the results achieved by the grant program including findings from the annual reviews described in paragraph (4)(A).

“(i) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2010 and for each succeeding fiscal year.

“(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) for the fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were first appropriated.”.

### SEC. 3. FEDERAL AGENCY COORDINATION.

(a) INTERAGENCY COOPERATION.—The head of each Federal department or agency whose funding, regulations, or other policies impact workers shall cooperate with the Secretary of Labor to—

(1) maintain up-to-date information on jobs, wages, benefits, skills, and careers of workers impacted by the actions of such agency or department;

(2) develop and implement policies that would improve the jobs and careers of workers impacted by the actions of such agency or department; and

(3) report the department or agency's job creation and economic development strategies to the Secretary.

(b) ALIGNMENT.—Notwithstanding any other provision of law, the Secretary and the heads of other Federal departments or agencies shall work together to align existing education and training programs with the demonstrated needs of industry or sector partnerships, as defined in section 173B(b) of the Workforce Investment Act. These collaborative efforts shall include the following:

(1) DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall advise the Secretary of Labor of the Department of Commerce's workforce and economic development strategies, programs, and initiatives.

(2) JUSTICE DEPARTMENT.—The Attorney General shall—

(A) align federally funded programs offering training for inmates with industry clusters (as defined in section 173B(b) of the Workforce Investment Act) and high-priority occupations, and annually review these training programs to assure that the training programs prepare individuals for high-priority occupations; and

(B) align federally funded reentry programs to take advantage of information and career opportunities provided by industry and sector partnerships.

(3) DEPARTMENT OF EDUCATION.—The Secretary of Education shall—

(A) develop and support career ladders for high-priority occupations critical to targeted industry clusters served by a grant under section 173B of the Workforce Investment Act;

(B) develop and support innovative programs to address literacy (including English as a second language) and numeracy shortcomings, especially in those occupations critical to such targeted industry clusters;

(C) develop and support programs and strategies to reduce barriers to adult education;

(D) develop and support career education initiatives in middle and high schools; and

(E) support initiatives to develop industry-recognized credentials and new credit-bearing programs in public and private postsecondary educational institutions, especially in occupations critical to such targeted industry clusters.

(4) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall—

(A) develop and support innovative programs that connect qualified individuals receiving assistance under the State temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with employment opportunities in the targeted industry clusters served by a grant under section 173B of the Workforce Investment Act;

(B) develop and support strategies to prepare individuals receiving assistance under the State temporary assistance for needy families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for success in postsecondary education and training programs; and

(C) develop and support career education initiatives that provide such individuals with information to guide the clients' education and training plans.

Ms. SNOWE. Mr. President, I rise today in support of the Selecting Employment Clusters to Organize Regional Success, SECTORS, Act which Senators BROWN and I are introducing. This legislation would amend the Workforce Investment Act of 1998 to establish a new industry or sector partnership grant program administered by the Department of Labor.

The SECTORS Act provides grants to industry clusters—interrelated group of businesses, service providers, and associated institutions—in order to establish and expand sector partnerships. By providing financial assistance to these partnerships, this legislation

would create customized workforce training solutions for specific industries at a regional level. A sector approach is beneficial because it can focus on the dual goals of promoting the long-term competitiveness of industries and advancing employment opportunities for workers, thereby encouraging economic growth. Existing sector partnerships have long been recognized as key strategic elements within some of the most successful economic development initiatives throughout the country. Unfortunately, current Federal policy does not provide sufficient support for these critical ventures.

As Co-Chair of the bipartisan Senate Task Force on Manufacturing, one of my key goals is to ensure that manufacturers have access to a capable workforce. Unfortunately, manufacturers across the country have raised significant concerns about whether the next generation of workers is being trained to meet the needs of an increasingly high-tech workplace.

In fact, in my home State of Maine, the manufacturing sector has shed an alarming 23,600 jobs in the past 10 years; nearly 30 percent of the State's manufacturing employment. It is thereby critical that we as a Nation provide unemployed manufacturing workers the training needed to excel as our manufacturing sector becomes increasingly technical. This legislation provides a crucial link between establishing worker training programs and fostering new employment opportunities for those who have been affected by the manufacturing industry's decline. By promoting this innovative partnership we will take a crucial step toward rejuvenating our economy.

Throughout the country, sector partnerships are being used to promote the long-term competitiveness of industries and to advance employment opportunities. For example, the State of Maine has created the North Star Alliance Initiative. The Alliance has brought together Maine's boat builders, the University of Maine's Advanced Engineered Wood Composites Centers, Maine's marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training.

Our Nation's capacity to innovate is a key reason why our economy continues to grow and remains the envy of the world. Ideas by innovative Americans in the private and public sector have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage all avenues for advancing this vital sector if America is to compete at the forefront of innovation.

By Mr. NELSON, of Florida (for himself, Mr. CORNYN, Mr. MARTINEZ, and Mr. DODD):

S. 780 bill to amend the Andean Trade Preference Act to add Paraguay to the list of countries that are eligible to be designated as beneficiary countries and ATPDEA beneficiary countries; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce a bill, the U.S.-Paraguay Partnership Act of 2009, to add Paraguay as a beneficiary under the Andean Trade Promotion and Drug Eradication Act.

I want to thank my colleague on the Finance Committee, Senator JOHN CORNYN, for joining me in sponsoring this legislation. I understand a companion bill is being introduced in the House today as well by Representatives ENGEL and BURTON.

Paraguay, located in the important Tri-Border region of South America, shares borders with Brazil, Bolivia, and Argentina. Paraguay is one of the poorest nations in the Western Hemisphere, with 30 percent of its population surviving on less than \$2 a day. In 2007, U.S. exports to Paraguay exceeded \$1.2 billion, while Paraguayan imports to the U.S. totaled just \$68 million. Florida has historically served as a key source and transit point for U.S. two-way trade with Paraguay and will likely benefit from increased economic links between our two countries. Florida's deep-water ports serve as the main shipping points for goods coming from or going to Latin America. In addition, Paraguay, a major drug transit hub, has been a reliable U.S. partner for many years in our counternarcotics and counterterrorism efforts in the region. Nevertheless, we have neglected to include Paraguay in the important Andean trade program.

I believe that Paraguay is deserving of inclusion in this program.

The Andean Trade Promotion and Drug Eradication Act is a preference program that was established in 1991 and reauthorized with the drug cooperation element in 2002. It currently grants duty-free access to a range of exports from four Andean countries including Colombia, Ecuador, Peru, and Bolivia. This bill will add Paraguay as the fifth beneficiary country of this program, which will help connect Paraguay to the U.S. market and foster closer cooperation on a range of important anti-drug trafficking and national security issues. Currently, Paraguayan products are not competitive in U.S. markets because they are subject to higher tariffs than other Latin American and Caribbean countries that ship these same items duty-free to the U.S.

You may recall that the very first Summit of the Americas was held in 1994 in Miami, FL, where delegates discussed trade, combating drugs, and promotion of democracy. The new administration and our international partners will continue to grapple with these vital issues at the 5th Summit of the Americas, which will take place in Trinidad from April 17 to 19.

President Obama, who will be leading the U.S. delegation to the Summit in Trinidad, has said that we must work to develop a “partnership based on respect that the people of Latin America are looking for and that will be beneficial to the United States.”

The upcoming Summit of the Americas is dedicated to promoting prosperity and democracy in the Western Hemisphere. Surely, the thirty-four democratically elected heads of state who will be in attendance in Trinidad must focus on the situation of poverty-stricken countries such as Paraguay and Haiti. The election of President Fernando Lugo of Paraguay in May 2008 marked the democratic transfer of power in Paraguay after six decades of uninterrupted rule by the Colorado Party. It is in America's interest to support democracy and economic prosperity throughout the Hemisphere and I believe that adding Paraguay to this trade program is a positive step in that direction. The proud Paraguayan-American citizens of Florida and of other States, who have made important contributions to American society, will no doubt support this move.

In the spirit of the Summit of the Americas, we should strengthen our relationship with Latin America as a whole. We should continue to support representative democracy and expand prosperity in the Hemisphere. Therefore, I urge the Senate to include Paraguay in the Andean Trade Preference Act, a decision that will benefit both our countries as trade expands. Together with the other nations of the Western Hemisphere, we must strive to find common solutions to common problems, given the tremendous challenges we face today.

Mr. CORNYN. Mr. President, I rise to speak in favor of the U.S.-Paraguay Partnership Act of 2009. I introduced this legislation earlier today along with my colleague from the Finance Committee, Senator BILL NELSON of Florida.

This legislation will do two things; it will reduce trade barriers between the U.S., and Paraguay and it will encourage continued bi-national security cooperation. Paraguay is a friendly ally in Latin America, and it is beneficial to support and empower our allies in this sometimes-hostile region of the Americas.

The U.S.-Paraguay Partnership Act will add Paraguay to our Nation's existing trade pact with four countries in the Andean region of Latin America. The Andean Trade Promotion and Drug Enforcement Act, ATPDEA, enacted in 2002, is an economic tool that provides incentives for Andean nations to grow and manufacture legitimate products in order to reduce the grip of illegal drug cultivation and trafficking.

The ATPDEA has helped reduce the flow of narcotics from Peru, Colombia, and Ecuador since its enactment. In

addition to the illegal drug eradication function, the accord also fostered much greater economic cooperation between the Andean region and the U.S. Moreover, the two free trade agreements President George W. Bush negotiated and signed with Peru and Colombia were borne out of the cooperation developed by the Andean trade accord.

Paraguay is an important ally in U.S. counternarcotics efforts and is helping crackdown on terrorist financing activities in its region. The government of Paraguay recognizes the value in developing its economy by promoting legitimate alternatives to narcotics cultivation and trade. Our bi-national eradication strategy is working, and this bill will provide economic incentives to continue the fight against narco-terrorism from the ground up.

The ATPDEA is a temporary trade preferences law and is due for reconsideration later this year. I encourage my colleagues to seriously consider the merits of adding Paraguay as a beneficiary country when the ATPDEA is reauthorized. It is time to extend the benefits of the ATPDEA to the nation of Paraguay.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 97—DESIGNATING JUNE 1, 2009, AS “COLLECTOR CAR APPRECIATION DAY” AND RECOGNIZING THAT THE COLLECTION AND RESTORATION OF HISTORIC AND CLASSIC CARS IS AN IMPORTANT PART OF PRESERVING THE TECHNOLOGICAL ACHIEVEMENTS AND CULTURAL HERITAGE OF THE UNITED STATES

Mr. TESTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 97

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the Nation and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of this Nation's heritage by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now therefore, be it

*Resolved*, That the Senate—

(1) designates June 1, 2009, as “Collector Car Appreciation Day”;

(2) encourages the Department of Education, the Department of Transportation, and other Federal agencies to work in collaboration with the community of car collectors in the United States to support events and commemorations of “Collector Car Appreciation Day”, including exhibitions and educational and cultural activities for young people; and

(3) encourages the people of the United States to engage in events and commemorations of “Collector Car Appreciation Day” that create opportunities for collector car owners to educate young people on the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

SENATE CONCURRENT RESOLUTION 16—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT OF THE UNITED STATES SHOULD EXERCISE HIS CONSTITUTIONAL AUTHORITY TO PARDON POSTHUMOUSLY JOHN ARTHUR “JACK” JOHNSON FOR THE RACIALLY MOTIVATED CONVICTION IN 1913 THAT DIMINISHED THE ATHLETIC, CULTURAL, AND HISTORIC SIGNIFICANCE OF JACK JOHNSON AND UNDULY TARNISHED HIS REPUTATION

Mr. MCCAIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 16

Whereas John Arthur “Jack” Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting white and African American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 white champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning white titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African American to hold the title of Heavyweight Champion of the World;

Whereas, the victory by Jack Johnson over Tommy Burns prompted a search for a white boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the “great white hope”;

Whereas, in 1910, a white former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the “Battle of the Century”;

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African Americans, and the racially-motivated murder of African Americans nationwide;

Whereas the relationships of Jack Johnson with white women compounded the resentment felt toward him by many whites;

Whereas, between 1901 and 1910, 754 African Americans were lynched, some for simply for being "too familiar" with white women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the "White Slave Traffic Act" or the "Mann Act") (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce "for the purpose of prostitution or debauchery, or for any other immoral purpose";

Whereas, in October 1912, Jack Johnson became involved with a white woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an "immoral purpose" in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas, Federal authorities persisted and summoned a white woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of "prostitution and debauchery";

Whereas, in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas, in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Senate that—*

(1) John Arthur "Jack" Johnson paved the way for African American athletes to participate and succeed in racially integrated professional sports in the United States;

(2) Jack Johnson was wronged by a racially motivated conviction prompted by his success in the boxing ring and his relationship with white women;

(3) the criminal conviction of Jack Johnson unjustly ruined his career and destroyed his reputation; and

(4) the President of the United States should grant a pardon to Jack Johnson posthumously—

(A) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(B) in recognition of the athletic and cultural contributions of Jack Johnson to society.

Mr. MCCAIN. Mr. President, today I am pleased to introduce a resolution to pardon posthumously the world's first African-American heavyweight champion, John Arthur "Jack" Johnson. This resolution expresses the sense of the Senate that the President should exercise his constitutional authority to pardon Jack Johnson posthumously.

For my colleagues who may not be familiar with the plight of Jack Johnson, he is considered by many to be the most dominant athlete in boxing history. Arthur John Johnson was born March 31, 1878, in Galveston, TX, to parents who were former slaves. At an early age he realized his talent for the sweet science. In order to make a living, Johnson traveled across the country fighting anyone willing to face him. But he was denied repeatedly on purely racial grounds a chance to fight for the world heavyweight title. For too long, African-American fighters were not seen as legitimate contenders for the championship. Fortunately, after years of perseverance, Johnson was finally granted an opportunity in 1908 to fight the then-reigning title holder, Tommy Burns. Johnson handily defeated Burns to become the first African-American heavyweight champion.

Mr. Johnson's success in the ring, and sometimes indulgent lifestyle outside of it, fostered resentment among many and raised concerns that his continued dominance in the ring would somehow disrupt what was then perceived by many as a "racial order." So as history tells us, a search for a Caucasian boxer who could defeat Johnson began a recruitment effort that was dubbed the search for the "Great White Hope." That hope arrived in the person of former champion, Jim Jeffries, who returned from retirement to fight Johnson in 1910. But when Johnson defeated Jeffries, race riots broke out as many sought to avenge the loss.

Following the defeat of the "Great White Hope," the Federal Government launched an investigation into the legality of Johnson's relationships with Caucasian women. The Mann Act, which was enacted in 1910, outlawed the transport of Caucasian women across State lines for the purpose of prostitution or debauchery, or for "any other immoral purpose." Using the "any other immoral purpose" clause as a pretext, Federal law enforcement officials set out to "get" Johnson. On October 18, 1912, he was arrested for transporting his Caucasian girlfriend across State lines in violation of the act. However, the charges were dropped when the Caucasian, whose mother had originally tipped off Federal officials, refused to cooperate with authorities. She later married Johnson.

Yet Federal authorities persisted in their persecution of Johnson, persuading a former Caucasian girlfriend of Johnson's to testify that he had

transported her across State lines. Her testimony resulted in Johnson's conviction in 1913, when he was sentenced to 1 year and a day in Federal prison. During Johnson's appeal, one prosecutor admitted that "Mr. Johnson was perhaps persecuted as an individual, but that it was his misfortune to be the foremost example of the evil in permitting the intermarriage of whites and blacks."

After the trial, Johnson fled the country to Canada, and then traveled to various European and South American countries, before losing his heavyweight championship title in Cuba in 1915. He returned to the United States in 1920, surrendered to federal authorities, and served nearly a year in Federal prison. Despite this obvious and clear injustice, Johnson refused to turn his back on the country that betrayed him. Mr. Johnson died in an automobile accident in 1946.

The Jack Johnson case is an ignominious stain on our Nation's history. Rectifying this injustice is long overdue. Again, this resolution calls on the President to pardon Mr. Johnson posthumously. It recognizes the unjustness of what transpired, and sheds light on the achievements of an athlete who was forced into the shadows of bigotry and prejudice. Johnson was a flawed individual who was certainly controversial. But he was also a historic American figure, whose life and accomplishments played an instrumental role in our Nation's progress toward true equality under the law. And he deserved much better than a racially motivated conviction, which denied him of his liberty, and served to diminish his athletic, cultural, and historic significance.

Yesterday was the 131st anniversary of Jack Johnson's birth and we should take this opportunity to allow future generations to grasp fully what Jack Johnson accomplished against great odds and appreciate his contributions to society unencumbered by the taint of his criminal conviction. We know that we cannot possibly right the wrong that was done to Jack Johnson, but we can take this small step toward acknowledging his mistreatment and removing the cloud that casts a shadow on his legacy. I urge my colleagues to support this resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 805. Mr. ENSIGN (for himself, Mrs. FEINSTEIN, Mr. GREGG, Mr. GRAHAM, Mr. ENZI, Mr. CRAPO, Mr. COBURN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

SA 863. Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.



SA 917. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 918. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 919. Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 920. Mr. MENENDEZ (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 921. Mr. MENENDEZ (for himself and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 922. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 923. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 924. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 925. Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 926. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

SA 927. Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 805.** Mr. ENSIGN (for himself, Mrs. FEINSTEIN, Mr. GREGG, Mr. GRAHAM, Mr. ENZI, Mr. CRAPO, Mr. COBURN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 4, line 15, decrease the amount by \$303,420,000.

On page 4, line 16, decrease the amount by \$475,732,000.

On page 4, line 17, decrease the amount by \$599,908,000.

On page 4, line 18, decrease the amount by \$755,924,000.

On page 4, line 24, decrease the amount by \$303,420,000.

On page 4, line 25, decrease the amount by \$475,732,000.

On page 5, line 1, decrease the amount by \$599,908,000.

On page 5, line 2, decrease the amount by \$755,924,000.

On page 5, line 8, decrease the amount by \$303,420,000.

On page 5, line 9, decrease the amount by \$475,732,000.

On page 5, line 10, decrease the amount by \$599,908,000.

On page 5, line 11, decrease the amount by \$755,924,000.

On page 5, line 18, decrease the amount by \$303,420,000.

On page 5, line 19, decrease the amount by \$779,152,000.

On page 5, line 20, decrease the amount by \$1,379,060,000.

On page 5, line 21, decrease the amount by \$2,134,984,000.

On page 6, line 1, decrease the amount by \$303,420,000.

On page 6, line 2, decrease the amount by \$779,152,000.

On page 6, line 3, decrease the amount by \$1,379,060,000.

On page 6, line 4, decrease the amount by \$2,134,984,000.

On page 21, line 3, decrease the amount by \$300,000,000.

On page 21, line 4, decrease the amount by \$300,000,000.

On page 21, line 7, decrease the amount by \$460,000,000.

On page 21, line 8, decrease the amount by \$460,000,000.

On page 21, line 11, decrease the amount by \$560,000,000.

On page 21, line 12, decrease the amount by \$560,000,000.

On page 21, line 15, decrease the amount by \$680,000,000.

On page 21, line 16, decrease the amount by \$680,000,000.

On page 27, line 3, decrease the amount by \$3,420,000.

On page 27, line 4, decrease the amount by \$3,420,000.

On page 27, line 7, decrease the amount by \$15,732,000.

On page 27, line 8, decrease the amount by \$15,732,000.

On page 27, line 11, decrease the amount by \$39,908,000.

On page 27, line 12, decrease the amount by \$39,908,000.

On page 27, line 15, decrease the amount by \$75,924,000.

On page 27, line 16, decrease the amount by \$75,924,000.

**SA 806.** Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the end of subtitle A of title III, insert the following:

#### **SEC. \_\_\_\_ . POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES.**

(a) In General.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which increases Federal income tax rates.

(b) Definition.—In this section, the term “Federal income tax rates” means any rate of tax imposed under subsection (a), (b), (c), (d), or (e) of section 1, 11(b), or 55(b) of the Internal Revenue Code of 1986.

(c) Waiver.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) Appeals.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 807.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

#### **SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR THE DEFENSE OF THE UNITED STATES AND ITS ALLIES AGAINST THE THREAT OF BALLISTIC MISSILE ATTACK.**

In the event the United States or an ally of the United States engages a ballistic missile fired by a third party without the mutual consent of the engaging party and the party firing such missile, it shall be in order for the Chairman of the Senate Committee on the Budget to revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide funding for United States programs for research, development, and deployment of ballistic missile defense by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

**SA 808.** Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 20, line 24, increase the amount by \$5,000,000.

On page 20, line 25, increase the amount by \$5,000,000.

On page 21, line 3, increase the amount by \$10,000,000.

On page 21, line 4, increase the amount by \$10,000,000.

On page 21, line 7, increase the amount by \$10,000,000.

On page 21, line 8, increase the amount by \$10,000,000.

On page 27, line 23, decrease the amount by \$5,000,000.

On page 27, line 24, decrease the amount by \$5,000,000.

On page 28, line 2, decrease the amount by \$10,000,000.

On page 28, line 3, decrease the amount by \$10,000,000.

On page 28, line 6, decrease the amount by \$10,000,000.

On page 28, line 7, decrease the amount by \$10,000,000.

**SA 809.** Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States

Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 2, after “development,” insert “strengthen and retool manufacturing supply chains.”

**SA 810.** Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 37, line 24, insert “by increasing support for sector workforce training,” after “products.”

**SA 811.** Mr. SANDERS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO ESTABLISH A NATIONAL USURY LAW.**

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to establish a national usury law, provided that such legislation does not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 812.** Mr. SANDERS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO PROTECT SOCIAL SECURITY.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would protect Social Security by not reducing Social Security benefits or raising the retirement

age, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 813.** Ms. KLOBUCHAR (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE STUDENT ACHIEVEMENT.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that improve student achievement by focusing on attendance and truancy prevention specifically at the middle school grade level, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 814.** Mr. PRYOR (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by \$13,000,000.

On page 19, line 25, increase the amount by \$11,000,000.

On page 20, line 4, increase the amount by \$2,000,000.

On page 27, line 23, decrease the amount by \$13,000,000.

On page 27, line 24, decrease the amount by \$11,000,000.

On page 28, line 3, decrease the amount by \$2,000,000.

**SA 815.** Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, line 13, insert “by investing in programs such as the programs under sub-

part 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.)” after “students”.

**SA 816.** Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 38, line 19, after “refundable tax relief” insert “and enhancement of the employer-provided child care credit and enhancement of the dependent care tax credit”.

**SA 817.** Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR THE REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on social security benefits, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 818.** Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR LEGISLATION TO INCREASE THE AMOUNT OF CAPITAL LOSSES ALLOWED TO INDIVIDUALS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increases the amount by which a capital loss of an individual is allowed, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years

2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 819.** Mr. ENZI (for himself, Mr. ALEXANDER, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, between lines 4 and 5, insert the following:

**SEC. \_\_\_\_\_. RESTRICTIONS ON UNFUNDED MANDATES ON STATES AND LOCAL GOVERNMENTS.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the direct costs of one or more States or local governments by an amount that exceeds the threshold provided under section 424(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)(1)).

(b) **WAIVER AND APPEAL.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

**SA 820.** Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2 \_\_\_\_\_. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.**

(a) **IN GENERAL.**—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) **DEFICIT NEUTRALITY.**—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 821.** Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States

Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, and insert the following:

**SEC. \_\_\_\_\_. DEFICIT-NEUTRAL RESERVE FUND FOR ACCESS TO QUALITY AND AFFORDABLE HEALTH INSURANCE.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) ensures that every American is insured by providing genuine access to quality, affordable health care that promotes choice and competition to drive down costs, without increasing health care spending;

(2) strengthens health care quality by promoting wellness and empowering consumers with accurate and comprehensive information on quality and cost;

(3) protects Americans' economic security from catastrophic events by expanding insurance options and improving health insurance portability;

(4) promotes the advanced research and development of new treatments and cures to enhance health care quality; and

(5) accomplishes paragraphs (1) through (5) through regular order, without the use of reconciliation;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 822.** Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_\_. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INFORMATION TECHNOLOGY.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would encourage the efficiency of providers receiving health information technology incentive payments made available under the American Recovery and Reinvestment Act of 2009 by capping such incentive payments at 75 percent of the total acquisition and operating costs of implementing such system, provided such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 823.** Mr. ENZI (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the

concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 3, line 12, decrease the amount by \$7,536,000,000.

On page 3, line 13, decrease the amount by \$11,786,000,000.

On page 3, line 14, decrease the amount by \$13,136,000,000.

On page 3, line 15, decrease the amount by \$14,236,000,000.

On page 4, line 6, increase the amount by \$7,536,000,000.

On page 4, line 7, increase the amount by \$11,786,000,000.

On page 4, line 8, increase the amount by \$13,136,000,000.

On page 4, line 9, increase the amount by \$14,236,000,000.

On page 4, line 15, increase the amount by \$85,910,000.

On page 4, line 16, increase the amount by \$398,927,000.

On page 4, line 17, increase the amount by \$991,775,000.

On page 4, line 18, increase the amount by \$1,807,623,000.

On page 4, line 24, increase the amount by \$85,910,000.

On page 4, line 25, increase the amount by \$398,927,000.

On page 5, line 1, increase the amount by \$991,775,000.

On page 5, line 2, increase the amount by \$1,807,623,000.

On page 5, line 8, increase the amount by \$7,621,910,000.

On page 5, line 9, increase the amount by \$12,184,927,000.

On page 5, line 10, increase the amount by \$14,127,775,000.

On page 5, line 11, increase the amount by \$16,043,623,000.

On page 5, line 18, increase the amount by \$7,621,910,000.

On page 5, line 19, increase the amount by \$19,806,837,000.

On page 5, line 20, increase the amount by \$33,934,612,000.

On page 5, line 21, increase the amount by \$49,978,236,000.

On page 6, line 1, increase the amount by \$7,621,910,000.

On page 6, line 2, increase the amount by \$19,806,837,000.

On page 6, line 3, increase the amount by \$33,934,612,000.

On page 6, line 4, increase the amount by \$49,978,236,000.

On page 27, line 3, increase the amount by \$85,910,000.

On page 27, line 4, increase the amount by \$85,910,000.

On page 27, line 7, increase the amount by \$398,927,000.

On page 27, line 8, increase the amount by \$398,927,000.

On page 27, line 11, increase the amount by \$991,775,000.

On page 27, line 12, increase the amount by \$991,775,000.

On page 27, line 15, increase the amount by \$1,807,623,000.

On page 27, line 16, increase the amount by \$1,807,623,000.

**SA 824.** Mr. ENZI submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, insert the following:

**SEC. \_\_\_\_ . POINT OF ORDER ON LEGISLATION THAT INCREASES TAXES DURING ANY PERIOD WHEN THE UNEMPLOYMENT RATE IS IN EXCESS OF 5.8 PERCENT.**

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report during any period in which the unemployment rate in the United States (as measured by the most recent Bureau of Labor Statistics' Current Population Survey and based on the national seasonally adjusted rate for persons age 16 and over) exceeds 5.8 percent if such bill, joint resolution, amendment, motion, or conference report increases taxes.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 825.** Mr. ENZI (for himself, Mr. BARRASSO, Mr. VITTER, Mr. HATCH, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LIMITATIONS ON LEGISLATION THAT WOULD INCREASE ELECTRICITY PRICES DURING PERIODS OF HIGH UNEMPLOYMENT.**

(a) DEFINITION OF LEGISLATION.—In this section, the term "legislation" means a bill, joint resolution, amendment, motion, or conference report.

(b) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, on a point of order being made by any Senator against the legislation, or any part of the legislation, as a result of which a determination described in paragraph (2) is made, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination made by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Federal Government agencies, on the request of a Senator for review of the legislation, that the legislation, or portion of the legislation, would, if enacted, result in an increase in the national average

price for electricity during a period that the national average unemployment rate (as determined by the Bureau of Labor Statistics) is more than 5.5 percent.

(c) WAIVERS AND APPEALS.—

(1) WAIVERS.—

(A) IN GENERAL.—Before the Presiding Officer rules on a point of order described in subsection (b)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) VOTE.—A point of order described in subsection (a)(1) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—

(A) IN GENERAL.—After the Presiding Officer rules on a point of order described in subsection (b)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as the ruling applies to all or part of the provisions on which the Presiding Officer ruled.

(B) VOTE.—A ruling of the Presiding Officer on a point of order described in subsection (b)(1) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—

(A) IN GENERAL.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) DIVISION.—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or designees.

**SA 826.** Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2 \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO REPEAL DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the requirement to deduct certain amounts from mineral revenues payable to States under the heading "ADMINISTRATIVE PROVISIONS" under the heading "MINERALS MANAGEMENT SERVICE" under the heading "DEPARTMENT OF THE INTERIOR" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (Public Law 111-8).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 827.** Ms. COLLINS (for herself, Mr. BINGAMAN, and Mr. BAYH) submitted an amendment intended to be proposed by her to the concurrent resolution S.

Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 4, insert "(including through industrial energy efficiency programs)" after "and efficiency".

**SA 828.** Mr. COBURN (for himself, Mr. WICKER, Mr. VITTER, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, strike lines 3 through 7 and insert the following: "cans;

(8) maintain long-term fiscal sustainability and pays for itself by reducing health care cost growth, improving productivity, or dedicating additional sources of revenue; or

(9)(A) subject to subparagraph (B), protect the freedom of conscience for patients and the right of health care providers to serve patients without violating their moral and religious convictions, which includes, but is not limited to, prohibiting—

(i) discrimination on the basis of a provider's objection to perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals;

(ii) legal coercion against a provider who expresses a conscience objection to perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals; and

(iii) government coercion of patients to enroll in specific health insurance plans or see pre-selected health care providers; and

(B) require the principles described in subparagraph (A) shall not be construed to authorize or shield from liability the denial, on the basis of a patient's race or present or predicted disability, of a surgical or medical procedure or pharmaceutical that a provider offers to others;".

**SA 829.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, strike lines 6 through line 17 and insert the following:

**SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.**

(a) IN GENERAL.—In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports.

Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

(b) SENSE OF THE SENATE REGARDING SUPPORTING THE PRESIDENT IN HIS EFFORTS TO GO "LINE BY LINE" THROUGH THE FEDERAL BUDGET.—

(1) FINDINGS.—The Senate finds that—

(A) as of March 30, 2009, the national debt of the United States currently stands at \$11,045,554,110,788.22, the largest in world history;

(B) each United States citizen's share of this debt is \$36,155.97;

(C) the fiscal year 2010 Senate Budget Resolution will increase the total United States national debt by at least \$5,000,000,000,000 over the next 10 years;

(D) the power of the purse belongs to Congress;

(E) Congress authorizes and appropriates all Federal discretionary spending and creates new mandatory spending programs;

(F) Congress annually funds programs that are wasteful, inefficient, and duplicative that result in taxpayer losses in the billions;

(G) it is irresponsible for Congress to continue funding wasteful, inefficient, or duplicative Government programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans;

(H) every cent that the United States Government loses on wasteful, inefficient, or duplicative programs is money stolen from future generations of Americans and from important programs, including Social Security and Medicare, on which our senior citizens depend for their retirement security;

(I) President Obama declared on November 25, 2008, "In these challenging times, when we are facing both rising deficits and a sinking economy, budget reform is not an option. It is an imperative. We cannot sustain a system that bleeds billions of taxpayer dollars on programs that have outlived their usefulness, or exist solely because of the power of politicians, lobbyists, or interest groups."; and

(J) President Obama pledged, on November 25, 2008, to go through the Federal Budget "page by page, line by line, eliminating those programs we don't need, and insisting that those we do operate in a sensible, cost-effective way.".

(2) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should support the President in his efforts to go line by line through the Federal budget to eliminate wasteful spending by—

(A) requiring the head of every Federal department and agency to provide a report to Congress, within 90 days of the date of adoption of this resolution, on programs that are duplicative, inefficient, or failing, with recommendations for elimination and consolidation of such programs;

(B) requiring the Office of Management and Budget, within 90 days of the date of adoption of this resolution, to provide a report to Congress on programs that are duplicative government-wide, with recommendations for elimination or consolidation of such programs; and

(C) requiring every standing committee of Congress to conduct at least one oversight hearing per fiscal year to identify wasteful, inefficient, outdated, and duplicative programs that could be eliminated.

**SA 830.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 40, strike lines 9 through 22 and insert the following:

(f) HOUSING ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance, assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, and legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 831.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** SENSE OF CONGRESS ON UNITED NATIONS TRANSPARENCY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States taxpayer provides the United Nations with over \$5,000,000,000 annually, representing up to 25 percent of all funds received by the United Nations, even though the United States is only 1 of 192 United Nations members.

(2) In 2008, the Permanent Subcommittee on Investigations of the Senate found that the United Nations lead development entity, the United Nations Development Program, diverted development funds to the entity used by the Democratic People's Republic of Korea to finance illicit missile sales and permitted the Government of North Korea to use United Nations bank accounts to freely transfer cash around the world and elude detection and sanctions.

(3) The United Nations Procurement Task Force reported in 2008 that the United Nations Environment Program, which spends over \$1,000,000,000 annually and receives almost 10 percent of its budget from United States taxpayers, conducts almost no auditing or oversight of its spending, has one auditor and one assistant to inspect its oper-

ations, and would take 17 years to audit its high-risk areas already identified.

(4) The United Nations Procurement Task Force reported in 2008 that poor data collection across the United Nations system makes it impossible to determine whether a United Nations program is relevant or effective.

(5) The United Nations Procurement Task Force reported in 2008 that United Nations resource allocation and performance assessments do not take into account whether or not results have been achieved.

(6) The Department of State reported in 2007 that the United Nations 2008/2009 Biennial Budget represents the largest increase in its funding request in United Nations history, in excess of \$5,200,000,000 and representing a 25 percent increase from the previous biennial budget.

(7) The Department of State reported in 2007 that, in the previous 5 years, the United Nations budget has grown at a record 17 percent, the United Nations Peacekeeping budget has grown by 40 percent, and the United Nations Tribunals budget has grown by 15 percent, but the United States budget has only grown 7 percent during the same period.

(8) The Department of State reported in 2007 that the overwhelming majority of the United Nations budget, 75 percent, is diverted to costs associated with its staff instead of direct humanitarian assistance or conflict prevention.

(9) United Nations auditors in 2007 found that 43 percent of over \$1,000,000,000 in audited procurement contracts were tainted by fraud and corruption.

(10) The official policy at the Department of State for United Nations reform, as implemented through the United Nations Transparency and Accountability Initiative, is to press the United Nations to reform by providing access to United Nations audits, budget information and procurement activities, instituting legitimate whistleblower protections, financial disclosure policies, and an ethics office, providing independence for its internal oversight bodies, adopting international accounting standards, and establishing a cap on administrative overhead costs for United Nations funds and programs.

(11) The Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note) requires all federal funding information to be put on the public website, USAspending.gov, including all contract, subcontract, grant, and subgrant data such as the amount of the award, source of funds, and the intended purpose of the funds.

(12) Section 212 of this resolution creates a deficit-neutral reserve fund for a bipartisan congressional sunset commission that is tasked with providing "for a process that will help abolish obsolete and duplicative Federal programs" and "for improved government accountability and greater openness in Government decision-making".

(b) SENSE OF CONGRESS.—It is the sense of Congress that no appropriated funds should be obligated, expended, or otherwise made available for the United Nations or any subsidiary body of the United Nations, including any organization that is authorized to use the United Nations logo, for a fiscal year unless the Director of the Office of Management and Budget certifies that the United Nations, such subsidiary body of the United Nations, or such organization, as the case may be, is fully and publicly transparent about all of its spending, including for procurement purposes, that occurred during the prior fiscal year, including the posting on a publicly available website of—



(1) copies of all contracts, grants, subcontracts, and subgrants awarded or utilized during the prior fiscal year;

(2) copies of all program reviews, audits, budgets, project progress reports, and other management documents relating to the prior fiscal year; and

(3) any other financial or management information determined necessary by the Director of the Office of Management and Budget.

**SA 832.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING THE NEED FOR TRANSPARENCY FOR DOCUMENTS RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

(a) FINDINGS.—The Senate finds the following:

(1) On September 16, 2008, the Board of Governors of the Federal Reserve, after consulting with Treasury Department, issued a press release announcing it “authorized the Federal Reserve Bank of New York to lend up to \$85 billion to the American International Group (AIG) under section 13(3) of the Federal Reserve Act.”

(2) On October 8, 2008, the Board of Governors of the Federal Reserve issued a press release, announcing it would loan AIG an additional \$37.8 billion, stating, “Under this program, the New York Fed will borrow up to \$37.8 billion in investment-grade, fixed-income securities from AIG in return for cash collateral.”

(3) On November 10, 2008, the United States Treasury issued a press release announcing it would “purchase \$40 billion in senior preferred stock from the American International Group (AIG) as part of a comprehensive plan to restructure federal assistance to the systemically important company.”

(4) On November 25, 2008, the Treasury Department used funds from the Troubled Asset Relief Program (TARP) to purchase the \$40 billion in preferred shares in AIG.

(5) The November 10, 2008, a Treasury Department press release also stated, relating to compensation for AIG executives in light of the recent taxpayer-funded purchase of senior preferred stock, “Under the agreement AIG must be in compliance with the executive compensation and corporate governance requirements of Section 111 of the Emergency Economic Stabilization Act. AIG must comply with the most stringent limitations on executive compensation for its top five senior executive officers as required under the Emergency Economic Stabilization Act. Treasury is also requiring golden parachute limitations and a freeze on the size of the annual bonus pool for the top 70 company executives.”

(6) On January 26, 2009, H.R. 1, the American Recovery and Reinvestment Act of 2009 was introduced in the House with no language on executive compensation requirements for Troubled Asset Relief Program (TARP) recipients.

(7) On January 28, 2009, H.R. 1 passed the House of Representatives by a vote of 244-188, with no language included on executive compensation requirements for TARP recipients.

(8) On January 30, 2009, the Senate began consideration of Senate Amendment 98, a substitute amendment to H.R. 1, which did not include language on executive compensation requirements for TARP recipients.

(9) On February 5, 2009, during consideration of Senate Amendment 98, the Senate adopted by voice vote, Senate Amendment 354, which would prohibit the payment of bonuses to the top 25 executives at firms in receipt of TARP funds.

(10) On February 7, 2009, Senate Amendment 98 was withdrawn in the Senate, and Senate Amendment 570, a substitute amendment was ordered to be printed in the Senate, which included Senate Amendment 354, previously approved by the Senate.

(11) On February 10, 2009, Senate Amendment 570 passed the Senate by a vote of 61–37.

(12) On February 13, 2009, the conference report to H.R. 1 was approved by both the Senate and the House of Representatives, and contained a new provision, not included in either the Senate-passed or House-passed bills, specifically exempting bonuses agreed to before February 11, 2009, for executives at companies that received TARP funds.

(13) Senators were given less than 24 hours to review any changes that were made to the conference report, which totaled more than 1,000 pages.

(14) According Senate Rule XXVIII, paragraph 2(a), “Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.”

(15) According Senate Rule XXVIII, paragraph 9(a)(1), “It shall not be in order to vote on the adoption of a report of a committee of conference unless such report has been available to Members and to the general public for at least 48 hours before such vote. If a point of order is sustained under this paragraph, then the conference report shall be set aside.”

(16) On March 18, 2009, CNN reported that one United States senator “denied inserting that exemption at the 11th hour, and insisted he doesn’t know how it got in there.”

(17) On March 19, 2009, ABC News reported that one United States senator stated the following regarding the executive compensation language included in H.R. 1, “And frankly it was such a rush, talking about the stimulus bill now, to get it passed, I did not have time, other conferees did not have time to address many of the provisions that were modified significantly. We do the best we can, but we missed that stuff as a result.”

(18) On March 19, 2009, The Hill Newspaper reported that, according to the Speaker of the House of Representatives, the language in question did not originate in the House of Representatives, stating “This was never brought to conference, ... This never came to the House side, and you can talk to any of our conferees. It’s a matter of fact and record.”

(19) On March 19, 2009, the Wall Street Journal reported that White House officials suggested they did not request the legislative change, saying that “Administration officials said the Treasury didn’t suggest any language or say how the amendment should be changed. They said they noted legal issues that could likely lead to challenges, but was the end of their involvement. The official said Mr. Dodd and Congress made the final changes on their own.”

(20) On March 19, 2009, in an interview with CNN, Treasury Secretary Timothy Geithner stated that “Treasury staff did express concern about whether this provision was vulnerable to legal challenge.”

(21) On March 19, an ABC news story reported that “Two separate federal agencies have begun investigations into how the provisions ended up in the legislation...”

(22) On March 28, 2009, the Hartford Courant reported that the Attorney General of the State of Connecticut had sent a letter to the Chairman of the Board of Governors of the Federal Reserve contending that the AIG bonuses payments were not protected under Connecticut’s wage act, calling such arguments, “flawed legal bluffs”. Earlier in the week, the Chairman had testified to Congress that he wanted to legally challenge the bonuses but was advised not to because of the potential liability from the wage act. But, according to a March 25 story in the Hartford Courant, the Federal Reserve had not been in contact with the State Attorney General’s office to discuss the matter.

(23) Additionally, section 215 of this resolution encourages increased “transparency at the Federal Reserve System, including audits of the Board of Governors of the Federal Reserve System and the Federal reserve banks and increased public disclosure with respect to the recipients of all loans and other financial assistance it has provided since March 4, 2008”.

(24) The secret change in the language relating to executive compensation for TARP recipients’ calls into question the integrity of the Senate and the legislative process, and the executive branch has seen fit to investigate such matters.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that not later than 14 days after the adoption of this resolution, the Department of Treasury and the Board of Governors of the Federal Reserve, should post a clearly labeled section on the front page of the website of each such agency, that contains, in a searchable format, all documents relating to the origination, development, and insertion of the language described in subsection (a) into the conference report to H.R. 1, including—

(1) any relevant correspondences, memorandums, electronic communications, meeting summaries, and telephone logs; and

(2) all communication, in any medium or manner, with—

(A) each Senate Office;

(B) the President and any officials employed or associated with the Administration of the President;

(C) American International Group; and

(D) the Office of the Attorney General of the State of Connecticut.

**SA 833.** Mr. CRAPO (for himself, Mr. INHOFE, and Mr. RISCH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 12, line 21, strike “\$4,489,000,000” and insert “\$4,939,000,000”.

On page 12, line 22, strike “\$6,210,000,000” and insert “\$6,457,500,000”.

On page 12, line 25, strike “\$4,404,000,000” and insert “\$4,844,000,000”.

On page 13, line 1, strike "\$8,906,000,000" and insert "\$9,283,000,000".

On page 13, line 4, strike "\$4,427,000,000" and insert "\$4,867,000,000".

On page 13, line 5, strike "\$10,341,000,000" and insert "\$10,769,000,000".

On page 13, line 8, strike "\$4,619,000,000" and insert "\$5,059,000,000".

On page 13, line 9, strike "\$5,613,000,000" and insert "\$6,053,300,000".

On page 13, line 12, strike "\$4,540,000,000" and insert "\$4,980,000,000".

On page 13, line 13, strike "\$484,000,000" and insert "\$924,000,000".

On page 25, line 24, strike "\$22,321,000,000" and insert "\$21,871,000,000".

On page 25, line 25, strike "\$23,021,000,000" and insert "\$22,773,500,000".

On page 26, line 3, strike "\$22,477,000,000" and insert "\$22,037,000,000".

On page 26, line 4, strike "\$23,322,000,000" and insert "\$22,945,000,000".

On page 26, line 7, strike "\$22,707,000,000" and insert "\$22,267,000,000".

On page 26, line 8, strike "\$23,806,000,000" and insert "\$23,378,000,000".

On page 26, line 11, strike "\$22,437,000,000" and insert "\$21,997,000,000".

On page 26, line 12, strike "\$23,252,000,000" and insert "\$22,811,700,000".

On page 26, line 15, strike "\$22,808,000,000" and insert "\$22,368,000,000".

On page 26, line 16, strike "\$23,109,000,000" and insert "\$22,669,000,000".

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CONTINUATION OF REQUIRED LICENSING ACTIVITIES TO SUPPORT FINAL DISPOSAL OF CERTAIN MATERIALS AT YUCCA MOUNTAIN REPOSITORY.**

Notwithstanding any other provision of law, for each of fiscal years 2010 through 2014, there is authorized to be appropriated to the Secretary of Energy and the Chairperson of the Nuclear Regulatory Commission for the continuation of required licensing activities to support the final disposal at the Yucca Mountain Repository of spent nuclear fuel and high-level radioactive waste an amount equal to the increase in amounts made available under Function 270 by the modifications made by this amendment.

**SA 834.** Mr. BROWN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 21, line 7, increase the amount by \$5,000,000.

On page 21, line 8, increase the amount by \$5,000,000.

On page 21, line 11, increase the amount by \$10,000,000.

On page 21, line 12, increase the amount by \$10,000,000.

On page 21, line 15, increase the amount by \$10,000,000.

On page 21, line 16, increase the amount by \$10,000,000.

On page 28, line 6, decrease the amount by \$5,000,000.

On page 28, line 7, decrease the amount by \$5,000,000.

On page 28, line 10, decrease the amount by \$10,000,000.

On page 28, line 11, decrease the amount by \$10,000,000.

On page 28, line 14, decrease the amount by \$10,000,000.

On page 28, line 15, decrease the amount by \$10,000,000.

**SA 835.** Mr. GREGG (for himself, Mr. McCONNELL, Mr. VOINOVICH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. ENZI, Mr. LIEBERMAN, and Mr. ISAKSON) proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 49, between lines 3 and 4, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS OUR NATIONS LONG TERM FISCAL PROBLEMS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize the creation of a bipartisan task force to examine the long term fiscal imbalances facing our Nation and directs the bipartisan task force to report, with the majority approval of each participating party, legislative recommendations to address those imbalances, and provides legislative fast track procedures to ensure a vote on the legislative recommendations, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 836.** Mr. REED (for himself, Ms. SNOWE, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. SANDERS, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. ROCKEFELLER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 21, line 24, increase the amount by \$1,900,000,000.

On page 21, line 25, increase the amount by \$1,330,000,000.

On page 22, line 4, increase the amount by \$532,000,000.

On page 22, line 8, increase the amount by \$38,000,000.

On page 27, line 23, decrease the amount by \$1,900,000,000.

On page 27, line 24, decrease the amount by \$1,330,000,000.

On page 28, line 3, decrease the amount by \$532,000,000.

On page 28, line 7, decrease the amount by \$38,000,000.

**SA 837.** Mr. DORGAN submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 19, line 24, increase the amount by \$10,000,000.

On page 19, line 25, increase the amount by \$3,000,000.

On page 20, line 4, increase the amount by \$4,000,000.

On page 20, line 8, increase the amount by \$2,000,000.

On page 20, line 12, increase the amount by \$1,000,000.

On page 27, line 23, decrease the amount by \$10,000,000.

On page 27, line 24, decrease the amount by \$3,000,000.

On page 28, line 3, decrease the amount by \$4,000,000.

On page 28, line 7, decrease the amount by \$2,000,000.

On page 28, line 11, decrease the amount by \$1,000,000.

**SA 838.** Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 24, line 24, increase the amount by \$23,000,000.

On page 24, line 25, increase the amount by \$16,000,000.

On page 25, line 4, increase the amount by \$4,000,000.

On page 25, line 8, increase the amount by \$2,000,000.

On page 25, line 12, increase the amount by \$1,000,000.

On page 27, line 23, decrease the amount by \$23,000,000.

On page 27, line 24, decrease the amount by \$16,000,000.

On page 28, line 3, decrease the amount by \$4,000,000.

On page 28, line 7, decrease the amount by \$2,000,000.

On page 28, line 11, decrease the amount by \$1,000,000.

**SA 839.** Mr. ROBERTS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 21, line 24, increase the amount by \$20,000,000.

On page 21, line 25, increase the amount by \$15,200,000.

On page 22, line 3, increase the amount by \$20,000,000.

On page 22, line 4, increase the amount by \$19,800,000.

On page 22, line 7, increase the amount by \$10,000,000.

On page 22, line 8, increase the amount by \$12,400,000.

On page 22, line 12, increase the amount by \$2,500,000.

On page 22, line 16, increase the amount by \$100,000.

On page 27, line 23, decrease the amount by \$20,000,000.

On page 27, line 24, decrease the amount by \$15,200,000.

On page 28, line 2, decrease the amount by \$20,000,000.

On page 28, line 3, decrease the amount by \$19,800,000.

On page 28, line 6, decrease the amount by \$10,000,000.

On page 28, line 7, decrease the amount by \$12,400,000.

On page 28, line 11, decrease the amount by \$2,500,000.

On page 28, line 15, decrease the amount by \$100,000.

**SA 840.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 25, line 23, increase the amount by \$3,000,000.

On page 25, line 24, increase the amount by \$3,000,000.

On page 26, line 2, increase the amount by \$6,000,000.

On page 26, line 3, increase the amount by \$6,000,000.

On page 26, line 6, increase the amount by \$8,000,000.

On page 26, line 7, increase the amount by \$8,000,000.

On page 26, line 10, increase the amount by \$8,000,000.

On page 26, line 11, increase the amount by \$8,000,000.

On page 26, line 14, increase the amount by \$4,000,000.

On page 26, line 15, increase the amount by \$4,000,000.

On page 10, line 20, decrease the amount by \$3,000,000.

On page 10, line 21, decrease the amount by \$3,000,000.

On page 10, line 24, decrease the amount by \$6,000,000.

On page 10, line 25, decrease the amount by \$6,000,000.

On page 11, line 3, decrease the amount by \$8,000,000.

On page 11, line 4, decrease the amount by \$8,000,000.

On page 11, line 7, decrease the amount by \$8,000,000.

On page 11, line 8, decrease the amount by \$8,000,000.

On page 11, line 11, decrease the amount by \$4,000,000.

On page 11, line 12, decrease the amount by \$4,000,000.

**SA 841.** Ms. MURKOWSKI (for herself, Mrs. MURRAY, Mr. BENNET, Mr. TESTER, and Mr. THUNE) submitted an amendment intended to be proposed by

her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by \$100,000,000.

On page 19, line 25, increase the amount by \$30,000,000.

On page 20, line 4, increase the amount by \$43,000,000.

On page 20, line 8, increase the amount by \$18,000,000.

On page 20, line 12, increase the amount by \$7,000,000.

On page 27, line 23, decrease the amount by \$100,000,000.

On page 27, line 24, decrease the amount by \$30,000,000.

On page 28, line 3, decrease the amount by \$43,000,000.

On page 28, line 7, decrease the amount by \$18,000,000.

On page 28, line 11, decrease the amount by \$7,000,000.

**SA 842.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 40, line 4, insert “(including such legislation that expands free trade by reducing or eliminating duties, restrictions on the importation of articles, or any other barriers to international trade)” after “trade”.

**SA 843.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 40, line 4, after “trade” insert the following: “(including implementation of trade agreements with Colombia, Panama, and the Republic of Korea)”.

**SA 844.** Mr. CRAPO proposed an amendment to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 50, line 12, strike “and”

On page 50, insert after line 15:

“(3) for fiscal year 2011, \$1,092,921,000 in new budget authority;

(4) for fiscal year 2012, \$1,112,047,000 in new budget authority; and”.

On page 49, insert on line 12 after the word “bill”:

“, concurrent resolution.”.

**SA 845.** Ms. LANDRIEU (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the end of title II, add the following:

**SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND FOR FOSTER CARE FINANCING REFORM.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would, with respect to services provided under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) and services provided under part E of title IV of that Act (42 U.S.C. 670 et seq.)—

(1) change the Federal foster care payment system from a system that supports programs to one that supports children, whatever their best placement may be, and one that promotes permanency for children;

(2) when it is determined to be in the best interests of the child, promote and improve family support, family preservation, including residential family treatment for families suffering from substance abuse and addiction, and time-limited family reunification services;

(3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement, whether through reunification, adoption, kinship adoption, or guardianship;

(4) promote innovation and best practice at the State level; and

(5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected; by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 846.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 68, after line 4, insert the following:

**SEC. \_\_\_\_ FISCAL YEAR 2010 EARMARK MORATORIUM.**

(a) **BILLS AND JOINT RESOLUTIONS.**—

(1) **POINT OF ORDER.**—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term “earmark” means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term “limited tax benefit” means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term “limited tariff benefit” means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEAR 2010.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal year 2010.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

**SA 847.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EARMARK PROHIBITION.**

(a) IN GENERAL.—It shall not be in order in the Senate to consider a bill, resolution, amendment, or conference report that includes a congressional earmark.

(b) MATTER STRICKEN.—If the point of order prevails under subsection (a), the earmark provision shall be stricken in accordance with the procedures provided in section 313 of the Congressional Budget Act of 1974.

(c) DEFINITION.—In this section, the term “congressional earmark” means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(d) WAIVERS AND APPEALS.—

(1) WAIVER OR SUSPENSION.—This section may be waived or suspended in the Senate only by the affirmative rollcall vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 848.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place at the end of subtitle A of title III, insert the following:

**SEC. \_\_\_\_ . POINT OF ORDER AGAINST LEGISLATION THAT RAISES TAXES ON MIDDLE-INCOME FAMILIES.**

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution

for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974.

(b) SUSPENSION OF POINT OF ORDER.—

(1) IN GENERAL.—A point of order raised under subsection (a) shall be suspended in the Senate upon certification by the Chairman of the Budget Committee of the Senate that such bill, joint resolution, amendment, motion, amendment between Houses, or conference report does not include a Federal income tax increase on middle-income families.

(2) MIDDLE-INCOME FAMILIES.—For purposes of paragraph (1), the term “middle-income families” is defined as married couples filing jointly with \$250,000 or less in adjusted gross income. Adjusted gross income is defined under section 62 of the Internal Revenue Code of 1986.

(3) FEDERAL INCOME TAX INCREASE.—For purposes of paragraph (1), the term “Federal income tax increase” means any amendment to the Internal Revenue Code of 1986 that, directly or indirectly, increases the amount of Federal income tax, and any legislation that the Congressional Budget Office would score as an increase in Federal revenues.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 849.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND TO PROHIBIT THE TRANSFER OF DE-TAINEES AT NAVAL STATION GUANTANAMO BAY, CUBA, TO THE UNITED STATES.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report to prohibit the transfer of detainees housed at Naval Station, Guantanamo Bay, Cuba, to the United States or its territories by the amounts provided in that legislation for that purpose, provided that such legislation would not increase spending over the total of the period of fiscal years 2009 through 2014 and that such legislation would not increase revenues in any year in the period of fiscal years 2009 through 2019.

**SA 850.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth

the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO SUSPEND PREVAILING WAGE MANDATES IN HIGH UNEMPLOYMENT AREAS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would suspend the application of Federal laws requiring the payment of prevailing wages to workers under Federal contracts that have received federal funds from the American Recovery and Reinvestment Act of 2009, provided that such legislation would not increase the deficit over either period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 851.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE UNION TRANSPARENCY AND FISCAL INTEGRITY.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would guarantee the right of every worker to a National Labor Relations Board sanctioned secret ballot election during a unionization campaign of the workplace, provided that such legislation would not increase the deficit over either period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 852.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR THE REPEAL OF THE DEATH TAX.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference

report that would permanently repeal chapter 11 of the Internal Revenue Code of 1986 (relating to the estate tax) and chapter 13 of such Code (relating to the tax on generation-skipping transfers), provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 853.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . POINT OF ORDER AGAINST LEGISLATION THAT DECREASES THE NUMBER OF AMERICANS ENROLLED IN PRIVATE HEALTH INSURANCE WHILE INCREASING THE NUMBER ENROLLED IN GOVERNMENT-MANAGED, RATIONED HEALTH CARE.**

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that decreases the number of Americans enrolled in private health insurance plans, while increasing the number of Americans enrolled in government-managed, rationed health care (as determined by the Congressional Budget Office).

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 854.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO ALLOW THE PURCHASE OF HEALTH INSURANCE ACROSS STATE LINES.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would permit Americans who reside in one State to purchase a more affordable health insurance plan in the individual market that is domiciled or licensed in another State, provided that such legislation would not increase the deficit over either period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 855.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO ALLOW FOR THE PAYMENT OF HEALTH INSURANCE PREMIUMS FROM AMOUNTS IN HEALTH SAVINGS ACCOUNTS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that amends section 223 of the Internal Revenue Code of 1986 to allow amounts paid for insurance premiums to be treated as a qualified medical expense when paid from a health savings account, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase taxes and would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 856.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2 \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR OUTER CONTINENTAL SHELF LEASE SALES.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would provide for oil and natural gas lease sales (including lease sales for areas in the outer Continental Shelf planning areas of the South Atlantic and Mid Atlantic) on or before July 31, 2010.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 857.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for

fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

**SEC. \_\_\_\_ . LIMITATIONS ON LEGISLATION THAT WOULD INCREASE THE NATIONAL AVERAGE ELECTRICITY PRICE FOR CONSUMERS.**

(a) POINT OF ORDER.—

(1) IN GENERAL.—If the Senate is considering legislation, upon a point of order being made by any Senator against legislation, or any part of the legislation, that it has been determined in accordance with paragraph (2) that the legislation, if enacted, would result in an increase in the national average electricity price for consumers, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(2) DETERMINATION.—The determination described in this paragraph means a determination by the Director of the Congressional Budget Office, in consultation with the Energy Information Administration and other appropriate Government agencies, that is made upon the request of a Senator for review of legislation, that the legislation, or part of the legislation, would, if enacted, result in an increase in the national average electricity price for consumers.

(3) LEGISLATION.—In this section the term “legislation” means a bill, joint resolution, amendment, motion, or conference report.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—Before the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in subsection (a)(1) is waived only by the affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn.

(2) APPEALS.—After the Presiding Officer rules on a point of order described in subsection (a)(1), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in subsection (a)(1) is sustained unless three-fifths of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour. The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

**SA 858.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR PROVIDING AN ABOVE THE LINE FEDERAL INCOME TAX DEDUCTION FOR INDIVIDUALS PURCHASING HEALTH INSURANCE OUTSIDE THE WORKPLACE.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide an above the line Federal income tax deduction under section 62 of the Internal Revenue Code of 1986 for individuals who do not receive health insurance through an employer and who purchase such insurance in the individual market by the amounts provided in such legislation for those purposes, provided that such legislation would not increase taxes and would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 859.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE ADDITIONAL HEALTH INSURANCE OPTIONS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would permit individuals receiving COBRA subsidies to use such subsidies to enroll in any health insurance coverage offered by the employer (or employee organization), in any health insurance coverage offered in the individual market, or in coverage offered through a State high risk pool, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 860.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2 \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR YUCCA MOUNTAIN NUCLEAR REPOSITORY.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations,

aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would open the Yucca Mountain Nuclear Repository and provide for the expanded use of clean, non-carbon emitting nuclear energy in the United States.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 861.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR HIGHWAY TRUST FUND.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would allow States to opt out of a portion of the Federal highway program, which permits States to keep a higher percentage of the amount such States currently pay in Federal motor vehicle fuel taxes and provides States with greater flexibility in meeting their infrastructure priorities, provided that such legislation would not increase taxes and would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 862.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE UNION TRANSPARENCY AND FISCAL INTEGRITY.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would require labor organizations to provide financial transparency by filing annual LM-2 reports with the Department of Labor, provided that such legislation would not increase the deficit over either period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.



**SA 863.** Mr. DEMINT submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR COMPLETION OF 700 MILES OF THE SOUTHWEST BORDER FENCE.**

The Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other appropriate levels in this resolution by the amounts provided by 1 or more bills, joint resolutions, amendments, motions, or conference reports that would increase border security by completing the construction of 700 miles of reinforced fencing and the installation of the related equipment described in section 102(b)(1)(B) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 USC 1103 note) by December 31, 2010, provided that such legislation would not increase the deficit over the 6-year period ending on September 30, 2014 or the 11-year period ending on September 30, 2019.

**SA 864.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 10, line 20, strike “\$46,670,000,000” and insert “\$46,666,000,000”.

On page 10, line 21, strike “\$46,960,000,000” and insert “\$46,956,000,000”.

On page 24, line 24, strike “\$52,857,000,000” and insert “\$52,861,000,000”.

On page 24, line 25, strike “\$51,630,000,000” and insert “\$51,634,000,000”.

**SA 865.** Mr. INHOFE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND TO MODERNIZE THE ARMED FORCES AND REQUIRE A MINIMUM BASELINE FOR DEFENSE FUNDING.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would guarantee a baseline

budget (not including supplemental or war funding) that sets a spending floor for military investment and modernization to equip, train, and modernize a full-spectrum force to preserve America's security based on the gross domestic product of the United States and setting that minimum baseline at not less than 4 percent of the gross domestic product of the United States over the next 10 years, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal year 2009 through 2019.

**SA 866.** Mrs. HUTCHISON (for herself, Mr. MARTINEZ, Mr. VITTER, Mr. ENZI, Mr. CORNYN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, insert the following:

**SEC. \_\_\_\_ . POINT OF ORDER ON LEGISLATION THAT IMPOSES A MARRIAGE TAX PENALTY.**

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which imposes or increases a marriage tax penalty.

(b) DEFINITION.—In this section, the term “marriage penalty” means any provision under which the Federal income tax liability of taxpayers filing a joint return under section 6013 of the Internal Revenue Code of 1986 is greater than such tax liability of such taxpayers if such taxpayers were unmarried and had filed individual tax returns under section 1(c) of such Code.

(c) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 867.** Mrs. HUTCHISON (for herself, Mr. BOND, Mr. VITTER, Mr. ROBERTS, Mr. INHOFE, Mr. VOINOVICH, Mr. WICKER, Mr. BROWNBACK, Mr. CORNYN, Mr. COCHRAN, Mr. SHELBY, Mr. COBURN, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 1 after “reduce our Nation's dependence on imported energy” insert “including through expanded offshore oil and gas production in the Outer Continental Shelf”.

**SA 868.** Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. MARTINEZ, and Mr. ENZI) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 3, line 13, decrease the amount by \$2,860,000,000.

On page 3, line 14, decrease the amount by \$2,935,000,000.

On page 3, line 15, decrease the amount by \$2,993,000,000.

On page 4, line 7, decrease the amount by \$2,860,000,000.

On page 4, line 8, decrease the amount by \$2,935,000,000.

On page 4, line 9, decrease the amount by \$2,993,000,000.

On page 4, line 16, increase the amount by \$46,332,000.

On page 4, line 17, increase the amount by \$168,298,000.

On page 4, line 18, increase the amount by \$334,050,000.

On page 4, line 25, increase the amount by \$46,332,000.

On page 5, line 1, increase the amount by \$168,298,000.

On page 5, line 2, increase the amount by \$334,050,000.

On page 5, line 9, increase the amount by \$2,906,332,000.

On page 5, line 10, increase the amount by \$3,103,298,000.

On page 5, line 11, increase the amount by \$3,327,050,000.

On page 5, line 19, increase the amount by \$2,906,332,000.

On page 5, line 20, increase the amount by \$6,009,630,000.

On page 5, line 21, increase the amount by \$9,336,680,000.

On page 6, line 2, increase the amount by \$2,906,332,000.

On page 6, line 3, increase the amount by \$6,009,630,000.

On page 6, line 4, increase the amount by \$9,336,680,000.

On page 27, line 7, increase the amount by \$46,332,000.

On page 27, line 8, increase the amount by \$46,332,000.

On page 27, line 11, increase the amount by \$168,298,000.

On page 27, line 12, increase the amount by \$168,298,000.

On page 27, line 15, increase the amount by \$334,050,000.

On page 27, line 16, increase the amount by \$334,050,000.

**SA 869.** Mr. WHITEHOUSE (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

Section 202 is amended by inserting at the end the following: “(c) The Chairman of the Senate Committee on the Budget shall not revise the allocations in this resolution if the legislation provided for in subsections (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974, unless, the Senate finds that public health, the economy and national security of the United States are jeopardized by inaction on global warming.”

**SA 870.** Mr. THUNE (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 24, line 24, increase the amount by \$99,000,000.

On page 24, line 25, increase the amount by \$12,000,000.

On page 25, line 4, increase the amount by \$28,000,000.

On page 27, line 23, decrease the amount by \$99,000,000.

On page 27, line 24, decrease the amount by \$12,000,000.

On page 28, line 3, decrease the amount by \$28,000,000.

**SA 871.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, after line 3, insert the following:

**SEC. \_\_\_\_ . DEFICIT-MUTUAL RESERVE FUND TO PRESERVE THE INTEGRITY OF THE CENSUS.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report to prohibit expenditure of any funds provided for developing and conducting the census by any Federal office or agency not within the jurisdiction of the Department of Commerce, by the amounts provided in that legislation for that purpose provided that such legislation would not increase spending over the total of the period of fiscal years 2009 through 2014, provided that such legislation would not increase revenues in any year in the period of fiscal years 2009 through 2019.

**SA 872.** Mr. DODD (for himself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting

forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows.

At the end of Title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 873.** Mrs. LINCOLN (for herself, Mr. KYL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. PRYOR, Mr. ROBERTS, Ms. LANDRIEU, Mr. ENZI, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR ESTATE TAX RELIEF.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for estate tax reform legislation establishing—

(1) an estate tax exemption level of \$5,000,000, indexed for inflation,

(2) a maximum estate tax rate of 35 percent,

(3) a reunification of the estate and gift credits, and

(4) portability of exemption between spouses, and

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 874.** Ms. LANDRIEU (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

At the end of title II, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR FOSTER CARE FINANCING REFORM.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) change the Federal foster care payment system from a system that supports programs to one that supports children, whatever their best placement may be, and one that promotes permanency for children;

(2) when it is determined to be in the best interests of the child, promote and improve family support, family preservation, including residential family treatment for families suffering from substance abuse and addiction, and time-limited family reunification services;

(3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement, whether through reunification, adoption, kinship adoption, or guardianship;

(4) promote innovation and best practice at the State level; and

(5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 875.** Mr. SANDERS submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 48, line 24, insert “including the identity of each entity to which the Board has provided such assistance, the value or amount of that financial assistance, and what that entity is doing with such financial assistance,” after “2008.”

**SA 876.** Mrs. LINCOLN (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 30, line 10, strike “, households” and insert “(in particular to small business and individuals who are self-employed), households”.

**SA 877.** Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget

for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, line 13, insert “such as by investing in programs such as the programs under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.),” after “students,”.

**SA 878.** Mr. DODD (for himself and Mr. HATCH) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 19, line 24, increase the amount by \$188,000,000.

On page 19, line 25, increase the amount by \$56,000,000.

On page 20, line 4, increase the amount by \$81,000,000.

On page 20, line 8, increase the amount by \$34,000,000.

On page 20, line 12, increase the amount by \$13,000,000.

On page 27, line 23, decrease the amount by \$188,000,000.

On page 27, line 24, decrease the amount by \$56,000,000.

On page 28, line 3, increase the amount by \$81,000,000.

On page 28, line 7, increase the amount by \$34,000,000.

On page 28, line 11, increase the amount by \$13,000,000.

**SA 879.** Ms. STABENOW (for herself, Mr. BROWN, Mrs. BOXER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 20, strike “or help” and insert “create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply to increase the energy security of the United States, protect consumers (including policies that address regional differences), provide incentives for cost-savings achieved through energy efficiencies, provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere, and help”.

**SA 880.** Mrs. MURRAY (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional

budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITATION PROGRAMS.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide funds to States to establish or expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and that—

(1) serve pregnant women, or parent's or other primary caregivers and their children under the age of entry into kindergarten through quality programs of early childhood home visitation;

(2) are delivered by nurses, social workers, child development specialists, or other well-trained and competent staff, as demonstrated by education or training and the provision of ongoing specific training and supervision in the model of service being delivered;

(3) have outcomes and research standards that—

(A) demonstrate ongoing positive outcomes for children, parents and other primary caregivers that enhance child health and development;

(B) conform to a clear consistent home visitation model that has been in existence for at least 3 years and that—

(i) is research-based, grounded in relevant empirically-based knowledge;

(ii) is linked to program determined outcomes;

(iii) is associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement; and

(iv) has demonstrated significant positive outcomes when evaluated using well-designed and rigorous randomized controlled or well-designed and rigorous quasi-experimental research designs, and the evaluation results have been published in a peer-reviewed journal; and

(4) show, establish, or propose linkages to high quality early learning opportunities; provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 881.** Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 38, line 19, insert “, such as enhanced charitable giving from individual re-

tirement accounts, including life-income gifts,” before “or refundable tax relief”.

**Sec. 206(b) TAX RELIEF**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including but not limited to extensions of expiring and expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts, or refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 882.** Mr. MCCAIN (for himself, Mr. COBURN, Mr. GRAHAM, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

Strike all after the resolving clause and insert the following:

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.**

(a) **DECLARATION.**—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2019.

(b) **TABLE OF CONTENTS.**—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Major functional categories.

**TITLE II—RESERVE FUNDS**

Sec. 201. Deficit-reducing reserve funds for entitlement commissions—Social Security and Medicare & Medicaid.

Sec. 202. Sense of the Senate to protect seniors.

Sec. 203. Deficit-neutral reserve fund for comprehensive healthcare reform.

Sec. 204. Deficit neutral reserve fund for America's veterans and wounded servicemembers.

Sec. 205. Deficit-neutral reserve fund for energy security.

Sec. 206. Deficit-neutral reserve fund for tax code modernization.

Sec. 207. Deficit-neutral reserve fund for defense acquisition and contracting reform.

Sec. 208. Deficit-neutral reserve fund for a bipartisan, comprehensive investigation into the current financial crisis.

## TITLE III—BUDGET PROCESS

## SUBTITLE A—BUDGET ENFORCEMENT

- Sec. 301. Discretionary spending limits, program integrity initiatives, and other adjustments.
- Sec. 302. Point of order against advance appropriations.
- Sec. 303. Emergency legislation.
- Sec. 304. Point of order against legislation increasing short-term deficit.

## SUBTITLE B—OTHER PROVISIONS

- Sec. 311. Oversight of government performance.
- Sec. 312. Budgetary treatment of certain discretionary administrative Expenses.
- Sec. 313. Application and effect of changes in allocations and aggregates.
- Sec. 314. Adjustments to reflect changes in concepts and definitions.
- Sec. 315. Exercise of rulemaking powers.
- Sec. 316. Cost estimates for conference reports and other measures.
- Sec. 317. Limitation on long-term spending proposals
- Sec. 318. Revenues collected from closing the tax gap are used only for debt reduction.
- Sec. 319. Point of order to save Social Security first.
- Sec. 320. Point of order against a budget resolution containing a debt-held-by the—Public-to-GDP ratio that exceeds 65%.
- Sec. 321. Point of order against a budget resolution containing deficit levels Exceeding 8% of GDP.

## TITLE I—RECOMMENDED LEVELS AND AMOUNTS

## SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$2,186,000,000,000  
 Fiscal year 2010: \$2,332,000,000,000  
 Fiscal year 2011: \$2,651,000,000,000  
 Fiscal year 2012: \$2,858,000,000,000  
 Fiscal year 2013: \$3,025,000,000,000  
 Fiscal year 2014: \$3,166,000,000,000  
 Fiscal year 2015: \$3,329,000,000,000  
 Fiscal year 2016: \$3,470,000,000,000  
 Fiscal year 2017: \$3,625,000,000,000  
 Fiscal year 2018: \$3,771,000,000,000  
 Fiscal year 2019: \$3,923,000,000,000

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: \$0  
 Fiscal year 2010: \$-3,000,000,000  
 Fiscal year 2011: \$-132,000,000,000  
 Fiscal year 2012: \$-228,000,000,000  
 Fiscal year 2013: \$-257,000,000,000  
 Fiscal year 2014: \$-269,000,000,000  
 Fiscal year 2015: \$-280,000,000,000  
 Fiscal year 2016: \$-291,000,000,000  
 Fiscal year 2017: \$-302,000,000,000  
 Fiscal year 2018: \$-313,000,000,000  
 Fiscal year 2019: \$-325,000,000,000

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$4,193,877,000,000  
 Fiscal year 2010: \$3,394,550,000,000  
 Fiscal year 2011: \$3,310,202,000,000  
 Fiscal year 2012: \$3,311,270,000,000  
 Fiscal year 2013: \$3,486,786,000,000  
 Fiscal year 2014: \$3,661,286,000,000

Fiscal year 2015: \$3,810,805,000,000  
 Fiscal year 2016: \$3,995,116,000,000  
 Fiscal year 2017: \$4,135,327,000,000  
 Fiscal year 2018: \$4,290,116,000,000  
 Fiscal year 2019: \$4,402,012,000,000

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,878,339,000,000  
 Fiscal year 2010: \$3,521,269,000,000  
 Fiscal year 2011: \$3,499,706,000,000  
 Fiscal year 2012: \$3,360,164,000,000  
 Fiscal year 2013: \$3,501,902,000,000  
 Fiscal year 2014: \$3,649,795,000,000  
 Fiscal year 2015: \$3,788,924,000,000  
 Fiscal year 2016: \$3,973,146,000,000  
 Fiscal year 2017: \$4,105,805,000,000  
 Fiscal year 2018: \$4,254,933,000,000  
 Fiscal year 2019: \$4,370,163,000,000

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: -\$1,693,000,000,000  
 Fiscal year 2010: -\$1,190,000,000,000  
 Fiscal year 2011: -\$798,000,000,000  
 Fiscal year 2012: -\$502,000,000,000  
 Fiscal year 2013: -\$477,000,000,000  
 Fiscal year 2014: -\$484,000,000,000  
 Fiscal year 2015: -\$459,000,000,000  
 Fiscal year 2016: -\$503,000,000,000  
 Fiscal year 2017: -\$481,000,000,000  
 Fiscal year 2018: -\$484,000,000,000  
 Fiscal year 2019: -\$448,000,000,000

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$11,836,000,000,000  
 Fiscal year 2010: \$13,255,000,000,000  
 Fiscal year 2011: \$14,321,000,000,000  
 Fiscal year 2012: \$15,194,000,000,000  
 Fiscal year 2013: \$16,074,000,000,000  
 Fiscal year 2014: \$16,943,000,000,000  
 Fiscal year 2015: \$17,774,000,000,000  
 Fiscal year 2016: \$18,630,000,000,000  
 Fiscal year 2017: \$19,470,000,000,000  
 Fiscal year 2018: \$20,318,000,000,000  
 Fiscal year 2019: \$21,093,000,000,000

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,496,000,000,000  
 Fiscal year 2010: \$8,686,000,000,000  
 Fiscal year 2011: \$9,484,000,000,000  
 Fiscal year 2012: \$9,986,000,000,000  
 Fiscal year 2013: \$10,464,000,000,000  
 Fiscal year 2014: \$10,948,000,000,000  
 Fiscal year 2015: \$11,407,000,000,000  
 Fiscal year 2016: \$11,910,000,000,000  
 Fiscal year 2017: \$12,391,000,000,000  
 Fiscal year 2018: \$12,875,000,000,000  
 Fiscal year 2019: \$13,323,000,000,000

## SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$654,000,000,000  
 Fiscal year 2010: \$682,000,000,000  
 Fiscal year 2011: \$719,000,000,000  
 Fiscal year 2012: \$756,000,000,000  
 Fiscal year 2013: \$803,000,000,000  
 Fiscal year 2014: \$842,000,000,000  
 Fiscal year 2015: \$879,000,000,000  
 Fiscal year 2016: \$925,000,000,000  
 Fiscal year 2017: \$962,000,000,000  
 Fiscal year 2018: \$1,004,000,000,000  
 Fiscal year 2019: \$1,048,000,000,000

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections

302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$662,000,000,000  
 Fiscal year 2010: \$695,000,000,000  
 Fiscal year 2011: \$721,000,000,000  
 Fiscal year 2012: \$749,000,000,000  
 Fiscal year 2013: \$790,000,000,000  
 Fiscal year 2014: \$839,000,000,000  
 Fiscal year 2015: \$891,000,000,000  
 Fiscal year 2016: \$948,000,000,000  
 Fiscal year 2017: \$1,008,000,000,000  
 Fiscal year 2018: \$1,072,000,000,000  
 Fiscal year 2019: \$1,141,000,000,000

## SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2019 for each major functional category are:

(1) NATIONAL DEFENSE (050):

Fiscal year 2009:

(A) New budget authority, \$689,926,000,000

(B) Outlays, \$666,842,000,000

Fiscal year 2010:

(A) New budget authority, \$686,128,000,000

(B) Outlays, \$689,963,000,000

Fiscal year 2011:

(A) New budget authority, \$614,923,000,000

(B) Outlays, \$657,207,000,000

Fiscal year 2012:

(A) New budget authority, \$623,612,000,000

(B) Outlays, \$637,011,000,000

Fiscal year 2013:

(A) New budget authority, \$634,421,000,000

(B) Outlays, \$636,332,000,000

Fiscal year 2014:

(A) New budget authority, \$648,249,000,000

(B) Outlays, \$641,632,000,000

Fiscal year 2015:

(A) New budget authority, \$663,159,000,000

(B) Outlays, \$653,234,000,000

Fiscal year 2016:

(A) New budget authority, \$678,149,000,000

(B) Outlays, \$671,890,000,000

Fiscal year 2017:

(A) New budget authority, \$694,153,000,000

(B) Outlays, \$683,256,000,000

Fiscal year 2018:

(A) New budget authority, \$709,147,000,000

(B) Outlays, \$693,789,000,000

Fiscal year 2019:

(A) New budget authority, \$726,167,000,000

(B) Outlays, \$714,089,000,000

(2) INTERNATIONAL AFFAIRS (150):

Fiscal year 2009:

(A) New budget authority, \$57,114,000,000

(B) Outlays, \$41,514,000,000

Fiscal year 2010:

(A) New budget authority, \$42,847,000,000

(B) Outlays, \$43,622,000,000

Fiscal year 2011:

(A) New budget authority, \$43,167,000,000

(B) Outlays, \$43,897,000,000

Fiscal year 2012:

(A) New budget authority, \$43,473,000,000

(B) Outlays, \$43,985,000,000

Fiscal year 2013:

(A) New budget authority, \$43,759,000,000

(B) Outlays, \$43,911,000,000

Fiscal year 2014:

(A) New budget authority, \$44,214,000,000

(B) Outlays, \$43,866,000,000

Fiscal year 2015:

(A) New budget authority, \$44,847,000,000

(B) Outlays, \$44,257,000,000

Fiscal year 2016:

(A) New budget authority, \$45,621,000,000

(B) Outlays, \$44,870,000,000

Fiscal year 2017:

(A) New budget authority, \$46,430,000,000

(B) Outlays, \$45,575,000,000

Fiscal year 2018:

(A) New budget authority, \$47,211,000,000  
 (B) Outlays, \$46,301,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$48,084,000,000  
 (B) Outlays, \$47,105,000,000  
 (3) GENERAL SCIENCE, SPACE, AND TECHNOLOGY (250):  
 Fiscal year 2009:  
 (A) New budget authority, \$35,264,000,000  
 (B) Outlays, \$30,855,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$29,780,000,000  
 (B) Outlays, \$31,707,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$30,007,000,000  
 (B) Outlays, \$31,161,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$30,231,000,000  
 (B) Outlays, \$30,214,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$30,432,000,000  
 (B) Outlays, \$30,312,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$30,758,000,000  
 (B) Outlays, \$30,584,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$30,703,000,000  
 (B) Outlays, \$30,417,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$31,748,000,000  
 (B) Outlays, \$31,359,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$32,319,000,000  
 (B) Outlays, \$31,984,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$32,872,000,000  
 (B) Outlays, \$32,446,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$33,484,000,000  
 (B) Outlays, \$33,028,000,000  
 (4) ENERGY (270):  
 Fiscal year 2009:  
 (A) New budget authority, \$44,998,000,000  
 (B) Outlays, \$5,350,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$5,568,000,000  
 (B) Outlays, \$8,974,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$5,582,000,000  
 (B) Outlays, \$11,303,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$5,459,000,000  
 (B) Outlays, \$11,999,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$5,319,000,000  
 (B) Outlays, \$7,091,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$5,175,000,000  
 (B) Outlays, \$2,082,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$5,212,000,000  
 (B) Outlays, \$3,214,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$5,325,000,000  
 (B) Outlays, \$3,512,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$5,478,000,000  
 (B) Outlays, \$3,765,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$5,567,000,000  
 (B) Outlays, \$3,905,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$5,595,000,000  
 (B) Outlays, \$4,502,000,000  
 (5) NATURAL RESOURCES AND ENVIRONMENT (300):  
 Fiscal year 2009:  
 (A) New budget authority, \$54,596,000,000  
 (B) Outlays, \$36,252,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$35,085,000,000  
 (B) Outlays, \$38,866,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$35,772,000,000

(B) Outlays, \$37,713,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$35,952,000,000  
 (B) Outlays, \$36,983,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$36,160,000,000  
 (B) Outlays, \$36,478,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$36,465,000,000  
 (B) Outlays, \$36,631,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$36,714,000,000  
 (B) Outlays, \$36,712,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$37,002,000,000  
 (B) Outlays, \$36,845,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$37,312,000,000  
 (B) Outlays, \$36,917,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$37,602,000,000  
 (B) Outlays, \$36,923,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$37,952,000,000  
 (B) Outlays, \$37,215,000,000  
 (6) AGRICULTURE (350):  
 Fiscal year 2009:  
 (A) New budget authority, \$6,349,000,000  
 (B) Outlays, \$6,111,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$6,131,000,000  
 (B) Outlays, \$6,217,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$6,150,000,000  
 (B) Outlays, \$6,133,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$6,205,000,000  
 (B) Outlays, \$6,159,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$6,261,000,000  
 (B) Outlays, \$6,207,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$6,319,000,000  
 (B) Outlays, \$6,261,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$6,359,000,000  
 (B) Outlays, \$6,275,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$6,402,000,000  
 (B) Outlays, \$6,312,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$6,455,000,000  
 (B) Outlays, \$6,345,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$6,507,000,000  
 (B) Outlays, \$6,401,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$6,601,000,000  
 (B) Outlays, \$6,532,000,000  
 (7) COMMERCE AND HOUSING CREDIT (370):  
 Fiscal year 2009:  
 (A) New budget authority, \$13,216,000,000  
 (B) Outlays, \$6,253,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$6,197,000,000  
 (B) Outlays, \$8,977,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$6,055,000,000  
 (B) Outlays, \$6,847,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$6,097,000,000  
 (B) Outlays, \$7,436,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$5,982,000,000  
 (B) Outlays, \$7,180,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$5,909,000,000  
 (B) Outlays, \$6,250,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$5,860,000,000  
 (B) Outlays, \$5,915,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$5,855,000,000  
 (B) Outlays, \$5,748,000,000

Fiscal year 2017:  
 (A) New budget authority, \$5,839,000,000  
 (B) Outlays, \$5,730,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$5,814,000,000  
 (B) Outlays, \$5,701,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$5,793,000,000  
 (B) Outlays, \$5,675,000,000  
 (8) TRANSPORTATION (400):  
 Fiscal year 2009:  
 (A) New budget authority, \$79,061,000,000  
 (B) Outlays, \$85,668,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$30,312,000,000  
 (B) Outlays, \$92,847,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$30,717,000,000  
 (B) Outlays, \$93,051,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$31,140,000,000  
 (B) Outlays, \$92,082,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$31,544,000,000  
 (B) Outlays, \$92,110,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$32,105,000,000  
 (B) Outlays, \$92,296,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$32,806,000,000  
 (B) Outlays, \$91,863,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$33,656,000,000  
 (B) Outlays, \$90,792,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$34,545,000,000  
 (B) Outlays, \$90,908,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$35,432,000,000  
 (B) Outlays, \$92,372,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$36,385,000,000  
 (B) Outlays, \$93,932,000,000  
 (9) COMMUNITY AND REGIONAL DEVELOPMENT (450):  
 Fiscal year 2009:  
 (A) New budget authority, \$23,006,000,000  
 (B) Outlays, \$26,252,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$14,959,000,000  
 (B) Outlays, \$26,337,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$15,070,000,000  
 (B) Outlays, \$24,669,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$15,179,000,000  
 (B) Outlays, \$21,493,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$15,277,000,000  
 (B) Outlays, \$18,981,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$15,435,000,000  
 (B) Outlays, \$17,445,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$15,662,000,000  
 (B) Outlays, \$16,156,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$15,932,000,000  
 (B) Outlays, \$15,504,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$16,215,000,000  
 (B) Outlays, \$15,664,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$16,481,000,000  
 (B) Outlays, \$15,911,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$16,787,000,000  
 (B) Outlays, \$16,153,000,000  
 (10) EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES (500):  
 Fiscal year 2009:  
 (A) New budget authority, \$188,508,000,000  
 (B) Outlays, \$94,814,000,000  
 Fiscal year 2010:

(A) New budget authority, \$89,417,000,000  
 (B) Outlays, \$138,899,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$90,007,000,000  
 (B) Outlays, \$127,810,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$90,588,000,000  
 (B) Outlays, \$98,331,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$91,092,000,000  
 (B) Outlays, \$94,666,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$91,948,000,000  
 (B) Outlays, \$94,142,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$93,164,000,000  
 (B) Outlays, \$95,075,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$94,657,000,000  
 (B) Outlays, \$96,402,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$96,235,000,000  
 (B) Outlays, \$97,938,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$97,739,000,000  
 (B) Outlays, \$99,507,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$99,415,000,000  
 (B) Outlays, \$101,130,000,000  
 (11) HEALTH (550):  
 (A) New budget authority, \$75,483,000,000  
 (B) Outlays, \$57,635,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$56,948,000,000  
 (B) Outlays, \$64,243,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$57,413,000,000  
 (B) Outlays, \$62,603,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$57,881,000,000  
 (B) Outlays, \$59,451,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$58,305,000,000  
 (B) Outlays, \$57,913,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$58,971,000,000  
 (B) Outlays, \$58,176,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$59,879,000,000  
 (B) Outlays, \$58,713,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$60,974,000,000  
 (B) Outlays, \$59,583,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$62,124,000,000  
 (B) Outlays, \$60,662,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$63,242,000,000  
 (B) Outlays, \$61,727,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$64,465,000,000  
 (B) Outlays, \$62,697,000,000  
 (12) MEDICARE (570):  
 Fiscal year 2009:  
 (A) New budget authority, \$5,390,000,000  
 (B) Outlays, \$5,255,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$5,595,000,000  
 (B) Outlays, \$5,566,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$5,819,000,000  
 (B) Outlays, \$5,781,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$5,852,000,000  
 (B) Outlays, \$5,828,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$5,893,000,000  
 (B) Outlays, \$5,855,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$5,927,000,000  
 (B) Outlays, \$5,920,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$5,967,000,000  
 (B) Outlays, \$5,935,000,000

Fiscal year 2016:  
 (A) New budget authority, \$6,004,000,000  
 (B) Outlays, \$5,955,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$6,035,000,000  
 (B) Outlays, \$5,962,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$6,065,000,000  
 (B) Outlays, \$5,975,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$6,085,000,000  
 (B) Outlays, \$5,992,000,000  
 (13) INCOME SECURITY (600):  
 Fiscal year 2009:  
 (A) New budget authority, \$74,067,000,000  
 (B) Outlays, \$64,056,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$62,365,000,000  
 (B) Outlays, \$67,580,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$62,275,000,000  
 (B) Outlays, \$67,880,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$62,540,000,000  
 (B) Outlays, \$66,271,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$62,803,000,000  
 (B) Outlays, \$65,341,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$63,328,000,000  
 (B) Outlays, \$64,169,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$64,221,000,000  
 (B) Outlays, \$64,804,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$65,362,000,000  
 (B) Outlays, \$65,660,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$66,561,000,000  
 (B) Outlays, \$66,690,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$67,716,000,000  
 (B) Outlays, \$67,735,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$68,976,000,000  
 (B) Outlays, \$68,840,000,000  
 (14) SOCIAL SECURITY (650):  
 Fiscal year 2009:  
 (A) New budget authority, \$6,386,000,000  
 (B) Outlays, \$5,479,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$5,460,000,000  
 (B) Outlays, \$5,549,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$5,545,000,000  
 (B) Outlays, \$5,655,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$5,630,000,000  
 (B) Outlays, \$5,763,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$5,716,000,000  
 (B) Outlays, \$5,849,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$5,830,000,000  
 (B) Outlays, \$5,809,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$5,969,000,000  
 (B) Outlays, \$5,942,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$6,135,000,000  
 (B) Outlays, \$6,103,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$6,306,000,000  
 (B) Outlays, \$6,271,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$6,479,000,000  
 (B) Outlays, \$6,443,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$6,665,000,000  
 (B) Outlays, \$6,627,000,000  
 (15) VETERANS BENEFITS AND SERVICES (700):  
 Fiscal year 2009:  
 (A) New budget authority, \$49,394,000,000

(B) Outlays, \$46,757,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$53,263,000,000  
 (B) Outlays, \$52,474,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$54,417,000,000  
 (B) Outlays, \$53,972,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$55,855,000,000  
 (B) Outlays, \$55,487,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$57,384,000,000  
 (B) Outlays, \$56,932,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$58,969,000,000  
 (B) Outlays, \$58,519,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$60,971,000,000  
 (B) Outlays, \$59,265,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$62,494,000,000  
 (B) Outlays, \$61,978,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$64,367,000,000  
 (B) Outlays, \$63,067,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$65,404,000,000  
 (B) Outlays, \$65,012,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$67,415,000,000  
 (B) Outlays, \$65,345,000,000  
 (16) ADMINISTRATION OF JUSTICE (750):  
 Fiscal year 2009:  
 (A) New budget authority, \$54,099,000,000  
 (B) Outlays, \$48,018,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$48,763,000,000  
 (B) Outlays, \$49,470,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$50,595,000,000  
 (B) Outlays, \$51,525,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$50,506,000,000  
 (B) Outlays, \$51,416,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$50,389,000,000  
 (B) Outlays, \$51,428,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$50,263,000,000  
 (B) Outlays, \$50,466,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$50,156,000,000  
 (B) Outlays, \$49,725,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$50,012,000,000  
 (B) Outlays, \$49,250,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$50,023,000,000  
 (B) Outlays, \$49,366,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$50,015,000,000  
 (B) Outlays, \$49,501,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$50,247,000,000  
 (B) Outlays, \$46,565,000,000  
 (17) GENERAL GOVERNMENT (800):  
 Fiscal year 2009:  
 (A) New budget authority, \$24,562,000,000  
 (B) Outlays, \$18,861,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$18,976,000,000  
 (B) Outlays, \$19,896,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$19,286,000,000  
 (B) Outlays, \$20,181,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$19,598,000,000  
 (B) Outlays, \$20,541,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$19,915,000,000  
 (B) Outlays, \$20,781,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$20,320,000,000  
 (B) Outlays, \$20,662,000,000



Fiscal year 2015:

(A) New budget authority, \$20,828,000,000

(B) Outlays, \$20,951,000,000

Fiscal year 2016:

(A) New budget authority, \$21,426,000,000

(B) Outlays, \$21,366,000,000

Fiscal year 2017:

(A) New budget authority, \$22,039,000,000

(B) Outlays, \$21,854,000,000

Fiscal year 2018:

(A) New budget authority, \$22,668,000,000

(B) Outlays, \$22,427,000,000

Fiscal year 2019:

(A) New budget authority, \$23,330,000,000

(B) Outlays, \$22,873,000,000

## TITLE II—RESERVE FUNDS

### SEC. 201. DEFICIT-REDUCING RESERVE FUNDS FOR ENTITLEMENT COMMISSIONS—SOCIAL SECURITY AND MEDICARE & MEDICAID.

(a) The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for a BRAC-like commission to review the current and long-term solvency of Social Security and a BRAC-like commission to review the current and long-term solvency of Medicare and Medicaid, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) These commissions will provide recommendations to reduce mandatory spending by at least four percent over the next five years, and seven percent over the next ten years.

(c) For the purposes of this Resolution, for individuals 55 or older, Medicare will not be changed (other than means testing for high-income beneficiaries under the prescription drug benefit under Part D).

### SEC. 202. SENSE OF THE SENATE TO PROTECT SENIORS.

SENSE OF THE SENATE—It is the sense of the Senate that—

(a) This budget should preserve existing Medicare benefits for those beneficiaries age 55 or older (other than means testing for high-income beneficiaries under the Medicare prescription drug benefit).

(b) To make the program sustainable and dependable—

(1) Those 54 and younger should be able to enroll in a new Medicare Program with health coverage similar to what is now available to Members of Congress and Federal employees; and

(2) Starting in 2021, seniors should receive support payments based on income, so that low income seniors receive extra support, and high income seniors receive support relative to their incomes.

### SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE HEALTHCARE REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would address health care costs, coverage, and care in the United States in a manner that reduces the costs of health care, increases access to health insurance, and improves the transparency of the costs and quality for medical care, by the amounts provided in such legislation for those pur-

poses, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

### SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the number of disabled military retirees who receive both disability compensation and retired pay, accelerate the phase-in of concurrent receipt, and eliminate the offset between Survivor Benefit Plan annuities and Veteran's Dependency and Indemnity Compensation, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

### SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY SECURITY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote energy security activities including, but not limited to, increasing funding for waste storage alternatives, advanced technology assessment and deployment for clean coal and carbon capture and storage, and clean energy deployment including increasing the use of nuclear power and refurbishing the transmission grid, and allowing loans under the Department of Energy's Innovative Technology Loan Guarantee Program of up to \$50,000,000,000 for the purposes of constructing nuclear power generating units, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

### SEC. 206. DEFICIT-NEUTRAL RESERVE FUND FOR TAX CODE MODERNIZATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for revenue-neutral income (including AMT revenue) and payroll tax reform that makes the tax code fair, more pro-growth, easier to administer, improves compliance and aids U.S. international competitiveness, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

### SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND CONTRACTING REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(2) reduce the use of no-bid and cost-plus contracts; or

(3) reform Department of Defense processes for acquiring weapons systems in order to reduce costs, improve cost and schedule estimation, enhance developmental testing of weapons, or increase the rigor of reviews of programs that experience critical cost growth;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

### SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR A BIPARTISAN, COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports for a select senate committee to carry out a bipartisan, comprehensive investigation into the underlying causes of the current economic crisis, and recommend ways to avoid another crisis, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

## TITLE III—BUDGETARY PROCESS

### SUBTITLE A—BUDGET ENFORCEMENT

### SEC. 301. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) with respect to fiscal year 2009—

(A) for the defense category \$689,926,000,000 in new budget authority and \$666,842,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$49,394,000,000 in new budget authority and \$46,757,000,000 in outlays; and

(C) for the nondefense/non-VA category \$742,099,000,000 in new budget authority and \$532,373,000,000 in outlays.

(2) with respect to fiscal year 2010—

(A) for the defense category \$686,128,000,000 in new budget authority and \$689,963,000,000 in outlays, as adjusted in conformance with the adjustment procedures in subsection (c);

(B) for the Veterans Affairs (VA) category \$53,263,000,000 in new budget authority and \$52,274,000,000 in outlays; as adjusted in conformance with the adjustment procedures in subsection (c); and

(C) for the nondefense category \$458,515,000,000 in new budget authority and \$608,750,000,000 in outlays, as adjusted in conformance with the adjustment procedures in subsection (c).

(3) with respect to fiscal year 2011—

(A) for the defense category \$614,293,000,000 in new budget authority and \$657,207,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$54,417,000,000 in new budget authority and \$53,972,000,000 in outlays; and

(C) for the nondefense/non-VA category \$463,460,000,000 in new budget authority and \$596,209,000,000 in outlays.

(4) with respect to fiscal year 2012—

(A) for the defense category \$614,293,000,000 in new budget authority and \$657,207,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$54,417,000,000 in new budget authority and \$53,972,000,000 in outlays; and

(C) for the nondefense/non-VA category \$463,460,000,000 in new budget authority and \$596,209,000,000 in outlays.

(5) with respect to fiscal year 2013—

(A) for the defense category \$634,421,000,000 in new budget authority and \$636,332,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$57,384,000,000 in new budget authority and \$56,932,000,000 in outlays; and

(C) for the nondefense/non-VA category \$468,849,000,000 in new budget authority and \$544,103,000,000 in outlays.

(6) with respect to fiscal year 2014—

(A) for the defense category \$648,249,000,000 in new budget authority and \$641,632,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$58,969,000,000 in new budget authority and \$58,515,000,000 in outlays; and

(C) for the nondefense/non-VA category \$472,964,000,000 in new budget authority and \$534,759,000,000 in outlays.

(7) with respect to fiscal year 2015—

(A) for the defense category \$663,159,000,000 in new budget authority and \$665,234,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$60,971,000,000 in new budget authority and \$59,265,000,000 in outlays; and

(C) for the nondefense/non-VA category \$478,347,000,000 in new budget authority and \$535,954,000,000 in outlays.

(8) with respect to fiscal year 2016—

(A) for the defense category \$678,149,000,000 in new budget authority and \$671,890,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$62,494,000,000 in new budget authority and \$61,978,000,000 in outlays; and

(C) for the nondefense/non-VA category \$486,111,000,000 in new budget authority and \$539,261,000,000 in outlays.

(9) with respect to fiscal year 2017—

(A) for the defense category \$694,153,000,000 in new budget authority and \$683,256,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$64,367,000,000 in new budget authority and \$63,067,000,000 in outlays; and

(C) for the nondefense/non-VA category \$493,916,000,000 in new budget authority and \$545,501,000,000 in outlays.

(10) with respect to fiscal year 2018—

(A) for the defense category \$709,147,000,000 in new budget authority and \$693,789,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$65,404,000,000 in new budget authority and \$65,012,000,000 in outlays; and

(C) for the nondefense/non-VA category \$501,500,000,000 in new budget authority and \$553,275,000,000 in outlays.

(11) with respect to fiscal year 2019—

(A) for the defense category \$726,167,000,000 in new budget authority and \$714,089,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$67,415,000,000 in new budget authority and \$65,345,000,000 in outlays; and

(C) for the nondefense/non-VA category \$509,864,000,000 in new budget authority and \$558,866,000,000 in outlays.

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS CONTINGENCY OPERATIONS.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports; making appropriations for fiscal year 2010 for overseas contingency operations by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to \$130,000,000,000 in budget authority for fiscal year 2010 and the new outlays flowing therefrom.

(3) REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.—

(A) IN GENERAL.—If after adoption of this resolution by the Congress, the Congressional Budget Office (CBO) re-estimates the President's request for discretionary spending in fiscal year 2010 at an aggregate level different from the CBO preliminary estimate dated March 20, 2009, the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the amount of budget authority and outlays flowing therefrom, to reflect the difference between such re-estimate and the CBO preliminary estimate dated March 20, 2009.

(B) SUBALLOCATIONS.—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

## SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first becomes available for any fiscal year after 2011.

(b) EXCEPTIONS.—Advance appropriations may be provided for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each year.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

## SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct

spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) **EXEMPTION OF EMERGENCY PROVISIONS.**—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 301 and 304 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) **DESIGNATIONS.**—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) **DEFINITIONS.**—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) **POINT OF ORDER.**—

(1) **IN GENERAL.**—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

(A) **WAIVER.**—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or

an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **CRITERIA.**—

(1) **IN GENERAL.**—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) **UNFORESEEN.**—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) **INAPPLICABILITY.**—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

#### **SEC. 304. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of \$10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) **SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.**—

(1) **WAIVER.**—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) **DETERMINATIONS OF BUDGET LEVELS.**—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) **SUNSET.**—This section shall expire on September 30, 2018.

(e) **INAPPLICABILITY.**—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

#### **SUBTITLE B—OTHER PROVISIONS**

#### **SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.**

In the Senate, all committees are directed to review programs within their jurisdiction

to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

#### **SEC. 312. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.**

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

#### **SEC. 313. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.**

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

#### **SEC. 314. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.**

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

#### **SEC. 315. EXERCISE OF RULEMAKING POWERS.**

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

#### **SEC. 316. COST ESTIMATES FOR CONFERENCE REPORTS AND OTHER MEASURES.**

It shall not be in order to consider a conference report, bill, or joint resolution unless

an estimate of costs has been printed in the Congressional Record at least one day before its consideration.

#### SEC. 317. LIMITATION ON LONG-TERM SPENDING PROPOSALS

It shall not be in order to consider any bill or joint resolution reported from a committee if such bill or resolution is not accompanied by a cost estimate prepared by the Congressional Budget Office on whether or not the measure would cause a net increase in direct spending in excess of \$5 billion in any of the four next five-year periods.

#### SEC. 318. REVENUES COLLECTED FROM CLOSING THE TAX GAP ARE USED ONLY FOR DEBT REDUCTION.

(a) SPECIAL SCOREKEEPING RULE IN THE SENATE.—

(1) REPORT TO BUDGET COMMITTEE.—When a bill is cleared for the President, the Congressional Budget Office (CBO), pursuant to section 202 of the Congressional Budget Act of 1974, and the Joint Committee on Taxation shall inform the Chairman of the Committee on the Budget if that measure contains provisions that increase revenues from closing the tax gap. The report shall include the amount of revenue raised each year including the current year, the budget year, and for each of the 10 years following the current year.

(2) EXCLUSION FROM PAY-AS-YOU-GO SCORECARD.—Any revenue raised from provisions to close the tax gap (as detailed in the report described in (a)(1)) shall not count as offsets for purposes of section 201 of S. Con. Res. 21, the FY 2008 Budget Resolution.

(b) CRITERIA AND DEFINITIONS.—

(1) The tax gap is the difference between the revenue that is owed to the federal government in accordance with existing tax law and the revenue that is collected by the federal government.

(2) The tax gap is a combination of inadvertent errors and deliberate evasion.

(3) Revenues raised from changes to withholding or payment reporting requirements are examples of efforts to close the tax gap.

(4) The tax gap is not about clarifying existing law in order to close loopholes, broadening the tax base, raising tax rates, or any other action that would change existing tax law.

#### SEC. 319. POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending legislation that would increase the on-budget deficit above the amounts provided for in this resolution in any fiscal year until the President submits legislation to Congress and Congress enacts legislation which would restore 75-year solvency to the Old-Age, Survivors, and Disability Insurance Trust Funds as certified by the Social Security Administration actuaries.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

#### SEC. 320. POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING A DEBT HELD BY THE PUBLIC-TO-GDP RATIO THAT EXCEEDS 65%.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses,

motion, or conference report thereon that contains a ratio of debt held by the public-to-Gross Domestic Product which exceeds 65% in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF DEBT LEVELS.—For purposes of this section, the debt level shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

#### SEC. 321. POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING DEFICIT LEVELS EXCEEDING 8% OF GDP.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that contains deficits as a percentage of the Gross Domestic Product in excess of 8% in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF DEFICIT LEVELS.—For purposes of this section, the deficit as a percentage of Gross Domestic Product shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

**SA 883.** Ms. COLLINS (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, line 13, insert “such as by investing in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.),” after “students.”

**SA 884.** Mr. SESSIONS (for himself, Mr. KYL, Ms. MURKOWSKI, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year

2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 50, line 13, decrease the amount by \$9,446,939,000.

On page 50, line 14, decrease the amount by \$9,446,939,000.

On page 54, between lines 21 and 22, insert the following:

(F) BALLISTIC MISSILE DEFENSE.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to \$9,446,939,000 to the Department of Defense to develop and field an integrated, layered, ballistic missile defense system to defend the United States, its deployed forces, allies, and friends against all ranges of enemy ballistic missiles in all phases of flight, then the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates may be adjusted by the amount provided in such legislation for that purpose, but not to exceed \$9,446,939,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

**SA 885.** Mr. BENNETT (for himself, Mr. GRAHAM, Mr. CRAPO, Mr. BINGAMAN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

#### SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR PENSION COVERAGE FOR EMPLOYEES OF DEPARTMENT OF ENERGY LABORATORIES AND ENVIRONMENTAL CLEANUP SITES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 886.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 46, between lines 2 and 3, insert the following:

(c) **FOOD SAFETY.**—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve the safety of the food supply in the United States, by the amounts provided in such legislation for these purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 887.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 32, line 10, after “increases,” insert “or” and the following:

(4) promote payment policies under the Medicare program that reward quality and efficient care and address geographic variations in spending;

**SA 888.** Mr. BROWN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 34, between lines 2 and 3, insert the following:

(c) **EXCEPTION.**—Notwithstanding subsections (a) and (b), the Chairman of the Committee on the Budget of the Senate shall not revise the allocations in this resolution if the legislation described in subsection (a) or (b) is reported from any committee pursuant to section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) unless, in accordance with the requirement to not increase the deficit, an amount equal to the value of all allowances from legislation described in subsection (b) is used for—

(1) the creation of new jobs in a clean technology economy;

(2) transition assistance relating to consumers, industries, workers, and regions adversely affected by climate change and climate change policy; and

(3) other purposes relating directly to the objective of the legislation addressing greenhouse gas emissions.

**SA 889.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth

the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE RESEARCH ON VIABILITY OF USE OF HIGHER ETHANOL BLENDS AT SERVICE STATION PUMP.**

(a) **IN GENERAL.**—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump.

(b) **DEFICIT NEUTRALITY.**—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 890.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 13, line 21, increase the amount by \$50,000,000.

On page 13, line 22, increase the amount by \$50,000,000.

On page 27, line 23, decrease the amount by \$50,000,000.

On page 27, line 24, decrease the amount by \$50,000,000.

**SA 891.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

**SEC. . DEFICIT-NEUTRAL RESERVE FUND TO DISCLOSE THE ROLE OF CONGRESS IN AMERICAN INTERNATIONAL GROUP'S BONUSES.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that requires that the White House, the Federal Reserve Board, the Department of the Treasury, and all Senate officers must post on their website all documents and emails relating to the origin, development and inclusion of the questionable American International Group bonus language that was secretly inserted into the American Re-

covery and Reinvestment Act of 2009 by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 892.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR PROHIBITING UNDESERVED CONTRACTING PERFORMANCE BONUSES.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would prohibit federally funded bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

**SA 893.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

**SEC. . DEFICIT-REDUCTION RESERVE FUND TO ENSURE THE PLEDGE OF PRESIDENT OBAMA TO ELIMINATE WASTEFUL, INEFFICIENT, AND DUPLICATIVE PROGRAMS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending by requiring—

(1) the head of every department and agency to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative, inefficient, or failing, with recommendations for elimination and consolidation of these programs,

(2) the Office of Management and Budget to provide a report to Congress within 90 days

after the date of enactment of this resolution on programs that are duplicative government-wide, with recommendations for elimination or consolidation of these programs, and

(3) every standing committee of the Senate to conduct at least one oversight hearing each fiscal year in order to identify wasteful, inefficient, outdated, and duplicative programs that could be eliminated and consolidated, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 894.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR SETTING PERFORMANCE STANDARDS TO IDENTIFY FAILING GOVERNMENT PROGRAMS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would develop performance measures for each program receiving Federal assistance under their jurisdiction, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

**SA 895.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR ENDING ABUSIVE NO-BID CONTRACTS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would end abusive no-bid contracts by requiring all Federal contracts over \$25,000 to be competitively bid, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the

period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

**SA 896.** Mr. COBURN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR REQUIRING TRANSPARENCY AND ACCOUNTABILITY OF UNITED NATIONS SPENDING OF UNITED STATES FUNDS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would require the United Nations to be transparent and accountable for how it spends United States funding, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2010 through 2019.

**SA 897.** Mr. CRAPO submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, which was ordered to lie on the table; as follows:

On page 3, line 11, decrease the amount by \$1,658,000,000.

On page 3, line 12, decrease the amount by \$8,604,000,000.

On page 3, line 13, increase the amount by \$3,863,000,000.

On page 3, line 14, decrease the amount by \$8,763,000,000.

On page 3, line 15, decrease the amount by \$9,448,000,000.

On page 4, line 5, decrease the amount by \$1,658,000,000.

On page 4, line 6, decrease the amount by \$8,604,000,000.

On page 4, line 7, increase the amount by \$3,863,000,000.

On page 4, line 8, decrease the amount by \$8,763,000,000.

On page 4, line 9, decrease the amount by \$9,448,000,000.

On page 4, line 14, increase the amount by \$13,431,000.

On page 4, line 15, increase the amount by \$130,147,000.

On page 4, line 16, increase the amount by \$226,143,000.

On page 4, line 17, increase the amount by \$424,032,000.

On page 4, line 18, increase the amount by \$908,109,000.

On page 4, line 23, increase the amount by \$13,431,000.

On page 4, line 24, increase the amount by \$130,147,000.

On page 4, line 25, increase the amount by \$226,143,000.

On page 5, line 1, increase the amount by \$424,032,000.

On page 5, line 2, increase the amount by \$908,109,000.

On page 5, line 7, increase the amount by \$1,828,431,000.

On page 5, line 8, increase the amount by \$8,601,147,000.

On page 5, line 9, decrease the amount by \$3,237,857,000.

On page 5, line 10, increase the amount by \$8,985,032,000.

On page 5, line 11, increase the amount by \$9,929,109,000.

On page 5, line 17, increase the amount by \$1,828,431,000.

On page 5, line 18, increase the amount by \$10,429,578,000.

On page 5, line 19, increase the amount by \$7,191,721,000.

On page 5, line 20, increase the amount by \$16,176,753,000.

On page 5, line 21, increase the amount by \$26,105,862,000.

On page 5, line 25, increase the amount by \$1,828,431,000.

On page 6, line 1, increase the amount by \$10,429,578,000.

On page 6, line 2, increase the amount by \$7,191,721,000.

On page 6, line 3, increase the amount by \$16,176,753,000.

On page 6, line 4, increase the amount by \$26,105,862,000.

On page 26, line 24, increase the amount by \$13,431,000.

On page 26, line 25, increase the amount by \$13,431,000.

On page 27, line 3, increase the amount by \$130,147,000.

On page 27, line 4, increase the amount by \$130,147,000.

On page 27, line 7, increase the amount by \$226,143,000.

On page 27, line 8, increase the amount by \$226,143,000.

On page 27, line 11, increase the amount by \$424,032,000.

On page 27, line 12, increase the amount by \$424,032,000.

On page 27, line 15, increase the amount by \$908,109,000.

On page 27, line 16, increase the amount by \$908,109,000.

**SA 898.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

**SEC. . POINT OF ORDER TO PROTECT SOCIAL SECURITY.**

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending legislation in any fiscal year unless the Office of the Chief Actuary of the Social Security Administration has certified that income, excluding interest,



into the Old-Age, Survivors, and Disability Insurance Trust Funds is projected to exceed outlays by at least \$5,000,000,000 in all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) **SUSPENSION OF REQUIREMENT DURING WAR OR AFTER ENACTMENT OF LEGISLATION TO RESTORE SOLVENCY.**—

(1) **LEGISLATION TO RESTORE SUSTAINABLE SOLVENCY.**—If the President submits legislation to Congress and Congress enacts legislation which would restore sustainable solvency to the Old-Age, Survivors, and Disability Insurance Trust Funds as certified by the Office of the Chief Actuary of the Social Security Administration, this section is suspended.

(2) **WAR.**—If a declaration of war is in effect, this section is suspended.

(3) **DEFINITION.**—In this subsection, the term “sustainable solvency” means that the Old-Age, Survivors, and Disability Insurance Trust Funds have a positive trust fund ratio throughout the 75-year projection period and the ratio is stable or rising at the end of the period.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 899.** Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.**

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts, provided that such legislation does not increase the deficit over either the period of the total fiscal years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

**SA 900.** Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 6, insert “include the State of Alaska as a Gulf producing State eligible for qualified outer Continental Shelf revenues under the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432),” before “or preserve”.

**SA 901.** Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 35, strike line 11 and insert the following:

(a) **INFRASTRUCTURE.**—

(1) **IN GENERAL.**—The Chairman of the Senate

On page 35, between lines 23 and 24, insert the following:

The Chairman of the Budget Committee may also revise the allocations to allow funding for the Denali Commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681-637) for each applicable fiscal year at a level equal to not less than the level of funding made available for the Denali Commission during fiscal year 2006.

**SA 902.** Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 13, line 21, increase the amount by \$10,000,000.

On page 13, line 22, increase the amount by \$9,000,000.

On page 14, line 1, increase the amount by \$1,000,000.

On page 27, line 23, decrease the amount by \$10,000,000.

On page 27, line 24, decrease the amount by \$9,000,000.

On page 28, line 3, decrease the amount by \$1,000,000.

**SA 903.** Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 33, line 5, before “implement”, insert “set aside additional funding from the Oil Spill Liability Trust Fund for arctic oil spill research conducted by the Oil Spill Recovery Institute,”.

**SA 904.** Mr. LIEBERMAN (for himself and Mr. CORNYN) submitted an amend-

ment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASE IN THE END STRENGTH FOR ACTIVE DUTY PERSONNEL OF THE ARMY.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the strain on the United States Armed Forces by authorizing an increase in the end strength for active duty personnel of the Army to a level not less than 577,400 persons, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 905.** Ms. SNOWE (for herself and Mr. CARDIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 43, after line 25, add the following:

(4) improve the HUBZone program established under section 31 of the Small Business Act (15 U.S.C. 657a) in a manner consistent with the recommendations of the Government Accountability Office in the reports entitled “Small Business Administration: Additional Actions Are Needed to Certify and Monitor HUBZone Businesses and Assess Program Results” (GAO-08-643), issued June 2008, “HUBZone Program: SBA’s Control Weaknesses Exposed the Government to Fraud and Abuse” (GAO-08-964T), issued July 17, 2008, and “HUBZone Program: Fraud and Abuse Identified in Four Metropolitan Areas” (GAO-09-519T), issued March 25, 2009;

**SA 906.** Ms. MURKOWSKI (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2 \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR CERTAIN OIL AND NATURAL GAS LEASING ACTIVITIES.**

(a) **IN GENERAL.**—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations,

aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow any coastal State (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) to participate in the oil and natural gas leasing program under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(2) provide that any revenues from leases granted under paragraph (1) shall be allocated in accordance with section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432), including the provisions of that Act providing for the disposition of revenues in the general fund of the Treasury and the allocation of funds to carry out the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.).

(b) **DEFICIT NEUTRALITY.**—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 907.** Ms. MURKOWSKI (for herself and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE DOMESTIC ENERGY SECURITY BY PERMITTING ENVIRONMENTALLY SUSTAINABLE SUBSURFACE DEVELOPMENT AND PRODUCTION IN THE ARCTIC NATIONAL WILDLIFE REFUGE.**

(a) **IN GENERAL.**—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize legislation that would permit the exploration, leasing, and development and production without surface occupancy of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska.

(b) **DEFICIT NEUTRALITY.**—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 908.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

**SEC. 2. DEFICIT-NEUTRAL RESERVE FUND TO AUTHORIZE THE EXPLORATION AND DEVELOPMENT OF ENERGY RESOURCES OF THE OUTER CONTINENTAL SHELF AND OTHER PUBLIC LAND.**

(a) **IN GENERAL.**—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would authorize the establishment, assessment, and collection of reasonable fees by the National Marine Fisheries Service, and the acceptance of land, buildings, equipment, and other contributions (including funding) from public and private sources, to conduct work associated with the support of the orderly exploration and development of energy resources of the outer Continental Shelf and other public land.

(b) **DEFICIT NEUTRALITY.**—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 909.** Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

**SEC. . POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT DOUBLE THE DEBT HELD BY THE PUBLIC.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that doubles or more than doubles the debt held by the public for the budget year and any subsequent fiscal year covered by the resolution compared to the current year covered by the resolution.

(b) **SUSPENSION OF REQUIREMENT DURING WAR.**—If a declaration of war is in effect, this section is suspended.

(c) **SUPERMAJORITY WAIVER AND APPEALS.**—

(1) **WAIVER.**—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(d) **BUDGET YEAR.**—In this section, the term “budget year” shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SA 910.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels

for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

**SEC. . POINT OF ORDER AGAINST LEGISLATION THAT IMPOSES A NATIONAL ENERGY TAX ON MIDDLE-INCOME TAXPAYERS.**

(a) **IN GENERAL.**—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that includes a National energy tax increase which would have widespread applicability on middle-income taxpayers.

(b) **DEFINITIONS.**—In this subsection:

(1) **MIDDLE INCOME TAXPAYERS.**—The term “middle-income” taxpayers means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) **WIDESPREAD APPLICABILITY.**—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022(b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) **NATIONAL ENERGY TAX INCREASE.**—The term “National energy tax increase” means any legislation that the Congressional Budget Office would score as leading to an increase in the costs of producing, generating or consuming energy.

**SA 911.** Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 33, line 6, before “or preserve”, insert “rebuild United States fish stocks, promote fisheries bycatch monitoring, conduct fisheries habitats assessments.”.

**SA 912.** Mr. BEGICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 41, line 24, insert after “Indemnity Compensation,” the following: “provide for the payment of retired pay for members of the Alaska Territorial Guard who served in the Alaska Territorial Guard during and after World War II.”.

**SA 913.** Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for

fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 48, line 21, strike “banks” and all that follows through “purposes,” on line 25 and insert the following “banks, to include (1) an evaluation of the appropriate number and the associated costs of Federal reserve banks; (2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of (A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis; (B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered; (C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and (D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes.”.

**SA 914.** Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 2 . DEFICIT-NEUTRAL RESERVE FUND TO MEET INTERNATIONAL CLIMATE CHANGE COMMITMENTS.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report to meet any future commitments of the United States for financial and technological assistance to developing countries under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 915.** Mr. TESTER submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 13, line 21, increase the amount by \$528,000,000.

On page 13, line 22, increase the amount by \$317,000,000.

On page 14, line 1, increase the amount by \$132,000,000.

On page 14, line 5, increase the amount by \$79,000,000.

On page 27, line 23, decrease the amount by \$528,000,000.

On page 27, line 24, decrease the amount by \$317,000,000.

On page 28, line 3, decrease the amount by \$132,000,000.

On page 28, line 7, decrease the amount by \$79,000,000.

**SA 916.** Mr. TESTER (for himself, Mrs. LINCOLN, Mr. BROWN, Mr. BAUCUS, Mr. SANDERS, Mr. WEBB, Mrs. MCCASKILL, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 23, line 24, increase the amount by \$133,000,000.

On page 23, line 25, increase the amount by \$133,000,000.

On page 27, line 23, decrease the amount by \$133,000,000.

On page 27, line 24, decrease the amount by \$133,000,000.

**SA 917.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 43, after line 24, add the following:

(4) reduce the award of contracts to contractors with seriously delinquent tax debts;

(5) reduce the use of contracts, including the continuation of task orders, awarded under the Logistics Civil Augmentation Program (LOGCAP) III;

(6) reform Department of Defense processes for acquiring services in order to reduce costs, improve costs and schedule estimation, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(7) reduce the use of contracts for acquisition, oversight, and management support services; or

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

**SA 918.** Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth

the appropriate budgetary levels for fiscal years 2011 through 2014; as follows:

On page 4, line 14, decrease the amount by \$1,000,000.

On page 4, line 23, decrease the amount by \$1,000,000.

On page 5, line 7, decrease the amount by \$1,000,000.

On page 5, line 17, decrease the amount by \$1,000,000.

On page 5, line 18, decrease the amount by \$1,000,000.

On page 5, line 19, decrease the amount by \$1,000,000.

On page 5, line 20, decrease the amount by \$1,000,000.

On page 5, line 21, decrease the amount by \$1,000,000.

On page 5, line 25, decrease the amount by \$1,000,000.

On page 6, line 1, decrease the amount by \$1,000,000.

On page 6, line 2, decrease the amount by \$1,000,000.

On page 6, line 3, decrease the amount by \$1,000,000.

On page 6, line 4, decrease the amount by \$1,000,000.

On page 25, line 24, decrease the amount by \$1,000,000.

On page 25, line 25, decrease the amount by \$1,000,000.

On page 50, line 13, decrease the amount by \$1,000,000.

On page 50, line 14, decrease the amount by \$1,000,000.

**SA 919.** Mr. CORNYN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 4, line 14, decrease the amount by \$14,067,000,000.

On page 4, line 15, decrease the amount by \$10,303,000,000.

On page 4, line 16, decrease the amount by \$12,750,000,000.

On page 4, line 17, decrease the amount by \$11,383,000,000.

On page 4, line 18, decrease the amount by \$8,049,000,000.

On page 4, line 23, decrease the amount by \$9,067,000,000.

On page 4, line 24, decrease the amount by \$12,303,000,000.

On page 4, line 25, decrease the amount by \$11,750,000,000.

On page 5, line 1, decrease the amount by \$11,383,000,000.

On page 5, line 2, decrease the amount by \$9,049,000,000.

On page 5, line 7, decrease the amount by \$9,067,000,000.

On page 5, line 8, decrease the amount by \$12,303,000,000.

On page 5, line 9, decrease the amount by \$11,750,000,000.

On page 5, line 10, decrease the amount by \$11,383,000,000.

On page 5, line 11, decrease the amount by \$9,049,000,000.

On page 5, line 17, decrease the amount by \$9,067,000,000.

On page 5, line 18, decrease the amount by \$21,370,000,000.

On page 5, line 19, decrease the amount by \$33,120,000,000.

On page 5, line 20, decrease the amount by \$44,503,000,000.

On page 5, line 21, decrease the amount by \$55,552,000,000.

On page 5, line 25, decrease the amount by \$9,067,000,000.

On page 6, line 1, decrease the amount by \$21,370,000,000.

On page 6, line 2, decrease the amount by \$33,120,000,000.

On page 6, line 3, decrease the amount by \$44,503,000,000.

On page 6, line 4, decrease the amount by \$55,552,000,000.

On page 26, line 24, decrease the amount by \$67,000,000.

On page 26, line 25, decrease the amount by \$67,000,000.

On page 27, line 3, decrease the amount by \$303,000,000.

On page 27, line 4, decrease the amount by \$303,000,000.

On page 27, line 7, decrease the amount by \$750,000,000.

On page 27, line 8, decrease the amount by \$750,000,000.

On page 27, line 11, decrease the amount by \$1,383,000,000.

On page 27, line 12, decrease the amount by \$1,383,000,000.

On page 27, line 15, decrease the amount by \$2,049,000,000.

On page 27, line 16, decrease the amount by \$2,049,000,000.

On page 27, line 23, decrease the amount by \$14,000,000,000.

On page 27, line 24, decrease the amount by \$9,000,000,000.

On page 28, line 2, decrease the amount by \$10,000,000,000.

On page 28, line 3, decrease the amount by \$12,000,000,000.

On page 28, line 6, decrease the amount by \$12,000,000,000.

On page 28, line 7, decrease the amount by \$11,000,000,000.

On page 28, line 10, decrease the amount by \$10,000,000,000.

On page 28, line 11, decrease the amount by \$10,000,000,000.

On page 28, line 14, decrease the amount by \$6,000,000,000.

On page 28, line 15, decrease the amount by \$7,000,000,000.

On page 50, line 13, decrease the amount by \$14,000,000,000.

On page 50, line 14, decrease the amount by \$9,000,000,000.

**SA 920.** Mr. MENENDEZ (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 73, after line 6, add the following:  
**SEC. 317. SENSE OF THE SENATE REGARDING THE ROLE OF BIOTECHNOLOGY IN THE LIFE SCIENCES INDUSTRY.**

It is the sense of the Senate that—

(1) the United States is the established and undisputed global leader in life sciences, and biotechnology companies of the United States are developing advances in medicine, energy, defense, and agriculture;

(2) the biotechnology industry is a source of high-wage, science-oriented jobs, and the success of the industry is critical to ensure that the President's call to "cure cancer in our lifetime" is met;

(3) the ongoing financial crisis has made it difficult for small biotechnology firms to access capital, negatively affecting the cutting-edge life sciences industry of the United States by threatening to halt or significantly delay the next generation of promising therapies for cancer, multiple sclerosis, heart disease, and other diseases and afflictions affecting tens of millions of people of the United States, as well as threatening to halt or significantly delay the development of next-generation biofuels;

(4) the potential for biotechnology to prevent and cure disease, improve surgical outcomes, and pioneer other medical breakthroughs represents tremendous opportunity to reduce costs and improve public health; and

(5) Congress should act to facilitate access to capital for the life sciences industry of the United States, including emerging biotechnology companies, as the industry faces a severe funding crisis that is jeopardizing a critical sector of the United States' 21st century innovation economy and a source of high-paying, high-quality jobs in the United States.

**SA 921.** Mr. MENENDEZ (for himself and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 49, after line 3, insert the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR THE VIOLENCE AGAINST WOMEN ACT (VAWA) AND THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA), AND OTHER RELATED PROGRAMS.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for programs administered through the Violence Against Women Act and the Family Violence Prevention and Services Act, and other related programs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

**SA 9222.** Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . BUDGETARY IMPACT OF THE TARP PROGRAM.**

Effective fiscal year 2011, the budget resolution shall separately set forth the budgetary impact of the TARP program or any other program that is designed to provide financial assistance for purchasing troubled financial assets or is managed by the Office of Financial Stability under the Department of the Treasury for the budget year and the 9 year period following the budget year.

**SA 923.** Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

**SEC. \_\_\_\_ . LIMIT ON FEDERAL SPENDING.**

(a) DEFINITION.—In this section:

(1) FEDERAL SPENDING LIMIT.—The term "Federal spending limit" means with respect to a fiscal year, outlays not exceeding 20 per cent of the GDP.

(2) GDP.—The term "GDP" means the gross domestic product for the relevant fiscal year.

(b) FEDERAL SPENDING LIMIT POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would exceed the Federal spending limit for such fiscal year.

(2) WAIVER OR SUSPENSION.—This subsection may be waived or suspended in the Senate only by the affirmative rollcall vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

**SA 924.** Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 31, line 3, strike "or".

On page 31, between lines 7 and 8, insert the following:

"(9) does so without creating a new government operated health insurance plan; and

"(10) does so through regular order, without the use of reconciliation."

**SA 925.** Mr. HATCH submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR THE DETENTION OF DETAINEES AT NAVAL STATION GUANTANAMO BAY, CUBA, AT ANY LOCATION OUTSIDE THE UNITED STATES.**

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide funding for the transfer and incarceration (including any associated infrastructure) of individuals currently detained at Naval Station Guantanamo Bay, Cuba, at a location outside United States, and prohibit funding of any transfers of such detainees to the United States, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

**SA 926.** Mr. BOND submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

**SEC. . POINT OF ORDER AGAINST LEGISLATION THAT CAUSES SIGNIFICANT JOB LOSS.**

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) would cause significant job loss in manufacturing or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 927.** Mr. BOND submitted an amendment intended to be proposed by

him to the concurrent resolution S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014; which was ordered to lie on the table; as follows:

On page 68, after line 4, insert the following:

**SEC. . POINT OF ORDER AGAINST LEGISLATION THAT CAUSES AN INCREASE IN PRICES FOR FERTILIZER OR FARM FUEL.**

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and

(2) would cause an increase in the retail price of fertilizer or fuel used in the production or transportation of agricultural products.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 2 p.m. in room 216 of the Hart Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ARMED SERVICES**

Mr. CONRAD. Mr. President, I ask unanimous consent that Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, April 1, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. CONRAD. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 3 p.m., to hold a hearing entitled "Enhanced Partnership with Pakistan Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Nominations" on Wednesday, April 1, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON VETERANS' AFFAIRS**

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY**

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, April 1, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Oversight—the Environmental Protection Agency's Renewable Fuel Standard."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES AND SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities and the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 1, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that two law clerks from my staff, Matthew Welling and Andrew Warthen, be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S. 718

Mr. DURBIN. Mr. President, I ask unanimous consent that S. 718 be discharged from the Committee on the Judiciary and be referred to the Committee on Health, Education, Labor, and Pensions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF THE ROTUNDA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 54, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 54) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 54) was agreed to.

COMMEMORATING 90 YEARS OF U.S.-POLISH DIPLOMATIC RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 40, S. Res. 9.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 9) commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be added as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 9) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 9

Whereas the United States established diplomatic relations with the newly formed Polish Republic in April 1919;

Whereas the year 2009 marks the 20th anniversary of democracy in Poland, as well as the 20th anniversary of the fall of communism in Poland;

Whereas the year 2009 marks the 10th anniversary of Poland's accession to the North Atlantic Treaty Organization (NATO);

Whereas the year 2009 marks the 50th anniversary of the Fulbright Educational Exchange Program in Poland;

Whereas Poland has overcome a legacy of foreign occupation and period of communist rule to emerge as a free and democratic nation;

Whereas Poland has strongly supported the United States diplomatically and militarily, as well as supporting United States-led efforts in combating global terrorism, and has contributed troops to the coalitions led by the United States in both Afghanistan and Iraq; and

Whereas Poland has cooperated closely with the United States on issues such as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 90th anniversary of U.S.-Polish diplomatic relations;

(2) congratulates the Polish people on their great accomplishments as a free democracy; and

(3) expresses appreciation for Poland's steadfast partnership with the United States.

60TH ANNIVERSARY OF NATO

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 41, S. Res. 20.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 20) celebrating the 60th anniversary of the North Atlantic Treaty Organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 20) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 20

Whereas the North Atlantic Treaty Organization (NATO) will celebrate its 60th anniversary at a summit to be held on April 4, 2009, in Kehl, Germany, and Strasbourg, France;

Whereas this summit will be held along the border of France and Germany to commemorate the historic post-war reconciliation in Europe that NATO has done so much to facilitate;

Whereas for 60 years, NATO has served as the preeminent organization to defend the territory of its member states against all external security threats;

Whereas the security of the United States is inseparably linked to the peace and stability of the European continent by the participation of the United States in NATO;

Whereas the security of the United States has been significantly enhanced by the integration of security and military structures in the United States and Europe achieved by NATO;

Whereas NATO continues to promote a Europe that is whole, undivided, free, and at peace;

Whereas NATO continues to support an open-door policy of admitting states that can contribute to the promotion and protection of freedom, democracy, stability, and peace throughout Europe;

Whereas, since the end of the Cold War, NATO has continued to redefine and transform itself and to take on new missions, in order to ensure that each NATO member state can defend itself against emerging threats such as terrorism, the spread of weapons of mass destruction, instability caused by failed states, cyber attacks, piracy, and threats to global energy security;

Whereas NATO continues to help stabilize the Balkans through the deployment of troops to Kosovo;

Whereas NATO has deployed naval assets to the Gulf of Aden to address the growing threat of piracy in the region and to help



protect the delivery of United Nations food assistance to Somalia;

Whereas after the 2001 terrorist attacks on the United States, article 5 of the North Atlantic Treaty, signed at Washington April 4, 1949 (TIAS 1964), was invoked for the first time in the history of the organization, and NATO deployed 50,000 troops from all 26 NATO member states to Afghanistan to respond to a dangerous insurgency and terrorist threat and to help re-build a shattered country;

Whereas the challenges that continue to be posed by the resurgence of the Taliban and the illicit drug trade in Afghanistan highlight the need for a sustained and strengthened NATO presence in Afghanistan;

Whereas NATO continues to enhance the security of Europe and the world by strengthening partnerships with countries around the world; and

Whereas Congress continues to support NATO, the leadership role of the United States Government in European security affairs, and the continued enlargement of NATO: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 60th anniversary of the North Atlantic Treaty Organization;

(2) reaffirms that the North Atlantic Treaty Organization is strong, enduring, and oriented for the challenges of the future; and

(3) expresses appreciation for—

(A) the steadfast partnership between the North Atlantic Treaty Organization and the United States Government; and

(B) the work of the North Atlantic Treaty Organization to ensure peace, security, and stability in Europe and throughout the world.

#### URGING GOVERNMENT OF MOLDOVA TO ENSURE A DEMOCRATIC ELECTION PROCESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 42, S. Res. 56.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 56) urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 56) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 56

Whereas Senate Resolution 60, 110th Congress, agreed to February 17, 2005, expressed the support of the Senate for democratic reform in Moldova and urged the Government of Moldova to ensure a democratic and fair election process for the parliamentary elec-

tions on March 6, 2005, by ensuring “unimpeded access by all parties and candidates to print, radio, television, and Internet media on a nondiscriminatory basis” and “the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation”;

Whereas the Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE) found that, while the parliamentary elections in 2005 generally complied with most of the OSCE commitments and other international standards, “they fell short of some that are central to a genuinely competitive election process”, in particular “campaign conditions and access to media”, confirming the “negative trends already noted in the 2003 local elections”;

Whereas the Election Observation Mission found that the local elections held in June 2007 in Moldova were generally well administered but “fell short of a number of OSCE commitments central to a competitive electoral process”, in particular by not fully respecting “the right of citizens to seek public office and equitable media access”;

Whereas Freedom House, a non-profit, non-partisan organization working to advance the expansion of freedom, again in 2008 designated the political environment of Moldova as only “partly free”;

Whereas political liberties and civil rights are key indicators of eligibility for support from the Millennium Challenge Corporation, an entity of the United States Government, which is now considering a sizeable grant for the economic and political development of Moldova; and

Whereas recent actions by entities of the Government of Moldova raise serious questions about the readiness of the Government of Moldova to break free from the unfortunate patterns established in the elections in 2003, 2005, and 2007 and to create the campaign conditions and access to media required for truly free and fair elections: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the strong, mutually beneficial relationship that exists between the United States Government and the Government of Moldova;

(2) recognizes that the development of a genuinely democratic political system in Moldova is a precondition for the full integration of Moldova into the Western community of nations and the provision of assistance necessary to attain such integration;

(3) urges the Government of Moldova to meet its commitments to the Organization for Security and Co-operation in Europe, especially in respect to the conduct of elections, by guaranteeing—

(A) unimpeded access by all parties and candidates to public print, radio, television, and Internet media on a nondiscriminatory basis;

(B) the ability of independent media to cover campaigns on an unrestricted basis;

(C) the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation; and

(D) adequate means for citizens of Moldova residing abroad to cast their ballots; and

(4) in light of the steps taken by the Government of Moldova, pledges the continued support of the United States Government for the establishment in Moldova of a fully free and democratic system, the creation of a prosperous market economy, and the as-

sumption by Moldova of its rightful place as a full and equal member of the Western community of democracies.

#### ORDERS FOR THURSDAY, APRIL 2, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Thursday, April 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. Con. Res. 13, the concurrent resolution on the budget, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. Under the previous order, when the Senate resumes consideration of the budget resolution tomorrow, 90 minutes of the statutory time remains. Senators should expect the so-called vote-arama to begin around 11:30 a.m. tomorrow. Votes will occur in a stacked sequence with 2 minutes for debate prior to each vote. In addition, Senators should note that each vote after the first vote will be only 10 minutes in duration.

#### ORDER FOR ADJOURNMENT

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator SNOWE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEFICIT-NEUTRAL RESERVE FUND

Ms. SNOWE. Mr. President, I plan to offer an amendment tomorrow that I would like to discuss this evening very briefly because I do think it is an important matter as we consider the economic climate in which we find ourselves.

My amendment would create a deficit-neutral reserve fund that would extend the 2001 tax cut rates for small business owners so this tax increase does not subtract from the pool of capital that is going to be available to small business. As the Ranking Member of the Small Business Committee

and senior member of the Finance Committee, I rise on this critical issue of taxation because I am deeply concerned about how proposed tax rate increases will harm small business capital formation.

There has been a significant debate about the effect on small business of raising tax rates on those making over \$250,000. I do not disagree with some of those efforts, but I do have a deep concern about the impact and the implications that it will have on small businesses and their ability to access affordable capital in this current economic downturn.

The expiration of these tax cuts enacted in 2001 and 2003 for couples making over \$250,000 will directly and indisputably affect small businesses. Hiking taxes from 33 to 36 percent and from 35 to 39.6 percent results in a 9-percent tax increase for either tax rate. So if the Government is subtracting 9 percent from small business owners, obviously, that suggests fewer resources will be available to reinvest in business.

As we know, access to capital is a constant struggle for America's small businesses, particularly at this time of a continuing credit crisis. We have seen the credit crunch that has had a direct effect on small businesses. Lines of credit have been denied. Access to capital is simply not available. Time and time again, we have heard from small businesses, and certainly that was true at a hearing we held recently in the Small Business Committee, because small business owners are saying repeatedly they have had considerable difficulty in being able to access credit from banks.

So we have a serious crisis because if we depend on small businesses to generate the jobs, which they do—70 percent of all the net new jobs in this country; half of all the private-sector employers, 70 percent of the nonfarm gross domestic product—then clearly we have to be concerned about the response of small businesses when we are raising the tax rates for those making over \$250,000.

We simply cannot increase taxes by 9 percent on small businesses and not expect that this tax hike will have an immediate effect on the amount of capital they re-invest in their business. I fear that in lieu of investing their own funds, small businesses will have to, obviously, turn to the frozen credit markets which clearly has impeded any ability of small businesses to secure capital.

Most recently, a Federal Reserve study demonstrated that 70 percent of banks have tightened loans to small businesses. Well, Chairman LANDRIEU of the Small Business Committee and I have been working to free up lending for small business owners. Recently, the President conducted a small business summit at the White House, and

we heard directly from small business owners who said their lines of credit have simply dried up.

I know some of the banks have said, some of the TARP recipients said: Well, we are lending money. But the truth is, it is simply not happening. So there are numerous provisions in the stimulus package that I and Chair LANDRIEU had worked to insert because we thought it was important to make sure we took the steps to ensure a Main Street recovery, some of which were in the flagship SBA programs, the 7(a) and 504 programs, to reduce or eliminate the lenders' and borrowers' fees which are going to be instrumental to allowing banks to more freely loan money to small businesses because these are the key lending programs. We also provided for a 90-percent guarantee under the 7(a) program for any of the loans that are issued. In the stimulus package, I was able to secure a provision that will allow small businesses to make quarterly estimate tax payments of 90 percent of their 2008 tax liability rather than 110 percent estimated tax payments. That is important to ensure there is available capital for small businesses, to ease the credit flow for small businesses so they can survive in this very serious economic downturn.

So we have done a number of things that are going to be so essential for the preservation and survival of small business in this very serious recession, which is the worst since the Great Depression.

We included a stabilization loan fund that will provide up to \$35,000 for small businesses that otherwise have been viable businesses but are having difficulty making their payments. So we want to ease the flow of capital on a monthly basis. So it gives them a life line, a bridge until they will be able to find a better economic climate in which to do business.

The fact is, credit is essential. Small businesses are vital because they are the job generators in America. Our economy is wholly dependent on the well-being and the health of small businesses. That is why the President—and I recommended and endorsed this idea—is going to use some of the TARP funds to buy small business loans in the secondary market, again, freeing up the capital, easing the pressures on many of the banks, so they can issue those loans in the secondary markets. And up to \$15 billion in TARP funds would be used. So again, it is another way of easing the credit restraints, but also to provide more liquidity in the markets so that small businesses are able to go about and continue to do their business.

We have to avert not only job losses in this economy, but primarily to make sure if we are going to do so, that we prevent small business owners from shutting their doors on Main Streets all across America.

The vast majority of businesses in this country are known as "flow-through" or "pass-through" businesses, meaning that the income from a business is taxable to the individual owner and is not taxed at the business unit level. The forms of ownership that fall into the definition of flow-through businesses are sole proprietorships, partnerships, and S corporations. According to the Small Business Administration, flow-through businesses represented 93 percent of all small businesses in 2004. And specifically, there were 19.2 million sole proprietorships, representing 72 percent of all businesses; 2.3 million partnerships, representing 9 percent of businesses; and 3.3 million S corporations, representing 12 percent of businesses. And we consider this to be an incomplete snapshot of all small businesses because there are roughly another 2 million small C corporations, representing 7 percent of small businesses, that pay taxes both at the business level and individual level when profits are distributed.

The point is, that small businesses are critical. They pay the individual tax rate. That is the problem with allowing the tax rates to expire from the 2001 and 2003 tax bills, for those small businesses that are earning more than \$250,000.

The data provided earlier this week from the Joint Committee on Taxation shows that 6.5 percent of business owners—as defined by individuals receiving flow-through income, as I mentioned earlier, who pay the individual tax rate—will see their taxes increased as a result of this major tax hike. This is in stark contrast to those critics who have said it is only going to be 2.2 percent of taxpayers who will be affected by this tax increase. But yet Joint Tax shows it is almost three times what they indicated. But more importantly, it is the amount of income that these small businesses generate in our Nation's economy.

The Joint Committee on Taxation data reinforces a 2007 Treasury study that demonstrated among taxpayers whose flow-through income amounted to at least 50 percent of their wages—clearly indicating the primary business owner—that 9 percent earned 69 percent of total flow-through income but paid 81 percent of the taxes on it. So 9 percent earned 69 percent of this small business income and they paid 81 percent of the taxes on it. That is the problem because we are going to directly increase taxes on those small businesses that generate the preponderance of the income from small businesses in America.

Now, I drew on this Treasury study to help craft my amendment which targets not the passive investor in small business but the individual who is really earning their keep from small businesses. My amendment uses the definition of "small business" as determined by the Small Business Administration.

I want to highlight one form of business ownership in particular, and that is the S corporation because this form of ownership represents small firms that have graduated past the “kitchen table” stage of business and have employees. Again, the Joint Committee on Taxation data indicates that in 2006, 22 percent of taxpayers who earned income from S corporations were making more than \$250,000. Furthermore, a new study—a very recent study—from the SBA Office of Advocacy demonstrated there were roughly 3.3 million S corporation returns filed for 2004 and by the industry sector, the most prevalent, were wholesale and retail trade.

So, in essence, these are the Main Street businesses, the retailers, the construction firms, the manufacturers, the job generators of this economy. We cannot subtract another 9 percent from their income and think it is not going to affect—not only them but our Nation's economy. We have to do everything we can to nurture and cultivate an environment in which small businesses can survive during this economic crisis. We need to be fostering that environment, not increasing taxes on small businesses at the very time when they need more capital just to get by.

A recent SBA study noted that half of all small business income is earned by businesses organized either as a partnership or an S corporation, despite the fact that they constitute only about 20 percent of business units. So it is critical that we evaluate this particular provision. When we are talking about allowing the expiration of the tax rates in 2001 and 2003, we have to consider and evaluate it specifically on how it will affect the health and the well-being of small businesses in America's economy.

Small businesses as job generators have been underappreciated and unrecognized. They have been the unsung heroes of our economy, even prior to this recession. I think we have to be wholly attentive to the role they play in our Nation's economy. After all, there are 27 million small businesses in America today. We have to ensure their survival. The way we can do it is to consider the policies enacted and how they directly have an effect on small businesses, whether it is by increasing regulation, diminishing the availability of credit, or by raising taxes, all of which have a collective effect on the well-being and effectiveness of small businesses.

I think it is rather ironic that on one hand we are doing everything we can through the stimulus, through the TARP funds to make credit available, and then on the other hand we are subtracting from it by raising the tax rate. Some say we are only deferring that; it is 2 years away. But small businesses have to plan for the future. The net effect will be that they will constantly retrench in anticipation that their tax rates are going to rise, which only stands to reason. It is a logical response. It certainly will change their behavior today as a result of what they can expect in the future.

So suggesting that somehow deferring it 2 years out will make it better is not an answer. We don't have any prognostications in terms of what this economy is going to look like in 2 years, we still will have high rates of unemployment. It is going to be a slow path forward toward recovery, and we will be depending on small businesses to ultimately lead the way out of this recession and to pave the way forward toward a recovery. So because we are dependent on small businesses, then we have to consider very carefully the impact that raising tax rates will have on small businesses in America.

So when some say that tax increases would not have an impact today, but it will in 2 years, I answer that it will have an impact today because business owners will just defer investment in a plant. They will defer other investments. They will defer hiring. They may lay off, given the current climate, to be sure, but also in anticipation of the future, knowing that they will have to pay increased taxes.

A tax increase of this magnitude alters economic behavior. It alters capital formation indisputably. So on this issue alone I think it is very critical that we be circumspect and cautious in terms of how we approach it.

That is why the amendment I will offer tomorrow will create a deficit-neutral fund so we can be sure that we do not have these sorts of tax increases that will be directly imposed on small businesses. I hope the Senate will support this amendment. It is specific and targeted toward small business owners so this tax increase doesn't affect them, it doesn't affect their behavior, either now or into the future, and ensures that there is a pool of capital so they can continue to do business and, hopefully, be able to survive and overcome the hurdles this economic climate represents.

The Small Business and Entrepreneurship Council recently stated the higher the marginal tax rate, the higher the relative price for additional work and risk taking, and that high tax rates discourage economic activity. I know a number of organizations have conducted their own surveys, and I think it is illustrative again of the problems that will confront small businesses as a direct result of this specific tax increase.

There was a poll conducted by Gallup for the National Federation of Independent Businesses, otherwise known as NFIB. When surveyed, 21.7 percent of small business owners who employ 220 to 249 employees responded that the income earned from their businesses would be greater than \$250,000. That bears reiterating. More than 20 percent of small businesses stated that they would have income greater than \$250,000. This data certainly comports with the data provided by the Joint Committee on Taxation regarding partnership income and S corporation income.

Even more striking was the response from other small businesses where they indicated it would certainly have a detrimental impact when they were asked about their total household income from all sources, and 40 percent of these entrepreneurs, with 20 to 249 employees, responded that their household income would be greater than \$250,000. In either survey question, this cohort was the largest response group of any income group or size of employer and is indicative that successful small businesses are precisely the group that is most likely to face increased taxes if the top two marginal tax rates again rise to 36 and 39.6 percent because the net result is they will pay a 9-percent tax increase.

So I hope the Senate will endorse my amendment when I offer it tomorrow.

I yield the floor.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 8:56 p.m., adjourned until Thursday, April 2, 2009, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Wednesday, April 1, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
April 1, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of all goodness and life, the Holy Scripture teaches the human family that human progress, though it is a blessing, brings also a great temptation.

When there is an imbalance with others on the scale of values, tensions are raised.

When evil becomes mixed with what is good, both individuals and nations can be worried only about their own interests.

In our own day of economic difficulty and uncertainty and world markets, protect us, Lord, and free us from becoming narrow-minded or so frightened that self-interest devours any sense of compassion or concern about others.

May insecurity never rob us of thanksgiving or sharing our blessings.

Before You, all is transparent and accountable, both now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Alabama (Mr. BRIGHT) come forward and lead the House in the Pledge of Allegiance.

Mr. BRIGHT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### HONORING NOWRUZ

(Mr. HONDA asked and was given permission to address the House for 1 minute.)

Mr. HONDA. Madam Speaker, I rise today to honor Nowruz, a holiday which marks the traditional Iranian new year.

Over 1 million Iranian Americans and the people of Iran celebrated Nowruz on Friday, March 20, and I introduced a resolution which recognizes the cultural and historical significance of Nowruz. It expresses also appreciation to Iranian Americans for their contributions to society and wishes Iranian Americans and the people of Iran a prosperous new year.

I'm proud to represent a civically engaged Iranian American community, and I'd like to commend the initiative and instrumental support given by the Public Affairs Alliance of Iranian Americans and the National Iranian Council, who I have had the pleasure of working with on this resolution.

Once again, Madam Speaker, I rise to honor and celebrate Nowruz.

### AUTO PLAN

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, I rise today to let my colleagues know that there is no challenge that we in Michigan cannot handle. So when the administration's auto plan came out this week, and it was announced that some decisions have been made that might mean even tougher times ahead, I knew that we would just do what we have always done: roll up our sleeves and get to work. And that's exactly what we are doing.

Recently, a bipartisan group of us in Congress introduced the CARS Act, which would offer vouchers to Americans to purchase new fuel-efficient cars made in North America, while trading in their old gas guzzlers. I was encouraged to hear the President say this week that he is in favor of such an incentive program.

This "cash for clunkers" program is a win-win plan. It gives our auto indus-

try a much-needed boost, it cleans up our environment at the same time, and it does what those in Michigan and this great country have always done. It creates an innovative solution to answer the call of a challenge.

Let's support this plan and continue to work together to create solutions. That is the Michigan way. That is the American way.

### CONGRATULATING HARRY N. MIXON ELEMENTARY SCHOOL ON RECEIVING THE ACCELERATED READER RENAISSANCE MASTER SCHOOL AWARD

(Mr. BRIGHT asked and was given permission to address the House for 1 minute.)

Mr. BRIGHT. Madam Speaker, this past Friday I had the privilege of attending the Accelerated Reader Renaissance Master School Award ceremony at an elementary school in my district, Harry N. Mixon Elementary School in Ozark, Alabama.

To achieve this award, 90 percent of Mixon Elementary School students had to read and comprehend 90 percent of what they read. On average, students read 92 books each during the school year, and that means the student body read 50,526 books through the course of this year. There are only six other schools in Alabama to win this award, and nationwide only 127 schools achieved this goal out of over 60,000 schools.

It is quite an achievement for the students, Ms. Donna Stark who is the principal, and Mike Lenhart, the superintendent, and the faculty and parents at Mixon elementary, and it was an honor to be part of the ceremony.

By achieving such a high reading level at a young age, the students at Mixon are preparing themselves for future success and setting an example for all young people nationwide.

I would like my congressional colleagues to join me in congratulating the students of Harry N. Mixon Elementary School on this outstanding achievement.

### ALL-ABOARD

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, when most people think about taking a cruise, they imagine dream destinations, sunny days, and boatloads of fun. What people don't imagine is that

these so-called fun ships are not free from crime. Sometimes American passengers disappear on the high seas or become victims of sexual or physical assault.

You see, American passengers board these ships in U.S. ports and do not realize the ship is likely registered in a foreign country. That means these luxury ships are not required to report crimes to our government unless the crime occurs within U.S. territorial waters. This creates a serious problem for protecting the rights of Americans.

As founder of the Victims Rights Caucus and a former judge, it seems to me Americans should be concerned by the absence of law enforcement on cruise ships, concerned by the lack of duty to report crime and concerned with the sometimes careless way that crime scenes are handled or not handled at all.

Americans should be protected on U.S. soil or on the high seas. Representative MATSUI's Cruise Vessel Safety and Security Act will help protect Americans on cruise ships. It's high time we take back the high seas. And that's just the way it is.

#### BUDGET AND FISCAL RESPONSIBILITY

(Mr. WALZ asked and was given permission to address the House for 1 minute.)

Mr. WALZ. Madam Speaker, I rise today to say a few words about our new budget that we'll be debating and voting on this week, and on fiscal responsibility.

This country is in the midst of an economic crisis the likes of which few have ever seen. The Recovery Act this House passed in February was the first major step in our response to that crisis. It cannot be the last. We must not go back on the progress we have begun.

The budget we will consider will address the crisis. It will begin the transformation of our economy so that it emerges stronger than ever, and we will do it in a way that gets us on the path toward fiscal balance. This is an incredibly difficult challenge.

No one likes deficit spending. I come from southern Minnesota, a fiscally conservative place, and it's no accident that we have preserved ourselves from some of the worst excesses of this economy.

But this plan and this budget before us have just the right mix. It invests in key priorities like health care, education, and energy independence to get our economy moving, and it cuts the deficit by two-thirds by 2013. What is not fiscally responsible is to support the same policies that got us into this mess in the first place. That I will not support.

If the alternative to this budget is basically the same plan, tax cuts to the super-rich and no efforts to address

health care that we know does not work, that's not fiscal responsibility. That's the height of fiscal irresponsibility.

On the other hand, if this budget will help create the vital economic growth that we have lost, I will support it.

#### OUR BUDGET MAKES TOUGH, RESPONSIBLE CHOICES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, sadly, one of the ways Democrats may choose to trim President Obama's massive borrow-and-spend budget is to sunset middle-class tax cuts. So, after looking over the budget that already borrows too much, spends too much, and taxes too much, they've decided that they will save money by taking tax breaks away from American families.

Republicans believe we should help American families and small businesses keep more of their own money so they can create jobs. We do not balance our budgets on the backs of the American taxpayer. We are promoting the ideals of limited government, being threatened by the massive growth of big government.

Our budget will address national challenges like affordable health care, uncertainty in our dollar and Social Security, as well as high gas and electricity costs. It is a budget that reflects the spirit of responsibility we are seeing from families all across America.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### INTRODUCTION OF CRUISE VESSEL SECURITY AND SAFETY ACT OF 2009

(Ms. MATSUI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MATSUI. Madam Speaker, members of the International Cruise Victims are on Capitol Hill this week to raise awareness of cruise safety issues.

Over 13 million Americans will take a cruise this year. However, few passengers are fully aware of the potential for a crime to occur, and those who are victimized often do not know their legal rights and whom to contact for help.

Those who have come to Capitol Hill this week have lost daughters, parents, aunts and husbands, and some were victims of sexual assault or other crimes on the high seas.

Due to the absence of law enforcement officials on ocean voyages, it can be difficult or impossible to properly resolve many of these crimes.

That is why I have introduced the Cruise Vessel Security and Safety Act of 2009 with Senator KERRY. This bill has been informed by three congressional hearings and the stories of the individuals who bravely came forward.

I want to thank Ken Carver, Laurie Dishman and the many others who have come here to bring awareness to this issue.

#### BUDGET DEBATE 3

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Today, the House will consider whether we put our fiscal house in order or whether we continue the same failed policies of wasteful spending and skyrocketing debt.

We will decide whether we continue the great American tradition of leaving our children a Nation stronger and more prosperous than the one our parents left for us.

The President and Democrats in Washington have proposed a budget that takes this country in the wrong direction. The President proposes many of the same failed policies that caused our economic crisis, a budget that spends too much, taxes too much, and borrows too much.

Our children and grandchildren deserve better. It's time to get our fiscal house in order and make the tough decisions needed to set this country back on the path of economic growth and fiscal responsibility.

The Republicans will present our budget plan that does just that, a budget plan that curbs spending, keeps taxes low, and tackles our Nation's skyrocketing deficits and debt.

The Congress must reject the President's budget and begin working on behalf of the American people.

#### CESAR CHAVEZ TRIBUTE

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. I rise today to commemorate the 82nd birthday of a true American hero, the late Cesar Chavez.

For 10 years, I have fought for a national holiday to honor Cesar Chavez, a man who not only carried the torch for justice and freedom, but was the beacon of hope for thousands without a voice.

As a cofounder and president of United Farm Workers, Cesar used non-violent tactics to bring attention to the dangerous working conditions in the fields and the plight of exploited farm workers and their right to unionize.

The reach of his accomplishments stretches far beyond the Latino community. The battle for social justice is far from being over. But in the words of Cesar Chavez, "si se puede!"

During these hard economic times, let us not forget that history teaches us many things. True leaders are those who fight for those without a voice, and he was one that fought for many of those who didn't have voices.

As we approach his birthday, I urge my colleagues to support House Resolution 213, a resolution that educates our youth about Cesar Chavez and his accomplishments and I urge the creation of a national holiday for him.

#### WHAT DOES RENEWING AMERICA'S PROMISE MEAN?

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, for the past few months we've heard our liberal colleagues repeatedly talk about renewing America's promise. Is it America's promise to place an insurmountable debt burden on our future generations?

This Congress just passed the largest series of spending bills in American history, and now this administration has unveiled a \$3.6 trillion Federal spending plan. The U.S. is facing its largest deficit in history; yet we have placed a mortgage on America's future, and it's up to our children and grandchildren to make the monthly payments.

This budget doubles our debt in 5 years and triples it in 10 years.

My liberal colleagues have fostered in a new era where you can become the head of the IRS without paying your taxes, where pork-laden appropriations bills are done behind closed doors, and massive spending bills are designed in secrecy.

Writing blank checks from an empty bank account appears to be our real promise to America. Promoting a new era of irresponsibility has become this Congress' real agenda.

I will not vote for this budget, as it spends too much, taxes too much, and borrows too much.

□ 1015

#### HEALTH CARE

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, my constituents worry about the rising cost of health care. Today, I rise to let them know we are working to make health care more affordable and accessible.

We already strengthened and improved the State Children's State Insurance Program. Nearly 11 million children will benefit from actions by enrolling them in health insurance programs and expanding access to dental and mental health benefits.

This year, we voted to increase funding for health care information tech-

nology, saving billions of dollars and reducing private health insurance premiums for families. We also increased Medicaid funding, protecting coverage for millions of low-income and elderly Americans.

While more needs to be done, that is why I will vote for President Obama's budget. He sets aside more than \$630 million over the next 10 years to reform health care, reduce Medicare overpayments to private insurance, and reduce drug prices to rein in high costs that are a drag on our entire economy.

I urge everyone to support this budget.

#### OBAMA'S BUDGET BORROWING TOO MUCH

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. You know, like most moms in this country, I look at my two-year-old and I wonder: What kind of a world will he inherit; who will his friends be; what will his expectations be, what will his dreams be?

Like many middle-class families, I wonder: Will my child enjoy the same freedoms and opportunities that we enjoy today?

When I was born, my share of the national debt was \$1,800. Now for my child's generation, it is \$30,000 the moment that he's born. It's estimated that that's going to double in his first 5 years—to \$60,000.

Government programs can certainly help people, but government programs are not the cornerstone to grow an economy. That happens in the private sector.

We need to be focusing now on what's going to help our small businesses, our mom-and-pop stores, the people on Main Street that are really struggling. That's where economic growth takes place.

So let's make sure that we are leaving our country with freedoms and opportunities for the next generation. And it starts with a budget that's responsible.

#### SHERIFF PRIBIL

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. My friend, Bill Pribil, presides as sheriff over Coconino County in Arizona. For 5 years, Bill has successfully navigated the challenges of overseeing law enforcement in a very vast and diverse area, all while keeping our community safe.

Since taking office, Sheriff Pribil has brought a new perspective to the job, having initiated a number of programs

in the county to reduce crime. These programs include the Community Emergency Response Team, which provides the community with disaster preparedness and response training; the Exodus Program to reduce recidivism by helping prisoners overcome substance abuse; and the Leadership in Police Organization Program to improve training in his department, which has helped him successfully crack down on meth, drugs, and violent crime.

I congratulate Sheriff Pribil.

#### TIME TO TAKE RESPONSIBILITY

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. I joined the Marine Corps after 9/11, as did thousands of Americans, for one defining reason—so my children wouldn't have to. I went to Iraq twice and Afghanistan once, as thousands of Americans have, so my children and our children wouldn't have to.

It is in that vein that I rise today because it is up to this Congress to make responsible choices so our children are not beset by financial ruin. It is up to us to make good decisions right now in this defining moment in American history so our children can grow up without being punished so that this administration can make short-term gains without making any tough choices.

Tax cuts for the working class; more government responsibility; and less debt, less spending; were all campaign talking points for President Obama and congressional Democrats. That's all they were—talking points.

The buck stops with this budget that is before Congress now. And this budget can make us or break us. It is time we take responsibility for the direction of this country and stop spending.

Just stop spending. No more TARP, no more stimulus, no cap-and-trade tax on small business, no tax on charitable donations, no energy tax on working Americans. Surely, no more burying our children in debt while we spend, tax, and borrow our way into oblivion.

I ask the Democrats in this administration to put the checkbook down.

#### MYTH: MOST INDIVIDUALS WITHOUT HEALTH INSURANCE DON'T HAVE IT BECAUSE THEY DON'T WANT IT

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Another health care myth—and we've heard it all before: opponents of health care reform claim that, of the 45 million uninsured, many don't have health care insurance because they just don't want it. So no need to reform the health insurance system—everybody who wants it already has it.



So who are these people who just don't want health care insurance? Well, according to a 2008 Kaiser study, 68 percent of the Nation's uninsured were under 200 percent of the Federal poverty guidelines—or making under \$44,000 a year for a family of four. Of those, 37 percent were actually living in poverty—making under \$22,000 a year.

These are families that cannot afford health insurance. For a family living at the poverty line, health insurance could cost them up to half of their income.

Sure, there are some amongst the uninsured who simply choose to pay their own way. But there are many more who are employed, who are playing by the rules, who want health care insurance but just can't cut out those frivolous things like food and clothes to pay the premium.

#### RESPONSIBILITY

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Life, liberty and the pursuit of happiness: that is what the American Dream is all about. It's been the American entrepreneur, it's the American family, it's the individual who starts and wants to build their own business that's going to drive this country and this economy forward. It's not Big Government that's going to get us out of this. It's going to be the American family and the American entrepreneur.

I look at the President's budget, what the Democrats are proposing and, quite frankly, it spends too much, it taxes too much, and it borrows too much. We will literally double the debt in this country that will be paid at some point by our kids and our grandkids.

We have an opportunity to reject the overspending; we have an opportunity to reject the idea that we are going to continue to run this government on a credit card. That's why I urge my colleagues to look very strongly at this budget and just say "no."

We can no longer afford to continue to spend the way Washington, DC, spends. We need to operate this country in a fiscally disciplined manner. That's why I encourage my colleagues to look strongly at the Republican alternative, because in that budget you will see responsibility.

#### STRUGGLE AGAINST VIOLENT EXTREMISM

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, a couple of recent Washington

Post headlines deserve mentioning on the House floor. The first was on March 16, where the Red Cross Confirmed that the United States Violated International Laws Against Torture.

Last Sunday's article points out that that torture policy applied to an individual by the name of Abu Zubaida sent our government officials on any number of false leads. It produced no reliable information. It turns out that that suspect, Abu Zubaida, wasn't even an official member of al Qaeda. He told our professional interrogators what he knew to be true, until—under pressure from the Cheney White House to torture him—he sent our government on any number of false leads. As usual, people being tortured tell you what they know that you want to hear in order to stop the torture.

The point for the Congress to act on is that if we are ever going to prevail in our struggle against violent extremism, we need to stand up for America's defining principles of equal justice under the law. We have to hold those people accountable who pressured and enabled American government officials to perform actions that were counterproductive to our national security, that were illegal, and were immoral, and thus were anti-American. Only through such judicial accountability can we regain the moral high ground and once again lead the world by practicing what our founders preached.

#### COVER THE UNINSURED WEEK

(Mr. BARROW asked and was given permission to address the House for 1 minute.)

Mr. BARROW. Madam Speaker, I rise today to call attention to the rising number of uninsured in America. Right now, nearly 50 million Americans have no health insurance. That is nearly one in six. One in six.

These aren't just numbers on a page. This has real effects on the rest of us, because when millions of Americans who have no health insurance get sick enough, they end up in the emergency room of the nearest hospital. But the care they get there costs six times as much as preventive care—and is far less effective.

Those of us who pay the full cost of our health care end up picking up the tab for the care we provide the uninsured in the emergency room. That's just one reason we as a Nation pay far more for health care than we get back in return. In fact, on average, every American spends about \$900 each year to pay the cost of treating the uninsured badly. That is pure waste.

There are some good signs coming out of the current health care debate. Congress and this President have already extended health coverage to an additional 4 million children this year by enacting a bipartisan expansion of

the State Children's Health Insurance Program.

We waited too long to address this problem. We've paid a huge price by not confronting it sooner. I look forward to working with the President and my colleagues on commonsense solutions that will extend coverage to all Americans.

#### HOUSING CRISIS IN THE CENTRAL VALLEY

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. I rise today to remind my colleagues that the housing crisis continues to devastate across this country. My constituents in Merced, California, near my hometown of Atwater, are suffering from 19.9 percent unemployment, the highest rate of foreclosures in the Nation, and a 70 percent loss of their home equity over the last 3 years.

They have seen their community banks fail and their businesses on Main Street close their doors for good. Simply put, the Central Valley is experiencing an economic tsunami that will leave the Central Valley struggling for many years.

That is why I'm working on legislation to devise an Economic Disaster Area designation—so places like my district, whose communities have been disproportionately affected by the country's recession, can receive additional Federal funding they need to keep from falling off the maps.

I'm asking my colleagues to support me in my efforts to create this Economic Disaster Area designation and to help my constituents and the entire Central Valley recover from this economic downturn.

#### WE ARE GOING TO RECOVER

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR of Florida. Madam Speaker, the economic recovery plan signed by President Obama is saving and creating jobs all across the country. It was just signed into law 6 weeks ago, but millions of jobs are being created, including in my community in Tampa, Florida.

Monday, in the Tampa Bay area, we announced that we are going to draw down over \$3.5 million for our community health centers to hire new doctors, nurses, and medical professionals that will be able to serve more patients in an affordable way. This is happening all across our country.

In addition, we expect additional dollars to put folks back to work constructing community health centers across this country in just a matter of weeks.

The economic recovery plan is working. We are going to recover and America will be stronger than ever before.

□ 1030

#### AMENDMENT TO H.R. 1664

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Madam Speaker, I rise today on behalf of the hard-working families of my district in the State of Pennsylvania who have been hit especially hard by the economic downturn. Across my district, paychecks just don't seem to stretch as far to buy groceries and to pay the utility bills. Many have had to take a pay cut simply to keep their job.

Madam Speaker, my constituents are struggling just to make ends meet, and they are sick and tired of seeing their hard-earned tax dollars go to pay the excessive bonuses at companies like AIG. However, I have good news for those who want to put an end to this shameless practice. Today, my colleagues on both sides of the aisle have an opportunity to support my amendment to H.R. 1664.

The purpose of my amendment is to close any loopholes and to make it crystal clear that excessive taxpayer-funded bonuses are absolutely not allowed, regardless of when the executive worked at the company. Let me repeat that. It does not matter when the executive was employed at the company, it does not matter what the official name of the bonus is called; all excessive bonuses at taxpayer expense are prohibited.

Madam Speaker, I came to Congress to represent my constituents on Main Street, not the corporate executives on Wall Street. That is why I voted against the Wall Street bailout, and that is why I am offering my amendment today, to protect taxpayer dollars and hold Wall Street executives accountable.

#### THE RESTORATION BUDGET

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, today we will begin an historic opportunity to address the budget of this country, which I call the restoration budget.

There may be a number of perspectives from the White House, from this Congress, both House and Senate. But I am delighted that many of us have organized to support basic principles of reducing the deficit. The congressional progressive budget does it at 58 percent. Or, focusing on enhancing the opportunities of health for all; or, providing additional stimulus money of \$300 billion; looking at the issues of

global warming and energy independence; and fully funding elementary and secondary education, ideas that permeate throughout the various discussions and budgets that you will see here today, particularly as we in the majority lead.

Our principles are equality for all, putting the economy back on its feet, and putting the economic engine back in the hands of America, educating them, extinguishing poverty. I am very proud that we will have the opportunity to serve America.

#### PROVIDING FOR CONSIDERATION OF H. CON. RES. 85, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 305 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 305

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours confined to the congressional budget equally divided and controlled by the chair and ranking minority member of the Committee on the Budget and one hour on the subject of economic goals and policies equally divided and controlled by Representative Maloney of New York and Representative Brady of Texas or their designees. After general debate the Committee of the Whole shall rise without motion. No further consideration of the concurrent resolution shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

#### GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. I yield myself such time as I may consume.

Madam Speaker, H. Res. 305 provides for general debate on H. Con. Res. 85,

the budget resolution for fiscal year 2010. Madam Speaker, I am honored to stand here today to introduce the fiscal year 2010 House budget resolution.

I want to thank my friend, the Budget Committee Chairman JOHN SPRATT, for all of his incredible work on this budget. He is smart, he is fair, and no one cares more about these issues.

I also want to thank our ranking member, PAUL RYAN. Even though I often disagree with him, I admire his intellect and his dedication to his principles. I thought we had a spirited, substantive debate in the Budget Committee, and I am sure we will have more of the same here on the House floor.

I also would like to thank the staff of the Budget Committee, Democrat and Republican, for their tireless effort and their commitment to public service.

Madam Speaker, the budget before us today represents a clean break from the past. For the last 8 years, President Bush flat out mismanaged the Federal budget. How? By enacting huge tax cuts for the wealthiest Americans that led to skyrocketing deficits, by spending hundreds of billions of dollars on the wars in Iraq and Afghanistan without paying for them, and by refusing to invest in the American people.

In November, the American people said "enough," and they voted for change. They voted for new direction. And that is what this budget is all about. We are not only turning the page on the last 8 years, we are writing a whole new book, and our budget cuts the deficit by more than half by 2013. It cuts taxes for middle-income families by \$1.5 trillion. It creates jobs by investing in health care, clean energy, and education.

Now, let me briefly outline those three areas: Fiscal discipline, middle-class tax cuts, and investments in the American people.

As I said, our budget will cut the deficit by more than half in 2013. In order to get us back on a fiscally sustainable path, the budget provides a realistic assessment of our fiscal outlook.

Unlike the Bush administration, we actually budget for the wars in Iraq and Afghanistan instead of hiding them under, quote, emergency spending categories. We budget for natural disasters that inevitably will occur.

Our budget cuts taxes for 95 percent of Americans. Let me repeat that, Madam Speaker, because we are going to hear a lot of rhetoric from the other side about taxes. The Democratic budget, the Obama budget cuts taxes for 95 percent of Americans. It provides immediate relief from the alternative minimum tax, it eliminates the estate tax in nearly all the States, and works to close corporate tax loopholes.

You see, all of us believe in altering the Tax Code. We believe that we should reduce the tax burden on the middle class and those trying to get

into the middle class. We believe that corporations shouldn't be allowed to shirk their responsibility by hiding their profits in offshore tax havens. The other side believes we should reduce taxes for the very wealthiest. It is a simple difference of philosophy. And, most importantly, this budget actually invests in the American people.

What a welcome change from the past 8 years. We invest in health care reform, not just to improve health care quality and improve coverage, but to reduce the crushing burden of health care costs on American businesses. Everybody likes to talk about health care reform. This budget, the Democratic budget, the Obama budget actually gets it done.

We invest in clean energy in order to create jobs, improve the environment, and reduce our dependence on foreign oil. We invest in renewable energy and energy efficiency. Everybody likes to talk about energy independence, but this budget actually gets it done.

We invest in education to reclaim our place as the best educated workforce in the world. We work to expand early childhood education and to make college more affordable. Everybody likes to talk about improving education, but this budget actually gets it done.

So that is what we could do, and that is what we do. As for my Republican friends, it is more of the same. Last week, they made a big to-do when they introduced their own "budget." In fact, it wasn't much of a budget at all, given the fact that it didn't include any numbers. What it did include was lots of empty rhetoric and a belief in massive tax cuts for the wealthiest.

Madam Speaker, the American people have seen this movie before, and they gave it two thumbs down. I know it is April Fool's Day, but don't be fooled by my Republican friends.

My Republican friends will talk a lot about the difference in economic growth estimates between the Office of Management and Budget and the Congressional Budget Office, but here is the thing: There will be no growth unless we invest in the American people. There will be no growth unless we get a handle on these deficits. There will be no growth as long as health care costs and inadequate education and dependence on foreign oil keeps us down.

I know that change is hard. I know my Republican friends want to cling desperately to the failed policies of the past. But the good news is that despite all the nasty press releases and television ads and talk radio attacks on the President, the American people still, by overwhelming margins, support President Obama's vision for America. That is why this budget is so very important.

We are presenting a budget, Madam Speaker, with a conscience. It is a budget that believes in the American spirit, and it is a budget that fulfills

the promises that President Obama made to the American people.

We are at a crucial moment, Madam Speaker. Our country can meet its potential. Our children can have a better future. But in order to make that happen, we need a change. We need to move in a bold, innovative, new direction. We need to pass this budget. I urge my colleagues to join me in support of this rule and the underlying bill.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Let me begin by expressing my appreciation to my very good friend from Worcester for yielding me the customary 30 minutes.

Madam Speaker, it is interesting that we begin this April Fool's Day with the budget debate. You know, we have some very, very serious economic challenges here, and the sad thing from my perspective is the fact that this budget, which was just described by my friend as the Democratic-Obama budget, is not a joke.

The thing that is so incredibly ironic is that 45 seconds ago my friend just said we must get a handle on these deficits. "We must get a handle on these deficits," is what my friend has just said, and yet this budget, this Democratic-Obama budget of which my friend is so proud in fact over the next 5 years doubles the national debt and over the next 10 years triples the national debt.

We all concur on this notion of trying to get deficits under control. It is a very high priority. Everyone says this. What we need to do is we need to work to rein in government spending rather than trying to bring about this transformation, this transformation in an economic downturn which dramatically expands the size and scope and reach of the Federal Government.

Madam Speaker, as every parent or small business owner knows, a budget is about choices. Often, it is about very hard choices that need to be made. During times of economic hardship or uncertainty, those choices get even harder, and that is clearly where we are today.

When we look at our expenses for the coming month or year, we have a number of factors that have to be taken into consideration as a family, as a small business person.

There are expenses that are absolutely mandatory, mortgage payments or meeting a small business payroll. There are expenses that are essential but can be reduced with greater flexibility and frugality, like the grocery bill. There are expenses for luxury items that are simply not affordable any longer. And then, Madam Speaker, there are those expenses that are important and worthy and useful, but just aren't possible when funds are tight. These choices are clearly the very

hardest. We want to buy the kids a new laptop for college or build a new addition onto the house, but we know that the money just isn't there right now. So we tighten our belts, figure out a way to spend our money more wisely, and save for the things that are most important.

This is how America's families and businesses are dealing with the economic difficulties that we all face today. If only the Democratic leadership and this budget that my friend touts as the Democratic-Obama budget would do the same. They could learn a lot from the American people, Madam Speaker.

The Democratic budget before us today recklessly abandons any semblance of responsible decisionmaking. It spends as though the money is just flowing in, and it raises taxes as though American businesses and families have endless cash to spare. But we know all too painfully well that this is far from the case. Ask anyone out there. It is time for the Democratic majority to wake up to our economic reality.

□ 1045

This is not the time to raise taxes on small businesses and working families. They like to claim that their tax hikes will only hit the super-rich. They are wrong. Their income tax hikes will hit the small businesses that are the backbone of our economy. And their cap-and-trade program, the great source of revenues, which is really a cap-and-tax program, will raise taxes on every single household in America. Families will get slapped with new energy taxes of up to \$3,100 a year. Every time our constituents flip on a light switch or turn on the microwave or drive the kids to school, they will feel the pain of the Democratic tax plan.

This is also not the time to recklessly add hundreds of billions of dollars in new spending that our Nation cannot come close to affording. Republicans aren't advocating extreme austerity, but we are advocating a little common sense. We must own up to the hard choices that are a fact of life for the American people and should be a fact of life for their representatives here in this institution as well. After all, this is not our money. This is money that belongs to the hard-working people here in the United States of America.

We must be realistic about which expenses are mandatory, which leave room for greater flexibility, frugality and efficiency, which spending items are luxuries and which are worthwhile but simply not affordable at this time, just like the American people must do. We have to use the same kind of prudence when it comes to spending taxpayer dollars as people are as they face the challenges of today's economy.

Instead, what this budget does is shirk all responsibility for our tax dollars and bury the American people

under a mountain of debt that won't be paid for generations. This is not just an issue of deficits. It's an issue of deficits so catastrophically huge that they threaten to put our recovery off for years to come and permanently saddle all of us with staggering amounts of debt.

In this year alone, the deficit, Madam Speaker, will be \$2 trillion, that is trillion with a "T." I know in this age of constant \$100 billion bailouts, we have forgotten just how much money that is. Everyone has their illustrations of how to visualize \$1 trillion. And I know that it seems a little gimmicky, but it is important to understand what we are talking about when we refer to \$1 trillion. And let's remember that the deficit for this year under this budget is \$2 trillion.

If we were to spend \$1 million a day, a day, \$1 million a day, it would take 5,475 years to spend our deficit for this year alone. Not our national debt as a whole, just the part, just the part that would accumulate this year. In other words, it would take until the year 7484 to spend our deficit if we were spending \$1 million a day. Or put another way, we would have to go back to the 35th century B.C., the 35th century B.C., to spend the money by the year 2009, back to the rise of the early Bronze Age in order to spend \$2 trillion at that rate of \$1 million a day.

Now that's an awful lot of debt, Madam Speaker. That is an astronomical amount of debt. And that is what this budget leaves us with. It taxes recklessly, spends wildly and borrows almost too much for us to even comprehend.

Now I have talked a lot about hard choices. Now I want to say something about false choices. Unfortunately, our colleagues on the other side of the aisle seem to want the American people to face a false choice, the choice between their very dangerous budget and the status quo. They like to think that they can convince our constituents that their disastrous budget is the only option out there.

But, Madam Speaker, we clearly have an alternative. There is a common-sense way. Republicans, contrary to what our friends said about the lack of numbers in our budget, we have our budget. It was submitted by the 10 a.m. deadline to the Rules Committee. It is an alternative budget that will not tax small businesses and working families and will not balloon the deficit to untenable proportions. It is true that it will not entirely eliminate the deficit. That might not be possible during these very, very tough times. But it does own up to the hard choices that responsible legislators must make. It does accept our tough economic reality and it does exercise common sense and accountability in the spending of taxpayer dollars. And it does not punish the small businesses and working fami-

lies who are already struggling with new burdensome taxes. Now, Madam Speaker, I urge my colleagues not to be drawn into the false choice that has been provided by the Democratic majority.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to point out for my colleagues one important fact that I think we need to keep in mind. When President Bush became President of the United States, he inherited a record surplus of \$5.6 trillion over 10 years. He left us with a record deficit of \$5.8 trillion, with double the national debt and triple the amount held by foreign countries. We were left with flat wages and the smallest rate of job growth in three-quarters of a century. We tried it the gentleman's way. And it failed. People do not want the status quo. They do not want the same old same old.

There is a general understanding amongst the American people that in order for us to be able to reduce our deficit and pay down our debt, we need to grow this economy. And you cannot grow this economy unless you invest in the American people and unless you invest in the economy.

I am happy to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

And let me respond to his very thoughtful comments with a couple of points. First and foremost, we need to remember that it was a Republican Congress that got us back on the road of fiscal responsibility leading up to what President Bush did, in fact, inherit. And I'm not going to stand here as an apologist for spending that did take place. But we have to remember that most of the spending that took place dealt with the aftermath of September 11, 2001, when we saw dramatic increases in defense and homeland security spending. And in the last 3 years, there were actually real spending cuts that took place in every other appropriation bill at that time. And so the issue of economic growth—

Mr. MCGOVERN. Reclaiming my time, I appreciate that, and I would point to the 2001 and 2003 tax cuts that went mostly to the wealthy that bankrupted this Nation.

The fact of the matter is the gentleman's party controlled Congress for many years. His party controlled the White House for many years. And jointly, they have driven this economy into a ditch. I think there are philosophical differences here. And I think one of the major differences is that we believe that in order to be able to pay down the debt, we need to grow this economy. And to grow this economy in these difficult times means investing in our people and everything from education to health care to environmental technologies.

The Republican budget is really the same old same old, more tax cuts for the wealthy, and basically, an indifference towards some of the Nation's most pressing problems. You cannot rebuild roads and bridges for nothing. We can't just simply constantly put the burden of education, the cost of education, and special education in particular, on the backs of our cities and towns. There needs to be an understanding that in order to get this economy back up and running, we are going to need to invest. And that is what the Democratic budget does.

I stand before you proud to defend this budget, proud of the fact that we have a budget that has a conscience, proud of the fact that when this gets enacted, we are going to have a blueprint for this country that I believe will not only put us back on the road to economic recovery but will allow us to pay down our deficits and our debt.

As I said in my opening statement, the House budget slashes the deficit by nearly two-thirds over the next 4 years, from \$1.7 trillion or 12.3 percent of gross domestic product in 2009 to \$586 billion, or 3.5 percent of gross domestic product in 2013.

I would reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume, and I would be happy to yield to my friend.

Clearly, I think we have a problem of maybe talking past each other. We all concur with the notion of getting the economy back on track. The question is do we grow the economy by growing the size, scope and reach of government? And that is what my colleague is arguing that we should do, that we should get the economy back on track by dramatically increasing the role of government. The exact opposite is the case.

Now as my friend said, that the same old same old of what we did in 2001–2003 with creating tax incentives for economic growth. That is, I believe, the single best answer to this challenge. Why? Well, remember what we faced in 2001. Many people thought after we had this unprecedented attack on the United States of America that we would see a huge economic downturn. We also were dealing at that point with corporate scandals that existed in the early part of this decade and a wide range of other challenges. And we had already had an economic slowdown. It was those policies of growth-oriented tax cuts that were able to see 55 months of sustained job creation and economic growth.

We all know that over the past year we have seen serious economic challenges, we are in recession and the American people are hurting. We also believe that we need to have priorities established like dealing with the issue, as my friend has correctly said, of

building roads and bridges. That is what I'm saying. We are not talking about extreme austerity. We are talking about a commonsense approach. And we do embrace that.

But this notion of this huge expansion which doubles the national debt in 5 years and triples it in 10 years is, in fact, I believe, a prescription for disaster.

I reserve the balance of my time.

Mr. MCGOVERN. I reserve my time.

Mr. DREIER. I would inquire of my friend if he has any speakers on his side.

Mr. MCGOVERN. Not at this time.

Mr. DREIER. Would my friend like to yield me the balance of the time?

Mr. MCGOVERN. I will hold on just in case.

The SPEAKER pro tempore. The gentleman from Massachusetts reserves his time.

Mr. DREIER. Madam Speaker, at this time, I'm very happy to yield 2 minutes to our friend from Stillwater, Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank Mr. DREIER, the gentleman from California, for yielding.

It is clear and it is true for the American people we have a very clear choice. It could not be more crystal clear, the future that is being offered to the American people by the Democrats, the future, Madam Speaker, that is being offered by the Republicans. And it is illustrated by this chart. This is the future that the Democrats have planned for the next generation. And I would put one word out before this body and before the American people: it is the word "compassion." When we look at children and when we look at the next generation and we think of the word "compassion," what does compassion have to do with children when we look at this? This is the future for our children? Debt levels that will be so high that we are literally on this floor forging shackles and chains for today's 5-year-olds, 5-year-olds who, when they come into their peak earning years, would be paying tax rates of 65 percent; who, if they are a business owner, will be paying 85 percent; who, if they are at the lowest income strata, will be paying income tax rates of 25 percent.

Who, Madam Speaker, would be getting out of bed in the morning to go and put their capital at risk and their lives at risk working 14 hours a day to pay this government 85 percent of their income? And that is before, Madam Speaker, this budget is put into effect. Or, Madam Speaker, I ask the question on compassion, on compassion for today's 5-year-olds, is the budget alternative the Republicans are putting forward the more compassionate budget? Is this not, in fact, the budget that gives hope for America's 5-year-olds and opportunity for America's 5-year-olds? Where they could, instead of pay-

ing a tax rate that would be 85 percent or 50 percent, see their tax rate, in fact, lowered, so the United States would no longer be the country of punishing debt burden but the country of opportunity for today's 5-year-olds.

Mr. MCGOVERN. Madam Speaker, the gentlelady talks about compassion. I don't see a lot of compassion in the Republican budget. In fact, I haven't seen a lot of compassion in the Republican policies over the last 8 years. We are living in a country where there are 36 million Americans who are hungry, millions of whom are children. Where is the compassion? Where is the response? We have kids going to schools that are falling apart, where the heat works in the summer but doesn't work in the winter. Where is the compassion to make sure that our kids get the education that they deserve? We have a world where the environment is becoming the key issue, the issue of global climate change. We are giving our kids that kind of world? Where is the compassion there? If you want compassion, it is in the Democratic budget, which is not only compassionate but is fiscally responsible and will give our kids the kind of future they deserve.

I reserve the balance of my time.

□ 1100

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume to say that this is incredibly ironic. Again, we're here on April Fool's Day, and I wondered if the statement that was just propounded by my friend was, in fact, an April Fool's statement.

He continues to use the line, "We're tired of the same old same old." Well, the arguments that I just heard from my friend are the quintessential same old same old: Republicans don't care about children, about senior citizens, about the homeless. That is absolutely preposterous. We care, and we truly are compassionate because we want to ensure every American opportunity, and those who are hurt the most, those who can't take care of themselves, we clearly want to do everything that we possibly can to assist them. And to argue to the contrary is the standard class warfare, "us versus them" argument which is the epitome of same old same old.

And with that, Madam Speaker, I would like to yield 2 minutes to my good friend from Cherryville, North Carolina, Mr. MCHENRY.

Mr. MCHENRY. Madam Speaker, I thank the ranking Republican on the Rules Committee for yielding.

Madam Speaker, I rise today in opposition to this fundamentally flawed Democrat budget, which taxes too much, spends too much, borrows too much. And we simply cannot tax, spend and borrow our way back to prosperity.

This budget raises taxes at an unprecedented level, and it raises taxes to the tune of \$1.4 trillion, the largest tax

increase in American history. It raises taxes, which we all know, we all know that raising taxes will only deepen and prolong this recession and hurt economic growth and growth of jobs.

This budget compiles a national debt larger than the total amount of debt accumulated by the Federal Government from 1789 until just this year. It will take generations to pay off this debt, and it will require even bigger tax increases in the near future to pay off this debt. And no Democrat has yet explained what happens when China stops bankrolling our debt or, worse, calls in the loans.

This is an unfortunate plan, and it's the wrong direction for America. We must cut, save and incentivize our way to economic growth. That is the way we create jobs. That's the way we get ourselves out of this recession. That's the way that American families can grow and prosper.

We must provide tax relief to help working families and small businesses create jobs. That's the way it occurs. That's the way it should be. And that's what our Republican budget alternative will do. Economic growth, not government spending, will restore prosperity for all Americans.

Mr. MCGOVERN. Madam Speaker, I would just say to the gentleman who just spoke that we've tried it his way and his way failed. Our economy is in the worst shape it has been in my lifetime, probably in the worst shape since the Great Depression. The policies that they have pursued for the last 8 years have failed. The American people, in the election in November, made it very clear they want to move in a different direction.

The budget that we are presenting here today, that the Democrats are proudly presenting here today, not only turns the page, but writes a whole new book on the way this country should move forward. We're going to tackle the big problems of global warming and of health care. We're going to deal with health care once and for all, and not only in a way that provides people with the quality care that they deserve and they are entitled to, but also helps control costs. We have ignored these big problems for far too long.

So I stand before you again, Madam Speaker, proud to say that the Democratic budget, the budget that has been inspired by President Obama, is the right budget for this country. And there is a clear choice. I mean, I think we could agree on one thing, that there is a very clear choice. We can either go the way the Republicans want us to go or the way the Democrats want us to go. And I think we have tried the Republican way, and it has failed.

I reserve my time.

Mr. DREIER. Madam Speaker, I would inquire of my friend if he has any other speakers at all.

Mr. MCGOVERN. No, I'm it.

Mr. DREIER. If not, I'm prepared to close if the gentleman will be the closing speaker after I speak then.

Madam Speaker, I yield myself such time as I may consume. And I will say that if my friend would like to interject any points during my remarks, I certainly would be more than happy to yield to him if he'd like to ask me any questions as I proceed.

As I look at last fall's election, the mantra, "A change we can believe in" was something that got a great deal of attention. Well, Madam Speaker, I would say to my friend, I encourage him to change the talking points that he has provided because they are, in fact, the same tired old talking points that we've received for many, many years. Blame the Republicans for whatever difficulty we face. Don't work together in a bipartisan way for a constructive solution, which is exactly what we want to do.

I agree with my friend that we need to grow the economy to bring the debt down. We have this area of agreement. We all talk about and decry deficit spending, and we want to pursue this quest of trying to diminish that debt burden imposed on future generations. The question is, how do we do it?

Well, I'll tell you what the rest of the world has learned and what the United States of America has learned. What we have learned is that increasing taxes and spending and the reach of the Federal Government does not grow the economy. So if we can work together in a bipartisan way to do what my friend says we want to accomplish, and that is, growing the economy, so that we can reduce the debt, then let's recognize what it is that works.

And I think it's also important to note that, as my friend continues to point the finger at President Bush, he left office in January, I will say. And it's also important to remember that my friend and his colleagues have been in charge of taxing and spending for over 2 years now since they have had the majority. And so I think that it's a bit of a stretch for us to continue down this road of class warfare, us versus them, saying that Republicans don't care. It is crazy.

We know that the budget that's before us, as we've all been saying, taxes too much, spends too much, and borrows too much. And we know that, as the rest of the world has found, that it is a prescription for disaster.

Now, I hesitate, but I am going to proceed with quoting the President of the Czech Republic, Mr. Topolánek, who made it very clear, from the experience that they've had with the expansion and the reach of government, that he does not believe that that is, in fact, the answer for the future.

I met a year ago, a little over a year ago with the President of Peru, who had been President in the 1980s in Peru.

And he embraced the very, very hard-left, Big Government policies. He's President today, and he said that the worst 5 years in modern Peruvian history were when he was President in the 1980s. He learned from that experience that dramatically increasing the size and scope and reach of government, increasing the tax and excessive regulatory burden has failed. The rest of the world has learned that it has failed.

And now, for this new majority to try and bring about a complete transformation of government with this budget that does, in fact, double the national debt in 5 years, and triple the national debt over the next 10 years, is a prescription for failure.

We have come forward, Madam Speaker, with a very positive, pro-growth budget. We focus on growing the economy, number one, and realizing that, as my friend has said, growing the economy can help bring the debt down. But we also know that one of the other ways to grow the economy is to diminish the reach of government.

And so we, over the next 2 days, are going to have a very clear choice that is put before us, as Members, and the American people. And I believe that an overwhelming majority of Democrats, Republicans and Independents in the United States of America believe that a dramatic expansion of government is not the answer, and allowing people to keep more of their own hard-earned dollars is, in fact, a better prescription to do what we all want to do, and that is to get our economy back on track.

I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, let me reiterate that we find ourselves in the worst economic crisis since the Great Depression. We find ourselves in this position in large part because of the very reckless policies of the last 8 years, policies that have been championed by President Bush and by the Republicans when they were in the majority.

And I want to commend the Republicans for actually introducing a budget alternative to the Rules Committee because, up until just today, what they handed out was a brochure with not a lot of numbers in it, a lot of criticism of Democrats. But I look forward to—

Mr. DREIER. Madam Speaker, will the gentleman yield on that point?

Mr. MCGOVERN. I am happy to yield.

Mr. DREIER. I thank my friend for yielding. Let me just say that that outline that my friend has is very similar to the package that was presented by the President. And if you look at Page 3 of the Democratic budget that we had last week, it did not have any numbers on it either. This budget proposal was submitted at 10 this morning. It does, in fact, have these numbers.

And I thank my friend for yielding.

Mr. MCGOVERN. Reclaiming my time, what they did last week was produce a document that was basically

a political piece that had no numbers in it and was basically an attack on the President and on the Democratic budget.

Now, we have been able to take a cursory look at some of the things that are in the Republican budget alternative, and if you would note—

Mr. DREIER. Will the gentleman yield very briefly for a question?

Mr. MCGOVERN. I am happy to yield to the gentleman for a question.

Mr. DREIER. Is the gentleman trying to argue that we have not submitted a budget with real alternatives and simply provided a political statement?

Mr. MCGOVERN. I am saying that I am glad that the gentleman, the Republicans have submitted a budget to the Rules Committee today—

Mr. DREIER. Good. Thank you.

Mr. MCGOVERN. Because up until today we had a political brochure.

But anyway, a cursory look at what they presented, there are some substantial cuts in some very essential programs. They're talking about a \$38.5 billion cut in agriculture. Well, what are they going to cut? Are they going to cut food stamps and nutrition programs to people who are suffering and struggling during these terrible economic times?

A \$22.7 billion cut to education and labor. Are they going to cut schools more? Are we going to cut money for special education?

I mean, there are some significant programs that will have to be cut as a result of what they're proposing.

Energy and Commerce, a \$666.1 billion cut. What are they going to cut, Medicare and Medicaid?

Billions of dollars in Financial Services. Where are the cuts going to come from? Housing for low-income people? Is that the idea of what a compassionate budget is about?

Ways and Means, billions and billions of dollars of cuts for the Ways and Means Committee, again, going into Medicare, you know, programs that help vulnerable senior citizens.

Madam Speaker, I think people are tired of the same old same old. And let me tell you what the old way was. The old way was to ignore health care. That's why we have such a mess with health care today.

The old way was to ignore education. That's why we have so many schools that are crumbling. That's why we're understaffed in terms of our teachers. That's why schools don't have the technology that they all should have.

The old way is to give tax breaks to millionaires. The old way was to continue to rely on foreign oil.

The budget that the Democrats are proudly presenting today puts us in a very new direction, in a direction that I think the American people are excited about. That is what this last election was about.

People will have their opportunity to vote for the Republican budget or the



Democratic budget, whatever they want to do. But please know one thing. What they are proposing is what they have been proposing consistently for as long as I have been here.

Mr. DREIER. Madam Speaker, will the gentleman yield for a quick question?

Mr. MCGOVERN. I will be happy to yield.

Mr. DREIER. I thank my friend for yielding.

When my friend began discussing the issue of agriculture spending cuts, I was struck. I was just provided a document here which shows that actually there are \$2 billion in greater cuts in agriculture spending in the budget that my friend has propounded than in ours. And I wonder if those cuts are in food stamps, this is in budget outlays, if those cuts are in food stamps or other nutritional programs that my friend has said himself. And I thank my friend for yielding.

□ 1115

Mr. MCGOVERN. Our budget actually goes after subsidies for wealthy farmers, but it does not go after food stamps for the vulnerable.

The Republican budget that has been proposed makes dramatic cuts in some of the most essential and valuable programs that serve the most vulnerable people in our country.

Mr. DREIER. Where in our budget does it say we are going after food stamps?

Mr. MCGOVERN. We are faced with the worst economic crisis since the Great Depression, and what they propose is the same old same old. Enough. Enough.

Mr. DREIER. Will my friend yield for just one second?

Mr. MCGOVERN. Madam Speaker, the Democratic budget moves us in a different direction, in one that, I think, the American people want us to move.

I urge my colleagues to vote "yes" on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PROVIDING FOR CONSIDERATION OF H.R. 1664, PAY FOR PERFORMANCE ACT

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on

Rules, I call up House Resolution 306 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 306

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

#### GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members be

given 5 legislative days in which to revise and extend their remarks on House Resolution 306.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. Madam Speaker, House Resolution 306 provides for consideration of H.R. 1664 to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards.

This is under a structured rule. The rule provides for 1 hour of general debate controlled by the Committee on Financial Services. The rule makes in order seven amendments which are listed in the Rules Committee report accompanying the resolution. Each amendment is debatable for 10 minutes except the manager's amendment, which is debatable for 20 minutes. The rule also provides for one motion to recommit with or without instructions.

Madam Speaker, the American people rightfully demand that the taxpayer dollars they put in to help stabilize the banking system be spent wisely by the banks and by the institutions that borrow under what is called the Troubled Asset Relief Program, or TARP.

Recently, when information came to light showing AIG gave, roughly, \$165 million in retention bonuses to senior executives, hardworking Americans all across the country quickly asked, How as a Nation can we recover this money? Now the House considers a similar question: How do we reasonably prevent this from happening again?

The grounds for this action are simple. As the lender to AIG and to a number of other institutions, the United States has the authority to define the terms by which we are lending money. This is a standard in business practice, as lenders from time to time put limits on executive compensation, as do their shareholders.

The gentleman from Georgia (Mr. MARSHALL) recently related to me that you have to be just before you are generous, that you have to take care of your creditors before you can pass out gifts. In this case, generosity, or generosity, is taken to a whole new level with the retention bonuses that we saw recently. We as Members of Congress must assert our rights to protect our constituents and the people of this country from any further losses. I want to make clear several things about this bill:

First, it only applies to financial institutions that have received a capital infusion under the TARP program. An amendment by Representative BILIRAKIS will clarify this point, and an amendment by Representative CARDOZA would exempt smaller community banks which receive TARP funds.

Second, it only prohibits compensation that is unreasonable or excessive or prohibits any bonus or other supplemental payment that is not performance-based. Guidelines are established by the Treasury Department within which to determine what is unreasonable or excessive.

Third, the bill only applies while the TARP capital remains outstanding. Once the institution has paid the taxpayers back, they may meet any contractual obligations allowed by their board of directors and shareholders regarding bonuses.

I support the private sector, and I believe in rewarding employees for doing a good job. This bill does allow for performance compensation, but if you have received a capital investment of American tax dollars through TARP to make it through these extraordinary times, there should be commonsense limits on bonuses. My constituents in Colorado do not want their hard-earned dollars going to inflate the senior executives' life rafts as the ship steers close to the rocks.

We are going through this economic downturn, but we need to make sure that middle-class America can trust the money that has been placed into the banking system to keep that system functioning properly. If an institution has an outstanding debt to the Federal Government, it has to pay it back before it gets bonuses that are excessive or unrealistic.

I urge my colleagues to vote in favor of the rule and the underlying bill.

With that, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume. I appreciate my colleague from Colorado yielding time.

This is another very deceptively named bill by our colleagues on the other side. It is a fairly short bill, only four pages long, so everyone should have a chance to read it, and that is an important thing to do.

It is titled "to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards."

Now, again, that sounds great. However, when you get inside the bill and you read it, it says, "any executive or employee," and it says that four times, so the deception is that this is only for executives. It is not just for executives. It allows the Treasury Department to set the salaries and compensation for all employees in a private organization. This is wrong to do.

We have had so many statements that have been made that have been misleading, I think, on the floor. This is not the worst economic crisis since the Depression. Our situation in the country was much worse in the

eighties after a Democratically controlled Congress and a Democratic Presidency. So we are in a situation that has been created, again, by Democrats. Yet they want to say over and over again that this is the problem of a Republican administration. We have to constantly point out the fact that the Congress has been controlled for the past 2 years and is now controlled by Democrats.

So I think this rule is bad; I think the underlying bill is bad, and I think that our colleagues should vote against both of them.

What the Democrats are doing now is, again, providing political cover for Democrat Members of the House who voted for a bad bill a couple of weeks ago, and they are trying to change the subject from the administration's failure to exercise adequate oversight of the taxpayer dollars which have been extended to prop up AIG, American International Group. So I expect most of my colleagues, if not all, to vote against this rule and to vote against the underlying bill.

We also have a situation where this is not an open rule. The majority continues its practice of limiting debate and of limiting opportunities for Republicans to offer amendments and to do whatever we can do to make a bad bill somewhat better or to make a bad rule somewhat better. So we have a situation where these things continue.

You know, when I have thought about this, I have thought about just a commonsense way to describe this to people. The Democrats have a tar baby on their hands, and they simply cannot get away from it. They are stuck on this problem. They have created a bad situation, and every time they try to get away from it, they keep getting stuck on it, and I think that this is just the latest iteration and bad policy that they are recommending, and I am going to recommend to my colleagues to vote against it.

I reserve the balance of my time.

Mr. PERLMUTTER. I yield myself such time as I may consume.

Madam Speaker, I would like to respond to my friend from North Carolina. I just have to remind her that it was President Bush's Secretary of the Treasury who came to the Congress, hat in hand, because of a potential collapse of the financial system, asking for immediate assistance from this Congress to right the financial system, to put it back on some sort of stable footing. Since then, we have seen a variety of financial institutions take advantage of the assistance that was given. This is designed to restrict the way companies can take advantage of taxpayer dollars until they have repaid the loans and capital that have been advanced to these companies.

With that, I would like to yield 2 minutes to my friend from New York (Mr. ARCURI).

□ 1130

Mr. ARCURI. I thank the gentleman for yielding.

Madam Speaker, these past few months have confronted us with some of the most difficult economic choices we have faced in the Nation in recent memory. As job reports continue to show thousands of new layoffs each month and unemployment numbers in my district hover above 10 percent, I am outraged that the very individuals who have contributed to this financial disaster are rewarding themselves with hard-earned taxpayer money intended to get our economy moving again.

We have been called to action to see that those responsible are held accountable and not rewarded. This bill does just that. It ensures that these TARP-taking executives are paid based on the work that they do, not paid for the work they didn't do.

You know, I listen to my colleagues from the other side of the aisle talk, and I guess I understand that some people are critical of AIG. Certainly we understand that. We all are critical of the AIG top executives. I even respect the opinions of those who are critical of this bill.

The thing that I don't understand is how you can be critical of both. You really can't. If you are critical of what happened at AIG, then you have to say that this is exactly the kind of thing that Congress should be doing. We should be going in and we should be regulating. We should be exercising the oversight that our constituents sent us here to Congress to do.

This is a commonsense piece of legislation that reflects the values of this Nation and the very same lessons that we hold in our communities and teach to our children. We will not sit idly by as this money is practically being taken from the American people instead of being used to restore confidence in this Nation as it was intended.

Madam Speaker, we owe it to our constituents and to our children and to our grandchildren to do everything we can to bring justice where it is lacking and repair it so we have a clear road to success.

Ms. FOXX. Madam Speaker, I am intrigued at my colleagues being outraged. Well, my goodness. If you were so outraged, why did you vote for these things to begin with? You know, your hands are not clean. I'm sorry, but your hands are not clean when you say that you are outraged.

POINT OF ORDER

Mr. PERLMUTTER. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman from Colorado will state his point of order.

Mr. PERLMUTTER. I would ask my friend to address the Speaker.

The SPEAKER pro tempore. The gentlewoman from North Carolina will address her remarks to the Chair.

Ms. FOXX. Thank you, Madam Speaker.

Madam Speaker, I wonder why my colleagues are so outraged when they voted for these bills. This is covering up their previous action. They are trying to make something better. As I said, they've got a tar baby on their hands and they don't know what to do with it.

Well, it's easy to say that you could criticize the AIG executives for taking the money and criticize people for having voted for these things and be against this bill because it is taking our government in the wrong direction.

I am also very puzzled at my colleagues saying they are so concerned about their children and their grandchildren. But I will bet most of them are going to vote for this budget a little later on today, and they are quite willing to put the debt of this country on the backs of their children and grandchildren.

I think those are crocodile tears that they're crying when they say they want to preserve this country for their children and grandchildren. Give me a break.

In the headlines today in one of the rags here on the Hill—"Senator LEVIN Considers Defense Executive Pay Cuts." Where is this going to end? Our colleagues in this administration think they have all the answers. They're going to run this country from the government down to every single business in the country: "Let's just cut their pay. They're getting money from the government." Where is it going to end?

Are we going to have a President—he's already running GM. He's now the executive in chief of GM. And so our colleagues want to take on every single entity in this country and say, We know best. The government knows best. We're from Washington and we're here to help you. The American people have heard that before. They are not going to be fooled again by this kind of comment.

And, I'm sorry, but, again, I think it's crocodile tears when they say they are concerned about their children and grandchildren. If they are, they'll all vote "no" on the budget a little later on today and show their true concern. Saying that this upholds the rule of law for their children and grandchildren? Again, give me a break.

I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would like to respond to my good friend from North Carolina just to remind her that when Secretary Paulson came to the Congress asking for \$700 billion, he brought us a three-page document. The first page said, I need \$700 billion. The second page said, I can do anything with it I want. And the third page said, You can't sue me.

Well, we took that in a crunch time based on his—not his demands, his pleas, his pleas to the Congress to act

quickly to preserve our banking system because so many things were going wrong all at one time. We took that three pages, which was completely ridiculous—

Ms. FOXX. Would the gentleman yield?

Mr. PERLMUTTER. Let me finish.

Which was completely ridiculous. We expanded it to a hundred pages, and acted promptly at the request of President Bush and his administration to try to get our financial system stabilized. And it is still rocky, but it's going. But we've seen certain companies take advantage of the assistance of the people of America, and we've got to prevent that. This bill is about compensation where it's excessive or not based upon performance.

What I would like to do now, though, is turn it over to my friend from Virginia (Mr. MORAN), and I would yield him 3 minutes.

Mr. MORAN of Virginia. Madam Speaker, I was not intending to speak, but it does seem to me there should be some historical accuracy within the CONGRESSIONAL RECORD. And while the gentlelady from North Carolina is certainly entitled to her own set of opinions, she is not entitled to her own set of facts. So let me review some of the facts in terms of the economic history she purported to describe.

I agree that we did have a substantial fiscal crisis in the 1980s, but it was the Bush administration that has told us that today we are faced with the most severe fiscal crisis since the Great Depression.

Now in the 1980s, President Ronald Reagan was elected on a platform that any President who submitted an unbalanced budget should be impeached. Well, not only did he never balance any budget that he submitted, he tripled the national debt. Every single budget was unbalanced.

President Bush, the 41st President—referred to as Papa Bush or whatever; it's important to distinguish between the two—in 1990, realizing how bad the Republicans' supply-side gimmickry had failed, what damage it had done to the economy, he brought the Democratic leaders and the Republicans together and came up with a fiscal plan. That plan put together by the 41st President, formed the foundation of fiscal responsibility for the next decade. It was called PAYGO. And it worked. Basically, you don't cut taxes unless you cut spending and vice versa. You don't increase spending unless you raise that same amount of revenues.

So we implemented that, and then President Clinton came in, passed a balanced budget, adopted that President Bush the 41st PAYGO concept, and, in fact, balanced the budget. That produced surpluses. And, in fact, at the end of the Clinton administration, he handed over \$5.6 trillion of projected surplus based upon this concept of fiscal responsibility.

President Bush took it—this is the 43rd President now—takes that \$5.6 trillion and immediately started squandering it by negating the concept of PAYGO. One of the first things that was done by the immediate past-Bush administration was to say, "We are no longer going to be bound by PAYGO concepts. We'll cut taxes and we'll increase spending." They started a war of choice that cost us \$1 trillion—not one dime was ever paid for—and then passed two tax cuts which have cost trillions of dollars, \$3.5 trillion. Not one dime was ever cut to pay for that, either.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PERLMUTTER. I yield the gentleman an additional 1 minute.

Mr. MORAN of Virginia. So here we are now with the largest deficit we have ever faced, a deficit that is greater than the deficit created by all the previous Presidents in American history, and basically it was because we had a Congress of the same party as the White House who got all the spending programs they wanted, primarily in the defense area, and cut all the taxes they chose.

Now, of course, the money was not well distributed, and that's one of the problems. It went to the wealthiest people in the country. In fact, one of our problems is that more than 90 percent of the income growth that has occurred over the last 8 years went to the top 10 percent. 90 percent of this country's wealth is now controlled by 1 percent of our population. And that's one of the reasons why the bottom 90 percent had to borrow from their assets, their equities, their homes which created this bubble.

But the point is, there was a lack of fiscal responsibility, and that is what is plaguing us today. This President is trying to reinvest in the American people, ultimately balance the budget and put us back on the course that President Clinton set us on and that Democrats want to put us back on.

Ms. FOXX. Madam Speaker, I have said on the floor several times in the last few weeks that the public needs to be reading or rereading the book "1984" because we're here in a period where the Democrats continue to rewrite history.

I would like to, just again, say to my colleague from Virginia that he wants to say we have the largest deficit we've ever had. Absolutely. Because the Democrats have been in control of Congress for the past 2 years. The President does not pass a budget, does not pass appropriations bills. The President can either sign or reject appropriations. The appropriations bills were not passed last year because they knew that President Bush would reject them, he would veto them, and so they didn't pass them. We did them this spring. That's what caused the largest deficit.

We have a Democratic President and a Democratically controlled Congress, and you cannot rewrite history in that way. We had a very small deficit when we had a Republican Congress and a Republican President.

With that, I yield 5 minutes to my colleague from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I don't blame my good friend from Virginia for not wanting to talk about the bill today. If I were him, I wouldn't want to talk about it either. I oppose this bill. I oppose this rule.

I was not particularly concerned a few days ago when we were sending a message to AIG and the executives at AIG, the high-paid executives there. I think every once in a while the Congress can send a message, and it is a good thing to send that message. This is a company that taxpayers now own 80 percent of. If that's not a definition of bankruptcy, I don't know what is. In bankruptcy, it's okay to look at the commitments you made in the past.

Now I am afraid—by the way, the AIG executives apparently got the message because many of them have returned that bonus money back to the taxpayers who gave it to the company. I thought that was okay to send that message. We were way ahead of any constitutional concern. There was no Senate action. The President wasn't about to sign a bill. We were sending a message. They got the message.

I think the problem with that message may be that some of our own Members got a different message, which is it's somehow okay for the government to decide that they can decide salaries and how to run companies. You know, the government can barely run the government. The government this week has announced we're going to run the auto industry. The auto industry is in trouble. If I were picking a group of folks to run it, it wouldn't be the government. But the government is there.

And now we've got this bill on the floor that suggests somehow that the government can set salaries at what I would see as not only the high level that we tried to take care of last fall in a bill. And apparently the stimulus package that came through had language in it that reversed some of that language and made these bonuses at the higher level possible to be paid. I regret that. I am glad I didn't vote for that stimulus bill. I'm glad that I didn't do anything that enabled that.

I am not going to vote for this bill today. It is all we can do to run the government and to try to tell these companies how to pay the people that work for them is not the right thing to do. I mean, as late as last April, the chairman of the Banking Committee in the House that deals with housing, the chairman of the Housing Committee in the Senate were both saying as late as last April that Fannie Mae and Freddie

Mac didn't need to be reined in. They were saying as late as last April that these agencies needed even more ability to loan more money.

If we could be that wrong that close to the precipice that we went off in the summer and fall, imagine how wrong we could be running a company that doesn't even have any relationship to what the government does every day.

□ 1145

This is a bad bill. It's a bad rule. We should not move forward with this rule and not move forward with this bill.

Mr. PERLMUTTER. Madam Speaker, I will use so much time as I might consume, and I'd like to remind my friend from Missouri, first of all, the first time any kind of regulation over Fannie Mae and Freddie Mac was proposed was in this Congress, was by the House of Representatives, as early as March of 2007 to provide some regulation to those two entities.

The second thing I would remind my friend—and I appreciate his comments about, you know, the shot across the bow of the AIG executives and the fact that they are returning some of the money—but I would also remind him that in the business world, a lender in making a loan to a company may, as part of that loan agreement, put limits on compensation to the executives until that loan is repaid. That's a standard operating procedure in the business world, and shareholders do that, too.

So a board of directors of a company may be restricted by an outside influence like a lender or by its own shareholders. In this instance, we are placing a lot of money into many institutions across this country, and I believe the people of this country have some say as to what the compensation should be of those institutions until those loans or that capital is repaid.

Now, there may be something that might make the gentleman from Missouri a little happier, and that is, there is an amendment that will be proposed. I believe it's an amendment by Mr. CARDOZA, that will exempt, in effect, institutions that have received less than, I think it's \$250 million, which is still a lot of money. But small community banks, smaller financial institutions will not be part of the program, if that amendment is accepted.

Mr. BLUNT. Would the gentleman yield?

Mr. PERLMUTTER. Certainly.

Mr. BLUNT. Thank you for yielding.

I just say that on that broader topic of reform of those GSEs, certainly there was legislation proposed in 2007. It wasn't passed. The President of the United States called for legislation every year beginning in 2001.

The point is that the Congress can barely run the government, let alone try to put a matrix together and run these companies in minute detail. The

very fact that we're going to have all these amendments today indicates that, once again, we're rushing to the floor with a bill that shows maybe the Congress is not the best daily governing officer of the businesses of America.

I thank my friend for yielding.

Mr. PERLMUTTER. Thank you. And I would just respond to my friend from Missouri by saying that we, at least in this House, passed the GSE reform bills twice, once in 2007 and again in 2008, at which time the President signed it in the summer of 2008.

Secondly, I would just say that the financial sector has been in a heap of trouble, and without the assistance of the people and this government, they would be in worse trouble today. That is my belief, and I think that would be the record reflected by many experts across the country.

With that, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, our colleagues on the other side keep bringing up Secretary Paulson, but they leave out the fact that the current Secretary of the Treasury was the head of the New York Fed at the same time and was standing right beside Secretary Paulson when those recommendations were made.

It also was under his watch that the amendment to allow the bonuses to AIG was done, and we know from statements that Senator DODD has made that he was directed to do that by the Treasury Department. So, again, we're not going to be saddled with the problems they created. They've got a tar baby. They're not going to shift it off to the Republicans.

I'd now like to yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON), my colleague.

Mr. KINGSTON. I thank the gentleman for yielding, and I want to just say at the outset I have a number of problems with this, but in terms of bringing up Mr. Paulson, I did not vote for the first TARP program nor did I vote for the second one, but at least Mr. Paulson did pay his taxes. And I think most Americans know that we have a man in charge of the Treasury who was appointed by Mr. Obama who did not pay his taxes. And to hold him up as a standard over and over again I think is ironic for the Democrat Party. In fact, if I was a member of the Democrat Party, I'd have a little squeamishness myself before I embraced Mr. Geithner and all of the wonderful things that you believe he's going to do for this country.

Having said that, even though he did not pay his taxes, I hope he is successful because we need to turn the economy around, and the Republican Party certainly is going to help any way we can and work on a bipartisan basis to do that.

I have some real concerns about H.R. 1664, however. Number one, the institutions who signed up for it understood

that there were certain rules that they would abide by, certain understandings, and now that has changed, this is going back and making the rules different for them. And that is one of the things that this administration is most guilty of I think is constantly changing the rules.

The market needs to react. If the market knows the rules are here, or they're here and they're left or they're right but they're poured in concrete, then the market can start making adjustments. But as it is, this Congress is obsessed with each week reading a new poll and coming out with a new rule, and because of that instability, the market will never normalize. The market has to become comfortable with the rules so that they can adjust and live in that environment, but if we keep changing them, we are still going to have instability in the market.

Secondly, this is overly broad. It applies to all employees rather than the top executives, and I know that many in the Democrat Party see this as a delicious opportunity to beat up on executives, successful people who pay high taxes, the rich and the wealthy who seem to be so maligned by the left. But this applies to all employees. Now, the gentleman mentioned that there might be a Cardoza amendment that's going to make some changes in this, maybe eliminate some of the companies that would be qualified for it. I'm interested in that amendment and look forward to that debate.

Number three, this is really all about AIG, and the fact that Mr. DODD, the Democrat chairman of the Senate Banking Committee, had taken out the language which was put in by Republican OLYMPIA SNOWE that would have eliminated the AIG bonuses. Mr. DODD purposely, under the instruction, according to him, not me, under the instruction of the Obama administration, took that out.

So now we're crawfishing—I'm not sure if you have crawfish out in Colorado, my friend, but crayfish, either way, but you know how they swim, when they're scared they put the tail in, they go backwards. And I think there are Members of the Democrat Party right now who are crayfishing or crawfishing, and they're doing it for Mr. DODD's politics. Nobody in the House was aware of that negotiation and the language, but I think this is all about AIG, and this is a political decision.

You know, we've got a really smart administration right now, one that's on the side of fighting the war, can turn around the car industry, can turn around the banking industry, turn around the insurance industry, and guarantees us the efficiency of the post office and FEMA as an end result, as the standard that we've got to live by.

This is a bill that actually has some good intentions, something that we're

all frustrated about. We do not want to reward inefficiency, but unfortunately, the government and these companies got in bed together, and now they're trying to live in that framework, and the government keeps changing the rules.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. Madam Speaker, I would be happy to give the gentleman 2 more minutes.

Mr. KINGSTON. I thank the gentlewoman, and I just want to say this.

One other thing that Mr. Geithner recently announced is this public-private partnership to buy the toxic assets, now legacy assets, of banks, and the idea is to get the public sector and the private sector to take all this bad real estate off the books of financial institutions so that we can get a bottom, so that we can get a market, so that we can get them off the taxpayers.

But unfortunately, if you are a public-private kind of entrepreneur who might want to put together a deal like this, you're saying, you know, do I really want to do this when the government is going to come back and change my compensation? I think most people would say, you know, if these folks actually have to make as much money as some of the leading Democrats of the world like Barbra Streisand and George Soros, some of the big donors in your area, you know, if we have to pay them but they can do the job right, they can turn around AIG—which I think probably it's too late for that—maybe it's worth it because, after all, we are paying a lot of people to play professional sports and star in movies and things like that.

So maybe it's worth it to pay people high salaries to turn around the financial institutions, which have a ripple effect throughout our housing and our credit system and our banking system. It might be something that we should do. But I just think that this bill is a politically motivated bill and not a sound economic bill in the current situation.

So, with that, I certainly appreciate the gentlewoman for yielding.

Mr. PERLMUTTER. Madam Speaker, I yield myself such time as I might consume.

I would just advise my friend, Mr. KINGSTON, that take a look at the bill. It's a very simple bill. My friend from North Carolina was correct, and it just basically says no financial institution, while it has money that's taxpayer money through TARP or otherwise, can pay excessive compensation or anything other than performance bonuses. An executive cannot hold the company hostage, as was done in the AIG instance.

And if and when that money's paid back, then fine, the board of directors, and the shareholders will determine what appropriate salaries their man-

agement deserves, and that is all this does. Lender has a chance in this instance to put some restrictions on salaries, and if the borrower, being the financial institution, doesn't like those restrictions, feels it's in a solid position and can return the moneys, then so be it. That's the way it is.

But the private sector, and particularly the financial system, was on shaky ground until this loan was made to them, and the purpose of this is to make sure that the institutions don't take advantage of the good graces of the American people.

It brought kind of a chuckle when my friend Mr. KINGSTON talked about FEMA and the way the government ran FEMA. Well, FEMA under the Clinton administration, I would say, was run in a very good fashion. FEMA, on the other hand, under the Bush administration was at best a troubled organization.

With that, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I think that my colleagues who have spoken have been very eloquent in pointing out again what is wrong with this bill. I want to reiterate that this is simply to provide political cover for Democratic Members of the House and to change the subject away from the administration's failure to exercise adequate oversight of taxpayer dollars extended to prop up AIG and other organizations.

Most Republicans voted against the bailout last fall. All Republicans and 11 Democrats voted against the stimulus bill. So, again, we can't be blamed for the things that the Democrats have carried out in this session of Congress.

We are for accountability, and we want to see the administration and the Democratically controlled House get these things under control. But they keep doing things that make it worse and worse and worse.

I believe, as do many of my colleagues, that we need to be focusing on holding all programs that get Federal dollars accountable. However, there is absolutely no effort going on in this Congress to scrutinize programs that are controlled by the Federal Government.

□ 1200

As my colleague from Georgia pointed out, we have such great examples of the wonderful way that the Federal Government spends money, such as FEMA and other areas where the public knows a big disaster has been made.

But I want to point out again that this is the wrong way to go. We've said this from the beginning—again, with the bailouts last year. And we're asking now: What is the exit strategy from all of the sweeping government involvement in the private sector? What is the exit strategy?

Is it going to be week after week after week that we're going to see another bill that tries to cover up the

mistakes that the Democrats have brought to us over and over again?

This moves in the wrong direction from an exit strategy. It makes the Treasury Secretary, with approval of the members of the Federal Financial Institutions Examination Council, in consultation with the chairperson of the TARP Congressional Oversight Panel, the arbiters of what is reasonable or excessive compensation for covered institutions. They don't even define that in this bill. They leave it up to the Treasury regulators, the bank regulators, who created this problem to begin with. What kind of a system is that?

It's a little crazy to say that we're going to give the people who created this problem more authority, more responsibility. They're going to define what is unreasonable or excessive.

I asked yesterday, "Can we define those things?" No. We leave that up to the Treasury Department. But it was the Treasury Department who decided that the AIG bonuses were just fine. In fact, they promoted them. So are they going to say that they are going to give big bonuses under this? That doesn't make any sense.

The best approach to protecting the taxpayers' investment in private businesses is through stronger oversight and accountability, not by further entrenching government in the operations and management of hundreds of businesses across America.

I say again, Senator LEVIN says he wants to consider defense executive pay cuts. Are we going to go into every single business in this country and decide? Is the Congress going to do that, is the Treasury Department going to do that?

We know that the bill a week ago to tax bonuses 90 percent—those at AIG—was clearly unconstitutional. My guess is that this bill is going to be decided that way also.

We also know there was this big hue and cry and, again, outrage, outrage, expressed on the floor of this House about that bill, and the bill is going nowhere. After all the outrage, then the President says, Oh, maybe we went too far. The Senate buried the bill. Nobody's going to do anything about it. I'm wondering if that's going to happen to this too. And that's what should happen to this bill—the same thing that happened to the bill last week.

But is it going to be a bill a week where we deal with this? Again, we try to make Republicans look bad because they are standing up for the Constitution, they're standing up for the people of this country. They are trying to rein in the government. Again, we don't say, We're here from Washington, and we're here to save you.

The Congressional Oversight Panel that they want to put in charge of this, along with the Treasury Department,

was never intended, nor is it authorized, to set policy.

So here we have, again, a situation where we're going to mix the executive with the legislative. We know the Supreme Court has ruled in the past that that is unconstitutional. But this majority doesn't seem to care about the Constitution. They don't mind that they took an oath to uphold the Constitution. Day after day after day we see violations of the Constitution. This happens to be the latest one.

I want to point out again what one of my colleagues said earlier. There's a rush to judgment here. This bill was introduced on March 23. So, here we are, continuing to rush in. Fools rush in where angels fear to tread is something my mother taught me a long time ago. I'm wondering if we need to think a little bit before we rush into areas where we might be treading on thin ice.

I reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I would inquire of my friend from North Carolina whether she has any other speakers.

Ms. FOXX. Mr. Speaker, I don't have any other speakers, but I do have a closing statement.

Mr. PERLMUTTER. I would reserve the balance of my time.

Ms. FOXX. The other side of the aisle, I think, is trying to demonize this issue. It's constantly trying to say that Republicans favor the rich and that they favor the poor and are looking after the taxpayers.

Their vote later today on the budget is going to prove they're not looking after the taxpayers. They're not concerned about our children and grandchildren. They're simply concerned with politicizing every issue they can possibly politicize. And I think that I have a perfect example of that stated by one of their own.

Yesterday, the D.C. Examiner published an article on the underlying measure that this rule deals with, and I will place it in the RECORD at this point.

[From the Washington Examiner, Mar. 31, 2009]

BEYOND AIG: A BILL TO LET BIG GOVERNMENT SET YOUR SALARY

(By Byron York)

It was nearly two weeks ago that the House of Representatives, acting in a near-frenzy after the disclosure of bonuses paid to executives of AIG, passed a bill that would impose a 90 percent retroactive tax on those bonuses. Despite the overwhelming 328-93 vote, support for the measure began to collapse almost immediately. Within days, the Obama White House backed away from it, as did the Senate Democratic leadership. The bill stalled, and the populist storm that spawned it seemed to pass.

But now, in a little-noticed move, the House Financial Services Committee, led by chairman Barney Frank, has approved a measure that would, in some key ways, go beyond the most draconian features of the original AIG bill. The new legislation, the "Pay for Performance Act of 2009," would

impose government controls on the pay of all employees—not just top executives—of companies that have received a capital investment from the U.S. government. It would, like the tax measure, be retroactive, changing the terms of compensation agreements already in place. And it would give Treasury Secretary Timothy Geithner extraordinary power to determine the pay of thousands of employees of American companies.

The purpose of the legislation is to "prohibit unreasonable and excessive compensation and compensation not based on performance standards," according to the bill's language. That includes regular pay, bonuses—everything—paid to employees of companies in whom the government has a capital stake, including those that have received funds through the Troubled Assets Relief Program, or TARP, as well as Fannie Mae and Freddie Mac.

The measure is not limited just to those firms that received the largest sums of money, or just to the top 25 or 50 executives of those companies. It applies to all employees of all companies involved, for as long as the government is invested. And it would not only apply going forward, but also retroactively to existing contracts and pay arrangements of institutions that have already received funds.

In addition, the bill gives Geithner the authority to decide what pay is "unreasonable" or "excessive." And it directs the Treasury Department to come up with a method to evaluate "the performance of the individual executive or employee to whom the payment relates."

The bill passed the Financial Services Committee last week, 38 to 22, on a nearly party-line vote. (All Democrats voted for it, and all Republicans, with the exception of Reps. Ed Royce of California and Walter Jones of North Carolina, voted against it.)

The legislation is expected to come before the full House for a vote this week, and, just like the AIG bill, its scope and retroactivity trouble a number of Republicans. "It's just a bad reaction to what has been going on with AIG," Rep. Scott Garrett of New Jersey, a committee member, told me. Garrett is particularly concerned with the new powers that would be given to the Treasury Secretary, who just last week proposed giving the government extensive new regulatory authority. "This is a growing concern, that the powers of the Treasury in this area, along with what Geithner was looking for last week, are mind boggling," Garrett said.

Rep. Alan Grayson, the Florida Democrat who wrote the bill, told me its basic message is "you should not get rich off public money, and you should not get rich off of abject failure." Grayson expects the bill to pass the House, and as we talked, he framed the issue in a way to suggest that virtuous lawmakers will vote for it, while corrupt lawmakers will vote against it.

"This bill will show which Republicans are so much on the take from the financial services industry that they're willing to actually bless compensation that has no bearing on performance and is excessive and unreasonable," Grayson said. "We'll find out who are the people who understand that the public's money needs to be protected, and who are the people who simply want to suck up to their patrons on Wall Street."

After the AIG bonus tax bill was passed, some members of the House privately expressed regret for having supported it and were quietly relieved when the White House and Senate leadership sent it to an uncere- monious death. But populist rage did not die



with it, and now the House is preparing to do it all again.

I will quote briefly from the article. This is a quote—and I probably will say that more than once because I think it's very important to continue to make sure this is a quote:

"Representative ALAN GRAYSON, the Florida Democrat who wrote the bill, told me its basic message is, 'you should not get rich off public money, and you should not get rich off of abject failure.'

"GRAYSON expects the bill to pass the House and, as we talked, he framed the issue in a way to suggest that virtuous lawmakers will vote for it, while corrupt lawmakers will vote against it.

"This bill will show which Republicans are so much on the take from the financial services industry that they're willing to actually bless compensation that has no bearing on performance and is excessive and unreasonable," GRAYSON said. "We'll find out who are the people who understand that the public's money needs to be protected, and who are the people who simply want to suck up to their patrons on Wall Street." That's the end of the quote from the D.C. Examiner.

I certainly hope that the gentleman from Florida wasn't inferring that I, a Republican who opposes this bill, am a "corrupt lawmaker."

None other than Thomas Jefferson in his manual, which is our guide here—Mr. Speaker, I know you are familiar with Mr. Jefferson's manual. It is what we use to guide us—not just day by day, but minute by minute on this floor.

Mr. Jefferson said: "The consequences of a measure may be condemned in the strongest terms; but to arraign the motives of those who propose to advocate it is not in order." Just because a Member chooses to oppose legislation, whether it be for reasons of policy or principle, they should not be disparaged by their colleagues, who wrestle with the very same voting decisions every day.

We're seeing things which are unprecedented in our history. Just yesterday, the President of the United States fired the CEO of what was once the largest corporation in the world. Some of us are concerned about where this is going. Some of us think this is simply the wrong thing to do.

It's easy to demonize the high-flying Wall Street fat cats who contributed mightily to our current situation. It's politically expedient to criticize corporate CEOs who seem tone deaf to the problems experienced daily by our constituents. But just because we're elected every 2 years doesn't mean that we leave our principles at the door when we enter this Chamber.

Ambition is a good thing, but not when you impugn the motives of those who disagree. Those of us who have some experience understand that such

words quoted from the D.C. Examiner, if they had been spoken on the floor, would have been considered inappropriate. They are just as inappropriate off the floor as they are on the floor.

Mr. Speaker, this rule is wrong. The underlying bill is wrong. The efforts to continue to involve our government in places it has no business in is wrong.

We need to do everything we can at this time—and we know we have people in this country hurting. Republicans are very, very sensitive to that. But the last thing in the world we need to do is to cut out the basis of this country—to weaken the very things that have made us the greatest country in the world. And involving ourselves more and more in controlling private enterprise will do nothing but to weaken this country more, to get our government involved.

It's the wrong way to go. I urge my colleagues to vote against this rule and to vote against the underlying bill.

With that, I yield back the balance of my time.

Mr. PERLMUTTER. I yield myself such time as I may consume.

I would urge an "aye" vote on this rule. So we will begin with that. The rule is designed and provides for seven amendments to a bill that limits executive compensation that is excessive, unreasonable, and not performance-based.

If an executive of an institution that's been loaned money or in which it has had capital advanced by the United States of America, by the people of America, and pays \$5 million, \$10 million, \$20 million for no reason, in an excessive manner, then that kind of bonus is restricted.

The people's money as we've advanced it is to get the institutions back on track and not to pay executives exorbitant salaries. The people across the country expect that, number one. So I support the rule and I support the underlying bill.

Now there are a lot of reasons we got into this position where the government and the people of this country have had to assist the financial system—not the least of which was something like the Gramm-Leach-Bliley, which dropped regulations; or an inattention by the Bush administration to regulations within the financial system. But we are where we are.

President Bush and Secretary Paulson asked for a huge advance to the financial system to keep it upright. We did that. As a Democrat and as a Democratic Congress, advancing \$700 billion to a Republican President and his Treasury Secretary to put the financial system back on track was not the first thing I wanted to do. But they made a good case. Their pleas were heard. And we did that.

Now we've got to make sure that people within that system don't take advantage of the good graces of the

American people. And that's the purpose of this bill.

It provides for guidelines and regulations. There will be amendments, Mr. Speaker, that will potentially limit this to bigger banks—not to smaller community banks.

I would agree with my friend from North Carolina that whether it's on this floor or out in public, hyperbole and rhetoric can impugn somebody's character. She's concerned about Mr. GRAYSON. I would say there are others on her side who call people un-American because of the way they vote here.

I would just say to you, Mr. Speaker, and to the Members of this Chamber, that our words do really matter, and we do need to keep an eye on what we say. We really do have to watch ourselves and not get caught up in the heat of debate.

This bill is appropriate at this time to manage the lending that this country has done. As companies pay back their TARP advances, they're no longer subject to this. The management payments and salaries are subject to the board of directors and their shareholders.

But at this point in time, with those particular institutions, we are both lenders and shareholders, and we certainly have a say over the compensation of the management.

I urge an "aye" vote on the rule and on the underlying bill.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore (Mr. SALAZAR). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1215

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on the postponed questions will be taken later.

#### FEDERAL RETIREMENT REFORM ACT OF 2009

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1804) to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1804

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Federal Retirement Reform Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

## Sec. 1. Short title; table of contents.

### TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

#### Subtitle A—Thrift Savings Plan Enhancement

Sec. 101. Short title.

Sec. 102. Automatic enrollments.

Sec. 103. Qualified Roth contribution program.

Sec. 104. Authority to establish self-directed investment window.

Sec. 105. Reporting requirements.

Sec. 106. Acknowledgement of risk.

#### Subtitle B—Other Retirement-Related Provisions

Sec. 111. Credit for unused sick leave.

Sec. 112. Exemption of certain CSRS repayments from the requirement that they be made with interest.

Sec. 113. Computation of certain annuities based on part-time service.

Sec. 114. Treatment of members of the uniformed services under the Thrift Savings Plan.

Sec. 115. Authority to deposit refunds under FERS.

Sec. 116. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

### TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

Sec. 201. Increase in monthly amount of special survivor indemnity allowance for widows and widowers of deceased members of the Armed Forces affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.

### TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

#### Subtitle A—Thrift Savings Plan Enhancement

##### SEC. 101. SHORT TITLE.

This subtitle may be cited as the “Thrift Savings Plan Enhancement Act of 2009”.

##### SEC. 102. AUTOMATIC ENROLLMENTS.

(a) IN GENERAL.—Section 8432(b) of title 5, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

“(2)(A) The Board shall by regulation provide for an eligible individual to be automatically enrolled to make contributions under subsection (a) at the default percentage of basic pay.

“(B) For purposes of this paragraph, the default percentage shall be equal to 3 percent or such other percentage, not less than 2 per-

cent nor more than 5 percent, as the Board may by regulation prescribe.

“(C) The regulations shall include provisions under which any individual who would otherwise be automatically enrolled in accordance with subparagraph (A) may—

“(i) modify the percentage or amount to be contributed pursuant to automatic enrollment, effective from the start of such enrollment; or

“(ii) decline automatic enrollment altogether.

“(D) For purposes of this paragraph, the term ‘eligible individual’ means any individual who, after any regulations under subparagraph (A) first take effect, is appointed, transferred, or reappointed to a position in which that individual is eligible to contribute to the Thrift Savings Fund.

“(E)(i) Subject to clause (ii), sections 8351(a)(1), 8440a(a)(1), 8440b(a)(1), 8440c(a)(1), 8440d(a)(1), and 8440e(a)(1) shall be applied in a manner consistent with the purposes of this paragraph.

“(ii) The Secretary concerned may, with respect to members of the uniformed services under the authority of such Secretary, establish such special rules as such Secretary considers necessary for the administration of this subparagraph, including rules in accordance with which such Secretary may—

“(I) provide for delayed automatic enrollment; or

“(II) preclude or suspend the application of automatic enrollment.”.

(b) TECHNICAL AMENDMENT.—Section 8432(b)(1) of title 5, United States Code, is amended by striking the parenthetical matter in subparagraph (B).

##### SEC. 103. QUALIFIED ROTH CONTRIBUTION PROGRAM.

(a) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting after section 8432c the following:

##### “§ 8432d. Qualified Roth contribution program

“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘qualified Roth contribution program’ means a program described in paragraph (1) of section 402A(b) of the Internal Revenue Code of 1986 which meets the requirements of paragraph (2) of such section; and

“(2) the terms ‘designated Roth contribution’ and ‘elective deferral’ have the meanings given such terms in section 402A of the Internal Revenue Code of 1986.

“(b) AUTHORITY TO ESTABLISH.—The Board shall by regulation provide for the inclusion in the Thrift Savings Plan of a qualified Roth contribution program, under such terms and conditions as the Board may prescribe.

“(c) REQUIRED PROVISIONS.—The regulations under subsection (b) shall include—

“(1) provisions under which an election to make designated Roth contributions may be made—

“(A) by any individual who is eligible to make contributions under section 8351, 8432(a), 8440a, 8440b, 8440c, 8440d, or 8440e; and

“(B) by any individual, not described in subparagraph (A), who is otherwise eligible to make elective deferrals under the Thrift Savings Plan;

“(2) any provisions which may, as a result of enactment of this section, be necessary in order to clarify the meaning of any reference to an ‘account’ made in section 8432(f), 8433, 8434(d), 8435, 8437, or any other provision of law; and

“(3) any other provisions which may be necessary to carry out this section.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432c the following:

“8432d. Qualified Roth contribution program.”.

##### SEC. 104. AUTHORITY TO ESTABLISH SELF-DIRECTED INVESTMENT WINDOW.

(a) IN GENERAL.—Section 8438(b)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period and inserting “; and”; and

(3) by adding after subparagraph (E) the following:

“(F) a self-directed investment window, if the Board authorizes such window under paragraph (5).”.

(b) REQUIREMENTS.—Section 8438(b) of title 5, United States Code, is amended by adding at the end the following:

“(5)(A) The Board may authorize the addition of a self-directed investment window under the Thrift Savings Plan if the Board determines that such addition would be in the best interests of participants.

“(B) The self-directed investment window shall be limited to—

“(i) low-cost, passively-managed index funds that offer diversification benefits; and

“(ii) other investment options, if the Board determines the options to be appropriate retirement investment vehicles for participants.

“(C) The Board shall ensure that any administrative expenses related to use of the self-directed investment window are borne solely by the participants who use such window.

“(D) The Board may establish such other terms and conditions for the self-directed investment window as the Board considers appropriate to protect the interests of participants, including requirements relating to risk disclosure.

“(E) The Board shall consult with the Employee Thrift Advisory Council (established under section 8473) before establishing any self-directed investment window.”.

##### SEC. 105. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT.—The Board shall, not later than June 30 of each year, submit to Congress an annual report on the operations of the Thrift Savings Plan. Such report shall include, for the prior calendar year, information on the number of participants as of the last day of such prior calendar year, the median balance in participants’ accounts as of such last day, demographic information on participants, the percentage allocation of amounts among investment funds or options, the status of the development and implementation of the self-directed investment window, the diversity demographics of any company, investment adviser, or other entity retained to invest and manage the assets of the Thrift Savings Fund, and such other information as the Board considers appropriate. A copy of each annual report under this subsection shall be made available to the public through an Internet website.

(b) REPORTING OF FEES AND OTHER INFORMATION.—

(1) IN GENERAL.—The Board shall include in the periodic statements provided to participants under section 8439(c) of title 5, United States Code, the amount of the investment management fees, administrative expenses, and any other fees or expenses paid with respect to each investment fund and option under the Thrift Savings Plan. Any such statement shall also provide a statement notifying participants as to how they may access the annual report described in subsection (a), as well as any other information

concerning the Thrift Savings Plan that might be useful.

(2) **USE OF ESTIMATES.**—For purposes of providing the information required under this subsection, the Executive Director may provide a reasonable and representative estimate of any fees or expenses described in paragraph (1) and shall indicate any such estimate as being such an estimate. Any such estimate shall be based on the previous year's experience.

(c) **DEFINITIONS.**—For purposes of this section—

(1) the term “Board” has the meaning given such term by 8401(5) of title 5, United States Code;

(2) the term “participant” has the meaning given such term by section 8471(3) of title 5, United States Code; and

(3) the term “account” means an account established under section 8439 of title 5, United States Code.

#### SEC. 106. ACKNOWLEDGEMENT OF RISK.

(a) **IN GENERAL.**—Section 8439(d) of title 5, United States Code, is amended—

(1) by striking the matter after “who elects to invest in” and before “shall sign an acknowledgement” and inserting “any investment fund or option under this chapter, other than the Government Securities Investment Fund.”; and

(2) by striking “either such Fund” and inserting “any such fund or option”.

(b) **COORDINATION WITH PROVISIONS RELATING TO FIDUCIARY RESPONSIBILITIES, LIABILITIES, AND PENALTIES.**—Section 8477(e)(1)(C) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (C)(i); and

(2) by adding at the end the following:

“(ii) A fiduciary shall not be liable under subparagraph (A), and no civil action may be brought against a fiduciary—

“(I) for providing for the automatic enrollment of a participant in accordance with section 8432(b)(2)(A);

“(II) for enrolling a participant in a default investment fund in accordance with section 8438(c)(2); or

“(III) for allowing a participant to invest through the self-directed investment window or for establishing restrictions applicable to participants’ ability to invest through the self-directed investment window.”.

#### Subtitle B—Other Retirement-Related Provisions

#### SEC. 111. CREDIT FOR UNUSED SICK LEAVE.

(a) **IN GENERAL.**—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(l)(1) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x)–(xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”.

(b) **EXCEPTION FROM DEPOSIT REQUIREMENT.**—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

#### SEC. 112. EXEMPTION OF CERTAIN CSRS REPAYMENTS FROM THE REQUIREMENT THAT THEY BE MADE WITH INTEREST.

(a) **IN GENERAL.**—Section 8334(d)(1) of title 5, United States Code, is amended—

(1) by striking “(d)(1)” and inserting “(d)(1)(A)”;

(2) by adding at the end the following:

“(B) No interest under subparagraph (A) shall be required in the case of any deposit to the extent that it represents the amount of any refund that was made to an employee or Member during the period beginning on October 1, 1990, and ending on February 28, 1991.”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

#### SEC. 113. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) **IN GENERAL.**—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

#### SEC. 114. TREATMENT OF MEMBERS OF THE UNIFORMED SERVICES UNDER THE THRIFT SAVINGS PLAN.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) members of the uniformed services should have a retirement system that is at least as generous as the one which is available to Federal civilian employees; and

(2) Federal civilian employees receive matching contributions from their employing agencies for their contributions to the Thrift Savings Fund, but the costs of requiring such a matching contribution from the Department of Defense could be significant.

(b) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to Congress on—

(1) the cost to the Department of Defense of providing a matching payment with respect to contributions made to the Thrift Savings Fund by members of the Armed Forces;

(2) the effect that requiring such a matching payment would have on recruitment and retention; and

(3) any other information that the Secretary of Defense considers appropriate.

#### SEC. 115. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) **DEPOSIT AUTHORITY.**—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONAL AMENDMENT.**—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) **CREDITING OF DEPOSITS.**—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”.

(3) **SECTION HEADING.**—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§ 8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”.

(4) **RESTORATION OF ANNUITY RIGHTS.**—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based,” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”.

#### SEC. 116. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) **RETIREMENT CREDIT.**—

(1) **IN GENERAL.**—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, "qualifying District of Columbia service" means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of sub-

chapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

## **TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS**

### **SEC. 201. INCREASE IN MONTHLY AMOUNT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR WIDOWS AND WIDOWERS OF DECEASED MEMBERS OF THE ARMED FORCES AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.**

Section 1450(m)(2) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking "\$60" and inserting "\$95";

(2) in subparagraph (C), by striking "\$70" and inserting "\$105";

(3) in subparagraph (D), by striking "\$80" and inserting "\$120";

(4) in subparagraph (E), by striking "\$90; and" and inserting "\$130;" and

(5) by striking subparagraph (F) and inserting the following new subparagraphs:

"(F) for months during fiscal year 2014, \$330;

"(G) for months during fiscal year 2015, \$335; and

"(H) for months during fiscal year 2016 ending before the termination date specified in paragraph (6), \$345."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### **GENERAL LEAVE**

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Today, I am pleased to bring to the floor H.R. 1804, the Federal Retirement Reform Act of 2009. The bill modernizes the Thrift Savings Plan, the retirement savings plan for Federal employees. The legislation includes several other important retirement reforms for Federal employees and members of the Armed Forces.

This bill enjoyed strong bipartisan support in the last Congress when it passed the House as H.R. 1108. Two weeks ago, the Oversight and Government Reform Committee again considered and reported favorably the current language of this bill. I am pleased that the bill makes further progress in ending the military family tax which un-

fairly penalizes the survivors of those who died in service or as a result of their service-connected injuries.

As Chairman SKELTON will explain, this bill increases the monthly amounts paid to surviving spouses who are denied the full amount of their annuity under the Survivor Benefit Plan. Our enhancement to the TSP program also will benefit military members and their families.

The Federal Employee Thrift Savings Plan is one of the best retirement savings programs in the Nation. The plan runs with very low cost and is a model for both the private sector and other governments. The bill we are considering today will strengthen and modernize the TSP.

At the suggestion of the Federal Retirement Thrift Investment Board, the bill provides for automatic enrollment in TSP for new Federal civilian employees. Employees have the opportunity to choose whether to enroll or not, but for those who do not make any decision enrollment would be the default. The decision on automatic enrollment for members of the uniformed services is at the discretion of the Secretaries of the military departments.

The bill would also provide a Roth contribution option for TSP. With a Roth option, employee contributions are made after taxes are deducted, and the employee does not pay taxes on the fund upon withdrawal. This option is currently available in many private sector retirement plans today.

The bill also includes a provision to allow employees covered by the Federal Employees Retirement System to receive credit for unused sick leave towards their retirement annuity, as is currently the case for employees covered by the older Civil Service Retirement System. The committee also adopted amendments to make it easier for former employees to reinstate their retirement credits if they return to Federal service, and to work part-time at the end of their career.

I want to recognize the Federal Workforce Subcommittee chairman, Mr. LYNCH, who has worked really hard on this, and for his work on these issues and the bill. I would also like to thank Representative NORTON, Representative VAN HOLLEN, and Representative CONNOLLY for their thoughtful amendments that improve the bill.

I would like to thank the Oversight Committee ranking member, Mr. ISSA of California, for his amendments that strengthen the legislation as it relates to members of the uniformed services. Thank you for your input.

Finally, I would like to thank Chairman SKELTON and the Armed Services Committee for their contribution to this bill that will provide better financial protection to the families of our military men and women. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. ISSA. I reserve the balance of my time.

Mr. TOWNS. I recognize the gentleman from Missouri (Mr. SKELTON) for 3 minutes, the person who has worked really hard on this and has done a fantastic job. And of course, when it comes to the military and military personnel, he is always there doing the right thing.

Mr. SKELTON. First, I thank the gentleman from New York (Mr. TOWNS) for yielding. I rise in strong support of his bill, H.R. 1804, and I thank him for his partnership on this bill.

In addition to the many good things this legislation does for Federal civil servants, I am pleased to report that this bill includes a provision of great importance to the surviving spouses of servicemembers who have died as a result of service-connected conditions.

I want to thank Chairman TOWNS for his great assistance in making it possible to address this issue in this bill. Members of the Committee on Armed Services, which I am privileged to chair, are very appreciative of the cooperation that made the legislation possible, because it is unlikely that the funding required to support the change could have otherwise been found.

I would also commend my colleague, my friend, a member of the Armed Services Committee, Congressman SOLOMON ORTIZ, who has introduced legislation on the SBP offset and has been a great leader and advocate for the military families affected by this issue.

The provision would increase the monthly special survivors indemnity allowance beginning in fiscal year 2010 with a \$35 increase, resulting in a monthly payment of \$95, and concludes in fiscal year 2016 with a \$245 increase, resulting in a monthly payment of \$345.

Although the improvements are substantial and a welcomed addition for our surviving spouses, the proposal is an incremental change that falls short of the ultimate objective to eliminate the offset of the Survivor Benefit Plan, or SBP as it is called, by the amount of Dependency and Indemnity Compensation, or DIC, received from the Department of Veterans Affairs.

This so-called widow's tax has long denied surviving family members the full payment of their SBP benefits. I can assure our surviving spouses and my colleagues on the Armed Services Committee that we will continue to explore every opportunity to pursue legislation that brings us closer to eliminating the widow's tax, just as we are doing today, with the help of Chairman TOWNS. H.R. 1804 provides a robust step in that direction, and I encourage my colleagues to vote for it.

Mr. ISSA. Mr. Speaker, I would like to thank Chairman SKELTON and Chairman TOWNS for the hard work they put into this bill. I am here today to say this is a good bill on the front end. I

am sad to say this is a bad bill on the back end.

What this bill does, which was worked out on a very bipartisan basis with all speaking here today, is in fact it does recognize that modern retirement plans should have as many options as possible, and certainly adding the Roth IRA option for some Federal workers is extremely good.

Additionally, the advantages for the military and military commanders to be able to look at their individual needs of their services and allow for different opting in and out patterns of course makes sense, and I appreciate Chairman TOWNS' willingness to work on that fix during the markup.

The majority in our committee and the minority in our committee found this to be a very bipartisan issue to work on, and I appreciate the fact that this is good for the troops and on paper saves money. However, I have to say, the back end of this bill, sponsored by Members of the majority not speaking yet here today, is nothing but a piggy bank for other projects, for special interest projects.

The fact that this is a tobacco bill begs the question of: If we were to free up 2 or 3 or more billion dollars from a military budget in outlying years, why would this be a reason, when we have trillions of dollars of deficits, to spend money? I think the majority knows it is not.

In fact, the idea that you on paper save money by members of the government opting out of pre-tax contributions in favor of the Roth IRA post-tax contribution and thus creating additional tax revenue, at a time when we have a deficit at the highest in our history, says not one penny ever saved will in fact go to deficit reduction under this majority.

So, will I vote for this bill? Of course, I will. It does a lot of good things for our Federal workers. The fact, though, that the provision for family smoking prevention is not funded through the ordinary course of revenue but rather through this scheme that, depending upon how many workers choose Roth IRAs, may or may not produce the money that is about to be spent, I find wrong and I find misguided.

As the chairman said, there were a number of things we did for the military. There is more that we should do. Only the U.S. military is eligible for TSP but receives no match.

It is very clear that, in a modern military, one in which only about one in four serve until retirement on active duty, the TSP is all the military takes with them when they leave. That famous 20-year retirement does not vest in 5 years the way it does with the majority and the minority, all of us as Members of Congress; in fact, it takes 18½ years to lock in a military retirement and 20 years to appreciate it. Clearly, the military does not enjoy

what we in Congress enjoy, which is TSP, with a match, and a 5-year vesting schedule so that we can take our retirement plan with us whenever we leave, in as few years as 5.

I do once again thank all the Members on both sides of the aisle that worked hard on the front ends of this bill. I believe it has merit and should be positively received and voted for.

I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I recognize one of the hardest working Members in this body, the chairman of the Federal Workforce Subcommittee, STEPHEN LYNCH, for 3 minutes.

Mr. LYNCH. I thank the gentleman for his kind words.

Mr. Speaker, I rise in support of both Chairman TOWNS, the gentleman from Brooklyn, and also Mr. SKELTON from Missouri in their endorsement of H.R. 1804, their sponsorship as well. This is the Federal Retirement Reform Act that includes enhancements to the Thrift Savings Plan as well as to other Federal retirement programs. And I do so because I am in agreement with both of those gentlemen that the TSP's offerings to Federal employees must finally be allowed to catch up to private sector 401(k) plans.

Given the Thrift Savings Plan's integral role in providing retirement income security for Federal employees, it is time for Congress to adopt and extend the auto enrollment plan to TSP participants. This legislation would allow the Thrift Savings Plan to offer a Roth option. And both sides have talked about the impact of that.

I think it is important to point out that by having Federal employees using this Roth option, it is calculated that we will bring in approximately \$2.2 billion in new taxes, new tax revenues from Federal contributions from Federal employees over the next 10 years.

□ 1230

This bill, unlike a lot of other bills on this floor, basically pays for itself.

Mr. Speaker, in my role as chairman of the Federal Workforce, Postal Service, and the District of Columbia Subcommittee, I believe that the Federal Government must ensure that its benefits allow it to retain and recruit the best and the brightest. Toward that end, I authored H.R. 1263, legislation that would make improvements to the TSP, as well as to the Federal retirement programs. I have been pleased to work with both Chairman TOWNS and former Chairman WAXMAN on the issue, as well as my friend and colleague, JIM MORAN from Virginia.

This bill facilitates amending the Federal Employees Retirement System to provide employees with retirement credit for unused sick leave. Federal executives, managers and employees have called for crediting unused sick leave in the same way that the Civil

Service Retirement System treats unemployed sick leave.

Additionally, this legislation fixes a CSRS annuity calculation problem for those employees who wish to phase down to part-time work at the end of their Federal careers. That is an important option given the aging demographics of our Federal workforce.

At a time of an overall aging workforce in America, and a particularly aging Federal workforce, the government as an employer must take the lead in addressing these workplace realities.

I conclude my remarks by stating that I give my full support to these civil service provisions. On behalf of the National Active and Retired Federal Employees Association, NARFE, I would also like to make it clear that this new obligation—this is very important—this new obligation does not result in an “unfunded obligation” for the Civil Service Retirement and Disability Fund as current law provides that new payments are fully funded. And I am submitting an additional clarification to that effect as part of the RECORD.

Mr. Speaker, I would like to expand on a provision contained in H.R. 1804, the “Federal Retirement Reform Act of 2009,” which makes improvements to the Thrift Savings Plan (TSP) and to the federal retirement programs. By amending the Federal Employees Retirement System (FERS) to credit unused sick leave for retirement purposes, the measure will modestly increase certain federal employees’ retirement benefits. Thus, this bill will result in additional benefits, though small, from the Civil Service Retirement and Disability Trust Fund (CSRDF). However, on behalf of the National Active and Retired Federal Employees Association (NARFE), I want to make it clear that this new obligation does not result in an “unfunded obligation” of the CSRDF as current law expressly provides that new payments from the CSRDF are fully funded. Since the creation of FERS in the 1980’s, Section 8348f of Title 5 of the United States Code has ensured the integrity of the CSRDF by automatically setting-aside funds to cover the cost of any new benefits. Additionally, H.R. 1804 results in sufficient savings to cover the cost of this modest benefit increase under FERS.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, I have to say it is not the front end of this bill that anyone should object to. The part we are seeing here today is excellent. But as Chairman LYNCH said, and said quite rightfully, it is calculated that this piece of legislation will save net approximately \$2.2 billion for better or worse on the backs of our retirees.

It is a short-term savings, Mr. Speaker. It is not, in fact, a long-term savings. Any time you do collect money now but don’t collect it later, it is going to eventually catch up. So for the short period of time in which this \$2.2 billion is generated, it certainly would have been appropriate for all of

us to be able to use this money in the committee for the Federal workforce. And the part that upsets me is that we are neither returning it to the taxpayers in the form of less deficit, nor are we using it for structural changes for the Federal workforce, whether uniform military or civilian. That is the only problem.

Again, what this bill does, it does well. What this bill eventually does is, in fact, fund a pet project of the former chairman, Mr. WAXMAN, for tobacco programs, something that has certainly been funded very well, funded on the backs of plenty of other programs. Candidly, I don’t believe that this is the best use of the money at a time we are running trillions in deficits.

I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the chairman of the Readiness Subcommittee on Armed Services, the gentleman from Texas, Mr. SLOMON ORTIZ.

Mr. ORTIZ. Chairmen TOWNS, SKELTON and HENRY BROWN, thank you so much for bringing this bill to the floor.

I rise in support of the bill before us today.

Today, the Congress takes another important step toward providing surviving spouses of military servicemembers relief by addressing a long-standing problem in our military survivors benefit system called the widow’s tax.

Like most matters that involve Federal payments, this is a complex yet pivotal matter of importance to the survivors of our servicemembers. Essentially, if servicemembers purchase a survivor’s benefit plan for their loved ones, the survivor receives a portion of the servicemember’s retired pay upon his or her death. If that servicemember dies of a service-connected cause, the survivor is also entitled to compensation from the VA.

However, per current law, the survivor benefit payment is decreased by the amount of the VA payment dollar for dollar, and that’s the amount the survivor will get, not the full amount of both entitlements.

This affects approximately 59,000 widows. For too long, the offset between the two programs has done precisely the opposite of what they are intended to do, protect the surviving loved ones.

The survivors of those who defend our country deserve our very best. Congress addressed the unfairness of the offset in the Fiscal Year 2008 Defense Authorization Act by creating a special monthly survivor allowance for dependents subject to the offset.

I am pleased that this bill considered today builds upon those efforts by providing a substantial increase in the monthly payment to spouses from the survivor allowance. Although there is still much work to be done, this bill is an important step towards the complete elimination of the offset and reflects our bipartisan desire to provide

for surviving dependents of military servicemen and -women.

And I want to thank all those involved in bringing this bill to the floor.

I support it, and I urge my colleagues to support this bill.

Mr. ISSA. Mr. Speaker, I reserve the remainder of my time.

Mr. TOWNS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS), the chairwoman of the Military Personnel Subcommittee.

Mrs. DAVIS of California. Mr. Speaker, I rise in support of H.R. 1804. Earlier this year, spouses of servicemembers from current and past wars stood up during a Military Personnel Subcommittee hearing to share their stories about how the SBP/DIC offset has impacted their lives. Their stories, I can assure you, were compelling and demonstrated why the goal of eliminating this offset is so important.

While the enhancement of the monthly benefits under the Special Survivor Indemnity Allowance provided in this bill does not end the so-called widow’s tax, it is a strong step in the right direction. We have done the best we could with this bill given the resources available, and strong support for H.R. 1804 from the military associations has confirmed the value of our effort. However, I do believe that more needs to be done, and I intend to keep searching for opportunities to make improvements with the hope that someday we can find a permanent solution.

I want to thank Chairman TOWNS for sponsoring a bill that provides so many benefits to our civilian and military workforce, and Mr. ORTIZ for his leadership on the SBP/DIC issue. I urge my colleagues to vote in favor of H.R. 1804.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I continue to urge my colleagues to vote for this bill because of all the good things it does. I also urge my colleagues to continue to look at what we owe our Federal workforce, and particularly as previous speakers have said, our uniform men and women. Men and women in uniform enter the service voluntarily. Four years, 6 years, 8 years later, they often leave. As a matter of fact, with the up-or-out program, many of them are not promoted and must leave. Therefore, they leave the military service with less than 20 years. Therefore, they have nothing. They have their GI Bill, but they have no retirement.

Only, only in the Federal uniform services do we treat people that way. The President served 1 day, and he was eligible for his lifetime benefit. I don’t begrudge the President hundreds of thousands of dollars a year for the rest of his life or any of the previous Presidents. But it is amazing to me that the President vests as soon as he is sworn in. Members of Congress fully vest after just 5 years; and yet, we are looking at our men and women in uniform



being shot at, being injured, often being forced into early retirement or early leaving of the service with 10 or 20 or 30 percent disability, just enough they can't really do the job they came in to do, but not enough to get, if you will, a handsome retirement. They then enter the workforce later in life, and they enter with instead of a head start, with an impairment.

This \$2.2 billion was only about one-tenth of what it would have taken to provide matching TSP funds for our men and women in uniform. Certainly, it is even a fraction of what it would take to give them a defined benefit plan, even close to what we here in Congress get. But certainly, as we pass this piece of legislation today as a downpayment for reform, we need to begin looking at what it is going to take to provide our men and women in uniform equal justice with the rest of the Federal workforce.

I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to Congressman CONNOLLY from the great State of Virginia.

Mr. CONNOLLY of Virginia. I thank the distinguished chairman.

Mr. Speaker, I rise today in support of the Federal Retirement Reform Act of 2009. This legislation eliminates inconsistencies in the Federal retirement system and provides greater retirement security for Federal employees. It helps ensure we will not face a brain drain that could cripple Federal agencies. Within the next decade 47 percent of supervisory staff in the Federal workforce will be eligible for retirement. We must take action to ensure that Federal agencies continue to have the institutional knowledge and expertise that allows government to function smoothly and effectively.

The Federal Retirement Reform Act of 2009 makes several legislative reforms. This legislation enables members of the civil service and the Federal Employees Retirement Service to redeposit their cashed-out annuities if they decide to re-enter civil service. The committee adopted my amendment to H.R. 1256 by adding this language which is contained in the bipartisan FERS Redeposit Act.

I am pleased that we now have the opportunity to enact this legislation that will attract talented employees back to the Federal Government. We should be consistent with all of our Federal workers. Employees in the Civil Service Retirement System can already redeposit their annuities. Allowing FERS employees to do the same is only fair. This bill also ensures that FERS employees receive annuity credit for unused sick leave, just as CSRS employees do. Again, it is an issue of equity to provide those employees with the same benefits. This reform will improve the efficiency of the Federal Government by reducing absenteeism.

In addition, the bill will enable employees in the Civil Service Retirement

System to work part-time at the end of their careers without losing retirement benefits. This provision will help retain talented workers and assist in training future supervisors and executive-level staff.

I applaud the distinguished chairman, Mr. TOWNS, for shepherding this important legislation through committee and look forward to its passage to help ensure a vibrant Federal workforce for years to come.

Mr. ISSA. Mr. Speaker, it is my distinct pleasure to yield 2 minutes to the ranking member of the Subcommittee on the Workforce, Mr. CHAFFETZ of Utah.

Mr. CHAFFETZ. Mr. Speaker, the gentleman from Virginia (Mr. CONNOLLY) just indicated his support of this bill. I have a brief question. I would like to yield some time to him. He was quoted in the Washington Post as saying, "We need to reverse the Bush economic policies by balancing the budget." My question to him is does he intend to support the President's budget today which would double the national debt?

I yield time to the gentleman from Virginia.

Mr. CONNOLLY of Virginia. I would say to my good friend in response, when the budget comes to the floor this afternoon, I would be glad to talk about that subject. Right now we are talking about Federal employees and trying to make sure that they have what they need.

Mr. CHAFFETZ. Reclaiming my time, Mr. Speaker, my question for the gentleman from Virginia, I wonder if the gentleman from the State of Virginia knows that this Democratic budget raises taxes by \$1.2 trillion or that it makes each American's share of the national debt \$70,000. Or that it opens the door to a national energy tax that will cost every family at least \$3,128 a year.

Mr. Speaker, I would like to yield some time to the gentleman from Virginia to respond.

Mr. CONNOLLY of Virginia. Well, as a member of the Budget Committee, I'm very aware of the fact that actually tax cuts for middle class families in this budget exceed \$2 trillion. And again, that will be made clear when we have the opportunity to debate the budget on the floor of the House. I thought the gentleman wanted me to answer his question.

Mr. TOWNS. Mr. Speaker, I yield 1 minute to Congresswoman CAROL SHEA-PORTER from New Hampshire.

Ms. SHEA-PORTER. Mr. Speaker, I rise today in support of the Federal Retirement Reform Act which contains a much-needed provision to increase the special survivor indemnity allowance for widows or widowers of deceased servicemembers.

When our servicemembers purchase a survivor benefit plan to protect their

families, they expect their families to receive the full annuity they paid for. Unfortunately, if the surviving spouse is eligible for VA dependency and indemnity compensation because of a spouse's service-related death, the survivor benefit annuity is reduced dollar for dollar. This is not fair.

The DIC is meant to compensate survivors for the servicemember's death in service. Why would we penalize those servicemembers who have the foresight to purchase insurance for their families?

Our military, and their families, make many sacrifices to serve and protect our Nation. We owe them the benefits they earned for their service, and we most certainly owe them the insurance they purchased. They should not have to worry about their families if they die. This is no way to treat those who are willing to put their lives on the line for us, and this is no way to treat their families.

This bill takes another step toward eliminating this unfair widow's tax that in effect punishes the families of those who sacrificed their lives for this country.

Mr. ISSA. I continue to reserve the balance of my time.

□ 1245

Mr. TOWNS. I recognize the gentleman from Virginia (Mr. MORAN) for 1 minute.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of this bill and, particularly, for three bills that I was proud to sponsor that are included, the FERS Redeposit bill, the Part-Time Compensation, and the Parity For Retirement Systems. I want to mention a word about the parity for retirement systems.

At a time when those who are in the Federal Employee Retirement System are seeing their Thrift Savings Plans tank by 30, sometimes 40 percent, it's particularly important that they be fully compensated for unused sick leave. The reality is that, in the earlier retirement system, the so-called CSRS system, Federal employees are fully compensated for all unused sick leave at the end of their careers. But under the FERS system, if they don't use that sick leave, they lose it. And so the Government loses \$68 million in productivity from those employees who take their sick leave at the very end of their careers. That's not an intelligent plan, and the fact is that this bill corrects that disparity.

The entire bill should be passed, and I hope we'll have bipartisan support for it. And I thank Mr. LYNCH for his leadership on behalf of Federal employees.

Mr. TOWNS. I would like to recognize the gentleman from Virginia, GLENN NYE, for 1 minute.

Mr. NYE. Mr. Speaker, the men and women who sign up to serve our country in uniform do so knowing they may

not return home, and with the expectation that, if the unthinkable should happen, their loved ones will be cared for.

However, because of the so-called "widow's tax," survivor benefits paid for by the VA are subtracted from benefits paid by the Department of Defense, meaning that families receive less than they should. For families of servicemembers killed in Iraq and Afghanistan, this sudden loss of income adds an unnecessary burden to the tragedy of losing a loved one.

The widow's tax also strikes the families of older veterans. Often the spouses of seriously disabled veterans give up their own careers in order to act as caregivers. And when these veterans pass away, the reduced benefit is not enough for their widows to make ends meet.

With this bill we will take a strong step toward righting this wrong by increasing the payments to survivors. This is the least we can do for our servicemembers, our veterans and their families, and it's the right thing to do as a country.

I urge my colleagues to support this bill.

Mr. TOWNS. At this time I yield 1½ minutes to the Congresswoman from Washington, D.C., Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. I want to thank the chairman and the ranking member for bringing forth this very important set of bills that benefit Federal employees. One that perhaps has not been spoken to I'll speak to now. It's the Employees' Equity Act, which restores credible service or retirement years to District of Columbia employees who were involuntarily transferred to the Federal Government pursuant to the Revitalization Act and, in the process, somehow, by an error of government, not an error of their own, they have lost retirement years. Not money, just years. Some of them are working when they could have retired 10 years ago.

This bill simply restores the years, gives them credit for the years so that, in their transfer from the District of Columbia to the Federal Government, they haven't lost all of those years of service. They have to start over again as if just entering the Federal Government. No one intended that.

And because you, Mr. Chairman, and the ranking member have understood this bill, which has been in the Congress for some time, we come forward now to correct this mistake. Some of them will retire, some of them will stay on, but all of them will have all of their years in public service credited to them. I thank you both.

Mr. TOWNS. Does the gentleman have any further speakers?

Mr. ISSA. I'll do a very short close, if you want to reserve your time to close.

Mr. TOWNS. I'd like to reserve the time to close.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Once again, in closing, this is a good bill. As the previous speakers have said, we were able to fix a number of ills, including what was mentioned by the gentlelady from the District of Columbia.

What I'm sad about is that we didn't begin to make a down payment on some other important areas; certainly, most among them, our uniform services. We took the benefit of putting military personnel on to a Roth IRA without looking into whether we could do something for them.

Mr. Speaker, there's no question in this body that our men and women in uniform that are not able to retire in 20 years will leave the military only with whatever they happen to put into their Thrift Savings Plan. They're basically finding themselves encouraged to save on what is one of the smallest salaries that anyone could imagine for a particular private, corporal or sergeant. And yet, we will not even make the 3 percent match we make for ourselves here in Congress.

So I certainly would hope that, in the foreseeable future, this Congress, on a bipartisan basis, as we're doing here today, can see fit to make a bipartisan down payment for our men and women in uniform to allow their Thrift Savings Plan to have at least some match, which today it doesn't have, and leaves them often with no retirement when they leave the military.

With that, I want to thank the chairman for the markup on this bill, which was done in a very cordial fashion, pre-agreed and worked out so that it could be done efficiently and we could get the best possible bill to the floor.

I yield back.

Mr. TOWNS. How much time remains?

The SPEAKER pro tempore. The gentleman has 1¼ minutes remaining.

Mr. TOWNS. Let me begin by first thanking the gentleman from California (Mr. ISSA) for his input. Let me thank the staff for all their input. I'd like to thank Congressman SKELTON. And of course I'd like to thank Congressman LYNCH for all the work they've done to make this bill better.

I'd like to reiterate my strong support for H.R. 1804. It will provide much-needed enhancements to the Thrift Savings Plan and to the Federal Government's retirement system.

I urge all of my colleagues to join in supporting the passage of this measure and, of course, because I think it will do so much for the servicemen and, of course, the widows of servicemen. And I think that we owe them that.

And this legislation is not perfect, but it's a giant step in the right direction. So I'm hoping that my colleagues will support this legislation. And let's move it very quickly through the House, and let's get it to the Presi-

dent's desk for him to be able to sign it.

Thank you so much for the support that we've gotten from everyone.

Mr. BROWN of South Carolina. Mr. Speaker, I rise today in support of Title II of H.R. 1804, the Federal Retirement Reform Act. Congressman TOWNS is to be commended for taking up the cause that Congressman ORTIZ and I, along with many others, have championed with H.R. 775, The Military Surviving Spouses Equity Act. While this bill doesn't repeal the widows' tax imposed by the offset of Survivor Benefit Plans by Dependency and Indemnity Compensation, it helps military survivors during a difficult time for all of us.

When Congress established the Military Survivors' Benefit Plan, or SBP, in 1972, they did so in order to give members of the military a sense of security about their spouses in the event of their death. The plan is voluntary, can be purchased by retirees or will be provided to survivors of active duty servicemembers who are killed in the line of duty. Through the SBP that was bought, spouses and children can receive up to 55% of the servicemembers' retired pay. While SBP is an annuity, survivors of military retirees and veterans may also receive Dependency and Indemnity Compensation (DIC) if their spouse died a service connected death. Under current law, widows are forfeiting, dollar-for-dollar, the SBP annuity their spouse paid for by the amount of the DIC benefit.

It's simply wrong, and unfair to our military surviving spouses who were tasked with supporting their spouses during the most difficult of war times and peace times, to take away that which was intentionally paid for because of a benefit intended to serve another purpose. We don't do this with private life insurance, we don't do it with the federal survivor benefit, and we shouldn't do it to the families of those who paid the greatest cost for freedom.

This bill, while it doesn't repeal the offset of SBP annuities by the DIC benefit, will be a needed help for widows, widowers and their children. However, I hope that it will not be considered the last step towards equity. By increasing payments by \$35 beginning in 2010, surviving spouses will receive a monthly payment of \$95 and will continue to receive increased payments until fiscal year 2016 with a \$245 increase resulting in a monthly payment of \$345. It's the least we can do; we need to repeal the offset.

Finally, I want to thank the veterans service organizations, particularly the Gold Star Wives of America, and Representative SOLOMON ORTIZ, for their hard work towards equity for surviving spouses. While I've sponsored a bill to repeal the SBP/DIC offset since my first term in Congress, even such small steps as the one we took today wouldn't be possible without their help.

Ms. BORDALLO. Mr. Speaker, I rise today in support of the passage of H.R. 1804, the Federal Retirement Reform Act of 2009 in the House of Representatives. The passage of this bill in the House marks an important step towards reducing the "widow's tax" that currently denies surviving family members the full payment of their Survivor Benefit Plan (SBP).

If enacted, Title II of H.R. 1804 would increase the monthly payments under the Special Survivor Indemnity Allowance to surviving spouses or former spouses of deceased service members who were denied the full amount of their annuity under the SBP due to an offset requirement by the Dependency and Indemnity Compensation (DIC) from the Department of Veterans Affairs (VA). This benefit will help thousands of military widows and more than a million current servicemembers and federal civilian employees.

I commend Representative IKE SKELTON of Missouri and Chairman of the House Armed Services Committee as well as Representative ED TOWNS of New York and Chairman of the House Committee on Oversight and Government Reform for their working together to strike a compromise on this important provision in H.R. 1804. I will continue to work with my colleagues on the House Armed Services Committee to find ways to reduce the burden on widows of our nation's servicemembers. The compromise struck in this legislation is a major step forward and we need to continue to find ways to ensure that the servicemembers' widows receiving the full and fair annuity to which they are entitled under the SBP.

Mr. TOWNS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 1804.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### END GOVERNMENT REIMBURSEMENT OF EXCESSIVE EXECUTIVE DISBURSEMENTS (END THE GREED) ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1575) to petition the courts to avoid fraudulent transfers of excessive compensation made by entities that have received extraordinary Federal financial assistance on or after September 1, 2008, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1575

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "End the Government Reimbursement of Excessive Executive Disbursements (End the GREED) Act".

#### SEC. 2. CIVIL ACTION TO AVOID FRAUDULENT TRANSFER.

The Attorney General, after consultation with the Secretary of the Treasury, may commence a civil action in an appropriate district court of the United States to avoid any transfer of compensation by (or on behalf of) a recipient entity to (or for the benefit of) an officer, director or employee made on or after September 1, 2008 (and to avoid

the obligation pursuant to which such transfer occurred, to the extent of such transfer), and to recover such compensation (wherever located) for the benefit of such entity, to the extent such entity received less than a reasonably equivalent value in exchange for such compensation and such entity—

(1) was insolvent on the date that such compensation was transferred, not taking into account any covered direct capital investment received by such entity on or after September 1, 2008, or

(2) was engaged in business or a transaction, or was about to engage in business or a transaction, for which property remaining in the recipient entity was an unreasonably small capital, not taking into account any such covered direct capital investment. Pursuant to the authority provided in this section, the Attorney General may avoid any such transfer in the manner described in this section, or may avoid any such transfer to the full extent that such transfer is avoidable under applicable law by or on behalf of any creditor holding an unsecured claim against such entity.

#### SEC. 3. SUBPOENA AUTHORITY.

The Attorney General may, after consultation with the Secretary of the Treasury, issue a subpoena requiring the attendance and testimony of witnesses and the production of documentary evidence relevant to possible avoidance of any transfer of compensation under section 2, including evidence regarding the circumstances surrounding any compensation arrangement or transfer of compensation involved, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate district court of the United States.

#### SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) the term "covered direct capital investment" means a direct capital investment received under the Troubled Assets Relief Program or, with respect to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or a Federal home loan bank, under the amendments made by section 1117 of the Housing and Economic Recovery Act of 2008,

(2) the term "officer, director, or employee" includes—

(A) an officer, director, or employee of a recipient entity, and

(B) an officer, director, or employee of a subsidiary of a recipient entity,

(3) the term "compensation arrangement" means an arrangement that provides for the payment of compensation (including performance or incentive compensation, a bonus of any kind, or any other financial return designed to replace or enhance incentive, stock, or other compensation), and

(4) the term "recipient entity" means a person (including any subsidiary of such person) that on or after September 1, 2008, is holding (or has the direct benefit of) a covered direct capital investment that exceeds \$5,000,000 outstanding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent for all Members to have 5 legislative days to revise their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Members of the House, this is a modest effort to safeguard taxpayer funds and rein in the out-of-control compensation and bonus abuses by companies that have used Federal Government-supplied capital to stay out of bankruptcy.

Essentially, the two main provisions in it are first, it supplements existing fraud laws to allow the Attorney General to use the courts to challenge, on a case-by-case basis, the most egregious bonuses by entities receiving more than \$5 billion in direct capital investments. This measure is directly based on fraudulent transfer laws that are in the United States Code, codified, or a matter of common law in every State that goes back to Elizabethan times, if anyone would care to research that.

Secondly, we authorize the Attorney General to subpoena necessary information relevant to the bonuses. But, unlike other measures, this act applies to bonuses made as far back as the fall of 2008, so that it could apply to year-end bonuses made by AIG and Merrill Lynch. And so it also can be applied to foreigners, since we found out that a majority of AIG bonuses, as determined by Attorney General Cuomo, were not received by Americans, and that, for some reason, foreign individuals appear less likely to return their bonuses voluntarily.

So, this is a very important complement to everything else that's going on. And later on I'll introduce records for those constitutional Members of the body that want to be assured that this is a constitutional matter. We have Laurence Tribe and three other professors who have analysis of the constitutionality of this measure to be inserted into the RECORD at the appropriate time.

I'll reserve, now, the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1575 should not be on the floor today. In the rush to respond to the bonuses paid to AIG executives, some in the majority have, once again, let expediency override common sense. The Judiciary Committee has held no hearings, heard no expert witnesses, and provided no reasoned evaluation of this bill during the normal legislative process. Instead, the bill went directly to full committee markup within hours of its introduction. After markup, it was substantially rewritten behind closed doors. Now it has been rewritten in the dark, once again, and has been sent prematurely to the floor.

In the last few weeks, Congress has learned the hard way about the unintended consequences of rushing to legislate without adequate expert testimony or debate. The results this time could be more costly than any of us would want.

President Obama, Secretary Geithner, leading financial institutions, and even the Washington Post, have already sounded the alarm. Congress' haste to rewrite contracts, claiming that payments under the contracts were "fraudulent conveyances," as this bill attempts to do, could scare banks and other institutions away from the government's financial rescue programs.

□ 1300

Keenly aware of this, President Obama has urged us to act intelligently, not out of anger, but to pass this bill would be to do the opposite of what President Obama has said that he wants.

Early last week, Secretary Geithner finally announced a toxic assets relief program, relying heavily on private participation. The markets responded by rallying strongly for the first time in months. Why would we scare private institutions away now just when we need them the most?

Bonuses like AIG's may seem unwise and unfair, but to companies receiving them and courts reviewing them, are they really fraudulent?

Our efforts to void legal contracts make the prospect of working with the government look like a walk through a minefield. Remember, it was the current administration that urged congressional Democrats to protect AIG's right to pay these bonuses through the stimulus bill. Congressional Democrats willingly complied. House Democrats passed a bill without even reading it and without any House Republican even supporting it. Then President Obama signed it.

How could bonuses that Congress and the President specifically ratified suddenly be fraudulent? If they were not fraudulent, how can this be anything other than an unconstitutional taking of contractual rights?

What is more, this bill is unnecessary. We have already passed tax legislation to recoup the AIG bonuses. Besides, a great majority of the key AIG bonus recipients have returned their bonuses.

In the end, New York Attorney General Cuomo expects to force the return of all bonuses that went to domestic recipients. He apparently is not as confident about his ability to recoup payments overseas. I am confident, however, that if Mr. Cuomo needs additional authority to recoup overseas payments, the New York legislature is competent to pass legislation through regular order to give him just that authority.

Meanwhile, we cannot say with any confidence that this bill will permit us to recoup anything beyond what Attorney General Cuomo has already recovered or may be able to recover. This bill, accordingly, may be utterly useless.

The AIG bonuses may have been unwise, but what was fraudulent about them when Congress and the President specifically ratified them?

The retribution this bill threatens rests on anger, not on sound policy. It will undoubtedly undermine the Federal Government's ability to recruit bank rescue participants, so this bill will hinder a successful economic recovery rather than contribute to it.

Finally, the House just passed H.R. 1586. We do not need to take follow-up action, and we certainly do not need to take it in haste or to overreact. We should not compromise on our duty to the American people by rushing out this hasty, ill-considered and unnecessary bill. I fully expect there will be bipartisan opposition to this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. I am pleased to recognize the chairman of the subcommittee from which this measure came, Mr. COHEN of Tennessee, for as much time as he may consume.

Mr. COHEN. Mr. Speaker, I want to thank Chairman CONYERS for the time and for being the lead sponsor on this important legislation. I greatly respect my colleague from Texas, the ranking member, but I would have to disagree with his perspectives on the bill.

First of all, it does not rewrite contracts whatsoever. It just gives a court the opportunity in a contested hearing, with the United States on one side and the recipient of what is alleged fraudulent transfer or excessive compensation or bonus on the other side, to argue whether that compensation was a fraudulent transfer and was excessive and was beyond what would be dictated in the economic conditions and times that the payment was made.

I think that is the American way to have issues such as this determined before a neutral and detached magistrate based on the facts and on the law of this country. This would be applying a fraudulent transfer law which 45 States have and that has existed in common law for many, many years.

The manager's amendment, which makes the bill, is different from the original bill that did have some controversy about the question of its constitutionality. There were several esteemed judicial minds who felt that the original bill was constitutional, a majority of people whose opinions were sought and who replied, but it is almost unanimous agreement that this bill is constitutional. None other than Laurence Tribe of the Harvard Law School and others have taken the position that this is constitutional.

The public was justly outraged, as were many Members of this Congress—I suspect nearly every Member of this Congress—at the size of the bonuses paid to AIG. AIG, Merrill Lynch and other companies were given money, Mr. Speaker, because they were going to be broke. They were broke. They had recklessly ruined their stockholders' investments and had put this country on the verge of economic collapse. Because of that, it was necessary for the United States Congress to respond, both under President Bush and President Obama, and to put moneys into these institutions to make them whole, hopefully, with the idea that they would be lending money to the American consumer and to American businesses to get the economy moving again.

Unfortunately, what some of these people did—Merrill Lynch was one, and AIG was another—is they used these moneys in ways that were not intended, sometimes parceling them out to their associate companies in Europe as well as here, by giving out bonuses called "retention bonuses" or other types of bonuses in excess of \$1 million and sometimes up to \$6 million. The individuals who got these bonuses would have gotten nothing if it were not for the United States' money coming in to make those companies solvent, with the purpose of making them solvent and able to lend money to businesses to get our economy moving—to stimulate our economy. Instead of that, they stimulated each other, and did something to the American public that has not been done since, maybe, to Sabine women. It was the wrong thing to do.

For this purpose, it was important that Congress responded to protect the taxpayer and to protect the Treasury. We passed a bill last week concerning taxes. This is a fairly narrowly drawn bill, surgically drawn to only allow courts to make these decisions on companies that have over \$5 billion worth of assets—not community banks, not small folks—but big folks who got big bucks who then put big bucks out to their employees who basically, in many cases, were the people who recklessly put those companies on the verge of collapse, and the American economy and the world economy on the verge of collapse.

It shocks the public conscience, and any of those bonuses should be void against public policy, and because they would be void against public policy, this Congress appropriately acted with legislation. I am proud to stand with Chairman CONYERS and with other members of the Judiciary Committee who brought this legislation that has been reviewed by scholars and that has been found to be constitutional and that gives the Attorney General, in consultation with the Secretary of the Treasury, the opportunity to bring fraudulent transfer charges into court

where a judge can make a decision on whether or not the moneys should or should not be expended.

So I urge all of my colleagues to vote as to what is appropriate—to void this act against public policy and against the unjust enrichment of people who have been reckless with our public dollars and earlier with their private dollars and with their stockholders' dollars and to put the whole situation back in balance.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, I would like to address in a little bit more detail some of the defects in this bill.

Many of us believe that the AIG bonuses were unwise, but what was fraudulent about them? Urged on by the White House and by the Department of the Treasury, a provision to protect AIG's right to pay the AIG bonuses was sneaked into the stimulus bill, which was subsequently signed by President Obama.

How can bonuses that Congress and the President specifically ratified be fraudulent? If they were not fraudulent, how can this bill do anything but threaten an unconstitutional taking of contractual rights?

Bonus retribution rests on anger, not on sound policy. It will undermine the Federal Government's ability to recruit bank rescue participants. President Obama, Secretary Geithner and others have all recognized the obvious, that the more we rewrite the contracts of companies participating in the rescue programs, the more the companies will run the other way from our programs.

Secretary Geithner has finally announced the program that was supposed to help the meltdown at the very outset, the toxic assets relief plan. The markets responded strongly and positively to that announcement just last week. So how can we take this action that will only scare participants and that program away precisely when we need them to succeed?

H.R. 1575 will put executive compensation decisions into a multitude of district judges' different hands. The bill cannot fairly or reliably restrain these 1,000-plus judges as they assess in districts across the country what they think is "reasonably equivalent value for services." The bill is, thus, a prescription for arbitrary results.

What is more, in the cases in which the judges find that reasonable compensation was not exceeded, we will recover not one dime of these bonuses. So what is the point?

Mr. Speaker, this bill is the product of hurried decision-making, the trampling of regular order and insufficient vetting. In fact, this bill was rewritten twice behind closed doors before we arrived here today, and it still is riddled with all of the flaws that I have discussed. Mr. Speaker, the answer is

therefore clear. We certainly should not pass this bill today.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize the gentlewoman from Houston, Texas, who has served with great effectiveness on the Judiciary Committee, and I would yield her as much time as she may consume (Ms. JACKSON-LEE of Texas).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Michigan and the chairman of the subcommittee, Mr. COHEN, for their leadership.

Mr. Speaker, I am very pleased to be an original cosponsor of this legislation, and frankly, I think it is important that we clear the air and provide a treatise, an instructive recalling, of the reason we are on the floor today.

First of all, this is a moderate approach, a temperate approach, a constitutional approach of, really, paying the taxpayers back, of giving the taxpayers a day in the sun and of using the Constitution and the respect of three branches of government to be able to protect the taxpayers. This does not thwart the work of Secretary Geithner or the administration. It is a complement to them.

Mr. Speaker, the committee undertook a careful constitutional assessment of this bill. We were quite well aware that we did not want to violate the Constitution, and we secured the assistance and the insight of four prominent constitutional scholars to affirm its constitutional soundness.

Mr. Speaker, I insert into the RECORD at this point the letters of law professors Laurence Tribe of Harvard Law School and Michael Gerhardt of the University of North Carolina.

HARVARD UNIVERSITY,  
Cambridge, MA, March 24, 2009.

Re constitutionality of H.R. 1575.

Hon. JOHN CONYERS, Jr.,  
*Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.*

I have been asked to address the constitutional validity of H.R. 1575, the "End the Government Reimbursement of Excessive Executive Disbursements (End the GREED) Act." Having carefully reviewed the text of the bill, I believe it stands on solid constitutional ground. This judgment applies both to the bill as reported by the Judiciary Committee on March 18, 2009, and to the revised version your staff sent me on March 23, which has been narrowed to a provision authorizing the Attorney General to petition a court to avoid a covered payment of compensation in exchange for "less than a reasonably equivalent value," and a related subpoena provision. Because I understand that this narrowed version of the bill is the one now being considered for the House floor, it is this bill that I will address primarily in this memorandum.

Enacting this legislation is well within Congress's affirmative constitutional authority under the Bankruptcy Clause, Article I, Section 8, Clause 4, "[t]o establish . . . uniform Laws on the subject of Bankruptcies throughout the United States." That this authority extends not only to laws regarding

bankruptcy itself, but also to laws regarding companies facing insolvency generally—and thus to the very entities defined in Section 2 of H.R. 1575—is established beyond question by settled Supreme Court precedent. In *Continental Illinois National Bank & Trust Co. v. Chicago Rock Island & Pacific Railway Co.*, 294 U.S. 648, 667–68 (1935), for example, the Supreme Court stated that, "[w]hile attempts have been made to formulate a distinction between bankruptcy and insolvency, it has long been settled that, within the meaning of the [Bankruptcy Clause], the terms are convertible." And, in *Railway Labor Executives' Ass'n v. Gibbons*, 455 U.S. 457, 466 (1982), the Court explained that, "[a]lthough we have noted that 'the subject of bankruptcies is incapable of final definition,' we have previously defined 'bankruptcy' as the 'subject of relations between an insolvent or nonpaying or fraudulent debtor and his creditors, extending to his and their relief.' Congress' power under the Bankruptcy clause 'contemplate[s] an adjustment of a failing debtor's obligations.'" (citation omitted.) H.R. 1575 thus fits comfortably within the category of laws that the Bankruptcy Clause empowers Congress to enact—particularly when that clause is coupled with the Necessary and Proper Clause of Article I, Section 8, Clause 18, and when it is supplemented by the Commerce Clause of Article I, Section 8, Clause 3.

Moreover, because H.R. 1575 is limited to the subject of fraudulent transfers from companies that have received at least \$5 billion in federal funds since the beginning of September 2008, it is also readily justified as a reasonable condition on the expenditure of funds provided by Congress in the exercise of its power "To lay and collect Taxes, . . . to pay the Debts and provide for the . . . general Welfare of the United States." U.S. Const., Article I, Section 8, Clause 1. The power of Congress to invoke this taxing and spending authority, again in conjunction with the Necessary and Proper Clause, to impose conditions on the receipt of federal funds where, as in this instance, those conditions relate directly and substantially to ensuring that those funds are expended solely for the purposes contemplated by Congress, is thoroughly settled. See, e.g., *South Dakota v. Dole*, 483 U.S. 203, 206–07 (1987); *Fullilove v. Klutznick*, 448 U.S. 448, 474 (1980); *Lau v. Nichols*, 414 U.S. 563, 569 (1974).

Questions have been raised about whether H.R. 1575 might constitute a forbidden Bill of Attainder, but any such claim would be wholly without merit. The bill is carefully structured to apply to a broad class of individuals and inflicts no punishment whatsoever but merely subjects those individuals to suits brought by the Attorney General to recover excessive compensation. The government cannot prevail in such suits without proving "in an appropriate district court of the United States" that the individuals in question gave "less than a reasonably equivalent value in exchange" for the "compensation" the government seeks to avoid as a "fraudulent transfer." H.R. 1575, Section 2. Even if the ultimate recovery of such compensation were deemed punitive rather than regulatory, that recovery would take place only pursuant to trial in an Article III court, a far cry from the trial by legislature against which the Bill of Attainder Clause is directed. See *Selective Service System v. Minnesota Public Interest Research Group*, 468 U.S. 841, 851–53 (1984); *Nixon v. Administrator of General Services*, 433 U.S. 425, 472–73 (1977); *United States v. Brown*, 381 U.S. 437, 458–61 (1965); *United States v. Lovett*, 328 U.S.

303 (1946). As I explained in my constitutional law treatise, “The essence of the bill of attainder ban is that it proscribes legislative punishment of specified persons—not of whichever persons might be judicially determined to fit within properly general proscriptions duly enacted in advance. . . . Its application necessarily depends on the presence of improper specification by the legislature of the individuals singled out for punishment. . . . [N]o attainder may be said to have resulted from the mere fact that the set of persons having the characteristic [designated by the legislature] might in theory be enumerated in advance and that the set is in principle knowable at the time the law is passed.” Laurence H. Tribe, *American Constitutional Law* 643 (2d ed. 1988). In this instance, moreover, the “set of persons having the characteristic” of receiving what H.R. 1575 deems a “fraudulent transfer” is not knowable in advance, in part because the characteristic is by no means self-defining and requires factual development in each individual case and in part because the statute would operate not just retrospectively to transfers made between September 1, 2008, and the date of the bill’s enactment as law but also prospectively from that date forward.

The remaining constitutional questions raised about H.R. 1575 are somewhat more plausible superficially but in the end are all without merit.

The first of those remaining questions is whether setting aside completed transfers of compensation from functionally insolvent entities receiving more than the designated amounts of federal funds to keep them afloat would amount to a “taking” of financial resources from the recipients of those transfers to benefit the federally-supported entities from which the transfers had come and could thus trigger an obligation on the part of the Federal Treasury to provide “just compensation” to the transferees—which would, of course, defeat the entire purpose of the bill insofar as its ultimate aim is to avoid a waste of federal tax revenues. The answer is that the Takings Clause is simply inapplicable. Federally imposed obligations to make monetary payments to third parties are not properly characterized as “takings” at all under the Takings Clause of the Fifth Amendment. Indeed, such obligations have never been subjected to the Takings Clause by a Supreme Court majority. Although four Justices, writing for a plurality in *Eastern Enterprises v. Apfel*, 524 U.S. 498 (1998), invoked the Takings Clause to review a law imposing such financial obligations, a majority of the Court in that case—including both Justice Kennedy, concurring in the result, *id.* at 539–47, and Justice Breyer, dissenting in an opinion joined by Justices Stevens, Souter, and Ginsburg, *id.* at 554–57—squarely held the Takings Clause altogether inapplicable to such mandated monetary transfers, noting that “application of the Takings Clause [to such financial obligations] bristles with conceptual difficulties,” *id.* at 556 (Breyer, J., joined by Stevens, Souter, and Ginsburg, JJ.), difficulties that in my view would be completely insuperable. To be sure, this conclusion of the five Justices in *Eastern Enterprises* is not itself a holding of the Supreme Court, see *When The Dissent Creates The Law: Cross-cutting Majorities And The Prediction Model of Precedent*, 58 *Emory L.J.* 207, 216, 240 (2008), but it affords a strong basis for predicting what the Court would hold in any case presenting the issue today, especially in light of the fact that Justice O’Connor, the author of the plurality opinion

viewing the Takings Clause as applicable, has been replaced by Justice Alito, and that Chief Justice Rehnquist, who joined the O’Connor opinion, has been replaced by Chief Justice Roberts. Moreover, the analysis of the five Justices who deemed the Takings Clause inapplicable seems to me logically unassailable.

Those five Justices explained why the Takings Clause is “the wrong legal lens,” *id.* at 554, through which to view such measures. Either “the Government’s imposition of an obligation between private parties, or [its] destruction of an existing obligation, must relate to a specific property interest [such as an interest in a specific parcel of land or a specific item of personal or intellectual property] to implicate the Takings Clause.” *Id.* at 544 (Kennedy, J., concurring in the judgment and dissenting in part) (italics added). The financial liability that would be imposed on the transferee by the operation of H.R. 1575, and the monetary recovery to the transferor that enforcement of this liability against the transferee would entail, “no doubt will reduce [the] net worth” of the transferees who are subject to the law’s avoidance provisions, “but this can be said of any law which has an adverse economic effect.” *Id.* at 543 (Kennedy, J.). A decision to apply the Takings Clause to a measure that, like H.R. 1575, requires only the restoration of improperly transferred funds and not the confiscation or transfer of any specific property interest “would expand an already difficult and uncertain rule [treating some regulatory measures as takings] to a vast [new] category of cases not [previously] deemed . . . to implicate the Takings Clause,” *id.* at 542, and “would throw one of the most difficult and litigated areas of the law into confusion, subjecting [every level of government] to the potential of new and unforeseen claims in vast amounts.” *Id.* There is no realistic prospect that the Supreme Court would plunge headlong into that thicket by applying the Takings Clause to any measure like H.R. 1575, nor is there any good reason for any court or lawmaker to do so.

This is even more obviously correct when the federally imposed obligation to make monetary payments to third parties ripens only with a judicial determination that those subjected to the obligation were wrongfully enriched in the first instance and when the payment obligation has the character of avoiding that unjust enrichment so as to restore the status quo ante. The implicit theory underlying the seminal case of *Calder v. Bull*, 3 U.S. 386 (1798), was that a government-mandated transfer from one private party to another was either a naked redistribution of wealth and thus beyond the powers the people ceded to government under the original social compact or an act of corrective justice and thus a violation of the separation of powers unless taken pursuant to a judicial determination of prior wrong. Tribe, *American Constitutional Law*, supra, at 561, 571 & n.9; Thomas Cooley, *A Treatise on the Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union* 357 (8th ed. 1927). Precisely such a determination forms the heart of the transfer authorized by H.R. 1575. To call it a compensable taking would thus be incoherent.

Admittedly, the Coal Act provision at issue in *Eastern Enterprises* was ultimately found to be unconstitutional. But that result followed only because the Coal Act, “in creating liability for events which occurred 35 years [before its enactment,] ha[d] a retroactive effect of unprecedented scope,” *id.* at

549 (Kennedy, J.), and was viewed by five Justices as being in no meaningful sense “remedial” in purpose, *id.*, leading Justice Kennedy to the conclusion, as a matter of substantive due process, that the measure was understandable only as “a means of retribution against unpopular groups or individuals.” *Id.* at 548 (quoting *Landgraf v. USI Film Products*, 511 U.S. 244, 266 (1994)). But “[s]tatutes may be invalidated on due process grounds only under the most egregious of circumstances,” *id.* at 550, circumstances that four Justices deemed absent even with respect to the extreme measure at issue in *Eastern Enterprises* and that are absent by any conceivable measure with respect to H.R. 1575. This conclusion is strongly reinforced by a long string of Supreme Court rulings concluding that nothing beyond a standard of reasonableness, usually amounting to a bare showing of rationality, constrains retroactive federal legislation in the economic sphere. *United States v. Carlton*, 512 U.S. 26, 30–31 (1994); *Pension Benefit Guaranty Corporation v. R.A. Gray & Co.*, 467 U.S. 717, 729–30, 733 (1984); *Usery v. Turner Elkhorn Mining Co.*, 428 U.S. 1, 16–18 (1976).

The second remaining question is whether changing the lens from that of the Takings Clause (or the Due Process Clause) to that of the Ex Post Facto Clause would provide a sounder basis for attack by those seeking to challenge H.R. 1575. Again, the clear answer is no. Ever since *Calder v. Bull*, 3 U.S. 386 (1798), the Ex Post Facto Clause “has [been] considered . . . to apply only in the criminal context,” *Eastern Enterprises*, supra, at 524, 538 (Thomas, J., concurring). Measures that are not the functional equivalent of criminal punishment are not subject to the clause. Although Justice Thomas has indicated that “[i]n an appropriate case [he] would be willing to reconsider *Calder* and its progeny to determine whether a retroactive civil law that passes muster under . . . Takings Clause jurisprudence is nonetheless unconstitutional under the Ex Post Facto Clause,” *id.*, there is no prospect that others would join him in taking so radical a step. And, more than that, it is hard to imagine that even Justice Thomas would regard H.R. 1575 as presenting “an appropriate case” for reconsideration of a principle with so venerable a pedigree.

There is also venerable precedent supporting the general principle that neither the Ex Post Facto Clause nor the Due Process Clause stands in the way of congressional measures authorizing the federal government to rescind even privileges as basic as U.S. citizenship when the means by which such privileges were obtained indicate that they never rightfully belonged to those from whom the government is authorized to recover them. See *Johannessen v. United States*, 225 U.S. 227, 240–43 (1912). In upholding a congressional measure reversing a decision that would have permitted an instrumentality of the Cuban government to recover the proceeds from a sale of sugar wrongfully expropriated by the Cuban government, a district court quoted the *Johannessen* Court’s observation of the underlying principle that “[t]here is no such thing as a vested right to do wrong.” *Banco Nacional de Cuba v. Farr*, 243 F. Supp. 957, 979 (S.D.N.Y. 1965), *aff’d*, 383 F.2d 166 (2d Cir. 1967), cert. denied, 390 U.S. 956 (1968) (quoting *Johannessen*, 225 U.S. at 241–42). That principle, too, supports the constitutionality of H.R. 1575.

LAURENCE H. TRIBE,  
*Carl M. Loeb University Professor.\**

\*University affiliation listed for identification purposes only.



MARCH 24, 2009.

Hon. JOHN CONYERS, JR.,  
*Chair, House Judiciary Committee, House of  
 Representatives, Washington, DC.*

Hon. LAMAR S. SMITH,  
*Ranking Member, House Judiciary Committee,  
 House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE CONYERS AND REPRESENTATIVE SMITH: I appreciate the opportunity to share with you my analysis of the constitutionality of the proposed Manager's Amendment to The End the GREED Act. Although I am currently abroad teaching a mini-course on American constitutional law to French law students, I have had the opportunity to closely read the pending bill. As I explain below, I believe that The End the GREED Act, specifically as revised in the proposed Manager's Amendment, is unquestionably constitutional. Each of the powers deployed to enact this bill is plenary, and these powers—individually and collectively—provide an unusually strong, unassailable constitutional foundation for the proposed Manager's Amendment to The End GREED Act.

First, The End the GREED Act is based on Congress' Article I power "to enact uniform laws on the subject of Bankruptcies." The bankruptcy power is a unique, plenary power of the Congress. Indeed, the Supreme Court has held that this power may be used to impair contracts; and in *Wright v. Union Central Life Insurance Company*, 304 U.S. 502, 513-54 (1938), the Supreme Court declared that an "adjudication in bankruptcy is not essential to the jurisdiction [that Congress has in the field in bankruptcies.] The subject of bankruptcies is nothing less than the 'subject of relations between an insolvent or nonpaying or fraudulent debtor, and his creditors, extending to his and their relief'" (citation omitted). The Court ruled, in other words, that the Congress is not confined to addressing insolvency (or its prospects or consequences) in the context of bankruptcy proceedings. This law, particularly the section authorizing a federal civil cause of action for fraudulent transfers, is plainly consistent with that longstanding understanding of the scope of the bankruptcy clause.

Second, The End the GREED Act is based in part on Congress' plenary power under Article I to regulate interstate commerce. For instance, section (c) easily satisfies all of the requirements that the Court has recognized with respect to federal regulations of private economic conduct. In *United States v. Lopez*, 514 U.S. 549 (1995), the Supreme Court recognized that pursuant to its power to regulate interstate commerce the Congress had the authority to regulate three categories of private conduct or affairs—the channels of interstate commerce, the instrumentalities of interstate commerce, and activities that substantially affected interstate commerce. Ten years later, in *Gonzales v. Raich*, 545 U.S. 1 (2005), the Court explained that it would only employ the rational basis test to assess the constitutionality of a regulation of economic conduct that was either part of a comprehensive regulatory scheme or could if aggregated substantially affect interstate commerce. There is no question that The End the GREED bill, including section (c), is a regulation of economic transactions, which, if aggregated, could substantially affect interstate commerce. As such, this bill would be subject to the most deferential judicial review possible and easily pass constitutional muster.

Besides Congress' plenary bankruptcy and commerce powers, The End the Greed Act is

supported by the Congress' spending power. The conditions imposed by the bill satisfy the requirements for spending measures that the Supreme Court has set forth over the years: They are germane to the purposes of the expenditures; the conditions imposed by the bill are clear and unambiguous; recipient entities have no fundamental right to contract and thus are not giving up a fundamental right in exchange for compliance with the conditions attaching to the funds that they are receiving; and the recipient of the funds are not being forced or coerced to take money from the federal government. Moreover, the courts have been extraordinarily deferential to the Congress in their assessment of the constitutionality of the requirements imposed by the Congress' spending measures: In fact, the Supreme Court has not struck down a spending clause enactment since 1936. I am confident that this spending measure will fare no differently than any of the other spending measures subjected to judicial review since 1936.

I am also confident that The End the GREED bill is not vulnerable to a Takings Clause challenge. First, as I have indicated, the Supreme Court has recognized that the bankruptcy power may be used to impair private contracts. Second, the Supreme Court has usually upheld federal regulations of private contracts that have been challenged under the Taking Clause. See David H. Carpenter, CRS Report for Congress, *Constitutional Issues Relating to Proposals to Impose Interest Rate Freezing/Reduction on Existing Mortgages*, February 15, 2008, at 4. There is no good reason to think any court would treat The End the GREED Act any differently. Indeed, The End the GREED Act does not run afoul of the Supreme Court's balancing test set forth in *Penn Central v. City of New York*, 438 U.S. 104 (1978), for determining when regulations effect a taking for purposes of the Takings Clause. In this case, the conduct that is the subject of the regulation is not only arising in an area that is traditionally "heavily regulated" but also the federal government is obviously not operating in bad faith or its regulation is not designed to benefit only a very few people as opposed to the general public.

I hope this analysis will be of some help to you and the Committee. It is a great privilege to share it with you. If you have any questions or if I can be of further service to you or the Committee, I hope you will not hesitate to let me know.

Very truly yours,

MICHAEL J. GERHARDT,  
*Samuel Ashe Distinguished Professor of  
 Constitutional Law & Director of the UNC  
 Center on Law and Government, UNC at  
 Chapel Hill Law School.*

Ms. JACKSON-LEE of Texas. The reason we wanted to be extraordinarily thoughtful is that we knew these questions would be asked, but let me tell you the simplicity of what this legislation speaks to: At the same time, let me go on record, Congresswoman JACKSON-LEE from Houston, Texas:

I am in support of the Nation's financial markets, investment houses. They have been at our back for a number of years. They have invested your moneys, your 401(k)s. Capitalism has, in fact, worked, but abuse does not work, so we speak today about abuse, not about crumbling the financial houses, the investment houses. We want them to be strengthened. Young people every

day are graduating from college and are saying, "I want to be an investment banker." They want to help grow the economy. We are not unsupportive of that.

In fact, in my own congressional district, it used to be American General. I have AIG employees. I applaud them. They come up to me on the street. I want them to know I appreciate their work in the insurance business—in protecting and in insuring everything from whistles, to haystacks, to Hollywood actors, to the transportation modes that you travel on—but we have got to be able to protect your tax dollars.

Let me tell you why this bill works. Attorney General Cuomo made it work. He issued subpoenas. What do we get? Some \$50 billion back—and more growing—from AIG. It shows that the long hand of the law can be effective. The \$160 billion given to executives is more than most Americans will see ever in their lifetimes. This is a simple response to it. What it does is it allows the Attorney General to recover prior excessive payments to employees made by the company. It allows the government, as a creditor, to show that the excessive payments that were made have no bearing on the work. It is permissive. It allows. It does not suggest that, in fact, there is a coup d'etat, that the Attorney General can do it without any oversight.

□ 1315

They must go into court. That makes a difference. The judge must ultimately say, You know what? I agree with the petitioner/the attorney general/the government as creditor or I disagree.

Second, it allows the Attorney General to limit payments to company executives to 10 times the average non-payment wages just as it would have been if the case was forced into bankruptcy. This is a fair assessment if a company has taken Federal dollars, and \$700 billion given to these companies in October of 2008. Most of them bought up your baby banks, not put that money out to help Americans.

So Mr. Speaker, I think what is key here is that this is reasonable. We have constitutional scholars who have indicated that you are within the constitutional framework. Why would the Judiciary Committee want to eliminate those barriers.

And then secondly and thirdly, we thank the employees that are doing their job every day trying to make this economy work. But what we say to the taxpayers is, if there is ever a committee that has to play the enforcement role to enhance the Constitution, to gather in those who have gone outside the boundaries of reason, who are abusive in issuing moneys to people who are part of the problem, it is the Judiciary Committee, and the Attorney General that complements the

work of the Secretary of the Treasury, and our very able leader in the White House, who is constructively trying to put this capitalistic system back on its feet. Then it has to be those of us with the responsibility of enforcement to ensure that we provide the coverage for taxpayers who cannot speak for themselves.

I rise enthusiastically to support H.R. 1575 for the very reason that we will be derelict if this committee, the holders of the Constitution, did not come to the floor and provide this thoughtful legislation that provides you with the protection of evidence that you have already seen in the monies that have been returned under the New York State Attorney General. Imagine the wielding of that action on behalf of all of the people of the United States.

Support H.R. 1575.

Mr. Speaker, I rise in strong support of H.R. 1575, the "End Government Reimbursement of Excessive Disbursements (End Greed) Act." I want to thank my colleague Congressman JOHN CONYERS, Jr. of Michigan for introducing this important legislation, and I urge my colleagues to support this bill.

#### BACKGROUND

Mr. Speaker, since August 2008, the federal government has invested hundreds of billions of dollars in private financial institutions. The credit crisis deepened in September when the federal government put Fannie Mae and Freddie Mac into conservatorship after it became clear that the financial situations of two of the nation's largest mortgage purchasers were rapidly deteriorating.

On September 14, 2008, the impact of the crisis widened as global financial services company Merrill Lynch agreed to sell itself to Bank of America, investment bank Lehman Brothers filed for bankruptcy and international insurer and financial services company American Insurance Group ("AIG") asked the federal government for a \$40 billion bridge loan.

On September 23, 2008, then-Treasury Secretary Paulson and Federal Reserve Chairman Ben Bernanke appeared before Congress asking for a \$700 million rescue plan to buy and resell mortgage backed securities citing fears of a recession if the government did not act.

On October 3, 2008, Congress authorized \$700 billion for the Treasury to buy troubled assets to prevent disruption in the economy. One week after the \$700 billion was authorized, the Bush Administration decided that it would use a portion of the \$700 billion to recapitalize some of the nation's leading banks by buying their shares. The idea was to help healthy banks continue to provide loans to businesses and consumers. This did not happen. Instead, banks began to acquire smaller banks that were not given access to the \$700 billion.

Funds were used to pay employee bonuses. The payment of employee bonuses and the use of TARP funds to do so, was expressly prohibited by the TARP bill. Despite this prohibition, the nation's largest banking and financial institutions continued to pay employee bonuses using the TARP funds. This bill puts the

teeth in the original TARP bill and provides a mechanism for these financial institutions to return the funds they wrongly used.

Our constituents are worried about the Golden Parachutes that they see given to big business while they struggle to pay mortgages, keep the electricity on, and send their children to college. The saving of corporate executives while unemployment rates continue to go up, has driven many Americans to wonder what has happened to corporate responsibility and accountability.

Mr. Speaker, H.R. 1575, the "End Government Reimbursement of Excessive Executive Disbursements (End GREED) Act," applies to companies that have received more than \$10 billion in federal financial assistance since September 1, 2008. The bill ends the unjust enrichment of the corporate executives who wrongly benefitted from their companies' receipt and misuse of TARP funds. As discussed further below, the bill has two key components.

First, it creates a federal fraudulent transfer statute that will allow the Attorney General to recover prior excessive payments to employees made by the company. This allows the government, as a creditor, to show that excessive payments were made bearing no relationship to fair value and to recover those payments for the company.

Second, on an ongoing forward basis, it allows the Attorney General to limit payments to company executives to ten times the average non-management wages, just as would have been the case if the company had been forced into bankruptcy. In addition, the bill authorizes the Attorney General to issue a subpoena to obtain pertinent information from these companies about employee bonus and compensation payments.

I urge my colleagues to support this bill. It is the right thing to do and prevents unjust enrichment by the bank and financial institution executives. The TARP funds were originally intended to be used by the banks to continue to provide services to the public. The TARP funds were not supposed to be used for the executives and bankers to get engorged and rich.

Mr. SMITH of Texas. Mr. Speaker, I will be the remaining speaker on this side.

I will reserve the balance on my side.

Mr. CONYERS. Mr. Speaker, I have no further speakers.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to close by reiterating that this bill is misguided and should be opposed for many reasons.

The AIG bonuses were unwise, but what was fraudulent about them? How can bonuses Congress and the President specifically ratify through the stimulus bill be fraudulent? Bonus retribution rests on anger, not sound policy. It will undermine the Federal Government's ability to recruit bank rescue participants.

President Obama has urged us not to act out of anger, and Secretary Geithner has finally just announced a

toxic assets relief program relying heavily on private participation. The markets responded to Secretary Geithner by rallying strongly. Why would we scare the private institutions away now?

State fraudulent conveyance law is already working. New York Attorney General Andrew Cuomo has used New York State law tools to force at least 15 of the top AIG bonus recipients to return their bonuses. He has recouped at least \$50 million. He expects to recoup all bonuses paid to U.S. recipients, and he and other State authorities may recoup bonuses that went overseas.

H.R. 1575 puts executive compensation decisions into a multitude of district judges' different hands. H.R. 1575 cannot constrain executive compensation. It just leaves it to over 1,000 district judges to arbitrarily determine whether compensation exceeds a reasonably equivalent value for services.

The House just passed H.R. 1586. We don't need to take a follow-up action. Just 2 weeks ago, the House passed H.R. 1586 to go after the AIG bonuses under the Tax Code. H.R. 1575 is redundant and poses some of the same risk. So why does that make sense?

H.R. 1575 is not only unwise, it is unnecessary. It is not only unnecessary, it is the product of a ransacking of regular order. And not only that, it will hamper our economic recovery.

Mr. Speaker, I just want to say to my colleagues that Republican leader JOHN BOEHNER, Whip ERIC CANTOR, and Conference Chairman MIKE PENCE are all going to vote "no" on this legislation.

I strongly urge a bipartisan "no" vote on H.R. 1575.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I close regretfully lamenting the comments of my good friend, LAMAR SMITH, the ranking member on this committee, because he may not have sensed the outrage of the American people in terms of the fact that these outrageous bonuses were being arrogantly issued out with government funds that were by the billions, that were going to corporations to supposedly save them from bankruptcy. And so for him to ignore the fact that at least 47 States already have these laws, to think that there would be a constitutional problem with the government in this very limited case directing the courts to, on a case-by-case basis, review their appropriateness is rather astounding.

So I would like to personally make myself available, particularly to new Members of this great body of the 111th Congress, to please consult with me before you do anything that will prevent us from having a long friendship and get to know each other a lot better in the Congress.

Mr. CONYERS. Mr. Speaker, I submit the other two law professor letters for the RECORD.

MARCH 24, 2009.

Hon. JOHN CONYERS, JR.,  
Hon. LAMAR SMITH,  
*Committee on the Judiciary,*  
*House of Representatives, Washington, DC.*

DEAR CONGRESSMAN CONYERS AND CONGRESSMAN SMITH: I am writing to express my opinion that the fraudulent transfer provisions of H.R. 1575 pass constitutional muster. I am writing in my capacity as an expert on fraudulent transfer law, not on behalf of any group or individual.

I am the Harry A. Bigelow Distinguished Service Professor at the University of Chicago. I joined Chicago's faculty in 1980, was Director of its law and economics program from 1992 to 1994, and served as its Dean from 1994 to 1999. I have been a visiting professor at Stanford, Harvard, and Yale. Currently a Director of the American College of Bankruptcy, I was Vice Chair of the National Bankruptcy Conference from 1997 until 2004. My publications include a number of articles on fraudulent transfer law.

I begin by emphasizing that the fraudulent transfer provision of H.R. 1575 has modest scope. It creates a new federal procedure, but the substantive right in question has existed under state law for a long time. In every jurisdiction, creditors (including the United States) have the ability to avoid transfers made by an insolvent or financially troubled debtor for less than reasonably equivalent value. Indeed, more than half the states have enacted the Uniform Fraudulent Transfer Act ("UFTA"), which uses nearly identical statutory language.

Apart from the UFTA being a state-based procedure and generally broader in scope, the only substantive difference between the UFTA and H.R. 1575 is on the narrow question of the time at which insolvency or unreasonably small capital is judged. Under H.R. 1575, it is at the time of the payment, while under the UFTA. It is the time that the contract is entered into. Such a difference, however, should not be of great moment. Congress has enacted fraudulent transfer rules before (typically in bankruptcy legislation) and has departed more substantially from the nonbankruptcy rule. For example, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 enacted a fraudulent transfer provision that allows recovery against insider employees who receive more than reasonably equivalent value and it contains no insolvency requirement or unreasonably small capital requirement at all.

Because H.R. 1575 largely replicates rights that the United States already possesses under state law, there seems little doubt that Congress has the power to enact it. While the statute does reach, among other things, transfers that have already taken place, this has been the case with previous fraudulent conveyance statutes enacted by Congress, most recently in 2005. I am not aware that anyone has ever suggested that these were constitutionally suspect.

H.R. 1575 is not an ex post facto law, as it involves only civil liability. See *Calder v. Bull*, 3 U.S. 386 (1798). Nor is it a bill of attainder as it applies generally to entities that have received a particular type of federal funding. The only remotely colorable constitutional argument against H.R. 1575 is that it violates the due process rights of the transferees because of the statute's retroactive effect. This should not, however, create a constitutional problem, as long as Congress's intent to apply it retroactively is expressed clearly.

In *Usery v. Turner Elkhorn Mining Co.*, 428 U.S. 1 (1976), the Supreme Court noted that it

"is by now well established that legislative Acts adjusting the burdens and benefits of economic life come to the Court with a presumption of constitutionality, and that the burden is on one complaining of a due process violation to establish that the legislature has acted in an arbitrary and irrational way."

On the rare occasions in which it has struck down legislation that has had a retroactive effect, the Court has emphasized that, to constitute a due process violation, it must cross a significant threshold, such as, in one case, prospective liability on account of conduct that a company had ceased many decades before. While "legislation might be unconstitutional if it imposes severe retroactive liability on a limited class of parties that could not have anticipated the liability, and the extent of that liability is substantially disproportionate to the parties' experience," as a general matter "Congress has considerable leeway to fashion economic legislation, including the power to affect contractual commitments between private parties." *Eastern Enterprises v. Apfel*, 524 U.S. 498, 529–30 (1998).

Legislation, such as H.R. 1575, that largely tracks existing state law cannot take private parties by surprise. In this case, the basic principle—that financially troubled debtors cannot give their assets away—has been part of Anglo-American law for centuries. See *Twyne's Case*, 3 Coke 80b, 76 Eng. Rep. 809 (1601).

If you or your staff have any questions or would like further information, I would be happy to be of assistance.

Sincerely,

DOUGLAS G. BAIRD.

UNIVERSITY OF CALIFORNIA,  
Los Angeles, CA, March 24, 2009.

Re H.R. 1575, 111th Congress, 1st Session.

Hon. JOHN CONYERS, JR.,  
*Chairman, House Committee on the Judiciary,*  
*Washington, DC.*

Hon. LAMAR SMITH,  
*Ranking Member, House Committee on the Judiciary,*  
*Washington, DC.*

DEAR CHAIRMAN CONYERS AND RANKING MEMBER SMITH: Chairman Conyers has asked me to analyze whether the fraudulent transfer provisions in the Manager's amendment to H.R. 1575 violate the United States Constitution. For the reasons set forth below, it is my view as a professor of law that the fraudulent transfer provisions of the Manager's amendment to H.R. 1575 are constitutional on their face and as applied to avoid payments of excessive compensation made under contracts entered into before the date of enactment.

The Manager's amendment to H.R. 1575, prepared for floor consideration in the House of Representatives, seeks to authorize the Attorney General to file a civil action to avoid, as fraudulent transfers, certain payments of excessive compensation made by entities who received more than \$5 billion in federal government funds on or after September 1, 2008. It does so by vesting the Attorney General with two kinds of fraudulent transfer avoiding powers.

First, section 2(1)–(2) gives the Attorney General the power to avoid constructive fraudulent transfers made for less than a reasonably equivalent value if the company making the payments either was insolvent or possessed an unreasonably small capital on the date of the payments. Both insolvency and unreasonably small capital are determined without consideration of the federal government funds or lines of credit. Sec-

ond, the legislation authorizes the Attorney General to stand in the shoes of an actual unsecured creditor of the payor who could avoid the payments under other applicable law to avoid excessive compensation payments to the same extent.

Having extensive familiarity with the interface of bankruptcy, insolvency, and constitutional law, it is my view as a scholar that the fraudulent transfer provisions of the Manager's amendment to H.R. 1575 are constitutional on their face and as applied to avoid payments of excessive compensation made under contracts entered into before the date of enactment. The Commerce Clause, Bankruptcy Clause, and Necessary and Proper Clause provide ample congressional power to enact this legislation. See U.S. Const., art. I, § 8, cls. 3, 4 & 18.

Even though the United States did not put recipients of federal government funds into bankruptcy, conservatorship, or receivership as a condition of receiving those funds, H.R. 1575 could be supported under the Bankruptcy Clause. In *Railway Labor Executives' Ass'n v. Gibbons*, 455 U.S. 457, 466 (1982), the Court stated, "although we have noted that '[t]he subject of bankruptcies is incapable of final definition,' we have previously defined 'bankruptcy' as the 'subject of relations between an insolvent or nonpaying or fraudulent debtor and his creditors, extending to his and their relief.' \* \* \* Congress' power under the Bankruptcy Clause 'contemplate[s] an adjustment of a failing debtor's obligations.'" (citations omitted) As the Court noted in *Continental Illinois National Bank & Trust Co. of Chicago v. Chicago, Rock Island & Pacific Railway Co.*, 294 U.S. 648, 667–68 (1935), the Bankruptcy Clause applies to regulate insolvent companies as well as those that are bankrupt: "While attempts have been made to formulate a distinction between bankruptcy and insolvency, it has long been settled that, within the meaning of the [Bankruptcy Clause], the terms are convertible."

Moreover, under the Commerce Clause, H.R. 1575 is valid regulatory legislation applicable to companies that do business in interstate commerce.

Furthermore, the legislation properly invokes fraudulent transfer law remedies that have been part of Anglo-American bankruptcy and insolvency laws since enactment of the Statute of 13 Elizabeth in England in 1571. These laws, in their modern form, are part of the statutory or common law of every state as well as the federal bankruptcy code. They permit the avoidance of actual intent or constructive fraudulent transfers. In pertinent part, constructive fraudulent transfer laws operate to permit the avoidance of transfers made for less than a fair consideration or reasonably equivalent value while the transferor is insolvent (in either the balance sheet or equity sense) or left with an unreasonably small capital.

Many of the companies that received federal government funds were undoubtedly insolvent in the balance sheet or equity sense or left with an unreasonably small capital before the receipt of the funds. Had the United States not intervened to advance the federal government funds, the excessive compensation payments would have been avoidable in a bankruptcy or receivership, or, alternatively, under applicable fraudulent transfer laws to the extent they were not given in exchange for reasonably equivalent value or fair consideration. Indeed the contracts under which these payments were made themselves might have been avoidable as fraudulently incurred obligations under

these laws, at least to the extent they authorize payments in excess of the fair value of services rendered.

When a business is insolvent, unable to pay its debts as they mature, or left with an unreasonably small capital, the assets of that business can be considered to be equitably owned by its creditors. The fraudulent transfer laws prevent a business from giving away assets that it does not equitably own. Therefore there is a strong historical legal underpinning for application of fraudulent transfer principles in the Manager's amendment to H.R. 1575.

Had the United States not made available the federal government payments, these excessive payments would have been avoidable in many different scenarios. It undoubtedly was never the intention of the United States to make federal government funds available to enable a recipient entity to facilitate fraudulent transfers. Accordingly there is a rational basis making it appropriate for Congress to enact regulatory legislation to prevent that result and for a court to enforce H.R. 1575 to avoid the excessive payments. Indeed, in addition to statutory remedies, a court of equity might exercise equitable powers of reformation or recharacterization to facilitate this result.

Nevertheless, entities resisting disgorgement of the transfers might seek to challenge the constitutionality on several grounds. Recipients of excessive payments might allege that the legislation violates their contract rights. The response is that congressional impairment of contract rights is not unconstitutional. First, although the Manager's amendment to H.R. 1575 permits the court to interfere with contractual obligations, it is clear that the Contracts Clause of the Constitution only limits impairment of obligations of contracts by the states and does not limit federal power to impair contractual obligations. See U.S. Const., art. I, § 10.

Second, because the avoidance only takes place in a federal court judicial proceeding based on adequate notice and an opportunity to be heard, there is no denial of due process in violation of the Fifth Amendment. See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 307 (1950) (considering due process under the Fourteenth Amendment; the analysis would be similar under the Fifth Amendment).

Third, under H.R. 1575, there is no taking of private property for public use without just compensation in violation of the Fifth Amendment. Courts have held that the Bankruptcy Code's authorization of lien avoidance does not implicate a taking under the Fifth Amendment. See, e.g., *Travelers Ins. Co. v. Bullington*, 878 F.2d 354, 359 n.6 (11th Cir. 1989); *Yi v. Citibank (Md.) N.A.* (In re Yi), 219 B.R. 394, 401 (E.D. Va. 1998). Here, recipients of the excess payments do not enjoy liens in property, but simply contract rights under contracts that are also avoidable. The Court has upheld the power of Congress to limit contractual compensation rights without causing violation of the Fifth Amendment. See *Reconstruction Fin. Corp. v. Bankers Trust Co.*, 318 U.S. 163, 168-70 (1943) (77 railroad reorganization case in which claims for compensation for services, attorneys fees, and expenses of indenture trustee of secured mortgage bonds was referred to interstate commerce commission for determination). By limiting avoidance of compensation claims only to the extent they exceed reasonably equivalent value, H.R. 1575 places a "reasonable limitation" on the permissible amount of compensation disburse-

ments. Under the Supreme Court's reasoning in *Kuehner v. Irving Trust Co.*, 299 U.S. 445, 452, 455 (1937) the placement of such a reasonable limitation does not violate the Fifth Amendment, even though it results in the destruction of a creditor's contractual remedies.

Thus, constitutional challenges to H.R. 1575 should fail. And even if they succeed, at best the recipient would have a claim against the United States under the Tucker Act for any excessive payments disgorged.

In order to let you put this analysis in context, let me share with you my qualifications to make this analysis. After graduating from Harvard Law School cum laude in 1974, I served as Associate Counsel to the House Committee on the Judiciary, working primarily with Republican members from 1974-1977 on bankruptcy law reform, among other issues. As a staff member, I was one of the principal drafters of the 1978 Bankruptcy Code. Since then, I have devoted my entire career to the pursuit of bankruptcy law and scholarship. After leaving the Hill I commenced working as a bankruptcy lawyer and also served as a consultant on bankruptcy matters to the House Judiciary Committee until 1982, well past enactment of the 1978 Bankruptcy Code. I also served as a consultant to the Department of Justice on bankruptcy matters during 1983-1984.

I commenced teaching bankruptcy law in 1979 as an adjunct professor at the UCLA School of Law and became a full time professor there in 1997, after teaching at Harvard Law School in 1995-1996 as the Robert Braucher visiting professor from practice.

My interest in bankruptcy legislation has continued over the years. I served on the legislation committee of the National Bankruptcy Conference for several years, acting as its Chair from 1992-1999. Chief Justice Rehnquist appointed me to serve on the Judicial Conference's Advisory Committee on Bankruptcy Rules from 1992-2000.

During my career, I have paid particular attention to the interface between bankruptcy law and the United States Constitution. While serving as a congressional staff member, I co-authored a House Judiciary Committee Report in 1977 correctly predicting that it would be unconstitutional to give a grant of broad pervasive jurisdiction to non-tenured bankruptcy judges. See H.R. Rep. No. 95-595, 95th Cong., 1st Sess. 23-39 (1977). The United States Supreme Court validated this position in *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982).

I have served as amicus curiae to the courts on the intersection of bankruptcy and constitutional law, most recently in *Tennessee Student Assistance Corp. v. Hood*, 541 U.S. 440 (2004) where the Court adopted the amici suggestion of an in rem exception to a state's assertion of sovereign immunity in bankruptcy cases. Within the past few months, I have authored a book "Bankruptcy and the Supreme Court," which devoted an entire chapter to bankruptcy and constitutional law.

Please let me know if you have additional questions with respect to this important legislation. I appreciate the opportunity to be of service.

Sincerely yours,

KENNETH N. KLEE.

Ms. WATERS. Mr. Speaker, I rise in strong support of the End GREED Act, H.R. 1575. We worked on this bill in the Judiciary Committee, and with bipartisan support, I believe that we made significant improvements over the original bill.

This narrowly crafted measure gives the Attorney General the ability to recover the most egregious bonuses by entities that receive or have received more than \$5 billion in direct capital investment by the U.S. under TARP or HERA by filing a civil action in federal court. Every state in the U.S. has some form of similar fraudulent transfer statute, including my home state of California.

The Attorney General could only do so where the entity was insolvent and paid excessive compensation to an officer, director, or employee who provided less than reasonably equivalent value in exchange. This applies to bonuses paid after September 1, 2008.

This legislation takes another critical step in executive compensation by reaching bonuses made at the end of 2008. For example, more than \$3 billion in bonuses were paid by Merrill Lynch late last year.

This bill also provides a mechanism for recovering bonuses paid to non-citizens who would be unaffected by the tax provision Congress recently passed. New York Attorney General Cuomo reported that only 47 percent of AIG bonuses were paid to U.S. citizens. Therefore, this bill authorizes the Attorney General, after consultation with the Treasury Secretary, to subpoena witnesses and to obtain necessary information relevant to the bonuses.

Finally, Mr. Speaker, I know some of the critics of this legislation have raised questions about the constitutionality of this bill. Please let me add to the RECORD the comments of several prominent constitutional scholars who have confirmed that the bill is constitutional. Here's what some of the constitutional scholars have said about this bill:

Prof. Laurence Tribe (Harvard)—"Having carefully reviewed the text of the bill, I believe it stands on solid constitutional ground."

Prof. Doug Baird (Univ. of Chicago)—"Because H.R. 1575 largely replicates rights that the United States already possesses under state laws, there seems to be little doubt that Congress has the power to enact it."

Prof. Michael Gearhardt (UNC)—"I believe that The End GREED Act is unquestionably constitutional. Each of the powers deployed to enact this bill is plenary, and these powers—individually and collectively provide an unusually strong, unassailable constitutional foundation for The End GREED Act."

Prof. Ken Klee (UCLA)—"It is my view as a professor of law that the fraudulent transfer provisions of the Manager's amendment to H.R. 1575 are constitutional on their face and as applied to avoid payments of excessive compensation made under contracts entered into before the date of enactment."

Mr. Speaker, I urge my colleagues to support H.R. 1575, the End GREED Act.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1575, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

### RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

#### H. RES. 312

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a "federal investigation into potentially corrupt political contributions," has given \$3.4 million in political donations to no less than 284 members of Congress.

Whereas, the New York Times noted that Mr. Magliocchetti "set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmark contracts back to his clients."

Whereas, a guest columnist recently highlighted in Roll Call that "... what [the firm's] example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system."

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to "straw man" contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees of the firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill."

Whereas, the Associated Press highlighted the "huge amounts of political donations" from the firm and its clients to select members and noted that "those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests."

Whereas, clients of the firm received at least \$300 million worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, the Associated Press reported that "the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash."

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice De-

partment conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Now, therefore, be it: *Resolved*, that (a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. The resolution qualifies.

#### MOTION TO TABLE

Mr. HALL of New York. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on tabling House Resolution 312 will be followed by 5-minute votes on adopting House Resolution 305 and House Resolution 306; and suspending the rules with regard to H.R. 1575 and House Resolution 290.

The vote was taken by electronic device, and there were—yeas 217, nays 185, answered "present" 16, not voting 13, as follows:

#### Roll No. 175

#### YEAS—217

Abercrombie	Clarke	Edwards (MD)
Ackerman	Clay	Edwards (TX)
Adler (NJ)	Cleaver	Ellison
Altmire	Clyburn	Engel
Andrews	Coble	Eshoo
Arcuri	Cohen	Etheridge
Baca	Connolly (VA)	Farr
Baird	Conyers	Fattah
Baldwin	Cooper	Filner
Barrow	Costa	Frank (MA)
Berkley	Costello	Fudge
Berman	Courtney	Gonzalez
Berry	Crowley	Gordon (TN)
Bishop (GA)	Cuellar	Grayson
Bishop (NY)	Cummings	Green, Al
Blumenauer	Dahlkemper	Green, Gene
Boren	Davis (AL)	Griffith
Boswell	Davis (CA)	Grijalva
Boucher	Davis (IL)	Gutierrez
Boyd	Davis (TN)	Hall (NY)
Brady (PA)	DeFazio	Hare
Braley (IA)	DeGette	Harman
Brown, Corrine	DeLauro	Hastings (FL)
Capps	Dicks	Heinrich
Capuano	Dingell	Higgins
Cardoza	Dogette	Hinchey
Carnahan	Doyle	Hinojosa
Carney	Driehaus	Hirono
Carson (IN)		Holden

Holt	Miller (NC)	Schrader
Honda	Miller, George	Schwartz
Hoyer	Mollohan	Scott (GA)
Inslee	Moore (KS)	Scott (VA)
Israel	Moore (WI)	Serrano
Jackson (IL)	Moran (VA)	Sestak
Jackson-Lee	Murphy (CT)	Shea-Porter
(TX)	Murphy, Patrick	Sherman
Johnson (GA)	Murphy, Tim	Shuler
Johnson, E. B.	Murtha	Sires
Jones	Nadler (NY)	Skelton
Kagen	Napolitano	Slaughter
Kanjorski	Neal (MA)	Snyder
Kennedy	Nye	Space
Kildee	Oberstar	Speier
Kilpatrick (MI)	Obey	Spratt
Kilroy	Oliver	Stark
Kissell	Ortiz	Stupak
Klein (FL)	Pastor (AZ)	Sutton
Kratovil	Payne	Tanner
Kucinich	Perlmutter	Tauscher
Langevin	Peters	Taylor
Larsen (WA)	Peterson	Thompson (CA)
Lee (CA)	Pingree (ME)	Tierney
Lewis (GA)	Pollis (CO)	Titus
Lipinski	Pomeroy	Tonko
Lowe	Price (NC)	Towns
Lujan	Rahall	Tsongas
Lynch	Rangel	Van Hollen
Maffei	Reyes	Velázquez
Maloney	Richardson	Wasserman
Markey (CO)	Rodriguez	Schultz
Markey (MA)	Rohrabacher	
Marshall	Ross	Waters
Massa	Rothman (NJ)	Watson
Matsui	Roybal-Allard	Watt
McCarthy (NY)	Ruppersberger	Waxman
McCollum	Rush	Weiner
McDermott	Ryan (OH)	Wexler
McGovern	Salazar	Wilson (OH)
McMahon	Sánchez, Linda	Woolsey
Meek (FL)	T.	Wu
Meeks (NY)	Sarbanes	Yarmuth
Melancon	Schakowsky	Young (AK)
Michaud	Schiff	

#### NAYS—185

Aderholt	Dreier	Kosmas
Akin	Duncan	Lamborn
Alexander	Ehlers	Lance
Austria	Ellsworth	LaTourette
Bachmann	Emerson	Latta
Bachus	Fallin	Lee (NY)
Bartlett	Flake	Lewis (CA)
Bean	Fleming	Linder
Biggart	Forbes	LoBiondo
Blibray	Fortenberry	Loeback
Bilirakis	Foster	Lucas
Bishop (UT)	Fox	Luetkemeyer
Blackburn	Franks (AZ)	Lummis
Blunt	Frelinghuysen	Lungren, Daniel
Boclieri	Gallegly	E.
Boehner	Garrett (NJ)	Mack
Bono Mack	Gerlach	Manzullo
Boozman	Giffords	Marchant
Boustany	Gingrey (GA)	Matheson
Brady (TX)	Gohmert	McCarthy (CA)
Bright	Goodlatte	McCaul
Broun (GA)	Granger	McClintock
Brown (SC)	Graves	McCotter
Brown-Waite,	Guthrie	McHenry
Ginny	Hall (TX)	McHugh
Buchanan	Halvorson	McIntyre
Burgess	Harper	McKeon
Burton (IN)	Heller	McMorris
Buyer	Hensarling	Rodgers
Calvert	Hergert	McNerney
Camp	Herseth Sandlin	Mica
Campbell	Hill	Miller (FL)
Cantor	Himes	Miller (MI)
Cao	Hodes	Minnick
Capito	Hoekstra	Mitchell
Carter	Hunter	Moran (KS)
Cassidy	Inglis	Neugebauer
Castle	Issa	Nunes
Chaffetz	Jenkins	Olson
Childers	Johnson (IL)	Paul
Coffman (CO)	Johnson, Sam	Paulsen
Cole	Jordan (OH)	Pence
Crenshaw	Kind	Perriello
Culberson	King (IA)	Petri
Davis (KY)	King (NY)	Pitts
Deal (GA)	Kingston	Platts
Diaz-Balart, M.	Kirk	Posey
Donnelly (IN)	Kirkpatrick (AZ)	Price (GA)

Putnam	Schock	Thompson (PA)
Radanovich	Sensenbrenner	Thornberry
Rehberg	Sessions	Tiahrt
Reichert	Shadegg	Tiberi
Roe (TN)	Shimkus	Turner
Rogers (AL)	Simpson	Upton
Rogers (KY)	Smith (NE)	Visclosky
Rogers (MI)	Smith (NJ)	Walz
Rooney	Smith (TX)	Wamp
Ros-Lehtinen	Smith (WA)	Whitfield
Roskam	Souder	Wilson (SC)
Royce	Stearns	Wittman
Ryan (WI)	Sullivan	Wolf
Scalise	Teague	Young (FL)
Schmidt	Terry	

## ANSWERED "PRESENT"—16

Barrett (SC)	Dent	Myrick
Bonner	Diaz-Balart, L.	Poe (TX)
Butterfield	Hastings (WA)	Walden
Castor (FL)	Kline (MN)	Welch
Chandler	Latham	
Conaway	Lofgren, Zoe	

## NOT VOTING—13

Barton (TX)	Miller, Gary	Shuster
Becerra	Pallone	Thompson (MS)
Kaptur	Pascrell	Westmoreland
Larson (CT)	Sanchez, Loretta	
Levin	Schauer	

□ 1359

Messrs. DEAL of Georgia and McINTYRE changed their vote from "yea" to "nay."

Mr. GORDON of Tennessee changed his vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above record.

A motion to reconsider was laid on the table.

WELCOMING FORMER SPEAKER  
JIM WRIGHT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Madam Speaker, on behalf of the Texas congressional delegation—the Democrats in that delegation—this is a proud day for us to welcome a distinguished Texan who rose from Weatherford, Texas, to serve here with the legendary Sam Rayburn and then to preside over this Chamber.

To formally introduce him, I would yield to the dean of our delegation, Congressman ORTIZ.

Mr. ORTIZ. Thank you. What an honor today, Madam Speaker, to have a great American among us. I had the privilege and honor of serving with the Speaker when I first came here back in 1982. He was always accessible, fair, and a great leader.

We are just so happy, Mr. Speaker, that you're with us today and continue to give the Texas delegation, and other Members, a lot of good input and a lot of history. We're happy to have you with us.

Mr. DOGGETT. Madam Speaker, Speaker Jim Wright, for both all those, who have had not a chance to serve with him, he's here to say hello as well as to colleagues with whom he served, like old RALPH HALL over there and others of our colleagues.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION  
OF H. CON. RES. 85, CONCURRENT  
RESOLUTION ON THE BUDGET  
FOR FISCAL YEAR 2010

The SPEAKER. The unfinished business is the vote on adoption of House Resolution 305, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 179, not voting 18, as follows:

[Roll No. 176]

YEAS—234

Abercrombie	Driehaus	Lewis (GA)
Ackerman	Edwards (MD)	Lipinski
Adler (NJ)	Edwards (TX)	Loeb
Altmire	Ellison	Lofgren, Zoe
Andrews	Ellsworth	Lowey
Arcuri	Engel	Lujan
Baca	Eshoo	Lynch
Baird	Etheridge	Maffei
Baldwin	Farr	Maloney
Bean	Fattah	Markey (CO)
Becerra	Filner	Markey (MA)
Berkley	Poster	Marshall
Berman	Fudge	Massa
Berry	Giffords	Matheson
Bishop (GA)	Gonzalez	Matsui
Bishop (NY)	Gordon (TN)	McCarthy (NY)
Blumenauer	Grayson	McCollum
Bocchieri	Green, Al	McDermott
Boren	Green, Gene	McGovern
Boswell	Griffith	McIntyre
Boucher	Grijalva	McMahon
Boyd	Gutierrez	McNerney
Brady (PA)	Hall (NY)	Meek (FL)
Braley (IA)	Halvorson	Meeks (NY)
Bright	Hare	Melancon
Brown, Corrine	Harman	Michaud
Butterfield	Hastings (FL)	Miller (NC)
Capps	Heinrich	Miller, George
Capuano	Hereth Sandlin	Mitchell
Cardoza	Higgins	Mollohan
Carnahan	Hill	Moore (KS)
Carney	Himes	Moore (WI)
Carson (IN)	Hinchee	Moran (VA)
Castor (FL)	Hinojosa	Murphy (CT)
Chandler	Hirono	Murphy, Patrick
Clarke	Hodes	Murtha
Clay	Holden	Nadler (NY)
Cleaver	Holt	Napolitano
Clyburn	Hoyer	Neal (MA)
Cohen	Inslee	Nye
Connolly (VA)	Israel	Oberstar
Conyers	Jackson (IL)	Obey
Cooper	Jackson-Lee	Olver
Costa	(TX)	Ortiz
Costello	Johnson (GA)	Pastor (AZ)
Courtney	Johnson, E. B.	Payne
Crowley	Kagen	Perlmutter
Cuellar	Kanjorski	Perriello
Cummings	Kaptur	Peters
Dahlkemper	Kennedy	Peterson
Davis (AL)	Kildee	Pingree (ME)
Davis (CA)	Kilpatrick (MI)	Polis (CO)
Davis (IL)	Kilroy	Pomeroy
Davis (TN)	Kind	Price (NC)
DeFazio	Kirkpatrick (AZ)	Rahall
DeGette	Kissell	Rangel
Delahunt	Klein (FL)	Reyes
DeLauro	Kosmas	Richardson
Dicks	Kratovil	Rodriguez
Dingell	Langevin	Ross
Donnelly (IN)	Larsen (WA)	Rothman (NJ)
Doyle	Lee (CA)	Roybal-Allard

Ruppersberger	Sires	Towns
Rush	Skelton	Tsongas
Ryan (OH)	Slaughter	Van Hollen
Salazar	Smith (WA)	Velázquez
Sánchez, Linda	Snyder	Visclosky
T.	Space	Walz
Sarbanes	Speier	Wasserman
Schakowsky	Spratt	Schultz
Schiff	Stark	Watson
Schrader	Stupak	Watt
Schwartz	Sutton	Waxman
Scott (GA)	Tanner	Weiner
Scott (VA)	Tauscher	Wexler
Serrano	Teague	Wilson (OH)
Sestak	Thompson (CA)	Woolsey
Shea-Porter	Titus	Wu
Shuler	Tonko	Yarmuth

## NAYS—179

Aderholt	Franks (AZ)	Minnick
Akin	Frelinghuysen	Moran (KS)
Alexander	Gallely	Murphy, Tim
Austria	Garrett (NJ)	Myrick
Bachmann	Gerlach	Neugebauer
Bachus	Gingrey (GA)	Nunes
Barrett (SC)	Gohmert	Olson
Barrow	Goodlatte	Paul
Bartlett	Granger	Paulsen
Biggart	Graves	Pence
Bilbray	Guthrie	Petri
Bilirakis	Hall (TX)	Pitts
Bishop (UT)	Harper	Platts
Blackburn	Hastings (WA)	Poe (TX)
Blunt	Heller	Posey
Boehner	Hensarling	Price (GA)
Bonner	Herger	Putnam
Bono Mack	Hoekstra	Radanovich
Boozman	Hunter	Rehberg
Boustany	Inglis	Reichert
Brady (TX)	Issa	Roe (TN)
Broun (GA)	Jenkins	Rogers (AL)
Brown (SC)	Johnson (IL)	Rogers (KY)
Brown-Waite,	Johnson, Sam	Rogers (MI)
Ginny	Jones	Rohrabacher
Buchanan	Jordan (OH)	Rooney
Burgess	King (IA)	Ros-Lehtinen
Burton (IN)	King (NY)	Roskam
Buyer	Kingston	Royce
Calvert	Kirk	Ryan (WI)
Camp	Kline (MN)	Scalise
Campbell	Kucinich	Schock
Cantor	Lamborn	Sensenbrenner
Cao	Lance	Sessions
Capito	Latham	Shadegg
Carter	LaTourette	Shimkus
Cassidy	Latta	Shuster
Castle	Lee (NY)	Simpson
Chaffetz	Lewis (CA)	Smith (NE)
Childers	Linder	Smith (NJ)
Coble	LoBiondo	Smith (TX)
Coffman (CO)	Lucas	Souder
Cole	Luetkemeyer	Stearns
Conaway	Lummis	Sullivan
Crenshaw	Lungren, Daniel	Taylor
Culberson	E.	Terry
Davis (KY)	Mack	Thompson (PA)
Deal (GA)	Manzullo	Thornberry
Dent	Marchant	Tiahrt
Diaz-Balart, L.	McCarthy (CA)	Tiberi
Diaz-Balart, M.	McCaul	Turner
Dreier	McClintock	Upton
Duncan	McCotter	Walden
Ehlers	McHenry	Wamp
Emerson	McHugh	Whitfield
Fallin	McKeon	Wilson (SC)
Flake	McMorris	Wittman
Fleming	Rodgers	Wolf
Forbes	Mica	Young (AK)
Fortenberry	Miller (FL)	Young (FL)
Fox	Miller (MI)	

## NOT VOTING—18

Barton (TX)	Miller, Gary	Sherman
Doggett	Pallone	Thompson (MS)
Frank (MA)	Pascrell	Tierney
Honda	Sanchez, Loretta	Waters
Larson (CT)	Schauer	Welch
Levin	Schmidt	Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.



□ 1409

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PROVIDING FOR CONSIDERATION OF H.R. 1664, PAY FOR PERFORMANCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 306, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 175, answered “present” 1, not voting 19, as follows:

[Roll No. 177]

YEAS—236

Abercrombie	Doyle	Larsen (WA)
Ackerman	Driehaus	Lee (CA)
Adler (NJ)	Edwards (MD)	Lewis (GA)
Altmire	Edwards (TX)	Lipinski
Andrews	Ellison	Loeb sack
Arcuri	Ellsworth	Lowe y
Baca	Engel	Lujan
Baird	Eshoo	Lynch
Baldwin	Etheridge	Maffei
Barrow	Farr	Maloney
Bean	Fattah	Markey (CO)
Becerra	Filner	Markey (MA)
Berkley	Foster	Marshall
Berry	Frank (MA)	Massa
Bishop (GA)	Fudge	Matheson
Bishop (NY)	Giffords	Matsui
Blumenauer	Gonzalez	McCarthy (NY)
Bocci eri	Gordon (TN)	McCollum
Boren	Grayson	McDermott
Boswell	Green, Al	McGovern
Boucher	Green, Gene	McIntyre
Boyd	Griffith	McMahon
Brady (PA)	Grijalva	McNerney
Bright	Gutierrez	Meek (FL)
Butterfield	Hall (NY)	Meeks (NY)
Capps	Halvorson	Melancon
Capuano	Hare	Michaud
Cardoza	Harman	Miller (NC)
Carnahan	Hastings (FL)	Miller, George
Carney	Heinrich	Mitchell
Carson (IN)	Herse th Sandlin	Mollohan
Castor (FL)	Higgins	Moore (KS)
Chandler	Himes	Moore (WI)
Childers	Hinche y	Moran (VA)
Clarke	Hinojosa	Murphy (CT)
Clay	Hirono	Murphy, Patrick
Cleaver	Hodes	Murtha
Clyburn	Holden	Nadler (NY)
Cohen	Holt	Napolitano
Connolly (VA)	Honda	Neal (MA)
Conyers	Hoyer	Nye
Cooper	Inslee	Obey
Costa	Israel	Olver
Costello	Jackson (IL)	Ortiz
Courtney	Jackson-Lee	Pastor (AZ)
Crowley	(TX)	Payne
Cuellar	Johnson (GA)	Perlmutter
Cummings	Johnson, E. B.	Perrillo
Dahlkemper	Kagen	Peters
Davis (AL)	Kanjorski	Peterson
Davis (CA)	Kaptur	Pingree (ME)
Davis (IL)	Kennedy	Polis (CO)
Davis (TN)	Kildee	Pomeroy
DeFazio	Kilpatrick (MI)	Price (NC)
DeGette	Kilroy	Rahall
Delahunt	Kind	Reyes
DeLauro	Kissell	Richardson
Dicks	Kosmas	Rodriguez
Dingell	Kratovil	Ross
Doggett	Kucinich	Rothman (NJ)
Donnelly (IN)	Langevin	Roybal-Allard

Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda T.  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires

Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Thompson (CA)  
Tierney  
Titus  
Tonko  
Towns

Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois) (during the vote). There are 2 minutes remaining in this vote.

□ 1417

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# END GOVERNMENT REIMBURSEMENT OF EXCESSIVE EXECUTIVE DISBURSEMENTS (END THE GREED) ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1575, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1575, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 196, not voting 12, as follows:

[Roll No. 178]

YEAS—223

Abercrombie	DeFazio	Honda
Adler (NJ)	DeGette	Hoyer
Altmire	Delahunt	Inslee
Andrews	DeLauro	Israel
Arcuri	Diaz-Balart, L.	Jackson (IL)
Baca	Diaz-Balart, M.	Jackson-Lee
Baird	Dicks	(TX)
Baldwin	Dingell	Johnson (GA)
Barrow	Doggett	Johnson, E. B.
Becerra	Donnelly (IN)	Jones
Berkley	Doyle	Kagen
Berman	Driehaus	Kaptur
Berry	Duncan	Kennedy
Bishop (GA)	Edwards (MD)	Kildee
Bishop (NY)	Edwards (TX)	Kilroy
Blumenauer	Ellison	Kissell
Bocci eri	Engel	Klein (FL)
Boswell	Eshoo	Kosmas
Boucher	Etheridge	Kratovil
Boyd	Farr	Kucinich
Brady (PA)	Fattah	Langevin
Braley (IA)	Filner	Larsen (WA)
Brown, Corrine	Frank (MA)	Lee (CA)
Butterfield	Fudge	Lewis (GA)
Cao	Giffords	Lipinski
Capps	Gonzalez	Loeb sack
Capuano	Gordon (TN)	Lofgren, Zoe
Carnahan	Grayson	Lowe y
Carney	Green, Al	Lujan
Carson (IN)	Green, Gene	Lynch
Castor (FL)	Grijalva	Maffei
Chandler	Gutierrez	Maloney
Clarke	Hall (NY)	Markey (CO)
Clay	Hall (TX)	Markey (MA)
Cleaver	Halvorson	Massa
Clyburn	Hare	Matsui
Cohen	Harman	McDermott
Connolly (VA)	Hastings (FL)	McGovern
Conyers	Heinrich	McIntyre
Cooper	Herse th Sandlin	McNerney
Costello	Higgins	Meek (FL)
Courtney	Hill	Melancon
Cummings	Hinche y	Michaud
Dahlkemper	Hinojosa	Miller (NC)
Davis (AL)	Hirono	Miller, George
Davis (CA)	Hodes	Mollohan
Davis (IL)	Holden	Moore (KS)
Davis (TN)	Holt	Moore (WI)

ANSWERED “PRESENT”—1

Cantor

NOT VOTING—19

Barton (TX)	Levin	Sanchez, Loretta
Berman	Lofgren, Zoe	Schauer
Brown, Corrine	Miller, Gary	Schmidt
Burgess	Oberstar	Thompson (MS)
Kingston	Pallone	Westmoreland
Klein (FL)	Pascrell	
Larson (CT)	Rangel	

Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Rogers (KY)  
Rohrabacher

Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Space  
Speier  
Spratt  
Stark

Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Tierney  
Titus  
Tonko  
Towns  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Yarmuth

Wilson (SC)  
Wittman  
Barton (TX)  
Kilpatrick (MI)  
Larson (CT)  
Levin

Wolf  
Wu  
NOT VOTING—12  
Miller, Gary  
Pallone  
Pascrell  
Sanchez, Loretta  
Young (AK)  
Young (FL)  
Schauer  
Schmidt  
Thompson (MS)  
Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1427

Messrs. CARDOZA, COSTA, KIND, and NADLER of New York changed their vote from “yea” to “nay.”

Mr. HILL changed his vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, today I was unable to attend four votes due to my presence at a funeral in New Jersey. I would have voted “yes” for the following missed votes:

On the motion to table H. Res. 312, on raising a question of the privileges of the House (rollcall vote 175); on agreeing to H. Res. 305, a measure to consider H. Con. Res. 85, to set forth the congressional budget for the United States Government for fiscal year 2010 (rollcall vote 176); on agreeing to H. Res. 306, providing for consideration of H.R. 1664, to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 (rollcall vote 177); and on the motion to suspend the rules and pass the End GREED Act (rollcall vote 178).

## MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

## HONORING FOUR SLAIN OAKLAND POLICE OFFICERS

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 290, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 290.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 179]

YEAS—417

Abercrombie	Coble	Hall (NY)
Ackerman	Coffman (CO)	Hall (TX)
Aderholt	Cohen	Halvorson
Adler (NJ)	Cole	Hare
Akin	Conaway	Harman
Alexander	Connolly (VA)	Harper
Altmire	Conyers	Hastings (FL)
Andrews	Cooper	Hastings (WA)
Arcuri	Costa	Heinrich
Austria	Costello	Heller
Baca	Courtney	Hensarling
Bachmann	Crenshaw	Herger
Bachus	Crowley	Hereth Sandlin
Baird	Cuellar	Higgins
Baldwin	Culberson	Hill
Barrett (SC)	Cummings	Himes
Barrow	Dahlkemper	Hinchee
Bartlett	Davis (AL)	Hinojosa
Bean	Davis (CA)	Hirono
Becerra	Davis (IL)	Hodes
Berkley	Davis (KY)	Hoekstra
Berman	Davis (TN)	Holden
Berry	Deal (GA)	Holt
Biggert	DeFazio	Honda
Bilbray	DeGette	Hoyer
Bilirakis	Delahunt	Hunter
Bishop (GA)	DeLauro	Inglis
Bishop (NY)	Dent	Inslee
Bishop (UT)	Diaz-Balart, L.	Israel
Blackburn	Diaz-Balart, M.	Issa
Blumenauer	Dicks	Jackson (IL)
Blunt	Dingell	Jackson-Lee
Bocchieri	Doggett	(TX)
Boehner	Donnelly (IN)	Jenkins
Bonner	Doyle	Johnson (GA)
Bono Mack	Dreier	Johnson (IL)
Boozman	Driehaus	Johnson, E. B.
Boren	Duncan	Johnson, Sam
Boswell	Edwards (MD)	Jones
Boucher	Edwards (TX)	Jordan (OH)
Boustany	Ehlers	Kagen
Boyd	Ellison	Kanjorski
Brady (PA)	Ellsworth	Kaptur
Brady (TX)	Emerson	Kennedy
Braley (IA)	Engel	Kildee
Bright	Eshoo	Kilroy
Brown (GA)	Etheridge	Kind
Brown (SC)	Fallin	King (IA)
Brown, Corrine	Farr	King (NY)
Brown-Waite,	Fattah	Kingston
Ginny	Filner	Kirk
Buchanan	Flake	Kirkpatrick (AZ)
Burgess	Fleming	Kissell
Burton (IN)	Forbes	Klein (FL)
Butterfield	Fortenberry	Kline (MN)
Buyer	Foster	Kosmas
Calvert	Fox	Kratovil
Camp	Frank (MA)	Kucinich
Campbell	Franks (AZ)	Lamborn
Cantor	Frelinghuysen	Lance
Cao	Fudge	Langevin
Capito	Gallely	Larsen (WA)
Capps	Garrett (NJ)	Larson (CT)
Capuano	Gerlach	Latham
Cardoza	Giffords	Latta
Carnahan	Gingrey (GA)	Lee (CA)
Carney	Gohmert	Lee (NY)
Carson (IN)	Gonzalez	Lewis (CA)
Carter	Goodlatte	Lewis (GA)
Cassidy	Gordon (TN)	Linder
Castle	Granger	Lipinski
Castor (FL)	Graves	LoBiondo
Chaffetz	Grayson	Loehsack
Chandler	Green, Al	Lofgren, Zoe
Childers	Griffith	Lowey
Clay	Grijalva	Lucas
Cleaver	Guthrie	Luetkemeyer
Clyburn	Gutierrez	Lujan

## NAYS—196

Ackerman  
Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Bean  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Dreier  
Ehlers  
Ellsworth  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster

Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Himes  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
Kanjorski  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marshall  
Matheson  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCollum  
McCotter  
McHenry  
McHugh  
McKeon  
McMahon

McMorris  
Rodgers  
Meeks (NY)  
Mica  
Miller (FL)  
Miller (MI)  
Minnick  
Mitchell  
Moran (KS)  
Murphy, Tim  
Myrick  
Nadler (NY)  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (MI)  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schock  
Schradler  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Stearns  
Sullivan  
Tauscher  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tsongas  
Turner  
Upton  
Walden  
Wamp  
Whitfield

Lummis	Paul	Shimkus
Lungren, Daniel	Paulsen	Shuler
E.	Payne	Shuster
Lynch	Pelosi	Simpson
Mack	Pence	Sires
Maffei	Perlmutter	Skelton
Maloney	Perriello	Slaughter
Manzullo	Peters	Smith (NE)
Marchant	Peterson	Smith (NJ)
Markey (CO)	Petri	Smith (TX)
Markey (MA)	Pingree (ME)	Smith (WA)
Marshall	Pitts	Snyder
Massa	Platts	Souder
Matheson	Poe (TX)	Space
Matsui	Polis (CO)	Speier
McCarthy (CA)	Pomeroy	Spratt
McCarthy (NY)	Posey	Stark
McCaul	Price (GA)	Stearns
McClintock	Price (NC)	Stupak
McCollum	Putnam	Sullivan
McCotter	Radanovich	Sutton
McDermott	Rahall	Tanner
McGovern	Rangel	Tauscher
McHenry	Rehberg	Taylor
McHugh	Reichert	Teague
McIntyre	Reyes	Terry
McKeon	Richardson	Thompson (CA)
McMahon	Rodriguez	Thompson (PA)
McMorris	Roe (TN)	Thornberry
Rodgers	Rogers (AL)	Tiahrt
McNerney	Rogers (KY)	Tiberi
Meek (FL)	Rogers (MI)	Tierney
Meeks (NY)	Rohrabacher	Titus
Melancon	Rooney	Tonko
Mica	Ros-Lehtinen	Towns
Michaud	Roskam	Tsongas
Miller (FL)	Ross	Turner
Miller (MI)	Rothman (NJ)	Upton
Miller (NC)	Roybal-Allard	Van Hollen
Miller, George	Royce	Velázquez
Minnick	Ruppersberger	Visclosky
Mitchell	Rush	Walden
Mollohan	Ryan (OH)	Walz
Moore (KS)	Ryan (WI)	Wamp
Moore (WI)	Salazar	Wasserman
Moran (KS)	Sánchez, Linda	Schultz
Murphy (CT)	T.	Waters
Murphy, Patrick	Sarbanes	Watson
Murphy, Tim	Scalise	Watt
Murtha	Schakowsky	Waxman
Myrick	Schiff	Weiner
Nadler (NY)	Schock	Welch
Napolitano	Schrader	Wexler
Neal (MA)	Schwartz	Whitfield
Neugebauer	Scott (GA)	Wilson (OH)
Nunes	Scott (VA)	Wilson (SC)
Nye	Sensenbrenner	Wittman
Oberstar	Serrano	Wolf
Obey	Sessions	Woolsey
Olson	Sestak	Wu
Olver	Shadegg	Yarmuth
Ortiz	Shea-Porter	Young (AK)
Pastor (AZ)	Sherman	Young (FL)

## NOT VOTING—15

Barton (TX)	Levin	Sanchez, Loretta
Clarke	Miller, Gary	Schauer
Green, Gene	Moran (VA)	Schmidt
Kilpatrick (MI)	Pallone	Thompson (MS)
LaTourette	Pascarell	Westmoreland

□ 1437

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days, on H.R. 1664, to revise and extend their remarks and insert into the RECORD extraneous material thereon.

The SPEAKER pro tempore (Mr. HIMES). Is there objection to the re-

quest of the gentleman from Massachusetts?

There was no objection.

## PAY FOR PERFORMANCE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 306 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1664.

□ 1438

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Georgia (Mr. PRICE) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to begin by recognizing the two Members who are the main authors of this bill, and I will begin with 2 minutes for the gentleman from Florida (Mr. GRAYSON).

Mr. GRAYSON. Mr. Chairman, we offer H.R. 1664, the Pay for Performance Act. The Pay for Performance Act is based on two simple concepts: 1, no one has the right to get rich off taxpayer money, and 2, no one should get rich off abject failure.

The U.S. Government spent \$170 billion to stabilize AIG, and it now owns 80 percent of that company. Yet recently AIG paid more than \$165 million in bonuses to 73 employees with this taxpayer money. We should not be paying an arsonist to put out his own fire, and we should not be paying an executive to ruin his own bank.

Mr. Chairman, an economy in which a bank executive can line his own pockets by destroying his company with risky bets is an economy that will spiral downward to failure. And a government that hands out money to such executives is a government that fails to protect its own taxpayers.

H.R. 1664 is designed to allow responsible compensation to those who work for companies running on taxpayer money. The bill freezes current bonus payments for executives and employees of companies that have accepted capital investments from the TARP program until that investment capital is paid back to the government. It allows for new compensation and bonus ar-

rangements to be made, as long as they are based on performance standards and are not excessive or unreasonable. These standards must be crafted by the Treasury Secretary within 30 days and approved by the Federal Financial Institutions Examination Council.

Our job is to act on behalf of taxpayers to fix our economy, and we do so today with this bill. The restrictions in this bill apply only to financial institutions that have taken capital investments from the taxpayer, and they are commonsense restrictions. Pay cannot be excessive or unreasonable, and bonuses must be based on performance standards. If the banks want to avoid, for some reason, these commonsense restrictions, there's a very simple way for them to do so. Just pay the bailout money back to the government, and that's what the banks say they want to do. I know that taxpayers in my district will happily take it back.

The CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield the gentleman an additional 30 seconds.

Mr. GRAYSON. I asked the CEO of AIG when he came to testify before the Financial Services Committee, is it more important to protect bank executives who have lost billions of dollars and still get millions of dollars worth of pay, or to protect us? The answer to that question is now before this body, and I know which side I'm on.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 1 minute to my friend from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, the bill before the House is simply political cover for liberals who rushed their \$800 billion stimulus bill through the House, ensuring these AIG bonuses would be paid. You know, Mr. Chairman, if the Members had more than 12 hours to read this 1,100 page, \$800 billion stimulus bill, we might have been able to spot problems like this before Members were forced to vote. And in fact, Mr. Chairman, one of the Members who voted for this stimulus bill is the sponsor of the legislation before us, Mr. GRAYSON. I'd like to ask the gentleman from Florida if he would yield for a question. I will yield my time, Mr. GRAYSON. I'd like to yield to you, please, sir, for a question please, sir. Mr. GRAYSON, thank you very much. Because I would like to ask the gentleman from Florida—I thank you, Mr. GRAYSON. If I could, before I yield, very quickly, if I could, sir, would you please answer yes or no if you read the 1,100-page stimulus bill before the vote.

The CHAIR. The time of the gentleman has expired.

Mr. PRICE of Georgia. I yield the gentleman an additional minute.

Mr. CULBERSON. Did you read the bill before the vote?

□ 1445

There is your answer, Mr. Chairman.

It is, I think, a terrible injustice to the taxpayers of America that the liberal leadership of this House is jamming through \$800 billion spending bills with very few committee hearings, with less than 12-hours' notice, without the opportunity for Members to read the bill, with a majority that promised to be the most transparent, accountable and honest majority in Congress in history, underneath a President who promised that he would not sign a bill that was not laid out for at least 5 legislative days. The Member from Florida walks away from the microphone, the author of the amendment before us, who cannot even tell us if he read the bill.

American taxpayers deserve better in a time of economic crisis. When we are guardians of the Treasury, our responsibility is as trustees—to protect our children and grandchildren from financial ruin. In 60 days, Mr. Chairman, this liberal majority has spent over \$1.3 trillion, money our kids cannot afford.

The CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. Regular order.

The CHAIR. Members should address the Chair even when engaged in a colloquy.

Mr. FRANK of Massachusetts. Mr. Chairman, I will yield myself as much time as I may consume.

This is really extraordinary. What you have just heard is a denunciation of something that was done by the Congress a few weeks ago and a refusal to undo it. I have never seen people, Mr. Chairman, so attached to something they hate. This is presumably a psychological disorder which I am not equipped to diagnose.

The objection of the gentleman from Texas was that, when the recovery bill was passed, it was passed too quickly. We signed it that night. It included a provision that should not have been in there. This bill takes it out. It takes it out in a way that makes sure it will have had no effect, because it dealt with something in the past, and it is undone by this.

Speaking about being undone, my Republican colleagues were being undone by the loss of their whipping boy.

Mr. CULBERSON. Mr. Chairman, will you yield?

Mr. FRANK of Massachusetts. I will yield.

Mr. CULBERSON. Mr. Chairman, truly, all we ask is for transparency. All we ask is for time for the taxpayers and for the people of America to read the bill.

Mr. FRANK of Massachusetts. I will take back my time.

The bill under consideration is 5½ pages. I believe even the gentleman from Texas could have read it by now, and if the gentleman from Texas has not been able to read this 5½-page bill, I will talk long. Even if you read slow, you'll get it done.

The point is that this bill undoes what he is complaining about. Note the refusal to address the subject. The complaint was that the amendment in the recovery package said that bonuses in the past given by AIG or by anybody else would not be covered by the restrictions in that bill. This undoes it. This takes it away. My colleagues on the other side are kind of like kids who have had a toy bear or a blanket, and this security blanket means a lot to them. Their security blanket is being able to complain about something that happened before the break. This bill undoes what happened before the break and makes it a nullity. They at some point, Mr. Chairman, have to outgrow the security blanket.

Now, of course, here is the real problem. They do not want to vote for a bill that restricts excessive pay and unreasonable bonuses. The gentleman from Texas has now had a chance to read the bill and has a question for me about this bill.

Mr. CULBERSON. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. CULBERSON. Mr. Chairman, truly, in all sincerity, I would ask only if you as chairman would promise us that you would lay these bills out for 72 hours before the vote so that the American people could read the bill. My objection is to the 1,100-page \$800 billion stimulus which was laid out for 12 hours.

Mr. FRANK of Massachusetts. I will take back my time to say that this is the bill that came out of the Financial Services Committee, and this was not out for 72 hours. It was out for much more than 72 hours. We, in fact, marked up the bill, with amendments, in an open markup last Wednesday. We voted on it on Thursday.

Mr. CULBERSON. Thank you.

Mr. FRANK of Massachusetts. No. I'm sorry. The gentleman wants to debate a bill that was passed in February. He can have all of the Special Orders he wants in order to beat that dead horse, because it is a dead horse, Mr. Chairman. This bill that he does not want to debate the merits of, that he is probably prepared to vote against and is looking for some reason to, undoes what was done back then for the recipients of TARP funds. So that is the issue. This bill was marked up in committee. It was fully debated in committee.

Mr. CULBERSON. This bill—

Mr. FRANK of Massachusetts. I'm sorry. The gentleman has twice asked me to yield for questions.

The CHAIR. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. I have twice yielded to the gentleman for questions, which I must say, in all parliamentary decorum, to me, did not seem to substantially add to the quality of the debate, because we are on

this bill that he does not want to talk about. This bill was out. It was debated. It has been laid forth. We have amendments that will be considered to be adopted that were also made public for some time. Here is the point:

This bill addresses what Members on the other side complained about. Apparently, they regret that fact. They would rather complain than have us undo the source of their complaints, so that is why they are dealing so unhappily with this legislation.

Now let me get back to the merits of this bill. It says, if you have received capital contributions under the TARP, like AIG—AIG, by the way, was originally, of course, given money under the Bush administration, by the Bush-appointed head of the Federal Reserve and with the approval of the Bush-appointed Secretary of the Treasury. It later got TARP funds.

From the Senate, from the Senator of Connecticut, we then saw restrictions. He deserves credit for adding restrictions when no one else had pushed for them. He did not get all of the restrictions that he should have gotten, which was because of other people objecting. There was a requirement that the restrictions not be retroactive. Members complained about that. This bill fixes it. Let me emphasize again: This bill undoes the exemption of retroactive bonuses from the darned language. I don't understand why people are opposed.

Mr. CULBERSON. Would the gentleman yield?

Mr. FRANK of Massachusetts. No. Let me explain this to the gentleman from Texas. I yielded to him twice. I am not going to continue to let the gentleman from Texas evade the issue by not debating this bill. He has his own time. I am not going to waste the limited time we have to explain this bill with this kind of continued lament for the passage of a complaint.

What the bill says—and what I want to stress—is that it is only for people who get capital funds under the TARP. This does not interfere with small business lending. It does not interfere with people participating in the impaired asset program, and I can guarantee that it will not be so extended.

It says, if you get a capital contribution under the TARP bill, as long as you have that contribution, you cannot make payments that are excessive and unreasonable. You can give bonuses if they are performance-based, and it repeals what the Republicans have been complaining about.

Mr. Chairman, in closing, let me say I condole them on their loss. Their attachment to what they hated is truly impressive, but they are going to have to live with the fact that we are going to undo that and that they are now going to have to talk about what this bill does.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I do want to talk about this bill, but it is very difficult to talk about this bill without also talking about the bill that it is going to undo. What I would like to point out—and I am sorry I did not think of this sooner—is that this bill really is redundant, and if it is not political theater, then I don't understand why we have to have the words "executive or employee" in this bill. I assume that every executive is also an employee. If this bill is not written as political theater, then we would simply say "any employee" because an executive is an employee.

So I would like to ask the gentleman from Massachusetts if he would ask the Rules Committee to take a friendly amendment to take out the word "executive" because it is redundant.

I would also like to point out that, this morning, when I spoke about the sponsor of the bill and about his ambition to get this bill passed, I neglected to say that I have heard that he has told people he wants to be the first freshman to pass a bill. That is very ambitious, but I think he has found a good piece of political theater.

The CHAIR. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. Regular order.

The CHAIR. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. I thank you, Mr. Chairman.

I now recognize for 2 minutes—

Ms. FOXX. Mr. Chairman, would the gentleman yield?

The CHAIR. The gentleman from Massachusetts controls the time.

Ms. FOXX. I was hoping he would ask—

Mr. FRANK of Massachusetts. Regular order, Mr. Chairman.

The CHAIR. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. Mr. Chairman, I am going to yield myself 30 seconds to say:

Apparently, there are two alternative strategies that the minority has in discussing this bill: one, discuss a bill that was passed 6 weeks ago; two, ignore the rules of the House and just talk whenever they feel like it. Neither one seems, to me, to advance debate.

I now yield 2 minutes for serious conversation to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Mr. Chairman, I rise today in support of H.R. 1664. This is a commonsense measure to protect American taxpayers by making sure that their hard-earned dollars are used carefully and wisely in our efforts to stabilize our financial institutions. Let us be very clear about one thing: No one is happy that the TARP was necessary. We have far better uses for our

money than stabilizing the very institutions that helped drive this economy into a ditch, but into a ditch it went, and we need to pull it out.

President Bush, Secretary Paulson and this very House decided in October of last year that we would pump billions of dollars into these firms. Now, like it or not, the dollars are there. So the only question that matters is: Should we look after those dollars? Should we, as the Representatives of the American people, look after their dollars to make sure that they are used wisely? The answer to that question must be "yes."

H.R. 1664 says one thing to TARP recipients: Pay your people, but do so reasonably and according to their performance. Pay reasonably and according to performance. The bill asks the Secretary of the Treasury to develop guidelines for those things. It does not ask the 435 Members of Congress but, rather, Treasury.

I expect that compensation committees and boards of directors around this country will be very interested in those guidelines because they know that it is their job to craft reasonable, performance-based compensation for their companies and for their shareholders. They have a fiduciary obligation to their shareholders. Like it or not, the American people are now shareholders, and we, as their Representatives have a clear fiduciary obligation to the American taxpayer. We have a clear interest in aligning the interests of the employees in the banks we now own with the interests of the American taxpayers. You do that through performance-based compensation. You do that by supporting this bill that aligns pay with performance.

Mr. PRICE of Georgia. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, Mr. HIMES is leaving, and I wanted to ask him a question, but I noticed that the majority party is getting their Members off the floor as quickly as they possibly can today so that we do not have a chance to ask them any questions.

I believe that Mr. HIMES voted for the stimulus bill, and what I wanted to ask him was whether or not he had read the bill before he had voted for it, but as I said, I think they are doing a very good job of getting their Members off the floor so they can't be put on the record in any way.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise to engage Chairman FRANK in a colloquy.

First, I want to state on the record that I have, in fact, read this bill, and this colloquy is regarding this bill.

During the past few months, legitimate business travel for meetings, events and incentive programs has dra-

matically decreased across the country, especially in my district of Las Vegas. The decline is due, in part, to the state of our economy but also to the perception that Washington is seeking to limit these legitimate business practices. This negative perception has created an environment where every business in the United States is beginning to question whether or not they should hold a meeting, an event or incentive travel programs.

As you know, Mr. Chairman, every canceled meeting or event means less business for the hotels, conference centers, restaurants, and small companies across the country that cater to business travelers. Hardworking, middle-class Americans like those in my district—and I have 10½ percent unemployment, not the CEOs—are the people who ultimately pay the price if companies continue to cancel business meetings and incentive travel.

I would like to clarify with the chairman that nothing in this bill or in the amendments to be offered today would discourage or limit the use of meetings, events and incentive travel organized by a company to serve legitimate business purposes. Is that the chairman's understanding?

I yield to the chairman.

Mr. FRANK of Massachusetts. Yes.

This bill deals only with compensation, not with travel. The gentleman referred to incentive travel. Any incentives that were performance-based would be fully allowed. If by selling a certain number of things you earned a trip, that would be allowed. So it specifically does not deal with travel for the business. It would allow performance-based incentives for this or for any other purpose.

□ 1500

Ms. BERKLEY. I thank the gentleman for clarifying the legislation and the language.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 5 minutes to the deputy ranking member of the Financial Services Committee, the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, I guess we could call this a Big Government week because we're going to roll out a big budget, it has big deficits, increases our national deficit to a larger number, going to bring out big tax increases.

But you know, a lot of discussion has been had about all of the things that the Federal Government's involving themselves in. And the word "outrage" keeps coming up. And many of us were outraged about the level of the bonuses that we found out were being paid at AIG. I think what—more than an outrage about bonuses I think the American people are outraged at the level of money that's being invested of their hard-earned taxpayer money into these entities. We find out that now the

American people are investors in banks, insurance companies, probably soon to be in the automobile business; and in fact, you're going to get an extended warranty from the United States Government. And what people are wondering and are outraged about is, when does this Big Government, Big Brother, when is the end of this train?

One of the concerns that I have is that we now have—people were outraged about GSEs, and now we have TSEs, and that's taxpayer-supported entities. And people that used to get outraged in this body because we were trying to listen in on foreign enemies, worried about their individual rights—and now we have no problem, though, for the United States Government to start determining what is reasonable compensation in this country.

Am I outraged about the bonuses? I am more outraged that we would relegate to government and to government employees for them to sit down and determine whether that is a reasonable compensation. People say, Well, this is only foreign entities that we've invested capital into. But, you know, that's always the way policy gets started in this country. It starts off with a little bit of a foot in the door and pretty soon, the gorilla is completely in the room.

So down the road, if I am a small businessman and I have an SBA loan, for example, I am wondering if at some point in time the SBA calls up and says, You know what? You're taking too big a salary out of your company so we're going to set a reasonable set salary for you. What does that do to entrepreneurialism in this country? What about people that are participating in other government programs? Is the government then going to start saying, Well, we've looked and we know that you have got a contract. So you're one of the small business contractors that has a government contract. And, you know, we've looked at your IRS records and you're making a lot of money off of that contract. We think maybe we ought to renegotiate that contract because you're making too much money.

Now, that sounds farfetched, but I would guarantee you if we were to roll back this conversation a year ago and you would tell the American people that they are going to own banks, they are going to own insurance companies, that they are going to own automobile companies, that they are going to have over \$5 or \$6 trillion of their money committed to these entities, people would have laughed about it. But this is really no laughing matter, Mr. Chairman. This is serious.

This government, this country was founded on the principles of individualism, empowerment and not for government to be big. In fact, there are tea parties occurring all across this country because people are outraged

about this. The same outrage that over 230, 240 years ago people were outraged at how the King was treating the colonists in this land called America. And they were tired of the King telling them what they could do, how much money they could make, and who was privileged and who was not privileged. And yet we're now starting down that same trail with this bill today.

What should have happened here is that we should have taken a reasonable amount of time to determine how this money was going to be distributed, term sheets should have been put together if we're going to invest American taxpayers' money, we ought to know exactly what that money is going to be used for, how it's going to be used. If we want to limit salaries, you do that before you pass out the money.

But that is all really a smokescreen. What the conversation and debate in all of this time that we ought to be using today is we ought to be talking about how are we going to get the American taxpayers' money back. People want to focus on the bonuses, and they messed up, they cut a deal with the White House in the middle of the night, had people put things in the bill to cover them so that they didn't have to lose face. You know, the \$170 million in bonuses is a big deal, but let me tell you what a big deal is \$170 billion in money that we invested in AIG.

Mr. Chairman, let's return America back to the American people. Let's not infringe upon their rights, let's not start down the road where government starts telling us how much money we can make, what we will do with our money. And I urge the people to vote against this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

This is really an interesting debate we're having within the Republican Party.

The first speakers were critical of the bill which passed in the recovery bill because it limited Senator DODD's restrictions on compensation and said they wouldn't apply retroactively. As I said, it was Senator DODD who initiated the notion of further restrictions. And many of the Republicans were upset that it didn't go far enough.

But now we have the deputy leader of the Republican side objecting that we're going too far, directly contrary to the complaints that we didn't apply these retroactively, he's upset that we applied them at all. And he says it's an interference with free enterprise.

Let's stress again. And I do know, he did say this is a revolt against King George in effect. And it is. King George Bush. Because we are dealing here with a program initiated under the Bush administration. We are dealing here when we talk about AIG with a grant of funds that came without any congressional input with the approval of the Bush administration.

We did, some of us, raise the compensation issue last fall. Yes, we did. We said that if you're going to take government money, you accept some compensation restrictions. The gentleman from Texas—and I do note that he's left the floor. I think the gentleman from Texas is entitled to leave the floor. I don't think having made a speech you have to sit here and listen to some of the other speeches. I have to because I am the manager of the bill. I wish I didn't have to listen to some of these speeches, particularly the repetitive ones about the bill 6 weeks ago. But since commenting on people leaving the floor is in vogue, I thought I would become fashionable at least in this regard.

But here's the point. We say if you receive TARP funds capital infusion, you accept some restrictions. That is no more an interference with free enterprise than any other contracting rule the Federal Government has. And as to the gentleman from Texas's suggestion, he said, Oh, but this isn't the problem. The problem is where it will go.

Now, Mr. Chairman, I have observed that when people are opposed to something but don't have confidence in the persuasive quality of the arguments on the particular issue, they migrate to what would happen if it was applied in a wholly different context. It will not be applied in a wholly different context.

I speak for myself and the majority leader, Mr. HOYER. This bill is confined to people who take a capital infusion under the TARP. It will not be extended to any other participant in the impaired asset program, in the small business lending program, in the higher education lending program. I would not, as chairman, convene a meeting for such a bill. The majority leader would not bring one to the floor. Again, there is zero chance of that happening.

But when Members complain about something that might happen that won't happen, it is because they are against what is happening but don't have the confidence that if they said it, people would believe it.

Let's go back to what this bill does. It undoes the restriction on retroactivity that had been a cause of such outrage among the Republicans, and I repeat again. They appear to have become so attached to their outrage that they are even more outraged that they won't be able to be outraged any more.

Secondly, we say that if you receive a capital infusion under the TARP program and only a capital infusion, you may not make salary payments that are excessive or unreasonable and you can give bonuses as long as they are performance-based, such as in restricted stock or in other ways.

I await Members on the other side—because a number of them have spoken,



but not one of them has objected to the bill on its merits. The gentleman from Texas said, Well, if you took this principle and went further, it would be a problem. The other Members said, Isn't it too bad we did something 6 weeks ago that we're now undoing? I have yet to hear an argument against this bill.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield to the gentleman from Alabama (Mr. BACHUS) such time as he may consume.

Mr. BACHUS. Mr. Chairman, every day brings news of a new government program, a new government intervention, a new government mandate, or a new government tax. Most of them share the same thing: they are large.

This bill claims to be about executive compensation. But what it really is is just another step expanding the size, the involvement—and more importantly—the control of the Federal Government into not only the private sector but into all aspects of our lives.

That's our concern. Yes, it's about this bill. But, yes, Mr. Chairman, it is about much more than this bill. You're right about that.

Sometimes the expansion is subtle, as in the case of this bill. Sometimes it's more direct, more obvious, like the budget that we will vote on as soon as tomorrow. We are witnessing in light speed in just the past few months—and then the budget will pass in the next few years as it goes into effect—a relentless and massive expansion of the Federal Government. And I, for one, Mr. Chairman, am concerned. Outraged? I would say "fear" and "concern" are better. But I do believe that as the years go by and we look back on what we've done and what we will do in this next year, I believe the American people will be outraged.

As a Member, I took an oath to uphold the principles of the Constitution which intentionally and specifically limited the power of the central government. Would our forefathers have ever considered giving the government a say on how much a private citizen earned, the so-called say-on-pay? In reading both the Constitution and the Federalist Papers, it clearly appears they would not.

I think most Americans believe our Founding Fathers had it right. I applaud the chairman's honesty. For years, he has advocated a government role in limiting the amount of salaries.

Later tonight, we will consider a budget. As we have said repeatedly—and we are going to say again today—it spends too much, it taxes too much, and it borrows too much. It expands the government control on a scale that we've not seen before, not even in the New Deal. It spends more money in this administration than was spent from the time of George Washington to George Bush. The majority criticized Bush for the deficits, and now they will

double and triple them in the next 10 years under their proposal.

The scope and reach of this legislation is breathtaking. If you had told me a month ago—and I will recognize the chairman. I will yield to him in a minute when I get to the particulars on this bill.

If you had told me a month ago that Congress wanted to increase the tax burden on charitable contributions, I would have said it's an April Fool's joke. But the fact is that if donations to charities go down, the government will say it has to step in. But there will be a big difference. The government will be choosing what it wants to support and how. It can support groups like ACORN instead of my local church or local charity. Instead of allowing people to support their own causes and make their own choices about their charitable contributions, the government will expand into what will obviously and clearly be a restriction on private charities as their funds are restricted.

□ 1515

Unfortunately, it wasn't an April Fool's Day joke, and that's what is being proposed this very week, restricting private contribution, and there's a pattern developing here.

Just this week, we saw a government mandate to change the management of General Motors. Regardless of what you think about the performance of the CEO—and I don't think it was good. I, for one, do not defend his stewardship. But do we want the Federal Government making such far-ranging decisions on hiring and firing and setting salaries and job descriptions for everyone from the manager to the receptionist?

This is all about government control, government command and control, running an economy, not according to free enterprise principles, which many of my Democratic colleagues admittedly and honestly don't agree with. It is about making business decisions based not on competitiveness but based on social goals.

Does anyone really believe that a government that is about to add \$10 trillion to our debt, to our children and our grandchildren, has any expertise at all in telling the private sector how to turn a profit?

During the campaign, President Obama said, "So if somebody wants to build a coal-powered plant, they can. It's just that it will bankrupt them because they're going to be charged such a huge sum for all the greenhouse gas that's being emitted."

Later today, we will take a step down that road with cap-and-trade. We're going to raise every American's utility bill if that utility is fired by coal.

We hear the government will require the automobile makers to produce green cars. No one argues with the idea

of cleaner-burning cars, but maybe someone should ask consumers whether they can afford to spend several thousand dollars more to buy them or whether such a policy will end the need for taxpayer support. I think not. I think it will make General Motors less profitable, and the taxpayer investment will certainly be at risk.

This is the problem with government getting involved in the management of business. Decisions will be based on the government's political agenda and not sound economics. There will be no limits to how far this can go and will go.

Will the government start telling companies we'd like to review your advertising to see if you're sending the right message or spending too much? Will the government tell drug companies, who market similar products, we think there's too much competition, maybe you should combine products or merge to make prices cheaper? Now, you don't have to do that, but if you do business with the government, you do. Some believe less competition leads to lower prices. I don't think this is the case at all.

Now, the legislation before us today, it gives the Treasury Secretary and a board, all unelected, headed by a Harvard professor, wide discretion to formulate performance-based compensation standards for hundreds of banks across America. Who does the legislation apply to? Let me read the legislation: Compensation payment to any executive or employee under any existing compensation arrangement.

Any executive or employee? Line 23 on page 2, Mr. Chairman. Every employee. There is nothing in this legislation to prevent the Secretary from deciding that one measure of performance is where the loan officers are approving loans to favored constituencies that the administration may believe are entitled to a loan or to credit. That was precisely the type of government allocation of capital and decisions that helped lead us into the housing bubble and the collapse of Freddie and Fannie, at a cost of hundreds of billions of taxpayer money.

In 1999, I introduced into the RECORD on this House floor the article from the New York Times, not a friend of the minority, which said, first, the government directed that you would make home loans to people with poor credit, and then it went further and said not only with poor credit but without a down payment. Part of the reason we're here today is because the government did that. There's no question that we need more performance-based pay decisions, but the government deciding and judging the performance of employees and private companies? The Secretary of the Treasury deciding whether an employee is performing? I think not.

The answer is not a dramatic expansion of government control. That

hasn't worked in any country. It didn't work in Russia. It didn't work in China. It's not working in North Korea, and it's not working in Cuba.

The American economy has always attracted entrepreneurs and business investment because it has been free of the political risk present in developing and socialist countries. We have attracted investment and have maintained a strong currency because of the belief in foreign investors, whom we depend on and must have to support not only this economy but the spending that is proposed. In fact, more than half the borrowing going forward for this new budget will have to be borrowed from citizens in just three foreign countries. Without those assumptions, the budget doesn't work. Without the assumptions, there's more deficits. Without those assumptions, without that foreign investment, we default on our obligation.

As I say, we have attracted investment and a belief that we in America are productive, specifically because of the belief that our government does not take arbitrary and punitive actions to negatively affect business operations. It doesn't break contracts, it doesn't confiscate property, and it doesn't set salaries.

Let me close by saying I honestly fear, Mr. Chairman, that this bill and the overall thrust of what we are hearing from this administration is tilting that delicate balance. The implications for our competitiveness as a country, our economy, and the prosperity of our citizens and their freedoms are disturbing.

In the end, America has succeeded by putting its faith not in government but in the people. That's what the Constitution is all about, and I, for one, will always trust the people and always distrust the government. I make no apology for that. The solution is not this bill. What we need is a strategy to get the government out of the bailout business, out of the taxpayer bailout business, with no further intrusions into what should have been and needs to be and will need to be in the future, private decisions.

Mr. Chairman, you and I can come to an agreement, and that agreement can be no further government bailout. That is the only way to avoid more government interference, more government control, and ultimately, the loss of not only our freedom but our prosperity. I appreciate the honest differences here, but I accept fully your statement that we on this side are outraged. We're fearful, we're concerned, and we become more so every day.

Mr. FRANK of Massachusetts. How much time remains on each side?

The CHAIR. The gentleman from Massachusetts has 14 minutes remaining. The gentleman from Georgia has 6½ minutes remaining.

Mr. FRANK of Massachusetts. I yield myself such time as I may consume.

I heard the gentleman from Alabama say that we should not get into this business of fixing compensation. Someone claiming to be the gentleman from Alabama last year voted for legislation which included the following. It was the rescue plan. The gentleman voted for it when it passed.

On page 12 of that bill, there's a heading, section 111, "Executive Compensation and Corporate Governance." The gentleman from Alabama voted for this. So did the rest of the Republican leadership. They did it at the request of President Bush and of Secretary Paulson and of Chairman Bernanke, not heretofore known for their socialism. But the gentleman from Alabama voted for exactly what he now decries.

It is a grant of authority to the Secretary of the Treasury to require—I'm now quoting. He shall require that the financial institution meet appropriate standards for executive compensation and corporate governance. It goes beyond much of this bill, corporate governance. The standard shall be effective for the duration of the period that the Secretary holds an equity or debt position in the financial institution. So the gentleman voted for this when the Republicans were in power. Circumstances apparently change opinions.

In fact, there's also this great inconsistency. For a month now, the Republicans have been complaining that in the recovery bill we adopted a provision as the Congress which limited the reach of the government's intervention into compensation. That was the part about retroactivity. This undoes that limitation. So, in the name of limiting government, the gentleman denounces the bill that would undue the limitation that his party has been denouncing. There is a fundamental gap that can only be explained, it seems to me, by something other than the merits.

Given what the gentleman from Alabama said—we've got to get the government out of this—why was he then opposed, if he was, to the language that limited its retroactive application? In fact, if you believe that one of the big arguments is that we changed the rules after the fact, he should have been for that limitation.

The arguments about free enterprise and not understanding the principles are just nonsense, Mr. Chairman. We're not debating free enterprise. We're debating how best to make it work.

I think Franklin Roosevelt helped save free enterprise. I think rules help save free enterprise. I think when Secretary Paulson in the Bush administration called for more regulation of credit default swaps and collateralized debt obligations, we'll probably be getting an announcement that they will be opposed to that, because that's what we are going to be going forward trying to do.

Yes, the government does have a role in this, but to return to this bill, which

the gentleman only briefly discussed, it does do what the gentleman voted for last fall, and by the way, the argument that the government was responsible—the gentleman said in 1999 this started. I was not going to refer to the history, but from 1995 through 2006, Members of the Republican Party controlled this Chamber, and they controlled it tightly. If, in 1999, the gentleman from Alabama, as a member of the Republican majority on the Financial Services Committee thought there was a problem, they should have done something about it.

The gentleman from Alabama was, for a time later on, the chairman of the Financial Institutions Subcommittee, which had jurisdiction over lending standards. Some of us wanted to pass a bill to limit abuse of subprime lending. Yes, that happened, Mr. Chairman, in the House. It happened in 2007, after we became the majority, and let me say now I think we still have the potential for the bad loans to be made.

When this House returns after the April break, we will have in committee arguments on the floor legislation that will stop precisely the kind of loans that the gentleman from Alabama decried, and I await with interest what the votes will be.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, we have no more speakers on this side, so until the chairman is ready to close, I will reserve.

Mr. FRANK of Massachusetts. I yield 4 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. This bill does three things. First, it requires the issuance of regulations defining excessive and unreasonable compensation and applies them only to those who are holding our capital. As the Chairman pointed out, similar legislation is already law and was voted in favor of by the Republican leadership.

□ 1530

The bill we passed in October of last year specifically required the Treasury to issue appropriate standards for executive compensation—not for every company in America, but for those that are holding our money. Clearly, this new language will provide additional impetus for Treasury to issue appropriate regulations.

There are other things the bill does. First, it deals with excessive bonuses and the provision that Senator DODD is now famous for having added to the recovery legislation.

As I think every Member of this House knows, Senator DODD had a provision that he added—and he was prevailed upon to cause his provision not to apply to preexisting contracts.

Since then, those on the other side of the aisle have done two things that strike me as inconsistent. They have denounced Senator DODD's amendment

and the philosophy behind it, and they have denounced the fact that it doesn't apply retroactively to preexisting contracts. This is like announcing that you detest the taste of broccoli and complaining that you didn't get a double helping. It makes no sense except for those who simply want to find something to denounce.

This bill eliminates the exception that Senator DODD has been so viciously criticized for by the other party. If you vote against this bill, then you are embracing the very exception that many of you have been vilifying.

Third, this bill has a disclosure provision that I authored. It says that companies that are holding our TARP money must disclose how many of their employees are getting a total compensation package of over \$5 million; how many have a total compensation package of over \$3 million; how many over \$1 million. Why? Because if the American people are putting up the money, they have a right to know.

Now the self-styled "defenders of capitalism" say that we've got to protect these companies from the influence of the taxpayer. How is capitalism actually supposed to work? Those who provide the capital and take the risk are supposed to have some control. That's real capitalism. The taxpayers are taking the risk with these companies. We hope to get our money back. As soon as we do, the companies can operate as they will.

Instead, we're told that we need a kind of cancerous capitalism—a system that works like this: Socialism for the risks, capitalism for the rewards.

I don't think Adam Smith would have voted for the TARP bill. The gentleman from Alabama did. I voted against it. But I do think that economist Adam Smith—not our colleague from Washington—would vote "yes" on this bill because those who provide the capital should control—or have at least some control—of the enterprise. And that includes some control over compensation.

To say instead that firms should take our money but not listen to our ideas on how it should be used, that isn't capitalism. That is socialism for the rich.

Mr. FRANK of Massachusetts. How much time do I have remaining, Mr. Chairman?

The CHAIR. The gentleman from Massachusetts has 6½ minutes remaining. The gentleman from Georgia has 6½ minutes remaining.

Mr. FRANK of Massachusetts. I will be the closing speaker so the gentleman may proceed.

The CHAIR. The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Thank you, Mr. Chairman.

It's been an interesting discussion, there's no doubt about it. We've talked

about executive compensation, we've talked about a problem that arose—a specific problem that arose when Senator DODD put that language in the bill in the middle of the night—in the spending bill.

The interesting thing about it, Mr. Chairman, is that the bill to remove that language is 11 lines long. It's just 11 lines long. It's not 6 pages long.

So if we were to do what some in this body on the other side say—the only thing we're here to do, which is to remove that language—it would be H.R. 1673 from Mr. LUNGREN. That's the bill that would remove the 11 lines that make it so that that backroom deal for AIG executives would be stricken.

So I think it's important that we appreciate what's going on. I appreciate the comments from the gentleman from California, who did indeed, I think appropriately, describe what was in the bill. It's important that our colleagues look at this bill. It's not too long. Six pages. We can indeed read it. I hope some of my colleagues will read it.

The title of the bill: To amend executive compensation and to prohibit unreasonable and excessive compensation and compensation not based on performance standards.

When you read the bill and get to who's going to define all that, which is really the question, Mr. Chairman—who's going to define that. Usually, we think that in a market economy, in the United States economy, in the economy that has allowed more success and more opportunity for more individuals than any nation in the history of mankind, that the way that we define compensation and performance in the market is in the private market, not in the government.

So on page 3 it says that no payment would be able to provide for compensation that is unreasonable or excessive as defined in standards established by the Secretary. The Secretary of the Treasury is going to tell us what is unreasonable and what is quality performance.

Well, the Secretary of the Treasury, let's look at his biography, Mr. Chairman. Oh, my goodness. He's the ninth president and chief executive officer of the Federal Reserve Bank of New York, which began when he began his service there in 2003. It's a wonderful job. But what experience does he have in setting compensation? In fact, what experience does the government have in setting compensation?

He first joined the Department of the Treasury in 1988. Let me think a moment, Mr. Chairman. That means 21 years of service for the Department of the Treasury or in the Federal Government. Well, that's wonderful, and he's to be commended for it, but what experience does he have and why would the Nation want him to be deciding what compensation and performance standards are for this Nation?

Maybe it was in his education. He went to Dartmouth College, bachelor's degree in government and Asian studies in 1983. Wonderful institution. Great study. Master's in international economics and East Asian studies in 1985.

Mr. Chairman, not to slight the Secretary of the Treasury, but the American people do not believe that the Secretary of the Treasury ought to be setting compensation limits for anybody.

Why? Why does all this feel so strange? It's because we're in a political economy. We're no longer in the market economy that the American people know and love and embrace.

What does a political economy look like? Well, the gentleman from California described it. He said, Because of the disclosure provisions, the American people, who are putting up the money, have a right to know. Well, sure they have a right to know. But that's not what a market economy is.

He says that the people have a right to know and set the limits because this is capitalism. No. Capitalism was bastardized a year or more ago when we started down this road that, Mr. Chairman, I opposed every step of the way. Because we pointed out then this is where we'd get. We would get to be debating on the floor of this House what kind of compensation members in the private sector ought to have.

Well, Mr. Chairman, that's a dangerous place to be. It's a dangerous place to be because it leads Presidents to thinking that they can remove CEOs from private companies. That's where it leads to. It leads Members of Congress to believe that they can call on the Treasury Department to get money out of previous bills that have been passed in Congress even though the institution in their district doesn't qualify under the rules that have been provided.

Mr. Chairman, it's a dangerous place to be. And it violates the Constitution. I know it's a quaint document, Mr. Chairman. We don't think about it much anymore. But article I, section 9 says, "No bill of attainder or ex post facto law shall be passed." Mr. Chairman, this bill is each. It is each.

Mr. Chairman, this is a bad step. It's a bad and a dangerous step for this Congress. It adds to the dangerous and reckless—and reckless—policies of this administration that the American people recognize as not being consistent with American fundamental principles—the market principles that have made this Nation the greatest Nation in the history of mankind.

Mr. Chairman, I urge my colleagues to recognize this bill for what it is, and that is a bill that this Congress ought not adopt.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. I yield myself the remaining time, first to say that this dangerous step was of course

taken—if you think it's a dangerous step—last fall, when, with the support of the Republican leader and the Republican whip and the ranking Republican on the committee, Congress passed a bill which had a section on executive compensation and corporate governance.

This one called on the Secretary to set appropriate standards. Frankly, excessive and unreasonable is a tighter limitation. Unlike this one, it isn't just the Secretary of the Treasury—it is the Secretary of the Treasury, in accordance with, and has to get the approval of the head of the FDIC, Ms. Bair, the Comptroller of the Currency. Yes, there's a consultation with the head of the oversight board. She has no vote on it. The votes are from the regulators.

Let's stress again—this only applies, this bill, to people who voluntarily keep capital infusions from the Federal Government. If they don't like it, they can return the money. That's what an assault on free enterprise is.

The ranking Republican said before that anybody who does business with the Federal Government might be subjected to that. No, that's not remotely true. It certainly isn't true in the bill.

The bill explicitly says that if you do business with one of the covered entities, you're not covered by this. It explicitly says that.

Not being able to argue against this bill on the merits, they then say, Well, what happened if it was applied 16 different other ways? I don't think it should be. I didn't know it won't be.

Again, when people argue against what is not in the bill, but what might come, it's because they have no confidence in their arguments against the bill.

We did adopt, with a majority of Senate Republicans, the leadership—not quite a majority—but the leadership of House Republicans on these issues, President George Bush—we've already adopted rules that say, quite sensibly, if you take the Federal money, there are some restrictions. And if you don't like it, give the money back.

Now the gentleman from Georgia said, Oh, but the bill goes too far because it doesn't just repeal what we did. And he talked about the Lungren bill. I hadn't heard about the Lungren bill. The reason is that the Lungren Republican bill was introduced after we had made clear what we were going to do on Monday, 2 days before we marked up the bill. It was not called to my attention. No member of the Republicans on the Financial Services Committee said, Let's just do it this way.

We had an open markup. The Lungren bill could have been offered as an amendment by any Republican member of the committee. They did not do it. If they forgot, Mr. LUNGREN himself could have come to the Rules Committee and asked that it be made in order as amendment. They did not do it.

They quietly introduced a bill, made sure that no one noticed it; called it to no one's attention; deliberately refrained from offering it as an amendment at an open markup, when they could have; deliberately refrained from going to Rules Committee and asking that it be made in order; and now they're complaining that it wasn't adopted.

The fact is this: The Republicans regret losing the provision that was added mistakenly, in my judgment, in the hurried deliberations, hurried conclusion on the recovery bill.

The gentleman from California mentioned this. The Senator from Connecticut offered restrictions. The Members on the other side baffle me sometimes—sometimes more than others. They are critical of restrictions. The gentleman from Connecticut offered restrictions on compensation. Presumably, they would denounce him for that. But as the gentleman from California pointed out, they are objecting to offering restrictions, and then they're objecting because somebody persuaded him the restriction shouldn't be so restrictive.

Now we also have in here a provision that this will lead people to give back TARP money. At an earlier stage, before I think they reconsidered the total inconsistency of it, some of the Republicans said, Oh, this is a problem because it will give back TARP money. Of course, these are the same people who said they wished there was no TARP.

So, first they don't want restrictions, then they complain because the restrictions are not made retroactive, then they complain when we take away the provision that restrictions wouldn't be retroactive. First they say they don't want any TARP at all, then they worry there will be a smaller TARP because people will give the money back.

Here is the essential element of this bill. Apparently, my Republican colleagues do not want to say to the largest financial institutions that—and we're going to adopt an amendment, I hope, that limits this to the larger institutions because the community banks have been unfairly tarred by this. They didn't make the mistakes that led us here. They weren't part of the Republican majority from 1995 to 2006 that passed no legislation on Fannie Mae and Freddie Mac, that passed no regulation on subprime lending, that did nothing about any of the abuses in other areas, all of which we tried to correct when we came to power in 2007.

□ 1545

But what we have is a bill that says if you get capital infusions of \$250 million or more from the Federal Government and you decide to keep that money, then you should not make pay-

ments that are excessive or unreasonable.

People said, what is that? Well, you know when you are running a company, you try to hold your expenses down to the least possible. You pay your employees, frankly, as little as you can get and still have them work. But there has been an exception to that at the top levels. We do say retention bonuses are a mistake, where people say, I have the secret to the formula and if you don't bribe me, I'm going to quit. We are saying, No, don't give into that. Give them performance bonuses, as you can do.

So these are the issues, two pieces of this bill: Do we undo the restriction on retroactivity that was in the recovery bill that has been so denounced, and then do they lose their major source of ability to denounce? And, do you say to a bank that has taken more than \$250 million in Federal funds: For as long as you voluntarily decide to keep that money, do not make bonus payments that are not performance-based and do not make excessive and unreasonable payments?

Members have invoked the American people. I do not think the American people stand wholly behind the proposition that people should be able to keep the Federal money, not voluntarily return it, and then disregard any rules about who gets what.

I do believe it is possible for institutions to use performance bonuses and to make payments that are not excessive or unreasonable, that will go, as the gentleman from California has pointed out on many cases, into the millions of dollars a year to some of the top people. These will be people who will be very well paid, people who will be much better paid, I guarantee you, than the auto workers who have borne the brunt of the Republican decision that it is okay to restrict.

By the way, where were my colleagues who want free enterprise and no interference with wages when the Senator from Tennessee, Mr. CORKER, was trying to drive down the wages of auto workers, American auto workers, and saying that the American auto workers shouldn't get the wages that are paid by the American companies?

There is every argument being given here. But what I do not understand, as I listen to these inconsistent arguments that have no weight, what is it about saying that if you take Federal money voluntarily, you can't make excessive payments that troubles them?

Mr. VAN HOLLEN. Mr. Chair, I rise in support of H.R. 1664, the Pay for Performance Act.

I'm honored today to join my colleagues in supporting the Pay for Performance Act, a measure designed to ensure that taxpayers' dollars are used wisely to protect our financial institutions, and I want to applaud the work done on this issue by Representatives GRAYSON and HIMES. The recently disclosed AIG

bonuses highlight the potential for abuses of the public trust by companies rewarding employees with excessive compensation—all on the taxpayer dime. This legislation will ensure that companies receiving TARP funds tie pay to performance. I am particularly pleased that this bill includes a provision I authored requiring full disclosure of compensation and perks for the family members of employees working for these companies.

Mr. CANTOR. Mr. Chair, my wife currently receives compensation from a financial institution that would be covered by the provisions of H.R. 1664. I have determined that this constitutes a direct personal and pecuniary interest under clause 1 of Rule III of the Rules of the House and thus I will be answering "present" on any question related to H.R. 1664 put to the House or to the Committee of the Whole House.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1664

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# **SECTION 1. PROHIBITION ON CERTAIN COMPENSATION.**

(a) **PROHIBITION ON CERTAIN COMPENSATION NOT BASED ON PERFORMANCE STANDARDS.**—Section 111 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221) is amended by redesignating subsections (e) through (h) as subsections (f) through (i), and inserting after subsection (d) the following:

“(e) **PROHIBITION ON CERTAIN COMPENSATION NOT BASED ON PERFORMANCE STANDARDS.**—

“(1) **PROHIBITION.**—No financial institution that has received or receives a direct capital investment under the Troubled Assets Relief Program under this title, or with respect to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or a Federal home loan bank, under the amendments made by section 1117 of the Housing and Economic Recovery Act of 2008, may, while that capital investment remains outstanding, make a compensation payment, other than a longevity bonus or a payment in the form of restricted stock, to any executive or employee under any existing compensation arrangement, or enter into a new compensation payment arrangement, if such compensation payment or compensation payment arrangement—

“(A) provides for compensation that is unreasonable or excessive, as defined in standards established by the Secretary, in consultation with the Chairperson of the Congressional Oversight Panel established under section 125, in accordance with paragraph (2); or

“(B) includes any bonus or other supplemental payment that is not directly based on performance-based measures set forth in standards established by the Secretary in accordance with paragraph (2).

Provided that, nothing in this paragraph applies to an institution that did business with a recipient of a direct capital investment under the TARP.

“(2) **STANDARDS.**—Not later than 30 days after the date of enactment of this subsection, the Secretary, with the approval of the agencies

that are members of the Federal Financial Institutions Examination Council, and in consultation with the Chairperson of the Congressional Oversight Panel established under section 125, shall establish the following:

“(A) **UNREASONABLE AND EXCESSIVE COMPENSATION STANDARDS.**—Standards that define ‘unreasonable or excessive’ for purposes of subparagraph (1)(A).

“(B) **PERFORMANCE-BASED STANDARDS.**—Standards for performance-based measures that a financial institution must apply when determining whether it may provide a bonus or retention payment under paragraph (1)(B). Such performance measures shall include—

“(i) the stability of the financial institution and its ability to repay or begin repaying the United States for any capital investment received under this title;

“(ii) the performance of the individual executive or employee to whom the payment relates;

“(iii) adherence by executives and employees to appropriate risk management requirements; and

“(iv) other standards which provide greater accountability to shareholders and taxpayers.

“(3) **REPORTING REQUIREMENT.**—

“(A) **IN GENERAL.**—Any financial institution that is subject to the requirements of paragraph (1) shall, not later than 90 days after the date of enactment of this subsection and annually on March 31 each year thereafter, transmit to the Secretary, who shall make a report which states how many persons (officers, directors, and employees) received or will receive total compensation in that fiscal year in each of the following amounts:

“(i) over \$500,000;

“(ii) over \$1,000,000;

“(iii) over \$2,000,000;

“(iv) over \$3,000,000; and

“(v) over \$5,000,000.

The report shall distinguish amounts the institution considers to be a bonus and the reason for such distinction. The name or identity of persons receiving compensation in such amounts shall not be required in such reports. The Secretary shall make such reports available on the Internet. Any financial institution subject to this paragraph shall issue a retrospective annual report for 2008 and both a prospective and retrospective annual report for each subsequent calendar year until such institution ceases to be subject to this paragraph.

“(B) **TOTAL COMPENSATION DEFINED.**—For purposes of this paragraph, the term ‘total compensation’ includes all cash payments (including without limitation salary, bonus, retention payments), all transfers of property, stock options, sales of stock, and all contributions by the company (or its affiliates) for that person’s benefit.”.

(b) **REVISION TO RULE OF CONSTRUCTION.**—Section 111(b)(3)(D)(iii) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(b)(3)(D)(iii)) is amended by inserting before the period the following: “, except that an entity subject to subsection (e) may not, while a capital investment described in that subsection remains outstanding, pay a bonus or other supplemental payment that is otherwise prohibited by clause (i) without regard to when the arrangement to pay such a bonus was entered into”.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–71. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by

the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–71.

Mr. FRANK of Massachusetts. I rise to offer that amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

In subsection (e)(1) of the matter proposed to be inserted by section 1(a) of the bill, in the matter following subparagraph (B), strike “nothing in this paragraph” and all that follows through “under the TARP” and insert “an institution shall not become subject to the requirements of this paragraph as a result of doing business with a recipient of a direct capital investment under the TARP or under the amendments made by the Housing and Economic Recovery Act of 2008”.

In subsection (e) of the matter proposed to be inserted by section 1(a) of the bill, redesignate paragraph (3) as paragraph (4) and insert after paragraph (2) the following:

“(3) **CLARIFICATION RELATING TO SEVERANCE PAY.**—For purposes of this subsection, a compensation payment or compensation payment arrangement shall not include a severance payment paid by an employer in the ordinary course of business to an employee who has been employed by the employer for a minimum of 5 years upon dismissal of that employee, unless such severance payment is in an amount greater than the annual salary of such employee or \$250,000.”.

In the matter proposed to be inserted by section 1(a) of the bill, in subsection (e)(4)(B) (as redesignated by the previous amendment), insert before the period the following: “or for the benefit of that person’s immediate family members”.

At the end of the bill, insert the following new section:

## **SEC. 2. EXECUTIVE COMPENSATION COMMISSION.**

Section 111 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221), as amended by section 1, is further amended by adding at the end the following new subsection:

“(j) **EXECUTIVE COMPENSATION COMMISSION.**—

“(1) **ESTABLISHMENT.**—There is hereby established a commission to be known as the ‘Commission on Executive Compensation’ (hereinafter in this subsection referred to as the ‘Commission’).

“(2) **DUTIES.**—

“(A) **STUDY REQUIRED.**—The Commission shall conduct a study of the executive compensation system for recipients of a direct capital investment under the TARP. In conducting such study, the Commission shall examine—

“(i) how closely executive pay is currently linked to company performance;

“(ii) how closely executive pay has been linked to company performance in the past;

“(iii) how executive pay can be more closely linked to company performance in the future;

“(iv) the factors influencing executive pay; and—

“(v) how current executive pay incentives affect executive behavior.”.

“(B) CONSIDERATION OF PROPOSALS.—The Commission shall consider, in addition to any recommendations made by members of the Commission or outside advisers, the effects of implementing increased shareholder voice in executive compensation.

“(3) REPORT.—

“(A) IN GENERAL.—Not later than 90 days after the date on which all members of the Commission have been appointed, the Commission shall deliver a report to the President and to the Congress containing—

“(i) recommendations for legislative action;

“(ii) recommendations for executive action, including actions taken by the Department of the Treasury or any other agency for which the Commission has recommendations; and

“(iii) recommendations for voluntary actions to be taken by recipients of a direct capital investment under the TARP.

“(B) MINORITY VIEWS.—The report required under subparagraph (A) shall be accompanied by any separate recommendations that members of the Commission wish to make, but that were not agreed upon by the Commission for purposes of the report required under subparagraph (A). Such separate recommendations must take the form of a proposal for aligning executive pay with the long-term health of the company.

“(4) COMPOSITION.—

“(A) The Commission shall be composed of 9 members, appointed as follows:

“(i) 1 member appointed by the Council of Economic Advisers.

“(ii) 1 member appointed by the Speaker of the House of Representatives.

“(iii) 1 member appointed by the Senate Majority Leader.

“(iv) 1 member appointed by the House Minority Leader.

“(v) 1 member appointed by the Senate Minority Leader.

“(vi) 1 member appointed by the Chairman of the Financial Services Committee of the House of Representatives.

“(vii) 1 member appointed by the Ranking Member of the Financial Services Committee of the House of Representatives.

“(viii) 1 member appointed by the Chairman of the Banking, Housing, and Urban Affairs Committee of the Senate.

“(ix) 1 member appointed by the Ranking Member of the Banking, Housing, and Urban Affairs Committee of the Senate.

“(B) Each appointing entity shall name its member within 21 days of the date of the enactment of this subsection.

“(C) Any vacancy in the Commission shall be filled in the same manner as the original appointment.

“(5) ACTIVITIES.—

“(A) The Chairman of the Financial Services Committee of the House of Representatives shall select one member to serve as the Chairman of the Commission, and such Chairman will call to order the first meeting of the Commission within 10 business days after the date on which all members of the Commission have been appointed.

“(B) The Commission shall meet at least once every 30 days and may meet more frequently at the discretion of the Chairman.

“(C) The Commission shall solicit and consider policy proposals from Members of Congress, the financial sector, academia and other fields as the Commission deems necessary.

“(D) The Commission shall hold at least two public hearings, and may hold more at the discretion of the Chairman.

“(6) ACTIONS BY THE COMMISSION.—A decision of a majority of commissioners present

at a meeting of the Commission shall constitute the decision of the Commission where the Commission is given discretion to act, including but not limited to, recommendations to be made in the report described in paragraph 3.

“(7) STAFF.—The Chair may hire at his or her discretion up to seven professional staff members.

“(8) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report to the President and the Congress under paragraph 3.

“(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

The CHAIR. Pursuant to House Resolution 306, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, this is an amendment that reflects the debate that we had to some extent in the committee. Some Members on both sides raised questions about ambiguity. That is why you have markups.

For example, we want to make it very clear that this applies only to institutions that have received and voluntarily retained capital infusions.

So, as a later amendment offered by one of our Republican colleagues does, that I hope is adopted, it reinforces that you don't become subject to these limitations on compensation just because you do business with an institution that gets the investment. One Republican Member said, well, what about people who buy or sell mortgages from Fannie Mae and Freddie Mac? We make it very clear that they would not be covered.

We did make it clear that where people have earned severance pay and their salary was \$250,000 or less, that the severance pay is not greater than \$250,000, or the annual salary, that earned severance pay could be paid under previous contracts. We always intended that. We wanted to make sure. And it does create a commission on executive compensation to study a system, because some people thought, well, we haven't done it well enough.

Now, I have one other point, Mr. Chairman. Would it be in order for me to make a unanimous consent request for a modification of the amendment?

The CHAIR. It is in order.

Mr. FRANK of Massachusetts. The gentlewoman from North Carolina said that she thought it was a mistake to refer to both executive or employee, because executives are employees. And in the interest of that grammatical position, I ask unanimous consent to amend the manager's amendment to incorporate the point made by the gentlewoman from North Carolina, and strike the words “executive or.”

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1. offered by Mr. FRANK of Massachusetts:

Add at the end of the amendment:

On page 2, line 23—delete “executive or”.

On page 4, line 14—delete “executive or”.

The CHAIR. Is there objection to the request of the gentleman from Massachusetts?

Mr. PRICE of Georgia. Mr. Chairman, reserving the right to object, I just received this.

My understanding is that this is removing the words “executive or” among those individuals who would come under the jurisdiction of determining what compensation ought to be or performance ought to be, so that it would read that “any employee.” Is my understanding correct?

Mr. FRANK of Massachusetts. If the gentleman would yield, yes, that was the point raised by the gentlewoman from North Carolina. I think that effectuates her point.

Mr. PRICE of Georgia. And I appreciate that. Continuing to reserve the right to object, my sense is that what this is, is actually a clarifying amendment to a greater intent by the Members on the majority side who—

Mr. FRANK of Massachusetts. Mr. Chairman, I withdraw my unanimous consent request.

The CHAIR. The request is withdrawn.

Mr. FRANK of Massachusetts. Mr. Chairman, I guess we get a sense of what is happening here. The gentlewoman from North Carolina raised the point that, frankly, didn't seem to me one of the most important ever to be raised. It said we had some redundancy in the bill. Lawyers, of course, hate redundancy, as we all know. They are belt and suspenders opposed to it.

I tried to accommodate the gentlewoman from North Carolina. It touched off an entirely unnecessary debate eating up the time. If the Members are prepared to accept this at some point, in the spirit of conciliation I will offer it again, but not to be the subject for extra debate time which intrudes on the Members' time.

The manager's amendment, as I said, clarifies points that were raised, as I just tried to do with the gentlewoman from North Carolina, tried to give some assurance. Sometimes the atmosphere gets so partisan that that effort of conciliation becomes too difficult, so I will leave it where it is.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

The CHAIR. Does the gentleman rise in opposition to the amendment?

Mr. PRICE of Georgia. I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Georgia is recognized for 10 minutes.

Mr. PRICE of Georgia. And I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).



Mr. TERRY. Let's go over the chronology of events here.

We had a stimulus bill that was 1,100 pages, and there was a provision within the stimulus bill that was the opposite of the intentions of the House and the Senate, where language from the original versions and intentions of the House were stripped out in the middle of the night with only a few people in the room, which we have now subsequently learned that at least two of the people in the room were Secretary Geithner of the White House's Cabinet, and Senator DODD.

Now, I heard an earlier speaker, the gentleman from California, saying something about how we are deriding this one statement. They are right, because this one statement protected the bonuses, specifically protected the bonuses that became the outrage of America.

This stimulus bill, with this language protecting it that was inserted by the White House and Senator DODD, who has received about \$200,000 in campaign contributions from AIG, by the way, that doesn't get mentioned on the floor too much. This was then brought to the floor, 1,100 pages, put before this body without an opportunity to read, a promise to us and American people that we would have 48 hours to read a complex bill when we had very few hours to read this bill.

And now we are in what we call the coverup or cover your rear stage, because the people who voted for that stimulus are now running for cover.

The CHAIR. The time of the gentleman has expired.

Mr. PRICE of Georgia. I yield the gentleman an additional 1 minute.

Mr. TERRY. We went through this exercise a week or so ago when we wanted to tax the bonuses at 90 percent. And so I ask the original so-called author, ostensible author of this bill, Mr. GRAYSON, if he even read the bill. And I would yield to Mr. GRAYSON for an answer.

Okay. I guess we won't get an answer of whether or not he read the bill.

What we found out is that now the public is still outraged because they are mad at the coverup between the Cabinet and Senator DODD and this body's participation in it. So we are going to take now an extra measure in our CYA efforts and develop a bill that now will make the Federal Government intrude to the very core of any business that accepted a dollar of TARP dollars, where now the Treasury comes in without any expertise and sets the salaries for the secretaries on up.

Mr. FRANK of Massachusetts. I yield myself 2½ minutes to comment on the most extraordinary display of illogic ever inflicted on this Chamber.

The gentleman complains that the restriction was adopted, but now complains that we are going to undo it.

And the gentleman is leaving the Chamber. Let me say to him, I under-

stand differences of opinion, but I do resent the suggestion that I am trying to cover anything up. As chairman of the committee, I—

Mr. TERRY. Will the gentleman yield?

Mr. FRANK of Massachusetts. No. I brought a bill to the committee for a markup. We had an open markup. People could have offered any amendment they wanted. We then brought the bill to the floor. We went to the Rules Committee. I urged some—

Mr. TERRY. Would the gentleman yield for a clarification?

Mr. FRANK of Massachusetts. I will yield.

Mr. TERRY. For a clarification, when you said brought to markup, are you referring to the so-called Grayson bill that you brought to the markup, or the original stimulus?

Mr. FRANK of Massachusetts. I reclaim my time. The answer is obvious. No, the stimulus bill did not come to a committee which had no jurisdiction over it, as the Member well knew. I am talking about the accusation that a bill to correct a mistake is a coverup.

The illogic of that is overwhelming. The lack, I think, of commitment here to public policy is striking. The gentleman is complaining about a mistake, and he calls an attempt to correct a mistake a coverup. What is the coverup? This is a bill that was debated openly in a markup, it was debated openly in the Rules Committee. It is being debated openly on the floor.

This accusation of coverup is not, it seems to me, a serious contribution to a debate on the merits. But there is also the fundamental inconsistency on the Republican side. They were opposed, and the gentleman said this bill is going to get us deeper into the affairs of corporations. How? By repealing something the gentleman was opposed to.

If in fact the provision he didn't like hadn't been put in there in the first place, we wouldn't have been so deeply into it. This is simply, let's find something to complain about. Let's ignore logic.

The gentleman says he doesn't want us more deeply into corporations. Well, then he should have been for that restriction. Indeed, his quarrel with Senator DODD is not that he only got part of what he wanted, but that he moved it at all. Because, remember, it was Senator DODD who initiated the further restriction.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield to the gentleman from New Jersey (Mr. GARRETT) for 5 minutes.

Mr. GARRETT of New Jersey. I thank the gentleman from Georgia. And I also thank the gentleman from Massachusetts, for I agree with him, as most Americans do, with regard to the underlying bill here as far as the appar-

ent excesses, as far as the salaries that some people made when they were underperforming companies. And I share the concern that taxpayers have, and I share the chairman's concern with regard to his overall amendment that he makes to the bill. But the underlying bill here, however, has three or four fundamental problems.

One, it is unconstitutional, as some have said; secondly, it has an uncalled for retroactive effect; thirdly, there is this unfairness as we treat disparate individuals within the same company; and, fourthly, there is certainly a harmful impact upon the very programs that our now Secretary of the Treasury wishes to implement.

□ 1600

On the unconstitutional portion, I am unclear, as are outside experts who have looked over this legislation, to see exactly how it is within the powers of the U.S. Congress, as much as we may like to do so sometimes, to simply go in and abrogate contracts that were voluntarily made by willing parties on either side. Regardless of whether the fact is that those companies or those individuals may be receiving Federal dollars or not, whether there is a constitutional ability to do so is a question I think that this body should be addressing and how that can be answered.

The second aspect is the retroactivity effect. Some of the provisions in this bill I could probably come to agreement with. But to step in here, after the fact, and say that we are now going to go back, backwards in time and look at those very same corporations who had entered into contracts, had activity prior to their receiving TARP funds or other Federal dollars or investments, capital investments, and now saying, we are going backwards and we will basically open up agreements and open up terms of deals over there and look back on them, seems to be an activity that Congress should not engage in.

Prospective is another matter. For companies or banks or other financial institutions that want to engage and receive Federal dollars, absolutely. They should be knowing what the terms of the deal are on the table. And if they accept them today, then those are the deals going forward. But to go backwards in time really raises, as I said before, an unconstitutional aspect.

Finally, the unfairness as far as the disparate treatment that you may receive within the same company. I think the basic outrage that most Americans have on this situation is when we read in the paper the multi-million dollar deals or bonuses that people received, especially in those failing companies, and say, How do they receive millions and millions of dollars? Well, this bill addresses that. Fine. But it also addresses that secretary who may be just working there

on weekends or part-time or even full-time making slightly over \$10 an hour or more. That secretary comes within the confines of this bill too. The custodian or other worker in the business would also fall within the purviews of this legislation.

Now the answer might be, well, we are still going to look to see whether their payment is reasonable or excessive. But why we would pick on those individuals who did absolutely no wrong and to say that now Congress is going to be scrutinizing your salaries and see whether or not you were paid far too much for the activities that you did in the company is beyond me.

Finally, the fourth portion, harmful. Secretary Geithner comes out, finally, after several failed attempts with his plan on how we are going to get out of this global morass that we are in right now, and how does he want to do it? He and the White House have opened their doors to the free enterprise system, the capitalist markets, and the banking and the financial institutions, as they did this past week and said, Come on board. Work with us as teammates in this. We want to make you partners. Partners? What partner wants to hook up with somebody that if you are successful, there may be other legislation like this that will go in and claw back the money that you made? If you're successful it may be clawed back. And I have heard some people say, If you're unsuccessful, maybe you will be penalized.

And I appreciate the fact that the chairman in Rules Committee yesterday said, to paraphrase, he said, Fear not. If it goes through my committee, I would not permit such language to go forward. And I appreciate that. But as the chairman knows, the bill we did, I think it was last Thursday, the 90 percent tax, to the best of my knowledge, did not go through your committee. You and I may have liked it to. But it did not.

So we have seen the way this House operates. When the mood drives the Speaker or the majority leader, they can pass a bill through. A 90 percent tax that basically makes the Tax Code the penal code and punishes people for activity that they never realized was unlawful or inappropriate before, did not go through his committee. So to all of the best wishes of the chairman, he unfortunately, may not have that ability to block that provision going forward as much as he and I might wish that he did. So the legislation that is before us still puts that harmful impact upon him.

And finally, if I still have some time, we have to ask the larger question, what actually does this do at the end of the day? Is it window dressing? Maybe.

The CHAIR. The time of the gentleman has expired.

Mr. PRICE of Georgia. I yield the gentleman 1 additional minute.

Mr. GARRETT of New Jersey. What did we actually do? Well, it puts language in here which says that there cannot be excessive or unreasonable compensation. Yesterday, again, at Rules Committee, somebody from our side of the aisle and someone from the other side of the aisle asked, What is excessive or unreasonable compensation? And quite candidly, they said they couldn't answer the question. They will leave it to someone else.

I'm not sure if that is the right answer to that question. If you're going to have legislation like this, and I don't support the legislation, but if you're going to have legislation like this, you should be doing it the way we dealt with Fannie and Freddie when we had that situation and say, We don't want anybody making more than X, and take the responsibility as Congress and say, We are going to put the dollar amounts in it. This doesn't. This abrogates that to a Secretary of the Treasury who can come up with who knows what? It could be \$1 million. It could be \$10 million. It could be \$100,000. It could be \$50,000.

We should not be putting this ambiguity in here. It doesn't answer the question. It is just one more way to say that this is a potentially harmful, unconstitutional, retroactive legislation to the overall global climate that we are in today.

Mr. FRANK of Massachusetts. Mr. Chairman, I have only one speaker remaining.

Mr. PRICE of Georgia. I have no speakers remaining, and I will consume the rest of our time when the gentleman is ready to close.

Mr. Chairman, may I ask how much time remains?

The CHAIR. The gentleman from Georgia has 1 minute remaining. The gentleman from Massachusetts has 5 minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I think it is important to appreciate that this bill is very far-reaching. It is not just a simple little exclusion of an amendment that was inserted in the middle of the night on the previous \$1 trillion spending bill that the majority passed.

It includes compensation arrangements and includes compensation limitation potential by the Secretary of the Treasury. It also includes performance-based standards that are also defined by the Secretary of the Treasury. Now what does that mean? The performance in the bill or the performance of an individual executive or employee to whom the payment relates? The adherence by executives or employees to appropriate risk management requirements? And "other standards which provide greater accountability to shareholders and taxpayers."

What is all that?

Well, Mr. Chairman, I would suggest that we don't know what all that is.

And that is why the American people are so concerned about these issues. Because they know that the faith that they have in the American system of government and the American marketplace does not rest in the Secretary of the Treasury. It does not rest in the government. It rests in the ingenuity and the vitality of the American people. And that is where they want it to remain.

The CHAIR. The time of the gentleman from Georgia has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, first, I appreciate the generosity of the gentleman from New Jersey when he accepts the fact that I intend to do this through the committee that I chair. He then suggested, however, that we might lose control of this. I'm talking now about the ability to restrict the recipients of the capital infusion. And he talked about a tax bill that didn't come out of the Committee on Financial Services and a bill just voted on today, defeated, out of Judiciary.

But I will assure him, given the support of the leadership on the Democratic side, of the importance of restricting this to recipients of capital infusions. Both of those bills included that same restriction. The Committee on Financial Services had no great input into the tax bill. But the writers of that bill accepted our language that applied only to recipients of a capital infusion. Similarly, the Judiciary bill applies only to recipients of the capital infusion. And I have now put every other chairman on notice about assurances that will be there.

The other thing the gentleman from New Jersey said indicates the split on the Republican side. He denounced retroactivity. There is a good argument against retroactivity, and the courts may have to decide it. But remember that unlike the gentleman from New Jersey with his consistency to principle, a large number of Republicans, including the gentleman from Nebraska, have been denouncing the administration and the Senate precisely for accepting the principle that you don't go retroactive. The gentleman from New Jersey said, "Don't be retroactive." But most of the other Republicans have been saying, "How dare you not go retroactive?"

The provision that kindled all the anger that was put into the recovery bill was a provision that says, "Don't apply these rules retroactively." The gentleman from New Jersey says, "Don't apply the rules retroactively?" I guess he is lucky that his colleagues have decided not to denounce him. He is a very nice guy. That is probably what has charmed them. But he has just articulated precisely the principle that has led to that firestorm of attack.

Now again, this bill undoes that. Members said, Oh, but it does more

than that. And there is an implicit suggestion that if only, if we had only done that, it would have been okay. But I repeat, the bill that only does that was introduced 2 days before the markup. I don't read every bill that is introduced. No Member of the Republican's minority on the committee offered an amendment to reduce this only to that repeal. No Republican in the House came to the Rules Committee and said, You know, that provision, that is a terrible provision. Let's get rid of it.

They don't want to get rid of it, Mr. Chairman, because they want to be able to attack it. Some of them want to attack retroactivity, and some of them want to attack a bar on retroactivity.

As to the standards, in the first place, members of the minority have consistently—I guess it scares people more—misstated the authority here. It is to the Secretary of the Treasury and the Federal Financial Institutions Examination Council, a five-member body, three of whom are George Bush appointees; the Comptroller of the Currency, Mr. Duggan; the head of the FDIC, Ms. Bair, and the chairman of the Federal Reserve, Mr. Bernanke. They are three of the five members of this committee, and they are not advisory. The oversight panel is an advisory role.

The five members of the Federal Financial Institutions Examination Council, people with long experience in regulating financial institutions, are the ones that have to sign off on any regulations. So why is it simply the Secretary of the Treasury? The gentleman from Georgia read off the biography of the Secretary of the Treasury. He went to Dartmouth. Apparently that is a prerequisite today for Secretaries of the Treasury, as Mr. Paulson did. But what about Ms. Bair's experience? What about Mr. Duggan's experience? What about others who are in that position who have had long experience both in the private sector, as they have, and as bank regulators?

This is an effort to caricature the bill. By the way, last year, the Republican majority of the Senate, President Bush, the Republican leadership of the Financial Services Committee and the Republican leadership of the House voted for a bill that gave more discretion to the Secretary of the Treasury alone. I understand that times change. But a change in political control should not lead to such a rapid change in political opinion. And if retroactivity is a terrible thing, then retroactivity shouldn't have been the cause of all that argument.

I repeat again. This says if you take Federal money under the capital infusion program, you cannot issue excessive or unreasonable payments, which is what AIG did. And they didn't just do the top executives. Why do we cover

everybody? Because AIG and others could cover everybody. And it says, "Let's undo the mistake that was made during the recovery."

Obviously, the manager's amendment is not controversial. It has just been the forum for more extended debate. I hope the manager's amendment is adopted.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-71.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CARDOZA: In subsection (e) of the matter proposed to be inserted by section 1(a), add at the end the following:

"(4) COMMUNITY FINANCIAL INSTITUTION EXEMPTION.—

"(A) IN GENERAL.—The Secretary may exempt community financial institutions from any of the requirements of this subsection, when the Secretary finds that such an exemption is consistent with the purposes of this subsection.

"(B) COMMUNITY FINANCIAL INSTITUTION DEFINED.—For the purposes of this paragraph, the term 'community financial institution' means a financial institution that receives or received a direct capital investment under the Troubled Asset Relief Program under this title of not more than \$250,000,000."

The CHAIR. Pursuant to House Resolution 306, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of my amendment. My amendment allows the Secretary of the Treasury to exempt community bank TARP participants from compensation standards established by the Secretary as long as they have not received more than \$250 million in TARP funds and as long as doing so is consistent with the intent of this bill.

The community banks were not the bad actors that led to the collapse of our credit markets, and we need them to be a part of the solution to our economic recovery. They are known for their prudent lending practices and their commonsense compensation policies, which is why the vast majority of them remain well capitalized and ready to lend.

By painting community banks with the same brush as the financial institutions that abused the trust of the taxpayers and their shareholders, we are unfairly adding to the regulatory burden of these community banks, and we run the risk that they will drop out of the Capital Purchase Program.

I do not support outrageous bonuses that were paid out of TARP funds to irresponsible executives. But I also do not support burdening community banks with overbearing regulations that are in response to actions made by the larger institutions.

My amendment will make sure this doesn't happen by allowing the Treasury Secretary to concentrate his efforts on where the problem existed in the first place and not in our community banks. It will also encourage the participation of more community banks in the Capital Purchase Program and will enhance their role as leaders in the economic recovery.

I want to thank Chairman FRANK for working with me to craft this amendment and to support my efforts to protect community banks from unfairly burdensome regulations.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. CARDOZA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman because this is important not just for what it does but for what it says. Community banks have not been the source of this problem. They didn't make bad subprime loans. They didn't get into CDOs. They have been unfairly blamed and to some extent burdened. And it should be our commitment, and we are, we are trying to do this in other ways, with the FDIC assessment. The gentleman from California has been a leader in this. This is a chance for us, in effect, to apologize to community banks for criticism that was undeserved and to assure them that we will try to insulate them from actions that should not occur that would penalize them for things that they didn't do wrong.

I thank the gentleman for his leadership.

□ 1615

Mr. CARDOZA. I thank the chairman for his leadership on this and for his help crafting this amendment. I thank his staff for the same.

Mr. FRANK of Massachusetts. If the gentleman would yield further, I would note that I'm going to introduce a letter from Camden Fine, the president and CEO of the Independent Community Bank Association.

MARCH 31, 2009.

Re Support Cardoza Amendment to H.R. 1664.

DEAR REPRESENTATIVE: On behalf of the Independent Community Bankers of America, and its 5,000 members, I strongly urge you to support the Cardoza Amendment to H.R. 1664, the executive compensation legislation applicable to TARP recipients. The Cardoza Amendment recognizes that community banks do not engage in the unreasonable and excessive compensation practices that are at the heart of the TARP bonus scandals.

As a result of prudent lending practices and common-sense compensation policies, the majority of community banks remain strongly capitalized and ready to do their

part to aid economic recovery through lending to households and small businesses. Recognizing the important role community banks play in our recovery, both the Obama and Bush Administrations have encouraged community banks to participate in the TARP Capital Purchase Program. The Program provides additional resources to participating community banks to enhance their role as catalysts for economic recovery in their local communities.

Unfortunately, efforts to rein in excessive and unreasonable compensation practices of MG and others have also reached the community banks. The broad-brush approach to addressing compensation abuses needlessly and unfairly adds to the regulatory burden of community banks participating in the Capital Purchase Program. It would be a shame if well-intended, but misdirected, regulation of bank employee compensation forces community banks to withdraw from the program or not sign up in the first place.

The Cardoza Amendment takes a targeted approach to the regulation of executive and employee compensation by allowing the Secretary of the Treasury to concentrate his efforts where the problems existed in the first place—the largest financial institutions. The amendment allows the Secretary to exempt community financial institutions from the compensation standards established under H.R. 1664, if the Secretary finds that an exemption is consistent with the purposes of the new legislation. For purposes of the exemption, a community financial institution is an institution that receives or has received not more than \$250 million under the Capital Purchase Program.

The Cardoza amendment will encourage the participation of community banks in the Capital Purchase Program and enhance the community bank industry's role as leaders in our economic recovery. Thank you for considering our views.

Sincerely,

CAMDEN R. FINE,  
*President and CEO.*

Mr. PRICE of Georgia. Mr. Chairman, I claim the time in opposition, though I am not opposed.

The CHAIR. Without objection, the gentleman from Georgia is recognized for 5 minutes.

There was no objection.

Mr. PRICE of Georgia. Mr. Chairman, I want to commend my friend from California for introducing this amendment. I think that it's a good idea, but in my view, doesn't go far enough. I would also point out that it is purely arbitrary, and that gets to the heart of the challenge that we have here, the arbitrary nature of what we're deciding.

Small financial institutions should be automatically exempt from this legislation. The best approach to protecting the taxpayers' investment in private business is through stronger oversight and accountability, not by further entrenching government in the operations and management of hundreds of businesses across America, many of which are community and regional banks that did nothing, as my friends have commented, to create the current financial challenge.

Indeed, given the government's track record in piling up huge deficits and

mismanaging a wide range of Federal programs, there is little reason to believe that it will have any more success in running private enterprises.

The amendment leaves the discretion to the Secretary of the Treasury to exempt community financial institutions from the legislation's compensation prohibitions.

I would suggest, Mr. Chairman, that rather than leaving this responsibility to the Treasury Secretary who, I might add, failed to block the AIG bonuses and who, by his own admission, has a very full plate these days. Why not simply exempt smaller TARP recipients entirely from the government micromanagement of compensation levels for all employees that this bill imposes?

I would reserve the balance of my time.

Mr. CARDOZA. I have no further speakers, Mr. Chair. I reserve to close.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains?

The CHAIR. The gentleman has 3½ minutes remaining. The gentleman from California has 2 minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I yield the balance of our time to Mr. BACHUS from Alabama.

Mr. BACHUS. Mr. Chairman, I just want to ask the sponsor a question. You have included in the original, in the legislation before us, it includes all financial institutions who accepted TARP money; is that correct?

I ask the chairman of the full committee.

Mr. FRANK of Massachusetts. Capital infusions from TARP. There are other forms of TARP money, but accept capital infusions of TARP money.

Mr. BACHUS. This only involves capital infusions.

Mr. FRANK of Massachusetts. Only the capital infusions, the gentleman from Alabama's idea, as I give him credit for.

Mr. BACHUS. What about AIG? Would they be included?

Mr. FRANK of Massachusetts. Yes, because AIG did get a TARP capital infusion.

Mr. BACHUS. So it's all TARP.

Mr. FRANK of Massachusetts. They didn't originally, as the gentleman knows, but there was subsequently a TARP addition to.

Mr. BACHUS. And I'm sincerely trying to—and I think amendment is an improvement. And I think the basis for it, as you both said, we don't want to limit the salaries of people who were not at fault.

I think what this bill, Mr. FRANK, what, Chairman FRANK, you're attacking is what you've called a, and I know the sponsor of the bill said last night that the people who have been ripping off the American taxpayer by stealing money and sucking it into their own pockets.

Mr. FRANK of Massachusetts. If the gentleman would yield, I never used that language. That's not my language.

Mr. BACHUS. That was his. But I guess what I'm saying, I think the philosophy behind this bill is we, the taxpayers, are going to come into people who caused this problem and limit their salaries; at least that's what he has said on two or three occasions.

But I guess my question to you, what about the institutions that have not caused any of the problem and were urged to take the money by the Secretary of the Treasury, and even those last week, you know, again, the President, last week, urged these companies to keep the money and not to return it. And I guess—

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. Yes.

Mr. FRANK of Massachusetts. Well, the President and I agree a lot, but not all the time. I'd like people to return the money. It's good for the taxpayers. It's a sign that they are stable, and we specifically amended the law to allow them to return it, and I encourage them to return it.

Mr. BACHUS. But now do you realize, and I believe the chairman is sincere, do you realize that while you're urging them to return it, the President and the Secretary of the Treasury are saying, please don't return it because when you do, it will restrict or reduce lending?

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. Yes.

Mr. FRANK of Massachusetts. If it's going to reduce their lending, then they probably shouldn't return it. But there are other things that people do with it. And I understand. But if the gentleman is asking me do I understand that I'm disagreeing to some extent with the President and the Secretary of the Treasury, yes, sometimes that happens.

If the gentleman would yield, the Secretary of the Treasury apparently sponsored the restriction against retroactivity. He is on the side of the gentleman from New Jersey (Mr. GARRETT) against retroactivity. I am here with a bill that undoes something the Secretary of the Treasury did.

Mr. BACHUS. But my question to you, Chairman FRANK, is, this bill applies to all employees of all these institutions, does it not?

Mr. FRANK of Massachusetts. If the gentleman will yield. Yes, because in AIG we had hundreds of people—yes, it does.

Mr. BACHUS. Yes, it does. It covers every employee and every financial institution, the several hundred who were actually urged last week by this President to keep the money and which we're getting a 5 percent dividend.

The CHAIR. The time of the gentleman has expired.

Mr. CARDOZA. Mr. Speaker, just today, the New York Times reported that four small banks were returning our TARP funds because of the onerous regulations they find themselves having to comply with. If we apply the same regulations to small banks that we do to the big ones, more community banks will opt out of the TARP program, and I think to some disadvantage to districts like mine that are suffering so badly.

My amendment will make sure that they can take TARP funds and still not have to deal with some of these regulations. I think that's a positive movement in the right direction.

I actually thank Mr. BACHUS for saying that this was a step in the right direction, and I enjoy working with him and my colleague from Georgia.

I urge the adoption of this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MEEKS OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-71.

Mr. MEEKS of New York. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MEEKS of New York:

In subsection (e)(1) of the matter proposed to be inserted by section 1(a)—

(1) strike "has received or receives a direct capital investment under the Troubled Assets Relief Program under this title" and insert "receives a direct capital investment under the Troubled Assets Relief Program under this title after the date of enactment of this subsection"; and

(2) strike "any existing compensation arrangement" and insert "any compensation arrangement other than a compensation arrangement entered into prior to the date of enactment of this subsection".

The CHAIR. Pursuant to House Resolution 306, the gentleman from New York (Mr. MEEKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MEEKS of New York. Mr. Chairman, I, like most Americans, was deeply upset and emotionally charged when I learned of the bonuses that AIG gave to its employees.

I, like most Americans, believe strongly that if you receive taxpayer dollars, you should have standards to limit abuses. I believe that this bill does begin to set those standards, but with just one flaw.

To correct this flaw, I had to contemplate, because some have said this amendment may not be the safest thing for me to do. Some say, for the

sake of expedience, this may not be the political thing for me to do. And others say for the sake of vanity, it definitely may not be the popular thing to do.

But I'm reminded of Dr. King, who said, there comes a time when one must take a position that is neither safe, nor political, nor popular, but one must take that position because it's the right thing to do.

The rule of law and economic growth have been critically linked in the development of our Nation. The strength of our laws allows investors to trust that they can do business here. A legal system like ours provides protection and has allowed investors to innovate and take risks unsurpassed anywhere else in the world.

Right now we are undergoing a necessary and painful examination of our system of regulation and of our financial markets and the risks that were taken. However, we have to be careful that, in this process of correction and damage control, we do not do more harm than good. I fear that if we legislate changes to the rules in the middle of the game, we begin to undermine the trust that has made us so strong.

Do we really want to be dismantling confidence in our laws now?

This body should be the safety measure against arbitrary governance, not the entity that ushers it in. Just because we can do it doesn't mean we should. Yes, we can take retroactive action. We have that sovereign right. And Congress has acted accordingly in the past. But we should do so carefully and in a limited and not a broad way.

The Supreme Court has made it clear that Congress has the right to act retroactively, but its right is not unfettered. And our Founding Fathers were strong in their concern about breaching contracts. James Madison summed it up this way: Bills of attainder, ex post facto laws and laws impairing the obligation of contracts, are contrary to the first principles of the social compact and to every principle of sound legislation.

I am concerned about unintended consequences that will impact the jobs linked to the financial services industry in the United States and the potential impact on our economic recovery efforts. The fact is, in New York, there aren't just fat cats on Wall Street. There are everyday people that commute to their jobs from my district. Those jobs are directly and indirectly linked to the financial services sector, and as the sector goes, so goes their jobs.

I just heard from one company that is losing approximately 1,000 people a week, many going to foreign competitors, and they aren't able to hire enough employees to replace them.

I've also heard from companies that are nervous about participating in public/private partnerships because of the uncertainty that Congressional action

could cause. Our actions are having a chilling effect on government efforts to partner with the private sector in meaningful ways.

In closing, Mr. Chairman, and to sum up, let's do something. Yes, we must do something. But let's do something that won't have unintended consequences. Let's not do something that will make an already difficult economic situation far worse and perhaps irreversibly so. Let's not cut off our nose to spite our face.

I find myself, for the reasons outlined, concerned about H.R. 1664, even as I support most of its provisions and its intent.

And I urge my colleagues to support this amendment.

I retain the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I claim the time in opposition, though I am not opposed to the amendment.

PARLIAMENTARY INQUIRIES

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIR. The gentleman is recognized for his parliamentary inquiry.

Mr. FRANK of Massachusetts. I am in opposition to the amendment. Does that give me priority in claiming the time?

The CHAIR. The time in opposition is reserved for an opponent of the amendment.

Mr. FRANK of Massachusetts. I am an opponent of the amendment.

Mr. PRICE of Georgia. Mr. Chairman, parliamentary inquiry.

The CHAIR. The gentleman from Georgia is recognized.

Mr. PRICE of Georgia. If I claim the time in opposition, does the minority have the right to claim that time?

The CHAIR. It is the discretion of the Chair to recognize for the time in opposition someone truly opposed to the amendment. However, in exercising that discretion, the chair might consider balance in the control of time for debate.

Mr. FRANK of Massachusetts. Mr. Chairman, I would respond this way. I think fairness on an important issue requires that there be a balanced debate. The gentleman previously said he was not in opposition. Neither was I. I did not try to claim the time. But I believe the spirit of parliamentary debate is vitiated if there are two proponents and no opponent. The rule calls for an opponent and a proponent. I claimed the time. The gentleman has said he was not in opposition to it, and I am. I do believe in fairness, and I believe fairness requires that it be a balanced debate.

Mr. PRICE of Georgia. Parliamentary inquiry.

The CHAIR. The gentleman from Georgia will state it.

Mr. PRICE of Georgia. Does the chairman of the committee not have time available to him on general leave?

The CHAIR. Not time for debate.

Mr. BACHUS. Mr. Chairman, would the gentleman who is controlling the time yield to the ranking member?

The CHAIR. The gentleman from Georgia does not control the time. The gentleman has not been recognized for control of the time nor has the gentleman from Massachusetts. The chair is responding to a parliamentary inquiry.

The gentleman from Georgia is recognized for the purpose of his parliamentary inquiry.

□ 1630

Mr. PRICE of Georgia. Mr. Chairman, I claim the time in opposition.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, parliamentary inquiry.

The CHAIR. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. The gentleman has said he is not in opposition, so how could he get the time in opposition preferred over someone who is in opposition?

The CHAIR. The gentleman from Georgia has stated that he is opposed.

Mr. FRANK of Massachusetts. Point of order, Mr. Chairman. The gentleman from Georgia, 2 minutes ago, said he was not opposed. I don't think the conversion was that rapid. He said he was rising in opposition even though he was not in opposition. He clearly stated that.

The CHAIR. The Chair will take the gentleman from Georgia at his word.

The gentleman from Georgia is recognized for 5 minutes in opposition to the amendment.

Mr. PRICE of Georgia. Mr. Chairman, I would point out that the amendment is a curious one. It points out the challenge that we have when we march down this path of a political economy—where Members of Congress are deciding specific items for private enterprises and where the Secretary of the Treasury is about to be given remarkable authority, whether it is retroactive or prospective. That is why many of us on our side of the aisle oppose this kind of launch into a political economy where the government controls winners and losers from the very beginning.

If, in fact, the challenge were to protect taxpayers, as our friends on the other side of the aisle say, if Democrats were so eager to protect taxpayers, then why would they not commit to ending taxpayer-subsidized bailouts? That is the simple solution to all of this, Mr. Chairman.

The reason we are here in this circuitous logic of Washington is that the taxpayers are benefiting private industry. The solution to this, Mr. Chairman, is to make it so we are not putting taxpayer liability, hard-earned taxpayer money, on the table for private industry.

Why don't they guarantee that they will not provide the Treasury with any more TARP funds for the future?

POINT OF ORDER

Mr. NADLER of New York. Point of order, Mr. Chairman.

Mr. PRICE of Georgia. Why don't they encourage the Treasury to produce—

The CHAIR. The gentleman will suspend.

The gentleman from New York will state his point of order.

Mr. NADLER of New York. The gentleman from Georgia obtained the floor in opposition after stating that he was not opposed and then stating that he was opposed. We have not heard a word of opposition to the amendment. We have heard some skepticism about the bill, but we have not heard a word about opposition to the amendment. I think, as a matter of order, that we are entitled to hear opposition to the amendment so I can make up my mind on this amendment.

Mr. PRICE of Georgia. Point of order, Mr. Chairman.

The CHAIR. The gentleman is recognized for his point of order.

Mr. PRICE of Georgia. As a matter of fact, had the gentleman been listening to my debate, I pointed out, whether it was prospective or retrospective, that it was a bad idea for this Congress to adopt because it further launches us down the road of a political economy.

Mr. NADLER of New York. That is not in opposition to the amendment. That is in opposition to the bill.

The CHAIR. The chair discerns no cognizable point of order. The gentleman from Georgia has been recognized for the purposes of opposition to the amendment.

The gentleman from Georgia may continue.

Mr. PRICE of Georgia. May I inquire as to the time remaining?

The CHAIR. The gentleman from Georgia has 3½ minutes remaining. The gentleman from New York has 1 minute remaining.

Mr. PRICE of Georgia. Mr. Chairman, as I was saying, if our friends on the other side of the aisle were so enamored with wanting to protect the taxpayer, why wouldn't they encourage the Secretary of the Treasury and the Treasury Department to produce an exit strategy to this launch into a political economy that stifles creativity, that stifles entrepreneurship, that stifles vision, that stifles the very vitality of the American system, a system that has created more opportunity and more success for more individuals than any Nation in the history of mankind?

Mr. Chairman, I would suggest that this amendment and others to this bill, to the underlying bill, are a launch in the wrong direction whether we are talking about prospective or retrospective activity on this amendment.

I am pleased to yield to my friend from Alabama for the remainder of our time.

Mr. BACHUS. Mr. Chairman, the gentleman who offered this amendment

expressed some reservations about the underlying bill in that it would affect employees and executives who were not at fault and who, in some cases, did not ask for the money.

In the interest of fairness, I would like to hear from the chairman of the full committee as to whether or not he shares the gentleman's reservations and my reservations also. I would yield to the chairman.

Chairman FRANK, a member of the majority on your committee expressed strong reservations about this bill and about it affecting all employees.

At this time, I would like to yield the remaining amount of time to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. How much time is remaining that has been yielded to me?

The CHAIR. The gentleman from Georgia has 2 minutes remaining and I understand that the gentleman from Alabama has yielded that 2 minutes to you, Mr. Chairman.

The gentleman from New York has 1 minute remaining, and reserves the right to close.

Mr. FRANK of Massachusetts. I thank the gentleman from Alabama for a sense of fairness that I wish had been more present in the House.

We are here, talking about retroactivity. Again, this raises the central issue. People on the Republican side have been objecting to a provision added in the recovery bill that says "no retroactivity." This does that again, so I don't understand. If people are genuinely opposed to the amendment added to the recovery bill, they cannot consistently be supportive of this amendment. The principle is the same.

Is the principle of no retroactivity a terrible abuse of the taxpayer or is it a matter of fairness? It cannot be both.

So Members who vote for this amendment are voting to ratify what was done in the recovery bill. If it passes, then people will not be able to argue that the recovery bill, without giving Members a chance to vote, took away an important part of the restriction, because that is the question. It is more than retroactivity in that sense. Although, the gentleman did want to modify the amendment, and I didn't think, at this late date, that that was appropriate. It even would allow some restriction on what you could do going forward depending on when people took the TARP money.

It says this would only apply as written—and I know the gentleman wanted to modify it. If you now have TARP money and do not refuse it, you are not covered by this. The amendment says, if you now have TARP money and decide to keep it, you are not covered by this. It is far too broad. It is broader even than the retroactivity. It says only those companies that now decide to take an infusion under TARP will be



restricted. I know the gentleman wanted to change it at the last minute. I didn't think that was appropriate at the last minute.

The other part of it is this: The gentleman says he wants to protect anything already done. He wants to ban retroactivity. That is precisely what has gotten everybody excited about what the Senate put into the recovery bill.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the time on the amendment be extended on both sides by 30 seconds.

The CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIR. The Chair recognizes the gentleman from New York.

Mr. MEEKS of New York. I recognize the gentleman from California for 30 seconds.

Mr. SHERMAN. I thank the gentleman.

Mr. Chairman, I would point out that the amendment, as written, means that the bill does not apply to any company that has already received a TARP infusion of capital. It applies only to those who receive infusions of capital in the future. The Treasury Secretary has announced that he is not going to make any infusions of capital in the future. He is going to use the TARP money for a completely different program. So the effect of the amendment is to gut the bill.

Mr. MEEKS of New York. The bill does not mandate it, and the sole purpose of this bill is as I indicated.

At one point, the President said we should be thoughtful and careful as we move forward, and I don't believe, in order of fairness, that in the middle of a game we can change the rules. Therefore, once the game is completed, then we should change the rules. I just think that there are ordinary people, not executives, who are affected by the bill.

I have talked to people in my district who are depending on certain funds and on certain contracts that were written before we got into the TARP money, and they need that to pay their mortgages. When you look at the effects on the City of New York, the mayor of the city has said, in the past 2 years, the firms on Wall Street have reported losses of more than \$54 billion and may eventually lay off one quarter of their workforce. While the financial services sector directly employs only about 9 percent of our city's private sector, it accounts for more than one-third of its payroll, and those individuals in ancillary businesses therein are affected. Therefore, I am just trying to take care of those average, everyday Americans.

The CHAIR. The time of the gentleman has expired.

Mr. PRICE of Georgia. Mr. Chairman, I understand I have 30 seconds.

The CHAIR. The gentleman is correct.

Mr. PRICE of Georgia. I am pleased to yield my 30 seconds to the chairman of the committee.

Mr. FRANK of Massachusetts. I appreciate that, and I would emphasize the point made by the gentleman from California, which is, as drafted, the amendment would say that people who have had billions of dollars in TARP money are not covered by this amendment. Billions of dollars.

The question of the average worker is a bit of a straw employee. No one is talking about getting to that level, and that has not been the problem, but if you talk only about the top executives, AIG gave bonuses to hundreds of people. I don't believe anyone thinks secretaries are getting excessive and unreasonable amounts of money or huge bonuses.

Again, if you vote for this amendment, you are removing the debate about the part of the recovery bill that says no retroactivity.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MEEKS).

The amendment was rejected.

AMENDMENT NO. 4 OFFERED BY MS. BEAN

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-71.

Ms. BEAN. Mr. Chairman, I rise in support of the amendment that I have authored with my colleague from New York, Congressman McMAHON.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. BEAN:

In subsection (e) of the matter proposed to be inserted by section 1(a) of the bill, redesignate paragraph (3) as paragraph (4) and insert after paragraph (2) the following:

“(3) CONDITIONAL EXEMPTION.—

“(A) REPAYMENT AGREEMENT.—Paragraph (1) shall not apply to a financial institution that has entered into a comprehensive agreement with the Secretary to repay the United States, in accordance with a schedule and terms established by the Secretary, all outstanding amounts of any direct capital investment or investments received by such institution under this title.

“(B) DEFAULT.—If the Secretary determines that an institution that has entered into an agreement as provided for in subparagraph (A) has defaulted on such agreement, the Secretary shall require that any compensation payments made by such institution that would have been subject to paragraph (1) if the institution had not entered into such an agreement be surrendered to the Treasury.”.

The CHAIR. Pursuant to House Resolution 306, the gentlewoman from Illinois (Ms. BEAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. BEAN. Mr. Chairman, like many of our colleagues and constituents, we were outraged by bonuses paid to those

who brought down AIG and the economy along with it.

Today's bill allows the Secretary of the Treasury to disallow unreasonable bonuses to employees of TARP recipients. Our amendment recognizes, as did Ranking Member BACHUS's just a few minutes ago, that some financial institutions who did participate in the TARP program did so because they were asked to by the Treasury or wanted to provide additional loans, not because they needed it or had failed in their businesses. While they expected compensation limits for top executives, they did not expect to be disallowed from providing bonuses company-wide.

The underlying bill allows for an institution to be free from the bonuses and compensation restrictions once it returns the entire direct Federal investment back to the government. This carries the risk of unintended consequences that could harm the very taxpayers we seek to protect.

First, if major financial institutions seek to exempt themselves from these restrictions by returning all of the Federal Government's TARP investment at once, they may need to raise capital through a major sell-off of equities or other assets. This kind of pressure on the market was a big contributor to the market crash last fall, and we should seek to avoid turning back the clock.

Second, if they were to pay back too quickly, their financial well-being could be jeopardized and could add instability to our credit markets.

This amendment is a commonsense approach, excepting companies who adhere to a repayment program as defined by the Treasury.

Over 500 financial institutions have received a direct capital investment up to this point. Four major institutions have begun to pay back their TARP investments, and many hope to do so making taxpayers whole again. Forcing institutions to return the money at once could decrease lending significantly and could further destabilize our economy. At the same time, those companies that do not agree to a repayment plan would be subject to bonus limits on unreasonable bonus payments.

I now would like to yield 2 minutes to Congressman McMAHON from New York.

Mr. McMAHON. Mr. Chair, I rise in support of this amendment which I offer along with my esteemed colleague from Illinois, Congresswoman BEAN.

Like all Americans, I was appalled at the bonuses from AIG. These bonuses were wrong in so many ways, and anyone with any sense of the frustrations and of the challenges that average Americans are facing knows these bonuses could not pass the smell test, but we must be thoughtful and measured.

Mr. Chair, we know the government has to play a role to keep our financial institutions solvent.

□ 1645

A bank failure of the size of some of our largest institutions would reverberate throughout the economy with the cascading effect not only on depositors but would greatly affect the ability of individuals to access credit. In my city of New York, these institutions also mean jobs, hundreds of thousands of them from the trading floors to the restaurants and the car services. We are intrinsically linked to the success of this industry, and I want to see it recover.

Our amendment is simple. When an institution which took TARP funds starts to pay back the TARP funds, we will lift these restrictions on pay. Merit bonuses are an important part of employee compensation in the financial services industry. And I know it is also important to my city because we are dependent on the income from the bonuses to pay for critical municipal services. They directly help to put teachers in schools, cops on the street, firefighters in the firehouses.

This amendment is an incentive for these companies to get back their financial health. Once companies that receive TARP funds start repaying the TARP funding, we will lift these restrictions. If you continue to repay, you will have the ability to reward longevity and performance with bonuses. If for some reason you stop repaying, then you fall under these restrictions of this bill.

All of us want to see the U.S. taxpayers made whole. This gives an incentive to the employees who are working at these companies trying to right the ship to know that when they turn their company around and pay back the taxpayer, they will be justly and fairly rewarded as well.

For these reasons, I urge my colleagues to support the Bean-McMahon amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I would say by explanation I have consulted and I appreciate the cooperation of the members of the minority. The minority is not opposed to this bill. I am not opposed to the next amendment that's going to be offered. So we've agreed to take 5 minutes each, and I think we then have worked everything out so that on the next one, we will get an equality of time and there will be real opposition. And I appreciate the accommodation that the members showed in reaching this.

I understand the principle because it's one we have in the bill, but the question is on which end do you wait? The gentlewoman has suggested that people would want to pay it and they can't get it all paid at once, and that's

true, and therefore, they should immediately be removed from the restrictions. But the alternative is this: They announced they are going to pay it, they plan to make the compensation adjustments, and they pay them—they simply defer them for a couple of months. In other words, it seems to me there are two possible arguments.

One is that the repayment period would be a very long period, in which case I wouldn't want there to be a tolling of the provision. The other is that the repayment period will be a fairly short period, in which case it's only a short period to have to wait until they pay the bonuses.

So I think that is a better way to deal with it. It is not an unreasonable position. The question is where do you do the risk.

This way they say we're going to repay, they do a repayment schedule, and as soon as they repay, they can make those payments. In other words, the entity that determines how long it will be is the repaying entity.

I think the good legal principle is it's the entity that controls the timing that bears the burden of a delay. If they delay too much, then they have a problem. If they do it promptly, then they don't have a problem because they can make the payments. And I do think with all the other burdens that you put on the secretary—and then I guess the other question is well what if people say they are going to repay, and for some reason they aren't able to make the scheduled payments. Do they have to rescind the bonuses? Do we get into that again?

So I would prefer to leave it as we have now. People can announce they're going to repay and the more quickly they repay, the more quickly they can make those payments, and there is nothing that stops them from telling people. By the way, we plan to repay, and as soon as we do, you'll get this raise, you'll get this bonus. I think that is a better way to go.

I reserve the balance of my time.

Ms. BEAN. Mr. Chairman, can I ask how much time I have left?

The CHAIR. The gentlewoman has 1 minute remaining.

Ms. BEAN. I will reserve.

The CHAIR. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. FRANK of Massachusetts. Who has the right to close?

The CHAIR. The gentleman from Massachusetts has the right to close.

Mr. FRANK of Massachusetts. I have one remaining speaker, so I will reserve my right to close.

Ms. BEAN. Mr. Chairman, in response I would say that it's the Treasury that gets to decide what type of repayment plan, whether that's a long repayment or a short repayment. We had considered putting a monthly or quarterly limit on it, maybe six quar-

ters on it, but I would trust the Treasury's judgement to make sure that it would be done in a way that doesn't destabilize our markets.

And with that, I will yield back.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield my remaining time to the gentleman from California, Mr. SHERMAN.

Mr. SHERMAN. I thank the Chairman.

I think a lot of us would like companies to repay the TARP money as quickly as possible. I think that's true of those who voted against the bill, and I think it's true of many of those who voted in favor of it. And I might support this amendment if it was one that required companies to repay in a 6-month schedule, or a 1-year schedule.

But this amendment allows companies to escape all the provisions of the bill just by entering into a schedule of repayment that could be a 10-year schedule or a 15-year schedule. And I don't think that a company should be able to escape the bill just by repaying us the money over the next 10 or 15 years. After all, all of the companies who got the TARP money are supposed to be repaying it; many of them in a shorter period than over the next 10 or 15 years.

Fairness would say that we should not treat a company that's repaying us over a 15-year schedule differently than a company that has not entered into a particular repayment schedule.

So I would hope that we would defeat this amendment because the amendment, as written, would allow a large number of companies to escape the effect of the bill without doing much more than making a few monthly payments, potentially of a very small amount.

As to the issue of retroactivity, there is much discussion over what happened in the Senate, but here in the House, we didn't vote for this version of the Dodd amendment or that version of the Dodd amendment. We just had the conference report before us.

Those of us who voted "yes" on the conference report at least voted for a provision that would prevent crazy bonuses in the future. And there are many Members—in fact, the entire Republican side of the House who voted against the stimulus bill. That means they voted against a provision that would prevent huge \$6 million AIG bonuses in the future. And their only excuse is, well, they would have hoped for an amendment that would have prevented the bonuses in the past.

When a bill comes before us that would prevent \$6 million bonuses from being paid to AIG executives in the future, and you vote against the bill, it is a very small fig leaf to say that you are nonetheless opposed to excessive bonuses.

The CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. BEAN).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. BEAN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. BILIRAKIS

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-71.

Mr. BILIRAKIS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BILIRAKIS:  
In subsection (e)(1) of the matter proposed to be inserted by section 1(a) of the bill, in the matter following subparagraph (B), strike "Provided that" and all that follows through "under the TARP" and insert "An institution shall not become subject to the requirements of this paragraph as a result of doing business with a recipient of a direct capital investment under the TARP or under the amendments made by the Housing and Economic Recovery Act of 2008".

The CHAIR. Pursuant to House Resolution 306, the gentleman from Florida (Mr. BILIRAKIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this Congress has an obligation to protect taxpayers. The \$590 billion that was handed to Wall Street firms does not belong to Wall Street. That money is the property of the American people. The fact that I voted against the TARP legislation is no excuse for me to wash my hands of the matter. I have a duty to my constituents and to the American taxpayers to do everything in my power to protect their investment.

H.R. 1664 will impose restrictions on TARP recipients who refuse voluntarily to change their excessive compensation practices. However, those firms that are not receiving taxpayer dollars who directly engage in business with a TARP recipient must be assured they will not find themselves falling within the compensation restrictions of this bill.

The bill, as written, recognizes this and states that a company that did business with a recipient of TARP funds will not be subject to the requirements of the bill. This language gives assurance to the non-TARP recipients that it is safe to do business with those firms on taxpayer life support, which is vitally important to protect taxpayer investments.

However, this same language in the bill has the potential to inadvertently let most, if not all, TARP recipients off the hook.

For example, Goldman Sachs is a TARP recipient and has engaged in business with AIG, another TARP recipient. Since Goldman Sachs does business with a recipient of TARP moneys, then by the terms of the language of the bill, Goldman Sachs will no longer be subject to the requirements of the bill. And for that matter, AIG will not be subject to the requirements of the bill because AIG does business with Goldman Sachs which is a TARP recipient.

As you can guess, virtually all of the largest TARP recipients have done business with each other and therefore will escape the compensation restrictions of H.R. 1664 if this language is not corrected.

My amendment solves this problem by clarifying the language in the bill to eliminate the possibility of this unintended result.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BILIRAKIS. Yes, I will yield.

Mr. FRANK of Massachusetts. I understand the gentleman from Georgia is going to take the time in non-opposition. I want to thank the gentleman from Florida for bringing this forward. It is important that we have this totally nailed down. Ambiguity is to be avoided at all costs, and he's performed a useful service with this amendment.

Mr. BILIRAKIS. Mr. Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, through a previous understanding, I claim the time in opposition, though I am not opposed.

The CHAIR. Without objection, the gentleman from Georgia is recognized for 5 minutes.

There was no objection.

Mr. PRICE of Georgia. Mr. Chairman, I want to commend my friend from Florida for his appropriate reading of the bill and appropriate correction through this amendment in clarifying that TARP recipients will not be subject to the requirements as a result of doing business with a TARP recipient.

I would suggest, however, Mr. Chairman, that the reason that it feels so peculiar, this whole debate feels so peculiar is because the American people know that the reason we're standing here today is because we went beyond the bounds of what government ought to be doing. And so my friend from Florida recognizes an appropriate flaw in the underlying bill and has appropriately corrected it by his amendment.

But, Mr. Chairman, the real flaw is the action that this Congress has taken and this administration, and Mr. Chairman, the previous administration in moving our Nation into an economy that is no longer market-based but is politically based. That is a very dangerous place to be.

So I want to commend my friend from Florida for what he has done for his amendment.

I urge my colleagues to support this amendment.

I yield back the balance of my time.  
Mr. BILIRAKIS. Mr. Chairman, I strongly recommend that the Members vote favorably on this very important amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

The amendment was agreed to.

□ 1700

AMENDMENT NO. 6 OFFERED BY MR. DEFAZIO

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-71.

Mr. DEFAZIO. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. DEFAZIO:  
At the end of the bill insert the following:  
(c) SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—Subsection (f)(2) of section 111 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221) is amended—

(1) by striking "shall not be binding" and inserting "shall be binding"; and

(2) by striking "and may not be construed" and all that follows and inserting "and any compensation payment arrangement not approved by such a vote may not be entered into by the TARP recipient."

The CHAIR. Pursuant to House Resolution 306, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. I rise in support of the bill, and I'm very favorable to the say-on-pay provision. I'm going to propose that we actually add to that provision, but first, I've been a bit bemused by the debate today and listening from my office to hear from the Republican side that they're saying, well, it's the Democrats' fault that there aren't more meaningful restrictions, but we're against these meaningful restrictions. So I'm going to give them a chance here to maybe be a little more consistent because I'm going to offer a free-market approach to enhancing protections for stockholders and taxpayers against excessive corporate executive remuneration. It's a free-market approach, and it's also a democratic approach because it would allow the owners of the company, the stockholders, to cast not just an advisory vote but a binding vote on corporate compensation.

Now, I know we're going to hear concerns about this, and perhaps again they will be extraordinarily inconsistent on their side of the aisle, bemoaning the fact that we didn't do this earlier but not wanting to do it now in a more meaningful way.

But the issue here is very real. The growth in corporate compensation has

been extraordinary. We've gone from a 40:1 ratio to the average worker 25 years ago to nearly 400:1 in many cases now, and Americans are justifiably outraged, and they're particularly outraged when it's sometimes now their taxpayer money which is going to support these lavish lifestyles.

We have examples of some corporations that have recently gone to binding votes. NBIA after a rather disastrous year has gone there. You can expect that their stockholders are going to be a little cranky about the corporate compensation. Carl Icahn supports this provision. And the Netherlands has adopted this. In the Netherlands, the way it works is it's prospective. The next year's salary package has to be approved by the stockholders in a vote.

Now, the bill does refer, the provision regarding say-on-pay, to the SEC, and I would leave that intact so it would be up to the SEC to figure out how this might work. Perhaps there's already an egregious pay package in effect and voting against a prospective package wouldn't even get at the underlying—I can understand that some people would say that this needs a little work, but I trust the SEC to get there.

With that, I yield to the chairman.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

He's raised a very important issue. My attitude on this amendment is almost certainly yes but not yet. He's raised some of the questions. There's a little bit too much to give to the SEC. They will ultimately have to administer it. I would give him my word—he remembers he voted for it in 2007, the say-on-pay bill, when we first brought it in the House. It was then advisory. I believe it is time to consider going further and as part of the whole corporate governance, because an alternative is to simply empower the shareholders more to have real control of the board.

So I intend to vote "no" now with the commitment to the gentleman from Oregon that this will be seriously studied in our committee later this year.

Mr. DEFAZIO. With that, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, as one amendment after another continues to show, this is a very dangerous road we're on, and I would underscore that for this amendment.

This amendment fundamentally undermines the purpose of a board of directors. This says that the shareholders, the owners of the company, will set the compensation for individuals not at the board of directors level but on down in the company.

Now, why should we stop there, Mr. Chairman? Why should the share-

holders not decide where the corporate headquarters is? Why should the shareholders not decide, in a binding way, what type of business endeavor the company goes into, whether it expands into this area or that area? Why should the shareholders not decide on any employment decision?

Well, Mr. Chairman, the answer is very clear, and that is because that's not the way to retain whatever remnant we have left of a vital American economic system.

My friend cites the nation of the Netherlands, the European companies. Mr. Chairman, there's a reason that the American economy has been the greatest economy in the world, and that's because of the structure that we have that allows shareholders to participate in appropriate, nonbinding decisions.

What are their options as shareholders if they don't like the way a company is running? Well, they have two, and you know what they are, Mr. Chairman. They could vote "no" or vote for a different board of directors, which is their direct input into the running of the company, which gives it that vitality and that vibrancy. Mr. Chairman, they can sell their shares. That's the beauty of the system.

My friend from Oregon wants to have the shareholders be not just the owners but the managers of the company. You talk about dampening the vitality and the spirit of the American entrepreneur. You talk about inserting into the board of directors' room a situation where you can't begin to expand in a way that you ought to expand. You can't begin to grow your business in the way that you want because the next step from here, Mr. Chairman, is to move it on to further discussions and debates and decisions within the board of directors.

Mr. Chairman, this is truly a very poor idea. It's an idea that this Congress should not embrace. It's an idea that, again, further gets us down to the Congress deciding in a very political way who ought to be winners and losers. You can just imagine the logical extension of the waywardness of this kind of amendment.

So I urge my colleagues to vote "no" on the amendment.

I reserve the balance of my time.

Mr. DEFAZIO. I believe I have the right to close. Does he have further speakers?

The CHAIR. The gentleman from Georgia has the right to close.

Mr. DEFAZIO. Okay. Well, then I yield myself the balance of my time.

The gentleman refers to the board of directors. He's apparently not particularly conversant with how those elections are set up so that it is extraordinarily difficult to nominate and/or replace anyone on boards of directors the way most corporate governance is set up.

You know, it's amazing to me that somehow those who have a direct interest, Americans who own the stock, they should just sell their stock. Well, maybe their stock's worth half what it was last year because of crummy management, and he says, well, just sell your stock because they lost half your money and let the CEO still get an exorbitant salary. Come on, is that a good decision? No.

The other alternative would be to actually allow the owners, in what I think is a fairly well-accepted form of government in the United States of America, those people to actually vote in a meaningful and binding way, as opposed to an advisory way, to a board of directors who are all first cousins, who all serve on each other's boards, and all feather each other's nests and all compensate themselves very well. Come on, we all know how this works.

If you want to just stick up for the current system, then stop this sort of bifurcated argument, oh, the Democrats are really bad because they didn't do this earlier, and it was in another bill that could have been or should have been but we don't want to do it now, and we don't want to do it in a meaningful way. That's where the Republicans are coming down here, and I find it to be a most disingenuous argument.

With that, I yield back the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, what time remains?

The CHAIR. The gentleman from Georgia has 2 minutes remaining.

Mr. PRICE of Georgia. The gentleman, the author of the amendment says that it's difficult to vote on board of director elections. Well, it may be a little challenge to fill out a form that comes in the mail. It may be a bit of a challenge to get to headquarters to vote, but in fact, that's the way that shareholders have their input, and it's an appropriate way.

And the real response to his dilemma, his concern, is that if 50 percent, plus one, of the shareholders vote a member of the board of directors out, that member of the board of directors is gone, and therefore, there's the accountability. And that's imperative that we retain that.

What does this amendment mean? This amendment means, again, that the shareholders become not just the owners of the company but the managers of the company. And that's, again, Mr. Chairman, not the way that you allow and create a vibrant and incisive and wonderful entrepreneurial spirit across this land that has resulted in the remarkable success of the American economy.

What this amendment means is that pension plans and retirement plans are put at risk because if we allow shareholders to become not just owners of companies but managers of companies,

then the result will be that companies will not be able to institute the kind of wonderful opportunities for their businesses and, hence, their shareholders.

So I urge my colleagues not to march further down this road. This is a road upon which we should not be; but, Mr. Chairman, we find ourselves moving headlong in the direction of greater governmental intervention into the private industry in a very dangerous way.

I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

AMENDMENT NO. 7 OFFERED BY MRS. DAHLKEMPER

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-71.

Mrs. DAHLKEMPER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. DAHLKEMPER:

In subsection (e)(1)(B), of the matter proposed to be inserted by section 1(a), insert after "payment" the following: " , whether payable before employment, during employment, or after termination of employment."

In subsection (e), of the matter proposed to be inserted by section 1(a), add at the end the following new paragraph:

"(4) COMPENSATION CONSIDERATIONS UNDER THE STANDARDS.—In establishing standards under this subsection, the Secretary shall consider as compensation any transfer of property, payment of money, or provision of services by the financial institution that causes any increase in wealth on the part of an executive or employee."

The CHAIR. Pursuant to House Resolution 306, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Mrs. DAHLKEMPER. Mr. Chairman, I yield myself such time as I shall consume.

Mr. Chairman, I rise today to offer an amendment to H.R. 1664 to clarify and strengthen key provisions within this important legislation that provides crucial protection for taxpayer dollars.

I strongly support H.R. 1664, legislation that prohibits ANY institution that has received a direct capital investment under TARP from paying any employee compensation that is "unreasonable or excessive." It also prohibits any bonus or payment that is not directly based on performance-based standards set by the Treasury Secretary. My constituents are demanding accountability from financial institutions that are receiving taxpayer assistance.

The amendment that I offer to you today speaks on behalf of those de-

mands by closing loopholes that may exist in order to protect taxpayers as TARP-funded companies allocate bonuses to their employees. It specifies that H.R. 1664 includes payments made before, during, or after employment of the executive by the financial institution receiving a direct capital investment under the TARP section 1117 of the Housing Economic Recovery Act of 2008.

Furthermore, my amendment helps to clarify that prohibited executive compensation for purposes of this bill may take the form of money paid, property transferred, or services rendered.

There are many possible forms of compensation, and indeed, there's a virtual industry which specializes in nurturing this diversity. This amendment affirms the intent of H.R. 1664 by taking a very comprehensive view of the concept of executive compensation and, in turn, possible prohibited executive compensation.

Mr. Chairman, like most of my colleagues on both sides of the aisle, my district has been hit especially hard by this economic downturn. Traveling across my district, I have heard the same story from far too many middle-class families about how they're bearing the brunt of a faltering economy. In fact, many of my constituents who have worked hard and played by the rules have had to take a pay cut simply to keep their job.

Various small businesses across my district have had to make some hard choices. Many have had to reduce their workforce. Executives and workers alike have had to take sometimes up to 20 percent reductions in their income, while others have had to reduce their work week to 4 days.

As a small business owner myself, I understand firsthand that the small business community is struggling just to keep employees on the payroll and the lights on at the end of the day.

Mr. Chairman, my constituents work hard and meet their responsibilities every day. And their hard-earned tax dollars are being used to bail out companies, some of which were responsible for the economic downturn we have today. What they ask for in return is accountability, transparency, and to play by the same rules as everybody else.

The purpose of this legislation before us is to set up an operating framework to give taxpayers the confidence that the irresponsible actions of some of the bad actors will not be repeated again. The purpose of my amendment is to offer additional clarity to that end. All excessive bonuses at taxpayer expense are prohibited regardless of when the executive worked at the company. All excessive bonuses at taxpayer expense are prohibited regardless of what form they take.

Mr. Chairman, I came to Congress to represent the interests of my constitu-

ents on Main Street. That means putting in place important protections to safeguard taxpayer dollars. That's why I'm offering my amendment today.

I thank the chairman for working with me on developing this amendment and for his leadership, and that's why I urge a "yes" vote on my amendment.

I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. BACHUS. I yield myself 4 minutes and also ask the sponsor of the amendment if she would remain on the floor because I have a question for her, and also the gentleman from New Jersey has a question.

□ 1715

Mr. Chairman, the underlying bill applies to any executive or employee of these companies. The amendment by Mrs. DAHLKEMPER defines payment as payment before employment, during employment, or after termination of employment, which almost appears to be almost a cradle-to-grave period of time.

Having said that, I have got specific concerns. I'd like to engage in a colloquy with the gentlelady from Pennsylvania about her amendment.

Would your amendment enable the Treasury Secretary to establish compensation standards for employees after they retire?

Mrs. DAHLKEMPER. If this is excessive, any time before or after.

Mr. BACHUS. So he could determine that any payment after they retire was excessive or unreasonable?

Mrs. DAHLKEMPER. Yes, it does.

Mr. BACHUS. Would those standards include retirement plans, pension plans, and retiree medical benefits provided by the company?

Mrs. DAHLKEMPER. Only while the investment is outstanding, if it's in violation of the rules.

Mr. BACHUS. You mean the Treasury Secretary could limit retirement benefits, pension benefits, and their medical benefits?

Mrs. DAHLKEMPER. If it's in violation of the rules.

Mr. BACHUS. If he thinks it's a violation. All right. Your amendment requires the Treasury Secretary to consider any increase in wealth on the part of the executive or employee as compensation. Would the gentlelady please provide what her definition of wealth is? Would wealth include retirement plans, pension plans, medical benefits?

Mrs. DAHLKEMPER. Yes, it does.

Mr. BACHUS. It does. In other words, the Secretary of the Treasury would have what I would consider sweeping rights to limit retirement benefits, medical benefits, and pension plans for any and all employees if he deemed that they were unreasonable or excessive or more than he deemed proper. Is that correct?

Mrs. DAHLKEMPER. If they're unreasonable and excessive.

Mr. BACHUS. The gentlelady understands that you're giving sole discretion to a few people to determine whether someone—in other words, all employees' pension, health, or retirement benefits are excessive. Is that what the gentlelady intended to do? That's what her amendment does.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. I yield.

Mr. FRANK of Massachusetts. In fairness to the gentlewoman, she's amending into the base of the bill. There had been a notion that you just did the top executives. AIG made it clear there could be hundreds of people covered.

Yes, I trust no Secretary of the Treasury that I've ever seen would say that a cost of living or even salary increase—but it does cover all employees because, as I said, the AIG and other experiences show hundreds of employees could be involved.

Mr. BACHUS. I understand what the chairman is saying. But this bill applies to all these financial institutions. I believe this is a sweeping definition of compensation.

The CHAIR. The time of the gentleman has expired. The gentleman has used 4 minutes of his 5 minutes.

The gentlewoman from Pennsylvania has 1½ minutes remaining.

Mrs. DAHLKEMPER. Mr. Chair, I think this is just a straightforward amendment that is basically closing loopholes. I urge a "yes" vote on this.

Mr. FRANK of Massachusetts. Will the gentlewoman yield to me?

Mrs. DAHLKEMPER. I yield.

Mr. FRANK of Massachusetts. Let me respond to the gentleman from Alabama. It does close loopholes. Golden parachutes are a form of retirement. We have cases where executives after retirement get the use of airplanes, get the use of other things. And it is true that it has only been executives. We have no contemplation that anybody would use this for lower level, average employees. But if you limit it to 5 executives, 10 executives in some of these large companies, yes, you do invite problems. And it would be a very easy thing to do to say, Okay, we're only going to give you this now, but once you retire, we'll give you all the extra money we couldn't give you in the first place. It is certainly the case that outsized retirement packages to a handful of favored employees has been a part of the problem.

Mr. BACHUS. Will the gentlewoman yield?

Mrs. DAHLKEMPER. I yield.

Mr. BACHUS. I would say, What if an employee upon his retirement is given stock in the company and 10 years after his retirement—

Mr. FRANK of Massachusetts. I ask the gentlewoman to yield me back the time.

Mrs. DAHLKEMPER. I yield.

Mr. FRANK of Massachusetts. Stock of that sort would not count. If it is stock that goes up in time, that is not a problem. Stock that is going to simply be regular stock, and it goes up, that's not covered.

The CHAIR. The gentlewoman from Pennsylvania controls the time.

Mrs. DAHLKEMPER. I reserve the balance of my time.

Mr. FRANK of Massachusetts. Would the gentlewoman yield further?

Mrs. DAHLKEMPER. I yield.

Mr. FRANK of Massachusetts. The other problem is this. The gentleman from Alabama, my good friend, is apparently assuming that the TARP will live forever, because by the time a lot of these people have been retired, we hope they have paid back the TARP funds.

The CHAIR. The time of the gentleman has expired.

Mr. BACHUS. I ask unanimous consent that each side be given an additional 1 minute.

The CHAIR. Is there objection to the request of the gentleman from Alabama?

Mr. FRANK of Massachusetts. Reserving the right to object, how many minutes?

Mr. BACHUS. Extend the time by 1 minute on each side.

Mr. FRANK of Massachusetts. One is the outer limit of everybody's patience, but I won't object.

The CHAIR. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. I yield myself 1 minute.

We don't know how long all this is going to last. But what I will say is you are giving—for every employee of these companies, you're giving the Secretary of the Treasury the right to control their pension benefits, their retirement benefits, their health benefits, whether intended or not.

I don't think that you can assure me that the power will not be abused in the future because, as the gentlelady said, her amendment includes any compensation for the rest of their life. It also includes any compensation before they arrived at the company.

That, to me, is a very broad brush. I would definitely oppose this amendment.

Mr. FRANK of Massachusetts. Will the gentlelady yield?

Mrs. DAHLKEMPER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman.

I will take the 1 minute that was yielded to say, once again, this only applies while they have got TARP money. The notion that TARP is going to live forever is a fantasy—or, that people won't pay it back. This only applies during the duration of TARP.

Secondly, there is a scare tactic here that I think is belied by the facts. I do not think any Secretary of the Treasury I have seen, served with, or read about, would decide that the health benefits of a thousand workers could be excessive or unreasonable.

I will tell the gentleman this. I wish we lived in a society in which we had to worry about excessive and unreasonable pension benefit for retirees who are simply rank and file workers. That's not a problem that has ever arisen.

So I think this is, frankly, an objection in search of a reason. Yes, you want to avoid what we know has been used—putting it into the back end or the front end or trying to do it in tricky ways. And that's what the gentlewoman correctly wants to stop.

The CHAIR. The time of the gentleman has expired. The gentleman from Alabama has 1 minute remaining.

Mr. BACHUS. I yield that minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I'm reminded of the statement that the nearest thing to immortality on this Earth is a Federal agency or Federal program. So some things do apparently live forever—and that's Federal Government programs.

And on to this point, if the gentlelady is still on the floor, the history of the underlying problem here is AIG. And it did in fact start not as a TARP program, but as the Fed Reserve, and that was 9/16, when the Fed gave an \$85 billion loan to AIG. That did change, as the gentlelady knows, on November 10, and it basically became a Federal TARP program when the loan was restructured and reduced. And it eventually changed again on March 2. I assume the gentlelady who's the sponsor of the bill is familiar with that history.

I will yield to the gentlelady to make sure that she is understanding of the history of how we got here.

Mr. FRANK of Massachusetts. Would the gentlewoman yield?

Mrs. DAHLKEMPER. I will yield.

Mr. FRANK of Massachusetts. The gentlewoman was not a Member of the Congress when those events transpired.

Mr. GARRETT of New Jersey. Just to the gentlelady. I appreciate that. To the gentlelady—I just ran through the history of saying that it initially began as a Fed program and then became a TARP program, without any restrictions on it.

The CHAIR. The question is on the amendment offered by the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the



amendment offered by the gentlewoman from Pennsylvania will be postponed.

#### ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-71 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Ms. BEAN of Illinois.

Amendment No. 7 by Mrs. DAHL-KEMPER of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 4 OFFERED BY MS. BEAN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Ms. BEAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 198, answered “present” 1, not voting 10, as follows:

[Roll No. 180]

#### AYES—228

Ackerman	Coble	Hastings (WA)
Aderholt	Cohen	Heller
Adler (NJ)	Cole	Hensarling
Akin	Conaway	Herger
Alexander	Cooper	Himes
Altmire	Crenshaw	Hoekstra
Austria	Crowley	Hunter
Bachmann	Cuellar	Inglis
Bachus	Culberson	Israel
Barrett (SC)	Davis (KY)	Issa
Bartlett	Davis (TN)	Jenkins
Bean	Deal (GA)	Johnson (IL)
Biggert	Dent	Johnson, Sam
Bilbray	Diaz-Balart, L.	Jones
Bilirakis	Diaz-Balart, M.	Jordan (OH)
Bishop (NY)	Dreier	Kanjorski
Bishop (UT)	Duncan	Kind
Blackburn	Ehlers	King (IA)
Blunt	Emerson	King (NY)
Boccieri	Engel	Kingston
Boehner	Etheridge	Kirk
Bonner	Fallin	Kirkpatrick (AZ)
Bono Mack	Flake	Kline (MN)
Boozman	Fleming	Kratovil
Boucher	Forbes	Lamborn
Boustany	Fortenberry	Lance
Brady (TX)	Foster	Larsen (WA)
Broun (GA)	Fox	Latham
Brown (SC)	Franks (AZ)	LaTourette
Brown-Waite,	Frelinghuysen	Latta
Ginny	Gallely	Lee (NY)
Burgess	Garrett (NJ)	Lewis (CA)
Burton (IN)	Gerlach	LoBiondo
Buyer	Giffords	Lowey
Calvert	Gingrey (GA)	Lucas
Camp	Gohmert	Luetkemeyer
Campbell	Goodlatte	Lummis
Cao	Granger	Lungren, Daniel
Capito	Graves	E.
Cassidy	Griffith	Mack
Castle	Guthrie	Maffei
Chaffetz	Hall (TX)	Maloney
Childers	Harman	Manzullo
Clarke	Harper	Marchant

Markey (CO)	Paul	Sensenbrenner
Markey (MA)	Paulsen	Sessions
Marshall	Pence	Sestak
Massa	Perlmutter	Shadegg
Matheson	Peterson	Shimkus
McCarthy (CA)	Petri	Shuler
McCaul	Pitts	Simpson
McClintock	Platts	Smith (NE)
McCollum	Poe (TX)	Smith (NJ)
McCotter	Polis (CO)	Smith (TX)
McHenry	Pomeroy	Smith (WA)
McHugh	Posey	Snyder
McIntyre	Price (GA)	Souder
McKeon	Putnam	Stearns
McMahon	Radanovich	Tanner
McMorris	Rangel	Terry
Rodgers	Rehberg	Thompson (PA)
Meeks (NY)	Reichert	Thornberry
Mica	Roe (TN)	Tiahrt
Miller (FL)	Rogers (AL)	Tiberi
Miller (MI)	Rogers (KY)	Turner
Minnick	Rogers (MI)	Upton
Moran (KS)	Rooney	Walden
Murphy, Patrick	Roskam	Wamp
Murphy, Tim	Ross	Weiner
Myrick	Royce	Whitfield
Nadler (NY)	Ruppersberger	Wilson (SC)
Neal (MA)	Rush	Wittman
Neugebauer	Ryan (WI)	Wolf
Nunes	Salazar	Wu
Nye	Scalise	Yarmuth
Oberstar	Schock	Young (AK)
Olson	Schwartz	Young (FL)

#### NOES—198

Abercrombie	Ellsworth	McNerney
Andrews	Eshoo	Meek (FL)
Arcuri	Faleomavaega	Melancon
Baca	Farr	Michaud
Baird	Fattah	Miller (NC)
Baldwin	Filner	Miller, George
Barrow	Frank (MA)	Mitchell
Becerra	Fudge	Mollohan
Berkley	Gonzalez	Moore (KS)
Berman	Gordon (TN)	Moore (WI)
Berry	Grayson	Moran (VA)
Bishop (GA)	Green, Al	Murphy (CT)
Blumenauer	Green, Gene	Murtha
Bordallo	Grijalva	Napolitano
Boren	Gutierrez	Norton
Boswell	Hall (NY)	Obey
Boyd	Halvorson	Olver
Brady (PA)	Hare	Ortiz
Brady (IA)	Hastings (FL)	Pastor (AZ)
Bright	Heinrich	Payne
Brown, Corrine	Herseth Sandlin	Perriello
Buchanan	Higgins	Peters
Butterfield	Hill	Pierluisi
Capps	Hinchey	Pingree (ME)
Capuano	Hinojosa	Price (NC)
Cardoza	Hirono	Rahall
Carnahan	Hodes	Reyes
Carney	Holden	Richardson
Carson (IN)	Holt	Rodriguez
Carter	Honda	Rohrabacher
Castor (FL)	Hoyer	Ros-Lehtinen
Chandler	Inslee	Rothman (NJ)
Christensen	Jackson (IL)	Roybal-Allard
Clay	Jackson-Lee	Ryan (OH)
Cleaver	(TX)	Sablan
Clyburn	Johnson (GA)	Sánchez, Linda
Coffman (CO)	Johnson, E. B.	T.
Connolly (VA)	Kagen	Sarbanes
Conyers	Kaptur	Schakowsky
Costa	Kildee	Schauer
Costello	Kilpatrick (MI)	Schiff
Courtney	Kilroy	Schrader
Cummings	Kissell	Scott (GA)
Dahlkemper	Klein (FL)	Scott (VA)
Davis (AL)	Kosmas	Serrano
Davis (CA)	Kucinich	Shea-Porter
Davis (IL)	Langevin	Sherman
DeFazio	Larson (CT)	Shuster
DeGette	Lee (CA)	Sires
Delahunt	Lewis (GA)	Skelton
DeLauro	Linder	Slaughter
Dicks	Lipinski	Space
Dingell	Loeb	Speier
Doggett	Lofgren, Zoe	Spratt
Donnelly (IN)	Lujan	Stark
Doyle	Lynch	Stupak
Driehaus	Matsui	Sullivan
Edwards (MD)	McCarthy (NY)	Sutton
Edwards (TX)	McDermott	Tauscher
Ellison	McGovern	Taylor

Teague	Van Hollen	Watson
Thompson (CA)	Velázquez	Watt
Tierney	Visclosky	Waxman
Titus	Walz	Welch
Tonko	Wasserman	Wexler
Towns	Schultz	Wilson (OH)
Tsongas	Waters	Woolsey

#### ANSWERED “PRESENT”—1

Cantor

#### NOT VOTING—10

Barton (TX)	Pallone	Thompson (MS)
Kennedy	Pascarell	Westmoreland
Levin	Sanchez, Loretta	
Miller, Gary	Schmidt	

□ 1758

Messrs. VAN HOLLEN, VISCLOSKEY, KILDEE, Ms. KILPATRICK of Michigan, Messrs. WATT, HONDA, TIERNEY, BUTTERFIELD, BECERRA, BERMAN, GEORGE MILLER of California, BERRY, ORTIZ, DOYLE, LUJÁN, ARCURI, LYNCH, BISHOP of Georgia, RYAN of Ohio, KLEIN of Florida, CLEAVER, GORDON of Tennessee, Ms. ESHOO, Ms. KAPTUR, Ms. ROSLEHTINEN, Ms. LINDA T. SANCHEZ of California, Mrs. HALVORSON, Ms. KOSMAS, Ms. WASSERMAN SCHULTZ, Ms. PINGREE of Maine and Ms. SLAUGHTER changed their vote from “aye” to “no.”

Messrs. FRANKS of Arizona, RYAN of Wisconsin, NEAL of Massachusetts, GALLEGLY, MCHENRY, FLAKE, HENSARLING, TIM MURPHY of Pennsylvania, MASSA and Ms. CLARKE changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MARKEY of Massachusetts. Madam Speaker, on rollcall No. 180, I inadvertently voted “aye”, but intended to vote “no.”

#### AMENDMENT NO. 7 OFFERED BY MRS.

#### DAHLKEMPER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 180, answered “present” 1, not voting 10, as follows:

[Roll No. 181]

#### AYES—246

Abercrombie	Baca	Berkley
Ackerman	Baird	Berman
Adler (NJ)	Baldwin	Berry
Altmire	Barrow	Bishop (GA)
Andrews	Bean	Bishop (NY)
Arcuri	Becerra	Blumenauer

Boccieri Hastings (FL)  
 Bordallo Heinrich  
 Boren Herseth Sandlin  
 Boswell Higgins  
 Boyd Hill  
 Brady (PA) Himes  
 Braley (IA) Hinchey  
 Bright Hinojosa  
 Brown, Corrine Hirono  
 Brown-Waite, Hodes  
 Ginny Holden  
 Butterfield Holt  
 Capps Honda  
 Capuano Hoyer  
 Cardoza Inslee  
 Carnahan Israel  
 Carney Jackson (IL)  
 Carson (IN) Jackson-Lee  
 Castor (FL) (TX)  
 Chandler Johnson (GA)  
 Christensen Johnson, E. B.  
 Clarke Kagen  
 Clay Kanjorski  
 Cleaver Kaptur  
 Clyburn Kildee  
 Cohen Kilpatrick (MI)  
 Connolly (VA) Kilroy  
 Conyers Kind  
 Cooper Kissell  
 Costa Klein (FL)  
 Courtney Kosmas  
 Crowley Kratovil  
 Cuellar Kucinich  
 Cummings Langevin  
 Dahlkemper Larsen (WA)  
 Davis (AL) Larson (CT)  
 Davis (CA) Lee (CA)  
 Davis (IL) Lewis (GA)  
 Davis (TN) Loeb sack  
 DeFazio Lofgren, Zoe  
 DeGette Lowey  
 Delahunt Luján  
 DeLauro Lynch  
 Diaz-Balart, L. Maffei  
 Diaz-Balart, M. Maloney  
 Dicks Markey (CO)  
 Dingell Markey (MA)  
 Doggett Massa  
 Donnelly (IN) Matheson  
 Doyle Matsui  
 Driehaus McCarthy (NY)  
 Edwards (MD) McCollum  
 Edwards (TX) McDermott  
 Ellison McGovern  
 Ellsworth McIntyre  
 Engel McNerney  
 Eshoo Meek (FL)  
 Etheridge Meeks (NY)  
 Faleomavaega Michaud  
 Farr Miller (NC)  
 Fattah Miller, George  
 Filner Minnick  
 Foster Mitchell  
 Frank (MA) Mollohan  
 Fudge Moore (KS)  
 Giffords Moore (WI)  
 Gonzalez Murphy (CT)  
 Gordon (TN) Murtha  
 Grayson Nadler (NY)  
 Green, Al Napolitano  
 Green, Gene Norton  
 Griffith Grijalva  
 Grijalva Nye  
 Gutierrez Oberstar  
 Hall (NY) Obey  
 Halvorson Olver  
 Hare Ortiz  
 Harman Pastor (AZ)

## NOES—180

Aderholt Bonner  
 Akin Bono Mack  
 Alexander Boozman  
 Austria Boucher  
 Bachmann Boustany  
 Bachus Brady (TX)  
 Barrett (SC) Broun (GA)  
 Bartlett Brown (SC)  
 Biggert Buchanan  
 Bilbray Burgess  
 Bilirakis Burton (IN)  
 Bishop (UT) Buyer  
 Blackburn Calvert  
 Blunt Camp  
 Boehner Campbell

Payne Perlmutter  
 Deal (GA) Perriello  
 Dent Duncan  
 Dreier Peters  
 Duncan Peterson  
 Fallon Pierluisi  
 Flake Pingree (ME)  
 Fleming Polis (CO)  
 Forbes Pomeroy  
 Fortenberry Posey  
 Foxx Price (NC)  
 Franks (AZ) Rahall  
 Frelinghuysen Rangel  
 Gallegly Reyes  
 Garrett (NJ) Richardson  
 Gerlach Rodriguez  
 Gingrey (GA) Rooney  
 Gohmert Ros-Lehtinen  
 Goodlatte Ross  
 Granger Rothman (NJ)  
 Graves Roybal-Allard  
 Guthrie Ruppertsberger  
 Hall (TX) Rush  
 Harper Ryan (OH)  
 Hastings (WA) Sablan  
 Heller Salazar  
 Hensarling Sánchez, Linda  
 Herger T.  
 Hoekstra Sarbanes  
 Hunter Schakowsky  
 Inglis Schauer  
 Issa Schiff  
 Jenkins Schrader  
 Johnson (IL) Schwartz  
 Johnson, Sam Scott (GA)  
 Jones Scott (VA)  
 Jordan (OH) Serrano  
 King (IA) Shea-Porter  
 King (NY) Sherman  
 Kingston Shuler  
 Kirk Sires  
 Kirkpatrick (AZ) Skelton  
 Kline (MN) Slaughter  
 Lamborn Smith (WA)  
 Lance Space  
 Barton (TX) Speier  
 Kennedy Spratt  
 Levin Stark  
 Miller, Gary Sutton  
 Pallone Tauscher  
 Pascrell Taylor  
 Sanchez, Loretta Teague  
 Schmidt Thompson (CA)  
 Tierney  
 Titus  
 Tonko  
 Towns  
 Tsongas  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walz  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wexler  
 Wilson (OH)  
 Woolsey  
 Wu  
 Yarmuth

## ANSWERED “PRESENT”—1

Cantor

## NOT VOTING—10

Barton (TX) Pallone  
 Kennedy Pascrell  
 Levin Sanchez, Loretta  
 Miller, Gary Schmidt

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain in this vote.

□ 1805

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. JACKSON of Illinois, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards, pursuant to House Resolution 306, he reported the bill back to the House

with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 171, answered “present” 1, not voting 12, as follows:

[Roll No. 182]

## AYES—247

Abercrombie	Cummings	Hirono
Ackerman	Dahlkemper	Hodes
Adler (NJ)	Davis (AL)	Holden
Altmire	Davis (CA)	Holt
Andrews	Davis (IL)	Honda
Arcuri	Davis (TN)	Hoyer
Baca	DeFazio	Inslee
Baird	DeGette	Israel
Baldwin	Delahunt	Jackson (IL)
Barrow	DeLauro	Jackson-Lee
Bean	Diaz-Balart, L.	(TX)
Becerra	Diaz-Balart, M.	Johnson (GA)
Berkley	Dicks	Johnson, E. B.
Berman	Dingell	Jones
Berry	Doggett	Kagen
Bilirakis	Donnelly (IN)	Kanjorski
Bishop (GA)	Doyle	Kaptur
Bishop (NY)	Driehaus	Kildee
Blumenauer	Duncan	Kilpatrick (MI)
Boclieri	Edwards (MD)	Kilroy
Boren	Edwards (TX)	Kind
Boswell	Ellison	Kissell
Boucher	Ellsworth	Klein (FL)
Boyd	Engel	Kosmas
Brady (PA)	Eshoo	Kratovil
Bright	Etheridge	Kucinich
Brown, Corrine	Farr	Langevin
Brown-Waite,	Fattah	Larsen (WA)
Ginny	Filner	Larson (CT)
Butterfield	Foster	Lee (CA)
Cao	Frank (MA)	Lewis (GA)
Capps	Fudge	Lipinski
Capuano	Giffords	Lofgren, Zoe
Cardoza	Gonzalez	Lowey
Carnahan	Gordon (TN)	Luján
Carney	Grayson	Lynch
Carson (IN)	Green, Al	Maffei
Castor (FL)	Green, Gene	Maloney
Chandler	Griffith	Markey (CO)
Childers	Grijalva	Markey (MA)
Clarke	Gutierrez	Marshall
Clay	Hall (NY)	Massa
Cleaver	Halvorson	Matsui
Clyburn	Hare	McCarthy (NY)
Cohen	Harman	McCollum
Connolly (VA)	Hastings (FL)	McDermott
Conyers	Heinrich	McGovern
Cooper	Herseth Sandlin	McHugh
Costa	Higgins	McIntyre
Costello	Hill	McMahon
Courtney	Himes	McNerney
Crowley	Hinchey	Meek (FL)
Cuellar	Hinojosa	Meeks (NY)

Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Olver  
Ortiz  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes

Richardson  
Rodriguez  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Space  
Speier

Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Thompson (CA)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

## NOES—171

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Biggert  
Bilbray  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Braley (IA)  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Dreier  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)

Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Minnick  
Mitchell  
Moran (KS)  
Moran (VA)

Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schock  
Sensenbrenner  
Sessions  
Sestak  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—12

Barton (TX)  
Kennedy  
Levin  
Loebach  
Miller, Gary  
Pallone  
Pascrell  
Sanchez, Loretta  
Schmidt  
Thompson (MS)  
Watt  
Westmoreland

## □ 1823

So the bill was passed.  
The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.

## HOUR OF MEETING ON TOMORROW

Mr. POLIS. Mr. Speaker, I ask unanimous consent that, when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. ALTMIRE). Is there objection to the request of the gentleman from Colorado? There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 1256, FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 307 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 307

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; (2) the amendment in the nature of a substitute printed in part B of the report on the Committee on Rules, if offered by Representative Buyer of Indiana, or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for thirty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. (a) In the engrossment of H.R. 1256, the Clerk shall—

(1) add the text of H.R. 1804, as passed by the House, as new matter at the end of H.R. 1256;

(2) conform the title of H.R. 1256 to reflect the addition to the engrossment of H.R. 1804;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 1804 to the engrossment of H.R. 1256, H.R. 1804 shall be laid on the table.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOOX.

## GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 307 provides a structured rule for the consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. The rule makes in order a substitute amendment, if offered, by Representative BUYER of Indiana or his designee.

I rise in support of House Resolution 307, the Family Smoking Prevention and Tobacco Control Act. I thank Chairman WAXMAN and my colleagues who serve on the Energy and Commerce Committee for their leadership in this bipartisan effort.

This legislation, which passed this House by a margin of more than 3-1 last July, would at long last give the U.S. Food and Drug Administration, the FDA, the authority to regulate tobacco products and to take additional critical steps to protect the public health. The bill prevents the tobacco industry from designing products that entice young people. It develops programs that help adult smokers quit, and it funds the efforts through fees to tobacco manufacturers.

America's youth face intense pressure every day from friends, fancy advertisements and irresponsible adults to make bad decisions that will affect their long-term health. A 2006 study conducted by the Substance Abuse and Mental Health Services Administration found that 90 percent of all adult smokers began while they were in their teens or earlier and that two-thirds became regular daily smokers before they reached the age of 19. A shocking number of American children are at least casual smokers before they can even drive a car.

As a cosponsor of the Family Smoking Prevention and Tobacco Control Act, I am strongly committed to seeing this figure drastically reduced. Congress must work to help make our children's lives safer and their choices easier.

This bill bans flavored cigarettes with names like Mocha Taboo, Midnight Berry and Warm Winter Toffee

## ANSWERED "PRESENT"—1

Cantor

that clearly attract children as consumers. The history of low-tar cigarettes illustrates the grave danger to public health that's caused by fooling consumers into believing unsubstantiated claims that one kind of cigarette is safer than another. Millions of Americans switched to low-tar cigarettes, believing they were reducing their risk of lung cancer substantially. Many were convinced to switch instead of to quit. It wasn't until decades later that we learned through many deaths that those low-tar cigarettes were just as dangerous as full-tar cigarettes.

Under this legislation, which simply empowers the FDA to regulate tobacco products, we will not have to wait until the deaths of millions of more Americans to learn whether a so-called "safer" cigarette is what it claims to be.

□ 1830

The bottom line is we have an interest in making sure our constituents know the facts, all of them, before making potentially deadly choices.

Americans must also be aware of the dramatic health risks associated with smokeless tobacco. Many believe that chewing tobacco and snuff are safe alternatives to smoking cigarettes. That's wrong. This bill would require warning labels that indicate that smokeless tobacco causes mouth and gum cancer, serious oral diseases, and tooth loss. A study by Brown University reveals that just a few weeks of chewing tobacco can develop leukoplakia of the cheek and gums, which is the formation of leather patches of diseased tissue on the mouth.

The American Dental Association strongly supports this legislation, and calls tobacco use the number one cause of preventable disease in the United States. It should be a no-brainer to responsibly regulate such a dangerous product. And the FDA, the only agency charged with food and drug safety, is a logical Federal agency to place with this great and important responsibility.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank the gentleman from Colorado for yielding time.

This is a terrible bill. And we should vote down this rule. The bill is a de facto prohibition of tobacco. It's going to legislate a Big Tobacco monopoly. This bill is going to increase taxes, expand government bureaucracy at the expense of public health. This bill will decimate the family farm. This bill fails to focus on protecting our kids and instead, targets adult tobacco users and retailers.

This bill will increase black market activity, potentially funding criminal enterprises and terrorists' activity. This bill precludes the development of reduced-risk products. The advertising

and communication provisions of this bill are duplicative and unconstitutional. This bill eliminates Federal preemption of marketing and advertising, allowing each State to set its own standards.

This bill is bad for the U.S. economy. It is another power grab on the part of the majority here. This is not something that we need, and it is not something that we should do.

I am going to urge my colleagues to vote "no" on the rule and to vote "no" on the underlying bill.

On that, Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding.

Mr. Speaker, this is a personal issue for me. I have experienced the tragedy that afflicts many tobacco users and their loved ones.

Both of my parents were chain-smokers in their early years. My mother and her friends started smoking in their teen years because they thought it was cool. My father, a physician, quit smoking when I was young, but our house reeked of secondhand smoke, and my mother continued to smoke until she could no longer hold a cigarette. Both parents died of lung cancer.

It was a nightmare, one I would spare other families. Now as a grandmother of three, I hope my grandkids will never smoke.

Mr. Speaker, approximately 4,000 kids try a cigarette for the first time each day. By the end of this week, thousands of Americans will have died from tobacco-related diseases and thousands more will become new, more regular users like my parents were.

We can take a big step towards breaking this deadly cycle by giving the FDA the authority to regulate tobacco products. This bill, which passed this House last July by a huge margin, is the product of a long crusade by my California colleague, HENRY WAXMAN, and is a big down payment on health care reform.

Mr. Speaker, California alone spends over \$9 billion annually treating tobacco-related diseases; \$9 billion could be far better spent on a failing health care infrastructure and increased access to health care.

This bill will save lives and scarce resources. Vote "aye" on the rule and "aye" on the bill.

Ms. FOXX. Mr. Speaker, I now would like to yield 6 minutes to my distinguished colleague from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I applaud my friend from California, Congressman WAXMAN, for his persistence over the past decade and all Members who have supported his legislation in the past. However, Mr. WAXMAN's legislation was drafted over 12 years ago and

has not taken into account the positive outcomes from the Master Settlement Agreement and the changing conditions of the tobacco market in our country. Additionally, the legislation has unconstitutional provisions, and according to CBO, will only reduce smoking rates by 2 percent over 10 years.

Over the past 2 years I have participated in three markups of Congressman WAXMAN's bill, and I, along with my colleagues, have offered numerous amendments to improve and update Mr. WAXMAN's bill. Unfortunately, no significant changes have been incorporated, and our concerns have not been addressed in totality.

That is why I introduced a new bipartisan bill this year which I offer today as an amendment in the nature of a substitute to H.R. 1256. This substitute mirrors the legislation that I introduced with Congressman MIKE MCINTYRE of North Carolina which has strong bipartisan support, including the support of Chairman COLLIN PETERSON of the House Ag Committee along with Chairman JOHN SPRATT of the Budget Committee and other ranking members.

This strong bipartisan substitute amendment seeks to regulate tobacco by creating a new science-based, pragmatic harm-reduction strategy to improve public health. The amendment combines education, prevention, and cessation goals while using public policy to migrate over 45 million smokers to nonsmoking tobacco products and nicotine therapies which are scientifically proven to be significantly less harmful to human health and greatly assist in our efforts to decrease tobacco-related deaths and disease rates in our country.

I strongly believe that no tobacco products are safe. However, Americans today are left in the dark about the relative risks of all tobacco products, and it is false to assume that all tobacco products have equal health risks. Adult smokers deserve to understand the relative health risks of all tobacco products so that they can make informed health decisions.

According to the Royal College of Physicians, "The application of harm reduction principles, to nicotine and tobacco use, could deliver substantial reductions in the morbidity and mortality currently caused by tobacco consumption." Making such information available to adult tobacco users is one of the purposes behind this substitute amendment.

Tobacco harm reduction adds to current tobacco-control policies in order to drastically improve our Nation's health outcomes. It is important to note that harm reduction strategies do not replace tobacco cessation programs but work along with them. That is why when I first put this bill together, I

was very, very hopeful that Mr. WAXMAN and I could combine our efforts, but unfortunately, that did not prevail.

If we can move our smoking population away from smoking products, the most dangerous tobacco products on our market, and move them to less risky tobacco and nicotine products as we move in this effort to wean them off nicotine and tobacco, we have a chance to decrease the adverse effects of tobacco by up to 90 percent over 20 years, according to the American Council on Science and Health. For smokers who are unwilling or unable to quit smoking, we must provide them with the information they can use to decrease their health risks.

Additionally, this substitute protects the core missions of FDA by creating a new harm-reduction agency within Health and Human Services to ensure we have a safe, secure food supply, pharmaceuticals, biologicals and medical device supply. Given the numerous news reports over the years of counterfeit and adulterated drugs and our tainted food supply, the last thing we should be doing is forcing the FDA to regulate an inherently dangerous product in carrying out a mission that is counter to its culture.

This substitute also goes further than the Waxman bill in protecting children because we require States to spend a larger percentage of their master settlement agreement for tobacco education, prevention and cessation efforts. In the last 10 years, States have spent just 3.2 percent of their total tobacco-generated revenue on prevention and cessation programs, and in the current fiscal year, no State is funding tobacco prevention programs at the level recommended by CDC.

Additionally, we require States to make it illegal for minors to purchase and possess tobacco products, aligning our Nation's tobacco policies with our Nation's alcohol policies. Not only will it be illegal for retailers to sell tobacco to minors, but now minors will be strongly discouraged from purchasing or possessing tobacco.

We also ensure that the Feds stay off our Nation's farms. We ensure that our farmers are not hit with additional Federal regulations that affect their traditional farming practices, and we make sure that these regulations stay within the purview of the agriculture department.

Mr. WAXMAN's legislation will directly and indirectly affect farming practices, and I was quite surprised that the Parliamentarian ruled that the Agriculture Committee did not have jurisdiction on this bill. My amendment expressly prohibits the tobacco legislation from finding its way into today's farming practices.

Finally, this substitute calls for a blue ribbon study of tobacco advertising in our Nation. I am very concerned about the first amendment po-

tential violations in the Waxman bill. It was discussed during the last two markups we have had before the Energy and Commerce Committee. You see, in 1996, 46 States, plus the District of Columbia, reached an agreement with the tobacco companies known as the Master Settlement Agreement. This agreement has proved extremely effective in regulating tobacco advertisements in our Nation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. Mr. Speaker, I yield the gentleman 1 more minute.

Mr. BUYER. It is important to note that the advertising restrictions reached in this agreement were voluntary. When we legislate such advertising restrictions, we violate the first amendment. So I'm very concerned, even if we take the rule that was done, the rule-making effort to place restrictions on advertising back in 1996 as then incorporated in this bill, in fact the Supreme Court has already ruled that unconstitutional. So to put that back in this legislation just throws this right back to the Supreme Court. To me as a lawyer, that's unconscionable. We shouldn't be doing that here on the House floor.

So when we legislate these advertising restrictions, we should never, never violate the first amendment. This is one of these really awkward positions where I find myself as a conservative Republican aligned with the ACLU. I also believe we must study ways in which we can better address tobacco advertising without violating the Constitution.

To conclude, we offer this substitute as a bipartisan effort, as an innovative and pragmatic health approach in addressing the harms of tobacco in this country. This substitute protects our children, jobs, farmers, retailers, and wholesalers while protecting our Constitution and protecting the health of our Nation.

Mr. POLIS. Mr. Speaker, the Buyer version is opposed by many credible health organizations, including the American Lung Association, the American Heart Association, the American Academy of Pediatrics, among many others who support the Waxman administration because it would protect children from tobacco marketing.

The Buyer bill falls short of banning brands that are potentially targeted to children like Mocha Taboo and Midnight Berry. It does not protect consumers from misleading health claims about so-called reduced-risk tobacco products, and it embraces smokeless tobacco as a means to reduce the harm caused by cigarettes. While certainly there should be sound, scientific investigation, and there is a process under the Waxman bill for doing that, we must not rush to prejudgment of what works and what doesn't.

Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of the rule and in strong support of the Family Smoking Prevention and Tobacco Control Act.

Today, this body has the opportunity to take a long, overdue and significant step toward not only the regulation of tobacco—a product that is currently totally unregulated—but also on efforts to reduce the number of new smokers, especially children and adolescents who have been targeted by the tobacco industry for far too long.

I want to take this opportunity to thank Chairman WAXMAN for his unwavering commitment and leadership on this issue.

Because 7 in 10 African Americans who smoke choose to smoke menthol cigarettes, I am pleased that this bill provides provisions that accelerate the formation of the new FDA Tobacco Product Scientific Advisory Committee and directs it to issue recommendations on the use of menthol in cigarettes within 1 year of its establishment. It empowers States and communities to prevent the aggressive marketing that has the greatest negative impact in the hardest-hit communities and on our most vulnerable. It bans the additives used to manufacture flavored cigarettes that are marketed to children and creates a faster track for the development of smoking cessation and nicotine-replacement therapies.

As a physician who has seen firsthand the devastating impact that cigarette and tobacco products have on individuals and their families, I strongly urge my colleagues to reject the substitute, to vote "yes" on the rule and then "yes" to pass this legislation so that we as a Nation can finally regulate the leading cause of preventable cause of death in this country.

Ms. FOXX. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. To respond to the gentlelady's concern and her efforts promoting nicotine replacement therapies, there are over 45 million adult smokers in the United States. Each year approximately 2 million smokers use these nicotine replacement therapies in an attempt at quitting. The public success rate of nicotine replacement therapies is only 7 percent, meaning that only 7 percent of smokers who try to quit using nicotine replacement therapies are successful. To me, a 7 percent success rate is failure. It's failure. So we need to try something different, and that's why we have this substitute.

□ 1845

Mr. POLIS. Mr. Speaker, the Waxman bill does allow something different to be tried. It sets up a scientific

process for review to make sure that all technologies that might help wean smokers away are allowed into the marketplace in a manner that makes sure that they don't publish misleading claims regarding their health.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong support of the Family Smoking Prevention Act; and, Mr. Speaker, I want to take the time to thank Mr. WAXMAN for all of his great work in making it possible for us to have a vote on this bill.

We all know that tobacco is a killer. We all know that it causes cancer and respiratory problems. We all know that smoking is addictive and that most people who are hooked began smoking as children. We cannot and we must not wait a moment longer to protect our children from this killer. We must break the cycle. This bill is the right approach.

Children should not see cigarette advertisements from their school playground and at sporting events. Children should not be able to buy cigarettes in a vending machine. And children should not be the target of advertisements designed to get them hooked on smoking.

We should know what it is in the cigarettes that people smoke. People try to fool us and say that certain things are not in the cigarette. With the passage of this bill, for the first time, the FDA will know the ingredients in a cigarette, and they will be able to reduce or eliminate harmful ingredients.

Mr. Speaker, we cannot and must not allow another child to get hooked on cigarettes or on tobacco. We must pass this rule, and I support the rule and I strongly support the bill.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), the dean of the North Carolina delegation.

Mr. COBLE. Mr. Speaker, I thank the gentlelady from North Carolina.

Mr. Speaker, I rise in opposition to the Family Smoking Prevention and Tobacco Control Act.

During my tenure in the Congress, I have consistently opposed granting the Food and Drug Administration the authority to regulate tobacco. I do so based upon my philosophical beliefs and the ramifications that this legislation would impose upon my congressional district and my State.

It is my belief that allowing the FDA to regulate tobacco in any capacity would inevitably lead to FDA regulating the family farm. This creates uncertainty and adds another burden to the already overwhelmed FDA.

I, furthermore, have concerns with the negative impact H.R. 1256 would have upon tobacco manufacturers, their employees, retailers, and wholesalers.

It is ironic, Mr. Speaker, that the very day a 62 cent tobacco tax goes into effect to fund the Children's Health Insurance Program that we would debate legislation to create further hardship for the tobacco industry.

H.R. 1256 is misguided, in my opinion. It does not achieve the goals identified by proponents. Instead, it will further exacerbate an already stretched FDA, negatively impact manufacturers and farmers, and create a strain on Federal revenues to the Treasury.

I do not come to the House floor tonight without solutions, Mr. Speaker. The bipartisan Youth Prevention and Tobacco Harm Reduction Act provides a different alternative, offering harm reduction strategies through the Department of Health and Human Services. I encourage its consideration and oppose H.R. 1256.

Finally, Mr. Speaker, tobacco is a product that is lawfully grown, lawfully marketed, lawfully manufactured, and lawfully consumed. We do not need the FDA inserting its oars into these waters.

I thank the gentlelady from North Carolina.

Mr. POLIS. I would remind the gentleman that the FDA is the primary agency charged with food and drug safety and, as such, to ensure the safety of our Nation's food supply and safety of our Nation's drug supply is the logical place at which to reside the regulation of tobacco products.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me, and I rise in support of the rule, and I rise in strong support of the bill. I'm an original cosponsor of the Family Smoking Prevention and Tobacco Control Act, and I am absolutely delighted to support its passage today.

There are at least 438,000 reasons to vote for this bill, and each one represents a life lost to tobacco use each year. It's staggering to realize that smoking kills more people than alcohol, AIDS, car crashes, illegal drugs, murder, and suicides combined.

My own State of New York mourns the loss of over 25,000 adults each year due to smoking, not to mention 2,000 New Yorkers who die each year from exposure to secondhand smoke. As if this isn't tragic enough, there are thousands of children at risk for the same fate, with over 3,600 youth taking up smoking every single day.

And our States, desperately trying to control soaring budget deficits and stretch scarce dollars during this economic downturn, simply cannot afford the billions of dollars in health care costs, \$8 billion lost annually to New York alone, caused by tobacco use.

Today is a new day, Mr. Speaker. It's time that we close the gaps in our laws which have allowed tobacco use to be unregulated with devastating con-

sequences. Granting the FDA the authority to effectively regulate the manufacturing, marketing, labeling, distribution, and sale of tobacco products will ultimately have a profound effect on reversing the public health crisis we face today.

So, in conclusion, today we vote for our Nation's children and families. I urge all of my colleagues to join me in strong support of the Family Smoking Prevention and Tobacco Control Act.

Ms. FOXX. Mr. Speaker, I now yield 5 minutes to the distinguished gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

Mr. Speaker, the so-called Family Smoking Prevention and Tobacco Control Act really doesn't help anyone. It's just feel-good legislation that makes Big Government bigger and costlier.

It certainly doesn't help stop smokers from smoking. Our own Congressional Budget Office estimates that smoking by adults would decline by only .2 percent a year, or by just 2 percent over the next 10 years.

This bill certainly won't help farmers, many thousands of whom will struggle to comply with the bill's regulations and who will be forced to entertain the Federal tobacco police coming on their properties to inspect their crops.

It certainly won't help anyone who eats, drinks, or uses medication. An already dysfunctional and overburdened FDA will become even more distracted by this new Big Government program.

And the bill certainly won't help Federal law enforcement officials. They should spend their resources policing real crime rather than arresting people for violating the tobacco laws. Regulations that drive up the cost of cigarettes and reduce their appeal will only benefit the smuggling industry.

One advocate of the Big Government approach in this bill told a Senate committee that, We want to create Marlboros so they are like lard, but we want to regulate the contents, we want to regulate the toxicity, we want to regulate everything so it sits on the shelf and no one uses it, even though it's legal. That, Mr. Speaker, is a prescription for more prohibition that will lead to smuggling, lost revenue, and lawlessness.

On top of everything else, H.R. 1256 places additional Federal restrictions on tobacco advertising. In other words, it's more speech control by the Feds. Some of the Federal regulations on advertising in H.R. 1256 include the following specifications for the size of warning labels on tobacco products, and let me quote.

"The text of such label statements shall be in a typeface pro rata to the following requirements:

45-point type for a whole-page broadsheet newspaper advertisement;



39-point type for a half-page broadsheet newspaper advertisement;

39-point type for a whole-page tabloid newspaper advertisement;

27-point type for a half-page tabloid newspaper advertisement;

31.5-point type for a double-page spread magazine or whole-page magazine advertisement;

22.5-point type for a 28 centimeter by 3 column advertisement; and

15-point type for a 20 centimeter by 2 column advertisement."

Doesn't the government have better things to do than regulate the type of font used in tobacco advertising? Mr. Speaker, we have gone a little too far.

The CBO estimates that the new fees on tobacco companies would be about \$235 million in fiscal year 2009. The country's in a recession, people are out of jobs. Is this really the best time to tax companies for a program that really, on its face, will not work even though it sounds good?

This is not reform. It's mindless Big Government that will only create more problems than the one it claims to address. I urge my colleagues to vote against more government bureaucracy, vote against this bill that won't stop smoking, vote against the rule and final passage.

And that's just the way it is.

Mr. POLIS. Mr. Speaker, the gentleman from Texas mentioned 2 percent decrease in smoking over 10 years. I will say that every cigarette not smoked, every person who never starts is a life saved.

One of my late constituents, Ms. Susan DeWitt of Lafayette, passed away of lung cancer this last year. Posthumously published on her Web site is a very powerful statement which I will submit in its entirety to the RECORD but would like to quote from as follows, in part.

"Just prior to being told I suffered from stage IV lung cancer, Dr. Karen Kelly, an oncologist at the University of Colorado Cancer Center, lifted her arms and emphatically exclaimed, 'We have to raise the awareness of lung cancer.'

"With those words resonating in my head, I thought back to those high school moments and the few drags I took from my cigarettes. I thought of the precious few years that followed. Years that would include a marriage, a son, my youth and cigarettes. I remembered the day I said, 'No more.' That was the day I was given another diagnosis by my doctor, I would again be a mother. That day was 14 years ago . . .

"The day I quit, I was 27 years old. Lung cancer was something I understood the elderly suffered from. It was nothing a young mother of two need bother herself with. I was 28 when my daughter was born. I was young, in love, and beginning to walk my path of life . . . At 37, I was given the gift of another daughter.

"Then, standing there listening to this oncologist tell me I have stage IV lung cancer. I was only 39."

Ms. DeWitt dedicated the remainder of her life to educating people about the danger of cigarettes. I had the opportunity to speak to her husband just yesterday who shared with me the message that she shared with so many Americans. There is no free ride. There is no break. Don't start smoking.

This bill will help prevent children from ever starting to smoke and help prevent many, many cases of lung cancer and many, many deaths that disrupt families and cause a great risk to our public health as well.

[From the Dailycamera, Oct. 4, 2007]

#### LUNG CANCER EDUCATOR DIES AFTER LONG BATTLE

(By Cindy Sutter)

Susan DeWitt, a Superior mom who made a widely distributed DVD about her family's struggle with her lung cancer, died Wednesday. She was 43.

"She died at home with her family members holding on to her," said DeWitt's husband, Randy.

DeWitt, a Boulder County court reporter for eight years and founder of the Susan L. DeWitt Foundation for Extended Breath, was diagnosed with Stage IV lung cancer in 2004 at the age of 39. Although DeWitt was a light smoker in her teens and 20s, she quit in 1992. After her diagnosis, she made it her mission to warn young people that even casual smoking can cause cancer. The DVD—"Lung Cancer, Through My Children's Eyes"—begins with this line from her son, Cody, then 19: "There are some things in life that people shouldn't have to go through."

Then this from his sister, Gabrielle, then 13: "I was afraid to go to sleep at night."

The film, now on YouTube as well as available on DVD through the foundation, has been distributed to school districts in Colorado and around the country. The family has subsequently made music videos about the subject.

Those who knew DeWitt say she touched people, not only with her DVD, but with the grace and courage with which she faced her illness and treatment—which included multiple rounds of chemotherapy and brain surgeries.

Dan Hale, who retired as a Boulder County District judge last fall, called DeWitt's spirit even as she became gravely ill "truly incredible."

"Why this happened is one of those great mysteries of life, but despite that, she wanted to see how she could benefit others," Hale said.

Rob Harter—lead pastor at Larkridge Church in Erie, where the DeWitts attend—remembers being at the hospital with the DeWitts when Susan was being prepped for a second brain surgery. She was giving Randy last-minute instructions on gifts she had bought for them to open during her surgery.

"Right before they were to wheel her away for three- to four-hour surgery, what she was thinking about was, 'Make sure you get the gifts for the kids in the car,'" Harter said. "Her idea was to not have them focused on her pain. It's a powerful example of how she was very other-centered in her approach to life."

Randy DeWitt said she touched many people.

"Her group of friends is very vast," he said. "She had a way of speaking to and treating people with respect. . . . If you had a troubled look on your face, Susie would attend to you."

The DeWitts' story and clips of the DVD were featured on "Good Morning America" and ABC's "World News Tonight" in 2006. The DeWitts estimate that at that time about 15 million people had heard of her documentary through those national news sources, articles in local newspapers, features on local TV news, speaking engagements and distribution of the DVD.

Susan, who was born in Wheat Ridge and graduated from Arvada High School, got the idea for the film after seeing a group of teenagers smoking outside the Westminster Promenade shortly after her diagnosis.

With their suburban bedrooms as the simple backdrop, the documentary shows Cody and Gabrielle talking about how their mother's cancer has upended life as they once knew it.

"Now comes the hard part," Cody says in the film. "What if my mom dies?" The DVD shows footage of him graduating from high school with the sound of his family yelling, "Woo-hoo!"

"I want her to be there when I graduate from college," he says.

The foundation will continue its work, distributing the DVD and music videos. The family plans to expand its focus to help people deal with a diagnosis of terminal cancer.

Randy DeWitt said the children are doing well. He and Susan were frank about her illness from the beginning, even with their youngest child, Gianina, now 6.

Cody is attending the University of Northern Colorado part-time. He's in his fourth year. Gabrielle is a sophomore at Monarch High School. Gianina is a first-grader at Superior Elementary.

"The kids are pretty resilient," Randy said. "My 6-year-old is giving us a lesson on how to deal. She's talked to me about this. She gets it. She knows what death is. She knows that Mommy's not coming back, and she's OK."

#### RAISING THE AWARENESS AND PREVENTION OF LUNG CANCER

Just prior to being told I suffered from stage IV Lung Cancer, Dr. Karen Kelly, an Oncologist at the University of Colorado Cancer Center, lifted her arms and emphatically exclaimed, "We have to raise the awareness of Lung Cancer".

With those words resonating in my head, I thought back to those high school moments and the few drags I took from my cigarettes. I thought of the precious few years that followed. Years that would include a marriage, a son, my youth and cigarettes. I remembered the day I said, "No more". That was the day I was given another diagnosis by my doctor, I would again be a mother. That day was fourteen years ago. That day came after a few precious years clouded by smoke.

The day I quit, I was 27 years old. Lung cancer was something I understood the elderly suffered from. It was nothing a young mother of two children need bother herself with. I was 28 when my daughter was born. I was young, in love and beginning to walk my path of life. At 37, I was living a life some would call a fairy tale. At 37 I was given the gift of another daughter.

Then, standing there listening to this oncologist tell me I have stage IV lung cancer. I was only 39.

I knew at that very moment what God had designed for me. My purpose was to open a Foundation that would focus on raising the Awareness and Prevention of Lung Cancer and save other families of its horrific effects.

The metastasis to my brain would raise its ugly head at 41. Lung cancer had moved

into my brain in September of 2004, which just fueled my passion. The picture attached was taken with my youngest daughter after my first of three brain surgeries. The "head band" is actually the incision made by the brain surgeon and sutured shut by 32 staples.

What you need to know is this; nearly a half a million Americans will die from illnesses due to cigarette smoke this year.

A third of those will be lung cancer. As a woman, I need to tell you that women with a smoking history are ten times (10X) more likely to die from lung cancer than they are from breast cancer.

With that, know that the Susan DeWitt Foundation for Extended Breath (SLD Foundation) has a mission to raise the awareness and prevention of lung cancer and related illnesses. Illnesses that endanger tobacco users and non-users. Our focus is to: isolate our children from ETS (Environmental Tobacco Smoke), educate our youth as to the consequences of smoking and to assist "at risk" people by resolving addiction, creating a method of early diagnosis and increasing survival rate.

I reserve the balance of my time.

□ 1900

Ms. FOXX. I would like to enter testimony from Commissioner Steve Troxler into the RECORD, and I would like to recognize Mr. BUYER from Indiana again for 5 minutes.

TESTIMONY OF NORTH CAROLINA AGRICULTURE COMMISSIONER STEVE TROXLER, SUBCOMMITTEE ON RURAL DEVELOPMENT, BIOTECHNOLOGY, SPECIALTY CROPS AND FOREIGN AGRICULTURE—MARCH 26, 2009

Good morning, Mr. Chairman and members of the committee. Thank you for inviting me here today to talk about a topic I know very well.

I grew tobacco in Guilford County, North Carolina, for more than 30 years. I dealt with dry weather, wet weather, the steady decline of quotas, and the end of the federal price-support system.

As North Carolina's Commissioner of Agriculture, I have seen tobacco production bottom out following the end of federal price supports. And I have seen it rebound.

North Carolina produced nearly 385 million pounds of flue-cured tobacco on 171,000 acres last year. We are still the nation's leading producer of flue-cured tobacco, despite the fact that we now have less than 3,000 tobacco farmers. That might seem like a lot, but in 2002, we had 8,000 tobacco farmers.

When it comes to tobacco, I have seen a lot. But I have never seen the situation facing North Carolina's tobacco farmers today.

Tobacco farmers are under siege. First, Congress raised the excise tax on cigarettes by 62 cents a pack. Now many states are lining up to do the same. In North Carolina, Governor Perdue has recommended raising the tax on cigarettes by \$1 per pack.

The consequences for our farmers will be severe. The increase in the federal excise tax hasn't even taken effect yet, but it has already impacted North Carolina farmers. Cigarette companies have reduced 2009 contracts with our farmers by as much as 50 percent.

If the state excise tax goes up, too, our growers will be hurt even more. And, this increase could also lead to job losses in the manufacturing sector.

Tobacco manufacturing employs more than 10,000 North Carolinians and pays average wages of more than \$86,000 a year. That's more than twice the state's private industry average of \$39,000. The last thing North Caro-

lina—or any state—needs right now is more lost jobs.

In addition to higher taxes, Congress is considering regulating tobacco. Congressman WAXMAN's bill would put tobacco under FDA oversight. This is ill-advised. FDA's focus right now should be, and needs to be, on food safety. Expanding FDA's mission would dilute its effectiveness in protecting our nation's food supply.

Chairman MCINTYRE and Indiana Congressman BUYER have introduced a bill that would create a new agency within the Department of Health and Human Services to oversee tobacco products. One of the things I like about this bill is that it would not subject farmers to additional regulations on the way they grow tobacco. That's good.

North Carolina growers increasingly rely on export markets. In fact, tobacco is our most valuable agricultural export, valued at more than \$1 billion. Additional regulation would put our growers at a competitive disadvantage in international markets.

Agriculture is by far North Carolina's largest industry, with a \$70.8 billion economic impact. Tobacco manufacturing represents almost \$24 billion in added value for North Carolina's economy.

On average, a single tobacco plant is worth 71 cents in revenue for a U.S. farmer. That same plant will yield an average of \$15.74 in state and federal taxes on tobacco products. This money supports a variety of economic and health programs. A decrease in tobacco revenues will ultimately hurt states' ability to carry out programs that benefit many citizens.

In closing, I want to say that farmers must endure many hardships. They have to deal with the weather and manage their input costs amid fluctuating commodity prices. As I've said many times though, the single greatest factor in a farmer's ability to make a living isn't the weather, but government policy.

I urge you to make wise policy decisions concerning the future of our nation's tobacco farmers. Your decisions will ripple throughout the states, in communities both large and small. If you regulate and tax U.S. tobacco farmers out of business, America will become reliant on foreign tobacco that is not subject to the same high standards. The situation will be no different from the many problems with imported foods that our nation has experienced in recent years.

Please choose wisely. Thank you.

Mr. BUYER. I wanted to touch on just a few things. I don't believe that the gentleman from Colorado meant to do this, so I wanted to make sure to correct any potential false misperception.

The Buyer amendment does not allow for false and misleading advertising. So when you look at the existing State and Federal law adequately today, it protects against false and misleading advertising in a range of consumer products, which also includes tobacco.

Mr. POLIS. Will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Colorado.

Mr. POLIS. What I stated—I believe in the affirmative—is the Waxman bill prevents false and misleading advertising.

Mr. BUYER. Reclaiming my time, the point is that there are existing

State and Federal laws, including the Master Settlement Agreement, which protects against false and misleading advertising in a range of these tobacco products. With regard to the MSA—the Master Settlement Agreement—it's administered by the attorneys general of the 46 States, including the District of Columbia.

So I don't want the gentleman's affirmative statement to somehow mean that we don't. That was my point of clarifying the RECORD.

In addition, the consumer fraud statutes in each State are also applicable to tobacco products and, at the Federal level, the Federal Trade Commission has—and enforces—section 5 regarding false and misleading jurisdiction over tobacco products. The FDA currently has authority over tobacco advertising and makes therapeutic and health claims.

I would ask the gentleman from Colorado a question because he was talking about the FDA. My question to the gentleman from Colorado would be: Has the FDA ever regulated an inherently dangerous product, is the gentleman aware?

Mr. POLIS. The program is fully funded with user fees to set up within the FDA the ability to regulate tobacco products.

Mr. BUYER. Today. My question is: Has the FDA today ever regulated an inherently dangerous product?

Mr. WAXMAN. Will the gentleman yield?

Mr. BUYER. I yield to the gentleman from California.

Mr. WAXMAN. I would point out that even though cigarettes kill 400,000 people a year in this country, it is not regulated by any agency of the government. While it is an inherently dangerous product because it's the only product that, when used as intended, kills and makes people sick. It is not regulated.

The FDA is the ideal place to have it regulated because they have the scientific expertise. They know how to regulate. They have been acting as a regulator. This is where our bill would place the responsibility.

Mr. BUYER. Reclaiming my time, since two speakers chose not to answer my questions, I then therefore must assume that by silence they're not aware of the FDA ever in its past regulating an inherently dangerous product.

Therein lies the challenge that we have. The FDA is the gold standard with regard to the protection of our food supply, our medical devices, our biologics, and our pharmaceuticals. So right now the FDA—we all know the FDA is overworked and under-resourced.

So when we look at that agency, the last thing we should be doing is taking the FDA and overburdening them with a new mission that is counter to their culture. That's the issue here.

You see, the difference between the Waxman and the Buyer and the McIntyre approach is this: Both of us seek to regulate tobacco. Mr. WAXMAN chooses the FDA to do it. We say that the world even recognizes that the FDA is stressed in doing its job.

You see, 80 percent of our domestic drug supply is comprised of ingredients produced in foreign countries—increasingly produced in less developed nations. So the FDA has the capability to inspect only a small percentage of foreign drug manufacturing facilities.

So when you think about it, we have 3,000, there could be approaching 4,000, of these foreign manufacturing facilities, and we are only inspecting 200 to 300. If we do that at that rate, by the time we get through all of them, it will be 13 years.

So when you think about all the stress that we're presently placing on the FDA, the last thing we should be doing is giving it another mission counter to its core mission.

Also, when I think about trying to protect our drug supply, not only with regard to how they're manufactured, but let's talk about the products that are coming into the country.

When you look at the 11 international ports of entry run by the United States, coupled with the two by FedEx and UPS, that's 13 international ports of entry. On any given day, each of those ports of entry have between 30,000 and 35,000 drug packages that are coming in.

Now let's just do the math—and let's be conservative. Of the 13 international mail facilities, take 13 times 30,000 drug packages. That's 390,000.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman another 2 minutes.

Mr. BUYER. So we continue to do this math. Thirteen international mail facilities times 30,000 drug packages. That's 390,000 times 365 days a year. That's 142,350,000 drug packages.

Now why am I taking time to do this? It's because if 80 percent of these drug packages—every time the FDA does a spot check, they find that these drug packages are counterfeited, adulterated. They're knockoffs. A very small percentage are actually even sent to labs. So the FDA is not being able to do its job to protect our Nation's drug supply.

With regard to food, Americans eat food imported from 150 countries and processed in 189,000 plants scattered all over the world. Here in the United States, FDA inspectors visit every food processor about once every 10 years. FDA examined less than 1 percent of the 7.6 million fresh produce lines imported into the United States from fiscal years 2002 to 2007.

So what we have here is we recognize that Congress, over the last 20 years, has continued to lump more and more

jobs and missions on FDA. So when the gentleman from Colorado said it only makes sense that we give it to FDA, well, I disagree.

That's why we want to create a separate agency called the Harm Reduction Agency Under FDA to—with a laser beam—recruit some of those great scientists and build that science base to regulate tobacco products along a harm-reduction strategy.

I don't support tobacco. I don't use tobacco products. But I don't want to leave 45 million smokers out there to an abstinence approach, whereby it's either smoke or die or go to a harm-reduction therapy, which only has a 7 percent success rate. That's what we're kind of faced with. I don't want to do that.

So I think if we combine our efforts here, at some point in time we're going to have to get together on this if we really want to promote public health for the country.

Mr. POLIS. The gentleman, Mr. BUYER's proposal, rather than using an agency that exists, would create a new agency and then go on not to fund that new agency. It's fiscally irresponsible to create a new regulatory agency but fail to provide it with any new funding to do the job. The FDA is up to the task, given the funding which this bill provides with user fees.

Mr. Speaker, tobacco is the deadliest product on the market today. It kills over 400,000 Americans each year. Despite this grim statistic, tobacco companies have enjoyed a great deal of influence over public policy, avoiding the appropriate oversight of their dangerous business.

By giving the FDA the authority to exercise their proper oversight duties, we strip Big Tobacco of their special privileges and power. We owe consumers the same level of protection with regard to tobacco use as food and drink consumption, prescription and over-the-counter drugs, and even makeup and cosmetics. Why should tobacco, such an obviously harmful product, not be subject to the same scrutiny?

The FDA is more than capable of handling this new responsibility. We entrust the most sensitive regulation oversight to the Food and Drug Administration. We must give this agency the opportunity to succeed, providing the necessary resources, which the Waxman bill does, to get the job done. It's the most appropriate agency to regulate these deadly products.

Tobacco companies have long taken advantage of this vulnerability by promoting their products through cartoon advertisements, tobacco theme merchandise products, and flavored products that appeal to kids.

By barring the sale of fruit, chocolate, and clove-flavored tobacco products, this bill would protect the health of children who are lured to smoking

by these candy-like flavors, with little if any impact on adults' enjoyment of tobacco.

Mr. BUYER. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from Indiana.

Mr. BUYER. You have been talking about tobacco companies. I don't have tobacco companies supporting my bill. Are there any supporting the Waxman bill?

Mr. POLIS. Reclaiming my time, we can find that out from the gentleman.

I would read a number of groups that are backing the Waxman bill, including the American Lung Association, the American Association of Respiratory Care, the American College of Preventative Medicine, the Association of Schools of Public Health, the Lung Cancer Alliance, the Oncology Nursing Society, and Oral Health America, among many others.

Mr. BUYER. Will the gentleman yield?

Mr. POLIS. No. Let me finish my statement. Opponents ask kids to make grave health-related choices with incomplete information and hold these kids responsible for childhood mistakes as they would a fully aware adult.

When 80 percent of kids smoke the most heavily advertised brands, we can't help but infer that the ads influence the children.

Big Tobacco claims they don't market to kids. Yet, they continue to do a pretty good job of getting kids to use their product. This has got to change.

This legislation will require that tobacco products marketed as safer than other tobacco products are in fact demonstrated to be safer with scientific proof. By providing the Health and Human Services Secretary with authority to regulate tobacco product standards and product testing based on scientific evidence, this legislation will promote and protect the Nation's public health.

Far too long we have not followed doctor's orders, so to speak, with regard to tobacco use. Science tells us a great deal about the causes of disease and the risk of certain behavior. This legislation puts those scientific findings at the forefront of policymaking by the Department of Health and Human Service.

The bill also promotes public health by requiring the Health and Human Services Secretary to consider placing tobacco replacement products on a fast track FDA approval process. If we want Americans to stop smoking, we must provide them the help they need to kick the habit.

By creating the special category of small tobacco manufacturers, the bill ensures that small businesses have the assistance they need for the FDA to comply with the new regulations.

Supported by over 1,000 health and faith groups from across the country,

this bill preserves States rights by not preempting State tobacco laws. It's extremely important to respect that many States, including my home State of Colorado, already recognizes the danger of smoking and the role regulation can play in keeping cigarettes out of the hands of kids.

My home State of Colorado is recognized as a national leader in tobacco control, demonstrated by our leadership in enacting a comprehensive smoke-free law that includes casinos and increasing our State tobacco tax to fund health programs.

Even with this legislation in place, health care costs in Colorado caused by smoking every year is over \$1.3 billion. Nearly 15 percent of Colorado high school students still smoke. Nearly 6,000 kids in Colorado start smoking every day.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now would like to yield 3 minutes to our distinguished colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. I would like to thank the gentlelady.

I rise with a little bit of disappointment this evening about the state of this bill because we were told when this bill passed last year—which I supported this bill—that there would be no money taken from the general fund to implement this new program. No money.

I heard it often repeated, heard it repeated in committee this year. No money from the general fund would go to support this new program. And let me tell you why that's a good idea not to take any money from the general fund to do what we all would agree needs to happen.

We need to have some form of oversight and regulation of tobacco products. Last year, the FDA inspected roughly 6,000 of the 189,000 food facilities under its jurisdiction. That's about 3 percent. Americans eat food imported from 150 countries and processed in 189,000 plants scattered from China to Fiji. But in 2007, the FDA inspected just 96 of those plants—96 out of 189,000 plants.

And what does this bill do? It takes money from those kinds of operations from the FDA's general fund to implement this new government program.

The FDA examined less than 1 percent of the 7.6 million fresh produce lines imported to the United States from 2002 to 2007.

□ 1915

We had just the salmonella outbreak. Just the salmonella outbreak, 550 illnesses and eight deaths in 43 States.

So what you are saying is, you know what, it is okay to stop those programs, take money out of those programs. FDA, this is more important to start this new program.

Well, imagine if you are a pediatric cancer patient and you are waiting

today for the dozens of approvals that are going through the process today. But you know what? This is more important. This new government program is more important than pediatric cancer. It is more important than chronic pain. There are drugs that would treat chronic pain and cancer and other conditions, including new technology to prevent pain killer abuse that are going through the process now, and you stop it and you slow it down because you take money from the general fund. And it is time that you cannot get back.

They say, well, it only happens for 6 months, Congressman ROGERS. We only take that money for 6 months, \$1, 1 minute away from the scientist who is going to develop the cause or the treatment for something like cancer or pediatric cancer or chronic pain care. We should not interrupt that process. Those dollars, that time is too precious.

Mr. Speaker, this is really a dangerous precedent.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman another 30 seconds.

Mr. ROGERS of Michigan. A vaccine can now protect women from a strain of HPV that causes most cervical cancers. Think of this, the FDA is now reviewing applications to approve HPV vaccinations for women in their mid 40s. And when you do this program the way you are doing it, you take money away from those programs. So maybe they don't get it in 3 months or 6 months, maybe it is 1 year. Maybe you give them a delay in this operation that costs the lives of real Americans.

Mr. Speaker, I urge the rejection of this bill. We ought to go back and say nothing ought to impede food safety and the safety of the medicines and the cures that are getting ready to come to the United States of America.

Mr. POLIS. Mr. Speaker, I would inquire of the gentlelady if she has any remaining speakers.

Ms. FOXX. Yes, we do.

Mr. POLIS. I am the last speaker for my side, so I will reserve my time until the gentlelady has closed for her side and yielded back her time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, as you know, we have had some really tough decisions lately. We have had to act boldly on many fronts to address the current financial crisis. People today are suffering, and they are unsure of their future. But I have faith in the American people.

Throughout history we have shown courage in the face of adversity, and today I am asking Members of this Congress to show courage by supporting the Youth Prevention and Tobacco Harm Reduction Act.

It is the only bill before this body that directly addresses the issue of youth smoking in this country. It is the only piece of legislation that builds on the success that we have seen in youth smoking rates, which are down more than 50 percent in the last 10 years.

How did this happen? It happened because the American people, parents, teachers, and the retail community, came together and said that we are going to do something about kids smoking, and they have.

More than 10 years ago, Congress passed legislation that included the Synar amendment. This amendment requires the States to enforce laws prohibiting the sale of tobacco products to individuals under 18 years of age. Synar seeks to develop a strategy to help States achieve a retailer violation rate of 20 percent or less.

In 2006, for the first time, the Secretary of HHS found that no State was out of compliance, and the average rate of tobacco sales to minors was at its lowest in history. This is a great achievement, but we cannot be complacent. We must look to the future and build on the success of the last 10 years.

Our esteemed colleagues, in particular Mr. MCINTYRE, the chairman of the Ag Committee, the chairman of the Budget Committee, the ranking members, have given us an opportunity to do just that and vote on this substitute.

The Youth Prevention and Tobacco Harm Reduction Act is a tough measure that allows us to really address youth tobacco use in the 21st century. The substitute requires that the States spend a minimum of 20 percent of their tobacco settlement money on prevention, cessation, education, and harm-reduction programs.

Mr. POLIS. I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, the Family Smoking Prevention and Tobacco Control Act will not serve to advance the cause of improving public health, and instead will serve only to act as an unnecessary and expensive regulatory scheme at the expense of our rural farming communities, our small businesses, and the American economy.

This bill includes more than \$5 billion in new tax increases on tobacco companies and gives sweeping control of the tobacco market to the FDA. This bill imposes undue bureaucratic and logistic hardships on tobacco manufacturers by burying them under multiple layers of regulation.

FDA regulation will have a devastating economic impact on rural tobacco companies, their employees, associated businesses, and the largely rural communities which they support. As Department of Health and Human Services Secretary Leavitt noted, this

legislation could also be viewed by foreign governments as a hostile trade action. Many of the clove and other flavored cigarettes that are banned under this bill are manufactured in foreign countries.

This also grants de facto power to ban existing conventional tobacco products. It will dramatically increase black market activity. It favors larger companies over smaller companies. It favors existing products over new products. It creates insurmountable barriers to development of reduced-risk products. It limits the ability to communicate with adult consumers. It eliminates existing Federal preemption of State limits on labeling, marketing, and advertising. And, it grants FDA indirect authority to mandate changes in farming practices.

In effect, this is a very, very bad bill. I urge my colleagues to vote against the rule and to vote against the bill. We do not need more examples of Big Brother as we are seeing in this Congress and in this administration.

I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, protecting the health of our Nation's children is of paramount importance to me, personally, to all of us, and to the strength and security of our Nation. We need to work to ensure that children have access to adequate health care, including vaccinations and attention from medical professionals.

Tobacco use is the single most preventable cause of death in the United States, and yet it continues to receive less regulation than a head of lettuce. Indeed, even pet food is regulated by the Food and Drug Administration.

When we pledge to safeguard our children's health, we are investing in where the return is, a generation of healthy, productive Americans. Congress not only has an obligation to provide adequate funding for programs that offer health care access and a healthy start for all children, but also a responsibility to step in and provide meaningful oversight and restore accountability. This bill embodies both of these commitments.

This is a personal issue for many of us. I had the opportunity to talk to another widow of a victim of tobacco from Colorado last night. I spoke to Ms. Kathy Hughes of Loveland, who lost her husband. David succumbed to lung cancer. Again, the latter years of his life were dedicated to combating the dangers of secondhand smoke.

Just as my colleague from California, Ms. HARMAN, shared her own family experience with this, we too in my family have direct experience. My partner Marlin's late mother, Wendy Klein Reiss, passed away from lung cancer 2 years ago. It was a very painful thing to go through; and, of course, her wish and her dying breaths were that she never started smoking.

Americans across all political, demographic, and geographic lines have ex-

pressed overwhelming support for this legislation. The strong endorsement of hundreds of public health organizations for this bipartisan bill sends a powerful message.

The bill simply gives the FDA the long overdue authority to regulate tobacco products and reduce their devastating harm, just as they enjoy today for pet food and lettuce and cosmetics.

Today, we have an opportunity to protect millions of children across this Nation and to safeguard their future and prevent them from starting smoking. We have an opportunity to do the right thing, to save lives and to strengthen American families.

I urge a "yes" vote on the previous question and the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H. CON. RES. 85, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. POLIS (during consideration of H. Res. 307), from the Committee on Rules, submitted a privileged report (Rept. No. 111-73) on the resolution (H. Res. 316) providing for further consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014, which was referred to the House Calendar and ordered to be printed.

#### FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. WAXMAN. Mr. Speaker, pursuant to House Resolution 307, I call up the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 307, the amendment printed in part A of House Report 111-72 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1256

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Smoking Prevention and Tobacco Control Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Scope and effect.
- Sec. 5. Severability.

#### TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

- Sec. 101. Amendment of Federal Food, Drug, and Cosmetic Act.
- Sec. 102. Final rule.
- Sec. 103. Conforming and other amendments to general provisions.
- Sec. 104. Study on raising the minimum age to purchase tobacco products.
- Sec. 105. Enforcement action plan for advertising and promotion restrictions.

#### TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

- Sec. 201. Cigarette label and advertising warnings.
- Sec. 202. Authority to revise cigarette warning label statements.
- Sec. 203. State regulation of cigarette advertising and promotion.
- Sec. 204. Smokeless tobacco labels and advertising warnings.
- Sec. 205. Authority to revise smokeless tobacco product warning label statements.
- Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

#### TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

- Sec. 301. Labeling, recordkeeping, records inspection.
- Sec. 302. Study and report.

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year, and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco-induced disease. Such a reduction in youth smoking would also result in approximately \$75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products, and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2005, the cigarette manufacturers spent more than \$13,000,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco marketing than adults: more than 80 percent of youth smoke three heavily marketed brands, while only 54 percent of adults, 26 and older, smoke these same brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615-44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the first amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration, and the restriction on the sale and distribution of, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this Act.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion play a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both domestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public of tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death. The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that "low tar" and "light" cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking "low tar" and "light" cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(39) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from "low tar" and "light" cigarettes, and such products may actually increase the risk of tobacco use.

(40) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk are so high that there is a compelling governmental interest in ensuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(41) As the Federal Trade Commission has found, consumers have misinterpreted advertisements in which one product is claimed to be less harmful than a comparable product, even in the presence of disclosures and advisories intended to provide clarification.

(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated modified risk tobacco products is to



empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction be reviewed in advance of marketing, and to require that the evidence relied on to support claims be fully verified.

(44) The Food and Drug Administration is a regulatory agency with the scientific expertise to identify harmful substances in products to which consumers are exposed, to design standards to limit exposure to those substances, to evaluate scientific studies supporting claims about the safety of products, and to evaluate the impact of labels, labeling, and advertising on consumer behavior in order to reduce the risk of harm and promote understanding of the impact of the product on health. In connection with its mandate to promote health and reduce the risk of harm, the Food and Drug Administration routinely makes decisions about whether and how products may be marketed in the United States.

(45) The Federal Trade Commission was created to protect consumers from unfair or deceptive acts or practices, and to regulate unfair methods of competition. Its focus is on those marketplace practices that deceive or mislead consumers, and those that give some competitors an unfair advantage. Its mission is to regulate activities in the marketplace. Neither the Federal Trade Commission nor any other Federal agency except the Food and Drug Administration possesses the scientific expertise needed to implement effectively all provisions of the Family Smoking Prevention and Tobacco Control Act.

(46) If manufacturers state or imply in communications directed to consumers through the media or through a label, labeling, or advertising, that a tobacco product is approved or inspected by the Food and Drug Administration or complies with Food and Drug Administration standards, consumers are likely to be confused and misled. Depending upon the particular language used and its context, such a statement could result in consumers being misled into believing that the product is endorsed by the Food and Drug Administration for use or in consumers being misled about the harmfulness of the product because of such regulation, inspection, approval, or compliance.

(47) In August 2006 a United States district court judge found that the major United States cigarette companies continue to target and market to youth. *USA v. Philip Morris, USA, Inc., et al.* (Civil Action No. 99-2496 (GK), August 17, 2006).

(48) In August 2006 a United States district court judge found that the major United States cigarette companies dramatically increased their advertising and promotional spending in ways that encourage youth to start smoking subsequent to the signing of the Master Settlement Agreement in 1998. *USA v. Philip Morris, USA, Inc., et al.* (Civil Action No. 99-2496 (GK), August 17, 2006).

(49) In August 2006 a United States district court judge found that the major United States cigarette companies have designed their cigarettes to precisely control nicotine delivery levels and provide doses of nicotine sufficient to create and sustain addiction while also concealing much of their nicotine-related research. *USA v. Philip Morris, USA, Inc., et al.* (Civil Action No. 99-2496 (GK), August 17, 2006).

### SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products as provided for in this Act;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco-related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

### SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or Tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

(c) REVENUE ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco products shall not be construed to affect any authority of the Secretary of the Treasury under chapter 52 of the Internal Revenue Code of 1986.

### SEC. 5. SEVERABILITY.

If any provision of this Act, the amendments made by this Act, or the application of any provision of this Act to any person or circumstance is held to be invalid, the remainder of this Act, the amendments made by this Act, and the application of the provisions of this Act to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

## TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

### SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

“(rr)(1) The term ‘tobacco product’ means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

“(2) The term ‘tobacco product’ does not mean an article that is a drug under subsection (g)(1), a device under subsection (h), or a combination product described in section 503(g).

“(3) The products described in paragraph (2) shall be subject to chapter V of this Act.

“(4) A tobacco product shall not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetic, medical device, or a dietary supplement).”

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 910 as sections 1001 through 1010; and

(3) by inserting after chapter VIII the following:

### “CHAPTER IX—TOBACCO PRODUCTS

#### “SEC. 900. DEFINITIONS.

“In this chapter:

“(1) ADDITIVE.—The term ‘additive’ means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring or coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

“(2) BRAND.—The term ‘brand’ means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, packaging, logo, registered trademark, brand name, identifiable pattern of colors, or any combination of such attributes.

“(3) CIGARETTE.—The term ‘cigarette’—

“(A) means a product that—

“(i) is a tobacco product; and

“(ii) meets the definition of the term ‘cigarette’ in section 3(1) of the Federal Cigarette Labeling and Advertising Act; and

“(B) includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

“(4) CIGARETTE TOBACCO.—The term ‘cigarette tobacco’ means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements applicable to cigarettes under this chapter shall also apply to cigarette tobacco.

“(5) COMMERCE.—The term ‘commerce’ has the meaning given that term by section 3(2) of the Federal Cigarette Labeling and Advertising Act.

“(6) COUNTERFEIT TOBACCO PRODUCT.—The term ‘counterfeit tobacco product’ means a tobacco product (or the container or labeling of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a tobacco product listed in a registration under section 905(i)(1).

“(7) DISTRIBUTOR.—The term ‘distributor’ as regards a tobacco product means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

“(8) ILLICIT TRADE.—The term ‘illicit trade’ means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

“(9) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given such term in section 1151 of title 18, United States Code.

“(10) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act.

“(11) LITTLE CIGAR.—The term ‘little cigar’ means a product that—

“(A) is a tobacco product; and

“(B) meets the definition of the term ‘little cigar’ in section 3(7) of the Federal Cigarette Labeling and Advertising Act.

“(12) NICOTINE.—The term ‘nicotine’ means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

“(13) PACKAGE.—The term ‘package’ means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

“(14) RETAILER.—The term ‘retailer’ means any person, government, or entity who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

“(15) ROLL-YOUR-OWN TOBACCO.—The term ‘roll-your-own tobacco’ means any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

“(16) SMALL TOBACCO PRODUCT MANUFACTURER.—The term ‘small tobacco product manufacturer’ means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence, the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer.

“(17) SMOKE CONSTITUENT.—The term ‘smoke constituent’ means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

“(18) SMOKELESS TOBACCO.—The term ‘smokeless tobacco’ means any tobacco product that consists of cut, ground, powdered, or

leaf tobacco and that is intended to be placed in the oral or nasal cavity.

“(19) STATE; TERRITORY.—The terms ‘State’ and ‘Territory’ shall have the meanings given to such terms in section 201.

“(20) TOBACCO PRODUCT MANUFACTURER.—The term ‘tobacco product manufacturer’ means any person, including any repacker or relabeler, who—

“(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

“(B) imports a finished tobacco product for sale or distribution in the United States.

“(21) TOBACCO WAREHOUSE.—

“(A) Subject to subparagraphs (B) and (C), the term ‘tobacco warehouse’ includes any person—

“(i) who—

“(I) removes foreign material from tobacco leaf through nothing other than a mechanical process;

“(II) humidifies tobacco leaf with nothing other than potable water in the form of steam or mist; or

“(III) de-stems, dries, and packs tobacco leaf for storage and shipment;

“(ii) who performs no other actions with respect to tobacco leaf; and

“(iii) who provides to any manufacturer to whom the person sells tobacco all information related to the person’s actions described in clause (i) that is necessary for compliance with this Act.

“(B) The term ‘tobacco warehouse’ excludes any person who—

“(i) reconstitutes tobacco leaf;

“(ii) is a manufacturer, distributor, or retailer of a tobacco product; or

“(iii) applies any chemical, additive, or substance to the tobacco leaf other than potable water in the form of steam or mist.

“(C) The definition of the term ‘tobacco warehouse’ in subparagraph (A) shall not apply to the extent to which the Secretary determines, through rulemaking, that regulation under this chapter of the actions described in such subparagraph is appropriate for the protection of the public health.

“(22) UNITED STATES.—The term ‘United States’ means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

#### “SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

“(a) IN GENERAL.—Tobacco products, including modified risk tobacco products for which an order has been issued in accordance with section 911, shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V.

“(b) APPLICABILITY.—This chapter shall apply to all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

“(c) SCOPE.—

“(1) IN GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or in sections 101(a), 102, or 103 of title I, title II, or title III of the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect, expand, or limit the Secretary’s authority over (including the authority to determine whether products may be regulated), or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

“(2) LIMITATION OF AUTHORITY.—

“(A) IN GENERAL.—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer’s capacity as a manufacturer. The exception in this subparagraph shall not apply to a producer of tobacco leaf who grows tobacco under a contract with a tobacco product manufacturer and who is not otherwise engaged in the manufacturing process.

“(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

“(d) RULEMAKING PROCEDURES.—Each rulemaking under this chapter shall be in accordance with chapter 5 of title 5, United States Code. This subsection shall not be construed to affect the rulemaking provisions of section 102(a) of the Family Smoking Prevention and Tobacco Control Act.

“(e) CENTER FOR TOBACCO PRODUCTS.—Not later than 90 days after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish within the Food and Drug Administration the Center for Tobacco Products, which shall report to the Commissioner of Food and Drugs in the same manner as the other agency centers within the Food and Drug Administration. The Center shall be responsible for the implementation of this chapter and related matters assigned by the Commissioner.

“(f) OFFICE TO ASSIST SMALL TOBACCO PRODUCT MANUFACTURERS.—The Secretary shall establish within the Food and Drug Administration an identifiable office to provide technical and other nonfinancial assistance to small tobacco product manufacturers to assist them in complying with the requirements of this Act.

“(g) CONSULTATION PRIOR TO RULEMAKING.—Prior to promulgating rules under this chapter, the Secretary shall endeavor to consult with other Federal agencies as appropriate.

#### “SEC. 902. ADULTERATED TOBACCO PRODUCTS.

“A tobacco product shall be deemed to be adulterated if—

“(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or added deleterious substance that may render the product injurious to health;

“(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

“(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

“(4) the manufacturer or importer of the tobacco product fails to pay a user fee assessed to such manufacturer or importer pursuant to section 919 by the date specified in

section 919 or by the 30th day after final agency action on a resolution of any dispute as to the amount of such fee;

“(5) it is, or purports to be or is represented as, a tobacco product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

“(6)(A) it is required by section 910(a) to have premarket review and does not have an order in effect under section 910(c)(1)(A)(i); or

“(B) it is in violation of an order under section 910(c)(1)(A);

“(7) the methods used in, or the facilities or controls used for, its manufacture, packing, or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

“(8) it is in violation of section 911.

#### **“SEC. 903. MISBRANDED TOBACCO PRODUCTS.**

“(a) IN GENERAL.—A tobacco product shall be deemed to be misbranded—

“(1) if its labeling is false or misleading in any particular;

“(2) if in package form unless it bears a label containing—

“(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

“(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

“(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

“(D) the statement required under section 920(a), except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

“(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

“(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

“(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

“(6) if it was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered under section 905(b), 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

“(7) if, in the case of any tobacco product distributed or offered for sale in any State—

“(A) its advertising is false or misleading in any particular; or

“(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

“(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that tobacco product—

“(A) a true statement of the tobacco product's established name as described in paragraph (4), printed prominently; and

“(B) a brief statement of—

“(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

“(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing;

“(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

“(10) if there was a failure or refusal—

“(A) to comply with any requirement prescribed under section 904 or 908; or

“(B) to furnish any material or information required under section 909.

“(b) PRIOR APPROVAL OF LABEL STATEMENTS.—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product. No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement, except for modified risk tobacco products as provided in section 911. No advertisement of a tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act.

#### **“SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.**

“(a) REQUIREMENT.—Each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

“(1) Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

“(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 4(e) of the Federal Cigarette Labeling and Advertising Act.

“(3) Beginning 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all constituents, including smoke constituents as

applicable, identified by the Secretary as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand. Effective beginning 3 years after such date of enactment, the manufacturer, importer, or agent shall comply with regulations promulgated under section 915 in reporting information under this paragraph, where applicable.

“(4) Beginning 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, all documents developed after such date of enactment that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

“(b) DATA SUBMISSION.—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

“(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

“(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

“(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

“(c) TIME FOR SUBMISSION.—

“(1) IN GENERAL.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

“(2) DISCLOSURE OF ADDITIVE.—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

“(3) DISCLOSURE OF OTHER ACTIONS.—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has by regulation been designated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under intended conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

“(d) DATA LIST.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary

shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Secretary) the list established under subsection (e).

“(2) CONSUMER RESEARCH.—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

“(e) DATA COLLECTION.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish, and periodically revise as appropriate, a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand. The Secretary shall publish a public notice requesting the submission by interested persons of scientific and other information concerning the harmful and potentially harmful constituents in tobacco products and tobacco smoke.

#### “SEC. 905. ANNUAL REGISTRATION.

“(a) DEFINITIONS.—In this section:

“(1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term ‘manufacture, preparation, compounding, or processing’ shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

“(2) NAME.—The term ‘name’ shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

“(b) REGISTRATION BY OWNERS AND OPERATORS.—On or before December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person. If enactment of the Family Smoking Prevention and Tobacco Control Act occurs in the second half of the calendar year, the Secretary shall designate a date no later than 6 months into the subsequent calendar year by which registration pursuant to this subsection shall occur.

“(c) REGISTRATION BY NEW OWNERS AND OPERATORS.—Every person upon first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person’s name, place of business, and such establishment.

“(d) REGISTRATION OF ADDED ESTABLISHMENTS.—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

“(e) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation pre-

scribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

“(f) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

“(g) BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.—Every establishment registered with the Secretary under this section shall be subject to inspection under section 704 or subsection (h), and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by 1 or more officers or employees duly designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

“(h) REGISTRATION BY FOREIGN ESTABLISHMENTS.—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

“(i) REGISTRATION INFORMATION.—

“(1) PRODUCT LIST.—Every person who registers with the Secretary under subsection (b), (c), (d), or (h) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which have not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

“(A) in the case of a tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

“(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

“(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

“(2) CONSULTATION WITH RESPECT TO FORMS.—The Secretary shall consult with the Secretary of the Treasury in developing the forms to be used for registration under this section to minimize the burden on those persons required to register with both the Secretary and the Tax and Trade Bureau of the Department of the Treasury.

“(3) BIENNIAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

“(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

“(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

“(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

“(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

“(j) REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—

“(1) IN GENERAL.—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of February 15, 2007, shall, at least 90 days prior to making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall prescribe)—

“(A) the basis for such person’s determination that—

“(i) the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007, or to a tobacco product that the Secretary has previously determined, pursuant to subsection (a)(3) of section 910, is substantially equivalent and that is in compliance with the requirements of this Act; or

“(ii) the tobacco product is modified within the meaning of paragraph (3), the modifications are to a product that is commercially marketed and in compliance with the requirements of this Act, and all of the modifications are covered by exemptions

granted by the Secretary pursuant to paragraph (3); and

“(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

“(2) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 21 months after such date of enactment.

“(3) EXEMPTIONS.—

“(A) IN GENERAL.—The Secretary may exempt from the requirements of this subsection relating to the demonstration that a tobacco product is substantially equivalent within the meaning of section 910, tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

“(i) such modification would be a minor modification of a tobacco product that can be sold under this Act;

“(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

“(iii) an exemption is otherwise appropriate.

“(B) REGULATIONS.—Not later than 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph.

**“SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.**

“(a) IN GENERAL.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section 902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product.

“(b) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking or other notification under section 907, 908, 909, 910, or 911 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

“(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

“(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

“(c) LIMITED CONFIDENTIALITY OF INFORMATION.—Any information reported to or other-

wise obtained by the Secretary or the Secretary's representative under section 903, 904, 907, 908, 909, 910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

“(d) RESTRICTIONS.—

“(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

“(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

“(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

“(3) LIMITATIONS.—

“(A) IN GENERAL.—No restrictions under paragraph (1) may—

“(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

“(ii) establish a minimum age of sale of tobacco products to any person older than 18 years of age.

“(B) MATCHBOOKS.—For purposes of any regulations issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase of tobacco products, shall be considered as adult-written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult-written publications.

“(4) REMOTE SALES.—

“(A) IN GENERAL.—The Secretary shall—

“(i) within 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, promulgate regulations regarding the sale and distribution of tobacco products that occur through means other than a direct, face-to-face exchange between a retailer and a consumer in order to prevent the sale and distribution of tobacco products to individuals who have not at-

tained the minimum age established by applicable law for the purchase of such products, including requirements for age verification; and

“(ii) within 2 years after such date of enactment, issue regulations to address the promotion and marketing of tobacco products that are sold or distributed through means other than a direct, face-to-face exchange between a retailer and a consumer in order to protect individuals who have not attained the minimum age established by applicable law for the purchase of such products.

“(B) RELATION TO OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to take additional actions under the other paragraphs of this subsection.

“(e) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

“(1) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

“(A) IN GENERAL.—In applying manufacturing restrictions to tobacco, the Secretary shall, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing, and storage of a tobacco product conform to current good manufacturing practice, or hazard analysis and critical control point methodology, as prescribed in such regulations to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Such regulations may provide for the testing of raw tobacco for pesticide chemical residues regardless of whether a tolerance for such chemical residues has been established.

“(B) REQUIREMENTS.—The Secretary shall—

“(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

“(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

“(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A);

“(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices; and

“(v) not require any small tobacco product manufacturer to comply with a regulation under subparagraph (A) for at least 4 years following the effective date established by the Secretary for such regulation.

“(2) EXEMPTIONS; VARIANCES.—

“(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and

manner as the Secretary shall prescribe and shall—

“(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner’s determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

“(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

“(iii) contain such other information as the Secretary shall prescribe.

“(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition’s referral. Within 60 days after—

“(i) the date the petition was submitted to the Secretary under subparagraph (A); or

“(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee, whichever occurs later, the Secretary shall by order either deny the petition or approve it.

“(C) APPROVAL.—The Secretary may approve—

“(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

“(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

“(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

“(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

“(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the end of the 3-year period following the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

“(f) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes.

#### “SEC. 907. TOBACCO PRODUCT STANDARDS.

“(a) IN GENERAL.—

“(1) SPECIAL RULES.—

“(A) SPECIAL RULE FOR CIGARETTES.—Beginning 3 months after the date of enact-

ment of the Family Smoking Prevention and Tobacco Control Act, a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. Nothing in this subparagraph shall be construed to limit the Secretary’s authority to take action under this section or other sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this subparagraph.

“(B) ADDITIONAL SPECIAL RULE.—Beginning 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a tobacco product manufacturer shall not use tobacco, including foreign grown tobacco, that contains a pesticide chemical residue that is at a level greater than is specified by any tolerance applicable under Federal law to domestically grown tobacco.

“(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco product standards in paragraph (1) in accordance with subsection (c).

“(3) TOBACCO PRODUCT STANDARDS.—

“(A) IN GENERAL.—The Secretary may adopt tobacco product standards in addition to those in paragraph (1) if the Secretary finds that a tobacco product standard is appropriate for the protection of the public health.

“(B) DETERMINATIONS.—

“(i) CONSIDERATIONS.—In making a finding described in subparagraph (A), the Secretary shall consider scientific evidence concerning—

“(I) the risks and benefits to the population as a whole, including users and nonusers of tobacco products, of the proposed standard;

“(II) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(III) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

“(ii) ADDITIONAL CONSIDERATIONS.—In the event that the Secretary makes a determination, set forth in a proposed tobacco product standard in a proposed rule, that it is appropriate for the protection of public health to require the reduction or elimination of an additive, constituent (including a smoke constituent), or other component of a tobacco product because the Secretary has found that the additive, constituent, or other component is or may be harmful, any party objecting to the proposed standard on the ground that the proposed standard will not reduce or eliminate the risk of illness or injury may provide for the Secretary’s consideration scientific evidence that demonstrates that the proposed standard will not reduce or eliminate the risk of illness or injury.

“(4) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product—

“(A) shall include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

“(i) for nicotine yields of the product;

“(ii) for the reduction or elimination of other constituents, including smoke con-

stituents, or harmful components of the product; or

“(iii) relating to any other requirement under subparagraph (B);

“(B) shall, where appropriate for the protection of the public health, include—

“(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product;

“(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

“(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

“(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

“(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d);

“(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product; and

“(D) shall require tobacco products containing foreign-grown tobacco to meet the same standards applicable to tobacco products containing domestically grown tobacco.

“(5) PERIODIC REEVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

“(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

“(A) use personnel, facilities, and other technical support available in other Federal agencies;

“(B) consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting entities; and

“(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Secretary’s judgment can make a significant contribution.

“(b) CONSIDERATIONS BY SECRETARY.—

“(1) TECHNICAL ACHIEVABILITY.—The Secretary shall consider information submitted in connection with a proposed standard regarding the technical achievability of compliance with such standard.

“(2) OTHER CONSIDERATIONS.—The Secretary shall consider all other information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or non-tobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand.

“(c) PROPOSED STANDARDS.—



“(1) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

“(2) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

“(A) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health;

“(B) invite interested persons to submit a draft or proposed tobacco product standard for consideration by the Secretary;

“(C) invite interested persons to submit comments on structuring the standard so that it does not advantage foreign-grown tobacco over domestically grown tobacco; and

“(D) invite the Secretary of Agriculture to provide any information or analysis which the Secretary of Agriculture believes is relevant to the proposed tobacco product standard.

“(3) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall set forth a finding with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

“(4) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

“(d) PROMULGATION.—

“(1) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under subsection (c) respecting a tobacco product standard and after consideration of comments submitted under subsections (b) and (c) and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

“(A) if the Secretary determines that the standard would be appropriate for the protection of the public health, promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in subsection (c); or

“(B) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

“(2) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade. In establishing such effective date or dates, the Secretary shall consider information submitted in connection with a proposed product standard by interested parties, including manufacturers and tobacco growers, regarding the technical achievability of compliance with the standard, and including information concerning the existence of patents that make it impossible to comply in the timeframe envisioned in the proposed standard. If the Secretary determines, based on the Secretary's evaluation of submitted comments, that a product standard can be met only by manufacturers requiring substantial changes to the methods of farming the domestically grown tobacco used by the manufacturer, the effective

date of that product standard shall be not less than 2 years after the date of publication of the final regulation establishing the standard.

“(3) LIMITATION ON POWER GRANTED TO THE FOOD AND DRUG ADMINISTRATION.—Because of the importance of a decision of the Secretary to issue a regulation—

“(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigars other than little cigars, all pipe tobacco, or all roll-your-own tobacco products; or

“(B) requiring the reduction of nicotine yields of a tobacco product to zero, the Secretary is prohibited from taking such actions under this Act.

“(4) AMENDMENT; REVOCATION.—

“(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person, may by a regulation, promulgated in accordance with the requirements of subsection (c) and paragraph (2), amend or revoke a tobacco product standard.

“(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

“(5) REFERRAL TO ADVISORY COMMITTEE.—

“(A) IN GENERAL.—The Secretary may refer a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard to the Tobacco Products Scientific Advisory Committee for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment.

“(B) INITIATION OF REFERRAL.—The Secretary may make a referral under this paragraph—

“(i) on the Secretary's own initiative; or

“(ii) upon the request of an interested person that—

“(I) demonstrates good cause for the referral; and

“(II) is made before the expiration of the period for submission of comments on the proposed regulation.

“(C) PROVISION OF DATA.—If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the Advisory Committee with the data and information on which such proposed regulation is based.

“(D) REPORT AND RECOMMENDATION.—The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation under this paragraph and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation.

“(E) PUBLIC AVAILABILITY.—The Secretary shall make a copy of each report and recommendation under subparagraph (D) publicly available.

“(e) MENTHOL CIGARETTES.—

“(1) REFERRAL; CONSIDERATIONS.—Immediately upon the establishment of the Tobacco Products Scientific Advisory Committee under section 917(a), the Secretary shall refer to the Committee for report and recommendation, under section 917(c)(4), the issue of the impact of the use of menthol in cigarettes on the public health, including such use among children, African Americans,

Hispanics, and other racial and ethnic minorities. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsections (a)(3)(B)(i) and (b).

“(2) REPORT AND RECOMMENDATION.—Not later than 1 year after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol.

“SEC. 908. NOTIFICATION AND OTHER REMEDIES.

“(a) NOTIFICATION.—If the Secretary determines that—

“(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

“(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk,

the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

“(b) NO EXEMPTION FROM OTHER LIABILITY.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

“(c) RECALL AUTHORITY.—

“(1) IN GENERAL.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

“(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

“(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary

shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

“(B) NOTICE.—An amended order under subparagraph (A)—

“(i) shall not include recall of a tobacco product from individuals; and

“(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b).

“(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a).

**“SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.**

“(a) IN GENERAL.—Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

“(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

“(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

“(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

“(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

“(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

“(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to

apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

“(b) REPORTS OF REMOVALS AND CORRECTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

“(A) to reduce a risk to health posed by the tobacco product; or

“(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be reported under this subsection shall keep a record of such correction or removal.

“(2) EXCEPTION.—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

**“SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.**

“(a) IN GENERAL.—

“(1) NEW TOBACCO PRODUCT DEFINED.—For purposes of this section the term ‘new tobacco product’ means—

“(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of February 15, 2007; or

“(B) any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007.

“(2) PREMARKET REVIEW REQUIRED.—

“(A) NEW PRODUCTS.—An order under subsection (c)(1)(A)(i) for a new tobacco product is required unless—

“(i) the manufacturer has submitted a report under section 905(j); and the Secretary has issued an order that the tobacco product—

“(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007; and

“(II) is in compliance with the requirements of this Act; or

“(ii) the tobacco product is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j)(3).

“(B) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—Subparagraph (A) shall not apply to a tobacco product—

“(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

“(ii) for which a report was submitted under section 905(j) within such 21-month period,

except that subparagraph (A) shall apply to the tobacco product if the Secretary issues an order that the tobacco product is not substantially equivalent.

“(3) SUBSTANTIALLY EQUIVALENT DEFINED.—

“(A) IN GENERAL.—In this section and section 905(j), the term ‘substantially equivalent’ or ‘substantial equivalence’ means, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

“(i) has the same characteristics as the predicate tobacco product; or

“(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

“(B) CHARACTERISTICS.—In subparagraph (A), the term ‘characteristics’ means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

“(C) LIMITATION.—A tobacco product may not be found to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

“(4) HEALTH INFORMATION.—

“(A) SUMMARY.—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

“(B) REQUIRED INFORMATION.—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

“(b) APPLICATION.—

“(1) CONTENTS.—An application under this section shall contain—

“(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

“(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

“(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

“(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

“(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

“(F) specimens of the labeling proposed to be used for such tobacco product; and

“(G) such other information relevant to the subject matter of the application as the Secretary may require.

“(2) REFERRAL TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt

of an application meeting the requirements set forth in paragraph (1), the Secretary—

“(A) may, on the Secretary’s own initiative; or

“(B) may, upon the request of an applicant, refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation respecting the application, together with all underlying data and the reasons or basis for the recommendation.

“(c) ACTION ON APPLICATION.—

“(1) DEADLINE.—

“(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under subsection (b)(2), shall—

“(i) issue an order that the new product may be introduced or delivered for introduction into interstate commerce if the Secretary finds that none of the grounds specified in paragraph (2) of this subsection applies; or

“(ii) issue an order that the new product may not be introduced or delivered for introduction into interstate commerce if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

“(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order under subparagraph (A)(i) may require that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

“(2) DENIAL OF APPLICATION.—The Secretary shall deny an application submitted under subsection (b) if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

“(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

“(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

“(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

“(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, and there is a lack of adequate information to justify the deviation from such standard.

“(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to remove such application from deniable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Secretary).

“(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether the marketing of a tobacco product for which an application has been submitted is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

“(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

“(5) BASIS FOR ACTION.—

“(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

“(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product, the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

“(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

“(1) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after due notice and opportunity for informal hearing for a tobacco product for which an order was issued under subsection (c)(1)(A)(i), issue an order withdrawing the order if the Secretary finds—

“(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

“(B) that the application contained or was accompanied by an untrue statement of a material fact;

“(C) that the applicant—

“(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

“(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

“(iii) has not complied with the requirements of section 905;

“(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was reviewed, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

“(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was reviewed, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

“(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when such order was issued, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, compliance with which

was a condition to the issuance of an order relating to the application, and that there is a lack of adequate information to justify the deviation from such standard.

“(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing an order issued pursuant to subsection (c)(1)(A)(i) may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with section 912.

“(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an order would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the authority of the manufacturer to market the product. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application.

“(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

“(1) in person by any officer or employee of the department designated by the Secretary; or

“(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant’s last known address in the records of the Secretary.

“(f) RECORDS.—

“(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an order issued pursuant to subsection (c)(1)(A)(i) for an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such order.

“(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge of custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

“(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

#### “SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

“(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless an order issued pursuant to subsection (g) is effective with respect to such product.

“(b) DEFINITIONS.—In this section:

“(1) MODIFIED RISK TOBACCO PRODUCT.—The term ‘modified risk tobacco product’ means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

“(2) SOLD OR DISTRIBUTED.—

“(A) IN GENERAL.—With respect to a tobacco product, the term ‘sold or distributed

for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products' means a tobacco product—

“(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

“(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

“(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

“(III) the tobacco product or its smoke does not contain or is free of a substance;

“(ii) the label, labeling, or advertising of which uses the descriptors ‘light’, ‘mild’, or ‘low’ or similar descriptors; or

“(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product's label, labeling, or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

“(B) LIMITATION.—No tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’, except as described in subparagraph (A).

“(C) SMOKELESS TOBACCO PRODUCT.—No smokeless tobacco product shall be considered to be ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ solely because its label, labeling, or advertising uses the following phrases to describe such product and its use: ‘smokeless tobacco’, ‘smokeless tobacco product’, ‘not consumed by smoking’, ‘does not produce smoke’, ‘smokefree’, ‘smoke-free’, ‘without smoke’, ‘no smoke’, or ‘not smoke’.

“(3) EFFECTIVE DATE.—The provisions of paragraph (2)(A)(ii) shall take effect 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act for those products whose label, labeling, or advertising contains the terms described in such paragraph on such date of enactment. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with paragraph (2)(A)(ii).

“(C) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section if it has been approved as a drug or device by the Food and Drug Administration and is subject to the requirements of chapter V.

“(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

“(1) a description of the proposed product and any proposed advertising and labeling;

“(2) the conditions for using the product;

“(3) the formulation of the product;

“(4) sample product labels and labeling;

“(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

“(6) data and information on how consumers actually use the tobacco product; and

“(7) such other information as the Secretary may require.

“(e) PUBLIC AVAILABILITY.—The Secretary shall make the application described in subsection (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

“(f) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee any application submitted under this section.

“(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to the Tobacco Products Scientific Advisory Committee under paragraph (1), the Advisory Committee shall report its recommendations on the application to the Secretary.

“(g) MARKETING.—

“(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall, with respect to an application submitted under this section, issue an order that a modified risk product may be commercially marketed only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

“(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

“(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

“(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

“(A) IN GENERAL.—The Secretary may issue an order that a tobacco product may be introduced or delivered for introduction into interstate commerce, pursuant to an application under this section, with respect to a tobacco product that may not be commercially marketed under paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

“(i) such order would be appropriate to promote the public health;

“(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b) is limited to an explicit or implicit representation that such tobacco product or its smoke does not contain or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

“(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

“(iv) the scientific evidence that is available without conducting long-term epidemio-

logical studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is reasonably likely in subsequent studies.

“(B) ADDITIONAL FINDINGS REQUIRED.—To issue an order under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

“(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

“(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the reasonably likely overall impact of use of the product remains a substantial and measurable reduction in overall morbidity and mortality among individual tobacco users;

“(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

“(I) is or has been demonstrated to be less harmful; or

“(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

“(iv) issuance of an order with respect to the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

“(C) CONDITIONS OF MARKETING.—

“(i) IN GENERAL.—Applications subject to an order under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

“(ii) AGREEMENTS BY APPLICANT.—An order under this paragraph shall be conditioned on the applicant's agreement to conduct postmarket surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the order on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the order was based in accordance with a protocol approved by the Secretary.

“(iii) ANNUAL SUBMISSION.—The results of such postmarket surveillance and studies described in clause (ii) shall be submitted annually.

“(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

“(A) the scientific evidence submitted by the applicant; and

“(B) scientific evidence and other information that is made available to the Secretary.

“(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

“(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

“(B) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

“(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

“(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

“(E) comments, data, and information submitted by interested persons.

“(h) ADDITIONAL CONDITIONS FOR MARKETING.—

“(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the marketing of a product under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

“(2) COMPARATIVE CLAIMS.—

“(A) IN GENERAL.—The Secretary may require for the marketing of a product under this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

“(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

“(3) LABEL DISCLOSURE.—

“(A) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances that may be produced by the consumption of that tobacco product, that may affect a disease or health-related condition or may increase the risk of other diseases or health-related conditions associated with the use of tobacco products.

“(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

“(4) TIME.—An order issued under subsection (g)(1) shall be effective for a specified period of time.

“(5) ADVERTISING.—The Secretary may require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product.

“(i) POSTMARKET SURVEILLANCE AND STUDIES.—

“(1) IN GENERAL.—The Secretary shall require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the applicant conduct postmarket surveillance and studies for such a tobacco product to determine the impact of the order issuance on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product.

The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

“(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Secretary as necessary to protect the public health.

“(j) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g) if the Secretary determines that—

“(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);

“(2) the application failed to include material information or included any untrue statement of material fact;

“(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

“(A) a tobacco product standard is established pursuant to section 907;

“(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

“(C) any postmarket surveillance or studies reveal that the order is no longer consistent with the protection of the public health;

“(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or subsection (i); or

“(5) the applicant failed to meet a condition imposed under subsection (h).

“(k) CHAPTER IV OR V.—A product for which the Secretary has issued an order pursuant to subsection (g) shall not be subject to chapter IV or V.

“(1) IMPLEMENTING REGULATIONS OR GUIDANCE.—

“(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

“(A) to the extent that adequate scientific evidence exists, establish minimum standards for scientific studies needed prior to issuing an order under subsection (g) to show that a substantial reduction in morbidity or mortality among individual tobacco users occurs for products described in subsection (g)(1) or is reasonably likely for products described in subsection (g)(2);

“(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

“(C) establish minimum standards for postmarket studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm

reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

“(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception;

“(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product; and

“(F) establish a reasonable timetable for the Secretary to review an application under this section.

“(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

“(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

“(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 910 and which the applicant seeks to commercially market under this section.

“(m) DISTRIBUTORS.—Except as provided in this section, no distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would reasonably be expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

#### “SEC. 912. JUDICIAL REVIEW.

“(a) RIGHT TO REVIEW.—

“(1) IN GENERAL.—Not later than 30 days after—

“(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

“(B) a denial of an application under section 910(c),

any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

“(2) REQUIREMENTS.—

“(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

“(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

“(i) the record of the proceedings on which the regulation or order was based; and

“(ii) a statement of the reasons for the issuance of such a regulation or order.

“(C) DEFINITION OF RECORD.—In this section, the term ‘record’ means—

“(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

“(ii) all information submitted to the Secretary with respect to such regulation or order;

“(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

“(iv) any hearing held with respect to such regulation or order; and

“(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

“(b) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

“(c) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

“(d) OTHER REMEDIES.—The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

“(e) REGULATIONS AND ORDERS MUST RECITE BASIS IN RECORD.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

#### **“SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.**

“The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

#### **“SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.**

“(a) JURISDICTION.—

“(1) IN GENERAL.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

“(2) ENFORCEMENT.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act and shall be considered a violation of a rule promulgated under section 18 of that Act.

“(b) COORDINATION.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986—

“(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

“(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

#### **“SEC. 915. REGULATION REQUIREMENT.**

“(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations under this Act that meet the requirements of subsection (b).

“(b) CONTENTS OF RULES.—The regulations promulgated under subsection (a)—

“(1) shall require testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand and subbrand that the Secretary determines should be tested to protect the public health, provided that, for purposes of the testing requirements of this paragraph, tobacco products manufactured and sold by a single tobacco product manufacturer that are identical in all respects except the labels, packaging design, logo, trade dress, trademark, brand name, or any combination thereof, shall be considered as a single brand; and

“(2) may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results of the testing of other constituents, including smoke constituents, ingredients, or additives, that the Secretary determines should be disclosed to the public to protect the public health and will not mislead consumers about the risk of tobacco-related disease.

“(c) AUTHORITY.—The Secretary shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

“(d) SMALL TOBACCO PRODUCT MANUFACTURERS.—

“(1) FIRST COMPLIANCE DATE.—The initial regulations promulgated under subsection (a) shall not impose requirements on small tobacco product manufacturers before the later of—

“(A) the end of the 2-year period following the final promulgation of such regulations; and

“(B) the initial date set by the Secretary for compliance with such regulations by manufacturers that are not small tobacco product manufacturers.

“(2) TESTING AND REPORTING INITIAL COMPLIANCE PERIOD.—

“(A) 4-YEAR PERIOD.—The initial regulations promulgated under subsection (a) shall give each small tobacco product manufacturer a 4-year period over which to conduct testing and reporting for all of its tobacco products. Subject to paragraph (1), the end of the first year of such 4-year period shall coincide with the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers or the end of the 2-year period following the final promulgation of such regulations, as described in paragraph (1)(A). A small tobacco product manufacturer shall be required—

“(i) to conduct such testing and reporting for 25 percent of its tobacco products during each year of such 4-year period; and

“(ii) to conduct such testing and reporting for its largest-selling tobacco products (as determined by the Secretary) before its other tobacco products, or in such other order of priority as determined by the Secretary.

“(B) CASE-BY-CASE DELAY.—Notwithstanding subparagraph (A), the Secretary may, on a case-by-case basis, delay the date

by which an individual small tobacco product manufacturer must conduct testing and reporting for its tobacco products under this section based upon a showing of undue hardship to such manufacturer. Notwithstanding the preceding sentence, the Secretary shall not extend the deadline for a small tobacco product manufacturer to conduct testing and reporting for all of its tobacco products beyond a total of 5 years after the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers.

“(3) SUBSEQUENT AND ADDITIONAL TESTING AND REPORTING.—The regulations promulgated under subsection (a) shall provide that, with respect to any subsequent or additional testing and reporting of tobacco products required under this section, such testing and reporting by a small tobacco product manufacturer shall be conducted in accordance with the timeframes described in paragraph (2)(A), except that, in the case of a new product, or if there has been a modification described in section 910(a)(1)(B) of any product of a small tobacco product manufacturer since the last testing and reporting required under this section, the Secretary shall require that any subsequent or additional testing and reporting be conducted in accordance with the same timeframe applicable to manufacturers that are not small tobacco product manufacturers.

“(4) JOINT LABORATORY TESTING SERVICES.—The Secretary shall allow any 2 or more small tobacco product manufacturers to join together to purchase laboratory testing services required by this section on a group basis in order to ensure that such manufacturers receive access to, and fair pricing of, such testing services.

“(e) EXTENSIONS FOR LIMITED LABORATORY CAPACITY.—

“(1) IN GENERAL.—The regulations promulgated under subsection (a) shall provide that a small tobacco product manufacturer shall not be considered to be in violation of this section before the deadline applicable under paragraphs (3) and (4), if—

“(A) the tobacco products of such manufacturer are in compliance with all other requirements of this chapter; and

“(B) the conditions described in paragraph (2) are met.

“(2) CONDITIONS.—Notwithstanding the requirements of this section, the Secretary may delay the date by which a small tobacco product manufacturer must be in compliance with the testing and reporting required by this section until such time as the testing is reported if, not later than 90 days before the deadline for reporting in accordance with this section, a small tobacco product manufacturer provides evidence to the Secretary demonstrating that—

“(A) the manufacturer has submitted the required products for testing to a laboratory and has done so sufficiently in advance of the deadline to create a reasonable expectation of completion by the deadline;

“(B) the products currently are awaiting testing by the laboratory; and

“(C) neither that laboratory nor any other laboratory is able to complete testing by the deadline at customary, nonexpedited testing fees.

“(3) EXTENSION.—The Secretary, taking into account the laboratory testing capacity that is available to tobacco product manufacturers, shall review and verify the evidence submitted by a small tobacco product manufacturer in accordance with paragraph (2). If the Secretary finds that the conditions



described in such paragraph are met, the Secretary shall notify the small tobacco product manufacturer that the manufacturer shall not be considered to be in violation of the testing and reporting requirements of this section until the testing is reported or until 1 year after the reporting deadline has passed, whichever occurs sooner. If, however, the Secretary has not made a finding before the reporting deadline, the manufacturer shall not be considered to be in violation of such requirements until the Secretary finds that the conditions described in paragraph (2) have not been met, or until 1 year after the reporting deadline, whichever occurs sooner.

“(4) **ADDITIONAL EXTENSION.**—In addition to the time that may be provided under paragraph (3), the Secretary may provide further extensions of time, in increments of no more than 1 year, for required testing and reporting to occur if the Secretary determines, based on evidence properly and timely submitted by a small tobacco product manufacturer in accordance with paragraph (2), that a lack of available laboratory capacity prevents the manufacturer from completing the required testing during the period described in paragraph (3).

“(f) **RULE OF CONSTRUCTION.**—Nothing in subsection (d) or (e) shall be construed to authorize the extension of any deadline, or to otherwise affect any timeframe, under any provision of this Act or the Family Smoking Prevention and Tobacco Control Act other than this section.

#### “SEC. 916. PRESERVATION OF STATE AND LOCAL AUTHORITY.

“(a) **IN GENERAL.**—

“(1) **PRESERVATION.**—Except as provided in paragraph (2)(A), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, Tribal, or local taxation of tobacco products.

“(2) **PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.**—

“(A) **IN GENERAL.**—No State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket review, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

“(B) **EXCEPTION.**—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products by individuals of any age, or relating to fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated

as a trade secret and confidential information by the State.

“(b) **RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.**—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

#### “SEC. 917. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

“(a) **ESTABLISHMENT.**—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 12-member advisory committee, to be known as the Tobacco Products Scientific Advisory Committee (in this section referred to as the ‘Advisory Committee’).

“(b) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—

“(A) **MEMBERS.**—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

“(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

“(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

“(iii) 1 individual as a representative of the general public;

“(iv) 1 individual as a representative of the interests of the tobacco manufacturing industry;

“(v) 1 individual as a representative of the interests of the small business tobacco manufacturing industry, which position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee; and

“(vi) 1 individual as a representative of the interests of the tobacco growers.

“(B) **NONVOTING MEMBERS.**—The members of the committee appointed under clauses (iv), (v), and (vi) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

“(C) **CONFLICTS OF INTEREST.**—No members of the committee, other than members appointed pursuant to clauses (iv), (v), and (vi) of subparagraph (A) shall, during the member's tenure on the committee or for the 18-month period prior to becoming such a member, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products.

“(2) **LIMITATION.**—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex officio members.

“(3) **CHAIRPERSON.**—The Secretary shall designate 1 of the members appointed under clauses (i), (ii), and (iii) of paragraph (1)(A) to serve as chairperson.

“(c) **DUTIES.**—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

“(1) as provided in this chapter;

“(2) on the effects of the alteration of the nicotine yields from tobacco products;

“(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

“(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

“(d) **COMPENSATION; SUPPORT; FACAS.**—

“(1) **COMPENSATION AND TRAVEL.**—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect under the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

“(2) **ADMINISTRATIVE SUPPORT.**—The Secretary shall furnish the Advisory Committee clerical and other assistance.

“(3) **NONAPPLICATION OF FACAS.**—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

“(e) **PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.**—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

#### “SEC. 918. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

“(a) **IN GENERAL.**—The Secretary shall—

“(1) at the request of the applicant, consider designating products for smoking cessation, including nicotine replacement products as fast track research and approval products within the meaning of section 506;

“(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

“(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

“(b) **REPORT ON INNOVATIVE PRODUCTS.**—

“(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, after consultation with recognized scientific, medical, and public health experts (including both Federal agencies and nongovernmental entities, the Institute of Medicine of the National Academy of Sciences, and the Society for Research on Nicotine and Tobacco), shall submit to the Congress a report that examines how best to regulate, promote, and encourage the development of innovative products and treatments (including nicotine-based and non-nicotine-based products and treatments) to better achieve, in a manner that best protects and promotes the public health—

“(A) total abstinence from tobacco use;

“(B) reductions in consumption of tobacco; and

“(C) reductions in the harm associated with continued tobacco use.

“(2) RECOMMENDATIONS.—The report under paragraph (1) shall include the recommendations of the Secretary on how the Food and Drug Administration should coordinate and facilitate the exchange of information on such innovative products and treatments among relevant offices and centers within the Administration and within the National Institutes of Health, the Centers for Disease Control and Prevention, and other relevant agencies.

**“SEC. 919. USER FEES.**

“(a) ESTABLISHMENT OF QUARTERLY FEE.—Beginning on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall in accordance with this section assess user fees on, and collect such fees from, each manufacturer and importer of tobacco products subject to this chapter. The fees shall be assessed and collected with respect to each quarter of each fiscal year, and the total amount assessed and collected for a fiscal year shall be the amount specified in subsection (b)(1) for such year, subject to subsection (c).

“(b) ASSESSMENT OF USER FEE.—

“(1) AMOUNT OF ASSESSMENT.—The total amount of user fees authorized to be assessed and collected under subsection (a) for a fiscal year is the following, as applicable to the fiscal year involved:

“(A) For fiscal year 2009, \$85,000,000 (subject to subsection (e)).

“(B) For fiscal year 2010, \$235,000,000.

“(C) For fiscal year 2011, \$450,000,000.

“(D) For fiscal year 2012, \$477,000,000.

“(E) For fiscal year 2013, \$505,000,000.

“(F) For fiscal year 2014, \$534,000,000.

“(G) For fiscal year 2015, \$566,000,000.

“(H) For fiscal year 2016, \$599,000,000.

“(I) For fiscal year 2017, \$635,000,000.

“(J) For fiscal year 2018, \$672,000,000.

“(K) For fiscal year 2019 and each subsequent fiscal year, \$712,000,000.

“(2) ALLOCATIONS OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

“(A) IN GENERAL.—The total user fees assessed and collected under subsection (a) each fiscal year with respect to each class of tobacco products shall be an amount that is equal to the applicable percentage of each class for the fiscal year multiplied by the amount specified in paragraph (1) for the fiscal year.

“(B) APPLICABLE PERCENTAGE.—

“(i) IN GENERAL.—For purposes of subparagraph (A), the applicable percentage for a fiscal year for each of the following classes of tobacco products shall be determined in accordance with clause (ii):

“(I) Cigarettes.

“(II) Cigars, including small cigars and cigars other than small cigars.

“(III) Snuff.

“(IV) Chewing tobacco.

“(V) Pipe tobacco.

“(VI) Roll-your-own tobacco.

“(ii) ALLOCATIONS.—The applicable percentage of each class of tobacco product described in clause (i) for a fiscal year shall be the percentage determined under section 625(c) of Public Law 108-357 for each such class of product for such fiscal year.

“(iii) REQUIREMENT OF REGULATIONS.—Notwithstanding clause (ii), no user fees shall be assessed on a class of tobacco products unless such class of tobacco products is listed in section 901(b) or is deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter.

“(iv) REALLOCATIONS.—In the case of a class of tobacco products that is not listed in section 901(b) or deemed by the Secretary in

a regulation under section 901(b) to be subject to this chapter, the amount of user fees that would otherwise be assessed to such class of tobacco products shall be reallocated to the classes of tobacco products that are subject to this chapter in the same manner and based on the same relative percentages otherwise determined under clause (ii).

“(3) DETERMINATION OF USER FEE BY COMPANY.—

“(A) IN GENERAL.—The total user fee to be paid by each manufacturer or importer of a particular class of tobacco products shall be determined for each quarter by multiplying—

“(i) such manufacturer's or importer's percentage share as determined under paragraph (4); by

“(ii) the portion of the user fee amount for the current quarter to be assessed on all manufacturers and importers of such class of tobacco products as determined under paragraph (2).

“(B) NO FEE IN EXCESS OF PERCENTAGE SHARE.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the percentage share of such manufacturer or importer.

“(4) ALLOCATION OF ASSESSMENT WITHIN EACH CLASS OF TOBACCO PRODUCT.—The percentage share of each manufacturer or importer of a particular class of tobacco products of the total user fee to be paid by all manufacturers or importers of that class of tobacco products shall be the percentage determined for purposes of allocations under subsections (e) through (h) of section 625 of Public Law 108-357.

“(5) ALLOCATION FOR CIGARS.—Notwithstanding paragraph (4), if a user fee assessment is imposed on cigars, the percentage share of each manufacturer or importer of cigars shall be based on the excise taxes paid by such manufacturer or importer during the prior fiscal year.

“(6) TIMING OF ASSESSMENT.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under this subsection for each quarter of each fiscal year. Such notifications shall occur not later than 30 days prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made by the last day of the quarter involved.

“(7) MEMORANDUM OF UNDERSTANDING.—

“(A) IN GENERAL.—The Secretary shall request the appropriate Federal agency to enter into a memorandum of understanding that provides for the regular and timely transfer from the head of such agency to the Secretary of the information described in paragraphs (2)(B)(i) and (4) and all necessary information regarding all tobacco product manufacturers and importers required to pay user fees. The Secretary shall maintain all disclosure restrictions established by the head of such agency regarding the information provided under the memorandum of understanding.

“(B) ASSURANCES.—Beginning not later than fiscal year 2015, and for each subsequent fiscal year, the Secretary shall ensure that the Food and Drug Administration is able to determine the applicable percentages described in paragraph (2) and the percentage shares described in paragraph (4). The Secretary may carry out this subparagraph by entering into a contract with the head of the Federal agency referred to in subparagraph (A) to continue to provide the necessary information.

“(c) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

“(2) AVAILABILITY.—

“(A) IN GENERAL.—Fees appropriated under paragraph (3) are available only for the purpose of paying the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products under this chapter and the Family Smoking Prevention and Tobacco Control Act. No fees collected under subsection (a) may be used for any other costs.

“(B) PROHIBITION AGAINST USE OF OTHER FUNDS.—

“(i) IN GENERAL.—Except as provided in clause (ii), fees collected under subsection (a) are the only funds authorized to be made available for the purpose described in subparagraph (A).

“(ii) STARTUP COSTS.—Clause (i) does not apply until the date on which the Secretary has collected fees under subsection (a) for 2 fiscal year quarters. Until such date, other amounts available to the Food and Drug Administration (excluding fees collected under subsection (a)) are authorized to be made available to pay the costs described in subparagraph (A), provided that such amounts are reimbursed through fees collected under subsection (a).

“(3) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2009 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amount specified in subsection (b)(1) for the fiscal year.

“(d) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(e) APPLICABILITY TO FISCAL YEAR 2009.—If the date of enactment of the Family Smoking Prevention and Tobacco Control Act occurs during fiscal year 2009, the following applies, subject to subsection (c):

“(1) The Secretary shall determine the fees that would apply for a single quarter of such fiscal year according to the application of subsection (b) to the amount specified in paragraph (1)(A) of such subsection (referred to in this subsection as the ‘quarterly fee amounts’).

“(2) For the quarter in which such date of enactment occurs, the amount of fees assessed shall be a pro rata amount, determined according to the number of days remaining in the quarter (including such date of enactment) and according to the daily equivalent of the quarterly fee amounts. Fees assessed under the preceding sentence shall not be collected until the next quarter.

“(3) For the quarter following the quarter to which paragraph (2) applies, the full quarterly fee amounts shall be assessed and collected, in addition to collection of the pro rata fees assessed under paragraph (2).”

**SEC. 102. FINAL RULE.**

(a) CIGARETTES AND SMOKELESS TOBACCO.—

(1) IN GENERAL.—On the first day of publication of the Federal Register that is 180

days or more after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a final rule regarding cigarettes and smokeless tobacco, which—

(A) is deemed to be issued under chapter 9 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this Act; and

(B) shall be deemed to be in compliance with all applicable provisions of chapter 5 of title 5, United States Code, and all other provisions of law relating to rulemaking procedures.

(2) **CONTENTS OF RULE.**—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg., 44615–44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection in accordance with this Act and the amendments made by this Act;

(B) strike Subpart C—Labels and section 897.32(c);

(C) strike paragraphs (a), (b), and (i) of section 897.3 and insert definitions of the terms “cigarette”, “cigarette tobacco”, and “smokeless tobacco” as defined in section 900 of the Federal Food, Drug, and Cosmetic Act;

(D) insert “or roll-your-own paper” in section 897.34(a) after “other than cigarettes or smokeless tobacco”;

(E) become effective on the date that is 1 year after the date of enactment of this Act; and

(F) amend paragraph (d) of section 897.16 to read as follows:

“(d)(1) Except as provided in subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of cigarettes, smokeless tobacco, or other tobacco products (as such term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act).

“(2)(A) Subparagraph (1) does not prohibit a manufacturer, distributor, or retailer from distributing or causing to be distributed free samples of smokeless tobacco in a qualified adult-only facility.

“(B) This subparagraph does not affect the authority of a State or local government to prohibit or otherwise restrict the distribution of free samples of smokeless tobacco.

“(C) For purposes of this paragraph, the term ‘qualified adult-only facility’ means a facility or restricted area that—

“(i) requires each person present to provide to a law enforcement officer (whether on or off duty) or to a security guard licensed by a governmental entity government-issued identification showing a photograph and at least the minimum age established by applicable law for the purchase of smokeless tobacco;

“(ii) does not sell, serve, or distribute alcohol;

“(iii) is not located adjacent to or immediately across from (in any direction) a space that is used primarily for youth-oriented marketing, promotional, or other activities;

“(iv) is a temporary structure constructed, designated, and operated as a distinct enclosed area for the purpose of distributing free samples of smokeless tobacco in accordance with this subparagraph; and

“(v) is enclosed by a barrier that—

“(I) is constructed of, or covered with, an opaque material (except for entrances and exits);

“(II) extends from no more than 12 inches above the ground or floor (which area at the

bottom of the barrier must be covered with material that restricts visibility but may allow airflow) to at least 8 feet above the ground or floor (or to the ceiling); and

“(III) prevents persons outside the qualified adult-only facility from seeing into the qualified adult-only facility, unless they make unreasonable efforts to do so; and

“(vi) does not display on its exterior—

“(I) any tobacco product advertising;

“(II) a brand name other than in conjunction with words for an area or enclosure to identify an adult-only facility; or

“(III) any combination of words that would imply to a reasonable observer that the manufacturer, distributor, or retailer has a sponsorship that would violate section 897.34(c).

“(D) Distribution of samples of smokeless tobacco under this subparagraph permitted to be taken out of the qualified adult-only facility shall be limited to 1 package per adult consumer containing no more than 0.53 ounces (15 grams) of smokeless tobacco. If such package of smokeless tobacco contains individual portions of smokeless tobacco, the individual portions of smokeless tobacco shall not exceed 8 individual portions and the collective weight of such individual portions shall not exceed 0.53 ounces (15 grams). Any manufacturer, distributor, or retailer who distributes or causes to be distributed free samples also shall take reasonable steps to ensure that the above amounts are limited to one such package per adult consumer per day.

“(3) Notwithstanding subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of smokeless tobacco—

“(A) to a sports team or entertainment group; or

“(B) at any football, basketball, baseball, soccer, or hockey event or any other sporting or entertainment event determined by the Secretary to be covered by this subparagraph.

“(4) The Secretary shall implement a program to ensure compliance with this paragraph and submit a report to the Congress on such compliance not later than 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

“(5) Nothing in this paragraph shall be construed to authorize any person to distribute or cause to be distributed any sample of a tobacco product to any individual who has not attained the minimum age established by applicable law for the purchase of such product.”

(3) **AMENDMENTS TO RULE.**—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with chapter 5 of title 5, United States Code.

(4) **RULE OF CONSTRUCTION.**—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with chapter 5 of title 5, United States Code, the regulation promulgated pursuant to this section, including the provisions of such regulation relating to distribution of free samples.

(5) **ENFORCEMENT OF RETAIL SALE PROVISIONS.**—The Secretary of Health and Human Services shall ensure that the provisions of this Act, the amendments made by this Act, and the implementing regulations (including such provisions, amendments, and regulations relating to the retail sale of tobacco products) are enforced with respect to the United States and Indian tribes.

(6) **QUALIFIED ADULT-ONLY FACILITY.**—A qualified adult-only facility (as such term is

defined in section 897.16(d) of the final rule published under paragraph (1)) that is also a retailer and that commits a violation as a retailer shall not be subject to the limitations in section 103(q) and shall be subject to penalties applicable to a qualified adult-only facility.

(7) **CONGRESSIONAL REVIEW PROVISIONS.**—Section 801 of title 5, United States Code, shall not apply to the final rule published under paragraph (1).

(b) **LIMITATION ON ADVISORY OPINIONS.**—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document titled “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents” (60 Fed. Reg. 41314–41372 (August 11, 1995)).

(2) The document titled “Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act” (60 Fed. Reg. 41453–41787 (August 11, 1995)).

(3) The preamble to the final rule in the document titled “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents” (61 Fed. Reg. 44396–44615 (August 28, 1996)).

(4) The document titled “Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination” (61 Fed. Reg. 44619–45318 (August 28, 1996)).

#### **SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.**

(a) **AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.**—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) **SECTION 301.**—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting “tobacco product,” after “device,”;

(2) in subsection (b), by inserting “tobacco product,” after “device,”;

(3) in subsection (c), by inserting “tobacco product,” after “device,”;

(4) in subsection (e)—

(A) by striking the period after “572(i)”;

and

(B) by striking “or 761 or the refusal to permit access to” and inserting “761, 909, or 920 or the refusal to permit access to”;

(5) in subsection (g), by inserting “tobacco product,” after “device,”;

(6) in subsection (h), by inserting “tobacco product,” after “device,”;

(7) in subsection (j)—

(A) by striking the period after “573”; and

(B) by striking “708, or 721” and inserting “708, 721, 904, 905, 906, 907, 908, 909, or 920(b)”;

(8) in subsection (k), by inserting “tobacco product,” after “device,”;

(9) by striking subsection (p) and inserting the following:

“(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j),

510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(j)(2) or 905(i)(3).";

(10) by striking subsection (q)(1) and inserting the following:

"(q)(1) The failure or refusal—

"(A) to comply with any requirement prescribed under section 518, 520(g), 903(b), 907, 908, or 916;

"(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 909, or 920; or

"(C) to comply with a requirement under section 522 or 913.";

(11) in subsection (q)(2), by striking "device," and inserting "device or tobacco product,";

(12) in subsection (r), by inserting "or tobacco product" after the term "device" each time that such term appears; and

(13) by adding at the end the following:

"(oo) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).

"(pp) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

"(qq)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (including tax stamp), tag, label, or other identification device upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

"(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other item that is designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

"(3) The doing of any act that causes a tobacco product to be a counterfeit tobacco product, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit tobacco product.

"(rr) The charitable distribution of tobacco products.

"(ss) The failure of a manufacturer or distributor to notify the Attorney General and the Secretary of the Treasury of their knowledge of tobacco products used in illicit trade.

"(tt) With respect to a tobacco product, any statement directed to consumers through the media or through the label, labeling, or advertising that would reasonably be expected to result in consumers believing that the product is regulated, inspected or approved by the Food and Drug Administration, or that the product complies with the requirements of the Food and Drug Administration, including a statement or implication in the label, labeling, or advertising of such product, and that could result in consumers believing that the product is endorsed for use by the Food and Drug Administration or in consumers being misled about the harmfulness of the product because of such regulation, inspection, or compliance.".

(c) SECTION 303.—Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) in paragraph (1)(A), by inserting "or tobacco products" after the term "devices" each place such term appears;

(2) in paragraph (5)—

(A) in subparagraph (A)—

(i) by striking "assessed" the first time it appears and inserting "assessed, or a no-tobacco-sale order may be imposed,"; and

(ii) by striking "penalty" the second time it appears and inserting "penalty, or upon whom a no-tobacco-sale order is to be imposed,";

(B) in subparagraph (B)—

(i) by inserting after "penalty," the following: "or the period to be covered by a no-tobacco-sale order,"; and

(ii) by adding at the end the following: "A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order.";

(C) by adding at the end the following:

"(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.";

(3) in paragraph (6)—

(A) by inserting "or the imposition of a no-tobacco-sale order" after the term "penalty" each place such term appears; and

(B) by striking "issued." and inserting "issued, or on which the no-tobacco-sale order was imposed, as the case may be."; and

(4) by adding at the end the following:

"(8) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1). Prior to the entry of a no-sale order under this paragraph, a person shall be entitled to a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer's request a hearing by telephone, or at the nearest regional or field office of the Food and Drug Administration, or at a Federal, State, or county facility within 100 miles from the location of the retail outlet, if such a facility is available.".

(d) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking "and" before "(D)"; and

(B) by striking "device." and inserting the following: "device, and (E) Any adulterated or misbranded tobacco product.";

(2) in subsection (d)(1), by inserting "tobacco product," after "device,";

(3) in subsection (g)(1), by inserting "or tobacco product" after the term "device" each place such term appears; and

(4) in subsection (g)(2)(A), by inserting "or tobacco product" after "device".

(e) SECTION 505.—Section 505(n)(2) (21 U.S.C. 355(n)(2)) is amended by striking "section 904" and inserting "section 1004".

(f) SECTION 523.—Section 523(b)(2)(D) (21 U.S.C. 360m(b)(2)(D)) is amended by striking "section 903(g)" and inserting "section 1003(g)".

(g) SECTION 702.—Section 702(a)(1) (U.S.C. 372(a)(1)) is amended—

(1) by striking "(a)(1)" and inserting "(a)(1)(A)"; and

(2) by adding at the end the following:

"(B)(i) For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with this paragraph to carry out inspections of retailers within that State in connection with the enforcement of this Act.

"(ii) The Secretary shall not enter into any contract under clause (i) with the government of any of the several States to exercise enforcement authority under this Act on

Indian country without the express written consent of the Indian tribe involved."

(h) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting "tobacco product," after the term "device," each place such term appears; and

(2) by inserting "tobacco products," after the term "devices," each place such term appears.

(i) SECTION 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)—

(A) by striking "devices, or cosmetics" each place it appears and inserting "devices, tobacco products, or cosmetics";

(B) by striking "or restricted devices" each place it appears and inserting "restricted devices, or tobacco products";

(C) by striking "and devices and subject to" and all that follows through "other drugs or devices" and inserting "devices, and tobacco products and subject to reporting and inspection under regulations lawfully issued pursuant to section 505(i) or (k), section 519, section 520(g), or chapter IX and data relating to other drugs, devices, or tobacco products";

(2) in subsection (b), by inserting "tobacco product," after "device,"; and

(3) in subsection (g)(13), by striking "section 903(g)" and inserting "section 1003(g)".

(j) SECTION 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting "tobacco products," after "devices,".

(k) SECTION 709.—Section 709 (21 U.S.C. 379a) is amended by inserting "tobacco product," after "device,".

(l) SECTION 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting "tobacco products," after the term "devices,";

(B) by inserting "or section 905(h)" after "section 510"; and

(C) by striking the term "drugs or devices" each time such term appears and inserting "drugs, devices, or tobacco products";

(2) in subsection (e)(1)—

(A) by inserting "tobacco product" after "drug, device,"; and

(B) by inserting ", and a tobacco product intended for export shall not be deemed to be in violation of section 906(e), 907, 911, or 920(a)," before "if it—";

(3) by adding at the end the following:

"(p)(1) Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding—

"(A) the nature, extent, and destination of United States tobacco product exports that do not conform to tobacco product standards established pursuant to this Act;

"(B) the public health implications of such exports, including any evidence of a negative public health impact; and

"(C) recommendations or assessments of policy alternatives available to Congress and the executive branch to reduce any negative public health impact caused by such exports.

"(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.".

(m) SECTION 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(b)) is amended—

(1) by striking "and" after "cosmetics,"; and

(2) inserting ", and tobacco products" after "devices".

(n) SECTION 1009.—Section 1009(b) (as redesignated by section 101(b)) is amended by striking “section 908” and inserting “section 1008”.

(o) SECTION 409 OF THE FEDERAL MEAT INSPECTION ACT.—Section 409(a) of the Federal Meat Inspection Act (21 U.S.C. 679(a)) is amended by striking “section 902(b)” and inserting “section 1002(b)”.

(p) RULE OF CONSTRUCTION.—Nothing in this section is intended or shall be construed to expand, contract, or otherwise modify or amend the existing limitations on State government authority over tribal restricted fee or trust lands.

(q) GUIDANCE AND EFFECTIVE DATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term “repeated violation”, as used in section 303(f)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)(8)) as amended by subsection (c), as including at least 5 violations of particular requirements over a 36-month period at a particular retail outlet that constitute a repeated violation and providing for civil penalties in accordance with paragraph (2);

(B) providing for timely and effective notice by certified or registered mail or personal delivery to the retailer of each alleged violation at a particular retail outlet prior to conducting a followup compliance check, such notice to be sent to the location specified on the retailer’s registration or to the retailer’s registered agent if the retailer has provided such agent information to the Food and Drug Administration prior to the violation;

(C) providing for a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer’s request a hearing by telephone or at the nearest regional or field office of the Food and Drug Administration, and providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing that civil money penalties for multiple violations shall increase from one violation to the next violation pursuant to paragraph (2) within the time periods provided for in such paragraph;

(F) providing that good faith reliance on the presentation of a false government-issued photographic identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against sales to minors;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device; and

(G) providing for the Secretary, in determining whether to impose a no-tobacco-sale order and in determining whether to compromise, modify, or terminate such an order, to consider whether the retailer has taken effective steps to prevent violations of the minimum age requirements for the sale of tobacco products, including the steps listed in subparagraph (F).

(2) PENALTIES FOR VIOLATIONS.—

(A) IN GENERAL.—The amount of the civil penalty to be applied for violations of restrictions promulgated under section 906(d), as described in paragraph (1), shall be as follows:

(i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, \$0.00 together with the issuance of a warning letter to the retailer;

(II) in the case of a second violation within a 12-month period, \$250;

(III) in the case of a third violation within a 24-month period, \$500;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

(ii) With respect to a retailer that does not have an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, \$250;

(II) in the case of a second violation within a 12-month period, \$500;

(III) in the case of a third violation within a 24-month period, \$1,000;

(IV) in the case of a fourth violation within a 24-month period, \$2,000;

(V) in the case of a fifth violation within a 36-month period, \$5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, \$10,000 as determined by the Secretary on a case-by-case basis.

(B) TRAINING PROGRAM.—For purposes of subparagraph (A), the term “approved training program” means a training program that complies with standards developed by the Food and Drug Administration for such programs.

(C) CONSIDERATION OF STATE PENALTIES.—The Secretary shall coordinate with the States in enforcing the provisions of this Act and, for purposes of mitigating a civil penalty to be applied for a violation by a retailer of any restriction promulgated under section 906(d), shall consider the amount of any penalties paid by the retailer to a State for the same violation.

(3) GENERAL EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), and (4) of subsection (c) shall take effect upon the issuance of guidance described in paragraph (1) of this subsection.

(4) SPECIAL EFFECTIVE DATE.—The amendment made by subsection (c)(1) shall take effect on the date of enactment of this Act.

(5) PACKAGE LABEL REQUIREMENTS.—The package label requirements of paragraphs (2), (3), and (4) of section 903(a) of the Federal Food, Drug, and Cosmetic Act (as amended by this Act) shall take effect on the date that is 12 months after the date of enactment of this Act. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 903(a)(2), (3), and (4) and section 920(a) of the Federal Food, Drug, and Cosmetic Act.

(6) ADVERTISING REQUIREMENTS.—The advertising requirements of section 903(a)(8) of the Federal Food, Drug, and Cosmetic Act (as amended by this Act) shall take effect on the date that is 12 months after the date of enactment of this Act.

#### SEC. 104. STUDY ON RAISING THE MINIMUM AGE TO PURCHASE TOBACCO PRODUCTS.

The Secretary of Health and Human Services shall—

(1) convene an expert panel to conduct a study on the public health implications of raising the minimum age to purchase tobacco products; and

(2) not later than 5 years after the date of enactment of this Act, submit a report to the Congress on the results of such study.

#### SEC. 105. ENFORCEMENT ACTION PLAN FOR ADVERTISING AND PROMOTION RESTRICTIONS.

(a) ACTION PLAN.—

(1) DEVELOPMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall develop and publish an action plan to enforce restrictions adopted pursuant to section 906 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this Act, or pursuant to section 102(a) of this Act, on promotion and advertising of menthol and other cigarettes to youth.

(2) CONSULTATION.—The action plan required by paragraph (1) shall be developed in consultation with public health organizations and other stakeholders with demonstrated expertise and experience in serving minority communities.

(3) PRIORITY.—The action plan required by paragraph (1) shall include provisions designed to ensure enforcement of the restrictions described in paragraph (1) in minority communities.

(b) STATE AND LOCAL ACTIVITIES.—

(1) INFORMATION ON AUTHORITY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall inform State, local, and tribal governments of the authority provided to such entities under section 5(c) of the Federal Cigarette Labeling and Advertising Act, as added by section 203 of this Act, or preserved by such entities under section 916 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this Act.

(2) COMMUNITY ASSISTANCE.—At the request of communities seeking assistance to prevent underage tobacco use, the Secretary shall provide such assistance, including assistance with strategies to address the prevention of underage tobacco use in communities with a disproportionate use of menthol cigarettes by minors.

#### TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

##### SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

##### “SEC. 4. LABELING.

“(a) LABEL REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

“WARNING: Cigarettes are addictive.

“WARNING: Tobacco smoke can harm your children.

“WARNING: Cigarettes cause fatal lung disease.

“WARNING: Cigarettes cause cancer.

“WARNING: Cigarettes cause strokes and heart disease.

“WARNING: Smoking during pregnancy can harm your baby.

“WARNING: Smoking can kill you.

“WARNING: Tobacco smoke causes fatal lung disease in nonsmokers.

“WARNING: Quitting smoking now greatly reduces serious risks to your health.

“(2) **PLACEMENT; TYPOGRAPHY; ETC.**—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise at least the top 30 percent of the front and rear panels of the package. The word ‘WARNING’ shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c).

“(3) **DOES NOT APPLY TO FOREIGN DISTRIBUTION.**—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

“(4) **APPLICABILITY TO RETAILERS.**—A retailer of cigarettes shall not be in violation of this subsection for packaging that—

“(A) contains a warning label;

“(B) is supplied to the retailer by a licensee or permit-holding tobacco product manufacturer, importer, or distributor; and

“(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

“(b) **ADVERTISING REQUIREMENTS.**—

“(1) **IN GENERAL.**—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

“(2) **TYPOGRAPHY, ETC.**—Each label statement required by subsection (a) in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word ‘WARNING’ shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under subsection (c). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-

point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that—

“(A) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

“(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

“(3) **MATCHBOOKS.**—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

“(4) **ADJUSTMENT BY SECRETARY.**—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent (including smoke constituent) disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

“(c) **MARKETING REQUIREMENTS.**—

“(1) **RANDOM DISPLAY.**—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

“(2) **ROTATION.**—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

“(3) **REVIEW.**—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

“(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

“(B) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

“(4) **APPLICABILITY TO RETAILERS.**—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph

shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection and subsection (b).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 12 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by subsection (a).

## **SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.**

(a) **PREEMPTION.**—Section 5(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334(a)) is amended by striking “No” and inserting “Except to the extent the Secretary requires additional or different statements on any cigarette package by a regulation, by an order, by a standard, by an authorization to market a product, or by a condition of marketing a product, pursuant to the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), or as required under section 903(a)(2) or section 920(a) of the Federal Food, Drug, and Cosmetic Act, no”.

(b) **CHANGE IN REQUIRED STATEMENTS.**—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201, is further amended by adding at the end the following:

“(d) **CHANGE IN REQUIRED STATEMENTS.**—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.”.

## **SEC. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.**

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end the following:

“(c) **EXCEPTION.**—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and health, that take effect after the effective date of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarettes.”.

## **SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.**

(a) **AMENDMENT.**—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

### **“SEC. 3. SMOKELESS TOBACCO WARNING.**

“(a) **GENERAL RULE.**—

“(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:



“WARNING: This product can cause mouth cancer.”

“WARNING: This product can cause gum disease and tooth loss.”

“WARNING: This product is not a safe alternative to cigarettes.”

“WARNING: Smokeless tobacco is addictive.”

“(2) Each label statement required by paragraph (1) shall be—

“(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

“(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

“(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

“(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

“(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

“(A) contains a warning label;

“(B) is supplied to the retailer by a licensee or permit-holding tobacco product manufacturer, importer, or distributor; and

“(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

“(b) REQUIRED LABELS.—

“(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

“(2)(A) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph.

“(B) For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall comprise at least 20 percent of the area of the advertisement.

“(C) The word ‘WARNING’ shall appear in capital letters, and each label statement shall appear in conspicuous and legible type.

“(D) The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

“(E) The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements.

“(F) The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement.

“(G) The label statements shall be in English, except that—

“(i) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

“(ii) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

“(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

“(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

“(C) The Secretary shall review each plan submitted under subparagraphs (A) and (B) and approve it if the plan—

“(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

“(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

“(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection.

“(4) The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

“(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco

on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 12 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by subsection (a).

#### SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

(a) IN GENERAL.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 204, is further amended by adding at the end the following:

“(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.”

(b) PREEMPTION.—Section 7(a) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4406(a)) is amended by striking “No” and inserting “Except as provided in the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), no”.

#### SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by sections 201 and 202, is further amended by adding at the end the following:

“(e) TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE.—

“(1) IN GENERAL.—The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary’s sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

“(2) RESOLUTION OF DIFFERENCES.—Any differences between the requirements established by the Secretary under paragraph (1) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

“(3) CIGARETTE AND OTHER TOBACCO PRODUCT CONSTITUENTS.—In addition to the disclosures required by paragraph (1), the Secretary may, under a rulemaking conducted

under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required if the Secretary determines that disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act.

“(4) RETAILERS.—This subsection applies to a retailer only if that retailer is responsible for or directs the label statements required under this section.”

### TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

#### SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

#### “SEC. 920. LABELING, RECORDKEEPING, RECORDS INSPECTION.

“(a) ORIGIN LABELING.—

“(1) REQUIREMENT.—Beginning 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of tobacco products for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement ‘sale only allowed in the United States’.

“(2) EFFECTIVE DATE.—The effective date specified in paragraph (1) shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with such paragraph.

“(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

“(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products.

“(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product through the distribution system.

“(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

“(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

“(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or

is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products. The Secretary shall not authorize an officer or employee of the government of any of the several States to exercise authority under the preceding sentence on Indian country without the express written consent of the Indian tribe involved.

“(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—

“(1) NOTIFICATION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been—

“(A) imported, exported, distributed, or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

“(B) imported, exported, distributed, or diverted for possible illicit marketing, the manufacturer or distributor shall promptly notify the Attorney General and the Secretary of the Treasury of such knowledge.

“(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term ‘knowledge’ as applied to a manufacturer or distributor means—

“(A) the actual knowledge that the manufacturer or distributor had; or

“(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

“(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Attorney General of the United States and the Secretary of the Treasury, as appropriate.”

#### SEC. 302. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising; and

(3) collect data on the health effects (particularly with respect to individuals under 18 years of age) resulting from cross-border trade in tobacco products, including the health effects resulting from—

(A) the illicit trade of tobacco products and the trade of counterfeit tobacco products; and

(B) the differing tax rates applicable to tobacco products.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the

Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

(c) DEFINITION.—In this section:

(1) The term “cross-border trade” means trade across a border of the United States, a State or Territory, or Indian country.

(2) The term “Indian country” has the meaning given to such term in section 1151 of title 18, United States Code.

(3) The terms “State” and “Territory” have the meanings given to those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment in the nature of a substitute printed in part B of the report, if ordered by the gentleman from Indiana (Mr. BUYER) or his designee, which shall be in order without intervention of any point of order, shall be considered read, and shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. WAXMAN) and the gentleman from Indiana (Mr. BUYER) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume in debating this legislation.

Mr. Speaker, and my colleagues, we have come to what I hope will be an historic occasion, and that is finally doing something about the harm that tobacco does to thousands and thousands of Americans who die each year, and to stop the attempt to get our children to smoke. But it has taken us far too long to get to this point.

In 1994, the tobacco executives stood up before my subcommittee, they raised their hand, and they said they were going to tell the truth. They swore under oath, though, that nicotine was not addictive. They also said cigarettes were not harmful. They also said they didn't manipulate nicotine. They also said that they would never target kids. And, it turned out, they were not telling us the truth.

In 1996, the Food and Drug Administration tried to regulate tobacco products, but the Supreme Court told them that they needed Congress to give them specific legal authority. Now, 13 years later, here we are finally giving FDA that authority to regulate the leading preventable cause of death in America.

Every one of us has seen the devastating effects of tobacco through losing someone we love, watching others grow sick, or even feeling the grip of addiction firsthand. Worst of all is watching our children and grandchildren be targeted as the next wave of casualties.

Regulating tobacco is the single most important thing we can do right now to curb this deadly toll, and FDA is the

only agency with the right combination of scientific expertise, regulatory experience, and public health mission to oversee these products effectively.

This legislation will direct the Food and Drug Administration to end the marketing and sales of tobacco to kids; to prevent manufacturers from calling cigarettes "light" or "less dangerous" when in fact they are not; and to require changes to what is in cigarettes, like toxic ingredients such as formaldehyde, benzene, radioactive elements, and other deadly chemicals.

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Some have objected that this bill is too big a challenge for an already overburdened FDA. But it is clear to me that FDA's recent struggles are primarily a result of years of chronic underfunding. This does not mean that FDA, with strong and committed leadership, cannot take on the critical role of protecting the country against the harms of tobacco. It simply means that when we give the agency this new responsibility, we also must give it the resources necessary to do the job and to do it well.

We have ensured that this will happen. The tobacco program will be fully funded through a new user fee paid for by the industry. That money will go exclusively to the new tobacco center and will be enough for FDA to handle this task well. Furthermore, by doing so, we will ensure that the new tobacco program will have no impact on other missions at the Food And Drug Administration.

In short, we have everything we need to take this historic step: A comprehensive and flexible set of new authorities and full, certain funding. All we need now is the political will to do the right thing.

The breadth of support for this bill, from the AARP to the American Academy of Pediatrics, from the Southern Baptist Convention to the Islamic Society of North America, shows just how critical this issue is to all Americans. It is also supported by the American Lung Association, the American Heart Association and the American Cancer Society, the groups that are best situated to understand the damage caused by tobacco.

I also want to note that we have worked hard to accommodate specific concerns that we have heard about this bill. In committee consideration of the bill last year, we made changes to ensure fairness and flexibility for convenience stores, tobacco growers and small manufacturers, and we worked with the minority to incorporate their suggestions. We also worked with members of the Congressional Black Caucus to ensure that menthol cigarettes will be an early focus of the agency's attention and the agency has the authority to deal with these and other products.

I want to thank my colleague, TODD PLATTS, for his strong leadership and

dedication to working on this legislation, as well as JOHN DINGELL and FRANK PALLONE for their diligent work in moving this bill forward over the years. I also want to thank ED TOWNS, STEPHEN LYNCH and IKE SKELTON, all of whom were critical in getting us to this point. Each of these individuals has made this possible and produced a great victory for all Americans, especially our children.

I urge the passage of this legislation. I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

I would note that the gentleman read a list of individuals that supports his bill. But what he left off the list and the prior speaker under the rule, the gentleman from Colorado, was very critical of the tobacco companies. But Altria supports the Waxman bill. Now what is interesting about this is I would ask the gentleman from Colorado, he was so critical of tobacco, but obviously he didn't know that a tobacco company was supporting the Waxman bill.

I truly believe in my heart, since I had written Altria, and they have sent me a letter here in response to the substitute, H.R. 1261, I truly believe that had they not endorsed the Waxman bill 8 years ago that they would be endorsing this bill. And the reason I say that, I just find it in my heart, they let me know in their bill dated to me by the chairman and chief executive of Altria, he says, "We specifically support H.R. 1266 and supported its predecessor bills for more than 8 years." That is the Waxman bill. But he goes on further in his letter, and he says, "Your letter seeks our input on several aspects of tobacco regulation. You recently introduced H.R. 1261, including harm reduction, product design standards and the appropriate public health standard for tobacco regulation. Before addressing these topics more specifically," and they do that in the letter, he said, "I want to commend your thoughtful leadership on the topic of comprehensive tobacco regulation. Your focus on H.R. 1261 on harm reduction strategies will, we believe, encourage further meaningful conversation about how Federal regulators should exercise authority over tobacco products. We especially appreciate the focus you are bringing in the public policy debate in an important principle that regulation should ensure and certainly not discourage adult consumers access to accurate, objective and non-misleading information about the relative risks of all tobacco products. We have consistently expressed our view that it would be wrong for the Federal regulatory framework to deny adult tobacco consumers access to information about potential benefits to products that could ultimately reduce the harm caused by smoking."

Now that is the harm-reduction strategy that we have incorporated in

this bipartisan bill. And so I wanted to bring that to everyone's attention that this harm-reduction strategy is extremely important. We should not have this abstinence approach that is in the Waxman bill. Now this was an approach that was drafted many, many years ago, and a lot of things have taken place since Mr. WAXMAN drafted this bill. And he is not taking these things into account. I respect the gentleman. I respect his efforts. I respect his tenacity and his persistence. And hopefully we will have a meeting of the minds one day, and we can incorporate both of our dual-tracked efforts here to move people to stop smoking.

The supporters of the Waxman bill, as I noted from some of the speakers, they claim that it is designed to protect children from the dangers of smoking. But H.R. 1256 does not include any provision that actually protects minors from tobacco use. The American Association of Public Health Physicians wrote on March 3, 2009, "The current bill, the bill which is before us and being debated, referred to as the Waxman bill, H.R. 1256, in its current form would ensure current levels of tobacco-related deaths while doing nothing of significance to reduce the number of teens who would initiate tobacco use with no bill at all."

You see, those of whom are supporting the substitute, we support steps to require the States to use more of their Master Settlement Agreement funds to combat underage smoking and promote smoking cessation while also strengthening the Synar amendment which prevents the underage purchasing of cigarettes. Unfortunately, H.R. 1256 does not contain these important public health provisions.

With that, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentleman. I would like to engage the chairman in a colloquy to address the issue of FDA and tobacco farmers.

I represent one of the largest tobacco-producing districts in the Nation, so naturally I have a lot of farmers who are very concerned about how they might be affected by this legislation.

Mr. Chairman, my question to you is, does this bill in any way authorize the FDA to regulate tobacco farms?

Mr. WAXMAN. I thank you for the question, Mr. ETHERIDGE. This is an important question, especially for those who represent tobacco-growing districts. There has been some confusion about this point, so let me be clear. It is not the intent of this bill to allow FDA on the farm. The bill gives FDA the authority to regulate tobacco products but not tobacco leaf.

Mr. ETHERIDGE. I thank you for that.

And does the bill specifically state that FDA's regulatory authority would only apply to manufactured tobacco products and not the traditional production and harvest methods on the farm?

Mr. WAXMAN. The gentleman is correct.

Mr. ETHERIDGE. I thank the chairman.

Mr. WAXMAN, I thank you for that, and I thank you for the clarification that this is a bill intended to protect our children and not to regulate tobacco farmers. Tobacco is a critical crop in North Carolina's economy and has been for a long time. I look forward to continuing to working with you to help North Carolina farmers preserve their jobs and their livelihood.

Mr. WAXMAN. I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

The gentleman just spoke about his concern with regard to product standards. It is one of the chief concerns in the Waxman bill. The provisions on product standards allow the FDA to impose any requirements or prohibitions it sees fit, except that it may not ban the product or reduce nicotine delivery to zero. FDA need not consider the cost or feasibility of imposing a standard. FDA does have to consider the possibility of a black market, but can impose a standard even if it will lead to the creation or expansion of a black market. That should concern everyone with regard to illicit trade.

The Waxman bill also prevents communication about significant differences among levels of risk presented by different types of tobacco products, and it clamps down on any effects to develop and market modified-risk tobacco products. Modified-risk tobacco products are defined as any existing or new product that bears a claim or where the manufacturer conveys to consumers through media or otherwise that: It presents a lower risk or is less harmful than other tobacco products; has a reduced level of substance or reduced exposure to a substance; is free of or does not contain a substance; or uses the descriptor "light," "mild" or "low" or a similar descriptor.

Approval of a modified-risk product requires under the Waxman bill that the product will significantly reduce harm and the risk of disease to the individual users and that approval benefits the health of the population as a whole. You see, this is a two-tier standard and is almost impossible or nearly impossible to satisfy. So I completely understand why the gentleman came to the floor concerned about product standards. So if you want to embrace a harm-reduction strategy to migrate people from smoking down the continuum of risk to eventually quitting, the Waxman bill does not permit that. We don't permit the innovation of

science to drive people to lower-risk products. And that is what the substitute tries to do.

With that, I will yield to the gentleman, the ranking Republican, LAMAR SMITH of Texas, such time as he may consume.

Mr. SMITH of Texas. Mr. Speaker, I thank my colleague from Indiana for yielding me time.

Mr. Speaker, H.R. 1256 directs the Secretary of HHS to promulgate an interim final rule that is identical to the FDA's 1996 rule, which legal experts from across the political spectrum have stated would violate the first amendment.

While these experts' views should carry great weight, even more persuasive is the fact that the U.S. Supreme Court also has weighed in on various provisions of the rule, finding them unconstitutional. In *Lorillard Tobacco v. Reilly*, the U.S. Supreme Court struck down a Massachusetts statute that was similar in many ways to the FDA's proposed rule. The statute banned outdoor ads within 1,000 feet of schools, parks and playgrounds and also restricted point-of-sale advertising for tobacco products.

The Court held that this regulation ran afoul of the test established in the *Central Hudson* case, which defines the protection afforded commercial speech under the first amendment, as it was not sufficiently narrowly tailored and would have disparate impacts from community to community.

The Court then noted that since the Massachusetts statute was based on the FDA's rule, the FDA rule would have similar constitutional problems. As Justice Sandra Day O'Connor wrote for the court, "The uniformly broad sweep of the geographical limitation demonstrates a lack of tailoring."

Additionally, the proposed rule in H.R. 1256 would require ads to use only black text on a white background. The U.S. Supreme Court found a similar provision unconstitutional in *Zauderer v. Office of Disciplinary Counsel*. In that case, dealing with advertising for legal services, the Court held that the use of colors and illustrations in ads is entitled to the same first amendment protections given verbal commercial speech.

Justice Byron White, in his opinion for the Court, wrote that pictures and illustrations in ads cannot be banned "simply on the strength of the general argument that the visual content of advertisements may, under some circumstances, be deceptive or manipulative."

So there are numerous speech restrictions in this legislation that raise serious first amendment concerns. This will create a swarm of lawsuits that will only divert us from trying to develop more effective approaches to tobacco use in the United States.

To include speech restrictions that a broad range of legal experts have stat-

ed are almost certain to be unconstitutional fatally taints this bill.

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I know the bill is well-intentioned, but I hope my colleagues will support the alternative offered by the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I reserve the balance of my time.

Mr. WAXMAN. I am including in the RECORD an exchange of letters on H.R. 1256 between the chairman of the Committee on the Judiciary and myself.

COMMITTEE ON THE JUDICIARY,  
Washington, DC, March 24, 2009.

Hon. HENRY A. WAXMAN,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: This is to advise you that, as a result of your having worked with us to appropriately craft provisions in H.R. 1256, the "Family Smoking Prevention and Tobacco Control Act," that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by foregoing further consideration of H.R. 1256 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. We also reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.,  
Chairman.

CONGRESS OF THE UNITED STATES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, March 25, 2009.

Hon. JOHN CONYERS,  
Chairman, Committee on the Judiciary,  
Washington, DC.

DEAR CHAIRMAN CONYERS: Thank you for your letter regarding H.R. 1256, the "Family Smoking Prevention and Tobacco Control Act." The letter noted that certain provisions of the bill are within the jurisdiction of the Committee on the Judiciary under rule X of the Rules of the House.

The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on the Judiciary in these provisions. We further appreciate your agreement to forgo action on the bill, and I concur that the agreement does not in any way prejudice the Committee on the Judiciary with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I will include our letters in the Congressional Record during consideration of the bill on the House floor. Again I appreciate your cooperation regarding this important legislation.

Sincerely,

HENRY A. WAXMAN

I reserve the balance of my time.

Mr. BUYER. I would yield now 3 minutes to Dr. GINGREY, the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding. And I certainly want to pay tribute to Chairman WAXMAN in regard to the work that he has done over these many years, 10, at least, in regard to trying to help our society rid themselves of, really, the scourge of smoking cigarettes and many health care problems that that leads to. I don't think that there's any question in anybody's mind about that. And certainly the Surgeon General's warning, very profound, clear warning on a package of cigarettes, should bring their attention to that every time they light up, whether we're talking about young adults or at any age group. And leading to lung cancer and chronic obstructive pulmonary disease, maybe better known as emphysema. So I commend Chairman WAXMAN very much. I think his heart is in the right place, and what he's trying to do is very credible.

But I do feel that Representative BUYER, from Indiana, and his substitute amendment, will be presented shortly. I really feel, Mr. Speaker, that this is very likely a better way. And so I do rise in strong support of the Buyer amendment in the nature of a substitute.

Despite decades of intense efforts to eradicate the practice, still more than 40 million American adults continue to smoke cigarettes, and that is likely to remain the case, unfortunately, for decades to come.

All tobacco products are harmful, but the health risks associated with cigarettes are significantly greater than those associated with the use of smoke-free tobacco and nicotine-only products.

So, given these facts, an increasing number of public health experts advocate adopting a tobacco "harm-reduction" approach like that proposed in the Buyer amendment that will lower the health risks associated with using tobacco or nicotine.

A growing body of science shows that smokers who switch to smokeless tobacco products can significantly decrease their risk of tobacco-related illness and death.

A World Health Organization Study Group wrote last year that: "Smokeless tobacco products do not cause the lung diseases causally associated with the use of combusted tobacco products such as cigarettes, pipes and cigars."

Scientific studies show that even the risk for cancers of the mouth and the throat are higher for smokers than for those who use tobacco products that do not burn. Year after year, this body has considered tobacco regulation that fails to recognize the significant progress that can be achieved by adding this harm-reduction component to tobacco-control efforts.

An article last year, Mr. Speaker, in the *Journal of Health Care Law and Policy* correctly concluded that, and

this is a quote, "Ignoring harm reduction is simply not a viable option as there is no question that it is possible to provide massively less toxic alternative products."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BUYER. I yield to the gentleman of Georgia an additional minute.

Mr. GINGREY of Georgia. Mr. Speaker, a 2007 article in the *International Journal of Drug Policy* noted that "A pragmatic, public health approach to tobacco control would recognize a continuum of risk and encourage nicotine users to move themselves down the risk spectrum by choosing safer alternatives to smoking, without demanding abstinence."

The Buyer amendment presents us with the opportunity to institute that type of pragmatic approach. It offers a stringent regime under which harm-reduction strategies can augment and leverage continued efforts to prevent tobacco use, and to encourage current smokers to quit.

So, as a physician who deeply cares about the health and the welfare of our citizens, I urge you, my colleagues on both sides of the aisle, to adopt the amendment as our Nation's best option for fighting the disease and the death caused by tobacco in the 21st century.

Mr. BUYER. I reserve my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time. Although some Members may join us shortly, I ask the gentleman how many other speakers he wishes to call on before we close the debate.

Mr. BUYER. We have two speakers that I'm aware of that are on their way.

Mr. WAXMAN. I'll reserve my time and let you go forward. I see there are some of your Members there if they're going to speak on the bill.

Mr. BUYER. To the gentleman's question, you wanted to know how many more speakers do I have. I was not prepared that you would not have speakers in support of your bill, so I thought that we'd be going back and forth, so I have Members coming from their offices to the floor. But I would be more than happy to take some of my time.

May I ask, Mr. Speaker—actually, we're on your time, I guess, at the moment. I guess, on your time. May I ask how much time both of us may have remaining?

The SPEAKER pro tempore. The gentleman from Indiana has 16 minutes remaining. The gentleman from California has 23½ minutes remaining.

Mr. WAXMAN. We're going to reserve the balance of our time.

Mr. BUYER. I yield myself such time as I may consume.

We've had a discussion here on the floor, Mr. Speaker, with regard to other concerns over the Food and Drug Administration and its ability to regu-

late tobacco products, products that will never qualify as safe and effective, and could have significant negative impacts on all Americans.

Congress has spent a great deal of time investigating the ways in which the FDA has been unable to fulfill its core mission. Burdening the FDA with additional responsibilities outside the agency's expertise and core missions at this time will have dire consequences for the American people and the FDA's ability to ensure the safety and efficacy of our Nation's food, drugs and medical devices.

H.R. 1256 allows the FDA to divert resources from its core mission, including funds from food safety inspections and drugs and devices approvals to fund the startup costs of a newer tobacco center. At a time when FDA is struggling to perform many of its core functions, diversion of its limited resources will negatively impact the safety of the American public.

Now, in a bipartisan manner, we share the concerns of many in the public health community that effectively giving FDA's stamp of approval on cigarettes will improperly lead people to believe that these products are safe, and they really aren't. So there actually could be this perception, when people see that the FDA has approved it, there could be this public perception that there's an FDA approval of a particular nicotine delivery device.

Now, what we seek to do is to turn this over to a different agency, whereby we can learn about the different relative risks among that continuum of risk, so that people can make, then, informed decisions and choices relative to the use of tobacco products.

Now, I agree with the American Association of Public Health Physicians, which wrote on March 3, 2009, in regard to H.R. 1256, "The current bill, in its current form, would assure current levels of tobacco-related deaths, while doing nothing of significance to reduce the number of teens who would initiate tobacco use with no bill at all."

Now, I read that earlier, but it's so important I had to read it again. Now, Congressman MCINTYRE and I have authored this bipartisan alternative to establish the Tobacco Harm Reduction Center under the Department of Health and Human Services. The alternative is based on public health policies that acknowledge a continuum of risk among all tobacco products, and referenced scientific literature which shows that smokeless tobacco products are 90 to even 99 percent less hazardous than cigarettes in their risks of causing tobacco-related illnesses and death.

Now, why wouldn't we embrace that as a form of public policy?

Unlike H.R. 1256, the alternative substitute would have insured adult tobacco users are given complete, accurate and truthful information about the risks and relative risks of all tobacco products so that they can make

informed health decisions, while providing incentives to develop reduced-risk tobacco products.

See, that's really one of the chief concerns I have about Mr. WAXMAN's legislation is that when he creates a two-tier product standard with the implementation of new products, how can we ever migrate people to a lesser-harm nicotine delivery device in our efforts to get them to quit? That's why we have this position by Mr. WAXMAN, either you smoke or you die. And that's not what we should be embracing.

The alternative substitute, which Members will have a chance to vote on, strengthens prevention against minors' tobacco use, ensures that States properly fund anti-tobacco education and smoking-cessation programs, and protects American jobs.

Now, this alternative legislation will significantly improve the public health, while also protecting the already overburdened FDA from new responsibilities that take away from its ability to protect, once again, our Nation's food and drug supply.

In 2001 the Institute of Medicine noted, "The potential for reduction in morbidity and mortality that could result from the use of less toxic products by those who do not stop using tobacco, justifies the inclusion of harm reduction as a component in a broad program of tobacco control." That was my appeal to Chairman WAXMAN as to why the harm reduction strategy should be endorsed.

You see, if enacted, H.R. 1256, Mr. WAXMAN's bill, significantly curtails, if not entirely eliminates, incentives for manufacturers to develop and market products that reduce exposure to tobacco toxic substances. In order to obtain approval of a modified risk product, an applicant must demonstrate that the marketing and the labeling of the product will not mislead consumers into believing that the product is or has been demonstrated to be less harmful than current products.

Further, it has to be demonstrated that the product reduces risk for both the individual and for the population as a whole. This is the two-tiered standard I keep referring to. It is unlikely that such a standard could ever be proven. You see, that is what is so clever about Mr. WAXMAN's legislation. He puts in a standard that can never be achieved. And if you want to move people down a continuum of risk and improve public health, it cannot be done under Mr. WAXMAN's approach.

Now, those of us that support the substitute are concerned that such disincentives will effectively freeze the current tobacco market and prevent innovation that could lead to significantly less harmful tobacco products and improve the Nation's health. That is the exact position that Altria took in their letter to me.

Mr. Speaker, H.R. 1256 directs the Secretary of HHS to promulgate an interim final rule that is identical to the FDA's 1996 rule, which legal experts from across the political spectrum have stated would violate the First Amendment. While these experts' views should carry great weight, even more dispositive is the fact that the U.S. Supreme Court has also weighed in on various provisions of the rule, finding them unconstitutional.

In *Lorillard Tobacco Co. v. Reilly*, the U.S. Supreme Court struck down a Massachusetts statute that was similar in many ways to the FDA's proposed rule. The statute banned outdoor ads within 1,000 feet of schools, parks and playgrounds and also restricted point-of-sale advertising for tobacco products. The Court held that this regulation ran afoul of the test established in the *Central Hudson* case, which defines the protection afforded commercial speech under the First Amendment, as it was not sufficiently narrowly tailored, and would have disparate impacts from community to community.

The Court then noted that since the Massachusetts statute was based on the FDA's rule, the FDA rule would have similar unconstitutional effects on a nationwide basis. As Justice Sandra Day O'Connor wrote for the Court, "the uniformly broad sweep of the geographical limitation demonstrates a lack of tailoring."

Additionally, the proposed rule in H.R. 1256 would require ads to use only black text on a white background. Again, the U.S. Supreme Court found a similar provision unconstitutional in *Zauderer v. Office of Disciplinary Counsel*. In that case, dealing with advertising for legal services, the Court held that the use of colors and illustrations in ads are entitled to the same First Amendment protections given verbal commercial speech. Justice Byron White, in his opinion for the Court, wrote that pictures and illustrations in ads cannot be banned "simply on the strength of the general argument that the visual content of advertisements may, under some circumstances, be deceptive or manipulative."

There are numerous other speech restrictions in this legislation that raise serious First Amendment issues and will create a swarm of lawsuits that will only divert us from trying to develop more effective approaches to tobacco use in the United States. To put forward speech restrictions that a broad range of experts have stated are almost certain to be struck down would be highly counterproductive, and the only winners in this effort will be the litigants' constitutional lawyers rather than the American public.

I reserve the balance of my time.

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Mr. WAXMAN. Mr. Speaker, I am ready to move on to the Buyer substitute, and if the gentleman from Indiana is ready to yield back his time, I will yield back my time, and we can go to the substitute, itself.

Mr. BUYER. You would not rob me of the opportunity to put my chart on display, would you, Mr. Chairman?

Mr. WAXMAN. I wouldn't deny you any opportunity to make any points or to show any charts.

Mr. BUYER. Thank you.

Mr. WAXMAN. Is the gentleman ready to offer his amendment?

Mr. BUYER. I am prepared to show a chart on my debate time.

Mr. WAXMAN. Oh. Well then, I'll reserve the balance of my time.

Mr. BUYER. I thank the gentleman.

How much time do I have, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 9½ minutes remaining.

Mr. BUYER. I yield 3 minutes to the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

This bill is certainly a misplaced priority. Mr. Speaker, I lost both parents to tobacco-related illness. I know of the seriousness of this illness. I saw it virtually every day in the 25 years I practiced medicine. Tobacco is a scourge upon our society.

It is for Congress to meet then. In the bill in front of us this evening, the Food and Drug Administration, a Federal agency that right now is essentially a beleaguered agency that cannot do what we require it to do with regulating food and drugs, is now going to be given a completely new mission.

The mission of the Food and Drug Administration is to ensure that we have drugs that are safe and effective. Tobacco, when used as directed, kills 400,000 people a year. Tobacco certainly could be regarded as effective when used as directed, but it could never be regarded as safe.

Last night, in the Rules Committee, I attempted to offer an amendment which would have allowed the Food and Drug Administration to at least require that a cigarette be manufactured that contains zero milligrams of nicotine. In fact, there is explicit language in the bill that prohibits the Food and Drug Administration from requiring a zero-milligram nicotine cigarette. Why is this important?

Well, I told the Rules Committee last night that this was essentially the anti-hypocrisy amendment. If we were serious about what we were trying to do for public health, we would allow the Food and Drug Administration to eliminate nicotine in the cigarette because, after all, a tobacco cigarette is a drug-delivery device. Its sole purpose is to deliver nicotine to the user. In fact, if you do not have nicotine with its addictive powers, cigarette smoking is, itself, so unpleasant that no one would willingly smoke a cigarette. They do so to satisfy the addiction to nicotine.

In some of Chairman WAXMAN's hearings that he did in the last decade, he had tobacco executives admit that they manipulated levels of nicotine. Why? Because the nicotine is required to addict a smoker so he will continue to smoke. Eliminate the nicotine, and you have eliminated the smoking as a habit. As a consequence, the enormous public health debt that we're piling up



in treating smoking-related illnesses suddenly becomes a much more realistic figure.

I, frankly, do not understand why we would have a bill on the floor to allow the Food and Drug Administration to regulate tobacco usage when we will not allow them to have the one tool that would actually do some good in this legislation, which is to allow the Food and Drug Administration to require a zero-milligram nicotine cigarette.

In other words, we're going to allow nicotine to continue to be in cigarettes, allow the level to continue to be manipulated and continue to allow the youth of this country to be addicted to this pernicious habit. If we were really serious, if it weren't just the fact that we're addicted to tobacco money, we would allow the FDA the ability to exclude nicotine from cigarette products.

Mr. WAXMAN. Mr. Speaker, we have put in this bill that the FDA has the power to lower the levels of nicotine to a level that would be appropriate for the protection of the public health. We did not allow the FDA, under the legislation, to eliminate nicotine from cigarettes because we're all aware that, if cigarettes were not permitted to contain nicotine at all, that would be tantamount to an outright ban on cigarettes. I would not like to see people smoking cigarettes at all, but I'm not for prohibition, and therefore, we did not give the FDA that power to ban cigarettes in effect.

Now, it's odd to find that we're criticized for not doing enough and then are criticized for doing too much. You can't have it both ways. I think the FDA is in the position to regulate. We ought to give them that power, and that's why I would urge support for the legislation.

At this time, I would like to yield 5 minutes to the gentleman from Pennsylvania (Mr. PLATTS), and if he needs more time, I'll yield more to him.

Mr. PLATTS. Mr. Speaker, I rise in support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. My good friend and former colleague, Congressman Tom Davis, helped to champion this effort with Chairman WAXMAN for many years. With Congressman Davis' retirement last year, I'm honored to have taken his place as the lead Republican sponsor of this important legislation and to have the privilege of working with Chairman WAXMAN and his staff on this important effort.

Mr. Speaker, tobacco is one of the deadliest consumer products on the market today. It kills over 400,000 Americans every year. Yet it is one of the least regulated of all consumer products. In other words, while the FDA has the authority to regulate seemingly harmless products such as lipstick, hair spray and shaving cream, to name just three, the FDA does not

have the authority it needs to regulate one of the deadliest, if not the deadliest, products available for sale to our citizens. It is long past time when tobacco products should be subject to serious regulation to protect the public's health. This bill would finally accomplish this important goal.

First, this legislation would ensure that tobacco products are not advertised to or sold to children. Addiction to tobacco begins almost universally in childhood and in adolescence. Every day, almost 4,000 children try their first cigarette, and over 1,000 become daily smokers. Tobacco companies have long taken advantage of this vulnerability by promoting their products through such tactics as cartoon advertisements, free tobacco-themed merchandise that appeals to kids and through sponsorships of sports and entertainment events.

With health care costs spiraling out of control every year, the cost of treating these smokers later in life is fast becoming prohibitively expensive. Prohibiting advertising to children would go a long way in preventing young people in America from starting to smoke, and it would save billions of dollars and countless lives in the years to come.

Second, this legislation would require that tobacco products marketed as safer than other tobacco products are, in fact, demonstrated to be safer. The history of low-tar cigarettes illustrates the grave danger to public health caused by fooling consumers into believing unsubstantiated claims that one kind of cigarette is safer than another. Millions of Americans switched to low-tar cigarettes, believing they were reducing their risk of lung cancer. Many were convinced to switch instead of to quit. It was not until decades later that we learned through the deaths of those smoking low-tar cigarettes that low-tar cigarettes were just as dangerous as full-tar cigarettes. Under this legislation, we will not have to wait for the deaths of millions of more Americans to learn whether a so-called "safer" cigarette is what it claims to be.

This bill does not ban tobacco products. H.R. 1256 would allow the FDA to scientifically evaluate the health benefits and risks posed by ingredients in cigarettes, and it would take steps to reduce the harm caused by tobacco products. This legislation preserves an adult's choice to smoke. Even though I don't believe we want anyone to, it preserves that choice, and we make sure that those tobacco products that are marketed as safe alternatives to cigarettes are, in fact, scientifically proven to be safer.

Finally, I understand that some individuals have concerns with placing such authority under the FDA. I think it's important to note that the FDA already regulates products that people

use to help quit smoking, such as nicotine gums and patches. In addition, this legislation does provide an entirely separate funding stream for the FDA's regulation of tobacco products to ensure that other important efforts carried out by this agency are not diminished.

I hope my colleagues will join me in supporting the Family Smoking Prevention and Tobacco Control Act.

For the record, I believe there was reference that the reason we're not completely banning it is because of the influence of tobacco funds in campaigns. If I understand that correctly, I want to be on the record as one who doesn't accept any political action committee funds, including tobacco funds, and I've not received any such funds. Never have. Never will. This is about doing right for American citizens. It's about the health of our citizens. It's especially about the health of our children.

Vote "yes" and oppose this substitute. Support the underlying bill.

Mr. BUYER. I want to thank both gentlemen—Mr. PLATTS and the chairman—for his bill. As I've said, I complimented you earlier about your persistence and about your tenacity, about your drive and your sincerity. I don't question it at all. I have a different approach on how we can improve public policy, and this has been a good debate. I want to thank the chairman for allowing this debate to occur. It was a healthy debate at the committee during the markup. I think it's a healthy debate for us to have.

Over 100 countries around the world are struggling with how they answer these public health questions on how to deal with individuals who become addicted to nicotine. When you look at this approach of, "Well, let's just quit. Stop smoking and just quit," I just take a simple look at this. I say there are 45 million smokers, and then there are 2 million who are trying to stop smoking. Yet there's only a 7 percent success rate. Something is not working. To me, that's a rate of failure.

So that's why Mr. MCINTYRE and I came up with a different approach. We came up with a harm-reduction approach, and what we seek to do is to put our arms around everything. Not only are we trying to accomplish some of the similar goals of Mr. WAXMAN and Mr. PLATTS and of others who support Mr. WAXMAN's approach, but we wanted to include everything. We could include abstinence. We could include cessation programs and prevention and education. We seek to do that because we have a harm-reduction strategy to do that, and we want to move people down a continuum of risk.

When you look at the 45 million smokers, 85 percent of them are smoking light or ultralight cigarettes. Now, the reason they do that is they make a subconscious decision that somehow

it's a healthier or a safer cigarette. The reality is it's not. It's not.

So Mr. PLATTS is absolutely correct, but what we seek to do in the substitute is we want to regulate tobacco. That's what Mr. MCINTYRE and I seek to do. We want to regulate tobacco. We don't want to do it under the FDA. We want to do it in a harm-reduction center, and we want the tobacco companies to come forward. We'll regulate that tobacco, but we want to migrate smokers into other forms of products. I'm going to talk about that in greater detail on the substitute.

At this point, Mr. WAXMAN, I don't have any other speakers, so we can proceed to the substitute.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. This historic legislation will grant the Food and Drug Administration the authority to regulate tobacco products. Aside from a few technical changes, H.R. 1256 is identical to the legislation Chairman WAXMAN and I worked hard together to pass in the House last year.

This legislation is long overdue:

In 1957, Surgeon General Leroy Burney declared the causal link between smoking and lung cancer.

In 1964, Surgeon General Luther Terry's Report proclaimed that cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action.

Today, fifty-two years after the cancer link was established, forty-five years after the call for remedial action, we are finally poised to regulate this lethal product.

H.R. 1256 creates a fully-funded separate tobacco center at FDA to regulate tobacco products. The FDA is the appropriate scientific and regulatory agency to provide this oversight. Through a user fee on tobacco products, FDA will have the resources to implement this legislation and the legislation segregates the tobacco center and its funding from other FDA programs.

The FDA needs more resources and greater authority to meet its other obligations with respect to food, drugs, devices and cosmetics. My colleagues, Mr. PALLONE and Mr. STUPAK, and I have introduced legislation to address this need. To my colleagues who are concerned with FDA's lack of resources, I invite you to join us in this effort.

Each year, tobacco use kills more than 400,000 people. The American people need assurance that their food and medical products are safe. But they also need meaningful oversight of tobacco products. This Congress can deliver both.

I urge my colleagues to vote in favor of H.R. 1256.

Mr. VAN HOLLEN. Mr. Speaker, as an original cosponsor, I rise in strong support of the bipartisan Family Smoking Prevention and Tobacco Control Act. I want to thank Chairman WAXMAN and so many others for their leadership in bringing this legislation to the floor after so many years and so many battles. This is an important day for the American people.

Granting the Food and Drug Administration authority to regulate tobacco products is long

overdue and is a critical step in the protection of the public's health. As we know, the FDA has the power to regulate and oversee all sorts of products that are sold today. Many products that they regulate are not addictive. Yet we do not have the FDA's regulatory authority when it came to the very addictive products of tobacco and nicotine.

Because of the lack of regulatory authority on tobacco products, the FDA has been sidelined and the result is that the big tobacco companies have taken advantage of that opportunity and exploited it by marketing their deadly products to young people. For far too long, the tobacco companies have been targeting our kids, deceiving all of us about the harmful effects of their products and manipulating the ingredients in their products—all to ensure that their profit levels remained high. In order for them to continue to make their profits, they had to continue getting one generation after another hooked on tobacco products.

Let's make sure that future generations of young people do not get addicted. Addiction to tobacco products has had a huge cost to our society in terms of lives and money with over 400,000 American deaths every year. We have a chance today to put an end to that cycle.

In my home State of Maryland, I am very proud of the steps we have taken to curb the effects of tobacco use. We increased the tobacco tax and youth smoking has declined. We also passed a comprehensive smokefree indoor air law in 2007. But we can't have every State fighting alone to have a successful national program to curb tobacco use. We need one entity that has this power to help protect the American people, especially the young people of our country, from the deadly effects of tobacco products.

Mr. Speaker, this bill is a crucial step in protecting the health and well-being of our constituents from the deadly effects of tobacco use. It will save lives and money. I urge my colleagues to join me in a yes vote on this much-needed legislation.

Mr. LUCAS. Mr. Speaker, I am appalled at the blatant disregard for the public policy process. What kind of trick is being played out on the American people when half of H.R. 1256—the half that pays for FDA legislation—comes on suspension of the rules and the other half, the part that burdens American companies with more taxes and regulation, comes under a closed rule?

This bill gives FDA broad statutory authority to regulate the manufacturing, distribution, advertising, promotion, sale, and use of cigarettes and smokeless tobacco. And, it will ultimately result in FDA being on the farm micro-managing our farmers.

FDA has clearly proven it is severely overburdened with its current authority. Just look to the recent examples of salmonella found in peanut and pistachio products. Why would we give a huge new expansion of authority to an agency that has proven it can't handle the load it has? Can you honestly tell the American people to have confidence in the FDA to protect them?

How will this new authority be paid for? New taxes, of course. The bill taxes companies and importers to pay for the cost of regulation. The bill sets the amount of the assessments each

year, which will increase to \$712 million per year.

Also, this bill calls for using funds from the Thrift Savings Plan. Do we really want to use the savings portion of the bill to pay for more Washington bureaucracy?

Tobacco producers, small convenience stores, and tobacco warehousemen, which are the backbones of commerce across poor and rural districts, will be put out of business under this bill.

And, farmers—beware—FDA will come directly on your farm and tell you how to operate. Producers will bear the brunt of this legislation. FDA will tell producers what type of seeds they can plant, the methods in which they cultivate those seeds, the records they must keep and on and on and on.

I ask for a "no" vote on this classic tax and regulate bill.

Ms. DELAURO. Mr. Speaker, I rise in strong support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. This bipartisan legislation would grant the Food and Drug Administration (FDA) long-needed authority to regulate the manufacture, sale, distribution and marketing of tobacco products.

As we all know, tobacco related diseases contribute to the death of 400,000 Americans and costs the nation's health care system nearly \$100 billion each year. The most tragic part of this statistic is that virtually all of these deaths are preventable. It is alarming that preventable diseases such as emphysema, heart disease and cancer all can be attributed to the use of tobacco. We must do everything we can to end preventable suffering and death due to tobacco use. And as we look towards significant, comprehensive health reform legislation, this bill is critically important to achieving our goal of a healthier nation.

The FDA has the scientific expertise and regulatory experience to understand complex tobacco products, stipulate changes and address how these changes interact with the marketing that impacts consumer behavior. The FDA is the best agency to regulate tobacco products because it is regularly engaged in evaluating the scientific and technical evidence related to the safety or lack thereof of consumer products, as well as examining issues related to access, marketing and claims made about these products.

Continuing to allow tobacco manufacturers to escape any sort of regulation when food, drug, device and other manufacturers are subject to oversight is unacceptable. Congress cannot leave tobacco products, the number one preventable cause of death, unregulated. Tobacco companies should not remain free to manipulate their products by secretly increasing nicotine levels or adding candy flavorings to entice children. We need to do what we can to reduce the harm of tobacco products and FDA is the only agency with the level of expertise required to take on this task.

Colleagues, we can all agree that the FDA faces significant challenges, in desperate need of new, effective leadership and a commitment from this Congress to implement the necessary changes. H.R. 1256 is not in conflict with those changes. The legislation creates a new, separate center for tobacco product regulation within FDA and establishes user fees—paid for by the manufacturers and importers of the tobacco products regulated by

FDA—to fully fund the agency's new work relating to tobacco products. None of the positions or funding for the new Center for Tobacco Regulation will be taken from existing FDA resources. I am pleased that the bill before us includes language that maintains the same role of the Appropriations Committee with regard to the fees in this bill that the Committee has with regard to other FDA user fees. Providing the FDA with authority over tobacco products is completely consistent with FDA's core mission to protect the public health.

This bill has strong bipartisan support, and is endorsed by key groups including the American Cancer Society Cancer Action Network, the American Heart Association, the American Lung Association, the American Medical Association and Campaign for Tobacco-Free Kids and more than 1000 other health, medical, consumer, community and faith groups.

I urge my colleagues to support this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of H.R. 1256, The Family Smoking Prevention & Tobacco Control Act. As an original sponsor of the legislation, I want to thank Chairman WAXMAN and Chairman TOWNS for their leadership, and for helping to bring this important piece of legislation to the floor. The bill grants the FDA authority to regulate tobacco products and authorizes the agency to restrict the advertising, promotion and sale of tobacco.

I want to also thank Ms. Sandra Landis for her efforts to bring to my attention a long standing problem that has affected a small number of federal employees since 1990. Due in part to her persistent dedication, I was able to successfully amend this bill and address that issue.

Mr. SMITH of Texas. Mr. Speaker, H.R. 1256 directs the Secretary of HHS to promulgate an interim final rule that is identical to the FDA's 1996 rule, which legal experts from across the political spectrum have stated would violate the First Amendment.

While these experts' views should carry great weight, even more persuasive is the fact that the U.S. Supreme Court also has weighed in on various provisions of the rule, finding them unconstitutional.

In *Lorillard Tobacco Co. v. Reilly*, the U.S. Supreme Court struck down a Massachusetts statute that was similar in many ways to the FDA's proposed rule. The statute banned outdoor ads within 1,000 feet of schools, parks and playgrounds and also restricted point-of-sale advertising for tobacco products.

The Court held that this regulation ran afoul of the test established in the *Central Hudson* case, which defines the protection afforded commercial speech under the First Amendment, as it was not sufficiently narrowly tailored, and would have disparate impacts from community to community.

The Court then noted that since the Massachusetts statute was based on the FDA's rule, the FDA rule would have similar constitutional problems.

As Justice Sandra Day O'Connor wrote for the Court, "the uniformly broad sweep of the geographical limitation demonstrates a lack of tailoring."

Additionally, the proposed rule in H.R. 1256 would require ads to use only black text on a

white background. The U.S. Supreme Court found a similar provision unconstitutional in *Zauderer v. Office of Disciplinary Counsel*. In that case, dealing with advertising for legal services, the Court held that the use of colors and illustrations in ads is entitled to the same First Amendment protections given verbal commercial speech.

Justice Byron White, in his opinion for the Court, wrote that pictures and illustrations in ads cannot be banned "simply on the strength of the general argument that the visual content of advertisements may, under some circumstances, be deceptive or manipulative."

So there are numerous speech restrictions in this legislation that raise serious First Amendment concerns. This will create a swarm of lawsuits that will only divert us from trying to develop more effective approaches to tobacco use in the United States.

To include speech restrictions that a broad range of legal experts have stated are almost certain to be unconstitutional fatally taints this bill.

I know the bill is well-intentioned but I hope my colleagues will support the alternative offered by the gentleman from Indiana, Mr. BUYER.

Mr. HOLT. Mr. Speaker, I rise today to voice my support of H.R. 1256, the "Family Smoking Prevention And Tobacco Control Act."

I feel strongly about the dangers of cigarettes and the need for regulation by the Food and Drug Administration (FDA). The dangers of smoking are well known—about one in five deaths in the United States can be attributed to tobacco products, which adds up to 440,000 Americans killed every year. Another 50,000 people die every year from second-hand smoke. Many of these deaths are linked to the thousands of harmful chemical compounds in every cigarette, including benzene, arsenic, formaldehyde, and ammonia.

I am pleased to be an original cosponsor of the H.R. 1256. This legislation would require the regulation of tobacco products by the FDA. This legislation would also require cigarette manufacturers to print warning labels with text warnings detailing the smoking related diseases such as lung, heart, or mouth cancer. The warning labels are required to occupy 30 percent of the front and rear panels of a cigarette package, carton, or advertisement.

Unfortunately, the lack of sufficient regulatory authority means that while the FDA works to keep harmful chemicals out of everyday food products, they have no ability to do the same with cigarettes. This bill, which enjoys the support of almost 700 public health groups, faith associations, and other organizations from around the country, would ensure that consumers are adequately informed about the real risks of tobacco use and protected from misleading advertising.

I have long supported giving the FDA clear authority to regulate cigarettes and other tobacco products and I urge my colleagues to pass this legislation granting them such authority.

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of H.R. 1256, The Family Smoking Prevention and Tobacco Control Act. This legislation is good for our children. It keeps tobacco out of our children's hands and restricts advertising directed at young people. This leg-

islation also works to ensure the quality and relative safety of tobacco products, in spite of their known dangers to human health.

As a Member of this body who represents a tobacco growing area, I worked to ensure that this is balanced legislation. This is not a perfect bill, but it does represent an approach that considers the impact on those whose livelihoods depend on farming tobacco. North Carolina is the largest tobacco producing state in the Nation and my district is in the top three of overall production. We cannot simply ignore the economic impact that this crop represents to our state, and in this legislation we have not done so.

Tobacco remains a legal product, but we need to protect our Nation's children from its effects. H.R. 1256 puts in place uniform marketing standards and controls, as well as ensuring that the marketing is straightforward, and that the ingredients are properly disclosed.

While this bill will go a long way in protecting our Nation's children from tobacco, it allows our Nation's tobacco farmers to continue their way of life. As the Chairman has assured me in our colloquy on the House floor, this legislation will keep FDA off the farm.

I urge my colleague's to protect our Nation's children and support our Nation's farmers. I urge my colleagues to vote yes on H.R. 1256.

Mr. WU. Mr. Speaker, I rise today in support of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

Statistics are handed out on this floor like candy. Because numbers are often passed off as nothing more than empty words, we fail to recognize how staggering they are. For instance, smoking-related diseases cause an estimated 440,000 American deaths each year. Smoking costs the United States over \$150 billion annually in health care costs. And a 2004 study by the CDC's National Center for Chronic Disease Prevention and Health Promotion found that cigarette smoke contains over 4,800 chemicals, 69 of which are known to cause cancer.

Ninety percent of adult smokers are addicted to tobacco before they reach the age of 18; 50 percent before the age of 14. Currently the average age of initiation to tobacco is 11.

48 million adults smoke in the U.S., which is 22.9 percent of the population overall, and 33 percent of youth currently smoke.

To be quiet honest Mr. Speaker, these statistics are more than staggering—they are atrocious.

It was Irving Selikoff, a medical researcher who co-discovered a cure for tuberculosis who said, "Statistics are real people with the tears wiped away."

Those real people are our parents and children, our family and friends, who suffer the consequences of addiction to tobacco. I want my children to grow up healthy and to make healthy decisions. To help that happen, H.R. 1256 will put in place the proper authority for the Food and Drug Administration to establish regulations over tobacco products. We need the FDA to protect our population from the harmful effects of cigarettes and tobacco products by being able to provide sound, scientific regulations governing these products.

Even with all the warnings, and the money spent on education campaigns, kids are still

picking up smoking at the alarming rate of 3,000 a day in the United States.

The health concerns that will face these children are costly, painful, and deadly. But they are also ultimately preventable.

I ask my colleagues to please pass H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

Ms. FOXX. Mr. Speaker, "The Family Smoking Prevention and Tobacco Control Act," which is before us today, contains a so-called "special rule for cigarettes" in Section 907 of the bill that would ban flavored cigarettes—with the exception of menthol flavored cigarettes.

Since the legislation allows the sale of menthol cigarettes, which are produced in the United States and in my home State, while banning clove cigarettes, which are imported primarily from Indonesia, the Indonesian Government has made it clear that it considers this provision an attempt to discriminate against imported clove cigarette products in favor of a competing U.S. product—and thus section 907 in the bill runs contrary to the free-trade commitments the United States has made as part of the WTO.

According to WTO rules Mr. Speaker, an imported "good" (clove cigarettes) should receive treatment that is "no less favorable than that provided to a domestic good." Adhering to this principle would appear to require that clove cigarettes be treated no less favorably than menthol cigarettes and thus under this bill both should be exempt from the prohibition on flavored cigarettes or both should be banned in order to ensure there is no unfair discrimination in the treatment of the two products. The latter option is not an option at all in my opinion but neither is ignoring the concerns of our ally Indonesia, a country well known to our President.

For years now, senior officials of the Indonesian Government have repeatedly and doggedly attempted to communicate their country's concerns to U.S. legislators and executive branch policy-makers alike—to no avail. The communique from the Indonesian Ambassador to Chairman WAXMAN, as well as the Indonesian Trade Minister's dispatch to former Ambassador Schwab clearly articulate the imperative the Indonesian Government places on the trade violation contained in "The Family Smoking Prevention and Tobacco Control Act."

Last year, the HHS Secretary sent a letter to Congress expressing various concerns about Mr. WAXMAN's bill on behalf of the Administration. Among his concerns he included the following statement about the bill's prohibition on imported clove cigarettes that reflects the concerns expressed by the Indonesian Government:

There is a further issue regarding the bill that I would like to bring to your attention. Our trading partners believe that by banning the sale of clove cigarettes but not prohibiting the sale of menthol cigarettes, the bill raises questions under U.S. international trade obligations. The government of Indonesia has repeatedly objected to the bill on the ground that this disparate treatment is unjustified and incompatible with WTO trade rules. Accordingly, I would recommend that the Committee further review the relevant language in this light to ensure the bill is consistent with U.S. trade obligations.

Mr. Speaker, Congress is increasingly—and rightly—calling on our United States Trade Representative and the Administration to more strenuously enforce the WTO and other trade agreements to ensure that our trade partners are playing by the rules and not discriminating against our products and services. I think that it is only right that we abide by the same standards that we expect of our trade partners when the question is as clear as this situation. It would have been my hope that the minor changes needed to correct this avoidable trade complication in the bill could have been made before the legislation was brought to the floor for consideration, but that was not the case. Section 907 affects a *de facto* ban on the importation of clove cigarettes from Indonesia. It is another troublesome example of serious flaws overlooked by Mr. WAXMAN in his bill.

EMBASSY OF THE  
REPUBLIC OF INDONESIA,  
Washington, DC, July 25, 2008.

Hon. HENRY A. WAXMAN,  
Chairman, Committee on Oversight and Government Reform, 1102 Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: I extend my personal best wishes for your continued service in the United States House of Representatives and particularly as the Chairman of the Committee on Oversight and Government Reform. My government has been communicating with appropriate members of the U.S. Congress and the Executive Branch since 2004 regarding our opposition to a proposed prohibition on the sale of clove cigarettes in the United States. This prohibition has most recently been included as part of H.R. 1108—the "Family Smoking Prevention and Tobacco Control Act"—which was reported out of the House Energy and Commerce Committee just this month on July 17th.

In this regard, I am enclosing a letter that the Minister of Trade in Indonesia, Mari Elka Pangestu, gave to U.S. Trade Representative Susan Schwab on this issue when they met at the Asia-Pacific Economic Cooperation (APEC) summit in Sydney, Australia last September. I also want to bring your attention to the recent letter U.S. Department of Health and Human Services Secretary Michael O. Leavitt sent Energy and Commerce Committee Ranking Member Joe Barton in response to the Congressman's inquiries about H.R. 1108.

Secretary Leavitt raised the following reservation about H.R. 1108 regarding Indonesia's grave trade concerns on the clove cigarette issue:

There is a further issue regarding the bill that I would like to bring to your attention. Our trading partners believe that by banning the sale of clove cigarettes but not prohibiting the sale of menthol cigarettes, the bill raises questions under U.S. international trade obligations. The government of Indonesia has repeatedly objected to the bill on the ground that this disparate treatment is unjustified and incompatible with WTO trade rules. Accordingly, I would recommend that the Committee further review the relevant language in this light to ensure the bill is consistent with U.S. trade obligations.

As you may know, the U.S. does not produce traditional clove cigarettes while Indonesia produces over 99% of the clove cigarettes imported into the U.S. This is why Minister Pangestu felt it necessary to personally express to Ambassador Schwab our government's great concern that the pro-

posed prohibition on clove cigarettes in the U.S. would unjustifiably discriminate against Indonesia's cigarette exports to the U.S. in favor of competing, domestically produced U.S. cigarette products under World Trade Organization and other international trading standards.

We hope the attached letter from Minister Pangestu to Ambassador Schwab will help to more fully inform you as to the international trading standards and rules which serve as the basis for our objections to the proposed prohibition in H.R. 1108. In addition, we hope you will also consider Secretary Leavitt's concerns as a measure of the seriousness with which your own government views the potential trade problems in this regard. We respectfully ask that the bill be modified prior to final passage by the House so that clove and menthol cigarettes are treated equally under the legislation.

Sincerely yours,  
SUDJADNAN PARNOHADININGRAT.

MINISTER OF TRADE  
OF THE REPUBLIC OF INDONESIA,  
Jakarta, 28 August 2007.

H.E. Ambassador SUSAN C. SCHWAB,  
U.S. Trade Representative  
Washington, DC.

Re: The "Family Smoking Prevention and Tobacco Control Act" (S. 625).

DEAR AMBASSADOR SCHWAB: It was a pleasure meeting with you a few months ago in Washington DC, in which I had enjoyed discussing with you about the increasingly strong relationship between our two countries in trade and investment sectors. I would like to take this opportunity to thank you again for the excellent arrangements made during my visit to Washington, DC.

I am writing to you to raise my Government's concern over an introduction of a draft legislation entitled the "Family Smoking Prevention and Tobacco Control Act" (S. 625), which currently is being considered in the U.S. Congress. This draft Act contains a provision, which if enacted as currently drafted, will unjustifiably discriminate against Indonesia's cigarette exports in favor of competing, domestically produced U.S. cigarette products. We understand that Senator Kennedy, who has been supportive of addressing our concerns with appropriate legislative language, has written to you about this matter.

Specifically, the "special rule for cigarettes" in section 907 of the legislation states that, beginning 3 months after the date of enactment:

(a) In General—

(1) SPECIAL RULE FOR CIGARETTES—A cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.

The United States does not produce clove cigarettes at all. Indonesia produces cigarettes containing cloves and over 99% of the clove cigarettes imported into the United States come from Indonesia. That entire volume of imports would be prohibited under section 907 of the proposed bill.

In direct contrast, cigarettes containing menthol sold in the U.S. are almost exclusively produced in the United States as imports of menthol cigarettes are negligible.

However, menthol cigarettes are explicitly excluded from the prohibition in section 907.

The fact that Section 907 would prohibit the importation and sale of clove cigarettes from Indonesia while arbitrarily permitting domestic production and sale of menthol cigarettes reuses serious concerns about the consistency of this proposed provision with the United States' obligation under the agreements of the World Trade Organization. In particular, the WTO Agreement on Technical Barriers to Trade (TBT Agreement) obligates the United States to ensure that, in respect of its technical regulations, products imported from the territory of any WTO Member shall be accorded treatment no less favorable than that accorded to domestic like products and to like products originating in any other country. The Agreement also obligates the United States to ensure that its technical regulations are not more trade-restrictive than necessary, thereby creating unnecessary obstacles to international trade. In that regard, the TBT Agreement requires that the United States take account of scientific and technical information, as well as the special development and trade needs of developing country Members, such as Indonesia. Similar obligations exist under the WTO Agreement on Sanitary and Phytosanitary Measures (SPS Agreement) and the General Agreement on Tariffs and Trade 1994.

A stated purpose of the standards in the proposed U.S. legislation is to restrict advertising and promotional practices most likely to entice youth into tobacco use, while affording ample opportunity to market tobacco products to adults. Like menthol cigarettes (and unlike other flavored cigarettes), clove cigarettes are not targeted at youth smokers. Clove cigarettes are estimated to account for only 0.1% of the total number of cigarettes consumed in the United States and only approximately 0.8% of youth smokers have smoked clove cigarettes and that number of youths is declining based on recent studies. Menthol cigarettes, on the other hand, are estimated to account for approximately 26% of the cigarettes consumed in the United States and approximately 29.7% of youth smokers smoke menthol cigarettes. Moreover, there is no scientifically supportable evidence or risk assessment establishing specific human health risks associated with clove cigarettes that would justify banning those cigarettes while continuing to permit the sale of menthol cigarettes.

These facts are compelling. Imports of Indonesia's clove cigarettes are prohibited for no reason other than they contain a natural herbal additive, while U.S. cigarettes containing menthol—a processed herbal additive—are explicitly exempted from the prohibition. The Government of Indonesia firmly believes that such discriminatory treatment is inconsistent with the United States international obligations and, if enacted, will have a significant adverse effect on Indonesian trade.

The Government of Indonesia therefore respectfully asks that you carefully consider our concerns and, in the interest of our positive trade relationship, ensure that both the spirit and the requirements of the WTO agreements are observed. Further, absent elimination of the prohibition on imports of clove cigarettes, pursuant to Article 2.5 of the TBT Agreement and Article 5.8 of the SPS Agreement, we ask the United States to explain how that prohibition is justified.

As you are aware, Indonesia has expressed concern over the Bill at previous meetings of

the Indonesia-U.S. Trade and Investment Council.

We trust that your government would understand the difficulties we are faced with, as well as the severity and the urgency of this matter to our people whose livelihood very much depends on the existence of the cigarettes industry. We would be very appreciative of your attention to this matter and would welcome the opportunity to discuss it further with you, at your convenience.

We look forward to an opportunity in building and strengthening the robust relationship between our two countries. Thank you.

Your sincerely,

MARI ELKA PANGESTU.

Mr. BUYER. I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I also yield back my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT OFFERED BY MR. BUYER

Mr. BUYER. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute printed in part B of House Report 111-72 offered by Mr. BUYER:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Youth Prevention and Tobacco Harm Reduction Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Scope and effect.
- Sec. 5. Severability.
- Sec. 6. Effective date.

#### TITLE I—AUTHORITY OF THE TOBACCO HARM REDUCTION CENTER

- Sec. 100. Definitions.
- Sec. 101. Center authority over tobacco products.
- Sec. 102. Exclusion of other regulatory programs.
- Sec. 103. Existing Federal statutes maintained.
- Sec. 104. Proceedings in the name of the United States; subpoenas; preemption of State and local law; no private right of action.
- Sec. 105. Illicit trade.
- Sec. 106. Adulterated tobacco products.
- Sec. 107. Misbranded tobacco products.
- Sec. 108. Submission of health information to the Administrator.
- Sec. 109. Registration and listing.
- Sec. 110. General provisions respecting control of tobacco products.
- Sec. 111. Smoking article standards.
- Sec. 112. Notification and other remedies.
- Sec. 113. Records and reports on tobacco products.
- Sec. 114. Application for review of certain smoking articles.
- Sec. 115. Modified risk tobacco products.
- Sec. 116. Judicial review.
- Sec. 117. Jurisdiction of and coordination with the Federal Trade Commission.
- Sec. 118. Regulation requirement.
- Sec. 119. Preservation of State and local authority.

Sec. 120. Tobacco Products Scientific Advisory Committee.

Sec. 121. Drug products used to treat tobacco dependence.

Sec. 122. Advertising and marketing of tobacco products.

#### TITLE II—TOBACCO PRODUCTS WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

Sec. 201. Cigarette label and advertising warnings.

Sec. 202. Smokeless tobacco labels and advertising warnings.

#### TITLE III—PUBLIC DISCLOSURES BY TOBACCO PRODUCTS MANUFACTURERS

Sec. 301. Disclosures on packages of tobacco products.

Sec. 302. Disclosures on packages of smokeless tobacco.

Sec. 303. Public disclosure of ingredients.

#### TITLE IV—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

Sec. 401. Study and report on illicit trade.

Sec. 402. Amendment to section 1926 of the Public Health Service Act.

Sec. 403. Establishment of rankings.

#### TITLE V—ENFORCEMENT PROVISIONS

Sec. 501. Prohibited acts.

Sec. 502. Injunction proceedings.

Sec. 503. Penalties.

Sec. 504. Seizure.

Sec. 505. Report of minor violations.

Sec. 506. Inspection.

Sec. 507. Effect of compliance.

Sec. 508. Imports.

Sec. 509. Tobacco products for export.

#### TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Use of payments under the master settlement agreement and individual State settlement agreements.

Sec. 602. Preemption of State Laws Implementing Fire Safety Standard for Cigarettes.

Sec. 603. Inspection by the alcohol and tobacco tax trade bureau of records of certain cigarette and smokeless tobacco sellers.

Sec. 604. Severability.

#### TITLE VII—TOBACCO GROWER PROTECTION

Sec. 701. Tobacco grower protection.

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) Cigarette smoking is a leading cause of preventable deaths in the United States. Cigarette smoking significantly increases the risk of developing lung cancer, heart disease, chronic bronchitis, emphysema and other serious diseases with adverse health conditions.

(2) The risk for serious diseases is significantly affected by the type of tobacco product and the frequency, duration and manner of use.

(3) No tobacco product has been shown to be safe and without risks. The health risks associated with cigarettes are significantly greater than those associated with the use of smoke-free tobacco and nicotine products.

(4) Nicotine in tobacco products is addictive but is not considered a significant threat to health.

(5) It is the smoke inhaled from burning tobacco which poses the most significant risk of serious diseases.

(6) Quitting cigarette smoking significantly reduces the risk for serious diseases.

(7) Adult tobacco consumers have a right to be fully and accurately informed about the risks of serious diseases, the significant

differences in the comparative risks of different tobacco and nicotine-based products, and the benefits of quitting. This information should be based on sound science.

(8) Governments, public health officials, tobacco manufacturers and others share a responsibility to provide adult tobacco consumers with accurate information about the various health risks and comparative risks associated with the use of different tobacco and nicotine products.

(9) Tobacco products should be regulated in a manner that is designed to achieve significant and measurable reductions in the morbidity and mortality associated with tobacco use. Regulations should enhance the information available to adult consumers to permit them to make informed choices, and encourage the development of tobacco and nicotine products with lower risks than cigarettes currently sold in the United States.

(10) The form of regulation should be based on the risks and comparative risks of tobacco and nicotine products and their respective product categories.

(11) The regulation of marketing of tobacco products should be consistent with constitutional protections and enhance an adult consumer's ability to make an informed choice by providing accurate information on the risks and comparative risks of tobacco products.

(12) Reducing the diseases and deaths associated with the use of cigarettes serves public health goals and is in the best interest of consumers and society. Harm reduction should be the critical element of any comprehensive public policy surrounding the health consequences of tobacco use.

(13) Significant reductions in the harm associated with the use of cigarettes can be achieved by providing accurate information regarding the comparative risks of tobacco products to adult tobacco consumers, thereby encouraging smokers to migrate to the use of smoke-free tobacco and nicotine products, and by developing new smoke-free tobacco and nicotine products and other actions.

(14) Governments, public health officials, manufacturers, tobacco producers and consumers should support the development, production, and commercial introduction of tobacco leaf, and tobacco and nicotine-based products that are scientifically shown to reduce the risks associated with the use of existing tobacco products, particularly cigarettes.

(15) Adult tobacco consumers should have access to a range of commercially viable tobacco and nicotine-based products.

(16) There is substantial scientific evidence that selected smokeless tobacco products can satisfy the nicotine addiction of inveterate smokers while eliminating most, if not all, risk of pulmonary and cardiovascular complications of smoking and while reducing the risk of cancer by more than 95 percent.

(17) Transitioning smokers to selected smokeless tobacco products will eliminate environmental tobacco smoke and fire-related hazards.

(18) Current "abstain, quit, or die" tobacco control policies in the United States may have reached their maximum possible public health benefit because of the large number of cigarette smokers either unwilling or unable to discontinue their addiction to nicotine.

(19) There is evidence that harm reduction works and can be accomplished in a way that will not increase initiation or impede smoking cessation.

(20) Health-related agencies and organizations, both within the United States and

abroad have already gone on record endorsing Harm Reduction as an approach to further reducing tobacco related illness and death.

(21) Current Federal policy requires tobacco product labeling that leaves the incorrect impression that all tobacco product present equal risk.

### SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide authority to the Tobacco Harm Reduction Center by recognizing it as the primary Federal regulatory authority with respect to tobacco products as provided for in this Act;

(2) to ensure that the Center has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Center to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Center with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) to ensure that consumers are better informed regarding the relative risks for death and disease between categories of tobacco products;

(7) to continue to allow the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote prevention, cessation, and harm reduction policies and regulations to reduce disease risk and the social costs associated with tobacco-related diseases;

(10) to provide authority to the Department of Health and Human Services to regulate tobacco products;

(11) to establish national policies that effectively reduce disease and death associated with cigarette smoking and other tobacco use;

(12) to establish national policies that encourage prevention, cessation, and harm reduction measures regarding the use of tobacco products;

(13) to encourage current cigarette smokers who will not quit to use noncombustible tobacco or nicotine products that have significantly less risk than cigarettes;

(14) to establish national policies that accurately and consistently inform adult tobacco consumers of significant differences in risk between respective tobacco products;

(15) to establish national policies that encourage and assist the development and awareness of noncombustible tobacco and nicotine products;

(16) to coordinate national and State prevention, cessation, and harm reduction programs;

(17) to impose measures to ensure tobacco products are not sold or accessible to underage purchasers; and

(18) to strengthen Federal and State legislation to prevent illicit trade in tobacco products.

### SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action;

(2) affect any action pending in Federal, State, or Tribal court, or any agreement, consent decree, or contract of any kind; or

(3) be applicable to tobacco products or component parts manufactured in the United States for export.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Administrator to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

(c) REVENUE ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Administrator to take certain actions with regard to tobacco products shall not be construed to affect any authority of the Secretary of the Treasury under chapter 52 of the Internal Revenue Code of 1986.

### SEC. 5. SEVERABILITY.

If any provision of this Act, the amendments made by this Act, or the application of any provision of this Act to any person or circumstance is held to be invalid, the remainder of this Act, the amendments made by this Act, and the application of the provisions of this Act to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

### SEC. 6. EFFECTIVE DATE.

Except as otherwise specifically provided, the effective date of this Act shall be the date of its enactment.

## TITLE I—AUTHORITY OF THE TOBACCO HARM REDUCTION CENTER

### SEC. 100. DEFINITIONS.

In this Act:

(1) The term "Administrator" means the chief executive of the Tobacco Harm Reduction Center.

(2) The term "adult" means any individual who has attained the minimum age under applicable State law to be an individual to whom tobacco products may lawfully be sold.

(3) The term "adult-only facility" means a facility or restricted area, whether open-air or enclosed, where the operator ensures, or has a reasonable basis to believe, that no youth is present. A facility or restricted area need not be permanently restricted to adults in order to constitute an adult-only facility, if the operator ensures, or has a reasonable basis to believe, that no youth is present during any period of operation as an adult-only facility.

(4) The term "affiliate" means a person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. The terms "owns," "is owned," and "ownership" refer to ownership of an equity interest, or the equivalent thereof, of 50 percent or more.

(5) The term "annual report" means a tobacco product manufacturer's annual report to the Center, which provides ingredient information and nicotine yield ratings for each brand style that tobacco product manufacturer manufactures for commercial distribution domestically.

(6) The term "brand name" means a brand name of a tobacco product distributed or sold domestically, alone, or in conjunction with any other word, trademark, logo, symbol, motto, selling message, recognizable



pattern of colors, or any other indicium of product identification identical or similar to, or identifiable with, those used for any domestic brand of tobacco product. The term shall not include the corporate name of any tobacco product manufacturer that does not, after the effective date of this Act, sell a brand style of tobacco product in the United States that includes such corporate name.

(7) The term “brand style” means a tobacco product having a brand name, and distinguished by the selection of the tobacco, ingredients, structural materials, format, configuration, size, package, product descriptor, amount of tobacco, or yield of “tar” or nicotine.

(8) The term “Center” means the Tobacco Harm Reduction Center.

(9) The term “cigar” has the meaning assigned that term by the Alcohol and Tobacco Tax and Trade Bureau in section 40.11 of title 27, Code of Federal Regulations.

(10) The term “cigarette” means—

(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(B) any roll of tobacco wrapped in any substance containing tobacco which, because of the appearance of the roll of tobacco, the type of tobacco used in the filler, or its package or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (1).

(11) The term “competent and reliable scientific evidence” means evidence based on tests, analyses, research, or studies, conducted and evaluated in an objective manner by individuals qualified to do so, using procedures generally accepted in the relevant scientific disciplines to yield accurate and reliable results.

(12) The term “distributor” means any person who furthers the distribution of tobacco products, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the tobacco product to individuals for personal consumption. Common carriers, retailers, and those engaged solely in advertising are not considered distributors for purposes of this Act.

(13) The terms “domestic” and “domestically” mean within the United States, including activities within the United States involving advertising, marketing, distribution, or sale of tobacco products that are intended for consumption within the United States.

(14) The term “illicit tobacco product” means any tobacco product intended for use by consumers in the United States—

(A) as to which not all applicable duties or taxes have been paid in full;

(B) that has been stolen, smuggled, or is otherwise contraband;

(C) that is counterfeit; or

(D) that has or had a label, labeling, or packaging stating, or that stated, that the product is or was for export only, or that it is or was at any time restricted by section 5704 of title 26, United States Code.

(15) The term “illicit trade” means any transfer, distribution, or sale in interstate commerce of any illicit tobacco product.

(16) The term “immediate container” does not include package liners.

(17) The term “Indian tribe” has the meaning assigned that term in section 4(e) of the Indian Self Determination and Education Assistance Act.

(18) The term “ingredient” means tobacco and any substance added to tobacco to have an effect in the final tobacco product or when the final tobacco product is used by a consumer.

(19) The term “International Organization for Standardization (ISO) testing regimen” means the methods for measuring cigarette smoke yields, as set forth in the most recent version of ISO 3308, entitled “Routine analytical cigarette-smoking machine—Definition of standard conditions”; ISO 4387, entitled “Cigarettes—Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine”; ISO 10315, entitled “Cigarettes—Determination of nicotine in smoke condensates—Gas-chromatographic method”; ISO 10362-1, entitled “Cigarettes—Determination of water in smoke condensates—Part 1: Gas-chromatographic method”; and ISO 8454, entitled “Cigarettes—Determination of carbon monoxide in the vapour phase of cigarette smoke—NDIR method”. A cigarette that does not burn down in accordance with the testing regimen standards may be measured under the same puff regimen using the number of puffs that such a cigarette delivers before it extinguishes, plus an additional three puffs, or with such other modifications as the Administrator may approve.

(20) The term “interstate commerce” means all trade, traffic, or other commerce—

(A) within the District of Columbia, or any territory or possession of the United States;

(B) between any point in a State and any point outside thereof;

(C) between points within the same State through any place outside such State; or

(D) over which the United States has jurisdiction.

(21) The term “label” means a display of written, printed, or graphic matter upon or applied securely to the immediate container of a tobacco product.

(22) The term “labeling” means all labels and other written, printed, or graphic matter (1) upon or applied securely to any tobacco product or any of its containers or wrappers, or (2) accompanying a tobacco product.

(23) The term “little cigar” has the meaning assigned that term by the Alcohol and Tobacco Tax and Trade Bureau in section 40.11 of title 27, Code of Federal Regulations.

(24) The term “loose tobacco” means any form of tobacco, alone or in combination with any other ingredient or material, that, because of its appearance, form, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making or assembling cigarettes, incorporation into pipes, or otherwise used by consumers to make any tobacco product.

(25) The term “manufacture” means to design, manufacture, fabricate, assemble, process, package, or repack, label, or relabel, import, or hold or store in a commercial quantity, but does not include—

(A) the growing, curing, de-stemming, or aging of tobacco; or

(B) the holding, storing or transporting of a tobacco product by a common carrier for hire, a public warehouse, a testing laboratory, a distributor, or a retailer.

(26) The term “nicotine-containing product” means a product, other than a tobacco product, that contains added nicotine, whether or not in the form of a salt or solvate, that has been—

(A) synthetically produced, or

(B) obtained from tobacco or other source of nicotine.

(27) The term “package” means a pack, box, carton, pouch, or container of any kind in which a tobacco product or tobacco products are offered for sale, sold, or otherwise distributed to consumers. The term “package” does not include an outer container

used solely for shipping one or more packages of a tobacco product or tobacco products.

(28) The term “person” means any individual, partnership, corporation, committee, association, organization or group of persons, or other legal or business entity.

(29) The term “proof of age” means a driver’s license or other form of identification that is issued by a governmental authority and includes a photograph and a date of birth of the individual.

(30) The term “raw tobacco” means tobacco in a form that is received by a tobacco product manufacturer as an agricultural commodity, whether in a form that is natural, stem, or leaf, cured or aged, or as parts or pieces, but not in a reconstituted form, extracted pulp form, or extract form.

(31) The term “reduced-exposure claim” means a statement in advertising or labeling intended for one or more consumers of tobacco products, that a tobacco product provides a reduced exposure of users of that tobacco product to one or more toxicants, as compared to an appropriate reference tobacco product or category of tobacco products. A statement or representation that a tobacco product or the tobacco in a tobacco product contains “no additives” or is “natural” or that uses a substantially similar term is not a reduced-exposure claim if the advertising or labeling that contains such statement or representation also contains the disclosure required by section 108(h) of this Act.

(32) The term “reduced-risk claim” means a statement in advertising or labeling intended for one or more consumers of smoking articles, that a smoking article provides to users of that product a reduced risk of morbidity or mortality resulting from one or more chronic diseases or serious adverse health conditions associated with tobacco use, as compared to an appropriate reference smoking article or category of smoking articles, even if it is not stated, represented, or implied that all health risks associated with using that smoking article have been reduced or eliminated. A statement or representation that a smoking article or the tobacco in a smoking article contains “no additives,” or is “natural,” or that uses a substantially similar term is not a reduced-risk claim if the advertising or labeling that contains such statement or representation also contains the disclosure required by section 108(h).

(33) The term “retailer” means any person that—

(A) sells tobacco products to individuals for personal consumption; or

(B) operates a facility where the sale of tobacco products to individuals for personal consumption is permitted.

(34) The term “small business” means a tobacco product manufacturer that—

(A) has 150 or fewer employees; and

(B) during the 3-year period prior to the current calendar year, had an average annual gross revenue from tobacco products that did not exceed \$40,000,000.

(35) The term “smokeless tobacco product” means any form of finely cut, ground, powdered, reconstituted, processed or shaped tobacco, leaf tobacco, or stem tobacco, whether or not combined with any other ingredient, whether or not in extract or extracted form, and whether or not incorporated within any carrier or construct, that is intended to be placed in the oral or nasal cavity, including dry snuff, moist snuff, and chewing tobacco.

(36) The term "smoking article" means any tobacco-containing article that is intended, when used by a consumer, to be burned or otherwise to employ heat to produce a vapor, aerosol or smoke that—

(A) incorporates components of tobacco or derived from tobacco; and

(B) is intended to be inhaled by the user.

(37) The term "State" means any State of the United States and, except as otherwise specifically provided, includes any Indian tribe or tribal organization, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, Johnston Atoll, the Northern Marianas, and any other trust territory or possession of the United States.

(38) The term "tar" means nicotine-free dry particulate matter as defined in ISO 4387, entitled "Cigarettes—Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine".

(39) The term "tobacco" means a tobacco plant or any part of a harvested tobacco plant intended for use in the production of a tobacco product, including leaf, lamina, stem, or stalk, whether in green, cured, or aged form, whether in raw, treated, or processed form, and whether or not combined with other materials, including any by-product, extract, extracted pulp material, or any other material (other than purified nicotine) derived from a tobacco plant or any component thereof, and including strip, filler, stem, powder, and granulated, blended, or reconstituted forms of tobacco.

(40) The term "tobacco product" means—

(A) the singular of "tobacco products" as defined in section 5702(c) of the Internal Revenue Code of 1986;

(B) any other product that contains tobacco as a principal ingredient and that, because of its appearance, type, or the tobacco used in the product, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a tobacco product as described in subparagraph (A); and

(C) any form of tobacco or any construct incorporating tobacco, intended for human consumption, whether by—

(i) placement in the oral or nasal cavity;

(ii) inhalation of vapor, aerosol, or smoke; or

(iii) any other means.

(41) The term "tobacco product category" means a type of tobacco product characterized by its composition, components, and intended use, and includes tobacco products classified as cigarettes, loose tobacco for roll-your-own tobacco products, little cigars, cigars, pipe tobacco, moist snuff, dry snuff, chewing tobacco, and other forms of tobacco products (which are treated in this Act collectively as a single category).

(42) The term "tobacco product communication" means any means, medium, or manner for providing information relating to any tobacco product, including face-to-face interaction, mailings by postal service or courier to an individual who is an addressee, and electronic mail to an individual who is an addressee.

(43) The term "tobacco product manufacturer" means an entity that directly—

(A) manufactures anywhere a tobacco product that is intended to be distributed commercially in the United States, including a tobacco product intended to be distributed commercially in the United States through an importer;

(B) is the first purchaser for resale in the United States of tobacco products manufac-

tured outside the United States for distribution commercially in the United States; or

(C) is a successor or assign of any of the foregoing.

(44) The term "toxicant" means a chemical or physical agent that produces an adverse biological effect.

(45) The term "tribal organization" has the meaning assigned that term in section 4(1) of the Indian Self Determination and Education Assistance Act.

(46) The term "United States" means the several States, as defined in this Act.

(47) The term "youth" means any individual who is not an adult.

#### SEC. 101. CENTER AUTHORITY OVER TOBACCO PRODUCTS.

(a) IN GENERAL.—Tobacco products, including modified risk tobacco products for which an order has been issued in accordance with section 117, shall be regulated by the Administrator under this Act.

(b) APPLICABILITY.—This Act shall apply to all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and to any other tobacco products that the Administrator by regulation deems to be subject to this Act.

(c) CENTER.—The Secretary of Health and Human Services shall establish within the Department of Health and Human Services the Tobacco Harm Reduction Center. The head of the Center shall be an Administrator, who shall assume the statutory authority conferred by this Act, perform the functions that relate to the subject matter of this Act, and have the authority to promulgate regulations for the efficient enforcement of this Act. In promulgating any regulations under such authority, in whole or in part or any regulation that is likely to have an annual effect on the economy of \$50,000,000 or more or have a material adverse effect on adult users of tobacco products, tobacco product manufacturers, distributors, or retailers, the Administrator shall—

(1) determine the technological and economic ability of parties that would be required to comply with the regulation to comply with it;

(2) consider experience gained under any relevantly similar regulations at the Federal or State level;

(3) determine the reasonableness of the relationship between the costs of complying with such regulation and the public health benefits to be achieved by such regulation;

(4) determine the reasonable likelihood of measurable and substantial reductions in morbidity and mortality among individual tobacco users;

(5) determine the impact to United States tobacco producers and farm operations;

(6) determine the impact on the availability and use of tobacco products by minors; and

(7) determine the impact on illicit trade of tobacco products.

(d) LIMITATION OF AUTHORITY.—

(1) IN GENERAL.—The provisions of this Act shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Center have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

(2) EXCEPTION.—Notwithstanding paragraph (1), if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer,

the producer shall be subject to this Act in the producer's capacity as a manufacturer. The exception in this subparagraph shall not apply to a producer of tobacco leaf who grows tobacco under a contract with a tobacco product manufacturer and who is not otherwise engaged in the manufacturing process.

(3) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to grant the Administrator authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof.

(e) RULEMAKING PROCEDURES.—Each rulemaking under this Act shall be in accordance with chapter 5 of title 5, United States Code.

(f) CONSULTATION PRIOR TO RULEMAKING.—Prior to promulgating rules under this Act, the Administrator shall endeavor to consult with other Federal agencies as appropriate.

#### SEC. 102. EXCLUSION OF OTHER REGULATORY PROGRAMS.

(a) EXCLUSION OF TOBACCO PRODUCTS AND NICOTINE-CONTAINING PRODUCTS FROM THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—No tobacco product and no nicotine-containing product shall be regulated as a food, drug, or device in accordance with section 201 (f), (g) or (h) or Chapter IV or V of the Federal Food, Drug, and Cosmetic Act, except that any tobacco product commercially distributed domestically and any nicotine-containing product commercially distributed domestically shall be subject to Chapter V of the Federal Food, Drug, and Cosmetic Act if the manufacturer or a distributor of such product markets it with an explicit claim that the product is intended for use in the cure, mitigation, treatment, or prevention of disease in man or other animals, within the meaning of section 201(g)(1)(C) or section 201(h)(2) of that Act.

(b) LIMITATION ON EFFECT OF THIS ACT.—Nothing in this Act shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in any Federal, State, or Tribal court, or any agreement, consent decree, or contract of any kind.

(c) EXCLUSIONS FROM AUTHORITY OF ADMINISTRATOR.—The authority granted to the Administrator under this Act shall not apply to—

(1) raw tobacco that is not in the possession or control of a tobacco product manufacturer;

(2) raw tobacco that is grown for a tobacco product manufacturer by a grower, and that is in the possession of that grower or of a person that is not a tobacco product manufacturer and is within the scope of subparagraphs (A) through (F) of paragraph (3); or

(3) the activities, materials, facilities, or practices of persons that are not tobacco product manufacturers and that are—

(A) producers of raw tobacco, including tobacco growers;

(B) tobacco warehouses, and other persons that receive raw tobacco from growers;

(C) tobacco grower cooperatives;

(D) persons that cure raw tobacco;

(E) persons that process raw tobacco; and

(F) persons that store raw tobacco for aging.

If a producer of raw tobacco is also a tobacco product manufacturer, an affiliate of a tobacco product manufacturer, or a person producing raw tobacco for a tobacco product manufacturer, then that producer shall be subject to this Act only to the extent of that producer's capacity as a tobacco product manufacturer.

**SEC. 103. EXISTING FEDERAL STATUTES MAINTAINED.**

Except as amended or repealed by this Act, all Federal statutes in effect as of the effective date of this Act that regulate tobacco, tobacco products, or tobacco product manufacturers shall remain in full force and effect. Such statutes include, without limitation—

(1) the Federal Cigarette Labeling and Advertising Act, sections 1331–1340 of title 15, United States Code, except that section 1335 of title 15, United States Code, is repealed;

(2) the Comprehensive Smokeless Tobacco Health Education Act of 1986, sections 4401–4408 of title 15, United States Code, except that section 4402(f) of title 15, United States Code, is repealed;

(3) section 300x–26 of title 42, United States Code; and

(4) those statutes authorizing regulation of tobacco, tobacco products, or tobacco product manufacturers by the Federal Trade Commission, the Department of Agriculture, the Environmental Protection Agency, the Internal Revenue Service, and the Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury.

**SEC. 104. PROCEEDINGS IN THE NAME OF THE UNITED STATES; SUBPOENAS; PRE-EMPTION OF STATE AND LOCAL LAW; NO PRIVATE RIGHT OF ACTION.**

In furtherance of this Act:

(1) All proceedings for the enforcement, or to restrain violations, of this Act shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any proceeding under this section. No State, or political subdivision thereof, may proceed or intervene in any Federal or State court under this Act or under any regulation promulgated under it, or allege any violation thereof except a violation by the Administrator. Nothing in this Act shall be construed to create a right of action by any private person for any violation of any provision of this Act or of any regulation promulgated under it.

(2) With respect to any subject matter addressed by this Act or by any regulation promulgated under it, no requirement or prohibition shall be imposed under State or local law upon any tobacco product manufacturer or distributor.

(3) Paragraph (2) shall not apply to any requirement or prohibition imposed under State or local law before the date of introduction of the bill that was enacted as this Act.

**SEC. 105. ILLICIT TRADE.**

The Administrator shall not promulgate any regulation or take any other action that has the effect of—

(1) increasing illicit trade involving tobacco or any tobacco product, or

(2) making affected tobacco products unacceptable to a substantial number of then current users of such products, thereby creating a substantial risk that such users will resort to illicit tobacco products, or tobacco products that are otherwise noncompliant or unlawful.

**SEC. 106. ADULTERATED TOBACCO PRODUCTS.**

A tobacco product shall be deemed to be adulterated—

(1) if it bears or contains any poisonous or deleterious substance other than—

(A) tobacco;

(B) a substance naturally present in tobacco;

(C) a pesticide or fungicide chemical residue in or on tobacco if such pesticide or fun-

gicide chemical is registered by the Environmental Protection Agency for use on tobacco in the United States; or

(D) in the case of imported tobacco, a residue of a pesticide or fungicide chemical that—

(i) is approved for use in the country of origin of the tobacco; and

(ii) has not been banned, and the registration of which has not been canceled, by the Environmental Protection Agency for use on tobacco in the United States) that may render it injurious to health; but, in case the substance is not an added substance, such tobacco product shall not be considered adulterated under this subsection if the quantity of such substance in such tobacco product does not ordinarily render it injurious to health;

(2) if there is significant scientific agreement that, as a result of the tobacco it contains, the tobacco product presents a risk to human health that is materially higher than the risk presented by—

(A) such product on the effective date of this Act; or

(B) if such product was not distributed commercially domestically on that date, by comparable tobacco products of the same style and within the same category that were commercially distributed domestically on that date;

(3) if it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth;

(4) if its package is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health; or

(5) if its “tar” yield is in violation of section 111.

**SEC. 107. MISBRANDED TOBACCO PRODUCTS.**

A tobacco product shall be deemed to be misbranded—

(1) if its labeling is false or misleading in any particular;

(2) if in package form unless it bears a label containing—

(A) an identification of the type of product it is, by the common or usual name of such type of product;

(B) an accurate statement of the quantity of the contents in the package in terms of weight, measure, or numerical count, except that reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations promulgated by the Administrator;

(C) the name and place of business of the tobacco product manufacturer, packer, or distributor; and

(D) the information required by section 201(c) and (e) or section 202(c) and (e), as applicable;

(3) if any word, statement, or other information required by or under authority of this Act to appear on the label, labeling, or advertising is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs on the label, labeling, or advertising, as applicable) and in such terms as to render it reasonably likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(4) if any word, statement, or other information is required by or under this Act to appear on the label, unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such tobacco product, or is easily legible through the outside container or wrapper;

(5) if it was manufactured, prepared, or processed in an establishment not duly registered under section 109, if it was not included in a list required by section 109, or if a notice or other information respecting it was not provided as required by section 109;

(6) if its packaging, labeling, or advertising is in violation of this Act or of an applicable regulation promulgated in accordance with this Act;

(7) if it contains tobacco or another ingredient as to which a required disclosure under this Act was not made;

(8) if it is labeled or advertised, or the tobacco contained in it is advertised, as—

(A) containing “no additives,” or any substantially similar term, unless the labeling or advertising, as applicable, also contains, clearly and prominently, the following disclosure: “No additives in our tobacco does NOT mean safer.”; or

(B) being “natural,” or any substantially similar term, unless the labeling or advertising, as applicable, also contains, clearly and prominently, the following disclosure: “Natural does NOT mean safer.”;

(9) if in its labeling or advertising a term descriptive of the tobacco in the tobacco product is used otherwise than in accordance with a sanction or approval granted by a Federal agency;

(10) if with respect to such tobacco product a disclosure required by section 603 was not made;

(11) if with respect to such tobacco product a certification required by section 803 was not submitted or is materially false or misleading; or

(12) if its manufacturer or distributor made with respect to it a claim prohibited by section 115.

**SEC. 108. SUBMISSION OF HEALTH INFORMATION TO THE ADMINISTRATOR.**

(a) REQUIREMENT.—Each tobacco product manufacturer or importer, or agents thereof, shall submit to the Administrator the following information:

(1) Not later than 18 months after the date of enactment of the Act, a listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and brand style.

(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Administrator in accordance with section 4(e) of the Federal Cigarette Labeling and Advertising Act.

(3) Beginning 4 years after the date of enactment of this Act, a listing of all constituents, including smoke constituents as applicable, identified by the Administrator as harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand.

(b) DATA SUBMISSION.—At the request of the Administrator, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a significant reduction in risk to health from tobacco products can occur upon the employment of technology available to the manufacturer.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

(c) DATA LIST.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of the Act, and annually thereafter, the Administrator shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Administrator) the list established under subsection (d).

(2) CONSUMER RESEARCH.—The Administrator shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Act, the Administrator shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

(d) DATA COLLECTION.—Not later than 36 months after the date of enactment of this Act, the Administrator shall establish, and periodically revise as appropriate, a list of harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand.

**SEC. 109. REGISTRATION AND LISTING.**

(a) DEFINITIONS.—As used in this section:

(1) The term “manufacture, preparation, or processing” shall include repackaging or otherwise changing the container, wrapper, or label of any tobacco product package other than the carton in furtherance of the distribution of the tobacco product from the original place of manufacture to the person that makes final delivery or sale to the ultimate consumer or user, but shall not include the addition of a tax marking or other marking required by law to an already packaged tobacco product.

(2) The term “name” shall include in the case of a partnership the name of the general partner and, in the case of a privately held corporation, the name of the chief executive officer of the corporation and the State of incorporation.

(b) ANNUAL REGISTRATION.—Commencing one year after enactment, on or before December 31 of each year, every person that owns or operates any establishment in any State engaged in the manufacture, preparation, or processing of a tobacco product or products for commercial distribution domestically shall register with the Administrator its name, places of business, and all such establishments.

(c) NEW PRODUCERS.—Every person upon first engaging, for commercial distribution domestically, in the manufacture, preparation, or processing of a tobacco product or products in any establishment that it owns or operates in any State shall immediately register with the Administrator its name, places of business, and such establishment.

(d) REGISTRATION OF FOREIGN ESTABLISHMENTS.—

(1) Commencing one year after enactment of this Act, on or before December 31 of each year, the person that, within any foreign

country, owns or operates any establishment engaged in the manufacture, preparation, or processing of a tobacco product that is imported or offered for import into the United States shall, through electronic means or other means permitted by the Administrator, register with the Administrator the name and place of business of each such establishment, the name of the United States agent for the establishment, and the name of each importer of such tobacco product in the United States that is known to such person.

(2) Such person also shall provide the information required by subsection (j), including sales made by mail, or through the Internet, or other electronic means.

(3) The Administrator is authorized to enter into cooperative arrangements with officials of foreign countries to ensure that adequate and effective means are available for purposes of determining, from time to time, whether tobacco products manufactured, prepared, or processed by an establishment described in paragraph (1), if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 708.

(e) ADDITIONAL ESTABLISHMENTS.—Every person duly registered in accordance with the foregoing subsections of this section shall immediately register with the Administrator any additional establishment that it owns or operates and in which it begins the manufacture, preparation, or processing of a tobacco product or products for commercial distribution domestically or for import into the United States.

(f) EXCLUSIONS FROM APPLICATION OF THIS SECTION.—The foregoing subsections of this section shall not apply to—

(1) persons that manufacture, prepare, or process tobacco products solely for use in research, teaching, chemical or biological analysis, or export; or

(2) such other classes of persons as the Administrator may by regulation exempt from the application of this section upon a finding that registration by such classes of persons in accordance with this section is not necessary for the protection of the public health.

(g) INSPECTION OF PREMISES.—Every establishment registered with the Administrator pursuant to this section shall be subject to inspection pursuant to section 706; and every such establishment engaged in the manufacture, preparation, or processing of a tobacco product or products shall be so inspected by one or more officers or employees duly designated by the Administrator at least once in the two-year period beginning with the date of registration of such establishment pursuant to this section and at least once in every successive two-year period thereafter, except that inspection of establishments outside the United States may be conducted by other personnel pursuant to a cooperative arrangement under subsection (d)(3).

(h) FILING OF LISTS OF TOBACCO PRODUCTS MANUFACTURED, PREPARED, OR PROCESSED BY REGISTRANTS; STATEMENTS; ACCOMPANYING DISCLOSURES.—

(1) Every person that registers with the Administrator under subsection (b), (c), (d), or (e) shall, at the time of registration under any such subsection, file with the Administrator a list of all brand styles (with each brand style in each list listed by the common or usual name of the tobacco product category to which it belongs and by any proprietary name) that are being manufactured, prepared, or processed by such person for commercial distribution domestically or for import into the United States, and that such

person has not included in any list of tobacco products filed by such person with the Administrator under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Administrator may prescribe, and shall be accompanied by the label for each such brand style and a representative sampling of any other labeling and advertising for each;

(2) Each person that registers with the Administrator under this section shall report to the Administrator each August for the preceding six-month period from January through June, and each February for the preceding six-month period from July through December, following information:

(A) A list of each brand style introduced by the registrant for commercial distribution domestically or for import into the United States that has not been included in any list previously filed by such registrant with the Administrator under this subparagraph or paragraph (1). A list under this subparagraph shall list a brand style by the common or usual name of the tobacco product category to which it belongs and by any proprietary name, and shall be accompanied by the other information required by paragraph (1).

(B) If since the date the registrant last made a report under this paragraph (or if such registrant has not previously made a report under this paragraph, since the effective date of this Act) such registrant has discontinued the manufacture, preparation, or processing for commercial distribution domestically or for import into the United States of a brand style included in a list filed by such registrant under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity (by the common or usual name of the tobacco product category to which it belongs and by any proprietary name) of such tobacco product.

(C) If, since the date the registrant reported pursuant to subparagraph (B) a notice of discontinuance of a tobacco product, the registrant has resumed the manufacture, preparation, or processing for commercial distribution domestically or for import into the United States of that brand style, notice of such resumption, the date of such resumption, the identity of such brand style (by the common or usual name of the tobacco product category to which it belongs and by any proprietary name), and the other information required by paragraph (1), unless the registrant has previously reported such resumption to the Administrator pursuant to this subparagraph.

(D) Any material change in any information previously submitted pursuant to this paragraph (2) or paragraph (1).

(i) ELECTRONIC REGISTRATION.—Registrations under subsections (b), (c), (d), and (e) (including the submission of updated information) shall be submitted to the Administrator by electronic means, unless the Administrator grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting such waiver.

**SEC. 110. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.**

(a) IN GENERAL.—Any requirement established by or under section 106, 107, or 113 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 111, section 114, section 115, or subsection (d) of this section, and any requirement established by or under section 106, 107,

or 113 which is inconsistent with a requirement imposed on such tobacco product under section 111, section 114, section 115, or subsection (d) of this section shall not apply to such tobacco product.

(b) **INFORMATION ON PUBLIC ACCESS AND COMMENT.**—Each notice of proposed rule-making or other notification under section 111, 112, 113, 114, or 115 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Administrator by a notice published in the Federal Register stating good cause therefore.

(c) **LIMITED CONFIDENTIALITY OF INFORMATION.**—Any information reported to or otherwise obtained by the Administrator or the Administrator's representative under section 107, 108, 111, 112, 113, 114, 115, or 504, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(d) **RESTRICTIONS.**—

(1) **IN GENERAL.**—The Administrator may issue regulations, consistent with this Act, regarding tobacco products if the Administrator determines that such regulation would be appropriate for the protection of the public health. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the users of the tobacco product, and taking into account that the standard is reasonably likely to result in measurable and substantial reductions in morbidity and mortality among individual tobacco users.

(2) **LABEL STATEMENTS.**—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Administrator may in such regulation prescribe.

(e) **GOOD MANUFACTURING PRACTICE REQUIREMENTS.**—

(1) **METHODS, FACILITIES, AND CONTROLS TO CONFORM.**—

(A) **IN GENERAL.**—In applying manufacturing restrictions to tobacco, the Administrator shall, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing, and storage of a tobacco product conform to current good manufacturing practice, or hazard analysis and critical control point methodology, as prescribed in such regulations to assure that the public health is protected and that the tobacco product is in compliance with this Act. Such regulations may

provide for the testing of raw tobacco for pesticide chemical residues after a tolerance for such chemical residues has been established.

(B) **REQUIREMENTS.**—The Administrator shall—

(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A); and

(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices but no earlier than four years from date of enactment.

(C) **ADDITIONAL SPECIAL RULE.**—A tobacco product manufactured in or imported into the United States shall not contain foreign-grown flue-cured or burley tobacco that—

(i) was knowingly grown or processed using a pesticide chemical that is not approved under applicable Federal law for use in domestic tobacco farming and processing; or

(ii) in the case of a pesticide chemical that is so approved, was grown or processed using the pesticide chemical in a manner inconsistent with the approved labeling for use of the pesticide chemical in domestic tobacco farming and processing.

(D) **EXCLUSION.**—Subparagraph (C)(ii) shall not apply to tobacco products manufactured with foreign-grown flue-cured or burley tobacco so long as that foreign grown tobacco was either—

(i) in the inventory of a manufacturer prior to the effective date, or

(ii) planted by the farmer prior to the effective date of this Act and utilized by the manufacturer no later than 3 years after the effective date.

(E) **SETTING OF MAXIMUM RESIDUE LIMITS.**—The Administrator shall adopt the following pesticide residue standards:

Pesticide residue standards

The maximum concentration of residues of the following pesticides allowed in flue-cured or burley tobacco, expressed as parts by weight of the residue per one million parts by weight of the tobacco (PPM) are:

CHLORDANE.....3.0  
DIBROMOCHLOROPROPANE  
(DBCP).....1.0  
DICAMBA (Temporary).... 5.0  
ENDRIN.....0.1  
ETHYLENE DIBROMIDE (EDB)....0.1  
FORMOTHION.....0.5  
HEXACHLOROBENZENE (HCB)....0.1  
METHOXYCHLOR.....0.1  
TOXAPHENE.....0.3  
2,4-D (Temporary).....5.0  
2,4,5-T.....0.1  
Sum of ALDRIN and DIELDRIN.....0.1  
Sum of CYPERMETHRIN and  
PERMETHRIN (Temporary).....3.0  
Sum of DDT, TDE (DDD), and DDE .....0.4  
Sum of HEPTACHLOR and HEPTACHLOR  
EPOXIDE.....0.1

(F) **MAXIMUM RESIDUE LIMITS.**—The Administrator shall adopt regulations within one year of the effective date of this Act to establish maximum residue limits for pesticides identified under subparagraph (E) but not included in the table of such subparagraph to account for the fact that weather and agronomic conditions will cause pesticides identified in subparagraph (E) to be detected in foreign-grown tobacco even where the farmer has not knowingly added such pesticide.

(2) **EXEMPTIONS; VARIANCES.**—

(A) **PETITION.**—Any person subject to any requirement prescribed under paragraph (1) may petition the Administrator for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Administrator in such form and manner as the Administrator shall prescribe and shall—

(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this Act;

(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

(iii) contain such other information as the Administrator shall prescribe.

(B) **REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.**—The Administrator may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Administrator with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

(i) the date the petition was submitted to the Administrator under subparagraph (A); or

(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee, whichever occurs later, the Administrator shall by order either deny the petition or approve it.

(C) **APPROVAL.**—The Administrator may approve—

(i) a petition for an exemption for a tobacco product from a requirement if the Administrator determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this Act; and

(ii) a petition for a variance for a tobacco product from a requirement if the Administrator determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this Act.

(D) **CONDITIONS.**—An order of the Administrator approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this Act.

(E) **HEARING.**—After the issuance of an order under subparagraph (B) respecting a

petition, the petitioner shall have an opportunity for an informal hearing on such order.

(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the end of the 3-year period following the date of enactment of this Act.

(f) RESEARCH AND DEVELOPMENT.—The Administrator may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes.

#### SEC. 111. SMOKING ARTICLE STANDARDS.

(a) IN GENERAL.—

(1) RESTRICTIONS ON DESCRIPTORS USED IN MARKETING OF CIGARETTES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no person shall use, with respect to any cigarette brand style commercially distributed domestically, on the portion of the package of such cigarette brand style that customarily is visible to consumers before purchase, or in advertising of such cigarette brand style any of the following as a descriptor of any cigarette brand style—

- (i) the name of any candy or fruit;
- (ii) the word “candy,” “citrus,” “cream,” “fruit,” “sugar,” “sweet,” “tangy,” or “tart,”; or
- (iii) any extension or variation of any of the words “candy,” “citrus,” “cream,” “fruit,” “sugar,” “sweet,” “tangy,” or “tart,” including but not limited to “creamy,” or “fruity.”

(B) LIMITATION.—Subparagraph (A) shall not apply to the use of the following words or to any extension or variation of any of them: “coffee,” “mint,” and “menthol.”

(C) SCENTED MATERIALS.—No person shall use, in the advertising or labeling of any cigarette commercially distributed domestically, any scented materials, except in an adult-only facility.

(D) DEFINITIONS.—In this section:

(i) The term “candy” means a confection made from sugar or sugar substitute, including any confection identified generically or by brand, and shall include the words “cacao,” “chocolate,” “cinnamon,” “cocoa,” “honey,” “licorice,” “maple,” “mocha,” and “vanilla.”

(ii) The term “fruit” means any fruit identified by generic name, type, or variety, including but not limited to “apple,” “banana,” “cherry,” and “orange.” The term “fruit” does not include words that identify seeds, nuts or peppers, or types or varieties thereof or words that are extensions or variations of such words.

(2) SMOKING ARTICLE STANDARDS.—

(A) IN GENERAL.—The Administrator may adopt smoking article standards in addition to those in paragraph (1) if the Administrator finds that a smoking article standard is appropriate for the protection of the public health.

(B) DETERMINATIONS.—

(i) CONSIDERATIONS.—In making a finding described in subparagraph (A), the Administrator shall consider scientific evidence concerning—

(I) the risks and benefits to the users of smoking articles of the proposed standard; and

(II) that the standard is reasonably likely to result in measurable and substantial reductions in morbidity and mortality among individual tobacco users.

(ii) ADDITIONAL CONSIDERATIONS.—In the event that the Administrator makes a determination, set forth in a proposed smoking article standard in a proposed rule, that it is appropriate for the protection of public

health to require the reduction or elimination of an additive, constituent (including a smoke constituent), or other component of a smoking article because the Administrator has found that the additive, constituent, or other component is harmful, any party objecting to the proposed standard on the ground that the proposed standard will not reduce or eliminate the risk of illness or injury may provide for the Administrator’s consideration scientific evidence that demonstrates that the proposed standard will not reduce or eliminate the risk of illness or injury.

(3) CONTENT OF SMOKING ARTICLE STANDARDS.—A smoking article standard established under this section for a smoking article—

(A) may include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

(i) for “tar” and nicotine yields of the product;

(ii) for the reduction of other constituents, including smoke constituents, or harmful components of the product; or

(iii) relating to any other requirement under subparagraph (B); and

(B) may, where appropriate for the protection of the public health, include—

(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the smoking article;

(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the smoking article;

(iii) provisions for the measurement of the smoking article characteristics of the smoking article; and

(iv) provisions requiring that the results of each or of certain of the tests of the smoking article required to be made under clause (ii) show that the smoking article is in conformity with the portions of the standard for which the test or tests were required.

(4) PERIODIC REEVALUATION OF SMOKING ARTICLE STANDARDS.—The Administrator may provide for periodic evaluation of smoking article standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data.

(5) CIGARETTE “TAR” LIMITS.—

(A) NO INCREASE IN “TAR” YIELDS.—No cigarette manufacturer shall distribute for sale domestically a brand style of cigarettes that generates a “tar” yield greater than the “tar” yield of that brand style of cigarettes on the date of introduction of this Act, as determined by the ISO smoking regimen and its associated tolerances. The “tar” tolerances for cigarettes with ISO “tar” yields in the range of 1 to 20 milligrams per cigarette, based on variations arising from sampling procedure, test method, and sampled product, itself, are the greater of plus or minus—

(i) 15 percent; or

(ii) 1 milligram per cigarette.

(B) LIMIT ON NEW CIGARETTES.—After the effective date of this Act, no cigarette manufacturer shall manufacture for commercial distribution domestically a brand style of cigarettes that both—

(i) was not in commercial distribution domestically on the effective date of this Act, and

(ii) generates a “tar” yield of greater than 20 milligrams per cigarette as determined by the ISO smoking regimen and its associated tolerances.

(C) LIMIT ON ALL CIGARETTES.—After December 31, 2010, no cigarette manufacturer shall manufacture for commercial distribu-

tion domestically a brand style of cigarettes that generates a “tar” yield greater than 20 milligrams per cigarette as determined by the ISO smoking regimen and its associated tolerances.

(D) REVIEW BY ADMINISTRATOR.—After the effective date of this Act, the Administrator shall evaluate the available scientific evidence addressing the potential relationship between historical “tar” yield values and risk of harm to smokers. If upon a review of that evidence, and after consultation with technical experts of the Tobacco Harm Reduction Center and the Centers for Disease Control and Prevention and notice and an opportunity for public comment, the Administrator determines, that a reduction in “tar” yield may reasonably be expected to provide a meaningful reduction of the risk or risks of harm to smokers, the Administrator shall issue an order that—

(i) provides that no cigarette manufacturer shall manufacture for commercial distribution domestically a cigarette that generates a “tar” yield that exceeds 14 milligrams as determined by the ISO smoking regimen and its associated tolerances; and

(ii) provides a reasonable time for manufacturers to come into compliance with such prohibition.

(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Administrator shall endeavor to—

(A) use personnel, facilities, and other technical support available in other Federal agencies;

(B) consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting entities; and

(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Administrator’s judgment can make a significant contribution.

(b) CONSIDERATIONS BY ADMINISTRATOR.—

(1) TECHNICAL ACHIEVABILITY.—The Administrator shall consider information submitted in connection with a proposed standard regarding the technical achievability of compliance with such standard.

(2) OTHER CONSIDERATIONS.—The Administrator shall consider all other information submitted in connection with a proposed standard, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this Act and the significance of such demand.

(c) PROPOSED STANDARDS.—

(1) IN GENERAL.—The Administrator shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any smoking article standard.

(2) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a smoking article standard shall—

(A) set forth a finding with supporting justification that the smoking article standard is appropriate for the protection of the public health;

(B) invite interested persons to submit a draft or proposed smoking article standard for consideration by the Administrator;

(C) invite interested persons to submit comments on structuring the standard so that it does not advantage foreign-grown tobacco over domestically grown tobacco; and

(D) invite the Secretary of Agriculture to provide any information or analysis which



the Secretary of Agriculture believes is relevant to the proposed smoking article standard.

(3) **FINDING.**—A notice of proposed rulemaking for the revocation of a smoking article standard shall set forth a finding with supporting justification that the smoking article standard is no longer appropriate for the protection of the public health.

(4) **COMMENT.**—The Administrator shall provide for a comment period of not less than 90 days.

(d) **PROMULGATION.**—

(1) **IN GENERAL.**—After the expiration of the period for comment on a notice of proposed rulemaking published under subsection (c) respecting a standard and after consideration of comments submitted under subsections (b) and (c) and any report from the Tobacco Products Scientific Advisory Committee, if the Administrator determines that the standard would be appropriate for the protection of the public health, the Administrator shall—

(A) promulgate a regulation establishing a smoking article standard and publish in the Federal Register findings on the matters referred to in subsection (c); or

(B) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

(2) **EFFECTIVE DATE.**—A regulation establishing a smoking article standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date of its publication unless the Administrator determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade. In establishing such effective date or dates, the Administrator shall consider information submitted in connection with a proposed product standard by interested parties, including manufacturers and tobacco growers, regarding the technical achievability of compliance with the standard, and including information concerning the existence of patents that make it impossible to comply in the timeframe envisioned in the proposed standard.

(3) **LIMITATION ON POWER GRANTED.**—Because of the importance of a decision of the Administrator to issue a regulation—

(A) banning cigarettes, smokeless smoking articles, little cigars, cigars other than little cigars, pipe tobacco, or roll-your-own smoking articles;

(B) requiring the reduction of “tar” or nicotine yields of a smoking article to zero;

(C) prohibiting the sale of any smoking article in face-to-face transactions by a specific category of retail outlets;

(D) establishing a minimum age of sale of smoking articles to any person older than 18 years of age; or

(E) requiring that the sale or distribution of a smoking article be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products, the Administrator is prohibited from taking such actions under this Act.

(4) **MATCHBOOKS.**—For purposes of any regulations issued by the Administrator under this Act, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase of smoking articles, shall be considered as adult-written publications which shall be permitted to contain advertising.

(5) **AMENDMENT; REVOCATION.**—

(A) **AUTHORITY.**—The Administrator, upon the Administrator’s own initiative or upon petition of an interested person, may by a regulation, promulgated in accordance with the requirements of subsection (c) and paragraph (2), amend or revoke a smoking article standard.

(B) **EFFECTIVE DATE.**—The Administrator may declare a proposed amendment of a smoking article standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Administrator determines that making it so effective is in the public interest.

(6) **REFERRAL TO ADVISORY COMMITTEE.**—

(A) **IN GENERAL.**—The Administrator shall refer a proposed regulation for the establishment, amendment, or revocation of a smoking article standard to the Tobacco Products Scientific Advisory Committee for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment.

(B) **INITIATION OF REFERRAL.**—The Administrator shall make a referral under this paragraph—

(i) on the Administrator’s own initiative; or

(ii) upon the request of an interested person that—

(I) demonstrates good cause for the referral; and

(II) is made before the expiration of the period for submission of comments on the proposed regulation.

(C) **PROVISION OF DATA.**—If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Administrator shall provide the Advisory Committee with the data and information on which such proposed regulation is based.

(D) **REPORT AND RECOMMENDATION.**—The Tobacco Products Scientific Advisory Committee shall, within 90 days after the referral of a proposed regulation under this paragraph and after independent study of the data and information furnished to it by the Administrator and other data and information before it, submit to the Administrator a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation.

(E) **PUBLIC AVAILABILITY.**—The Administrator shall make a copy of each report and recommendation under subparagraph (D) publicly available.

## SEC. 112. NOTIFICATION AND OTHER REMEDIES.

(a) **NOTIFICATION.**—If the Administrator determines that—

(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm materially above the risk for death and disease of tobacco products currently in interstate commerce, to the public health; and

(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this Act (other than this section) to eliminate such risk,

the Administrator may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification

in order to eliminate such risk. The Administrator may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Administrator shall consult with the persons who are to give notice under the order.

(b) **NO EXEMPTION FROM OTHER LIABILITY.**—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

(c) **RECALL AUTHORITY.**—

(1) **IN GENERAL.**—If the Administrator finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, acute adverse health consequences or death, the Administrator shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Administrator determines that inadequate grounds exist to support the actions required by the order, the Administrator shall vacate the order.

(2) **AMENDMENT OF ORDER TO REQUIRE RECALL.**—

(A) **IN GENERAL.**—If, after providing an opportunity for an informal hearing under paragraph (1), the Administrator determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Administrator shall, except as provided in subparagraph (B), amend the order to require a recall. The Administrator shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Administrator describing the progress of the recall.

(B) **NOTICE.**—An amended order under subparagraph (A)—

(i) shall not include recall of a tobacco product from individuals; and

(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Administrator may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Administrator shall notify such persons under section 705(b).

(3) **REMEDY NOT EXCLUSIVE.**—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a).

## SEC. 113. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Administrator may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded.

## SEC. 114. APPLICATION FOR REVIEW OF CERTAIN SMOKING ARTICLES.

(a) **IN GENERAL.**—

(1) NEW SMOKING ARTICLE DEFINED.—For purposes of this section the term “new smoking article” means—

(A) any smoking article that was not commercially marketed in the United States as of the date of enactment of this Act; and

(B) any smoking article that incorporates a significant modification (including changes in design, component, part, or constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or other additive or ingredient) of a smoking article where the modified product was commercially marketed in the United States after the date of enactment of this Act.

(2) PREMARKET REVIEW REQUIRED.—

(A) NEW PRODUCTS.—An order under subsection (c)(1)(A) for a new smoking article is required unless the product—

(i) is substantially equivalent to a smoking article commercially marketed in the United States as of date of enactment of this Act; and

(ii) is in compliance with the requirements of this Act.

(B) CONSUMER TESTING.—This section shall not apply to smoking articles that are provided to adult tobacco consumers for purposes of consumer testing. For purposes of this section, the term “consumer testing” means an assessment of smoking articles that is conducted by or under the control and direction of a manufacturer for the purpose of evaluating consumer acceptance of such smoking articles, utilizing only the quantity of cigarettes that is reasonably necessary for such assessment

(3) SUBSTANTIALLY EQUIVALENT DEFINED.—

(A) IN GENERAL.—In this section, the term “substantially equivalent” or “substantial equivalence” means, with respect to the smoking article being compared to the predicate smoking article, that the Administrator by order has found that the smoking article—

(i) has the same general characteristics as the predicate smoking article; or

(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Administrator, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health for the consumer of the product.

(B) CHARACTERISTICS.—In subparagraph (A), the term “characteristics” means the materials, ingredients, design, composition, heating source, or other features of a smoking article.

(C) LIMITATION.—A smoking article may not be found to be substantially equivalent to a predicate smoking article that has been removed from the market at the initiative of the Administrator or that has been determined by a judicial order to be misbranded or adulterated.

(4) HEALTH INFORMATION.—As part of a submission respecting a smoking article, the person required to file a premarket notification shall provide an adequate summary of any health information related to the smoking article or state that such information will be made available upon request by any person.

(b) APPLICATION.—

(1) CONTENTS.—An application under this section shall contain—

(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such smoking article and whether such smoking article presents less risk than other smoking articles;

(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such smoking article;

(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such smoking article;

(D) an identifying reference to any smoking article standard under section 111 which would be applicable to any aspect of such smoking article, and either adequate information to show that such aspect of such smoking article fully meets such smoking article standard or adequate information to justify any deviation from such standard;

(E) such samples of such smoking article and of components thereof as the Administrator may reasonably require;

(F) specimens of the labeling proposed to be used for such smoking article; and

(G) such other information relevant to the subject matter of the application as the Administrator may require.

(2) REFERRAL TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Administrator—

(A) may, on the Administrator’s own initiative; or

(B) may, upon the request of an applicant, refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Administrator may establish) of a report and recommendation respecting the application, together with all underlying data and the reasons or basis for the recommendation.

(c) ACTION ON APPLICATION.—

(1) DEADLINE.—As promptly as possible, but in no event later than 90 days after the receipt of an application under subsection (b), the Administrator, after considering the report and recommendation submitted under subsection (b)(2), shall—

(A) issue an order that the new product may be introduced or delivered for introduction into interstate commerce if the Administrator finds that none of the grounds specified in paragraph (2) of this subsection applies; or

(B) issue an order that the new product may not be introduced or delivered for introduction into interstate commerce if the Administrator finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

(2) DENIAL OF APPLICATION.—The Administrator shall deny an application submitted under subsection (b) if, upon the basis of the information submitted to the Administrator as part of the application and any other information before the Administrator with respect to such smoking article, the Administrator finds that—

(A) there is a lack of a showing that permitting such smoking article to be marketed would be appropriate for the protection of the public health;

(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such smoking article do not conform to the requirements of section 110(e);

(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

(D) such smoking article is not shown to conform to a smoking article standard in ef-

fect under section 111, and there is a lack of adequate information to justify the deviation from such standard.

(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Administrator determines to be practicable, be accompanied by a statement informing the applicant of the measures required to remove such application from deniable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Administrator).

(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether the commercial introduction of a smoking article for which an application has been submitted is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the users of the smoking article, and taking into account whether such commercial introduction is reasonably likely to increase the morbidity and mortality among individual tobacco users.

(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

(1) IN GENERAL.—The Administrator shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after due notice and opportunity for informal hearing for a smoking article for which an order was issued under subsection (c)(1)(A), issue an order withdrawing the order if the Administrator finds—

(A) that the continued marketing of such smoking article no longer is appropriate for the protection of the public health;

(B) that the application contained or was accompanied by an untrue statement of a material fact;

(C) that the applicant—

(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 113; or

(ii) has refused to permit access to, or copying or verification of, such records as required by section 110; or

(D) on the basis of new information before the Administrator with respect to such smoking article, evaluated together with the evidence before the Administrator when the application was reviewed, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such smoking article do not conform with the requirements of section 110(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Administrator of nonconformity;

(E) on the basis of new information before the Administrator, evaluated together with the evidence before the Administrator when the application was reviewed, that the labeling of such smoking article, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Administrator of such fact; or

(F) on the basis of new information before the Administrator, evaluated together with the evidence before the Administrator when such order was issued, that such smoking article is not shown to conform in all respects to a smoking article standard which is in effect under section 111, compliance with which was a condition to the issuance of an order relating to the application, and that there is a lack of adequate information to justify the deviation from such standard.

(2) **APPEAL.**—The holder of an application subject to an order issued under paragraph (1) withdrawing an order issued pursuant to subsection (c)(1)(A) may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with section 116.

(3) **TEMPORARY SUSPENSION.**—If, after providing an opportunity for an informal hearing, the Administrator determines there is reasonable probability that the continuation of distribution of a smoking article under an order would cause serious, adverse health consequences or death, that is greater than ordinarily caused by smoking articles on the market, the Administrator shall by order temporarily suspend the authority of the manufacturer to market the product. If the Administrator issues such an order, the Administrator shall proceed expeditiously under paragraph (1) to withdraw such application.

(e) **SERVICE OF ORDER.**—An order issued by the Administrator under this section shall be served—

(1) in person by any officer or employee of the department designated by the Administrator; or

(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Administrator.

(f) **RECORDS.**—

(1) **ADDITIONAL INFORMATION.**—In the case of any smoking article for which an order issued pursuant to subsection (c)(1)(A) for an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Administrator, as the Administrator may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Administrator to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such order.

(2) **ACCESS TO RECORDS.**—Each person required under this section to maintain records, and each person in charge of custody thereof, shall, upon request of an officer or employee designated by the Administrator, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

(g) **INVESTIGATIONAL SMOKING ARTICLE EXEMPTION FOR INVESTIGATIONAL USE.**—The Administrator may exempt smoking articles intended for investigational use from the provisions of this Act under such conditions as the Administrator may by regulation prescribe.

#### **SEC. 115. MODIFIED RISK TOBACCO PRODUCTS.**

(a) **IN GENERAL.**—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless an order issued pursuant to subsection (g) is effective with respect to such product.

(b) **DEFINITIONS.**—In this section:

(1) **MODIFIED RISK TOBACCO PRODUCT.**—The term “modified risk tobacco product” means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

(2) **SOLD OR DISTRIBUTED.**—

(A) **IN GENERAL.**—With respect to a tobacco product, the term “sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products” means a tobacco product—

(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

(III) the tobacco product or its smoke does not contain or is free of a substance;

(ii) the label, labeling, or advertising of which uses the descriptors “light”, “mild”, “low”, “medium”, “ultra light”, “low tar” or “ultra low tar”; or

(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product's label, labeling, or advertising, after the date of enactment of the Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

(B) **LIMITATION.**—No tobacco product shall be considered to be “sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products”, except as described in subparagraph (A).

(C) **SMOKELESS TOBACCO PRODUCT.**—No smokeless tobacco product shall be considered to be “sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products”.

(3) **EFFECTIVE DATE.**—The provisions of paragraph (2)(A)(ii) shall take effect 12 months after the date of enactment of the Act.

(c) **TOBACCO DEPENDENCE PRODUCTS.**—A product that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section if it has been approved as a drug or device by the Center and is subject to the requirements of chapter V.

(d) **FILING.**—Any person may file with the Administrator an application for a modified risk tobacco product. Such application shall include—

(1) a description of the proposed product and any proposed advertising and labeling;

(2) the conditions for using the product;

(3) the formulation of the product;

(4) sample product labels and labeling;

(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

(6) data and information on how consumers actually use the tobacco product; and

(7) such other information as the Administrator may require.

(e) **PUBLIC AVAILABILITY.**—The Administrator shall make the application described in subsection (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the informa-

tion contained in the application and on the label, labeling, and advertising accompanying such application.

(f) **ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—The Administrator shall refer to the Tobacco Products Scientific Advisory Committee any application submitted under this section.

(2) **RECOMMENDATIONS.**—Not later than 60 days after the date an application is referred to the Tobacco Products Scientific Advisory Committee under paragraph (1), the Advisory Committee shall report its recommendations on the application to the Administrator.

(g) **MARKETING.**—

(1) **MODIFIED RISK PRODUCTS.**—Except as provided in paragraph (2), the Administrator shall, with respect to an application submitted under this section, issue an order that a modified risk product may be commercially marketed only if the Administrator determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

(B) is reasonably likely to result in measurable and substantial reductions in morbidity and mortality among individual tobacco users.

(2) **SPECIAL RULE FOR CERTAIN PRODUCTS.**—

(A) **IN GENERAL.**—The Administrator may issue an order that a tobacco product may be introduced or delivered for introduction into interstate commerce, pursuant to an application under this section, with respect to a tobacco product that may not be commercially marketed under paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

(i) such order would be appropriate to promote the public health;

(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b) is limited to an explicit or implicit representation that such tobacco product or its smoke does not contain or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is reasonably likely in subsequent studies.

(B) **ADDITIONAL FINDINGS REQUIRED.**—To issue an order under subparagraph (A) the Administrator must also find that the applicant has demonstrated that—

(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the reasonably likely overall impact of use of the product remains a substantial

and measurable reduction in overall morbidity and mortality among individual tobacco users;

(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

(I) is or has been demonstrated to be significantly less harmful; or

(II) presents or has been demonstrated to present significant less of a risk of disease than other commercially marketed tobacco products; and

(iv) issuance of an order with respect to the application is expected to benefit the health of users of tobacco products.

(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

(A) the scientific evidence submitted by the applicant; and

(B) scientific evidence and other information that is made available to the Administrator.

(h) ADDITIONAL CONDITIONS FOR MARKETING.—

(1) MODIFIED RISK PRODUCTS.—The Administrator shall require for the marketing of a product under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

(2) COMPARATIVE CLAIMS.—

(A) IN GENERAL.—The Administrator may require for the marketing of a product under this subsection that a claim comparing a tobacco product to other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

(B) QUANTITATIVE COMPARISONS.—The Administrator may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

(i) POSTMARKET SURVEILLANCE AND STUDIES.—

(1) IN GENERAL.—The Administrator shall require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the applicant conduct postmarket surveillance and studies for such a tobacco product to determine the impact of the order issuance on consumer perception, behavior, and health, to enable the Administrator to review the accuracy of the determinations upon which the order was based, and to provide information that the Administrator determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Administrator on an annual basis.

(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Administrator, a protocol for the required surveillance. The Administrator, within 30 days of

the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Administrator as necessary to protect the public health.

(j) WITHDRAWAL OF AUTHORIZATION.—The Administrator, after an opportunity for an informal hearing, shall withdraw an order under subsection (g) if the Administrator determines that—

(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Administrator can no longer make the determinations required under subsection (g);

(2) the application failed to include material information or included any untrue statement of material fact;

(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

(A) a tobacco product standard is established pursuant to section 111;

(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

(C) any postmarket surveillance or studies reveal that the order is no longer consistent with the protection of the public health;

(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or subsection (i); or

(5) the applicant failed to meet a condition imposed under subsection (h).

(k) CHAPTER IV OR V.—A product for which the Administrator has issued an order pursuant to subsection (g) shall not be subject to chapter IV or V of the Federal Food, Drug, and Cosmetic Act.

(l) IMPLEMENTING REGULATIONS OR GUIDANCE.—

(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Act, the Administrator shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

(A) to the extent that adequate scientific evidence exists, establish minimum standards for scientific studies needed prior to issuing an order under subsection (g) to show a reasonable likelihood that a substantial reduction in morbidity or mortality among individual tobacco users occurs for products described in subsection (g)(1) or is reasonably likely for products described in subsection (g)(2);

(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

(C) establish minimum standards for postmarket studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception; and

(E) establish a reasonable timetable for the Administrator to review an application under this section.

(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) may be

developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Act, the Administrator shall issue a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 114 and which the applicant seeks to commercially market under this section.

## SEC. 116. JUDICIAL REVIEW.

(a) RIGHT TO REVIEW.—

(1) IN GENERAL.—Not later than 60 days after—

(A) the promulgation of a regulation under section 111 establishing, amending, or revoking a tobacco product standard; or

(B) a denial of an application under section 114(c),

any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

(2) REQUIREMENTS.—

(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Administrator.

(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Administrator shall file in the court in which such petition was filed—

(i) the record of the proceedings on which the regulation or order was based; and

(ii) a statement of the reasons for the issuance of such a regulation or order.

(C) DEFINITION OF RECORD.—In this section, the term “record” means—

(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

(ii) all information submitted to the Administrator with respect to such regulation or order;

(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

(iv) any hearing held with respect to such regulation or order; and

(v) any other information identified by the Administrator, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

(b) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

(c) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(d) OTHER REMEDIES.—The remedies provided for in this section shall be in addition

to, and not in lieu of, any other remedies provided by law.

(e) **REGULATIONS AND ORDERS MUST RECITE BASIS IN RECORD.**—To facilitate judicial review, a regulation or order issued under section 110, 111, 112, 113, 114, or 119 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

**SEC. 117. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.**

Except where expressly provided in this Act, nothing in this Act shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

**SEC. 118. REGULATION REQUIREMENT.**

(a) **TESTING, REPORTING, AND DISCLOSURE.**—Not later than 36 months after the date of enactment of the Act, the Administrator shall promulgate regulations under this Act that meet the requirements of subsection (b).

(b) **CONTENTS OF RULES.**—The regulations promulgated under subsection (a)—

(1) shall require annual testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand style that the Administrator determines should be tested to protect the public health, provided that, for purposes of the testing requirements of this paragraph, tobacco products manufactured and sold by a single tobacco product manufacturer that are identical in all respects except the labels, packaging design, logo, trade dress, trademark, brand name, or any combination thereof, shall be considered as a single brand style; and

(2) may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising.

(c) **AUTHORITY.**—The Administrator shall have the authority under this Act to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

(d) **JOINT LABORATORY TESTING SERVICES.**—The Administrator shall allow any 2 or more tobacco product manufacturers to join together to purchase laboratory testing services required by this section on a group basis in order to ensure that such manufacturers receive access to, and fair pricing of, such testing services.

(e) **EXTENSIONS FOR LIMITED LABORATORY CAPACITY.**—

(1) **IN GENERAL.**—The regulations promulgated under subsection (a) shall provide that a tobacco product manufacturer shall not be considered to be in violation of this section before the applicable deadline, if—

(A) the tobacco products of such manufacturer are in compliance with all other requirements of this Act; and

(B) the conditions described in paragraph (2) are met.

(2) **CONDITIONS.**—Notwithstanding the requirements of this section, the Administrator may delay the date by which a tobacco product manufacturer must be in compliance with the testing and reporting required by this section until such time as the testing is reported if, not later than 90 days before the deadline for reporting in accordance with this section, a tobacco product manufacturer provides evidence to the Administrator demonstrating that—

(A) the manufacturer has submitted the required products for testing to a laboratory

and has done so sufficiently in advance of the deadline to create a reasonable expectation of completion by the deadline;

(B) the products currently are awaiting testing by the laboratory; and

(C) neither that laboratory nor any other laboratory is able to complete testing by the deadline at customary, nonexpedited testing fees.

(3) **EXTENSION.**—The Administrator, taking into account the laboratory testing capacity that is available to tobacco product manufacturers, shall review and verify the evidence submitted by a tobacco product manufacturer in accordance with paragraph (2). If the Administrator finds that the conditions described in such paragraph are met, the Administrator shall notify the tobacco product manufacturer that the manufacturer shall not be considered to be in violation of the testing and reporting requirements of this section until the testing is reported or until 1 year after the reporting deadline has passed, whichever occurs sooner. If, however, the Administrator has not made a finding before the reporting deadline, the manufacturer shall not be considered to be in violation of such requirements until the Administrator finds that the conditions described in paragraph (2) have not been met, or until 1 year after the reporting deadline, whichever occurs sooner.

(4) **ADDITIONAL EXTENSION.**—In addition to the time that may be provided under paragraph (3), the Administrator may provide further extensions of time, in increments of no more than 1 year, for required testing and reporting to occur if the Administrator determines, based on evidence properly and timely submitted by a tobacco product manufacturer in accordance with paragraph (2), that a lack of available laboratory capacity prevents the manufacturer from completing the required testing during the period described in paragraph (3).

(f) **RULE OF CONSTRUCTION.**—Nothing in subsection (d) or (e) shall be construed to authorize the extension of any deadline, or to otherwise affect any timeframe, under any provision of this Act other than this section.

**SEC. 119. PRESERVATION OF STATE AND LOCAL AUTHORITY.**

(a) **IN GENERAL.**—

(1) **PRESERVATION.**—Except as provided in paragraph (2)(A), nothing in this Act, or rules promulgated under this Act, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to requirements established under this Act, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, or use of tobacco products by individuals of any age, information reporting to the State. No provision of this Act shall limit or otherwise affect any State, Tribal, or local taxation of tobacco products.

(2) **PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.**—

(A) **IN GENERAL.**—No State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this Act relating to tobacco product standards, premarket review, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

(B) **EXCEPTION.**—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, use of, tobacco product by individuals of any age. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as a trade secret and confidential information by the State.

(b) **RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.**—No provision of this Act relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

**SEC. 120. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.**

(a) **ESTABLISHMENT.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a 16-member advisory committee, to be known as the Tobacco Products Scientific Advisory Committee (in this section referred to as the “Advisory Committee”).

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—

(A) **MEMBERS.**—The Administrator shall appoint as members of the Tobacco Harm Reduction Advisory Committee individuals who are technically qualified by training and experience in medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

(i) 6 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

(ii) 2 individuals who are an officer or employee of a State or local government or of the Federal Government;

(iii) 2 representatives of the general public;

(iv) 2 representatives of the interests of the tobacco manufacturing industry;

(v) 1 representative of the interests of the small business tobacco manufacturing industry, which position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee;

(vi) 1 individual as a representative of the interests of the tobacco growers; and

(vii) 1 individual who is an expert in illicit trade of tobacco products.

(B) **CONFLICTS OF INTEREST.**—No members of the committee, other than members appointed pursuant to clauses (iv), (v), and (vi) of subparagraph (A) shall, during the member's tenure on the committee or for the 18-month period prior to becoming such a member, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products or government agency with any form of jurisdiction over tobacco products.

(2) **LIMITATION.**—The Administrator may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Tobacco Harm Reduction Center or any agency responsible for the enforcement of this Act. The Administrator may appoint Federal officials as ex officio members.

(3) **CHAIRPERSON.**—The Administrator shall designate 1 of the members appointed under clauses (i), (ii), and (iii) of paragraph (1)(A) to serve as chairperson.

(c) DUTIES.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Administrator—

(1) as provided in this Act;

(2) on the implementation of prevention, cessation, and harm reduction policies;

(3) on implementation of policies and programs to fully inform consumers of the respective risks of tobacco products; and

(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Administrator.

(d) COMPENSATION; SUPPORT; FACILITATION.—

(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Administrator, which may not exceed the daily equivalent of the rate in effect under the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Administrator shall furnish the Advisory Committee clerical and other assistance.

(3) NONAPPLICATION OF FACILITATION.—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

(e) PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

#### SEC. 121. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

(a) REPORT ON INNOVATIVE PRODUCTS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator, after consultation with recognized scientific, medical, and public health experts (including both Federal agencies and nongovernmental entities, the Institute of Medicine of the National Academy of Sciences, and the Society for Research on Nicotine and Tobacco), shall submit to the Congress a report that examines how best to promote, and encourage the development and use by current tobacco users of innovative tobacco and nicotine products and treatments (including nicotine-based and non-nicotine-based products and treatments) to better achieve, in a manner that best protects and promotes the public health—

(A) total abstinence from tobacco use;

(B) reductions in consumption of tobacco; and

(C) reductions in the harm associated with continued tobacco use by moving current users to noncombustible tobacco products.

(2) RECOMMENDATIONS.—The report under paragraph (1) shall include the recommendations of the Administrator on how the Tobacco Harm and Reduction Center should coordinate and facilitate the exchange of information on such innovative products and treatments among relevant offices and centers within the Center and within the National Institutes of Health, the Centers for Disease Control and Prevention, and other relevant Federal and State agencies.

#### SEC. 122. ADVERTISING AND MARKETING OF TOBACCO PRODUCTS.

(a) Within 18 months of enactment of the Act, the Administrator shall report to Congress on the benefits to public health of imposing restrictions or prohibitions on the advertising and marketing, consistent with or in addition to such restrictions or prohibitions contained in the Master Settlement Agreement, on tobacco products.

(b) The Administrator shall specify in the report constitutional free speech implications for each recommended restriction or prohibition.

(c) The Administrator shall also specify the class of tobacco products to which the prohibition or restriction would be applicable and the impact of such actions on harm reduction policies, practices, and accurate information available to tobacco users.

(d) The Administrator shall establish and consult with an advisory committee consisting of experts in constitutional law, harm reduction policies, marketing practices, and consumer behavior in preparing this report.

#### TITLE II—TOBACCO PRODUCTS WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

##### SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

###### “SEC. 4. LABELING.

“(a) LABEL REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

“WARNING: Cigarettes are addictive.

“WARNING: Tobacco smoke can harm your children.

“WARNING: Cigarettes cause fatal lung disease.

“WARNING: Cigarettes cause cancer.

“WARNING: Cigarettes cause strokes and heart disease.

“WARNING: Smoking during pregnancy can harm your baby.

“WARNING: Smoking can kill you.

“WARNING: Tobacco smoke causes fatal lung disease in nonsmokers.

“WARNING: Quitting smoking now greatly reduces serious risks to your health.

“(2) PLACEMENT; TYPOGRAPHY; ETC.—Each label statement required by paragraph (1) shall be located in the lower portion of the front panel of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise at least the bottom 25 percent of the front panel of the package. The word ‘WARNING’ shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c).

“(3) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not

manufacture, package, or import cigarettes for sale or distribution within the United States.

“(4) APPLICABILITY TO RETAILERS.—A retailer of cigarettes shall not be in violation of this subsection for packaging that—

“(A) contains a warning label;

“(B) is supplied to the retailer by a licensee or permit-holding smoking article manufacturer, importer, or distributor; and

“(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

“(b) ADVERTISING REQUIREMENTS.—

“(1) IN GENERAL.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

“(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the bottom of each advertisement within the trim area. The word ‘WARNING’ shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under subsection (c). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that—

“(A) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

“(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

“(3) MATCHBOOKS.—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of smokeless tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

“(c) MARKETING REQUIREMENTS.—

“(1) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period,



in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the smokeless tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

“(2) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the smokeless tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

“(3) REVIEW.—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

“(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

“(B) assures that all of the labels required under this section will be displayed by the smokeless tobacco product manufacturer, importer, distributor, or retailer at the same time.

“(4) APPLICABILITY TO RETAILERS.—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection and subsection (b).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 24 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by subsection (a).

#### **SEC. 202. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.**

(a) AMENDMENT.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

##### **“SEC. 3. SMOKELESS TOBACCO WARNING.**

“(a) GENERAL RULE.—

“(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

“WARNING: This product can cause mouth cancer.

“WARNING: This product can cause gum disease and tooth loss.

“WARNING: This product has significantly lower risks for diseases associated with cigarettes.

“WARNING: Smokeless tobacco is addictive.

“(2) The label statements required by paragraph (1) shall be introduced by each smokeless tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

“(3) The provisions of this subsection do not apply to a smokeless tobacco product

manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

“(4) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

“(A) contains a warning label;

“(B) is supplied to the retailer by a license- or permit-holding smokeless tobacco product manufacturer, importer, or distributor; and

“(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

“(b) REQUIRED LABELS.—

“(1) It shall be unlawful for any smokeless tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

“(2)(A) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph.

“(B) For press and poster advertisements, each such statement and (where applicable) any required statement relating to nicotine, or other constituent yield shall comprise at least 20 percent of the area of the advertisement.

“(C) The word ‘WARNING’ shall appear in capital letters, and each label statement shall appear in conspicuous and legible type.

“(D) The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

“(E) The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital ‘W’ of the word ‘WARNING’ in the label statements.

“(F) The text of such label statements shall be in a typeface *pro rata* to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement.

“(G) The label statements shall be in English, except that—

“(i) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

“(ii) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

“(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the smokeless tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

“(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the smokeless tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

“(C) The Secretary shall review each plan submitted under subparagraphs (A) and (B) and approve it if the plan—

“(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

“(ii) assures that all of the labels required under this section will be displayed by the smokeless tobacco product manufacturer, importer, distributor, or retailer at the same time.

“(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection.

“(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 24 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by subsection (a).

#### **TITLE III—PUBLIC DISCLOSURES BY TOBACCO PRODUCTS MANUFACTURERS** **SEC. 301. DISCLOSURES ON PACKAGES OF TOBACCO PRODUCTS.**

(a) BACK FACE FOR REQUIRED DISCLOSURES.—For purposes of this section—

(1) the principal face of a package of a tobacco product is the face that has the largest surface area or, for faces with identical surface areas, any of the faces that have the largest surface area; a package shall not be characterized as having more than 2 principal faces;

(2) the front face shall be the principal face of the package;

(3) if the front and back faces are of different sizes in terms of area, then the larger face shall be the front face;

(4) the back face shall be the principal face of a package that is opposite the front face of the package;

(5) the bottom 50 percent of the back face of the package shall be allocated for required package disclosures in accordance with this section; and

(6) if a package of a tobacco product is cylindrical, a contiguous area constituting 30 percent of the total surface area of the cylinder shall be deemed the back face.

(b) REQUIRED INFORMATION ON BACK FACE.—Not later than 24 months after the effective date of this Act, the bottom 50 percent of the back face of a package of a tobacco product shall be available solely for disclosures required by or under this Act, the Federal Cigarette Labeling and Advertising Act, sections 1331–1340 of title 15, United States

Code, and any other Federal statute. Such disclosures shall include—

(1) the printed name and address of the manufacturer, packer, or distributor, and any other identification associated with the manufacturer, packer, or distributor or with the tobacco product that the Administrator may require;

(2) a list of ingredients as required by subsection (e); and

(3) the appropriate tax registration number.

(c) **PACKAGE DISCLOSURE OF INGREDIENTS.**—Not later than 24 months after the effective date of this Act, the package of a tobacco product shall bear a list of the common or usual names of the ingredients present in the tobacco product in an amount greater than 0.1 percent of the total dry weight of the tobacco (including all ingredients), that shall comply with the following:

(1) Such listing of ingredients shall appear under, or be conspicuously accompanied by, the heading “Tobacco and principal tobacco ingredients”.

(2) Tobacco may be listed as “tobacco,” and shall be the first listed ingredient.

(3) After tobacco, the ingredients shall be listed in descending order of predominance, by weight.

(4) Spices and natural and artificial flavors may be listed, respectively, as “spices” and “natural and artificial flavors” without naming each.

(5) Preservatives may be listed as “preservatives” without naming each.

(6) The disclosure of any ingredient in accordance with this section may, at the option of the tobacco product manufacturer, designate the functionality or purpose of that ingredient.

(7) The package may state “Not for sale to minors”.

(8) In the case of a package of cigarettes, the package shall state that smokeless tobacco has significantly lower risks for disease and death than cigarettes.

#### **SEC. 302. DISCLOSURES ON PACKAGES OF SMOKELESS TOBACCO.**

(a) **BACK FACE FOR REQUIRED DISCLOSURES.**—For purposes of this section—

(1) the principal face of a package of smokeless tobacco is the face that has the largest surface area or, for faces with identical surface areas, any of the faces that have the largest surface area; a package shall not be characterized as having more than two principal faces;

(2) the front or top face shall be the principal face of the package;

(3) if the front or top and back or bottom faces are of different sizes in terms of area, then the larger face shall be the front or top face;

(4) the back or bottom face of the package shall be the principal face of a package that is opposite the front or top face of the package;

(5) beginning 24 months after the effective date of this Act, 50 percent of the back or bottom face of the package shall be allocated for required package disclosures in accordance with this section; and

(6) if the package is cylindrical, a contiguous area constituting 30 percent of the total surface area of the cylinder shall be deemed the back face.

(b) **REQUIRED INFORMATION ON BACK OR BOTTOM FACE.**—50 percent of the back or bottom face of a package of smokeless tobacco shall be available solely for disclosures required by or under this Act, the Comprehensive Smokeless Tobacco Health Education Act of 1986, sections 4401–4408 of title 15, United

States Code, and any other Federal statute. Such disclosures shall include a list of ingredients as required by subsection (e).

(c) **PACKAGE DISCLOSURE OF INGREDIENTS.**—Commencing 24 months after the effective date of this Act, a package of smokeless tobacco shall bear a list of the common or usual names of the ingredients present in the smokeless tobacco in an amount greater than 0.1 percent of the total dry weight of the tobacco (including all ingredients).

(1) Such listing of ingredients shall appear under, or be conspicuously accompanied by, the heading “Tobacco and principal tobacco ingredients”.

(2) Tobacco may be listed as “tobacco,” and shall be the first listed ingredient.

(3) After tobacco, the ingredients shall be listed in descending order of predominance, by weight.

(4) Spices and natural and artificial flavors may be listed, respectively, as “spices” and “natural and artificial flavors” without naming each.

(5) Preservatives may be listed as “preservatives” without naming each.

(6) The disclosure of any ingredient in accordance with this section may, at the option of the tobacco product manufacturer, designate the functionality or purpose of that ingredient.

(7) Not for sale to minors.

#### **SEC. 303. PUBLIC DISCLOSURE OF INGREDIENTS.**

(a) **REGULATIONS.**—Not later than 24 months after the effective date of this Act, the Administrator shall, by regulation, establish standards under which each tobacco product manufacturer shall disclose publicly, and update at least annually—

(1) a list of the ingredients it uses in each brand style it manufactures for commercial distribution domestically, as provided in subsection (b); and

(2) a composite list of all the ingredients it uses in any of the brand styles it manufactures for commercial distribution domestically, as provided in subsection (c).

(b) **INGREDIENTS TO BE DISCLOSED AS TO EACH BRAND STYLE.**—

(1) **IN GENERAL.**—With respect to the public disclosure required by subsection (a)(1), as to each brand style, the tobacco product manufacturer shall disclose the common or usual name of each ingredient present in the brand style in an amount greater than 0.1 percent of the total dry weight of the tobacco (including all ingredients).

(2) **REQUIREMENTS.**—Disclosure under paragraph (1) shall comply with the following:

(A) Tobacco may be listed as “tobacco,” and shall be the first listed ingredient.

(B) After tobacco, the ingredients shall be listed in descending order of predominance, by weight.

(C) Spices and natural and artificial flavors may be listed, respectively, as “spices” and “natural and artificial flavors” without naming each.

(D) Preservatives may be listed as “preservatives” without naming each.

(E) The disclosure of any ingredient in accordance with this section may, at the option of the tobacco product manufacturer, designate the functionality or purpose of that ingredient.

(c) **AGGREGATE DISCLOSURE OF INGREDIENTS.**—

(1) **IN GENERAL.**—The public disclosure required of a tobacco product manufacturer by subsection (a)(2) shall consist of a single list of all ingredients used in any brand style a tobacco product manufacturer manufactures for commercial distribution domestically, without regard to the quantity used, and in-

cluding, separately, each spice, each natural or artificial flavoring, and each preservative.

(2) **LISTING.**—The ingredients shall be listed by their respective common or usual names in descending order of predominance by the total weight used annually by the tobacco product manufacturer in manufacturing tobacco products for commercial distribution domestically.

(d) **NO REQUIRED DISCLOSURE OF QUANTITIES.**—The Administrator shall not require any public disclosure of quantitative information about any ingredient in a tobacco product.

(e) **DISCLOSURE ON WEBSITE.**—The public disclosures required by subsection (a) of this section may be by posting on an Internet-accessible website, or other location electronically accessible to the public, which is identified on all packages of a tobacco product manufacturer’s tobacco products.

(f) **TIMING OF INITIAL REQUIRED DISCLOSURES.**—No disclosure pursuant to this section shall be required to commence until the regulations under subsection (a) have been in effect for not less than 1 year.

### **TITLE IV—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS**

#### **SEC. 401. STUDY AND REPORT ON ILLICIT TRADE.**

(a) The Administrator shall, after consultation with other relevant agencies including Customs and Tobacco Tax Bureau, conduct a study of trade in tobacco products that involves passage of tobacco products either between the States or from or to any other country across any border of the United States to—

(1) collect data on such trade in tobacco products, including illicit trade involving tobacco products, and make recommendations on the monitoring and enforcement of such trade;

(2) collect data on any advertising intended to be broadcast, transmitted, or distributed from or to the United States from or to another country and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, such advertising; and

(3) collect data on such trade in tobacco products by person that is not—

(A) a participating manufacturer (as that term is defined in section II(jj) of the Master Settlement Agreement of November 23, 1998, between certain of the States and certain tobacco product manufacturers); or

(B) an affiliate or subsidiary of a participating manufacturer.

(b) Not later than 18 months after the effective date of this Act, the Administrator shall submit to the Secretary, and committees of relevant jurisdiction in Congress, a report the recommendations of the study conducted under subsection (a).

#### **SEC. 402. AMENDMENT TO SECTION 1926 OF THE PUBLIC HEALTH SERVICE ACT.**

Section 1926 of the Public Health Service Act (42 U.S.C. § 300x–26) is amended by adding at the end thereof the following:

“(e)(1) Subject to paragraphs (2) and (3), for the first fiscal year after enactment and each subsequent fiscal year, the Secretary shall reduce, as provided in subsection (h), the amount of any grant under section 300x–21 of this title for any State that does not have in effect a statute with substantially the following provisions:

##### **“SEC. 1. DISTRIBUTION TO MINORS.**

“(a) No person shall distribute a tobacco product to an individual under 18 years of age or a different minimum age established under State law. A person who violates this subsection is liable for a civil money penalty

of not less than \$25 nor more than \$125 for each violation of this subsection;

“(b) The employer of an employee who has violated subsection (a) twice while in the employ of such employer is liable for a civil money penalty of \$125 for each subsequent violation by such employee.

“(c) It shall be a defense to a charge brought under subsection (a) that—

“(1) the defendant—

“(A) relied upon proof of age that appeared on its face to be valid in accordance with the Federal Tobacco Act of 2007;

“(B) had complied with the requirements of section 5 and, if applicable, section 7; or

“(C) relied upon a commercially available electronic age verification service to confirm that the person was an age-verified adult; or

“(2) the individual to whom the tobacco product was distributed was at the time of the distribution used in violation of subsection 8(b).

**“SEC. 2. PURCHASE, RECEIPT, OR POSSESSION BY MINORS PROHIBITED.**

“(a) An individual under 18 years of age or a different minimum age established under State law shall not purchase or attempt to purchase, receive or attempt to receive, possess or attempt to possess, a tobacco product. An individual who violates this subsection is liable for a civil money penalty of not less than \$25 nor more than \$125 for each such violation, and shall be required to perform not less than four hours nor more than ten hours of community service. Upon the second or each subsequent violation of this subsection, such individual shall be required to perform not less than eight hours nor more than twenty hours of community service.

“(b) A law enforcement agency, upon determining that an individual under 18 years of age or a different minimum age established under State law allegedly purchased, received, possessed, or attempted to purchase, receive, or possess, a tobacco product in violation of subsection (a) shall notify the individual's parent or parents, custodian, or guardian as to the nature of the alleged violation if the name and address of a parent or parents, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the individual who allegedly violated subsection (a) is cited by such agency for the violation. The notice may be made by any means reasonably calculated to give prompt actual notice, including notice in person, by telephone, or by first-class mail.

“(c) Subsection (a) does not prohibit an individual under 18 years of age or a different minimum age established under State law from possessing a tobacco product during regular working hours and in the course of such individual's employment if the tobacco product is not possessed for such individual's consumption.

**“SEC. 3. OUT-OF-PACKAGE DISTRIBUTION.**

“It shall be unlawful for any person to distribute cigarettes or a smokeless tobacco product other than in an unopened package that complies in full with section 108 of the Federal Tobacco Act of 2007. A person who distributes a cigarette or a smokeless tobacco product in violation of this section is liable for a civil money penalty of not less than \$25 nor more than \$125 for each such violation.

**“SEC. 4. SIGNAGE.**

“It shall be unlawful for any person who sells tobacco products over-the-counter to fail to post conspicuously on the premises where such person sells tobacco products

over-the-counter a sign communicating that—

“(1) the sale of tobacco products to individuals under 18 years of age or a different minimum age established under State law is prohibited by law;

“(2) the purchase of tobacco products by individuals under 18 years of age or a different minimum age established under State law is prohibited by law; and

“(3) proof of age may be demanded before tobacco products are sold.

A person who fails to post a sign that complies fully with this section is liable for a civil money penalty of not less than \$25 nor more than \$125.

**“SEC. 5. NOTIFICATION OF EMPLOYEES.**

“(a) Within 180 days of the effective date of the Youth Prevention and Tobacco Harm Reduction Act, every person engaged in the business of selling tobacco products at retail shall implement a program to notify each employee employed by that person who sells tobacco products at retail that—

“(1) the sale or other distribution of tobacco products to any individual under 18 years of age or a different minimum age established under State law, and the purchase, receipt, or possession of tobacco products in a place open to the public by any individual under 18 years of age or a different minimum age established under State law, is prohibited; and

“(2) out-of-package distribution of cigarettes and smokeless tobacco products is prohibited.

Any employer failing to provide the required notice to any employee shall be liable for a civil money penalty of not less than \$25 nor more than \$125 for each such violation.

“(b) It shall be a defense to a charge that an employer violated subsection (a) of this section that the employee acknowledged receipt, either in writing or by electronic means, prior to the alleged violation, of a statement in substantially the following form:

“I understand that State law prohibits the distribution of tobacco products to individuals under 18 years of age or a different minimum age established under State law and out-of-package distribution of cigarettes and smokeless tobacco products, and permits a defense based on evidence that a prospective purchaser's proof of age was reasonably relied upon and appeared on its face to be valid. I understand that if I sell, give, or voluntarily provide a tobacco product to an individual under 18 years of age or a different minimum age established under State law, I may be found responsible for a civil money penalty of not less than \$25 nor more than \$125 for each violation. I promise to comply with this law.”

“(c) If an employer is charged with a violation of subsection (a) and the employer uses as a defense to such charge the defense provided by subsection (b), the employer shall be deemed to be liable for such violation if such employer pays the penalty imposed on the employee involved in such violation or in any way reimburses the employee for such penalty.

**“SEC. 6. SELF-SERVICE DISPLAYS.**

“(a) It shall be unlawful for any person who sells tobacco products over-the-counter at retail to maintain packages of such products in any location accessible to customers that is not under the control of a cashier or other employee during regular business hours. This subsection does not apply to any adult-only facility.

“(b) Any person who violates subsection (a) is liable for a civil money penalty of not

less than \$25 nor more than \$125 for each such violation, except that no person shall be responsible for more than one violation per day at any one retail store.

**“SEC. 7. DISTRIBUTION BY MAIL OR COURIER.**

“(a) It shall be unlawful to distribute or sell tobacco products directly to consumers by mail or courier, unless the person receiving purchase requests for tobacco products takes reasonable action to prevent delivery to individuals who are not adults by—

“(1) requiring that addressees of the tobacco products be age-verified adults;

“(2) making good faith efforts to verify that such addressees have attained the minimum age for purchase of tobacco products established by the respective States wherein the addresses of the addressees are located; and

“(3) addressing the tobacco products delivered by mail or courier to a physical address and not to post office boxes.

“(b) Any person who violates subsection (a) is liable for a civil money penalty of not less than \$25 nor more than \$125 for each such violation.

**“SEC. 8. RANDOM UNANNOUNCED INSPECTIONS; REPORTING; AND COMPLIANCE.**

“(a) The State Police, or a local law enforcement authority duly designated by the State Police, shall enforce this Act in a manner that can reasonably be expected to reduce the extent to which tobacco products are distributed to individuals under 18 years of age or a different minimum age established under State law and shall conduct random, unannounced inspections in accordance with the procedures set forth in this Act and in regulations issued under section 1926 of the Federal Public Health Service Act (42 U.S.C. § 300x-26).

“(b) The State may engage an individual under 18 years of age or a different minimum age established under State law to test compliance with this Act, except that such an individual may be used to test compliance with this Act only if the testing is conducted under the following conditions:

“(1) Prior to use of any individual under 18 years of age or a different minimum age established under State law in a random, unannounced inspection, written consent shall be obtained from a parent, custodian, or guardian of such individual;

“(2) An individual under 18 years of age or a different minimum age established under State law shall act solely under the supervision and direction of the State Police or a local law enforcement authority duly designated by the State Police during a random, unannounced inspection;

“(3) An individual under 18 years of age or a different minimum age established under State law used in random, unannounced inspections shall not be used in any such inspection at a store in which such individual is a regular customer; and

“(4) If an individual under 18 years of age or a different minimum age established under State law participating in random, unannounced inspections is questioned during such an inspection about such individual's age, such individual shall state his or her actual age and shall present a true and correct proof of age if requested at any time during the inspection to present it.

“(c) Any person who uses any individual under 18 years of age or a different minimum age established under State law, other than as permitted by subsection (b), to test compliance with this Act, is liable for a civil money penalty of not less than \$25 nor more than \$125 for each such violation.

“(d) Civil money penalties collected for violations of this Act and fees collected

under section 9 shall be used only to defray the costs of administration and enforcement of this Act.

**“SEC. 9. LICENSURE.**

“(a) Each person engaged in the over-the-counter distribution at retail of tobacco products shall hold a license issued under this section. A separate license shall be required for each place of business where tobacco products are distributed at retail. A license issued under this section is not assignable and is valid only for the person in whose name it is issued and for the place of business designated in the license.

“(b) The annual license fee is \$25 for each place of business where tobacco products are distributed at retail.

“(c) Every application for a license, including renewal of a license, under this section shall be made upon a form provided by the appropriate State agency or department, and shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business for which the license is to be issued, the street address to which all notices relevant to the license are to be sent (in this Act referred to as “notice address”), and any other identifying information that the appropriate State agency or department may require.

“(d) The appropriate State agency or department shall issue or renew a license or deny an application for a license or the renewal of a license within 30 days of receiving a properly completed application and the license fee. The appropriate State agency or department shall provide notice to an applicant of action on an application denying the issuance of a license or refusing to renew a license.

“(e) Every license issued by the appropriate State agency or department pursuant to this section shall be valid for 1 year from the date of issuance and shall be renewed upon application except as otherwise provided in this Act.

“(f) Upon notification of a change of address for a place of business for which a license has been issued, a license shall be reissued for the new address without the filing of a new application.

“(g) The appropriate State agency or department shall notify every person in the State who is engaged in the distribution at retail of tobacco products of the license requirements of this section and of the date by which such person should have obtained a license.

“(h)(1) Except as provided in paragraph (2), any person who engages in the distribution at retail of tobacco products without a license required by this section is liable for a civil money penalty in an amount equal to (i) two times the applicable license fee, and (ii) \$50 for each day that such distribution continues without a license.

“(2) Any person who engages in the distribution at retail of tobacco products after a license issued under this section has been suspended or revoked is liable for a civil money penalty of \$100 per day for each day on which such distribution continues after the date such person received notice of such suspension or revocation.

“(i) No person shall engage in the distribution at retail of tobacco products on or after 180 days after the date of enactment of this Act unless such person is authorized to do so by a license issued pursuant to this section or is an employee or agent of a person that has been issued such a license.

**“SEC. 10. SUSPENSION, REVOCATION, DENIAL, AND NONRENEWAL OF LICENSES.**

“(a) Upon a finding that a licensee has been determined by a court of competent jur-

isdiction to have violated this Act during the license term, the State shall notify the licensee in writing, served personally or by registered mail at the notice address, that any subsequent violation of this Act at the same place of business may result in an administrative action to suspend the license for a period determined by the State agency or department.

“(b) Upon finding that a further violation by this Act has occurred involving the same place of business for which the license was issued and the licensee has been served notice once under subsection (a), the appropriate State agency or department may initiate an administrative action to suspend the license for a period to be determined by the appropriate State agency or department but not to exceed six months. If an administrative action to suspend a license is initiated, the appropriate State agency or department shall immediately notify the licensee in writing at the notice address of the initiation of the action and the reasons therefor and permit the licensee an opportunity, at least 30 days after written notice is served personally or by registered mail upon the licensee, to show why suspension of the license would be unwarranted or unjust.

“(c) The appropriate State agency or department may initiate an administrative action to revoke a license that previously has been suspended under subsection (b) if, after the suspension and during the one-year period for which the license was issued, the licensee committed a further violation of this Act, at the same place of business for which the license was issued. If an administrative action to revoke a license is initiated, the appropriate State agency or department shall immediately notify the licensee in writing at the notice address of the initiation of the action and the reasons therefor and permit the licensee an opportunity, at least 30 days after written notice is served personally or by registered mail upon the licensee, to show why revocation of the license would be unwarranted or unjust.

“(d) A person whose license has been suspended or revoked with respect to a place of business pursuant to this section shall pay a fee of \$50 for the renewal or reissuance of the license at that same place of business, in addition to any applicable annual license fees.

“(e) Revocation of a license under subsection (c) with respect to a place of business shall not be grounds to deny an application by any person for a new license with respect to such place of business for more than 12 months subsequent to the date of such revocation. Revocation or suspension of a license with respect to a particular place of business shall not be grounds to deny an application for a new license, to refuse to renew a license, or to revoke or suspend an existing license at any other place of business.

“(f) A licensee may seek judicial review of an action of the appropriate State agency or department suspending, revoking, denying, or refusing to renew a license under this section by filing a complaint in a court of competent jurisdiction. Any such complaint shall be filed within 30 days after the date on which notice of the action is received by the licensee. The court shall review the evidence de novo.

“(g) The State shall not report any action suspending, revoking, denying, or refusing to renew a license under this section to the Federal Secretary of Health and Human Services, unless the opportunity for judicial review of the action pursuant to subsection (f), if any, has been exhausted or the time for seeking such judicial review has expired.

**“SEC. 11. NO PRIVATE RIGHT OF ACTION.**

“Nothing in this Act shall be construed to create a right of action by any private person for any violation of any provision of this Act.

**“SEC. 12. JURISDICTION AND VENUE.**

“Any action alleging a violation of this Act may be brought only in a court of general jurisdiction in the city or county where the violation is alleged to have occurred.

**“SEC. 13. REPORT.**

“The appropriate State agency or department shall prepare for submission annually to the Federal Secretary of Health and Human Services the report required by section 1926 of the Federal Public Health Service Act (42 U.S.C. 300x-26).”

“(2) In the case of a State whose legislature does not convene a regular session in fiscal year 2007, and in the case of a State whose legislature does not convene a regular session in fiscal year 2008, the requirement described in subsection (e)(1) as a condition of a receipt of a grant under section 300x-21 of this title shall apply only for fiscal year 2009 and subsequent fiscal years.

“(3) Subsection (e)(1) shall not affect any State or local law that (A) was in effect on the date of introduction of the Federal Tobacco Act of 2007, and (B) covers the same subject matter as the law described in subsection (e)(1). Any State law that meets the conditions of this paragraph shall also be deemed to meet the requirement described in subsection (e)(1) as a condition of a receipt of a grant under section 300x-21 of this title, if such State law is at least as stringent as the law described in subsection (e)(1).

“(f)(1) For the first applicable fiscal year and for each subsequent fiscal year, a funding agreement for a grant under section 300x-21 of this title is a funding agreement under which the State involved will enforce the law described in subsection (e)(1) of this section in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18 or a different minimum age established under State law for the purchase of tobacco products.

“(2) For the first applicable fiscal year and for each subsequent fiscal year, a funding agreement for a grant under section 300x-21 of this title is a funding agreement under which the State involved will—

“(A) conduct random, unannounced inspections to ensure compliance with the law described in subsection (e)(1); and

“(B) annually submit to the Secretary a report describing—

“(i) the activities carried out by the State to enforce such law during the fiscal year preceding the fiscal year for which the State is seeking the grant;

“(ii) the extent of success the State has achieved in reducing the availability of tobacco products to individuals under 18 years of age or a different minimum age established under State law, including the results of the inspections conducted under subparagraph (A); and

“(iii) the strategies to be utilized by the State for enforcing such law during the fiscal year for which the grant is sought.

“(g) The law specified in subsection (e)(1) may be administered and enforced by a State using—

“(1) any amounts made available to the State through a grant under section 300x-21 of this title;

“(2) any amounts made available to the State under section 300w of this title;

“(3) any fees collected for licenses issued pursuant to the law described in subsection (e)(1);

“(4) any fines or penalties assessed for violations of the law specified in subsection (e)(1); or

“(5) any other funding source that the legislature of the State may prescribe by statute.

“(h) Before making a grant under section 300x-21 of this title to a State for the first applicable fiscal year or any subsequent fiscal year, the Secretary shall make a determination of whether the State has maintained compliance with subsections (e) and (f) of this section. If, after notice to the State and an opportunity for a hearing, the Secretary determines that the State is not in compliance with such subsections, the Secretary shall reduce the amount of the allotment under section 300x-21 of this title for the State for the fiscal year involved by an amount equal to—

“(1) In the case of the first applicable fiscal year, 10 percent of the amount determined under section 300x-33 for the State for the fiscal year;

“(2) In the case of the first fiscal year following such applicable fiscal year, 20 percent of the amount determined under section 300x-33 for the State for the fiscal year;

“(3) In the case of the second such fiscal year, 30 percent of the amount determined under section 300x-33 for the State for the fiscal year; and

“(4) In the case of the third such fiscal year or any subsequent fiscal year, 40 percent of the amount determined under section 300x-33 for the State for the fiscal year.

The Secretary shall not have authority or discretion to grant to any State a waiver of the terms and requirements of this subsection or subsection (e) or (f).

“(i) For the purposes of subsections (e) through (h) of this section the term ‘first applicable fiscal year’ means—

“(1) fiscal year 2009, in the case of any State described in subsection (e)(2) of this section; and

“(2) fiscal year 2008, in the case of any other State.

“(j) For purposes of subsections (e) through (h) of this section, references to section 300x-21 shall include any successor grant programs.”

“(k) As required by paragraph (1), and subject to paragraph (4), an Indian tribe shall satisfy the requirements of subsection (e)(1) of this section by enacting a law or ordinance with substantially the same provisions as the law described in subsection (e)(1).

“(1) An Indian tribe shall comply with subsection (e)(1) of this section within 180 days after the Administrator finds, in accordance with this paragraph, that—

“(A) the Indian tribe has a governing body carrying out substantial governmental powers and duties;

“(B) the functions to be exercised by the Indian tribe under this Act pertain to activities on trust land within the jurisdiction of the tribe; and

“(C) the Indian tribe is reasonably expected to be capable of carrying out the functions required under this section.

Within 2 years of the date of enactment of the Federal Tobacco Act of 2007, as to each Indian tribe in the United States, the Administrator shall make the findings contemplated by this paragraph or determine that such findings cannot be made, in accordance with the procedures specified in paragraph (4).

“(2) As to Indian tribes subject to subsection (e)(1) of this section, the Administrator shall promulgate regulations that—

“(A) provide whether and to what extent, if any, the law described in subsection (e)(1)

may be modified as adopted by Indian tribes; and

“(B) ensure, to the extent possible, that each Indian tribe's retailer licensing program under subsection (e)(1) is no less stringent than the program of the State or States in which the Indian tribe is located.

“(3) If with respect to any Indian tribe the Administrator determines that compliance with the requirements of subsection (e)(1) is inappropriate or administratively infeasible, the Administrator shall specify other means for the Indian tribe to achieve the purposes of the law described in subsection (e)(1) with respect to persons who engage in the distribution at retail of tobacco products on tribal lands.

“(4) The findings and regulations promulgated under paragraphs (1) and (2) shall be promulgated in conformance with section 553 of title 5, United States Code, and shall comply with the following provisions:

“(A) In making findings as provided in paragraph (1), and in drafting and promulgating regulations as provided in paragraph (2) (including drafting and promulgating any revised regulations), the Administrator shall confer with, and allow for active participation by, representatives and members of Indian tribes, and tribal organizations.

“(B) In carrying out rulemaking processes under this subsection, the Administrator shall follow the guidance of subchapter III of chapter 5 of title 5, United States Code, commonly known as the ‘Negotiated Rulemaking Act of 1990.’

“(C) The tribal participants in the negotiation process referred to in subparagraph (B) shall be nominated by and shall represent the groups described in this subsection and shall include tribal representatives from all geographic regions.

“(D) The negotiations conducted under this paragraph (4) shall be conducted in a timely manner.

“(E) If the Administrator determines that an extension of the deadlines under subsection (k)(1) of this section is appropriate, the Secretary may submit proposed legislation to Congress for the extension of such deadlines.

“(5) This subsection shall not affect any law or ordinance that (A) was in effect on tribal lands on the date of introduction of the Youth Prevention and Tobacco Harm Reduction Act, and (B) covers the same subject matter as the law described in subsection (e)(1). Any law or ordinance that meets the conditions of this paragraph shall also be deemed to meet the requirement described in subsection (k)(1), if such law or ordinance is at least as stringent as the law described in subsection (e)(1).

“(6) For purposes of this subsection—

“(A) ‘Administrator’ means the Administrator of the Tobacco Harm Reduction Center.

“(B) ‘Indian tribe’ has the meaning assigned that term in section 4(e) of the Indian Self Determination and Education Assistance Act, section 450b(e) of title 25, United States Code.

“(C) ‘Tribal lands’ means all lands within the exterior boundaries of any Indian reservation, all lands the title to which is held by the United States in trust for an Indian tribe, or lands the title to which is held by an Indian tribe subject to a restriction by the United States against alienation, and all dependent Indian communities.

“(D) ‘tribal organization’ has the meaning assigned that term in section 4(1) of the Indian Self Determination and Education Assistance Act, section 450b(1) of title 25, United States Code.”

#### SEC. 403. ESTABLISHMENT OF RANKINGS.

(a) STANDARDS AND PROCEDURES FOR RANKINGS.—Within 24 months after the effective date of this Act, the Administrator shall, by regulation, after consultation with an Advisory Committee established for such purpose, establish the standards and procedures for promulgating rankings, comprehensible to consumers of tobacco products, of the following categories of tobacco products and also nicotine-containing products on the basis of the relative risks of serious or chronic tobacco-related diseases and adverse health conditions those categories of tobacco products and also nicotine-containing products respectively present—

- (1) cigarettes;
- (2) loose tobacco for roll-your-own tobacco products;
- (3) little cigars;
- (4) cigars;
- (5) pipe tobacco;
- (6) moist snuff;
- (7) dry snuff;
- (8) chewing tobacco;
- (9) other forms of tobacco products, including pelletized tobacco and compressed tobacco, treated collectively as a single category; and

(10) other nicotine-containing products, treated collectively as a single category.

The Administrator shall not have authority or discretion to establish a relative-risk ranking of any category or subcategory of tobacco products or any category or subcategory of nicotine-containing products other than the ten categories specified in this subsection.

(b) CONSIDERATIONS IN PROMULGATING REGULATIONS.—In promulgating regulations under this section, the Administrator—

(1) shall take into account relevant epidemiologic studies and other relevant competent and reliable scientific evidence; and

(2) in assessing the risks of serious or chronic tobacco-related diseases and adverse health conditions presented by a particular category, shall consider the range of tobacco products or nicotine-containing products within the category, and shall give appropriate weight to the market shares of the respective products in the category.

(c) PROMULGATION OF RANKINGS OF CATEGORIES.—Once the initial regulations required by subsection (a) are in effect, the Administrator shall promptly, by order, after notice and an opportunity for comment, promulgate to the general public rankings of the categories of tobacco products and nicotine-containing products in accordance with those regulations. The Administrator shall promulgate the initial rankings of those categories of tobacco products and nicotine-containing products to the general public not later than January 1, 2010. Thereafter, on an annual basis, the Administrator shall, by order, promulgate to the general public updated rankings that are (1) in accordance with those regulations, and (2) reflect the scientific evidence available at the time of promulgation. The Administrator shall open and maintain an ongoing public docket for receipt of data and other information submitted by any person with respect to such annual promulgation of rankings.

#### TITLE V—ENFORCEMENT PROVISIONS

##### SEC. 501. PROHIBITED ACTS.

The following acts and the causing thereof are hereby prohibited—

(1) the introduction or delivery for introduction into interstate commerce of any tobacco product that is adulterated or misbranded;

(2) the adulteration or misbranding of any tobacco product in interstate commerce;

(3) the receipt in interstate commerce of any tobacco product that is known to be adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise;

(4) the failure to establish or maintain any record, or make any report or other submission, or to provide any notice required by or under this Act; or the refusal to permit access to, verification of, or copying of any record as required by this Act;

(5) the refusal to permit entry or inspection as authorized by this Act;

(6) the making to the Administrator of a statement, report, certification or other submission required by this Act, with knowledge that such statement, report, certification, or other submission is false in a material aspect;

(7) the manufacturing, shipping, receiving, storing, selling, distributing, possession, or use of any tobacco product with knowledge that it is an illicit tobacco product;

(8) the forging, simulating without proper permission, falsely representing, or without proper authority using any brand name;

(9) the using by any person to his or her own advantage, or revealing, other than to the Administrator or officers or employees of the Agency, or to the courts when relevant in any judicial proceeding under this Act, any information acquired under authority of this Act concerning any item which as a trade secret is entitled to protection; except that the foregoing does not authorize the withholding of information from either House of Congress or from, to the extent of matter within its jurisdiction, any committee or subcommittee of such committee or any joint committee of Congress or any subcommittee of such joint committee;

(10) the alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a tobacco product, if such act is done while such tobacco product is held for sale (whether or not the first sale) after shipment in interstate commerce, and results in such tobacco product being adulterated or misbranded;

(11) the importation of any tobacco product that is adulterated, misbranded, or otherwise not in compliance with this Act; and

(12) the commission of any act prohibited by section 201 of this Act.

#### SEC. 502. INJUNCTION PROCEEDINGS.

(a) The district courts of the United States shall have jurisdiction, for cause shown, to restrain violations of this Act, except for violations of section 701(k).

(b) In case of an alleged violation of an injunction or restraining order issued under this section, which also constitutes a violation of this Act, trial shall be by the court, or upon demand of the defendant, by a jury.

#### SEC. 503. PENALTIES.

(a) CRIMINAL PENALTIES.—Any person who willfully violates a provision of section 501 of this Act shall be imprisoned for not more than one year or fined not more than \$25,000, or both.

(b) CIVIL PENALTIES FOR VIOLATION OF SECTION 803.—

(1) Any person who knowingly distributes or sells, other than through retail sale or retail offer for sale, any cigarette brand style in violation of section 803(a)—

(A) for a first offense shall be liable for a civil penalty not to exceed \$10,000 for each distribution or sale, or

(B) for a second offense shall be liable for a civil penalty not to exceed \$25,000 for each distribution or sale,

except that the penalty imposed against any person with respect to violations during any 30-day period shall not exceed \$100,000.

(2) Any retailer who knowingly distributes, sells or offers for sale any cigarette brand style in violation of section 803(a) shall—

(A) for a first offense for each sale or offer for sale of cigarettes, if the total number of packages of cigarettes sold or offered for sale—

(i) does not exceed 50 packages of cigarettes, be liable for a civil penalty not to exceed \$500 for each sale or offer for sale, and

(ii) exceeds 50 packages of cigarettes, be liable for a civil penalty not to exceed \$1,000 for each sale or offer for sale;

(B) for each subsequent offense for each sale or offer for sale of cigarettes, if the total number of cigarettes sold or offered for sale—

(i) does not exceed 50 packages of cigarettes, be liable for a civil penalty not to exceed \$2,000 for each sale or offer for sale, and

(ii) exceeds 50 packages of cigarettes, be liable for a civil penalty not to exceed \$5,000 for each sale or offer for sale;

except that the penalty imposed against any person during any 30-day period shall not exceed \$25,000.

#### SEC. 504. SEIZURE.

(a) ARTICLES SUBJECT TO SEIZURE.—

(1) Any tobacco product that is adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not, under the provisions of this Act, be introduced into interstate commerce, shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the tobacco product is found. No libel for condemnation shall be instituted under this Act for any alleged misbranding if there is pending in any court a libel for condemnation proceeding under this Act based upon the same alleged misbranding, and not more than one such proceeding shall be instituted if no such proceeding is so pending, except that such limitations shall not apply—

(A) when such misbranding has been the basis of a prior judgment in favor of the United States, in a criminal, injunction, or libel for condemnation proceeding under this Act, or

(B) when the Administrator has probable cause to believe from facts found, without hearing, by the Administrator or any officer or employee of the Agency that the misbranded tobacco product is dangerous to health beyond the inherent danger to health posed by tobacco, or that the labeling of the misbranded tobacco product is fraudulent, or would be in a material respect misleading to the injury or damage of the purchaser or consumer. In any case where the number of libel for condemnation proceedings is limited as above provided, the proceeding pending or instituted shall, on application of the claimant, seasonably made, be removed for trial to any district agreed upon by stipulation between the parties, or, in case of failure to so stipulate within a reasonable time, the claimant may apply to the court of the district in which the seizure has been made, and such court (after giving the United States attorney for such district reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, to which the case shall be removed for trial.

(2) The following shall be liable to be proceeded against at any time on libel of information and condemned in any district court of the United States within the jurisdiction of which they are found—

(A) any tobacco product that is an illicit tobacco product;

(B) any container of an illicit tobacco product;

(C) any equipment or thing used in making an illicit tobacco product; and

(D) any adulterated or misbranded tobacco product.

(3)(A) Except as provided in subparagraph (B), no libel for condemnation may be instituted under paragraph (1) or (2) against any tobacco product which—

(i) is misbranded under this Act because of its advertising, and

(ii) is being held for sale to the ultimate consumer in an establishment other than an establishment owned or operated by a manufacturer, packer, or distributor of the tobacco product.

(B) A libel for condemnation may be instituted under paragraph (1) or (2) against a tobacco product described in subparagraph (A) if the tobacco product's advertising which resulted in the tobacco product being misbranded was disseminated in the establishment in which the tobacco product is being held for sale to the ultimate consumer—

(i) such advertising was disseminated by, or under the direction of, the owner or operator of such establishment, or

(ii) all or part of the cost of such advertising was paid by such owner or operator.

(b) PROCEDURES.—The tobacco product, equipment, or other thing proceeded against shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this section, involving the same claimant and the same issues of adulteration or misbranding, are pending in two or more jurisdictions, such pending proceedings, upon application of the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (1) any district selected by the claimant where one of such proceedings is pending; or (2) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the claimant may apply to the court of one such jurisdiction and such court (after giving the United States attorney for such district reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

(c) SAMPLES AND ANALYSES.—The court at any time after seizure up to a reasonable time before trial shall by order allow any party to a condemnation proceeding, the party's attorney or agent, to obtain a representative sample of the article seized and a true copy of the analysis, if any, on which the proceeding is based and the identifying marks or numbers, if any, of the packages



from which the samples analyzed were obtained.

(d) **DISPOSITION OF CONDEMNED TOBACCO PRODUCTS.**—(1) Any tobacco product condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct; and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such tobacco product shall not be sold under such decree contrary to the provisions of this Act or the laws of the jurisdiction in which sold. After entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State in which sold, the court may by order direct that such tobacco product be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this Act, under the supervision of an officer or employee duly designated by the Administrator; and the expenses of such supervision shall be paid by the person obtaining release of the tobacco product under bond. If the tobacco product was imported into the United States and the person seeking its release establishes (A) that the adulteration, misbranding, or violation did not occur after the tobacco product was imported, and (B) that the person seeking the release of the tobacco product had no cause for believing that it was adulterated, misbranded, or in violation before it was released from customs custody, the court may permit the tobacco product to be delivered to the owner for exportation under section 709 in lieu of destruction upon a showing by the owner that there is a reasonable certainty that the tobacco product will not be re-imported into the United States.

(2) The provisions of paragraph (1) of this subsection shall, to the extent deemed appropriate by the court, apply to any equipment or other thing which is not otherwise within the scope of such paragraph and which is referred to in paragraph (2) of subsection (a).

(3) Whenever in any proceeding under this section, involving paragraph (2) of subsection (a), the condemnation of any equipment or thing (other than a tobacco product) is decreed, the court shall allow the claim of any claimant, to the extent of such claimant's interest, for remission or mitigation of such forfeiture if such claimant proves to the satisfaction of the court (A) that such claimant has not caused the equipment or thing to be within one of the categories referred to in such paragraph (2) and has no interest in any tobacco product referred to therein, (B) that such claimant has an interest in such equipment or other thing as owner or lienor or otherwise, acquired by such claimant in good faith, and (C) that such claimant at no time had any knowledge or reason to believe that such equipment or other thing was being or would be used in, or to facilitate, the violation of laws of the United States relating to any illicit tobacco product.

(e) **COSTS AND FEES.**—When a decree of condemnation is entered against the tobacco product or other article, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the tobacco product or other article.

(f) **REMOVAL FOR TRIAL.**—In the case of removal for trial of any case as provided by subsection (a) or (b)—

(1) The clerk of the court from which removal is made shall promptly transmit to

the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction.

(2) The court to which such case was removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

(g) **ADMINISTRATIVE DETENTION OF TOBACCO PRODUCTS.**—

(1) **DETENTION AUTHORITY.**—

(A) **IN GENERAL.**—An officer or qualified employee of the Agency may order the detention, in accordance with this subsection, of any tobacco product that is found during an inspection, examination, or investigation under this Act conducted by such officer or qualified employee, if the officer or qualified employee has credible evidence or information indicating that such article presents a threat of serious adverse health consequences beyond those normally inherent in the use of tobacco products.

(B) **ADMINISTRATOR'S APPROVAL.**—A tobacco product or component thereof may be ordered detained under subparagraph (A) if, but only if, the Administrator or an official designated by the Administrator approves the order. An official may not be so designated unless the official is an officer with supervisory responsibility for the inspection, examination, or investigation that led to the order.

(2) **PERIOD OF DETENTION.**—A tobacco product may be detained under paragraph (1) for a reasonable period, not to exceed 20 days, unless a greater period, not to exceed 30 days, is necessary, to institute an action under subsection (a) or section 702.

(3) **SECURITY OF DETAINED TOBACCO PRODUCT.**—An order under paragraph (1) may require that the tobacco product to be detained be labeled or marked as detained, and shall require that the tobacco product be maintained in or removed to a secure facility, as appropriate. A tobacco product subject to such an order shall not be transferred by any person from the place at which the tobacco product is ordered detained, or from the place to which the tobacco product is so removed, as the case may be, until released by the Administrator or until the expiration of the detention period applicable under such order, whichever occurs first. This subsection may not be construed as authorizing the delivery of the tobacco product pursuant to the execution of a bond while the tobacco product is subject to the order, and section 709 does not authorize the delivery of the tobacco product pursuant to the execution of a bond while the article is subject to the order.

(4) **APPEAL OF DETENTION ORDER.**—

(A) **IN GENERAL.**—With respect to a tobacco product ordered detained under paragraph (1), any person who would be entitled to be a claimant of such tobacco product if the tobacco product were seized under subsection (a) may appeal the order to the Administrator. Within five days after such an appeal is filed, the Administrator, after providing opportunity for an informal hearing, shall confirm or terminate the order involved, and such confirmation by the Administrator shall be considered a final agency action for purposes of section 702 of title 5, United States Code. If during such five-day period the Administrator fails to provide such an opportunity, or to confirm or terminate such order, the order is deemed to be terminated.

(B) **EFFECT OF INSTITUTING COURT ACTION.**—The process under subparagraph (A) for the appeal of an order under paragraph (1) termi-

nates if the Administrator institutes an action under subsection (a) or section 702 regarding the tobacco product involved.

**SEC. 505. REPORT OF MINOR VIOLATIONS.**

Nothing in this Act shall be construed as requiring the Administrator to report for prosecution, or for institution of libel or injunction proceedings, minor violations of this Act whenever the Administrator believes that the public interest will be adequately served by a suitable written notice or warning.

**SEC. 506. INSPECTION.**

(a) **AUTHORITY TO INSPECT.**—The Administrator shall have the power to inspect the premises of a tobacco product manufacturer for purposes of determining compliance with this Act, or the regulations promulgated under it. Officers of the Agency designated by the Administrator, upon presenting appropriate credentials and a written notice to the person in charge of the premises, are authorized to enter, at reasonable times, without a search warrant, any factory, warehouse, or other establishment in which tobacco products are manufactured, processed, packaged, or held for domestic distribution. Any such inspection shall be conducted within reasonable limits and in a reasonable manner, and shall be limited to examining only those things, including but not limited to records, relevant to determining whether violations of this Act, or regulations under it, have occurred. No inspection authorized by this section shall extend to financial data, sales data other than shipment data, pricing data, personnel data (other than data as to qualifications of technical and professional personnel performing functions subject to this Act), or research data. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

(b) **REPORT OF OBSERVATIONS.**—Before leaving the premises, the officer of the Agency who has supervised or conducted the inspection shall give to the person in charge of the premises a report in writing setting forth any conditions or practices that appear to manifest a violation of this Act, or the regulations under it.

(c) **SAMPLES.**—If the officer has obtained any sample in the course of inspection, prior to leaving the premises that officer shall give to the person in charge of the premises a receipt describing the samples obtained. As to each sample obtained, the officer shall furnish promptly to the person in charge of the premises a copy of the sample and of any analysis made upon the sample.

**SEC. 507. EFFECT OF COMPLIANCE.**

Compliance with the provisions of this Act and the regulations promulgated under it shall constitute a complete defense to any civil action, including but not limited to any products liability action, that seeks to recover damages, whether compensatory or punitive, based upon an alleged defect in the labeling or advertising of any tobacco product distributed for sale domestically.

**SEC. 508. IMPORTS.**

(a) **IMPORTS; LIST OF REGISTERED FOREIGN ESTABLISHMENTS; SAMPLES FROM UNREGISTERED FOREIGN ESTABLISHMENTS; EXAMINATION AND REFUSAL OF ADMISSION.**—The Secretary of Homeland Security shall deliver to the Administrator, upon request by the Administrator, samples of tobacco products that are being imported or offered for import into the United States, giving notice thereof

to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. The Administrator shall furnish to the Secretary of Homeland Security a list of establishments registered pursuant to subsection (d) of section 109 of this Act, and shall request that, if any tobacco products manufactured, prepared, or processed in an establishment not so registered are imported or offered for import into the United States, samples of such tobacco products be delivered to the Administrator, with notice of such delivery to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that (1) such tobacco product is forbidden or restricted in sale in the country in which it was produced or from which it was exported, or (2) such tobacco product is adulterated, misbranded, or otherwise in violation of this Act, then such tobacco product shall be refused admission, except as provided in subsection (b) of this section. The Secretary of Homeland Security shall cause the destruction of any such tobacco product refused admission unless such tobacco product is exported, under regulations prescribed by the Secretary of Homeland Security, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

(b) **DISPOSITION OF REFUSED TOBACCO PRODUCTS.**—Pending decision as to the admission of a tobacco product being imported or offered for import, the Secretary of Homeland Security may authorize delivery of such tobacco product to the owner or consignee upon the execution by such consignee of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of Homeland Security. If it appears to the Administrator that a tobacco product included within the provisions of clause (3) of subsection (a) of this section can, by relabeling or other action, be brought into compliance with this Act or rendered other than a tobacco product, final determination as to admission of such tobacco product may be deferred and, upon filing of timely written application by the owner or consignee and the execution by such consignee of a bond as provided in the preceding provisions of this subsection, the Administrator may, in accordance with regulations, authorize the applicant to perform such relabeling or other action specified in such authorization (including destruction or export of rejected tobacco products or portions thereof, as may be specified in the Administrator's authorization). All such relabeling or other action pursuant to such authorization shall in accordance with regulations be under the supervision of an officer or employee of the Agency designated by the Administrator, or an officer or employee of the Department of Homeland Security designated by the Secretary of Homeland Security.

(c) **CHARGES CONCERNING REFUSED TOBACCO PRODUCTS.**—All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in subsection (a) of this section and the supervision of the relabeling or other action authorized under the provisions of subsection (b) of this section, the amount of such expenses to be determined in accordance with regulations, and all expenses in connection with the storage, cartage, or labor with respect to any tobacco product re-

fused admission under subsection (a) of this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee.

#### **SEC. 509. TOBACCO PRODUCTS FOR EXPORT.**

(a) **EXEMPTION FOR TOBACCO PRODUCTS EXPORTED.**—Except as provided in subsection (b), a tobacco product intended for export shall be exempt from this Act if—

(1) it is not in conflict with the laws of the country to which it is intended for export, as shown by either (A) a document issued by the government of that country or (B) a document provided by a person knowledgeable with respect to the relevant laws of that country and qualified by training and experience to opine on whether the tobacco product is or is not in conflict with such laws;

(2) it is labeled on the outside of the shipping package that it is intended for export; and

(3) the particular units of tobacco product intended for export have not been sold or offered for sale in domestic commerce.

(b) **PRODUCTS FOR U.S. ARMED FORCES OVERSEAS.**—A tobacco product intended for export shall not be exempt from this Act if it is intended for sale or distribution to members or units of the Armed Forces of the United States located outside of the United States.

(c) This Act shall not apply to a person that manufactures and/or distributes tobacco products solely for export under subsection (a), except to the extent such tobacco products are subject to subsection (b).

#### **TITLE VI—MISCELLANEOUS PROVISIONS**

##### **SEC. 601. USE OF PAYMENTS UNDER THE MASTER SETTLEMENT AGREEMENT AND INDIVIDUAL STATE SETTLEMENT AGREEMENTS.**

(a) **REDUCTION OF GRANT AMOUNTS.**—(1) For fiscal year 2010 and each subsequent fiscal year, the Secretary shall reduce, as provided in subsection (b), the amount of any grant under section 1921 of the Public Health Service Act (42 U.S.C. § 300x–21) for any State that spends on tobacco control programs from the funds received by such State pursuant to the Master Settlement Agreement, the Florida Settlement Agreement, the Minnesota Settlement Agreement, the Mississippi Memorandum of Understanding, or the Texas Settlement Agreement, as applicable, less than 20 percent of the amounts received by that State from settlement payments.

(2) In the case of a State whose legislature does not convene a regular session in fiscal year 2009 or 2010, and in the case of a State whose legislature does not convene a regular session in fiscal year 2010, the requirement described in subsection (a)(1) as a condition of receipt of a grant under section 1921 of the Public Health Service Act shall apply only for fiscal year 2009 and subsequent fiscal years.

(b) **DETERMINATION OF STATE SPENDING.**—Before making a grant under section 1921 of the Public Health Service Act, section 300x–21 of title 42, United States Code, to a State for the first applicable fiscal year or any subsequent fiscal year, the Secretary shall make a determination of whether, during the immediately preceding fiscal year, the State has spent on tobacco control programs, from the funds received by such State pursuant to the Master Settlement Agreement, the Florida Settlement Agreement, the Minnesota Settlement Agreement, the Mississippi Memorandum of Understanding, or the Texas Settlement Agreement, as applicable, at least the amount referenced in (a)(1). If,

after notice to the State and an opportunity for a hearing, the Secretary determines that the State has spent less than such amount, the Secretary shall reduce the amount of the allotment under section 300x–21 of title 42, United States Code, for the State for the fiscal year involved by an amount equal to—

(1) in the case of the first applicable fiscal year, 10 percent of the amount determined under section 300x–33 of title 42, United States Code, for the State for the fiscal year;

(2) in the case of the first fiscal year following such applicable fiscal year, 20 percent of the amount determined under section 300x–33 of title 42, United States Code, for the State for the fiscal year;

(3) in the case of the second such fiscal year, 30 percent of the amount determined under section 300x–33 of title 42, United States Code, for the State for the fiscal year; and

(4) in the case of the third such fiscal year or any subsequent fiscal year, 40 percent of the amount determined under section 300x–33 of title 42, United States Code, for the State for the fiscal year.

The Secretary shall not have authority or discretion to grant to any State a waiver of the terms and requirements of this subsection or subsection (a).

(c) **DEFINITIONS.**—For the purposes of this section—

(1) The term “first applicable fiscal year” means—

(A) fiscal year 2011, in the case of any State described in subsection (a)(2) of this section; and

(B) fiscal year 2010, in the case of any other State.

(2) The term “Florida Settlement Agreement” means the Settlement Agreement, together with the exhibits thereto, entered into on August 25, 1997, between the State of Florida and signatory tobacco product manufacturers, as specified therein.

(3) The term “Master Settlement Agreement” means the Master Settlement Agreement, together with the exhibits thereto, entered into on November 23, 1998, between the signatory States and signatory tobacco product manufacturers, as specified therein.

(4) The term “Minnesota Settlement Agreement” means the Settlement Agreement, together with the exhibits thereto, entered into on May 8, 1998, between the State of Minnesota and signatory tobacco product manufacturers, as specified therein.

(5) The term “Mississippi Memorandum of Understanding” means the Memorandum of Understanding, together with the exhibits thereto and Settlement Agreement contemplated therein, entered into on July 2, 1997, between the State of Mississippi and signatory tobacco product manufacturers, as specified therein.

(6) The term “Secretary” means the Secretary of Health and Human Services.

(7) The term “Texas Settlement Agreement” means the Settlement Agreement, together with the exhibits thereto, entered into on January 16, 1998, between the State of Texas and signatory tobacco product manufacturers, as specified therein.

##### **SEC. 602. PREEMPTION OF STATE LAWS IMPLEMENTING FIRE SAFETY STANDARD FOR CIGARETTES.**

(a) **IN GENERAL.**—With respect to fire safety standards for cigarettes, no State or political subdivision shall—

(1) require testing of cigarettes that would be in addition to, or different from, the testing prescribed in subsection (b); or

(2) require a performance standard that is in addition to, or different from, the performance standard set forth in subsection (b).

(b) **TEST METHOD AND PERFORMANCE STANDARD.**—

(1) To the extent a State or political subdivision enacts or has enacted legislation or a regulation setting a fire safety standard for cigarettes, the test method employed shall be—

(A) the American Society of Testing and Materials ("ASTM") standard E2187-4, entitled "Standard Test Method for Measuring the Ignition Strength of Cigarettes";

(B) for each cigarette on 10 layers of filter paper;

(C) so that a replicate test of 40 cigarettes for each brand style of cigarettes comprises a complete test trial for that brand style; and

(D) in a laboratory that has been accredited in accordance with ISO/IEC 17205 of the International Organization for Standardization ("ISO") and that has an implemented quality control and quality assurance program that includes a procedure capable of determining the repeatability of the testing results to a repeatability value that is no greater than 0.19.

(2) To the extent a State or political subdivision enacts or has enacted legislation or a regulation setting a fire safety standard for cigarettes, the performance standard employed shall be that no more than 25 percent of the cigarettes of that brand style tested in a complete test in accordance with paragraph (1) exhibit full-length burns.

(c) **EXCEPTION TO SUBSECTION (b).**—In the event that a manufacturer of a cigarette that a State or political subdivision or its respective delegated agency determines cannot be tested in accordance with the test method prescribed in subsection (b)(1)(A), the manufacturer shall propose a test method and performance standard for the cigarette to the State or political subdivision. Upon approval of the proposed test method and a determination by the State or political division that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in subsection (b)(2), the manufacturer may employ such test method and performance standard to certify such cigarette pursuant to this subsection notwithstanding subsection (b).

**SEC. 603. INSPECTION BY THE ALCOHOL AND TOBACCO TAX TRADE BUREAU OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS.**

(a) **IN GENERAL.**—Any officer of the Bureau of the Alcohol and Tobacco Tax Trade Bureau may, during normal business hours, enter the premises of any person described in subsection (b) for the purposes of inspecting—

(1) any records or information required to be maintained by such person under the provisions of law referred to in subsection (d); or

(2) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

(b) **COVERED PERSONS.**—Subsection (a) applies to any person who engages in a delivery sale, and who ships, sells, distributes, or receives any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, within a single month.

(c) **RELIEF.**—

(1) **IN GENERAL.**—The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by subsection (a).

(2) **VIOLATIONS.**—Whoever violates subsection (a) or an order issued pursuant to paragraph (1) shall be subject to a civil penalty in an amount not to exceed \$10,000 for each violation.

(d) **COVERED PROVISIONS OF LAW.**—The provisions of law referred to in this subsection are—

(1) the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the "Jenkins Act");

(2) chapter 114 of title 18, United States Code; and

(3) this Act.

(e) **DELIVERY SALE DEFINED.**—In this section, the term "delivery sale" has the meaning given that term in 2343(e) of title 18, United States Code, as amended by this Act.

**SEC. 604. SEVERABILITY.**

If any provision of this Act, the amendments made by this Act, or the application of any provision of this Act to any person or circumstance is held to be invalid, the remainder of this Act, the amendments made by this Act, and the application of the provisions of this Act to any other person or circumstance shall not be affected, and shall continue to be enforced to the fullest extent possible.

**TITLE VII—TOBACCO GROWER PROTECTION**

**SEC. 701. TOBACCO GROWER PROTECTION.**

No provision in this Act shall allow the Administrator or any other person to require changes to traditional farming practices, including standard cultivation practices, curing processes, seed composition, tobacco type, fertilization, soil, record keeping, or any other requirement affecting farming practices.

Amend the title so as to read: "A bill to protect the public health by establishing the Tobacco Harm Reduction Center within the Department of Health and Human Services with certain authority to regulate tobacco products, and for other purposes."

The **SPEAKER** pro tempore. Pursuant to House Resolution 307, the gentleman from Indiana (Mr. **BUYER**) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. **BUYER**. Thank you.

Mr. Speaker, I have a parliamentary inquiry: Because this is my substitute, do I speak last on the substitute?

The **SPEAKER** pro tempore. A manager in opposition will have the right to close.

Mr. **BUYER**. Thank you.

With that, I will yield to the cosponsor of this bipartisan substitute, Mr. **MCINTYRE** of North Carolina.

Mr. **MCINTYRE**. Mr. Speaker, I rise this evening in support of the Youth Prevention and Harm Reduction Act, which is embodied in the substitute that Mr. **BUYER** is describing and offering and on which he and I have worked together, which is a bipartisan bill.

I have worked with Mr. **BUYER** to craft a practical approach to government regulation of tobacco that protects health while preserving a vital economic engine for many communities, not only throughout my district in southeastern North Carolina and across the great Tar Heel State, but also across the country.

The underlying bill will grant the Food and Drug Administration wide authority to dictate to manufacturers and growers dramatic changes in product design and leaf cultivation, a concern that has been raised repeatedly by the tobacco growers in my district and tobacco growers throughout the States that are affected. The last thing we want, of course, is to have any government bureaucrat coming on the farm or dictating to farmers about how they grow their crops. This is the part that we want to be abundantly clear about.

□ 2015

The tobacco industry contributes over \$36 billion to the U.S. economy each year employing over 19,000 individuals nationwide. In my home State of North Carolina, over 8,600 people are employed by the industry with a State-wide economic impact of nearly \$24 billion. The manufacturing provisions and the concern about the FDA and its involvement on the farm in the underlying bill would put many companies and growers out of business. And in this time of economic uncertainty, the last thing that any of us can afford is to lose more jobs. Our substitute specifically protects growers by preventing any government agency from requiring changes to traditional farming practices, including standard cultivation practices, curing processes, seed composition, tobacco-type fertilization, soil, record keeping or any other requirement affecting farming practices.

In addition, this bill is about public health and prevents minors from smoking. Our substitute considers cutting-edge scientific research, as Mr. **BUYER** has indicated a little while ago, which would promote a harm-reduction strategy to move smokers to less harmful tobacco products.

So we're talking about here about protecting public health, definitely protecting minors, and making sure that our growers and farmers are not put out of business.

According to applied economics, the use of these reduced tobacco products increases the average probability of smoking cessation by over 10 percent. The Buyer-McIntyre substitute specifically addresses youth tobacco by encouraging States to penalize minors for purchasing and possessing tobacco products. Under current law, retailers are prohibited from selling tobacco products to minors, but unlike with the purchase of alcohol, minors are not penalized for underage purchase and possession of tobacco products.

This also calls upon the States to increase their percentage of the Master Settlement Agreement dollars to fund tobacco cessation and public health programs. In the past 10 years, States have spent just 3.2 percent of their total tobacco-generated revenue on tobacco prevention and cessation programs.

We take this concern about our youth seriously. I had a son. Back when he was in high school he was part of the Tobacco Free Kids Program and we understand, appreciate, and respect that; and, in fact, our bill has even stronger provisions dealing with that.

The Buyer-McIntyre substitute is a commonsense way to help protect public health and protect our vital tobacco economy and the jobs that we cannot afford to lose, especially in this time of economic crisis in our country.

I urge my colleagues to vote "yes" on the Buyer-McIntyre substitute, a bipartisan support, which provides a reasonable and pragmatic way to deal with tobacco regulation and help protect our minors from the harms of tobacco.

Mr. WAXMAN. Mr. Speaker, at this time, I rise to claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from California is recognized for 15 minutes.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 3 minutes to a very important member of the Energy and Commerce Committee and its Subcommittee on Health, the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague and chairman of our committee and a real pioneer and hero in this area.

I rise to give strong opposition to the Buyer amendment.

The Buyer amendment would undermine the precise goals of this underlying bill, that is to prevent kids from smoking. There is nothing in the Buyer amendment that would restrict tobacco marketing to youth, yet we know that marketing to our kids is a persistent tobacco company tactic. They do it to draw in new smokers at a very early age to replace their dwindling client base because of people finally being able to quit or, unfortunately, dying as a complication of smoking.

As a grandmother, I am horrified that my teenage granddaughters are the target of disgusting ads like this very one. Dressed to the Nines, this title was featured repeatedly in many magazines read frequently by young women and girls. The ad highlights the latest fashion trends. It tells kids how to "update your closet," and it directs them, of all things, to the Camel cigarettes Web site.

Under the Waxman-Platts bill, however, we specifically eliminate this kind of marketing to kids that depict smoking as cool or glamorous. And that's because it is not. Smoking is not cool. It isn't glamorous. It's an expensive ticket to an early death, and the tobacco companies and the magazines that run these ads, they know it, and they should be ashamed of themselves. But these days, corporate shame is in short supply, and we cannot rely on it to protect our kids.

In addition, this bill gives the FDA the authority to respond to the inevitable attempts by tobacco companies to circumvent new restrictions.

So I urge my colleagues to reject this Buyer substitute amendment because it lacks critical provisions that are so important to prevent children, our youth, from smoking.

I urge everyone to support the Waxman-Platts bill.

Mr. BUYER. I would say to the gentlelady who just spoke in the well that Mr. WAXMAN's bill was drafted years ago, and it was drafted prior to the Master Settlement Agreement. And it is the Master Settlement Agreement itself that has great restrictions upon advertisers. So there is a reason that I don't have it—I say to the gentlelady, there is a reason I don't have that part in the bill because the Master Settlement Agreement that is now administered by the attorneys general in 46 States, including the District of Columbia, who work in concert not only with the FDA but also with the Federal Trade Commission. These tobacco companies are not even advertising today in these types of magazines.

But one of the reasons I didn't go further in advertising is that when we work in concert with the Harm Reduction Center under Health and Human Services, what we seek to do is to inform the public with regard to the relative risks among different types of tobacco product, and that's what we seek to do. We seek to migrate people from the smoking to other types of products.

If I could, I would like to show exactly what I am about to share.

What I would like to share here with you is a chart, and what is important about this chart is about the continuum of risk and about all of the different types of products that are available in the marketplace today.

So when you think about this and you think about the continuum of risk, what I did is I sought to say, All right. Let's think about the products that are presently available out there.

So when you think about that, we have non-filtered cigarettes. That's the worse. I mean, you get those toxins. You get them right into your body and substance, and that's really bad. Non-filtered cigarettes.

Then you've got filtered cigarettes. We know that's a little bit better—all of these tobacco products are harmful. So we go from non-filtered cigarettes to a filtered cigarette.

Then I have a vented filtered cigarette, but those are really bad, too, because people try to gain access to that nicotine so they suck a little harder on that cigarette and they draw it deeper into their lungs. That's not a good thing.

Then we have tobacco-heated cigarettes like the Accord. Now, we know that that reduces a lot of the toxic substances, but we're really not sure

where on the continuum of risk does it lie along with the electronic cigarette because there isn't sufficient science yet to back that up.

And these are products that—innovation that is coming out in the marketplace because people every day are making conscious decisions about what we eat, what we drink on a risk assessment, and that's what we are trying to do here in the statute.

So after electronic cigarettes, we have smokeless tobacco products. Now, when I think about this, we can go from a non-filtered cigarette and go all the way down 90 percent down the health risk chart, 90 percent, to get to a U.S. smokeless product.

Let's talk about the difference between a U.S. smokeless product and a Swedish Snus. The U.S. smokeless tobacco product is fermented. So through that fermentation and the natural processing of tobacco and the nitrosamines, you still have some serious carcinogens and some toxic substances. But it is still scientifically shown to be a much better and safer tobacco product than that of smoking.

You see, it is not the nicotine that is killing people. It's the smoke. It's the smoke. It's the smoke. That's killing people.

So to get away from that—I heard somebody coughing. It was the smoke, I am telling you.

If we can pull them away from the smoke and move them down the continuum of risk chart—actually if we could get them into a Swedish snus, get them into a pasteurized product, we take away 98 percent of the health risk. And then if we can get them to—actually they are now called dissolvable tobacco products. These are orbs or strips that you can lay on your tongue or a stick that's a little like an oversized toothpick that you can stick in your mouth. These are tobacco products that contain no nitrosamines, and you can eliminate 99 percent of the health risk, but an individual can still gain their access to nicotine if they like.

And what we're trying to do, though, is move then down the continuum of risk, make informed decisions in order for them to be healthier but still gain access to their nicotine.

Then you have therapeutic nicotine devices, which are your gum, your patches, your lozenges.

And then we have pharmaceuticals. We want people to quit smoking. But in order to do this, what we've done—not only Mr. MCINTYRE but Mr. SHULER and others here in a bipartisan effort—is to create a harm-reduction strategy. And we embrace—so not only the goals of Mr. WAXMAN on abstinence, but we also embrace the goals of education, prevention and cessation activities as we try to move people and make informed choices along this continuum of risk.

Now, what is so, to me, unconscionable is that if, in fact, Mr. WAXMAN's bills were to pass, is that these new innovative types of nicotine delivery devices could not make their access to the market. Now as I said—I will say it for the umpteenth time—I respect Mr. WAXMAN and his desire to try to get people to eliminate smoking. We just recognized that today only 7 percent success rate with regard to these type of nicotine replacement therapies, and that's a failure rate, and we shouldn't do that.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, may I inquire how much time each side has remaining?

The SPEAKER pro tempore. The gentleman from California has 13 minutes remaining. The gentleman from Indiana has 7½ minutes remaining.

Mr. WAXMAN. Well, I plan to close the debate, and I know that Mr. BUYER has another speaker on his side, so I want to reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I would yield to one of the cosponsors of this substitute, Mr. SHULER of North Carolina, for as much time as he might consume.

Mr. SHULER. Mr. Chairman, I want to commend you for your hard work, and although we may disagree on legislation, I want to commend you for your hard work in the prevention of smoking and trying to get children off smoking as well.

So, Mr. Speaker, I strongly support the commonsense amendment proposed by the gentleman from Indiana. And I strongly oppose the underlying bill.

Putting a dangerous, overworked FDA in charge of tobacco is a threat to public safety. Last year, the FDA commissioner testified that he had serious concerns that this bill could undermine the public health role of the FDA. And the FDA Science Board said the FDA's inability to keep up with scientific advancements means that Americans' lives will be at risk.

What are these risks? Well, let me talk about three areas that just happened last year.

Last summer, 1,400 people were sickened by peppers from Mexico, but we shut down the entire tomato industry. Just last month, more than 100 people become sick because of salmonella and alfalfa sprouts. And in January, more than 500 people became sick because of salmonella from Peanut Corporation of America. Amazingly enough, this plant had never been inspected even after Canada rejected a shipment of peanuts. That's right. The FDA is overworked. We have to rely on the Canadians to inspect our food now.

Instead of putting our food and drug supply at greater risk, let's deal with the underage smoking head on. This amendment does that by putting more resources into prevention and harm-re-

duction programs that have helped reduce youth smoking by over 50 percent for the last 10 years.

Let's pass this amendment so that we can keep our kids safe from cigarettes and keep our children safe with the food that they eat.

□ 2030

I ask my colleagues to support the passage of the Buyer amendment.

Mr. WAXMAN. Mr. Speaker, I am going to reserve my time to close the debate, so I will allow the gentleman from Indiana (Mr. BUYER) to continue.

Mr. BUYER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Indiana for the excellent work that he has done on a substitute, for addressing this issue the way it should be addressed.

We are all concerned about cigarette smoke and the effects of tobacco on our health, and I don't think that is the debate that is here. But one of the things that concerns me in this debate is that there are some pieces that have kind of been left out, that are not being addressed.

Well, we all are concerned about what has happened with teen smoking, with the effects of tobacco on an individual's health. One of the things that has happened is the Synar amendment and the good work that the Synar language has done in reducing teen smoking has been left out, and what we are having brought forward is this bill that will actually give the FDA stamp of approval to some tobacco processes and uses. And for someone as a wife, a mother, a grandmother, a community volunteer that has actually worked to address school health curriculums, to address smoking, to fight and work with smoking cessation programs, I know that that is a dangerous step to give the FDA stamp of approval to tobacco usage.

In addition to that, this is legislation that is going to build a bureaucracy. It is going to pull the government into our farms, into our manufacturers, into our retailers further and further.

But, Mr. Speaker, I think that actually that's a lot of what is going on in this entire Congress, growing the bureaucracy. We're hearing it's going to take 250,000 new Federal employees to implement the stimulus and this massive budget that is before us; new Federal employees, 250,000 new Federal employees. It is building bureaucracies, taking power away from individuals, taking power away from the House and handing it over to a bureaucracy that continues to grow every single day.

And the steps that are being taken with moving tobacco to the FDA is another part of that. We know the FDA can't do the job in front of them now when it comes to dealing with policing drugs, looking at contaminated food,

addressing the issues that we have had with everything from peanut butter to pistachios. They are not getting the job done, and now we want to pull them on to our farms and into our manufacturing facilities addressing tobacco, and we have processes that already work. But it's not about funding and keeping attention on processes that work.

What we know is this is all about growing a bureaucracy. I encourage my colleagues to vote against this bill.

Mr. BUYER. I yield myself such time as I may consume.

According to the Journal of Health Care Law and Policy, dated 2008, "There is a very strong basis in science for believing that the harm caused by current cigarettes can be massively reduced by alternative nicotine delivery systems. Anti-tobacco campaigners who refuse to discuss harm reduction will merely be ensuring that they are not part of the ongoing dialogue that will shape this key area of policy."

I also would like to cite Britton and Edwards in *The Lancet*, 2007. "The risk of adverse effects associated with Snus use is lower than that associated with smoking, overall by an estimated 90 percent. Whatever the true overall hazard, use of low nitrosamine smokeless products is clearly substantially less harmful than tobacco smoking."

Also citing the Scientific Committee on Emerging and Newly Identified Health Risks, dated 2007, "The magnitude of the overall reduction in hazard," meaning switching from cigarettes to smokeless, "is difficult to estimate." But as outlined in their paper, for cardiovascular disease, it is at least a 50 percent reduction; for pancreatic cancer, it is at least 30 percent; for oral and other GI cancer, it is at least 50 percent reduction and probably more; and for lung cancer and chronic obstructive pulmonary disease, it's possibly even 100 percent.

Now, what I'm hopeful is that at some point, I'm going to make this quest that Mr. WAXMAN and I can somehow come together, because according to CBO the reduction in the rates of smoking in the Waxman bill is two-tenths of 1 percent per year. So we're going to take over \$6 billion to reduce smoking rates under Mr. WAXMAN's approach by two-tenths of 1 percent per year. Which means over a 10-year time frame, the total that we're going to reduce for smoking in the entire country is 2 percent. We are going to reduce smoking rates in the country under Mr. WAXMAN by 2 percent.

We can do much better than that, and that's why we have this substitute is that we want to move people from smoking down the continuum of risk to eventually quitting, and I think that's exactly what the chairman embraces.

Please support the substitute.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. WAXMAN. Mr. Speaker, I strongly oppose this substitute amendment offered by Mr. BUYER.

The bill before us, the Waxman-Platts bill, has been carefully crafted over more than a decade, in close consultation with the public health community. It's been endorsed by over 1,000 different public health, scientific, medical, faith, and community organizations. It is also supported by a prestigious and bipartisan group of former public health officials, including former Secretaries of Health and Human Services, Tommy Thompson and Donna Shalala; former Surgeons General, David Satcher and Richard Carmona; former CDC Director, Julie Gerberding; and former FDA Commissioner, David Kessler. It reflects a strong, reasonable, and comprehensive approach to addressing the tobacco epidemic.

Now, this Buyer substitute is deeply flawed. It represents an inadequate response for the greatest preventable cause of death and disease in the United States.

One of the biggest problems in this substitute is that it places oversight of tobacco under a totally new, untested agency. They create a new government agency that lacks any experience in protecting the public health. FDA is our Nation's primary protector of the public health, and it has both the regulatory and scientific expertise to handle the complex task of regulating tobacco. The agency devoted 10 years to investigating tobacco in the 1990s. It has over 100 years of experience in setting science-based standards to protect and promote the public health.

Mr. BUYER's substitute would ignore all of this expertise, would ignore the whole record of all of the public health organizations, and set up a new agency. And the premise of his new agency would be tobacco harm reduction, and he showed us a chart. That chart in effect said that what we should do is try to encourage people to reduce the harm from tobacco by using other tobacco products.

There's no evidence to support his approach. He is basing his assumption that current smokers will use smokeless tobacco to quit, but there's no evidence to support this assumption. In fact, the U.S. Public Health Service's clinical practice guidelines finds no evidence to suggest that smokeless tobacco is effective in helping smokers quit. Rather than have smokers quit, it's just as likely that smokeless tobacco can be used to introduce youth to tobacco use and to discourage smokers from quitting. I would submit that what his proposal would do would be to do everything but get smokers to quit, and it does not focus on getting people not to start smoking in the first place. The only evidence one can cite for using smokeless tobacco to quit is inadequate. It's not based on science, and

I'm sure it will be a tremendous boon to the smokeless tobacco industry.

A second major problem with the substitute is that it fails to provide any dedicated funding for tobacco regulation. Instead, it relies on a future appropriation that may or may not ever come along, and then this new agency is supposed to do something to reduce smoking in this country.

It fails to create effective Federal enforcement to prevent tobacco sales to minors. The Buyer amendment would not punish individual retail clerks. Instead, it would fine kids for possession rather than making sure that they don't have access to cigarettes in the first place. The Waxman-Platts bill would instead create a strong Federal enforcement system to ensure that retailers do not sell to minors, while providing adequate procedural protections for retailers.

Another flaw, it allows tobacco companies to keep targeting the kids. One of the most critical goals of our bill is to stop tobacco industry targeting of our children. This bill that's being offered as a substitute does nothing to address the problem. It leaves companies free to continue pushing their products on kids and teenagers, and I would submit that that is not a good substitute for the bill that is before us.

I'm also extremely concerned that it effectively exempts smokeless tobacco products such as chewing tobacco from any oversight. It assumes that those products are safe. Well, there's no evidence for that. It ignores the range of harm-reduction options that pose far less risk such as nicotine replacement therapies, which, by the way, are already being approved as safe by the FDA, and instead, he wants to substitute smokeless tobacco for smoking cigarettes.

The substitute fails to protect consumers from false and misleading claims about reduced harm. It would allow tobacco companies to market products as safer or posing less risk without providing scientific evidence that those claims are actually true. This means that consumers would still be vulnerable to false and misleading claims, and we know those claims: cigarettes are light, cigarettes are low tar. Those are the claims we've heard over the years, and they're wrong, they're dangerous, they're misleading, and nothing would be done to stop those kinds of claims under this substitute. Our bill would allow products to be marketed as less hazardous only when those claims are based on sound science and only when the health of the entire population is considered.

And finally, the substitute gives the tobacco industry a vote in advising the agency on scientific decisions. This flies in the face of everything we know about the industry. Big Tobacco has shown repeatedly that it will distort and discard scientific evidence in serv-

ice of its business objectives without regard to the public health. We don't give drug or device manufacturers a vote in advising the FDA, and we shouldn't do that here. Giving the tobacco industry voting representation on a scientific advisory committee has no precedent.

I would submit you can choose between a substitute that's just been offered only in the last month or so or you can vote for a bill that has been reviewed by and approved by the Heart Association, the Lung Association, the Cancer Society, the Campaign for Tobacco-Free Kids, the American Public Health Association, the American Academy of Pediatrics, the New England Journal of Medicine, and the AARP, just to mention a few of the thousand groups that oppose the Buyer amendment and support the underlying bill.

This tobacco harm-reduction act proposal is no substitute. In fact, it seems to me that the only harm it reduces is harm to the tobacco industry.

I urge a "no" vote on the Buyer substitute.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further proceedings on this measure are postponed.

□ 2045

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

#### PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BUYER. Why was I not given the opportunity to ask for the yeas and nays and it's reserved for tomorrow?

Do I have to be present tomorrow to ask for the yeas and nays? I know you said further proceedings are extended.

The SPEAKER pro tempore. Further proceedings on that measure are postponed.

Mr. BUYER. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BUYER. Isn't it normally a custom at the end of the bill for me now to ask for the yeas and nays?

The SPEAKER pro tempore. The Chair has the discretion to postpone



further consideration of the measure under clause 1 of rule XIX.

Mr. BUYER. Further inquiry.

You will then place the House on notice as to when we could then ask for the recorded vote for tomorrow, not only on the substitute, but also on Mr. WAXMAN's bill?

The SPEAKER pro tempore. The gentleman should consult with the leadership about scheduling decisions.

#### CONGRATULATING THE ON-PREMISE SIGN INDUSTRY

Ms. CLARKE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 298) congratulating the on-premise sign industry for its contributions to the success of small businesses.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 298

Whereas safe, creative, and effective on-premise signage has served as a primary catalyst to successful small businesses in America since the establishment of the Nation;

Whereas most of the companies that manufacture on-premise signs in the United States are in and of themselves small businesses as described by the Small Business Act and generate thousands of manufacturing jobs that stimulate the economy and support the local, State, and Federal tax bases;

Whereas the on-premise sign industry in turn sustains millions of additional entities covered under the Small Business Act by providing to retail businesses across the country an affordable and effective advertising medium through which they can communicate to potential customers about goods and services they offer, direct those customers to their small business sites, and reinforce the memory of existing customers about the locations and the nature of these small businesses;

Whereas the Small Business Act empowers the Small Business Administration to take actions to relieve the competitive disadvantages that small businesses face;

Whereas one such competitive disadvantage for small businesses is a lack of marketing research and advertising budgets to attract and retain customers;

Whereas the Small Business Administration has recognized the value of on-premise signage as a remedy to these competitive disadvantages and has taken action to remediate this disadvantage by collaborating with the sign industry to collect educational information about signs and to publish that information on its website that is free of charge and easily accessible to all small businesses; and

Whereas the on-premise sign industry will play a critical role in supporting the Nation's small businesses during the current economic downturn: Now, therefore, be it

*Resolved*, That the House of Representatives (1) applauds the United States Small Business Administration for educating small business owners on the benefits of using well-placed, well-designed on-premise signs to overcome competitive disadvantages in the areas of marketing and advertising, and (2) encourages the on-premise sign industry to continue its efforts to produce a new and

greater understanding of how to develop safer, more effective, and more affordable signage products so as to alleviate small businesses' competitive disadvantages in marketing and advertising.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

#### GENERAL LEAVE

Ms. CLARKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE. Mr. Speaker, I yield myself such time as I may consume.

The resolution we are voting on today would recognize the contributions of the on-premise sign industry to American commerce. The designers and manufacturers of signs are themselves small businesses that employ thousands of Americans.

But this industry's economic effect extends beyond those Americans that it employs directly. On-premise signs are an effective and affordable advertising medium, helping small businesses communicate with potential customers.

Many small businesses do not have the resources to invest in expensive advertising or costly marketing campaigns. This is especially true in tough economic times like right now. This industry provides an affordable advertising option for small business on Main Street USA.

Mr. Speaker, this resolution acknowledges the contributions of the on-premise sign industry to American small business. I urge my colleagues to vote "yes" on the resolution.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

This resolution is about the on-premise sign industry. They say that a business without a sign is a sign of no business. This commonsense truism is proof that a well-designed, on-premise sign can help small businesses succeed.

According to the U.S. Small Business Administration, on-premise signs are the "most effective, yet least expensive form of advertising for small businesses."

Small businesses need all the help they can get during these difficult economic times that we are currently experiencing, which would allow them with the signage help, to use effective advertising as a good start.

I say this as someone who brings over 35 years of small business experience to

the table, which would include 8 years on the House Small Business Committee, from which this resolution comes.

Just to touch some of the high spots on the on-premise sign industry, we have small businesses in particular that are at a competitive disadvantage with the large industries in the country today. One of the things that helps them compete is the effectiveness of being able to place signs in proper locations.

When I think about driving down the road and often we're looking for the signage that directs us on where we turn off—the right turn for gas, food, or clothing, or whatever it might be—it wouldn't be America if it weren't for the on-premise signs. It helps direct customers to the small business sites.

I want to also add, Mr. Speaker, that the Small Business Act empowers the Small Business Administration to take actions to relieve the competitive disadvantage that small businesses face. The Small Business Administration has recognized the value of on-premise signage, as we recognize in this resolution tonight.

I will say that it's a sign of the entrepreneurs in this country. It's a sign of their success. And lack of a sign is an indication of a potential business failure. We simply cannot find these businesses to do business with them if it were not for signage, Mr. Speaker. That's what brings this resolution here.

I'd also address that small business feels this pressure of this downward economic spiral as much as or more than any other sector of this economy. They are pressured by their customers' lack of revenue, they're pressured by budgets being squeezed, by large corporations, the pressure by the demands of an economy that has shrunk dramatically and that continues to stagnate in the bottom of the trough. They're pressured by taxation and regulation more so than large businesses are.

The businesses that need these signs up in front of them are also the ones that are under the scrutiny of the IRS. They're under the scrutiny of the Federal regulators. There is some information that I have accumulated that shows that the businesses in this country are subjected to over 680 Federal regulating agencies. Six hundred eighty. And the burden that small business has is they don't have multiple floors in their high-rise office buildings that are full of lawyers and counselors that are in the business of keeping these businesses in compliance with all the Federal regulations.

They need to have their property rights preserved. They need to have low taxation and low regulation. Big business will often come to this Congress and advocate for more regulations because they know it puts them

at a competitive advantage over the small businesses that are at a distinct disadvantage, Mr. Speaker.

These businesses need every advantage we can give them because they are the incubators for the businesses that will grow into the large employers into the future. They happen to also be the businesses that employ a significant majority—70 to 80 percent—of the employees in this country.

They can't make it without signs. They can't make it without being able to exercise those property rights. The Small Business Administration recognizes that. We recognize that, also, in this resolution tonight, as we recognize the burden of this economy, the burden of this budget, and the extravagant expenses and spending that's taking place that's rolling out from the top reaches of the government in this country.

Somehow, there has been this tsunami of a current that has swallowed us up—a Keynesian current—the idea that we can spend and borrow our way into prosperity, even though a family can't do that, a small business knows they can't do that, the on-premise sign industry knows that you can't do that.

You've got to have effective utilization of the resources in order to find a profit so that you can hire people. That's what creates jobs, is profit. Productivity marketed well, with good advertising, creates the profit that's necessary in order to hire employees and it creates the good jobs.

I want to provide the provision so that in this country our small businesses can succeed with signage, with low taxes, low regulation, and not putting the burden off onto future generations.

With that, Mr. Speaker, I would reserve the balance of my time.

Ms. CLARKE. Mr. Speaker, I reserve the balance of my time.

Mr. KING of Iowa. I would yield myself the balance of my time.

To reiterate these points that I've made, it may not serve a purpose here, but I would take us back to where we stand with the Federal spending that exists today.

This Federal spending that doubles our deficit in 5 years and triples it in 10 years, this spending, this profligate spending that's rooted in the Keynesian philosophy—John Maynard Keynes—who said, "I can solve all the unemployment in America." This is during the economic crisis called the Great Depression of the thirties.

How did he propose to solve all the unemployment problem in America? He said, If I can just go out to an abandoned coal mine and drill a lot of holes into the bottom of that abandoned coal mine and put U.S. dollars in those holes, fill them back up again and fill the coal mine full of garbage—and that was the word he used, was garbage, which I thought was interesting—then he would turn the entre-

preneurs in America loose and they could go about digging through that garbage and that would put everybody to work and it would solve the unemployment.

This is the mindset that prevails in this psychology that comes from those who are spending trillions and trillions of our grandchildren's dollars.

It's interesting. I don't know that John Maynard Keynes when he talked about digging holes and burying money and filling the coal mine up with garbage, he didn't talk about the signage necessary to be able to direct the entrepreneurs to the landfill or the coal mine so they could begin to dig through that garbage and come up with this money.

In fact, Keynes said: The more foolish the spending, the better, because at least when you spend it in a foolish way, it's not competing directly with the private sector that has, by virtue of it being able to compete, demonstrated that it is a more prudent expenditure than government can possibly make.

So I don't submit that we bury money in the coal mine or fill the coal mine up with garbage. I think that the EPA would probably raise an objection with that, Mr. Speaker. But I do submit that we get our wits about us, get a handle on what we're doing with our expenditures, get control of this profligate spending that's taking place and take responsibility in our time, in our generation, this year, now, here, in the House of Representatives, instead of delaying it off onto future generations.

Let's tighten our belt now like a family would tighten their belt now. Let's make sure that the entrepreneurs in America have the tools they need to help us recover from this downward spiral in our economy.

Let's keep the taxes low, let's keep our spending low, let's keep our borrowing low. Let's keep our regulations low and let's put our signs up high so everybody can see where to turn off to the small business and do business there.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to clear the well while another Member is under recognition.

Ms. CLARKE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and agree to the resolution, H. Res. 298.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks and insert material relevant to the consideration of H. Con. Res. 85, the concurrent resolution on the budget for fiscal year 2010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

#### CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 305 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, H. Con. Res. 85.

□ 2058

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIR. Pursuant to the rule, the concurrent resolution is considered read the first time.

General debate shall not exceed 4 hours, with 3 hours confined to the congressional budget, equally divided and controlled by the Chair and ranking minority member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Texas (Mr. BRADY).

The gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. RYAN) each will control 90 minutes of debate on the congressional budget.

The Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. Madam Chair, President Bush has left President Obama a hard hand to play. The economy is receding, the budget is in deficit by \$1.752 trillion, according to OMB, and the end is nowhere in sight.

□ 2100

President Obama has responded with a budget that meets the challenge head on. The Budget Committee's resolution before us tonight reflects his policies and his proposals.

The President has recognized that we have not one but two deficits. The first

is an economy running at 6 percent to 7 percent below its full capacity. To move our economy closer to its capacity, the President has signed into law a package of stimulus measures totaling \$787 billion.

Here is what the Congressional Budget Office says in its analysis issued 2 weeks ago about the stimulus package, and I am quoting, "The adoption of the American Recovery and Reinvestment Act and very aggressive actions by the Federal Reserve and the Treasury will help end this recession this fall." Let's hope they are right.

In light of this prognosis, it is hard to believe, but our colleagues from across the aisle use their budget to call for terminating, ending, the Recovery and Reinvestment Act.

The President next turned to the budget. He has sent us a budget to cut the deficit by two-thirds, two-thirds by 2013, from \$1,752,000,000 from this year to \$533 billion in 2013.

Now, it is all but impossible to balance a budget when the economy is in recession, and, for that matter, it is ill-advised. To end, or at least to mitigate this recession, our economy is in need of more demand for goods and more demand for services, and any demand we generate to make the economy run better will make the deficit run larger at least for now.

But here is the stark reality: The deficit that President Bush left behind constitutes a massive 12.3 percent of our gross domestic product. At least two-thirds of that stems from tax and spending policies undertaken by the Bush administration. Anyone, almost anyone, would agree that this is an unsustainable deficit, defensible only in deep intractable recessions.

President Obama clearly believes that, because he has responded with a budget that pares the deficit down to 3 percent of GDP in 2013. His budget cuts the deficit to \$533 billion in 4 years.

The budget embodied in our resolution before us tonight uses CBO projections instead of OMB, and reduces the deficit to \$586 billion in 2013. That is 3.6 percent of GDP or, roughly, the real rate of growth for that year.

Our budget is not so committed to deficit reduction that it overrides or overlooks other needs. In fact, it takes on topics that previous budgets have found too tough to tackle, like health care for the millions of Americans who lack insurance.

On top of that, it slows down defense spending with an increase of 4 percent, and makes a moderate adjustment to nondefense discretionary spending, lifting it a bit above this year.

Notwithstanding deficits, the President's budget launches some bold initiatives to make our economy more productive and our people more competitive: First, in education through Pell Grants in particular; next, in health care for the millions who are

uninsured; and, finally, on alternative energy to reduce our dependence on foreign oil and the depletion of our environment. This resolution upholds those priorities.

Now, some will single out instances where additional revenue is raised, for example, by allowing certain concessions for upper-bracket taxpayers to expire at the end of 2010, which is the date they were set to expire.

But the bigger picture will show that this budget leaves in place the middle-income tax cuts adopted in 2001 and 2003, the 10 percent bracket, the child tax credit, and the marriage penalty relief. It indexes the alternative minimum tax to keep it from coming down on middle-income taxpayers, for whom it was never intended. It also extends estate tax exemptions at the 2009 level, \$3.5 million per decedent, and indexes the exemptions for future years.

Our colleagues on the other side of the aisle have complained about the President's tax and spending policies; but let me read from CBO's own non-partisan analysis of the President's budget, which is basically before us tonight.

I am quoting: Proposed changes in tax policy would reduce revenues by an estimated \$1.7 trillion over the next 10 years. Reduced revenues, by an estimated \$1.7 trillion over the next 10 years. That is CBO talking.

The President's major initiatives, those in health care, energy, education, the environment, are all implemented by way of reserve funds. And I would stress that these funds are deficit neutral. They are yet to be funded, and will only become operative to the extent they are funded and will only be enacted if they are deficit neutral.

The resolution before us sounds all of these themes and, with a few exception, supports the principles that underlie the President's own budget. This is just the beginning; however, it is a bold beginning for the 2010 budget.

Our resolution is laid out in the form of a 5-year budget using CBO's scoring and CBO's projections of the economy. OMB has run its budget out over 10 years and our Republican colleagues have done the same, but a 5-year budget is not at all unusual; in fact, it is the customary timeframe for budgeting. In recent years, four deficit reduction acts have been enacted, and all implemented budgets of less than 10 years. Graham-Rudman-Hollings, the Bush Budget Summit, the Clinton Budget in 1993, and the Balanced Budget Act of 1997 all were 5-year budgets.

The farther out you run forecasts, the more tenuous they become. It is speculative just to predict what the economy is going to do 10 months from now much less 10 years from now. Five-year forecasts are, therefore, more realistic, more reliable; and, if the projected results don't pan out, they are more amenable to adjustment.

All projections rest on assumptions about the future, and the assumptions can have a profound effect on the bottom line. To show you how uncertain assumptions can be and projections can become, look at CBO's recent experience. Just since last January, CBO's estimate of the deficit is off by \$436 billion, since January. Look at the long run, because small differences compound over time into big differences. Over 10 years, the difference between OMB's estimate of tax revenues received and CBO's is \$2.8 trillion. That is a huge difference that has a huge impact on the bottom line of these competing forecasts.

Fortunately, the congressional budget process is an annual process. Since we revisit the budget every year, we can take steps to correct its course, which we will surely do with deficits of this gravity looming over us.

For our part, I can tell you that we are mindful of the second 5 years. As we approach 2015 and 2016, we will be making corrections to see that the deficit stays on a downward trajectory. We believe that these midcourse corrections can best be made when our economy has emerged from the recession and we have a much better and clearer view of an economy that bounces back.

Right now, our economy is mired in the worst recession since the 1930s. It stands in marked contrast to the fiscal situation that the Bush administration faced 8 years ago. Instead of inheriting a surplus of \$5.6 trillion as did President Bush, President Obama has inherited a deficit, a deficit of \$1.7 trillion to \$1.8 trillion. At least \$1.3 trillion is attributable to the spending and taxing policies of the Bush administration.

In effect, President Bush told us we could have it all, guns, butter, and tax cuts, too, and never mind the deficits. Well, 8 years and \$5 trillion later, the country is confronted with the worst deficits in our peacetime history. These are not cyclical deficits so much as they are structural deficits. They were built into the structure of the budget over the last 8 years, and they will overhang our budget for years to come as we try to wind them down.

This situation cannot be reversed in a year, but we offer today a budget resolution that puts us on the right path. It will have to be renewed, it will have to be complemented, it will have to be adjusted many times before the economy and the budget are right again, but today we can start that process by voting for this resolution.

I ask the Chair if she could tell me how much time was consumed.

The CHAIR. The gentleman from South Carolina has used 9 minutes.

Mr. SPRATT. I reserve the balance of my time.

Mr. RYAN of Wisconsin. Madam Chair, let me inquire about the time allotments. I realize we have 2 hours

equally divided. It is my understanding the gentleman is going to do 10-minute blocks. Is that what the chairman is going to be doing? Okay. Let me ask, Madam Chair, how much time is remaining on their side.

The CHAIR. They have used 9 minutes.

Mr. RYAN of Wisconsin. I yield 10 minutes to myself to control that block of time. Madam Chairman, this is a big debate. This is a very, very significant debate. This is a debate about the budget of our country, the fiscal future of our country. It is a debate that is probably the biggest fiscal debate we have had in this country in decades.

It is 9 p.m. on a Wednesday night. This is a debate that is going to go on for 3 hours, into the late part of the night. I wonder why the majority decided: Let's have this debate when everybody is watching CSI. Let's have this debate when no one is watching C-SPAN.

If we are so excited about this budget, why aren't we having this debate in the broad daylight? If we really think this is the way forward for America, why don't we talk about it when America is watching? It is almost like a pay raise debate.

Now, let's talk about this budget. We need more than just 3 hours, I would say, to debate this budget. Let's look at just what this budget does.

Now, you are going to hear three phrases: Spends too much, borrows too much, taxes too much. That underscores what this budget really does.

Madam Chairman, the debt held by the public under this budget doubles in 5½ years, triples in a little over 10 years. Let's put it in a different way.

The kind of red ink this budget proposes for our children and our grandchildren, for our country, is more under this presidency than the presidencies of George Washington to George W. Bush combined.

We used to see these charts out in front of the offices of the Members who call themselves Blue Dogs, until the charts were banned out in front of offices, that said: Here is what the national debt is. Here is your share. It is shameful. It is terrible. We have got to get our debt. And yet, we are told that the Blue Dogs are marching in lockstep for this budget that doubles the national debt in 5½ years and triples it in 10½ years.

And one thing would be interesting, one thing would be a decent argument if all the tax increases in this budget, \$1.5 trillion in tax increases, the biggest tax increase we last had was \$345 billion. So \$1.5 trillion in tax increases, small businesses, the assets that make up our pension funds, our 401(k) funds, our college savings plans, energy. One estimate from MIT says the cap-and-trade scheme could raise taxes on households by as much as \$4,500 a year. The Congressional Budget Office says,

no, it is more like \$1,600 a year. The point is, a lot of taxes.

Are these tax increases being used to reduce the deficit? Are these tax increases being used to pay down debt like President Clinton proposed in 1993, the last time we had a really large tax increase? No. They are to fuel higher spending.

But what is worse than all of that from a fiscal recklessness standpoint is all these new taxes, \$1.5 trillion, is to finance even more spending. So we are putting our country on this vicious cycle of chasing ever higher spending with ever higher taxes that never quite catch up with that spending to give us a record amount of debt. The problem is, one day maybe people won't buy our debt. What happens when that happens?

So we are going to hear from our colleagues over the next 1 hour, 45 minutes about all the great investments in education, the great investments in this and the investments on that, and spending money on this and spending money on that, and just how great and compassionate that is. I want to tell you one thing. I want to show you what the Congressional Budget Office just told us, and here is what they told us.

My three children, who are 4, 5, and 7 years old, when they are my age, here is the tax bill that will be due them—this is the Congressional Budget Office—if we don't get this under control. These are the tax rates that will be necessary to tax the next generation. When my kids are my age raising their kids in Janesville, Wisconsin, just like I am doing with my wife and myself, the bottom tax bracket for that generation if we pass this budget and pass this bill on to them, the 10 percent bracket goes up to 26 percent. Middle-income taxpayers who now pay a 25 percent income tax bracket pay 66 percent.

□ 2115

The upper bracket, which is the one that the small businesses pay, instead of paying 38 percent, or it is about to be 40, will pay 92 percent.

This is not some mythical pie-in-the-sky estimate. This is the Congressional Budget Office saying if you are going to raise taxes to pay for all this borrowing, here's what the next generation is going to get. We are passing on to the next generation the most reckless budget, the most reckless deficit and borrowing spree, in generations.

Here is my biggest concern, and I want to yield to some of my colleagues here. My concern is that at the beginning of this budget debate what we really ought to be talking about here is do we want the America we know and love, or do we want to take that system, put it aside and adopt another form of government, adopt a European-style system? Because that is, after all, what we are talking about here. Do we

want to have our tax levels, our debt levels, the size of our government levels at these huge levels that we know very well from history's stories show us high unemployment, stagnant wages and lower standards of living?

I just find it so interesting and so ironic that European capitals are lecturing us today on fiscal discipline. It is kind of embarrassing actually. I find it amazing that the Chinese are lecturing us about getting our borrowing under control because they are worried about the value of our currency in our bonds. It is embarrassing. And yet, in the middle of the night, we bring this budget up that proposes this enormous gusher of more spending, more borrowing and more taxing. And we think this is the road to prosperity? This is the road to serfdom.

We will offer an alternative tomorrow. Yes, our friends on the left will disagree with that alternative. We want America back. We want the country we grew up in. We want the country that says we are going to have a safety net to help those people who cannot help themselves, help them when they are down on their luck. We don't want everybody laying in a hammock where they are dependent on the government. We want a country that rewards achievement, production, activity, working hard, improving your life, making life better for you and making sure in your generation you take on your responsibilities and fix the problems so your kids are better off. That is the America we grew up in. That is the America we want, and that is the America you are kissing away with this budget.

We are going to talk numbers. We are going to talk statistics. But at the end of the day, we are passing an unconscionable amount of debt on to the next generation. And it is going to kill our current economy. I'm not one who is typically that passionate. I am not one who typically comes down here and says things like this. But I have never seen a budget like this in my life. I have never seen the numbers quite this awesome in how big they are. This is a budget that should be rejected.

We want bipartisanship. But for the majority to have it, you have to collaborate with us. And we are asking the Blue Dogs, I know you're out there. I know you're thinking about this vote. I know you're listening. Help us. Do you want your fingerprints on this mountain of borrowing? Do you want to go home to your constituents whom you told you were going to be conservatives and say you signed up for this stuff? You have the votes to stop this. The people who call themselves Blue Dog Democrats can stop this bill. They have the votes to do that. Do it, and join us, and let's work together to fix this.

I want to close my comments the way I opened them in the markup. The

gentleman from South Carolina (Mr. SPRATT) is a true gentleman. He brings real definition to this northerner as to what it means to be a southern gentleman. I would love nothing more than to sit across the table from that man and strike a real budget bargain that actually reduces our debt, that actually puts our fiscal house in order. Because that is the kind of man that could do that kind of a budget. He did it in 1997. I think he can do it again.

Unfortunately, this administration, this House leadership, is leading us off the leftward cliff. They are leading us off a leftward cliff. And it is in the power of those Democrats who call themselves Blue Dogs to stop it from happening. And I am begging you, please, stop this crime on the next generation.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to address their remarks to the Chair.

Mr. RYAN of Wisconsin. Madam Chair, how much time do I have left in my allotment?

The CHAIR. Fifteen seconds.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. SPRATT. Madam Chair, before yielding 11 minutes to the gentlewoman from Pennsylvania, I yield 1 minute to Mr. ANDREWS, the gentleman from New Jersey.

Mr. ANDREWS. Madam Chair, my very sincere and articulate friend from Wisconsin forgot a few facts. He forgot that during the watch of his party, for every \$1 of debt they inherited, they left us with nearly \$2.

He neglected to mention that the budget before us cuts by two-thirds the deficit that we inherited from our friends on the other side. He neglected to mention the budget before us cuts by \$1.5 trillion taxes on middle-income Americans who drive school buses or sell real estate. And he neglected to mention that under their method of job creation, for every one job they created under their way, we created 108 under our way of managing the economy.

This is a very big debate and a very big choice between a failed status quo of the past and a progressive way to change our country in the future. That is why we are going to vote "yes" for this budget.

Mr. SPRATT. I yield 11 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Thank you to Chairman SPRATT for his tireless and excellent work on this budget. It is a budget that embraces the President's goals to rebuild the economy, to restore fiscal integrity and to give Congress the ability to make investments needed for our future prosperity and security.

First, it is important to understand and remember that President Obama and this Congress inherited the results of 8 years of failed economic and fiscal

policies, doubling the national debt in 8 years and left this administration with \$1.3 trillion in debt and an economy in deep recession. We have already taken action to rebuild our economy and to create new jobs providing tax relief to 95 percent of Americans, creating jobs by assisting small businesses and our States, investing in needed infrastructure and investing in energy independence, health IT and education.

This budget builds, by these essential steps, by enabling Congressional action, that will lead us to future economic growth in the areas of education, energy and health care. We will not be prepared, we will not be economically competitive if we do not tackle these challenges.

For the next few minutes, my colleagues and I will focus on the critical investments we need to make in health care. This budget sets aside a revenue-neutral reserve fund for health care reform. "Revenue neutral" means that we will find the money to pay for health care reform. And it includes reconciliation language to ensure that we have the debate much needed here in Congress and with the American people on the issues of cost, quality and access to health care for all Americans. Through the discussion, we would hope that we can be bipartisan.

We expect to develop a uniquely American solution to address the concerns of American families and American businesses. Forty-seven million uninsured Americans, millions more underinsured and rising costs in health care premiums for our families, for our businesses and, yes, increasing costs for government. This American solution will achieve three important goals. One, we will contain the unsustainable growth in health care costs borne by public and private sectors. Two, we will improve quality and efficiency so that Americans get the very best and appropriate health care they need. And three, we will expand access and remove barriers to affordable health coverage for all Americans.

I urge my colleagues to support this budget because it is honest, it is fiscally responsible, and it enables us to address the long-term goal of quality, affordable health coverage for all Americans, which is the foundation of economic prosperity and security for our citizens and our Nation.

Now I would like to ask to join in the conversation the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. This budget addresses our Nation's priorities. It confronts our economic crisis. It makes critical investments in our long-term growth. It cuts the deficit by nearly two-thirds and cuts taxes for middle-class Americans. It reduces wasteful spending while making long overdue investments to get our country back on track.

At its core, the idea is that we cannot fix our economy without fixing our

health care, as the gentlewoman spoke about. Every day I hear stories from my constituents about a broken system; the woman who lost her job and health care benefits, the small business owner struggling to offer health care coverage to his or her employees, people with preexisting conditions who cannot find a health insurance policy at any cost.

There are no easy answers when it comes to making our health care system work for everyone. One thing is clear: This is our window of opportunity. The country cannot wait another year. Bills are piling up, and people are putting off the health care they need. This budget is essential to ensuring quality, affordable health care for all of our citizens. And it says to them, as my colleague knows, it gives them flexibility, keep what you have now, or you have a choice of a private or a public health insurance plan.

This budget takes action to control the underlying cost of health care. It addresses chronic illness on which we spend 75 cents of every health care dollar. We must do a better job encouraging healthier life styles. It covers preventive services and improves care coordination, all of which improves the quality and creates a more efficient health care system that delivers better care, not just more care. And finally, we need to reform this broken health care system, not in spite of our struggling economy, but because of it.

I urge my colleagues to stand behind this responsible budget. It is the foundation of a strong economy, future growth and true health care reform. I thank the gentlewoman for leading this segment of the budget debate. Health care is what our future needs to be about. This budget does it.

Ms. SCHWARTZ. I thank the gentlewoman.

Now I want to recognize the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I want to thank Chairman SPRATT, and I want to thank Congresswoman SCHWARTZ for yielding.

Madam Chair, I rise in strong support of the fiscal year 2010 budget resolution that is before us this evening. It is clear that in order to rebuild our economy and achieve long-term fiscal sustainability, we are going to make strategic investments in programs like health care, education and energy while simultaneously providing meaningful tax relief to families and businesses who are struggling right now to regain their economic footing. Well, this budget reflects those crucial priorities while adhering to an honest accounting of our fiscal challenges.

Now I believe that our greatest budgetary challenge right now is one that is deeply and unmistakably intertwined with the strength of our Nation's economy, and that is the need for health care reform.

Dr. Peter Orszag, the Director of the Office of Management and Budget, recently testified before the House Budget Committee that "the single most important step that we can take to put our Nation back on a path to fiscal responsibility is to address rising health care costs." Well, I could not agree more. As the cost of health care continues to rise, it is burdening our families, placing employers at a competitive disadvantage and costing our government, and ultimately the taxpayers, billions in unnecessary expenditures.

Well, Madam Chair, this budget supports our shared goals for health care reform and provides the framework necessary to improve the health of our Nation, reduce expenditures over the long-term and ultimately regain the economic strength of our great Nation.

I ask my colleagues to support this resolution. I give great credit to Chairman SPRATT and my colleagues on the Budget Committee for the hard work that they have put in to craft a responsible, truthful budget.

Ms. SCHWARTZ. I thank the gentleman. And I want to yield to the gentleman from neighboring New Jersey, Representative ANDREWS.

Mr. ANDREWS. I thank my friend for yielding.

Madam Chair, for 8 dreary years, we have heard what the other party could not do. No, they could not stop the hemorrhaging of dollars from our pockets to pay for health care. No, they could not bring quality health care to every American. No, they couldn't provide health care for hardworking people who stand behind cash registers or pump gas or work at a nursing home. No. No. No.

We have turned a new leaf. There is a new opportunity to talk about what America can do. And this budget says what we can do together in health care. It says to those who have health care and like their coverage, they can keep it. It says to those who like the doctor or the hospital they go to, they can continue to do that.

But it says to those Americans who work so hard every day but cannot have a health care card in their pocket when they take their child to a pediatrician that it is your time now, it is your turn now to have some attention from this Capital and from this government.

□ 2130

And this budget facilitates and makes possible a plan where hardworking Americans can finally have access to affordable health care. The naysayers will say, no, it's too soon. No, it's too much. No, it's too grandiose. I don't think it's too soon. I think it's too late for a lot of people. I don't think it's too much. In some ways it's too little, and it certainly is time to stop the hemorrhaging of dollars from the pockets of our people,

provide health care for hardworking people, and that is what this budget does.

Ms. SCHWARTZ. And last, and certainly very important in this debate is someone who's been very outspoken on health care, my colleague, the gentlewoman from Illinois, Representative SCHAKOWSKY.

Ms. SCHAKOWSKY. I think I've been waiting for this budget, this opportunity most of my adult life, certainly, all of my public life.

Budgets aren't just about numbers. They're about visions and values, and to me there is no more important value than this budget's commitment to guaranteed, affordable, quality, comprehensive health care for all Americans.

No sector of our economy is immune from the twin problems of rising health care costs and declining access. Virtually no family in our country is immune. 47 million Americans are uninsured, but they're not the only ones struggling. Over half of all Americans are delaying, foregoing or skimping on necessary medical care. The consequences are serious.

Businesses, especially small businesses, are being forced to lay off long-term staff, cut or eliminate benefits, or even close their doors because of health care costs.

And this budget also makes room for improvements in Medicare, providing reasonable payments to doctors, and improving the quality of care for our seniors and persons with disabilities.

Some in this body have spoken against health care provisions in this budget because they say the cost is too great. But the American people know that the cost of maintaining the status quo is even greater and more unsustainable.

We can and, going forward, we will debate on how to achieve reform. And I'll be working hard to give everyone the option of choosing a public health insurance plan. But if we don't pass this budget now, we will miss the historic opportunity to finally make sure that every single American will have access to the affordable comprehensive health care that we all need.

Ms. SCHWARTZ. Madam Chairman, I think my colleagues have made the point, and we all have. It's time to take action on health care.

Mr. RYAN of Wisconsin. Madam Chairman, I will yield 3 minutes to the gentleman from Ohio, a member of the Budget Committee, Mr. AUSTRIA.

Mr. AUSTRIA. Madam Chairman, I'd like to thank the ranking member from Wisconsin for yielding. And as we just heard from the ranking member, this budget will increase the size, scope and cost of the Federal Government by historic amounts.

And when I fly home on weekends to my three sons—I also have three sons—it is difficult for me to go back home

knowing the amount of debt, historic amounts of debt that I am putting on my children, our children and our grandchildren, that will be paid for for years to come.

And now to chase some of the spending, what this budget does, it now includes nearly \$1.5 trillion in new taxes, a tax hike over the next decade that's going to further weaken America's prospects for sustained economic growth and job creation well into the future. And it's no surprise that the bulk of these tax hikes are allegedly to hit those nameless, faceless wealthy Americans, so to speak. But, in fact, those people, those individuals that we're talking about, many of those are small business owners and investors, the same small business owners and investors who create 60 to 80 percent of the jobs in this country, and who are precisely the people whose enterprise is needed to restore the economy.

This budget includes a cap-and-trade proposal that sounds harmless, but, in fact, it is very harmful. It's a \$629 billion tax increase on who? On hardworking families, families that are struggling to make it from paycheck to paycheck.

If you use natural gas, if you turn on the light switch and use electricity, you heat your home, you fill up your gas tank with gasoline, anything you use with carbon, we're now going to raise the cost of energy on you. We're going to raise, in this bill, the cost of energy for the average American family by about \$1,600 per year. And I have seen reports that are two, three times that amount.

And this tax will further erode the job growth of the U.S. manufacturing sector. And I am from a State in the Midwest, Ohio, where we have a lot of manufacturing. And I fear that we're putting American companies at an even greater competitive disadvantage with China and other countries.

When we take a step back, we may ask ourselves, why would the President and the Democrat leadership want to raise taxes on small businesses and families during a recession?

Well, Madam Chairman, we just, we heard earlier, it's because of all the spending that we heard about earlier from our ranking member, that they need these tax hikes to give the illusion that they're not increasing the deficit and debt as much as they really are.

The problem is, there's no spending restraints in this bill. And that illusion is only going to be able to last so long because, even with the massive tax increases in this bill, this budget spending growth is so explosive that it outpaces revenue for the entire budget period.

So it's clear the tax hikes that we're looking at today, I think, are just for starters. I mean, even the New York Times recently warned that, in fact,



the President will inevitably have to raise taxes.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield 30 seconds to the gentleman.

Mr. AUSTRIA. Let me just point out, because we are going to hear more about this. I want to make one key point, and that is that this budget relies on the flawed notion that the Federal Government can spend all it wants for as long as it wants and just borrow from other countries and tax our own citizens. And for what? Just to keep this good deal of spending going?

We can do better. Americans expect better, and we need to fix this problem. It's a concern short-term and long-term.

Mr. RYAN of Wisconsin. At this time, Madam Chair, I would like to yield 5 minutes to the gentleman from California, a member of the Budget Committee and the Ways and Means Committee, Mr. NUNES.

Mr. NUNES. Madam Chairman, outlined in the Democrats' budget proposal is something called cap-and-trade. Not many people are familiar with what cap-and-trade means. But simply, it's an energy tax. It's a tax on everyone who drives a car, flips on a light switch, or consumes a manufactured item made in the United States. In fact, it's the largest tax increase in American history, amounting to almost \$2 trillion, and it will impact everyone. This is why I refer to it as cap-and-tax.

Even President Obama admitted to the San Francisco Chronicle that, under this cap-and-tax scheme, energy prices would skyrocket. Total costs of this tax are estimated at nearly \$2,000 for each American household.

So what does this mean to the American household? What would they have to give up to make up for this \$2,000?

You could quit eating. Or just don't buy any furniture or appliances for the year. Or maybe don't buy your children any shoes or clothes for the year. Or if you're real concerned about global warming, just stop using electricity and stop heating your home. Or, like some people do today in Washington, just stop paying your property tax. That would make up the \$2,000.

Under this scheme, the Democrats treat energy as a luxury. When energy becomes a luxury, all else becomes a luxury too because energy makes everything possible.

Seldom do the experts agree on much, but on cap-and-tax, there's a clear consensus. It will destroy millions of jobs and devastate our economy.

Republicans want to reduce carbon emissions. We believe it's a worthy goal. The Republican budget alternative that we will talk about tomorrow expands domestic oil exploration in Alaska, on the Outer Continental

Shelf and other untapped natural resources. This will create new American jobs today, high-paying jobs, not phantom green jobs.

At the same time, the Republican budget mandates that the revenues from this new oil and gas exploration, literally hundreds of billions of dollars, be directed to things like solar panels and wind farms. No Democrat plan has ever contemplated such a massive investment in solar and wind. And this, all at no cost to the taxpayers. The oil companies pay for it.

Our budget also highlights the importance of investments into nuclear energy. Nuclear power produces zero carbon emissions. Let me repeat, zero carbon emissions. It provides us with clean, cheap and abundant electricity.

Construction of 200 nuclear reactors would reduce carbon emissions more than any disastrous cap-and-tax scheme. An investment in nuclear power would also help America achieve energy independence, lower consumer prices and, in sharp contrast with the Democrats cap-and-tax scheme, nuclear power investments would actually create jobs.

A choice is hereby laid before this body: A Democrat budget that taxes energy and creates the largest tax increase in American history, while having no impact on carbon emissions, or a Republican alternative that actually invests more in renewable energy than the Democrats, takes more carbon out of the air, and doesn't cost the taxpayers anything.

A vote for the Democrat budget would represent much more than a lack of common sense. It would be a clear sign that the priorities of the Democrats rest, not with the American people, but with the special interests of the radical environmentalists.

The Republican budget is about common sense. It uses American resources to create American jobs on behalf of the American people.

I would urge my colleagues to reject the Democrat budget and, hopefully, we can get enough Blue Dogs to support the Republican alternative that we'll offer tomorrow.

Mr. RYAN of Wisconsin. Madam Chair, at this time I would like to yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Madam Chairman, Thomas Jefferson said in 1821, "There does not exist an engine so destructive of the government and so demoralizing of the Nation as a public debt. It will bring on us more ruin at home than all the enemies from abroad." This was said in 1821.

One of my colleagues on the Democrat side a while ago said something about the hemorrhaging of the dollar. One of the reasons the dollar is hemorrhaging right now is we're inflating the money supply so rapidly that the dollar's going down the tubes. And if

we keep on this trail, it's going to be worthless. We're spending money so fast it's unbelievable.

Mr. Geithner's got to put another 2 or \$3 trillion into the financial system, and this budget, \$3.5 trillion, is going to bankrupt this country. And my colleagues, like Mr. RYAN said a while ago, we're going to saddle our kids and our posterity with a debt that they'll never be able to repay. The inflation and the taxes they'll face will be unbelievable.

Let me just say, since we don't have a lot of time, there are parallels with what's happened in history. The same things we're doing today—if you don't believe this, read the book *The Forgotten Man*. The same things that we did during the Great Depression we're doing right now today, and it prolonged the Depression, and it lasted 10 or 11 years because of that.

And in the 1970s we had a similar situation. We had inflation that was 14 percent, unemployment that was 12 percent. And Ronald Reagan came in and, instead of raising spending like you're doing today, he cut taxes across the board and, as a result, we had the longest period of economic expansion that we've had in history.

Why don't we learn from history?

It seems to me my colleagues on the Democrat side think we can spend our way out of this. Tax and spend, tax and spend. It will not work. It hasn't worked in the past, it only makes things worse. We are heading toward a major, major depression if we don't cut this spending and start doing things that will stimulate economic growth like cutting taxes.

Mr. SPRATT. Madam Chairman, I will yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER) for a rejoinder.

Mr. BLUMENAUER. Madam Chairman, I have listened to my friend, Mr. RYAN, whom I deeply respect, but am taken aback by his introduction. He's concerned that we're having the debate this evening. This is why we call it prime time. This is when you stage the Academy Awards, the Super Bowl, things you want America to see.

But I could understand why they would want it during the day when people are working and not listening to this debate because they want, as Mr. RYAN says, to go back to the America they grew up in, the policies of the Fifties, the energy policies of the Sixties, the fraying infrastructure of years ago. This is a budget that points to today's problems with solutions for the future, a carbon-constrained economy where carbon pollution will no longer be free, and we can actually create the jobs they're talking about.

Remember the last time you heard them in high dudgeon; it's when the Democrats controlled everything and we passed that awful Clinton budget that produced, not the doom they called for, but sustained prosperity.

□ 2145

Mr. SPRATT. Madam Chair, I yield 3 minutes to the gentleman from Florida, from the Blue Dogs, Mr. BOYD.

Mr. BOYD. This budget resolution, ladies and gentlemen, directs the Education and Labor Committee to find savings via the reconciliation process. As we know, President Obama's blueprint budget assumed that those savings would come from providing all future student loans through the government's direct loan program and ending the Federal Family Education Loan program.

I'm here today to express my concern that, if this reconciliation bill implements the President's proposal, it could prove detrimental to thousands of employees who serve in the current student loan industry throughout this country, 650 of which are located in Panama City, Florida.

While I'm supporting stabilizing the student loan industry and am supporting initiatives to make our Federal Government more efficient, I believe it is prudent for us to find a way to continue to use the present Federal Family Education Loan industry to preserve efficiency and to provide employment to these many Americans during this time of economic crisis.

Chairman MILLER, in light of these concerns, this budget resolution includes report language that urges your committee to review the options for the student loan program that will maintain a role for the Federal Family Education Loan program limits. I would like to put this question to you, sir, as chairman of the Education and Labor Committee:

As your committee moves forward this year, Chairman MILLER, will you be willing to work with me and with other members with similar concerns to preserve a role for the private student loan program infrastructure that currently exists and that services 75 percent of all loans at American colleges and universities?

Before yielding to Mr. MILLER for his response, Madam Chair, I would like to yield first to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Madam Chair, I support this budget and, in particular, the significant investment it makes in education. We must invest in education if our workers are going to be able to compete in the 21st century global economy. However, I share my friend Mr. BOYD's concerns about ending guaranteed student loans. This would threaten hundreds of jobs in North Carolina. It would also cut off access to the valuable services some of the lenders provide that help students pay for, apply to and pay for college.

In North Carolina, we have a unique situation where a State nonprofit provides significant benefits to students in addition to providing the loans. I am concerned that the legislation will

have the unintended consequences of reducing the benefits that students receive from our nonprofit lenders.

We should take steps to preserve the good things done by guaranteed agencies to improve college access and affordability and to keep loan defaults low even if Federal Family Loans are reduced.

Madam Chair, I rise in support of H. Con. Res. 85, the budget resolution for FY 2010.

H. Con. Res. 85 builds on the work of this Congress to put our economy back on track, addressing the current crisis and building for future needs. This bill lays out a plan to cut the deficit by nearly two-thirds by 2013, and creates jobs with investments and reforms in health care, clean energy, and education.

A budget is more than just a document, it is a statement of our nation's priorities and values.

As the only former state schools chief serving in Congress, I am particularly pleased that the budget prioritizes education and innovation. In recent months, first with the economic recovery legislation and then as we finished the 2009 appropriations process, Congress devoted significant funding to education to create quality jobs now and in the future. This budget resolution provides a blueprint to follow through on these priorities.

I have always believed that education is the most important investment we can make for our future prosperity. In the current economic downturn, it is even more critical that we ensure our workforce is able to compete in the 21st century global marketplace.

This resolution reverses the previous Administration's neglect of education and provides significant and needed investments in our nation's schools. It reflects the fact that education is a lifetime activity, spanning from early childhood to post-secondary education and technical training.

The resolution strongly supports early learning, including the President's initiatives to help strengthen and expand early childhood education programs. It increases child nutrition funding, paying for school meals because a hungry child just cannot be successful in school.

At the other end of the spectrum, this resolution builds on Congress' recent efforts to help students afford and complete college.

Education is the key to economic growth, future success, and access to opportunity for our citizens, and this Budget Resolution makes a clear statement that education is a top priority. I urge my colleagues to vote in favor of it.

The CHAIR. The time of the gentleman from Florida has expired.

Mr. SPRATT. I yield the gentleman 1 additional minute.

Mr. BOYD. Madam Chair, I would like now to yield to the gentleman from California, the chairman of the Education and Labor Committee, Mr. MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman from Florida and the gentleman from North Carolina for posing these questions, and I know that we will be able to work together as my committee and this Con-

gress consider proposals to reform the Federal student loan program.

Access to Federal financing for higher education is a top priority. As you know, last year, we passed a stopgap measure to ensure that students and their families continued to have access to Federal student loans even in this economic climate. This stopgap measure was never intended to be a permanent solution, and we need to look at reforms to make sure that we have a reliable, efficient and sustainable program.

I expect that there will be a role for private lenders in the future of the student loan program. Private lenders, for example, have played a significant role in ensuring high standards for servicing, and future reforms must harness this expertise. Also, let's not forget that, no matter what reforms are enacted, there is over \$500 billion outstanding in loan volume in the current FFEL program that will need to be serviced as borrowers repay their loans.

My staff and I have met with a number of private lenders, and we will continue to do so as we move forward. I look forward to continuing this dialogue with the gentleman from Florida and with the gentleman from North Carolina.

Mr. BOYD. I thank the gentleman from California.

Mr. SPRATT. I would inquire of the gentleman from Wisconsin if he wishes to have further speakers at this point or if we should go ahead.

Mr. RYAN of Wisconsin. Let me ask the Chair how much time is remaining on each side.

The CHAIR. The gentleman from Wisconsin has 70½ minutes remaining. The gentleman from South Carolina has 64 minutes remaining.

Mr. RYAN of Wisconsin. Madam Chair, I will yield 5 minutes to the gentleman from Texas, the vice ranking member of the Budget Committee, Mr. HENSARLING.

Mr. HENSARLING. Madam Chair, never in our history have so few voted so fast to indebt so many. This is courtesy of a Democratic-controlled Congress.

\$700 billion of bailout money, \$6,034 per household; a \$1.138 trillion government stimulus plan, \$9,810 per American household; a \$410 billion omnibus spending plan, \$3,534 per American household.

On top of this, the Democrats now propose the single largest budget in American history and the largest as a share of the economy since World War II. It is a budget that will increase spending to \$3.6 trillion, over \$31,000 per American household. It is a budget that spends too much. It is a budget that taxes too much. It is a budget that borrows too much, and it threatens to bankrupt our country.

Even before all of the spending described above, our Nation was headed

for a day of reckoning, but don't take my word for it. Listen to the Federal Reserve:

"Without early and meaningful action to address the rapid growth of entitlements, the U.S. economy could be seriously weakened with future generations bearing much of the cost."

Listen to the former Comptroller General with the Government Accountability Office:

"The rising cost of government entitlements are a fiscal cancer, a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America."

The Democrats' budget will nearly triple the national debt in 10 years, costing taxpayers a dizzying \$148,926 per household. Madam Chair, just look at this chart. It is a sea of red ink for generations to come. This budget, this Democratic budget, will create more debt for America in the next 10 years than was run up in the previous 220. Now, Madam Chair, let me repeat that just in case anybody missed it. This Democratic budget will create more debt for America in the next 10 years than was run up in the previous 220. Our Nation has never seen this level of debt in its entire history. It very well may bankrupt us.

Now, Madam Chair, using history as my guide, no Nation has ever borrowed and spent its way into prosperity. At the outset of World War II, Henry Morgenthau, FDR's Secretary of Treasury, said the following:

"We have tried spending money. We are spending more than we have ever spent before, and it does not work . . . After 8 years of this administration, we have just as much unemployment as when we started . . . and an enormous debt to boot."

Let's recall Japan's lost decade of the 1990s when they attempted to borrow and spend their way into prosperity. They took on the greatest amount of debt of any industrialized Nation in the world, and after 10 years, they had no economic growth, no new jobs, and their per capita income fell from second in the world to 10th. Read what the New York Times had to say about it:

"Japan failed to generate a convincing recovery. This has led many to conclude that spending did little more than sink Japan deeply into debt, leaving an enormous tax burden for future generations. Among ordinary Japanese, the spending is widely disparaged for having turned the Nation into a public works-based welfare state and for making regional economies dependent on Tokyo for jobs."

Madam Chair, this Democratic budget spends too much. It taxes too much. It borrows too much, and it threatens to bankrupt our Nation.

On top of this, Madam Chair, the Democratic budget is proposing a national energy tax, a national energy tax, which, according to studies at

MIT, could pose a \$3,128 burden on every working family in America. They're offering a half-a-trillion-dollar tax increase on small businesses—the job engine in America, the font of three out of four new jobs created in America. They're offering a tax on capital of up to one-third when we desperately need capital to help preserve the jobs we have today and to grow the jobs of tomorrow. Madam Chair, I've heard from struggling Americans about how this Democratic budget is going to impact them.

I've heard from Gary of Garland, Texas, who said, "The money that government is so lavishly spending is coming from people who have worked very hard and made good decisions and, thus, pay taxes. Money is being stolen from our children and grandchildren to bail out just about anyone who was irresponsible."

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional minute.

Mr. HENSARLING. We've heard how this Democratic budget affects small business. We've heard from Susan of Tennessee Colony:

"I have owned my company for 25 years . . . but today, I have had to lay off 25 people and cut hours on the remaining 35 . . . and now Mr. Obama wants to place higher taxes on me because I am successful. So much for our American dream."

We've heard how this Democratic budget affects the education dreams of America. We've heard from Bruce in Idaho Falls:

"We are at the point where we just have enough money to send our oldest daughter to college. An additional energy expense would make it impossible for us to pay for the expenses for our daughter's college education." This is how the Democratic budget affects the education dreams of Americans.

Madam Chair, the President's chief of staff has said, "Never let a serious crisis go to waste. It's an opportunity to do things you couldn't do before."

Well, the Democrats are going to spend like never before. They are going to tax like never before. They are going to borrow like never before. They will bankrupt our Nation. There is a better alternative that promotes freedom, economic opportunity and jobs for all. It's the Republican alternative. We'll see it tomorrow.

Mr. RYAN of Wisconsin. At this time, I'd like to yield 3 minutes to the gentleman from Ohio, a member of the Budget Committee, Mr. JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding and just would say, Madam Chair, that the passion that the gentleman from Wisconsin displayed in his opening remarks was right on target. It was totally appropriate because this budget is an assault on liberty. It's an attack on freedom, and it does so in four ways.

First of all, it is the largest tax increase in history, which attacks the liberty and freedom of current taxpayers. We're going to have to pay more in taxes. We all understand that. It diminishes our opportunity to go after our goals and our dreams—for the American people to pursue those things that have meaning and significance to them. It's an attack on future generations of Americans, as we've heard from every single speaker, because this budget piles up the largest debt in history. There will be more debt in the next 6 years than it took the 43 previous Presidents to accumulate. From George to George—from Washington to Bush—we didn't accumulate as much debt as this budget will do in the next 6 years.

Think about this: A \$23 trillion national debt this budget takes us to. Think about this: To pay that off, we first have to get to balance. Then we have to run a \$1 trillion surplus for 23 years, and that's not even counting the interest. That's what we have to do to pay this. That's how big this is.

There are two other ways it attacks freedom: The cap-and-trade that the gentleman from California talked so eloquently about. This is going to be a tax on every single American and on every single small business owner. It's going to make it that much tougher for us to compete in the international marketplace, particularly against our emerging competitors in China and in Japan.

Then, finally, the further nationalizing of health care: The money set aside in this budget to create this board that's going to now decide what kind of health care treatment you and your family receive, not you and your doctor, not you and your family. A bunch of bureaucrats in Washington are going to be deciding what kind of health care you're going to get.

In my mind, this is not alarmist talk. These are the facts. The liberties and freedoms of Americans are at stake, and it's important we recognize that.

I want to close with this, Madam Chair: Twelve days ago, in our district, Olen Beck was born—9 pounds, 3 ounces, 19¼ inches long, named after his grandfather. Little does this baby Olen know, but he already owes more than \$30,000 in debt, and if this budget passes before this young man can even write his name, he will owe \$70,000. That's what this budget does.

One of the things that makes this country great is the willingness of parents to make sacrifices for their children so they can have life a little better than they did, and they, in turn, become adults and parents, and they do the same thing for the next generation. It has been that cycle that has allowed the United States of America to be the greatest Nation in history. When we begin to break that trend, to break

that process, that's when we have problems, and that's what this budget does, and that's why I urge a "no" vote.

□ 2200

Mr. RYAN of Wisconsin. Madam Chair, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Madam Chair, I rise today in opposition to this budget resolution. People who live in the real world who work for a living, who build houses, wait on tables, they understand you can't spend money you don't have. They know you can't spend your way out of an economic crisis. They are cutting at home and at work. They are cutting out the extras. There is no fluff in their budgets, and there shouldn't be in any in ours.

But the Democrat budget fails to reflect the commonsense values of Americans every day. This budget spends too much, it borrows too much, and guess what, it taxes too much.

John F. Kennedy and Ronald Reagan both knew that the worst things that you could do during a recession is raise taxes. But unfortunately, that's exactly what President Obama's budget does, to the tune of well over \$1.5 trillion, much of which will be placed squarely on the shoulders of my State's number one job creators, small businesses.

The truth is that despite the claims to the contrary this budget won't create new jobs in places like Westminster, South Carolina, and Due West, South Carolina, and New Ellenton, South Carolina. It will crush them. In the long run, this budget will saddle future generations of Americans with mountains of unsustainable debt.

This budget finances the present by mortgaging our children and our grandchildren's future.

The people back home deserve better, Madam Chairman. The next generation deserves better, Madam Chairman. And that's what the Republicans are going to give this House tomorrow.

I urge my colleagues to join me in voting "no" to the Democrat budget, vote "no" against higher spending, vote "no" against higher taxes, and vote "no" against borrowing.

Mr. SPRATT. Madam Chairman, I yield 1 minute first to the gentleman from New Jersey (Mr. ANDREWS) for a rejoinder, and then I will go to Mr. SCOTT.

Mr. ANDREWS. I thank my chairman for yielding.

Our friends often honor the memory of our late President Reagan, but they forget one thing that President Reagan said, that facts are stubborn things.

I think I understand why, because they overlook the fact that this budget cuts taxes by \$1.7 trillion for people who teach school or fight fires or who sell real estate for middle-class people.

They overlook the fact that they inherited a situation where we're on track to retire the debt within a decade but they wound up doubling it from \$3.4 trillion to \$6.3 trillion under their watch. They ignore the fact that 95 percent of Americans get a tax cut under this budget, and their favorite constituents, a few of them do not.

Facts are stubborn things. The fact is that our approach has created jobs and economic growth; theirs does not.

Mr. SPRATT. Madam Chair, I yield 12 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Madam Chair, this budget makes important investments in education. From early childhood through college, it is well known that education is the key to the success in the United States. And in today's high-tech, information-based economy, the old adage that the more you learn, the more you earn, certainly applies.

Because those with a good education will earn more, and they will be less likely to require social services and less likely to be involved in crime and less likely to be unemployed. And communities that invest in education will be more likely to attract businesses and jobs and will suffer less crime and social problems.

To address the committee budget in detail, I will now yield to the gentleman from California, the chairman of the Committee on Education and Labor, for the purposes of a statement (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Thank you, Mr. SCOTT. And I want to thank you, and I want to thank the budget chairman, JOHN SPRATT, and all of the members of this committee for this budget.

This budget does what business leaders have come to Washington year after year over the last 8 years during the Bush administration and asked us to provide resources for a quality education in K-12 to provide the resources so our children will graduate from high school prepared to go on to college, prepared to go into careers, prepared to go into the job market in a globalized world; but they failed to do that for 8 years. Now we finally have a budget that gives us the resources so that we can provide that quality education, so we can invest in teachers, we can invest in the professional development of those teachers, we can provide the resources and the technology that our classrooms across this country scream out for on behalf of our children, so that they can participate in the technology advances in our society.

We also make sure that when they graduate from college, that the college will be more affordable than anytime in history because of the actions of this Congress last year and the actions of this budget.

Since last year, we increased the Pell scholarship by over \$1,500. We cut the

interest on need-based Federal student loans in half. We enacted loan forgiveness so people can follow their careers and their desires whether they want to be a teacher or a firefighter or a public prosecutor or a public defender or a public health nurse. They have the opportunity to be able to do that because of the loan forgiveness that has been provided.

And this year, because of the changes that the President is asking for, the direct loan program will be able to provide tens of billions of additional dollars to make sure that people can afford college at this time when it's most necessary that they receive a college education to compete in this globalized economy.

And I want to thank the Budget Committee for making this budget available so we can vote "aye" on this budget tomorrow.

Mr. SCOTT of Virginia. Madam Chairman, I yield to the gentleman from New York, a member of the Budget and Education Labor Committee, Mr. BISHOP.

Mr. BISHOP of New York. I thank Mr. SCOTT for yielding.

As Chairman MILLER indicated, since January of 2007 this Democratic Congress has made great strides in ensuring that students across the country have access to high-quality education. Passage of this budget resolution continues this commitment to ensuring that every child who dreams of going to college can do so.

Our colleagues on the other side of the aisle have described this budget as a budget that expands Federal control of education. What it really expands is access to educational opportunity, particularly in the area of higher education. And not only does this budget significantly expand access, it does so in a fashion that is fully paid for.

The budget resolution would accommodate the President's major initiatives in higher education, which include increasing the Pell Grant maximum by an additional \$155 and indexing that maximum to the CPI plus 1 percent. It would also include phasing out FFEL lending and moving to 100-percent direct lending providing students with the same access to support but doing so at a 5-year savings of \$47 billion.

It also calls for restructuring the Perkins Loan Program, increasing funding for this program by a factor of six and increasing the number of students who can benefit from this program by 2.7 million students.

And finally, it calls for a creation of a college access and completion fund of \$2.5 billion over 5 years so that schools can adopt best practices in both access and completion.

Taken as a whole, these four proposals will be of significant assistance to students. We cannot achieve economic prosperity without an educated

populous. This budget will ensure that those who can benefit from higher education will do so and that students will get their chance at their slice of the American dream.

I urge my colleagues to vote for this budget resolution.

Mr. SCOTT of Virginia. I yield to the gentlelady from Massachusetts, a hard-working member of the Budget Committee, Ms. TSONGAS.

Ms. TSONGAS. Madam Chairman, I would like to thank the gentleman from Virginia.

I am pleased to rise in support of this Democratic budget resolution which makes a much-needed investment in early education. We have heard much about the costs of action but not enough about the costs of inaction.

As we look ahead to an increasingly competitive global economy, it has never been more important to ensure that our citizens are well prepared. Simply put, we will not again experience sustained economic growth if we do not invest in educating our future workforce now.

A number of my colleagues on the other side of the aisle have proposed a freeze on all non-defense spending for the next 5 years. I understand their concerns about fiscal responsibility. And I know their proposals are well-intentioned. However, I can think of nothing worse for the health of our economy in the short term and in the long term than restricting access to education.

As we all know, State and local governments around the country have been forced to lay off teachers, cut programs, and reduce the number of children able to participate in early education and after-school programs. Education provides access to a better life, and early childhood education sets a foundation upon which later academic success is built.

If we take the shortsighted approach offered by our Republican colleagues, any small amount of savings we gain today will quickly be overwhelmed by the very real losses to our productivity tomorrow. Recognizing this basic fact, businesses, both large and small, have made supporting education one of their top priorities for their communities and for Congress. And this is certainly true in my State of Massachusetts.

I represent old industrial cities where public education dollars pay a critical role in helping all of our children gain the skills that they need to succeed in our knowledge-based economy and in helping newcomers integrate into our American society.

During the last administration, we failed to properly fund education, particularly for the youngest and most vulnerable. But through the economic Recovery and Reinvestment Act, we have already begun to reorient our priorities by including funding for Head Start, Early Head Start, and other early education programs.

This Democratic budget builds upon those investments and helps to strengthen and expand these programs, including proven home-visitation programs. These funds are critical because an active Federal partner can play a strategic role in concert with local and State partners to keep the education pipeline firm.

I thank the gentleman from Virginia, and I call on my colleagues to support this budget.

Mr. SCOTT of Virginia. Madam Chair, I would like to now call on the gentlelady from Wisconsin, an effective member of the Budget Committee, Ms. MOORE.

Ms. MOORE of Wisconsin. Madam Chairman, I want to thank the gentleman from Virginia for his leadership.

Education is certainly the key to unlock the door to freedom, George Washington Carver once said. This horticulturist, inventor, chemist, educator, and, yes, former slave, was lifted through educational opportunity in America. His destiny was changed because of education, and America's gross domestic product was changed because of him.

Unfortunately, however, the last decade of divesting in American educational opportunity, in preference for short-term tax breaks, has reversed the course of the United States global dominance, particularly in the areas of science, technology, engineering, and math.

Year after year after year, the former President's education budget gutted and underfunded vital educational programs. Innovation and health research have been shackled under ideological and budgetary bondage. Happily, President Barack Obama begins the reinvestment in education with \$100 billion dollars invested in our future, invested in our children, and, yes, invested in our economic growth.

Since only 40 percent of our youths age 25-34 have a college degree, I am particularly pleased that the chairman's mark will enable us to focus on college affordability through increasing Pell Grants and on college retention efforts provided through programs such as Upward Bound and Trio. Indeed, that golden door to freedom will only open with an appropriately educated workforce where we lift our young people to their rightful place in a global economy.

I thank the gentleman from Virginia.

Mr. SCOTT of Virginia. Madam Chairman, the budget we will vote on tomorrow will invest in education, Head Start, especially Early Head Start, Title I, nutrition programs, drop-out prevention programs, quality elementary and secondary education and after-school programs, and college awareness programs. It will have financial aid so that young people can attend college, Pell Grants, reduction in

student loan interest rates, and assistance to college.

The budget will provide the necessary funding for the United States to regain our economic competitiveness by achieving a well-educated workforce that will make our neighborhood safer.

And, Madam Chair, I would like to thank the gentleman from South Carolina, the chairman of the committee, Chairman SPRATT, and Chairman MILLER, and President Obama for making education a priority in a fiscally responsible budget.

Mr. RYAN of Wisconsin. Madam Chairman, at this time, I would like to yield 2 minutes to the gentleman from New Jersey, a senior member of the Budget Committee, Mr. GARRETT.

Mr. GARRETT of New Jersey. Madam Chairman, tonight the Democrats are continuing their lengthy rhetorical tradition of saying one thing on the floor of the House but saying a far different thing in their budget.

We know the greatest long-term threat to our Nation's economic security is the looming explosion of spending in our Nation's largest entitlements.

We know this. Everyone in this House knows this. But in case anyone has forgotten, let me just share some facts that I did with the committee.

□ 2215

You know, back in 1959 when I was born, at that time the employer-employee share of the payroll tax used to support Social Security was 4.5 percent. When I was about ready to go to school in 1965 and Lyndon Johnson was the President, they added Medicare as an entitlement, and the taxes went up to 8.8 percent.

Today, the combined payroll tax for these programs is 15.3 percent, far higher than the programs' creators ever imagined. But what is worse is that, despite the fact that 15.3 percent of every dollar earned in America is used to fund these programs, that alone is not nearly enough money to keep them afloat.

When a child is born in this country, in the United States, as soon as that child takes its first breath, they owe for all those type programs \$184,000 the day they're born. For those keeping track, this is more than three-and-a-half times the median household income.

Just to preserve current benefits that these programs provide, this generation would have to pay twice the rate of taxes—that's more than 30 cents out of every dollar earned in America—to maintain the status quo.

So, in short, even as my friends on the other side of the aisle repeat their claims to be protectors of those most in need, and those most likely to need the assistance that our largest safety net programs provide, their choices in this budget, as in their past two budgets, do absolutely nothing but to hit

the gas on the demise of our Nation's most critical safety net, while at the same time consigning the next generation of Americans to a likely insurmountable burden of debt.

Every year that we don't fix this problem we add an additional \$2 to \$3 trillion in unfunded obligations to our children. And yet the Democratic majority often claims that their judgments are a moral document. I ask you, what kind of morals do we subscribe to if we prescribe our children to a life of indentured servitude in service of government largesse?

We know that there is a better way. We can reform these programs to ensure that they can do so, and we can start by amending this ill-conceived budget.

Mr. RYAN of Wisconsin. Madam Chair, I yield 2 minutes to the gentlelady from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Madam Chairman, it takes one second to say "no." One second to say "no" to this budget tomorrow. One second to save the American people \$23 trillion. One second to save the American people and their children and their children's children from the debt that we are piling on them. One second to save them from taxes every time they turn on a light. One second to save them from expenditures that we'll never see the end of. It will take one second to say "no."

Or we can say "yes" to the Republican budget. If you say "yes" to the Republican budget, we can get to the point where deficits disappear. We can get to a point where the American people will be proud of their Congress for spending only as much as they take in.

One second to say "yes" or one second to say "no." I encourage my colleagues to vote with the American people, for their pocketbooks, for their financial security, to save them from debt. One second. Say "yes" to the Republican budget. Say "no" to the Democrat budget and save us and our children and our grandchildren from a future of debt that we may never recover from.

Mr. RYAN of Wisconsin. At this time, I'd like to yield 2 minutes to the gentleman from Indiana (Mr. PENCE), our House Republican Conference Chair.

Mr. PENCE. I rise in opposition to the Democratic budget.

The budget, brought by the majority to this floor in this debate, spends too much, taxes too much, and borrows too much, and the American people know it. The Democrat budget will double the national debt in 5 years, triple it in 10, and the numbers tell the tale. 2010 spending, \$3 trillion, 25 percent of GDP, more than \$1 trillion in tax increases. The 2010 deficit, \$1 trillion, and estimates suggests deficits nearly \$1 trillion for the next 10 years.

The truth is, Madam Chairman, the Democrat majority has brought to this

floor the most fiscally irresponsible budget in American history. During debates like this we hear a lot about the numbers, but this isn't just about the numbers. The truth is, it's not about dollars and cents. It's about the American dream, and it's about our kids. It's about small business owners, working families, and family farmers that are dreading the idea of facing higher taxes, higher marginal rates, a national energy tax. And it's about our children and our children's children who may not yet understand what they have to fear and a mountain range of debt.

Let us not do this. Every American family, every American business is answering these challenging times with sacrifice and frugality. This Congress should do no different. Let us reject this Democrat budget. Let us embrace fiscal discipline and reform and growth in the form of the Republican alternative.

Mr. SPRATT. I yield 1 minute for rejoinder to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

My friend, a very articulate new Member from Wyoming, said it only takes one second to say "no." I would respectfully say the Republicans have gotten it down to that short a period of time because they say it so often.

"No," we don't have an approach to solve the global warming problem. "No," we don't have an approach to fix the health care approach. "No," we don't have a plan to create jobs. "No," we don't have a plan to improve education.

This idea that when you turn a light on, your taxes are going to go up, is just false. There's nothing in this budget that requires any energy tax to be raised upon any person. If there ever is such a discussion of that, it will come to the floor under a separate vote, under a separate debate, and Members can make their judgment.

So I'm not surprised it takes them, Madam Chairman, only a second to say "no." Because they say it so often, they've gotten very good at it.

Mr. SPRATT. I yield 9 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the chairman for yielding time, and I would like to begin our discussion of the energy component of this budget by yielding to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Chair, as a member of the Budget Committee, I rise in support of this pro-growth resolution. Finally, America is moving forward, and I want to thank our able chairman, JOHN SPRATT, for doing what the American people want us to do. They've told us they can't wait anymore.

This budget resolution addresses the necessity for our Nation to reduce its

crippling and dangerous dependence on foreign oil. We must produce our own energy and do so through sustainable, renewable sources, while creating jobs here in America. Our people cannot wait.

We must re-imagine and re-tool America's energy economy. Alternative energy technologies provide one clear path to industrial growth and local employment. Our people cannot wait.

This Congress started with the Obama Recovery Act which set our ship of State on a new path forward to spur development and production of new energy sources and technologies. Our people cannot wait.

And this budget resolution includes a further commitment to renewable energy and energy efficiency. Especially through the deficit neutral energy fund, we will encourage and engage communities to emit fewer greenhouse gases and develop alternative energy technologies and production to create jobs in a new energy age.

The resolution not only helps our Nation recover, it focuses on cutting the deficit in half by 2013 through all the efficiencies and establishes a balance between investing in key areas to grow our economy and saving in order to help put our Nation on a growth path forward.

We are asking this of our citizens, are we not? And we should ask no less of our government. Our people cannot wait.

I rise in strong support of the resolution, and I thank my colleague for yielding.

Mr. BECERRA. I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy because this budget represents a reinvestment in our Nation's public lands, infrastructure, and energy independence. It is a visionary budget that will help renew and rebuild America while protecting the environment. The Republicans tomorrow will present not one but two budgets that would shortchange those very environmental protections.

We propose rather than continue to ignore the dangers of climate change, which the Republicans have done for the last 8 years, an unprecedented coalition, we join with to urge carbon pollution no longer be free to be dumped into our environment by establishing a reserve fund for energy and climate change that leaves the opportunity for committees of jurisdiction to pass legislation to reduce greenhouse gases at least for those who are going to be legislators and not just communicators.

A strong investment in the area of energy and environment is important at a time when a third of our Nation's waters don't meet water quality standards, over 150 million people live in areas that exceed EPA's air pollution



standards, and 76 million people live within 4 miles of a Superfund site. Tomorrow, the Republicans will give not one but two budgets that will short-change those initiatives.

We have water systems, transportation systems, levee systems that are tested. We've seen it on television just this week, and the challenges of the 21st century demand a renewed national focus on ensuring the soundness of those programs. Tomorrow, the Republicans will propose two budgets to shortchange them.

Instead, Madam Chair, I suggest strongly that we work on moving forward with this budget, with agencies like the EPA and the Department of the Interior, to get back to improving air, water quality, preserving public lands, cleaning up toxic waste, reducing our dependence on foreign oil, and reverse the damage of the last 8 years, while we create millions of jobs and strengthen our communities and protect the planet.

Mr. BECERRA. I yield to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank the distinguished Member from California for yielding.

The concurrent resolution before the House reflects President Obama's bold vision for investing in America's future. Throughout the previous administration, a sustainable and clean energy policy was ignored and our dependence on foreign oil grew. I am proud that this Congress has done more in the past 2 months to promote energy efficiency and combat global climate change than the previous administration accomplished in a full 8 years.

At the local level, I enlisted counties across the Nation to join Cool Counties, a program designed to reduce greenhouse gas emissions. Now is the time for the Federal Government to take similar action.

This budget increases investment in renewable energy and energy efficiency by 18 percent and provides for a clean energy policy that will safeguard our environment, our Nation, our economy, and create jobs. Through the use of a reserve fund, this budget makes significant energy investments in a deficit-neutral manner.

This Congress, through the American Recovery and Reinvestment Act, made almost \$60 billion in energy investment—\$39 billion in direct funding and \$20 billion in tax incentives.

Our actions will modernize our electricity grid. The current grid is outdated, inefficient and unreliable. A smart grid will enhance energy efficiency, lowering energy bills and improving air quality. A 5 percent increase in the efficiency of the grid will eliminate carbon emissions equivalent to the emissions of 53 million automobiles.

This Congress, through the Recovery Act, invested in the weatherization of

millions of American homes, enabling families to better insulate their homes and lower energy bills, and we know that weatherization is among the most efficient ways of lowering our energy dependency on foreign oil.

Investment in energy independence will benefit our economy. Instead of relying on foreign countries to meet our energy needs, this budget will promote the creation of green jobs right here in America. Instead of losing manufacturing jobs, as we have over the past 25 years, we can add jobs in wind and solar power generation; in the manufacturing of advanced batteries; in weatherization programs; in the creation of the smart grid; in the expansion of broadband; and in hybrid vehicle production. Investment in clean energy, Madam Chairman, is an investment in the American worker. It creates jobs.

We must invest once again in America, in efficient automobiles and wind turbines. These investments will protect our climate and lay the groundwork for a new age of industrial expansion founded on technological innovation.

The energy investments that this budget enables fulfill President Obama's vision for clean energy independence and promote a healthy environment while strengthening our economy.

I urge my colleagues to support the budget resolution.

□ 2230

Mr. BECERRA. Madam Chair, may I inquire of the amount of time I have remaining that has been yielded to me.

The CHAIR. The gentleman has 3 minutes remaining.

Mr. BECERRA. Madam Chair, this budget resolution provides bold and necessary investments that will create jobs today and encourage clean energy technology and infrastructure investments that will be the foundation of long-term energy independence—something we desperately need.

No one wants to see us continue to send \$700 billion to our foreign competitors when it comes to oil. No one wants to see so much of that money go to people who are hostile to this country and our values.

The previous administration had a woefully deficient record of promoting renewable energy investments, of providing assistance to modest-income families who are most affected by high energy prices, and of making long-term investments in energy independence.

This economic recovery plan by President Obama reflects real change. This economic recovery plan is what the American people hunger for. This economic recovery plan is what people expected to see out of a new President when they voted in November of 2008.

Madam Chair, this plan delivers what people have been asking for: Bold ideas

that are ready to take this country in a far new and different direction.

In energy, no one can say otherwise. This is a plan that is farsighted and will take us to a point where we can become independent of all those foreign sources of energy and we can start to live a future that will give us a chance to invest in our children's education, their health care, and better housing, because we will produce our own energy and we will do it in a far cleaner way.

This is a farsighted budget that the President has put before us. We should pass it.

Mr. RYAN of Wisconsin. Madam Chair, at this time I yield 2 minutes to the gentleman from Georgia, Dr. BROUN.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded that they may not traverse the well or put up displays while other Members are under recognition.

Mr. BROUN of Georgia. Madam Chair, the gentleman from Virginia (Mr. CONNOLLY) just indicated his intention to vote for the Democratic budget. I wonder if the gentleman from Virginia (Mr. CONNOLLY) knows that this Democratic budget raises taxes by \$1.2 trillion; it makes each American's share of the national debt \$70,000 dollars; or that it opens the door to a national energy tax that will cost every single family in America at least \$3,128 a year.

Madam Chair, knowing that, does the gentleman from Virginia (Mr. CONNOLLY) still intend to vote for this Democratic budget?

I would yield to the gentleman from Virginia to please answer my questions.

Mr. CONNOLLY of Virginia. I'm hopeful that the gentleman will allow me to answer. Actually, he is misinformed. This budget actually cuts taxes by \$2 trillion. It finances the AMT—

Mr. BROUN of Georgia. I reclaim my time. I was just asking for a yes or no answer.

Mr. CONNOLLY of Virginia. Sir, I'm not going to answer your question yes or no. I'm going to answer it thoughtfully as a member of the Budget Committee.

Mr. BROUN of Georgia. Reclaiming my time, this budget is going to cost every single American family in this country \$3,128. It's going to cost jobs all across this country. I hope that when the gentleman's people within his district see the job loss and the increased cost, that he is ready to answer those questions.

Madam Chair, have you seen today's headline: Colossal Budget Passes. Each household owes \$3,128 in new taxes. President Obama's budget will tax every American household. Now for the next decade. Each household now owes Washington over \$120,000. Georgia sees

10th year of rising unemployment as the 2010 budget debt balloons.

We cannot continue this taxing too much, spending too much, borrowing too much. It's going to bankrupt America. That's what this budget does.

Mr. SPRATT. I will yield the gentleman 30 seconds of my time if he'll explain his arithmetic and show us the taxes he's talking about in the text of the resolution. Because they're not there. This has been asserted again and again as a mantra. It doesn't exist.

Mr. RYAN of Wisconsin. I'd be happy to step in for the gentleman if the chairman wants to yield me the 30 seconds from his time to explain how you're not cutting taxes by \$2 trillion. I'd be happy to explain that.

Mr. SPRATT. It comes from CBO. Don't take it from me. From the analysis of the President's budget: Proposed changes in tax policy would reduce revenues by an estimated \$1.7 trillion, with 6.1 percent over the next 10 years. CBO.

Mr. RYAN of Wisconsin. If the gentleman will yield, that means if you don't think putting the alternative minimum tax on \$26 million households isn't a tax increase, then maybe you're right. If you don't think raising the dividends tax by 100 percent, the capital gains tax by 33 percent, and income tax rates across the board is not a tax increase, then by your definition that might be a tax cut.

What you're doing is you're playing baseline mumbo jumbo. You're saying we're going to assume all these massive tax increases in America. Oh, and ours are going to be a little lower than that, but they're still going to be up, and it's a tax cut. That's baseline mumbo jumbo. The point is this—the budget you're bringing to the floor raises taxes.

Mr. SPRATT. I reclaim the time. I'm glad to yield you some time, but it needs some sort of limit to it.

Mr. RYAN of Wisconsin. Thank you for the 30 seconds.

Mr. SPRATT. I still don't know what the arithmetic is and I don't know where the taxes are, except the tax cuts, as you know, expire on December 3, 2010.

Mr. RYAN of Wisconsin. May I ask the gentleman a question?

Mr. SPRATT. The President's budget will allow them to expire, except he then proposes to have the capital gains rate be 20 percent instead of 15 percent, which is less than it's traditionally been. And same thing for dividends—20 instead of 15 percent.

We don't dictate that in this resolution. We leave matters of that kind—specific policy choices—up to the Ways and Means Committee.

I'm going to reclaim my time so we can go forward.

Mr. RYAN of Wisconsin. May I inquire, Madam Chair, as to how much time is remaining, because it's my un-

derstanding that we're in possession of a 10-minute block at this moment.

The CHAIR. The gentleman from Wisconsin has 52½ minutes remaining. The gentleman from South Carolina has 40 minutes remaining.

Mr. RYAN of Wisconsin. I will yield myself 1 minute to explain.

On January 1, 2011, income tax rates go up. That's a tax increase. On January 1, 2011, the capital gains tax goes up. That's a tax increase. On January 1, 2011, dividend taxes go up. That's a tax increase.

On January 1, 2010, the alternative minimum tax hits 26 million taxpayers who weren't hit by it before in their budget. That's a tax increase.

You can't hide it. If it walks like a duck, quacks like a duck, it's a duck.

At this time I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Baseline mumbo jumbo, as Mr. RYAN just said. How appropriate, Madam Chairwoman, because tonight is April Fool's Day. How appropriate that we be considering this Democratic budget tonight. But, unfortunately, this is real. This is no joke. This is no laughing matter.

This budget raises taxes on all of our families, our small businesses, and on all Americans. And it puts our economy on a path towards insolvency by borrowing trillions and trillions of dollars more.

This budget, as we've already heard, is really the President's budget, Madam Chairwoman. And this President has promised—he had promised a new era of transparency, honesty, and accountability. Let me tell you, those who supported him—and even those who did not—were optimistic that that part, at least, would be true.

Let me quote from the President's budget document, "Too often in the past several years budgets tricks were used to make the government's books seem stronger than they actually were." He continues on, saying, "We should not tolerate these kinds of tricks when it comes to accounting for the public's tax dollars."

I think we all agree on that. But, unfortunately, as we have just seen, this budget is full of those same old tricks and gimmicks. It's full of the usual tired tactics, the same old business-as-usual, that mentality that's typical here in Washington.

Unfortunately, this is not the change that the American people expect. No, it isn't. This budget employs an arsenal of gimmicks to mask an unsustainable explosion of more spending, more deficits, and greater debt than this country has ever, ever seen, inherited and not.

Now it also raises taxes by \$1.5 trillion—with a T—trillion dollars, burdening American families and small businesses, the principal job creators of our country, costing American jobs.

Yes, it would also increase the national debt to \$17.1 trillion in just 5 years—the highest level ever in the history of this country.

Now compared to what the President has inherited, this is child's play. We can do better. We must do better for the sake of our children, our grandchildren, and our future.

Mr. RYAN of Wisconsin. At this time, I yield 2 minutes to a senior member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Chair, American families, farmers, and small business owners are making big sacrifices in their personal budgets so they can ride out this difficult economic climate. It's apparent, however, that many in Washington don't share this sacrifice when it comes to government spending.

Unfortunately, the budget proposed by President Obama and endorsed by the House Democrats would take us down a dangerous path. This budget's projected deficits over the next 10 years will exceed all of our previous deficits combined. This massive spending spree is a slap in the face of future generations that will have to pay the bill.

This budget includes trillions of dollars in tax increases that, incredibly, won't even come close to paying for this new spending. These tax hikes jeopardize the jobs of millions of Americans by squeezing small businesses already nearing the breaking point and would create a drag on any attempt to jump-start our economy.

I call upon my fellow Members to support the Republican alternative budget that reduces spending, dramatically simplifies the Tax Code, lowers taxes, and slashes the debt to a manageable level.

The Democrat budget ignores the entitlement crisis, while our alternative addresses the serious problem that puts our Nation's financial future in tremendous risk.

Madam Chair, we must maintain the great American tradition of providing our children a better opportunity than we received. This House should stand by the American taxpayer and support the alternative Republican budget.

Mr. RYAN of Wisconsin. At this time I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding. I rise in strong opposition to the Democratic budget that is before the Congress and in support of the Republican alternative and the Republican Study Committee alternative—two far more responsible budgets.

I know there are many on the Democratic side of the aisle who are proud to call themselves fiscal conservatives. You cannot vote for this budget, which spends too much, which increases

spending by more than two-thirds over the course of this budget, to \$5.1 trillion per year without avoiding the charge of “big spender.”

You cannot support this budget, which taxes too much—which taxes \$1.5 trillion over the course of this budget, without avoiding the charge of being a big spending tax-and-spend liberal. That is what you’re facing in this budget. You cannot support this and continue to call yourselves fiscal conservatives.

My greatest concern is that this budget calls for borrowing too much. Our budget debt will rise to \$23 trillion by 2019—2½ times the amount that it is today, yet we will have those on your side of the aisle who will claim to be fiscally conservative on a debt that we leave our children and grandchildren and mortgages their future. That is not fiscal responsibility.

Thomas Jefferson once wrote, “To preserve the independence of the people, we must not let our rulers load us with perpetual debt.” Unfortunately, it increasingly appears that Congress has chosen this disastrous path.

I urge my colleagues to avoid this spending addiction and to vote tomorrow for responsible budgets that will lead our Nation back to prosperity and a brighter future for our children and grandchildren.

Mr. RYAN of Wisconsin. Madam Chair, I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the distinguished ranking member for yielding.

Madam Chair, this is a very important debate tonight. The budget that is being presented tonight by the majority party would create an explosion of debt—a monumental burden of debt that would be placed on our children and our grandchildren.

□ 2245

It is a budget that will hurt job growth in our country because it raises taxes too much, largely on the backs of small businesses. It is a budget that spends too much. While American families and small businesses are struggling to make ends meet, this budget pushes spending up by over 9 percent this year alone. How many of our constituents are seeing their paychecks rise by 9 percent? It is a budget that will not only lead to record spending and deficits this year, it will double the national debt in 5 years and triple the national debt in just 10 years.

Madam Chair, when I was born, the share of the national debt was \$1,500. Today, my four daughters each have a share of approximately \$35,000 of our national debt. But the more alarming fact is that if the budget passes, that share and that burden on them will rise to \$70,000 for each of my four daughters and each person in this country.

So this budget creates a vicious spiral: Higher taxes will hurt job growth,

and this huge debt in the budget is going to force the government to borrow more to pay the bill. By the year 2012, the United States will be paying \$1 billion per day just to pay the interest on our national debt. Just think what we could do with \$1 billion a day.

Madam Chair, it is our obligation to pass on to the next generation more choices and better opportunities. But if we pass this budget, we risk for the first time that future generations will have less opportunity and fewer choices. We can do better.

The alternative budget plan that has been put together by Mr. RYAN is a better path. It is a path of less spending, less deficits, and less borrowing. It is time to put our fiscal house in order and reject the budget that is on the floor.

Mr. RYAN of Wisconsin. At this time, Madam Chair, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding. And, Madam Chair, I rise to oppose this Democratic budget. As we have heard repeatedly tonight, it spends too much, it taxes too much, and it borrows too much.

But I want to be fair to my friends on the Democratic side. There is one area of the budget where there is a glaring exception to that rule, and that is the defense of the United States of America.

Over the course of a 10-year projected Obama budget, we will move from 20 percent of the Federal budget down to 14 percent devoted to defending the country. We will move from just over 4 percent of the gross national product to 3 percent to defend the United States of America. We will risk canceling major weapons systems, like the future combat system, a tanker that will help us project air power around the world and missile defense, at a time when the North Koreans and the Iranians are developing missiles. That risks jobs, that risks security. That is reckless in a dangerous world.

That is not just my opinion, Madam Chairman. Let me read from Robert Samuelson’s recent article, “Obama, the Great Pretender.”

“It would be responsible for Obama to acknowledge the big gamble in his budget. National security has long been government’s first job. In his budget, defense spending drops from 20 percent to 14 percent of the total from 2008 to 2016, the smallest share since the 1930s. The decline presumes a much safer world. If the world doesn’t cooperate, deficits will grow.”

More importantly, American soldiers and American security will be at risk, Madam Chairman. So let’s reject this budget because it does spend too much, it does borrow too much, it does tax too much. And let’s embrace the Republican alternative which spends less, borrows less, taxes less, but, most im-

portantly, puts more resources where it counts, defending the United States of America.

Mr. SPRATT. I yield first 1 minute for a rejoinder to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

I would want to say to my friend from Oklahoma that this budget has robust defense increases. What it doesn’t have is throwing money into a bottomless pit in a war in Iraq that has consumed so much of our resources for so long.

My friend from California, one of the senior Ways and Means members, criticized our budget. These are familiar words, because this is what Mr. HERGER said once before: The simple fact is that the plan will not lower interest rates, it will not lower inflation, it will not create jobs, it will not lower the deficit. The tax plan will spur inflation, lose jobs, increase the deficit, and hurt our economic growth.

Mr. HERGER said that in August of 1993 about the Clinton budget plan, which was going to destroy all these jobs. It created 23 million new jobs, as opposed to the 200,000 new jobs the Republicans created during their 8 years on their watch.

Mr. SPRATT. I now yield 2 minutes for a colloquy to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Madam Chairman, let me begin by thanking the chairman for the opportunity to discuss the House budget resolution. And I appreciate the chairman’s willingness to work with me to include language in the budget resolution to support pay parity within the Federal workforce of our civilian and military employees.

Our men and women in uniform have distinguished themselves throughout history, particularly during this time of war; and, at the same time, we cannot forget the critical role civilian employees play in providing logistical support to our military as well as their important work on behalf of our taxpayers and essential government services.

I would also note that the House budget resolution lays the foundation to carry out President Obama’s bold vision for fixing the American economy.

While advancing the major priorities of the Obama budget, the budget resolution is by definition a less specific document than the President’s budget and, therefore, does not assume all of the specific offsets included.

For example, I have expressed concern about the President’s proposals to cap tax deductions for mortgage interest and charitable deductions. Similarly, I and others believe the \$250,000 threshold to allow families to qualify for tax cut extensions is too low. I am pleased, therefore, that the budget resolution does not assume any specific tax offsets to meet its revenue targets.

If I may ask the distinguished chairman of the Budget Committee two questions.

First, Mr. Chairman, does the chairman agree that the pay parity language included in the resolution provides equitable treatment for Federal employees, civilian and military?

Mr. SPRATT. I do. And I thank the gentleman for his leadership in our committee on this issue of ensuring that all Federal employees are equitably treated.

Mr. CONNOLLY of Virginia. I thank the distinguished chairman. On the issue of tax policy, might I ask the distinguished chairman, is it the case that the budget resolution does not specify particular tax offsets, but rather leaves that decision to the Ways and Means Committee?

Mr. SPRATT. That is correct.

Mr. CONNOLLY of Virginia. I thank the distinguished chairman.

Let me close, Madam Chair, by thanking the chairman once again for his generous collaboration with me and my colleagues on this, my first budget as a member of the committee. Through his steady leadership, the budget resolution before the House today delivers the profound change in course and investments in America's communities for which my constituents have long been waiting.

Mr. SPRATT. I now recognize and yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding.

Madam Chairman, we would urge a "yes" vote on behalf of this budget for many reasons. One is the strong increase in funding for our veterans.

In less than 2 months, just about every Member of this House will go and make Memorial Day speeches. In November, just about every Member will make speeches lauding our veterans on Veterans Day.

Tomorrow, Madam Chairman, the Members of the House have a chance to do something more than talk; we have a chance to vote for a budget that strongly supports our veterans. But do not listen to us. Listen to the national commander of the American Legion, who says in a letter dated March 25, "The American Legion applauds the Budget Committee for the budget resolution recommendation for \$53.3 billion in discretionary funding for veterans."

Listen to the executive director of the VFW, who in a letter dated March 25, 2009, says, "On behalf of the 2.2 million men and women of the VFW and our auxiliaries, I would like to express our strong support for your proposed budget mark for veterans funding. The \$53.3 billion in appropriated veterans funding demonstrates your appreciation for those who have worn the uniform of this Nation, and it acknowledges the debt that this Nation owes to its former defenders."

Listen to the voice of the Iraq and Afghanistan Veterans of America through its executive director. "For the second year in a row, the committee's budget resolution surpasses even the recommendation of the independent budget, the blueprint for the VA budget endorsed by the leading veterans organizations, including the Iraq and Afghanistan Veterans of America. By increasing veterans funding by 11.5 percent, or \$5.5 billion, the committee has displayed their serious commitment to supporting our Nation's veterans."

Listen to the words of the Vietnam Veterans of America. "The Vietnam Veterans of America appreciates that Chairman SPRATT continues to make it possible even in this difficult budget year amidst tough economic times for the appropriators to be able to properly fund health care and other vital services for veterans," says the VVA's national president, John Rowan.

Listen to the Disabled American Veterans who say that, "Our support for the discretionary funding levels included in Chairman SPRATT's budget closely reflect the recommendations of the independent budget and reaffirm the goal to provide sufficient funding for the VA." They say they particularly appreciate the fact that the chairman's budget rejects any proposal to bill veterans' third-party insurance for the care of service-connected illnesses or injuries.

These are not the words of Republicans or Democrats. These are the words of the elected leadership of the veterans service organizations of our country.

Veterans funding is one of the strongest aspects of this proposal. The increase is 11.5 percent. It is precisely the request that had been made. There is no issue with respect to requiring veterans to pay more than they presently do for their own health care.

I think the Members would be wise to listen to the words of the American Legion, listen to the words of the DAV, listen to the words of the Iraq and Afghanistan Veterans of America, listen to the words of the Paralyzed Veterans of America, listen to the words of the VFW, listen to the words of the Vietnam Veterans of America. There is strong support in this budget from the chairman, and it is one more good reason to vote "yes" for this budget.

Mr. RYAN of Wisconsin. At this time, Madam Chair, I yield 2 minutes to a gentleman from the Budget Committee, the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I appreciate the gentleman yielding.

Madam Chair, I rise in opposition to the Democrat budget.

In 2010, the death tax is set to expire; however, the President's budget retains the death tax, and the Wall Street Journal said yesterday, and I quote,

"The President's budget calls for the largest increase in the death tax in U.S. history in 2010."

The death tax is an unfair attack on small businesses and farmers across this Nation. You know, Members go across to their county fairs every summer. I was at one of mine. One piece of equipment, one combine with one head cost \$425,000. One piece, \$425,000. The death tax forces Americans to have to make tough decisions. They have to make decisions that they have to hire attorneys, you have got to hire CPAs, you have got to hire your financial planners. It is tough. You are taking time away from these people's business when they can be out working and making money. It is not right.

You know, the time has come that this death tax expire. It should expire. Most of all, to quote again from the Wall Street Journal yesterday, "What all this means is that the higher the estate tax, the lower the incentive to reinvest in family businesses. Former Congressional Budget Director Douglas Holtz-Eakin recently used the Summers Study as a springboard to compare the economic cost of a 45 percent estate tax versus a zero rate."

It goes on to say that, "He finds that the long-term impact of eliminating the death tax would be to increase small business capital investment by \$1.6 trillion. This additional investment would create 1.5 million new jobs."

"In other words, by raising the estate tax, in the name of fairness, Mr. Obama won't merely bring back from the dead one of the most despised of all Federal taxes, and not merely splinter many family-owned enterprises. He will also forfeit half the jobs he hopes to gain from his \$787 billion stimulus bill. Maybe that's why the news of this unwise tax increase was hidden in a footnote."

Madam Chairman, it is time that we make sure that this death tax expires. It is time that the government's cold hand gets out of the warm grave.

Mr. RYAN of Wisconsin. At this time, I yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Madam Chairman, Americans are awakening to the danger of a budget that spends too much, borrows too much, and taxes too much, because they know what that means. They know that you can't spend yourself rich; they know you can't borrow your way out of debt; and, they know that you can't tax your way to prosperity.

No Nation in the world has ever spent and borrowed and taxed its way to economic health, but many Nations have spent and borrowed and taxed their way to economic ruin and bankruptcy.

If you all want to know where all of these policies are taking us, just look to my home State of California.

□ 2300

There a tragic succession of Governors increased spending at unsustainable rates. They ran up unprecedented debts, and they imposed crushing new taxes. And the result is that today runaway spending has impoverished our economy. Interest costs are eating our budget alive. And our tax burden is producing one of the highest unemployment rates in the Nation and the biggest out-migration of domestic population in our history.

Indeed, we debate this budget on the very day that California begins collecting the biggest tax increase ever imposed by any State government in our Nation's history, the natural consequence of runaway spending, just as President Obama relies on the biggest tax increase by the Federal Government in our Nation's history. There will be backbreaking new taxes on small businesses, on investment, on energy production and on charitable giving. And this isn't complicated stuff. If you increase taxes on productivity, you get less productivity. If you increase taxes on energy production, you get less energy. If you increase taxes on charitable giving, you get less charity. If you increase taxes on investments, you get less job creation.

Madam Chairman, I have watched too much spending and too much borrowing and too much taxing wreck my home State of California. I beg you, do not let those same policies ruin our country.

Mr. RYAN of Wisconsin. Madam Chair, I would like to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Chairman, the Democratic budget that we are considering tonight for fiscal year 2010 proposes to spend \$3.55 trillion, collect \$2.186 trillion in tax revenues thereby creating a deficit of \$1.222 trillion. That would be a record deficit except for the estimated fiscal 2009 deficit of \$1.694 trillion. In fact, their 5-year budget window shows deficits in each year that are larger than any deficit ever recorded. The Democratic budget's best year is fiscal year 2013 which shows a deficit of \$586 billion, which is \$127 billion larger than the current record holder of \$459 billion for fiscal year 2008 which was also on the Democrats' watch.

These estimates, as large as they are, may in fact be understated if the CBO's assumptions on how fast the economy recovers prove to be optimistic. Madam Chairman, we tend to think that expanding economies will last forever, but they don't. Today we believe that this recession will last forever, but it won't. It is temporary.

The debt that will be used to finance these record deficits is permanent debt. It will never be paid back.

I recently had a fifth grader in Fredericksburg, Texas, at a town hall meet-

ing ask me what is our plan to pay off the national debt? I had to tell the young man the ugly truth is that there is absolutely no plan to pay off the national debt. To pay off debt, we have to run a surplus, which is something this budget does not remotely contemplate. The interest carry on this permanent debt represents a forever claim on the earnings of all future generations.

The CHAIR. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman 30 additional seconds.

Mr. CONAWAY. In other words, those future generations will have to tax themselves to pay for the interest on this debt each year before their tax revenues can begin to address their problems. This begs the question of why should we use permanent debt to address temporary problems? We should not. We have used this technique for far too long, and this budget continues this inexcusable use of future generations' resources to fix our problems. We should not pass this budget. I urge my colleagues to vote against it tomorrow.

Mr. RYAN of Wisconsin. At this time, I yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. My wife and I have three young kids. My son, Max, just turned 16. He got his driver's license. I want everybody to be warned that my son now has his driver's license. You have all been warned.

I really worry, though, about the legacy that we are leaving our kids. My son is going to inherit something if the Democrats pass the budget that they propose, where 30 cents, 30 cents of every dollar spent, nearly 30 cents of every dollar will be spent by the Federal Government. I just think that is wrong. He is entering a world where they are going to have the single largest tax increase in the history of the United States of America where their debt has been doubled. We have got to stop running this country on a credit card. People have to pay that debt. And it is mere kids and our grandkids.

So I reject this budget that is proposed. I think we need to look closely what is the proper role of government. I think every time we send a dollar of the American people's money, we have to remember that we are reaching into everybody's pocket and pulling that money out and giving it to somebody else. Is that the proper role of government? Who is in the best position to actually spend those dollars? There are some that argue that only government can solve our problems. I reject that. It is only the American people that can grow this economy and grow this country. It has been on the backbone of the American entrepreneur, the woman who opens a business, it is the local small business man that is going to grow this country. It is not this government.

And so I reject this budget. We are going to find out real quickly if those Blue Dogs are Blue Dogs or if they are lap dogs. Because we have the chance to reject this budget and get fiscal constraint in order. We cannot be all things to all people. We have to learn to say "no." Government is not here to solve all of our problems. It is about life, liberty and the pursuit of happiness. And I want my son to enter that world as optimistic as he can possibly be and a government that gets out of the way.

Mr. SPRATT. I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Our friend from Utah just said that we have to learn to say "no." That is something that his party has learned to say quite well. No plan for health care, no plan for education, no plan for job development, and no plan for energy independence. One of our colleagues talked about the estate tax. Interesting exchange, Madam Chairman, that our presentation was about honoring America's veterans and fully funding in a way that the VFW and the American Legion supports, and rather than any response to that point, the other side immediately jumped to talk about the estate tax, which I understand. And the reason we understand it is that this budget assumes that changes will be made in the present estate tax law so that 99.7 percent of American families will not pay the estate tax, 99.7 percent.

So our presentation was about veterans who wore the uniform of the country. Their presentation was about the .3 percent of Americans who would pay the estate tax under this proposal. That is where our priorities are.

Mr. SPRATT. Madam Chair, how much time is remaining?

The CHAIR. The gentleman from South Carolina has 32 minutes remaining. The gentleman from Wisconsin has 37 minutes remaining.

Mr. SPRATT. I will go ahead and use the balance of my time.

The CHAIR. The gentleman is recognized for 2 minutes.

Mr. SPRATT. Madam Chair, I have sat here keeping a list of things that were wrong that cannot be recited in 2 minutes. One speaker got up and said there were no spending restraints. Deficit neutral reserve funds are all about spending restraints. We cannot undertake any of those initiatives until they are paid for. It is a substantial restraint. PAYGO is built into this budget. And it is guaranteed to be accorded a vote on this House floor to become statutory PAYGO instead of rule-of-the-House PAYGO.

There is a lot of talk about the costs of this budget, \$3.9 trillion. It makes me gag as well. But do you know why it is up so big? TARP, Freddie Mac, Fannie Mae and AIG, much of which, much of which was incurred and fixed

on your watch, the watch of your administration, Hank Paulson and others. That is why it happens in this year's numbers, secondly.

Thirdly, as you listen to this debate you would think that President Obama has been in office in town for years now. Everything is effectively blamed on Democrats. His administration has been in office 3 months. What we are seeing today and next year and the following years is the wind down and the work off of the Bush structural deficits. They simply won't go away in short order. But Obama didn't wrack up this debt in the last 3 months. It has been created in the last 8 months when President Bush took a \$5.6 trillion surplus over 10 years, and by 2004 converted it to the biggest in history, to a \$412 billion dollar deficit, the biggest deficit at that time in American history. That happened under his watch, under his administration, under his spending policy and taxing policy.

So all of this effort, and in particular, this newfound concern over debt, I share your concern. But where were you over the last 8 years? Your silence was almost deafening. This President Bush built up the debt of the United States from \$5.7 trillion to \$11 trillion. What we are now doing is living in the backwash of the Bush administration trying to straighten up the mess that he left behind.

Mr. RYAN of Wisconsin. Madam Chair, at this time I would like to yield 3 minutes to the gentleman from Texas, the vice ranking member of the Budget Committee, Mr. HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Chair, I listened very carefully to the distinguished chairman of the House Budget Committee. But unfortunately, I think he may need a history lesson on who has controlled this institution for the last 2 years. And also, as I read the Constitution, Madam Chair, I would say to my friend from South Carolina, if I were allowed to speak to him, it says that it is Congress, Congress is in charge of spending decisions, Congress has the ability to spend money, create debts and create deficits. And I agree. President Obama inherited a huge deficit. He inherited it from Democrats in the United States Congress. So he took a \$1.3 trillion debt, it was a \$160 billion deficit rather, and now he and the Democrats in Congress are adding to it a sea of red ink for as far as the eye could see. Never in the history of this country have we seen so much debt.

Their budget, Madam Chair, will simply bankrupt this country. And they seem to be oblivious to the facts. Again, never, never have so few voted so fast to indebted so many. And it is just the start of their economic calamity that they are trying to impose upon the Nation.

Now we hear all of this lofty talk about, well, we need this wonderful

budget and all of this spending to get us out of the recession. Then why, why is it that the President's own OMB says that we are out of this recession in the fourth quarter of 2009? Then why impose this unconscionable burden of debt on our children?

Madam Chair, there was a time in America's history when the American ethic was, you work hard today so your children can live better tomorrow. Well, this Democratic economic program just turns that around and says, let government live better today so our children can work harder tomorrow. It is an outrage. It is an outrage. A national energy tax. Tax on small businesses. Taxes on the capital of capitalism. As one of my colleagues said, the gentleman from Florida (Mr. MACK), our budget is about we the people. Their budget is about I the government. If you think you can borrow your way, spend your way, tax your way into prosperity, Madam Chair, then that is the budget for you. But if you think America is about rolling up your sleeves, working hard, risking capital and dreaming bold dreams so that people can go to work and find their own future, then there is an alternative, Madam Chair. It is the Republican budget that will be offered tomorrow. And it will give a great Nation a great future.

Mr. RYAN of Wisconsin. Madam Chair, how much time do I have remaining?

The CHAIR. The gentleman has 34 minutes.

Mr. RYAN of Wisconsin. I yield myself 4 minutes.

Madam Chair, let me read you a story about a project that is deemed shovel-ready that is getting funded in the stimulus package in Wisconsin. The town of Arena, it is a beautiful small town in Iowa County, the town of Arena will get \$426,000 to replace the River Road bridge. It averages about 10 cars a day. A quote from the town chairman, "I was surprised as anyone when I got a call that the bridge was going to be fixed. I can tell you that the bridge is a very low priority for us." Stimulus package, shovel-ready project. If you think this is the kind of way we ought to be spending our taxpayer dollars, then vote for this budget, because they are going to do a lot more of this stuff. If you think that is the key to prosperity, borrow that money, build the bridge that gets 10 cars a day that the people from this town say is a low priority, then we are going to do more of that. Vote for this budget.

I want to speak not in numerical terms, not in statistics, but in history and morality. We are the greatest nation on Earth. We are an exceptional nation. And I want it to stay that way. History is replete with episode after episode of great civilizations and great nations not being defeated militarily,

but being defeated by themselves, doing themselves in through atrophy and stagnation.

□ 2315

That is what could happen here if we don't watch it. The kinds of borrowing that is being proposed in this is staggering.

I want to ask you, how much money do you think I have in my wallet? I have \$50,000,000,010 in my wallet. I've got 10 U.S. dollars and 50 billion Zimbabwe dollars. Ten U.S. dollars right now are more valuable than the Zimbabwe dollar. This is what happens when a country tries to inflate its way out of its debt. It's worthless.

I'm not saying we're going to become Zimbabwe. Far from it. But I'm saying our greenback is under duress. People are wondering if this is going to retain its value.

The question is, are we going to be able to keep finding people to buy all our bonds if we borrow and borrow and borrow? If, under this Presidency, as this budget proposes, we borrow more money than all prior presidencies combined, are we going to get all these people to give us that money?

And then guess what? Guess who pays for it? The next generation. Our children. Our children already are on a glide path to pay twice the level of taxes we pay today; that's if you don't pass this budget. It gets much worse if you do pass this budget.

We're going to debase our currency if we keep going down this path. Do you know what that means? I know that's wonky stuff. That means people lose their savings. That means senior citizens living on fixed incomes lose their savings. Their standard of living goes down. That means the middle class that's saving for retirement, saving for college, that gets wiped out.

It is getting to that kind of a serious moment in this country where, if we keep thinking we can just borrow and borrow and borrow, tax and tax and tax, spend and spend and spend, we're going to do it in to our own country. I don't want that to happen.

This is the greatest country on the planet. This is the land of opportunity. This is the country that has shown the world that we can reach unprecedented amounts of prosperity, where everybody can climb up that economic ladder.

We want a society where we equalize opportunity for all people. We don't want to pass this budget that says we're going to equalize the results of everybody's lives. We are going to micromanage their affairs.

We want America to succeed and to prosper, and that's why we want to defeat this budget.

I reserve the balance of my time.

Mr. SPRATT. Madam Chairman, I reserve the balance of my time.

The Acting CHAIR (Mrs. DAHL-KEMPER). The gentlewoman from New



York (Mrs. MALONEY) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, as Chair of the Joint Economic Committee, I am pleased to speak in the time reserved by the Budget Act for a discussion of economic goals and policies.

I rise today to put our fiscal problems into a broader economic context. Our budget is an important blueprint for getting our economy back on track by making critical investments in health care, clean energy, and education that will create jobs and enhance our global competitiveness. We will also restore fiscal responsibility by cutting the deficit by nearly two-thirds by 2013.

Throughout this budget debate, it has been generally acknowledged that President Obama inherited a fiscal mess. The previous administration had taken office facing a robust economy and a fiscally sound government. President Bush inherited a projected surplus of \$5.6 trillion. We stood poised to deal with the budget challenges posed by the retirement of the baby boom generation, and prepared to invest in improving the future standard of living of our children and grandchildren.

Under President Bush's management, our economy set record after record, but they were all the wrong kinds of records. His administration's policies produced historically poor levels of job growth, the greatest gap between the haves and the have-nots since the 1920s. Record number of uninsured Americans, 47 million in 2006. A record \$10.6 trillion Federal debt when he left office, and the largest single-year deficit in U.S. history, \$459 billion in 2008. And he left over \$1 trillion in deficits in 2009. Record oil prices, record current account deficits, the broadest measure of our trade deficit, the largest in history, record declines in housing prices and home equity that have left families owing more than their homes are worth.

As you can see on this chart, through a series of disastrous choices and flawed policies, the Bush administration squandered surpluses and left us with record deficits. Here are the projected surpluses, but this is the reality of the actual budget deficits left us by the Bush administration. President Bush presided over a tragic and unprecedented reversal of fortune for our Nation and for our American families.

As this next chart shows, the 8-year tenure of President Bush was a period of the lowest and slowest job growth of any administration in 75 years. His administration left us with a mere 2 million more jobs than when he came into

office. Compare that to the 8 years under President Clinton, where nearly 23 million jobs, more than 10 times as many, were created. You can see this small red bar. That's the jobs that Bush II created. Compare that to all the prior administrations that produced many, far many more jobs than this failed administration.

Despite his frequent assurances that his policies were working to make the economy stronger, President Bush earned the dubious distinction of presiding over not one but two recessions. After a jobless recovery from the recession in the first term, the economy fell back into recession in December of 2007, and has been shedding jobs at an alarming rate ever since.

By nearly every measure, the 2001 and 2007 recovery period was among the weakest in the post-World War II period. There were warning signs that all was not well. During the recovery, two important economic variables, growth, and the growth in fixed nonresidential investment, grew more slowly than during the other expansions. Both grew more slowly than they did during the expansion of the 1990s, when taxes were raised, not cut.

Consumption, net worth, wages, and salaries, and employment also grew at remarkably slower rates during the Bush recovery than during other expansionary periods.

The one bright spot for some in the recovery was the large growth in profits that went to corporations driven, in large part, by the ever-increasing productivity of the American worker. However, the increases did not translate into bigger paychecks for hard-working middle-class families.

Unlike the expansion of the 1990s, under President Clinton, where workers' productivity and compensation grew in tandem, during the 2000 recovery under President Bush, workers' compensation lagged far behind their robust productivity growth. The increased wealth just went to a very few at the top of our economy, exacerbating the divide between the haves and the have-nots.

As this chart shows, the typical household income, after accounting for inflation, was actually \$324 lower at the end of 2007, leaving them struggling to stay afloat, even before the current recession hit.

It is now all too clear that even the relatively weak economic growth during the Bush administration was not broadly shared and was built on an unstable foundation. The soaring housing prices that helped fuel our economic recovery now appear to have been a classic asset bubble. The disastrous effects of the collapse of that bubble have now spread throughout our entire financial system and around the globe.

When President Obama took the oath of office on the steps of this building just 2 months ago, he immediately in-

herited a deficit of over \$1 trillion for Fiscal Year 2009, and trillions more in deficits over the next 10 years. He became heir to an economy in the worst crisis since the Great Depression. Almost 4½ million jobs have been lost in the last 15 months.

As this chart shows, in the waning days of the Bush administration, the economy shrank at an astonishing annual rate of 6.3 percent in the fourth quarter of 2008, the fastest rate of contraction in over 25 years. In 2008, the final year of the Bush administration, \$11.2 trillion of wealth simply vanished into thin air as housing prices fell almost 20 percent.

Our gross Federal debt stands at more than \$10.6 trillion, nearly \$35,000 per person in America. That is how much every person in America owes to the Federal debt. And as a share of our economy, that's the highest level since 1955, when we were still paying off debts from World War II.

This is the fiscal mess President Obama inherited, and we have our work cut out for us to clean it up. One year ago I stood here in this same spot, as part of this same process, and pointed out that when our opponents were asked how to address our financial problems, their answer was, to cut benefits for middle-class families and cut taxes for the wealthiest few. And our opponents still offer the same solutions.

We propose a different course. Restoring growth is key to getting our economy back on track, and spurring growth takes investment. Congress has worked closely with President Obama in his first 70 days to develop an integrated and multipronged attack to revive the economy.

Under the American Recovery and Reinvestment Act, we have provided relief to middle-class, middle-income taxpayers, invested in infrastructure, renewable energy, and education to create and save millions of jobs and extend unemployment benefits for millions of jobless Americans.

Congress has also acted, with President Obama, to reauthorize and expand the Children's Health Insurance Program, so that it now covers 11 million low-income children.

□ 2330

The economic recovery packages we passed were aimed at boosting demand in the short term because consumers are reluctant to spend, but we were careful not to enact provisions that will exacerbate our long-term deficits and debt. This budget builds on those policies by making important additional investments that will strengthen our economy, invest in the future and put us back on the path of fiscal responsibility.

According to the Congressional Budget Office, "rising costs for health care [are] the single greatest challenge to

balancing the Federal budget." Clearly, containing health care costs is critical to addressing the country's long-term fiscal challenges, and we must act now. That is why a key priority of our budget is health care reform, which will expand coverage, improve the quality of care and address those skyrocketing costs of care that are weighing down our economy and are putting pressure on family budgets.

During the last administration, the growing cost of care pushed the number of uninsured Americans to record levels. At the end of the recovery in 2007, there were 46 million uninsured Americans, 7.2 million more than when President Bush took office.

I would like to thank Chairman SPRATT and the Budget Committee for including a deficit-neutral reserve fund in the budget resolution for the 9/11 health programs, consistent with last year's budget conference agreement. This will provide some legislative flexibility for the Energy and Commerce and Judiciary Committees to pass H.R. 847, the 9/11 Health and Compensation Act, and to ensure it is fully paid for under PAYGO rules. H.R. 847 would provide medical monitoring and treatment to World Trade Center responders and to community members whose health has been impacted by Ground Zero toxins in the aftermath of September 11, 2001. We have a moral obligation to care for the heroes and heroines of 9/11, and this reserve fund is an important step toward fulfilling that obligation.

Our budget makes investments in education a priority so that every child has the opportunity to receive a quality education. According to a report by the Education Trust, the United States is now the only industrialized country where young people are less likely than their parents to earn a high school diploma.

Improving education and training will prepare our children to compete and win in the global economy. This budget builds on investments with further support for early childhood education, setting high standards and providing the tools to achieve them for elementary and secondary school students. This budget reaffirms our commitment to making college affordable for every American by raising the maximum Pell Grant award to help more students obtain a college education.

Our budget also embraces the President's goal of increasing America's energy independence and energy security. Record gas prices last summer left Americans at the mercy of the gas pump. We build on the funding and tax incentives in the Recovery Act by expanding our investments in renewable energy and energy efficiency that will reduce America's dependence on foreign energy, and we provide new training opportunities to prepare workers for green jobs in a clean, green econ-

omy. Our budget is the blueprint for strengthening our economy and for putting people back to work. After 8 years of misguided policies, we must be mindful of the future as we take steps to rebuild our economy.

President Obama has called on us to address the systemic challenges facing our economy by making investments in accessible, affordable health care, energy independence and quality education. The investments we make now will pay off later as we emerge from this current crisis stronger and better prepared for challenges of the 21st century.

Thank you, and I yield to the gentleman from Texas (Mr. BRADY) for 10 minutes.

Mr. BRADY of Texas. I would yield myself such time as I may consume.

Madam Chair, this evening reminds me of my first session of Congress in 1997. It was a night like this, and we were struggling with a budget that was out of control. We had a Democrat President and a Republican Congress, and while it was a hard fight and we had to make a lot of tough decisions, Republicans in this House and President Clinton together passed a balanced budget agreement that succeeded. It got spending under control. It lowered taxes. It didn't raise them. Not only were we able to balance the budget, but we were able to pay off almost a half a trillion dollars worth of national debt.

I remember because almost no Democrats voted for that. They claim credit now for balancing the budget, but they voted against the law that balanced our budget and allowed us to pay off that national debt. Tonight feels like that because, I think, we have the opportunity, unfortunately, to go the other direction. My worry is that this Obama-Democrat budget guarantees red ink for decades and that we may never see a balanced budget in our lifetimes if this budget passes.

The Americans I know, the Texans I know, are growing increasingly worried about our unprecedented spending spree. You know, the President's budget and the Democrat budget we're talking about tonight raises taxes. It explodes spending, and it heaps on mountains of new debt for the next decade. It's clear America's finances are on the wrong track. We need to change the path now. We need to change it today or risk never seeing a balanced budget in our lifetimes, and I worry from an economic standpoint that all of this new debt is going to drag our economy down further and that, eventually, it will lead to higher inflation, which really hurts and hits families and their paychecks by eroding those paychecks and their nest eggs.

We can't spend, tax and borrow our way back to prosperity. Congress has a responsibility to get on a more responsible path that leads back to a bal-

anced budget, and we've got a Republican alternative, a Republican Study Committee alternative as well, that, I think, starts us down in that direction.

I oppose strongly the budget that's proposed today that increases spending by \$3 trillion over the next decade. Just think about it: Federal spending under this Democrat budget would increase nearly \$1 trillion in the next year alone. \$1 trillion in the next year alone. Think about that. Economists tell us that \$1 trillion is represented by this: If you'd started a business on the day Our Lord was born and you'd lost \$1 million every day since, we still would not be to that first \$1 trillion. We're going to add more than that in new spending just in the next year. We're going to spend twice as much as that in new debt added to the Federal debt. Those are staggering numbers, amounts of debt I never dreamed I would see in my lifetime. It gets worse. Under this budget plan and budget path, over the next 10 years of debt held by the public, it will triple to over \$17 trillion. Again, it's an amount that most people never dreamed we would see.

According to the Joint Economic Committee, the debt, as a share of our economy, will almost double during that period. Some economists think it will go up even faster. According to a recent study of many financial crises by Professors Kenneth Rogoff and Carmen Reinhart, it has become an instant classic. U.S. national debt can be expected to increase by \$8 trillion to \$9 trillion just over the next 3 years. During that period, inflation of 8 to 10 percent, something most of us haven't seen since the '70s, is more than likely the way the government will end up paying for this huge run-up in Federal debt. These economists compare the coming economic environment to the '70s, which had rising inflation, weak economic growth, rising unemployment, and what we called the misery index. Unfortunately, that may be what we're heading for.

Because this budget and the President's budget cooks the books and uses faulty economic assumptions in its forecast, it has a variety of accounting gimmicks that really hides the true cost of these dangerous budget priorities. As the Washington Post said last week—and it's not exactly a conservative newspaper—"In this budget, Congress deals a blow to honest budgeting."

The Democrats now are attempting to shoehorn expensive administrative proposals based on unrealistic economic assumptions, and the budget uses gimmicks to mask spending. So we're going to see much higher debt and, eventually, higher taxes. The fact is the U.S. can't afford to engage in this spending spree on top of a stimulus, on top of a budget just passed,

huge spending on top of the new bailout dollars, and now this budget hitting Americans straight in the face. You would think we'd be listening to warnings from China and from others of our creditors to remind us that there are limits to the appetite for U.S. Treasury securities.

We are on a dangerous path. What we see in this budget are tax increases on small businesses, on professionals, on exporters, and on entrepreneurs. We see huge, new cap-and-trade taxes and costly new entitlements that will drive us deeper into debt and that will really raid the pocketbooks of most American families.

Before I reserve my time, the question is: Who pays for all of this? Because there's no free money in Washington. Someone eventually has to pay for it, and it won't be just the wealthy.

It's going to be the middle class. It's going to be professionals. It's going to be hardworking families. It's going to be the elderly. We're going to see higher capital gains and dividends taxes, a lot of which our seniors live off of in their retirement. They've already seen their retirement portfolios devastated. Now we're going to tax them if those gains go back up.

There will be tax hikes on charitable donations. At a time when more and more people need local charity services and contributions are down, we're actually going to discourage our professionals and small businesses from giving to our local charities. I guess they think they can use the money more wisely here in Washington.

You're going to see a carbon tax, an energy tax, that in Texas will drive energy bills up 100 percent in some areas, 50 percent in others. It will be a huge cost to families on their utility bills. The taxes on small business in a number and in a variety of ways are going to destroy jobs. The marriage penalty comes back in a major way. You're going to increase the income taxes on professionals and small businesses by at least 20 percent. What's interesting is this small group of professionals and small businesses makes up about 5 percent of the taxpayers in America. They already pay 60 percent of the taxes. They carry 10 times the load. This budget is going to tax them more.

So the signal we're going to send to people is, if you go to college and get a degree, if you develop a skill, if you start a new business, if you build up your life, we're going to punish you for it. We're going to punish you for it in higher taxes. We're going to discourage you.

This budget brings back the death tax. Can you imagine working your whole life to start a business or to run the family farm, and at the very end, Uncle Sam swoops in and takes up half of what you've earned? You intended to give it to your children or to your grandchildren, but Uncle Sam comes in

and takes it. It's the number 1 reason most small businesses aren't able to hand their businesses down to their children. It's the number 1 reason family farms don't survive. Today, we're seeing more women-owned and minority-owned businesses that are facing the same death tax. They aren't going to survive. The death tax needs to go away permanently as it did under President Bush and the Republican tax relief measures.

Finally, coming from an energy State, we see unprecedented increases on America's energy industry. The very people who develop our oil and gas. Onshore, small and independent energy companies will face devastating tax increases, including one where it actually punishes them and treats them like they're foreign investors. It punishes them for drilling and for exploring here in America. It makes no sense at all.

At this point, we have several members of the Joint Economic Committee and others who would like to share their thoughts on this budget and on the condition of America's financing.

With that, I would like to reserve, Madam Chair, the balance of my time.

Mrs. MALONEY. I yield myself as much time as I may consume.

Madam Chair, as we consider the budget proposal for the coming year, we are facing, really and truly, one of the most important votes in recent memory. We can choose now to honor the pledge we made to the American people in the last election and begin the process of health care reform, make investments that will lead to energy independence and invest the needed funds to reinvigorate our educational system or we can follow the same failed policies that brought us to the crisis we find ourselves in now. Our budget builds on our integrated approach to lifting us out of the recession, and it returns us to fiscal discipline by cutting the deficit by nearly two-thirds by 2013.

□ 2345

Now, the gentleman mentioned our tax plan. Well, I am very proud of the Democratic plan. Our plan makes permanent the \$800 Making Work Pay tax cut while preserving all dedicated payroll taxes that go to Social Security and Medicare. This is a new tax cut President Obama promised in his campaign.

The Democratic plan expands the child tax credit helping millions of families with children. It makes the \$2,500 opportunity tax credit permanent to make college more affordable. This is a new tax cut President Obama promised in his campaign.

It permanently protects millions of middle-class families from being hit by the alternative minimum tax. It expands the earned-income tax credit by providing tax relief to families with

three or more children and increasing marriage penalty relief. It provides for automatic enrollment in IRAs and 401(k)s and expands the current tax credit for saving for retirement. It eliminates capital gains on small businesses, cuts taxes for 95 percent of American workers, cuts spending—non-defense discretionary—over 10 years to its lowest level as a percent of the economy in nearly half a century. It cuts the deficit in half over 4 years, grows nothing but jobs and ends an era of irresponsibility and gimmicks.

I would like to inquire, Madam Chairman, as to how much time remains on both sides.

The Acting CHAIR. The gentlewoman from New York has 12 minutes remaining. The gentleman from Texas has 21 minutes remaining.

Mrs. MALONEY. I reserve the balance of my time.

Mr. BRADY of Texas. Madam Chairman, I would yield 5 minutes to a member of the Joint Economic Committee for more than 6 years, the gentleman from Texas, Mr. RON PAUL.

Mr. PAUL. I thank the gentleman for yielding.

Madam Chairman, I rise in opposition to this resolution.

You know, they say so often that there is not enough bipartisanship around here. We hear that complaint a lot of time. But, you know, when I look at it, I see that there's been too much bipartisanship in creating the problem we have had. And it hasn't been the last—this crisis that we're in the midst of, this financial crisis, didn't pop up here in the last 60 days. It didn't pop up here in the last 8 years, but it's taken several decades to get to this point where we are today dealing with a budget that is just totally out of control and a monetary and economic system that is uncontrollable as well.

It is said that this budget is going to be \$3.6 trillion with a \$1.1 trillion deficit. An amazing thing is that \$1.1 trillion deficit is going to be \$400 billion less than this year. I will wait and see if that really comes out because that probably won't work out that way. Matter of fact, characteristically, the statistics that we hear when we talk about the budget are never reliable, especially when you're in a recession. In a recession, nobody can protect the revenues. The revenues are going to be a lot lower than they said and the expenditures are going to be a lot higher.

So I am making a prediction that the spending will be over \$4 trillion this year and that the deficit is going to be over \$2 trillion and that the picture that we are looking at today is much worse than we're willing to admit.

Matter of fact, I think the problem we face today is not so much a budgetary problem. It's much different. I think we talk a lot about the budget. Just think about how many hours we talked about it today. But the budget

and the deficit is a symptom of something much more serious. And that is, what have we allowed our government to become? I think it has been the loss of respect by us here in the Congress to understand and take seriously article I, section A. If we did that, we wouldn't be doing all of these things that we're doing.

If we understood the tenth amendment, we wouldn't be doing all of this. We wouldn't have a deficit. If we understood monetary policy, we wouldn't have a monetary system that encourages all of this that gets us off the hook because conservatives like to spend a lot of money, and liberals like to spend a lot of money. And they don't have to worry. We raise taxes. We borrow it. And we do it, and we've been doing it for decades and getting away with it. But it's coming to an end because we've always been dependent on the Fed to come in and monetize the debt.

Now, have they backed off in any way? No. They are expanding it. Not only do they buy in the market, they are buying it directly from the Treasury. They're only encouraging us to do even more of this.

We have endorsed, as a Congress and as a people, a welfare/warfare State. And that is not part of what America is supposed to be. And it encourages the spending and the borrowing and the deficits and all of the inflation.

And we take—for instance, we were supposed to get a lot of change with the new administration. One thing I was hopeful about is that they might look at this overseas wild expanding and expansion of the war going on in the Middle East, but the military budget, the war budget, is going up 9 percent. And as long as we have the expansion of the war, the dependency on the spending overseas, we're spending over \$1 trillion over a year maintaining the world empire at the same time we have runaway spending here on welfare here at home. It is unsustainable.

We have a debt that will not be paid. We know that when it reaches a certain level, it cannot be paid. But it is always liquidated.

Now, if an individual or a company goes into debt, it can be liquidated in the old-fashioned way of bankruptcies. Countries don't go bankrupt. What they do is they default on a debt. That doesn't mean they won't pay it. They pay it off in bad money. And literally, that is the purpose of the Federal Reserve right now is to lower the real debt. So if you destroy 50 percent of the value of the dollar in the next year or two, the real debt has gone down 50 percent.

Literally, the Federal Reserve board is praying for, encouraging inflation to lower the real debt because it can't be sustained.

But who does that hurt? It hurts the people who save, the people who save

get 1 percent on their earnings, and we tax the little bit they get, and the people who are doing the right thing are being punished the most.

So the ones who live beyond their means get bailed out. And it's a very bad, bad system that we have. And we have to decide what the role of government ought to be.

You know, we do blame the banks and we blame the business people and everybody. But you know, I have a lot of people that come to my office and say, Cut his, cut his, but don't cut my program.

So we have to decide as a people what should the role of government be. And if we think the role of government is going to be, and should be, the policeman of the world and to run the welfare State, this budgetary problem will never be solved.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BRADY of Texas. Madam Chairman, I would like to grant 30 seconds to Mr. PAUL to conclude.

Mr. PAUL. I thank you for yielding.

And let me just close by saying the greatest danger I see right now is the placing of the blame for the crisis that we're in is that we had too much freedom, too much capitalism, not enough regulation. And they did this in the 1930s. They are doing it even more now.

Instead of saying that we overspent, overtaxed, overregulated, we have lost our confidence. And if we don't change that attitude and if we accept this notion, accept international regulation, believe me, we're in big trouble. We will lose our freedom, and we will lose our sovereignty as well.

Mrs. MALONEY. Madam Chair, I yield myself as much time as I may consume.

I would like to address the deficit that the gentleman mentioned and point out that President Obama inherited deficits over \$1 trillion. The Obama administration inherited an economy deep in recession and a projected annual deficit of well over \$1 trillion. This deficit didn't arise out of the blue.

President Bush inherited a \$5.6 trillion projected 10-year budget surplus, which he dissipated on misguided fiscal policies and choices. That surplus represented an opportunity to address some of the major issues confronting our country, including preparing for the needs of the retiring Baby Boom generation.

The Democratic plan cuts the deficit by more than half. The President sets a firm goal of cutting the deficit in half over 4 years, and this budget does just that. It takes the record deficit that President Obama and the 111th Congress inherited in 2009, and cuts the deficit from \$1.7 trillion in 2009 to \$586 billion in 2013.

And it also makes more realistic deficit estimates. To provide for a more

realistic accounting of the government's financial position, our budget—like the President's plan—includes likely foreseeable costs that have been omitted from past budgets. These include costs of our overseas deployment, Medicare reimbursements to physicians, and emergencies such as natural disasters that can't be predicted with precision but that occur every year. These were all off-budget during the Bush years. We have put them on with more transparency.

And I would like to say that very importantly, the Democratic plan begins to address health care. It begins to address rising costs. It sets us on a path to increased coverage for the 46 million who do not have medical coverage. It aims to improve the quality of care. And Republicans have no real plan for addressing rising health care plans and health costs. And the Republican plan for health care, including Medicare, is to give everyone a voucher and deregulate the insurance market.

So I say the Democratic plan is better in terms of reducing the deficit, and it also invests in health care, energy independence, and education and to long-term goals and needs of our young people and of our citizens who need to compete and succeed in the global market.

I would like to inquire as to how much time remains on my side and the other side.

The Acting CHAIR. The gentlewoman has 8½ minutes remaining. The gentleman from Texas has 15½ minutes remaining.

Mrs. MALONEY. I reserve my time.

Mr. BRADY of Texas. I yield myself 30 seconds.

The gentlelady is right. The President did inherit a \$1.2 trillion deficit, but he inherited it from a Democratic Congress that had the purse strings for the past 2 years. In fact, the Democratic Congress didn't even send President Bush a budget because they wanted to spend more than he did. So just because—I will tell you, Republicans, we didn't do a good job with controlling spending. When we left control, the deficit was about \$160 billion. The deficit under this budget will be 10 times that much. And ours is bad enough. This is unthinkable.

With that, I would like to yield 5 minutes to another member of the Joint Economic Committee and an expert in health care reform, the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I can't help but notice this seems to be an all-Texas Joint Economic Committee on our side tonight. Ranking Member BRADY is very good to allow me the time to speak in opposition to the budget resolution that's on the floor this evening.

You know, I think back to the late 1980s in Texas and it was a tough, tough time. We had the savings and loan collapse, we were in the middle of

our own recession, energy prices collapsed literally overnight, real estate that collateralized loans was suddenly worth near zero. Loans were being called. It was a true mark-to-market phenomenon.

□ 0000

And what happened during that time? Well, you saw families tighten their belts. You saw businesses not expand, not borrow money, and they were dark days and they were tough times. And we lost some businesses, and people had to leave the area.

But I don't recall at any point during that time anyone from the Federal Government coming down with a big bag of money and saying, gee, can we help you out of these tough times; can we perhaps buy you out of this recession in which you find yourself.

No, what I recall the Federal Government sending me was the Resolution Trust Corporation that absorbed a bunch of assets and sold them off to foreign holdings, and it really wasn't all that helpful. In fact, if the Federal Government had shown up, I don't know that I would have welcomed their presence, but we got through that.

Those dark days quickly gave way to sunshine and light and 25 years of expansion and growth in the North Texas area. In fact, it is only very recently where my part of North Texas has begun to feel the effects of the recession that has gripped the country for the last five quarters.

Now, Ranking Member BRADY talked about the fact that the budget deficit is going to grow by \$8 trillion to \$10 trillion over the next 3 years, and I would just simply ask rhetorically—and I will not yield time but I'm going to ask rhetorically—at what point over the next 3 years during the expansion of the deficit by \$8 to \$10 trillion do we begin to accept some responsibility on the other side and from the new administration? Surely, at some point over the next 3 years, this ceases to be a George Bush problem and becomes a Barack Obama problem. Surely, sometime over the next 3 years, this ceases to become a George Bush problem and becomes a NANCY PELOSI problem.

But, Madam Chair, the American people don't want us to point fingers at each other, but they do appreciate facts, and let me share a few facts.

Here is a graphic representation of the budget deficits for the last several years prior and on into 10 years into the future. The last year over which we had control over the appropriations process, the budget deficit was \$160 billion. It was outlandish. In fact, we lost the majority because we were spending too much, and the budget deficit was \$160 billion.

And where do we find ourselves a little over 2 years later? As Ranking Member BRADY pointed out, it's now 10 times that much. It is no accident that

we're having this debate at midnight on April 2, so that the American people maybe won't notice what has happened because surely when they wake up in the morning and find out that this budget deficit has now increased 10 times since the beginning of fiscal year 2007, that they're going to have some serious questions.

And, Madam Chair, I would also point out, that at this point when the budget deficit was so high under Republicans at \$160 billion, we put \$100 billion right before the end of that fiscal year into the gulf coast of Louisiana and Mississippi because of Katrina and Rita. We had to help a recovering Indonesia from the tsunami, and oh, yeah, we were still fighting two wars as Dr. PAUL pointed out, and we had supplemental appropriations of \$60 billion and \$80 billion during that cycle as well. And that's why our budget deficit was so high at \$160 billion.

Well, we had a big hurricane last September, and we've given \$12 billion to the good people of Galveston. That's a scandal in and of itself.

Well, spending money to get out of a recession did not work in the 1930s. It certainly didn't work for Japan in the 1990s. And I certainly don't intend to be part of that today.

We've heard some talk this evening about jobs and job creation. Well, what better way to continue a recession than to kill job creation, and that's exactly what this budget proposes to do by instituting what's going to be known as a cap-and-trade, or really, what we should honestly call a carbon tax. And what is that carbon tax going to do? It is going to be used to offset the expansion in health care in this country.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield Dr. BURGESS an additional 30 seconds to conclude.

Mr. BURGESS. I thank the gentleman.

Madam Chair, it is no accident that the cost of expansion of health care in this country at \$1.2 trillion estimated by the Congressional Budget Office is almost exactly the amount of money that will be raised with this egregious carbon tax of \$1.5 trillion. If you want to kill jobs, if you want to drive jobs overseas, tax energy. That's a proven way to do it, but I don't recommend it.

I hope when the American people wake up tomorrow they can turn on a light without the feeling that when they turned that light on they just paid for their neighbor's health care.

Mr. BRADY of Texas. Madam Chairman, I reserve the balance of my time.

Mrs. MALONEY. Madam Chairman, my good friend on the other side of the aisle mentioned energy policy, talked about taxing energy. Well, the Democratic plan makes critical investments in energy, with \$1 billion more in ap-

propriated funding for 2010 than the 2009 level of regular appropriations.

It also includes a deficit neutral reserve fund for legislation to promote energy independence, spur the reduction of greenhouse gas emissions, and help businesses, industries, States, communities, and households adjust to an economy with reduced emissions levels.

It provides job opportunities in the new energy economy and relief for Americans. It creates green collar jobs to help address rising unemployment and keeps jobs in America, provides tax incentives for renewable energy, funds weatherization to help low-income families save \$350 per year, on average, on their energy bills.

But very importantly, going forward, we need to improve fiscal discipline through statutory PAYGO, pay-as-you-go, rules, and the Democratic budget improves fiscal discipline by requiring House passage of statutory pay-as-you-go rules as a condition for making current policy adjustments to the baseline for tax cuts and the Medicare physician payment system. Statutory PAYGO was critical to turning the budgets around in the 1990s, but the Republican Congress and the Bush administration allowed it to expire in 2002, contributing to the deep deficits they accumulated.

As one of its first acts, the 110th Democratic Congress instituted a tough new House PAYGO rule. The resolution would reaffirm and strengthen the commitment to pay-as-you-go by providing for action on statutory PAYGO to enforce a realistic baseline.

It also is very important about oversight and accountability and enforcement. Our budget generates valuable savings by expanding oversight activities and large benefit programs, more aggressively pursuing fraud, and increasing tax compliance and enforcement activities to ensure taxpayer dollars are spent wisely. It is a wise plan, with wise investments.

I reserve the balance of my time.

Mr. BRADY of Texas. Madam Chairman, I yield 2½ minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Madam Chair, I rise tonight to oppose the budget under consideration.

We hear a lot of talk about PAYGO, but PAYGO is routinely waived here on matters such as the recent stimulus package. On a \$790 billion piece of legislation PAYGO did not apply. I think we need to point that out.

But this budget I think is problematic for a number of reasons. First, it imposes higher taxes on income, investment in energy, and yes, the death tax comes roaring back. The national debt doubles in 5 years. The national debt triples in 10 years. Let me repeat that. The national debt will double in 5 years and will triple in 10 years. It

took 43 Presidents 232 years to accumulate \$5 billion in debt. This budget gets us to \$5 billion in 5 years. In short, this budget spends too much, borrows too much, and taxes too much.

On energy, users of electricity, gasoline, petroleum, natural gas will all pay more. Let me translate that. We will all pay more, the American taxpayer. We are going to pay more because of these so-called cap-and-trade or, as my colleague Mr. BURGESS from Texas said, cap-and-tax. Well, this is simply a carbon tax, an energy tax on every American who consumes energy, and again, that is just about every American I know. You know, according to the CBO, we expect that this cap-and-trade tax will cost every household at least \$1,600 again in higher energy costs, and actually, there are studies out there that say it will cost even more than that. This will also result in the loss of at least 3 to 4 million jobs, according to NAM, National Association of Manufacturers.

So, in short, I would say to everyone here tonight, because of these higher taxes on income and energy, the very people we're asking to get us out from under this very difficult recession, small business people are going to pay more. Small manufacturers that use natural gas in a very big way, they will be punished because of this. The death tax punishes them, too. It makes it harder for them to pass these businesses on to their children and to their grandchildren.

This is an ill-advised budget. The income tax that we will see go up here, too, will also punish many small businesses because they're organized. These Subchapter S companies, partnerships, and proprietorships, they will pay the bill.

So let's think about this. This budget is ill-advised. It is not in the best interests of the American people. I strongly urge that it be rejected.

Mr. BRADY of Texas. Madam Chairman, I reserve the balance of my time.

Mrs. MALONEY. May I inquire on the time, please, on both sides of the aisle.

The Acting CHAIR. The gentlewoman from New York has 5½ minutes remaining, and the gentleman from Texas has 7 minutes remaining.

Mrs. MALONEY. Madam Chair, this budget, the Democratic budget, invests heavily in education. This budget embraces the President's goal of furthering investments in education for Americans from early childhood through post-secondary education and training. Our budget provides a fiscally responsible plan to improve American education and train a workforce that is prepared to compete and succeed in the global economy.

A highly educated and skilled workforce is critical to the overall success of our economy. The benefits to investing in education include higher earn-

ings, higher graduation and employment rates, less crime, decreased need for special education and welfare services, and better health.

In 2008, the unemployment rate for workers with a bachelor's degree was 2.8 percent, while the unemployment rate for workers with a high school diploma was double at 5.7 percent. For workers with less than a high school diploma, the unemployment rate was 9 percent. So if we want to attack unemployment, prepare our young people for the future, we should invest in education. That's what this budget does.

I reserve the balance of my time.

Mr. BRADY of Texas. Madam Chair, I yield 2½ minutes to a distinguished gentleman from Texas (Mr. GOHMERT), a member of the Small Business Committee himself.

#### PARLIAMENTARY INQUIRY

Mr. GOHMERT. Madam Chairman, parliamentary inquiry?

The Acting CHAIR. The gentleman will state his inquiry.

Mr. GOHMERT. We have been talking about the time. When I came in, I understood the gentlelady across the aisle had yielded 10 minutes of her time to Mr. BRADY. Was there a different understanding from the Chair?

The Acting CHAIR. The Chair understood the gentlewoman from New York to be reserving her time and inviting the gentleman from Texas to yield a 10 minute block of his time.

Mr. GOHMERT. Oh, when she said I'm yielding 10 minutes to my friend from Texas, the Speaker took that to mean I'm reserving my time? Okay. Thank you.

The Acting CHAIR. The gentleman from New York reserved her time and signaled that the gentleman from Texas should yield his time.

Mr. GOHMERT. Oh, I see. So when she said I yield my friend from Texas 10 minutes, that meant she was reserving her time? All right. Thank you for the clarification.

I did want to take up a couple of things that were mentioned. First of all, my friend across the aisle had indicated that opponents had wanted to cut benefits to the middle class and reward the wealthiest few and even held up a chart showing the kind of deficits that were run up in 2007 and 2008. And this is the same kind of mantra we've been hearing and actually heard that in 2005 and 2006.

And the fact is there was too much money being spent after President Bush took office. When Republicans had the White House, the House of Representatives and the Senate, too much money was being spent, and that's why before the Democrats took office or took the majority, there was a \$160 billion deficit that was run up.

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It was too much money. It was too much deficit. And that's why the

American public said: Enough. We're going to put the Democrats in charge. We don't want another \$160 billion deficit.

And so what did we get in 2007 and 2008? We got the numbers that the jobs were falling, we got a problem economy, and the runaway spending went wilder than ever. Now, just in 2 months—and I was objecting back then, I'm objecting louder now—because now they're going to increase that 10 times teams. We spent nearly \$800 billion on a spendulus bill in January, February. Then we had another—they got the other \$350 billion of the \$700 billion from last year.

Going nuts spending money—\$1 trillion dollars? That would pay for an entire year of every individual taxpayer getting back every dime they have.

So when we hear that this party—these people on this side of the aisle—want to make benefits to the wealthiest, you can look at the bill I filed. It was for a tax holiday to let those who were paying taxes get their money back. That's a solution. That gets the economy going.

This cap-and-tax on energy, that is going to penalize the people that are just struggling to pay their gasoline bill. And then to hammer the deductions for charities and mortgages, that also hammers the people in the middle class trying to get by. And it brings home the point that this majority is about the GRE—government running everything.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BRADY of Texas. I yield the gentleman an additional 30 seconds.

Mr. GOHMERT. I have a bill that I filed the last Congress, I'm filing again, that would have no increases. A level spending bill. No automatic increases. And they're running that up like crazy.

The Federal Government has been too busy trying to run everybody else's business, telling Detroit, telling Wall Street, telling the lenders, the banks what to do, that they forgot that their job was to provide a defense against enemies foreign and domestic, like Madoff, the cheaters. We should have been after them. That's the job of this government—not telling everybody how to run their business.

Mrs. MALONEY. I yield myself such time as I may consume.

Over the last 8 years, through fiscally reckless policies, President Bush squandered the Clinton-era surplus and left behind a legacy of debt and deficits. He made a number of records, but they were the wrong kinds of records. Record deficit, record trade deficit, record debt.

Over the 7 years from 2002 to 2008, those surpluses from the Clinton years would accumulate to \$3.2 trillion. Instead, under President Bush, the government ran 7 straight years of budget deficits totaling \$2.1 trillion. When



President Obama was inaugurated in January, he inherited from President Bush an estimated deficit of \$1.5 trillion—the worst budget deficit in history. And trillions more in deficits over the next 10 years.

Now the Democratic budget resolution begins the process of turning around the Republican budget legacy of deep deficits, mounting debt, an economic decline due to the Bush administration's reckless fiscal policy. It takes steps to put the budget back on a fiscally sustainable path by restoring fiscal responsibility and substantially reducing the deficit.

The President set a firm goal of cutting the budget deficit in half over 4 years, and this budget does just that. It takes a record \$1.5 trillion deficit that President Obama and the Congress inherited in 2009, and cuts the deficit from \$1.7 trillion in 2009 to \$586 trillion in 2013.

Our budget makes strategic investments in health care, education, energy independence, areas critical to a strong economic future. For these and other key priorities, it includes deficit neutral reserve funds that will accommodate legislation in these areas consistent with the pay-as-you-go principle.

Our budget generates valuable savings by expanding oversight activities and large benefit programs, more aggressively pursuing fraud and increasing tax compliance and enforcement activities to ensure taxpayers dollars are spent wisely.

It is a balanced and fair budget that makes investments in critical areas.

I would inquire as to how much time is remaining on both sides.

The Acting CHAIR. The gentlewoman from New York has 1 minute remaining. The gentleman from Texas has 4 minutes remaining.

Mrs. MALONEY. I reserve the balance of my time.

Mr. BRADY of Texas. At this time I'd like to yield 2½ minutes to a gentleman on the Armed Services Committee, an engineer—he knows his numbers—the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. I think that it's kind of interesting. People have said that America is becoming a socialized Nation, just like the countries over in Europe, a socialized Nation. But that's not a fair thing to say because with this level of debt, the Europeans wouldn't even accept us as part of the European Union.

I've noticed tonight that we have spent more time blaming President Bush than talking about the positive solution of a Democrat budget. And that's not a good sign when we spend—at midnight—talking about how bad Bush is when we're supposed to be debating a Democrat budget.

I don't think the Democrats are proud of this budget. And if I were the

Democrats, I wouldn't be proud of the budget either.

While we're talking about President Bush though, I have got some numbers so we can just do a direct comparison and just see what is the difference here.

Just in the last couple of months—we're only just finishing up March—we've got the second half of the Wall Street bailout. That's about \$350 billion. We burned through the economic stimulus—or the porkulus bill—\$787 billion.

Now if you were to add will of the cost of the war in Iraq, all of the cost of the war in Afghanistan, and add it altogether, it would be less than this thing. Then you've got the omnibus deal. Hey, we're starting to spend some real money.

Let's take a look at a comparison. If we want to talk about Bush, we can blame the hurricane on him. We've already done that. It's really bad when a President brings a hurricane in.

Let's talk about this annual budget deficit. This is the average annual deficit under Bush—\$300 billion. We're not proud of that. But the current President's budget—this is what they're proposing—has got him beat two to one. I'm not sure I'd be proud of that number.

Here's the highest deficit when the Democrats were in the House under Bush, \$459 billion. But, oh, President Obama, his projection is \$1.2 trillion. Clear winner by more than two to one. Then, the increase in national debt, \$2.5 trillion, \$4.9 trillion. Again, a two to one.

When you take a look at it, here's what it looks like. Every one of these lines going down is a deficit. Now does anybody see something disturbing in this pattern?

Now we have heard the gentlelady from New York is bragging about the fact that given some time, this number here, the low number, is going to be cut in half. That doesn't give me any sense of satisfaction at all. If I looked at that, I'd say, Holy smokes, I'm moving to some other country. These people in America have been smoking funny cigarettes. What in the world are they doing with this deficit?

Mrs. MALONEY. I reserve the balance of my time for a closing statement.

Mr. BRADY of Texas. I would yield myself such time as I may consume.

First, let me thank the gentlelady from New York, the chairman of the Joint Economic Committee, for not just the tone of tonight's debate, but the tone of your leadership on the Joint Economic Committee. I truly enjoy serving with you.

While we're sitting here, I got an e-mail from a constituent who asked, How do you make debt go away by spending 10 times as much? Are they trying to sell America magic beans?

Sounds funny, but the truth of the matter is this isn't funny times. Amer-

ica's finances are on the wrong track. We need to change that path now or we risk never seeing a balanced budget in our life time.

We can't spend, tax, and borrow our way back to prosperity. The Republican alternative I like focuses on job creation through small businesses; doesn't raise taxes—it lowers them; it creates incentives to hire and keep workers; encourages private investment rather than bailout; and it starts whittling down this debt so that we will see a balanced budget again.

Madam Chair, we are at a historic moment in America's history. We have a path of bigger debt and higher taxes and huge loads on our children. Or we can get back on the right path again. The Republican alternative does that.

We urge a “no” on this fiscally irresponsible Democrat budget. Let's work together—both parties—to get back to balance the budget. The first start is the Republican alternative.

I yield back the balance of my time.

Mrs. MALONEY. Madam Chair, the policies advocated by my colleagues on the other side of the aisle have been tried and we are all living through the disastrous results. Our budget is an important blueprint forgetting our economy back on path that restores confidence, produces growth, and puts people back to work.

We make critical investments in health care, clean energy, and education that will create jobs and enhance our global competitiveness. We will also restore fiscal responsibility by cutting the deficit by nearly two-thirds by 2013.

A budget is fundamentally about priorities—and our priority is to strengthen the economy and help struggling families regain their footing. Americans are optimistic by nature, and I am optimistic that the investments we make now will pay off later and that together we will emerge from this current crisis stronger and better prepared for the 21st century challenges that we face.

Mr. LEWIS of California. Madam Chair, it's only fitting that we begin consideration of the Democrat budget resolution on April 1st. Like April Fool's Day itself, this budget is full of mischief and sleight of hand that will have Uncle Sam dipping his fingers into your pocket as if your wallet was his very own personal ATM.

The President's budget request proposes huge spending increases now with only intentionally vague promises to make hard choices to cut spending in the future. All of this spending is couched in the same soothing rhetoric we heard during the stimulus debate—while kicking the can down the road on many tough decisions.

As Daniel Hannan, a Member of the European Parliament, said in remarks last week, “Perhaps you would have more moral authority in this House if your actions matched your words. The truth is you have run out of our money.”

While the House majority portrays their spending plan as a reduction from the President's request, the fact is this budget resolution represents more spending, more taxes, and more debt. The only proposed cuts in this plan are within the area of national defense, an ill-advised course of action as our country continues to engage in the Global War on Terror.

Since Democrats assumed control of Congress, they have proposed increases of at least nine percent each year for non-defense discretionary programs. For next year, they propose yet another 11 percent increase and a 27 percent boost over the next five years.

The proposed surge of federal spending represents the largest non-war government expansion since the New Deal. Domestic discretionary spending—including the spending in the stimulus package—has been hiked over 80 percent since just last year. As a result, Washington will run a budget deficit of 12.3 percent of GDP, by far the largest since World War II.

Some in the majority will justify this out-of-control spending as a necessary, temporary response to a recession. But there's nothing temporary about it. After harshly criticizing budget deficits under President Bush—which averaged \$300 billion annually—President Obama has proposed a budget that would run deficits through the roof for a generation or more.

Three expected developments—the end of the recession, the withdrawal of troops from Iraq, and the phase-out of temporary stimulus spending—would by themselves cut the deficit in half by 2013.

The President's budget shows deficits averaging \$600 billion a year even after the economy recovers from the recession and even after our troops come home from Iraq. That's not good enough. Between 2008 and 2013, the budget will add \$5.7 trillion, or \$48,000 per household, in new government debt. The annual interest alone would equal nearly the entire U.S. defense budget by the year 2019.

On top of this mountain of debt, consider the unsustainable costs of paying Social Security and Medicare benefits to 77 million retiring Baby Boomers.

Without real reform, the result is likely to be devastating tax increases for decades to come.

These higher debt levels will accelerate an increase in interest rates. Higher interest rates will slow down the economic recovery by making it more expensive for businesses to invest and more difficult for families to afford homes and auto loans. This isn't economic, recovery, this is economic madness.

To quote again from Daniel Hannan from the European Parliament, "You cannot spend your way out of recession or borrow your way out of debt."

Mr. KIND. Madam Chair, I rise today in support of H. Con Res. 85, the Budget Resolution for Fiscal Year 2010.

Budgets are all about priorities. This budget makes it clear that the priorities of this Congress are the priorities of the American people. During the greatest economic crisis our country has seen in a generation, the budget before us starts us on a pathway to recovery.

The resolution makes critical investments in education, health care reform, and energy

independence that are necessary to restore our economy and put the country in a position to remain globally competitive. Additionally, the budget begins the tough work of returning to responsible fiscal policies.

This budget builds off of the strong commitment Congress made earlier this year in the American Recovery and Reinvestment Act (ARRA), which provided approximately \$53 billion for the Department of Education, with further support for early childhood education, the tools to achieve high standards for elementary and secondary school students, and efforts to help more Americans obtain a college degree. By investing in our children, we are investing in our future and the prosperity of our country.

I remain convinced that in order to turn our country's economy around, we must transform our outdated, inefficient, and costly health care system. This budget commits to doing so. Not only does the budget resolution make critical investments in medical research and innovation, it also provides a framework for comprehensive health reform. I look forward to working with the Speaker to achieve this critical goal.

It is clear that if our country wants to remain competitive, modernizing our health care system is not our only challenge. We also must reduce our dependence on foreign oil. This addiction does not just undermine our national security, but it threatens our environment. The energy challenges our country faces are severe and have gone unaddressed for far too long. Although there were significant investments and tax incentives made in ARRA, this budget goes further by supporting more renewable energy and energy efficiency programs. Finally, the budget includes instructions on legislation that will promote energy independence over the long run.

Finally, and most importantly, this budget cuts the deficit in half in just over four years. In 2001, the previous Administration inherited record budget surpluses—\$5.6 trillion projected over ten years—but squandered it all and more, leaving a record deficit of over \$1 trillion for 2009 alone. The President did a very tough and honorable thing this year when he presented his budget to Congress with an honest assessment of our financial situation, marking a return to budgeting and fiscal responsibility principles that will help get our fiscal house back in order.

Serious and swift government action was absolutely needed at the beginning of the year to help put our economy on the road to recovery, but now that ARRA has passed it is equally as important to start addressing unfunded obligations we will have down the road. I have long been a proponent of a fiscal commission to examine our long term fiscal obligations and make legislative recommendations to Congress. I fully supported the bipartisan budget summit earlier this year and was happy to participate in the meetings. I know the President is as committed to this issue as I am and I look forward to working with him further on solving our long term fiscal challenges. This budget is a good step in the right direction.

The Budget Resolution before us today makes the tough decisions to get our economy and country back on track. I urge my colleagues to vote yes on this common sense responsible Budget Resolution.

Mrs. MALONEY. Madam Chair, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. MALONEY) having assumed the chair, Mrs. DAHLKEMPER, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014, had come to no resolution thereon.

#### GENERAL LEAVE

Mrs. DAHLKEMPER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1256.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, April 1, 2009.

Hon. NANCY PELOSI,  
Speaker, U.S. Capitol,  
Washington, DC

DEAR SPEAKER PELOSI: Pursuant to Section 841(b) of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 101-181), I am pleased to appoint The Honorable Christopher Shays of Connecticut, to the Commission on Wartime Contracting. My previous appointee, Mr. Dean G. Popps resigned in October 2008, creating a vacancy.

Mr. Shays has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,  
Republican Leader.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEVIN (at the request of Mr. HOYER) for today.

Mrs. SCHMIDT (at the request of Mr. BOEHNER) for today on account of an illness.

#### ADJOURNMENT

Mrs. DAHLKEMPER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes a.m.), under its previous order, the House adjourned until today, Thursday, April 2, 2009, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1116. A letter from the Secretary, Department of Transportation, transmitting notification of several violations of the Antideficiency Act in the Department's Maritime Administration's Operation and Training Account, pursuant to 31 U.S.C. 1517(b) and 1351; to the Committee on Appropriations.

1117. A letter from the Vice Chair and First Vice President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1118. A letter from the Vice Chair and First Vice President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1119. A letter from the Acting Chair, Occupational Safety and Health Review Commission, transmitting the Commission's report on the amount of acquisitions made by the agency from entities that manufacture articles, materials, and supplies outside of the United States for Fiscal Year 2008, pursuant to Public Law 109-115, section 837; to the Committee on Education and Labor.

1120. A letter from the Deputy Chief Human Capital Officer and Director for Human Resources Management, Department of Commerce, transmitting notification that the Department continues to utilize hiring flexibilities such as category rating, in addition to traditional rating, in order to increase its opportunity to select the best qualified candidates in support of Human Capital strategies and succession planning; to the Committee on Oversight and Government Reform.

1121. A letter from the White House Liaison, Department of Education, Office for Civil Rights, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1122. A letter from the White House Liaison, Department of Education, Office of Communications and Outreach, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1123. A letter from the White House Liaison, Department of Education, Office of Elementary and Secondary Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1124. A letter from the White House Liaison, Department of Education, Office of Inspector General, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1125. A letter from the White House Liaison, Department of Education, Office of In-

spector General, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1126. A letter from the White House Liaison, Department of Education, Office of Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1127. A letter from the White House Liaison, Department of Education, Office of Planning, Evaluation and Policy Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1128. A letter from the White House Liaison, Department of Education, Office of Postsecondary Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1129. A letter from the White House Liaison, Department of Education, Office of Special Education and Rehabilitative Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1130. A letter from the White House Liaison, Department of Education, Office of Vocational and Adult Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1131. A letter from the White House Liaison, Department of Education, Office of the Deputy Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1132. A letter from the White House Liaison, Department of Education, Office of the General Counsel, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1133. A letter from the White House Liaison, Department of Education, Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1134. A letter from the Deputy Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1135. A letter from the Deputy Chief Human Capital Officer, Department of Energy, National Nuclear Security Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1136. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of Assistant Secretary for Energy Efficiency & Renewable Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1137. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of Assistant Secretary for Energy Efficiency & Renewable Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1138. A letter from the Deputy Chief Human Capital Officer, Department of En-

ergy, Office of the General Counsel, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1139. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Office of the General Counsel, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1140. A letter from the Deputy Chief Human Capital Officer, Department of Energy, Under Secretary for Science, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1141. A letter from the Acting Assoc. Gen. Counsel for General Law, Department of Homeland Security, Customs and Border Protection, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1142. A letter from the Department of Transportation—Federal Aviation Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1143. A letter from the Department of Transportation—Federal Aviation Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1144. A letter from the Department of Transportation—Federal Highway Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1145. A letter from the Department of Transportation—Federal Motor Carrier Safety Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1146. A letter from the Department of Transportation—Federal Railroad Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1147. A letter from the Department of Transportation—Federal Transit Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1148. A letter from the Department of Transportation—Maritime Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1149. A letter from the Department of Transportation—National Highway Traffic Safety Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1150. A letter from the Department of Transportation—Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1151. A letter from the Department of Transportation—Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1152. A letter from the Department of Transportation—Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1153. A letter from the Department of Transportation—Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1154. A letter from the Department of Transportation—Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1155. A letter from the Department of Transportation—Pipelines and Hazardous Materials Safety Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1156. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, "2008 Annual Report of the Director of the Administrative Office of the U.S. Courts," pursuant to 28 U.S.C. 604(a)(4); to the Committee on the Judiciary.

1157. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; and Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No. FAA-2008-0736; Directorate Identifier 2008-NM-102-AD; Amendment 39-15804; AD 2009-03-03] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Change of Using Agency for Restricted Area 6320; Matagorda, TX [Docket No. FAA-2009-0108; Airspace Docket No. 08-ASW-8] (RIN: 2120-AA66) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace; Removal of Class E Airspace; Aguadilla, PR [Docket No. FAA-2009-0053; Airspace Docket No. 09-ASO-11] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1160. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-300 Airplanes [Docket No. FAA-2008-0857; Directorate Identifier 2007-NM-317-AD; Amendment 39-15785; AD 2009-01-06] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1161. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Avidyne Corporation Primary Flight Displays (Part Numbers 700-00006-000, -001, -002, -003, and -100) [Docket No. FAA-2008-1210; Directorate Identifier 2008-CE-047-AD; Amendment 39-15829; AD 2009-05-05] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1162. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2008-1065; Directorate Identifier 2008-NM-126-AD; Amendment 39-15827; AD 2009-05-03] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1163. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No. FAA-2008-0731; Directorate Identifier 2008-NM-058-AD; Amendment 39-15812; AD 2009-04-06] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. FAA-2008-1141; Directorate Identifier 2008-NM-025-AD; Amendment 39-15799; AD 2009-02-09] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1165. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker F.28 Mark 0700 and 0100 Airplanes [Docket No. FAA-2008-1119; Directorate Identifier 2008-NM-112-AD; Amendment 39-15800; AD 2009-02-10] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1166. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) Airplanes and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2008-1115; Directorate Identifier 2008-NM-134-AD; Amendment 39-15801; AD 2009-02-11] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1167. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Anderson AFB, GU; Guam International Airport, GU; and Saipan International Airports, CQ [Docket No. FAA-2008-0861; Airspace Docket No. 08-AWP-8] (RIN: 2120-AA66) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1168. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Milwaukee, WI [Docket No. FAA-2008-1291; Airspace Docket No. 08-AGL-20] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1169. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Sioux City, IA [Docket No. FAA-2008-1104; Airspace Docket No. 08-ACE-2] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-

mittee on Transportation and Infrastructure.

1170. A letter from the Secretary, Department of Transportation, transmitting the Department's report of obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs for fiscal year 2006 as of September 30, 2006, pursuant to 23 U.S.C. 104(j); to the Committee on Transportation and Infrastructure.

1171. A letter from the Secretary, Department of Transportation, transmitting the Department's report of obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs for fiscal year 2007 as of September 30, 2007, pursuant to 23 U.S.C. 104(j); to the Committee on Transportation and Infrastructure.

1172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; MacDill AFB, FL [Docket No. FAA-2008-0983; Airspace Docket No. 08-ASO-14] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1173. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Umiat, AK [Docket No. FAA-2008-0455; Airspace Docket No. 08-AAL-14] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1174. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Environmental Impact and Related Procedures [Docket No. FTA-2006-26604] (RIN: 2132-AA87) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1175. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Guam Island, GU, and Saipan Island, CQ [Docket No. FAA-2008-0897; Airspace Docket No. 08-AWP-9] (RIN: 2120-AA66) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1176. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Class D and E Airspace; King Salmon, AK [Docket No. FAA-2008-1162; Airspace Docket No. 08-AAL-33] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1177. A letter from the Assistant Secretary, Department of Homeland Security, transmitting the Department's report entitled, "United States Department of Homeland Security Other Transaction Authority Report to Congress Fiscal Year 2008," pursuant to Public Law 107-296, section 831(a)(1), as amended; to the Committee on Homeland Security.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 316. Resolution providing

for further consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014 (Rept. 111-73). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRANKS of Arizona (for himself, Mr. BURTON of Indiana, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. KLINE of Minnesota, Mr. DANIEL E. LUNGREN of California, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. CAMPBELL, Mr. BLUNT, Mr. GERLACH, Mr. SOUDER, Mr. HENSARLING, Mr. COLE, Mr. HOEKSTRA, Mrs. BACHMANN, and Mr. PITTS):

H.R. 1833. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mrs. KIRKPATRICK of Arizona:

H.R. 1834. A bill to amend the Small Business Act to expand and improve the assistance provided to Indian tribe members, Alaska Natives, and Native Hawaiians, and for other purposes; to the Committee on Small Business.

By Mr. BOREN (for himself, Mr. LARSON of Connecticut, Mr. SULLIVAN, Mr. ABERCROMBIE, Mr. BISHOP of Georgia, Mr. BURGESS, Mr. CONAWAY, Mr. KAGEN, Mr. MCMAHON, Ms. MARKEY of Colorado, Mr. MILLER of Florida, Mr. MINNICK, Mr. TEAGUE, and Mr. THOMPSON of California):

H.R. 1835. A bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation; to the Committee on Ways and Means, and in addition to the Committees on Oversight and Government Reform, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINNICK (for himself and Mr. SCHOCK):

H.R. 1836. A bill to amend the Internal Revenue Code of 1986 to provide a payroll tax holiday for small businesses; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. BURTON of Indiana, Mr. BERMAN, and Mr. WEXLER):

H.R. 1837. A bill to amend the Andean Trade Preference Act to add Paraguay to the list of countries that are eligible to be designated as beneficiary countries and ATPDEA beneficiary countries; to the Committee on Ways and Means.

By Ms. FALLIN (for herself, Ms. CLARKE, and Mrs. McMORRIS RODGERS):

H.R. 1838. A bill to amend the Small Business Act to modify certain provisions relating to women's business centers, and for other purposes; to the Committee on Small Business.

By Mr. BUCHANAN:

H.R. 1839. A bill to amend the Small Business Act to improve SCORE, and for other

purposes; to the Committee on Small Business.

By Mr. CAMP (for himself and Mr. RANGEL):

H.R. 1840. A bill to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 1841. A bill to amend the Clean Air Act to reduce sulfur dioxide, nitrogen oxide, and mercury emissions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Science and Technology, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUETKEMEYER:

H.R. 1842. A bill to amend the Small Business Act to improve the Small Business Administration's entrepreneurial development programs, and for other purposes; to the Committee on Small Business.

By Mr. CONYERS (for himself, Mr. NADLER of New York, Mr. SCOTT of Virginia, Ms. WATERS, Mr. CLEAVER, Ms. LEE of California, Mr. GRIJALVA, and Ms. JACKSON-LEE of Texas):

H.R. 1843. A bill to provide a mechanism for a determination on the merits of the claims brought by survivors and descendants of the victims of the Tulsa, Oklahoma, Race Riot of 1921 but who were denied that determination; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself and Mr. BOUSTANY):

H.R. 1844. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHOCK:

H.R. 1845. A bill to amend the Small Business Act to modernize Small Business Development Centers, and for other purposes; to the Committee on Small Business.

By Mr. BACA (for himself and Mrs. SCHMIDT):

H.R. 1846. A bill to amend the Truth in Lending Act to establish additional payday loan disclosure requirements and preempt certain State laws, and for other purposes; to the Committee on Financial Services.

By Mrs. CAPITO (for herself and Mr. SHIMKUS):

H.R. 1847. A bill to require the inclusion of coal-derived fuel at certain volumes in aviation fuel, motor vehicle fuel, home heating oil, and boiler fuel; to the Committee on Energy and Commerce.

By Ms. CLARKE (for herself, Mr. MILLER of North Carolina, Ms. CORRINE BROWN of Florida, Mr. COHEN, Mr. DAVIS of Illinois, Ms. FUDGE, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas,

Ms. KILPATRICK of Michigan, Ms. KILROY, Mr. MCNERNEY, Ms. NORTON, Mr. SCOTT of Virginia, and Mr. TOWNS):

H.R. 1848. A bill to provide funding for the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities; to the Committee on Appropriations.

By Mr. CLEAVER (for himself, Mr. AKIN, Mr. BLUNT, Mr. CARNAHAN, Mr. CLAY, Mrs. EMERSON, Mr. GRAVES, Mr. LUETKEMEYER, and Mr. SKELTON):

H.R. 1849. A bill to designate the Liberty Memorial at the National World War I Museum in Kansas City, Missouri, as the National World War I Memorial, to establish the World War I centennial commission to ensure a suitable observance of the centennial of World War I, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself and Mr. PLATTS):

H.R. 1850. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote tobacco use cessation under the Medicare Program, the Medicaid Program, and the maternal and child health program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself and Mr. DONNELLY of Indiana):

H.R. 1851. A bill to amend title 10, United States Code, to require that certain members of the Armed Forces receive employment assistance, job training assistance, and other transitional services provided by the Secretary of Labor before separating from active duty service; to the Committee on Armed Services.

By Mr. KILDEE:

H.R. 1852. A bill to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Ohio, as the "Akron Veterans Memorial Post Office"; to the Committee on Oversight and Government Reform.

By Mrs. KIRKPATRICK of Arizona:

H.R. 1853. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; to the Committee on Natural Resources.

By Mr. LEWIS of California:

H.R. 1854. A bill to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California; to the Committee on Transportation and Infrastructure.

By Mr. LOEBESACK (for himself and Mr. PLATTS):

H.R. 1855. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 1856. A bill to reauthorize the Financial Crimes Enforcement Network; to the Committee on Financial Services.

By Mr. MARCHANT:

H.R. 1857. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on the allowance of capital losses of taxpayers other than corporations; to the Committee on Ways and Means.

By Ms. MARKEY of Colorado:

H.R. 1858. A bill to provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land, and for other purposes; to the Committee on Natural Resources.

By Mr. PALLONE (for himself, Mr. WAXMAN, Mr. RANGEL, and Mr. STARK):

H.R. 1859. A bill to amend the Public Health Service Act to provide grants or contracts for prescription drug education and outreach for healthcare providers and their patients; to the Committee on Energy and Commerce.

By Mr. SALAZAR (for himself and Mr. COFFMAN of Colorado):

H.R. 1860. A bill to provide certain counties with the ability to receive television broadcast signals of their choice; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mr. PENCE):

H.R. 1861. A bill to highlight and promote freedom of the press worldwide; to the Committee on Foreign Affairs.

By Mr. VAN HOLLEN (for himself, Mr. THOMPSON of California, Mr. BLUMENAUER, and Mr. DOGGETT):

H.R. 1862. A bill to cap the emissions of greenhouse gases through a requirement to purchase carbon permits, to distribute the proceeds of such purchases to eligible individuals, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER:

H.R. 1863. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the amount of wages in excess of the contribution and benefit base, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. BOEHNER, Mr. CANTOR,

Mr. MCHUGH, Mr. ADLER of New Jersey, Mr. BILIRAKIS, Mr. LOBIONDO, Mr. JOHNSON of Illinois, Mr. ROONEY, Mr. MILLER of Florida, Mr. NYE, Mr. FLEMING, Mr. PASTOR of Arizona, Mr. RODRIGUEZ, Mr. BARTLETT, Ms. GINNY BROWN-WAITE of Florida, Mr. JONES, Mr. OLSON, Mr. CONAWAY, Mr. LAMBORN, Mr. CHAFFETZ, Mr. AKIN, Ms. ROS-LEHTINEN, Mr. SHADEGG, Mr. MASSA, Mr. KLINE of Minnesota, Mr. SHUSTER, Mr. FRANKS of Arizona, Mr. HARPER, Ms. FALLIN, Mr. HUNTER, Mr. ROGERS of Michigan, Mr. LUETKEMEYER, Mr. DAVIS of Kentucky, Mr. FORBES, Mr. REICHERT, Mr. WITTMAN, Mr. BROUN of Georgia, Mr. HELLER, Mrs. BLACKBURN, Mrs. MCMORRIS RODGERS, Mrs. BIGGERT, and Mr. PRICE of Georgia):

H.R. 1864. A bill to provide a pay increase of 3.4 percent for members of the uniformed

services for fiscal year 2010; to the Committee on Armed Services.

By Mr. KING of New York (for himself and Mr. JACKSON of Illinois):

H. Con. Res. 91. Concurrent resolution expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur "Jack" Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Ms. BALDWIN, Ms. ROS-LEHTINEN, Mr. FRANK of Massachusetts, Mr. BERMAN, Ms. BERKLEY, Mrs. CAPPS, Mr. FARR, Mr. FILNER, Mr. GUTIERREZ, Mr. HOLT, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. McDERMOTT, Mr. MCGOVERN, Mr. NADLER of New York, Ms. NORTON, Mr. PALLONE, Mr. POLIS of Colorado, Ms. WOOLSEY, Mr. HARE, Ms. WASSERMAN SCHULTZ, Ms. LEE of California, Mr. HONDA, Mr. GRIJALVA, Mr. SERRANO, Mrs. DAVIS of California, Mr. MORAN of Virginia, Mr. ANDREWS, Ms. LINDA T. SANCHEZ of California, Mr. ELLISON, Mrs. MALONEY, Ms. CLARKE, Ms. SCHAKOWSKY, and Mr. FATTAH):

H. Con. Res. 92. Concurrent resolution supporting the goals and ideals of the National Day of Silence in bringing attention to anti-lesbian, gay, bisexual, and transgender name-calling, bullying, and harassment faced by individuals in schools; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H. Res. 312. A resolution raising a question of the privileges of the House.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. DEFAZIO, Mr. DUNCAN, Mr. COSTELLO, Mr. PETRI, Ms. NORTON, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. SHUSTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOOZMAN, Mr. CUMMINGS, and Mr. LOBIONDO):

H. Res. 313. A resolution supporting the goals and ideals of National Public Works Week, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YARMUTH:

H. Res. 314. A resolution honoring and saluting Hillerich & Bradsby Co. on the 125th anniversary of the Louisville Slugger; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Ms. BERKLEY, Mr. BROWN of South Carolina, and Ms. BORDALLO):

H. Res. 315. A resolution supporting the goals and ideals of Alcohol Awareness Month; to the Committee on Energy and Commerce.

By Mr. MOORE of Kansas (for himself, Ms. JENKINS, Mr. SKELTON, Mr. CLEAVER, and Mr. GRAVES):

H. Res. 317. A resolution recognizing the region from Manhattan, Kansas, to Columbia, Missouri, as the Kansas City Animal Health Corridor, and for other purposes; to the Committee on Agriculture.

By Mr. SHIMKUS:

H. Res. 318. A resolution recognizing July 2009 as "Energy Independence Month" and encouraging awareness and promoting education on energy independence in the United States; to the Committee on Oversight and Government Reform.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. DRIEHAUS, Ms. FOX, Mrs. LOWEY, Mr. TIAHRT, and Mr. PETERSON.

H.R. 23: Mrs. BLACKBURN, Mr. SMITH of Washington, Mr. CLEAVER, Mr. DEFAZIO, Ms. KAPTUR, Mrs. CAPPS, Mr. PUTNAM, Mr. FATTAH, Mr. HOLT, and Mr. GEORGE MILLER of California.

H.R. 52: Mr. CARNAHAN and Mr. PIERLUISI.

H.R. 118: Mr. PASCRELL.

H.R. 240: Mr. ISSA, Mr. MCCOTTER, Mr. BARRETT of South Carolina, and Mr. BROUN of Georgia.

H.R. 270: Mr. FILNER and Mr. TANNER.

H.R. 272: Mr. CARNEY.

H.R. 275: Mr. ROHRBACHER and Mr. PAUL.

H.R. 327: Mr. PUTNAM, Mr. KLEIN of Florida, Ms. CORRINE BROWN of Florida, and Mr. GRAYSON.

H.R. 345: Mr. ROSS and Mr. BARTLETT.

H.R. 346: Mr. BURGESS.

H.R. 406: Mr. DRIEHAUS.

H.R. 422: Mr. GRAYSON, Mr. GALLEGLY, Mr. DAVIS of Kentucky, Mr. MITCHELL, and Mr. TIBERI.

H.R. 430: Mrs. MCMORRIS RODGERS.

H.R. 433: Mr. COURTNEY and Mr. WELCH.

H.R. 463: Mr. HIMES.

H.R. 466: Mr. SESTAK.

H.R. 509: Mr. WITTMAN.

H.R. 564: Mr. LEVIN.

H.R. 593: Mr. COHEN.

H.R. 627: Mr. SERRANO, Mrs. DAVIS of California, and Mr. WATT.

H.R. 644: Mr. FILNER.

H.R. 669: Mr. SABLAN.

H.R. 745: Mr. KIND, Mr. CHANDLER, Mr. GERLACH, Mr. SPRATT, Mr. BISHOP of Georgia, Mr. WAMP, Mr. JOHNSON of Georgia, Mrs. MALONEY, Mr. BERMAN, Mr. DOYLE, Ms. KAPTUR, Mr. SESSIONS, Mr. ISRAEL, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VAN HOLLEN, Ms. SHEA-PORTER, Mr. ENGEL, Mr. FARR, Mr. Grayson, Mr. MORAN of Virginia, Mr. HOLDEN, Mr. MURTHA, Mr. SCHIFF, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mr. TIERNEY, Mr. THOMPSON of California, Mr. LANGEVIN, Mr. RUPPERSBERGER, Mr. LATHAM, Mr. Pierluisi, Mr. BARTLETT, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HINCHEY, and Mr. MOORE of Kansas.

H.R. 753: Mr. COURTNEY.

H.R. 789: Ms. WASSERMAN SCHULTZ.

H.R. 803: Mr. Tonko, Mr. JOHNSON of Georgia, and Mr. ISRAEL.

H.R. 808: Mr. POLIS of Colorado.

H.R. 816: Mrs. CAPPS, Mr. HEINRICH, Mr. ALEXANDER, Mr. BOSWELL, and Mr. ETHERIDGE.

H.R. 870: Mr. GOODLATTE.

H.R. 874: Mr. SCOTT of Georgia.

H.R. 877: Mr. JORDAN of Ohio and Mr. BARRETT of South Carolina.

H.R. 885: Mr. LOBIONDO.

H.R. 942: Mr. REBERG.

H.R. 946: Mr. MORAN of Virginia.

H.R. 952: Mr. FILNER.

H.R. 1016: Mr. DOYLE.

H.R. 1017: Mr. MORAN of Kansas and Mr. BOUCHER.

H.R. 1062: Mr. LINDER and Mr. GERLACH.

H.R. 1067: Mr. SCHIFF, Mr. JONES, and Mr. RAHALL.

H.R. 1074: Mr. BROWN of South Carolina.

H.R. 1075: Mr. MILLER of Florida, Ms. KILPATRICK of Michigan, and Mr. FLEMING.

H.R. 1118: Mr. WAMP, Mr. GINGREY of Georgia, Mr. MARCHANT, Mr. BONNER, Mr. HUNTER, Mr. POSEY, Mr. PENCE, Mr. HENSARLING, Ms. FALLIN, Mr. SHADEGG, and Mrs. LUMMIS.



H.R. 1136: Mr. PERRIELLO and Ms. MARKEY of Colorado.

H.R. 1190: Mr. ROGERS of Alabama and Mr. MINNICK.

H.R. 1191: Mr. CARNAHAN and Mr. CARSON of Indiana.

H.R. 1204: Mr. WEXLER.

H.R. 1207: Mrs. CAPITO and Mr. WITTMAN.

H.R. 1210: Mr. BARROW and Mr. WELCH.

H.R. 1214: Ms. KOSMAS, Mr. ELLSWORTH, Mr. FOSTER, Mr. KANJORSKI, Mr. MOORE of Kansas, and Mrs. MCCARTHY of New York.

H.R. 1233: Mr. TIAHRT.

H.R. 1243: Mr. ADLER of New Jersey, Mr. ALEXANDER, Mr. ALTMIRE, Mr. BAIRD, Ms. BALDWIN, Mr. BARROW, Ms. BEAN, Mr. BERMAN, Mr. BERRY, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of New York, Mr. BOREN, Mr. BOSWELL, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BRIGHT, Ms. CORRINE BROWN of Florida, Mr. CAMP, Mr. CARSON of Indiana, Mr. COBLE, Mr. COHEN, Mr. CROWLEY, Mr. DAVIS of Kentucky, Mr. DICKS, Mr. DOGGETT, Mr. DREIER, Ms. EDWARDS of Maryland, Mr. ELLSWORTH, Mr. ETHERIDGE, Mr. FILNER, Mr. GORDON of Tennessee, Mr. GRAYSON, Mr. GRIFFITH, Mr. HELLER, Mr. HILL, Mr. HINCHAY, Mr. HODES, Mr. HOLT, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KING of Iowa, Mr. KRATOVIL, Mr. KUCINICH, Mr. LAMBORN, Mr. LARSEN of Washington, Mr. LATOURETTE, Ms. LEE of California, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mr. MCCOTTER, Mr. MCHENRY, Mr. MATHESON, Mr. MEEKS of New York, Mr. MICA, Mr. MILLER of North Carolina, Mrs. MILLER of Michigan, Mr. GEORGE MILLER of California, Mr. MINNICK, Mr. MITCHELL, Ms. MOORE of Wisconsin, Mr. MORAN of Kansas, Mr. MURPHY of Connecticut, Mr. TIM MURPHY of Pennsylvania, Mr. NADLER of New York, Mr. NYE, Mr. OBERSTAR, Mr. PALLONE, Mr. PAYNE, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. REHBERG, Ms. RICHARDSON, Mr. ROGERS of Alabama, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHMAN of New Jersey, Mr. RUPERSBERGER, Mr. RUSH, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SIRES, Mr. SKELTON, Mr. SMITH of Washington, Ms. SPEIER, Mr. SULLIVAN,

Mr. THOMPSON of Mississippi, Mr. THOMPSON of Pennsylvania, Mr. THOMPSON of California, Mr. TIBERI, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. WILSON of Ohio, Mr. WOLF, Ms. WOOLSEY, and Mr. YOUNG of Florida.

H.R. 1255: Mr. ROSKAM.

H.R. 1261: Mr. SPRATT.

H.R. 1265: Mr. PETERS.

H.R. 1270: Ms. GIFFORDS.

H.R. 1277: Mr. BARRETT of South Carolina, Mr. AKIN, and Mr. FLAKE.

H.R. 1325: Mr. HONDA.

H.R. 1327: Mrs. MILLER of Michigan, Mr. PRICE of Georgia, Mr. SENSENBRENNER, Mr. PETERS, Mrs. MCMORRIS RODGERS, Mr. CONNOLLY of Virginia, Ms. GINNY BROWN-WAITE of Florida, Mr. TIAHRT, and Mr. PERLMUTTER.

H.R. 1349: Mr. CHILDERS and Mr. TERRY.

H.R. 1362: Mr. PUTNAM, Ms. CASTOR of Florida, Mr. LEVIN, and Mr. FORTENBERRY.

H.R. 1406: Mr. BROWN of Georgia.

H.R. 1425: Mr. WEINER and Ms. WASSERMAN SCHULTZ.

H.R. 1426: Mr. MCHENRY, Mr. THORNBERRY, and Mr. COLE.

H.R. 1427: Mr. SARBANES.

H.R. 1454: Mr. FLEMING, Mr. BOSWELL, Mr. PIERLUISI, and Mr. ROYCE.

H.R. 1458: Mr. FRANK of Massachusetts.

H.R. 1466: Mr. CARSON of Indiana.

H.R. 1470: Mr. MASSA.

H.R. 1476: Mr. BRALEY of Iowa.

H.R. 1485: Mr. PALLONE, Mr. SIRES, and Mrs. CAPPS.

H.R. 1505: Mr. GORDON of Tennessee.

H.R. 1509: Mrs. MYRICK.

H.R. 1521: Mr. CARSON of Indiana and Mr. MCHENRY.

H.R. 1523: Ms. SCHAKOWSKY.

H.R. 1528: Ms. LEE of California.

H.R. 1530: Ms. LEE of California.

H.R. 1531: Ms. LEE of California.

H.R. 1548: Mr. SESSIONS, Mr. MEEKS of New York, Mr. KAGEN, and Ms. ROS-LEHTINEN.

H.R. 1550: Mr. KUCINICH.

H.R. 1577: Mr. WAMP.

H.R. 1585: Ms. GIFFORDS, Ms. ESHOO, Ms. HIRONO, Mr. NYE, Mr. LOEBSACK, Mr. PASTOR of Arizona, Ms. BALDWIN, Mr. CUMMINGS, Mr. SMITH of Washington, Mr. MCGOVERN, Mr. RYAN of Ohio, Mr. MCINTYRE, and Mrs. CAPPS.

H.R. 1596: Ms. SLAUGHTER, Mr. ELLISON, and Mr. WAXMAN.

H.R. 1612: Mr. DOGGETT.

H.R. 1618: Mr. CLAY.

H.R. 1666: Mr. VAN HOLLEN, Mr. McDERMOTT, and Mr. CONNOLLY of Virginia.

H.R. 1670: Mr. COURTNEY, Mr. GENE GREEN of Texas, and Mrs. CAPPS.

H.R. 1676: Mr. SMITH of Texas.

H.R. 1684: Mr. SMITH of Texas.

H.R. 1689: Mr. SHIMKUS and Mr. MATHESON.

H.R. 1708: Ms. SCHAKOWSKY and Mr. HOLT.

H.R. 1757: Ms. MARKEY of Colorado.

H.R. 1770: Mr. PLATTS.

H.R. 1789: Mr. MICA.

H.R. 1792: Mr. BISHOP of New York.

H.R. 1809: Mr. SABLAN.

H.R. 1815: Mr. WITTMAN.

H.J. Res. 26: Mrs. MILLER of Michigan.

H.J. Res. 41: Mr. FRANKS of Arizona.

H. Con. Res. 70: Mr. ROHRABACHER.

H. Con. Res. 83: Mr. JORDAN of Ohio.

H. Con. Res. 87: Mr. GALLEGLY.

H. Res. 81: Mr. JORDAN of Ohio and Mrs. MYRICK.

H. Res. 130: Mr. BISHOP of New York and Mr. MAFFEI.

H. Res. 171: Mr. BRALEY of Iowa.

H. Res. 175: Mr. COSTA.

H. Res. 200: Mr. LAMBORN.

H. Res. 236: Ms. TITUS and Mr. CROWLEY.

H. Res. 238: Mr. CARSON of Indiana.

H. Res. 249: Ms. FALLIN.

H. Res. 258: Ms. CASTOR of Florida.

H. Res. 262: Ms. WOOLSEY.

H. Res. 269: Mr. MOORE of Kansas and Mr. DUNCAN.

H. Res. 270: Mr. OLSON and Mr. NEUGEBAUER.

H. Res. 299: Mr. WAXMAN and Ms. BORDALLO.

H. Res. 300: Mr. BARTLETT, Mrs. MALONEY, Mr. ENGEL, Mr. LEE of New York, and Mr. HINCHAY.

H. Res. 302: Mrs. CAPPS, Mr. CROWLEY, Mr. ISRAEL, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. GONZALEZ, Ms. VELÁZQUEZ, Ms. LINDA T. Sánchez of California, Ms. ROYBAL-ALLARD, Mr. CAO, Mr. ACKERMAN, and Mr. COHEN.

H. Res. 309: Mr. CROWLEY and Mr. CAPUANO.

H. Res. 311: Mr. MORAN of Virginia, Mr. OLSON, and Mr. GRIJALVA.

## EXTENSIONS OF REMARKS

### TRIBUTE TO JOE SCALLORNS

#### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. SKELTON. Madam Speaker, let me take this opportunity to honor Joe Scallorns of California, Missouri.

Mr. Scallorns has been awarded the Department of the Air Force Scroll of Appreciation for his tireless dedication and leadership on the Whiteman Air Force Base Community Council. The scroll is awarded for meritorious achievement or service to the Department of the Air Force by civilians not employed by the United States government. It was presented to Mr. Scallorns at the B-2 Twentieth Anniversary Gala on January 17.

Mr. Scallorns has supported the Whiteman Air Force Base community throughout his tenure as president of the Whiteman Air Force Base Community Council and through his continued service as an active member of the board. He also currently serves on the commander's group of Air Combat Command and is a participating member of the Air Force Civic Leaders Group and Air Force Association.

Joe Scallorns has been honored to serve and support Whiteman Air Force Base and its community. I hope Members of the House will join me in honoring this outstanding citizen and in wishing him the very best in his future endeavors.

### TRIBUTE TO FORMER McALLEN MAYOR OTHAL BRAND

#### HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. CUELLAR. Madam Speaker:

Whereas, the McAllen Hispanic Chamber of Commerce promotes economic development and assists businesses to access the Hispanic market through networking, promoting education and nurturing leadership; and

Whereas, Mayor Brand born August 12, 1919 in Grayson, Georgia one of six children to Homer and Ilee Brand;

Whereas, Mayor Brand with his unfaltering patriotism served the United States in World War II as a U.S. Marine; and

Whereas, Mayor Brand returned from World War II to continue to work tirelessly building the produce company that would become Griffin & Brand Produce of McAllen and ultimately relocating to McAllen, Texas in 1954; and

Whereas, Mayor Brand always ready for a new challenge served the City of McAllen as City Commissioner and then as Mayor for 20 years. Mayor Brand's leadership and vision

was instrumental in creating the City of McAllen of today, a thriving modernized city; and

Whereas, Mayor Brand's dedication to the youth of McAllen is evident through the founding of the Boy's and Girls' Club of McAllen that today supports a large number of youth programs, and his work to obtain land for the McAllen ISD that is now home to a high school, a city park, and a number of sports fields; and

Whereas, Mayor Brand played a central role in the development of the McAllen Economic Development Corporation that has brought a number of industries to the area that today employ thousands of McAllen citizens; and be it hereby

Resolved, That Congressman HENRY CUELLAR, in representing the 28th Congressional District of the State of Texas, honors Former McAllen Mayor Othal Brand.

### PERSONAL EXPLANATION

#### HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. COLE. Madam Speaker, on Tuesday, March 31, 2009, I was unavoidably detained and I missed the first vote in a series of three votes. I missed rollcall vote No. 173.

Had I been present and voting, I would have voted as follows:

Rollcall vote No. 173: "no" (On agreeing to H. Res. 279).

### TRIBUTE TO BRADY YOUNG

#### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Brady Young on earning an Eagle Scout Award. Brady is an 11th grade student from South Hardin High School in Eldora, Iowa.

The Eagle Scout rank is the highest advancement rank in scouting. Only about 5% of Boy Scouts earn the Eagle Scout Award. The award is a performance based achievement that has maintained similar standards over the years. To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Brady's project was replacing the railing, steps, landscaping and entrance to the west of the Youth Building at the Hardin County Fairgrounds in Eldora.

Brady has been involved in scouting since he was in Tiger Cubs and continues to be an

active member of the Eldora Boy Scout Troop 334 today. He has completed over 50 merit badges, 12 of which are required to become an Eagle Scout. While in Scouts, Brady has earned various awards which include: the Bronze Palm, Arrow of Light Award, 50 Miler Award, God and Country Religious Award, World Conservation Award and various others. Brady is also a Member of Order of the Arrow—Brotherhood Level and completed the Den Chief Leadership training.

The example set by this young man demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Brady Young in the United States Congress. I know that all of my colleagues join me in congratulating him on earning an Eagle Scout ranking and wish him continued success in his future education and career.

### HONORING FRED WELCH

#### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. JOHNSON of Illinois. Madam Speaker, I rise today to honor Fred Welch, a dedicated and selfless member of the community who passed away on March 13, 2009.

Fred was born in Linden, Tennessee and later attended the University of Tennessee. After graduation he attended Auburn University and Iowa State University. Fred's areas of specialty were in soil science, specifically soil fertility and fertilizers. This area of expertise led him to work at the Georgia Experiment Station, the U.S. Department of Agriculture, and finally the agronomy department at the University of Illinois.

He is survived by his wife, Marilyn, whom he married in 1956 in Cherokee, Alabama. They were blessed with three sons, five granddaughters, and three grandsons. After retiring from the University of Illinois in 1990, Fred and his wife traveled whenever possible and founded an active seniors group that meets once a month to discuss politics and meet candidates. This organization, the Active Senior Republicans, has grown from just the two of them to over one hundred citizens of the Champaign area.

I hope all of you will join me in recognizing Fred Welch for his contributions to his community, Champaign County, and the University of Illinois.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO REAR ADMIRAL DR.  
JOHN F. EISOLD

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. SKELTON. Madam Speaker, let me take this opportunity to recognize the service of Dr. John F. Eisold, former Attending Physician of the United States Congress. From 1994 to 2009, Dr. Eisold dedicated himself to the medical welfare of the Members and staff of Congress. His services were essential to the Members of Congress and should not go unrecognized.

Dr. Eisold was born in Cleveland, Ohio, in 1946, and grew up in Baltimore, Maryland. He received a Bachelor's degree in Physics from Dartmouth College in 1968 and a Doctor of Medicine degree from Dartmouth College in 1976. From 1976 to 1979, Dr. Eisold completed his internship and residency in internal medicine at the National Naval Medical Center. Upon receiving his American Board of Internal Medicine Certification, Dr. Eisold established the General Internal Medicine Division and Hypertension Clinic at the National Naval Medical Center. In 1985 he was selected as a Robert Wood Johnson Health Policy Fellow and worked for Senator KENNEDY's Health Staff on the Labor and Human Resources Committee. From 1988 to 1994 Dr. Eisold was reassigned back to the National Naval Medical Center and was selected as chairman of the Department of Internal Medicine. He was promoted to Rear Admiral in 1995.

Dr. Eisold has been recognized for his work to the Congress during the anthrax attack in 2001. He and his staff were awarded the U.S. Surgeon General's Crisis Response Service Award, the Public Health Service Outstanding Unit Citation and the Navy Unit Commendation. In addition, Dr. Eisold has been awarded the National Defense Medal with two Bronze Stars, Meritorious Unit Commendation with three Bronze Stars, Navy Commendation Medal with Gold Star, Defense Commendation Medal, Meritorious Service Medal, the Legion of Merit with Gold Star, and the Distinguished Service Medal.

I am certain that Members of the House will join me in thanking Rear Admiral Dr. John F. Eisold for his service to the United States Congress and in wishing him the best of luck in future endeavors.

INTRODUCTION OF THE U.S.-PARAGUAY PARTNERSHIP ACT OF 2009

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. ENGEL. Madam Speaker, today, I am pleased to introduce the U.S.-Paraguay Partnership Act of 2009 which will add Paraguay as an Andean Trade Preference Act (ATPA) beneficiary country. As Chairman of the House Foreign Affairs Subcommittee on the Western Hemisphere, I have spent countless hours over the past two years urging greater U.S.

engagement in the Americas. Congress's passage of the U.S.-Paraguay Partnership Act of 2009 will be one small step in that direction.

Paraguay is the second poorest country in South America—after only Bolivia. 30% of Paraguayans live in poverty and 13% live in extreme poverty. Paraguay's inclusion as an ATPA beneficiary country would allow the country to create well-needed jobs and reduce poverty.

But, the U.S.-Paraguay Partnership Act of 2009 is about much more than poverty reduction. This bill will serve the dual purpose of reducing poverty in Paraguay and enhancing the already strong relationship between our two countries. I visited President Lugo in Asuncion in November, and he expressed to me his interest in a strong relationship with the United States. President Lugo is the first Paraguayan president to be elected not from the Colorado party in 60 years, and he is already a good friend of the United States.

Paraguay is a small, landlocked country that is often left out of discussions of U.S. policy toward Latin America. But, it is a crucial ally in so many areas. According to the State Department's February 2009 International Narcotics Control Strategy Report, in 2008, Paraguay's National Anti-drug Secretariat (SENAD) seized a record 172 metric tons of marijuana. Paraguay also works closely with the U.S. and its neighbors Argentina and Brazil in the "3+1 process" to curb illicit activities in the so-called tri-border area where the borders of Paraguay, Argentina and Brazil meet.

Over the past two years, I have been highly critical of Congress's short-term extensions of ATPA. It is my hope both that Paraguay will be quickly added to ATPA and that ATPA will then be extended for a much longer time period than in the past.

During his campaign, President Obama said that "my policy toward the Americas will be guided by the simple principle that what's good for the people of the Americas is good for the United States." The U.S.-Paraguay Partnership Act of 2009 embodies the spirit of President Obama's statement, and will be a win-win for both countries.

TRIBUTE TO TRAVIS JESKE

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Travis Jeske on earning an Eagle Scout Award. Travis is a 10th grade student from South Hardin High School in Eldora, Iowa.

The Eagle Scout rank is the highest advancement rank in scouting. Only about 5% of Boy Scouts earn the Eagle Scout Award. The award is a performance based achievement that has maintained similar standards over the years. To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Travis's project was building gate extensions for the Hardin County Fair Board, at the Hardin County Fairgrounds in Eldora.

Travis has been involved in scouting since he was in Tiger Cubs and continues to be an active member of the Eldora Boy Scout Troop 334 today. He has completed over 50 merit badges; 12 of which are required to become an Eagle Scout. While in scouts, Travis has earned various awards which include: the Bronze Palm, Arrow of Light Award, 50 Miler Award, God and Country Religious Award, World Conservation Award and various others. Travis is also a Member of Order of the Arrow—Brotherhood Level and completed the Den Chief Leadership training.

The example set by this young man demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Travis Jeske in the United States Congress. I know that all of my colleagues join me in congratulating him on earning an Eagle Scout ranking and wish him continued success in his future education and career.

INTRODUCTION OF THE "DANIEL PEARL FREEDOM OF THE PRESS ACT OF 2009"

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. SCHIFF. Madam Speaker, I rise today to introduce the "Daniel Pearl Freedom of the Press Act of 2009"—legislation to highlight and promote freedom of the press worldwide.

In early 2002, Wall Street Journal reporter Daniel Pearl was kidnapped and murdered by terrorists in Pakistan, just four months after 9/11. Lured from his apartment, Daniel was on his way to interview a Muslim fundamentalist when he was captured. Just two days before his abduction, Daniel had learned that his wife Mariane was expecting a baby boy. Although four of the kidnappers were convicted in July of 2002, seven other suspects, including those who allegedly helped murder Daniel Pearl, remain at large.

Despite international outrage over this brutal murder, freedom of the press has continued to decline on a global scale.

In 2006, Anna Politkovskaya, one of Russia's most prominent journalists, was shot dead in her apartment building. The investigative journalist, well known for her critical reports of the Kremlin's actions in Chechnya, is widely believed to be the victim of a politically motivated contract killing. Anna Politkovskaya was the 13th Russian journalist murdered during President Vladimir Putin's administration. One month ago, a jury in Moscow acquitted three men charged with her murder.

Just two weeks ago, on March 17th, 2009, two American journalists were detained by the North Korean authorities while reporting on the plight of North Korean refugees in China. North Korea has accused the reporters of illegally entering North Korea from China and has stated the journalists will be indicted and tried for suspected hostile acts.

Acts of violence against journalists continue to rise in frequency, with very few of the attacks resulting in prosecution. According to the Committee to Protect Journalists, in 2008 at least 41 journalists were killed in connection

with their work, and 125 were imprisoned. As the level of violence directed at the press continues to rise, so too does the side effect of self-censorship. Legal mechanisms are also increasingly being used to restrict the media, both through overt censorship and through the use of laws that forbid "endangering national security" or "inciting hatred" by commenting on sensitive or anti-government topics.

Freedom of expression cannot exist where journalists and the media are not independent and safe from persecution and attack. Our government must promote freedom of the press by putting on center stage those countries in which journalists are killed, imprisoned, kidnapped, threatened, or censored. Therefore, together with my colleague Congressman PENCE, I am introducing legislation which calls upon the Secretary of State to submit an annual report on the status of freedom of the press worldwide, bringing attention to those governments, extremists, and criminal groups which seek to silence opposition.

To further this effort, my legislation also establishes a grant program aimed at broadening and strengthening the independence of journalists and media organizations. Too often media assistance programs are short-term, ranging from one year projects to weekend workshops, and are buried as a second thought under broader human rights programs. The Daniel Pearl Freedom of the Press Act of 2009 will give prominence to freedom of the press projects within the State Department, and ensure a long-term, holistic approach to journalist and media development.

Please join me in this effort to promote freedom of the press worldwide.

INTRODUCING A BILL TO DESIGNATE THE LIBERTY MEMORIAL AS THE NATIONAL WWI MEMORIAL AND TO ESTABLISH THE WWI CENTENNIAL COMMISSION TO ENSURE A SUITABLE OBSERVANCE OF THE WWI CENTENNIAL

## HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. CLEAVER. Madam Speaker, today along with my colleagues, Representatives AKIN, BLUNT, CARNAHAN, CLAY, EMERSON, GRAVES, LUETKEMEYER, and SKELTON, I am introducing a bill designating the Liberty Memorial at the National World War I Museum in Kansas City, Missouri as the National World War I Memorial. This bill also establishes a Centennial Commission to ensure a fitting observance of the centennial of World War I.

The First World War extended through four of the bloodiest years in world history. This truly global conflict involved the world's major powers, mobilizing over 70 million military forces. The War to End All Wars ended with an armistice on November 11, 1918 on the Western Front in Europe, after approximately 16 million military and civilian deaths across the globe, including 375,000 American casualties. The death and destruction of World War I irrevocably impacted the lens through which

people viewed the world: The optimism that initiated the early 1900s was swiftly sobered by a consciousness that came to be known as the Lost Generation.

Many people, however, were determined to make this generation a generation remembered and honored. Concerned American citizens in Kansas City, Missouri initiated a movement to erect a lasting and meaningful monument to the men and women who served and died for liberty in World War I.

According to R.A. Long, the founding president of the Liberty Memorial Association, the 217-foot Liberty Memorial was intended to represent "on the part of all people, a living expression for all time of the gratitude of a grateful people to those who offered and who gave their lives in defense of liberty and our country." In 1919, the people of Kansas City, Missouri expressed an outpouring of support and raised more than \$2,000,000 in two weeks for a memorial to the service of Americans in World War I. This fundraising was an accomplishment unparalleled by any other city in the United States and reflected the passion of public opinion about World War I, at the forefront of everyone's memory.

H. Van Buren Magonigle won a national architectural competition officiated by the American Institute of Architects to further transform the Liberty Memorial idea into reality. On November 1, 1921, nearly 200,000 people witnessed the dedication of the site for the Liberty Memorial in Kansas City, Missouri. The dedication marked the only time in history that the five allied military leaders—Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshall Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain, were together at one place. General Pershing echoed the significance of the dedication by asserting, "[t]he people of Kansas City, Missouri are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and their heroic sacrifices of their sons and daughters who served in our country's armed forces during the World War. It symbolized their grateful appreciation of duty well done, an appreciation which I share, because I know so well how richly it is merited."

Shortly after its dedication, the Liberty Memorial was again distinguished during an Armistice Day ceremony in 1926 when President Calvin Coolidge marked the beginning of its three-year construction project by laying the cornerstone of the memorial. In his dedication speech, President Coolidge declared that "[...] the magnitude of this memorial and the broad base of popular support on which it rests, can scarcely fail to excite national wonder and admiration [...]. A message on the Liberty Memorial's tower bears an inscription that inspired its namesake: "In Honor of Those Who Served in the World War in Defense of Liberty and Our Country." Four stone "Guardian Spirits" representing courage, honor, patriotism, and sacrifice proudly perch above an observation deck, making the Liberty Memorial a noble tribute to all who served in World War I.

Undoubtedly, hundreds of thousands of people—since the memorial's inception and even today—regard the Liberty Memorial as a pow-

erful symbol of and tribute to Americans who served in World War I. The grandeur and significance of the Liberty Memorial was recognized by the 106th Congress as a national symbol of World War I. The Liberty Memorial that overlooks Kansas City extends far beyond the Kansas City limits. The Memorial serves as a perennial reminder of and for all Americans who served our country during World War I.

The evidence articulated above demonstrates that the Liberty Memorial already is, has been, and deserves to be regarded as a national tribute to World War I. This legislation aims to make official what so many people already consider to be the National World War I Memorial.

While we look to the Liberty Memorial in remembrance of World War I, we likewise must look to the upcoming World War I centennial, to be honored in 2017. To ensure a proper observance of the World War I centennial, this legislation also aims to create a commission to be known as the World War I Centennial Commission. The Commission will promote not only a suitable observance of the centennial of World War I, but will also recognize the values of honor, courage, patriotism, and sacrifice, in keeping with the representation of these values through the four Guardian Spirits sculpted on the Liberty Memorial Monument. The Commission will plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I. With Kansas City, Missouri as its official host, the Commission will be composed of twenty-four members who will work together to facilitate and coordinate activities throughout the United States to honor the Great War.

Madam Speaker, it is with great pride that I wholeheartedly introduce this legislation to make official the historic, powerful, and unparalleled stature of the Liberty Memorial as the National World War I Memorial coupled with the establishment of the World War I Centennial Commission to properly observe the World War I centennial. We owe the Liberty Memorial's designation as the National World War I Memorial to the hundreds of thousands of people, including those who served our country in World War I, who have looked to the Liberty Memorial as the interminable symbol of sacrifice and sovereignty that continue to shape our country. The World War I Centennial Commission will further observe America's historic commitment to freedom and appropriately remember those who fought for our country in the War to End All Wars.

APPLAUDING THE CONTRIBUTIONS OF THE TERRENCE CARDINAL COOKE HEALTH CARE CENTER AND THE MEMBERS OF THEIR CRUSADE IN THE OCCASION OF THEIR ANNUAL FLOWER BALL

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise to acknowledge the contributions of The Terence

Cardinal Cooke Health Care Center and congratulate them for organizing its Annual Flower Ball Benefit Banquet on April 1, 2009. The Ball is in support of its dedicated hard working staff, team of volunteers, and most importantly, the lives of the its many patients and residents. I applaud the vitally important programs they conduct to improve access to health care for the medically needy and many under-served individuals in my congressional district.

For the past three decades the Terence Cardinal Cooke Health Care Center has provided outstanding and compassionate care and treatment for the many community residents in my district. Since 1978, it has provided continuous comprehensive medical treatment and skilled nursing care to infants, children, and young adults who are diagnosed with developmental disabilities and demanding medical conditions. The center currently provides care and treatment for over 700 residents in my district. Additionally, more than 71,000 outpatient clinical services are provided each year.

The Cardinal Cooke Center's approach to quality medical care is what has allowed it to prosper into the 21st century of advanced technology and medicine. The Center's staff respects the dignity of every human being and recognizes each individual's potential to live as independently as possible. They provide unique approaches to the care and treatment of our residents and patients, and serve the elderly, people with developmental disabilities, and those who live with chronic illness; people of all races, creeds, economic means and ethnic backgrounds.

This year's Ball holds a unique and special honor—His Eminence Edward Cardinal Egan will be acknowledged for his distinguished leadership and great dedication in support of compassionate and innovative care for some of the most frail and at-risk members of the New York community.

The Cooke Center will also honor The Honorable Louis J. Freeh and Barbara Boyle with their coveted Partnership Award, which recognizes outstanding community leaders whose life work reflects the mission of the Center—to reach out to the disenfranchised and give hope to those for whom others have given up hope.

Judge Louis J. Freeh has dedicated much of his life to serving others. As the former director of the FBI or through his personal efforts with local charitable institutions, Judge Freeh has consistently demonstrated his selfless commitment to those less fortunate. After 13 years of committed service, Barbara Boyle is retiring as National Executive Director and CEO of the Huntington's Disease Society of America. Ms. Boyle's honor coincides with the 20 year anniversary of the Cooke Center's own Huntington's Disease Unit.

Daniel Foxx, who serves on the Center's Community Leadership and Development Advisory Boards, will receive The Mary White Commitment Award, for his years of inspirational volunteer service. His devotion, friendship and support is an invaluable gift to the residents of the Cooke Center.

It is my honor to congratulate all the honorees, including His Eminence Edward Cardinal Egan. Each has been a significant part-

ner in the overall improvement of the quality of life for all. I also salute the organizing committee and members of the Cooke Center's staff for its efforts in coordinating the Annual Flower Ball Benefit where many other members of their crusade will publicly be acknowledged.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring and congratulating The Terrance Cardinal Cooke Health Care Center for continuing to serve the residents of my district with the greatest challenges such as children with disabilities, elderly with severe medical needs, Huntington's Disease patients, HIV/AIDS, as well as those who require outpatient primary care services. Their constant dedication and commitment in providing quality health care with dignity and compassion is worthy of the highest esteem.

#### HONORING FRIENDS HOUSE

##### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Ms. WOOLSEY. Madam Speaker, I rise today to honor a wonderful establishment in Santa Rosa, California—Friends House. Friends House, a very special continuing care retirement community, is celebrating its 25th anniversary April 24, 25, and 26.

Conceived of in the late 1970s, Friends House opened to its first residents in 1984 and has expanded over the years while retaining its family feel. It is now composed of three related programs dedicated to the health and well-being of older persons—independent living in both houses and apartments, assisted living, and a skilled nursing facility which is also open to the public. It is operated by Friends Association of Services for the Elderly under the College Park Quarterly Meeting of the Religious Society of Friends.

It has been my pleasure to meet with the residents of Friends House over the years. I have found them to be a lively and engaged group with a commitment to the progressive values we share. These caring values are evident not only in the democratically run, close-knit community but also in the activism shared by many of its members. Residents and staff are involved in volunteerism through The Art of Giving Back program. Volunteers work in over 30 nonprofit organizations, and the community hosts educational and cultural sessions for the public.

The care given to seniors by the staff at Friends House is often singled out for praise. One woman wrote movingly of her mother-in-law's passing away "in the loving care of the wonderful angels there." She then asked them to send her love and say a prayer for the comfort of another family member at the facility who was not coherent but who had all the support she needed to make her last days something beautiful and special.

Madam Speaker, it is my honor to be able to salute Friends House on its 25th anniversary. I know that its residents and staff will continue to be a loving asset to our community for years to come.

#### TRIBUTE TO BOB BASTIAN

##### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. SHUSTER. Madam Speaker, I rise today to salute the service of Former Pennsylvania State Representative Bob Bastian of Friedens, Somerset County, whose meritorious service to the Boy Scouts of America has inspired multiple generations to benefit from all that Scouting has to offer.

The Bastian family has a long tradition of service to the community through scouting. Bob's father, Fred, his two sons, Scott and Tim and four of his grandchildren are all members of the Boy Scouts.

As an enthusiastic contributor to his community, Representative Bastian is active in the Penn Woods Council committee as well as a member of the district committee for the Scouts' Forbes Trail District; and while many of his efforts to better his community have been realized as a product of his tenure as State Representative from 1999 to 2009, his lifetime commitment to excellence through scouting has and will continue to inspire boys throughout Somerset.

Currently, Bastian is working to recognize the institution of scouting by chairing the Penn's Woods Council's Centennial Celebration Committee. In looking back nearly one hundred years to the inception of the Boy Scouts of America, I am confident that Mr. Bastian's sixty years of exemplary performance in scouting and in life are proof of what all boys can achieve through scouting.

#### CALLING FOR ACTION ON DARFUR AND TO PREVENT GENOCIDE

##### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. NADLER. Madam Speaker, I rise today to call attention once again to the crisis in Darfur and to thank the Genocide Prevention Project, Darfur advocates, and survivors of past genocides who have come together to mark this April as Genocide Prevention Month in order to raise critical awareness.

In April 2009, the slaughter in Darfur will enter its seventh year. During that time roughly 450,000 have been killed and more than two million displaced. It is an international disgrace that on this April anniversary of the start of the genocide, the people of Darfur are suffering more than ever. Just recently thirteen international aid organizations were expelled from the area, severing the final lifeline. It is imperative that they be allowed to return.

Along with Darfur, past civilian slaughters similarly mark anniversaries in April. These include the tragedies of the Holocaust, Rwanda, Bosnia, Cambodia, and Armenia. With this significance of April in mind, survivors of atrocity crimes have untied with advocates to observe Genocide Prevention Month this month—as a way to remind the world of its responsibility to the people of Darfur and to protect other civilian populations under threat. In April, survivors, and their descendents and supporters,

will honor their dead with more than one hundred events. The plea at these events will be for protection for the people in Darfur and an effective global genocide prevention system.

To launch the month-long commemoration, more than sixty survivor and anti-genocide organizations from around the world have signed the following statement:

"Remarkably, six genocides have major anniversaries in the month of April—a tragic testament to the international community's inexcusable failure to stop inhuman and barbarous acts.

This April, we—survivors of genocide and mass atrocities, their descendants, and anti-genocide advocates—will honor those who were lost and those who survived. And we will urge immediate action to stop the ongoing Darfur genocide.

Our collective voices will remind the international community to make its commitment to mass atrocity prevention absolute. Until we do, we are destined to repeat the most shameful chapters in human history."

I now would like to enter into the CONGRESSIONAL RECORD a copy of this statement along with a list of the organizations that have signed it. I want to thank all of those involved in this effort. Their work is critical in making sure people never forget the human suffering in Darfur and commit themselves to preventing or stopping genocide, wherever and whenever it may occur.

#### GENOCIDE PREVENTION MONTH STATEMENT

Remarkably, six genocides have major anniversaries in the month of April—a tragic testament to the international community's inexcusable failure to stop inhuman and barbarous acts.

This April, we—survivors of genocide and mass atrocities, their descendants, and anti-genocide advocates—will honor those who were lost and those who survived. And we will urge immediate action to stop the ongoing Darfur genocide.

Our collective voices will remind the international community to make its commitment to mass atrocity prevention absolute. Until we do, we are destined to repeat the most shameful chapters in human history.

Advocacy Project, Aegis Trust, Americans Against the Darfur Genocide, Armenian Assembly of America, American Jewish World Service, Armenian National Committee of America, Armenian National Committee of Canada, Armenian Youth Federation, Eastern USA, Awareness Unlimited, Bronfman Center for Jewish Student Life at NYU, Cambodian Americans for Human Rights and Democracy (CAHRAD), Canadians Against Slavery and Torture in Sudan, Center for Social Development (Phnom Penh, Cambodia), Colorado Coalition for Genocide Awareness and Action, Council for Prejudice Reduction, Citizens for Global Solutions, Damanga Coalition for Freedom and Democracy, Darfur Alert Coalition, Dear Sudan, Do Something, Dream for Darfur.

Educating Against Prejudices, Bosnian Library at the Conrad Sulzer Public Library of Chicago, Foundation Rwanda, FRA Nor Seround—Nouvelle Génération Arménienne, Generations of the Shoah International, Genocide Intervention Network, Genocide Prevention Project, Genocide Watch, Great Rainbow, I Stop Genocide, IBUKA, Institute for the Study of

Genocide, International Association of Genocide Scholars, Investors Against Genocide, Kentuckiana Interfaith Taskforce on Darfur, Khmer Legacies, Kigali Genocide Memorial Centre, Jewish Community Relations Council of the Greater Miami Jewish Federation, Liquidnet Holdings, Massachusetts Coalition to Save Darfur, Minnesota Interfaith Darfur Coalition, Miracle Corners of the World, Mothers of Srebrenica.

New Jersey Commission on Holocaust Education, New Jersey Responds to the Crisis in Darfur Coalition, Pittsburgh Darfur Emergency Coalition, Public Interest Projects, Righteous Pictures, Save Darfur Coalition, Second Generation of Los Angeles (Children of Holocaust Survivors), Society for Threatened People, South African Holocaust Foundation, Southeast Asia Resource Action Center, Southern Sudanese Voice for Freedom, STAND, Stop Genocide Now, Survivors Fund (SURF), The Center for Holocaust and Humanity Education, The Sparks Fly Upward Foundation, Three Generations, UN Watch, Voice of Witness, Youth Initiative for Human Rights.

#### A TRIBUTE TO ROGER SNOBLE

##### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. SCHIFF. Madam Speaker, I rise today, along with Congresswoman LUCILLE ROYBAL-ALLARD, to celebrate the 45-year transportation career of Roger Snoble, who will retire on April 8, 2009. Roger Snoble, and his wife Kit, reside in Pasadena, CA in the 29th Congressional District and he worked at the Los Angeles County Metropolitan Transportation Authority for the past eight years, located in the 34th Congressional District.

Over the past 45 years, Roger has applied tremendous skill and leadership to create better public transportation systems for all of his communities. As a result, he has distinguished himself as one of the Nation's foremost experts and practitioners in the transportation sector. He began his transportation career in 1965 as a planner for the TriCounty Regional Planning Commission in Akron, Ohio. He then moved on to work for Akron's Metro Transit district in 1971. And in 1973, Roger moved to California and worked his way through the ranks of planning and scheduling to be the President and General Manager of the San Diego Transit Corporation.

Always wanting to challenge himself, Roger went on to serve as President and Executive Director of the Dallas Area Rapid Transit District (DART) for seven and a half years. In 2001, Roger was appointed to serve as Chief Executive Officer for the Los Angeles County Metropolitan Transportation Authority (Metro), a multimodal transportation agency responsible for bus and rail operations, planning and construction in Los Angeles County. During his seven and a half years at Metro, Roger has guided the agency through successful openings of the Metro Gold and Orange Lines, introduced scores of popular Metro Rapid

Lines, and seen Metro named "America's best large transit agency." He also co-founded the Mobility-21 Coalition and was instrumental in the passage of Measure R, a ½ cent sales tax that will fund a comprehensive package of new transit, street and highway improvements in Los Angeles County for the next 30 years.

Roger has won numerous awards throughout his transportation career. The American Public Transportation Association (APTA) named Snoble "Transit Manager of the Year" in 1998. Under his leadership, Metro was named by APTA as "Outstanding Public Transportation System" in 2006, and DART was cited by APTA as the "Transit Agency of the Year" in 1997.

Although we know Roger primarily through his role in transportation, Roger and his wife, Kit, are founding members of the African Conservation Fund, which assists communities in the East Africa in creating economic opportunities that result in improved wildlife management and wealthier and healthier communities. In addition, Roger has served on the boards of the San Diego Zoo, Dallas Zoological Association and the Greater Los Angeles Zoo Association. He recently joined the Living Desert Zoo and Gardens in Palm Desert, CA. Through these experiences, Roger has a vast photojournal library that will continue to expand in his retirement as he leads safaris to educate communities about the importance of conservation as well as economic development opportunities in surrounding areas. He also has extended his photojournalist editing skills to many local non-profits as another example of his passion to help others.

We extend our warm congratulations and appreciation to Roger and his wife Kit for Roger's tireless service to the public transportation communities in Akron, OH, San Diego, CA, Dallas, Texas and Los Angeles County and wish him well in retirement.

#### INTRODUCTION OF H. RES. 313, SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC WORKS WEEK

##### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. OBERSTAR. Madam Speaker, I introduce H. Res. 313, supporting the goals and ideals of National Public Works Week, and for other purposes. National Public Works Week is celebrated for a full week each May to celebrate our public works professionals and the important work that they do to keep our country running smoothly.

May 17 through May 23, 2009 will recognize the many duties that public works professionals—those who design, build, operate, maintain and protect transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities—perform to enhance communities and our nation.

Public works keep our society functioning: providing buildings that house vital government offices, and giving our country rail, highways, airports, and public transit to move goods and passengers.



Similarly, public works help maintain public health: providing systems for waste and sewerage disposal, while supplying us with crucial water for our homes, businesses, and agriculture. Pipelines safely transport natural gas and hazardous liquids through 2,300,000 miles of pipelines throughout the country.

Many people take for granted our public works, recognizing their importance only when problems are encountered. When water supply is not efficient, when infrastructure crumbles, and when accidents in moving transportation occur, we are then forced to reflect on what needs to be invested in the larger public works sector of our economy.

The "2006 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance" report by the Department of Transportation confirms that investment in the Nation's highway, bridge, and transit infrastructure has not kept up with the growing demands of the system.

The 111th Congress has worked to aggressively address our critical transportation and infrastructure needs. In February, Congress enacted the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) ("Recovery Act"), which provides \$64.1 billion of infrastructure investment to enhance the safety, security, and efficiency of our highway, transit, rail, aviation, environmental, inland waterways, public buildings, and maritime transportation infrastructure. The \$64.1 billion of Federal transportation and infrastructure investment will create or sustain more than 1.8 million jobs and \$323 billion of economic activity.

In addition, in March, the House passed H.R. 1262, the "Water Quality Investment Act of 2009". H.R. 1262 significantly increases funding for capitalization grants to States for state water pollution control revolving funds, grants for alternative water source projects to meet critical water supply needs, grants to municipalities and States to control combined sewer overflows and sanitary sewer overflows, and grants for projects to remediate contaminated sediment in the Great Lakes areas of concern. The bill also provides a uniform, national standard for monitoring, reporting, and public notification of municipal combined sewer overflows and sanitary sewer overflows.

I strongly support investment in our Nation's infrastructure, as well as the men and women who keep our public works, quite simply, working.

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TRIBUTE TO MR. MICHAEL F.  
JAGGARD

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor Mr. Michael F. Jaggard, Captain, USN (RET), who is retiring after more than 41 years of faithful service to our Nation, as both a military officer and career civilian employee. He has offered selfless dedication to which we are all grateful.

In 1967, Mr. Jaggard began his federal career in the United States Army as an Infantryman, serving with the 11th Armored Cavalry

Regiment in the Republic of Vietnam from January 1968 to January 1969. Upon his release from active duty, Mr. Jaggard returned to civilian life and earned a Bachelor of Arts degree from Texas A&I University in 1971.

Mr. Jaggard continued his government service by enlisting in the United States Navy in 1973. Upon graduating from Officer Candidate School and until 1977, he served as the Supply Officer aboard the USS *Will Rogers* (SSBN 659). He subsequently worked as an instructor at the Navy Supply Corps School in Athens, Georgia, and in 1979 he served as Assistant Supply Officer aboard the USS *Emory S. Land*. Upon completion of that tour in 1981, he attended the Navy Postgraduate School where he earned a Masters of Science in Management degree.

After graduate school, Mr. Jaggard became a Principal Contracting Officer at the Naval Sea Systems Command for four years. From 1986 through 2001, he continued his federal career completing many successful tours in the Navy, assuming various leadership roles that have taken him across the world. He served as the Executive Officer and Commanding Officer of the Naval Regional Contracting Center, Philadelphia; Submarine Supply Support Officer to the Commander Submarine Force, US; Supply Officer aboard the USS *Orion* home ported in La Maddalena, Italy; Commander, Defense Contract Management Command, United Kingdom; and Deputy Commander for Contracts at the Naval Sea Systems Command.

On October 1, 2001, Mr. Jaggard retired from the Navy as a Captain. Upon retirement he was appointed to the Senior Executive Service in the civilian ranks and served as the Chief of Staff/Policy to the Deputy Assistant Secretary of the Navy for Acquisition & Logistics Management in the Office of the Assistant Secretary of the Navy for Research, Development and Acquisition. He has been taking on the challenges of military acquisition and procurement ever since.

It is through the commitment and sacrifice of Americans like Mr. Mike Jaggard that our nation is able to continue upon the path of democracy and strive for the betterment of mankind. I am proud, Madam Speaker, as a fellow Virginian, to thank him and his family for his long and honorable service to our nation. On behalf of the citizens of Virginia's Eighth Congressional District, I wish him fair winds and following seas as he concludes a distinguished career.

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A TRIBUTE TO HEARTLAND  
HONOR FLIGHT ORGANIZERS

**HON. LEE TERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. TERRY. Madam Speaker, I rise today to pay special tribute to four of my constituents who have touched the hearts of countless members of the "Greatest Generation" and their families.

Bill and Evonne Williams and John and Connie Liebsack organized the Heartland Honor Flight program a few years ago. Since

2008, in conjunction with the Nebraska Veterans of Foreign Wars, five separate flights of nearly 750 World War II veterans have been brought to Washington, D.C. to visit the Iwo Jima Memorial in Arlington and the World War II Memorial on the National Mall. By the end of this April, another 750 veterans will have made an Honor Flight visit to Washington, and there are still veterans on a waiting list.

These men and women, most of who are seeing the World War II Memorial for the first time, are often moved to tears as they recall their war time experiences in Europe and the South Pacific and the comrades they knew who sacrificed for our liberty and freedom. Many of them, for the first time, open up to their loved ones about how their service to our Nation has affected them and their lives all these years.

Madam Speaker, it is important to note that this undertaking is entirely underwritten by private donations. Airfare, meals, and medical assistance are provided free to these veterans—nearly \$1 million has been raised so far. Across America, we lose more than 1,000 WWII veterans each day so it is vital those who are still among us have an opportunity to visit the Memorial. The Honor Flight network has the goal to bring 25,000 WWII veterans to the Memorial in 2009. How has this been accomplished? Through the hard work, dedication and compassion of people like Bill and Evonne Williams and John and Connie Liebsack.

It is an honor for me to come to this floor and pay tribute to Bill, Evonne, John and Connie and the many other volunteers from Nebraska who have gone the extra mile to fulfill the dreams of WWII veterans. I congratulate them on their achievements and I call on all of my colleagues to offer them encouragement and support as they continue to bring as many veterans as possible to Washington in the coming months.

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THE COMMUNITY ORIENTED POLICY SERVICES (COPS) IMPROVEMENT ACT OF 2009

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Ms. JACKSON-LEE of Texas. Madam Speaker, thank you, Chairman CONYERS for holding today's very important Markup on H.R. 1139, the Community Oriented Policy Services (COPS) Improvement Act of 2009. The COPS program was designed to help bring about fundamental changes in policing by drawing officers closer to the citizens they protect. And, in scores of communities across the nation, the COPS program did just that.

The idea of community policing is to get away from the traditional "call and response" model, in which officers run from one emergency call to the next. It involves sending officers into the streets and into the neighborhoods to build relationships with residents, identify the sources of crime problems, and solve them before they get worse. The success of the COPS approach to policing is dependent upon the relationships built between

the police and the members of the communities they serve.

Since 1995, COPS has awarded more than \$10 billion to advance community policing, including grants awarded to more than 13,300 state, local, and tribal law enforcement agencies to fund the hiring and redeployment of nearly 117,700 officers. In addition to funding law enforcement positions, the Office of Community Policing Services has been the catalyst for innovations in community policing and broad implementation of effective law enforcement strategy. Presently, departments that employ community policing serve 87 percent of American communities.

On March 16, 2009, U.S. Attorney General Eric Holder announced that the Department of Justice will be accepting applications for \$1 billion in Recovery Act Funds for the COPS program. Approximately 5,500 law enforcement officer jobs will be created or saved in law enforcement agencies across the country through funding provided by the Department of Justice.

Recently, the American Recovery and Reinvestment Act of 2009, H.R. 1, included \$4 billion in Department of Justice grant funding to enhance state, local, and tribal law enforcement efforts, including the hiring of new police officers, to combat violence against women, and to fight against internet crimes against children.

Similar to Edward Byrne Justice Act Grant (JAG) awards, Recovery Act funds that are authorized for COPS can also be used to hire new officers or rehire recently laid off officers, fill unfunded vacancies and help prevent scheduled layoffs within law enforcement agencies.

COPS funds are allocated directly to the local level governments and law enforcement agencies and provide a three-year period of funding.

Specifically, H.R. 1139, the "COPS Improvements Act of 2009," reinvigorates the COPS program's ability to accomplish its critical mission by establishing three grant programs: (1) the Troops-to-Cops Program, (2) the Community Prosecutors Program, and (3) the Technology Grants Program. The Troops-to-Cops Program would fund the hiring of former members of the Armed Forces to serve as law enforcement officers in community-oriented policing, particularly in communities adversely affected by recent military base closings.

The Community Prosecutors Program would authorize the Attorney General to make grants for additional community prosecuting programs that would, for example, assign prosecutors to pursue cases from specific geographic areas and to deal with localized violent crime, among other crimes.

The Technology Grants Program would authorize the Attorney General to make grants to develop and use new technologies to assist State and local law enforcement agencies reorient some of their efforts from reacting to crime to preventing crime.

The investment in COPS through the Recovery Act although crucial is a one-time investment limited to the purpose of hiring officers. The reauthorization of COPS is necessary for the program to continue past the investment of the Recovery Act. Reauthorization

is also necessary so that the COPS program can include the innovative aspects of the program as explained above.

The Houston area has made great strides in reducing crime. I am confident that with programs like COPS Houston can better combat crime.

#### CRIME STATISTICS

According to Houston Police Department statistics:

#### VIOLENT CRIMES

Violent crimes in Houston increased less than 1 percent in 2008 compared with 2007. Homicides dropped by 16 percent.

The number of homicides dropped from 353 in 2007 to 295 last year.

Sexual assaults increased more than 8 percent from 2007.

Aggravated assaults increased at 9.1 percent.

#### DOMESTIC VIOLENCE

Of the 1,092 additional aggravated assault cases in 2008, more than half were reports of domestic violence.

#### NONVIOLENT CRIMES

Nonviolent crimes declined more than 10 percent in 2008.

Property crimes dropped by more than 10 percent.

Auto thefts decreased last year, dropping more than 21 percent to 15,214, down from 19,465 in 2007.

While Houston has made great strides in combating crime, more must be done to ensure the safety of Houstonians in their communities and their respective neighborhoods. I believe that the COPS program will be of benefit to the people of the 18th Congressional District as well as other communities in Texas and in communities around the United States.

#### AMENDMENT

The COPS program was designed to help bring about fundamental changes in policing by drawing officers closer to the citizens they protect. And, in scores of communities across the nation, the COPS program did just that.

The idea of community policing is to get away from the traditional "call and response" model, in which officers run from one emergency call to the next. It involves sending officers into the streets and into the neighborhoods to build relationships with residents, identify the sources of crime problems, and solve them before they get worse. The success of the COPS approach to policing is dependent upon the relationships built between the police and the members of the communities they serve.

Because the success of the COPS approach to policing is dependent upon the relationships built between the police and the members of the community it served, I am offering an amendment.

H.R. 1139 requires that the Attorney General shall provide for a scientific study of the effectiveness of the programs, projects, and activities funded under this Act in reducing crime. The study is to be completed within four years of enactment of this bill.

My amendment specifically requires that:

"Such study shall include identified best practices for community policing that have demonstrated results in building and strengthening the relationships between police depart-

ments and the communities such departments serve."

The requirement that the study identify "best practices" in community policing is important because the enumeration of these best practices will serve as an unequivocal benchmark by which the successes of the COPS program can be measured.

These "best practices" would establish bright line rules to analyze community policing and the derogation of which will require retooling and adjustment of the community policing measures involved. Moreover, the Attorney General is in the best position to complete this study and certainly is in the best position to determine what constitutes "good" community policing. My amendment would support and strengthen the development of good community policing methods. I urge my colleagues to support my amendment in its entirety.

#### TRIBUTE TO THE DISTINGUISHED FLYING CROSS SOCIETY

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a group of individuals whose dedication and contributions to the military community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated military community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. The Distinguished Flying Cross Society (DFCS) is such a group and I wholeheartedly support their efforts to build a National Distinguished Flying Cross Memorial at the March Field Air Museum (MFAM). This monument will "perpetuate the memory of those persons who have been and those who will receive the Distinguished Flying Cross."

I am honored to represent Air Force Village West (AFVW), a "Continuing Care Retirement community" (CCRC) that is home to and also provides medical care for over 680 retired military officers, their wives and widows. All the Services are represented among the residents: Army, Navy, Air Force, Marines, Coast Guard, Public Health Service and NOAA. Eighty residents of the Village, who were flyers in their active duty days, organized the Inland Empire Chapter of the Distinguished Flying Cross Society which is the primary sponsor of the memorial. These members were awarded this prestigious medal under the Act which provided the award "to any person while serving in any capacity with the Air Corps of the Army of the United States, including the National Guard and the Organized Reserves, or with the United States Navy since the 6th day of April 1917 has distinguished, or who, after the approval of this Act, distinguishes himself by heroism or extraordinary achievement while participating in aerial flight." Among recipients are the 1st recipient of the medal Captain Charles L. Lindbergh, former President George H. W. Bush, former South Dakota Governor Joe Foss, Brig Gen. Jimmy Doolittle and the founder/organizer of

the Air Force Village West retirement home, General Curtis Le May.

The memorial is a cooperative effort between the Air Force Village West Chapter, the March Field Air Museum, and the new DFCS Chapter. MFAM is located at March Air Reserve Base (MARB) which hosts the C-17As of the 792nd Air Mobility Wing (AMW) in addition to KC-135s, and C-130s. The Air National Guard also has a detachment of F-16s. The Memorial will be available to thousands of visitors each year and while viewing the static display at MFAM, visitors will be frequently treated to an operational air unit providing support to our troops in Iraq. Every year, MFAM has a front row seat to the MARB air show, which frequently features the Air Force Thunderbirds. It is a fitting place to honor the many aviators who have distinguished themselves by deeds performed in aerial flight. The monument will be topped by a model of the Loening OA-1A amphibian aircraft, which was flown on the Pan-American Goodwill Flight of 1926. The ten aviators who flew this mission were the first recipients of the Distinguished Flying Certificate from President Calvin Coolidge.

Madam Speaker, it is truly an honor to represent Air Force Village West, the Distinguished Flying Cross Society and to lend my support to the efforts to build a National Distinguished Flying Cross Memorial at the March Field Air Museum.

#### TRIBUTE TO MIRAH HOROWITZ

#### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Ms. ESHOO. Madam Speaker, I rise to share a story about my constituent, Mirah Horowitz. I have known Mirah since she was 5 years old and have watched her grow from a gregarious young girl into a dedicated public servant. She served as a Clerk on the 9th Circuit Court of Appeals; as a Clerk in the United States Supreme Court; and as a key staffer for both Senators KERRY and MENENDEZ.

Now she has found a way to serve the public by helping find dogs for families who want them. Dog rescue is often viewed through the lens of saving the lives of dogs, but this is not the only thing Mirah sees in her work . . . she is helping to enhance families and bring joy to them.

I commend Mirah on her role in founding K-9 Lifesavers and for providing the organization with the leadership it needs to become a successful endeavor.

Every dog that is rescued ends up in a loving home with a family that would otherwise be incomplete. In these tough economic times, families need a source of comfort, their children need a source of joy, and just about everyone can use a bit of loyalty and companionship.

Mirah is one of the founding partners and Executive Director of K-9 Lifesavers, an all-volunteer 501(c)(3) headquartered in Virginia. K-9 Lifesavers is a unique dog rescue. It is dedicated to rescuing dogs who face certain euthanasia in high kill shelters across the

Eastern seaboard. Unlike most rescues, K-9 Lifesavers does not turn away dogs that need special medical care before they can be adopted, like heartworm positive dogs or dogs with orthopedic problems. Instead, K-9 raises the money needed to be sure the dogs are healthy on their way to adoptive homes.

How proud I am of Mirah Horowitz and all her extraordinary accomplishments. K-9 Lifesavers bears her indelible marks of compassion and caring, and we are all grateful for her leadership.

CELEBRATING DR. JAMES  
DUMPSON'S 100 YEARS AND HIS  
IMPRESSIVE RECORD OF PUBLIC  
SERVICE

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. RANGEL. Madam Speaker, I rise today in honor of Dr. James Dumpson, a preeminent social activist of outstanding character and a transformative life's work, who turns one hundred years of age on April 5, 2009. This public servant of notable and illustrious record—who in 1959 became the only African American Commissioner of Welfare in the country—is a quiet hero of our movement for Civil Rights and racial equality. He is a gentle man of forceful voice and conviction, agitating on behalf of children, the elderly, and the impoverished in New York for 60 years, his country for 80 years—and we are all the better for it. A modern-day Renaissance man, Dr. Dumpson's long-distinguished activism touches the fields of health, education, social justice, and academia. He is a familiar, popular, and pioneering leader in New York and in the African American community; an icon who worked tirelessly on behalf of others.

He earned a teaching certificate in 1932 from the Chaney Normal School, a B.A. degree from Temple University in 1934, an M.A. degree from Fordham University, and his Ph.D.—when he was henceforth known as “Dr. D.”—from the University of Dacca in Ghana. Dumpson has throughout his life served as a teacher to others, teaching elementary school for two years as a young man, and later, beginning as a Visiting Associate Professor at Fordham University in 1957 and returning a decade later as Dean of the Graduate School of Social Work, with the faculty rank of professor. He served as a United Nations Advisor and Chief of Training in Social Welfare to the government of Pakistan in 1953, returning to Pakistan in 1971 as a consultant and receiving a fellowship there in 1977 through the U.S. Department of Health, Education, and Welfare to Pakistan.

He cemented his trailblazing status by becoming Commissioner of Welfare for New York City in 1959, the only African American and social worker to serve in that post in the country. He wielded his talents and skill to assist Presidents Kennedy and Johnson as an advisor, serving on various advisory commissions, including the Parents Commission on Narcotics and Drug Abuse. He did not retire until the spritely age of 97, channeling his

vigor and youthful spirit as New York City's Health Service Administrator and Chairman of the Health and Hospitals Corporation beginning in 1990, and teaching at Fordham University up until 2006.

May this Congress today note, applaud, and send its gratitude for the contributions of Dr. Dumpson, and send him warm birthday wishes.

IN MEMORY OF GURNIE C.  
GUNTER, COLONEL

#### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. SKELTON. Madam Speaker, it is with sadness that I inform the House of the death of Gurnie C. Gunter, Colonel, United States Army (Ret.) of Kansas City, Missouri.

Col. Gunter was born in Oklahoma City, Oklahoma, and graduated from Lincoln University with a B.S. Degree in Biology. In addition to his B.S. degree, Col. Gunter received both a bachelor's and master's degree in civil engineering from the University of Illinois, a master's degree in military science from the Command and General Staff College, a master's degree in business administration management from Shippensburg University, as well as graduating from the United States Army War College, Carlisle Barracks, PA.

In 1955, Col. Gunter was commissioned as a Second Lieutenant in the United States Army. While in service, Col. Gunter served in a variety of command and staff positions including engineer instructor at the U.S. Military Academy at West Point and retiring as a member of the U.S. Army of Engineer Corps in 1984.

Outside of the military, Col. Gunter was an active participant in the community. He was a member of the Lincoln University board of curators, chairman of the board of the Health Care Foundation of Greater Kansas City, member of the board of the Heartland Presbyterian Center, vice president of the Swope Ridge Geriatric Center, moderator of Heartland Presbytery, chapter president of the Greater Kansas City American Red Cross, chairman of the Linwood-downtown YMCA, president of the Ivanhoe Club, chairman of the Kansas City Area Employer Support of Guard and Reserves, past president of the Midwesterners Club of Kansas City, and active member of the Presbyterian Church USA.

For his outstanding military and civic work, Col. Gunter has been honored with numerous awards, which include the Association of Metropolitan Sewer Districts Distinguished Performance Award, the American Society of Civil Engineers Lifetime Achievement Award, the Citizen of the Year Award from Omega Psi Phi Fraternity, Inc., the American Public Works Association Heart of America Award, and Kansas City Globe's 100 Most influential African Americans.

Madam Speaker, Col. Gurnie C. Gunter was an honorable officer in the military and influential leader in the Kansas City community. I am certain that the members of the House will join me in extending their heartfelt condolences to

his family and friends. He will be greatly missed.

#### ADJUSTING BOUNDARIES OF ROOSEVELT NATIONAL FOREST IN COLORADO

**HON. BETSY MARKEY**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Ms. MARKEY of Colorado. Madam Speaker, I rise today to introduce legislation to adjust the boundaries of the Roosevelt National Forest in Colorado to exclude 7 acres of the Crystal Lakes Subdivision. In 2006, the Forest Service notified Crystal Lakes landowners bordering the Roosevelt National Forest that due to an inaccurate 1975 land survey, parts of their properties were within federal land. Landowners were advised they could buy the land from the Forest Service at market value. This is simply unacceptable. These property owners already bought their property in good faith and paid taxes on it. Many of the Crystal Lakes subdivision landowners have owned their property for over twenty years. Some even for 30 years. While we in the west respect the need for open space and national parks, the Crystal Lakes landowners should not be penalized for a mistake the federal government has waited for over thirty years to rectify. For the federal government to ask these landowners to purchase land they already bought is unconscionable. I encourage all members to support this legislation.

#### TRIBUTE TO BRADLEY YOUNG

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Bradley Young on earning an Eagle Scout Award. Bradley is an 11th grade student from South Hardin High School in Eldora, Iowa.

The Eagle Scout rank is the highest advancement rank in scouting. Only about 5% of Boy Scouts earn the Eagle Scout Award. The award is a performance based achievement that has maintained similar standards over the years. To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Bradley's project was working on the Good Shepherd Preschool Playground at St. Paul's Lutheran Church in Eldora, Iowa.

Bradley has been involved in scouting since he was in Tiger Cubs and continues to be an active member of the Eldora Boy Scout Troop 334, today. He has completed over 50 merit badges; 12 of which are required to become an Eagle Scout. While in scouts, Bradley has earned various awards which include: the Bronze Palm, Arrow of Light Award, 50 Miler Award, God and Country Religious Award, World Conservation Award and various others.

Bradley is also a Member of Order of the Arrow—Brotherhood Level and completed the Den Chief Leadership training.

The example set by this young man demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Bradley Young in the United States Congress. I know that all of my colleagues join me in congratulating him on earning an Eagle Scout ranking and wish him continued success in his future education and career.

#### EARMARK DECLARATION

**HON. ROSCOE G. BARTLETT**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. BARTLETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act 2009.

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Maryland Federal Services Fellows

Address of Requesting Entity: 2130 Mitchell Building, College Park, MD 20742

Description of Request: The funds would be used for develop and administer a public service fellowship program. The progress will infuse an elite corps of students/graduates into the civil service.

#### RECOGNIZING THE RETIREMENT OF PI KAPPA ALPHA FRATERNITY CHIEF EXECUTIVE OFFICER RAYMOND ORIAN

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. SESSIONS. Madam Speaker, I am honored and privileged to recognize Raymond L. Orians in tribute to his lifelong dedication to the collegiate and interfraternal movement, as well as his 25 years of service as the Executive Vice President and Chief Executive Officer of the Pi Kappa Alpha International Fraternity. Pi Kappa Alpha is a values-based college fraternity, with more than 200 chapters, 13,000 undergraduate members, and over 235,000 lifetime members.

Mr. Orians has spent his entire professional career, which spans more than 40 years, helping to educate college undergraduates and working to advance the North American Interfraternal movement. Most notable has been his involvement with the Fraternity Executives Association, as its president in 1994–1995, and as a mentor to countless other executives and staff members throughout the collegiate world.

He was also actively involved as president of the Coalition for Freedom of Association, an action group consisting of several fraternities and sororities and other student organizations, which was successful in helping to secure federal legislation for the right of students to as-

sociate freely. This legislation became federal law and remains a source of law vital to the success of all student organizations today in their most critical area of operation, membership recruitment.

Mr. Orians has also been a strong advocate within Pi Kappa Alpha for the benefits of membership in the North American college fraternity. He has attended countless meetings as an advocate for their membership and is frequently consulted for his expertise in the field. He has also been a key point-person on the efforts to lobby Congress to pass the Collegiate Housing and Infrastructure Act, personally walking the halls each year and also making certain that Pi Kappa Alpha is well represented.

At Pi Kappa Alpha's 2008 International Convention, Mr. Orians announced that he would be retiring from his post as Executive Vice President & CEO, a position he has held for 25 years. Prior to that, he also served as the chief housing officer for Pi Kappa Alpha for 15 years. In tribute to his service to Pi Kappa Alpha, Mr. Orians was honored with his Fraternity's Loyalty Award in 2004 and Distinguished Achievement Award in 2008. In recognition that he is a true source of inspiration in the pursuit of excellence by undergraduate members and chapters, he will forevermore be the namesake of Pi Kappa Alpha's Chapter Excellence Award. It is awarded annually to the top 10–15% of Pi Kappa Alpha chapters.

Mr. Orians' personal and professional achievements throughout his career have been outstanding by every measurement. He presided over the establishment of 67 new Pi Kappa Alpha chapters at institutions of higher learning throughout North America which included more than 100,000 new members being brought into its ranks. Under his leadership, a new Pi Kappa Alpha Memorial Headquarters was constructed and dedicated in 1988, with a new Gold Star Memorial dedicated on August 1, 2008 recognizing those fraternity members who have made the ultimate sacrifice in military service to their country. In addition, the highly successful True Pike program, a values-based educational and leadership program, was created, and the innovative Pike University was established during his tenure, benefiting thousands of undergraduate young men each year.

Throughout his career, Mr. Orians has been a tremendous ambassador and advocate for all fraternities. Given his involvement, achievement, and tenure within the Greek movement and within Pi Kappa Alpha, it is an honor for me, as one of his Fraternity brothers and a colleague in the collegiate Greek movement, to acknowledge with gratitude the distinguished career and service of Raymond L. Orians, on this, his final day as Executive Vice President of the Pi Kappa Alpha Fraternity.

#### NATIONAL WORK ZONE AWARENESS WEEK

**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. OBERSTAR. Madam Speaker, I rise today to highlight the 10th annual National

Work Zone Awareness Week, which is taking place next week.

During National Work Zone Awareness Week, almost every State across the country will be holding some type of educational event to highlight the importance of work zone safety on our nation's roadways.

Over the past decade, more than 10,500 fatalities were reported in work zones. In 2007, 835 traffic-related fatalities were reported and over 39,000 people were injured in accidents that took place in work zones across the country. Most disturbingly, 305 of the fatalities in 2007 involved workers being struck by moving vehicles while on the job. These statistics are alarming and illustrate the dangers posed to the men and women charged with rebuilding America.

We can help to reduce this number dramatically by taking a number of important steps including: encouraging responsible driving and greater understanding of the dangers involved with work zones, enhancing enforcement of speed limits and laws that protect workers, and installation of protective devices and equipment.

As a result of the nation's aging highway infrastructure, the country is faced with unprecedented levels of reconstruction and maintenance projects. And these levels will only increase in the near future.

With the influx of ready-to-go projects getting underway this summer as a result of the American Recovery and Reinvestment Act, every Member of Congress must make a greater effort to educate their constituents about the need to obey traffic signs, speed limits, and construction workers themselves while traveling through work zones.

As the Committee on Transportation and Infrastructure begins to develop the next surface transportation authorization, our top priority will be improving the safety of our nation's roadways to reduce the astounding number of traffic-related fatalities and injuries that we, as a nation, endure year after year. Providing a greater commitment to increasing work zone safety will be a central aspect of this effort.

I look forward to working with national, state, and local organizations in reducing work zone and roadway deaths and injuries. Events such as Work Zone Awareness Week serve as an important first step in this endeavor.

Madam Speaker, I urge my colleagues to actively participate in promoting the goals and ideals of National Work Zone Awareness Week throughout their districts.

DOUG MOORE: LEADER OF THE  
YEAR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. FILNER. Madam Speaker, Doug Moore, executive director of the 64,000-member UDW Homecare Providers Union and a newly elected international vice president of AFSCME, has an outstanding record of success spanning nearly 30 years in building and energizing member-drive unions.

He began his labor career in 1980 as a rank-and-file member of the CWA, becoming a

shop steward and, eventually, president of CWA Local 9586 in Sante Fe Springs, CA. He subsequently worked for SEIU as an international representative before becoming Ohio state director for the national AFL-CIO, where he was responsible for AFL-CIO programs for more than one million members.

After being recruited by AFSCME and serving as a regional field administrator and assistant regional director, Doug assisted in negotiating an agreement and helped build a 20,000-strong, member-driven union. He also created the first statewide Executive Board structure for the new ADSCME Local 3299 and developed a strong member activist program for the local.

In 2005, Doug was appointed deputy administrator of UDW. His dynamic leadership has helped rebuild UDW from the ground up. Among his accomplishments: UDW is now financially secure. Thanks to a volunteer member organizing effort, nearly 25,000 new members have joined UDW since 2005. For the first time in history, all of the top elected leaders in UDW are working homecare providers. Doug has helped win the highest wages in the history of the UDW statewide and has led the effort to win affordable health insurance in San Diego.

Due to his efforts, the newly installed UDW Executive Board appointed Doug Moore in February 2008 as executive director with full responsibility for managing UDW activities and staff on a day-to-day basis.

In his acceptance speech to the UDW Executive Board, Doug said:

From county board to county board, we will send a clear message that homecare providers matter. We demand to be treated with dignity and respect! We are not second-class citizens and we will fight to end the classism, sexism and racism that we see everyday from those elected boards in our counties. . . . We will do this the old-fashioned way: Organize, organize, organize! Because when we fight, we win!

TEXAS TEACHER OF THE YEAR  
FOR 1970

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. REYES. Madam Speaker, El Paso, Texas has a history of producing strong, passionate, and caring educators who motivate and engage our children to become lifelong learners. As a parent and grandparent, I am grateful for the contributions of our teachers in the El Paso area, and today I want to take this opportunity to congratulate Mr. Clarence K. Stark, a teacher at Irvin High School in the El Paso Independent School District, for being selected as the 1970 Texas Teacher of the Year. The Texas Teacher of the Year is the highest honor that the State of Texas can award to a teacher. Facilitated by the Texas Education Agency, the Texas Teacher of the Year Program annually recognizes and rewards teachers who have demonstrated outstanding leadership and excellence in teaching. Mr. Clarence K. Stark represents the best of the best in the teaching profession, and we salute his energy, efforts, and dedication.

Mr. Stark taught government at Irvin High School in the El Paso Independent School District. In 1968 Mr. Stark impressed his colleagues with his work. Both that year and in 1969, Mr. Stark was voted as outstanding teacher of the year for Irvin High School and he was noted as saying: "I feel very honored, grateful, and humble that my fellow teachers selected me as outstanding teacher." Mr. Stark's social sciences department aimed to prepare young people to be tomorrow's leaders and his devotion to his students is greatly admired by teachers at his school. Mr. Stark embodies the qualities of great leaders and his passion to reach every student at Irvin High School is a testament to his character.

Mr. Clarence K. Stark is part of a larger history of educational excellence in El Paso. I am proud to note that to date El Paso area educators have been chosen as Texas Teachers of the Year 9 times. The National Teacher of the Year Program began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention on excellence in teaching.

I am proud of the work of our teachers, and I am committed to ensuring that education remains a top priority in this Congress.

"CHILDREN IN THE FIELD," BY  
DAVID ROGERS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. MURTHA. Madam Speaker, I rise today to include in the CONGRESSIONAL RECORD the following article written by Capitol Hill correspondent David Rogers. Although a conscientious objector, he is a decorated veteran who was wounded while serving as an Army medic in Vietnam.

In his article, Rogers vividly describes the devastating impact of war on children and how American service members create bonds of mutual friendship and curiosity with the children who become victims of conflict and war.

"CHILDREN IN THE FIELD"

(By David Rogers)

"The old French fort was nothing more than an open area encircled by a berm, dirt piled into a wall. There was gaping holes where the fortification had eroded, and when the ground attack came, the enemy rocket grenades and automatic fire were able to hit the sleeping positions. Some AK rounds came from an outlying hamlet and Jose opened up with the machine gun. In the morning there was crying from one home, for a child had been killed.

"The women and old men would only stare sorrowfully at the patrols, but the children, looking for food or being curious, would come up to the soldiers. It was an uneasy truce between them: the infantry sweating under their packs and still wary after coming from the jungle; and the children, pulling on the men's gear, begging for food, but resisting even a gentle hand wanting to touch them. For the platoon medic, breaking through this distance was easier, and the children would finally come to him. He was the only one without a weapon and just the name "Doc" was simpler to remember.

They—the medic and children—never knew each other's real names. It didn't matter. After all the months in the field and in and out of the villages, many would know him on sight and call "Doc." One would start and then the others would join in. He would want to go back and stay with them.

"The platoon was securing the road when the enemy hit the third squad's position. A fire caught Wesley in the stomach, and a rocket grenade wounded two other men. The medic had to go back for them and, afterwards, blood was all over his fatigues and hands. The children were again on the road, looking where the firing had been. They also looked at him, standing there in the stink of the heat and burned powder and blood. He wanted them to go away, but they had seen it all before. It was he who was new. Later, the Vietnamese soldiers would bring their kills out to the road. The children on the way to market would have to pass the bodies.

"She was twelve years old but had a wiser, more reserved way about her than the other children living in the villages or selling sodas along the red clay road. When candy was thrown from the convoys, she never ran, but only watched out for her younger sister and brother. The medic always looked for her but never brought the Cokes she teased him with. When the infantry closed the road and no more sodas could be sold, he saw her fishing occasionally or carrying firewood from where the American bulldozers had cleared the jungle. They seemed better friends then. He brought her presents at Tet, and she gave him paper flowers when he came the next time. After the battalion moved out, they never saw one another again. Before returning to the United States, he went back to the village, but she was away for the day. Instead, he sat with her brother and sister, who invited him into their thatched home. The village had a solemn quiet and they talked in near whispers. He stayed an hour with them.

"The children were so light compared to the weight of the Americans that the medics had to be careful not to turn too quickly when they carried the stretchers from the helicopters. The thin bodies, smaller still on the green hard canvas, rocked back and forth with each jolt and appeared in danger of sliding off. One night, two girls brought in with shrapnel wounds. The youngest lay without a sound, her stomach hard but only slightly torn. He stayed with her until she went into the operating room, but she did not cry during the long wait. Just the staring eyes, stunned by the pain and unable to close in the glare of the overhead light. She had been asleep when the shells came. In the morning she was dead.

"The children, so young and constant, would have the effect of confronting the soldiers with themselves. Coming back from an operation and seeing them running out to the road, the platoon was faced with something more alive than itself, against which each man would account himself. The dead in the jungle, those the platoon had lost or those it had killed, would come back for that moment. It was an anxious time, waiting for the smile or shout to pull them through the memories.

"After a contact the soldiers would search the bodies looking for souvenirs or materials which might be turned over to some distant information officer. Equipment such as hammocks or shell pouches were distributed according to who had been most involved in the fighting. Once there was a picture of the dead man's child and the medic took that

himself. It was a little girl holding a flower and on the back was a delicate sketch of a dove."

# HONORING AUNG SAN SUU KYI

## HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Aung San Suu Kyi, prisoner of conscience, peaceful pro-democracy activist, and leader of Burma's National League for Democracy.

In 1989 during a pro-democracy uprising, Aung San Suu Kyi was placed under house arrest. Despite the fact that her party won the election of 1990, the Burmese junta neglected to acknowledge their victory. Aung San Suu Kyi has spent 13 of the last 19 years under house arrest and the junta continues to extend her sentence on a yearly basis. There have been several undertakings to urge her release and just last week, the United Nations condemned her detention, calling it a violation of Burma's own laws.

Aside from being the recognized leader of her party and a worldwide symbol for peace, freedom and democracy, Aung San Suu Kyi was the recipient of the Sakharov Prize for Freedom of Thought in 1990, given by the European Union, and the Nobel Peace Prize in 1991.

As we celebrate Women's History Month, I ask that you to join me in calling for the unconditional release of Aung San Suu Kyi and honoring the courage and conviction with which she lives her life.

## MRS. RITA HARLIEN—TEXAS TEACHER OF THE YEAR FOR 1982

## HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. REYES. Madam Speaker, El Paso, Texas is extremely fortunate to have some of the best teachers in the state and the country. As a parent and grandparent, I am appreciative of the work and dedication of our teachers and I want to take this opportunity to acknowledge the life and work of the late Mrs. Rita Harlien, a former teacher at Eastwood High School in the Ysleta Independent School District, for her dedication to her students and her designation as the 1982 Texas Teacher of the Year. Mrs. Rita Harlien received the highest honor that the State of Texas can award and her work with children is long lasting and enduring. Her children and the legacy she left behind remain alive in the community of El Paso, Texas.

While teaching at Eastwood High School, her students competed in many University Interscholastic League State competitions and won a state championship in debate. In 1978 she was selected as Speech Teacher of the Year. In 1981 she served as President of the Texas Speech Communication Association.

While working for the El Paso Independent School District, she completed her administration certification and coauthored two speech textbooks. After serving six years in administration, as a Facilitator of Academic Competition, in the El Paso District, Mrs. Harlien's love for teaching beckoned her back to Eastwood High School where she taught drama until she retired from teaching in 1998, after 34 years of service.

Mrs. Rita Harlien is part of a larger history of educational excellence in El Paso. I am proud to note that to date El Paso area educators have been chosen as Texas Teachers of the Year nine times. The National Teacher of the Year Program began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention on excellence in teaching.

I am proud of the work of our teachers, and I am committed to ensuring that education remains a top priority in this Congress.

# HONORING LT. CLIFFORD SAUCIER

## HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise to honor Lt. Clifford Saucier for his 39 years of dedicated service with the Southington Police Department. Lt. Saucier began his career with the Southington Police Department in March 1969 as a supernumerary officer. In February of 1970 he joined the department as a full time patrolman and was a member of the first class to graduate from the Connecticut Police Academy (POST). Throughout his 39 years of full time service, Lt. Saucier demonstrated his commitment to the badge, the department and the community he serves.

During his tenure, Lt. Saucier held diverse positions while attaining the ranks of detective, sergeant and lieutenant. He served as the Crisis Incident Commander, chief hostage negotiator, police union president and interned with the State's Attorney's Office as a criminal investigator.

Throughout his career Lt. Saucier has continuously displayed his commitment to improving himself and his peers by receiving training in over twenty disciplines, giving lectures and collaborating with other agencies. His service has been recognized by civic and professional organizations, receiving the "Honorable and Exceptional Merit Award" from the Southington Police Department, the "Distinguish Service Award, Man of the Year" from the Southington Jaycees and the "Public Safety Citation" awarded by the B.P.O.E. Southington Lodge No. 1669.

I thank Lt. Saucier for his 39 years of dedicated public service to the First District of Connecticut, and I ask my colleagues to join with me in congratulating him on his retirement.



HONORING THE ACCOMPLISHMENTS OF THE HONORABLE U.W. CLEMON

**HON. ARTUR DAVIS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. DAVIS of Alabama. Madam Speaker, I rise to recognize the accomplishments of an outstanding lawyer who has recently retired from the federal bench, the Honorable U.W. Clemon.

U.W. Clemon's ascension from racial apartheid in Alabama to the federal bench is a testament to the quickening pace of justice in the late twentieth century. His path is also evidence of how much that rising arc of justice depended on the stamina and the will of individual black Americans who resisted the permanence of segregation.

When I trace U.W. Clemon's life, I am struck by how undeterred he was by the cruelty of his times. He was not yet a legal adult when he dared to testify to Birmingham's City Council that segregation ordinances had no valid legal authority. He was ejected from the council chambers and labeled an "agitator" and a "militant" for his efforts. Young Clemon was assigned by movement leaders to risk arrest by entering the Birmingham Public Library's segregated chambers. Through all of this, he knew that Birmingham's police had been vicious enough to brutalize children much younger than him.

Clemon emphatically rejected the premise that even smart and brave young black men had no professional future in Alabama. He saw no reason why the valedictorian at a fine black college, Miles University, shouldn't also be a Columbia man with an Ivy League law degree.

It would have been forgivable if Clemon had used his Ivy League ticket to escape the South—frankly, I would have if I had been his contemporary and numerous others did. The "agitator" in him won out, and the former student activist was soon camped out in Alabama's courts litigating to enforce school desegregation orders that had been withering on the vine. False memory says that a black U.S.C. running back's exemplary performance against the University's football team moved the legendary "Bear" Bryant to recruit black athletes; in reality, it was a lawsuit filed by young attorney Clemon.

This initial pioneering phase of his life is the first reason U.W. Clemon will be honored on May 7, 2009 by the Alabama Civil Justice Foundation. The second reason is the character of the public service he has provided the citizens of my state. State Senator U.W. Clemon distinguished himself by the battles he waged to obtain representation for blacks on the governing board of state agencies and universities. Part of the reason for progress was undoubtedly Governor George Wallace's softening stance on race. Much another, major part of the reason state boards came to resemble the state's population was Senator Clemon's persistence and his effectiveness.

When Clemon was nominated for the federal bench, the history making nature of the appointment guaranteed opposition and some

of it was personal and ferocious. His stance against the constitutionality of the death penalty was used against him; his role in the political process was described as the wrong preparation for a judicial temperament—a curious claim to make to a Senate that had confirmed Governor Earl Warren and Republican activist William Rehnquist to the Supreme Court. It was even intimated that a civil rights litigator might have an untoward bias toward black plaintiffs.

Clemon won the fight, and the prize of being the first black federal judge in my state's history. The subsequent twenty nine years are a model of judicial courage. Clemon's rulings have made my state's mental hospitals and its county jails more hospitable to human beings. His decisions have undone some of the environmental ravages that were becoming routine costs of doing business in some counties. His single-handed implementation of a more inclusive jury selection wheel means that the administration of justice is more diverse than it is in any other federal district in my state, and that is a good thing if you conclude that the appearance of equal justice is an institutional value in its own right.

This record of robust interpretation of the ideal of equal justice is the legacy Judge Clemon leaves. I have never understood the notion that the law is unreservedly neutral or that its interpretation is unconnected to a judge's deeply held sentiments of what kind of America we should aspire to be. *Plessy v. Ferguson* arose out of a value scheme, one that disfavored people of my kind and was inherently skeptical of our capacity for common ground. *Brown v. Board* is a variant of yet another value, one that trusts the capacity for collective gain if we are freed from bigotry and its stigmas. Both decisions arose out of the reading of the same constitutional clauses.

U.W. Clemon judged the same Equal Protection Clause, and its descendant, Title VII, with a vision. It seems to go something like this: discrimination still has deep roots in our culture; a reading of the law that is too parsimonious, or too cramped, will yield one kind of community, while a more heroic interpretation will generate a public sphere that shines more brightly. Finally, I think Judge Clemon always felt that corporate power should feel a little unsettled when it walks into a courtroom. It's an instinct that I appreciate the more I see the customary advantages that the entrenched and the privileged enjoy in most seats of power.

I congratulate Judge Clemon on a noble, heroic career.

MS. ROSA E. LUJAN—TEXAS  
TEACHER OF THE YEAR FOR 1992

**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. REYES. Madam Speaker, the El Paso, Texas community is proud to have some of the best teachers in the country. Today, I would like to acknowledge one of those, Ms. Rosa E. Lujan, a teacher at Ysleta Elementary School in the Ysleta Independent School Dis-

trict, for being selected as the 1992 Texas Teacher of the Year. Ms. Lujan received the highest honor that the State of Texas can award to a teacher because of her commitment to the children of El Paso. The Texas Education Agency annually recognizes and rewards teachers who have gone above and beyond the call of duty and excelled in the classroom. Ms. Rosa E. Lujan represents the best of the teaching profession, and on behalf of the El Paso, Texas community, I applaud her dedication to our schools.

Ms. Rosa E. Lujan's love of teaching was ignited in her teens as a student at Ysleta High School. During the summer, she worked as an aide for South Loop and Ysleta Elementary School. Later on, at the University of Texas at El Paso, she started working for the Ysleta Independent School District as a fourth grade teacher. She has been noted to say: "Being a teacher has allowed me to change children's lives. Hopefully, I have inspired children to believe in themselves, just as my teachers inspired me." After 35 years in education, her passion for students and learning is still burning.

Ms. Rosa E. Lujan is part of a larger history of educational excellence in El Paso. I am proud to note that to date, El Paso area educators have been chosen as Texas Teachers of the Year nine times. The National Teacher of the Year Program began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention on excellence in teaching.

I am proud of the work of our teachers, and I am committed to ensuring that education remains a top priority in this Congress.

THANKING ROB VON GOGH FOR HIS SERVICE TO THE HOUSE OF REPRESENTATIVES

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. HOYER. Madam Speaker, I rise to congratulate my constituent Rob von Gogh who today marks the end of his twenty-two years of service as an employee of the United States Government, including ten years of distinguished service to the U.S. House of Representatives.

Rob began serving the House of Representatives in 1998 as the Branch Manager and Graphic Artist within House Information Resources (HIR), preparing visual communications for Members of Congress. In 1999 he was promoted to HIR's Director of Client Services, where he managed the COA's centralized, non-partisan technology support team that provides infrastructure support for the entire House of Representatives and the more than 950 district offices across the country.

Rob was selected as the recipient of the 2006 Chief Administrative Officer's Excellence Award for his role managing the Client Services team. Rob has guided the House's technological infrastructure through periods of significant transition and strain. Within his role as manager of the Client Services team Rob has been involved in many milestones and business changing events of the House. They include the House's Y2K transition, the anthrax

crisis and September 11th attacks, the House Mobile Computing Project, House Active Directory Project, CAO Seat Management for computers and the House Information Hosting Service.

Rob has served in a nonpartisan role as one of the senior problem solvers for House operations. Blending an artful balance of technical knowledge with compassion and a keen focus on delivering results, he instilled a sense of quality customer service with his teammates that earned him the reputation as a person who gets things done fast, right and always with a smile. Mr. von Gogh served the House and our country with distinction. On behalf of the entire House community, I'd like to extend a heartfelt thank you to Rob for his service and years of dedication to the United States House of Representatives.

# PERSONAL EXPLANATION

## HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. POE of Texas. Madam Speaker, due to other congressional business in my district, I unfortunately missed recorded votes on the House floor on Thursday, March 26, 2009.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "yea" on rollcall votes Nos. 157, 158, 159, 160, 161, and 162.

# INTRODUCTION OF THE "JOHN HOPE FRANKLIN TULSA-GREENWOOD RACE RIOT CLAIMS ACCOUNTABILITY ACT OF 2009"

## HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. CONYERS. Madam Speaker, I am pleased to introduce the "John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2009," along with Representative NADLER. This legislation will extend the statute of limitations to allow the survivors of the Tulsa-Greenwood Riot of 1921 to seek a determination on the merits of their civil rights and other claims against the perpetrators of the Riot in a court of law.

This legislation is named in honor of the late Dr. John Hope Franklin, the noted historian, who was a first-hand witness to the destructive impact that the riot had on the African-American community of Tulsa. Dr. Franklin made numerous scholarly contributions to the understanding of the long term effects of the riot on the city and worked to keep the issue alive in history and on the minds of policymakers. On April 24, 2007, he served as a witness, testifying in favor of the legislation, and its passage would be a fitting tribute to his memory and to a community which has never received its fair day in court.

The Greenwood neighborhood of Tulsa, Oklahoma, was one of the nation's most prosperous African-American communities entering

the decade of the Nineteen Twenties. Serving over 8,000 residents, the community boasted two newspapers, over a dozen churches, and hundreds of African-American-owned businesses, with the commercial district known nationally as the "Negro Wall Street." In May 1921, all that came to an end as 42 square blocks of the community were burned to the ground and up to 300 of its residents were killed by a racist mob. In the wake of the violence, the State and local governments quashed claims for redress and effectively erased the incident from official memory.

The 1921 Tulsa Race Riot was one of the most destructive and costly attacks upon an American community in our nation's history. However, no convictions were obtained for the incidents of murder, arson or larceny connected with the riot, and none of the more than 100 contemporaneously filed lawsuits by residents and property owners was successful in recovering damages from insurance companies to assist in the reconstruction of the community.

The case of the Tulsa-Greenwood Riot victims is worthy of congressional attention because substantial evidence suggests that governmental officials deputized and armed the mob and that the National Guard joined in the destruction. The report commissioned by the Oklahoma State Legislature in 1997, and published in 2001, uncovered new information and detailed, for the first time, the extent of the involvement by the State and city government in prosecuting and erasing evidence of the riot. This new evidence was crucial for the formulation of a substantial case, but its timeliness raised issues at law, and resulted in a dismissal on statute of limitation grounds. In dismissing the survivor's claims, however, the Court found that extraordinary circumstances might support extending the statute of limitations, but that Congress did not establish rules applicable to the case at bar. With this legislation, we have the opportunity to provide closure for a group of claimants—all over 90 years old—and the ability close the book on a tragic chapter in history.

Racism, and its violent manifestations, are part of nation's past that we cannot avoid. With the prosecution of historical civil rights claims, both civil and criminal, we encourage a process of truth and reconciliation which can heal historic wounds. In this case, the Court took "no great comfort" in finding that there was no legal avenue through which the plaintiffs could bring their claims. The "Tulsa-Greenwood Riot Accountability Act" would simply give Tulsans and all Oklahomans, white and black, victims and non-victims, their day in court. Without that opportunity, we will all continue to be victims of our past.

MR. MIGUEL IGNACIO TINAJERO—  
TEXAS TEACHER OF THE YEAR  
FOR 1995

## HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. REYES. Madam Speaker, El Paso, Texas has many great teachers and today I

would like to take this opportunity to congratulate my long-time friend Miguel Ignacio Tinajero, a teacher at Ramona Elementary School in the Ysleta Independent School District, for being selected as the 1995 Texas Teacher of the Year. This is the highest honor that the State of Texas can award to a teacher and the program selects only the best teachers to represent the state in the National Teacher of the Year Program. Mr. Miguel Ignacio Tinajero is one of the finest teachers in the El Paso area community, and I am grateful that he has served our children with such passion and dedication.

Mr. Miguel Ignacio Tinajero is recognized for his innovative approach and teaching methods to reach bilingual students. He developed effective programs to teach children both academic and literacy skills and became the favorite teacher of the fifth- and sixth-graders at Ramona Elementary School. Mr. Tinajero is praised by students, parents, and fellow teachers in the El Paso community for his dedication and commitment to youth.

Mr. Miguel Ignacio Tinajero is part of a larger history of educational excellence in El Paso. I am proud to note that to date El Paso area educators have been chosen as Texas Teachers of the Year nine times. The National Teacher of the Year Program began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention on excellence in teaching.

I am proud of the work of our teachers, and I am committed to ensuring that education remains a top priority in this Congress. Thank you.

# RECOGNIZING THE RECIPIENTS OF THE 2009 PRINCE WILLIAM AMERICAN RED CROSS AWARDS

## HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the recipients of the 2009 Prince William American Red Cross Awards. These individuals and their work with the Red Cross stand as an example of dedication and service for the benefit and safety of the community.

The Elizabeth Smith Davies Award commemorates the hard work and dedication of Red Cross volunteers and staff members with at least twenty-five years of service. Jean Johnson is receiving this award for her thirty years of involvement in the Red Cross. Her years of service include training thousands of community members in Red Cross health and safety programs, including training for family care giving, responding to emergencies and CPR/AED/First Aid certification. Ms. Johnson's service combines education, safety and a positive attitude that encourages those around her to take an active role in Red Cross initiatives.

Rear Admiral James E. Miller's five-year membership of the Board of Directors merits the Dr. Gail Kettlewell Award for outstanding volunteer leadership and service. As an active member of the board, Admiral Jim Miller is the

chair of the Strategic Planning Committee and a member of the Governance and Service Delivery Committee. He and his wife, Anna, are enthusiastic fundraisers. Each year they go out into the Haymarket and Gainesville communities to request support for the annual silent auction at the "March is Red Cross Month" celebration. Admiral Miller is always looking for new members, volunteers, and opportunities for the Red Cross by spreading the word of the Red Cross' mission wherever someone will listen.

The Brownie B. Smith Award is the pre-eminent award for volunteer leadership and is bestowed upon individuals who have exemplified sustained dedication and leadership in a volunteer capacity. The recipient, Marty French, serves in any capacity that will further the cause of the Prince William American Red Cross. His involvement in the Disaster Response Team is leadership from the front. He assists victims displaced by fire or broken water pipes and can be depended on to lead Red Cross emergency response any time of day or night.

Madam Speaker, I ask that my colleagues join me in honoring the staff and volunteers of the Prince William American Red Cross. When a community is hit by disaster, it is often the Red Cross that provides comfort and assistance. The efforts of individual members are responsible for the organization's outstanding reputation, and I am honored to recognize Jean Johnson, Rear Admiral James E. Miller and Marty French for doing their part to uphold this tradition of excellence.

#### HONORING ILWU LOCAL 29

#### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. FILNER. Madam Speaker, I rise today to honor a time-honored and long-revered labor union that has created many well-paying jobs on our Pacific west coast—the International Longshoremen Worker's Union (the ILWU)!

The ILWU Local 29 was granted its charter with jurisdiction embracing all workers in or about the City and County of San Diego, California on September 21, 1937. Local 29 embraces workers of all races and beliefs, who come together with one single purpose: to achieve a better life for themselves and their families. It is a union that is democratic, committed and dedicated to the idea that solidarity with other workers and other unions is the key to achieving economic security and a peaceful world.

Through the years the Local 29 membership has grown and work opportunities have improved. ILWU Local 29 dispatch longshoremen to a variety of jobs every day. Today longshoremen work the cruise ships, vessels transporting fruit, automobiles, cement, and a wide variety of break bulk cargo.

In July 2002, the ILWU negotiated a six year contract covering all locals in California, Washington, and Oregon that secured decent living wages and medical benefits covering the children and families of these outstanding workers!

I urge my colleagues to join with me today to honor ILWU Local 29!

#### MR. ANTONIO A. FIERRO—TEXAS TEACHER OF THE YEAR FOR 1997

#### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. REYES. Madam Speaker, El Paso, Texas has a history of producing strong, passionate, and caring educators who motivate and engage our children to become lifelong learners. As a parent and grandparent, I am grateful for the contributions of our teachers in the El Paso area, and today I want to take this opportunity to congratulate Mr. Antonio A. Fierro, a teacher at Sierra Vista Elementary School in the Socorro Independent School District, for being selected as the 1997 Texas Teacher of the Year. The Texas Teacher of the Year is the highest honor that the State of Texas can award to a teacher. Facilitated by the Texas Education Agency, the Texas Teacher of the Year Program annually recognizes and rewards teachers who have demonstrated outstanding leadership and excellence in teaching. Mr. Antonio E. Fierro represents the best of the best in the teaching profession, and we salute his energy, efforts, and dedication.

Mr. Fierro knew from a young age that he would be teacher. His grandmother retired as a principal in Mexico, and he has vivid memories of sitting in his sixth grade social studies class and imagining himself teaching in front of a classroom. Fierro attended El Paso Community College and graduated with honors from the University of Texas at El Paso in 1986. He firmly believes that "a positive and caring classroom strengthens a child's self-esteem and self worth." He has added that this "knits all [his] philosophies of teaching and learning together."

Mr. Antonio A. Fierro is part of a larger history of educational excellence in El Paso. I am proud to note that to date El Paso area educators have been chosen as Texas Teachers of the Year nine times. The National Teacher of the Year Program began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention on excellence in teaching.

I am proud of the work of our teachers, and I am committed to ensuring that education remains a top priority in this Congress.

#### EARMARK DISCLOSURE

#### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. ALEXANDER. Madam Speaker, pursuant to Republican Leadership's policy on earmarks, I hereby submit for the Congressional Record the following disclosure on earmarks that were included in H.R. 1105:

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105

Account: Interior, U.S. Geological Survey

Legal Name of Requesting Entity: Tulane University

Address of Requesting Entity: 6823 St. Charles Avenue, New Orleans, LA 70118

Description of Request: The Long-term Estuary Assessment Group (LEAG) comprises scientific researchers based at Tulane, Xavier, Nicholls State, and LUMCON working together to provide accurate scientific and technological advances needed to improve the knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in the coastal Louisiana ecosystem and related natural and built assets. LEAG requests funding support to transition its productive six years of investigation and team building to a level that allows USGS and other local, state and Federal agency managers to make the best possible decisions in support of: (1) implementing Louisiana Coastal Restoration and Hurricane protection projects authorized by the Water Resources Development Act (WRDA) 2007 and other Federal acts; (2) the Louisiana Coastal Area, Section 7006, Construction, Science and Technology Program established by WRDA 2007; and, (3) science and engineering support for the State of Louisiana's master plan for coastal restoration and hurricane protection. This revised Coastal Consortium project proposes that LEAG and other existing coastal restoration academic, industry, and public partners provide the joint leadership to establish and coordinate a new entity, the Consortium for Coastal Restoration consisting of the LEAG partners, scientists from the USGS, Louisiana State University (LSU), University of Louisiana in Lafayette (ULL), University of New Orleans (UNO), Rand Corporation investigators, engineers from key local engineering companies, and policy groups such as the Tulane Institute of Water Policy and Law, and the Barataria-Terrebonne National Estuary Program. Key investigators at other universities such as UNO and LSU will also be invited to join a full partnership consortium. The overall strength and capacity of the Consortium for Coastal Restoration will make it a viable partner with other state and Federal entities [including the USGS National Wetland Research Center (NWRC) and the Coastal Restoration, and Enhancement for Science and Technology (CREST) consortium] to make the best possible development and implementation decisions for WRDA 2007 and other coastal restoration/protection authorities for Louisiana and the surrounding region. With the enactment of WRDA 2007, and other Federal authorizations, it is imperative that "stovepipe" coastal restoration/protection policy, implementation, and projects be replaced by a comprehensive, fully coordinated team/partnership consortium to effectively and correctly implement WRDA 2007 and other Federal authorizations for Louisiana coastal restoration and protection. The aim of this alliance is to create a cooperative science, engineering, and technology program to help policymakers, planners and coastal resource managers use the latest objective information on the built and natural environment to ensure sustainable and productive coastal habitats and communities.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105  
Account: Energy and Water, Corps of Engineers, Construction  
Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: P.O. Box 60267 New Orleans, LA 70160-0267

Description of Request: East Baton Rouge Flood Control project encompasses the major streams of East Baton Rouge Parish and the Amite River Basin. Authorization: WRDA 1996, Sec. 101(a)(21); WRDA 2007, Sec. 5005e(30) FY08 Funding: \$951,000.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105  
Account: Energy and Water, Corps of Engineers, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: P.O. Box 80 Vicksburg, MS 39181

Description of Request: A reconnaissance level general reevaluation study is needed to determine whether authorized cutoffs on the Ouachita River are economically feasible, environmentally sustainable, and publicly acceptable. Statutory Authorization for requested project: Senate Document Numbered 117, Eighty-first Congress as amended. Significant problems with navigation on the Ouachita River have been experienced in recent years because authorized cut-offs were never constructed and the existing radius of bend ways above Monroe, LA is too small for tows to make the turns without "light loading" of barges. Waterway users indicate that resulting increases in transportation costs are affecting production costs and the ability to maintain adequate raw material supplies.

Requesting Member: Congressman RODNEY ALEXANDER

Bill Number: H.R. 1105  
Account: Financial Services, SBA  
Legal Name of Requesting Entity: Greater North Louisiana Community Development Corporation

Address of Requesting Entity: 103 Fourth Street, Jonesboro, LA 71251

Description of Request: A The primary goals of the Greater North Louisiana Community Development Corporation are to: a) stimulate creation, attraction, retention and expansion of business and industry in North Louisiana, b) provide access to financial capital, c) promote the growth of "homegrown" business using technology to provide rural isolated entrepreneurs with access to information, technical assistance, professional services and expertise. The Rural U.S. is home to over 56 million Americans who live in some of the country's poorest regions. As nationally publicized by all mediums, the state of Louisiana is involved in a long-running battle to find solutions to poverty and combating literacy (see attachments A & B—GNLCDC Service Area Demographics and Maps). The primary employers in the targeted parishes are light manufacturing companies. It is expected that manufacturing jobs will continue to decline in the 21st Century, therefore diversification is critical to the stimulation and survival of rural communities. The "No Child Left Behind" initiative must be extended to include educational opportunities to all citizens in under represented and impoverished

areas, thus giving a sense of hope and empowerment to reach beyond the grips of despair and hopelessness. The GNLCDC serves as a door opener and an opportunity where currently none exists.

# IN RECOGNITION OF THE YWCA EL PASO DEL NORTE REGION'S 100TH ANNIVERSARY

## HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. REYES. Madam Speaker, today I wish to recognize the 100th anniversary of the YWCA's El Paso del Norte Region. Since April 8, 1909, this exemplary organization has helped many women and their families reach their fullest potential.

In its 100 years of service to the region, the YWCA El Paso del Norte exemplifies the positive impact volunteerism and service to others can have on a community. For years, the YWCA has played a major role in addressing the various socioeconomic challenges faced by women and minorities throughout our Nation. The personal experiences of many individuals in my district show how our local YWCA has brought to life its mission of empowering women and their families as well as promoting equal opportunities for all.

Every year, the lives of more than 62,000 people in the 17 counties of west Texas and southern New Mexico are touched by the volunteers and staff of the YWCA El Paso del Norte Region. Our local chapter places a great value on building up and strengthening families by providing women of all ages and socioeconomic backgrounds with the support they need. Using a holistic approach, the services and programs of the YWCA El Paso del Norte Region promote the overall well-being of women and their families in order to provide opportunities for women to help themselves and each other. This unique environment allows women and girls from all walks of life to come together to develop life skills, as well as discover and develop their personal strengths. All of these efforts lead to lasting positive changes in their lives and their entire communities.

The good work done by our local YWCA chapter has inspired many of my constituents to give back to their community through volunteer work and community service. In the El Paso region, over 200 volunteers generously dedicate more than 40,000 hours every year to the YWCA El Paso del Norte Region. One of the many important lessons this group of dedicated individuals has instilled in my community is that creating a stronger, more united community begins with building up our youth and their families.

Today, I am proud to recognize and express my deep gratitude for the 100 years of service and contributions of the YWCA El Paso del Norte Region. My Congressional district is fortunate to have an organization such as this one, and I am hopeful that the next 100 years will be as robust and successful as the first.

MS. KYANN McMILLIE—TEXAS  
TEACHER OF THE YEAR FOR 2004

## HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. REYES. Madam Speaker, El Paso, Texas has a history of producing strong, passionate, and caring educators who motivate and engage our children to become life-long learners. As a parent and grandparent, I am grateful for the contributions of our teachers in the El Paso area, and today I want to take this opportunity to congratulate Ms. Kyann McMillie, a teacher at Canutillo Elementary School in the Canutillo Independent School District, for being selected as the 2004 Texas Teacher of the Year. The Texas Teacher of the Year is the highest honor that the State of Texas can award to a teacher. Facilitated by the Texas Education Agency, the Texas Teacher of the Year Program annually recognizes and rewards teachers who have demonstrated outstanding leadership and excellence in teaching. Ms. Kyann McMillie represents the best of the best in the teaching profession, and we salute her energy, efforts, and dedication.

Ms. McMillie received a Bachelor of Science degree in elementary education from Western New Mexico University and a Masters degree in education from The University of Texas at El Paso. Ms. Kyann McMillie's lifelong aspiration was to be an attorney or an accountant but she decided to pursue a career in teaching. She earned her teaching credentials and taught first and second grade at Canutillo Elementary School. Ms. McMillie says that, "patience and nurturing are key when dealing with children." She firmly believes that to understand another person, "we must understand the situation from which they come."

Ms. Kyann McMillie is part of a larger history of educational excellence in El Paso. I am proud to note that to date El Paso area educators have been chosen as Texas Teachers of the Year nine times. The National Teacher of the Year Program began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention on excellence in teaching.

I am proud of the work of our teachers, and I am committed to ensuring that education remains a top priority in this Congress.

MS. DANA K. BOYD—TEXAS  
TEACHER OF THE YEAR FOR 2007

## HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 2009

Mr. REYES. Madam Speaker, the community of El Paso, Texas is extremely grateful for its teachers. The El Paso area has been recognized year after year for the great work our teachers do in the classroom. As a parent and grandparent, I am grateful for their contributions. Today, I want to acknowledge Ms. Dana K. Boyd, a teacher at Dolphin Terrace Elementary School in the Ysleta Independent

School District, for being selected as the 2007 Texas Teacher of the Year. Facilitated by the Texas Education Agency, the Texas Teacher of the Year Program annually recognizes outstanding teachers who have demonstrated the kind of vision and excellence in teaching that is moving our education system forward. The Texas Teacher of the Year designation is the highest honor that the State of Texas can award to a teacher.

Ms. Boyd has taught first, second, and third grade at Dolphin Terrace Elementary since 1999. She seeks to create a relaxing, non-threatening environment in her classroom and has been noted to say: "my students know they are the brightest kids in the grade level [because] once they believe they are the smartest students in their hearts and minds . . . [I] am able [to set and] keep those high standards." She works hard to establish a sense of family in her classroom. Before school starts each year, Ms. Boyd calls each student and their family. On the first day of school, Ms. Boyd tells her students that "the people they are sitting next to are like a second family." Every three months, her class has a potluck luncheon and students and parents get to know each other better while sharing a meal. With this caring approach, she has helped her students deal with difficult situations, and she firmly believes that every teacher should treat each student as they would treat their own child.

Ms. Dana K. Boyd is part of a larger history of educational excellence in El Paso. I am proud to note that to date El Paso area educators have been chosen as Texas Teachers of the Year nine times. The National Teacher of the Year Program began in 1952 and continues as the oldest, most prestigious national honors program that focuses public attention on excellence in teaching.

I am proud of the work of our teachers, and I am committed to ensuring that education remains a top priority in this Congress.

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CELEBRATING THE 50TH ANNIVERSARY OF THE CANUTILLO INDEPENDENT SCHOOL DISTRICT

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**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. REYES. Madam Speaker, I rise today to honor the Canutillo Independent School District located in the Sixteenth Congressional District of Texas. This school district is celebrating its 50th anniversary on April 18, 2009. I was born and raised in Canutillo, and I have proudly represented the people of Canutillo for the past twelve years in Congress.

In 1959, the community of Canutillo worked diligently to establish a school district because too many students were forced to leave school after the eighth grade. Fifty years ago, the closest high school was 21 miles away, and many families could not afford to send their children to a distant school because no school buses were provided for high school students in Canutillo, and the community worked together to find a solution. The history of the Canutillo Independent School District (CISD) is

a strong testament to us, the people of Canutillo, and our dedication and commitment to educational opportunities for students.

Our first superintendent, Joseph MacDougall, was committed to these values and laid a strong foundation for the school district. Mr. MacDougall initiated much needed social services, including youth sports programs, health services for the elderly, and the Head Start initiative for pre-school children. In 1963, Canutillo ISD graduated its first senior class, and by 1964, student enrollment reached 1,013 students.

The district faced and overcame significant challenges during the early years. At one point 36 community residents borrowed \$1,000 each from the Coronado State Bank and loaned those funds to the district so that it could make payroll for faculty and staff. In 1965 there was a hepatitis outbreak that forced Canutillo ISD to shut down its water wells until the source of the disease was identified and nearly every student in the district was inoculated as a precaution. This led El Paso to extend water services to portions of Canutillo. In 1966 there was an attempt by the Anthony School District to annex about five acres of Canutillo ISD land. The issue was settled when State Education Commissioner J.W. Edgar ruled in favor of Canutillo. This case is the basis for landmark state legislation which prohibits one school district from annexing the property of another without an agreement between both school boards. Overcoming these challenges was difficult, but the community and the school district are stronger because of them.

And that community support has never wavered as demonstrated by the 1999 ballot initiative in which 96 percent of voters passed a referendum to build a new high school. In April 2003, Canutillo ISD voters again gave their vote of confidence and passed another bond issue for district-wide maintenance and renovation projects. The new Canutillo High School opened in January 2006 with nearly 1,300 students; the population has now grown to 1,600.

The community of Canutillo knew 50 years ago that investing in our children's education would pay dividends in the future, particularly for underprivileged students. Today, we can see the results of those efforts. Our graduates proudly serve in occupations ranging from military and law enforcement officers, to doctors, nurses, judges, professors and school principals.

As a member of the second graduating class of Canutillo High School, it is my honor to congratulate the school board, faculty, and staff of the Canutillo Independent School District and to thank the community of Canutillo for their commitment to our students.

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MR. PAUL F. CAIN—TEXAS  
TEACHER OF THE YEAR FOR 2008

**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 1, 2009*

Mr. REYES. Madam Speaker, El Paso, Texas is fortunate to have some of the best

teachers in the country. As a parent and grandparent, I am grateful for the work of our educators in the El Paso area, and today I want to recognize Mr. Paul F. Cain, a teacher at Ysleta High School in the Ysleta Independent School District, for being selected as the 2008 Texas Teacher of the Year. This is the highest honor that the State of Texas can award to a teacher and it is a program run by the Texas Education Agency. The program recognizes and rewards outstanding teachers like Mr. Paul F. Cain for their energy, commitment, and passion for our kids.

When Paul Cain graduated from high school, he had two possible career paths to pursue, the military or teaching. He initially chose the military but the Army ultimately recognized his potential and put him in a military classroom as a mathematics instructor. After more than a decade of military service, he moved to Ysleta High School to teach math. That first year, he was given a schedule, a textbook and a classroom and virtually no guidance. During his 18 years as Chair of the Mathematics Department at Ysleta High School, Mr. Cain made sure that every new teacher was mentored and supported by other veteran teachers. Mr. Cain has been quoted to say that he believes teachers are the "most positive individuals in the world." He believes firmly that teachers have the responsibility to make students aware of their strengths to "motivate [them] to participate in the learning process."

Mr. Paul F. Cain is part of a larger history of educational excellence in El Paso. I am proud to note that to date, El Paso area educators have been chosen as Texas Teachers of the Year nine times. The National Teacher of the Year Program began in 1952 and continues as the oldest, most prestigious national honor program that focuses public attention on excellence in teaching.

I am proud of the work of our teachers, and I am committed to ensuring that education remains a top priority in this Congress.

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SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 2, 2009 may be found in the Daily Digest of today's RECORD.

*April 1, 2009*

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**9681**

MEETINGS SCHEDULED

APRIL 22

MAY 6

APRIL 3

10 a.m.

Armed Services  
Readiness and Management Support Sub-  
committee

To hold hearings to examine the current  
readiness of United States ground  
forces.

SD-106

SR-222

2:30 p.m.

Veterans' Affairs  
To hold hearings to examine pending  
health related legislation.

SR-418

9:30 a.m.

Veterans' Affairs  
To hold hearings to examine pending  
benefits related legislation.

SR-418

MAY 21

9:30 a.m.

Veterans' Affairs  
Business meeting to markup pending leg-  
islation.

SR-418

9:30 a.m.

Joint Economic Committee  
To hold hearings to examine the employ-  
ment situation for March 2009.